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# Congressional Record

PROCEEDINGS AND DEBATES OF THE 111<sup>th</sup> CONGRESS, FIRST SESSION

## HOUSE OF REPRESENTATIVES—Thursday, December 3, 2009

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. PASTOR of Arizona).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
December 3, 2009.

I hereby appoint the Honorable ED PASTOR to act as Speaker pro tempore on this day.

NANCY PELOSI,  
Speaker of the House of Representatives.

### PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

In You, Lord, is found the fullness of life and love. No wonder then, the human heart always longs for more. We seek You, Lord, sometimes without knowing it.

Lord, our God, people within our borders, within this Chamber, pray for this Nation. Others around the world pray for the United States of America as well. So many see our potential for good, for doing the right thing in the search for justice and peace. They long for our success.

Answer the longing of Your people, Lord. Draw closer to us. Help us realize the promise You have placed within us. Not by our words alone, but by our actions, reveal us as Your people of promise who give You glory both now and forever.

Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. ARCURI. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ARCURI. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New Jersey (Mr. SIREs) come forward and lead the House in the Pledge of Allegiance.

Mr. SIREs led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 10 requests for 1-minute speeches on each side of the aisle.

### REGULATING WALL STREET

(Mr. SIREs asked and was given permission to address the House for 1 minute.)

Mr. SIREs. Mr. Speaker, a year ago, as a result of 8 years of mismanagement of Wall Street, our financial system was on the brink of collapse. Over the past year, this Congress and President Obama have made the tough choices and taken the necessary steps to bring back our economy from the verge of disaster. In order to continue to protect consumers, create jobs, and grow our economy, our next step must be to enact comprehensive financial

regulatory reform; for history has shown, we cannot rely on Wall Street to regulate itself.

In the coming weeks, we must work to pass our commonsense rules to guarantee that taxpayers are never again on the hook for Wall Street's risky decisions, the financial savings of our families and businesses are protected from unnecessary risks by lenders and speculators, consumers must be protected from predatory lending practices, and transparency and accountability are injected into our financial system.

I look forward to ensuring that our hardworking families and small businesses will no longer be hurt nor our economy jeopardized due to an unregulated financial system.

### JOBS SUMMIT SHOULD ADDRESS "STOLEN" JOBS

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, today the President is hosting a jobs summit. But he is ignoring the 8 million jobs held by those in the country illegally that should go to American workers. With a 10 percent unemployment rate, the President should put the interests of Americans first.

While the administration ignores the 8 million stolen jobs, Republicans hold the lead in voter trust on immigration with a 12-point lead over the Democrats. That's nearly double the GOP's lead a month ago.

We should hold the administration accountable for its failure to enforce the Nation's immigration laws, which allows 8 million illegal immigrants to remain in the workforce. Those jobs rightfully belong to citizens and to legal immigrants.

Enforcing the law is not only the right thing to do, it is what the American people want. Any jobs summit that doesn't address the jobs occupied by illegal immigrants ignores American workers.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

# PROMOTING JOBS AND ECONOMIC DEVELOPMENT

(Mr. MICHAUD asked and was given permission to address the House for 1 minute.)

Mr. MICHAUD. Almost every Mainer has been affected by this recession or knows someone who's been struggling. Moving forward into the new year, our Nation's record unemployment rate threatens our economic recovery.

While I do not support a second stimulus bill, we must refocus our efforts on initiatives that create jobs and promote long-lasting economic development. We must continue to help those who are unemployed in this country support their families until they are able to find a job. And we must pass serious reforms and make efforts to reduce our unsustainable debt, because we cannot grow our economy on the backs of future generations.

Any initiatives considered by Congress must be targeted and fiscally responsible to build a foundation for long-term economic growth.

## HONDURAN FREE ELECTIONS

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, the people of Honduras just completed their successful national elections.

In June, Honduran President Manuel Zelaya tried to change his elected office into a dictatorship. He's the guy that's buddies with Venezuelan dictator Hugo Chavez. Zelaya organized a mob and tried to nullify his term limits to hold on to power. His actions were illegal under Honduran law. Zelaya was arrested by the army under order of the Honduran Supreme Court. And even though the United States inappropriately tried to interfere, he was removed from office by their Congress for violating their constitution.

On Sunday, the people of Honduras elected Porfirio "Pepe" Lobo, a conservative businessman, as their new President. Congratulations to the people of Honduras for sticking to the rule of law despite great odds. They held free and fair elections. This national triumph for the people of Honduras is a victory for all those anywhere in the world who live in freedom and seek freedom over tyranny.

And that's just the way it is.

## IN MEMORY OF ARMY SPECIALIST JESUS FLORES, JR., OF LA MIRADA, CALIFORNIA

(Ms. LINDA T. SÁNCHEZ of California asked and was given permission to address the House for 1 minute.)

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise today to honor a fallen soldier from my district.

Jesus Flores, Jr., 28, from La Mirada, California, was killed in action on Oc-

tober 15 of this year in Afghanistan. He leaves behind his mother, father, four sisters, and one brother.

Jesus enlisted in the Navy straight from high school and served for 4 years. In 2003, he enlisted in the Army. He became a combat specialist and was deployed to Iraq from February to May of 2009. He was on his first tour in Afghanistan when he was killed in action.

One of his sisters spoke of Jesus in this way: A loving son. A generous brother. A soldier who loved military life. This was apparent in the many medals adorning his uniform.

The people of this body and people throughout this country could not exist without the dedication and sacrifices from the soldiers who serve. Soldiers like Jesus. Soldiers who, above all else, want to honor this country, preserve our freedoms, and protect our families.

There is nothing that I can say or do to take away the pain his family feels at the loss of Jesus. But I hope they are comforted by knowing the memory of Specialist Jesus Flores will remain, and we will continue to honor his service every day.

## WHITE HOUSE JOBS SUMMIT

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Today, in the midst of a harsh recession, the President will convene a jobs summit at the White House. Coming nearly 1 year after the passage of the so-called "stimulus" bill that Speaker PELOSI said was about jobs, jobs, jobs, unemployment remains at record levels in this country.

Today's White House jobs summit is a tacit admission that the economic policies of this administration and this Congress have failed. But, Mr. Speaker, we can bring America back by applying fiscal discipline here in Washington, D.C., and giving the American people fast-acting tax relief for working families, small businesses, and family farms.

Jack Kemp said years ago, There is a wisdom and intelligence in ordinary men and women far superior to the experts. Well, let's heed that wisdom and intelligence of ordinary Americans. Let's reject the politics of borrowing and spending and bailouts. Let's embrace what has always worked. And let's bring America back with fiscal discipline and tax relief today.

## TAKING CARE OF THINGS AT HOME

(Mr. KUCINICH asked and was given permission to address the House for 1 minute.)

Mr. KUCINICH. America is in the fight of its life. And the fight is not in Afghanistan; it's here. We're deeply in

debt. Our GDP is down; our manufacturing is down; our savings are down; the value of the dollar is down. Our trade deficit is up; business failures are up; bankruptcies are up; foreign borrowing is up.

The war is a threat to our national security. We'll spend over \$100 billion next year to bomb a nation of poor people while we reenergize the Taliban, destabilize Pakistan, deplete our Army, and put more soldiers' lives on the line.

Meanwhile, back here in the USA, 15 million people out of work; people losing their jobs, their health care, their savings, their investments, their retirement security; \$13 trillion in bailouts for Wall Street, trillions for war.

When are we going to start taking care of things here at home?

## VICTORY IN AFGHANISTAN

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, success in Afghanistan should be defined in the tradition of Ronald Reagan: we win and the terrorists lose.

While his decision was long overdue, I was pleased the President announced sending 30,000 reinforcements to Afghanistan. The President has listened to our commanders on the ground for a counterinsurgency to secure Afghanistan, which protects American families. This decision will defeat al Qaeda terrorists and the Taliban in Afghanistan. Along the border with Pakistan, U.S. troops are denying al Qaeda and Taliban safe havens in which to operate.

For the sake of our mission, American families at home, and our brave men and women in uniform, I hope the President will rally congressional leaders behind his strategy and our troops' mission for victory in Afghanistan. Supporting the President's decision shouldn't come down to party lines. Terrorists do not differentiate between Republicans and Democrats as targets.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

## UPS WORK-A-DAY AND SMALL BUSINESS

(Mr. HALL of New York asked and was given permission to address the House for 1 minute.)

Mr. HALL of New York. Earlier this week, I spent a day working alongside Al McDonnell, a delivery driver for UPS. Together, we delivered packages to small businesses in downtown Washingtonville, New York. It was a great opportunity to speak with small business owners about the current economic climate that has affected them.

Their message was consistent and needs to be heard. Small businesses are

struggling. It is critical that we give small businesses every opportunity to succeed, which is why I joined with Representative CHRISTOPHER CARNEY to urge the extension of an immediate tax break for newly purchased business equipment. Extending this tax break will provide immediate relief for businesses that purchase depreciable property such as equipment, vehicles, furniture, machinery, buildings, and other items.

Our small businesses need every break they can get these days. They are the engine that drives our economy and creates jobs. This tax break helps small businesses and stimulates the local economy. We cannot afford to let it expire.

□ 1015

#### PUT CONGRESS BACK TO WORK

(Mr. GINGREY of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY of Georgia. Mr. Speaker, I ask that you take a hard look at the economic challenges facing our country. Across the United States, unemployment is at a 26-year high, 10.2 percent, and more than 2.8 million jobs have been lost since the \$1 trillion stimulus was signed into law last February without a single Republican vote in this House.

In my home State of Georgia, eight out of the nine counties in my district have unemployment rates of 10 percent, and two counties are over 13 percent. Put simply, Mr. Speaker, my constituency needs jobs, and they need them now.

Yet the Democratic plans on the economy, on health care, and on energy do the exact opposite. These plans raise taxes, and they sacrifice even more jobs. This is not the way to stimulate our economy and not the way to help my constituents.

We need real solutions that will require tough choices in Washington. They involve tax relief for working Americans, and Republicans stand ready to work with you on that.

#### HELP THE DAIRY FARMERS

(Mr. ARCURI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARCURI. Mr. Speaker, I want to take this opportunity to alert my colleagues to a piece of legislation that I have introduced to assist our dairy farmers across the country in their critical time of need. Dairy farmers across my upstate New York district have come to me and asked for help. They have always been there to provide food for us as consumers, and now it is time for us to help them continue the

long tradition of family-owned and operated dairy farms that are passed from generation to generation.

My bill is inspired by a piece of legislation introduced in the New York State Senate by Senator Darrel Aubertine and would reduce hauling costs passed on to dairy farmers by processors and milk haulers. The bill eliminates hauling costs for milk producers and clarifies that the ownership of the milk is transferred from the milk producers to the milk plant when it leaves the farm and is mixed with the other farmers' milk.

The bill also makes it unlawful for processors to charge a producer any cost incurred in the process of picking up the milk and delivering it to a milk plant receiving station or transfer station.

The time to act for our dairy farmers is now.

#### NEW AFGHANISTAN POLICY

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, as a 29-year Air Force veteran and prisoner of war for nearly 7 years, I know what happens when you try to run a war from the White House: you lose. Winning the war in Afghanistan, defeating al Qaeda, is vital to the safety of our Nation. To quote the President, "If left unchecked, the Taliban insurgency will mean an even larger safe haven from which al Qaeda would plot to kill more Americans."

So let's listen to the military leadership in Afghanistan. Setting a timeline to end military engagement is not the way to win a war. Instead, it empowers our enemies and sends a wrong message to our troops, our allies, and the American people. We need to listen to the experts on the ground instead of the politicians who are thousands of miles away from the front. We need to stop talking about exit strategies and troop withdrawal and focus on giving our troops the resources they want, need, and deserve.

Let's eliminate the rules and fight to win.

#### ETHICS REFORM

(Mr. QUIGLEY asked and was given permission to address the House for 1 minute.)

Mr. QUIGLEY. Mr. Speaker, Louis Brandeis said sunlight is the best disinfectant. So with ethics once more in the headlines, I think it's worth asking how far we've come in bringing light to the people's House.

This is not a partisan issue. Corruption votes both ways. It is, rather, an issue of trust. These teams, more than ever, demand effective government, yet it is very hard to govern effectively

without the public's trust. We need to complete the active ethics investigations currently being considered in this House, and we need to eliminate the conditions which contributed to these violations in the first place.

I've introduced two measures to eliminate pay-to-play activities at both the State and Federal level. H.R. 614 would prohibit earmarks to for-profit entities, and H.R. 3427 would eliminate Federal provisions which prevent States like Illinois from cleaning up their act on pay-to-play corruption.

I urge my colleagues to join me in supporting both of these measures.

#### AFGHANISTAN PLAN

(Mr. OLSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLSON. Mr. Speaker, I commend the President for finally making the right decision to send additional combat troops to Afghanistan. However, I have deep concerns with the President's insistence on a hard July 2011 deadline for withdrawal.

The President seeks to send our troops into battle while at the same time notifying our enemies of when they will be coming home. And to confuse matters more, the President also spoke of making decisions based on conditions on the ground.

So which is it, a withdrawal on a date certain, or based on the conditions on the ground?

The President offers many what-ifs but very few answers. Our Nation's troops have fought admirably in dangerous conditions to turn the tide against those who attacked our Nation on September 11. The President cannot have it both ways, and I urge him to focus this new strategy on victory and not withdrawal.

#### CONGRATULATING THE PARSONS CHILD AND FAMILY CENTER

(Mr. TONKO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TONKO. Mr. Speaker, I would like to take this opportunity to congratulate Parsons Child and Family Center for immaculate community services that they provide for the needs of children and families in the capital region of upstate New York, which I represent.

Parsons was founded some 180 years ago and has become one of the largest human service agencies in upstate New York. Its contributions to the 9,000 children and families it serves include counseling services, parenting education, child abuse prevention and treatment, and mental services.

While there is no typical child served by Parsons, most have endured a significant traumatic event in their lives.

The highly trained staff at Parsons using the latest techniques work to improve the lives of all they serve. The role and importance of the family are stressed, with the ultimate goal of preserving the family unit whenever and wherever possible.

Today I want to commend Parsons' service and commitment to our region's families and children. I encourage us all to look towards them as a model of positive support and outcomes in a system that has turned around the lives of so many. With one in every five American children living in poverty, we commend the role of the professionals at Parsons for the work it does.

#### RECOGNIZING THE MURRAY GREY FOUNDATION AND WREATHS ACROSS AMERICA

(Mr. WITTMAN asked and was given permission to address the House for 1 minute.)

Mr. WITTMAN. Mr. Speaker, I rise today to recognize the Murray Grey Foundation and Wreaths Across America. The Murray Grey Foundation and its Military Families Support Fund provides America's military families with emergency financial support and resources in their time of need.

The Murray Grey Foundation recognizes that the sacrifices that our military servicemembers and their families continue to make are not only personal and professional but also financial. The foundation assists by providing financial assistance, education, and support to help military families avoid foreclosure or eviction from their homes and preserve their home ownership. They also provide emergency financial support, food, clothing, utility payments, transportation, rent and other critical resources.

This year, the foundation partnered with Wreaths Across America, which places wreaths on the graves of veterans, to establish the Patriots Wreaths Program.

I applaud the outstanding contributions of organizations like the Murray Grey Foundation and their work to honor the contributions of our Nation's veterans, servicemembers and their families.

#### ARC OF BROWARD COUNTY

(Mr. KLEIN of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLEIN of Florida. Mr. Speaker, last week I had the chance to visit a remarkable organization in my congressional district, the ARC of Broward County. ARC Broward is a private, not-for-profit organization that supports children and adults with autism, Down's syndrome and other developmental disabilities.

This innovative group provides an invaluable service for their clients in our

community. Currently serving over 1,600 people, ARC Broward also provides good jobs for more than 450 local health care, educational, and other professionals.

ARC clients find independence and dignity both at home and at work. ARC is currently home to 80 residents, many of whom have single family homes that ARC owns and operates. In addition, they provide job training in fields like culinary arts and own and operate an on-campus electronic recycling business.

I would like to thank the residents and staff at the ARC for welcoming me so warmly last week and congratulate all of them on their extraordinary contributions to our community.

#### JOBS AND ECONOMIC GROWTH

(Mr. LANGEVIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANGEVIN. Mr. Speaker, I'd like to thank President Obama for convening a forum on jobs and economic growth in the White House today.

As too many of our constituents enter this holiday season perhaps having lost their jobs or facing lower wages, higher health care costs, or out-of-control mortgages, and many of whom have lost their homes, we absolutely must focus on rebuilding our economy and pursuing all avenues to create jobs. Rhode Island felt the painful effects of the current economic downturn, and that is why it is so important to me that we have a seat at this forum.

I am pleased to say that President Di Pasquale of the Community College of Rhode Island will be there to share their perspective on workforce development, job training, retraining workers, and educational opportunity for the 21st century.

Economic development continues to be my top priority, and I look forward to working with my friends in Congress and with President Obama to increase job opportunities across our country.

#### PROVIDING FOR CONSIDERATION OF H.R. 4154, PERMANENT ESTATE TAX RELIEF FOR FAMILIES, FARMERS, AND SMALL BUSINESSES ACT OF 2009

Mr. POLIS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 941 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

#### H. RES. 941

*Resolved*, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4154) to amend the Internal Revenue Code of 1986 to repeal the new carryover basis rules in order to prevent tax increases and the imposition of compli-

ance burdens on many more estates than would benefit from repeal, to retain the estate tax with a \$3,500,000 exemption, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit.

SEC. 2. In the engrossment of H.R. 4154, the Clerk shall—

(a) add the text of H.R. 2920, as passed by the House, as new matter at the end of H.R. 4154;

(b) conform the title of H.R. 4154 to reflect the addition to the engrossment of the text of H.R. 2920;

(c) assign appropriate designations to provisions within the engrossment; and

(d) conform provisions for short titles within the engrossment.

The SPEAKER pro tempore. The gentleman from Colorado is recognized for 1 hour.

Mr. POLIS. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of the rule is for debate only.

#### GENERAL LEAVE

Mr. POLIS. I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. POLIS. I yield myself such time as I may consume.

Mr. Speaker, this rule provides for consideration of H.R. 4154, the Permanent Estate Tax Relief for Families, Farmers, and Small Businesses Act of 2009. The rule waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI and against the bill itself. The rule provides that the previous question shall be considered as ordered without intervening motions except 1 hour of debate and one motion to recommit with or without instructions.

In the engrossment of H.R. 4154, the Clerk is directed to add at the end the text of H.R. 2920, the Statutory Pay-As-You-Go Act of 2009, as passed by the House.

Mr. Speaker, this past weekend in honor of the Thanksgiving holidays, NBC's "Meet the Press" hosted the Reverend Rick Warren in a discussion on giving and civic duty. During the dialogue, Rev. Warren stated his belief that it isn't a sin to be rich, but it is a sin to die rich. While I don't agree with Rev. Warren on many issues, I ask my colleagues to now reflect on the meaning of those words. The Reverend



was speaking, of course, of the importance of charity and our moral obligation to improve the condition of our fellow man whenever and wherever we can.

Today I speak to you with the same sense of duty—duty to our country that has allowed me personally to achieve personal wealth, and in turn, to help others.

Mr. Speaker, the bill before us under this rule is a significant tax cut. Without this bill, the estate tax will return in the year 2011 at a much lower exemption amount, an exemption of \$1 million instead of an exemption at a rate of \$3.5 million and at a much higher tax rate, a tax rate of 55 percent rather than a tax rate of 45 percent, which we have under this bill.

□ 1030

We all know that the occasion of the death of a loved one is a very difficult time for family and friends. The price of love is unfortunately loss, and that's a price that we all must pay at some point in our lives. While no act of government can ease this emotional pain, today we have the opportunity to at least give families who have achieved great success some surety in their ability to ensure that the next generation will receive the benefit of their works.

An estate tax distorts a free market less than an income tax. Instead of taxing productive capital, it takes taxes from a random heir. On a revenue-neutral basis, I for one would much rather pay taxes after dying than before dying. And however much an income tax may distort the market, an estate tax distorts it less on a revenue-neutral basis.

Mr. Speaker, allow me to be clear. Individuals like myself, who through hard work have been able to start businesses, create jobs, and, as a result, have been rewarded with the financial resources to provide a high standard of living for our families, have a duty to our fellow Americans to pay our fair share. And an estate tax, the existence of an estate tax, is critical to prevent a permanent aristocracy from arising in this country.

When I think of the everyday tax burden for my constituents or, for that matter, for my staff and associates as a proportion of their income as a result of sales taxes, property taxes, let alone income taxes, I can think of no credible argument for suggesting that an estate tax is unreasonable. I also take comfort in knowing that, with the passage of this bill, we are looking in that 99 percent of my constituents will never pay the estate tax. According to The Urban-Brookings Tax Policy Center, under this proposal only .25 percent, that's ¼ of 1 percent, of debts would be subject to an estate tax.

We ask those who labor to build the roads to also shoulder the cost. We ask those who educate our Nation's chil-

dren to also help pay for the schools. Shouldn't we ask those who die with wealth to help give back a little to those around them? I say to my colleagues this is fair, this is right.

When factoring the full costs of being a member of a society, it's very clear that all too often we ask the most of those who have the least. For our country to continue to prosper, we can't just rely on the middle class to support our Nation's public safety and welfare and to cushion the success of families who are successful in this country. I can personally tell you, as one of those Americans that's in the .25 percent, I would gladly pay an estate tax to give back to the 99.75 percent of families who do the heavy lifting in this country every day and ensure that they never have to pay this tax and that family farms can be passed down to the next generation and small operating family businesses will be subject to no estate tax.

Yes, Mr. Speaker, I agree with Rev. Warren that it's no sin to be rich, but I disagree that it is a sin to die rich. A life's work should rightly be a benefit to one's heirs and one's causes. My belief that a family farm, a family business, or simply accumulated wealth should be passed from one generation to the next is consistent with the fact that those who benefited the most from the freedom and security that this country offers should pay their fair share for the benefits and the landscape that allowed them to reach the level of success that they did.

What all Americans deserve, rich or poor, is the knowledge that at a time of great personal pain for families, the stress will not be exacerbated by a complex or uncertain tax policy. That's one of the many reasons I ask my colleagues to join me in supporting this rule and the underlying bill.

Throughout our history, transfer taxes have been used to fund critical operations of the Federal Government. The modern estate tax was established by the Revenue Act of 1916 to offset declining import tariff revenues as a result of and to finance the United States' participation in World War I. Since World War I, the estate tax has continued to provide Federal revenues that have financed World War II and the New Deal, and have helped end the Great Depression. The estate tax includes, importantly, an unlimited deduction for charitable giving. In 2006 nearly two-thirds of charitable requests came from estates valued over \$10 million.

What a way for Americans to leave a legacy for the next generation. Universities, hospitals, and arts organizations have come to rely on these contributions from our Nation's most wealthy. One need only tour a college campus to see the direct impact of the philanthropy on our students and its effect on our future displayed prominently on

plaques outside many campus buildings like those at the University of Colorado in Boulder, which I represent.

H.R. 4154, the Permanent Estate Tax Relief for Families, Farmers, and Small Businesses Act, does exactly what it says. The bill will make permanent the lowest estate tax rate our Nation has seen in a decade, making the current rate permanent and giving families the ability to plan ahead for an orderly transfer of assets. Business owners will be able to plan ahead to ensure that their employees will still have a job and their company will be able to continue to provide for their families after they're gone. Farmers will be able to keep their land in their family.

I remind my colleagues that the \$3.5 million exemption means that no family will pay any estate tax unless the estate is valued at at least \$3.5 million. It is substantially higher than it has been in this decade, and without our action today, we put families in a situation of unnecessary financial uncertainty at a time when their head and their hearts can least afford it. Without this bill the estate tax will return in the year 2011 at a much lower exemption amount of \$1 million and a much higher tax rate of 55 percent.

Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. I would like to thank my friend the gentleman from Colorado (Mr. POLIS) for the time.

Mr. Speaker, I yield myself such time as I may consume.

Eight years ago, Mr. Speaker, the Republican-led Congress passed legislation that provided over \$1.3 trillion in tax relief by, among others, gradually increasing the exemption for the estate tax while decreasing the tax rate itself. As part of that legislation, the estate tax, also known as the death tax, is set to disappear next year. The underlying bill would undo the repeal of the death tax and instead bring back the tax, extend the estate tax rate of 45 percent, and include an unindexed exemption.

I believe these are excessively high rates of taxation, especially when we realize that the tax is imposed at the end of a lifetime of work on which taxes were paid throughout the stages in which income was made. It is wrong, I believe, to tax individuals who have spent their entire lives working to provide their families with some financial security, and so that's why I oppose the underlying legislation.

This double taxation, which is really what we're talking about today, I believe is destructive to family-owned businesses and farms, which are often torn apart or need to be liquidated entirely just to pay those burdensome taxes at the time of death. Americans who work hard and pay taxes all of their lives I don't think should be punished for responsibly saving with yet another tax when they pass away.

When the country has double-digit unemployment, the current majority in Congress is threatening small businesses, the engines of economic growth and job creation in the Nation, with even higher tax burdens. Small businesses are often struggling to survive, to meet payroll and avoid layoffs, and yet this is another example, Mr. Speaker, of the fact that the majority time and time again is proposing legislation that hampers the ability of small businesses to thrive and to hire new workers.

It's unfortunate that the majority feels that they can continuously impact, hit small businesses with tax after tax and expect them to survive and thrive and retain their workers. That's not the way the economy works.

Even if small business owners do not receive an estate tax bill, they still spend resources on estate tax compliance. According to a recent survey of small and medium-sized manufacturers, those small businesses spend an average of \$94,000 on fees and estate planning costs in preparation for an estate tax bill. Imagine what a small business, Mr. Speaker, could do with that money. They could invest it in their company to grow their business. They could add more workers. Instead, the majority prefers placing more and more burdens. And this is but one example, the legislation being brought forth to the floor today, of the majority's incessant endeavor to place more and more burdens on the engines of our economic growth.

Small businesses are responsible for 60 to 80 percent of all new net jobs that were created in the last decade. If the majority continues with their current policies, if they continue on this track of placing more and more burdens on small business, the unemployment rate is going to continue to rise.

I think what we should be doing is everything possible to lower unemployment, to spur investment and job growth. That's where we should be heading.

So I believe what we should be doing is extending the repeal of the death tax. And many of us in this Congress, especially on this side of the aisle, we feel very strongly on this issue. Short of passing the permanent repeal, which I support, at the very least I think we should enact legislation that sets a reasonable rate, provides an appropriate exemption amount, and indexes that amount for inflation. We already saw with the alternative minimum tax what not indexing is capable of doing when Congress acts in that manner. So, unfortunately, the bill does nothing of what I just said, a reasonable rate and indexing an exemption amount.

Yet we on our side of the aisle will not be able to have a debate on legislation, on a proposal to do just that, to index an exemption amount and set a reasonable rate indefinitely into the

future. We won't be able to do that because the majority again is closing down the process, shutting down debate. They promised to do quite the opposite, as you know, Mr. Speaker.

So let's contrast what the current majority is doing today with the estate tax rule that we passed when we were in the majority. That rule allowed our distinguished colleague Mr. POMEROY to offer his substitute amendment. Today we in the minority will be treated much differently.

□ 1045

We will not be given the opportunity that we gave the current majority and Mr. POMEROY. We will not be allowed to debate our substitute proposal. We will not be afforded a vote on our alternative legislation.

The difference in treatment is not an isolated incident but the standard operating procedure for this majority. They continuously close down the process. They shut out Members from both sides of the aisle from being able to introduce and have debated their amendments, and I think it is unfortunate.

I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, let me be clear with what happens if the House does not pass this bill: The estate tax would go away for 1 year in the year 2010, and then it would return at 55 percent and a deduction of only \$1 million, so every estate above \$1 million would be taxed at a rate of 55 percent. Many families would lose their family businesses, their family farms, if we fail to act and pass this bill to preserve the ability of Americans to pass along their assets to the next generation.

It would also create a very bizarre circumstance in the year 2010 where there would be an incentive to die. I had a friend with a good sense of humor who stated that his wealthy family, his father, had joked with him that he planned not to stand near the top of a staircase in the year 2010 if that was the case.

Mr. Speaker, the estate tax is paid by very few Americans. Historically, fewer than 2 percent of Americans have paid the estate tax, and under this bill it will be even less. And only 3.5 percent of those who pay the estate tax pay it on small business assets, and only 5 percent on farms. When looking at specifically family-owned businesses, the number goes down to one-half of 1 percent.

Mr. Speaker, let us talk about the options for wealthy families. The estate tax does two important things. First, it provides revenue to government to provide services in the context in which wealth can grow, provides the landscaping in our country that allows entrepreneurs and businesses to succeed. Programs paid for from this revenue fund our social safety net, our legal structure, our public safety pro-

grams, and our regulatory framework that allows businesses to prosper. It is the protection of the law that allows those who have gained wealth to be able to keep it and transfer it to the next generation.

The second and, arguably, also more important function of the estate tax is to provide an incentive for charitable giving. By supporting charities and nonprofit organizations of their choice, the wealthy can simultaneously give back to the community directly and protect the assets that they leave to their heirs.

The estate tax is an important incentive to leverage the work of government with the efforts of nonprofits to create broad opportunities and assistance throughout society. By making the rules of the estate tax stable and permanent, we give families the ability to plan for their future as well as invest in the future of their communities.

We know that planned giving is an important part of the fundraising strategy for the nonprofits that do the good work that government and industry cannot, and there is no denying the link between the estate tax rate and the amount of planned giving. A 2004 Congressional Budget Office analysis of charitable giving in the year 2000 indicated that estate tax not only provided an incentive for charitable giving at death, but also played a role in philanthropic decisions made during people's lives. The same report estimated that the repeal of the estate tax would result in a decrease in bequests of anywhere from 16 to 28 percent or \$13 billion to \$25 billion, more than total corporate donations in a year.

I ask my colleagues, which universities do you know could take a 16 to 28 percent hit to their endowment, coupled with the decreases in the market of the last year, and yet continue to prepare our students to be competitive in the global marketplace? This is the real-world impact of what would actually occur were the estate tax to be abolished in the year 2010, not to mention what would happen when it came back at 55 percent and only a \$1 million deduction the following year.

Now imagine in the worst case scenario devised by opponents of the estate tax. Imagine that came true for a family, that in order to pay the tax, the heirs had to liquidate the assets of a business that had been in the family for some time. Do opponents of this bill truly believe that somehow making the family pay capital gains tax on these assets if they had purchased them in 1959 would be better? I know in my district, due to the growth and economic success Colorado has enjoyed, taxation on real estate assets, as an example, from a 1959 basis would be devastating. It would capture a much larger portion of middle class families. Many middle class families and, indeed, wealthy

families worth \$1 million, \$2 million, \$3 million would be stuck with large tax bills forcing liquidation if they were forced to pay capital gains tax on a 1950 basis or a 1959 basis.

I can't tell my constituents that I am against a permanent reduction in the estate tax and yet support a dramatic increase in capital gains taxation for them, which would bring the estate tax to upper middle class families. I hope the majority of my colleagues agree and will support the rule and the underlying bill.

I would like to thank Chairman RANGEL, the members of the Ways and Means Committee and their staffs for their efforts in bringing this bill, and the gentleman from North Dakota (Mr. POMEROY) for introducing this bill.

I urge my colleagues to consider that 99.75 percent of Americans will never pay this tax; and those who do should be thankful that they have had the opportunity to succeed in this great country and the privilege, the honor of being in a position where they are subject to this tax because their estates are worth more than \$3.5 million.

I would like to remind my colleagues who stand by the old adage "you can't take it with you," and I ask my friends and colleagues to consider the far-reaching benefits of charity and a sense of duty to country, and I ask for the passage of this rule and the underlying legislation.

I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY of Georgia. Mr. Speaker, I rise in strong opposition to this rule as well as the underlying bill, H.R. 4154, the Permanent Estate Tax Relief for Families, Farmers, and Small Businesses Act of 2009.

In 2001, this Congress passed legislation that was signed into law by President Bush that provided significant estate tax relief for families. Before this action was taken, individuals who passed away could face up to a 55 percent tax for estates valued over \$3 million. Additionally, if the value of those estates were between \$10 million and \$17 million, then the estates were hit with an additional 5 percent surtax, a grand total of 60 percent.

Since the 2001 tax cuts have been enacted, the overall estate tax has been gradually reduced. For deaths that occur in 2009, the estate tax ceiling is 45 percent for estates valued over \$1.5 million, but it allows up to \$3.5 million in assets to be exempted. Furthermore, current law dictates, and rightfully so, that the estate tax will be completely repealed in 2010.

Mr. Speaker, while a number of my colleagues on the other side of the aisle will claim that the estate tax in this bill will only affect the lavishly wealthy, the estate tax has the poten-

tial to drive a number of hardworking families, many of whom are small business owners, to liquidate assets and sell their businesses and farms that they have owned for generations. Clearly, this is not the intent of any form of an estate tax. And I don't believe that Rev. Rick Warren's remarks on "Meet the Press" this past Sunday were advocating that our children and our grandchildren should be born poor and die poor.

I wholeheartedly believe that there should be no "taxation without representation," and I support a full repeal of the estate tax. Former Congressional Budget Office Director Douglas Holtz-Eakin issued a study earlier this year that indicated the long-term impact of eliminating the death tax would be to increase small business capital investment by \$1.6 trillion and create up to 1.5 million jobs, something this country, Mr. Speaker, desperately needs.

Unfortunately, this closed rule and underlying bill look to break the commitments made by Congress in 2001 by extending the estate tax at the 2009 level in perpetuity. And I am also concerned that although the exemption level is \$3.5 million under H.R. 4154, it is not properly indexed for inflation and we could, therefore, find ourselves in a situation similar to the alternative minimum tax where individuals could inadvertently be subjected to the tax in the future.

I urge all of my colleagues to defeat this rule. Let's go back and have an open debate, as the gentleman from Florida said, on the repeal of the estate tax. That is what we should do.

Mr. POLIS. I am our final speaker, so I reserve the balance of my time to close.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to the gentlewoman from North Carolina (Ms. FOXX), my distinguished friend and colleague from the Rules Committee.

Ms. FOXX. Mr. Speaker, I want to say that this rule and the bill exemplify the arrogance of the majority party. Once again, they show their bias to government control of our lives as opposed to support of the American family. They also show their arrogance in bringing a closed rule because they indicate that this is a perfect bill. It hasn't been through committee. They allow no amendments, so they must consider it a perfect bill. We know there is at least one flaw, as my colleague from Georgia just indicated, and that is the problem with indexing. Just as we have had to fix the AMT every year, we will have to do that with this or else more and more people will be caught with this bill as it is proposed.

They continue to assault those who create jobs on the very day that the President is having a conference on jobs. They want to seem to be doing something positive while really doing

great damage to our economy and hardworking Americans.

Mr. Speaker, I would like to refer to an article from *The Wall Street Journal* of 31 March 2009 and place it in the RECORD.

[From the *Wall Street Journal*, Mar. 31, 2009]  
NIGHT OF THE LIVING DEATH TAX

Lawrence Summers, President Obama's chief economic adviser, declared recently that "Let's be very clear: There are no, no tax increases this year. There are no, no tax increases next year." Oh yes, yes, there are. The President's budget calls for the largest increase in the death tax in U.S. history in 2010.

The announcement of this tax increase is buried in footnote 1 on page 127 of the President's budget. That note reads: "The estate tax is maintained at its 2009 parameters." This means the death tax won't fall to zero next year as scheduled under current law, but estates will be taxed instead at up to 45%, with an exemption level of \$3.5 million (or \$7 million for a couple). Better not plan on dying next year after all.

This controversy dates back to George W. Bush's first tax cut in 2001 that phased down the estate tax from 55% to 45% this year and then to zero next year. Although that 10-year tax law was to expire in 2011, meaning that the death tax rate would go all the way back to 55%, the political expectation was that once the estate tax was gone for even one year, it would never return.

And that is no doubt why the Obama Administration wants to make sure it never hits zero. It doesn't seem to matter that the vast majority of the money in an estate was already taxed when the money was earned. Liberals counter that the estate tax is "fair" because it is only paid by the richest 2% of American families. This ignores that much of the long-term saving and small business investment in America is motivated by the ability to pass on wealth to the next generation.

The importance of intergenerational wealth transfers was first measured in a National Bureau of Economic Research study in 1980. That study looked at wealth and savings over the first three-quarters of the 20th century and found that "intergenerational transfers account for the vast majority of aggregate U.S. capital formation." The co-author of that study was ... Lawrence Summers.

Many economists had previously believed in "the life-cycle theory" of savings, which postulates that workers are motivated to save with a goal of spending it down to zero in retirement. Mr. Summers and coauthor Laurence Kotlikoff showed that patterns of savings don't validate that model; they found that between 41% and 66% of capital stock was transferred either by bequests at death or through trusts and lifetime gifts. A major motivation for saving and building businesses is to pass assets on so children and grandchildren have a better life.

What all this means is that the higher the estate tax, the lower the incentive to reinvest in family businesses. Former Congressional Budget Office director Douglas Holtz-Eakin recently used the Summers study as a springboard to compare the economic cost of a 45% estate tax versus a zero rate. He finds that the long-term impact of eliminating the death tax would be to increase small business capital investment by \$1.6 trillion. This additional investment would create 1.5 million new jobs.

In other words, by raising the estate tax in the name of fairness, Mr. Obama won't merely bring back from the dead one of the most

despised of all federal taxes, and not merely splinter many family-owned enterprises. He will also forfeit half the jobs he hopes to gain from his \$787 billion stimulus bill. Maybe that's why the news of this unwise tax increase was hidden in a footnote.

Mr. Speaker, "Lawrence Summers, President Obama's chief economic adviser, declared recently that 'Let's be very clear: There are no, no tax increases this year. There are no, no tax increases next year.' Oh, yes, yes, there are. The President's budget calls for the largest increase in the death tax in U.S. history in 2010.

"The announcement of this tax increase was buried in footnote 1 on page 127 of the President's budget. That note reads: 'The estate tax is maintained at its 2009 parameters.' This means the death tax won't fall to zero next year as scheduled under current law, but estates will be taxed instead at up to 45 percent, with an exemption level of \$3.5 million . . . Better not plan on dying next year after all."

I know we are not discussing the President's budget here today with that bill, but I think this shows that they are trying every way possible to reinstitute what is probably the most hated tax in the United States. The American people understand this is not a fair tax, whether they are hit by it or not.

I want to read another piece from *The Wall Street Journal* article. "The importance of intergenerational wealth transfers was first measured in a National Bureau of Economic Research study in 1980. That study looked at wealth and savings over the first three-quarters of the 20th century and found that 'intergenerational transfers account for the vast majority of aggregate U.S. capital formation.' The co-author of that study was . . . Lawrence Summers."

Mr. Summers understood this when he was first at Harvard.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LINCOLN DIAZ-BALART of Florida. I yield 30 more seconds.

Ms. FOXX. I appreciate the gentleman yielding me the additional time.

Mr. Speaker, this is not good for the American people at a time when we need to be creating jobs not destroying jobs. Again, the President wanted to create jobs with the stimulus. He has created no jobs with it. This is going to destroy even more jobs. This is the wrong direction to be going.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. GOHMERT).

□ 1100

Mr. GOHMERT. Mr. Speaker, I do agree with my friend from Colorado: we all should be paying our fair share. However, this Congress has said in the past maybe 39 percent should not pay

their fair share. They won't pay any income tax. And this administration apparently has indicated he wants to take that at least to 44 percent of Americans not paying their fair share.

But what the death tax does is go after people who have paid at the highest levels of income tax throughout their lives and yet have still been frugal enough to build a business, build a farm, and then when they're dead, come in and take it away from them. They've paid their fair share.

Even though the argument is made that this won't affect that many people, that not that many people pay the estate tax. When something is not right, you need to draw the line. That is what the Founders did. They said principle is worth fighting for, and we will not give in to these confiscatory practices of the monarch in Great Britain. So we had a revolution.

Now, after someone dies, and someone comes in and steals from them, we consider that, in most societies, reprehensible. That is just despicable. I have sentenced people personally to prison for doing that. But when the government comes in, because we have the power to pass laws and legalize theft that otherwise would be considered reprehensible, it's okay. It is not okay. It is not okay.

I have a personal family situation. A great aunt and her husband, who predeceased her, built through generations a family farm. They were land rich, but money poor. They had employees. They had things going on. They had a very active ranch. But when she died, the estate tax was 55 percent. And within the year, while the estate was being settled, the FDIC dumped land. The \$5 million estate fell in value. Land that was valued at \$2,000 at her death became valued at \$700 an acre. The IRS came in and sold every acre of my great aunt's land, her wonderful home where she had a will, she promised things to her direct descendants, we all had to gather at an auction the IRS forced to buy things from my great aunt. This is morally wrong.

And Jesus never advocated to the government, Go steal. He said, You do it, do it with your own money. Don't go steal it from somebody else. And that's why this should not pass.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to my distinguished friend from Texas (Mr. CULBERSON).

Mr. CULBERSON. Mr. Speaker, this debate today from every angle reminds me, once again, reinforces how proud I am to be a Texan and how proud I am to be a conservative Republican. Because the contrast is just astonishing, to think that today the Democratic President at the White House is holding a jobs summit and breakout sessions trying to figure out how to create jobs while his Democrat friends in Congress are creating a permanent death tax.

Raising taxes, once again, is the standard reaction of this majority that has controlled Congress since 2007. In my first year in 2001, I was here, proud to vote for the permanent repeal of the death tax, taking it to zero forever. The Democrats in the Senate prevented us from making that permanent by blocking it with 60 votes. And that is often a source of confusion. People need to remember, they often ask me, Why isn't the death tax repeal permanent? It is because Democrats in the Senate prevented us from getting 60 votes which was required to make it permanent. So we were stuck with this 10-year window.

And the reaction of the Democrat majority in Congress today is to create a permanent death tax and try to pitch it as a "tax reduction." It's absurd. It's sad. It illustrates clearly how blind the Democrat majority is to the fundamental truths of job creation. We in Texas understand that to create jobs you cut taxes. You pass tort reform to prevent frivolous lawsuits. We brought doctors into Texas by giving doctors medical malpractice caps and limits on lawsuits against doctors. People from all over the country have moved to Texas because of the number of jobs that we create with a low-tax environment and with litigation reform.

Mr. Speaker, these are self-evident truths. You create jobs by cutting taxes, by protecting businesses from excessive litigation and regulation. This is why I'm again reminded why I'm so proud to be a conservative Republican. I try not to use that word often. But today it illustrates why we are going to have a revolution next year. In 2010, there is going to be a revolution at the ballot box, and we will have a conservative majority in this House because of votes like this to raise taxes.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it's my pleasure to yield 2 minutes to my distinguished friend from Louisiana (Mr. SCALISE).

Mr. SCALISE. Mr. Speaker, I want to thank my colleague from Florida for his leadership on this.

Mr. Speaker, the American people across the country are asking, Where are the jobs? And all they see from this Democrat-controlled Congress is more bills that will actually kill jobs and run jobs out of the country. And make no mistake about it: the death tax will kill more jobs in this country.

To place a permanent 45 percent tax on death is immoral. Think about this: the small businesses in our country are hit the hardest. The actual job creators in this country are hit the hardest by the death tax. When a family member dies, the biggest decision they make after that death should not be about how they have to sell their family business because they can't afford to pay the taxes upon death. And that's what happens under this death tax. And here

they have a bill to enshrine the tax at 45 percent.

Now, if anyone wonders where are the jobs, as the President is holding a jobs summit, while unemployment smashed through the 10 percent mark earlier this year, all they have to do is look at the policies President Obama keeps bringing up. It started with the stimulus bill that didn't create jobs and just added more debt to our children and grandchildren. And then they brought the policies like this energy tax, the cap-and-trade energy tax, and then the government takeover of health care. And here we are today debating a bill that is going to enshrine a 45 percent tax on death. And Speaker PELOSI wouldn't even allow us to bring an amendment to the floor that would repeal it.

There is a clear contrast between the two parties on this issue. When we are in the majority, we will repeal the death tax, and here they've got a bill that will enshrine it at 45 percent permanently.

Taxation without respiration should not be the law of the land.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL. Mr. Speaker, I thank the gentleman for yielding. I could talk about a lot of bad things about this tax and this bill. I could talk about how inefficient it is, how it costs almost as much to collect as it raises in revenue. I could talk about how most of the income that would be taxed or most of the wealth would be taxed here has already been taxed once. I could talk about the morality of saying that in this country some people are allowed to leave the fruits of a lifetime of work to their children, and other people are not allowed to leave the fruits of their lifetime work to their children.

But there are two other things I want to emphasize in this short time here this morning. One is that the one thing we need more than anything else in this country right now are jobs. And this bill will kill jobs. Why? Because when people are subject to this tax, they spend all their time, effort and money, and as a CPA who worked on this at one time I have seen it up front and close and personal, reducing the value of their wealth so they can reduce the tax. That does not create jobs.

Without this tax, if the tax were eliminated, those people would continue to be employing that wealth in income-producing efforts in the sorts of things that create jobs. But also this particular bill that's before us today is not indexed for inflation.

Now let's see. What other tax do we have that's not indexed for inflation? Oh, yeah, the alternative minimum tax, which when that was passed, this House was told, well, it is only going to

tax 139 taxpayers. Don't you worry about it. It's just to get the very wealthy, just the really bad people. But now because it's not indexed for inflation, that tax now, instead of 139 people, hits 25 million people. And this death tax, not indexed for inflation, will do exactly the same thing, particularly when the inflation that the Obama administration is heading us towards comes together.

This is a bad bill. Defeat it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 4 minutes to my distinguished friend from Texas, the Ways and Means Subcommittee on Trade ranking member, Mr. BRADY.

Mr. BRADY of Texas. Mr. Speaker, I'm proud to be a co-chairman of the Death Tax Coalition in the U.S. House, those of us who understand the destructive levels of this tax on our family farms and small businesses in America.

Can you imagine working your whole life risking your money and your time working your weekends to either build your family farm or to start your business only to find out when you die, Uncle Sam swoops in and takes nearly half of all you spent a lifetime building up, takes half of what you had hoped to give to your children and grandchildren?

That is the death tax in America. It is the wrong tax. It is the wrong people at exactly the wrong time.

The only real solution to it is to fully and permanently repeal it, to solve it once and for all, to give family farms, small businesses, women and minority-owned businesses the peace of mind of knowing that they can hand down to their children the nest egg they have spent a life of toil, risk and taxation to build up.

That is what Republicans support. That is what we are going to vote for today. And it is time to bury the death tax once and for all.

As they set the rules for this debate today, we naively think that Congress is a debate of ideas, the best ideas win. Unfortunately, the American public won't get to hear that debate or have that choice today because the Democrat majority did not allow an amendment, a bipartisan amendment, a better idea in how we help our family farms and small businesses survive.

This amendment was offered, a bipartisan one, by Congresswoman SHELLEY BERKLEY of Nevada, myself, Congressman ARTUR DAVIS of Alabama, and Congressman DEVIN NUNES of California. And it's an amendment supported by the groups that are most damaged by this death tax, small businesses, family farms, local printers and grocers and others. And what it did is provide a \$5 million exemption for the death tax and a below-35 percent tax rate in permanence.

This is an amendment to a bill that has strong bipartisan support. It is has

37 cosponsors, and it has strong support from around the country. So when people say today, this is the best we can do? No, it's not.

It's not the best we can do. Given a choice, we have to do better for our family farms and small businesses. And there is no support for the overall bill from small businesses, family farms, from our local retailers, none at all. So rather than place on the floor a bipartisan bill that had broad support, they chose to offer a partisan bill that has no support.

It is time to solve this problem. It's time to bury the death tax once and for all. It's time to hear better ideas on this floor that can help create jobs in America, help generations go forward, and reward the people who work the hardest, work the longest, and work the smartest in hopes of handing nest eggs down to their children. The death tax is not just unfair; it is immoral and un-American.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 1½ minutes to my dear friend from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Speaker, unfortunately, we all know the sad news that under this administration and this Congress, our Nation has the worst, the worst unemployment rate in a generation. Over 3½ million of our fellow countrymen have lost their jobs since President Obama has come into office.

So what have our friends on the other side of the aisle tried to do? Well, they have tried to spend their way into job creation with a \$1.1 trillion government stimulus plan, a \$410 billion omnibus spending plan, and a threatened trillion dollar takeover of our health care system plan. Well, that didn't get us any jobs.

So they have tried to borrow their way into prosperity. Now we have the first trillion-dollar deficit in our Nation's history, a spending plan to triple, triple the national debt in the next 10 years.

So borrowing didn't work. Spending didn't work.

So here's the latest plan, Mr. Speaker. Let's have a perpetual plan to tax people when they die. Maybe that will create jobs in the economy.

Mr. Speaker, it doesn't work. It doesn't work. As the gentleman from Texas said, it is time to put the death tax to death. People have already paid. We will not start new businesses when you tax small businesses. It's time to get rid of the death tax once and for all.

It's an unfair tax. It ought to be an illegal tax.

Mr. LINCOLN DIAZ-BALART of Florida. I thank you, Mr. Speaker, for the courtesy, and my friend, Mr. POLIS, for his courtesy and all those who have participated in this debate. And I think the essence of the contrast of ideas that has been shown today is that we

on this side of the aisle believe that we should be focused like a laser on job creation. I think Mr. HENSARLING said it very well, Will this legislation create jobs?

□ 1115

We don't think so. As a matter of fact, we are convinced that it will continue to take the country in the wrong direction with regard to employment. Unemployment continues to rise, and the majority brings more regulation, more taxes, and further stifles small business at a time when we should be encouraging jobs.

Mr. Speaker, we believe, as the overwhelming majority of the American people do, that Members should have the ability to read bills before they vote on them. It really shouldn't be an issue because that was promised by the distinguished Speaker during the campaign when the majority was campaigning to take the majority. And even on her Web site, you'll read Members should have at least 24 hours to examine bills before floor consideration.

But that hasn't been the case. I remember when the Rules Committee—at 3 in the morning we were handed a 900-page amendment to the so-called cap-and-trade energy legislation that we had to vote on simply hours afterward. And the American people were rightfully outraged about examples such as that. That's why there's legislation that's been filed by a bipartisan group that has 182 Members that have signed, right up there, right in front of you, Mr. Speaker, a discharge petition to have legislation brought to the floor requiring at least 72 hours before the legislation has to be voted on by this House.

So that's why today I'm asking for a "no" vote on the previous question so that we can consider that legislation, bipartisan legislation by Congressmen BAIRD and CULBERSON. It's not going to interrupt the death tax debate, the estate tax bill, because if the motion passes, the motion I'm making provides for separate consideration of the Baird-Culberson bill within 3 days. So we can vote on the estate tax bill and then, once we're done, consider that legislation requiring the 72 hours.

I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield back the balance of my time.

Mr. POLIS. Mr. Speaker, I want to begin by addressing some of the misconceptions and inaccuracies in the arguments that have been made on the other side of the aisle.

First, I'd like to address some made by the gentleman from Texas that this is a tax on those who have paid the highest tax rates throughout their lives. I'd like to dispute this notion. Many of the people who have accumulated great wealth in this country have, throughout their lives, paid the capital gains tax rather than the income tax rate. I, for one, and I'm, I think, the fourth- or fifth-wealthiest Member of this body—I've accumulated some degree of wealth with my success in the Internet sector, starting companies, selling them. I've paid the capital gains tax. That is a 15 percent tax, not a 39.6 or a 35 percent tax.

In a moment we will hear some quotes from Mr. Buffett, Mr. Gates and Mr. Soros, three wealthy Americans, all supporters of the estate tax. They have also accumulated their wealth and have paid the capital gains rate. In the case of, for instance, Bill Gates, the wealthiest American, he has paid a rate substantially below 15 percent, due to his charitable contributions. The rate that Mr. Gates has paid is probably somewhere in the 10-12 percent tax range.

So again, I have paid less percentage tax than members of my staff here in Congress that earn \$50,000, \$60,000 a year. They pay a higher tax rate. So it's inaccurate to say that those who are hit with the estate tax have paid the highest tax rate throughout their lives. There might be some movie stars, sports stars, high-wage earners that have been paying the high-income margins, highest marginal income tax rate throughout their lives. But the majority of wealth is accumulated on the capital side and has been subject to the capital gains rate, which had been 20 percent, more recently, 15 percent, and scheduled to return to 20 percent; regardless, well below the highest marginal rate.

I'd also like to address a remark made by my colleague from North Carolina, Dr. FOX. She called this the biggest increase ever in the inheritance tax rate. Again, this is a decrease, a decrease in the inheritance tax. Yes, there is a 1-year effect. For the year 2010 alone, it's an increase. For every other year it's a decrease. Instead of 55 percent and \$1 million, every dollar above \$1 million would be taxed at 55 percent if we don't pass this in the year 2011 and beyond. We are reducing that.

This is a substantial decrease one of the largest decreases in the inheritance tax rate, to 45 percent from 55 percent in 2011 and beyond. And we're increasing the deduction. We're starting that at a \$3.5 million estate—that's a \$7 million estate for a couple that passes away, instead of a \$1 million deduction, to be clear. I'd further like to make it clear that repealing the estate tax and replacing it with a capital gains tax on the increase in basis would be a tax increase, as proposed by my colleagues

on the other side of the aisle. This would be a tax increase for upper middle class families and would actually result in many families losing their family businesses.

If you have a \$3 million family business, family farm, under the Democratic proposal they pay zero tax. Under the Republican proposal, a \$3 million family estate or farm with a very low basis, they started it maybe with \$100,000 in the 1950s, so that's a \$3 million gain, that would be subject to \$450,000 capital gains tax. At 20 percent it would be over \$600,000 in taxes. That could result in the family losing the farm or losing the small business. Under the Democratic proposal we allow families to keep family farms and small businesses in the family.

Mr. Speaker, this bill is one of many steps that Congress must take towards an equitable Tax Code. The bill highlights Democratic commitments to fairness by making permanent the current estate tax exemption of \$3.5 million, \$7 million total, at a maximum tax rate of 45 percent. Opponents of this bill may say the estate tax should be repealed. Well, that's supporting a debt finance tax cut of \$1.3 trillion.

Yes, repealing the estate tax in its entirety would result in an increase in the deficit of \$1.3 trillion. That's \$1 trillion in lost revenue and \$277 billion in increased interest payments on our growing national debt. Does that sound like fiscal responsibility? The only result of repealing the estate tax would be that the .25 percent, quarter of 1 percent, of the wealthiest American families will pay a small estate tax, while other Americans won't have to suffer from increased debt.

Mr. Speaker, let's be honest with the American people. The estates of those 99.75 percent of Americans will continue to be tax free. As for those .25 percent that are subject to the tax, such as Bill Gates' estate, such as my own, we understand that "the government that protects our business activities, the traditions that enable us to rely on certain things happening, that's what creates capital and enables net worth to increase."

Those are Bill Gates' words, not mine. But I strongly agree. In Warren Buffett's opposition to the repeal of the estate tax, he said that the repeal of the estate tax would be akin to "choosing the 2020 Olympic team by picking the eldest sons of the gold medal winners in the 2000 Olympics" because "without the estate tax, you in effect will have an aristocracy of wealth, which means you pass down the ability to command the resources of the nation based on heredity rather than merit."

America is, and should be, a meritocracy. Estate tax helps prevent a permanent aristocracy of the wealthy from arising in this country. Some opponents of the estate tax claim that it



forces families to hand over half of their wealth to the government. But the facts simply don't support this claim. The truth is that few estates pay any estate tax whatsoever, and those that do, pay less than 20 percent of the value of their estate. We also know that the claims of rampant liquidation of farms is completely untrue. In fact, the American Farm Bureau Federation acknowledged to The New York Times that it couldn't find a single example of a farm to substantiate the claim, even when the estate tax was higher, 55 percent rather than the 45 percent it is today.

I'd like to give a quote from the president of the National Farmers Union, who says, "Family farmers and ranchers are insulted by those who use farmers as the reason for eliminating estate taxes." I'd also like to give a quote from George Soros. George Soros said, "The estate tax is the least damaging of all our taxation because it does not interfere with wealth creation. It increases social equality. It is so obvious estate taxation is a valuable taxation, and we should keep it."

Again, on a revenue neutral basis, I would much rather pay \$1,000 in tax after I die than before, when I'm using that capital to create value and jobs, or at least I was before I got to Congress.

Mr. Speaker, our choice here is clear. We can pass this bill which will remove the impact of the estate tax from 99.75 percent of Americans and give those who will pay this tax a substantially larger deductible. We can make sure that family businesses and family farms won't be subject to onerous taxation. Or we can increase the deficit by over \$1 trillion and increase taxes for estates of \$2 million, \$3 million, \$4 million with sizable capital gains within those estates.

Once again, I thank Chairman RANGEL, the members of the Committee on Ways and Means and their staffs, as well as Representative POMEROY, for bringing this important legislation to the floor. In America, it's not a sin to be rich, nor is it a crime to die rich. This bill gives our Nation's wealthiest families the ability to know exactly what their obligation to the Nation that fostered their wealth will be. And it is fair, and it is just.

Mr. Speaker, I'd ask my colleagues to join me on the side of facts, equity, and the 99 percent of Americans who will never pay this tax and who wish that they were lucky enough to be successful enough to pay this tax, and remind them that a "no" vote is a vote against these principles.

I ask my colleagues to vote "yes" on the Permanent Estate Tax Relief for Families, Farmers, and Small Businesses Act of 2009. I urge a "yes" vote on the previous question, and I urge a "yes" vote on the rule.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 941 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

At the end of the resolution, insert the following new section:

SEC. 3. On the third legislative day after the adoption of this resolution, immediately after the third daily order of business under clause 1 of rule XIV and without intervention of any point of order, the House shall proceed to the consideration of the resolution (H. Res. 554) amending the Rules of the House of Representatives to require that legislation and conference reports be available on the Internet for 72 hours before consideration by the House, and for other purposes. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution and any amendment thereto to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Rules; (2) an amendment, if offered by the Minority Leader or his designee and if printed in that portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII at least one legislative day prior to its consideration, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered as read and shall be separately debatable for twenty minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit which shall not contain instructions. Clause 1(c) of rule XIX shall not apply to the consideration of House Resolution 554.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the

vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. POLIS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adopting House Resolution 941, if ordered; agreeing to the Speaker's approval of the Journal, if ordered; and suspending the rules on House Resolution 28.

The vote was taken by electronic device, and there were—yeas 228, nays 187, not voting 19, as follows:

[Roll No. 923]

YEAS—228

Abercrombie	Boccieri	Carson (IN)
Ackerman	Boren	Castor (FL)
Adler (NJ)	Boswell	Chandler
Altmire	Boucher	Chu
Andrews	Boyd	Clarke
Baca	Brady (PA)	Clay
Baldwin	Braley (IA)	Cleaver
Bean	Bright	Clyburn
Becerra	Brown, Corrine	Cohen
Berkley	Butterfield	Connolly (VA)
Berman	Capps	Conyers
Berry	Cardoza	Cooper
Bishop (GA)	Carnahan	Costa
Blumenauer	Carney	Costello



Chandler	Jackson-Lee	Pingree (ME)
Chu	(TX)	Polis (CO)
Clarke	Johnson (GA)	Pomeroy
Clay	Johnson, E. B.	Price (NC)
Cleaver	Kanjorski	Quigley
Clyburn	Kennedy	Rahall
Cohen	Kildee	Rangel
Connolly (VA)	Kilpatrick (MI)	Reyes
Conyers	Kilroy	Richardson
Cooper	Kind	Rodriguez
Costa	Kissell	Ross
Costello	Klein (FL)	Rothman (NJ)
Courtney	Kucinich	Roybal-Allard
Crowley	Langevin	Ruppersberger
Cuellar	Larsen (WA)	Rush
Cummings	Larson (CT)	Ryan (OH)
Dahlkemper	Lee (CA)	Salazar
Davis (AL)	Levin	Sánchez, Linda
Davis (CA)	Lewis (GA)	T.
Davis (IL)	Lipinski	Sanchez, Loretta
Davis (TN)	Loeb sack	Sarbanes
DeGette	Lofgren, Zoe	Schakowsky
Delahunt	Lowey	Schauer
DeLauro	Luján	Schiff
Dicks	Lynch	Schrader
Dingell	Maffei	Schwartz
Doggett	Maloney	Scott (GA)
Doyle	Markey (CO)	Scott (VA)
Driehaus	Markey (MA)	Serrano
Edwards (MD)	Marshall	Sestak
Edwards (TX)	Massa	Shea-Porter
Ellison	Matheson	Sherman
Engel	Matsui	Sires
	McCarthy (NY)	

## □ 1153

Parr	McDermott	Snyder
Pattah	McIntyre	Space
Filner	McMahon	Speier
Foster	McNerney	Spratt
Frank (MA)	Meek (FL)	Stark
Fudge	Meeks (NY)	Stupak
Garamendi	Michaud	Tanner
Grayson	Miller (NC)	
Green, Al	Miller, George	Thompson (CA)
Green, Gene	Mollohan	Thompson (MS)
Grijalva	Moore (KS)	Tierney
Gutierrez	Moore (WI)	Titus
Hall (NY)	Murphy (CT)	Tonko
Halvorson	Murphy (NY)	Towns
Hare	Murphy, Patrick	Tsongas
Harman	Murtha	Van Hollen
Hastings (FL)	Nadler (NY)	Velázquez
Heinrich	Napolitano	Visclosky
Herseth Sandlin	Neal (MA)	Walz
Higgins	Oberstar	Wasserman
Hinchey	Obey	Schultz
Hinojosa	Olver	Waters
Hodes	Ortiz	Watson
Holden	Owens	Watt
Holt	Pallone	Waxman
Honda	Pascarell	Weiner
Hoyer	Pastor (AZ)	Wexler
Insee	Payne	Wilson (OH)
Israel	Perlmutter	Woolsey
Jackson (IL)	Peters	Wu
	Peterson	Yarmuth

Aderholt	Buyer	Ellsworth
Akin	Calvert	Emerson
Alexander	Camp	Fallin
Austria	Campbell	Flake
Bachmann	Cantor	Fleming
Bachus	Cao	Forbes
Baird	Capito	Fortenberry
Barrett (SC)	Carter	Fox
Bartlett	Cassidy	Franks (AZ)
Barton (TX)	Castle	Frelinghuysen
Biggert	Chaffetz	Gallely
Bilbray	Childers	Garrett (NJ)
Bilirakis	Coble	Giffords
Bishop (NY)	Coffman (CO)	Gingrey (GA)
Blackburn	Cole	Gohmert
Blunt	Conaway	Goodlatte
Bonner	Crenshaw	Granger
Bono Mack	Culberson	Graves
Boozman	Davis (KY)	Griffith
Boustany	Deal (GA)	Guthrie
Brady (TX)	Dent	Hall (TX)
Broun (GA)	Diaz-Balart, L.	Harper
Brown (SC)	Diaz-Balart, M.	Hastings (WA)
Brown-Waite,	Donnelly (IN)	Heller
Ginny	Dreier	Hensarling
Buchanan	Duncan	Herger
Burton (IN)	Ehlers	Hill

Aderholt	Camp	Fortenberry
Akin	Campbell	Foxx
Alexander	Cantor	Franks (AZ)
Austria	Cao	Frelinghuysen
Bachmann	Capito	Gallely
Bachus	Carter	Garrett (NJ)
Baird	Cassidy	Gohmert
Barrett (SC)	Castle	Goodlatte
Bartlett	Chaffetz	Granger
Barton (TX)	Childers	Graves
Biggert	Coble	Griffith
Bilbray	Coffman (CO)	Guthrie
Bilirakis	Cole	Hall (TX)
Bishop (NY)	Conaway	Harper
Blackburn	Crenshaw	Hastings (WA)
Blunt	Culberson	Heller
Boehner	Davis (KY)	Hensarling
Bonner	Deal (GA)	Herger
Bono Mack	Dent	Hill
Boozman	Diaz-Balart, L.	Himes
Boustany	Diaz-Balart, M.	Hoekstra
Brady (TX)	Donnelly (IN)	Hunter
Broun (GA)	Dreier	Inglis
Brown (SC)	Duncan	Issa
Brown-Waite,	Ehlers	Jenkins
Ginny	Emerson	Johnson (IL)
Buchanan	Fallin	Johnson, Sam
Burton (IN)	Flake	Jones
Buyer	Fleming	Jordan (OH)
Calvert	Forbes	Kaptur

Aderholt	Buyer	Ellsworth
Akin	Calvert	Emerson
Alexander	Camp	Fallin
Austria	Campbell	Flake
Bachmann	Cantor	Fleming
Bachus	Cao	Forbes
Baird	Capito	Fortenberry
Barrett (SC)	Carter	Fox
Bartlett	Cassidy	Franks (AZ)
Barton (TX)	Castle	Frelinghuysen
Biggert	Chaffetz	Gallagher
Bilbray	Childers	Garrett (NJ)
Billirakis	Coble	Giffords
Bishop (NY)	Coffman (CO)	Gingrey (GA)
Blackburn	Cole	Gohmert
Blunt	Conaway	Goodlatte
Bonner	Crenshaw	Granger
Bono Mack	Culberson	Graves
Boozman	Davis (KY)	Griffith
Boustany	Deal (GA)	Guthrie
Brady (TX)	Dent	Hall (TX)
Broun (GA)	Diaz-Balart, L.	Harper
Brown (SC)	Diaz-Balart, M.	Hastings (WA)
Brown-Waite,	Donnelly (IN)	Heller
Ginny	Dreier	Hensarling
Buchanan	Duncan	Herger
Burton (IN)	Ehlers	Hill

Himes  
Hoekstra  
Hunter  
Inglis  
Issa  
Jenkins  
Johnson (IL)  
Johnson, Sam  
Jones  
Jordan (OH)  
Kaptur  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kirkpatrick (AZ)  
Kline (MN)  
Kosmas  
Kratovil  
Lamborn  
Lance  
Latham  
LaTourette  
Latta  
Lee (NY)  
Lewis (CA)  
Linder  
LoBiondo  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
McCarthy (CA)  
McCaul  
McClintock

McCotter  
McHenry  
McKeon  
McMorris  
Rodgers  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Minnick  
Mitchell  
Moran (KS)  
Murphy, Tim  
Myrick  
Neugebauer  
Nunes  
Nye  
Olson  
Paul  
Paulsen  
Pence  
Perriello  
Petri  
Pitts  
Platts  
Poe (TX)  
Posey  
Price (GA)  
Putnam  
Radanovich  
Rehberg  
Reichert  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney

Ros-Lehtinen  
Roskam  
Royce  
Ryan (WI)  
Scalise  
Schmidt  
Schock  
Sensenbrenner  
Sessions  
Shadegg  
Shimkus  
Shuler  
Shuster  
Simpson  
Skelton  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Soudier  
Stearns  
Sullivan  
Taylor  
Teague  
Terry  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Turner  
Upton  
Walden  
Wamp  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Young (FL)

## NOT VOTING—19

Barrow  
Bishop (UT)  
Boehner  
Braley (IA)  
Burgess  
Capuano  
DeFazio

Gerlach  
Gonzalez  
Gordon (TN)  
Hirono  
Kagen  
Lucas  
McGovern

Melancon  
Moran (VA)  
Sutton  
Welch  
Young (AK)

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1201

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. GERLACH. Madam Speaker, Unfortunately, on Thursday, December 3, 2009, I missed two recorded votes on the House floor. Had I been present, I would have voted “nay” on rollcall 923 and “no” on rollcall 924.

## THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

## RECORDED VOTE

Mr. HASTINGS of Florida. Mr. Speaker, I demand a recorded vote. A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 250, noes 169, answered “present” 1, not voting 14, as follows:

[Roll No. 925]

## AYES—250

Abercrombie  
Ackerman  
Andrews  
Baca  
Baird  
Baldwin  
Bean  
Becerra  
Berkley  
Berman  
Berry  
Biggert  
Bilbray  
Bishop (GA)  
Bishop (NY)  
Honda  
Hoyer  
Inslee  
Israel  
Jackson (IL)  
Jackson-Lee  
(TX)  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kind  
Kirk  
Kissell  
Klein (FL)  
Kosmas  
Kratovil  
Kucinich  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
Latham  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
Loebsack  
Lofgren, Zoe  
Lowey  
Luetkemeyer  
Luján  
Lynch  
Mack  
Maffei  
Maloney  
Markey (MA)  
Massa  
Matheson  
Matsui  
McCarthy (NY)  
McClintock  
McCollum  
McCotter  
McDermott  
McIntyre  
McMahon  
McNerney  
Meek (FL)  
Meeks (NY)  
Michaud  
Miller (NC)  
Miller, George  
Mollohan  
Moore (KS)  
Moore (WI)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Murtha  
Nadler (NY)  
Napolitano  
Neal (MA)  
Oberstar  
Obey  
Oliver

Harman  
Hastings (FL)  
Heinrich  
Heller  
Herseth Sandlin  
Higgins  
Hill  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hodes  
Holden  
Holt  
Honda  
Hoyer  
Inslee  
Israel  
Jackson (IL)  
Jackson-Lee  
(TX)  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kind  
Kirk  
Kissell  
Klein (FL)  
Kosmas  
Kratovil  
Kucinich  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
Latham  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
Loebsack  
Lofgren, Zoe  
Lowey  
Luetkemeyer  
Luján  
Lynch  
Mack  
Maffei  
Maloney  
Markey (MA)  
Massa  
Matheson  
Matsui  
McCarthy (NY)  
McClintock  
McCollum  
McCotter  
McDermott  
McIntyre  
McMahon  
McNerney  
Meek (FL)  
Meeks (NY)  
Michaud  
Miller (NC)  
Miller, George  
Mollohan  
Moore (KS)  
Moore (WI)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Murtha  
Nadler (NY)  
Napolitano  
Neal (MA)  
Oberstar  
Obey  
Oliver

Ortiz  
Owens  
Pallone  
Pascarelli  
Pastor (AZ)  
Paul  
Paulsen  
Payne  
Perlmutter  
Peters  
Peterson  
Petri  
Pingree (ME)  
Pitts  
Polis (CO)  
Pomeroy  
Posey  
Price (NC)  
Putnam  
Quigley  
Rahall  
Rangel  
Reyes  
Richardson  
Rodriguez  
Ross  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schauer  
Schiff  
Schradner  
Schwartz  
Scott (GA)  
Scott (VA)  
Serrano  
Sestak  
Shea-Porter  
Sherman  
Sires  
Skelton  
Slaughter  
Smith (WA)  
Snyder  
Space  
Speier  
Spratt  
Stark  
Sutton  
Tanner  
Taylor  
Thompson (MS)  
Tiberi  
Tierney  
Tonko  
Towns  
Tsongas  
Van Hollen  
Velázquez  
Visclosky  
Walz  
Wasserman  
Schultz  
Waters  
Watson  
Waxman  
Weiner  
Welch  
Wexler  
Whitfield  
Wilson (OH)  
Wittman  
Woolsey  
Wu  
Yarmuth

## NOES—169

Aderholt  
Adler (NJ)  
Akin  
Alexander  
Altmire  
Arcuri  
Austria  
Bachmann  
Bachus  
Barrett (SC)  
Bartlett  
Barton (TX)  
Bilirakis  
Blunt  
Boccheri  
Boehner  
Bonner  
Bono Mack  
Boozman  
Boustany  
Brady (TX)  
Bright  
Broun (GA)  
Brown (SC)  
Brown-Waite,  
Ginny  
Buchanan  
Burton (IN)  
Buyer  
Calvert  
Camp  
Campbell  
Cao  
Carter  
Cassidy  
Coble  
Coffman (CO)  
Cole  
Conaway  
Connolly (VA)  
Costa  
Crenshaw  
Culberson  
Dahlkemper  
Davis (KY)  
Deal (GA)  
Diaz-Balart, L.  
Diaz-Balart, M.  
Donnelly (IN)  
Dreier  
Duncan  
Ehlers  
Emerson  
Fallin  
Flake  
Fleming  
Forbes  
Fortenberry

Fox  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Garrett (NJ)  
Gerlach  
Giffords  
Gingrey (GA)  
Granger  
Graves  
Guthrie  
Hall (TX)  
Halvorson  
Harper  
Hastings (WA)  
Hensarling  
Hoekstra  
Hunter  
Inglis  
Issa  
Jenkins  
Johnson, Sam  
Jones  
Jordan (OH)  
Kilroy  
King (IA)  
King (NY)  
Kingston  
Kirkpatrick (AZ)  
Kline (MN)  
Lamborn  
LaTourette  
Latta  
Lee (NY)  
Lewis (CA)  
Linder  
LoBiondo  
Lummis  
Lungren, Daniel  
E.  
Manzullo  
Marchant  
Markey (CO)  
Marshall  
McCarthy (CA)  
McCaul  
McHenry  
McKeon  
McMorris  
Rodgers  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Minnick  
Mitchell  
Moran (KS)

Murphy, Tim  
Myrick  
Neugebauer  
Nunes  
Nye  
Olson  
Pence  
Perriello  
Platts  
Poe (TX)  
Price (GA)  
Radanovich  
Rehberg  
Reichert  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Roskam  
Royce  
Ryan (WI)  
Scalise  
Schmidt  
Schock  
Sensenbrenner  
Sessions  
Shadegg  
Shimkus  
Shuler  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Soudier  
Stearns  
Stupak  
Sullivan  
Marchant  
Teague  
Terry  
Marshall  
McCarthy (CA)  
McCaul  
McHenry  
McKeon  
McMorris  
Rodgers  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Minnick  
Mitchell  
Moran (KS)

## ANSWERED “PRESENT”—1

Gohmert

## NOT VOTING—14

Barrow  
Bishop (UT)  
Burgess  
Cantor  
Capuano

Gonzalez  
Gordon (TN)  
Green, Gene  
Lucas  
McGovern

Melancon  
Moran (VA)  
Watt  
Young (AK)

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CUMMINGS) (during the vote). Two minutes remain in this vote.

□ 1208

Ms. KILROY and Mr. ADLER of New Jersey changed their vote from “aye” to “no.”

So the Journal was approved.

The result of the vote was announced as above recorded.

ENHANCING SECURITY TO RAIL  
AND MASS TRANSIT LINES

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 28, as amended,

on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON-LEE) that the House suspend the rules and agree to the resolution, H. Res. 28, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 417, nays 3, not voting 14, as follows:

[Roll No. 926]

YEAS—417

Abercrombie	Cleaver	Green, Gene
Ackerman	Clyburn	Griffith
Aderholt	Coble	Grijalva
Adler (NJ)	Coffman (CO)	Guthrie
Akin	Cohen	Gutierrez
Alexander	Cole	Hall (NY)
Altire	Conaway	Hall (TX)
Andrews	Connolly (VA)	Halvorson
Arcuri	Conyers	Hare
Austria	Cooper	Harman
Baca	Costa	Harper
Bachmann	Costello	Hastings (FL)
Bachus	Courtney	Hastings (WA)
Baird	Crenshaw	Heinrich
Baldwin	Crowley	Heller
Barrett (SC)	Cuellar	Hensarling
Bartlett	Culberson	Herger
Barton (TX)	Cummings	Herseth Sandlin
Bean	Dahlkemper	Higgins
Becerra	Davis (AL)	Hill
Berkley	Davis (CA)	Himes
Berman	Davis (IL)	Hinchey
Berry	Davis (KY)	Hinojosa
Biggert	Davis (TN)	Hirono
Bilbray	Deal (GA)	Hodes
Bilirakis	DeFazio	Hoekstra
Bishop (GA)	DeGette	Holden
Bishop (NY)	Delahunt	Holt
Blackburn	DeLauro	Honda
Blumenauer	Dent	Hoyer
Blunt	Diaz-Balart, L.	Hunter
Boccieri	Diaz-Balart, M.	Inglis
Boehner	Dicks	Inslee
Bonner	Dingell	Israel
Bono Mack	Doggett	Issa
Boozman	Donnelly (IN)	Jackson (IL)
Boren	Doyle	Jackson-Lee
Boswell	Dreier	(TX)
Boucher	Driehaus	Jenkins
Boustany	Duncan	Johnson (GA)
Boyd	Edwards (MD)	Johnson (IL)
Brady (PA)	Edwards (TX)	Johnson, E. B.
Brady (TX)	Ehlers	Johnson, Sam
Braley (IA)	Ellison	Jones
Bright	Ellsworth	Jordan (OH)
Broun (GA)	Emerson	Kagen
Brown (SC)	Engel	Kanjorski
Brown, Corrine	Eshoo	Kaptur
Brown-Waite,	Etheridge	Kennedy
Ginny	Fallin	Kildee
Buchanan	Farr	Kilpatrick (MI)
Burton (IN)	Fattah	Kilroy
Butterfield	Filner	Kind
Buyer	Fleming	King (IA)
Calvert	Forbes	King (NY)
Camp	Fortenberry	Kingston
Campbell	Foster	Kirk
Cantor	Fox	Kirkpatrick (AZ)
Cao	Frank (MA)	Kissell
Capito	Franks (AZ)	Klein (FL)
Capps	Frelinghuysen	Kline (MN)
Cardoza	Fudge	Kosmas
Carney	Galleghy	Kratovil
Carson (IN)	Garamendi	Kucinich
Carter	Garrett (NJ)	Lamborn
Cassidy	Gerlach	Lance
Castle	Giffords	Langevin
Castor (FL)	Gingrey (GA)	Larsen (WA)
Chaffetz	Gohmert	Larson (CT)
Chandler	Goodlatte	Latham
Childers	Granger	LaTourette
Chu	Graves	Latta
Clarke	Grayson	Lee (CA)
Clay	Green, Al	Lee (NY)

Levin	Obey	Sestak
Lewis (CA)	Olson	Shadegg
Lewis (GA)	Oliver	Shea-Porter
Linder	Ortiz	Sherman
Lipinski	Owens	Shimkus
LoBiondo	Pallone	Shuler
Loeb	Pascarell	Shuster
Lofgren, Zoe	Pastor (AZ)	Simpson
Lowe	Paulsen	Sires
Luetkemeyer	Payne	Skelton
Lujan	Pence	Slaughter
Lungren, Daniel	Perlmutter	Smith (NE)
E.	Perriello	Smith (NJ)
Lynch	Peters	Smith (TX)
Mack	Peterson	Smith (WA)
Maffei	Petri	Snyder
Maloney	Pingree (ME)	Souder
Manzullo	Pitts	Space
Marchant	Platts	Speier
Markey (CO)	Poe (TX)	Spratt
Markey (MA)	Polis (CO)	Stark
Marshall	Pomeroy	Stearns
Massa	Posey	Stupak
Matheson	Price (NC)	Sullivan
Matsui	Putnam	Sutton
McCarthy (CA)	Quigley	Tanner
McCarthy (NY)	Radanovich	Taylor
McCaul	Rahall	Teague
McClintock	Rangel	Terry
McCollum	Rehberg	Thompson (CA)
McCotter	Reichert	Thompson (MS)
McDermott	Reyes	Thompson (PA)
McHenry	Richardson	Thornberry
McIntyre	Rodriguez	Tiahrt
McKeon	Roe (TN)	Tiberi
McMahon	Rogers (AL)	Tierney
McMorris	Rogers (KY)	Titus
Rodgers	Rogers (MI)	Tonko
McNerney	Rohrabacher	Towns
Meek (FL)	Ros-Lehtinen	Tsongas
Meeks (NY)	Roskam	Turner
Mica	Ross	Upton
Michaud	Rothman (NJ)	Van Hollen
Miller (FL)	Roybal-Allard	Velázquez
Miller (MI)	Royce	Visclosky
Miller (NC)	Ruppersberger	Walden
Miller, Gary	Rush	Walz
Miller, George	Ryan (OH)	Wamp
Minnick	Ryan (WI)	Wasserman
Mitchell	Salazar	Schultz
Mollohan	Sánchez, Linda	Waters
Moore (KS)	T.	Watson
Moore (WI)	Sanchez, Loretta	Watt
Moran (KS)	Sarbanes	Waxman
Murphy (CT)	Scalise	Weiner
Murphy (NY)	Schakowsky	Welch
Murphy, Patrick	Schauer	Westmoreland
Murphy, Tim	Schiff	Wexler
Murtha	Schmidt	Whitfield
Myrick	Schock	Wilson (OH)
Nadler (NY)	Schrader	Wilson (SC)
Napolitano	Schwartz	Wittman
Neal (MA)	Scott (GA)	Wolf
Neugebauer	Scott (VA)	Woolsey
Nunes	Sensenbrenner	Wu
Nye	Serrano	Yarmuth
Oberstar	Sessions	Young (FL)

NAYS—3

NOT VOTING—14

Flake	Lummis	Paul
Barrow	Gonzalez	Moran (VA)
Bishop (UT)	Gordon (TN)	Price (GA)
Burgess	Lucas	Rooney
Capuano	McGovern	Young (AK)
Carnahan	Melancon	

□ 1215

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title was amended so as to read: "Resolution expressing the sense of the House of Representatives that the Transportation Security Administration should, in accordance with the congressional mandate provided for in the Implementing Recommendations of the 9/11 Commission Act of 2007 as well

as other statutes, enhance security against terrorist attack and other security threats to our Nation's rail and mass transit systems and other modes of surface transportation."

A motion to reconsider was laid on the table.

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1880

Mr. CLAY. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1880.

The SPEAKER pro tempore (Mr. PASTOR of Arizona). Is there objection to the request of the gentleman from Missouri?

There was no objection.

#### PERMANENT ESTATE TAX RELIEF FOR FAMILIES, FARMERS, AND SMALL BUSINESSES ACT OF 2009

Mr. RANGEL. Mr. Speaker, pursuant to House Resolution 941, I call up the bill (H.R. 4154) to amend the Internal Revenue Code of 1986 to repeal the new carryover basis rules in order to prevent tax increases and the imposition of compliance burdens on many more estates than would benefit from repeal, to retain the estate tax with a \$3,500,000 exemption, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 941, the bill is considered read.

The text of the bill is as follows:

H.R. 4154

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Permanent Estate Tax Relief for Families, Farmers, and Small Businesses Act of 2009".

#### SEC. 2. RETENTION OF ESTATE TAX; REPEAL OF CARRYOVER BASIS.

(a) IN GENERAL.—Subtitles A and E of title V of the Economic Growth and Tax Relief Reconciliation Act of 2001, and the amendments made by such subtitles, are hereby repealed; and the Internal Revenue Code of 1986 shall be applied as if such subtitles, and amendments, had never been enacted.

(b) SUNSET NOT TO APPLY.—Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to title V of such Act.

(c) CONFORMING AMENDMENTS.—

(1) Sections 511(d) and 521(b)(2) of the Economic Growth and Tax Relief Reconciliation Act of 2001, and the amendments made by such sections, are hereby repealed; and the Internal Revenue Code of 1986 shall be applied as if such sections, and amendments, had never been enacted.

(2) Subsection (c) of section 2511 of the Internal Revenue Code of 1986 is hereby repealed.

#### SEC. 3. MODIFICATIONS TO ESTATE AND GIFT TAXES.

(a) \$3,500,000 APPLICABLE EXCLUSION AMOUNT.—Subsection (c) of section 2010 of the Internal Revenue Code of 1986 (relating

to applicable credit amount) is amended by striking all that follows "the applicable exclusion amount" and inserting ". For purposes of the preceding sentence, the applicable exclusion amount is \$3,500,000."

(b) FREEZE MAXIMUM ESTATE AND GIFT TAX RATES AT 45 PERCENT.—Subsection (c) of section 2001 of such Code is amended—

- (1) by striking paragraph (2),
- (2) by striking so much of paragraph (1) as precedes the table contained therein, and
- (3) by striking the last 2 items in the table and inserting the following new item:

"Over \$1,500,000.	\$555,800, plus 45 percent of the excess of such amount over \$1,500,000."
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(c) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying, and gifts made, after December 31, 2009.

The SPEAKER pro tempore. The gentleman from New York (Mr. RANGEL) and the gentleman from Michigan (Mr. CAMP) each will control 30 minutes.

The Chair recognizes the gentleman from New York.

#### GENERAL LEAVE

Mr. RANGEL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and insert extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

I, along with Ways and Means Ranking Member DAVID CAMP, have asked the nonpartisan Joint Committee on Taxation to make available to the public a technical explanation of the bill. The technical explanation expresses the committee's understanding and the legislative intent behind this important legislation. It is available on the Joint Committee's Web site at [www.jct.gov](http://www.jct.gov) and is listed under document No. JCX-57-09.

Mr. Speaker, I rise in support of H.R. 4154, a bill that would provide permanent, responsible estate tax relief to taxpayers.

This is a rough time for us in this great country in terms of joblessness, hopelessness. And the Congress has to work together as one unit with the President in order to restore confidence among the millions of people that today find themselves without jobs. In order to do this, we have to work at everything that we can to make certain that those that are in the position to create jobs that we give them the tools to work with so that we can get people off the unemployment lines and back into business.

Members of Congress hear every day from their constituents how difficult it is to keep up with the current state of our tax laws as a result of the temporary nature of so many provisions in the Internal Revenue Code. So not only is there an argument in terms of what the rate should be in terms of estate

tax relief, but there's an argument, for God's sake, do something. And that is why the Ways and Means Committee has agreed that we have to give a stable tax program that our business people can rely on and plan on so that we can bring stability to industry and get our people back to work.

The majority of the provisions included in 2001 and 2003 were made temporary because there was an intent that we review the estate tax. And Members are familiar with the extending of expiring tax provisions, ultimately reducing them, and we are here to make certain that the doubts as to where we're going to go will be eliminated.

So this week we have some certainty in our Tax Code as we enact a permanent extension of the 2009 estate tax exemption, and certainly people would see that it wasn't an easy decision to find what was compatible with most of the people in this House, but the work of EARL POMEROY that he has done over the years and the suggestions that he's made, the people that he's talked with, allow us to say that we have made the best possible arrangement so that people would know what they should expect as it relates to estate tax.

Mr. Speaker, I ask permission that the balance of my time be transferred to the gentleman from North Dakota (Mr. POMEROY) for him to be able to appoint Members as he sees fit.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CAMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, death in and of itself should not be a taxable event. Death should not force the sale of family farms or the dissolution of small businesses. The fear of death should not be a reason for an American to hire a battery of accountants and lawyers to find legal ways to reduce the bite of the estate tax. And after a long wait, we're about to realize that goal. Set in motion by a law passed by the Republican Congress earlier this decade, there will be no death tax in 2010. That's just 29 days away.

The bill before us, however, would resurrect the death tax next month and apply a 45 percent tax rate to estates above a \$3.5 million exemption amount. The majority claims to be offering certainty to taxpayers, and I suppose in a way they are.

They are certainly repealing the hope of ever eliminating the death tax. They are replacing that with the certainty of a Federal tax rate that at 45 percent must be considered confiscatory. No American should have the Federal Government take nearly half of their net worth.

They're providing the certainty of an exemption that is not indexed for inflation, meaning that over time it is cer-

tain that more and more family farms and small businesses will be subject to this punishing tax. Just take a look at the AMT.

Mr. Speaker, one other thing that is certain about this bill is that it is unlikely to be approved before the end of the year. As we are all aware, the Senate is fully engaged in the health care debate. It is unlikely to break from that to consider this bill this month, particularly since a clear majority of the Senate has indicated its support for a far more equitable and bipartisan death tax relief measure.

We all understand that the current situation would benefit from a permanent solution, but this is not the right one, and I urge its defeat.

Mr. Speaker, I reserve the balance of my time, and I ask unanimous consent the remainder of my time be controlled by the gentleman from Texas (Mr. BRADY).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. POMEROY. Mr. Speaker, I yield myself 3 minutes.

I want to thank the Speaker, Leader HOYER, and Chairman RANGEL for bringing this bill to the floor today.

The purpose of this bill is very straightforward: establish clarity and certainty in the Tax Code for the estate tax while exempting 99.7 percent of the estates in this country from this estate tax altogether.

The estate tax has changed 10 times in the last 11 years. Now, this has been a bonanza for the attorneys, the accountants, the planners, but it has been very unfortunate for the American people trying to make reasonable plans for their estates.

If recent history is bad, the next 2 years become completely absurd when it comes to the estate tax thanks to a law passed by Congress in 2001, estate tax repeal in 2010 replaced with a new capital gains tax that will impact many more farmers. In fact, for the 6,000 estates estimated to benefit from the tax change next year, 71,000 will find themselves with new tax obligations, this capital gains tax. Additionally, come 2011 the repeal goes away. In this Tax Code they repeal the repeal and we're back at a \$1 million level for estates, \$2 million joint, a 55 percent rate, the very rate it was in 2001.

There's going to be a lot of talk on the other side about how this law should go forward for the benefit of family farms. Let me tell you, the capital gains tax they are proposing for family farms is a catastrophe.

Let's say Grandma buys a farm at \$100 an acre. It's now worth \$2,000 an acre. She deeds it to you. She passes. You acquire the property. You go to sell the farm. You're going to pay capital gains tax under present law on all appreciated value over the \$100-an-acre

initial acquisition price. That's because under present law carryover basis is substituted for what we have under the existing framework, statutory basis.

Here's what the Farm Bureau said about carryover basis when it was considered some time ago, in 1979: carryover basis fosters an insidious bias against farmers and ranchers. And that's precisely what they would create.

Look at this. No estates with capital gains tax burden and 71,000 suddenly with capital gains burden under the law if we allow it to go into effect next year.

Another byproduct of this bill is to establish certainty once and for all on what the estate tax level is.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. POMEROY. I yield myself an additional 30 seconds.

The 2009 level represents an exclusion from estate tax that is 75 percent higher than last year alone, where it went from \$2 million up to \$3.5 million. This chart shows who pays the tax and who doesn't under the 2009 law. You may not be able to see this little sliver. It's because it represents .25 of 1 percent. The estate tax goes away for 99.75 percent. That is almost perfection, about as close as this body is ever going to get. That's why we should vote for this bill and move it forward.

Mr. Speaker, I reserve the balance of my time.

Mr. BRADY of Texas. Mr. Speaker, I yield myself such time as I may consume.

I rise in opposition to this bill.

Can you imagine working your whole life to keep your family farm or to build up a small business, and then when you die Uncle Sam swoops in and takes up as much as half of all you've spent a lifetime working for? That's what the death tax does. It is wrong, it is immoral, and in many ways un-American.

This was brought home to me early in my first term in Congress. I had a family nursery in Texas. They have three nurseries. The parents had created it and built it up. Two of the three kids were working in it that day, and they just sat down with a pen and paper. They showed me the value of their nursery, talked about the death tax, and worked it through. And the bottom line was that if they could take out enough insurance on their parents' deaths, and because they're out of debt, if they could go back to the bank and borrow enough money, they might be able to pay their death tax bill.

Think of what they're saying: If we make enough money off our parents' death and we can borrow enough money, the government might let us keep our family business. The government might let us keep our family business. That's why the death tax is

wrong, and that's why it is in many cases, if not all, simply un-American.

Today we have a bill that is the result of hard work by my friend from North Dakota (Mr. POMEROY), but I object because I believe we can do better.

□ 1230

Some say at the end of the day if this bill passes, it will only impact a few estates. But the truth is, when it passes, still, the number one reason family farms and small businesses will not be passed down to the next generation is the death tax; and the number one reason the fastest growing number of entrepreneurs, women, and minority-owned businesses will not be passed down to the next generation. And this is the first generation of wealth building. It will be the same death tax.

While it is fun to hear them talk about Bill Gates and Donald Trump and George Soros, the people most hurt by this tax are Bill the farmer or Donna the florist or George the funeral director, real people building wealth in our communities who oppose this death tax. These are not the aristocracies that are being referred to in this debate.

We are told that this bill will be permanent and provide certainty. Well, it does create a permanently high tax rate and a permanently destructive tax rate; 45 percent is simply too high. And because, like the AMT, it is not indexed for inflation, it is certain to ensnare more and more family farms and small businesses in future generations. We have seen this play before. The alternative minimum tax was created to tackle and address only 100-plus of the wealthiest Americans in the United States, but because it wasn't indexed for inflation, today it would impact 24 million middle class Americans. We are going to see that same creep, those same small businesses and middle American families affected by this death tax in future generations.

We are told, and I think sincerely, that this is the best we can do as a Congress. I don't believe it is. I so much appreciate Mr. POMEROY's efforts. I know a lot of the groups that make up the death tax coalitions that are working to eliminate the death tax or find a reasonable compromise. They appreciate what he is doing as well. But we have to do better. And don't take my word for it. If you listen to the groups most intimately damaged by the death tax, from our Farm Bureau to our National Federation of Independent Businesses, from our grocers and funeral directors, from local newspapers and other groups, they have not given support to this bill because it still leaves intact the third highest death tax rate in the developed world, and it damages them too greatly.

My thought is that rather than place on the floor, as Democrats did, unfor-

tunately, a partisan bill that is supported by none of the groups most affected, that we ought to have offered a bill by the gentlewoman from Nevada (Ms. BERKLEY) and the gentleman from Alabama (Mr. DAVIS) and others that has the strong support of 49 national organizations and bipartisan support of the bill. Unfortunately, it was not allowed as an amendment to the bill and it would be ruled out of order as a motion to recommit, so we don't have an opportunity to come together as a Congress on this issue.

At this time, I reserve the balance of my time.

Mr. POMEROY. Mr. Speaker, I just observe that the Tax Policy Center estimates that 100 farms or small businesses are estimated to be impacted by the estate tax under the 2009 levels across the entire country, and CRS has estimated that one-half of 1 percent of those may be in a position of having to liquidate something.

I yield 2 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I thank my friend, Mr. POMEROY.

I stand before you to support H.R. 4154. Some of my colleagues on the other side of the aisle want you to believe, and we have heard this before, that everybody is going to pay an estate tax. If you listen to the rhetoric, and I am glad we are looking at the world, I am glad we are looking at the world, and we will find out on the health issue we are now 40th in terms of infant mortality. But let's look at the world. You are incorrect and it is very unfair when you claim that this is a tax for all Americans—it is not—and all family businesses. It is not. In fact, it is American to act on shared responsibility.

The Citizens for Tax Justice just recently made this very clear, December 2: It follows that it is reasonable to tax the transfer of enormous estates, most of which consist of income that was never taxed. That's what you are protecting, the folks that have estates that have never been taxed. You want to throw a shield over them to protect what you did protect in 2001, which you did protect in 2003. You want to protect it from one generation of superrich families so they can send it on to another group.

Since 1990s, opponents of the tax have even used the pejorative term "death tax." But they are flat out wrong. The estate tax affects only estates of significant size—presently, right now, over \$3.5 million for individuals and \$7 million for couples.

The fact is that the estate tax is the most progressive tax in our Federal tax system. What you are suggesting is very regressive. Only the top 0.2 percent of the income earners paid all of the estate taxes collected.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. POMEROY. I yield the gentleman an additional 30 seconds.

Mr. PASCRELL. If we do nothing, then 44,400 estates that are not currently subject to the estate tax will become targets. The point I want to make now is that many estates have paid no taxes. That is not shared responsibility.

Under our bill, only the top 7,600 estates in the country will be subject to the estate tax in 2011. The truth of the matter is that I don't know any working class American families that own estates worth over \$7 million. It is insidious to infer anything different.

Mr. BRADY of Texas. I yield myself 15 seconds.

I would point out that more and more Americans will be ensnared in the death tax because it is not indexed, like the AMT. And I would point out, we would not be here today if President Clinton had not vetoed the death tax repeal in 1999.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BRADY of Texas. I yield myself an additional 15 seconds.

And I would further point out that polls consistently show 70 percent of Americans support the complete and full repeal of the death tax because it is un-American for this country to swoop in and take up nearly half of what you have spent a lifetime building up and wanting to hand down to your children and grandchildren.

With that, I yield 3 minutes to the distinguished gentleman from California (Mr. HERGER) who has worked on the death tax issue as a senior member of the Ways and Means Committee.

Mr. HERGER. I thank my friend and gentleman from Texas for all of the work he has done on this incredibly cruel tax.

Mr. Speaker, far too many families have faced the grim prospect of selling the family farm or business in order to pay the taxes that are due when a loved one dies. My own cousins had to sell their farm that had been in our family since the early 1900s just to pay the death tax. Mr. Speaker, this is simply wrong.

Although it is encouraging that Congress is attempting to provide a long-term certainty about death tax rates, the bill before us falls far short of a stable solution for agriculture and small business. The proposed exemption is simply not enough to protect family farmers, especially with the high cost of land in California and other heavily populated States.

Worse yet, H.R. 4154 fails to index the exemption amount for inflation, thus guaranteeing a repeat of the alternative minimum tax disaster with more and more families facing the death tax in future years. That's why leading pro-agricultural groups like the California Farm Bureau and National Cattlemen's Association do not support this bill.

Mr. Speaker, this House has voted five times since 2001 to repeal the death tax entirely. In fact, no fewer than 65 members of the current Democrat majority have voted to fully repeal the death tax. It is time to end this unfair and cruel death tax once and for all.

Mr. POMEROY. Mr. Speaker, I would just observe that the estate tax level last year was \$2 million, this year \$3.5 million, a 75 percent increase in the exclusion. Now, that is quite an index by anybody's measure.

I yield 2 minutes to the gentleman from Massachusetts (Mr. NEAL), a member of the Ways and Means Committee.

Mr. NEAL of Massachusetts. Mr. Speaker, if it were up to me, this would not have been done the way it is playing out today. I believe that this issue should be taken up in the context of tax reform, which the Ways and Means Committee and the House should visit next year, but it is what it is.

But the most important reminder here today for all of us is this: This is not the House of Lords. This is not about peerage. This is not about, in America, being born to any class or any race that offers superiority. This is not permanent wealth. This is not the argument that because of your last name, you ought to be entitled to a special privilege in what is the most egalitarian society that the world has known.

But the truth is that the extension that we are offering today takes us down the path to reform, and that is where I hope we end up. We need the certainty as to estate tax rules come January 1. If we let the current rules expire, there will be estates that are harmed by a loss of step-up in basis. This pits the ultrarich—who, by the way, are the ones who seek repeal—against the moderately rich who we attempt to assist here in this step-up in basis.

But I want to quote Warren Buffett on the issue of estate tax. And, incidentally, he was cleverly left out by the other side as they ascribed responsibility for repeal of the estate tax. Warren Buffett said, "Dynastic wealth, the enemy of a meritocracy, is on the rise. Equality of opportunity has been on the decline. A progressive and meaningful estate tax is needed to curb the movement of a democracy toward plutocracy."

This body is a reflection of meritocracy in American society. It is unlike other legislative institutions in other parts of the world. You get here largely on merit.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. POMEROY. I yield the gentleman an additional 30 seconds.

Mr. NEAL of Massachusetts. I am going to close on the note on which I opened: This is not the way I would have done this, but I do think that Mr.

POMEROY has made a valiant effort to find some middle ground as we proceed to next year.

This legislation makes permanent the current estate tax rules that include a 45 percent rate and a \$3.5 million exemption for individuals and \$7 million for couples. It achieves a middle ground among the various proposals offered, and it helps allow for tax planning certainty.

Mr. BRADY of Texas. Mr. Speaker, I yield 2 minutes to the lead Republican on the Small Business Committee, the gentleman from Missouri (Mr. GRAVES).

Mr. GRAVES. Mr. Speaker, I rise in opposition to H.R. 4154. While I appreciate the efforts of my colleague from North Dakota, this bill is not the answer. The bottom line is that death should not be a taxable event.

I find it amazing that the people who are going to get hurt the most by this, the small business men and the farmers, are being referred to as the rich and the moderately rich, which couldn't be farther from the case.

Small businesses and family farmers have felt slighted in Washington over the past 2 years. Congress has bailed out irresponsible players on Wall Street, pushed policies that will increase costs on small businesses and tax them at every turn to pay for the Big Government agenda.

Today we have yet another bill on the floor that ignores the small guy. H.R. 4154 is not indexed for inflation, so small businesses will be forced to pay the death tax in future years. More small businesses will be forced to pay that tax.

Additionally, the bill does not take into account capital-intensive small firms whose expensive equipment will cause them to be subject to this onerous tax. If Congress were serious about helping small businesses in this economic downturn, it would be debating a bill on the floor that repeals the death tax.

□ 1245

I would urge my colleagues to oppose this bill so that Congress can have an opportunity to bring real solutions to the table for our entrepreneurs and our farmers.

Mr. POMEROY. The bill on the floor would establish the capital gains exclusion at \$7 million for a couple. I don't think we've ignored the small guys one bit with this legislation.

I yield Mr. BLUMENAUER of Oregon 2 minutes.

Mr. BLUMENAUER. I appreciate the gentleman's courtesy as I appreciate his leadership on this issue.

This is the culmination of a 12-year example of how not to create tax policy. I listened with interest to my good friend from Texas say, you know, they can do better than this bill. Well, ladies and gentlemen, they had 12 years

to do better. And what did the Republicans do? They didn't reform the inheritance tax. What they did is they established a 10-year gain where it was reduced a little bit each year until next year it disappears, and then they give it back to the American people at a \$1 million level and 55 percent marginal rate. That is the best they could do.

And as my good friend from North Dakota pointed out, it's even worse than that because they would have 70,000, not 7,000, the top two-tenths of a percent, but 70,000 people who are the real small business, the entrepreneurs, be subject to a capital gains tax. And I will tell you that the tax itself is only the tip of the iceberg because it will be an accounting nightmare to go back and figure out what grandma paid or what Uncle Charlie paid for the asset. Some people will spend more time researching and on accountants than they will pay in the tax. That's the best that the Republicans could do.

What Mr. POMEROY and our committee have done is to take generous levels, \$3.5 million per person, and exempt below that the administrative nightmare of the capital gains tax. Is it a perfect solution? No.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. POMEROY. I yield the gentleman an additional 30 seconds.

Mr. BLUMENAUER. But compared to the best that the Republicans could do for 12 years, it's night and day.

With all due respect, declaring one of my heroes, Teddy Roosevelt, who brought about the inheritance tax, as being un-American is an insult to the Republican Party who knows that the vast wealth in this country, you don't get to be a billionaire on a W2. So a lot of this money was never even taxed once. Let's get a grip. Let's pass this bill and move on.

Mr. BRADY of Texas. I yield myself, Mr. Speaker, as much time as I may consume.

I know Washington takes great delight in reading from comments from the very wealthy who, by the way, usually find loopholes by accountants and have whole planning teams to make sure they don't pay these taxes. But I like to listen to those who are actually struggling with these death taxes, our small businesses, our family farms and our local manufacturers who have got a lot of challenges.

I have a letter from the National Federation of Independent Business which has weighed in on almost every key issue dealing with the impact on small businesses and independent businesses. Like me, they do appreciate the work that Mr. POMEROY has done on this issue. But just quoting from their letter: "While well intentioned, H.R. 4154 is an incomplete solution. A \$3.5 million exemption per person and a 45 percent rate do not provide adequate protection for many small businesses.

In addition, the \$3.5 million exemption is not indexed for inflation, meaning that protection from the estate tax will erode each year."

Our manufacturing groups, for example, National Association of Manufacturers, in a letter they wrote, again, yesterday, say: "The NAM, the National Association of Manufacturers, the Nation's largest industrial trade association representing small and large manufacturers in every industrial sector and in all 50 States, urges you to oppose H.R. 4154," the bill we have before us today.

"While NAM appreciates efforts to provide certainty by making estate tax rates permanent, we do not view a 45 percent rate or an exemption that is not indexed to inflation as efforts that will achieve significant reform."

And finally, the American Farm Bureau Federation, again, family farmers all throughout this country are involved, again, in trying to help them keep those family farms, pass them down to the next generation, say that the current estate tax exemption is \$3.5 million per person and the top tax rate is 45 percent under this bill. This exemption level is inadequate to protect our Nation's farms and ranches from estate taxes and causes financial burden of complicated and expensive estate tax planning.

It is clear while we may claim on this floor that this is a bill great for family farms and great for small businesses, and only taxing the wealthy, our family farms, our small businesses, our local manufacturing companies say it does not.

NATIONAL FEDERATION OF  
INDEPENDENT BUSINESS,  
Washington, DC, December 2, 2009.

DEAR REPRESENTATIVE: On behalf of the National Federation of Independent Business (NFIB), the nation's leading small business advocacy organization, I am writing to share our views about H.R. 4154, the Permanent Estate Tax Relief for Families, Farmers, and Small Businesses Act of 2009.

With the current estate tax law expiring after 2010, H.R. 4154 provides certainty to help small business owners plan for the tax and maintains stepped-up basis. While well-intentioned, H.R. 4154 is an incomplete solution. A \$3.5 million exemption per person and a 45 percent rate do not provide adequate protection for many small businesses. In addition, the \$3.5 million exemption is not indexed for inflation, meaning that protection from the estate tax will erode each year.

NFIB has always supported full repeal of the estate tax as the one solution that will protect all small businesses from this tax. Short of that, NFIB has supported H.R. 3905, a bipartisan compromise bill which provides an exemption level of \$5 million per person and a rate of 35 percent. Much of the cost of the estate tax occurs before the tax is levied because the threat of the tax forces families to pay for expensive estate planning to ensure their business stays with the family. Such costs are a drain on the finances of many already struggling small businesses, and relief along the lines of H.R. 3905 would provide additional protection for many small businesses.

NFIB is encouraged that the House of Representatives is acting on this important small business issue by providing long-term estate planning certainty. We look forward to working with Congress to improve the legislation so that it meets the needs of America's small businesses.

Sincerely,  
SUSAN ECKERLY,  
Senior Vice President, Public Policy.

MANUFACTURING MAKES  
AMERICA STRONG,  
Washington, DC, December 2, 2009.

HOUSE OF REPRESENTATIVES,  
Washington, DC.

DEAR REPRESENTATIVE: The National Association of Manufacturers (NAM), the nation's largest industrial trade association representing small and large manufacturers in every industrial sector and in all 50 states, urges you to oppose H.R. 4154, the Permanent Estate Tax Relief for Families, Farmers, and Small Businesses Act of 2009.

The NAM has consistently supported efforts to either repeal or significantly reform the estate tax. For small and medium-sized manufacturers, owners and families, the estate tax is more than a one-time tax. In a recent survey of the NAM's small and medium-sized manufacturers, respondents said that, on average, they spend \$94,000 annually on fees and estate-planning costs in preparation for their estate tax bill. This is money that could have been used to grow businesses and add jobs.

Legislation enacted in 2001 gradually phases out the estate tax and ultimately repeals the tax in 2010. However, without congressional action to make the repeal permanent, the tax will revert in 2011 to the extremely high pre-2001 rates.

H.R. 4154 would make permanent the 2009 rate of 45 percent and the \$3.5 million exemption. While the NAM appreciates efforts to provide certainty by making the estate tax rates permanent, we do not view a 45 percent rate or an exemption that is not indexed to inflation as efforts that will achieve significant reform.

We urge members of the House of Representatives to oppose H.R. 4154 and bring up legislation that will provide significant relief for small manufacturers facing this onerous tax.

The NAM's Key Vote Advisory Committee has indicated that votes on H.R. 4154, including potential procedural motions, may be considered for designation as Key Manufacturing Votes in the 111th Congress. Thank you for your consideration.

Sincerely,  
JAY TIMMONS,  
Executive Vice President.

AMERICAN FARM BUREAU FEDERATION,  
Washington, DC, December 3, 2009.

To all MEMBERS,  
House of Representatives,  
Washington, DC.

DEAR REPRESENTATIVE: Individuals, family partnerships or family corporations own 98 percent of our nation's 2 million farms and ranches and produce about 82 percent of U.S. agricultural products. Estate taxes threaten family-owned farm and ranches and the livelihoods of families who make their living in production agriculture. Farm Bureau believes that estate taxes should be repealed.

Estate taxes are especially harmful to farmers and ranchers because their businesses are capital-intensive with a high concentration of assets tied up in land, buildings and equipment. Surviving family members



are often forced to sell much needed land, buildings or equipment in order to pay the tax. When farms or ranches are downsized or disappear, farm families lose their incomes and rural communities and businesses suffer. Farmland close to urban centers often converts to development when estate taxes force farm families to sell off land to pay taxes.

The current estate tax exemption is \$3.5 million per person and the top tax rate is 45 percent. This exemption level is inadequate to protect our nation's farms and ranches from estate taxes and causes the financial burden of complicated and expensive estate tax planning.

The House is set to consider H.R. 4154, the Permanent Estate Tax Relief for Families, Farmers, and Small Businesses Act of 2009, introduced by Rep. Earl Pomeroy, (D-N.D.). While Farm Bureau acknowledges the need for certainty in estate tax law and the importance of maintaining the stepped-up basis, we cannot support a permanent \$3.5 million per person exemption or a 45 percent top rate. In addition the bill fails to index the exemption for inflation. Farm Bureau neither supports nor opposes passage of H.R. 4154, but realizes that we must send a bill to the Senate in order to improve the difficult and uncertain situation many of our farm families are facing because of the estate tax law.

Until estate taxes can be repealed, Farm Bureau urges Congress to continue to work for meaningful estate tax reform by enacting an estate tax exemption of \$10 million indexed for inflation, continuing the stepped-up basis and removing the limits on the amount of farm land that can be valued for farm use rather than at development value.

Sincerely,

BOB STALLMAN,  
President.

I reserve the balance of my time.

Mr. POMEROY. Mr. Speaker, I would reference the earlier notation in the Farm Bureau that carry-over basis establishing this capital gains exposure falls particularly hard on family farms and ranchers.

With that, I yield my friend and colleague, SHELLEY BERKLEY from Las Vegas, 2 minutes.

Ms. BERKLEY. Mr. Speaker, I thank the gentleman from North Dakota for yielding.

The bill we are considering this afternoon is not my chosen option. While I will vote for this bill, I don't think it goes far enough, nor is it a truly permanent solution.

Yesterday at the Rules Committee, I offered an amendment that would have raised the estate tax exemption and reduced the rate, creating a sensible, stable and, most importantly, a permanent framework to help families and businesses effectively plan for the burden of the estate tax.

This position is favored by a wide coalition of business and farm groups; and unlike the bill on the floor today, it is indexed for inflation. This is important, because without indexing, the estate tax will, like the alternative minimum tax, grow over time to cover more and more estates, eventually affecting many middle class Americans.

Philosophically, I don't think there should be an estate tax. There are few

things in this world that you can do to avoid paying taxes. I think dying should be one of those things.

I introduced bipartisan legislation to alleviate the burden the estate tax creates for farms, businesses, and individuals. The legislation would have responsibly phased up the exemption to \$5 million, \$10 million for couples, and lowered the rate to 35 percent over the next 10 years to reduce the burden on those estates that still have an estate tax liability.

Given the current economic situation, even one job lost to the estate tax is too much. We need to encourage stability in every way possible. While the bill before us, in my opinion, is not a permanent solution, it is far better than a short-term patch. It ensures stability in the Tax Code and allows for estate planning. I believe it will free up resources currently used to plan for the estate tax.

I will vote for this bill, and I urge my colleagues to join me and do likewise.

Mr. BRADY of Texas. Yielding myself 15 seconds, I would like to submit for the RECORD a list of 49 organizations from family farmers to small businesses to local funeral parlors in support of Congresswoman BERKLEY's bill and amendment.

#### FAMILY BUSINESS ESTATE TAX COALITION

American Farm Bureau Federation; American Foundry Society; American Hotel & Lodging Association; American International Automobile Dealers Association; American Rental Association; American Wholesale Marketers Association; Associated Builders and Contractors; AMT—Association for Manufacturing Technology; Association of Equipment Manufacturers; Comporium Group/Rock Hill Telephone Company; Financial Executive International's Committee on Private Company Policy.

Food Marketing Institute; Heating, Airconditioning & Refrigeration Distributors International; Independent Community Bankers of America; Independent Insurance Agents & Brokers of America; International Franchise Association; Marine Retailers Association of America; Mason Contractors Association of America; Mortgage Bankers Association; National Association of Convenience Stores; National Association of Manufacturers; National Association of Wholesaler-Distributors.

National Automobile Dealers Association; National Beer Wholesalers Association; National Cattlemen's Beef Association; National Electrical Contractors Association; National Federation of Independent Business; National Funeral Directors Association; National Grocers Association; National Lumber and Building Material Dealers Association; National Newspaper Association; National Restaurant Association; National Roofing Contractors Association.

National Small Business Association; National Telecommunications Cooperative Association; National Utility Contractors Association; Newspaper Association of America; North American Die Casting Association; Plumbing-Heating-Cooling Contractors—National Association; Policy and Taxation Group; Printing Industries of America; S Corporation Association; Society of American Florists; The Associated General Contractors of America; The Bowling Proprietors' Association of America.

At this time, I would like to yield 2 minutes to one of the outstanding members of the Ways and Means Committee, the gentleman from Illinois (Mr. ROSKAM).

Mr. ROSKAM. I thank the gentleman for yielding.

I think the gentlelady made an excellent point highlighting the weakness of this bill. The gentlelady from Nevada pointed out that this is not indexed for inflation. Let's make no mistake: a characterization that someone else is kicking the can down the lane, this bill, in fact, kicks the can down the lane because if it's not indexed for inflation, then at the very least we are going to be knocking up against the alternative minimum tax problem that has so plagued this Congress over the past couple of years.

I heard, Mr. Speaker, a couple of minutes ago one of the folks on the other side of the aisle who is sort of characterizing things as folks weren't paying taxes. I want to put that into a context. Look, here is a little bit of a list. If you're running around the United States of America and doing any kind of economic activity, these are the taxes you're going to run into. You're going to be paying capital gains, you're going to be paying Federal income taxes, or unemployment taxes, or motor fuel taxes, or gift taxes, Medicare taxes, payroll taxes, property taxes, real estate transfer taxes, telecommunications taxes, sales taxes, self-employment taxes, Social Security taxes, State income taxes, tolls, bridges. You name it, you're going to be loaded up with taxes.

And so here is an opportunity for us to say, let's have a clear, good shot. As Representative CAMP said a couple of minutes ago, death should not be a taxable event. Let's not act as if this accumulation over a period of years has not been taxed along the way.

So I think the National Association of Manufacturers accurately pointed out that it's not the tax burden alone that's the problem here. It's not simply the fact that it's not indexed for inflation. But the cumulative effect is, in fact, the problem because according to the NAM, \$94,000 a year is spent on tax preparation and estate planning. I say let's lift the tax burden. Let's recognize the cumulative nature of taxes that people are paying. Let's not, with a straight face, try and say people aren't paying taxes, and let's vote against this bill.

Mr. POMEROY. I yield my friend and Ways and Means colleague from North Carolina (Mr. ETHERIDGE) 2 minutes.

Mr. ETHERIDGE. I thank the gentleman for yielding.

And since I have been in this Congress, I have worked to extend the benefits with estate planning and raise exemptions for the last 12 years. The estate tax was never meant to affect the vast majority of Americans. Under

H.R. 4154, only 25 of every 10,000 estates would be subject to estate tax.

By extending current law, this bill strikes a balance. It provides certainty for estate planning and prevents tens of thousand of estates from being subject to taxation while also being fiscally responsible.

Critically, this bill protects our small businesses and farmers. In my district in North Carolina, there are plenty of farmers that are "land rich and cash poor" that may be affected by the reach of the estate tax because their land and equipment are worth quite a bit, but their business may be barely getting by.

Many small businesses that form the backbone of our economy are the engine of job creation, and they face the same dilemma. Rather than worrying about the estate tax, these businesses need to focus on the growth and expansion that can improve our economy. This legislation will allow them to do just that.

Only 100 small businesses and farm estates would owe any estate tax in 2010 under these rules, according to the numbers I get.

Now, as a former small businesses owner, I also know that that provides certainty that is crucial for business planning. This is equally true for individuals who need to plan for the future of themselves, their children and their grandchildren. We should encourage the dreams of Americans who want to build wealth that they can leave to their children and grandchildren, but also it needs to be fair.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. POMEROY. I yield the gentleman 30 additional seconds.

Mr. ETHERIDGE. America is the land of equality of opportunity; and by making sure that 99.8 percent of estates are exempt from estate tax while encouraging that the fewer than 8,000 pay, this bill provides and preserves opportunity for all.

I encourage my colleagues to vote for it.

Mr. BRADY of Texas. The two questions we ought to ask ourselves when we consider this bill, besides the principle underneath it, which is should family farms and small businesses work their whole life, build up a nest egg and have Uncle Sam swoop in when they die and take up nearly half of it themselves, is this supported by the people whom you say it will help, and will this bill or can this bill become law?

As to the first case, it is not supported by the organizations that have worked the longest and the hardest on the death tax. And we have, again, 49 organizations who support a bipartisan compromise who unfortunately cannot support this bill, small businesses, family farms, local newspapers, local marketing groups, equipment manufactur-

ers, local builders and auto dealers. We have local convenience stores and beer wholesalers, our cattlemen, just the people who make up the fabric of our local economies believe this bill will not help them and will not help them enough.

□ 1300

But the other thought is, will this bill become law? And the answer, unfortunately, is no. H.R. 4154 is dead on arrival in the Senate. Even if it squeaks through the House with whatever arm twisting must be done, it will be dead on arrival in the Senate. Earlier this year the Senate voted on a bipartisan basis for a far more generous estate tax relief package. The Lincoln-Kyl amendment to the Senate's budget resolution, which mirrors the Berkley-Brady amendment that was not allowed to be offered today, provides a considerably higher exemption and a more reasonable 35 percent rate.

It's very unlikely that the Senate is going to take a break from health care and other issues to pass a bill that they have serious concerns about, and especially because they have serious concerns as well about this PAYGO sham language that is attached. Also, recent press reports make clear that key Senators, even Democratic Senators, believe that this bill, H.R. 4154, is insufficient.

According to a December 22 article in the BNA, it's quoted that the House plan to make permanent the 2009 estate tax rate exemption levels falls far short of what is needed in the long run and quotes key Senators in that Chamber. So, I think our goal ought to be helping the people we say we're trying to help: family farmers and small businesses. And we ought to be pushing a bill forward that can be accepted by the Senate, make it to the President's desk, and provide that certainty that helps these people.

I reserve the balance of my time.

Mr. POMEROY. Mr. Speaker, I am pleased to yield 1 minute to our distinguished majority leader, Mr. HOYER.

Mr. HOYER. I thank my friend, Mr. POMEROY, the representative of the Ways and Means Committee, for yielding, and I want to thank him for his efforts in pursuing this bill and introducing this bill and effecting the policy that currently exists in this country of a generous but fair provision for exemptions on estates. That exemption, as has been, I'm sure, debated today, provides for \$3.5 million for each spouse, or \$7 million a family, for an exemption under the estate tax. However, what the Republican policy did was create a situation where there is no certainty, no ability to plan, and no confidence of what the tax policy will be in the coming years.

I, therefore, rise to support this bill which permanently extends estate tax relief to American families and which

strikes a fair balance between what we owe to families, farmers, and small businesses, and what we owe to our country's fiscal future. This bill simply continues present law at current rates and exemptions. But it does not abolish the estate tax altogether, which I think would be a mistake. In fact, Teddy Roosevelt thought it would be a mistake. Teddy Roosevelt thought it would be a mistake because he did not want to see the constant accretion in just a few very wealthy people in America of the wealth of this country.

Abolishing the estate tax would add billions and billions to our deficit, as will happen next year if we do not pass this bill. And while a small number of wealthy families would benefit, the growth of our economy as a whole would suffer. So would vital programs on which millions of Americans rely. The estate tax also sets a limit on the concentration of inherited wealth from generation to generation. That's what Teddy Roosevelt, Republican President the early part of last century, thought was appropriate in American policy, which, at a time when this country's middle class is truly struggling, would make inequality even starker and more damaging to our country's social fabric.

That is why advocates of a dynamic economy have supported an estate tax for generations. When first proposing an estate tax, Theodore Roosevelt said, "The man of great wealth owes a particular obligation to the state because he derives special advantages from the mere existence of government."

And Bill Gates, along with Warren Buffett, one of the two wealthiest people in America, recently argued that the estate tax, "puts a brake on the concentration of wealth and power, generates substantial revenue from those most able to pay, and encourages billions of dollars in charitable giving each year. The estate tax is not only fair," Bill Gates said, "but an essential component of our Nation's economic dynamism." That's Bill Gates, who will, I think, be perceived by the American public as having probably the possibility of one of the largest estates.

Finally, it's important that this bill is permanent, and not a temporary fix. That guarantees families, farmers, and small businesses the certainty they need to plan ahead rationally. President Bush's estate tax policy, by contrast, gave the country anything but certainty. It phased out the estate tax, repealed it entirely for 2010, and then brought it back, at 2001 levels, for 2011. In other words, 3.5 today, zero tomorrow, and 1 in 2011. No accountant or estate planner is going to look you in the eye and say, Well, based upon that policy, I can give you some rational advice.

That was truly an irresponsible tax and fiscal policy brought to us, very frankly, by the minority party when it

was in power. It made it impossible for families to plan with confidence for the future. It also hid the policy's true cost to our national budget. This bill can change that. It is in keeping with President Obama's pledge of a new honesty in budgeting.

I also want to point out that passing this bill is also an important step toward fiscal responsibility because attached to it is the House's support for statutory PAYGO, as it's affectionately referred to by some, me included. Now, let me say something about statutory PAYGO. My friends on the Republican side of the aisle are not for it. They're not for it because they wanted to make deep revenue cuts and didn't want to pay for them. They wanted my children to pay for them and my grandchildren to pay for them. And very frankly, that's who's going to pay for them. Those of us of my age are not going to pay for them because we incurred real debt by not paying for what we buy, and created extraordinary deficits over the last 8 years of the Bush administration.

As we know, the principle of paying for what we buy was central to turning record deficits of 1993, of 1992, of 1991, of 1990, and all of the years of the 1980s, turning record deficits into record surpluses. It was statutory PAYGO that allowed us to do that, along, obviously, with the extraordinary growth in the economy that occurred under an economic program put in place in 1993, for which none of my colleagues on the Republican side of the aisle voted. It can be an important step in our return to fiscal health today.

By passing this bill, we can also strengthen our commitment to pay for all new policies that reduce revenues or expand entitlements. In fact, I wish that this extension of estate tax relief were also paid for. It is not, of course. Why is it not paid for? Because we can't pay for it at a time when we are at great economic risk. We can't depress the economy. We need to stimulate our economy. But if we put in place PAYGO, we will give additional confidence to those who are prepared to invest their capital that we will continue to have sound fiscal policies.

It's unlikely that we will have the votes to pay for this extension of policies with bipartisan support. I choose to support the strongest version of PAYGO possible. That is the PAYGO provision in this bill. So, on the one hand, we bring in this bill estate planning rationality, substance, and confidence. And on the other hand, we adopt once again in this House the premise of statutory PAYGO, which got us to 4 years of surplus during the Clinton administration, the only 4 years of surplus in the lifetime of anybody in this Chamber.

I hope that the Senate will join the House in taking this essential first step out of America's deep fiscal hole. My

friend, Mr. BRADY, thinks that they will not. Perhaps he is correct. If he is correct, it will be unfortunate. My friend, I know, has been a proponent for the years he's been here, and some others have been, of going to zero, no estate tax. Very frankly, because of that position, we have not been able to reach compromise and, therefore, we find ourselves in this untenable position.

I urge all of my colleagues to support this bill, which makes a fair estate tax permanent, makes estate planning more reliable, and makes our commitment to fiscal discipline clear and unequivocal.

Mr. BRADY of Texas. I yield myself as much time as I may consume.

We have short memories around here. While I know it's sort of popular to blame President Bush for everything from acid reflux to Tiger Woods' car accident, the truth of the matter is we wouldn't be here today if President Clinton had not vetoed the full permanent repeal of the death tax once and for all for America. A Republican Congress sent him that bill saying the only peace of mind we can give to family farmers and small businesses is to put this death tax to death. But because of his actions and irresponsible veto, today we see a high tax rate and low exemptions and real damage upon America's family farms and small businesses.

We talk about fiscal responsibility. I just heard some more rhetoric about that. Now, let me point out that while Republicans, unfortunately, in responding to the terrorist attacks of 9/11 and creating a Homeland Security Department, I believe, while well-intentioned in defense of this country, also spent too much money. And you can tell from these red bars how once that mistake was made, the deficit, year after year, went down. In the first year Democrats had control of Congress the deficit went from 162 to 459. It tripled in 1 year that House and Senate, they tripled the deficit. This year it is almost nine times higher than when Republicans left Congress.

So, when I hear a lecture on fiscal responsibility, after a \$1.4 trillion deficit, a quarter of a trillion dollar unpaid bill 2 weeks ago for the doctor fix, an unprecedented spending spree, bailouts, and PAYGO rules that have less credibility than all the fake stimulus jobs we hear about, please, no lectures. And when you talk about statutory PAYGO, I'll remind Members how many violations of PAYGO have occurred. Two dozen of them in the last couple of years by this Congress, supposedly fiscally responsible.

And you know the way they got around it? In some cases they used the same PAYGO 25 different times. That's like mortgaging your house 25 times to the bank as collateral. They used some PAYGO 10 different times. In fact, one

time, to try to look like they balanced the bill, this Congress, on this floor, with this leadership, decreed that there will be no terrorist attacks for the next 5 years so that this bill can look like it was paid for.

So, please, no lectures on fiscal responsibility from a Congress and a White House that is ruining this country, driving us so deep into debt I don't know how our grandchildren will ever get out of it.

I think the main point today that I will refute as well is that this is the only option. The truth of the matter is that there is a bipartisan bill that has support of some 39 or so Members of this House, supported by so many of the groups, family farms, small businesses, local nurseries, home builders, and retail shops, that does have support in the House and in the Senate. That's the compromise that should be on the floor today. That's the way we make sure we help our family small businesses.

And let me tell you, too, whenever Washington says we're only going after a few of the wealthy, grab your pocketbooks because we've seen this run before. And the alternative minimum tax was supposed to tax 100 or so of the wealthiest Americans, as we just heard. Today that tax can grab almost 24 million Americans. We're going to see every year more and more family farms, more and more small businesses trapped, damaged, destroyed by this death tax unless this bill is voted down. And we have other options that really can help.

I reserve the balance of my time.

□ 1315

Mr. POMEROY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me begin by congratulating my friend, Mr. BRADY. He has been entrusted to manage time on the bill. He's done a great job of it. For many years I've had a running debate with Mr. Hulshof who's no longer with us as he did not run for reelection last year. I think Mr. BRADY has more than picked up the banner from Mr. Hulshof, and I commend him for a good discussion.

I do believe that he begins with a curious point. He attacks the Democrats for budget deficits while advocating a bill that would cost twice as much as the bill on the floor. Repeal of the estate tax would lose roughly half a trillion dollars over the next decade. That is well over double the cost of the bill before the House. Another thing about that bill that you did not hear one speck of discussion on from the Republicans in the debate today is this capital gains tax issue. Let me briefly recount it.

Right now, when someone inherits property under an estate, if they go on to sell it, the capital gains is on the value of the asset at the time it was inherited. If we don't act, the law that is

on the books brings a different formula—it's called carryover basis. When you inherit property and go to sell it, you pay capital gains on everything over the value of the initial acquisition—the price grandma paid when she got the farm or what have you. The Farm Bureau has called this insidious relative to its impact on farms and small businesses. We make that problem go away, and it needs to go away.

I don't think it's right, responding to another point made by my friend, Mr. BRADY, to blame Mr. Clinton for the estate tax. President Bush had 8 years of governing after Mr. Clinton. Six of those years Republicans controlled this Chamber. If they needed to do something, they certainly had time to do it. But what they left us is a mess that now needs to be attended to; because to have the estate tax repealed next year, have a capital gains tax come in instead of the estate tax, a capital gains tax that will hit 71,000 taxpayers. While the 6,000 get relief on the estate tax, 71,000 have new capital gains exposure and then have it all go back to the 2002 levels in the year after that; \$1 million, \$2 million joint, 55 percent rate. It makes no sense.

The bill on the floor achieves almost unanimous relief from the estate tax while making the rules very clear: 99.25 percent get excluded from the estate tax. Those estates, joint estates, over \$7 million would continue to have the exposure—although they would obviously have the wherewithal to apply to that. The rate 45 percent only applies to assets over the \$7 million. So in a taxable estate there is zero tax on the first \$7 million, 45 percent over that. On average, that means you have got about an 18 percent rate, not nearly half as had been described by the other side.

In closing, I have a quote from a Washington Post editorial talking about this situation in today's paper. It says, "In one of those fiscal time bombs left from the Bush administration, the estate tax, having gradually dwindled, is set to be eliminated entirely next year—only to spring back to life, full-force, in 2011. Unless something is done, 2010 will be the year to throw Mama from the train, tax-free. This would be terrible policy, not to mention unkind to Mama."

So I believe that we need to act. The bill before us is a reasonable resolution of this issue. I urge its adoption.

I reserve the balance of my time.

Mr. BRADY of Texas. Mr. Speaker, I yield myself the balance of my time.

I would say while I disagree strongly with some of those assertions, I do very much appreciate the work that Mr. POMEROY has done on this bill. It is an issue that concerns so many of us. I am hopeful we can still come together on a bipartisan compromise that can pass this House, and for many of us who have as our goal full and permanent re-

peal of the death tax, I hope someday to work with him on that as well.

Mr. HOLT. Mr. Speaker, I rise today in support of H.R. 4152, the Permanent Estate Tax Relief for Families, Farmers, and Small Businesses Act of 2009. This is responsible legislation that would provide permanent tax relief to middle-class families and family-owned businesses, while maintaining the estate tax for only the 7,600 wealthiest individuals nationwide, according to the Committee on Ways and Means.

H.R. 4152, the Permanent Estate Tax Relief for Families, Farmers, and Small Businesses Act of 2009 permanently would set the estate tax at the 2009 level. This would allow families and small businesses to have certainty about the rate of taxation on their estates and plan accordingly.

Currently the estate tax exemption is set at \$3.5 million for individuals and \$7 million for couples and with a maximum tax rate of 45 percent. Unless the House and the Senate take action, the estate tax is scheduled to enter 1 year of full repeal in 2010 followed by a return of the estate tax in 2011 with a drastically reduced exemption level and a much higher maximum rate of taxation. If we allow the estate tax to return to a \$1 million exemption at a tax rate of 55 percent, 30,000 more American small businesses, farms, and families will be subject to the estate tax in 2011. Given the high property values in New Jersey, allowing the estate tax to revert to a million dollar exemption would hit my constituents especially hard.

Additionally, the legislation we are considering today would require all new spending to be paid for and not increase the debt by instituting pay-as-you-go budgeting as law. I support pay-as-you-go rules because fiscal discipline must always be a hallmark of our government. In the 1990s with pay-as-you-go as the law, we turned the massive deficits of the 1980s into a record surplus under President Clinton. Pay-as-you-go is only one tool, but it is a strong one to return our Nation back to fiscal stability.

I urge my colleagues to support this legislation.

Mr. DINGELL. Mr. Speaker, I rise in support of H.R. 4154, the "Permanent Estate Relief for Families, Farmers, and Small Businesses Act of 2009." This bill will extend permanently the 2009 estate tax rules, which are estimated to affect only 1 in 500 estates. By allowing the estate tax to expire next year, we will be depriving the Federal Government of critically needed funds to finance, among other things, economic stabilization programs. Moreover, at a time when many working Americans are losing their jobs and finding it difficult to make ends meet, particularly in southeast Michigan, it strikes me as wholly unconscionable that the Congress should approve a tax cut for the wealthiest of the country's citizens. Furthermore, while I am ever cognizant of the effect of Federal policy on small businesses, I would remind my colleagues that, according to the Tax Policy Center, only 100 small business and farm estates in the entire Nation would owe any estate tax in 2010 if the 2009 rules were extended, and virtually none of them would have to be sold to pay the tax.

Thus, in my view, the bluster about the purported effect of this bill on farms and small

businesses is unfounded. As such, I urge my colleagues to vote in favor of this bill, as I will.

Mr. STARK. Mr. Speaker, I rise in opposition to the permanent extension of the 2009 estate tax. The American people have more pressing concerns. Our priority should be to create jobs, enact health reform, and extend unemployment insurance and COBRA assistance, not provide gifts for the wealthiest 7,000 Americans.

I favor a 1-year extension of current law, and then we can consider the estate tax in the context of all of the expiring Bush tax provisions. This provision should not be given priority over helping those who can't find affordable health coverage or have lost their home or their job.

Now is not the right time for this legislation. Let's pass a 1-year extension and get back to the issues that are truly important to the American people—creating jobs and assisting struggling families. I urge a "no" vote.

Mr. VAN HOLLEN. Mr. Speaker, I rise in support of the Permanent Estate Tax Relief for Families, Farmers, and Small Businesses Act of 2009.

If enacted into law, this legislation would permanently extend the estate tax at its current 2009 top rate of 45 percent and exemption level of \$3.5 million, \$7 million for joint filers. In so doing, H.R. 4154 will provide needed certainty for families engaged in estate planning while significantly reducing the total number of estates subject to the estate tax relative to current law. This measure is consistent with both President Obama's FY 2010 Budget, as well as Congress's FY 2010 Budget Resolution—and importantly, today's rule incorporates statutory PAYGO into the underlying initiative, which will go a long way towards restoring our Nation's long-term fiscal discipline.

I urge my colleagues' support.

Mr. BRALEY of Iowa. Mr. Speaker, today I stand in support of H.R. 4154, the Permanent Estate Tax Relief for Families, Farmers, and Small Businesses Act of 2009 because I understand the importance of protecting Iowa's farms and small businesses. This bill helps ensure that these businesses are not downsized as they are passed from one generation to the next.

While I am supportive of the estate tax exemption of \$3.5 million per person in the short term, I am frustrated that the bill does not adjust this amount for inflation. Earlier this week, I submitted an amendment to the Rules Committee to adjust the estate tax for inflation, but that amendment was not allowed to the House Floor. While the title of this bill indicates that it is a permanent fix, I worry that we will be right back in the same situation in a few years.

Do not let the estate tax go down the same path as the alternative minimum tax, AMT. The AMT was originally passed in 1969 as a measure to target 155 high-income households that were paying little or no income tax because of loopholes in the tax code at that time. However, because it was not adjusted for inflation, an increasing number of middle-class taxpayers have found themselves subject to this tax. Indexing the estate tax for inflation will help ensure that it does not have the unintended consequence of impacting middle-class families in the future.

As this bill continues through the congressional process, I urge my colleagues to adjust the estate tax for inflation so that it truly is a permanent fix.

Mr. TIAHRT. Mr. Speaker, throughout our history, Americans have worked vigorously to achieve great success despite extraordinary hardships. Farmers have tilled the earth, inventors have exercised their ingenuity, builders have constructed, entrepreneurs have established businesses, and all made our nation even greater than the founding fathers envisioned. In the process of becoming successful, wealth is created. When a person successfully pursues a dream and wisely manages resources over a lifetime, the Federal Government should not punish those accomplishments by seizing a significant portion of what was intended to be passed along to family members upon death.

Due to burdensome death taxes, there are countless examples of families who have been forced to sell their business or purchase it back from the government. A business that has been in a family for generations can be lost overnight because of the death tax. And when a business leaves its family roots, there is a loss of pride in the fundamental traditions that helped make the business a success. This is not the legacy parents want to leave their children and grandchildren.

Growing up on a family farm, I understand the impending doom the death tax imposes. Instead of proudly teaching one's children and grandchildren how to work the land of their forefathers, farming families are instead focused on whether they can save enough to pay the death tax or literally, "lose the farm."

I am pleased to have worked with my colleagues in the House of Representatives to eliminate this tax. I strongly supported the Economic Growth and Tax Relief Reconciliation Act of 2001, EGTRRA. Under EGTRRA, the death tax and generation-skipping transfer tax are scheduled to be repealed effective January 1, 2010. However, the death tax will come back in full force on January 1, 2011, unless Congress takes action to extend or permanently repeal the tax.

Mr. Speaker, we don't need a reform to the Death Tax, we need full repeal. Under this legislation, the 0 percent tax death tax rate in 2010 will be raised by 45 percent. This is not the direction we should be moving in.

In both the 107th and 108th Congresses, the House passed legislation making the repeal permanent, but the Senate did not. In the 109th Congress, the House passed H.R. 8 that would have permanently repealed the estate tax. On June 8, 2006, the Senate held a cloture vote on a motion to proceed to consider H.R. 8. However, the vote of 57–41 fell three votes short of the 60 needed to consider the bill.

Instead of fully repealing the Death Tax, this Democrat majority deems it necessary to still tax almost half of an individual's estate upon their death.

The legislation before us today will keep the estate tax at its 2009 level, meaning the government gets 45 percent of a deceased person's estate valued over \$3.5 million dollars instead of 0 percent as under the 2001 act.

Additionally, the \$3.5 million exemption is not indexed for inflation. Similar to the Alter-

native Minimum Tax, the Death Tax will gradually affect more and more families and businesses than originally intended.

I have been a strong supporter of permanently ending the death tax throughout my career and will vigorously oppose this tax increase in the President's budget and the underlying bill before the House today.

This is not the legacy parents want to leave their children and grandchildren. This is not the legacy that this Congress wants to leave to its constituents. I unequivocally urge my colleagues to vote against this unjust tax scheme.

Ms. KILPATRICK of Michigan. Mr. Speaker, I rise in opposition to H.R. 4154, the Permanent Estate Tax Relief of Families, Farmers, and Small Businesses. I am worried sick that we have misplaced our priorities as Congress when we are voting on legislation to permanently, not temporarily, extend a tax cut to the richest, top 1 percent, of all income earners when Congress has not passed a public works job program for the unemployed. We are sending 30,000 of America's finest young men and women off to war in Afghanistan at the estimated potential cost of \$20 billion per year. Congress must pass a public works job program.

This bill has not been considered through regular order. This bill has had zero hearings, there have been no subcommittee or full committee mark ups by the House Ways and Means Committee.

We currently have more than 15 million unemployed Americans. The national unemployment rate is more than 10 percent. In the State of Michigan, we have a reported rate of more than 15 percent, and in the city of Detroit, the unemployment rate is more than 28 percent. These are the reported rates. As Chairperson of the Congressional Black Caucus during the 110th Session of Congress, from 2007 to 2008, I pushed to get a public works program. I also worked to get an aggressive summer jobs program in 2008. Both to no avail.

It would not be difficult to get a public works program done immediately. Working from the template that was established with the Civilian Conservation Corps, CCC, during the Depression era, updated by the Comprehensive Employment Training Act, CETA, we could insert language in one of the remaining Appropriations bills for consideration. Not only to get such a bill authorized, but appropriated as well. This would help hundreds of thousands, if not millions, get the best stimulus package there is—a job. The American people are begging Congress to do something to help them with employment. Private industry cannot do it alone. Our states and our cities do not have the resources to employ our people. It is up to Congress to make that happen. The Federal Government is the employer of last resort.

The President, just this week, will send 30,000 additional troops to Afghanistan. This troop build-up, in America's second longest war, is estimated to cost half a million dollars per servicemember, and an estimated \$20 billion per year. These troops will be on the ground in Afghanistan in less than 3 weeks. Meanwhile, Congress will still have done nothing toward getting jobs for their parents, their siblings, or their neighbors through a public works jobs program.

I am proud of my vote in favor of the economic stimulus package, which has helped to delay our downward economic spiral. The abysmal unemployment rate, however, demands that Congress do more. An aggressive public works jobs program, with funding from the Federal Government going directly to cities and counties, providing jobs and training, focusing on infrastructure development and based on the successful Civilian Conservation Corps and Comprehensive Employment Training Acts, is what America wants and Americans need. Infrastructure investment has created more jobs, with fewer dollars, and with less time than any other Recovery Act program. There are still 9,500 shovel-ready projects across the country that could get started in the next 120 days. An aggressive investment by Congress in a new Civilian Conservation Corps or Comprehensive Employment Training Act focused on infrastructure repair and improvement would create thousands of American manufacturing jobs, American construction jobs, American city and county government jobs, and American service sector jobs.

Why is the House of Representatives today pushing for a permanent extension at this time of this legislation, when the Ways and Means Committee asked for a temporary extension? Furthermore, the Senate has said that they will only consider a temporary extension—which, in these fiscally austere times, is certainly reasonable.

I am a supporter of our families, our farmers and our small businesses. I want our families, farmers, and small businesses to succeed. The timing for this permanent extension to the wealthiest 1 percent of all Americans, when we have more than 15 million Americans out of work, is wrong. I will continue to fight in Congress for a new, comprehensive public work jobs program that will get Americans, who want to work, back on the job.

Mr. SKELTON. Mr. Speaker, nearly all American families do not qualify for the Federal estate tax. In fact, under the law as currently written in 2009, 99.75 percent of estates are exempt.

The Federal estate tax has been amended many times through the years—most recently in 2001 as part of the Republicans' omnibus tax cut legislation. That measure gradually increased estate tax exemptions and lowered estate tax rates between 2001 and 2009.

In 2002, people with estates valued less than \$1 million (\$2 million for joint filers) after deductions for expenses, debts, and bequests to a surviving spouse or charity were exempt from paying the Federal estate tax. Those with estates above that value were taxed at a rate of 55 percent.

In 2009, people with estates valued less than \$3.5 million (\$7 million for joint filers) after deductions for expenses, debts, and bequests to a surviving spouse or charity are exempt from paying the Federal estate tax. Those with estates above that value are taxed at a rate of 45 percent.

The 2001 tax law phases out the federal estate tax in 2010 but then reinstates the tax in 2011 at the level it was in 2002—\$1 million for single filers and \$2 million for those filing a joint return. This fluctuation in estate tax rates

has caused a great deal of confusion for business owners and farmers who are participating in estate planning. In order to provide more certainty to those individuals, the Congress has been working to set a permanent estate tax rate that would exempt nearly all but the very wealthiest Americans.

Through the years, I have voted to eliminate the estate tax or to maintain suitably high exemptions to better shield farmers and small business owners from the burdens of the tax. This year, I cosponsored H.R. 3905, bipartisan legislation written by Congresswoman SHELLEY BERKLEY (D-NV) that would permanently exempt estates valued at less than \$5 million for single filers and \$10 million for joint filers and set the tax rate on estates valued above that amount at 45 percent on a decreasing scale to 35 percent over the next ten years.

I have also cosponsored H.R. 3524, the Family Farm Preservation and Conservation Estate Tax Act, which was introduced by Congressman MIKE THOMPSON. This legislation would add a provision to the federal tax code allowing farmers and ranchers to defer payment of the Federal estate tax as long as the land is owned within the family and remains in agricultural production. H.R. 3524 would also defer the tax for land placed into a conservation easement. The measure would represent a win for farmers, for conservation and hunters, and for all of rural America. That is why it is supported by groups like the National Cattlemen's Beef Association, the National Corn Growers Association, the National Council of Farmer Cooperatives, the National Milk Producers Federation, the National Pork Producers Council, the Dairy Farmers of America, and the Agricultural Retailers Association.

While I would have preferred the House of Representatives to consider one of these well-written bills, the House of Representatives has considered a different measure, H.R. 4154, the Permanent Estate Tax Relief for Families, Farmers, and Small Businesses Act of 2009, which would permanently extend the estate tax levels at the current, 2009 rates.

It is very important for families, farmers, and businesses to have greater certainty with respect to estate planning. Groups representing a good number of Missourians expressed to me their views on this issue. The Dairy Farmers of America, which represents nearly 18,000 dairy producers in America, urged Congress to "take action now on this important measure" and to "support H.R. 4154." The American Farm Bureau Federation, while neutral on the bill, indicated the "need for certainty in estate tax law and the importance of maintaining the stepped-up basis." And, the U.S. Chamber of Commerce, the world's largest business federation representing more than three million businesses and organizations, wrote that Congress should "expediently approve a permanent estate tax solution to provide certainty for family-owned businesses and farms." The Chamber further indicated that "H.R. 4154, the 'Permanent Estate Tax Relief for Families, Farmers, and Small Businesses Act of 2009,' is a step towards this goal."

As a rural Missouri Congressman, I understand that farms and small businesses are disproportionately impacted by the Federal estate tax. That is why I supported H.R. 4154. Under

the 2009 estate tax guidelines, nearly all small businesses and farms are exempt from paying the tax. Only a small fraction of all estates in America—9,600—are expected to owe Federal estate taxes in 2009. For farmers, USDA data indicate that, after deductions, approximately 554 farm estates throughout our Nation would be considered taxable.

We should strive to reduce the number of farms and small businesses that are subject to the Federal estate tax. As I have mentioned, I have cosponsored legislation to do just that. And, to make clear my view that we should strive for higher tax exemptions, I was one of only 21 Democrats to vote with Republicans against the Rule to consider H.R. 4154 in the House of Representatives and was one of only 18 Democrats to vote with Republicans to send H.R. 4154 back to the Ways and Means Committee so that it could be improved.

At the end of the day, though, both of those procedural votes failed and we were left with two choices—either pass a bill to give farmers and small business owners more certainty or sit back and do nothing, which would allow the rates to become more painful to farmers and small business owners over the next 2 years. To me, that choice was easy. H.R. 4154 is a step in the right direction and I look forward to working with the Senate on this important legislation.

Ms. MCCOLLUM. Mr. Speaker, I rise today in support of H.R. 4154, the Permanent Estate Tax Relief for Families, Farmers, and Small Businesses Act of 2009. This legislation is a necessary step in cleaning up the toxic fiscal legacy of the Bush administration.

The estate tax is set to expire completely in 2010 unless Congress acts. Under current estate tax parameters, an individual can inherit, tax-free, a trust fund worth \$3.5 million—more than a middle class family making \$70,000 a year earns in a lifetime. For couples, the exemption is \$7 million. H.R. 4154 would permanently extend these generous parameters, ensuring that 99.8 percent of Americans never pay a dime in estate taxes.

This legislation helps put the Nation back on a path of fiscal sustainability. While it affects only a handful of the wealthiest Americans, the estate tax is an important source of Federal revenue. Eliminating this tax completely would expand the deficit by \$662 billion and reduce funding available for schools, roads and other priority investments. The bill also includes a "pay-as-you-go" provision that mandates fiscally responsible spending, restoring a 1990s law that turned record deficits into surpluses.

Without congressional action, the estate tax will return in 2011 at a much higher rate. By permanently extending current levels, H.R. 4154 is a compromise between higher estate taxes in the next decade and a complete elimination of the tax.

Republican opposition to this compromise legislation is wrong-headed and hypocritical. By supporting nothing but a full repeal, Republicans are pushing for a policy that adds \$662 billion to the deficit. This is extraordinarily irresponsible in a time of rising deficits and economic recession. With many middle-class families losing their jobs and their homes, it is difficult to justify a costly new tax cut for the Nation's wealthiest estates so they can pass on

even larger inheritances tax-free. H.R. 4154 is a far more reasonable approach.

Mr. BECERRA. Mr. Speaker, I rise in opposition to H.R. 4154, a bill that would cut taxes for millionaires at a time when Americans are struggling to hold on to their paychecks, their homes, and their dignity.

Today, one in ten Americans is out of work, one in eight Americans is receiving food assistance, and one in six of our children is living in poverty. With such need in this nation, Congress's primary mission must be to create jobs and strengthen economic security for the American people. When Congress convened in January, the economy was losing 20,000 jobs each day, and we took decisive action to avert the freefall of the economy and to set it on the path to recovery. The American Recovery and Reinvestment Act made critical investments in our communities, infrastructure, education, and clean energy, and has so far created or saved as many as 1.6 million jobs.

As a result of this decisive action by Congress, the most recent Department of Labor jobs report showed that this country lost 587,000 fewer jobs in November 2009 than January 2009. While a significant improvement over the numbers at the beginning of this year, it is clear that this recession is still exacting a devastating toll. Congress must keep its focus on creating jobs. Legislation is urgently needed to provide assistance to prepare workers to fill occupations like nursing which have a shortage of skilled workers, to invest in new job-creating technologies, and to encourage the next generation of entrepreneurs to produce the new ventures and products that will ensure that the American economy returns to its preeminent position in the world.

This legislation does not help the millions of Americans in need nor does it set the right priorities for this country. In such dire economic times with the largest budget deficit in this nation's history, this Congress does not have the luxury of bestowing this tax cut of a quarter-trillion dollars on millionaires.

I urge my colleagues to vote against this bill that helps only millionaires, and to turn their focus towards the problems of those Americans who are in economic crisis or could shortly be confronted with painful financial decisions if this economy does not start improving its employment outlook.

Mr. BRADY of Texas. I yield back the remainder of my time.

Mr. POMEROY. I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 941, the previous question is ordered on the bill.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

#### MOTION TO RECOMMIT

Mr. HELLER. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. HELLER. Yes, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.



The Clerk read as follows:

Mr. Heller moves to recommit the bill H.R. 4154 to the Committee on Ways and Means with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Death Tax Repeal Permanency Act of 2009”.

#### SEC. 2. ESTATE TAX REPEAL MADE PERMANENT.

Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to title V of such Act.

#### POINT OF ORDER

Mr. POMEROY. Mr. Speaker, I make a point of order under clause 10 of rule XXI. The motion increases the deficit for purposes of that rule.

The SPEAKER pro tempore. Does any Member wish to be heard on the point of order?

Mr. HELLER. Mr. Speaker, this point of order shows the blatant inconsistencies the majority has set up with its own rules. On one hand, clause 10 of rule XXI—known as the PAYGO rule—requires amendments, including those contained in motions to recommit like this one, to be budget neutral. On the other hand, clause 7 of rule XVI—known as the germaneness rule—constrains our ability to offer pay-fors by requiring that they be related to the underlying bill.

These two rules are problematic in today's case because H.R. 4154 is drafted so narrowly that it is impossible to identify germane offsets. Thus, not surprisingly, the majority has stacked the rules of the House to try to make it impossible for the minority to offer its preferred approach. We saw that 2 weeks ago on the SGR fix and are witnessing it again today as the rules are being used to keep us from offering a full and permanent repeal of the death tax.

Ironically, the bill before us today, H.R. 4154, doesn't even meet the House's own PAYGO rules. That's right. That is because the budget resolution allows the chairman of the Budget Committee to simply reset the baseline to accommodate a certain amount of death tax relief.

Mr. Speaker, you are being asked to rule on whether this motion to recommit complies with PAYGO, but the base bill itself is not PAYGO compliant. It would increase the deficit by more than \$230 billion. This begs the question, if it's appropriate for the majority to consider estate tax relief under H.R. 4154 without offsets, in violation of the spirit of PAYGO, then why is it now inappropriate, or out of order, for the minority to provide even more tax relief under their amendment?

I request that you overrule the point of order and allow the House to debate our alternative, which is complete repeal of the death tax.

Thank you, Mr. Speaker, for the opportunity be heard on the point of order.

The SPEAKER pro tempore. The gentleman from North Dakota makes a point of order that the amendment proposed in the instructions included in the motion to recommit offered by the gentleman from Nevada violates clause 10 of rule XXI by proposing a change in revenues that would increase the deficit.

Pursuant to clause 10 of rule XXI, the Chair is authoritatively guided by estimates from the Committee on the Budget that the net effect of the provisions in the amendment affecting revenues would increase the deficit for a relevant period.

Accordingly, the point of order is sustained and the motion is not in order.

Mr. HELLER. Mr. Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

#### MOTION TO TABLE

Mr. POMEROY. Mr. Speaker, I move to table the appeal of the ruling of the Chair.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HELLER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 234, nays 186, not voting 14, as follows:

[Roll No. 927]

#### YEAS—234

Abercrombie	Cooper	Halvorson
Ackerman	Costa	Hare
Adler (NJ)	Costello	Harman
Altmire	Courtney	Hastings (FL)
Andrews	Crowley	Heinrich
Arcuri	Cuellar	Hereth Sandlin
Baca	Cummings	Higgins
Baldwin	Dahlkemper	Hill
Bean	Davis (AL)	Himes
Becerra	Davis (CA)	Hinchey
Berkley	Davis (IL)	Hinojosa
Berman	Davis (TN)	Hirono
Berry	DeFazio	Hodes
Bishop (GA)	DeGette	Holden
Bishop (NY)	Delahunt	Holt
Blumenauer	DeLauro	Honda
Bocieri	Dicks	Hoyer
Boren	Dingell	Inslee
Boswell	Doggett	Israel
Boucher	Donnelly (IN)	Jackson (IL)
Boyd	Doyle	Jackson-Lee
Brady (PA)	Driehaus	(TX)
Braley (IA)	Edwards (MD)	Johnson (GA)
Brown, Corrine	Ellison	Johnson, E. B.
Butterfield	Engel	Kanjorski
Capps	Eshoo	Kaptur
Cardoza	Etheridge	Kennedy
Carnahan	Farr	Kildee
Carney	Fattah	Kilpatrick (MI)
Carson (IN)	Filner	Kilroy
Castor (FL)	Foster	Kind
Chandler	Frank (MA)	Klein (FL)
Childers	Fudge	Kosmas
Chu	Garamendi	Kucinich
Clarke	Gordon (TN)	Langevin
Clay	Grayson	Larsen (WA)
Cleaver	Green, Al	Larson (CT)
Clyburn	Green, Gene	Lee (CA)
Cohen	Grijalva	Levin
Connolly (VA)	Gutierrez	Lewis (GA)
Conyers	Hall (NY)	Lipinski

Loebsack	Pallone	Sherman
Lofgren, Zoe	Pascarell	Shuler
Lowey	Pastor (AZ)	Sires
Lujan	Payne	Skelton
Lynch	Perlmutter	Slaughter
Maffei	Perriello	Smith (WA)
Maloney	Peters	Snyder
Markey (CO)	Peterson	Speier
Markey (MA)	Pingree (ME)	Spratt
Marshall	Polis (CO)	Stark
Massa	Pomeroy	Stupak
Matheson	Price (NC)	Sutton
Matsui	Quigley	Tanner
McCarthy (NY)	Rahall	Teague
McCollum	Rangel	Thompson (CA)
McDermott	Reyes	Thompson (MS)
McMahon	Richardson	Tierney
McNerney	Rodriguez	Titus
Meek (FL)	Ross	Tonko
Meeks (NY)	Rothman (NJ)	Towns
Michaud	Roybal-Allard	Tsongas
Miller (NC)	Ruppersberger	Van Hollen
Miller, George	Rush	Velázquez
Mollohan	Ryan (OH)	Visclosky
Moore (KS)	Salazar	Walz
Moore (WI)	Sánchez, Linda	Wasserman
Murphy (CT)	T.	Schultz
Murphy (NY)	Sanchez, Loretta	Waters
Murphy, Patrick	Sarbanes	Watson
Murtha	Schakowsky	Watt
Nadler (NY)	Schauer	Waxman
Napolitano	Schiff	Weiner
Neal (MA)	Schrader	Welch
Oberstar	Schwartz	Wexler
Obey	Scott (GA)	Wilson (OH)
Olver	Scott (VA)	Woolsey
Ortiz	Serrano	Wu
Owens	Shea-Porter	Yarmuth

#### NAYS—186

Aderholt	Flake	Manzullo
Akin	Fleming	Marchant
Alexander	Forbes	McCarthy (CA)
Austria	Fortenberry	McCaul
Bachmann	Fox	McClintock
Bachus	Franks (AZ)	McCotter
Barrett (SC)	Frelinghuysen	McHenry
Bartlett	Galleghy	McIntyre
Barton (TX)	Garrett (NJ)	McKeon
Biggart	Gerlach	McMorris
Blibray	Giffords	Rodgers
Bilirakis	Gingrey (GA)	Mica
Blackburn	Gohmert	Miller (FL)
Blunt	Goodlatte	Miller (MI)
Boehner	Granger	Miller, Gary
Bonner	Graves	Minnick
Boozman	Griffith	Mitchell
Boustany	Guthrie	Moran (KS)
Brady (TX)	Hall (TX)	Murphy, Tim
Bright	Harper	Myrick
Broun (GA)	Hastings (WA)	Neugebauer
Brown (SC)	Heller	Nunes
Brown-Waite,	Hensarling	Nye
Ginny	Herger	Olson
Buchanan	Hoekstra	Paul
Burgess	Hunter	Paulsen
Burton (IN)	Inglis	Pence
Buyer	Issa	Petri
Calvert	Jenkins	Pitts
Camp	Johnson (IL)	Platts
Campbell	Johnson, Sam	Poe (TX)
Cantor	Jones	Posey
Cao	Jordan (OH)	Price (GA)
Capito	Kagen	Putnam
Carter	King (IA)	Radanovich
Cassidy	King (NY)	Rehberg
Castle	Kingston	Reichert
Chaffetz	Kirk	Roe (TN)
Coble	Kirkpatrick (AZ)	Rogers (AL)
Coffman (CO)	Kissell	Rogers (KY)
Cole	Kline (MN)	Rogers (MI)
Conaway	Kratovil	Rohrabacher
Crenshaw	Lamborn	Rooney
Culberson	Lance	Ros-Lehtinen
Davis (KY)	Latham	Roskam
Deal (GA)	LaTourette	Royce
Dent	Latta	Ryan (WI)
Diaz-Balart, L.	Lee (NY)	Scalise
Diaz-Balart, M.	Lewis (CA)	Schmidt
Dreier	LoBiondo	Sensenbrenner
Duncan	Luetkemeyer	Sessions
Ehlers	Lummis	Sestak
Ellsworth	Lungren, Daniel	Shadegg
Emerson	E.	Shimkus
Fallin	Mack	Shuster



Simpson	Taylor	Walden
Smith (NE)	Terry	Wamp
Smith (NJ)	Thompson (PA)	Westmoreland
Smith (TX)	Thornberry	Whitfield
Souder	Tiahrt	Wilson (SC)
Space	Tiberi	Wittman
Stearns	Turner	Wolf
Sullivan	Upton	Young (FL)

## NOT VOTING—14

Baird	Edwards (TX)	Melancon
Barrow	Gonzalez	Moran (VA)
Bishop (UT)	Linder	Schock
Bono Mack	Lucas	Young (AK)
Capuano	McGovern	

□ 1351

Messrs. KINGSTON, MINNICK, MCINTYRE, and BLUNT changed their vote from “yea” to nay.”

Messrs. HOLT, McDERMOTT, and PERLMUTTER changed their vote from “nay” to yea.”

So the motion to table was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## MOTION TO RECOMMIT

Mr. HELLER. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. HELLER. I am, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Heller moves to recommit the bill H.R. 4154 to the Committee on Ways and Means with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Death Tax Repeal Extension Act of 2009”.

**SEC. 2. EGTRRA SUNSET ON ESTATE, GIFT, AND GENERATION-SKIPPING TRANSFER TAX PROVISIONS DELAYED 1 YEAR.**

In the case of title V of the Economic Growth and Tax Relief Reconciliation Act of 2001, section 901 of such Act shall be applied by substituting “December 31, 2011” for “December 31, 2010” both places it appears in paragraphs (1) and (2) of subsection (a) of such section.

The SPEAKER pro tempore. The gentleman from Nevada is recognized for 5 minutes.

Mr. HELLER. H.R. 4154 would be better called the Permanent Estate Tax Increase for Families, Farmers, and Small Businesses Act. My second motion to recommit still addresses elimination of the death tax. As the Chair has just ruled, the sensible alternative, full permanent repeal of the death tax, is not allowable under the House majority's rules. Therefore, this second motion to recommit is drafted to meet the arcane, pro-tax increase PAYGO rules.

This motion continues the full elimination of the death tax for 2010, as currently scheduled and promised to the American people, and then extends that full elimination 1 additional year

to 2011. Business or farm income was taxed when it was created, saved, invested, and spent. These assets were taxed annually with property taxes. They don't need to be taxed yet again upon death. While 2 years is shorter than many of us in the House would prefer, it's the only alternative left.

Colleagues, the flaws with H.R. 4154 are numerous, but in defense of their misguided bill the majority cries that certainty trumps the punitive 45 percent rate. But the Federal Government shouldn't be entitled to half or even one-third of your assets when you die. Make no mistake: the purpose of the inheritance tax is to erase all of an individual's net worth within three generations. Let me repeat that: the purpose of the inheritance tax is to erase all of an individual's net worth within three generations.

Enshrining a 45 percent punitive tax rate is bad policy, and the only thing worse than bad policy is permanent bad policy. I am sure the American people will be upset with the certainty of zero. Today the majority is working hard to bring new vigor to the old adage “The only things in life that are certain are death and taxes.”

Let's remember that the unemployment rate is still high: 10 percent nationwide and more than 13 percent in my home State of Nevada. Recent estimates show that the full repeal of the tax would create 1.5 million jobs. Again, that's jobs created. Who knows how many jobs will be saved by eliminating the death tax.

Eliminating the death tax will also have several other positive effects on the economy. One recent study showed that eliminating the death tax will increase small business capital by over \$1.6 trillion; eliminating the death tax will increase the probability of hiring by 8.6 percent; eliminating the death tax will increase payrolls by 2.6 percent; eliminating the death tax will expand investment by 3 percent; eliminating the death tax will create 1.5 million additional small business jobs; and eliminating the death tax will reduce the current jobless rate by almost 1 percent.

The American people know that the death tax punishes hard work by discouraging savings and investing, undermines job creation, and frankly contradicts the central promise of American life. They know the death tax is a jobs destroyer.

Colleagues, our Founding Fathers worked to ensure the rights of life, liberty and the pursuit of happiness. In addition, they fought, spurred largely by unfair taxation, to secure their rights to private property and the efforts of their work. They wanted a nation where one could work, think, produce, create, invent and prosper. This made our Nation different than all others at the time which created the tremendous engine of the American

economy. What would they say about a government confiscating 45 percent of property earned over a lifetime?

Of the 56 signers of the Declaration of Independence, 18 were merchants or businessmen and 14 were farmers. Many lost their lives or family members, and at least 11 signers had their homes and property destroyed. In committing their “lives, fortunes, and sacred honor” as the Declaration of Independence reads, they sacrificed to ensure their heirs could keep what they earned. What would those who sacrificed so much say about a permanent 45 percent rate?

Congress made a promise to fully eliminate the death tax. The American people are sick and tired of broken promises from their government. Congress should keep this promise to the American people and do what it committed to do 8 years ago: allow the estate tax to expire in 2010 and extend that expiration to 2011.

Death should not be a taxable event. Support this motion and keep the death tax buried.

Mr. Speaker, I yield back the balance of my time.

Mr. POMEROY. Mr. Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman from North Dakota is recognized for 5 minutes.

□ 1400

Mr. POMEROY. I commence my comments by offering to yield to the gentleman if he would like to discuss the capital gains tax implications of the motion to recommit.

Mr. HELLER. Mr. Speaker, I would be happy to respond. If the gentleman is asking to refer this piece of legislation back to Ways and Means and the Budget Committee, I would be happy to do so so that we can discuss those issues.

Mr. POMEROY. Reclaiming my time, that wasn't much of an answer, so let me make it a little more clear.

The bill would impose a new capital gains tax obligation. Six thousand people would get estate tax relief if full repeal goes into effect; 71,000 have a new capital gains tax laid upon them because carryover basis is established instead of the step-up basis.

In other words, if you inherit Grandma's farm, if Grandma paid \$100 an acre for it and it's now worth \$2,000 an acre, and you go to sell it, you have capital gains on all appreciated value over \$100. That's not how the law works now. How the law works now, if you have property worth \$2,000 an acre, that's your basis. There's no capital gains if you would sell it for \$2,000 an acre. The Farm Bureau has said this falls particularly insidiously on farms and small businesses, the very people they claim to be helping.

The motion to recommit, unfortunately, brings what has been a pretty

respectable debate into, I think, some of the same overblown rhetoric that has plagued this issue in the past. The estate tax has changed 10 times in 11 years. Now, isn't it time we provide some certainty to the American people, not just more of the uncertainty that they offer?

What's more, it's not just certainty. We make the estate tax go away for 99.75 percent of the people in this country, 99.75 percent. But that's not good enough for them. They'll hold out for that last few tenths of a percent even if it means laying a capital gains tax obligation on 71,000 families to achieve that end.

Mr. Speaker, I yield the balance of my time to the gentleman from Florida (Mr. BOYD).

Mr. BOYD. I thank the gentleman from North Dakota for yielding. I also thank Chairman RANGEL for his work and also particularly the gentleman from North Dakota for his longtime dedication to resolving this issue and making it fair and permanent for families who are trying to plan estates.

Mr. Speaker, I rise today to speak against the motion to recommit and in favor of H.R. 4154, the Permanent Estate Tax Relief for Families, Farmers, and Small Businesses Act of 2009. The bill before us creates permanent financial guidelines for the future of families, farmers, and small businesses across this country.

Due to the policy enacted in 2001 under the Republican leadership, financial planning for estates since then has been at best unpredictable, a crapshoot for now a decade. The leadership at that time had a chance to fix this problem because we had surpluses as far as the eye could see. But they failed to act, and by doing so, they failed hundreds or thousands of families in this country, despite, as I said earlier, a picture of record surpluses as far as the eye could see. Instead, a policy was created that set an unsustainable rate for political gain.

Congress can do better. We can provide some permanency. The leadership of this body, my Democratic colleagues and I, have chosen to solidify the future of American families by making these 2009 levels permanent.

Let's be clear. The motion to recommit provides the same sort of uncertainty for folks who are planning for their estates as was done in 2001. What the motion to recommit does is extend the zero tax rate for 1 year to the end of 2011, and then in 2012 it comes back just like it was in 2001. How in the world are families supposed to plan when they're sitting down with their lawyers and their accountants near the end of life, how in the world are they supposed to plan with those kinds of laws in place? It is heartily irresponsible.

So I would plead with you to defeat this motion, pass H.R. 4154. Let's send

it to the Senate hooked with PAYGO and see if we can't get this country back on track economically and provide some certainty and permanency for the folks as they plan for their estates.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

#### RECORDED VOTE

Mr. HELLER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage, if ordered, and the motion to suspend the rules on H.R. 3570.

The vote was taken by electronic device, and there were—ayes 187, noes 233, not voting 14, as follows:

[Roll No. 928]

#### AYES—187

Aderholt	Emerson	Manzullo
Adler (NJ)	Fallin	Marchant
Akin	Flake	McCarthy (CA)
Alexander	Fleming	McCaul
Austria	Forbes	McClintock
Bachmann	Fortenberry	McCotter
Bachus	Fox	McHenry
Barrett (SC)	Franks (AZ)	McIntyre
Bartlett	Frelinghuysen	McKeon
Barton (TX)	Gallegly	McMahon
Biggert	Garrett (NJ)	McMorris
Bilbray	Gerlach	Rodgers
Bilirakis	Giffords	McNerney
Blackburn	Gingrey (GA)	Mica
Blunt	Gohmert	Miller (FL)
Bonner	Goodlatte	Miller (MI)
Bono Mack	Granger	Miller, Gary
Boozman	Graves	Minnick
Boren	Griffith	Mitchell
Boustany	Guthrie	Moran (KS)
Brady (TX)	Hall (TX)	Murphy, Tim
Bright	Harper	Myrick
Broun (GA)	Hastings (WA)	Neugebauer
Brown (SC)	Heller	Nunes
Brown-Waite,	Hensarling	Nye
Ginny	Herger	Paulsen
Buchanan	Hoekstra	Pence
Burgess	Hunter	Petri
Burton (IN)	Inglis	Pitts
Buyer	Issa	Platts
Calvert	Jenkins	Poe (TX)
Camp	Johnson (IL)	Posey
Campbell	Johnson, Sam	Price (GA)
Cantor	Jones	Putnam
Cao	Jordan (OH)	Radanovich
Capito	King (IA)	Rehberg
Carter	King (NY)	Reichert
Cassidy	Kingston	Roe (TN)
Castle	Kirk	Rogers (AL)
Chaffetz	Kirkpatrick (AZ)	Rogers (KY)
Coble	Kissell	Rogers (MI)
Coffman (CO)	Kline (MN)	Rohrabacher
Cole	Lamborn	Rooney
Conaway	Lance	Ros-Lehtinen
Crenshaw	Latham	Ryan (WI)
Culberson	LaTourette	Scalise
Davis (KY)	Latta	Schauer
Deal (GA)	Lee (NY)	Schmidt
Dent	Lewis (CA)	Schock
Diaz-Balart, L.	LoBiondo	Sensenbrenner
Diaz-Balart, M.	Luetkemeyer	Sessions
Dreier	Lummis	Shadegg
Duncan	Lungren, Daniel	Shimkus
Ehlers	E.	Shuster
Ellsworth	Mack	

Simpson	Teague	Wamp
Skelton	Terry	Westmoreland
Smith (NE)	Thompson (PA)	Whitfield
Smith (NJ)	Thornberry	Wilson (SC)
Smith (TX)	Tiahrt	Wittman
Souder	Tiberi	Wolf
Space	Turner	Young (FL)
Stearns	Upton	
Sullivan	Walden	

#### NOES—233

Abercrombie	Grijalva	Olver
Ackerman	Gutierrez	Ortiz
Altmire	Hall (NY)	Owens
Andrews	Halvorson	Pallone
Arcuri	Hare	Pascarell
Baca	Harman	Pastor (AZ)
Baird	Hastings (FL)	Payne
Baldwin	Heinrich	Perlmutter
Bean	Hereth Sandlin	Perriello
Becerra	Higgins	Peters
Berkley	Hill	Peterson
Berman	Himes	Pingree (ME)
Berry	Hinchey	Polis (CO)
Bishop (GA)	Hinojosa	Pomeroy
Bishop (NY)	Hirono	Price (NC)
Blumenauer	Hodes	Quigley
Bocciari	Holden	Rahall
Boswell	Holt	Rangel
Boucher	Honda	Reyes
Boyd	Hoyer	Richardson
Brady (PA)	Inslee	Rodriguez
Braley (IA)	Israel	Ross
Brown, Corrine	Jackson (IL)	Rothman (NJ)
Butterfield	Jackson-Lee	Roybal-Allard
Capps	(TX)	Ruppersberger
Cardoza	Johnson (GA)	Rush
Carnahan	Johnson, E. B.	Ryan (OH)
Carney	Kagen	Salazar
Carson (IN)	Kanjorski	Sánchez, Linda
Castor (FL)	Kaptur	T.
Chandler	Kennedy	Sanchez, Loretta
Childers	Kildee	Sarbanes
Chu	Kilpatrick (MI)	Schakowsky
Clarke	Kilroy	Schiff
Clay	Kind	Schrader
Cleaver	Klein (FL)	Schwartz
Clyburn	Kosmas	Scott (GA)
Cohen	Kratovil	Scott (VA)
Connolly (VA)	Kucinich	Serrano
Conyers	Langevin	Sestak
Cooper	Larsen (WA)	Shea-Porter
Costa	Larson (CT)	Sherman
Costello	Lee (CA)	Shuler
Courtney	Levin	Sires
Crowley	Lewis (GA)	Slaughter
Cuellar	Lipinski	Smith (WA)
Cummings	Loebach	Snyder
Dahlkemper	Lofgren, Zoe	Speier
Davis (AL)	Lowey	Spratt
Davis (CA)	Lujan	Stark
Davis (IL)	Lynch	Stupak
Davis (TN)	Maffei	Sutton
DeFazio	Maloney	Tanner
DeGette	Markey (CO)	Taylor
Delahunt	Markey (MA)	Thompson (CA)
DeLauro	Marshall	Thompson (MS)
Dicks	Massa	Tierney
Dingell	Matheson	Titus
Doggett	Matsui	Tonko
Donnelly (IN)	McCarthy (NY)	Towns
Doyle	McCormack	Tsongas
Driehaus	McDermott	Van Hollen
Edwards (MD)	Meek (FL)	Velázquez
Edwards (TX)	Meeks (NY)	Visclosky
Ellison	Michaud	Walz
Engel	Miller (NC)	Wasserman
Eshoo	Miller, George	Schultz
Etheridge	Mollohan	Waters
Farr	Moore (KS)	Watson
Fattah	Moore (WI)	Watt
Filner	Murphy (CT)	Waxman
Foster	Murphy (NY)	Weiner
Frank (MA)	Murphy, Patrick	Welch
Fudge	Murtha	Wexler
Garamendi	Nadler (NY)	Wilson (OH)
Gordon (TN)	Napolitano	Woolsey
Grayson	Neal (MA)	Wu
Green, Al	Oberstar	Yarmuth
Green, Gene	Obey	

#### NOT VOTING—14

Barrow	Capuano	Lucas
Bishop (UT)	Gonzalez	McGovern
Boehner	Linder	

Melancon Paul Royce  
Moran (VA) Roskam Young (AK)

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining in the vote.

□ 1421

Mr. GEORGE MILLER of California changed his vote from “aye” to “no.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. ROYCE. Mr. Speaker, on rollcall No. 928 I was unavoidably detained. Had I been present, I would have voted “aye”.

Mr. ROSKAM. Mr. Speaker, on December 3rd, 2009 I was unavoidably detained and missed rollcall vote No. 928. Had I been present, I would have voted “aye”.

Mr. BOEHNER. Mr. Speaker, on rollcall No. 928 I was unavoidably detained. Had I been present, I would have voted “aye”.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DAVIS of Kentucky. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 225, nays 200, not voting 9, as follows:

[Roll No. 929]

## YEAS—225

Abercrombie	Costello	Halvorson
Ackerman	Courtney	Hare
Adler (NJ)	Crowley	Harman
Altmire	Cuellar	Hastings (FL)
Andrews	Cummings	Heinrich
Arcuri	Dahlkemper	Herseth Sandlin
Baca	Davis (AL)	Higgins
Baldwin	Davis (CA)	Hill
Berkley	Davis (IL)	Hinchee
Berman	Davis (TN)	Hinojosa
Berry	DeFazio	Hirono
Bishop (GA)	DeGette	Hodes
Bishop (NY)	Delahunt	Holden
Blumenauer	DeLauro	Holt
Boccieri	Dicks	Honda
Boren	Dingell	Hoyer
Boswell	Donnelly (IN)	Inslee
Boucher	Doyle	Israel
Boyd	Driehaus	Jackson (IL)
Brady (PA)	Edwards (MD)	Jackson-Lee
Braley (IA)	Edwards (TX)	(TX)
Brown, Corrine	Ellison	Johnson (GA)
Butterfield	Ellsworth	Johnson, E. B.
Capps	Engel	Kagen
Cardoza	Eshoo	Kanjorski
Carnahan	Etheridge	Kennedy
Carney	Farr	Kildee
Carson (IN)	Fattah	Kilroy
Castor (FL)	Filner	Kind
Chandler	Foster	Kissell
Childers	Frank (MA)	Klein (FL)
Chu	Fudge	Kucinich
Clarke	Garamendi	Langevin
Clay	Giffords	Larsen (WA)
Cleaver	Gordon (TN)	Larson (CT)
Clyburn	Grayson	Lee (CA)
Cohen	Green, Al	Levin
Connolly (VA)	Green, Gene	Lewis (GA)
Conyers	Grijalva	Lipinski
Cooper	Gutierrez	Loeb sack
Costa	Hall (NY)	Lofgren, Zoe

Lowey	Pascrell	Sires
Lujan	Pastor (AZ)	Skelton
Lynch	Payne	Smith (WA)
Maffei	Perlmutter	Snyder
Maloney	Perriello	Speier
Markey (CO)	Peters	Spratt
Markey (MA)	Peterson	Stupak
Marshall	Pingree (ME)	Sutton
Massa	Polis (CO)	Tanner
Matheson	Pomeroy	Taylor
Matsui	Price (NC)	Teague
McCarthy (NY)	Quigley	Thompson (CA)
McCollum	Rahall	Thompson (MS)
McIntyre	Rangel	Tierney
McMahon	Reyes	Titus
Meek (FL)	Richardson	Tonko
Meeks (NY)	Rodriguez	Towns
Michaud	Ross	Tsongas
Miller (NC)	Rothman (NJ)	Van Hollen
Miller, George	Roybal-Allard	Velázquez
Minnick	Rush	Visclosky
Mollohan	Ryan (OH)	Wasserman
Moore (KS)	Salazar	Schultz
Moore (WI)	Sanchez, Loretta	Waters
Murphy (NY)	Sarbanes	Watson
Murphy, Patrick	Schakowsky	Watt
Murtha	Schiff	Waxman
Nadler (NY)	Schrader	Weiner
Napolitano	Schwartz	Welch
Neal (MA)	Scott (GA)	Wexler
Oberstar	Serrano	Wilson (OH)
Obey	Sestak	Woolsey
Oliver	Shea-Porter	Wu
Ortiz	Sherman	Yarmuth
Pallone	Shuler	

## NAYS—200

Aderholt	Fallin	Manzullo
Akin	Flake	Marchant
Alexander	Fleming	McCarthy (CA)
Austria	Forbes	McCaul
Bachmann	Fortenberry	McClintock
Bachus	Fox	McCotter
Baird	Franks (AZ)	McDermott
Barrett (SC)	Frelinghuysen	McHenry
Bartlett	Gallegly	McKeon
Barton (TX)	Garrett (NJ)	McMorris
Bean	Gerlach	Rodgers
Becerra	Gingrey (GA)	McNerney
Biggart	Gohmert	Mica
Bilbray	Goodlatte	Miller (FL)
Bilirakis	Granger	Miller (MI)
Blackburn	Graves	Miller, Gary
Blunt	Griffith	Mitchell
Boehner	Guthrie	Moran (KS)
Bonner	Hall (TX)	Murphy (CT)
Bono Mack	Harper	Murphy, Tim
Boozman	Hastings (WA)	Myrick
Boustany	Heller	Neugebauer
Brady (TX)	Hensarling	Nunes
Bright	Herger	Nye
Broun (GA)	Himes	Olson
Brown (SC)	Hoekstra	Owens
Brown-Waite,	Hunter	Paul
Ginny	Inglis	Paulsen
Buchanan	Issa	Pence
Burgess	Jenkins	Petri
Burton (IN)	Johnson (IL)	Pitts
Buyer	Johnson, Sam	Platts
Calvert	Jones	Poe (TX)
Camp	Jordan (OH)	Posey
Campbell	Kaptur	Price (GA)
Cantor	Kilpatrick (MI)	Putnam
Cao	King (IA)	Radanovich
Capito	King (NY)	Rehberg
Carter	Kingston	Reichert
Cassidy	Kirk	Roe (TN)
Castle	Kirkpatrick (AZ)	Rogers (AL)
Chaffetz	Kline (MN)	Rogers (KY)
Coble	Kosmas	Rogers (MI)
Coffman (CO)	Kratovil	Rohrabacher
Cole	Lamborn	Rooney
Conaway	Lance	Ros-Lehtinen
Crenshaw	Latham	Roskam
Culberson	LaTourette	Royce
Davis (KY)	Latta	Ruppersberger
Deal (GA)	Lee (NY)	Ryan (WI)
Dent	Lewis (CA)	Sanchez, Linda
Diaz-Balart, L.	Linder	T.
Diaz-Balart, M.	LoBiondo	Scalise
Doggett	Luetkemeyer	Schauer
Dreier	Lummis	Schmidt
Duncan	Lungren, Daniel	Schuck
Ehlers	E.	Scott (VA)
Emerson	Mack	Sensenbrenner

Sessions	Space	Upton
Shadegg	Stark	Walden
Shimkus	Stearns	Walz
Shuster	Sullivan	Wamp
Simpson	Terry	Westmoreland
Slaughter	Thompson (PA)	Whitfield
Smith (NE)	Thornberry	Wilson (SC)
Smith (NJ)	Tiahrt	Wittman
Smith (TX)	Tiberi	Wolf
Souder	Turner	Young (FL)

## NOT VOTING—9

Barrow	Gonzalez	Melancon
Bishop (UT)	Lucas	Moran (VA)
Capuano	McGovern	Young (AK)

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1431

Mr. RUPPERSBERGER changed his vote from “yea” to “nay.”

Ms. JACKSON-LEE of Texas changed her vote from “nay” to “yea.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. CAPUANO. Mr. Speaker, I missed a vote today. Had I been present, I would have voted on rollcall No. 929 “yea.”

SATELLITE HOME VIEWER  
REAUTHORIZATION ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 3570, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 3570, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 394, nays 11, not voting 29, as follows:

[Roll No. 930]

## YEAS—394

Abercrombie	Blunt	Capito
Aderholt	Boccieri	Capps
Adler (NJ)	Boehner	Cardoza
Akin	Bonner	Carnahan
Alexander	Bono Mack	Carson (IN)
Altmire	Boozman	Carter
Arcuri	Boren	Castle
Austria	Boswell	Chaffetz
Baca	Boucher	Chandler
Bachmann	Boustany	Childers
Bachus	Boyd	Chu
Baird	Brady (PA)	Clarke
Baldwin	Brady (TX)	Clay
Barrett (SC)	Bright	Cleaver
Bartlett	Broun (GA)	Clyburn
Barton (TX)	Brown (SC)	Coble
Becerra	Brown, Corrine	Coffman (CO)
Berkley	Buchanan	Cohen
Berman	Burgess	Cole
Berry	Burton (IN)	Conaway
Biggart	Butterfield	Connolly (VA)
Bilbray	Buyer	Conyers
Bilirakis	Calvert	Cooper
Bishop (NY)	Camp	Costa
Blackburn	Cantor	Costello
Blumenauer	Cao	Courtney

Crenshaw Johnson (IL)  
 Crowley Johnson, Sam  
 Cuellar Jones  
 Cummings Jordan (OH)  
 Dahlkemper Kagen  
 Davis (AL) Kanjorski  
 Davis (CA) Kaptur  
 Davis (IL) Kennedy  
 Davis (KY) Kildee  
 Davis (TN) Kilpatrick (MI)  
 Deal (GA) Kilroy  
 DeFazio Kind  
 DeGette King (IA)  
 Delahunt King (NY)  
 DeLauro Kingston  
 Dent Kirk  
 Diaz-Balart, L. Kilpatrick (AZ)  
 Diaz-Balart, M. Kissell  
 Dicks Klein (FL)  
 Dingell Kline (MN)  
 Doggett Kosmas  
 Donnelly (IN) Kratovil  
 Doyle Kucinich  
 Dreier Lamborn  
 Driehaus Lance  
 Edwards (MD) Langevin  
 Edwards (TX) Larsen (WA)  
 Ehlers Larson (CT)  
 Ellison Latham  
 Ellsworth LaTourette  
 Emerson Lee (CA)  
 Engel Lee (NY)  
 Eshoo Levin  
 Etheridge Lewis (CA)  
 Farr Lewis (GA)  
 Fattah Lipinski  
 Filner LoBiondo  
 Fleming Loebach  
 Forbes Lofgren, Zoe  
 Fortenberry Lowey  
 Foster Luetkemeyer  
 Frank (MA) Lujan  
 Franks (AZ) Lungren, Daniel  
 Frelinghuysen E.  
 Fudge Lynch  
 Gallegly Mack  
 Garamendi Maffei  
 Gerlach Maloney  
 Gingrey (GA) Manzullo  
 Gohmert Markey (CO)  
 Goodlatte Markey (MA)  
 Gordon (TN) Marshall  
 Granger Massa  
 Graves Matheson  
 Grayson Matsui  
 Green, Al McCarthy (CA)  
 Green, Gene McCarthy (NY)  
 Griffith McCaul  
 Grijalva McCollum  
 Guthrie McCotter  
 Gutierrez McDermott  
 Hall (NY) McHenry  
 Hall (TX) McIntyre  
 Halvorson McKeon  
 Hare McMahon  
 Harman McMorris  
 Harper Rodgers  
 Hastings (FL) McNerney  
 Hastings (WA) Meek (FL)  
 Heinrich Meeks (NY)  
 Heller Mica  
 Hensarling Michaud  
 Herger Miller (FL)  
 Herseth Sandlin Miller (MI)  
 Higgins Miller (NC)  
 Hill Miller, Gary  
 Himes Miller, George  
 Hinchey Minnick  
 Hinojosa Mitchell  
 Hirono Mollohan  
 Hodes Moore (KS)  
 Hoeckstra Moore (WI)  
 Holden Moran (KS)  
 Holt Murphy (CT)  
 Honda Murphy (NY)  
 Hoyer Murphy, Patrick  
 Hunter Murphy, Tim  
 Inglis Murtha  
 Inslee Myrick  
 Israel Nadler (NY)  
 Issa Napolitano  
 Jackson (IL) Neal (MA)  
 Jackson-Lee Neugebauer  
 (TX) Nunes  
 Jenkins Nye  
 Johnson (GA) Oberstar

Obey  
 Olson  
 Oliver  
 Ortiz  
 Owens  
 Pallone  
 Pascarell  
 Pastor (AZ)  
 Paulsen  
 Payne  
 Pence  
 Perriello  
 Peters  
 Peterson  
 Petri  
 Pingree (ME)  
 Pitts  
 Platts  
 Poe (TX)  
 Polis (CO)  
 Pomeroy  
 Posey  
 Price (GA)  
 Price (NC)  
 Quigley  
 Radanovich  
 Rahall  
 Rangel  
 Rehberg  
 Reichert  
 Reyes  
 Richardson  
 Rodriguez  
 Roe (TN)  
 Rogers (AL)  
 Rogers (MI)  
 Rohrabacher  
 Rooney  
 Ros-Lehtinen  
 Roskam  
 Ross  
 Rothman (NJ)  
 Roybal-Allard  
 Royce  
 Ruppersberger  
 Rush  
 Ryan (OH)  
 Ryan (WI)  
 Sanchez, Linda  
 T.  
 Sanchez, Loretta  
 Sarbanes  
 Scalise  
 Schakowsky  
 Schauer  
 Schiff  
 Schmidt  
 Schock  
 Schrader  
 Schwartz  
 Scott (GA)  
 Scott (VA)  
 Sensenbrenner  
 Serrano  
 Sessions  
 Sestak  
 Shadegg  
 Shea-Porter  
 Shimkus  
 Shuler  
 Shuster  
 Simpson  
 Sires  
 Skelton  
 Smith (NJ)  
 Smith (TX)  
 Smith (WA)  
 Snyder  
 Souder  
 Space  
 Speier  
 Spratt  
 Stark  
 Stearns  
 Stupak  
 Sullivan  
 Sutton  
 Tanner  
 Taylor  
 Teague  
 Terry  
 Thompson (CA)  
 Thompson (MS)  
 Thompson (PA)  
 Thornberry  
 Tiahrt

Tiberi  
 Tierney  
 Titus  
 Tonko  
 Towns  
 Tsongas  
 Turner  
 Upton  
 Van Hollen  
 Velázquez  
 Visclosky  
 Walden  
 Walz  
 Wamp  
 Wasserman  
 Schultz  
 Waters  
 Watson  
 Watt  
 Waxman  
 Weiner  
 Welch

## NAYS—11

Cassidy  
 Culberson  
 Duncan  
 Flake  
 Foxx  
 Garrett (NJ)  
 Latta  
 Lummis  
 McClintock  
 Paul  
 Smith (NE)

## NOT VOTING—29

Ackerman  
 Andrews  
 Barrow  
 Bean  
 Bishop (GA)  
 Bishop (UT)  
 Braley (IA)  
 Brown-Waite,  
 Ginny  
 Campbell  
 Capuano  
 Carney  
 Castor (FL)  
 Fallin  
 Giffords  
 Gonzalez  
 Johnson, E. B.  
 Linder  
 Lucas  
 Marchant  
 McGovern  
 Melancon  
 Moran (VA)  
 Perlmutter  
 Putnam  
 Rogers (KY)  
 Salazar  
 Sherman  
 Slaughter  
 Young (AK)

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1438

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to extend the statutory license for secondary transmissions under title 17, United States Code, and for other purposes."

A motion to reconsider was laid on the table.

Stated for:

Ms. SLAUGHTER. Mr. Speaker, I was unavoidably detained and missed rollcall vote No. 930 (H.R. 3570 as amended). Had I been present, I would have voted "yea" on rollcall vote No. 930.

## LEGISLATIVE PROGRAM

(Mr. CANTOR asked and was given permission to address the House for 1 minute.)

Mr. CANTOR. I yield to the gentleman from Maryland, the majority leader, for the purpose of announcing next week's schedule.

Mr. HOYER. I thank my friend for yielding.

Mr. Speaker, on Monday the House will meet at 10:30 a.m. for morning-hour debate and noon for legislative business, with votes postponed until Tuesday. On Tuesday the House will meet at 9 a.m. for morning-hour debate and 10 a.m. for legislative business. Members are advised votes could occur as early as 10 a.m. on Tuesday.

On Wednesday and Thursday the House will meet at 10 a.m. for legislative business, and on Friday the House will meet at 9 a.m. for legislative business.

We will consider several bills under suspension of the rules. The complete

list of suspension bills will be announced by the close of business tomorrow.

In addition, we will consider H.R.—I don't have the number yet, of the tax extenders bill of 2009, and H.R. 4173, the Wall Street Reform and Consumer Protection Act of 2009.

I thank the gentleman for yielding.

Mr. CANTOR. Mr. Speaker, I thank the gentleman.

Mr. Speaker, since this is our first colloquy following Thanksgiving break, I would like to ask the gentleman if he could give the Members a sense of what legislation perhaps that we will be voting on for the remainder of this month. And I yield.

Mr. HOYER. First of all, let me say to the gentleman that it is my hope that we will adjourn the first session of the Congress from the House's perspective by the 18th. With respect to the bills that we are considering, obviously we have seven appropriation bills that have not yet been enacted. The continuing resolution expires on the 18th of December.

It is my hope that before that time we will have provision for the passage of all seven of the appropriation bills, either individually, which may be difficult because the Senate has not passed three of those bills on its floor. In one form or another we will have all seven of those bills passed prior to the 18th.

The Speaker, Leader REID, and I all want to avoid another continuing resolution, which we think is not the best way to move forward. We are hopeful that we can accomplish that.

In addition, the regulatory reform bill you heard will be next week, the tax extenders. We have the unemployment insurance. We have the COBRA extension. Both of those expire on December 31. We have the PATRIOT Act, the provisions of which expire on December 31. We want to address that. We have got highway reauthorization, which also expires on December 31. We want to address that. And we have, I'm sure, other bills that we will be considering.

As you know, I know you're happy about it, I'm happy about it, Iran sanctions will be on the calendar as well, on the Suspension Calendar the week after next.

Mr. CANTOR. Mr. Speaker, I thank the gentleman. And I know I'm joined by the gentlelady from Florida in thanking you very much for your work on the Iran Refined Petroleum Sanctions Act and bringing that to the floor.

Mr. HOYER. I thank the gentleman. If the gentleman will yield.

Mr. CANTOR. I yield.

Mr. HOYER. I appreciate the bipartisan work. I see the ranking member of the Foreign Affairs Committee, my friend, Ms. ROS-LEHTINEN, who has worked very hard on this as well with

Mr. BERMAN. I'm pleased this is coming. It's very important that we send a very strong message as we see the Iranian Government and the President say they are going to do one thing, but apparently never do it. So I think it's appropriate that we act.

Mr. CANTOR. I thank the gentleman.

Mr. Speaker, I would ask the gentleman, I note that he did announce that we will be considering H.R. 4173, the financial regulation bill, and perhaps seven appropriations bills. I don't know which form that would be in, whether it would be separately or in an omnibus form; but, nonetheless, all of these are incredibly large measures costing billions of dollars of taxpayer money, stretching over thousands of pages.

My question, Mr. Speaker, is, What is the gentleman's intention as to the period of time which Members and the public will have to review these bills prior to the Members voting on them? And does that mean that we will still be consistent with the gentleman's representations on other bills prior to this session that we would have 72 hours for consideration and review of those bills as well as any manager's amendment and self-executing amendments in a rule?

And I yield.

Mr. HOYER. I thank the gentleman for yielding.

He is correct, I have made that representation; and I want to try to accomplish that objective. As the gentleman also knows, on both sides we have experienced this issue, at the end of a session, as I fervently hope we are closely achieving, at the end of a session obviously when you're having conference reports, it's not necessarily possible to do that if you can't get the conference reports moved quickly enough by the time you want to adjourn.

However, having said that, the gentleman is correct, the regulatory reform bill that is going to be reported out by the committee has been reported out, will be available this evening, and will be available—I don't expect to have that on the floor any sooner than Tuesday of next week.

□ 1445

So there will be plenty of time to review that piece of legislation. As you know, that has had extensive hearings. Two of the bills that are included within the framework of that bill we've already passed, as you know. So for that bill there will be a lot of time.

With respect to the omnibus that you referred to, we have discretely, individually, considered each one of those bills. They've passed the House. The Senate and the House have reached agreement, I think, or hopefully, are on the verge of reaching agreement on those bills individually so that they can be included. The Senate, as I point-

ed out, has not considered three of the bills on the floor, and I'm not sure, given their focus on health care, that they will be able to do so. So from that standpoint, they would be included in a conference report as opposed to considered on the Senate floor. They've been considered on the House floor, and we will give as much notice as we possibly can on those. But the good news is we've considered those individually on the floor, so the overwhelming majority of those bills are well-known to Members.

Mr. CANTOR. I thank the gentleman. And I do realize that the House has considered its version, although we all know that when they come back from conference especially, many of the Members on both sides of the aisle have some concerns about earmarks and others, which would, I think, warrant the time to review these bills. In the same light, Mr. Speaker, it is the concern of many that we have an opportunity to look at any manager's amendment or self-executing amendments in the rules that are presented to the body and our having time to review that as well. And I would just make that note.

Mr. Speaker, I would ask the gentleman, does he expect a final health care bill this month? And I yield.

Mr. HOYER. I will choose my words carefully. As opposed to expect, I hope that there will be a bill. Clearly, the Senate is debating that bill. We believe that this is one of the most important bills that any Member will have considered during the course of their tenure in this House, including myself, and I've been here, as you know, some time. The Senate is debating those bills now. Senator REID has had great difficulty getting this bill to move along in an orderly fashion, which, I think, makes it impossible to predict when the Senate will be able to pass it. I can tell you that I know that Leader REID is hopeful that this bill will be considered over the next 10, 12 days, and that they will be able to pass it prior to the 18th of December. And I'm hopeful that they can as well.

Mr. CANTOR. I thank the gentleman on that. And as a followup to that, Mr. Speaker, I know there's been some discussion or reports that the Senate may be scheduled to be in session past the Christmas holiday, and I was wondering, Mr. Speaker, if the gentleman expected that to impact the House's schedule after Christmas. And I yield.

Mr. HOYER. I thank the gentleman for yielding. It's my expectation that it will not. But I want to give this caveat. If, in fact the Senate passes its health care reform bill early enough so that we may have a conference and conclude a conference so that at some time in December we could pass a conference report, with that caveat—now whether that will happen or not, obviously I am not able to predict that, but other than

that circumstance, it's my expectation that we will not be in the week of the 21st or the week of the 28th.

Mr. CANTOR. I thank the gentleman for that.

Mr. HOYER. Nor for that matter, as the schedule, as you know, reflects, the week after the 1st, which is the 3rd, I guess.

Mr. CANTOR. I thank the gentleman, Mr. Speaker. Mr. Speaker, I would ask the gentleman does he expect to vote on increasing the Nation's debt limit this month? And I yield.

Mr. HOYER. Not only do I expect it, my belief is that it's mandatory that we do so. Obviously, the United States has never defaulted on its debt, and to do so would cause international disruption in the financial markets, further exacerbating an already difficult economic situation for our country and for countries around the world. So it is not only my expectation, but I believe it is absolutely essential that we do that. As the gentleman knows, we have passed already, in this House, an extension of the debt. The Senate has not passed that at this point in time, but I do expect it to be included in one of the pieces of legislation that we consider. I think it is absolutely essential and, in my view, whether you like the debt or don't—I mean, none of us like it—it would be irresponsible for the Congress not to pass a debt extension for debts that it has incurred. I yield back.

Mr. CANTOR. I thank the gentleman. Mr. Speaker, I'd like to ask a followup to that comment. Does the gentleman expect us to have an up-or-down vote on the increase of the debt limit, or, if not, if it is a part, as he suggested, of another piece of legislation, which legislation that would be? And I yield.

Mr. HOYER. Well, that has not been finally decided at this point in time. We'll have to wait to see what the Senate feels it can do in one of the conferences that we have. As the gentleman probably knows, under Senate procedure, while they're considering the health bill, the only thing they can rise for, without the necessity to have a 60 vote to go back into consideration of the health bill, is a conference report. So my expectation is it will be in a conference report.

Mr. CANTOR. I thank the gentleman. Mr. Speaker, I'd like to turn to the question of whether this House will be dealing with what has been reported, a second stimulus bill. And I know that we have been reading much about the White House job summit today. There's been a lot of reports in the press about the majority's meeting on a second stimulus bill, and I'd like to ask the gentleman, Mr. Speaker, if he could clarify the timing, the content and the cost of a proposed second stimulus bill. And I yield.

Mr. HOYER. Well, the gentleman, of course, wants to use language that we're not using. We're focused on jobs.

Stimulus is a broader reach, frankly, than we are looking at. We do believe, though, as the gentleman has expressed on a number of occasions, that jobs is the focus. And we are looking at legislation which will help to create jobs, expand our economy, ensure our growth.

As the gentleman knows, the CBO released their report on the Recovery Act which we passed and its impact on the economy and employment in the third quarter, which was the first quarter in 8 that we had grown the GDP. As the gentleman knows, that was not the case in 2008, of course. CBO estimates that because of the Recovery Act, 600,000 to 1.6 million jobs, more Americans had jobs as a result of the Recovery Act. The GDP, according to CBO, was 1.2 percent to 3.2 percent higher than it would have been if we had not passed the Recovery Act. And the unemployment rate was nine-tenths of a point lower than it would have been.

Mark Zandi, the chief economist of Moody's Economy.com recently said the stimulus is doing what it was supposed to do. It is contributing to ending the recession. In my view, without the stimulus, the GDP would still be in the negative as opposed to positive. Unemployment would be above 11 percent, and there are a little over 1.1 million more jobs out there as of October than there would have been without the stimulus.

Having said that, you and I both agree not enough has been done. Notwithstanding the fact, essentially, there has been, with 2-months' exception with a little glitch-up, a straight-line decline in the number of loss of jobs per month from the high of the last month of the last administration of 747,000 lost. As you know, it's less than 190,000 lost. We don't have the report on Friday, but it's less than that, I think, which is progress, but it's not success. Success will be when we start gaining jobs.

In that context, I tell my friend that we are in fact looking at ways and means to spur greater job creation, allow small businesses to expand, get additional credit, as well as continuing to assist those who have lost their jobs and are in need of assistance. But I cannot, at this point in time, give you the specifics.

You have correctly observed the administration, because of its concern about job creation, is having a summit or a forum today to seek advice from experts on the economy, experts in the business field, and we certainly are going to look to them as well, talking to them. I want to also say to my friend that I would be more than pleased to receive from you and Members on your side of the aisle suggestions that you might have to accomplish a greater growth of jobs in our economy. I yield back.

Mr. CANTOR. Mr. Speaker, I certainly appreciate that extension of an

offer to allow us to, once again, proffer our ideas. As the gentleman may know, I did speak out yesterday with a list of what I call a no-cost jobs plan, and I am happy to forward that to the gentleman. I have made a similar type of request of the White House, and I think have gotten a response that they too may be willing to consider some of the Republican solutions to the current crisis that people are feeling across this country.

Mr. Speaker, I would say that I am somewhat heartened to hear the gentleman talk about the ineffectiveness of the first stimulus bill. The gentleman did say that the term "stimulus" was a little broader than what they're looking at now. And in my opinion, I thought that the definition of a stimulus bill was to create jobs. So if the gentleman now is agreeing with me that the creation of jobs did not hit the mark the way that was promised on the first stimulus bill, that we do need to finally focus on job creation, that gives me a lot of confidence, Mr. Speaker, because at least we're now talking about the same thing. And along those lines, again, I am thankful that the gentleman asked for our solutions, and we're going to proffer those.

But I do want to suggest that we can, and there are some commonsense things we can sit down and probably agree on that we could do right now that wouldn't cost the taxpayers anything, and we wouldn't have to be continuing to mortgage the future of our children. I think both of us can agree, Mr. Speaker, that both sides have done their share to dig the hole of incurring too much debt for this country. Enough is enough. And I do think that we have and will offer solutions that will begin to arrest that trend, and at the same time focus on job creation.

Mr. HOYER. Will my friend yield?

Mr. CANTOR. I will. And I would like to ask one more point, and then I will yield. If we are talking about finally shifting to the mode, Mr. Speaker, of job creation, I'd like to ask the gentleman, has there been any discussion in his caucus about perhaps holding back on some of the measures that are being discussed, such as the financial regulatory reform bill coming to the floor next week, because there is a study recently released by the University of Chicago, University College London, and George Mason University economists, which said that this package of reform bills coming out of the Financial Services Committee will reduce consumer borrowing by at least 2.1 percent and reduce new jobs by 4.3 percent. And essentially, the study comes to the conclusion that interest rates will rise by 141 basis points, which will yield the loss of over a million jobs over the next 5 years. So if we are concerned about job creation, why are we moving forward with such a measure? And I yield.

Mr. HOYER. I thank the gentleman for yielding. Let me start at the beginning of his statement, that I might facetiously say was written by Lewis Carroll, who wrote Alice in Wonderland, of course, when he says that I characterized the stimulus package, which I did not; I have characterized the Recovery and Reinvestment Act, which the CBO said gained us 600,000 to 1.4 million jobs.

□ 1500

The gentleman likes to do this. He has done it a number of times. He says, "Finally we're talking about jobs." As a matter of fact, in February we passed legislation—with no help, frankly, from your side—which, in fact, CBO says has created up to 1.4 million new jobs in America. In addition, we believe we've saved a lot of jobs in America as well. We are not where we want to be.

The gentleman also indicates—and I would agree—that both sides of the aisle have dug the hole deeper on the deficit. I say with all respect to my friend, we had an administration that was in office for 8 years, the Clinton administration. I would remind my friend—I am sure he is familiar with these statistics—that he inherited a \$292 billion deficit from George Bush I. He reduced that deficit that year; the next year he reduced it further; the third year he reduced it even further; the fourth year he reduced it even further; and the fifth, sixth, seventh and eighth years, the Clinton administration economic program took us into surplus—the only administration in your lifetime, and I am much older than you are—the only administration in my lifetime that had 4 years of surplus, and the only administration in my lifetime that ended their 8 years with a net surplus.

So I would disagree with my friend that we contributed. In fact, your administration under Mr. Bush inherited a \$5.6 trillion surplus. Who said so? President Bush said so in 2001. We dissipated that into a \$10 trillion deficit—arguably the largest turnaround of any nation in the world, certainly in terms of dollars. I'm not sure on percentage. Some countries, third-world countries, have pretty bad experiences. But to turn around a \$5.6 trillion surplus by \$15 trillion and turn it into a \$10 trillion deficit and the worst economy we've seen in three-quarters of a century under the economic program that was pursued by your side of the aisle, very frankly I'm not going to take responsibility for that, I tell my friend with all due respect.

This administration was confronted with the worst economic situation of any administration since Franklin Roosevelt. We have been trying with, I think, real focus, and in some respects real courage, because some of the things we did were very tough. You, I think, joined us when we responded to

your administration, the Bush administration, and said through Secretary Paulson and Mr. Bernanke, the country is in crisis, and if we do not act and act decisively, we may go into a depression.

You will recall that my side of the aisle responded to the Republican President, the chief executive of our country, who said we were in crisis, and we responded, and 142 of us voted on a bill that nobody wanted to vote for in order to preclude us going into crisis. Your party, unfortunately, did not support your President, as you recall, in a majority sense on that particular vote in September of 2008.

Luckily, we came back. We had a failure; luckily we came back. Notwithstanding the unpopularity of that bill, we did contribute to stabilizing this economy. It was a tough vote. Americans are angry about it; we're angry about it. Bailing out people who were extraordinarily fiscally irresponsible—those same people that we want to regulate next week to make sure they are not subject to the regulatory neglect that they were subjected to for 8 years when the administration's policy was to simply get out of the way, not to regulate, not to oversee, and we saw an extraordinary financial meltdown.

So I will tell my friend with all due respect, I do not accept his premise that we haven't been talking about jobs. I have not read the reports to which he referred, but I do not accept his premise that in fact making sure that these big financial institutions operate in a way that minimizes risk—not just to them; they can afford the risk. They sock away money somewhere; the people who couldn't afford the risk who saw their 401(k)s go into the tank, saw their retirement put at risk.

So I tell my friend that next week, we are going to adopt legislation hopefully that will try to ensure that America does not go down that road again. Just as Franklin Roosevelt in the 1930s responded with regulation to ensure that the stock market excesses and betting, on which people lost, did not reoccur and very frankly has kept us pretty stable. But, unfortunately, a lot of the regulatory neglect—which I want to make clear was not only in the Bush administration; there was some in the previous administration—we ought to have learned our lesson. I would hope you would join with us in adopting this regulatory reform package which will protect consumers and ensure responsible behavior on behalf of those whom we entrust with large parts of our national wealth and the health of our economy.

Mr. CANTOR. I thank the gentleman.

And I would say he would agree with me that since the beginning of the 111th, priority one for this Nation has been job creation.

Mr. HOYER. That's correct.

Mr. CANTOR. And the facts are the facts. The stimulus bill was brought to this floor with the promise that it would stop unemployment from exceeding 8 percent. We are now at over 10 percent national unemployment. The facts are the facts.

Under this administration, the deficit has tripled since the last administration left. That is the facts. The gentleman points out, CBO says that we've created X number of jobs. I would say to the gentleman, while you have people across this country—10.2 percent of the workforce being out of work—there is no way that anyone in this country would believe CBO when it says the economy is better. That's the fact.

And so if we're going to be about job creation, my simple point is this about bringing the package of financial regulatory reform bills to the floor. I don't doubt the gentleman's intention to try and do the right thing. But the reality is this is a case where we're doing the wrong thing for the right reason. This bill impacts negatively the job creators. We know this bill will increase interest rates 141 basis points, which means the loss of an additional million-plus jobs over the next 5 years.

So in that vein, I would ask the gentleman again, if we are to see our way to work together, let's relieve the harm. This bill adds to the harm. In the same way, I would ask the gentleman, there is continued talk of the bill otherwise known as Card Check. If I've heard it once, I think all Members have, from small businesses and large, the job creators, Please, please don't pass that bill because that will create a huge drain on job creation.

So I would ask the gentleman, is there any sense in his caucus that maybe now in times of high unemployment is not the time to bring up Card Check?

Mr. HOYER. Who mentioned that? Do you have any other windmills that you want to tilt at?

Mr. CANTOR. Mr. Speaker, if the gentleman would like to come to my district and talk to the businesses there, I think I could gather up many individuals who have put their entire life's investment savings on the line and don't want to see Washington or this Congress continue to threaten the very existence of those businesses.

I yield.

Mr. HOYER. I thank the gentleman for yielding.

We got off your premise pretty quickly—to another bill that's in the Senate—my view is because we did create jobs, CBO says we created jobs, and for the gentleman to say the economy is not in better shape today than it was when we took over from the last administration, I would remind the gentleman, 747,000 jobs were lost in the last month of the Bush administration; 3.8 million jobs were lost in the last

year of the Bush administration as opposed to the last year of the Clinton administration, comparing the last two administrations, 1.9 million jobs were added.

I suggest to the gentleman what we see on this regulatory reform bill is exactly the philosophy that was brought under the Bush administration. If we simply get out of the way, don't bother anybody, just get out of the way, Government, take the referees off the field and all the players will play fairly, my experience in life has not been that. My experience in life is when you get the referees off the field, somebody leaves the line about a second before the ball is hiked, and people lose. And that is what happened. The SEC didn't regulate, the FDIC didn't regulate the way it should have, the administration didn't regulate the way it should have. And what went wrong? The financial community went amok.

Mr. Greenspan came before the Congress of the United States and said, I made a mistake. I thought people would act consistent with a fair evaluation of the risk they were willing to take. And Mr. Greenspan said, I was wrong. In fact, they did not. And they incurred risk. And who paid the price? All of us paid the price. All of us as taxpayers paid the price at Secretary Paulson's request, Republican Secretary of the Treasury, to try to sustain this economy not going into a depression.

So I disagree with my friend that I haven't addressed the issue of jobs. We have. I disagree with the gentleman when he says 1.4 million jobs. Well, we're still losing jobs. We are. But we're losing—and none of the statistics, by the way, that I have intoned this afternoon has the gentleman rejected as being accurate: 747,000 jobs lost during the last month of the Bush administration. Less than 190,000 this month.

Is that where we want to be? Of course it's not. We want to create 190,000. We want to create 500,000 jobs. We want to get people back to work. But the first thing we had to do was to reverse the extraordinary decline that we inherited in January of this year. I think we've done that.

I will tell my friend that when those who open up their retirement funds that are invested in mutual funds or something else and find that their retirement funds are up 57 percent from the low point shortly after this administration took office, they're going to think that's progress. Is it where they want to be? No. They want to be back at a hundred percent of where they were. They're not there yet. We need to keep working, and that's why we're considering a jobs bill before we leave here. If we can put one together, hopefully in a bipartisan fashion, we will do so.

Mr. CANTOR. I thank the gentleman.



My purpose in bringing up this notion that we still have this Card Check bill out there is to demonstrate the fact that there really is a disconnect as far as doing what we say and follow what I do. Because if we're serious about relieving the pain on job creators, if we're serious about getting Americans back to work, we wouldn't be necessarily bringing the wrong bills to the floor for the right reason, which is my point, Mr. Speaker.

No one is quibbling with intention here. I think that I would agree with the gentleman that there is a sense in America that there is not a level playing field at giving people a fair shot at their returns on Wall Street or a fair shot in terms of heavy regulations in hand coming from Washington.

So we can all agree that we need to make the environment better for job creators and people who want to jump in and take risks. But the financial regulatory reform package that is being brought to the floor just as the Card Check bill that's still being spoken of around here, those are job killers. We ought to at least relieve the harm so that people we're relying on to create jobs can get back to work to do that. That was simply my point, Mr. Speaker.

In closing, Mr. Speaker, I would just note for the gentleman that 2.8 million Americans have lost their jobs since the passage of the majority's first stimulus bill; and the Nation's debt now stands at over \$12 trillion.

I thank the gentleman for his time, and I yield back.

#### ADJOURNMENT TO MONDAY, DECEMBER 7, 2009

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10:30 a.m. on Monday next for morning-hour debate.

The SPEAKER pro tempore (Mr. CUELLAR). Is there objection to the request of the gentleman from Maryland?

There was no objection.

#### IMMIGRATION

(Ms. Clarke asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CLARKE. Mr. Speaker, just last week our Nation celebrated Thanksgiving. It was a time for families across this Nation to unite and reflect on the things we are grateful for.

This Thanksgiving I looked around my holiday table and admired the diversity of my family, many of whom are natural born citizens, some naturalized citizens, and some Jamaican immigrants. We are a blended family blessed with the realization of our own American dream. I realized that my story enjoys a certain similarity to the

first Thanksgiving celebration. Native Americans breaking bread with Pilgrims. A blending of two different cultures, one immigrant, one native.

Like my family, many families across this Nation are a blend of many cultures and citizen status and are affected by our dysfunctional immigration system.

Mr. Speaker, immigration reform is too important to be delayed. As we prepare to debate immigration reform, I'm working with my colleagues to ensure access to the American Dream. Just like you, I, too, am the face of immigration; all of us coming together representing the diversity of this great Nation, the United States of America.

□ 1515

#### SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

#### WHAT HAPPENED TO THE CIVILIAN SURGE?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, I rise to ask: What happened to the civilian surge in President Obama's new strategy for Afghanistan? In his address to the Nation on Tuesday night, the President said that there are three parts to his Afghanistan strategy: a military effort, a civilian surge, and partnership with Pakistan. But while the President spoke at great length about the military effort and about Pakistan, he gave virtually no details about the civilian surge. In fact, he devoted only one sentence of his speech to it—a brief sentence about agricultural assistance.

Earlier this year, with great fanfare, the President unveiled his plans for a civilian engagement. He said it would help the Afghan people to rebuild their economy, infrastructure, education system, justice system, government, and civil society. I supported this policy because I believe that helping the Afghan people to improve their lives is the best way to defeat violent extremists. But it's now painfully obvious that the White House has all but forgotten about the civilian surge. It appears to have been lost in his plan to escalate the war with 30,000 more troops, which is deeply disappointing to me. But it's not the only reason why I oppose the escalation. I oppose it because the American people don't support it and can't afford it. In fact, America's military spending in Afghanistan alone next year will now exceed the entire official military budget of every other country in the world.

The escalation will also lead the Afghan people to see our troops as an occupying army, and the history of Afghanistan shows that the Afghan people will never accept a foreign occupation. As a result, the plan will boomerang because it will help the Taliban when they are recruiting for new members.

The escalation will also lead to more casualties of our troops and it will continue to stretch our military forces, which are already stretched much too thin. It will reduce the dwell time for our troops back home between deployments, placing even greater burdens on them and on their families.

The President's new strategy, Mr. Speaker, also doesn't include a realistic exit plan. The President talks about transferring responsibility for the war to Afghanistan within 18 months, but since there is very little chance that the Afghans will be ready by then, our troops are likely to be stuck for many, many years to come.

Finally, I'm disappointed in the President's plan because it continues to rely on the military option that has failed. At the same time, it ignores the far more effective alternative that is available to us. That alternative is smart security. Smart security calls for a strong emphasis on diplomacy, humanitarian aid, and economic development for the Afghan people. That is what will stabilize Afghanistan. That is what will win the hearts and minds of the Afghan people.

More broadly, smart security includes a comprehensive plan that would eliminate the root causes of extremism in Afghanistan and elsewhere. It dismantles existing networks of extremists, and it would stop the spread of nuclear and conventional arms around the world. I have proposed a smart security platform for the 21st century, Mr. Speaker, and it's in my bill, House Resolution 363. I invite every Member of the House to read it and to work with me to implement it.

Mr. Speaker, I'm as committed to defeating extremism in Afghanistan as anyone, and I do not believe that simply pulling our troops out of Afghanistan overnight is the right way to go. But I do believe that the Afghan people need political, economic, and social solutions for their problems. They do not need a military solution. That's why I will join with others throughout our Nation in the days ahead to oppose the escalation of this war and to urge the President to shift to smart security to make our Nation and the world a safer place.

#### GITMO AND YEMENI DETAINEES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

Mr. WOLF. Mr. Speaker, in a speech at West Point earlier this week, President Obama explicitly designated Yemen as an emerging al Qaeda stronghold. The President stated, "Where al Qaeda and its allies attempt to establish a foothold—whether in Somalia or Yemen or elsewhere—they must be confronted by growing pressure and strong partnerships." How can the President reconcile these legitimate concerns about Somalia and Yemen while simultaneously releasing Guantanamo Bay detainees to these dangerously unstable countries?

Last month, the Obama administration secretly released another detainee to Yemen—information hidden from the American people under a provision in the FY 2009 spending bills explicitly prohibiting the disclosure of any information to the American people. If the American people knew who these detainees were, the acts of terror they have committed, or to which countries they were going to be released, they would never stand for it. This is a dangerous precedent. Given that more than 74 Guantanamo detainees have returned to active terrorism, there's a real concern about the potential for these remaining detainees to return to a life of terror.

The American people deserve the facts. I encourage the public to visit The New York Times "Guantanamo Docket" Web site to review what scant information about these detainees was released by the previous administration. I know they will find these summaries deeply troubling.

Of the many unstable countries to which detainees may be sent, I'm most concerned about the impending release of 26 detainees to Yemen, a growing haven for al Qaeda in the Persian Gulf. It is my understanding that the administration is also preparing to release several other detainees to another country that anyone with a basic understanding of world affairs would agree is unacceptable. Unfortunately, this information, again, has been classified.

As the President acknowledged, Yemen is one of the most unstable countries in the world today, and a country where al Qaeda has reconstituted its operations over the last year. The director of the National Counterterrorism Center, Michael Leiter, stated in an October Voice of America interview, "In Yemen, we have witnessed the reemergence of al Qaeda in the Arabian Peninsula and the possibility that that will become the base of operations for al Qaeda."

A number of former Guantanamo Bay detainees have returned to Yemen to launch terrorist attacks, including one just 2 months ago. On October 13, Saudi police prevented an imminent suicide bomber attack as two al Qaeda terrorists slipped across the border from Yemen. One of these would-be suicide

bombers, Yousef Mohammed al-Shihri, was a former Guantanamo detainee released in 2007 to Saudi Arabia. He quickly left Saudi Arabia for Yemen, where he rejoined al Qaeda.

In September 2008, another former Guantanamo Bay detainee, Said Ali al-Shihri, helped orchestrate the terrorist attack on the U.S. Embassy in Sana'a, Yemen, killing 10 guards and civilians. Since that time, al Qaeda's posture in Yemen has grown stronger with the merger of the Saudi and Yemeni arms of al Qaeda into one group—al Qaeda in the Arabian Peninsula—with Yemen as its base for training and operation. Yemen is also now home to the radical cleric Anwar al-Aulaqi, who influenced Fort Hood gunman Major Nidal M. Hasan and who U.S. intelligence believes to be a critical link to al Qaeda's efforts to radicalize Americans and Europeans.

I repeatedly urged the President to halt the release of detainees to dangerously unstable countries. It is counterintuitive, and dangerous, to return terrorist detainees to countries he acknowledges as al Qaeda sanctuaries. If this administration is not prepared to show good judgment on this issue, this Congress must take action to provide oversight and reconsider these irresponsible decisions. But this Congress has yet to hold a single hearing to raise these concerns and demand answers from this administration.

In closing, Mr. Speaker, the American people deserve better judgment from this administration and better oversight from this Congress.

#### U.N.'S MULTIPLE ANTI-ISRAEL RESOLUTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Sixty-two years ago, on November 29, 1947, the United Nations did something it should be very proud of. That day, the United Nations General Assembly voted overwhelmingly to authorize the creation of a Jewish state, paving the way for the founding of a democratic State of Israel 6 months later. But since then, the paths of the U.N. and Israel have diverged.

Israel's freedom, democracy, and prosperity are a model for the region and the world. The U.N., however, has abandoned its founding principles, has been manipulated and coerced by dictatorship after dictatorship, and has been plagued by corruption and mismanagement. Nowhere has the self-destructive, misguided path of the U.N. been more evident than in its bias towards Israel.

This week, instead of commemorating Israel's creation and celebrating its many achievements, the U.N. repeated its annual ritual of mourning

Israel's existence by adopting six anti-Israel resolutions. As usual, it did so under the guise of its "International Day of Solidarity with the Palestinian People," celebrated the same day as that historic 1947 General Assembly vote to create a Jewish state. But where is the U.N.'s "International Day of Solidarity" with the people of Israel, who continue to be threatened by Hamas, Hezbollah, and other such militant groups; and by their state sponsors, Iran and Syria, who continue to pursue nuclear weapons and the missiles to deliver them? In the face of continued anti-Israel bias at the U.N., what has the United States done to stand up for our ally and fellow democracy?

This past April, Ambassador Susan Rice promised that the U.S. would be "fighting against the anti-Israel" rhetoric at the U.N. Unfortunately, this was easier said than done. The anti-Israel attacks at the U.N. are not an occasional diversion. They are relentless. They pervade the U.N., and they are not easily stopped.

An excellent case study in this bias is the U.N.'s response to Israel's conduct last winter of Operation Cast Lead, which was carried out to defend Israeli citizens from rocket and mortar attacks by Hamas and other violent extremist groups in Gaza. The Human Rights Council authorized a "fact-finding mission" with a prejudicial mandate to investigate Israel and only Israel. The mission released the so-called "Goldstone Report" that falsely accused Israel of deliberately attacking civilians, implicitly denied to Israel the right of self-defense, and recommended that the case be referred to the International Criminal Court. Despite the heralded U.S. membership and engagement in the Human Rights Council, that rogues' gallery adopted the report's recommendations and condemned Israel. But lest we forget, in the last year alone, the Human Rights Council has adopted seven anti-Israel resolutions and perpetuated a gross anti-Semitic assault through the Durban II Conference.

□ 1530

So it should not have come as a surprise that the Human Rights Council endorsed the Goldstone Report.

The General Assembly quickly followed suit. The U.N. High Commissioner for Human Rights praised the Goldstone Report. Secretary-General Ban Ki-moon has promised to transmit the report to the U.N. Security Council, where only a U.S. veto stands in the way of further anti-Israel action. And the ICC prosecutor has announced that he is considering launching an investigation into Israel's conduct, even though Israel is not an ICC member state and has a robust, independent judiciary that is presently dealing with a number of cases raised.

These efforts to deny Israel its right of self-defense can—and will—be used to deny that same right to other free democracies, including the United States. Why do I say this? Well, the ICC prosecutor has already declared that he has jurisdiction over Afghanistan and is performing a preliminary investigation into U.S. and NATO operations in that country, which could lead to politically motivated prosecutions of American soldiers.

These are the stakes of the U.N.'s anti-Israel agenda. The "new era of engagement" and increased U.S. funding to the U.N. has not made a positive difference at all.

Mr. Speaker, it is time for the U.S. to use our strongest leverage, the billions of taxpayer dollars that we contribute to the U.N. every year. It is time to cut off funding to the U.N. until it produces real, effective reform.

In closing, Mr. Speaker, for our ally Israel, for our U.S. service men and women, and for the rights of free democracies everywhere, there is no time to lose.

#### THE PROGRESSIVE MESSAGE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Minnesota (Mr. ELLISON) is recognized for 60 minutes as the designee of the majority leader.

Mr. ELLISON. Mr. Speaker, my name is Congressman KEITH ELLISON, and I am here to claim the time on behalf of the Progressive Message which comes to the American people every Thursday night to discuss critical issues and a progressive perspective on these same issues. The Progressive Message is put on and organized by Progressive Caucus members who happen to represent one of the largest caucuses in the Congress.

The purpose of this message is to focus on critical issues from a progressive perspective. That means a perspective that all Americans are welcome and included; that we need civil rights, human rights; we need economic justice for working people and working families; we need to address poverty; and we need to address peace in the world; the idea that America, a country blessed, could help bestow blessings on other people in the world through example and not through imposition; the idea that the United States, a country blessed, can help demonstrate through an example what human rights can do, what respect for the rule of law can do, what respect for human rights, women's rights can do. The Progressive Caucus is an instrument through which progressive ideas are shared.

Tonight what we want to talk about, Mr. Speaker, is jobs. Absolutely that's the topic tonight. Jobs is what we will be talking about. I would like to hear from anyone who might be listening

later on what their perspective is on the jobs picture and what we can do about it.

Mr. Speaker, the unemployment rate is 10.2 percent at this time. It could well climb higher by the end of the year. The fact is we have a jobs crisis, we have a jobs emergency, and we must do something about it now.

It's important to point out that as much as people who are unemployed need jobs, and they do, other people who are employed also need the unemployed to get jobs. It's important to bear in mind that when people are not working, their income goes down, their purchases at the store go down, their ability to consume and buy things that they need goes down, and if the store isn't selling, then the store can't put on more workers; they may even have to lay some off.

So this unemployment problem actually puts downward pressure on demand which puts other businesses who do have employees on the payroll in a position where they have to reconsider that.

Not only is the lack of a paycheck detrimental to the family that is not employed, but it also creates generational problems and it creates problems for the person who's unemployed, because when the economy turns around and they can get back in a position where they can maybe find that job, the employer is going to ask, Hey, what was going on with you over the last 3 years? Or 2 years? Or 6 months? And that hole in the resume has real consequences for that worker which may extend over the course of that person's lifetime.

Obviously, when unemployment is chronic and people are out of work for long stretches of time, their children sometimes are impacted by this and have to not only go with lower family income, which is obviously harmful to their development, but still are in a position where they have seen a parent go jobless for quite a long time which disadvantages them in terms of their ability to know how to access the job market and their hope, prospect and optimism as it relates to getting work. So unemployment is a problem, we've got to do something about it, and it is time to act.

Though the Democratic Caucus and Congress did not create the situation, and it certainly wasn't created overnight, it does need to be fixed very soon. Ten months of the new leadership of the White House cannot eclipse that of nearly 10 years of George Bush and the Republican Congress who bankrupted the public trust.

After nearly a decade of handing over middle-class tax dollars to the wealthiest 1 percent, we've now got to take real action for working Americans. After nearly a decade of a policy that encouraged multimillion-dollar CEO bonuses over raises for American work-

ers, we've got to do something about the job picture in America.

The economic policies of the last 10 years put President Obama and this Congress in a situation where it may not have been a situation of our making, but it is a problem that we have responsibility to correct. We're not going to say that, Yeah, we got handed two wars; yeah, we got handed hundreds of billions of dollars of debt, a crumbling infrastructure, a home mortgage foreclosure crisis—one out of eight mortgages is in default—a global climate crisis, and a financial sector ravaged by greed and lax regulation.

We're not going to rely on any excuse. We're going to get after the problem, and we're going to do it now. In short, the greatest economic and financial crisis since the Great Depression is visiting the American economy right now and people are feeling it, and it's time to do something about it.

This is why we are proposing, and I am proposing, and I am encouraging other people to support a jobs bill that would do a few things: American jobs. Invest in transportation and schools. Schools all over America are crumbling. Schools all over America have old pipes. Schools all over America are drafty and need windows replaced and the paint is peeling in many of them, not all of them but many of them. And any school teacher, any principal or any school kid can tell you that.

We need people to do the work. We have people who are willing to do the work, and we have things that need to be worked on. What we have to do is bring the two together: invest in transportation, including transit, urban transportation, light rail, and schools. This is an urgent problem, it needs fixing, and people need work. Let's pay them to do it.

State and local government relief. All over this country, States and cities and localities are having to cut back on services that they provide to their citizens.

Governor Arnold Schwarzenegger has taken the public circle and said without the stimulus package, a hundred thousand teachers in California would be out of work. So that was an example of a good thing. But it's not nearly enough.

We need more to be done, because in this era and in this time, we see local governments having to lay off police officers, firefighters, public works people, teachers. We can't allow this to happen. State governments and local governments around the country are facing serious deficits and the Federal Government should step in to help.

We also need to strengthen safety nets. During times of economic downturn, there's greater pressure on our food shelves, greater pressure on our clothing shelves; and we need to understand that when unemployment runs out, a lot of families are just left without. What are we going to do about it?

We need to extend unemployment benefits, food stamps and programs like that; and I just want to let folks know that this is economically, from an economic standpoint, it's not just good work, it's not just charitable, it's not just the right thing to do.

It also is very, very important to stimulate the economy. Because when you give somebody food stamps, they take that and they go right to the store and they purchase groceries for their family. What does that do for the grocery store that is receiving that coupon that can redeem that for money? It's helping that grocery store. What is that doing for that grocer who is thinking about whether he or she has to lay off a few workers because people just aren't coming in and buying like they used to because the economy is down? Well, it helps them keep those people on the job. And if we do well enough, it might even actually help them add some people on the job.

What happens if that store has to lay off a few folks and we don't come through with some of these basics? What happens is they have to lay off some folks, and now you've got more people on unemployment insurance. If they can't find a job within the right amount of time, then those people are just without, and they are putting pressure on the food pantries and the food shelves and they're just really suffering. These things have a ripple effect.

What I am saying is if you can think of a coupon, a food stamp coupon, as not a piece of paper that can get you some food, think of it as a rock that you throw into a pond. I'm saying that that food stamp coupon and that unemployment insurance has a ripple effect that is very strong, and the multiplier effect of that is good because it gets right into the economy. It gets right into the economy to help people make their basic needs and also helps fuel the retail sector and then all the way back to the wholesale sector.

This is basically just a few things that we could do right now to alleviate real pain people are suffering all over this country. We've got to act, we've got to do something about it; and we cannot say that things that were done in the past, although a lot of bad decisions, economic decisions, were made over the last 8 years, and the Obama administration and this Congress are trying to fix it. We can't rely on that. We've got to do something about it now. The American people deserve answers, especially the people who have been chronically unemployed.

Today the White House is hosting, or has hosted already, an economic summit to discuss how to move the economy forward. This is good news. It's the President taking responsibility for dealing with the needs of Americans. I admire that tremendously. The fact is we do need more public jobs.

□ 1545

There's broad support and work moving to respond to the need for American jobs. I want to commend the Campaign for America's Future, the AFL-CIO, SEIU, and other labor organizations and groups that come together to help people, but also many employers and many small businesses who are out there concerned about employment.

This era that we're in, which I believe can fairly be called the "great recession," has wreaked havoc on American communities, as I just mentioned. And I just want to point out we face a period of extended unemployment if we don't act now.

Now, some people think, okay, the economy goes up and the economy goes down. But the fact is that the economy is a social institution, and unless people in society do something about it, the business cycle won't necessarily go up and include more jobs. We've got to do that. That's something that we need to work on. So we need to help small businesses get greater lending. We need to invest in public jobs. We need to invest in public infrastructure. We need to make these kinds of investments so that Americans can get back to work and the economy can get moving again.

Many of you watching television and watching the nightly business news may note that, well, Wall Street seems to be kind of moving in the right direction. That's good for them. But the fact is the average American worker is under tremendous anxiety because they know that they might be next. And as one former Republican President once said, a recession is when your neighbor's out of work; a depression is when you are out of work. And for 10.2 percent of American workers, this is a depression, and we need to get on that and deal with it right away.

Let me point out just a few other things. This has precedent in the United States. This is not something new for our country. We have stepped forward in the past. In fact, I was in my beautiful State of Minnesota after I enjoyed the great victory over the Chicago Bears by the Minnesota Vikings. And I went for a walk, and I saw that there was a picnic table that had written on it "WPA 1934." Americans in the past have stepped forward and dealt with American crises. In the 1930s and again in the 1970s we responded to extraordinary hardship by adding jobs, jobs, to the array of programs and services designed to help our people and to help the economy move out of recession.

The program that we envision today would provide work to the jobless and meet the needs in our communities by helping people meet their everyday needs and boost demand, which would help speed economic recovery. A new jobs program would be run by local elected officials who are closest to communities and best understand their

needs. Local communities best understand the needs of the local community. So it wouldn't be Congress saying this many jobs for Head Start, this many jobs for that. It would be Congress sending funds to State and local governments that then those local governments could use to determine what is needed. And, of course, there are a lot of things that are needed.

Some of the projects that are needed are paint and repair of schools, as I mentioned before. Peeling paint, community centers and libraries. You would be surprised what you might find if you went to a local library. You might find some local libraries are not in good repair. That's because they were built years and years ago and are in need of an upgrade.

We need to clean up abandoned and vacant properties to alleviate the blight that's been caused by the foreclosure crisis. As everyone knows, we went through a major foreclosure crisis, and it's not over. But what's the reality of this situation? The reality is you have abandoned houses which people could live in if these places were maintained and upgraded. But some of them have seen the copper stripped out. Some of them have seen the grass grow long. Some of them have seen the windows knocked out. Unemployed people could be hired to help maintain these properties through a jobs program. This is important all over the country. Even if you want to make sure that these buildings are secured and boarded until somebody can buy them, these are things that are important.

Remember, whenever there is a foreclosure on a property, two bad things happen. One is, somebody is out of their house, and those people are not paying property taxes like they used to in the past. But not only is the city not just getting property tax income anymore, the city now also has to pay out in order to maintain that property. So they don't just lose money, they actually now have an expense that they have to deal with when you have a foreclosure. That's why we need people to get employed to maintain these properties, and this is something that local communities might have to do with this money.

We need to expand emergency food programs and reduce hunger and promote family stability. Did you know, Mr. Speaker, that one in five children in America are in poverty? In America one in five children in poverty. Children of all colors, children of all cultures, children of all faiths. This is something our country has to respond to. And for so many of these children in poverty today in this massive recession we're in, these are children who may not have parents who are in a union, which would probably guarantee them a higher wage, and that's why I support unions, or our public employees like teachers and police officers.

Many of these folks are just the hard-working folks out there who keep the playground safe and clean, who keep the city in good repair. Folks who work at the Head Start and people who do child care and people who do these tough jobs every single day. Some of these folks, they may not have a big degree or a big certificate, but they need to earn good money. They need to have a good job. And maybe that job is the one thing that could keep and lift that family out of poverty so that one of those children who is among the one in five in poverty won't have to be in poverty for too long.

We could augment staffing at Head Start, child care, early childhood education programs, senior centers, and promote school readiness and early literacy. We could renovate and enhance maintenance of parks, playgrounds and other public spaces, as I just said. The program we envision could place special emphasis on delivering job opportunities and needed services to low-income communities and communities of color suffering depression-level unemployment and distress.

Everybody in this economy is hurting. Well, not everybody. Some of these Wall Streeters are getting big bonuses. They're not hurting. But the rest of us are really fighting out here, and it's not easy. Small business owners, a lot of folks are getting hurt. But as nearly everybody is feeling the pain in this economy, it's important for us to remember that there are some folks who are feeling it even more painfully than the average. I want to point out that unemployment among African Americans in August was not the 15.2 percent that I mentioned for the general economy, but it was 15.7 percent. That's serious. A very serious problem. Unemployment for people who are of Hispanic background is 13.1 percent. If you're talking about young people, African American and Latino young people who are between the ages of 16 and 30, we're talking about unemployment upwards of 35 percent.

So we've got to do something in these chronically marginalized communities where people are just left out there and are often a second thought when we form public policy to address serious issues. We've got to deal with this. And that's why we need a program, yes, to build up infrastructure. Let's get those union guys back out there on the field making our roads, making our infrastructure, building those things up. And absolutely let's get those public employees back in. Let's not let the teachers and the cops get laid off. But let's not forget about that young teenager of color who is out there without any prospect. We don't want young people turning in the wrong direction; we want them staying in the right direction.

While I mentioned statistics for African American and Hispanic young peo-

ple, don't think for a minute that young white people in rural communities and even in urban communities are not having elevated unemployment rates as well. The youth are being unemployed at higher rates than other people regardless of background, and we've got to step up and do something about it. And we can do something about it. We still have over \$200 billion of TARP money and stimulus dollars, and these need, I think, to be directed to employment programs similar to what we did in the 1930s and in the 1970s when Americans were out of work.

I want to say that, yes, it's true that one in five, or about 20 percent, of all young people in America are living in poverty, but one in three African American young people are living in poverty. A serious issue. Their parents need work, and we've got to do something about it. If we act quickly, a jobs program like this could put hundreds of thousands of people of various skill levels to work during the next year, 2010, and will continue to provide job opportunities for several years as our economy recovers. People paying taxes, which can help lower the deficit. People who are paying child support or are just paying the monthly expenses of their family. This is all very important. The time to act is now. I propose, and I think we should all support, a program that could create 1 million American jobs in very short order if we put about \$40 billion into it.

The time to act is now, to make that investment. We need to make this investment if we want to lower the deficit. We need to make this investment if we want to increase demand. We need to make this investment if we want to keep people from being chronically unemployed.

Let me now turn to another important part of what I believe any job recovery program must include, and that is the need for critical infrastructure development. I have been talking about lower-wage workers so far. Now I want to talk a little bit about infrastructure development. Do you know that if you look across America, you look across the roads and you look across the bridges, you look across transit and you look across some of these aging sewer lines and even fiber optic, and if you look at the needs of rural communities across America who need to get wired in on broadband, we're looking at well over about \$3 trillion of infrastructure needs in our country.

And the beautiful thing about spending this kind of money to invest in American infrastructure is that it stays here. These are not jobs that are going abroad. These are going to be American jobs because you can't lay fiber-optic cable in America in some other country. It's going to be here. That person's going to be paid here. That person's going to be employed

here. And that money is going to go into the United States and be funneled back to Americans. This is important to understand—that infrastructure investment is critical to lifting our economy out of this very difficult economic situation, and we have to do it anyway.

I'm very excited about this idea of investing in infrastructure in broadband in rural communities. You know that it was in the 1930s when visionary political leaders like Franklin Delano Roosevelt said, You know what, there's no reason why rural America should be in the dark. Rural electrification, an idea conceived when the United States was in a depression. Now, some people who think that bold action could only be taken when things are good economically, they have to contend with the fact that bold action was taken when we had a depression in the 1930s, bold action like rural electrification. And what rural electrification did was it brightened up rural communities all over the United States. We put up the telephone lines all across this country so that you could flick on a light in rural America.

What it did was it absolutely improved the economic viability of rural America. People no longer had to move into the crowded city when they could do their business in the electrified rural areas. This is important to bear in mind. It's critical to bear in mind that critical jobs in infrastructure have been built in America even during times of economic downturn. Very important.

Community infrastructure programs creating over a million jobs, a million jobs at the community and neighborhood level, is what we need now. We need these kinds of programs so we can create immediate opportunity, so we could create infrastructure.

I just want to tell you I'm from the city of Minneapolis, and from my great city of Minneapolis, we had on August 4, 2007, a bridge collapse into the Mississippi River. Thirteen Minneapolitans died and a hundred had injuries like spinal cord injuries as they fell 65 feet from the bridge to the water. Now, at the end of the day, this crisis and this tragedy occurred because we did not maintain that infrastructure well enough. Now, I'm not saying it's anybody's fault. I'm sure everybody did the best they could. But the fact is if we would have had a stronger infrastructure commitment that would make bridges around this country a priority to repair and to fix and to rebuild, this tragedy may not have happened. But it did happen.

□ 1600

But it did happen, and so we put out a clarion call for infrastructure development in our country. And I say, we need to do this anyway. We need to develop infrastructure so we can avoid horrible tragedies like the one that

happened in my city. But more importantly, or as importantly, we need to do it now to put Americans back to work.

During the first 6 to 9 months, if we can pass a good, solid community infrastructure program, the program could develop a fast track for jobs. Projects could be limited to certain activities such as key priorities. And within a short amount of time, we could see these infrastructure developments paying great dividends for Americans.

You know, I want to talk to you about some of the things that we have been seeing in our economy that really do cause a tremendous amount of pause, and I think it is something that we need to really, really pay some close attention to. These are trends in our economy that I just feel that we need to pay some greater attention to, and this is not in a way of just describing what we should do, but it is kind of talking about what we have done.

In the course of the last few weeks, we have seen people be highly critical of the stimulus package. I think we need to take a look back at what the stimulus package did. Some people, because it has not stopped the increase in unemployment, say that it didn't work. I say this is an incorrect analysis. I believe the Recovery Act has actually helped a lot of people stay employed and actually stopped this economic crisis from getting worse and slowed the rate of unemployment. But we need to do more. But let's just say what the Recovery Act did do.

The Recovery Act created over a million jobs. That's what it did do. It created over 250,000 education jobs. As I said, it was Governor Arnold Schwarzenegger who said that but for the stimulus, over 100,000 teachers would be out of work. Thirty thousand jobs were created or saved by businesses that have received Federal contracts from just a small fraction of the Recovery Act. That is very important.

Let me say that half a million homeowners have signed up for foreclosure prevention programs, reaching an important early goal. And the program that was launched last March aimed to help these half a million borrowers by November 1, with the ultimate goal of helping 4 million borrowers before it expires.

Here is a number for you. The Dow Jones industrial average surged to over 10,000, passing the 10,000 point level much faster than expected and racking up a 53 percent gain in the last 7 months. That is an improvement in the economy that has helped some but has not helped enough. But it just shows that if we do invest in our economy, it does help. It improves the lives of people. It is not money that we shouldn't have spent. Things would be much worse if we didn't spend that stimulus money and make those important public sector investments.

The number of road and bridge projects already approved under the Recovery Act, which creates jobs, is 8,000. The number of roads and bridges projects, 8,000 roads and bridges projects already underway because of the stimulus. And the percentage of spending that is now obligated under the Recovery Act, this money in the pipeline ready to be spent is about half, and this 50 percent mark exceeds the Congressional Budget Office's initial projection for the program, showing that investment is going out quickly to help boost the economy right away.

But still we have a job crisis, and still we have to do something about this jobs crisis. And let me tell you a little more about how the Recovery Act has fared so far, because there has been a lot of disinformation about the Recovery Act. A lot of people have said that the President said it was going to stop unemployment at 8 percent, and it went up by 2 more percent. Leading economists say it would be 12 percent if the Recovery Act were not put in place. So let me just talk a little bit more about what this economic recovery has done, economic stimulus has done so far, and make a case for what more needs to be done.

A recent report from the Council of Economic Advisers shows that the Recovery Act and other policy actions have saved or created over a million jobs while only about a quarter of the Recovery Act spending has been able to get into the economy. But many projects are in the pipeline and are on their way. The report, this report by the Council of Economic Advisers, estimates that the Recovery Act has had particularly strong effects in manufacturing, construction, retail trade, and temporary employment services. The employment effects are distributed across States with larger effects in States more severely impacted. So States like Michigan, Ohio, even my own State of Minnesota, but others as well, are getting this important economic recovery money so that we can turn our economy around.

According to Jared Bernstein, who is the chief economist, Office of the Vice President, "All signs—from the private estimates to this fragmentary data—point to the conclusion that the Recovery Act did indeed create or save about 1 million jobs in its first 7 months, a much needed lift in a very difficult period for our economy," which is something that I think we must pay attention to and cannot ignore.

I just want to talk a little more about the success of the Recovery Act, not that it has completely succeeded. We would like to see unemployment headed down, not just the rate of unemployment slow down. But just to make sure that we understand that providing economic fiscal stimulus does help our economy, it is important to review the facts.

The Recovery Accountability and Transparency Board—and as you know, we didn't just spend money out, we got a transparency board to look at it all—released its first report on the portion of the Recovery Act spending that shows that recipients have reported that so far, the act is helping to get Americans back to work. As I said, Mark Zandi of Moody's Economics said 2 percent, we would have 2 percent greater unemployment but for the Recovery Act which is so important.

According to this report issued by the Recovery Accountability and Transparency Board, the act shows that businesses that received Federal contracts from stimulus spending reported creating or saving about 30,000 jobs. The board released a more extensive report last month, which I will get to in a moment.

Now, I would like to talk a little bit now and just move on about this unemployment figure. I brought a graph with me that I would like to share with you, Mr. Speaker, and just show folks what we are looking at.

It is important that we talk about creating these jobs, as I just mentioned, the economic recovery and jobs that we are creating or working on. What this chart shows is that part of our strategy for job creation must be infrastructure, as I mentioned, and must also be creating public sector, public works jobs, which is important. But a third aspect is clean energy and green jobs. This is the visionary, forward-looking kind of job proposal that we need to pay attention to.

Investing \$150 billion in clean energy will create a net gain of 1 million jobs and improve opportunities for low-income families. These are jobs for the future. These are jobs for the next period. These are jobs for now and into the future. Clean energy jobs. Clean energy jobs created, 2,500 to 10,000 jobs across America, places in rural areas. And 10,000 to 50,000 jobs in these more darkly shaded areas where people live, sparser population but people need to work, and more than 50,000 jobs in the darkly shaded areas. As you can see, these are our industrial manufacturing sectors, places like Indiana, Michigan, and places like Illinois and Ohio, Pennsylvania, New York, Georgia, South Carolina, places like Florida, Texas, and California. This is a very important chart because a part of our conversation must revolve around what our job strategy is and what we expect to do in this period to create jobs for Americans.

You know, the thing is that jobs, having a job is one of the most important things that any person can do. A job is not just income, but a job also gives you pride and dignity. A job also is something that allows you to feel that you are making a contribution to society. A job. A job is something that you can go to and you can come home

and look your kids in the eye and say, you know what, I put in, I am productive. This is what I have done to help you and to help our society be better.

It is important to do something about the millions of unemployed today, the people who are in the ranks of that 10.2 percent of unemployed, the people who are among the ranks of the 34 percent of minority teenagers and young adults who are unemployed. Those children, 1 in 5 children in America in poverty, 1 in 3 African American children in poverty in America today, below the poverty line, we can do something about it, and the time to do something about it is now. We cannot sit idly by while our fellow Americans are in an economic malaise. We have to have ideas that are designed to work, and we have to remember what has worked in the past, and we can't be afraid to reach for what can work now.

The fact is that we are asking Americans, Mr. Speaker, to step forward and support a real jobs package, one that will work, one that is new and innovative for green jobs, one that preserves and improves our infrastructure, and one that puts people to work and one that keeps State and local governments from having to lay off public employees. These programs will work. We need to do something for small businesses who are often the biggest job generators of all, and we need to do it now.

Mr. Speaker, I just want to say that this has been another hour of the Progressive message, another hour of the Progressive Caucus. Our email is [cpc.grijalva.house.gov](mailto:cpc.grijalva.house.gov). We want to hear from the public, Mr. Speaker. We want to know what is on the public's mind, and we want to know how people are feeling. And we just want to remind people of the importance of the dignity of work and the obligation and responsibility of Americans who are in Congress to do something about this dismal job picture out there. I want to let the people know, Mr. Speaker, that we hear them. I want them to know that we haven't forgotten them, and I want to let them know that we are here to do something about the very difficult circumstances that people are facing.

So this will conclude the Progressive hour and the Progressive message. We will see you next week. Happy holidays, and enjoy.

□ 1615

#### WHERE ARE THE JOBS?

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Oregon (Mr. WALDEN) is recognized for 60 minutes as the designee of the minority leader.

Mr. WALDEN. Mr. Speaker, Republicans come to you today to talk about some of the same things that my col-

league who just finished was talking about, but we are going to try and liveen it up a little bit. Because, you see, the Democrats have controlled the Congress for the last 3 years, not the last 10 months or 11 months, but the last 3 years. But in the last 11 months, Americans have lost 2.9 million jobs.

You see, they passed this so-called stimulus, and they rammed it through in record time. It is one of those thousand-page bills that probably nobody had a chance to read before it got voted on, and then they passed it. The theory was that if they passed it into law, that unemployment wouldn't top out over 8 percent. That was their promise. That's what the Democrats promised, was pass the stimulus and it will solve unemployment. It will be no more than 8 percent. In fact, that's what their Department of Labor, the Obama Department of Labor, said right here, you can see it, Obama forecast with stimulus, right here is where unemployment would be. This is without the stimulus where unemployment would be at this point. These were their numbers. This is what they promised the American people. This is what they said.

Now, let's look at what really happened, however. Unemployment started out here in January of this year, 2009, whoa, up it goes. How high, nobody knows, but it goes on up and up and up over 10 percent, over 10 percent. Now who is benefiting from that? Well, let's, first of all, look at The Washington Post today. And right here on The Washington Post newspaper here in the Nation's Capital the top story is: "Stimulus is Boon for D.C. Area Contractors." Federal Departments are paying firms to help spend the money.

And let me read Alec MacGillis' story here. It says: "As struggling communities throughout the country wait for more help from the \$787 billion stimulus package, one region is already basking in its largess: the government-contractor nexus that is metropolitan Washington, D.C." That's right. Come on down. You are the winner, Washington, D.C. Once again, the Federal Government is the winner.

"Reports from stimulus recipients show that a sizable sum has gone to Federal contractors in the Washington area who are helping implement the initiative—in effect, they are being paid a hefty slice of the money to help spend the rest of it."

Now, if you want jobs for Washington, D.C.-based government contractors, I don't see how that is sustainable, helpful or even what was promised. And for heaven's sakes, we can see the red line here is not getting lower; it's getting higher. In fact, as I look at this, we would have been better off under the President's proposal, the Democrats' plan on the stimulus to have had no stimulus at all if you look at what they predicted versus what reality is.

But here is the best part. If you want to talk about helping rural areas, one of these people that has been involved in the government here tells The Post the reason all this money is being spent back here in the Washington, D.C. area is, she says, I'm not sure I ever heard of a government support contractor in Michigan.

Well, maybe that is part of the problem. Maybe if we had some of this actually flowing out to people who need the help and not into more government, things would be better.

So where is the money going? And where are the jobs? Now, we know that on February 25 in an interview with ABC's "Good Morning America"'s Robin Roberts, our Vice President of the United States, JOE BIDEN, said: "We've got to make sure this is done by the numbers, man. We've got to make sure people know where the money is going. This cannot be squandered. We have an opportunity to get the Nation back to work and back on its feet, and the first piece of that is generating some economic growth here, and we have to do it right."

Now that was February 25. Now, again, here is where they said we would be without the stimulus. Here is where they said we would be with the stimulus. Here's where we are. Here's where we are. And my colleague who spoke earlier about the horrible problem of unemployment—and it is—my home State of Oregon has suffered mightily. But this stimulus hasn't produced jobs out there. It may have produced them to contractors back here, but not out there.

So where are the jobs? And where is the money going? We were promised, the American taxpayers, when we borrowed all this money from China, we were promised that we would know, by golly, this is going to be accounted for. Everybody is going to know. Everybody is going to know. In fact, in a speech on the stimulus at the Brookings Institution on September 3 of this year, the Vice President, JOE BIDEN, said: "Everybody has to account for the money they got beginning October 1. It's going to go up on a big old Web site. We've got a new modern Web site that is going to blow you away in terms of how detailed it is."

So, here is the Vice President. He says, first of all, we've got to make sure this is done by the numbers, man. We've got to make sure people know where the money is going. It can't be squandered. We have an opportunity to get the Nation back to work and on its feet, and the first piece of that is generating some economic growth here, and we have to do it right. And then he said, we're going to track it all. We have a new modern Web site that is going to blow you away. Everybody has to account for the money. They have got to get that, beginning October 1, going to go up on a big old Web site.



We've got a new modern Web site that's going to blow you away in terms of how detailed it is.

Well, now, here is a guy who knows what happens with Federal money. You all know Lesko. You've seen him on TV. He says, free government money. Buy my CD. Buy my book. Get the free government money. You would think that even Lesko could track where the money goes.

So, let's look at what happened to some of the money, because I think Americans are asking, where's all this money going, \$787 billion? Where did the money go?

Let's see, in Louisiana, the New Orleans Times Picayune newspaper says Louisiana has seven congressional districts. So Louisianans visiting recovery.gov, that's the Web site that the Vice President said will blow you away with its detail, might find themselves not just a little skeptical, but truly puzzled to see that nearly \$5 billion was listed as headed to Louisiana's Eighth Congressional District, \$2.8 million to the 22nd District, \$1.8 million to the 12th Congressional District, and lesser amounts to the 26th, the 45th, the 14th, the 32nd and even the double 0 district.

Now let me go back. The 26th district? The 45th district, the 14th, the 32nd, the double aught. There are only seven, count them, seven congressional districts in Louisiana. And yet the Web site that the Vice President touted as really going to blow us away, it lists all these grants, all your money going to districts that don't even exist.

So the Times Picayune asked Ed Pound, who is the director of communications for recovery.gov, this is the fancy Web site that JOE BIDEN said is just going to blow us all away, and, boy, it has, they asked Ed, okay, you're the communications director for this fancy new Web site that's going to detail everything. How does all this work? This is the great accountability model of the transparency of the Democrats. He says, Oh, we rely on self-reporting by recipients for the stimulus money.

So Pound said the information from federalreporting.gov is then simply transferred to recovery.gov, and no one, get this, no one checks to verify its accuracy or to take note of the fact that Utah—here is another example—really doesn't have seven congressional districts. Utah has three congressional districts. South Dakota, well, they had a 10th Congressional District in South Dakota, but you see, folks, South Dakota only has one, count them, one—you don't even have to take your shoes off—one congressional district. Louisiana doesn't have 15 congressional districts. It has seven. So even Lesko here could know.

We will get back to Lesko here on some examples of some of that "free money" that went out.

In my home State of Oregon, we have actually five, count them on one hand here, five congressional districts. That is one, two, three, four, five. And yet on this fancy new Web site that is supposed to track all this, news media organizations looked and said, wait a minute, there isn't a double 0 district in Oregon or a 14th or an 8th or a 16th or a 60th or 21st. And this is transparency and accountability in a record amount of money that's being spent?

Now, frankly, being an Oregonian and having only five districts, I kind of like the notion that we are going to add congressional districts. Now even the people that don't live there, because there aren't that many, probably wonder about it, but that would give us a little more clout here in the Congress. That would be okay with me. Except you're talking about taxpayers' money here. And it is not creating jobs.

Now, Pound went on to say: "We are not certifying the accuracy of the information." So you have the Vice President who is telling us, man, this Web site is going to blow you away. We've got to make sure people know where the money is going. Everybody has to be accountable.

This is accountability?

Oh, by the way, these are the folks, this is the same government that is going to take over your health care and take over energy production, and they can't even manage a guest list for a dinner party at the White House? This is what we are getting, folks, with too much government.

We know what the problem is, according to Pound, and we are trying to fix it. Asked why recipients would pluck random numbers like 26, 45, or 14 to fill in for their congressional district, the communications director replied: "Who knows, man? Who really knows?" That was his answer. "There are 130,000 reports out there," he said. Okay. So we have an issue with reporting.

Now let's go back to our friend Lesko, because everybody knows him. Anybody that watches TV will see Lesko show up. And he says, where is the government money? There's lots of free government money. Get my CD, buy it, and you can get government money. Well, Talladega County, Alabama, now here they reported that they saved or created, this is frugal now, 5,000 jobs from only \$42,000 in stimulus money. Now, I was a journalism major, not a math major, but 5,000 jobs from \$42,000, that's \$8.40 a job. This is a record. No, but wait. It gets better. The Belmont Metropolitan Housing Authority in Ohio reported 16,120 jobs saved or created from \$1.3 million in stimulus funds from HUD. That's \$80.46 per job.

But the winner, the Lesko winner for efficiency in creation of jobs, goes to Shelton State Community College in

Alabama: 14,500 jobs saved or created with \$27,000 from the GAO. That is \$1.86 per job. Now that's a bargain.

Alkan Builders of Alaska reported 3,000 jobs created or saved from 11 million, \$3,666 a job. You can see why these aren't real jobs that are being created. It's not even being reported accurately. And yet we are saddling our kids with this enormous debt.

So, let's look at a few other examples. Earl E. Devaney, the top monitor of the stimulus in the Obama administration "acknowledged that he too found dubious the 640,000 jobs figure touted by the Obama administration as proof the stimulus was working and that there were too many errors in the reporting of data to accurately offer that estimate." Now, he is the one who actually is the watchdog. And that's what he told The New York Times.

Now, how many Americans does it take to fill an \$890 shoe order? According to The Wall Street Journal, November 19, on the recovery.gov site, an \$890 shoe order for the Army Corps of Engineers created nine new jobs at Moore's Shoes and Service in Kentucky. Really. Head Start in Augusta, Georgia, they claimed they created 317 jobs with a \$790,000 grant. Now I happen to be a supporter of Head Start, but it is this reporting issue and whether you're actually creating sustainable jobs. Actually, the money went to pay hikes for 317 workers. That would be a bonus of \$2,500 per employee.

So you see, Republicans stand up here, and we hear our colleagues on the other side of the aisle saying we need a new jobs summit. We need an economic stimulus. We need Economic Stimulus II because we got to help people get back to work. And Lord knows we do. But that is what they said the last time. And they've been in charge for 3 years around these Halls, and we've never had greater debt, more government takeover and more to come, and record unemployment.

We are looking at a 10.2 percent unemployment. It has not gone down since they enacted their proposal. It has gone up, up, up, up, up, up. And Americans are paying the price. And our kids and grandkids are going to pay the price on debt.

Now, how about that Alabama housing authority claimed a \$540,071 grant would create 7,280 jobs? That's what they reported, 7,280 jobs. It created 14 at best. Fourteen at best.

□ 1630

Now, you go back to these congressional districts that have been identified here that don't exist. You remember back to the New Deal when President Roosevelt wanted to increase the Supreme Court from 7 to 9 members so that he could get a majority. Well, it appears this administration takes it one step further, forgetting to add the two more justices. Let's just add, I'm

not kidding—let's just add 25 districts, maybe make it 50 new congressional districts, because that's what you would think happened here when this is your reporting. Far from accountable. And this is big stuff. We make a little light of this today perhaps, but this is big stuff because this is debt. This isn't like you have money in your checking account to spend. This is like you went to the bank and borrowed this money and shoved it out the door in record time, and you don't even know where it went.

I mean, I suppose Lesko's going to come out with a new DVD soon that says, Ask the government for free money and I'll tell you where it went. We found out. It's gone. Now, I just don't know, and in the next stimulus bill, are we going to create like whole new States? Maybe that's what we should do. When we're done creating new congressional districts, we can go to new States. Why stop at 50? You know, you like Massachusetts, you'll love New Massachusetts. Minnesota? How about South Minnesota or North Minnesota? Let's go for it. East Minnesota. Six little Mini-Me Al Franken running around and voting for new job grants to States that don't exist and congressional districts that don't exist.

And if we created 100,000 new jobs, who can find the voters to say we didn't? They'll love us in West St. Paul and New Duluth. And don't worry, we'll find the voters in South Minnesota to say thanks for the jobs. I mean, this is crazy. I mean, this is just crazy where it's going. I mean, this chart, I think, and I see I've been joined by my friend and colleague from Ohio, Mr. LATOURETTE. But this is a report that came out in a newspaper here, The Examiner, inflated jobs by State. And it shows, you know, a drainage ditch number one and I don't know what all these are. But they show these inflated job numbers. I would yield to my colleague, Mr. LATOURETTE, from Ohio.

Mr. LATOURETTE. Well I thank my friend from Oregon for yielding. And, in fact, that is a representation, and most people will recognize the United States of America. And each of the pushpins represents an area where the administration has reported jobs being created or saved. And it's kind of interesting, saved is a tough thing to analyze. And I'm going to talk about that in just a second. But created or saved. And each of those pushpins represents either a fictional place that didn't exist, as the gentleman's been talking about, or where the jobs that are claimed on recovery.gov, were, in fact, not created and/or saved. I just want to digress if you let me for just a second though because, you know, the gentleman's pointed out that, in 2006, the Republican majority had done such a bang-up job that it was replaced by a new Democratic majority, and it became historic in that we have the first

woman Speaker in the history of the country, Mrs. PELOSI.

And so for 3 years they have been basically directing how the legislative process in the House of Representatives works or doesn't work. And we have been saying on our side of the aisle for a pretty long time now, when we go back, when I go back to Ohio, I assume when the gentleman goes back to Oregon, people are saying, where are the jobs? Why don't we have any jobs? You gave \$700 billion to the banks to lend money. They're not lending money. You created and passed an almost \$800 billion stimulus bill to create jobs, and there aren't any jobs. And I think that they rightly ask, what is it that the Congress, this Democratic majority, has been doing with themselves to help stimulate the economy and create jobs?

I have a chart here that I like to use, and I want to be fair to them because they do have a rejoinder. But at the beginning of this year you had the Democrats in the majority in the House, Democrats in the majority in the Senate. And of course the President of the United States, President Barack Obama, was inaugurated on January 20. And this shows just through March of this year how the unemployment rate has increased. And the gentleman will recall that we were told that we had to pass this \$800 billion stimulus bill or else unemployment would hit 8 percent. And now it's over 10 percent. If you look at the construction trades, the people that build buildings, roads and bridges and other things, it's 18 percent; 18 percent of the people that work construction in this country are currently out of work.

But just taking what—we'll get to the stimulus bill and the President's participation in a minute—but just what our Democratic colleagues have been thinking have been the most important issues facing the country, as this unemployment rate now has spiked to 10 percent. On the opening day of this Congress, which was January the 6th, you had kind of a modest, unemployment rate. Out here on January 20th you have unemployment is increasing. But then you get out here to, towards the end of January, the beginning of February, and again, when Americans by the thousands and tens of thousands are losing their jobs, the most important thing that the majority here in the House could put on the floor was a resolution supporting the goals and ideals of national teen dating.

Mr. WALDEN. Say that again.

Mr. LATOURETTE. National teen dating. You know, when people are losing their jobs in steel mills and auto manufacturing plants, the House of Representatives is talking about the importance of teen dating. Now, I'm the father of some teenagers, and I want teen dating to go smoothly. But

more importantly, I really want the people that I represent to have jobs so that their teenagers can afford to go to school and buy things and eat food and things like that. Well, unemployment continued to spike. And now we get in the middle of February. The President now has been installed only for a month, and so we certainly can't criticize him at this moment in time. But again, as unemployment rises, the most important thing that this majority could bring to the floor, and people have to recognize, bills only come to the floor when the majority says they come to the floor. So what we did on that day was commend Sam Bradford for winning the Heisman trophy. And again, just like teen dating, I'm sure that the Bradford family's very proud of Sam, and I think it's quite an accomplishment to win the Heisman trophy. But again, tens of thousands of people are losing jobs.

So now we get out towards the end of February, people continue to lose their jobs. Every jobs report that comes out, it's hundreds of thousands of people are being displaced and out of work. And so surely, at this moment in time, you know, with complete control of the government, you would think we would be doing a jobs bill. But the most important thing that they could come up with was the Monkey Safety Act, to debate the Monkey Safety Act here in the House of Representatives.

Mr. WALDEN. That sounds like real monkey business.

Mr. LATOURETTE. And I want to be clear because when I mentioned this earlier, the Humane Society got upset with me. I'm not saying that this is a bad piece of legislation. But what I'm saying is, for crying out loud, when people want to know where the jobs are, why are we debating the Monkey Safety Act? I don't get it. But you get down into March now. And so again, hundreds of thousands of people are out of work. And you would say, surely, we're going to talk about a jobs piece of legislation in the House of Representatives. But when we get into March, the most important thing that they could come up with was the Shark Conservation Act. And, again, I like sharks. I don't like to swim with sharks, but sharks are nice to watch on television. But, again, where are the jobs, and where's the legislation?

And then we get out to where this chart ends at the end of March. I'm working on a new one that'll take us to where we are today. But you get out and, again, bad jobs report, tens of thousands more people have lost their jobs. And the most important thing that the majority leader could put on the floor was supporting pi.

Mr. WALDEN. Supporting pie?

Mr. LATOURETTE. Supporting Pi Day.

Mr. WALDEN. Apple pie or cherry?

Mr. LATOURETTE. No, it's not P-I-E, which as you can tell from my girth,

I enjoy pie. This is pi, the math formula, 3.14 or whatever it is. And we needed to recognize the importance of the number 3.14, rather than dealing with the people that are out of work in this country. So then, you know, to be fair to the majority, they will say, well, wait a minute. That's not all we did. We also passed the stimulus bill. And the stimulus bill, just south of \$800 billion, and it was advertised as creating 3 million new jobs across country. It's now been in place for about 9, 10 months, and my constituents, at least, are continuing to ask, where are the jobs?

And I think the gentleman has correctly pointed out that not only have the jobs not materialized, because they have not gone to job-creating activities; instead, and on top of that, they continue to issue press releases taking credit for jobs saved or created. I can just tell the gentleman, in my district, and here's under the heading of "press releases I would never send out," I represent the 14th District of Ohio. The White House sent out a press release saying that they had spent \$100 million in the 14th District of Ohio of stimulus money to create or save jobs. And I guess I'd ask the gentleman, you know, so that sounds like a lot of money. It is a lot of money. It's borrowed money, as the gentleman said. But then in the next sentence they say how many jobs they created and/or saved. Does the gentleman care to guess what we got for \$100 million in my Congressional district?

Mr. WALDEN. You could write a million-dollar check and get 100. I mean we could make 100 millionaires out of that. So maybe 1,000?

Mr. LATOURETTE. I'm sorry. It was 126. And so, again, with a straight face—

Mr. WALDEN. So we could have written a check and made nearly a hundred millionaires.

Mr. LATOURETTE. No. What we could have done is everybody could have gotten maybe \$800,000. But, no, the problem is as I go about the district, nobody knows where those jobs are. And I think, you know, the gentleman's talked about not only the difficulty of false claims of jobs, but jobs that have gone to places that don't exist. In Ohio—the gentleman's talked about Oregon—in Ohio, there was \$7,960, not billions, but still a lot of money, if you're paying taxes, for a basketball system replacement in Ohio. And they claim that as a result of that, they created three jobs. Now that's a little bit better than the hundred million, because that's only a couple \$3,000 a job. The problem, and basically, it was a grant to repair a basketball court in a park in Cincinnati, Ohio. But it was identified as Ohio's 0 district. Now, we have 18 districts.

Mr. WALDEN. We have one of those in Oregon. Actually ours was double 00.

Mr. LATOURETTE. Well, we have Ohio 0. And I'm sure that next fall in 2010 the Republican and the Democrat running in Ohio 0 are going to have a very tough race because nobody's going to be able to figure out where it is, because it—

Mr. WALDEN. No, they can go to recovery.gov. By then they'll know the district. And it's going to be well-jobbed.

Mr. LATOURETTE. So we clearly have some difficulties. I know the gentleman, if the gentleman's talked about this, I apologize. But down in Texas, this fellow who runs a public housing authority got \$26,000. But if you go to the Web site, it says that they reported creating 450 jobs, which is pretty—

Mr. WALDEN. What?

Mr. LATOURETTE. 450 jobs for \$26,000, which is pretty good. I mean, that's about \$500 a job. The problem is when they contacted this fellow, whose name is Bob Bray, he said, Boy that's great. You did a great job with that 26 grand, creating 450 jobs. He says, oh, no, no, no, no, no. He told the government that he had created six jobs, basically five roofers and a fellow to inspect it. But when he was asked to do some reporting, they said, well, that's not enough jobs. And so the 450 doesn't represent jobs, it represents the hours that these six people worked to replace the roof. So we really didn't get a whole lot for that \$26,000.

Mr. WALDEN. And even if it's six jobs, how long did those last?

Mr. LATOURETTE. Well, for 450 hours. It was for 450 hours, all six of them. You know, it's a couple weeks work is what you're talking about.

Mr. WALDEN. So it's not like a permanent sustainable job that'll get us into a recovery that goes forward. I mean it replaced a roof, and roofs have to be replaced.

Mr. LATOURETTE. I'm sure with the rainy season coming, I'm sure they're all nice and dry down there in Texas. But the fact of the matter is they put a new roof on, and now those people, I would assume, are unemployed or fixing roofs somewhere else. So clearly, this is a problem.

Mr. WALDEN. Now, you know, the University of Massachusetts got a grant—you're aware of this one—for \$95,000 to study pollen samples from the Viking era in Iceland. Now, I'm not making this up. It's there. You can find it. \$95,000, the University of Massachusetts studied pollen samples from the Viking era. You want to study pollen from the Viking era, an old sample of the Viking era? Just have Brett Favre sneeze. You know, that's an old Viking. We can do that. Save the \$95,000. Maybe this will make good, like 1:30 in the morning, Discovery or Science Channel reporting, you know. We investigated old Viking pollen from Iceland. And we created jobs—95,000 of your tax dollars.

We've been joined, Mr. LATOURETTE, if I could, by Mr. SCALISE here from Louisiana. We're glad to have you join us today and share your comments to our colleagues, and we may even go back and forth here with our colleague from Ohio.

Mr. SCALISE. Well, I want to thank my friends that are talking about this important subject because, you know, when I go home, people want to know the same things that you've been talking about. They want to know where are the jobs. They surely don't want the government getting involved in all of these areas of our lives that the government doesn't belong. And even more importantly, they don't want the government going off on these wild spending sprees, spending money that we don't have. And so they look at the record of this administration since President Obama came in in January, and they recognize that right after President Obama came in, he had this great idea that he was going to have this stimulus bill. And he said, we're going to make sure that unemployment doesn't go over 8 percent.

Mr. WALDEN. That would be this chart here.

Mr. SCALISE. And the chart that you show that shows the lofty goals, the lofty promises. And in fact, those of us who actually want to fix the real problems, want to solve the problems in our country, we met with the President. We said, Mr. President, we've got some ideas on how to create jobs, because we agree, our economy should be focusing on creating jobs. And we actually laid out a recovery plan that the Congressional Budget Office scored that would create way more jobs than they projected to score and a whole lot less money than they were projecting to spend.

□ 1645

Of course the President discarded our ideas. He went around the country telling people that we were just the party of "no," failed to mention that we actually had a solid plan that is still as solid today. So he just put his blinders on and said, We don't want Republicans. We just want to go on a wild spending spree. Unfortunately, the President got his way.

And Speaker PELOSI rammed the bill through the House, HARRY REID rammed the bill through the Senate, and they spent \$787 billion of our children and grandchildren's money—money that we don't have—claiming we need to do this because this was going to stop unemployment from reaching 8 percent and it was going to create 3 million jobs.

And then he stood here, right behind you, here on this House floor, right at that podium I'm looking at right there. President Obama said, We're going to track every dime, and JOE BIDEN, Vice President JOE BIDEN is going to be in

charge of tracking every dime because nobody messes with JOE. That is what the President said. Nobody messes with JOE.

Mr. WALDEN. Nobody messes with JOE.

Mr. SCALISE. And so of course, we decide to take President Obama up on his claims, and as Americans for months and months later, after they then came with a budget that doubled the national debt in 5 years, and then they turned around with another bill called the cap-and-trade energy tax, a national tax on energy.

Then they came back with this government takeover of health care that they're still pursuing. All of this, running jobs out of our country at a time when Americans want us to be creating jobs.

And so now that unemployment has exceeded 10 percent, people are not only asking where are the jobs, they're saying, What did you do with all of that money that you spent.

And so we started digging in deeper, and what we found out is, as you were talking about, we found out in Louisiana, there were more jobs created in Louisiana's Eighth Congressional District, according to the White House, by the stimulus bill than were created in my First Congressional District that I represent.

Mr. WALDEN. So what's the point?

Mr. SCALISE. So if you lived in the Eighth Congressional District and you're hearing all of these jobs that were created with taxpayer money that we don't have, that was borrowed from our children and grandchildren, you might be going, Well, I want to see what those jobs were. Of course people in Louisiana know, there is no Eighth Congressional District because we have seven congressional districts. So we dug deeper and we found out there were 15 different congressional districts in Louisiana that they were claiming they created jobs in using stimulus money.

Mr. WALDEN. So you think something got by JOE?

Mr. SCALISE. I'm not really sure.

And we did a little digging, and in fact, our local newspaper did some digging as well. They called the White House. First of all, they said, Okay, White House, you're claiming that you have got all of this transparency. JOE BIDEN is hunting out for every dime that's out there; how is it that you can have jobs being shown that you're creating in districts that don't exist? And the first thing the White House said is, We're not certifying the accuracy of the information.

So first, in January, they were going to be the most transparent administration ever. Now, 10 months later, billions and billions of dollars of borrowed money is going out the door. Nobody knows what it was spent on. They claimed to have created jobs in dis-

tricts that don't exist, and the best they can say is, We're not certifying the accuracy of the information.

Mr. WALDEN. But I thought nobody gets past JOE?

Mr. SCALISE. We're going to get to that because I think we've got some enlightenment we're going to shine on it.

So then they actually followed up, and they asked the White House, Well, how is it if you're not certifying the accuracy, how is it, though, that somebody can show a district that doesn't exist on your Web site as creating jobs? And the White House spokesperson's answer was, Who knows, man; who really knows. That is his direct quote. That is the best the White House could come up with as the American people are saying, Where are the jobs and what are you all doing with all of this money? And their answer is, Who knows, man; who really knows.

So we go back to President Obama. Right here in February, February 24, on the House floor his quote, Because nobody messes with JOE. And then here we've got a picture of Vice President JOE BIDEN with these two folks that crashed the White House State dinner just a week or so ago, and you wonder why nobody is manning the store and nobody's taking any accountability now. These are the people that are manning the store, and the American people are saying enough is enough; this is not a joke because the joke is on us. And it's money that you're borrowing from China and our children and our grandchildren, and we're tired of it. We actually want to create jobs. That's why we're going to continue to try to create jobs. But this shows you just what's really going on with the taxpayers' money.

Mr. WALDEN. And I will yield to my friend from Ohio, but before I do that, maybe this one didn't get past JOE. Maybe he approved it, I don't here.

But it says here that the Sacramento Bee reported \$25,000 of stimulus money, to provide five free concerts in the Sacramento area. I like concerts. I have gone to a concert. I have an iPhone. I've got headphones. I have my iPhone here. It would be cheaper to lend my iPhone probably than the \$25,000.

But here's one of the programs. It is the kitchen review. Now, you gentlemen I know are students of philharmonic and its programming. The kitchen review where audiences can imagine, "the life of a pot, a lid, a broom, and a dishrag." Twenty-five thousand dollars so that you can imagine—this reminds me of the Johnny Carson skit, you know, Carnac, the Magnificent. What do a pot, a lid, a broom, and a dishrag have in common? This is insane.

Now, the executive director did say the money will give 10 of his musicians a good long week of work. Now, I don't know about you guys, but when I hear

of jobs—I was a small business owner for 22 years. I created jobs, I maintained jobs, small company. I know what it's like to sign the payroll check. If I created a job, I expected it to last more than one week. Most of us I think see these numbers and think, Oh, they created a million new jobs or whatever they're claiming, 640,000 jobs. And then we find it was a roofing project that lasted 2 weeks. It was the life of a pot, a lid, a broom, and a dishrag concert in Sacramento for free. They gave a long week of work.

Now, that is not going to bring about economic recovery. I yield to the gentleman from Ohio.

Mr. LATOURETTE. I think the message is—and the gentleman from Louisiana I think laid it out very well—is we don't claim to have all of the best ideas on how to do this. I think that in the House we represent about 47 percent of the American people. And as you move forward with sort of—it's like going to a bad movie, Stimulus 2 or Stimulus 3, about to rear their ugly heads around here. We would just like to have the ideas that we have—the gentleman's a former business owner, too—to say, Hey, I have an idea how to create a job. And I think if they were more receptive to that, you wouldn't have to report phony stuff, and people wouldn't be asking where the jobs are because the gentleman mentioned the health care debate.

One way to make sure that health care is less of a problem in this country is to have people working with health care, with retirement security. One way to solve the problem with the foreclosure crisis in this country is to have people working so they can pay their mortgages and their insurance and raise their families.

But just two quick examples. I don't understand why they're bragging about this stuff. The government claims to have spent \$1,047 to buy a riding mower from the Toro Company to cut the grass at the Fayetteville National Cemetery. I'm all for cutting the grass at the Fayetteville National Cemetery, but the Web site claims that the purchase of that single lawnmower helped save or create 50 jobs.

Mr. WALDEN. A single lawnmower. Well, maybe it's a push mower. A big push mower.

Mr. LATOURETTE. We've got a lot of shift work going on there.

Mr. WALDEN. For 49 people pushing and one steering. How many people does it take to push a lawnmower?

Mr. LATOURETTE. It was a riding lawnmower.

So anyway, and then to Connecticut. I think again what our constituents ask us to do is what the next story does. And that is, the Police Department up in Plymouth, Connecticut, received a grant, and they used it to buy new computers. And again, law enforcement needs the best tools to catch

the bad guys, but the administration is saying that the purchase of these computers created 108 jobs. There's a couple of problems with that. There are only 22 people who work at the police department, and when they called the mayor—they called the mayor up there in Plymouth. They said, Hey, how come you guys are reporting 108 jobs with some computers. He said, I can't tell you. His name is Vincent Festa. He says that—and this is what our constituents want us to do—he said that the town has resorted to counting paperclips to save money but that it had no plans to lay off any police officers even without the stimulus. He couldn't explain the police report, and the town's police chief—unlike the mayor—didn't return telephone calls seeking comment.

So, again, we need to be included as we find out not only how can we help assist the economy recover, creating jobs, but we need to do what the mayor, Mayor Festa, is doing in Plymouth, Connecticut, counting the paperclips.

Mr. WALDEN. And maybe we need to ask Lesko where the free government money went. He seems to know. He's on television all the time. Ask Lesko, where's the money, free government money?

How about this one: West Virginia requested \$387,350 from the so-called stimulus to hire two State coordinators and an assistant to encourage private land owners to grow ginseng and shiitake mushrooms on their private forest lands. Now, I have nothing against ginseng or shiitake mushrooms, for that matter, or farmers. With three staff and \$387,000 in Federal money they hope to contact 160 landowners. That works out to \$2,377 per contact to reach out to 160 farmers, forest land owners, to say, Hey, you guys want to grow some ginseng and shiitake mushrooms out there under the trees?

This is your Federal tax money, \$387,350 for West Virginia. I thought with all of the paving that goes on there—well, we won't go there.

Mr. LATOURETTE. Maybe they don't have phones in West Virginia.

Mr. WALDEN. I mean, come on—\$387,000.

I loved this one, too, \$4 million for a new bike path trail in Massachusetts so people can get to the North Hampton Taco Bell. Do you think I'm making this stuff up? So there's a new slogan that Taco Bell has come out with: "Bike to the border." The problem is, we all know with Massachusetts, before it's built, you know, they're going to make it a crime to eat a burrito and ride a bike at the same time. You can't eat a burrito and ride a bike at the same time. No taco chips, no salsa, nothing on that bike. And forget the cheese if it's not from a free-range dairy cow. I mean, this is \$4 million for a bike path to the Taco Bell.

Mr. LATOURETTE. Both gentlemen have talked a little bit about some of the other stuff that's been going on. At the same time the economy continues to tank and people continue to lose their jobs, they continue to pile on. This health care discussion that we had a little while ago in the House, one provision in that bill says that at Taco Bell, at every vending machine, in every location you're going to have to have a sign next to it that says what the thing is not only made of but whether it's good for you or not.

I'm not a healthy eater, you can tell.

Mr. WALDEN. Actually, you are healthy eater.

Mr. SCALISE. Robust.

Mr. LATOURETTE. I think I have a healthy appetite. I don't know if I'm a healthy eater.

It's going to cost a lot of money, obviously for not only the consumer—because these signs are not going to come free—but also the people who are going to make all of this stuff. Does anybody think this compliance cost won't be added on? And how do you deal with compliance costs? You either raise prices or you let people go.

But anybody that thinks when they go to a vending machine and sees a Twinky, a Twinky filled with that delicious cream, anybody who thinks that that is good for you probably shouldn't be out and about without adult supervision during the day.

Mr. WALDEN. Or that thinks you're going to stand there at the vending machine with the lineup of Twinkies and you're going to read the ingredients list and the calorie list, and that's going to dissuade you from buying that Twinky that you have found the vending machine to get.

Mr. LATOURETTE. And then on top of that, we had the cap-and-trade bill a little earlier. Again, everybody wants clean air—I come from Lake Erie—clean water and everything else. But the fact of the matter is there was a huge national carbon tax. And again, when you have an economy that is ailing and people are losing their jobs, imposing more taxes on them, the places they work is not the answer.

So you sort of have this double whammy going on here. You have no help for the people who have lost their jobs, and by the same token, you have policies to create more job displacement.

Mr. WALDEN. This government, this Federal Government, Democrats have run the House for the last 3 years. The House controls the purse strings. The Congress does. The President can put forward a budget and they end up signing the bills into law, but it's the Congress that controls the purse strings.

Under this administration, the Federal Government will run deficits in excess of \$700 billion every single year for the next 10 years. Now, the highest deficit, the highest 1-year deficit prior to

this administration was \$459 billion, which was high, but it was coming down. Now it's \$700 billion and higher for the next decade at best.

Now, that racks up to what? What do they figure? A \$20, a \$17, \$20 trillion debt at the end of 10 years. So let's figure out how you pay that off. Let's say it's \$20 trillion by the time they're done.

□ 1700

Well, how about this? The Congress runs a trillion-dollar surplus for 20 years and pays down the debt. How many in this Chamber believe this Congress, or any Congress for that matter, is going to run a trillion-dollar surplus and apply it to paying down debt? I see no hands going up.

So then you're going to drive inflation. You're going to inflate your way out of debt. And that's the fear I have, having been in small business, knowing a lot of small business people. That means higher interest rates, higher inflation, a return to Carteromics. You remember when Jimmy Carter left office we had double-digit inflation, double-digit unemployment, double-digit interest rates, and the economy went in the tank. That's what portends from this enormous deficit.

I'd yield to the gentleman from Louisiana.

Mr. SCALISE. I thank the gentleman from Oregon.

This is what we talk to our small business owners about. When I go back home, small business owners that I talk to aren't saying that they want the government taking over health care. What they're saying is these policies, these policies are what are causing them to hold back or to look at divesting and just getting out. But there's so much money on the sidelines because of the actions being taken by President Obama and the liberals that are running Congress that are literally stifling the ability for businesses to create jobs. The American people know that because the American people are looking at these policies. And they've got good common sense. And they're saying, If you've got tough economic times, the first thing you should be doing is figuring out how to help businesses create more jobs.

And so then they look at this health care bill. Here's a bill that, first of all, spends over a trillion dollars. A trillion dollars in new Federal spending. But then how do they get that money? Well, they go and they cut Medicare to the tune of about \$500 billion, and our senior citizens know how bad that would be. But then they also turn around and they add over \$700 billion in new taxes on the backs primarily of small businesses. And so, on one hand, the President's holding a job summit, but, on the other hand, he's got a bill that would add \$700 billion on the backs of small businesses with the government takeover of health care. Then,

on a third hand, he's got this cap-and-trade energy tax, which literally is a tax on any company in this Nation that manufactures goods.

Mr. WALDEN. Which will drive jobs out of this country.

Mr. SCALISE. Absolutely. In fact, the National Association of Manufacturers said the cap-and-trade energy tax would run at least 3 million more jobs out of this country. Now, of course, this is a President who, since the stimulus bill, he said it was going to create 3 million jobs. Our economy has lost about another 3 million jobs since his stimulus bill, but then his policies would run millions more jobs out of this country.

Of course, the President says we need to do all of this because we've got to save the planet. Well, just earlier this week they finally have exposed some of the corruption involved in this whole argument behind cap-and-trade.

Mr. WALDEN. You're talking about the emails and the conspiracy.

Mr. SCALISE. I'm talking about Climategate. Climategate just hit. This is something that's been going on internationally for over for 10 years. It just got uncovered because some of these emails came to light. Of course, to pass the cap-and-trade energy tax, they said man is destroying the Earth and we've got to limit carbon emissions. Of course, the two biggest emitters in the next 10 years are going to be China and India, and China and India have already said they're not going to comply. So you're not only running millions of jobs out of this country, you'd be running them to countries that actually emit more carbon to do the same thing. So it actually is counterproductive. But then let's look at the science behind what they're saying they need to do.

You've got Al Gore out there who's been running around for years now—he's won Nobel Peace Prizes and Academy Awards—saying the scientists are virtually screaming from the rooftops, Now the debate is over. This is former Vice President Al Gore. The debate is over. There's no longer any debate in the scientific community about global warming. And what he's saying is all of these charts and graphs he's been talking about for years and in his movie "An Inconvenient Truth," a very famous chart he used to show talking about global warming was called "the hockey stick chart." That's this chart right here. It's showing over thousands of years they've documented that our Earth is going through cooling periods, our Earth is going through warming periods. We had more warm temperatures than we have today thousands of years ago when there was no combustion engine, there were no fossil fuels being burned. Mother Nature just has a way of going through different cycles on her own.

And so what they were showing was over hundreds of years you had this

normal trajectory down, and all of a sudden there's this increase in the Earth's temperature that they showed. The problem is, we just exposed through Climategate, they got to this huge increase that Vice President Al Gore said we need to change our entire national economy over by corrupting the data.

These are some of the things that came out in the email: I have just completed Mike's nature trick to hide the decline. That was Phil Jones, who's one of the lead scientists for a group called the University of Anglia in England. This is a group that writes all of the documents that our scientists in America have used to say we need a cap-and-trade energy tax. They phoned up the numbers. They corrupted the data. And here's the email.

And there are many, many more emails, talking about how they use tricks and that they hide the declines that don't prove their argument. In fact, there are many scientists who have said we're in the seventh year of a cooling period, but they won't show any of that data because they literally have hid the data, and now we've exposed it through Climategate and these emails.

So you've got Vice President Al Gore still running around out there saying we need to have this cap-and-trade national energy tax. The President's going to be going to Copenhagen in about a week and a half, and I guess, just like he went there to try get the Chicago Olympics, a lot of us are hoping he comes back empty-handed in Copenhagen, because what he wants to do is sign an agreement that would literally lead to the destruction of millions of jobs in America based on corrupt science.

Mr. WALDEN. And we know that his stimulus plan that passed by the Democrats hasn't worked. Now they're coming back with stimulus II, we read, that may be \$300 or \$400 million more of borrowing and spending. And you're creating bike paths to Taco Bells and checking on Viking pollen air in Iceland. This is crazy.

Now, the scientist you referenced there, Jones, I believe that he has been the recipient of tens of millions of dollars for his research of American taxpayer research money from the Department of Energy.

Mr. SCALISE. In fact, we're now asking for an investigation to be conducted into not only—

Mr. WALDEN. Republicans are.

Mr. SCALISE. By the way, he just stepped down through the embarrassment of the exposing of this scandal. So for anybody to say, Oh, this isn't anything real, this is all being trumped up, this guy just stepped on down out of embarrassment over this scandal.

But we're now calling for an investigation to look into the millions of dollars of Federal grant money, U.S.

taxpayer dollars, that have been either obtained through corruption or, when they got the Federal tax dollars, they went and conducted studies that they manipulated the data, corrupting the data, again, using that taxpayer money, and we want our money back and we want criminal charges to be filed against these people that actually went out and corrupted data to try to pass a national energy tax in this country that will run millions of jobs. And you wonder why small businesses feel like they're walking around this country with a bull's-eye on their back.

Mr. WALDEN. Beyond that, Republicans have asked for an investigation of this. It's pretty silent on the Democrat side of the aisle. This is a clear example where there has been a conspiracy to avoid the Freedom of Information Act, to discourage dissenting viewpoints from being included. All you have to do is go through the 3,000 emails. And as the ranking Republican on the Oversight and Investigation Subcommittee, our Republican staff is doing that as we speak, and it's phenomenal what they're finding in terms of this sort of concerted, conspiratorial effort. And I don't use those terms lightly.

It appears to be a real conspiracy when you've got a lead scientist emailing out to other scientists in the United States saying, Destroy this data, delete this email, get rid of this, and then you discover that the actual temperature data that were gathered from the sites has been destroyed. They took those data and then they ran them through their own model of what they think it should look like and then they destroyed the original data, which means nobody else can go back and use those original data to test and replicate whatever it is they model.

And then there are these emails about let's try and discourage people from getting published in this magazine because we don't think they're with us on this, or whatever. I mean, the American people are going to see transparency. They don't want to—I don't know of too many Members in here who sent out pamphlets in their campaigns that said, Send me to Congress and I'll raise the cost to turn on your light switch, yet that's what they voted for with that cap-and-trade. They voted for 3 million jobs to go overseas.

Mr. LATOURETTE. Well, they did.

I want to go back just to the jobs business for a minute, because there's a couple of things you can do as a government. The government doesn't create jobs. That's one of the myths around here. It's people who have the entrepreneurial spirit. It's corporations that make investments in not only equipment but product and people.

But going back to the health care thing and Mr. SCALISE's observation about more jobs leaving, I would think



that the first thing would be to be like a physician; do no harm. Let's keep what we've got and then we can build on it. Then we go can grow jobs. But if you look again at the health care bill, how that's financed—and a lot of my constituents don't understand that everybody recognizes in a country as great as the United States we shouldn't have people who die because they don't have quality health care. They should have the ability to have affordable, accessible health care.

But no matter what that number is—some people say it's 47 million. The President came here and said it's 30 million. Whatever the number is, even at their number of 47, you're talking about 15 percent of the people in the country. And a lot of people are asking the question: How come we've got to screw up everybody else to take care of this problem that's dealing with maybe 15 percent of the people?

And specifically to the jobs issue, the Senate bill that they're now debating across the Capitol has a number of taxes in it. First, both bills cut half a trillion dollars out of Medicare. And how you're going to make the country healthier by taking away half a trillion dollars from people on Medicare I have yet to have explained to me adequately. But on the other side of the Capitol they're debating all these new taxes, and one is specifically on companies that manufacture wheelchairs.

Now, I have, not in my district but on the other side of Cleveland, in Lorain, Ohio, the world's leading wheelchair manufacturer. And in talking to the folks that run that company, they're saying, You know what? If this tax comes about—and it's hard to know why you have to tax wheelchairs to take care of somebody who doesn't have health insurance—if this tax comes about, it will completely eviscerate any profit margin that we have, and I'm going to take thousands of jobs and they're going to have to be terminated and I will go to China. I will go to China and employ thousands of Chinese to make wheelchairs and have them imported into the United States.

Now, some of our friends on the other side say, Well, that's not patriotic. What are you doing? You're thumbing your nose at the United States of America. Business is business and jobs are jobs. So to disincentivize—not only to do no harm, but to harm—doesn't make sense to folks back where I'm from.

Mr. WALDEN. No, it doesn't. I think that's the issue. And we had an alternative that created twice the jobs at half the cost in America. Twice the jobs at half the cost. Clearly, we want to get people back to work. There are alternative ways to do that that Republicans have put forward on health care reform. We haven't even talked about tort reform that would save \$68 billion. Get rid of the junk lawsuits

and get access to affordable health care out there.

There are ways—and as a former small business owner, I can tell you—to create jobs in the market out there. Bike paths to Taco Bells is not a sustainable economic recovery model. \$95,000 for research on Icelandic Viking-era pollen seems a little outrageous at a time when we're running record reported deficits.

I know we're about to run out of time here. I'd go back to my colleague from Louisiana if he has got any final comments because, you know what? All of this has gotten past Joe.

Mr. SCALISE. And I guess that's a good place to finish, kind of where we started. The American people are saying, Who's manning the store? And they're also saying, Where are the jobs? And they're looking at these policies and they're looking at this cap-and-trade energy tax, they're looking at this government takeover of health care with the \$700 billion in new taxes. They look at what happened today here on the House floor. Speaker PELOSI's top priority was a bill that actually puts into law a permanent 45 percent tax on death. A tax on death. And so that's their answer.

Their ideas are actually leading to increased unemployment, running millions of more jobs out of this country, and the best that they can say is, Who knows? There's no accountability. But, don't worry. The President is still saying, There's old Joe. He's manning the store, because nobody messes with Joe. They think that this may be some kind of joke, but the joke is on the American people. And the American people are tired of it.

Mr. WALDEN. We yield back the balance of our time.

#### THE YEAR IN REVIEW

The SPEAKER pro tempore (Mr. KISSELL). Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes.

Mr. GOHMERT. I do appreciate this so much, and I appreciated the informative information that was provided by my friends and colleagues here. A lot of very helpful information. I do find it interesting.

We were promised back in the first of the year by the administration that if we did not pass that \$800 billion stimulus bill, then we could see 8.5 percent unemployment. We had to pass that stimulus bill. We could not wait, because people were losing their jobs by the thousands every day. It could not wait.

□ 1715

People did not have time, we were told, to read the bill. It was too important to just pass it, because otherwise the unemployment rate, we were told,

could get as high as 8½ percent if we did not pass it. Well, 8½ percent by not passing the stimulus bill sounds very good at this point. From last month, unemployment, 10.2 percent. We're hearing that there will be additional jobs that will have been lost come Friday when a potential announcement will be made.

It is so frustrating to have had people on this floor come into this Chamber where there has been so much powerful legislation, lifesaving, life-enhancing legislation, and then be told, as we were earlier this year, there's no time to read the bills, you just have to pass them, because thousands and thousands of people are losing their jobs every day, and it could go to 8½ percent unemployment unless we pass it right now.

And so we passed it and the President took 4 days to get the right photo op in Colorado to sign the bill. We could have used those 4 days to actually debate and amend the bill and make it actually into a jobs bill instead of a reward to people who had been faithful to the Democratic Party, because that sure appears to have been what it became, what it was, because it certainly wasn't a jobs bill.

And if you go back to that stimulus bill at the first of the year and you look for people who saw it clearly for what it was, this was not a jobs bill, this was not a stimulus bill. Over half of it would not be spent for 2 years. It was around 7 percent was all that was going to be spent on infrastructure. It was sold to a lot of people in this body on the basis that we were going to enhance transportation and infrastructure. We had to build all these things, anyway, so why not do that to create jobs. And then 7 percent went to that.

Less than 1 percent went to small business, SBA loans, programs. Less than 1 percent went for that. Yet we know that 70 percent of the new jobs are created by small business. It was clear that was not a jobs bill.

So you would think that as we approach the end of this year, more and more people begin to see that really wasn't a jobs bill. Now who was it that was right about that bill? Who was it that read as much as they could in the limited time they had and was able to discern what kind of bill that was and how much damage would be done, that it wasn't going to help the economy, it was going to hurt it. That was clear to so many of us.

You would think at this point as people start to talk about, okay, well, that sure failed, what we tried earlier this year, although we did put a lot of extra debt on future generations, because if you think about it, between the \$800 billion stimulus, so-called, package and the \$400 billion land omnibus bill that was passed right on its heels, you have about \$1.2 trillion. That also happens to be, when you divide the number of



households in America, it's about \$10,000 per household that we just laid on in debt to every household on average in America.

I mean, who in America can afford another \$10,000 being added to their debt that at some point is going to have to be collected as debt, as taxes, or we will go the way of the Soviet Union and have to someday announce, you know what, we didn't listen to China when they laughed at us because we said we were controlling our deficit and we did not; we didn't listen to some of the European nations because they had never been very good at controlling their spending, and when they told us we should control ours, we didn't listen. We laughed at them when they laughed at us.

But now it turns out they're not buying any more of our debt. Fortunately, they still are so we haven't had to do what the Soviet Union did yet and announce that we're bankrupt and we can't print enough money fast enough like Germany did in the 1920s that brought about that horrible dictator with the mustache that killed so many millions of people, innocent people.

We haven't been listening as a nation, as a nation's leaders. But America is getting it. They're seeing. And that's being reflected by what's going on around this country. It is immoral what we are doing to future generations. What we did in here this very day, passing this extra death tax. There's going to be no death tax in 2010, that was going to be the case; and now this bill that passed the House, if it passes the Senate and gets signed into law, well, it will go to 45 percent.

But we're told, well, gee, even though those people paid income tax at the highest rate in the country and even though there may be 40 to 44 percent, the way we're moving, who will pay no income tax, we're going to take away about half of what they've been able to accumulate in their lives, their family farms, their business.

And those that are in small business know what I'm talking about, Mr. Speaker, because so many of them have known what it is to have the person that started the business, got them involved, pass away, and then there's a 55 percent tax for so many years.

We were able to pass a bill, and it's a shame on the Republicans that we didn't permanently end the death tax. But we didn't have 60 votes in the Senate. It was passed out of the House to permanently end the death tax, and it didn't get but 56 votes in the Senate, so it didn't pass. Shame on the Republicans for not getting that done. But now shame on Democrats who are in charge and are going to go with a 45 percent tax.

Mr. Speaker, I know you heard people during debate today in response to my pointing out that, as a judge, I have sentenced people who stole from

deceased persons. We consider that reprehensible, despicable, for someone to steal from a dead person. And yet in this body we have the power to just pass a law and say, well, it may be immoral, but we have the power to take people's money when they die, so we're going to do it, anyway.

We have the power, we passed a bill today, despite the objections of so many of us, but we do not have the moral authority to be taking other people's money that they accumulated after paying maximum amounts of income tax and redistribute what they earned with the sweat of their brow and their ingenuity and their risk.

That's not right. That's not the way America became the greatest country in the history of the world. It's really immoral to be doing that kind of thing. And if we were not the Congress, we would be sentenced to go to jail for stealing from dead people the proceeds from a life's work. It isn't right.

When you look at the response, it is to push a health care bill. We're going to add this additional tax and, by the way, that goes to those who generate the jobs, the small businesses. People like Warren Buffett, I don't know his personal situation, but the people that I have been aware of who are megawealthy had good estate planners and the ones I was aware of were able to put together estate plans that created life insurance situations that were paid for where they were going to be fine, their families were going to be fine when they passed on and left their inheritance because they had figured out innovative ways to address the death tax.

The megawealthy, they're not the ones who will be hurt. The ones who have been hurt are those whose family built a business, and then the one who built it passes away, leaves it to the heirs and they don't have a lot of money. They own machines. They own property. They own the business. And now they've got to come up with a 55 percent tax—under the bill we passed today if it becomes law, big whoopie, it will be a 45 percent tax—on money that they paid personal income tax on, corporate income tax on if they were a corporation, individually if it was through a subchapter S.

They paid lots of taxes, and then to take 45 percent now, 55 in the past, of their business meant that lots of families had to go borrow money against the business or sell part of the business to some outsider because they had to get the money in order to pay the tax.

I mentioned my great aunt's situation. Some have wondered, but it was a very real situation. In 1986 when my great aunt died, her husband had predeceased her. It was July of 1986 she passed away, back in Texas. Over more than a hundred years, generations had accumulated around 2,500 acres, farm, ranch, raising corn, raising cattle.

They had a good small business and employed people to help them run things.

My aunt, my great aunt, Lilly, was a very good businesswoman. She was very astute, very careful, and she lived a very minimalist life. She was not extravagant. She didn't have a lot of cash. She would acquire nice things. She had some nice crystal glasses, some nice china, silverware. There were things that she had made clear she was leaving to certain family members.

When she passed away, there were comparable sales in the area of around \$2,000 an acre; but before the estate could be finalized and settled, there was a lot of FDIC or RTC land that was dumped and prices of the land fell to around \$600, \$700 an acre. Now the IRS was nice, they gave them a couple of years' extensions, hoping the land value would come back; but after a couple of years the IRS said, That's it, no more extensions, it's all got to be sold. It was a nearly \$5 million evaluated estate, and when the land values fell to \$700, I believe they got nearly to \$800, if I recall correctly, that paid the tax. It didn't even quite do that.

That's why the IRS ordered the land sold and then had an auction of all her personal assets. All of us in the extended family were encouraged to come out to the auction and try to keep as many of the family heirlooms in the family as we could. We didn't keep them all. There were some from the community, some who came from other places who decided they wanted some of my great aunt's property and they were able to bid higher, so we didn't protect all of the family heirlooms, family treasures. Not so much huge value, like over \$500, but of great sentimental value. And we couldn't keep it because this nearly \$5 million estate, valued when she died, was all taken.

□ 1730

The family begged and pleaded with the IRS to at least, instead of taking the entire estate, how about just taking 55 percent of everything that existed? Take 55 percent of the land. That would seem fair. Oh, no, because, the IRS said, Congress had made clear that, oh, no, we take 55 percent of everything at the time of death, and if it's mainly land and it's not worth as much when it sells, we're taking it all.

All the land was sold. It was a tragic situation.

But I've heard people come down here and try to say all this talk about hurting family farms and small business, there's really nobody that's ever been hurt in a family farm or small business from the death tax. It's simply not true. People are hurt and have been hurt so often in small business and family farms because of the death tax.

One of the things I did purchase at the auction was we got some of Aunt

Lilly's crystal, and we wanted to let the closer family members who were told you will get this and this when I'm gone, we wanted to let them get the bid and get the things that were theirs; so there was reluctance to bid on things that were designated for someone else. But it was just a long, sad day. And I bought a little music box, a church, and you could wind it up, and the cross on top of the church turned as it played "Amazing Grace."

Well, God's grace is amazing, but that's certainly not true of the United States Government. There is no grace when it comes to the United States Government, which brings me back to the issue of health care.

Mr. Speaker, I've got a box here. It's got the bill that we passed here in the House, and there's some great stuff in here. We had people come to the floor and say, for example, we didn't need to pass the Bart Stupak amendment, no, because there's no money in here for abortions. But if you open the bill to page 110, something apparently people who said there was no money for abortions had not done, but at page 110, subparagraph B, entitled "Abortions for Which Public Funding is Allowed," it says "The services described in this subparagraph are abortions for which the expenditure of Federal funds appropriated for the Department of Health and Human Services is permitted."

Well, how about that? We were told there wasn't any money in there for abortions from Federal tax dollars.

So how about the thought of someone not only taking someone's proceeds and property, money that they accumulated over the course of their life, paid the highest income tax rate on throughout their lives, and then they die, and throughout their lives they knew in their heart, they believed with all their being, that life begins when it's created, and that is not just when a baby is born but in utero, and this person who has passed away knew in their heart it's really murder when you kill this innocent helpless child who cannot defend themselves. They try. You see the hands and their trying to get away from having their brain sucked out, whatever method of abortion is being utilized. You see them fighting against it. But they're helpless. They can't fight against those trying to kill.

Yet the Federal Government not only does the reprehensible thing of taking this deceased person's money that they accumulated from their own work, their own effort, paid tax on, and then uses those tax dollars, puts it in the general fund and uses some of the general fund to go out and pay to kill those innocent babies.

We were told right here in this House, right here in this body, in a joint session, that basically if you like your insurance, you could keep it. We heard that said over and over. But if

you look at page 91, that's section 202, "Protecting the Choice to Keep Current Coverage," subsection (a) right under that, all capital letters, "GRANDFATHERED HEALTH INSURANCE COVERAGE DEFINED," and this is where it defines whether you get to keep it or not. So it says "the term 'grandfathered health insurance coverage' means individual health insurance coverage that is offered and in force and effect before the first day of Y1 if the following conditions are met: "Condition No. 1, 'the individual health insurance issuer offering such coverage does not enroll any individual in such coverage.'"

I had a person back in East Texas that I represent when I was talking about health care say, You know what? I know a lot of people are really concerned about it. I don't want to seem callous, but I'm not worried about it, because I retired. And I said what company, one of the bigger companies in the country. And he said, We have a great union that negotiated us great health insurance, and I've got great insurance. The President said if I like it, I can keep it. I'm not worried about everybody else. I'm in good shape.

And I said, Well, is there any chance that anybody else will ever retire from your big company and be added to the insurance health insurance coverage that you have?

He said, Oh, yes. People are retiring all the time.

I said, Oh, bad news, because under subsection (a)(1)(A) if the individual health issuer offering such coverage enrolls any individual in the coverage after the date this bill goes into effect, you lose your insurance. Everybody that has it loses it, and you get kicked over into the Federal exchange program.

But at No. 2, here at the bottom of page 91, it says, "the issuer does not change any of its terms or conditions, including benefits and cost-sharing, from those in effect as of the day before the first day of Y1."

So, very clearly, if the insurance terms and conditions change at all, if the benefits change at all, copayments change, any of the cost-sharing, premiums, whatever, if they change, tragic. You lose your insurance. You do not get to keep it. The government gets to tell you about your health care under the Federal exchange.

And, yes, we've heard a lot about the panel that said, gee, if you're under 50, you don't really need a mammogram. If you're over I think 75, 78, something like that, then you don't really need a mammogram. That's the government telling you. I don't care what others say. You go read this bill, and it seems pretty clear that those panels are the ones that will determine under the plans what services are provided. So here at page 167, it says, "The Commissioner shall specify the benefits to be

made available under Exchange-participating health benefits plans." So the Commissioner will decide all of the conditions of the health insurance policies that are offered. Everybody has to offer the same insurance in each service area.

And you go down to the middle of the page, "Required Offering of Basic Plan," the entity offers one, and only one, basic plan for such service area. Then the next provision says, "If and only if the entity offers a basic plan for such service area, the entity may offer one enhanced plan for such area." If you offer the enhanced plan, you may offer one premium plan. And then also if you do all that, you could offer a premium-plus plan. You have to get to the premium-plus plan before the panels dictate whether or not you can get a mammogram before you're age 50, or whatever panel the panel happens to indicate. Maybe if there's enough outcry, the panel withdraws and says, okay, we were just kidding; so we'll change that. But our experience is once the government is comfortable in its role of regulating, it gets to where it really doesn't care what the outcry is. It doesn't matter because they run things.

Just as with the flood insurance when the Federal Government, if it sounds familiar, said, You know what? We think private insurance companies are charging too much for flood insurance. Well, it might have something to do with people who keep rebuilding homes on the coast where they get wiped out. Well, the Federal Government apparently decided we need to provide cheaper insurance than what can be provided in the private sector. So the Federal Government got involved. They didn't charge enough in premiums to stay in the black, so they went into the red.

Well, private companies cannot compete with the government because they can't exist in the red unless the government takes them over, which I guess you could talk to GM about or some of the banks or some of Wall Street. But anyway, they ran the private insurance companies out of the flood insurance business, so nobody sells flood insurance anymore because they could not compete with the Federal Government, and that's going to be true of this as well. This will be a disaster.

It's one thing to experiment with a novel—what really is a socialist idea here, the Federal Government's socializing medicine. It's not total socialism; it's just a socialist program because the government takes over a private-sector business, a massive amount of the economy, and controls it. But it doesn't stop there because if the Federal Government is paying for all your health care, shouldn't they have a right to tell you how to live?

Oh, yes, of course, in this bill the Federal Government becomes the repository for everybody's medical records. Isn't that special? So the Federal Government will have records of your most private, personal, secret physical situation. The government will have those records.

Now, you can be assured that if the Federal Government has them, the wrong people will never be able to get them, especially people in the government who may want to manipulate you.

Oh, yes, there was that problem in the 1990s when 1,000 FBI files were found in the White House, which was a crime for which Chuck Colson went to prison for just having one. There were around 1,000, as I recall, in the White House, people's most personal, private information in FBI files. But the White House had it. They didn't have any incentive to try to use any of that information even though there were some Members of Congress whose files were there. Gee, wasn't that interesting? Maybe if they needed a vote?

I know before this administration under the prior administration when the TARP bailout was about to be passed, I got an email from the White House liaison saying, Is there anything that can be added to the existing package that will get your vote? Well, apparently some people answered otherwise than I did. I was livid, furious with the question. My first response to the email was, There's nothing that can be added. Removing the biggest socialization of private assets in Western Hemisphere history would be a good start to get my vote. But apparently there were others who answered otherwise, so there was another \$100 billion added to that bill.

But think about it. If the Federal Government has all of your personal medical records. And you know the Internal Revenue Service is the enforcement arm. They'll collect the fees. They'll make sure you're doing right. They'll make sure the Federal programs are paid for. So, gee, they know what your cholesterol count is. Well, you think maybe they would need to know if you're buying bacon or things high in cholesterol if your cholesterol count is too high? Maybe they need to adjust your insurance rate up and tell you what you can and can't eat. Well, that seems almost ridiculous, doesn't it?

□ 1745

It can happen. That is where we are headed.

If you go over to page 1510—and you wonder why would you need 1,990 pages, another 40 or so of the manager's amendment. If you go to page 1510, section 2572, Nutritional labeling of standard menu items at chain restaurants and of articles of food sold from vending machines. And as you go through

and read these pages, it is really interesting reading because a restaurant or similar retail food establishment shall place adjacent to each food offered a sign that lists calories for displayed food item or per serving.

It talks about in vending machines, if you cannot read the food labeling information, then they have to post that on the machine. It will cost millions and millions of dollars, and if people know how the vending business works, there are a lot of people who own vending machines. They make their living doing that. They go around and keep them supplied. They make money from filling the machines. I had friends in college whose parents put them through college doing just that. They don't have the money to get these machines reconfigured and do all of this work on them so they meet these new requirements. Somebody is going to go out of work, be relieved of their ability to make money. And if there were plenty of jobs out there, that wouldn't be so bad, but that means they will go into the job pool with all of the other people who are out of work right now.

And then we passed the crap-and-trade bill in here the last week of July, as I recall. And we had people come down here to the well of the House, some people stood back here at these microphones, and people said people aren't going to lose their jobs because of this bill. They are going to have jobs created. Good, wonderful, green jobs will be created.

Well, they hadn't read that bill either, apparently. On page 900-something, if you actually read the bill, as I was trying to do on a very short time because we got the 300 pages that was added around 3:08, 3:09 a.m. and we didn't even have a complete copy of the bill assimilated with the amendments that were added in the wee hours. I was trying to read as much as I could as quick as I could, but page 900 or so, I believe it was, there was a fund. I believe it was called the climate change fund that was created to pay people, it said in the bill, who lost their job as a result of that bill. So whoever's staffer or special interest group wrote that bill, they knew people were going to lose their jobs and that is why they put that in the bill. There was even money in there to create a fund to pay people a relocation allowance in case they could be paid to go where the job was moving. But unfortunately, that didn't provide money to send them to China, Argentina, or India, the places where those jobs were really going to go, where there is four to 10 times more pollution put into the atmosphere for creating the same products. No, they wouldn't get money for that.

But I still think the good news there is if that bill becomes law—and I know when Americans find out what all is in that horrible bill, they are going to fire a lot of Members of Congress that

pushed that through without knowing what was in it and knowing what was going to be done to Americans and put more people out of work. But the good news is the people fired here in Congress who lose their job as a result of the crap-and-trade bill, they might be entitled to some relocation allowance under the bill because they lost their job as a result of the bill. And they will be with so many other Americans who lose their job for the same reason.

This is micromanaging in this health care bill to an unbelievable degree.

On the other hand, I have a health care bill here that really is about health care. It is not about control, and control and micromanaging American lives like this huge, 2,000-page bill is. It is pretty basic. And it is interesting, I did have a nice conversation with Doug Elmendorf. The Congressional Budget Office has been sitting on this bill since the request was made August 19 to get it scored. And the reason we didn't get the request in until then was because we were told back in June, Congressional Budget Office, we don't score things that aren't bills. You have to have it in bill form. We had to push and push. We eventually got it through legislative counsel and got the bill drafted and filed so it could be scored.

The bill was submitted to the Congressional Budget Office. We said officially, please give us a score because this should work. This should save money and not only not cost a trillion to \$2 trillion like the bill on the table that passed the House, but this should actually save the U.S. Government money while, at the same time, for the first time since we have had Medicare and Medicaid, actually give seniors complete coverage and complete control of their own health care.

Now, I am sure most people deal with someone in the health insurance business, and you know there is a lot of good people in the health insurance business, but they are not really in the health insurance business. They are in the health care management business, and that's what business the government is in with Medicare, Medicaid, and SCHIP.

I don't want the government in the business of managing my health care. I don't want the insurance companies in the business of managing and making my personal health care decisions. I want to make those after consulting with my doctors. That is the way it should be. That is the way it used to be, and my bill would allow people to do that.

It would provide the incentives to push people, young people, everyone actually, toward a health savings account with no limits on how much you can put in pretax. The employer pays in, and it is certainly a business deduction for him. It is a straight offset. And the health insurance policy under my

bill would be owned by the individual employee. Since it would be owned by the individual employee, that means wherever they go, it is their policy. You don't need COBRA. I dealt with that when I left the bench to run for Congress. It was too expensive for a guy who was running for Congress who had cashed out all of his assets except his home and cars to run for Congress full time because I knew that we needed to make changes here.

So even though it has been reported that out of, I think, 32 Members of Congress from Texas, I had the least assets of any Member from Texas, I think I am the richest guy in the world because of the friends and the people I get to represent and the people with whom I deal in east Texas. But it is not going to be so good. We are in hard times, but it is going to be worse. It is not even going to be this good if this massive drain on the economy, a government takeover of this much of the economy kicks in at the worst possible time.

On the other hand, coming back to my bill, for seniors, we are getting scored what it would cost if all seniors elected and went to having the government put cash money in a health savings account that they control and then buying the catastrophic care policy above that. It is their policy. They control it. If they don't spend all of the HSA money, then it rolls over and they get to keep 10 percent of the money to encourage them to save. For many seniors, that won't be possible. They will go through the \$3,500. That will be controlled with a debit card that they control. It will be coded so it will only pay for health care items. Then they will have catastrophic coverage to cover above that. They have control, and they have coverage.

We know that the younger Americans in their twenties and thirties, if they start doing this, the vast majority of them should have so much in their health savings account by the time they hit retirement age, not only will they not want the government then stepping in and controlling their health care, they will not need it, because they will have enough money in their HSAs to make their own decisions even then and continue to buy their insurance and control the catastrophic care from there. And, under the bill, anything that is left in the health savings account can be left to the kids. If you want to gift some of your HSA out to someone else, whether you are related or not, as long as it stays health savings account money, it can go from one to another.

Another problem we have in this country that we are not dealing with, nobody seems to be talking about a whole lot, is that we authorize people to come into this country, and even though it is intentional, come into this country, get free health care and not

charge them as they leave. Well, that doesn't happen under my bill, because in order to get a visa, whether a travel visa, a migrant worker visa, any kind of visa we may create in the future, in order to get a visa to come to this country, you will have to establish that you have health care coverage, the insurance, the HSA, you have coverage so it won't cost the U.S. Government taxpayers any money. That will be the price of coming into America.

So if you are going to live with somebody in the country, you can be under their health insurance. If you are going to be a migrant worker, your employer can buy the catastrophic care and provide a health savings account for the whole group. Those kinds of things can be done because we have to get off this course of bankrupting this country. It is not unlimited when you go spending money, spending money, spending money. The Soviet Union tried that. Apparently they were trying to get a \$100 billion loan from the United States and from others back at the time when the Soviet Union was in so much financial trouble. There have been articles written, information provided that seems to indicate that the U.S. may have told the Soviet Union, you know, we know in the past when these insurrections have occurred, uprisings have occurred in Poland, Czechoslovakia, Latvia, Estonia, when they have occurred before, you roll in the tanks and you crush them. But if you do that, we are probably not going to be able to loan you that \$100 billion to keep you afloat.

That is what happens when foreign countries are owed massive amounts of money by another country, they get to dictate to you whether or not you will preserve and protect your union. Everyone in this body took an oath to do that, to follow the Constitution. We are supposed to protect this country from all enemies, foreign and domestic, and yet we are going out and begging the Chinese to keep buying our debt. There are indications that the Federal Reserve, although they have said they are not monetizing the debt, they have some third party buying debt that we put up for auction, and then the Federal Reserve buying that debt from the third party intermediary. So it is the same thing. We are monetizing the debt. That is the way it sure looks. That eventually causes inflation.

But in the meantime, for countries around the world, they can begin to tell us what we can do in our country and what we can't because they determine whether we have to declare, as the Soviet Union did, we are bankrupt. We can't borrow enough money any more to take care of our obligations and we can't print it fast enough to pay for them, so we are out of business. The states are on their own. That is basically what the Soviet Union did. So the 15 states that comprised the Soviet Union became independent countries.

You think about all of the blood that has been shed over the course of this country to get the opportunity to create a Constitution, to get the opportunity to govern ourselves.

You go back to the letter that John Adams wrote to his wife, Abigail, after the Declaration of Independence was made public on July 4. He wrote that marvelous letter, and I don't have it down verbatim, but basically saying we have within our grasp the chance to do what great philosophers and thinkers have only dreamed of, to govern ourselves and not have this big, massive government that controls all of the areas of our lives. We will be free to make our own decisions about our lives. This is a day that should be celebrated with parades and picnics.

□ 1800

Of course, he advocated the firing of guns. We do that with fireworks now instead of bullets, which I think is a better practice. But he recognized how incredible a gift God, our Creator, nature's God, all those references that were made in our founding documents. We were being blessed with something like never before in the history of mankind.

I was a little surprised to see after I came to Congress over at the State Department the original copy of the treaty of 1783, the Treaty of Paris. Of course, hopefully, people know, Mr. Speaker, that it was the surrender at Yorktown which ended the hostilities, but not until the Treaty of Paris of 1783 did England actually sign on agreeing to recognize the United States as a separate, independent country. This was an incredibly important document.

And I did not know, history major that I was, I didn't know until I saw in big, bold letters how the Treaty of Paris started. It starts out, the big, bold letters say this: "In the name of the most holy and undivided Trinity." That struck me strange. Why would they start the Treaty of Paris with "In the name of the most holy and undivided Trinity?" It is an interesting way to start the document where the enemy during the war was going to recognize our independence.

But then you think about it. They needed to start that treaty with something so important to both sides that neither would dare break their oath. So they started with "In the name of the holy and undivided Trinity." That is how the Treaty of Paris of 1783 started.

We have come a long way. Now you can't even pray in public schools. Chuck Colson said it well, When you have the morals of Woodstock, you will have to expect some Columbines. If you think about that, when the morality of the country is basically "if it feels good, do it," you're going to have some irresponsible people, some anti-social personalities just decide, I wonder how it feels to steal other people's money, I

wonder how it feels to go shoot some people in my school. When that's the morality of the day, we have got so far from our morality.

As we said, I personally think it is immoral for a government to go in and do what anyone else doing would be a crime, and that is, to pry cash from the cold, dead hands of a deceased on which he has paid taxes his whole life, and we take that money away through the death tax.

One of the things that maybe was the most important in driving me from the bench to run for Congress was along these lines of morality of the Federal Government. Because I noticed it seemed like I was seeing more and more women coming before me to be sentenced for committing felonies back in Texas. The stories they would tell there in court were so often the same.

The story I heard most often was, well, I was bored with high school. Sometimes it was a friend, sometimes, tragically, a family member, sometimes even more tragically, a mother said, well, heck, if you're bored with school, just drop out, and have a baby. The government will send you a check. You don't have to work. Just have a baby, and they will send you money.

So they drop out of high school, have a baby, the government would send them money. But it was not enough to really provide for a decent way of living for the mother and child. So the story I would hear, it was repeated often, was, gee, maybe if I have another baby, get another check, I can live easier on that. And it didn't work. And another baby. One lady I had sentenced had 15 kids, didn't even know where they all were.

How would that come about? Why would the Federal Government get into the business of providing incentives to lure young women into ruts from which they were given no hope of getting out? Well, it came about because of a well-intended Congress back in the 1960s. They saw a problem with single women who had deadbeat dads who were not helping financially to take care of the kids that they had helped procreate. And so out of a feeling of compassion and wanting to help, they said, you know what, let's just give them a check. Let's be sympathetic. You mean-spirited people who don't want to just give these poor women a check, how dare you. So Congress voted to give them a check for every child they could have out of wedlock. And over 40 years later we have gotten what we paid for. You pay people to have babies out of wedlock, you're going to have a lot of babies.

And this is something that cuts across party lines. Both parties are guilty of participating in being accessories to what has happened and the incentives to do the wrong thing for the well-being of this country. We shouldn't have provided incentives to

lure young women into a rut from which they could not pull themselves out and from which they would never reach their God-given potential.

Since the government knew if they finished high school they had a much better chance of making more money, the statistics were clear, they were able to go to college, they would make even more money, on average overall, so why not provide incentives to finish high school? Help them do that? Don't just give a check for every baby you can have out of wedlock. Why not incentives to finish school? That would have been more appropriate.

This week we took up and passed a bill out of committee. I did not vote for it. The intention, once again, is very good. I know the hearts of the people that are pushing it. They are good people. They mean so well. They want to help. They said, let's throw a billion dollars at trying to keep kids from committing crimes. It is so well intended. I know their hearts. They mean well. But it is another program that won't deal with the bottom line issue that when this government got in the business of breaking up homes and providing incentives for people to have single-parent homes instead of having a married couple in a home, we started doing terrible damage to the moral fabric of this country and this society. And it's ongoing. And we want to have studies done. Well, gee, why do you think these kids commit crimes?

I kept my own separate survey for a number of months there; and I picked, I guess arbitrarily, 5 years of age, and it was well over 80 percent of the people I sentenced for felonies had no relationship with the father after age 5. I'm not sure what it was. Most of them had had no relationship, really, with the father. And that seemed to be the greatest common denominator in the people that I sentenced.

So why was there a deadbeat father in so many situations? Well, the government had been paying people to create deadbeat dads that didn't help out. This Congress did that, well intentioned, but, oh, the havoc that has been wreaked and reaped here, because that is what has been sowed.

Now, we come around here also, well intentioned, having met the President a couple of times, I believe he wants to do what he believes is good for the country, just like those people in the 1960s did, just like people this week in our Judiciary Committee did. They mean well.

Look at history. It is very clear. When you pay people to do an activity, you're going to get more of it. If you penalize people, as we have for years, with a marriage penalty, you're going to get less of it. If you penalize an activity, you're going to get less of it. That is the normal course of things. And both parties are also guilty of saying, oh, we are going to fix the mar-

riage penalty. Both have done this. I got sick of listening to it over the years. Before I got to Congress, I hadn't really talked about it much. Some of us keep bringing it up. Nothing is happening.

Hopefully sometime it will, because it's a real easy fix. If you want to take care of the real marriage penalty in income tax, you say, do you know what? If you're married, it's your choice. You can file married filing jointly if that's better for you, or you can file as an individual so that there is no penalty for being married. Because when you combine two spouses' incomes, so often it kicks them up into a higher percentage category and they pay a lot of extra money just because they're married.

I've seen it with a lot of teachers. The teacher's income combined with a spouse's income is enough to kick them up, and they have to pay more for the privilege of being married. That's not the way it should be. That's not what studies indicate it should be.

I know the President and the Attorney General think they are doing a good thing for this country. If we are going to show the world how hospitable we are by bringing terrorists to our own soil because we are good and we want the whole world to see how good and noble we are, we will take people that have admitted killing innocent people, over 3,000, and we will give them more rights than they have ever been given in history. That is destructive. It puts our soldiers in harm's way. It is going to cause them to have to start becoming forensic experts while they are being shot at, in some situations they will also be expected to gather fingerprints, DNA evidence, this kind of thing. This was not well thought through.

Down in Guantanamo, I cannot imagine issuing an order to close that without even visiting that, but that is what has happened. And I visited the courtroom proceeding where the trial was going on for some terrorists. And they were interrupted by the Attorney General and the President. They just called a halt in the middle of the trial. That facility there, that courtroom, the facilities around it had so much. There is not another place like that anywhere in the continental, anywhere in the United States. That is an ideal place to try the terrorists.

And all those people who I know they were so torn up about what happened on 9/11. They really are very sincere when they say, I want to look them in the eye, I want to be the juror that says, You're sentenced to death. Well, I have done that. It doesn't bring the pleasure you might think.

But what it will bring when people say that's what I want to do, it will bring about a change of venue if the defendants, which they probably will, request it, because that will delay it further. It will give them further platforms to spread their poison that is so

toxic. I know these things were intended well, but they can bring about the demise of a country. They have before. They have brought about the demise of civilization.

And you would have thought that when the stimulus package didn't do everything that it was supposed to have done—it didn't create any jobs. It created some hundreds of thousands, well, we have lost millions and millions—you would think that the people that had enough insight to see it wasn't going to do what was said that it would do, that the people that pushed that would come back and say, you were right. But that hasn't happened. I hope and pray it will.

Mr. Speaker, you brought down the gavel indicating my time has expired, so I recognize that and appreciate your indulgence.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LUCAS (at the request of Mr. BOEHNER) for today on account of personal reasons.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Ms. ROS-LEHTINEN) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, December 10.

Mr. JONES, for 5 minutes, December 10.

Mr. BURTON of Indiana, for 5 minutes, December 7, 8, 9 and 10.

#### ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 15 minutes p.m.), under its previous order, the House adjourned until Monday, December 7, 2009, at 10:30 a.m., for morning-hour debate.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4837. A letter from the Under Secretary, Department of Defense, transmitting a re-

port of a violation of the Antideficiency Act by the Defense Information Systems Agency, Case Number 06-01, pursuant to 31 U.S.C. 1341(a)(1)(A); to the Committee on Appropriations.

4838. A letter from the Administrator, Environmental Protection Agency, transmitting a report of a violation of the Antideficiency Act for the Asbestos Loan Program, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

4839. A letter from the Inspector General, Special Inspector General for Iraq Reconstruction, transmitting the Special Inspector General for Iraq Reconstruction (SIGIR) October 2009 Quarterly Report; jointly to the Committees on Appropriations and Foreign Affairs.

4840. A letter from the Under Secretary, Department of Defense, transmitting a report entitled "Department of Defense Earned Value Management: Performance, Oversight, and Governance"; to the Committee on Armed Services.

4841. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Spain pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

4842. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Chile pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

4843. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to United Arab Emirates pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

4844. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Papua New Guinea pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

4845. A letter from the Special Inspector General For The Troubled Asset Relief Program, transmitting the Office's quarterly report on the actions undertaken by the Department of the Treasury under the Troubled Asset Relief Program, the activities of SIGTARP, and SIGTARP'S recommendations with respect to operations of TARP, for the period ending September 30, 2009; to the Committee on Financial Services.

4846. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to Section 62(a) of the Arms Export Control Act (AECA), notification concerning the Department of the Air Force's proposed extension of a lease of defense articles to the Government of Canada (Transmittal No. 05-09); to the Committee on Foreign Affairs.

4847. A letter from the Maj. Gen. USMC (ret.), Special Inspector General for Afghanistan Reconstruction, transmitting the fifth quarterly report on the Afghanistan reconstruction, pursuant to Public Law 110-181, section 1229.; to the Committee on Foreign Affairs.

4848. A letter from the Associate General Counsel, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4849. A letter from the Associate General Counsel for General Law, Department of

Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4850. A letter from the Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4851. A letter from the Secretary, Department of Transportation, transmitting the Department's FY 2009 Performance and Accountability Report; to the Committee on Oversight and Government Reform.

4852. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a letter regarding earmark reviews by the Executive Branch; to the Committee on Oversight and Government Reform.

4853. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747SR, and 747SP Series Airplanes [Docket No.: FAA-2009-1000; Directorate Identifier 2009-NM-164-AD; Amendment 39-16070; AD 2008-10-07 R1] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4854. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-200C and 747-200F Series Airplanes [Docket No.: FAA-2008-1362; Directorate Identifier 2008-NM-150-AD; Amendment 39-16067; AD 2009-22-14] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4855. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hawker Beechcraft Corporation Model 1900, 1900C, and 1900D Airplanes [Docket No.: FAA-2008-1312; Directorate Identifier 2008-CE-065-AD; Amendment 39-16072; AD 2009-23-01] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4856. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767-200, -300, -300F, and -400ER Series Airplanes [Docket No.: FAA-2009-0314; Directorate Identifier 2008-NM-196-AD; Amendment 39-16066; AD 2009-22-13] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4857. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company 150 and 152 Series Airplanes [Docket No.: FAA-2007-27747; Directorate Identifier 2007-CE-030-AD; Amendment 39-16074; AD 2009-10-09 R1] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4858. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab AB, Saab Aerosystems Model SAAB 340A (SAAB/SF340A) and SAAB 340B Airplanes [Docket No.: FAA-2009-0910; Directorate Identifier 2009-NM-175-AD; Amendment 39-16046; AD 2008-09-06 R1] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.



4859. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; ATR Model ATR42 and ATR72 Airplanes [Docket No.: FAA-2009-0999; Directorate Identifier 2009-NM-155-AD; Amendment 39-16069; AD 2008-04-19 R1] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4860. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2C10 (Regional Jet Series 700, 701 & 702) Airplanes, Model CL-600-2D15 (Regional Jet Series 705) Airplanes, and Model CL-600-2D24 (Regional Jet Series 900) Airplanes [Docket No.: FAA-2009-0998; Directorate Identifier 2009-NM-198-AD; Amendment 39-16065; AD 2009-22-12] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4861. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; EMBRAER Model EMB-120, -120ER, -120FC, -120QC, and -120RT Airplanes [Docket No.: FAA-2009-1001; Directorate Identifier 2009-NM-166-AD; Amendment 39-16071; AD 2008-04-18 R1] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4862. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2C10 (Regional Jet Series 700, 701 & 702), CL-600-2D15 (Regional Jet Series 705), and CL-600-2D24 (Regional Jet Series 900) Airplanes [Docket No.: FAA-2009-0399; Directorate Identifier 2008-NM-226-AD; Amendment 39-16060; AD 2009-22-09] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4863. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; American Champion Aircraft Corp. Models 7ECA, 7FCAA, 7GCBC, 7KCAB, 8KCAB, and 8GCBC Airplanes [Docket No.: FAA-2009-0745; Directorate Identifier 2009-CE-036-AD; Amendment 39-16053; AD 2009-22-02] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4864. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 Airplanes; and Boeing Model 757-200, -200PF, and -300 Series Airplanes [Docket No.: FAA-2008-1326; Directorate Identifier 2008-NM-141-AD; Amendment 39-16059; AD 2009-22-08] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4865. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France (ECF) Model EC 155B and EC155B1 Helicopters [Docket No.: FAA-2009-0952; Directorate Identifier 2009-SW-04-AD; Amendment 39-16055; AD 2009-22-04] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4866. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness

Directives; Rolls-Royce Deutschland Ltd. & Co. KG Model BR700-715A1-30, BR700-715B1-30, and BR700-715C1-30 Turbofan Engines [Docket No.: FAA-2009-0045; Directorate Identifier 2007-NE-53-AD; Amendment 39-16041; AD 2009-21-04] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4867. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hartzell Propeller Inc. (HC-)(2Y(K,R))—() Series Propellers [Docket No.: FAA-2006-25244; Directorate Identifier 2006-NE-25-AD; Amendment 39-16054; AD 2009-22-03] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4868. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Deutschland Ltd. & Co. KG.(RRD) Tay 650-15 Turbofan Engines [Docket No.: FAA-2007-0037; Directorate Identifier 2007-NE-41-AD; Amendment 39-16052; AD 2009-22-01] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4869. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300-600 Airplanes [Docket No.: FAA-2008-0979; Directorate Identifier 2008-NM-079-AD; Amendment 39-16051; AD 2009-21-12] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4870. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF6-80C2 Series Turbofan Engines [Docket No.: FAA-2009-0018; Directorate Identifier 2009-NE-01-AD; Amendment 39-16044; AD 2009-21-07] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4871. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 Airplanes [Docket No.: FAA-2009-0997; Directorate Identifier 2009-NM-158-AD; Amendment 39-16062; AD 2007-22-03 R1] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4872. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; International Aero Engines AG(IAE) V2500-A1, V2527E-A5, V2530-A5, and V2528-D5 Turbofan Engines [Docket No.: FAA-2009-0294; Directorate Identifier 2009-NE-08-AD; Amendment 39-16057; AD 2009-22-06] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4873. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A310 Airplanes [Docket No.: FAA-2009-0996; Directorate Identifier 2009-NM-156-AD; Amendment 39-16061; AD 2009-21-14 R1] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4874. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B4-601, B4-603, B4-605R, B4-620, B4-622, B4-622R, F4-605R, F4-622R, and C4-605R Varian F Series Airplanes Equipped with Simmonds Precision Products, Inc., Fuel Quantity Indicating System Sensors and In-Tank Harnesses Installed in Accordance with Supplemental Type Certificate (STC) ST00092BO [Docket No.: FAA-2009-0324; Directorate Identifier 2008-NM-186-AD; Amendment 39-16039; AD 2009-21-02] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4875. A letter from the Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, Agency for International Development, transmitting the Agency's fourth fiscal year 2009 quarterly report on unobligated and unexpended appropriated funds; jointly to the Committees on Foreign Affairs and Appropriations.

4876. A letter from the Secretary, Department of Health and Human Services, transmitting a waiver of certain Medicare, Medicaid, and State Children's Health Insurance Program Requirements, pursuant to 42 U.S.C. 1320b-5 Public Law 107-188, section 143(a)(1)(35)(f); jointly to the Committees on Ways and Means and Energy and Commerce.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BRADY of Pennsylvania: Committee on House Administration. H.R. 3224. A bill to authorize the Board of Regents of the Smithsonian Institution to plan, design, and construct a vehicle maintenance building at the vehicle maintenance branch of the Smithsonian Institution located in Suitland, Maryland, and for other purposes (Rept. 111-276 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 2652. A bill to amend title 46, United States Code, to improve vessel safety, and for other purposes; with an amendment (Rept. 111-351). Referred to the Committee of the Whole House on the State of the Union.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 2650. A bill to amend title 14, United States Code, to modernize the leadership of the Coast Guard, to modernize the administration of marine safety by the Coast Guard, and for other purposes (Rept. 111-352). Referred to the Committee of the Whole House on the State of the Union.

Mr. BRADY of Pennsylvania: Committee on House Administration. H.R. 3542. A bill to direct the Architect of the Capitol to fly the flag of a State over the Capitol each year on the anniversary of the date of the State's admission to the Union; with an amendment (Rept. 111-353). Referred to the Committee of the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. MANZULLO:

H.R. 4189. A bill to amend the Internal Revenue Code of 1986 to accelerate the phase-in of



the deduction for domestic production activities; to the Committee on Ways and Means.

By Mr. MORAN of Virginia (for himself, Mrs. LOWEY, Mr. GEORGE MILLER of California, Ms. MCCOLLUM, Mr. GRIJALVA, Mr. MCGOVERN, Mr. HINCHHEY, and Mr. KENNEDY):

H.R. 4190. A bill to amend the Public Health Service Act to authorize the National Institute of Environmental Health Sciences to conduct a research program on endocrine disruption, to prevent and reduce the production of, and exposure to, chemicals that can undermine the development of children before they are born and cause lifelong impairment to their health and function, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DEFAZIO (for himself, Mr. ARCURI, Mr. PERLMUTTER, Mr. BRALEY of Iowa, Ms. SUTTON, Mr. FILLNER, Mr. PERRIELLO, Mr. WELCH, Mr. HARE, Mr. KAGEN, Mr. RYAN of Ohio, Mr. HASTINGS of Florida, Ms. SCHAKOWSKY, Mr. DAVIS of Tennessee, Ms. HIRONO, Mr. RAHALL, Mr. STARK, Mr. CUMMINGS, Mr. JOHNSON of Georgia, Mr. GRIJALVA, Ms. EDWARDS of Maryland, Ms. SHEA-PORTER, Ms. KAPTUR, Mr. HINCHHEY, Ms. SLAUGHTER, and Mr. SARBANES):

H.R. 4191. A bill to amend the Internal Revenue Code of 1986 to impose a tax on certain securities transactions to fund job creation and deficit reduction; to the Committee on Ways and Means, and in addition to the Committees on Rules, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON of California:

H.R. 4192. A bill to designate the Stornetta Public Lands as an Outstanding Natural Area to be administered as a part of the National Landscape Conservation System, and for other purposes; to the Committee on Natural Resources.

By Mr. ENGEL:

H.R. 4193. A bill to require the establishment of a Consumer Price Index for Elderly Consumers to compute cost-of-living increases for Social Security benefits under title II of the Social Security Act and to provide, in the case of elderly beneficiaries under such title, for an annual cost-of-living increase which is not less than 3 percent; to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DANIEL E. LUNGREN of California:

H.R. 4194. A bill to amend title 18, United States Code, to exempt qualifying law school students participating in legal clinics or externships from the application of the conflict of interest rules under section 205 of such title; to the Committee on the Judiciary.

By Mr. FARR (for himself, Mr. HONDA, Mr. PETRI, Mr. GARAMENDI, Ms. WATSON, and Mr. DRIEHAUS):

H.R. 4195. A bill to authorize the Peace Corps Commemorative Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes; to the Committee on Natural Resources.

By Mr. LARSON of Connecticut (for himself and Mr. HINOJOSA):

H.R. 4196. A bill to create jobs through the hiring of new faculty and counselors at community colleges; to the Committee on Education and Labor.

By Mr. ADLER of New Jersey (for himself, Mr. HALL of New York, Ms. KILPATRICK of Michigan, Mr. MCGOVERN, Mr. MCNERNEY, Mrs. MCMORRIS RODGERS, Mr. BURTON of Indiana, and Ms. KOSMAS):

H.R. 4197. A bill to authorize the Gold Star Mothers National Monument Foundation to establish a national monument in the District of Columbia; to the Committee on Natural Resources.

By Ms. BERKLEY (for herself, Mr. BRADY of Texas, Ms. JENKINS, Mr. WALDEN, and Ms. TITUS):

H.R. 4198. A bill to establish a program to reunite bondholders with matured unredeemed United States savings bonds; to the Committee on Ways and Means.

By Mr. BUTTERFIELD (for himself, Mr. JONES, Mr. KISSELL, Mr. MCINTYRE, Mr. COBLE, Mr. MILLER of North Carolina, Mr. ALEXANDER, and Mrs. MCMORRIS RODGERS):

H.R. 4199. A bill to ensure patient choice in pharmacies by regulating pharmacy benefit managers and to establish a program to improve access to prescription drugs for certain individuals; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. CHU (for herself, Mr. SCHIFF, Ms. LINDA T. SANCHEZ of California, Ms. ROYBAL-ALLARD, and Mrs. NAPOLITANO):

H.R. 4200. A bill to prepare a feasibility study and implement demonstration projects to restore the San Gabriel River Watershed in California; to the Committee on Natural Resources.

By Mr. CUELLAR:

H.R. 4201. A bill to amend the Internal Revenue Code of 1986 to extend the special rule for contributions of book inventory to public schools; to the Committee on Ways and Means.

By Ms. EDWARDS of Maryland (for herself, Mr. CARNAHAN, and Mr. DRIEHAUS):

H.R. 4202. A bill to establish centers of excellence for green infrastructure, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HALL of New York:

H.R. 4203. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to provide veterans certain educational assistance payments through direct deposit; to the Committee on Veterans' Affairs.

By Mr. KENNEDY (for himself, Mr. TIM MURPHY of Pennsylvania, Mr. YARMUTH, and Mr. MAFFEI):

H.R. 4204. A bill to establish national centers of excellence for the treatment of depressive and bipolar disorders; to the Committee on Energy and Commerce.

By Mr. LOEBACK (for himself, Mr. BOSWELL, Mr. LATHAM, Mr. BRALEY of Iowa, and Mr. KING of Iowa):

H.R. 4205. A bill to extend certain housing-related deadlines in the Heartland Disaster

Tax Relief Act of 2008; to the Committee on Ways and Means.

By Mr. MEEK of Florida (for himself and Ms. SCHAKOWSKY):

H.R. 4206. A bill to authorize the Secretary of Agriculture to provide assistance to the Government of Haiti to end within 5 years the deforestation in Haiti and restore within 30 years the extent of tropical forest cover in existence in Haiti in 1990, and for other purposes; to the Committee on Foreign Affairs.

By Ms. NORTON:

H.R. 4207. A bill to authorize improvements in the operation of the government of the District of Columbia, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committees on Transportation and Infrastructure, Natural Resources, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PERRIELLO:

H.R. 4208. A bill to amend the Internal Revenue Code of 1986 to increase the limitation on the reduction in fair market value of real property used for farming, or in another trade or business, for purposes of estate taxes; to the Committee on Ways and Means.

By Mr. TEAGUE (for himself and Mrs. LUMMIS):

H.R. 4209. A bill to amend the Internal Revenue Code of 1986 to suspend for an additional year the taxable income limit on percentage depletion for oil and natural gas from marginal wells; to the Committee on Ways and Means.

By Mr. THOMPSON of California (for himself and Mr. WU):

H.R. 4210. A bill to amend the Internal Revenue Code of 1986 to provide for an energy investment credit for energy storage property connected to the grid, and for other purposes; to the Committee on Ways and Means.

By Mr. THOMPSON of California (for himself and Ms. WOOLSEY):

H.R. 4211. A bill to amend the Internal Revenue Code of 1986 to treat nonrecourse small business investment company loans from the Small Business Administration as amounts at risk for purposes of determining the deduction for losses; to the Committee on Ways and Means.

By Ms. ROS-LEHTINEN (for herself,

Mr. MCKEON, Mr. BOEHNER, Mr. PENCE, Mrs. MCMORRIS RODGERS, Mr. PRICE of Georgia, Mr. MCCOTTER, Mr. HOEKSTRA, Mr. WILSON of South Carolina, Mr. TURNER, Mr. FRANKS of Arizona, Mr. GALLEGLY, Mr. BISHOP of Utah, Mr. BURTON of Indiana, Mr. BOOZMAN, Mr. BILIRAKIS, Mr. INGLIS, Mr. LAMBORN, Mr. MILLER of Florida, Mr. FLEMING, Ms. GRANGER, Mr. THORNBERRY, Mr. KLINE of Minnesota, Mr. ADERHOLT, Mrs. MYRICK, Mrs. BACHMANN, Mr. WITTMAN, Mr. BROWN of Georgia, Mr. PUTNAM, Mr. MACK, Mr. BONNER, Mr. BARRETT of South Carolina, Mr. SESSIONS, Mr. LINDER, Mr. SMITH of New Jersey, Mr. COBLE, Mr. NEUGEBAUER, Mr. TIAHRT, Mr. COFFMAN of Colorado, Mr. SOUDER, Mr. GARRETT of New Jersey, Mr. CAO, Mr. MCCAUL, Mr. FORTENBERRY, Mrs. CAPITO, Mr. ISSA, Mr. GINGREY of Georgia, Mr. SAM JOHNSON of Texas, Mr. GRAVES, Ms. FOX, Mr. TIBERI, Mr. AKIN, Mr. CAMPBELL, Mr. ROGERS of Michigan, Mr. CONAWAY, Mr. ROE of Tennessee, Mr. ALEXANDER, and Mr. POSEY):

H. Con. Res. 217. Concurrent resolution expressing the sense of Congress that the

President, in negotiating any new bilateral strategic arms agreement with the Russian Federation, shall ensure the continued deterrence capability of the United States strategic arsenal and flexibility in the allocation of its components in the event that third countries may pursue the deployment of significant and technologically advanced nuclear strategic forces not covered by such a United States-Russian arms agreement; to the Committee on Foreign Affairs.

By Mr. COFFMAN of Colorado (for himself, Mr. PERLMUTTER, and Mr. LUETKEMEYER):

H. Res. 943. A resolution expressing the sense of the House of Representatives that the Federal banking regulators should, with respect to well-managed community-based depository institutions, permit appropriate capital forbearance, troubled debt restructuring accounting practices, and other time-tested measures that would allow such institutions to continue to provide for the financial vitality for our Nation's small businesses and family farms; to the Committee on Financial Services.

By Mr. PETERS (for himself, Mr. WOLF, Ms. ESHOO, Mr. DINGELL, Mr. MCGOVERN, Mr. CARDOZA, Mr. KIRK, Mr. FILNER, Mr. SMITH of New Jersey, Mr. LEVIN, Mr. MCCOTTER, Mr. SCHOCK, Mr. OLVER, Mr. HASTINGS of Florida, Ms. SCHAKOWSKY, Mr. WEXLER, Mr. INGLIS, Ms. WATSON, Ms. SPIER, Mr. SHULER, Mr. MURPHY of New York, Mr. ELLISON, Mr. WATT, Mr. MAFFEI, Mr. MILLER of North Carolina, Ms. RICHARDSON, Ms. KILROY, Mr. CONNOLLY of Virginia, Ms. DEGETTE, Mr. ANDREWS, Mr. ADLER of New Jersey, Mr. CROWLEY, Mr. KLEIN of Florida, Ms. KILPATRICK of Michigan, Mr. MEEKS of New York, Mr. CARNAHAN, Mr. SIRE, Mr. MCMAHON, Ms. WOOLSEY, Ms. JACKSON-LEE of Texas, and Ms. BERKLEY):

H. Res. 944. A resolution expressing the sense of the House of Representatives on religious minorities in Iraq; to the Committee on Foreign Affairs.

By Mr. LAMBORN (for himself, Mr. YOUNG of Alaska, Mr. MCCOTTER, Ms. FOXX, Mr. LATTA, Mr. FRANKS of Arizona, Mr. CHAFFETZ, Mrs. BLACKBURN, Mr. HARPER, Mr. PITTS, Mrs. LUMMIS, Ms. FALLIN, Mr. BRADY of Texas, Mr. KING of Iowa, Mr. POSEY, Mr. LUETKEMEYER, Mr. CULBERSON, Mr. BARTON of Texas, Mr. GINGREY of Georgia, Mr. BISHOP of Utah, Mr. BARTLETT, Mr. TIBERI, Mr. BACHUS, Mr. BROUN of Georgia, Mr. COLE, Mr. GARRETT of New Jersey, Mr. COFFMAN of Colorado, and Mr. SENSENBRENNER):

H. Res. 945. A resolution expressing the sense of the House of Representatives regarding the conditions for the United States becoming a signatory to or negotiating any international agreement on greenhouse gas emissions under the United Nations Framework Convention on Climate Change; to the Committee on Foreign Affairs.

By Mr. RUSH (for himself, Mr. CONYERS, Mr. WATT, Ms. JACKSON-LEE of Texas, Mr. STUPAK, Mr. TOWNS, Mr. GENE GREEN of Texas, Mr. COHEN, Mr. HARMAN, Ms. WATERS, Mr. LIPINSKI, Ms. KAPTUR, Mrs. MILLER of Michigan, Mr. COSTELLO, Mr. DAVIS of Illinois, Ms. KILPATRICK of Michigan, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JACKSON of Illinois, Mr. SCOTT of Georgia, Mr. SERRANO, Mr. CARSON of

Indiana, Ms. CLARKE, Mr. RUPPERSBERGER, Mr. MCHENRY, Mr. CLAY, Mr. BUTTERFIELD, Mr. DEFazio, and Ms. FUDGE):

H. Res. 946. A resolution recognizing that the rate of unemployment in the United States has reached the level of a national crisis, and for other purposes; to the Committee on Education and Labor.

By Ms. LEE of California (for herself, Mr. GRIJALVA, Ms. JACKSON-LEE of Texas, Ms. SLAUGHTER, Mr. RUSH, Mr. JOHNSON of Georgia, and Ms. DEGETTE):

H. Res. 947. A resolution expressing commitment to the objectives of the Program of Action of the International Conference on Population and Development; to the Committee on Foreign Affairs.

By Mr. LEWIS of Georgia (for himself, Ms. LEE of California, Mr. RUSH, Mr. PAYNE, and Mr. RANGEL):

H. Res. 948. A resolution commending the participants and organizers of the World March for Peace and Nonviolence; to the Committee on Foreign Affairs.

By Mr. NEUGEBAUER (for himself, Mr. SMITH of Texas, Mr. CHAFFETZ, Mr. OLSON, Ms. JENKINS, Mrs. BACHMANN, Mr. PAUL, Mr. REHBERG, Mr. GINGREY of Georgia, Mr. LAMBORN, Ms. GRANGER, Mrs. SCHMIDT, Mr. HENSARLING, Mrs. LUMMIS, Mr. PITTS, Mr. HARPER, Mrs. BLACKBURN, Mr. KLINE of Minnesota, Mr. CONAWAY, Mr. BROUN of Georgia, Mr. GOHMERT, Mr. BARTON of Texas, Mr. CULBERSON, Mr. AUSTRIA, Mr. BILBRAY, Mr. LUETKEMEYER, Mr. POSEY, Mr. JORDAN of Ohio, Mr. KING of Iowa, Mr. MCCARTHY of California, Mr. GARRETT of New Jersey, Mr. WALDEN, Mr. WITTMAN, Mr. RYAN of Wisconsin, Mr. HALL of Texas, Mr. AKIN, Ms. FALLIN, Mr. SMITH of Nebraska, Mr. ROE of Tennessee, Mr. COFFMAN of Colorado, Mr. MARCHANT, Mr. SAM JOHNSON of Texas, Mr. SESSIONS, Mr. JONES, and Mr. GOODLATTE):

H. Res. 949. A resolution amending the Rules of the House of Representatives to require a two-thirds vote on a stand-alone bill to increase the statutory limit on the public debt; to the Committee on Rules.

## MEMORIALS

Under clause 4 of Rule XXII,

221. The SPEAKER presented a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 89 memorializing Congress to require that 2010 census forms include a question on citizenship; to the Committee on Oversight and Government Reform.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Ms. SCHAKOWSKY introduced a bill (H.R. 4212) for the relief of Rigoberto Padilla; which was referred to the Committee on the Judiciary.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 17: Mr. PUTNAM.

H.R. 176: Mr. CONYERS.  
H.R. 205: Mr. BARTON of Texas, Mr. WAMP, and Mr. CHAFFETZ.

H.R. 413: Mr. CUELLAR, Mr. LANCE, Ms. NORTON, Mr. LANGEVIN, Mr. CARNAHAN, and Mr. PATRICK J. MURPHY of Pennsylvania.

H.R. 417: Mr. JACKSON of Illinois, Mr. GRIJALVA, and Mr. SABLAN.

H.R. 537: Ms. BERKLEY.

H.R. 571: Mr. BLUNT.

H.R. 644: Mr. KUCINICH and Mr. HODES.

H.R. 775: Mr. BURGESS and Ms. FUDGE.

H.R. 836: Mr. ANDREWS and Mr. CARSON of Indiana.

H.R. 1020: Mr. CAPUANO.

H.R. 1051: Mr. WITTMAN.

H.R. 1067: Mr. SESSIONS.

H.R. 1079: Mr. GINGREY of Georgia.

H.R. 1132: Ms. WASSERMAN SCHULTZ, Mr. DONNELLY of Indiana, and Mr. POLIS of Colorado.

H.R. 1189: Mr. ROTHMAN of New Jersey.

H.R. 1204: Mr. WALZ.

H.R. 1215: Mr. McDERMOTT.

H.R. 1250: Mr. PAYNE and Mr. LATTA.

H.R. 1326: Mr. HARE and Mr. MICHAUD.

H.R. 1402: Mr. BRIGHT.

H.R. 1454: Mr. CROWLEY.

H.R. 1557: Mr. THORNBERRY.

H.R. 1584: Mr. BILIRAKIS.

H.R. 1613: Mr. KAGEN.

H.R. 1719: Ms. CHU, Mr. ABERCROMBIE, Mr. ELLISON, and Ms. PINGREE of Maine.

H.R. 1829: Mr. HARE.

H.R. 1835: Mr. LATOURETTE, Mr. MARSHALL, Mr. OLSON, Ms. WATSON, and Mr. COSTA.

H.R. 1908: Mr. LINDER and Mr. PERLMUTTER.

H.R. 1925: Ms. EDWARDS of Maryland and Mr. HIMES.

H.R. 1932: Mr. GORDON of Tennessee.

H.R. 1939: Mr. GERLACH.

H.R. 1960: Mr. WAMP and Mr. CHAFFETZ.

H.R. 1964: Ms. CLARKE.

H.R. 2000: Mr. SHULER and Mr. LEVIN.

H.R. 2006: Mr. PATRICK J. MURPHY of Pennsylvania, Mr. CARNEY, and Mr. RYAN of Ohio.

H.R. 2054: Mr. ETHERIDGE.

H.R. 2132: Mr. MCMAHON.

H.R. 2159: Mr. WEINER and Mr. ENGEL.

H.R. 2243: Mr. QUIGLEY.

H.R. 2256: Ms. SCHAKOWSKY and Mr. HILL.

H.R. 2280: Mr. REHBERG.

H.R. 2382: Mr. DELAHUNT.

H.R. 2404: Mrs. MALONEY.

H.R. 2443: Mr. RAHALL.

H.R. 2478: Mr. GARRETT of New Jersey and Mr. STARK.

H.R. 2480: Mr. FRELINGHUYSEN, Mr. ARCURI, and Mr. MICHAUD.

H.R. 2511: Mr. CARNAHAN.

H.R. 2521: Ms. SLAUGHTER.

H.R. 2578: Mr. MICHAUD.

H.R. 2628: Ms. FALLIN.

H.R. 2676: Mr. ELLSWORTH.

H.R. 2788: Mr. GORDON of Tennessee.

H.R. 2807: Mr. QUIGLEY and Mr. OLVER.

H.R. 2829: Mr. GRIJALVA.

H.R. 2855: Ms. BALDWIN and Ms. SCHAKOWSKY.

H.R. 2932: Ms. BALDWIN.

H.R. 3024: Mr. MORAN of Virginia, Ms. JACKSON-LEE of Texas, Mr. LANGEVIN, and Ms. SCHWARTZ.

H.R. 3035: Mr. FRANK of Massachusetts.

H.R. 3129: Mr. BURTON of Indiana and Mr. SOUDER.

H.R. 3227: Mr. ROGERS of Kentucky and Mr. MASSA.

H.R. 3268: Mrs. McMORRIS RODGERS.

H.R. 3401: Mr. JACKSON of Illinois, Mrs. DAVIS of California, Mr. FILNER, Ms. SCHAKOWSKY, Ms. CLARKE, Ms. LORETTA SANCHEZ of California, Ms. PINGREE of Maine, and Ms. ROS-LEHTINEN.

H.R. 3463: Mr. SHIMKUS, Mr. CHAFFETZ, and Mr. WAMP.

H.R. 3491: Mr. HINCHEY.

H.R. 3524: Mr. CARNEY.

H.R. 3545: Mr. NADLER of New York.

H.R. 3564: Mr. BACA.

H.R. 3567: Mr. CLEAVER.

H.R. 3589: Mr. SMITH of New Jersey.

H.R. 3650: Mr. ADLER of New Jersey.

H.R. 3669: Mr. COURTNEY.

H.R. 3672: Mr. RYAN of Ohio.

H.R. 3697: Mr. KILDEE, Mr. ISSA, and Mr. KLINE of Minnesota.

H.R. 3699: Mr. CAPUANO.

H.R. 3715: Mrs. NAPOLITANO.

H.R. 3734: Mr. BECERRA and Mr. HINOJOSA.

H.R. 3749: Mr. BOSWELL.

H.R. 3758: Mr. WALDEN, Ms. WASSERMAN SCHULTZ, Ms. JENKINS, Mr. PLATTS, Mr. ROGERS of Kentucky, Mr. CARNEY, Mr. LAMBORN, Mr. DUNCAN, Mr. SIMPSON, and Mr. LEE of New York.

H.R. 3764: Mr. NYE, Mr. GRIJALVA, and Mr. QUIGLEY.

H.R. 3905: Mr. HIMES, Ms. GINNY BROWN-WAITE of Florida, Mr. TIBERI, and Mr. WALDEN.

H.R. 3918: Mr. COSTA.

H.R. 3928: Mr. KENNEDY.

H.R. 3936: Mr. MOORE of Kansas.

H.R. 3982: Mr. JACKSON of Illinois, Mr. POLIS of Colorado, Mr. CARSON of Indiana, Mr. BERMAN, and Ms. EDWARDS of Maryland.

H.R. 4004: Ms. SCHAKOWSKY.

H.R. 4044: Mr. PETERSON.

H.R. 4054: Mr. BOOZMAN.

H.R. 4067: Mr. SCHRADER, Mr. HALL of New York, Mrs. KIRKPATRICK of Arizona, Ms. KILROY, Mr. FOSTER, and Mr. PERRIELLO.

H.R. 4070: Mr. HARE, Ms. HERSETH SANDLIN, Ms. SHEA-PORTER, Mr. JOHNSON of Illinois, Mr. BRALEY of Iowa, and Mr. LOEBACK.

H.R. 4077: Mr. KISSELL.

H.R. 4088: Mr. MARIO DIAZ-BALART of Florida, Mr. CALVERT, Mr. MCCOTTER, Mr. GALLAGLY, Mr. BACHUS, Mr. POE of Texas, Mr. KISSELL, Ms. TSONGAS, and Mr. DAVIS of Illinois.

H.R. 4089: Mr. FORTENBERRY.

H.R. 4092: Mr. GRIJALVA.

H.R. 4100: Mr. DEAL of Georgia.

H.R. 4114: Mr. QUIGLEY.

H.R. 4115: Mr. MCMAHON, Mr. BRALEY of Iowa, and Mr. HONDA.

H.R. 4123: Mr. RANGEL, Mr. DAVIS of Illinois, and Mr. FILNER.

H.R. 4127: Mr. FLEMING, Mr. THORNBERRY, and Mrs. MYRICK.

H.R. 4131: Mr. MCGOVERN, Mr. KAGEN, Mr. FALEOMAVAEGA, and Mr. GRIJALVA.

H.R. 4134: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. REYES.

H.R. 4148: Mr. COURTNEY.

H.R. 4149: Mr. SALAZAR.

H.R. 4155: Mr. KING of New York, Mr. MAFFEI, Mr. SNYDER, and Mr. PERRIELLO.

H.R. 4157: Mr. TERRY and Mr. YOUNG of Florida.

H.R. 4159: Mr. CONYERS.

H.R. 4162: Ms. JACKSON-LEE of Texas, Mr. HERGER, Mr. REICHERT, Mr. HASTINGS of Washington, and Mrs. McMORRIS RODGERS.

H.R. 4163: Mr. CONYERS and Mr. STARK.

H.R. 4165: Mr. HERGER, Mr. WU, Mr. DEFazio, Mr. McDERMOTT, Mr. SIMPSON, Mrs. McMORRIS RODGERS, Mr. HASTINGS of Washington, and Mr. BAIRD.

H.R. 4171: Mr. RODRIGUEZ, Mr. SCHAUER, and Mr. ADLER of New Jersey.

H.R. 4175: Mr. CLAY.

H.R. 4179: Ms. NORTON.

H.R. 4187: Mr. WITTMAN.

H.R. 4188: Mr. AL GREEN of Texas.

H. Con. Res. 73: Mr. TOWNS and Mr. RUSH.

H. Con. Res. 98: Ms. SLAUGHTER.

H. Con. Res. 128: Ms. WATERS.

H. Con. Res. 198: Ms. DEGETTE, Mr. GENE GREEN of Texas, Mr. BARROW, Mr. TOWNS, Mr. FRANK of Massachusetts, Mr. SESSIONS, Mr. RUSH, Mr. BONNER, Mr. KAGEN, and Mrs. MYRICK.

H. Con. Res. 216: Ms. RICHARDSON, Mr. JACKSON of Illinois, Mr. CONYERS, Mr. MEEKS of New York, and Ms. WOOLSEY.

H. Res. 35: Mr. SHERMAN, Mr. HONDA, Mr. MICHAUD, Mrs. HALVORSON, Mr. WAXMAN, Mr. KANJORSKI, Mrs. DAHLKEMPER, Mr. ROTHMAN of New Jersey, Mr. STUPAK, Mr. NEAL of Massachusetts, Mr. HOLDEN, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. BRADY of Pennsylvania, Mr. CROWLEY, Mr. HINOJOSA, and Mr. WHITFIELD.

H. Res. 55: Mr. COSTA, Mr. CASTLE, Mr. PRICE of Georgia, Mr. MARCHANT, Mr. DAVIS of Tennessee, Mr. WAMP, Mr. TERRY, Mr. BUYER, and Mrs. MYRICK.

H. Res. 278: Ms. WOOLSEY.

H. Res. 458: Mr. PASTOR of Arizona.

H. Res. 759: Mr. DEAL of Georgia and Mr. BOOZMAN.

H. Res. 779: Mr. EHLERS, Mr. PLATTS, Mrs. MILLER of Michigan, Mr. SOUDER, Mr. PUTNAM, Mr. FRELINGHUYSEN, Mr. WHITFIELD, Mr. JONES, Mrs. SCHMIDT, Mr. MCCARTHY of California, Mr. SHIMKUS, Mrs. CAPITO, Mr. HOEKSTRA, Mr. KING of Iowa, Mr. WILSON of South Carolina, Mrs. BONO MACK, Mr. MACK, Mrs. BLACKBURN, Mr. ROE of Tennessee, Mrs. LUMMIS, Mr. SMITH of Nebraska, Ms. EDWARDS of Maryland, Ms. KAPTUR, Mr. PRICE of Georgia, and Mr. AKIN.

H. Res. 812: Mr. FRELINGHUYSEN, Mr. LUTKEMEYER, Mr. SIRE, Mr. SESSIONS, and Mr. PAYNE.

H. Res. 852: Mr. PITTS, Mr. JONES, and Mr. ROONEY.

H. Res. 860: Ms. MOORE of Wisconsin, Ms. PINGREE of Maine, Mrs. HALVORSON, Mr. FOSTER, Mr. CONNOLLY of Virginia, Mr. MCINTYRE, and Mr. MURPHY of New York.

H. Res. 864: Mr. BOSWELL, Mr. GORDON of Tennessee, Mr. HALL of New York, Mr. ISRAEL, Mr. LARSON of Connecticut, Mr. MORAN of Virginia, Mr. NYE, Mr. OBERSTAR, Mr. TONKO, Mr. VAN HOLLEN, and Ms. WASSERMAN SCHULTZ.

H. Res. 869: Mr. SCHOCK.

H. Res. 873: Mr. BLUNT and Mr. FILNER.

H. Res. 900: Mr. BOOZMAN, Mr. WITTMAN, Mr. JOHNSON of Illinois, Mr. LOBIONDO, and Mr. WOLF.

H. Res. 910: Mr. DAVIS of Illinois.

H. Res. 911: Mrs. BACHMANN, Mr. COLE, Mr. AKIN, Mr. ROYCE, Mr. JORDAN of Ohio, Mr. PUTNAM, Mr. COFFMAN of Colorado, Mr. PLATTS, Mrs. BLACKBURN, Mr. BRADY of Texas, Mr. THORNBERRY, Mr. SESSIONS, Mr. MCCLINTOCK, Mr. CALVERT, Mr. McKEON, Mr. MCCARTHY of California, Mr. KINGSTON, Mr. CAMP, Mr. GINGREY of Georgia, Mr. BARRETT of South Carolina, Mr. TIAHRT, Mr. SHUSTER, Mr. HUNTER, Mr. COBLE, Mrs. BIGGERT, and Mr. CULBERSON.

H. Res. 913: Mr. VAN HOLLEN and Mr. WILSON of South Carolina.

H. Res. 924: Mr. THORNBERRY, Mr. AKIN, Mr. BISHOP of Utah, Mr. MILLER of Florida, Mr. PLATTS, Mr. COFFMAN of Colorado, Mr. ROGERS of Alabama, Mr. FRANKS of Arizona, Mr. ROONEY, Mr. WILSON of South Carolina, Mr. KLINE of Minnesota, and Mr. WITTMAN.

H. Res. 925: Mr. WILSON of South Carolina and Mr. BISHOP of New York.

H. Res. 929: Mr. FILNER, Mr. CUMMINGS, Mr. BACA, Ms. BERKLEY, Mr. SCOTT of Virginia, Mr. MEEKS of New York, Mrs. MALONEY, Ms. CLARKE, Mr. CONYERS, Mr. ABERCROMBIE, Ms. SPEIER, and Ms. ZOE LOFGREN of California.

H. Res. 932: Mr. GRIJALVA and Ms. CORRINE BROWN of Florida.

H. Res. 933: Mr. STUPAK.

H. Res. 934: Mr. STUPAK.

H. Res. 936: Mr. BRIGHT, Mr. PLATTS, and Mr. HALL of New York.

## CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

### OFFERED BY MR. PETERSON

The provisions that warranted a referral to the Committee on Agriculture, in H.R. 4173, the Wall Street Reform and Consumer Protection Act of 2009, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

### OFFERED BY MR. CONYERS

The provisions that warranted a referral to the Committee on Judiciary, in H.R. 4173, the Wall Street Reform and Consumer Protection Act of 2009, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

### OFFERED BY MR. WAXMAN

The provisions that warranted a referral to the Committee on Energy and Commerce, in H.R. 4173, the "Wall Street Reform and Consumer Protection Act of 2009," do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

### OFFERED BY MR. FRANK OF MASSACHUSETTS

The provisions that warranted a referral to the Committee on Financial Services, in H.R. 4173, the Wall Street Reform and Consumer Protection Act of 2009, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

### OFFERED BY MR. SPRATT

The provisions that warranted a referral to the Committee on the Budget in H.R. 4173, the Wall Street Reform and Consumer Protection Act of 2009, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

### OFFERED BY MR. TOWNS

The provisions that warranted a referral to the Committee on Oversight and Government Reform, in H.R. 4173, the Wall Street Reform and Consumer Protection Act of 2009, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

### OFFERED BY MR. RANGEL

The provisions that warranted a referral to the Committee on Ways and Means, in H.R. 4173, the Wall Street Reform and Consumer Protection Act of 2009, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of Rule XXI.

### OFFERED BY MS. SLAUGHTER

The provisions that warranted a referral to the Committee on Rules, in H.R. 4173, the Wall Street Reform and Consumer Protection Act of 2009, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

DELETIONS OF SPONSORS FROM  
PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1880: Mr. CLAY.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the clerk's desk and referred as follows:

85. The SPEAKER presented a petition of Seventh Legislature of the State of Yap, Micronesia, relative to Resolution No. 7-156 expressing a deep sense of sadness and remorse to the U.S. Congress and family of the late Senator Edward M. Kennedy over his untimely passing; to the Committee on Oversight and Government Reform.

86. Also, a petition of New Orleans City Council, Louisiana, relative to Resolution R-

09-574 urging the U.S. Congress and the President of the United States to authorize and fully fund Option 2 for the three lake front pumping stations; to the Committee on Transportation and Infrastructure.

## DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petition was filed:

Petition 8, December 2, 2009, by Mr. DEVIN NUNES on the bill (H.R. 3105) was signed by the following Members: Devin Nunes, Kevin McCarthy, Daniel E. Lungren, Patrick J. Tiberi, John Boozman, Peter J. Roskam, Wally Herger, Henry E. Brown, Jr., Tom McClintock, Lee Terry, Edward R. Royce, Dean Heller, Darrell E. Issa, John Campbell, Steve King, Paul C. Brown, Duncan Hunter, Thaddeus G. McCotter, Pete Sessions, Ken Calvert, Brian P. Bilbray, Doug Lamborn, Sue Wilkens Myrick, Dana Rohrabacher, Doc Hastings, George Radanovich, Jason

Chaffetz, Paul Ryan, Trent Franks, Mary Bono Mack, Jim Costa, Gary G. Miller, Howard P. "Buck" McKeon, Jerry Lewis, John Sullivan, J. Gresham Barrett, David P. Roe, Peter Hoekstra, Adrian Smith, Jo Ann Emerson, Steve Austria, Ander Crenshaw, Louie Gohmert, Glenn Thompson, Cynthia M. Lummis, John Shimkus, Geoff Davis, Tom Cole, and Gregg Harper.

DISCHARGE PETITIONS—  
ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petition:

Petition 7 by Mr. HOEKSTRA on the bill (H.R. 2294): Mike Pence, Aaron Schock, Henry E. Brown, Jr., Darrell E. Issa, Michael T. McCaul, Roscoe G. Bartlett, Joe Barton, John Sullivan, and Sam Graves.

**SENATE—Thursday, December 3, 2009**

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Our Father in Heaven, You know all the roads by which each of us has come to serve in our government's legislative branch. You know the pathway our feet now are treading and what the future holds, for You are the architect of our destinies.

Give our Senators strength sufficient for this day. Remind them that their times are in Your hands. Infuse them with the blessed assurance that You are the love that never forgets, the light that never fails, and the life that never ends. Keep them close to You and open to each other as they do the tasks that preserve our freedoms. We pray in Your sovereign Name. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The bill clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, December 3, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,  
*President pro tempore.*

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

**RECOGNITION OF THE MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

**SCHEDULE**

Mr. REID. Madam President, following leader remarks, the Senate will resume consideration of H.R. 3590, the health reform legislation. There will be up to 10 minutes, equally divided, between the managers of the bill. The remaining time until 11:45 a.m. will be divided and controlled equally between Senator MIKULSKI and the minority leader or their designees.

At 11:45 a.m., this morning, the Senate will proceed to a series of two roll-call votes. The first vote will be in relation to the Mikulski amendment, No. 2791, as modified, to be followed by a vote on the Murkowski amendment, No. 2836.

Following those votes, the time until 2:45 p.m. will be equally divided and controlled between Senators BAUCUS and MCCAIN or their designees. At 2:45 p.m., the Senate will proceed to vote in relation to the Bennet of Colorado amendment, No. 2826, to be followed by a vote in relation to the McCain motion to commit.

All four votes today will be subject to a 60-vote affirmative threshold for adoption.

Mr. MCCONNELL. Would my friend yield for a question before making his opening remarks?

Mr. REID. I would be happy to yield.

Mr. MCCONNELL. I would say to my friend, since it is Thursday, my Members are prepared to be here Saturday and Sunday, but many would like to know whether there will be an opportunity to go to church Sunday morning.

Mr. REID. Of course. I think it very likely we wouldn't come in until noon, or somewhere around noon on Sunday.

I would indicate to my friend it appears that the next opportunity for amendment will be when we complete this. It is my understanding Senator BEN NELSON is ready, he has an amendment, and I think we have given it to your staff. This may be one where it is sponsored by people on your side also, and then we will wait to see what your next amendment will be.

Mr. MCCONNELL. I would say to my friend, obviously, I assume we are going to continue to proceed with your side offering one and my side offering one.

Mr. REID. We will show those to each other before that happens.

Mr. MCCONNELL. All right.

**HEALTH CARE REFORM**

Mr. REID. Madam President, we in this Chamber, a lot of times, talk as if no one is listening to what we are say-

ing, as though we are talking to ourselves. But that is not true. The American people are listening and they are watching. That is good. But this morning I have good news and I have some bad news. The good news is, Senate Republicans finally—finally, at long last—have put a detailed plan down on paper. The bad news is, it is not as we had hoped—a plan to make health insurance more affordable, it is not one that makes health insurance companies more accountable, and it is certainly not a plan to reverse rapidly rising health care costs and draw down our deficit, such as the plan that has been submitted to the Senate and is now before the Senate by the Democrats.

Again, the plan we had hoped to receive from the Republicans would be to make insurance more affordable, it would be one to make health insurance companies more accountable, and it would be a plan to reverse the rapidly rising health care costs and draw down our deficit. But, no, the Republican plan we have waited weeks and months to see doesn't do any of those things. In fact, it is not even about health care at all, even though it is on the health care bill, this plan they have outlined. The first and only plan Senate Republicans bothered to draft is an instructional manual on how to bring the Senate to a screeching halt. We knew that was happening anyway, but they had the audacity to put it in writing.

Madam President, I ask unanimous consent to have printed in the RECORD the letter I will be referring to.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. REID. Madam President, here are some of the highlights of the Republican plan laid out in the letter I referred to:

Tips on how to force the full reading of all amendments—long amendments, short amendments.

I have no objection to transparency. That is important. Every Senator should know what he or she is voting on, but let's be truly transparent. We all know that those who would ask for such readings have no intention of sitting in this Chamber, listening to the Senate clerks. Any suggestion otherwise is simply disingenuous.

This document explains how to manipulate points of order. Yes, that is what I said, manipulate points of order—a complex but important part of the legislative process. Yet these Senators have no intention of examining the procedures of the Senate or any constitutional rules.

The document says it in plain language. The whole purpose of the document, dated the day before yesterday—December 1—a “Dear Republican colleague” letter, is to set forth how to slow things down, as if they needed more help to slow things down. Ninety-one times this year they have already done that. But on this bill—this bill that affects every person in America—to put in writing that they are going to do everything they can to stop this, to delay this, is beyond something that I think the American people can comprehend.

The document says in plain language that is their intention. It even condones using this tactic “without cause.” Do this without any reason. Just do it. The rules allow it, so go ahead and do it. It stalls things. This letter admits, in no uncertain terms, that the goal of this tactic is to delay. I didn’t make up the word. It is in here. It is as clear as day.

But there is more in this plan. It also advises Senators on how to “extend consideration of a measure,” which motions “may be filibustered,” and when Senators might “offer an unlimited number of motions.”

Well, as we see in the press, today, anyway, this has caused outrage. It is a catalogue of obstructions—a catalogue of instructions to obstruct. But what disappoints me most about this is what isn’t here. Nowhere in this Republican plan is a strategy to lower premiums; not a single word about how to make sure more of our citizens can afford to stay healthy; can’t even find one idea for stopping insurance companies from denying health care to the sick. You see, my Republican friends have been so busy coming up with games and gambits, with ways to distort and delay, with scare tactics and stalling tactics, that they haven’t left time to come up with solutions to one of the most profound crises in the history of our country. The Senate might be interested to learn that the architect behind this blueprint is none other than the former chair of the Budget Committee, the senior Senator from New Hampshire. It is worth noting that this Senator—who, more than any other, often speaks publicly about how to properly use citizens’ tax dollars—has now signed his name to a plan with the explicit goal of wasting the taxpayers’ time and money.

Less than 2 weeks ago, the author of this document, along with every single one of his fellow Republicans—every one—voted against even letting the Senate debate this bill. He didn’t even want to give the American people the opportunity to watch this debate take place—to discuss and defend his position. Now he expects us to believe his only motive is making sure the minority party’s voice can be heard.

No one believes that because it couldn’t be any further from what the

Founders had in mind. They didn’t write this esteemed body’s rules so we could stare at the hands of the clock—which are right up here—as they rotate around each other without end. So let’s not pretend the Republican strategy is anything different than what it is. After all, Republicans certainly aren’t trying to hide it.

When I see these kinds of political games, I think of many cases in Nevada and around the country, but, in particular, I think of a woman from Las Vegas named Alysia. She wrote me a letter when the health care debate was getting underway. She is in her early twenties. I don’t know if she is a Democrat, an Independent, or a Republican. It doesn’t matter. She was born with a kidney disease, a bad kidney disease. She has suffered with it every day of her life, and these days she desperately needs surgery. But she is not going to get surgery.

Similar to so many in Nevada and across the Nation, Alysia recently lost her job. With her job lost, she lost her insurance and her health care. So Alysia went out and tried to buy a new plan to help her afford her care. No one will give her insurance. She can’t find a job to get group insurance.

What did the insurance companies tell her—plural? That her kidney disorder is a preexisting condition, and because of that policy of the insurance industry, which is reprehensible, they refuse to cover her. They refuse to cover this young woman at the exact moment she needs it the most. She then tried to go get some help from Medicaid. What did she hear in response? She doesn’t qualify because she isn’t pregnant, she doesn’t have children, and they say she doesn’t have a disability.

So how can you take a woman such as Alysia out of your mind? I think she is probably following this debate. It means a lot more to her, this debate, than a legislative exercise or a political objective. She will pick up the newspaper this morning, turn on the news, or go online to read about what is happening in the Senate. Why? Because it affects her health—her pain and suffering. She probably remembers her grade school textbook teaching her that this is the world’s greatest deliberative body and she is eager to find out about how those deliberations are going. She is eager to learn what we are going to do with a system that makes it impossible for her to get health care.

Who knows, she might even be watching C-SPAN as we speak. Can you imagine being Alysia and going through all that she has gone through, counting on your leaders to right the wrongs that we know exist, and this is what she finds—a Senator writing a letter on how to guide avoiding the tough decisions that will affect her life and maybe even save her life.

It is not hard to imagine. We all know you don’t have to have a bad health history, such as Alysia’s, to tell a similar story of your own. You may have had an accident in your early days. You may have diabetes. It doesn’t matter. You don’t need kidney disease for insurance companies to take away your health insurance. As it stands now, they can deny you coverage because of high cholesterol, because you have allergies or maybe you have had minor surgery or maybe because you are a woman. Maybe your mom had breast cancer. These are all reasons they use to deny coverage.

We all know that, much like our Republican colleagues, insurance companies will use any excuse in the book to just say no.

For many good people in Nevada and throughout the Nation, it is a painful, terrible reality. That is one of the many problems our good bill fixes.

The American people see transparent tricks like this—it is a shameful scheme—for what they are. The American people could not be impressed. They are not impressed. I can’t decide which should disappoint the American citizens more, that the Senate Republicans are happily wasting time or that they are so eager to admit it. But here is one thing I do know, this is no way to govern, no way to legislate, this is no way to lead, and especially no way to lead our country, our constituents, back to health. The bill before the Senate saves lives, saves money, and saves Medicare.

#### EXHIBIT 1

U.S. SENATE,  
Washington, DC, December 1, 2009.

DEAR REPUBLICAN COLLEAGUE: As we embark on Senate debate of Majority Leader Reid’s massive \$2.5 trillion health care reform legislation, it is critical that Republican senators have a solid understanding of the minority’s rights in the Senate.

I think that we can all agree that the Democrats’ bill is the wrong choice for our nation. It will impact one-sixth of our economy, vastly grow the government, and pile tremendous debt on future generations. We are at an important crossroads both for the economy and for the health care system. Therefore, it is imperative that our voices are heard during this debate.

We, the minority party, must use the tools we have under Senate rules to insist on a full, complete and fully informed debate on the health care legislation—as well as all legislation—coming before the Senate. As laid out in the attached document, we have certain rights before measures are considered on the floor as well as certain rights during the actual consideration of measures. Every Republican senator should be familiar with the scope of these rights, which serve to protect our ability to speak on behalf of the millions of Americans who depend on us to be their voice during this historic debate.

I hope you find the attached information helpful. If you have any questions, please contact my communications office.

Sincerely,

JUDD GREGG.

# FOUNDATION FOR THE MINORITY PARTY'S RIGHTS IN THE SENATE (FALL 2009)

The Senate rules are designed to give a minority of Senators the right to insist on a full, complete, and fully informed debate on all measures and issues coming before the Senate. This cornerstone of protection can only be abrogated if 60 or more Senators vote to take these rights away from the minority.

## I. Rights Available to Minority Before Measures are Considered on Floor (These rights are normally waived by Unanimous Consent (UC) when time is short, but any Senator can object to the waiver.)

**New Legislative Day**—An adjournment of the Senate, as opposed to a recess, is required to trigger a new legislative day. A new legislative day starts with the morning hour, a 2-hour period with a number of required procedures. During part of the "morning hour" any Senator may make non-debatable motions to proceed to items on the Senate calendar.

**One Day and Two Day Rules**—The 1-day rule requires that measures must lie over one "legislative day" before they can be considered. All bills have to lie over one day, whether they were introduced by an individual Senator (rule XIV) or reported by a committee (rule XVII). The 2-day rule requires that IF a committee chooses to file a written report, that committee report MUST contain a CBO cost estimate, a regulatory impact statement, and detail what changes the measure makes to current law (or provide a statement why any of these cannot be done), and that report must be available at least 2 calendar days before a bill can be considered on the Senate floor. Senators may block a measure's consideration by raising a point of order if it does not meet one of these requirements.

**"Hard" Quorum Calls**—Senate operates on a presumptive quorum of 51 senators and quorum calls are routinely dispensed with by unanimous consent. If UC is not granted to dispose of a routine quorum call, then the roll must continue to be called. If a quorum is not present, the only motions the leadership may make are to adjourn, to recess under a previous order, or time-consuming motions to establish a quorum that include requesting, requiring, and then arresting Senators to compel their presence in the Senate chamber.

## II. Rights Available to Minority During Consideration of Measures in Senate (Many of these rights are regularly waived by Unanimous Consent.)

**Motions to Proceed to Measures**—with the exception of Conference Reports and Budget Resolutions, most such motions are fully debatable and 60 votes for cloture is needed to cut off extended debate.

**Reading of Amendments and Conference Reports in Entirety**—In most circumstances, the reading of the full text of amendments may only be dispensed with by unanimous consent. Any Senator may object to dispensing with the reading. If, as is often the case when the Senate begins consideration of a House-passed vehicle, the Majority Leader offers a full-text substitute amendment, the reading of that full-text substitute amendment can only be waived by unanimous consent. A member may only request the reading of a conference report if it is not available in printed form (100 copies available in the Senate chamber).

**Senate Points of Order**—A Senator may make a point of order at any point he or she believes that a Senate procedure is being

violated, with or without cause. After the presiding officer rules, any Senator who disagrees with such ruling may appeal the ruling of the chair—that appeal is fully debatable. Some points of order, such as those raised on Constitutional grounds, are not ruled on by the presiding officer and the question is put to the Senate, then the point of order itself is fully debatable. The Senate may dispose of a point of order or an appeal by tabling it; however, delay is created by the two roll call votes in connection with each tabling motion (motion to table and motion to reconsider that vote).

**Budget Points of Order**—Many legislative proposals (bills, amendments, and conference reports) are subject to a point of order under the Budget Act or budget resolution, most of which can only be waived by 60 votes. If budget points of order lie against a measure, any Senator may raise them, and a measure cannot be passed or disposed of unless the points of order that are raised are waived. (See <http://budget.senate.gov/republican/pressarchive/PointsofOrder.pdf>)

### AMENDMENT PROCESS

**Amendment Tree Process and/or Filibuster by Amendment**—until cloture is invoked, Senators may offer an unlimited number of amendments—germane or non-germane—on any subject. This is the fullest expression of a "full, complete, and informed" debate on a measure. It has been necessary under past Democrat majorities to use the rules governing the amendment process aggressively to ensure that minority Senators get votes on their amendment as originally written (unchanged by the Majority Democrats.)

**Substitute Amendments**—UC is routinely requested to treat substitute amendments as original text for purposes of further amendment, which makes it easier for the majority to offer 2nd degree amendments to gut 1st degree amendments by the minority. The minority could protect their amendments by objecting to such UC's.

**Divisible Amendments**—amendments are divisible upon demand by any Senator if they contain two or more parts that can stand independently of one another. This can be used to fight efforts to block the minority from offering all of their amendments, because a single amendment could be drafted, offered at a point when such an amendment is in order, and then divided into multiple component parts for separate consideration and votes. Demanding division of amendments can also be used to extend consideration of a measure. Amendments to strike and insert text cannot be divided.

**Motions to Recommit Bills to Committee With or Without Instructions**—A Senator may make a motion to recommit a bill to the committee with or without instructions to the Committee to report it back to the Senate with certain changes or additions. Such instructions are amendable.

### AFTER PASSAGE GOING TO CONFERENCE, MOTIONS TO INSTRUCT CONFEREES, MATTERS OUT OF SCOPE OF CONFERENCE

**Going to Conference**—The Senate must pass 3 separate motions to go to conference: (1) a motion to insist on its amendments or disagree with the House amendments; (2) a motion to request/agree to a conference; and (3) a motion to authorize the Chair to appoint conferees. The Senate routinely does this by UC, but if a Senator objects the Senate must debate each step and all 3 motions may be filibustered (requiring a cloture vote to end debate).

**Motion to Instruct Conferees**—Once the Senate adopts the first two motions, Sen-

ators may offer an unlimited number of motions to instruct the Senate's conferees. The motions to instruct are amendable—and divisible upon demand—by Senators if they contain more than one separate and distinct instruction.

**Conference Reports, Out of Scope Motions**—In addition to demanding a copy of the conference report to be on every Senator's desk and raising Budget points of order against it, Senators may also raise a point of order that it contains matter not related to the matters originally submitted to the conference by either chamber. If the Chair sustains the point of order, the provision(s) is stricken from the conference agreement, and the House would then have to approve the measure absent the stricken provision (even if the House had already acted on the conference report). The scope point of order can be waived by 60 Senators.

**Availability of Conference Report Language**. The conference report must be publicly available on a website 48 hours in advance prior to the vote on passage.

### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

### HEALTH CARE REFORM

Mr. McCONNELL. Madam President, this measure was in the majority leader's office for 6 weeks. It has only been on the floor of the Senate for 3 days. I think it is clearly not the case that the Republicans want to delay a process that we have only now gotten an opportunity to participate in, since this has been a strictly partisan venture from the beginning. But we will have an opportunity over a number of weeks to offer amendments. We will have four votes today and hopefully we can proceed at a more rapid pace than we got off to in the first couple of days. Of course the reason we didn't have votes last night was because there were objections on that side of the aisle. But hopefully we are now into a process where we can go forward without the kind of delay that we had generated by both sides over the last couple of days.

Yesterday some of our friends on the other side were at great pains to explain one of the core pieces of their health care plan. I am referring of course to the massive cuts in Medicare they plan to make as a way of expanding government's reach even further into the lives and, more specifically, into the medical care of every American.

I have no doubt that our friends were reluctant to call for these cuts. But in the middle of a recession, and at a time when more than 1 in 10 working Americans is looking for work, it isn't easy to find \$1/2 a trillion lying around. They had to find the money somewhere. And so they set their sights on Medicare.

Republicans have been entirely consistent in this debate: Medicare is already in trouble. The program needs to



be fixed, not raided to create another new government program. We have fought these senseless cuts from the outset. And we will continue to fight them.

Democrats, meanwhile, have taken a novel approach. They have apparently decided there is no way to defend these Medicare cuts, so they will just deny they are doing it. It hardly passes the smell test.

Here are the facts. According to this bill: Medicare Advantage is cut by \$120 billion; hospitals that treat Medicare patients are cut by \$135 billion; home health care is cut by more than \$42 billion; nursing homes are cut by nearly \$15 billion; hospice care is cut by \$7.6 billion.

These are the cuts that our friends on the other side claim not to be cuts. This is the plan that our friends on the other side have said will "save Medicare"—a talking point so plainly contradicted by the facts, it is almost impossible to repeat it with a straight face.

One Democrat took this strategy to a new level yesterday when he declared on the floor that it wasn't even accurate to describe cuts to Medicare Advantage as cuts because Medicare Advantage, he said, is not a Medicare Program.

Well, that is apparently news to the Department of Health and Human Services, which states on its Web site, in words as plain as the alphabet that "Medicare Advantage plans . . . are part of the Medicare program." And it is news to the millions of American seniors who depend on this popular program for their care.

At the moment, Medicare Advantage has nearly 11 million enrollees looking at it another way, or nearly one-fourth of all Medicare beneficiaries are on Medicare Advantage.

In recent years, this program has proven to be particularly popular with seniors in rural areas who would otherwise have limited access to care. Seniors have shown they want this plan. And I daresay that if you had asked seniors earlier this year what they expected health care reform would look like, it wouldn't have involved massive cuts to a program that they have shown they like and want.

Medicare Advantage has also been proven to help in a particular way low-income and minority seniors. That is one of the reasons minorities are more likely to enroll in it. So this program has given a boost to historically disadvantaged populations and helped give them a greater measure of dignity toward the end of their lives.

These cuts are bad enough. But despite what our friends have said, the Democrat plan for Medicare Advantage doesn't stop here because their bill also gives the Medicare Commission explicit new authority to cut even more from this popular program in the years ahead.

The President has repeatedly said that people who like the plans they have will be able to keep them under his plan. He has said people currently signed up for Medicare Advantage will have the same level of benefits under his plan.

Well, common sense tells us that you can't cut \$120 billion from a benefits program without affecting benefits, and the independent Congressional Budget Office confirms what common sense tells us, and they actually quantify it.

CBO says the bill we are debating will cut extra benefits that seniors receive through Medicare Advantage by more than half. The fact is, cuts to Medicare Advantage are cuts to Medicare. And if it is true of Medicare Advantage, it is true of the other Medicare cuts in this bill. Democrats can deny these cuts all they want. Seniors aren't buying it.

Later this afternoon we are going to have a Bennet amendment, Bennet of Colorado, as a side-by-side to Senator MCCAIN's motion, which would send back to committee the Medicare cuts in this bill and ask the committee to report it back without them. I want to comment briefly on the Bennet amendment and we are going to have more to say on that during the course of today's debate.

This amendment is a shell game, a shell game designed to hide the  $\frac{1}{2}$  trillion in cuts I have been talking about. The Bennet of Colorado amendment is a shell game designed to hide the  $\frac{1}{2}$  trillion in cuts I have described. If the Bennet amendment passes, the bill will still cut  $\frac{1}{2}$  trillion from Medicare.

Let me say that again. If the Bennet of Colorado amendment passes, the bill will still cut  $\frac{1}{2}$  trillion from Medicare. It does not protect Medicare. There is only one way to protect Medicare and that is to support the McCain motion.

I yield the floor.

Mr. GREGG. Will the Senator yield for a question?

Mr. MCCONNELL. I will be happy to yield to the Senator from New Hampshire.

Mr. GREGG. The Senator is absolutely right to point out the Bennet amendment is a shell game, charade, and a farce; that there will still be  $\frac{1}{2}$  trillion in the first 10 years but actually \$2.5 trillion over the period 2010 to 2029 to be cut out of Medicare.

Earlier the majority leader came to the floor and talked about a memo that I sent around, which is a fairly innocuous memo to our fellow Members, which outlined the rights to fellow Members relative to floor activity, and I sent in my position as Budget ranking member, because most of these issues are tied to the budget, and the covering letter said we as a minority must use the tools we have under the Senate rules to insist on a full, complete, and fully informed debate on

health care legislation as well as all legislation that comes before the Senate.

I ask the Republican leader, is it not reasonable that we should have a full, complete, and fair debate on this health care bill?

Mr. MCCONNELL. I say to my friend from New Hampshire, we know this bill was produced by Democrats in committee. Then it went to the majority leader's conference room and stayed there for 6 weeks. There were no Republicans in those meetings, not a one. So after being in the majority leader's conference room for 6 weeks, it has been on the floor of the Senate for 3 days. This will be the fourth day.

To suggest that Republicans don't want to offer many amendments to this massive 2,000-page bill that seeks to restructure one-sixth of our economy is nonsense. The American people will not stand for not having a free and open amendment process during the course of this debate. This is a debate, I say to my friend from New Hampshire, the American people deserve to have for a considerable period of time. For goodness' sake, we spent 4 weeks on a farm bill in the last Congress. F

Mr. GREGG. If the Republican leader will yield further, it is ironic, is it not, that the majority leader would come to the floor and complain about an innocuous statement that outlines the rules which Members of the Senate have, a statement which I suspect he actually would pass out to his members for information were they in the minority—maybe even in the majority, because they would like to know how the rules work in the Senate—after the majority leader had completely subverted the rules of the Senate by not taking this 2074-page bill through committee so it could be amended, in the open, so it could be amended but, rather, writing it in the back room, some closet around here, with three or four Members of the Senate present? Isn't there an ironic inconsistency to his outrage on the fact that we suggested people should know the rules here while he has basically tried to go around the rules?

Mr. MCCONNELL. I say to my friend from New Hampshire, nobody is going to buy outrage over a mere 40 Members out of 100 Members of the Senate having an opportunity, for the first time, to offer amendments. The majority, by the way, has the right to do this, and I don't complain about it. They are going to offer an amendment for every amendment we offer, so not only did they have the bill in their conference room in secret for 6 weeks, out here on the floor they are going to get 50 percent of the amendments we vote on. I don't think they will be able, with a straight face, to convince the American people that somehow the 40 of us who are asking for an opportunity to

amend a bill that all the surveys indicate the American people don't want us to pass is somehow unfair.

Mr. GREGG. I will ask one more question because I find the irony in the situation so unique. A memo which outlines what the rights are of all Members—but Members of the minority specifically because the rules are meant to protect the minority from the majority; that is the tradition of our Government, of course, which seems to be an affront to the majority at this point—that a memo of that nature, which essentially says the minority has certain rights in order for the institution to function correctly—I am wondering, why did we create these rules in the first place? Wasn't it so we could continue the thought of Adams, of Madison, who suggested that the Senate should be the place where, when legislation comes forward which has been rushed through the House, the Senate should be the place where that legislation receives a deliberative view, where it is explored as to its unintended consequences and as to its consequences generally, and where the body has the opportunity to amend it effectively so it can be improved? Isn't that the purpose of the Senate? And isn't that what the rules of the Senate are designed to do, to accomplish the goals of our Founding Fathers to have a Senate where the legislation is adequately aired and considered versus being rushed through in a precipitous way?

Mr. MCCONNELL. It was George Washington who presided over the Constitutional Convention who was asked: General, what do you think the Senate is going to be like?

He said: I think it is going to be like the saucer under the tea cup and the tea is going to slosh out of the cup down into the saucer and cool off. That is precisely the point the Senator raises, which is the Senate is the place viewed to be a body that ought to and correctly takes its time. The House of Representatives passed this massive restructuring of one-sixth of our economy in 1 day with three amendments—1 day. That is not the way the Senate operates. I can remember when our friends on the other side were in the minority. Specifically, I can remember the now-assistant majority leader saying the Senate is not the House—praised the procedures in the Senate. If ever there were a measure, if ever in the history of America there were a measure that the Americans expect us to take our time on and to get it right, it is this one, this massive 2,000-page effort to restructure one-sixth of our economy and have the government take over all of American health where we see, in all of the public opinion polls, people are saying please don't pass this—they want to try to rush it.

They want to try to rush it, try to get it through here in a heck of a

hurry, back it up against Christmas. I have said to the majority leader, we are happy to be here. We are going to be here Saturday and Sunday. I did ask for an opportunity for Members to go to church Sunday morning, if they want to, and the majority leader indicated that would be permissible. But after that, we will be here and ready to vote.

Mr. GREGG. I thank the Republican leader for his response. I suspect, were the majority leader in the minority, he would be insisting on exactly what the Republican leader is insisting on—a fair and open debate which allows the minority to make its case as to the good points in this bill and as to the bad points. The way you make that case is by following the rules of the Senate; is that not correct?

Mr. MCCONNELL. The American people expect and deserve no less than exactly what we have been discussing.

I yield the floor.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### SERVICE MEMBERS HOME OWNERSHIP TAX ACT OF 2009

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 3590, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 3590) to amend the Internal Revenue Code of 1986 to modify the first-time home buyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

Pending:

Reid amendment No. 2786, in the nature of a substitute.

Mikulski amendment No. 2791 (to amendment No. 2786), to clarify provisions relating to first-dollar coverage for preventive services for women.

McCain motion to commit the bill to the Committee on Finance, with instructions.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 10 minutes equally divided for the bill managers to speak.

The Senator from Montana.

Mr. BAUCUS. Madam President, I yield myself 2½ minutes from the time under the control of the managers.

For the benefit of all Senators I want to take a moment to lay out today's program.

The time between now and 11:45 is for debate on the amendment by the Senator from Maryland, Ms. MIKULSKI, the chairwoman of the Subcommittee on Retirement and Aging of the Health, Education, Labor and Pensions Committee.

And at the same time, we will debate the side-by-side amendment by the Senator from Alaska, Ms. MURKOWSKI.

At 11:45, the Senate will conduct two back-to-back rollcall votes on the two amendments, first on the amendment by the Senator from Maryland, and second on the amendment by the Senator from Alaska.

Thereafter, we will conduct approximately 2 hours of debate on the McCain motion to commit on Medicare and the side-by-side amendment by the Senator from Colorado, Mr. BENNET.

At 2:45, the Senate will conduct two back-to-back votes on the amendment by the Senator from Colorado, followed by a vote on the motion to commit by the Senator from Arizona.

Thereafter, we expect to turn to another Democratic first-degree amendment and another Republican first-degree amendment.

This is the fourth day on this bill, and we are only late this morning coming to our first vote. Even for the U.S. Senate, this is a slow pace.

I note that some have made plans for delaying this bill in even more extreme fashion. As the majority leader noted, on Tuesday, one Senator circulated a list of delaying tactics available under the Senate rules.

I presume all Senators know the Senate's rules already. So to send the letter leaves the impression that that Senator would like to urge Senators to use some of the delaying tactics stated in the memo.

But I urge a more cooperative course. Out of courtesy to other Senators who desire to offer amendments. I urge my colleagues to allow us to reach unanimous consent agreements to order the voting of future amendments in a more timely fashion. That is simply the only way that we can ensure that more colleagues will have the time and opportunity to offer and debate their amendments.

I thank all Senators.

The ACTING PRESIDENT pro tempore. The Senator has consumed his time.

Mr. BAUCUS. I ask unanimous consent that the order of December 2 be modified to delete all after the word "table."

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAUCUS. I ask unanimous consent that the debate time from 2 to 2:45 this afternoon be divided as follows in the order listed: the first 17½ minutes under the control of Senator MCCAIN or his designee; the next 17 minutes under the control of Senator BAUCUS or his designee; and the final 10 minutes, 5 minutes each for Senator MCCAIN and Senator BENNET of Colorado.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Iowa.

Mr. HARKIN. Madam President, I heard the distinguished minority leader earlier in his comments say that one

of the reasons they are slowing this bill down and having all this debate is it has been a strictly partisan venture thus far. I beg to differ with the minority leader.

I see our distinguished ranking member of the HELP Committee here on the floor. In the HELP Committee, for the enlightenment of Senators, we had 13 days of markup, 54 hours, 788 amendments were filed, 287 amendments were considered and debated and voted on or accepted, and 161 Republican amendments were adopted. No one was denied the opportunity to offer any amendment, to discuss them, debate them, and get a vote or have it accepted, whatever the case might be. To me, this is truly a bipartisan way of proceeding.

The minority leader's argument basically goes to the fact that the people of this country overwhelmingly elected Democrats to guide and make changes for the future. One of the biggest changes is in our health care system. One of the responsibilities of being a majority party is to propose. That is what we have done. We are proposing changes in the health care system. The function of the minority is to offer amendments, constructive amendments, offer different ideas, and if their ideas are better or if they receive majority approval, then the bill is thus changed. That happened in the HELP Committee. As I said, 161 Republican amendments were adopted. To me, that is bipartisan. That is what we have been doing. What is kind of not acceptable is this idea that things are just going to slow down for the purposes of delaying and eventually making sure we don't have a bill.

Let me say that after all that lengthy debate we had in the HELP Committee, we passed a bill. The same will happen here on the Senate floor. I don't care how many times the minority wants to drag it out and slow it down to try to kill this bill, this bill will pass the Senate, we will go to conference, and we will have it on the President's desk early next year.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. ENZI. I appreciate the comments, some of which need correction, from yesterday and those that have just been made.

On a partisan bill, I sat through all of those days in the HELP Committee. That bill was rushed and put together. Senator Kennedy was not able to be involved in that part of it. His staff did it. They did it in a hurry. We turned in 159 amendments that were accepted. Most of those were for typos and minor corrections. There were a few that actually had some substance to them. That bill was passed on July 15 out of committee without a single Republican vote. It wasn't published. We didn't see the final version until September 17. The ones that were really something

that could have made a difference were taken out without the permission of any Republican Senator. That is not bipartisan.

We talked about how many hours we spent together. If you don't accept things from the minority party, it is not bipartisan. It is still partisan. Just spending hours doesn't make any difference.

To move on to a different topic, yesterday we were talking about costs. I hope the people take a look at a Wall Street Journal article from yesterday that says:

A bill that raises prices but lowers costs, and other miracles.

We heard all day yesterday that this bill is going to save people a lot of money. This article reads:

We have now reached the stage of the health-care debate when all that matters is getting a bill passed, so all news is good news, more subsidies mean lower deficits, and more expensive insurance is really cheaper insurance. The nonpolitical mind reels.

Consider how Washington received the Congressional Budget Office's study Monday of how Harry Reid's Senate bill will affect insurance costs, which by any rational measure ought to have been a disaster for the bill.

CBO found that premiums in the individual market will rise by 10% to 13% more than if Congress did nothing. Family policies under the status quo are projected to cost \$13,100 on average, but under ObamaCare will jump to \$15,200. Fabulous news! "No Big Cost Rise in U.S. Premiums Is Seen in Study," said the New York Times, while the Washington Post declared, "Senate Health Bill Gets a Boost." The White House crowed that the CBO report was "more good news about what reform will mean for families struggling to keep up with skyrocketing premiums under the broken status quo." Finance Chairman Max Baucus chimed in from the Senate floor that "Health-care reform is fundamentally about lower health-care costs. Lowering costs is what health-care reform is designed to do, lowering costs; and it will achieve this objective."

Except it won't. CBO says it expects employer-sponsored insurance costs to remain roughly in line with the status quo, yet even this is a failure by Mr. Baucus's and the White House's own standards.

Meanwhile, fixing the individual market—which is expensive and unstable largely because it does not enjoy the favorable tax treatment given to job-based coverage—was supposed to be the whole purpose of "reform." Instead, CBO is confirming that new coverage mandates will drive premiums higher. But Democrats are declaring victory, claiming that these higher insurance prices don't count because they will be offset by new government subsidies.

About 57% of the people who buy insurance through the bill's new "exchanges" that will supplant today's individual market will qualify for subsidies that cover about two-thirds of the total premium. So the bill will increase costs but it will then disguise those costs by transferring them to taxpayers from individuals. Higher costs can be conjured away because they're suddenly on the government balance sheet. The Reid bill's \$371.9 billion in new health taxes are also apparently not a new cost because they can be passed along to consumers, or perhaps will

be hidden in lost wages. This is the paleo-liberal school of brute-force wealth redistribution, and a very long way from the repeated White House claims that reform is all about "bending the cost curve." The only thing being bent here is the budget truth.

Moreover, CBO is almost certainly underestimating the cost increases. Based on its county-by-county actuarial data, the insurer WellPoint has calculated that Mr. Baucus's bill would cause some premiums to triple in the individual market. The Blue Cross Blue Shield Association came to similar conclusions. One reason is community rating, which forces insurers to charge nearly uniform rates regardless of customer health status or habits. CBO doesn't think this will have much of an effect, but costs inevitably rise when insurers aren't allowed to price based on risk. This is why today some 35 states impose no limits on premium variation and six allow wide differences among consumers.

The White House decided to shoot messengers like WellPoint to avoid rebutting their message. But Amanda Kowalski of MIT, William Congdon of the Brookings Institution and Mark Showalter of Brigham Young have found similar results. In a 2008 paper in the peer-reviewed Forum for Health Economics and Policy, these economists found that state community rating laws raise premiums in the individual market by 20.9% to 33.1% for families and 10.2% to 17.1% for singles. In New Jersey, which also requires insurers to accept all comers (so-called guaranteed issue), premiums increased by as much as 227%.

The political tragedy is that there are plenty of reform alternatives that really would reduce the cost of insurance. According to CBO, the relatively modest House GOP bill would actually reduce premiums by 5% to 8% in the individual market in 2016, and by 7% to 10% for small businesses. The GOP reforms would also do so without imposing huge new taxes. But Democrats don't care because their bill isn't really about "lowering costs." It's about putting Washington in charge of health insurance, at any cost.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Under the previous order, the time until 11:45 a.m. shall be equally divided between the Senator from Maryland, Ms. MIKULSKI, and the Republican leader or his designee.

Mr. HARKIN. Madam President, parliamentary inquiry: There is time between now and the hour of 11:45 a.m. equally divided between the Republican side and the Democratic side; is that correct?

The ACTING PRESIDENT pro tempore. That is correct.

Mr. HARKIN. Madam President, I assume, then, the normal thing will be to go back and forth from one side to the other, the Republican side and the Democratic side?

The ACTING PRESIDENT pro tempore. That will not be an order unless it is propounded.

Mr. BAUCUS. Madam President, I think it is perfectly understood.

Mr. ENZI. That is our understanding as well.

Mr. HARKIN. Madam President, I ask unanimous consent to be recognized for 7 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAUCUS. Madam President, will the Senator yield for a quick inquiry to my friend from Wyoming?

Mr. HARKIN. Yes.

Mr. BAUCUS. Madam President, I might inquire of my colleague from Wyoming if that item the Senator was quoting from about costs in the Wall Street Journal was a news article or an editorial.

Mr. ENZI. That was an editorial by the Wall Street Journal, the staff of the Wall Street Journal, confirmed by MIT, Brigham Young, and others.

Mr. HARKIN. Madam President, I ask if the Chair will remind me when the 7 minutes is up.

The ACTING PRESIDENT pro tempore. The Chair will do so.

Mr. HARKIN. Madam President, I have to respond to my friend from Wyoming about doing this in a hurry. He mentioned that we did the bill in a hurry in our committee. Actually, it was last November, shortly after the election, when I received a call from Senator Kennedy talking about doing a health reform bill, asking if I would take charge of a section dealing with public health and prevention and wellness. I think then he asked Senator MURRAY to take over workforce development, Senator BINGAMAN did coverage, and Senator MIKULSKI did quality improvements. So that was in November.

I cannot speak for the others who did the other sections. All I can say is, on our side, in what I did, we had five hearings. We had five hearings on public health and prevention and wellness and what ought to go into a bill. I think those hearings commenced in December and went through about February. Then we worked until June, and we did not start our markup until June. So we had almost 6 months of hearings and putting things together in the bill before we started a markup. I rather doubt that can be said to be rushing anything.

But I just want to focus on the vote that is coming up on the amendment offered by the Senator from Maryland, Ms. MIKULSKI, which will strengthen provisions in the bill concerning preventive health benefits for women.

As an initial matter, I am proud of the significant investments the bill makes overall in wellness and prevention. It has not been talked about very much. If you read the public press out there, the popular press, and watch TV, about the only thing you think is in the bill is a public option and abortion and that is what this bill is about. Well, those may be the hot points and the flashpoints—it makes for good press—but I submit that one of the most important parts, if not the most important part, of this bill is what it does for prevention and wellness, try-

ing to move our costs upstream, keeping people healthy in the first place.

I have said many times, what good does it do us if we are just going to pour more money into paying bills for a broken, dysfunctional, sick care system—not a health care system, a sick care system? That is what we have in America today. This bill begins the transformation of moving us from a sick care system to a true health care system.

The Senator from Maryland has a very important amendment to make clear—to make clear—that what is included in the bill is to strengthen the preventive services that basically inure to the women of this country. The Mikulski amendment reiterates the recommendations of our bill, and it also points out that the recommendations of the U.S. Preventive Services Task Force is a floor, not a ceiling—it is a minimum. In other words, health plans are required at a minimum to provide first-dollar coverage for preventive services recommended by the Preventive Services Task Force, but that is just the minimum. The Secretary of Health and Human Services has full discretion to identify additional preventive services that will be part of the essential package offered by health insurance on the exchange.

Again, there has been some talk here about this task force, the Preventive Services Task Force, that somehow this is a bunch of bureaucrats, it is a government-run task force, it has a political agenda. I have heard all these things said on the floor in the last day or so. Well, in fact, the Preventive Services Task Force is an independent body that evaluates the benefits of clinical preventive services. It makes recommendations—again, no decisions, merely recommendations—about which services are most effective.

Who is on this task force? Experts and leaders in primary care who are renowned internists, pediatricians, family physicians, gynecologists, and obstetricians. And these professionals are not located in Washington, DC; they are based all over the country. Some may be in one State or another State. They are all over the country, and they are experts in these different areas, recognized by their peers. They do not sit in an office at Health and Human Services. They bring years of medical training and experience to the jobs they do.

Does that mean they never make a mistake? No. No one is perfect. No Senator is perfect. Neither is every doctor perfect. And neither is any task force always going to make what we might consider to be the perfect answer. But our bill does not grant them the authority to tell insurance companies what not to cover. That is clear. But to hear the debate on the floor, you would think it is just the opposite, that the Preventive Services Task Force can

tell insurance companies what they cannot cover. That is not true. Our bill says that those recommendations that are A and B—categorized by the Preventive Services Task Force, by these expert doctors around the country—these are the ones they say really are key preventive services, have the most benefit. We say in our bill that those services must be covered without copays, without deductibles. That means that is the floor. That is the floor.

Again, I might also add that preventive services that are rated by the Advisory Committee on Immunization Practices and comprehensive guidelines supported by the Health Resources and Services Administration are also part of the recommendations to establish that floor.

So, again, I would say it is a pretty big floor when you put all those together. Again, it does not establish a ceiling and it does not say what cannot be done. It just says you have to do these basics. That is the floor.

I do understand the concerns of some that the task force has not spent enough time studying preventative services that are unique to women. Senator MIKULSKI goes back a long way on this issue. I can remember some years ago Senator MIKULSKI pointing out to me, in my capacity as the then-chairman of the Appropriations subcommittee that funds NIH—

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. HARKIN. Madam President, I ask unanimous consent for 3 more minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HARKIN. Senator MIKULSKI said: If you look at the research being done at NIH, it is almost all done on men and not on women. I remember that some years ago, and all of a sudden a lightbulb went off in my head. I said: You are right. So we had to start changing the focus of a lot of the research done to focus on the unique situations faced by women.

Well, this was also a concern that was raised in our HELP Committee by Senator MIKULSKI, and we included language to require all health plans to cover comprehensive women's preventive care and screenings based on guidelines promulgated by the Health Resources and Services Administration—again, without any copays or deductibles. That was in our health bill but unfortunately was not included in the merged bill. But Senator MIKULSKI's amendment, which we are about to vote on, brings us back to the position we had in the HELP Committee bill. I think that was largely supported, if I am not mistaken, on both sides, at least in our HELP Committee. At least no one offered any amendment to strike it when we were debating it in

committee. So I assume it was supported generally by both Republicans and Democrats.

By voting for the Mikulski amendment, we can make doubly sure that the floor we are establishing in the bill for preventive services that are unique to women also has no copays and no deductibles. Again, that is why this amendment is so important.

I know our friend Senator MURKOWSKI has a different way of approach. I commend her for her involvement and her interest in this issue. She has been a great member of our committee, and I have done a lot of great work with Senator MURKOWSKI. But I think her amendment misses the mark in this way: It asks insurers to use guidelines from provider groups when making coverage decisions. Well, that does not guarantee women will get any of the preventive services they need.

Here is a statement from the American Heart Association and the American Stroke Association. It says:

... we are concerned that Senator Murkowski's preventive health services amendment would take a step backwards by substituting the judgment of the independent U.S. Preventive Services Task Force with the judgment of private health insurance companies.

Madam President, I ask unanimous consent that this letter from the American Heart Association and the American Stroke Association be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT BY AMERICAN HEART ASSOCIATION  
CEO NANCY BROWN ON MURKOWSKI AMENDMENT ON PREVENTIVE HEALTH SERVICES  
(Dec. 2, 2009)

The American Heart Association strongly supports requiring health plans and Medicare to provide first-dollar coverage for clinical preventive services that are evidence-based and necessary for the prevention or early detection of an illness or disability. We appreciate that Senator Murkowski's amendment recognizes the value of the guidelines and recommendations made by professional medical organizations (as well as by voluntary health organizations like the American Heart Association). But even these guidelines must be held to the standard of being evidenced based. In addition, we are concerned that Senator Murkowski's preventive health services amendment would take a step backwards by substituting the judgment of the independent U.S. Preventive Services Task Force with the judgment of private health insurance companies. Although we have previously recommended to Congress that the USPSTF membership be expanded to include specialists to broaden the expertise of the Task Force, we believe an expanded USPSTF would be the best entity to objectively and rigorously make recommendations for covering clinical preventive services and do not support eliminating it from this role.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. HARKIN. Madam President, I will have more to say about the Murkowski amendment later. But, again,

the point is, the Mikulski amendment is right on point. It should be adopted.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. ENZI. Madam President, I yield 10 minutes to the Senator from Florida.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. LEMIEUX. Madam President, I come to the floor today to draw back the curtain a little, I hope, and to widen the lens to talk about the issue of the bill before us, not just on this particular amendment but on what it is going to mean for my constituents in Florida and for the people of this country.

I had the opportunity last week to be back home in Florida, in south Florida, in Palm Beach County and Broward County and Miami-Dade County, where I talked to doctors, hospital administrators, folks who run Medicare Advantage plans, as well as everyday Floridians, specifically senior citizens. The responses I heard were nearly unanimous, and that was grave concern about the bill that is being debated on this floor and a general confusion as to why the Congress is pursuing the path that it is. The people of Florida do not understand why we are going to cut Medicare to create a new program. The people of Florida do not understand why we are going to raise taxes to create a new program. The people whom I have spoken to in Florida do not understand why we would undertake a new \$2.5 trillion health care proposal if it was not going to reduce the cost of health insurance for the 170 million to 180 million Americans who have health insurance today.

Why are we embarking upon this measure if it is not going to affect most everyday Floridians and everyday Americans who are struggling under the high cost of health insurance? Health insurance premiums have increased 130 percent in the past 10 years.

When the President put this proposal forward and when he campaigned on it, he said his major goal was to reduce the cost of health insurance. When he addressed the Nation in a joint session of Congress on September 9, he said his plan would reduce the cost of health insurance. But we find out that for at least 32 million Americans, it will raise the cost of health insurance 10 to 13 percent. So at least half of the goal, if not most of the goal, of his plan for most Americans in this country will not be accomplished. Yet we are going to cut nearly  $\frac{1}{2}$  trillion out of Medicare, we are going to raise taxes by  $\frac{1}{2}$  trillion, and we are going to spend \$2.5 trillion on this program, which was admitted to by Senator BAUCUS yesterday on the floor, which cannot be, under my understanding, in any way budget neutral.

But I want to speak specifically about the cuts to Medicare. It cuts \$192

billion, according to the Congressional Budget Office, "to Medicare's payment rates for most services." I think we have to be clear here that if you cut providers, you are going to cut services. The very reason we talked about increasing doctor payments in that  $\frac{3}{4}$  trillion program was so that patients would not receive fewer services, so there would be ample doctors providing services for Medicare. It is beyond logic to argue that cutting providers will not cut services. What will happen when we cut providers, doctors, nursing homes, home health agencies, hospitals? Fewer and fewer of them will provide benefits, and fewer and fewer of them will take Medicare.

The Chief Actuary of CMS believes the cuts in the bill we have before us could cause providers to end their participation in Medicare:

... providers for whom Medicare constitutes a substantive portion of their business could find it difficult to remain profitable and might end their participation in the program.

Every American understands this. If we pay less money to health care providers, they are going to offer less benefits or more and more they are not going to participate in Medicare.

The Medicare Payment Advisory Commission found in June of last year that 29 percent of Medicare beneficiaries who were looking for a primary care doctor had a problem finding one to treat them. This is of grave concern to the 3 million Floridians who are on Medicare. If a doctor will not see them, what kind of health care plan is this? These seniors, our "greatest generation," have paid into this program their whole life. It is illusory if they can't find a doctor who will treat them.

One of my constituents, Earl Bean, from Sanford, FL, recently told CNN that he called about 15 doctors when he was trying to find health care, and he was told they were not taking new Medicare patients. So when we cut  $\frac{1}{2}$  trillion out of Medicare, is that going to improve health care for seniors or is it going to continue to decline health care for seniors? You can't get blood from a stone. It is going to make the situation worse. For anyone to come to this floor and say that it would not be incredible.

We have in Florida the second highest Medicare population. When we cut \$135 billion from hospitals and \$21 billion from the disproportionate share fund, which is basically money that goes to these hospitals to provide health care for seniors and the indigent, how are they going to be able to provide that health care? I spoke to the administrator of the North Broward Hospital District and told him about this cut to the DSH funds, and he told me it would be devastating to their provision of health care.

Then we are going to take a very popular program called Medicare Advantage—more than 900,000 Floridians in my State—and we are going to cut it as well. I recently visited the Leon Medical Center and their new facility in Miami Dade County where they provide state-of-the-art, first-class health care for seniors; not only normal health care but eyeglasses, hearing aids, dental care, and the constituents who go there love it. They are getting the kind of health care that you would hope your senior citizens in your family would get.

The principal of the company, Ben Leon, told me they have saved \$70 billion in the way they have run their system. He told me if we continue on this path with these cuts to Medicare Advantage, he will not be able to provide these good services going forward. There are some fixes to grandfather folks in, but all in all people will be cut, and all in all the program will not be as good, and it will decline the health care of seniors in Florida and across this country.

We will cut \$15 billion from nursing home care and \$40 billion from home health agencies. I spoke to a provider of a home health agency practice in Florida. He said these cuts will put half of the home health care agency folks out of business. At a time when we have 11.2 percent unemployment in Florida, this health care bill is going to cost people their jobs, and it is going to decline the quality of health care.

I am also concerned about this Medicare advisory board. This independent board of nonelected folks is going to have the power to cut Medicare by \$23 billion over the next 10 years, and it will be up to this body to reinstate those cuts. These people are not elected, my constituents in Florida don't know who they are, but they are going to be responsible for the decline of their Medicare and their health care.

The "greatest generation," who fought to protect this country, is looking at this health care bill and wondering why. Folks with health insurance in this country—more than 170 million who are not going to see their health care costs go down but up—are wondering why. Americans who are seeing higher taxes and penalties for not buying these health insurance programs under this bill are wondering why.

If we are here to reform health care—and we should be—if we are here to try to make sure the 45 million people in this country and the nearly 4 million Floridians get health insurance—and we should be—then why don't we take a step-by-step approach?

I am new to this body. My first day here was September 10, so I have not even been here 3 months. But I can tell my colleagues, the American people, if they knew what I know now and could see what I see, would be baffled by this

process. There is not a give-and-take on this issue. We didn't all sit down together in a conference room and work this out to have a bipartisan bill. The Democratic leader worked on it with his colleagues but not with us.

So now we have a program that cuts Medicare, that raises taxes, that doesn't decrease the cost of health care for the majority of Americans and will cost us \$2.5 trillion and can't be budget-neutral, at a time when we have a \$12 trillion debt, a debt that requires each of us—each family—to put \$100,000 on our shoulders to be responsible for that debt, a debt where the third largest payment in our budget is for interest payments, and over the next 10 years those interest payments will go up by \$500 billion, enough to pay for many of the budgets of the Federal Government—

The ACTING PRESIDENT pro tempore. The Senator has used his 10 minutes.

Mr. LEMIEUX. Including the wars in Afghanistan and Iraq.

I thank the Chair, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland is recognized.

Mr. HARKIN. How much time would the Senator like to consume?

The ACTING PRESIDENT pro tempore. The Senator from Maryland controls the time, and the Senator from Maryland has 33 minutes.

Ms. MIKULSKI. Madam President, I yield myself a firm 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. MIKULSKI. Madam President, health care is a woman's issue. Health care reform is a must-do woman's issue, and health insurance reform is a must-change issue.

So many of the women and men of the Senate are here today to fight for change and to make sure we have universal access to health care. When we have universal access, it makes a difference in our lives, which means we have to have universal access to preventive and screening services.

My amendment—and, by the way, it is a bipartisan amendment—makes universal access to preventive and screening services for women available.

There is much discussion about whether women should get a particular service at a particular age. We don't mandate that women get a service; we leave that up to a decision made with the woman and her doctor. But, first of all, they need to be able to have a doctor. So we are for universal access, and this is why the underlying bill is so important.

Then, when you have that, there should also be universal access to preventive and screening services, particularly to the top killers of women, those things that are unique to women. We

think about cancer: breast cancer, ovarian cancer, and cervical cancer. Also, women are dying at an increased rate of lung cancer. Then there are these other silent killers that have had a lethal effect on women, and that is cardio and vascular disease. So we want to guarantee universal access to medically appropriate or medically necessary screening and preventive services.

Many women don't get these services because, first of all, they don't have health insurance; and, No. 2, when they do have it, it means these services are either not available unless they are mandated by States or the copayments are so high that they avoid getting them in the first place.

The second important point about my amendment is it eliminates deductibles and copayments. So we eliminate two big hurdles: having insurance in the first place, which is the underlying bill, as well as copayments and deductibles. I know of no one in this room who would not want to be on our side on this issue.

I wish to acknowledge the role the Senator from Alaska has played, Ms. MURKOWSKI, as well as Senator KAY BAILEY HUTCHISON, Senator SNOWE, and Senator COLLINS. We, the women of the Senate, have worked on a bipartisan basis for years making sure we were included in the protocols at NIH, increasing funding for important research areas to find that cure, to race for that cure and, at the same time, to be able to have mammogram standards. What the Murkowski amendment—and by the way, she is MURKOWSKI, I am MIKULSKI. We sound alike, and the amendments might sound alike, but, boy, are they different.

The Murkowski amendment offers information. I think that is important. That is a threshold matter. You have to have information to make an informed decision. But it does not guarantee universal access to these services, and, of course, it does not eliminate the high payments and deductibles. So her amendment is flawed. My amendment is terrific. My amendment offers key preventive services, including an annual women's health screening that would go to a comprehensive assessment of the dangers to women, including heart disease and diabetes.

We hope when the Senate makes its decision today, it deals with the fact that for we women, the insurance companies take simply being a woman as a preexisting condition. We face so many issues and hurdles. We can't get health care. We can't get health insurance because of preexisting conditions called a C-section.

I am going to be meeting with an insurance company executive later where his company denied health insurance to a woman who had a medically mandated C-section, and a letter from this



insurance company said: We are not going to give you insurance unless you have a sterilization—a coerced sterilization in the United States of America. That is going to be an amendment for another day. But I just wish to give the flavor and the power of what women face when we have to cope with the insurance companies or where there are barriers to our getting these health care screening services.

So we want to be able to save lives, and we want to be able to save money. We believe in universal access, and if you utilize the service it is because you have had the consultation with your doctor. We do know early screening and detection does save lives, and, at the same time, it saves money.

I will conclude with this: When we look at heart disease and diabetes, not only cancer but early detection of diabetes means, in a well-managed program, under appropriate medical supervision you very likely will not lose that eye, you will not lose that kidney, you will not lose that leg and, most of all, you will not lose your life.

So let's not lose the Mikulski amendment. Let's go with Mikulski and thank MURKOWSKI for her information, but hers is too tepid and too limited.

Madam President, I ask my colleague, one of the great guys who supports us, Senator CARDIN, how much time he needs.

I yield 5 minutes to Senator CARDIN.

Mr. CARDIN. First, let me thank my colleague, Senator MIKULSKI, for her leadership on this issue. I strongly support her amendment for the reasons she said. This is a very important point about providing preventive health services to the women of America, a critically important part of our strategy not only to bring down costs in health care, but to have a health care system that is fair in America.

I have been listening to my colleagues on the other side of the aisle talk about the underlying bill. They talk about it as if this is a static situation. Many of the criticisms I hear about the underlying bill are criticisms about our current health care system. I can tell my colleagues the people in Maryland, many of whom are finding it difficult to find affordable coverage today, are outraged with what is happening with private insurance companies and the attitudes they are taking.

As Senator MIKULSKI pointed out, they are denying coverage for pre-existing conditions or imposing arbitrary caps. As has been indicated, if we are unable to get this bill passed, what is going to happen in the future? We know costs are going to become even greater, more people are going to lose their coverage, insurance companies are going to continue their arbitrary practices, and the health care of Americans is in jeopardy.

We are already spending so much of our economy on health care, and if we

don't take action, it will be a greater part of our economy.

But we have some good news. The underlying bill has now been analyzed by the CBO; that is the independent scorekeeper. What they tell us is, if we pass the underlying bill, for the overwhelming majority of Americans, they are going to find that their health insurance premiums will either stay the same or go down. For the overwhelming majority of Americans, they will have a better insurance product that will cover the types of preventive services Senator MIKULSKI is talking about, which are in her amendment.

We are not only going to bring down the cost for the overwhelming majority of Americans as to what will happen if we don't pass a bill, we are going to provide better coverage for them. The underlying bill will also reduce dramatically the number of people who don't have health insurance in America by 31 million. That will make our system much more effective.

I have heard my colleagues talk about what is going to happen with Medicare. If we pass the underlying bill, we are going to strengthen Medicare. We already have a provision that there cannot be reductions in the guaranteed benefits. We pointed out that AARP endorses the bill. They understand there will be additional preventive health care for our seniors, and we will help fill the doughnut hole in prescription drugs.

When you reduce the number of uninsured, the amount of cost Medicare has to pay for health care in our hospitals is reduced. That is why we can reduce our payments to hospitals in America, because the amount of uncompensated care they currently have will be dramatically reduced. I have heard colleagues on the other side of the aisle talk about Medicare Advantage. I remember when we used to pay the private insurance companies in Medicare a little less than people in traditional Medicare. Then we paid them the same. Now we are paying them more. That is corporate welfare. Medicare Part B premiums are higher than they should be. Taxpayer support is higher than it used to be. We know these benefits that are being paid could be gone tomorrow. We saw the private insurance companies leave the Maryland market and so many other markets. These are reforms that save the taxpayers money and strengthen Medicare for the future.

Bottom line: The bill is good for middle-income families. It will provide the insurance reform so they have an insurance product that can cover their needs, including wellness and prevention programs. It is good for small business because it offers more choice. I can tell you chapter and verse of small companies in Maryland that, today, cannot get an affordable product and are seeing 20, 30 percent increases in their premiums. They need this bill

in order to be able to preserve health care for their employees.

This bill, with the Mikulski amendment, will provide the preventive health care for all Americans that is so desperately needed, which will reduce costs, improve quality, and make our health care system more efficient and effective in the future, bringing down costs by investing in wellness and prevention.

I urge my colleagues to support the Mikulski amendment and to support the underlying bill.

I yield the floor.

Mr. ENZI. Madam President, I yield 10 minutes to the Senator from South Dakota.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota is recognized.

Mr. THUNE. Madam President, I appreciate the opportunity to speak on this important piece of legislation.

Again, I point out to my colleagues, and to anybody else who may be observing, the volume of this bill. This is 2,100 pages and 21 pounds, which means it is about a pound per 100 pages. It is \$1.2 billion dollars per page, \$6.8 million per word, and it creates 70 new government programs. It gives the Secretary of Health and Human Services—in 1,600 or 1,700 instances in this bill—the opportunity to create, define, and determine things in the bill.

This is a big government bill, a massive expansion of the Federal Government—\$2.5 trillion, when it is fully implemented. Of course, the paid-fors in the bill—all the things in this bill, not only those intended things but also the unintended consequences of the bill—you have some revenue to pay for these things. Where do we get the revenue?

In the Reid bill, they decided they are going to raise taxes on small businesses, individuals and families and they are going to cut Medicare by about \$½ trillion.

What is ironic about that is, a few years ago, the Republicans, back when we were in the leadership in the Senate, tried to do a budget bill that actually achieved some savings in Medicare and Medicaid, to the tune of \$27 billion combined. But the Medicare savings in that bill was \$10 billion. That was over a 5-year period, at \$2 billion per year. I wish to remind some of my colleagues on the other side about some of the comments they made about that.

Senator REID, at the time—bear in mind this was to reduce Medicare by \$2 billion per year, \$10 billion over 5 years. The now-majority leader said:

Unfortunately, the Republican budget is an immoral document.

The Senator from West Virginia said this:

This proposed budget would be a moral disaster of monumental proportions.

A couple other colleagues in the Senate commented. The Senator from Michigan said:



People who rely on Medicare and Medicaid are going to be hurt by this bill.

The Senator from Wisconsin said:

I urge my colleagues to reject this bill, and the irresponsible and cruel budget of which it is part.

The former Senator from New York, Mrs. Clinton, said this:

This bill slashes \$6.4 billion from Medicare over the next 5 years.

It was actually \$10 billion. My point is simply this: It was \$10 billion over 5 years, \$2 billion per year. Those were the statements—overstatements—about the impact that a \$2 billion reduction per year in Medicare was going to have on people in this country. Now we are talking about \$½ trillion in Medicare cuts.

Where do their cuts come from? They will come from \$118 billion from Medicare Advantage, which now we have about 11 million Americans impacted by Medicare Advantage. Every State has seniors who have subscribed to that program whose benefits will be cut if this bill is enacted. You get it out of hospitals because there are \$135 billion in reductions and reimbursements to hospitals; \$15 billion in reductions to nursing homes and reimbursements; \$40 billion in reductions to home health agencies; and \$8 billion in reductions to hospices.

Those are all the ways this \$2.5 trillion expansion of the Federal Government is to be paid for. I didn't even get into the tax cuts, which will be a debate for another day.

The Medicare cuts in this bill are unlike anything we have seen in the past. Clearly, when you compare it to 3, 4 years ago, when we were trying to achieve \$10 billion in savings over 5 years, you thought the sky was falling. Now here they are trying to pay for a \$2.5 trillion expansion of the Federal Government by cutting \$500 billion out of Medicare.

The point I also wish to make, because it has been made by the other side—by the most recent speaker—is that somehow this recent CBO analysis should be hailed as good news. The corks are popping in the celebration, and people are crowing about the new CBO report because it has such good news for this bill and the impact it will have on people who buy health insurance in this country.

What is it they are celebrating? CBO, in its report, essentially said this: 90 percent of Americans are going to see their premiums increase or see virtually the same increases as they do today year after year.

That is preserving the status quo, not decreasing costs, as promised. President Obama, when he was running for office in 2007, said when he got a chance to do health care reform, he was going to reduce costs by \$2,500 for every family in this country and cover everybody.

This bill, after spending \$2.5 trillion and creating 70 new government pro-

grams, doesn't cover everybody. There are still 24 million Americans who don't get covered under this bill, according to the CBO. Furthermore, nobody—I shouldn't say nobody—90 percent of Americans, those who don't get subsidies, don't come out any better. They will still see the year-over-year increases in premiums they have been seeing for the past several years, and the cost of health care is growing at twice the rate of inflation. If you assume a year-over-year increase similar to the past several years, in the small group market, you are looking at annual increases of over 6 percent for the cost of health care—to the point where a family that, today, is paying \$13,000 a year for health insurance, in 2016, will pay over \$20,000 a year for health insurance. So nobody gets any better out of this, except a handful of people who will get subsidies. If you are in the individual marketplace, your premiums go up. According to the CBO, there will be a 10- to 13-percent increase in premiums in the individual market. If you are in the large group market, you will see an almost 6-percent increase a year. If you are in the small group market, premiums will go up over 6 percent a year.

We are talking about spending \$2.5 trillion, cutting reimbursements to nursing homes, to hospitals, to home health agencies and hospices, and raising taxes on health care providers, medical device manufacturers, prescription drugs, raising the Medicare payroll tax which, incidentally, doesn't go to preserve or extend the lifespan of Medicare or put it on a path toward sustainability but creates a whole new government entitlement.

We are going to do all that for what? At best, to keep the status quo for people today; at worst, to increase their premiums by 10 to 13 percent. That is the bottom line. That is what this says. That is the new CBO report. That is the CBO report about which the other side is saying this is great news. They are celebrating. It is great news that premiums are going to continue to go up at twice the rate of inflation, just like in the past, protecting and preserving the status quo as we know it in America today.

This bill does nothing about the fundamental issue of cost. It doesn't matter what market you are in—small group market, large group market—it stays the same, at best, and in the individual marketplace, your premiums will go up 10 to 13 percent. That is the news being hailed by the other side as validating the argument for why we need to pass a 2,100-page, \$2.5 trillion monstrosity of a bill with 70 new government programs in it.

We will vote on the Medicare amendment later. Senator MCCAIN has a motion to commit the bill to essentially take the Medicare cuts out of it. I hope my colleagues vote for it. They are ar-

guing it doesn't cut Medicare. How can you say that with a straight face? How can you say you are going to find \$500 billion to pay for this bill out of Medicare and then say it doesn't cut Medicare? Of course it cuts Medicare. Of course it raises taxes. You can't finance \$2.5 trillion of new spending unless you find a way to finance it.

The way they have chosen to finance this is to hit seniors squarely between the eyes and cut reimbursements to the providers all across this country that are dealing with the serious health needs our senior citizens are experiencing. In South Dakota, we have a lot of people who are employed in the health care industry. I think that is true of every State. Even in small towns in South Dakota, in nursing home employment you are talking about almost 6,000 employees. You are going to take \$15 billion out of nursing homes, \$40 billion out of home health agencies, \$135 billion out of hospitals, and what we are talking about are huge reductions in Medicare, unlike anything we have seen.

As I said, to put it into perspective, a few short years ago, when we were in the majority, in a budget trying to reduce Medicare by \$10 billion over a 5-year period, it was referred to as "immoral," as a "monumental disaster," as "cruel"—\$10 billion over 5 years. This has \$½ trillion in Medicare cuts—cuts to Medicare Advantage and providers.

I hope my colleagues will support the McCain motion.

I yield the floor.

Ms. MIKULSKI. Madam President, I yield 3½ minutes to the junior Senator from Minnesota, Mr. FRANKEN.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota is recognized.

Mr. FRANKEN. Madam President, I rise to express my support for Senator MIKULSKI's amendment for women's health.

This amendment is crucial because it is about prevention. Prevention is one of the key ways this bill will transform our system of sick care into true health care. It is common sense. You get the right screenings at the right time so you find diseases earlier. It saves lives and it saves money.

The Senate bill already has several provisions for preventive care, which I strongly support. For example, colonoscopies and screening for heart disease will be covered at no cost. It is a good start.

The current bill relies solely on the U.S. Preventive Services Task Force to determine which services will be covered at no cost. The problem is, several crucial women's health services are omitted. Senator MIKULSKI's amendment closes this gap. Under her amendment, the Health Resources and Services Administration will be able to include other important services at no

cost, such as the well woman visit, prenatal care, and family planning.

These preventive services will truly improve women's health. For example, if all women got the recommended screening for cervical cancer, we could detect this disease earlier and prevent four out of every five cases of this invasive cancer. This will improve the health of our mothers, sisters, and our daughters. This bill and this amendment will make prevention a priority and not an afterthought.

Although I respect the efforts of my distinguished colleague from Alaska, the Murkowski alternative falls short. The Murkowski amendment does nothing to guarantee women will have improved access to coverage and cost-sharing protections for preventive services. Rather than establish objective, scientific standards about which preventive services should be covered, this alternative only requires insurers to consult with medical organizations when making coverage decisions.

While we know the U.S. Preventive Services Task Force recommendations do not cover all necessary services, the Murkowski amendment entirely removes even this basic coverage requirement from the bill, leaving women without any protections under health care reform for essential preventive care. This means that important preventive care for women, including screening for osteoporosis and sexually transmitted infections, may not be covered by insurance plans.

In the simplest terms, the Murkowski amendment maintains the status quo, and we know the status quo is not working for millions of women who are forgoing preventive care because they simply cannot afford it. The Murkowski amendment continues to leave prevention coverage decisions up to health insurance companies, and that means there would be no guarantee that any health plan will cover basic preventive services at all.

Do we want to leave these important decisions up to the insurance companies? The health of American women is too important to leave in their hands. That is why I urge my colleagues to support Senator MIKULSKI's amendment and vote to make sure women can get the preventive screenings they need to stay healthy. Most important, this amendment will make sure women have access to these lifesaving screenings at no cost.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. FRANKEN. I request another 45 seconds.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FRANKEN. Madam President, prevention is just one of the ways this bill will improve women's health. It also ends insurance companies' practice of charging women more because

they happen to be women, or denying coverage based on a history of pregnancy, C-section, or domestic violence.

We need to pass this bill this year to ensure comprehensive, affordable care for women throughout the country. And we need to include this amendment because I want to be able to look my wife in the eye, I want to be able to look my daughter in the eye—my son, too—and my future grandchildren in the eye and say we did everything we could in this bill to improve women's health. We cannot wait any longer. I urge all my colleagues to stand with us and support this amendment.

I yield the floor.

Mr. ENZI. Madam President, I yield 5 minutes to the Senator from Oklahoma.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. COBURN. Madam President, it is interesting, as a practicing physician who has actually cared for women and nobody so far who has been in on this debate has ever done. I congratulate the Senator from Maryland for her care about prevention because we all know that is key.

The mischaracterization we heard about this bill is astounding. The reason we got in trouble with the Preventive Task Force is because it did something that was inappropriate and did not have the appropriate professional groups on its task force when it made its recommendation on breast cancer screening.

The Murkowski amendment says we will rely on the professional societies to make the determinations of what must be available. We have heard the Senator from Iowa say health insurance will decide that. That is absolutely untrue. Health insurance will not decide it. The professional societies will decide what will be covered, and the insurance companies must cover it under the Murkowski amendment.

The second point is there will not be any objective criteria. The objective criteria doctors practice under today are the guidelines of their professional societies.

Here is the difference between the Murkowski amendment and the Mikulski amendment: The Senator from Maryland relies on the government to make the decision on what will be covered. She refers to the Health Resources and Services Administration. She refers to the Health Resources and Services Administration which has no guidelines whatsoever on women's health care right now, other than prenatal care and childcare. That is the only thing they have.

For whom does HRSA work? HRSA works for the Secretary of Health and Human Services. So the contrast between these two amendments could not be any more clear in terms of do we want to solve the problems we just experienced on mammogram rec-

ommendations? We can let the government decide, which got us into this trouble, and they will set the practice guidelines and recommendations for screening or you can let the American College of Obstetricians and Gynecologists or the American College of Surgeons or the American College of Oncologists set and use their guidelines.

The choice is simple: The government can decide what care you get or the people who do the care, the professionals who know what is needed, who write the peer-reviewed articles, who study the literature and make the recommendations for their guidelines.

Every month I get from the American College of Obstetricians and Gynecologists their new guidelines. I try to follow them at every instance. The fact is, the Mikulski amendment says government will decide. That is what it says. The government will decide through HRSA. The Murkowski amendment says it is the best practices known by the physicians who are out there practicing. What is the difference? How does it apply to you as a woman? It applies to you as a woman because the people who know best get to make the recommendations rather than a government bureaucracy. That is the difference.

If you will recall, under the stimulus bill we passed, we have a cost comparative effectiveness panel, which will surely be in the mix associated with the recommendations. If you look at what the task force on preventive recommendations said from a cost standpoint, they were absolutely right. From a patient standpoint, they were absolutely wrong.

The real debate on this bill—the Mikulski amendment is the start of the real debate—is do we have the government decide based on cost or do we have the professional caregivers who know the field decide based on what is best for that patient. That is the difference.

What the Senator from Alaska does, which is necessary, is she says we will rely on the American College of Obstetrics and Gynecology. We will rely on the American College of Surgeons. We will rely on the American College of Oncologists to determine what should be the screening recommendations for patients.

For, you see, what happens with the Mikulski amendment is the government stands between you and your doctor. That is what is coming. That is what will be there.

There is no choice under the Murkowski amendment for an insurance company to have the option either to cover or not to cover. They must. It says "shall" do that. So the mischaracterizations on what the Murkowski amendment actually says and does are unfortunate.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. COBURN. I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Maryland.

Ms. MIKULSKI. Madam President, how much time does our side have?

The ACTING PRESIDENT pro tempore. There is 17 minutes 15 seconds remaining.

Ms. MIKULSKI. I yield 5 minutes to the Senator from Michigan.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Ms. STABENOW. Madam President, first, I thank Senator MIKULSKI for her leadership not only on this important amendment but on so many issues in health care, issues for women across this country. We are honored to call her dean for all of us as it relates to focusing on the issues that are so critical to women and their families.

I thank Senator REID for making this a priority and making this the first amendment we are offering in this debate.

We all know that often women are the ones making health care decisions for their families as well as themselves. They are more likely to be the person making health insurance choices. Women of childbearing age pay on average 68 percent more for their health care than men do. We have so many instances in which insurance companies are standing between women and their doctors right now in making decisions—decisions not to cover preventive services, such as a mammogram screening or a cervical cancer screening, decisions to call pregnancy a preexisting condition so women cannot get health insurance, decisions not to cover maternity care so that women and their babies can get the care they need so that babies can be successful in life, both prenatal care and postnatal care.

Women of this country have a tremendous stake in health care reform. We pay more now, if we can find coverage at all, and there are too many ways in which insurance companies block women from getting the basic health services they need.

This amendment is critically important to make sure that women are able to get preventive care services without a deductible and without copays. This amendment recognizes the unique health needs of women. It requires coverage of women's preventive services developed by women's health experts to meet the unique needs of women.

Why do we stress that? We stress that because for years we have struggled in so many areas to make sure that women's health needs were focused on and not just health in general. When we look at research through the National Institutes of Health and what it took to get to a place where research would be done for women on women's subjects or on female mice or rats rather than male subjects to make sure

that the differences between men and women were considered in research, we have made important steps in that direction. Again, Senator MIKULSKI was leading the way as it relates to having a women's health research effort in our country.

This is one more step to make sure we are covering women's preventive services developed by women's health experts for the unique needs of women. That is what this is all about—making sure women have access to preventive services such as cervical cancer screenings, osteoporosis screenings, annual mammograms for women under 50, pregnancy and post partum screenings, domestic violence screenings, and annual checkups for women.

We know more women die of heart disease than actually any other disease. This is something I do not think is widely known. We have even heard that many physicians do not realize the extent to which heart disease is prevalent in women. All of us women have worked together on a women's heart bill and part of that is for screenings. Part of that is to make sure we are screening for heart disease and strokes, the No. 1 killer of women. This would make sure those screenings would be part of health care reform.

I could go on to list all the different prevention items, but I will simply say that when we are talking about women's health and we are talking about women's lives, this is an incredibly important amendment to adopt.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Ms. STABENOW. I yield the floor.

Mr. ENZI. Madam President, I yield 5 minutes to the Senator from Texas.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Madam President, I rise to speak on the Mikulski amendment and the Murkowski amendment because I feel very passionate about women's issues. In fact, Senator MIKULSKI and I have worked throughout my time in the Senate and her time before me on these very issues—assuring that women's health care concerns, which are different from men's in many instances, are a part of any health care coverage in our country, and ongoing we must assure the same.

I have been an advocate for cancer screening services for women, and I was dismayed when I saw the U.S. Preventive Services Task Force a few weeks ago issuing new guidelines for cancer screening for women—breast cancer screening for women. We have all lived with breast cancer throughout the course of the history of women, but especially in the last probably 25 years the strides that we have made in saving lives and in the survivability of women with breast cancer is because we have had early detection. We don't have a cure for breast cancer, and we

are all fighting for that cure, but until we get it, the first line of defense is early detection.

So now we have a new task force recommendation that says everything we have had and enjoyed over the last 25 years in saving women's lives is no longer relevant because now, before the age of 50, you don't need a mammogram, and after the age of 50 it is every other year.

Well, I know Senator MIKULSKI and I agree we do not think that is right. Neither did any other woman in the Senate when that was proposed years ago by President Clinton. We all stood up and said no. I am standing up and I am saying no once again, and I am sure every woman in the Senate is, as many women in America are.

But the Mikulski amendment doesn't actually fully address the problem of having the task force—which is relied on 14 times in the bill before us—as the arbiter of what is necessary for our government program and that it then will surely become the private sector standard as well. That task force even has money allocated to advertize its task force recommendations. So rather than the Mikulski amendment severing the ties with the task force, the amendment now has another government agency that has the same capability to basically interfere between the woman and her doctor, which is where we want the decisions to be made. Coverage decisions will be dictated by both the task force and a new Health Resources and Services Administration entry into the mix.

While I certainly agree with Senator MIKULSKI about the importance of preventive services for women and insurance coverage decisions, I can't support her amendment because we still have not one but two government task forces and committees that will be in the middle of these health care coverage decisions. I think the coverage decisions should be made by doctors and their patients. That is why I have joined with Senator MURKOWSKI in offering the alternative approach. This is what we should expect from any future health care reform, and it is certainly what we expect today.

The Murkowski amendment will leave the medical decisions to the guidelines established by those who know medical treatment best, which is our own doctors. In fact, we have just received a CBO assessment of what the Murkowski amendment would cost, and it actually says there will be a savings. So rather than the Mikulski amendment, which would spend \$1 billion over 10 years, the Murkowski amendment would actually save \$1.4 billion over 10 years. Why? Because the Murkowski amendment relies on the combined commonsense and clinical judgment of American physicians.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mrs. HUTCHISON. So, Madam President, I urge a vote for the Murkowski amendment. I know we have the same goals as Senator MIKULSKI and her amendment, but I don't believe the Mikulski amendment achieves the goal of having a woman and her doctor make the decisions for her. That is the key that I think is so important in this debate. I urge a vote for the Murkowski amendment.

I thank the Chair, and I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Ms. MIKULSKI. Madam President, I yield 4 minutes to the Senator from the State of Washington, who has been a real leader on these issues.

By the way, Madam President, before the Senator speaks, I want to thank Senator STABENOW for a unique courtesy. This is her desk, and as many of my colleagues know, I broke my ankle and I can't get up to where my desk is at this point. I will, however, in a matter of another few weeks. But she has given me this desk on loan so that I could stand on my own two feet to debate this amendment, and I wanted to thank her for the courtesy.

Madam President, I also want to note something while the senior Senator from the Republican leadership is here, and the author of the amendment. We, the women of the Senate, on a bipartisan basis, have worked for women's health. Today, we disagree on what is the best way to achieve it by these two amendments. I want to thank my colleagues for setting a tone of civility. I think this has been one of the most rational, civilized conversations we have had over this, and I would like to thank them.

As the leader on this side of the aisle, in terms of seniority, I would like to extend my hand in friendship and suggest when this bill is done, and this amendment is done, we continue to focus on this wonderful work that we have done together. We have done things that have saved millions of lives, and so I look forward to continuing that.

Madam President, I now yield 4 minutes to the Senator from the State of Washington, Mrs. MURRAY.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Madam President, I thank my colleague from Maryland, and I would just say that wherever she stands on the floor of the Senate, she leads us all. So we are delighted you are here and thank you so much for your leadership on this critical issue of making sure women have access to quality preventive health care services and screenings which are so critical to women across the country.

Madam President, the Senator from Maryland offered this amendment, and I worked with her in the committee. She has been a leader on this for many

years, and I echo her comments as well that this has always been an issue. For as long as I have been here—since 1993—the women in the Senate, on both sides of the aisle, have stood up to make sure that women's care is part of health care, and we understand we have to stand shoulder to shoulder. It is unfortunate at this time that we see this in a little different light, but I agree with Senator MIKULSKI. We will keep working together throughout our time here to make sure women's preventive services are covered.

I do support the Mikulski amendment and the MIKULSKI approach. Her amendment requires all health plans to cover comprehensive women's preventive care and screenings at no cost to women. I just wanted to come to the floor for a minute and point out why this is so important.

When the economy is hurting, women on the whole tend to think of caring for their families first and not caring for themselves. They take care of their children and their spouses first, and they end up delaying or skipping their own health care in order to take care of their families. In fact, we know in 2007, a quarter of women reported delaying or skipping their health care because of cost. In May of 2009, just 2 years later, a report by the Commonwealth Foundation found that more than half of women today are delaying or avoiding preventive care because of its cost.

That is not good for women, it is not good for their families, and it is not good for their ability to be able to take care of their families and to take care of themselves. So Senator MIKULSKI's amendment is extremely important, especially in this economic time. We know if women get the preventive care and care for their needs, then they are able to care for their families. Yet the situation we find ourselves in today is that women are not taking preventive care. They are not taking care of themselves. Therefore, when they get sick, they end up in the hospital and then their families are in trouble. So we know preventive services can save lives, and it means better health outcomes for women.

We have to make sure we cover preventive services, and this takes into account the unique needs of women. Senator MIKULSKI's amendment will make sure this bill provides coverage for important preventive services for women at no cost. Women will have improved access to well-women visits—important for all women; family planning services; mammograms, which we have all talked about so many times, to make sure they maintain their health.

Madam President, I want to emphasize that this amendment preserves the doctor-patient relationship and allows patients to consult with their doctors on what services are best for them.

This has become a large topic of conversation over the last several weeks, and Senator MIKULSKI's amendment makes sure if a woman under 50 decides to receive an annual mammogram, this amendment will cover it. She will be able to work with her own doctor and take care of her health.

So, Madam President, I come to the floor today to strongly support the Mikulski amendment, to thank her for her leadership, and I hope we can get to and vote on this important issue and move on and pass health care reform.

My constituents, when I go home, say: Move on. Get this done. We have to take care of this because of our economy, because of the impact on small businesses, because of the rising costs of premiums, and because of the large number of people who are losing their health care coverage. This health care bill is going to make a major difference when we get it passed, and the American public can take a deep breath and say: Finally, our government has moved forward.

So let's get past this amendment. I support strongly the Mikulski amendment. Let's move on this bill and take a major step forward for health care coverage for all Americans and pass the health care bill.

Madam President, I yield the floor.

#### ABORTION

Mr. CASEY. Madam President, may I ask the Senator from Maryland to yield for a question about her amendment, No. 2791 to H.R. 3590, the purpose of which is to clarify provisions relating to first dollar coverage for preventive services for women?

Ms. MIKULSKI. Of course.

Mr. CASEY. Senator MIKULSKI had a similar amendment in the HELP Committee bill and at that time, I commended the Senator on its substance as I am a strong supporter of preventive care for women. I thank her for offering this important amendment and particularly for calling our attention to the importance of first dollar coverage of preventive services for women.

Ms. MIKULSKI. I thank the Senator.

Mr. CASEY. Particularly in view of some of the recent controversy about mammograms and coverage, I am particularly grateful that the Senator has clarified this with this amendment and allow for the fact that preventive services must preserve the doctor-patient relationship. Thus, women under 50 may decide with their doctor that they should have a mammogram screening and this amendment would ensure coverage of such service.

Ms. MIKULSKI. That is correct.

Mr. CASEY. There is one clarification I would like to ask the Senator. I know we discussed it during the HELP markup and it was not clarified at that time and thus I chose to vote against the amendment because of the possibility that it might be construed so broadly as to cover abortion. But I understand that the Senator has now

clarified specifically that this amendment will not cover abortion in any way. Specifically, abortion has never been defined as a preventive service and there is neither the legislative intent nor the language in this amendment to cover abortion as a preventive service or to mandate abortion coverage in any way. I ask the Senator is that correct?

Ms. MIKULSKI. Yes, that is correct. This amendment does not cover abortion. Abortion has never been defined as a preventive service. This amendment is strictly concerned with ensuring that women get the kind of preventive screenings and treatments they may need to prevent diseases particular to women such as breast cancer and cervical cancer. There is neither legislative intent nor legislative language that would cover abortion under this amendment, nor would abortion coverage be mandated in any way by the Secretary of Health and Human Services.

Mr. ENZI. Madam President, I yield 2 minutes to the Senator from Kansas.

Mr. BROWNBACK. Madam President, I rise in support of the amendment of the Senator from Alaska, and I have talked with my good friend, the Senator from Maryland, Ms. MIKULSKI, about a side issue in this overall debate about what is included in the definition of preventive care. The Senator from Maryland stated in a colloquy that "there are no abortion services included in the Mikulski amendment." She has stated that in colloquy.

I have trouble, however, because I believe a future bureaucracy could interpret it differently. So I asked my friend from Maryland if she would include clear legislative language in this saying simply:

Nothing in this Act shall be construed to authorize the Secretary, or any other governmental or quasi-governmental entity, to define or classify abortion or abortion services as "preventive care" or as a "preventive service."

I think that clarifies the issue, and it would be my hope that my colleague from Maryland would include that in her language. It is not in there, even though there have been statements on the floor. But, as we all know as legislators, it is one thing to say something on the Senate floor, and it is one thing to have a colloquy, but it is far different to have it written in the base law. This is not in the base law.

So I would urge my colleague, the Senator from Maryland, to include this language. Absent that, I think there is too much room for a broader definition of what preventive care means; that it could include abortion services as well, and I would urge my colleagues to vote against the Mikulski amendment if that is the case.

On that ground, I think there are other issues involved, and that is why I think the approach of the Senator from

Alaska is superior, while maintaining the doctor-patient privilege. I think this is a good debate for us to have, given these recent discussions. But absent this change, I think there is another issue that is involved that I would urge my colleagues to consider.

Madam President, I want to yield back to maintain some time for the Senator from Wyoming to be able to speak, so I yield the floor.

Mr. FEINGOLD. Madam President, disappointed that the Senate health care debate has gotten off on the wrong foot. The first amendment voted on would add almost a billion dollars to our budget deficits over the next 10 years. We should make sure health plans cover women's preventive care and screenings, but we should also find a way to pay for it, rather than adding that cost to the already mountainous public debt. At a time of record deficits, Americans expect fiscal responsibility from their representatives in Congress.

The PRESIDING OFFICER (Mr. KIRK). Who yields time?

Ms. MIKULSKI. Mr. President, we are waiting for Senator BOXER to come to the floor, so if the other side of the aisle has another speaker, I know at the end we hope that Senator LISA and Senator BARB—I say that because our last names sound so much the same—could wrap it up.

How would the Senator from Wyoming like to proceed? We are waiting for Senator BOXER or for Senator BAUCUS.

Mr. ENZI. Mr. President, I yield 10 minutes to the Senator from Alaska so she can actually propose her amendment that we have been debating and take up to 10 minutes.

Ms. MIKULSKI. Then I will wrap up.

Mr. ENZI. That would still leave us with 2 minutes. If it does leave us with 2 minutes, then I would have the Senator from Wyoming use that 2 minutes.

Ms. MIKULSKI. Whatever way it will work and accommodate you while we are waiting to see who our speakers are.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Ms. MURKOWSKI. Mr. President, I want to start my comments by acknowledging my colleague from Maryland and accept her gracious offer to continue to work on this issue as it relates to women's health and women's health services. As has been noted by the Senator from Maryland and the Senator from Washington, this is an issue that we women of the Senate have come together on repeatedly, to work cooperatively. While we do have, some would say, somewhat dueling amendments here, I think it is important to recognize the goals we are both seeking to attain here are certainly right in alignment. We are just choosing different means to get there. But I appreciate, again, the civility and co-

operation from not only Senator MIKULSKI but the other women of the Senate on this very important issue.

I wish to reiterate a couple of points about my amendment that I made yesterday.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I fear the microphone of the Senator from Alaska is not working.

Ms. MURKOWSKI. Is that better?

Ms. MIKULSKI. That is so much better. I want to hear about the amendment and continue our conversation.

Ms. MURKOWSKI. The Senator just missed all the kind remarks I directed to her attention.

Ms. MIKULSKI. I ask unanimous consent she be extended an additional 2 minutes. No, I withdraw that request.

Ms. MURKOWSKI. I will make sure those comments that were made for the RECORD will be delivered to the Senator personally.

I want to reiterate some points I made yesterday about my amendment and I will also share with my colleagues, I know the Senator from Texas mentioned it as well, the CBO score we received late last evening. It provides us with a score showing a cost savings of \$1.4 billion over the next 10 years. I think this is significant, as Members, certainly from the other side, raised the importance of fiscal discipline and our fiduciary responsibility here. Importantly, the CBO indicated the provisions on the second page which prevent the Secretary from using the recommendations of the USPSTF to deny coverage would cost money which means we are protecting certain benefits and that is very important.

The amendment we will have before us, the Murkowski amendment, is one that allows or requires a level of transparency with the recommended health screenings, prevention services that are deemed necessary not by some task force that is appointed by folks within the administration, not by some commission that has political relationships. What we are urging is that the health screenings, the preventive services, be determined by those who are actually in the field, those practitioners—those who are engaged in oncology, OB/GYNs. We need to be looking to the experts. We need to be looking to that peer-reviewed science. We don't need to be looking to those entities that have been brought together by a government entity or by the Secretary. We need to be looking to the likes of the American Society of Clinical Oncology, the American College of Surgeons, the American College of Radiation Oncology, the American College of Obstetrics and Gynecology. We need to look to their recommendations.

Again, as I mentioned yesterday in my comments, if you go to their Web sites, if you look to their specific recommendations, they will give guidance, guidance that, again, is based on

their practice in oncology, their practice as an OB/GYN. Look to what they set out as the guidelines for cervical cancer screening, for mammograms, and let that information be made available publicly through the pamphlets, the plans that come together from the insurance companies. But allow them—allow me, as a consumer of health care, me as a consumer looking for the best plan for me and my family—to know what those guidelines are, not from a government task force but from those who are the real experts. I think this is the transparency that health care shoppers are looking for.

Some have suggested: LISA, your amendment doesn't require the insurance companies to provide any prevention or screening services. There is no mandate in there. If we do not have a mandate, then the insurance companies are not going to provide health care prevention and screening services.

I think we need to ask the question here, what is the point of prevention? It is to prevent more expensive care in the future by preventing the chronic and more acute illnesses. So should not the insurance companies want to utilize more preventive services, utilize more screenings, more wellness services, in order to keep down the costs of care based on the judgment of the doctors, based on the judgment of the professionals, and not necessarily those who, again, are part of a government entity?

I know within my staff I have a member who is on the FEHBP plan, but they contact her on a somewhat regular basis about her diabetes care, ensuring she is taking her medications, getting the necessary preventive services offered by her insurer for her particular condition.

It has been mentioned by several of my colleagues that this USPSTF is not such a bad group of guys, they are not just these nameless, faceless bureaucrats. I think it is important to recognize, and even the American Heart Association has recognized it, that the Preventive Services Task Force is limited to only primary care doctors and not specialists such as the oncologists, the cancer doctors who see patients every day battling cancer. These doctors who are providing Americans with their suggestions on what services are necessary for cancer screenings, but yet these doctors are not part of this task force, have again shone the spotlight on what happens when you have a government entity or government task force that is basically the one saying this is what is going to be covered, this is not what is going to be covered. In my amendment, we specifically provide that the recommendations from USPSTF cannot be used to deny coverage of an item or service by a group health plan or health insurance offeror. I think that is very important.

I think it is also important to recognize that what we do in my amendment

is make sure the health plans consult the recommendations and guidelines of the professional medical organizations to determine what prevention benefits should be covered by these health insurance plans throughout the country. We also require plans to provide this information directly to the individuals. You get to see it for yourself. You get to make that determination. So what that means is the doctors and the specialists will be recommending what preventive services to cover, not those in Washington, DC.

My amendment ensures that the Secretary of Health and Human Services shall not use any of the recommendations, again made by the task force, to deny coverage. We also include broad protections to prevent bureaucrats at the Department of Health and Human Services from denying care to patients based on comparative effectiveness research. And finally, we have a provision that ensures the Secretary of Health and Human Services may not define or classify abortion or abortion services as preventive care or as preventive services.

The PRESIDING OFFICER. The time of the Senator has expired.

Ms. MURKOWSKI. I appreciate that. I think my amendment is straightforward. I think it is a good compromise and again it is a clear differential between what we are going to do to allow a woman to have full choice with her doctor as opposed to government telling us who we should be seeing.

AMENDMENT NO. 2836 TO AMENDMENT NO. 2786

Mr. President, I ask consent to call up my amendment, No. 2836.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Alaska [Ms. MURKOWSKI] for herself, Mrs. HUTCHISON, and Mr. JOHANNIS, proposes an amendment numbered 2836 to amendment No. 2786.

Ms. MURKOWSKI. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To ensure patients receive doctor recommendations for preventive health services, including mammograms and cervical cancer screening, without interference from government or insurance company bureaucrats)

On page 17, strike lines 11 through 14.

On page 17, line 15, strike “(2)” and insert “(1).”

On page 17, line 20, strike “(3)” and insert “(2).”

On page 17, between lines 24 and 25, insert the following:

“Notwithstanding any other provision of law, the Secretary shall not use any recommendation made by the United States Preventive Services Task Force to deny coverage of an item or service by a group health plan or health insurance issuer offering group or individual health insurance cov-

erage or under a Federal health care program (as defined in section 1128B(f) of the Social Security Act (42 U.S.C. 1320a-7b(f))) or private insurance.

“(b) DETERMINATIONS OF BENEFITS COVERAGE.—A group health plan and a health insurance issuer offering group or individual health insurance coverage shall, in determining which preventive items and services to provide coverage for under the plan or coverage, consult the medical guidelines and recommendations of relevant professional medical organizations of relevant medical practice areas (such as the American Society of Clinical Oncology, the American College of Surgeons, the American College of Radiation Oncology, the American College of Obstetricians and Gynecologists, and other similar organizations), including guidelines and recommendations relating to the coverage of women's preventive services (such as mammograms and cervical cancer screenings). The plan or issuer shall disclose such guidelines and recommendations to enrollees as part of the summary of benefits and coverage explanation provided under section 2715.”

On page 17, line 25, strike “(b)” and insert “(c).”

On page 18, lines 3 and 4, strike “or (a)(2).”

On page 18, line 4, strike “(a)(3)” and insert “(a)(2).”

On page 18, line 11, strike “(c)” and insert “(d).”

On page 124, between lines 22 and 23, insert the following:

(d) RULE OF CONSTRUCTION WITH RESPECT TO PREVENTIVE SERVICES.—Nothing in this Act (or an amendment made by this Act) shall be construed to authorize the Secretary, or any other governmental or quasi-governmental entity, to define or classify abortion or abortion services as “preventive care” or as a “preventive service”.

On page 1680, strike lines 10 through 12, and insert the following:

“(A) to permit the Secretary to use data obtained from the conduct of comparative effectiveness research, including such research that is conducted or supported using funds appropriated under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), to deny coverage of an item or service under a Federal health care program (as defined in section 1128B(f)) or private insurance; or”.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I am going to speak very briefly on the pending subject and then let the sponsor of the amendment, that is the Mikulski amendment, finish up here. I think it is very telling—I know this point has been made before but I think it bears repeating—the American Heart Association, American Stroke Association has written and released to the Senate this letter. I will read the most important part here. Basically they say they strongly support requiring health plans and Medicare providing first dollar coverage for clinical preventive services that are evidence based and necessary for the prevention or early detection of an illness or disability. We all agree with that.

They go on then to comment on the Murkowski amendment, saying they appreciate the Murkowski amendment recognized the value of the guidance



and recommendations but they go on to say that even these guidelines must be held to a standard of being evidence based.

I might say, I run across this over and over again in the medical profession—medical experts. We need to keep moving more and more toward evidence-based medicine.

This statement from the American Heart Association, American Stroke Association, goes on to say:

In addition, we are concerned that Senator Murkowski's preventive health services amendment would take a step backwards by substituting the judgment of the independent U.S. Preventive Services Task Force with the judgment of private health insurance companies.

Frankly, it is a point I very much agree with. I don't think we want the judgment of private health insurance companies making these decisions. I think it is appropriate the sponsor of the amendment finish. She is doing a very good job.

Mr. ENZI. I will yield our final minute to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. BARRASSO. Mr. President, my wife Bobbi was diagnosed with breast cancer by a screening mammogram in her forties. It is that screening mammogram that has saved her life. By the time of the mammogram, the tumor had spread and she has had two operations and two full bouts of chemotherapy. I do not want a government bureaucrat making a decision for the women of America if they should be allowed to have screening mammograms. It saves lives—1 in 1900, for women in their 40s.

The Reid bill empowers bureaucrats to decide what preventive benefits will be allowed for American women. The amendment from the Senator from Maryland does the same—bureaucrats, not the physicians who are doing the treating. That is why I support the amendment of the Senator from Alaska, because that amendment says the Federal Government cannot use recommendations of the U.S. Preventive Services Task Force, recommendations from bureaucrats, to deny care to anyone including seniors on Medicare—anyone in America. That is how this decision should be made, not by government bureaucrats.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, how much time is there on our side?

The PRESIDING OFFICER. The Senator has 3 minutes.

Ms. MIKULSKI. Mr. President, I yield myself 3 minutes.

As we get ready to conclude the debate on both the Mikulski as in BARBARA MIKULSKI and Murkowski as in LISA MURKOWSKI amendments, I want to first say a word about the Senator

from Alaska. We have worked together on the Health, Education, Labor and Pensions Committee. We have worked together as women of the Senate, to provide access to women's health services. Not too long ago, when I had my awful fall, she gave me much wisdom and counsel and practical tips because she herself had broken her ankle. To us, when you say to Senator LISA or Senator BARB, "Break a leg," it has a whole different meaning. I again thank her for all her work. I have great respect for her. I look forward to our continued working together.

But I do sincerely disagree with her amendment because what her amendment does is, it guarantees, really, only information. It does not guarantee universal access to preventive and screening services.

It also does not remove the cost barriers by eliminating the high deductibles for the copayments when you go to get a preventative or screening service. It tells insurance companies to give information on recommended preventative care. That is a good thing, but it is a threshold thing. You need to have universal access to the service.

In addition, we do not mandate that you have the service; we mandate that you have access to the service. The decision as to whether you should get it will be a private one, unique to you. We leave it to personalized medicine. So in the poignant case of the wife of the Senator from Wyoming, it would have been up to the doctor, the physician, to get her the service she needed.

It is not only I or one side of the aisle that is opposing the Murkowski amendment. The American Cancer Society, the American Heart Association, and the American academy of GYN services oppose it.

My amendment is a superior amendment because it guarantees universal access to preventative and screening services. It also eliminates one of the major barriers to accessing care by getting rid of high payments and deductibles. It doesn't say you will have a mammogram at 40 because, again, we are substituting ourselves for the task force; it says you will have universal access to that mammogram if you and your doctor decide it is medically necessary or medically appropriate.

Vote for Mikulski. Don't vote for Murkowski. And please, on this one, get it straight.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to amendment No. 2791 offered by the Senator from Maryland, Ms. MIKULSKI, as amended.

Ms. MIKULSKI. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 61, nays 39, as follows:

[Rollcall Vote No. 355 Leg.]

#### YEAS—61

Akaka	Gillibrand	Nelson (FL)
Baucus	Hagan	Pryor
Bayh	Harkin	Reed
Begich	Inouye	Reid
Bennet	Johnson	Rockefeller
Bingaman	Kaufman	Sanders
Boxer	Kerry	Schumer
Brown	Kirk	Shaheen
Burris	Klobuchar	Snowe
Byrd	Kohl	Specter
Cantwell	Landrieu	Stabenow
Cardin	Lautenberg	Tester
Carper	Leahy	Udall (CO)
Casey	Levin	Udall (NM)
Collins	Lieberman	Vitter
Conrad	Lincoln	Warner
Dodd	McCaskill	Webb
Dorgan	Menendez	Whitehouse
Durbin	Merkley	Wyden
Feinstein	Mikulski	
Franken	Murray	

#### NAYS—39

Alexander	DeMint	LeMieux
Barrasso	Ensign	Lugar
Bennett	Enzi	McCain
Bond	Feingold	McConnell
Brownback	Graham	Murkowski
Bunning	Grassley	Nelson (NE)
Burr	Gregg	Risch
Chambliss	Hatch	Roberts
Coburn	Hutchison	Sessions
Cochran	Inhofe	Shelby
Corker	Isakson	Thune
Cornyn	Johanns	Voinovich
Crapo	Kyl	Wicker

The PRESIDING OFFICER (Mr. BURRIS). On this vote, the yeas are 61, the nays are 39. Under the previous order requiring 60 votes for the adoption of this amendment, amendment No. 2791, as amended, is agreed to. Under the previous order, the motion to reconsider is considered made and laid upon the table.

#### AMENDMENT NO. 2836

Under the previous order, there will now be 2 minutes of debate, equally divided, prior to a vote in relation to amendment No. 2836, offered by the Senator from Alaska, Ms. MURKOWSKI.

The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise in opposition to the Lisa Murkowski amendment. Though well-intentioned, it does not guarantee universal access to preventive and screening services for women. It does not remove the cost barriers of high payments and deductibles. It is opposed by the American Cancer Society and the American Heart Association. It primarily provides information on those matters.

We salute her intention, but we think her amendment is too limited, and, to quote the American Heart Association, it would be an actual "step backwards" in the area of making preventive services available, particularly not only in the matter of cancer but in heart and vascular disease—the emerging No. 1 killer for women.

I urge defeat of the Murkowski amendment.

The PRESIDING OFFICER. The Senator's time has expired.



The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, the purpose of this amendment is to ensure we do not have government entities that are making those decisions we as individuals working with our doctors feel is best.

The intent behind this amendment is to ensure that those medical professional organizations, whether it is the American Society of Clinical Oncology or the American College of Surgeons or the American College of Radiation Oncology or the American Society of Obstetricians and Gynecologists—those who are in the practice, those who are making the recommendations—these are the individuals we want to know are being consulted, not some entity that has been created by those of us in the government or by some administration, by some Secretary.

So what we propose with this amendment is an insurance offering, if you will. You will know fully what is part of your plan. It is you and your doctor making these decisions.

I urge a “yes” vote on this amendment.

Mr. ENSIGN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be. The question is on agreeing to the Murkowski amendment.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

The result was announced—yeas 41, nays 59, as follows:

[Rollcall Vote No. 356 Leg.]

#### YEAS—41

Alexander	DeMint	McCain
Barrasso	Ensign	McConnell
Bennett	Enzi	Murkowski
Bond	Graham	Nelson (NE)
Brownback	Grassley	Risch
Bunning	Gregg	Roberts
Burr	Hatch	Sessions
Chambliss	Hutchison	Shelby
Coburn	Inhofe	Snowe
Cochran	Isakson	Thune
Collins	Johanns	Vitter
Corker	Kyl	Voynovich
Cornyn	LeMieux	Wicker
Crapo	Lugar	

#### NAYS—59

Akaka	Franken	Mikulski
Baucus	Gillibrand	Murray
Bayh	Hagan	Nelson (FL)
Begich	Harkin	Pryor
Bennet	Inouye	Reed
Bingaman	Johnson	Reid
Boxer	Kaufman	Rockefeller
Brown	Kerry	Sanders
Burr	Kirk	Schumer
Byrd	Klobuchar	Shaheen
Cantwell	Kohl	Specter
Cardin	Landrieu	Stabenow
Carper	Lautenberg	Tester
Casey	Leahy	Udall (CO)
Conrad	Levin	Udall (NM)
Dodd	Lieberman	Warner
Dorgan	Lincoln	Webb
Durbin	McCaskill	Whitehouse
Feingold	Menendez	Wyden
Feinstein	Merkley	

The PRESIDING OFFICER. On this vote, the yeas are 41, the nays are 59. Under the previous order, requiring 60 votes for the adoption of amendment No. 2836, the amendment is withdrawn.

Mr. NELSON of Nebraska. Madam President, this afternoon I voted against the amendment offered by my colleague, the senior Senator of Maryland, Ms. MIKULSKI.

I voted against this amendment with regret because I strongly support the underlying goal of furthering preventive care for women, including mammograms, screenings, and family planning. Unfortunately, the amendment did not incorporate language I suggested to specifically clarify that abortion would not be covered as a future preventive care service. I appreciate the assurances from Senator MIKULSKI in a colloquy on the floor that abortion would not be covered as a preventive service, but words do not supersede the language in the legislative text. I do look forward to ways in which Congress can further preventive care services for women.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

AMENDMENT NO. 2826 TO AMENDMENT NO. 2786

Mr. BENNET. Mr. President, I have an amendment No. 2826 at the desk. I would like to call it up at this time.

The PRESIDING OFFICER. The clerk will report.

The assistant bill clerk read as follows:

The Senator from Colorado [Mr. BENNET], for himself, Mr. HARKIN, Mr. DODD, Mr. BROWN, Mr. DURBIN, Mrs. LINCOLN, Mr. WYDEN, Mr. BEGICH, Mr. BAYH, and Mrs. SHAHEEN, proposes an amendment numbered 2826 to amendment No. 2786.

Mr. BENNET. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To protect and improve guaranteed Medicare benefits)

On page 1134, between lines 3 and 4, insert the following:

#### Subtitle G—Protecting and Improving Guaranteed Medicare Benefits

##### SEC. 3601. PROTECTING AND IMPROVING GUARANTEED MEDICARE BENEFITS.

(a) PROTECTING GUARANTEED MEDICARE BENEFITS.—Nothing in the provisions of, or amendments made by, this Act shall result in a reduction of guaranteed benefits under title XVIII of the Social Security Act.

(b) ENSURING THAT MEDICARE SAVINGS BENEFIT THE MEDICARE PROGRAM AND MEDICARE BENEFICIARIES.—Savings generated for the Medicare program under title XVIII of the Social Security Act under the provisions of, and amendments made by, this Act shall extend the solvency of the Medicare trust funds, reduce Medicare premiums and other cost-sharing for beneficiaries, and improve or expand guaranteed Medicare benefits and protect access to Medicare providers.

Mr. BENNET. Mr. President, I was paying very close attention to the floor debate over the last few days, and at times I am beginning to wonder what bill it is we are debating. Only in Washington could an effort to extend the life of the Medicare trust fund be viewed or distorted somehow as being unfair or bad for seniors.

We know—and it is in print in the CBO report—this bill doesn’t take away any senior’s guaranteed Medicare benefits. We know the bill extends Medicare solvency for 5 additional years. How does it do that? It does it in a way that is different from the way government usually does business, which is either adding or cutting from a program. It changes the way we deliver medicine in this country, and it does it in a way that protects senior benefits, and it extends the life of Medicare.

The attacks on this bill and my amendment have nothing to do with those facts. The sad part is that there are ideas on every side of this debate that are worth considering. We should be debating those ideas rather than claiming something that is just not true about the bill.

These Washington tactics of trying to shift health care reform back to some committee to languish is exactly why nothing ever gets done around here. The almost unbelievable part of this is that the opponents of my amendment say the health care bill hurts seniors. Yet the bill and our amendment is being supported by the AARP, the Alliance for Retired Americans, Center for Medicare Rights, and the National Committee to Preserve Social Security and Medicare.

What are the opponents of my amendment actually saying—that AARP and other senior advocates don’t know what they are doing? They know what they are doing, and they also know what is in the bill. The AARP has seniors’ best interests in mind, and they want what is best for Medicare in the long run. This bill makes tremendous strides to a more solvent, more stable Medicare Program for years to come.

Unfortunately, in the hopes of eventually trying to kill the bill, there are people who are making claims that are frightening our seniors—meant to frighten them—here and also in Colorado, where people have been calling on their phones convinced that somehow I want to cut their benefits. Nothing could be further from the truth. I believe strongly in the sacred trust we have created with our seniors. That is why I introduced this amendment. Seniors are looking for simple clarity, and health care reform can help their lives.

This amendment says, in the clearest and most unambiguous of terms, as directly as we can say it, that nothing in this bill will cut guaranteed Medicare benefits. All guaranteed Medicare benefits stay intact for every senior in Colorado and all across the country. Seniors will still have access to hospital stays, to doctors, home health care, nursing homes, and prescription drugs.

The second part of the amendment goes further and says clearly and directly to seniors that we will use this

bill to further protect and strengthen Medicare. We will extend the life of the Medicare trust fund. We will lower premiums or cost share, increase Medicare benefits, and improve access to providers. You don't need to believe me. Look at the CBO. These improvements will be paid for with money saved in Medicare under this bill.

What is so regrettable about the debate, and so tragic, is, if we don't actually get this done, Medicare would be bankrupt in just 7 years—in 2017. In the Senate bill we are now considering, we extend the trust fund's solvency by 5 years. We lower premiums for seniors by \$30 billion over 10 years. That is real money back in the pockets of our seniors. We eliminate copays that seniors now have to pay for preventive care. That means when seniors go to the doctor for a colonoscopy, they would not have to make the copay like they have to under current law. When they go to get a mammogram, the same is true. We know preventive care like that saves lives and also money.

Most seniors live on a fixed income. Free preventive care is the best way to encourage seniors to seek important medical precautions. More preventive care is proven to save lives and lower health care costs.

Mr. President, health care reform will cut the cost of brand-name prescription drugs in half for those who are stuck in the gap of coverage between initial and catastrophic coverage. We eliminate the 20-percent cut physicians would otherwise see next year, making sure seniors can continue to see their own doctor.

Opponents of health care reform don't have a plan to protect seniors and strengthen the Medicare Program. I have heard more criticism about the number of pages in the bill than I have heard about a responsible alternative that would extend the life of Medicare and make the other benefits that are in this bill.

I wanted to come to the floor with a simple and straightforward message to seniors: We will protect Medicare. This bill does. We will make sure nobody touches your guaranteed benefits. This bill does. We will make sure Medicare is around for future generations. This bill gets us started in that direction. That is why I have introduced this amendment and why I support health care reform.

Everything I have said today is entirely consistent with the findings of the CBO, the nonpartisan organization that advises this Chamber. This legislation makes explicit the commitment that all of us share to the seniors across the United States of America. It is my hope that once this amendment passes, we can get beyond the debate we have had over the last 72 hours and get on to the substantive aspects of the bill.

I urge support for my amendment. I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. VOINOVICH. Mr. President, over the past several months I have come to the floor on a couple of occasions to remind my colleagues and the American people about the unsustainable fiscal crisis confronting this country.

Our national debt has exceeded \$12 trillion for the first time in history. In fact from 2008 to 2009 alone, the Federal debt will increase 22 percent, boosting the country's debt-to-income ratio—or national debt as a percentage of GDP—from 70 percent last year to 86 percent this year. We have not seen this kind of debt to GDP ratio since the Second World War 65 years ago.

The American people know that this is unsustainable, but my Senate colleagues from on the other side of the aisle continue to ignore this reality. I pledged that I would continue to cry "the emperor has no clothes" until we did something to address this crisis.

I should explain. Most people know the story, "The Emperor's New Clothes," by Hans Christian Anderson.

In the tale, an emperor goes about the land wearing a nonexistent suit sold to him by a new tailor who convinced the monarch the suit is made of the finest silks. The tailors—two swindlers—tell the emperor that the threads of his robes will be so fine that they will look invisible to those dimwitted, or unfit for their position. The emperor and his ministers, themselves unable to see the clothing, lavish the tailor with praise for the suit, because they do not want to appear dimwitted or incompetent.

Word spread across the kingdom of the emperor's beautiful new robes. To show off the extraordinary suit, a parade was formed. People lined the streets to see the emperor show off his new clothes. In this case, the health care reform bill before the Senate.

Again, afraid to appear stupid or unfit, everyone pretends to see the suit. It is only when a child cries out "the emperor wears no clothes" does the crowd acknowledge that the emperor is, in fact, naked.

Like the little boy crying out, those of us on this side of the aisle are pointing out this bill is fiscally not responsible.

Yet, while not addressing our current health care challenges, the so-called health care reform bill we are debating also creates new programs at a time when we aren't paying for the one we already have, and it adds \$2.5 trillion to what we are already spending.

I learned as a mayor and as a Governor, if you cannot afford what you are doing, how can you take on new responsibilities?

We could be using this opportunity to fix our health care system by finally working to lower health care costs and pass those savings on to citizens who are already overburdened by an expensive health care system.

Yet instead of commonsense incremental reforms that increase access to affordable, quality health care, reduce the costs of health care for all Americans, and lower our national health care spending, we have this bill before us.

Unfortunately, the bill violates the medical principle, first, do no harm. Instead, it is more of the same—more spending and more taxes—on an already struggling economy, this at a time when we are currently witnessing the worst recession this country has experienced since the Great Depression.

The legislation we are considering when fully implemented, as I pointed out, spends \$2.5 trillion to restructure our health care system. Yet it fails to rein in the cost of health spending in the next decade. According to the Congressional Budget Office, the Federal Government's commitment to health care; that is, the cost of health care paid for by the Federal Government, would actually increase. In other words, we are adding more on to this extraordinary debt we have—unfunded mandates we have—in terms of Medicare.

The bill's proponents will tell you it is paid for. But as David Broder points out in his November 22 Washington Post editorial:

While CBO said that both the House-passed bill and the one Reid has drafted meet Obama's test by being budget neutral, every expert I have talked to says the public has it right. These bills, as they stand, are budget-busters.

And that is what many people are hearing right now from their constituents, particularly many of those individuals who are taking advantage of the Medicare Advantage Program.

Furthermore, as former CBO Director Douglas Holtz-Eakin pointed out in the Wall Street Journal, this bill uses "every budget gimmick and trick in the books."

What are these gimmicks? Most troubling to me and what my colleagues on the floor have been discussing for the last few days is what the bill does to the Medicare Program.

I think we need to be honest with the American people. The Medicare Program is already on shaky footing. Despite \$37 trillion in unfunded—unfunded—future Medicare costs and the prediction that the Medicare trust fund is expected to be insolvent by 2017, this bill calls for \$465 billion in cuts to Medicare, not to fix the program but, as I said, to create new programs.

For example, this health care bill fails to acknowledge the \$250 billion that is necessary to reform the Medicare physician payment formula to ensure that our Nation's seniors will be able to see the doctor of their choice in the future. I have heard it firsthand from family and friends that in some places in Ohio, Medicare beneficiaries

already face delays for physician services.

Right in my hometown, I have had doctors tell me: GEORGE, if I have somebody before they are Medicare eligible and they go on Medicare, I will take care of them. I am not taking anymore new Medicare patients because of the reimbursement system. I heard the same thing in terms of Medicaid.

We have a problem out there. Sadly, my friends on the other side of the aisle do not want to be honest with the American people and include the cost of the physician payment fix in the bill. It should be there. Let's be honest about it. Let's be transparent. It is another example, I think, of the smoke and mirrors and budget gimmicks and tricks that former CBO Director Douglas Holtz-Eakin mentioned.

Like I said, we must fix our health care system to help millions of Americans who find themselves without insurance and those struggling to pay their health insurance premiums. We must increase competition in the private market, make it easier for small businesses and individuals to purchase insurance and reform our medical liability system. I call this malpractice lawsuit abuse reform. We should have done that a long time ago. But the fact is that the trial lawyers do not want that to happen. So we are doing nothing about a problem that is causing physicians to give unnecessary tests that are driving up the cost of health care in this country.

Most important, we need to focus our efforts on jobs, jobs, jobs, jobs, jobs because one of the best things we can do to increase health care coverage is to help businesses start to hire again. I need a job. One of the reasons I need a job is when I have a job, in most instances, I have some form of health care. We have a lot of people who are being dropped off. We need more jobs. We should be concentrating on that if we want to up the number of people who can get health care.

To repeat, we do not need to create another set of government programs that spends an additional \$2.5 trillion to build a new entitlement system when we cannot afford the one we have now. That is the biggest thing with me. If you cannot afford what you have, how can you take on more? When we do that, we are being fiscally irresponsible. We should deal with what we have. It is amazing to me. If you look around the country, States are cutting their expenses and they are raising taxes. And what are we doing in Washington? We are taking on more expensive programs we cannot afford. That is what I think is troublesome to me as a debt hawk.

We need to understand what we are doing. The American people are paying attention and they know that the emperor has no clothes when it comes to

doing something about our unsustainable fiscal crisis.

We are losing our credibility and our credit worldwide. They know it is immoral to be putting this debt on the backs of our children and grandchildren. I believe this health care bill does that exactly. It exacerbates our current fiscal situation.

There are lots of good things out there, a lot of good things we all would like to do. But just like a family, if you cannot afford what you are doing now, how can you afford to take on more responsibility in terms of debt?

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I think it is important to focus on the fiscal difficulties we have today, but I think it is also important to recognize the probable causes of these huge deficits: two wars, unfunded, no attempt to fund them, spent simply by running up the deficit; tax cuts, which were unfunded and which did not ultimately generate the kind of sustained economic growth and job growth that their supporters advertised, and then the Medicare Part D program, an entitlement program which was also completely unpaid for.

Today we have people talking about entitlement reform, how that is a key aspect of health reform. But so many of my colleagues on the Republican side supported President Bush when he proposed the Medicare Part D program, a worthy program in concept, but in the context of not paying for it, it is a concept that is costing us greatly today.

Additionally, it is particularly ironic at this moment, because we are considering a McCain motion that would report this health care bill back to the committee with the instructions to restore \$400 billion in spending, roughly, over 10 years. I cannot think of anything more contrary to the notion of entitlement reform.

What we have tried to do in this bill is to restructure Medicare so that it will continue providing quality health care, but also recognize the high costs we are facing going forward and the general economic climate we face today. Again, let me remind you, in January 2001, the unemployment rate was about 4.6 percent. When President Obama took office, it was double that and growing and continuing to grow.

We have seen some effects to limit this growth, but it is still a critical issue. Again, this reform package is designed not only to deal with the quality of health care, accessibility to health care, and affordability of health care, but it is designed to, over the long term, begin to rein in costs that are absolutely out of control.

Those suffering the most from this course are the American people and, in some respects, small business men and women. Their health care costs are

going up faster than any other costs, and in many instances faster than wages, and it is unsustainable.

If in my State of Rhode Island we do not take effective action, we will see within several years premiums reaching \$24,000 to \$30,000 a year for a family of four. We cannot sustain that.

If someone is interested in taking the very difficult step of entitlement reform, they would reject the McCain motion. But there are other reasons to reject the amendment, as well. First, the funding that has been eliminated from the current health care system and the system going forward, has been eliminated because it does not improve care. This is particularly true in Medicare Advantage.

This was a program that was developed and sold essentially to the American people as cost containment for Medicare. This was one of the proposals that would rein in out-of-control health care costs by giving insurance companies the ability to manage more effectively.

Of course, what we have seen is a significant increase in payments to Medicare Advantage payments over traditional Medicare. Of course, these insurance companies can manage health care very well as long as they are receiving very significant premium payments from beneficiaries. But, those premiums do not essentially go to better health care. It certainly goes, however, to better profits for the insurance companies.

Indeed, with Medicare Advantage there is a rebate given to each insurance company. This is not the case with traditional Medicare. The rebate was designed essentially to provide, again, lower cost access to health care benefits for the consumers of Medicare Advantage.

The GAO found that 19 percent of Medicare Advantage beneficiaries actually pay more than traditional Medicare for home health care and 16 percent pay more for inpatient services. Here is the irony. We are paying the insurance companies more, but the beneficiaries of Medicare Advantage are, indeed, also paying more. So there is no cost savings in this regard, in this program at least.

The other point, which is I think critical and I alluded to, is that for the same services you receive in Medicare Advantage, there is, on average, a 14-percent increase overall for those similar services in traditional Medicare.

We have to, I think, take tough steps to eliminate these over-payments, but steps that will enhance the quality of care for seniors, and that is what is being done in this bill. While some of these resources are being used to help redesign a system for all Americans, there will also be significant improvements for seniors, for care that is more effective and efficient, and less costly.

Let me suggest something else. We are all paying right now for the cost of

uninsured Americans. It has been estimated that every private insurance plan in this country is paying—every individual payer, businesses or individual—about \$1,000 a year for uncompensated care. That is the cost hospitals shift from their uncompensated care on to the insurance providers, the carriers, and that is translated into higher premiums for all Americans.

Under this legislation, the hospitals will now see patients presenting themselves with an insurance card. Mr. President, over 94 percent of Americans, it has been estimated, will be covered under our proposal. So instead of showing up for free care, they will be under an insurance plan. The hospitals will benefit. Medicare, Medicaid, and the whole health care system will benefit.

Again, this is one of the changes that would be reversed by the McCain motion.

Also, we have taken steps so that hospitals will be much more effective in managing their patient flow. Readmissions will hopefully be reduced by some of the provisions in this legislation.

There are many things we should do and will do, but I believe we can successfully balance expanding our coverage system, protecting quality of care, but also recognizing, as has been suggested, the fiscal implications not just for the moment but going forward. I suggest if someone is serious about entitlement control, serious about the fiscal implications of this legislation or any other legislation, they will not simply order the committee to restore these cuts. They would do something much more proactive and, indeed, support what I believe are sensible, sound proposals to provide quality, to ensure that over the long run, Medicare is more solvent.

In fact—the final point—the legislation before us would extend the life of Medicare, the solvency of Medicare over at least 5 years. So for those people who say we are trying to end Medicare, their solution is simply to let it go bankrupt apparently in 2017 or to simply ignore it and let it find its own fate.

We can do better. I urge rejection of the McCain motion. I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from Wyoming is recognized.

Mr. BARRASSO. Mr. President, I come to the floor also to talk about Medicare and what I see to be significant cuts in the Medicare Program. I practiced medicine in Wyoming for 25 years, taking care of families from across the State and many of these wonderful folks who are on Medicare. They depend on Medicare for their health care. They depend on Medicare. Patients depend on it, the hospitals depend upon it, the physicians, the nursing homes, the home health care agen-

cies—all of them depend on Medicare for their health care.

I listened to my close friends from across the aisle come to the floor as well, and they seem to be trying to convince the American public that the 2,074-page bill which weighs over 20 pounds actually does not cut Medicare. I heard the chairman of the Finance Committee talk about it on the floor; I have heard it from the majority leader.

The health care reform plan we are looking at on this floor cuts \$464 billion from Medicare, and I have a list of all the Medicare cuts in this bill, page after page, column after column. When you add them all up, it cuts \$135 billion from our hospitals—from our hospitals—that are providing the care. We have heard about some of the cost shifting from the Senator from Rhode Island. Cost shifting occurs. Medicare is one of the biggest deadbeats when it comes to paying for hospital services, and it is why hospitals end up shifting more costs to people who have health insurance, and why, for those people, their premiums will go up if this bill becomes law. So \$135 billion cut from hospitals.

The bill cuts \$120 billion from a program called Medicare Advantage. There are 11 million Americans in this country who are on Medicare Advantage. They know who they are. They know it is a program that has worked well for them. People ask me what the difference is. Why would somebody want to be on a program called Medicare Advantage? Well, there is an advantage to those seniors who depend upon Medicare for their health care if they are on Medicare Advantage. The No. 1 advantage is, it actually helps coordinate care.

We know one of the best ways to help people keep down the cost of their medical care is to find problems early and to get early treatment. So find the problem and treat it before it gets too bad. Well, Medicare Advantage does both preventive care as well as coordinated care. One of the big problems with Medicare is, it will pay a lot for doing something to someone, but it will not pay much for helping someone stay healthy. But now all of a sudden we are going to cut \$120 billion from Medicare Advantage, which actually works on prevention and on coordinated care.

Then there is \$42 billion from home health care agencies that will be cut. Those are the folks who come into someone's home and help them stay out of the hospital. The advantage of home health care is to allow people to get care at home and not need to be in the hospital, but suddenly we are looking at \$42 billion in cuts on Medicare for home health care agencies.

Then let's take a look at nursing homes: \$15 billion in cuts for nursing homes—those facilities taking care of people on Medicare—which, to me,

means they are actually cutting it from the people who depend on Medicare for their nursing home needs.

As an orthopedic surgeon, I have taken care of many people, such as a grandmother who breaks her hip. She doesn't need to go into a nursing home permanently, but what she needs to do is to go there for a short period of time for rehabilitation, where she can get better and get stronger. She is not ready to go home, and she does not need to stay in a hospital, but she needs to be in a nursing home for a period of time to get rehabilitated and then to get ready to go home and go back to an independent life. There is a gap in time, and nursing homes help with that. They are wonderful as a way to give somebody an opportunity to gain their strength. In our country, such as it is now, so many grandparents are living in communities where, perhaps, their children or grandchildren are no longer living or they can't go and live with a son or daughter, but they need additional help and so they go to a nursing home.

So for that patient who has broken a hip—the type of patient I have taken care of in the hospital—this bill is going to end up cutting from the hospital \$135 billion from Medicare for that patient. It will end up cutting nursing homes by \$15 billion, for patients who rely on nursing homes as they recover from their hip surgery. Then once they get home and get ready for an independent life, a lot of times they can benefit from home health care—someone coming into the home and checking on them, giving them medications, making sure they are doing all right, checking their wound, and a number of different things—this bill will cut \$42 billion from home health care agencies; again, cutting the services to people who depend upon those services for their health care needs.

Then there is an \$8 billion cut from hospice providers, people who take care of our patients—my patients—in the final stages of their life. At a time in their life when their body may be riddled with cancer or they just need a place to go and be treated with respect and to be cared for, we are cutting \$8 billion in this bill from the hospice providers—people who are there and helping people in the final stages of their life.

When I look at this, I say: How in the world can my colleagues on the other side say they are not cutting Medicare for our seniors? I read through the bill and there is \$135 billion from hospitals, \$120 billion from Medicare Advantage, \$40 billion from home health care agencies, almost \$15 billion from nursing homes, and \$8 billion from hospice providers, for a total of \$464 billion for this country's seniors. I don't think we should pass this bill. Of course, there is another \$500 billion in taxes. It is a huge and hugely expensive bill.

To me, this is absolutely nothing but robbing our folks who are on Medicare to start a whole new government program. I am worried seniors all around the country are going to have less access to doctors, especially in rural and in frontier States, such as Wyoming. I am concerned they are going to see community hospitals and home health care agencies and nursing homes—skilled nursing facilities—struggling to keep their doors open.

It is time for this Congress, for this Senate to listen to America's seniors. Let's listen to the administration's own chief actuary. Richard Foster, the chief actuary for the Centers for Medicare and Medicaid Services, said if these Medicare cuts take effect, then many providers "could find it difficult to remain profitable and might end their participation in the program." They may say: I don't want anything else to do with Medicare. I am closing my doors to Medicare patients.

We cannot have that in this country, but I believe that is what this bill does. Even the nonpartisan Congressional Budget Office said these Medicare cuts could "reduce access to care or diminish the quality of care." Is that what this Senate wants, to reduce access to care or diminish the quality of care?

How many experts does it take to convince the majority party that cutting Medicare to pay for a brandnew government program is irresponsible? We all agree Medicare is going broke. The trust fund will run out of money in the year 2017. It has more than \$37 trillion in unfunded liabilities. The Presiding Officer knows that in his State, as well as in mine, Medicare's physician payment formula, which calls for doctors to face a more than 40-percent cut over the next 10 years, is a system that is broken. The Reid bill does nothing to fix this problem. Instead, it takes \$½ trillion from Medicare to create a brandnew entitlement program. It punishes a group of people in order to benefit another. To me, that is not reform. It will only make the system worse.

That is why I support the motion we will be voting on today, the McCain motion. It says we are not going to finance a new government program on the backs of our Medicare patients, on the people who depend upon Medicare for their health care. It instructs the Finance Committee to write a bill that doesn't cut hospitals, that doesn't cut home health care, that doesn't cut Medicare Advantage, and that doesn't cut hospice for our seniors who depend upon those services. A vote for the McCain motion gives us a chance to get this right.

I do want health care reform. I just don't want this bill. This is the wrong prescription for our country. I don't believe we have to take the money out of Medicare and then spend it on a brandnew entitlement program. I go

home to Wyoming every weekend—and I know other Members go home and listen to their constituents—and what I hear from the people in Wyoming is: Don't cut my Medicare. Don't raise my taxes. Don't make things worse for me in this economy. I certainly can't afford it. The people of Wyoming want practical, commonsense health care reform; reform that drives down the cost of medical care, improves access to providers and creates more choices.

It is clear this bill has a very different plan in mind. It is not too late to work together for meaningful reform. We do not have to dismantle the current health care system and build it up in the image of big government and then try to say this is reform. The American people are telling us what kind of changes they want, and that is why I will be voting for the McCain motion.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I wonder if the Senator from Wyoming would be available to answer a question.

Mr. BARRASSO. I will, Mr. President.

Mr. BAUCUS. I am thankful to my good friend and neighbor to my State.

Is it true the CBO letters say the Senate bill will extend the life—extend the solvency of the Medicare trust fund? Is that true?

Mr. BARRASSO. I don't have that letter with me, but everything I look at says this will gut Medicare, make it go broke sooner, and it will be bad for seniors.

Mr. BAUCUS. I don't have the letter in front of me, but in all deference and respect to my good friend from Wyoming, the CBO says the exact opposite. It is the conclusion of the Congressional Budget Office that this legislation will help seniors by extending the solvency of the Medicare trust fund by, I guess, 4 to 5 years. That is black and white. If I had the letter in front of me, I could read it to him, but that is a fact. This legislation will extend the solvency of the Medicare trust fund by another 5 years.

So instead of being insolvent in the year 2017, under this legislation, that is extended to the year 2022. That is a fact. At least the fact is that is what CBO concludes in their letter. That is a fact.

Second, as a caring physician, does the Senator think that we as a country should try to find a way to provide health insurance for so many Americans—some of them lower income—who don't have health insurance in our country? Because, after all, we are the only industrialized country in the world that doesn't find a way to make sure its citizens have health insurance.

As a physician who sees patients, many of whom can't pay their bills and defer medical treatment because they

do not have health insurance, I am wondering if the Senator believes this country should try to find a way where its citizens have health insurance.

Mr. BARRASSO. The Senator absolutely believes we need to find a way to make sure all the citizens of this country have insurance, and there are ways to do it: allowing people to buy insurance across State lines. That doesn't take a 2,000-page bill. There are ways to do it to help get down the cost of care that give individuals incentives to buy their own insurance, giving tax breaks to those individuals. We could do things with tort reform, such as the loser pays rule. We could allow small groups to join together to have a better ability to bargain and get the cost of insurance down.

So this Senator absolutely believes we need to find a way to get everyone insured. There are people who need help who don't have help, and we need to find a way to do that, but it is not this 2,000-page bill.

Mr. BAUCUS. I will ask this question, and then I will finish because I know my colleagues want to speak.

One of the basic underpinnings of this legislation is that we should change the way we reimburse providers, moving away from quantity and volume and more toward quality. I am curious—and this is not an antagonistic question. I am just trying to get a physician's point of view because so many doctors I talk to think that although it creates a little uncertainty, probably that is the right thing to do—to move our reimbursing based on quality, coordinated care, and focusing on the patient rather than our current system, which reimburses more on quantity and the number of services provided, et cetera.

Is that something the Senator thinks we should pursue in this country?

Mr. BARRASSO. The current system is broken, Mr. President. The reimbursement system focuses more on doing things than on helping patients stay healthy and get better. Medicare has done a terrible job of that over the years, in terms of giving incentives for people or even for paying for preventive services. They have not done that over the years.

This is an illustration of how the system is broken. It is now December—the end of the year—and it is the busiest time of year for me as a physician in Wyoming because people have met their deductibles—those who have insurance have met their deductibles for the year—and they come into the office and say: Is it now time for my operation? I have to get it done before the 1st of the year because my deductible has been used up, and I want to have my operation so I am not going to have to pay for it.

In this country, we have the incentives all wrong in terms of health care. We do need health care reform.

Mr. BAUCUS. I agree.

Mr. BARRASSO. I don't think this bill is the way to do it, which is a government takeover of the health care system.

Mr. BAUCUS. Mr. President, I have to address that one. My colleagues want to speak, but I think it is worth repeating over and over again: This legislation is designed to retain the uniquely American solution to health care—roughly half public, half private. It is designed to make sure patients can still, as they should, choose their own doctor, any doctor they want—primary care doc, specialist, no gatekeepers and all that stuff. The doctors are totally free and should be free to make their own decisions, after consultation with their patients, as to what procedure makes sense or doesn't make sense.

In addition to that, frankly, more competition with the exchanges. This legislation, frankly, is rooted almost entirely on maintaining the current free market system in health care. There is some insurance market reform, which I think everybody agrees with, which is denying preexisting conditions as a basis for denying coverage, and there is a modest expansion of Medicaid for lower income people who just can't get health care, but otherwise this is legislation which is rooted in the current American system.

We have a good system. It works. This is just designed to make it work a little better by making sure it reimburses, as the Senator from Wyoming wants, based more on quality. He didn't mention this, but I know he agrees, also insurance market reform so those patients who come to him don't have to wait until the end of the year in the future as they have in the past.

But I want to get it very clear, this is no "government takeover." That is a scare tactic. It is not accurate. It is basically maintaining our current system.

I would now like to yield 10 minutes to my good friend from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. SANDERS. I am going to speak on something other than health care. I thank my friend from Montana for yielding.

CONFIRMATION OF FEDERAL RESERVE CHAIRMAN

Mr. SANDERS. Mr. President, what I want to touch upon is my strong belief that Ben Bernanke should not be reappointed for a second term as Chairman of the Federal Reserve. In that regard, I placed a hold on his nomination.

Everyone in this country understands we are in the midst of the worst economic crisis since the Great Depression. We are looking at 17 percent of our people being either unemployed or underemployed. We are looking at average length of unemployment being

longer than it has been since World War II. We are looking at a situation where, over the last 8 or 9 years, median household income has declined by over \$2,000. We are looking at a situation where, according to USA Today, September 18, 2009:

The incomes of the young and middle aged, especially men, have fallen off a cliff since 2000, leaving many age groups poorer than they were even in the 1970's.

What we are seeing is a long-term trend resulting in the collapse of the middle class, an increase in poverty, a growing gap between the rich and everybody else. Then, to make a very bad situation worse, as a result of the greed, irresponsibility, and illegal behavior of Wall Street, we are now in a terrible economic decline.

The American people voted overwhelmingly last year for a change in our national policies and for a new direction in the economy. After 8 long years of trickle-down economics that benefitted the very wealthy at the expense of the middle class and working families, the people of our country demanded a change that would put the interests of ordinary people ahead of the greed of Wall Street and the wealthy few. What the American people did not bargain for was another 4 years for one of the key architects of the Bush economy, Federal Reserve Chairman Ben Bernanke.

The Chairman of the Federal Reserve—and the Federal Reserve itself—has four main responsibilities. I want the American people to determine whether they believe the Fed has, in fact, succeeded in fulfilling these obligations. Here they are, four main responsibilities:

No. 1, to conduct monetary policy in a way that leads to maximum employment and stable prices. Maximum employment? When you have 17 percent of your people unemployed or underemployed, I do not think the Fed or all of us, any of us, have succeeded in that area.

No. 2, to maintain the safety and soundness of financial institutions. Obviously, that has not been the case either.

No. 3, to contain systemic risk in financial markets.

No. 4, to protect consumers against deceptive and unfair financial products.

Not since the Great Depression has the financial system been as unsafe, unsound, and unstable as it has been during Mr. Bernanke's tenure. More than 120 banks have failed since he has been Chairman, and the list of troubled banks has grown from 50 to over 416.

Mr. Bernanke has failed to prevent banks from issuing deceptive and unfair financial products to consumers. Under his leadership, mortgage lenders were allowed to issue predatory loans that they knew consumers would be unable to repay. This risky practice

was allowed to continue long after the FBI warned, in 2004, of an epidemic in mortgage fraud.

Here is what the bottom line is. The bottom line is that the key responsibility of the Fed is to maintain the safety and soundness of our financial institutions, and they failed. They failed. As a result of the greed and speculation on Wall Street—which the Fed should have been observing, which the Fed should have acted against, which the Fed should have warned the American people and the Congress about—they did nothing and our financial system went over the edge.

Then, after not doing their jobs as a watchdog, not fulfilling their obligation to protect the safety and soundness of our financial system, the financial collapse occurred, and what happened? What the Fed did is provide not only—not only did Congress put \$700-plus billion into the bailout, the Fed provided several trillion dollars of zero-interest loans to large financial institutions. When I asked Chairman Bernanke which financial institutions received these zero-interest loans, the answer was: I am not going to tell you. Not going to tell you.

The reason Congress, against my vote, bailed out Wall Street is they were too big to fail. Large financial institutions were too big to fail. Since the collapse, three out of the four largest financial institutions have become even larger. So the systemic danger for our economy is even greater today than it was before the bailout.

The American people want a new Wall Street. They want a Wall Street which begins to respond to the needs of small business, so we can begin to create jobs, not just to Wall Street's outrageous executive compensation.

Let me suggest some of the things I think a Fed Chairman should be doing, things Mr. Bernanke is not.

No. 1, today, bailed out financial institutions are charging consumers 25 or 30 percent interest rates on their credit cards. The Fed has the power to stop that, to put a cap on interest rates. That is what they should be doing.

The Fed has the power to demand that bailed-out institutions provide loans at low interest rates to small and medium-sized businesses so we can begin to create the kinds of jobs that are desperately needed in this country. That is not what Mr. Bernanke has done.

The Fed has the power now to do what is taking place in the United Kingdom, something that many economists are demanding, and that is to start breaking up these large financial institutions which are too big to fail. In my view, if an institution is too big to fail, it is too big to exist. We have to start breaking them up, not allow them to get even larger. The Fed has chosen not to do that.

We need transparency at the Fed. I am the author of a GAO audit of the

Fed, which now has 30 cosponsors, which I hope we will pass. But at the very least, if the taxpayers of this country are putting at risk trillions of dollars being lent out to large financial institutions, we have a right to know which institutions are receiving that money and under what terms.

Let me conclude by saying this: This country is in the midst of a horrendous economic crisis. Millions of families all over this country are at their wit's end. They are suffering. They are trying to figure out how they are going to keep warm this winter, how they are going to pay their bills. The time is now for a new Fed, for a new direction on Wall Street, for a Wall Street which is helping our productive economy create decent-paying jobs, not a Wall Street based on greed, only for themselves, whose goal in life is to make as much money as possible for their CEOs.

We need a new Fed, we need a new Wall Street, and we surely need a new Chairman of the Fed. My hope is that President Obama will give us a new nominee and not Mr. Bernanke.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask how much time is remaining on each side?

The PRESIDING OFFICER. On the majority side, 9 minutes 20 seconds; on the minority side, 23 minutes 10 seconds.

Mr. BAUCUS. Mr. President, I yield 9 minutes—how many seconds?

The PRESIDING OFFICER. Now 9 minutes 11 seconds.

Mr. BAUCUS. I yield 9 minutes 11 seconds to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. I am deeply saddened that my Republican colleagues have, now we see very clearly, resorted to fear tactics in their desperate attempt to preserve a dysfunctional, costly, status quo medical system that we have in this country today. Republicans, in their attempt to strike fear in seniors across the country, are trying to convince the people that they have changed from the party that has always opposed Medicare to now being Medicare's staunchest defenders. But we all know, if it were up to our friends on the other side of the aisle, there would be no Medicare. They fought its very creation. Don't take my word for it, take one of their standard-bearers who ran for President. Senator Bob Dole, who was here when we created Medicare, Senator Dole, a friend of mine—I have a good deal of admiration for Senator Dole—said, "I was there, fighting the fight, voting against Medicare—one of twelve—because we knew it wouldn't work in 1965." He said that in 1995 when he was running for President. He was proud of the fact that he

and Republicans had opposed the establishment of the Medicare system.

You might say: That was then, what about recently? Here is the former Speaker of the House, Newt Gingrich. He said, "We believe it's going to wither on the vine," speaking of Medicare.

Now my friends on the other side of the aisle—listening to them, you would think they were the biggest supporters of Medicare forever, when they opposed it from its very beginning.

Now we hear all the stuff about Medicare Advantage. If, in fact, we are going to be cutting a little bit out of Medicare Advantage, they would like to tell you that somehow this is going to ruin Medicare. If that were true, why would the National Committee to Preserve Social Security and Medicare, AARP, the alliance for retired Americans, groups that represent tens of millions of seniors—why would they stand with us in support of our bill and not with the Republicans, who want to gut the very provisions we have in there that will strengthen and preserve Medicare?

Do people really believe our Republican colleagues care more about seniors than these groups that actually represent seniors?

The truth is, when we talk about Medicare Advantage, we are talking about private insurance companies who promised that through competition they were going to deliver better quality health care to seniors at a lower cost. It all sounded good. But what has happened since Medicare Advantage has come in? The reality is, Medicare is now paying on average 14 percent more to these private plans than it would cost to cover the same beneficiaries under traditional Medicare. In some cases, it is as high as 50 percent more. That is \$12 billion a year more than if these beneficiaries stayed in Medicare. Basically, we are giving a \$12 billion subsidy to these companies.

Again, don't take my word for it. This is from a June 2009 MedPAC report:

We estimate that in 2009, Medicare paid about \$12 billion more for enrollees of [Medicare Advantage] plans than it would if they were in [fee-for-service] Medicare.

A \$12 billion slush fund. We are saying we are going to reduce some of those subsidies. I hear my friends on the other side: My gosh, Medicare is going to take away all these benefits, and all that other kind of stuff. Not necessarily. Right now we know, according to CBO, our bill will lower seniors' Medicare premiums by \$30 billion over 10 years.

Then the other side says: But if you cut these Medicare Advantage payments, you will see their benefits cut.

That is absolutely not true. All Medicare plans, whether traditional Medicare or private, must offer all required Medicare benefits. Here is the kicker. If, in fact, there are some cuts made in

Medicare Advantage, then these private companies that are making \$12 billion in their slush fund, maybe rather than cutting benefits, maybe they will decide to cut their CEO salaries from \$12 million a year to \$10 million a year. Maybe they will decide instead of three or four corporate jets, they only need one. Maybe they will start reducing some of the profits they are making, huge profits they are making off of the taxpayers and off of Medicare payees right now.

Again, if we cut the Medicare Advantage Program, I guess my friends on the other side would say, No. 1, they can continue to pay their CEOs \$12 million a year salaries. They can continue the corporate jets. They can continue to have fancy buildings. They can continue to have outrageous profits. But they will have to cut Medicare. That is what the other side is saying.

We are saying: No, cut the CEO salaries. Cut the enormous profits. Cut those corporate jets. Cut all of that stuff you are using the slush fund for, but keep the benefits for Medicare.

As I said, under present law they cannot cut the basic Medicare benefits. No senior anywhere in America will lose their core Medicare benefits under our bill. Let's be clear about that. If they did, AARP, the National Committee to Preserve Social Security and Medicare, and the National Alliance for Retired Americans would never be supporting our bill.

Lastly, according to an economic survey done at Boston University, they extensively analyzed Medicare Advantage payments and found that just 14 percent of the additional funds these private plans have received have gone to benefit Medicare enrollees. The vast majority of the payments, 86 percent, go to profits, CEO salaries, corporate jets, all these other things, or some of it may go to things such as gym memberships, spa memberships. I raised the point the other day. Why should my Medicare beneficiaries in Iowa have to pay more in Medicare so that a Medicare beneficiary, say, in Arizona can go to a spa and have it paid for by Medicare Advantage, paid for by the subsidies of \$12 billion that we give them that come both from taxpayers and from Medicare recipients right now? I don't think it is fair for my seniors in Iowa to have to pay for that.

A lot has been said about all the people who are in the Medicare Advantage plans. I looked up the figures. Right now, nationally, only 18.6 percent of all enrollees are in Medicare Advantage, a little less than one out of five. In my State, in Iowa, it is 10 percent, 1 out of every 10. Why is that? We don't have a lot of spas in Iowa. We don't have those fancy things like they have in Florida and Texas and Arizona and California, wherever else all this stuff is going. What my seniors need is the peace of mind of knowing that Medicare is



going to be there for them in the future. They need to know they are going to get the benefits we have put in this plan that are in our bill and that will help Medicare beneficiaries.

Here is what they are. AARP says:

The new Senate bill makes improvements in the Medicare program by creating a new annual wellness benefit, providing preventive benefits and, most notably for AARP members, reducing drug costs for seniors who fall into the dreaded Medicare doughnut hole.

The bill also makes improvements on age rating, a discriminatory practice that allows insurers to charge exorbitant age-based premiums to older Americans.

Finally, AARP strongly supports provisions in the Senate bill to strengthen long-term services and supports. We also applaud inclusion of provisions to improve access to Medicaid home and community-based services.

All is in our bill, all of which would fall if we adopt the McCain amendment. I urge colleagues not to listen to the rhetoric from the other side. Listen to those who really do represent seniors. Make sure we preserve and protect the basic Medicare functions for seniors and for those who are about to retire. You will not get that through Medicare Advantage. If Medicare Advantage wants to exist and compete on a level playing field, God bless them. Go ahead and get it done. That is what we were promised when Medicare Advantage came through here. I remember. Competition. But what we found is, we had to cough up an additional \$12 billion to subsidize them.

It is time for us again to say no to the fearmongers, to those who are trying to strike fear in seniors. It is time to stand up, support the Bennet amendment, which makes very clear that any savings that come from Medicare has to go back into Medicare. That is the way it ought to be. That is what is in this bill. The Bennet amendment makes that crystal clear. The McCain motion does away, basically, with all of the protections, all of the things we have worked so hard for since 1965 to provide. The McCain motion, when you strip away all the verbiage, really what it does is, it basically takes us back to pre-1965 when we didn't even have Medicare. That is the kind of intent behind it.

Mr. BROWN. Will the Senator yield for a question?

Mr. HARKIN. I am glad to yield.

Mr. BROWN. I thank the Senator for his incredible leadership on this issue and the public option, affordability, and on prevention and wellness.

I have listened to the debate with Senator MCCAIN and others on Medicare. It seems what they are protecting is not Medicare but the huge insurance company subsidies when President Bush moved to privatize Medicare. It used to be the insurance companies told us they could do their part of Medicare, one-fifth, one-sixth of Medicare; that they could do it more effi-

ciently even though insurance companies have a 15-, 20-percent administrative cost overhead and Medicare's is 3 or 4 percent or 2 percent.

The PRESIDING OFFICER. The Chair reminds the Senator, the majority time has expired.

Mr. BROWN. I ask unanimous consent for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Much of what they are trying to protect is insurance company subsidies, not Medicare benefits which their party has opposed for much of the last 40 years, including its creation.

Mr. HARKIN. As I said earlier, what they are talking about in preserving these benefits and this subsidy for Medicare Advantage is the big CEO compensation packages, the corporate jets, the fancy buildings, the high profits, somewhere between 30 percent and 200 percent profits made by these companies that are providing Medicare Advantage. That is what the Republicans are trying to protect, not the Medicare recipients.

Mr. BROWN. I thank the Senator.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I listened with some interest to the comments made when I came on the Senate floor. I simply want to make this one observation about Medicare Advantage. President Obama promised that Americans who have coverage they like would not lose the coverage they have. There are a number of Americans who have Medicare Advantage. They like it, and they want to keep it. This Congress is about to say: No, you can't. This Congress, through this bill, if it passes, is going to eliminate Medicare Advantage. Frankly, the people who go after Medicare Advantage because they like it are going to be the ones who are disadvantaged. They are going to be the ones who will see President Obama's pledge violated.

Frankly, I don't think they much care about how much an executive is paid or what happens in the company. They care that they have coverage they like, coverage they are paying for, coverage they have chosen, and they are being told by the Federal Government they cannot have what they want.

There is another aspect to this that I would like to explore in the time I have. We keep hearing so much about the CBO and all of the scores the CBO is pointing out along with rhetoric that says we can't afford to wait, we need a solution now, the status quo is unacceptable. I would like to point out that the status will remain quo for 4 years if this bill passes. In the budget smoke and mirrors that have been put into this bill in order to make it look as if it costs less money, they make the effective date in 2014, so there will be 4 years after the passage of this bill

where Americans will not see any kind of change in their plans. What they will see is an increase in their premiums. They will see an increase in taxes.

Why do I say that? Between January of 2010 and January of 2014 there will be four open seasons in which plans can be changed. As the taxes start to hit, as the costs start to hit, those companies that are involved in offering these plans will say: OK, we have to get ready for the expenditures. What do we do? We have four open seasons in which to change our plans before this thing hits.

Obviously, that cannot be scored by CBO because CBO does not know what changes will be made. But do we really think we can go through four open seasons with no change whatsoever in the face of this enormous change that will hit in January of 2014? Do we really think everything is going to remain static? That is what the CBO computers are. Do we really think the \$500 billion they want to take out of Medicare to help pay for this will not be hashed over again and again?

One of two things will happen. No. 1, the Democrats will blink in the face of the anger of senior citizens and say: We really didn't mean it. Yes, the bill cuts Medicare by \$500 billion, but we really didn't mean it. We have 4 years in which to fix it; that is, 4 years in which to replace that \$500 billion. Of course, when that \$500 billion is replaced, if that is the way they decide to go, then we will know that the numbers we are getting out of CBO are completely phony. Then we will know the statement that this bill is revenue neutral is a nonstarter. Then we will know there was never any intention to try to deal with this cost.

Suppose future Congresses stand firm and say: Yes, we are going to stand firm in this 4-year period. We are going to stand firm against the anger of senior citizens who are seeing their Medicare benefits get cut. We are going to take the \$500 billion out of Medicare. Then we will see the promises that are being made around here—that there will be no cut in Medicare services—all disappear.

I hear people say: We are not cutting benefits. We are just cutting payments to providers. That statement is being made over and over again on the other side of the aisle: We are not cutting benefits. We are going to take that \$500 billion away from the providers, but the benefits will remain the same.

In my State, I have plenty of providers that are on the edge, right now, financially. They are on the edge of going out of business, right now, financially because of the cuts that have been made in Medicare in the name of cutting down payments to providers.

What happens to the people who are in a nursing home that is currently dependent upon Medicare payments in

order to survive if they come in and say: All right, we are not going to do anything to the benefits these people are entitled to in this nursing home, we are just going to cut enough payments to the nursing home that the nursing home goes out of business. What happens to the people who are in the nursing home under that circumstance? Well, they are going to have to go someplace else and there is going to have to be money to pay for them to go someplace else and the money is going to have to flow through Medicare someplace else and then we are back to the first option I talked about, which is we were not serious when we said we were going to take \$500 billion out of Medicare. We were not serious. In order to make sure you do not lose your benefits, we are going to have to start reinvesting in some of these providers. We have seen providers go out of business because of the cuts into Medicare. We need to start putting that money back into Medicare. Then we are back into the circumstance we have been talking about all along: This thing is not paid for.

One final point I wish to make: We had a hearing today with the Chairman of the Federal Reserve. Ben Bernanke is up for reappointment and, of course, the entire conversation was about the economy and what is the future of the economy. There were a number of people who had a conversation about the past, but I wished to focus on the future.

I pointed this out to the Chairman and asked for his comments with respect to the future of our economy. Most of my constituents do not understand what I am about to say. Frankly, most of the people in the press do not understand it, and maybe even some Members of this body do not understand it. When we talk about the Federal budget, two-thirds of the Federal budget is beyond the control of this Congress. Two-thirds of the Federal budget is on autopilot, unless this Congress changes entitlements.

Somebody says: Well, what does this word "entitlement" mean? Why do you talk about entitlements? Entitlement means, by law, these individuals are entitled to this money, whether we have it or not. The Federal Government has made a contract with them. All right, it is a social contract rather than a legal contract, but it is as binding politically where the Federal Government has to spend the money, whether it has it or not.

Indeed, that is what we have seen in fiscal year 2010. The budget we passed said revenues are going to be \$2.2 trillion and entitlement spending is going to be \$2.2 trillion, which means every function of the government—our Embassies overseas; our troops, wherever they may be; education; national parks; whatever it is—every dime will have to be borrowed in fiscal year 2010,

every single dime because every penny coming into the Federal Government is already programmed to go out, without coming through the Congress. It does not go through the appropriations process. We do not get to vote on it. People are entitled to receive this money, and it is going to go out there.

What are we talking about? We are talking about creating a new entitlement, a very expensive new entitlement. How are we going to pay for it? According to this bill, we are going to pay for it by transferring money from an existing entitlement. Anyone who thinks that is what is going to happen, in the face of the anger that is being generated by people who read about this, believes a fairytale.

The whole notion of trying to balance the cost of this tremendous new entitlement by somehow a book-keeping entry that says we will take it out of the Medicare account and we will put it in this account, and the computers that do not think—the computers simply compute—will say: Well, then, if you put it in this account, then this account is revenue neutral. But the government's account is not revenue neutral. This thing is going to cost \$500 billion, wherever we get the money. It is a cynical ploy, smoke and mirrors of the worst kind, in a budgetary bait and switch, to say we are going to take this out of Medicare.

I hear from my constituents—I hear from people who are not my constituents who recognize me as a Senator in airports and other places—as they say, increasingly: Do not pass this bill. We see it in the polls, but we see it in the passion of the people who come up to us and let us know how firmly they are opposed to this bill. The American people do not want it, and the American people are right.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I would like to also make a statement related to the amendment that is being presented by the Senator from Colorado. Speaking for several Members on my side—hopefully, for all the Members on my side—we are very concerned, as I think we have all made clear by now, that the Medicare savings in this bill are being used not for preserving Medicare but, instead, are being used to finance the creation of a new Federal entitlement program.

My understanding of the purpose of the amendment of the Senator from Colorado is to indicate that Medicare savings will be used for extending the solvency of Medicare and the trust fund, reducing Medicare premiums and other cost sharing for beneficiaries, and to improve or expand Medicare benefits and access to providers.

Nobody can argue with that purpose the Senator has expressed or his amendment expresses. But the concern

on our side that we have with this amendment is it does not require that the savings from Medicare would only—with emphasis upon the word "only"—be used for that purpose.

As the Congressional Budget Office has made clear, the cuts in Medicare in this bill are not being used solely for Medicare, as the Senator's amendment suggests, but, instead, are being used mostly to fund the creation of an entirely new and separate subsidy program. For the Senator to accomplish what he intends to accomplish would require entirely different language to ensure that savings from Medicare in this bill would only be used to protect Medicare benefits for seniors, as the law now expresses.

The right approach would include language making sure seniors have the same access as they have today, to home health services, skilled nursing facilities and services, hospice care, hospital services, preventive benefits, and the benefits provided in the Medicare Advantage Program. So the Senate, it seems to me, should also ensure that Medicare savings in this bill are not being siphoned off to finance a new and separate entitlement program.

It is very clear to me—and I hope we are able to make it clear to people, all 100 Senators—that the Bennet amendment, as written, does not protect Medicare.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BAUCUS. Mr. President, I do not think I have any time, but I ask unanimous consent that as to the time I do have after 2 o'clock, I can take 2 minutes of that so I can ask a question of my good friend from Iowa.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I might ask my friend from Iowa, Senator GRASSLEY, a question, if he is available for a question. I am taking time.

Mr. GRASSLEY. Mr. President, I will take a short minute to respond to a question. But our side has 7—

Mr. BAUCUS. I understand. I do not want to cut into that time at all.

Mr. GRASSLEY. Could we discuss this maybe a little bit later, what you brought up?

Mr. BAUCUS. I am taking it off my time, not your time.

Mr. GRASSLEY. OK.

Mr. BAUCUS. Is it true the Congressional Budget Office said this bill, over 10 years, is not only deficit neutral but actually decreases the budget deficit by about \$130 billion? Is that true? Is that what the Congressional Budget Office said?

Mr. GRASSLEY. That is true. But I do not think the Senator wants to go down that road because, do not forget, there are 6 years of programs, of expenditures, and there is 10 years of revenue coming in. If you want to play

that game, you can pay down the entire national debt.

Mr. BAUCUS. Well, I do not know—to be totally fair and respectful to one of my very best friends in the Senate—to cover that point, isn't it also true the Congressional Budget Office said in the second 10 years this bill will reduce the budget by one-quarter percent of GDP? Isn't that also true, according to the Congressional Budget Office?

Mr. GRASSLEY. I cannot respond to that because I do not know that for sure. So I do not want to respond. But if you tell me, I tend to believe everything you tell me.

Mr. BAUCUS. We trust each other. We both trust each other. That is what the letter says.

Thank you.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I ask unanimous consent that my colleagues and I—the Senator from Tennessee, Mr. ALEXANDER; the Senator from Oklahoma, Mr. COBURN; Senator LEMIEUX from Florida; Senator ENZI; and Senator CRAPO—be allowed to engage in a colloquy.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, how much time do we have?

The PRESIDING OFFICER. The minority has 3 minutes 42 seconds; and then, on top of that, at 2 o'clock, the Senator from Arizona controls 17½ minutes.

Mr. MCCAIN. Thank you. I will let those minutes run together, if there is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I wish to begin our conversation with a brief comment about the American Association of Retired Persons, known as the AARP, that has now come out against this amendment, incredibly.

It is a fascinating history of that liberal Democratic group because, in 1993, when we had some savings in Medicare, the AARP said:

If we're talking about Medicare cuts alone as a way of financing health reform, we would fight that with all our strength—we've gone as far as we can go down that road.

The AARP, on \$6.4 billion Medicare cuts in 2005, said: "Strongly Opposes." They said the:

... conference agreement ... undermines the critical protections built into both the Medicaid and Medicare programs. Instead of ... shared sacrifice to achieve budgetary savings. ...

Every time there has ever been a savings in Medicare or Social Security in any way, shape, or form, the AARP has come out against it, except now when there is the most massive cut in Medicare in history and a transfer of those funds to a vast new \$2.5 trillion entitlement program. It was described as \$2.5

trillion just yesterday by the chairman of the Finance Committee.

I say shame on the AARP. I say to my friends, especially those who are under the Medicare Advantage Program, the 330,000 in my State, for whom, admittedly, they are going to cut their Medicare Advantage benefits, take your AARP card, cut it in half, and send it back. They have betrayed you.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, the chart behind me shows the cuts in Medicare that are in this bill. We have heard all sorts of arguments. I have a few rhetorical questions for my colleagues and my friend, the President of the United States.

There is no question Medicare Advantage costs too much. I have agreed to that with the chairman of the Finance Committee. But you cannot say that coordinated care does not improve the care of seniors, and that is going to be cut. You cannot say that eyeglasses and hearing aids are not going to be cut, and they do improve the care. You cannot say to seniors who cannot afford a supplemental policy, who have Medicare Advantage, they are not going to lose some of their care. They are. In fact, 2.6 million, according to the Congressional Budget Office, are going to lose that very care—not some of it, all of it. They are going to lose that advantage under this legislation. The answer to the question, will this impact seniors care, is yes. We have heard these cuts aren't going to impact anybody or the only people they are going to impact are the insurance companies. Well, I am all for impacting the insurance companies, but I don't want to impact patients negatively.

So we have cuts to Medicare, including hospitals, of \$134.7 billion; hospices, \$7.7 billion; nursing homes, \$14.6 billion; Medicare Advantage, \$120 billion; home health agencies, \$42.1 billion; and then you say you are not going to do anything to impact the care of seniors. My colleague from Iowa, whom I love, disputed my statement about the fact that the life expectancy is going to go down under this bill. He has never practiced medicine a day in his life. I know what goes on inside hospitals. When you cut \$130 billion out of the hospitals, the time you are going to wait for me, the time you wait after you push your call button is going to get extended and the complications from that are going to result in decreased quality of care and shortened life expectancies. There is no question about it.

So we can play the game, but the real thing Americans ought to know is almost \$500 billion of spending on Medicare patients today is going to go by the wayside to be spent on a new entitlement, on a brandnew entitlement.

The PRESIDING OFFICER (Mr. BROWN). The Senator from Idaho is recognized.

Mr. CRAPO. If the Senator from Oklahoma will respond to a question, he is a physician, and he has very well pointed out how the cuts to Medicare Advantage will reduce benefits to senior citizens. The impacts on the hospitals and home health care and the skilled nursing facilities and so forth will be reduced services. I am aware of a June 2008 report from the Medicare Payment Advisory Commission, MedPAC, which said 29 percent of Medicare beneficiaries they surveyed who were looking for a primary care physician had trouble finding one who would treat them. A similar survey in Texas showed that in that State, only 58 percent of the State's doctors would be willing to take a new Medicare patient, and only 38 percent of the primary care doctors accepted new patients.

So my question is, in addition to the reduction of benefits, in addition to the reduction of access to hospitals and skilled nursing facilities and so forth, won't these cuts and the impact on Medicare also represent a lack of ability by Medicare recipients to literally find physician care?

Mr. COBURN. There is no question, to answer my colleague from Idaho, that if it doesn't eliminate the ability, it will deny by delaying the ability. Care delayed is care denied. All you have to do is read all of the tragedies that have gone on in this country for people who have delayed care which has resulted in large complications for that individual.

Mr. ENZI. Mr. President, I wish to raise a point as the accountant around here. You have mentioned some ways to cut Medicare to pay for this. Actually there are only two ways you can pay for a government program. You have to do it through cuts or through taxes. I don't think there is anybody in America who believes you can do \$1 trillion worth of new programs and have them all paid for, unless you steal somewhere. That is what we are doing from Medicare. We say that is not going to affect Medicare. If you eliminate the DSH payments which are part of this, it is going to put some Wyoming hospitals out of business. I can assure you that if those seniors can't go to a hospital in their town, they are going to consider that a benefit cut. They are going to be upset, and they ought to be.

The same with nursing homes. If you cut back on nursing homes, the people who have to move to another town for a nursing home—because all of our towns don't have more than one nursing home—puts quite a burden not only on the patient who isn't going to get to see their family as much, but also on the family who has to travel a long way to see the patient. So I don't think

we ought to be paying for the new programs by doing this when Medicare needs an extended life.

I am always fascinated when they explain that this will extend the life of Medicare because, yes, if you cut payments to everybody, that maybe saves money and extends the life of it, if we did that. Is there anybody who thinks we are going to cut the doctors over the next 10 years by \$250 billion? No, we are not going to do that. We never have.

Mr. COBURN. Would the Senator yield for a moment?

Mr. ENZI. Yes.

Mr. COBURN. My one criticism of my colleagues in writing this bill is I think there is money we can save in Medicare. It is called waste, fraud, and abuse. A Harvard professor who studies this says there is at least \$125 billion a year in fraud. We have had several studies that say it is anywhere from \$100 billion to \$175 billion a year. There is nothing in this bill to eliminate fraud. What we are doing is we are taking care from seniors instead of taking the money from the fraudulent actors in the health care system.

Mr. ALEXANDER. Mr. President, if I may say to the Senator from Arizona, I greatly appreciate his making this amendment, because there is so much said here on the Senate floor that must be hard for many people to follow. But one thing I believe everybody agrees on is there are going to be \$465 billion in cuts to Medicare over the next 10 years, period. Everybody agrees with that. The President of the United States has said we are going to pay for this new health care bill with one-half from Medicare cuts and one-half from taxes. Everyone agrees with that.

What Senator MCCAIN's amendment is saying is two things—and Senator MCCAIN, let me see if I characterize properly your amendment, because it is a very simple amendment, as I read it. It is saying, send it back to the Finance Committee and say, bring the health care bill back without the Medicare cuts, without these cuts to hospitals, cuts to hospices, cuts to nursing homes, cuts to Medicare Advantage, and cuts to home health agencies.

Second, if we are going to take money from grandma's Medicare, let's spend it on grandma. Let's take the savings we find in Medicare and absolutely make sure we spend it on Medicare, which the trustees have said is likely to go broke between 2015 and 2017.

Did I correctly characterize the Senator's amendment?

Mr. MCCAIN. Absolutely.

Mr. ALEXANDER. And does the Senator recall a few years ago when the Republicans suggested saving \$10 billion over 5 years in Medicare, the majority leader said that was immoral, and that other Democratic Senators thought it was awful? If \$10 billion in

savings to try to make Medicare stronger is immoral, what is spending nearly  $\frac{1}{2}$  trillion on a new program called?

Mr. LEMIEUX. I wonder if I could ask a question.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. LEMIEUX. I have a question for my colleague from Tennessee. I am new here. This is all new to me. I thought the goal was to reduce health care costs while trying to provide health care for more Americans. We are taking money out of health care for seniors to create a new entitlement program. We are taking money out of nursing homes, home health care, hospitals, and a program called Medicare Advantage that people in my State I know enjoy very much. How does it make sense that we are taking money out of Medicare to start a new health care program?

Mr. ALEXANDER. Well, if I may say—and then I think maybe others could respond—if you are going to spend \$2.5 trillion a year, you have to get the money from somewhere. What the Democratic health care bill does is get it three places. One is from seniors, one is from taxes, and one is from the grandchildren of seniors; that is, debt. It comes from those three places.

What we heard earlier this week was the Congressional Budget Office saying the total effect of that \$2.5 trillion is that for most Americans, premiums would continue to go up as they already are, and that for people who go into the individual market they will go up even more—they will go up even more—except there will be some subsidies for a little over half of those people, and where is the subsidy money coming from? It is coming from Medicare. So that is the answer to the question.

Mr. LEMIEUX. It would seem to me—and again, I am new to this process—that 100 Senators would vote for Senator MCCAIN's proposal because everyone in this Chamber believes we should strengthen Medicare. Who could be for taking money out of Medicare if we don't need to? These are two separate issues. Shouldn't every Senator in this Chamber say let's send this back to the Finance Committee so those cuts can be restored and we can start over and take a step-by-step approach? That only seems fair to me.

Perhaps my colleague from Oklahoma could comment on that.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. I thank the Chair.

We are in trouble in Medicare in this Nation. Everybody knows it. We have made promises. The unfunded liability on Medicare is \$79 trillion. For us to take  $\frac{1}{2}$  trillion, no matter what the Enron accounting says afterward, the fact is we are going to reduce that; we are going to make that worse. We may

not make it worse next year or the year after, but we are going to make it worse. It is going to be worse for seniors, but it is also, as the Senator from Tennessee said, going to be extremely worse for the seniors' kids and grandkids. Not only have we done that, we have raised the taxes in Medicare on a certain group of people and we are going to take that money and not put it in Medicare; we are going to take that money, a Medicare tax, and create a new entitlement.

So the Senator from Florida is absolutely right. If you vote against the McCain motion you are saying you want to cut  $\frac{1}{2}$  trillion out of Medicare and that it will have no effect whatsoever on the care.

I remind the Senator from Florida, there are 1 million people on Medicare Advantage in the State of Florida, 1 million people who are going to lose benefits under this bill. One million people in the State of Florida will lose benefits under this bill.

Mr. ALEXANDER. Mr. President, I would ask the Senator from Oklahoma, who is a physician himself, if one of the effects of cuts in Medicare is to make it more difficult for people who are on Medicare to see a doctor. It is like giving somebody a bus ticket and not having a bus.

I have been reading in the newspapers, for example, in the Washington Post last month, that the Mayo Clinic, which is often held up as an outstanding example of a clinic that keeps costs under control, has announced it no longer will accept Medicaid patients from Nebraska and Montana, and some Mayo clinic facilities in Arizona and in Florida are beginning to say no more Medicare patients.

Is this what the Senator from Oklahoma thinks could be happening at other hospitals and centers, even very good ones such as the Mayo Clinic where they allegedly keep costs at a reasonable level?

Mr. COBURN. I think that is entirely possible. I don't know that to be factual as of yet. What I do know is we are going to have 44 million baby boomers in the next 12 years jump into Medicare and we are cutting Medicare. We are going to have 44 million baby boomers jump into Medicare. I am one of them. We are going to cut the amount of available funds from Medicare under this bill.

Mr. ENZI. Mr. President, I wish to ask the Senator from Idaho what he thinks will happen with these Medicare cuts as they affect jobs and the economy. That is one of the biggest things on people's minds right now, jobs and the economy. We are concentrating on something here where we are going to maybe make a difference, even though CBO says it won't be much of a difference.

Mr. CRAPO. I thank the Senator from Wyoming for that question, because as we have already reviewed,

there will be major cuts in benefits to Medicare, to the Medicare Advantage Program. There are going to be major reductions in access to Medicare, in terms of access at hospitals and skilled nursing homes and facilities and home hospice and other care.

But one of the other things we haven't focused on—and it is kind of interesting that today is the big White House jobs summit—what is going to happen as a result of these Medicare cuts. In addition to the reduction of access and care and benefits to seniors, we are going to lose jobs. I have had in my office here representatives of nursing and home health care facilities from Idaho who have told me that if this bill is adopted, a number of those facilities are simply going to have to go out of business or they are going to have to dramatically reduce the services they provide, meaning that the nurses and the other caregivers who work there will no longer have jobs. That is part of the way our senior citizens will lose access because there will simply be fewer places, fewer physicians, fewer facilities that will take Medicare patients with this kind of an attitude of the Federal Government toward funding of Medicare.

In the end, what do we have? We have a massive expansion of government, \$2.5 trillion for a massive new entitlement program, along with which come these incredible government controls over the economy, as well as the creation of a new government insurance company, funded by  $\$1\frac{1}{2}$  trillion, almost, of Medicare cuts,  $\$1\frac{1}{2}$  trillion in taxes, and a massive debt, an unfunded mandate pushed on to the States.

That is one of the reasons why I think the Senator from Arizona was so wise in bringing this motion as the first step in focusing on one of the first fixes that needs to be made to this bill. Let's step back. Let's not pay for a brandnew \$2.5 trillion entitlement program on the backs of our senior citizens.

Mr. ALEXANDER. How much time is left?

The PRESIDING OFFICER. The Senator from Arizona is controlling the time, and there is 3 minutes 20 seconds remaining.

Mr. MCCAIN. Mr. President, I mentioned the AARP and their opposition to this amendment. There is an organization called 60 Plus that has millions of supporters and members. They also feel very different from the AARP. Their message is:

Soon you [the Senate] will vote on the McCain motion to commit with instructions. The motion would commit it to the Senate Committee on Finance—

*Et cetera.*

I and the 5.5 million supporters of 60 Plus urge you to support this motion. The Patient Protection and Affordable Care Act is nothing of the sort. It would cut Medicare by \$500 billion. These cuts would harm seniors who

have paid into the program and expect it to be there to help them with their health care needs. At 60 Plus, we pride ourselves on advocating for the best interests of seniors. That is a "yes" vote on this motion.

Let's pay attention to 60 Plus.

Mr. COBURN. I have a question. Does 60 Plus sell supplemental insurance policies to seniors?

Mr. MCCAIN. I don't believe so.

Mr. COBURN. But AARP does. I wonder why people want seniors off Medicare Advantage.

Mr. MCCAIN. Most people believe this would be a windfall of tens of millions of dollars for AARP if the legislation is passed as presently crafted.

Mr. ALEXANDER. How many Medicare Advantage members are there, for example, in Arizona? Is it a small program or a large program?

Mr. MCCAIN. Our figures are that 330,000 people in my State of Arizona are on Medicare Advantage. I noticed yesterday, when the distinguished chairman of the Finance Committee and the Senator from Connecticut were talking, they were disparaging the entire program, saying how it wasn't any good, talking about the cost overruns and saying it was a bad program. They have opposed it from the start.

So the message to the 330,000 Americans in Arizona who are on Medicare Advantage is that they are out to get you.

Mr. CRAPO. According to the Senator from Tennessee, it is my understanding that nationwide it is about one-quarter of all Medicare beneficiaries. About one in four Medicare beneficiaries in America will see their benefits cut. All Medicare beneficiaries will see their access cut. So these problems we are talking about are not just limited in their impact.

Mr. MCCAIN. I will respond again. There are cost problems with Medicare Advantage, but those cost problems can be fixed. Those cost problems can be brought under control. But the fact is, to do away with a program that allows them a choice in how they receive their care is, of course, again, an effort to have the government make the decisions for people, which flies in the face of everything we stand for and believe in.

Mr. ALEXANDER. I may say to the Senator from Arizona, I have heard our friends on the other side say Republicans are scaring seniors about Medicare cuts. Mr. President, it is not Republican Senators who are scaring seniors about Medicare cuts; it is the Democratic health care bill that is scaring seniors, because there are  $\$1\frac{1}{2}$  trillion of Medicare cuts that will pay for half of this program, and they are outlined on this chart, as the Senators have discussed.

The PRESIDING OFFICER. The time of the Senator from Arizona has expired. The senior Senator from Montana has 15 minutes 50 seconds.

Mr. BAUCUS. I will yield myself about 10 minutes. The Senator from Tennessee says this is going to hurt seniors. Let's ask the senior organizations what they think about that.

Let's also look at this organization called 60 Plus. What does the AARP say in the letter to Senator REID, dated December 2? It talks about this legislation:

The legislation before the Senate properly focuses on provider reimbursement reforms.

I am sorry all my colleagues have fled the Senate. I would like for them to stay and listen to this. I would like to hear their response. But they have just fled the Senate after making sound bites.

Mr. ALEXANDER. Mr. President, I am here.

Mr. BAUCUS. I will take my time. The AARP letter, dated December 2, states:

The legislation before the Senate properly focuses on provider reimbursement reforms.

Most importantly, the legislation does not reduce any guaranteed Medicare benefits.

That is AARP. All this is scare talk about "grandma." With all due respect to my friend from Tennessee, he says that. He has been using that phrase a lot. But AARP says that grandma is fine. AARP says:

Most importantly, the legislation does not reduce any guaranteed Medicare benefits.

It doesn't reduce any benefits, according to AARP. Going on:

AARP believes that savings can be found in Medicare. . . .

The savings in Medicare will extend the solvency of Medicare. I am sure my friend from Tennessee knows the actuary said this legislation extends the solvency of Medicare, helps Medicare. The benefits go on longer than the status quo. Also, it does so, according to AARP, by eliminating waste and inefficiency and aggressively rooting out fraud and abuse. The last sentence is:

We therefore urge you to oppose the McCain amendment to recommit. . . .

The AARP says this hurts seniors, the McCain motion to commit. I think the job of the AARP is to figure out what is best for seniors. That is their conclusion.

It is not just AARP's view. There is another letter. This is from the National Committee to Preserve Social Security and Medicare. They say basically this legislation doesn't cut Medicare benefits. Again, this is the National Committee to Preserve Social Security and Medicare. They say, rather, this legislation includes provisions to ensure that seniors receive high-quality care and the best value for their Medicare dollars. That is a very reputable senior organization. AARP is a very reputable senior organization. The National Committee to Preserve Social Security and Medicare is a very

reputable organization. That is what they say.

Who is this 60 Plus association I have heard referred to? Let me just tell my colleagues what 60 Plus really is. I will read this. This is from Wikipedia, and it may not be accurate. It says this about 60 Plus:

The 60 Plus Association is an American conservative advocacy group based in Arlington, Virginia, that bills itself as the conservatives' alternative to the AARP.

That makes good sense because over the years it has sought to privatize Social Security. 60 Plus, over the years, has sought to privatize Social Security. They want to end the Federal estate tax. They also want to strengthen gun rights, but that is not relevant.

According to the AARP—

And this is a bit biased—

the 60 Plus Association employed the talents of conservative direct mail mogul Richard A. Viguerie to solicit new members.

We all know who Viguerie is. 60 Plus is a very conservative organization. I don't think they are real interested in senior citizens. They have different fish to fry. Also, AARP criticized 60 Plus as being partisan because its issues and causes mirror those of only one of two major parties, the Republican Party.

A final criticism leveled by the AARP [about 60 Plus] is that because it lists no dues-paying members and [get this] receives the majority of its contributions from the pharmaceutical industry, the group is simply a front organization for the pharmaceutical industry.

I ask unanimous consent to have these letters in opposition to the McCain amendment, in support of the Bennet amendment, and the Wikipedia information printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ALLIANCE FOR RETIRED AMERICANS,  
Washington, DC, December 1, 2009.

DEAR SENATOR, The Alliance for Retired Americans, on behalf of its nearly four million members throughout the nation, opposes the motion by Senator John McCain to commit the Patient Protection and Affordable Care Act, H.R. 3590, to the Finance Committee. We urge its prompt defeat by the Senate.

The McCain motion to commit would seriously undermine important, substantive, and positive changes in the health care needs of older Americans contained in the bill, none more important than proposed Medicare improvements. In fact, the McCain motion would increase health care burdens on Medicare beneficiaries in several instances. The McCain motion would, for the first time, subject Medicare Part D prescription drug premiums to means testing, causing a rise in premiums for many older Americans. In addition, the motion to commit would halt indexing to Medicare Part B physicians services premiums, causing even more seniors to pay higher premiums, which currently can be as much as \$300 per month. Furthermore, the McCain motion would continue the wasteful Medicare Advantage overpayments that currently threaten the financial stability of the Medicare Trust Fund.

The Alliance supports provisions in the Patient Protection and Affordable Care Act that improve health care for older Americans such as allowing Medicare beneficiaries to keep their choice of doctors, lowering prescription drug costs, eliminating copayments for preventive screenings, expanding access to long-term supports and service, and providing assistance for pre-Medicare eligible early retirees. All of these improvements will not be possible should the McCain motion pass.

The legislation does not cut Medicare benefits. With the expected rising costs of Medicare, the legislation slows the rate of the program's growth without reducing benefits. The McCain motion would actually undercut fiscally responsible attempts to meet the challenges of providing health care for older Americans.

The Alliance for Retired Americans is committed to enacting legislation that improves the quality of life for retirees and all Americans. Defeat of the McCain motion to commit the Patient Protection and Affordable Care Act to the Finance Committee will directly benefit our members and more than forty million older Americans. If we can be of assistance, please contact Richard Fiesta, Director of Government and Political Affairs, at the Alliance.

Sincerely yours,

BARBARA J. EASTERLING,  
President.  
RUBEN BURKS,  
Secretary-Treasurer.  
EDWARD F. COYLE,  
Executive Director.

AARP,

Washington, DC, December 2, 2009.

Hon. HARRY REID,  
Majority Leader, U.S. Senate,  
Washington, DC.

DEAR LEADER REID: AARP supports moving forward on health care reform, and we remain committed to enacting legislation this year that protects and strengthens Medicare, improves the delivery of health care and provides affordable insurance for all. Accordingly, we oppose the amendment offered by Senator McCain to recommit H.R. 3590 to the Senate Finance Committee.

As we have said from the outset, AARP supports a balance of revenues and savings with shared responsibility from individuals, employers and the government. With respect to Medicare, AARP supports policies to eliminate waste, fraud and abuse—and to improve the quality, value and sustainability of the program for current and future beneficiaries. The legislation before the Senate properly focuses on provider reimbursement reforms to achieve these important policy objectives. Most importantly, the legislation does not reduce any guaranteed Medicare benefits.

AARP believes that savings can be found in Medicare through smart, targeted changes aimed at improving health care delivery, eliminating waste and inefficiency, and aggressively weeding out fraud and abuse. Such changes will help strengthen Medicare's long-term financing without increasing costs for beneficiaries that make health care less affordable. Medicare provides critical health security to older Americans, and it is important that Medicare continue to deliver high quality care. As health care costs, including Medicare costs, continue to skyrocket, it is essential that we make changes to improve health care delivery, improve Medicare's financing, and ensure maximum value for our Medicare dollars. We believe that Medicare

changes in this bill begin to move us down this path, without reducing guaranteed Medicare benefits.

With these savings, the legislation before the Senate takes important steps to improve access to preventive services for Medicare beneficiaries. However, more should be done to strengthen Medicare—including closing the Medicare Part D coverage gap, or "doughnut hole," as pledged by the President.

We therefore urge you to oppose the McCain amendment to recommit, and we remain firmly committed to working with you to strengthen Medicare and enact comprehensive health care reform this year that improves access and affordability of health care for all.

Sincerely,

ADDISON BARRY RAND.

NATIONAL COMMITTEE TO PRESERVE  
SOCIAL SECURITY AND MEDICARE,  
Washington, DC, December 3, 2009.

U.S. Senate,  
Washington, DC.

DEAR SENATOR: On behalf of the National Committee to Preserve Social Security and Medicare's millions of members and supporters, I am pleased to endorse the amendment of Senator Michael Bennet of Colorado which clarifies that H.R. 3590, the Patient Protection and Affordable Care Act, would improve the Medicare program as part of health care reform.

Senator Bennet's amendment puts into law two of the most important criteria the National Committee has been using when analyzing health care reform proposals. First, it states explicitly that the legislation would not reduce any of Medicare's guaranteed benefits. Second, it ensures that savings from Medicare would be used to improve Medicare. Improvements in H.R. 3590 include extending the solvency of the Medicare trust funds by five years, reducing the amount of future increases in premiums, eliminating cost-sharing for preventive benefits, making prescription drugs more affordable, and ensuring access to Medicare providers.

Protecting Medicare and Social Security has been the National Committee's key mission since our founding 27 years ago and remains our top priority today. Our members are no different than seniors all over this country who are nervous about rising out-of-pocket health care costs and are concerned about the Medicare savings in health care reform legislation. This is a legitimate concern, but it is important to put these savings in perspective. The federal government will spend almost \$9 trillion on Medicare in the next decade. The proposed savings of nearly \$500 billion mean that the growth in spending will be reduced by about two percent over the next 10 years by eliminating wasteful spending and outright fraud.

The H.R. 3590, the Patient Protection and Affordable Care Act, includes savings that are designed to protect Medicare beneficiaries and improve the Medicare program. Senator Bennet's amendment expressly prohibits any reductions in guaranteed Medicare benefits and makes sure all savings are reinvested back into Medicare. I urge you to support the Bennet amendment which is important to Medicare beneficiaries and the solvency of the Medicare program.

Cordially,

BARBARA B. KENNELLY,  
President & CEO.



NATIONAL COMMITTEE TO PRESERVE  
SOCIAL SECURITY AND MEDICARE,  
Washington, DC, December 1, 2009.  
U.S. Senate,  
Washington, DC.

DEAR SENATOR: On behalf of the millions of members and supporters of the National Committee to Preserve Social Security and Medicare, I am writing to express our opposition to the amendment offered by Senator McCain which would recommit H.R. 3590, the Patient Protection and Affordable Care Act, to the Senate Finance Committee with instructions to remove important Medicare provisions.

Much of the rhetoric from opponents of health care reform is intended to frighten our nation's seniors by persuading them that Medicare will be cut and their benefits reduced so that they too will oppose this legislation. The fact is that H.R. 3590, the Patient Protection and Affordable Care Act, does not cut Medicare benefits; rather it includes provisions to ensure that seniors receive high-quality care and the best value for our Medicare dollars. This legislation makes important improvements to Medicare which are intended to manage costs by improving the delivery of care and to eliminate wasteful spending.

The National Committee opposes any cuts to Medicare benefits. Protecting the Medicare program, along with Social Security, has been our key mission since our funding 25 years ago and remains our top priority today. In fact, these programs are critical lifelines to today's retirees, and we believe they will be even more important to future generations. But we also know that the cost of paying for seniors' health care keeps rising, even with Medicare paying a large portion of the bill. That is why we at the National Committee support savings in the Medicare program that will help lower costs. Wrangling out fraud, waste and inefficiency in Medicare is critical for both the federal government and for every Medicare beneficiary.

The Senate bill attempts to slow the rate of growth in Medicare spending by two to three percent, or not quite \$500 billion, over the next 10 years. However, it is important to remember that the program will continue growing during this time. Medicare will be spending increasing amounts of money—and providers will be receiving increased reimbursements—on a per capita basis every one of those years, for a total of almost \$9 trillion over the entire decade. Even with the savings in the Senate bill, we will still be spending more money per beneficiary on Medicare in the coming decades, though not quite as much as we would be spending if the bill fails to pass.

America's seniors have a major stake in the health care reform debate as the skyrocketing costs of health care are especially challenging for those on fixed incomes. Not a single penny of the savings in the Senate bill will come out of the pockets of beneficiaries in the traditional Medicare program. The Medicare savings included in H.R. 3590, the Patient Protection and Affordable Care Act, will positively impact millions of Medicare beneficiaries by slowing the rate of increase in out-of-pocket costs and improving benefits; and it will extend the solvency of the Medicare Trust Fund by five years. To us, this is a win-win for seniors and the Medicare program.

The National Committees urges you to oppose the motion to recommit the bill to the Finance Committee with instructions to

strike important Medicare provisions from health care reform legislation.

Cordially,

BARBARA B. KENNELLY,  
President & CEO.

#### 60 PLUS ASSOCIATION

[From Wikipedia]

The 60 Plus Association is an American conservative advocacy group based in Arlington, Virginia, that bills itself as the conservatives' alternative to the AARP, (formerly the American Association of Retired Persons). Over the years, it has sought to privatize Social Security, end the federal estate tax, and strengthen gun rights. Current issues include opposing health care reform proposals; opposing federal energy standards; opposing the General Motors bailout; and opposing tax increases on those earning more than \$250,000 per year. 60 Plus is a member of the Cooler Heads Coalition, an climate change denial organization.

According to the AARP, the 60 Plus Association employed the talents of conservative direct mail mogul Richard A. Viguerie, to solicit new members. The AARP has also criticized the 60 Plus Association as being partisan because its issues and causes mirror those of only one of the two major United States parties, the Republicans. A final criticism leveled by the AARP is that because it lists no dues-paying members and receives the majority of its contributions from the pharmaceutical industry, the group is simply a front organization for the pharmaceutical industry.

The organization's website provides positive reviews of its work by conservative politicians and commentators, including:

"The 60 Plus Association has helped provide the organization and momentum needed for repeal of the federal estate or death tax. I commend the Association for its efforts to abolish this unfair and burdensome tax."—Rep. Ralph M. Hall (R-TX)

"Small business leaders recognize how counter-productive this tax really is. That's why they endorsed repeal of the death tax and why my bill is supported by the 60 Plus Association."—Senator Jon Kyl (R-AZ)

"Jim Martin (who, by the way, gave George W. [Bush] his first political job) is the head of Washington, DC-based, The 60 Plus Association and one of the country's most vocal defenders of the tax rights of seniors."—Mona Lipschitz, News Editor "Talkers Magazine" "Sources" Column March 2001.

#### LEADERSHIP

60 Plus is led by its President James L. Martin, a 73-year-old veteran of the U.S. Marines. Martin has previously led several conservative advocacy groups, and also was chief of staff for six years for former Republican congressman and senator, the late Edward Gurney of Florida. Martin also served as a member of President George W. Bush's health and human services transition team.

#### FUNDING

In 2001, 60 Plus received a total of \$275,000 from the Pharmaceutical Research and Manufacturers of America, the group Citizens for Better Medicare, itself largely supported by the pharmaceutical industry, and three drug companies (Merck, Pfizer and Wyeth-Ayerst) plus another \$300,000 from Hanwha International Corp., the U.S. subsidiary of a Korean conglomerate with chemical and pharmaceutical interests—amounts that made up about 29 percent of its revenue. "We're not a front for anybody," James L. Martin, the chairman of 60 Plus, told the AARP Bulletin.

"I get money from lots of sources. I've received money from the pharmaceuticals—I wish it was more." 60 Plus does not provide any explanation of its funding on its website.

In 2003, President Jim Martin told the British Medical Journal that 60 Plus had 225,000 members, whom he would not disclose for privacy purposes. However, according to the organization's IRS Form 990, 91 percent of its \$11 million in 2002 revenue came from one undisclosed source. The Public Citizen watchdog group suspects that the pharmaceutical industry was that source. According to the Washington Post, in 2002, 60 Plus received an unrestricted educational grant (which can be used as most needed) from the Pharmaceutical Research and Manufacturers of America. As recently as 2001, 60 Plus has not reported any member dues as revenue on its past tax returns, reported the AARP Bulletin.

60 Plus also earns income from sponsoring life insurance and health screening for its members.

#### HEALTH CARE REFORM

On August 7, 2009, 60 Plus released a TV ad to be aired on cable networks to inform viewers about the proposed U.S. health care reform legislation. Media Matters for America watchdog group found that the ad was largely false and used "scare tactics" to discourage voters from backing reform. To publicize the ad's launch, 60 Plus issued a press release titled "Massive Medicare Cuts Await Elderly Says New Ad From Seniors Group" that read in part, "... The healthcare proposal touted by the Obama Administration means massive Medicare cuts in order to pay for healthcare 'reform'." 60 Plus provided no evidence of these supposed "massive Medicare cuts."

Mr. BAUCUS. Mr. President, I think it is pretty clear that the main organizations that care about seniors support this bill. Another organization—60 Plus—I don't know what they think. I guess they oppose it because they want to privatize Social Security, and they get most of the money from the pharmaceutical industry. I don't think they care about senior citizens, frankly, and certainly not as much as these other organizations.

I think it is also important to point out that this legislation is deficit neutral over not just the first 10 years but over the next 10 years. It is more than deficit neutral. This legislation generates a \$130 billion surplus the first 10 years and, as we all know, reduces the budget by a quarter of GDP over the next 10 years. So this is not irresponsible; it is very fiscally responsible. It is strongly supported by the senior organizations that care for seniors. I might say, too, it is not raiding Medicare at all. It is strengthening the Medicare trust fund and it extends the solvency of the trust fund.

Therefore, I think, clearly, as AARP says, we should oppose the McCain amendment, which hurts Social Security beneficiaries, does not help them.

I yield such time as the Senator from Illinois needs.

The PRESIDING OFFICER. The Senator from Montana has 9 minutes 20 seconds, and the other side's time has expired.



Mr. DURBIN. Mr. President, I ask to be recognized for 5 minutes. If the chair would advise me when I have used that time.

I found it interesting, as I am sure the Senator from Montana has, to listen to all of the Republican Senators who have come to the floor to defend Medicare. I am sure the Senator from Montana has the same memory I do—that when it was created, it was created by the Democratic side of the aisle, with the general opposition of the Republican side of the aisle. They said it was socialized medicine, too much government, and it would fail. Now they are coming riding to the rescue of Medicare. We have a right to be skeptical about the arguments they are making.

Imagining these Republican Senators defending Medicare is trying to imagine a fish riding a bicycle. I cannot put it in my mind. But they are doing it. The Senator who sponsored this motion to commit, Senator MCCAIN, just a year ago, in the course of his Presidential campaign, called for eliminating \$1.3 trillion in spending from Medicare and Medicaid. Now he comes to the floor and says this bill, which would reduce costs in Medicare by less than half of that amount over a 10-year period of time is irresponsible and the death knell of Medicare.

What is the real story? The real story is the Republican side of the aisle is defending the private health insurance companies—companies making generous profits from Medicare Advantage. This is a program offered by private health insurance companies to replace government-run Medicare. It turned out, in many instances, to have failed miserably. It costs more money because these private health insurance companies are taking profits out of the Medicare Advantage Program. So they have pleaded with the other side of the aisle to come to their rescue. They have sent in their best troops on the other side of the aisle, headed by the senior Senator from Arizona, who has said the first thing I will do is to protect these private health insurance companies and their rights to overcharge seniors in Medicare for Medicare Advantage.

He talks about the people now receiving Medicare Advantage, who may be disadvantaged and see a different policy in the future. What the Senator from Arizona and others don't dwell on is that everybody under Medicare today pays \$90 a year more into Medicare to subsidize the private health insurance companies that offer Medicare Advantage. This is a tax—a tax—which the Senator from Arizona is trying to preserve. It is a tax on Medicare recipients.

The Senator from Arizona was right a year ago. We can take an honest look at Medicare and Medicaid and take money out of the system without disadvantage to the people involved.

I want to say to the Senator from Arizona and others that once we have dispatched his motion to commit, he will have a chance to vote for Senator MICHAEL BENNET's amendment. It could not be clearer. It has two parts. It says—repeating what this bill says, it says unequivocally:

No provision in this Senate bill can reduce any Medicare benefit guaranteed by statute.

Next paragraph:

Savings in Medicare from the bill will go to extend the life of the Medicare trust fund, lower part B premiums, or cost sharing, expands benefits, improves access to providers.

We know, and the seniors across America know, that left unattended and uncared for, Medicare may go broke in just a matter of 7 or 8 years. This bill before us will extend the life of Medicare for at least 5 years. It will put Medicare on sound footing which every senior and their families want to have. That is why AARP, the largest organization of senior citizens across America, has urged Members of the Senate in both parties to oppose the McCain motion to commit. That is why I stand today with the Senator who is chairman of the Finance Committee and say to my Republican friends, with their newfound love affair with Medicare, that they should reject the 60 Plus organization, this “wise counsel” they turned to that came up with the idea of privatizing Social Security.

How would you like to have had all your Social Security money in the stock market over the last 2 years? Boy, there is a great idea. Stick with this 60 Plus group if you like the notion of privatizing Social Security. Stick with AARP if you want Medicare to be strong, on sound financial footing.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I think it is appropriate to remind people of some of the provisions that are in this bill.

To repeat, because some people have listened to some of this debate and some have not and some might be tuning in right now, the fact is, without reform, without this legislation, Medicare is expected to go broke in the next 8 years. That is according to the Medicare trustees report. With this legislation, that is extended for at least 5 more years. That protects seniors. This legislation protects seniors. Without reform, that is, without this bill, costs will rise and seniors will be forced to bear more and more of the burden out of their own pockets. This legislation adds benefits for seniors. It does not take it away, as the other side implies.

Without reform, seniors will struggle to afford prescriptions in the doughnut hole. I remind my colleagues that this legislation will cut the cost of brand-name prescription drugs in half for sen-

iors during that gap, the so-called doughnut hole.

It will also help provide more benefits in terms of annual wellness visits. When seniors go to the doctor for a colonoscopy, mammography, or other preventive screenings, they will not have copays, as is currently the case today. That is an added benefit this legislation provides for seniors.

Also, this legislation helps seniors who are eligible for both Medicare and Medicaid with access to home, community-based alternatives. A lot of our seniors would like that additional benefit. That is all in this legislation.

This legislation provides more benefits for seniors, not fewer. This legislation protects seniors; it does not harm them. This legislation extends the solvency of the trust fund rather than not.

I might also say—and I think the Senator from Illinois made a very good point—currently, seniors who are paying a Part B premium are really paying a \$90 tax per year for those persons who are in Medicare Advantage. We know Medicare Advantage is overpaid. The Senator from Oklahoma, Mr. COBURN, agreed with me when I asked him just yesterday if Medicare Advantage was overpaid. He said, yes, it is overpaid by a very large margin. This legislation can adjust that overpayment.

I might also say, too, that the groups I mentioned support this legislation. But the main point I want to make is this: There are so many fundamental provisions in this legislation that really have not come out much in debate, a little esoteric but under the heading of “delivery system reform.” We must begin to change the way we reimburse doctors and hospitals so we are focusing much more on quality of care rather than quantity of care. Some of that is already happening in America without legislation. Basically, it is the nature of integrated systems. We all talked about them. I know Senators on the other side of the aisle also agree with this new trend where hospitals, doctors, nursing homes, and other groups get together and they coordinate their care. Their care is much more patient focused. We have to move much more in that direction.

This will go a long way once it starts kicking in—it is going to take maybe 3 or 4 years to finally have an effect—toward eliminating the waste in our current system. Estimates are we have between \$200 billion to \$300 billion to \$800 billion annually in waste in the American health care system. That is the reason health care costs are so high for family, businesses, governments, whatnot. We have to begin to get that under control, and this legislation does that.

If we do not pass this legislation, we will be postponing the day when we have to begin to get some of these excessive costs under control, and then the problem will be much more difficult. An ounce of prevention is worth

a pound of cure in medicine. It is also true in legislation. Clearly, now is the time to exercise a little ounce of prevention by starting to curb excessive costs, and this bill does that.

Mrs. LINCOLN. Mr. President, with a mother who is covered by Medicare, I remain committed to protecting seniors' access to Medicare, just as I have throughout my public service, which is exactly why I am opposed to the McCain motion to commit. Mr. MCCAIN's purpose is not to protect Medicare but to frighten our Nation's seniors so that they too will oppose health care reform. I have noted that he has taken his scare tactics to a new level by recording his voice for an automated phone call into my State claiming to seniors that these Medicare savings are going to cut their benefits. He urges them to call me. I believe the seniors in my State know me better than that. They know that I have worked my entire career in this body to protect Medicare.

I have cosponsored the Bennet amendment as an extra safeguard to ensure our seniors that this bill does not cut the guaranteed Medicare benefits that they receive today and that any savings generated from making the Medicare Program more efficient will go back into improvements to the program.

If we do nothing, the Medicare Program will be broke in just 8 years. This bill restores the program's solvency beyond 2022. It will reduce premiums and copays for seniors; ensure seniors can keep their own doctors; cut the billions of dollars of waste, fraud, and abuse that occur annually; provide new prevention and wellness benefits for seniors; lower their prescription drug costs; and help them to stay in their own homes rather than going to nursing homes if that is what they wish to do.

So what about the \$500 billion in Medicare cuts Republicans say seniors should be worried about? Well, what they are not saying is that part of the reason Medicare is insolvent is the fact that private insurers under the Medicare Advantage Program are overpaid by 14 percent on average. A typical couple pays \$90 more per year in Part B premiums to pay for Medicare Advantage overpayments, even if they are not enrolled in these plans. This bill curbs those overpayments, saving over \$118 billion, by for the first time requiring competitive bidding of Medicare Advantage plans against one another. Furthermore, Medicare and Medicaid subsidies to hospitals that help them cover the cost of the uninsured will be reduced since hospitals will have less need for them once millions more Americans have health insurance. That is another \$43 billion. Provision after provision is specifically designed to ensure greater value in Medicare, all while the Republicans are using fear tactics to score political points.

I have heard from many seniors in Arkansas, recently, and over the years, about their satisfaction with Medicare. It is not a perfect program, and as a Senator it is my job to ensure that Congress continue to improve upon the program as needed so that it can continue to meet the needs of our Nation's seniors. Rightly so, seniors in my State are concerned about the misinformation spreading that we will cut their benefits and allow bureaucrats to ration their care. Organizations such as AARP, the Alliance for Retired Americans, and the National Committee to Preserve Social Security and Medicare have stood up to say enough with the misinformation campaign. Today I add my voice to that chorus.

Mr. FEINGOLD. Mr. President, I opposed Senator MCCAIN's attempt to send the bill back to committee because it would have effectively ended the current debate on health care reform. Moreover, while I have concerns about some of the offsets in the bill—such as cuts to hospice and home health care—it would be fiscally irresponsible to throw out provisions that cut down on wasteful spending and reward quality, as the McCain motion would have done. Those provisions are key to helping to put Medicare on the path to long-term fiscal sustainability.

The PRESIDING OFFICER. The Senator's time has expired. The next 10 minutes is evenly divided between the Senator from Colorado and the Senator from Arizona.

Mr. MCCAIN. Mr. President, I yield 2 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The senior Senator from Iowa is recognized for 2 minutes.

Mr. GRASSLEY. Mr. President, as I stated earlier, the Bennet amendment, as written, does not protect Medicare. So I have a modification I would like to present that ensures Medicare savings in this bill are not being siphoned off to finance a new and separate entitlement program.

To that end, I ask unanimous consent to modify the amendment by adding the following before the period at the end of subsection (b):

... and furthermore that, notwithstanding any other provision of this Act or amendment made by this Act, net Medicare savings specified in the most recent estimate available from the Director of the Congressional Budget Office before enactment are appropriated to the Secretary and shall be used for such purposes and to maintain Medicare policies for home health services, skilled nursing facility services, hospice care, hospital services, and benefits provided by the Medicare Advantage program, as under the provisions of such Title as specified on the day before the date of enactment of this Act.

End of my amendment.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Reserving the right to object, under current law, if less is

spent for Medicare providers, the benefits inure to the Medicare trust fund beneficiaries.

Although I have the greatest respect for the Senator from Iowa, this is a stunt, and I object.

The PRESIDING OFFICER. Objection is heard.

Mr. GRASSLEY. Then if I may?

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I would like to make very clear that this objection confirms that the Bennet amendment does not protect Medicare as the other side claims that it protects Medicare.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, this motion sends the legislation back to the Finance Committee for a short period of time with instructions to report back with cost offsets other than Medicare cuts. The motion says we should retain the provisions in the legislation addressing fraud and abuse and retain those savings to strengthen the Medicare trust fund. Instead of cutting over \$450 billion from Medicare providers and beneficiaries, the committee should do what it should have done in the first place—protect seniors' benefits and access to providers. It is much needed.

Mr. President, I say to my friends, let's save seniors who have paid into the Medicare Program their whole lives from these damaging cuts. I hope my colleagues will vote in favor of this motion. Let's use Medicare savings to save Medicare, not to fund a whole new \$2.5 trillion entitlement program. I urge a vote in favor of the motion.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 5 minutes.

Mr. BENNET. Mr. President, I wish to sum up the debate over Medicare in the Senate health bill and on the motion and amendment before us.

Only in Washington, DC, could an effort to extend the life of Medicare somehow be distorted as being bad for seniors. We know from the Congressional Budget Office, a nonpartisan organization that supports both sides of the aisle, that this Senate bill does not take away any seniors' guaranteed Medicare benefits. It extends Medicare solvency for 5 additional years. My amendment simply confirms these two facts.

I am the first person who would insist we have an open process for this debate. I think there are ideas on each side of this debate on this bill that are worth considering and should be considered. But it is why I find it so confounding that opponents of my amendment want to send the entire bill back

to committee so debate stops. How can we return home to the people of our States and admit to them we just gave up and sent health care back to the committee for another round?

The people who do not want change are the people who are content to leave it the same and do not have a theory about how to extend Medicare. They would have seniors believe the bill is bad for seniors. Yet AARP, the Alliance for Retired Americans, the Center for Medicare Rights, and the National Committee to Preserve Social Security and Medicare beg to differ. They disagree. They agree with this amendment and with the underlying bill. Senior advocacy organizations, grassroots organizations with their ears to the ground hearing the voices and concerns of seniors, support health care reform, and they agree that with my amendment, this bill strengthens Medicare and preserves seniors' benefits.

With the Senate bill finally reaching the floor, seniors are looking for simple clarity on how health care reform can help their lives. Nothing in this bill will cut guaranteed Medicare benefits, and this bill will extend Medicare solvency for 5 additional years. It actually makes the system work better instead of cutting or adding to a program. It actually changes the way Medicare works so it will be stronger and more stable.

People may disagree with the prescription, but as a general matter everybody knows the status quo is unsustainable, and this bill helps seniors. It eliminates the copay seniors have to pay for preventive care. We know preventive care saves lives and it saves money.

As we close debate on my amendment and the alternative motion to commit the bill to committee, I urge all the Members of this body to consider the consequences of inaction. My amendment affirms what the current Senate bill does to help seniors and strengthen Medicare. We all know even more can be done, so let's continue this debate and reject the motion to commit the bill back to the Senate committee.

I urge every Member of this body to support my amendment. Please vote yes on the Bennet amendment and protect our seniors.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BAUCUS. How much time remains?

The PRESIDING OFFICER. The Senator from Montana has 1 minute 50 seconds.

Mr. BAUCUS. The Senator from Arizona has yielded back his time. We might as well yield back our time, and we can vote.

The PRESIDING OFFICER. The Senator from Arizona yielded back his time. The Senator from Montana yields back his time. All time is yielded back.

The question is on agreeing to amendment No. 2826.

Mr. MCCAIN. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. MCCAIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 357 Leg.]

YEAS — 100

Akaka	Enzi	Menendez
Alexander	Feingold	Merkley
Barrasso	Feinstein	Mikulski
Baucus	Franken	Murkowski
Bayh	Gillibrand	Murray
Begich	Graham	Nelson (NE)
Bennet	Grassley	Nelson (FL)
Bennett	Gregg	Pryor
Bingaman	Hagan	Reed
Bond	Harkin	Reid
Boxer	Hatch	Risch
Brown	Hutchison	Roberts
Brownback	Inhofe	Rockefeller
Bunning	Inouye	Sanders
Burr	Isakson	Schumer
Burr	Johanns	Sessions
Byrd	Johnson	Shaheen
Cantwell	Kaufman	Shelby
Cardin	Kerry	Snowe
Carper	Kirk	Specter
Casey	Klobuchar	Stabenow
Chambliss	Kohl	Tester
Coburn	Kyl	Thune
Cochran	Landrieu	Udall (CO)
Collins	Lautenberg	Udall (NM)
Conrad	Leahy	Vitter
Corker	LeMieux	Voinovich
Cornyn	Levin	Warner
Crapo	Lieberman	Webb
DeMint	Lincoln	Whitehouse
Dodd	Lugar	Wicker
Dorgan	McCain	Wyden
Durbin	McCaskill	
Ensign	McConnell	

The PRESIDING OFFICER (Mr. KIRK). On this vote, the yeas are 100, the nays are 0. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment (No. 2826) is agreed to.

Mr. DURBIN. Mr. President, I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MOTION TO COMMIT

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided on the motion to commit offered by the Senator from Arizona.

The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I ask my colleague if he wishes to go first? Whatever he wants to do. It is his motion.

Mr. MCCAIN. Please go ahead.

Mr. BAUCUS. Mr. President, the McCain motion is next. Unless we act today and pass health care reform, the Medicare trust fund runs out of money in 2017. There are two ways to keep Medicare solvent: find efficiencies so Medicare spends less or increase reve-

nues going into the trust fund—two ideas. Our bill would make Medicare Advantage more efficient. We would introduce competitive bidding—

Mr. BYRD. Mr. President, may we have order? We have a Senator speaking here. May we have order?

I thank the Chair.

Mr. BAUCUS. I thank the Senator from West Virginia.

We extend the trust fund for 5 more years. That is in this bill. Yes, Medicare Advantage plans would not be overpaid as much, but those plans could pay for greater efficiency by cutting their profits or cutting their executives' pay. They could do that. Nothing says they have to go after beneficiaries.

Our bill does nothing to reduce the guaranteed Medicare benefits. To the contrary, our bill would improve Medicare benefits. It would help seniors on the prescription drug doughnut hole and add new preventive benefits such as annual wellness visits. The bill would help ensure doctors would be available to treat Medicare patients. We would prevent the 21-percent cut in doctor payments under current law. For all those reasons, the American Association of Retired Persons supports reform and opposes the McCain motion.

I urge my colleagues to support reform and oppose the motion to commit.

Mr. MCCAIN. Mr. President, this motion proposes to send the legislation back to the Finance Committee to remove the nearly  $\frac{1}{2}$  trillion in cuts that will severely impact all seniors who are eligible for Medicare. As the Senator from Montana mentioned, the system is going to go broke in 7 years. So what does this legislation contemplate? That we take  $\frac{1}{2}$  trillion out of their savings and use it to fund a \$2.5 trillion new entitlement program. What does that do for the Medicare trust fund? Nothing.

I urge my colleagues to vote in favor of this motion and send it back to the Finance Committee. Do the right thing for the seniors of this country.

Mr. BOND. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 42, nays 58, as follows:

[Rollcall Vote No. 358 Leg.]

YEAS—42

Alexander	Cochran	Grassley
Barrasso	Collins	Gregg
Bennet	Corker	Hatch
Bond	Cornyn	Hutchison
Brownback	Crapo	Inhofe
Bunning	DeMint	Isakson
Burr	Ensign	Johanns
Chambliss	Enzi	Kyl
Coburn	Graham	LeMieux

Lugar  
McCain  
McConnell  
Murkowski  
Nelson (NE)

Risch  
Roberts  
Sessions  
Shelby  
Snowe

Thune  
Vitter  
Voinovich  
Webb  
Wicker

# NAYS—58

Akaka  
Baucus  
Bayh  
Begich  
Bennet  
Bingaman  
Boxer  
Brown  
Burris  
Byrd  
Cantwell  
Cardin  
Carper  
Casey  
Conrad  
Dodd  
Dorgan  
Durbin  
Feingold  
Feinstein

Franken  
Gillibrand  
Hagan  
Harkin  
Inouye  
Johnson  
Kaufman  
Kerry  
Kirk  
Klobuchar  
Kohl  
Landrieu  
Lautenberg  
Leahy  
Levin  
Lieberman  
Lincoln  
McCaskey  
Menendez  
Merkley

Mikulski  
Murray  
Nelson (FL)  
Pryor  
Reed  
Reid  
Rockefeller  
Sanders  
Schumer  
Shaheen  
Specter  
Stabenow  
Tester  
Udall (CO)  
Udall (NM)  
Warner  
Whitehouse  
Wyden

The PRESIDING OFFICER. On this vote, the yeas are 42, the nays are 58. Under the previous order requiring 60 votes for the adoption of this motion, the motion is withdrawn.

Mr. BAUCUS. Mr. President, I move to reconsider the vote.

Mr. HARKIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I ask unanimous consent that the Senate be in a period of debate only between now and 4:30. It is my understanding there has been an agreement that at 4:30 we will all go to the classified room in the Visitor Center to listen to what the administration has to say about Iraq and Afghanistan. I haven't had a chance to clear this with the Republican leader, but for the next hour we will remain in a period of debate only and come back and offer the amendment after we finish with the classified briefing.

We have not yet had agreement to recess at 4:30. I ask unanimous consent that we recess from 4:30 until 5:30 for a classified briefing.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Idaho.

Mr. CRAPO. Mr. President, I wish to continue discussing the health care legislation we just voted on. We had a series of votes dealing with the Medicare issue. I wish to start my remarks by turning to the Senator from Mississippi, Mr. WICKER, and ask him if he has comments he wishes to make.

Mr. WICKER. Mr. President, I appreciate the Senator yielding to me. I think it is important for us all to understand where we are now. We have had a debate about the Medicare issue. The Senate had an opportunity, with the McCain amendment, to protect Medicare from the almost one-half trillion dollars in cuts the Reid bill proposes to do to Medicare. We said no to that opportunity and instead passed the amendment offered by Senator

BENNET of Colorado which in sum total does absolutely nothing. What we have done now with the Bennet amendment is say that along with apple pie and motherhood, we also love Medicare, and we want everybody to know that. But the substantive effect of what we have now done is nothing.

I have this challenge to the managers of the bill on the other side and to the Democratic leadership: Now that Bennet has passed and McCain has been defeated, I challenge them to take this bill, send it back to CBO and CMS and have the independent analysts there look at it again. They will be duty bound to come back with the facts. The facts will be that the almost one-half trillion dollars cut in Medicare is still there.

Now that the McCain motion to commit has been defeated, and the sham of the Bennet amendment has been passed, there are still the same cuts to hospitals, there are still the same cuts to Medicare Advantage and to all the senior citizens who depend on that and who were told during the campaign their coverage would not be taken away from them if they liked it. The cuts to nursing homes are there. The cuts to home health are there. And the cuts to hospice are still there.

Send the bill back to CBO. We can continue debating it. We will not have to miss out on one bit of rhetoric that we have already had. But ask the independent analysts: Are the Medicare cuts still there? They will be duty bound to come back to us and say: Yes, the same cuts that were there before are current in the bill now.

We have accomplished absolutely nothing today to protect Medicare.

I thank the Senator for yielding.

Mr. CRAPO. Mr. President, I thank the Senator from Mississippi.

Mr. President, I ask unanimous consent that several of my colleagues and I may engage in a colloquy during the time we have.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAPO. Thank you, Mr. President.

I wish to follow up on the comments of Senator WICKER from Mississippi because it is very critical that the American public understand what has happened in the Senate.

When you talk about health care reform, the vast majority of Americans have a couple of ideas in mind. First and foremost, they want to lower health care premiums and costs. That is what Americans think about primarily when they think about the need for health care reform.

They also want to see better access to quality health care and make sure those who are uninsured have access to health care, and those who are underinsured have access to health care, and that we all have access to quality health care. That is what this debate should be about.

But, instead, the legislation we see before us does not achieve that. Does it reduce the cost of health care? No. It drives up the cost of health care. It raises taxes hundreds of billions of dollars. It cuts Medicare by hundreds of billions of dollars. It grows government by \$2.5 trillion of new spending. It forces the most needy in our society into a failing Medicaid system. It imposes a damaging unfunded mandate on our struggling States. It still leaves millions of Americans uninsured and establishes massive government controls over our health care economy, including the creation now of a government insurance company.

We have been focusing in the debate on one part of this for the last little while; that is, the Medicare cuts. Mr. President, \$464 billion of the revenue to pay for this massive new entitlement that is being created is to come from Medicare, and it is nothing other than a direct transfer of assets in the United States from America's seniors in the Medicare system to a new government entitlement program.

There are other cuts. There are details of these cuts that I will put up right now on a chart.

The debate we have been having over the last, oh, almost 3 or 4 days now, is whether we should commit the bill back to the Finance Committee so these Medicare cuts can be removed. We just had two votes. One was what I will call a cover vote. It said we do not want to cut Medicare benefits and we should make sure that anything we do protects Medicare. It did not have any detail in it, but it passed 100 to nothing because it does nothing. It does not change what is in the bill. By the way, as I said, that vote just passed by 100 to nothing.

The second vote we took failed. Was the vote 40 to 60? I do not recall the exact vote. What would that amendment have done? That amendment would have put the bill back into the Finance Committee and required that we take out the Medicare cuts.

So let no one be confused, after the first round now in the Senate, we still see this in the bill—a transfer of \$464 billion from the Medicare Program to the establishment of a new entitlement program. I do not believe that is what Americans had in mind when they were talking about reform of health care.

There has been a study that came out—OK. I have the exact vote here. It was not 40 to 60. It was 42 to 58, but it was defeated, in any event, and now we still have the cuts to Medicare in the bill. Well, we are going to continue debating this issue.

I myself have an amendment that will send—for the skilled nursing homes—the bill back to Finance to correct the cuts for the skilled nursing homes. There are others who will try to address some of the pieces of this legislation to see if we can't find a way

to fix and restore the strength and stability of the Medicare system.

Everyone admits we need to reform Medicare. But until this bill, none of us thought we were talking about taking from Medicare in order to create a massive new entitlement program, with the government control that comes along with it.

What do these cuts do? I am going to start out with the hospitals, the hospice services, the nursing homes, and the home health agencies. The reduction in Medicare spending on these medical providers will basically result in lower access to care for our seniors. I have had representatives in my office of both skilled nursing facilities and home health agencies who have talked to me about what this means to them. They have pointed out that the last time Congress did something like this, we lost, in Idaho, 30 percent, for example, I believe it is, of our home health agencies. They are not there anymore. If we have these kinds of deep cuts in the future, we are going to lose more of our home health care agencies.

One of the owners said to me—he put it this way: If you reduce the allocation of income to home health agencies, I have to either reduce employment, which means not hire as many nurses and medical providers, or I have to close parts of my building and stop operating as many rooms in the building, or do something to reduce costs.

What that means is that seniors will have less access. But that is not all this bill does. In addition to reducing the access for hospitals, hospice service, nursing homes, and home health agencies, it also cuts Medicare Advantage deeply.

Quickly, what is Medicare Advantage? Medicare Advantage is a program that about one out of four American seniors participate in in Medicare. It is an opportunity which Congress started a few years back to try to let the private sector become a part of the delivery system in Medicare. In other words, to put it simply, private sector insurance companies can contract with the Federal Government to provide Medicare services to Medicare beneficiaries, so it is the private sector getting involved in health care delivery rather than the government simply delivering the health care through a single-payer system. That, in a quick summary, is what Medicare Advantage was all about.

What we found was that it was phenomenally successful because the private sector was able, through its management, to not only provide the statutorily required Medicare coverage but additional benefits, very critical additional benefits, such as preventive health care, dental coverage, vision coverage, and things such as that—things that make a big difference in the lives of our seniors and enables some of those who cannot buy addi-

tional coverage for those things Medicare does not cover to get access to it through Medicare Advantage.

That is why in my State 27 percent of all of the Medicare recipients have moved to Medicare Advantage. It is the most popular part of Medicare in America today, and it is growing faster than any other part of Medicare because it is delivering more to the Medicare beneficiaries.

This bill slashes \$120 billion from it, some of us believe because there is a bias against the private sector delivery of health care. But for whatever reason, the Medicare Advantage portion is where the cuts are focused.

Let's put up the next chart.

When we had the issue before the Finance Committee, we had the head of CBO before us, and I asked him a question about the cuts to Medicare Advantage. We had a colloquy between us at that point, and I asked:

So, approximately half of this additional benefit—

In other words, these additional things that Medicare Advantage has been able to provide to our seniors under Medicare—

So, approximately half of this additional benefit would be lost to those current Medicare Advantage policyholders?

And his response was:

For those who would be enrolled otherwise under the current law, yes.

The point being, not only will we lose skilled nursing facilities, home health care, hospice care, and hospital care, and access to that care, we are also going to see senior citizens lose benefits. Again, what is the purpose? The purpose is not to shore up Medicare. In fact, it will take \$464 billion—taxpayer dollars that are allocated to Medicare in our current system—and transfer that straight over to the establishment of a new entitlement program.

I want to let my colleague from Nevada comment on this for a minute, but before I turn it over to my colleague from Nevada, I wish to point out that as we approach this issue, the question of why would we transfer \$464 billion out of the Medicare system to a new government entitlement program, one of the reasons is because the President pledged he would not sign a bill that did not reduce the deficit.

As I said earlier, this bill grows the spending in the Federal Government by approximately \$2.5 trillion over the first full 10 years of its implementation of spending. The only way to cover that increase in the size of the government is to either raise more taxes or to cut spending somewhere, and what the bill does is both. It raises taxes—which we are going to be talking about in future days—and it cuts spending. The place where it cuts spending is Medicare. That is why what we see is increased taxes, cuts in Medicare, growth of government, and the establishment of a new Federal entitlement program,

with all of the accompanying accoutrements of Federal control, including a new government owned and operated insurance company.

I see my colleague from Nevada standing and turn to him for his comments on this issue.

Mr. ENSIGN. First of all, I think my colleague from Idaho has made some excellent points about, truly there will be cuts that are going to happen in Medicare. And do not just take the politicians' word for these cuts. Listen to the CBO Director. He is the non-partisan, I repeat, nonpartisan, official scorekeeper. When asked direct questions, by not only the Senator from Idaho but others, he absolutely says the benefits, especially under Medicare Advantage, will be cut.

In my home State of Nevada, tens of thousands—I think about 200,000 altogether—of seniors have voluntarily chosen Medicare Advantage over traditional Medicare. The reason? Very simple. There are extra benefits in Medicare Advantage. You hear the Democrats talk about the doughnut hole in Medicare Part D, which is prescription drug coverage. Well, there is not a doughnut hole under most of the Medicare Advantage plans because the private sector, through its efficiency, has been able to fill that doughnut hole. In other words, they get complete coverage of prescription drugs through their Medicare Advantage plans.

Also, under Medicare Advantage, they get additional preventive health care services. They also get vision and dental. And depending on the plan, depending on its makeup, there are different types of benefits to attract seniors to certain plans. It is no wonder that about one out of four seniors in America have voluntarily signed up for Medicare Advantage. Nobody forced them into this system. They voluntarily chose this system.

If you think about it, seniors do not like change. For most seniors, they like what they have. They do not like to change. For one out of four seniors to have voluntarily changed, there has to be something pretty attractive about Medicare Advantage.

There are some real attractive things for seniors in Medicare Advantage plans. That is why when you actually poll seniors regarding Medicare Advantage, the vast majority of them are thrilled with the coverage they have. They do not want to lose benefits. Who would want to voluntarily lose benefits?

But with the \$120 billion cut in Medicare Advantage the Democratic majority has put in this bill, about half of the benefits in Medicare Advantage plans will be cut. Isn't that correct, I ask my friend, the Senator from the State of Idaho?

Mr. CRAPO. The Senator from Nevada is correct. In fact, I am just thumbing through here to get the

exact statistics. But the bottom line is, the CBO indicated, I think it was something like from an average number of \$140 or so of extra benefits—that it would go down to about half of that. So they would get about half of those extra benefits.

Mr. ENSIGN. That is per month?

Mr. CRAPO. Per month.

Mr. ENSIGN. So \$140 per month. According to CBO, about half of those benefits would be cut under this plan, isn't that correct?

Mr. CRAPO. That is correct.

Mr. WICKER. If the Senator would yield on that point.

Mr. CRAPO. I would be happy to yield.

Mr. WICKER. We have three Republicans standing now saying this, and we have had quoted some official independent sources. Let me quote a Democrat, Representative MICHAEL MCMAHON of New York:

Medicare Advantage, which serves approximately 40 percent of my seniors on Medicare, would be cut dramatically.

That is why that Democrat from the State of New York voted no on the plan when it was before the House of Representatives. So you don't have to take our word for it, from a partisan standpoint. Democrats are saying no because of the Medicare cuts and the cuts to Medicare Advantage—drastic cuts.

Mr. ENSIGN. The Senator from Idaho and I serve on the Finance Committee where a large portion of this bill was written. We both heard Democrats on the other side of the aisle complaining about cuts to Medicare Advantage. Yet when I look in this bill, the total dollar figure in cuts to Medicare Advantage is the same as what came out of the Finance Committee; isn't that correct?

Mr. CRAPO. The Senator from Nevada is correct. I have in front of me the exact numbers right now from CBO that were provided in the Finance Committee markup. During the markup, CBO estimated that the value of the extra benefits offered by Medicare Advantage plans will drop from \$135 a month to \$42 a month, based on the cuts contained in that bill, which are essentially the same level of cuts we now see in the bill before us on the floor.

Mr. ENSIGN. Let me make a couple other general points about this bill. I think we have pretty well covered the fact that Medicare Advantage is going to take a severe hit. Medicare overall, that includes hospice care, hospital care, nursing home care, home health—all of them are taking severe cuts. More than likely, those cuts are going to come, if the government doesn't rescue those cuts in the future, from benefits to seniors.

If the government decides not to have those cuts in the future, then the deficit is going to go up. You can't have it both ways. You can't have both a deficit-neutral bill and not have the

cuts in Medicare. In other words, you are going to either have the cuts in Medicare or you are going to have ballooning deficits into the future.

There are several other problems with the bill that I would like to point out. First of all, we know it is over 2,000 pages; there is incredibly complex language in those over 2,074 pages. It places bureaucrats in charge of health care decisions instead of creating a patient-centered health care system that says the doctor-patient relationship is where most of the health care choices should be made. As a matter of fact, according to the National Center for Policy Analysis, in almost 1,700 places in this bill it authorizes the Secretary of Health and Human Services to "make, create, determine, or define" things regarding health care policy. Mr. President, 1,697 times, to be exact, the Secretary of Health and Human Services basically makes health care policy—not doctors, not health care providers; bureaucrats in Washington, DC.

You mentioned before there were \$½ trillion in new taxes and about \$½ trillion in Medicare cuts. We know this bill will lead to millions of Americans having increased premiums.

We have talked a lot about what is wrong with the bill, however, many on this side of the aisle have offered positive solutions. We have talked about allowing small businesses to join together to take advantage of purchasing power that big businesses have. We have talked about allowing people to buy insurance across State lines. Some States have less expensive plans than others. You can buy your auto insurance across State lines. Why shouldn't we be able to buy our health insurance across State lines?

Mr. CRAPO. If I could interrupt, my understanding is, the Republican bill in the House, which has both ideas in it and which was evaluated, what it would do to the cost of health care and health care insurance premiums, that those ideas would actually reduce health care premiums by, I think, 5 or 6 or 8 percent. I don't remember the exact number, but the point is, those ideas would hit the reason Americans want health care reform; that is, reduce the cost of health care coverage.

Mr. ENSIGN. I am glad the Senator from Idaho made that point, because the No. 1 problem with health care in the United States is not quality. We have the finest quality system—by almost any measure, the finest quality health care system in the entire world. The problem is that it is too expensive. We should be going after costs. This bill does not do that. This bill actually raises premiums for tens of millions of Americans. That isn't the direction we should be taking health care.

Another idea the vast majority of people on this side have supported is medical liability reform. Once again, in

the Finance Committee, we asked the question—I, personally, asked the question of the CBO Director: How much money would medical liability reform—the common one I offered and Senator HATCH offered—how much would that save between the government and the private sector? He said: Over \$100 billion. Well, that is not chump change; that is a significant amount of money, \$100 billion. Add that to buying across State lines, add that to small business health plans, add that to incentivizing healthy behaviors—add that to the elimination of preexisting conditions. I think Republicans and Democrats alike agree, if you have insurance and you have played by the rules and you get a disease, your insurance should not be taken away or denied. We should eliminate preexisting conditions for those that have played by the rules. We shouldn't allow insurance companies to unexplainably increase rates. We should take a step-by-step, incremental approach to health care reform instead of gutting Medicare, as the Senator from Idaho has talked about, to create a new government entitlement program. That is what we are saying on this side of the aisle. However, it seems to be falling on deaf ears on the other side of the aisle.

Mr. CRAPO. I know my colleague from Mississippi wants to make a comment or two, but may I ask, Mr. President, how much time remains for our side?

The PRESIDING OFFICER. There is 7½ minutes.

Mr. WICKER. Mr. President, if I could just maybe take 1 minute of that time and then my colleagues can wrap it up.

I wish to emphasize what a devastating effect these Medicare cuts are going to have on rural America. Once again, I wish to quote some of my colleagues from the other end of the building because it shows the bipartisan opposition we have against these cuts from rural America.

MIKE ROSS, a Democrat from Arkansas, said:

With more than \$400 billion in cuts to Medicare, it could force many of our rural hospitals to close, providing less access and care for our senior citizens.

Representative LARRY KISSELL of North Carolina:

From the day I announced my candidacy for this office, I promised to protect Medicare.

So he voted no on the bill in the House of Representatives.

IKE SKELTON said:

The proposed reductions to Medicare could further squeeze the budgets of our rural health care providers.

Finally, Representative BOUCHER, a senior Democrat from Virginia, said:

The plan could place at risk the survival of our regions' hospitals.



Unless these Medicare changes are taken out of the bill, this bill devastates health care for senior citizens in rural America.

I thank my colleague for yielding me the time.

Mr. CRAPO. Thank you very much. I wish to use the remainder of our time to speak for a minute about what this bill does to different costs in our country. I think the point we made in this colloquy is, after the votes we just took, let no one be confused; the \$464 billion of cuts to Medicare remain in the bill.

Let's talk about the question of the cost curve. There has been a lot of talk about what has become known as the cost curve. It has been said by everybody we need to bend the cost curve down. Some are saying this bill bends the cost curve down. Well, which cost curve are they talking about? Are they talking about the size of government, the growth of government? No. If you take the first full 10 years of the growth of spending in this bill—which, by the way, is delayed for 4 years—if you start when the spending starts and take the first full year, 10 years of spending, the new spending, the growth of government is about \$2.5 trillion. I don't see how anybody could say that cost curve is bending down. It has skyrocketed.

Well, would it be the cost of health care, which I think is the cost curve Americans were thinking about, health care insurance and the quality of health care that is provided? Well, CBO just came out with its report that analyzed that issue and there are a number of independent groups that have analyzed it and they all pretty much say it is not going to reduce the cost of health insurance. It is not going to reduce the cost of health care. In fact, for the neediest in America, those who are in the individual market, it will drive up the cost of their insurance and not by just a little bit, by around 10 to 13 percent. For those in the small group area, it will drive up theirs—not as much—by about 1 to 3 percent. For those in the large group area, there is a possibility that theirs might taper off a little bit; the estimate is somewhere between zero impact and 2 percent reduction.

But is that what we are talking about in America, 30 percent of the people in this country seeing their health care insurance costs go up and the rest seeing theirs remain basically stable? That is not the cost curve reduction I thought Americans were talking about in health care reform.

So then what other cost curve could they be talking about? Well, there is a lot of talk about the deficit. Sometimes they try to shift away from the cost of health care to the cost of the bill to the people of America, and they say the deficit is reduced. Well, how can you say that? There is only one

way you can say that and that is if you accept the budget gimmicks in the bill. If you raise taxes by around \$500 billion and if you cut Medicare by \$464 billion, then you can say this massive expansion of government is somehow covered and that the deficit won't grow.

Well, I think we have talked about the Medicare cuts part of this. We are going to talk about the tax increases, which are hundreds of billions of dollars of new taxes in the future, but what did I mean when I said you can only say the deficit goes down if you accept the budget gimmicks?

This bill starts the collection of revenues and the cuts out at the front end but doesn't start the spending for 4 years, so you have 10 years—in the 10-year window we are looking at, we have 10 years of revenue and 6 years, basically, of spending. Sure, if you only count 6 years of the spending side of the bill against 10 years of its collection side, you are going to be able to make that deficit look a little better.

In addition, there are major expenditures we all know are going to have to be done in health care, such as the SGR fix for physician compensation in Medicare, that are not even in the bill, an expense we know over 10 years is around 200 billion to 250 billion of extra dollars; simply not there, not counted. Well, if you want to show a deficit reduction, you certainly want to leave out of your bill a lot of the spending you are going to do in the future. It is gimmicks such as these, it is tax increases, and it is Medicare cuts that allow one to say the deficit goes down.

In conclusion, the reality is, this bill will increase the growth of government by \$2.5 trillion for a full 10-year measure, increase taxes by hundreds of billions of dollars, cut Medicare by hundreds of billions of dollars, create a Federal insurance company, create massive Federal controls over the health care economy, push the neediest of the uninsured not into an insurance policy but into a failing Medicare system, and push an unfunded mandate of tens of billions of dollars onto our States. That is not the kind of health care reform we need. As my colleague from Nevada indicated, there are reforms that do make a difference that will reduce the cost of health care, that will cut down the spiraling costs of health care insurance, and will not require us to have such an intrusion of the Federal Government into the management of our economy.

It is time for us to slow down and start, step by step, to address the kinds of reforms that will reduce the cost of insurance and the cost of health care and that will help us to increase access to quality care in America. We can do it, and we have a number of very good ideas on the table we will be exploring in greater detail in future days as well that will help us to do it.

With that, I reserve the balance of our time.

May I ask how much time remains?

The PRESIDING OFFICER (Mrs. SHAHEEN). The minority has no time.

Mr. CRAPO. I thank the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, I think it would be instructive to stop all this rhetorical talking past each other on Medicare Advantage and explain a little bit about how we got to where we are in this legislation.

I don't know the exact year, but I think it was back in the 1980s sometime, up to a certain point Medicare was basically paid fees for services. That is the basic Medicare model. The service was provided and there are certain set rates for that service. Then, in the 1980s, private companies thought maybe they could be more efficient, private insurance companies. So they came to Congress and said: We can do a better job in compensating Medicare based on fee for service, so let's set up something called Medicare Advantage, private entities.

So Congress said: OK, competition is a good thing. So we did that. Congress did that. We basically set the rates to be paid to Medicare Advantage plans at 95 percent of fee for service. After all, the plan said they could do it more cheaply and they could compete. So we said: OK, that sounds like a good idea. We will pay you 95 percent of what otherwise would be paid under fee for service. That continued for a while.

In 1997, the plan said: Gee, we need a little more money. So Congress said: All right. And we gave a little more money to Medicare Advantage and basically said, OK, that will pay the 95 percent. But if you are not doing so well and making money at 95, we will set kind of a higher floor, according to certain areas of the country, and you could choose whatever enables you to have the greatest compensation.

The big change occurred in 2003, in the Medicare Modernization Act, otherwise known as the drug bill. It was the legislation that created drug benefits for seniors. As we all know, frankly, when Medicare was created, it didn't have an outpatient drug benefit because drugs weren't comparatively as important then as they are today. Today there are miracle drugs that help in a lot of ways. We created the drug benefit in 2003.

The Congress did something else then. Many Members of Congress were concerned that Medicare Advantage might not offer the plans in rural parts of America, that there wouldn't be enough incentive for Medicare Advantage to go to rural America to offer the drug benefits—not only the drug benefits but other benefits they provided. Congress, frankly, gave a lot of money to Medicare Advantage plans so there could be at least two plans operating in all parts of the country. Give them enough money and they will go; that



was the theory. Guess what happened. We gave them a lot of money and they went.

We have reached the point now where Medicare Advantage is, by everybody's estimate, quite dramatically overpaid, as the Senator from Oklahoma, Mr. COBURN, said when I asked him yesterday whether Medicare Advantage plans are overpaid. He said, "Yes, they are definitely overpaid."

MedPAC, which advises us on Medicare reimbursement, said to us that we are way overpaying Medicare Advantage plans. I hear figures of from 14 to 18 percent overpayment. It depends on what part of the country you are in. Let's be conservative and say it is 14 percent in fee for service, that they are overpaid. MedPAC is an independent advisory group that helps us figure out what in the world we pay hospitals, nursing homes, home health agencies, etc. We are not the experts. We need help. MedPAC said to the Congress that we are overpaying them big time.

We decided let's figure out a way to reform the system. How about a little competition? Right now, Medicare Advantage plans are paid what is called a benchmark, depending upon the fee for service in their certain area. We all know fee for service is much less in rural America, and I am sure in the home State of the occupant of the chair. Fee for service is much higher in other more urban States and so forth.

As it turned out, under the benchmarks for fee for service, they were way overpaying in States where fee for service is so high, and not quite as much overpaid where fee for service is so low. That is a nutty system in the current law today.

What we are doing in this legislation is, basically, we are saying: Look, let's introduce a little competition. We are saying: Let's get rid of the benchmark-type fee for service. It is out of whack in different parts of the country. What are we going to do? We say: OK, we will divide the country into geographic areas. In your area, wherever you might be, Uncle Sam—or Medicare—will pay the average competitive bid for that area. The average cost you bid for that area is what we are going to pay, which eliminates this big disparity between States and makes it much more fair so that reimbursement is based much more on what it actually costs in a certain area, but it is competitively bid. That is what we are trying to do.

Is that a good thing to do? I think most of us think so. Is it perfect? I don't know for sure, but we are trying our best to make this a better system, a better program than we currently have. As a consequence, we are going to save some money, and there will be competition. Most of us think competition is often a pretty good thing. That is what this is, I remind my colleagues. As a consequence, we are not going to

be overpaying Medicare Advantage plans anymore. The amount we reduced the payment to is in line with what MedPAC says we should pay, the Medicare Payment Advisory Commission.

We are trying to be responsible and reasonable with taxpayer money, seniors who pay into Medicare. The point is often made that, gee, this will hurt Medicare Advantage, hospitals, and so forth. I think it is worth reminding all of us that a meeting occurred at the White House, I think, 4 to 6 months ago, when all of the so-called providers—the hospitals, insurance companies, including Medicare Advantage plans—all got together with the President and said: Mr. President, we agree this country needs health care reform. They all agreed.

Let's move back in history a little bit. When President Clinton attempted health care reform, all those groups were opposed to health care reform. This time, they are pretty much in favor of it because they know if we don't fix it, it is going to collapse.

Back to that meeting. What did they say? They said: Mr. President, we have all gotten together and we think we can contribute. We can cut collectively \$2 trillion in payments that go to us over the next 10 years.

That is what they said. That is pretty interesting. Thank you very much. So we are working together to get health care reform.

Why do you think they would agree to \$2 trillion? They got their calculators out and got their financial officers together and said: Gee, if everybody has health care—remember, 46 million Americans don't have health insurance—if everybody had health insurance, hospitals, Medicare Advantage plans said: Hey, we can make some money because everybody has health insurance.

So that was the deal. They will have a little lower margins, but they will make it up on volume. That is why they said to the President: We can cut \$2 trillion that otherwise would be reimbursements to us.

In this legislation, did we reduce the rate of increase over 10 years by \$2 trillion? No. Did we decrease the rate of increase in expenditures by half of that or \$1 trillion? No. Do we reduce the rate of increase of health care expenditures down to, say, \$450 billion, close to \$500 billion? Yes, that is what we did. About one-quarter of the industry said they could voluntarily contribute. Are they squawking today? No. Why? Because they got a pretty good deal. They know they can continue to provide services and the hospitals are going to do well and home health care agencies will do well. I will add that the profit margin for home health agencies is about 17 percent. That is pretty good. So we are cutting them a little bit. The profit margin for nursing homes—Medicare payments to nursing homes—is

about 15 percent. We are cutting that a little bit. But they are still making money and still will do well. In fact, their average rate of growth over the next 10 years is going to be in excess of 5 percent a year. Wall Street analysts say these outfits are doing pretty well. You don't see their stocks going down.

We are trying to do what is right and to reform Medicare Advantage, as I just outlined it. It is a pretty fair attempt at reform. Also, we will reduce payments to hospitals and other providers in an amount that they can live with—not be happy with but an amount they are OK with, and where they know they can still make money. That extends the solvency of the Medicare trust fund another 5 years because those providers are not being paid as much as they would otherwise be paid.

I hear Senators crying crocodile tears about how seniors are going to be cut, and so forth. Frankly, with the changes we made, I think it is very fair, and it will extend the solvency of the trust fund. There is not one dime of guaranteed Medicare benefits that will be cut—not one thin dime—in this legislation. It is true that because Medicare Advantage—the rate of growth of increase in Medicare Advantage plans is trimmed back a little, perhaps there will not be as many extra benefits—not the guaranteed benefits but extras, fringe benefits, like gym memberships and things like that. Don't forget, that is not because that is a decision made by Medicare or by Congress; that is a decision made by the executive offices of these private companies. I am not saying they should do this. They could trim salaries, overhead, and they could have a little less return to stockholders, and they could cut down administrative costs. There are various things they could do, which doesn't have to be passed on to reductions in fringes. Let's keep things in perspective as to what is actually going on.

Mr. DODD. If my colleague will yield, I appreciate what the Senator has just done. This is an area where I think there is a lot of confusion and misunderstanding. A lot of it begins with just the branding, the title of something. This was, frankly, a revelation to me, going back a number of weeks ago. I heard the words "Medicare Advantage." I thought this has to be part of the regular Medicare Program because it has that title.

Mr. BAUCUS. Most people did.

Mr. DODD. If my colleague will correct me if I am wrong, this is not traditional Medicare; this is a private plan, right?

Mr. BAUCUS. That is correct. To be totally fair, the other side likes to trot out this Medicare pamphlet that includes Medicare Advantage. I think that is misleading and not accurate. As the Senator says, these are private plans.

Mr. DODD. In looking back a few years ago, the original reason—and I

don't recall the debate as well as my colleague, the chairman of the Finance Committee, does. As I remember, the original idea behind this was—and he said this already, but it deserves being repeated—this was a way of cutting costs, reducing expenditures. In a sense, we were sold this idea on the fact that we could do this better, more efficiently, at far less cost.

Mr. BAUCUS. Absolutely. That was the rationale.

Mr. DODD. That is why we supported trying this idea. A couple of things happened since then. One, I think the overpayments, on average, are around 14 percent.

Mr. BAUCUS. That is correct. It depends on the part of the country.

Mr. DODD. So, on average, it is 14 percent in overpayment. Is it also true that roughly 80 percent of Medicare beneficiaries don't get any of these benefits?

Mr. BAUCUS. That is correct.

Mr. DODD. And that the average Medicare couple over the age of 65 is paying, I am told, about \$90 a year more in Medicare payments for benefits they don't get.

Mr. BAUCUS. Exactly.

Mr. DODD. So here we have 75 to 80 percent of the beneficiaries of Medicare paying more money and not getting the benefits for a program that costs more than 14 percent more, and it is a private plan.

Mr. BAUCUS. With great considerable administrative costs and profits that otherwise could go to seniors.

Mr. DODD. Our bill does something that I think our friend from Oklahoma, Senator COBURN, pointed out that is absolutely critical, which is that competitive bidding did not exist in the original.

Who was setting these rates originally during this period of time? How did these rates get set? Did Congress set them?

Mr. BAUCUS. Congress did. Congress set the benchmarks.

Mr. DODD. Is it true that if these Medicare Advantage plans come in under the benchmark bid, they actually get a piece of the savings? Is that correct as well?

Mr. BAUCUS. That is correct.

Mr. DODD. So there is an incentive to trim the cost of the administration of the program. It is also true the plans get bonus payments for care, coordination, and quality, and plans can use these bonuses to improve benefits?

Mr. BAUCUS. That is correct. Under this legislation, we say—frankly, under the earlier Medicare Advantage plans, HMOs had some coordinated care, but the other half, the private fee for service, preferred provider organizations did not have coordinated care.

We are saying in the legislation that if you are in the Medicare Advantage plan, which includes a whole list, and you provide coordinated care, we are going to give you a bonus.

Mr. WICKER. Madam President, will my friend yield for a question?

Mr. DODD. Certainly.

Mr. WICKER. I realize we do not have much time. I have a quick question. I was listening to the debate on television. I understood the Senator to say Medicare Advantage is not part of Medicare. My question is: I have here the Medicare handbook for 2010, "Medicare and You." It says right on page 50:

Medicare Advantage Plans (Part C). A Medicare Advantage plan . . . is another health coverage choice you may have as part of Medicare.

My question to the Senator is—to my friends on the other side of the aisle: Is the Medicare handbook inaccurate and, if so, will you be calling CMS, Medicare, and be asking them to change what they say explicitly on page 50 of the Medicare handbook?

Mr. BAUCUS. That is a very interesting question. When I was told about the handbook, that is what I thought I was going to do, is call up Medicare and say that is misleading and it is inaccurate because it is misleading and it is inaccurate.

Mr. DODD. Absolutely.

Mr. BAUCUS. These are private companies.

Mr. WICKER. Even though Medicare put it in their handbook, has had it for several years, it is wrong?

Mr. DODD. They are wrong. It is a private health care plan. It is a private health care plan. Medicare is a public plan. Medicare Advantage is not Medicare, and it is certainly not an advantage, given the overpayments that occurred.

Mr. WICKER. Isn't it in part of the Medicare legislation?

Mr. DODD. It is a private plan. My colleague understands that, I hope. Medicare Advantage is a private plan. You know that, of course, don't you? I assume you know that.

Mr. BAUCUS. It has officers, a board of directors.

Mr. WICKER. I know this. It is in the handbook. I want my two friends of the majority party to get it out of there. We thought all along it is part of Medicare and the millions of senior citizens who rely on this and who were told in the campaign, if you are satisfied with your coverage, you don't have a thing to worry about, they are going to be able to keep their coverage. Under the Democratic legislation, they would not be allowed to keep their coverage under this bill.

Mr. DODD. If I can reclaim my time, 80 percent of older Americans are paying \$90 more a year for this. Do they have any say in this? They don't get any of the benefits. Why are they writing a check for \$90 a year to pay a private plan from which they get no benefits? What about them? Don't they deserve something in all this?

Mr. WICKER. The question I had was: Is this a part of Medicare?

Mr. DODD. It is not.

Mr. WICKER. I realize my friends have a difference of opinion. The authorities for Medicare who put this publication out year after year say Medicare Advantage is part of Medicare. It is Part C. I think it is disingenuous for my friends to say it is not.

Mr. DODD. The only reason it is part of it is it is subsidized. This plan gets subsidized by the American taxpayers. That is the only qualification that puts it under the Medicare umbrella because our taxpayers are writing a check to a private company. That is why it gets included as part of Medicare. Other than that, it is a private plan.

Mr. BAUCUS. This is a semantic question. When you see the operational effects, as my good friend from Connecticut said—

Mr. WICKER. One other question. Is it a semantic question to ask: Are the American seniors who are currently enjoying Medicare Advantage going to be disallowed from this program? The answer is yes, under this bill.

Mr. BAUCUS. This legislation, if I may say, expressly states there will be no reduction in what is called guaranteed benefits under Medicare. No reduction, whether it is under Medicare Advantage, whether it is under fee for service—whatever it is, no reduction whatsoever.

To be fair to my good friend, I used the words "guaranteed benefits." Guaranteed benefits are the usual benefits seniors think of when they are under Medicare. They go to a doctor, hospital, so on.

We have given, unfortunately, so many additional dollars to the so-called Medicare Advantage plans—way above what they should have received. MedPAC agrees. Senator COBURN totally agrees they have been paid way too much. They have taken advantage of that advantage by giving additional benefits, in addition to the guaranteed benefits. Those additional are things such as gym memberships—a lot of extra stuff that, frankly, is not part of Medicare, is not directly related to health.

I might say, too—I have said this a couple, three times and I will say it again—a reduction in the increase of payments to Medicare Advantage, the effect of those reductions is a decision made by the officers of that company. They could take those reductions and apply them anywhere. They could reduce their salaries. They could reduce their admin costs. They could take other actions that would reduce the rate of growth, the rate of return of their stockholders. They do not have to take it out of the beneficiaries. That is their choice. They do not have to.

Mr. DODD. Medicare Advantage decides how to use their extra payments to provide benefits. They decide; Congress does not. There is nothing in the legislation that forces plans to reduce

benefits at all, rather than reducing profits.

Medicare Advantage is one of the profitable business lines of the private insurance. In fact, the New York Times on November 2—just about a month ago—reported:

Humana, the health insurer, posted on Monday a 65 percent jump in third-quarter profits—

We are talking about private health care. These are profits, a 65-percent jump in profits off this plan—

as bulging membership and premiums from Medicare Advantage overcame a lackluster commercial segment.

I appreciate the fact that people are getting eyeglasses and things. That is wonderful. But we need to be clear about this. These are not the guaranteed benefits, and 80 percent of Medicare beneficiaries get none of these advantages and yet pay more so other people under this private health care plan—because it is subsidized by the American taxpayers—get them.

Again, now we are going to put competitive bidding in place. Our bill allows, under these plans, if they follow and do some of the incentives, to actually share in some of the profits. We are not talking about eliminating all of this plan. We are trying to make it work better for people under the bill.

We have to be honest what we are talking about. This is a private insurance company that is subsidized by the American taxpayers. It is not what, traditionally, people think of Medicare.

Mr. WICKER. Will the Senator yield?

Mr. DODD. I will be happy to yield.

Mr. WICKER. The chairman, when he is calling HHS to change the handbook, also needs to tell them to change their Web site, where it says Medicare Advantage is part of Medicare.

Can the Senator from Connecticut guarantee that under this legislation, the benefits to Medicare Advantage recipients will not be cut? Can he make this guarantee?

Mr. DODD. What I wish to say and what I wish to ask my colleague—

Mr. WICKER. The reason he cannot make this guarantee—

Mr. DODD. Let me claim my time. There is not a single guaranteed benefit under Medicare that is cut in this bill. Not one. I defy any Member of this body to identify a guaranteed benefit under Medicare that gets cut. You cannot find one. Do we cut out gym memberships and things such as that? Yes, that may happen. But on the guaranteed benefits—operative word is “guaranteed”—under guaranteed benefits, there is not a single cut to a benefit. That is why an organization representing 40 million Americans that endorsed the Bush prescription drug plan, by the way, in 2003—hardly a partisan organization as some have suggested today—has basically opposed the McCain motion and has endorsed

the legislation before us today. That organization, I say to my good friend, would never be endorsing a bill that was going to cut guaranteed benefits under Medicare.

Mr. BAUCUS. I wish to say something else to put this in perspective. That is according to analysis of Medicare Advantage plans from Oppenheimer Capital Fund, dated November 12 of this year, between 2006 and 2009. Their estimate is, Medicare Advantage accounted for nearly 75 percent of the increase in gross profits among the larger Medicare plans in the industry.

Let me say this:

... Medicare Advantage ... has been a huge driver—

Quoting from the Oppenheimer Capital Fund—

a huge driver of earnings growth for the industry in recent years. Between 2006 and 2009, we estimate that Medicare Advantage accounted for nearly 75 percent of the increase in gross profits among the larger plans in the industry, highlighted by an estimated gross profit increase of \$1.9 billion in 2009, relative to commercial risk earnings gains—

That is basic health insurance, not Medicare Advantage plans but basic health insurance—

of nearly \$600 million. Medicare Advantage probably won't be as much of a contributor in 2009—

But it is going to be a very large contributor in 2009 because of advantages they get.

Mr. WICKER. It is clear the Senator does not like Medicare Advantage. It is also clear no guarantee can be made that Medicare Advantage benefits will not be cut under this legislation. It is also clear there are tens and tens of millions of American senior citizens who like their Medicare Advantage, notwithstanding the Senator from Montana, and they stand to lose those benefits under this legislation.

Mr. DODD. Let me point out, one of the things we have not talked about, I say to my friend from Mississippi, under our legislation, this bill protects seniors in Medicare Advantage from plans that care more about profits than seniors, trying to pass the buck. Under our bill, it allows the Secretary of Health and Human Services to kick out any plan under Medicare Advantage that significantly increases their premiums or decreases their benefits. Under existing law, that would not happen; under our bill, it does.

It is not about being hostile to Medicare Advantage. It is being realistic about all this and trying to make the tough decisions we have to make about trying to stabilize Medicare, seeing to it we are going to have protections in premium reductions and cost savings, as well as increasing access and quality.

All we are trying to point out is, when you have a Medicare Advantage

plan that has run as poorly as this one has, at great cost we now learned—14 percent above, on average; some places it is 50 percent above average—where is the equity. By the way, I say to my friend from Mississippi, it is a private health care plan that receives subsidies from the American taxpayers, where 80 percent of seniors today pay more and get nothing for it. Where is the equity in this? There is no equity in this. Why should 80 percent of that population pay \$90 or more a year, on average, for a benefit they don't get? Where is the equity?

Mr. BAUCUS. I might add, too, to remind us all, this legislation provides additional benefits for all seniors, including Medicare Advantage recipients—additional benefits. What are they? No copayment for certain preventive care—mammograms, for example, colonoscopies, screening benefits that are not in existence today. There are a whole host of other things that are additional.

This legislation provides additional benefits to Medicare Advantage members that are not there today.

When I say “guaranteed benefits,” I am talking about the usual benefits seniors think of under Medicare. It is hospital care, it is nurses, it is all medically necessary physician care, diagnostic testing, supplies. It is home health care, preventive care, skilled nursing, hospice—all the things that are basically related to health care.

The only thing that might be trimmed back a little is, I call them the fringe stuff, the excesses, such as gym memberships. I wish I had the whole list because some of them are not related.

As I said earlier, they may not be cut. They don't have to be. It is up to the private companies whether to cut. I have nothing against companies making profits. They should make profits. It is our responsibility as Senators to make sure the reimbursement rates Medicare pays providers are fair and reasonable and not excessive. We have been told they are excessive. So we are trying to find a way to make it fairer.

Mr. WICKER. This segment of debate will end at the bottom of the hour, so it is almost over. I appreciate my friends yielding. This debate will continue for days, weeks. I say to my friends, there are Members on their side of the aisle who have come before this body and said these Medicare Advantage cuts are unacceptable. I think they are going to have to have a lot of convincing too. Democratic Members of the House have also come forward. I am not convinced. I don't think they are convinced.

The PRESIDING OFFICER. All time has expired.

Mr. DODD. Madam President, I ask unanimous consent for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Madam President, let me say to my colleague again that here we have two organizations representing 43 million seniors in our country, and these are organizations that don't just write letters on the fly. They have staffs that examine proposals here, and that is all they do. We have AARP, which is an organization that is highly regarded and well recognized, representing 40 million seniors in the country, and the Commission to Preserve Social Security and Medicare, which represents an additional 3 million, and that is all they do. This is a totally nonpartisan examination. These two organizations, representing almost 50 million of our seniors, have examined this bill in detail—every dotted “I,” every semicolon, every comma, every proposal—and have done exhaustive research, and they have said: This is a good bill. This bill is deserving of support.

We received a letter today from them. They are not Democrats. They are not Republicans. They are not trying to get an advantage over anybody. They are examining whether this bill stabilizes and strengthens Medicare, puts seniors in a stronger position, is going to see to it that we can extend the life of the program and provide guaranteed benefits that are needed, and their answer was a resounding yes—yes, this bill is deserving of our support.

Again, I appreciate the political debate here, but at some point we have to step back and let those whose job it is to analyze our suggestions and our ideas—just as AARP supported President Bush 6 years ago with his prescription drug bill. They didn't join Democrats or Republicans; they liked the idea—still do—and supported it. Today, they are not supporting us as Democrats. They would reject this bill out of hand if they thought we did something adverse to the interest of their membership. But they said: No, this is a good bill, deserving of support. The two largest organizations in this country representing seniors have said: Get behind this bill. Let's support our seniors. Let's make Medicare stronger and strengthen it. And this bill does it.

That is why we should be joining together, not fighting over this. Medicare Advantage is a private health care plan subsidized by the American taxpayer. Eighty percent of the seniors don't get the Advantage. That is why we are creating these changes in this bill.

I applaud my colleague from Montana, the chairman of the Finance Committee, who did incredible work, along with his staff and other members, in producing this product.

#### RECESS

The PRESIDING OFFICER. The Senate stands in recess until 5:30 p.m.

Thereupon, the Senate, at 4:33 p.m., recessed until 5:30 p.m. and reassembled

when called to order by the Presiding Officer (Mr. WHITEHOUSE).

#### SERVICE MEMBERS HOME OWNERSHIP TAX ACT OF 2009—(Continued)

(Mrs. SHAHEEN assumed the Chair.)

Mr. WHITEHOUSE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. Madam President, I intend shortly to call up an amendment once the procedural posture is clarified and has been cleared on the Republican side, an amendment to protect the Social Security surplus and the CLASS program savings in this act. When I do, I will then ask for its immediate consideration, but at the moment, that is still being worked out from a parliamentary standpoint, so my words will come in advance of that.

I wish to describe the amendment for my colleagues. It is a sense-of-the-Senate resolution that demonstrates the Senate's commitment to meaningful deficit reduction in this legislation while also protecting both the Social Security surpluses generated by the legislation and savings generated from a significant element of the bill, the long-term voluntary insurance program created by the Community Living Assistance Services and Supports Act, what we call the CLASS Act. The amendment expresses the sense of the Senate that surpluses generated by this bill for the Social Security trust fund be reserved for Social Security and that the savings for the long-term insurance program created by the CLASS Act be reserved for the CLASS program.

The CBO has estimated that this bill will save \$130 billion over the first 10 years and roughly \$650 billion over the next 10 years. This amendment stands for the proposition that these impressive savings will be protected vis-a-vis the CLASS Act and the Social Security trust fund.

I wish to speak in particular today about the CLASS Act. This act creates a voluntary insurance program for seniors and individuals with disabilities. This program will enable them to afford long-term care even after they have exhausted coverage offered by Medicare or their private insurer. Let me make clear that this is not a mandatory program. It does not increase taxes on anyone. It is a completely voluntary program that offers an additional insurance option for the disabled. Without such insurance, disabled people often cannot afford the massive

costs of long-term care. Under current law, they are often forced to sell their homes or otherwise what is called “spend down” their assets until they meet a poverty threshold before they can begin receiving the help they need.

Certain colleagues on the other side of the aisle have argued that the CLASS plan would lead to a financially unstable entitlement program and would rapidly increase the Federal deficit. That is simply not accurate. The CLASS plan is fully self-sustaining and actuarially sound, funded by the premiums paid by those individuals who voluntarily opt into this insurance plan. There are no taxpayer dollars involved.

After individuals pay premiums for 5 years, they become eligible to receive a cash benefit of no less than \$50 per day to assist with the various costs associated with the onset of a disability or long-term health condition. These benefits could be used to pay for transportation to work, for instance, or the construction of a wheelchair ramp or the hiring of a personal aide—the sorts of things that so often make the difference between somebody remaining an independent and productive member of society and requiring the support of assisted living or nursing home care.

I think we can all agree that it is in everyone's best interest to try to provide this kind of assistance to people when an unexpected disability begins to affect their lives, to allow them the support they need to continue as best they can in their homes, in their apartments, with their families, at their jobs, and remain, as I said, both independent and productive.

The Congressional Budget Office has concluded that this plan is fiscally solvent. In fact, it projected that the program would be solvent for at least 75 years.

There was a helpful amendment offered in the HELP Committee when we considered and debated and passed that piece of legislation. The amendment was offered by the distinguished Senator from New Hampshire, your colleague, Senator GREGG, the ranking member on the Budget Committee. It passed unanimously, and it ensures and requires that the program be actuarially sound for 75 years.

CBO has projected that, in fact, it would be solvent for at least 75 years. CBO further estimated that the program would reduce the deficit by \$72 billion over 10 years, saving \$1.6 billion for Medicaid during the first 4 years of the program. So it has a substantial fiscal upside.

I am surprised that our colleagues on the other side are criticizing this element of the bill. It seems to run contrary to the findings that have been made by the nonpartisan Congressional Budget Office. It is certainly a stark contrast to their tolerance for their own Medicare Part D Program, the

pharmaceutical program the other side touted so proudly, which is different from the CLASS Act in many respects: It was vastly expensive; it was completely unpaid for; it was a massive handout to the pharmaceutical industry, containing within it the, to me, appalling proposition that the government was forbidden by law, forbidden by a previous Congress, to negotiate with the pharmaceutical industry over the price of drugs and had to take it or leave it, whatever the pharmaceutical industry charged. Frankly, it is irresponsible to put the government into that situation. It is fiscally irresponsible, and it is irresponsible from a management point of view. It is irresponsible in more ways than I can name. Yet they happily went that way, the path of fiscal irresponsibility, when it suited the pharmaceutical industry. Of course, in order to do so, they had to leave a hole in the Part D pharmaceutical program for seniors to fall into, what the Presiding Officer knows well and what my colleagues know well as the dreaded doughnut hole that has caused so many unsuspecting seniors so much surprise, chagrin, fear, anxiety, and misery. Now, having been the architects of that program, they criticize the CLASS Act even though the CBO has found it to be fiscally sound.

It seems there is an enormous double standard between programs designed for the benefit of, say, the pharmaceutical industry, or perhaps the insurance industry, and the standards they would apply to programs that benefit people who suffer from the onset of a disability—regular Americans, regular families. This is something that happens to people across this country all the time.

That is really the most important effect of the CLASS Act. As good as it is on deficits, as much as the CBO has confirmed that it is to our fiscal advantage to proceed with the CLASS Act, the most important effect is not on deficits, it is on people.

It is on families. This insurance program will allow disabled people, young and old, to live more financially secure and productive lives, free from the fear that medical expenses will impoverish or bankrupt them, able to make those investments in their own adaptation to their disability so they can maintain the lifestyle, the job, and the home they are accustomed to and comfortable with. Studies show that less than a quarter of private long-term care insurance policies provide a lifetime of benefits. The CLASS Act fills an important void that has been left by the public sector for people who seek this protection and this insurance on a paid-for basis. The CLASS plan is a win-win for reducing costs in our health care system and protecting Americans who require long-term care. Our current system plain fails to protect those who aren't healthy or

wealthy enough for private market coverage. It fails to create an opportunity for individuals to plan and save for their future lifetime care needs. It fails to provide a sustainable safety net for individuals who require long-term services and supports to keep the familiar aspects of their life around them—job, family, home, hearth.

I will shortly ask that my colleagues support the amendment when it is called up. It will put the Senate on record as protecting Social Security. It will put the Senate on record as protecting the CLASS Act savings scored by CBO. It will put the Senate on record as supporting the impressive deficit reduction in the bill. I look forward to favorable consideration when we have a parliamentary agreement on calling it up.

I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of Colorado). The Senator from New Hampshire.

Mr. GREGG. I appreciate the proposal of the Senator from Rhode Island, but I think it needs to be put in its proper context. This is a sense of the Senate. It has no legal implications. The CLASS Act, as proposed in the underlying bill, was described by the Senator from Rhode Island but not fully. The way the CLASS Act works, it is an insurance program theoretically where people in their thirties and forties and fifties can buy insurance to cover their retirement years when they have to go into some sort of long-term care facility and may be institutionalized. People are paying into this program for decades, maybe four decades, maybe their thirties right into their seventies or their twenties into their sixties. The cost of this program does not actually start to be incurred until these folks move into a long-term care facility or a managed care facility type of situation for their retirement years where they need skilled nursing assistance of some sort.

There is a huge amount of premium that comes in under this program early which goes against virtually no expenses, because this is a brandnew program. It is a startup program. It is created by the Federal Government. It is a government insurance program much like Social Security and Medicare. The practical effect of that is that money will come in for years to the Federal coffers. In the first 10 years of this bill, it is estimated around \$90 billion will come in. In the second, as we move out in the second 10 years, the total over those two periods of 10 years is about \$212 billion. Then more money will come in in the third 10 years, probably somewhere in the vicinity of \$300 billion to \$400 billion potentially. None of this will be spent on the purposes of this insurance, because almost everybody who is paying in for these premiums is going to be too young to go into one of these institutionalized care

facilities during those first three decades.

So what happens is that the Federal Government gets this large windfall of money from these people who are paying their premiums and spends it, spends it on something else—education, roads, highways, arts, whatever is the decision on where to spend the money. It gets spent. That is the way the Federal Government works. It doesn't have any place to put this money and keep it safe. It comes in, and it gets spent. When these people retire, when they do go into a situation where they need assisted living of some sort, then the government gets the bill. Not us, not those of us who are here. We will be long retired by then, everybody in this Chamber, except maybe Senator BENNET from Colorado who is rather young and vibrant. The rest of us will probably not be around to take advantage of this. It will be our children and grandchildren who will end up with that bill.

That bill will be staggering. We are talking hundreds of billions, if not trillions, of dollars of outyear costs as a result of this type of program; much like Social Security which basically has nothing in the coffers today, even though trillions of dollars have been paid in, but which has a lot of obligations. The same thing with Medicare. That was an insurance program which was supposed to have money in the coffers. Not there. In fact, it goes into negative cashflow and will be insolvent beginning in 2010. There is no money when these folks retire and need it. It will have been spent.

This amendment, well intentioned as a statement, has absolutely no effect on that series of events. That money will still be spent under this amendment. After this amendment is passed—and I presume it will be passed; it is a nonevent amendment having no purpose other than a political statement—CBO will still score this bill as spending that money, absolutely score this bill as spending that money, the \$90 billion for the next 10 years, the \$212 billion for the next 20 years, the \$400 billion after that. That is my guess. The third 10-year period, my guess is \$500 billion. When we get out there 30, 40 years from now and these people expect to get their insurance paid, then when our children get the bill for that insurance, it becomes a tax on them, a direct tax on their earnings. It will affect their lifestyle, their earning capacity, their ability to buy a home, to send a child to college, to buy a car. This money will be spent under this bill.

One of my colleagues on the other side of the aisle who is pretty respected around here on financial matters I believe referred to this CLASS Act proposal as a Ponzi scheme. That is not too far off. Basically, we are taking the money from these folks who buy into

this insurance program today. We are spending it on something we want to spend it on as a Congress today, whether it is something worthwhile such as a road or education or our national defense, but we are spending it. We are leaving the people who paid that premium out to lunch unless 30 or 40 years from now, when they go into that situation where they need that insurance, the country is strong enough and our kids are making enough money to pay for the cost of that program. That is a real gamble for them, and that is called a Ponzi scheme, which is exactly what this is. This bill, this sense of the Senate, although a good political document because it allows Members to wander around their districts and say: I voted to protect the CLASS Act dollars, I voted that it not be accounted for under this bill, that was a sense of the Senate. In actuality, it has no effect at all in that area.

All the money that comes into this, insurance money, is going to be spent somewhere else. And the CBO will still score this bill as taking credit for that insurance under this program. It is Bernie Madoff accounting one more time under this bill. You would think after a while people would get embarrassed—really, it would become embarrassing after a while. When you match up 10 years of tax increases, 10 years of Medicare cuts, to 5 years of programmatic spending and claim you have a program that is fully paid for and is only an \$840 billion program, when you know that if the program, the entire bill is fully phased in, it is \$2.5 trillion in cost. It isn't \$500 billion in Medicare cuts when this thing is fully phased in, it is \$1 trillion in Medicare cuts. It isn't \$500 billion of tax increases in this bill and fee increases on small businesses mostly or on provider groups, it is over \$1 trillion of increases. You would think after a while people would be embarrassed about the manipulation of numbers in that way. But that doesn't seem to occur. Yet we get this proposal that says, OK, let's do it again. Let's claim we are doing something we are not doing. Let's claim we are protecting the dollars that come in under this new CLASS Act proposal, assuming this program goes into place. Let's claim we are segregating them somehow so the people who pay their hard-earned dollars and buy into this CLASS Act think they are getting something for it, when in fact that will not happen at all, is not going to happen at all. That money is going to be spent the day it comes in. In fact, it is already spent. We are already borrowing so much and spending so much in this government right now. We already have an obligation of debt that will spend this money.

I guess everybody can walk away feeling good about this amendment, but substantively, it has no impact at all.

Mr. THUNE. Will the Senator yield for a question?

Mr. GREGG. I am happy to yield.

Mr. THUNE. My understanding is as to the CLASS Act, to make the deficit situation with the enactment of this bill look better, they argue they are actually going to reduce the deficit as a result of this bill because of the revenues that come in early from the CLASS Act. I think the Senator from New Hampshire has accurately described this. You get a short-term infusion of revenues and another long-term liability which is why the Senator from North Dakota described it as a Ponzi scheme of the highest order, something of which Bernie Madoff would be proud. I guess my question to the Senator would be, how does this impact deficits in the long run and the debt in the long run? There was a lot of discussion around here, probably more rhetoric than action, about doing something to reduce the deficit and deal with the debt that continues to pile up and accumulate and at some point will be handed off to future generations. This Ponzi scheme, as it has been described by the Senator from North Dakota on the other side, in the form of the CLASS Act does seem in the short term to understate the fiscal impact of the cost of this health bill which, as the Senator from New Hampshire has described, is \$2.5 trillion. But could the Senator elaborate on what happens in the outyears? You talked about the impact down the road when all the bills come due. You get all the revenue in the short term, and then some time down the road that revenue gets spent and you are stuck with all these liabilities. How is this going to affect deficits and debt in those years in the future when our children and grandchildren will have to pay for it?

Mr. GREGG. The Senator has asked a very pointed and appropriate question, because the answer is pretty startling. The point I think most people don't understand is that this money gets spent as it comes in. In other words, let's say over the next 30 years, younger people pay into this new alleged insurance program, accurately described as a Ponzi scheme. All that money that comes in will be spent on other activities of the government and, therefore, the other activities of government will be allowed to grow fairly dramatically. There will be a lot of money here. You are talking potentially \$1 trillion over the next 30 years.

Those expenditures, which will have occurred as a result of this money coming in, which will have nothing at all to do with paying for the cost of the health care which these people who buy into this CLASS Act think they are getting—in other words, long-term care insurance, it has nothing to do with that—it will be on, as I said, education, roads, national defense, whatever we spend it on around here. Those expendi-

tures will be built into the baseline forever. They will presume that there is going to be revenue to pay for them. What happens when that generation that has bought into the CLASS Act starts to actually need the money it is alleged it is going to get? Two things happen. The younger generation is going to have to pay taxes to cover that cost because the money will not be there. There will be no money in the kitty, none, zero. There will be zero money in the kitty, the alleged kitty to pay for this insurance program. Second, ironically, the government will have been grown by all the money that came in and was spent on new programs. So you are basically going to double down on the cost here.

Our children and our grandchildren are going to have to pay twice, not only to pay for the long-term care which allegedly has been promised to these people under these insurance programs but also to pay for all the new spending that will occur as a result of spending the premiums which were supposed to be saved for these programs. So they are going to get hit twice. The implications are, quite honestly, staggering.

We already know we have a \$38 trillion unfunded liability in Medicare. We know, when you combine Medicare, Medicaid, and Social Security, we have a \$60 trillion unfunded liability. If you calculate in the cost of the CLASS Act on top of that, you are adding potentially trillions more of unfunded liability, which will all have to be paid by our children and our grandchildren.

At the essence of this bill, there are a number of problems, but the problem I find most inappropriate in the way we are doing this is we are creating a government which our kids cannot afford under any circumstance. We are absolutely guaranteeing that our children are going to have a lower standard of living than we had because of the burden we are going to put on them as a result of these expansive new programs, which we know cannot be afforded in the outyears.

We already know we cannot afford the government we have in the outyears. We already know the public debt is headed above 80 percent of GDP by 2019. So the Senator from South Dakota has touched on a core issue. What is the real cost of this? Well, it is extraordinary. As I said, it hits the next generation twice. First, they will have to pay the taxes to pay for the program that was put on the books, which is allegedly there, plus they will have to pay to support all the programs which the money that came in was supposed to be preserved for.

Mr. THUNE. I say to my colleague from New Hampshire, it is the classic definition of a Ponzi scheme, which, as I said, is how it has been described not just by the chairman of the Budget Committee from North Dakota but also



by others who have looked at this. Editorial pages in newspapers across this country have looked at this CLASS Act and said it does not add up, and it does not add up. I think Ponzi scheme is a good description.

The Senator from New Hampshire has correctly outlined the impact this will have on future generations, on deficits and debt, and spending and the growth of government. That is why it is such a bad idea to include this. The sense of the Senate resolution is simply that. It has no legal binding effect on spending. It simply is sort of a political statement that makes everybody feel better, but in the end it is going to be our kids who pay.

Mr. GREGG. I think the Senator from South Dakota touched on another point. The sense of the Senate, basically, confirms the fundamental flaw of the CLASS Act. The fact that you would think a sense of the Senate is necessary pretty much proves that everybody around here understands there is a big game going on with the CLASS Act. The problem is, of course, the sense of the Senate has no effect of law and, therefore, the problems the CLASS Act creates in the area of spending, the revenues that come in for the purpose of something other than what the CLASS Act alleges people are buying when they pay for that insurance, will still exist, and the CBO will still score the CLASS Act as benefiting the budget situation, when it should not be scored that way at all.

As I said, this is a nice resolution from a political standpoint, but substantively it has no effect on correcting the problems which the CLASS Act generate in the area of fiscal policy.

I understand there is a unanimous consent request that somebody wishes to offer. I was asked if I would listen to it.

Mr. DURBIN. Mr. President, does the Senator yield the floor?

Mr. GREGG. I ask the assistant leader, is he offering a unanimous consent request? I will yield the floor for the purposes of a unanimous consent request.

Mr. DURBIN. Mr. President, I ask unanimous consent that the next amendment in order be one offered by Senator WHITEHOUSE of Rhode Island, which is at the desk; that the other matter in order during today's session be a Hatch motion to commit regarding Medicare Advantage; that no other amendments or motions to commit be in order during today's session; and that the time in sequence following this unanimous consent request—I do not want to disadvantage the Senator from New Hampshire, but if it is our turn on this side of the aisle, I would ask that Senator WHITEHOUSE first be recognized for the purpose of calling up his amendment and then I be recognized next, for no more than 15 min-

utes; and at that point it is my understanding Senator HATCH has asked for the floor for 1 hour on his motion.

If there are any other requests, I would be glad to add them to the unanimous consent request at this point.

Mr. GREGG. Reserving the right to object, my only concern would be that will take us past 7 o'clock, so you may want to adjust the time.

Mr. DURBIN. I am going to finish this as soon as I have gone through my preliminary work here. I also ask unanimous consent that the time until 8 p.m., this evening, be equally divided and controlled between Senators WHITEHOUSE and HATCH or their designees; that it be in order during this time for Members to engage in colloquies, as long as those Members entering into the colloquy remain on the floor.

Mr. GREGG. Is it my understanding, then, the order of recognition will be Senator WHITEHOUSE, the assistant leader, and then Senator HATCH?

Mr. DURBIN. Yes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Rhode Island.

AMENDMENT NO. 2870 TO AMENDMENT NO. 2786

Mr. WHITEHOUSE. Mr. President, I now call up amendment No. 2870, an amendment to protect the Social Security surplus and CLASS program savings in this act and ask for the amendment's immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. WHITEHOUSE] proposes an amendment numbered 2870 to amendment No. 2786.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To promote fiscal responsibility by protecting the Social Security surplus and CLASS program savings in this Act)

At the appropriate place, insert the following:

**SEC. \_\_\_\_ SENSE OF THE SENATE PROMOTING FISCAL RESPONSIBILITY.**

(a) FINDINGS.—The Senate makes the following findings:

(1) Based on Congressional Budget Office (CBO) estimates, this Act will reduce the Federal deficit between 2010 and 2019.

(2) CBO projects this Act will continue to reduce budget deficits after 2019.

(3) Based on CBO estimates, this Act will extend the solvency of the Medicare HI Trust Fund.

(4) This Act will increase the surplus in the Social Security Trust Fund, which should be reserved to strengthen the finances of Social Security.

(5) The initial net savings generated by the Community Living Assistance Services and Supports (CLASS) program are necessary to ensure the long-term solvency of that program.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the additional surplus in the Social Security Trust Fund generated by this Act should be reserved for Social Security and not spent in this Act for other purposes; and

(2) the net savings generated by the CLASS program should be reserved for the CLASS program and not spent in this Act for other purposes.

Mr. WHITEHOUSE. Mr. President, I yield the floor to the distinguished assistant majority leader.

Mr. DURBIN. Mr. President, I have listened carefully to the profound and eloquent statements from my friend and colleague from New Hampshire, Senator JUDD GREGG. He has frequently invoked the name of the Ponzi family, though I am not personally familiar with them. I believe they have had some skeletons in their closet by virtue of the references that have been made. But I will tell him that what he said about the CLASS Act is inaccurate.

I know that Senator, I see, is leaving the floor. I hope he does not miss out on this conversation. But—

Mr. GREGG. I was just wondering if the Senator would yield for a question.

Mr. DURBIN. I would be happy to.

Mr. GREGG. Is the Ponzi family from Chicago?

Mr. DURBIN. No, they are not. I think they are from New England—Patriots' fans.

I would like to ask the Senator from New Hampshire, if he would yield, if he is familiar with Doug Elmendorf and the Congressional Budget Office and the letter of November 18, 2009, to the majority leader, HARRY REID, in relation to the deficit impact of the CLASS Act.

Mr. GREGG. I appreciate the assistant leader asking me that question. Regrettably, I am not immediately familiar with it. I have probably seen it, although I apologize for not being immediately familiar with it. Therefore, I presume the assistant leader is going to remind me or at least reacquaint me with its terms. I would note the term "Ponzi Act" did not come from me. It came from the chairman of the Budget Committee.

Mr. DURBIN. I would just say, it is unfortunate the Senator from New Hampshire has not seen this letter because if he had had an opportunity—and it is impossible to read everything—if he had had an opportunity to read that letter, I do not think he would have made the speeches he just made on the floor about the CLASS Act because the Congressional Budget Office tells us that in the first 10 years, the CLASS Act will reduce the Federal budget deficit by \$72.5 billion; in the second 10 years by a substantial amount, though somewhat less than \$72.5 billion; and in the third 10 years—30 years out—it is anticipated it will add to the deficit, but, in the words of the letter from the Congressional



Budget Office, by a very small amount over that next decade.

Mr. GREGG. If the Senator would allow me to comment on that one point?

Mr. DURBIN. I would be more than happy to allow that.

Mr. GREGG. I fully agree with that analysis. The first 30 years of the CLASS Act will generate revenues. It will add to the Federal Treasury and will—and that was the purpose of my discussion; that is the point I made—during the first 30 years of this proposal, younger people will be paying in and very few people will be taking out because they will not have yet qualified for the insurance because they will not be old enough to go into assisted living.

Mr. DURBIN. Reclaiming the floor, I would just say, if I understand what the Senator said, he is concerned that in the year 2040, this program may not work as effectively as we had hoped it would work. I trust in the wisdom of future Members of the Senate and the House, if that is necessary, to modify the program.

But it certainly is worthwhile for us to at least reflect on what this program is. It is a voluntary, self-funded insurance fund for long-term care for American citizens. It was one of the visions of Senator Kennedy as part of health care reform, understanding we are living longer and many times need help in our late years in life and it can be expensive and deplete a family's savings. Senator Kennedy said: Let's try to put together a voluntary program where you can pay in and have, in fact, long-term care insurance available to you, if you need it.

The fact that this program is virtually solvent for 30 straight years is an indication of the wisdom of that idea and the way it is planned.

I might add one other thing. We just finished a motion to commit on the floor relative to Medicare, and many of us argued that the bill before us, the bill that represents health care reform in this debate, protects Medicare and guarantees the basic benefits of Medicare. Those on the other side of the aisle protested and said: No, it does not.

Well, then, Senator MICHAEL BENNET of Colorado offered an amendment which said, pointblank and clearly, nothing in this bill will, in any way, diminish guaranteed Medicare benefits, and a surplus generated here will be to give a longer life to the existing Medicare Program. The Bennet of Colorado amendment passed 100 to nothing, so not only does the bill originally protect Medicare, the Bennet amendment repeated that, and all the Republicans voted for it. Yet they continue to come to the floor and say: We do not believe what we voted for. We believe this bill is going to hurt Medicare.

The same thing is true with the CLASS Act because Senator WHITE-

HOUSE, who was on the floor momentarily, came forward and said: I will put it in writing. We are going to put it in writing that the surplus in the CLASS Act program cannot be used for other purposes and has to be saved and used for the purposes stated here for long-term care insurance. I think the Whitehouse amendment is likely to get another 100 votes.

So every time we address a concern from the Republican side of the aisle, and say the bill addresses that concern or a separate amendment addresses that concern, they protest: It is not enough. We need more. I think they protest too much.

I would also say I am troubled today, as I have been for several weeks, by the position taken from the Republican side of the aisle about health care reform. For about 13 or 14 days, this bill, in its entirety, has been available to the American people. You can find it by Googling "Senate Democrats" and it will direct you to our Web site and you can click on this bill, H.R. 3590, and read it, page after page—all 2,074 pages of it. That is the way it should be.

There was a lot of angst and worry last August in townhall meetings: Well, are you going to get this bill sneaked by us? Are we going to get a chance to read it? Everybody has a chance to read it. But then I would recommend to those who are searching the Internet to read health care reform bills that if you want to find the Republican health care reform bill, look for "Senate Republicans" and go to their Web site and you will be able to click on "health care reform bill" and you will find the Democratic health care reform bill because, unfortunately, there is no Republican health care reform bill. They have not offered one. They have had a year to prepare it. They have had plenty of ideas they have expressed on the floor. They have been critical of our efforts. They have offered literally hundreds of amendments in committee, and yet they cannot come up with a bill.

It leads you to conclude this is not an easy task. It is not easy at all. It certainly is not easy to produce a bill such as this one, the Democratic bill, which generates, over the first 10 years, a \$130 billion Federal surplus in our Treasury. This bill adds more in terms of surplus and deficit reduction than any bill in the history of the Senate. In the second 10 years, the Congressional Budget Office says there will be another \$650 billion in savings on our deficit.

So for those who argue if we pass this bill we are going deeper in debt, they ignore the Congressional Budget Office, that referee that takes a look at all the bills and tells us that over the span of 20 years, we are going to reduce our deficit by some \$700 billion or \$800 billion, just by virtue of this bill. Repub-

licans have been unable to produce a bill that reduces the deficit, when it comes to health care, by a penny. They come here and criticize what we have done, but they can't produce a bill. All the great legislative minds on their side of the aisle, and we have been waiting patiently for them to produce a health care reform bill. They can't or they don't want to. Maybe they like the current health care system. Maybe they think this is the way America should be.

Well, many of us don't believe that, and a lot of Americans don't either. There are a lot of good parts of our system we want to protect, but there are many parts that need to be changed. We need to make health care and health insurance more affordable for families and individuals and businesses. This bill does.

We just had another report from the Congressional Budget Office that said yes, the cost of premiums will be coming down for many Americans as a result of this bill. We also understand that some 50 million Americans don't have health insurance at all. This bill will reach the highest level of protection for health insurance in the history of the United States. Ninety-four percent of people in this country will have the peace of mind and security of health insurance—a dramatic increase. The Republicans have been unable to come up with any proposal that moves us toward more coverage for people who don't have health insurance.

This bill also has many provisions to finally give consumers across America a chance to fight back when the insurance companies say no, and they do all the time. People who need critical surgical procedures and medicines, people who need the kind of care their doctors recommend end up fighting with the clerk at an insurance company. This bill, the Democratic health care reform bill, gives these families a fighting chance against these health insurance companies. I have yet to see the first bill coming from the Republican side of the aisle in the course of this debate that would give our families a chance against these health insurance companies.

I wish to also say when I finish speaking, and we finish on this side of the aisle, the Senator from Utah will come and speak. I understand it is the Medicare Advantage Program he will speak to. Now, the previous motion to commit by Senator MCCAIN of Arizona said: Send this bill back and make sure you take out any reference to savings in the Medicare Advantage Program. That was defeated. The vote was 42 to 58. There were two Democrats who joined the Republicans. They needed 60 votes; it didn't make it. I take it the Senator from Utah may offer another motion to commit relative to Medicare Advantage. I expect it to have the same fate, but he has his chance to

argue his point of view, and he may be persuasive to more Members on this side of the aisle. Unfortunately, although we are good, close friends, and I bask in his wisdom on a daily basis, he is not going to change my mind on this issue because the Medicare Advantage Program is a program that needs to be changed.

Let me tell my colleagues about this program. We started years ago with the health insurance industry telling us: Government cannot do a good job when it comes to insurance. Let us show you how private health insurance companies can sell a Medicare policy more cheaply than the government. And we invited them to do it.

Over the course of the years, some of them did. They showed some savings, and they demonstrated to us they could provide Medicare at a cost lower than the government. But then things changed, and the health insurance companies kept coming back and saying: Well, we actually need more money now to provide the same benefits in Medicare that the government provides.

At last count, the Medicare Advantage Program costs 14 percent more to provide the same Medicare benefits as the government program. So these leaders in the private sector who were going to teach us a lesson about how to sell insurance ended up failing their own lesson plan, and now this Medicare Advantage Program has turned out to be a flatout subsidy to the health insurance industry—\$170 billion over 10 years. In other words, the Medicare Program is paying more for Medicare than what it has to pay so it can subsidize health insurance companies which are turning multimillion-dollar profits and giving bonuses to their CEOs.

Some on the other side of the aisle think we need to preserve this; that we need to preserve this subsidy, make sure we protect the profits of the health insurance companies, and we need to protect Medicare Advantage. Well, as Senator DODD has said so frequently on the Senate floor, Medicare Advantage is neither Medicare nor an advantage.

I believe, and most agree, it is time for this party to end. These private health insurance companies didn't keep their word, didn't keep their promise, and because of that we are in a situation—a predicament—where we are asking other people covered by Medicare to subsidize the profits of these private health insurance companies. What does it cost every Medicare recipient in America to provide this subsidy and profits to these private health insurance companies under Medicare Advantage? Ninety dollars a year, on average.

So those who are defending the Medicare Advantage Program as we currently know it and don't support the

reforms in this bill are also supporting a \$90 annual tax on Medicare recipients. My fiscally conservative Republican friends who run against taxes every chance they have should reflect on the fact that they are protecting a tax on Medicare recipients. That, to me, is indefensible.

Mr. WHITEHOUSE. Will the assistant majority leader yield?

Mr. DURBIN. I am happy to yield to the Senator from Rhode Island.

Mr. WHITEHOUSE. I just wanted to ask the distinguished assistant majority leader to yield for a question through the Chair. Since the distinguished assistant majority leader was here at the time, and I am newer to this body and was not here at the time when the Medicare Advantage Program was originally proposed, I wonder if the distinguished assistant majority leader would remind us of what the promises and assertions were that were made by the private insurance industry at that time as they sought this foothold to get their hands on this Medicare population.

Mr. DURBIN. It was very basic, I would say to the Senator from Rhode Island through the Chair. They just said: Now, listen. When it comes to insurance, the government never gets it right. The bureaucrats who work for the government, those Federal employees, don't get it right. We do this for a living. We can show you how to provide Medicare benefits and save money. So, please, would you just step aside? The private health insurance companies are going to demonstrate to you how much money we can save.

Initially, there were some savings; I will say that in fairness. But over the years, they got greedy, and their greediness led in most recent times to—I think in 2003, if I am not mistaken, with the Medicare prescription drug program, when they came in and these same private health insurance companies said: Now we really need subsidies to keep offering our wonderful programs, now they tell us they are charging 14 percent more than basic Medicare.

The PRESIDING OFFICER. The Senator from Illinois has used 15 minutes.

Mr. DURBIN. Mr. President, I ask unanimous consent for 5 additional minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BROWN. Mr. President, will the Senator yield?

Mr. DURBIN. I am happy to yield.

Mr. BROWN. I thank Senator DURBIN for his recollection and Senator WHITEHOUSE for his question and the comments and understanding of this. My recollection was back 10 years ago when it passed it was the insurance companies that said: We will do it 5 percent cheaper. We will save taxpayers 5 percent. But as soon as they

did that, as soon as President Bush was elected in 2000, I remember they started lobbying Congress for more insurance subsidies. It sort of peaked in 2003 with the prescription drug deal giveaway where the drug companies and the insurance companies both got huge government subsidies. They formed the doughnut hole, and seniors ended up paying a lot more so the drug and insurance companies could get subsidies. Then that is when the tax was increased, that \$90 tax, if I recall.

Am I right about that, that originally it was actually a good thing for taxpayers, but then during the Bush years the insurance company lobby was able to increase that tax on the other 80 or 85 percent of Medicare beneficiaries, the people who were in what was called fee for service, who would go to the doctor, go to the hospital and submit to Medicare and not do it through a private insurance company? Is that what has happened?

Mr. DURBIN. I would say to the Senator from Ohio that is exactly what happened because what we have is that in order to pay for the subsidy, the private health insurance companies that are selling Medicare Advantage, they had to take the money out of the Medicare system, which meant less money for everybody else. It translated into \$90 a year more for every Medicare recipient to pay for the subsidy, for the private health insurance companies that are protected by Medicare Advantage.

Mr. BROWN. If the Senator from Illinois would yield, so these subsidies then went directly to the insurance companies and then the insurance companies—they had to live under the Medicare laws, of course—but these insurance companies then began to insure generally some healthier people so they could make more money, right?

Mr. DURBIN. That is right.

Mr. BROWN. In those days, the insurance companies—Senator WHITEHOUSE has talked often about this, as has Senator HARKIN who is standing here now too—that the insurance companies' business model has been to hire a lot of bureaucrats. They say they are more efficient than Medicare, but surely they are not. Their administrative costs are 15 percent and Medicare is 5 percent. But they hire all of these bureaucrats to keep people from buying policies if they are sick—a preexisting condition—and then they hire a second group of bureaucrats on the other end to make sure those people who submit bills for their health care, their claims, that 30 percent of them are initially denied. So they hire bureaucrats on both ends to restrict care, add a lot of administrative costs.

Medicare, I don't think, prohibits people for a preexisting condition, right? They don't do anything like that.

Mr. DURBIN. No. I would say to the Senator from Ohio the difference is obvious. With Medicare, anyone who shows up age 65 is eligible for coverage, no questions asked, other than your age and whether you have contributed over the course of your lifetime. These health insurance companies cherry-pick the healthiest people they can, then try to deny coverage where they can as well, and that is how they make their profits.

Mr. BROWN. They are pretty good at it.

Mr. DURBIN. So good at it that they are one of the most profitable sectors in the American economy, and virtually everybody knows somebody they work with or someone in their family who has had a bad experience with a health insurance company in America. That is the reality we are facing today.

Mr. WHITEHOUSE. Mr. President, if I could ask the Senator to yield for a question, it would appear, then, that not only is there this subsidy that goes to the private insurance industry, funded by a tax on all other Medicare recipients, but those private insurance companies are actually doing their level best to try to pick out a disproportionately healthy Medicare-eligible population, so what we end up doing is not only paying more for Medicare Advantage but also for a healthier population. So it is a double subsidy.

Mr. DURBIN. Make it a triple whammy because the third impact, of course, is that the healthier people are not part of Medicare. Those left in Medicare are sicker and more expensive, so the government-run program ends up being more expensive because those private health insurance companies cherry-pick out the healthiest people they can find.

There are those who want to defend Medicare Advantage who think it is great that we would pay \$170 billion in subsidies to these companies over a 10-year period of time. This bill moves us away from that and says if these private health insurance companies can't basically compete and match what government Medicare offers, then it is time for them to get out of the business and get out of the way. I don't see why in the world we are arguing about a subsidy for private health insurance companies when they already make so much money.

So I would at this point yield the floor. I know Senator HATCH has asked for an hour to speak on his motion. I believe it is a motion to commit. I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I thank my friend and colleague who has been making these extraordinary arguments on the Senate floor. I will spend a little bit of time chatting about those in just a minute.

#### MOTION TO COMMIT

Mr. HATCH. Mr. President, I send a motion to commit with instructions to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] moves to commit H.R. 3590 to the Committee on Finance with instructions to report the same back to the Senate with changes that do not include cuts in payments to Medicare Advantage plans totaling —\$120 billion.

Mr. HATCH. Mr. President, I always enjoy my colleague from Illinois. He is as good a populist speaker as we have in the Senate. No matter what comes up, he can talk about it.

I get a big kick out of him saying there are not any Republican bills. Well, there are six of them. You can get a hold of those bills. The problem is, we only have 40 votes, and we know it.

The fact is, the more I thought about it, I thought to myself, where are the printed bills that we always have on our desks? Where is the Democratic printed bill? I am sure it is somewhere. Usually when we debate any bill on this floor, we have the bill printed and put on our desks. Maybe it has been printed, but it isn't on our desks, and I think there is a good reason for it. It is 2,074 pages long. It is enough to make you barf.

When you stop and think about it, why do we need 2,074 pages when 85 percent of persons basically like the health insurance they have? The other 15 percent, if you break it down, you get down to about 7 million to 15 million people who need our help.

By the time you knock off those who work for a company that provides health insurance but they don't choose to take it because they would rather have the money or you take the approximately 11 million people who qualify for CHIP, the Child Health Insurance Program, or Medicaid, but aren't enrolled; or you take those who earn over \$75,000 a year and just won't buy it but can afford it, or you take those undocumented workers or others who are legal aliens who for some reason do not have coverage, you get down to about 15 million people, at most. We can subsidize them, and we wouldn't have to throw our whole system out into the trash can—a system that 85 percent of the American people basically thinks is working relatively well for them.

It seems crazy to me. Why are we doing that? Fifty percent of the people in this country basically don't pay Federal income taxes as we sit here. The upper 50 percent pay 97 percent of all income taxes. The bottom 50 percent pay about 3 or 4 percent, at the very most. Think about that. What are we going to do—go to 60 percent so that one side can keep the numbers here so

they can stay in majority control? Are we going to get people to be more responsible for their own health care?

On top of it all, they want a government plan. Why do they want that? Medicare is the government plan. For all intents and purposes, it is very well-intentioned, but it has \$38 trillion in unfunded liabilities as we sit here—mainly because the Federal Government is running it. If the State governments ran it and we had 50 State laboratories, I doubt seriously we would be in this terrible fix. We are saddling our children and grandchildren and great-grandchildren with tremendous debt. What is their answer? We are going to take \$464 billion—almost \$500 billion—out of Medicare, and we are going to put it towards making our health plan deficit neutral.

They have used every accounting and budgetary gimmick they can to get this plan below \$1 trillion, because they charge taxes from the day it is passed, but the plan is not implemented for 4 years—until 2014. That way, they can try to indicate to the American people that they are bringing the cost of the bill in at under \$1 trillion. That is a lot of money because today we are spending \$2.4 trillion on health care, run primarily by the Federal Government—two-thirds of which is run by the Federal Government. I might add that there are estimates that \$1.2 trillion of that \$2.4 trillion is wasted money. Yet we are going to add another \$2.5 trillion, which is what this bill really costs if you extrapolate it out over 10 years and not just from 2014 to 2020. We are going to spend another \$2.5 trillion, if you extrapolate it out. No wonder the American people are so up in arms. They ought to be. We are going to be spending \$5 trillion on health care if my friends are successful in what they are doing. They know we have 40 votes, at most.

I have been here a long time. Senator LUGAR and I are the most senior Republicans on the floor of the Senate. We came at the same time. I have to say that, having been here all these years, we have never really had a fiscally conservative majority in the Senate, except through great Presidential leadership—Reagan, Bush 1, even President Clinton on occasion, and Bush 2. We have always had enough liberals on our side to go with the liberal Democrats so we have never really had a fiscally conservative majority. It would take 60 votes to get this country under control, from a spending standpoint.

I appreciate the comments of my friend from Illinois about Medicare Advantage, but he is just plain wrong. Medicare Advantage has made a tremendous difference in the lives of almost 11 million Medicare beneficiaries. He failed to mention that the program has given choice to every Medicare beneficiary across the country, regardless of where they live. Medicare Advantage saves beneficiaries' dollars.

Seniors have lower copayments, cost sharing, and deductibles through Medicare Advantage Programs. That is why many lower income seniors participate in the Medicare Advantage Program. Up to 25 percent of all seniors participate. Why? Because it works for them.

I was on the Medicare modernization conference committee. We came up with it because beneficiaries living in rural America did not have access to Medicare HMO plans before Medicare Advantage was created. If my friends will take the time to listen to my statement on Medicare Advantage, I believe they will find it insightful and it will rebut most everything they are saying.

Mr. President, the motion I just sent to the desk is to commit the Reid health care bill to the Finance Committee in order to eliminate the Medicare Advantage cuts of \$120 billion contained in this legislation.

I know I mentioned this point over and over again, but it bears repeating. Throughout the health care debate, we have heard the President say he is not going to mess with Medicare. Unfortunately, that is not the case with the Reid bill we are currently considering. To be clear, the Reid bill cuts Medicare by \$465 billion to fund a new government program. Unfortunately, our seniors and the disabled will suffer the consequences as a result of these reductions.

Throughout my Senate service, I have fought to strengthen, preserve, and protect Medicare. I think most Republicans have, in spite of what my colleagues say on the other side. Unless we are pouring money down the drain, they do not believe we are doing anything. Medicare is already in trouble today. The program faces serious challenges in the future. The Medicare trust fund will be insolvent by 2017. The program has more than \$37 trillion in unfunded liability. The Reid bill will make this situation much worse.

Look at the cuts to Medicare. Hospitals, cut \$134.7 billion in this bill. Where are they going to get that money? How are we going to keep hospitals going in the future? Hospices, cut \$7.7 billion. Nursing homes, cut \$14.6 billion. I have been to all kinds of nursing homes in this country, and they have a rough time. We are going to take over \$14 billion from nursing homes, and they are critical to our senior citizens. For Medicare Advantage, \$120 billion is coming out of the program. Home health agencies, \$4.1 billion. So there is \$135 billion from hospitals, \$120 billion from Medicare Advantage, about \$15 billion from nursing homes, more than \$40 billion from home health care agencies, and close to \$8 billion from hospice providers.

These cuts will threaten beneficiaries' access to care as Medicare providers find it more and more challenging to provide health services to

Medicare patients. And what is their argument? They say it is the awful insurance companies causing these problems. No, it is the awful Federal Government causing these troubles. It is the awful bureaucracy and the awful Federal Government that dominates all of our lives. If this bill passes, "Katy, bar the door." Our lives will be completely controlled by the Federal Government on one-sixth of the American economy.

Today, I want to focus my comments on the Medicare Advantage Program. It has been totally distorted by my colleagues, in my opinion—I am sure not intentionally. They would never do that.

By the way, here is the bill. This is not the printed version; this is the bill. It is no small bill. It is one of the largest I have seen in my time here.

Mr. President, I am strongly opposed to the deep cuts—\$120 billion over 10 years—that the Reid bill would impose on the benefits of almost 11 million Medicare beneficiaries, Medicare beneficiaries who currently are enrolled in the Medicare Advantage Program.

While they knock Medicare Advantage, they are pushing people toward the AARP Medigap insurance program. AARP makes hundreds of millions and billions of dollars off senior citizens. It is small wonder that AARP supports this monstrosity of a bill. It is in their best financial interest.

As we consider the serious threat these cuts pose to seniors, I want to point out that during the Finance Committee markup this fall, we saw Senator BILL NELSON from Florida, and other Democrats, work to partially mitigate the impact of the bill's Medicare Advantage funding cuts. This effort, while taking very small steps, clearly demonstrated that a number of our Democratic colleagues recognize the value offered by Medicare Advantage plans and the danger of enacting the deep cuts proposed by the pending bill. Unfortunately, only a limited number of States would benefit from the Nelson amendment, so most Medicare Advantage beneficiaries are not protected from the cuts. But they recognize how important this program is.

I also recall that 6 years ago, when Congress enacted the Medicare Modernization Act, we intentionally provided new funding to stabilize the Medicare health plan program. This was one of the few issues on which there was strong bipartisan agreement during the 2003 Medicare debate. I was here. I was on the conference committee. I happened to bring about that Medicare Modernization Act. In fact, in June 2003, several of our colleagues, including the Senator from New York and Senator KERRY from Massachusetts—great Democrats—offered a bipartisan amendment on the Senate floor to provide additional funding for benefits under the Medicare Advantage

Program. Why would they do that if it is such a lousy program? Now, all of a sudden, it is a lousy program because they want the money to be used for a massive, new government-run program. Back then, they wanted additional money for Medicare Advantage, recognizing how important the program was.

Later that year, as the Medicare conference committee completed its deliberations, a bipartisan group of 18 Senators signed a letter urging the conferees to provide a meaningful increase in Medicare Advantage funding. This letter was signed by a diverse group of colleagues, including Democratic Senators such as DIANNE FEINSTEIN from California, CHRISTOPHER DODD from Connecticut, RON WYDEN from Oregon, FRANK LAUTENBERG from New Jersey, PATTY MURRAY from Washington, ARLEN SPECTER from Pennsylvania, MARY LANDRIEU from Louisiana, and MARIA CANTWELL, just to mention a few. It was bipartisan. They recognized how important this program was, and they recognized we were trying to solve major problems for people, especially in rural areas.

I think it would be worthwhile to reflect back on the 2003 debate and remember the reasons this issue inspired such strong bipartisan consensus. You don't hear it at all from that side at all—after the program has proven its efficacy and that it works. We supported the Medicare Advantage plan 6 years ago. It was the right thing to do for beneficiaries. The same logic holds true today.

We owe it to the beneficiaries to provide a strong, adequately funded program that provides them with high-quality health care choices. Every Medicare beneficiary can go into Medicare Advantage if they desire, under current circumstances.

During the Finance Committee's consideration of the Baucus health bill, I offered an amendment to protect extra benefits currently enjoyed by Medicare Advantage beneficiaries. Unfortunately, the amendment was defeated. In other words, the President's pledge assuring Americans they would not lose their benefits was not met by either the Finance Committee bill or the Reid bill currently being considered by the Senate.

Here is how supporters of the Finance bill justified the Medicare Advantage reduction: They argued that the extra benefits that would be cut, such as vision care and dental care for these poor people, reduced hospital deductibles, lower copayments and premiums, were not statutory benefits. They claim they were not statutory benefits offered in the Medicare fee-for-service program.

Therefore, those extra benefits did not count, although a quarter of the Medicare beneficiaries were getting them from Medicare. But try telling them that they did not count to a

Medicare Advantage enrollee who has been receiving these additional benefits.

I want to talk about the differences between fee-for-service Medicare and Medicare Advantage. Because of the gaps in traditional Medicare, it is incumbent for most beneficiaries to buy a Medigap policy which wraps around the Medicare benefit. Guess who provides these Medicare policies, among others, but really in a big way. Why, the AARP.

On average, these policies cost a couple hundred dollars a month. In comparison, the average monthly premium in a Medicare Advantage plan is \$54 in 2009. These plans also fill in the coverage gaps of Medicare.

Moreover, almost half of all Medicare Advantage beneficiaries are in plans that charge no monthly premium. Let me say that again. If you have to buy a Medigap policy for traditional fee-for-service Medicare, you will have to buy a policy that costs a few hundred dollars a month compared to Medicare Advantage plans which cost beneficiaries on average \$54 a month in 2009. This is why several studies have shown that Medicare Advantage is one of the most popular choices for the low-income elderly because they do not have to buy a Medigap policy.

This week we have had Members on the other side of the aisle claim that Medicare Advantage is not part of Medicare. That is how far they have gone to distort the record. Again, I hope nobody was doing that intentionally and that it is a lack of knowledge about the Medicare program. Keep in mind, we have Members on the other side of the aisle who claim Medicare Advantage is not part of Medicare. It is absolutely unbelievable. I invite every Member making this claim to turn to page 50 of the 2010 Medicare handbook. It expressly says:

A Medicare Advantage Plan . . . is another health coverage choice you may have as part of Medicare.

That argument has been not only fallacious but should never have been made. The bottom line is simple. If you are cutting Medicare Advantage benefits, you are cutting Medicare. I raised this point yesterday, but I want to raise it again.

Yesterday the distinguished Senator from Connecticut, my friend Senator DODD, mentioned that the bureaucrat-controlled Medicare commission will not cut benefits in Part A and Part B. Once again, my friends on the other side are only telling you half the story. So much for transparency. On page 1,005 of this bill I can hardly lift, it states in plain English:

. . . include recommendations to reduce Medicare payments under C and D.

Let me translate that in English for everybody. That means the commission can cut Medicare Advantage, which is Medicare Part C, and the Medicare pre-

scription drug benefit which is Medicare Part D.

Making sure that we take enough time to discuss a 2,074-page bill that will affect every American life and every American business is the sacred duty of every Senator in this Chamber. We must take the time to fully discuss this bill, and it is going to take some time, believe me.

I have heard several Members from the other side of the aisle characterize the Medicare Advantage Program as a giveaway to the insurance industry. Let me say a few words about the creation of Medicare Advantage.

I served, as I said, as a member of the House-Senate conference committee which wrote the Medicare Modernization Act of 2003. So did the distinguished Senator from Montana, Mr. BAUCUS. Among other things, this law created the Medicare Advantage Program. When conference committee members were negotiating the conference report, several of us insisted that the Medicare Advantage Program was necessary in order to provide health care coverage choices to Medicare beneficiaries.

At that time, there were many parts of the country where Medicare beneficiaries did not have adequate choices in coverage. In fact, the only choice offered to them was traditional fee-for-service Medicare, a one-size-fits-all government-run health program, which I might add, did not work well. By creating the Medicare Advantage Program, we provided beneficiaries with choice in coverage and then empowered them to make their own health care decisions as opposed to the Federal Government. We gave them the empowerment to make their own decisions. That is unique around here. There will not be any empowerment if this bill passes. In fact, there are almost 2,000 decisions that the Secretary of Health and Human Services has the authority to make. You might like the current Health and Human Services Secretary today, but what if a good conservative gets in that position? Of course, it is very difficult because a good conservative would be filibustered.

Today every Medicare beneficiary may choose from several health plans because of what we did through the Medicare Modernization Act of 2003. We should have learned our lessons from legislative changes made in the Balanced Budget Act of 1997 when we cut payments for Medicare HMOs. These plans collapsed, especially in rural areas, because Washington—our wonderful people here in Washington—decided to set artificially low payment rates. In fact, in Utah, all Medicare HMOs eventually ceased operations because they were operating in the red.

I fear history could repeat itself if we are not careful. During the Medicare Modernization Act conference, we fixed

the problem. We increased reimbursement rates so that all Medicare beneficiaries, regardless of where they live, be it in Fillmore, UT, or New York City, had choice in coverage. Again, we did not want beneficiaries stuck with a one-size-fits-all government plan which, by the way, this monstrosity is.

Today Medicare Advantage works. Every Medicare beneficiary has access to a Medicare Advantage plan if they so choose. One-quarter of them have so chosen, and it has worked amazingly well. Close to 90 percent of Medicare beneficiaries participating in the program are satisfied with their health coverage, but that could all change should this health care reform legislation currently being considered become law. Choice in coverage has made a difference in the lives of more than 10 million Americans nationwide. Beneficiaries in every State have benefitted from Medicare Advantage.

Let me show you some things here. Since this is very difficult to read on television, let me go through all these States. These charts show the number of Medicare Advantage beneficiaries in each state.

Alabama has 181,304 people on Medicare Advantage; Alaska, 462; Arizona, 329,157; Arkansas, 70,137; California, 1,606,193; Colorado 198,521; Connecticut, 94,181; Delaware, 6,661; the District of Columbia, 7,976. How about Florida—946,836, almost 1 million people on Medicare Advantage. Good reason. It works. Georgia, 176,090; Hawaii, 79,386; Idaho, 60,676; Illinois, 176,395; Indiana, 148,174; Iowa, 63,902 people enrolled in Medicare Advantage.

Let's proceed further. Kansas, 34,867 people enrolled in Medicare Advantage; Kentucky, 110,814; Louisiana, 151,954; Maine, 26,984; Maryland, 56,812; Massachusetts, 199,727; Michigan, 406,124; Minnesota, 284,101; Mississippi, 44,772; Missouri, 195,036; Montana, 27,592; Nebraska, 30,571; Nevada, 104,043; New Hampshire, 13,200; New Jersey, 156,607; New Mexico, 73,567; look at New York, 853,387; North Carolina, 251,738 people enrolled in Medicare Advantage who love the program; North Dakota, 7,633; Ohio, 499,819. Gee whiz, that is a lot of people who are satisfied with Medicare Advantage. Oklahoma, 84,980; Oregon, one of the most liberal States in the Union, 249,993; Pennsylvania, 864,040; Puerto Rico, even 400,991; Rhode Island, 65,108; South Carolina, 110,949—these are senior citizens—South Dakota, 8,973; Tennessee, 233,024; Texas, 532,242; my own State of Utah, 85,585; Vermont, only 3,966, but 3,000 people, 4,000 people in Vermont; Virginia, 151,942; Washington, 225,918; West Virginia, 88,027; Wisconsin, 243,443; and Wyoming, 3,942.

These are people who benefit from Medicare Advantage who would not like to lose their current health coverage.

This choice in coverage has made a difference in the lives of more than almost 11 million people, 11 million individuals nationwide and families who benefit from this program. The extra benefits I mentioned earlier are being portrayed as gym memberships as opposed to lower premiums, copayments, and deductibles.

Let me read some letters from my constituents. These are real lives being affected by the cuts contemplated in this bill. You should see some of the beautiful handwriting. Some of it is very shaky but beautiful, to me anyway.

From Cedar City, UT:

Senator Hatch, I am writing you to request your help in preserving our Medicare Advantage plans from being cut.

My Medicare Advantage plan provides me with benefits and savings that traditional Medicare did not provide.

I like my plan very much. It allows me my choice of Doctors, Hospitals and various specialists if needed.

I do not want to see a single national Health Care Plan.

I do not want cuts in Medicare Advantage Programs.

Senator Hatch, when you go to Washington, DC, please do not cut our Medicare Advantage Programs.

Vote to maintain our present system. Thank you for your service.

Sincerely. P.S.—I speak for my husband, too.

I bet.

Here is another one:

Honorable Senator Hatch: Please do not vote for any bill which would compromise my Medicare Advantage plan. I am 92 years old, and of necessity worked until I was 87, and have taken pride in being self supporting. I had to retire six and a half years ago because of pancreatic cancer. Amazingly, I recovered and live an active, useful life. My Medicare Advantage plan makes the difference between living with self respect and having to depend on others. Once again, I beg of you—don't deprive me of my self respect. Let me keep my Medicare Advantage plan. Sincerely.

Here is another one:

Dear Senator, we understand our President and Congress wants to eliminate the Medicare Advantage program for the elderly.

We were both on Blue Cross/Blue Shield program for several years, costing us hundreds of dollars each year. Since we joined the Medicare Advantage program it provides dental, fitness, vision, and full medical coverage. The cost of this program has saved us hundreds of dollars.

Please don't let them take this program from the elderly who are on low fixed incomes and will cause us further problems. We ask you for your support to save the Medicare Advantage program.

Here is another one:

Dear Senator Hatch, it has again been brought to my attention that the Administration is seriously considering cutting the funding to the Medicare Advantage program. I would like to encourage you to oppose these funding cuts because of the negative repercussions seniors and those with disabilities will suffer if they lose a program due to insufficient funding.

[Medicare Advantage] health plans give individuals the freedom to afford the care they

need. The premiums and out-of-pocket costs are allowing recipients to save money on regular doctor visits as well as medication. These savings are essential for someone on a low fixed income like many of the individuals who participate in the program.

If Congress continues to cut the [Medicare Advantage] program, beneficiaries will not only be forced to pay higher premiums and higher out of pocket costs but will also lose the unique benefits that the [Medicare Advantage] health plans offer, such as disease management and preventive care, which reduce their daily discomforts and help them avoid unnecessary hospital visits.

What about this one?

As a retired voter in your state, I would ask you to please do all that you can to eliminate the proposed cut in Medicare Advantage funds in the proposed Senate bill. You have demonstrated the sensitivity for the elderly in our state. I hope you continue to take our needs as fixed income residents into consideration.

How about this?

I am greatly concerned about efforts to reduce benefits to the Medicare Advantage plans. I am a member of the Humana plan. It has been working for me because of the low premiums, low deductibles and co-pays, wellness and enhanced preventive benefits, and coordinated care and disease assistance programs. I have been unemployed for over a year now for several reasons, among them my age, I am sure. I received a monthly \$527 social security check as my only income. I can survive only because I am living with my son and family. Please do what you can. Thanks so much.

Here is another one:

Dear Senator, I realize times are tough, but my medicare advantage plan through DMBA is a real blessing to me. I'd like to think that with all the talk of health care change, that plans that are working now would not be abandoned, or at least replaced with something as good, or better. Please think carefully and with sincere prayer, about the consequences to old retired people like me, before you vote on these issues. Thank you.

He recommends that I pray—which I do—about this.

Here is another one:

We like the Medicare Advantage Plan. Seniors need to have a choice in health care, and help in keeping that program. Medicare seems to always be cutting benefits for seniors. Have you talked to seniors lately? Doctors are not accepting anyone on Medicare and turn them away. This is an issue that needs to be addressed in health care. Keeping the Medicare Advantage Plan helps doctors accept a patient that has Medicare. Without an additional supplemental plan, seniors are in trouble with health care physicians. Please don't cause more suffering for seniors by cutting the Medicare Advantage programs.

Here is one:

Senator, we implore you to not allow the Medicare Advantage Plan to be compromised. As seniors, on fixed incomes, my husband and I find the monies, which have soared in 2009/2010 to allow us to participate in the Medicare Advantage Plan. Please see that this plan will remain available to all seniors with the same coverage. Sincerely.

Here is one:

As retired, fixed income, senior citizens we benefit by and rely on a Medicare Advantage

Plan. We cannot afford the premiums that the Medigap insurance would cost if the Advantage Plans were not available. If not for our Advantage Plan, we would now be financially destitute because of the cost of my husband's health care these last 2 years. Without our Advantage Plan, we would not be able to afford yearly physical exams and preventive care. We also benefit from the Silver Sneakers exercise program as part of our plan. Senator Hatch, we urge you in any new health care plan, to: Keep Medicare Advantage Plans available; provide no government option/single payer; give no health care for illegals; fix the existing health system before adopting something new.

Here is another one:

Medicare Advantage Plans work great. Please don't let President Obama take them from us.

Here is another one:

We are Republicans from the State of Utah. Our concerns have to do with the Medicare Advantage Program as offered currently to senior citizens and participants in Medicare. Part of this plan includes our participation in the Silver Sneakers Program which gives us the opportunity to use the local recreation center in Roy, UT. Our current Medicare Advantage Program covers the cost of the Silver Sneakers Program. Daily use of the Roy Recreation Center would be prohibitive to us if we had to carry the burden of the cost of this program. Thus, we encourage you to keep in mind these concerns as any health plan is proposed in Congress over the next few months. Thank you for your consideration in this matter. Please let us know your position in this matter.

How about this one?

I would like you to support the medicare advantage system and vote against any cuts to the advantage system. I am a member of the Humana Advantage program and very happy with the program. They provide additional benefits over Medicare with no additional cost, which is a direct financial advantage to seniors.

Let me just read one more. I have so many of these I could go on for hours, but let me just read one more.

I'm very concerned about the President's determination to do away with "Medicare Advantage." My coverage is with DMBA, which is a nonprofit. It is my understanding DMBA actually pays some medical expenses over and above what Medicare authorizes. In addition, they administer the whole plan, which means I don't have to deal with Medicare directly. I feel that the amount of premium I pay to DMBA is worth these benefits. I'm willing to bet that Medicare costs will increase, if they have to start spending time dealing with seniors who currently have this kind of third party intervention. If there are really 10 million seniors who have "Medicare Advantage," how can any of the members of Congress vote to eliminate it? Thanks, so much, for your time and efforts.

Well, I think that last letter kind of sums it up. How can anybody vote to do away with the Medicare Advantage Program?

Just to be clear, the SilverSneakers Program—which has been much maligned by the other side, who helped to enact the program, and who talk about prevention and care all the time—is one that has made a difference in the lives of many seniors because it encourages them to get out of their



homes and remain active. It has been helpful to those with serious weight issues and valuable to women suffering with osteoporosis and joint problems.

In fact, I have received several hundred letters telling me how much Medicare Advantage beneficiaries appreciate the program. I would like to read a couple of those letters at this time, if I can. I will just read a few of them because there are many letters.

I recently have suffered from a heart attack and now receive treatment as a member of the Silver Sneakers. Being a part of the Silver Sneakers has helped my life immensely. The treatment I receive at the Silver Sneakers has readily increased my quality of life after my heart attack. I hope the funding for Silver Sneakers is not cut.

Well, that is Medicare Advantage. Here is the last I will read on the list.

I would like to express to you the need for the SilverSneakers program to continue. I have participated in this program for about 3 years now. I cannot begin to tell you the difference it has made since joining the program. I have not felt better health wise since joining the SilverSneakers program. My overall wellbeing both physically and mentally have improved. I go to the gym 3 times a week. I look forward to this physical activity. I feel physically better and my joints and body are in better shape than ever. I feel I have improved my immune system and go to the doctor less than when I did not participate in this program. I am retired with a fixed income and it would be difficult for me to have to pay for a gym membership if this program were to be eliminated. So I ask you to please consider keeping this program.

Look, the SilverSneakers Program is a prevention and wellness program, and almost all of us—if we are really honest about it—would admit that if we could get our seniors out there walking and exercising and doing the things that will help them to stay vibrant, alert, and physically well, it would save us billions of dollars. It is a very well-thought-out program, but it is a small part of Medicare Advantage. I thought I would cover it since it has been so maligned by some. If you read at least the HELP bill, there are a lot of provisions on wellness and prevention.

Well, in conclusion, I cannot support any bill that would jeopardize health care coverage for Medicare beneficiaries, and I surely believe if the bill before the Senate becomes law, Medicare beneficiaries' health care coverage could be in serious trouble.

I have been in the Senate for over 30 years. I pride myself on being bipartisan. I have coauthored many bipartisan health care bills since I first joined the Senate in 1977. As much as anyone in this Chamber, I want a health reform bill to be enacted this year. Every Republican does. But we want it to be bipartisan. We want it to be something both sides can support, such as the CHIP bill, which had a huge bipartisan vote. This is one-sixth of the American economy. If it doesn't get 75 to 80 votes, it is a lousy bill. I want it

to be done right. History has shown if it is done right, it needs to be a bipartisan bill that passes the Senate with a minimum of 75 to 80 votes.

We did it on the CHIP bill and on Hatch-Waxman. We did it on a whole raft of bills in which I have been a major player. There has never been a bill of this magnitude affecting so many American lives that has passed this Chamber on an almost straight party-line vote, or maybe just a straight party-line vote.

The Senate is not the House. This body has a different constitutional mandate than the House. We are the deliberative body. We are the body that has, in the past—and should today—worked through these difficult issues to find clear consensus. True bipartisanship is what is needed. In the past, the Senate has approved many bipartisan health care bills that have eventually been signed into law. I mentioned a few: the Balanced Budget Act of 1997 which included the CHIP program—that was a Hatch-Kennedy bill—the Ryan White Act, I named the bill after Ryan White who died from AIDS, with his mother sitting right in the audience. I stood on the Senate floor and named it the Ryan White Act. And the Orphan Drug Act, the Americans with Disabilities Act, the Hatch-Waxman Act, which created the modern generic drug industry. These are just a few of the success stories. I could go through many, many others.

If the Senate passes this bill in its current form with a razor-thin margin of 60 votes or thereabouts, this will become one more example of the arrogance of power being exerted since the Democrats secured a 60-vote majority in the Senate and took over the House and the White House.

I dream someday of having the Republicans having 60 votes. I tell you one thing, I think we would finally have the total responsibility to get this country under control, and I believe we would be successful. There are essentially no checks or balances found in Washington today, just an arrogance of power with one party ramming through unpopular and devastating proposals one after the other.

Let me talk now about other negative impacts of this bill, at a time when we are in a terrible recession, with the current unemployment rate at 10.2 percent. And if you take away some of the part-time and some of the other statistics, we are at an effective 17 percent unemployment rate.

The Reid bill is a job killer. It has a disproportionate impact on small businesses. This 2,046-page bill contains nearly one-half trillion dollars in new taxes, fees, and penalties that will disproportionately affect small businesses, which are the job-creating engine and the lifeblood of our economy. Seventy percent of all jobs are created by the small business sector, and actually more if you really look at it.

According to a recent National Federation of Independent Businesses Survey, at least 50 percent of small businesses pay taxes at the individual level through owners that report income of more than \$200,000 and will be hit hardest under the Democratic tax-and-spend plan with their mandate—their job-killing employer mandate—in this bill. This is small business. This is not the large corporate world. It is small business where most of the jobs are generated. Every dollar lost to new taxes on these businesses will be a dollar taken away from job creation.

The Reid bill includes a job-killing employer mandate. More specifically, it contains a \$28 billion new tax penalty on employers for failing to provide coverage. Economists and CBO both agree that this will hurt employee wages and job creation. That is economists and CBO—the Congressional Budget Office. According to the Congressional Budget Office, although this new tax is levied on the employers, it is the “workers in those firms who would ultimately bear the burden of those fees” in the form of reduced compensation.

The Center on Budget and Policy Priorities has stated that the employer mandate will have a disproportionate impact on hiring practices for low- and moderate-income families. This is the most important segment in need of help.

The Reid bill increases the Medicare payroll tax. In fact, it imposes a \$54 billion payroll tax increase at a time when we as a nation are struggling with an unemployment rate of 10.2 percent and an underemployment rate that I have been speaking about of 17.5 percent.

In addition, the Reid bill fails to lower premiums. Instead of lowering skyrocketing health care premiums for small businesses across the Nation, this \$2.5 trillion bill, according to the Congressional Budget Office, will largely maintain the status quo of 5 percent to 6 percent yearly increases in premiums for small businesses. Why? A combination of heavyhanded regulations and a laundry list of new taxes on everything from health plans to prescription drugs, to medical devices which, according to the Joint Committee on Taxation, will simply be passed on to the consumers.

The Reid bill creates another brandnew Washington-run plan. This Washington-run plan comes at a time when families and businesses with private insurance are already paying as much as \$1,800 a year more in premiums, which is nothing more than a hidden tax to make up for the underpayment by government programs such as Medicare and Medicaid to health care providers. It is no secret some doctors are not willing to take Medicare patients and even Medicaid patients because of the reimbursement rates,



among others things, because of the bureaucracy—the bureaucratic problems. Creating another government-run program will only increase this hidden tax on families and small businesses to keep the private coverage of their choice, and I believe it is important for my colleagues to hear what businesses are saying about the Reid bill.

The National Federation of Independent Business, the premier small business organization in the country, says:

The Senate Bill Fails Small Business.

The U.S. Chamber of Commerce:

U.S. Chamber stresses disappointment with Senate health bill.

The National Association of Wholesaler-Distributors:

Wholesaler-Distributors say “No” to the Reid Health Bill.

The Small Business Entrepreneurship Council:

Small Business Group Says Reid Health Bill More of the Same: More Taxes, Mandates, Big Spending and Nothing to Help Lower Health Insurance Costs.

The Associated Builders and Contractors—great employers in this country:

ABC Critical of Senate Democratic Health Care Bill.

The National Association of Manufacturers:

NAM says Congress is Taking Health Care Reform in the Wrong Direction.

The Independent Electrical Contractors sent a letter of opposition to every Senator.

The International Franchise Association:

Franchise Businesses Oppose Senate Healthcare Reform Efforts.

There is a better way to handle health care reform. For months, I have been pushing for a fiscally responsible and step-by-step proposal that recognizes our current need for spending restraint, while starting us on a path to sustainable health care reform. There are several areas of consensus that can form the basis for sustainable, fiscally responsible, and bipartisan reform. We have a lot of ideas over here for reforming the health insurance market for every American by making sure no American is denied coverage simply based on a preexisting condition; protecting the coverage for almost 85 percent of Americans who already have coverage they like by making that coverage more affordable. This means reducing costs by rewarding quality and coordinated care, giving families more information on the costs and choices of their coverage and treatment options, discouraging frivolous lawsuits, and promoting prevention and wellness measures.

By the way, the other side is not willing to do anything on tort reform that some estimate may be costing us as much, in unnecessary costs, as \$300 billion a year.

Giving States flexibility to design unique approaches to health care reform. Utah is not New York and New York is not Utah.

As we move forward on health care reform, it is important to recognize that every State has its own unique mix of demographics and each State has developed its own unique institutions to address its challenges and each has its own successes. I believe in 50 State laboratories, where the States may be given the money by the Federal Government, but they solve their own problems with their own demographic needs and fitting their own demographic needs, rather than a one-size-fits-all big Federal Government program which is what this bill creates.

There is an enormous reservoir of expertise, experience, and field-tested reform in the States. We should take advantage of those experiences by placing States at the center of health care reform efforts so they may use approaches that best reflect their needs and challenges.

My home State of Utah has taken important and aggressive steps toward sustainable health care reform. The current efforts to introduce a defined contribution health benefit system and implement the Utah health exchange are laudable accomplishments. A vast majority of Americans agree that a one-size-fits-all Washington solution is not the right approach. That is what this bill is bound to foist on us.

Unfortunately, the path we are taking in Washington right now is to simply spend another \$2.5 trillion of taxpayer money to further expand the role of the Federal Government. I do not know many people who believe that is what we should do. I wish the majority would take a step back, put their arrogance of power in check, and truly work on a real bipartisan bill that all of us can support, or at least a good percentage of us can support—not just one or two Republicans.

The first step in achieving bipartisanship is to support my motion to commit this bill so Medicare Advantage beneficiaries may keep the benefits they currently enjoy through Medicare Advantage plans. To me, it is only fair that the legislation we are currently considering hold true to the President's promise to the American people that if they like what they have they may keep it.

I urge my colleagues to support my motion to commit so that promise will also apply to Medicare Advantage beneficiaries who have benefitted greatly from what we did in a bipartisan way just a few years ago. I might add, some of these outside groups have a stake in killing it because they can make more money on senior citizens. It is not hard to see why they are behind this great big, huge 2,074-page monstrosity of a bill. No wonder they don't place this bill on every desk. Maybe

they will. When they do, they will probably put two pages on one sheet so it will look a little bit smaller.

But it ought to be on every desk. We can even thumb through it while we are debating and while others are talking. Think what that would do for all of us Members of the Senate if we thumbed through some of the things we are doing to America. Remember, this is one-sixth of the American economy. We could wreck our country with this bill if we pass it. By passing it, we would turn our future 100 percent over to the Federal Government that has already put these two wonderful programs, Medicare and Medicaid, almost in bankruptcy. Those programs can be better, there is no question. But they are run by Washington, so naturally we are going to call on taxpayers, over and over again, to fund the excesses these bureaucracies in Washington impose on all of us.

The PRESIDING OFFICER (Mr. BEGICH). The time of the Senator has expired.

Mr. HATCH. I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. I know the Senator from Pennsylvania wishes to speak very shortly, and I will yield to him when he is present on the floor. But I did wish to react to two points that were made by the very distinguished Senator from Utah. I say that with true sincerity. He has been a friend to me since I have been in the Senate. He sets a very valuable standard in this institution for collegiality and dignity and bipartisanship and scholarliness, and he comes from an extremely distinguished career, prior to his distinguished career in the Senate, as a lawyer, a leader of the Utah bar.

But I do think that, as easy as it is to make fun of a 2,074-page bill, the House bill, which is not significantly different in scale from this bill, was reviewed. If you look at the substantive language in it—in a bill, of course, there is a lot of language that simply connects things into place and is tables and indexes and things such as that. If you look at the actual language you would read if you were interested in the substance of the bill on the House side and do a word count on it, it has fewer words than a “Harry Potter” novel. I don't think it is too much to expect that Members of the Senate should be prepared to leaf through the equivalent of a “Harry Potter” novel when they are embarking on as significant an effort and endeavor as we are in reforming the health care system. I think it was about 256,000 words, if I am not mistaken. It is smaller print, admittedly, than a “Harry Potter” book because of the way in which the bill is presented in its traditional format. It is very few words per page, so it looks big and one can make very entertaining demonstrations with it on the

floor. When you actually get down to reading it, it is about the same as plowing through—actually less than plowing through a “Harry Potter” novel, and I don’t think that should be too much to expect.

I also suggest the reason for the lack of current bipartisanship on this bill might very well be the arrogance of power of the Democratic majority—it might be. But I would suggest the facts might also support a different hypothesis. If you look back at the history of the development of this bill, it began on a very bipartisan note. It began with Senator BAUCUS’s “prepare to launch” program at the very beginning of the year, a full-day, bipartisan effort to begin to focus on the delivery system reform issues. It began with a bipartisan group negotiating in the Finance Committee. It began with a HELP Committee bill that allowed for 161, I believe was the number, Republican amendments in a very open and completely bipartisan process.

Then along came August and the townhall meetings and the beginning of the radicalization of the Republican Party. We heard, out of that process, charged buzz words such as “death panels,” “socialized medicine,” “benefits for illegal immigrants,” “rationing of care”—all these words that incite and inflame passions but make no reasoned case and advance no helpful alternative.

We saw those words and those arguments presented with a crudeness and a venom that are frankly new to American politics; for example, the President portrayed with a Hitler mustache. I don’t recall, for 8 years, President Bush ever being portrayed with a Hitler mustache. Poor President Obama comes in and within his first months people are running around America portraying him with a Hitler mustache because we want to reform health care.

Certainly, there are a great number of us who believed President Bush was less than truthful when he came and spoke to us about Iraq and other subjects, but nobody yelled out “You lie.” In President Obama’s first appearance, he was heckled from the floor of the Congress of the United States.

This September, after the tea bag group and after the townhall death panel group had become active, 179 Republicans in the House of Representatives of the Congress of the United States voted to support their heckler comrade.

Something changed with the radicalization of the Republican Party, and I am not the only one to have noticed this. A very well-regarded Philadelphia columnist wrote recently of the Republican right:

If they can get some mileage . . . nothing else matters.

The columnist went on to decry what he called “the conservative paranoia” and “lunacy” afoot in our national debate.

The editor of the Manchester Journal Inquirer editorial page wrote of the GOP, which he called “this once great and now mostly shameful party,” that it “has gone crazy,” that it is “more and more dominated by the lunatic fringe,” and that it has “poisoned itself with hate.” He concluded, they “no longer want to govern. They want to emote.”

The respected Maureen Dowd of the New York Times, in her column eulogizing her friend, the late William Safire, lamented the “vile and vitriol of today’s howling pack of conservative pundits.”

A Nobel Prize-winning economist has said:

The takeover of the Republican Party by the irrational right is no laughing matter. Something unprecedented is happening here, and it’s very bad for America.

A well-regarded Washington Post writer with a quarter century of experience covering government and politics, married to a Bush administration official—we are hardly talking about commentary from the leftward fringe—has noted about the House health care bill and the arguments surrounding it “the appalling amount of misinformation being peddled by its opponents.” She called it a “flood of sheer factual misstatements about the health-care bill.” She noted that “[t]he falsehood-peddling began at the top” of the Republican Party. Her ultimate question was this:

Are the Republican arguments against this bill so weak that they have to resort to these misrepresentations and distortions?”

Even the respected head of the Mayo Clinic has recently described the health care antics we have witnessed as “mud” and “scare tactics.”

It is possible, as the distinguished Senator from Utah suggests, that the reason bipartisanship is elusive is because Democrats have been gripped by the arrogance of power. But as somebody who has been witness to intense efforts to try to recruit Republican support for this bill, the evidence at least as well supports the theory that something has happened to the Republican Party in the past months, as the radicalized Republican right has emerged and taken over and provoked all of these responses from respected, neutral, seasoned veterans observing the political scene. I suggest that is at least a possibility.

I would like to change topics for a moment, given that Senator CASEY is not present, and make an additional point that I believe merits mention. I will yield as soon as he appears to have arrived.

Mr. HATCH. Will the Senator yield for a second?

Mr. WHITEHOUSE. I am delighted to yield.

Mr. HATCH. I would like to have a few minutes to wrap up.

Mr. WHITEHOUSE. Of course. How long would the Senator wish?

Mr. HATCH. I think I can do it in less than 5 minutes.

Mr. WHITEHOUSE. I yield 5 minutes to the distinguished Senator from Utah right now.

The PRESIDING OFFICER. The Senator from Utah.

Mr. WHITEHOUSE. Would the Senator yield back for one moment?

Mr. HATCH. Surely.

Mr. WHITEHOUSE. I had the opportunity to be on the floor yesterday, and the time was all under agreement. My time was concluded, and I was leaving the floor. The Senator from Utah had the occasion to offer some very kind words about me. Because of the procedural posture we were in, I did not have the chance to reply or respond at that time. This is the first time we have been on the floor together since then, when I have had the chance to have the floor, and I do want to let him know how much I value what he had to say. I know there are very well-established standards of protocol here in which we say nice things about each other, but I felt that what he had to say was not just protocol but was sincere and heartfelt, and it really does mean a lot to me and is reciprocated on my part.

I think Senator HATCH brings enormous, as I said earlier, dignity, erudition, principle, collegiality—many good characteristics to the floor. He is a force for good in this body, and I am delighted to have him count me a friend.

I yield him the next 5 minutes.

Mr. HATCH. I thank my colleague. I appreciate the eloquence of my dear friend. I am going to find fault with some of the things he said, but I have to say I am grateful to have the distinguished Senator from Rhode Island with us. He is one of the great additions to the Senate, in my opinion, a very good lawyer who has had tremendous experience in State government. It is amazing to me that he is supporting this awful bill, this monstrosity of a bill. But I can live with that. I have seen a lot of decent, honorable people be deceived by their desire on the Democratic side to continue to build the Federal Government at the expense of the States and everybody else. I will say this: I really enjoy my colleague. I have a lot of respect for him.

I have to take issue with his “Harry Potter” comments. Just think about that. I like the fact that the distinguished Senator from Rhode Island compares this bill here to a “Harry Potter” novel. That is, perhaps, pretty appropriate because both of them are what I consider to be works of fantasy and fiction. This thing has 14 pages as a table of contents alone. Notice how my voice goes up as I am holding it; it puts that much pressure on your speech diaphragm. I just wish it was as valuable and would be as valuable to the American people as the “Harry Potter” novels have been.

Let me say one last thing before I close and leave the floor. I appreciate my colleague. I appreciate his graciousness in all ways. We have worked closely together on the Intelligence Committee and the Judiciary Committee and in many other ways. I think he is one of the great additions to the Senate. In spite of his dogged determination in support of this awful bill, I still think greatly and very highly of him.

Let me make a few things clear to my Democratic colleagues. I am not a great believer that we should follow polls at all, but I think it is interesting to see what the American people are thinking. My colleagues seem to think that some of these people who did the tea parties and some of these other things are rightwing crazies. I know a lot of them. They are really good people. They are up in arms, and they are really upset. They are people from all walks of life. Some of them are very far right. Some of them are far left. The fact is, they are sincere. They feel what is going to happen here is a denigration of the country.

Unfortunately, I feel the same way. The more we rely totally on the Federal Government, the worse off this country will be. My colleagues love the Federal Government. I love it too. I would love to keep it in its place. It is much easier to control things when you control them through Washington. However, it is also a way of stifling good ideas if you do not have the best benefits of the 50 State laboratories that our Federalist system actually provides.

I noticed in a recent Gallup poll, 53 percent of the Independents are opposed to this bill. Gallup has been polling for years, is it not Republican or Democratic. These are Independents. Thirty-seven percent support the bill. These are not radical Americans, these are Independents. They are just tired of the tax-and-spend policies of Washington, DC. There are people in both parties who are guilty of pushing for those types of policies.

I have to say Democrats are much better at spending Federal dollars than Republicans in the sense that they spend a lot more of them. Democrats are not better in watching them either.

Even a Kaiser poll, which is anything but conservative, had 59 percent of the people in this country opposed to this bill.

If I were a Democrat, I would be a little concerned about the Independents. They are not crazies. They are not people who are out of line. And neither are these conservatives who are up in arms.

I recently met with a number of the tea party representatives in Utah. They are fiscal conservatives. They are very concerned. I also met with representatives of the so-called 912 Group. They are more concerned with social

issues as well as economic issues. They are well-intentioned, well-thought-out people who are sick and tired of what is happening here in Washington. The only way they can really get their ideas heard is by raising cane about it. Frankly, I think they are right to do so.

We all better stop and take a look at these things and see if we can, as honest, decent Democrats and honest, decent Republicans, get together to come up with a bill that has broad bipartisan support of at least 75 to 80 Senators. I would like it to be more. But that is what we need to do. This current bill is not the way to get there.

I thank my colleague for his gracious remarks about me. I feel exactly the same about him. He is a good colleague, a wonderful attorney, and a great addition to the Senate. I intend to work with him in every way I can. I just think if he would just tell his side: We are going to sit down, we are going to work this out, I think we would get it done.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I see the distinguished Senator from Iowa as well as the distinguished Senator from Pennsylvania. Whichever one of them would like to proceed, I am prepared to yield. It looks as if it will be the distinguished Senator from Iowa.

I had the very great honor of serving on the HELP Committee during the time that the HELP Committee section of this bill was prepared. One of the most vital and important elements of this bill is its new focus on wellness and prevention to help Americans stay healthy so that it truly is health care and not just sick care, so that the medical establishment is not incited to add more and more tests and procedures because that is what they get paid for but won't have an e-mail contact or won't have a phone call to help talk a patient through something because they can't get reimbursed.

The potential value of wellness and prevention in this country is astonishing. It has been underinvested in because the people who are responsible for making those choices really don't get the benefit of them under our present perverse system.

The Senator from Iowa has shown great leadership. He is now chairman of the HELP Committee, but he certainly chaired, through the committee deliberations, the health and wellness portions. It was my honor to watch him in action and see the astonishing results he achieved.

I yield the floor to him and ask unanimous consent that at the conclusion of the remarks of the distinguished Senator from Iowa, the Senator from Pennsylvania, Mr. CASEY, be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa.

Mr. HARKIN. Parliamentary inquiry: What rule are we under right now? How much time do we have? Are we under any time constraints?

The PRESIDING OFFICER. Under the previous order, the Senator controls the time until 8 p.m., approximately 15 minutes.

Mr. HARKIN. Mr. President, first I wish to thank my colleague for all the work he did in our committee. I am sorry he is not still on our committee. I wish he were. But a lot of the good work we have in our bill is due to Senator WHITEHOUSE's involvement in the development of this bill. He was a great member of our committee, and as the chairman, I sure wish he would come back. That is all I can say.

I say to the Senator, thank you for all the great work you did on this bill and especially all the wonderful work you did on getting us the public option that we had in our bill that was adopted by the House but also all the great work you did on making sure we had a robust prevention and wellness program in our bill. I have always said that the best way to bend the cost curve is to keep people healthy in the first place and keep them out of the hospital.

So I thank my colleague for all his great work on the bill.

Mr. WHITEHOUSE. Mr. President, I thank the chairman of the committee.

Mr. HARKIN. Mr. President, I would like to engage my friend from Pennsylvania in a little discussion on one part of the bill that was mentioned earlier today but really has not received much attention. I think there are some misconceptions about what it does. It is called the CLASS Act.

Basically, the CLASS Act is a bill that was championed by Senator Kennedy for many years. It has its genesis in the kind of convoluted system we have now in how we provide for people who become disabled.

Either through their work, through an accident, through illness, or whatever, people become disabled. As you know, we have a portion of that under the Social Security system, disability insurance. But, in fact, it does not take care of any kind of long-term care. So Senator Kennedy, for many years, championed the idea of giving people the ability to set aside some money during their working years that would be sort of like Social Security. It would vest, and then, if, God forbid, they became disabled, they would then have a certain monthly income that would enable them to live in their own homes, live in their own communities, and to ease some of the burdens of their disability.

Before he passed away, Senator Kennedy talked to all of us on the committee about his dream and his hope that we would have this incorporated in our health reform bill.

Well, we did this in the HELP Committee. We brought it forward. We had it scored. We know exactly how it operates. As we will make clear, I am sure, in our colloquy, it is a program that can be paid for. It is voluntary, as we said. It will stand on its own two feet. It is not another entitlement program, as I heard someone say here earlier today. In fact, it has to be self-financing by the premiums people pay in during their working years. It is an affordable, long-term care program. Again, it will allow families to plan for any possibility of a chronic illness, without having the fear of being put in a nursing home. As I said, it is voluntary.

The CBO gave us a scoring on this that it was actuarially sound for 75 years—actuarially sound for 75 years. What that means is that the premiums paid in and the benefits paid out will be kept in proper alignment. It will be fully solvent.

Quite frankly, Mr. GREGG, the Senator from New Hampshire, on our committee, basically talked about this, and here is what he said:

I offered an amendment, which was ultimately accepted, that would require the CLASS Act premiums to be based on a 75-year actuarial analysis of the program's costs. My amendment ensures that instead of promising more than we can deliver, the program will be fiscally solvent and we won't be passing the buck—or really, passing the debt—to future generations. I'm pleased the HELP Committee unanimously accepted this amendment.

Well, we did, and that is why I make the point that this is not another entitlement program, as was said here earlier today.

Even better, the CBO believes the CLASS Act will save Medicaid \$1.4 billion in the first 4 years alone—\$1.4 billion in the first 4 years alone—as a result of families who will be paying into and then using the CLASS benefit instead of Medicaid to similarly pay for the help they need to remain at home. That is really what people want. People want to stay in their own communities. They do not want to have to go to a nursing home.

The CLASS Act would provide money for assisted transportation, in-home meals, help with household chores, professional help getting ready for work, adult daycare, professional personal care. Now, will it pay for all those things? No, it will not pay for all those things, but it will give you enough of a basic support so that, coupled with other things, you would be able to stay at home and maybe even go to work. You may be disabled, but you may not be so disabled you cannot do some work; therefore, you need a little bit of help at home to get out in the morning and go to work or maybe you just need some personal assistance care that would enable you to stay in your own home rather than going to a nursing home.

So that is why this amendment is so important. It is voluntary, long over-

due. I think it will begin to give people the peace of mind of knowing if they pay into this system, after it vests—after 5 years of vesting—they will then be able to access this program in case they get disabled.

Mr. President, I see my colleague and my friend from Pennsylvania is on the floor, a strong supporter of the CLASS Act and what we are trying to do here in terms of giving people the ability to maintain themselves if, God forbid, they should become disabled. I will be delighted to yield whatever time he needs to the Senator from Pennsylvania and engage in any colloquies he would like.

The PRESIDING OFFICER (Mr. BENNET). The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I thank my colleague and friend, Senator HARKIN, who is now the chairman of the Health, Education, Labor, and Pensions Committee, taking over for Senator Kennedy. I know he feels an obligation not only to get this health care bill passed, but he also feels an obligation to the American people, as I think most people in this Chamber do, when it comes to health care. In particular, I commend Senator HARKIN for his great support for this legislation over a long period of time, and in particular for the CLASS Act.

One of the best moments in our deliberations this summer was when Senator HARKIN told a story about a relative of his. In a few moments, if he would tell that story, it brought home to me how important this program is and how it relates to the American people and what they do not have now, especially those Americans with disabilities.

When I step back and look at this program, a couple of things come to mind—a couple of themes, really. One is the word “dignity,” the dignity of work. So many Americans—by one estimate, 5 million Americans—under the age of 65 are living in our country who have long-term care needs, and there are over 70,000 workers with severe disabilities in the Nation today, who need daily assistance to maintain their jobs and their independence. So we are talking about a program which allows them to continue working with a disability. It allows them to overcome or surmount the barrier that is in front of them. Why would anyone not want to support this kind of a program, just in that brief description? But it is a lot more than that. It is about the dignity of work. It is about having independence, the ability to continue to work even with a disability. But it is also a very strong program for other reasons as well.

One is, as Senator HARKIN said so well—and Senator Kennedy led us on this program for many years, advocating for this approach—one important feature of this, as Senator HARKIN says, is it is voluntary. It is a vol-

untary, self-funded—self-funded—insurance program with enrollment for people who are currently employed. So we are talking about enabling and helping people to work and maintain their dignity and contribute to our economy. That is what we are talking about here. We are not talking about some government program we are going to create that no one knows what the results will be. We know exactly what this will do for millions of Americans. Let me make a couple of points before I turn again to our chairman, Senator HARKIN.

First of all, there have been a lot of arguments made on the other side that we do not need this. Boy, I have not heard an alternative, which is true in a lot of the debates in the last couple of days. We hear a lot of criticism and critiques, some of them grossly inaccurate. But I am still waiting—still waiting—to hear an alternative, another idea. We do not hear much about that.

But the other side made a lot of points about cost and the budget and how you pay for programs such as this. Well, let's just turn to the first chart on my left.

Medicaid pays for a majority of long-term care in the United States of America. For long-term care, 40 percent of it is paid for by Medicaid. A lot of people think of the Medicaid Program, which I guess covers about 60 million Americans, roughly. We should think about long-term care. People do not often think about Medicaid as being connected directly to long-term care for older citizens, those who fought our wars, who worked in our factories, who raised our families, who gave us life and love, and all they ask for in the twilight years of their lives is a little help with their health care. Plenty of them are given skilled care in nursing homes, and for many of those who are in nursing homes, they have skilled care, and they have a good experience. For some, it is not so good. They would rather be able to stay at home. They would rather be able to have opportunities to be provided some help at home. So they want the kind of dignity I spoke about earlier. The same is true of those who might be a lot younger but who have disabilities and want to continue working. They want to continue working.

Here is another way to look at this: Projected Medicaid spending on long-term services and supports is unsustainable because if nothing is done, Medicaid services for older citizens in America alone will rise by 500 percent by 2045. You do not have to be—I am certainly not an expert on how these costs are going up, but you do not have to be an expert to know that in the year 2000, you are at this level, and by the year 2045—not that far in the future—you are going to be over at above \$200 billion. So Medicaid long-

term services and support spending for those who happen to be aged 65 or older: \$200 billion by 2045. So this is going up. This is when you do not do anything to meet a health care challenge. If we want to just keep this number going up, well, listen to the other side and just not enact any kind of a program.

Let me do one more chart, and then I will turn to Senator HARKIN for a discussion about this.

We hear a lot about spending and savings and how we are going to pay for health care. Well, if we want to pay for a part of this health care bill—and a big part of the challenge—we should enact the CLASS Act because Medicaid savings from this act, as you can see here: \$1.6 billion just over the first 4 years. We are not talking about 10 years or 20 years or 40 years; we are talking about, in 4 years, you get \$1.6 billion in savings—over the first 4 years of the implementation of the CLASS Act—starting in 2016.

So this is affirmative in the sense that it ensures people's dignity. It allows people to work even with a disability. And it is also fiscally responsible. And those who benefit from it are paying into it, and it is voluntary. No one has to do it. It is voluntary.

We have heard a lot of arguments, I say to Senator HARKIN, but I think we know from the work he did, working so many years with Senator Kennedy on these issues and working in the committee this summer, as one of our leaders—with Senator DODD chairing the hearings this summer—and now as the chairman of the committee, the Senator has been instrumental in getting not just this legislation moving forward but especially on the CLASS Act, and I am grateful for him taking on this responsibility. I want to get the Senator's sense of what he hears from people in Iowa and his own experience with why this is so essential for the American people.

Mr. HARKIN. I thank my friend and my colleague from Pennsylvania for laying out why this is so important, the fact that we are actually going to get savings for Medicaid from this. That is helping the States. That helps the States a lot. So we get a lot of bangs for the buck, as one might say, with the CLASS Act that we have in this bill.

I say to my friend from Pennsylvania I think one of the biggest concerns people have—they may not express it when they are younger, but once they start working and they start having a family and they see one of their friends, a relative, someone in their neighborhood, become disabled—and believe me, it happens in our neighborhoods, it happens to our friends—they see that and they wonder, Maybe but for the grace of God there go I, but what would I do if something like that happened to me? How would my family, my children

function? Where would the money come from?

So to be able to have the peace of mind, to know there is a program whereby they can put some money aside every month, voluntarily, for 5 years, and then after that, they would then be able to access money if they got disabled—talk about a great insurance program. Talk about the peace of mind this would provide for people.

As I said, as we both have pointed out, this is actuarially sound for 75 years. So it seems to me that for all of these reasons, including the savings in Medicaid for the soundness of the program, but also for the peace of mind for people who are working, to know they now have a program, something they can access, that will provide them—again, I don't want to sell this for more than it is. This is not something that will make someone 100 percent whole from their earnings. We are not trying to tell people that. What this will give them is up to \$75 a day to help them with all of the things I pointed out: maybe getting up, getting ready to go to work; maybe it is personal attendant services. It could be a whole host of different things that will enable them to live in their home, in their community, and, yes, maybe even be able to go to work every day.

My friend from Pennsylvania referred to the story I told earlier this summer, and I like to tell it because I think it illustrates what we are talking about here. I have a nephew, Kelly, my sister's boy. Well, he is not a boy anymore; he is an older man now, I guess you might say. He became disabled at a very young age, age 19, a severe paraplegic, but he was able to go to school, go to college. He was able then to live by himself in his own home. He had a van with a lift. He could get his wheelchair up there and punch the button and the doors would open and the thing would come down and he would get in the van. He had use of his hands. He could drive to work. He was able to start his own small business. But every morning he needed a nurse to come into the home, get him ready to go to work, get him up, get him going, get him out the door. Every night when he came home, he would stop and do some shopping on the way, come home to his own house where he lived, in his own community, among his family. His family was close by. They would have a nurse every evening do his exercises with him, keep his arms strong, do all of his other internal things that needed to be done, make sure he could get to bed. It happened every day. But because of that, he was able to live a full life, and he still is. Kelly is still an active man. But that was—gee, I am trying to remember now. I have to think. That was in 1979, 30 years ago. Kelly must be about almost 50 years old now. I never thought about that. I always think of him as a kid. But he was able

to do that, and he has lived a full life. He has been able to work, live by himself, do all kinds of wonderful things.

How was he able to afford this? Was his family wealthy? Not a bit, not at all. In fact, his mother died shortly after the accident happened. My sister, who had breast cancer, died at an untimely, young age. But the way Kelly was able to do all this was because he got injured in the military. He got injured while he was onboard a ship off the coast of Vietnam. So the VA paid for all of this and is still paying for it—for his personal services—so that he can live by himself and get out the door and go to work. I have seen what that has done for him.

I thought to myself: Well, if we can do this for veterans, what about other people in our society who, through no fault of their own or through an accident or whatever, become disabled. I thought about how much Kelly was able to earn during his lifetime, the fact that he paid taxes, had his own business. You know, that was a pretty darn good deal for the taxpayers of this country.

In a small way, that is what we are trying to do here. That is what we are trying to do, to build a system for someone who gets injured, becomes disabled, has some support mechanisms so they can also live a full, rich, and happy quality life without having to go to a nursing home. That is what this is all about.

As I said before, I say to my friend, it has so much to offer. I can't imagine there would be any real opposition to this—voluntary, actuarially sound. It provides a stipend to help people if they become disabled.

I say to my friend from Pennsylvania it seems to me of all the things we have been discussing on this health reform bill so far, to me this is one of the most important. This is one of the most important parts of this health reform bill. We have never done it before. It is long overdue. It will be good for our families. It will be good for businesses. It will help our States because of the cutbacks and they won't have to pay so much into Medicaid.

I thank my friend from Pennsylvania for his strong support of this. I say to my friend Ted Kennedy: We are going to get it done. It is going to happen. We are not going to let this bill get through and go to the President without having this in it. It is going to be there. There is no doubt about it. We are going to make it work, just as the Veterans' Administration worked for my nephew Kelly.

I yield back to my friend from Pennsylvania. Actually, he asked me a question and I kind of got off a little bit there on telling my stories.

Mr. CASEY. I am glad the Senator told that story. For me, this summer, beginning to learn about the details of the CLASS Act, it was a way, through

the life of the Senator's nephew, to be able to tell the story about why it was so important. I was thinking as you were talking about the program and the CLASS Act itself and your own personal story and why it makes so much sense.

Sitting here to my left on the floor is Connie Garner. She has worked for years on this legislation with Senator Kennedy. She would know better than I, and Senator HARKIN would know better than I. Ted Kennedy not only liked this and fought hard for this program, but he wasn't a guy who just liked interesting ideas, he wanted them to work.

Mr. HARKIN. That is right.

Mr. CASEY. There are times we will be talking about the Children's Health Insurance Program in this legislation. That is a program that had its origin in government, and there is a lot of government involvement in that program. I support it and will fight to the end of the Earth for it. This program, the CLASS Act, the program that results from the CLASS Act, is different. It is a hybrid. It is in many ways a creative way to provide these kinds of services for people with disabilities. It is not a government entitlement program. It is a program that doesn't confer rights or an obligation on government funding, nor does it affect the receipt of or eligibility for other benefits. It stands on its own financial feet, which is the point that Senator HARKIN made. Why wouldn't we do this?

This wasn't just dreamed up this summer. Senator Kennedy, Senator HARKIN, Connie Garner, and plenty of other folks were working on this for a lot of years. This is the result of years of work, not a couple of weeks or months. So they worked on this to get it right, and we have it right. It makes sense fiscally and it makes sense in terms of the dignity of people's work, the dignity of people able to stay in their home and be provided basic services.

All of our families are affected by this. At some point or another, you are going to have a loved one who wants to work but has a disability, maybe; or needs long-term care services and doesn't want to leave the home. Everyone is affected by that. There is not a Member of the Senate on either side who isn't going to be affected personally some day by this challenge. All we are saying is we have a way to make it a little easier for folks. As Senator HARKIN said, it doesn't solve all of the problems, but it helps provide the kind of services we should have the right to expect.

We have this figured out. Some of these things we can figure out because of all of the work that was done over many years. This program, this voluntary self-funded program is one way to do it. Senator HARKIN has been a leader on this and we are grateful for that leadership.

Mr. HARKIN. If the Senator would yield again to me, two other things. I am glad the Senator mentioned Connie Garner who again, with Senator Kennedy, has worked so many years on this, and has her own personal story to tell regarding this, a very poignant story. But I now want to thank Connie for all of her wonderful work on this and shepherding this through. She is probably sitting over there wishing we had said this and that, because we probably forgot something she knows better than we know. But we do our best, Connie. We do our best with what we have, anyway, to try to explain this. But I thank Connie for all of her great work and leadership in getting this to this point.

I wonder if I might impose upon the Senator, if I might—not digress but talk about one other part of the picture here we are talking about, in terms of covering people with disabilities. We have been talking about the CLASS Act, which is prospective. It looks ahead; it provides the mechanism whereby middle-class families can plan for the future possibility of an illness or a disability by putting this money away every month. We have talked about that. But one might ask the question: What about those who are disabled now? What is happening to them, the millions of Americans who are already living with a disability? Well, in 1990, we passed the Americans With Disabilities Act. We began to break down a lot of barriers in terms of people with disabilities and accessing daily living, accessing employment, transportation. But what happened was a few court cases started interfering with this. There was one court case in particular called the Olmstead decision 10 years ago. It came out of Georgia. It was a case in Georgia. It went to the Supreme Court. The Supreme Court said that based upon the Americans With Disabilities Act, a State had to provide the least restrictive environment for a person with a disability.

Well, this was wonderful because the only option for many people with disabilities right now is to go to a nursing home. In fact, our Federal laws are basically skewed toward putting people in nursing homes.

Let me explain. Right now, about the only support a person with a severe disability has is through Medicaid. As you know, through Medicaid you have to spend down until you become poor and then you get access to Medicaid. But under our laws, Medicaid must pay for you, if you are disabled, and then you qualify—they must pay for you to be in an institution or nursing home. They must. They have to pay for you. If, however, you are a person with a disability and you say: But I don't want to live in a nursing home; I would like to live—like my nephew Kelly—in my own house with my friends, in my own neighborhood, Medicaid doesn't have to

pay for it, and in most cases it does not pay for that. In the vast majority of cases, it doesn't pay for that.

So their beginning movement was in the mid-1990s to provide for funding for individuals with disabilities so they can live in their own homes in the community and not have to go to the nursing home. Well, that bill never—it was called MCASSA, the Medicaid Community Attendant Support and Services Act.

I always like telling people, I say to my friend from Pennsylvania, while we sponsored it over in the Senate, the first sponsor of it in the House was the Speaker at that time who had taken over, and his name was Newt Gingrich. To this day, he is still supportive of that. A few years ago, I talked to him, and he was still a strong supporter of MCASSA. It later became the Community Choice Act. We could never get it enacted into law.

It is a part of this health care reform bill in this way: It provides that if a State implements this Community Choice Act, which would allow people with disabilities to live in the community rather than in a nursing home, it will then get a bump up. It will get a 6-percent increase in its Federal match for Medicaid.

As you know, now the Federal Government provides some and the State provides some for Medicaid. It is roughly 60/40. It varies a little, but that is roughly it, 60/40. Well, that means that a State now that would do this would not have to come up with its 40 percent; it would only have to come up with 34 percent. So it is an incentive for States to begin to implement the Supreme Court decision of over 10 years ago that people with disabilities have a right to live in the least restrictive environment. Again, Medicaid, right now, as I said, will provide only for nursing home care. States are obligated to pay for that. They must.

Again, this also is a part of what the elderly in this country are concerned about too. A lot of them say that if they become disabled, they don't want to go to a nursing home, but that is their only option under Medicaid. So that explains why the second biggest priority in poll after poll for seniors in this bill, after strengthening Medicare—which we do—is changes to the health care system that will allow them to get the help they need to stay at home rather than going to a nursing home.

Again, you might say, why is this so important? Well, a couple of stories. Two women who brought the Olmstead case, Lois Curtis and Elaine Wilson, when asked at a hearing what it changed for them, because they were no longer institutionalized, both spoke of things that we kind of take for granted: They had new friends. They could meet new people. They could attend family celebrations. They said:



We could make Kool-Aid whenever we wanted to. Simple things. They could go outside and walk in the neighborhood. They got a little dog, and they could walk the dog in the neighborhood—something they could not do in the nursing home. That is another part of the bill—very closely aligned with the CLASS Act, but it pertains to those people with disabilities right now.

We know, again, from data and statistics we have that by paying for personal care services and home care services—and you might say that is really expensive. But we know from data that we get three for one. In other words, for every one person in a nursing home, for what that costs, we can provide community and home-based services for three people. That is three people for every one in a nursing home. So in a way, yes, it costs money, but for every person we get out of a nursing home, we can pay for three living in the community. Again, that is not to mention the kind of quality of life I just mentioned.

This bill for the first time creates the community first choice option, which gives States an extra share of Federal money—6 percent—if they agree to provide personal care and services to all eligible people in their State—I mean those eligible for institutional care. If they provide that to them, then they get a bump up. And only by making personal care services available on an equal basis to all those eligible can we satisfy the promise of the Americans with Disabilities Act and really meet the Supreme Court mandate in the Olmstead decision.

I say to my friend from Pennsylvania, there are two aspects of the bill. One is the CLASS Act, which looks ahead and provides that peace of mind that people know they can have that access. Then we provide for people with disabilities who are living out there, fearful that the only thing that will happen to them is they will have to go to a nursing home. Now we are going to say to States: You provide community- and home-based services, and we will give you more money to do so through your Medicaid Program. Hopefully, with that, the States will begin to move more rapidly to fulfill the mandate of that Supreme Court decision.

I thank my friend for yielding me this time to explain that.

Mr. CASEY. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASEY. Mr. President, I ask unanimous consent that on Friday, De-

cember 4, after any leader remarks, the Senate then resume consideration of H.R. 3590 with debate only in order until 11:30 a.m., with no amendments, motions to commit, or any other motion, other than a motion to reconsider a vote, if applicable, in order during this period, except those that are currently pending, with the time after the leader time equally divided and controlled between the leaders or their designees, with the majority controlling the first portion of time.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TRIBUTE TO JEFFERY D. RUPERT

Mr. REID. Mr. President, I rise today to recognize the work of Jeffery D. Rupert, who served as executive assistant to the U.S. Capitol Police Board from August 2003 to December 2009.

Pursuant to Public Law 108-7, section 1014(c) Congress established the position to act as a central point for communications and enhance the Police Board's work. In his capacity as the first executive assistant to the board, Mr. Rupert built the job from the ground up, developing policies, initiating procedures, and establishing an archival system which will serve as a historic chronicle of board security decisions.

Mr. Rupert contributed greatly to the safety and security of the Capitol Complex during his tenure, which included board support for two Presidential inaugurations, two dozen joint sessions of Congress, and other major special events and demonstrations.

Additionally, Mr. Rupert's regular daily duties enhanced the overall effectiveness and efficiency of the board's oversight activities. Whether he was coordinating a meeting or writing legal analysis, Mr. Rupert paid great attention to detail.

His more than 6 years of work were critical in supporting preparations for potential terrorist attacks and included a vast span of expertise in law enforcement, safety, and security issues. He served the USCP and the Capitol Police Board honorably in the aftermath of the ricin attacks.

Mr. Rupert served as a liaison with other congressional and executive branch entities to include the Department of Homeland Security, the Federal Bureau of Investigation, the Central Intelligence Agency, the Department of Defense, and many other agen-

cies. As a liaison, Mr. Rupert provided information concerning national level issues including continuity of government and continuity of operations for the U.S. Congress. His personal and professional contacts ensured seamless sharing of vital intelligence, and the Capitol community was well served during his stewardship.

I understand Jeff has accepted a high-ranking position at the Pentagon. On behalf of the entire Senate, I wish Jeff the very best in his future endeavors and offer him heartfelt thanks for his service to Congress and the American people.

#### HONORING OUR ARMED FORCES

PRIVATE FIRST CLASS KIMBLE A. HAN

Mr. HATCH. Mr. President, I rise today to pay tribute to PFC Kimble A. Han who made the ultimate sacrifice for his country on October 23, 2009, in Afghanistan. According to initial reports, Private First Class Han died of injuries sustained when an improvised explosive device detonated near his vehicle.

Private First Class Han was assigned to the 569th Engineer Company, 4th Engineer Battalion, Fort Carson, CO.

Private First Class Han enlisted in the Army in January of 2008 and by December was assigned to the combat engineers. He exhibited an astounding sense of devotion to duty in service to our great Nation. He received numerous recognitions, medals and ribbons for his service, including the National Defense Service Medal, the Afghanistan Campaign Medal with Campaign Star, the Global War on Terrorism Service Medal, Army Service Ribbon, Overseas Service Ribbon and Combat Action Badge. As a result of his heroic service, Private First Class Han was posthumously promoted to specialist. The selfless courage Kimble displayed in the service to our country will not be forgotten. We are forever in his debt.

Mr. President, let us not forget the sacrifice of PFC Kimble A. Han. I am filled with deep gratitude for his service and pray for his family and friends throughout this difficult time. I know that I am joined by all my colleagues in the Senate in mourning the loss of PFC Kimble A. Han, our Nation's protector and hero.

SERGEANT JAMES MICHAEL NOLEN

Mr. President, I rise today to pay tribute to SGT James Michael Nolen who was killed in the line of duty on November 23, 2009, in Zabul, Afghanistan. Sergeant Nolen sustained fatal wounds when enemy forces attacked his vehicle with an improvised explosive device.

SGT James Nolen served with the 2nd Battalion, 508th Parachute Infantry Regiment, 4th Brigade Combat Team, 82nd Airborne Division, Fort Bragg, NC.



Sergeant Nolen truly exemplified the qualities of a dedicated soldier and hero. A fellow paratrooper conveyed that "Sergeant Nolen was a true soldier. Nothing could take away from his warm personality. His caring smile and willingness to help others were his most identifiable features."

James exhibited an astounding sense of devotion and duty to our great Nation. He received numerous recognitions, medals and ribbons for his service including the Bronze Star Medal, the Purple Heart Medal, the Army Commendation Medal, the Army Achievement Medal, the Army Good Conduct Medal, the National Defense Service Medal, the Global War on Terrorism Service Medal, the Army Service Ribbon, the Overseas Service Ribbon, the NATO Medal, the Combat Infantryman Badge and the Basic Parachutist Badge.

Mr. President, I express my deepest appreciation for the selfless dedication this soldier proudly exhibited in service to our country. He courageously put himself in harm's way to defend us, and for that we owe him an infinite debt of gratitude. I offer my deepest condolences and prayers for James' family and friends during this difficult time. I know that I am joined by all my colleagues in the Senate in mourning the loss of SGT James Michael Nolen, our Nation's protector and hero.

#### NOMINATION OF JACQUELINE NGUYEN

Mr. BEGICH. Mr. President, I want to comment today on the confirmation earlier this week of the Honorable Jacqueline Nguyen to be judge on the U.S. District Court for the Central District of California. Unfortunately, I was delayed in my return from Alaska, and I was unable to be here for the vote. Had I been here, I would have proudly cast my vote along with the rest of my Senate colleagues to confirm this highly qualified and well-respected jurist. Upon her confirmation, Judge Nguyen made history by becoming the first Vietnamese-American to serve as a U.S. district court judge in U.S. history.

I applaud the judge's unanimous confirmation by the Senate as an example of what we do all too infrequently, I am afraid—recognizing a public need and to acting appropriately and expeditiously to address it. I commend the President for heeding the recommendation by our colleagues from California and nominating a woman of obvious talent. The President nominated Judge Nguyen, I am sure, because he perceived in her a combination of the education, experience, and temperament appropriate for a life-tenured position on the federal bench. Her unanimous "well qualified" rating from the American Bar Association's Standing Committee on the Federal Judiciary, earned after an 18-year career in the

law, including nearly 7 years as a California Superior Court judge and roughly the same amount of time as an assistant U.S. attorney in the same district in which she will now serve as a Federal judge, would seem to be completely justified. I have little doubt that Judge Nguyen will be an outstanding Federal judge.

As impressed as we all should be with her qualifications, I believe we can all look at the details of Judge Nguyen's life as a truly great and quintessential American story. Born in Da Lat, Vietnam, Judge Nguyen and her family were able to escape the approaching North Vietnamese and Viet Cong armies, departing Saigon in 1975 on a crowded helicopter as gunfire could be heard in the background. The Nguyen family was part of the great wave of Vietnamese immigrants who left their homeland to escape the Communist takeover. After stops in refugee camps in the Philippines and on Guam, the Nguyens made their way to California, spending several months living in a tent on the grounds of the Marine base at Camp Pendleton. The Nguyens eventually settled in La Crescenta. The judge, her siblings, and their mother cleaned dental offices after school and at night, while her father studied to be a computer programmer and worked in a gas station at night and on weekends. Eventually, her parents purchased a doughnut shop in North Hollywood. Judge Nguyen says she often did her homework during high school between shifts at the doughnut shop and also worked there while she was earning her degree from Occidental College. She would ultimately earn her law degree from UCLA.

I do not know Judge Nguyen, but I am impressed by her accomplishments and the drive she and her family have shown in coming to this country and embracing the opportunities the United States offers its citizens. I recognize in her story the same drive and love of country that I have seen among the Vietnamese-American citizens of Alaska. The United States is a nation made great in part by its diversity. I personally take pride in serving alongside our first African-American President, and at the same time as our first Vietnamese-American Federal judge. Still, as much as the confirmation of this highly qualified woman is an example of the possibilities available to all Americans, I cannot help but believe it is being hailed today as a point of immense pride by the Vietnamese-American community in my home State of Alaska, in Judge Nguyen's State of California, and all across this country. I extend the judge, and the Vietnamese-American community, my sincere congratulations.

#### STEM EDUCATION

Mr. KAUFMAN. Mr. President, a few weeks ago the Department of Edu-

cation released application guidelines for the Race to the Top competitive grant program. I am very encouraged that these guidelines include a competitive preference for science, technology, engineering, and mathematics—or STEM—education. I commend the Department for its foresight.

Throughout the year, I have spoken many times about how important a focus on science and engineering is to our continued economic recovery. Engineers and scientists have always been the world's problem-solvers. They will help us to solve the challenges of clean water; lifesaving cures for cancer and disease; clean, renewable petro-free energy; affordable health care; and environmental sustainability.

Yet, if we are to tackle these immense challenges, we can no longer wait to begin training our Nation's future STEM professionals until after they leave the K-12 education pipeline. That is why I am so pleased that the Race to the Top grant application emphasizes STEM education. This is just the kind of attention STEM education needs.

The Race to the Top fund is designed to reward States that have been successful in raising student achievement and have superior plans to accelerate education reform. State grant applications must, of course, focus on certain core education reform areas. However, an emphasis on STEM education is considered a competitive preference priority worth 3 percent of a State's application score. It is the only competitive preference in the Race to the Top application guidelines. Applicants will earn all or none of the designated points, thereby truly rewarding sound initiatives.

To meet this priority, each State must offer a rigorous course of study in STEM education. They are encouraged to collaborate with industry professionals, universities, research centers, museums, and other STEM-focused community partners. Additionally, each State must have a plan for preparing and assisting teachers in integrating STEM throughout the curriculum. This includes offering applied learning opportunities and relevant instruction for students.

There are some successful STEM education programs already in operation throughout the country. A study released by the National Academy of Engineering in September highlighted a handful of K-12 engineering curriculum projects. Other education-based initiatives are also spurring interest among our youth. For example, there is a remarkable afterschool program in Wilmington, DE, that I recently spoke about here in the Senate. It inspires high school students to pursue careers in STEM fields by teaching them how to build robots. It is a great program. All too often, though, these types of opportunities have not been available

to all of our Nation's students. The Race to the Top grants will bring more opportunities to more students.

Perhaps the most important component for meeting this grant priority is that States' plans must prepare more students to pursue college majors and careers in STEM. They must also specifically address the needs of women and underrepresented minorities. The United States cannot maintain its position as a technological leader nor can we solve the problems we face without a diversity of perspectives and participation.

Women constitute about half of the students in our higher education system about half of the overall workforce, but they comprise only slightly more than 12 percent of the science and engineering workforce. African Americans hold only 4.4 percent of science and engineering jobs, Hispanics just 3.4 percent. We can, and must, do better, and the Race to the Top application guidelines are a step in the right direction.

Over \$4 billion is available for competitive grants in the Race to the Top program. This is an unprecedented level of discretionary funding for the Department of Education, and States nationwide will be pulling out all the stops to earn their share of the pie. Many States working months ago to put the correct conditions in place to apply for funds.

Moreover, the "Educate to Innovate" campaign was recently launched by President Obama. This campaign is a nationwide effort of private companies, universities, foundations, nonprofits, and science and engineering societies—working with the Federal Government—to improve student performance in STEM subjects. As part of this effort, business leaders and nonprofits will be joining forces to identify and replicate successful STEM programs across the country. For example, Time Warner Cable and the Coalition of Science After School are creating an online directory of STEM afterschool programs. Other STEM organizations will be teaming up with local volunteers to host National Lab Days, and President Obama announced an annual science fair at the White House. This type of public-private collaboration is just the kind of action we need to bolster STEM education.

I sincerely hope the competitive preference for STEM education in the Race to the Top application, coupled with the "Educate to Innovate" campaign, will spur the kind of investment and attention in STEM education that I believe all of our students deserve. Our country is counting on these future scientists and engineers.

#### TRIBUTE TO MAJOR LAMONT ATKINS

Mr. AKAKA. Mr. President, I wish today to recognize MAJ Lamont At-

kins of the U.S. Air Force, who has been my military legislative fellow for the past year.

Lamont is a proud alumnus of the University of Alabama, where he earned a bachelor of science in management information systems, and an avid fan of Alabama's Crimson Tide football team. He also holds a masters of arts in computer resources and Information Management from Webster University. With over 11 years in the military, Major Atkins brought a wealth of knowledge and experience to my office. He has excelled in every previous assignment and has received numerous commendations, including several Officer of the Year awards.

While Major Atkins' primary duty was to assist my military legislative assistant on defense and veterans' issues, he also made significant contributions in other areas, including banking, judiciary, health, and education issues. Major Atkins prepared for Senate Army Caucus meetings, researched banking issues, and wrote memos on a variety of topics. Lamont performed beyond expectations. His flexibility and willingness to go the extra mile greatly benefited our office.

During Lamont's tenure, we transitioned from one military legislative assistant to another. Lamont's assistance was crucial to ensuring a smooth transition, and was key in bringing the new military legislative assistant up to speed on my initiatives.

Major Atkins was stationed at Hickam Air Force Base prior to his assignment at the Pentagon. The opportunity of experiencing firsthand the unique needs of the constituents of Hawaii was instrumental to Lamont's success on our staff, and Lamont displayed the aloha spirit daily.

I also extend my sincere aloha to Lamont's wife Karonica and their children, Lamont Junior and Kendall, whom my staff and I have also had the pleasure of getting to know during Lamont's time in my office. I extend my heartfelt aloha and utmost appreciation to Major Atkins for his service to the great State of Hawaii, to the Senate, and to our Nation. My staff and I will miss him dearly. I wish Lamont and his 'ohana the very best in their future.

#### ADDITIONAL STATEMENTS

##### RECOGNIZING MILL CREEK ELEMENTARY

• Mr. BOND. Mr. President, on behalf of my fellow Missourians, I extend my warmest congratulations to Mill Creek Elementary School in Columbia, MO.

Mill Creek Elementary is celebrating 20 years of dedication to educating its students. When Mill Creek opened in 1989, it served 486 students. Now, the school is home to 90 faculty and staff members and 760 students.

Mill Creek Elementary has educated and advanced thousands of students over the years. The faculty and staff have helped students to develop the knowledge and skills that will serve them throughout their lives so they may contribute to their communities one day.

At Mill Creek, students pledge to be respectful of themselves and others, responsible for their own learning and behavior, and resourceful problem-solvers. These standards are known as the 3 R's: respect, responsibility, and resourcefulness. Mill Creek hopes to instill these standards within its students so they will use them not just at school but also in their homes and their communities.

Public education is strengthened when schools have the support of the local community. KMIZ-17, Rolling Hills Veterinary, Columbia Insurance Group and Boulevard Bank have all stepped forward to be involved at Mill Creek through the Partners in Education program. These businesses provide time and support to students through mentoring, hands-on lessons and even a school weather station.

Strong parental involvement also leads to school success. Mill Creek benefits tremendously from the countless PTA and volunteer hours donated by family members and community leaders each year.

Mill Creek Elementary has been committed for over 20 years to providing a high quality education to its students and preparing them to be leaders in their community. Parents, students, teachers and staff can all be proud of their accomplishments.

Congratulations to the Cougars!•

##### RECOGNIZING THE BRIDGEVILLE VOLUNTEER FIRE DEPARTMENT

• Mr. CARPER. Mr. President, today I offer my congratulations to Chief Jack Cannon and President Allen Parsons and the entire company as the Bridgeville Volunteer Fire Department celebrates 100 years of service. The success of the fire company is a tribute to the many dedicated men and women who not only have served in the Bridgeville Fire Company, but have served the entire Bridgeville community in any number of ways, as well.

Since 1909, the members of the Bridgeville Volunteer Fire Company have protected the property and residents of this historic community. The fire company has reached many milestones throughout the years, including equipment upgrades, the formation of the Ladies Auxiliary, and moves to larger stations to accommodate growth and expansion. As it currently stands at 60 volunteer members and 2 professional emergency medical technicians, the Bridgeville Volunteer Fire Company represents a standard of excellence, answering over 300 fire calls and

800 ambulance calls annually, night and day in all kinds of weather.

Delaware's firefighters are dedicated and caring professionals who willingly put themselves at risk to protect the lives and property of their neighbors. We are all sincerely grateful for their continuing service. The hard work and dedication of these devoted volunteers is an inspiration to all. Moreover, the Bridgeville Volunteer Fire Company has crafted a tradition of superior and selfless service.

I again congratulate the members on this momentous anniversary and look forward to hearing of their continued success for another hundred years and beyond.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGE FROM THE HOUSE

At 11:22 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 320. An act to amend the National Manufactured Housing Construction and Safety Standards Act of 1974 to require that weather radios be installed in all manufactured homes manufactured or sold in the United States.

H.R. 515. An act to prohibit the importation of certain low-level radioactive waste into the United States.

H.R. 1242. An act to amend the Emergency Economic Stabilization Act of 2008 to provide for additional monitoring and accountability of the Troubled Asset Relief Program.

H.R. 2873. An act to provide enhanced enforcement authority to the Securities and Exchange Commission.

H.R. 3634. An act to designate the facility of the United States Postal Service located at 109 Main Street in Swifton, Arkansas, as the "George Kell Post Office".

H.R. 3963. An act to provide specialized training to Federal air marshals.

H.R. 3980. An act to provide for identifying and eliminating redundant reporting requirements and developing meaningful performance metrics for homeland security preparedness grants, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 129. Concurrent resolution congratulating the Sailors of the United States Submarine Force upon the completion of 1,000 Ohio-class ballistic missile submarine (SSBN) deterrent patrols.

H. Con. Res. 197. Concurrent resolution encouraging banks and mortgage servicers to work with families affected by contaminated drywall and to consider adjustments to payment schedules on their home mortgages that take into account the financial burdens of responding to the presence of such drywall.

At 5:52 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3570. An act to extend the statutory license for secondary transmissions under title 17, United States Code, and for other purposes.

H.R. 4154. An act to amend the Internal Revenue Code of 1986 to repeal the new carryover basis rules in order to prevent tax increases and the imposition of compliance burdens on many more estates than would benefit from repeal, to retain the estate tax with a \$3,500,000 exemption, to reinstitute and update the Pay-As-You-Go requirement of budget neutrality on new tax and mandatory spending legislation, enforced by the threat of annual, automatic sequestration, and for other purposes.

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 320. An act to amend the National Manufactured Housing Construction and Safety Standards Act of 1974 to require that weather radios be installed in all manufactured homes manufactured or sold in the United States; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 515. An act to prohibit the importation of certain low-level radioactive waste into the United States; to the Committee on Environment and Public Works.

H.R. 2873. An act to provide enhanced enforcement authority to the Securities and Exchange Commission; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 3570. An act to extend the statutory license for secondary transmissions under title 17, United States Code, and for other purposes; to the Committee on the Judiciary.

H.R. 3634. An act to designate the facility of the United States Postal Service located at 109 Main Street in Swifton, Arkansas, as the "George Kell Post Office"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3963. An act to provide specialized training to Federal air marshals; to the Committee on Commerce, Science, and Transportation.

H.R. 3980. An act to provide for identifying and eliminating redundant reporting requirements and developing meaningful performance metrics for homeland security preparedness grants, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 129. Concurrent resolution congratulating the Sailors of the United

States Submarine Force upon the completion of 1,000 Ohio-class ballistic missile submarine (SSBN) deterrent patrols; to the Committee on Armed Services.

H. Con. Res. 197. Concurrent resolution encouraging banks and mortgage servicers to work with families affected by contaminated drywall and to consider adjustments to payment schedules on their home mortgages that take into account the financial burdens of responding to the presence of such drywall; to the Committee on Banking, Housing, and Urban Affairs.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3855. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; SOCATA Model TBM 700 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-0557)) as received during adjournment of the Senate in the Office of the President of the Senate on November 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3856. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A318-111, -112, A319, A320, and A321 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-1215)) as received during adjournment of the Senate in the Office of the President of the Senate on November 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3857. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Saab AB, Saab Aerosystems Model SAAB 340A (SAAB/SF340A) and SAAB 340B Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-0134)) as received during adjournment of the Senate in the Office of the President of the Senate on November 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3858. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; PIAGGIO AERO INDUSTRIES S.p.A Model PIAGGIO P-180 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-0699)) as received during adjournment of the Senate in the Office of the President of the Senate on November 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3859. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Hawker Beechcraft Corporation (Type Certificate previously held by Raytheon Aircraft Company) Models 1900, 1900C, and 1900D Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-0165)) as received during adjournment of the Senate in the Office of the President of the Senate on November 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3860. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-0310)) as received during adjournment of the Senate in the Office of the President of the Senate on November 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3861. A communication from the Regulatory Analyst, Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Poultry Contracts; Initiation, Performance, and Termination" (RIN0580-AA98) received in the Office of the President of the Senate on November 30, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3862. A communication from the Administrator, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Apricots Grown in Designated Counties in Washington; Decreased Assessment Rate" (Docket No. AMS-FV-09-0038; FV09-922-1 FIR) received in the Office of the President of the Senate on November 30, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3863. A communication from the Deputy Secretary of Defense, transmitting the report of (12) officers authorized to wear the insignia of the grade of major general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-3864. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Definitions of Component and Domestic Manufacture" (DFARS Case 2005-D010) received in the Office of the President of the Senate on November 30, 2009; to the Committee on Armed Services.

EC-3865. A communication from the Under Secretary of Defense (Acquisition and Technology), transmitting, pursuant to law, an annual report on the Mentor-Protégé Program for fiscal years 2007 and 2008; to the Committee on Armed Services.

EC-3866. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance; Capital-Residential Mortgage Loans Modified Pursuant to the Home Affordable Mortgage Program" (RIN1557-AD25) received in the Office of the President of the Senate on November 30, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-3867. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Final Model Privacy Form Under the Gramm-Leach-Bliley Act" (RIN1557-AC80) received in the Office of the President of the Senate on November 30, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-3868. A communication from the Assistant to the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Truth in Lending—Interim Final Rule; Request for Public

Comment" (Regulation Z; Docket No. R-1378) received in the Office of the President of the Senate on November 30, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-3869. A communication from the Office Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicaid Program: State Flexibility for Medicaid Benefit Packages and Premiums and Cost Sharing" (RIN0938-AP72 and RIN0938-AP73) received in the Office of the President of the Senate on November 30, 2009; to the Committee on Finance.

EC-3870. A communication from the Chairman of the U.S. International Trade Commission, transmitting, pursuant to law, a report relative to the Commission's Strategic Plan covering the period from fiscal year 2009 through fiscal year 2014; to the Committee on Finance.

EC-3871. A communication from the President of the United States, transmitting, pursuant to law, a report relative to an alternative plan for pay increases for civilian Federal employees covered by the General Schedule and certain other pay systems in January 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-3872. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to unvouchered expenditures; to the Committee on Homeland Security and Governmental Affairs.

EC-3873. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-233, "Neighborhood Supermarket Tax Relief Clarification Temporary Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-3874. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-232, "First Congregational United Church of Christ Property Tax Abatement Temporary Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-3875. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-231, "Police and Firefighter Post-Retirement Health Benefits Temporary Amendment Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-3876. A communication from the Acting Director, U.S. Trade and Development Agency, transmitting, pursuant to law, the Agency's Performance and Accountability Report for fiscal year 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-3877. A communication from the Chairman, Securities and Exchange Commission, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of April 1, 2009, through September 30, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-3878. A communication from the Chairman, National Endowment for the Arts, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report as well as the Chairman's Report on Final Action for the period of April 1, 2009 through September 30, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-3879. A communication from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, the Administration's Performance and Accountability Report for fiscal year 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-3880. A communication from the Chairman, Board of Governors, U.S. Postal Service, transmitting, pursuant to law, the Semiannual Report on the Audit, Investigative, and Security Activities of the U.S. Postal Service for the period of April 1, 2009 through September 30, 2009; to the Committee on Homeland Security and Governmental Affairs.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 372. A bill to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, and for other purposes (Rept. No. 111-101).

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1353. A bill to amend title 1 of the Omnibus Crime Control and Safe Streets Act of 1968 to include nonprofit and volunteer ground and air ambulance crew members and first responders for certain benefits.

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. ROCKEFELLEER for the Committee on Commerce, Science, and Transportation.

Suresh Kumar, of New Jersey, to be Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service.

\*Scott Boyer Quehl, of Pennsylvania, to be Chief Financial Officer, Department of Commerce.

\*Scott Boyer Quehl, of Pennsylvania, to be an Assistant Secretary of Commerce.

\*Philip E. Coyle, III, of California, to be an Associate Director of the Office of Science and Technology Policy.

\*Anthony R. Coscia, of New Jersey, to be a Director of the Amtrak Board of Directors for a term of five years.

\*Albert DiClemente, of Delaware, to be a Director of the Amtrak Board of Directors for the remainder of the term expiring July 26, 2011.

\*Mark R. Rosekind, of California, to be a Member of the National Transportation Safety Board for the remainder of the term expiring December 31, 2009.

\*Mark R. Rosekind, of California, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2014.

By Mr. LEAHY for the Committee on the Judiciary.

Thomas I. Vanaskie, of Pennsylvania, to be United States Circuit Judge for the Third Circuit.

Louis B. Butler, Jr., of Wisconsin, to be United States District Judge for the Western District of Wisconsin.

Susan B. Carbon, of New Hampshire, to be Director of the Violence Against Women Office, Department of Justice.

John H. Laub, of the District of Columbia, to be Director of the National Institute of Justice.

Sharon Jeanette Lubinski, of Minnesota, to be United States Marshal for the District of Minnesota for the term of four years.

Mary Elizabeth Phillips, of Missouri, to be United States Attorney for the Western District of Missouri for the term of four years.

Sanford C. Coats, of Oklahoma, to be United States Attorney for the Western District of Oklahoma for the term of four years.

Stephen James Smith, of Georgia, to be United States Marshal for the Southern District of Georgia for the term of four years.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. KLOBUCHAR (for herself, Mr. FEINGOLD, Mr. WEBB, and Mr. BEGICH):

S. 2825. A bill to require cell phone early termination fees to be pro-rated over the term of a subscriber's contract, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. GRASSLEY:

S. 2826. A bill to amend the Internal Revenue Code of 1986 to extend the renewable production credit for wind and open-loop biomass facilities, and for other purposes; to the Committee on Finance.

By Mr. SCHUMER:

S. 2827. A bill to amend the Internal Revenue Code of 1986 to expand the military housing allowance exclusion for purposes of determining area gross income in determining whether a residential rental property for purposes of the exempt facility bond rules; to the Committee on Finance.

By Mr. KERRY:

S. 2828. A bill to amend the Public Health Service Act to authorize the National Institute of Environmental Health Sciences to conduct a research program on endocrine disruption, to prevent and reduce the production of, and exposure to, chemicals that can undermine the development of children before they are born and cause lifelong impairment to their health and function, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WYDEN (for himself, Ms. STABENOW, and Mrs. GILLIBRAND):

S. 2829. A bill to amend the Internal Revenue Code of 1986 to allow the cost of labor for building envelope improvements to be included for purposes of the nonbusiness energy property tax credit; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Mr. HATCH, Mr. BENNETT, Mr. UDALL of

New Mexico, Mr. UDALL of Colorado, and Mr. BENNETT):

S. 2830. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to clarify that uncertified States and Indian tribes have the authority to use certain payments for certain noncoal reclamation projects; to the Committee on Energy and Natural Resources.

By Mr. REED (for himself, Mr. SCHUMER, Mrs. SHAHEEN, Mr. LEAHY, Mr. KERRY, Mr. DODD, Mr. WHITEHOUSE, and Mr. CASEY):

S. 2831. A bill to provide for additional emergency unemployment compensation and to keep Americans working, and for other purposes; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Mr. ISAKSON, and Mr. KOHL):

S. 2832. A bill to amend the Employee Retirement Income Security Act of 1974 to require a lifetime income disclosure; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REED (for himself, Mr. BROWN, Mr. WHITEHOUSE, Mr. AKAKA, Mr. DURBIN, Ms. KLOBUCHAR, and Mr. BEGICH):

S. 2833. A bill to provide adjusted Federal medical assistance percentage rates during a transitional assistance period; to the Committee on Finance.

By Mr. AKAKA (for himself and Mr. VOINOVICH):

S. 2834. A bill to amend the Intelligence Reform and Terrorism Prevention Act of 2004 to establish a Security Clearance and Suitability Performance Accountability Council and for other purposes; to the Select Committee on Intelligence.

By Mr. KERRY (for himself, Mr. CARDIN, Mr. KAUFMAN, Mrs. GILLIBRAND, and Mr. MENENDEZ):

S. 2835. A bill to reduce global warming pollution through international climate finance, investment, and for other purposes; to the Committee on Foreign Relations.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CRAPO (for himself and Ms. KLOBUCHAR):

S. Res. 367. A resolution recognizing the 25th anniversary of the enactment of the Victims of Crime Act of 1984 (42 U.S.C. 10601 et seq.) and the substantial contributions to the Crime Victims Fund made through the criminal prosecutions conducted by the Financial Litigation Units of the United States Attorneys' offices; to the Committee on the Judiciary.

By Mr. NELSON of Florida (for himself and Mr. LEMIEUX):

S. Res. 368. A resolution expressing the sense of the Senate commending coach Bobby Bowden; to the Committee on the Judiciary.

By Mr. MCCONNELL (for himself and Mr. REID):

S. Res. 369. A resolution to permit the collection of clothing, toys, food, and housewares during the holiday season for charitable purposes in Senate buildings; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 132

At the request of Mrs. FEINSTEIN, the name of the Senator from Louisiana

(Mr. VITTER) was added as a cosponsor of S. 132, a bill to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to expand and improve gang prevention programs, and for other purposes.

S. 760

At the request of Mr. BROWNBACK, his name was added as a cosponsor of S. 760, a bill to designate the Liberty Memorial at the National World War I Museum in Kansas City, Missouri, as the "National World War I Memorial".

S. 761

At the request of Mr. BROWNBACK, his name was added as a cosponsor of S. 761, a bill to establish the World War I Centennial Commission to ensure a suitable observance of the centennial of World War I, and for other purposes.

S. 827

At the request of Mr. ROCKEFELLER, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 827, a bill to establish a program to reunite bondholders with matured unredeemed United States savings bonds.

S. 1067

At the request of Mr. FEINGOLD, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1067, a bill to support stabilization and lasting peace in northern Uganda and areas affected by the Lord's Resistance Army through development of a regional strategy to support multilateral efforts to successfully protect civilians and eliminate the threat posed by the Lord's Resistance Army and to authorize funds for humanitarian relief and reconstruction, reconciliation, and transitional justice, and for other purposes.

S. 1147

At the request of Mr. KOHL, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1147, a bill to prevent tobacco smuggling, to ensure the collection of all tobacco taxes, and for other purposes.

S. 1306

At the request of Mr. BUNNING, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 1306, a bill to provide for payment to the survivor or surviving family members of compensation otherwise payable to a contractor employee of the Department of Energy who dies after application for compensation under the Energy Employees Occupational Illness Compensation Program Act of 2000, and for other purposes.

S. 1341

At the request of Mr. MENENDEZ, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 1341, a bill to amend the

Internal Revenue Code of 1986 to impose an excise tax on certain proceeds received on SILO and LILO transactions.

S. 1423

At the request of Mrs. BOXER, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 1423, a bill to amend title XIX of the Social Security Act to require coverage under the Medicaid Program for freestanding birth center services.

S. 1492

At the request of Ms. MIKULSKI, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1492, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. 1583

At the request of Mr. ROCKEFELLER, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1583, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2014, and for other purposes.

S. 1646

At the request of Mr. REED, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1646, a bill to keep Americans working by strengthening and expanding short-time compensation programs that provide employers with an alternative to layoffs.

S. 1780

At the request of Mrs. LINCOLN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1780, a bill to amend title 38, United States Code, to deem certain service in the reserve components as active service for purposes of laws administered by the Secretary of Veterans Affairs.

S. 1809

At the request of Mr. WICKER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1809, a bill to amend the Clean Air Act to promote the certification of aftermarket conversion systems and thereby encourage the increased use of alternative fueled vehicles.

S. 1859

At the request of Mr. ROCKEFELLER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1859, a bill to reinstate Federal matching of State spending of child support incentive payments.

S. 2730

At the request of Mr. BROWN, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 2730, a bill to extend and enhance the COBRA subsidy program under the American Recovery and Reinvestment Act of 2009.

S. 2758

At the request of Ms. STABENOW, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 2758, a bill to amend the Agricultural Research, Extension, and Education Reform Act of 1998 to establish a national food safety training, education, extension, outreach, and technical assistance program for agricultural producers, and for other purposes.

S. 2794

At the request of Mr. SCHUMER, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2794, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives for the donation of wild game meat.

S. 2820

At the request of Mr. LAUTENBERG, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2820, a bill to prevent the destruction of terrorist and criminal national instant criminal background check system records.

S. RES. 337

At the request of Mr. ENSIGN, his name was added as a cosponsor of S. Res. 337, a resolution designating December 6, 2009, as "National Miners Day".

S. RES. 356

At the request of Mr. DURBIN, his name was added as a cosponsor of S. Res. 356, a resolution calling upon the Government of Turkey to facilitate the reopening of the Ecumenical Patriarchate's Theological School of Halki without condition or further delay.

AMENDMENT NO. 2790

At the request of Mr. CASEY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of amendment No. 2790 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 2791

At the request of Ms. MIKULSKI, the names of the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Montana (Mr. TESTER) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of amendment No. 2791 proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 2836

At the request of Ms. MURKOWSKI, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of amendment No. 2836 proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-

time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY:

S. 2826. A bill to amend the Internal Revenue Code of 1986 to extend the renewable production credit for wind and open-loop biomass facilities, and for other purposes; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, today I am introducing the Clean Renewable Energy Advancement Tax Extension Jobs Act of 2009, or the CREATE Jobs Act of 2009 for short. This is a bill to help all kinds of businesses create jobs and continue pushing ahead on the development of clean renewable energy. My bill extends the tax credit for the production of electricity from wind and open-loop biomass through December 31, 2016.

It increases the amount of bond authority for new clean renewable energy bonds to incentivize more clean renewable energy projects and the jobs created by these projects. For all businesses, my bill extends bonus depreciation for 1 year, so that businesses are able to deduct half of the value of any property placed in service in 2010.

This tax cut for businesses that invest in new property in 2010 will spur investment in clean energy projects, as well as other new projects, and that will create badly needed jobs.

I urge my colleagues to help me in getting this important legislation enacted into law as soon as possible.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2826

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Clean Renewable Energy Advancement Tax Extension Jobs Act of 2009" or the "CREATE Jobs Act".

### SEC. 2. EXTENSION OF RENEWABLE PRODUCTION CREDIT FOR WIND AND OPEN-LOOP BIOMASS FACILITIES.

(a) WIND.—Section 45(d)(1) of the Internal Revenue Code of 1986 is amended by striking "before January 1, 2013" and inserting "before January 1, 2017".

(b) OPEN-LOOP BIOMASS.—Section 45(d)(3) of the Internal Revenue Code of 1986 is amended by striking "before January 1, 2014" both places it appears and inserting "before January 1, 2017".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

### SEC. 3. INCREASED LIMITATION ON ISSUANCE OF NEW CLEAN RENEWABLE ENERGY BONDS.

(a) ADDITIONAL LIMITATION.—Section 54C(c) of the Internal Revenue Code of 1986 is



amended by adding at the end the following new paragraph:

“(5) FURTHER INCREASE IN LIMITATION.—The national new clean renewable energy bond limitation shall be increased by \$2,200,000,000. Such increase shall be allocated by the Secretary consistent with the rules of paragraphs (2) and (3).”.

(b) NONAPPLICATION OF CERTAIN LABOR STANDARDS TO FURTHER INCREASE IN LIMITATION.—Section 1601(1) of the American Recovery and Reinvestment Tax Act of 2009 is amended by inserting “pursuant to section 54C(c)(4) of such Code” after “Act.”.

(c) NONAPPLICATION OF CERTAIN ARBITRATION AND ISSUANCE RULES.—Section 54C of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(e) SPECIAL RULES.—For purposes of this section—

“(1) LIMITED ARBITRATION.—Section 54A(d)(4) shall apply without regard to subparagraph (B) or (C) thereof.

“(2) NO CREDIT STRIPPING.—Section 54A(i) shall not apply.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

#### SEC. 4. ADDITIONAL FIRST-YEAR DEPRECIATION FOR 50 PERCENT OF THE BASIS OF CERTAIN QUALIFIED PROPERTY.

(a) IN GENERAL.—Paragraph (2) of section 168(k) of the Internal Revenue Code of 1986, as amended by the American Recovery and Reinvestment Tax Act of 2009, is amended—

(1) by striking “January 1, 2011” and inserting “January 1, 2012”, and

(2) by striking “January 1, 2010” each place it appears and inserting “January 1, 2011”.

(b) CONFORMING AMENDMENTS.—

(1) The heading for subsection (k) of section 168 of the Internal Revenue Code of 1986, as amended by the American Recovery and Reinvestment Tax Act of 2009, is amended by striking “JANUARY 1, 2010” and inserting “JANUARY 1, 2011”.

(2) The heading for clause (ii) of section 168(k)(2)(B) of such Code, as so amended, is amended by striking “PRE-JANUARY 1, 2010” and inserting “PRE-JANUARY 1, 2011”.

(3) Subparagraph (B) of section 168(l)(5) of such Code, as so amended, is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(4) Subparagraph (C) of section 168(n)(2) of such Code, as so amended, is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(5) Subparagraph (D) of section 1400L(b)(2) of such Code is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(6) Subparagraph (B) of section 1400N(d)(3) of such Code, as so amended, is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2009.

By Mr. KERRY:

S. 2828. A bill to amend the Public Health Service Act to authorize the National Institute of Environmental Health Sciences to conduct a research program on endocrine disruption, to prevent and reduce the production of, and exposure to, chemicals that can undermine the development of children before they are born and cause lifelong impairment to their health and function, and for other purposes; to the

Committee on Health, Education, Labor, and Pensions.

Mr. KERRY. Mr. President, there are approximately 80,000 known chemicals in our environment that are potentially harmful. Many of those chemicals are not tested to determine if they are damaging to our health. This includes products Americans use every day such as household cleaners, cosmetics or personal care products.

The increased rate of disorders affecting the human endocrine system is alarming. Children developing in the womb may be particularly vulnerable. We can see the effects in our environment. Some fish in our lakes and rivers are developing gender mutations. We know there may be connections between these effects and the chemicals around us and it is time to learn more about it. That is why I am proud to introduce the Endocrine Disruption Prevention Act.

The Endocrine Disruption Prevention Act simply authorizes the National Institute of Environmental Health Sciences to conduct a research program on chemicals that may pose a risk to our health. This will streamline research efforts so more useful and complete data will be available to Federal agencies with the responsibility of regulating chemicals. This bill allows agencies to take action based on findings and to report to Congress with what actions were taken.

This bill promotes action based on hard, scientific evidence. I urge my colleagues to support this bill.

By Mr. WYDEN (for himself, Ms. STABENOW, and Mrs. GILLIBRAND):

S. 2829. A bill to amend the Internal Revenue Code of 1986 to allow the cost of labor for building envelope improvements to be included for purposes of the nonbusiness energy property tax credit; to the Committee on Finance.

Mr. WYDEN. Mr. President, the Federal tax code is in great need of an overhaul and today I am introducing legislation to fix one small piece of it. My legislation will help struggling homeowners who are seeing their money literally going out the window as their heating costs go through the roof.

The current tax code gives homeowners a tax credit for installing energy efficiency improvements, which is all well and good, but it only allows labor costs to be included for improvements inside their homes. If the homeowner is installing a new energy efficient furnace, labor costs are included in the expenses eligible for the tax credit. But for improvements like installing energy efficient windows, or doors, or insulation, or energy efficient roofing materials—improvements where labor is a major part of the cost, the tax credit only covers the cost of the materials and not the labor to in-

stall them. If this seems counterintuitive and counterproductive, that's because it is. Tilting the tax code to favor some types of home improvements over others is not a sound foundation for tax policy or energy policy.

This legislation, which Senators STABENOW and GILLIBRAND have joined with me to copponsor, will fix this problem by including labor costs for all eligible energy efficiency improvements whether to the heating system or to the roof. Our legislation doesn't change the amount of the overall credit or the kinds of energy efficiency improvements that can be made. It just makes it clear that the credit applies equally to labor costs to install all of the qualifying residential energy efficiency improvements, not just some. This will create a level playing field for homeowners when they are trying to decide which improvements to make especially for more labor intensive projects like installing insulation or new energy efficient roofing. It will also make all of these building energy saving opportunities more affordable. Most importantly, it will help Americans actually save energy and it will create jobs for those workers manufacturing and installing new, energy efficiency products.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2829

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. MODIFICATION TO NONBUSINESS ENERGY PROPERTY CREDIT.

(a) IN GENERAL.—Paragraph (1) of section 25C(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following flush sentence:

“Such term includes expenditures for labor costs properly allocable to the onsite preparation, assembly, or original installation of the component.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after the date of the enactment of this Act.

By Mr. BINGAMAN (for himself, Mr. HATCH, Mr. BENNETT, Mr. UDALL of New Mexico, Mr. UDALL of Colorado, and Mr. BENNETT):

S. 2830. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to clarify that uncertified States and Indian tribes have the authority to use certain payments for certain noncoal reclamation projects; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I rise to introduce a bill important to public health and safety and the environment in the West. This legislation addresses an interpretation by the Department of the Interior, DOI, which restricts the



ability of States to use certain funds under the Abandoned Mine Land, AML, Program authorized by the Surface Mining Control and Reclamation Act, SMCRA, for non-coal mine reclamation.

The Tax Relief and Health Care Act of 2006 contained amendments to SMCRA reauthorizing collection of an AML fee on coal produced in the U.S. and making certain modifications to the AML program. Under this program, which is administered by DOI, funds are expended to reclaim abandoned mine lands, with top priority for protecting public health, safety, general welfare, and property, and restoration of land and water resources adversely affected by past mining practices. The program is largely directed to abandoned coal mine reclamation, but under section 409 of SMCRA, funds have been available to address non-coal mine sites.

Pursuant to a Memorandum Opinion, M-37014, issued by the DOI's Solicitor on December 5, 2007, the Department has interpreted the amendments in a manner that limits the ability of western States to use certain funds under SMCRA to address significant problems relating to non-coal abandoned mines. This is in spite of the fact that these funds had previously been available for these purposes. In accordance with section 409 of SMCRA, western States such as New Mexico, Colorado, and Utah, have prioritized the use of AML funds to undertake the most pressing reclamation work on both coal and non-coal mine sites. While activities on non-coal sites have consumed a relatively insignificant portion of the funding provided for the overall AML program, the results in terms of public health and safety in these States is considerable, and there is significant work yet to be done. For example, New Mexico alone has over 15,000 remaining mine openings with a vast majority of these being non-coal. Uranium mine reclamation is a particular priority in New Mexico. All AML-related fatalities in New Mexico in the last few decades have been at non-coal mine sites.

The bill that I am introducing today would correct what I believe is an unfortunate interpretation of the 2006 Amendments by modifying the language of SMCRA to clarify that the funding would be available for non-coal reclamation as it was prior to the passage of the amendments in 2006. Under the bill, which makes a conforming change to sections 409 and 411 of SMCRA, western, non-certified States could continue to use their State share balances, including amounts comprising their so-called previously unappropriated State share balances, for non-coal reclamation.

I hope that my colleagues will support this legislation, which has important implications for abandoned mine clean-up in the West.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2830

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. ABANDONED MINE RECLAMATION.

(a) LIMITATION ON FUNDS.—Section 409(b) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1239(b)) is amended by inserting “or section 411(h)(1)” after “section 402(g)”.

(b) USE OF FUNDS.—Section 411(h)(1)(D)(ii) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1240a(h)(1)(D)(ii)) is amended by inserting “or 409” after “section 403”.

By Mr. REED (for himself, Mr. SCHUMER, Mrs. SHAHEEN, Mr. LEAHY, Mr. KERRY, Mr. DODD, Mr. WHITEHOUSE, and Mr. CASEY):

S. 2831. A bill to provide for additional emergency unemployment compensation and to keep Americans working, and for other purposes; to the Committee on Finance.

Mr. REED. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2831

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Helping Unemployed Workers Act”.

#### SEC. 2. EXTENSION OF EMERGENCY UNEMPLOYMENT COMPENSATION PROGRAM.

(a) IN GENERAL.—Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note), as amended by section 4 of the Unemployment Compensation Extension Act of 2008 (Public Law 110-449; 122 Stat. 5015) and section 2001(a) of the Assistance for Unemployed Workers and Struggling Families Act (Public Law 111-5; 123 Stat. 436), is amended—

(1) by striking “December 31, 2009” each place it appears and inserting “December 31, 2010”;

(2) in the heading for subsection (b)(2), by striking “DECEMBER 31, 2009” and inserting “DECEMBER 31, 2010”; and

(3) in subsection (b)(3), by striking “May 31, 2010” and inserting “May 31, 2011”.

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note), as amended by section 6 of the Worker, Homeownership, and Business Assistance Act of 2009 (Public Law 111-92), is amended by striking “by reason of” and all that follows and inserting the following: “by reason of—

“(A) the amendments made by section 2001(a) of the Assistance for Unemployed Workers and Struggling Families Act;

“(B) the amendments made by sections 2 through 4 of the Worker, Homeownership, and Business Assistance Act of 2009; and

“(C) the amendments made by section 2(a) of the Helping Unemployed Workers Act; and”.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect as if included in the enactment of the Supplemental Appropriations Act, 2008.

#### SEC. 3. EXTENSION OF INCREASE IN UNEMPLOYMENT COMPENSATION BENEFITS.

(a) IN GENERAL.—Section 2002(e) of the Assistance for Unemployed Workers and Struggling Families Act (Public Law 111-5; 123 Stat. 438) is amended—

(1) in paragraph (1)(B), by striking “January 1, 2010” and inserting “January 1, 2011”;

(2) in the heading for paragraph (2), by striking “JANUARY 1, 2010” and inserting “JANUARY 1, 2011”; and

(3) in paragraph (3), by striking “June 30, 2010” and inserting “June 30, 2011”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Assistance for Unemployed Workers and Struggling Families Act.

#### SEC. 4. EXTENSION OF FULL FEDERAL FUNDING OF EXTENDED UNEMPLOYMENT COMPENSATION FOR A LIMITED PERIOD.

(a) IN GENERAL.—Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act (Public Law 111-5; 26 U.S.C. 3304 note) is amended—

(1) by striking “January 1, 2010” each place it appears and inserting “January 1, 2011”; and

(2) in subsection (c), by striking “June 1, 2010” and inserting “June 1, 2011”.

(b) EXTENSION OF TEMPORARY FEDERAL MATCHING FOR THE FIRST WEEK OF EXTENDED BENEFITS FOR STATES WITH NO WAITING WEEK.—Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110-449; 26 U.S.C. 3304 note), as amended by section 2005(d) of the Assistance for Unemployed Workers and Struggling Families Act (Public Law 111-5; 26 U.S.C. 3304 note), is amended by striking “May 30, 2010” and inserting “May 30, 2011”.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsection (a) shall take effect as if included in the enactment of the Assistance for Unemployed Workers and Struggling Families Act.

(2) FIRST WEEK.—The amendment made by subsection (b) shall take effect as if included in the enactment of the Unemployment Compensation Extension Act of 2008.

#### SEC. 5. MODIFICATION TO ELIGIBILITY REQUIREMENTS FOR EMERGENCY UNEMPLOYMENT COMPENSATION.

(a) INDIVIDUAL NOT INELIGIBLE BY REASON OF SUBSEQUENT ENTITLEMENT TO REGULAR BENEFITS.—Section 4001 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended by adding at the end the following new subsection:

“(g) CERTAIN RIGHTS TO REGULAR COMPENSATION DISREGARDED.—If an individual exhausted the individual's rights to regular compensation for any benefit year, such individual's eligibility to receive emergency unemployment compensation under this title in respect of such benefit year shall be determined without regard to any rights to regular compensation for a subsequent benefit year if such individual does not file a claim for regular compensation for such subsequent benefit year.”.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by this section shall apply to weeks of unemployment beginning after the date of the enactment of this Act.

(2) TRANSITION RULES.—

(A) WAIVER OF RECOVERY OF CERTAIN OVERPAYMENTS.—On and after the date of the enactment of this Act, no repayment of any

emergency unemployment compensation shall be required under section 4005 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) if the individual would have been entitled to receive such compensation had the amendment made by subsection (a) applied to all weeks beginning on or before the date of the enactment of this Act.

(B) **WAIVER OF RIGHTS TO CERTAIN REGULAR BENEFITS.**—If—

(i) before the date of the enactment of this Act, an individual exhausted the individual's rights to regular compensation for any benefit year, and

(ii) after such exhaustion, such individual was not eligible to receive emergency unemployment compensation under title IV of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) by reason of being entitled to regular compensation for a subsequent benefit year,

such individual may elect to defer the individual's rights to regular compensation for such subsequent benefit year with respect to weeks beginning after such date of enactment until such individual has exhausted the individual's rights to emergency unemployment compensation in respect of the benefit year referred to in clause (i), and such individual shall be entitled to receive emergency unemployment compensation for such weeks in the same manner as if the individual had not been entitled to the regular compensation to which the election applies.

#### **SEC. 6. SUSPENSION OF TAX ON PORTION OF UNEMPLOYMENT COMPENSATION.**

(a) **IN GENERAL.**—Section 85(c) of the Internal Revenue Code of 1986 is amended—

(1) by inserting “or 2010” after “in 2009”, and

(2) by inserting “AND 2010” in the heading after “2009”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

#### **SEC. 7. TREATMENT OF SHORT-TIME COMPENSATION PROGRAMS.**

(a) **IN GENERAL.**—Section 3306 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(v) **SHORT-TIME COMPENSATION PROGRAM.**—For purposes of this chapter, the term ‘short-time compensation program’ means a program under which—

“(1) the participation of an employer is voluntary;

“(2) an employer reduces the number of hours worked by employees through certifying that such reductions are in lieu of temporary layoffs;

“(3) such employees whose workweeks have been reduced by at least 10 percent are eligible for unemployment compensation;

“(4) the amount of unemployment compensation payable to any such employee is a pro rata portion of the unemployment compensation which would be payable to the employee if such employee were totally unemployed;

“(5) such employees are not expected to meet the availability for work or work search test requirements while collecting short-time compensation benefits, but are required to be available for their normal workweek;

“(6) eligible employees may participate in an employer-sponsored training program to enhance job skills if such program has been approved by the State agency;

“(7) beginning on the date which is 2 years after the date of enactment of this subsection, the employer certifies that continuation of health benefits and retirement bene-

fits under a defined benefit pension plan (as defined in section 3(35) of the Employee Retirement Income Security Act of 1974) is not affected by participation in the program;

“(8) the employer (or an employer's association which is party to a collective bargaining agreement) submits a written plan describing the manner in which the requirements of this subsection will be implemented and containing such other information as the Secretary of Labor determines is appropriate;

“(9) in the case of employees represented by a union, the appropriate official of the union has agreed to the terms of the employer's written plan and implementation is consistent with employer obligations under the National Labor Relations Act; and

“(10) the program meets such other requirements as the Secretary of Labor determines appropriate.”.

(b) **ASSISTANCE AND GUIDANCE IN IMPLEMENTING PROGRAMS.**—

(1) **ASSISTANCE AND GUIDANCE.**—

(A) **IN GENERAL.**—In order to assist States in establishing, qualifying, and implementing short-time compensation programs, as defined in section 3306(v) of the Internal Revenue Code of 1986 (as added by subsection (a)), the Secretary of Labor (in this section referred to as the “Secretary”) shall—

(i) develop model legislative language which may be used by States in developing and enacting short-time compensation programs and shall periodically review and revise such model legislative language;

(ii) provide technical assistance and guidance in developing, enacting, and implementing such programs;

(iii) establish biannual reporting requirements for States, including number of averted layoffs, number of participating companies and workers, and retention of employees following participation; and

(iv) award start-up grants to State agencies under subparagraph (B).

(B) **GRANTS.**—

(i) **IN GENERAL.**—The Secretary shall award start-up grants to State agencies that apply not later than June 30, 2011, in States that enact short-time compensation programs after the date of enactment of this Act for the purpose of creating such programs. The amount of such grants shall be awarded depending on the costs of implementing such programs.

(ii) **ELIGIBILITY.**—In order to receive a grant under clause (i) a State agency shall meet requirements established by the Secretary, including any reporting requirements under clause (iii). Each State agency shall be eligible to receive not more than one such grant.

(iii) **REPORTING.**—The Secretary may establish reporting requirements for State agencies receiving a grant under clause (i) in order to provide oversight of grant funds used by States for the creation of short-time compensation programs.

(iv) **FUNDING.**—There are appropriated, out of any moneys in the Treasury not otherwise appropriated, to the Secretary, such sums as the Secretary certifies as necessary for the period of fiscal years 2010 and 2011 to carry out this subparagraph.

(2) **TIMEFRAME.**—The initial model legislative language referred to in paragraph (1)(A) shall be developed not later than 60 days after the date of enactment of this Act.

(c) **REPORTS.**—

(1) **INITIAL REPORT.**—Not later than 4 years after the date of enactment of this Act, the Secretary shall submit to Congress and to the President a report or reports on the im-

plementation of this section. Such report or reports shall include—

(A) a study of short-time compensation programs;

(B) an analysis of the significant impediments to State enactment and implementation of such programs; and

(C) such recommendations as the Secretary determines appropriate.

(2) **SUBSEQUENT REPORTS.**—After the submission of the report under paragraph (1), the Secretary may submit such additional reports on the implementation of short-time compensation programs as the Secretary deems appropriate.

(3) **FUNDING.**—There are appropriated, out of any moneys in the Treasury not otherwise appropriated, to the Secretary, \$1,500,000 to carry out this subsection, to remain available without fiscal year limitation.

(d) **CONFORMING AMENDMENTS.**—

(1) **INTERNAL REVENUE CODE OF 1986.**—

(A) Subparagraph (E) of section 3304(a)(4) of the Internal Revenue Code of 1986 is amended to read as follows:

“(E) amounts may be withdrawn for the payment of short-time compensation under a short-time compensation program (as defined in section 3306(v));”.

(B) Subsection (f) of section 3306 of the Internal Revenue Code of 1986 is amended—

(i) by striking paragraph (5) (relating to short-term compensation) and inserting the following new paragraph:

“(5) amounts may be withdrawn for the payment of short-time compensation under a short-time compensation program (as defined in subsection (v));”.

(ii) by redesignating paragraph (5) (relating to self-employment assistance program) as paragraph (6).

(2) **SOCIAL SECURITY ACT.**—Section 303(a)(5) of the Social Security Act is amended by striking “the payment of short-time compensation under a plan approved by the Secretary of Labor” and inserting “the payment of short-time compensation under a short-time compensation program (as defined in section 3306(v) of the Internal Revenue Code of 1986)”.

(3) **REPEAL.**—Subsections (b) through (d) of section 401 of the Unemployment Compensation Amendments of 1992 (26 U.S.C. 3304 note) are repealed.

(e) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of enactment of this Act.

#### **SEC. 8. TEMPORARY FINANCING OF CERTAIN SHORT-TIME COMPENSATION PROGRAMS.**

(a) **PAYMENTS TO STATES WITH CERTIFIED PROGRAMS.**—

(1) **IN GENERAL.**—Not later than 30 days after the date of enactment of this Act, the Secretary shall establish a program under which the Secretary shall make payments to any State unemployment trust fund to be used for the payment of unemployment compensation if the Secretary approves an application for certification submitted under paragraph (3) for such State to operate a short-time compensation program (as defined in section 3306(v) of the Internal Revenue Code of 1986 (as added by section 7(a))) which requires the maintenance of health and retirement employee benefits as described in paragraph (7) of such section 3306(v), in addition to other requirements of this Act and notwithstanding the otherwise effective date of such requirement.

(2) **REIMBURSEMENT.**—Subject to subsection (d), the payment to a State under paragraph (1) shall be an amount equal to 100 percent of the total amount of benefits paid to individuals by the State pursuant to the short-time

compensation program during the weeks of unemployment—

(A) beginning on or after the date the certification is issued by the Secretary with respect to such program; and

(B) ending on or before December 31, 2011.

(3) CERTIFICATION REQUIREMENTS.—

(A) IN GENERAL.—Any State seeking full reimbursement under this subsection shall submit an application for certification at such time, in such manner, and complete with such information as the Secretary may require (whether by regulation or otherwise), including information relating to compliance with the requirements of paragraph (7) of such section 3306(v). The Secretary shall, within 30 days after receiving a complete application, notify the State agency of the State of the Secretary's findings with respect to the requirements of such paragraph (7).

(B) FINDINGS.—If the Secretary finds that the short-time compensation program operated by the State meets the requirements of such paragraph (7), the Secretary shall certify such State's short-time compensation program thereby making such State eligible for reimbursement under this subsection.

(b) TIMING OF APPLICATION SUBMITTALS.—No application under subsection (a)(3) may be considered if submitted before the date of enactment of this Act or after the latest date necessary (as specified by the Secretary) to ensure that all payments under this section are made before December 31, 2011.

(c) TERMS OF PAYMENTS.—Payments made to a State under subsection (a)(1) shall be payable by way of reimbursement in such amounts as the Secretary estimates the State will be entitled to receive under this section for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

(d) LIMITATIONS.—

(1) GENERAL PAYMENT LIMITATIONS.—No payments shall be made to a State under this section for benefits paid to an individual by the State in excess of 26 weeks of benefits.

(2) EMPLOYER LIMITATIONS.—No payments shall be made to a State under this section for benefits paid to an individual by the State pursuant to a short-time compensation program if such individual is employed by an employer—

(A) whose workforce during the 3 months preceding the date of the submission of the employer's short-time compensation plan has been reduced by temporary layoffs of more than 20 percent; or

(B) on a seasonal, temporary, or intermittent basis.

(3) PROGRAM PAYMENT LIMITATION.—In making any payments to a State under this section pursuant to a short-time compensation program, the Secretary may limit the frequency of employer participation in such program.

(e) RETENTION REQUIREMENT.—

(1) IN GENERAL.—A participating employer under this section is required to comply with the terms of the written plan approved by the State agency and act in good faith to retain participating employees.

(2) OVERSIGHT AND MONITORING.—The Secretary shall establish an oversight and moni-

toring process by which State agencies will ensure that participating employers comply with the requirements of paragraph (1).

(f) FUNDING.—There are appropriated, from time to time, out of any moneys in the Treasury not otherwise appropriated, to the Secretary, such sums as the Secretary certifies are necessary to carry out this section (including to reimburse any additional administrative expenses by reason of the provision of, and amendments made by, this Act that are incurred by the States in operating such short-time compensation programs).

(g) DEFINITION OF STATE.—In this section, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands.

(h) SUNSET.—The provisions of this section shall not apply after December 31, 2011.

#### SEC. 9. STUDY AND REPORTS ON THE EMERGENCY UNEMPLOYMENT COMPENSATION PROGRAM.

(a) STUDY.—The Secretary of Labor (in this section referred to as the "Secretary") shall conduct a study on the implementation of the emergency unemployment compensation program under title IV of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note), as amended by section 2 and the Worker, Homeownership, and Business Assistance Act of 2009 (Public Law 111-92). Such study shall include an analysis of—

(1) the different tiers under such program;

(2) the number of initial claims under such program, the average duration of benefits under the program, the average sum of benefits under the program, and other areas that demonstrate who received benefits under the program;

(3) any significant impediments to State implementation of such program;

(4) the significant administration weaknesses and strengths of such programs; and

(5) other areas determined appropriate by the Secretary.

(b) REPORTS.—

(1) IN GENERAL.—Not later than 4 years after the date of the enactment of this Act, the Secretary shall submit to Congress and the President a report (or multiple reports) on the study conducted under subsection (a), together with such recommendations as the Secretary determines appropriate.

(2) SUBSEQUENT REPORTS.—After the Secretary submits the report (or reports) required under paragraph (1), the Secretary may submit such additional reports on the implementation of emergency unemployment compensation programs as the Secretary deems appropriate.

(c) FUNDING.—There are appropriated, out of any moneys in the Treasury not otherwise appropriated, to the Secretary, \$1,250,000 to carry out this section, to remain available without fiscal year limitation.

By Mr. BINGAMAN (for himself, Mr. ISAKSON, and Mr. KOHL):

S. 2832. A bill to amend the Employee Retirement Income Security Act of 1974 to require a lifetime income disclosure; to the Committee on Health, Education, Labor, and Pensions.

Mr. BINGAMAN. Mr. President, I rise today to introduce the Lifetime Income Disclosure Act, to help Americans ensure they do not outlive their retirement savings. I am pleased to be joined by my colleague on the Health, Education, Labor and Pensions Committee, Senator ISAKSON, and the Chairman of the Aging Committee, Senator KOHL, in introducing the Act.

In sum, the Act would require private defined contribution retirement plans annually to show plan participants how their account balances translate into monthly income equivalents, based on age at retirement and other factors. The act is structured so as not to impose a material burden on employers.

As life expectancies rise, individuals have an increasing need for protection against the risk that they will outlive their savings. In fact, Boston College's National Retirement Risk Index recently found that half of American households are "at risk" of being unable to maintain their pre-retirement standard of living in retirement.

But trends in retirement plan coverage are only increasing this risk. Defined benefit pension plans—to which employers make regular fixed contributions—are becoming rare. Individuals who receive any form of workplace retirement account are increasingly offered the opportunity to contribute to defined contribution plans, like 401(k)s, to which the employer may or may not provide a matching contribution. At present, 401(k) plan statements typically provide a total account balance, but not a monthly income equivalent. Consequently, employees are not well-prepared to evaluate whether they are saving adequately to maintain cost of their current standard of living in retirement.

To address this challenge, the act would require that defined contribution plans subject to ERISA, such as 401(k) plans, include "annuity equivalents" on benefit statements provided to employees. An annuity equivalent is the monthly annuity payment that would be made if the employee's total account balance were used to buy a life annuity that commenced payments at the plan's normal retirement age, generally 65. The act requires the statement to show the monthly annuity payments under both a single life annuity and a qualified joint and survivor annuity—that is, an annuity with survivor benefits payable for life to the employee's spouse. The annuity equivalents would only be required to be provided once a year, even where quarterly statements are otherwise required.

In this regard, 401(k) benefit statements would become better coordinated with Social Security benefit statements, which only express benefits in the form of a life annuity. Knowing the amount of monthly income they can expect from Social Security and their defined contribution plan will help employees determine whether they are on the path to a secure retirement. Additionally, including annuity equivalents on benefit statements will make employees more aware of the possibility upon retirement of receiving at least a portion of their benefit in the form of an annuity that protects them against outliving their savings.

As I have already discussed, this proposal addresses a critical public policy issue. But it is equally important that the proposal be structured not to impose any material burden or potential liability on employers that voluntarily maintain a plan. Thus, the act directs the Department of Labor to issue, within a year, assumptions that employers may use in converting a lump sum amount into an annuity equivalent. Accordingly, employers will be able to base their annuity equivalents entirely on clear mechanical assumptions prescribed by the DOL. Of course, to the extent that a participant's benefit is or may be invested in an annuity contract that guarantees a specified annuity benefit, the DOL shall, to the extent appropriate, permit such specified benefit to be treated as an annuity equivalent.

The DOL would further be directed to issue, within a year, a model disclosure that explains the assumptions used to determine the annuity equivalents and the fact that the annuity equivalents provided are only estimates. This model disclosure would include a clear explanation that actual annuity benefits may be materially different from such estimates.

The act also provides employers with a clear path to avoid liability: under the act, employers and service providers using the model disclosure and following the prescribed assumptions and DOL rules would not have any liability with regard to the provision of annuity equivalents. This exemption from liability would apply to any disclosure of an annuity equivalent that incorporates the explanation from the model disclosure and that is prepared in accordance with the prescribed assumptions and DOL rules. For example, subject to such conditions, the exemption would apply to annuity equivalents available on a Web site or provided quarterly.

Finally, the act would not go into effect until a year after the DOL has issued the guidance needed by employers to implement the new rules.

Our proposal is a small step, but one that can make a significant difference in beginning to tackle a key policy challenge. I am pleased that the act enjoys the support of many advocates for retirement security, including AARP, the Women's Institute for a Secure Retirement, and the Council of Independent 401(k) Recordkeepers. I look forward to working with Senators ISAKSON and KOHL to see these provisions enacted into law.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2832

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Lifetime Income Disclosure Act".

#### SEC. 2. DISCLOSURE REGARDING LIFETIME INCOME.

(a) IN GENERAL.—Subparagraph (B) of section 105(a)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1025(a)(2)) is amended—

(1) in clause (i), by striking "and" at the end;

(2) in clause (ii), by striking "diversification." and inserting "diversification, and"; and

(3) by inserting at the end the following:

"(iii) the lifetime income disclosure described in subparagraph (D)(i).

In the case of pension benefit statements described in clause (i) of paragraph (1)(A), a lifetime income disclosure under clause (iii) of this subparagraph shall only be required to be included in one pension benefit statement in each calendar year."

(b) LIFETIME INCOME.—Paragraph (2) of section 105(a) of such Act (29 U.S.C. 1025(a)) is amended by adding at the end the following new subparagraph:

"(D) LIFETIME INCOME DISCLOSURE.—

"(i) IN GENERAL.—

"(I) DISCLOSURE.—A lifetime income disclosure shall set forth the annuity equivalent of the total benefits accrued with respect to the participant or beneficiary.

"(II) ANNUITY EQUIVALENT OF THE TOTAL BENEFITS ACCRUED.—For purposes of this subparagraph, the 'annuity equivalent of the total benefits accrued' means the amount of monthly payments the participant or beneficiary would receive at the plan's normal retirement age if the total accrued benefits of such participant or beneficiary were used on the date of the lifetime income disclosure to purchase the life annuities described in subparagraph (III), with payments under such annuities commencing at the plan's normal retirement age.

"(III) LIFE ANNUITIES.—The life annuities described in this subclause are a qualified joint and survivor annuity (as defined in section 205(d)), based on assumptions specified in rules prescribed by the Secretary, including the assumption that the participant or beneficiary has a spouse of equal age, and a single life annuity. Such annuities may have a term certain or other features to the extent permitted under rules prescribed by the Secretary.

"(ii) MODEL DISCLOSURE.—Not later than 1 year after the date of the enactment of the Lifetime Income Disclosure Act, the Secretary shall issue a model lifetime income disclosure, written in a manner so as to be understood by the average plan participant, that—

"(I) explains that the annuity equivalent is only provided as an illustration;

"(II) explains that the actual annuity payments that may be purchased with the total benefits accrued will depend on numerous factors and may vary substantially from the annuity equivalent in the disclosures;

"(III) explains the assumptions upon which the annuity equivalent was determined; and

"(IV) provides such other similar explanations as the Secretary considers appropriate.

"(iii) ASSUMPTIONS AND RULES.—Not later than 1 year after the date of the enactment of the Lifetime Income Disclosure Act, the Secretary shall—

"(I) prescribe assumptions that administrators of individual account plans may use in converting total accrued benefits into annuity equivalents for purposes of this subparagraph; and

"(II) issue interim final rules under clause (i).

In prescribing assumptions under subclause (I), the Secretary may prescribe a single set of specific assumptions (in which case the Secretary may issue tables or factors that facilitate such conversions), or ranges of permissible assumptions. To the extent that an accrued benefit is or may be invested in an annuity contract, the assumptions prescribed under subclause (I) shall, to the extent appropriate, permit administrators of individual account plans to use the amounts payable under such contract as an annuity equivalent.

"(iv) LIMITATION ON LIABILITY.—No plan fiduciary, plan sponsor, or other person shall have any liability under this title solely by reason of the provision of annuity equivalents which are derived in accordance with the assumptions and rules described in clause (iii) and which include the explanations contained in the model lifetime income disclosure described in clause (ii). This clause shall apply without regard to whether the provision of such annuity equivalent is required by subparagraph (B)(iii).

"(v) EFFECTIVE DATE.—The requirement in subparagraph (B)(iii) shall apply to pension benefit statements furnished more than 12 months after the latest of the issuance by the Secretary of—

"(I) interim final rules under clause (i);

"(II) the model disclosure under clause (ii); or

"(III) the assumptions under clause (iii)."

By Mr. REED (for himself, Mr. BROWN, Mr. WHITEHOUSE, Mr. AKAKA, Mr. DURBIN, Ms. KLOBUCHAR, and Mr. BEGICH):

S. 2833. A bill to provide adjusted Federal medical assistance percentage rates during a transitional assistance period; to the Committee on Finance.

Mr. REED. Mr. President, I rise today to introduce the Transitional Federal Medical Assistance Percentage, FMAP, Act, and I am pleased to do so with the support of Senators BROWN, WHITEHOUSE, AKAKA, DURBIN, KLOBUCHAR, and BEGICH. This bill is an important step in continuing the conversation about how we can help our States, businesses, and individuals as our economy recovers.

In my State of Rhode Island, the economic downturn has been particularly hard hitting on families and businesses. As a result, the State has seen a decline in tax revenue and an increased enrollment in safety net programs like Medicaid. Revenue from the sales tax is down over 7 percent, income tax receipts are down 2.3 percent, and corporate tax revenue is down nearly 10 percent. At the same time, unemployment rates have soared to new heights, topping 13 percent earlier this year. In the past 2 years, 40,000 Rhode Islanders have lost their employer-sponsored health insurance. Many of these individuals have come to rely on Medicaid for health coverage. This has caused great strain on the State's resources and its Medicaid program. In November, we learned that the estimated Medicaid caseload for the year will cost over \$40 million more

than what the State had initially estimated in its budget.

The American Recovery and Reinvestment Act, which I supported, provided States with additional Federal assistance through 2010. States have used these funds to help balance their budgets, minimize harmful cuts in public services, and, very importantly, to prevent tax increases in many cases. However, even with the funding from the Recovery Act, Rhode Island will close the current fiscal year \$219.8 million in the red.

A total of 38 States have looked ahead to fiscal year 2011, and they have estimated \$92 billion in combined deficits in the coming year. As the State fiscal year nears, and more States have had ample time to analyze their fiscal health it is expected that the total shortfall will likely equal \$180 billion.

As Congress debates health reform and works to ensure that every American has access to health insurance in 2014, we must not forget about ensuring that Americans have access to health insurance between now and then, as the economy slowly recovers and as state budgets begin to heal. During this tough time we need to help individuals, businesses, and States, and I am particularly concerned with making sure our States have the resources to provide adequate health care.

Unless Congress acts on FMAP legislation, States will be forced to use their limited resources to cover an expanded Medicaid population beginning in January 2011. Since States are planning their fiscal year 2011 budgets, which will begin in July, many Governors are requesting Congress act now to provide States with additional Federal support.

The Transitional FMAP Act would extend the enhanced FMAP funding which we passed in the Recovery Act for two additional quarters. This extension accounts for the prolonged recession and ensures that the pressure of Medicaid needs do not overwhelm the States. The bill would also begin a slow decrease of enhanced FMAP funding from July 2011 through December 2013. This will help States as they recover and ensure that States do not experience a gap in assistance prior to health reform-related FMAP levels beginning in January 2014.

Mr. President, this additional funding is important for States, businesses, and individuals. I know that Chairman BAUCUS and Leader REID are well aware of the importance of FMAP and have a history to working to aid our States. I look forward to working with them and my other colleagues to provide States with necessary additional Federal Medicaid assistance.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2833

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Transitional Federal Medical Assistance Percentage Act”.

#### SEC. 2. EXTENSION OF ARRA INCREASE IN FMAP.

Section 5001 of ARRA is amended—

(1) in subsection (a)(3), by striking “first calendar quarter” and inserting “first 3 calendar quarters”;

(2) in subsection (b)(2), by inserting before the period at the end the following: “and such paragraph shall not apply to calendar quarters beginning on or after October 1, 2010”;

(3) in subsection (d), by inserting “ending before October 1, 2010” after “entire fiscal years” and after “with respect to fiscal years”;

(4) in subsection (g)(1), by striking “September 30, 2011” and inserting “December 31, 2011”; and

(5) in subsection (h)(3), by striking “December 31, 2010” and inserting “June 30, 2011”.

#### SEC. 3. ARRA TRANSITIONAL ASSISTANCE PERIOD.

For each fiscal quarter occurring during the period beginning on July 1, 2011, and ending on December 31, 2013 (referred to in this Act as the “ARRA transitional assistance period”), a State’s FMAP shall be equal to the sum of—

(1) the adjusted base FMAP (as determined under section 4(a)(1));

(2) the general FMAP adjustment (as determined under section 4(a)(2)); and

(3) the unemployment FMAP adjustment (as determined under section 4(a)(3)).

#### SEC. 4. ADJUSTMENTS TO FEDERAL MEDICAL ASSISTANCE PERCENTAGE.

(a) DETERMINATION OF ADJUSTED FMAP.—

(1) ADJUSTED BASE FMAP.—

(A) IN GENERAL.—Subject to subparagraph (B), the adjusted base FMAP is determined as follows:

(i) For the fourth quarter of fiscal year 2011, the FMAP that would have applied to the State under section 5001(a) of ARRA (assuming that such section applied) for such fiscal quarter minus 2 percentage points.

(ii) For any subsequent fiscal quarter occurring during the ARRA transitional assistance period, the FMAP as determined under this paragraph for the preceding fiscal quarter minus 2 percentage points.

(B) ELIMINATION OF NEGATIVE ADJUSTMENT.—If the adjusted base FMAP applicable to a State under this paragraph for any fiscal quarter occurring during the ARRA transitional assistance period would be less than the FMAP determined for the State for such quarter without regard to this paragraph, this paragraph shall not apply to such State.

(2) GENERAL FMAP ADJUSTMENT.—The general FMAP adjustment shall be equal to the following:

(A) For the fourth quarter of fiscal year 2011, 5.7 percentage points.

(B) For the first quarter of fiscal year 2012, 4.95 percentage points.

(C) For the second quarter of fiscal year 2012, 3.95 percentage points.

(D) For the third quarter of fiscal year 2012, 2.7 percentage points.

(E) For the fourth quarter of fiscal year 2012, 1.2 percentage points.

(F) For any subsequent fiscal quarter occurring during the ARRA transitional assistance period, 0.2 percentage points.

(3) UNEMPLOYMENT FMAP ADJUSTMENT.—

(A) IN GENERAL.—Subject to subparagraphs (C) and (D), the unemployment FMAP adjustment shall be equal to the increase in the State’s FMAP that would have applied to the State under section 5001(c) of ARRA (assuming that such section applied) for such fiscal quarter minus the applicable reduction amount (as described under subparagraph (B)).

(B) APPLICABLE REDUCTION AMOUNT.—For purposes of subparagraph (A), the applicable reduction amount shall be equal to the following:

(i) For the fourth fiscal quarter of fiscal year 2011, 0.20 percentage points.

(ii) For any subsequent fiscal quarter occurring during the ARRA transitional assistance period, the sum of—

(I) the applicable reduction amount for the preceding fiscal quarter; and

(II) 0.05 percentage points.

(C) ELIMINATION OF NEGATIVE ADJUSTMENT.—If the unemployment FMAP adjustment applicable to a State under this paragraph for any fiscal quarter during the ARRA transitional assistance period would be less than zero, this paragraph shall not apply to such State.

(D) SPECIAL RULE.—

(i) IN GENERAL.—For purposes of subparagraph (A), with respect to the computation of the state unemployment increase percentage (as described under section 5001(c)(4) of ARRA) for the last 2 fiscal quarters of the ARRA transitional assistance period, the most recent previous 3-consecutive-month period (as described under section 5001(c)(4)(A)(i) of ARRA) shall be the 3-consecutive-month period beginning with December 2012, or, if it results in a higher applicable percent under section 5001(c)(3) of ARRA, the 3-consecutive-month period beginning with January 2013.

(ii) REPEAL OF SPECIAL RULE UNDER ARRA FOR LAST 2 CALENDAR QUARTERS OF THE RECESSION ADJUSTMENT PERIOD.—Section 5001(c)(4) of ARRA is amended by striking subparagraph (C) and inserting the following:

“(C) SPECIAL RULE.—With respect to the first 2 calendar quarters of the recession adjustment period, the most recent previous 3-consecutive-month period described in subparagraph (A)(i) shall be the 3-consecutive-month period beginning with October 2008.”.

(b) SCOPE OF APPLICATION.—The adjustments in the FMAP for a State under this section shall apply for purposes of title XIX of the Social Security Act and shall not apply with respect to—

(1) disproportionate share hospital payments described in section 1923 of such Act (42 U.S.C. 1396r-4);

(2) payments under title IV of such Act (42 U.S.C. 601 et seq.) (except that the increases under paragraphs (1) and (2) of subsection (a) shall apply to payments under part E of title IV of such Act (42 U.S.C. 670 et seq.) and, for purposes of the application of this section to the District of Columbia, payments under such part shall be deemed to be made on the basis of the FMAP applied with respect to such District for purposes of title XIX and as increased under subsection (a)(2));

(3) any payments under title XXI of such Act (42 U.S.C. 1397aa et seq.);

(4) any payments under title XIX of such Act that are based on the enhanced FMAP described in section 2105(b) of such Act (42 U.S.C. 1397ee(b)); or

(5) any payments under title XIX of such Act that are attributable to expenditures for medical assistance provided to individuals made eligible under a State plan under title XIX of the Social Security Act (including

under any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) because of income standards (expressed as a percentage of the poverty line) for eligibility for medical assistance that are higher than the income standards (as so expressed) for such eligibility as in effect on July 1, 2008, (including as such standards were proposed to be in effect under a State law enacted but not effective as of such date or a State plan amendment or waiver request under title XIX of such Act that was pending approval on such date).

(C) STATE INELIGIBILITY; LIMITATION; SPECIAL RULES.—

(1) MAINTENANCE OF ELIGIBILITY REQUIREMENTS.—

(A) IN GENERAL.—Subject to subparagraph (B) and (C), a State is not eligible for an increase in its FMAP under subsection (a) if eligibility standards, methodologies, or procedures under its State plan under title XIX of the Social Security Act (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) are more restrictive than the eligibility standards, methodologies, or procedures, respectively, under such plan (or waiver) as in effect on July 1, 2008.

(B) STATE REINSTATEMENT OF ELIGIBILITY PERMITTED.—Subject to subparagraph (C), a State that has restricted eligibility standards, methodologies, or procedures under its State plan under title XIX of the Social Security Act (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) after July 1, 2008, is no longer ineligible under subparagraph (A) beginning with the first calendar quarter in which the State has reinstated eligibility standards, methodologies, or procedures that are no more restrictive than the eligibility standards, methodologies, or procedures, respectively, under such plan (or waiver) as in effect on July 1, 2008.

(C) SPECIAL RULES.—A State shall not be ineligible under subparagraph (A)—

(i) for the fiscal quarters before October 1, 2011, on the basis of a restriction that was applied after July 1, 2008, and before the date of the enactment of this Act, if the State prior to October 1, 2011, has reinstated eligibility standards, methodologies, or procedures that are no more restrictive than the eligibility standards, methodologies, or procedures, respectively, under such plan (or waiver) as in effect on July 1, 2008; or

(ii) on the basis of a restriction that was directed to be made under State law as in effect on July 1, 2008, and would have been in effect as of such date, but for a delay in the effective date of a waiver under section 1115 of such Act with respect to such restriction.

(2) COMPLIANCE WITH PROMPT PAY REQUIREMENTS.—

(A) APPLICATION TO PRACTITIONERS.—

(i) IN GENERAL.—Subject to the succeeding provisions of this subparagraph, no State shall be eligible for an increased FMAP rate as provided under this section for any claim received by a State from a practitioner subject to the terms of section 1902(a)(37)(A) of the Social Security Act (42 U.S.C. 1396a(a)(37)(A)) for such days during any period in which that State has failed to pay claims in accordance with such section as applied under title XIX of such Act.

(ii) REPORTING REQUIREMENT.—Each State shall report to the Secretary, on a quarterly basis, its compliance with the requirements of clause (i) as such requirements pertain to claims made for covered services during each month of the preceding quarter.

(iii) WAIVER AUTHORITY.—The Secretary may waive the application of clause (i) to a

State, or the reporting requirement imposed under clause (ii), during any period in which there are exigent circumstances, including natural disasters, that prevent the timely processing of claims or the submission of such a report.

(iv) APPLICATION TO CLAIMS.—Clauses (i) and (ii) shall only apply to claims made for covered services after the date of enactment of this Act.

(B) APPLICATION TO NURSING FACILITIES AND HOSPITALS.—The provisions of subparagraph (A) shall apply with respect to a nursing facility or hospital, insofar as it is paid under title XIX of the Social Security Act on the basis of submission of claims, in the same or similar manner (but within the same time-frame) as such provisions apply to practitioners described in such subparagraph.

(3) STATE'S APPLICATION TOWARD RAINY DAY FUND.—A State is not eligible for an increase in its FMAP under paragraphs (2) or (3) of subsection (a) if any amounts attributable (directly or indirectly) to such increase are deposited or credited into any reserve or rainy day fund of the State.

(4) NO WAIVER AUTHORITY.—Except as provided in paragraph (2)(A)(iii), the Secretary may not waive the application of this subsection or subsection (d) under section 1115 of the Social Security Act or otherwise.

(5) LIMITATION OF FMAP TO 100 PERCENT.—In no case shall an increase in FMAP under this section result in an FMAP that exceeds 100 percent.

(d) REQUIREMENTS.—

(1) STATE REPORTS.—Each State that is paid additional Federal funds as a result of this section shall, not later than September 30, 2014, submit a report to the Secretary, in such form and such manner as the Secretary shall determine, regarding how the additional Federal funds were expended.

(2) ADDITIONAL REQUIREMENT FOR CERTAIN STATES.—In the case of a State that requires political subdivisions within the State to contribute toward the non-Federal share of expenditures under the State Medicaid plan required under section 1902(a)(2) of the Social Security Act (42 U.S.C. 1396a(a)(2)), the State is not eligible for an increase in its FMAP under paragraphs (2) or (3) of subsection (a) if it requires that such political subdivisions pay for quarters during the ARRA transitional assistance period a greater percentage of the non-Federal share of such expenditures, or a greater percentage of the non-Federal share of payments under section 1923, than the respective percentage that would have been required by the State under such plan on September 30, 2008, prior to application of this section.

(e) DEFINITIONS.—In this Act, except as otherwise provided:

(1) ARRA.—The term “ARRA” means the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 140).

(2) FMAP.—The term “FMAP” means the Federal medical assistance percentage, as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)), as determined without regard to this section except as otherwise specified.

(3) POVERTY LINE.—The term “poverty line” has the meaning given such term in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by such section.

(4) SECRETARY.—The term “Secretary” means the Secretary of Health and Human Services.

(5) STATE.—The term “State” has the meaning given such term in section 1101(a)(1) of the Social Security Act (42 U.S.C.

1301(a)(1)) for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(f) SUNSET.—This section shall not apply to items and services furnished after the end of the ARRA transitional assistance period.

By Mr. AKAKA (for himself and Mr. VOINOVICH):

S. 2834. A bill to amend the Intelligence Reform and Terrorism Prevention Act of 2004 to establish a Security Clearance and Suitability Performance Accountability Council and for other purposes; to the Select Committee on Intelligence.

Mr. AKAKA. Mr. President, today I am introducing, along with my colleague Senator VOINOVICH, the Security Clearance Modernization and Reporting Act of 2009.

Since 2005, our Homeland Security and Governmental Affairs Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia has held a series of six oversight hearings on the serious shortfalls of the Federal Government's ability to effectively and efficiently issue security clearances to federal employees and contractors.

This issue was placed on the Government Accountability Office's, GAO, High-Risk List in 2005. Since then, through the strong oversight of our Subcommittee and hard work of those in the government dedicated to reforming and modernizing the security clearance process, the tremendous backlog of security clearance investigations has all but vanished, and clearance determinations are made much more quickly. While progress has been made, we must use this opportunity to continue to push for fundamental changes to the clearance process to ensure that we do not experience the same problems in the future.

In 2004, the Intelligence Reform and Terrorism Prevention Act, IRTPA, P.L. 108-458, required 90 percent of clearances to be completed within an average of 60 days by December 2009. At the time, it took almost a year to complete a Top Secret clearance request. IRTPA also required that agencies recognize clearance determinations made by other agencies to ensure reciprocity of clearances. An Executive Order was issued to implement these requirements, designating the Office of Management and Budget, OMB, as the agency responsible for setting security clearance policy and calling on the Office of Personnel Management, OPM, to conduct clearance investigations. Unfortunately, clearance timeliness continued to be unacceptably slow.

After continued pressure from our Subcommittee and other stakeholders, in 2008, OMB brought together the Department of Defense, the Office of the Director of National Intelligence, ODNI, and OPM to create a plan to overhaul and streamline the clearance process government-wide. At the recommendation of this reform team, a



new executive order was issued creating a governance structure for overseeing and modernizing the federal government's security clearance and suitability processes. The members of the reform team were designated as the Suitability and Security Clearance Performance Accountability Council, PAC.

Since the creation of the PAC and the implementation of some reforms, including enhanced application processes, new clearance standards, and plans for electronic adjudication and reevaluation, timeliness of clearances has greatly improved. Already, agencies are generally meeting goals laid out by the IRTPA. However, this has required tremendous effort and a surge in investigation capacity over several years to address backlogs.

The bill that we are introducing today would address the lingering concerns over the clearance process and help sustain the momentum for reforming and modernizing the security clearance and suitability determination processes.

First, to ensure accountability in security clearance reform and modernization, it is necessary to produce more detailed timeliness reporting. Today, OMB only reports the average timeliness of the 90 fastest percent of clearances. At our Subcommittee hearings, the GAO has repeatedly called for expanded reporting. It is important that we look at the timeliness of the whole process. Our legislation would require more complete reporting on timeliness for all clearances, not just the 90 percent that we see today. For the first time, it would require OMB to break down the numbers based on types of clearances and employee groups, and to report on which agencies are complying with reciprocal recognition of clearances. While the current IRTPA reporting requirements end in 2011, our legislation would extend these requirements to ensure that we receive reports until GAO has concluded this is no longer a high-risk issue.

To ensure consistent leadership, our bill would codify the Performance Accountability Council, which has been the catalyst for much of the reform we have seen to date. It is critical that we codify the PAC as its future was in doubt during the presidential transition as the new administration reviewed previous executive orders.

GAO has also urged the creation of new metrics that would measure not only the timeliness of clearance determinations, but also the quality and completeness of investigations. These metrics should be defined through the creation of a comprehensive strategic plan for clearance modernization. In response to GAO's recommendations, the legislation would require the PAC to create a comprehensive strategic plan. This plan would outline reform

goals, establish performance measures, create a more robust communications strategy, define clear roles and responsibilities for stakeholders, and examine funding needs in order to keep reforms on track.

Finally, this bill would require that the PAC undertake a more comprehensive information technology assessment than it has to date. Today, dozens of intertwined systems are used in the clearance process. These systems are a patchwork of outdated technology owned by different agencies. Rather than conducting an inventory of the current technology in use, as the PAC has already done, our bill would require a true needs assessment to define the most effective information technology approach.

Our Subcommittee, under both my leadership and that of Senator Voinovich, has worked in a bipartisan manner on this issue seamlessly for several years and our oversight has yielded positive results. It is vital, from both a human capital perspective and a national security perspective, that security clearances and suitability determinations be of the highest quality and made in a timely manner. We must work to make sure this issue is removed from the High-Risk List as soon as possible.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2834

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Security Clearance Modernization and Reporting Act of 2009".

#### SEC. 2. DEFINITIONS.

Subsection (a) of section 3001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b) is amended—

(1) in the matter preceding paragraph (1) by striking "In this section:" and inserting "Except as otherwise specifically provided, in this title:";

(2) by redesignating paragraph (1) as paragraph (2);

(3) by redesignating paragraph (2) as paragraph (5);

(4) by redesignating paragraph (3) as paragraph (4);

(5) by redesignating paragraph (4) as paragraph (12);

(6) by redesignating paragraph (5) as paragraph (10);

(7) by redesignating paragraph (6) as paragraph (15);

(8) by redesignating paragraph (7) as paragraph (14);

(9) by redesignating paragraph (8) as paragraph (3);

(10) by inserting before paragraph (2), as redesignated by paragraph (2), the following:

"(1) ADJUDICATION.—The term 'adjudication' means the evaluation of pertinent data in a background investigation and any other available information that is relevant and

reliable to determine whether an individual is—

"(A) suitable for Federal Government employment;

"(B) eligible for logical and physical access to federally controlled information systems;

"(C) eligible for physical access to federally controlled facilities;

"(D) eligible for access to classified information;

"(E) eligible to hold a sensitive position; or

"(F) fit to perform work for or on behalf of the Federal Government as a contractor employee.";

(11) by inserting after paragraph (5), as redesignated by paragraph (3), the following:

"(6) CLASSIFIED INFORMATION.—The term 'classified information' means information that has been determined, pursuant to Executive Order 12958 (60 Fed. Reg. 19825) or a successor or predecessor order, or the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), to require protection against unauthorized disclosure.

"(7) CONTINUOUS EVALUATION.—The term 'continuous evaluation' means a review of the background of an individual who has been determined to be eligible for access to classified information (including additional or new checks of commercial databases, Government databases, and other information lawfully available to security officials) at any time during the period of eligibility to determine whether that individual continues to meet the requirements for eligibility for access to classified information.

"(8) CONTRACTOR.—The term 'contractor' means an expert or consultant, who is not subject to section 3109 of title 5, United States Code, to an agency, an industrial or commercial contractor, licensee, certificate holder, or grantee of any agency, including all subcontractors, a personal services contractor, or any other category of person who performs work for or on behalf of an agency and who is not an employee of an agency.

"(9) CONTRACTOR EMPLOYEE FITNESS.—The term 'contractor employee fitness' means fitness based on character and conduct for work for or on behalf of an agency as a contractor employee.";

(12) by inserting after paragraph (10), as redesignated by paragraph (6), the following:

"(11) FEDERALLY CONTROLLED FACILITIES; FEDERALLY CONTROLLED INFORMATION SYSTEMS.—The term 'federally controlled facilities' and 'federally controlled information systems' have the meanings prescribed in guidance pursuant to the Federal Information Security Management Act of 2002 (title III of Public Law 107-347; 116 Stat. 2946), the amendments made by that Act, and Homeland Security Presidential Directive 12, or any successor Directive.";

(13) by inserting after paragraph (12), as redesignated by paragraph (5), the following:

"(13) LOGICAL ACCESS.—The term 'logical access' means, with respect to federally controlled information systems, access other than occasional or intermittent access to federally controlled information systems.";

(14) by inserting after paragraph (15), as redesignated by paragraph (7), the following:

"(16) PHYSICAL ACCESS.—The term 'physical access' means, with respect to federally controlled facilities, access other than occasional or intermittent access to federally controlled facilities.

"(17) SENSITIVE POSITION.—The term 'sensitive position' means any position designated as a sensitive position under Executive Order 10450 or any successor Executive Order.

"(18) SUITABILITY.—The term 'suitability' has the meaning of that term in part 731, of



title 5, Code of Federal Regulations or any successor similar regulation.”.

**SEC. 3. SECURITY CLEARANCE AND SUITABILITY DETERMINATION REPORTING.**

(a) EXTENSION OF REPORTING REQUIREMENTS.—Paragraph (1) of section 3001(h) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b(h)) is amended by striking “through 2011,” and inserting “until the earlier of the date that is 2 years after the date that the Comptroller General of the United States has removed all items related to security clearances from the list maintained by the Comptroller General known as the High-Risk List or 2017.”.

(b) REPORTS ON SECURITY CLEARANCE REVIEW PROCESSES.—Paragraph (2) of such section 3001(h) is amended—

(1) by redesignating subparagraphs (B) and (C) as subparagraphs (E) and (F), respectively; and

(2) by striking subparagraph (A) and inserting the following:

“(A) a description of the full range of time required to complete initial clearance applications, including time required by each authorized investigative agency and each authorized adjudicative agency—

“(i) to respond to requests for security clearances for individuals, including the periods required to initiate security clearance investigations, conduct security clearance investigations, deliver completed investigations to the requesting agency, adjudicate such requests, make final determinations on such requests, and notify individuals and individuals’ employers of such determinations, from date of submission of the requests to the date of the ultimate disposition of the requests and notifications, disaggregated by the type of security clearance, including Secret, Top Secret, and Top Secret with Special Program Access, including sensitive compartmented information clearances—

“(I) for civilian employees of the United States;

“(II) for members of the Armed Forces of the United States; and

“(III) for contractor employees; and

“(ii) to conduct investigations for suitability determinations for individuals from successful submission of applications to ultimate disposition of applications and notifications to the individuals—

“(I) for civilian employees of the United States;

“(II) for members of the Armed Forces of the United States; and

“(III) for contractor employees; and

“(B) a listing of the agencies and departments of the United States that have established and utilize policies to accept all security clearance background investigations and determinations completed by an authorized investigative agency or authorized adjudicative agency;

“(C) a description of the progress in implementing the strategic plan referred to in section 3004;

“(D) a description of the progress made in implementing the information technology strategy referred to in section 3005.”.

**SEC. 4. SECURITY CLEARANCE AND SUITABILITY PERFORMANCE ACCOUNTABILITY COUNCIL.**

Title III of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b et seq.) is amended by adding at the end the following new section:

**“SEC. 3003. SECURITY CLEARANCE AND SUITABILITY PERFORMANCE ACCOUNTABILITY COUNCIL.**

“(a) ESTABLISHMENT.—There is established a Security Clearance and Suitability Per-

formance Accountability Council (hereinafter referred to as the ‘Council’).

“(b) CHAIR.—

“(1) DESIGNATION.—The Deputy Director for Management, Office of Management and Budget, shall serve as Chair of the Council.

“(2) AUTHORITY.—The Chair of the Council shall have authority, direction, and control over the functions of the Council.

“(c) VICE CHAIR.—The Chair of the Council shall select a Vice Chair to act in the Chair’s absence.

“(d) MEMBERSHIP.—

“(1) IN GENERAL.—The members of the Council shall include—

“(A) the Chair of the Council; and

“(B) an appropriate senior officer from each of the following:

“(i) The Office of the Director of National Intelligence.

“(ii) The Department of Defense.

“(iii) The Office of Personnel Management.

“(2) OTHER MEMBERS.—The Chair of the Council may designate appropriate employees of other agencies or departments of the United States as members of the Council.

“(e) DUTIES.—The Council shall—

“(1) ensure alignment of suitability, security, and, as appropriate, contractor employee fitness, investigative, and adjudicative processes;

“(2) ensure alignment of investigative requirements for suitability determinations and security clearances to reduce duplication in investigations;

“(3) oversee the establishment of requirements for enterprise information technology;

“(4) oversee the development of techniques and tools, including information technology, for enhancing background investigations and eligibility determinations and ensure that such techniques and tools are utilized;

“(5) ensure that each agency and department of the United States establishes and utilizes policies for ensuring reciprocal recognition of clearances that allow access to classified information granted by all other agencies and departments;

“(6) ensure sharing of best practices among agencies and departments of the United States;

“(7) hold each agency and department of the United States accountable for the implementation of suitability, security, and, as appropriate, contractor employee fitness processes and procedures; and

“(8) hold each agency and department of the United States accountable for recognizing clearances that allow access to classified information granted by all other agencies and departments of the United States.

“(f) ASSIGNMENT OF DUTIES.—The Chair may assign, in whole or in part, to the head of any agency or department of the United States, solely or jointly, any duty of the Council relating to—

“(1) alignment and improvement of investigations and determinations of suitability;

“(2) determinations of contractor employee fitness; and

“(3) determinations of eligibility—

“(A) for logical access to federally controlled information systems;

“(B) for physical access to federally controlled facilities;

“(C) for access to classified information; or

“(D) to hold a sensitive position.”.

**SEC. 5. STRATEGIC PLAN FOR REFORM.**

Title III of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b et seq.), as amended by section 4, is further amended by adding at the end the following new section:

**“SEC. 3004. SECURITY CLEARANCE AND SUITABILITY REFORM STRATEGIC PLAN.**

“(a) REQUIREMENT FOR PLAN.—Not later than 90 days after the date of the enactment of the Security Clearance Modernization and Reporting Act of 2009, the Security Clearance and Suitability Performance Accountability Council established in section 3003 shall develop a strategic plan that identifies the causes of problems with the issuance of security clearances and a description of actions to be taken to correct such problems.

“(b) CONTENTS.—The plan required by subsection (a) shall include a description of—

“(1) the clear mission and strategic goals of the plan;

“(2) performance measures to be used to determine the effectiveness of security clearance procedures, including measures for the quality of security clearance investigations and adjudications;

“(3) a formal communications strategy related to the issuance of security clearances;

“(4) the roles and responsibilities for agencies participating in security clearance reform efforts; and

“(5) the long-term funding requirements for security clearance reform efforts.

“(c) SUBMISSION TO CONGRESS.—The plan required by subsection (a) shall be submitted to the appropriate committees of Congress.

“(d) GOVERNMENT ACCOUNTABILITY OFFICE REVIEW.—The plan required by subsection (a) shall be reviewed by the Comptroller General of the United States following its submission to the appropriate committees of Congress under subsection (c).”.

**SEC. 6. INFORMATION TECHNOLOGY STRATEGY.**

Title III of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b et seq.), as amended by sections 4 and 5, is further amended by adding at the end the following new section:

**“SEC. 3005. INFORMATION TECHNOLOGY STRATEGY.**

“(a) REQUIREMENT FOR STRATEGY.—Not later than 120 days after the date of the enactment of the Security Clearance Modernization and Reporting Act of 2009, the Director of the Office of Management and Budget shall submit to the appropriate committees of Congress an information technology strategy that describes the plans to expedite investigative and adjudicative processes, verify standard information submitted as part of an application for a security clearance, and provide security clearance and suitability determination reform consistent with the strategy required by section 3004(a), by carrying out the Enterprise Information Technology Strategy referred to in the Report of the Joint Security and Suitability Reform Team, dated December 30, 2008.

“(b) CONTENT.—The strategy required by subsection (a) shall include—

“(1) a description of information technology required to request a security clearance or suitability investigation;

“(2) a description of information technology required to apply for a security clearance or suitability investigation;

“(3) a description of information technology systems needed to support such investigations;

“(4) a description of information technology required to transmit common machine readable investigation files to agencies for adjudication;

“(5) a description of information technology required to support agency adjudications of security clearance and suitability determinations;

“(6) a description of information technology required to support continuous evaluations;

“(7) a description of information technology required to implement a single repository containing all security clearance and suitability determinations of each agency and department of the United States that is accessible by each such agency and department in support of ensuring reciprocal recognition of access to classified information among such agencies and departments;

“(8) a description of the efforts of the Security Clearance and Suitability Performance Council established in section 3003, and each of the Department of Defense, the Office of Personnel Management, and the Office of the Director of National Intelligence to carry out the strategy submitted under subsection (a);

“(9) the plans of the agencies and departments of the United States to develop, implement, fund, and provide personnel to carry out the strategy submitted under subsection (a);

“(10) cost estimates to carry out the strategy submitted under subsection (a); and

“(11) a description of the schedule for carrying out the strategy submitted under subsection (a).”.

#### SEC. 7. TECHNICAL AND CLERICAL AMENDMENTS.

(1) TECHNICAL CORRECTION.—The table of contents in section 1(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 118 Stat. 3638) is amended by adding after the item relating to section 3001 the following:

“Sec. 3002. Security clearances; limitations.”.

(2) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Intelligence Reform and Terrorism Prevention Act of 2004, as amended by paragraph (1), is further amended by adding after the item relating to section 3002, as added by such paragraph, the following:

“Sec. 3003. Security Clearance and Suitability Performance Accountability Council.

“Sec. 3004. Security clearance and suitability reform strategic plan.

“Sec. 3005. Information technology strategy.”.

Mr. VOINOVICH. Mr. President, I rise today to join my good friend and Chairman on the Oversight of Government Management Subcommittee, Senator AKAKA, to ensure that security clearance reform efforts begun in recent years continue by cosponsoring the Security Clearance Modernization and Reporting Act of 2009.

Since the 1990s, the Government's Accountability Office, GAO, has documented problems with the Department of Defense's, DoD, personnel security clearance program, and in 2005 added the program to its high-risk list. DoD's personnel security clearance program has remained on the 2007 and 2009 high risk lists.

In an effort to address this matter and improve the security clearance process, Congress set benchmarks for the time taken to issue clearances in the Intelligence Reform and Terrorism Prevention Act of 2004, IRTPA. IRTPA also required the President to select a single agency or office to oversee the security clearance process across the federal government and required uniform policies regarding the security

clearance process, reciprocal recognition of security clearances among agencies, an evaluation of technology to expedite security clearance processes, and a plan to reduce the length of the security clearance process. While progress has been made to decrease the amount of time it takes to obtain a security clearance, more improvement is needed to fully reform the security clearance process, but reform efforts have been delayed this year by an interagency review of the security clearance reform initiatives undertaken over the past several years.

To ensure that the good work begun with passage of IRTPA in 2004, I am pleased to cosponsor Senator AKAKA's legislation that extends IRTPA's reporting requirements relating to security clearance reform efforts beyond their current 2011 expiration date and requires more details in those reports about the amount of time required by individual agencies to conduct both security clearance investigations and adjudications. To ensure that efforts begun over the past several years continue, the bill codifies portions of Executive Order 13467, which deals with reforming processes related to eligibility for access to classified information. The bill also calls for the development of the strategic plan GAO has been asking for since the DoD personnel security clearance program was put on its high risk list in 2005 and requires a more detailed information technology strategy relating to security clearance reform efforts.

I am proud to cosponsor this bill and thank the Senator from Hawaii for his work on this legislation to address such an important issue.

By Mr. KERRY (for himself, Mr. CARDIN, Mr. KAUFMAN, Mrs. GILLIBRAND, and Mr. MENENDEZ):

S. 2835. A bill to reduce global warming pollution through international climate finance, investment, and for other purposes; to the Committee on Foreign Relations.

Mr. KAUFMAN. Mr. President, I am pleased to join the Chairman of the Foreign Relations Committee and my colleagues to introduce an important piece of legislation, the International Climate Change Investment Act of 2009. Climate change is a global issue and only a concerted international response can succeed. This legislation provides key elements of an international deal that will both protect our planet and meet our Nation's international responsibilities. Even more importantly in these times, it will open the door to a green economy that can create jobs here for the markets abroad for clean energy goods and services.

Successful global climate negotiations will create the opportunity for us to transform our own economy, to free ourselves from dependence on fossil

fuels from foreign sources, and to create the jobs and markets for a new, sustainable economy.

This legislation establishes a new framework for a global market in clean energy technologies. A complete agenda to confront climate change will include support for our educational base and for the research, development, and deployment of clean technologies. A climate deal that moves us away from fossil fuels will create global demand for those technologies. Building capacity and encouraging dramatic change in other countries will create a pool of customers for America's innovators.

That global market offers us the best chance to create a new economy based on a growing demand for clean energy goods and services—and that will support job creation and profits here at home. Companies in my home state of Delaware and across America are ready and eager to seize this opportunity for a world's worth of new markets. Our smartest investors agree.

This legislation shows the rest of the world that we are ready to do our part to make a smart, effective, and fair international climate change agreement work. It sets us on a firm forward footing to lead the way in tomorrow's green economy.

#### SUBMITTED RESOLUTIONS

SENATE RESOLUTION 367—RECOGNIZING THE 25TH ANNIVERSARY OF THE ENACTMENT OF THE VICTIMS OF CRIME ACT OF 1984 (42 U.S.C. 10601 ET SEQ.) AND THE SUBSTANTIAL CONTRIBUTIONS TO THE CRIME VICTIMS FUND MADE THROUGH THE CRIMINAL PROSECUTIONS CONDUCTED BY THE FINANCIAL LITIGATION UNITS OF THE UNITED STATES ATTORNEYS' OFFICES

Mr. CRAPO (for himself and Ms. KLOBUCHAR) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 367

Whereas the Victims of Crime Act of 1984 has its 25th anniversary this year;

Whereas for 25 years, the Victims of Crime Act of 1984 has provided funds to States for victim assistance and compensation programs to support victims of crime and those affected by violent crimes;

Whereas the Victims of Crime Act of 1984 has enabled approximately 4,400 community-based public and private programs to offer services to victims of crime, including crisis intervention, counseling, guidance, legal advocacy, and transportation shelters;

Whereas the Victims of Crime Act of 1984 provides assistance and monetary support to over 4,000,000 victims of crime each year;

Whereas the Crime Victims Fund established under the Victims of Crime Act of 1984 provides direct services to victims of sexual assault, spousal abuse, child abuse, survivors of homicide victims, elderly victims of abuse or neglect, victims of drunk drivers, and other such crimes;

Whereas in 2008, the Victims of Crime Act of 1984 assisted State crime victim compensation programs by allocating \$432,000,000 to 151,643 victims of violent crime;

Whereas since the establishment of the Crime Victims Fund in 1984, nearly \$12,000,000,000 in offender-generated, non-taxpayer funds have been deposited into the Crime Victims Fund solely to help victims of crime;

Whereas the Victims of Crime Act of 1984 also supports services to victims of Federal crimes, by providing funds for victims and witness coordinators in United States Attorneys' offices, Federal Bureau of Investigation victim-assistance specialists, and the Federal Victim Notification System; and

Whereas the Victims of Crime Act of 1984 also supports important improvements in the victim services field through grants for training and technical assistance and evidence-based demonstration projects: Now, therefore, be it

*Resolved*, That the Senate recognizes—

(1) the 25th anniversary of the enactment of the Victims of Crime Act of 1984 (42 U.S.C. 10601 et seq.); and

(2) the substantial contributions to the Crime Victims Fund made through the criminal prosecutions conducted by the Financial Litigation Units of the United States Attorneys' offices.

#### SENATE RESOLUTION 368—EX- PRESSING THE SENSE OF THE SENATE COMMENDING COACH BOBBY BOWDEN

Mr. NELSON of Florida (for himself and Mr. LEMIEUX) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 368

Whereas Bobby Bowden, over a 44-year career during which he coached at Howard College (now Samford University), West Virginia University, and Florida State University, where he has coached for the past 34 years, established a record as one of the most successful coaches in college football history;

Whereas the 388 coaching victories of Bobby Bowden are second only to the 393 coaching victories recorded by Joe Paterno at Pennsylvania State University;

Whereas Bobby Bowden coached Florida State University to 2 national championships in 1993 and 1999, and to a bowl game in every year since 1982, making it the longest streak in the Nation;

Whereas Bobby Bowden helped promote 164 student athletes onto careers in the National Football League;

Whereas Bobby Bowden profoundly influenced many professional and collegiate coaches and players with his wisdom, loyalty, and warmth; and

Whereas the accomplishments of Bobby Bowden on and off the field have come to personify Florida State University: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that Bobby Bowden is to be commended for his monumental achievements.

#### SENATE RESOLUTION 369—TO PER- MIT THE COLLECTION OF CLOTH- ING, TOYS, FOOD, AND HOUSEWARES DURING THE HOLI- DAY SEASON FOR CHARITABLE PURPOSES IN SENATE BUILD- INGS

Mr. MCCONNELL (for himself and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 369

#### *Resolved*, SECTION 1. COLLECTION OF CLOTHING, TOYS, FOOD, AND HOUSEWARES DURING THE HOLIDAY SEASON FOR CHARI- TABLE PURPOSES IN SENATE BUILD- INGS.

(a) IN GENERAL.—Notwithstanding any other provision of the rules or regulations of the Senate—

(1) a Senator, officer, or employee of the Senate may collect from another Senator, officer, or employee of the Senate within Senate buildings nonmonetary donations of clothing, toys, food, and housewares for charitable purposes related to serving those in need or members of the Armed Services and their families during the holiday season, if such purposes do not otherwise violate any rule or regulation of the Senate or of Federal law; and

(2) a Senator, officer, or employee of the Senate may work with a nonprofit organization with respect to the delivery of donations described in paragraph (1).

(b) EXPIRATION.—The authority provided by this resolution shall expire at the end of the 1st session of the 111th Congress.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 2860. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table.

SA 2861. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2862. Mr. KOHL (for himself, Mr. GRASSLEY, Mr. FEINGOLD, Ms. KLOBUCHAR, Mr. FRANKEN, Mr. NELSON of Florida, and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2863. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2864. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2865. Mr. BURRIS submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2866. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2867. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2868. Mr. BURRIS submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2869. Mr. NELSON of Florida (for himself, Mr. ROCKEFELLER, Mr. BEGICH, Mr. LEAHY, Mr. BROWN, Ms. STABENOW, and Mrs. SHAHEEN) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2870. Mr. WHITEHOUSE proposed an amendment to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra.

SA 2871. Mr. BROWN (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2872. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2873. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2874. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2875. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2876. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2877. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2878. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2879. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself,

Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

### TEXT OF AMENDMENTS

**SA 2860.** Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 797, strike line 11 and all that follows through page 801, line 4, and insert the following:

**SEC. 3102A. ELIMINATION OF GEOGRAPHIC PHYSICIAN WORK ADJUSTMENT FACTOR FROM GEOGRAPHIC INDICES USED TO ADJUST PAYMENTS UNDER THE PHYSICIAN FEE SCHEDULE.**

(a) FINDINGS.—Congress finds the following:

(1) Variations in the geographic physician work adjustment factors under section 1848(e) of the Social Security Act (42 U.S.C. 1395w-4(e)) result in inequity between localities in payments under the Medicare physician fee schedule.

(2) Beneficiaries under the Medicare program that reside in areas where such adjustment factors are high have relatively more access to services that are paid based on such fee schedule.

(3) There are a number of studies indicating that the market for health care professionals has become nationalized and historically low labor costs in rural and small urban areas have disappeared.

(4) Elimination of the adjustment factors described in paragraph (1) would equalize the reimbursement rate for services reimbursed under the Medicare physician fee schedule while remaining budget-neutral.

(b) ELIMINATION.—Section 1848(e) of the Social Security Act (42 U.S.C. 1395w-4(e)) is amended—

(1) in paragraph (1)(A)(iii), by striking “an index” and inserting “for services provided before January 1, 2010, an index”; and

(2) in paragraph (2), by inserting “, for services provided before January 1, 2010,” after “paragraph (4), and”.

(c) BUDGET NEUTRALITY ADJUSTMENT FOR ELIMINATION OF GEOGRAPHIC PHYSICIAN WORK ADJUSTMENT FACTOR.—Section 1848(d) of the Social Security Act (42 U.S.C. 1395w-4(d)) is amended—

(1) in paragraph (1)(A), by striking “The conversion” and inserting “Subject to paragraph (10), the conversion”; and

(2) by adding at the end the following new paragraph:

“(10) BUDGET NEUTRALITY ADJUSTMENT FOR ELIMINATION OF GEOGRAPHIC PHYSICIAN WORK ADJUSTMENT FACTOR.—Before applying an update for a year under this subsection, the Secretary shall (if necessary) provide for an adjustment to the conversion factor for that year to ensure that the aggregate payments under this part in that year shall be equal to aggregate payments that would have been made under such part in that year if the amendments made by section 3102A(b) of the Patient Protection and Affordable Care Act had not been enacted.”.

**SEC. 3102B. CLINICAL ROTATION DEMONSTRATION PROJECT.**

(a) ESTABLISHMENT.—Not later than 6 months after the date of enactment of this Act, the Secretary shall establish a demonstration project that provides for demonstration grants designed to provide financial or other incentives to hospitals to attract educators and clinical practitioners so that hospitals that serve beneficiaries under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) who are residents of underserved areas may host clinical rotations.

(b) DURATION OF PROJECT.—The demonstration project shall be conducted over a 5-year period.

(c) WAIVER.—The Secretary shall waive such provisions of titles XI and XVIII of the Social Security Act (42 U.S.C. 1301 et seq. and 1395 et seq.) as may be necessary to conduct the demonstration project under this section.

(d) REPORTS.—The Secretary shall submit to the appropriate committees of Congress interim reports on the demonstration project and a final report on such project within 6 months after the conclusion of the project, together with recommendations for such legislation or administrative action as the Secretary determines to be appropriate.

(e) FUNDING.—Out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Secretary to carry out this section, \$20,000,000.

(f) DEFINITIONS.—In this section:

(1) HOSPITAL.—The term “hospital” means a subsection (d) hospital (as defined in section 1886(d)(1)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B))) that had indirect or direct costs of medical education during the most recent cost reporting period preceding the date of enactment of this Act.

(2) SECRETARY.—The term “Secretary” means the Secretary of Health and Human Services.

(3) UNDERSERVED AREA.—The term “underserved area” means such medically underserved urban areas and medically underserved rural areas as the Secretary may specify.

**SEC. 3102C. MEDICARE RURAL HEALTH CARE QUALITY IMPROVEMENT DEMONSTRATION PROJECTS.**

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary of Health and Human Services (in this section referred to as the “Secretary”) shall establish not more than 10 demonstration projects to provide for improvements, as recommended by the Institute of Medicine, in the quality of health care provided to individuals residing in rural areas.

(2) ACTIVITIES.—Activities under the projects may include public health surveillance, emergency room videoconferencing, virtual libraries, telemedicine, electronic health records, data exchange networks, and any other activities determined appropriate by the Secretary.

(3) CONSULTATION.—The Secretary shall consult with the Office of Rural Health Policy of the Health Resources and Services Administration, the Agency for Healthcare Research and Quality, and the Centers for Medicare & Medicaid Services in carrying out the provisions of this section.

(b) DURATION.—Each demonstration project under this section shall be conducted over a 4-year period.

(c) DEMONSTRATION PROJECT SITES.—The Secretary shall ensure that the demonstration projects under this section are conducted at a variety of sites representing the

diversity of rural communities in the United States.

(d) WAIVER.—The Secretary shall waive such provisions of titles XI and XVIII of the Social Security Act (42 U.S.C. 1301 et seq. and 1395 et seq.) as may be necessary to conduct the demonstration projects under this section.

(e) INDEPENDENT EVALUATION.—The Secretary shall enter into an arrangement with an entity that has experience working directly with rural health systems for the conduct of an independent evaluation of the demonstration projects conducted under this section.

(f) REPORTS.—The Secretary shall submit to the appropriate committees of Congress interim reports on each demonstration project and a final report on such project within 6 months after the conclusion of the project. Such reports shall include recommendations regarding the expansion of the project to other areas and recommendations for such other legislative or administrative action as the Secretary determines appropriate.

(g) FUNDING.—Out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Secretary to carry out this section, \$50,000,000.

**SEC. 3102D. ENSURING PROPORTIONAL REPRESENTATION OF INTERESTS OF RURAL AREAS ON THE MEDICARE PAYMENT ADVISORY COMMISSION.**

(a) IN GENERAL.—Section 1805(c)(2) of the Social Security Act (42 U.S.C. 1395b-6(c)(2)) is amended—

(1) in subparagraph (A), by inserting “consistent with subparagraph (E)” after “rural representatives”; and

(2) by adding at the end the following new subparagraph:

“(E) PROPORTIONAL REPRESENTATION OF INTERESTS OF RURAL AREAS.—In order to provide a balance between urban and rural representatives under subparagraph (A), the proportion of members who represent the interests of health care providers and Medicare beneficiaries located in rural areas shall be no less than the proportion, of the total number of Medicare beneficiaries, who reside in rural areas.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to appointments made to the Medicare Payment Advisory Commission after the date of the enactment of this Act.

**SEC. 3102E. IMPLEMENTATION OF GAO RECOMMENDATIONS REGARDING GEOGRAPHIC ADJUSTMENT INDICES UNDER THE MEDICARE PHYSICIAN FEE SCHEDULE.**

Not later than 180 days after the date of enactment of this Act, the Secretary of Health and Human Services shall implement the recommendations contained in the March 2005 GAO report 05-119 entitled “Medicare Physician Fees: Geographic Adjustment Indices are Valid in Design, but Data and Methods Need Refinement.”.

**SA 2861.** Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle C of title IV, insert the following:

**SEC. 4. AUTOMATED DEFIBRILLATION IN ADAM'S MEMORY ACT.**

Section 312 of the Public Health Service Act (42 U.S.C. 244) is amended—

(1) in subsection (c)(6), after “clearing-house” insert “, that shall be administered by an organization that has substantial expertise in pediatric education, pediatric medicine, and electrophysiology and sudden death,”; and

(2) in the first sentence of subsection (e), by striking “fiscal year 2003” and all that follows through “2006” and inserting “for each of fiscal years 2003 through 2014”.

**SA 2862.** Mr. KOHL (for himself, Mr. GRASSLEY, Mr. FEINGOLD, Ms. KLOBUCHAR, Mr. FRANKEN, Mr. NELSON of Florida, and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**TITLE —PRESERVE ACCESS TO AFFORDABLE GENERICS ACT**

**SEC. 01. SHORT TITLE.**

This title may be cited as the “Preserve Access to Affordable Generics Act”.

**SEC. 02. UNLAWFUL COMPENSATION FOR DELAY.**

(a) IN GENERAL.—The Federal Trade Commission Act (15 U.S.C. 44 et seq.) is amended by—

(1) redesignating section 28 as section 29; and

(2) inserting before section 29, as redesignated, the following:

**“SEC. 28. PRESERVING ACCESS TO AFFORDABLE GENERICS.**

“(a) IN GENERAL.—

“(1) ENFORCEMENT PROCEEDING.—The Federal Trade Commission may initiate a proceeding to enforce the provisions of this section against the parties to any agreement resolving or settling, on a final or interim basis, a patent infringement claim, in connection with the sale of a drug product.

“(2) PRESUMPTION.—

“(A) IN GENERAL.—Subject to subparagraph (B), in such a proceeding, an agreement shall be presumed to have anticompetitive effects and be unlawful if—

“(i) an ANDA filer receives anything of value; and

“(ii) the ANDA filer agrees to limit or forego research, development, manufacturing, marketing, or sales of the ANDA product for any period of time.

“(B) EXCEPTION.—The presumption in subparagraph (A) shall not apply if the parties to such agreement demonstrate by clear and convincing evidence that the procompetitive benefits of the agreement outweigh the anticompetitive effects of the agreement.

“(b) COMPETITIVE FACTORS.—In determining whether the settling parties have met their burden under subsection (a)(2)(B), the fact finder shall consider—

“(1) the length of time remaining until the end of the life of the relevant patent, compared with the agreed upon entry date for the ANDA product;

“(2) the value to consumers of the competition from the ANDA product allowed under the agreement;

“(3) the form and amount of consideration received by the ANDA filer in the agreement resolving or settling the patent infringement claim;

“(4) the revenue the ANDA filer would have received by winning the patent litigation;

“(5) the reduction in the NDA holder's revenues if it had lost the patent litigation;

“(6) the time period between the date of the agreement conveying value to the ANDA filer and the date of the settlement of the patent infringement claim; and

“(7) any other factor that the fact finder, in its discretion, deems relevant to its determination of competitive effects under this subsection.

“(c) LIMITATIONS.—In determining whether the settling parties have met their burden under subsection (a)(2)(B), the fact finder shall not presume—

“(1) that entry would not have occurred until the expiration of the relevant patent or statutory exclusivity; or

“(2) that the agreement's provision for entry of the ANDA product prior to the expiration of the relevant patent or statutory exclusivity means that the agreement is procompetitive, although such evidence may be relevant to the fact finder's determination under this section.

“(d) EXCLUSIONS.—Nothing in this section shall prohibit a resolution or settlement of a patent infringement claim in which the consideration granted by the NDA holder to the ANDA filer as part of the resolution or settlement includes only one or more of the following:

“(1) The right to market the ANDA product in the United States prior to the expiration of—

“(A) any patent that is the basis for the patent infringement claim; or

“(B) any patent right or other statutory exclusivity that would prevent the marketing of such drug.

“(2) A payment for reasonable litigation expenses not to exceed \$7,500,000.

“(3) A covenant not to sue on any claim that the ANDA product infringes a United States patent.

“(e) REGULATIONS AND ENFORCEMENT.—

“(1) REGULATIONS.—The Federal Trade Commission may issue, in accordance with section 553 of title 5, United States Code, regulations implementing and interpreting this section. These regulations may exempt certain types of agreements described in subsection (a) if the Commission determines such agreements will further market competition and benefit consumers. Judicial review of any such regulation shall be in the United States District Court for the District of Columbia pursuant to section 706 of title 5, United States Code.

“(2) ENFORCEMENT.—A violation of this section shall be treated as a violation of section 5.

“(3) JUDICIAL REVIEW.—Any person, partnership or corporation that is subject to a final order of the Commission, issued in an administrative adjudicative proceeding under the authority of subsection (a)(1), may, within 30 days of the issuance of such order, petition for review of such order in the United States Court of Appeals for the District of Columbia Circuit or the United States Court of Appeals for the circuit in which the ultimate parent entity, as defined at 16 C.F.R. 801.1(a)(3), of the NDA holder is incorporated as of the date that the NDA is

filed with the Secretary of the Food and Drug Administration, or the United States Court of Appeals for the circuit in which the ultimate parent entity of the ANDA filer is incorporated as of the date that the ANDA is filed with the Secretary of the Food and Drug Administration. In such a review proceeding, the findings of the Commission as to the facts, if supported by evidence, shall be conclusive.

“(f) ANTITRUST LAWS.—Nothing in this section shall be construed to modify, impair or supersede the applicability of the antitrust laws as defined in subsection (a) of the 1st section of the Clayton Act (15 U.S.C. 12(a)) and of section 5 of this Act to the extent that section 5 applies to unfair methods of competition. Nothing in this section shall modify, impair, limit or supersede the right of an ANDA filer to assert claims or counterclaims against any person, under the antitrust laws or other laws relating to unfair competition.

“(g) PENALTIES.—

“(1) FORFEITURE.—Each person, partnership or corporation that violates or assists in the violation of this section shall forfeit and pay to the United States a civil penalty sufficient to deter violations of this section, but in no event greater than 3 times the value received by the party that is reasonably attributable to a violation of this section. If no such value has been received by the NDA holder, the penalty to the NDA holder shall be sufficient to deter violations, but in no event greater than 3 times the value given to the ANDA filer reasonably attributable to the violation of this section. Such penalty shall accrue to the United States and may be recovered in a civil action brought by the Federal Trade Commission, in its own name by any of its attorneys designated by it for such purpose, in a district court of the United States against any person, partnership or corporation that violates this section. In such actions, the United States district courts are empowered to grant mandatory injunctions and such other and further equitable relief as they deem appropriate.

“(2) CEASE AND DESIST.—

“(A) IN GENERAL.—If the Commission has issued a cease and desist order with respect to a person, partnership or corporation in an administrative adjudicative proceeding under the authority of subsection (a)(1), an action brought pursuant to paragraph (1) may be commenced against such person, partnership or corporation at any time before the expiration of one year after such order becomes final pursuant to section 5(g).

“(B) EXCEPTION.—In an action under subparagraph (A), the findings of the Commission as to the material facts in the administrative adjudicative proceeding with respect to such person's, partnership's or corporation's violation of this section shall be conclusive unless—

“(i) the terms of such cease and desist order expressly provide that the Commission's findings shall not be conclusive; or

“(ii) the order became final by reason of section 5(g)(1), in which case such finding shall be conclusive if supported by evidence.

“(3) CIVIL PENALTY.—In determining the amount of the civil penalty described in this section, the court shall take into account—

“(A) the nature, circumstances, extent, and gravity of the violation;

“(B) with respect to the violator, the degree of culpability, any history of violations, the ability to pay, any effect on the ability to continue doing business, profits earned by the NDA holder, compensation received by the ANDA filer, and the amount of commerce affected; and

“(C) other matters that justice requires.

“(4) REMEDIES IN ADDITION.—Remedies provided in this subsection are in addition to, and not in lieu of, any other remedy provided by Federal law. Nothing in this paragraph shall be construed to affect any authority of the Commission under any other provision of law.

“(h) DEFINITIONS.—In this section:

“(1) AGREEMENT.—The term ‘agreement’ means anything that would constitute an agreement under section 1 of the Sherman Act (15 U.S.C. 1) or section 5 of this Act.

“(2) AGREEMENT RESOLVING OR SETTLING A PATENT INFRINGEMENT CLAIM.—The term ‘agreement resolving or settling a patent infringement claim’ includes any agreement that is entered into within 30 days of the resolution or the settlement of the claim, or any other agreement that is contingent upon, provides a contingent condition for, or is otherwise related to the resolution or settlement of the claim.

“(3) ANDA.—The term ‘ANDA’ means an abbreviated new drug application, as defined under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)).

“(4) ANDA FILER.—The term ‘ANDA filer’ means a party who has filed an ANDA with the Food and Drug Administration.

“(5) ANDA PRODUCT.—The term ‘ANDA product’ means the product to be manufactured under the ANDA that is the subject of the patent infringement claim.

“(6) DRUG PRODUCT.—The term ‘drug product’ means a finished dosage form (e.g., tablet, capsule, or solution) that contains a drug substance, generally, but not necessarily, in association with 1 or more other ingredients, as defined in section 314.3(b) of title 21, Code of Federal Regulations.

“(7) NDA.—The term ‘NDA’ means a new drug application, as defined under section 505(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)).

“(8) NDA HOLDER.—The term ‘NDA holder’ means—

“(A) the party that received FDA approval to market a drug product pursuant to an NDA;

“(B) a party owning or controlling enforcement of the patent listed in the Approved Drug Products With Therapeutic Equivalence Evaluations (commonly known as the ‘FDA Orange Book’) in connection with the NDA; or

“(C) the predecessors, subsidiaries, divisions, groups, and affiliates controlled by, controlling, or under common control with any of the entities described in subparagraphs (A) and (B) (such control to be presumed by direct or indirect share ownership of 50 percent or greater), as well as the licensees, licensors, successors, and assigns of each of the entities.

“(9) PATENT INFRINGEMENT.—The term ‘patent infringement’ means infringement of any patent or of any filed patent application, extension, reissue, renewal, division, continuation, continuation in part, reexamination, patent term restoration, patents of addition and extensions thereof.

“(10) PATENT INFRINGEMENT CLAIM.—The term ‘patent infringement claim’ means any allegation made to an ANDA filer, whether or not included in a complaint filed with a court of law, that its ANDA or ANDA product may infringe any patent held by, or exclusively licensed to, the NDA holder of the drug product.

“(11) STATUTORY EXCLUSIVITY.—The term ‘statutory exclusivity’ means those prohibitions on the approval of drug applications under clauses (ii) through (iv) of section

505(c)(3)(E) (5- and 3-year data exclusivity), section 527 (orphan drug exclusivity), or section 505A (pediatric exclusivity) of the Federal Food, Drug, and Cosmetic Act.”

(b) EFFECTIVE DATE.—Section 28 of the Federal Trade Commission Act, as added by this section, shall apply to all agreements described in section 28(a)(1) of that Act entered into after November 15, 2009. Section 28(g) of the Federal Trade Commission Act, as added by this section, shall not apply to agreements entered into before the date of enactment of this title.

#### SEC. 03. NOTICE AND CERTIFICATION OF AGREEMENTS.

(a) NOTICE OF ALL AGREEMENTS.—Section 1112(c)(2) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (21 U.S.C. 355 note) is amended by—

(1) striking “the Commission” and inserting the following: “the Commission—

“(1) the”;

(2) striking the period and inserting “; and”;

(3) inserting at the end the following:

“(2) any other agreement the parties enter into within 30 days of entering into an agreement covered by subsection (a) or (b).”

(b) CERTIFICATION OF AGREEMENTS.—Section 1112 of such Act is amended by adding at the end the following:

“(d) CERTIFICATION.—The Chief Executive Officer or the company official responsible for negotiating any agreement required to be filed under subsection (a), (b), or (c) shall execute and file with the Assistant Attorney General and the Commission a certification as follows: ‘I declare that the following is true, correct, and complete to the best of my knowledge: The materials filed with the Federal Trade Commission and the Department of Justice under section 1112 of subtitle B of title XI of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, with respect to the agreement referenced in this certification: (1) represent the complete, final, and exclusive agreement between the parties; (2) include any ancillary agreements that are contingent upon, provide a contingent condition for, or are otherwise related to, the referenced agreement; and (3) include written descriptions of any oral agreements, representations, commitments, or promises between the parties that are responsive to subsection (a) or (b) of such section 1112 and have not been reduced to writing.’”

#### SEC. 04. FORFEITURE OF 180-DAY EXCLUSIVITY PERIOD.

Section 505(j)(5)(D)(i)(V) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(5)(D)(i)(V)) is amended by inserting “section 28 of the Federal Trade Commission Act or” after “that the agreement has violated”.

#### SEC. 05. COMMISSION LITIGATION AUTHORITY.

Section 16(a)(2) of the Federal Trade Commission Act (15 U.S.C. 56(a)(2)) is amended—

(1) in subparagraph (D), by striking “or” after the semicolon;

(2) in subparagraph (E), by inserting “or” after the semicolon; and

(3) inserting after subparagraph (E) the following:

“(F) under section 28;”.

#### SEC. 06. STATUTE OF LIMITATIONS.

The Commission shall commence any enforcement proceeding described in section 28 of the Federal Trade Commission Act, as added by section 02, except for an action described in section 28(g)(2) of the Federal Trade Commission Act, not later than 3 years after the date on which the parties to the agreement file the Notice of Agreement as provided by sections 1112(c)(2) and (d) of

the Medicare Prescription Drug Improvement and Modernization Act of 2003 (21 U.S.C. 355 note).

#### SEC. 07. SEVERABILITY.

If any provision of this title, an amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this title, the amendments made by this title, and the application of the provisions of such title or amendments to any person or circumstance shall not be affected thereby.

**SA 2863.** Mr. VITTER submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

#### TITLE X—IMPORTATION OF PRESCRIPTION DRUGS

##### SEC. 10001. SHORT TITLE.

This title may be cited as the “Pharmaceutical Market Access Act of 2009”

##### SEC. 10002. PURPOSES.

The purposes of this title are to—

(1) give all Americans immediate relief from the outrageously high cost of pharmaceuticals;

(2) reverse the perverse economics of the American pharmaceutical market;

(3) allow the importation of prescription drugs only if the drugs and facilities where such drugs are manufactured are approved by the Food and Drug Administration, and to exclude pharmaceutical narcotics; and

(4) ensure continued integrity to the prescription drug supply of the United States by—

(A) requiring that imported prescription drugs be packaged and shipped using counterfeit-resistant technologies;

(B) requiring Internet pharmacies to register with the United States Government for Americans to verify authenticity before purchases over the Internet;

(C) requiring all foreign sellers to register with United States Government and submit to facility inspections by the Government without prior notice; and

(D) limiting the eligible countries from which prescription drugs may be imported to Canada, member countries of the European Union, and other highly industrialized nations with safe pharmaceutical infrastructures.

##### SEC. 10003. AMENDMENTS TO SECTION 804 OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT.

(a) DEFINITIONS.—Section 804(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 384(a)) is amended to read as follows:

“(a) DEFINITIONS.—In this section:

“(1) IMPORTER.—The term ‘importer’ means a pharmacy, group of pharmacies, pharmacist, or wholesaler.

“(2) PERMITTED COUNTRY.—The term ‘permitted country’ means Australia, Canada, Israel, Japan, New Zealand, Switzerland, South Africa, Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden, the United Kingdom, Iceland, Liechtenstein, and Norway, except that the Secretary—



“(A) may add a country, union, or economic area as a permitted country for purposes of this section if the Secretary determines that the country, union, or economic area has a pharmaceutical infrastructure that is substantially equivalent or superior to the pharmaceutical infrastructure of the United States, taking into consideration pharmacist qualifications, pharmacy storage procedures, the drug distribution system, the drug dispensing system, and market regulation; and

“(B) may remove a country, union, or economic area as a permitted country for purposes of this section if the Secretary determines that the country, union, or economic area does not have such a pharmaceutical infrastructure.

“(3) PHARMACIST.—The term ‘pharmacist’ means a person licensed by the relevant governmental authority to practice pharmacy, including the dispensing and selling of prescription drugs.

“(4) PHARMACY.—The term ‘pharmacy’ means a person that is licensed by the relevant governmental authority to engage in the business of selling prescription drugs that employs 1 or more pharmacists.

“(5) PRESCRIPTION DRUG.—The term ‘prescription drug’ means a drug subject to section 503(b), other than—

“(A) a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

“(B) a biological product (as defined in section 351 of the Public Health Service Act (42 U.S.C. 262));

“(C) an infused drug (including a peritoneal dialysis solution);

“(D) an intravenously injected drug;

“(E) a drug that is inhaled during surgery; or

“(F) a drug which is a parenteral drug, the importation of which pursuant to subsection (b) is determined by the Secretary to pose a threat to the public health, in which case section 801(d)(1) shall continue to apply.

“(6) QUALIFYING DRUG.—The term ‘qualifying drug’ means a prescription drug that—

“(A) is approved pursuant to an application submitted under section 505(b)(1); and

“(B) is not—

“(i) a drug manufactured through 1 or more biotechnology processes;

“(ii) a drug that is required to be refrigerated; or

“(iii) a photoreactive drug.

“(7) QUALIFYING INTERNET PHARMACY.—The term ‘qualifying Internet pharmacy’ means a registered exporter that dispenses qualifying drugs to individuals over an Internet Web site.

“(8) QUALIFYING LABORATORY.—The term ‘qualifying laboratory’ means a laboratory in the United States that has been approved by the Secretary for the purposes of this section.

“(9) REGISTERED EXPORTER.—The term ‘registered exporter’ means a person that is in the business of exporting a drug to persons in the United States (or that seeks to be in such business), for which a registration under this section has been approved and is in effect.

“(10) WHOLESALER.—

“(A) IN GENERAL.—The term ‘wholesaler’ means a person licensed as a wholesaler or distributor of prescription drugs in the United States under section 503(e)(2)(A).

“(B) EXCLUSION.—The term ‘wholesaler’ does not include a person authorized to import drugs under section 801(d)(1).”.

(b) REGULATIONS.—Section 804(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 384(b)) is amended to read as follows:

“(b) REGULATIONS.—Not later than 180 days after the date of enactment of the Pharmaceutical Market Access Act of 2009, the Secretary, after consultation with the United States Trade Representative and the Commissioner of the U.S. Customs and Border Protection, shall promulgate regulations permitting pharmacists, pharmacies, and wholesalers to import qualifying drugs from permitted countries into the United States.”.

(c) LIMITATION.—Section 804(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 384(c)) is amended by striking “prescription drug” each place it appears and inserting “qualifying drug”.

(d) INFORMATION AND RECORDS.—Section 804(d)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 384(d)(1)) is amended—

(1) by striking subparagraph (G) and redesignating subparagraphs (H) through (N) as subparagraphs (G) through (M), respectively;

(2) in subparagraph (H) (as so redesignated), by striking “telephone number, and professional license number (if any)” and inserting “and telephone number”; and

(3) in subparagraph (L) (as so redesignated), by striking “(J) and (L)” and inserting “(I) and (K)”.

(e) TESTING.—Section 804(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 384(e)) is amended to read as follows:

“(e) TESTING.—The regulations under subsection (b) shall require that the testing described under subparagraphs (I) and (K) of subsection (d)(1) be conducted by the importer of the qualifying drug, unless the qualifying drug is subject to the requirements under section 505E for counterfeit-resistant technologies.”.

(f) REGISTRATION OF EXPORTERS; INSPECTIONS.—Section 804(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 384(f)) is amended to read as follows:

“(f) REGISTRATION OF EXPORTERS; INSPECTIONS.—

“(1) IN GENERAL.—Any person that seeks to be a registered exporter (referred to in this subsection as the ‘registrant’) shall submit to the Secretary a registration that includes the following:

“(A) The name of the registrant and identification of all places of business of the registrant that relate to qualifying drugs, including each warehouse or other facility owned or controlled by, or operated for, the registrant.

“(B) An agreement by the registrant to—

“(i) make its places of business that relate to qualifying drugs (including warehouses and other facilities owned or controlled by, or operated for, the exporter) and records available to the Secretary for on-site inspections, without prior notice, for the purpose of determining whether the registrant is in compliance with this Act’s requirements;

“(ii) export only qualifying drugs;

“(iii) export only to persons authorized to import the drugs;

“(iv) notify the Secretary of a recall or withdrawal of a qualifying drug distributed in a permitted country to or from which the registrant has exported or imported, or intends to export or import, to the United States;

“(v) monitor compliance with registration conditions and report any noncompliance promptly;

“(vi) submit a compliance plan showing how the registrant will correct violations, if any; and

“(vii) promptly notify the Secretary of changes in the registration information of the registrant.

“(2) NOTICE OF APPROVAL OR DISAPPROVAL.—

“(A) IN GENERAL.—Not later than 90 days after receiving a completed registration from a registrant, the Secretary shall—

“(i) notify such registrant of receipt of the registration;

“(ii) assign such registrant a registration number; and

“(iii) approve or disapprove the application.

“(B) DISAPPROVAL OF APPLICATION.—

“(i) IN GENERAL.—The Secretary shall disapprove a registration, and notify the registrant of such disapproval, if the Secretary has reason to believe that such registrant is not in compliance with a registration condition.

“(ii) SUBSEQUENT APPROVAL.—The Secretary may subsequently approve a registration that was denied under clause (i) if the Secretary finds that the registrant is in compliance with all registration conditions.

“(3) LIST.—The Secretary shall—

“(A) maintain an up-to-date list of registered exporters (including qualifying Internet pharmacies that sell qualifying drugs to individuals);

“(B) make such list available to the public on the Internet Web site of the Food and Drug Administration and via a toll-free telephone number; and

“(C) update such list promptly after the approval of a registration under this subsection.

“(4) EDUCATION OF CONSUMERS.—The Secretary shall carry out activities, by use of the Internet Web site and toll-free telephone number under paragraph (3), that educate consumers with regard to the availability of qualifying drugs for import for personal use under this section, including information on how to verify whether an exporter is registered.

“(5) INSPECTION OF IMPORTERS AND REGISTERED EXPORTERS.—The Secretary shall inspect the warehouses, other facilities, and records of importers and registered exporters as often as the Secretary determines necessary to ensure that such importers and registered exporters are in compliance with this section.”.

(g) SUSPENSION OF IMPORTATION.—Section 804(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 384(g)) is amended by—

(1) striking “and the Secretary determines that the public is adequately protected from counterfeit and violative prescription drugs being imported under subsection (b)”;

(2) by adding after the period at the end the following: “The Secretary shall reinstate the importation by a specific importer upon a determination by the Secretary that the violation has been corrected and that the importer has demonstrated that further violations will not occur. This subsection shall not apply to a prescription drug imported by an individual, or to a prescription drug shipped to an individual by a qualifying Internet pharmacy.”.

(h) WAIVER AUTHORITY FOR INDIVIDUALS.—Section 804(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 384(j)) is amended to read as follows:

“(j) IMPORTATION BY INDIVIDUALS.—

“(1) IN GENERAL.—Not later than 180 days after the enactment of the Pharmaceutical Market Access Act of 2009, the Secretary shall by regulation permit an individual to import a drug from a permitted country to the United States if the drug is—

“(A) a qualifying drug;

“(B) imported from a licensed pharmacy or qualifying Internet pharmacy;



“(C) for personal use by an individual, or family member of the individual, not for resale;

“(D) in a quantity that does not exceed a 90-day supply during any 90-day period; and

“(E) accompanied by a copy of a prescription for the drug, which—

“(i) is valid under applicable Federal and State laws; and

“(ii) was issued by a practitioner who is authorized to administer prescription drugs.

“(2) DRUGS DISPENSED OUTSIDE THE UNITED STATES.—An individual may import a drug from a country that is not a permitted country if—

“(A) the drug was dispensed to the individual while the individual was in such country, and the drug was dispensed in accordance with the laws and regulations of such country;

“(B) the individual is entering the United States and the drug accompanies the individual at the time of entry;

“(C) the drug is approved for commercial distribution in the country in which the drug was obtained;

“(D) the drug does not appear to be adulterated; and

“(E) the quantity of the drug does not exceed a 14-day supply.”.

(i) REPEAL OF CERTAIN PROVISIONS.—Section 804 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 384) is amended by striking subsections (l) and (m).

#### SEC. 10004. REGISTRATION FEES.

Subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379f et seq.) is amended by adding at the end the following:

#### “PART 6—FEES RELATING TO PRESCRIPTION DRUG IMPORTATION

##### “SEC. 743. FEES RELATING TO PRESCRIPTION DRUG IMPORTATION.

“(a) REGISTRATION FEE.—The Secretary shall establish a registration fee program under which a registered exporter under section 804 shall be required to pay an annual fee to the Secretary in accordance with this subsection.

“(b) COLLECTION.—

“(1) COLLECTION ON INITIAL REGISTRATION.—A fee under this section shall be payable for the fiscal year in which the registered exporter first submits a registration under section 804 (or reregisters under that section if that person has withdrawn its registration and subsequently reregisters) in a amount of \$10,000, due on the date the exporter first submits a registration to the Secretary under section 804.

“(2) COLLECTION IN SUBSEQUENT YEARS.—After the fee is paid for the first fiscal year, the fee described under this subsection shall be payable on or before October 1 of each year.

“(3) ONE FEE PER FACILITY.—The fee shall be paid only once for each registered exporter for a fiscal year in which the fee is payable.

“(c) FEE AMOUNT.—

“(1) IN GENERAL.—Subject to subsection (b)(1), the amount of the fee shall be determined each year by the Secretary and shall be based on the anticipated costs to the Secretary of enforcing the amendments made by the Pharmaceutical Market Access Act of 2009 in the subsequent fiscal year.

“(2) LIMITATION.—

“(A) IN GENERAL.—The aggregate total of fees collected under this section shall not exceed 1 percent of the total price of drugs exported annually to the United States by registered exporters under this section.

“(B) REASONABLE ESTIMATE.—Subject to the limitation described in subparagraph (A),

a fee under this subsection for an exporter shall be an amount that is a reasonable estimate by the Secretary of the annual share of the exporter of the volume of drugs exported by exporters under this section.

“(d) USE OF FEES.—The fees collected under this section shall be used for the sole purpose of administering this section with respect to registered exporters, including the costs associated with—

“(1) inspecting the facilities of registered exporters, and of other entities in the chain of custody of a qualifying drug;

“(2) developing, implementing, and maintaining a system to determine registered exporters' compliance with the registration conditions under the Pharmaceutical Market Access Act of 2009, including when shipments of qualifying drugs are offered for import into the United States; and

“(3) inspecting such shipments, as necessary, when offered for import into the United States to determine if any such shipment should be refused admission.

“(e) ANNUAL FEE SETTING.—The Secretary shall establish, 60 days before the beginning of each fiscal year beginning after September 30, 2009, for that fiscal year, registration fees.

“(f) EFFECT OF FAILURE TO PAY FEES.—

“(1) DUE DATE.—A fee payable under this section shall be paid by the date that is 30 days after the date on which the fee is due.

“(2) FAILURE TO PAY.—If a registered exporter subject to a fee under this section fails to pay the fee, the Secretary shall not permit the registered exporter to engage in exportation to the United States or offering for exportation prescription drugs under this Act until all such fees owed by that person are paid.

“(g) REPORTS.—

“(1) FEE ESTABLISHMENT.—Not later than 60 days before the beginning of each fiscal year, the Secretary shall—

“(A) publish registration fees under this section for that fiscal year;

“(B) hold a meeting at which the public may comment on the recommendations; and

“(C) provide for a period of 30 days for the public to provide written comments on the recommendations.

“(2) PERFORMANCE AND FISCAL REPORT.—Beginning with fiscal year 2009, not later than 60 days after the end of each fiscal year during which fees are collected under this section, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that describes—

“(A) implementation of the registration fee authority during the fiscal year; and

“(B) the use by the Secretary of the fees collected during the fiscal year for which the report is made.”.

#### SEC. 10005. COUNTERFEIT-RESISTANT TECHNOLOGY.

(a) MISBRANDING.—Section 502 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352; deeming drugs and devices to be misbranded) is amended by adding at the end the following:

“(aa) If it is a drug subject to section 503(b), unless the packaging of such drug complies with the requirements of section 505E for counterfeit-resistant technologies.”.

(b) REQUIREMENTS.—Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 505D the following:

#### “SEC. 505E. COUNTERFEIT-RESISTANT TECHNOLOGIES.

“(a) INCORPORATION OF COUNTERFEIT-RESISTANT TECHNOLOGIES INTO PRESCRIPTION

DRUG PACKAGING.—The Secretary shall require that the packaging of any drug subject to section 503(b) incorporate—

“(1) overt optically variable counterfeit-resistant technologies that are described in subsection (b) and comply with the standards of subsection (c); or

“(2) technologies that have an equivalent function of security, as determined by the Secretary.

“(b) ELIGIBLE TECHNOLOGIES.—Technologies described in this subsection—

“(1) shall be visible to the naked eye, providing for visual identification of product authenticity without the need for readers, microscopes, lighting devices, or scanners;

“(2) shall be similar to that used by the Bureau of Engraving and Printing to secure United States currency;

“(3) shall be manufactured and distributed in a highly secure, tightly controlled environment; and

“(4) should incorporate additional layers of non-visible covert security features up to and including forensic capability.

“(c) STANDARDS FOR PACKAGING.—

“(1) MULTIPLE ELEMENTS.—For the purpose of making it more difficult to counterfeit the packaging of drugs subject to section 503(b), manufacturers of the drugs shall incorporate the technologies described in subsection (b) into multiple elements of the physical packaging of the drugs, including blister packs, shrink wrap, package labels, package seals, bottles, and boxes.

“(2) LABELING OF SHIPPING CONTAINER.—Shipments of drugs described in subsection (a) shall include a label on the shipping container that incorporates the technologies described in subsection (b), so that officials inspecting the packages will be able to determine the authenticity of the shipment. Chain of custody procedures shall apply to such labels and shall include procedures applicable to contractual agreements for the use and distribution of the labels, methods to audit the use of the labels, and database access for the relevant governmental agencies for audit or verification of the use and distribution of the labels.

“(d) EFFECTIVE DATE.—This section shall take effect 180 days after the date of enactment of the Pharmaceutical Market Access Act of 2009.”.

#### SEC. 10006. PROHIBITED ACTS.

Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amended by inserting after subsection (k) the following:

“(l) The failure to register in accordance with section 804(f) or to import or offer to import a prescription drug in violation of a suspension order under section 804(g).”.

#### SEC. 10007. PATENTS.

Section 271 of title 35, United States Code, is amended—

(1) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively; and

(2) by inserting after subsection (g) the following:

“(h) It shall not be an act of infringement to use, offer to sell, or sell within the United States or to import into the United States any patented invention under section 804 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 384) that was first sold abroad by or under authority of the owner or licensee of such patent.”.

#### SEC. 10008. OTHER ENFORCEMENT ACTIONS.

(a) IN GENERAL.—Section 804 of the Federal Food, Drug, and Cosmetic Act, as amended by section 10003, is amended by adding at the end the following:

“(1) UNFAIR OR DISCRIMINATORY ACTS AND PRACTICES.—

“(1) IN GENERAL.—It is unlawful for a manufacturer, directly or indirectly (including by being a party to a licensing or other agreement) to—

“(A) discriminate by charging a higher price for a prescription drug sold to a person in a permitted country that exports a prescription drug to the United States under this section than the price that is charged to another person that is in the same country and that does not export a prescription drug into the United States under this section;

“(B) discriminate by charging a higher price for a prescription drug sold to a person that distributes, sells, or uses a prescription drug imported into the United States under this section than the price that is charged to another person in the United States that does not import a prescription drug under this section, or that does not distribute, sell, or use such a drug;

“(C) discriminate by denying supplies of a prescription drug to a person in a permitted country that exports a prescription drug to the United States under this section or distributes, sells, or uses a prescription drug imported into the United States under this section;

“(D) discriminate by publicly, privately, or otherwise refusing to do business with a person in a permitted country that exports a prescription drug to the United States under this section or distributes, sells, or uses a prescription drug imported into the United States under this section;

“(E) discriminate by specifically restricting or delaying the supply of a prescription drug to a person in a permitted country that exports a prescription drug to the United States under this section or distributes, sells, or uses a prescription drug imported into the United States under this section;

“(F) cause there to be a difference (including a difference in active ingredient, route of administration, dosage form, strength, formulation, manufacturing establishment, manufacturing process, or person that manufactures the drug) between a prescription drug for distribution in the United States and the drug for distribution in a permitted country for the purpose of restricting importation of the drug into the United States under this section;

“(G) refuse to allow an inspection authorized under this section of an establishment that manufactures a prescription drug that may be imported or offered for import under this section;

“(H) fail to conform to the methods used in, or the facilities used for, the manufacturing, processing, packing, or holding of a prescription drug that may be imported or offered for import under this section to good manufacturing practice under this Act;

“(I) become a party to a licensing or other agreement related to a prescription drug that fails to provide for compliance with all requirements of this section with respect to such prescription drug or that has the effect of prohibiting importation of the drug under this section; or

“(J) engage in any other action that the Federal Trade Commission determines to discriminate against a person that engages in, or to impede, delay, or block the process for, the importation of a prescription drug under this section.

“(2) AFFIRMATIVE DEFENSE.—It shall be an affirmative defense to a charge that a person has discriminated under subparagraph (A), (B), (C), (D), or (E) of paragraph (1) that the higher price charged for a prescription drug sold to a person, the denial of supplies of a prescription drug to a person, the refusal to

do business with a person, or the specific restriction or delay of supplies to a person is not based, in whole or in part, on—

“(A) the person exporting or importing a prescription drug into the United States under this section; or

“(B) the person distributing, selling, or using a prescription drug imported into the United States under this section.

“(3) PRESUMPTION AND AFFIRMATIVE DEFENSE.—

“(A) PRESUMPTION.—A difference (including a difference in active ingredient, route of administration, dosage form, strength, formulation, manufacturing establishment, manufacturing process, or person that manufactures the drug) created after January 1, 2009, between a prescription drug for distribution in the United States and the drug for distribution in a permitted country shall be presumed under paragraph (1)(F) to be for the purpose of restricting importation of the drug into the United States under this section.

“(B) AFFIRMATIVE DEFENSE.—It shall be an affirmative defense to the presumption under subparagraph (A) that—

“(i) the difference was required by the country in which the drug is distributed; or

“(ii) the Secretary has determined that the difference was necessary to improve the safety or effectiveness of the drug.

“(4) EFFECT OF SUBSECTION.—

“(A) SALES IN OTHER COUNTRIES.—This subsection applies only to the sale or distribution of a prescription drug in a country if the manufacturer of the drug chooses to sell or distribute the drug in the country. Nothing in this subsection shall be construed to compel the manufacturer of a drug to distribute or sell the drug in a country.

“(B) DISCOUNTS TO INSURERS, HEALTH PLANS, PHARMACY BENEFIT MANAGERS, AND COVERED ENTITIES.—Nothing in this subsection shall be construed to—

“(i) prevent or restrict a manufacturer of a prescription drug from providing discounts to an insurer, health plan, pharmacy benefit manager in the United States, or covered entity in the drug discount program under section 340B of the Public Health Service Act (42 U.S.C. 256b) in return for inclusion of the drug on a formulary;

“(ii) require that such discounts be made available to other purchasers of the prescription drug; or

“(iii) prevent or restrict any other measures taken by an insurer, health plan, or pharmacy benefit manager to encourage consumption of such prescription drug.

“(C) CHARITABLE CONTRIBUTIONS.—Nothing in this subsection shall be construed to—

“(i) prevent a manufacturer from donating a prescription drug, or supplying a prescription drug at nominal cost, to a charitable or humanitarian organization, including the United Nations and affiliates, or to a government of a foreign country; or

“(ii) apply to such donations or supplying of a prescription drug.

“(5) ENFORCEMENT.—

“(A) UNFAIR OR DECEPTIVE ACT OR PRACTICE.—A violation of this subsection shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act.

“(B) ACTIONS BY THE COMMISSION.—The Federal Trade Commission—

“(i) shall enforce this subsection in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act were in-

corporated into and made a part of this section; and

“(ii) may seek monetary relief threefold the damages sustained.

“(6) ACTIONS BY STATES.—

“(A) IN GENERAL.—

“(i) CIVIL ACTIONS.—The attorney general of a State may bring a civil action on behalf of the residents of the State, and persons doing business in the State, in a district court of the United States of appropriate jurisdiction for a violation of paragraph (1) to—

“(I) enjoin that practice;

“(II) enforce compliance with this subsection;

“(III) obtain damages, restitution, or other compensation on behalf of residents of the State and persons doing business in the State, including threefold the damages; or

“(IV) obtain such other relief as the court may consider to be appropriate.

“(ii) NOTICE.—

“(I) IN GENERAL.—Before filing an action under clause (i), the attorney general of the State involved shall provide to the Federal Trade Commission—

“(aa) written notice of that action; and

“(bb) a copy of the complaint for that action.

“(II) EXEMPTION.—Subclause (I) shall not apply with respect to the filing of an action by an attorney general of a State under this paragraph, if the attorney general determines that it is not feasible to provide the notice described in that subclause before filing of the action. In such case, the attorney general of a State shall provide notice and a copy of the complaint to the Federal Trade Commission at the same time as the attorney general files the action.

“(B) INTERVENTION.—

“(i) IN GENERAL.—On receiving notice under subparagraph (A)(ii), the Commission shall have the right to intervene in the action that is the subject of the notice.

“(ii) EFFECT OF INTERVENTION.—If the Commission intervenes in an action under subparagraph (A), it shall have the right—

“(I) to be heard with respect to any matter that arises in that action; and

“(II) to file a petition for appeal.

“(C) CONSTRUCTION.—For purposes of bringing any civil action under subparagraph (A), nothing in this subsection shall be construed to prevent an attorney general of a State from exercising the powers conferred on the attorney general by the laws of that State to—

“(i) conduct investigations;

“(ii) administer oaths or affirmations; or

“(iii) compel the attendance of witnesses or the production of documentary and other evidence.

“(D) ACTIONS BY THE COMMISSION.—

“(i) IN GENERAL.—In any case in which an action is instituted by or on behalf of the Commission for a violation of paragraph (1), a State may not, during the pendency of that action, institute an action under subparagraph (A) for the same violation against any defendant named in the complaint in that action.

“(ii) INTERVENTION.—An attorney general of a State may intervene, on behalf of the residents of that State, in an action instituted by the Commission.

“(iii) EFFECT OF INTERVENTION.—If an attorney general of a State intervenes in an action instituted by the Commission, such attorney general shall have the right—

“(I) to be heard with respect to any matter that arises in that action; and

“(II) to file a petition for appeal.

“(E) VENUE.—Any action brought under subparagraph (A) may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

“(F) SERVICE OF PROCESS.—In an action brought under subparagraph (A), process may be served in any district in which the defendant—

“(i) is an inhabitant; or

“(ii) may be found.

“(G) LIMITATION OF ACTIONS.—Any action under this paragraph to enforce a cause of action under this subsection by the Federal Trade Commission or the attorney general of a State shall be forever barred unless commenced within 5 years after the Federal Trade Commission, or the attorney general, as the case may be, knew or should have known that the cause of action accrued. No cause of action barred under existing law on the effective date of the Pharmaceutical Market Access Act of 2009 shall be revived by such Act.

“(H) MEASUREMENT OF DAMAGES.—In any action under this paragraph to enforce a cause of action under this subsection in which there has been a determination that a defendant has violated a provision of this subsection, damages may be proved and assessed in the aggregate by statistical or sampling methods, by the computation of illegal overcharges or by such other reasonable system of estimating aggregate damages as the court in its discretion may permit without the necessity of separately proving the individual claim of, or amount of damage to, persons on whose behalf the suit was brought.

“(I) EXCLUSION ON DUPLICATIVE RELIEF.—The district court shall exclude from the amount of monetary relief awarded in an action under this paragraph brought by the attorney general of a State any amount of monetary relief which duplicates amounts which have been awarded for the same injury.

“(7) EFFECT ON ANTITRUST LAWS.—Nothing in this subsection shall be construed to modify, impair, or supersede the operation of the antitrust laws. For the purpose of this subsection, the term ‘antitrust laws’ has the meaning given it in the first section of the Clayton Act, except that it includes section 5 of the Federal Trade Commission Act to the extent that such section 5 applies to unfair methods of competition.

“(8) MANUFACTURER.—In this subsection, the term ‘manufacturer’ means any entity, including any affiliate or licensee of that entity, that is engaged in—

“(A) the production, preparation, propagation, compounding, conversion, or processing of a prescription drug, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis; or

“(B) the packaging, repackaging, labeling, relabeling, or distribution of a prescription drug.”

(b) REGULATIONS.—The Federal Trade Commission shall promulgate regulations to carry out the enforcement program under section 804(l) of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a)).

(c) SUSPENSION AND TERMINATION OF EXPORTERS.—Section 804(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 384(g)), as amended by section 10003(g), is amended by—

(1) striking “SUSPENSION OF IMPORTATION.—The Secretary” and inserting “SUSPENSION OF IMPORTATION.—

“(1) IN GENERAL.—The Secretary”; and

(2) adding at the end the following:

“(2) SUSPENSION AND TERMINATION OF EXPORTERS.—

“(A) SUSPENSION.—With respect to the effectiveness of a registration submitted under subsection (f) by a registered exporter:

“(i) Subject to clause (ii), if the Secretary determines, after notice and opportunity for a hearing, that the registered exporter has failed to maintain substantial compliance with all registration conditions, the Secretary may suspend the registration.

“(ii) If the Secretary determines that, under color of the registration, the registered exporter has exported a drug that is not a qualifying drug, or a drug that does not meet the criteria under this section, or has exported a qualifying drug to an individual in violation of this section, the Secretary shall immediately suspend the registration. A suspension under the preceding sentence is not subject to the provision by the Secretary of prior notice, and the Secretary shall provide to the registered exporter involved an opportunity for a hearing not later than 10 days after the date on which the registration is suspended.

“(iii) The Secretary may reinstate the registration, whether suspended under clause (i) or (ii), if the Secretary determines that the registered exporter has demonstrated that further violations of registration conditions will not occur.

“(B) TERMINATION.—The Secretary, after notice and opportunity for a hearing, may terminate the registration under subsection (f) of a registered exporter if the Secretary determines that the registered exporter has engaged in a pattern or practice of violating 1 or more registration conditions, or if on 1 or more occasions the Secretary has under subparagraph (A)(ii) suspended the registration of the registered exporter. The Secretary may make the termination permanent, or for a fixed period of not less than 1 year. During the period in which the registration of a registered exporter is terminated, any registration submitted under subsection (f) by such exporter or a person who is a partner in the export enterprise or a principal officer in such enterprise, and any registration prepared with the assistance of such exporter or such a person, has no legal effect under this section.”

#### SEC. 10009. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this title (and the amendments made by this title).

**SA 2864.** Mr. VITTER submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 156, line 4, strike all through page 157, line 7, and insert the following:

(D) REQUIREMENT OF MEMBERS OF CONGRESS TO ENROLL IN THE PUBLIC OPTION.—

(i) REQUIREMENT.—Notwithstanding any other provision of law, all Members of Congress shall be enrolled in the community health insurance option when established by the Secretary.

(ii) INELIGIBLE FOR FEHBP.—Effective on the date on which the community health insurance option is established by the Secretary, no Member of Congress shall be eligible to participate in a health benefits plan under chapter 89 of title 5, United States Code.

(iii) EMPLOYER CONTRIBUTION.—

(I) IN GENERAL.—The Secretary of the Senate or the Chief Administrative Officer of the House of Representatives shall pay the amount determined under subclause (II) to—

(aa) the appropriate community health insurance option; or

(bb) in the case of a Member of Congress who resides in a State which opts out of providing a community health insurance option and is enrolled in a plan offered through an Exchange, the appropriate Exchange.

(II) AMOUNT OF EMPLOYER CONTRIBUTION.—The Director of the Office of Personnel Management shall determine the amount of the employer contribution for each Member of Congress enrolled in a community health insurance option. The amount shall be equal to the employer contribution for the health benefits plan under chapter 89 of title 5, United States Code, with the greatest number of enrollees, except that the contribution shall be actuarially adjusted for age.

(iv) MILITARY MEDICAL TREATMENT FACILITIES AND THE OFFICE OF THE ATTENDING PHYSICIAN.—

(I) IN GENERAL.—Notwithstanding any other provision of law, a Member of Congress may not receive health care or medical treatment at any military medical treatment facility or at the Office of the Attending Physician.

(II) EXCEPTION.—Subclause (I) shall not apply to any case of a medical emergency in which the life of a Member of Congress is in immediate danger.

(v) DEFINITIONS.—In this subparagraph:

(I) COMMUNITY HEALTH INSURANCE OPTION.—The term “community health insurance option” means the health insurance established by the Secretary under section 1323.

(II) MEMBER OF CONGRESS.—The term “Member of Congress” means any member of the House of Representatives or the Senate.

**SA 2865.** Mr. BURRIS submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 1249 between lines 6 and 7, insert the following:

(b) HOSPITAL COMPARE PATIENT SURVEYS.—

(1) IN GENERAL.—In implementing the Hospital Compare patient survey program, the Director of the Agency for Healthcare Research and Quality shall, in addition to collecting other information to reduce health disparities, collect information concerning—

(A) whether hospital staff effectively address cultural and linguistic barriers that may prevent patients from receiving quality health care; and

(B) whether hospital health promotion programs are effectively marketed in the community served by the hospital.

(2) REQUIREMENT TO TAKE INTO ACCOUNT SURVEY IN COMMUNITY HEALTH NEEDS ASSESSMENTS.—Section 501(r)(3)(B) of the Internal

Revenue Code of 1986, as added by section 9007, is amended striking “and” at the end of clause (i), by redesignating clause (ii) as clause (iii), and by inserting after clause (i) the following new clause:

“(ii) takes into account the information collected under the Hospital Compare patient survey program, and”.

**SA 2866.** Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title IV, insert the following:

**SEC. 4307. CURES ACCELERATION NETWORK.**

(a) **SHORT TITLE.**—This section may be cited as the “Cures Acceleration Network Act of 2009”.

(b) **REQUIREMENT FOR THE DIRECTOR OF NIH TO ESTABLISH A CURES ACCELERATION NETWORK.**—Section 402(b) of the Public Health Service Act (42 U.S.C. 282(b)) is amended—

(1) in paragraph (22), by striking “and” at the end;

(2) in paragraph (23), by striking the period and inserting “; and”; and

(3) by inserting after paragraph (23), the following:

“(24) implement the Cures Acceleration Network described in section 402C.”.

(c) **ACCEPTING GIFTS TO SUPPORT THE CURES ACCELERATION NETWORK.**—Section 499(c)(1) of the Public Health Service Act (42 U.S.C. 290b(c)(1)) is amended by adding at the end the following:

“(E) The Cures Acceleration Network described in section 402C.”.

(d) **ESTABLISHMENT OF THE CURES ACCELERATION NETWORK.**—Part A of title IV of the Public Health Service Act is amended by inserting after section 402B (42 U.S.C. 282b) the following:

**“SEC. 402C. CURES ACCELERATION NETWORK.**

“(a) **DEFINITIONS.**—In this section:

“(1) **BIOLOGICAL PRODUCT.**—The term ‘biological product’ has the meaning given such term in section 351 of the Public Health Service Act.

“(2) **DRUG; DEVICE.**—The terms ‘drug’ and ‘device’ have the meanings given such terms in section 201 of the Federal Food, Drug, and Cosmetic Act.

“(3) **HIGH NEED CURE.**—The term ‘high need cure’ means a drug (as that term is defined by section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act, biological product (as that term is defined by section 262(i)), or device (as that term is defined by section 201(h) of the Federal Food, Drug, and Cosmetic Act) that, in the determination of the Director of NIH—

“(A) is a priority to diagnose, mitigate, prevent, or treat harm from any disease or condition; and

“(B) for which the incentives of the commercial market are unlikely to result in its adequate or timely development.

“(4) **MEDICAL PRODUCT.**—The term ‘medical product’ means a drug, device, biological product, or product that is a combination of drugs, devices, and biological products.

“(b) **ESTABLISHMENT OF THE CURES ACCELERATION NETWORK.**—Subject to the appro-

priation of funds as described in subsection (g), there is established within the Office of the Director of NIH a program to be known as the Cures Acceleration Network (referred to in this section as ‘CAN’), which shall—

“(1) be under the direction of the Director of NIH, taking into account the recommendations of a CAN Review Board (referred to in this section as the ‘Board’), described in subsection (d); and

“(2) award grants and contracts to eligible entities, as described in subsection (e), to accelerate the development of high need cures, including through the development of medical products and behavioral therapies.

“(c) **FUNCTIONS.**—The functions of the CAN are to—

“(1) conduct and support revolutionary advances in basic research, translating scientific discoveries from bench to bedside;

“(2) award grants and contracts to eligible entities to accelerate the development of high need cures;

“(3) provide the resources necessary for government agencies, independent investigators, research organizations, biotechnology companies, academic research institutions, and other entities to develop high need cures;

“(4) reduce the barriers between laboratory discoveries and clinical trials for new therapies; and

“(5) facilitate review in the Food and Drug Administration for the high need cures funded by the CAN, through activities that may include—

“(A) the facilitation of regular and ongoing communication with the Food and Drug Administration regarding the status of activities conducted under this section;

“(B) ensuring that such activities are coordinated with the approval requirements of the Food and Drug Administration, with the goal of expediting the development and approval of countermeasures and products; and

“(C) connecting interested persons with additional technical assistance made available under section 565 of the Federal Food, Drug, and Cosmetic Act.

“(d) **CAN BOARD.**—

“(1) **ESTABLISHMENT.**—There is established a Cures Acceleration Network Review Board (referred to in this section as the ‘Board’), which shall advise the Director of NIH on the conduct of the activities of the Cures Acceleration Network.

“(2) **MEMBERSHIP.**—

“(A) **IN GENERAL.**—

“(i) **APPOINTMENT.**—The Board shall be comprised of 24 members who are appointed by the Secretary and who serve at the pleasure of the Secretary.

“(ii) **CHAIRPERSON AND VICE CHAIRPERSON.**—The Secretary shall designate, from among the 24 members appointed under clause (i), one Chairperson of the Board (referred to in this section as the ‘Chairperson’) and one Vice Chairperson.

“(B) **TERMS.**—

“(i) **IN GENERAL.**—Each member shall be appointed to serve a 4-year term, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member’s predecessor was appointed shall be appointed for the remainder of such term.

“(ii) **CONSECUTIVE APPOINTMENTS; MAXIMUM TERMS.**—A member may be appointed to serve not more than 3 terms on the Board, and may not serve more than 2 such terms consecutively.

“(C) **QUALIFICATIONS.**—

“(i) **IN GENERAL.**—The Secretary shall appoint individuals to the Board based solely

upon the individual’s established record of distinguished service in one of the areas of expertise described in clause (ii). Each individual appointed to the Board shall be of distinguished achievement and have a broad range of disciplinary interests.

“(ii) **EXPERTISE.**—The Secretary shall select individuals based upon the following requirements:

“(I) For each of the fields of—

“(aa) basic research;

“(bb) medicine;

“(cc) biopharmaceuticals;

“(dd) discovery and delivery of medical products;

“(ee) bioinformatics and gene therapy;

“(ff) medical instrumentation; and

“(gg) regulatory review and approval of medical products,

the Secretary shall select at least 1 individual who is eminent in such fields.

“(II) At least 4 individuals shall be recognized leaders in professional venture capital or private equity organizations and have demonstrated experience in private equity investing.

“(III) At least 8 individuals shall represent disease advocacy organizations.

“(3) **EX-OFFICIO MEMBERS.**—

“(A) **APPOINTMENT.**—In addition to the 24 Board members described in paragraph (2), the Secretary shall appoint as ex-officio members of the Board—

“(i) a representative of the National Institutes of Health, recommended by the Secretary of the Department of Health and Human Services;

“(ii) a representative of the Office of the Assistant Secretary of Defense for Health Affairs, recommended by the Secretary of Defense;

“(iii) a representative of the Office of the Under Secretary for Health for the Veterans Health Administration, recommended by the Secretary of Veterans Affairs;

“(iv) a representative of the National Science Foundation, recommended by the Chair of the National Science Board; and

“(v) a representative of the Food and Drug Administration, recommended by the Commissioner of Food and Drugs.

“(B) **TERMS.**—Each ex-officio member shall serve a 3-year term on the Board, except that the Chairperson may adjust the terms of the initial ex-officio members in order to provide for a staggered term of appointment for all such members.

“(4) **RESPONSIBILITIES OF THE BOARD AND THE DIRECTOR OF NIH.**—

“(A) **RESPONSIBILITIES OF THE BOARD.**—

“(i) **IN GENERAL.**—The Board shall advise, and provide recommendations to, the Director of NIH with respect to—

“(I) policies, programs, and procedures for carrying out the duties of the Director of NIH under this section; and

“(II) significant barriers to successful translation of basic science into clinical application (including issues under the purview of other agencies and departments).

“(ii) **REPORT.**—In the case that the Board identifies a significant barrier, as described in clause (i)(II), the Board shall submit to the Secretary a report regarding such barrier.

“(B) **RESPONSIBILITIES OF THE DIRECTOR OF NIH.**—With respect to each recommendation provided by the Board under subparagraph (A)(i), the Director of NIH shall respond in writing to the Board, indicating whether such Director will implement such recommendation. In the case that the Director of NIH indicates a recommendation of the

Board will not be implemented, such Director shall provide an explanation of the reasons for not implementing such recommendation.

“(5) MEETINGS.—

“(A) IN GENERAL.—The Board shall meet 4 times per calendar year, at the call of the Chairperson.

“(B) QUORUM; REQUIREMENTS; LIMITATIONS.—

“(i) QUORUM.—A quorum shall consist of a total of 13 members of the Board, excluding ex-officio members, with diverse representation as described in clause (iii).

“(ii) CHAIRPERSON OR VICE CHAIRPERSON.—Each meeting of the Board shall be attended by either the Chairperson or the Vice Chairperson.

“(iii) DIVERSE REPRESENTATION.—At each meeting of the Board, there shall be not less than one scientist, one representative of a disease advocacy organization, and one representative of a professional venture capital or private equity organization.

“(6) COMPENSATION AND TRAVEL EXPENSES.—

“(A) COMPENSATION.—Members shall receive compensation at a rate to be fixed by the Chairperson but not to exceed a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Board. All members of the Board who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

“(B) TRAVEL EXPENSES.—Members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for persons employed intermittently by the Federal Government under section 5703(b) of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Board.

“(e) GRANT PROGRAM.—

“(1) SUPPORTING INNOVATION.—To carry out the purposes described in this section, the Director of NIH shall award contracts, grants, or cooperative agreements to the entities described in paragraph (2), to—

“(A) promote innovation in technologies supporting the advanced research and development and production of high need cures, including through the development of medical products and behavioral therapies;

“(B) accelerate the development of high need cures, including through the development of medical products, behavioral therapies, and biomarkers that demonstrate the safety or effectiveness of medical products; or

“(C) help the award recipient establish protocols that comply with Food and Drug Administration standards and otherwise permit the recipient to meet regulatory requirements at all stages of development, manufacturing, review, approval, and safety surveillance of a medical product.

“(2) ELIGIBLE ENTITIES.—To receive assistance under paragraph (1), an entity shall—

“(A) be a public or private entity, which may include a private or public research institution, an institution of higher education, a medical center, a biotechnology company, a pharmaceutical company, a disease advocacy organization, a patient advocacy organization, or an academic research institution;

“(B) submit an application containing—

“(i) a detailed description of the project for which the entity seeks such grant or contract;

“(ii) a timetable for such project;

“(iii) an assurance that the entity will submit—

“(I) interim reports describing the entity's—

“(aa) progress in carrying out the project; and

“(bb) compliance with all provisions of this section and conditions of receipt of such grant or contract; and

“(II) a final report at the conclusion of the grant period, describing the outcomes of the project; and

“(iv) a description of the protocols the entity will follow to comply with Food and Drug Administration standards and regulatory requirements at all stages of development, manufacturing, review, approval, and safety surveillance of a medical product; and

“(C) provide such additional information as the Director of NIH may require.

“(3) AWARDS.—

“(A) THE CURES ACCELERATION PARTNERSHIP AWARDS.—

“(i) INITIAL AWARD AMOUNT.—Each award under this subparagraph shall be not more than \$15,000,000 per project for the first fiscal year for which the project is funded, which shall be payable in one payment.

“(ii) FUNDING IN SUBSEQUENT FISCAL YEARS.—An eligible entity receiving an award under clause (i) may apply for additional funding for such project by submitting to the Director of NIH the information required under subparagraphs (B) and (C) of paragraph (2). The Director may fund a project of such eligible entity in an amount not to exceed \$15,000,000 for a fiscal year subsequent to the initial award under clause (i).

“(iii) MATCHING FUNDS.—As a condition for receiving an award under this subsection, an eligible entity shall contribute to the project non-Federal funds in the amount of \$1 for every \$3 awarded under clauses (i) and (ii), except that the Director of NIH may waive or modify such matching requirement in any case where the Director determines that the goals and objectives of this section cannot adequately be carried out unless such requirement is waived.

“(B) THE CURES ACCELERATION GRANT AWARDS.—

“(i) INITIAL AWARD AMOUNT.—Each award under this subparagraph shall be not more than \$15,000,000 per project for the first fiscal year for which the project is funded, which shall be payable in one payment.

“(ii) FUNDING IN SUBSEQUENT FISCAL YEARS.—An eligible entity receiving an award under clause (i) may apply for additional funding for such project by submitting to the Board the information required under subparagraphs (B) and (C) of paragraph (2). The Director of NIH may fund a project of such eligible entity in an amount not to exceed \$15,000,000 for a fiscal year subsequent to the initial award under clause (i).

“(C) THE CURES ACCELERATION FLEXIBLE RESEARCH AWARDS.—If the Director of NIH determines that the goals and objectives of this section cannot adequately be carried out through a contract, grant, or cooperative agreement, the Director of NIH shall have flexible research authority to use other transactions to fund projects in accordance with the terms and conditions of this section. Awards made under such flexible research authority for a fiscal year shall not exceed 20 percent of the total funds appropriated under subsection (g)(1) for such fiscal year.

“(4) SUSPENSION OF AWARDS FOR DEFAULTS, NONCOMPLIANCE WITH PROVISIONS AND PLANS, AND DIVERSION OF FUNDS; REPAYMENT OF FUNDS.—The Director of NIH may suspend the award to any entity upon noncompliance by such entity with provisions and plans under this section or diversion of funds.

“(5) AUDITS.—The Director of NIH may enter into agreements with other entities to conduct periodic audits of the projects funded by grants or contracts awarded under this subsection.

“(6) CLOSEOUT PROCEDURES.—At the end of a grant or contract period, a recipient shall follow the closeout procedures under section 74.71 of title 45, Code of Federal Regulations (or any successor regulation).

“(7) REVIEW.—A determination by the Director of NIH as to whether a drug, device, or biological product is a high need cure (for purposes of subsection (a)(3)) shall not be subject to judicial review.

“(f) COMPETITIVE BASIS OF AWARDS.—Any grant, cooperative agreement, or contract awarded under this section shall be awarded on a competitive basis.

“(g) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—For purposes of carrying out this section, there are authorized to be appropriated \$500,000,000 for fiscal year 2010, and such sums as may be necessary for subsequent fiscal years. Funds appropriated under this section shall be available until expended.

“(2) LIMITATION ON USE OF FUNDS OTHERWISE APPROPRIATED.—No funds appropriated under this Act, other than funds appropriated under paragraph (1), may be allocated to the Cures Acceleration Network.”.

**SA 2867.** Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title IV, insert the following:

**SEC. . INCREASE IN FUNDING FOR THE NATIONAL INSTITUTES OF HEALTH.**

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 402A(a) of the Public Health Service Act (42 U.S.C. 282a(a)) is amended by striking paragraphs (1) through (3) and inserting the following:

“(1) \$40,000,000,000 for fiscal year 2010; and

“(2) such sums as may be necessary for each of fiscal years 2011 and 2012.”.

(b) OFFICE OF THE DIRECTOR.—Section 402A(b) of the Public Health Service Act (42 U.S.C. 282a(b)) is amended by striking “2007 through 2009” and inserting “2010 through 2012”.

**SA 2868.** Mr. BURRIS submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 147, line 19, strike “and”.

On page 147, line 21, strike the period and insert “; and”.

On page 147, between lines 21 and 22, insert the following:

“(E) the implementation of activities that reduce health care disparities, including through the use of language services, community outreach, and cultural competency training.”.

**SA 2869.** Mr. NELSON of Florida (for himself, Mr. ROCKEFELLER, Mr. BEGICH, Mr. LEAHY, Mr. BROWN, Ms. STABENOW, and Mrs. SHAHEEN) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 974, between lines 9 and 10, insert the following:

(b) **ELIMINATION OF COVERAGE GAP.**—Section 1860D-2(b) of the Social Security Act (42 U.S.C. 1395w-102(b)) is further amended—

(1) in paragraph (3)(A), by striking “and (7)” and inserting “, (7), and (8)”;

(2) in paragraph (4)(B)(i), by inserting “subject to paragraph (8)” after “purposes of this part”; and

(3) by adding at the end the following new paragraph:

“(8) **PHASED-IN ELIMINATION OF COVERAGE GAP.**—

“(A) **IN GENERAL.**—For each year beginning with 2011, the Secretary shall consistent with this paragraph progressively increase the initial coverage limit (described in subsection (b)(3)) and decrease the annual out-of-pocket threshold from the amounts otherwise computed until there is a continuation of coverage from the initial coverage limit for expenditures incurred through the total amount of expenditures at which benefits are available under paragraph (4).

“(B) **INCREASE IN INITIAL COVERAGE LIMIT.**—For a year beginning with 2011, the initial coverage limit otherwise computed without regard to this paragraph shall be increased by ½ of the cumulative phase-in percentage (as defined in subparagraph (D)(ii) for the year) times the out-of-pocket gap amount (as defined in subparagraph (E)) for the year.

“(C) **DECREASE IN ANNUAL OUT-OF-POCKET THRESHOLD.**—For a year beginning with 2011, the annual out-of-pocket threshold otherwise computed without regard to this paragraph shall be decreased by ½ of the cumulative phase-in percentage of the out-of-pocket gap amount for the year multiplied by 1.75.

“(D) **PHASE-IN.**—For purposes of this paragraph:

“(i) **ANNUAL PHASE-IN PERCENTAGE.**—The term ‘annual phase-in percentage’ means—

“(I) for 2011, 13 percent;

“(II) for 2012, 2013, 2014, and 2015, 5 percent;

“(III) for 2016 through 2018, 7.5 percent; and

“(IV) for 2019 and each subsequent year, 10 percent.

“(ii) **CUMULATIVE PHASE-IN PERCENTAGE.**—The term ‘cumulative phase-in percentage’ means for a year the sum of the annual phase-in percentage for the year and the annual phase-in percentages for each previous year beginning with 2011, but in no case more than 100 percent.

“(E) **OUT-OF-POCKET GAP AMOUNT.**—For purposes of this paragraph, the term ‘out-of-pocket gap amount’ means for a year the amount by which—

“(i) the annual out-of-pocket threshold specified in paragraph (4)(B) for the year (as determined as if this paragraph did not apply), exceeds

“(ii) the sum of—

“(I) the annual deductible under paragraph (1) for the year; and

“(II) ¼ of the amount by which the initial coverage limit under paragraph (3) for the year (as determined as if this paragraph did not apply) exceeds such annual deductible.”.

(c) **REQUIRING DRUG MANUFACTURERS TO PROVIDE DRUG REBATES FOR FULL-BENEFIT DUAL ELIGIBLES.**—

(1) **IN GENERAL.**—Section 1860D-2 of the Social Security Act (42 U.S.C. 1396r-8) is amended—

(A) in subsection (e)(1), in the matter before subparagraph (A), by inserting “and subsection (f)” after “this subsection”; and

(B) by adding at the end the following new subsection:

“(f) **PRESCRIPTION DRUG REBATE AGREEMENT FOR FULL-BENEFIT DUAL ELIGIBLE INDIVIDUALS.**—

“(1) **IN GENERAL.**—In this part, the term ‘covered part D drug’ does not include any drug or biologic that is manufactured by a manufacturer that has not entered into and have in effect a rebate agreement described in paragraph (2).

“(2) **REBATE AGREEMENT.**—A rebate agreement under this subsection shall require the manufacturer to provide to the Secretary a rebate for each rebate period (as defined in paragraph (6)(B)) ending after December 31, 2010, in the amount specified in paragraph (3) for any covered part D drug of the manufacturer dispensed after December 31, 2010, to any full-benefit dual eligible individual (as defined in paragraph (6)(A)) for which payment was made by a PDP sponsor under part D or a MA organization under part C for such period. Such rebate shall be paid by the manufacturer to the Secretary not later than 30 days after the date of receipt of the information described in section 1860D-12(b)(7), including as such section is applied under section 1857(f)(3).

“(3) **REBATE FOR FULL-BENEFIT DUAL ELIGIBLE MEDICARE DRUG PLAN ENROLLEES.**—

“(A) **IN GENERAL.**—The amount of the rebate specified under this paragraph for a manufacturer for a rebate period, with respect to each dosage form and strength of any covered part D drug provided by such manufacturer and dispensed to a full-benefit dual eligible individual, shall be equal to the product of—

“(i) the total number of units of such dosage form and strength of the drug so provided and dispensed for which payment was made by a PDP sponsor under part D or a MA organization under part C for the rebate period (as reported under section 1860D-12(b)(7), including as such section is applied under section 1857(f)(3)); and

“(ii) the amount (if any) by which—

“(I) the Medicaid rebate amount (as defined in subparagraph (B)) for such form, strength, and period, exceeds

“(II) the average Medicare drug program full-benefit dual eligible rebate amount (as defined in subparagraph (C)) for such form, strength, and period.

“(B) **MEDICAID REBATE AMOUNT.**—For purposes of this paragraph, the term ‘Medicaid rebate amount’ means, with respect to each dosage form and strength of a covered part D drug provided by the manufacturer for a rebate period—

“(i) in the case of a single source drug or an innovator multiple source drug, the amount specified in paragraph (1)(A)(ii) of section 1927(b) plus the amount, if any, specified in paragraph (2)(A)(ii) of such section, for such form, strength, and period; or

“(ii) in the case of any other covered outpatient drug, the amount specified in paragraph (3)(A)(i) of such section for such form, strength, and period.

“(C) **AVERAGE MEDICARE DRUG PROGRAM FULL-BENEFIT DUAL ELIGIBLE REBATE AMOUNT.**—For purposes of this subsection, the term ‘average Medicare drug program full-benefit dual eligible rebate amount’ means, with respect to each dosage form and strength of a covered part D drug provided by a manufacturer for a rebate period, the sum, for all PDP sponsors under part D and MA organizations administering a MA-PD plan under part C, of—

“(i) the product, for each such sponsor or organization, of—

“(I) the sum of all rebates, discounts, or other price concessions (not taking into account any rebate provided under paragraph (2) for such dosage form and strength of the drug dispensed, calculated on a per-unit basis, but only to the extent that any such rebate, discount, or other price concession applies equally to drugs dispensed to full-benefit dual eligible Medicare drug plan enrollees and drugs dispensed to PDP and MA-PD enrollees who are not full-benefit dual eligible individuals; and

“(II) the number of the units of such dosage and strength of the drug dispensed during the rebate period to full-benefit dual eligible individuals enrolled in the prescription drug plans administered by the PDP sponsor or the MA-PD plans administered by the MA-PD organization; divided by

“(ii) the total number of units of such dosage and strength of the drug dispensed during the rebate period to full-benefit dual eligible individuals enrolled in all prescription drug plans administered by PDP sponsors and all MA-PD plans administered by MA-PD organizations.

“(4) **LENGTH OF AGREEMENT.**—The provisions of paragraph (4) of section 1927(b) (other than clauses (iv) and (v) of subparagraph (B)) shall apply to rebate agreements under this subsection in the same manner as such paragraph applies to a rebate agreement under such section.

“(5) **OTHER TERMS AND CONDITIONS.**—The Secretary shall establish other terms and conditions of the rebate agreement under this subsection, including terms and conditions related to compliance, that are consistent with this subsection.

“(6) **DEFINITIONS.**—In this subsection and section 1860D-12(b)(7):

“(A) **FULL-BENEFIT DUAL ELIGIBLE INDIVIDUAL.**—The term ‘full-benefit dual eligible individual’ has the meaning given such term in section 1935(c)(6).

“(B) **REBATE PERIOD.**—The term ‘rebate period’ has the meaning given such term in section 1927(k)(8).”.

(2) **REPORTING REQUIREMENT FOR THE DETERMINATION AND PAYMENT OF REBATES BY MANUFACTURERS RELATED TO REBATE FOR FULL-BENEFIT DUAL ELIGIBLE MEDICARE DRUG PLAN ENROLLEES.**—

(A) **REQUIREMENTS FOR PDP SPONSORS.**—Section 1860D-12(b) of the Social Security Act (42 U.S.C. 1395w-112(b)) is amended by adding at the end the following new paragraph:

“(7) **REPORTING REQUIREMENT FOR THE DETERMINATION AND PAYMENT OF REBATES BY MANUFACTURERS RELATED TO REBATE FOR**



**FULL-BENEFIT DUAL ELIGIBLE MEDICARE DRUG PLAN ENROLLEES.—**

“(A) IN GENERAL.—For purposes of the rebate under section 1860D-2(f) for contract years beginning on or after January 1, 2011, each contract entered into with a PDP sponsor under this part with respect to a prescription drug plan shall require that the sponsor comply with subparagraphs (B) and (C).

“(B) REPORT FORM AND CONTENTS.—Not later than 60 days after the end of each rebate period (as defined in section 1860D-2(f)(6)(B)) within such a contract year to which such section applies, a PDP sponsor of a prescription drug plan under this part shall report to each manufacturer—

“(i) information (by National Drug Code number) on the total number of units of each dosage, form, and strength of each drug of such manufacturer dispensed to full-benefit dual eligible Medicare drug plan enrollees under any prescription drug plan operated by the PDP sponsor during the rebate period;

“(ii) information on the price discounts, price concessions, and rebates for such drugs for such form, strength, and period;

“(iii) information on the extent to which such price discounts, price concessions, and rebates apply equally to full-benefit dual eligible Medicare drug plan enrollees and PDP enrollees who are not full-benefit dual eligible Medicare drug plan enrollees; and

“(iv) any additional information that the Secretary determines is necessary to enable the Secretary to calculate the average Medicare drug program full-benefit dual eligible rebate amount (as defined in paragraph (3)(C) of such section), and to determine the amount of the rebate required under this section, for such form, strength, and period. Such report shall be in a form consistent with a standard reporting format established by the Secretary.

“(C) SUBMISSION TO SECRETARY.—Each PDP sponsor shall promptly transmit a copy of the information reported under subparagraph (B) to the Secretary for the purpose of audit oversight and evaluation.

“(D) CONFIDENTIALITY OF INFORMATION.—The provisions of subparagraph (D) of section 1927(b)(3), relating to confidentiality of information, shall apply to information reported by PDP sponsors under this paragraph in the same manner that such provisions apply to information disclosed by manufacturers or wholesalers under such section, except—

“(i) that any reference to ‘this section’ in clause (i) of such subparagraph shall be treated as being a reference to this section;

“(ii) the reference to the Director of the Congressional Budget Office in clause (iii) of such subparagraph shall be treated as including a reference to the Medicare Payment Advisory Commission; and

“(iii) clause (iv) of such subparagraph shall not apply.

“(E) OVERSIGHT.—Information reported under this paragraph may be used by the Inspector General of the Department of Health and Human Services for the statutorily authorized purposes of audit, investigation, and evaluations.

“(F) PENALTIES FOR FAILURE TO PROVIDE TIMELY INFORMATION AND PROVISION OF FALSE INFORMATION.—In the case of a PDP sponsor—

“(i) that fails to provide information required under subparagraph (B) on a timely basis, the sponsor is subject to a civil money penalty in the amount of \$10,000 for each day in which such information has not been provided; or

“(ii) that knowingly (as defined in section 1128A(i)) provides false information under

such subparagraph, the sponsor is subject to a civil money penalty in an amount not to exceed \$100,000 for each item of false information.

Such civil money penalties are in addition to other penalties as may be prescribed by law. The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil money penalty under this subparagraph in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).”

(B) APPLICATION TO MA ORGANIZATIONS.—Section 1857(f)(3) of the Social Security Act (42 U.S.C. 1395w-27(f)(3)) is amended by adding at the end the following:

“(D) REPORTING REQUIREMENT RELATED TO REBATE FOR FULL-BENEFIT DUAL ELIGIBLE MEDICARE DRUG PLAN ENROLLEES.—Section 1860D-12(b)(7).”

(3) DEPOSIT OF REBATES INTO MEDICARE PRESCRIPTION DRUG ACCOUNT.—Section 1860D-16(c) of such Act (42 U.S.C. 1395w-116(c)) is amended by adding at the end the following new paragraph:

“(6) REBATE FOR FULL-BENEFIT DUAL ELIGIBLE MEDICARE DRUG PLAN ENROLLEES.—Amounts paid under a rebate agreement under section 1860D-2(f) shall be deposited into the Account and shall be used to pay for all or part of the gradual elimination of the coverage gap under section 1860D-2(b)(7).”

(d) SUNSET OF MEDICARE COVERAGE GAP DISCOUNT PROGRAM.—Section 3301 of this Act is amended by adding at the end the following new subsection:

“(e) SUNSET OF MEDICARE COVERAGE GAP DISCOUNT PROGRAM.—The amendments made by this section shall cease to be effective as of the date on which there is a continuation of coverage from the initial coverage limit for expenditures incurred through the total amount of expenditures at which benefits are available under section 1860D-2(b)(4).”

**SA 2870.** Mr. WHITEHOUSE proposed an amendment to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ SENSE OF THE SENATE PROMOTING FISCAL RESPONSIBILITY.**

(a) FINDINGS.—The Senate makes the following findings:

(1) Based on Congressional Budget Office (CBO) estimates, this Act will reduce the Federal deficit between 2010 and 2019.

(2) CBO projects this Act will continue to reduce budget deficits after 2019.

(3) Based on CBO estimates, this Act will extend the solvency of the Medicare HI Trust Fund.

(4) This Act will increase the surplus in the Social Security Trust Fund, which should be reserved to strengthen the finances of Social Security.

(5) The initial net savings generated by the Community Living Assistance Services and Supports (CLASS) program are necessary to ensure the long-term solvency of that program.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the additional surplus in the Social Security Trust Fund generated by this Act should be reserved for Social Security and not spent in this Act for other purposes; and

(2) the net savings generated by the CLASS program should be reserved for the CLASS program and not spent in this Act for other purposes.

**SA 2871.** Mr. BROWN (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 97, between lines 6 and 7, insert the following:

**“SEC. 2710. COVERAGE FOR INDIVIDUALS PARTICIPATING IN APPROVED CLINICAL TRIALS.**

“(a) COVERAGE.—

“(1) IN GENERAL.—If a group health plan or a health insurance issuer offering group or individual health insurance coverage provides coverage to a qualified individual, then such plan or issuer—

“(A) may not deny the individual participation in the clinical trial referred to in subsection (b)(2);

“(B) subject to subsection (c), may not deny (or limit or impose additional conditions on) the coverage of routine patient costs; and

“(C) may not discriminate against the individual on the basis of the individual’s participation in such trial.

“(2) ROUTINE PATIENT COSTS.—

“(A) INCLUSION.—For purposes of paragraph (1)(B), subject to subparagraph (B), routine patient costs include all items and services consistent with the coverage provided in the plan (or coverage) that is typically covered for a qualified individual who is not enrolled in a clinical trial.

“(B) EXCLUSION.—For purposes of paragraph (1)(B), routine patient costs does not include—

“(i) the investigational item, device, or service, itself;

“(ii) items and services that are provided solely to satisfy data collection and analysis needs and that are not used in the direct clinical management of the patient; or

“(iii) a service that is clearly inconsistent with widely accepted and established standards of care for a particular diagnosis.

“(3) USE OF IN-NETWORK PROVIDERS.—If one or more participating providers is participating in a clinical trial, nothing in paragraph (1) shall be construed as preventing a plan or issuer from requiring that a qualified individual participate in the trial through such a participating provider if the provider will accept the individual as a participant in the trial.

“(4) USE OF OUT-OF-NETWORK.—Notwithstanding paragraph (3), paragraph (1) shall apply to a qualified individual participating in an approved clinical trial that is conducted outside the State in which the qualified individual resides.

“(b) QUALIFIED INDIVIDUAL DEFINED.—For purposes of subsection (a), the term ‘qualified individual’ means an individual who is a participant or beneficiary in a health plan or with coverage described in subsection (a)(1) and who meets the following conditions:

“(1) The individual is eligible to participate in an approved clinical trial according

to the trial protocol with respect to treatment of cancer or other life-threatening disease or condition.

“(2) Either—

“(A) the referring health care professional is a participating health care provider and has concluded that the individual’s participation in such trial would be appropriate based upon the individual meeting the conditions described in paragraph (1); or

“(B) the participant or beneficiary provides medical and scientific information establishing that the individual’s participation in such trial would be appropriate based upon the individual meeting the conditions described in paragraph (1).

“(c) LIMITATIONS ON COVERAGE.—This section shall not be construed to require a group health plan, or a health insurance issuer offering group or individual health insurance coverage, to provide benefits for routine patient care services provided outside of the plan’s (or coverage’s) health care provider network unless out-of-network benefits are otherwise provided under the plan (or coverage).

“(d) APPROVED CLINICAL TRIAL DEFINED.—

“(1) IN GENERAL.—In this section, the term ‘approved clinical trial’ means a clinical trial (including a phase I, phase II, phase III, or phase IV trial) that is conducted in relation to the treatment of cancer or other life-threatening disease or condition and is described in any of the following subparagraphs:

“(A) The study or investigation is approved or funded (which may include funding through in-kind contributions) by one or more of the following:

“(i) The National Institutes of Health.

“(ii) The Centers for Disease Control and Prevention.

“(iii) The Agency for Health Care Research and Quality.

“(iv) The Centers for Medicare & Medicaid Services.

“(v) A cooperative group or center of any of the entities described in clauses (i) through (iv) or the Department of Defense or the Department of Veterans Affairs.

“(vi) A qualified non-governmental research entity identified in the guidelines issued by the National Institutes of Health for center support grants.

“(vii) Any of the following if the conditions described in paragraph (2) are met:

“(I) The Department of Veterans Affairs.

“(II) The Department of Defense.

“(III) The Department of Energy.

“(B) The study or investigation is conducted in accordance with the requirements for investigational new drugs or investigational devices under the Federal Food, Drug, and Cosmetic Act.

“(C) The study or investigation is a clinical trial of a drug or device that is exempt from the requirements described under subparagraph (B).

“(2) CONDITIONS FOR DEPARTMENTS.—The conditions described in this paragraph, for a study or investigation conducted by a Department, are that the study or investigation has been reviewed and approved through a system of peer review that the Secretary determines—

“(A) to be comparable to the system of peer review of studies and investigations used by the National Institutes of Health, and

“(B) assures unbiased review of the highest scientific standards by qualified individuals who have no interest in the outcome of the review.

“(e) LIFE-THREATENING CONDITION DEFINED.—In this section, the term ‘life-threat-

ening condition’ means any disease or condition from which the likelihood of death is probable unless the course of the disease or condition is interrupted.

“(f) CONSTRUCTION.—Nothing in this section shall be construed to limit a plan’s or issuer’s coverage with respect to clinical trials.

“(g) APPLICATION TO FEHBP.—Notwithstanding any provision of chapter 89 of title 5, United States Code, this section shall apply to health plans offered under the program under such chapter.

“(h) PREEMPTION.—Notwithstanding any other provision of this Act, nothing in this section shall preempt State laws that require a clinical trials policy for State regulated health insurance plans that is in addition to the policy required under this section.”

**SA 2872.** Mr. BROWN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 1465, between lines 12 and 13, insert the following:

**SEC. 5506. COUNTING RESIDENT TIME IN CERTAIN HOSPITALS.**

(a) GME.—Section 1886(h)(4) of the Social Security Act (42 U.S.C. 1395ww(h)(4)), as amended by sections 5504 and 5505, is amended—

(1) in subparagraph (E), by striking “and (K)” and inserting “, (K), and (L)”;

(2) by adding at the end the following new subparagraph:

“(L) COUNTING RESIDENT TIME IN CERTAIN HOSPITALS.—

“(i) IN GENERAL.—Such rules shall provide that all the time spent by a resident under an approved medical training program in a hospital described in clause (ii) shall be counted toward the determination of full-time equivalency by the hospital that incurs the costs of the stipends and fringe benefits of the resident during the time the resident spends in the hospital described in clause (ii).

“(ii) HOSPITAL DESCRIBED.—A hospital described in this clause is a hospital that—

“(I) trains 3 or fewer full-time equivalent residents annually;

“(II) consents, not later than 1 year after the date on which the residents involved begin training under such approved medical training program (and annually thereafter), to forgo payments for direct graduate medical education costs under this subsection for such residents; and

“(III) has not had an approved FTE resident amount determined for the hospital under paragraph (2) as of the date on which such residents begin such training.”

(b) IME.—Section 1886(d)(5)(B) of such Act (42 U.S.C. 1395ww(d)(5)(B)), as amended by section 5505, is amended by adding at the end the following new clause:

“(xi) The provisions of subparagraph (L) of subsection (h)(4) shall apply under this subparagraph in the same manner as they apply under such subsection.”

(c) CONFORMING AMENDMENT.—Section 1886(h)(2) of such Act (42 U.S.C. 1395 ww(h)(2)) is amended by adding at the end the following new subparagraph:

“(G) EXCEPTION TO DETERMINATION OF PER RESIDENT AMOUNT.—The Secretary shall not determine an approved FTE resident amount under this paragraph for any hospital described in paragraph (4)(L)(ii).”

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to cost reporting periods beginning on or after January 1, 2009.

**SA 2873.** Mr. BROWN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1390, strike line 25 and all that follows through line 21 on page 1393, and insert the following:

“(4) to identify and refer underserved populations to appropriate healthcare agencies and community-based programs and organizations in order to increase access to quality healthcare services and to eliminate duplicate care; or

“(5) to educate, guide, and provide home visitation services regarding maternal health and prenatal care.

“(c) APPLICATION.—Each eligible entity that desires to receive a grant under subsection (a) shall submit an application to the Secretary, at such time, in such manner, and accompanied by such information as the Secretary may require.

“(d) PRIORITY.—In awarding grants under subsection (a), the Secretary shall give priority to applicants that—

“(1) propose to target geographic areas—

“(A) with a high percentage of residents who are eligible for health insurance but are uninsured or underinsured;

“(B) with a high percentage of residents who suffer from chronic diseases; or

“(C) with a high infant mortality rate;

“(2) have experience in providing health or health-related social services to individuals who are underserved with respect to such services; and

“(3) have documented community activity and experience with community health workers.

“(e) COLLABORATION WITH ACADEMIC INSTITUTIONS AND THE ONE-STOP DELIVERY SYSTEM.—The Secretary shall encourage community health worker programs receiving funds under this section to collaborate with academic institutions and one-stop delivery systems under section 134(c) of the Workforce Investment Act of 1998. Nothing in this section shall be construed to require such collaboration.

“(f) EVIDENCE-BASED INTERVENTIONS.—The Secretary shall encourage community health worker programs receiving funding under this section to implement a process or an outcome-based payment system that rewards community health workers for connecting underserved populations with the most appropriate services at the most appropriate time. Nothing in this section shall be construed to require such a payment.

“(g) QUALITY ASSURANCE AND COST EFFECTIVENESS.—The Secretary shall establish guidelines for assuring the quality of the training and supervision of community health workers under the programs funded under this section and for assuring the cost-effectiveness of such programs.

“(h) MONITORING.—The Secretary shall monitor community health worker programs identified in approved applications under this section and shall determine whether such programs are in compliance with the guidelines established under subsection (g).”

“(i) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance to community health worker programs identified in approved applications under this section with respect to planning, developing, and operating programs under the grant.”

“(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, such sums as may be necessary to carry out this section for each of fiscal years 2010 through 2014.”

“(k) DEFINITIONS.—In this section:

“(1) COMMUNITY HEALTH WORKER.—The term ‘community health worker’ means an individual who promotes health or nutrition within the community in which the individual resides—

**SA 2874.** Mr. BROWN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 1069, line 1, insert “community health workers,” after “social workers.”

**SA 2875.** Mr. BROWN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 536, line 10, insert “community health worker,” after “social worker.”

**SA 2876.** Mr. BROWN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 816, after line 20, insert the following:

**SEC. 3115. WAIVER OF MEDICARE DME SURETY BOND REQUIREMENT FOR CERTAIN DME SUPPLIERS.**

Section 1834(a)(16) of the Social Security Act (42 U.S.C. 1395m(a)(16)) is amended by adding at the end the following new sentence: “The requirement for a surety bond described in subparagraph (B) shall not apply in the case of a pharmacy or supplier that exclusively provides eyeglasses or contact lenses as described in section 1861(s)(8) that

(i) is enrolled under section 1866(j) as a supplier of durable medical equipment, prosthetics, orthotics, and supplies and has been issued (which may include renewal of) a provider number (as described in the first sentence of this paragraph) for at least 5 years, and (ii) for which a final adverse action (as defined in section 424.57(a) of title 42, Code of Federal Regulations) has never been imposed.”

**SA 2877.** Mr. BROWN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 869, between lines 14 and 15, insert the following:

**SEC. 3143. REIMBURSEMENT FOR TOTAL BODY ORTHOTIC MANAGEMENT FOR CERTAIN NURSING HOME PATIENTS.**

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Health and Human Services (in this section referred to as the “Secretary”) shall issue product codes that qualified practitioners and suppliers may use to receive reimbursement under section 1834(h) of the Social Security Act (42 U.S.C. 1395m(h)) for qualified total body orthotic management devices used for the treatment of nonambulatory individuals with severe musculoskeletal conditions who are in the full-time care of skilled nursing facilities (as defined in section 1861(j) of such Act (42 U.S.C. 1395x(j))). In issuing such codes, the Secretary shall take all steps necessary to prevent fraud and abuse.

(b) QUALIFIED TOTAL BODY ORTHOTIC MANAGEMENT DEVICE.—For purposes of this section, the term “qualified total body orthotic management device” means a medically-prescribed device which—

(1) consists of custom fitted individual braces with adjustable points at the hips, knee, ankle, elbow, and wrist, but only if—

(A) the individually adjustable braces are attached to a frame which is an integral component of the device and cannot function or be used apart from the frame; and

(B) the frame is designed such that it serves no purpose without the braces; and

(2) is designed to—

(A) improve function;

(B) retard progression of musculoskeletal deformity; or

(C) restrict, eliminate, or assist in the functioning of lower and upper extremities and pelvic, spinal, and cervical regions of the body affected by injury, weakness, or deformity, of an individual for whom stabilization of affected areas of the body, or relief of pressure points, is required for medical reasons.

**SA 2878.** Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other

purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**TITLE MINORITY HEALTH**

**SEC. 01. OFFICE OF MINORITY HEALTH.**

(a) IN GENERAL.—Section 1707 of the Public Health Service Act (42 U.S.C. 300u-6) is amended—

(1) in subsection (a), by striking “within the Office of Public Health and Science and all that follows through the end” and inserting “The Office of Minority Health as existing on the date of enactment of the Patient Protection and Affordable Care Act shall be transferred to the Office of the Secretary in such manner that there is established in the Office of the Secretary, the Office of Minority Health, which shall be headed by the Deputy Assistant Secretary for Minority Health who shall report directly to the Secretary, and shall retain and maintain an Advisory Committee on Minority Health as provided for under subsection (c).” and

(2) by striking subsection (b) and inserting the following:

“(b) DUTIES.—With respect to improving the health of racial and ethnic minority groups, the Secretary, acting through the Deputy Assistant Secretary, shall carry out the following:

“(1) Establish, implement, monitor, and evaluate short-range and long-range goals and objectives and oversee all other activities within the Public Health Service that relate to disease prevention, health promotion, service delivery, and research concerning minority groups. The heads of each of the agencies of the Service shall consult with the Deputy Assistant Secretary to ensure the coordination of such activities.

“(2) Oversee all activities within the Department of Health and Human Services that relate to reducing or eliminating disparities in health and health care in racial and ethnic minority populations and in rural and underserved communities, including coordinating—

“(A) the design of programs, support for programs, and the evaluation of programs;

“(B) the monitoring of trends in health and health care;

“(C) research efforts;

“(D) the training of health providers; and

“(E) information and education programs and campaigns.

“(3) Enter into interagency and intra-agency agreements with other agencies of the Public Health Service.

“(4) Ensure that the Federal health agencies and the National Center for Health Statistics collect data on the health status and health care of each minority group, using at a minimum the categories specified in the 1997 OMB Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity as required under subtitle B and available language standards.

“(5) Provide technical assistance to States, local agencies, territories, Indian tribes, and entities for activities relating to the elimination of racial and ethnic disparities in health and health care.

“(6) Support a national minority health resource center to carry out the following:

“(A) Facilitate the exchange of information regarding matters relating to health information, health promotion and wellness, preventive health services, clinical trials, health information technology, and education in the appropriate use of health services.

“(B) Facilitate timely access to culturally and linguistically appropriate information.

“(C) Assist in the analysis of such information.

“(D) Provide technical assistance with respect to the exchange of such information (including facilitating the development of materials for such technical assistance).

“(7) Carry out programs to improve access to health care services for individuals with limited English proficiency.

“(8) Carry out programs to improve access to health care services and to improve the quality of health care services for individuals with low functional health literacy. As used in the preceding sentence, the term ‘functional health literacy’ means the ability to obtain, process, and understand basic health information and services needed to make appropriate health decisions.

“(9) Advise in matters related to the development, implementation, and evaluation of health professions education on decreasing disparities in health care outcomes, with focus on cultural competency as a method of eliminating disparities in health and health care in racial and ethnic minority populations.

“(10) Assist health care professionals, community and advocacy organizations, academic centers and public health departments in the design and implementation of programs that will improve the quality of health outcomes by strengthening the provider-patient relationship.

“(11) In carrying out this subsection—

“(A) award grants, contracts, enter into memoranda of understanding, cooperative, interagency, intra-agency and other agreements with public and nonprofit private entities, agencies, as well as Departmental and Cabinet agencies and organizations; and

“(B) award grants, contracts, enter into memoranda of understanding, cooperative and other agreements with organizations that are indigenous human resource providers in communities of color to assure improved health status of racial and ethnic minorities.

“(12) Directly or through contracts with public and private entities, agencies, and nonprofit organizations, provide for evaluations of projects carried out with awards made the Office and for the dissemination of information developed as a result of such projects.”;

(3) by redesignating subsections (f) through (h) as subsections (g) through (i), respectively;

(4) by inserting after subsection (e) the following:

“(f) **PREPARATION OF HEALTH PROFESSIONALS TO PROVIDE HEALTH CARE TO MINORITY POPULATIONS.**—The Secretary, in collaboration with the Director of the Bureau of Health Professions and the Deputy Assistant Secretary for Minority Health, shall require that health professional schools that receive Federal funds train future health professionals to provide culturally and linguistically appropriate health care to diverse populations.”; and

(5) by striking subsection (i) (as so redesignated) and inserting the following:

“(i) **AUTHORIZATION OF APPROPRIATIONS.**—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2011 through 2016.”.

(b) **TRANSFER OF FUNCTIONS.**—There are transferred to the Office of Minority Health in the office of the Secretary of Health and Human Services, the Deputy Assistant Secretary for Minority Health who shall report directly to the Secretary of Health and Human Services. All duties, responsibilities,

accountabilities and functions exercised by the Deputy Assistant Secretary for Minority Health and by the Office of Minority Health of the Public Health Service prior to the date of enactment of this section shall transfer with the Office and the Deputy Assistant Secretary for Minority Health, including all personnel and compensation authority, all delegation and assignment authority, all committees including the Advisory Committee on Minority Health and other committees, entities and councils, and all remaining appropriations. All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions that—

(1) have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions transferred under this paragraph; and

(2) transfers with the Deputy Assistant Secretary for Minority Health are in effect at the time this section takes effect, or were final before the date of enactment of this section and are to become effective on or after such date, transfers with and to the Office of Minority Health within the Office of the Secretary and remain the authority, responsibility and accountability of the Office; shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary, a court of competent jurisdiction, or by operation of law.

(c) **REPORTS.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of this section, and every second year thereafter, the Secretary of Health and Human Services shall prepare and submit to the appropriate committees of Congress a report describing the activities carried out under section 1707 of the Public Health Service Act (as amended by this section) during the period for which the report is being prepared.

(2) **AGENCY REPORTS.**—Not later than 1 year after the date of enactment of this section, and biennially thereafter, the heads of each of the agencies of the Public Health Service shall submit to the Deputy Assistant Secretary for Minority Health a report summarizing the minority health activities of each of the respective agencies.

**SEC. 02. ESTABLISHMENT OF INDIVIDUAL OFFICES OF MINORITY HEALTH WITHIN AGENCIES OF THE PUBLIC HEALTH SERVICE.**

Title XVII of the Public Health Service Act (42 U.S.C. 300u et seq.) is amended by inserting after section 1707 the following section:

**“SEC. 1707A. INDIVIDUAL OFFICES OF MINORITY HEALTH WITHIN PUBLIC HEALTH SERVICE.**

“(a) **IN GENERAL.**—The head of each agency specified in subsection (b)(1) shall establish within the agency an office to be known as the Office of Minority Health. The head of each such Office shall be appointed by the head of the agency within which the Office is established, and shall report directly to the head of the agency. The head of such agency shall carry out this section (as this section relates to the agency) acting through such Director.

“(b) **SPECIFIED AGENCIES.**—

“(1) **IN GENERAL.**—The agencies referred to in subsection (a) are the following:

“(A) The Centers for Disease Control and Prevention.

“(B) The Health Resources and Services Administration.

“(C) The Substance Abuse and Mental Health Services Administration.

“(D) The Agency for Healthcare Research and Quality.

“(E) The Food and Drug Administration.

“(c) **COMPOSITION.**—The head of each specified agency shall ensure that the officers and employees of the minority health office of the agency are, collectively, experienced in carrying out community-based health programs for each of the various racial and ethnic minority groups that are present in significant numbers in the United States.

“(d) **DUTIES.**—Each head of a minority health office shall establish and monitor the programs of the specified agency of such office in order to carry out the following:

“(1) Determine the extent to which the purposes of the programs are being carried out with respect to racial and ethnic minority groups;

“(2) Determine the extent to which members of such groups are represented among the Federal officers and employees who administer the programs; and

“(3) Make recommendations to the head of such agency on carrying out the programs with respect to such groups. In the case of programs that provide services, such recommendations shall include recommendations toward ensuring that—

“(A) the services are equitably delivered with respect to racial and ethnic minority groups; and

“(B) the programs provide the services in the language and cultural context that is most appropriate for the individuals for whom the services are intended.

“(e) **FUNDING.**—

“(1) **ALLOCATIONS.**—Of the amounts appropriated for a specified agency for a fiscal year, the Secretary must designate an appropriate amount of funds for the purpose of carrying out activities under this section through the minority health office of the agency. In reserving an amount under the preceding sentence for a minority health office for a fiscal year, the Secretary shall reduce, by substantially the same percentage, the amount that otherwise would be available for each of the programs of the designated agency involved.

“(2) **AVAILABILITY OF FUNDS FOR STAFFING.**—The purposes for which amounts made available under paragraph may be expended by a minority health office include the costs of employing staff for such office.”.

**SEC. 03. OFFICE OF MINORITY HEALTH AT THE CENTERS FOR MEDICARE & MEDICAID SERVICES.**

(a) **IN GENERAL.**—Not later than 60 days after the date of enactment of this Act, the Secretary of Health and Human Services shall establish within the Centers for Medicare & Medicaid Services an Office of Minority Health (referred to in this section as the “Office”).

(b) **DUTIES.**—The Office shall be responsible for the coordination and facilitation of activities of the Centers for Medicare & Medicaid Services to improve minority health and health care and to reduce racial and ethnic disparities in health and health care, which shall include—

(1) creating a strategic plan, which shall be made available for public review, to improve the health and health care of Medicare, Medicaid, and SCHIP beneficiaries;

(2) promoting agency-wide policies relating to health care delivery and financing that could have a beneficial impact on the health and health care of minority populations;

(3) assisting health plans, hospitals, and other health entities in providing culturally

and linguistically appropriate health care services;

(4) increasing awareness and outreach activities for minority health care consumers and providers about the causes and remedies for health and health care disparities;

(5) developing grant programs and demonstration projects to identify, implement and evaluate innovative approaches to improving the health and health care of minority beneficiaries in the Medicare, Medicaid, and SCHIP programs;

(6) considering incentive programs relating to reimbursement that would reward health entities for providing quality health care for minority populations using established benchmarks for quality of care;

(7) collaborating with the compliance office to ensure compliance with the anti-discrimination provisions under title VI of the Civil Rights Act of 1964;

(8) identifying barriers to enrollment in public programs under the jurisdiction of the Centers for Medicare & Medicaid Services;

(9) monitoring and evaluating on a regular basis the success of minority health programs and initiatives;

(10) publishing an annual report about the activities of the Centers for Medicare & Medicaid Services relating to minority health improvement; and

(11) other activities determined appropriate by the Secretary of Health and Human Services.

(c) **STAFF.**—The staff at the Office shall include—

(1) one or more individuals with expertise in minority health and racial and ethnic health disparities; and

(2) one or more individuals with expertise in health care financing and delivery in underserved communities.

(d) **COORDINATION.**—In carrying out its duties under this section, the Office shall coordinate with—

(1) the Office of Minority Health in the Office of the Secretary of Health and Human Services;

(2) the National Institute for Minority Health and Health Disparities (as so redesignated by section 05) in the National Institutes of Health; and

(3) the Office of Minority Health in the Centers for Disease Control and Prevention.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—For the purpose of carrying out this section, there are authorized to be appropriated such sums may be necessary for each of fiscal years 2011 through 2016.

#### **SEC. 04. OFFICE OF MINORITY AFFAIRS AT THE FOOD AND DRUG ADMINISTRATION.**

Chapter X of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 391 et seq.) is amended by adding at the end the following:

##### **“SEC. 1011. OFFICE OF MINORITY AFFAIRS.**

“(a) **IN GENERAL.**—Not later than 60 days after the date of enactment of this section, the Secretary shall establish within the Office of the Commissioner of Food and Drugs an Office of Minority Affairs (referred to in this section as the ‘Office’).

“(b) **DUTIES.**—The Office shall be responsible for the coordination and facilitation of activities of the Food and Drug Administration to improve minority health and health care and to reduce racial and ethnic disparities in health and health care, which shall include—

“(1) promoting policies in the development and review of medical products that reduce racial and ethnic disparities in health and health care;

“(2) encouraging appropriate data collection, analysis, and dissemination of racial

and ethnic differences using, at a minimum, the categories described in the 1997 Office of Management and Budget standards, in response to different therapies in both adult and pediatric populations;

“(3) providing, in coordination with other appropriate government agencies, education, training, and support to increase participation of minority patients and physicians in clinical trials;

“(4) collecting and analyzing data using, at a minimum, the categories described in the 1997 Office of Management and Budget standards, on the number of participants from minority racial and ethnic backgrounds in clinical trials used to support medical product approvals;

“(5) the identification of methods to reduce language and literacy barriers; and

“(6) publishing an annual report about the activities of the Food and Drug Administration pertaining to minority health.

“(c) **STAFF.**—The staff of the Office shall include—

“(1) one or more individuals with expertise in the design and conduct of clinical trials of drugs, biological products, and medical devices; and

“(2) one or more individuals with expertise in therapeutic classes or disease states for which medical evidence suggests a difference based on race or ethnicity.

“(d) **COORDINATION.**—In carrying out its duties under this section, the Office shall coordinate with—

“(1) the Office of Minority Health in the Office of the Secretary of Health and Human Services;

“(2) the National Institute for Minority Health and Health Disparities in the National Institutes of Health; and

“(3) the Office of Minority Health in the Centers for Disease Control and Prevention.

“(e) **AUTHORIZATION OF APPROPRIATIONS.**—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2011 through 2016.”

#### **SEC. 05. NATIONAL INSTITUTE FOR MINORITY HEALTH AND HEALTH DISPARITIES.**

(a) **REDESIGNATION.**—

(1) **IN GENERAL.**—Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended—

(A) in section 401(b)(24), by striking “National Center on Minority Health and Health Disparities” and inserting “National Institute for Minority Health and Health Disparities”; and

(B) in subpart 6 of part E—

(i) in the subpart heading, by striking “Center” and inserting “Institute”;;

(ii) in the headings of sections 485E and 485H, by striking “CENTER” and inserting “INSTITUTE”; and

(iii) by striking (other than in section 485E(i)(1)) the term “Center” each place it appears and inserting “Institute”.

(2) **REFERENCES.**—Any reference in any law, map, regulation, document, paper, or other record of the United States to the National Center on Minority Health and Health Disparities shall be deemed to be a reference to the National Institute for Minority Health and Health Disparities.

(b) **DUTIES; AUTHORITIES; FUNDING.**—Section 485E of the Public Health Service Act (42 U.S.C. 287c-31) is amended—

(1) by amending subsection (e) to read as follows:

“(e) **DUTIES OF THE DIRECTOR.**—

“(1) **INTERAGENCY COORDINATION OF MINORITY HEALTH AND HEALTH DISPARITY ACTIVITIES.**—With respect to minority health and

health disparities, the Director of the Institute shall plan, coordinate, and evaluate research and other activities conducted or supported by the institutes and centers of the National Institutes of Health. In carrying out the preceding sentence, the Director of the Institute shall evaluate the minority health and health disparity activities of each of such institutes and centers and shall provide for the periodic reevaluation of such activities. Such institutes and centers shall be responsible for providing information to the Institute, including data on clinical trials funded or conducted by these institutes and centers.

“(2) **CONSULTATIONS.**—The Director of the Institute shall carry out this subpart (including developing and revising the plan and budget required by subsection (f) in consultation with the heads of the institutes and centers of the National Institutes of Health, the advisory councils of such institutes and centers, and the advisory council established pursuant to subsection (j)).

“(3) **COORDINATION OF ACTIVITIES.**—The Director of the Institute—

“(A) shall act as the primary Federal official with responsibility for coordinating all research and activities conducted or supported by the National Institutes of Health on minority or other health disparities;

“(B) shall represent the health disparities research program of the National Institutes of Health, including the minority health and other health disparities research program, at all relevant executive branch task forces, committees, and planning activities; and

“(C) shall maintain communications with all relevant agencies of the Public Health Service, including the Indian Health Service, and various other departments and agencies of the Federal Government to ensure the timely transmission of information concerning advances in minority health disparities research and other health disparities research among these various agencies for dissemination to affected communities and health care providers.”;

(2) by amending subsection (f) to read as follows:

“(f) **STRATEGIC PLAN.**—

“(1) **IN GENERAL.**—Subject to the provisions of this section and other applicable law, the Director of the Institute, in consultation with the Director of NIH, the Directors of the other institutes and centers of the National Institutes of Health, and the advisory council established pursuant to subsection (j), shall—

“(A) annually review and revise a strategic plan (referred to in this section as ‘the plan’) and budget for the conduct and support of all minority health disparity research and other health disparity research activities of the institutes and centers of the National Institutes of Health that include time-based targeted objectives with measurable outcomes and assure that the annual review and revision of the plan uses an established trans-National Institutes of Health process subject to timely review, approval, and dissemination;

“(B) ensure that the plan and budget establish priorities among the health disparities research activities that such agencies are authorized to carry out;

“(C) ensure that the plan and budget establish objectives regarding such activities, describe the means for achieving the objectives, and designate the date by which the objectives are expected to be achieved;

“(D) ensure that all amounts appropriated for such activities are expended in accordance with the plan and budget;

“(E) annually submit to Congress a report on the progress made with respect to the plan; and

“(F) create and implement a plan for the systemic review of research activities supported by the National Institutes of Health that are within the mission of both the Institute and other institutes and centers of the National Institutes of Health, including by establishing mechanisms for—

“(i) tracking minority health and health disparity research conducted within the institutes and centers assessing the appropriateness of this research with regard to the overall goals and objectives of the plan;

“(ii) the early identification of applications and proposals for grants, contracts, and cooperative agreements supporting extramural training, research, and development, that are submitted to the institutes and centers that are within the mission of the Institute;

“(iii) providing the Institute with the written descriptions and scientific peer review results of such applications and proposals;

“(iv) enabling the institutes and centers to consult with the Director of the Institute prior to final approval of such applications and proposals; and

“(v) reporting to the Director of the Institute all such applications and proposals that are approved for funding by the institutes and centers.

“(2) CERTAIN COMPONENTS OF PLAN AND BUDGET.—With respect to health disparities research activities of the agencies of the National Institutes of Health, the Director of the Institute shall ensure that the plan and budget under paragraph (1) provide for—

“(A) basic research and applied research, including research and development with respect to products;

“(B) research that is conducted by the agencies;

“(C) research that is supported by the agencies;

“(D) proposals developed pursuant to solicitations by the agencies and for proposals developed independently of such solicitations; and

“(E) behavioral research and social sciences research, which may include cultural and linguistic research in each of the agencies.

“(3) MINORITY HEALTH DISPARITIES RESEARCH.—The plan and budget under paragraph (1) shall include a separate statement of the plan and budget for minority health disparities research.”;

(3) by amending subsection (h) to read as follows:

“(h) RESEARCH ENDOWMENTS.—

“(1) IN GENERAL.—The Director of the Institute shall carry out a program to facilitate minority health and health disparities research and other health disparities research by providing research endowments at—

“(A) centers of excellence under section 736; and

“(B) centers of excellence under section 485F.

“(2) ELIGIBILITY.—The Director of the Institute shall provide for a research endowment under paragraph (1) only if the institution involved meets the following conditions:

“(A) The institution does not have an endowment that is worth in excess of an amount equal to 50 percent of the national average of endowment funds at institutions that conduct similar biomedical research or training of health professionals.

“(B) The application of the institution under paragraph (1) regarding a research en-

dowment has been recommended pursuant to technical and scientific peer review and has been approved by the advisory council established pursuant to subsection (j).

“(C) The institution at any time was deemed to be eligible to receive a grant under section 736 and at any time received a research endowment under paragraph (1).”; and

(4) by adding at the end the following:

“(k) FUNDING.—

“(1) FULL FUNDING BUDGET.—

“(A) IN GENERAL.—With respect to a fiscal year, the Director of the Institute shall prepare and submit directly to the President, for review and transmittal to Congress, a budget estimate for carrying out the plan for the fiscal year, after reasonable opportunity for comment (but without change) by the Secretary, the Director of the National Institutes of Health, the directors of the other institutes and centers of the National Institutes of Health, and the advisory council established pursuant to subsection (j). The budget estimate shall include an estimate of the number and type of personnel needs for the Institute.

“(B) AMOUNTS NECESSARY.—The budget estimate submitted under subparagraph (A) shall estimate the amounts necessary for the institutes and centers of the National Institutes of Health to carry out all minority health and health disparities activities determined by the Director of the Institute to be appropriate, without regard to the probability that such amounts will be appropriated.

“(2) ALTERNATE BUDGETS.—

“(A) IN GENERAL.—With respect to a fiscal year, the Director of the Institute shall prepare and submit to the Secretary and the Director of the National Institutes of Health the budget estimates described in subparagraph (B) for carrying out the plan for the fiscal year. The Secretary and such Director shall consider each of such estimates in making recommendations to the President regarding a budget for the plan for such year.

“(B) DESCRIPTION.—With respect to the fiscal year involved, the budget estimates referred to in subparagraph (A) for the plan are as follows:

“(i) The budget estimate submitted under paragraph (1).

“(ii) A budget estimate developed on the assumption that the amounts appropriated will be sufficient only for—

“(I) continuing the conduct by the institutes and centers of the National Institutes of Health of existing minority health and health disparity activities (if approved for continuation), and continuing the support of such activities by the institutes and centers in the case of projects or programs for which the institutes or centers have made a commitment of continued support; and

“(II) carrying out activities that are in addition to activities specified in subclause (I), only for which the Director determines there is the most substantial need.

“(iii) Such other budget estimates as the Director of the Institute determines to be appropriate.”.

**SA 2879.** Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain

other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 974, between lines 9 and 10, insert the following:

**SEC. 3316. HHS STUDIES AND REPORTS ON MEDICAID BENEFICIARIES AND DUAL ELIGIBLE INDIVIDUALS RECEIVING CARE IN HOME AND COMMUNITY-BASED SETTINGS.**

(a) STUDY AND REPORT ON DUAL ELIGIBLES.—Not later than 180 days after the date of enactment of this Act, the Secretary shall conduct a study and submit to Congress a report that—

(1) analyzes whether dual eligible individuals (as described under subsection (c)(1)) have income levels, prescription drug requirements, and types and levels of disability that are comparable to dual eligible individuals for whom cost-sharing is eliminated under section 1860D-14(a)(1)(D)(i) of the Social Security Act (42 U.S.C. 1395w-114(a)(1)(D)(i)), as amended by section 3309;

(2) determines whether dual eligible individuals have adequate access to prescription medication; and

(3) provides recommendations to address any deficiencies in regard to access to prescription drugs by dual eligible individuals, including an analysis regarding elimination of cost sharing for all such individuals under the prescription drug program under part D of title XVIII of the Social Security Act.

(b) STUDY AND REPORT ON SSI LOW-INCOME MEDICAID BENEFICIARIES.—Not later than 12 months after the date of enactment of this Act, the Secretary shall conduct a study and submit to Congress a report that—

(1) determines whether benefits provided to SSI Medicaid beneficiaries (as described under subsection (c)(2)) under the supplemental security income program are sufficient to cover expenses for room and board that are incurred by such beneficiaries;

(2) analyzes the process used for determining the amount of benefits provided to SSI Medicaid beneficiaries under the supplemental security income program, including whether such amounts—

(A) adequately reflect expenses for room and board that are incurred by such beneficiaries; and

(B) are sufficient to meet the needs of beneficiaries who are disabled; and

(3) identifies methods to provide additional support for SSI Medicaid beneficiaries in covering their expenses for room and board, including benefits provided under Housing and Urban Development programs and other housing assistance programs, the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), and other methods as determined appropriate by the Secretary.

(c) DEFINITIONS.—In this section:

(1) DUAL ELIGIBLE INDIVIDUAL.—The term “dual eligible individual” means an individual who is—

(A) entitled to benefits under part A of title XVIII of the Social Security Act or enrolled for benefits under part B of such title;

(B) entitled to medical assistance under a State plan under title XIX of such Act;

(C) not an institutionalized individual or couple (as defined in section 1902(q)(1)(B) of such Act (42 U.S.C. 1396a(q)(1)(B))); and

(D) receiving home and community-based services under a State Medicaid plan (or a waiver of such plan) under title XIX of the Social Security Act.

(2) SSI MEDICAID BENEFICIARY.—The term “SSI Medicaid beneficiary” means an individual who—



(A) is eligible for medical assistance under a State plan or waiver under title XIX of the Social Security Act and is enrolled in such plan or waiver;

(B) receives benefits under the supplemental security income program under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.); and

(C) receives home and community-based services (including such services provided in an assisted living facility).

(3) SECRETARY.—The term “Secretary” means the Secretary of Health and Human Services.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on December 3, 2009, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on December 3, 2009.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on December 3, 2009, at 10 a.m., in Room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON FOREIGN RELATIONS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on December 3, 2009, at 9 a.m., to hold a hearing entitled “Afghanistan: Assessing the Road Ahead.”

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on December 3, 2009, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON INDIAN AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate in Room 628 on December 3, 2009, at

2:15 p.m. of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON THE JUDICIARY

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on December 3, 2009, at 10 a.m., in Room SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SELECT COMMITTEE ON INTELLIGENCE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on December 3, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SUBCOMMITTEE ON NATIONAL PARKS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on National Parks be authorized to meet during the session of the Senate to conduct a hearing on December 3, 2009, at 2:30 p.m., in Room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SUBCOMMITTEE ON WATER AND WILDLIFE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Water and Wildlife of the Committee on Environment and Public Works be authorized to meet during the session of the Senate on December 3, 2009, at 2 p.m. in Room 406 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that Stacey Sachs, a detailee in the Senate HELP Committee Majority Health Office, be granted the privileges of the floor for the duration of H.R. 3590, the Patient Protection and Affordable Care Act.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I ask unanimous consent that my health policy fellow, Dr. Janet Phoenix, have floor privileges throughout the consideration of this debate on H.R. 3590.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### EXECUTIVE SESSION

##### PROTOCOL AMENDING TAX CONVENTION WITH FRANCE

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate

proceed to executive session to consider Executive Calendar No. 1, Treaty Document No. 111-4, Protocol Amending Tax Convention with France; that the treaty be considered as having advanced through the various parliamentary stages, up to and including the presentation of the resolution of ratification; that any committee understanding, declaration, or condition be agreed to as applicable; that any statements be printed in the RECORD; further, that when the vote on the resolution of ratification is taken, the motion to reconsider be considered made and laid upon the table, and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASEY. Mr. President, I ask for a division vote on the resolution of ratification.

The PRESIDING OFFICER. A division vote has been requested. Senators in favor of the resolution of ratification will rise and stand until counted. Those opposed will rise and stand until counted.

On a division, two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

The resolution of ratification agreed to is as follows:

*Resolved, (two-third of the Senators present concurring therein),*

Section 1. Senate Advice and Consent subject to a declaration and a condition.

The senate advises and consents to the ratification of the Protocol Amending the convention between the Government of the United States of America and the Government of the French Republic for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital, signed at Paris on August 31, 1994, as Amended by the Protocol signed on December 8, 2004, signed on January 13, 2009, at Paris, together with a related Memorandum of Understanding, signed January 13, 2009 (the “Protocol”) (Treaty Doc. 111-4), subject to the declaration of section 2 and the condition of section 3.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

The Protocol is self-executing.

Section 3. Condition.

The advice and consent of the Senate under section 1 is subject to the following condition:

1. Not later than two years from the date on which this Protocol enters into force and prior to the first arbitration conducted pursuant to the binding arbitration mechanism provided for in this Protocol, the Secretary of Treasury shall transmit the text of the rules of procedure applicable to arbitration panels, including conflict of interest rules to be applied to members of the arbitration panel, to the committees on Finance and Foreign Relations of the Senate and the Joint Committee on Taxation.

2. Sixty days after a determination has been reached by an arbitration panel in the tenth arbitration proceeding conducted pursuant to this Protocol, the 2006 Protocol Amending the Convention between the

United States of America and the Federal Republic of Germany for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital and to Certain Other Taxes (the "2006 German Protocol") (Treaty Doc. 109-20), the Convention between the Government of the United States of America and the Government of the Kingdom of Belgium for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, and accompanying protocol (the "Belgium Convention") (Treaty Doc. 110-3), or the Protocol Amending the Convention between the United States of America and Canada with Respect to Taxes on Income and on Capital (the "2007 Canada Protocol") (Treaty Doc. 110-15), the Secretary of Treasury shall prepare and submit a detailed report to the Joint Committee on Taxation and the Committee on Finance of the Senate, subject to law relating to taxpayer confidentiality, regarding the operation and application of the arbitration mechanism contained in the aforementioned treaties. The report shall include the following information:

I. The aggregate number, for each treaty, of cases pending on the respective dates of entry into force of this Protocol, the 2006 German Protocol, the Belgium Convention, and the 2007 Canada Protocol, along with the following additional information regarding these cases:

a. The number of such cases by treaty article(s) at issue;

b. The number of such cases that have been resolved by the competent authorities through a mutual agreement as of the date of the report; and

c. The number of such cases for which arbitration proceedings have commenced as of the date of the report.

II. A list of every case presented to the competent authorities after the entry into force of this Protocol, the 2006 German Protocol, the Belgium Convention, and the 2007 Canada Protocol, with the following information regarding each case:

a. The commencement date of the case for purposes of determining when arbitration is available;

b. Whether the adjustment triggering the case, if any, was made by the United States or the relevant treaty partner;

c. Which treaty the case relates to;

d. The treaty article(s) at issue in the case;

e. The date the case was resolved by the competent authorities through a mutual agreement, if so resolved;

f. The date on which an arbitration proceeding commenced, if an arbitration proceeding commenced; and

g. The date on which a determination was reached by the arbitration panel, if a determination was reached, and an indication as to whether the panel found in favor of the United States or the relevant treaty partner.

III. With respect to each dispute submitted to arbitration and for which a determination was reached by the arbitration panel pursuant to this Protocol, the 2006 German Protocol, the Belgium Convention, and the 2007 Canada Protocol, the following information shall be included:

a. In the case of a dispute submitted under this Protocol, an indication as to whether the presenter of the case to the competent authority of a Contracting State submitted a Position Paper for consideration by the arbitration panel;

b. An indication as to whether the determination of the arbitration panel was accepted by each concerned person;

c. The amount of income, expense, or taxation at issue in the case as determined by reference to the filings that were sufficient to set the commencement date of the case for purposes of determining when arbitration is available; and

d. The proposed resolutions (income, expense, or taxation) submitted by each competent authority to the arbitration panel.

3. The Secretary of Treasury shall, in addition, prepare and submit the detailed report described in paragraph (2) on March 1 of the year following the year in which the first report is submitted to the Joint Committee on Taxation and the Committee on Finance of the Senate, and on an annual basis thereafter for a period of five years. In each such report, disputes that were resolved, either by a mutual agreement between the relevant competent authorities or by a determination of an arbitration panel, and noted as such in prior reports may be omitted.

4. The reporting requirements referred to in paragraphs (2) and (3) supersede the reporting requirements contained in paragraphs (2) and (3) of Section 3 of the 2 resolution of advice and consent to the 2007 Canada Protocol, approved by the Senate on September 23, 2008.

#### EXECUTIVE CALENDAR

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate consider en bloc Executive Calendar Nos. 550, 555, 559, 562, 565 to and including 577, and all nominations on the Secretary's desk in the Air Force, Army, and Navy; that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table en bloc; that no further motions be in order; that any statements relating to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

#### DEPARTMENT OF LABOR

David Morris Michaels, of Maryland, to be an Assistant Secretary of Labor.

#### EXECUTIVE OFFICE OF THE PRESIDENT

Victoria Angelica Espinel, of the District of Columbia, to be Intellectual Property Enforcement Coordinator, Executive Office of the President.

#### UNITED STATES POSTAL SERVICE

Alan C. Kessler, of Pennsylvania, to be a Governor of the United States Postal Service for a term expiring December 8, 2015.

#### SELECTIVE SERVICE SYSTEM

Lawrence G. Romo, of Texas, to be Director of the Selective Service.

#### IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

#### To be lieutenant general

Maj. Gen. Kurt A. Cichowski

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position

of importance and responsibility under title 10, U.S.C., section 601:

#### To be lieutenant general

Maj. Gen. Janet C. Wolfenbarger

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

#### To be brigadier general

Col. Frank J. Sullivan

#### IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

#### To be lieutenant general

Maj. Gen. Guy C. Swan, III

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

#### To be lieutenant general

Brig. Gen. William N. Phillips

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

#### To be lieutenant general

Maj. Gen. Richard P. Formica

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

#### To be lieutenant general

Maj. Gen. Michael L. Oates

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

#### To be major general

Brig. Gen. Charles J. Barr

#### IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

#### To be rear admiral (lower half)

Capt. Sean R. Filipowski

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

#### To be vice admiral

Rear Adm. John T. Blake

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

#### To be vice admiral

Vice Adm. Bernard J. McCullough, III

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

#### To be vice admiral

Rear Adm. Michael A. LeFever

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be vice admiral*

Rear Adm. William R. Burke

NOMINATIONS PLACED ON THE SECRETARY'S  
DESK

IN THE AIR FORCE

PN982 AIR FORCE nominations (34) beginning JEFFREY K. ATKISSON, and ending ROGER L. WILLIS JR., which nominations were received by the Senate and appeared in the Congressional Record of September 21, 2009.

PN983 AIR FORCE nominations (1201) beginning CHRISTOPHER C. ABATE, and ending CHRISTOPHER J. ZUHLKE, which nominations were received by the Senate and appeared in the Congressional Record of September 21, 2009.

PN1190 AIR FORCE nomination of Elisha T. Powell IV, which was received by the Senate and appeared in the Congressional Record of November 17, 2009.

IN THE ARMY

PN1113 ARMY nomination of James C. Lewis, which was received by the Senate and appeared in the Congressional Record of October 22, 2009.

PN1122 ARMY nominations (4) beginning ANULI L. ANYACHEBELU, and ending JOHN M. STANG, which nominations were received by the Senate and appeared in the Congressional Record of October 28, 2009.

PN1123 ARMY nominations (7) beginning ANTHONY C. BOSTICK, and ending JOSEPH G. WILLIAMSON, which nominations were received by the Senate and appeared in the Congressional Record of October 28, 2009.

PN1124 ARMY nominations (21) beginning RISA D. BATOR, and ending THOMAS R. YARBER, which nominations were received by the Senate and appeared in the Congressional Record of October 28, 2009.

PN1125 ARMY nominations (37) beginning JAMES R. ANDREWS, and ending SHANDA M. ZUGNER, which nominations were received by the Senate and appeared in the Congressional Record of October 28, 2009.

PN1147 ARMY nomination of Edwin S. Fuller, which was received by the Senate and appeared in the Congressional Record of November 4, 2009.

PN1148 ARMY nomination of Robert J. Schultz, which was received by the Senate and appeared in the Congressional Record of November 4, 2009.

PN1149 ARMY nominations (2) beginning CLEMENT D. KETCHUM, and ending JOHN LOPEZ, which nominations were received by the Senate and appeared in the Congressional Record of November 4, 2009.

PN1150 ARMY nominations (4) beginning CAREY L. MITCHELL, and ending MELISSA F. TUCKER, which nominations were received by the Senate and appeared in the Congressional Record of November 4, 2009.

PN1151 ARMY nominations (10) beginning CRAIG R. BOTTONI, and ending AKASH S. TAGGARSE, which nominations were received by the Senate and appeared in the Congressional Record of November 4, 2009.

PN1169 ARMY nomination of Leon L. Robert, which was received by the Senate and appeared in the Congressional Record of November 16, 2009.

PN1170 ARMY nomination of Michael C. Metcalf, which was received by the Senate and appeared in the Congressional Record of November 16, 2009.

PN1171 ARMY nominations (2) beginning TODD E. FARMER, and ending STEVEN R. WATT, which nominations were received by the Senate and appeared in the Congressional Record of November 16, 2009.

PN1172 ARMY nominations (12) beginning MARK D. CROWLEY, and ending MICHAEL

J. STEVENSON, which nominations were received by the Senate and appeared in the Congressional Record of November 16, 2009.

PN1173 ARMY nominations (141) beginning NATHANAE L. ALLEN, and ending X001320, which nominations were received by the Senate and appeared in the Congressional Record of November 16, 2009.

PN1174 ARMY nominations (155) beginning SCOTT C. ARMSTRONG, and ending D004309, which nominations were received by the Senate and appeared in the Congressional Record of November 16, 2009.

PN1175 ARMY nominations (212) beginning MICHAEL W. ANASTASIA, and ending D003756, which nominations were received by the Senate and appeared in the Congressional Record of November 16, 2009.

PN1191 ARMY nomination of Scott E. McNeil, which was received by the Senate and appeared in the Congressional Record of November 17, 2009.

PN1192 ARMY nomination of Scott E. Zipprich, which was received by the Senate and appeared in the Congressional Record of November 17, 2009.

PN1193 ARMY nomination of Mary B. McQuary, which was received by the Senate and appeared in the Congressional Record of November 17, 2009.

PN1194 ARMY nominations (3) beginning MARVIN R. MANIBUSAN, and ending FRANCISCO J. NEUMAN, which nominations were received by the Senate and appeared in the Congressional Record of November 17, 2009.

PN1195 ARMY nominations (4) beginning PATRICK S. CALLENDER, and ending STEVEN L. SHUGART, which nominations were received by the Senate and appeared in the Congressional Record of November 17, 2009.

PN1196 ARMY nominations (14) beginning MICHAEL A. BENNETT, and ending KEVIN M. WALKER, which nominations were received by the Senate and appeared in the Congressional Record of November 17, 2009.

IN THE NAVY

PN1114 NAVY nominations (2) beginning TIMOTHY M. SHERRY, and ending ROBERT N. MILLS, which nominations were received by the Senate and appeared in the Congressional Record of October 22, 2009.

PN1176 NAVY nomination of Matthew P. Luff, which was received by the Senate and appeared in the Congressional Record of November 16, 2009.

PN1177 NAVY nomination of Everett F. Magann, which was received by the Senate and appeared in the Congressional Record of November 16, 2009.

PN1178 NAVY nomination of William V. Dolan, which was received by the Senate and appeared in the Congressional Record of November 16, 2009.

PN1179 NAVY nominations (48) beginning BRIAN D. BARTH, and ending STACY M. WUTHIER, which nominations were received by the Senate and appeared in the Congressional Record of November 16, 2009.

NOMINATION OF VICTORIA ESPINEL

Mr. LEAHY. Mr. President, I am pleased that the Senate today confirmed Victoria Espinel as the Nation's first intellectual property enforcement coordinator. This position was created by legislation that I introduced last year and is vital to protect the intellectual property interests of United States innovators and companies. Intellectual property rights promote innovation and creativity, and the protection of those rights is critical during this time of economic uncertainty.

Ms. Espinel is extremely well qualified to serve as the President's intellectual property enforcement coordinator. She has an extensive background in intellectual property issues, both foreign and domestic, and has experience in government and in the private sector. Ms. Espinel served in the Bush administration as the Assistant United States Trade Representative for Intellectual Property and Innovation. This is a nomination that deserves bipartisan support. American innovation and our intellectual property protection should not be a partisan issue.

The legislation by which we created this position took a comprehensive approach to intellectual property protection by providing Federal, State, and local law enforcement with the tools and resources they need to combat intellectual property theft. The legislation created an interagency advisory committee to develop a more efficient and cohesive approach to protecting American intellectual property. I am confident that Ms. Espinel will work well with that committee.

I look forward to working with Ms. Espinel to improve the efficiency and effectiveness of our intellectual property enforcement efforts. I know her family, and was delighted to chair her confirmation hearing. I congratulate her on her Senate confirmation.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

#### NATIONAL MINERS DAY

Mr. CASEY. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 337 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 337) designating December 6, 2009, as "National Miners Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. CASEY. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 337) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 337

Whereas the foundations of civilization are constructed from, advanced by, and sustained with, the materials procured with the sweat and blood of miners;

Whereas the miners of the United States have labored long and hard over our Nation's existence to make it the economically strong, militarily secure Nation that it is today;

Whereas miners and their families have achieved, provided, and sacrificed so much for the betterment of their fellow Americans;

Whereas miners have struggled, in their lives and in their work, to obtain health and safety protections;

Whereas the terrible mining tragedy at Monongah, West Virginia, that occurred on December 6, 1907, is recognized for causing the greatest loss of lives in American industrial history, and this tragedy helped to launch the national effort to secure the safety and health of our miners that continues to this day; and

Whereas miners still today risk life and limb in their labors: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates December 6, 2009, as "National Miners Day", in appreciation, honor, and remembrance of the accomplishments and sacrifices of the miners of the Nation; and

(2) encourages the people of the United States to participate in local and national activities celebrating and honoring the contributions of miners.

#### PERMITTING COLLECTIONS FOR CHARITABLE PURPOSES

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 369, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 369) to permit the collection of clothing, toys, food, and housewares during the holiday season for charitable purposes in Senate buildings.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CASEY. I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 369) was agreed to, as follows:

S. RES. 369

*Resolved*,

#### SECTION 1. COLLECTION OF CLOTHING, TOYS, FOOD, AND HOUSEWARES DURING THE HOLIDAY SEASON FOR CHARITABLE PURPOSES IN SENATE BUILDINGS.

(a) IN GENERAL.—Notwithstanding any other provision of the rules or regulations of the Senate—

(1) a Senator, officer, or employee of the Senate may collect from another Senator, officer, or employee of the Senate within Senate buildings nonmonetary donations of clothing, toys, food, and housewares for charitable purposes related to serving those in need or members of the Armed Services and their families during the holiday season, if such purposes do not otherwise violate any rule or regulation of the Senate or of Federal law; and

(2) a Senator, officer, or employee of the Senate may work with a nonprofit organiza-

tion with respect to the delivery of donations described in paragraph (1).

(b) EXPIRATION.—The authority provided by this resolution shall expire at the end of the 1st session of the 111th Congress.

#### ORDERS FOR FRIDAY, DECEMBER 4, 2009

Mr. CASEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, Friday, December 4; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of H.R. 3590, the health care reform legislation, as provided for under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. CASEY. Mr. President, we currently have one amendment and one motion to commit pending to the bill. Senators should expect rollcall votes throughout the day tomorrow.

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. CASEY. If there is no further business to come before the Senate, I ask unanimous consent it adjourn under the previous order.

There being no objection, the Senate, at 8:32 p.m., adjourned until Friday, December 4, 2009, at 9:30 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### DEPARTMENT OF ENERGY

DONALD L. COOK, OF WASHINGTON, TO BE DEPUTY ADMINISTRATOR FOR DEFENSE PROGRAMS, NATIONAL NUCLEAR SECURITY ADMINISTRATION, VICE ROBERT L. SMOLEN, RESIGNED.

##### DEPARTMENT OF DEFENSE

MALCOLM ROSS O'NEILL, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE ARMY, VICE CLAUDE M. BOLTON, JR.

JACKALYNE PFANNENSTIEL, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF THE NAVY, VICE BUDDIE J. PENN.

DOUGLAS B. WILSON, OF ARIZONA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE DORRANCE SMITH.

##### DEPARTMENT OF STATE

BROOKE D. ANDERSON, OF CALIFORNIA, TO BE ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA FOR SPECIAL POLITICAL AFFAIRS IN THE UNITED NATIONS, WITH THE RANK OF AMBASSADOR.

BROOKE D. ANDERSON, OF CALIFORNIA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS, DURING HER TENURE OF SERVICE AS ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA FOR SPECIAL POLITICAL AFFAIRS IN THE UNITED NATIONS.

ROSEMARY ANNE DICARLO, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER—COUNSELOR, TO BE THE DEPUTY REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY, AND THE DEPUTY REPRESENTATIVE OF THE UNITED STATES OF AMERICA IN THE SECURITY COUNCIL OF THE UNITED NATIONS.

ROSEMARY ANNE DICARLO, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN

SERVICE, CLASS OF MINISTER—COUNSELOR, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS, DURING HER TENURE OF SERVICE AS DEPUTY REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS.

##### THE JUDICIARY

NANCY D. FREUDENTHAL, OF WYOMING, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF WYOMING, VICE CLARENCE A. BRIMMER, JR., RETIRED.

DENZIL PRICE MARSHALL, JR., OF ARKANSAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF ARKANSAS, VICE WILLIAM ROY WILSON, JR., RETIRED.

BENITA Y. PEARSON, OF OHIO, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OHIO, VICE PETER C. ECONOMUS, RETIRED.

#### CONFIRMATIONS

Executive nominations confirmed by the Senate, Thursday, December 3, 2009:

##### DEPARTMENT OF LABOR

DAVID MORRIS MICHAELS, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF LABOR.

##### UNITED STATES POSTAL SERVICE

ALAN C. KESSLER, OF PENNSYLVANIA, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR A TERM EXPIRING DECEMBER 8, 2015.

##### SELECTIVE SERVICE SYSTEM

LAWRENCE G. ROMO, OF TEXAS, TO BE DIRECTOR OF THE SELECTIVE SERVICE.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

##### EXECUTIVE OFFICE OF THE PRESIDENT

VICTORIA ANGELICA ESPINEL, OF THE DISTRICT OF COLUMBIA, TO BE INTELLECTUAL PROPERTY ENFORCEMENT COORDINATOR, EXECUTIVE OFFICE OF THE PRESIDENT.

##### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### To be lieutenant general

MAJ. GEN. KURT A. CICHOWSKI

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### To be lieutenant general

MAJ. GEN. JANET C. WOLFENBARGER

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

##### To be brigadier general

COL. FRANK J. SULLIVAN

##### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### To be lieutenant general

MAJ. GEN. GUY C. SWAN III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### To be lieutenant general

BRIG. GEN. WILLIAM N. PHILLIPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### To be lieutenant general

MAJ. GEN. RICHARD P. FORMICA

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### To be lieutenant general

MAJ. GEN. MICHAEL L. OATES

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be major general*

BRIG. GEN. CHARLES J. BARR

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral (lower half)*

CAPT. SEAN R. FILIPOWSKI

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be vice admiral*

REAR ADM. JOHN T. BLAKE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be vice admiral*

VICE ADM. BERNARD J. MCCULLOUGH III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be vice admiral*

REAR ADM. MICHAEL A. LEFEVER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be vice admiral*

REAR ADM. WILLIAM R. BURKE

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH JEFFREY K. ATKISSON AND ENDING WITH ROGER L. WILLIS, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 21, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH CHRISTOPHER C. ABATE AND ENDING WITH CHRISTOPHER J.

ZUHLKE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 21, 2009.

AIR FORCE NOMINATION OF ELISHA T. POWELL IV, TO BE COLONEL.

IN THE ARMY

ARMY NOMINATION OF JAMES C. LEWIS, TO BE MAJOR. ARMY NOMINATIONS BEGINNING WITH ANULI L. ANYACHEBELU AND ENDING WITH JOHN M. STANG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 28, 2009.

ARMY NOMINATIONS BEGINNING WITH ANTHONY C. BOSTICK AND ENDING WITH JOSEPH G. WILLIAMSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 28, 2009.

ARMY NOMINATIONS BEGINNING WITH RISA D. BATOR AND ENDING WITH THOMAS R. YARBER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 28, 2009.

ARMY NOMINATIONS BEGINNING WITH JAMES R. ANDREWS AND ENDING WITH SHANDA M. ZUGNER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 28, 2009.

ARMY NOMINATION OF EDWIN S. FULLER, TO BE MAJOR.

ARMY NOMINATION OF ROBERT J. SCHULTZ, TO BE LIEUTENANT COLONEL.

ARMY NOMINATIONS BEGINNING WITH CLEMENT D. KETCHUM AND ENDING WITH JOHN LOPEZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 4, 2009.

ARMY NOMINATIONS BEGINNING WITH CAREY L. MITCHELL AND ENDING WITH MELISSA F. TUCKER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 4, 2009.

ARMY NOMINATIONS BEGINNING WITH CRAIG R. BOTTONI AND ENDING WITH AKASH S. TAGGARSE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 4, 2009.

ARMY NOMINATION OF LEON L. ROBERT, TO BE COLONEL.

ARMY NOMINATION OF MICHAEL C. METCALF, TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH TODD E. FARMER AND ENDING WITH STEVEN R. WATT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 16, 2009.

ARMY NOMINATIONS BEGINNING WITH MARK D. CROWLEY AND ENDING WITH MICHAEL J. STEVENSON, WHICH

NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 16, 2009.

ARMY NOMINATIONS BEGINNING WITH NATHANAEAL L. ALLEN AND ENDING WITH X001320, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 16, 2009.

ARMY NOMINATIONS BEGINNING WITH SCOTT C. ARMSTRONG AND ENDING WITH D004309, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 16, 2009.

ARMY NOMINATIONS BEGINNING WITH MICHAEL W. ANASTASIA AND ENDING WITH D003756, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 16, 2009.

ARMY NOMINATION OF SCOTT E. MCNEIL, TO BE COLONEL.

ARMY NOMINATION OF SCOTT E. ZIPPRICH, TO BE COLONEL.

ARMY NOMINATION OF MARY B. MCQUARY, TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH MARVIN R. MANIBUSAN AND ENDING WITH FRANCISCO J. NEUMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 17, 2009.

ARMY NOMINATIONS BEGINNING WITH PATRICK S. CALLENDER AND ENDING WITH STEVEN L. SHUGART, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 17, 2009.

ARMY NOMINATIONS BEGINNING WITH MICHAEL A. BENNETT AND ENDING WITH KEVIN M. WALKER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 17, 2009.

IN THE NAVY

NAVY NOMINATIONS BEGINNING WITH TIMOTHY M. SHERRY AND ENDING WITH ROBERT N. MILLS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 22, 2009.

NAVY NOMINATION OF MATTHEW P. LUFF, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF EVERETT F. MAGANN, TO BE CAPTAIN.

NAVY NOMINATION OF WILLIAM V. DOLAN, TO BE CAPTAIN.

NAVY NOMINATIONS BEGINNING WITH BRIAN D. BARTH AND ENDING WITH STACY M. WUTHIER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 16, 2009.

## EXTENSIONS OF REMARKS

### HONORING SAMUEL BRADLEY

#### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 3, 2009*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Samuel Bradley, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 75, and in earning the most prestigious award of Eagle Scout.

Samuel has been very active with his troop participating in many scout activities. Over the many years Samuel has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Samuel Bradley for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

### HONORING BARRY BAUER

#### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 3, 2009*

Mr. RADANOVICH. Madam Speaker, I rise today to commend and congratulate Barry Bauer upon being awarded the "Distinguished Citizen Award" by the Sequoia Council, Boy Scouts of America. Mr. Bauer will be honored on Tuesday, November 10, 2009 at the annual Distinguished Citizen Dinner in Fresno, California.

Mr. Barry Bauer was born and raised in Fresno, California and attended Fresno High School. As a child, Mr. Bauer helped at his father's liquor and sporting goods store. He was a busy child, involved in Cub Scouts and Boy Scouts. During his scouting career he had accumulated enough merit badges to become a Star Scout and worked his way to becoming a Life Scout.

Mr. Bauer graduated from California State University, Fresno with a bachelor's of science degree in Electrical Engineering in 1968. During college, he worked evenings at Bank of America, taught data processing classes at Fresno City College and during the summer recess he worked as a programmer for IBM at various accounts around the Central Valley. During his senior year in college Mr. Bauer joined the Air National Guard unit in Fresno. He held various positions, including Base Comptroller and Combat Support Commander. He retired as a Lieutenant Colonel after 23 years of service.

Upon graduation, Mr. Bauer was offered a position with IBM, working from the Fresno

and Bay Area offices. He retired after 25 years of service with IBM. Mr. Bauer has always been very active in a multitude of activities; he has a commercial pilot license, a real estate broker license, a lifetime junior college teaching credential and a ham radio license. Since 1998, he has served as President of the family business, Herb Bauer Sporting Goods.

Mr. Bauer is currently a member of the Fresno County Recreation and Wildlife Commission that reports to supervisor Debbie Poochigian. He has been active consultant to legislators regarding firearm issues, and has served as the chairman of the Fresno Friends of the NRA for 10 years. With this position, he has approved over \$20,000 in grants to improve the shooting range at Chawanawkee. He also provides a discount to all scouts purchasing scouting related products at his store.

In his spare time, Mr. Bauer and his wife of 40 years, Rosemarie, enjoy traveling around the world.

Madam Speaker, I rise today to commend and congratulate Barry Bauer upon being awarded the "Distinguished Citizen Award." I invite my colleagues to join me in wishing Mr. Bauer many years of continued success.

### CONGRESSIONAL RECOGNITION FOR THE ARIZONA BUILDERS' ALLIANCE 15TH ANNUAL VOLUNTEER DAY

#### HON. GABRIELLE GIFFORDS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 3, 2009*

Ms. GIFFORDS. Madam Speaker, I rise today to recognize the Arizona Builders' Alliance which is celebrating its fifteenth annual Volunteer Day this week by renovating the Marshall Home for Men in Tucson.

More than 150 volunteers from the Southern Arizona Division of the Alliance will participate in the December 5 event. Thanks to the generosity of Alliance members, \$125,000 worth of renovations will be donated to the Marshall Home.

The Marshall Home for Men was founded in 1931 as a safe haven for men who were struggling to find work during the Depression. A rancher, John Ryland, welcomed the men with food, shelter and companionship as they sought jobs during the tough economic times. The support that the current residents will receive from the Builders' Alliance continues that caring tradition.

Today, the Marshall Home is a non-profit, state licensed personal care facility for elderly men with limited means. Fifty-two men—many of whom have earned military commendations such as the Silver Star, Bronze Star, Navy Cross and Purple Heart—live at the Marshall Home.

Thanks to the Arizona Builders' Alliance, the Marshall Home will receive new doors, bath-

room upgrades, painting, air conditioning and ductwork, new locks, tile replacement, an irrigation system and extensive landscaping work.

This is the fifteenth time that the Southern Arizona Division of the Arizona Builders' Alliance has come to the aid of a community service organization. Previous events have contributed more than \$1.2 million worth of work.

I am proud to join with a grateful community in commending the Arizona Builders' Alliance for their long history of giving. This is a great organization whose members are the backbone of our southern Arizona economy and whose charitable works have made significant contributions to non-profit agencies and the people they serve.

### HONORING GARRETT JONES

#### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 3, 2009*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Garrett Jones, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1360, and in earning the most prestigious award of Eagle Scout.

Garrett has been very active with his troop participating in many scout activities. Over the many years Garrett has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Garrett Jones for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

### IN HONOR OF VALENTINO W. NARDO, SR.

#### HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 3, 2009*

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to pay tribute to Valentino W. Nardo, Sr. Mr. Nardo is a fellow Delawarean who has dedicated his life to serving his community in the truest sense of the word.

A man of great compassion, Val is known across Delaware as a champion of the less-fortunate. His organization, Val's Needy Family Fund, began as a food drive which he ran out of his Newark-based barbershop. In 1969, Val's Needy Family Fund was able to provide

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



10 baskets of holiday meals. The project has grown exponentially over the past 40 years, distributing as many as 1,500 baskets at a time. Each year, Val and his volunteers help prepare and deliver the food baskets, answering calls for emergency aid from churches, social services and organizations.

Val has always been a supporter of the non-profit Newark Area Welfare Committee, and Val's Needy Family Fund is now formally affiliated with this long-time community organization that stocks food cupboards and provides other avenues of assistance for those in need. The collaboration has allowed Val's Fund to reach more of the people who are most in need and will ensure that Val's dedication to the less-fortunate continues well beyond his lifetime. In 2008, Val was awarded a Jefferson Award for public service. The Jefferson Awards are given annually to honor individuals who make a difference in the community in which they work and live. The bestowal of this award is particularly salient for Val, as recipients of Jefferson Awards are nominated by the public. Val's peers and I firmly agree that he is a shining example of how one person truly can make a difference. And his dedication to the community shows no sign of stopping; each year, he does not sit down to Christmas dinner until all of the holiday food has been distributed. At 90, Val possesses a commitment and a desire to help others that is not just admirable, but contagious. Indeed, the food drive that was once run out of his shop has grown today to need a warehouse.

In addition to being a committed community member, Val is a loving husband and devoted father. He and his wife, Mary, recently celebrated their 69th wedding anniversary, and Val's family members share in his mission of giving, enabling Val's Needy Family Fund to be a year-round effort. With his dedication to the hungry and less-fortunate, Val has done and continues to do our great state of Delaware an immeasurable service.

On the occasion of the 40th anniversary of Val's Needy Family Fund, I would like to recognize the unequalled devotion of Valentino W. Nardo, Sr. Val has given his time, his energy, and his heart in support of Delawareans. His influence and contributions have reached far and wide, affecting all of our communities. I commend Mr. Nardo for his tireless dedication and look forward to his continued success in serving those in need.

**CONGRATULATING EAGLE SCOUT  
BRADLEY GARR FOR RECEIVING  
THE SILVER HORNADAY MEDAL**

**HON. HARRY E. MITCHELL**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 3, 2009*

Mr. MITCHELL. Madam Speaker, I rise today to congratulate Bradley Garr, a young Eagle Scout from my district, for his inspiring and conscientious efforts to protect Arizona's fragile Sonoran Desert.

Bradley, an 8th grader at Copper Ridge Middle School in Scottsdale, recently developed and led a day-long conservation effort to remove and relocate cacti and other delicate

desert plants along a major power line corridor. The plants would otherwise be destroyed to provide maintenance access to the lines.

Bradley first built a partnership between the Boy Scouts, the McDowell Sonoran Conservancy, Arizona Public Service and the City of Scottsdale. He then led a team of more than 50 volunteers to complete the work. This was Bradley's fourth major conservation project completed as part of his Eagle Scout responsibilities. In addition, Bradley is also a past winner of the Boy Scouts Medal of Heroism for helping his father, Bill Garr, pull a woman from a wrecked and burning vehicle two years ago.

For his outstanding conservation and environmental efforts, the Boy Scouts of America have nominated Bradley for the prestigious Silver Hornaday Medal. Madam Speaker, please join me in congratulating Bradley on these outstanding accomplishments and in wishing him well in his future endeavors.

**HONORING THE KEARNEY HIGH  
SCHOOL FOOTBALL TEAM**

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 3, 2009*

Mr. GRAVES. Madam Speaker, I proudly rise to congratulate Coach Greg Jones and the Kearney High School football team for winning the Missouri Class 4 state championship. The Bulldogs, led by seniors Tyler Funk, Stephen Juergens, Joe Windsor and many others, displayed the work ethic, teamwork, and sportsmanship of true champions during their 27-15 victory Friday afternoon.

After two disappointing early season defeats, this team pulled together and let their true colors show by winning their final 10 games and a state title. A state championship not only reflects the outcome of one final game but also the hard work and dedication these young men have shown over several years. I join the entire Kearney community in expressing how very proud we are of the success the players and coaches of the Kearney football team have attained.

Madam Speaker, I respectfully request you join with me in commending the Kearney Bulldogs on their state championship.

**A TRIBUTE TO OREGON CATTLE-  
MEN'S ASSOCIATION PRESIDENT  
BILL MOORE**

**HON. GREG WALDEN**

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 3, 2009*

Mr. WALDEN. Madam Speaker, I rise today to share with you and my colleagues the story of Bill Moore and his life-long efforts in support of agriculture and the western ranching industry. Bill is the president of the Oregon Cattlemen's Association, OCA, and a tremendous friend to rural America. At the end of this week, Bill will turn over his gavel to another to

lead this fine organization but he will continue his leadership in the field of agriculture. Before he relinquishes his current role, I would like to pay tribute to his leadership over the last several years.

A long list of organizations have recognized Bill's enduring support and promotion of the agriculture community's continued viability. Prior to serving as OCA president, Bill served as president of the Malheur County Cattlemen's Association. In his current role as leader for family ranchers throughout Oregon, he serves on the National Cattlemen's Beef Association board of directors. He was honored by the Ontario Oregon Chamber of Commerce in 2000 as the Agriculturalist of the Year. He has served on the local Farmer's Supply Cooperative board of directors, the Burnt River Irrigation District's board of directors and, in what is surely one of the most difficult positions anyone can have, as a member of the Burnt River School District budget board.

During his tenure as OCA president, Bill promoted and protected the interests of the cattle ranchers of Oregon. He initiated a new "Positive Producer Image Project," which utilizes a combination of traditional media and DVD production to showcase the valuable impacts ranchers have on Oregon's economy, wildlife, clean water, open space, and cultural heritage. This is the first ever video created by OCA, and it has received national accolades and become the blueprint for other states to follow as they also embark on positive producer image projects.

Born in Ontario, Oregon to William and Christine Moore, Bill has a rich history in eastern Oregon. Bill grew up with his five brothers and sisters on a small family ranch near Vale, Oregon. After high school, Bill graduated with honors from Oregon State University with a bachelor of science degree in wildlife management in 1977. He worked for the Oregon Department of Fish and Wildlife for 5 years during and after college. In 1978 Bill married Nancy Ingle and that same year they began their own cattle herd with the purchase of eight cows. They leased land and began to grow their business. During the growth years, Bill worked for Arco Seed Company eventually becoming vice president in charge of seed production. Bill later owned his own seed distribution company.

In 1999, Bill and Nancy purchased a ranch near Unity, Oregon where they now center their ranching operation. It is truly a family operation where they have very little hired or outside help and rely on the American tradition of neighbor-helping-neighbor and family-helping-family to grow their business. Bill and Nancy have two children and three grandchildren which they treasure. Bill and Nancy take great pride and joy seeing yet another generation value and learn the ranching business and lifestyle that has meant so much to them.

Madam Speaker, I ask my colleagues to join me in saluting Bill Moore, who has served so ably as president of the Oregon Cattlemen's Association.

HONORING THE MOUND CITY HIGH  
SCHOOL FOOTBALL TEAM

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 3, 2009*

Mr. GRAVES. Madam Speaker, I proudly rise to recognize the outstanding achievement of the Mound City Panthers High School football team in defeating St. Joseph Christian, by a score of 50–8, to claim victory in this year's Show-Me Bowl.

Once again, the Panthers were able to be crowned champions this season through hard work and tireless effort. This is the second straight year that the Panthers have beaten the Lions in the 8-man title game. These young men have worked tirelessly for years on sharpening the skills needed to achieve the success they most definitely deserve. I join with the community of Mound City in expressing how proud we are of the team under the leadership of Coach Brian Messer and his coaching staff. I wish them the very best and look forward to continued success in the future.

Madam Speaker, I respectfully request you to join me in congratulating the Mound City High School football team on their state championship.

TRIBUTE TO DR. JOHN BRADHAM  
COMMEMORATING HIS RETIRE-  
MENT FROM SCRA

**HON. JOE WILSON**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 3, 2009*

Mr. WILSON of South Carolina. Madam Speaker, today I rise in recognition of the extraordinary efforts of Dr. John Bradham, a lifelong patriot and public servant to the citizens of South Carolina and the United States. Born and raised in Sumter, John's unyielding desire to learn and succeed led him to the University of South Carolina for his undergraduate studies and to Texas A&M for multiple advanced degrees. John has a rich history of putting others' needs before his own with the utmost honesty and integrity. He served 24 years in the United States Air Force where he filled numerous leadership roles including command of Air Force Command, Control, Communications, and Computer, C4, programs, as well as environmental research on aircraft systems, radar, and various energy communications systems. John's contributions and service to his country have gone above and beyond the call of duty, evident by the fact that he retired from the Air Force as a full colonel before joining the South Carolina Research Authority, SCRA.

I have had the pleasure of working with John during his tenure at SCRA on a variety of high-level programs that have benefited South Carolinians, our warfighters, and the United States' national security. As the Senior Vice President at SCRA and head of the Institute for Solutions Generation, ISG, John has been an impetus for ingenuity and a driving

force for upholding the highest standards of professionalism.

Dr. Bradham's technical knowledge has been crucial in SCRA programs and other projects for pushing the limits of technology and expanding the capabilities of our manufacturing sector to increase America's defense readiness.

I commend Dr. John Bradham for his outstanding service to the United States and for embodying the ideals and morals of what we hold a true American to be. His dedication to his family, friends, and colleagues is unmistakable and seen through the respect and honor he has earned and so righteously deserves. I wish John the best of luck in his future endeavors including his decision to teach and share his technical expertise with the youth of South Carolina. May God bless John, his wife Becky, their two children, and five grandchildren.

HONORING JOHN J. RUFÉ

**HON. PATRICK J. MURPHY**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 3, 2009*

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to honor John J. Rufe of Bucks County, Pennsylvania.

Serving his community as a presiding judge in the Bucks County Court of Common Pleas for twenty years, John J. Rufe has embodied what it means to be a public servant.

He has been responsible for authoring several landmark decisions on open space preservation zoning and has presided over the county's asbestos liability litigation for over a decade. In addition, John has been recognized by many for his attentive and considerate mediation in the complex and difficult field of child custody litigation.

John has also served as the President of the Bucks County Bar Association. He has been a contributor to Continuing Legal Education panels and has been a valuable resource for many beginning lawyers by offering constructive comment and guidance.

Madam Speaker, I am proud to recognize the Honorable John J. Rufe for his outstanding commitment to public service, his community and his country. I am extremely honored to serve as his Congressman.

PROTECT RELIGIOUS MINORITIES  
IN IRAQ

**HON. GARY C. PETERS**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 3, 2009*

Mr. PETERS. Madam Speaker, today I am introducing a resolution designed to raise awareness and express support for Iraqi religious minorities. The war in Iraq and the subsequent ethnic and sectarian violence has created a massive humanitarian crisis, and led to the displacement of millions of people. Iraqi religious minorities are particularly vulnerable, and are often specifically targeted in grue-

some and random acts of violence, such as murder, rape, and abductions.

Many who have escaped Iraq to seek refuge in neighboring countries are forced to live in poverty, unable to legally work and lacking sufficient support from their host government. Those who remain in Iraq live a life of constant fear. They are forced into hiding and are vulnerable to emotional and physical attacks. Iraqi religious minorities lack the resources and sturdy community foundation necessary to defend themselves, and thus remain underrepresented politically, legally, and economically. Muslims and non-Muslims alike are exposed to such attacks, but the smaller religious sects remain more vulnerable, including Chaldeans, Syriacs, Assyrians, and other Christians, Sabeen Mandeans, and Yazidis. Catholic Christians have witnessed the killing of Archbishop Paulos Faraj Rahho and the ancient Iraqi Jewish community has seen itself diminish to a population of only ten members.

This resolution calls upon the combined efforts of the United States Government and United Nations to ask the Iraqi Government to protect religious minorities by encouraging free and fair elections, training Iraqi security forces and providing safe places to worship. It also seeks an investigation into human rights violations, and calls for an end to the abuse of Iraqi religious minorities. Finally, the resolution calls for United States to work with the Iraqi government to ensure the physical and economic safety of those wishing to return to Iraq.

It is no longer possible to stand by and watch as millions of religious minorities are subjected to torture, abuse, and discrimination, which is why I ask my colleagues to support this important resolution.

HONORING THE SAVANNAH HIGH  
SCHOOL GIRLS' GOLF TEAM

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 3, 2009*

Mr. GRAVES. Madam Speaker, I proudly rise to congratulate Coach Tammy Steinkamp and the Savannah High School girls' golf team on their victory in the Missouri Class 1 state championship. After a long, hard season these young women showed their true character by bringing home the state title.

A championship is not only a reflection of the final tournament of the year but also the hard work and dedication required in getting to that point. These young women have worked tirelessly for years on sharpening the skills needed to achieve the success they most definitely deserve. I join the community of Savannah in expressing how proud we are of this team and their incredible accomplishments. I wish them the very best and look forward to more success in the future.

Madam Speaker, I respectfully request you join with me in commending the Savannah High School girls' golf team on their state championship.

HONORING EDDIE ROBERT  
STEFFNE

**HON. DALE E. KILDEE**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 3, 2009*

Mr. KILDEE. Madam Speaker, I rise today to pay tribute to Eddie Robert Steffne as he is honored by the Grand Lodge of Free and Accepted Masons of Michigan. A dinner will be held in his honor on Sunday, December 6th in Mt. Morris, Michigan.

A lifelong resident of Genesee County, Michigan, Eddie Steffne served in the U.S. military after attending Beecher High School. He received his honorable discharge in 1957 returning to the Flint area and attended Flint Community College. He became a master mechanic and worked for Sears and Roebuck, Midas Muffler, Draper Chevrolet, Summerfield Chevrolet, Hunter Engineering and Applegate Chevrolet.

Eddie joined the Montrose Masonic Lodge No. 428 in 1976. He served as Worshipful Master in 1982 and 2006. Also in 1982 he was appointed District Deputy Instructor then in 1992 he was appointed Regional Grand Lecturer. The Grand Lodge of Free and Accepted Masons of Michigan elected him Right Worshipful Grand Lecturer.

Active in the community, Eddie has supported the Shriner's Children Hospitals, the Old Newsboys of Flint, the city of Flint Police Mounted Patrol and Canine Unit, and he is a 32nd degree Scottish Rite Mason and supports their charities. Eddie and his late wife, Ruth Ann, had 4 children: Eddie Ray, Gregory, Shannon and Todd. Eddie Ray passed away in 1978.

Madam Speaker, I ask the House of Representatives to join me in congratulating Eddie Robert Steffne as he gathers with his family, Masons from throughout Michigan, friends, and his special friend Cynthia Allard, to celebrate his work and contributions to Masonry and the Flint area. I wish him the best for years to come.

HONORING THE MARYVILLE HIGH  
SCHOOL FOOTBALL TEAM

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 3, 2009*

Mr. GRAVES. Madam Speaker, I proudly rise to congratulate Coach Chris Holt and the Maryville High School football team for winning the Missouri Class 2 state championship. After a hard fought season, the Spoofhounds finished the year with an impressive 35-0 victory in the state final and a 14-1 record.

Not only should these young men be proud of the enormity of their accomplishment but also the manner in which it was achieved. Throughout the season the Maryville football team played with heart, class and great sportsmanship. I join the entire Maryville community in congratulating the players and coaches on their many successes throughout the season and look forward to the seasons to come.

Madam Speaker, I respectfully request you join with me in commending the Maryville Spoofhounds on their state championship.

125TH ANNIVERSARY OF THE  
CENTRAL UNION MISSION

**HON. ROBERT B. ADERHOLT**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 3, 2009*

Mr. ADERHOLT. Madam Speaker, I would like to bring the House's attention to an important milestone taking place in the District of Columbia. The Central Union Mission, the longest serving social service organization in the District, is celebrating its 125th anniversary of helping transform the lives of the least, the lost, and the last in Washington.

Beginning in 1884, the Central Union Mission, a highly effective faith-based nonprofit, has provided a compassionate helping hand to literally thousands of the District's homeless and addicted men, women and children. For some veterans of the Civil War who returned to Washington down and out, they turned to the Mission for assistance and the Mission faithfully provided it. During the Great Depression, the Mission was the nexus of the City for many who were jobless and penniless. Veterans of two world wars enlisted the Mission to help them fight battles of addiction and homelessness.

Just a short drive from this magnificent Capitol building, the Mission has been in operation continuously throughout 24 presidential administrations. The Mission has changed from what we would think of as a traditional homeless shelter providing food, clothing, and a safe place to sleep for the night, to a sophisticated transitional facility. The Mission provides emergency services to the homeless, life skills and job training, education and computer programs, group and individual therapy, clinical services, community work and outreach, and physical, emotional and spiritual renewal. Through a variety of programs, the Mission provides services to not just the homeless, but to the addicted, at-risk youth, gang members, and criminal offenders. The Mission accomplishes this important work with the strong support of and partnerships with foundations, associations, businesses, churches, other social services, and local governments in the District, in Virginia and Maryland.

The Mission's work to the poor never seems to end. In fact, the problems of homelessness, addiction and other related problems continue to increase. The demand for programs offered by the Central Union Mission is more vital now than ever because of the severe economic crisis which hits hardest those who are most vulnerable.

Today, in Washington, D.C., there are more than 12,000 men, women, and children who are living in shelters, transitional housing, or on the streets.

Madam Speaker, the Central Union Mission is on the front lines working to meet the needs of those who are in need of its services. Last year alone, the Central Union Mission provided 152,275 meals to the hungry, more than 50,000 men with shelter through residential

programs, and 4,408 individuals received counseling, medical, and legal assistance. Nearly 1,000 individuals were given the tools for a self-sufficient life through long-term addictions counseling and literacy programs.

The impact doesn't stop there. Families with children are the fastest growing segment of the homeless population. This past year, the Mission provided nearly 5,000 families with clothing, food, and household goods; more than 3,000 children were given backpacks, supplies for school, and gifts around Christmas time; and hundreds of impoverished urban children were treated to a real summer camp experience at the Mission's Camp Bennett location in Maryland.

The demand for services provided by the Central Union Mission continues to grow. The Central Union Mission is regularly forced to turn away people who are hungry, hurting, and in need of vital services because of regularly operating to capacity. As we enter the winter months, the Mission becomes an even more critical safety net for thousands of individuals and families who seek out the warmth and shelter it provides.

The assistance the Central Union Mission has provided since 1884 is best told through the stories those whose lives have been transformed. One such person, "Timothy," says about the Mission:

For nine years I had been struggling with drug and alcohol addiction. Going in and out of jails and institutions, wandering, hopelessly waiting for my life to end or a miracle to happen. At some point, I decided I didn't want to live anymore. My wife and children had been gone from my life, and my life was in shambles. I decided, during a deep depression, that I was going to take my own life. Then, the miracle happened.

I walked to the Central Union Mission, which was only 4 blocks away. When I arrived I was embraced by men who were concerned for me. I came into their STP program with barely any hope. But several days into it, I started to feel better. I realized that I have certain responsibilities, and that life is really what you make it. Somehow, I made it through the Mission's program and my life has really turned around.

Today, my wife and children know me, they're proud to say they have a changed husband and daddy. My relationship with my family has been restored, my sanity has been given back, and I look forward to a better future. All thanks to the Central Union Mission.

"Reginald" had a similar experience:

I entered Central Union Mission depressed, tired of life, and sick. I needed help.

I was at the Mission for almost two weeks, which allowed me time to recuperate, think, and spend time with other men who were just like me, when my mind began to clear. I started to focus on the important things in my life—my faith, family and getting better.

The Mission is just what it says it is—a mission, a place that's there for the people who are in need, and so they can get better. Just watching all these people bring in donated things to help people they don't even know amazed me. Watching men and women who have very little, like me, enjoy working on the food depot, seniors day, birthday celebrations, back to school, and things like that, makes it seem more like a family here. Basically, they really care. It helps me to realize how important I really am.

I thank God for David Treadwell and his staff. They are wonderful at what they do for

people in need. The time they put into helping us is from the heart and that's what God wants from all of us—the best of what's in our hearts.

Madam Speaker, I hope the House will join me in congratulating the Central Union Mission and expressing our gratitude for the vital work the Mission is doing here in Washington, D.C. I encourage all Members to visit the Mission, which is just a short drive from this chamber to witness first-hand the power of compassionate service that has helped the Mission transform so many thousands of lives of the least, the last, and the lost for 125 years.

#### HONORING THE PENNEY HIGH SCHOOL GIRLS' CROSS COUNTRY TEAM

##### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 2009

Mr. GRAVES. Madam Speaker, I proudly rise to congratulate the Penney High School girls' cross country team for winning their sixth Missouri Class 1 state championship in a row. Runners Erin Esry, Makayla Moon, Lindsey Vollmer, Bethany Jakopic, Brooke Flook, Saige Dilley, and Kathleen Clevenger along with managers Ashley Cramer, Olivia Allen and Coach Mark Vollmer all deserve many congratulations for their enormous success. Over the years, Coach Vollmer and his runners have displayed the hard work, determination, and class that is indicative of six-time champions.

Winning a state championship is not only a reflection of the results of a race but also the character of its competitors. Every member of this team can walk with her head held high knowing that she has achieved what very few could. I join the entire community of Hamilton in congratulating these young women and their coach on their achievements and look forward to more success to come.

Madam Speaker, I respectfully request you join with me in commending the Penney High School girls' cross country team on their sixth straight state championship.

#### IN TRIBUTE TO ROBERT O. HUBER

##### HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 2009

Mr. GALLEGLY. Madam Speaker, I rise in tribute to Robert O. "Bob" Huber, who was recently awarded the Ben E. Nordman 2009 Public Services Award by the Ventura County Bar Association in recognition of his many years of community service.

This award recognizes outstanding community contributions by a Ventura County, California, attorney through charitable and public services activities. One would be hard-pressed to find someone more deserving of the award than Bob.

I have known, and been friends with, Bob for more than 30 years. We served together

on the Simi Valley City Council in the early 1980s and he was one of my first and most fervent supporters when I decided to run for Congress.

Bob became an attorney after 13 years as a mortician. He runs his own law office in partnership with Russ Takasugi and has served as a Judge Pro Tem since 1981. In 2004, he returned to elective office as a Ventura County Community College District trustee. He currently serves as board president.

As examples of his leadership, Bob initiated the first Affordable Housing Committee in the state of California while serving on the Simi Valley City Council. As a College District trustee, he prompted the board to launch an emergency response system to protect students at the district's three campuses after the Virginia Tech massacre. The district was the first college or university system in California to launch an emergency program and earned the district a special commendation from the State Chancellor's office.

Throughout the years, Bob has also served on a number of governmental boards and commissions. He also became active in the private sector starting at an early age. For instance, he was 27 years old the first time he served as president of the Simi Valley Chamber of Commerce. In addition, he has also headed his Rotary Club, the Simi Valley Boy Scout District, the Southeast Ventura County YMCA and the Administrative board of the United Methodist Church of Simi Valley. He was a founding steering committee board member for Leadership Simi Valley, the Simi Valley Education Foundation and the Simi Valley Community Foundation.

He has also provided pro bono legal work for the Simi Valley Chamber of Commerce, the United Methodist Church, the Presbyterian Church, the Rotary Club, the Boys & Girls Club, the Free Clinic of Simi Valley, the Simi Valley Community Foundation and the Simi Valley Cultural Arts Foundation.

There is more but, in short, Bob Huber is very deserving of this honor.

Madam Speaker, I know my colleagues will join me in congratulating Robert O. "Bob" Huber for earning the Ben E. Nordman 2009 Public Services Award and in thanking him for his many decades of service to his community.

#### IN HONOR OF GEORGE L. CATRAMBONE

##### HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 2009

Mr. PALLONE. Madam Speaker, I rise today to honor George L. Catrambone and his decades of service to the children of the Long Branch Public Schools. Mr. Catrambone is known as an innovator in the field of education and he has tirelessly worked to improve the quality of instruction for thousands of students. He recently announced his retirement after over 37 years of dedicated service.

Mr. Catrambone began his career at the Elberon Elementary School where he first worked as a teacher for the handicapped. He

became the school's senior special education teacher before rising to the position of Coordinator of Special Education for the entire Long Branch School District. Mr. Catrambone rose to the position of Assistant Superintendent of Schools in 2002. In this position, Mr. Catrambone was a key force behind the implementation of the education policies of New Jersey's Governor and Commissioner of Education.

Mr. Catrambone has played a vital role in the implementation of the Whole School Reform initiative. He has helped to implement the initiative's curriculum advancements, including the provision of a full school day for preschool age children. He was also instrumental in the design and construction of new schools, athletic facilities, and playgrounds for use by the children of the Long Branch Public Schools.

As a member of several professional organizations, Mr. Catrambone has contributed a great deal to New Jersey's community of educators. The Association for Supervision and Curriculum Development, the Association for Children with Learning Disabilities, the New Jersey Education Association, and the Principal and Supervisors Association are included among the many different organizations of which Mr. Catrambone is a valued member.

Mr. Catrambone has been the recipient of several honors during his distinguished career. He has been awarded the Rotary Club of Long Branch's prestigious Paul Harris Fellow Award and he has been presented with the Long Branch Board of Education's Achievement resolution for his work with handicapped youth. Mr. Catrambone has also been honored for the work he has done on behalf of the Special Olympics.

Madam Speaker, I sincerely hope that my colleagues will join me in celebrating Mr. Catrambone's remarkable career. His impressive record of resilient achievement serves as a model for educators across the State of New Jersey.

#### HONORING THE PENNEY HIGH SCHOOL FOOTBALL TEAM

##### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 2009

Mr. GRAVES. Madam Speaker, I proudly rise to recognize the outstanding achievement of the Penney High School Hornets football team in defeating Valle Catholic, by a score of 21-17, to claim victory in this year's Class 1 Show-Me Bowl at the Edward Jones Dome.

A championship is not only reflective of the final game of the year but also the hard work and dedication required in getting to that point through diligence and discipline. Knocking off one of Missouri's historically great football programs and owner of 9 previous state titles is no small achievement and the Hornets should be commended for their efforts in doing so.

Additionally, I want to recognize the outstanding leadership of Coach Dave Fairchild, who earned his first state title in his 26 years of coaching. Through his vision and guidance, the Hornets were able to repeatedly deliver solid results and achieve the honor of state champions.

Madam Speaker, I respectfully request you to join me in congratulating the achievement of the Penney High School football team on their state championship.

HONORING THE SERVICE OF  
JEANNE M. MERSHON

**HON. JAMES P. MORAN**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 3, 2009*

Mr. MORAN of Virginia. Madam Speaker, I rise today to express my gratitude to a long-time employee of the House of Representatives, Jeanne M. Mershon, who, on November 30th, retired after more than 27 years of dedicated service to this body. Ms. Mershon is a constituent of Virginia's 8th Congressional District, born and raised in Springfield, Virginia and currently resides in Arlington. Jeanne is a proud graduate of the Northern Virginia public school system and her alma mater, the College of William and Mary.

Ms. Mershon began working for the House of Representatives in 1982 in the Office of the Clerk after a stint at the Federal Election Commission. She started in the Office of the Director of Non-Legislative and Financial Services and later joined the Chief Administrative Office in the Office of Facilities Management. After over a decade of making sure the operations of the House ran smoothly, in December of 1995, she joined the Parking Security Office for the House Sergeant at Arms, where she has since served as Assistant Director.

Ms. Mershon is known by her peers as thorough and detail oriented, as well as someone they are able to turn to at any time, even with the most difficult questions. This past September, Ms. Mershon was the recipient of the Office of the Inspector General's "Employee Excellence Award," a fitting tribute to her tireless efforts. We are fortunate to have had Ms. Mershon's service for so many years. She will be sorely missed by all her friends and colleagues. I wish her the best in all of her future endeavors and a lifetime ahead of even greater reward.

MS. BERTHA M. JONES—  
AGRICULTURALIST,  
THROPIST, CHAMPION

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 3, 2009*

Mr. THOMPSON of Mississippi. Madam Speaker, it gives me immense pleasure to recognize the life and legacy of one of America's most prolific champions of agricultural education and science, Ms. Bertha M. Jones.

Ms. Jones is a native of Huntsville, AL, where she first found her love for agriculture and appreciation for the mystical wonders of nature. Ms. Jones graduated from State Agricultural and Mechanical Institute in Alabama, currently known as Alabama A&M in 1945, receiving her Bachelor's of Science in Home Economics. After completing her undergraduate

studies, Ms. Jones began her career in Luverne, Alabama as a Negro Home Demonstration Agent servicing Crenshaw County for more than a decade.

In 1956, Ms. Bertha received her Master's of Education in Home Economics from Penn State University and shortly thereafter served as a State 4-H Agent for Negro Girls at Tuskegee Institute, currently known as Tuskegee University. During that period Ms. Jones was responsible for 4-H publications and 4-H administration for 37 county agents. Her desire for scholastic achievement led her to further her studies at both Prairie View A&M and George Washington University.

Ms. Bertha Jones lives by the motto, "4-H Is Life", devoting countless hours towards the educational and economic growth of young people throughout the region. Ms. Jones believed that every young person should be exposed to the 4-H experience because it was instrumental in life skills development. Ms. Jones served multiple roles both locally and nationally for 4-H related junctures, including membership on the National and State 4-H Congress Committees, the 4-H Food Preservation and 4-H DOT Committees as well as the 4-H Advisory Committee. Ms. Jones was also the first State Leader for Urban 4-H in both Mobile and Huntsville, AL.

Ms. Jones has authored and co-authored numerous publications dedicated to advancing agricultural studies among rural and urban communities. Some of her works are comprised of the 4-H Officer Training Handbook, Clean Look and Your Health, and the History of Negroes in Cooperative Extension, which she co-authored with Dr. Richard Bailey. Not only has she authored and co-authored publications, Ms. Jones also has been featured in publications such as They Too Call Alabama Home: African American Profiles, 1800-1999, written also by Dr. Bailey.

Ms. Jones is a noted philanthropist of local 4-H efforts, giving not only financial resources but also substantial amounts of time towards helping enrich and increase the growing knowledge among young people about 4-H procedures and practices, willing monetary support for those wishing to expand their knowledge through involvement in 4-H activities or pursuit of higher education.

During the course of her career, Ms. Jones received a number of plaques, certificates and awards of recognition and achievement. Some of her most treasured awards include a Presidential Citation for the National Association for Equal Opportunity in Higher Education as well as her 2004 induction into the National 4-H Hall of Fame. Not only has Ms. Jones received citation and notary inductions but she also has a conference room dedicated in her honor at Alabama A&M in the Home Economics Department.

Ms. Jones was a faithful steward of the Greenwood Missionary Baptist Church in Tuskegee, AL where she served as an active member of their congregation since 1970. During her membership Ms. Jones served in several capacities including the choir, the Pastor's Aid Committee and as a devoted Sunday school teacher.

Thank you for allowing me the opportunity to recognize one of the finest agricultural icons in American history, Ms. Bertha M. Jones. Her

achievements and contributions to the world of agricultural science will never be forgotten.

PERSONAL EXPLANATION

**HON. J. GRESHAM BARRETT**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 3, 2009*

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately, I missed the following recorded votes on the House floor on Tuesday, November 17, 2009 and Wednesday, November 18, 2009.

For Tuesday, November 17, 2009, I ask that the Record reflect that had I been present I would have voted "Aye" on rollcall vote No. 892 (on motion to suspend the rules and agree to H.R. 3360), "Aye" on rollcall vote No. 893 (on motion to suspend the rules and agree to H. Res. 842), "No" on rollcall vote No. 894 (on approval of the Journal), "Aye" on rollcall vote No. 895 (on motion to suspend the rules and agree to H. Res. 891).

For Wednesday, November 18, 2009, I ask that the Record reflect that had I been present I would have voted "No" on rollcall vote No. 896 (on agreeing to H. Con. Res. 214, which provides for a conditional adjournment of the two Houses), "No" on rollcall vote No. 897 (ordering the previous question on the Rule for H.R. 3791, the Fire Grants Reauthorization Act of 2009), "No" on rollcall vote No. 898 (on agreeing to H. Res. 909, which provides for consideration of H.R. 3791), "No" on rollcall vote No. 899 (on agreeing to the Perlmutter Amendment to H.R. 3791), "Aye" on rollcall vote No. 900 (on agreeing to the Flake Amendment to H.R. 3791), "Aye" on rollcall vote No. 901 (on passage of H.R. 3791).

HONORING THE KEARNEY HIGH  
SCHOOL GIRLS CROSS COUNTRY  
TEAM

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 3, 2009*

Mr. GRAVES. Madam Speaker, I proudly rise to recognize the outstanding achievement of the Kearney Bulldogs High School girls cross country team in capturing their first-ever Class 3 state championship.

Winning their first state championship was even more sweet for Kearney, as they beat the powerhouse team of West Plains, who just last year squeaked past the Bulldogs by three points to win the state championship. This year, the hard work and dedication paid off as all seven Kearney runners placed in the top 50 in a field of 165.

Additionally, I want to recognize the outstanding leadership of Coach Jeff Roberts. Through his vision and guidance, the team was able to deliver solid results and achieve the honor of state champions.

Madam Speaker, I respectfully request you to join me in congratulating the Kearney High School girls cross country team on their state championship.

NADINE GULIT AND "OPERATION  
SUPPORT OUR TROOPS"

**HON. DAVID G. REICHERT**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 3, 2009*

Mr. REICHERT. Madam Speaker, I rise today in honor of the co-founder of an organization that provided comfort and support for thousands upon thousands of our brave service men and women.

For nearly eight years, Nadine Gulit has freely given nearly all her time to support and run "Operation Support our Troops." Whenever I hold Veterans Fair's in my district, the 8th of Washington, or attend veterans or service member rallies, Nadine is always present. Providing aid and comfort to our brave soldiers was the work of her heart and soul and she poured 100 percent of both into "Operation Support Our Troops."

As the story goes, Operation Support Our Troops started after Nadine's daughter Sheryl Sheaffer received a message from her son Scott serving in Iraq. At that point, Nadine and Sheryl were active in a grassroots organization called "Operation Home Front," a support our troops grassroots effort. But after receiving Scott's call, Sheryl and Nadine took supporting our troops to a new level.

"Operation Support Our Troops" has held many, many rallies in support of service members around Western Washington and is in regular contact with thousands of military supporters around the State. "Operation Support Our Troops" has sent care packages to tens of thousands of our soldiers at a time and has touched the lives of many more.

Nadine's family has a long history of service to this country and a deep respect for the work our soldiers do at home and abroad. Nadine and her group have been honored and recognized for their tireless efforts before, and I felt strongly I needed to add my name to the list. Their contributions will be missed but they have provided a blueprint for patriotic Americans to follow.

On November 5, Specialist Aaron Aamot—a 22-year-old soldier from Custer, Washington—was killed in Afghanistan by an IED. His father Mark, reflecting on his son's death and the outpouring of support from his community and country, quoted 19th century French historian Alexis de Tocqueville: "America is great because she is good, and if America ever ceases to be good, she will cease to be great." Madam Speaker, Nadine is the kind of American de Tocqueville was talking about. She is good and people like her continue to make America great.

INTRODUCING THE ENDOCRINE  
DISRUPTING CHEMICALS PRE-  
VENTION ACT OF 2009

**HON. JAMES P. MORAN**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 3, 2009*

Mr. MORAN of Virginia. Madam Speaker, today I am introducing the "Endocrine Disrup-

tion Prevention Act of 2009," legislation that will not only establish a much-needed comprehensive research program to identify chemicals that interfere with human reproduction and development, but that also will require regulatory agencies to provide an appropriate public response as to how they will respond to the scientific findings and what actions they will take to protect humans from exposure to such chemicals.

Recent studies have convincingly demonstrated that a disturbing increase in the number of disorders of the human endocrine system is seriously undermining the health of our Nation. These disorders include autism, attention deficit hyperactivity disorder, asthma, juvenile and adult diabetes, juvenile cancer, autoimmune diseases, obesity, osteoporosis, Parkinson's disease, and Alzheimer's dementia. These disorders began to increase noticeably in the early 1970s when the first generation exposed in the womb to post-World War II synthetic chemicals reached maturity. Today, 1 in 3 children and 1 in 2 minority children will develop diabetes; 1 in 6 children is born with neurological damage; 1 in 100 children has an autism spectrum disorder—among boys the occurrence is 1 in 58; and in 2007, an age-independent decline in testosterone levels over the past 20 years was discovered in American men. Evidence from human epidemiological and laboratory animal studies have linked these disorders to prenatal exposure to endocrine disrupting chemicals (EDCs), yet the hands of federal agencies remain tied under existing law.

In 1996, Congress recognized the need to study endocrine disruptions when it directed the EPA to develop an endocrine disruption screening program as part of the Food Quality Protection Act. Unfortunately, for various reasons, many being political, the program has been plagued by delays. Here we are, 13 years later, and it wasn't until October of this year that EPA announced the availability of initial assays and testing guidelines for a limited number of chemicals. Moreover, many question whether any testing conducted under EPA's program will even be as relevant or effective as it could be, as scientists' knowledge and understanding of endocrine disrupting chemicals, and how to best detect them, has increased rather profoundly since that time, and will continue to do so. Using a modernized 21st century testing paradigm that recognizes the known unique, subtle, and complex properties and effects of EDCs is necessary, as only then will we have accurate, practical data to inform appropriate and expeditious regulation of them.

In the legislation I am introducing, the science, not politics, will set the stage for action to be taken by regulatory agencies. First, the National Institute of Environmental Health Sciences (NIEHS) will undertake a comprehensive research and testing program, using the best available science, to identify chemicals with endocrine disrupting potential. In addition, an independent expert panel, guided by the scientific research, will develop a list of the chemicals and evaluate the potential threat they pose. If the expert panel expresses even a minimal level of concern over the potential threat a chemical poses, regulatory agencies will be required to explain how they

plan to respond to the scientific findings. Hopefully, this process will lead to a greater public awareness of potentially dangerous chemicals, as well as a swift appropriate response by our regulatory agencies that will limit or prevent exposure to them.

I urge my colleagues to support this important legislation and I ask that the full text of the legislation be printed in the RECORD at the conclusion of these remarks.

PERSONAL EXPLANATION

**HON. BRIAN P. BILBRAY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 3, 2009*

Mr. BILBRAY. Madam Speaker, on rollcall No. 915, had I been present, I would have voted "yea."

IN HONOR OF JAY DUNN'S RETIRE-  
MENT FROM IBEW LOCAL 146

**HON. PHIL HARE**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 3, 2009*

Mr. HARE. Madam Speaker, I rise to honor the long and dedicated service of Mr. Jay Dunn, an outstanding member of IBEW Local 146 in Decatur, Illinois. Jay retired from the Local on November 30, 2009 after a distinguished career serving the people of Decatur and his brothers and sisters in the labor movement.

A long-time resident of Decatur, Jay started in the labor movement when he was accepted into IBEW Local 146's apprenticeship program in 1973. After starting work in July of 1973, Jay completed his first year of classroom instruction and on-the-job training and was initiated into the local in August 1974.

Jay became a journeyman wireman in May 1977 after an extensive 4-year apprenticeship program and since then has held many roles in the local, including serving as a job foreman, general foreman, and steward. He served on and chaired numerous committees for the local and was a member of the executive board at the time of his appointment to business manager/financial secretary.

Jay took great pride in building the labor community's presence in the Decatur area. This culminated in Jay being named the president of the Decatur Building and Construction Trades in 2000. His tenure was marked by his aggressive representation of working men and women. His many accomplishments include successfully pushing an effort to recruit minorities into area unions and his work in setting up programs designed to prepare individuals for entry into an apprenticeship program. He also worked tirelessly to get members of labor registered to vote and elected to office.

Jay's love of service goes beyond his work with his fellow tradesmen and women. Jay has maintained a long career in public service and has served on the Economic Development Corporation of Decatur/Macon County, the City of Decatur Electrical Commission, and

currently the Macon County Board as its chairman. Jay has shown a dedication to our community that is second to none.

I wish Jay, his wife Cheryl and his family the best as Jay prepares to retire.

**HONORING THE LIBERTY HIGH SCHOOL VARSITY CHEERLEADING TEAM**

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 3, 2009*

Mr. GRAVES. Madam Speaker, I proudly rise to recognize the outstanding achievement of the Liberty High School Varsity Cheerleading team in capturing their second straight state championship.

Once again, the Liberty Varsity Cheerleaders were able to be crowned champions this year through hard work and tireless effort. This is the second straight year in a row the Blue Jays have won the state competition and the first time that Liberty High School has won consecutive state championships. To accomplish this feat was no easy task. The team started training in April and worked vigorously through each day of the summer.

Additionally, I want to recognize the exceptional leadership of coaches Brenda Moats, Daisy King, and Allison Kenealy. Through their vision and guidance, the Blue Jays were able to repeatedly deliver solid results with great athleticism and finesse.

Madam Speaker, I respectfully request you to join me in congratulating the Liberty High School Varsity Cheerleading team on their state championship.

**HONORING THE 60TH ANNIVERSARY OF VOICE OF AMERICA'S UKRAINIAN SERVICE**

**HON. JIM GERLACH**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 3, 2009*

Mr. GERLACH. Madam Speaker, I rise today to congratulate the Voice of America's Ukrainian Service on its 60th Anniversary and to honor this organization for its commitment to broadcasting accurate, balanced, and comprehensive news and information to Ukraine.

Founded in 1949, the Voice of America's Ukrainian Service broadcasts two hours of television programming per week to approximately 4.7 million viewers in Ukraine. This service provides up-to-date information on international and American news, as well as feature stories about American life and social trends.

Voice of America's Ukrainian Service has been a steady source of unbiased information for Ukrainian citizens from the height of the Cold War to the collapse of the Soviet Union. More recently, this service was a vital source of commentary and analysis during the Orange Revolution in 2004, which saw the election of a pro-Western Ukrainian majority.

Thanks to the dedication of its staff, Voice of America's Ukrainian Service has played an

important role in promoting United States diplomacy and democratic values to Ukraine. Millions of Ukrainians continue to benefit from the service's commitment to journalistic excellence.

Voice of America's Ukrainian Service will celebrate its 60th Anniversary on December 11, 2009 at Voice of America headquarters in Washington, D.C.

Madam Speaker, I ask that my colleagues join me today in recognizing the Voice of America's Ukrainian Service for reaching this milestone and commending the continued efforts of this service to aid in the full integration of Ukraine into the Euro-Atlantic community of democratic nations.

**HONORING THE LIFE AND SERVICE OF SHIRLEY LAI**

**HON. MADELEINE Z. BORDALLO**

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 3, 2009*

Ms. BORDALLO. Madam Speaker, I rise today to commend Shirley Lai for her lifetime of community service to the people of Guam. Shirley passed away on November 28, 2009. Shirley was born in a small village in Canton, China on September 5, 1931 and later moved with her parents and four siblings to Hong Kong.

Shirley and her husband, Kwong Choy Lai, and her eight young children, moved to Guam in the late 1970s. Shirley started the Estimewa Restaurant, one of Guam's first restaurants specializing in Chinese cuisine. In 1983, after renting a vacant barbershop in an old hotel in Hagåtña, the capital of Guam, she opened her first coffee shop with only two employees. Shirley blended flavors of American, Chinese, Filipino and local Chamorro cuisine, and a short time later Shirley's Coffee Shop quickly grew from a nine table coffee shop into a chain of six restaurants, four in Guam and two in Saipan.

Throughout her life, Shirley continually gave back to her community. Just as she contributed much to the community of Guam, she taught her children to be generous and that success is best measured by the community's reciprocity in trust and respect. She and her family provided assistance to the American Red Cross, the Salvation Army, the Make-a-Wish Foundation as well as several sports leagues for children. She also assisted in disaster relief efforts during times of recovery in our region.

Like many who knew her as a close friend and community leader, I will miss Shirley. My thoughts and prayers are with her sons and their families; her daughter and husband; her fifteen grandchildren; and her great granddaughter.

**RECOGNIZING THE 225TH BIRTHDAY ANNIVERSARY OF FORMER PRESIDENT ZACHARY TAYLOR**

**HON. ERIC CANTOR**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 3, 2009*

Mr. CANTOR. Madam Speaker, I rise today to recognize the 225th birthday anniversary of former President Zachary Taylor. President Taylor was born in Orange County, Virginia, on November 24, 1784, to a family with a background in military service. His father, Richard Taylor, fought in the Revolutionary War, and Zachary followed in his footsteps in 1808 as he started a military career of his own. Zachary Taylor was personally appointed by his cousin James Madison to serve as a first lieutenant in the War of 1812, and he led many successful battles thereafter.

Because of Zachary Taylor's military accomplishments, he achieved national recognition, and won the Whig Party nomination for President in 1848. Subsequently, he became the twelfth President of the United States, joining the ranks of presidents born in Virginia. As President, Taylor implemented an effective foreign policy, especially in regards to forming a strong alliance with Great Britain.

Sadly, on July 4, 1850, after having served as President for only sixteen months, Zachary Taylor died unexpectedly. He served his country well both in the military and political fields. In honor of President Taylor, the United States Mint will be placing a Zachary Taylor coin into public circulation.

Please join me in remembering the many outstanding contributions of President Zachary Taylor.

**THE DISTRICT OF COLUMBIA OMNIBUS AUTHORIZATION ACT**

**HON. ELEANOR HOLMES NORTON**

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 3, 2009*

Ms. NORTON. Madam Speaker, the District of Columbia Omnibus Authorization Act is a welcome committee innovation designed to achieve greater efficiency in handling local District of Columbia matters, most of which are of little importance or concern to Congress, but must come to Congress because they are restricted by Federal statute and cannot become D.C. law until approved by congressional action. All of the provisions in this bill have been passed or approved by the District of Columbia.

This bill contains several land-transfer provisions. In an important effort to continue to balance the city's growing need for land with the National Park Service's (NPS's) mission to protect park land, we are encouraged by the NPS's willingness to move forward with a few small land transfers. The land transfers consist of six small, unused parcels of land scattered throughout the city. Two of the parcels complete a previous Federal transfer to allow the development of the southwest waterfront to



move forward. The other four small land transfers, mainly parts of schools and libraries, include a portion of the Marie H. Reed Community Learning Center in northwest Washington, the old Meyer Elementary School site, the Shaw Junior High School recreational fields, and the southwest library site. Each of these small parcels will allow the District to develop play fields, encourage new development, and improve livability in the District of Columbia.

Also transferred is full ownership to the southwest waterfront, another important effort in the continuing revitalization of undervalued and underused areas, burdened by Federal ownership, which the Federal Government has no interest in using. The District of Columbia has created a new vision for the southwest waterfront that will draw visitors down 10th Street from the National Mall to the waterfront area. However, for reasons largely forgotten from the time of the original transfer of land to the District of Columbia from the NPS in 1960, the original law restricts the use of the land along the waterfront to lease-only arrangements, effectively cutting the city off from building any multi-use structures on the site and driving down its useful value. The restriction on the land, allowing the District only to lease the land, cuts off the District from moving ahead with residential plans that are necessary for badly needed taxpayer growth. Neither the NPS nor the Federal Government has any interest in the waterfront land, nor does it have interest in the future of the southwest waterfront parcels, other than the Maine Lobsterman Memorial and the Titanic Memorial, which have been carved out of the transfer.

An issue integral to the southwest waterfront development is the authorization to narrow the Washington Channel. This bill would narrow the Washington Channel from its current 400 feet to 200 feet, allowing the District to build new piers out into the Washington Channel, to repair existing piers, and to facilitate the redevelopment of water-based activities on the waterfront. The Army Corps of Engineers is supportive of the change, but cannot make this change administratively, and the Coast Guard has indicated that there are no safety concerns in the proposed changes.

In addition to the land transfers, the bill makes several small, noncontroversial statutory changes that also are of no importance to the Federal Government, but will help the District run more smoothly and effectively. For instance, section two of the bill would eliminate the unnecessary restriction on the sale and advertising of lottery tickets in the "federal enclave" and in the Shipstead Luce area, which both include areas of downtown D.C. The current prohibition has a tremendous fiscal impact on the District and on private businesses.

Section three of the bill will allow the District to spend unanticipated local revenue that comes in after the District has submitted its budget to Congress, and will give the District authority to take money out of its cash reserve fund for cash-flow management, not to exceed 50 percent of the balance of the fund. Congress has approved these measures in the past, and this legislation simply seeks to make them permanent.

Section seven would exempt bonds issued by the District of Columbia from Federal, state,

and local taxation. Currently, tax-exempt bonds issued by the District of Columbia are exempt from taxation only by the District and by the Federal Government. In contrast, bonds issued by Puerto Rico, Guam, and the Virgin Islands are exempt from taxation by each of the 50 States. This change is necessary to avoid disadvantage to the District in the sale of its bonds because this tax-exempt status will increase the demand for the District's bonds and, lower the interest rates that the District bonds pays on its bonds.

Section eight amends the D.C. Code to give the D.C. courts necessary authority and flexibility to operate efficiently and effectively. First, section eight eliminates the District's statutory requirement to hold judicial conferences on an annual basis. Given how accessible literature and information are through the internet, and specifically from the D.C. courts' websites, annual conferences are an unnecessary and time-consuming expense. This section simply gives the D.C. courts the discretion to hold judicial conferences either annually or biennially. In addition, this section gives the D.C. courts authority to delay or toll judicial proceedings in an emergency. The D.C. courts recognize the need to prepare for a catastrophic event, such as a terrorist attack or an act of nature. The D.C. courts already have authority to conduct sessions outside of the District if emergency conditions within the city prohibit normal operations. However, in emergency situations, conditions may impede the transfer of operations to outside of the District for a period of time. In these situations, the D.C. courts must have the authority to delay or toll proceedings. Similar bills have been introduced here in Congress regarding the Federal court system, and several States have enacted similar legislation. Finally, this section will give the D.C. courts authority to offer voluntary separation incentive payments or buyouts. These buyouts will allow the courts to respond to their future administrative and budget needs. Currently, Federal agencies and the Federal courts have the authority to offer buyouts.

Section nine of our bill makes minor changes to the District's Home Rule Charter. This section would permit an increase to the salary of the District's Chief Financial Officer, CFO, currently set at level I of the Executive Schedule. The charter mandates that the District's CFO "shall be paid at an annual rate equal to the rate of basic pay payable for level I of the Executive Schedule". The current law does not allow deviations either below or above that level. The District must have the authority to offer a higher annual salary to allow the District to compete with other jurisdictions to hire and retain the most qualified CFO. This section also reduced the timing for special elections for ward council members in the District from 114 days to 70 days to reduce the lapse in local representation, which is necessary and important to the citizens of the District. Current law already permits appointments for vacancies in the office of the Mayor, city council chair, and at-large council seats. This provision simply fills a necessary gap. Further, this section would amend the Home Rule Charter to allow the District to spend from its contingency reserve and emergency reserve funds when they exceed the minimum required balance as set by the char-

ter. The District will continue to be required to replenish the funds if they fall below the minimum required balances.

We ask that the House pass this bill in a bipartisan manner, as it always has done for the D.C. omnibus authorization bills.

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## HONORING DAVE WILSON NURSERY

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## HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 3, 2009*

Mr. RADANOVICH. Madam Speaker, I rise today to commend and congratulate Dave Wilson Nursery upon being named a "Legend of Agriculture" by the Ag Hall of Fame. Mr. Wilson was honored on Thursday, November 12, 2009 at the twelfth annual Ag Hall of Fame Dinner in Turlock, California.

Mr. Dave Wilson began his career working at Kirkman Nursery, a prominent tree nursery. It was at Kirkman Nursery that Mr. Wilson had the opportunity to grow and develop Junebudded orchard trees. After fourteen years, Mr. Wilson departed from Kirkman Nursery and established his own nursery in 1938. During the late 1930s and early 1940s, he and his wife, Isabel, along with his wife's sister and brother-in-law, Pearle and Walter Mann, operated Empire Nursery, a garden center located east of Modesto, California. The nursery was renamed to Dave Wilson Nursery in the early 1940s. At this time, Mr. Wilson's son-in-law, John Wynne, joined the family business.

Mr. Wilson and Mr. Wynne grew commercial orchard trees in a partnership until the company was incorporated in 1957. Mr. Wynne became president of the nursery in 1962 and five years later purchased the new headquarters for the nursery along the Tuolumne River east of Hickman, California, where the headquarters remains today. In the mid 1960s, the nursery established a sales and distribution facility in Hughson, California. In 1966, Dave Wilson Nursery introduced the first tree fruit varieties developed by Floyd Zaiger, and the nursery remains the primary propagator and exclusive licensor of Mr. Zaiger varieties, with annual sales of over a million trees of patented varieties and rootstocks. In 1986 the sales and distribution facility was relocated to the nursery's growing grounds in Hickman to better facilitate management of the operation. In 1979, an office, test orchard and sales yard was established in Selma, California, which was later relocated to Reedley, California in 1995.

Madam Speaker, I rise today to commend and congratulate Dave Wilson Nursery upon being named as a "Legends of Agriculture." I invite my colleagues to join me in wishing Dave Wilson Nursery many years of continued success.

CONGRESSIONAL COMMENDATION  
FOR THE LIFE OF ISIAH JESSIE  
WILLIAMS, III

**HON. CORRINE BROWN**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 3, 2009*

Ms. CORRINE BROWN of Florida. Madam Speaker, this communication is forwarded on behalf of the constituents of the Third Congressional District of Florida and myself as we pay tribute to the life of Isiah Jessie "Ike" Williams, III.

We are deeply and profoundly saddened by the loss of our dear friend, mentor and brother "Ike" Williams. This man of great stature and bearing was the epitome of a gentleman and a scholar. We were moved by his passion, emboldened by his commitments, honored by his friendship and made all the better by his innate wisdom and his belief in the integrity of the human experience. His was a purposeful life and one that helped shape the destinies of historical figures with whom he conversed, and equally so that of the common man and woman, in whom he placed unwavering faith. We came to know him as a dedicated servant to his people and just causes, a scholar and historian without comparison. We were assured for we came to know the absoluteness of his word, the sanctity of his promise, the depth of his intellect, the breadth of his worldly experiences, his place in history, and of his true love for his wife, his family and his friends.

We come now to remember the man, the Korean War Veteran, the lawyer, the educator, the editor and publisher and most preciousely we come to remember our friend. We are poised to remember him as repository of our histories—spoken, written and shared. His was the force of change through direct action, intervention, education and by challenging the very fabric of society. By his very being we were blessed; and in this moment in our collective memories, we pray for the family and find solace in the knowledge that "Ike" has found that eternal peace in the embrace of his Heavenly Father.

INTRODUCTION OF THE ENHANCED  
ACT

**HON. PATRICK J. KENNEDY**

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 3, 2009*

Mr. KENNEDY. Madam Speaker, depression and bipolar disorders affect one in five people and are the leading cause of disability among individuals between the ages of 15 and 44 in the United States. The economic burden of depression is estimated at \$83.1 billion each year. With medication, psychotherapy, or combined treatment, most people with mood disorders can be effectively treated and resume productive lives. Yet, one-third of those suffering from depression—nearly five million Americans—do not receive the necessary treatment.

For these reasons, I am proud to introduce the Establishing a Network of Health-Advanc-

ing National Centers of Excellence for Depression Act of 2009 (the ENHANCED Act) with my colleague, Representative TIM MURPHY (R-PA). This legislation would establish national centers of excellence for the treatment of depressive and bipolar disorders. Currently, clinicians lack universally accepted multi-disciplinary approaches and real-time clinical and care management guidelines they need. As a result, about 50 percent of the time the diagnoses of depression and bipolar are missed. Better diagnostic approaches are needed in primary care, other medical settings, and mental health programs.

To combat this, the ENHANCED Act would create a national network with a pathway for developing and expanding up to 30 depression centers of excellence to increase access to the most appropriate and evidence-based depression care. This concept is based on work done informally by 16 academic research institutions across the Nation that have joined together to create a network of depression centers that take academic research and translate it into practice, standardize diagnoses, treat early and more effectively, and prevent recurrences of depression and bipolar disorders, as well as eradicate the stigma associated with these diseases. These centers will develop and disseminate evidence-based treatment standards, clinical guidelines, and protocols to improve accurate and timely diagnosis of depression and bipolar disorders.

I look forward to working with my colleagues to ensure the passage of this critical legislation.

CELEBRATING THE ACHIEVEMENTS OF JERRY EDISON  
HOCKADAY

**HON. BOB ETHERIDGE**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 3, 2009*

Mr. ETHERIDGE. Madam Speaker, I rise today to congratulate Deputy Fire Chief Jerry Edison Hockaday on the eve of his retirement after 50 years with the Angier and Black River Fire Department in Angier, North Carolina.

Mr. Hockaday was born on May 28, 1941 and joined the Angier and Black river fire Department on January 1, 1960 when he was just 20 years old. He quickly rose through the ranks and has been the Deputy Fire Chief for the last ten years. In his 50 years with the Angier and Black Fire Department, he has responded to fires, auto accidents, hurricanes, tornadoes, floods, electrical storms and other various rescue situations. He has shared his knowledge with young firefighters, many of whom have continued on to become officers with the department or other professionals with the fire service. Jerry is a tireless servant of the community and the Angier and Black River Fire District has been fortunate to have him.

I know how important it is to have firefighters ready for action with the training and resources they need. The Angier and Black River Fire Department is part of a vast network of fire officers and other public safety personnel who devote their lives to protecting

their communities and responding to crisis situations. When a person dials 9-1-1 in an emergency, the phone doesn't ring in Washington, D.C., it rings right here in our community. I served on the House Committee on Homeland Security from its inception until this past year, and one of my highest priorities on the committee was to make sure the Department of Homeland Security works as closely as possible with local emergency management officials and first responders. The responsibility of the Federal government must be to protect the American people, and a large part of that is supporting local fire departments in their work.

The job of a fireman is not easy, and Jerry risked his life everyday for his neighbors and his community. He is a true American hero. I am proud to have Jerry in my community, and I ask my colleagues to join in congratulating his bravery and half a decade of diligent service.

HONORING ARTHUR GOLDEN

**HON. CHRIS VAN HOLLEN**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 3, 2009*

Mr. VAN HOLLEN. Madam Speaker, I rise today to recognize the outstanding achievements of Arthur Golden of Longboat Key, Florida, whose family members are my constituents. Mr. Golden was born in October 1923, and is the second child of Russian Jewish immigrants. His parents taught him to value freedom and emphasized the important role each individual has in ensuring freedom and equality for all.

After graduating from City College of New York, Mr. Golden married and enlisted in the Army. During World War II, he fought on the front lines in France and stood stoically in the streets of Marseilles as the American soldiers were honored on VE Day. When he returned from war, Mr. Golden entered the workforce as an accountant to take care of his extended family and shortly thereafter began his lifelong career and dedication to civil liberties. He volunteered his time with the Southern Christian Leadership Conference and with Dr. Martin Luther King, Jr. Mr. Golden and his wife were actively involved in the fight for equal opportunity housing projects and exposing landlords who refused to rent to African Americans and minorities. They were honored to have Dr. King visit their home and become friends with the family. When Dr. King was murdered, Mr. Golden immediately flew to Atlanta to be with Mrs. King and to assist with her financial matters.

After Mr. Golden retired, he and his wife moved to Florida and continued their commitment to the civil rights struggle, discovering injustices in the Jamie Poe Housing Project in Sarasota. They formed a committee and fought for the residents to keep their homes.

Mr. Golden's children are extremely proud of him and remember being taken to countless civil rights meetings, demonstrations, marches, protests, and community events. His family was touched when upon Barack Obama's election, tears flowed from a man who rarely shows emotion.

Mr. Golden, an eighty-six-year-old World War II veteran and lifelong civil rights fighter, has been an inspiration to his family, his community, and his Nation. His lifelong dedication to standing up for others in need and fighting for civil liberties is a legacy that is being carried on today by his children, grandchildren, and countless others influenced by his example.

Madam Speaker, I am honored to recognize the lifetime achievements of Arthur Golden and the contributions he has made to our Nation and our community.

HONORING JACK WILLIAM  
WAGNER

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 2009

Mr. KILDEE. Madam Speaker, it is with great sadness that I rise today to pay tribute to the late Jack William Wagner. Jack passed away on November 30th at the age of 85. His funeral is tomorrow in Mt. Morris, Michigan.

Jack Wagner was a veteran of the U.S. Navy, serving in World War II aboard the destroyer USS *Sampson*. When the war ended he returned to the Flint area and began working for General Motors. He was active in the United Auto Workers throughout his career. Elected by his peers, Jack served as President of Buick Local 599 before becoming the International Representative for UAW Region 1-C, and Assistant Regional Director of Region 1-C. He was the National Chairman of the 30 and Out Committee that became part of the 1970 National Agreement and continued to serve as Honorary Chairman of the 30 and Out Committee.

Mourning his passing are his two sons, Bryan and Jack, his step daughter, Susan Norling, his sisters, Miriam Routely and Verda Mello, several grandchildren and great grandchildren, friends including Don Spillman, and several nieces and nephews. He was preceded in death by his wife, Dorothy, his son, Gary, and his sister, Mildred Burgoyne.

Madam Speaker, I ask the House of Representatives to join me in remembering the life and work of Jack William Wagner. He was a committed, passionate advocate for working men and women; a devoted family man and a good friend. I will miss his wisdom, his insight, and his enthusiasm. My condolences go out to his family and friends at this sad time.

STATEMENT OF THE CO-CHAIRS  
OF THE CONGRESSIONAL CAUCUS  
ON U.S.-TURKISH RELATIONS  
AND TURKISH AMERICANS

HON. ROBERT WEXLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 2009

Mr. WEXLER. Madam Speaker, Ms. GRANGER, Mr. WHITFIELD and myself, as Co-Chairs of the Congressional Caucus on U.S.-Turkish Relations and Turkish Americans, Tur-

key Caucus, want to welcome Turkish Prime Minister Recep Tayyip Erdoğan to the United States. We believe the Prime Minister's visit reaffirms the longstanding strategic partnership between the United States and Turkey, and is a unique opportunity to enhance and foster economic, political, and security relations.

As many of our Congressional colleagues know, our NATO ally Turkey valiantly stood shoulder-to-shoulder with the United States and European partners throughout the Cold War. Over the past 20 years, Turkey has been integral to American and NATO efforts in the Balkans and has worked to enhance peace and stability in Central Asia and the Middle East. Turkey has also played a critical leadership role along with America and the international community in both Afghanistan and Iraq. We are hopeful that Turkey will continue to play a leading role alongside the United States, P5+1 partners and the international community with respect to Iran's nuclear program.

We also want to highlight and praise the historic steps recently taken by Prime Minister Erdoğan and his government to normalize Turkey's relations with its neighbor Armenia. With the support of the United States, both countries on October 10, 2009 signed two protocols to achieve this goal. We believe that, with the continuing support of the United States and the international community, these protocols will provide a new impetus for the solution of other conflicts in the South Caucasus region.

Many of our colleagues appreciate the growing importance of our strategic relationship with Turkey which was described by President Obama during his visit to Turkey in April as a "Model Partnership." We are heartened by the fact that the Turkey Caucus, which began over 8 years ago, now numbers one hundred members.

The growth of the Turkey Caucus is a testament to the importance that members of Congress place on U.S.-Turkish relations and a recognition of the longstanding partnership between our two nations. Again, we welcome Prime Minister Erdoğan to Washington, and believe that his discussions with President Obama and the Administration will only serve to strengthen the U.S.-Turkish partnership as we face difficult global challenges.

OUR UNCONSCIONABLE NATIONAL  
DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 2009

Mr. COFFMAN of Colorado. Madam Speaker, this morning our national debt was \$12,090,825,003,370.26. We have increased the national debt \$1,598,537,727.69 since just yesterday.

On January 6, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$1,452,399,257,076.46 so far this year.

According to the non-partisan Congressional Budget Office, the forecast deficit for this year

is \$1.6 trillion. That means that so far this year, we borrowed and spent \$4.4 billion a day more than we have collected, passing that debt and its interest payments to our children and all future Americans.

TRIBUTE TO DR. IRENE KHAN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 2009

Mr. KUCINICH. Madam Speaker, the Obama Administration, in forging a new foreign policy that is more humane and less antagonistic towards other nations, would do well to follow the lead of the late Tom Lantos, who dedicated his life to the cause of human rights, an issue that has now become his legacy. Indeed, it is rare for the House to name an entity after one of its own, but the Tom Lantos Human Rights Commission, chaired by our colleague Jim MCGOVERN, can rightly claim that distinction.

Throughout his public career, Tom Lantos and his wife, Annette, maintained a deep and enduring commitment to human rights. Among the members of this chamber, Tom Lantos was widely respected across the political spectrum for his knowledge of foreign policy and commitment to human rights. The issue was the very core of his beliefs and his eloquent voice became this chamber's conscience on many international issues.

Few in today's world can match Tom Lantos' commitment and achievements in the cause of human rights, but if there were such a person, it would be Dr. Irene Khan, who in 2001 became the first woman, the first Asian, the first Bangladeshi and the first Muslim to hold the position of Secretary General of Amnesty International.

Dr. Khan's caring about human rights victims and the poor dates back to her native Bangladesh's early struggle for independence, as she witnessed widespread poverty and multiple threats to human dignity. It has been a combination of her personal outreach to human rights victims and case studies from around the world, combined with her professional involvement in U.N. Organizations, that led to her being selected to head Amnesty International.

In her recently published book, *The Unheard Truth*, Dr. Khan describes the divergent tracks of a fellow Bangladeshi who was born in the same household and she grew up with, and while Khan went on to be a successful lawyer, her friend, Fajal, suffered a lifetime of violence and unemployment, and is now disabled, living in a shack in one of Dhaka's sprawling slums, surviving on handouts.

For Dr. Khan, this is a grim reminder of how people remain hopelessly trapped in poverty, often due to circumstances beyond economic conditions but rather the result of political repression, famine, war, or simply the insecurity and fear inherent in their local surroundings.

In her book, Dr. Khan reveals a more acute understanding of the forces that bring about human rights abuses. Poverty, she argues, is more than the lack of material resources, it is all about fighting deprivation, exclusion, insecurity and powerlessness.

As the numbers of people living in poverty swell to upwards of 2 billion, she argues that poverty is the world's worst human rights crisis. By raising the issue of rights, Dr. Zhan is not pointing fingers but providing a formula for sustainable and equitable solutions, and giving people the means to change the power imbalance that keeps them in poverty.

To achieve Tom Lantos' vision of the banner of human rights waving "over every corner of the world," I recommend that international leaders adhere to Dr. Khan's compelling message on the need to empower the world's poor with the basic economic, social, political, and legal rights to assure them a strong voice in shaping their own future.

RECOGNIZING THE STATE CHAMPIONSHIP OF RICHMOND, VIRGINIA'S COLLEGIATE HIGH SCHOOL FOOTBALL TEAM

**HON. ERIC CANTOR**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 3, 2009*

Mr. CANTOR. Madam Speaker, I rise today to congratulate my Alma Mater, the Collegiate High School Football team on winning the 2009 Virginia Independent Schools Division I State championship. Led by Coach Mark Palyo, the Cougars compiled an impressive 10-1 record culminating in a 48-28 win over the Liberty Christian Academy Bulldogs in the Championship Game on November 21, 2009.

The Collegiate Cougars were successful in defending their state title which they have been awarded five out of their last seven seasons. I join the Richmond community, family and friends in proud recognition of the Collegiate High School Football team's fantastic achievement and undoubtedly bright future.

I commend the Cougars on their successful season and ask you to join me in celebrating their victory.

THE HONOR FLAG

**HON. TED POE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 3, 2009*

Mr. POE of Texas. Madam Speaker, the American Flag always brings our Nation together in good or bad times. Shortly after the tragic September 11, 2001 attacks on our great Country, Americans all over the world raised up 'old glory' in patriotic understanding of the events which had just befallen our country. One of these many flags was the symbol of our nation's perseverance, humbly flown over Ground Zero. This flag continues to fly today all around this Great Nation in support of our heroes, because of Texas Patriot Chris Heisler.

In the wake of September 11th, Chris Heisler, felt compelled to take action after witnessing his country come under attack. Chris was instrumental in organizing one of the longest police motorcades in the history of the United States; carrying a flag that was gifted

to him by the Texas House of Representatives he set out for Ground Zero. The American flag is a symbol to revere, respect, and honor and Chris' profound respect for America's symbol should be commended.

Following the 9/11 terrorist attacks, patriotism surged in the United States. Many new recruits enlisted to help fight the war on terrorism. Chris Heisler was part of this movement, and at the age of 34 he put his business career on hold to enlist in the U.S. Army. While serving his country, Chris carried his revered flag with him to Kuwait, Qatar, and Iraq so it could fly with soldiers in combat zones.

Soon soldiers would refer to this flag as one of honor, and the flag is now named the United States Honor Flag. The United States Honor Flag continues to pay tribute to those who have lost their lives in the line of duty protecting the freedoms we all hold dear. Chris Heisler's patriotism is a lesson for us all.

Madam Speaker, betterment in our country often originates from the efforts of just one person. The establishment of the Honor Flag serves as an important reminder of the daily sacrifices our Nations heroes make, and recognizes the freedoms of Old Glory. In recognition of Chris Heisler's patriotism, in remembrance of the tragic events on September 11, 2001 and for those who continue to fight to preserve our liberty, I am proud to salute Chris Heisler for his loyalty to America, and to the United States Flag.

And that's just the way it is.

INTRODUCTION OF THE PATIENT HEALTH AND REAL MEDICATION ACCESS COST SAVINGS ACT OF 2009

**HON. G. K. BUTTERFIELD**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 3, 2009*

Mr. BUTTERFIELD. Madam Speaker, prescription drugs are among the most expensive components of the American health care system. Unfortunately, the system for delivering drugs that has emerged since Congress created the Medicare Part D prescription drug benefit program continues to needlessly drive up these costs for taxpayers and consumers.

Failing on the promises to deliver prescription drugs more efficiently, effectively or at lower costs, pharmacy benefit managers, or PBMs, are reducing consumer choice and adding billions of dollars in costs for government and private health care plans.

As a result, today I will introduce the "Patient Health and Real Medication Access Cost Savings Act of 2009" to ensure cost savings, accountability and transparency. The bill will ensure that taxpayers, providers and patients can escape the mandates, secret pricing schemes, and marginal savings provided by PBMs in favor of an improved pharmacy model that guarantees choice, transparency and measurable savings.

Madam Speaker, nearly 60 large employers that collectively spend \$4.9 billion for prescription drugs recently dropped or forced PBMs to disclose their costs. The University of Michigan started the trend in 2005, and reported an

annual savings of \$2.5 million when it dropped its PBM in favor of direct purchases. Officials at the University of Michigan are on record as saying that most of its derived savings came from eliminating fees from its former pharmacy benefit manager and from using the claims data to help school officials better negotiate prescription drug prices.

Additionally, companies like Caterpillar are leading the trend away from the PBM model. According to a recent report in CFO.com, Caterpillar's pharmacy benefit manager indicated that the company "found that there was a great deal of waste inherent in a system that uses PBMs as middle men."

This information led the House Committee on Oversight and Government Reform's Subcommittee on Federal Workforce, Postal Service, and the District of Columbia to hold a hearing on June 24, 2009 to assess the value PBMs are providing to the Federal Employees Health Benefits Program (FEHBP). At that hearing, the subcommittee chairman indicated, "federal employee plans pay substantially more for drugs than other agency programs, including those run by the departments of Veterans Affairs and Defense, and Medicare, Medicaid and the Public Health Service."

Mark Merritt, who represents PBMs as president of the Pharmaceutical Care Management Association (PCMA), told the subcommittee that PBMs contributed to an annual reduction in drug spending by the FEHBP of 3-9 percent. At the same hearing, however, Office of Personnel Management (OPM) Inspector General Patrick McFarland testified that the PBM contracts with FEHBP make auditing them "almost insurmountable."

There is no question that if Congress is to produce large savings as part of its efforts on health care reform, it must challenge the PBM model that has emerged over the past few years with new models that contain costs and improve efficiency and transparency.

PCMA successfully lobbied Congress from 2001-2003 to allow PBMs to manage the massive new Medicare Part D drug delivery program. As a result of the industry's expanded market power, PBMs are now using new tactics to divert patients into higher-cost services, and to divert taxpayer savings into higher PBM profits. These practices represent a significant abuse of taxpayers and patients in the health care system. PBMs should be held accountable to taxpayers. No other providers in the health care sector are allowed to conduct business like PBMs.

With regards to patient data, pharmacists have complained for years to regulators that PBMs violate patient privacy laws by using their prescription data to push new products and steer patients to pharmacies owned by the PBMs. By comparison, physicians who "self-refer" to facilities they own face very serious legal liabilities. In addition, there is a concern that pharmacy benefit managers routinely sell patient drug histories to drug companies without the knowledge of patients, doctors or plan sponsors.

According to the Association of Community Pharmacists (ACP), patients receive letters every day from PBMs that use the confidential patient data pharmacies must collect to force them to move to pharmacies the PBMs own. ACP has collected thousands of petitions from

patients who are asking Congress to stop this abuse of patient confidentiality. ACP has also collected actual letters to patients from PBMs that threaten to cut off pharmacy benefit coverage unless the patients fill their prescriptions at PBM-owned pharmacies.

In fact, PBMs have merged with pharmacy chains to accommodate this new marketing model, which relies on monopolization of drug care for patients in plans that are administered by the PBM. For example, CVS purchased the Caremark PBM company as soon as Congress passed the Medicare Part D program, which directs virtually all pharmacy services to go through PBMs. CVS/Caremark now mandates that all patients in its system use CVS exclusively to fill any prescriptions not mailed by Caremark. Patients who opt out, even if they are not near a CVS store, must pay 100 percent of their prescription costs regardless of how much they have paid in premiums for drug coverage. As a result, CVS now fills one of every seven prescriptions in the U.S.

PBMs also use predatory practices to steer patients away from competing pharmacies and into mail-only prescription drug services. For example, PBMs allow patients to obtain 90-day prescriptions—usually at big discounts—from their mail-order services. While this can be a bargain for patients, the retail pharmacies where patients may prefer to fill their prescriptions are prohibited from offering the same terms to the patient.

Coupled with the lack of enforcement action by the Federal Trade Commission, these PBM tactics are combined with a practice of systematic underpayment to any pharmacy that provides services to a patient whose drug benefit is managed by a PBM. The Association of Community Pharmacists has collected thousands of examples from pharmacies across the country that clearly demonstrate that PBMs are refusing to reimburse any pharmacy for its actual cost of a drug if the pharmacy is competing with the PBM to serve the patient. This is despite the fact that the pharmacies are required under Medicare and other federal programs to submit all costs they incur for the programs to the PBMs for reimbursement. Today, these tactics are being used to consolidate market power and destroy competition. The result is higher prices for taxpayers and consumers.

An additional concern for Congress, taxpayers and consumers is the complete lack of information about the actual prices PBMs pay for drugs. As a result, we have no way of knowing just how much PBMs profit from underpayments to pharmacies. I am also sure that many of my colleagues here are unaware that PBMs require pharmacies filling prescriptions under their plans to sign non-disclosure agreements that cover drug prices. This includes pharmacies that must deal with PBMs through Medicare and other government programs.

The role of the PBM has evolved in a relatively short period of time. PBMs emerged during the advent of managed care as pharmacy benefit administrators. Their role was to help large plans simply process drug benefit claims. The companies evolved into pharmacy benefit “managers” when they reached a scale large enough to steer volume sales for drug manufacturers.

Today, PBMs have tremendous and questionable impact on the rising costs in the current drug program. Community pharmacies purchase drugs from wholesalers to fill prescriptions, and submit reimbursement forms to the PBMs for any patients covered by the PBM plan.

PBMs that own their own pharmacies or mail programs simply pay the pharmacies below their actual acquisition cost for the drugs and pocket the difference. This provides two benefits to the PBMs. First, they make big profits on the spread between the low reimbursement they pay for the medication and the inflated price they charge the program. Second, it drives the competing pharmacies out of business, which allows further market share gains and increased pricing power.

More recently, the PBMs have developed an additional revenue stream. When Congress passed the Medicare Part D program, large pharmacy chains realized the value of merging with PBMs. The merged companies now control huge shares of the prescription drug market, and use this control to extract fees from competing pharmacy retailers that service Part-D patients.

In short, Madam Speaker, PBMs have simply placed themselves in the middle of the drug supply chain between manufacturers or wholesalers and retailers without any proof that they add value. The “Patient Health and Real Medication Access Cost Savings Act of 2009” will help end these abuses by requiring transparency. It will also ensure that lower-cost generic medications are prescribed when appropriate whenever taxpayers are paying the bill. Most important, the bill will make sure that Congress and the taxpayers we serve can actually measure the savings they have been promised.

In closing, Madam Speaker, let me say that my home state of North Carolina is a model for how to achieve savings by moving away from the PBM model in its state administered drug benefits program. Under its plan, generic utilization has already increased, and the state projects annual utilization to reach nearly 75% in the first year. The North Carolina model proves that when retail pharmacies manage the drug benefits for plans, generic utilization increases even more. I am proud of what has been accomplished in my state, and can only hope that Congress will choose to focus on this issue so that all Americans can reap the benefits and savings from a similar approach at the federal level.

#### PERSONAL EXPLANATION

**HON. HENRY E. BROWN, JR.**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 3, 2009*

Mr. BROWN of South Carolina. Madam Speaker, due to an illness, I was absent for votes on November 16, 17, 18 and 19. Please see a list of votes I missed.

Rollcall vote No. 889: S. 1314: To Designate the Facility of the United States Postal Service Located at 630 Northeast Killingsworth Avenue in Portland, Oregon, As the “Dr. Martin Luther King, Jr. Post Office.”

Rollcall vote No. 890: H.R. 3539: To Designate the Facility of the United States Postal Service Located at 427 Harrison Avenue in Harrison, New Jersey, As the “Patricia D. McGinty-Juhl Post Office Building.”

Rollcall vote No. 891: H.R. 3767: To Designate the Facility of the United States Postal Service Located at 170 North Main Street in Smithfield, Utah, As the “W. Hazen Hillyard Post Office Building.”

Rollcall vote No. 892: H.R. 3360: Cruise Vessel Security and Safety Act: H.R. 3360.

Rollcall vote No. 893: H. Res. 841: Expressing Support for Designation of November 29, 2009, As “Drive Safer Sunday.”

Rollcall vote No. 894: On Approving the Journal.

Rollcall vote No. 895: H. Res. 891: Expressing the Gratitude of the House of Representatives for the Service to Our Nation of the Coast Guard and Marine Corps Aircraft Pilots and Crewmembers Lost Off the Coast of California on October 29, 2009.

Rollcall vote No. 896: H. Con. Res. 214: Providing for a Conditional Adjournment of the Two Houses.

Rollcall vote No. 897: Previous Question on H.R. 3791, Fire Grants Reauthorization Act of 2009.

Rollcall vote No. 898: Rule for H.R. 3791, Fire Grants Reauthorization Act of 2009.

Rollcall vote No. 899: Perlmutter of Colorado Amendment to H.R. 3791.

Rollcall vote No. 900: Flake of Arizona Amendment to H.R. 3791.

Rollcall vote No. 901: H.R. 3791: Fire Grants Reauthorization Act of 2009.

Rollcall vote No. 902: Previous Question on H.R. 2781 to Amend the Wild and Scenic Rivers Act to Designate Segments of the Molalla River in Oregon, As Components of the National Wild and Scenic Rivers System, and for Other Purposes.

Rollcall vote No. 903: Rule for H.R. 2781 to Amend the Wild and Scenic Rivers Act to Designate Segments of the Molalla River in Oregon, As Components of the National Wild and Scenic Rivers System, and for Other Purposes.

Rollcall vote No. 904: S. 1599: Reserve Officers Association Modernization Act of 2009.

Rollcall vote No. 905: H.R. 2781: To Amend the Wild and Scenic Rivers Act to Designate Segments of the Molalla River in Oregon, As Components of the National Wild and Scenic Rivers System, and for Other Purposes.

Rollcall vote No. 906: H. Con Res. 212: Expressing the Sense of Congress on the Occasion of the 20th Anniversary of Historic Events in Central and Eastern Europe, Particularly the Velvet Revolution in Czechoslovakia, and Reaffirming the Bonds of Friendship and Cooperation Between the United States and the Slovak and Czech Republics.

Rollcall vote No. 907: Table the Appeal of the Ruling of the Chair on the Motion to Recommit H.R. 3961: Medicare Physician Payment Reform Act of 2009.

Rollcall vote No. 908: Motion to Recommit H.R. 3961: Medicare Physician Payment Reform Act of 2009.

Rollcall vote No. 909: H.R. 3961: Medicare Physician Payment Reform Act of 2009.

Rollcall vote No. 910: H.R. 1834: Native American Business Development Enhancement Act of 2009.

# INTRODUCTION OF A RESOLUTION COMMEMORATING THE WORLD MARCH FOR PEACE AND NON- VIOLENCE

## HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 3, 2009*

Mr. LEWIS of Georgia. Madam Speaker, I rise to introduce a resolution commending the participants and organizers of the inaugural World Peace March.

Dr. Martin Luther King, Jr. famously said, "Non-violence is the greatest force at the disposal of mankind. It is mightier than the mightiest weapon of destruction devised by the ingenuity of man."

The idea for this march was developed during the Symposium of the World Center for Humanist Studies in Punta de Vacas, Argentina. The result is a 90-day global voyage to raise awareness about the importance of peace and nonviolence. More than 100 participants will visit 45 countries encouraging a global movement towards peace.

On the 140th anniversary of Mahatma K. Gandhi's birth, the World March for Peace and Non-Violence began in Wellington, New Zealand. The participants have since traveled across Asia, Europe, and Africa, through many countries in opposition to militarism, war, and violence. Upon arriving in the United States, the teams divided to travel across the country and to Canada before beginning the final leg of their journey through Central and South America en route to Argentina.

I applaud the participants for their commitment to nonviolence and their determination to follow in the footsteps of Gandhi and Dr. King. Earlier this year, I led a congressional delegation to India to commemorate the 50th anniversary of Dr. and Mrs. King's pilgrimage. Upon return, I introduced H.R. 3328, the Gandhi-King Scholarly Exchange Initiative Act of 2009, a bill to establish initiatives through the U.S. State Department and the U.S. Institute of Peace to rededicate our nation and educate our future leaders about the power of peace.

Madam Speaker, I have dedicated my life to Gandhi's words, "Nonviolence is a weapon of the strong." Nonviolence was the foundation of the Civil Rights and Quit India movement. I hope that all of my colleagues will appreciate the value of nonviolence as a means to achieving both domestic and global peace. I hope they will join me in support of this very simple resolution.

## DARÍO SILVA-SILVA: A GREAT COMMUNITY LEADER

## HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 3, 2009*

Ms. ROS-LEHTINEN. Madam Speaker, I would like to congratulate Darío Silva-Silva for being such an inspiring member of our south Florida community and for his community service and humanitarian work. His exemplary work and dedication to journalism, his church and our community.

Darío, born in Colombia, has been a protestant preacher, social commentator and journalist for more than 30 years. His service has been promoted through numerous print media, radio stations and television channels. Silva is the minister of the Christian church The House Over the Rock, with twenty congregations in Colombia and one in Miami. He is the director of the television show "Hechos y Crónicas", which is seen in various countries in Latin-American. In addition, he is a visiting professor at the Continued Studies School at the University of Miami Koubek Memorial Center and is a member of the Advisory Logo Counsel of the Christian College in Jacksonville. In 2001, the city of Miami recognized Darío for his inspiring work and dedication by declaring December 15 as the "Day of Reverend Doctor Darío Silva-Silva."

Once again, I would like to express my admiration of Darío for his dedication to journalism, his faith and the community. I wish him well and know that he will spend many more years serving his fellow man.

## HONORING THE STUDENTS, TEACHERS AND ADMINISTRATORS AT WAXHAW ELEMENTARY SCHOOL

## HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 3, 2009*

Mrs. MYRICK. Madam Speaker, I would like to honor and recognize the students, teachers and administrators at Waxhaw Elementary School in Waxhaw, North Carolina. During the month of November, Waxhaw Elementary students collected 2,742 food items for the school's 2009 Food Drive.

The food went to provide Thanksgiving meals to twenty-five families in the area. Families were able to come to the school to "shop" for Thanksgiving items, and were able to select either a ham or a turkey to complete their meal.

At a time when families across our area struggle to put food on the table, I am so impressed by the compassion and willingness to help others shown by the Waxhaw Elementary family. Students not only contributed to the food drive, but were able to experience the reward that comes with helping others. What better lesson can we teach our young people, especially during the holiday season?

Madam Speaker, I am honored to say that I represent Waxhaw Elementary School. In a day and age where people tend to think only of themselves, here is a shining example of a group of young people who have reached out to make their community a better place by helping the less fortunate. I hope that this wonderful effort will continue at Waxhaw Elementary for many years to come.

## HONORING MR. STEPHEN HODGKINS

## HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 3, 2009*

Mrs. BLACKBURN. Madam Speaker, it is a privilege to rise today to congratulate Mr. Stephen Hodgkins as he ends a successful term as President of the Memphis Area Homebuilders Association.

As homebuilders in Memphis and across Shelby, Fayette and Tipton County continue to weather an unrelenting storm of economic uncertainty, Stephen has provided a strong and steady hand of unwavering leadership that has shined as a beacon of hope and instilled confidence in MAHA members when his organization has needed it the most.

Throughout the course of his term as President, Stephen has been a relentless advocate for homebuilders and has worked tirelessly in reaching out to legislators in Nashville and in Washington, DC. Throughout our many discussions I have always found Stephen's advice to be insightful as we continue to look for ways to reinvigorate the housing market and alleviate the hardships that continue to face homebuilders across West Tennessee.

While the forecast for the housing market still remains unclear one thing that has always been certain is that Stephen's success as a leader is deeply rooted in the skills he has developed over 36 years as a mortgage banker and later through the launch of his home building company Oaktree Homes LLC.

Madam Speaker, I ask my colleagues to join me in congratulating Mr. Stephen Hodgkins for a successful term as President of the Memphis Area Homebuilders Association and wish him the best in all of his future endeavors.

## IN MEMORY OF NAO TAKASUGI

## HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 3, 2009*

Mr. GALLEGLY. Madam Speaker, I rise in memory of Nao Takasugi, a former California assemblyman and Oxnard mayor, who passed away last week after 87 years of dedication to family, friends, his country and his community.

Nao and I served together on the Ventura County Regional Sanitation Board more than 30 years ago and he and his wife, Judy, quickly became friends with me and my wife, Janice. I have also been friends with his son Russell for more than 30 years though Russell's law partnership with Bob Huber. They are a close and strong family.

Nao was an incredible gentleman. I don't think I ever heard him raise his voice. His strength was in quiet determination, a will to do good always, and an undyingly optimistic outlook.

Nao's parents immigrated to the United States from Japan and set up shop in Oxnard, California, where Nao was born on April 5, 1922. When World War II broke out, Nao was a junior at UCLA and he was called home to

help his family pack their belongings. With thousands of other Japanese-Americans, the Takasugi family was sent to internment camps, first at the Tulare County fairgrounds and then at Gila River, Arizona.

Nao's parents would have lost the Asahi Market his father had owned and operated since 1907 if it hadn't been for an employee, Ignacio Carmona, who offered to run it in their absence. When the family returned, Ignacio handed the keys over and thanked Nao's father for the opportunity to run the business.

Nao's family spent the entire war in an internment camp but Nao was offered an opportunity to continue his studies through a program run by the American Friends Service Committee and the Quakers in Philadelphia. He completed his business degree at Temple University in 1945 and went on to earn his master's from the Wharton School at the University of Pennsylvania.

Then he returned to Oxnard to help run Asahi Market.

In Tom Brokaw's book, *The Greatest Generation*, Nao described the internment camp experience this way: "I find that I am compelled to remember the best—not the worst—of that time. To focus not on the grave deprivation of rights which beset us all, but rather on the countless shining moments of virtue that emerged from the shadows of that dark hour."

Nao's road into politics mirrored my own. When the city denied his plans for a new sign, he decided politics needed a businessman's perspective. He was appointed to the planning commission, ran for city council and won, ran for mayor and won consecutive terms, ran for the California Assembly and was elected to three terms, then was elected to two terms on the Oxnard Harbor Commission.

Nao experienced the best and the worst that America had to offer during often trying times. Many Americans experienced the best America has to offer because of Nao's friendship, compassion and dedication to his country. I will miss him.

Madam Speaker, I know my colleagues will join me in sending our condolences to Judy, their children, and all their family and friends, and in remembering a gentle man who left an indelible mark.

HONORING SHANNON BOAZ OF  
SONOMA COUNTY, CALIFORNIA

**HON. MIKE THOMPSON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 3, 2009*

Mr. THOMPSON of California. Madam Speaker, I rise today to honor Shannon Boaz, wife, mother, sister, daughter, friend and inspiration to all who came in contact with her, who passed away November 21, 2009, after a long battle with leukemia.

Shannon was an extraordinary woman who did not let her terminal diagnosis dampen her fighting spirit. She was first diagnosed with leukemia in June 2008, but by December of that year, the disease had remarkably gone into remission. She immediately began working with the committee in her hometown of

Healdsburg, California to organize the annual anti-cancer "Relay for Life," which was held in June 2009 and was named the Relay's Survivor Honoree.

Fate intervened on the last day of the Relay when her doctors determined that her cancer had returned. During the last four months of her life, much of it spent in the hospital, she continued to work with and comfort other leukemia and cancer patients.

To family and friends, Shannon would often state that she had the perfect life with her husband, Healdsburg Fire Captain Jason Boaz, and their two young sons, Jackson and Austin.

Shannon was born in Los Angeles on November 22, 1970, and moved to Sonoma County when she was five years old. She graduated from Geyserville High School in 1988 and received a degree in Business Administration from California Polytechnic State University in 1993.

Following college, she worked as a flight attendant for United Airlines and was in the air on 9/11, flying from Boise, Idaho to San Francisco. Shannon took a furlough following 9/11 to raise her family and manage the construction of the family home in Healdsburg. She worked as a realtor at Full Spectrum Properties in Healdsburg for the last few years of her life.

Madam Speaker, Shannon Boaz was a respected and well loved member of the Healdsburg community who will be missed by her family and friends. It is therefore appropriate that we remember and honor her today.

HONORING RON EMERZIAN

**HON. GEORGE RADANOVICH**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 3, 2009*

Mr. RADANOVICH. Madam Speaker, I rise today to commend and congratulate Ron Emerzian upon being named "Citizen of the Year" by the American Legion, Post 74. Mr. Emerzian was recognized on Wednesday, November 11, 2009, at the 62nd annual Citizen of the Year dinner and Veterans Day observance in Modesto, California.

Mr. Ron Emerzian was born and raised in Modesto, California. Upon graduating from Stanford University, he moved back to his hometown. He went to work for E & J Gallo Winery, where his primary focus was on sales and distribution. He also served as the vice president of sales, vice president of organizational development and vice president of corporate giving and community affairs for the company. After 47 years with E & J Gallo Winery, Mr. Emerzian retired.

Since his retirement, Mr. Emerzian has turned his attention to community involvement. He has served as the chairman of the board for several local non-profits, including California State University, Stanislaus, the United Way, YMCA, Stanislaus Partners in Education, and the Education Foundation of Stanislaus County. Currently, Mr. Emerzian serves as the chairman of the United Way Children's Council and the After-school Coalition of Stanislaus. He serves on the board of Save Mart Cares, Juline's Foundation for Children, and the

United Samaritans, which serves 35,000 meals to the hungry every month. He is also a member of the Modesto Rotary. Earlier this year, Mr. Emerzian was named chairman of the board for the Gallo Center for the Arts in Modesto.

Mr. Emerzian has been married to Janice for 44 years. They have two sons, Michael and Matthew. Michael attended Stanford and the University of California, Los Angeles, and is currently a physician living in Sacramento with his wife and their two children. Matthew attended the University of California, Los Angeles for his bachelor's degree and his graduate work. He currently lives in Los Angeles and has recently co-authored a book "Every Monday Matters".

Madam Speaker, I rise today to commend and congratulate Ron Emerzian upon being named "Citizen of the Year." I invite my colleagues to join me in wishing Mr. Emerzian many years of continued success.

HONORING AND CONGRATULATING  
COLONEL DANIEL L. RUBINI

**HON. PATRICK J. MURPHY**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 3, 2009*

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to honor and congratulate my friend Colonel Daniel L. Rubini.

Colonel Daniel L. Rubini, or Larry as we all know him, has dedicated his life to the rule of law, traveling across the globe to help struggling nations, often engulfed in devastating conflicts, establish the fundamental elements of a successful democracy. A 40-year Bucks County resident, Colonel Rubini has lent his expertise and commitment to make life better for veterans and military families across our region, always lending a hand when his brothers and sisters of the Armed Forces find themselves in need.

It's been my privilege to work alongside Colonel Rubini as we fought to finally bring a Veterans Cemetery to Bucks County, an honor long overdue for the veterans of southeastern Pennsylvania. He's been the driving force to clean up the unmarked graves at Washington's Crossing Park to make sure that those first American soldiers get the recognition they deserve. I have been proud to partner with Colonel Rubini to help the men and women of Iraq and Afghanistan who have risked their lives to assist the American military as translators. Those brave souls have no greater advocate than Colonel Rubini, who has helped countless men and women find safe haven from those who seek to harm them because they stood up for their country and fought for democracy. No matter what, Colonel Rubini is always there to make sure returning soldiers receive a warm welcome home, as well as a warm meal.

Colonel Rubini will be receiving the William H. Eastburn III Award from the Bucks County Bar Association for his contributions to the Bucks County judicial system. The award goes to someone who has encouraged a greater respect and understanding for the law, and challenged others to take personal responsibility as citizens.



Colonel Rubini has done great things, not just for this Nation, but for countries throughout the world. He has helped to bring the rule of law to places like Kuwait and Haiti, while continuing to fight for justice in Pennsylvania. He's a true veteran's advocate and I'm proud to call him my friend.

Madam Speaker, I ask that we honor and congratulate Colonel Daniel L. Rubini for his contribution to Bucks County but also to the rest of the world. He's a true American hero.

WARM WISHES FOR A FULL  
RECOVERY FOR JAMES P. RIDDEL

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 3, 2009*

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to express my warmest wishes for a full recovery to retired Fairfax County Police Officer, Jim Riddel. Jim retired from the Police Department in 1980 as a Special Police Officer, having spent 20 years protecting Fairfax residents. The Fairfax County Police Department continues to be recognized as one of

the best in the nation, so it is no slight to the current and former officers, but instead a true compliment to Jim, that he has been called by a number of sources, the best Detective that the County has ever had. Although Jim has been retired for 19 years, his hard work on behalf of the community continued. Jim was particularly active in organizing the Fairfax County Retired Police Officers Association, providing a helpful fellowship for retired police officers and their surviving spouses. He remains a tireless community activist, constantly working on behalf of his neighbors. Jim successfully exited surgery today, and I look forward to his speedy convalescence and his return to a lifetime of selfless service to Fairfax County.

## SENATE—Friday, December 4, 2009

The Senate met at 9:31 a.m. and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Our Father, we bow in Your sacred presence to acknowledge our need of You. We can do without many things, but without You we can't live.

Meet the needs of the Members of this legislative body. When sorrow and shadows fall on their path, fill them with Your joy and light. When they feel perplexed, provide them with Your bountiful wisdom. When their health fails, be for them the great physician. Lord, we also ask You to protect their loved ones with the shield of Your favor. Give our lawmakers courage for hard times and strength for difficult places. We pray in Your loving Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable MARK R. WARNER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, December 4, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will resume

consideration of the health care bill. The time until 11:30 a.m. is equally divided and controlled between the leaders or their designees. The majority will control the first half and the Republicans the second half.

We have a number of votes we are going to try to arrange this afternoon. We will let all Senators know as soon as we have this worked out, but there will be some votes today and tomorrow.

### HEALTH CARE REFORM

Mr. REID. Mr. President, the amendment process continues to crawl forward, and this historic health reform bill continues to evolve and improve. This is a good bill. It saves lives, saves money, and saves Medicare. It makes health insurance more affordable, makes health insurance companies more accountable, and makes our economy stronger. The Democrats know we can make it even better. This is happening because of the dedicated hard work from throughout the Democratic caucus—from veteran Senators and newer Senators, by the hands of men and women from diverse parts of the country and good public servants from all points of the political spectrum.

Senator MIKULSKI of Maryland, who for decades has been a champion for women's health, made it better by making sure women can get the mammograms, the checkups and preventive care they need to stay healthy and get them at no cost.

Senator BENNET of Colorado, who has served skillfully in this body for less than a year, made it better by reaffirming our commitment to Medicare. He made it better by ensuring seniors get the care they need and the quality of life they deserve.

That positive trend will continue today. Senator WHITEHOUSE of Rhode Island, who came to Congress with a class of Senators elected with a strong mandate to change the way Washington works, has proposed an amendment based on common sense and accountability. It says the money dedicated to the health care of American seniors and of people with disabilities should be used only for those precise purposes.

Unfortunately, Senate Republicans are less interested in solving problems than they are in creating them. The day before this floor debate began, the assistant Republican leader—the junior Senator from Arizona—said: “There is no way to fix this bill.” Of course, that is absolutely totally wrong.

All Senators know there is a reliable way to improve legislation—to improve

this bill. It has been in use for 220 years. It is called the legislative process. It is called doing our job.

As this bill continues to improve, I, once again, remind my colleagues not to lose sight of the bigger picture. As we delve into the details and debate the fine print, let us not forget why we are here. Our goal remains the same it was the day we began this debate many months ago. It remains the same as it was a year and a half ago, when Senate Finance Committee chairman MAX BAUCUS first held a series of hearings that led to the legislation that is now before us.

Our goal remains the same as it was last November when the American people called in a loud and clear voice for change. It remains the same as it did 31 years ago, when Senator Ted Kennedy called it shameful that “in our unbelievably rich land, the quality of health care available to many of our people is unbelievably poor, and the cost is unbelievably high.”

It remains the same as it did the day President Truman sounded a call to action to ensure that American families are protected from what he called “the economic effects of sickness.” That was more than 64 years ago, and more than half of today's Senators weren't even born then. That constant goal has been and remains this: We must make it possible for every American—each and every American—to afford to live a healthy life.

Each moment in this fight is historic. No bill to put health care decisions in the hands of the people has ever come this far. But the most historic days of the journey lie ahead. We can only seize that opportunity if this debate is about facts, not about fear.

I remind my colleagues that if we are to truly help the American people and the American economy, if we are to sincerely do the work our neighbors sent us to do, if we are to leave our children and grandchildren a better inheritance than a deep deficit and a broken health care system—if we are to do any of these things—we must work together and not against each other. We must work as partners, not as partisans.

This is not the first time I have asked my Republican friends to think of the real families across this Nation who face real problems—families with real diseases, real sicknesses, real medical bills, and real fears. It is not the first time I have warned that America has no place for those who hope for failure.

This is not the first time I have extended my hand across the aisle and

asked my Republican friends to abandon their shortsighted strategy to bring the Senate to a screeching halt; for example, issuing an informational guide on how to stop and slow things. That doesn't work. We need a strategy that says we can win because that will mean the American people do not lose.

So I hope that, for the first time, we will have people of good will on the Republican side of this Chamber who will walk over and say: Let's work together to get some things done. I have had a couple good conversations the last few days with some of my colleagues on the other side of the aisle. I hope we can move forward. This is a bill that doesn't look at a person who is sick or hurt or afraid as being a Democrat or a Republican or an Independent. They are Americans. They are from Virginia, Montana, Nevada and from all over America and they are people who are calling upon us to do the right thing.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized

#### HEALTH CARE REFORM

Mr. MCCONNELL. Mr. President, we had a very clarifying vote on the Senate floor about the direction of our friends on the other side with regard to our health care system. Yesterday, all but two of them voted to preserve nearly \$½ trillion in cuts to Medicare, the health program for our seniors. In the runup to that vote, they said these cuts were not cuts and that Medicare Advantage in particular is not a part of Medicare, arguments plainly contradicted by the text of the bill itself, by the Department of Health and Human Services, by the independent Congressional Budget Office, and by the experience of seniors themselves.

Seniors do not want Senators fooling with Medicare. Let me say that again. Seniors do not want Senators fooling with Medicare. They want us to fix it, to strengthen it, to preserve it for future generations—not raid it like a giant piggy bank in order to create some entirely new government program.

Yesterday's vote was particularly distressing for the nearly 11 million seniors on Medicare Advantage. So today Members will have an opportunity to undo the damage they voted to do to this program. With yesterday's vote, proponents of this measure authorized \$120 billion in cuts to Medicare Advantage and in the process they expressly voted to violate the President's pledge that seniors who like the plans they have can keep them. The President has said seniors who like the plans they have can keep them—because you can't cut \$120 billion from a

benefits program, obviously, without cutting benefits.

The Congressional Budget Office has been crystal clear on this matter. When asked about the effect these cuts would have on Medicare Advantage, the Director of CBO was unequivocal. He said that approximately half of Medicare Advantage benefits will be cut for nearly 11 million seniors enrolled in this program under this bill.

This is the Director of the Congressional Budget Office being unequivocal. He said that approximately half of Medicare Advantage benefits will be cut for nearly 11 million seniors enrolled in this program under this bill. That is what our friends on the other side voted for yesterday and they know it.

One Democrat last night was explicit. He admitted that after yesterday's votes, Democrats will not be able to say that "if you like what you have you can keep it." This is one of our Democrat colleagues yesterday saying: "If you like what you have you can keep it" can no longer be said.

He went on to say "that basic commitment that a lot of us around here have made will be called into question." I think that is highly likely.

Our friends have a couple of choices here today. They can reaffirm their plan to cut benefits for nearly one-fourth of all seniors enrolled in Medicare, they can admit that the President's pledge about keeping the plan you like no longer applies, or they can reverse part of yesterday's vote later today by voting with Republicans to restore those cuts to Medicare Advantage.

I yield the floor.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### SERVICE MEMBERS HOME OWNERSHIP TAX ACT OF 2009

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 3590, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3590) to amend the Internal Revenue Code of 1986 to modify the first-time home buyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

Pending:

Reid amendment No. 2786, in the nature of a substitute.

Whitehouse amendment No. 2870 (to amendment No. 2786), to promote fiscal responsibility by protecting the Social Security surplus and CLASS program savings in this act.

Hatch motion to commit the bill to the Committee on Finance, with instructions.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Mr. President, we are beginning our fifth day of consideration on the health reform bill. We will be in a period of debate only until about 11:30 a.m. Pending now is the amendment by the Senator from Rhode Island, Mr. WHITEHOUSE, on fiscal responsibility. Also pending is a motion to commit by the Senator from Utah on Medicare Advantage. It would be my hope that the Senate will vote on these matters today.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Under the previous order, the time until 11:30 a.m. will be for debate only with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first portion of time.

The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, experts and economists of every political stripe agree that preserving America's long-term economic security means reforming the way we provide and pay for health care. Health care spending makes up one-sixth of the U.S. economy. Future generations can expect the burden of insurmountable debt if we fail to act.

The fiscal challenges we may face in years to come pale in comparison to the threat of uncontrolled Federal health care spending. The chart behind me essentially shows that. The chart shows the percentage annual growth rates beginning in 2004. The red is the economy, the blue is health care costs. Clearly, over time, especially as the economy dipped during this great recession, the gap between economic growth and health care spending has widened. Projections are that in future years they will widen more and more. As you can see out to 2018, the total economy is projected. Near 2018 the economy is above 4 percent and health care spending is 7 or 8 percent.

Doing nothing means health care spending continues to grow faster than our economy. That is what that chart shows quite dramatically. Doing nothing means entitlement spending more than doubles by the year 2050. That is taking one-fifth of our gross domestic product.

But it is not simply the Federal budget on the line, it is the family budget too. Incredibly, in total we are spending 80 times as much on health care today as we did five decades ago—80 times more on health care today than we did five decades ago. Now family budgets are breaking under the

strain—already. That is going to get worse if we do nothing. The cost of the average family health care plan will reach \$24,000 in the year 2016. That is not too many years away from now. This represents an 84-percent increase over 2008 premium levels. That means, if we do nothing, in fewer than 10 years most families would have to dedicate half of their household budget to health insurance. For years we have heard the warnings from Federal budget experts. Now we are hearing every day from folks back home who simply cannot afford the care they need.

We have an obligation to act. Now we have an opportunity to act. The country's leading economists and Federal budget experts laid out strategies and options for getting costs under control. We have taken their recommendations to heart. There is a lot of agreement among those who study these issues of what we must do. Now we have a bill that does what they suggest. It also passes the test of fiscal responsibility.

We have many reasons to vote for this bill. It protects and even increases Medicare benefits for seniors. It achieves near universal coverage in less than 10 years. That means it achieves the goal of virtually everybody having health insurance in that period of time. It slows the growth of Federal health care spending. It stops insurance industry discrimination and, based on independent, nonpartisan analysis, makes a serious dent in our Federal deficit.

This chart behind me represents what 2 weeks ago the Congressional Budget Office and Joint Committee on Taxation confirmed in no uncertain terms, that deficits go down under this plan. The official cost estimate reads as follows:

The Congressional Budget Office and the Joint Committee on Tax estimates that on balance the direct spending and revenue effects of enacting this Patient Protection and Affordable Care Act legislation would yield a net reduction in Federal deficits of \$130 billion over the years 2010 to 2019. That is represented by the green bar on the left. It is a net \$130 billion reduction during the first 10 years of this bill.

In addition to reducing the Federal deficit, in the first decade, the CBO also tells us that the bill decreases the deficit by a much greater amount, by \$650 billion, in the second decade.

According to the CBO, this bill also slows the growth of Medicare costs, which has been a principal goal in our Medicare debate since day one. Medicare spending would grow 6 percent annually instead of 8 percent annually. In other words, Medicare would continue to grow but, unlike today, it will grow at a sustainable rate.

Of course, no projections, even from the Congressional Budget Office, can be certain. We can safely say this bill will put us on the right track. We can safely say this bill is better than doing nothing. No honest assessment chal-

lenges the case for acting now to slow the growth of Federal spending. No honest assessment challenges the case. And no honest assessment of this bill challenges the CBO analysis. I have not heard one. I have not heard an honest challenge to the CBO analysis, nor have I heard of a good, honest case for not acting now to slow the growth of Federal spending, which means we have many reasons to pass health care reform, not the least of which is the long-term financial health of the economy and our Nation. But the reasons for passing this are much more than simply facts and figures. This is about Americans from every corner of this great country, struggling to make ends meet, forced into bankruptcy by medical tragedy. This is about stopping insurance industry discrimination; this is about saving Medicare for our seniors and reducing the deficit for our grandchildren.

I don't know which other Senators wish to speak. Senator BINGAMAN wishes to gain recognition in the time we have.

Let me ascertain how much time we have and how many speakers we have.

The ACTING PRESIDENT pro tempore. The Senator has 40 minutes.

Mr. BAUCUS. I yield 15 minutes to the Senator from New Mexico.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, let me thank Senator BAUCUS for his leadership on this issue. I have mentioned to him many times that I strongly believe without his leadership, we would not be where we are today in our effort to reform health care. I congratulate him on the superb effort he has made.

I want to spend a few minutes talking about health care reform both as it affects the country but also as it affects my home State of New Mexico. First, I would like to discuss the context for this health reform bill, and that is the very serious problem we face in the country with the growing cost of health care, if the Congress fails to act. We have a chart I will put up, since everyone has charts. This is a chart that shows what is happening to all health care costs and has been happening since 1960. We can see that as a percent of the gross domestic product, back in 1960 we were spending right at 5 percent of GDP on all health care. Today we are spending much more like 16 percent of the gross domestic product on health care. The projections for the future, if we do not act to reform the health care system, are very serious indeed.

Let me allude to an article in the morning New York Times. This is by Nobel award-winning economist Paul Krugman of Princeton University. He talks about this issue of fiscal responsibility and the impact of health care reform on the deficit. It talks about how some Senators have concerns

about going ahead with this health care reform bill because of what it might cost. He makes the point:

But if they're really concerned with fiscal responsibility, they shouldn't be worried about what would happen if health reform passes. They should, instead, be worried about what would happen if it doesn't pass. For America can't get control of its budget without controlling health care costs—and this is our last, best chance to deal with these costs in a rational way.

I ask unanimous consent that the full column from the New York Times of this morning be printed in the RECORD following my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BINGAMAN. As this chart demonstrates, according to the Congressional Budget Office, if we don't act to deal with the growth in health care costs, Federal spending on Medicare and Medicaid combined will grow from 5 percent of GDP today to almost 10 percent by 2035. By 2080, the government would be spending almost as much as a share of the economy on just its two major health care programs as it has spent on all of its programs and services in recent years.

Let me put up another chart that demonstrates that most of this increase in cost is not the result of our aging population. We do have an aging population; that does add to the cost of health care because as people get older they tend to need more health care. The dark blue shows the increase expected in health care costs by virtue of aging. But the lighter blue talks about the effect of excess cost growth that is not related to aging; that is, the growth in health care cost is out of control in our current system. Such spending is unsustainable. It has led the Congressional Budget Office to say:

Slowing the growth rate of outlays for Medicare and Medicaid is the central long-term challenge for fiscal policy.

Moreover, across the country, premiums continue to increase. They are becoming more and more unaffordable for individuals and for businesses. I hear on a regular basis when I go around New Mexico—and I am sure all my colleagues hear from their constituents as they travel in their States—that people cannot continue to pay more and more each year for their health care coverage. According to an August report by the Commonwealth Fund, nationally, family premiums for employer-sponsored health insurance increased 119 percent between 1999 and 2008. If cost growth continues on its current course, those premiums could increase another 94 percent to an average of \$23,842 per family by 2020. I am not sure what the circumstance is in many States, but I know in New Mexico there are many families who cannot afford to pay \$23,800 in health care premiums.

Nowhere is the unsustainable growth felt more acutely than in my home State. Without health reform, in my State we are projected to experience the greatest increase in health insurance premiums of any State in the Union. For example, the average employer-sponsored insurance premium for a family in New Mexico was about \$6,000 in the year 2000. By 2006, this rate had almost doubled, or the cost had almost doubled to \$11,000. By 2016, the amount is expected to rise to an astonishing \$28,000. In addition, health insurance premiums in New Mexico make up a larger percentage of New Mexico's income, the income of the average New Mexico family, than almost all other States. We are paying 31.18 percent. Over 31 percent of the average income of a family in New Mexico is going to pay for health care. This is expected to grow to 56 percent if we do not reform our health care system.

It is important to highlight that the higher spending on health care in the United States does not necessarily prolong lives. I hear a lot of speeches about how we have the greatest health care system in the world. We are the envy of the world. People would just love to have access to our health care system. This chart illustrates that in 2000, the United States spent more on health care than any other country in the world, an average of \$4,500 per person. That was in 2000. Switzerland was the second highest at \$3,300, substantially less. Essentially, its cost per person was 71 percent of what it was in the United States during that year. Nevertheless, the average U.S. life expectancy comes out at 27th in the world. Our life expectancy average is 77 years. Many countries, 26 to be exact, achieve higher life expectancy rates with significantly lower spending on health care.

Data from the McKinsey Global Institute clearly indicates there is a considerable level of waste in our current system. McKinsey estimates that the United States spends nearly  $\frac{1}{2}$  trillion annually in excess of other similarly situated nations. Of this, about \$224 billion in excess costs are found in hospital care. About \$178 billion are found in outpatient care. Together these account for more than 80 percent of U.S. spending above the levels of other nations.

Here is one other chart. This is one I have used before on the Senate floor. Not surprisingly, as costs and inefficiencies continue to build, access to health care is becoming more and more difficult for middle- and lower-income Americans. This chart indicates the rate of uninsurance throughout the country. First, on the left-hand side is the year 2000; on the right-hand side is 2008. We can see the dark blue States are States where 23 percent or more of the population ages 18 to 64 are uninsured. Back in the year 2000, New Mex-

ico and Texas were the only two States where the rate of uninsurance exceeded 23 percent. Now we can see the rate of uninsurance exceeds 23 percent for many of the States, particularly across the southern part of the country.

We have a very serious problem that needs addressing. It is clear that the U.S. health care system is failing many Americans. The situation is becoming more and more urgent. According to a study published by the Harvard Medical School in August, medical costs have led to almost two-thirds of the bankruptcies in this country. More than 26 percent of bankruptcies are attributable to health care problems. The study found that most medical debtors were well educated, owned their own homes, had middle-class occupations and, shockingly, three quarters had health insurance. So these were people who had coverage, but the coverage was not adequate to meet the needs. Unfortunately, for many individuals, the very high cost of medical care leads them to delay or to avoid receiving medical care altogether.

The Urban Institute reports that 137,000 people in this country died between 2000 and 2006 because they lacked health insurance. That includes 22,000 people in 2006. Clearly, the need for national health reform has never been so great.

The Patient Protection and Affordable Care Act, the legislation we are debating, introduced by Senator REID and others a few weeks ago, includes the key reforms we have come up with and that the experts have come up with, aimed at addressing these very serious problems, while protecting the aspects of our health system that are working today.

First, this bill includes long-overdue reforms to increase the efficiency and quality of the health care system while reducing overall cost. For example, the legislation includes payment reforms that I have championed to shift from a fee-for-service payment system to a bundled payment system. This will reshape our health care reimbursement system to reward better care and not simply more care as it currently does today.

Second, it includes a broad new framework to ensure that all Americans have access to quality and affordable health care. This includes creation of a new health insurance exchange in each State which will provide Americans a centralized source of meaningful private insurance as well as refundable tax credits to ensure that coverage is affordable.

Finally, these new health insurance exchanges will help improve choices by allowing families and businesses to compare insurance plans on the basis of price and performance. This puts families, rather than the insurance companies or the government bureaucrats, in charge of health care. It helps

people to decide which quality, affordable insurance option is right for them.

The Congressional Budget Office, which is cited here—quite frankly, I notice that the Congressional Budget Office is cited by both Democrats and the Republicans in this debate, and that is a credit to the CBO. They are seen as nonpartisan, and they are nonpartisan. I congratulate Doug Elmendorf for the good work CBO has been doing in support of our efforts to come to the right answer on health care reform—the CBO forecasts that this legislation would not add to the deficit.

As the chart Senator BAUCUS had a few minutes ago clearly indicates, the deficit would be reduced in the first 10 years by \$130 billion. It would be reduced in the second 10 years, going up to 2029, by something over \$600 billion.

Let me also point out the contrast. We are talking about a bill which the Congressional Budget Office says will reduce the size of the deficit in future decades. I can remember a couple Congresses ago when we had a debate on adding subpart D to Medicare, Part D to Medicare. There are many on the floor who are concerned about cost today—at least they say so in their speeches—who were very anxious to add that legislation to Medicare, adding another \$500 billion. That was estimated by the CBO at that time: another \$500 billion over a 10-year period to the cost that Medicare was bearing.

The efforts we are making in this legislation to bring under control the cost growth in Medicare is essential if we are going to keep Medicare solvent in the future, and part of the solvency problem Medicare has in the future, frankly, is related to what we did in subpart D.

On the subject of premium cost, CBO has also found that in the individual market, the amount that subsidized enrollees would pay for non coverage would be roughly 56 percent to 59 percent lower, on average, than the premiums charged in the individual market under current law. Among enrollees in the individual market who would not receive new subsidies, average premiums would increase by less than 10 to 13 percent. The legislation would have smaller effects on premiums for employment-based coverage. Its greatest impact would be on smaller employers qualifying for new health insurance tax credits. For these businesses and their employees, CBO predicts premiums would decrease by about 8 percent to 11 percent compared with their costs under current law.

This is consistent with estimates of the impact in my home State of New Mexico, where average families may see a decrease in premiums of as much as 60 percent. In addition, about two-thirds of New Mexicans could potentially qualify for subsidies or Medicaid and nearly a quarter would qualify for near full subsidies or Medicaid.

An overall decrease in premium costs also is consistent with the experience in Massachusetts where there has been an enormous reduction in the cost of nongroup insurance in the State after they enacted similar reform to what we are considering now in the Senate. After reform the average individual premium in Massachusetts fell from \$8537 at the end of 2006 to \$5143 in mid-2009, a 40 percent reduction while the rest of the Nation was seeing a 14 percent increase.

Finally, much of the debate on health care reform has focused on insurance coverage but it is important to recognize that as we expand coverage to include more Americans, the demand for health care services will also increase. A strong health care workforce is therefore essential for successful health reform. Within the United States, approximately 25 percent of counties are designated health professions shortage areas—a measure indicating that there is insufficient medical staff to properly serve that geographic area. The problem is even more apparent in rural States such as New Mexico. For example, 32 out of 33 counties in my State has this shortage designation. As a result, New Mexico ranks last compared to all other states with regard to both access to health care and utilization of preventative medicine.

The Patient Protection and Affordable Care Act we are debating contains key provisions to improve access and delivery of health care services throughout the Nation. These provisions include increasing the supply of physicians, nurses, and other health care providers; enhancing workforce education and training; and providing support to the existing workforce.

I applaud Senators REID, BAUCUS, DODD, HARKIN, and many other colleagues who have worked so hard on this bill. This legislation represents true healthcare reform. It is time for the Senate to put partisanship aside and enact this critical and long overdue legislation.

I see my time is up and there are others waiting to speak. I yield the floor.

EXHIBIT 1

[From the New York Times, Dec. 4, 2009]

REFORM OR ELSE

(By Paul Krugman)

Health care reform hangs in the balance. Its fate rests with a handful of “centrist” senators—senators who claim to be mainly worried about whether the proposed legislation is fiscally responsible.

But if they're really concerned with fiscal responsibility, they shouldn't be worried about what would happen if health reform passes. They should, instead, be worried about what would happen if it doesn't pass. For America can't get control of its budget without controlling health care costs—and this is our last, best chance to deal with these costs in a rational way.

Some background: Long-term fiscal projections for the United States, paint a grim pic-

ture. Unless there are major policy changes, expenditure will consistently grow faster than revenue, eventually leading to a debt crisis.

What's behind these projections? An aging population, which will raise the cost of Social Security, is part of the story. But the main driver of future deficits is the ever-rising cost of Medicare and Medicaid. If health care costs rise in the future as they have in the past, fiscal catastrophe awaits.

You might think, given this picture, that extending coverage to those who would otherwise be uninsured would exacerbate the problem. But you'd be wrong, for two reasons.

First, the uninsured in America are, on average, relatively young and healthy; covering them wouldn't raise overall health care costs very much.

Second, the proposed health care reform links the expansion of coverage to serious cost-control measures for Medicare. Think of it as a grand bargain: coverage for (almost) everyone, tied to an effort to ensure that health care dollars are well spent.

Are we talking about real savings, or just window dressing? Well, the health care economists I respect are seriously impressed by the cost-control measures in the Senate bill, which include efforts to improve incentives for cost-effective care, the use of medical research to guide doctors toward treatments that actually work, and more. This is “the best effort anyone has made,” says Jonathan Gruber of the Massachusetts Institute of Technology. A letter signed by 23 prominent health care experts—including Mark McClellan, who headed Medicare under the Bush administration—declares that the bill's cost-control measures “will reduce long-term deficits.”

The fact that we're seeing the first really serious attempt to control health care costs as part of a bill that tries to cover the uninsured seems to confirm what would-be reformers have been saying for years: The path to cost control runs through universality. We can only tackle out-of-control costs as part of a deal that also provides Americans with the security of guaranteed health care.

That observation in itself should make anyone concerned with fiscal responsibility support this reform. Over the next decade, the Congressional Budget Office has concluded, the proposed legislation would reduce, not increase, the budget deficit. And by giving us a chance, finally, to rein in the ever-growing spending of Medicare, it would greatly improve our long-run fiscal prospects.

But there's another reason failure to pass reform would be devastating—namely, the nature of the opposition.

The Republican campaign against health care reform has rested in part on the traditional arguments, arguments that go back to the days when Ronald Reagan was trying to scare Americans into opposing Medicare—denunciations of “socialized medicine,” claims that universal health coverage is the road to tyranny, etc.

But in the closing rounds of the health care fight, the G.O.P. has focused more and more on an effort to demonize cost-control efforts. The Senate bill would impose “draconian cuts” on Medicare, says Senator John McCain, who proposed much deeper cuts just last year as part of his presidential campaign. “If you're a senior and you're on Medicare, you better be afraid of this bill,” says Senator Tom Coburn.

If these tactics work, and health reform fails, think of the message this would con-

vey: It would signal that any effort to deal with the biggest budget problem we face will be successfully played by political opponents as an attack on older Americans. It would be a long time before anyone was willing to take on the challenge again; remember that after the failure of the Clinton effort, it was 16 years before the next try at health reform.

That's why anyone who is truly concerned about fiscal policy should be anxious to see health reform succeed. If it fails, the demagogues will have soon, and we probably won't deal with our biggest fiscal problem until we're forced into action by a nasty debt crisis.

So to the centrists still sitting on the fence over health reform: If you care about fiscal responsibility, you better be afraid of what will happen if reform fails.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Mr. President, how much time remains under the control of the majority?

The ACTING PRESIDENT pro tempore. Twenty-four minutes.

Mr. BAUCUS. Mr. President, I yield 10 minutes to the Senator from Massachusetts.

Mr. KIRK. Mr. President, I thank the Senator.

Mr. BAUCUS. We might be able to find extra time, too, if the Senator is looking for extra time. Right now, according to the number of Senators who want to speak, that is all we have in this first block. But sometimes we can work things out—if the Senator wants to talk a little longer. But right now it is 10 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KIRK. Mr. President, I thank Senator BAUCUS.

AMENDMENT NO. 2870

Mr. President, today in the United States of America, approximately 200 million of our citizens are elderly or disabled. These are not mere statistics. They are family members and loved ones—vulnerable, challenged, and often forgotten. But they were not forgotten by their friend and advocate, Senator Ted Kennedy. He understood a fair and civilized society should be judged on how it treats its most vulnerable citizens.

Sadly, millions of seniors and persons living with disabilities struggle to obtain the services and supports they need to live fulfilling lives and to remain in their communities among their friends and families—in what they hoped would be their productive golden years.

As Senator Kennedy understood, it is morally wrong for so many disabled men and women who need assistance to be forced to face the heartbreaking choices: Do I abandon my job, spend down my savings, move out of my home, give up my American dream in order to qualify for Medicaid, the only government program that can provide me with the supports I need, or do I forgo my independence and resign myself to living the rest of my life confined to a facility?

Senator Kennedy also understood it is morally wrong when that infirm or elderly individual's friends or loved ones must also face heartbreaking choices: Do I give up my job and commit my time to care for my infirm parent at the expense of my own family and children or do I resign myself to confining my aging mother or father to a facility?

Families across this country understand this heart-wrenching crisis all too well. A recent SCAN poll found that nearly 60 percent of those surveyed had a personal experience with long-term care. As this chart demonstrates, nearly 80 percent would be more likely to support health care reform if—if—it included a long-term care program. These families know the current long-term care industry is not meeting their current needs and that change must come.

As always, Senator Kennedy cared how our society would be judged. He did not just sit by. He acted. He drafted the Community Living Assistance Services and Supports Act, known as the CLASS Act, which we are debating this morning. This program was at the heart of his effort to help people with functional limitations and their families to obtain the services and supports they need. It gives them the chance to maintain their independence and remain active, productive members of their communities.

Under the CLASS Act, a worker in Massachusetts, or any other State, can choose to pay a premium into this voluntary insurance program through affordable payroll deductions. After contributing for 5 years, they become eligible for a cash benefit of at least \$50 a day if they become disabled. That cash benefit can make the difference in allowing a disabled person to live with independence, self-respect, and dignity.

For example, it can pay for having a ramp installed to their home or to pay for needed transportation or to purchase a computer to work from home and remain self-sufficient. It can also pay for a caregiver to come to their home, help them bathe, get dressed, and cook meals—services that otherwise often fall to family and friends who are forced to work reduced hours on their own jobs or quit those jobs altogether to provide that needed care.

Currently, long-term care, as we know it, is paid for through a fragmented combination of sources, including family budgets, Medicaid, Medicare, and private insurance. Without a prior and voluntary insurance investment, which the CLASS Act offers, paying for long-term care can be financially catastrophic for many individuals and families, since home care and nursing homes can cost over \$70,000 a year.

Only one in five individuals can afford private long-term care insurance, and many are excluded because of pre-

existing conditions. Medicare's role in providing long-term services is extremely limited, covering only short-term skilled nursing care and home health. This lack of options forces many people to turn to Medicaid, which is our Nation's primary payer and only safety net program providing comprehensive long-term care services and supports.

But who is eligible for Medicaid? People only qualify for Medicaid if they are or become poor. This criterion forces many families to impoverish themselves to obtain the Medicaid support they need. We have all heard the stories: The family member works hard all his or her life, and then due to an accident they cannot afford to pay for needed services and supports out of their pocket. So they now must give up their savings to become eligible to turn to the government and to Medicaid to provide the proper care they need to survive. No one wins—not the disabled or elderly parent, not the family caregiver, not the government, and not Medicaid.

I have a letter from a woman who lives on Cape Cod in Massachusetts. She knows firsthand how powerful the CLASS Act could be for families. Jerilyn has been caring for her sister who is brain damaged, legally blind, paralyzed, and incontinent. Jerilyn writes:

Caring for my sister at home has saved the state thousands and thousands of dollars every year and we have done this care for 38 years. We fight every year to get sufficient hours for PCA care with Mass Health. We are holding down full time jobs which also supplement my sister's care. This is so wrong. Instead of encouraging families who want to keep their loved ones at home and save the state money, they work against us so I believe we will give up and just place them in nursing homes . . . which in turn cost the state more money . . . is this not totally crazy?

She is asking the right question. The CLASS Act will help turn this serious, no-win situation into an everyone-wins result. It gives individuals with disabilities and their families the funds they need to obtain some of the services they need without having to resort to Medicaid.

The current reliance on Medicaid is not only a strain on our families, it is also a strain on our already overburdened Medicaid system. Today, Medicaid spends nearly \$50 billion a year on long-term services and supports. Estimates indicate that by 2045 that spending could exceed \$200 billion. Obviously, this current course is unsustainable.

In addition, the private insurance industry is not doing enough to meet the growing demand for such care. Aging baby boomers and longer lifespans will increase the demand for long-term care dramatically for decades to come. Yet 95 percent of people over age 45 do not have private long-term care insurance,

and fewer and fewer people are able to buy such coverage.

Make no mistake, as it stands today, if someone without adequate long-term care coverage becomes disabled, they will more than likely have to turn to the already overburdened Medicaid system to get the help they need. The CLASS Act is designed to specifically remedy this looming crisis by giving people an affordable option other than Medicaid. The act will save the system over \$1.6 billion over the first 4 years that people start receiving benefits.

Some opponents of the CLASS Act argue that the program will not be sustainable over time and that it will become insolvent and end up costing taxpayers large amounts. That argument could not be further from the truth.

Let's give proper credit where it is due. With the help of our friends on the other side of the aisle, we have taken real steps to ensure that the program remains solvent for years to come. The act establishes a strong work requirement to make sure the funds continue to come into the program from the payroll tax deduction or from an individual's voluntarily paid premium. It requires the Secretary of HHS to review and set the premiums annually to ensure that the program will remain solvent for the next 75 years. It directs the Secretary, in addition, to review the cost projections 20 years into the future. Finally, it mandates that no taxpayer funds will be used to pay benefits.

Let me repeat that final point, since I have often heard it misrepresented. No taxpayer funds will be used to pay benefits. Benefits will be paid through self-funded and voluntary premiums.

During the markup in the HELP Committee this summer, Senator DODD led a main discussion about this program. With the help of the Republicans on the committee, especially Senator GREGG of New Hampshire, additional safeguards were included to ensure that the act will stand on strong financial footing for years to come. After the committee adopted Senator GREGG's 75-year solvency amendment, the program won strong words of support from both parties. We credit Senator GREGG for that constructive contribution.

This CLASS Act will do all the things it should do. It will provide financial and health security to elderly and infirm Americans. It will strengthen Medicare. It will make health reform the exact thing the American people need.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Mr. President, I yield 8 minutes to the Senator from Wisconsin, the chairman of the Special Committee on Aging.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin.



Mr. KOHL. Mr. President, I thank very much Senator BAUCUS.

I come to the floor to talk about the many ways in which this bill will have a positive impact for seniors.

Over the past year, we have seen confusion about what health care reform will mean for Americans and particularly for seniors. I had hoped that once the Senate voted to move forward with debate on one merged bill, we could offer some definitive answers on how health reform will help them. Unfortunately, here we are on the floor, continuing to send mixed messages about some very concrete provisions. As chairman of the Aging Committee, I wish to help set the record straight for older Americans.

This health reform bill is not going to cut Medicare benefits. Independent groups such as the AARP and the National Committee to Preserve Social Security and Medicare have said this bill will strengthen Medicare and not harm it. AARP believes this bill will transition Medicare to a more efficient system, where quality health care outcomes are rewarded and waste, which experts believe accounts for up to 30 percent of Medicare spending, is reduced.

In terms of the cuts to Medicare Advantage, this bill will only cut back on overpayments to these private Medicare plans. Benefits will not be affected. AARP also supports these cuts because they understand that most of the overpayments are going to insurance company profits, not to seniors' benefits, and that this overspending is putting Medicare on a faster path to insolvency. Experts say by making these cuts, health reform will extend the solvency of the Medicare trust fund by 5 years, without making one cut to guaranteed benefits.

I understand people complain that this bill is too long. But any bill that seeks to offer choice and meet the needs of so many Americans is, by necessity, complex. We cannot gloss over these vital issues. So I would like to take a minute to share with you some of the provisions that have not received as much attention but are, nevertheless, crucial to improving America's health care system. There is a lot in this bill for older Americans, retirees, and those planning ahead for a healthy and happy long life. The Aging Committee has worked closely with the leadership of the HELP and Finance Committees to improve several of our provisions, most of which have bipartisan support. I wish to particularly thank Senator BAUCUS, Senator DODD, Senator HARKIN, and Majority Leader REID for being so willing to work with us on these important issues.

We have enlisted help from seniors groups of every stripe to ensure health reform makes commonsense improvements that, in some cases, are desperately needed.

This bill will significantly improve the standard of care in nursing homes nationwide for the first time in 22 years. I thank my colleague, Senator GRASSLEY, for working together to make sure this important issue was not overlooked as part of health reform. In and of itself, this is a huge undertaking, but it is just one piece of the puzzle to comprehensively reform our health care system.

This bill will also train and expand the health care workforce so they are prepared to care for the growing elderly population. By implementing recommendations from the Institutes of Medicine, we will begin to address the severe shortage we face of direct care workers.

This bill will protect vulnerable patients by creating a nationwide system of background checks for long-term care workers. This policy is more than just a good idea in theory. We have implemented it in seven States and seen its results. Comprehensive background checks are routine for those who work with young children, and we should be protecting vulnerable seniors and disabled Americans in the same way.

This bill will make it easier for seniors to get the care they need in their own homes because when it comes to long-term care, one size does not fit all. The goal of long-term care should be to allow older or disabled Americans to live as independently as possible.

This bill will help update our current long-term care system in order to offer choices tailored to an individual's needs. It will also help to alleviate the huge financial and emotional burden on married couples who need long-term care. I worked with my colleague, Senator CANTWELL, to ensure that married couples who receive care in their home and community are not required to spend the vast majority of their assets to receive assistance.

The committee has also helped to include a provision that will benefit all Americans regardless of age by helping to lower the costs of prescription drugs and medical devices.

Our policy aims to make transparent the influence of industry gifts and payments to doctors.

Although these are only a few of the Aging Committee's priorities, this bill makes many other improvements to our current health care system for older Americans.

The Senate bill will reduce the cost of preventive services and add a new focus on paying doctors to keep patients well and not just paying them for when their patients get sick.

Today, seniors pay 20 percent of the cost of many preventive services. By eliminating the copayment and deductibles through Medicare for important services such as immunizations, cholesterol screenings, bone calcium-level screenings, and colonoscopies, we will help save lives as well as lower health care costs.

The bill will also provide for the first time an annual wellness visit at no cost to the beneficiary. Patients will be able to receive a personalized health risk assessment for chronic disease, have a complete review of their personal and family medical history, and receive a plan for their care.

This bill will remove the ability of insurance companies to deny access to consumers based on preexisting conditions. We know having health care is essential throughout one's life from beginning to end, but many older Americans count the days until they become eligible for Medicare because they are not able to find insurance coverage at any cost due to a health condition in their past.

I could go on about the many other improvements, small and large, that will benefit our Nation's seniors, but I will stop here and simply urge my colleagues to work to educate seniors and not scare them about the important changes this bill will make to provide them with better health care at lower cost.

Thank you, Mr. President. I yield the floor.

Mr. BAUCUS. Mr. President, how much time remains for the majority?

The ACTING PRESIDENT pro tempore. Five minutes.

Mr. BAUCUS. I ask unanimous consent that there be an additional 5 minutes on each side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I yield the remaining time to the Senator from Oregon, which should be 10 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, I wish to spend a few minutes this morning talking about Medicare Advantage and particularly to highlight the fact that I think it is important to support the language put together by the chairman of the Finance Committee on Medicare Advantage and to reject the amendment offered by our friend from Utah, Senator HATCH.

I wish to begin my comments with respect to Medicare Advantage by pointing out that it is clear that not all Medicare Advantage is created equal. Some of Medicare Advantage is a model of efficiency, and some of it is pretty much a rip-off of both taxpayers and seniors. I would refer, as it relates to the abusive plans, to the very important hearings chaired by Senator BAUCUS in the Finance Committee. I recall on one occasion sitting next to our friend from Arkansas, Senator LINCOLN. We had witnesses describe how Medicare Advantage was being sold door-to-door in her part of the country by individuals dressed up in scrubs as physicians and health care providers.

In the discussion of how to handle it, we looked at various kinds of reforms to rein in abusive practices. I came to the conclusion that when you do something such as that, the CEOs ought to be put in jail. That is what is documented on the record as it relates to the hearings held in the Senate Finance Committee and why I come to the floor to make it clear that I think it is important to distinguish between the good-quality Medicare Advantage plans and those that have been living high on the hog through some of the overpayments we have documented on this floor.

My State has the highest percentage of older people in Medicare Advantage in the country. I had an opportunity to work closely with Chairman BAUCUS in terms of addressing Medicare Advantage, and I think that with the chairman's leadership, it has been possible to show you can find savings in the Medicare Program without harming older people, without reducing their guaranteed benefits, their essential benefits, as we have learned, with Medicare Advantage. The way Chairman BAUCUS goes about doing that is by forcing the inefficient Medicare Advantage plans to follow the model of the efficient ones. The way we have been able to do that is essentially through a two-part strategy: first, encourage competitive bidding and, second, provide incentives for quality, which is done through the bonus payment provisions that are in the legislation.

First, on competitive bidding, you have plan bids, and you use the plan bids to set Medicare Advantage benchmarks which would encourage the plans to compete more directly on the basis of price and quality rather than on the level of extra benefits offered to those who are enrolling. With the competitive bidding, plans compete to be the most efficient and hold down costs. I commend Chairman BAUCUS for making this a central part of the way Medicare Advantage would be handled. Certainly our part of the country has shown this as a path to get more value for the Medicare Advantage dollar in the days ahead.

In addition, in the Finance Committee I offered an amendment with several colleagues that would boost the payments to those plans that, according to the government—and the government uses a system of stars, in effect, to reward quality—our amendment would boost the payments to those Medicare Advantage plans with four- and five-star quality ratings.

So, in effect, with our legislation there are both carrots and sticks. Competitive bidding plus bonus payments offers both, so the plans compete to provide the best value for seniors. By encouraging the plans to be more efficient, it is possible to achieve significant savings for older people, help

shore up the solvency of the Medicare trust fund, and meet the cost-saving goals of the legislation.

One point that has been discussed by colleagues on the floor of the Senate is this matter of individuals being able to keep what they have. I have heard that is not the case with Medicare Advantage plans; that somehow, under the legislation that has been offered by the Finance Committee, older people would not be able to keep what they have, according to some on the floor. That is simply inaccurate. Seniors who have Medicare Advantage plans under the Baucus legislation will be able to keep those plans. They will be able to stay with what they have, keep their guaranteed, essential benefits, and through the language that has been authored now in the legislation before us, there will be lower costs for taxpayers.

Last point. I have heard a lot of talk about grandma on the floor of the Senate. I spent the bulk of my professional life in effect working with grandma. I was the cofounder of the Oregon Gray Panthers and ran the legal aid program for older people in our home State for a number of years. I want it understood that I think with the Baucus legislation on Medicare Advantage, that proves it is possible to make savings in the Medicare Program without cutting essential benefits. Using commonsense principles of competitive bidding, No. 1, and incentives for quality, I think grandma is going to be just fine under our language for Medicare Advantage.

Mr. President, with that, I yield the floor.

Mr. BAUCUS. Mr. President, how much time is remaining on the majority side?

The ACTING PRESIDENT pro tempore. Three minutes.

Mr. BAUCUS. And on the minority side?

The ACTING PRESIDENT pro tempore. Fifty-five minutes.

Mr. BAUCUS. Mr. President, I reserve the remainder of the majority time.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, during the next 55 minutes, we will have several Republican Senators come to the floor. I ask unanimous consent that during that time, Senator MCCAIN be allowed to be the manager of a colloquy among the Republican Senators.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, before Senator MCCAIN begins, if I may, I wish to take a moment to establish where we are today and what happened yesterday as a lead-in to what he is about to discuss.

Yesterday, Senator MCCAIN offered an amendment on the floor of the Senate that would do two things: It would send this 2,074-page Democratic health

care bill back to the Finance Committee and say to them, No. 1, take out the cuts in Medicare, and No. 2, any savings in Medicare must go to make Medicare more solvent. That is what the McCain amendment would have accomplished. That was defeated. Fifty-eight Democrats said yes to the cuts in Medicare. They said yes to using the money that comes from these cuts to create a new entitlement program. Forty Republicans and two Democrats said, no, we don't want cuts to Medicare and we do not want a new entitlement program.

So yesterday we made it clear that the central core of this bill includes nearly \$½ trillion in cuts to Medicare. There is no question about that. Everyone concedes that. The President said that when he addressed us. The Congressional Budget Office says that. The question is whether it is a good idea or a bad idea, and yesterday, by 58 votes, the Democrats said yes to these cuts in Medicare.

Today, we want to talk about one aspect of those cuts which is Medicare Advantage. We are going to talk about these cuts in a careful, accurate way so the 11 million seniors who have Medicare Advantage understand exactly what the risk is to their Medicare Advantage policies.

We can see that a portion of the overall Medicare cuts that the Democrats approved yesterday is a \$120 billion cut over the next 10 years to the Medicare Advantage program. Now, what is Medicare Advantage? Medicare Advantage is an option seniors have. If you choose this option, Medicare pays a fixed amount every year for your care, to companies that might come to you and offer a Medicare Advantage plan which you can choose instead of the original Medicare plan.

Many seniors choose these plans—11 million seniors. Nearly one out of four seniors in America who are part of Medicare chooses the Medicare Advantage plan. In my home State of Tennessee, the number is about 230,000 Tennesseans.

Why do they choose it? Well, it includes some benefits they may not have in the original Medicare plan. These benefits include dental care, vision care, hearing coverage, reduced hospital deductibles, lower co-payments, lower premiums, coordinated chronic care management, and physical fitness programs.

The distinguished Senator from Oregon was on the floor and he mentioned grandma. I have mentioned grandma a few times—no disrespect to grandpa; he is in the same boat. He said grandma didn't need to worry about her Medicare Advantage plan because none of the benefits would be cut. That is not what the Director of the CBO, who is often cited by the chairman of the Finance Committee, has said. He said

that half of the benefits currently provided to seniors under Medicare Advantage would disappear under the Finance Committee plan, which is much like the plan we are considering. The benefits that would disappear would include those I mentioned.

Today, with Senator McCAIN leading the discussion, we wish to talk about the Medicare Advantage plan, and why cuts to Medicare Advantage play a central part of this \$2.5 trillion bill. Cuts to Medicare pay for about half of that \$2.5 trillion cost, and the ones we are talking about today are the Medicare Advantage plans. I understand there will be an amendment by Senator HATCH, who has joined us, and I am sure he will talk about his own amendment. He was present on the Finance Committee when Medicare Advantage was created. I understand there will be an amendment to send this back to the Finance Committee saying don't cut Medicare Advantage.

Mr. McCAIN. Yes. For those who missed Senator HATCH's important statement last night, which he will add to today, I point out that he was able to take a trip down memory lane. In June 2003, when the Medicare Modernization Act was before the Senate, several of our colleagues, including Senators SCHUMER and KERRY, offered a bipartisan amendment on the floor to provide additional funding for benefits under the Medicare Advantage Program.

But amnesia is not confined to one side of the aisle around here. I ask my friend from Tennessee—you know this discussion about Medicare Advantage—we have to better understand what is this program and why is it so popular. Is it because it offers seniors a chance to get additional benefits? Maybe the Senator can give a short definition of that. I think the American people may not be totally clear on what we are discussing here and why 11 million Americans—over 300,000 citizens in my own State—have chosen Medicare Advantage, and that has prompted, according to Bloomberg, Senator CASEY of Pennsylvania, to say, “We are not going to be able to say ‘if you like what you have, you can keep it.’” “That basic commitment that a lot of us around here have made will be called into question.”

The title of that is “Dem Senator Says Medicare Advantage Cuts Break President's Pledge.”

Maybe the Senator from Tennessee can give me a brief outline of what seniors get under Medicare Advantage and why it is so popular with 330,000 senior citizens in my State and 11 million in the country.

Mr. ALEXANDER. I can do that. The Senator is correct. If the Senator from Pennsylvania, Senator CASEY, said that, he is merely repeating what the Director of the CBO stated, when he said that fully half of the benefits of Medicare Advantage will be lost.

To answer the Senator's question, Medicare Advantage is an option that 11 million of the 40 million seniors who are on Medicare have chosen. The reason they choose it is because it is a plan offered by private companies, often to people in rural areas, often to minorities—

Mr. McCAIN. Lower income seniors.

Mr. ALEXANDER. Yes, lower income Americans also choose these. They often choose it because the plans generally offer these benefits: dental care, vision care, hearing coverage, reduced hospital deductibles, lower co-payments, lower premiums, coordinated chronic care management, and physical fitness programs.

Mr. McCAIN. I thank my friend. The reason I ask this, he mentioned that Medicare Advantage would allow seniors to have dental care, vision care, hearing care, physical fitness—it is fascinating. This allows our senior citizens to have dental, vision, hearing, and physical fitness care, and that is a little strange because, as was pointed out to me, that is exactly what we have here in the Senate. About 100 paces from here, if I need some doctor care immediately, if I need some vision care, if I need some dental care, I can get it. Next to my office in the Russell Senate Office Building, for the last several months—and I don't know at what cost, but I would like to get entered into the RECORD how many tens of millions of dollars it is. But they are renovating a gym. So my colleagues yesterday voted against keeping the Medicare Advantage Program, when we have, right here, the best Medicare Advantage Program ever heard of in the world—free hearing, free vision, free dental—and they are expanding a gymnasium in a many-months-long project. I will get the cost of that, although that may be hard to do.

Let me get this straight. Again, the American people should understand this. We voted to cut drastically a program that seniors have taken advantage of, which gives them additional hearing, vision, dental, and physical fitness care, while we practice it here every single day. Every day, there is a physician on duty—more than one—not very far from where I speak, who is ready to give us instant care. If hospitalization is needed, we can get instant transportation to the Bethesda Naval Hospital, where we will get free care. Incredibly, the Senate, on largely partisan lines, yesterday voted against senior citizens in this country, most of whom have paid a lot more into the program than we have. We are going to deprive them of what we have every single day we are members of the Senate.

That is an exercise in hypocrisy. The Senator from Pennsylvania has it right, because the President, time after time, said to the American people: If you like the insurance policy you have

today, you can keep it. How many hundreds of times have we heard him say that at townhall meetings? And his administration mouthpieces say the same thing. The Senator from Pennsylvania is right when he says, “We are not going to be able to say if you like what you have, you can keep it. That basic commitment that a lot of us around here have made will be called into question.”

I will say a couple words, and I will talk more about this later. Every time the Senator from Montana and others are on the floor, they talk about the fact that AARP now supports this blatant transfer of funding from the Medicare Program, which the seniors have earned, into a brandnew entitlement—a \$2.5 trillion entitlement program. That is what this bill is all about.

For your information, AARP has received \$18 million in stimulus money. There is a job creator for you. AARP, which has given its full-throated support to the Democratic health care legislation, even though seniors remain largely opposed, received an \$18 million grant in the economic stimulus package for a job training program that has not created any jobs, according to the Obama administration's recovery.gov Web site. That is astonishing to me because from everything I have ever seen, they have created millions of jobs, including in the ninth congressional district of Arizona, where they said they created thousands of jobs. Unfortunately, we only have eight congressional districts, but that is OK.

In February, Politico reported that AARP was putting pressure on Republican Members of Congress to support the stimulus package. Since then, AARP has moved on to lobbying for passage of health care legislation, even though Democratic proposals have called for several hundred billion dollars in cuts to Medicare—a program that the group typically defends tooth and nail when Republicans propose cutting it. It turns out that AARP is also in a position to benefit financially if the health care legislation passes, because seniors losing benefits as a result of cuts to Medicare Advantage will be forced to buy Medigap policies, which is the main source of AARP revenue. Barry Rand, chief executive of AARP, was a big donor to the Obama campaign and has retained a cozy relationship with the administration. That is shocking news.

So, my friends, also I might add that in 2006, AARP received \$18 million from the Federal Government, and we are reserving additional Federal moneys that they get.

The most important thing is this, and let's make it clear: AARP will receive direct benefits because seniors who have cuts in their Medicare Advantage and other Medicare programs can buy—guess what—a Medigap insurance policy from AARP—in other

words, to cover the things being cut back under this legislation, and it costs \$175 a month. The Medicare Advantage premiums are zero for most seniors or \$35 a month. Again, if the Medicare Advantage plans go away, people would have to buy a Medigap plan sold by—you got it—AARP. And some low-income seniors could not afford \$175 a month.

That is why the Senator from Tennessee stated that if we drive people out of Medicare Advantage, we are harming low-income seniors all over this country. We are harming them. We are doing them a great disservice. If you think with 17 percent real unemployment in my State that seniors who are unemployed and down on their luck are going to be able to afford the AARP Medigap policy for \$175 a month, come and visit my State and I will tell you they can't.

It is interesting, the conversation about high-income seniors, and how we are going to tax people with Cadillac plans and all of those things, when what we are doing is harming the lowest income seniors in rural areas of America.

Mr. KYL. Will my colleague yield for a quick point?

Mr. MCCAIN. Yes.

Mr. KYL. The Senator was making the point that you cannot take \$120 billion out of the program without hurting folks. Those on the other side of the aisle said we can do that—we can cut it by \$120 billion and it still won't hurt anybody. My colleague asked the Senator from Tennessee exactly what some of the benefits were and he repeated them. I went to get the actual statistical number of how much it will actually reduce benefits in terms of actuarial value. According to the Congressional Budget Office, in the year 2019, when fully implemented, here is the statistic: The actuarial value of the reduction in benefits under Medicare Advantage is 64 percent; in dollar terms, it goes from \$135 a month down to \$49 a month. In other words, the very things my colleague talks about—vision care, dental, all of those things—

Mr. MCCAIN. All of the things we routinely use in the Senate. I hope those who voted to harm the seniors in this country and not allow them to have dental, vision, and other health care would unilaterally disavow the use of the physician care and vision care and hearing care available to all of us 24 hours a day right here in the Senate.

Mr. KYL. The last point. I want to say that I hear my colleague loudly and clearly. I hope the American people do too because you cannot call a \$120 billion cut something that doesn't hurt people, and especially when the Congressional Budget Office itself says, yes, that reduces these very benefits from a value of \$135 a month down to

\$49 a month. That is a huge cut in the value of the services they receive under Medicare Advantage. That is what we are trying to prevent by this amendment.

Mr. MCCAIN. Could I mention one other thing? I will not spend that much more time on AARP. But the reason I do is because every time the Senator from Montana stands up, he talks about AARP endorsing this rip-off of the American people.

Let me quote again from a Bloomberg article entitled "AARP's Stealth Fees Often Sting Seniors With Costlier Insurance." I quote from the Bloomberg article just briefly:

Arthur Laupus joined AARP because he thought the nonprofit senior-citizen-advocacy group would make his retirement years easier. He signed up for an auto insurance policy endorsed by AARP, believing the advertising that said he would save money.

He didn't. When Laupus, 71, compared his car insurance rate with a dozen other companies, he found he was paying twice the average. Why? One reason, he learned, was because AARP was taking a cut out of his premium before sending the money to Hartford Financial Services Group, the provider of the coverage. . . .

AARP uses the royalties and fees to fund about half the expenses that pay for activities such as publishing brochures about health care and consumer fraud—as well as for paying down the \$200 million bond debt that funded the association's marble and brass-studded Washington headquarters.

In addition, AARP holds clients' insurance premiums for as long as a month and invests the money, which added \$40.4 million to its revenue in 2007. . . .

During the past decade, royalties and fees have made up an increasing percentage of AARP's income, rising to 43 percent of its \$1.17 billion in revenue in 2007 from 11 percent in 1999, according to AARP data.

This is a Bloomberg article. This is not from the Republican Policy Committee.

The point is, who gains? Who gains from this legislation? Who is going to make hundreds of millions of dollars more because they provide the Medigap policies people will be deprived of when we kill off Medicare Advantage? AARP.

Mr. ALEXANDER. Mr. President, I see the Senator from Texas, the Senator from Idaho, and the Senator from Wyoming have all come to the floor, in addition to the sponsor of the motion, Senator HATCH. I am sure they are prepared to reflect on who is hurt by these cuts.

The only thing I would emphasize is what the Senator from Arizona has said is that disproportionately low-income Americans in Texas, Idaho, Tennessee, Wyoming, and Utah are hurt. Only one-third of eligible White seniors who do not have Medicaid or employer-based insurance are enrolled in Medicare Advantage. But the number increases to 40 percent for African Americans and 53 percent for Hispanics.

Mr. MCCAIN. May I ask the Senator again, he described the benefits that are provided under the Medicare Ad-

vantage program that seniors can have if they want, right? Are those same benefits—dental, vision, hearing, and fitness care—available under regular Medicare today?

Mr. ALEXANDER. My understanding is the answer is no. That it is the reason 11 million Americans choose Medicare Advantage because these benefits are not available under the original Medicare plan.

Mr. MCCAIN. In Montana, there are 27,000 enrollees who will see a 24-percent decrease. In Connecticut, there are 94,000 enrollees who will see a 14-percent decrease. By the way, some special deals have been cut for three States I understand—Oregon, New York, and Florida. We are going to try to fix that. There is no reason one State should be shielded any more than another from these draconian measures. We are going to try to fix that situation.

The reason I bring up this issue, present-day Medicare beneficiaries do not have vision, they do not have dental care, they do not have fitness. Yet we in the Senate enjoy it every single day. So yesterday we voted to deprive seniors from the ability to have the same privileges that we enjoy every single day in the Senate. I would argue that is an exercise in hypocrisy.

Mr. ALEXANDER. I might say we are operating under a colloquy managed by Senator MCCAIN. So Republican Senators are free to engage in discussion.

Mrs. HUTCHISON. Mr. President, I very much appreciate what the Senators have been talking about because what Senator MCCAIN is saying is that these seniors who are low income have an affordable option, and it is less expensive than the AARP option that would give them this extra care—the eye care, the dental care, the hearing aids. It is an affordable extra option.

In Texas, we have over 500,000 seniors enrolled in Medicare Advantage. One of the great things about Medicare Advantage is that it is available in rural areas, and it gives them choices that they might not be able to afford with other programs that are Medigap. This one is affordable. That is why we are fighting so hard to restore the cuts to Medicare Advantage.

Medicare Advantage costs about 14 percent more than traditional Medicare because it provides a wide range of these extra benefits we have discussed—dental, eye care, hearing aids and, in many cases, it pays providers more. Republicans, of course, are open to discussing how to improve the Medicare Advantage payment formula. We want to be more efficient with taxpayer dollars, but do we want to do that in the context of creating a massive new entitlement program and ask Medicare to pay for it or to cut life-saving benefits for seniors? Is that what we want to do, I ask Senator CRAPO?

Mr. CRAPO. That is absolutely the case. I would like to point out, when we had the Finance Committee markup, I asked CBO Director Elmendorf directly whether provisions in the bill, which are still in the bill, would reduce the benefits that Medicare recipients received. His response was:

For those who would be enrolled otherwise under current law, yes.

There has been a lot of talk here about we are not cutting Medicare benefits or we are or it is this or that. The bottom line is, the CBO Director said it: Yes, we are cutting benefits.

I would like to ask the sponsor of this motion a question because I know there are some who are saying the reason we are cutting Medicare Advantage is that it is so expensive, and we should be cutting Medicare and controlling its costs; that it is about 14 percent more expensive than fee-for-service Medicare.

Some people say if you are defending Medicare Advantage, you are defending overpayments in health care plans. Would the Senator from Utah like to respond to that criticism some are making?

Mr. HATCH. I would be delighted to. To be clear, so-called overpayments to Medicare Advantage plans do not go to the plans. As a matter of fact, they go to the seniors in the form of extra benefits. That is a pretty important point a lot of people miss. Seventy-five percent of the additional payments to Medicare Advantage plans are used to provide seniors with extra benefits, including chronic care management—you would think you would want to do that—hearing aids, eyeglasses. The other 25 percent of any extra payments are returned to the Federal Government. I cannot imagine why anybody would not want to do that.

Mrs. HUTCHISON. Mr. President, I ask the distinguished Senator from Utah to also respond to the arguments that claim that the government cannot afford now to continue overpaying these private plans and that the Medicare trust fund is going broke. Of course, we tried actually several years ago to shore up the Medicare Program, trying to do it in a responsible way, not cutting out the Medicare benefits these seniors can receive as an affordable option. What does the Senator say to that?

Mr. HATCH. The Senator from Texas pointed out the Medicare trust fund is going broke. Yet what do we have on the other side? They take almost \$500 billion out of Medicare. Trust me, I am deeply concerned about the solvency of the Medicare trust fund.

Mr. MCCAIN. May I say it is my understanding that Dr. BARRASSO has actually seen Medicare Advantage patients. He and Dr. COBURN are probably the only two. Maybe we could let him give us the benefit of his experience and also not only the benefit of his ex-

perience, but I am sure he is going to tell us what the impact is going to be on the low-income seniors from his State.

Mr. BARRASSO. I agree with the Senator from Arizona that people choose to be on Medicare Advantage. Mr. President, 11 million people have chosen to be on Medicare Advantage because it is a wise choice to make because they get better benefits. They get dental care, they get the vision care, they get the hearing aids, they get the fitness thing.

Mr. MCCAIN. Just as we do.

Mr. BARRASSO. Just as we do. It works in preventive care and coordinated care.

Mr. MCCAIN. I don't think they have as nice a gym, though, as we are going to get.

Mr. BARRASSO. It is also no surprise when people read about this and learn about it that they would want to be on Medicare Advantage. What the Senator from Utah has said, the sponsor of this motion, is that the money that goes into this program is for the benefit of the seniors. It is for services for the seniors on Medicare. To me, this whole bill basically guts Medicare, raids Medicare to start a whole new program.

Today, as the Senator from Arizona has mentioned in these articles, the Associated Press and USA Today said:

Senate Democrats closed ranks Thursday behind \$460 billion in politically risky Medicare cuts at the heart of health care legislation. . . .

It goes on to say:

Approval would have stripped out money to pay for expanding coverage to tens of millions of uninsured Americans.

So they are going to take \$460 billion, it says, away from our seniors who depend on it for their Medicare and start a whole new government program. The Washington Times, front-page story headline, reads: "Democrats Win \$400B in Medicare Cuts. McCain Pushed for Another Way to Pay for It."

I look at this and say this is not fair to our seniors, not fair to the patients I have taken care of for 25 years in Wyoming, taken care of folks—taken care of folks—when grandmom breaks her hip, what we need to do for our patients. These are choices people have made.

Mr. President, 11 million Americans have chosen Medicare Advantage because there is an advantage to them for the health care they get—the additional services, the coordinated care, the preventive care. Anyone who looks at this and studies it says: I want to sign up.

It has been wonderful in rural areas and big cities. This has helped a lot of people in the country. It is not surprising that one out of four people in the country on Medicare have chosen Medicare Advantage, but yet what we are seeing here is Democrats want to get rid of Medicare Advantage.

Mr. MCCAIN. Let me get this straight. Basically, by removing the choices that seniors have as a part of Medicare Advantage—dental, vision, hearing, fitness—we are taking away from them what we ourselves enjoy every single day in the Senate?

Mr. BARRASSO. We are taking it away from seniors and using all that money to start a new government program when we know Medicare is going to go broke by 2017.

Mr. HATCH. We are listening to only one of the two doctors in the Senate who knows, who has been on the ground, has met with the people, who understands what this means to senior citizens. One-quarter of them are on Medicare Advantage.

In the end, I believe we not only actually help seniors be more healthy but save a lot of money in the end. Trust me, I am deeply concerned about the solvency of the Medicare trust fund. We have been sounding that alarm for years. That is why it is so shocking we are debating a \$2.5 trillion health reform bill that does almost nothing to make sure Medicare is sound and, in fact, does a lot of things to make it unsound, or almost nothing to make sure Medicare is around for future generations.

Instead, we are just creating another Federal entitlement program that we cannot afford while Medicare has \$38 trillion in unfunded liabilities.

Mr. CRAPO. The Senator is absolutely right. A lot of people trying to defend these cuts are saying these extra costs in the Medicare Advantage Programs are just going to make insurance companies' profits bigger and help pay for large CEO salaries. Nothing could be further from the truth. The reality is, as the Senator from Utah already indicated, 75 percent of this 14 percent extra payment in these plans go to provide the seniors with the extra benefits we are talking about, and then 25 percent is returned to the Federal Government, not to insurance companies, not to CEOs.

I have a chart. We are going to make it into a bigger one. But those who support this program say we are not cutting Medicare benefits. This chart—I apologize it is a little bit small—but this is a chart of the United States. It shows what is happening to the benefits of Medicare Advantage beneficiaries. As you might guess, the dark red is more than 50 percent reduction in the benefits of the people in those dark red States. In the medium red color, it is between a 25- and 50-percent reduction in coverage. The only States that do not have a reduction in coverage are the white ones. There are three or four States that are not seeing deep cuts in Medicare Advantage benefits.

Those who say—like the President who said it was one of his goals—if you like what you have, you can keep it—

not if you live in one of the States that is not in white on this chart because your benefits will be cut.

Mr. ALEXANDER. I wonder if I might ask the Senator from Idaho to go back over a point he made a moment ago because he went over it quickly and it is such an important point and one reflected by the chart behind him about what he just said. Repeatedly we are told that seniors won't lose benefits if you cut nearly  $\frac{3}{2}$  trillion in Medicare. So if you could take a moment—I believe you were in the Finance Committee markup where the bill was being written that was offered by the distinguished Finance Committee chairman, and I believe you were talking to the head of the Congressional Budget Office, who is often cited by our friends on the other side as the nonpartisan authority for exactly what the bill does, and you asked him whether the benefits of Medicare Advantage recipients would be cut. Would you describe that in a little more detail so people understand exactly the scenario?

Mr. CRAPO. Yes, I would. This chart shows the last two sentences of our colloquy when we were in the Finance Committee, but it went on for some time. But the bottom line is that I was asking the Director of CBO whether the cuts to Medicare Advantage that are in the bill would reduce benefits to senior citizens, and he said yes. And the reason he used this phrase here, which says "for those who would be enrolled otherwise under current law," the reason he prefaced it that way—which we don't have on the chart—is that for future seniors it will not be a viable option. So in the future, those who are not on it now won't have a significant viable option to get on it because it is going to be gutted.

So he was saying that for those 75 percent—and by the way, Medicare Advantage is the most popular part of Medicare today. It is the fastest growing part of Medicare. It is popular because it provides these additional benefits that seniors have to pay so significantly for to get in supplemental insurance that AARP is going to provide. So what the CBO Director said was that for the future, those who aren't already on it won't get it.

Mr. MCCAIN. Could the Senator from Texas and I go back to one of the things I mentioned earlier, because in Texas, how many are under Medicare Advantage?

Mrs. HUTCHISON. Five hundred thousand of my constituents are on Medicare Advantage.

Mr. MCCAIN. Five hundred thousand in your State, and there is no "shielding." According to this Bloomberg article and according to our knowledge, it says:

Senators Charles Schumer of New York, Bill Nelson of Florida, and Ron Wyden of Oregon are among those who secured special

provisions shielding constituents from cuts. Casey—

Referring to Senator CASEY of Pennsylvania—

says he wants "very comparable" protections for his State—surprisingly enough—where more than one-third of Medicare beneficiaries participate in Medicare Advantage. "It's the kind of thing that will likely be addressed on the floor," he said.

Well, I eagerly look forward to working, on the other side of the aisle, with all the Members from those States, with the exception of New York, Florida, and Oregon, who have earned special shielding from these cuts. I look forward to working with them, and let's fix it for all of us; right, Senator HATCH?

Mr. HATCH. That is right. Go ahead.

Mrs. HUTCHISON. Yes, I would say to the Senator from Arizona, I was wondering if every State could have the same treatment. Why not have every State get this shielding for their Medicare Advantage? That is 11 million people in this country who would then be helped by a fair assessment of this all over the country.

But let me just point out one other provision. The way they have been shielded is through grandfathering. What about people who—

Mr. MCCAIN. And was that shielding done on the floor of the Senate, in open debate and in discussion of the issue?

Mrs. HUTCHISON. Oh, no. Now, amazingly—

Mr. MCCAIN. It was done in an office over here, where we still await the white smoke.

Mrs. HUTCHISON. The white smoke, that is correct. But then the question arises: What about the future, where people will say: That is what I can afford and what I want to have. But grandfathering doesn't include anyone who might want to join in the future; it is only the people already in the system. And for how long they live, that is great, but what about the future?

So this is a great program. It is affordable for the lower income people. This shielding is only for three States now, but I would like to see us all have the same capabilities for our constituents. And what about our future constituents?

Mr. GREGG. Would the Senator yield on that point, because the Senator from Arizona has raised an important point. If this is such a good program for these four States, why isn't it a good program for everybody?

But more importantly, the Senator is the expert around here on earmarks. Is this not a classic earmark? And didn't we hear from the other side of the aisle that we were going to have open government; that we were not going to have this type of exercise occur within major bills; that bills weren't going to be loaded up with special earmarks assisting one Member or another? As the expert on the issue of earmarks, would the Senator comment?

Mr. MCCAIN. I would say this is probably the classic hometown protectionism that we see in earmarking and benefits that we see in the earmarking process.

But also, I would remind the Senator from New Hampshire, as we have all discussed several times, a year ago last October, our then-candidate for President said: It is all going to be on C-SPAN. Well, the C-SPAN cameras are still waiting outside Senator REID's offices to go in and film these negotiations so that, as President Obama said, all Americans can see who is on the side of the pharmaceutical companies and who is on the side of the American people.

C-SPAN, keep waiting. We are going to try to get you in.

Mr. GREGG. If I could ask one more question because I have been listening to this debate, and I came over because I wanted to participate a little. I think it has been an excellent and informative debate.

I have been looking at the numbers here, and I know the numbers are big—big—in this first 10-year period—almost \$500 billion in reductions in Medicare spending. But I think the point we need to make is that it doesn't end there. It doesn't end there. Those Medicare spending reductions go on into the next decade, too, and over the first two decades of this bill, Medicare spending reductions will account for \$3 trillion—\$3 trillion. How can anybody argue against what the Senator from Idaho said, which is that this translates into real reductions in Medicare benefits?

Mr. MCCAIN. Isn't the vitally important point in this discussion that this massive mountain being carved out of Medicare is not being used to save Medicare? It is creating a huge new entitlement program. So here we are with Medicare going broke in 7 years, and we are taking money out of it in order to create a new program. That is the crime that is being committed here.

Mr. GREGG. The Senator is absolutely right. And the new program, by the way, will not be solvent either. So we are compounding the insolvency of the future, and we are passing that on to our children.

Mr. HATCH. We are taking  $\frac{3}{2}$  trillion out of a program that is going to be insolvent before the end of this decade and we are giving it to another program that is already insolvent.

Mr. GREGG. That will be insolvent.

Mr. HATCH. That will be insolvent. It is almost insane what they are doing. And they wonder why the American people are having such a difficult time, why we have 10 percent unemployed, why the underemployment is 17 percent in this country. Those are people who are trying to get part-time jobs because they can't get full-time jobs. So 17 percent is the real number.

This whole program is about helping low-income people and minorities,



when you stop and think about it. That is what Medicare Advantage does. As the distinguished Senator from Arizona has said, they can't afford these supplemental policies on which AARP will make a lot of money if they can kill this program. There are a lot of gaps in traditional Medicare benefits, including high cost sharing and no out-of-pocket limits. That is why 89 percent of seniors have some form of supplemental coverage on top of Medicare. For many low-income Americans and minorities, Medicare Advantage is the only way they can afford the supplemental coverage.

I compliment all of my colleagues here on the floor—the distinguished Senator from Arizona; the distinguished Senator from Idaho; the distinguished Senator from Texas; our only doctor on the floor right now and one of only two in the Senate, Senator BARRASSO from Wyoming; and, of course, our leader in the Senate, both on the Budget Committee, Senator GREGG and, of course, Senator ALEXANDER. You guys have really summed this up.

Mr. MCCAIN. Could I say again that we have had spirited debate and discussion on this floor, but it is clear the majority of the American people do not support the proposal that is before us, and they do not support meeting in private, mostly in secret, closed negotiations.

Again, I renew our offer to the Democrats and to the administration: Let's get together in a room with the C-SPAN cameras and any other outlet, and let's sit down and do some serious negotiations on the areas we can agree on, which there are many, and let's save Medicare, let's fix this system, and let's do it together in the way the American people want us to—in a bipartisan fashion, not behind closed doors, so the American people can see us work together for a change.

I thank all of my colleagues for their many contributions. We are ready to talk. We are ready to talk, but we won't be driven.

Mrs. HUTCHISON. Mr. President, I would like to return to a point that was made earlier about the President promising, and it being understood by everyone, that if you like what you have, you can keep it. On Medicare Advantage, once again, the CMS has estimated—and I would ask the distinguished Senator from Utah to verify this—that enrollment in Medicare Advantage will decrease by 64 percent under this bill.

Mr. HATCH. A lot of seniors are going to be badly hurt by these cuts, no question, and the poor.

Mrs. HUTCHISON. And 8.5 million seniors would be deprived.

Mr. HATCH. And a lot of them are minorities, by the way. This is amazing to me, how we go through all kinds of demagoguing about low-income people

and minorities, and yet they are going to take one of the most important benefits away from them. That benefit is mentioned in the Medicare handbook for 2010, yet they act as if it is not part of Medicare. I can't believe some of the arguments that have come from the other side.

Mr. MCCAIN. Could I ask the Senator from New Hampshire, the senior member on the Budget Committee, a person who is well-known for his knowledge of the economy, of the budgetary situation in America, what happens if we pass this massive bill? What happens to America's economy?

Mr. GREGG. Well, my view is this: First off, we know a couple of facts—that we grow the government by \$2.5 trillion over a 10-year period when this bill is fully implemented. We also know the tax increases during that period will be approximately \$1.2 trillion, tax increases and fees, and they are not going to fall on the wealthy, they are going to fall on the small businessperson trying to create the extra job. We also know there will be an entire sea change in the way people get their health care, that the government will be stepping in between you and your doctor and basically making a decision as to what your doctor can tell you you can have for health care, what the provider will tell you you can have for health care.

There is something that hasn't been discussed much. We know the innovations in health care which have done so much to make America the best place to get health care in the world and which have put us on the cutting edge of drugs that have improved the lives of millions of people, not only in the United States but across the world, will be significantly chilled because there will not be an interest in investing capital in a market that is so controlled by the government.

In the end, it is fairly obvious to anybody who has been around this place that there isn't going to be \$3 trillion in reductions of Medicare spending over the next 20 years and there isn't going to be \$500 billion in Medicare spending cuts in the next 10 years. So all that spending is going to fall on the backs of our children in the form of debt.

We already have a nation that is on an unsustainable path under the present budget scenario without this health care bill. Our deficits are \$1 trillion a year, on average, for the next 10 years. That is without this bill. Our public debt goes from 35 percent of the gross national product to 80 percent of the gross national product. We become insolvent at the end of this decade—not this decade but the decade starting today, 10 years from today. That is aggravated dramatically by exploding the size of the government under this bill rather than taking the step-by-step approach that has been proposed by our

side to reform health care, to make it more effective and make it deliver more services to more people at a better cost.

A number of times I have heard people on the other side of the aisle get up and say that CBO says this bill reduces the cost of health care spending to the Federal Government. It is just the opposite—just the opposite. The CBO letter specifically said that the cost to the Federal Government of health care goes up—goes up—under this bill in the 10-year period. So this bill does not turn down the cost of health care, it does explode the size of government, it does put the government into the business of managing your health care, and as a result, I think it is going to reduce the quality of life of our children.

Mr. HATCH. Will the Senator yield on that point?

Mr. GREGG. I do not have the floor.

Mr. MCCAIN. Go ahead.

Mr. HATCH. The Senator has pointed out he does not believe they can afford all these programs. The Senator is not suggesting this is a game, is he?

Mr. GREGG. I am suggesting it is very difficult, under any scenario, to believe this Congress is going to do anything other than spend the money that is put in this bill. It is certainly not going to end up making the reductions in Medicare it proposes in this bill. If it does make those reductions, though, I think the Senator from Utah has been absolutely right in saying those reductions should go to making the Medicare system solvent. They should not go to creating a brand new entitlement.

Mr. MCCAIN. On that point I think Senator CRAPO wishes to exactly emphasize the point of Senator GREGG.

Mr. CRAPO. I wish to make a comment or two and then engage with the ranking member of the Budget Committee.

Often people talk about driving the cost curve down. Frankly, when you talk to Americans about what they want in health care reform, the vast majority of them say the reason we need health care reform is because of the skyrocketing cost of health care and health care insurance. Those who are promoting this bill say they are bending that cost curve down. My question is which cost curve are they talking about? Is it the size of government? Are they bending the size of government growth down? No, as the Senator from New Hampshire said, they are growing government by \$2.5 trillion for the first true 10-year period of the bill.

Are they driving personal health care costs down? No, the CBO report we recently got said 30 percent of Americans will see their health insurance go up, and the other 70 percent will, at best, see it stay about what it is today, rising at the same levels it is today.

Are they talking about the Federal deficit? The chairman of the Budget



Committee has indicated to us we are going to see skyrocketing deficits. Those who claim this bill is going to reduce the deficit can say so only if they take into account all of their budget gimmicks, such as not counting the first 4 years of the spending, or the hundreds of billions of dollar of taxes that are going to be imposed on the American people, or the Medicare cuts we have been talking about. Take any one of those three out of this bill and it drives the deficit up in a skyrocketing fashion, is that not correct, Senator?

Mr. GREGG. Absolutely.

Mr. MCCAIN. Has the Senator from New Hampshire ever heard of legislation where you pay in the first 4 years before a single benefit comes about? Nowadays I see these advertisements that you can buy a car and you don't have to make a payment for a year and then you can start making payments. In this deal it is the reverse; you make payments and then perhaps you get the benefits after some years.

The Senator from Tennessee, I think, wishes to comment, too.

Mr. ALEXANDER. I would direct my comment to the Senator from New Hampshire, too. The President of the United States said something a few weeks ago that I thought was profound and that I agreed with, he said this debate is not just about health care; it is about the role of the Federal Government in the everyday lives of the American people. I believe he is exactly right about that, which is why so many Americans are turning against this bill.

Would the Senator from New Hampshire agree the President was correct, that this debate is about, in my words now, Washington takeovers, more taxes, more spending, and more debt? It is not just about health care. The enormous interest across the country in these votes comes from a much larger picture than this health care bill.

Mr. GREGG. I think the Senator from Tennessee has once again hit the nail on the head. I respect the President's forthrightness. The President has said very simply he believes that prosperity comes from growing the government. When this bill passes, we will see the largest growth in government in the history of our country. This is going to be 16 percent of our economy basically managed by the Federal Government. You are going to see the Government explode in size. Does that lead to prosperity? I don't happen to think it does. It certainly doesn't lead to prosperity if along with that massive expansion in the size of the government you are going to see your deficit go up significantly, your debt go up significantly, or the tax burden go up significantly, which reduces productivity, or if you take a large segment of our society, our seniors, 35 million today, 70 million by the year

2019, and say to them they are not going to have the ability to have a solvent Medicare system because the way that system might have been made more solvent is now being used to create a brandnew entitlement, a massive new entitlement for a whole group of people who never paid for an insurance policy and never paid into the Medicare insurance fund.

I think the Senator has touched the base. We have seen automobiles, we have seen financial institutions, we have seen the student loans, and now we are seeing health care all taken over by the government or partially taken over by the government. Clearly the goal is, as the President said, expand the size of the government, create prosperity, use the European model. I don't happen to be attracted to the European model. I think the American model works better where you have a government you can afford and give entrepreneurs a chance to go out and take risks and create jobs.

Mr. MCCAIN. Senator HUTCHISON will conclude.

Mrs. HUTCHISON. We have been talking about Medicare Advantage and losing this great option for lower income seniors, which is so important. I was reminded that we have not even talked about the \$135 billion that would be taken out of hospitals in this bill. These are the care providers. We are talking about taking away benefit options in eye care and dental care and hearing aids, sort of basic things seniors need, but also undercutting the hospitals that treat them, so the care provided in the hospitals themselves would also have to be cut back.

It does not pass common sense to cut Medicare in order to create a new big entitlement program. We have all said that Medicare is on life support anyway, everyone understands that. So you take almost a \$½ trillion out of a program that is working for seniors, that gives options to seniors such as Medicare Advantage, and you take away their care to pay for another entitlement program that is not specifically designed for them.

I think the Senator from Arizona and ask him to finish the comments on what is happening to this bill, this country, and our seniors. We need to stop it.

Mr. MCCAIN. I thank my colleagues. It has been a lot of fun. I yield the floor.

Mr. BAUCUS. Mr. President, if I may, I ask unanimous consent that we extend for an additional hour the period for debate only with no further amendments or motions in order during the hour; and that the time be equally divided between the two sides, with the Republicans controlling the first 30 minutes and the majority controlling the second 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. I believe there is 3 minutes remaining on the first block, on the majority side?

The ACTING PRESIDENT pro tempore. There is 2 minutes 20 seconds.

The Senator from Ohio is recognized.

Mr. BROWN. Mr. President, I ask unanimous consent to be added as a cosponsor to the Coburn amendment No. 2789 requiring all Members of Congress to enroll in the new public health insurance option. I wish to add my name to Senator COBURN's amendment. Seventeen years ago when I first ran for Congress I promised I would pay my own health insurance until Congress paid health insurance for everyone. I have paid out of my pocket since then. I look forward with great eagerness to joining the public option as soon as it is available.

Mr. BAUCUS. Mr. President, I think I will use my 2 minutes 20 seconds.

The ACTING PRESIDENT pro tempore. And 15 seconds.

Mr. BAUCUS. OK. I want to make three basic points. The Senator from Arizona talks about, gee, all these Medicare Advantage plans have dental and vision coverage. He goes on to say, so do Members of Congress.

The fact is that is not automatically true. The fact is Members of Congress choose among various private plans. Some plans offer dental and vision, some do not. Aetna is a company that Members of Congress could choose from under FEHBP and others that Members of Congress can choose from. Those do provide dental and vision coverage. But there are others—I think Blue Cross and Blue Shield does not provide dental and vision coverage.

I make that point because this is exactly what we are trying to set up in these exchanges. People could participate in the exchanges, where they would buy private coverage and they could choose among various private plans which coverage they want. Do they want a plan that covers dental and vision, or not? That is exactly what we are trying to do in the exchange, as is the case for Members of Congress. Medicare Advantage plans do provide dental and vision. I think that is great.

I see my time has expired. At the appropriate time I wish to go into greater detail and explain why what we do in this bill I think makes eminent sense.

The ACTING PRESIDENT pro tempore. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I yield myself such time as I might take. I don't think I am going to speak more than 6 or 7 minutes, for the benefit of my colleagues who may want some of this time.

I want to tell my colleagues why I am supporting the Hatch amendment. In my home State of Iowa there are 64,000 seniors enrolled in Medicare Advantage. These are seniors who have

come to rely on lower cost and particularly additional benefits that Medicare Advantage provides, as opposed to traditional Medicare. Yesterday I came to the floor to point out that my colleagues on the other side of the aisle are playing word games to cover up the fact that they are raiding Medicare, cutting benefits by 64 percent for these 11 million seniors who have chosen voluntarily to go on Medicare Advantage as opposed to traditional Medicare. Let me repeat: This bill cuts Medicare benefits, or let's say raids Medicare, by 64 percent for 11 million Medicare beneficiaries.

My friends on the other side of the aisle keep saying they are not cutting and they use these words, "they are not cutting guaranteed benefits." But this is not even the case. Because we have this new independent Medicare advisory board that is set up in this legislation, it is given very specific authority to cut payments to Medicare Part D. This will result in higher costs and less guaranteed benefits for Medicare beneficiaries enrolled in Medicare Part D.

But I want to leave that debate for later. I want to visit with my colleagues now about Medicare Advantage. Mr. President, 64,000 seniors in Iowa and 11 million seniors nationwide do not care about the gobbledygook type words we use here in town, as legal as they are—"guaranteed benefits" on the one hand and the words "additional benefit" on the other hand. In other words, guaranteed benefits or, as the other side wants us to believe, somehow additional benefits provided under Medicare.

I say that is Washington nonsense. I want to bring a little bit of Midwestern common sense to this debate. Our constituents want to know that Congress is not cutting Medicare benefits they have come to rely upon and that would include, under Medicare Advantage, dental care, eyeglasses, hearing aids, and other additional benefits provided by this program that they voluntarily chose, Medicare Advantage.

I know that to be the case. I have at least 1,000 letters I have received since last summer on this point. But I want to read one from Miss Purificacion S. Gallardo of Iowa City, IA.

I am writing to urge you to oppose cuts to Medicare Advantage. . . . This plan was a great help to me when my late husband, who passed away in May, was hospitalized. . . . I was able to afford to pay the hospital without going bankrupt. We seniors who live on a fixed income depend on our benefits from Medicare Advantage. I am retired and don't know how I would have managed without [Medicare Advantage].

Some of my colleagues on the other side of the aisle don't want seniors, even people such as my constituent from Iowa City, Ms. Gallardo, to know that this 2,074-page bill is cutting their benefits. Because the other side will say they are simply cutting so-called

overpayments to Medicare Advantage plans. That doesn't make any difference to Ms. Gallardo. They fail to mention, 75 percent of these so-called overpayments must be spent for additional benefits—not only free money for a company to use or free money that benefits a Medicare Advantage recipient without any concern about what it costs—75 percent of these payments must be spent for additional benefits. Then where does the rest of it go? The rest of it comes back to the Federal Treasury. Cuts to these Medicare Advantage payments are, in fact, cuts in Medicare benefits.

I am more than happy to have a debate on how to reform Medicare Advantage payments. We should always be looking for ways to make payments more efficient. But the solution is not to cut benefits by 64 percent, on which seniors have come to rely, to fund an entirely new entitlement program this country can't afford. At a time when seniors are in the midst of the biggest economic crisis since the Great Depression, we should not be debating a bill that forces them to spend more money on health care, and that is exactly what this 2,074-page bill will do. Seniors who lose their Medicare Advantage as a result of this bill may be forced to buy a Medigap plan to fill in all the holes in traditional Medicare. That is why more low-income seniors enroll in Medicare Advantage. The so-called overpayments my colleagues on the other side of the aisle keep decrying help fill in the significant cost sharing and premiums that exist in traditional Medicare.

This bill will force low-income seniors, who pay little to nothing under Medicare Advantage, to come up with \$175 per month to buy a Medigap plan. That doesn't sound like that is a very good way to help seniors. That sounds like this bill is paying for an entirely new entitlement program and paying for it, quite frankly, on the backs of 11 million Medicare beneficiaries.

I support the Hatch amendment. Let's take the \$120 billion in Medicare Advantage cuts back to the Finance Committee and find a way to improve the program without hurting 11 million seniors.

I yield 5 minutes, as the manager on this side, to Senator HUTCHISON.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I appreciate what the distinguished Senator from Iowa has discussed. I specifically liked the fact that he is relating this to where we are today. Sometimes it seems as though we are in a vacuum, not realizing how stretched people are right now. We are in a time of joblessness, people are worried about keeping their jobs, worried about having lost their jobs, where they are going to get their health care. We have seniors who are stretched because they are not able

to earn income. We are in a distressed time. There is no doubt about it. To talk about cutting Medicare by almost \$500 billion is astounding. I am concerned about hospitals. We talked for the last 45 minutes about the cuts to benefits—the hearing aids, the dental work seniors need, the eye care seniors need.

What about the cuts to care provided in a hospital? Hospitals that treat a large share of low-income seniors get an extra payment from Medicare. Medicare already makes reduced payments to providers, to doctors but also to hospitals, to hospice, to nursing homes, and home health agencies for senior services. And yet proposed is a cut of almost \$500 billion. All of these serve our seniors in such great ways. Look at the cuts, almost a \$½ trillion over 10 years. This is not sustainable. We cannot take away from Medicare, cut services, cut reimbursements to providers. What is going to happen to a hospital? What is going to happen to a hospital in a rural area, especially that is barely hanging on right now because they are trying to make ends meet in a more expensive treatment area and they lose the added payment that would make them whole in the treatment of low-income seniors?

The Texas Hospital Association estimates that \$2 billion will cut in payments to hospitals for treating a large volume of low-income Medicare patients, \$2 billion out of our economy. Mr. President, 254 counties in Texas, more than one-fourth, do not even have an acute care hospital within their boundaries. With these kinds of cuts to rural hospitals, we are talking about losing more hospitals. There is no doubt about it. They are already struggling. Why would we pay for health care reform on the backs of our senior citizens? Why would we take away a program they have that is tailored for their needs in order to pay for another big government program that is going to cost \$2.5 trillion, most of which is going to be added to the deficit, added to the debt, and we are already hitting the ceiling of the debt at \$12 trillion? We are in a very tough financial time. We are in a time that is hard for people who have lost jobs, hard for seniors stretched to make ends meet, hard for hospitals serving seniors and not getting paid the full cost of the treatment. Yet we are talking about cutting these services.

Of the \$135 billion in Medicare cuts to hospitals, \$2 billion is for the reimbursement rates that will no longer be making hospitals whole. I went to the major medical centers in Texas—in Dallas, Houston. Then I went to rural areas. It is the topic of conversation. Anyone who is dealing with a hospital in a rural area, they are all saying: What are you doing?

Of course, we are not doing anything. We are fighting these health care cuts.

But we have to make sure they know what is happening so we can achieve that result.

I understand my time has expired. I think the Senator from Oklahoma has the rest of the time on our side.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I thank the Senator from Texas. I yield myself the remainder of our time, which I understand is until 10 after the hour.

I wish to talk about taxes, which is our subject, and in a different way than others did. The stated purpose of the Democrats' health care proposal is to do two things: lower cost and increase coverage. This bill is a miserable failure on both counts. Under the plan, premiums are expected to increase, as a result of new taxes, new regulations, and restrictions. In general, you are going to pay more for your health insurance thanks to the Democrats' 2,000-page bill. This is in direct contradiction to the stated goals of the bill itself. I will be specific about that in a moment.

The second issue is coverage. Again, we find a miserable failure. The most often cited number of uninsured Americans is 47 million Americans. I saw some interesting numbers in a Washington Post opinion piece the other day which kind of ranks out the uninsured and how they are broken down. This is very significant. Of the 47 million, 39 percent reside in the five States of California, Florida, New Mexico, Arizona, and Texas. Those are our border States. Indeed, it is estimated that 9.1 million of the 47 million are illegal immigrants, people in this country illegally. Secondly, of the 47 million, 9.7 million have incomes above \$75,000 and choose not to purchase health insurance. This bill would solve that issue by using the coercive power of the Federal Government to force citizens to allocate their resources in a manner that meets the approval of bureaucrats in Washington and of politicians. The bill makes it a crime not to have health insurance. If you don't get it, you get taxed.

Lastly, a total of 14 million of the 47 million are currently eligible for current government programs—Medicaid, Medicare, SCHIP, and so forth—and choose not to sign up. If you do the math, that reduces that 47 million down, if you take out the illegals and the others for the reasons I stated, to about 14 million. So this, by and large, is what people are talking about when they mention the 47 million uninsured Americans. These numbers shed some interesting light on the composition of the number of uninsured Americans that gets thrown around. President Obama, interestingly, uses a different number. He doesn't use 47 million. He uses 30 million. I think he wants to avoid the immigration issue, and it is

probably wise of him to do so. He doesn't want to be accused of giving rich benefits to people who are here illegally. I noted, with great interest, the CBO's estimate of the number of Americans who will not have health insurance, even if this bill were to be enacted over the wishes of the majority of the American people, 24 million. This bill still leaves 24 million Americans uninsured, after spending \$2.5 trillion to do just that, while at the same time making health care more expensive for the rest of us.

I hear the other side often throwing numbers around without any documentation. I use the CBO and other nonpartisan, credible sources so we can avoid doing that. President Obama wants to spend \$2.5 trillion in new health care promises at a time when the country can't afford the promises we have already made, and we have a record 1-year budget deficit which, by the way, means that 47 cents out of every dollar the Federal Government spends this year is borrowed. In 10 years, 16 percent or nearly \$1 out of every \$5 the government spends will be spent solely on interest payments on the debt. President Obama's budget doubles the Federal debt in 5 years and triples it in 10 years. We have talked about this on the floor. I don't think there is disagreement.

On top of this, we face \$67 trillion in unfunded liabilities from our current entitlements of Social Security, Medicare, and Medicaid. This health care plan layers yet another unaffordable entitlement on top of Medicare and Medicaid and Social Security and the other entitlements we have, all in a system that is already crumbling. It seems to me this bill is exactly what the American people do not need. That is why most Americans are reporting that this bill is something they do not want at this time or ever. I think it is common sense.

Reading through the legislation, one is struck by the myriad of ways this bill raises taxes on America's citizens—from job-creating small businesses, to middle-class families. I count about a dozen of them, adding up to about \$500 billion in tax increases over the next few years—\$½ trillion in new taxes. So everyone should get ready to pay a higher health care bill and a higher tax bill should this measure become law.

Some might be inclined to say: But President Obama promised he would not raise taxes. That was, indeed, a campaign promise of the current administration, that no one making under \$250,000 per year would see their taxes go up.

Let me just go ahead and quote that. This is what President Obama said during the campaign:

I can make a firm pledge . . . no family making less than \$250,000 will see their taxes increase—not your income taxes, not your payroll taxes, not your capital gains taxes, not any of your taxes.

So we started analyzing this bill, and guess what we found out. When the bill is fully enacted, the nonpartisan Joint Committee on Taxation—keep in mind, I am quoting sources here that are credible sources and nonpartisan sources—the Joint Committee on Taxation found that, on average, individuals making over \$50,000 and families making over \$75,000 would see their taxes go up. Let me repeat that. Individuals making over \$50,000 and families making over \$75,000 would have their taxes go up under this bill. Indeed, according to the Joint Committee on Taxation, 42 million middle-class families and individuals—those making less than \$200,000, on average, will pay higher taxes in this bill. President Obama's health care reform bill currently under consideration in the Senate raises revenues to a large extent on the backs of middle-class Americans despite Candidate Obama's pledge not to do that.

So let's look at some of these instances where we get taxed. I am getting this, again, from the Joint Tax Committee and from CBO. If you have health insurance, you get taxed. According to the nonpartisan Congressional Budget Office, new excise taxes applied to health insurance providers will end up taxing the beneficiaries. This tax also has the effect of increasing premiums as well. So you are double-taxed on this deal.

Now, that is if you do have health insurance. What if you do not have health insurance? You still get taxed. Under this bill, you get taxed if you do not carry health insurance, as a penalty. Where does this burden fall? You guessed it: middle-class Americans. CBO has said that half of the Americans affected by this provision make between \$22,800 and \$68,000 for a family of four. That is middle-class America.

If you take prescription drugs, you get taxed. That is another area. According to the JTC and CBO, new taxes in the bill applied to the provision of prescription drugs will end up raising the cost of those drugs. So you are taxed again.

If you happen to need a medical device—this is something I am really sensitive to, and I have not heard much discussion of this issue on the floor so far. It is a difficult thing. I was talking to Senator ENZI. He said people do not really know what medical devices are. The stents—these are things that are available here in America. You cannot find them in many of the other countries. So if you need a medical device, you get taxed. If you have high out-of-pocket medical bills, you get taxed.

My son-in-law, Brad Swan, installs pacemakers and defibrillators. This morning, I was talking to him, and he told me what happened last night. He said that at 1 o'clock in the morning, they got a call to go out to the emergency room of St. Francis Hospital in

my city of Tulsa, OK, and they had an 8-year-old boy who had no heartbeat. He was born with congenital heart disease. He put in a pacemaker at that time, and he was perfectly healthy in the morning. I think most doctors would agree that without it, that child would not have lived. My older sister Marilyn faced a similar situation 9 years ago. She is alive today. She is healthy today. She would not be alive today without it. That is how serious this is.

Dr. Stanley DeFehr is from Bartlesville, OK. I talked to him this morning about this, about the significance of the medical devices. I am going to quote his answer. I wrote it down. He said:

The decision of who needs a pacemaker could be complicated, particularly the decision to put in a pacemaker on someone we might consider quite elderly. But it's a false economy to deny putting one in because of their risk of falling (breaking a hip or shoulder). In the case where they fall, the costs become quite high. The cost of a pacemaker pales in comparison to the cost of a stroke or multiple fractures.

A pacemaker, by the way, costs about \$5,000 and lasts about 10 years. That is \$500 a year—not a bad deal. So I think this is a quality-of-life issue that we could lose with the Democrats' government-run health care schemes.

So those are some examples of what we can do to pay higher taxes under this bill. If you have health insurance, you pay higher taxes. If you do not have it, you pay higher taxes. If you purchase a medical device, you have higher taxes. If you pay your own medical bills out of your pocket, you have higher taxes. If you take prescription drugs, you have higher taxes. All of these activities are taxed mercilessly under this legislation.

I want to turn now to examine one tax provision in particular that I find strikingly dishonest, damaging, and expensive to the taxpayer. It is an additional Medicare payroll tax that is in this legislation, and it is a perfect example of how this bill is going to tax you. You have to go into the bill to find these things. There are clandestine taxes in the bill that will hit you when you do not expect them to.

Basically, the bill says that people making \$200,000 a year are going to pay an additional payroll tax called the hospital insurance payroll tax that raises over \$53 billion. Keep in mind, this is above the taxes we are already paying. They are getting these people at \$200,000. You might think that is a lot of money. But there is a catch to this. They did not index it. So if you do not index the \$200,000, then a period of time goes by, and it is far less than the amount it sounds like today. In fact, I would say in 10 years from now that \$200,000 would pretty much fit a lot of the middle-income people in America. So there is this increase with an additional Medicare payroll tax in this bill

that raises \$50 billion. It is not indexed, and we know how that is going to extend to other people now.

I remember Candidate Obama making a firm pledge not to raise taxes on middle-class Americans. However, this health care reform bill before us breaks that pledge on numerous occasions. But it is not unlike the new taxes which will be imposed on other measures the Democratic Congress and President Obama would like to enact. I just mentioned the \$500 billion in new taxes this health bill raises.

There is another tax in another program going on, which I have talked about on this floor many times; that is, the cap and trade. That is still on the floor. That could come up at any time. Of course, that is not something that would be \$500 billion over a 10-year period; that would tax the American people in excess of \$300 billion every year.

I have quoted as my sources the Wharton School of Economics, MIT, CRA, and others that have done evaluations. So it is not just this bill, even though this bill is what we are talking about today; we still have the problem of other legislation being promoted by the President and by the Democrats here.

The Obama administration's own Treasury Department estimated that cap-and-trade legislation would cost each family in America \$1,761 a year. It is much more than that in heartland America. In Oklahoma, it would be closer to \$3,300 a year. So we are talking about some very large tax increases.

But, again, back to the health care bill, I noted earlier that the government-run health care system, as proposed by the President and by the Democrats, is expected to cost \$2.5 trillion on top of the already exploding record deficits. This bill will increase payments we make on our country's ever-exploding Federal debt. This Democratic Congress's agenda clearly includes more tax on Americans. They may be hidden, but they are there. It is disingenuous. It is costly. It is another reason this bill should not be passed by the Senate. I say "another." The other and the main reason is that a government-run health system does not work. I yield the floor.

The PRESIDING OFFICER (Mr. BURRIS). The Senator from Montana.

Mr. BAUCUS. Mr. President, I understand we are now under the order where there is a half hour allocated to the majority side; is that correct?

The PRESIDING OFFICER. That is correct. The Senator has 30 minutes.

Mr. BAUCUS. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I just want to help people understand this legislation. I am sure many do, but I am sure there are some who do not

with respect to the choices people will have.

We have a uniquely American system of health care in America. It is roughly half public, half private. The goal of this legislation is to retain what we have; that is, basically have that same balance of public and private. It has worked pretty well for America. It is uniquely American. We are not Canada. We are not Great Britain. We are not Switzerland. We are the United States of America. I think it is good to build on our current system and make our current system work better.

I am prompted to explain the choices, in part by the statements by the senior Senator from Arizona, who said Medicare Advantage plans enable people to get eyeglasses and dental care. And that is true. But he went on to say that, gee, shouldn't Members of Congress, who like all that and want to keep all that—that Members of Congress get free dental and free eyeglasses. Well, that is really not true. Members of Congress do not get that. But it is true Members of Congress participate in—all Federal employees, Members of Congress, people in the Forest Service, people all around the country—all Federal employees participate in the same system. It is called FEHBP. It is the Federal Employees Health Benefits Plan, where Federal employees and Members of Congress, all together, the same, can choose among many different private health insurance plans. There is an open enrollment season—in fact, we are in the midst of it right now—where Members of Congress and all Federal employees can look to see if they want to choose a different insurance company or not. Some of those companies do provide dental and vision coverage. Some do not. So if a Federal employee wants to choose a plan that covers dental and vision, he or she can do so. Just pay the premium, and you are covered with dental and vision.

We are setting up under this legislation an exchange that is very similar—almost identical—to the FEHBP, where people who do not have health insurance can go look on the exchange and choose, among private companies, which one makes the most sense for them. Some may have dental, some may have eyeglass coverage, some may not. That is just a choice people can make.

In addition to that, there is even more choice, because currently a Federal employee does not have to join FEHBP. A Federal employee can choose not to get health insurance if he or she does not want to or maybe they get it through their spouse someplace else. The same can be true with the exchange set up in this legislation. The person could buy among different competing private plans that offer health insurance on the exchange or a person can go outside the exchange because he

or she thinks they can get a better deal, if that person wants to.

So I just want to make it clear that we are encouraging choice. We are encouraging competition. And I might say that under the legislation, Members of Congress who fully participate in this will be coequal with others. If there is a private option, Members of Congress can participate in that as well. In fact, we are requiring Senators and their staffs—they do not have to participate in the exchange, but it is certainly available to them, and they can opt out if they want to.

Let me just say a little bit about Medicare Advantage. What does MedPAC say about Medicare Advantage? Several years ago, Congress established an advisory board that is now called MedPAC to advise them on how Medicare should pay providers in traditional fee for service and private health insurers in Medicare Advantage. Again, Medicare Advantage is with private companies. They have executives. They have stockholders. They are private companies. MedPAC advises us how much Congress should pay MedPAC and other Medicare providers in traditional fee for service. It is an independent agency. Its experts are nonpartisan, highly respected.

Each year, they send a report to Congress that examines issues in Medicare. Here is what MedPAC had to say about the current state of Medicare Advantage in its 2009 June report. I am going to quote now from this independent advisory panel:

First, we estimate that in 2009 Medicare pays about \$12 billion more for enrollees in Medicare Advantage plans than it would if it were fee-for-service Medicare.

Second:

Current high payments have resulted in some plans that bring no innovation but simply mimic fee-for-service Medicare at a much higher cost to the program.

In other words, they are saying that Medicare Advantage plans get paid for a lot more but with no innovation compared to the fee-for-service Medicare.

MedPAC says:

This situation is unfair to taxpayers and beneficiaries not enrolled in Medicare Advantage who subsidize the higher costs.

Well, that is pretty obvious.

In addition, MedPAC goes on to say:

The excessive payments encourage inefficient plans to enter the program, further raising costs to Medicare.

There are so many dollars currently given to Medicare Advantage plans, according to MedPAC, that encourages inefficient plans to enter the program. Why not? They are getting all of this extra money.

Further quoting:

The cost of Medicare Advantage subsidies is borne by taxpayers who finance the Medicare program and by all Medicare beneficiaries via Part B premiums.

Or to say it differently, about 78 percent of Americans who are not in Medi-

care Advantage plans are paying, in effect, a \$90-per-year tax for which they get no benefit which goes into the Medicare Advantage plans.

In addition:

The Part B premium for all beneficiaries is increased by about \$3 a month, regardless of whether you receive the benefit.

A couple of more quotes from MedPAC:

The additional Medicare Advantage payments hasten the insolvency of the Medicare Part A trust fund by 18 months.

That is an interesting statement. The additional payments hasten the insolvency of the Medicare Part A trust fund by 18 months.

Going with quotes from MedPAC:

Although many plans are available, only some are of high quality.

In addition, continuing the quote:

Only about half of the beneficiaries nationwide have access to a plan that CMS rates as above average in overall plan quality.

This is what MedPAC says. That is the nonpartisan expert that helps advise Congress on what reimbursement levels should be.

We have heard day after day that this bill is cutting Medicare benefits for our seniors. When my colleagues on the other side of the aisle realized this bill does not cut, reduce, ration, or eliminate a single guaranteed benefit, they turned their argument to Medicare Advantage. I think they finally recognize there are no guaranteed benefits cut in this legislation, so they turn to Medicare Advantage. They argue that the efficiencies and savings achieved by ending billions of dollars of overpayments to these private plans will either end the program or dramatically cut services to beneficiaries.

But let's just look at the numbers. I have a chart behind me. This chart shows the yearly spending for Medicare Advantage in billions of dollars. So you can see from the chart that in the year 2009, \$110 billion will be spent on Medicare Advantage plans. That is the far left. Moving to the right, 10 years later, in the year 2019, about \$204 billion is spent. So if we total it all up, about \$1.7 trillion will be spent on Medicare Advantage plans over the next 10 years.

You see that little—what color is that? It is kind of orange, it is kind of an interesting sort of red—whatever it is, at the top of that chart. That represents the reduction in Medicare Advantage plan payments under this legislation. It is not very much, as you can tell by looking at the chart. It averages out, I think, to around a 10-percent reduction in Medicare Advantage payments.

So when we see these big crocodile tears, and we hear Medicare Advantage is being cut; when we hear all of these dramatic statements that so much is going to be taken away from seniors because Congress is cutting Medicare Advantage, the fact is, we are reducing

the rate of increase in Medicare Advantage payments by only about 10 percent, and under this legislation about \$1.7 trillion will be spent on Medicare Advantage plans. Remember, MedPAC says these are overpayments. MedPAC says this 10 percent reduction is what they should be paid.

Remember, too, these are private plans. These are private companies. It is not Medicare. These are private companies receiving these payments, and they are insurance companies. It is interesting to me that a lot of Members of Congress aren't too wild about insurance companies. Well, Medicare Advantage companies are insurance companies. That is what they are. They are private insurance companies. They are private insurance companies. They have their private insurance company chief executive. They have their private insurance company officer. They have their private insurance company stockholders. They have their private insurance company administrative costs and marketing expenses. They are private insurance companies. That is what they are. So we should not lose sight of all of that.

I wish to also point out that as private insurance companies, these Medicare Advantage plans are doing pretty well. Let me quote from an Oppenheimer Capital analyst in a November 12 report about Medicare Advantage plans. He said:

Between 2006 and 2009, we estimate that Medicare Advantage accounted for nearly 75 percent of the increase in gross profits among the larger plans in the industry, highlighted by an estimated gross profit increase of \$1.9 billion in 2009, relative to commercial risk earnings gains of nearly \$600 million.

Commercial risk earnings gains are the ordinary health insurance companies, but 75 percent of the gross profit increase was under Medicare Advantage plans, not traditional health insurance.

I might say, too—I don't have the papers; maybe I can find them. It is worth noting, it underlines the point that these are private companies. It is not traditional Medicare.

Here it is. Because it is interesting, let's look at the compensation of these insurance company executives of these Medicare Advantage plans, the CEOs. The total compensation of a CEO at Aetna is \$24 million a year. The total compensation of the CEO at Coventry is \$9 million a year; at Wellcare, \$8 million; at Humana, \$4.7 million a year; and at United Health Care, \$3 million. Now, people should be able to make some money and officers of companies should be able to do OK, but here we are talking about very high salaries that these insurance companies pay to their top executives. Frankly, if there is a 10-percent reduction in the \$1.7 trillion over 10 years, they could, you would think, take some of that 10 percent maybe in salary reduction or dividends to stockholders, make other cost

savings. It doesn't have to come out of the beneficiaries. It is they, the executives, who are making these decisions of where the 10-percent reduction is allocated.

Bottom line, I just wish to say I am not opposed to Medicare Advantage plans. Frankly, I think it is good we have Medicare Advantage plans. Medicare Advantage plans provide the competition to Medicare. They help keep the system on its toes. But we have an obligation as Members of this Senate to the taxpayers and to seniors to cut waste and to cut overpayments in a way that does not harm beneficiaries. These are reductions recommended to Congress by the best advisory board of experts we could find. They didn't just come out of thin air and Members of Congress thought this up. This was recommended to us by the MedPAC advisory board.

Second, there is no reduction in guaranteed benefits to seniors. That is absolute. There is no reduction in guaranteed benefits to Medicare Advantage participants. So A, we are being fair. This chart shows it. We are trying to find the right level of reimbursement set up in a way so there is no reduction in beneficiaries' benefits. In fact, in this legislation, we add more benefits for Medicare participants, Medicare Advantage, as well as traditional fee-for-service Medicare. I might add in this legislation we give an increase to Medicare Advantage plans that show demonstrated improvement in quality.

As I mentioned, MedPAC said a lot of these plans are totally inefficient. A lot of these plans have no coordinated care. A lot of these plans don't have any quality, but they get the extra money. So we are saying let's get to a compensation level that is fair. We do it on a competitive bidding basis, take the average bid for an area, and we also say let's make sure there is no reduction in guaranteed benefits at the same time. I think that is a responsible thing to do.

So all of these arguments, these sound bites, frankly, that you hear from the other side of the aisle are just that, they are sound bites. They are not the honest analysis of what is going on.

So I encourage us to keep in mind, keep in perspective what we are doing so we can help provide a better health care system for our country. This is only one part of it. There are many other parts, but this is just this one part.

How much time do we have remaining, Mr. President?

The PRESIDING OFFICER. There are 13½ minutes.

Mr. BAUCUS. I see Senator DODD is on the floor. At this time I yield to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, first, I wish to thank our distinguished

chairman of the Finance Committee for debunking what has just been said on the Senate floor by our colleagues on the other side of the aisle, laying out the facts of what is and is not happening with Medicare Advantage. I wish to build on that as well.

I would encourage anyone who is interested to go to the Web site of AARP, one of the organizations we know to be champions for seniors, and take a look at what they say about the myth that health care reform will hurt Medicare. They lay out several things. One is:

None of the health care reform proposals being considered by Congress would cut Medicare benefits or increase your out-of-pocket costs for Medicare services.

Then, just this week, in supporting our efforts, they have put out a statement, a letter, and at the end, again, they reiterated:

Most importantly, the legislation does not reduce any guaranteed Medicare benefits.

I find it interesting that a few years ago our colleagues quoted AARP all the time when we were debating the Medicare prescription drug bill—I would guess that every single one of our Republican colleagues used their support in putting forward their bill—and now they are trying to disparage AARP, which is a very credible organization, because they don't agree with what AARP is saying. But I think the millions of people who belong to AARP will be listening to what they are saying about the fact that we are not, in fact, cutting the guaranteed Medicare benefits.

In addition to that, we have the Alliance for Retired Americans and the National Committee to Preserve Social Security and Medicare all saying they support what we are doing and they have debunked the Republicans' scare tactics point by point.

So what is happening here? The reality is that colleagues on the other side of the aisle, since the inception of Medicare, have been fighting even the existence of Medicare. It was Democrats and a Democratic President in 1965 who passed Medicare over their objections. The same arguments we are hearing today, we heard then. Now everyone sees that Medicare is a great American success story. But we have seen so many efforts.

In the 1990s, when I was a Member of the House, Speaker Gingrich said in his Contract With America in 1994 that they wanted to come in and change Medicare, they couldn't directly do it so they would do it through the back door and let it "wither on the vine"—those famous words that we heard at that time in terms of trying to privatize Medicare, which is what I believe Medicare Advantage really is.

Then, recently, in the debate on the floor of the House of Representatives, we had 80 percent of the House Republicans support an effort to do away with Medicare at all, as we know it, as

a guaranteed benefit. Instead, give vouchers to seniors to buy from private for-profit insurance companies. We know the reality of this. This is about the for-profit insurance industry that right now is receiving overpayments. Whether it is the CBO or MedPAC—any analysis will say they are receiving overpayments right now, and we are trying to ratchet that back.

What is happening? Why should folks care? Of course, taxpayers care about overpayments. We have maybe 15 to 20 percent of seniors right now who are in the Medicare Advantage Program. We have been told by the Budget Office that 80 to 85 percent will see their premiums go up to pay for overpayments to for-profit insurance companies. That is not fair. The vast majority of seniors and people with disabilities would see their premiums go up under Medicare to pay for for-profit insurance companies that try to get a piece of the action under Medicare.

Secondly, we know the Medicare Advantage Program, as the chairman has said, and in reading the report, has actually made the solvency of the Medicare trust fund worse. It is going to run out of money sooner if we don't stop these overpayments. Our legislation, rather than having it run out of money 18 months earlier, will increase the solvency by 5 years. We are committed to increasing and continuing the solvency of the trust fund and protecting Medicare for the future. We believe it is a great American success story. We are proud that Democrats were the ones who created Medicare, with a Democratic President. We are proud that it is Democrats now who are coming forward to be able to make sure we protect Medicare for the future.

What is happening here is that we are seeing a variety of stalling tactics, a variety of efforts on the other side not only to stop us from moving forward on health insurance reform, but efforts time and time again to protect the for-profit insurance companies.

For the record, I want to read to you the list of Medicare benefits everyone receives now, which will continue regardless of this—whether we cut back on some of the profits of the for-profit insurance companies: inpatient hospital care and nurses; doctor office visits; laboratory tests and preventive screenings; skilled nursing; hospice care; home health care; prescription drugs; ambulance services; durable medical equipment, such as wheelchairs; emergency room care; kidney dialysis; outpatient mental health care; occupational physical therapy; imaging, such as x rays, CT scans, and so forth; organ transplants, and a "welcome to Medicare" physical.

They are all covered now and will be covered under this legislation. The difference is we are going to take the overpayment to the for-profit insurance companies and put it back into



Medicare to reduce the cost of prescription drugs, which has become the infamous doughnut hole, the gap in coverage. We will begin to close that by taking the excess profit for the for-profit companies and putting it back into Medicare. We are going to reduce the premiums seniors pay for drugs and medical care and eliminate copays so that people can get preventive care without a fee, and we are going to strengthen Medicare for the future.

I will wrap up by saying this: This legislation, in total, is about saving lives, about saving money, and about saving Medicare. We admit our goal is not to save the profits of the for-profit insurance companies. We are guilty of that. We are focused on making sure Medicare is strong, vibrant, and solvent for our future generations, as well as our seniors today. By the way, we are going to make sure we are saving lives and money in the process.

I strongly urge us to oppose any effort that is put forward that would be done in the interest of the insurance industry and at the expense of seniors in America. That is what these efforts to commit are all about. I hope we will reject them.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, let me, first of all, commend our colleague from Michigan, who is a member of the Finance Committee and has been a stalwart defender of the traditional Medicare Program and of our elderly not only in her State but around the country. She has offered, I think, some very cogent and worthwhile information this morning once again on this subject matter.

We keep going around and around in this debate. It is a little frustrating because we are talking about basically whether we are going to limit to some degree the profits of some private insurance companies that are under the rubric of something called Medicare Advantage. Again, these are private companies that are receiving subsidies, supported by Medicare beneficiaries and the taxpayers of this country. We are not talking about eliminating Medicare Advantage but rather—we had a big chart a few minutes ago. We will get it in a few minutes. It shows we are not eliminating the program, we are restraining profit growth in the program.

We are rewarding Medicare Advantage in the bill, as the chairman pointed out. Based on performance and quality, we actually give bonuses in Medicare Advantage—contrary to the arguments you have heard by those who are heralding Medicare Advantage, despite the fact that the very companies who argued for it to begin with, promised they were going to prove how they could reduce costs and be more efficient. In fact, today, it is quite the opposite. Right now the government pays

these Medicare Advantage insurance companies \$1.14 to do the same thing for seniors that Medicare does for \$1. That is basically, on average, what it amounts to.

The question is, can we reduce the cost of the overpayments, which are basically ending up in the pockets of insurance companies? There is nothing wrong with profits in private companies, but let's declare them what they are. This is not traditional Medicare. They are private companies that are anxious not only, I presume, to provide benefits to their beneficiaries, but they are also looking to make a profit. There is nothing wrong with that, but since the premiums were set by statute, and we have an obligation to try to keep our costs down, we are trying to do so because the promises that were made have not been kept. The costs are vastly exceeding the promises made.

The amendment we are going to hear about from our friends on the other side is nothing more than a recycled compilation of some of the "greatest hits" we have heard: stalling with arcane obstruction tactics, while standing up for some of the private companies—and I have no objection to standing up for private companies that do a good job, but when you do so at the expense of scaring seniors with baseless claims, then I do object. That is what is going on here because, quite frankly, today almost 80 percent of our elderly are paying \$90 a year in additional premium costs, without getting any benefit from it whatsoever, to provide benefits under the Medicare Advantage Program. That is not equitable. The 80 percent of our elderly need to know that they are being disadvantaged by this.

What the Finance Committee, under the leadership of MAX BAUCUS, is trying to do is bring some equity back into this. He pointed out—and it deserves being repeated—that nothing in the bill does away with Medicare Advantage. We are trying to get it back to a sense of reality and not, again, disadvantage 80 percent of our seniors.

Right now, there is Medicare "disadvantage"—that is what it ought to be called, because that is what it does—disadvantages. Why should 80 percent of the elderly in this country pay higher premiums, with no benefits, at the expense of the 20 percent who are going to get some small advantage under this—but very little, because most of it ends up in profits. I will tell you why that happens in a minute.

To make my point, according to the Oppenheimer Capital analyst Carl McDonald, in a report issued a month ago:

Between 2006 and 2009, we estimate that Medicare Advantage accounted for nearly 75 percent of the increase in gross profits among the larger plans in the industry, highlighted by an estimated gross profit increase

of \$1.9 billion in 2009, relative to commercial risk earnings gains of nearly \$600 million.

I know the chairman of the Finance Committee made that point. Seventy-five percent of the increase in gross profits came from the Medicare Advantage plans. These profits come out of the pockets of the American taxpayer because of the subsidies and, of course, the Medicare beneficiaries who are paying those extra dollars every year, without receiving any of the benefits at all. Our bill will protect and strengthen Medicare and extend the life of the trust fund, as you have heard over and over again. That is not a fact to dispute. That is a fact. We extend the life of the Medicare Program. Part of the way our bill adds to the use of Medicare is to eliminate wasteful overpayments. These are overpayments far beyond what was anticipated when the program was written.

As I mentioned a moment ago, the government pays insurance companies in the Medicare Advantage Program \$1.14 to do the very same things for seniors that traditional Medicare does for \$1. So those are the overpayments we are trying to rein in. There is no evidence these wasteful overpayments do anything to improve the care of our seniors. At the same time, they speed Medicare's descent into bankruptcy and raise premiums for all Medicare beneficiaries.

Our bill would end that waste and use the money we save to help seniors pay for prescription drugs by closing the doughnut hole. For the second time in less than a week, our friends on the other side are using these tactics to halt progress completely, fighting for these profits and overpayments that, again, come out of the hide of taxpayers and our elderly.

If you look at this chart, if you extend to 2019, almost 10 years from now, what is the difference between what our bill does and what those who want no change do? The difference is \$20 billion. In the post-reform period, in 2019, it is \$183 billion going to Medicare Advantage. What the opposition wants is to hold it at \$204 billion in 2019. That is \$20 billion. That is the savings we are looking for in order to reduce overpayments and provide those resources to the elderly so they can afford prescription drugs.

If you want to side with these companies—they are still going to make a profit. This will not deprive them of that. The profit margins will be far more realistic and it will reduce subsidies, as well as overpayments being made by the elderly who receive nothing from this program at all.

Let me make my case on this point. Senator STABENOW listed the guaranteed benefits under Medicare. The chairman did it as well. Also, we add benefits as a result of our bill. In addition to the inpatient hospital care, doctor office visits, lab tests, kidney dialysis, emergency care, occupational



therapy, organ transplants—all of these issues—we also do things in our bill that are not available presently. We reduce the size of the Medicare doughnut hole. That is an added benefit that does not exist today. We reduce premiums to pay for drugs and medical care. We eliminate the copays. What an advantage that is here. Ask yourself whether you would like to eliminate copays or watch private companies make an additional \$20 billion in 10 years. Which is the better choice? Ask the overwhelming majority of seniors which they would rather have—an elimination of the copays they are paying today, or continue to provide excess profits for the companies here that have made so much under the Medicare Advantage Program.

Lastly, of course, and most important, we help keep Medicare solvent. People say: Give me some examples on why the differences exist between Medicare and Medicare Advantage. I have a couple of examples from my home State that I think highlight the point. These come from the Center for Medicare Advocacy, or CMA, which is a nonprofit organization, as my colleagues know, that does casework on behalf of individuals who need assistance dealing with Medicare Advantage plans. They provided two cases from my State. I presume most of my colleagues could find cases in their own States.

A woman living in Madison, CT, a shoreline community in Connecticut, had Lou Gehrig's disease, ALS. We are all familiar with ALS. We know the stories people go through with that disease. She was in a Medicare Advantage plan. She was denied coverage for home health care because she was said to be "stable." That was the quote, "she was stable." That is not a valid reason for denial, and she was hardly stable with ALS. CMA, the Center for Medicare Advocacy, had to go to Federal court to get her care covered despite firm written support regarding her medical condition from her doctors.

Here is a woman under Medicare Advantage with ALS being declared by Medicare Advantage "she was stable." Her doctors said anything but the case.

When my friends talk about rationing of care under the present system, here is Medicare Advantage, a private firm, making a medical decision that should have been made between her and her doctor. They eventually got it overturned, but they had to go to Federal court to get it overturned. That would not have happened under Medicare. If she had been under Medicare, she would have gotten that help, no questions asked.

When people say there is no distinction, this is a live case.

Let me give the second one. A woman from Vernon, CT, and her husband traveled to Florida to visit their

daughter living there. When she got to Florida, she fell down and sustained some physical injuries. While being treated at a Florida hospital for her injuries, it was discovered that she had a brain tumor, the reason she had the fall. She had no idea of this beforehand.

The Medicare Advantage plan covered treatment for the fall as an emergency—which Medicare Advantage plans must cover, even out of network, by the way—but not any diagnosis or treatment for the brain tumor.

The woman had another daughter who was a nurse who lived in Utah. So they traveled from Florida to Utah where she went for the cancer treatment for the brain tumor. While undergoing chemotherapy, this woman had a life-threatening reaction to one of the medications from which she almost died. The Medicare Advantage plan denied coverage for all of this care because it was out of network. She was in Utah. They said no, leaving the client and her husband with \$100,000 in bills.

Again, the Center for Medicare Advocacy went to court and battled against this decision. They were successful in recovering \$90,000 out of the \$100,000. This woman is now deceased, but she and her family were left with over \$10,000 in bills, all of which would have been covered under traditional Medicare, but she had gone into a Medicare Advantage plan. In both instances, they would have avoided having to go to Federal court, having to fight as hard as they did, going through the trauma and turmoil. It is bad enough you have to wrestle with cancer or wrestle with a brain tumor, but then you get saddled with \$100,000 in bills and Medicare would have taken care of them. This Medicare Advantage Program disadvantaged her in the process.

These are examples of how private Medicare Advantage does not always operate in good faith. They are not always there when you need them.

There are significant differences between Medicare Advantage and Medicare. With traditional Medicare, you know what services you get.

I ask unanimous consent to have printed in the RECORD a list of services so people can read about it, if people have not already done that.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

No one is removing Medicare benefits. Every senior in America will still get these benefits: Inpatient Hospital Care and Nurses; Doctor's Office Visits; Laboratory Tests and Preventive Screenings; Prescription Drugs; Ambulance Services; Durable Medical Equipment—i.e., Wheelchairs; Emergency Room Care; Kidney Dialysis; Outpatient Mental Health Care; Occupational and Physical Therapy; Imaging (X-rays, CTs, and EKGs); Organ Transplants; and "Welcome to Medicare" Physical.

And under our legislation: Reduces the Size of the Medicare "Donut Hole"; Reduces premiums seniors pay for drugs and medical care; Eliminates copays; and Helps keep Medicare solvent.

Mr. DODD. Mr. President, all medically necessary hospital care and doctor office visits are covered under Medicare. You know you can get these services from any Medicare provider anywhere in the country. Out of network you get this kind of help, whether you are in Utah, Florida, or Vernon, CT, where one woman was from. Medicare would have provided that care. Here she was bouncing around the country and denied one place after another under Medicare Advantage. With traditional Medicare, she would not have had to worry about a private insurance plan playing games with her coverage.

The Medicare Advantage plans run the show. They change the benefits. Cost sharing goes on. This is why Medicare Advantage is not like traditional Medicare. So when people say it is just like Medicare, no, it is not just like Medicare. If you doubt me, then call that family in Madison, CT, or call that woman's family from Vernon, CT. Ask them whether Medicare Advantage is just like Medicare. You will get an earful from them on what they went through.

We should be clear that we are not eliminating Medicare Advantage. Again, I appreciate Senator BAUCUS making this point. It needs to be made over and over again. We are not eliminating it at all. We are reducing payments to private plans and making the system work more uniformly. We actually give bonus payments for care coordination and quality improvements. These plans can use those payments to improve benefits for beneficiaries. So we are hardly eliminating it. We are making it work better.

I have serious reservations about how this plan operates, I will say that, but I would not advocate on the floor of the Senate the elimination of Medicare Advantage. I do want to make it work better, and I do want to cut back when we have overpayments occurring. I don't think it is fair that 80 percent of the seniors in my State or elsewhere are paying \$90 a year extra to cover this program and get none of the help from it and people under Medicare Advantage, who could have been protected, are not because they opted to be in that plan and then found out it is anything but what they thought it was.

We are going to hear these arguments over and over about Medicare Advantage. A little truth in advertising is necessary here. So people understand, it is not Medicare and it is not an advantage, not under the present system, not at all. That is what we have been trying to say over and over again here so people understand.

This is a good bill. This is a solid bill. This took a tremendous amount of work in the Finance Committee, which had the responsibility of crafting these provisions which are highly complicated and very delicate in what they

do. What we have done is preserve and strengthen our Medicare system, expanding benefits for people, eliminating copays, allowing those preventive and screening services to be available to our elderly, seeing to it they will have prescription drugs at lower costs. That is all in this bill. That is a great advantage.

What a tragedy it would be if in these next few days, after all the debate, that we lose all the work that has been done to make these improvements in our health care system.

I commend my colleague from Montana and my colleagues on the committee who worked so hard to put this bill together, this balance together that can make a great difference in people's lives.

I also thank our colleague from Rhode Island for offering his amendment, which we are going to be considering at some point when we get to vote occasionally on some matters here. I hope at some point we get to do that. We have done it a couple of times. There has been over a year of debate and discussion. I think the American people want to see some action.

We think we have a good bill. It is going to take on important market insurance reforms that ensure Americans can get access to health care promised by their insurance plans. It is going to make sure if someone loses his or her job, they can get insurance. It is going to improve the quality of health care and focus our system more on prevention and wellness.

On top of all these things, it is going to reduce the deficit. As we have heard over and over again, CBO is talking about saving \$130 billion in the first 10 years and \$650 billion in the second.

I have to say something. The other day we got the news that CBO said the premiums on the individual plans, the small business plans and the large business plans, are actually going to reduce premiums costs by as much as 20 percent in one area, and 3 percent in another. I would have thought there would be wild applause. Even those who oppose the bill would have said: Isn't this great news? What we got was almost a deep disappointment that CBO gave us a report that people are actually going to save money under this bill. All of a sudden they attack CBO because they did not like the results coming out of CBO. I guarantee had they come back and said they are going to increase premiums, we all would be talking about that. Here we get a report that actually we are going to save premium costs, reduce the costs to the Federal budget as has been pointed out.

Senator WHITEHOUSE is going to offer an amendment that makes clear these savings we are talking about are used to strengthen Social Security, reduce the deficit, and contribute to the long-term solvency of the CLASS Act, that

it will be for that purpose and that purpose alone.

The third part of his amendment is particularly important. Many of our colleagues have come to the floor in the last few days to claim the CLASS Act will be a long-term drain on the budget. It is not true. Thanks to our colleague from New Hampshire, Senator GREGG, the CLASS Act will be required by law to be solvent for 75 years. This was not in our original proposal. It was added in the HELP Committee markup by Senator GREGG, and I thank him for it.

The Gregg amendment was unanimously adopted in our markup. CBO says it produces \$72 billion in savings for the Federal Government over the first 10 years of its existence and it will save nearly \$2 billion for Medicaid.

We further added language to the bill to require the Secretary to maintain enough reserves after the first 10 years to pay off any claims that may emerge. We have included language to prevent Federal appropriations from being used to pay benefits to ensure the program is self-funded.

Finally, at the request of several Senators, the distinguished majority leader made sure we did not use any of the savings in the CLASS Act for any other purpose than to pay for the CLASS Act itself. This amendment offered by Senator WHITEHOUSE will give Senators a chance to commit themselves to that purpose. Senators who claim the CLASS Act will hurt the Federal budget, of course, should vote for this amendment because statutorily it will prohibit any of those funds from being used for any other purpose other than for the CLASS Act and the recipients who want to use them. I commend him for that move and thank him. When that vote occurs, I urge colleagues to vote for the Whitehouse amendment.

Lastly, I ask unanimous consent to be included as a cosponsor, along with my colleague from Maryland, Senator MIKULSKI, of Senator COBURN's amendment No. 2789 which adds Members of Congress to the public option.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, we added that provision to the HELP Committee bill. Senator COBURN offered that amendment. Senator Kennedy, myself, and others voted for that Coburn amendment. I think it may have shocked the Senator from Oklahoma at the time that we actually voted for his amendment. I know Senator BROWN has been added as a cosponsor. I have no objection to that amendment. That is how much I think the public option would be worth. If we have a public option in this plan—and my hope is we will—there is nothing wrong with insisting Members of Congress be included in that public option proposal. His amendment suggests that. We sup-

ported it in committee, and I am prepared to support it again on the floor of the Senate.

I point out, I wish we could get Members as well who are reluctant to support this bill to recognize that as Members of Congress today, we all have pretty good health care plans under the Federal employees benefits package, some 23 options every year that are available to us, along with the 8 million Federal employees in this country under those plans. I wish we could get others to recognize how valuable that is to all of us and our fellow Federal employees. Unfortunately, that does not seem to be the case.

I hope before this is concluded we will have far more support for this effort we have crafted and provided to our colleagues for their consideration.

Again I compliment the Finance Committee and my friend from Montana for the work he has done on this issue. It is very well thought out, very balanced and fair.

I said this over and over: I challenge any Member to come to the floor and identify a single guaranteed benefit under Medicare that is cut out under this bill. There is not one. Three days have gone by since I made the charge that not a single guaranteed benefit under Medicare is cut. You will not find one; not one.

I see my friend from Wyoming has come to the floor. I know I have probably gone over my time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, we are playing things by ear. I ask unanimous consent that the Senator from Wyoming be recognized to speak for debate only, and at a later point, we will figure out allocation of time on both sides, if he wishes to speak now.

Mr. ENZI. Yes, Mr. President, I wish to speak.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, it is my understanding that I would be in charge of the next 30 minutes and then it would revert to the other side for 30 minutes after that.

Mr. BAUCUS. I might modify that so this side gets the next 30 minutes after that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. It is also my understanding that at any time there is an agreement to vote, we will cancel out what we are doing. But there is no agreement yet.

I thank the Senator from Connecticut for setting up my speech so well. He said there was not anyplace that anybody can show any decline in guaranteed benefits. With what I am about to say, I will try to do that. Of course, the words "guaranteed benefits" do not show up anywhere in what

we are doing. "Benefits" does but not "guaranteed benefits." In my opinion, getting to be in a nursing home or being able to see a doctor, some of those ought to be considered guaranteed benefits. I will get into that a little bit in my speech and cover some of these areas that I think are very important to seniors. I am opposed to the \$½ trillion of Medicare cuts in the Reid bill that are not going only to solve Medicare.

Some of my Democratic colleagues have attempted to argue this bill does not cut the Medicare Program. They further said that such cuts are justified and will not harm the program. They have also argued that no beneficiaries will lose their benefits—their guaranteed benefits. They are very careful on that, and I understand why they are careful on that because there are other benefits that are being cut that will be considered by those people who will lose that benefit to be a guaranteed benefit.

Unfortunately, all of those statements are false. It does not matter how many times my colleagues repeat these claims, they do not become any more accurate. This bill cuts \$464 billion from the Medicare Program. It slashes payments to hospitals, nursing homes, home health agencies, and hospices. These are cuts to the Medicare Program, and I even have the page numbers on those.

The moneys from these cuts do not go to shore up Medicare. The money goes to new programs for others. These cuts will affect the care provided to Medicare beneficiaries.

The American Health Care Association, which represents nursing homes, said the cuts in the Reid bill would force layoffs, lower salaries, reduce benefits, and ultimately would hurt patients' quality of care. A commission was set up to make even more cuts to save Medicare. It is in the bill. There is a commission in there.

So with the side deals that have been made with lobbyists, the only place these cuts can come from is from seniors. I will cover that in a little more detail later. I have heard similar statements from home health providers, that is more than \$40 billion in cuts; hospice providers, which is \$8 billion in cuts; and hospitals, which is \$130 billion in cuts. If these Medicare cuts go into effect, it could drive many providers out of the Medicare Program. That will mean patients do not have the care they expect and they need.

Some of my Democratic colleagues have accused us of trying to scare Medicare beneficiaries. If seniors are scared by our statements, they should be terrified by what the administration has to say about the Democrats' health reform bill. The administration's own chief actuary, Richard Foster, recently wrote that the steep Medicare cuts in the House-passed health reform bill

would make it difficult for many providers to remain profitable and cause them to end their participation in Medicare. He went on to note this could jeopardize Medicare beneficiaries' access to care.

As the senior Senator from Tennessee noted yesterday, it is the Medicare cuts in the Reid bill that are actually scaring seniors. Medicare beneficiaries understand that if providers are no longer able to take Medicare patients, they—the seniors—will not get care. A lot of grandmas and grandpas have figured it out, and they are not going to stand for it.

The chairman of the Finance Committee has repeatedly said this bill will not cut or reduce any guaranteed Medicare benefit. That statement seems to ignore what this bill will do to providers. If a Medicare patient cannot get into a nursing home, they do not have nursing home benefits. If they can't find a home health aide willing to take Medicare patients, they do not have home health benefits. So the promise for coverage, when you can't get a doctor to see you, is not health care. You don't have benefits if you can't get a provider to treat you. Unfortunately, that is exactly what this bill will do.

Some of my Democratic colleagues have also attempted to justify the Medicare cuts in the Reid bill by arguing that many of the trade associations representing health care providers have endorsed this bill. They are correct that several Washington-based trade associations and their lobbyists have endorsed the Reid bill. It is probably worth exploring why some of the groups have chosen to endorse this legislation.

In some cases, motivation is obvious. Some drug manufacturers are clearly motivated by self-interest and greed. They negotiated a secret deal with the White House that will actually increase what Medicare spends on brand-name drugs—brand-name drugs. They didn't touch the generics. They are interested in the brand-name drugs.

Under the terms of their deal, the drug manufacturers will provide discounts on brand-name prescription drugs when the seniors are in the Medicare coverage gap—known as the doughnut hole. They make the payments directly to the customer. It doesn't go through Medicare but directly to the customer. That way they can maintain the customer contact and keep them addicted to the brand name.

Generics are cheaper. A lot of people, when they go to the doughnut hole, switch to generics because that saves them money, and it saves us money. When they get through the doughnut hole, they will stay with whatever they are on while in the doughnut hole. So if they are forced to stay on a brand name to get a little extra discount as they go through the doughnut hole, they will stay with the brand name

when the taxpayers are paying for it when it goes above the doughnut hole, which is the rest of the year. That could be a huge number. So while it looks generous by the drug companies, beware; their generosity is suspect with what they will make when it gets through the doughnut hole.

Under the terms of the sweetheart deal between the White House and the drugmakers, discounts are provided for these brand-name drugs. This will encourage seniors to continue to get those more expensive drugs, and it will actually cost the taxpayers \$15 billion because the deal will actually increase Medicare costs.

In other cases, provider groups were promised special deals if they agreed to support the Reid bill—or whatever bill we were working on at that time. For instance, recent press reports have described how the American Medical Association was promised a permanent fix to the Medicare payment formula for doctors if they agreed to support this bill or a 1-year fix if there was an end to junk lawsuits. Under current law, doctors' Medicare payments are scheduled to be cut by more than 40 percent over the next decade. That is already in place. That is not a part of the bill. The cost of fixing the flawed government-mandated formula will be more than \$250 billion. We know that because we have debated it on the Senate floor, and we decided we were going to have to pay for that if we were going to do it.

So let's see, \$464 billion in Medicare money we are using on other things. That is why I keep saying Medicare money only ought to go to Medicare benefits, and that \$250 billion for the doctors' fix might make it possible for people to see the doctors.

I can understand why doctors want to fix this flawed government price-control system—and that is what it is because they are telling the doctors what they can charge a customer, regardless of how long a time it is going to take them to take care of that patient. For a lot of them, they have discovered it costs more than what they are able to get. If they continue to do that, they have to go out of business. That is kind of the small business philosophy: You take in less money than what it costs to be in business, and you are out of business. So I don't think they like that kind of a government price-control system.

As a result, 40 percent of the doctors will not take a patient on Medicaid, and it is growing in percentage now on Medicare in the same way. When you fix the price, some people can't afford to provide it for that, so they can't take those patients.

I was talking to a friend of mine from Florida who said: Every time you call a doctor now, they say: Are you on Medicare? If you say yes, they say: We are not taking any new patients.

If you can't see a doctor, you don't have a benefit. It shows the exact problems that result from letting government bureaucrats use price controls to set payment rates. What I don't understand is why the AMA continues to support the bill when they got nothing for their deal. We didn't fix the \$250 billion problem, and we haven't fixed the junk lawsuit problem.

I remember the President appearing at the National Convention of the American Medical Association and promising that there would be tort reform; that there would be an end to these junk lawsuits. All of our attempts, either in the HELP Committee or in the Finance Committee, to even bring that up have been either voted down or denied. As a result, there is nothing in this bill that is going to solve that problem. The bill does nothing to fix the Medicare payment formula for the doctors. Instead, it cuts \$464 billion from Medicare and uses that money to cover the uninsured.

Even if these cuts can be made without hurting seniors, the Republicans are saying: Use the money only for Medicare. Medicare money for Medicare. Medicare funds should be used to fix Medicare's problems, such as this flawed payment formula that keeps doctors from taking seniors. Taking hundreds of billions of dollars out of the Medicare Program now will only guarantee that it will be much harder to permanently fix the doctor payment issue in the future.

I cannot understand why the AMA continues to support this terrible deal for doctors. If you can't see a doctor, your benefits—your guaranteed benefits—have been cut. Apparently, the members of the AMA don't like the deal either. At a recent convention, up to 40 percent of the current membership of the AMA voted to reject this deal. I know that is not a majority, but most associations survive by consensus agreements. That means almost all of their membership agrees with the tack they are taking, not just slightly more than half. Their membership is less than 20 percent of all doctors. It is a dwindling association.

Let's see, less than 20 percent of the doctors had 40 percent that opposed it. We are getting down to some pretty small percentages of those who supported what the AMA did in their deal.

Finally, many provider groups have been reluctant to speak out against this bill because they have received threats from the White House and congressional Democrats. Nursing homes, home health agencies, and hospice providers have all reportedly been threatened with further cuts—further cuts—if they speak out against the bill. Is that freedom of speech, or is it just bad ethics? They have reportedly been told that any public statements of opposition to the Reid bill will lead to even more severe cuts.

These providers have had to make the choice to silently accept devastating cuts rather than oppose them and risk being utterly destroyed. One of the Medicare Advantage providers is Humana, and I will use them as an example. CMS said they couldn't let their customers know what was about to happen, and chastised them for sending out a letter. I thought the customer deserved to know and that we were in a new era of transparency. That doesn't sound very transparent to me. So how can that happen in America?

At any rate, I hope my colleagues and the American people will take these facts into account when they hear Senators talk about provider groups supporting this bill. Unfortunately, health care provider support for this bill is being driven primarily by greed or stupidity or fear. We know this bill will not fix the problems in the American health care system. It will not lower health care costs. It will not lower insurance premiums. It will still leave 25 million people uninsured.

What this bill will do is spend \$2.5 trillion and guarantee a much bigger role for the government in dictating how health care will be provided in this country. If you are not under Medicare, yes, your government is going to tell you what is adequate coverage, and they are going to force you to buy it or pay a penalty.

Given the recent experiences that doctors have had with Medicare price controls, this is not an outcome that bodes well for America's health care providers or their patients. I remind everybody that in August there was an uproar, and that uproar continues. We don't notice it as much because we are not going to get to go home this weekend to talk to our constituents. That might be by design because we already know what our constituents are saying.

They are saying: This bill is a bad deal for us. Where is the promise that you were going to cut costs for us? Where are the other promises that were made with this health care reform?

I would mention that the CBO found that premiums in the individual market will rise by 10 to 13 percent more than if Congress did nothing. That is CBO. Family policies under the status quo are projected to cost \$13,100 on the average, but under this health care bill it should jump to \$15,200. That is not very good news for the people in my State or any other State. No big cost rise in U.S. premiums is seen in the study, said the New York Times.

The Washington Post declared: Senate health bill gets a boost. The White House crowed that the CBO report was more good news about what reform will mean for families struggling to keep up with skyrocketing premiums under the broken status quo. The Finance chairman, the Senator from Montana, chimed in from the Senate floor that health care reform was fundamentally about lowering health care costs.

Yes, lowering costs is what health care reform is designed to do—lowering costs.

But then he said: And it will achieve this objective. Except that it won't.

CBO says it expects employer-sponsored insurance costs to remain roughly in line with the status quo. That is the failure of this bill. Meanwhile, fixing the individual market is expensive and unstable, largely because it does not enjoy the favorable tax treatment given to job-based coverage. You know, if you are buying insurance on your own, you are not getting a tax break on it. If companies buy insurance for the people working for them, they are getting a tax break.

In my 10 steps to solving health care, I mentioned and worked on making that fair. You have to be fair for both sides.

The Wyden-Bennett bill concentrates on making it fair for both sides. That is one of the issues people in this country are concerned about, making it fair for both sides. This bill doesn't make it fair for both sides.

Talking about fixing the individual market, that is expensive and it is largely unstable, I will say again, due to the favorable tax treatment given to job-based coverage which was supposed to be the purpose of reform. But CBO is confirming that new coverage mandates will drive premiums higher.

Democrats are declaring victory, claiming these high insurance prices don't count because they will be offset by new government subsidies. About 57 percent of the people who buy insurance through the bill's new exchanges that will supplant today's individual market will qualify for subsidies that cover about two-thirds of the total premium so the bill will increase cost but then disguise those costs by transferring them to taxpayers from individuals. Higher costs can be conjured away because they are suddenly on the government balance sheet.

The Reid bill has \$371.9 billion in new health taxes that are apparently not a new cost because they would be passed along to consumers. Or perhaps they will be hidden in lost wages. This is the paleoliberal school of brute force wealth, redistribution and a very long way from the repeated White House claims that reform is all about bending the cost curve. The only thing being bent here is the budget truth.

Moreover, CBO is almost certainly underestimating the cost increases. Based on its county-by-county actuarial data, the insurer WellPoint has calculated that this bill will cause some premiums to triple in the individual market. I don't go by WellPoint, I go by what I found out in Wyoming itself and that is an accurate picture, particularly for the young people in our State. Those who are young and healthy will see a 300-percent increase. I think they are going to notice that. I

don't think they are going to be happy with it. Other associations have come to similar conclusions. The reason for that is the community rating, which forces insurers to charge nearly uniform rates regardless of customer health status or habits. Habits is an important one on that. CBO does not think this will have much of an effect, but costs inevitably rise when insurers are not allowed to price based on risk. That is why today some 35 States impose no limits on premium variation and 6 allow wide differences among consumers.

That is not just WellPoint that is saying that. I have some peer-reviewed documents that also show that same thing from people from different colleges. They have found that the State community rating laws raise premiums in the individual market by 21 percent to 33 percent for families and 10 to 17 percent for singles. In New Jersey, which also requires the insurers to accept all comers, so-called guaranteed issue, premiums increased by as much as 227 percent.

Let's see, we just had some elections in New Jersey and things didn't go well there. It probably wasn't just tied to insurance costs.

The political tragedy is that there are plenty of reform alternatives that would reduce the cost of insurance. According to CBO, according to the Congressional Budget Office which we quote a lot, they did an evaluation on the relatively modest House GOP bill. The Republicans in the House were limited to one amendment. There were three amendments total in a 1-day debate and passage of the health care bill over there. That roused a lot of people in America, too. If you only get one amendment, they had to do what we have avoided doing. We have four different bills out there that solve what the President said he wanted solved. That is not counting the Wyden-Bennett bill that also solves what the President said, that is not included in this bill.

What the House put together—it is relatively modest, but it would actually reduce premiums by 5 percent to 8 percent in the individual market in 2016 and by 7 to 10 percent for small businesses. It would not increase the premiums, it would decrease the premiums.

The GOP reforms would also do so without imposing huge new taxes. We have concentrated in the last few days about talking about the Medicare money that is being stolen to provide for the changes. We have not talked yet about the extra taxes that are going to be put into place. That is the other half of the package. But the Democrats do not care because this bill, they say, is about lowering costs. No, it is about putting Washington in charge of health insurance at any cost.

I see the Senator from Wyoming is here. We have 10 minutes remaining on

our time. If the Senator wishes to make some additional comments? He and I have been traveling in Wyoming.

The PRESIDING OFFICER. The Senator has 7½ minutes remaining.

Mr. ENZI. I yield the time to my colleague.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. BARRASSO. Mr. President, I ask my colleague from Wyoming, with whom I have the privilege of serving, I saw a large story in USA Today. This story says "Senate Keeps Medicare Cuts in the Bill."

What it says is:

Senate Democrats closed ranks Thursday behind \$460 billion in politically risky Medicare cuts at the heart of health care legislation.

It goes on to say:

Approval would have stripped out money to pay for expanded coverage to tens of millions of uninsured Americans.

As I read this, it says the Republicans tried to keep the Medicare money for people on Medicare, but the Democrats want to take \$460 billion away from seniors who depended upon Medicare and use it to start a whole new government program. Am I reading this correctly?

Mr. ENZI. That is the way I read it. That is the way the people in Wyoming are reading it and that is apparently the way people all over the country are reading it, particularly seniors. Seniors are the ones upset about what is happening and it is easy to see why. Even though the AARP says this is a good bill, they are saying: Wait a minute. I know people in the nursing home. I know people—some of them are saying I am in the nursing home. I am hearing what is going to happen at my nursing home if these cuts go into place.

As I said continually, we can call them anything we want but the seniors are saying those are cuts. Those are cuts in my benefits. Those are cuts in what I expect. Those are cuts in what I have been getting. Whether you call it guaranteed benefit or just plain old benefits or whatever it is, they are saying, yes, we are being cut.

Mr. BARRASSO. Mr. President, I would say when my colleague from Wyoming and I held townhall meetings around the State of Wyoming, people have said don't cut our Medicare. Yet what I see this bill doing is cutting our Medicare and specifically, right now, there are thousands of people in Wyoming who are on a program called Medicare Advantage. There is an advantage to this program. That is why so many Americans have signed up for the program.

As a matter of fact, about one in four Americans who depend upon Medicare for their health care in this country has chosen Medicare Advantage, because there are some advantages being in this program called Medicare Advantage: dental, vision, hearing, fitness.

Also, as a practicing doctor for 25 years, taking care of families in Wyoming, what I saw, the reason they liked this, if they were on Medicare, is because it dealt with prevention and it actually helped coordinate care.

One of the things Medicare does not do as well is coordinate care and work with prevention. We know how important prevention is in helping people keep down the cost of their care—how good it is in terms of giving people opportunities to stay healthy. That is why they call it prevention.

The bill in front of us, as I see it—I ask the Senator from Wyoming—is a bill that is going to cut \$120 billion from Medicare Advantage, the program the people in our State like?

Mr. ENZI. The Senator from Wyoming is absolutely correct. We are getting a lot of calls and mail, letters about that. Another thing the President promised, of course, is that everybody would have catastrophic coverage. It fascinates me that the Wyoming people and the people across America have figured out that Medicare doesn't have catastrophic coverage. But Medicare Advantage provides catastrophic coverage as well as a number of other things that Medicare does not cover. I think they realize, too, that if Medicare Advantage goes away, yes, they can get Medigap but Medigap is more expensive. It is also interesting that the AARP sells Medigap.

Mr. BARRASSO. I actually heard somebody say Medicare Advantage is not Medicare. But if you turn to the Centers for Medicare Services' 2010 Official Government Handbook—we are going to go into 2010 next month. If you go to the official handbook for 2010, and the handbook is called "Medicare And You," it says a Medicare Advantage plan is "another health coverage choice you may have as part of Medicare." People who actually look at this choose this. They make the choice because they say this is a good deal for me. That is what Americans want. They want to get value for their money.

A recent poll said, in terms of Americans, when they send money to Congress, how much of that do they get back in value? They think about 50 cents on the dollar. That is a national Gallop Poll. They have been polling on this for a long time and it is the highest number ever of what Americans think, in terms of the fact that they are getting very little value for their tax dollars. They see games being played. That is what I hear when I have telephone townhall meetings in Wyoming. They know Senator REID's bill steals \$464 billion from Medicare. They know it raids the health care program they depend upon, not to make Medicare stronger, not to make Medicare more solvent, but as my colleague from Wyoming tells me, to create a

brandnew entitlement program. They are raiding Medicare to start another government program that is itself going to be insolvent.

I ask my colleague from Wyoming, are you seeing what I am seeing?

Mr. ENZI. I am seeing what you are seeing. I am noticing some people do not know what an entitlement actually is. That is a bill that goes on forever, that the Secretary of Health and Human Services has to make sure that it is paid in perpetuity unless there is some other major Congressional action that happens. We keep paying that bill over and over again. I think the Senator from Wyoming recognizes entitlements and some of the difficulties involved with that.

Mr. BARRASSO. Mr. President, an article in Bloomberg yesterday said the Kaiser Family Foundation poll released this past month found that 60 percent of seniors said they would be better off if Congress did not change the health care system.

We know we need to do some changes. But this massive bill, this 2,000-page bill that weighs 20 pounds, is not the right change we need. For our seniors, people who rely on Medicare for their health care, to absolutely raid \$464 billion from Medicare, almost  $\frac{1}{2}$  trillion, there is a point where more people—the baby boomers, more and more people are added to the rolls every day. To raid this program to start a whole new government program is not the right prescription for America. It is not what our seniors want. It is not what they signed up for. It is not why they are choosing Medicare Advantage. It is because it is a choice they make and that is why we right now have 11 million Americans who are on Medicare Advantage. We have 11 million seniors—that represents almost one-quarter of all Medicare patients in this country.

Mr. ENZI. We are being notified our time is up. We will continue. I have several letters from Wyoming organizations that I want to have printed in the RECORD, and I will do that at a later time.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, a few moment ago I started to describe an amendment that will be offered by our colleague from Rhode Island, Senator WHITEHOUSE, regarding the CLASS Act.

As a bit of background, the CLASS Act is a proposal that was originally conceived by a former colleague and dear friend, Ted Kennedy of Massachusetts, years ago, the idea behind it being that we ought to try to figure out a way to support people in this country who end up with disabilities. Their disabilities are not so dramatic that they would deprive them of the opportunity to continue with work but serious enough that they would require

some additional help in order to provide a basic standard-of-living, either a driver, some help on food assistance, whatever it may be.

Under present disability formulas, which are basically income-replacement bills, in order to get some help if you are disabled, you almost have to impoverish yourself to qualify and then be restrained about how much you can actually earn, if you want to continue to work. So while it has been a good program and certainly has helped a lot of people, in a sense there are catch-22s in it, that to qualify for it, you have to divest whatever you have acquired or earned and impoverish yourself. Then, even though you may be capable of continuing to work, you are limited on how much you can actually earn under those programs.

It was the vision of Senator Kennedy years ago to try to come up with a different idea, not to replace that but an idea that might allow for people who are disabled to get some help during that period of disability, however long it might last, without necessarily having to then impoverish themselves or to limit their outside earnings, given the fact that they may be able to continue to perform and, in fact, would like to continue to work.

The question was, how could we do this, particularly in light of the fact that we don't want to necessarily be adding a cost to taxpayers. It was his idea to come up with a totally voluntary program that individuals would have to contribute to out of their own pocketbooks, not out of taxpayers pocketbooks, by putting aside resources on a monthly basis over a period of years—5 in the case of this bill—where the plan would become vested and then to contribute that amount thereafter. Then, in such case if you found yourself disabled—and there are criteria that would determine whether you met those thresholds—you would then qualify, based on the fact that you have paid your own money into this program continuously, without exception, to receive at least about \$75 a day, providing assistance to you so that you might get along and be able to continue to operate without having to impoverish yourself and put limitations on your work. At \$75 a day, that would provide over \$27,000 a year for those individuals who meet it. Again, entirely voluntary, your money, not public money—no taxpayer money goes into the plan.

Five million people under the age of 65 living in the community have long-term care needs, and there are over 70,000 workers with severe disabilities in the Nation today who need daily assistance to maintain their jobs and their independence. Long-term care supports and services are an area that is not currently affordable or accessible for millions of our fellow citizens. It is estimated that 65 percent of all

those who are 65 or over today will spend some time at home in need of long-term care services, for which average costs run at least \$18,000 a year.

Mr. President,  $1\frac{1}{2}$  million people today are in nursing homes, and roughly 9 million of our fellow elderly Americans will need help with activities of daily living during the current year. By the year 2030, that number will increase to 14 million, as we watch the baby boom population age. And while those lives will be extended and hopefully the quality improved, we all accept the notion that as we get older, we have greater needs physically. That certainly is something anyone over the age of 65 can tell you. So as the years progress, the quality of care, longevity tables increase, the number of people who will need some form of services or another will jump from 9 million today to roughly 14 million. Those numbers are apt to increase.

Many people who need long-term services and supports rely on unpaid family and friends to provide that care. They have children or grandchildren who are around to provide that kind of assistance. A lot can't, of course. But ultimately many of these individuals have to impoverish themselves to qualify for Medicaid. We know what happens. They transfer the house, their assets. They shove everything over to their children or someplace else so that they qualify for that title XIX window. They become desperately poor, so they can then qualify for Medicaid, which remains the primary payer for these services. The CLASS Act is designed to avoid that, if we can, in as many cases as possible by providing a lifetime cash benefit—voluntary, totally paid for by the beneficiaries—that offers seniors and people with disabilities some protection against the cost of paying for long-term care services and supports and helps them obtain services and supports that will enable them to remain in their homes, reside in their communities, and, in many cases, continue to work.

Let me tell you how the program works. The program is a totally voluntary, self-funded insurance program with enrollment for people who are currently employed. Affordable premiums will be paid through payroll deduction, if the individual's employer decides to participate. It is totally voluntary, nothing required whatsoever. If the employer does not want to participate, the employee would have to find some other way. If the employer decides to allow a payroll deduction, they can do that. Participation by workers, again, is entirely voluntary. Self-employed people or those whose employers do not offer the benefit will also be able to join this program through a government payment mechanism.

Individuals qualify to receive benefits when they need help with certain activities of daily living and they have

paid premiums for at least 5 years and have worked for at least 3 of those 5 years. Beneficiaries receive lifetime cash benefits based on the degree of impairment, expected to average roughly \$75 a day or roughly \$27,000 a year. Benefits can be used to maintain independence at home or in the community and should be sufficient to cover typical costs of home care services or adult daycare. Benefits can also be used to offset the cost of assisted living and nursing home care.

Let me tell you how the improved version of this act protects the taxpayer. There have been issues raised about how they are going to be protected under this program. All CLASS Act benefits are paid by voluntary participants, not taxpayers. The CLASS Act actually would save taxpayer dollars by reducing Medicaid costs—according to CBO, almost \$2 billion. CLASS Act premiums must be set at a level sufficient to guarantee actuarial soundness of the program.

We thank Senator GREGG for his amendment in the debate on the CLASS Act bill when it came up in committee.

The current CLASS Act includes significant improvements over earlier versions, such as tighter eligibility standards, a new reserve requirement, and an absolute prohibition on the use of taxpayer dollars to pay benefits. The Congressional Budget Office determined that the improved program is totally actuarially sound.

This bill, the Patient Protection and Affordable Care Act, creates a voluntary insurance program. Under the program, working people pay premiums for at least 5 years before it would vest. After that point, if the individual has paid in for 5 years and worked for at least 3 of those 5 years and develops a disability, they can receive a cash benefit of no less than \$50 a day for as long as that disability persists. Contrary to popular belief, Medicare and most private health insurance only pay for long-term care for a short period, meaning that most people pay out of their own income or assets or their family's assets to provide this kind of benefit. Those with the most intense needs will frequently exhaust these assets and have to rely on Medicaid, thus impoverishing themselves in order to qualify.

The CLASS Act provides essential options for 65 percent of those age 65 and older who will need long-term care services at some point in their lives and for the 70,000 workers with severe disabilities in the Nation today who need daily assistance to maintain their jobs and their independence.

It has been said that this program is not financially stable and amounts to nothing more than a Ponzi scheme. This program, they say, will create a new government entitlement program. It is not a government entitlement pro-

gram—anything but. The CLASS Act does not confer rights or an obligation on the government funding, nor does it affect receipt of or eligibility for other benefits. The program stands on its own financial feet.

CBO has estimated the program to be actuarially sound for the next 75 years. The CLASS Act is solvent, according to the CBO. The program would run only on its own cashflows. CBO estimates an average monthly premium of \$123 for an average daily cash benefit of \$75 for those who qualify. It may not seem like much, but over a year that would provide needed assistance for those who suffer under disabilities.

CBO uses very conservative participation rates. CBO assumes participation rates that do not consider that CLASS would offer a lifetime cash benefit, be endorsed by the government, and provide a convenient way for employees to auto-enroll through their employers with a voluntary opt-out. All of these features would increase participation rates, which will result in lower premiums, encourage enrollment, and make the program even stronger financially.

Solvency of the program is bolstered by flexibility to adjust the program. In their November 25 letter to the Congress, the CBO acknowledges that the legislation gives flexibility to the Health and Human Services Secretary to adjust premiums and benefits where or if ever needed. This provides a lever to ensure that the program stays solvent even if real life does not perfectly mirror the models of the CBO, as good as they are.

As the Congressional Budget Office discusses, the CLASS Act would function just like any other private long-term care insurance program which finances benefit payments from a premium reserve and interest income off that reserve. Due to budget scorekeeping, the CBO finds that premium revenue exceeds benefit payments in the third decade but does not take into consideration accumulated reserves and income off those reserves that keep the program fiscally independent.

Beyond being self-supporting and voluntary, this program can actually generate savings in Medicaid. Direct offset of the \$75 daily benefit is applied toward any Medicaid long-term care costs. Beyond that, the CLASS Act program will help people live independently at home or in the community. When people with disabilities get the services they need, they are less likely to spend down to get Medicaid and less likely to enter a nursing home or hospital, all of which generates additional Medicaid savings.

Of course, what we don't calculate here, because I don't know how one would calculate it, is that notion of independence. I suspect maybe all of us know people who are on Medicaid and

know the frustration particularly of someone who is otherwise healthy but suffers from disabilities who would like to work and wants to keep independent. Yet if you go into the Medicaid Program, there are huge restraints on your ability to do so. So by this program, aside from financially reducing Medicaid costs, we are actually providing that additional sense of human dignity and decency that just because you have a disability and you need help doesn't mean you don't want to be self-sufficient and keep working. There is the gratification of knowing you are contributing in some way other than being shuttered away, having impoverished yourself, relying on others' assets to take care of you because you do not have those resources.

Senator Kennedy generated this idea years ago, and now I think it is improved because of the amendments and ideas that have been suggested by a number of our colleagues here, as well as others, and we have actually strengthened the concept to give it the kind of financial independence Members want it to have, sheltering these dollars against being used for other purposes, such as going off to some other program that people may have a great desire to fund by tapping into these resources. We prohibit that from happening.

If employers do not want to have a payroll deduction, they do not have to have that. No one is required to join the program. We believe, though, when members of our society and country see the benefits of this, they will gravitate to it as a wonderful way to ensure against that dreaded possibility all of us face; that is, becoming disabled, being unable to work as much as we would like to, needing additional assistance and help, and, of course, having very few places to turn to get it.

The disability groups and others that support this, 275 organizations, aging, religious groups, disability organizations across the country—I am not going to read all of them here because 275 names is a lot, but I have here the list of all 275 organizations that have strongly supported this proposal. I cannot think of any finer way to celebrate the memory of our former colleague, who cared so much about this bill we are now engaged in debating, who brought this idea to the table years ago, and who championed it for so many years.

Today, we have a chance to include this wonderful concept, this creative, innovative idea. It saves money. It provides independence for people. It gives them a chance to lead good lives. It provides support to their families who otherwise have to bear a lot of that burden. None of us want our children or our grandchildren to have to bear burdens as they are trying to raise their own families. So here is a little idea that has generated support, totally by



voluntary contributions. There is no government money involved at all. And it is to give people a chance to live out the remaining time of their lives with decency and dignity, having the sense of making a contribution and making a difference.

All of those facts I cannot put a dollar amount on. I cannot tell you what the financial benefit is of someone getting up in the morning, getting a little help but going off to a job and knowing they are needed and have worth and value as a human being. What is the dollar amount on that? I cannot tell you, except I know it has value in our country. Or the alternative? Getting rid of all your assets, impoverishing yourself, relying on your family or friends to take care of you in order to try to survive, when you could be doing more.

So I hope my colleagues will support the Whitehouse amendment when it is offered to strengthen this program and that they will resoundingly defeat the effort to cut this program out of the bill altogether. I cannot think of a worse thing we could do with a piece of legislation that is designed to be creative, innovative, reduce costs, and make a difference for millions of our fellow citizens. And a growing number—as was pointed out, by the year 2030, 14 million Americans in our country, and I suspect more—will be in need of services such as these.

I see my colleague and friend from Iowa on the floor, who has been as strong a champion as this Congress has ever had when it comes to the disabled in our country, having been the author of the Americans with Disabilities Act, along with others but nonetheless the principal architect of that effort, and he can speak more eloquently than any other human being I have ever known about why this program is important and what it means.

Mr. President, I ask unanimous consent that the list of 275 organizations that strongly endorse and support Senator Kennedy's CLASS Act be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HEALTH CARE REFORM/CLASS ACT OF 2009  
NATIONAL SUPPORT LIST  
DISABILITY GROUPS

ADAPT, America Psychological Association, American Association on Health and Disability, American Association on Intellectual and Developmental Disabilities, American Association of People with Disabilities, American Association on Mental Retardation, American Congress of Community Supports and Employment Services, American Foundation for the Blind, American Medical Rehabilitation Providers Association (AMRPA), American Music Therapy Association, American Physical Therapy Association, American Network of Community Options and Resources, Anxiety Disorders Association of America, The ALS Association, Assisted Living Federation of America, Association of Assistive Technology Act Pro-

grams, Association of Programs for Rural Independent Living, Association of University Centers of Disabilities, Autism Society, ACCSES.

Bazelon Center for Mental Health Law, Brain Injury Association of America, Center for Disability Issues and the Health Professions at Western University of Health Sciences, CSAVR (Council of State Administrators of Vocational Rehabilitation), Consortium of Citizens with Disabilities (umbrella organization for 114 advocacy groups), Children and Adults with Attention-Deficit/Hyperactivity Disorder (CHADD), Council for Learning Disabilities, Center for Accessible Living, Depression and Bipolar Support Alliance, Disability Policy Collaboration, Disability Rights Education and Defense Fund, Easter Seals, Epilepsy Foundation, Higher Education Consortium for Special Education Teacher Education, Helen Keller National Center, Division of the Council for Exceptional Children, Justice for All, Mental Health America, National Academy of Elder Law Attorneys, National Alliance on Mental Illness, National Association for Anorexia Nervosa and Associated Eating Disorders.

National Association of Councils on Developmental Disabilities, National Association of County Behavioral Health and Developmental Disability Directors, National Association of State Directors of Developmental Disabilities Services, National Association of State Head Injury Administrators, National Center on Learning Disabilities, National Coalition on Deaf-Blindness, National Council on Independent Living, National Disability Rights Network, National Down Syndrome Society, National Down Syndrome Congress, National Multiple Sclerosis Society, National Organization on Disability, National PACE Association, National Rehabilitation Association, National Spinal Cord Injury Association, Paralyzed Veterans of America, Rehabilitation Engineering and Assistive Technology Society of North America, Research Institute for Independent Living, Self-Advocates Becoming Empowered, Special Olympics, Inc.

TASH, The Arc of the United States, The Autistic Self Advocacy Network, Tourette Syndrome Association, United Cerebral Palsy, United Spinal Association, US Psychiatric Rehabilitation Association.

AGING GROUPS

AARP, Alliance for Retired Americans, Alliance for Quality Long Term Care, Alzheimer's Association, Alzheimer's Foundation of America, American Association for Geriatric Psychiatry, American Association for Homecare, American Association for Homes and Services for the Aging, American Health Care Association, Association of BellTel Retirees, Association of Retired Americans, ATAP (Assistive Technology Programs), Burton Blatt Institute, National Alliance for Caregivers, National Association for Homecare and Hospice, National Association of Area Agencies on Aging, National Association of Nutrition and Aging Services Programs, National Association of Professional Geriatric Care Managers, National Association of State Units on Aging, National Council on Aging, National Family Care Givers Association.

National Indian Council on Aging, National Respite Coalition, Notre Dame du Lac Assisted Living, OWL—The Voice of Midlife and Older Women, Prima Council on Aging, ProtectSeniors.org, The National Consumer Voice for Quality Long-Term, The National Voice for Quality Long-Term Care, Therapeutic Communities of America, United Neighborhood Centers of America, Volun-

teers of America, Wider Opportunities for Women.

HEALTHCARE GROUPS

American Academy of Pediatrics (AAP), Ambulatory Behavioral Healthcare, American Association for Marriage and Family Therapy, American Congress of Rehabilitative Medicine, American Counseling Association, American Diabetes Association, American Group Psychotherapy Association, American Hospital Association (AHA), American Mental Health Counselors Association, American Occupational Therapy Association, American Society on Consultant Pharmacists, American Therapeutic Recreation Association, Association for Ambulatory Behavioral Healthcare, Assoc. of the Advancement of Psychology, Bazelon Center for Mental Health Law, Center for Medicare Advocacy, Families USA, Family Voices, Gay Men of African Descent, Medicare Rights Center.

Mujeres Unidas Contra el SIDA, National Alliance to End Homelessness, National Partnership for Women and Families, National Association of Children's Behavioral Health, National Association of Mental Health Planning Councils, National Association of School Psychologists, National Coalition of Mental Health Consumer/Survivor Organizations, National Committee to Preserve Social Security and Medicare, National Council for Community Behavioral Health Care, National Foundation for Mental Health, National Health Council, National Minority AIDS Council, The Center for Medical Advocacy, Visiting Nurses Association of America.

UNIONS

American Federation of Labor-Congress of Industrial Organizations (AFL-CIO), American Federation of State, County, and Municipal Employees (AFSCME), Service Employees International Union (SEIU), American Federation of Teachers (AFT), National Association of Active and Retired Federal Employees (NARFE).

RELIGIOUS ORGANIZATIONS

American Association of Pastoral Counselors, American Baptist Home Mission Societies, Association of Jewish Aging Services of North America, Association of Jewish Family and Children's Agencies, B'nai B'rith International, Catholic Health Association of the United States, Council of Health and Human Service Ministries of the United Church of Christ, Episcopal Community Services in America, Evangelical Lutheran Good Samaritan Society, Evangelical Lutheran Church in America, Friends Committee on National Legislation, Hindu American Foundation, Islamic Society of North America, Jewish Council for Public Affairs, Lutheran Services in America, L'Arche USA, Mary Immaculate Health/Care Services, Masonic Communities and Services Association, National Council of Jewish Women, Presbyterian Church (U.S.A.).

Presbyterian Association of Homes and Services for the Aging, Sisters of Charity, United Jewish Communities, The Jewish Federations of North America, The Union for Reform Judaism, Unitarian Universalist Association of Congregations, United Methodist Church.

HIV/AIDS ORGANIZATIONS

ActionAIDS, Philadelphia, PA; African Services Committee, New York, NY; AIDS Action Baltimore, Baltimore, MD; AIDS Action Council, Washington, DC; AIDS Action Committee of Massachusetts, Boston, MA; AIDS Alabama, Birmingham, AL; AIDS Alliance for Children, Youth & Families, Washington, DC; AIDS Coalition of Southern New

Jersey, Bellmawr, NJ; AIDS Foundation of Chicago, Chicago, IL; AIDS Housing Alliance/SF, San Francisco, CA; AIDS Law Project of Pennsylvania, Philadelphia, PA; AIDS Legal Council of Chicago, Chicago, IL; AIDS Legal Referral Panel, San Francisco, CA; AIDS Partnership Michigan, Detroit, MI; AIDS Project Los Angeles, Los Angeles, CA; AIDS Services Foundation Orange County, Irvine, CA; AIDS Task Force, Wheeling, WV; AIDS Treatment Data Network, New York, NY; AIDSNET, Bethlehem, PA; American Dental Education Association, Washington, DC.

Asian & Pacific Islander Wellness Center, San Francisco, CA; Association of Nurses in AIDS Care, Akron, OH; Association of Nutrition Services Agencies (ANSA), Washington, DC; Better Existence with HIV (BEHIV), Chicago, IL; Black Coalition on AIDS, San Francisco, CA; CAEAR Foundation, Washington, DC; Catholic Charities CYO, San Francisco, CA; Colorado AIDS Project, Denver, CO; Center on Halsted, Chicago, IL; The COLOURS Organization, Inc., Philadelphia, PA; Common Ground—the Westside HIV Community Center, Santa Monica, CA; Community Care Management Corporation, Ukiah, CA; Community Healthcare Network, New York, NY; Community HIV/AIDS Mobilization Project (CHAMP), New York, NY & Providence, RI; Community Research Initiative of New England (CRI), Boston, MA; Face to Face/Sonoma County AIDS Network, Santa Rosa, CA; Fenway Community Health, Boston, MA; Gay Men's Health Crisis (GMHC), New York, NY; Harlem United Community AIDS Center, New York, NY; Hawaii Island HIV/AIDS Foundation, Keaau & Kailua-Kona, HI; Health and Home Support Services, Inc., Newport News, VA.

Health Imperatives, Brockton, MA; HIV ACCESS, Alameda County, CA; HIV/AIDS Services for African Americans in Alaska, Anchorage, AK; HIV/AIDS Services/Greater Love Tabernacle Church, Dorchester, MA; HIV Dental Alliance, Atlanta, GA; HIV Health and Human Services Planning Council of New York, New York, NY; HIV Health Services Planning Council, Sacramento, CA; HIV Health Services Planning Council—San Francisco EMA, San Francisco, CA; HIVictorious, Inc., Madison, WI; HIV Medicine Association, Arlington, VA; Housing Works, New York, NY; Hyacinth AIDS Foundation, New Brunswick, NJ; Inova Juniper Program, Springfield, VA; JRI Health/Sidney Borum Health Center, Boston, MA; Lansing Area AIDS Network, Lansing, MI; L.A. Gay & Lesbian Center, Los Angeles, CA; Legacy Community Health Services, Inc., Houston, TX; LifeLinc, Baltimore, MD; Lifelong AIDS Alliance, Seattle, WA.

Lower East Side Harm Reduction Center, New York, NY; Michigan Positive Action Coalition (MI-POZ), Detroit, MI; Minnesota AIDS Project, Minneapolis, MN; Nashville CARES, Nashville, TN; National Alliance of State and Territorial AIDS Directors, Washington, DC; National Association of AIDS Education and Training Centers, Detroit, MI; National Association of People with AIDS, Washington, DC; The National Coalition for LGBT Health, Washington, DC; National Minority AIDS Council, Washington, DC; National Pediatric AIDS Network, Boulder, CO; National Women and AIDS Collective, Brooklyn, NY; New York City Health and Hospitals Corporation, New York, NY; NYC AIDS Housing Network (NYCAHN), New York, NY; The New York State Nurses Association, Latham, NY; New York State Wide Senior Action Council, Inc., Albany, NY; Okaloosa AIDS Support and Informational

Services, Inc. (OASIS), Ft. Walton Beach, FL; Open Arms of Minnesota, Minneapolis, MN; Partnership Project, Portland, OR; Paterson Counseling Center, Inc., Paterson, NJ; People Living With HIV/AIDS Committee of the Baltimore Planning Council, Baltimore, MD.

Positive East Tennesseans, Knoxville, TN; Project Open Hand, San Francisco, CA; Project Inform, San Francisco, CA; Ryan White Medical Providers Coalition, Arlington, VA; San Francisco AIDS Foundation, San Francisco, CA; Sisters Together And Reaching, Inc. (STAR), Baltimore, MD; Southern NH HIV/AIDS Task Force, Nashua, NH; Strong Consulting, Crescent City, CA; Test Positive Aware Network, Chicago, IL; The AIDS Institute, Washington, DC & Tampa, FL; The Albany Damien Center, Albany, NY; The International Community of Women Living with HIV/AIDS (ICW), Washington, DC; The Sexuality Information and Education Council of the United States (SIECUS), Washington, DC; Treatment Action Group (TAG), New York, NY; Triad Health Project, Greensboro, NC; United Methodist Mexican-American Ministries, Garden City, KS; Victory Programs, Inc., Boston, MA; Village Care of New York, New York, NY; Wilson Resource Center (WRC), Arnolds Park, IA; Women Together for Change, St. Croix, U.S. Virgin Islands.

Mr. DODD. I yield the floor.

The PRESIDING OFFICER (Mr. KAUFMAN). The Senator from Iowa.

Mr. HARKIN. Mr. President, I wish to thank our friend and leader on this issue, Senator DODD, for his eloquence in supporting what so many of our elderly in this country want more desperately than just about anything else; that is, the peace of mind of knowing that if they should become disabled, they will not be forced to go into a nursing home, they will have some support, and they will be able to live in their homes in their communities. Talk to anyone with a disability—not just the elderly, anyone with a disability—and they will tell you how important it is that you have that kind of assurance that if, God forbid, you become disabled, your only hope will not be to go into a nursing home for the rest of your natural life.

Senator Kennedy worked on this for years. The couple times I talked to him this summer and this spring, this is what he wanted to talk to me about: making sure we included this in the bill. This was his cause, to make sure we had a program people could contribute to that would afford them some support if, in fact, they became disabled.

I do not understand the move by my Republican friends to strike this. This is not a mandatory program. This does not force anyone to pay a dime. It is all voluntary. We say, if you want to, you can put some money aside during your working years in a fund that will vest so that if you become disabled, you can get some support to stay at home, maybe with your own family, maybe with just enough support so you can get another job and work even though you have a disability. This is voluntary.

I ask my friends on the other side of the aisle, why are you against a voluntary program that will enable people to have that kind of peace of mind? Well, I have heard it said: Well, maybe the taxpayers will have to pay for this and everything.

I will tell you this: In the committee, Senator GREGG—Senator GREGG from New Hampshire, Republican Senator GREGG, my good friend—offered an amendment to make sure the contributions were the only things that would sustain this program, that it would not become an entitlement. Here is what he said, his own words:

I offered an amendment, which was ultimately accepted, that would require that CLASS Act premiums be based on a 75-year actuarial analysis of the program's costs. My amendment ensures that instead of promising more than we can deliver, the program will be fiscally solvent and we won't be passing the buck—or really, passing the debt—to future generations. I'm pleased the HELP Committee unanimously accepted this amendment.

The CBO has scored this. This is completely paid for over 75 years—over 75 years. I do not understand why anyone would want to strike it.

What Senator WHITEHOUSE has said—again, I think this is very appropriate for us—is that any savings we get from this be reinvested either in the CLASS Act—so when people do get disabled, maybe they will get a little bit more money. So we have some savings in the CLASS Act. What Senator WHITEHOUSE has said is, put those savings back in the CLASS Act or Social Security. It makes sense to me. So again, I think it is an improvement on the bill, what Senator WHITEHOUSE is suggesting.

I plead—I plead—with my fellow Senators, do not kill this program aborning. We stood here on this floor 19 years ago, on July 20, 1990. We stood on this floor to pass the Americans with Disabilities Act. There were a few votes against it. In fact, there are one or two people still here who voted against it. I think if you asked them now, they would say it has been a pretty darn good bill. It has broken down a lot of barriers, opened a lot of doors for people with disabilities in our country, changed our environment in this country, not only in terms of physical access, but I think, more importantly, it has changed how we view people with disabilities, no longer looking at people with a disability to say, what is their disability, we now look at those people and say, what are your abilities, what can you do—not just looking at someone's disability. So we have come a long way.

The one thing we have never been able to really do is to set up a functioning system so people could put some money aside to protect themselves in case they got disabled. Well, this is it. This is our chance. This is a big part of this health care bill, a big part.

Well, maybe, I suppose, if you are trying to kill the bill, you would want to kill the CLASS Act. But this is vitally important for our country. It is really the next logical step after the Americans with Disabilities Act. It is going to provide for so many people in this country that security and that peace of mind of knowing they will not have to go into a nursing home or an institution if they become disabled. And it can happen to any one of us here on the Senate floor, our families, our staff, our loved ones. No one knows what might happen to us either from an accident or a physical ailment. No one knows. But shouldn't we at least have some part of this health care bill that provides that kind of voluntary program? No one is forced into anything. I guess that is what perplexes me more than anything else—why my Republican friends want to prevent something like a voluntary program—a voluntary program—from going into existence that would do this, that is fiscally sound for 75 years. I just do not get it.

So I hope we will support the Whitehouse amendment and make sure this fund is totally solvent. I think he is on the right track, that if there are savings, to put the money back in there, so maybe that \$75 a day could be maybe \$80 a day, or something like that, to help people.

I see, Mr. President, we now have a statement from the AARP about the CLASS program. Here is what they said. They said:

Decades of talking to our members tell us that older Americans want to live in their homes as they age. That's why AARP strongly supports the Community Living Assistance Services and Supports (CLASS) program, which recognizes that older individuals and people with disabilities should have the right to live independently in their own homes and communities, and to receive the help they need without having to spend down to poverty.

Mr. President, I ask unanimous consent to have that statement from the AARP printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

**AARP STATEMENT ON THE COMMUNITY LIVING ASSISTANCE SERVICES AND SUPPORTS PROGRAM**

WASHINGTON.—AARP Executive Vice President Nancy LeaMond released this statement today in support of the Community Living Assistance Services and Supports (CLASS) program:

"Decades of talking to our members tell us that older Americans want to live in their homes as they age. That's why AARP strongly supports the Community Living Assistance Services and Supports (CLASS) program, which recognizes that older individuals and people with disabilities should have the right to live independently in their own homes and communities, and to receive the help they need without having to spend down to poverty.

"With nearly 40 million members age 50-plus, AARP has fought to strengthen long-

term services and supports. We thank the House and Senate for including the CLASS program in their health care reform bills. The voluntary CLASS insurance program will promote independence, choice, dignity and personal responsibility. It is self-funded and fiscally responsible. AARP believes the CLASS program has been strengthened throughout the legislative process. We look forward to working with Senate, House, and the Administration to enact this critical program. America's seniors and persons with disabilities deserve nothing less."

Mr. HARKIN. Mr. President, I am going to put this in personal terms—personal terms. I have told this story before, and I am going to tell it again because I think it indicates why we need a program such as this.

I have a nephew, Kelly; my sister's boy. He got injured at a very young age; he was only 19 years old. It made him a severe paraplegic, almost a quadriplegic. My sister and her husband did not have any money at all. Yet Kelly was able to go to college—go to school. He was able to get a job, able to live in a house by himself. He had his own little home. He had his own van he drove that had a lift on it, and he could get his wheelchair in there and drive it to work. He actually started a small business and employed some people. He has lived a full life. He is now a man of about 50. He has had a great life. Even with that disability, he has been able to get around and do things. He is a taxpayer. He has paid taxes. He has employed people. Every night when he goes home, he has to have a nurse come in the home and get him ready for bed and for him to do his exercises and things such as that. Then, in the morning, he has to have another nurse to get him out of bed and take care of his needs, get him ready to go. Actually, Kelly gets his own meals and stuff. Then he goes off to work and comes back. This happens every day.

How was he able to afford to do that? He did not have any money. He did not have any insurance. How was he able to afford to do that? He got injured in the military. He got injured in the military. So for all these years, the Veterans' Administration has been paying for this. It has been wonderful. It has kept him out of an institution, kept him out of a nursing home, and it has allowed him to live by himself, to go to school, to go to work, to be with his family, to be with his friends.

I have often thought, this is wonderful, but why should that just be for people who are injured in the military? What about so many other people who get injured like my nephew Kelly who are not in the military, maybe even injured before they could go into the military? He was only 19 when it happened to him. So for all these years, I have thought we should have some system in this country that would allow people like my nephew—who were not in the military but who, through an unfortunate accident, became dis-

abled—that they could have that same kind of life, where they could live in their own homes in their own communities with their own families, have their own friends. That is why this is so important. This is perhaps one of the most important things we have done since the passage of the Americans with Disabilities Act to make sure people with disabilities have a full, enjoyable, productive, quality life.

I hope Senators will decisively defeat the amendment that wants to strike this. Say yes. Say yes to so many people with disabilities and young people today and working people today. Say yes that we are going to have a system whereby you will have the peace of mind of knowing that if you want to contribute the money, you will be able to do so. Say no to the amendment that would strike that, and say yes to the Whitehouse amendment that actually supports the CLASS Act, makes sure that any savings from it are reinvested in that program.

I thank the President and I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Before we go to our next speaker, I wish to ask if I could request that the next half hour be equally divided; is that OK?

The PRESIDING OFFICER. The Republican deputy leader.

Mr. KYL. I had hoped to take the next half hour, but if we could do 40 minutes, equally divided, I could take 20.

Mr. DODD. Forty minutes, equally divided.

Mr. KYL. Would I be able to take the first 20 minutes then?

Mr. DODD. Yes. That would be under the same order as we had before, I would ask the Chair.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Arizona is recognized.

Mr. KYL. Mr. President, we are discussing the Hatch motion to preserve Medicare Advantage. I wish to give a little bit of background about the Medicare Advantage Program. It was established with the goal of ensuring that beneficiaries all across the country would actually have Medicare choices. Under the program, private health plans receive government payments in order to serve Medicare beneficiaries. In addition to offering comparable coverage to Part A, which is for hospitals, and Part B, physician services, Medicare Advantage plans can also offer Part D coverage, prescription drug benefits.

The central goal of the Medicare Advantage provisions was to ensure that beneficiaries across the Nation, not just those in populous areas, would have access to health plan options. Under the law, Medicare Advantage

plans must provide all physician and hospital Medicare benefits.

Here is the key. I hope my colleagues will think about this for a moment because this has been a little bit perhaps distorted in the conversation we have had. If a plan's costs to provide all the Medicare benefits is less than the government payment, then by law, the plan must apply the difference to provide additional benefits to the beneficiary or to reduce premiums.

It seems to me that is what this whole reform was about in the first instance, to try to ensure quality care and reduce the cost of insurance to beneficiaries.

But what are these extra benefits? We have heard them discussed. They include, first of all, lower cost sharing, including out-of-pocket limits on beneficiary cost sharing, as well as specific health benefits such as vision, dental care, hearing services, routine physical, cancer screenings, and so on. Plans can also offer management services, which can be particularly important to beneficiaries with chronic illnesses, and that is a protection, by the way, that does not exist in regular fee-for-service Medicare.

Today, every beneficiary has health plan choices. Since 2003, the number of Medicare beneficiaries enrolled in private plans has nearly doubled from 5.3 million to 10.2 million in the year 2009, according to the Kaiser Family Foundation. So these are very popular plans and growing in popularity.

Let's go back in time just a little bit to consider the history, back to 1972, because in past years my colleagues on the other side of the aisle were all for Medicare Advantage. Over the years, Congress has tried to control spending by reducing payments to private Medicare plans. One problem was, severe payment reductions resulted in the elimination of plan options. For example, in 1997, the Balanced Budget Act reduced plan payments by \$74.5 billion over 10 years. What happened? Well, about three-quarters of a million beneficiaries, from 1999 to 2003, had to change plans or else lose their health plan altogether. This included not only less populous and more rural areas of the country but also areas such as Long Island, NY.

Well, Congress heard from these seniors loudly and clearly. They were angry about losing their coverage. Many remember that the Medicare Modernization Act was a landmark achievement which provided seniors with prescription drug coverage, but it was necessary for another reason as well and that was to respond to the call of the seniors who wanted their private options back.

So, in 2003, the Medicare Modernization Act expanded plan options to include regional PPOs and restore plan payments. It was a deliberate, bipartisan decision to increase the plan's

payments so they could enter rural areas of the country and even some of the urban areas—as I mentioned, Long Island. If my colleagues don't remember, let me remind them.

Former Senator Clinton from New York, for example, said that these Medicare+Choice plans—that is now what we call the Medicare Advantage plans, and I am quoting:

... are feeling the squeeze in a system caught between rapidly exploding costs and rapidly imploding finances. While we debate the future of Medicare, we need to recognize that there are people right now in our States who depend on these plans today.

The current senior Senator from Massachusetts said at the time, and I quote:

I urge my colleagues to support the additional funding that is urgently needed to strengthen the Medicare+Choice program for seniors. This should be among our highest priorities in this year's Medicare debate.

It was, and we did. So this is not something bad that we provided this money to these plans. We provided it so the plans could provide the benefits to seniors, particularly in areas where otherwise they wouldn't have those choices.

So why has this all of a sudden become unpopular with our friends on the other side of the aisle? Well, obviously, first and foremost, they need trillions of dollars to fund their bill, so they look around for where they can get some money and decide: Well, we can get \$120 billion from here; this is one way we can help pay for the new entitlements under their bill. But to them, there has to be some kind of justification to take that money, so the idea is: Well, it is not fair that the government would pay money into this program for extra benefits for seniors when that money could be spent on regular fee-for-service Medicare. Of course, that argument presupposes that government health care is always superior to the plans offered in the private market, which these seniors have made clear, by doubling the enrollment in the private plans, is not the case. As I said, they have made their preference clear.

They asked us for choices, as Members of Congress enjoy. They want access to private plans and these additional benefits, and we delivered as promised. We gave them the choices, Republicans and Democrats alike. Now they need the money, so they decide this is a way to get some money to pay for their new entitlement.

Our friends on the other side of the aisle have been talking about overpayments. There is no such thing as an overpayment in this program under the law. No money goes to the plans. It is not as if the insurance companies get the money from the government. The insurance companies, if their bid is under what the traditional Medicare bid is, have to return 25 percent of it to the U.S. Government and the other 75

percent, by law, must go to their beneficiaries, either in the form of lower premiums or additional benefits. So these aren't overpayments to the plans, as has been represented. As I said, 75 percent of the additional payments must be used to provide seniors with extra benefits, which could include lowering premiums, including chronic care management, and so on. The other 25 percent is returned to the government, so there is no overpayment.

Some on the other side argue that they are protecting guaranteed benefits. Well, this is semantics. Nobody is going after the benefits Medicare has traditionally supplied. What we are pointing out and what this amendment would prevent from happening is, the benefits under Medicare Advantage would not be cut, and there is no question—nobody can deny—that those benefits would be cut. In fact, according to the CBO, by the year 2019, they will have been cut by 64 percent, a huge—almost \$90—over \$90 in actuarial value. So my point is, seniors, of course, would like to keep what they have.

What about this promise if you like what you have, you get to keep it. Sorry. Not if you are on Medicare Advantage. As I said, according to the Congressional Budget Office, the legislation would cut benefits from \$135 a month actuarial value to \$49 actuarial value. That is a real cut. It may not sound like much to some people, but to our seniors, it is a huge hit. They are asking what happened to this promise to let them keep what they have.

There is an interesting memo by James Capretta and Robert Book, who write for the Heritage Foundation, on the Medicare Advantage cuts, and here is what they say:

Reform should mean more patient choice and health plan accountability. But these current proposals would lead in the opposite direction—toward a system of less choice, less accountability, and eventually lower-quality health care.

That is what the Hatch motion is attempting to prevent, to preserve these benefits for seniors.

I have gotten tons of calls, about 500 calls just in the last several days, opposing cuts to Medicare Advantage. I haven't, by the way, received a single call from a senior citizen asking us to make these cuts. I have been reading from these letters. I have read about a dozen of these letters. Let me read a few from constituents who tell us the real effect these cuts would have on them. Bear in mind, in my State we have about 329,000 seniors who are enrolled in Medicare Advantage plans.

One constituent from Phoenix says:

For the past month I have heard a lot about proposed Medicare cuts. Finally, after years of being self-employed and being able to afford only high deductible insurance, I am now in Medicare and have a Medicare Advantage plan. Please tell me you are not cutting Medicare Advantage. Have a heart.

Leave Medicare and Medicare Advantage alone.

We are trying.

A constituent from Peoria, AZ, says:

I oppose cuts to Medicare Advantage. I have two family members receiving health care under this program. The care has consistently been outstanding due to the efforts of our case manager in coordinating patient care between providers and patients. We have a voice in determining type and scope of our care. Please do not cut Medicare Advantage!

Here is a note from a constituent from Apache Junction:

I have heard reports that if passed, the new government health care plan would do away with or cut Medicare Advantage. If so, it would nearly double my health care costs with my present health care provider. I do not want any legislation passed that would take away the Medicare Advantage option for seniors.

Another constituent from Peoria:

President Obama has said we can keep the insurance we have if we like it, but has said he wants to cut or eliminate Medicare Advantage. What happens to the millions of people who have Medicare Advantage? These are all seniors, many of whom cannot afford to pay more. Why should so many seniors have to sacrifice in order to help pay for universal coverage? Why do we not hear more debate on this issue?

Well, to my constituent from Peoria, that is what this debate is all about. We are trying to prevent these cuts.

Here is a constituent from Prescott Valley:

I have Medicare Advantage. My husband wants to retire from his job where he has excellent health coverage for some serious health concerns. So long as he has good medical coverage, he does well. Should Medicare Advantage be cut, his health would necessarily suffer after his retirement. We cannot afford higher supplemental coverage. I don't want to lose my husband. I have spent many a sleepless night wondering how to keep my husband healthy once he retires. I have several friends currently undergoing chemotherapy and they are wondering if their health would be in jeopardy if Medicare Advantage were cut. Are we not worth saving? Clearly, there are many who want to spend our money on their own priorities. God bless you, sir, for advocating on our behalf!

These are real concerns from real people. They don't want us to cut Medicare Advantage.

The final point I wish to make is one of our colleagues was saying: Well, there are bad Medicare Advantage plans and good Medicare Advantage plans. How do we know which ones are good and bad? It turns out the senior Senator from Florida devised a formula which protects a lot of folks in his State, especially in Broward County, Miami Dade County, and Palm Beach but doesn't protect very many other folks.

Maybe this is the definition of good versus bad. There are a few that are protected in Colorado, Maryland, Mississippi, Oklahoma, and Texas. In my State of Arizona, with a lot of retirees, very few are exempted from the cuts.

This is not going to go over well—to exempt only a few in certain key areas, and none of the others.

Again, what happened to the promise that everyone gets to keep what they have?

My bottom line in supporting the Hatch amendment is that we should not punish seniors who signed up to have the choice of Medicare Advantage. There are better ways to reform health care. We have talked about those ways. Our senior citizens have paid into the program. They have asked us for this program. Democrats and Republicans have supported it in the past. Now, simply because somehow or other we have to scrape up money for the new entitlements in this legislation, we are going to attack the very program all of us have supported in the past.

It is unfair, it is not right, and we need to defeat those cuts in Medicare, and that is why the Hatch motion to preserve Medicare Advantage should be supported by my colleagues.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, before the Senator from Arizona leaves, on the point he made and the efforts by the members of the other party to strike Medicare Advantage, I have a letter that was sent to members of the Medicare conference on September 30, 2003, with more Democratic signers who are still in the Senate than Republican signers who were in the Senate, which set out all of the reasons Medicare Advantage was so very important and why it needed to have more money put into the year 2003.

For instance, I will read from the letter:

For nearly 5 million Medicare beneficiaries across America, Medicare Plus Choice—

That is what it was called before Medicare Advantage—

is an essential program that provides high quality, comprehensive, affordable health coverage. These seniors and disabled Americans have voluntarily chosen to receive their health coverage through Medicare HMOs and other private sector plans because they have excellent value. To preserve this important option for seniors across the country, bipartisan legislation was introduced in the Senate as S. 590, the "Medicare Plus Choice Equity and Access Act."

Cosponsored by Senators Schumer and Santorum, S. 590 sought to increase reimbursement rates and add new reimbursement options. . . .

Et cetera, et cetera. We have plenty of history in the Senate that is bipartisan that we ought to maintain—Medicare Advantage—rather than do an injustice to it, as this legislation before the Senate is trying to do.

I ask unanimous consent to have this letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, September 30, 2003.

DEAR MEDICARE CONFEREES: We are writing to ask you, as a member of the Medicare conference committee, to ensure that the final Medicare bill includes a meaningful increase in Medicare+Choice funding in fiscal years 2004 and 2005. While the Senate bill makes a modest step toward this goal, we hope that the stronger provisions in the House bill will be preserved in conference.

For nearly 5 million Medicare beneficiaries across America, Medicare+Choice is an essential program that provides high quality, comprehensive, affordable health coverage. These seniors and disabled Americans have voluntarily chosen to receive their health coverage through Medicare HMOs and other private sector plans because of their excellent value. To preserve this important option for seniors across the country, bipartisan legislation was introduced in the Senate as S. 590, the "Medicare+Choice Equity and Access Act."

Co-sponsored by Senators Schumer and Santorum, S. 590 sought to increase reimbursement rates and add new reimbursement options for Medicare+Choice programs. Although the Senate version of the Medicare bill does include a modest increase in reimbursement rates in FY 2005, we were pleased to see that the House version contains a more comprehensive commitment to strengthening Medicare+Choice beginning in 2004.

Medicare+Choice uses private sector innovations to offer all of the traditional Medicare benefits in addition to extra benefits such as prescription drug coverage, vision benefits, and hearing aids. These added services are particularly important to low-income seniors who cannot afford the high out-of-pocket costs they would incur under the Medicare fee-for-service program. In many cases, this program is the only option for low-income seniors to receive comprehensive, affordable health coverage.

But in recent years, lack of adequate government funding for the Medicare+Choice program has steadily reduced the health plan choices and benefits of seniors across the nation. As funding increases have continually fallen short of rising health care costs, seniors have watched the quality of their health care decline. Each year, health plans deprived of essential funding have been forced to eliminate benefits, increase seniors' out-of-pocket costs, or even withdraw completely from certain areas.

We strongly support additional Medicare+Choice funding for two very important reasons: (1) to protect the health care choices and benefits of the nearly 5 million Medicare beneficiaries who are currently enrolled in private sector health plans; and (2) to strengthen the foundation for future health plan choices.

We believe that the Medicare+Choice funding provisions in H.R. 1 are critically important to preserving choice and quality for America's seniors. We urge you to include these provisions in the final bill reported out of the Medicare conference committee.

Sincerely,

Rick Santorum, John F. Kerry, Arlen Specter, Jon Corzine, Gordon Smith, Jim Bunning, Dianne Feinstein, Joseph I. Lieberman, Patty Murray, Charles E. Schumer, Frank R. Lautenberg, Hillary Rodham Clinton, Ron Wyden, Mark Dayton, Norm Coleman, Mary L. Landrieu, Maria Cantwell, Christopher J. Dodd.

Mr. GRASSLEY. Mr. President, does the Senator from Wyoming want the remainder of our 20 minutes?

Mr. BARRASSO. Yes.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. BARRASSO. Mr. President, to correct something I heard on the floor today, when the senior Senator from Connecticut had some concerns about this, he said how private health plans deny claims. He said Medicare doesn't deny claims.

In the United States of America, the No. 1 denier of claims for health care is Medicare. The study that is out from a full year, from March 2007 to March 2008, Medicare rejected 475,000 claims of its 6.9 million claims filed, at the rate of 6.85 percent. When you compare that to private insurance companies, the industry average for the claims that are rejected is about 4.05 percent.

So Medicare rejects, by number, 10 times more than the largest private insurance company. A lot of these claims—I have followed this closely because I have been the medical director of something called the Wyoming Health Fairs, where people can get their blood tested at a low cost. It is a preventive or prevention-designed program. Yet Medicare refuses to pay for prevention. It refuses to pay for these blood tests because they are preventive as opposed to diagnosing a specific problem in a specific patient with a specific symptom.

What do our seniors in America do? They turn to a program called Medicare Advantage because it gives them the advantage to choose this program. It is one of the choices they have under Medicare. At this point, 11 million Americans have chosen to participate in Medicare Advantage and receive their health care through Medicare Advantage. We are talking about seniors who depend on Medicare for their health care.

The number of people signing up for Medicare Advantage has continued to increase, and now there are 11 million people—or one out of every four seniors—on Medicare in this country. They know who they are and they like the program. The reason they like the program is because they get additional services—services beyond what someone on the traditional Medicare Program receives, such as dental care, hearing care, eye care, preventive care, and coordinated care.

We hear a lot about the failings of the health care system, and there are many in this country, and one of them is that care is not coordinated. People go from specialist to specialist. We need coordinated care. Medicare Advantage does a much better job at coordinating care than traditional Medicare.

It is baffling to me that the plan in front of us in the Senate today is trying to eliminate Medicare Advantage

to the tune of over \$100 billion. When one looks at the cuts that are in this plan—it is \$464 billion in Medicare cuts, \$135 billion for hospitals, \$42 billion for home health agencies, \$15 billion for nursing homes, and \$8 billion for hospice providers. But it is \$120 billion for Medicare Advantage—the program that more seniors, as they learn about it, want to sign up for, because it is an advantage to them to have their health care through a program which focuses on preventive care, coordinated care, and helps them stay healthy and live longer. Yet this Senate and this bill that Senator REID has brought to the floor is trying to completely gut that program and deny our seniors who rely upon it from receiving the care they have earned.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I yield 5 minutes to the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I rise in strong support of the Community Living Assistance Services and Supports Act, or CLASS Act, which was introduced by the late Senator Ted Kennedy. The CLASS Act would create an optional insurance program to help pay for home care and other assistance for adults who become disabled. Those choosing to participate would pay monthly premiums into an insurance trust, and after 5 years, could access a cash benefit if they become disabled and need assistance.

Over 10 million Americans are currently in need of long-term care, and that number is expected to rise to 15 million in the next 10 years. These individuals struggle to remain independent with limited assistance, and many turn to Medicaid as an insurer of last resort. In order to qualify, however, people need to go through a substantial "spend down" of their assets and commit to unemployment to remain eligible. Mr. President, this is totally inefficient. Instead of ensuring that an individual can remain an independent and functional member of society, the current policy requires that to receive assistance, a person basically becomes a ward of the State. Medicaid pays for half of long-term care costs and increased expenditures are expected to add \$44 billion each year to Medicaid over the next decade. Not only is this unsustainable it is nonsensical.

This is as much about protecting people's dignity as it is about fiscal responsibility. Too many Americans fall on hard times, becoming disabled from an accident or illness, with no safety net to help them stay independent. Ensuring that these people have an alternative to Medicaid, so that they can remain active and independent, will re-

duce the Federal deficit by \$73.4 billion over 10 years and save Medicaid \$1.6 billion in the first 4 years benefits are available. Medicaid savings will continue to grow over time as more beneficiaries utilize CLASS Act benefits instead of Medicaid.

And thanks to amendments accepted in the Senate Health, Education, Labor, and Pensions Committee, the bill language is stronger than ever. Senator GREGG, my colleague on the Budget Committee, amended the bill to require the Secretary of Health and Human Services to set premiums that are actuarially sound for a 75-year window, and maintain sustainable enrollment and benefit structure. While some have suggested that the CLASS Act is fiscally not sound, the Gregg amendment should put those concerns to rest.

Long-term care reform has been a cornerstone of my work in public office since my days in the Wisconsin State Senate. I have seen how important it is to give people options so that they can match the level of care and assistance to their personal needs. Pushing anyone and everyone into Medicaid, or into a nursing home, is a waste of potential, a waste of opportunity, and a waste of money. Medicaid and our Nation's nursing homes have a critical role to play for some Americans. But for many Americans, it is simply not the right fit. The CLASS Act will ensure that taxpayer dollars are spent enrolling only those who truly need Medicaid into the program, and help others save for a time when they might need some assistance to remain independent. The CLASS Act is a critical part of this health reform bill, and I urge my colleagues to oppose any effort to weaken or strike this program from the bill.

I yield the floor.

Mr. DODD. Mr. President, the Senator from Rhode Island wants to be heard.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Mr. President, I will speak for just a moment because I know the Senator from Pennsylvania wishes to speak. When he comes to the floor, I will quickly yield to him. While there is a moment in between, I want to speak to some of the arguments we have heard.

There is always the question of the substance of an argument. There is also the question of the credibility of an argument. I think as people watch this debate and discuss the credibility of the concern expressed by our friends on the other side of the aisle about the deficit impact of the CLASS Act, it is worth considering a few facts just to evaluate that.

First is that the CLASS Act is required to be actuarially self-sustaining. People pay into it and, from those funds, under the insurance principle, funds come back out. It is required to be self-sustaining that way.



Second, it is voluntary. Nobody has to contribute. If you want to contribute, then you can become eligible for the benefit once you have vested. But nobody is forced into this; it is entirely voluntary. The CBO, on which we rely in a nonpartisan fashion, has said this is solvent for 75 years.

Finally, because we think—at least on this side—this matters. It will help the disabled and elderly at that critical point of decision, when their ability to stay home, their ability to stay independent, or their ability to stay at work depends on just a little bit of help to accommodate their age or disability, it is then that this will make a difference. What a difference it will make in human lives.

I know the Senator from Connecticut wishes to use an example. I will yield to him on his signal. We have seen this before. We saw this not long ago on the public option, which would compete with insurers head to head on a fair and level playing field. It was completely voluntary, and it had to be actuarially self-sustaining. It had to meet the solvency laws of the State in which it operated. In both cases, our colleagues on the other side have rushed to the floor to talk about deficits and how these will contribute to the deficit.

These are both actuarially self-sustaining programs required to stay solvent. Yet here they come to raise the specter of deficits. But this is the same party that pays for 14-percent subsidies to private insurers to compete with Medicare. As my son would say, duh, if you are getting 14 percent extra, it is pretty easy to compete.

When they asked for that deal, they promised they would drive costs down. In fact, they have driven costs up, and they put it in their pockets. It is not fair to the insurers that are not in the program. It is greedy on their part. All we want to do is hold them to their promises.

Do we hear any concerns about the deficit problem on the 14-percent subsidy for the Medicare Advantage Program? No, dead silence—guess what—because it helps the insurance industry.

When the Part D program came in, our friends on the other side forced through a provision—a unique provision—that gave the pharmaceutical industry a special privilege that the U.S. Government could not negotiate with it over price—could not negotiate with it. Lord knows how much that has added to our deficit. But have they ever come to complain? No, because the beneficiary is the pharmaceutical industry. But when things help regular people, when things help competition in the insurance market, even where they are required to be actuarially self-sustaining and solvent, then suddenly they turn up. They can detect the threat of deficit in parts per billion

when it helps somebody. But a patent, actual living, breathing, deficit-enhancing subsidy that is on the books right now, they don't care about if it helps the pharmaceutical industry or the insurance industry.

As we have this discussion, that is a point worth bearing in mind because it is not just the substance of the amendment, it is the credibility of the argument that counts.

I said I would yield to the distinguished Senator from Pennsylvania when he arrived, and he has arrived. Without further ado, I yield the floor.

Mr. CASEY. Mr. President, I thank my colleague from Rhode Island, Senator WHITEHOUSE, who has been among the more forthright and capable advocates of what we are talking about today, not only with regard to health care generally, but in particular what brings us to the floor at this moment, among several issues, but principally his work and the work over many years that Senator Kennedy did for the so-called CLASS Act, the Community Living Assistance Services and Supports Act.

What is this all about? I wish to talk for a couple of minutes about how it works. I think sometimes we get lost in the discussion about the finer points of a policy or program and we tend to forget what it means. Here is what it means. Here is what it means for an American who is working and wants to continue working to support his or her family or to support themselves, contribute to our economy, demonstrate that people who happen to live with a disability of one kind or another can be so significant in our economy, can contribute so much with their ability and their brain power and their ability to contribute in a very positive way.

We are talking about the dignity of work, whether the Senate is going to stand up and say: With this act, with this program for someone who happens to have a disability and wants to work and wants to voluntarily contribute premiums so they have some security, some peace of mind down the road if they should need this help, we are talking about the dignity of that work.

This is a test of the Senate, whether we are going to stand up for people who have a disability and their opportunity to work. It is a very simple question. You either stand with them or you do not.

It is also about one important word, I think—independence, whether we are going to say to someone who wants to work and has a disability, are they going to have the independence, the freedom to work and live the life they choose?

Here is how it works. This is not complicated. This is not some mysterious program. Here is how it works. Here is how they qualify to get these benefits. They qualify to receive benefits when they do three things. First,

they need help with certain activities of daily living. We all know what those are. There are so many people out there who can work and can contribute if we give them a little help, just a little bit of help that we are talking about today to do the basic things in life—to be able to wake up in the morning and, if you have a disability, maybe have someone help you get ready for work, whether that is getting in the shower, shaving, whatever you have to do to get ready for work in the morning—activities of daily living, things that people who do not have disabilities take for granted. That is the first thing you have to have is that need that we can all understand.

Secondly, this person would have to pay premiums for at least 5 years before they could benefit from the program. I said “premiums.” I did not say a “government subsidy.” We are talking about premiums here, and this is a program that certainly has its origin in government, but this is not exactly similar to the Children's Health Insurance Program, for example, or Medicaid, where it is a government program that helps a particular person, a person who happens to have a disability or is a child. In this case, people are paying premiums, and they have to pay those premiums for 5 years.

In addition to the need and paying premiums, the third requirement is they have to work at least 3 of those 5 years. We are talking about people who are employed, working people who happen to have a disability. This is a creative program to help them do that.

Why do we get the opposition we do from across the aisle? I think it is pretty simple. We have a lot of folks across the aisle who want to kill this bill. So they are going to try to strike the CLASS Act, which is outrageous and insulting. They are going to try to strike whatever they can, if they can, to kill the bill. So this is a bill-killing exercise. This is not a debate about the finer points of the CLASS Act. This is a bill-killer exercise. It is very simple, and I think it will tell a lot about where people stand.

Let me go into a couple more details. I know we are almost out of time. Here is what happens to that beneficiary—a person working, a person who has a need, and a person who has paid premiums. That beneficiary receives a lifetime cash benefit based on the degree of impairment, not just any old formula. We want to make sure the benefit corresponds to someone's impairment, their inability to do their job or live their life the way they hope to. It is expected to average about \$75 a day or more in the case of an individual. That is what we are talking about here.

We are not talking about, in this case, a government entitlement program. Few people are as passionately supportive of the Children's Health Insurance Program or Medicaid as I am.



I believe there are programs that are funded by the government, run by the government, that work very well. But in this case, we are not talking about that kind of a program. We are talking about a program that does not confer rights or an obligation on government funding, nor does it affect the receipt or eligibility for other benefits. The program stands on its own financial feet because people are paying premiums out of their own pocket for 5 years to save for that day when they have a need because they have some kind of disability. And it is solvent—solvent. It is a program that people sign up for voluntarily. It is a voluntary program.

When you line up all of the reasons to support this program that Senator DODD, as the chairman of our committee, the Health, Education, Labor, and Pensions Committee, this summer when we were debating this bill—he carried the ball for Senator Kennedy in the chairmanship of our committee and in our hearings and also for this program. I am grateful for his leadership and also grateful for Senator HARKIN's leadership to support this voluntary program. I am also grateful that Senator WHITEHOUSE has lent his voice and his expertise and his focus on getting this program as part of our health care reform bill.

It makes a lot of sense. It is solvent, and it will help those who have a disability who want to work, who want to go to work every day and live a full life.

Mr. President, I yield the floor.

Mr. DODD. Mr. President, I yield whatever time we may have remaining to Senator KIRK of Massachusetts, who has done an incredible job in very difficult circumstances—replacing our beloved former colleague Ted Kennedy from Massachusetts. He has been a valuable contribution over these days he has been here. I know he wishes to say a few words as well.

The PRESIDING OFFICER. The Senator from Massachusetts.

There is 3 minutes remaining.

Mr. KIRK. Mr. President, I thank Senator DODD and Senator BAUCUS for their tireless leadership on this entire health care bill.

I wish to say a word about the CLASS Act. We have heard Senator DODD and others say this is the core element of this health reform bill championed by Senator Edward Kennedy. I say if he were here today, he would say this is not about politics; this is about the content of the character of our Nation. He believed, as I do, and I know Senator DODD does, this Nation is judged or should be judged on how we treat the infirm and the weakest among us. This CLASS Act, as was eloquently pointed out by Senator CASEY of Pennsylvania, involves no taxpayer funds, is fiscally solvent, and does what everyone says we must do:

provide independence, self-respect, and dignity to the infirm in our society.

Second, it keeps the caregivers and the loved ones from carrying that burden all by themselves and not having to sacrifice their jobs and their time and their heartache to share their children with perhaps one of their parents and dividing a family in that way.

This is at the heart of what our country should be about. It is not who wins—the Republicans or the Democrats. It is not a government program. It is self-funded. It is voluntary. There is no taxpayer money involved. So what other reason could there be but politics to keep people from coming together on this issue?

I urge my colleagues—all on this side and my Republican colleagues on the other side—to think about those families who are facing this plight. They are Republicans, they are Independents, and they are Democratic families as well. This is an American program for some veterans and others who have sacrificed.

I think the only thing we can do, the only right thing we can do, if this is going to be a reflection of the character of this Nation, is to support the CLASS Act.

I thank Senator DODD once again. I am proud to be standing at the desk of Senator Edward Kennedy who believed deeply in this issue, who started a long time ago and wanted to see it fulfilled this afternoon.

I yield the floor.

The PRESIDING OFFICER. The time of the majority has expired.

Mr. DODD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I am about to, on behalf of the majority leader, propound a unanimous consent request.

Mr. President, I ask unanimous consent that at 3:30 p.m. today, the Senate proceed to vote in relation to the following amendments and motion to commit, as listed in this agreement, with no other amendments, motions to commit, or any other motion except a motion to reconsider and table upon the conclusion of any vote, being in order during the pendency of this agreement; further, that prior to the second and succeeding votes, there be 2 minutes of debate, with all time equally divided and controlled in the usual form; that any amendment or motion covered under this agreement be subject to an affirmative 60-vote threshold, and that if any achieve that threshold, then it be agreed to and the motion to reconsider be considered

made and laid upon the table; that if it does not achieve that 60-vote threshold, then it be withdrawn; that after the first vote in this sequence, the succeeding votes be 10 minutes in duration:

A Senator WHITEHOUSE amendment re: Social Security fiscal responsibility; the Republican leader's designee amendment re: fiscal responsibility; Senator STABENOW's side-by-side amendment re: Medicare Advantage; and Senator HATCH's motion to commit re: Medicare Advantage.

Further, that once this agreement is entered, the Republican leader's designee be recognized to call up the fiscal responsibility amendment; and that once it has been reported by number, Senator STABENOW be recognized to call up the Medicare Advantage side-by-side amendment; that upon disposition of the amendments and the motion in this agreement, the next two matters for consideration will be a Senator LINCOLN amendment regarding insurance executive compensation, and Republican leader's designee motion to commit regarding home health agencies; that for the remainder of today's session, no further amendments or motions to commit be in order, with the time until then being equally divided between the leaders or their designees, with Members permitted to speak up to 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. Mr. President, reserving the right to object, and I will not be objecting, I see the assistant majority leader on the Senate floor. I think it would be helpful, as soon as the majority leader or someone on that side can do so, to indicate at what point during the day tomorrow and at what point during the day on Sunday we might be having additional votes. It might be helpful to our colleagues on both sides of the aisle in terms of planning for the weekend.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I would say through the Chair to my distinguished colleague, the senior Senator from Kentucky, that we are going to come in at 10 in the morning. At this time, it appears Senator LINCOLN will be offering an amendment, and I would hope we can be ready at that time to have whatever the minority wants to do in regard to that amendment. Then we are going to have an amendment offered by the Republicans. I would hope that we can dispose of those two amendments tomorrow, maybe in the early afternoon—maybe 2:30 or 3 o'clock start voting on them.

Mr. McCONNELL. So am I correct in assuming that the votes are most likely going to be in the afternoon tomorrow, or both morning and afternoon?

Mr. REID. In the afternoon. I think we will need some debate in the morning.

Then Sunday morning, at the request of the Republican leader, we are not going to come in until noon, or thereabouts.

Mr. MCCONNELL. I think we are going to need some debate time. Oh, we will have that in the afternoon.

Then on Sunday, obviously, we would not go in until noon on Sunday, and the votes will be—

Mr. REID. There is an event in Washington that a number of Senators are obligated to go to that is in the evening, so we will get everybody out of here by 6, 6:30 that night, at the latest.

I would also say, Mr. President, through the Chair to my friend, that we Democrats are going to have a caucus—tentatively scheduled to have one Sunday afternoon.

The PRESIDING OFFICER. Is there objection to the request?

Hearing no objection, it is so ordered. The Senator from South Dakota.

AMENDMENT NO. 2901 TO AMENDMENT NO. 2786

Mr. THUNE. Mr. President, I would like to call up amendment No. 2901 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from South Dakota [Mr. THUNE] proposes an amendment numbered 2901 to amendment No. 2786.

The amendment is as follows:

(Purpose: To eliminate new entitlement programs and limit the government control over the health care of American families)

Beginning on page 1925, strike line 15 and all that follows through line 15 on page 1979.

Mr. THUNE. Mr. President, I want to speak to the amendment that we just filed at the desk. This amendment is very straightforward and very simple. It does what a number of my colleagues on the other side have asked to do, and that is to strike the CLASS Act from the underlying health care reform bill that is being debated on the floor of the Senate right now.

I want to read some excerpts from a letter that seven Democratic Senators, including the chairman of the Senate Budget Committee, Senator CONRAD, put together asking that this CLASS Act not be included as part of this legislation.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter from which I will be quoting.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington DC, October 23, 2009.

Hon. HARRY REID,  
Majority Leader, The Capitol, Washington, DC.

DEAR LEADER REID: We write regarding the merger of the Finance and HELP Committee health reform bills. We know you face a great many difficult decisions now, one of which is whether to include provisions from the HELP Committee bill known as the CLASS Act in the merged bill.

We urge you not to include these provisions in the Senate's merged bill, nor to use

the savings as an offset for other health items in the merger.

While the goals of the CLASS Act are laudable—finding a way to provide long term care insurance to individuals—the effect of including this legislation in the merged Senate bill would not be fiscally responsible for several reasons.

CBO currently estimates the CLASS Act would reduce the deficit by \$73 billion over ten years. But nearly all the savings result from the fact that the initial payout of benefits wouldn't begin until 2016 even though the program begins collecting premiums in 2011. It is also clear that the legislation increases the deficit in decades following the first ten years. CBO has confirmed that the legislation stand-alone would face a long-term deficit point of order in the Senate.

Some have argued that the program is actuarially sound. But this is the case because premiums are collected and placed in a trust fund, which begins earning interest, and because the HHS Secretary is instructed to increase premiums to maintain actuarial solvency. We have grave concerns that the real effect of the provisions would be to create a new federal entitlement program with large, long-term spending increases that far exceed revenues. This is especially the case if savings from the first decade of the program are spent on other health reform priorities.

Slowing the growth of health care costs should be a top priority as we move forward with health reform. Inclusion of the CLASS Act would reduce the amount of long-term cost savings that would otherwise occur in the merged bill. The CLASS Act bends the health care cost curve in the wrong direction and should not be used to help pay for other health provisions that will become more expensive over time and increase deficits.

Thank you for your consideration. We hope that fiscally responsible measures to improve access to long-term care can be considered in the future.

Sincerely,

KENT CONRAD.

JOE LIEBERMAN.

MARY L. LANDRIEU.

EVAN BAYH.

BLANCHE L. LINCOLN.

E. BENJAMIN NELSON.

MARK R. WARNER.

U.S. Senators.

Mr. THUNE. Mr. President, the letter said:

We urge you not to include these provisions in the Senate's merged bill, nor to use the savings as an offset for other health items in the merger. While the goals of the CLASS Act are laudable—finding a way to provide long term care insurance to individuals—the effect of including this legislation in the merged Senate bill would not be fiscally responsible for several reasons.

The letter goes on to say:

[N]early all the savings result from the fact that the initial payout of benefits wouldn't begin until 2016 even though the program begins collecting premiums in 2011. It is also clear that the legislation increases the deficit in decades following the first 10 years.

They go on to say in this letter, Mr. President:

We have grave concerns that the real effect of the provisions would be to create a new Federal entitlement program with large, long-term spending increases that far exceed revenues. This is especially the case if savings from the first decade of the program are spent on other health reform priorities.

That, Mr. President, is a letter that was signed by the chairman of the Senate Budget Committee, Senator CONRAD of North Dakota, Senator LIEBERMAN, Senator LANDRIEU, Senator LINCOLN, Senator WARNER, Senator NELSON, and Senator BAYH. Seven Democratic Senators have gone on the record saying the CLASS Act shouldn't be included in this legislation because it is not fiscally responsible.

The fact is, the chairman of the Senate Budget Committee, Senator CONRAD, has described this as a Ponzi scheme of the first order—something that Bernie Madoff would be proud of.

Now, I have heard my colleagues get up and talk about how solvent this is and what a great program this is. Well, there are programs out there that are available for people to buy long-term care insurance. The problem with this one is that it takes all the money that comes in in the early years and spends it on other government programs—in this case health care reform—but who knows what other government programs are going to be created that will use the revenues that come in from this plan that supposedly a lot of people are going to sign up for, and CBO says it is going to be fewer than 4 percent that will sign up.

In fact, no senior today is going to benefit from it because you have to work for 5 years. If you are a senior who is retired, you will not see any benefit. This doesn't impact seniors, contrary to the assertion of some of my colleagues on the other side. It will impact future generations of Americans who are going to be stuck with the deficits and the debt that gets piled on them because of the outyears when this liability is incurred as people start getting paid out, from having paid in, and there is no money there. It is the classic definition of a Ponzi scheme: The money comes in today, it gets spent on other things, and then someday, when the liability comes in and people start saying: I paid into this program, and I should get some benefit, there will be no money there. So we will borrow for it or tax for it or something else.

They say, well, it is actuarially solvent over 75 years. Well, maybe, because you are running surpluses in the early years. But in the later years, you are running huge deficits. In the early years the surpluses are being spent. They are not being put into paying benefits for this program, when those benefits start being demanded by the people who have participated in the program.

Just look at what others have said about this program, Mr. President. I have quoted for you what the chairman of the Budget Committee, Senator CONRAD, said with regard to this program; that it is a Ponzi scheme of the first order, and that is being echoed by others. But this is what the administration's chief health actuary said about

the CLASS Act. He said it would result "in a net Federal cost in the longer term." The chief actuary also determined the program faces "a significant risk of failure" because the high cost will attract sicker people and lead to low participation.

The Congressional Budget Office agreed, saying:

The CLASS program included in the bill would generate net receipts for the program in the initial years when total premiums would exceed total benefit payments, but it would eventually lead to net outlays when benefits exceed premiums. . . . In the decade following 2029, the CLASS program would begin to increase budget deficits.

This particular quote could come as a bit of a surprise because this comes not from the CBO or the CMS actuary, but it comes from the Washington Post. The Washington Post called the CLASS Act a "gimmick" "designed to pretend that health care is fully paid for." The Post goes on to say:

[T]he money that flows in during the 10 year budget window will flow back out again. These are not "savings" that can honestly be counted on the balance sheet of reform.

Even the Washington Post recognizes this for what it is. It is a sham. This is a budget gimmick, Mr. President, that is designed to obscure the cost of this program by generating surpluses in the early years. It is supposed to generate \$72 billion in the first 10-year window, so that counts on the balance sheet of health care reform to make it look better. But this program is going to run deficits—deficits as far the eye can see—once the chickens come home to roost. Who will pay the bill for that? Future generations of Americans.

Mr. President, this is not good policy. Certainly, if you look at programs we already have on the books, Medicare is destined to be bankrupt in the year 2017. We have big problems down the road—unfunded liabilities in Social Security. This would create a huge new liability down the road that would be unfunded because all the money that comes in during the early years is going to be spent. This is more of the same old business as usual in Washington, DC, that the American people are fed up with. We can make people happy today by saying we are creating this new program that makes the majority's health care reform bill look better because it obscures the real cost of this bill by rolling in these revenues in the early years. But there is a long-term impact, according to the CBO, according to the actuary at Health and Human Services, and according to a lot of our colleagues on the other side—the seven Democrats who signed the letter, including the chairman of the Budget Committee, who, as I said, has called this program a Ponzi scheme of the first order; something that would make Bernie Madoff proud.

I don't know how my colleagues on the other side, with a straight face, can come to the Senate floor and say this

is a great program, that it is actuarially sound. Sure, it may be a benefit to a few people, but I have to tell you, somewhere down the road, when the chickens come home to roost, there is going to be a huge liability that is going to be facing future taxpayers, future generations of Americans, as we start to pile up more deficits and more debt as a result of this Ponzi scheme.

This is a sham, Mr. President. I hope my colleagues will support this amendment. It would strike the CLASS Act from the underlying bill, not allow those revenues to be assumed in paying for or understating the cost of this bill, and not pile mountains of debt onto future generations.

Mr. President, I reserve the remainder of my time.

Mr. KYL. Mr. President, the Community Living Assistance and Services and Supports Act, known as the CLASS act, is a new, government-run, government-funded program for longterm care, intended to compete with long-term care plans provided by private insurers.

One of the oft-repeated arguments we have heard in favor of the CLASS act is that it would reduce budget deficits between 2010–2019.

First, when has a government program ever reduced budget deficits?

Second, the Congressional Budget Office tells us that this program will actually add to future Federal budget deficits. The CBO writes: "The program would add to future federal budget deficits in large and growing fashion."

Why would it do this?

The program offers returns that payments made into the system cannot cover—just like a Ponzi scheme, as Senator CONRAD said. Participants would have to pay into the system for five years before they start collecting benefits. Under the Senate proposal, only active workers could enroll in the program. So this would not be a program that would not benefit seniors or the currently disabled. So, if a worker began making payments in 2011, he or she could not collect benefits until 2016. So, for a time, the program would generate surplus receipts for the government while Americans are paying in and not collecting benefits. But eventually, we will reach a point when payments made into this program cannot sustain promised benefits.

As the CBO tells us, the program would "lead to net outlays when benefits exceed premiums." (By the third decade of program operation—2030–2039—CBO assumes that CLASS begins to generate net increases in Federal outlays. The net increase in Federal outlays is estimated to be "on the order of tens of billions of dollars for each (succeeding) ten-year period.")

CBO notes that the increase in net Federal outlays which will begin to occur after 2029 results despite the requirement that premiums be set to en-

sure the program's solvency over 75 years. The solvency requirement counts interest income paid to the program's trust fund as available to pay future benefits. However, CBO notes that those interest payments are an intra-governmental transfer within the Federal budget. Thus, CBO notes that from a budget scorekeeping perspective, the CLASS program would inevitably add to future deficits (on a cash basis) by more than it reduces deficits in the near term, even though the premiums would be set to ensure solvency of the program.

The administration's chief health actuary said the CLASS Act would result in "a net federal cost in the longer term."

Bottom line, this program is not sustainable outside the 10-year window.

That is why the Washington Post called it, "a gimmick . . . designed to pretend that healthcare is fully paid for."

The Post goes on:

Money that flows in during the 10-year budget window will flow back out again. These are not 'savings' that can honestly be counted on the balance sheet of reform.

Mr. DODD. Mr. President, how much time remains?

The PRESIDING OFFICER. There is 19 minutes remaining; on the Republican side, 10½.

Mr. DODD. Mr. President, I see my colleague from Minnesota. Does he wish to be heard? How much time does my colleague need?

Mr. FRANKEN. I thank the Senator. I need 3 minutes.

Mr. DODD. Take 4.

Mr. FRANKEN. I will use it.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. FRANKEN. Mr. President, I rise today to ask unanimous consent to be added as a cosponsor to the amendment of Senator COBURN, amendment No. 2789, to require all Members of Congress to enroll in the public option. I am pleased to cosponsor this amendment because I strongly support the public option and I will have no qualms at all enrolling in this plan.

There is a lot of misinformation about the public option, so I want to be clear about why we need a public option and why I would be proud to enroll in a public health insurance plan.

We need a public option because health insurance premiums for Minnesota residents have risen 90 percent since 2000 and because 444,000 Minnesotans went without health insurance in 2008. We need a public option because, while millions of Americans struggle to pay for health care, insurance executives continue to make bloated, obscene salaries. From 2000 to 2007, American families saw their premiums almost double. During that same time, we saw more than 6 million more Americans become uninsured. During that same period, insurance companies'

profits rose 428 percent—428 percent in 8 years. They are making outrageous profits by gouging American families. That is why we need a public option.

The public option will offer affordable premiums and a comprehensive benefits package for Americans struggling with their health care costs. It is going to provide the kind of coverage Americans need to be healthy. The public option will foster competition among private health insurance companies and lower long-term costs for Minnesotans and for families all across the country. There is no cost for the public option to the Treasury. In fact, CBO estimates it saves \$3 billion. It is a win-win situation.

It is important to remember that a public option doesn't mean private health insurance goes away. In fact, after health reform, 188 million Americans will have coverage through a private insurer. Only 2 percent of the overall insured population is projected to enroll in the public option. This is just another option you will have. It is an option because that is what the bill is about.

Mr. BROWN. Will the Senator from Minnesota yield?

Mr. FRANKEN. Absolutely.

Mr. BROWN. I know my colleague joined with Senator DODD, Senator MIKULSKI, and me to push this amendment that Members of the House and Senate actually go on the public option, partly to show we believe in it. It is a little curious that two of the sponsors, at least, Senator COBURN and Senator VITTER and some others, are so much against the public option that they want to pass this amendment. It sounds to me as if the Senator is serious about going on it, as I am, correct?

Mr. FRANKEN. I talked to my wife Franni. We have been married 34 years now. I talked to her a couple of weeks ago. I said if this passes, we should do the public option. She said, absolutely. Yes, I am perfectly serious about this.

The PRESIDING OFFICER (Mr. REED). The Senator from Minnesota has consumed 4 minutes allotted by the Senator from Connecticut.

Who yields time?

Mr. GRASSLEY. I yield 5 minutes to the Senator from Utah, Mr. HATCH.

The PRESIDING OFFICER. Without objection, the request of the Senator from Minnesota to be added as a cosponsor of the Coburn amendment is ordered.

The Senator from Utah is recognized.

Mr. HATCH. Mr. President, we are talking right now about a program that was well thought out, that was meant to help the poor and minorities. It was a bipartisan effort by Democrats and Republicans, and has worked amazingly well and is available to all recipients of Medicare.

Medicare Advantage came about in a bipartisan way to solve real problems. We were not getting health care to

rural America. We were not getting health care, in many respects, to some of the poorer, some of the minority folks in our country.

I want to read a special letter here. Let me read this letter. I know it may have been read before, but I am going to read it again. It is dated September 30, 2003. "Dear Medicare Conferees." I happened to be a member of that conference. I was one of those in there who led the fight for Medicare Advantage.

We are writing to ask you, as a member of the Medicare conference committee, to ensure the final Medicare bill includes a meaningful increase in Medicare+Choice—

That is the predecessor to Medicaid Advantage—

funding in fiscal years 2004 and 2005. While the Senate bill makes a modest step toward this goal, we hope the stronger provisions in the House bill will be preserved in conference.

For nearly 5 million Medicare beneficiaries across America, Medicare+Choice [the predecessor] is an essential program that provides high quality, comprehensive, affordable health coverage. These seniors and disabled Americans have voluntarily chosen to receive their health coverage through Medicare HMOs and other private plans because of their excellent value. To preserve this important option for seniors across the country, bipartisan legislation was introduced in the Senate as S. 590, the "Medicare+Choice Equity and Access Act."

That became Medicare Advantage.

Co-sponsored by Senators Schumer and Santorum, S. 590 sought to increase reimbursement rates and add new reimbursement options for Medicare+Choice programs.

It goes on to make a compelling case for what came from that conference as Medicare Advantage, and that was utterly pleasing to everybody who signed this letter.

By the way, let me just mention the Democrats who signed this letter, who wanted Medicare Advantage: JOHN KERRY, ARLEN SPECTER, DIANNE FEINSTEIN, JOE LIEBERMAN, PATTY MURRAY, CHARLES SCHUMER, FRANK LAUTENBERG, Hillary Rodham Clinton, RON WYDEN, Mark Dayton, MARY LANDRIEU, MARIA CANTWELL, and CHRISTOPHER DODD. Fourteen Democrats signed this letter, along with a number of bipartisan Republicans, who believed we really needed to include Medicare Advantage.

Now, to take advantage, our colleagues on the other side want to do away with Medicare Advantage, except in 3 States that are, for the most part, Democratic States, leaving all the other 46 States high and dry.

Let me just say that this letter is in response—it was a letter given to the Medicare modernization conference committee. This conference committee gave them everything they wanted for Medicare Advantage. This legislative grant of power gave the signatories the Medicare Advantage Program, which now 11 million senior citizens enjoy today.

Now those on the left want to do away with this important program

that benefits seniors and minorities in an amazing set of ways. I am against that effort. I hope our colleagues on the other side will realize what they are doing. It just is not right. Vision care and dental care and so many other approaches that really work for this program will be taken away from these people. They are going to have to spend \$175 to \$200 a month to get what they got for an average of about \$54 a month. These are people who need our help.

Let me change the subject for a minute because I understand my colleague from Oregon was discussing Medicare Advantage and talking about some Medicare Advantage companies living "high off the hog" and inferring that is a rationale for \$120 billion in Medicare Advantage cuts. I have two responses to my colleague from Oregon. This is not about Medicare Advantage insurance companies, this is about preserving the choice of coverage for seniors.

The PRESIDING OFFICER. The Senator from Utah has used 5 minutes.

Mr. HATCH. I ask for another 2 minutes.

Mr. DODD. How much time remains for both sides?

The PRESIDING OFFICER. The Senator from Iowa controls 4 minutes 46 seconds; the Senator from Connecticut, 4 minutes 42 seconds.

Mr. DODD. The Senator has 4 minutes.

Mr. HATCH. He also said that under the Reid bill, Medicare Advantage beneficiaries will be able to keep what they have. You know, he is right about some Medicare Advantage beneficiaries being able to keep what they have due to the Nelson grandfathering amendment passed by the Senate Finance Committee this fall. But those protections primarily apply to Medicare Advantage beneficiaries in Florida, Oregon, and New York—beneficiaries living in other parts of the country. Rural areas will not be protected.

So let's be clear when we say Medicare Advantage beneficiaries' benefits will not be cut. These extra benefits include lower premiums, deductibles, and copayments, dental coverage, and hearing aids, to name only a few.

Bottom line: Most Medicare Advantage beneficiaries may not keep what they have, contrary to the President's promise to them.

The PRESIDING OFFICER. Who yields time?

Mr. DODD. Mr. President, I yield 4 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 4 minutes.

AMENDMENT NO. 2899 TO AMENDMENT NO. 2786

Ms. STABENOW. Mr. President, I have an amendment that will be sent to the desk pursuant to the unanimous consent agreement. I now call up my amendment No. 2899.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Ms. STABENOW] proposes an amendment numbered 2899 to amendment No. 2786.

Ms. STABENOW. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows.

(Purpose: To ensure that there is no reduction or elimination of any benefits guaranteed by law to participants in Medicare Advantage plans)

At the appropriate place, insert the following:

**SEC. \_\_\_\_ NO CUTS IN GUARANTEED BENEFITS.**

Nothing in this Act shall result in the reduction or elimination of any benefits guaranteed by law to participants in Medicare Advantage plans.

Ms. STABENOW. Mr. President, this is a very important amendment to clarify, once again, that we are not cutting any Medicare benefits. We are not cutting any of the guaranteed Medicare benefits people receive right now. In fact, AARP, which has been saying this on its Web site for months, has released a letter now. It quotes this sentence:

Most importantly, the legislation does not reduce any guaranteed Medicare benefits.

Not only AARP but the Association for the Protection of Medicare and Social Security, the Alliance for Retired Americans, and other seniors organizations all agree.

What we are talking about is saving Medicare, cutting down on overpayments that have been in place. Right now, 80 to 85 percent of the seniors who get their benefits, their health care, through traditional Medicare are paying more in premiums, according to the Congressional Budget Office, than they otherwise would, because MedPAC estimates we are paying about \$12 billion more for people in the private for-profit insurance system right now that is called Medicare Advantage. The majority of seniors are subsidizing high insurance company profits and overpayments. What we have done in this bill is take out the overpayments and, in fact, put in competition, competitive bidding. I thought that was something our colleagues on the other side of the aisle supported—competitive bidding for reimbursements so we are not continuing the overpayments in Medicare Advantage that are causing Medicare to go broke much sooner and causing the majority of seniors to subsidize high insurance company profits.

What we are seeing on the effort, unfortunately, of my friends on the other side of the aisle is an effort to support huge subsidies instead of supporting competitive bidding that is in the bill.

The reality is that the guaranteed benefits—inpatient care, doctor visits, lab tests, preventive screenings, skilled

nursing facilities, hospice care, home health care, prescription drugs, ambulance services, durable medical equipment, emergency room care, kidney dialysis, outpatient mental health care, occupational and physical therapy, imaging such as x-ray, EKGs, organ transplants, and the “Welcome to Medicare” physical are all covered, as they have been, for all Medicare beneficiaries.

What we are doing is taking overpayments to for-profit insurance companies and putting that back into increased benefits for every senior. That is cutting down on prescription drug costs by closing the doughnut hole and strengthening preventive care. And the most important piece of all: lengthening the solvency of the Medicare trust fund.

I urge the adoption of my amendment at the appropriate time.

The PRESIDING OFFICER. Who yields time?

Mr. GRASSLEY. Mr. President, I yield 2 minutes to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. LEMIEUX. Mr. President, I have been reviewing the amendment of the Senator from Michigan. This is very important to the people of Florida because it deals with Medicare Advantage. Medicare Advantage is a very important program. It is not just some extra frills. It is the idea that our folks in Florida can get eye care, dental care, hearing care, diabetic supplies, preventive medicine. Last week I went down to a Medicare Advantage clinic in Miami, the Leone Center. This is a place where seniors are getting holistic health care. The intention of this amendment is to guarantee the benefits in Medicare Advantage, but I am not sure it is phrased that way. I have been reading the bill. I have been reading Title XVIII of the Social Security Act. I cannot find the phrase “guaranteed benefit.” I ask unanimous consent that the “guaranteed by law” phrase in this amendment offered by my colleague from Michigan be eliminated so that we would ensure that benefits of eye care, dental care, preventative care, diabetic supplies, all the other things that are provided in Medicare Advantage, are actually preserved. No one is objecting to lower costs. No one is objecting to a competitive situation where we have companies providing more services for less cost. We want to make sure the services are still there.

I ask unanimous consent to have that phrase “guaranteed by law” be eliminated from the amendment.

The PRESIDING OFFICER. Is there objection?

Ms. STABENOW. Reserving the right to object, I ask that my colleague work with me. We will be happy to talk about how we might address what he is concerned about. Unfortunately, the reality is, the for-profit companies are

objecting to competitive bidding. The language my colleague has suggested would include items that have been offered to the people in for-profit plans such as gym memberships and other things that have been of great concern. Given that, I would have to object.

The PRESIDING OFFICER. Objection is heard.

The time of the Senator from Florida has expired.

Mr. HARKIN. Mr. President, I yield 3 minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. I have watched from my office on C-SPAN and been on this floor countless times in the last 3 or 4 days as my friends on the other side continue to do the bidding of the insurance companies. I hear them talk about Medicare Advantage, how great it is. I was in the House of Representatives 10 years ago when Medicare Advantage began, when the insurance companies said: We can save Medicare 5 percent on all its costs by bringing forward Medicare Advantage. Then when the Republicans took control of everything, that savings of 5 percent, the insurance companies decided, no, we can't save 5 percent anymore. We need a 13-percent bonus. The chickens have come home to roost for the insurance companies, for good and bad.

I refer to a Dow Jones story entitled “Humana 3rd Quarter Profits Up 65%. See Strong Medicare Advantage Gains.”

Let me excerpt from the first few paragraphs.

Humana Inc.'s third-quarter earnings rose 65% amid improved margins at its government (i.e. Medicare Advantage) segment. The company gave an initial 2010 forecast in which the health insurer projects “substantial” Medicare Advantage membership growth, resulting in revenue of \$32 billion to \$34 billion—well above analysts' average estimate of \$29.63 billion. Humana's forecast takes into account reductions in Medicare Advantage over-payments.

As the Senator from Rhode Island knows and the Presiding Officer and my colleagues who have been strong supporters of Medicare, when we see people who have opposed Medicare, opposed the creation of Medicare 40 years ago, tried to privatize Medicare with Speaker Gingrich down the Hall in the House of Representatives a dozen years ago, now they are Medicare's biggest defenders? I don't think so. They have been the insurance industry's biggest defenders. That is what the debate the last 3 days was all about. What is important is we guarantee Medicare services, as we will. We quit subsidizing insurance companies, as we should. And then that \$90 tax every Medicare beneficiary has to pay, that \$90 that goes to insurance subsidies, will be taken away so Medicare fee-for-service, regular Medicare members, which is 81, 82, 83 percent of Medicare beneficiaries, won't be paying that insurance company Republican tax they have had to

pay ever since Medicare Advantage subsidies to insurance companies were increased.

We need to get this bill moving. The stalling and delays should be over.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HARKIN. Parliamentary inquiry: How much time remains?

The PRESIDING OFFICER. The Senator from Iowa controls 6 minutes 45 seconds, and the Senator from Iowa controls 2 minutes 24 seconds.

Mr. GRASSLEY. I yield 1 minute to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Mr. President, it was interesting to hear my friend from Ohio. I plan to support the Hatch amendment regarding Medicare Advantage, but it is not because I don't believe we need to do some things to cause Medicare to be more solvent. I do believe that Medicare Advantage does have some subsidies to insurance companies that are higher than they should be. The fact is, this bill is taking money from a program that is insolvent, Medicare, and using that to create an entitlement. I will support the Hatch amendment, even though I would love to work with my friends on the other side of the aisle to do those things, to make Medicare more solvent, but I think what is so objectionable to all of us is to know that we have an insolvent Medicare Program that the trustees have said will be bankrupt in the year 2017, and my friends on the other side of the aisle are taking money from that program to leverage a new entitlement.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

Mr. HARKIN. I yield 2 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, this is a basic choice. Will we continue to subsidize private health insurance companies that are overcharging the Medicare Program by 14 percent? Will we take that money out of Medicare to continue the subsidy for profitable private health insurance companies? It is that basic. I say to the Senator from Tennessee, the Congressional Budget Office tells us, yes, untouched, the Medicare program in 7 or 8 years faces insolvency. But this bill adds 5 years of solvency to Medicare right off the top—something he won't acknowledge but he should. Let me also add, if we are going to bring down the cost of Medicare so that recipients get quality care, we have to get rid of these outrageous subsidies to private health insurance companies, the Medicare Advantage Program. We also have to be honest about those providers overcharging Medicare. Why does it cost twice as much in Miami for the same

service that is given to Medicare patients in Rochester, MN? It should not. Somebody is ripping off the system. If we can't ask those honest questions, then I am afraid we will not put Medicare on sound financial footing. We can do that. But we can't do that by saying: We have got to continue to subsidize private health insurance companies out of Medicare. That is the Hatch amendment. That is what we should vote against.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 5 minutes.

Mr. HARKIN. I yield 2 minutes to the Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, those of us who have been privileged to hear our friends on the other side debate the public option have seen a relentless insistence on the public option operating on a level playing field with the private insurance industry. I can't tell the number of times we have heard that. Indeed, even when we designed the public option so that it did operate on a level playing field with the private insurance industry, they still complained. But now we have a situation in which we have private industry operating at a 14-percent advantage and subsidy against Medicare. Suddenly, the other side's interest in a level playing field has evaporated. Suddenly their interest is in doing what is, once again—in the astonishing coincidence that characterizes debate—in the interest of the insurance industry.

I have yet to see an argument made from the other side of the aisle that doesn't happen to coincide with the interests of the insurance industry. It could not be more stark on this point. If it is a public option, they want it to compete on a level playing field. And even then they are against it. If it is privately subsidized coverage, getting an advantage against the public system, then they are for it.

I urge consistency and support of the effort to bring some discipline to Medicare Advantage, as the private insurance industry promised. We are doing no more than holding them to their word.

The PRESIDING OFFICER. Who yields time?

Mr. GRASSLEY. I yield the balance of my time to the Senator from Texas.

Mrs. HUTCHISON. I yield 30 seconds to Senator McCain.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I understand the Senator from Pennsylvania, Mr. CASEY, filed an amendment designed to spend \$2.5 billion to protect Medicare Advantage benefits for Pennsylvanians. What is going on? What is going on here? Why can't we protect

every citizen? That is five States that are "protected" and spending extra billions of dollars. Let's have an amendment that every State is treated the same. Let's do that. I tell my colleagues, I intend to introduce an amendment that will do so. That will take away the special exceptions that are taken for special States to have special influence around here.

Mrs. HUTCHISON. Mr. President, to put this in perspective, when I hear all of this debate, it is as though everything has to be more government, bigger government, government is better than the private sector. Medicare Advantage is an option. It is not a mandate. It is an option that allows seniors another choice to get eye care, hearing aids. Let's let seniors have this option. Let's not cut it away from them. We need more competition, not less.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. HARKIN. How much time do I have remaining?

The PRESIDING OFFICER. There is 2½ minutes.

Mr. HARKIN. Mr. President, it was interesting to hear the last speaker say: Don't take away the option for seniors in Medicare Advantage. Yet they have an amendment to take away the option for people who buy insurance against having a disability so they can stay in their own homes and have support. It is voluntary. It is not mandatory. No one is forcing them to do anything, I say to my friend from Texas. Yet there is an amendment on that side to take away that voluntary program, the CLASS Act, so that people can voluntarily put money into it to protect themselves against a future disability. Let's kind of keep our arguments a little bit straight.

A lot of people have talked about Medicare Advantage. I will not close the argument on that. I will close on the necessity of keeping the CLASS Act in this bill. I have spoken many times about that. It is not a partisan issue. It is like when we passed the Americans with Disabilities Act. It was not a partisan issue. This should not be a partisan issue too. We should not let politics get involved. Over 275 groups representing people with disabilities of all ages, from AARP to Paralyzed Veterans of America to the Interfaith Coalition, support the CLASS Act. It was unanimously adopted by the HELP Committee, unanimously adopted by Republicans and Democrats. Senator GREGG offered an amendment to insist that it be actuarially sound over 75 years, and it is actuarially sound over 75 years.

Secretary Sebelius said the administration supports it. President Obama supports it. There is broad-based support for the CLASS Act.

Today we received some letters from people around the country. I don't have



time to read them all but just a couple. Here is one from Arkansas:

My wife has a journalism degree, cerebral palsy and brings money to the state of Arkansas with her stay at home job with occasional travel. If her health worsens she could still earn money for the state under the CLASS Act working from home with the assistance from an attendant, [rather than having to go to a nursing home.]

Here is Virginia:

I don't currently need the services under the CLASS Act, but having been born with a disability I've always been acutely aware of the possibility of serious issues down the road . . . it would be a good thing for me, a thirty-year-old working person, [to be able to put some money away.]

I beg my colleagues, for the sake of people with disabilities, let's not adopt the amendment of the Republicans to take away the CLASS Act. It was Senator Kennedy's premier goal.

Mr. GRASSLEY. Mr. President, I take a back seat to no one on issues associated with improving the lives of seniors and the disabled.

As ranking member on the Aging Committee, I oversaw critical hearings into deep and persistent problems in our Nation's nursing homes. I was the principal author of the Medicare Part D prescription drug bill which is currently providing our seniors and people with disabilities with affordable prescription medications.

On the disability front, one of my proudest achievements is the enactment of legislation I sponsored along with the late Senator Ted Kennedy, the Family Opportunity Act, which extends Medicaid coverage to disabled children.

In large part, through my efforts, the Money Follows the Person Rebalancing Act, and the option for States to implement a home- and community-based services program were included in the Deficit Reduction Act of 2005.

Along with Senator KERRY, I have introduced the Empowered At Home Act which, among other things, revises the income eligibility level for home- and community-based services for elderly and disabled individuals.

If I thought that the CLASS Act would add to this list of improvements to the lives of seniors or the disabled, I would be first in line as a proud co-sponsor of the CLASS Act.

But the CLASS Act does not strengthen the safety net for seniors and the disabled.

The CLASS Act compounds the long-term entitlement spending problems we already have by creating yet another new, unsustainable entitlement program.

The CLASS Act is just simply not viable in its current form.

It is almost certain to attract the people who are most likely to need it—this is known as adverse selection.

That will cause premiums to increase and healthier people to drop out of the program.

It is the classic "insurance death spiral."

On November 13, the administration's own Chief Actuary confirmed this. The Chief Actuary issued a dire warning in a report on the CLASS Act in the House bill which is virtually identical to the Senate version.

The Chief Actuary said:

There is a significant risk the problem of adverse selection would make the CLASS program unsustainable.

The CLASS Act has been characterized by the Washington Post editorial page as a "gimmick."

For the first 10 years, the CLASS Act saves money at the beginning because it collects premiums before benefits start getting paid out.

But sometime afterwards, it starts to lose money.

We all know what happens from there. It will become the taxpayers' responsibility to rescue the program as it fails.

Look at the financial struggles of Social Security. Look at Medicare. Look at Medicaid.

Now go home and look at your children and grandchildren.

Voting to protect the premiums of a program that you know will fail is irresponsible.

Creating the unsustainable CLASS Act is irresponsible.

Adding the ticking timebomb of yet another unfunded liability to our children and grandchildren through the CLASS Act is irresponsible.

The responsible vote is to strike the CLASS Act from the bill; I urge my colleagues to support this amendment.

Mr. President, I ask unanimous consent to have printed in the RECORD two items. First is an article from Fortune magazine on the CLASS Act. Second is a letter signed by seven of my Democratic colleagues objecting to the CLASS Act.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Fortune Magazine, Sept. 3, 2009]

THE CRAZY MATH OF HEALTH-CARE REFORM  
(By Shawn Tully)

Embedded in the health-care plan moving forward is a truly gravity-defying new device: a costly entitlement program portrayed as a way to save money. So how can you raise billions with a program that can't even pay for itself? Only by using the crazy math that governs in the world of health-care reform.

The gimmick was hatched on July 15 when the Senate Committee on Health, Education, Labor & Pensions approved a federal insurance plan for long-term care called the Community Living Assistance Services and Supports Act, or CLASS Act.

The plan, which would provide modest benefits to people who can't perform such simple daily tasks as bathing or feeding themselves, was one of Sen. Ted Kennedy's last crusades. It quickly became a favorite among Democrats, who are now adding the CLASS Act to the leading proposal in the House, H.R. 3200, passed by the Energy & Commerce Committee.

While no one doubts the bill's humane intentions, its ardent champions have another motive as well. A budget gimmick allows them to claim that CLASS Act helps pay for health-care reform.

The Democrats are promising a "deficit neutral" plan, which means that according to rules set by the Congressional Budget Office, they need to find about \$1 trillion in new taxes and savings over the next ten years. Right now, the House legislation stands around \$250 billion short.

The CLASS Act looks like a gift: It brings in \$58 billion in net tax revenues by 2019, lowering the deficit by an equivalent amount because only minor costs will be booked during that period. Under the CBO rules, the CLASS Act technically covers one-quarter of the \$250 billion shortfall in funds needed to pay for health-care reform.

The gimmick lies in looking only at the CBO's ten-year budget window. The extra revenues are an illusion because of the disaster lurking just beyond that horizon.

In fact, none of the \$58 billion is available to pay for the House bill. The CLASS Act is so poorly designed that the \$58 billion reserve and all future premiums won't come close to covering the generous benefits it's promising.

Here's why the mechanics of the CLASS Act assure its eventual collapse.

Under the bill, all working Americans would have the option of contributing a payroll tax averaging \$65 a month for long-term care. The eventual benefit for most recipients would be \$75 a day or \$27,000 a year.

It could be used towards nursing-home expenses, but the main goal is to allow infirm Americans to get the care they need from aides or therapists in their own homes so they're not forced into nursing homes.

But the CLASS Act's premiums aren't remotely high enough to cover a likely deluge of claims. "It's a microcosm of many of the weaknesses in the health-care reform bills," says Steve Schoonveld of the American Academy of Actuaries (AAA), which did an excellent analysis of the CLASS Act.

The plan's main problem is that it encourages what's known as "adverse selection"—it will attract an extremely high proportion of people who are sick and near retirement, and a relatively small share of the young and healthy needed to create a sound insurance plan.

One big weakness is that the CLASS Act doesn't screen for medical problems, or even require information about them. Hence, workers or their spouses can sign up even if they're already ill. By contrast, private plans require strict testing.

Participants in the CLASS program can also start collecting benefits after just five years, a period the AAA deems far too short. Workers and their spouses can also stop paying premiums, then rejoin when they get sick with no penalty.

As a result, the AAA expects that the plan will be swamped by people who know they have medical problems when they sign up, and demand benefits right after they've paid for five years.

The AAA says that the plan would become insolvent by 2021—just beyond the CBO's budget window—and would have to raise its premiums to \$180 a month to meet its costs, a 177% increase.

That would put the CLASS Act into a death spiral, since virtually all younger and even moderately healthy participants would drop out. It would become a program exclusively for the old and sick, driving premiums still higher.



The most likely outcome is that we'll never get to the \$180 premiums needed to fund the plan. Congress will be forced to pay enormous subsidies to keep the premiums low enough to encourage young and healthy people to sign up. Pressure will also be intense to raise the benefits to pay for more nursing-home expenses.

Instead of funding the shortfall in the House bill, the CLASS Act will create a giant budget shortfall of its own. Unfortunately, gimmickry like this is the kind of thing that has fanned public fears about health-care reform doing more harm than good.

U.S. SENATE,

Washington, DC, October 23, 2009.

Hon. HARRY REID,  
Majority Leader, The Capitol,  
Washington, DC.

DEAR LEADER REID: We write regarding the merger of the Finance and HELP Committee health reform bills. We know you face a great many difficult decisions now, one of which is whether to include provisions from the HELP Committee bill known as the CLASS Act in the merged bill.

We urge you not to include these provisions in the Senate's merged bill, nor to use the savings as an offset for other health items in the merger.

While the goals of the CLASS Act are laudable—finding a way to provide long term care insurance to individuals—the effect of including this legislation in the merged Senate bill would not be fiscally responsible for several reasons.

CBO currently estimates the CLASS Act would reduce the deficit by \$73 billion over ten years. But nearly all the savings result from the fact that the initial payout of benefits wouldn't begin until 2016 even though the program begins collecting premiums in 2011. It is also clear that the legislation increases the deficit in decades following the first ten years. CBO has confirmed that the legislation stand-alone would face a long-term deficit point of order in the Senate.

Some have argued that the program is actuarially sound. But this is the case because premiums are collected and placed in a trust fund, which begins earning interest, and because the HHS Secretary is instructed to increase premiums to maintain actuarial solvency. We have grave concerns that the real effect of the provisions would be to create a new federal entitlement program with large, long-term spending increases that far exceed revenues. This is especially the case if savings from the first decade of the program are spent on other health reform priorities.

Slowing the growth of health care costs should be a top priority as we move forward with health reform. Inclusion of the CLASS Act would reduce the amount of long-term cost savings that would otherwise occur in the merged bill. The CLASS Act bends the health care cost curve in the wrong direction and should not be used to help pay for other health provisions that will become more expensive over time and increase deficits.

Thank you for your consideration. We hope that fiscally responsible measures to improve access to long-term care can be considered in the future.

Sincerely,

KENT CONRAD.  
JOE LIEBERMAN.  
MARY LANDRIEU.  
EVAN BAYH.  
BLANCHE L. LINCOLN.  
E. BENJAMIN NELSON.  
MARK R. WARNER.

U.S. Senators

The PRESIDING OFFICER. The Senator's time has expired.

All time has expired.

Under the previous order, the question is on agreeing to amendment No. 2870, offered by the Senator from Rhode Island, Mr. WHITEHOUSE.

Mr. HARKIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Kentucky (Mr. BUNNING).

Further, if present and voting, the Senator from Kentucky (Mr. BUNNING) would have voted "yea."

The PRESIDING OFFICER. Are there are any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 359 Leg.]

YEAS—98

Akaka	Feingold	Menendez
Alexander	Feinstein	Merkley
Barrasso	Franken	Mikulski
Baucus	Gillibrand	Murkowski
Bayh	Graham	Murray
Begich	Grassley	Nelson (NE)
Bennet	Gregg	Nelson (FL)
Bennett	Hagan	Pryor
Bingaman	Harkin	Reed
Bond	Hatch	Reid
Boxer	Hutchison	Risch
Brown	Inhofe	Roberts
Brownback	Inouye	Rockefeller
Burr	Isakson	Sanders
Burr	Johanns	Schumer
Cantwell	Johnson	Sessions
Cardin	Kaufman	Shaheen
Carper	Kerry	Shelby
Casey	Kirk	Snowe
Chambliss	Klobuchar	Specter
Coburn	Kohl	Stabenow
Cochran	Kyl	Tester
Collins	Landrieu	Thune
Conrad	Lautenberg	Udall (CO)
Corker	Leahy	Udall (NM)
Cornyn	LeMieux	Vitter
Crapo	Levin	Voynovich
DeMint	Lieberman	Warner
Dodd	Lincoln	Webb
Dorgan	Lugar	Whitehouse
Durbin	McCain	Wicker
Ensign	McCaskill	Wyden
Enzi	McConnell	

NOT VOTING—2

Bunning

Byrd

The PRESIDING OFFICER. On this vote the yeas are 98, the nays are 0. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is agreed to.

Mrs. HUTCHISON. Mr. President, parliamentary inquiry: Are the next 3 votes 10-minute votes?

The PRESIDING OFFICER. The Senator from Texas is correct. The next 3 votes are 10-minute votes.

Mrs. HUTCHISON. Thank you, Mr. President.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote.

Mr. INOUE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2901

The PRESIDING OFFICER. Under the previous order, there is 2 minutes equally divided.

Who yields time?

The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I urge my colleagues to support the CLASS Act and vote against the Thune amendment that would strike the CLASS Act from the bill.

As you have heard, I hope, this afternoon, this bill is totally voluntary. There are no requirements by employers or employees to be involved. This is a very creative idea using individuals' money to contribute to their own long-term financial security if they are faced with disabilities.

We have now, with the adoption of the Whitehouse amendment, secured that these funds can never be used for any other purpose than for the CLASS Act. That was the concern most of our colleagues had, if these funds would drift off. As a result of the Gregg amendment in our committee, it has now been determined that these programs will be actuarially sound for 75 years. We have fixed the problem CBO raised with it.

It is a very creative and solid program that can make a huge difference for millions of Americans to avoid going to Medicare, divesting themselves of their assets, and allowing them to lead independent lives with dignity. It is deserving of our support. I urge the approval of this program.

The PRESIDING OFFICER. Who yields time?

The Senator from South Dakota is recognized.

Mr. THUNE. Mr. President, the CLASS Act is the same old Washington, same old smoke and mirrors, same old games. I wish to read what the Congressional Budget Office and the chief actuary for the administration have said:

The program would add to future Federal budget deficits in large and growing fashion.

If we don't take this out of this legislation, if we allow this to become law, we are locking in future generations to deficits and debt as far as the eye can see. This is, as has been described by the other side, a Ponzi scheme of the highest order. We need to take it out of this bill.

I urge my colleagues to adopt this amendment.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to amendment No. 2901 offered by the Senator from South Dakota, Mr. THUNE.

Mr. THUNE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a sufficient second? There appears to be.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Kentucky (Mr. BUNNING).

Further, if present and voting, the Senator from Kentucky (Mr. BUNNING) would have voted "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 47, as follows:

[Rollcall Vote No. 360 Leg.]

#### YEAS—51

Alexander	DeMint	McCain
Barrasso	Ensign	McCaskill
Baucus	Enzi	McConnell
Bayh	Graham	Murkowski
Bennett	Grassley	Nelson (NE)
Bond	Gregg	Risch
Brownback	Hatch	Roberts
Burr	Hutchison	Sessions
Carper	Inhofe	Shelby
Chambliss	Isakson	Snowe
Coburn	Johanns	Thune
Cochran	Kyl	Udall (CO)
Collins	Landrieu	Vitter
Conrad	LeMieux	Voinovich
Corker	Lieberman	Warner
Cornyn	Lincoln	Webb
Crapo	Lugar	Wicker

#### NAYS—47

Akaka	Gillibrand	Murray
Begich	Hagan	Nelson (FL)
Bennet	Harkin	Pryor
Bingaman	Inouye	Reed
Boxer	Johnson	Reid
Brown	Kaufman	Rockefeller
Burris	Kerry	Sanders
Cantwell	Kirk	Schumer
Cardin	Klobuchar	Shaheen
Casey	Kohl	Specter
Dodd	Lautenberg	Stabenow
Dorgan	Leahy	Tester
Durbin	Levin	Udall (NM)
Feingold	Menendez	Whitehouse
Feinstein	Merkley	Wyden
Franken	Mikulski	

#### NOT VOTING—2

Bunning Byrd

The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 47. Under the previous order requiring 60 votes for the adoption of amendment No. 2901, the amendment is withdrawn.

Mr. DODD. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 2899

The PRESIDING OFFICER. There will now be 2 minutes of debate, equally divided, on the Stabenow amendment.

Who yields time?

The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, this amendment is very clear. My amendment states that nothing in this act shall result in the reduction or elimi-

nation of any benefits guaranteed by law to participants in Medicare Advantage plans.

Right now, CBO tells us, and we understand from MedPAC that there is \$12 billion in overpayments to for-profit insurance companies, which are additional costs that the Medicare recipients pay beyond what is traditional Medicare.

Eighty-five percent of our seniors in Medicare are in traditional Medicare and, right now, we are told that every single senior citizen or person with disability in Medicare pays \$90 extra; every couple pays \$90 extra to pay for the overpayments to private for-profit insurance companies.

As AARP has said, this legislation does not reduce any guaranteed Medicare benefits. We are asking for competitive bidding—for-profit company competitive bidding—to bring down the overpayments. I ask for support for the amendment.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. LEMIEUX. Mr. President, regarding this amendment, I had a conversation with my colleague from Michigan. The phrasing "guaranteed by law" doesn't guarantee anything. This isn't going to protect the benefits of Medicare Advantage. The benefits our senior citizens enjoy, such as eye care, hearing care, and dental care, are not protected by this. You can vote for it if you want to. It sounds good, but it is gift wrapping on an empty box.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to amendment No. 2899, offered by the Senator from Michigan, Ms. STABENOW.

Ms. STABENOW. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Kentucky (Mr. BUNNING).

Further, if present and voting, the Senator from Kentucky (Mr. BUNNING) would have voted "yea."

The PRESIDING OFFICER. Are there are any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 1, as follows:

[Rollcall Vote No. 361 Leg.]

#### YEAS—97

Akaka	Bennett	Burris
Alexander	Bingaman	Cantwell
Barrasso	Bond	Cardin
Baucus	Boxer	Carper
Bayh	Brown	Casey
Begich	Brownback	Chambliss
Bennet	Burr	Cochran

Collins	Johnson	Reed
Conrad	Kaufman	Reid
Corker	Kerry	Risch
Cornyn	Kirk	Roberts
Crapo	Klobuchar	Rockefeller
DeMint	Kohl	Sanders
Dodd	Kyl	Schumer
Dorgan	Landrieu	Sessions
Durbin	Lautenberg	Shaheen
Ensign	Leahy	Shelby
Enzi	LeMieux	Snowe
Feingold	Levin	Specter
Feinstein	Lieberman	Stabenow
Franken	Lincoln	Tester
Gillibrand	Lugar	Thune
Graham	McCain	Udall (CO)
Grassley	McCaskill	Udall (NM)
Gregg	McConnell	Vitter
Hagan	Menendez	Voinovich
Harkin	Merkley	Warner
Hatch	Mikulski	Webb
Hutchison	Murkowski	Whitehouse
Inhofe	Murray	Wicker
Inouye	Nelson (NE)	Wyden
Isakson	Nelson (FL)	
Johanns	Pryor	

#### NAYS—1

Coburn

#### NOT VOTING—2

Bunning

Byrd

The PRESIDING OFFICER. On this vote, the yeas are 97; the nays are 1. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is agreed to.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mr. BROWN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### MOTION TO COMMIT

The PRESIDING OFFICER. Under the previous order, there is 2 minutes equally divided prior to a vote in relation to the motion to commit offered by the Senator from Utah, Mr. HATCH.

Who yields time?

Mr. BAUCUS. Mr. President, the pending motion would strike the savings the bill achieves from Medicare Advantage.

Why are we seeking savings from Medicare Advantage? Because MedPAC tells us that the government pays the private insurance companies that provide Medicare Advantage 14 percent more than we pay traditional Medicare; because these extra subsidies to Medicare Advantage cost the four-fifths of seniors in traditional Medicare \$90 more a year in premiums even though they get no benefits from Medicare Advantage; because MedPAC says that "the additional Medicare Advantage payments hasten the insolvency of the Medicare Part A trust fund by 18 months; because the private insurance companies that provide Medicare Advantage are making three-quarters of their profits from these government overpayments, and they can find some of the savings there; because private insurance companies that provide Medicare Advantage are paying their CEOs \$24 million, \$9 million, and \$8 million a year, and they could find some of the savings there; and because nothing we do in our bill reduces benefits under Medicare.

Therefore, I urge my colleagues to oppose the motion.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I urge my colleagues to support my motion to commit.

Simply put, this motion protects Medicare beneficiaries participating in the Medicare Advantage Program by eliminating the \$120 billion in cuts to the Medicare Advantage Program in the Reid bill.

Let me make this point as clearly as I can. A vote against my amendment is a vote for slashing benefits for 11 million seniors and low-income Americans, including vision benefits, dental benefits, home care for chronic illness, wellness programs, disease management programs, limits on cost sharing for primary care physician visits, reduced premiums for Part B, reduced premiums for Part D, reduced cost sharing for breast and prostate cancer screening.

When we did this, 14 Democrats, many of whom are sitting here in the Senate right now, supported this development of Medicare Advantage.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HATCH. Have no doubt, when you vote against my amendment, you will be voting to cut these lifesaving and life-enhancing benefits. The choice is yours and the choice is clear. Our Nation's seniors are watching.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. BOND. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Kentucky (Mr. BUNNING).

Further, if present and voting, the Senator from Kentucky (Mr. BUNNING) would have voted "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 41, nays 57, as follows:

[Rollcall Vote No. 362 Leg.]

#### YEAS—41

Alexander	Ensign	McConnell
Barrasso	Enzi	Murkowski
Bennett	Graham	Nelson (NE)
Bond	Grassley	Risch
Brownback	Gregg	Roberts
Burr	Hatch	Sessions
Chambliss	Hutchison	Shelby
Coburn	Inhofe	Snowe
Cochran	Isakson	Thune
Collins	Johanns	Vitter
Corker	Kyl	Voinovich
Cornyn	LeMieux	Webb
Crapo	Lugar	Wicker
DeMint	McCain	

#### NAYS—57

Akaka	Franken	Merkley
Baucus	Gillibrand	Mikulski
Bayh	Hagan	Murray
Begich	Harkin	Nelson (FL)
Bennet	Inouye	Pryor
Bingaman	Johnson	Reed
Boxer	Kaufman	Reid
Brown	Kerry	Rockefeller
Burr	Kirk	Sanders
Cantwell	Klobuchar	Schumer
Cardin	Kohl	Shaheen
Carper	Landrieu	Specter
Casey	Lautenberg	Stabenow
Conrad	Leahy	Tester
Dodd	Levin	Udall (CO)
Dorgan	Lieberman	Udall (NM)
Durbin	Lincoln	Warner
Feingold	McCaskey	Whitehouse
Feinstein	Menendez	Wyden

#### NOT VOTING—2

Bunning Byrd

The PRESIDING OFFICER. On this vote the yeas are 41, the nays are 57. Under the previous order requiring 60 votes for the adoption of this motion, the motion to commit by Mr. HATCH is withdrawn.

Mr. BAUCUS. Mr. President, I move to reconsider the vote.

Mr. UDALL of New Mexico. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, the Senator from Arkansas is to be recognized to offer an amendment.

AMENDMENT NO. 2905 TO AMENDMENT NO. 2786

Mrs. LINCOLN. Mr. President, I call up amendment No. 2905.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arkansas [Mrs. LINCOLN], for herself, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. FRANKEN, Mrs. BOXER, and Mr. REED proposes an amendment numbered 2905 to amendment No. 2786.

Mrs. LINCOLN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To modify the limit on excessive remuneration paid by certain health insurance providers to set the limit at the same level as the salary of the President of the United States)

On page 2040, strike line 14 and insert the following:

(b) DOLLAR LIMIT NOT TO EXCEED COMPENSATION OF THE PRESIDENT.—

(1) IN GENERAL.—Paragraph (6) of section 162(m) of the Internal Revenue Code of 1986, as added by subsection (a), is amended by adding at the end the following new subparagraph:

“(I) DOLLAR LIMIT NOT TO EXCEED COMPENSATION OF THE PRESIDENT.—In the case of a taxable year in which the \$500,000 amount in clauses (i) and (ii) of subparagraph (A) exceeds the dollar amount of the compensation received by the President under section 102 of title 3, United States Code, for such taxable year, such clauses shall be applied by substituting the dollar amount provided in such section 102 for such \$500,000 amount.”.

(2) REVENUE INCREASE TO BE TRANSFERRED TO MEDICARE TRUST FUND.—Section 1817(a) of the Social Security Act (42 U.S.C. 1395i(a)) is amended—

(A) by striking “and” at the end of paragraph (1),

(B) by striking the period at the end of paragraph (2) and inserting “; and”, and

(C) by inserting after paragraph (2) the following new paragraph:

“(3) the revenues resulting from the application of section 162(m)(6) of the Internal Revenue Code of 1986, as determined by the Secretary of the Treasury or such Secretary's delegate.”.

(c) EFFECTIVE DATE.—The amendments made by

Mrs. LINCOLN. I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. JOHANNIS. I have a motion at the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

#### MOTION TO COMMIT

The Senator from Nebraska [Mr. JOHANNIS] moves to commit H.R. 3590 to the Committee on Finance with instructions to report the same back to the Senate with changes that do not include cuts in payments to home health agencies totaling negative \$42.1 billion.

Mr. JOHANNIS. Mr. President, I rise to speak in favor of the motion that was just read. One of the things that I think is so very important about a debate on the Senate floor is we begin to understand what this legislation does to real people. We have come to understand that \$466 billion in Medicare cuts that are shown over my left shoulder have real consequences to real people all across the United States. These cuts compromise care, they compromise access to services that real people need in their daily lives. Robbing these funds from Medicare to create a dramatic new entitlement program, in my judgment, is not sound policy and it is not sound government.

That is especially true in this case when the impact on seniors' health care is so profound. These cuts will reduce the quality of care many Americans are receiving today and reduce the care these Americans deserve.

I have to tell you, out of all these Medicare cuts, one of the largest head-scratching cuts is the one to home health. The Senate bill cuts \$42.1 billion for home health care. Home health is about 3.7 percent of the Medicare budget. It is an important program. Yet 9.1 percent of the Medicare cuts in the Senate bill are taken out of home health.

Medicare home health spends less today than it did over a decade ago, while serving a similar number of beneficiaries at less cost per patient. That is the kind of program we should celebrate. Yet this bill has them on the chopping block.

Maybe there is some misunderstanding about what home health provides, so let me clear up the confusion.

Home health care agencies care for patients of all ages. They provide a broad range of essential health care in support services, real security in the comfort of a patient's home. Nine thousand Medicare-approved home health agencies existed in 2007. I am very pleased to report to you that 74 of those are in my home State of Nebraska. Nurses, therapists, home care aides, and others who serve elderly and disabled patients in their own homes drive nearly 5 billion miles a year to provide these much needed services. They care for about 12 million real people annually, with 428 million visits, each one providing that personal touch of care.

The services that are provided in this very essential program include rehabilitation therapies, telemedicine, wound care, pain management, and skilled nursing.

Who is eligible to receive Medicare home health services? We can answer that question by going to CMS. According to CMS, to qualify for Medicare home health benefits, a Medicare beneficiary must meet one of the following requirements: They must be confined to home, they must be under a doctor's care, they must need skilled nursing on a periodic basis, and they must have a continuing need for occupational therapy. These are truly some of the most vulnerable Americans. Yet in order to finance this new entitlement, this bill takes money out of that much needed program, and it places the cuts on the backs of these Americans, our most vulnerable Americans. Yet these cuts risk leaving them without care.

What kind of conditions do people who utilize home health agencies suffer from? I will turn to my own State to answer that question. In Nebraska, one of our agencies is in rural Cherry County. Cherry County is a very large county in western Nebraska—in fact, larger than some States. Who gets served in Cherry County? A gentleman with class III congestive heart failure. He is awaiting a heart transplant. A gentleman who lost a leg from complications from diabetes, they get home health care services. These folks are not striving to bilk the system. The payments that allow us to provide this much needed service to them are not excess payments. These are just average folks who are striving to do their best to recover from their condition and manage the best they can.

Keeping these folks out of the emergency room or the nursing home is a benefit to everybody. I don't see how anybody could argue this doesn't save tax dollars. In fact, there are statistics that support that statement. According to the National Association of Home Health Care and Hospice, an average per-visit Medicare charge for home health is \$132. Let me compare that charge of \$132 to 1 day at a hospital. That would cost 43 times as much, literally—\$5,765 per day.

According to a study of Avalere Health:

Early use of home health care services following a hospital stay by patients with at least one chronic disease saved Medicare \$1.71 billion in the 2-year period of 2005 to 2006.

Doesn't it seem like an enormous step backwards when we talk about reform, when really what we are doing is cutting a program that serves people so much in need and yet saves money in the Medicare Program? Home health agencies in Nebraska have been very successful in doing exactly what we want—keeping people at home and out of the hospitals and nursing homes. Of special interest are patients with congestive heart failure. One Nebraska woman turned to home health after facing a big stack of hospital bills for rehab. Since then, she has been able to remain at home safely at a fraction of the cost. This home health agency can see a person for 60 days at a cost of about \$2,500. One hospital admission, by comparison, would cost Medicare conservatively \$20,000 to treat a patient with chronic heart failure. Again, home health care costs a fraction of hospital care, about 10 times less.

There are so many stories from patients who are alive today who love home health care. This bill threatens them. Somewhere in the next hours, I am going to send to every Member of the Senate, all of my colleagues, a State-by-State analysis of what these cuts will do in their States because they need to know the impact. This bill threatens to take that all away. You can't cut \$42 billion and just describe it as excess payments. You can't cut 42 billion and say: That is just fixing those who are bilking the system. When you cut \$42 billion out of a program like home health care, it has real consequences.

Earlier this week, I did a video conference with Medicare providers in Nebraska. These Nebraska home health providers reported this legislation will cost them \$120 million. What does that mean, \$120 million? It may not sound like much around here, where we talk about trillion-dollar programs, but \$120 million to the people of Nebraska in home health care, 68 percent of home health agencies in Nebraska will be in the red by 2016, 68 percent. In rural areas, as high as 80 percent will have negative margins. You lose those services in rural areas. They are lost. There is nothing that will step in for those people.

Home health providers already have to watch their bottom line, and they are already making very hard, painful decisions. During this video conference, a nurse in rural Nebraska explained the reality to me this way:

I can give you a human story that just happened yesterday in our agency. We had a referral from a patient that lives 90 miles away. The drive time is three hours. To do

the administration takes 1½ to 2 hours. Then you come back to the office and you do at least another hour of paperwork. It would take one person's entire day to serve one patient. Regrettably, we had to say no. We just could not see her. There is no other agency close enough to help this woman.

Can you imagine? We have a person who desperately needed these services, and we are debating whether we should cut \$412 billion out of this program that will impact a State such as mine to the tune of \$120 million? These agencies and the services they provide absolutely are reliant on Medicare.

According to the National Association of Home Care and Hospice:

Medicare is the largest single payer of home health care services.

When we cut the payments in a program like this, we cut access to care. These access concerns are rooted in real life experiences. Between 1998 and 2000, Medicare home health spending fell from \$14 billion to \$9.2 billion or negative 34 percent, as a result of congressional action between 1998 and 2000. Those actions triggered the closure of 40 percent of home health agencies and reduced access for 1.5 million Medicare beneficiaries. Access becomes a real issue. If there is no home health agency, homebound patients end up with more expensive care at hospitals and nursing homes. That costs Medicare money. But, you see, we are also cutting hospitals and nursing homes in this bill.

If there is no home health provider near an area, not only are Medicare beneficiaries hurt but all citizens who need care. Any analysis is going to come to the same conclusion.

I will quote from one:

Studies from MedPAC and the Government Accountability Office also suggest that access is a growing problem for patients who require intensive services. In June 2003, MedPAC issued a report indicating that skilled nursing facilities care is now substituting for home health care for some patients, most likely at a much higher cost for Medicare.

I don't think these are transformational reforms. These cuts are not transformational reform. They are just plain cuts, to start a new entitlement that will hurt real people, senior citizens who need our help. That is why I am offering this motion to recommit this legislation back to the Finance Committee to strike these ill-advised home health care cuts. I will follow up. I will make sure every Member sees the impact of these cuts in their State so they can make an assessment if these cuts should be put in place and cause the kind of damage I have described this evening.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I yield Senator KLOBUCHAR 10 minutes.

Ms. KLOBUCHAR. I ask unanimous consent to speak for up to 12 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. KLOBUCHAR. Mr. President, I rise to speak about a true health care reform. The way I look at this in my State, it is a matter of affordability and cost. We have one of the highest percentages of people covered in the country in Minnesota. The issue is, it is becoming more and more expensive for the people to afford health care. I always try to remember three simple numbers of all the ones we will hear in the next few weeks. Those are the numbers 6, 12, and 24. Ten years ago it cost \$6,000 for an average family to pay for health care a year. Now it is \$12,000, with a lot of people paying a lot more. Ten years from now, if we don't do anything, it will be somewhere between \$24,000 and \$36,000 a year, something regular people just can't afford. It is not going in the right direction.

If we don't act, costs will continue to skyrocket. The country spent \$2.4 trillion on health care last year alone. That is \$1 out of every \$6 spent in the economy. By 2018, national health care spending is expected to reach \$4.4 trillion, over 20 percent of our entire economy. Despite spending 1½ times more per person on health care than any other country, many of our people don't even have health care coverage. Many of them are losing their coverage because of preexisting conditions or because it simply is costing too much. These costs are breaking the backs of our families and businesses. We can see here, single coverage, 1999, \$2,196. Now at 2008, the last figures we have available, \$4,704, a doubling. Family cost, 1999, \$5,791—that is the average family's premium—now they are paying \$12,680.

Look what is happening to small businesses. A study by the Council of Economic Advisers found that small businesses pay up to 18 percent more than large businesses to provide health care coverage. In a recent national survey, nearly three-quarters of small businesses that did not offer benefits cited high premiums as the reason.

Look at it this way: Inflation usually raises the cost of most goods and services between 2 to 3 percent per year. Health care premium costs have been going up close to 8 percent a year. That is an increase Americans can't afford. Wages have not kept pace with the increase in premiums.

Look at this. Between 1999 and 2007, the average American worker saw his wages increase 29 percent. Obviously, the last few years it has not been that rosy. How much did his insurance premiums go up? One hundred twenty percent during the same time period. In other words, the health care premiums are taking out a bigger and bigger chunk of the average worker's paycheck. These costs are breaking the backs of the American taxpayer.

My colleague was talking about Medicare. The truth is, Medicare is

projected to go into deficit by 2017, if we don't do anything about it.

Recent Congressional Budget Office estimates show that the majority of the projected \$344 billion increase in Federal revenues are scheduled to automatically go to cover rising health care costs. Medicare—something that people who are 55 want to get when they are 65; people who are 65 want to keep until they live to the ripe old age of 95—if we don't do anything about it, is going in the red by 2017.

How do we do this? How do we get to the place where we want to go? We must get our money's worth from our health care dollars. The problem now is, we are paying too much and we are not getting a good return on what we pay. The solution must be to get the best value for our health care dollars; otherwise costs are going to continue to wreak havoc on the backs of government, businesses, and individual families.

Medicare is 57 percent of all Federal health spending. If we want to sustain Medicare, which we all do, to provide that kind of high-quality health care our seniors deserve, we must do something to address the fiscal challenges.

The root of the problem is that most health care is purchased on a fee-for-service basis, so more tests, more surgery means more money. Quantity, not quality pays. According to researchers at Dartmouth Medical School, nearly \$700 billion per year is wasted on unnecessary or ineffective care.

My favorite example is what Geisinger Clinic did in Pennsylvania. They were not happy with their diabetes treatment, so they decided we are going to have the routine patients see nurses. The more difficult cases will see doctors. Then those endocrinologists will review the records of the nurses and make sure this patient is progressing as we want. Guess what. Patient quality goes way up because they see nurses and they see them more regularly. Results go way up because endocrinologists are spending time on the most difficult cases and reviewing records of the other. Costs go down \$200 per month per patient. Guess what. They get paid less—way, way, way less for that kind of good quality care.

This system is messed up, and we need to change it so we are rewarding based on results. We put the patient in the driver's seat so that when that patient gets better results, then we reward with payments. In Minnesota, we have several great examples of this coordinated outcome system.

At a place such as the Mayo Clinic, Park Nicollet, St. Mary's in Duluth, the priority is value not volume. As this chart shows, if the spending per patient with chronic diseases everywhere in the country mirrored the efficient level of spending in the Mayo Clinic's home region of Rochester,

MN—this is Mayo Clinic quality health care.

For the last 4 years of chronically ill patients' lives, if we used that same system all over the country, how much would we save, if we used this system in Texas, if we used this system in Florida? We would save \$50 billion every 5 years for the taxpayers of this country and get higher quality care.

This is not like a hotel right now in this country where if you pay more money, you get a better room with a better view. No. The opposite is true. In this country, the States where you pay more money, you get less quality care. That is what we need to change to bring all of the States up to that high-quality care, efficient care, that costs less but is a better value. That is what we need to do.

How do we do it? Well, linking rewards to the outcomes for an entire payment area creates the incentive for physicians and hospitals to work together to improve quality and efficiency; using bundling, to bill, so you look at the whole outcome of everyone working together, so you rely on nurses when you want to rely on nurses, so you rely on doctors when you want to rely on doctors; by reducing hospital readmissions. Who wants to go back in the hospital over and over again just because there are a bunch of infections hanging around? In fact, right now, if you go back to the hospital, the hospital gets rewarded for that. So we want to put in place protocols that make hospitals safer places to treat patients. In 1 year, hospital readmissions cost Medicare \$17.4 billion, and a 2007 report by MedPAC found that Medicare paid an average of \$7,200 per readmission that was likely preventable. We need to have integrated care, where you have a primary care provider, working with a team, instead of having 15 specialists running around the field, running over each other. You need a quarterback, well, let's just say like Brett Favre and the Minnesota Vikings. You have one quarterback who is your primary care doctor, who is in charge, with a team of doctors who look at all the medical records. That is integrated care. That is what we should be rewarding. That is what this bill does.

Looking at some of the other inefficiencies, the Presiding Officer has been a leader on Medicare fraud. Think about the money we can save. Medicare fraud alone costs taxpayers more than \$60 billion every year. Instead of that money going to our seniors, do you know where that money is going? It is going to con men, people who are leeching off the system, people who are making up that they are providing services when they are not. The Presiding Officer and I have a bill we are working together on to bring that down so that money can actually go to our seniors instead of going out to a

bunch of people who are ripping off the system, ripping off our seniors.

If you look at how you save money, if you look at how you reduce costs in Medicare, well, you reduce costs in Medicare by making changes to this system and making this work. We must look to the future. That is why health care reform this year is so crucial. This bill is not about today or even next year; it is about 5 years from now, it is about 10 years from now, and beyond. We cannot afford for the people of this country to hold off any longer. We can bring these costs down. We can bring the quality up. And we can reward the people of this country for the money they are putting into health care.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I appreciate the comments of the Senator from Minnesota, who brought out a lot of important issues as far as the rising costs of health insurance, and I certainly knew that as a small businessman. There is only one problem: The bill we are going to vote on does not solve those problems. In fact, as CBO basically tells us, insurance will continue to increase at the same rate it does now, and for those with individual insurance policies, it is very likely to go up.

Mr. President, we are here on a Friday evening being told we are going to work through the weekend, maybe next weekend, all the way up to Christmas Eve, with the intent to rush through a bill that many have called—and I agree—one of the worst pieces of legislation and one of the biggest threats to health care we have ever seen here in this country. Apparently, the majority wants to rush this through and hopefully intimidate the minority into allowing it to go through by keeping us here on weekends over the holidays. But I am proud Republicans are standing together against this bill and standing with the American people to stop the Democratic government takeover of health care in America and to stop them from paying for it by cutting nearly \$500 billion from Medicare and raising taxes on millions of Americans.

I heard from one of our constituents, who was talking about Medicare and the cuts in Medicare, explaining very simply that Medicare is something he had paid for his entire 40 years of working out of his payroll taxes, and now he could not believe we were considering taking any money out of Medicare in order to pay for a new government program.

Americans work and pay for Medicare so that when they retire they will have benefits that give them the coverage they need. I think the majority must think Americans are not paying attention or maybe even they are not real smart, that you can take \$500 billion out of a program that is already

bankrupt and expect the benefits to stay the same, when already we know we are not paying doctors enough to see our seniors and more and more physicians are not even willing to see Medicare patients.

If there really is waste and fraud in Medicare—and we know there is some—we should find it and put that money back into the Medicare system so we can keep our promises to seniors.

Every Democrat in the Senate has already voted for a government takeover of health care, to cut Medicare to pay for it, and to raise taxes. Some of them said they were just moving the debate forward. But I ask you, what debate? Will there be any serious consideration to take this government-run plan out of this bill? There will not be.

We have already seen there is no serious consideration to stop taking money out of Medicare to pay for it. In fact, we have had a lot of debate about what this is going to do: To cut from Medicare, what it is going to eventually do to benefits, cut Medicare Advantage. Now we are talking about cutting home health, which is so important, particularly in rural communities and for the more elderly constituents we serve.

There is no way you could take this money out of Medicare without hurting the programs. Instead, as we look ahead at more people retiring than ever in history and Medicare being bankrupt, we need to be looking at ways that we can shore up this program so it will be there for generations to come.

Every Republican voted no. Every Republican in this Senate has stood with the American people and said no to a health care bill that takes over the most personal and private part of our lives. I am proud of our party and our leadership.

Americans have been asking to see the differences between the Republican and the Democratic Parties. I think now more than ever on this issue they are going to see the Democrats standing with government-controlled health care, cuts in Medicare, increased taxes and on the other side Republicans who are going to stay here through Christmas and New Year's or whatever it takes to stop this bill and to sit down and really reform this system in a way that will lower costs and improve care to all Americans.

We need to continue to talk about these bigger issues, particularly how it affects Medicare, and we will be doing that over the weekend. But I think we owe it to the American people to begin to open this bill and explain what is in it. I can almost guarantee you, there is not one Member of the Senate who has read it yet. We are going to try to fit this in Santa's sleigh this year so it will be delivered to every American.

I have the first part here—1,000 pages, small print, front and back—and

have started going through it, putting tabs on different pages, so we can talk about the different things because sometimes they sound so extraordinary, people do not really believe they are in there. I am not sure we will ever get through the whole thing, but I just want to take a couple parts tonight and just start talking about what is really in this bill.

On page 17, in section 2713 that is titled "Coverage Of Preventive Health Services," which is really our jargon for rationing, it says:

A group health plan and a health insurance issuer offering group or individual health insurance coverage shall provide coverage for . . .

... evidence-based items or services that have in effect a rating of "A" or "B" in the current recommendations of the United States Preventive Services Task Force.

We heard from this task force a few weeks ago. This may sound harmless enough, as you look at it, but let's see what the really means: "evidence-based . . . 'A' or 'B'." What is not A or B? Well, just 2 weeks ago, we found out something that was not A or B. Mammograms are a C rating. And the task force came out and said it should not be covered on anyone under 50 years old. That is in the bill, that it would not cover mammograms for folks under 50 years old because it is not A or B. Because of the outcry, we had an amendment from the other side to give themselves a little bit of cover on that one medical procedure, mammograms. We passed it with some fanfare yesterday. But the fact is, there are going to be many C ratings that are not covered.

What are we going to do here in Congress over the next several years when we find constituents are not covered for things they need in retirement from Medicare? Are we going to pass bills to try to cover those individual things? What we should really do is throw out the bill that is causing the problem. We should not be rationing care to our seniors.

Let's look at another page. And I know this is not as interesting as talking about theoretical stuff. But on page 33, section 2719 is called the "Appeals Process":

A group health plan and a health insurance issuer offering group or individual health insurance coverage shall implement an effective appeals process . . .

[to] provide notice to enrollees, in a culturally and linguistically appropriate manner. . . .

Now, what do we think that means? Well, in fact, in 2001—this term has been used before—the Department of Health and Human Services reported that the Department had spent \$10 million to figure out what that phrase means. And we still do not know. It says: "Health care services that are respectful of and responsive to cultural and linguistic needs." But what this really means to us, according to the

2000 census, is there are at least 20 languages spoken by at least 200,000 Americans in this country, and what we are putting out there is a liability for every insurance company that does not have every aspect of their plan in those 20 languages. It may sound like a simple thing, but every page of this bill, almost—as you read it, you realize it is increasing the complexity and the cost of the system here in America.

I will just cover one more of these because I hear my colleagues in the background urging me to finish. But I do think we owe it to the American people to begin to talk about what is really in this bill.

On page 39, it says, under a funding category:

Out of all funds in the Treasury not otherwise appropriated, there are appropriated to the Secretary \$250,000,000 to be available for expenditure for grants under paragraph (1) and subparagraph (B).

Those subparagraphs are to track the trends in premium increases of health insurance once this bill goes into effect. Mr. President, \$250 million to do what the Congressional Budget Office has already told us are going to be increases. But this kind of spending and this type of bureaucracy and complexity we are creating is not going to make health care more accessible and more affordable for Americans. It is creating a complex bureaucracy with tens of thousands of workers and bureaucrats to tell doctors what to do and hospitals what to do and for us, how to manage our health care.

The Congressional Budget Office has already released a report finding that those purchasing insurance through the health insurance exchanges that are in this bill could pay up to 16 percent more for health care than we do today. Yet we are moving ahead with the bill.

I will continue throughout this week-end, and every time I get a chance to speak, to talk about more of these things that are in this bill. But, folks, this is not a bill we should deliver to the American people for Christmas this year. This is a bill that we should throw out so we can start over and have a step-by-step approach to make health insurance more affordable and available to every American.

With that, Mr. President, I yield back.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I think we are going to go back and forth here.

Mr. ROBERTS. There is no "forth."

Mr. BAUCUS. Sorry?

Mr. ROBERTS. There is no "forth," Mr. Chairman.

Mr. BAUCUS. Well, we are going to go back and forth. Here is Senator KAUFMAN.

Mr. ROBERTS. We could go back and back, sir—I do not care—and then forth and forth.

Mr. BAUCUS. Back and forth, and forth and forth, and to and fro, and this and that it works fine for me.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Delaware is recognized.

Mr. KAUFMAN. Madam President, I ask unanimous consent to speak in morning business for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. KAUFMAN are printed in Today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. ROBERTS. Madam President, I rise today in support of the motion of my good friend from Nebraska, my colleague from Nebraska, Senator JOHANNIS to—the official words say: to commit the bill back to the Senate Finance Committee with instructions to strike the cuts to the Medicare home health care benefit.

What the distinguished Senator is trying to do is bring some common sense to the cuts to a very vital source of health care, not only to rural areas but all over this country, and that is home health care. The bill we are considering, the bill sometimes called the "behind closed doors" bill, would cut home health care by \$42 billion.

The Senator from Nebraska says that is a head-scratcher, and it certainly is. It is more than a head scratcher; it is a Lizzie Borden amputation in regard to a vital program.

Home health care is critical for our seniors. Obviously, that is the truth. As the cochair of the Senate Rural Health Care Caucus, I certainly understand that. So does the Senator from Nebraska. He was saying yesterday how many times he visits his rural hospitals, rural clinics, rural hospices, and you do that a lot if you are from Nebraska or Iowa or Texas or Kansas.

At any rate, in my home State of Kansas and other rural areas, many seniors live alone or out in the country miles away from a local hospital or a doctor's office. Even if they have a very good doctor, they can't get there because of their health condition. So home health care allows those seniors the freedom and the independence to stay in their home in the comfort of knowing somebody is there assisting their health care needs. More importantly, home health care is the cost-effective care, as the Senator from Nebraska has pointed out, that keeps the senior out of a nursing home or hospital and—guess what—saves the government money. Over the long term, if you cut home health care, you are going to increase the cost in regard to nursing homes, no question about it.

In my State I have had the pleasure of being able to see firsthand, as has the Senator from Nebraska, the great work our Kansas Home Health Care Association members do every day. Last

year I was invited into the home of a lovely couple in Concordia, KS, America, not too far from Nebraska, and despite having multiple health issues, Duane and Phyllis were able to stay in their home with their little dog Josie, all thanks to the services provided by a home health care aide and a home nurse.

What is going to happen to seniors such as Duane and Phyllis if we slash \$42 billion from home health care payments? Forty-two billion dollars is one of the largest Medicare cuts in the whole bill next to Medicare Advantage and the hospitals. The Senator from Nebraska had that chart showing serious cuts to all of our providers. Don't forget that this cut comes on the heels of several years of additional cuts to home health care—around \$35 billion all told—that already have a large percentage of Kansas home health care agencies operating at very slim or negative Medicare margins. I know the same is true in Iowa, and the same is true in Texas, in Montana, in Nebraska, and all over the country.

I keep hearing my colleagues, however, on the other side of the aisle insisting that their \$½ trillion cut to all Medicare—here is the quote—"won't affect the benefits guaranteed to seniors." Please stop that. Please stop that. That is the most disingenuous smokescreen in this whole debate. It may be true that this bill does not explicitly cut benefits. My friends across the aisle, however, cannot deny that their cuts in reimbursements to providers will affect those benefits, because when you cut the reimbursements to providers, guess who pays the price. The patients—Duane and Phyllis and their little dog Josie. I tell you what. You come to their house and you make that argument that if you close down or make cuts to home health care, Duane is not going to like it, Phyllis is not going to like it, and Josie will bite you on your leg.

As I said, many of my Kansas home health care agencies are already operating at negative margins. Their projected share of these cuts, as provided by the distinguished Senator from Nebraska, is almost \$240 million. To the Senator from Montana, the distinguished chairman of the Finance Committee, my dear friend, that is \$60 million in Montana; and Nevada, where the distinguished majority leader lives, the chart that has been provided to me by the Senator, \$263 million.

We have Senator CORNYN sitting right behind me here. Senator CORNYN, you are in the \$6.8 billion category for Texas. I might ask the Senator, What is going to happen if you get cut \$6.8 billion in regard to home health care service?

Mr. CORNYN. If the Senator will yield for a response, \$6.8 billion would cut not just into the muscle but into



the bone and deny a lot of elderly people, particularly in rural areas, access to care entirely.

Mr. ROBERTS. I thank the Senator. The Senator from Nebraska has already pointed out what happens in Nebraska, and I know what will happen in Kansas. Nearly two-thirds of Kansas home health care agencies will have negative margins within only 5 years, probably 2 or 3, if these cuts are allowed to occur.

How are these agencies supposed to stay in business with these kinds of cuts? The home health care benefit will be worthless to a Kansas Medicare patient whose home health care agencies will go out of business. So, yes, in fact, this bill will effectively cut benefits. Again, get rid of the smokescreen.

This doesn't apply just to the home health care benefit. The same can be said for the effect of the cuts, as demonstrated by the Senator from Nebraska, for reimbursements to hospitals. This bill is going to cost the Kansas Hospital Association \$1.5 billion. They have some outside experts who came in. I asked them: What is going to be the effect of the cuts? They already have cuts. They only get reimbursed 70 percent now, and \$1.5 billion on top of that. We ought to have a chart—and I am sure we will have a chart—that would show Iowa or Nebraska or any State here, Texas especially, because of the number of folks there. So hospitals, hospices, skilled nursing facilities, and all of the rest.

I want every senior to know that while maybe it is technically accurate, again, for my friends across the aisle to claim this bill doesn't cut Medicare benefits, there is no way—no way—you can slash \$½ trillion from payments to providers without affecting their ability to keep their door open, especially in rural and small town America. Seniors should know they will be left with a worthless benefit. To paraphrase my friend Senator ALEXANDER from Tennessee, it would be like having a bus ticket without a bus.

Thank you, Senator JOHANNIS. Thank you for the work you are doing. Thank you for this motion. I hope we are successful. I hope people will wake up and understand the severity of what these cuts will do. I urge every Member of this Senate to support Senator JOHANNIS when we come to a vote on this issue.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER (Mr. KAUFMAN). The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I have heard a lot here today about how this is going to hurt seniors and so on and so forth, words such as "smokescreen." The fact is there is no smokescreen here whatsoever. This is a very well thought out, considered policy that I think strikes a very good balance be-

tween getting care to especially seniors at home, which is so important on the one hand, and making sure there is not waste on the other hand. That is our responsibility here, to make sure the program works and works well.

I have sort of a special interest in this. My mother was in the hospital. It happened about 2 weeks ago. She fortunately is doing much better. She is out of the hospital. She has spent some time with a home health caregiver with whom I was very, very impressed. This home health person is doing a great job with my mother. I have seen other instances too, but personally I was very happy to see my mother getting very good care from a home health care nurse.

I think it is also important to remind my colleagues that this amendment is generally a retread on the McCain amendment we debated over the last few days. That is, once again, the opponents of this bill are endorsing the status quo that leaves Medicare on the brink of going bankrupt and seniors facing higher costs.

Let me remind my colleagues again what will happen if we stick with the status quo. The status quo, meaning no bill, which the other side is advocating, means Medicare will go broke in 8 years. That is the status quo. In our legislation, that will be postponed for at least 5 more years. The status quo, as in no bill, which the other side is advocating, means seniors will continue to pay higher and higher premiums and cost sharing due to wasteful overpayments to health care providers.

There is so much waste in our system. We all know there is a lot of waste. I am quite surprised not all of our colleagues want to cut out the waste. In effect, they want to keep the waste that, unfortunately, is in our system.

The status quo also means each year billions of Medicare dollars will continue to be wasted on lining the pockets of private insurance companies. That might be a bit of a strong statement, but the fact is, some chief executives of private insurance companies are paid tens of millions of dollars to manage Medicare Programs, especially Medicare Advantage, and the status quo means that will continue.

The status quo also means seniors will continue struggling to pay for prescription drugs. The stakes for seniors in the Medicare Program have never been higher.

We have a choice. It is a very simple choice: either endorse the status quo or strengthen Medicare.

Let's talk a little bit about home health care. Regarding Medicare changes for home health providers, let me describe what is in the Senate bill. I don't think our colleagues know specifically what is in the Senate bill. That may be a strong statement to make. But if they knew what was in

the bill, I think some of the statements made tonight might be a little bit different.

As most of my colleagues would agree, home health care is an extremely important benefit in the Medicare Program. We are all very strong advocates of home health care. Across the country, there are more than 9,800 home health agencies providing care to seniors in their homes. This helps seniors get better and helps them to avoid expensive rehospitalizations.

We are all champions of home health care. We would like people not to be institutionalized. It is much more appropriate to have care in the home, and home health care agencies provide that.

In Montana, home health care providers go the extra mile—literally—to provide care to patients across vast distances. In some cases, in rural areas they have to drive 100 miles just to see one patient. They are dedicated people. They go great distances and travel a long way to see very few patients.

Home health providers make a real difference in improving seniors' health, and we should support their efforts. We all very much support their efforts.

While I have great respect for the services of home health providers, we also have a responsibility to protect the Medicare Program. Unfortunately, there is almost always waste somewhere. It is a matter of judgment as to how much is waste and how much is not.

We must make sure Medicare is paying appropriately; that is, that Medicare is not overpaying for Medicare services. We must take action to root out fraud and abuse in the Medicare Program generally and where it may occur in the home health industry as well.

I think the policies in the Senate bill achieve both goals. First, the Senate bill would "rebase" home health payments to ensure payments reflect actual costs of providing care. These changes are based on recommendations by MedPAC, which is the independent advisory commission that advises Congress on Medicare reimbursement. It is a nonpartisan group. MedPAC advises that we rebase. What do we mean by "rebase"?

When the current home health payments were set, seniors received an average of 31 visits per episode. Today, they receive 22 visits; that is, they get paid about the same for doing less. We are trying to make sure the payment reflects the actual services provided. The Senate bill directs CMS to rebase payments to reflect this change. It is common sense. MedPAC recommended it and thinks it has to keep up with the times. Times have changed over the years, and the payment system should reflect that change.

There is something else I think is pretty important, and most of my colleagues would agree, the Senate bill

roots out fraud that, unfortunately, exists in home health care as well as in other areas of Medicare spending. It tries to root out the fraud in Medicare payments for outlier cases.

Medicare provides an extra payment today for providers—home health folks—who treat sicker people, otherwise known as outlier patients—really sick, outliers. Unfortunately, the GAO found that some providers were gaming the system and getting much more outlier payments than they deserve.

For example, the GAO found that in one Florida county alone, home health providers were receiving 60 percent of all total outlier payments. That is nationwide. One county was getting 60 percent, even though they had less than 1 percent of the total Medicare population. I don't want to just single out Florida. Other counties in the southern part of the country clearly have a grossly disproportionate amount of high outlier payments.

The Senate addresses this problem by placing a cap on the amount any individual provider can receive in outlier payments.

Another change is the bill makes "market basket" changes in 2011 and 2012. That was recommended by MedPAC. Why is that important? MedPAC is actually much tougher. They wanted to start in 2010. We said we will hold off a bit. We wanted to be fair to the home health providers. In addition, the bill establishes a productivity adjustment for home health providers beginning not right away, not next year or the following year but in 2015.

These changes ask home health providers—like all other providers—to offer more efficient and higher quality care over time. We are being fair about it. Very importantly, in making these changes we worked closely with the home health industry to ensure these changes were reasonable and fair.

What do we do with respect to the agencies to make sure we are fair? On the rebasing policy, MedPAC recommended that we fully implement these changes in 2011. To ensure that providers can adapt to the new payment rates, we in the Senate decided we would phase in these changes over 4 years. The home health providers support this phase in. They think it is a good idea.

On the outlier policy and the fraud changes, these policies were actually suggested to us by—guess who—the home health industry. They came to us and suggested we make some changes in outliers because too many agencies are gaming the system. They asked us to make some outlier changes and stop that gaming, to make changes to stop the fraud. They came to us and gave us some ideas. Obviously, the home health industry fully supports the changes they recommended to us. They are in this bill.

On the market basket and productivity changes, the Senate bill holds off on applying these reductions while the rebasing policy is taking effect.

This bill gives home health agencies extra time—much more time than is recommended by the very aggressive proposed changes by MedPAC, the House bill, and the administration. We say those are too aggressive. We in the Senate decided to give agencies extra time to adapt to the payment changes in the bill rather than having all these implemented at the same time as MedPAC and the House and the administration all recommended.

Finally, with respect to rural home health providers, we are all very sensitive to the special needs of rural America. What did we do about that? From 2010 to 2015, rural providers will receive a 3-percent extra payment each year. This payment will ensure that rural providers are protected as we reform the home health system.

In total, the home health changes in the Senate bill, I believe, strike a fair balance between ensuring seniors have access to home care, while also rooting out inappropriate payments from the system.

I hear some of my good friends say: Gee, these changes are going to hurt seniors. They are not going to hurt them. In fact, most of the changes are suggested by the home health care industry. I think all of us want to root out fraud and waste. Also, it is claimed that Medicare beneficiaries will be harmed by this bill. This is a scare tactic.

Let me say what the American Association of Retired Persons says about these claims that these changes in Medicare reimbursement are going to harm seniors.

AARP says:

Opponents of the health reform won't rest. [They are] using myths and misinformation to distort the truth and wrongly suggesting that Medicare will be harmed. After a lifetime of hard work, don't seniors deserve better?

That is AARP. I don't suggest tonight that any of our colleagues are using myths and misinformation to distort the truth. The point is, AARP claims that is not true. They support the bill strongly.

I will remind my colleagues of some of the positive changes in the legislation. This legislation improves the solvency of the Medicare Program by 5 years. It puts \$30 billion back into the pockets of seniors in the form of lower Medicare premiums. It makes prescription drugs more affordable, which is an added benefit in this bill that would not be available if the legislation is not passed. The bill guarantees that seniors can continue to see a doctor of their choosing. The bill provides free wellness and prevention benefits. Those are new benefits. They don't currently exist. It will also include fair and ap-

propriate changes for home health that protect access to care.

I don't question the motives of my colleagues. They believe they are standing up for seniors in opposing the home health changes. But in truth they will harm them because they are hurting the Medicare Program. I don't think we want to hurt the Medicare Program. We are trying to help the Medicare Program by making these changes.

There is one other point I want to make. This is kind of interesting. I thought when I saw it—if I still have it—it is kind of interesting. The growth rate in home health care spending will continue to be very high after this legislation passes. Currently, the growth rate of the home health care industry is almost 11 percent per year. After the legislation, it will be almost an 8-percent annual growth in the home health care industry. That is much faster than the national health expenditures.

I think most things in life are a judgment call. I think one fairly decides that the changes in this bill are good for seniors and home health care providers because they are sensitive to the needs of the industry, sensitive to patients, frankly, but also responsible to the American taxpayers by making sure we are rooting out waste.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I think as the American people are listening to the debate we are having on health care reform, they are being asked to accept some pretty implausible claims. One claim is that we can take \$½ trillion out of Medicare and it would not have any impact on the delivery of services to Medicare beneficiaries—\$½ trillion.

I think the biggest mistake about the way this bill is paid for, with the huge tax increases and huge cuts in Medicare, is the proposal to take \$½ trillion out of Medicare, including \$40 billion out of home health care, in order to pay for a brandnew entitlement program, when we already know Medicare itself is on a fiscally unsustainable path.

I want to talk primarily about another aspect of these cuts, and that is the 11 million seniors, including 532,000 Texans, who will lose benefits under their Medicare Advantage Program because these are not inconsequential cuts in their benefits. They are serious. I want to talk about some real human beings, some real Texans, who are going to be affected in a negative way by these cuts.

First of all, I think it is absolutely critical for the American people to understand that Medicare itself does not provide complete coverage to seniors. That is why so many seniors end up buying supplemental insurance coverage—Medigap coverage, as it is sometimes called—in order to get their bills

paid for. Medicare only pays, on average, about 80 percent to providers of what private health insurance does. That is the reason, without additional compensation, many doctors will not see a new Medicare patient. They simply cannot do it and keep their doors open to their other patients.

The truth is, Medicare Advantage was created to fix some of the flaws with Medicare fee for service to give seniors more affordable and better coordinated health care. None of us are standing up saying the proposed bill is all bad because some of the positive developments in the bill call for greater coordination of health care.

On balance, it makes things worse than it does better because of these cuts in things such as Medicare Advantage.

The President of the United States has said providing Americans with a choice of quality, affordable health care was a guiding principle for him. I agree with that statement of principle. Medicare Advantage was created for that very purpose because, as I said, Medicare itself does not always work well for patients.

Where I live in Austin, TX, which is Travis County, the last time I saw a report, only 17 percent of physicians will see a new Medicare patient because Medicare reimbursement rates are so low. Those problems are avoided in large part by Medicare Advantage because it pays physicians and providers better than Medicare fee for service.

According to the American Medical Association's 2008 national health insurance report card, Medicare—not private health insurance—but Medicare had the highest percentage and the largest number of denied medical claims. In fact, Medicare denied 10 times more medical claims than private health insurers. That is another reason why seniors deserve a choice between Medicare and private plans that will offer them better benefits.

As I mentioned, today, 11 million Americans made that choice of better benefits and better care coordination through the Medicare Advantage Program. The proposed bill, the Reid bill, will take away those choices and the benefits of those 11 million seniors by cutting about \$120 billion from the program.

Many of our friends across the aisle will say we can cut \$120 billion out of Medicare Advantage, and it will have no impact on delivery of services. But the Director of the Congressional Budget Office disagrees with them, who says their additional benefits will be cut roughly in half.

We need to set the record straight on these so-called overpayments allegedly going to insurance company profits. It is simply a false statement. It is not true. Our colleagues know the so-called overpayments to Medicare Advantage plans do not go into those plans. They

go to seniors in the form of additional benefits. That is because, under Federal law, 75 percent of additional payments to Medicare Advantage plans are used to provide seniors with additional benefits—benefits which they would not get under Medicare fee for service, benefits such as chronic care management, hearing aids, eyeglasses, and the like. The other 25 percent of any extra payments is returned to the Federal Government.

Let's be clear. Cuts to Medicare Advantage would be taking away seniors' health care benefits for those 11 million seniors. As I mentioned, ½ million Texans are on Medicare Advantage, and the Reid bill would cut their benefits by well over half. You do not have to take my word for it. Listen to what the CBO Director, Dr. Elmendorf, said when Senator CRAPO asked him during a Finance Committee hearing. He said:

So approximately half of the additional benefit would be lost to those current Medicare Advantage policy holders?

Director Elmendorf:

For those who would be enrolled otherwise under current law, yes.

Nearly one out of every four seniors in Texas would lose about \$122 a month in health care benefits to create a new \$2.5 trillion entitlement that their grandchildren will ultimately have to end up paying for. And \$122 a month may not sound like a lot for people inside the beltway, but a couple from my hometown of San Antonio recently wrote to me:

Please vote to leave our Medicare Advantage plans alone. We can't afford anything else as our portfolio was wiped out in the stock market collapse last year. My wife and I have had to go back to work, and we are in our seventies.

Yet this bill would impose another \$122-per-month cut in their benefits.

Another constituent of mine from Conroe, TX, wrote:

Please do what you can to protect the Medicare Advantage plans. I'm on one and it has been beneficial to me. It has saved me an enormous amount of money and given me the benefits I've needed.

Some groups that support these cuts to Medicare Advantage have a conflict of interest, to say the least, because the benefits under traditional fee for service, as I mentioned, for Medicare is about 80 percent of what private insurance will pay. In order to get coverage, in order to pay the bills, many seniors have had to buy additional insurance coverage. For 11 million seniors, Medicare Advantage provides those benefits.

For many seniors, former employers sometimes provide wraparound plans. For retired military, TRICARE provides a wraparound plan. For many low-income seniors, Medicaid helps with cost sharing and premiums. For many other seniors, they purchase a standalone Medigap policy.

We heard from our friends across the aisle about AARP's endorsement of the

Medicare cuts in the Reid bill. If it sounds odd that a seniors' advocacy group would support taking nearly \$½ trillion from an already near bankrupt program, it should.

The fact is, as the Washington Post noted on October 27:

... But not advertised in this lobbying campaign have been [AARP's] substantial earnings from insurance royalty and the potential benefits that could come its way from many of the reform proposals ... Democratic proposals to slash reimbursements for another program, called Medicare Advantage, are widely expected to drive up demand for private Medigap policies, like the ones offered by AARP, according to health care experts, legislative aides, and documents.

So AARP, the so-called seniors' advocacy group, is advocating for a cut in benefits to 11 million beneficiaries of Medicare Advantage. The suggestion is one reason they would do so is because they will profit from this bill because these seniors will, if they can afford it, have to go out and buy Medigap coverage from, lo and behold, entities such as AARP.

The fact is, Medicare Advantage allows private plans to innovate better and provides better coordinated care for seniors. Groups such as the Kelsey-Seybold Clinic in Houston, TX, which is basically not seeing Medicare fee-for-service patients but is seeing Medicare Advantage patients because they can afford to coordinate care, the kinds of things we know they ought to be doing to provide better care, but they cannot afford to do it on the fee-for-service Medicare.

We have had the Medicare Program around for more than 40 years. The fact is, government bureaucrats are still trying to get the complex reimbursement formulas right. We know, as the distinguished chairman of the Finance Committee has said, that under the fee-for-service program, which is part of what needs to be reformed in this health care bill, Medicare pays for volume and not value.

Some of the positive things which I have complimented the bill on is, it includes some small steps to change our current pay-for-volume program to a pay-for-value approach through various delivery system reform demonstration programs.

The irony is, Medicare did not think of these delivery system reforms; rather, Washington is finally catching up on what private sector innovators have been doing for years. We heard the distinguished Senator from Minnesota talk about the Mayo Clinic. The Mayo Clinic has been doing that. I mentioned Kelsey-Seybold in Texas. But private sector innovators have been doing this through the Medicare Advantage Program already.

The delivery system reforms in the Reid bill would allow Medicare to experiment with different approaches to changing physician incentives, such as accountable care organizations or physician quality reporting initiatives.

Will they work? I happen to think they will. We do know private sector innovators have already figured out how to change physician incentives in the sorts of ways we ought to be doing more of and not punishing by cutting Medicare Advantage.

One Medicare Advantage plan, HealthSpring, serves 20,000 seniors in my State. They have been a leader for changing incentives for physicians to focus on quality rather than quantity. I met with their leadership and heard how they have done it. What they told me is they have a collaborative partnership with their physicians. They call it Partnership for Quality. Physicians are accountable for both cost and quality based on an evidence-based set of quality measures.

The results are a win-win: better quality care leading to healthier seniors and physicians who succeed in meeting evidence-based quality standards and ultimately lower health care costs, which I thought was supposed to be one of the goals of health care reform.

Participating physicians were paid financial incentives for meeting their goal, but as a result of coordination of care and evidence-based quality standards, they actually ended up charging less and patients experienced better results too. Members needed fewer hospitalizations and emergency room visits. Preventive measures increased mammograms by 80 percent, diabetic foot exams by 360 percent, and flu vaccinations by 246 percent.

I have heard about HealthSpring's success from a couple in Farmers Branch, TX, who recently wrote to me. They said:

We had a Medicare supplemental policy for several years until they priced themselves out of the market. We are now with a Medicare Advantage plan called HealthSpring. We have been very happy with this plan and the way they are saving us money. Please do not change or eliminate this program.

Let me tell you about one other Texas company called WellMed. While the Reid bill would finally give Medicare the ability to experiment with medical homes and care coordination, a San Antonio-based company, a Medicare Advantage company called WellMed, has been using a medical home model to coordinate patient care and emphasize prevention for nearly 20 years.

To quote from an article last month in "Inside San Antonio:"

The health care delivery model at WellMed puts the patient at the center of a team directed by a primary care physician. The team may include a nurse, health coach, hospitalist, social service worker and physician assistant.

According to WellMed CEO Dr. George Rappier, "We really do have to bring back the old-time primary care doctor who cared for you, who was concerned about you, who was part of your family, and you were part of their family. It's a primary care physician who knows all about you. So if you need a

specialist, they know the best specialist to send you to. If you need to go in the hospital, they make sure you get the appropriate care in the hospital. They are your coordinator of care. And that's really the concept of a medical home."

There is no question in my mind that the model has been saving lives in my State. Here is a story about one Texan whose life was saved by physicians caring for him at WellMed:

For years, Crohn's disease weakened—

We will call him Ed—

Ed's immune system and left him susceptible to infections. One morning in 2001, he lacked energy to even get out of bed. His breathing became labored. He developed a cough that sounded "wet."

His worried wife called his primary care physician at WellMed, Dr. Marlene Sanchez, who wanted Ed hospitalized immediately so she could order a nuclear scan of his lungs. He protested.

"She told me that if he refused to go, I should call 911 and have the paramedics come get him," [his wife] Annette recalled. "He heard Dr. Sanchez talking to me, the urgency in her voice, and that convinced him to go."

The scan confirmed Dr. Sanchez's suspicions: A potentially fatal blood clot had traveled from Ed's leg to his lungs. He was successfully treated and recovered. [Ed and his wife] recently celebrated Ed's 74th birthday.

Annette credits Dr. Sanchez for saving Ed's life and for acting as a catalyst that keeps him thriving in their golden years.

"We have seen an abundance of doctors, from the cancer doctors to the dermatologist, gastroenterologist, the blood doctor, the heart specialist—Ed has gone through it all . . . and they've all been coordinated by his primary care doctor. I've been to other doctors outside WellMed and you don't get the feeling that they are communicating like this."

Well, many Texas seniors currently enjoy these extra benefits under Medicare Advantage, such as—another benefit—the Silver Sneakers program, the Nation's leading exercise program for older Americans. This past year, one of the Silver Sneakers members personally visited my office to deliver testimonials from other Silver Sneakers members. One Texan said:

At my age I need a program to strengthen me all over but primarily to help me with my balance and coordination. I need these skills to keep me from falling and breaking my bones.

Another participant in the Silver Sneakers program said:

I am 66, have been in the Silver Sneakers program a year. Prior to that I led a sedentary life, which included many health problems. I had hypertension, high cholesterol, chronic bladder condition, and mild depression. Since coming to classes and utilizing the weights and cardio machines, my life has improved immensely. My blood pressure has dropped, my cholesterol has been lowered, my chronic bladder condition has improved and I just feel better all around. I am no longer depressed because I look better and look forward to going to class and visiting with my friends.

These cuts in Medicare Advantage are going to have a direct impact on

the benefits my constituents in Texas are benefiting from—the 532,000 Texans who are currently on Medicare Advantage—and what they are asking me—which I can't answer—is why in the world would we want to cut Medicare Advantage, which actually works, as opposed to Medicare fee for service, which does not work well? Why would we take a fiscally unsustainable program, such as Medicare, which is going insolvent in 2017, and use that to create a \$2.5 trillion new entitlement program?

My constituents, the seniors who have paid into Medicare all these years, are saying: It is not fair to take the money we have paid into Medicare and use it to create yet another entitlement program and not to fix Medicare itself. So I believe we need to fix Medicare's nearly \$38 trillion in unfunded liabilities. We need to fix the improper payment rate of roughly 1 out of every 10 Medicare dollars which results in somewhere on the order of a minimum of \$60 billion of fraudulent payments each year. We need to put it on a fiscally sustainable path, rather than taking \$½ trillion from Medicare for another ill-conceived Washington health care takeover.

I don't believe my constituents believe you can take \$½ trillion out of these programs, just as they do not believe you can take more than \$100 billion out of Medicare Advantage, and it will have no impact on their benefits. They don't buy it. They don't believe it, and I don't either.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, it is late in the evening. I was going to address three different issues tonight, but out of respect for Senator BAUCUS, the chairman of my committee, I am going to address just one of these issues and I will come back tomorrow morning, on Saturday, and speak on the rest of the issues.

The one issue I am going to address this evening is my support of the Senator from Nebraska and his motion to commit with instructions on the home health care aspect of this 2,074-page bill. That is Senator JOHANN'S motion. We are now considering a bill that cuts \$½ trillion from a Medicare Program to fund yet another unsustainable health care entitlement program. Around \$42 billion comes from cuts to home health care providers—hence the purpose of Senator JOHANN'S amendment that that not happen.

You have heard from Members on this side of the grave consequences of these cuts. Several Senators have already addressed these. These severe cuts pose a legitimate threat to beneficiaries' access to home health services. In my State of Iowa alone, there are around 160 home health agencies that provide valuable services to Medicare beneficiaries across the State.

Thanks to these home health care providers, seniors in Iowa are able to live at home instead of institutional settings, such as nursing homes. These seniors place great value on being able to stay in their homes. I would have to say that in all the years I have been involved in senior issues, whether it has been chairman of the Aging Committee, or chairman and now ranking member of the Finance Committee, I haven't run into one single senior citizen in my State who said to me: I am just dying to get into a nursing home. They do not want to go there.

So that is the purpose of home health agencies, to save money, but it is to retain the quality of life, and maintain the quality of life for these citizens. I rarely hear Iowans say anything about living in a nursing home, except not to go there.

Since living at home has been found to be a more cost-effective alternative than institutional care, this results in Medicare spending less. These cuts that are in this 2,074-page Reid bill will make it even harder for Iowa home health care providers to care for Medicare beneficiaries. A good part of the Medicare home health cuts come from permanent productivity adjustments.

Let's look at the possibility—or I would say I have concluded the impossibility—of bringing greater productivity to home health care. You have heard this week about how Medicare's chief actuary found savings from these productivity adjustments to be very unrealistic. And just so you know that the letter I refer to from the chief actuary is real, observe this chart. You also heard this week how these permanent cuts would make it harder for providers to remain in the black. You also heard these providers might end their participation in Medicare and possibly then jeopardize access to care for beneficiaries, and probably then more people ending up in the more expensive environment of a nursing home.

The threat to access to home health care from these permanent productivity cuts isn't theoretical. It is real. Like many other Medicare providers, home health agencies provide labor-intensive services. It is because of these labor-intensive services that I raise the question and the possibility—and I say it ends up being an impossibility—for them to be more productive. There are few gadgets in home health that will increase productivity. And whatever available gadgets there are, they are unaffordable for many Iowa home health agencies because they are small operations with limited financial resources.

Home health care is about doctors, it is about nurses, and home health aides, and it is about all of these providing care to the most needy. So it is incorrect, in my judgment, to assume these providers will achieve the levels of productivity like the rest of the economy.

The HHS chief actuary's findings clearly apply to home health in my State of Iowa, as they do nationally. Just to remind you: "The estimated savings may be unrealistic;" and "possibly jeopardizing access to care for beneficiaries for our seniors." More people in nursing homes.

Because of these cuts, the percent of Iowa home health agencies that have negative Medicare margins will increase to 75 percent. So over 120 of the 160 home health providers will have negative Medicare margins because of this 2,074-page Reid bill. Iowa providers are not alone. From ½ to 90 percent of home health agencies in States across the country would have negative Medicare margins.

I ask a unanimous consent to have printed in the RECORD three letters, which I wish to put in at various places in my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 1, 2, and 3.)

Mr. GRASSLEY. Mr. President, I have here a letter dated September 23 of this year from Val Halamadaris, the president of the National Association for Home Health and Hospice. This organization represents home health agencies across the country.

Mr. President, Mr. Halamadaris wrote this letter in response to the \$43 billion in home health cuts in the Finance Committee package, which presumes to be the same number that is used in the Reid bill. In this letter, he stated:

It is crucial to the survival of the home health services delivery system that you work to reduce the \$43 billion in cuts currently contained in the Senate Finance Committee's health reform package. Our analysis indicates that by 2016, the proposed cuts in home health care services payment rates will lead to nearly 70 percent of providers nationwide at risk of closing because their costs will exceed Medicare payments. If that occurs, President Obama's promise that Medicare beneficiaries will not be adversely affected by health care reform efforts will be broken.

I have yet to hear from a home health care provider in Iowa that these permanent cuts will make it easier for them to care for their Medicare beneficiaries. Instead, I hear these cuts would reduce access to home health services.

The second letter I asked to have inserted in the RECORD is from the Iowa Alliance in Home Care, and they wrote:

Ensuring that Medicare home health payments are not reduced further is essential to avoid the resulting limited or no access to home health services for many Iowans who prefer to receive services in their home.

Not only is the chief actuary saying it, as the chart reflects, but people who are connected with the business of home health care are saying it: These permanent cuts will in fact jeopardize access to home health services in Iowa. So if the home health cuts in the Reid

bill are allowed to go into effect, then Iowa's seniors, who prefer to live full lives from their homes, will be forced to live in the more expensive settings of facilities such as nursing homes.

I believe many Members on both sides of the aisle share my concern about home health care cuts.

I have here a third letter, this one dated from July 27, 2007, and it is written to Senator BAUCUS and me.

Mr. President, I use this letter, even though it is 2 years old, because we were getting entreaties from 61 of our colleagues—of which 52 now still serve in the Senate—about a legislative proposal to cut Medicare home health payments in that year—2007—by \$9.7 billion and hospice payments by more than \$1.1 billion. They urged me and Senator BAUCUS, at that time, to ensure that home health and hospice providers receive full market basket inflation adjustments. They also urged us to oppose any cuts in payment rates through administrative actions.

In the letter, these Members stated that home health and hospice care "have been demonstrated to be cost-effective alternatives to institutional care in both Medicare and Medicaid programs." They stated that "reducing Medicare home health and hospice payments would place the quality of home health care and hospice and the home care delivery system at significant risk."

Of these 61 Senators who signed this letter 2 years ago, 52 are currently here debating this bill in the Senate. Of those 52 Senators, 37 are from his side of the aisle who are now proposing \$43 billion in cuts instead of \$9.7 billion in home payment cuts and \$1.1 billion in hospice payments cuts. I would think they would find these kinds of cuts three or four times—four times what we were talking about 2 years ago to be very unrealistic, and to keep home health as a viable organization going.

We also must look beyond health care when we look at the impact of these permanent cuts. I have also heard from providers in Iowa that permanent cuts such as these will make it even harder for them to keep their doors open. So around 3,500 Iowans who work at home health agencies are at risk of losing their jobs at a time when we have 10 percent unemployment, at a time when more of this country is concerned that Congress ought to be working on creating jobs, jobs, jobs as opposed to the health care issue and in some cases cutting jobs out. The Labor Department reported today that unemployment is 10 percent. Now is not the time to consider bills that increase unemployment rates.

About an hour ago, the Senator from Nebraska offered this motion I am speaking in favor of now, to send this bill to the Finance Committee with instructions to report a bill without these very enormous home health cuts

that are in it. We should take this opportunity to fix the bill and then come back to the full Senate with a better bill. That is why I support the motion of the Senator from Nebraska to commit, and I urge my colleagues to do the same.

I yield the floor.

#### EXHIBIT 1

#### NATIONAL ASSOCIATION FOR HOME CARE & HOSPICE,

Washington, DC, September 23, 2009.

Re Medicare Home Health Services.

Hon. CHARLES E. GRASSLEY,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR GRASSLEY: I am writing to thank you for your continued support of home care patients nationwide and to enlist your help to ensure that access to home health services remains a reality for more than 3 million senior and disabled individuals that benefit from these important services.

It is crucial to the survival of the home health services delivery system that you work to reduce the \$43 billion in cuts currently contained in the Senate Finance Committee's health reform package. Our analysis indicates that by 2016, the proposed cuts in home health services payment rates will lead to nearly 70% of providers nationwide at risk of closing because their costs will exceed Medicare payments. If that occurs, President Obama's promise that Medicare beneficiaries will not be adversely affected by health care reform efforts will be broken.

Invariably, providers of services facing rate cuts always cry out that care will be lost. However, history tells us that our warning should be heeded. The Balanced Budget Act of 1997 was expected to cut home health services spending by \$16.1 billion in five years. Instead, the rate changes cut over \$70 billion, leading to the loss of care to nearly 1.5 million Medicare beneficiaries. That change also led to higher outlays under state Medicaid programs, as well as greater use of nursing homes, hospitals, and other institutional settings. Still today, about \$17 billion is spent on home health services, as compared with about \$19 billion in home health outlays in 1997.

Several factors need to be understood about the current Finance Committee proposal. First, the proposal is not consistent with MedPAC advice. The proposal reduces rates to a point where Medicare margins will average zero. MedPAC, in its deliberations, clearly recognized the need for some level of margin in order to stay in business. In fact, we understand that MedPAC's executive director, Mark Miller, informed House Ways and Means members that MedPAC did not recommend a zero margin.

Second, there is a serious misunderstanding of Medicare margins. MedPAC estimates margins for 2009 will be 12.2%. However, this estimation does not include the impact of nearly 7% in rate reductions planned by way of regulation by 2011. Further, it does not include nearly 1,700 important providers of home health services, hospital-based agencies. Also, it does not reveal that the "average" is made up of a very wide range of individual agency margins with over 30% below zero already. Finally, reliance on Medicare margins does not convey that the total margin of agencies is estimated at 2% with Medicaid and Medicare Advantage losses driving the overall margin down.

Third, unlike other health care providers such as hospitals, the expansion of health in-

surance will not bring additional business of any material level. Home health patients average nearly 80 years of age and are already insured by Medicare or Medicaid. This means that the Medicare cuts to home health agencies are not offset by new revenues from newly insured patients. Instead, the proposed cuts of over 13.5% of spending on home health services will be as real as can be.

Fourth, the home health services community has put forward a credible and substantive alternative set of proposals for reforming the Medicare payment system. While the Chairman's Mark incorporates many of these proposals, the level of cuts is unsustainable. In fact, the level of cuts exceeds the \$34 billion President Obama's budget recommended by nearly \$10 billion. Still, the industry's proposal itself meets or exceeds the Obama budget target.

Fifth, the home health services cuts are far disproportionate to other provider sectors. The Chairman's Mark seeks 9.4% of all the Medicare cuts from home health care while home health makes up only 3% of the Medicare program currently. That disproportionate impact is further magnified by the fact that, unlike most other health care providers and insurers, expanding health insurance will have no meaningful increase in home health care business.

This is a historic time in this country, an opportunity to secure health care for all as a fundamental right. However, these reforms should not be done at the expense of our most vulnerable senior citizens, the homebound and infirm. Your leadership on this matter is greatly appreciated. Please let us know what we can do to help you succeed.

You have my great respect and admiration, now and always.

Sincerely,

VAL J. HALAMANDARIS,  
President.

#### EXHIBIT 2

#### IOWA ALLIANCE IN HOME CARE, Des Moines, IA, December 4, 2009.

Hon. CHARLES GRASSLEY,  
Ranking Member, Committee On Finance, Dirksen Senate Office Building, Washington, DC.

SENATOR GRASSLEY: I'm contacting you today to urge your assistance concerning an issue of great significance to Iowa's dedicated home care nurses and other providers of valuable and needed in-home health care services to Iowans. The Iowa Alliance in Home Care respectfully requests your support to have the Senate Finance committee report back to the Senate, in response to a motion with instructions, a modified H.R. 3590 bill that does not include cuts in Medicare payments to home health agencies totaling \$42.1 billion.

Your urgent action is critically important to ensure that access to quality health care services delivered in the home setting is not compromised. Proposed cuts in Medicare home health reimbursement would be devastating as most of Iowa's home care providers (i.e. public health departments, small businesses) rely largely or exclusively on Medicare and Medicaid payment to justify their operations which includes employment for thousands of Iowans. Insufficient Medicaid home health reimbursement, recently worsened by Governor Culver's ATB state budget cuts, has been reduced by an additional 5% effective 12/1/2009. In short, ensuring that Medicare home health payments are not reduced further is essential to avoid the resulting limited or no access to home health services access for many Iowans who prefer to receive services in their own home.

Senator, thank you for your past home health care support. We would greatly appreciate your immediate attention to this most critical of needs for our Iowa home health care community.

Regards,

MARK WHEELER,  
Executive Director.

#### EXHIBIT 3

U.S. SENATE,  
Washington, DC, July 27, 2007.

Hon. MAX BAUCUS, Chairman,  
Hon. CHARLES GRASSLEY, Ranking Member,  
Senate Finance Committee,  
Washington, DC.

DEAR CHAIRMAN BAUCUS AND RANKING MEMBER GRASSLEY: Home health and hospice have become increasingly important parts of our health care system. The kinds of highly skilled and often technically complex services that our nation's home health and hospice agencies provide have enabled millions of our most frail and vulnerable seniors and disabled citizens avoid hospitals and nursing homes. By preventing such institutional care, home health and hospice services save Medicare millions of dollars each year. Most importantly, they enable individuals to stay just where they want to be—in the comfort and security of their own homes. We therefore urge you to ensure that Medicare beneficiaries continue to have access to important home health and hospice services by supporting full market basket inflation adjustments, as provided under current law, and opposing any cuts in payment rates through administrative actions.

The Administration's FY 2008 budget includes a legislative proposal to cut Medicare home health payments by \$9.7 billion and hospice payments by more than \$1.1 billion over five years. It also includes additional administrative cuts in payment rates. The Medicare home health benefit has already taken a larger hit in spending reductions over the past ten years than any other Medicare benefit. In fact, home health as a share of Medicare spending has dropped from 8.7 percent in 1997 to 3.2 percent today, and is projected to decline to 2.6 percent of Medicare spending by 2015. This downward spiral in home health spending began with provisions in the Balanced Budget Act of 1997 (BBA), which resulted in a 50 percent cut in Medicare home health spending by 2001—far more than the Congress intended or the Congressional Budget Office (CBO) projected.

We believe that further reductions in home health and hospice payments would be counterproductive to controlling overall health care costs. Home health and hospice care have been demonstrated to be a cost-effective alternative to institutional care in both the Medicare and Medicaid programs. In fact, the Medicare Payment Advisory Commission (MedPAC) has noted the results of a 2002 RAND study which showed "in terms of Part A costs, episodes in an inpatient rehabilitation facility or skilled nursing facility are much more costly for Medicare than episodes of care among patients going home." (MedPAC's June 2005 Report to Congress).

Further reducing Medicare home health expenditures would also be in direct conflict with the Administration's desire to prioritize health care in the home as a cost-effective alternative to institutional care. During the World Health Congress in February of 2005, Secretary of Health and Human Services Michael Leavitt said: "Providing the care that lets people live at home if they want is less expensive than providing nursing home care. It frees up resources that can help other people. And obviously, many people are happier living at home."



Reducing Medicare home health and hospice payments would place the quality of home health care and hospice and the home care delivery system at significant risk. Several factors have contributed to the increased cost of providing care in the home over the past few years, including:

The cost of travel by clinicians to patients' homes;

The use of technology, like telehealth monitors, which is not covered by Medicare;

The need to pay significantly higher salaries for nurses, therapists, and home health aides to attract these individuals from the scarce supply of clinicians nationwide.

Many home health providers currently do not have a sufficient number of clinical staff to accept patient referrals from physicians and hospitals. As a consequence, hospital discharge planners have reported that they are finding it more difficult to refer patients for home health care. Additional cuts to the home health benefit could leave home health providers no alternative but to reduce the number of visits and/or patient admissions, which would ultimately affect access to care and clinical outcomes. In addition to these costs, hospices are also experiencing rising costs for pain management pharmaceuticals, and they are also finding that patients with shorter lengths of stay are requiring more intensive services.

In order to ensure that home health care and hospice remain a viable option for Medicare patients, we urge you to support full market basket updates for home health and hospice, as provided under current law, and to oppose any cuts in payment rates through administrative action. Thank you for your consideration of this important matter.

Sincerely,

Susan M. Collins; Russ Feingold; Christopher S. Bond; Jack Reed; Patrick J. Leahy; Arlen Specter; Norm Coleman; Sheldon Whitehouse; Robert Menendez; Ken Salazar; Barack Obama; Kent Conrad; Thomas R. Carper; Barbara Mikulski; Joe Lieberman; E. Benjamin Nelson; Daniel K. Inouye; Tom Harkin; Robert C. Byrd; Frank Lautenberg; Amy Klobuchar; Herbert Kohl; Byron L. Dorgan; Daniel K. Akaka; Barbara Boxer; Tim Johnson; Johnny Isakson; Evan Bayh; Jim Webb; Patty Murray; Chuck Hagel; Joseph R. Biden, Jr.; Robert P. Casey, Jr.; John F. Kerry; Hillary Rodham Clinton; Sherrod Brown; Christopher J. Dodd; John Thune; Carl Levin; John W. Warner; Saxby Chambliss; Ron Wyden; Mark L. Pryor; Maria Cantwell; Robert F. Bennett; Bernard Sanders; Charles E. Schumer; Richard G. Lugar; Dianne Feinstein; Larry E. Craig; John Cornyn; Benjamin L. Cardin; Edward M. Kennedy; Pete V. Domenici; Bill Nelson; Kay Bailey Hutchison; David Vitter; Pat Roberts; John E. Sununu; Mary Landrieu; Sam Brownback.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, before the Senator leaves, he is a man of great character and experience in these matters.

I have a letter from a constituent who writes to urge a vote against this health care bill. This is from Mr. Bill Eberle in Huntsville, AL. He says:

The worst part of this bill is that much of the cost will be paid for by cuts to Medicare.

I think the Senator has indicated he believes that is accurate.

He goes on to say:

I am 68 years old and I have paid into Medicare for 40 years, believing it would cover much of my health care costs when I became 65. Now I am being told that the Government has found people who need the coverage more than I do and they will cut the care for which I have paid for 40 years in order to cover people who have paid nothing into the program. It is not the Government's money. The money belongs to those of us who paid into it for so many years and are watching as it is being taken away from us.

My question to my colleague is, since the Senator has been so intimately involved with Medicare over the years, is it not true that every working American has money taken out of their paycheck to fund their Medicare and that they believe and we have a compact with them that when they reach 65, they will have the benefit of that?

Mr. GRASSLEY. When they reach age 65, they will have that benefit.

Mr. SESSIONS. Yes, 65. Yes.

Mr. GRASSLEY. To the tune of 2.9 percent of payroll. That is how much a self-employed person would pay. And an employee would pay 1.45 percent and the employer would pay 1.45 percent. Then, you know this 2074-page bill adds half a percentage point to those, so you are going to get it to a point where it is almost 2 percent for the employer, 2 percent for the employee, and it would be almost 4 percent for a self-employed person paying into this that is now going to be raided to finance a brandnew entitlement program.

Mr. SESSIONS. My constituent, then, is fundamentally correct in his concern?

Mr. GRASSLEY. I sense a great deal of resentment coming through in that letter, from the words of that letter from that person, that what he has paid into, for the probably 45 years of working before he retired—that now, with Medicare already being in jeopardy, based on the trustees' report which says that by 2017 there is not going to be any money in the trust fund, and then having \$464 billion taken out of that trust fund to help finance a new entitlement program at a time when the present entitlement programs are in a great deal of financial jeopardy.

Mr. SESSIONS. I think you stated that so well. Just to reemphasize, this gentleman, Mr. Eberle, who paid into Medicare for 40 years, until he got to be 65, he got not a dime of Medicare benefit, did he?

Mr. GRASSLEY. No. The only way he would have gotten benefits is if he had become disabled before age 65.

Mr. SESSIONS. He pays into it all these years and just now gets to draw it, and people start taking it out.

I thank Senator GRASSLEY for his leadership on this issue. I think he and I come out of the soil of our States, out of the real world. My impression is that nothing comes from nothing. Would you agree? Somebody has to pay?

Mr. GRASSLEY. I say it this way. We are in a town where we are dealing with a lot of Washington nonsense, and I hope, from the rural areas of Alabama, like the State of Iowa, you bring a lot of common sense to this town where there is not a lot of it.

Mr. SESSIONS. I thank the Senator. I would say the matter is a very serious one we are dealing with. Today, I had the opportunity to talk to a very experienced person involved in health care issues for many years. I expressed my bafflement about some of the disagreements we have, about huge issues. One of my staffers wrote down what he said. He said: "In all my years I have never seen such transparent dishonesty in the Congress."

He said "it is the biggest fraud that has been perpetrated in the history of our country," in his opinion.

Here we have a situation. I want to say I am going to pursue this in a little more detail. I am not going to go into great length tonight. But we have an amendment—Senator BENNET offered an amendment yesterday that said we wouldn't cut guaranteed benefits for Medicare. But the way this deal is being done is they are cutting payments to providers of Medicare.

We are already reaching, as Senator GRASSLEY said, a national crisis because by 2017 we will not be able to have a surplus in Medicare, we are going into default in Medicare. Where are we going to get the money?

Could we have efficiencies? Could we save some money in Medicare? Could we do some things to keep the program afloat? Perhaps. But if we do so, should not we use it, should not we use any efficiencies in savings that we could scrape together without damaging the commitment we have to our seniors—should not we use those savings to save Medicare that is going into default? I suggest that is a moral and legal commitment.

Mr. Eberle has written to me. He has paid for 40 years. He has not been able to draw anything out of it for the 40 years he has paid into it. Now he gets ready to draw, and we are telling him we are going to cut \$465 billion out of the Medicare payment. This is not a little bitty matter.

We seem to have amazing—we seem to have this dispute. One group, from the other side, says: Don't worry, we are not taking \$465 billion from Medicare, and we wouldn't cut Medicare, and we don't believe in cutting Medicare in any way. Our side over here is saying: But you are. According to the numbers that are pretty plain in this legislation, hospitals will have a \$135 billion reduction; hospices, you have \$8 billion for life-ending care that has been so helpful to so many families; nursing homes have a \$15 billion reduction; Medicare Advantage, \$120 billion; home health agencies that Senator



GRASSLEY talked about, a \$42 billion reduction. Are we imagining this? Have we somehow formulated this? It all totals up to about \$465 billion.

This matter, I suggest, is not going away. Either we have reality here or not. I believe the facts will show that we are raiding Medicare, we are weakening that program when it is already known to all of us in this body that Medicare is not actuarially sound.

I remember when President Bush determined, in a failed effort, to try to alter Social Security in a way that he believed would put it on a more sound footing. He got no help at all. We had many of our Senators on both sides of the aisle saying: If you really want to do something, as bad as Social Security is, Medicare is in a much worse financial fix. Why aren't you fixing it?

I remember a number of years ago, 10 or more, when Senator JUDD GREGG, then chairman of the Budget Committee, tried to come up with some legislation to contain a little of the growth in Medicare. Over 5 years, he had a plan that would contain the growth by \$10 billion. Not a single Democrat voted for the Gregg proposal. Now they accuse the Republicans of trying to damage Medicare when, in fact, every penny of the \$10 billion to be saved was going to be utilized to strengthen Medicare and try to keep it from going into default.

Now we are talking about taking \$465 billion out of Medicare and starting a new entitlement program, a new entitlement program at the time that this Nation has just passed or just incurred the largest single deficit in the history of the American Republic, \$1.4 trillion. Next year, we will be over \$1 trillion, according to the Congressional Budget Office—not me.

Is this smart? To have a program that people have depended on, that we have a moral compact to support—to support our seniors who paid into this plan for 40 years, now taking money out of that to create a new program? It is, in fact, in quite a number of areas, going to cost far more than is being suggested by the people who are promoting the legislation. We are going to dig into this and try to analyze it with more clarity, but the truth is, the numbers just do not add up. They will not work. We just ought not to be establishing a new entitlement program of massive proportions in a way where we really have little concept of how it is going to play out at a time of the largest deficits this Nation has ever had, deficits that, according to our own Congressional Budget Office, will double the national debt in 5 years and triple it to \$17 trillion in 10 years.

It is an unsustainable course, and one of the first things we have to do is watch how we spend our money. I talked to an individual today. He said: It is like your house is in serious need of repair. You really don't have the

money to fix it. You finally decide you have to borrow money to fix the house, and instead you borrow money and add a wing onto the house.

We need to fix the house we have. We need to make sure we honor our commitment to Medicare recipients. They have already paid. That is the important point to remember. They have already paid their working life under a compact and a commitment that money would be in a fund that would be available. We ought not to be taking it away.

I urge colleagues to think about this. This is perhaps the most significant fatal flaw in the legislation. It just doesn't add up. There are others, but this one, to me, is the most dramatic, the most pernicious, the one that is most unwise. We simply need to slow down, ask ourselves how we can make our health care system better, how we can do it without breaking the bank. Aren't there some things we can do to improve health care without a huge cost? Yes, there are. Let's start with every single one of those we can agree on. If we do that, I think we could make a lot of progress.

Who knows, if this economy turns around—and we all hope it will—we would be in a better footing to consider a new benefit in the future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

#### MORNING BUSINESS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### REMEMBERING MAJOR GENERAL CHARLES BEACH, JR.

Mr. MCCONNELL. Mr. President, I am here today to remember the life of a dear friend, MG Charles Beach Jr., of Beattyville, KY. General Beach passed away this past Veterans Day, at the age of 90. He was a genuine servant to his country, his hometown, and the Commonwealth of Kentucky. While General Beach will be greatly missed, the contributions that he has made to Kentucky, and the sacrifices that he has made for this Nation, will surely live on as his legacy.

Charles Beach knew from a young age that he wanted to serve his country, and in 1940, he graduated from the Virginia Military Institute in Lexington, VA. Shortly after graduation, he completed his special training and began his active service. While in Italy in 1944, Charles became severely wounded during battle. He spent the next 8 months recovering in a military hospital and was awarded the Purple Heart.

Charles Beach joined the Army Reserve after he was released from active duty. After a short time in the Reserves, Beach was recommissioned into the U.S. Army, this time with the rank of major. In 1976, he was promoted to major general after becoming the 18th Commander of the 100th Division, where he commanded the Kentucky Army Reserve Training Division.

General Beach's contributions extended beyond his military service; he was an active member of his beloved hometown of Beattyville. The general served his community through many organizations including, as chairman of People Exchange Bank and Insurance, president of the Beattyville/Lee County Chamber of Commerce, president of September Place Retirement Village, and cofounder of a scholarship program to aid eastern Kentucky students wanting to pursue careers in medicine. This scholarship has increased the number of doctors in eastern Kentucky.

For his service to the community, General Beach received several awards, including the Kentucky Chamber of Commerce Volunteer of the Year and the Community Bankers of Kentucky Outstanding Community Banker of the Year awards. The Beattyville/Lee County Chamber of Commerce recognized General Beach for his 58 consecutive years as president. And, Beattyville Mayor Joseph Kash described Beach as "a true gentleman and a hero of this community. It is appropriate that his passing was on Veterans Day. He was a true patriot."

The positive impact that General Beach has made on Kentucky and this Nation has certainly not ended with his passing. His legacy will continue to live on through the individuals and the communities he so lovingly helped lead. Known nationally for his leadership and service to our country, I know all Kentuckians join me in grieving the loss of Charles Beach.

#### HONORING OUR ARMED FORCES

CORPORAL ANTHONY CARRASCO, JR.

Mr. UDALL of New Mexico. Mr. President, I rise today to honor a brave son of Anthony, NM.

Army CPL Anthony Carrasco Jr. was killed November 4 after being hit by sniper fire while serving his country in Iraq. He was 25 years old.

Corporal Carrasco—or "Tony" as he was called by family and friends—was a husband and father and son. He and his wife Johana are expecting a child. And he had two small step-children who adored him.

Tony served as truck commander for armored vehicles. It was his job to direct his vehicle down streets infested with roadside bombs and targeted by insurgents attacking from the shadows of buildings. Tony understood the danger. He accepted the risk. And he died

doing what he loved, serving a country he loved.

His fellow soldiers described Tony as an optimist. His platoon sergeant, Timothy Brown, put it best: Tony "saw the good in everything. He was a soldier who never, ever complained." Sergeant Brown called Tony "the best soldier I ever had."

As Senators or as citizens, we cannot fully experience the sadness that Tony's family and friends are feeling. But when a soldier dies, the Nation as a whole feels the loss. We are linked to Corporal Carrasco by the ties that bind a grateful Nation to its faithful servant. His loss is ours.

Please join me in honoring Anthony Carrasco, and extending our sympathies to his wife Johana, his father Antonio, his mother Juana, and the rest of the Carrasco family.

#### SPECIALIST JOSEPH GALLEGOS

Mr. President, I want to acknowledge the recent passing of brave New Mexican, Joseph Gallegos, a specialist with the New Mexico Army National Guard, died of a heart attack while serving in Iraq.

While his death was not due to injuries suffered in combat, that fact does not lessen the pain of his loss.

Specialist Gallegos was 39 years old. He served with the Guard as a light wheel vehicle mechanic. When not serving his country, he worked for the Forest Service on the Carson back home in Questa, NM. Throughout his life, he also worked as a firefighter, an ambulance driver and a policeman.

Specialist Gallegos gravitated toward work that allowed him to help his fellow citizens. While working for the Forest Service, he even saved a life—spotting a burning truck one day, he saw a man inside and pulled him to safety.

As Specialist Gallegos' brother, Donald, said: "He was always taking different jobs, but they always put him in the service of others."

Today, I ask you to join me in thanking Specialist Gallegos' family for his service, and for his sacrifice.

#### TRIBUTE TO DR. GARETH PARRY

Mr. KAUFMAN. Mr. President, I wish to honor the service of a great Federal employee.

Human ingenuity is boundless. This is especially true in America, which has always been driven by an entrepreneurial spirit and a belief that nothing is impossible.

From Whitney's cotton gin to the first elevator, from the electric telegraph to the refrigerated rail car, our forbearers used their ingenuity to help build a nation. Such invention and perseverance closed the western frontier in the nineteenth century. In the century that followed, Americans continued to be pioneers on that frontier which has no end—the frontier of science.

Sixty-seven years ago this week, a team of American physicists led by Enrico Fermi conducted a critical experiment. On a cold winter's afternoon, they huddled under the stands of the old football stadium at the University of Chicago. Using graphite blocks, wooden rods, and uranium pellets, they initiated the first-ever controlled nuclear reaction.

That experiment, called "Chicago Pile One," marked the beginning of the nuclear age.

Today all Americans know that the discovery of nuclear power was a mixed blessing. With it came the potential for a new form of energy to power our homes and businesses. For the first time, our naval ships could remain at sea—and on guard—for extended periods without refueling.

But with nuclear energy came nuclear weapons. These led to the dangerous prospect of the mass destruction of hundreds of cities within minutes. They brought us a generation of "duck and cover" and backyard fallout shelters.

Thankfully—though our nation and others continue to possess these weapons in our time—the Cold War is over. No longer are we minutes from "mutually assured destruction" the way we once were.

Today, peaceful nuclear energy provides a fifth of our electricity, and there are 104 civilian reactors in operation across the country.

Developing and enforcing the regulations that keep these reactors safe are the men and women of the U.S. Nuclear Regulatory Commission.

This week I wish to recognize the contribution of an outstanding public servant, Dr. Gareth Parry. Gareth has had a distinguished career at the Nuclear Regulatory Commission advancing our nuclear safety.

He is also a 2004 recipient of the distinguished Arthur S. Flemming Award for public service.

Gareth, who immigrated to this country from the United Kingdom, has over thirty years of experience in developing models for probabilistic risk analysis—or PRA. He retired this September after a long and distinguished career.

As senior adviser on PRA for the Commission's Office of Nuclear Reactor Regulation, Gareth became one of the leading experts on analyzing common cause failure and human reliability. His work led to the development of PRA standards and the use of PRA to support risk-informed decision-making with regard to nuclear safety.

Gareth, as a scientist and a public servant, worked hard to ensure the safety of America's civilian nuclear facilities.

The kind of work he performed is highly mathematical and complex, and it may not sound glamorous to the average American, but it is critical and

contributes enormously to the security and economic well-being of our Nation.

Sixty-seven years ago, Fermi and his team first harnessed the power of the atom. Today, the men and women of the Nuclear Regulatory Commission ensure that our modern nuclear reactors continue to do so safely.

I hope my colleagues will join me in honoring the service of Dr. Gareth Parry and all who have worked—and continue to work—at the Nuclear Regulatory Commission.

#### EXPIRATION OF START

Mr. KAUFMAN. Mr. President, tonight, the Strategic Arms Reduction Treaty will expire, and with it the primary framework for the reduction of nuclear weapons for the last 20 years. Today, I would like to speak a few minutes about the critical importance of an offensive strategic arms reduction, and why we must establish a follow-on treaty to START.

In September, President Obama proposed a resolution to the United Nations Security Council to eliminate nuclear weapons, ban production of the fissile material, outlaw nuclear tests, and safeguard existing weapons stockpiles. World leaders approved the resolution, joining with the President's previous statements that "America seeks a world with no nuclear weapons." This is not a vision of unilateral disarmament, but a vision for multilateral action. It is a vision of working step by step with every nation to draw down nuclear arsenals together. It is a critically important goal, and one of the best ways to ensure a safer future and a safer world.

In the past few years, we have seen a rise in clandestine nuclear programs developed by rogue states, including those which have successfully acquired a nuclear arsenal. This growing threat—primarily from North Korea and Iran—underscores the value of international strategic arms treaties. These are global challenges which require global solutions and a multilateral approach. The best way to combat proliferation is unity of the international community, and I am pleased that one of the greatest successes of President Obama's policy of engagement with Iran has been a growing convergence of views identifying Iran's nuclear program as a threat not just to one region but to the world.

While multilateralism is the best way to effectively reduce the threat posed by nuclear weapons, we must look to successful bilateral agreements as a model, including START. This historic agreement laid the groundwork for a common understanding between the United States and Russia regarding nuclear weapons, and truly symbolized the end of the Cold War. It allowed us to talk about previously taboo subjects, such as the Triad and intrusive

verification, and develop a shared language of expertise and evaluation that reduced our nuclear arsenals. More importantly, it provided a process of arbitration that avoids confrontation, establishes legal mechanisms to forever avoid a nuclear war.

The stability START provided allowed both the United States and Russia to reduce our nuclear stockpiles and engage in negotiations about curbing proliferation worldwide. It also built great confidence in the other as a partner. Since its inception, START has served as an enabler of global nonproliferation efforts. Now this critical treaty is set to expire, and it is time to move to establish a follow-on which reflects the requirements of the 21st century, and allows the United States and Russia to continue this valuable partnership in nonproliferation together.

This is why I am a cosponsor of legislation which provides a legal basis for extending the START verification regime, and I strongly support the work of the Obama administration—under the leadership of Assistant Secretary of State for Verification and Compliance Rose Gottemoeller—to negotiate the follow-on treaty. We owe it to Americans to place consideration of the new treaty at the top of the agenda when it is submitted, so the United States can continue to pave the way toward a safer and more secure world.

#### SOMALIA

Mr. FEINGOLD. Mr. President, just over 6 months ago, this Congress was abuzz with concern about piracy off Somalia's coast. Following the attack on a U.S.-flagged ship, the MV Maersk Alabama, and capture of CPT Richard Phillips, no less than five congressional committees held hearings on this topic. There was intense discussion about the steps that should be taken by our ships and our Navy to help prevent these attacks. And the State Department subsequently announced several steps it would take to combat piracy, including working with the International Contact Group on Piracy to expand the multinational naval operation to patrol the waters off Somalia's coast. The United States, China, India, Russia, the European Union and many other countries have deployed naval forces to the region that are working together to combat piracy—a remarkable show of international cooperation.

Those naval efforts have had some success. But while piracy attacks declined considerably over the summer months with the monsoon season, attacks appear to be on the rise again. The International Maritime Bureau reports that 38 ships have been attacked and 10 hijacked in the past 2 months. This includes the Maersk Alabama, which was attacked again on November 18. It also includes a supertanker carrying \$20 million in crude oil that was

seized this week en route from Saudi Arabia to New Orleans. The UN Secretary General warned in July that “as a result of the military presence in the region, pirates have employed more daring operational tactics, operating further seawards, toward the Seychelles, and using more sophisticated weaponry.” The recent attacks bear out the Secretary General's concern. Even more disconcerting, Jeffrey Gettleman of the New York Times reported this week that more Somalis and new Somali subclans are being drawn into the piracy business, attracted by the vast ransom payments.

I said back in the spring that while naval action was needed to confront these pirates, we would likely see more episodes of piracy if we did not also address the conditions on land that contribute to this problem. The recent events have proven this to be true. Both Director of National Intelligence Blair and Defense Intelligence Agency Director Army LTG Michael Maples, in their testimony before Congress earlier this year, cited lawlessness and economic problems on land in Somalia as the cause of rising piracy at sea. In the absence of local law enforcement capacity and amidst a dire economic situation, piracy is an attractive choice for many young people in northwest Somalia. The renewed piracy attacks show that this remains the case, regardless of the increased pressure from naval forces and maritime vessels adopting new defensive precautions.

Now, let me be clear: when I say we should address the conditions on land, I do not mean that we should carry out some kind of military action against those villages where the pirates are known to live, as some have suggested. In fact, such operations would do little to change those conditions and they would likely make matters worse by inciting local resentment. Nor am I in any way excusing the behavior of the criminals behind these attacks—nothing can justify their actions. What I am saying is that what is needed is a serious international commitment to help establish stability, functional governance, capable law enforcement, and economic opportunity in Somalia. As leading Somalia expert Dr. Ken Menkhaus has said, it will be impossible to end the piracy when “the risks are so low, rewards so high and alternatives so bleak in desolate Somalia.” Changing that equation requires real change on land.

In particular, we know that most of the pirates come from communities in northern Somalia. Yet, despite this, we have done little to directly engage the regions of Puntland and Somaliland, and their regional governments. I am not arguing that we should recognize their independence, but I believe it is in our national interest to engage these regions—diplomatically and economically—and to promote governance

and stability there. It is in our interest from the standpoint of not just counterpiracy, but also counterterrorism. The terrorist threat in northern Somalia is, or should be, more apparent now than ever. Last October, terrorists attacked in Somaliland and Puntland. And last month, a well-known judge and legislator in Puntland were assassinated. We need to help both of these regions to maintain and shore up their relative stability. And in the case of Somaliland, there is a unique tradition of democratic rule that we ought to encourage, although I am disappointed that Somaliland's elections have been repeatedly postponed.

At the same time, more engagement with northern Somalia does not mean we should neglect the rest of the country. The raging conflict and resulting humanitarian crisis in central and southern Somalia is worse than ever. Just yesterday, a suicide bomber attacked a graduation ceremony in Mogadishu, killing at least 10 people, including 3 Ministers of the Transitional Federal Government. This demonstrates the fragility of the TFG, which continues to face a strengthened al Shebaab and allied militias. Over the weekend, al Shebaab, a group with links to al-Qaida, seized another major town in southern Somalia. In addition to these security challenges, the TFG has struggled to broaden its grassroots appeal or demonstrate its ability to make a difference in people's lives. The result is that the TFG is reportedly being seen by some Somalis as a proxy of the West and little different than its predecessors. This is extremely worrisome, especially if we believe that this government offers the best chance for establishing stability and inclusive governance in Somalia.

Even more than the threat of piracy, the terrorist threat shows why we need to be paying more attention to Somalia. Al-Qaida and its affiliates continue to exploit Somalia's instability, which has real ramifications for our national security. Last month, the Justice Department announced that terrorism charges were being brought in the District of Minnesota against eight defendants for recruiting and raising funds for Somali-Americans to fight on behalf of al Shebaab. Fourteen people have now been charged in this investigation, reportedly the largest group of American citizens suspected of joining an extremist movement with links to al-Qaida. We should not equate these individuals with al-Qaida suspects, but we should be mindful of what Director of the National Counterterrorism Center Michael Leiter testified to in September—that “the potential for al-Qaida operatives in Somalia to commission Americans to return to the United States and launch attacks against the Homeland remains of significant concern.” Our close partners

in the region—Ethiopia, Kenya, and Uganda—are also justifiably concerned about al Shebaab's threat to attack them.

Recent history has shown that there are no easy answers to Somalia's troubles. Moreover, it has shown that we can complicate and even aggravate dynamics in Somalia, and many Somalis continue to view the United States with a high level of suspicion and resentment. We need to be conscious of this. But that does not mean we should just disengage and let matters in Somalia play out, as some commentators suggest. Rather, what I believe the recent history of the United States involvement in Somalia should teach us is that we cannot afford a half-hearted or fragmented policy toward Somalia where we are not clearly communicating to Somalis our intentions and our commitment. We need a comprehensive strategy toward Somalia that includes serious, high-level diplomatic support for a sustainable and inclusive peace. I have been calling for such a strategy for nearly a decade now and I still do not believe we have one. With piracy resurging and the terrorist threat more real than ever, I hope that will finally change.

#### ADDITIONAL STATEMENTS

##### REMEMBERING TOM GRAFF

• Mrs. BOXER. Mr. President, I take this opportunity to honor the life of Tom Graff, a pioneer of the environmental movement. Mr. Graff passed away on November 12, 2009, after a long battle with cancer. He was 65.

Born in Honduras in January 1944, Tom Graff was the son of German Jewish refugees. He spent his childhood in Syracuse, NY, attending Phillips Exeter Academy. He later graduated from Harvard University, Harvard Law School, and the London College of Economics. After graduation, Tom clerked for Federal judge Carl McGowen in Washington, DC, and was a legislative assistant to New York Mayor John Lindsay. In 1970, he moved to California to work for Howard, Prim, Smith, Rice & Downs, a law firm based in San Francisco.

In 1971, Tom founded the California office of the Environmental Defense Fund. From then until 2008 when he retired, Tom served as Environmental Defense Fund's regional director. For more than 37 years, Tom worked tirelessly and passionately as an advocate for the environment. He established a new form of environmental activism based on the idea that economics could, and probably should, play a significant role in environmental policy-making. Tom believed that paying attention to how economic incentives influenced business and personal behavior was critical to bringing about environmental improvements.

Although he was involved with a number of environmental issues, it was Tom's significant contributions to water policy that left an indelible mark in California. From the American River to Mono Lake to the Sacramento-San Joaquin Delta, Tom strove to ensure that water was distributed appropriately, and that the environment got its fair share. Working together with Senator Bill Bradley of New Jersey and Congressman GEORGE MILLER of Martinez, Tom was a guiding force behind the Central Valley Project Improvement Act of 1991, a milestone in the environmental movement to protect the delta. He helped craft the historic proposal to use water markets and public subsidies that ultimately resolved the controversy around Mono Lake. He also did battle with the East Bay Municipal Utility District when it sought a second source of water from the American River, known for its abundant fall salmon run. Concerned for the health of the river, the Environmental Defense Fund filed suit against EBMUD. Seventeen years later, a landmark decision designated a baseline environmental flow need for the American River that stands to this day as a benchmark in river policy.

Throughout his career, Tom's commitment to conservation and the benefits it brought was evident in the work he did every day. His lifetime of contributions and his stewardship of the environment will not soon be forgotten.

Tom is survived by his wife Sharona Barzilay; his three children Samantha, Benjamin, and Rebecca; and two grandsons Avi and Rafael. I extend my deepest sympathies to his family.

Tom was a true pioneer and advocate for a healthy and sustainable environment, working tirelessly to provide new approaches for managing natural resources. His efforts will continue to shape California's water policies for generations to come.●

##### REMEMBERING MITCH DEMIENTIEFF

• Ms. MURKOWSKI. Mr. President, last April I spoke about the loss of Buddy Brown, a leader of the Athabascan people of interior Alaska, who served as president of the Tanana Chiefs Conference, Inc. Buddy died at the age of 39.

Today it is my sad duty to report the passing of another Athabascan leader and former president of the Tanana Chiefs Conference, Mitch Demientieff of Nenana. Mitch died unexpectedly on Tuesday, December 1, at the age of 57. Like Buddy, he left us too soon. He accomplished so much in a short time and was taken from us when he had so much more to give.

Mitch was first elected president of the Tanana Chiefs Conference in 1973 at the age of 20. He was elected to serve in

that role again in 1987. Today, the Tanana Chiefs Conference is an economic powerhouse in interior Alaska employing hundreds of people and administering a wide range of Bureau of Indian Affairs and Indian Health Service programs on behalf of some 10,000 Native people in a territory that extends over 235,000 square miles. TCC is looked upon as a national pioneer in Indian self determination and that is in large measure due to the leadership initiatives of Mitch Demientieff. Under Mitch's leadership, TCC created a regionwide health care delivery system which is today anchored by the Chief Andrew Isaac Health Center in Fairbanks.

Mitch had the good fortune of serving as president of TCC in the run-up to passage of the Indian Self Determination and Educational Assistance Act of 1975. He positioned TCC as an early adapter of this powerful tool through which Native people rely upon their tribes, rather than the Federal Government, to deliver Federal Indian programs and services. TCC has used these authorities wisely to improve the quality of services to the people of interior Alaska and provide life changing career opportunities to Native people from Fairbanks and communities throughout its region. It also began to administer housing, lands management, tribal government assistance, public safety, education and employment and natural resources programs.

One of the characteristics that distinguish Alaska's Native people is the continued reliance on traditional ways of living in our villages. Subsistence, the use of the Earth's resources for cultural and emotional sustenance, as well as food, is the way of life in interior Alaska.

Mitch Demientieff, even while running a multi-million dollar tribal enterprise, never forgot that subsistence is fundamental to the survival of his Native people. Whatever else might have competed for his attention subsistence came first.

In 1995, when Interior Secretary Bruce Babbitt assumed responsibility for implementing the subsistence protections of the Alaska National Interest Lands Conservation Act, he turned to Mitch as his man on the ground. Mitch chaired the Federal Subsistence Board from 1995 until 2006 protecting the subsistence interests of rural Alaskans throughout the State.

Nor did Mitch ignore the needs of his own Native village of Nenana, which sits about 60 miles south of Fairbanks. Mitch chaired both the Nenana tribe and the village Native Corporation.

I extend my condolences to Kathleen and the entire Demientieff family, a grand Alaskan family with a tradition of leadership, and all of our Native people on the loss of this Chief whose contributions were greatly respected throughout Alaska.●

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## MEASURES DISCHARGED

The following bill was discharged from the Committee on the Homeland Security and Governmental Affairs by unanimous consent, and referred as indicated:

S. 2129. A bill to authorize the Administrator of General Services to convey a parcel of real property in the District of Columbia to provide for the establishment of a National Women's History Museum; to the Committee on Environment and Public Works.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3881. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model CL-600-1A11 (CL-600), CL-600-2A12 (CL-601), CL-600-2B16 (CL-601-3A)" ((RIN2120-AA64)(Docket No. FAA-2009-0689)) as received during adjournment of the Senate in the Office of the President of the Senate on November 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3882. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 767 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2007-28281)) as received during adjournment of the Senate in the Office of the President of the Senate on November 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3883. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; SOCATA Model TBM 700 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-0557)) as received during adjournment of the Senate in the Office of the President of the Senate on November 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3884. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fokker

Model F.28 Mark 0070, 0100, 1000, 2000, 3000, and 4000 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-1070)) as received during adjournment of the Senate in the Office of the President of the Senate on November 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3885. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce Corporation AE 3007A1/1, AE3007A1/3, AE 3007A1, AE 3007A1E, AE 3007A1P, AE 3007A3, AE 3007C, and AE 3007C1 Turboprop Engines" ((RIN2120-AA64)(Docket No. FAA-2009-0246)) as received during adjournment of the Senate in the Office of the President of the Senate on November 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3886. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model DHC-8-102, DHC-8-103, DHC-8-106, DHC-8-201, DHC-8-202, DHC-8-301, DHC-8-311, and DHC-8-315 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-1072)) as received during adjournment of the Senate in the Office of the President of the Senate on November 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3887. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Corporation Model DC-10-10 and DC10-10F Airplanes, Model DC-10-15 Airplanes, Model DC-10-30 and DC-10-30F (KC-10A and KDC-10) Airplanes, Model DC-10-40 and DC-10-40F Airplanes, Model MD-10-10F and MD-10-30F Airplanes, and Model MD-11 and MD-11F Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-1071)) as received during adjournment of the Senate in the Office of the President of the Senate on November 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3888. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737-300, -400, and -500 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-1026)) as received during adjournment of the Senate in the Office of the President of the Senate on November 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3889. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (114); Amdt. No. 3348" ((RIN2120-AA65)) as received during adjournment of the Senate in the Office of the President of the Senate on November 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3890. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Amdt. No. 3349" ((RIN2120-AA65)) as received during adjournment of the Senate in the Office of the President of the Senate on November 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3891. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Mankato, MN" ((RIN2120-AA66)(Docket No. FAA-2009-0677)) as received during adjournment of the Senate in the Office of the President of the Senate on November 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3892. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D and Class E Airspace; New Orleans NAS, LA" ((RIN2120-AA66)(Docket No. FAA-2009-0405)) as received during adjournment of the Senate in the Office of the President of the Senate on November 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3893. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of the New York, NY Class B Airspace Area; and Establishment of the New York Class B Airspace Hudson River and East River Exclusion Special Flight Rules Area" ((RIN2120-AJ59)(Docket No. FAA-2009-0837)) as received during adjournment of the Senate in the Office of the President of the Senate on November 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3894. A communication from the Division Chief of Legislation and Regulations, Maritime Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Capital Construction Fund" ((RIN2133-AB71)) as received during adjournment of the Senate in the Office of the President of the Senate on November 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3895. A communication from the Division Chief of Legislation and Regulations, Maritime Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Agency Agreements and Appointment of Agents" ((RIN2133-AB73)) as received during adjournment of the Senate in the Office of the President of the Senate on November 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3896. A communication from the Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Adjustment of the Monetary Threshold for Reporting Rail Equipment Accidents/Incidents for Calendar Year 2008" ((FRA-2007-0018)) as received during adjournment of the Senate in the Office of the President of the Senate on November 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3897. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Wassenaar Agreement 2008 Plenary Agreements Implementation: Categories 1, 2, 3, 4, 5 Parts I and II, 6, 7, 8 and 9 of the Commerce Control List, Definitions, Reports" ((RIN0694-AE58)) as received during adjournment of the Senate in the Office of the President of the Senate on November 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3898. A communication from the Secretary of the Federal Trade Commission,

transmitting, pursuant to law, the Commission's fifth annual report on ethanol market concentration; to the Committee on Commerce, Science, and Transportation.

EC-3899. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Guides Concerning the Use of Endorsements and Testimonials in Advertising" (16 CFR Part 255) received in the Office of the President of the Senate on November 30, 2009; to the Committee on Commerce, Science, and Transportation.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KOHL (for himself and Ms. SNOWE):

S. 2836. A bill to improve the Operating Fund for public housing of the Department of Housing and Urban Development, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. LINCOLN:

S. 2837. A bill to amend part E of title IV of the Social Security Act to examine and improve the child welfare workforce, and for other purposes; to the Committee on Finance.

By Mr. BENNETT:

S. 2838. A bill to give critical access hospitals priority in receiving grants to implement health information technology, to expand participation in the drug pricing agreement program under section 340B of the Public Health Service Act, to provide for a study and report on pharmacy dispensing fees under Medicaid, to provide for continuing funding for operation of State offices of rural health, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. KLOBUCHAR (for herself, Mr. GRAHAM, and Mr. FRANKEN):

S. 2839. A bill to amend the Torture Victims Relief Act of 1998 to authorize appropriations to provide assistance for domestic and foreign programs and centers for treatment of victims of torture, and for other purposes; to the Committee on Foreign Relations.

By Mr. MENENDEZ:

S. 2840. A bill to amend title III of the Public Health Service Act to provide for the establishment and implementation of concussion management guidelines with respect to school-aged children, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MCCONNELL (for himself, Mr. REID, Mr. NELSON of Florida, Mr. LEMIEUX, Mr. AKAKA, Mr. ALEXANDER, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BEGICH, Mr. BENNETT, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BURRIS, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COBURN,

Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHANNES, Mr. JOHNSON, Mr. KAUFMAN, Mr. KERRY, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Res. 370. A resolution relative to the death of Paula F. Hawkins, former United States Senator for the State of Florida; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 624

At the request of Mr. DURBIN, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from Delaware (Mr. KAUFMAN) were added as cosponsors of S. 624, a bill to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis by 2015 by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005.

S. 653

At the request of Mr. CARDIN, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 653, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes.

S. 843

At the request of Mr. LAUTENBERG, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 843, a bill to establish background check procedures for gun shows.

S. 1102

At the request of Mr. LIEBERMAN, the names of the Senator from Massachusetts (Mr. KIRK) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 1102, a bill to provide benefits to domestic partners of Federal employees.

S. 1152

At the request of Mr. DODD, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1152, a bill to allow Americans to

earn paid sick time so that they can address their own health needs and the health needs of their families.

S. 1304

At the request of Mr. GRASSLEY, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1304, a bill to restore the economic rights of automobile dealers, and for other purposes.

S. 1421

At the request of Mr. LEVIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1421, a bill to amend section 42 of title 18, United States Code, to prohibit the importation and shipment of certain species of carp.

S. 1545

At the request of Mrs. GILLIBRAND, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1545, a bill to expand the research and awareness activities of the National Institute of Arthritis and Musculoskeletal and Skin Diseases and the Centers for Disease Control and Prevention with respect to scleroderma, and for other purposes.

S. 1553

At the request of Mr. GRASSLEY, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 1553, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Future Farmers of America Organization and the 85th anniversary of the founding of the National Future Farmers of America Organization.

S. 1554

At the request of Mr. HARKIN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1554, a bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to prevent later delinquency and improve the health and well-being of maltreated infants and toddlers through the development of local Court Teams for Maltreated Infants and Toddlers and the creation of a National Court Teams Resource Center to assist such Court Teams, and for other purposes.

S. 1628

At the request of Mr. UDALL of Colorado, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 1628, a bill to amend title VII of the Public Health Service Act to increase the number of physicians who practice in underserved rural communities.

S. 1629

At the request of Mr. BURRIS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1629, a bill to authorize the Secretary of the Interior to conduct a special resource study of the archeological site and surrounding land of the New Philadelphia town site in the state of Illinois, and for other purposes.



S. 1668

At the request of Mr. BENNET, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1668, a bill to amend title 38, United States Code, to provide for the inclusion of certain active duty service in the reserve components as qualifying service for purposes of Post-9/11 Educational Assistance Program, and for other purposes.

S. 1965

At the request of Ms. LANDRIEU, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 1965, a bill to authorize the Secretary of the Interior to provide financial assistance to the State of Louisiana for a pilot program to develop measures to eradicate or control feral swine and to assess and restore wetlands damaged by feral swine.

S. 2097

At the request of Mr. THUNE, the names of the Senator from Mississippi (Mr. WICKER) and the Senator from Hawaii (Mr. INOUE) were added as cosponsors of S. 2097, a bill to authorize the rededication of the District of Columbia War Memorial as a National and District of Columbia World War I Memorial to honor the sacrifices made by American veterans of World War I.

S. 2730

At the request of Mr. BROWN, the names of the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KIRK) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 2730, a bill to extend and enhance the COBRA subsidy program under the American Recovery and Reinvestment Act of 2009.

S. 2781

At the request of Ms. MIKULSKI, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. 2781, a bill to change references in Federal law to mental retardation to references to an intellectual disability, and to change references to a mentally retarded individual to references to an individual with an intellectual disability.

S. 2782

At the request of Mrs. MCCASKILL, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 2782, a bill to provide personal jurisdiction in causes of action against contractors of the United States performing contracts abroad with respect to members of the Armed Forces, civilian employees of the United States, and United States citizen employees of companies performing work for the United States in connection with contractor activities, and for other purposes.

S. 2796

At the request of Mr. ENZI, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of

S. 2796, a bill to extend the authority of the Secretary of Education to purchase guaranteed student loans for an additional year, and for other purposes.

S. 2831

At the request of Mr. REED, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2831, a bill to provide for additional emergency unemployment compensation and to keep Americans working, and for other purposes.

S. 2835

At the request of Mr. KERRY, the names of the Senator from California (Mrs. BOXER) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. 2835, a bill to reduce global warming pollution through international climate finance, investment, and for other purposes.

AMENDMENT NO. 2789

At the request of Mr. BROWN, his name was added as a cosponsor of amendment No. 2789 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

At the request of Mr. DODD, his name and the name of the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of amendment No. 2789 intended to be proposed to H.R. 3590, *supra*.

At the request of Mr. FRANKEN, his name was added as a cosponsor of amendment No. 2789 intended to be proposed to H.R. 3590, *supra*.

AMENDMENT NO. 2790

At the request of Mr. CASEY, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of amendment No. 2790 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 2793

At the request of Mr. DORGAN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of amendment No. 2793 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

At the request of Mr. JOHNSON, his name was added as a cosponsor of amendment No. 2793 intended to be proposed to H.R. 3590, *supra*.

AMENDMENT NO. 2795

At the request of Mr. LEAHY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of amendment No. 2795 intended to

be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 2798

At the request of Mr. INOUE, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of amendment No. 2798 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 2862

At the request of Mr. KOHL, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of amendment No. 2862 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 2869

At the request of Mr. NELSON of Florida, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of amendment No. 2869 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 2871

At the request of Mr. BROWN, the names of the Senator from Minnesota (Mr. FRANKEN), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Vermont (Mr. SANDERS) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of amendment No. 2871 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KOHL (for himself and Ms. SNOWE):

S. 2836. A bill to improve the Operating Fund for public housing of the Department of Housing and Urban Development, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. KOHL. Mr. President, I rise today to discuss the Asset Management Improvement Act of 2009, which I introduced with my colleague from Maine,



Senator OLYMPIA SNOWE. This bill will help our public housing agencies deliver services to the families they serve more efficiently and effectively.

Due to a 2005 rule published by the Department of Housing and Urban Development, all public housing agencies are required to convert to asset management. Much of the guidance issued by HUD is inflexible and applies a one size fits all approach to managing housing units. HUD has treated managing every public housing program the same, when in fact, the multiple programs serve very different populations and operate in extremely different ways. Additionally, the regulations imposed by HUD have caused PHAs to lose operating funds and left many short-staffed. Finally, the asset management rules issued by HUD are incomplete and unclear, leaving PHAs uncertain of funding levels for each year. While Congress has attempted to address some of these issues through HUD Appropriations legislation, permanent fixes are necessary to ensure better guidance to PHAs.

The legislation that we introduced today will ease administrative burdens on many public housing agencies, particularly the small agencies, and ensure that they have the proper funding, guidance and support to implement the rule of asset management. I look forward to working with my colleagues to move this important piece of legislation forward.

#### SUBMITTED RESOLUTIONS

##### SENATE RESOLUTION 370—RELATIVE TO THE DEATH OF PAULA F. HAWKINS, FORMER UNITED STATES SENATOR FOR THE STATE OF FLORIDA

Mr. MCCONNELL (for himself, Mr. REID, Mr. NELSON of Florida, Mr. LEMIEUX, Mr. AKAKA, Mr. ALEXANDER, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BEGICH, Mr. BENNET, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BURRIS, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHANNIS, Mr. JOHNSON, Mr. KAUFMAN, Mr. KERRY, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Ms.

MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN submitted the following resolution; which was considered and agreed to:

#### S. RES. 370

Whereas Paula F. Hawkins was a staunch consumer advocate and served the citizens of the State of Florida on its Public Service Commission for seven years, serving as its Chairman for three years;

Whereas Paula F. Hawkins was instrumental in passing the Missing Children's Assistance Act of 1984 and worked to help establish the National Center for Missing and Exploited Children;

Whereas Paula F. Hawkins served the people of Florida with distinction for 6 years in the United States Senate;

*Resolved*, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Paula F. Hawkins, former member of the United States Senate.

*Resolved*, That the Secretary of the Senate communicate these resolutions to the House of Representative and transmit an enrolled copy thereof to the family of the deceased.

*Resolved*, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Paula F. Hawkins.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 2880. Mr. JOHANNIS submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table.

SA 2881. Mr. JOHANNIS submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2882. Mr. JOHANNIS submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2883. Ms. STABENOW (for herself, Mr. KERRY, and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2884. Ms. STABENOW (for herself, Mr. KERRY, Mrs. BOXER, Ms. KLOBUCHAR, Mr. BAYH, Mr. LAUTENBERG, and Mr. JOHNSON) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2885. Ms. STABENOW submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2886. Mr. FEINGOLD (for himself, Ms. KLOBUCHAR, Mr. KOHL, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2887. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2888. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2889. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2890. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2891. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2892. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2893. Mr. CASEY (for himself and Mr. SPECTER) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2894. Mr. BROWN (for himself, Mr. SCHUMER, and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2895. Mr. BROWN (for himself, Mr. SCHUMER, and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2896. Mr. UDALL of New Mexico submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2897. Mr. UDALL of New Mexico submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2898. Mr. LIEBERMAN (for himself, Ms. COLLINS, and Mr. SPECTER) submitted an

amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2899. Ms. STABENOW submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra.

SA 2900. Mr. UDALL of New Mexico submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2901. Mr. THUNE proposed an amendment to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra.

SA 2902. Ms. STABENOW submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2903. Ms. SNOWE (for herself, Mr. DURBIN, Mr. MERKLEY, and Ms. LANDRIEU) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2904. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2905. Mrs. LINCOLN (for herself, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. FRANKEN, Mrs. BOXER, and Mr. REED) proposed an amendment to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra.

SA 2906. Ms. COLLINS submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2907. Ms. KLOBUCHAR (for herself, Mr. THUNE, and Mr. JOHNSON) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2908. Ms. KLOBUCHAR (for herself and Mr. KOHL) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2909. Mr. NELSON, of Florida (for himself, Mr. REID, Mr. SCHUMER, Mr. KERRY, Ms. STABENOW, and Mr. LEAHY) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2910. Mr. FRANKEN (for himself, Mr. ROCKEFELLER, Mrs. LINCOLN, Mr. WHITEHOUSE, Mr. LEAHY, Mr. SANDERS, Mr. BROWN, and Mr. BEGICH) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2911. Mr. FRANKEN (for himself and Mr. LUGAR) submitted an amendment in-

tended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2912. Mr. WHITEHOUSE submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2913. Mr. WHITEHOUSE (for himself and Mr. CASEY) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2914. Mr. WHITEHOUSE submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2915. Mrs. SHAHEEN (for herself, Mr. BROWN, Mr. MENENDEZ, and Mr. LAUTENBERG) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2916. Mr. UDALL of New Mexico (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2917. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2918. Mr. MENENDEZ (for himself, Ms. STABENOW, and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2919. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2920. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2921. Ms. STABENOW (for herself and Mrs. McCASKILL) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2922. Mr. DORGAN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2923. Mr. DORGAN (for himself, Mr. WHITEHOUSE, Mr. UDALL of New Mexico, Mr. BEGICH, Mr. JOHNSON, Mr. FRANKEN, Ms. CANTWELL, Mr. UDALL of Colorado, Mr. TESTER, and Mr. INOUE) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr.

HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 2880.** Mr. JOHANNIS submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 2074, after line 25, insert the following:

#### TITLE X—DELAYED IMPLEMENTATION

##### SEC. 10001. DELAYED IMPLEMENTATION.

Notwithstanding any other provision of this Act, or the amendments made by this Act, such provisions or amendments shall not take effect before the date that the Board of Trustees of the Federal Hospital Insurance Trust Fund under section 1817 of the Social Security Act (42 U.S.C. 1395i) submits an annual report to Congress under subsection (b)(2) of such section that includes a statement that such Trust Fund is projected to be solvent through 2037.

**SA 2881.** Mr. JOHANNIS submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 1999, strike lines 1 through 20.

**SA 2882.** Mr. JOHANNIS submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 816, after line 20, insert the following:

#### SEC. 3115. PROTECTING MEDICARE BENEFICIARIES' ACCESS TO HOME HEALTH SERVICES.

Notwithstanding the provisions of, and amendments made by, sections 3131 and 3401(e), such provisions and amendments are repealed.

**SA 2883.** Ms. STABENOW (for herself, Mr. KERRY, and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time

homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

In subtitle C of title IV, insert the following at the end:

**SEC. 4208. CENTERS OF EXCELLENCE FOR DEPRESSION.**

(a) **SHORT TITLE.**—This section may be cited as the “Establishing a Network of Health-Advancing National Centers of Excellence for Depression Act of 2009” or the “**ENHANCED Act of 2009**”.

(b) **CENTERS OF EXCELLENCE FOR DEPRESSION.**—Subpart 3 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb et seq.) is amended by inserting after section 520A the following:

**“SEC. 520B. NATIONAL CENTERS OF EXCELLENCE FOR DEPRESSION.**

“(a) **DEPRESSIVE DISORDER DEFINED.**—In this section, the term ‘depressive disorder’ means a mental or brain disorder relating to depression, including major depression, bipolar disorder, and related mood disorders.

“(b) **GRANT PROGRAM.**—

“(1) **IN GENERAL.**—The Secretary, acting through the Administrator, shall award grants on a competitive basis to eligible entities to establish national centers of excellence for depression (referred to in this section as ‘centers of excellence’), which shall engage in activities related to the treatment of depressive disorders.

“(2) **ALLOCATION OF AWARDS.**—If the funds authorized under subsection (f) are appropriated in the amounts provided for under such subsection, the Secretary shall allocate such amounts so that—

“(A) not later than 1 year after the date of enactment of the **ENHANCED Act of 2009**, not more than 20 centers of excellence may be established; and

“(B) not later than September 30, 2016, not more than 30 centers of excellence may be established.

“(3) **GRANT PERIOD.**—

“(A) **IN GENERAL.**—A grant awarded under this section shall be for a period of 5 years.

“(B) **RENEWAL.**—A grant awarded under subparagraph (A) may be renewed, on a competitive basis, for 1 additional 5-year period, at the discretion of the Secretary. In determining whether to renew a grant, the Secretary shall consider the report cards issued under subsection (e)(2).

“(4) **USE OF FUNDS.**—Grant funds awarded under this subsection shall be used for the establishment and ongoing activities of the recipient of such funds.

“(5) **ELIGIBLE ENTITIES.**—

“(A) **REQUIREMENTS.**—To be eligible to receive a grant under this section, an entity shall—

“(i) be an institution of higher education or a public or private nonprofit research institution; and

“(ii) submit an application to the Secretary at such time and in such manner as the Secretary may require, as described in subparagraph (B).

“(B) **APPLICATION.**—An application described in subparagraph (A)(ii) shall include—

“(i) evidence that such entity—

“(I) provides, or is capable of coordinating with other entities to provide, comprehensive medical services with a focus on mental health services and subspecialty expertise for depressive disorders;

“(II) collaborates with—

“(aa) other medical subspecialists to address co-occurring mental illnesses;

“(bb) community organizations; and

“(cc) other members of the network;

“(III) is capable of training health professionals about mental health; and

“(ii) such other information, as the Secretary may require.

“(C) **PRIORITIES.**—In awarding grants under this section, the Secretary shall give priority to eligible entities that meet 1 or more of the following criteria:

“(i) Demonstrated capacity and expertise to serve the targeted population.

“(ii) Existing infrastructure or expertise to provide appropriate, evidence-based and culturally competent services.

“(iii) A location in a geographic area with disproportionate numbers of underserved and at-risk populations in medically underserved areas and health professional shortage areas.

“(iv) A history of serving the population described in clause (iii).

“(v) Proposed innovative approaches for outreach to initiate or expand services.

“(vi) Use of the most up-to-date science, practices, and interventions available.

“(vii) Demonstrated coordination and collaboration, or having a viable plan to coordinate, with a community mental health center or other community mental health resources.

“(viii) Capacity to establish cooperative agreements with other community entities to provide social and human services to individuals with depressive disorders.

“(ix) Demonstrated potential for replication and dissemination of evidence-based research and practices.

“(6) **SPECIALTY CENTERS.**—Of the centers of excellence receiving a grant under this section, the Secretary may select 1 or more such centers to specialize in—

“(A) subspecialties such as prepartum and postpartum depression, traumatic stress disorder, suicidal tendency, bipolar disorder, and depression; and

“(B) providing mental health services to communities with problems of access, such as rural communities and economically depressed communities.

“(7) **NATIONAL COORDINATING CENTER.**—

“(A) **IN GENERAL.**—The Secretary, acting through the Administrator, shall designate 1 recipient of a grant under this section to be the coordinating center of excellence for depression (referred to in this section as the ‘coordinating center’). The Secretary shall select such coordinating center on a competitive basis, based upon the demonstrated capacity of such center to perform the duties described in subparagraph (C).

“(B) **APPLICATION.**—A center of excellence that has been awarded a grant under paragraph (1) may apply for designation as the coordinating center by submitting an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(C) **DUTIES.**—The coordinating center shall—

“(i) develop, administer, and coordinate the network of centers of excellence under this section;

“(ii) oversee and coordinate the national database described in subsection (d);

“(iii) lead a strategy to disseminate the findings and activities of the centers of excellence through such database;

“(iv) serve as a liaison with the Administration, the National Registry of Evidence-based Programs and Practices of the Administration, and any Federal interagency or interagency forum on mental health; and

“(v) establish a common network infrastructure to advance services provided by

the centers of excellence and demonstrate effectiveness in fostering a collaborative community among such centers for sharing knowledge and skills.

“(8) **MATCHING FUNDS.**—The Secretary may not award a grant or contract under this section to an entity unless the entity agrees that it will make available (directly or through contributions from other public or private entities) non-Federal contributions toward the activities to be carried out under the grant or contract in an amount equal to \$1 for each \$5 of Federal funds provided under the grant or contract. Such non-Federal matching funds may be provided directly or through donations from public or private entities and may be in cash or in-kind, fairly evaluated, including plant, equipment, or services.

“(C) **ACTIVITIES OF THE CENTERS OF EXCELLENCE.**—Each center of excellence shall carry out the following activities:

“(1) **GENERAL ACTIVITIES.**—Each center of excellence shall—

“(A) integrate basic, clinical, or health services interdisciplinary research and practice in the development of evidence-based interventions;

“(B) involve a broad cross-section of stakeholders, such as researchers, clinicians, consumers, families of consumers, and voluntary health organizations, to develop the research agenda and disseminate the research findings of such center, and to provide support in the implementation of evidence-based practices;

“(C) provide training and technical assistance to mental health professionals, and engage in and disseminate translational research with a focus on meeting the needs of individuals with depressive disorders;

“(D) facilitate the dissemination and communication of research findings and depressive disorder-related information from the institutions of higher education to the public; and

“(E) educate policy makers, employers, community leaders, and the general public about depressive disorders to reduce stigma and raise awareness of available treatments for such disorders.

“(2) **IMPROVED TREATMENT STANDARDS, CLINICAL GUIDELINES, AND DIAGNOSTIC PROTOCOLS.**—Each center of excellence shall collaborate with other centers of excellence in the network to—

“(A) develop and implement treatment standards, clinical guidelines, and protocols to improve the accuracy and timeliness of diagnosis of depressive disorders; and

“(B) develop and implement treatment standards that emphasize early intervention and treatment for, primary prevention and the prevention of recurrences of, and recovery from, depressive disorders.

“(3) **COORDINATION AND INTEGRATION OF PHYSICAL, MENTAL, AND SOCIAL CARE.**—Each center of excellence shall—

“(A) incorporate principles of chronic care coordination and integration of services that address physical, mental, and social conditions in the treatment of depressive disorders;

“(B) foster communication with other providers attending to co-occurring physical health conditions such as cardiovascular, diabetes, cancer, and substance abuse disorders;

“(C) identify how treatment for depression interacts with such co-occurring illnesses to improve overall health outcomes;

“(D) leverage available community resources, develop and implement improved self-management programs, and, when appropriate, involve family and other providers of

social support in the development and implementation of care plans; and

“(E) use electronic health records and telehealth technology to better coordinate and manage, and improve access to, care, as determined by the coordinating center.

“(4) TRANSLATIONAL RESEARCH THROUGH COLLABORATION OF CENTERS OF EXCELLENCE AND COMMUNITY-BASED ORGANIZATIONS.—Each center of excellence shall—

“(A) demonstrate effective use of a public-private partnership to foster collaborations among members of the network and community-based organizations such as community mental health centers and other social and human services providers;

“(B) expand multidisciplinary, translational, and patient-oriented research and treatment by fostering such collaborations; and

“(C) coordinate with accredited academic programs to provide ongoing opportunities, in academic and in community settings, for the professional and continuing education of mental health providers.

“(d) NATIONAL DATABASE.—

“(1) IN GENERAL.—The coordinating center shall establish and maintain a national, publicly available database to improve prevention programs, evidence-based interventions, and disease management programs for depressive disorders, using data collected from the centers of excellence, as described in paragraph (2).

“(2) DATA COLLECTION.—

“(A) DATA.—Each center of excellence shall submit data gathered at such center, as appropriate, to the coordinating center regarding—

“(i) the prevalence and incidence of depressive disorders;

“(ii) the health and social outcomes of individuals with depressive disorders;

“(iii) the effectiveness of interventions designed, tested, and evaluated;

“(iv) the progress in the prevention of, and recovery from, depressive disorders; and

“(v) the economic impact of the activities of such center.

“(B) FINANCIAL INFORMATION.—Each center of excellence shall provide to the coordinating center appropriately summarized financial information to enable the coordinating center to assess the efficiency and financial sustainability of such center.

“(3) SUBMISSION OF DATA TO THE ADMINISTRATOR.—The coordinating center shall submit to the Administrator the data and financial information gathered under paragraph (2).

“(4) PUBLICATION USING DATA FROM THE DATABASE.—A center of excellence, or an individual affiliated with a center of excellence, may publish findings using the data described in paragraph (2)(A) only if such center submits such data to the coordinating center, as required under such paragraph.

“(e) ESTABLISHMENT OF STANDARDS; REPORT CARDS AND RECOMMENDATIONS; THIRD PARTY REVIEW.—

“(1) ESTABLISHMENT OF STANDARDS.—The Secretary, acting through the Administrator, shall establish performance standards for—

“(A) each center of excellence; and

“(B) the network of centers of excellence as a whole.

“(2) REPORT CARDS.—The Secretary, acting through the Administrator, shall—

“(A) for each center of excellence, not later than 3 years after the date on which such center of excellence is established and annually thereafter, issue a report card to the coordinating center to rate the performance of such center of excellence; and

“(B) not later than 3 years after the date on which the first grant is awarded under subsection (b)(1) and annually thereafter, issue a report card to Congress to rate the performance of the network of centers of excellence as a whole.

“(3) RECOMMENDATIONS.—Based upon the report cards described in paragraph (1), the Secretary shall, not later than September 30, 2015—

“(A) make recommendations to the centers of excellence regarding improvements such centers shall make; and

“(B) make recommendations to Congress for expanding the centers of excellence to serve individuals with other types of mental disorders.

“(4) THIRD PARTY REVIEW.—Not later than 3 years after the date on which the first grant is awarded under subsection (b)(1) and annually thereafter, the Secretary shall arrange for an independent third party to conduct an evaluation of the network of centers of excellence to ensure that such centers are meeting the goals of this section.

“(f) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—To carry out this section, there are authorized to be appropriated—

“(A) \$100,000,000 for each of the fiscal years 2011 through 2015; and

“(B) \$150,000,000 for each of the fiscal years 2016 through 2020.

“(2) ALLOCATION OF FUNDS AUTHORIZED.—Of the amount appropriated under paragraph (1) for a fiscal year, the Secretary shall determine the allocation of each center of excellence receiving a grant under this section, but in no case may the allocation be more than \$5,000,000, except that the Secretary may allocate not more than \$10,000,000 to the coordinating center.”

(c) SENSE OF THE SENATE.—It is the sense of the Senate that the knowledge and research developed by the centers of excellence for depression established under section 520B of the Public Health Service Act should be disseminated broadly within the medical community and the Federal Government, particularly to agencies with an interest in mental health, including other agencies within the Department of Health and Human Services and the Departments of Justice, Defense, Labor, and Veterans Affairs.

**SA 2884.** Ms. STABENOW (for herself, Mr. KERRY, Mrs. BOXER, Ms. KLOBUCHAR, Mr. BAYH, Mr. LAUTENBERG, and Mr. JOHNSON) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, insert the following:

**Subtitle C—Heart Disease Education, Analysis Research, and Treatment for Women**  
**SEC. 7201. SHORT TITLE.**

This subtitle may be cited as the “Heart Disease Education, Analysis Research, and Treatment for Women Act” or the “HEART for Women Act”.

**SEC. 7202. REPORTING OF DATA IN APPLICATIONS FOR DRUGS, BIOLOGICAL PRODUCTS, AND DEVICES.**

(a) DRUGS.—

(1) NEW DRUG APPLICATIONS.—Section 505(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)) is amended—

(A) in paragraph (1), in the second sentence—

(i) by striking “drug, and (G)” and inserting “drug; (G)”;

(ii) by inserting before the period the following: “; and (H) the information required under paragraph (7)”;

(B) by adding at the end the following:

“(7)(A) With respect to clinical data in an application under this subsection, the Secretary may deny such an application if the application fails to meet the requirements of sections 314.50(d)(5)(v) and 314.50(d)(5)(vi)(a) of title 21, Code of Federal Regulations.

“(B) The Secretary shall modify the sections referred to in subparagraph (A) to require that an application under this subsection include any clinical data possessed by the applicant that relates to the safety or effectiveness of the drug involved by gender, age, and racial subgroup.

“(C) Promptly after approving an application under this subsection, the Secretary shall, through an Internet Web site of the Department of Health and Human Services, make available to the public the information submitted to the Secretary pursuant to subparagraphs (A) and (B), subject to sections 301(j) and 520(h)(1) of this Act, subsection (b)(4) of section 552 of title 5, United States Code (commonly referred to as the ‘Freedom of Information Act’), and other provisions of law that relate to trade secrets or confidential commercial information.

“(D) The Secretary shall develop guidance for staff of the Food and Drug Administration to ensure that applications under this subsection are adequately reviewed to determine whether the applications include the information required pursuant to subparagraphs (A) and (B).”

(2) INVESTIGATIONAL NEW DRUG APPLICATIONS.—Section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)) is amended—

(A) in paragraph (2), by striking “Subject to paragraph (3),” and inserting “Subject to paragraphs (3) and (5),” ; and

(B) by adding at the end the following:

“(5)(A) The Secretary may place a clinical hold (as described in paragraph (3)) on an investigation if the sponsor of the investigation fails to meet the requirements of section 312.33(a) of title 21, Code of Federal Regulations.

“(B) The Secretary shall modify the section referred to in subparagraph (A) to require that reports under such section include any clinical data possessed by the sponsor of the investigation that relates to the safety or effectiveness of the drug involved by gender, age, and racial subgroup.”

(b) BIOLOGICAL PRODUCT LICENSE APPLICATIONS.—Section 351 of the Public Health Service Act (42 U.S.C. 262), as amended by section 7002, is further amended by adding at the end the following:

“(n) The provisions of section 505(b)(7) of the Federal Food, Drug, and Cosmetic Act (relating to clinical data submission) apply with respect to an application under subsection (a) of this section to the same extent and in the same manner as such provisions apply with respect to an application under section 505(b) of such Act.”

(c) DEVICES.—

(1) PREMARKET APPROVAL.—Section 515 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e) is amended—

(A) in subsection (c)(1)—

(i) in subparagraph (G)—

(I) by moving the margin 2 ems to the left; and

(II) by striking “and” after the semicolon at the end;

(ii) by redesignating subparagraph (H) as subparagraph (I); and

(iii) by inserting after subparagraph (G) the following subparagraph:

“(H) the information required under subsection (d)(7); and”; and

(B) in subsection (d), by adding at the end the following paragraph:

“(7) To the extent consistent with the regulation of devices, the provisions of section 505(b)(7) (relating to clinical data submission) apply with respect to an application for premarket approval of a device under subsection (c) of this section to the same extent and in the same manner as such provisions apply with respect to an application for premarket approval of a drug under section 505(b).”.

(2) **INVESTIGATIONAL DEVICES.**—Section 520(g)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(g)(2)) is amended by adding at the end the following subparagraph:

“(D) To the extent consistent with the regulation of devices, the provisions of section 505(i)(5) (relating to individual study information) apply with respect to an application for an exemption pursuant to subparagraph (A) of this paragraph to the same extent and in the same manner as such provisions apply with respect to an application for an exemption under section 505(i).”.

(d) **RULES OF CONSTRUCTION.**—This subtitle and the amendments made by this subtitle may not be construed—

(1) as establishing new requirements under the Federal Food, Drug, and Cosmetic Act relating to the design of clinical investigations that were not otherwise in effect on the day before the date of the enactment of this Act; or

(2) as having any effect on the authority of the Secretary of Health and Human Services to enforce regulations under the Federal Food, Drug, and Cosmetic Act that are not expressly referenced in this subtitle or the amendments made by this subtitle.

(e) **APPLICATION.**—This section and the amendments made by this section apply only with respect to applications received under section 505 or 515 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355, 360e) or section 351 of the Public Health Service Act (42 U.S.C. 262) on or after the date of the enactment of this Act.

#### SEC. 7203. REPORTING AND ANALYSIS OF PATIENT SAFETY DATA.

(a) **DATA STANDARDS.**—Section 923(b) of the Public Health Service Act (42 U.S.C. 299b-23(b)) is amended by adding at the end the following: “The Secretary shall provide that all nonidentifiable patient safety work product reported to and among the network of patient safety databases be stratified by sex.”.

(b) **USE OF INFORMATION.**—Section 923(c) of the Public Health Service Act (42 U.S.C. 299b-23(c)) is amended by adding at the end the following: “Such analyses take into account data that specifically relates to women and any disparities between treatment and the quality of care between males and females.”.

#### SEC. 7204. QUALITY OF CARE REPORTS BY THE AGENCY FOR HEALTHCARE RESEARCH AND QUALITY.

Section 903 of the Public Health Service Act (42 U.S.C. 299a-1) is amended—

(1) in subsection (b)(1)(B), by inserting before the semicolon the following: “, and in-

cluding quality of and access to care for women with heart disease, stroke, and other cardiovascular diseases”; and

(2) in subsection (c), by adding at the end the following:

“(4) **ANNUAL REPORT ON WOMEN AND HEART DISEASE.**—Not later than September 30, 2011, and annually thereafter, the Secretary, acting through the Director, shall prepare and submit to Congress a report concerning the findings related to the quality of and access to care for women with heart disease, stroke, and other cardiovascular diseases. The report shall contain recommendations for eliminating disparities in, and improving the treatment of, heart disease, stroke, and other cardiovascular diseases in women.”.

#### SEC. 7205. EXTENSION OF WISEWOMAN PROGRAM.

Section 1509 of the Public Health Service Act (42 U.S.C. 300n-4a) is amended—

(1) in subsection (a)—

(A) by striking the heading and inserting “IN GENERAL.—”; and

(B) in the matter preceding paragraph (1), by striking “may make grants” and all that follows through “purpose” and inserting the following: “may make grants to such States for the purpose”; and

(2) in subsection (d)(1), by striking “there are authorized” and all that follows through the period and inserting “there are authorized to be appropriated \$70,000,000 for fiscal year 2010, \$73,500,000 for fiscal year 2011, \$77,000,000 for fiscal year 2012, \$81,000,000 for fiscal year 2013, and \$85,000,000 for fiscal year 2014.”.

**SA 2885.** Ms. STABENOW submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title IV, insert the following:

#### SEC. 4109. REAUTHORIZATION OF TELEHEALTH PROGRAMS.

(a) **TELEMEDICINE; INCENTIVE GRANTS REGARDING COORDINATION AMONG STATES.**—Section 102(b) of the Health Care Safety Net Amendments of 2002 (42 U.S.C. 254c-17(b)) is amended by striking “2002 through 2006” and inserting “2011 through 2015”.

(b) **TELEHEALTH NETWORK AND TELEHEALTH RESOURCE CENTERS GRANT PROGRAMS.**—Section 330I(s) of the Public Health Service Act (42 U.S.C. 254c-14(s)) is amended—

(1) in paragraph (1), by striking “2003 through 2006” and inserting “2011 through 2015”; and

(2) in paragraph (2), by striking “2003 through 2006” and inserting “2011 through 2015”.

(c) **MENTAL HEALTH SERVICES DELIVERED VIA TELEHEALTH.**—Section 330K(g) of the Public Health Service Act (42 U.S.C. 254c-16(g)) is amended by striking “2003 through 2006” and inserting “2011 through 2015”.

**SA 2886.** Mr. FEINGOLD (for himself, Ms. KLOBUCHAR, Mr. KOHL, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr.

HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 751, between lines 2 and 3, insert the following:

#### SEC. 3022A. IMPROVEMENTS IN THE MEDICARE SHARED SAVINGS PROGRAM.

(a) **IN GENERAL.**—Section 1899 of the Social Security Act, as added by section 3022, is amended—

(1) in subsection (b)—

(A) in paragraph (1)(D), by inserting “or critical access hospitals” before the period at the end; and

(B) in paragraph (2), by adding at the end the following new subparagraph:

“(I) The ACO shall take into account the special needs of hospitals located in rural areas.”; and

(2) by striking subsection (d)(1)(B)(ii) and inserting the following new clause:

“(ii) **ESTABLISH AND UPDATE BENCHMARK.**—The Secretary shall estimate a benchmark for each agreement period for each ACO that is based—

“(I) 50 percent on the most recent available 3 years of per-beneficiary expenditures for parts A and B services for Medicare fee-for-service beneficiaries assigned to the ACO; and

“(II) 50 percent on the national average of the most recent available 3 years of per-beneficiary expenditures for parts A and B services for Medicare fee-for-service beneficiaries.

Such benchmark shall be adjusted for beneficiary characteristics and such other factors as the Secretary determines appropriate and updated by the projected absolute amount of growth in national per capita expenditures for parts A and B services under the original Medicare fee-for-service program, as estimated by the Secretary. Such benchmark shall be reset at the start of each agreement period. In establishing the benchmarks under this clause, the Secretary implements the amendment made by section 3022A(2) in a budget-neutral manner.”.

(b) **GAO STUDY AND REPORT.**—

(1) **STUDY.**—The Comptroller General of the United States shall conduct a study on the applicability of Accountable Care Organizations (ACOs) in rural, frontier areas. Such study shall include an analysis of—

(A) ways to demonstrate that Accountable Care Organizations or similar models might successfully form in rural, frontier areas in order to ensure that under-populated areas are able to benefit from the shared savings and care coordination offered by Accountable Care Organizations; and

(B) other areas determined appropriate by the Secretary.

(2) **REPORT.**—Not later than January 1, 2011, the Comptroller General of the United States shall submit to Congress a report containing the results of the study conducted under paragraph (1), together with recommendations for such legislation and administrative action as the Comptroller General determines appropriate.

**SA 2887.** Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R.

3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1302 and insert the following:

**SEC. 1302. ESSENTIAL HEALTH BENEFITS REQUIREMENTS.**

In this title, the term “essential health benefits” means, with respect to any health plan, coverage that meets the same statutory requirements for plans offered to Members of Congress (as enumerated in section 8904(a) of title 5, United States Code).

**SA 2888.** Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 1323, add the following:

(1) **IMPLEMENTATION.**—Notwithstanding any other provision of this title (or an amendment made by this title), this section shall not take effect until such time as the Office of the Actuary for the Centers for Medicare & Medicaid Services, in consultation with the National Association of Insurance Commissioners, certifies to Congress that the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) meets the standards for risk-based capital as established by the National Association of Insurance Commissioners.

**SA 2889.** Mr. CARPER submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1979, strike line 20 and all that follows through page 1996, line 3, and insert the following:

**SEC. 9001. CAP ON EXCESS MEDICAL INFLATION.**

(a) **IN GENERAL.**—Chapter 43 of the Internal Revenue Code of 1986, as amended by this Act, is amended by adding at the end the following new section:

**“SEC. 4980I. EXCESS MEDICAL COSTS OF HEALTH BENEFITS PLANS.**

“(a) **GENERAL RULE.**—In the case of any health benefits plan which has excess health plan costs in any plan year, there is hereby imposed a penalty equal to 40 percent of such excess health plan costs.

“(b) **EXCESS HEALTH PLAN COSTS.**—For purposes of this section—

“(1) **EXCESS HEALTH PLAN COSTS.**—The term ‘excess health plan costs’ means, with respect to any health benefits plan which has an excess medical inflation rate in excess of zero for any year, the product of—

“(A) the applicable premium of such health benefits plan for such year, and

“(B) the excess medical inflation rate for such plan for such year.

“(2) **EXCESS MEDICAL INFLATION RATE.**—The term ‘excess medical inflation rate’ means, with respect to any health benefits plan for any year, the amount equal to the excess of—

“(A) the core medical inflation trend rate of such health benefits plan for such year, over

“(B) the medical inflation cap for such year.

“(3) **CORE MEDICAL TREND RATE.**—The term ‘core medical trend rate’ means, with respect to any health benefits plan for any year, the amount (expressed as a percentage), if any, by which—

“(A) the actuarially adjusted premium of such plan for such plan for such year, exceeds

“(B) the applicable premium of such plan for the preceding plan year.

“(4) **MEDICAL INFLATION CAP.**—

“(A) **YEARS 2013 TO 2019.**—

“(i) **IN GENERAL.**—In the case of any plan year beginning in a calendar year after 2012 and before 2020, the medical inflation cap shall be the sum of—

“(I) the annualized rate of growth of the gross domestic product for the preceding calendar year (as calculated in the third quarter of the preceding year), plus

“(II) the applicable amount.

“(ii) **APPLICABLE AMOUNT.**—For purposes of clause (i)(II), the applicable amount shall be determined as follows:

“In the case of a plan year beginning in calendar year—	The applicable amount is—
2013 .....	1.1 percentage points
2014 .....	0.8 percentage points
2015, 2016, 2017, 2018, or 2019.	0.5 percentage points

“(B) **YEARS AFTER 2019.**—

“(i) **IN GENERAL.**—In the case of any plan year beginning in a calendar year after 2019, the medical inflation cap shall be equal to the amount (expressed as a percentage), if any, by which—

“(I) the average applicable premium for a low-cost plan for such calendar year, exceeds

“(II) the average applicable premium for a low-cost plan for the preceding calendar year.

“(ii) **AVERAGE APPLICABLE PREMIUM FOR A LOW-COST PLAN.**—For purposes of this subparagraph, the term ‘average applicable premium for a low-cost plan’ means the average of the applicable premiums for health benefits plans with applicable premiums below the 33rd percentile, determined by weighting such health benefits plans by the number of individuals enrolled in the plan.

“(c) **APPLICABLE PREMIUM; ACTUARIALLY ADJUSTED PREMIUM.**—For purposes of this section—

“(1) **APPLICABLE PREMIUM.**—The term ‘applicable premium’ has the meaning given such term under section 4980B(f)(4).

“(2) **ACTUARIALLY ADJUSTED PREMIUM.**—

“(A) **IN GENERAL.**—The term ‘actuarially adjusted premium’ means, for any health benefits plan for any year, the applicable premium for such year adjusted, according to actuarial standards and the method prescribed by the Secretary under subparagraph (B), by excluding any cost attributable to—

“(i) the attributes of individuals (such as age, gender, and health risk measures) covered under the plan,

“(ii) the different categories of family structure covered under the plan (such as the policies with self-only coverage, family coverage, or other categories of coverage), and

“(iii) changes in benefits or cost-sharing that result in changes the actuarial value of the plan.

“(B) **METHODOLOGY.**—The Secretary, in consultation with the Secretary of Health and Human Services, shall issue regulations establishing a standard methodology for adjusting a health benefits plan’s applicable premiums under subparagraph (A). In the case of any change described in subparagraph (A)(iii), premiums shall be adjusted so that the calculation of the core medical trend rate is made as a comparison between two actuarially equivalent plans.

“(d) **LIABILITY FOR PENALTIES.**—

“(1) **IN GENERAL.**—Each coverage provider shall pay the penalty imposed by subsection (a).

“(2) **COVERAGE PROVIDER.**—For purposes of this subsection, the term ‘coverage provider’ means each of the following:

“(A) **HEALTH INSURANCE COVERAGE.**—In the case of a health benefits plan provided under a group health plan which provides health insurance coverage, the health insurance issuer.

“(B) **OTHER COVERAGE.**—In the case of any other health benefits plan, the person that administers the plan benefits.

“(e) **EXEMPTIONS.**—

“(1) **NEW INSURERS AND NEW EMPLOYERS.**—This section shall not apply to any health benefits plan which has provided coverage for less than 12 months.

“(2) **FIXED INDEMNITY HEALTH COVERAGE PURCHASED WITH AFTER-TAX DOLLARS.**—This section shall not apply to any coverage described in section 9832(c)(3) the payment for which is not excludable from gross income and for which a deduction under section 162(l) is not allowable.

“(3) **CERTAIN GOVERNMENT PLANS.**—This section shall not apply to the following:

“(A) **MEDICARE.**—Coverage under part A, part B, part C, or part D of title XVIII of the Social Security Act.

“(B) **MEDICAID.**—Coverage for medical assistance under title XIX of the Social Security Act.

“(C) **MEMBERS OF THE ARMED FORCES AND DEPENDENTS (INCLUDING TRICARE).**—Coverage under chapter 55 of title 10, United States Code, including similar coverage furnished under section 1781 of title 38 of such Code.

“(D) **VA.**—Coverage under the veteran’s health care program under chapter 17 of title 38, United States Code, but only if the coverage for the individual involved is determined by the Secretary of Health and Human Services in coordination with the Secretary to be not less than a level specified by the Secretary of Health and Human Services, based on the individual’s priority for services as provided under section 1705(a) of such title.

“(4) **LOW-COST PLANS.**—

“(A) **IN GENERAL.**—This section shall not apply to any health benefits plan for which the actuarial value for the plan year is not more than the applicable threshold.

“(B) **APPLICABLE THRESHOLD.**—For purposes of this paragraph, the applicable threshold means the dollar amount which is equal to the actuarial value of the health benefits plan which is at the 10th percentile of actuarial value for all health benefits plans.

“(f) **OTHER DEFINITIONS AND SPECIAL RULES.**—



“(1) HEALTH BENEFITS PLAN.—

“(A) IN GENERAL.—The term ‘health benefits plan’ means health insurance coverage and a group health plan.

“(B) GOVERNMENT PLANS INCLUDED.—Such term shall include a plan established and maintained for its civilian employees by the Government of the United States or the government of any State or political subdivision thereof, or by any agency or instrumentality of any such government.

“(2) HEALTH INSURANCE COVERAGE AND ISSUER.—The terms ‘health insurance coverage’ and ‘health insurance issuer’ have the meanings given such terms by section 9832(b).

“(3) GROUP HEALTH PLAN.—The term ‘group health plan’ has the meaning given such term under section 5000(b).

“(4) REGULATIONS FOR HEALTH BENEFITS PLANS WITH DIFFERENT PRODUCT LINES.—The Secretary, in consultation with the Secretary of Health and Human Services, shall prescribe by regulations a uniform method for the combination of product lines of health benefits plans of any health insurance issuer for the purpose of calculating the core medical trend rate provided that the combined core medical trend rate for such plans would not reduce the sum of the excess health plan costs determined separately with respect to each product line.

“(5) SPECIAL RULE IN THE EVENT OF A MERGER, ACQUISITION OR SELL-OFFS AMONG EMPLOYERS AND INSURERS.—In the event of any merger, acquisition, or sell-off of a health benefit plan, the core medical trend rate for such plan shall be calculated by attributing the applicable premium for the preceding plan year to the coverage of health plan members in their previous group.

“(6) ADMINISTRATION AND PROCEDURE.—Any penalty under this section shall be paid upon notice and demand by the Secretary, and shall be assessed and collected in the same manner as an assessable penalty under subchapter B of chapter 68.”

(b) CLERICAL AMENDMENT.—The table of sections for chapter 43 of such Code, as amended by this Act, is amended by adding at the end the following new item:

“Sec. 4980I. Excess medical inflation cap.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2012.

**SA 2890.** Mr. CARPER submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title I, insert the following:

**SEC. \_\_\_\_ ADVANCE CARE PLANNING.**

(a) DISSEMINATION OF ADVANCE CARE PLANNING INFORMATION.—

(1) IN GENERAL.—A qualified health plan (as defined in section 1301(a)) shall—

(A) provide for the dissemination of information related to end-of-life planning to individuals seeking enrollment in qualified health plans offered through an Exchange;

(B) present such individuals with—

(i) the option to establish advanced directives and physician's orders for life sus-

taining treatment according to the laws of the State in which the individual resides; and

(ii) information related to other planning tools; and

(C) not promote suicide, assisted suicide, euthanasia, or mercy killing.

The information presented under subparagraph (B) shall not presume the withdrawal of treatment and shall include end-of-life planning information that includes options to maintain all or most medical interventions.

(2) CONSTRUCTION.—Nothing in this subsection shall be construed—

(A) to require an individual to complete an advanced directive or a physician's order for life sustaining treatment or other end-of-life planning document;

(B) to require an individual to consent to restrictions on the amount, duration, or scope of medical benefits otherwise covered under a qualified health plan; or

(C) to promote suicide, assisted suicide, euthanasia, or mercy killing.

(3) ADVANCED DIRECTIVE DEFINED.—In this subsection, the term “advanced directive” includes a living will, a comfort care order, or a durable power of attorney for health care.

(4) PROHIBITION ON THE PROMOTION OF ASSISTED SUICIDE.—

(A) IN GENERAL.—Subject to subparagraph (C), information provided to meet the requirements of paragraph (1)(B) shall not include advanced directives or other planning tools that list or describe as an option suicide, assisted suicide, euthanasia, or mercy killing, regardless of legality.

(B) CONSTRUCTION.—Nothing in subparagraph (A) shall be construed to apply to or affect any option to—

(i) withhold or withdraw of medical treatment or medical care;

(ii) withhold or withdraw of nutrition or hydration; and

(iii) provide palliative or hospice care or use an item, good, benefit, or service furnished for the purpose of alleviating pain or discomfort, even if such use may increase the risk of death, so long as such item, good, benefit, or service is not also furnished for the purpose of causing, or the purpose of assisting in causing, death, for any reason.

(C) NO PREEMPTION OF STATE LAW.—Nothing in this subsection shall be construed to preempt or otherwise have any effect on State laws regarding advance care planning, palliative care, or end-of-life decision-making.

(b) VOLUNTARY ADVANCE CARE PLANNING CONSULTATION UNDER THE MEDICARE PROGRAM.—

(1) IN GENERAL.—Section 1861 of the Social Security Act (42 U.S.C. 1395x), as amended by section 4103, is amended—

(A) in subsection (s)(2)—

(i) by striking “and” at the end of subparagraph (EE);

(ii) by adding “and” at the end of subparagraph (FF); and

(iii) by adding at the end the following new subparagraph:

“(GG) voluntary advance care planning consultation (as defined in subsection (iii)(1));”;

(B) by adding at the end the following new subsection:

“Voluntary Advance Care Planning Consultation

“(iii)(1) Subject to paragraphs (3) and (4), the term ‘voluntary advance care planning consultation’ means an optional consultation between the individual and a practitioner described in paragraph (2) regarding

advance care planning. Such consultation may include the following, as specified by the Secretary:

“(A) An explanation by the practitioner of advance care planning, including a review of key questions and considerations, advance directives (including living wills and durable powers of attorney) and their uses.

“(B) An explanation by the practitioner of the role and responsibilities of a health care proxy and of the continuum of end-of-life services and supports available, including palliative care and hospice, and benefits for such services and supports that are available under this title.

“(C) An explanation by the practitioner of physician orders regarding life sustaining treatment or similar orders, in States where such orders or similar orders exist.

“(2) A practitioner described in this paragraph is—

“(A) a physician (as defined in subsection (r)(1)); and

“(B) another health care professional (as specified by the Secretary and who has the authority under State law to sign orders for life sustaining treatments, such as a nurse practitioner or physician assistant).

“(3) An individual may receive the voluntary advance care planning consultation provided for under this subsection no more than once every 5 years unless there is a significant change in the health or health-related condition of the individual.

“(4) For purposes of this section, the term ‘order regarding life sustaining treatment’ means, with respect to an individual, an actionable medical order relating to the treatment of that individual that effectively communicates the individual's preferences regarding life sustaining treatment, is signed and dated by a practitioner, and is in a form that permits it to be followed by health care professionals across the continuum of care.”.

(2) CONSTRUCTION.—The voluntary advance care planning consultation described in section 1861(iii) of the Social Security Act, as added by paragraph (1), shall be completely optional. Nothing in this subsection shall—

(A) require an individual to complete an advance directive, an order for life sustaining treatment, or other advance care planning document;

(B) require an individual to consent to restrictions on the amount, duration, or scope of medical benefits an individual is entitled to receive under this title; or

(C) encourage the promotion of suicide or assisted suicide.

(3) PAYMENT.—Section 1848(j)(3) of the Social Security Act (42 U.S.C. 1395w-4(j)(3)), as amended by section 4103, is amended by inserting “(2)(GG),” after “assessment).”.

(4) FREQUENCY LIMITATION.—Section 1862(a) of the Social Security Act (42 U.S.C. 1395y(a)), as amended by section 4103, is amended—

(A) in paragraph (1)—

(i) in subparagraph (O), by striking “and” at the end;

(ii) in subparagraph (P) by striking the semicolon at the end and inserting “, and”; and

(iii) by adding at the end the following new subparagraph:

“(Q) in the case of voluntary advance care planning consultations (as defined in paragraph (1) of section 1861(iii)), which are performed more frequently than is covered under such section;”;

(B) in paragraph (7), by striking “or (P)” and inserting “(P), or (Q)”.



(5) **EFFECTIVE DATE.**—The amendments made by this subsection shall apply to consultations furnished on or after January 1, 2011.

**SA 2891.** Mr. CARPER submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 1240, between lines 5 and 6, insert the following:

**SEC. 4208. WORKPLACE WELLNESS GRANTS FOR SMALL BUSINESSES.**

(a) **IN GENERAL.**—Beginning in fiscal year 2011, the Secretary of Health and Human Services (referred to in this section as the “Secretary”) shall award grants to eligible small businesses to provide access to comprehensive, evidence-based workplace wellness programs.

(b) **ELIGIBILITY.**—To be eligible to receive a grant under subsection (a), a small business shall—

(1) employ less than 100 full or part-time employees; and

(2) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a description of the wellness program to be carried out using grant funds.

(c) **USE OF FUNDS.**—

(1) **IN GENERAL.**—A small business shall use amounts received under a grant under this section to carry out a qualifying wellness program described in paragraph (2).

(2) **QUALIFYING WELLNESS PROGRAM.**—A qualifying wellness program is described in this paragraph is a program—

(A) under which all employees would be eligible to participate;

(B) that is consistent with evidence-based research and best practices, as determined by the Secretary, such as research and practices described in the Guide to Community Preventive Services and Guide to Clinical Preventive Services and the National Registry for Effective Programs; and

(C) that includes the following components that have proven to be effective in helping employees make health choices:

(i) Health awareness (such as health education, preventive screenings and health risk assessments).

(ii) Employee engagement (such as mechanisms to encourage employee participation).

(iii) Behavioral change (including elements proven to help alter unhealthy lifestyles such as counseling, seminars, on-line programs, self help materials).

(iv) Supportive environment (such as creating on-site policies that encourage healthy lifestyles, healthy eating, physical activity and mental health).

(d) **APPROPRIATIONS.**—There is authorized to be appropriated, and there is appropriated to carry out this section, \$200,000,000 to be used for the 5-fiscal year period beginning with fiscal year 2011.

**SA 2892.** Mr. CARPER submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr.

DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 1996, between lines 3 and 4, insert the following:

**SEC. 9002. CAP ON EXCESS MEDICAL INFLATION.**

(a) **IN GENERAL.**—Chapter 43 of the Internal Revenue Code of 1986, as amended by this Act, is amended by adding at the end the following new section:

**“SEC. 4980J. EXCESS MEDICAL COSTS OF HEALTH BENEFITS PLANS.**

“(a) **GENERAL RULE.**—In the case of any health benefits plan which has excess health plan costs in any plan year, there is hereby imposed a penalty equal to 40 percent of such excess health plan costs.

“(b) **LIMITATION.**—No penalty shall be imposed under subsection (a) with respect to a health benefits plan for a plan year if the excess health plan costs of such plan for such year is equal to or less than 0.2 percent.

“(c) **EXCESS HEALTH PLAN COSTS.**—For purposes of this section—

“(1) **EXCESS HEALTH PLAN COSTS.**—The term ‘excess health plan costs’ means, with respect to any health benefits plan which has an excess medical inflation rate in excess of 0.2 percent for any year, the product of—

“(A) the applicable premium of such health benefits plan for such year, and

“(B) the excess medical inflation rate for such plan for such year.

“(2) **EXCESS MEDICAL INFLATION RATE.**—The term ‘excess medical inflation rate’ means, with respect to any health benefits plan for any year, the amount equal to the excess of—

“(A) the core medical inflation trend rate of such health benefits plan for such year, over

“(B) the medical inflation cap for such year.

“(3) **CORE MEDICAL TREND RATE.**—The term ‘core medical trend rate’ means, with respect to any health benefits plan for any year, the amount (expressed as a percentage), if any, by which—

“(A) the actuarially adjusted premium of such plan for such plan for such year, exceeds

“(B) the applicable premium of such plan for the preceding plan year.

“(4) **MEDICAL INFLATION CAP.**—

“(A) **YEARS 2013 TO 2019.**—

“(i) **IN GENERAL.**—In the case of any plan year beginning in a calendar year after 2012 and before 2020, the medical inflation cap shall be the sum of—

“(I) the annualized rate of growth of the gross domestic product for the preceding calendar year (as calculated in the third quarter of the preceding year), plus

“(II) the applicable amount.

“(ii) **APPLICABLE AMOUNT.**—For purposes of clause (i)(II), the applicable amount shall be determined as follows:

“In the case of a plan year beginning in calendar year—	The applicable amount is—
2013 .....	2.7 percentage points
2014 .....	2.4 percentage points
2015 .....	2.1 percentage points
2016 .....	1.8 percentage points
2017, 2018, or 2019 .....	1.5 percentage points

“(B) **YEARS AFTER 2019.**—

“(i) **IN GENERAL.**—In the case of any plan year beginning in a calendar year after 2019, the medical inflation cap shall be equal to the amount (expressed as a percentage), if any, by which—

“(I) the average applicable premium for a low-cost plan for such calendar year, exceeds

“(II) the average applicable premium for a low-cost plan for the preceding calendar year.

“(ii) **AVERAGE APPLICABLE PREMIUM FOR A LOW-COST PLAN.**—For purposes of this subparagraph, the term ‘average applicable premium for a low-cost plan’ means the average of the applicable premiums for health benefits plans with applicable premiums below the 33rd percentile, determined by weighting such health benefits plans by the number of individuals enrolled in the plan.

“(d) **APPLICABLE PREMIUM; ACTUARIALLY ADJUSTED PREMIUM.**—For purposes of this section—

“(1) **APPLICABLE PREMIUM.**—The term ‘applicable premium’ has the meaning given such term under section 4980B(f)(4).

“(2) **ACTUARIALLY ADJUSTED PREMIUM.**—

“(A) **IN GENERAL.**—The term ‘actuarially adjusted premium’ means, for any health benefits plan for any year, the applicable premium for such year adjusted, according to actuarial standards and the method prescribed by the Secretary under subparagraph (B), by excluding any cost attributable to—

“(i) the attributes of individuals (such as age, gender, and health risk measures) covered under the plan,

“(ii) the different categories of family structure covered under the plan (such as the policies with self-only coverage, family coverage, or other categories of coverage), and

“(iii) changes in benefits or cost-sharing that result in changes the actuarial value of the plan.

“(B) **METHODOLOGY.**—The Secretary, in consultation with the Secretary of Health and Human Services, shall issue regulations establishing a standard methodology for adjusting a health benefits plan’s applicable premiums under subparagraph (A). In the case of any change described in subparagraph (A)(iii), premiums shall be adjusted so that the calculation of the core medical trend rate is made as a comparison between two actuarially equivalent plans.

“(e) **LIABILITY FOR PENALTIES.**—

“(1) **IN GENERAL.**—Each coverage provider shall pay the penalty imposed by subsection (a).

“(2) **COVERAGE PROVIDER.**—For purposes of this subsection, the term ‘coverage provider’ means each of the following:

“(A) **HEALTH INSURANCE COVERAGE.**—In the case of a health benefits plan provided under a group health plan which provides health insurance coverage, the health insurance issuer.

“(B) **OTHER COVERAGE.**—In the case of any other health benefits plan, the person that administers the plan benefits.

“(f) **EXEMPTIONS.**—

“(1) **NEW INSURERS AND NEW EMPLOYERS.**—This section shall not apply to any health benefits plan which has provided coverage for less than 12 months.

“(2) **FIXED INDEMNITY HEALTH COVERAGE PURCHASED WITH AFTER-TAX DOLLARS.**—This section shall not apply to any coverage described in section 9832(c)(3) the payment for which is not excludable from gross income and for which a deduction under section 162(l) is not allowable.

“(3) **CERTAIN GOVERNMENT PLANS.**—This section shall not apply to the following:

“(A) **MEDICARE.**—Coverage under part A, part B, part C, or part D of title XVIII of the Social Security Act.

“(B) **MEDICAID.**—Coverage for medical assistance under title XIX of the Social Security Act.

“(C) **MEMBERS OF THE ARMED FORCES AND DEPENDENTS (INCLUDING TRICARE).**—Coverage under chapter 55 of title 10, United States Code, including similar coverage furnished under section 1781 of title 38 of such Code.

“(D) **VA.**—Coverage under the veteran's health care program under chapter 17 of title 38, United States Code, but only if the coverage for the individual involved is determined by the Secretary of Health and Human Services in coordination with the Secretary to be not less than a level specified by the Secretary of Health and Human Services, based on the individual's priority for services as provided under section 1705(a) of such title.

“(4) **LOW-COST PLANS.**—

“(A) **IN GENERAL.**—This section shall not apply to any health benefits plan for which the actuarial value for the plan year is not more than the applicable threshold.

“(B) **APPLICABLE THRESHOLD.**—For purposes of this paragraph, the applicable threshold means the dollar amount which is equal to the actuarial value of the health benefits plan which is at the 10th percentile of actuarial value for all health benefits plans.

“(g) **OTHER DEFINITIONS AND SPECIAL RULES.**—

“(1) **HEALTH BENEFITS PLAN.**—

“(A) **IN GENERAL.**—The term ‘health benefits plan’ means health insurance coverage and a group health plan.

“(B) **GOVERNMENT PLANS INCLUDED.**—Such term shall include a plan established and maintained for its civilian employees by the Government of the United States or the government of any State or political subdivision thereof, or by any agency or instrumentality of any such government.

“(2) **HEALTH INSURANCE COVERAGE AND ISSUER.**—The terms ‘health insurance coverage’ and ‘health insurance issuer’ have the meanings given such terms by section 9832(b).

“(3) **GROUP HEALTH PLAN.**—The term ‘group health plan’ has the meaning given such term under section 5000(b).

“(4) **REGULATIONS FOR HEALTH BENEFITS PLANS WITH DIFFERENT PRODUCT LINES.**—The Secretary, in consultation with the Secretary of Health and Human Services, shall prescribe by regulations a uniform method for the combination of product lines of health benefits plans of any health insurance issuer for the purpose of calculating the core medical trend rate provided that the combined core medical trend rate for such plans would not reduce the sum of the excess health plan costs determined separately with respect to each product line.

“(5) **SPECIAL RULE IN THE EVENT OF A MERGER, ACQUISITION OR SELL-OFFS AMONG EMPLOYERS AND INSURERS.**—In the event of any merger, acquisition, or sell-off of a health benefit plan, the core medical trend rate for such plan shall be calculated by attributing the applicable premium for the preceding plan year to the coverage of health plan members in their previous group.

“(6) **ADMINISTRATION AND PROCEDURE.**—Any penalty under this section shall be paid upon notice and demand by the Secretary, and shall be assessed and collected in the same manner as an assessable penalty under subchapter B of chapter 68.”.

(b) **CLERICAL AMENDMENT.**—The table of sections for chapter 43 of such Code, as

amended by this Act, is amended by adding at the end the following new item:

“Sec. 4980J. Excess medical inflation cap.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to plan years beginning after December 31, 2012.

**SA 2893.** Mr. CASEY (for himself and Mr. SPECTER) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 923, between lines 7 and 8, insert the following:

**SEC. 3211. IMPROVEMENTS TO TRANSITIONAL EXTRA BENEFITS UNDER MEDICARE ADVANTAGE.**

Section 1853(p) of the Social Security Act, as added by section 3201, is amended—

(1) in paragraph (3)—

(A) by redesignating subparagraph (C) as subparagraph (D);

(B) in subparagraph (D), as so redesignated, by striking “(A) or (B)” and inserting “(A), (B), or (C)”;

(C) by inserting after subparagraph (B) the following new subparagraph:

“(C) A county where the percentage of Medicare Advantage eligible beneficiaries in the county who are enrolled in an MA plan for the year is greater than 45 percent (as determined by the Secretary).”;

(2) in paragraph (5), by striking “\$5,000,000,000” and inserting “\$7,500,000,000”.

**SA 2894.** Mr. BROWN (for himself, Mr. SCHUMER, and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 938, strike lines 17, 18, and 19 and insert the following:

“(A) **IN GENERAL.**—The term ‘discounted price’ means—

“(i) in the case of an applicable drug that is a biologic product, 75 percent of the negotiated price of the applicable drug of the manufacturer; and

“(ii) in the case of any other applicable drug, 50 percent of the negotiated price of the applicable drug of the manufacturer.”.

**SA 2895.** Mr. BROWN (for himself, Mr. SCHUMER, and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees,

and for other purposes; which was ordered to lie on the table; as follows:

On page 1906, between lines 5 and 6, insert the following:

(i) **BIOLOGICAL PRODUCT EXCLUSIVITY PERIOD.**—

(1) **AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.**—Section 351 of the Public Health Service Act (as amended by subsections (a) and (g)), is further amended—

(A) in subsection (k)(7), by striking subparagraph (A) and inserting the following:

“(A) **EFFECTIVE DATE OF BIOSIMILAR APPLICATION APPROVAL.**—

“(i) **IN GENERAL.**—Approval of an application under this subsection may not be made effective by the Secretary until the earlier of—

“(I) the date that is 12 years after the date on which the reference product was first licensed under subsection (a); or

“(II) the date on which the Secretary determines that the gross sales in the United States of the reference product equals or exceeds \$3,500,000,000.

“(ii) **ANNUAL REPORTING.**—As a condition for receiving the period of exclusivity described in clause (i), a person who receives a license for a biological product under subsection (a) shall, not later than January 31 of each year, report to the Secretary the amount of the annual gross sales in the United States in the preceding calendar year for such biological product.”;

(B) in subsection (m)(2)(A), by striking “12 years and 6 months rather than 12 years” and inserting “the date that is 6 months after the date described in subsection (k)(7)(A)(i) rather than the date described in such subsection.”.

(2) **CONFORMING AMENDMENT.**—Section 7002(h)(2) of this Act is amended by striking “the 12-year period described in subsection (k)(7) of such section 351” and inserting “the period of exclusivity described in subsection (k)(7)(A)(i) of such section 351”.

**SA 2896.** Mr. UDALL of New Mexico submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 128, between lines 6 and 7, insert the following:

(e) **MEDICAL LOSS RATIO.**—The Secretary shall develop a definition for the term “medical loss ratio”, and provide standards for such term, including methods for calculating loss ratios and determinations of what constitutes an administrative cost.

**SEC. 1305. HEALTH INSURANCE REPORT CARDS.**

(a) **IN GENERAL.**—Not later than one year after the date of enactment of this Act, the Secretary shall develop a standardized health insurance report card.

(b) **STANDARDS.**—The report card described in subsection (a) shall provide measures of the performance of qualified health plans with regard to—

(1) the adequacy of the provider network;

(2) the timeliness and accuracy of payment of claims, measured with regard to claims overall and claims associated with selected health conditions and medical services;

(3) appeals and grievance procedures;

(4) adherence to fair marketing practices;  
(5) satisfaction of minimum medical loss ratios;

(6) non-discrimination on the basis of health status;

(7) quality measures, as determined by the Secretary;

(8) renewal rate increases; and

(9) other factors, as the Secretary determines appropriate.

(c) **DATA COLLECTION.**—The Secretary shall, in cooperation with State insurance regulators, collect data for the purpose of determining the performance of qualified health plans with regard to the standards described in subsection (b).

(d) **REPORT CARDS.**—The data collected under subsection (c) shall be compiled into a standardized health insurance report card, described in subsection (a), and shall be made available to consumers for the purpose of facilitating health plan comparison and choice, including by making such report cards available through the Internet portal established under section 1103(a).

(e) **USE OF HEALTH PLAN REPORT CARDS BY THE SECRETARY.**—The Secretary—

(1) may use the data collected under subsection (c) for administrative purposes;

(2) shall use such data to determine unreasonable increases in premiums for health insurance coverage, which may trigger action by the Secretary, such as imposing premium rebates or other sanctions, as appropriate; and

(3) may share such data with State insurance regulators, the Secretary of the Treasury, and the Secretary of Labor, for purposes of oversight and enforcement of the requirements under this title, including sharing such data with administrators of the Exchanges and using such data in negotiations with health insurance issuers over the terms of participation in such Exchanges.

**SA 2897.** Mr. UDALL of New Mexico submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 1529, between lines 2 and 3, insert the following:

**SEC. 1572. INCREASED FUNDING FOR WORK-FORCE PROGRAMS; LIMITATION ON DEDUCTION FOR DIRECT TO CONSUMER ADVERTISING EXPENSES FOR PRESCRIPTION PHARMACEUTICALS.**

(a) **LIMITATION ON DEDUCTION FOR DIRECT TO CONSUMER ADVERTISING EXPENSES FOR PRESCRIPTION PHARMACEUTICALS.**—

(1) **IN GENERAL.**—Section 274 of the Internal Revenue Code of 1986 (relating to disallowance of certain entertainment, etc., expenses) is amended by redesignating subsection (o) as subsection (p) and by inserting after subsection (n) the following new subsection:

“(o) **LIMITATION ON DEDUCTION FOR DIRECT TO CONSUMER ADVERTISING EXPENSES FOR PRESCRIPTION PHARMACEUTICALS.**—The amount allowable as a deduction under this chapter for expenses relating to direct to consumer advertising in any media of prescription pharmaceuticals shall not exceed 30 percent of the amount of such expenses

which would (but for this paragraph) be allowable as a deduction under this chapter.”.

(2) **EFFECTIVE DATE.**—The amendments made by this subsection shall apply to amounts paid or incurred after December 31, 2009, in taxable years ending after such date.

(b) **HEALTH PROFESSIONALS TRAINING FOR DIVERSITY.**—Section 740(a) of the Public Health Service Act, as amended by section 5402, is further amended by striking “\$51,000,000” and inserting “\$100,000,000”.

(c) **TEACHING HEALTH CENTERS.**—Section 340H(g) of the Public Health Service Act, as added by section 5508, is amended by striking “\$230,000,000” and inserting “\$460,000,000”.

(d) **NATIONAL HEALTH SERVICE CORPS.**—Section 338H of the Public Health Service Act, as amended by section 5207, is further amended by striking “\$320,461,632” and inserting “\$600,000,000”.

(e) **PRIMARY CARE TRAINING AND ENHANCEMENT.**—Section 747 of the Public Health Service Act, as amended by section 5301, is further amended by striking “\$125,000,000” and inserting “\$250,000,000”.

(f) **TRAINING IN GENERAL, PEDIATRIC, AND PUBLIC HEALTH DENTISTRY.**—Section 748 of the Public Health Service Act, as added by section 5303, is amended by striking “\$30,000,000” and inserting “\$60,000,000”.

(g) **PRIMARY CARE EXTENSION PROGRAM.**—Section 399W(f) of the Public Health Service Act, as added by section 5405, is amended by striking “\$120,000,000” and inserting “\$240,000,000”.

**SA 2898.** Mr. LIEBERMAN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 1134, between lines 3 and 4, insert the following:

**Subtitle G—Additional Health Care Quality and Efficiency Improvements**

**SEC. 3601. REPORT ON DEMONSTRATION AND PILOT PROGRAMS.**

(a) **REPORT.**—Not later than 12 months after the date of enactment of this Act, and every 3 years thereafter, the Secretary of Health and Human Services shall submit to the appropriate committees of Congress a report that describes all pilot programs and demonstration projects that the Secretary has authority to carry out (regardless of whether such programs or projects are actually implemented), as authorized by law, during the period for which the report is submitted.

(b) **REQUIREMENTS.**—A report under subsection (a) shall—

(1) list all pilot programs or demonstration projects involved and indicate whether each program or project is—

(A) not yet being implemented;

(B) currently being implemented; or

(C) complete and awaiting further determinations; and

(2) with respect to programs or projects described in subparagraphs (A) or (B) of paragraph (1), include the recommendations of the Secretary as to whether such programs or projects are necessary.

(c) **ACTIONS BASED ON RECOMMENDATIONS.**—Based on the recommendations of the Secretary under subsection (b)(2)—

(1) if the Secretary determines that a program or project is necessary, the Secretary shall submit to Congress a strategic plan for the implementation of the program or project and may transfer such program or project into the jurisdiction of the Innovation Center of the Centers for Medicare & Medicaid Services; or

(2) if the Secretary determines that a program or project is unnecessary, the Secretary may terminate the program.

(d) **ACTION BY CONGRESS.**—Congress may continue in effect any program or project terminated by the Secretary under subsection (c)(2) through the enactment of a Concurrent Resolution expressing the sense of Congress to continue the program or project involved.

**SEC. 3602. AVAILABILITY OF DATA ON DENIAL OF CLAIMS.**

Section 2715(b)(3) of the Public Health Service Act, as added by section 1001, is amended—

(1) in subparagraph (H), by striking “and” at the end;

(2) by redesignating subparagraph (I) as subparagraph (J); and

(3) by inserting after subparagraph (H) the following new subparagraph:

“(I) a statement relating to claims procedures including the percentage of claims that are annually denied by the plan or coverage and the percentage of such denials that are overturned on appeal; and”.

**SEC. 3603. ACCELERATION AND INCREASE OF THE PAYMENT ADJUSTMENT FOR CONDITIONS ACQUIRED IN HOSPITALS.**

Section 1886(p) of the Social Security Act (42 U.S.C. 1395(p)), as added by section 3008(a), is amended—

(1) in paragraph (1)—

(A) by striking “2015” and inserting “2013”; and

(B) by striking “99 percent” and inserting “98 percent”; and

(2) in paragraph (5), by striking “2015” and inserting “2013”.

**SEC. 3604. IMPROVEMENTS TO NATIONAL PILOT PROGRAM ON PAYMENT BUNDLING.**

Section 1866D of the Social Security Act, as added by section 3023, is amended—

(1) in subsection (a)(3), by striking “January 1, 2013” and inserting “January 1, 2012”; and

(2) by amending subsection (g) to read as follows:

“(g) **AUTHORITY TO EXPAND IMPLEMENTATION.**—

“(1) **IN GENERAL.**—Taking into account the evaluation under subparagraph (e), the Secretary may, through rulemaking, expand (including implementation on a nationwide basis) the duration and the scope of the pilot program, to the extent determined appropriate by the Secretary, if—

“(A) the Secretary determines that such expansion is expected to—

“(i) reduce spending under this title without reducing the quality of care; or

“(ii) improve the quality of care and reduce spending; and

“(B) the Chief Actuary of the Centers for Medicare & Medicaid Services certifies that such expansion would reduce program spending under this title.

“(2) **IMPLEMENTATION PLAN.**—In the case where the Secretary does not exercise the authority under paragraph (1) by January 1, 2015, not later than such date, the Secretary shall submit a plan for the implementation of an expansion of the pilot program if the Secretary determines that such expansion will result in improving or not reducing the

quality of patient care and reducing spending under this title.”.

**SEC. 3605. ENCOURAGING MEDICARE BENEFICIARIES TO CHOOSE HIGH PERFORMING PROVIDERS.**

(a) AUTHORIZATION TO ESTABLISH A PILOT PROGRAM TO ENCOURAGE CHOICE OF HIGH PERFORMING PROVIDERS.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the “Secretary”) may establish a pilot program under which Medicare beneficiaries are encouraged to choose high performing providers under the Medicare program under title XVIII of the Social Security Act.

(2) CONSIDERATION OF MEDICARE VALUE-BASED PURCHASING REFORMS.—If the Secretary establishes a pilot program under paragraph (1), the Secretary shall, as the Secretary determines appropriate, take into consideration information obtained under value-based purchasing reforms implemented under the Medicare program, including such reforms under the provisions of and amendments made by this Act, in establishing such pilot program.

(b) DEVELOPMENT OF PHYSICIAN COMPARE INTERNET WEBSITE.—

(1) IN GENERAL.—Not later than January 1, 2011, the Secretary shall develop a Physician Compare Internet website for use by Medicare beneficiaries to access quality and utilization data with respect to physicians (as defined in section 1861(r) of the Social Security Act (42 U.S.C. 1395x(r))) participating in the Medicare program.

(2) INFORMATION AVAILABLE.—Information shall be made available on such Internet website on an ongoing basis as follows:

(A) Not later than January 1, 2011 (and for each subsequent year before 2015), the Internet website shall include information regarding which physicians received an incentive payment for quality reporting under section 1848(m) of the Social Security Act (42 U.S.C. 1395w-4(m)) of the Social Security Act for the preceding year (and, beginning with 2015, which physicians received an incentive payment adjustment under section 1848(a)(8) of such Act, as added by section 3002(b) for the year).

(B) On or after January 1, 2013, the Internet website may, as determined appropriate by the Secretary, include information on the utilization rates of physicians, as determined for purposes of section 1848(a)(9) of such Act, as added by section 3003.

(C) On or after January 1, 2014, the Internet website may, as determined appropriate by the Secretary, include information on quality measures selected by the Secretary, in consultation with the Physician Payment Advisory Committee, from among measures reported under the physician reporting system under section 1848(k) of such Act (42 U.S.C. 1395w-4(k)).

(D) On or after January 1, 2017, the Internet website shall include results of the application of the value-based payment modifier established under section 1848(p) of the Social Security Act, as added by section 3007, together with the results of any similar provisions under title XVIII of such Act, in order for Medicare beneficiaries to see how the quality and cost of services furnished by physicians compares to the quality and cost of services furnished by their peers. Such information should, if the Secretary determines appropriate, identify physicians performing in the top 50, 60, 70, and 80th percentiles as compared to their peers.

(3) REPORT TO CONGRESS.—Not later than January 1, 2019, the Secretary shall submit to Congress a report on the Physician Com-

pare Internet website developed under this subsection, together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

(4) EXPANSION.—At any time before the date on which the report is submitted under paragraph (3), the Secretary may expand (including expansion to other providers of services and suppliers under part B of title XVIII of the Social Security Act) the information made available on such website if the Secretary determines such expansion would improve the quality of care and reduce spending under such title.

(c) PROVIDING FINANCIAL INCENTIVES TO BENEFICIARIES UNDER THE CENTER FOR MEDICARE AND MEDICAID INNOVATION.—Section 1115A(b)(2)(B) of the Social Security Act, as added by section 3021, is amended by adding at the end the following new clause:

“(xix) Effective beginning on or after January 1, 2018, providing financial incentives to Medicare beneficiaries who are furnished services by high performing physicians, as determined by the Secretary, taking into consideration information made available on the Physician Compare Internet website developed under section 3009(b) of the Patient Protection and Affordable Care Act.”.

**SA 2899.** Ms. STABENOW submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ NO CUTS IN GUARANTEED BENEFITS.**

Nothing in this Act shall result in the reduction or elimination of any benefits guaranteed by law to participants in Medicare Advantage plans.

**SA 2900.** Mr. UDALL of New Mexico submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, insert the following:

**SEC. 5316. PREVENTIVE MEDICINE AND PUBLIC HEALTH TRAINING PROGRAMS.**

(a) IN GENERAL.—Section 768 of the Public Health Service Act (42 U.S.C. 295c) is amended to read as follows:

**“SEC. 768. PREVENTIVE MEDICINE AND PUBLIC HEALTH TRAINING GRANT PROGRAM.**

“(a) GRANTS.—The Secretary, acting through the Administrator of the Health Resources and Services Administration and in consultation with the Director of the Centers for Disease Control and Prevention, shall award grants to, or enter into contracts with, eligible entities to provide training to graduate medical residents in preventive medicine specialties.

“(b) ELIGIBILITY.—To be eligible for a grant or contract under subsection (a), an entity shall be—

“(1) an accredited school of public health or school of medicine or osteopathic medicine;

“(2) an accredited public or private non-profit hospital;

“(3) a State, local, or tribal health department; or

“(4) a consortium of 2 or more entities described in paragraphs (1) through (3).

“(c) USE OF FUNDS.—Amounts received under a grant or contract under this section shall be used to—

“(1) plan, develop (including the development of curricula), operate, or participate in an accredited residency or internship program in preventive medicine or public health;

“(2) defray the costs of practicum experiences, as required in such a program; and

“(3) establish, maintain, or improve—

“(A) academic administrative units (including departments, divisions, or other appropriate units) in preventive medicine and public health; or

“(B) programs that improve clinical teaching in preventive medicine and public health.

“(d) REPORT.—The Secretary shall submit to the Congress an annual report on the program carried out under this section.”.

(b) REAUTHORIZATION.—Section 770(a) of the Public Health Service Act (42 U.S.C. 295e(a)) is amended to read as follows:

“(a) IN GENERAL.—For the purpose of carrying out this subpart, there is authorized to be appropriated \$43,000,000 for fiscal year 2011, and such sums as may be necessary for each of the fiscal years 2012 through 2015.”.

**SA 2901.** Mr. THUNE proposed an amendment to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; as follows:

Beginning on page 1925, strike line 15 and all that follows through line 15 on page 1979.

**SA 2902.** Ms. STABENOW submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ NO CUTS IN GUARANTEED BENEFITS.**

Nothing in this Act shall result in the reduction or elimination of any benefits guaranteed by law to participants in Medicare Advantage plans.

**SA 2903.** Ms. SNOWE (for herself, Mr. DURBIN, Mr. MERKLEY, and Ms. LANDRIEU) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr.

HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 126, strike lines 10 through 16.

**SA 2904.** Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 167, strike lines 1 through 4, and insert the following:

(d) NO INTERFERENCE WITH STATE REGULATORY AUTHORITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), nothing in this title shall be construed to preempt any State law that does not prevent the application of the provisions of this title.

(2) EXCEPTION FOR SMALL EMPLOYER MANDATES.—The provisions of, and the amendments made by, this title shall preempt any State law enacted after the date of enactment of this Act that would impose a requirement on any employer with less than 50 full-time employees to, or would impose a penalty on such an employer for failing to, offer health insurance to its employees.

**SA 2905.** Mrs. LINCOLN (for herself, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. FRANKEN, Mrs. BOXER, and Mr. REED) proposed an amendment to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; as follows:

On page 2040, strike line 14 and insert the following:

(b) DOLLAR LIMIT NOT TO EXCEED COMPENSATION OF THE PRESIDENT.—

(1) IN GENERAL.—Paragraph (6) of section 162(m) of the Internal Revenue Code of 1986, as added by subsection (a), is amended by adding at the end the following new subparagraph:

“(I) DOLLAR LIMIT NOT TO EXCEED COMPENSATION OF THE PRESIDENT.—In the case of a taxable year in which the \$500,000 amount in clauses (i) and (ii) of subparagraph (A) exceeds the dollar amount of the compensation received by the President under section 102 of title 3, United States Code, for such taxable year, such clauses shall be applied by substituting the dollar amount provided in such section 102 for such \$500,000 amount.”.

(2) REVENUE INCREASE TO BE TRANSFERRED TO MEDICARE TRUST FUND.—Section 1817(a) of the Social Security Act (42 U.S.C. 1395i(a)) is amended—

(A) by striking “and” at the end of paragraph (1),

(B) by striking the period at the end of paragraph (2) and inserting “; and”, and

(C) by inserting after paragraph (2) the following new paragraph:

“(3) the revenues resulting from the application of section 162(m)(6) of the Internal Revenue Code of 1986, as determined by the Secretary of the Treasury or such Secretary’s delegate.”.

(c) EFFECTIVE DATE.—The amendments made by

**SA 2906.** Ms. COLLINS submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 308, line 16, strike all through page 314, line 6, and insert the following:

“(c) PHASEOUT OF CREDIT AMOUNT BASED ON NUMBER OF EMPLOYEES AND AVERAGE WAGES.—

“(1) IN GENERAL.—The amount of the credit determined under subsection (b) without regard to this subsection shall be reduced (but not below zero) by the sum of the following amounts:

“(A) Such amount multiplied by a fraction the numerator of which is the total number of full-time equivalent employees of the employer in excess of 10 and the denominator of which is 40.

“(B) Such amount multiplied by a fraction the numerator of which is the average annual wages of the employer in excess of the dollar amount in effect under subsection (d)(3)(B) and the denominator of which is such dollar amount.

“(2) SAFEHARBOR FOR GROWING EMPLOYERS.—

“(A) IN GENERAL.—Notwithstanding paragraph (1) and except as provided in subparagraph (B), the amount of the credit determined under subsection (b) for any taxpayer for the second or third taxable year of the credit period for such taxpayer shall not be reduced by an amount greater than the amount by which it would be reduced if such reduction amount were determined by using the same fractions determined under paragraph (1) for the first taxable year of such credit period.

“(B) REDUCTION IN AGGREGATE AMOUNT OF CONTRIBUTIONS.—For purposes of determining the amount of the credit under subsection (b) for any taxpayer to whom subparagraph (A) applies for any taxable year of the taxpayer in the credit period after the first such taxable year, the amount of the nonelective contributions made on behalf of any employee whose annual wages exceed twice the dollar amount in effect under subsection (d)(3)(B) for such taxable year which may be taken into account under subsection (b) shall not exceed such annual wages multiplied by a fraction the numerator of which is twice the dollar amount so in effect and the denominator of which is such annual wages.

“(d) ELIGIBLE SMALL EMPLOYER.—For purposes of this section—

“(1) IN GENERAL.—The term ‘eligible small employer’ means, with respect to any taxable year, an employer—

“(A) which has no more than 50 full-time equivalent employees for the taxable year,

“(B) the average annual wages of which do not exceed an amount equal to twice the dol-

lar amount in effect under paragraph (3)(B) for the taxable year, and

“(C) which has in effect an arrangement described in paragraph (4).

Notwithstanding subparagraphs (A) and (B), an employer which is an eligible small employer for the first taxable year in a credit period shall be treated as an eligible small employer for the remaining taxable years in such credit period.

“(2) FULL-TIME EQUIVALENT EMPLOYEES.—

“(A) IN GENERAL.—The term ‘full-time equivalent employees’ means a number of employees equal to the number determined by dividing—

“(i) the total number of hours of service for which wages were paid by the employer to employees during the taxable year, by

“(ii) 2,080.

Such number shall be rounded to the next lowest whole number if not otherwise a whole number.

“(B) EXCESS HOURS NOT COUNTED.—If an employee works in excess of 2,080 hours of service during any taxable year, such excess shall not be taken into account under subparagraph (A).

“(C) HOURS OF SERVICE.—The Secretary, in consultation with the Secretary of Labor, shall prescribe such regulations, rules, and guidance as may be necessary to determine the hours of service of an employee, including rules for the application of this paragraph to employees who are not compensated on an hourly basis.

“(3) AVERAGE ANNUAL WAGES.—

“(A) IN GENERAL.—The average annual wages of an eligible small employer for any taxable year is the amount determined by dividing—

“(i) the aggregate amount of wages which were paid by the employer to employees during the taxable year, by

“(ii) the number of full-time equivalent employees of the employee determined under paragraph (2) for the taxable year.

Such amount shall be rounded to the next lowest multiple of \$1,000 if not otherwise such a multiple.

“(B) DOLLAR AMOUNT.—For purposes of paragraph (1)(B)—

“(i) 2011, 2012, AND 2013.—The dollar amount in effect under this paragraph for taxable years beginning in 2011, 2012, or 2013 is \$25,000.

“(ii) SUBSEQUENT YEARS.—In the case of a taxable year beginning in a calendar year after 2013, the dollar amount in effect under this paragraph shall be equal to \$25,000, multiplied by the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting ‘calendar year 2012’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(4) CONTRIBUTION ARRANGEMENT.—An arrangement is described in this paragraph if it requires an eligible small employer to make a nonelective contribution on behalf of each employee who enrolls in a qualified health plan offered to employees by the employer through an exchange in an amount equal to a uniform percentage (not less than 50 percent) of the premium cost of the qualified health plan.

“(5) SEASONAL WORKER HOURS AND WAGES NOT COUNTED.—For purposes of this subsection—

“(A) IN GENERAL.—The number of hours of service worked by, and wages paid to, a seasonal worker of an employer shall not be taken into account in determining the full-

time equivalent employees and average annual wages of the employer unless the worker works for the employer on more than 120 days during the taxable year.

“(B) DEFINITION OF SEASONAL WORKER.—The term ‘seasonal worker’ means a worker who performs labor or services on a seasonal basis as defined by the Secretary of Labor, including workers covered by section 500.20(s)(1) of title 29, Code of Federal Regulations and retail workers employed exclusively during holiday seasons.

“(e) OTHER RULES AND DEFINITIONS.—For purposes of this section—

“(1) EMPLOYEE.—

“(A) CERTAIN EMPLOYEES EXCLUDED.—The term ‘employee’ shall not include—

“(i) an employee within the meaning of section 401(c)(1),

“(ii) any 2-percent shareholder (as defined in section 1372(b)) of an eligible small business which is an S corporation,

“(iii) any 5-percent owner (as defined in section 416(i)(1)(B)(i)) of an eligible small business, or

“(iv) any individual who bears any of the relationships described in subparagraphs (A) through (G) of section 152(d)(2) to, or is a dependent described in section 152(d)(2)(H) of, an individual described in clause (i), (ii), or (iii).

“(B) LEASED EMPLOYEES.—The term ‘employee’ shall include a leased employee within the meaning of section 414(n).

“(2) CREDIT PERIOD.—The term ‘credit period’ means, with respect to any eligible small employer, the 3-consecutive-taxable year period beginning with the 1st taxable year in which the employer (or any predecessor) offers 1 or more qualified health plans to its employees through an Exchange.

**SA 2907.** Ms. KLOBUCHAR (for herself, Mr. THUNE, and Mr. JOHNSON) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 828, between lines 3 and 4, insert the following:

**SEC. 3130. REMOTE MONITORING PILOT PROJECTS.**

(a) PILOT PROJECTS.—

(1) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, the Secretary of Health and Human Services (in this section referred to as the “Secretary”) shall conduct pilot projects under title XVIII of the Social Security Act for the purpose of providing incentives to home health agencies to utilize home monitoring and communications technologies that—

(A) enhance health outcomes for medicare beneficiaries; and

(B) reduce expenditures under such title.

(2) SITE REQUIREMENTS.—

(A) URBAN AND RURAL.—The Secretary shall conduct the pilot projects under this section in both urban and rural areas.

(B) SITE IN A SMALL STATE.—The Secretary shall conduct at least 1 of the pilot projects in a State with a population of less than 1,000,000.

(3) DEFINITION OF HOME HEALTH AGENCY.—In this section, the term “home health agency” has the meaning given that term in section

1861(o) of the Social Security Act (42 U.S.C. 1395x(o)).

(b) MEDICARE BENEFICIARIES WITHIN THE SCOPE OF PROJECTS.—The Secretary shall specify the criteria for identifying those medicare beneficiaries who shall be considered within the scope of the pilot projects under this section for purposes of the application of subsection (c) and for the assessment of the effectiveness of the home health agency in achieving the objectives of this section. Such criteria may provide for the inclusion in the projects of medicare beneficiaries who begin receiving home health services under title XVIII of the Social Security Act after the date of the implementation of the projects.

(c) INCENTIVES.—

(1) PERFORMANCE TARGETS.—The Secretary shall establish for each home health agency participating in a pilot project under this section a performance target using one of the following methodologies, as determined appropriate by the Secretary:

(A) ADJUSTED HISTORICAL PERFORMANCE TARGET.—The Secretary shall establish for the agency—

(i) a base expenditure amount equal to the average total payments made to the agency under parts A and B of title XVIII of the Social Security Act for medicare beneficiaries determined to be within the scope of the pilot project in a base period determined by the Secretary; and

(ii) an annual per capita expenditure target for such beneficiaries, reflecting the base expenditure amount adjusted for risk and adjusted growth rates.

(B) COMPARATIVE PERFORMANCE TARGET.—The Secretary shall establish for the agency a comparative performance target equal to the average total payments under such parts A and B during the pilot project for comparable individuals in the same geographic area that are not determined to be within the scope of the pilot project.

(2) INCENTIVE.—Subject to paragraph (3), the Secretary shall pay to each participating home care agency an incentive payment for each year under the pilot project equal to a portion of the medicare savings realized for such year relative to the performance target under paragraph (1).

(3) LIMITATION ON EXPENDITURES.—The Secretary shall limit incentive payments under this section in order to ensure that the aggregate expenditures under title XVIII of the Social Security Act (including incentive payments under this subsection) do not exceed the amount that the Secretary estimates would have been expended if the pilot projects under this section had not been implemented.

(d) WAIVER AUTHORITY.—The Secretary may waive such provisions of titles XI and XVIII of the Social Security Act as the Secretary determines to be appropriate for the conduct of the pilot projects under this section.

(e) REPORT TO CONGRESS.—Not later than 5 years after the date that the first pilot project under this section is implemented, the Secretary shall submit to Congress a report on the pilot projects. Such report shall contain a detailed description of issues related to the expansion of the projects under subsection (f) and recommendations for such legislation and administrative actions as the Secretary considers appropriate.

(f) EXPANSION.—If the Secretary determines that any of the pilot projects under this section enhance health outcomes for Medicare beneficiaries and reduce expenditures under title XVIII of the Social Security Act, the Secretary may initiate comparable projects in additional areas.

(g) INCENTIVE PAYMENTS HAVE NO EFFECT ON OTHER MEDICARE PAYMENTS TO AGENCIES.—An incentive payment under this section—

(1) shall be in addition to the payments that a home health agency would otherwise receive under title XVIII of the Social Security Act for the provision of home health services; and

(2) shall have no effect on the amount of such payments.

**SA 2908.** Ms. KLOBUCHAR (for herself and Mr. KOHL) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 492, between lines 15 and 16, insert the following:

**SEC. 2407. SUPPORT FOR FAMILY CAREGIVERS UNDER MEDICARE AND MEDICAID.**

(a) MEDICARE FAMILY CAREGIVER INFORMATION AND REFERRAL.—State health insurance assistance programs, the Administrator of the Centers for Medicare & Medicaid Services, and the Assistant Secretary of the Administration on Aging shall, in collaboration with each other, directly or by contract, develop practical, easy-to-understand information and referral protocols for health care providers, social workers, and other appropriate individuals to provide to family caregivers of Medicare beneficiaries either on admission to or discharge from a hospital (including a discharge from a hospital emergency room or a hospital outpatient department which has furnished a surgical service) or a post-acute care setting (including a skilled nursing facility (as defined in section 1819(a) of the Social Security Act (42 U.S.C. 1395i-3(a)), a comprehensive rehabilitation facility (as defined in section 1861(cc)(2) of such Act (42 U.S.C. 1395x(cc)(2)) or a rehabilitation agency, a provider of long-term care services, and a home health agency (as defined in section 1861(o) of such Act (42 U.S.C. 1395x(o)). Information developed under the preceding sentence shall—

(1) include information on national, State, and community-based resources for seniors, individuals with disabilities and their caregivers, which shall be updated on a semi-annual basis (or as frequently as practicable);

(2) be disseminated by health care providers, social workers, and other appropriate individuals as printed materials (including materials in Spanish and other languages (other than English) as appropriate); and

(3) be made available on the Internet websites of State health insurance assistance programs, the Centers for Medicare & Medicaid Services, and the Administration on Aging.

(b) MEDICAID ASSESSMENT OF FAMILY CAREGIVER SUPPORT NEEDS.—

(1) IN GENERAL.—Section 1915 of the Social Security Act (42 U.S.C. 1396n), as amended by section 2401, is amended—

(A) in subsection (c)(2)—

(i) in subparagraph (D), by striking “and” at the end;

(ii) in subparagraph (E), by striking the period at the end and inserting “; and”; and



(iii) by adding at the end the following new subparagraph:

“(F) under such waiver the State may provide for an assessment of family caregiver support needs (in accordance with subsection (1)).”;

(B) in subsection (d)(2)—

(i) in subparagraph (B), by striking “and” at the end;

(ii) in subparagraph (C), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following new subparagraph:

“(D) under such waiver the State may provide for an assessment of family caregiver support needs (in accordance with subsection (1)).”;

(C) in subsection (i)(1)(F), by adding at the end the following new clause:

“(vii) Where appropriate, an assessment of family caregiver support needs (in accordance with subsection (1)).”; and

(D) by adding at the end the following new subsection:

“(I) ASSESSMENT OF FAMILY CAREGIVER SUPPORT NEEDS.—

“(1) IN GENERAL.—In the case of an individual who is determined to be eligible for home and community-based services under a waiver under subsection (c) or (d) or under section 1115, under a State plan amendment under subsection (i), under an MFP demonstration project established under section 6071 of the Deficit Reduction Act of 2005, or as part of self-directed personal assistance services provided pursuant to a written plan of care in accordance with the requirements of subsection (j), and who is dependent upon the assistance of a family caregiver, the State may provide for an assessment of the family caregiver support needs of the individual. Such assessment shall, to the extent feasible, be conducted at the same time as, or closely coordinated with, the determination of the eligibility of the individual for such services.

“(2) QUESTIONNAIRE.—

“(A) IN GENERAL.—Such assessment shall include asking the family caregiver of the individual questions in order to determine whether they would benefit from targeted support services (such as those services described in paragraph (3)).

“(B) COMPLETION ON A VOLUNTARY BASIS.—The answering of questions under subparagraph (A) by a family caregiver shall be on a voluntary basis.

“(3) TARGETED SUPPORT SERVICES DESCRIBED.—The following targeted support services are described in this paragraph:

“(A) Respite care and emergency back-up services (including short-term help for the individual that gives the family caregiver a break from providing such care).

“(B) Individual counseling (including advice and consultation sessions to bolster emotional support for the family caregiver to make well-informed decisions about how to cope with the strain of supporting the individual).

“(C) Support groups, including groups which provide help for family caregivers to—

“(i) locate a support group either locally or online to share experiences and reduce isolation;

“(ii) make well-informed decisions about caring for the individual; and

“(iii) reduce isolation.

“(D) Information and assistance (including brochures and online resources for researching a disease or disability or learning and managing a regular caregiving role, new technologies that can assist family caregivers, and practical assistance for locating services).

“(E) Chore services (such as house cleaning).

“(F) Personal care (including outside help).

“(G) Education and training (including workshops and other resources available with information about stress management, self-care to maintain good physical and mental health, understanding and communicating with individuals with dementia, medication management, normal aging processes, change in disease and disability, the role of assistive technologies, and other relevant topics).

“(H) Legal and financial planning and consultation (including advice and counseling regarding long-term care planning, estate planning, powers of attorney, community property laws, tax advice, employment leave advice, advance directives, and end-of-life care).

“(I) Transportation (including transportation to medical appointments).

“(J) Other targeted support services the Secretary or the State determines appropriate.

“(4) REFERRALS.—In the case where a questionnaire completed by a family caregiver under paragraph (2) indicates that the family caregiver would benefit from 1 or more of the targeted support services described in paragraph (3), the State shall provide referrals to the family caregiver for local, State, and private-sector family caregiver programs and other resources that provide such targeted support services.”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to medical assistance for home and community-based services that is provided on or after the date of enactment of this Act.

**SA 2909.** Mr. NELSON of Florida (for himself, Mr. REID, Mr. SCHUMER, Mr. KERRY, Ms. STABENOW, and Mr. LEAHY) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1449, strike line 1 and all that follows through page 1458, line 5, and insert the following:

**SEC. 5503. DISTRIBUTION OF ADDITIONAL RESIDENCY POSITIONS.**

(a) IN GENERAL.—Section 1886(h) of the Social Security Act (42 U.S.C. 1395ww(h)) is amended—

(1) in paragraph (4)(F)(i), by striking “paragraph (7)” and inserting “paragraphs (7) and (8)”;

(2) in paragraph (4)(H)(i), by striking “paragraph (7)” and inserting “paragraphs (7) and (8)”;

(3) by adding at the end the following new paragraph:

“(8) DISTRIBUTION OF ADDITIONAL RESIDENCY POSITIONS.—

“(A) ADDITIONAL RESIDENCY POSITIONS.—

“(i) REDUCTION IN LIMIT BASED ON UNUSED POSITIONS.—

“(I) IN GENERAL.—The Secretary shall reduce the otherwise applicable resident limit for a hospital that the Secretary determines had residency positions that were unused for all 5 of the most recent cost reporting periods ending prior to the date of enactment of

this paragraph by an amount that is equal to the number of such unused residency positions.

“(II) EXCEPTION FOR RURAL HOSPITALS AND CERTAIN OTHER HOSPITALS.—This subparagraph shall not apply to a hospital—

“(aa) located in a rural area (as defined in subsection (d)(2)(D)(ii));

“(bb) that has participated in a voluntary reduction plan under paragraph (6); or

“(cc) that has participated in a demonstration project approved as of October 31, 2003, under the authority of section 402 of Public Law 90-248.

“(ii) NUMBER AVAILABLE FOR DISTRIBUTION.—The number of additional residency positions available for distribution under subparagraph (B) shall be an amount that the Secretary determines would result in a 15 percent increase in the aggregate number of full-time equivalent residents in approved medical training programs (as determined based on the most recent cost reports available at the time of distribution). One-third of such number shall only be available for distribution to hospitals described in subclause (I) of subparagraph (B)(ii) under such subparagraph.

“(B) DISTRIBUTION.—

“(i) IN GENERAL.—The Secretary shall increase the otherwise applicable resident limit for each qualifying hospital that submits an application under this subparagraph by such number as the Secretary may approve for portions of cost reporting periods occurring on or after the date of enactment of this paragraph. The aggregate number of increases in the otherwise applicable resident limit under this subparagraph shall be equal to the number of additional residency positions available for distribution under subparagraph (A)(ii).

“(ii) DISTRIBUTION TO HOSPITALS ALREADY OPERATING OVER RESIDENT LIMIT.—

“(I) IN GENERAL.—Subject to subclause (II), in the case of a hospital in which the reference resident level of the hospital (as specified in clause (iii)) is greater than the otherwise applicable resident limit, the increase in the otherwise applicable resident limit under this subparagraph shall be an amount equal to the product of the total number of additional residency positions available for distribution under subparagraph (A)(ii) and the quotient of—

“(aa) the number of resident positions by which the reference resident level of the hospital exceeds the otherwise applicable resident limit for the hospital; and

“(bb) the number of resident positions by which the reference resident level of all such hospitals with respect to which an application is approved under this subparagraph exceeds the otherwise applicable resident limit for such hospitals.

“(II) REQUIREMENTS.—A hospital described in subclause (I)—

“(aa) is not eligible for an increase in the otherwise applicable resident limit under this subparagraph unless the amount by which the reference resident level of the hospital exceeds the otherwise applicable resident limit is not less than 10 and the hospital trains at least 25 percent of the full-time equivalent residents of the hospital in primary care and general surgery (as of the date of enactment of this paragraph); and

“(bb) shall continue to train at least 25 percent of the full-time equivalent residents of the hospital in primary care and general surgery for the 10-year period beginning on such date.

In the case where the Secretary determines that a hospital no longer meets the requirement of item (bb), the Secretary may reduce the otherwise applicable resident limit of the hospital by the amount by which such limit was increased under this clause.

“(III) CLARIFICATION REGARDING ELIGIBILITY FOR OTHER ADDITIONAL RESIDENCY POSITIONS.—Nothing in this clause shall be construed as preventing a hospital described in subclause (I) from applying for additional residency positions under this paragraph that are not reserved for distribution under this clause.

“(iii) REFERENCE RESIDENT LEVEL.—

“(I) IN GENERAL.—Except as otherwise provided in subclause (II), the reference resident level specified in this clause for a hospital is the resident level for the most recent cost reporting period of the hospital ending on or before the date of enactment of this paragraph, for which a cost report has been settled (or, if not, submitted (subject to audit)), as determined by the Secretary.

“(II) USE OF MOST RECENT ACCOUNTING PERIOD TO RECOGNIZE EXPANSION OF EXISTING PROGRAM OR ESTABLISHMENT OF NEW PROGRAM.—If a hospital submits a timely request to increase its resident level due to an expansion of an existing residency training program or the establishment of a new residency training program that is not reflected on the most recent cost report that has been settled (or, if not, submitted (subject to audit)), subject to the discretion of the Secretary, the reference resident level for such hospital is the resident level for the cost reporting period that includes the additional residents attributable to such expansion or establishment, as determined by the Secretary.

“(C) CONSIDERATIONS IN REDISTRIBUTION.—In determining for which hospitals the increase in the otherwise applicable resident limit is provided under subparagraph (B) (other than an increase under subparagraph (B)(ii)), the Secretary shall take into account the demonstrated likelihood of the hospital filling the positions within the first 3 cost reporting periods beginning on or after July 1, 2010, made available under this paragraph, as determined by the Secretary.

“(D) PRIORITY FOR CERTAIN AREAS.—In determining for which hospitals the increase in the otherwise applicable resident limit is provided under subparagraph (B) (other than an increase under subparagraph (B)(ii)), the Secretary shall distribute the increase to hospitals based on the following criteria:

“(i) The Secretary shall give preference to hospitals that submit applications for new primary care and general surgery residency positions. In the case of any increase based on such preference, a hospital shall ensure that—

“(I) the position made available as a result of such increase remains a primary care or general surgery residency position for not less than 10 years after the date on which the position is filled; and

“(II) the total number of primary care and general surgery residency positions in the hospital (determined based on the number of such positions as of the date of such increase, including any position added as a result of such increase) is not decreased during such 10-year period.

In the case where the Secretary determines that a hospital no longer meets the requirement of subclause (II), the Secretary may reduce the otherwise applicable resident limit of the hospital by the amount by which such limit was increased under this paragraph.

“(ii) The Secretary shall give preference to hospitals that emphasize training in community health centers and other community-based clinical settings.

“(iii) The Secretary shall give preference to hospitals in States that have more medical students than residency positions available (including a greater preference for those States with smaller resident-to-medical-student ratios). In determining the number of medical students in a State for purposes of the preceding sentence, the Secretary shall include planned students at medical schools which have provisional accreditation by the Liaison Committee on Medical Education or the American Osteopathic Association.

“(iv) The Secretary shall give preference to hospitals in States that have low resident-to-population ratios (including a greater preference for those States with lower resident-to-population ratios).

“(E) LIMITATION.—

“(i) IN GENERAL.—Except as provided in clause (ii), in no case may a hospital (other than a hospital described in subparagraph (B)(i)(I), subject to the limitation under subparagraph (B)(ii)(III)) apply for more than 50 full-time equivalent additional residency positions under this paragraph.

“(ii) INCREASE IN NUMBER OF ADDITIONAL POSITIONS AVAILABLE FOR DISTRIBUTION.—The Secretary shall increase the number of full-time equivalent additional residency positions a hospital may apply for under this paragraph if the Secretary determines that the number of additional residency positions available for distribution under subparagraph (A)(ii) exceeds the number of such applications approved.

“(F) APPLICATION OF PER RESIDENT AMOUNTS FOR PRIMARY CARE AND NONPRIMARY CARE.—With respect to additional residency positions in a hospital attributable to the increase provided under this paragraph, the approved FTE resident amounts are deemed to be equal to the hospital per resident amounts for primary care and nonprimary care computed under paragraph (2)(D) for that hospital.

“(G) DISTRIBUTION.—The Secretary shall distribute the increase to hospitals under this paragraph not later than 2 years after the date of enactment of this paragraph.”.

(b) IME.—

(1) IN GENERAL.—Section 1886(d)(5)(B)(v) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(B)(v)), in the second sentence, is amended—

(A) by striking “subsection (h)(7)” and inserting “subsections (h)(7) and (h)(8)”; and

(B) by striking “it applies” and inserting “they apply”.

(2) CONFORMING PROVISION.—Section 1886(d)(5)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(B)) is amended by adding at the end the following clause:

“(x) For discharges occurring on or after the date of enactment of this clause, insofar as an additional payment amount under this subparagraph is attributable to resident positions distributed to a hospital under subsection (h)(8)(B), the indirect teaching adjustment factor shall be computed in the same manner as provided under clause (ii) with respect to such resident positions.”.

**SA 2910.** Mr. FRANKEN (for himself, Mr. ROCKEFELLER, Mrs. LINCOLN, Mr. WHITEHOUSE, Mr. LEAHY, Mr. SANDERS, Mr. BROWN, and Mr. BEGICH) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R.

3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

After section 1003, insert the following:

**SEC. 1004. BRINGING DOWN THE COST OF HEALTH CARE COVERAGE.**

(a) IN GENERAL.—Section 2718 of the Public Health Service Act, as added by section 1001, is amended to read as follows:

**“SEC. 2718. BRINGING DOWN THE COST OF HEALTH CARE COVERAGE.**

“(a) CLEAR ACCOUNTING FOR COSTS.—A group health plan and a health insurance issuer offering group or individual health insurance coverage shall, with respect to each plan year, submit to the Secretary a report concerning the percentage of total premium revenue that such coverage expends—

“(1) on reimbursement for clinical services provided to enrollees under such coverage;

“(2) for activities that improve health care quality; and

“(3) on all other non-claims costs, including an explanation of the nature of such costs, and excluding State taxes and licensing or regulatory fees.

The Secretary shall make reports received under this section available to the public on the Internet website of the Department of Health and Human Services.

“(b) ENSURING THAT CONSUMERS RECEIVE VALUE FOR THEIR PREMIUM PAYMENTS.—

“(1) REQUIREMENT TO PROVIDE VALUE FOR PREMIUM PAYMENTS.—A group health plan and a health insurance issuer offering group or individual health insurance coverage shall, with respect to each plan year, provide an annual rebate to each enrollee under such coverage, on a pro rata basis, in an amount that is equal to the amount by which premium revenue expended by the plan or issuer on activities described in subsection (a)(3) exceeds 10 percent, or such lower percentage as a State may by regulation determine.

“(2) CONSIDERATION IN SETTING PERCENTAGES.—In determining the percentages under paragraph (1), a State shall seek to ensure adequate participation by group health plans and health insurance issuers, competition in the health insurance market in the State, and value for consumers so that premiums are used for clinical services and quality improvements.

“(3) ENFORCEMENT.—The Secretary shall promulgate regulations for enforcing the provisions of this section and may provide for appropriate penalties.

“(c) STANDARD HOSPITAL CHARGES.—Each hospital operating within the United States shall for each year establish (and update) and make public (in accordance with guidelines developed by the Secretary) a list of the hospital's standard charges for items and services provided by the hospital, including for diagnosis-related groups established under section 1886(d)(4) of the Social Security Act.

“(d) DEFINITIONS.—Not later than December 31, 2010, the Secretary, in consultation with the National Association of Insurance Commissioners, shall establish uniform definitions of the activities reported under subsection (a) and standardized methodologies for calculating measures of such activities.”.

(b) TECHNICAL AMENDMENTS.—

(1) ERISA.—Section 715(b) of the Employee Retirement Income Security Act, as amended by section 1562(e), is further amended by striking “sections 2716 and 2718” and inserting “section 2716”.

(2) IRC.—Section 9815(b) of the Internal Revenue Code of 1986 is amended by striking “sections 2716 and 2718” and inserting “section 2716”.

**SA 2911.** Mr. FRANKEN (for himself and Mr. LUGAR) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title IV, insert the following:

**SEC. 4208. NATIONAL DIABETES PREVENTION PROGRAM.**

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.), as amended by section 5405, is further amended by adding at the end the following:

**“SEC. 399V-2. NATIONAL DIABETES PREVENTION PROGRAM.**

“(a) **IN GENERAL.**—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall establish a national diabetes prevention program (referred to in this section as the ‘program’) targeted at adults at high risk for diabetes in order to eliminate the preventable burden of diabetes.

“(b) **PROGRAM ACTIVITIES.**—The program described in subsection (a) shall include—

“(1) a grant program for community-based diabetes prevention program model sites;

“(2) a program within the Centers for Disease Control and Prevention to determine eligibility of entities to deliver community-based diabetes prevention services;

“(3) a training and outreach program for lifestyle intervention instructors; and

“(4) evaluation, monitoring and technical assistance, and applied research carried out by the Centers for Disease Control and Prevention.

“(c) **ELIGIBLE ENTITIES.**—To be eligible for a grant under subsection (b)(1), an entity shall be a State or local health department, a tribal organization, a national network of community-based non-profits focused on health and wellbeing, an academic institution, or other entity, as the Secretary determines.

“(d) **AUTHORIZATION OF APPROPRIATIONS.**—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2010 through 2014.”

**SA 2912.** Mr. WHITEHOUSE submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title IV, insert the following:

**SEC. \_\_\_\_ PROGRAM OF PAYMENTS TO CHILDREN'S HOSPITALS THAT OPERATE GRADUATE MEDICAL EDUCATION PROGRAMS.**

Section 340E(g)(2) of the Public Health Service Act (42 U.S.C. 256e(g)) is amended—

(1) by striking “means a” and inserting “means—

“(A) a”;

(2) by striking the period and inserting “; or”; and

(3) by adding at the end the following:

“(B) a freestanding psychiatric hospital with 90 percent or more inpatients under the age of 18, that has its own Medicare provider number as of December 6, 1999, and that has an accredited residency program.”

**SA 2913.** Mr. WHITEHOUSE (for himself and Mr. CASEY) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 1507, after line 19, insert the following:

**SEC. 5510. SUPPORT OF GRADUATE MEDICAL EDUCATION PROGRAMS IN WOMEN'S HOSPITALS.**

Subpart IX of part D of title III of the Public Health Service Act (42 U.S.C. 256e et seq.) is amended—

(1) in the subpart heading, by adding “and Women's Hospitals” at the end; and

(2) by adding at the end the following:

**“SEC. 340E-1. SUPPORT OF GRADUATE MEDICAL EDUCATION PROGRAMS IN WOMEN'S HOSPITALS.**

“(a) **PAYMENTS.**—The Secretary shall make two payments under this section to each women's hospital for each of fiscal years 2010 through 2014, one for the direct expenses and the other for indirect expenses associated with operating approved graduate medical residency training programs. The Secretary shall promulgate regulations pursuant to the rulemaking requirements of title 5, United States Code, which shall govern payments made under this subpart.

“(b) **AMOUNT OF PAYMENTS.**—

“(1) **IN GENERAL.**—Subject to paragraphs (2) and (3), the amounts payable under this section to a women's hospital for an approved graduate medical residency training program for a fiscal year shall be each of the following:

“(A) **DIRECT EXPENSE AMOUNT.**—The amount determined in accordance with subsection (c) for direct expenses associated with operating approved graduate medical residency training programs for a fiscal year.

“(B) **INDIRECT EXPENSE AMOUNT.**—The amount determined in accordance with subsection (c) for indirect expenses associated with the treatment of more severely ill patients and the additional costs relating to teaching residents in such programs for a fiscal year.

“(2) **CAPPED AMOUNT.**—

“(A) **IN GENERAL.**—The total of the payments made to women's hospitals under paragraph (1)(A) or paragraph (1)(B) in a fiscal year shall not exceed the funds appropriated under subsection (e) for such payments for that fiscal year.

“(B) **PRO RATA REDUCTIONS OF PAYMENTS FOR DIRECT EXPENSES.**—If the Secretary de-

termines that the amount of funds appropriated under subsection (e) for a fiscal year is insufficient to provide the total amount of payments otherwise due for such periods under paragraph (1)(A), the Secretary shall reduce the amounts so payable on a pro rata basis to reflect such shortfall.

“(3) **ANNUAL REPORTING REQUIRED.**—The provisions of subsection (b)(3) of section 340E shall apply to women's hospitals under this section in the same manner as such provisions apply to children's hospitals under such section 340E. In applying such provisions, the Secretary may make such modifications as may be necessary to apply such provisions to women's hospitals.

“(c) **APPLICATION OF CERTAIN PROVISIONS.**—The provisions of subsections (c) and (d) of section 340E shall apply to women's hospitals under this section in the same manner as such provisions apply to children's hospitals under such section 340E. In applying such provisions, the Secretary may make such modifications as may be necessary to apply such provisions to women's hospitals.

“(d) **MAKING OF PAYMENTS.**—

“(1) **INTERIM PAYMENTS.**—The Secretary shall determine, before the beginning of each fiscal year involved for which payments may be made for a hospital under this section, the amounts of the payments for direct graduate medical education and indirect medical education for such fiscal year and shall (subject to paragraph (2)) make the payments of such amounts in 12 equal interim installments during such period. Such interim payments to each individual hospital shall be based on the number of residents reported in the hospital's most recently filed Medicare cost report prior to the application date for the Federal fiscal year for which the interim payment amounts are established. In the case of a hospital that does not report residents on a Medicare cost report, such interim payments shall be based on the number of residents trained during the hospital's most recently completed Medicare cost report filing period.

“(2) **WITHHOLDING.**—The Secretary shall withhold up to 25 percent from each interim installment for direct and indirect graduate medical education paid under paragraph (1) as necessary to ensure a hospital will not be overpaid on an interim basis.

“(3) **RECONCILIATION.**—Prior to the end of each fiscal year, the Secretary shall determine any changes to the number of residents reported by a hospital in the application of the hospital for the current fiscal year to determine the final amount payable to the hospital for the current fiscal year for both direct expense and indirect expense amounts. Based on such determination, the Secretary shall recoup any overpayments made and pay any balance due to the extent possible. The final amount so determined shall be considered a final intermediary determination for the purposes of section 1878 of the Social Security Act and shall be subject to administrative and judicial review under that section in the same manner as the amount of payment under section 1886(d) of such Act is subject to review under such section.

“(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section, \$12,000,000 for fiscal year 2010, and such sums as may be necessary for each of fiscal years 2011 through 2014.

“(f) **DEFINITIONS.**—In this section:

“(1) **APPROVED GRADUATE MEDICAL RESIDENCY TRAINING PROGRAM.**—The term ‘approved graduate medical residency training program’ has the meaning given the term

'approved medical residency training program' in section 1886(h)(5)(A) of the Social Security Act.

"(2) DIRECT GRADUATE MEDICAL EDUCATION COSTS.—The term 'direct graduate medical education costs' has the meaning given such term in section 1886(h)(5)(C) of the Social Security Act.

"(3) WOMEN'S HOSPITAL.—The term 'women's hospital' means a hospital—

"(A) that has a Medicare provider agreement under title XVIII of the Social Security Act;

"(B) that has an approved graduate medical residency training program;

"(C) that has not been excluded from the Medicare prospective payment system;

"(D) that had at least 3,000 births during 2007, as determined by the Centers for Medicare & Medicaid Services; and

"(E) with respect to which and as determined by the Centers for Medicare & Medicaid Services, less than 4 percent of the total discharges from the hospital during 2007 were Medicare discharges of individuals who, as of the time of the discharge—

"(i) were enrolled in the original Medicare fee-for-service program under part A of title XVIII of the Social Security Act; and

"(ii) were not enrolled in—

"(I) a Medicare Advantage plan under part C of title XVIII of that Act;

"(II) an eligible organization under section 1876 of that Act; or

"(III) a PACE program under section 1894 of that Act."

**SA 2914.** Mr. WHITEHOUSE submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 2029, between lines 4 and 5, insert the following:

(C) PERFORMANCE ADJUSTMENT TO ANNUAL FEE.—

(1) IN GENERAL.—The Secretary shall—

(A) in the case of a penalized covered entity, increase the fee determined under subsection (b) for a calendar year as provided in paragraph (3), and

(B) in the case of any other covered entity, reduce the fee determined under subsection (b) for a calendar year as provided in paragraph (4).

(2) PENALIZED COVERED ENTITY DESCRIBED.—

(A) IN GENERAL.—For purposes of this paragraph, the term "penalized covered entity" means a covered entity that the Secretary determines has failed to meet the key performance thresholds (established under subparagraph (B)) for the calendar year involved.

(B) KEY PERFORMANCE THRESHOLDS.—The key performance thresholds established under this subparagraph are as follows:

(i) MEDICAL LOSS RATIO THRESHOLD.—The covered entity has a medical loss ratio, as reported under section 2718(a)(1) of the Public Health Service Act, of not less than 85 percent. The Secretary, in consultation with the Secretary of Health and Human Services may increase, but not decrease, such percentage by regulation.

(ii) MAXIMUM FINANCIAL RESERVE THRESHOLD.—

(I) IN GENERAL.—The covered entity has a financial reserve which is not greater than the amount established under regulations by the Secretary, in consultation with the Secretary of Health and Human Services. The Secretary may establish different thresholds for different categories of covered entity under this section. The Secretary, in consultation with the National Association of Insurance Commissioners, shall establish a uniform methodology for reporting financial reserve levels and determining maximum financial reserve thresholds under this subparagraph.

(II) REPORTS.—Each covered entity shall annually submit a report (in a manner to be established by the Secretary through regulation) to the Secretary and the Secretary of Health and Human Services containing such information about the financial reserves of the entity as the Secretary may require. The rules of subsection (g)(2) shall apply to the information required to be reported under this subclause.

(3) AMOUNT OF FEE INCREASE.—

(A) IN GENERAL.—In the case of a penalized covered entity, the fee determined under subsection (b) for the calendar year shall be increased by the penalty amount.

(B) PENALTY AMOUNT.—

(i) IN GENERAL.—The penalty amount shall be the product of—

(I) the amount determined under subsection (b), and

(II) the sum of the amounts determined under subparagraphs (C) and (D).

(ii) LIMITATION.—The penalty amount shall not exceed 20 percent of the amount determined under subsection (b).

(C) MEDICAL LOSS RATIO COMPONENT.—The amount determined under this subparagraph is the amount equal to the excess of—

(i) the medical loss ratio threshold established under paragraph (2)(A), over

(ii) the medical loss ratio (expressed in decimal form) of the penalized covered entity.

(D) FINANCIAL RESERVE COMPONENT.—The amount determined under this subparagraph is the amount equal to the ratio of—

(i) the excess of—

(I) the financial reserves of the penalized covered entity, over

(II) the maximum financial reserve threshold established under paragraph (2)(B)(ii), to

(ii) such maximum financial reserve threshold.

(4) REDUCTION IN FEE.—

(A) IN GENERAL.—

(i) AMOUNT OF REDUCTION.—In the case of any covered entity that is not a penalized covered entity, the fee determined under subsection (b) for the calendar year shall be reduced by an amount equal to the product of—

(I) the sum of all penalty amounts assessed in the calendar year under paragraph (3), and

(II) the fee redistribution ratio.

(ii) LIMITATION.—The reduction under this paragraph shall not exceed 20 percent of the amount determined under subsection (b).

(B) FEE DISTRIBUTION RATIO.—For purposes of this paragraph, the fee redistribution ratio is the ratio of—

(i) the weighted net written premium amount of the covered entity, to

(ii) the aggregate of the weighted net written premium amount of all covered entities.

(C) WEIGHTED NET WRITTEN PREMIUM AMOUNT.—For purposes of this paragraph, the weighted net written premium amount with respect to any covered entity is the amount described in subsection (b)(1)(A)(i) with respect to such covered entity, increased by the product of—

(i) such amount, and

(ii) the product of 0.05 and the sum of the amounts determined under subparagraphs (D) and (E).

(D) MEDICAL LOSS RATIO COMPONENT.—The amount determined under this subparagraph is the amount equal to the excess of—

(i) the medical loss ratio (expressed as a percentage) of the covered entity, over

(ii) the medical loss ratio threshold established under paragraph (2)(A).

(E) FINANCIAL RESERVE COMPONENT.—The amount determined under this subparagraph is the amount equal to the ratio of—

(i) the excess of—

(I) the maximum financial reserve threshold established under paragraph (2)(B)(ii), over

(II) the financial reserves of the covered entity, to

(ii) such maximum financial reserve threshold.

**SA 2915.** Mrs. SHAHEEN (for herself, Mr. BROWN, Mr. MENENDEZ, and Mr. LAUTENBERG) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 531, line 2, insert the following after the period: "In awarding planning grants, the Secretary shall give preference to States that agree to develop a State plan amendment that includes methodologies and procedures that are intended to improve coordination of care for eligible individuals with chronic conditions who are high users of health care services (including emergency room and inpatient hospital services), including through the use of referrals to health homes and outreach care management services."

**SA 2916.** Mr. UDALL of New Mexico (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 1539, line 7, insert "in a rural area (as defined in section 1886(d)(2)(D)), a medically underserved community (as defined in section 799B(6) of the Public Health Service Act), or" after "located".

**SA 2917.** Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other

purposes; which was ordered to lie on the table; as follows:

On page 116, between lines 6 and 7, insert the following:

(4) **SPECIAL RULE REGARDING PREGNANCY.**—An individual who becomes pregnant and is enrolled in a catastrophic plan described under this subsection may, notwithstanding any other provision of law, enroll in another qualified health plan during such individual's pregnancy.

**SA 2918.** Mr. MENENDEZ (for himself, Ms. STABENOW, and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 116, between lines 13 and 14, insert the following:

(g) **PAYMENTS TO FEDERALLY-QUALIFIED HEALTH CENTERS.**—If any item or service covered by a qualified health plan is provided by a Federally-qualified health center (as defined in section 1905(1)(2)(B) of the Social Security Act (42 U.S.C. 1396d(1)(2)(B)) to an enrollee of the plan, the offeror of the plan shall pay to the center for the item or service an amount that is not less than the amount of payment that would have been paid to the center under section 1902(bb) of such Act (42 U.S.C. 1396a(bb)) for such item or service.

**SA 2919.** Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 33, strike line 5 and all that follows through line 4 on page 34 and insert the following:

**“SEC. 2719. APPEALS PROCESS.**

“(a) **INTERNAL CLAIMS APPEALS.**—A group health plan and a health insurance issuer offering group or individual health insurance coverage shall implement an effective appeals process for appeals of coverage determinations and claims, under which the plan or issuer shall, at a minimum—

“(1) have in effect an internal claims appeal process;

“(2) provide notice to enrollees, in a culturally and linguistically appropriate manner, of available internal and external appeals processes, and the availability of any applicable office of health insurance consumer assistance or ombudsman established under section 2793 to assist such enrollees with the appeals processes; and

“(3) allow an enrollee to review their file, to present evidence and testimony as part of the appeals process, and to receive continued coverage pending the outcome of the appeals process.

“(b) **EXTERNAL REVIEW.**—A group health plan and a health insurance issuer offering

group or individual health insurance coverage—

“(1) shall comply with the applicable State external review process for such plans and issuers that, at a minimum, includes the consumer protections set forth in the Uniform External Review Model Act promulgated by the National Association of Insurance Commissioners and is binding on such plans; or

“(2) shall implement an effective external review process that meets minimum standards established by the Secretary through guidance and that is similar to the process described under paragraph (1)—

“(A) if the applicable State has not established an external review process that meets the requirements of paragraph (1); or

“(B) if the plan is a self-insured plan that is not subject to State insurance regulation (including a State law that establishes an external review process described in paragraph (1)).”.

**SA 2920.** Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

After section 1103, insert the following:

**SEC. 1104. REPORTING REQUIREMENTS REGARDING THE RATE OF DENIAL OF COVERAGE AND ENROLLMENT BY HEALTH INSURANCE ISSUERS.**

(a) **REQUIREMENTS REGARDING DENIAL OF COVERAGE FOR MEDICAL SERVICES.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of enactment of this Act, the Secretary shall promulgate regulations requiring health insurance issuers to report annually to the Secretary data concerning—

(A) each denial of coverage for medical services to a plan enrollee in the preceding year, listed by the types of services for which coverage was denied; and

(B) the reasons such coverage was denied.

(2) **PUBLICATION OF DATA.**—The Secretary shall make the data reported under paragraph (1) available to the public on the Internet website described in section 1103(a).

(b) **REQUIREMENTS REGARDING DENIAL OF ENROLLMENT IN A HEALTH INSURANCE PLAN.**—

(1) **IN GENERAL.**—Not later than January 1, 2011, the Secretary shall issue regulations requiring each health insurance issuer to report annually to the Secretary data concerning—

(A) each incident in which such issuer, in the preceding year, denied the application of an individual to enroll in a health insurance plan offered by such issuer; and

(B) the reasons each such application was denied.

(2) **PUBLICATION OF DATA.**—The Secretary shall make the data reported under paragraph (1) available to the public on the Internet website described in section 1103(a).

(3) **SUNSET.**—The requirements under this subsection shall cease to have effect on January 1, 2014.

(c) **CONSULTATION.**—In developing the regulations under subsection (a)(1) and (b)(1) and collecting data as required by such subsections, the Secretary shall consult with State insurance commissioners and the National Association of Insurance Commissioners.

(d) **APPLICABILITY OF REQUIREMENTS.**—The reporting requirements under this section shall apply to all health insurance issuers and all health insurance plans, without regard to whether such issuer offers a qualified health plan, or whether such plan is a qualified health plan, as described in subtitle D.

**SA 2921.** Ms. STABENOW (for herself and Mrs. MCCASKILL) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 2074, after line 25, insert the following:

**Subtitle C—Provisions Related to Improving Tax Incentives for Individuals and Employers Under Title I**

**PART I—GENERAL PROVISIONS**

**SEC. 9031. PREMIUM ASSISTANCE CREDIT.**

(a) **IN GENERAL.**—Section 36B(b)(3)(A)(i) of the Internal Revenue Code of 1986, as added by section 1401, is amended by striking “7” each place it appears and inserting “6”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect as if included in section 1401.

**SEC. 9032. SMALL EMPLOYER HEALTH INSURANCE CREDIT.**

(a) **IN GENERAL.**—Notwithstanding section 1421(f) of this Act—

(1) the amendments made by subsections (a), (b), (d), and (e) of section 1421 shall apply to taxable years beginning after December 31, 2009, and

(2) the amendments made by subsection (c) of section 1421 shall apply to credits determined under section 45R of the Internal Revenue Code of 1986 in taxable years beginning after December 31, 2009.

(b) **CONFORMING AMENDMENTS.**—

(1) Clause (i) of section 45R(d)(3)(B) of the Internal Revenue Code of 1986, as added by section 1421, is amended by inserting “2010,” before “2011” each place it appears in the text and in the heading.

(2) Subsection (g) of section 45R of such Code, as added by section 1421, is amended by inserting “2010,” before “2011” each place it appears in the text and in the heading.

(3) Section 280C(h) of such Code, as added by section 1421, is amended by inserting “2010,” before “2011”.

(c) **EFFECTIVE DATE.**—The amendments made by subsection (b) shall apply to taxable years beginning after December 31, 2009.

**PART II—REVENUE PROVISIONS**

**SEC. 9035. SURTAX ON INVESTMENT INCOME.**

(a) **IN GENERAL.**—

(1) **SURTAX.**—

(A) **IMPOSITION OF TAX.**—Subtitle A of the Internal Revenue Code of 1986 is amended by redesignating chapter 3 as chapter 4 and by inserting after chapter 2 the following new chapter:

**“CHAPTER 3—TAX ON INVESTMENT INCOME**

“Sec. 1411. Rate of tax.

“Sec. 1412. Investment income.

**“SEC. 1411. RATE OF TAX.**

“(a) **IN GENERAL.**—In addition to other taxes, there shall be imposed for each taxable year on the investment income of every

taxpayer (other than a corporation, estate, or trust) a tax equal to 1.45 percent of such investment income for such taxable year.

“(b) PHASE-IN OF RATE.—The rate under subsection (a) (determined without regard to this subsection) shall be reduced (but not below zero) by the amount which bears the same ratio to such rate as—

“(1) the excess of—

“(A) \$240,000 (\$290,000 in the case of a joint return), over

“(B) the taxpayer’s adjusted gross income for the taxable year, bears to

“(2) \$40,000.

#### “SEC. 1412. INVESTMENT INCOME.

“(a) IN GENERAL.—For purposes of this chapter, the term ‘investment income’ means the sum of—

“(1) capital gain net income, and

“(2) net investment income.

“(b) NET INVESTMENT INCOME.—For purposes of this chapter, the term ‘net investment income’ means the net income (other than income which is included in self-employment income for purposes of chapter 2) from—

“(1) dividends,

“(2) interest (other than interest which is excludable from income under chapter 1), and

“(3) investment property income.

“(c) INVESTMENT PROPERTY.—For purposes of this chapter, the term ‘investment property income’ means income (determined after taking into account any deduction allowed under chapter 1 with respect to such income) derived from—

“(1) any property held for the production of rents or royalties,

“(2) any partnership or S corporation,

“(3) any estate or trust in which the taxpayer is a beneficiary, and

“(4) any real estate mortgage investment conduit in which the taxpayer is a residual holder.

“(d) TAXABLE YEARS ENDING AS THE RESULT OF A DEATH.—Rules similar to the rules of section 1402(f) shall apply with respect to investment income in a taxable year which ends as a result of the death of the taxpayer.”

(2) ESTIMATED TAXES.—Section 6654 of the Internal Revenue Code of 1986 is amended—

(A) in subsection (a), by striking “and the tax under chapter 2” and inserting “the tax under chapter 2, and the tax under chapter 3”, and

(B) in subsection (f)—

(i) by striking “minus” at the end of paragraph (2) and inserting “plus”, and

(ii) by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

“(3) the taxed imposed by chapter 3, minus”.

(3) RETURNS.—

(A) IN GENERAL.—Subpart B of part II of subchapter A of chapter 61 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

#### “SEC. 6017A. INVESTMENT INCOME TAX RETURNS.

“Every taxpayer (other than a corporation, estate, or trust) having investment income for the taxable year shall make a return with respect to the investment income tax imposed by chapter 3.”

(B) CONFORMING AMENDMENT.—The table of sections for subpart B of part II of subchapter A of chapter 61 of such Code is amended by adding at the end the following new item:

“Sec. 6017A. Investment income tax returns.”.

(4) CONFORMING AMENDMENTS.—

(A) The following sections of the Internal Revenue Code of 1986 are amended by striking “chapter 3” and inserting “chapter 4” each place it appears:

(i) Section 33.

(ii) Section 864(b).

(iii) Section 871(k)(1)(B)(ii).

(iv) Section 877A(d)(5).

(v) Section 896(a).

(vi) Section 3402(t)(2)(A).

(vii) Section 3405(e)(1)(B)(iii).

(viii) Paragraphs (2)(C)(iv), (5)(A), and (5)(B) of section 6049(b).

(ix) Section 6414.

(x) Paragraphs (1) and (2) of section 6501(b).

(xi) Subsections (b)(3) and (c) of section 6513.

(xii) Paragraphs (1) and (2) of section 6724(d).

(B) CLERICAL AMENDMENT.—The table of chapters for subtitle A of chapter 1 of the Internal Revenue Code of 1986 is amended by redesignating the item relating to chapter 3 as relating to chapter 4 and by inserting after the item relating to chapter 2 the following new item:

#### “CHAPTER 3—TAX ON INVESTMENT INCOME”.

(5) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2012.

(b) TRANSFER OF AMOUNTS TO FEDERAL HOSPITAL INSURANCE TRUST FUND.—Section 1817(a) of the Social Security Act (42 U.S.C. 1395i(a)) is amended by striking “and” at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting “; and”, and by inserting after paragraph (2) the following new paragraph:

“(3) the taxes imposed by section 1411 of the Internal Revenue Code of 1986 with respect to investment income reported to the Secretary of the Treasury or his delegate on tax returns under subtitle F of such Code, as determined by the Secretary of the Treasury by applying the applicable rate of tax under such section to such investment income, which investment income shall be certified by the Commissioner of Social Security on the basis of records of investment income established and maintained by the Commissioner of Social Security.”.

**SA 2922.** Mr. DORGAN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 567, after line 19, add the following:

#### **SEC. 2903. FUNDING FOR CONTRACT MEDICAL CARE FOR INDIANS.**

Title VIII of the Indian Health Care Improvement Act (25 U.S.C. 1671 et seq.) is amended by adding at the end the following:

#### **“SEC. 826. FUNDING FOR CONTRACT MEDICAL CARE.**

“(a) APPROPRIATION.—For the purpose of the Secretary, acting through the Service, providing payment for contract medical care to Indians, there is appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary, not to exceed—

“(1) for fiscal year 2010, \$625,000,000;

“(2) for fiscal year 2011, \$2,500,000,000;

“(3) for each of fiscal years 2012 through 2014, the limit specified under this subsection for the preceding fiscal year, increased by the percentage increase (if any) in the medical care component of the Consumer Price Index for All Urban Consumers (all items; United States city average) over such preceding fiscal year; and

“(4) for the first quarter of fiscal year 2015, one-fourth of the limit specified under this subsection for fiscal year 2014, increased by the percentage increase (if any) in the medical care component of the Consumer Price Index for All Urban Consumers (all items; United States city average) over such preceding fiscal year.

“(b) NO EFFECT ON OTHER FUNDING FOR THIS ACT; AVAILABILITY.—Funds appropriated under subsection (a) shall—

“(1) be in addition to any other amounts made available under law (including under a provision of this Act, the Social Security Act, the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), or any other law) for payment for providing contract medical care to Indians; and

“(2) remain available until expended.

“(c) STUDY AND REPORT.—Not later than October 1, 2015, the Secretary shall study and submit a report to the Committee on Natural Resources of the House of Representatives and the Committee on Indian Affairs of the Senate on the extent to which the funds appropriated under this section have assisted in reducing health disparities among Indians.

“(d) BUDGET AUTHORITY.—This section constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for payment of the amounts provided under subsection (a).

“(e) DEFINITION.—In this section, the term ‘Indian health program’ means—

“(1) any health program administered directly by the Service;

“(2) any tribal health program; and

“(3) any Indian tribe or tribal organization to which the Secretary of Health and Human Services provides funding pursuant to section 23 of the Act of June 25, 1910 (25 U.S.C. 47) (commonly known as the ‘Buy Indian Act’).”.

**SA 2923.** Mr. DORGAN (for himself, Mr. WHITEHOUSE, Mr. UDALL of New Mexico, Mr. BEGICH, Mr. JOHNSON, Mr. FRANKEN, Ms. CANTWELL, Mr. UDALL of Colorado, Mr. TESTER, and Mr. INOUE) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; as follows:

At the end, add the following:

#### **DIVISION B—INDIAN HEALTH CARE IMPROVEMENT ACT REAUTHORIZATION AND EXTENSION**

#### **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the “Indian Health Care Improvement Reauthorization and Extension Act of 2009”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.



# TITLE I—INDIAN HEALTH CARE IMPROVEMENT ACT REAUTHORIZATION AND AMENDMENTS

- Sec. 101. Reauthorization.
- Sec. 102. Findings.
- Sec. 103. Declaration of national Indian health policy.
- Sec. 104. Definitions.
- Subtitle A—Indian Health Manpower
- Sec. 111. Community Health Aide Program.
- Sec. 112. Health professional chronic shortage demonstration programs.
- Sec. 113. Exemption from payment of certain fees.
- Subtitle B—Health Services
- Sec. 121. Indian Health Care Improvement Fund.
- Sec. 122. Catastrophic Health Emergency Fund.
- Sec. 123. Diabetes prevention, treatment, and control.
- Sec. 124. Other authority for provision of services; shared services for long-term care.
- Sec. 125. Reimbursement from certain third parties of costs of health services.
- Sec. 126. Crediting of reimbursements.
- Sec. 127. Behavioral health training and community education programs.
- Sec. 128. Cancer screenings.
- Sec. 129. Patient travel costs.
- Sec. 130. Epidemiology centers.
- Sec. 131. Indian youth grant program.
- Sec. 132. American Indians Into Psychology Program.
- Sec. 133. Prevention, control, and elimination of communicable and infectious diseases.
- Sec. 134. Methods to increase clinician recruitment and retention issues.
- Sec. 135. Liability for payment.
- Sec. 136. Offices of Indian Men's Health and Indian Women's Health.
- Sec. 137. Contract health service administration and disbursement formula.
- Subtitle C—Health Facilities
- Sec. 141. Health care facility priority system.
- Sec. 142. Indian health care delivery demonstration projects.
- Sec. 143. Tribal management of federally owned quarters.
- Sec. 144. Other funding, equipment, and supplies for facilities.
- Sec. 145. Indian country modular component facilities demonstration program.
- Sec. 146. Mobile health stations demonstration program.
- Subtitle D—Access to Health Services
- Sec. 151. Treatment of payments under Social Security Act health benefits programs.
- Sec. 152. Purchasing health care coverage.
- Sec. 153. Grants to and contracts with the Service, Indian tribes, tribal organizations, and urban Indian organizations to facilitate outreach, enrollment, and coverage of Indians under Social Security Act health benefit programs and other health benefits programs.
- Sec. 154. Sharing arrangements with Federal agencies.
- Sec. 155. Eligible Indian veteran services.
- Sec. 156. Nondiscrimination under Federal health care programs in qualifications for reimbursement for services.

- Sec. 157. Access to Federal insurance.
- Sec. 158. General exceptions.
- Sec. 159. Navajo Nation Medicaid Agency feasibility study.

## Subtitle E—Health Services for Urban Indians

- Sec. 161. Facilities renovation.
- Sec. 162. Treatment of certain demonstration projects.
- Sec. 163. Requirement to confer with urban Indian organizations.
- Sec. 164. Expanded program authority for urban Indian organizations.
- Sec. 165. Community health representatives.
- Sec. 166. Use of Federal Government facilities and sources of supply; health information technology.

## Subtitle F—Organizational Improvements

- Sec. 171. Establishment of the Indian Health Service as an agency of the Public Health Service.
- Sec. 172. Office of Direct Service Tribes.
- Sec. 173. Nevada area office.

## Subtitle G—Behavioral Health Programs

- Sec. 181. Behavioral health programs.

## Subtitle H—Miscellaneous

- Sec. 191. Confidentiality of medical quality assurance records; qualified immunity for participants.
- Sec. 192. Arizona, North Dakota, and South Dakota as contract health service delivery areas; eligibility of California Indians.
- Sec. 193. Methods to increase access to professionals of certain corps.
- Sec. 194. Health services for ineligible persons.
- Sec. 195. Annual budget submission.
- Sec. 196. Prescription drug monitoring.
- Sec. 197. Tribal health program option for cost sharing.
- Sec. 198. Disease and injury prevention report.
- Sec. 199. Other GAO reports.
- Sec. 199A. Traditional health care practices.
- Sec. 199B. Director of HIV/AIDS Prevention and Treatment.

# TITLE II—AMENDMENTS TO OTHER ACTS

- Sec. 201. Medicare amendments.
- Sec. 202. Reauthorization of Native Hawaiian health care programs.

# TITLE I—INDIAN HEALTH CARE IMPROVEMENT ACT REAUTHORIZATION AND AMENDMENTS

## SEC. 101. REAUTHORIZATION.

(a) IN GENERAL.—Section 825 of the Indian Health Care Improvement Act (25 U.S.C. 1680o) is amended to read as follows:

## “SEC. 825. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated such sums as are necessary to carry out this Act for fiscal year 2010 and each fiscal year thereafter, to remain available until expended.”.

(b) REPEALS.—The following provisions of the Indian Health Care Improvement Act are repealed:

- (1) Section 123 (25 U.S.C. 1616p).
- (2) Paragraph (6) of section 209(m) (25 U.S.C. 1621h(m)).
- (3) Subsection (g) of section 211 (25 U.S.C. 1621j).
- (4) Subsection (e) of section 216 (25 U.S.C. 1621o).
- (5) Section 224 (25 U.S.C. 1621w).
- (6) Section 309 (25 U.S.C. 1638a).
- (7) Section 407 (25 U.S.C. 1647).
- (8) Subsection (c) of section 512 (25 U.S.C. 1660b).
- (9) Section 514 (25 U.S.C. 1660d).
- (10) Section 603 (25 U.S.C. 1663).

(11) Section 805 (25 U.S.C. 1675).

(c) CONFORMING AMENDMENTS.—

(1) Section 204(c)(1) of the Indian Health Care Improvement Act (25 U.S.C. 1621c(c)(1)) is amended by striking “through fiscal year 2000”.

(2) Section 213 of the Indian Health Care Improvement Act (25 U.S.C. 1621l) is amended by striking “(a) The Secretary” and inserting “The Secretary”.

(3) Section 310 of the Indian Health Care Improvement Act (25 U.S.C. 1638b) is amended by striking “funds provided pursuant to the authorization contained in section 309” each place it appears and inserting “funds made available to carry out this title”.

## SEC. 102. FINDINGS.

Section 2 of the Indian Health Care Improvement Act (25 U.S.C. 1601) is amended—

(1) by redesignating subsections (a), (b), (c), and (d) as paragraphs (1), (3), (4), and (5), respectively, and indenting the paragraphs appropriately; and

(2) by inserting after paragraph (1) (as so redesignated) the following:

“(2) A major national goal of the United States is to provide the resources, processes, and structure that will enable Indian tribes and tribal members to obtain the quantity and quality of health care services and opportunities that will eradicate the health disparities between Indians and the general population of the United States.”.

## SEC. 103. DECLARATION OF NATIONAL INDIAN HEALTH POLICY.

Section 3 of the Indian Health Care Improvement Act (25 U.S.C. 1602) is amended to read as follows:

## “SEC. 3. DECLARATION OF NATIONAL INDIAN HEALTH POLICY.

“Congress declares that it is the policy of this Nation, in fulfillment of its special trust responsibilities and legal obligations to Indians—

“(1) to ensure the highest possible health status for Indians and urban Indians and to provide all resources necessary to effect that policy;

“(2) to raise the health status of Indians and urban Indians to at least the levels set forth in the goals contained within the Healthy People 2010 initiative or successor objectives;

“(3) to ensure maximum Indian participation in the direction of health care services so as to render the persons administering such services and the services themselves more responsive to the needs and desires of Indian communities;

“(4) to increase the proportion of all degrees in the health professions and allied and associated health professions awarded to Indians so that the proportion of Indian health professionals in each Service area is raised to at least the level of that of the general population;

“(5) to require that all actions under this Act shall be carried out with active and meaningful consultation with Indian tribes and tribal organizations, and conference with urban Indian organizations, to implement this Act and the national policy of Indian self-determination;

“(6) to ensure that the United States and Indian tribes work in a government-to-government relationship to ensure quality health care for all tribal members; and

“(7) to provide funding for programs and facilities operated by Indian tribes and tribal organizations in amounts that are not less than the amounts provided to programs and facilities operated directly by the Service.”.

## SEC. 104. DEFINITIONS.

Section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603) is amended—

(1) by striking the matter preceding subsection (a) and inserting "In this Act:";

(2) in each of subsections (c), (j), (k), and (l), by redesignating the paragraphs contained in the subsections as subparagraphs and indenting the subparagraphs appropriately;

(3) by redesignating subsections (a) through (q) as paragraphs (17), (18), (13), (14), (26), (28), (27), (29), (1), (20), (11), (7), (19), (10), (21), (8), and (9), respectively, indenting the paragraphs appropriately, and moving the paragraphs so as to appear in numerical order;

(4) in each paragraph (as so redesignated), by inserting a heading the text of which is comprised of the term defined in the paragraph;

(5) by inserting "The term" after each paragraph heading;

(6) by inserting after paragraph (1) (as redesignated by paragraph (3)) the following:

"(2) BEHAVIORAL HEALTH.—

"(A) IN GENERAL.—The term 'behavioral health' means the blending of substance (alcohol, drugs, inhalants, and tobacco) abuse and mental health disorders prevention and treatment for the purpose of providing comprehensive services.

"(B) INCLUSIONS.—The term 'behavioral health' includes the joint development of substance abuse and mental health treatment planning and coordinated case management using a multidisciplinary approach.

"(3) CALIFORNIA INDIAN.—The term 'California Indian' means any Indian who is eligible for health services provided by the Service pursuant to section 809.

"(4) COMMUNITY COLLEGE.—The term 'community college' means—

"(A) a tribal college or university; or

"(B) a junior or community college.

"(5) CONTRACT HEALTH SERVICE.—The term 'contract health service' means any health service that is—

"(A) delivered based on a referral by, or at the expense of, an Indian health program; and

"(B) provided by a public or private medical provider or hospital that is not a provider or hospital of the Indian health program.

"(6) DEPARTMENT.—The term 'Department', unless otherwise designated, means the Department of Health and Human Services.";

(7) by striking paragraph (7) (as redesignated by paragraph (3)) and inserting the following:

"(7) DISEASE PREVENTION.—

"(A) IN GENERAL.—The term 'disease prevention' means any activity for—

"(i) the reduction, limitation, and prevention of—

"(I) disease; and

"(II) complications of disease; and

"(ii) the reduction of consequences of disease.

"(B) INCLUSIONS.—The term 'disease prevention' includes an activity for—

"(i) controlling—

"(I) the development of diabetes;

"(II) high blood pressure;

"(III) infectious agents;

"(IV) injuries;

"(V) occupational hazards and disabilities;

"(VI) sexually transmittable diseases; or

"(VII) toxic agents; or

"(ii) providing—

"(I) fluoridation of water; or

"(II) immunizations.";

(8) by striking paragraph (9) (as redesignated by paragraph (3)) and inserting the following:

"(9) FAS.—The term 'fetal alcohol syndrome' or 'FAS' means a syndrome in which,

with a history of maternal alcohol consumption during pregnancy, the following criteria are met:

"(A) Central nervous system involvement such as mental retardation, developmental delay, intellectual deficit, microcephaly, or neurologic abnormalities.

"(B) Craniofacial abnormalities with at least 2 of the following: microphthalmia, short palpebral fissures, poorly developed philtrum, thin upper lip, flat nasal bridge, and short upturned nose.

"(C) Prenatal or postnatal growth delay.";

(9) by striking paragraphs (11) and (12) (as redesignated by paragraph (3)) and inserting the following:

"(11) HEALTH PROMOTION.—The term 'health promotion' means any activity for—

"(A) fostering social, economic, environmental, and personal factors conducive to health, including raising public awareness regarding health matters and enabling individuals to cope with health problems by increasing knowledge and providing valid information;

"(B) encouraging adequate and appropriate diet, exercise, and sleep;

"(C) promoting education and work in accordance with physical and mental capacity;

"(D) making available safe water and sanitary facilities;

"(E) improving the physical, economic, cultural, psychological, and social environment;

"(F) promoting culturally competent care; and

"(G) providing adequate and appropriate programs, including programs for—

"(i) abuse prevention (mental and physical);

"(ii) community health;

"(iii) community safety;

"(iv) consumer health education;

"(v) diet and nutrition;

"(vi) immunization and other methods of prevention of communicable diseases, including HIV/AIDS;

"(vii) environmental health;

"(viii) exercise and physical fitness;

"(ix) avoidance of fetal alcohol spectrum disorders;

"(x) first aid and CPR education;

"(xi) human growth and development;

"(xii) injury prevention and personal safety;

"(xiii) behavioral health;

"(xiv) monitoring of disease indicators between health care provider visits through appropriate means, including Internet-based health care management systems;

"(xv) personal health and wellness practices;

"(xvi) personal capacity building;

"(xvii) prenatal, pregnancy, and infant care;

"(xviii) psychological well-being;

"(xix) reproductive health and family planning;

"(xx) safe and adequate water;

"(xxi) healthy work environments;

"(xxii) elimination, reduction, and prevention of contaminants that create unhealthy household conditions (including mold and other allergens);

"(xxiii) stress control;

"(xxiv) substance abuse;

"(xxv) sanitary facilities;

"(xxvi) sudden infant death syndrome prevention;

"(xxvii) tobacco use cessation and reduction;

"(xxviii) violence prevention; and

"(xxix) such other activities identified by the Service, a tribal health program, or an

urban Indian organization to promote achievement of any of the objectives referred to in section 3(2).

"(12) INDIAN HEALTH PROGRAM.—The term 'Indian health program' means—

"(A) any health program administered directly by the Service;

"(B) any tribal health program; and

"(C) any Indian tribe or tribal organization to which the Secretary provides funding pursuant to section 23 of the Act of June 25, 1910 (25 U.S.C. 47) (commonly known as the 'Buy Indian Act').";

(10) by inserting after paragraph (14) (as redesignated by paragraph (3)) the following:

"(15) JUNIOR OR COMMUNITY COLLEGE.—The term 'junior or community college' has the meaning given the term in section 312(e) of the Higher Education Act of 1965 (20 U.S.C. 1058(e)).

"(16) RESERVATION.—

"(A) IN GENERAL.—The term 'reservation' means a reservation, Pueblo, or colony of any Indian tribe.

"(B) INCLUSIONS.—The term 'reservation' includes—

"(i) former reservations in Oklahoma;

"(ii) Indian allotments; and

"(iii) Alaska Native Regions established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).";

(11) by striking paragraph (20) (as redesignated by paragraph (3)) and inserting the following:

"(20) SERVICE UNIT.—The term 'Service unit' means an administrative entity of the Service or a tribal health program through which services are provided, directly or by contract, to eligible Indians within a defined geographic area.";

(12) by inserting after paragraph (21) (as redesignated by paragraph (3)) the following:

"(22) TELEHEALTH.—The term 'telehealth' has the meaning given the term in section 330K(a) of the Public Health Service Act (42 U.S.C. 254c-16(a)).

"(23) TELEMEDICINE.—The term 'telemedicine' means a telecommunications link to an end user through the use of eligible equipment that electronically links health professionals or patients and health professionals at separate sites in order to exchange health care information in audio, video, graphic, or other format for the purpose of providing improved health care services.

"(24) TRIBAL COLLEGE OR UNIVERSITY.—The term 'tribal college or university' has the meaning given the term in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)).

"(25) TRIBAL HEALTH PROGRAM.—The term 'tribal health program' means an Indian tribe or tribal organization that operates any health program, service, function, activity, or facility funded, in whole or part, by the Service through, or provided for in, a contract or compact with the Service under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)."; and

(13) by striking paragraph (26) (as redesignated by paragraph (3)) and inserting the following:

"(26) TRIBAL ORGANIZATION.—The term 'tribal organization' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).";

#### Subtitle A—Indian Health Manpower

##### SEC. 111. COMMUNITY HEALTH AIDE PROGRAM.

Section 119 of the Indian Health Care Improvement Act (25 U.S.C. 1616) is amended to read as follows:

**"SEC. 119. COMMUNITY HEALTH AIDE PROGRAM.**

"(a) GENERAL PURPOSES OF PROGRAM.—Pursuant to the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), the Secretary, acting through the Service, shall develop and operate a Community Health Aide Program in the State of Alaska under which the Service—

"(1) provides for the training of Alaska Natives as health aides or community health practitioners;

"(2) uses those aides or practitioners in the provision of health care, health promotion, and disease prevention services to Alaska Natives living in villages in rural Alaska; and

"(3) provides for the establishment of teleconferencing capacity in health clinics located in or near those villages for use by community health aides or community health practitioners.

"(b) SPECIFIC PROGRAM REQUIREMENTS.—The Secretary, acting through the Community Health Aide Program of the Service, shall—

"(1) using trainers accredited by the Program, provide a high standard of training to community health aides and community health practitioners to ensure that those aides and practitioners provide quality health care, health promotion, and disease prevention services to the villages served by the Program;

"(2) in order to provide such training, develop a curriculum that—

"(A) combines education regarding the theory of health care with supervised practical experience in the provision of health care;

"(B) provides instruction and practical experience in the provision of acute care, emergency care, health promotion, disease prevention, and the efficient and effective management of clinic pharmacies, supplies, equipment, and facilities; and

"(C) promotes the achievement of the health status objectives specified in section 3(2);

"(3) establish and maintain a Community Health Aide Certification Board to certify as community health aides or community health practitioners individuals who have successfully completed the training described in paragraph (1) or can demonstrate equivalent experience;

"(4) develop and maintain a system that identifies the needs of community health aides and community health practitioners for continuing education in the provision of health care, including the areas described in paragraph (2)(B), and develop programs that meet the needs for such continuing education;

"(5) develop and maintain a system that provides close supervision of community health aides and community health practitioners;

"(6) develop a system under which the work of community health aides and community health practitioners is reviewed and evaluated to ensure the provision of quality health care, health promotion, and disease prevention services; and

"(7) ensure that—

"(A) pulpal therapy (not including pulpotomies on deciduous teeth) or extraction of adult teeth can be performed by a dental health aide therapist only after consultation with a licensed dentist who determines that the procedure is a medical emergency that cannot be resolved with palliative treatment; and

"(B) dental health aide therapists are strictly prohibited from performing all other oral or jaw surgeries, subject to the condi-

tion that uncomplicated extractions shall not be considered oral surgery under this section.

"(c) PROGRAM REVIEW.—

"(1) NEUTRAL PANEL.—

"(A) ESTABLISHMENT.—The Secretary, acting through the Service, shall establish a neutral panel to carry out the study under paragraph (2).

"(B) MEMBERSHIP.—Members of the neutral panel shall be appointed by the Secretary from among clinicians, economists, community practitioners, oral epidemiologists, and Alaska Natives.

"(2) STUDY.—

"(A) IN GENERAL.—The neutral panel established under paragraph (1) shall conduct a study of the dental health aide therapist services provided by the Community Health Aide Program under this section to ensure that the quality of care provided through those services is adequate and appropriate.

"(B) PARAMETERS OF STUDY.—The Secretary, in consultation with interested parties, including professional dental organizations, shall develop the parameters of the study.

"(C) INCLUSIONS.—The study shall include a determination by the neutral panel with respect to—

"(i) the ability of the dental health aide therapist services under this section to address the dental care needs of Alaska Natives;

"(ii) the quality of care provided through those services, including any training, improvement, or additional oversight required to improve the quality of care; and

"(iii) whether safer and less costly alternatives to the dental health aide therapist services exist.

"(D) CONSULTATION.—In carrying out the study under this paragraph, the neutral panel shall consult with Alaska tribal organizations with respect to the adequacy and accuracy of the study.

"(3) REPORT.—The neutral panel shall submit to the Secretary, the Committee on Indian Affairs of the Senate, and the Committee on Natural Resources of the House of Representatives a report describing the results of the study under paragraph (2), including a description of—

"(A) any determination of the neutral panel under paragraph (2)(C); and

"(B) any comments received from Alaska tribal organizations under paragraph (2)(D).

"(d) NATIONALIZATION OF PROGRAM.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary, acting through the Service, may establish a national Community Health Aide Program in accordance with the program under this section, as the Secretary determines to be appropriate.

"(2) REQUIREMENT; EXCLUSION.—In establishing a national program under paragraph (1), the Secretary—

"(A) shall not reduce the amounts provided for the Community Health Aide Program described in subsections (a) and (b); and

"(B) shall exclude dental health aide therapist services from services covered under the program."

**SEC. 112. HEALTH PROFESSIONAL CHRONIC SHORTAGE DEMONSTRATION PROGRAMS.**

Title I of the Indian Health Care Improvement Act (25 U.S.C. 1611 et seq.) (as amended by section 101(b)) is amended by adding at the end the following:

**"SEC. 123. HEALTH PROFESSIONAL CHRONIC SHORTAGE DEMONSTRATION PROGRAMS.**

"(a) DEMONSTRATION PROGRAMS.—The Secretary, acting through the Service, may fund

demonstration programs for Indian health programs to address the chronic shortages of health professionals.

"(b) PURPOSES OF PROGRAMS.—The purposes of demonstration programs under subsection (a) shall be—

"(1) to provide direct clinical and practical experience within an Indian health program to health profession students and residents from medical schools;

"(2) to improve the quality of health care for Indians by ensuring access to qualified health professionals;

"(3) to provide academic and scholarly opportunities for health professionals serving Indians by identifying all academic and scholarly resources of the region; and

"(4) to provide training and support for alternative provider types, such as community health representatives, and community health aides.

"(c) ADVISORY BOARD.—The demonstration programs established pursuant to subsection (a) shall incorporate a program advisory board, which may be composed of representatives of tribal governments, Indian health programs, and Indian communities in the areas to be served by the demonstration programs."

**SEC. 113. EXEMPTION FROM PAYMENT OF CERTAIN FEES.**

Title I of the Indian Health Care Improvement Act (25 U.S.C. 1611 et seq.) (as amended by section 112) is amended by adding at the end the following:

**"SEC. 124. EXEMPTION FROM PAYMENT OF CERTAIN FEES.**

"Employees of a tribal health program or urban Indian organization shall be exempt from payment of licensing, registration, and any other fees imposed by a Federal agency to the same extent that officers of the commissioned corps of the Public Health Service and other employees of the Service are exempt from those fees."

**Subtitle B—Health Services****SEC. 121. INDIAN HEALTH CARE IMPROVEMENT FUND.**

Section 201 of the Indian Health Care Improvement Act (25 U.S.C. 1621) is amended to read as follows:

**"SEC. 201. INDIAN HEALTH CARE IMPROVEMENT FUND.**

"(a) USE OF FUNDS.—The Secretary, acting through the Service, is authorized to expend funds, directly or under the authority of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), which are appropriated under the authority of this section, for the purposes of—

"(1) eliminating the deficiencies in health status and health resources of all Indian tribes;

"(2) eliminating backlogs in the provision of health care services to Indians;

"(3) meeting the health needs of Indians in an efficient and equitable manner, including the use of telehealth and telemedicine when appropriate;

"(4) eliminating inequities in funding for both direct care and contract health service programs; and

"(5) augmenting the ability of the Service to meet the following health service responsibilities with respect to those Indian tribes with the highest levels of health status deficiencies and resource deficiencies:

"(A) Clinical care, including inpatient care, outpatient care (including audiology, clinical eye, and vision care), primary care, secondary and tertiary care, and long-term care.

"(B) Preventive health, including mammography and other cancer screening.

“(C) Dental care.

“(D) Mental health, including community mental health services, inpatient mental health services, dormitory mental health services, therapeutic and residential treatment centers, and training of traditional health care practitioners.

“(E) Emergency medical services.

“(F) Treatment and control of, and rehabilitative care related to, alcoholism and drug abuse (including fetal alcohol syndrome) among Indians.

“(G) Injury prevention programs, including data collection and evaluation, demonstration projects, training, and capacity building.

“(H) Home health care.

“(I) Community health representatives.

“(J) Maintenance and improvement.

“(b) NO OFFSET OR LIMITATION.—Any funds appropriated under the authority of this section shall not be used to offset or limit any other appropriations made to the Service under this Act or the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the ‘Snyder Act’), or any other provision of law.

“(c) ALLOCATION; USE.—

“(1) IN GENERAL.—Funds appropriated under the authority of this section shall be allocated to Service units, Indian tribes, or tribal organizations. The funds allocated to each Indian tribe, tribal organization, or Service unit under this paragraph shall be used by the Indian tribe, tribal organization, or Service unit under this paragraph to improve the health status and reduce the resource deficiency of each Indian tribe served by such Service unit, Indian tribe, or tribal organization.

“(2) APPORTIONMENT OF ALLOCATED FUNDS.—The apportionment of funds allocated to a Service unit, Indian tribe, or tribal organization under paragraph (1) among the health service responsibilities described in subsection (a)(5) shall be determined by the Service in consultation with, and with the active participation of, the affected Indian tribes and tribal organizations.

“(d) PROVISIONS RELATING TO HEALTH STATUS AND RESOURCE DEFICIENCIES.—For the purposes of this section, the following definitions apply:

“(1) DEFINITION.—The term ‘health status and resource deficiency’ means the extent to which—

“(A) the health status objectives set forth in sections 3(1) and 3(2) are not being achieved; and

“(B) the Indian tribe or tribal organization does not have available to it the health resources it needs, taking into account the actual cost of providing health care services given local geographic, climatic, rural, or other circumstances.

“(2) AVAILABLE RESOURCES.—The health resources available to an Indian tribe or tribal organization include health resources provided by the Service as well as health resources used by the Indian tribe or tribal organization, including services and financing systems provided by any Federal programs, private insurance, and programs of State or local governments.

“(3) PROCESS FOR REVIEW OF DETERMINATIONS.—The Secretary shall establish procedures which allow any Indian tribe or tribal organization to petition the Secretary for a review of any determination of the extent of the health status and resource deficiency of such Indian tribe or tribal organization.

“(e) ELIGIBILITY FOR FUNDS.—Tribal health programs shall be eligible for funds appropriated under the authority of this section on an equal basis with programs that are administered directly by the Service.

“(f) REPORT.—By no later than the date that is 3 years after the date of enactment of the Indian Health Care Improvement Reauthorization and Extension Act of 2009, the Secretary shall submit to Congress the current health status and resource deficiency report of the Service for each Service unit, including newly recognized or acknowledged Indian tribes. Such report shall set out—

“(1) the methodology then in use by the Service for determining tribal health status and resource deficiencies, as well as the most recent application of that methodology;

“(2) the extent of the health status and resource deficiency of each Indian tribe served by the Service or a tribal health program;

“(3) the amount of funds necessary to eliminate the health status and resource deficiencies of all Indian tribes served by the Service or a tribal health program; and

“(4) an estimate of—

“(A) the amount of health service funds appropriated under the authority of this Act, or any other Act, including the amount of any funds transferred to the Service for the preceding fiscal year which is allocated to each Service unit, Indian tribe, or tribal organization;

“(B) the number of Indians eligible for health services in each Service unit or Indian tribe or tribal organization; and

“(C) the number of Indians using the Service resources made available to each Service unit, Indian tribe or tribal organization, and, to the extent available, information on the waiting lists and number of Indians turned away for services due to lack of resources.

“(g) INCLUSION IN BASE BUDGET.—Funds appropriated under this section for any fiscal year shall be included in the base budget of the Service for the purpose of determining appropriations under this section in subsequent fiscal years.

“(h) CLARIFICATION.—Nothing in this section is intended to diminish the primary responsibility of the Service to eliminate existing backlogs in unmet health care needs, nor are the provisions of this section intended to discourage the Service from undertaking additional efforts to achieve equity among Indian tribes and tribal organizations.

“(i) FUNDING DESIGNATION.—Any funds appropriated under the authority of this section shall be designated as the ‘Indian Health Care Improvement Fund’.”

#### SEC. 122. CATASTROPHIC HEALTH EMERGENCY FUND.

Section 202 of the Indian Health Care Improvement Act (25 U.S.C. 1621a) is amended to read as follows:

#### “SEC. 202. CATASTROPHIC HEALTH EMERGENCY FUND.

“(a) ESTABLISHMENT.—There is established an Indian Catastrophic Health Emergency Fund (hereafter in this section referred to as the ‘CHEF’) consisting of—

“(1) the amounts deposited under subsection (f); and

“(2) the amounts appropriated to CHEF under this section.

“(b) ADMINISTRATION.—CHEF shall be administered by the Secretary, acting through the headquarters of the Service, solely for the purpose of meeting the extraordinary medical costs associated with the treatment of victims of disasters or catastrophic illnesses who are within the responsibility of the Service.

“(c) CONDITIONS ON USE OF FUND.—No part of CHEF or its administration shall be subject to contract or grant under any law, including the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et

seq.), nor shall CHEF funds be allocated, apportioned, or delegated on an Area Office, Service Unit, or other similar basis.

“(d) REGULATIONS.—The Secretary shall promulgate regulations consistent with the provisions of this section to—

“(1) establish a definition of disasters and catastrophic illnesses for which the cost of the treatment provided under contract would qualify for payment from CHEF;

“(2) provide that a Service Unit shall not be eligible for reimbursement for the cost of treatment from CHEF until its cost of treating any victim of such catastrophic illness or disaster has reached a certain threshold cost which the Secretary shall establish at—

“(A) the 2000 level of \$19,000; and

“(B) for any subsequent year, not less than the threshold cost of the previous year increased by the percentage increase in the medical care expenditure category of the consumer price index for all urban consumers (United States city average) for the 12-month period ending with December of the previous year;

“(3) establish a procedure for the reimbursement of the portion of the costs that exceeds such threshold cost incurred by—

“(A) Service Units; or

“(B) whenever otherwise authorized by the Service, non-Service facilities or providers;

“(4) establish a procedure for payment from CHEF in cases in which the exigencies of the medical circumstances warrant treatment prior to the authorization of such treatment by the Service; and

“(5) establish a procedure that will ensure that no payment shall be made from CHEF to any provider of treatment to the extent that such provider is eligible to receive payment for the treatment from any other Federal, State, local, or private source of reimbursement for which the patient is eligible.

“(e) NO OFFSET OR LIMITATION.—Amounts appropriated to CHEF under this section shall not be used to offset or limit appropriations made to the Service under the authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the ‘Snyder Act’), or any other law.

“(f) DEPOSIT OF REIMBURSEMENT FUNDS.—There shall be deposited into CHEF all reimbursements to which the Service is entitled from any Federal, State, local, or private source (including third party insurance) by reason of treatment rendered to any victim of a disaster or catastrophic illness the cost of which was paid from CHEF.”

#### SEC. 123. DIABETES PREVENTION, TREATMENT, AND CONTROL.

Section 204 of the Indian Health Care Improvement Act (25 U.S.C. 1621c) is amended to read as follows:

#### “SEC. 204. DIABETES PREVENTION, TREATMENT, AND CONTROL.

“(a) DETERMINATIONS REGARDING DIABETES.—The Secretary, acting through the Service, and in consultation with Indian tribes and tribal organizations, shall determine—

“(1) by Indian tribe and by Service unit, the incidence of, and the types of complications resulting from, diabetes among Indians; and

“(2) based on the determinations made pursuant to paragraph (1), the measures (including patient education and effective ongoing monitoring of disease indicators) each Service unit should take to reduce the incidence of, and prevent, treat, and control the complications resulting from, diabetes among Indian tribes within that Service unit.

“(b) DIABETES SCREENING.—To the extent medically indicated and with informed consent, the Secretary shall screen each Indian

who receives services from the Service for diabetes and for conditions which indicate a high risk that the individual will become diabetic and establish a cost-effective approach to ensure ongoing monitoring of disease indicators. Such screening and monitoring may be conducted by a tribal health program and may be conducted through appropriate Internet-based health care management programs.

“(c) **DIABETES PROJECTS.**—The Secretary shall continue to maintain each model diabetes project in existence on the date of enactment of the Indian Health Care Improvement Reauthorization and Extension Act of 2009, any such other diabetes programs operated by the Service or tribal health programs, and any additional diabetes projects, such as the Medical Vanguard program provided for in title IV of Public Law 108–87, as implemented to serve Indian tribes. tribal health programs shall receive recurring funding for the diabetes projects that they operate pursuant to this section, both at the date of enactment of the Indian Health Care Improvement Reauthorization and Extension Act of 2009 and for projects which are added and funded thereafter.

“(d) **DIALYSIS PROGRAMS.**—The Secretary is authorized to provide, through the Service, Indian tribes, and tribal organizations, dialysis programs, including the purchase of dialysis equipment and the provision of necessary staffing.

“(e) **OTHER DUTIES OF THE SECRETARY.**—

“(1) **IN GENERAL.**—The Secretary shall, to the extent funding is available—

“(A) in each area office, consult with Indian tribes and tribal organizations regarding programs for the prevention, treatment, and control of diabetes;

“(B) establish in each area office a registry of patients with diabetes to track the incidence of diabetes and the complications from diabetes in that area; and

“(C) ensure that data collected in each area office regarding diabetes and related complications among Indians are disseminated to all other area offices, subject to applicable patient privacy laws.

“(2) **DIABETES CONTROL OFFICERS.**—

“(A) **IN GENERAL.**—The Secretary may establish and maintain in each area office a position of diabetes control officer to coordinate and manage any activity of that area office relating to the prevention, treatment, or control of diabetes to assist the Secretary in carrying out a program under this section or section 330C of the Public Health Service Act (42 U.S.C. 254c–3).

“(B) **CERTAIN ACTIVITIES.**—Any activity carried out by a diabetes control officer under subparagraph (A) that is the subject of a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), and any funds made available to carry out such an activity, shall not be divisible for purposes of that Act.”

#### **SEC. 124. OTHER AUTHORITY FOR PROVISION OF SERVICES; SHARED SERVICES FOR LONG-TERM CARE.**

(a) **OTHER AUTHORITY FOR PROVISION OF SERVICES.**—

(1) **IN GENERAL.**—Section 205 of the Indian Health Care Improvement Act (25 U.S.C. 1621d) is amended to read as follows:

#### **“SEC. 205. OTHER AUTHORITY FOR PROVISION OF SERVICES.**

“(a) **DEFINITIONS.**—In this section:

“(1) **ASSISTED LIVING SERVICE.**—The term ‘assisted living service’ means any service provided by an assisted living facility (as defined in section 232(b) of the National Housing Act (12 U.S.C. 1715w(b))), except that such an assisted living facility—

“(A) shall not be required to obtain a license; but

“(B) shall meet all applicable standards for licensure.

“(2) **HOME- AND COMMUNITY-BASED SERVICE.**—The term ‘home- and community-based service’ means 1 or more of the services specified in paragraphs (1) through (9) of section 1929(a) of the Social Security Act (42 U.S.C. 1396t(a)) (whether provided by the Service or by an Indian tribe or tribal organization pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)) that are or will be provided in accordance with applicable standards.

“(3) **HOSPICE CARE.**—The term ‘hospice care’ means—

“(A) the items and services specified in subparagraphs (A) through (H) of section 1861(dd)(1) of the Social Security Act (42 U.S.C. 1395x(dd)(1)); and

“(B) such other services as an Indian tribe or tribal organization determines are necessary and appropriate to provide in furtherance of that care.

“(4) **LONG-TERM CARE SERVICES.**—The term ‘long-term care services’ has the meaning given the term ‘qualified long-term care services’ in section 7702B(c) of the Internal Revenue Code of 1986.

“(b) **FUNDING AUTHORIZED.**—The Secretary, acting through the Service, Indian tribes, and tribal organizations, may provide funding under this Act to meet the objectives set forth in section 3 through health care-related services and programs not otherwise described in this Act for the following services:

“(1) Hospice care.

“(2) Assisted living services.

“(3) Long-term care services.

“(4) Home- and community-based services.

“(c) **ELIGIBILITY.**—The following individuals shall be eligible to receive long-term care services under this section:

“(1) Individuals who are unable to perform a certain number of activities of daily living without assistance.

“(2) Individuals with a mental impairment, such as dementia, Alzheimer’s disease, or another disabling mental illness, who may be able to perform activities of daily living under supervision.

“(3) Such other individuals as an applicable tribal health program determines to be appropriate.

“(d) **AUTHORIZATION OF CONVENIENT CARE SERVICES.**—The Secretary, acting through the Service, Indian tribes, and tribal organizations, may also provide funding under this Act to meet the objectives set forth in section 3 for convenient care services programs pursuant to section 307(c)(2)(A).”

(2) **REPEAL.**—Section 821 of the Indian Health Care Improvement Act (25 U.S.C. 1680k) is repealed.

(b) **SHARED SERVICES FOR LONG-TERM CARE.**—Section 822 of the Indian Health Care Improvement Act (25 U.S.C. 1680l) is amended to read as follows:

#### **“SEC. 822. SHARED SERVICES FOR LONG-TERM CARE.**

“(a) **LONG-TERM CARE.**—

“(1) **IN GENERAL.**—Notwithstanding any other provision of law, the Secretary, acting through the Service, is authorized to provide directly, or enter into contracts or compacts under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) with Indian tribes or tribal organizations for, the delivery of long-term care (including health care services associated with long-term care) provided in a facility to Indians.

“(2) **INCLUSIONS.**—Each agreement under paragraph (1) shall provide for the sharing of staff or other services between the Service or a tribal health program and a long-term care or related facility owned and operated (directly or through a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)) by the Indian tribe or tribal organization.

“(b) **CONTENTS OF AGREEMENTS.**—An agreement entered into pursuant to subsection (a)—

“(1) may, at the request of the Indian tribe or tribal organization, delegate to the Indian tribe or tribal organization such powers of supervision and control over Service employees as the Secretary determines to be necessary to carry out the purposes of this section;

“(2) shall provide that expenses (including salaries) relating to services that are shared between the Service and the tribal health program be allocated proportionately between the Service and the Indian tribe or tribal organization; and

“(3) may authorize the Indian tribe or tribal organization to construct, renovate, or expand a long-term care or other similar facility (including the construction of a facility attached to a Service facility).

“(c) **MINIMUM REQUIREMENT.**—Any nursing facility provided for under this section shall meet the requirements for nursing facilities under section 1919 of the Social Security Act (42 U.S.C. 1396r).

“(d) **OTHER ASSISTANCE.**—The Secretary shall provide such technical and other assistance as may be necessary to enable applicants to comply with this section.

“(e) **USE OF EXISTING OR UNDERUSED FACILITIES.**—The Secretary shall encourage the use of existing facilities that are underused, or allow the use of swing beds, for long-term or similar care.”

#### **SEC. 125. REIMBURSEMENT FROM CERTAIN THIRD PARTIES OF COSTS OF HEALTH SERVICES.**

Section 206 of the Indian Health Care Improvement Act (25 U.S.C. 1621e) is amended to read as follows:

#### **“SEC. 206. REIMBURSEMENT FROM CERTAIN THIRD PARTIES OF COSTS OF HEALTH SERVICES.**

“(a) **RIGHT OF RECOVERY.**—Except as provided in subsection (f), the United States, an Indian tribe, or tribal organization shall have the right to recover from an insurance company, health maintenance organization, employee benefit plan, third-party tortfeasor, or any other responsible or liable third party (including a political subdivision or local governmental entity of a State) the reasonable charges billed by the Secretary, an Indian tribe, or tribal organization in providing health services through the Service, an Indian tribe, or tribal organization, or, if higher, the highest amount the third party would pay for care and services furnished by providers other than governmental entities, to any individual to the same extent that such individual, or any nongovernmental provider of such services, would be eligible to receive damages, reimbursement, or indemnification for such charges or expenses if—

“(1) such services had been provided by a nongovernmental provider; and

“(2) such individual had been required to pay such charges or expenses and did pay such charges or expenses.

“(b) **LIMITATIONS ON RECOVERIES FROM STATES.**—Subsection (a) shall provide a right of recovery against any State, only if the injury, illness, or disability for which health services were provided is covered under—

“(1) workers’ compensation laws; or

“(2) a no-fault automobile accident insurance plan or program.

“(c) **NONAPPLICABILITY OF OTHER LAWS.**—No law of any State, or of any political subdivision of a State and no provision of any contract, insurance or health maintenance organization policy, employee benefit plan, self-insurance plan, managed care plan, or other health care plan or program entered into or renewed after the date of enactment of the Indian Health Care Amendments of 1988, shall prevent or hinder the right of recovery of the United States, an Indian tribe, or tribal organization under subsection (a).

“(d) **NO EFFECT ON PRIVATE RIGHTS OF ACTION.**—No action taken by the United States, an Indian tribe, or tribal organization to enforce the right of recovery provided under this section shall operate to deny to the injured person the recovery for that portion of the person’s damage not covered hereunder.

“(e) **ENFORCEMENT.**—

“(1) **IN GENERAL.**—The United States, an Indian tribe, or tribal organization may enforce the right of recovery provided under subsection (a) by—

“(A) intervening or joining in any civil action or proceeding brought—

“(i) by the individual for whom health services were provided by the Secretary, an Indian tribe, or tribal organization; or

“(ii) by any representative or heirs of such individual, or

“(B) instituting a separate civil action, including a civil action for injunctive relief and other relief and including, with respect to a political subdivision or local governmental entity of a State, such an action against an official thereof.

“(2) **NOTICE.**—All reasonable efforts shall be made to provide notice of action instituted under paragraph (1)(B) to the individual to whom health services were provided, either before or during the pendency of such action.

“(3) **RECOVERY FROM TORTFEASORS.**—

“(A) **IN GENERAL.**—In any case in which an Indian tribe or tribal organization that is authorized or required under a compact or contract issued pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) to furnish or pay for health services to a person who is injured or suffers a disease on or after the date of enactment of the Indian Health Care Improvement Reauthorization and Extension Act of 2009 under circumstances that establish grounds for a claim of liability against the tortfeasor with respect to the injury or disease, the Indian tribe or tribal organization shall have a right to recover from the tortfeasor (or an insurer of the tortfeasor) the reasonable value of the health services so furnished, paid for, or to be paid for, in accordance with the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.), to the same extent and under the same circumstances as the United States may recover under that Act.

“(B) **TREATMENT.**—The right of an Indian tribe or tribal organization to recover under subparagraph (A) shall be independent of the rights of the injured or diseased person served by the Indian tribe or tribal organization.

“(f) **LIMITATION.**—Absent specific written authorization by the governing body of an Indian tribe for the period of such authorization (which may not be for a period of more than 1 year and which may be revoked at any time upon written notice by the governing body to the Service), the United States shall not have a right of recovery under this sec-

tion if the injury, illness, or disability for which health services were provided is covered under a self-insurance plan funded by an Indian tribe, tribal organization, or urban Indian organization. Where such authorization is provided, the Service may receive and expend such amounts for the provision of additional health services consistent with such authorization.

“(g) **COSTS AND ATTORNEY’S FEES.**—In any action brought to enforce the provisions of this section, a prevailing plaintiff shall be awarded its reasonable attorney’s fees and costs of litigation.

“(h) **NONAPPLICABILITY OF CLAIMS FILING REQUIREMENTS.**—An insurance company, health maintenance organization, self-insurance plan, managed care plan, or other health care plan or program (under the Social Security Act or otherwise) may not deny a claim for benefits submitted by the Service or by an Indian tribe or tribal organization based on the format in which the claim is submitted if such format complies with the format required for submission of claims under title XVIII of the Social Security Act or recognized under section 1175 of such Act.

“(i) **APPLICATION TO URBAN INDIAN ORGANIZATIONS.**—The previous provisions of this section shall apply to urban Indian organizations with respect to populations served by such Organizations in the same manner they apply to Indian tribes and tribal organizations with respect to populations served by such Indian tribes and tribal organizations.

“(j) **STATUTE OF LIMITATIONS.**—The provisions of section 2415 of title 28, United States Code, shall apply to all actions commenced under this section, and the references therein to the United States are deemed to include Indian tribes, tribal organizations, and urban Indian organizations.

“(k) **SAVINGS.**—Nothing in this section shall be construed to limit any right of recovery available to the United States, an Indian tribe, or tribal organization under the provisions of any applicable, Federal, State, or tribal law, including medical lien laws.”.

#### SEC. 126. CREDITING OF REIMBURSEMENTS.

Section 207 of the Indian Health Care Improvement Act (25 U.S.C. 1621f) is amended to read as follows:

##### “SEC. 207. CREDITING OF REIMBURSEMENTS.

“(a) **USE OF AMOUNTS.**—

“(1) **RETENTION BY PROGRAM.**—Except as provided in sections 202(a)(2) and 813, all reimbursements received or recovered under any of the programs described in paragraph (2), including under section 813, by reason of the provision of health services by the Service, by an Indian tribe or tribal organization, or by an urban Indian organization, shall be credited to the Service, such Indian tribe or tribal organization, or such urban Indian organization, respectively, and may be used as provided in section 401. In the case of such a service provided by or through a Service Unit, such amounts shall be credited to such unit and used for such purposes.

“(2) **PROGRAMS COVERED.**—The programs referred to in paragraph (1) are the following:

“(A) Titles XVIII, XIX, and XXI of the Social Security Act.

“(B) This Act, including section 813.

“(C) Public Law 87–693.

“(D) Any other provision of law.

“(b) **NO OFFSET OF AMOUNTS.**—The Service may not offset or limit any amount obligated to any Service Unit or entity receiving funding from the Service because of the receipt of reimbursements under subsection (a).”.

#### SEC. 127. BEHAVIORAL HEALTH TRAINING AND COMMUNITY EDUCATION PROGRAMS.

Section 209 of the Indian Health Care Improvement Act (25 U.S.C. 1621h) is amended by striking subsection (d) and inserting the following:

“(d) **BEHAVIORAL HEALTH TRAINING AND COMMUNITY EDUCATION PROGRAMS.**—

“(1) **STUDY; LIST.**—The Secretary, acting through the Service, and the Secretary of the Interior, in consultation with Indian tribes and tribal organizations, shall conduct a study and compile a list of the types of staff positions specified in paragraph (2) whose qualifications include, or should include, training in the identification, prevention, education, referral, or treatment of mental illness, or dysfunctional and self-destructive behavior.

“(2) **POSITIONS.**—The positions referred to in paragraph (1) are—

“(A) staff positions within the Bureau of Indian Affairs, including existing positions, in the fields of—

“(i) elementary and secondary education;

“(ii) social services and family and child welfare;

“(iii) law enforcement and judicial services; and

“(iv) alcohol and substance abuse;

“(B) staff positions within the Service; and

“(C) staff positions similar to those identified in subparagraphs (A) and (B) established and maintained by Indian tribes and tribal organizations (without regard to the funding source).

“(3) **TRAINING CRITERIA.**—

“(A) **IN GENERAL.**—The appropriate Secretary shall provide training criteria appropriate to each type of position identified in paragraphs (2)(A) and (2)(B) and ensure that appropriate training has been, or shall be provided to any individual in any such position. With respect to any such individual in a position identified pursuant to paragraph (2)(C), the respective Secretaries shall provide appropriate training to, or provide funds to, an Indian tribe or tribal organization for training of appropriate individuals. In the case of positions funded under a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), the appropriate Secretary shall ensure that such training costs are included in the contract or compact, as the Secretary determines necessary.

“(B) **POSITION SPECIFIC TRAINING CRITERIA.**—Position specific training criteria shall be culturally relevant to Indians and Indian tribes and shall ensure that appropriate information regarding traditional health care practices is provided.

“(4) **COMMUNITY EDUCATION ON MENTAL ILLNESS.**—The Service shall develop and implement, on request of an Indian tribe, tribal organization, or urban Indian organization, or assist the Indian tribe, tribal organization, or urban Indian organization to develop and implement, a program of community education on mental illness. In carrying out this paragraph, the Service shall, upon request of an Indian tribe, tribal organization, or urban Indian organization, provide technical assistance to the Indian tribe, tribal organization, or urban Indian organization to obtain and develop community educational materials on the identification, prevention, referral, and treatment of mental illness and dysfunctional and self-destructive behavior.

“(5) **PLAN.**—Not later than 90 days after the date of enactment of the Indian Health Care Improvement Reauthorization and Extension Act of 2009, the Secretary shall develop a



plan under which the Service will increase the health care staff providing behavioral health services by at least 500 positions within 5 years after the date of enactment of that Act, with at least 200 of such positions devoted to child, adolescent, and family services. The plan developed under this paragraph shall be implemented under the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act')."

#### SEC. 128. CANCER SCREENINGS.

Section 212 of the Indian Health Care Improvement Act (25 U.S.C. 1621k) is amended by inserting "and other cancer screenings" before the period at the end.

#### SEC. 129. PATIENT TRAVEL COSTS.

Section 213 of the Indian Health Care Improvement Act (25 U.S.C. 1621l) is amended to read as follows:

##### "SEC. 213. PATIENT TRAVEL COSTS.

"(a) DEFINITION OF QUALIFIED ESCORT.—In this section, the term 'qualified escort' means—

"(1) an adult escort (including a parent, guardian, or other family member) who is required because of the physical or mental condition, or age, of the applicable patient;

"(2) a health professional for the purpose of providing necessary medical care during travel by the applicable patient; or

"(3) other escorts, as the Secretary or applicable Indian Health Program determines to be appropriate.

"(b) PROVISION OF FUNDS.—The Secretary, acting through the Service and Tribal Health Programs, is authorized to provide funds for the following patient travel costs, including qualified escorts, associated with receiving health care services provided (either through direct or contract care or through a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)) under this Act—

"(1) emergency air transportation and non-emergency air transportation where ground transportation is infeasible;

"(2) transportation by private vehicle (where no other means of transportation is available), specially equipped vehicle, and ambulance; and

"(3) transportation by such other means as may be available and required when air or motor vehicle transportation is not available."

#### SEC. 130. EPIDEMIOLOGY CENTERS.

Section 214 of the Indian Health Care Improvement Act (25 U.S.C. 1621m) is amended to read as follows:

##### "SEC. 214. EPIDEMIOLOGY CENTERS.

"(a) ESTABLISHMENT OF CENTERS.—

"(1) IN GENERAL.—The Secretary shall establish an epidemiology center in each Service area to carry out the functions described in subsection (b).

"(2) NEW CENTERS.—

"(A) IN GENERAL.—Subject to subparagraph (B), any new center established after the date of enactment of the Indian Health Care Improvement Reauthorization and Extension Act of 2009 may be operated under a grant authorized by subsection (d).

"(B) REQUIREMENT.—Funding provided in a grant described in subparagraph (A) shall not be divisible.

"(3) FUNDS NOT DIVISIBLE.—An epidemiology center established under this subsection shall be subject to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), but the funds for the center shall not be divisible.

"(b) FUNCTIONS OF CENTERS.—In consultation with and on the request of Indian tribes, tribal organizations, and urban Indian orga-

nizations, each Service area epidemiology center established under this section shall, with respect to the applicable Service area—

"(1) collect data relating to, and monitor progress made toward meeting, each of the health status objectives of the Service, the Indian tribes, tribal organizations, and urban Indian organizations in the Service area;

"(2) evaluate existing delivery systems, data systems, and other systems that impact the improvement of Indian health;

"(3) assist Indian tribes, tribal organizations, and urban Indian organizations in identifying highest-priority health status objectives and the services needed to achieve those objectives, based on epidemiological data;

"(4) make recommendations for the targeting of services needed by the populations served;

"(5) make recommendations to improve health care delivery systems for Indians and urban Indians;

"(6) provide requested technical assistance to Indian tribes, tribal organizations, and urban Indian organizations in the development of local health service priorities and incidence and prevalence rates of disease and other illness in the community; and

"(7) provide disease surveillance and assist Indian tribes, tribal organizations, and urban Indian communities to promote public health.

"(c) TECHNICAL ASSISTANCE.—The Director of the Centers for Disease Control and Prevention shall provide technical assistance to the centers in carrying out this section.

"(d) GRANTS FOR STUDIES.—

"(1) IN GENERAL.—The Secretary may make grants to Indian tribes, tribal organizations, Indian organizations, and eligible intertribal consortia to conduct epidemiological studies of Indian communities.

"(2) ELIGIBLE INTERTRIBAL CONSORTIA.—An intertribal consortium or Indian organization shall be eligible to receive a grant under this subsection if the intertribal consortium is—

"(A) incorporated for the primary purpose of improving Indian health; and

"(B) representative of the Indian tribes or urban Indian communities residing in the area in which the intertribal consortium is located.

"(3) APPLICATIONS.—An application for a grant under this subsection shall be submitted in such manner and at such time as the Secretary shall prescribe.

"(4) REQUIREMENTS.—An applicant for a grant under this subsection shall—

"(A) demonstrate the technical, administrative, and financial expertise necessary to carry out the functions described in paragraph (5);

"(B) consult and cooperate with providers of related health and social services in order to avoid duplication of existing services; and

"(C) demonstrate cooperation from Indian tribes or urban Indian organizations in the area to be served.

"(5) USE OF FUNDS.—A grant provided under paragraph (1) may be used—

"(A) to carry out the functions described in subsection (b);

"(B) to provide information to, and consult with, tribal leaders, urban Indian community leaders, and related health staff regarding health care and health service management issues; and

"(C) in collaboration with Indian tribes, tribal organizations, and urban Indian organizations, to provide to the Service information regarding ways to improve the health status of Indians.

"(e) ACCESS TO INFORMATION.—

"(1) IN GENERAL.—An epidemiology center operated by a grantee pursuant to a grant awarded under subsection (d) shall be treated as a public health authority (as defined in section 164.501 of title 45, Code of Federal Regulations (or a successor regulation)) for purposes of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191; 110 Stat. 1936).

"(2) ACCESS TO INFORMATION.—The Secretary shall grant to each epidemiology center described in paragraph (1) access to use of the data, data sets, monitoring systems, delivery systems, and other protected health information in the possession of the Secretary.

"(3) REQUIREMENT.—The activities of an epidemiology center described in paragraph (1) shall be for the purposes of research and for preventing and controlling disease, injury, or disability (as those activities are described in section 164.512 of title 45, Code of Federal Regulations (or a successor regulation)), for purposes of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191; 110 Stat. 1936)."

#### SEC. 131. INDIAN YOUTH GRANT PROGRAM.

Section 216(b)(2) of the Indian Health Care Improvement Act (25 U.S.C. 1621o(b)(2)) is amended by striking "section 209(m)" and inserting "section 708(c)".

#### SEC. 132. AMERICAN INDIANS INTO PSYCHOLOGY PROGRAM.

Section 217 of the Indian Health Care Improvement Act (25 U.S.C. 1621p) is amended to read as follows:

##### "SEC. 217. AMERICAN INDIANS INTO PSYCHOLOGY PROGRAM.

"(a) GRANTS AUTHORIZED.—The Secretary, acting through the Service, shall make grants of not more than \$300,000 to each of 9 colleges and universities for the purpose of developing and maintaining Indian psychology career recruitment programs as a means of encouraging Indians to enter the behavioral health field. These programs shall be located at various locations throughout the country to maximize their availability to Indian students and new programs shall be established in different locations from time to time.

"(b) QUENTIN N. BURDICK PROGRAM GRANT.—The Secretary shall provide a grant authorized under subsection (a) to develop and maintain a program at the University of North Dakota to be known as the 'Quentin N. Burdick American Indians Into Psychology Program'. Such program shall, to the maximum extent feasible, coordinate with the Quentin N. Burdick Indian health programs authorized under section 117(b), the Quentin N. Burdick American Indians Into Nursing Program authorized under section 115(e), and existing university research and communications networks.

"(c) REGULATIONS.—The Secretary shall issue regulations pursuant to this Act for the competitive awarding of grants provided under this section.

"(d) CONDITIONS OF GRANT.—Applicants under this section shall agree to provide a program which, at a minimum—

"(1) provides outreach and recruitment for health professions to Indian communities including elementary, secondary, and accredited and accessible community colleges that will be served by the program;

"(2) incorporates a program advisory board comprised of representatives from the tribes and communities that will be served by the program;

"(3) provides summer enrichment programs to expose Indian students to the various

fields of psychology through research, clinical, and experimental activities;

“(4) provides stipends to undergraduate and graduate students to pursue a career in psychology;

“(5) develops affiliation agreements with tribal colleges and universities, the Service, university affiliated programs, and other appropriate accredited and accessible entities to enhance the education of Indian students;

“(6) to the maximum extent feasible, uses existing university tutoring, counseling, and student support services; and

“(7) to the maximum extent feasible, employs qualified Indians in the program.

“(e) **ACTIVE DUTY SERVICE REQUIREMENT.**—The active duty service obligation prescribed under section 338C of the Public Health Service Act (42 U.S.C. 254m) shall be met by each graduate who receives a stipend described in subsection (d)(4) that is funded under this section. Such obligation shall be met by service—

“(1) in an Indian health program;

“(2) in a program assisted under title V; or

“(3) in the private practice of psychology if, as determined by the Secretary, in accordance with guidelines promulgated by the Secretary, such practice is situated in a physician or other health professional shortage area and addresses the health care needs of a substantial number of Indians.

“(f) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$2,700,000 for fiscal year 2010 and each fiscal year thereafter.”

**SEC. 133. PREVENTION, CONTROL, AND ELIMINATION OF COMMUNICABLE AND INFECTIOUS DISEASES.**

Section 218 of the Indian Health Care Improvement Act (25 U.S.C. 1621q) is amended to read as follows:

**“SEC. 218. PREVENTION, CONTROL, AND ELIMINATION OF COMMUNICABLE AND INFECTIOUS DISEASES.**

“(a) **GRANTS AUTHORIZED.**—The Secretary, acting through the Service, and after consultation with the Centers for Disease Control and Prevention, may make grants available to Indian tribes and tribal organizations for the following:

“(1) Projects for the prevention, control, and elimination of communicable and infectious diseases, including tuberculosis, hepatitis, HIV, respiratory syncytial virus, hanta virus, sexually transmitted diseases, and *H. pylori*.

“(2) Public information and education programs for the prevention, control, and elimination of communicable and infectious diseases.

“(3) Education, training, and clinical skills improvement activities in the prevention, control, and elimination of communicable and infectious diseases for health professionals, including allied health professionals.

“(4) Demonstration projects for the screening, treatment, and prevention of hepatitis C virus (HCV).

“(b) **APPLICATION REQUIRED.**—The Secretary may provide funding under subsection (a) only if an application or proposal for funding is submitted to the Secretary.

“(c) **COORDINATION WITH HEALTH AGENCIES.**—Indian tribes and tribal organizations receiving funding under this section are encouraged to coordinate their activities with the Centers for Disease Control and Prevention and State and local health agencies.

“(d) **TECHNICAL ASSISTANCE; REPORT.**—In carrying out this section, the Secretary—

“(1) may, at the request of an Indian tribe or tribal organization, provide technical assistance; and

“(2) shall prepare and submit a report to Congress biennially on the use of funds under this section and on the progress made toward the prevention, control, and elimination of communicable and infectious diseases among Indians and urban Indians.”

**SEC. 134. METHODS TO INCREASE CLINICIAN RECRUITMENT AND RETENTION ISSUES.**

(a) **LICENSING.**—Section 221 of the Indian Health Care Improvement Act (25 U.S.C. 1621t) is amended to read as follows:

**“SEC. 221. LICENSING.**

“Licensed health professionals employed by a tribal health program shall be exempt, if licensed in any State, from the licensing requirements of the State in which the tribal health program performs the services described in the contract or compact of the tribal health program under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).”

(b) **TREATMENT OF SCHOLARSHIPS FOR CERTAIN PURPOSES.**—Title I of the Indian Health Care Improvement Act (25 U.S.C. 1611 et seq.) (as amended by section 113) is amended by adding at the end the following:

**“SEC. 125. TREATMENT OF SCHOLARSHIPS FOR CERTAIN PURPOSES.**

“A scholarship provided to an individual pursuant to this title shall be considered to be a qualified scholarship for purposes of section 117 of the Internal Revenue Code of 1986.”

(c) **CONTINUING EDUCATION ALLOWANCES.**—Section 106 of the Indian Health Care Improvement Act (25 U.S.C. 1615) is amended to read as follows:

**“SEC. 106. CONTINUING EDUCATION ALLOWANCES.**

“In order to encourage scholarship and stipend recipients under sections 104, 105, and 115 and health professionals, including community health representatives and emergency medical technicians, to join or continue in an Indian health program and to provide services in the rural and remote areas in which a significant portion of Indians reside, the Secretary, acting through the Service, may—

“(1) provide programs or allowances to transition into an Indian health program, including licensing, board or certification examination assistance, and technical assistance in fulfilling service obligations under sections 104, 105, and 115; and

“(2) provide programs or allowances to health professionals employed in an Indian health program to enable those professionals, for a period of time each year prescribed by regulation of the Secretary, to take leave of the duty stations of the professionals for professional consultation, management, leadership, and refresher training courses.”

**SEC. 135. LIABILITY FOR PAYMENT.**

Section 222 of the Indian Health Care Improvement Act (25 U.S.C. 1621u) is amended to read as follows:

**“SEC. 222. LIABILITY FOR PAYMENT.**

“(a) **NO PATIENT LIABILITY.**—A patient who receives contract health care services that are authorized by the Service shall not be liable for the payment of any charges or costs associated with the provision of such services.

“(b) **NOTIFICATION.**—The Secretary shall notify a contract care provider and any patient who receives contract health care services authorized by the Service that such patient is not liable for the payment of any charges or costs associated with the provision of such services not later than 5 busi-

ness days after receipt of a notification of a claim by a provider of contract care services.

“(c) **NO RECOURSE.**—Following receipt of the notice provided under subsection (b), or, if a claim has been deemed accepted under section 220(b), the provider shall have no further recourse against the patient who received the services.”

**SEC. 136. OFFICES OF INDIAN MEN'S HEALTH AND INDIAN WOMEN'S HEALTH.**

Section 223 of the Indian Health Care Improvement Act (25 U.S.C. 1621v) is amended—

(1) by striking the section designation and heading and all that follows through “oversee efforts of the Service to” and inserting the following:

**“SEC. 223. OFFICES OF INDIAN MEN'S HEALTH AND INDIAN WOMEN'S HEALTH.**

“(a) **OFFICE OF INDIAN MEN'S HEALTH.**—

“(1) **ESTABLISHMENT.**—The Secretary may establish within the Service an office, to be known as the ‘Office of Indian Men's Health’.

“(2) **DIRECTOR.**—

“(A) **IN GENERAL.**—The Office of Indian Men's Health shall be headed by a director, to be appointed by the Secretary.

“(B) **DUTIES.**—The director shall coordinate and promote the health status of Indian men in the United States.

“(3) **REPORT.**—Not later than 2 years after the date of enactment of the Indian Health Care Improvement Reauthorization and Extension Act of 2009, the Secretary, acting through the Service, shall submit to Congress a report describing—

“(A) any activity carried out by the director as of the date on which the report is prepared; and

“(B) any finding of the director with respect to the health of Indian men.

“(b) **OFFICE OF INDIAN WOMEN'S HEALTH.**—The Secretary, acting through the Service, shall establish an office, to be known as the ‘Office of Indian Women's Health’, to”—

(2) in subsection (b) (as so redesignated) by inserting “(including urban Indian women)” before “of all ages”.

**SEC. 137. CONTRACT HEALTH SERVICE ADMINISTRATION AND DISBURSEMENT FORMULA.**

Title II of the Indian Health Care Improvement Act (25 U.S.C. 1621 et seq.) is amended by adding at the end the following:

**“SEC. 226. CONTRACT HEALTH SERVICE ADMINISTRATION AND DISBURSEMENT FORMULA.**

“(a) **SUBMISSION OF REPORT.**—As soon as practicable after the date of enactment of the Indian Health Care Improvement Reauthorization and Extension Act of 2009, the Comptroller General of the United States shall submit to the Secretary, the Committee on Indian Affairs of the Senate, and the Committee on Natural Resources of the House of Representatives, and make available to each Indian tribe, a report describing the results of the study of the Comptroller General regarding the funding of the contract health service program (including historic funding levels and a recommendation of the funding level needed for the program) and the administration of the contract health service program (including the distribution of funds pursuant to the program), as requested by Congress in March 2009, or pursuant to section 830.

“(b) **CONSULTATION WITH TRIBES.**—On receipt of the report under subsection (a), the Secretary shall consult with Indian tribes regarding the contract health service program, including the distribution of funds pursuant to the program—

“(1) to determine whether the current distribution formula would require modification if the contract health service program

were funded at the level recommended by the Comptroller General;

“(2) to identify any inequities in the current distribution formula under the current funding level or inequitable results for any Indian tribe under the funding level recommended by the Comptroller General;

“(3) to identify any areas of program administration that may result in the inefficient or ineffective management of the program; and

“(4) to identify any other issues and recommendations to improve the administration of the contract health services program and correct any unfair results or funding disparities identified under paragraph (2).

“(c) **SUBSEQUENT ACTION BY SECRETARY.**—If, after consultation with Indian tribes under subsection (b), the Secretary determines that any issue described in subsection (b)(2) exists, the Secretary may initiate procedures under subchapter III of chapter 5 of title 5, United States Code, to negotiate or promulgate regulations to establish a disbursement formula for the contract health service program funding.”

#### **Subtitle C—Health Facilities**

#### **SEC. 141. HEALTH CARE FACILITY PRIORITY SYSTEM.**

Section 301 of the Indian Health Care Improvement Act (25 U.S.C. 1631) is amended—

(1) by redesignating subsection (d) as subsection (h); and

(2) by striking subsection (c) and inserting the following:

“(c) **HEALTH CARE FACILITY PRIORITY SYSTEM.**—

“(1) **IN GENERAL.**—

“(A) **PRIORITY SYSTEM.**—The Secretary, acting through the Service, shall maintain a health care facility priority system, which—

“(i) shall be developed in consultation with Indian tribes and tribal organizations;

“(ii) shall give Indian tribes’ needs the highest priority;

“(iii)(I) may include the lists required in paragraph (2)(B)(ii); and

“(II) shall include the methodology required in paragraph (2)(B)(v); and

“(III) may include such health care facilities, and such renovation or expansion needs of any health care facility, as the Service may identify; and

“(iv) shall provide an opportunity for the nomination of planning, design, and construction projects by the Service, Indian tribes, and tribal organizations for consideration under the priority system at least once every 3 years, or more frequently as the Secretary determines to be appropriate.

“(B) **NEEDS OF FACILITIES UNDER ISDEAA AGREEMENTS.**—The Secretary shall ensure that the planning, design, construction, renovation, and expansion needs of Service and non-Service facilities operated under contracts or compacts in accordance with the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) are fully and equitably integrated into the health care facility priority system.

“(C) **CRITERIA FOR EVALUATING NEEDS.**—For purposes of this subsection, the Secretary, in evaluating the needs of facilities operated under a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), shall use the criteria used by the Secretary in evaluating the needs of facilities operated directly by the Service.

“(D) **PRIORITY OF CERTAIN PROJECTS PROTECTED.**—The priority of any project established under the construction priority system in effect on the date of enactment of the Indian Health Care Improvement Reauthor-

ization and Extension Act of 2009 shall not be affected by any change in the construction priority system taking place after that date if the project—

“(i) was identified in the fiscal year 2008 Service budget justification as—

“(I) 1 of the 10 top-priority inpatient projects;

“(II) 1 of the 10 top-priority outpatient projects;

“(III) 1 of the 10 top-priority staff quarters developments; or

“(IV) 1 of the 10 top-priority Youth Residential Treatment Centers;

“(ii) had completed both Phase I and Phase II of the construction priority system in effect on the date of enactment of such Act; or

“(iii) is not included in clause (i) or (ii) and is selected, as determined by the Secretary—

“(I) on the initiative of the Secretary; or

“(II) pursuant to a request of an Indian tribe or tribal organization.

“(2) **REPORT; CONTENTS.**—

“(A) **INITIAL COMPREHENSIVE REPORT.**—

“(i) **DEFINITIONS.**—In this subparagraph:

“(I) **FACILITIES APPROPRIATION ADVISORY BOARD.**—The term ‘Facilities Appropriation Advisory Board’ means the advisory board, comprised of 12 members representing Indian tribes and 2 members representing the Service, established at the discretion of the Director—

“(aa) to provide advice and recommendations for policies and procedures of the programs funded pursuant to facilities appropriations; and

“(bb) to address other facilities issues.

“(II) **FACILITIES NEEDS ASSESSMENT WORKGROUP.**—The term ‘Facilities Needs Assessment Workgroup’ means the workgroup established at the discretion of the Director—

“(aa) to review the health care facilities construction priority system; and

“(bb) to make recommendations to the Facilities Appropriation Advisory Board for revising the priority system.

“(i) **INITIAL REPORT.**—

“(I) **IN GENERAL.**—Not later than 1 year after the date of enactment of the Indian Health Care Improvement Reauthorization and Extension Act of 2009, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes the comprehensive, national, ranked list of all health care facilities needs for the Service, Indian tribes, and tribal organizations (including inpatient health care facilities, outpatient health care facilities, specialized health care facilities (such as for long-term care and alcohol and drug abuse treatment), wellness centers, and staff quarters, and the renovation and expansion needs, if any, of such facilities) developed by the Service, Indian tribes, and tribal organizations for the Facilities Needs Assessment Workgroup and the Facilities Appropriation Advisory Board.

“(II) **INCLUSIONS.**—The initial report shall include—

“(aa) the methodology and criteria used by the Service in determining the needs and establishing the ranking of the facilities needs; and

“(bb) such other information as the Secretary determines to be appropriate.

“(iii) **UPDATES OF REPORT.**—Beginning in calendar year 2011, the Secretary shall—

“(I) update the report under clause (ii) not less frequently than once every 5 years; and

“(II) include the updated report in the appropriate annual report under subparagraph (B) for submission to Congress under section 801.

“(B) **ANNUAL REPORTS.**—The Secretary shall submit to the President, for inclusion in the report required to be transmitted to Congress under section 801, a report which sets forth the following:

“(i) A description of the health care facility priority system of the Service established under paragraph (1).

“(ii) Health care facilities lists, which may include—

“(I) the 10 top-priority inpatient health care facilities;

“(II) the 10 top-priority outpatient health care facilities;

“(III) the 10 top-priority specialized health care facilities (such as long-term care and alcohol and drug abuse treatment); and

“(IV) the 10 top-priority staff quarters developments associated with health care facilities.

“(iii) The justification for such order of priority.

“(iv) The projected cost of such projects.

“(v) The methodology adopted by the Service in establishing priorities under its health care facility priority system.

“(3) **REQUIREMENTS FOR PREPARATION OF REPORTS.**—In preparing the report required under paragraph (2), the Secretary shall—

“(A) consult with and obtain information on all health care facilities needs from Indian tribes and tribal organizations; and

“(B) review the total unmet needs of all Indian tribes and tribal organizations for health care facilities (including staff quarters), including needs for renovation and expansion of existing facilities.

“(d) **REVIEW OF METHODOLOGY USED FOR HEALTH FACILITIES CONSTRUCTION PRIORITY SYSTEM.**—

“(1) **IN GENERAL.**—Not later than 1 year after the establishment of the priority system under subsection (c)(1)(A), the Comptroller General of the United States shall prepare and finalize a report reviewing the methodologies applied, and the processes followed, by the Service in making each assessment of needs for the list under subsection (c)(2)(A)(ii) and developing the priority system under subsection (c)(1), including a review of—

“(A) the recommendations of the Facilities Appropriation Advisory Board and the Facilities Needs Assessment Workgroup (as those terms are defined in subsection (c)(2)(A)(i)); and

“(B) the relevant criteria used in ranking or prioritizing facilities other than hospitals or clinics.

“(2) **SUBMISSION TO CONGRESS.**—The Comptroller General of the United States shall submit the report under paragraph (1) to—

“(A) the Committees on Indian Affairs and Appropriations of the Senate;

“(B) the Committees on Natural Resources and Appropriations of the House of Representatives; and

“(C) the Secretary.

“(e) **FUNDING CONDITION.**—All funds appropriated under the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the ‘Snyder Act’), for the planning, design, construction, or renovation of health facilities for the benefit of 1 or more Indian Tribes shall be subject to the provisions of section 102 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f) or sections 504 and 505 of that Act (25 U.S.C. 458aaa-3, 458aaa-4).

“(f) **DEVELOPMENT OF INNOVATIVE APPROACHES.**—The Secretary shall consult and cooperate with Indian tribes and tribal organizations, and confer with urban Indian organizations, in developing innovative approaches to address all or part of the total

unmet need for construction of health facilities, that may include—

“(1) the establishment of an area distribution fund in which a portion of health facility construction funding could be devoted to all Service areas;

“(2) approaches provided for in other provisions of this title; and

“(3) other approaches, as the Secretary determines to be appropriate.”.

#### **SEC. 142. INDIAN HEALTH CARE DELIVERY DEMONSTRATION PROJECTS.**

Section 307 of the Indian Health Care Improvement Act (25 U.S.C. 1637) is amended to read as follows:

#### **“SEC. 307. INDIAN HEALTH CARE DELIVERY DEMONSTRATION PROJECTS.**

“(a) PURPOSE AND GENERAL AUTHORITY.—

“(1) PURPOSE.—The purpose of this section is to encourage the establishment of demonstration projects that meet the applicable criteria of this section to be carried out by the Secretary, acting through the Service, or Indian tribes or tribal organizations acting pursuant to contracts or compacts under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).—

“(A) to test alternative means of delivering health care and services to Indians through facilities; or

“(B) to use alternative or innovative methods or models of delivering health care services to Indians (including primary care services, contract health services, or any other program or service authorized by this Act) through convenient care services (as defined in subsection (c)), community health centers, or cooperative agreements or arrangements with other health care providers that share or coordinate the use of facilities, funding, or other resources, or otherwise coordinate or improve the coordination of activities of the Service, Indian tribes, or tribal organizations, with those of the other health care providers.

“(2) AUTHORITY.—The Secretary, acting through the Service, is authorized to carry out, or to enter into contracts or compacts under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) with Indian tribes or tribal organizations to carry out, health care delivery demonstration projects that—

“(A) test alternative means of delivering health care and services to Indians through facilities; or

“(B) otherwise carry out the purposes of this section.

“(b) USE OF FUNDS.—The Secretary, in approving projects pursuant to this section—

“(1) may authorize such contracts for the construction and renovation of hospitals, health centers, health stations, and other facilities to deliver health care services; and

“(2) is authorized—

“(A) to waive any leasing prohibition;

“(B) to permit use and carryover of funds appropriated for the provision of health care services under this Act (including for the purchase of health benefits coverage, as authorized by section 402(a));

“(C) to permit the use of other available funds, including other Federal funds, funds from third-party collections in accordance with sections 206, 207, and 401, and non-Federal funds contributed by State or local governmental agencies or facilities or private health care providers pursuant to cooperative or other agreements with the Service, 1 or more Indian tribes, or tribal organizations;

“(D) to permit the use of funds or property donated or otherwise provided from any source for project purposes;

“(E) to provide for the reversion of donated real or personal property to the donor; and

“(F) to permit the use of Service funds to match other funds, including Federal funds.

#### **“(c) HEALTH CARE DEMONSTRATION PROJECTS.—**

“(1) DEFINITION OF CONVENIENT CARE SERVICE.—In this subsection, the term ‘convenient care service’ means any primary health care service, such as urgent care services, nonemergent care services, prevention services and screenings, and any service authorized by section 203 or 205(d), that is offered—

“(A) at an alternative setting; or

“(B) during hours other than regular working hours.

#### **“(2) GENERAL PROJECTS.—**

“(A) CRITERIA.—The Secretary may approve under this section demonstration projects that meet the following criteria:

“(i) There is a need for a new facility or program, such as a program for convenient care services, or an improvement in, increased efficiency at, or reorientation of an existing facility or program.

“(ii) A significant number of Indians, including Indians with low health status, will be served by the project.

“(iii) The project has the potential to deliver services in an efficient and effective manner.

“(iv) The project is economically viable.

“(v) For projects carried out by an Indian tribe or tribal organization, the Indian tribe or tribal organization has the administrative and financial capability to administer the project.

“(vi) The project is integrated with providers of related health or social services (including State and local health care agencies or other health care providers) and is coordinated with, and avoids duplication of, existing services in order to expand the availability of services.

“(B) PRIORITY.—In approving demonstration projects under this paragraph, the Secretary shall give priority to demonstration projects, to the extent the projects meet the criteria described in subparagraph (A), located in any of the following Service units:

“(i) Cass Lake, Minnesota.

“(ii) Mescalero, New Mexico.

“(iii) Owyhee and Elko, Nevada.

“(iv) Schurz, Nevada.

“(v) Ft. Yuma, California.

#### **“(3) INNOVATIVE HEALTH SERVICES DELIVERY DEMONSTRATION PROJECT.—**

“(A) APPLICATION OR REQUEST.—On receipt of an application or request from an Indian tribe, a consortium of Indian tribes, or a tribal organization within a Service area, the Secretary shall take into consideration alternative or innovated methods to deliver health care services within the Service area (or a portion of, or facility within, the Service area) as described in the application or request, including medical, dental, pharmaceutical, nursing, clinical laboratory, contract health services, convenient care services, community health centers, or any other health care services delivery models designed to improve access to, or efficiency or quality of, the health care, health promotion, or disease prevention services and programs under this Act.

“(B) APPROVAL.—In addition to projects described in paragraph (2), in any fiscal year, the Secretary is authorized under this paragraph to approve not more than 10 applications for health care delivery demonstration projects that meet the criteria described in subparagraph (C).

“(C) CRITERIA.—The Secretary shall approve under subparagraph (B) demonstration

projects that meet all of the following criteria:

“(i) The criteria set forth in paragraph (2)(A).

“(ii) There is a lack of access to health care services at existing health care facilities, which may be due to limited hours of operation at those facilities or other factors.

“(iii) The project—

“(I) expands the availability of services; or

“(II) reduces—

“(aa) the burden on Contract Health Services; or

“(bb) the need for emergency room visits.

“(d) TECHNICAL ASSISTANCE.—On receipt of an application or request from an Indian tribe, a consortium of Indian tribes, or a tribal organization, the Secretary shall provide such technical and other assistance as may be necessary to enable applicants to comply with this section, including information regarding the Service unit budget and available funding for carrying out the proposed demonstration project.

“(e) SERVICE TO INELIGIBLE PERSONS.—Subject to section 813, the authority to provide services to persons otherwise ineligible for the health care benefits of the Service, and the authority to extend hospital privileges in Service facilities to non-Service health practitioners as provided in section 813, may be included, subject to the terms of that section, in any demonstration project approved pursuant to this section.

“(f) EQUITABLE TREATMENT.—For purposes of subsection (c), the Secretary, in evaluating facilities operated under any contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), shall use the same criteria that the Secretary uses in evaluating facilities operated directly by the Service.

“(g) EQUITABLE INTEGRATION OF FACILITIES.—The Secretary shall ensure that the planning, design, construction, renovation, and expansion needs of Service and non-Service facilities that are the subject of a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) for health services are fully and equitably integrated into the implementation of the health care delivery demonstration projects under this section.”.

#### **SEC. 143. TRIBAL MANAGEMENT OF FEDERALLY OWNED QUARTERS.**

Title III of the Indian Health Care Improvement Act (as amended by section 101(b)) is amended by inserting after section 308 (25 U.S.C. 1638) the following:

#### **“SEC. 309. TRIBAL MANAGEMENT OF FEDERALLY OWNED QUARTERS.**

“(a) RENTAL RATES.—

“(1) ESTABLISHMENT.—Notwithstanding any other provision of law, a tribal health program that operates a hospital or other health facility and the federally owned quarters associated with such a facility pursuant to a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) may establish the rental rates charged to the occupants of those quarters, on providing notice to the Secretary.

“(2) OBJECTIVES.—In establishing rental rates under this subsection, a tribal health program shall attempt—

“(A) to base the rental rates on the reasonable value of the quarters to the occupants of the quarters; and

“(B) to generate sufficient funds to prudently provide for the operation and maintenance of the quarters, and at the discretion of the tribal health program, to supply reserve funds for capital repairs and replacement of the quarters.

“(3) **EQUITABLE FUNDING.**—A federally owned quarters the rental rates for which are established by a tribal health program under this subsection shall remain eligible to receive improvement and repair funds to the same extent that all federally owned quarters used to house personnel in programs of the Service are eligible to receive those funds.

“(4) **NOTICE OF RATE CHANGE.**—A tribal health program that establishes a rental rate under this subsection shall provide occupants of the federally owned quarters a notice of any change in the rental rate by not later than the date that is 60 days notice before the effective date of the change.

“(5) **RATES IN ALASKA.**—A rental rate established by a tribal health program under this section for a federally owned quarters in the State of Alaska may be based on the cost of comparable private rental housing in the nearest established community with a year-round population of 1,500 or more individuals.

“(b) **DIRECT COLLECTION OF RENT.**—

“(1) **IN GENERAL.**—Notwithstanding any other provision of law, and subject to paragraph (2), a tribal health program may collect rent directly from Federal employees who occupy federally owned quarters if the tribal health program submits to the Secretary and the employees a notice of the election of the tribal health program to collect rents directly from the employees.

“(2) **ACTION BY EMPLOYEES.**—On receipt of a notice described in paragraph (1)—

“(A) the affected Federal employees shall pay rent for occupancy of a federally owned quarters directly to the applicable tribal health program; and

“(B) the Secretary shall not have the authority to collect rent from the employees through payroll deduction or otherwise.

“(3) **USE OF PAYMENTS.**—The rent payments under this subsection—

“(A) shall be retained by the applicable tribal health program in a separate account, which shall be used by the tribal health program for the maintenance (including capital repairs and replacement) and operation of the quarters, as the tribal health program determines to be appropriate; and

“(B) shall not be made payable to, or otherwise be deposited with, the United States.

“(4) **RETROCESSION OF AUTHORITY.**—If a tribal health program that elected to collect rent directly under paragraph (1) requests retrocession of the authority of the tribal health program to collect that rent, the retrocession shall take effect on the earlier of—

“(A) the first day of the month that begins not less than 180 days after the tribal health program submits the request; and

“(B) such other date as may be mutually agreed on by the Secretary and the tribal health program.”.

#### **SEC. 144. OTHER FUNDING, EQUIPMENT, AND SUPPLIES FOR FACILITIES.**

Title III of the Indian Health Care Improvement Act (25 U.S.C. 1631 et seq.) is amended by adding at the end the following:

##### **“SEC. 311. OTHER FUNDING, EQUIPMENT, AND SUPPLIES FOR FACILITIES.**

“(a) **AUTHORIZATION.**—

“(1) **AUTHORITY TO TRANSFER FUNDS.**—The head of any Federal agency to which funds, equipment, or other supplies are made available for the planning, design, construction, or operation of a health care or sanitation facility may transfer the funds, equipment, or supplies to the Secretary for the planning, design, construction, or operation of a health care or sanitation facility to achieve—

“(A) the purposes of this Act; and

“(B) the purposes for which the funds, equipment, or supplies were made available to the Federal agency.

“(2) **AUTHORITY TO ACCEPT FUNDS.**—The Secretary may—

“(A) accept from any source, including Federal and State agencies, funds, equipment, or supplies that are available for the construction or operation of health care or sanitation facilities; and

“(B) use those funds, equipment, and supplies to plan, design, construct, and operate health care or sanitation facilities for Indians, including pursuant to a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

“(3) **EFFECT OF RECEIPT.**—Receipt of funds by the Secretary under this subsection shall not affect any priority established under section 301.

“(b) **INTERAGENCY AGREEMENTS.**—The Secretary may enter into interagency agreements with Federal or State agencies and other entities, and accept funds, equipment, or other supplies from those entities, to provide for the planning, design, construction, and operation of health care or sanitation facilities to be administered by Indian health programs to achieve—

“(1) the purposes of this Act; and

“(2) the purposes for which the funds were appropriated or otherwise provided.

“(c) **ESTABLISHMENT OF STANDARDS.**—

“(1) **IN GENERAL.**—The Secretary, acting through the Service, shall establish, by regulation, standards for the planning, design, construction, and operation of health care or sanitation facilities serving Indians under this Act.

“(2) **OTHER REGULATIONS.**—Notwithstanding any other provision of law, any other applicable regulations of the Department shall apply in carrying out projects using funds transferred under this section.

“(d) **DEFINITION OF SANITATION FACILITY.**—In this section, the term ‘sanitation facility’ means a safe and adequate water supply system, sanitary sewage disposal system, or sanitary solid waste system (including all related equipment and support infrastructure).”.

#### **SEC. 145. INDIAN COUNTRY MODULAR COMPONENT FACILITIES DEMONSTRATION PROGRAM.**

Title III of the Indian Health Care Improvement Act (25 U.S.C. 1631 et seq.) (as amended by section 144) is amended by adding at the end the following:

##### **“SEC. 312. INDIAN COUNTRY MODULAR COMPONENT FACILITIES DEMONSTRATION PROGRAM.**

“(a) **DEFINITION OF MODULAR COMPONENT HEALTH CARE FACILITY.**—In this section, the term ‘modular component health care facility’ means a health care facility that is constructed—

“(1) off-site using prefabricated component units for subsequent transport to the destination location; and

“(2) represents a more economical method for provision of health care facility than a traditionally constructed health care building.

“(b) **ESTABLISHMENT.**—The Secretary, acting through the Service, shall establish a demonstration program under which the Secretary shall award no less than 3 grants for purchase, installation and maintenance of modular component health care facilities in Indian communities for provision of health care services.

“(c) **SELECTION OF LOCATIONS.**—

“(1) **PETITIONS.**—

“(A) **SOLICITATION.**—The Secretary shall solicit from Indian tribes petitions for location of the modular component health care facilities in the Service areas of the petitioning Indian tribes.

“(B) **PETITION.**—To be eligible to receive a grant under this section, an Indian tribe or tribal organization must submit to the Secretary a petition to construct a modular component health care facility in the Indian community of the Indian tribe, at such time, in such manner, and containing such information as the Secretary may require.

“(2) **SELECTION.**—In selecting the location of each modular component health care facility to be provided under the demonstration program, the Secretary shall give priority to projects already on the Indian Health Service facilities construction priority list and petitions which demonstrate that erection of a modular component health facility—

“(A) is more economical than construction of a traditionally constructed health care facility;

“(B) can be constructed and erected on the selected location in less time than traditional construction; and

“(C) can adequately house the health care services needed by the Indian population to be served.

“(3) **EFFECT OF SELECTION.**—A modular component health care facility project selected for participation in the demonstration program shall not be eligible for entry on the facilities construction priorities list entitled ‘IHS Health Care Facilities FY 2011 Planned Construction Budget’ and dated May 7, 2009 (or any successor list).

“(d) **ELIGIBILITY.**—

“(1) **IN GENERAL.**—An Indian tribe may submit a petition under subsection (c)(1)(B) regardless of whether the Indian tribe is a party to any contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

“(2) **ADMINISTRATION.**—At the election of an Indian tribe or tribal organization selected for participation in the demonstration program, the funds provided for the project shall be subject to the provisions of the Indian Self-Determination and Education Assistance Act.

“(e) **REPORTS.**—Not later than 1 year after the date on which funds are made available for the demonstration program and annually thereafter, the Secretary shall submit to Congress a report describing—

“(1) each activity carried out under the demonstration program, including an evaluation of the success of the activity; and

“(2) the potential benefits of increased use of modular component health care facilities in other Indian communities.

“(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$50,000,000 to carry out the demonstration program under this section for the first 5 fiscal years, and such sums as may be necessary to carry out the program in subsequent fiscal years.”.

#### **SEC. 146. MOBILE HEALTH STATIONS DEMONSTRATION PROGRAM.**

Title III of the Indian Health Care Improvement Act (25 U.S.C. 1631 et seq.) (as amended by section 145) is amended by adding at the end the following:

##### **“SEC. 313. MOBILE HEALTH STATIONS DEMONSTRATION PROGRAM.**

“(a) **DEFINITIONS.**—In this section:

“(1) **ELIGIBLE TRIBAL CONSORTIUM.**—The term ‘eligible tribal consortium’ means a consortium composed of 2 or more Service units between which a mobile health station

can be transported by road in up to 8 hours. A Service unit operated by the Service or by an Indian tribe or tribal organization shall be equally eligible for participation in such consortium.

“(2) **MOBILE HEALTH STATION.**—The term ‘mobile health station’ means a health care unit that—

“(A) is constructed, maintained, and capable of being transported within a semi-trailer truck or similar vehicle;

“(B) is equipped for the provision of 1 or more specialty health care services; and

“(C) can be equipped to be docked to a stationary health care facility when appropriate.

“(3) **SPECIALTY HEALTH CARE SERVICE.**—

“(A) **IN GENERAL.**—The term ‘specialty health care service’ means a health care service which requires the services of a health care professional with specialized knowledge or experience.

“(B) **INCLUSIONS.**—The term ‘specialty health care service’ includes any service relating to—

“(i) dialysis;

“(ii) surgery;

“(iii) mammography;

“(iv) dentistry; or

“(v) any other specialty health care service.

“(b) **ESTABLISHMENT.**—The Secretary, acting through the Service, shall establish a demonstration program under which the Secretary shall provide at least 3 mobile health station projects.

“(c) **PETITION.**—To be eligible to receive a mobile health station under the demonstration program, an eligible tribal consortium shall submit to the Secretary, a petition at such time, in such manner, and containing—

“(1) a description of the Indian population to be served;

“(2) a description of the specialty service or services for which the mobile health station is requested and the extent to which such service or services are currently available to the Indian population to be served; and

“(3) such other information as the Secretary may require.

“(d) **USE OF FUNDS.**—The Secretary shall use amounts made available to carry out the demonstration program under this section—

“(1)(A) to establish, purchase, lease, or maintain mobile health stations for the eligible tribal consortia selected for projects; and

“(B) to provide, through the mobile health station, such specialty health care services as the affected eligible tribal consortium determines to be necessary for the Indian population served;

“(2) to employ an existing mobile health station (regardless of whether the mobile health station is owned or rented and operated by the Service) to provide specialty health care services to an eligible tribal consortium; and

“(3) to establish, purchase, or maintain docking equipment for a mobile health station, including the establishment or maintenance of such equipment at a modular component health care facility (as defined in section 312(a)), if applicable.

“(e) **REPORTS.**—Not later than 1 year after the date on which the demonstration program is established under subsection (b) and annually thereafter, the Secretary, acting through the Service, shall submit to Congress a report describing—

“(1) each activity carried out under the demonstration program including an evaluation of the success of the activity; and

“(2) the potential benefits of increased use of mobile health stations to provide specialty health care services for Indian communities.

“(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$5,000,000 per year to carry out the demonstration program under this section for the first 5 fiscal years, and such sums as may be needed to carry out the program in subsequent fiscal years.”.

#### Subtitle D—Access to Health Services

### SEC. 151. TREATMENT OF PAYMENTS UNDER SOCIAL SECURITY ACT HEALTH BENEFITS PROGRAMS.

Section 401 of the Indian Health Care Improvement Act (25 U.S.C. 1641) is amended to read as follows:

#### “SEC. 401. TREATMENT OF PAYMENTS UNDER SOCIAL SECURITY ACT HEALTH BENEFITS PROGRAMS.

“(a) **DISREGARD OF MEDICARE, MEDICAID, AND CHIP PAYMENTS IN DETERMINING APPROPRIATIONS.**—Any payments received by an Indian health program or by an urban Indian organization under title XVIII, XIX, or XXI of the Social Security Act for services provided to Indians eligible for benefits under such respective titles shall not be considered in determining appropriations for the provision of health care and services to Indians.

“(b) **NONPREFERENTIAL TREATMENT.**—Nothing in this Act authorizes the Secretary to provide services to an Indian with coverage under title XVIII, XIX, or XI of the Social Security Act in preference to an Indian without such coverage.

“(c) **USE OF FUNDS.**—

“(1) **SPECIAL FUND.**—

“(A) **100 PERCENT PASS-THROUGH OF PAYMENTS DUE TO FACILITIES.**—Notwithstanding any other provision of law, but subject to paragraph (2), payments to which a facility of the Service is entitled by reason of a provision of title XVIII or XIX of the Social Security Act shall be placed in a special fund to be held by the Secretary. In making payments from such fund, the Secretary shall ensure that each Service unit of the Service receives 100 percent of the amount to which the facilities of the Service, for which such Service unit makes collections, are entitled by reason of a provision of either such title.

“(B) **USE OF FUNDS.**—Amounts received by a facility of the Service under subparagraph (A) by reason of a provision of title XVIII or XIX of the Social Security Act shall first be used (to such extent or in such amounts as are provided in appropriation Acts) for the purpose of making any improvements in the programs of the Service operated by or through such facility which may be necessary to achieve or maintain compliance with the applicable conditions and requirements of such respective title. Any amounts so received that are in excess of the amount necessary to achieve or maintain such conditions and requirements shall, subject to consultation with the Indian tribes being served by the Service unit, be used for reducing the health resource deficiencies (as determined in section 201(c)) of such Indian tribes, including the provision of services pursuant to section 205.

“(2) **DIRECT PAYMENT OPTION.**—Paragraph (1) shall not apply to a tribal health program upon the election of such program under subsection (d) to receive payments directly. No payment may be made out of the special fund described in such paragraph with respect to reimbursement made for services provided by such program during the period of such election.

“(d) **DIRECT BILLING.**—

“(1) **IN GENERAL.**—Subject to complying with the requirements of paragraph (2), a tribal health program may elect to directly bill for, and receive payment for, health care items and services provided by such program for which payment is made under title XVIII, XIX, or XXI of the Social Security Act or from any other third party payer.

“(2) **DIRECT REIMBURSEMENT.**—

“(A) **USE OF FUNDS.**—Each tribal health program making the election described in paragraph (1) with respect to a program under a title of the Social Security Act shall be reimbursed directly by that program for items and services furnished without regard to subsection (c)(1), except that all amounts so reimbursed shall be used by the tribal health program for the purpose of making any improvements in facilities of the tribal health program that may be necessary to achieve or maintain compliance with the conditions and requirements applicable generally to such items and services under the program under such title and to provide additional health care services, improvements in health care facilities and tribal health programs, any health care-related purpose (including coverage for a service or service within a contract health service delivery area or any portion of a contract health service delivery area that would otherwise be provided as a contract health service), or otherwise to achieve the objectives provided in section 3 of this Act.

“(B) **AUDITS.**—The amounts paid to a tribal health program making the election described in paragraph (1) with respect to a program under title XVIII, XIX, or XXI of the Social Security Act shall be subject to all auditing requirements applicable to the program under such title, as well as all auditing requirements applicable to programs administered by an Indian health program. Nothing in the preceding sentence shall be construed as limiting the application of auditing requirements applicable to amounts paid under title XVIII, XIX, or XXI of the Social Security Act.

“(C) **IDENTIFICATION OF SOURCE OF PAYMENTS.**—Any tribal health program that receives reimbursements or payments under title XVIII, XIX, or XXI of the Social Security Act shall provide to the Service a list of each provider enrollment number (or other identifier) under which such program receives such reimbursements or payments.

“(3) **EXAMINATION AND IMPLEMENTATION OF CHANGES.**—

“(A) **IN GENERAL.**—The Secretary, acting through the Service and with the assistance of the Administrator of the Centers for Medicare & Medicaid Services, shall examine on an ongoing basis and implement any administrative changes that may be necessary to facilitate direct billing and reimbursement under the program established under this subsection, including any agreements with States that may be necessary to provide for direct billing under a program under title XIX or XXI of the Social Security Act.

“(B) **COORDINATION OF INFORMATION.**—The Service shall provide the Administrator of the Centers for Medicare & Medicaid Services with copies of the lists submitted to the Service under paragraph (2)(C), enrollment data regarding patients served by the Service (and by tribal health programs, to the extent such data is available to the Service), and such other information as the Administrator may require for purposes of administering title XVIII, XIX, or XXI of the Social Security Act.

“(4) **WITHDRAWAL FROM PROGRAM.**—A tribal health program that bills directly under the



program established under this subsection may withdraw from participation in the same manner and under the same conditions that an Indian tribe or tribal organization may retrocede a contracted program to the Secretary under the authority of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.). All cost accounting and billing authority under the program established under this subsection shall be returned to the Secretary upon the Secretary's acceptance of the withdrawal of participation in this program.

“(5) **TERMINATION FOR FAILURE TO COMPLY WITH REQUIREMENTS.**—The Secretary may terminate the participation of a tribal health program or in the direct billing program established under this subsection if the Secretary determines that the program has failed to comply with the requirements of paragraph (2). The Secretary shall provide a tribal health program with notice of a determination that the program has failed to comply with any such requirement and a reasonable opportunity to correct such non-compliance prior to terminating the program's participation in the direct billing program established under this subsection.

“(e) **RELATED PROVISIONS UNDER THE SOCIAL SECURITY ACT.**—For provisions related to subsections (c) and (d), see sections 1880, 1911, and 2107(e)(1)(D) of the Social Security Act.”

#### **SEC. 152. PURCHASING HEALTH CARE COVERAGE.**

Section 402 of the Indian Health Care Improvement Act (25 U.S.C. 1642) is amended to read as follows:

#### **“SEC. 402. PURCHASING HEALTH CARE COVERAGE.**

“(a) **IN GENERAL.**—Insofar as amounts are made available under law (including a provision of the Social Security Act, the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), or other law, other than under section 404) to Indian tribes, tribal organizations, and urban Indian organizations for health benefits for Service beneficiaries, Indian tribes, tribal organizations, and urban Indian organizations may use such amounts to purchase health benefits coverage (including coverage for a service, or service within a contract health service delivery area, or any portion of a contract health service delivery area that would otherwise be provided as a contract health service) for such beneficiaries in any manner, including through—

“(1) a tribally owned and operated health care plan;

“(2) a State or locally authorized or licensed health care plan;

“(3) a health insurance provider or managed care organization;

“(4) a self-insured plan; or

“(5) a high deductible or health savings account plan.

“(b) **FINANCIAL NEED.**—The purchase of coverage under subsection (a) by an Indian tribe, tribal organization, or urban Indian organization may be based on the financial needs of such beneficiaries (as determined by the 1 or more Indian tribes being served based on a schedule of income levels developed or implemented by such 1 or more Indian tribes).

“(c) **EXPENSES FOR SELF-INSURED PLAN.**—In the case of a self-insured plan under subsection (a)(4), the amounts may be used for expenses of operating the plan, including administration and insurance to limit the financial risks to the entity offering the plan.

“(d) **CONSTRUCTION.**—Nothing in this section shall be construed as affecting the use

of any amounts not referred to in subsection (a).”

#### **SEC. 153. GRANTS TO AND CONTRACTS WITH THE SERVICE, INDIAN TRIBES, TRIBAL ORGANIZATIONS, AND URBAN INDIAN ORGANIZATIONS TO FACILITATE OUTREACH, ENROLLMENT, AND COVERAGE OF INDIANS UNDER SOCIAL SECURITY ACT HEALTH BENEFIT PROGRAMS AND OTHER HEALTH BENEFITS PROGRAMS.**

Section 404 of the Indian Health Care Improvement Act (25 U.S.C. 1644) is amended to read as follows:

#### **“SEC. 404. GRANTS TO AND CONTRACTS WITH THE SERVICE, INDIAN TRIBES, TRIBAL ORGANIZATIONS, AND URBAN INDIAN ORGANIZATIONS TO FACILITATE OUTREACH, ENROLLMENT, AND COVERAGE OF INDIANS UNDER SOCIAL SECURITY ACT HEALTH BENEFIT PROGRAMS AND OTHER HEALTH BENEFITS PROGRAMS.**

“(a) **INDIAN TRIBES AND TRIBAL ORGANIZATIONS.**—The Secretary, acting through the Service, shall make grants to or enter into contracts with Indian tribes and tribal organizations to assist such tribes and tribal organizations in establishing and administering programs on or near reservations and trust lands, including programs to provide outreach and enrollment through video, electronic delivery methods, or telecommunication devices that allow real-time or time-delayed communication between individual Indians and the benefit program, to assist individual Indians—

“(1) to enroll for benefits under a program established under title XVIII, XIX, or XXI of the Social Security Act and other health benefits programs; and

“(2) with respect to such programs for which the charging of premiums and cost sharing is not prohibited under such programs, to pay premiums or cost sharing for coverage for such benefits, which may be based on financial need (as determined by the Indian tribe or tribes or tribal organizations being served based on a schedule of income levels developed or implemented by such tribe, tribes, or tribal organizations).

“(b) **CONDITIONS.**—The Secretary, acting through the Service, shall place conditions as deemed necessary to effect the purpose of this section in any grant or contract which the Secretary makes with any Indian tribe or tribal organization pursuant to this section. Such conditions shall include requirements that the Indian tribe or tribal organization successfully undertake—

“(1) to determine the population of Indians eligible for the benefits described in subsection (a);

“(2) to educate Indians with respect to the benefits available under the respective programs;

“(3) to provide transportation for such individual Indians to the appropriate offices for enrollment or applications for such benefits; and

“(4) to develop and implement methods of improving the participation of Indians in receiving benefits under such programs.

#### **“(c) APPLICATION TO URBAN INDIAN ORGANIZATIONS.**

“(1) **IN GENERAL.**—The provisions of subsection (a) shall apply with respect to grants and other funding to urban Indian organizations with respect to populations served by such organizations in the same manner they apply to grants and contracts with Indian tribes and tribal organizations with respect to programs on or near reservations.

“(2) **REQUIREMENTS.**—The Secretary shall include in the grants or contracts made or provided under paragraph (1) requirements that are—

“(A) consistent with the requirements imposed by the Secretary under subsection (b);

“(B) appropriate to urban Indian organizations and urban Indians; and

“(C) necessary to effect the purposes of this section.

“(d) **FACILITATING COOPERATION.**—The Secretary, acting through the Centers for Medicare & Medicaid Services, shall develop and disseminate best practices that will serve to facilitate cooperation with, and agreements between, States and the Service, Indian tribes, tribal organizations, or urban Indian organizations with respect to the provision of health care items and services to Indians under the programs established under title XVIII, XIX, or XXI of the Social Security Act.

“(e) **AGREEMENTS RELATING TO IMPROVING ENROLLMENT OF INDIANS UNDER SOCIAL SECURITY ACT HEALTH BENEFITS PROGRAMS.**—For provisions relating to agreements of the Secretary, acting through the Service, for the collection, preparation, and submission of applications by Indians for assistance under the Medicaid and children's health insurance programs established under titles XIX and XXI of the Social Security Act, and benefits under the Medicare program established under title XVIII of such Act, see subsections (a) and (b) of section 1139 of the Social Security Act.

“(f) **DEFINITION OF PREMIUMS AND COST SHARING.**—In this section:

“(1) **PREMIUM.**—The term ‘premium’ includes any enrollment fee or similar charge.

“(2) **COST SHARING.**—The term ‘cost sharing’ includes any deduction, deductible, copayment, coinsurance, or similar charge.”

#### **SEC. 154. SHARING ARRANGEMENTS WITH FEDERAL AGENCIES.**

Section 405 of the Indian Health Care Improvement Act (25 U.S.C. 1645) is amended to read as follows:

#### **“SEC. 405. SHARING ARRANGEMENTS WITH FEDERAL AGENCIES.**

“(a) **AUTHORITY.**—

“(1) **IN GENERAL.**—The Secretary may enter into (or expand) arrangements for the sharing of medical facilities and services between the Service, Indian tribes, and tribal organizations and the Department of Veterans Affairs and the Department of Defense.

“(2) **CONSULTATION BY SECRETARY REQUIRED.**—The Secretary may not finalize any arrangement between the Service and a Department described in paragraph (1) without first consulting with the Indian tribes which will be significantly affected by the arrangement.

“(b) **LIMITATIONS.**—The Secretary shall not take any action under this section or under subchapter IV of chapter 81 of title 38, United States Code, which would impair—

“(1) the priority access of any Indian to health care services provided through the Service and the eligibility of any Indian to receive health services through the Service;

“(2) the quality of health care services provided to any Indian through the Service;

“(3) the priority access of any veteran to health care services provided by the Department of Veterans Affairs;

“(4) the quality of health care services provided by the Department of Veterans Affairs or the Department of Defense; or

“(5) the eligibility of any Indian who is a veteran to receive health services through the Department of Veterans Affairs.

“(c) **REIMBURSEMENT.**—The Service, Indian tribe, or tribal organization shall be reimbursed by the Department of Veterans Affairs or the Department of Defense (as the case may be) where services are provided

through the Service, an Indian tribe, or a tribal organization to beneficiaries eligible for services from either such Department, notwithstanding any other provision of law.

“(d) CONSTRUCTION.—Nothing in this section may be construed as creating any right of a non-Indian veteran to obtain health services from the Service.”.

#### SEC. 155. ELIGIBLE INDIAN VETERAN SERVICES.

Title IV of the Indian Health Care Improvement Act (25 U.S.C. 1641 et seq.) (as amended by section 101(b)) is amended by adding at the end the following:

##### “SEC. 407. ELIGIBLE INDIAN VETERAN SERVICES.

“(a) FINDINGS; PURPOSE.—

“(1) FINDINGS.—Congress finds that—

“(A) collaborations between the Secretary and the Secretary of Veterans Affairs regarding the treatment of Indian veterans at facilities of the Service should be encouraged to the maximum extent practicable; and

“(B) increased enrollment for services of the Department of Veterans Affairs by veterans who are members of Indian tribes should be encouraged to the maximum extent practicable.

“(2) PURPOSE.—The purpose of this section is to reaffirm the goals stated in the document entitled ‘Memorandum of Understanding Between the VA/Veterans Health Administration And HHS/Indian Health Service’ and dated February 25, 2003 (relating to cooperation and resource sharing between the Veterans Health Administration and Service).

“(b) DEFINITIONS.—In this section:

“(1) ELIGIBLE INDIAN VETERAN.—The term ‘eligible Indian veteran’ means an Indian or Alaska Native veteran who receives any medical service that is—

“(A) authorized under the laws administered by the Secretary of Veterans Affairs; and

“(B) administered at a facility of the Service (including a facility operated by an Indian tribe or tribal organization through a contract or compact with the Service under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)) pursuant to a local memorandum of understanding.

“(2) LOCAL MEMORANDUM OF UNDERSTANDING.—The term ‘local memorandum of understanding’ means a memorandum of understanding between the Secretary (or a designee, including the director of any area office of the Service) and the Secretary of Veterans Affairs (or a designee) to implement the document entitled ‘Memorandum of Understanding Between the VA/Veterans Health Administration And HHS/Indian Health Service’ and dated February 25, 2003 (relating to cooperation and resource sharing between the Veterans Health Administration and Indian Health Service).

“(c) ELIGIBLE INDIAN VETERANS EXPENSES.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall provide for veteran-related expenses incurred by eligible Indian veterans as described in subsection (b)(1)(B).

“(2) METHOD OF PAYMENT.—The Secretary shall establish such guidelines as the Secretary determines to be appropriate regarding the method of payments to the Secretary of Veterans Affairs under paragraph (1).

“(d) TRIBAL APPROVAL OF MEMORANDA.—In negotiating a local memorandum of understanding with the Secretary of Veterans Affairs regarding the provision of services to eligible Indian veterans, the Secretary shall consult with each Indian tribe that would be affected by the local memorandum of understanding.

“(e) FUNDING.—

“(1) TREATMENT.—Expenses incurred by the Secretary in carrying out subsection (c)(1) shall not be considered to be Contract Health Service expenses.

“(2) USE OF FUNDS.—Of funds made available to the Secretary in appropriations Acts for the Service (excluding funds made available for facilities, Contract Health Services, or contract support costs), the Secretary shall use such sums as are necessary to carry out this section.”.

#### SEC. 156. NONDISCRIMINATION UNDER FEDERAL HEALTH CARE PROGRAMS IN QUALIFICATIONS FOR REIMBURSEMENT FOR SERVICES.

Title IV of the Indian Health Care Improvement Act (25 U.S.C. 1641 et seq.) (as amended by section 155) is amended by adding at the end the following:

##### “SEC. 408. NONDISCRIMINATION UNDER FEDERAL HEALTH CARE PROGRAMS IN QUALIFICATIONS FOR REIMBURSEMENT FOR SERVICES.

“(a) REQUIREMENT TO SATISFY GENERALLY APPLICABLE PARTICIPATION REQUIREMENTS.—

“(1) IN GENERAL.—A Federal health care program must accept an entity that is operated by the Service, an Indian tribe, tribal organization, or urban Indian organization as a provider eligible to receive payment under the program for health care services furnished to an Indian on the same basis as any other provider qualified to participate as a provider of health care services under the program if the entity meets generally applicable State or other requirements for participation as a provider of health care services under the program.

“(2) SATISFACTION OF STATE OR LOCAL LICENSURE OR RECOGNITION REQUIREMENTS.—Any requirement for participation as a provider of health care services under a Federal health care program that an entity be licensed or recognized under the State or local law where the entity is located to furnish health care services shall be deemed to have been met in the case of an entity operated by the Service, an Indian tribe, tribal organization, or urban Indian organization if the entity meets all the applicable standards for such licensure or recognition, regardless of whether the entity obtains a license or other documentation under such State or local law. In accordance with section 221, the absence of the licensure of a health professional employed by such an entity under the State or local law where the entity is located shall not be taken into account for purposes of determining whether the entity meets such standards, if the professional is licensed in another State.

“(b) APPLICATION OF EXCLUSION FROM PARTICIPATION IN FEDERAL HEALTH CARE PROGRAMS.—

“(1) EXCLUDED ENTITIES.—No entity operated by the Service, an Indian tribe, tribal organization, or urban Indian organization that has been excluded from participation in any Federal health care program or for which a license is under suspension or has been revoked by the State where the entity is located shall be eligible to receive payment or reimbursement under any such program for health care services furnished to an Indian.

“(2) EXCLUDED INDIVIDUALS.—No individual who has been excluded from participation in any Federal health care program or whose State license is under suspension shall be eligible to receive payment or reimbursement under any such program for health care services furnished by that individual, directly or through an entity that is otherwise eligible

to receive payment for health care services, to an Indian.

“(3) FEDERAL HEALTH CARE PROGRAM DEFINED.—In this subsection, the term, ‘Federal health care program’ has the meaning given that term in section 1128B(f) of the Social Security Act (42 U.S.C. 1320a-7b(f)), except that, for purposes of this subsection, such term shall include the health insurance program under chapter 89 of title 5, United States Code.

“(c) RELATED PROVISIONS.—For provisions related to nondiscrimination against providers operated by the Service, an Indian tribe, tribal organization, or urban Indian organization, see section 1139(c) of the Social Security Act (42 U.S.C. 1320b-9(c)).”.

#### SEC. 157. ACCESS TO FEDERAL INSURANCE.

Title IV of the Indian Health Care Improvement Act (25 U.S.C. 1641 et seq.) (as amended by section 156) is amended by adding at the end the following:

##### “SEC. 409. ACCESS TO FEDERAL INSURANCE.

“Notwithstanding the provisions of title 5, United States Code, Executive order, or administrative regulation, an Indian tribe or tribal organization carrying out programs under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or an urban Indian organization carrying out programs under title V of this Act shall be entitled to purchase coverage, rights, and benefits for the employees of such Indian tribe or tribal organization, or urban Indian organization, under chapter 89 of title 5, United States Code, and chapter 87 of such title if necessary employee deductions and agency contributions in payment for the coverage, rights, and benefits for the period of employment with such Indian tribe or tribal organization, or urban Indian organization, are currently deposited in the applicable Employee's Fund under such title.”.

#### SEC. 158. GENERAL EXCEPTIONS.

Title IV of the Indian Health Care Improvement Act (25 U.S.C. 1641 et seq.) (as amended by section 157) is amended by adding at the end the following:

##### “SEC. 410. GENERAL EXCEPTIONS.

“The requirements of this title shall not apply to any excepted benefits described in paragraph (1)(A) or (3) of section 2791(c) of the Public Health Service Act (42 U.S.C. 300gg-91).”.

#### SEC. 159. NAVAJO NATION MEDICAID AGENCY FEASIBILITY STUDY.

Title IV of the Indian Health Care Improvement Act (25 U.S.C. 1641 et seq.) (as amended by section 158) is amended by adding at the end the following:

##### “SEC. 411. NAVAJO NATION MEDICAID AGENCY FEASIBILITY STUDY.

“(a) STUDY.—The Secretary shall conduct a study to determine the feasibility of treating the Navajo Nation as a State for the purposes of title XIX of the Social Security Act, to provide services to Indians living within the boundaries of the Navajo Nation through an entity established having the same authority and performing the same functions as single-State medicaid agencies responsible for the administration of the State plan under title XIX of the Social Security Act.

“(b) CONSIDERATIONS.—In conducting the study, the Secretary shall consider the feasibility of—

“(1) assigning and paying all expenditures for the provision of services and related administration funds, under title XIX of the Social Security Act, to Indians living within the boundaries of the Navajo Nation that are currently paid to or would otherwise be paid to the State of Arizona, New Mexico, or Utah;

“(2) providing assistance to the Navajo Nation in the development and implementation of such entity for the administration, eligibility, payment, and delivery of medical assistance under title XIX of the Social Security Act;

“(3) providing an appropriate level of matching funds for Federal medical assistance with respect to amounts such entity expends for medical assistance for services and related administrative costs; and

“(4) authorizing the Secretary, at the option of the Navajo Nation, to treat the Navajo Nation as a State for the purposes of title XIX of the Social Security Act (relating to the State children's health insurance program) under terms equivalent to those described in paragraphs (2) through (4).

“(c) REPORT.—Not later than 3 years after the date of enactment of the Indian Health Care Improvement Reauthorization and Extension Act of 2009, the Secretary shall submit to the Committee on Indian Affairs and Committee on Finance of the Senate and the Committee on Natural Resources and Committee on Energy and Commerce of the House of Representatives a report that includes—

“(1) the results of the study under this section;

“(2) a summary of any consultation that occurred between the Secretary and the Navajo Nation, other Indian Tribes, the States of Arizona, New Mexico, and Utah, counties which include Navajo Lands, and other interested parties, in conducting this study;

“(3) projected costs or savings associated with establishment of such entity, and any estimated impact on services provided as described in this section in relation to probable costs or savings; and

“(4) legislative actions that would be required to authorize the establishment of such entity if such entity is determined by the Secretary to be feasible.”.

#### **Subtitle E—Health Services for Urban Indians**

##### **SEC. 161. FACILITIES RENOVATION.**

Section 509 of the Indian Health Care Improvement Act (25 U.S.C. 1659) is amended by inserting “or construction or expansion of facilities” after “renovations to facilities”.

##### **SEC. 162. TREATMENT OF CERTAIN DEMONSTRATION PROJECTS.**

Section 512 of the Indian Health Care Improvement Act (25 U.S.C. 1660b) is amended to read as follows:

##### **“SEC. 512. TREATMENT OF CERTAIN DEMONSTRATION PROJECTS.**

“Notwithstanding any other provision of law, the Tulsa Clinic and Oklahoma City Clinic demonstration projects shall—

“(1) be permanent programs within the Service's direct care program;

“(2) continue to be treated as Service units and operating units in the allocation of resources and coordination of care; and

“(3) continue to meet the requirements and definitions of an urban Indian organization in this Act, and shall not be subject to the provisions of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).”.

##### **SEC. 163. REQUIREMENT TO CONFER WITH URBAN INDIAN ORGANIZATIONS.**

(a) CONFERRING WITH URBAN INDIAN ORGANIZATIONS.—Title V of the Indian Health Care Improvement Act (25 U.S.C. 1651 et seq.) (as amended by section 101(b)) is amended by adding at the end the following:

##### **“SEC. 514. CONFERRING WITH URBAN INDIAN ORGANIZATIONS.**

“(a) DEFINITION OF CONFER.—In this section, the term ‘confer’ means to engage in an

open and free exchange of information and opinions that—

“(1) leads to mutual understanding and comprehension; and

“(2) emphasizes trust, respect, and shared responsibility.

“(b) REQUIREMENT.—The Secretary shall ensure that the Service confers, to the maximum extent practicable, with urban Indian organizations in carrying out this Act.”.

(b) CONTRACTS WITH, AND GRANTS TO, URBAN INDIAN ORGANIZATIONS.—Section 502 of the Indian Health Care Improvement Act (25 U.S.C. 1652) is amended to read as follows:

##### **“SEC. 502. CONTRACTS WITH, AND GRANTS TO, URBAN INDIAN ORGANIZATIONS.**

“(a) IN GENERAL.—Pursuant to the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the ‘Snyder Act’), the Secretary, acting through the Service, shall enter into contracts with, or make grants to, urban Indian organizations to assist the urban Indian organizations in the establishment and administration, within urban centers, of programs that meet the requirements of this title.

“(b) CONDITIONS.—Subject to section 506, the Secretary, acting through the Service, shall include such conditions as the Secretary considers necessary to effect the purpose of this title in any contract into which the Secretary enters with, or in any grant the Secretary makes to, any urban Indian organization pursuant to this title.”.

##### **SEC. 164. EXPANDED PROGRAM AUTHORITY FOR URBAN INDIAN ORGANIZATIONS.**

Title V of the Indian Health Care Improvement Act (25 U.S.C. 1651 et seq.) (as amended by section 163(a)) is amended by adding at the end the following:

##### **“SEC. 515. EXPANDED PROGRAM AUTHORITY FOR URBAN INDIAN ORGANIZATIONS.**

“Notwithstanding any other provision of this Act, the Secretary, acting through the Service, is authorized to establish programs, including programs for awarding grants, for urban Indian organizations that are identical to any programs established pursuant to sections 218, 702, and 708(g).”.

##### **SEC. 165. COMMUNITY HEALTH REPRESENTATIVES.**

Title V of the Indian Health Care Improvement Act (25 U.S.C. 1651 et seq.) (as amended by section 164) is amended by adding at the end the following:

##### **“SEC. 516. COMMUNITY HEALTH REPRESENTATIVES.**

“The Secretary, acting through the Service, may enter into contracts with, and make grants to, urban Indian organizations for the employment of Indians trained as health service providers through the Community Health Representative Program under section 107 in the provision of health care, health promotion, and disease prevention services to urban Indians.”.

##### **SEC. 166. USE OF FEDERAL GOVERNMENT FACILITIES AND SOURCES OF SUPPLY; HEALTH INFORMATION TECHNOLOGY.**

Title V of the Indian Health Care Improvement Act (25 U.S.C. 1651 et seq.) (as amended by section 165) is amended by adding at the end the following:

##### **“SEC. 517. USE OF FEDERAL GOVERNMENT FACILITIES AND SOURCES OF SUPPLY.**

“(a) IN GENERAL.—The Secretary may permit an urban Indian organization that has entered into a contract or received a grant pursuant to this title, in carrying out the contract or grant, to use, in accordance with such terms and conditions for use and maintenance as are agreed on by the Secretary and the urban Indian organizations—

“(1) any existing facility under the jurisdiction of the Secretary;

“(2) all equipment contained in or pertaining to such an existing facility; and

“(3) any other personal property of the Federal Government under the jurisdiction of the Secretary.

“(b) DONATIONS.—Subject to subsection (d), the Secretary may donate to an urban Indian organization that has entered into a contract or received a grant pursuant to this title any personal or real property determined to be excess to the needs of the Service or the General Services Administration for the purposes of carrying out the contract or grant.

“(c) ACQUISITION OF PROPERTY.—The Secretary may acquire excess or surplus personal or real property of the Federal Government for donation, subject to subsection (d), to an urban Indian organization that has entered into a contract or received a grant pursuant to this title if the Secretary determines that the property is appropriate for use by the urban Indian organization for purposes of the contract or grant.

“(d) PRIORITY.—If the Secretary receives from an urban Indian organization or an Indian tribe or tribal organization a request for a specific item of personal or real property described in subsection (b) or (c), the Secretary shall give priority to the request for donation to the Indian tribe or tribal organization, if the Secretary receives the request from the Indian tribe or tribal organization before the earlier of—

“(1) the date on which the Secretary transfers title to the property to the urban Indian organization; and

“(2) the date on which the Secretary transfers the property physically to the urban Indian organization.

“(e) EXECUTIVE AGENCY STATUS.—For purposes of section 501(a) of title 40, United States Code, an urban Indian organization that has entered into a contract or received a grant pursuant to this title may be considered to be an Executive agency in carrying out the contract or grant.

##### **“SEC. 518. HEALTH INFORMATION TECHNOLOGY.**

“The Secretary, acting through the Service, may make grants to urban Indian organizations under this title for the development, adoption, and implementation of health information technology (as defined in section 3000 of the Public Health Service Act (42 U.S.C. 300jj)), telemedicine services development, and related infrastructure.”.

#### **Subtitle F—Organizational Improvements**

##### **SEC. 171. ESTABLISHMENT OF THE INDIAN HEALTH SERVICE AS AN AGENCY OF THE PUBLIC HEALTH SERVICE.**

Section 601 of the Indian Health Care Improvement Act (25 U.S.C. 1661) is amended to read as follows:

##### **“SEC. 601. ESTABLISHMENT OF THE INDIAN HEALTH SERVICE AS AN AGENCY OF THE PUBLIC HEALTH SERVICE.**

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—In order to more effectively and efficiently carry out the responsibilities, authorities, and functions of the United States to provide health care services to Indians and Indian tribes, as are or may be hereafter provided by Federal statute or treaties, there is established within the Public Health Service of the Department the Indian Health Service.

“(2) DIRECTOR.—The Service shall be administered by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall report to the Secretary. Effective with respect to an individual appointed by the

President, by and with the advice and consent of the Senate, after January 1, 2008, the term of service of the Director shall be 4 years. A Director may serve more than 1 term.

“(3) INCUMBENT.—The individual serving in the position of Director of the Service on the day before the date of enactment of the Indian Health Care Improvement Reauthorization and Extension Act of 2009 shall serve as Director.

“(4) ADVOCACY AND CONSULTATION.—The position of Director is established to, in a manner consistent with the government-to-government relationship between the United States and Indian Tribes—

“(A) facilitate advocacy for the development of appropriate Indian health policy; and

“(B) promote consultation on matters relating to Indian health.

“(b) AGENCY.—The Service shall be an agency within the Public Health Service of the Department, and shall not be an office, component, or unit of any other agency of the Department.

“(c) DUTIES.—The Director shall—

“(1) perform all functions that were, on the day before the date of enactment of the Indian Health Care Improvement Reauthorization and Extension Act of 2009, carried out by or under the direction of the individual serving as Director of the Service on that day;

“(2) perform all functions of the Secretary relating to the maintenance and operation of hospital and health facilities for Indians and the planning for, and provision and utilization of, health services for Indians, including by ensuring that all agency directors, managers, and chief executive officers have appropriate and adequate training, experience, skill levels, knowledge, abilities, and education (including continuing training requirements) to competently fulfill the duties of the positions and the mission of the Service;

“(3) administer all health programs under which health care is provided to Indians based upon their status as Indians which are administered by the Secretary, including programs under—

“(A) this Act;

“(B) the Act of November 2, 1921 (25 U.S.C. 13);

“(C) the Act of August 5, 1954 (42 U.S.C. 2001 et seq.);

“(D) the Act of August 16, 1957 (42 U.S.C. 2005 et seq.); and

“(E) the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.);

“(4) administer all scholarship and loan functions carried out under title I;

“(5) directly advise the Secretary concerning the development of all policy- and budget-related matters affecting Indian health;

“(6) collaborate with the Assistant Secretary for Health concerning appropriate matters of Indian health that affect the agencies of the Public Health Service;

“(7) advise each Assistant Secretary of the Department concerning matters of Indian health with respect to which that Assistant Secretary has authority and responsibility;

“(8) advise the heads of other agencies and programs of the Department concerning matters of Indian health with respect to which those heads have authority and responsibility;

“(9) coordinate the activities of the Department concerning matters of Indian health; and

“(10) perform such other functions as the Secretary may designate.

“(d) AUTHORITY.—

“(1) IN GENERAL.—The Secretary, acting through the Director, shall have the authority—

“(A) except to the extent provided for in paragraph (2), to appoint and compensate employees for the Service in accordance with title 5, United States Code;

“(B) to enter into contracts for the procurement of goods and services to carry out the functions of the Service; and

“(C) to manage, expend, and obligate all funds appropriated for the Service.

“(2) PERSONNEL ACTIONS.—Notwithstanding any other provision of law, the provisions of section 12 of the Act of June 18, 1934 (48 Stat. 986; 25 U.S.C. 472), shall apply to all personnel actions taken with respect to new positions created within the Service as a result of its establishment under subsection (a).”.

#### SEC. 172. OFFICE OF DIRECT SERVICE TRIBES.

Title VI of the Indian Health Care Improvement Act (25 U.S.C. 1661 et seq.) (as amended by section 101(b)) is amended by adding at the end the following:

##### “SEC. 603. OFFICE OF DIRECT SERVICE TRIBES.

“(a) ESTABLISHMENT.—There is established within the Service an office, to be known as the ‘Office of Direct Service Tribes’.

“(b) TREATMENT.—The Office of Direct Service Tribes shall be located in the Office of the Director.

“(c) DUTIES.—The Office of Direct Service Tribes shall be responsible for—

“(1) providing Service-wide leadership, guidance and support for direct service tribes to include strategic planning and program evaluation;

“(2) ensuring maximum flexibility to tribal health and related support systems for Indian beneficiaries;

“(3) serving as the focal point for consultation and participation between direct service tribes and organizations and the Service in the development of Service policy;

“(4) holding no less than biannual consultations with direct service tribes in appropriate locations to gather information and aid in the development of health policy; and

“(5) directing a national program and providing leadership and advocacy in the development of health policy, program management, budget formulation, resource allocation, and delegation support for direct service tribes.”.

#### SEC. 173. NEVADA AREA OFFICE.

Title VI of the Indian Health Care Improvement Act (25 U.S.C. 1661 et seq.) (as amended by section 172) is amended by adding at the end the following:

##### “SEC. 604. NEVADA AREA OFFICE.

“(a) IN GENERAL.—Not later than 1 year after the date of enactment of this section, in a manner consistent with the tribal consultation policy of the Service, the Secretary shall submit to Congress a plan describing the manner and schedule by which an area office, separate and distinct from the Phoenix Area Office of the Service, can be established in the State of Nevada.

“(b) FAILURE TO SUBMIT PLAN.—

“(1) DEFINITION OF OPERATIONS FUNDS.—In this subsection, the term ‘operations funds’ means only the funds used for—

“(A) the administration of services, including functional expenses such as overtime, personnel salaries, and associated benefits; or

“(B) related tasks that directly affect the operations described in subparagraph (A).

“(2) WITHHOLDING OF FUNDS.—If the Secretary fails to submit a plan in accordance with subsection (a), the Secretary shall withhold the operations funds reserved for the Office of the Director, subject to the condition that the withholding shall not adversely impact the capacity of the Service to deliver health care services.

“(3) RESTORATION.—The operations funds withheld pursuant to paragraph (2) may be restored, at the discretion of the Secretary, to the Office of the Director on achievement by that Office of compliance with this section.”.

#### Subtitle G—Behavioral Health Programs

##### SEC. 181. BEHAVIORAL HEALTH PROGRAMS.

Title VII of the Indian Health Care Improvement Act (25 U.S.C. 1665 et seq.) is amended to read as follows:

#### “TITLE VII—BEHAVIORAL HEALTH PROGRAMS

##### “Subtitle A—General Programs

##### “SEC. 701. DEFINITIONS.

“In this subtitle:

“(1) ALCOHOL-RELATED NEURODEVELOPMENTAL DISORDERS; ARND.—The term ‘alcohol-related neurodevelopmental disorders’ or ‘ARND’ means, with a history of maternal alcohol consumption during pregnancy, central nervous system abnormalities, which may range from minor intellectual deficits and developmental delays to mental retardation. ARND children may have behavioral problems, learning disabilities, problems with executive functioning, and attention disorders. The neurological defects of ARND may be as severe as FAS, but facial anomalies and other physical characteristics are not present in ARND, thus making diagnosis difficult.

“(2) ASSESSMENT.—The term ‘assessment’ means the systematic collection, analysis, and dissemination of information on health status, health needs, and health problems.

“(3) BEHAVIORAL HEALTH AFTERCARE.—The term ‘behavioral health aftercare’ includes those activities and resources used to support recovery following inpatient, residential, intensive substance abuse, or mental health outpatient or outpatient treatment. The purpose is to help prevent or deal with relapse by ensuring that by the time a client or patient is discharged from a level of care, such as outpatient treatment, an aftercare plan has been developed with the client. An aftercare plan may use such resources as a community-based therapeutic group, transitional living facilities, a 12-step sponsor, a local 12-step or other related support group, and other community-based providers.

“(4) DUAL DIAGNOSIS.—The term ‘dual diagnosis’ means coexisting substance abuse and mental illness conditions or diagnosis. Such clients are sometimes referred to as mentally ill chemical abusers (MICAs).

“(5) FETAL ALCOHOL SPECTRUM DISORDERS.—

“(A) IN GENERAL.—The term ‘fetal alcohol spectrum disorders’ includes a range of effects that can occur in an individual whose mother drank alcohol during pregnancy, including physical, mental, behavioral, and/or learning disabilities with possible lifelong implications.

“(B) INCLUSIONS.—The term ‘fetal alcohol spectrum disorders’ may include—

“(i) fetal alcohol syndrome (FAS);

“(ii) partial fetal alcohol syndrome (partial FAS);

“(iii) alcohol-related birth defects (ARBD); and

“(iv) alcohol-related neurodevelopmental disorders (ARND).

“(6) FAS OR FETAL ALCOHOL SYNDROME.—The term ‘FAS’ or ‘fetal alcohol syndrome’ means a syndrome in which, with a history of maternal alcohol consumption during pregnancy, the following criteria are met:

“(A) Central nervous system involvement, such as mental retardation, developmental delay, intellectual deficit, microcephaly, or neurological abnormalities.

“(B) Craniofacial abnormalities with at least 2 of the following:

“(i) Microphthalmia.

“(ii) Short palpebral fissures.

“(iii) Poorly developed philtrum.

“(iv) Thin upper lip.

“(v) Flat nasal bridge.

“(vi) Short upturned nose.

“(C) Prenatal or postnatal growth delay.

“(7) REHABILITATION.—The term ‘rehabilitation’ means medical and health care services that—

“(A) are recommended by a physician or licensed practitioner of the healing arts within the scope of their practice under applicable law;

“(B) are furnished in a facility, home, or other setting in accordance with applicable standards; and

“(C) have as their purpose any of the following:

“(i) The maximum attainment of physical, mental, and developmental functioning.

“(ii) Averting deterioration in physical or mental functional status.

“(iii) The maintenance of physical or mental health functional status.

“(8) SUBSTANCE ABUSE.—The term ‘substance abuse’ includes inhalant abuse.

#### **“SEC. 702. BEHAVIORAL HEALTH PREVENTION AND TREATMENT SERVICES.**

“(a) PURPOSES.—The purposes of this section are as follows:

“(1) To authorize and direct the Secretary, acting through the Service, Indian tribes, and tribal organizations, to develop a comprehensive behavioral health prevention and treatment program which emphasizes collaboration among alcohol and substance abuse, social services, and mental health programs.

“(2) To provide information, direction, and guidance relating to mental illness and dysfunction and self-destructive behavior, including child abuse and family violence, to those Federal, tribal, State, and local agencies responsible for programs in Indian communities in areas of health care, education, social services, child and family welfare, alcohol and substance abuse, law enforcement, and judicial services.

“(3) To assist Indian tribes to identify services and resources available to address mental illness and dysfunctional and self-destructive behavior.

“(4) To provide authority and opportunities for Indian tribes and tribal organizations to develop, implement, and coordinate with community-based programs which include identification, prevention, education, referral, and treatment services, including through multidisciplinary resource teams.

“(5) To ensure that Indians, as citizens of the United States and of the States in which they reside, have the same access to behavioral health services to which all citizens have access.

“(6) To modify or supplement existing programs and authorities in the areas identified in paragraph (2).

“(b) PLANS.—

“(1) DEVELOPMENT.—The Secretary, acting through the Service, Indian tribes, and tribal organizations, shall encourage Indian tribes and tribal organizations to develop tribal

plans, and urban Indian organizations to develop local plans, and for all such groups to participate in developing areawide plans for Indian Behavioral Health Services. The plans shall include, to the extent feasible, the following components:

“(A) An assessment of the scope of alcohol or other substance abuse, mental illness, and dysfunctional and self-destructive behavior, including suicide, child abuse, and family violence, among Indians, including—

“(i) the number of Indians served who are directly or indirectly affected by such illness or behavior; or

“(ii) an estimate of the financial and human cost attributable to such illness or behavior.

“(B) An assessment of the existing and additional resources necessary for the prevention and treatment of such illness and behavior, including an assessment of the progress toward achieving the availability of the full continuum of care described in subsection (c).

“(C) An estimate of the additional funding needed by the Service, Indian tribes, tribal organizations, and urban Indian organizations to meet their responsibilities under the plans.

“(2) NATIONAL CLEARINGHOUSE.—The Secretary, acting through the Service, shall coordinate with existing national clearinghouses and information centers to include at the clearinghouses and centers plans and reports on the outcomes of such plans developed by Indian tribes, tribal organizations, urban Indian organizations, and Service areas relating to behavioral health. The Secretary shall ensure access to these plans and outcomes by any Indian tribe, tribal organization, urban Indian organization, or the Service.

“(3) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to Indian tribes, tribal organizations, and urban Indian organizations in preparation of plans under this section and in developing standards of care that may be used and adopted locally.

“(c) PROGRAMS.—The Secretary, acting through the Service, shall provide, to the extent feasible and if funding is available, programs including the following:

“(1) COMPREHENSIVE CARE.—A comprehensive continuum of behavioral health care which provides—

“(A) community-based prevention, intervention, outpatient, and behavioral health aftercare;

“(B) detoxification (social and medical);

“(C) acute hospitalization;

“(D) intensive outpatient/day treatment;

“(E) residential treatment;

“(F) transitional living for those needing a temporary, stable living environment that is supportive of treatment and recovery goals;

“(G) emergency shelter;

“(H) intensive case management;

“(I) diagnostic services; and

“(J) promotion of healthy approaches to risk and safety issues, including injury prevention.

“(2) CHILD CARE.—Behavioral health services for Indians from birth through age 17, including—

“(A) preschool and school age fetal alcohol spectrum disorder services, including assessment and behavioral intervention;

“(B) mental health and substance abuse services (emotional, organic, alcohol, drug, inhalant, and tobacco);

“(C) identification and treatment of co-occurring disorders and comorbidity;

“(D) prevention of alcohol, drug, inhalant, and tobacco use;

“(E) early intervention, treatment, and aftercare;

“(F) promotion of healthy approaches to risk and safety issues; and

“(G) identification and treatment of neglect and physical, mental, and sexual abuse.

“(3) ADULT CARE.—Behavioral health services for Indians from age 18 through 55, including—

“(A) early intervention, treatment, and aftercare;

“(B) mental health and substance abuse services (emotional, alcohol, drug, inhalant, and tobacco), including sex specific services;

“(C) identification and treatment of co-occurring disorders (dual diagnosis) and comorbidity;

“(D) promotion of healthy approaches for risk-related behavior;

“(E) treatment services for women at risk of giving birth to a child with a fetal alcohol spectrum disorder; and

“(F) sex specific treatment for sexual assault and domestic violence.

“(4) FAMILY CARE.—Behavioral health services for families, including—

“(A) early intervention, treatment, and aftercare for affected families;

“(B) treatment for sexual assault and domestic violence; and

“(C) promotion of healthy approaches relating to parenting, domestic violence, and other abuse issues.

“(5) ELDER CARE.—Behavioral health services for Indians 56 years of age and older, including—

“(A) early intervention, treatment, and aftercare;

“(B) mental health and substance abuse services (emotional, alcohol, drug, inhalant, and tobacco), including sex specific services;

“(C) identification and treatment of co-occurring disorders (dual diagnosis) and comorbidity;

“(D) promotion of healthy approaches to managing conditions related to aging;

“(E) sex specific treatment for sexual assault, domestic violence, neglect, physical and mental abuse and exploitation; and

“(F) identification and treatment of dementias regardless of cause.

“(d) COMMUNITY BEHAVIORAL HEALTH PLAN.—

“(1) ESTABLISHMENT.—The governing body of any Indian tribe, tribal organization, or urban Indian organization may adopt a resolution for the establishment of a community behavioral health plan providing for the identification and coordination of available resources and programs to identify, prevent, or treat substance abuse, mental illness, or dysfunctional and self-destructive behavior, including child abuse and family violence, among its members or its service population. This plan should include behavioral health services, social services, intensive outpatient services, and continuing aftercare.

“(2) TECHNICAL ASSISTANCE.—At the request of an Indian tribe, tribal organization, or urban Indian organization, the Bureau of Indian Affairs and the Service shall cooperate with and provide technical assistance to the Indian tribe, tribal organization, or urban Indian organization in the development and implementation of such plan.

“(3) FUNDING.—The Secretary, acting through the Service, Indian tribes, and tribal organizations, may make funding available to Indian tribes and tribal organizations which adopt a resolution pursuant to paragraph (1) to obtain technical assistance for the development of a community behavioral health plan and to provide administrative support in the implementation of such plan.

“(e) COORDINATION FOR AVAILABILITY OF SERVICES.—The Secretary, acting through the Service, shall coordinate behavioral health planning, to the extent feasible, with other Federal agencies and with State agencies, to encourage comprehensive behavioral health services for Indians regardless of their place of residence.

“(f) MENTAL HEALTH CARE NEED ASSESSMENT.—Not later than 1 year after the date of enactment of the Indian Health Care Improvement Reauthorization and Extension Act of 2009, the Secretary, acting through the Service, shall make an assessment of the need for inpatient mental health care among Indians and the availability and cost of inpatient mental health facilities which can meet such need. In making such assessment, the Secretary shall consider the possible conversion of existing, underused Service hospital beds into psychiatric units to meet such need.

**“SEC. 703. MEMORANDA OF AGREEMENT WITH THE DEPARTMENT OF INTERIOR.**

“(a) CONTENTS.—Not later than 1 year after the date of enactment of the Indian Health Care Improvement Reauthorization and Extension Act of 2009, the Secretary, acting through the Service, and the Secretary of the Interior shall develop and enter into a memorandum of agreement, or review and update any existing memoranda of agreement, as required by section 4205 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2411) under which the Secretaries address the following:

“(1) The scope and nature of mental illness and dysfunctional and self-destructive behavior, including child abuse and family violence, among Indians.

“(2) The existing Federal, tribal, State, local, and private services, resources, and programs available to provide behavioral health services for Indians.

“(3) The unmet need for additional services, resources, and programs necessary to meet the needs identified pursuant to paragraph (1).

“(4)(A) The right of Indians, as citizens of the United States and of the States in which they reside, to have access to behavioral health services to which all citizens have access.

“(B) The right of Indians to participate in, and receive the benefit of, such services.

“(C) The actions necessary to protect the exercise of such right.

“(5) The responsibilities of the Bureau of Indian Affairs and the Service, including mental illness identification, prevention, education, referral, and treatment services (including services through multidisciplinary resource teams), at the central, area, and agency and Service unit, Service area, and headquarters levels to address the problems identified in paragraph (1).

“(6) A strategy for the comprehensive coordination of the behavioral health services provided by the Bureau of Indian Affairs and the Service to meet the problems identified pursuant to paragraph (1), including—

“(A) the coordination of alcohol and substance abuse programs of the Service, the Bureau of Indian Affairs, and Indian tribes and tribal organizations (developed under the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2401 et seq.)) with behavioral health initiatives pursuant to this Act, particularly with respect to the referral and treatment of dually diagnosed individuals requiring behavioral health and substance abuse treatment; and

“(B) ensuring that the Bureau of Indian Affairs and Service programs and services (in-

cluding multidisciplinary resource teams) addressing child abuse and family violence are coordinated with such non-Federal programs and services.

“(7) Directing appropriate officials of the Bureau of Indian Affairs and the Service, particularly at the agency and Service unit levels, to cooperate fully with tribal requests made pursuant to community behavioral health plans adopted under section 702(c) and section 4206 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2412).

“(8) Providing for an annual review of such agreement by the Secretaries which shall be provided to Congress and Indian tribes and tribal organizations.

“(b) SPECIFIC PROVISIONS REQUIRED.—The memoranda of agreement updated or entered into pursuant to subsection (a) shall include specific provisions pursuant to which the Service shall assume responsibility for—

“(1) the determination of the scope of the problem of alcohol and substance abuse among Indians, including the number of Indians within the jurisdiction of the Service who are directly or indirectly affected by alcohol and substance abuse and the financial and human cost;

“(2) an assessment of the existing and needed resources necessary for the prevention of alcohol and substance abuse and the treatment of Indians affected by alcohol and substance abuse; and

“(3) an estimate of the funding necessary to adequately support a program of prevention of alcohol and substance abuse and treatment of Indians affected by alcohol and substance abuse.

“(c) PUBLICATION.—Each memorandum of agreement entered into or renewed (and amendments or modifications thereto) under subsection (a) shall be published in the Federal Register. At the same time as publication in the Federal Register, the Secretary shall provide a copy of such memoranda, amendment, or modification to each Indian tribe, tribal organization, and urban Indian organization.

**“SEC. 704. COMPREHENSIVE BEHAVIORAL HEALTH PREVENTION AND TREATMENT PROGRAM.**

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—The Secretary, acting through the Service, shall provide a program of comprehensive behavioral health, prevention, treatment, and aftercare, which may include, if feasible and appropriate, systems of care, and shall include—

“(A) prevention, through educational intervention, in Indian communities;

“(B) acute detoxification, psychiatric hospitalization, residential, and intensive outpatient treatment;

“(C) community-based rehabilitation and aftercare;

“(D) community education and involvement, including extensive training of health care, educational, and community-based personnel;

“(E) specialized residential treatment programs for high-risk populations, including pregnant and postpartum women and their children; and

“(F) diagnostic services.

“(2) TARGET POPULATIONS.—The target population of such programs shall be members of Indian tribes. Efforts to train and educate key members of the Indian community shall also target employees of health, education, judicial, law enforcement, legal, and social service programs.

“(b) CONTRACT HEALTH SERVICES.—

“(1) IN GENERAL.—The Secretary, acting through the Service, may enter into con-

tracts with public or private providers of behavioral health treatment services for the purpose of carrying out the program required under subsection (a).

“(2) PROVISION OF ASSISTANCE.—In carrying out this subsection, the Secretary shall provide assistance to Indian tribes and tribal organizations to develop criteria for the certification of behavioral health service providers and accreditation of service facilities which meet minimum standards for such services and facilities.

**“SEC. 705. MENTAL HEALTH TECHNICIAN PROGRAM.**

“(a) IN GENERAL.—Pursuant to the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the ‘Snyder Act’), the Secretary shall establish and maintain a mental health technician program within the Service which—

“(1) provides for the training of Indians as mental health technicians; and

“(2) employs such technicians in the provision of community-based mental health care that includes identification, prevention, education, referral, and treatment services.

“(b) PARAPROFESSIONAL TRAINING.—In carrying out subsection (a), the Secretary, acting through the Service, shall provide high-standard paraprofessional training in mental health care necessary to provide quality care to the Indian communities to be served. Such training shall be based upon a curriculum developed or approved by the Secretary which combines education in the theory of mental health care with supervised practical experience in the provision of such care.

“(c) SUPERVISION AND EVALUATION OF TECHNICIANS.—The Secretary, acting through the Service, shall supervise and evaluate the mental health technicians in the training program.

“(d) TRADITIONAL HEALTH CARE PRACTICES.—The Secretary, acting through the Service, shall ensure that the program established pursuant to this section involves the use and promotion of the traditional health care practices of the Indian tribes to be served.

**“SEC. 706. LICENSING REQUIREMENT FOR MENTAL HEALTH CARE WORKERS.**

“(a) IN GENERAL.—Subject to section 221, and except as provided in subsection (b), any individual employed as a psychologist, social worker, or marriage and family therapist for the purpose of providing mental health care services to Indians in a clinical setting under this Act is required to be licensed as a psychologist, social worker, or marriage and family therapist, respectively.

“(b) TRAINEES.—An individual may be employed as a trainee in psychology, social work, or marriage and family therapy to provide mental health care services described in subsection (a) if such individual—

“(1) works under the direct supervision of a licensed psychologist, social worker, or marriage and family therapist, respectively;

“(2) is enrolled in or has completed at least 2 years of course work at a post-secondary, accredited education program for psychology, social work, marriage and family therapy, or counseling; and

“(3) meets such other training, supervision, and quality review requirements as the Secretary may establish.

**“SEC. 707. INDIAN WOMEN TREATMENT PROGRAMS.**

“(a) GRANTS.—The Secretary, consistent with section 702, may make grants to Indian tribes, tribal organizations, and urban Indian organizations to develop and implement a comprehensive behavioral health program of



prevention, intervention, treatment, and relapse prevention services that specifically addresses the cultural, historical, social, and child care needs of Indian women, regardless of age.

“(b) USE OF GRANT FUNDS.—A grant made pursuant to this section may be used—

“(1) to develop and provide community training, education, and prevention programs for Indian women relating to behavioral health issues, including fetal alcohol spectrum disorders;

“(2) to identify and provide psychological services, counseling, advocacy, support, and relapse prevention to Indian women and their families; and

“(3) to develop prevention and intervention models for Indian women which incorporate traditional health care practices, cultural values, and community and family involvement.

“(c) CRITERIA.—The Secretary, in consultation with Indian tribes and tribal organizations, shall establish criteria for the review and approval of applications and proposals for funding under this section.

“(d) ALLOCATION OF FUNDS FOR URBAN INDIAN ORGANIZATIONS.—20 percent of the funds appropriated pursuant to this section shall be used to make grants to urban Indian organizations.

#### “SEC. 708. INDIAN YOUTH PROGRAM.

“(a) DETOXIFICATION AND REHABILITATION.—The Secretary, acting through the Service, consistent with section 702, shall develop and implement a program for acute detoxification and treatment for Indian youths, including behavioral health services. The program shall include regional treatment centers designed to include detoxification and rehabilitation for both sexes on a referral basis and programs developed and implemented by Indian tribes or tribal organizations at the local level under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.). Regional centers shall be integrated with the intake and rehabilitation programs based in the referring Indian community.

“(b) ALCOHOL AND SUBSTANCE ABUSE TREATMENT CENTERS OR FACILITIES.—

“(1) ESTABLISHMENT.—

“(A) IN GENERAL.—The Secretary, acting through the Service, shall construct, renovate, or, as necessary, purchase, and appropriately staff and operate, at least 1 youth regional treatment center or treatment network in each area under the jurisdiction of an area office.

“(B) AREA OFFICE IN CALIFORNIA.—For the purposes of this subsection, the area office in California shall be considered to be 2 area offices, 1 office whose jurisdiction shall be considered to encompass the northern area of the State of California, and 1 office whose jurisdiction shall be considered to encompass the remainder of the State of California for the purpose of implementing California treatment networks.

“(2) FUNDING.—For the purpose of staffing and operating such centers or facilities, funding shall be pursuant to the Act of November 2, 1921 (25 U.S.C. 13).

“(3) LOCATION.—A youth treatment center constructed or purchased under this subsection shall be constructed or purchased at a location within the area described in paragraph (1) agreed upon (by appropriate tribal resolution) by a majority of the Indian tribes to be served by such center.

“(4) SPECIFIC PROVISION OF FUNDS.—

“(A) IN GENERAL.—Notwithstanding any other provision of this title, the Secretary may, from amounts authorized to be appro-

priated for the purposes of carrying out this section, make funds available to—

“(i) the Tanana Chiefs Conference, Incorporated, for the purpose of leasing, constructing, renovating, operating, and maintaining a residential youth treatment facility in Fairbanks, Alaska; and

“(ii) the Southeast Alaska Regional Health Corporation to staff and operate a residential youth treatment facility without regard to the proviso set forth in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l)).

“(B) PROVISION OF SERVICES TO ELIGIBLE YOUTHS.—Until additional residential youth treatment facilities are established in Alaska pursuant to this section, the facilities specified in subparagraph (A) shall make every effort to provide services to all eligible Indian youths residing in Alaska.

“(c) INTERMEDIATE ADOLESCENT BEHAVIORAL HEALTH SERVICES.—

“(1) IN GENERAL.—The Secretary, acting through the Service, may provide intermediate behavioral health services, which may, if feasible and appropriate, incorporate systems of care, to Indian children and adolescents, including—

“(A) pretreatment assistance;

“(B) inpatient, outpatient, and aftercare services;

“(C) emergency care;

“(D) suicide prevention and crisis intervention; and

“(E) prevention and treatment of mental illness and dysfunctional and self-destructive behavior, including child abuse and family violence.

“(2) USE OF FUNDS.—Funds provided under this subsection may be used—

“(A) to construct or renovate an existing health facility to provide intermediate behavioral health services;

“(B) to hire behavioral health professionals;

“(C) to staff, operate, and maintain an intermediate mental health facility, group home, sober housing, transitional housing or similar facilities, or youth shelter where intermediate behavioral health services are being provided;

“(D) to make renovations and hire appropriate staff to convert existing hospital beds into adolescent psychiatric units; and

“(E) for intensive home- and community-based services.

“(3) CRITERIA.—The Secretary, acting through the Service, shall, in consultation with Indian tribes and tribal organizations, establish criteria for the review and approval of applications or proposals for funding made available pursuant to this subsection.

“(d) FEDERALLY OWNED STRUCTURES.—

“(1) IN GENERAL.—The Secretary, in consultation with Indian tribes and tribal organizations, shall—

“(A) identify and use, where appropriate, federally owned structures suitable for local residential or regional behavioral health treatment for Indian youths; and

“(B) establish guidelines for determining the suitability of any such federally owned structure to be used for local residential or regional behavioral health treatment for Indian youths.

“(2) TERMS AND CONDITIONS FOR USE OF STRUCTURE.—Any structure described in paragraph (1) may be used under such terms and conditions as may be agreed upon by the Secretary and the agency having responsibility for the structure and any Indian tribe or tribal organization operating the program.

“(e) REHABILITATION AND AFTERCARE SERVICES.—

“(1) IN GENERAL.—The Secretary, Indian tribes, or tribal organizations, in cooperation with the Secretary of the Interior, shall develop and implement within each Service unit, community-based rehabilitation and follow-up services for Indian youths who are having significant behavioral health problems, and require long-term treatment, community reintegration, and monitoring to support the Indian youths after their return to their home community.

“(2) ADMINISTRATION.—Services under paragraph (1) shall be provided by trained staff within the community who can assist the Indian youths in their continuing development of self-image, positive problem-solving skills, and nonalcohol or substance abusing behaviors. Such staff may include alcohol and substance abuse counselors, mental health professionals, and other health professionals and paraprofessionals, including community health representatives.

“(f) INCLUSION OF FAMILY IN YOUTH TREATMENT PROGRAM.—In providing the treatment and other services to Indian youths authorized by this section, the Secretary, acting through the Service, shall provide for the inclusion of family members of such youths in the treatment programs or other services as may be appropriate. Not less than 10 percent of the funds appropriated for the purposes of carrying out subsection (e) shall be used for outpatient care of adult family members related to the treatment of an Indian youth under that subsection.

“(g) MULTIDRUG ABUSE PROGRAM.—The Secretary, acting through the Service, shall provide, consistent with section 702, programs and services to prevent and treat the abuse of multiple forms of substances, including alcohol, drugs, inhalants, and tobacco, among Indian youths residing in Indian communities, on or near reservations, and in urban areas and provide appropriate mental health services to address the incidence of mental illness among such youths.

“(h) INDIAN YOUTH MENTAL HEALTH.—The Secretary, acting through the Service, shall collect data for the report under section 801 with respect to—

“(1) the number of Indian youth who are being provided mental health services through the Service and tribal health programs;

“(2) a description of, and costs associated with, the mental health services provided for Indian youth through the Service and tribal health programs;

“(3) the number of youth referred to the Service or tribal health programs for mental health services;

“(4) the number of Indian youth provided residential treatment for mental health and behavioral problems through the Service and tribal health programs, reported separately for on- and off-reservation facilities; and

“(5) the costs of the services described in paragraph (4).

#### “SEC. 709. INPATIENT AND COMMUNITY-BASED MENTAL HEALTH FACILITIES DESIGN, CONSTRUCTION, AND STAFFING.

“Not later than 1 year after the date of enactment of the Indian Health Care Improvement Reauthorization and Extension Act of 2009, the Secretary, acting through the Service, may provide, in each area of the Service, not less than 1 inpatient mental health care facility, or the equivalent, for Indians with behavioral health problems. For the purposes of this subsection, California shall be considered to be 2 area offices, 1 office whose location shall be considered to encompass the northern area of the State of California and 1 office whose jurisdiction shall be considered to encompass the remainder of the

State of California. The Secretary shall consider the possible conversion of existing, underused Service hospital beds into psychiatric units to meet such need.

**"SEC. 710. TRAINING AND COMMUNITY EDUCATION.**

"(a) PROGRAM.—The Secretary, in cooperation with the Secretary of the Interior, shall develop and implement or assist Indian tribes and tribal organizations to develop and implement, within each Service unit or tribal program, a program of community education and involvement which shall be designed to provide concise and timely information to the community leadership of each tribal community. Such program shall include education about behavioral health issues to political leaders, tribal judges, law enforcement personnel, members of tribal health and education boards, health care providers including traditional practitioners, and other critical members of each tribal community. Such program may also include community-based training to develop local capacity and tribal community provider training for prevention, intervention, treatment, and aftercare.

"(b) INSTRUCTION.—The Secretary, acting through the Service, shall provide instruction in the area of behavioral health issues, including instruction in crisis intervention and family relations in the context of alcohol and substance abuse, child sexual abuse, youth alcohol and substance abuse, and the causes and effects of fetal alcohol spectrum disorders to appropriate employees of the Bureau of Indian Affairs and the Service, and to personnel in schools or programs operated under any contract with the Bureau of Indian Affairs or the Service, including supervisors of emergency shelters and halfway houses described in section 4213 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2433).

"(c) TRAINING MODELS.—In carrying out the education and training programs required by this section, the Secretary, in consultation with Indian tribes, tribal organizations, Indian behavioral health experts, and Indian alcohol and substance abuse prevention experts, shall develop and provide community-based training models. Such models shall address—

"(1) the elevated risk of alcohol abuse and other behavioral health problems faced by children of alcoholics;

"(2) the cultural, spiritual, and multigenerational aspects of behavioral health problem prevention and recovery; and

"(3) community-based and multidisciplinary strategies for preventing and treating behavioral health problems.

**"SEC. 711. BEHAVIORAL HEALTH PROGRAM.**

"(a) INNOVATIVE PROGRAMS.—The Secretary, acting through the Service, consistent with section 702, may plan, develop, implement, and carry out programs to deliver innovative community-based behavioral health services to Indians.

"(b) AWARDS; CRITERIA.—The Secretary may award a grant for a project under subsection (a) to an Indian tribe or tribal organization and may consider the following criteria:

"(1) The project will address significant unmet behavioral health needs among Indians.

"(2) The project will serve a significant number of Indians.

"(3) The project has the potential to deliver services in an efficient and effective manner.

"(4) The Indian tribe or tribal organization has the administrative and financial capability to administer the project.

"(5) The project may deliver services in a manner consistent with traditional health care practices.

"(6) The project is coordinated with, and avoids duplication of, existing services.

"(c) EQUITABLE TREATMENT.—For purposes of this subsection, the Secretary shall, in evaluating project applications or proposals, use the same criteria that the Secretary uses in evaluating any other application or proposal for such funding.

**"SEC. 712. FETAL ALCOHOL SPECTRUM DISORDERS PROGRAMS.**

"(a) PROGRAMS.—

"(1) ESTABLISHMENT.—The Secretary, consistent with section 702, acting through the Service, Indian tribes, and Tribal Organizations, is authorized to establish and operate fetal alcohol spectrum disorders programs as provided in this section for the purposes of meeting the health status objectives specified in section 3.

"(2) USE OF FUNDS.—

"(A) IN GENERAL.—Funding provided pursuant to this section shall be used for the following:

"(i) To develop and provide for Indians community and in-school training, education, and prevention programs relating to fetal alcohol spectrum disorders.

"(ii) To identify and provide behavioral health treatment to high-risk Indian women and high-risk women pregnant with an Indian's child.

"(iii) To identify and provide appropriate psychological services, educational and vocational support, counseling, advocacy, and information to fetal alcohol spectrum disorders-affected Indians and their families or caretakers.

"(iv) To develop and implement counseling and support programs in schools for fetal alcohol spectrum disorders-affected Indian children.

"(v) To develop prevention and intervention models which incorporate practitioners of traditional health care practices, cultural values, and community involvement.

"(vi) To develop, print, and disseminate education and prevention materials on fetal alcohol spectrum disorders.

"(vii) To develop and implement, in consultation with Indian tribes and tribal organizations, and in conference with urban Indian organizations, culturally sensitive assessment and diagnostic tools including dysmorphology clinics and multidisciplinary fetal alcohol spectrum disorders clinics for use in Indian communities and urban centers.

"(viii) To develop and provide training on fetal alcohol spectrum disorders to professionals providing services to Indians, including medical and allied health practitioners, social service providers, educators, and law enforcement, court officials and corrections personnel in the juvenile and criminal justice systems.

"(B) ADDITIONAL USES.—In addition to any purpose under subparagraph (A), funding provided pursuant to this section may be used for 1 or more of the following:

"(i) Early childhood intervention projects from birth on to mitigate the effects of fetal alcohol spectrum disorders among Indians.

"(ii) Community-based support services for Indians and women pregnant with Indian children.

"(iii) Community-based housing for adult Indians with fetal alcohol spectrum disorders.

"(3) CRITERIA FOR APPLICATIONS.—The Secretary shall establish criteria for the review and approval of applications for funding under this section.

"(b) SERVICES.—The Secretary, acting through the Service, Indian tribes, and tribal organizations, shall—

"(1) develop and provide services for the prevention, intervention, treatment, and aftercare for those affected by fetal alcohol spectrum disorders in Indian communities; and

"(2) provide supportive services, including services to meet the special educational, vocational, school-to-work transition, and independent living needs of adolescent and adult Indians with fetal alcohol spectrum disorders.

"(c) APPLIED RESEARCH PROJECTS.—The Secretary, acting through the Substance Abuse and Mental Health Services Administration, shall make grants to Indian tribes, tribal organizations, and urban Indian organizations for applied research projects which propose to elevate the understanding of methods to prevent, intervene, treat, or provide rehabilitation and behavioral health aftercare for Indians and urban Indians affected by fetal alcohol spectrum disorders.

"(d) FUNDING FOR URBAN INDIAN ORGANIZATIONS.—Ten percent of the funds appropriated pursuant to this section shall be used to make grants to urban Indian organizations funded under title V.

**"SEC. 713. CHILD SEXUAL ABUSE PREVENTION AND TREATMENT PROGRAMS.**

"(a) ESTABLISHMENT.—The Secretary, acting through the Service, shall establish, consistent with section 702, in every Service area, programs involving treatment for—

"(1) victims of sexual abuse who are Indian children or children in an Indian household; and

"(2) other members of the household or family of the victims described in paragraph (1).

"(b) USE OF FUNDS.—Funding provided pursuant to this section shall be used for the following:

"(1) To develop and provide community education and prevention programs related to sexual abuse of Indian children or children in an Indian household.

"(2) To identify and provide behavioral health treatment to victims of sexual abuse who are Indian children or children in an Indian household, and to their family members who are affected by sexual abuse.

"(3) To develop prevention and intervention models which incorporate traditional health care practices, cultural values, and community involvement.

"(4) To develop and implement culturally sensitive assessment and diagnostic tools for use in Indian communities and urban centers.

"(c) COORDINATION.—The programs established under subsection (a) shall be carried out in coordination with programs and services authorized under the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3201 et seq.).

**"SEC. 714. DOMESTIC AND SEXUAL VIOLENCE PREVENTION AND TREATMENT.**

"(a) IN GENERAL.—The Secretary, in accordance with section 702, is authorized to establish in each Service area programs involving the prevention and treatment of—

"(1) Indian victims of domestic violence or sexual abuse; and

"(2) other members of the household or family of the victims described in paragraph (1).

"(b) USE OF FUNDS.—Funds made available to carry out this section shall be used—

"(1) to develop and implement prevention programs and community education programs relating to domestic violence and sexual abuse;

“(2) to provide behavioral health services, including victim support services, and medical treatment (including examinations performed by sexual assault nurse examiners) to Indian victims of domestic violence or sexual abuse;

“(3) to purchase rape kits; and

“(4) to develop prevention and intervention models, which may incorporate traditional health care practices.

“(c) TRAINING AND CERTIFICATION.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Indian Health Care Improvement Reauthorization and Extension Act of 2009, the Secretary shall establish appropriate protocols, policies, procedures, standards of practice, and, if not available elsewhere, training curricula and training and certification requirements for services for victims of domestic violence and sexual abuse.

“(2) REPORT.—Not later than 18 months after the date of enactment of the Indian Health Care Improvement Reauthorization and Extension Act of 2009, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes the means and extent to which the Secretary has carried out paragraph (1).

“(d) COORDINATION.—

“(1) IN GENERAL.—The Secretary, in coordination with the Attorney General, Federal and tribal law enforcement agencies, Indian health programs, and domestic violence or sexual assault victim organizations, shall develop appropriate victim services and victim advocate training programs—

“(A) to improve domestic violence or sexual abuse responses;

“(B) to improve forensic examinations and collection;

“(C) to identify problems or obstacles in the prosecution of domestic violence or sexual abuse; and

“(D) to meet other needs or carry out other activities required to prevent, treat, and improve prosecutions of domestic violence and sexual abuse.

“(2) REPORT.—Not later than 2 years after the date of enactment of the Indian Health Care Improvement Reauthorization and Extension Act of 2009, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes, with respect to the matters described in paragraph (1), the improvements made and needed, problems or obstacles identified, and costs necessary to address the problems or obstacles, and any other recommendations that the Secretary determines to be appropriate.

#### “SEC. 715. BEHAVIORAL HEALTH RESEARCH.

“(a) IN GENERAL.—The Secretary, in consultation with appropriate Federal agencies, shall make grants to, or enter into contracts with, Indian tribes, tribal organizations, and urban Indian organizations or enter into contracts with, or make grants to appropriate institutions for, the conduct of research on the incidence and prevalence of behavioral health problems among Indians served by the Service, Indian tribes, or tribal organizations and among Indians in urban areas. Research priorities under this section shall include—

“(1) the multifactorial causes of Indian youth suicide, including—

“(A) protective and risk factors and scientific data that identifies those factors; and

“(B) the effects of loss of cultural identity and the development of scientific data on those effects;

“(2) the interrelationship and interdependence of behavioral health problems with alcoholism and other substance abuse, suicide, homicides, other injuries, and the incidence of family violence; and

“(3) the development of models of prevention techniques.

“(b) EMPHASIS.—The effect of the interrelationships and interdependencies referred to in subsection (a)(2) on children, and the development of prevention techniques under subsection (a)(3) applicable to children, shall be emphasized.

#### “Subtitle B—Indian Youth Suicide Prevention

#### “SEC. 721. FINDINGS AND PURPOSE.

“(a) FINDINGS.—Congress finds that—

“(1)(A) the rate of suicide of American Indians and Alaska Natives is 1.9 times higher than the national average rate; and

“(B) the rate of suicide of Indian and Alaska Native youth aged 15 through 24 is—

“(i) 3.5 times the national average rate; and

“(ii) the highest rate of any population group in the United States;

“(2) many risk behaviors and contributing factors for suicide are more prevalent in Indian country than in other areas, including—

“(A) history of previous suicide attempts;

“(B) family history of suicide;

“(C) history of depression or other mental illness;

“(D) alcohol or drug abuse;

“(E) health disparities;

“(F) stressful life events and losses;

“(G) easy access to lethal methods;

“(H) exposure to the suicidal behavior of others;

“(I) isolation; and

“(J) incarceration;

“(3) according to national data for 2005, suicide was the second-leading cause of death for Indians and Alaska Natives of both sexes aged 10 through 34;

“(4)(A) the suicide rates of Indian and Alaska Native males aged 15 through 24 are—

“(i) as compared to suicide rates of males of any other racial group, up to 4 times greater; and

“(ii) as compared to suicide rates of females of any other racial group, up to 11 times greater; and

“(B) data demonstrates that, over their lifetimes, females attempt suicide 2 to 3 times more often than males;

“(5)(A) Indian tribes, especially Indian tribes located in the Great Plains, have experienced epidemic levels of suicide, up to 10 times the national average; and

“(B) suicide clustering in Indian country affects entire tribal communities;

“(6) death rates for Indians and Alaska Natives are statistically underestimated because many areas of Indian country lack the proper resources to identify and monitor the presence of disease;

“(7)(A) the Indian Health Service experiences health professional shortages, with physician vacancy rates of approximately 17 percent, and nursing vacancy rates of approximately 18 percent, in 2007;

“(B) 90 percent of all teens who die by suicide suffer from a diagnosable mental illness at time of death;

“(C) more than ½ of teens who die by suicide have never been seen by a mental health provider; and

“(D) ½ of health needs in Indian country relate to mental health;

“(8) often, the lack of resources of Indian tribes and the remote nature of Indian reservations make it difficult to meet the re-

quirements necessary to access Federal assistance, including grants;

“(9) the Substance Abuse and Mental Health Services Administration and the Service have established specific initiatives to combat youth suicide in Indian country and among Indians and Alaska Natives throughout the United States, including the National Suicide Prevention Initiative of the Service, which has worked with Service, tribal, and urban Indian health programs since 2003;

“(10) the National Strategy for Suicide Prevention was established in 2001 through a Department of Health and Human Services collaboration among—

“(A) the Substance Abuse and Mental Health Services Administration;

“(B) the Service;

“(C) the Centers for Disease Control and Prevention;

“(D) the National Institutes of Health; and

“(E) the Health Resources and Services Administration; and

“(11) the Service and other agencies of the Department of Health and Human Services use information technology and other programs to address the suicide prevention and mental health needs of Indians and Alaska Natives.

“(b) PURPOSES.—The purposes of this subtitle are—

“(1) to authorize the Secretary to carry out a demonstration project to test the use of telemental health services in suicide prevention, intervention, and treatment of Indian youth, including through—

“(A) the use of psychotherapy, psychiatric assessments, diagnostic interviews, therapies for mental health conditions predisposing to suicide, and alcohol and substance abuse treatment;

“(B) the provision of clinical expertise to, consultation services with, and medical advice and training for frontline health care providers working with Indian youth;

“(C) training and related support for community leaders, family members, and health and education workers who work with Indian youth;

“(D) the development of culturally relevant educational materials on suicide; and

“(E) data collection and reporting;

“(2) to encourage Indian tribes, tribal organizations, and other mental health care providers serving residents of Indian country to obtain the services of predoctoral psychology and psychiatry interns; and

“(3) to enhance the provision of mental health care services to Indian youth through existing grant programs of the Substance Abuse and Mental Health Services Administration.

#### “SEC. 722. DEFINITIONS.

“In this subtitle:

“(1) ADMINISTRATION.—The term ‘Administration’ means the Substance Abuse and Mental Health Services Administration.

“(2) DEMONSTRATION PROJECT.—The term ‘demonstration project’ means the Indian youth telemental health demonstration project authorized under section 723(a).

“(3) TELEMENTAL HEALTH.—The term ‘telemental health’ means the use of electronic information and telecommunications technologies to support long-distance mental health care, patient and professional-related education, public health, and health administration.

#### “SEC. 723. INDIAN YOUTH TELEMENTAL HEALTH DEMONSTRATION PROJECT.

“(a) AUTHORIZATION.—

“(1) IN GENERAL.—The Secretary, acting through the Service, is authorized to carry

out a demonstration project to award grants for the provision of telemental health services to Indian youth who—

“(A) have expressed suicidal ideas;

“(B) have attempted suicide; or

“(C) have behavioral health conditions that increase or could increase the risk of suicide.

“(2) ELIGIBILITY FOR GRANTS.—Grants under paragraph (1) shall be awarded to Indian tribes and tribal organizations that operate 1 or more facilities—

“(A) located in an area with documented disproportionately high rates of suicide;

“(B) reporting active clinical telehealth capabilities; or

“(C) offering school-based telemental health services to Indian youth.

“(3) GRANT PERIOD.—The Secretary shall award grants under this section for a period of up to 4 years.

“(4) MAXIMUM NUMBER OF GRANTS.—Not more than 5 grants shall be provided under paragraph (1), with priority consideration given to Indian tribes and tribal organizations that—

“(A) serve a particular community or geographic area in which there is a demonstrated need to address Indian youth suicide;

“(B) enter into collaborative partnerships with Service or other tribal health programs or facilities to provide services under this demonstration project;

“(C) serve an isolated community or geographic area that has limited or no access to behavioral health services; or

“(D) operate a detention facility at which Indian youth are detained.

“(5) CONSULTATION WITH ADMINISTRATION.—In developing and carrying out the demonstration project under this subsection, the Secretary shall consult with the Administration as the Federal agency focused on mental health issues, including suicide.

“(b) USE OF FUNDS.—

“(1) IN GENERAL.—An Indian tribe or tribal organization shall use a grant received under subsection (a) for the following purposes:

“(A) To provide telemental health services to Indian youth, including the provision of—

“(i) psychotherapy;

“(ii) psychiatric assessments and diagnostic interviews, therapies for mental health conditions predisposing to suicide, and treatment; and

“(iii) alcohol and substance abuse treatment.

“(B) To provide clinician-interactive medical advice, guidance and training, assistance in diagnosis and interpretation, crisis counseling and intervention, and related assistance to Service or tribal clinicians and health services providers working with youth being served under the demonstration project.

“(C) To assist, educate, and train community leaders, health education professionals and paraprofessionals, tribal outreach workers, and family members who work with the youth receiving telemental health services under the demonstration project, including with identification of suicidal tendencies, crisis intervention and suicide prevention, emergency skill development, and building and expanding networks among those individuals and with State and local health services providers.

“(D) To develop and distribute culturally appropriate community educational materials regarding—

“(i) suicide prevention;

“(ii) suicide education;

“(iii) suicide screening;

“(iv) suicide intervention; and

“(v) ways to mobilize communities with respect to the identification of risk factors for suicide.

“(E) To conduct data collection and reporting relating to Indian youth suicide prevention efforts.

“(2) TRADITIONAL HEALTH CARE PRACTICES.—In carrying out the purposes described in paragraph (1), an Indian tribe or tribal organization may use and promote the traditional health care practices of the Indian tribes of the youth to be served.

“(c) APPLICATIONS.—

“(1) IN GENERAL.—Subject to paragraph (2), to be eligible to receive a grant under subsection (a), an Indian tribe or tribal organization shall prepare and submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require, including—

“(A) a description of the project that the Indian tribe or tribal organization will carry out using the funds provided under the grant;

“(B) a description of the manner in which the project funded under the grant would—

“(i) meet the telemental health care needs of the Indian youth population to be served by the project; or

“(ii) improve the access of the Indian youth population to be served to suicide prevention and treatment services;

“(C) evidence of support for the project from the local community to be served by the project;

“(D) a description of how the families and leadership of the communities or populations to be served by the project would be involved in the development and ongoing operations of the project;

“(E) a plan to involve the tribal community of the youth who are provided services by the project in planning and evaluating the behavioral health care and suicide prevention efforts provided, in order to ensure the integration of community, clinical, environmental, and cultural components of the treatment; and

“(F) a plan for sustaining the project after Federal assistance for the demonstration project has terminated.

“(2) EFFICIENCY OF GRANT APPLICATION PROCESS.—The Secretary shall carry out such measures as the Secretary determines to be necessary to maximize the time and workload efficiency of the process by which Indian tribes and tribal organizations apply for grants under paragraph (1).

“(d) COLLABORATION.—The Secretary, acting through the Service, shall encourage Indian tribes and tribal organizations receiving grants under this section to collaborate to enable comparisons regarding best practices across projects.

“(e) ANNUAL REPORT.—Each grant recipient shall submit to the Secretary an annual report that—

“(1) describes the number of telemental health services provided; and

“(2) includes any other information that the Secretary may require.

“(f) REPORTS TO CONGRESS.—

“(1) INITIAL REPORT.—

“(A) IN GENERAL.—Not later than 2 years after the date on which the first grant is awarded under this section, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources and the Committee on Energy and Commerce of the House of Representatives a report that—

“(i) describes each project funded by a grant under this section during the preceding 2-year period, including a description

of the level of success achieved by the project; and

“(ii) evaluates whether the demonstration project should be continued during the period beginning on the date of termination of funding for the demonstration project under subsection (g) and ending on the date on which the final report is submitted under paragraph (2).

“(B) CONTINUATION OF DEMONSTRATION PROJECT.—On a determination by the Secretary under clause (ii) of subparagraph (A) that the demonstration project should be continued, the Secretary may carry out the demonstration project during the period described in that clause using such sums otherwise made available to the Secretary as the Secretary determines to be appropriate.

“(2) FINAL REPORT.—Not later than 270 days after the date of termination of funding for the demonstration project under subsection (g), the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources and the Committee on Energy and Commerce of the House of Representatives a final report that—

“(A) describes the results of the projects funded by grants awarded under this section, including any data available that indicate the number of attempted suicides;

“(B) evaluates the impact of the telemental health services funded by the grants in reducing the number of completed suicides among Indian youth;

“(C) evaluates whether the demonstration project should be—

“(i) expanded to provide more than 5 grants; and

“(ii) designated as a permanent program; and

“(D) evaluates the benefits of expanding the demonstration project to include urban Indian organizations.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$1,500,000 for each of fiscal years 2010 through 2013.

#### “SEC. 724. SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION GRANTS.

“(a) GRANT APPLICATIONS.—

“(1) EFFICIENCY OF GRANT APPLICATION PROCESS.—The Secretary, acting through the Administration, shall carry out such measures as the Secretary determines to be necessary to maximize the time and workload efficiency of the process by which Indian tribes and tribal organizations apply for grants under any program administered by the Administration, including by providing methods other than electronic methods of submitting applications for those grants, if necessary.

“(2) PRIORITY FOR CERTAIN GRANTS.—

“(A) IN GENERAL.—To fulfill the trust responsibility of the United States to Indian tribes, in awarding relevant grants pursuant to a program described in subparagraph (B), the Secretary shall take into consideration the needs of Indian tribes or tribal organizations, as applicable, that serve populations with documented high suicide rates, regardless of whether those Indian tribes or tribal organizations possess adequate personnel or infrastructure to fulfill all applicable requirements of the relevant program.

“(B) DESCRIPTION OF GRANT PROGRAMS.—A grant program referred to in subparagraph (A) is a grant program—

“(i) administered by the Administration to fund activities relating to mental health, suicide prevention, or suicide-related risk factors; and

“(ii) under which an Indian tribe or tribal organization is an eligible recipient.

“(3) **CLARIFICATION REGARDING INDIAN TRIBES AND TRIBAL ORGANIZATIONS.**—Notwithstanding any other provision of law, in applying for a grant under any program administered by the Administration, no Indian tribe or tribal organization shall be required to apply through a State or State agency.

“(4) **REQUIREMENTS FOR AFFECTED STATES.**—

“(A) **DEFINITIONS.**—In this paragraph:

“(i) **AFFECTED STATE.**—The term ‘affected State’ means a State—

“(I) the boundaries of which include 1 or more Indian tribes; and

“(II) the application for a grant under any program administered by the Administration of which includes statewide data.

“(ii) **INDIAN POPULATION.**—The term ‘Indian population’ means the total number of residents of an affected State who are Indian.

“(B) **REQUIREMENTS.**—As a condition of receipt of a grant under any program administered by the Administration, each affected State shall—

“(i) describe in the grant application—

“(I) the Indian population of the affected State; and

“(II) the contribution of that Indian population to the statewide data used by the affected State in the application; and

“(ii) demonstrate to the satisfaction of the Secretary that—

“(I) of the total amount of the grant, the affected State will allocate for use for the Indian population of the affected State an amount equal to the proportion that—

“(aa) the Indian population of the affected State; bears to

“(bb) the total population of the affected State; and

“(II) the affected State will take reasonable efforts to collaborate with each Indian tribe located within the affected State to carry out youth suicide prevention and treatment measures for members of the Indian tribe.

“(C) **REPORT.**—Not later than 1 year after the date of receipt of a grant described in subparagraph (B), an affected State shall submit to the Secretary a report describing the measures carried out by the affected State to ensure compliance with the requirements of subparagraph (B)(ii).

“(b) **NO NON-FEDERAL SHARE REQUIREMENT.**—Notwithstanding any other provision of law, no Indian tribe or tribal organization shall be required to provide a non-Federal share of the cost of any project or activity carried out using a grant provided under any program administered by the Administration.

“(c) **OUTREACH FOR RURAL AND ISOLATED INDIAN TRIBES.**—Due to the rural, isolated nature of most Indian reservations and communities (especially those reservations and communities in the Great Plains region), the Secretary shall conduct outreach activities, with a particular emphasis on the provision of telemental health services, to achieve the purposes of this subtitle with respect to Indian tribes located in rural, isolated areas.

“(d) **PROVISION OF OTHER ASSISTANCE.**—

“(1) **IN GENERAL.**—The Secretary, acting through the Administration, shall carry out such measures (including monitoring and the provision of required assistance) as the Secretary determines to be necessary to ensure the provision of adequate suicide prevention and mental health services to Indian tribes described in paragraph (2), regardless of whether those Indian tribes possess adequate personnel or infrastructure—

“(A) to submit an application for a grant under any program administered by the Ad-

ministration, including due to problems relating to access to the Internet or other electronic means that may have resulted in previous obstacles to submission of a grant application; or

“(B) to fulfill all applicable requirements of the relevant program.

“(2) **DESCRIPTION OF INDIAN TRIBES.**—An Indian tribe referred to in paragraph (1) is an Indian tribe—

“(A) the members of which experience—

“(i) a high rate of youth suicide;

“(ii) low socioeconomic status; and

“(iii) extreme health disparity;

“(B) that is located in a remote and isolated area; and

“(C) that lacks technology and communication infrastructure.

“(3) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary such sums as the Secretary determines to be necessary to carry out this subsection.

“(e) **EARLY INTERVENTION AND ASSESSMENT SERVICES.**—

“(1) **DEFINITION OF AFFECTED ENTITY.**—In this subsection, the term ‘affected entity’ means any entity—

“(A) that receives a grant for suicide intervention, prevention, or treatment under a program administered by the Administration; and

“(B) the population to be served by which includes Indian youth.

“(2) **REQUIREMENT.**—The Secretary, acting through the Administration, shall ensure that each affected entity carrying out a youth suicide early intervention and prevention strategy described in section 520E(c)(1) of the Public Health Service Act (42 U.S.C. 290bb–36(c)(1)), or any other youth suicide-related early intervention and assessment activity, provides training or education to individuals who interact frequently with the Indian youth to be served by the affected entity (including parents, teachers, coaches, and mentors) on identifying warning signs of Indian youth who are at risk of committing suicide.

#### “SEC. 725. USE OF PREDOCTORAL PSYCHOLOGY AND PSYCHIATRY INTERNS.

“The Secretary shall carry out such activities as the Secretary determines to be necessary to encourage Indian tribes, tribal organizations, and other mental health care providers to obtain the services of predoctoral psychology and psychiatry interns—

“(1) to increase the quantity of patients served by the Indian tribes, tribal organizations, and other mental health care providers; and

“(2) for purposes of recruitment and retention.

#### “SEC. 726. INDIAN YOUTH LIFE SKILLS DEVELOPMENT DEMONSTRATION PROGRAM.

“(a) **PURPOSE.**—The purpose of this section is to authorize the Secretary, acting through the Administration, to carry out a demonstration program to test the effectiveness of a culturally compatible, school-based, life skills curriculum for the prevention of Indian and Alaska Native adolescent suicide, including through—

“(1) the establishment of tribal partnerships to develop and implement such a curriculum, in cooperation with—

“(A) behavioral health professionals, with a priority for tribal partnerships cooperating with mental health professionals employed by the Service;

“(B) tribal or local school agencies; and

“(C) parent and community groups;

“(2) the provision by the Administration or the Service of—

“(A) technical expertise; and

“(B) clinicians, analysts, and educators, as appropriate;

“(3) training for teachers, school administrators, and community members to implement the curriculum;

“(4) the establishment of advisory councils composed of parents, educators, community members, trained peers, and others to provide advice regarding the curriculum and other components of the demonstration program;

“(5) the development of culturally appropriate support measures to supplement the effectiveness of the curriculum; and

“(6) projects modeled after evidence-based projects, such as programs evaluated and published in relevant literature.

“(b) **DEMONSTRATION GRANT PROGRAM.**—

“(1) **DEFINITIONS.**—In this subsection:

“(A) **CURRICULUM.**—The term ‘curriculum’ means the culturally compatible, school-based, life skills curriculum for the prevention of Indian and Alaska Native adolescent suicide identified by the Secretary under paragraph (2)(A).

“(B) **ELIGIBLE ENTITY.**—The term ‘eligible entity’ means—

“(i) an Indian tribe;

“(ii) a tribal organization;

“(iii) any other tribally authorized entity; and

“(iv) any partnership composed of 2 or more entities described in clause (i), (ii), or (iii).

“(2) **ESTABLISHMENT.**—The Secretary, acting through the Administration, may establish and carry out a demonstration program under which the Secretary shall—

“(A) identify a culturally compatible, school-based, life skills curriculum for the prevention of Indian and Alaska Native adolescent suicide;

“(B) identify the Indian tribes that are at greatest risk for adolescent suicide;

“(C) invite those Indian tribes to participate in the demonstration program by—

“(i) responding to a comprehensive program requirement request of the Secretary; or

“(ii) submitting, through an eligible entity, an application in accordance with paragraph (4); and

“(D) provide grants to the Indian tribes identified under subparagraph (B) and eligible entities to implement the curriculum with respect to Indian and Alaska Native youths who—

“(i) are between the ages of 10 and 19; and

“(ii) attend school in a region that is at risk of high youth suicide rates, as determined by the Administration.

“(3) **REQUIREMENTS.**—

“(A) **TERM.**—The term of a grant provided under the demonstration program under this section shall be not less than 4 years.

“(B) **MAXIMUM NUMBER.**—The Secretary may provide not more than 5 grants under the demonstration program under this section.

“(C) **AMOUNT.**—The grants provided under this section shall be of equal amounts.

“(D) **CERTAIN SCHOOLS.**—In selecting eligible entities to receive grants under this section, the Secretary shall ensure that not less than 1 demonstration program shall be carried out at each of—

“(i) a school operated by the Bureau of Indian Education;

“(ii) a Tribal school; and

“(iii) a school receiving payments under section 8002 or 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702, 7703).

“(4) APPLICATIONS.—To be eligible to receive a grant under the demonstration program, an eligible entity shall submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require, including—

“(A) an assurance that, in implementing the curriculum, the eligible entity will collaborate with 1 or more local educational agencies, including elementary schools, middle schools, and high schools;

“(B) an assurance that the eligible entity will collaborate, for the purpose of curriculum development, implementation, and training and technical assistance, with 1 or more—

“(i) nonprofit entities with demonstrated expertise regarding the development of culturally sensitive, school-based, youth suicide prevention and intervention programs; or

“(ii) institutions of higher education with demonstrated interest and knowledge regarding culturally sensitive, school-based, life skills youth suicide prevention and intervention programs;

“(C) an assurance that the curriculum will be carried out in an academic setting in conjunction with at least 1 classroom teacher not less frequently than twice each school week for the duration of the academic year;

“(D) a description of the methods by which curriculum participants will be—

“(i) screened for mental health at-risk indicators; and

“(ii) if needed and on a case-by-case basis, referred to a mental health clinician for further assessment and treatment and with crisis response capability; and

“(E) an assurance that supportive services will be provided to curriculum participants identified as high-risk participants, including referral, counseling, and follow-up services for—

“(i) drug or alcohol abuse;

“(ii) sexual or domestic abuse; and

“(iii) depression and other relevant mental health concerns.

“(5) USE OF FUNDS.—An Indian tribe identified under paragraph (2)(B) or an eligible entity may use a grant provided under this subsection—

“(A) to develop and implement the curriculum in a school-based setting;

“(B) to establish an advisory council—

“(i) to advise the Indian tribe or eligible entity regarding curriculum development; and

“(ii) to provide support services identified as necessary by the community being served by the Indian tribe or eligible entity;

“(C) to appoint and train a school- and community-based cultural resource liaison, who will act as an intermediary among the Indian tribe or eligible entity, the applicable school administrators, and the advisory council established by the Indian tribe or eligible entity;

“(D) to establish an on-site, school-based, MA- or PhD-level mental health practitioner (employed by the Service, if practicable) to work with tribal educators and other personnel;

“(E) to provide for the training of peer counselors to assist in carrying out the curriculum;

“(F) to procure technical and training support from nonprofit or State entities or institutions of higher education identified by the community being served by the Indian tribe or eligible entity as the best suited to develop and implement the curriculum;

“(G) to train teachers and school administrators to effectively carry out the curriculum;

“(H) to establish an effective referral procedure and network;

“(I) to identify and develop culturally compatible curriculum support measures;

“(J) to obtain educational materials and other resources from the Administration or other appropriate entities to ensure the success of the demonstration program; and

“(K) to evaluate the effectiveness of the curriculum in preventing Indian and Alaska Native adolescent suicide.

“(c) EVALUATIONS.—Using such amounts made available pursuant to subsection (e) as the Secretary determines to be appropriate, the Secretary shall conduct, directly or through a grant, contract, or cooperative agreement with an entity that has experience regarding the development and operation of successful culturally compatible, school-based, life skills suicide prevention and intervention programs or evaluations, an annual evaluation of the demonstration program under this section, including an evaluation of—

“(1) the effectiveness of the curriculum in preventing Indian and Alaska Native adolescent suicide;

“(2) areas for program improvement; and

“(3) additional development of the goals and objectives of the demonstration program.

“(d) REPORT TO CONGRESS.—

“(1) IN GENERAL.—Subject to paragraph (2), not later than 180 days after the date of termination of the demonstration program, the Secretary shall submit to the Committee on Indian Affairs and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Natural Resources and the Committee on Education and Labor of the House of Representatives a final report that—

“(A) describes the results of the program of each Indian tribe or eligible entity under this section;

“(B) evaluates the effectiveness of the curriculum in preventing Indian and Alaska Native adolescent suicide;

“(C) makes recommendations regarding—

“(i) the expansion of the demonstration program under this section to additional eligible entities;

“(ii) designating the demonstration program as a permanent program; and

“(iii) identifying and distributing the curriculum through the Suicide Prevention Resource Center of the Administration; and

“(D) incorporates any public comments received under paragraph (2).

“(2) PUBLIC COMMENT.—The Secretary shall provide a notice of the report under paragraph (1) and an opportunity for public comment on the report for a period of not less than 90 days before submitting the report to Congress.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$1,000,000 for each of fiscal years 2010 through 2014.”

#### Subtitle H—Miscellaneous

#### SEC. 191. CONFIDENTIALITY OF MEDICAL QUALITY ASSURANCE RECORDS; QUALIFIED IMMUNITY FOR PARTICIPANTS.

Title VIII of the Indian Health Care Improvement Act (as amended by section 101(b)) is amended by inserting after section 804 (25 U.S.C. 1674) the following:

#### “SEC. 805. CONFIDENTIALITY OF MEDICAL QUALITY ASSURANCE RECORDS; QUALIFIED IMMUNITY FOR PARTICIPANTS.

“(a) DEFINITIONS.—In this section:

“(1) HEALTH CARE PROVIDER.—The term ‘health care provider’ means any health care professional, including community health

aides and practitioners certified under section 119, who is—

“(A) granted clinical practice privileges or employed to provide health care services at—

“(i) an Indian health program; or

“(ii) a health program of an urban Indian organization; and

“(B) licensed or certified to perform health care services by a governmental board or agency or professional health care society or organization.

“(2) MEDICAL QUALITY ASSURANCE PROGRAM.—The term ‘medical quality assurance program’ means any activity carried out before, on, or after the date of enactment of the Indian Health Care Improvement Reauthorization and Extension Act of 2009 by or for any Indian health program or urban Indian organization to assess the quality of medical care, including activities conducted by or on behalf of individuals, Indian health program or urban Indian organization medical or dental treatment review committees, or other review bodies responsible for quality assurance, credentials, infection control, patient safety, patient care assessment (including treatment procedures, blood, drugs, and therapeutics), medical records, health resources management review, and identification and prevention of medical or dental incidents and risks.

“(3) MEDICAL QUALITY ASSURANCE RECORD.—The term ‘medical quality assurance record’ means the proceedings, records, minutes, and reports that—

“(A) emanate from quality assurance program activities described in paragraph (2); and

“(B) are produced or compiled by or for an Indian health program or urban Indian organization as part of a medical quality assurance program.

“(b) CONFIDENTIALITY OF RECORDS.—Medical quality assurance records created by or for any Indian health program or a health program of an urban Indian organization as part of a medical quality assurance program are confidential and privileged. Such records may not be disclosed to any person or entity, except as provided in subsection (d).

“(c) PROHIBITION ON DISCLOSURE AND TESTIMONY.—

“(1) IN GENERAL.—No part of any medical quality assurance record described in subsection (b) may be subject to discovery or admitted into evidence in any judicial or administrative proceeding, except as provided in subsection (d).

“(2) TESTIMONY.—An individual who reviews or creates medical quality assurance records for any Indian health program or urban Indian organization who participates in any proceeding that reviews or creates such records may not be permitted or required to testify in any judicial or administrative proceeding with respect to such records or with respect to any finding, recommendation, evaluation, opinion, or action taken by such person or body in connection with such records except as provided in this section.

“(d) AUTHORIZED DISCLOSURE AND TESTIMONY.—

“(1) IN GENERAL.—Subject to paragraph (2), a medical quality assurance record described in subsection (b) may be disclosed, and an individual referred to in subsection (c) may give testimony in connection with such a record, only as follows:

“(A) To a Federal agency or private organization, if such medical quality assurance record or testimony is needed by such agency or organization to perform licensing or



accreditation functions related to any Indian health program or to a health program of an urban Indian organization to perform monitoring, required by law, of such program or organization.

“(B) To an administrative or judicial proceeding commenced by a present or former Indian health program or urban Indian organization provider concerning the termination, suspension, or limitation of clinical privileges of such health care provider.

“(C) To a governmental board or agency or to a professional health care society or organization, if such medical quality assurance record or testimony is needed by such board, agency, society, or organization to perform licensing, credentialing, or the monitoring of professional standards with respect to any health care provider who is or was an employee of any Indian health program or urban Indian organization.

“(D) To a hospital, medical center, or other institution that provides health care services, if such medical quality assurance record or testimony is needed by such institution to assess the professional qualifications of any health care provider who is or was an employee of any Indian health program or urban Indian organization and who has applied for or been granted authority or employment to provide health care services in or on behalf of such program or organization.

“(E) To an officer, employee, or contractor of the Indian health program or urban Indian organization that created the records or for which the records were created. If that officer, employee, or contractor has a need for such record or testimony to perform official duties.

“(F) To a criminal or civil law enforcement agency or instrumentality charged under applicable law with the protection of the public health or safety, if a qualified representative of such agency or instrumentality makes a written request that such record or testimony be provided for a purpose authorized by law.

“(G) In an administrative or judicial proceeding commenced by a criminal or civil law enforcement agency or instrumentality referred to in subparagraph (F), but only with respect to the subject of such proceeding.

“(2) IDENTITY OF PARTICIPANTS.—With the exception of the subject of a quality assurance action, the identity of any person receiving health care services from any Indian health program or urban Indian organization or the identity of any other person associated with such program or organization for purposes of a medical quality assurance program that is disclosed in a medical quality assurance record described in subsection (b) shall be deleted from that record or document before any disclosure of such record is made outside such program or organization.

“(e) DISCLOSURE FOR CERTAIN PURPOSES.—

“(1) IN GENERAL.—Nothing in this section shall be construed as authorizing or requiring the withholding from any person or entity aggregate statistical information regarding the results of any Indian health program or urban Indian organization's medical quality assurance programs.

“(2) WITHHOLDING FROM CONGRESS.—Nothing in this section shall be construed as authority to withhold any medical quality assurance record from a committee of either House of Congress, any joint committee of Congress, or the Government Accountability Office if such record pertains to any matter within their respective jurisdictions.

“(f) PROHIBITION ON DISCLOSURE OF RECORD OR TESTIMONY.—An individual or entity hav-

ing possession of or access to a record or testimony described by this section may not disclose the contents of such record or testimony in any manner or for any purpose except as provided in this section.

“(g) EXEMPTION FROM FREEDOM OF INFORMATION ACT.—Medical quality assurance records described in subsection (b) may not be made available to any person under section 552 of title 5, United States Code.

“(h) LIMITATION ON CIVIL LIABILITY.—An individual who participates in or provides information to a person or body that reviews or creates medical quality assurance records described in subsection (b) shall not be civilly liable for such participation or for providing such information if the participation or provision of information was in good faith based on prevailing professional standards at the time the medical quality assurance program activity took place.

“(i) APPLICATION TO INFORMATION IN CERTAIN OTHER RECORDS.—Nothing in this section shall be construed as limiting access to the information in a record created and maintained outside a medical quality assurance program, including a patient's medical records, on the grounds that the information was presented during meetings of a review body that are part of a medical quality assurance program.

“(j) REGULATIONS.—The Secretary, acting through the Service, shall promulgate regulations pursuant to section 802.

“(k) CONTINUED PROTECTION.—Disclosure under subsection (d) does not permit redisclosure except to the extent such further disclosure is authorized under subsection (d) or is otherwise authorized to be disclosed under this section.

“(l) INCONSISTENCIES.—To the extent that the protections under part C of title IX of the Public Health Service Act (42 U.S.C. 229b–21 et seq.) (as amended by the Patient Safety and Quality Improvement Act of 2005 (Public Law 109–41; 119 Stat. 424)) and this section are inconsistent, the provisions of whichever is more protective shall control.

“(m) RELATIONSHIP TO OTHER LAW.—This section shall continue in force and effect, except as otherwise specifically provided in any Federal law enacted after the date of enactment of the Indian Health Care Improvement Reauthorization and Extension Act of 2009.”.

#### **SEC. 192. ARIZONA, NORTH DAKOTA, AND SOUTH DAKOTA AS CONTRACT HEALTH SERVICE DELIVERY AREAS; ELIGIBILITY OF CALIFORNIA INDIANS.**

Title VIII of the Indian Health Care Improvement Act is amended—

(1) by striking section 808 (25 U.S.C. 1678) and inserting the following:

#### **“SEC. 808. ARIZONA AS CONTRACT HEALTH SERVICE DELIVERY AREA.**

“(a) IN GENERAL.—The State of Arizona shall be designated as a contract health service delivery area by the Service for the purpose of providing contract health care services to members of Indian tribes in the State of Arizona.

“(b) MAINTENANCE OF SERVICES.—The Service shall not curtail any health care services provided to Indians residing on reservations in the State of Arizona if the curtailment is due to the provision of contract services in that State pursuant to the designation of the State as a contract health service delivery area by subsection (a).”.

(2) by inserting after section 808 (25 U.S.C. 1678) the following:

#### **“SEC. 808A. NORTH DAKOTA AND SOUTH DAKOTA AS CONTRACT HEALTH SERVICE DELIVERY AREA.**

“(a) IN GENERAL.—The States of North Dakota and South Dakota shall be designated

as a contract health service delivery area by the Service for the purpose of providing contract health care services to members of Indian tribes in the States of North Dakota and South Dakota.

“(b) MAINTENANCE OF SERVICES.—The Service shall not curtail any health care services provided to Indians residing on any reservation, or in any county that has a common boundary with any reservation, in the State of North Dakota or South Dakota if the curtailment is due to the provision of contract services in those States pursuant to the designation of the States as a contract health service delivery area by subsection (a).”.

(3) by striking section 809 (25 U.S.C. 1679) and inserting the following:

#### **“SEC. 809. ELIGIBILITY OF CALIFORNIA INDIANS.**

“(a) IN GENERAL.—The following California Indians shall be eligible for health services provided by the Service:

“(1) Any member of a federally recognized Indian tribe.

“(2) Any descendant of an Indian who was residing in California on June 1, 1852, if such descendant—

“(A) is a member of the Indian community served by a local program of the Service; and

“(B) is regarded as an Indian by the community in which such descendant lives.

“(3) Any Indian who holds trust interests in public domain, national forest, or reservation allotments in California.

“(4) Any Indian of California who is listed on the plans for distribution of the assets of rancherias and reservations located within the State of California under the Act of August 18, 1958 (72 Stat. 619), and any descendant of such an Indian.

“(b) CLARIFICATION.—Nothing in this section may be construed as expanding the eligibility of California Indians for health services provided by the Service beyond the scope of eligibility for such health services that applied on May 1, 1986.”.

#### **SEC. 193. METHODS TO INCREASE ACCESS TO PROFESSIONALS OF CERTAIN CORPS.**

Section 812 of the Indian Health Care Improvement Act (25 U.S.C. 1680b) is amended to read as follows:

#### **“SEC. 812. NATIONAL HEALTH SERVICE CORPS.**

“(a) NO REDUCTION IN SERVICES.—The Secretary shall not remove a member of the National Health Service Corps from an Indian health program or urban Indian organization or withdraw funding used to support such a member, unless the Secretary, acting through the Service, has ensured that the Indians receiving services from the member will experience no reduction in services.

“(b) TREATMENT OF INDIAN HEALTH PROGRAMS.—At the request of an Indian health program, the services of a member of the National Health Service Corps assigned to the Indian health program may be limited to the individuals who are eligible for services from that Indian health program.”.

#### **SEC. 194. HEALTH SERVICES FOR INELIGIBLE PERSONS.**

Section 813 of the Indian Health Care Improvement Act (25 U.S.C. 1680c) is amended to read as follows:

#### **“SEC. 813. HEALTH SERVICES FOR INELIGIBLE PERSONS.**

“(a) CHILDREN.—Any individual who—

“(1) has not attained 19 years of age;

“(2) is the natural or adopted child, stepchild, foster child, legal ward, or orphan of an eligible Indian; and

“(3) is not otherwise eligible for health services provided by the Service,

shall be eligible for all health services provided by the Service on the same basis and

subject to the same rules that apply to eligible Indians until such individual attains 19 years of age. The existing and potential health needs of all such individuals shall be taken into consideration by the Service in determining the need for, or the allocation of, the health resources of the Service. If such an individual has been determined to be legally incompetent prior to attaining 19 years of age, such individual shall remain eligible for such services until 1 year after the date of a determination of competency.

“(b) SPOUSES.—Any spouse of an eligible Indian who is not an Indian, or who is of Indian descent but is not otherwise eligible for the health services provided by the Service, shall be eligible for such health services if all such spouses or spouses who are married to members of each Indian tribe being served are made eligible, as a class, by an appropriate resolution of the governing body of the Indian tribe or tribal organization providing such services. The health needs of persons made eligible under this paragraph shall not be taken into consideration by the Service in determining the need for, or allocation of, its health resources.

“(c) HEALTH FACILITIES PROVIDING HEALTH SERVICES.—

“(1) IN GENERAL.—The Secretary is authorized to provide health services under this subsection through health facilities operated directly by the Service to individuals who reside within the Service unit and who are not otherwise eligible for such health services if—

“(A) the Indian tribes served by such Service unit requests such provision of health services to such individuals, and

“(B) the Secretary and the served Indian tribes have jointly determined that the provision of such health services will not result in a denial or diminution of health services to eligible Indians.

“(2) ISDEAA PROGRAMS.—In the case of health facilities operated under a contract or compact entered into under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), the governing body of the Indian tribe or tribal organization providing health services under such contract or compact is authorized to determine whether health services should be provided under such contract or compact to individuals who are not eligible for such health services under any other subsection of this section or under any other provision of law. In making such determinations, the governing body of the Indian tribe or tribal organization shall take into account the consideration described in paragraph (1)(B). Any services provided by the Indian tribe or tribal organization pursuant to a determination made under this subparagraph shall be deemed to be provided under the agreement entered into by the Indian tribe or tribal organization under the Indian Self-Determination and Education Assistance Act. The provisions of section 314 of Public Law 101-512 (104 Stat. 1959), as amended by section 308 of Public Law 103-138 (107 Stat. 1416), shall apply to any services provided by the Indian tribe or tribal organization pursuant to a determination made under this subparagraph.

“(3) PAYMENT FOR SERVICES.—

“(A) IN GENERAL.—Persons receiving health services provided by the Service under this subsection shall be liable for payment of such health services under a schedule of charges prescribed by the Secretary which, in the judgment of the Secretary, results in reimbursement in an amount not less than the actual cost of providing the health services. Notwithstanding section 207 of this Act

or any other provision of law, amounts collected under this subsection, including Medicare, Medicaid, or children's health insurance program reimbursements under titles XVIII, XIX, and XXI of the Social Security Act (42 U.S.C. 1395 et seq.), shall be credited to the account of the program providing the service and shall be used for the purposes listed in section 401(d)(2) and amounts collected under this subsection shall be available for expenditure within such program.

“(B) INDIGENT PEOPLE.—Health services may be provided by the Secretary through the Service under this subsection to an indigent individual who would not be otherwise eligible for such health services but for the provisions of paragraph (1) only if an agreement has been entered into with a State or local government under which the State or local government agrees to reimburse the Service for the expenses incurred by the Service in providing such health services to such indigent individual.

“(4) REVOCATION OF CONSENT FOR SERVICES.—

“(A) SINGLE TRIBE SERVICE AREA.—In the case of a Service Area which serves only 1 Indian tribe, the authority of the Secretary to provide health services under paragraph (1) shall terminate at the end of the fiscal year succeeding the fiscal year in which the governing body of the Indian tribe revokes its concurrence to the provision of such health services.

“(B) MULTITRIBAL SERVICE AREA.—In the case of a multitribal Service Area, the authority of the Secretary to provide health services under paragraph (1) shall terminate at the end of the fiscal year succeeding the fiscal year in which at least 51 percent of the number of Indian tribes in the Service Area revoke their concurrence to the provisions of such health services.

“(d) OTHER SERVICES.—The Service may provide health services under this subsection to individuals who are not eligible for health services provided by the Service under any other provision of law in order to—

“(1) achieve stability in a medical emergency;

“(2) prevent the spread of a communicable disease or otherwise deal with a public health hazard;

“(3) provide care to non-Indian women pregnant with an eligible Indian's child for the duration of the pregnancy through postpartum; or

“(4) provide care to immediate family members of an eligible individual if such care is directly related to the treatment of the eligible individual.

“(e) HOSPITAL PRIVILEGES FOR PRACTITIONERS.—

“(1) IN GENERAL.—Hospital privileges in health facilities operated and maintained by the Service or operated under a contract or compact pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) may be extended to non-Service health care practitioners who provide services to individuals described in subsection (a), (b), (c), or (d). Such non-Service health care practitioners may, as part of the privileging process, be designated as employees of the Federal Government for purposes of section 1346(b) and chapter 171 of title 28, United States Code (relating to Federal tort claims) only with respect to acts or omissions which occur in the course of providing services to eligible individuals as a part of the conditions under which such hospital privileges are extended.

“(2) DEFINITION.—For purposes of this subsection, the term ‘non-Service health care

practitioner’ means a practitioner who is not—

“(A) an employee of the Service; or

“(B) an employee of an Indian tribe or tribal organization operating a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or an individual who provides health care services pursuant to a personal services contract with such Indian tribe or tribal organization.

“(f) ELIGIBLE INDIAN.—For purposes of this section, the term ‘eligible Indian’ means any Indian who is eligible for health services provided by the Service without regard to the provisions of this section.”.

#### SEC. 195. ANNUAL BUDGET SUBMISSION.

Title VIII of the Indian Health Care Improvement Act (25 U.S.C. 1671 et seq.) is amended by adding at the end the following:

##### “SEC. 826. ANNUAL BUDGET SUBMISSION.

“Effective beginning with the submission of the annual budget request to Congress for fiscal year 2011, the President shall include, in the amount requested and the budget justification, amounts that reflect any changes in—

“(1) the cost of health care services, as indexed for United States dollar inflation (as measured by the Consumer Price Index); and

“(2) the size of the population served by the Service.”.

#### SEC. 196. PRESCRIPTION DRUG MONITORING.

Title VIII of the Indian Health Care Improvement Act (25 U.S.C. 1671 et seq.) (as amended by section 195) is amended by adding at the end the following:

##### “SEC. 827. PRESCRIPTION DRUG MONITORING.

“(a) MONITORING.—

“(1) ESTABLISHMENT.—The Secretary, in coordination with the Secretary of the Interior and the Attorney General, shall establish a prescription drug monitoring program, to be carried out at health care facilities of the Service, tribal health care facilities, and urban Indian health care facilities.

“(2) REPORT.—Not later than 18 months after the date of enactment of the Indian Health Care Improvement Reauthorization and Extension Act of 2009, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes—

“(A) the needs of the Service, tribal health care facilities, and urban Indian health care facilities with respect to the prescription drug monitoring program under paragraph (1);

“(B) the planned development of that program, including any relevant statutory or administrative limitations; and

“(C) the means by which the program could be carried out in coordination with any State prescription drug monitoring program.

“(b) ABUSE.—

“(1) IN GENERAL.—The Attorney General, in conjunction with the Secretary and the Secretary of the Interior, shall conduct—

“(A) an assessment of the capacity of, and support required by, relevant Federal and tribal agencies—

“(i) to carry out data collection and analysis regarding incidents of prescription drug abuse in Indian communities; and

“(ii) to exchange among those agencies and Indian health programs information relating to prescription drug abuse in Indian communities, including statutory and administrative requirements and limitations relating to that abuse; and

“(B) training for Indian health care providers, tribal leaders, law enforcement officers, and school officials regarding awareness and prevention of prescription drug abuse and strategies for improving agency responses to addressing prescription drug abuse in Indian communities.

“(2) REPORT.—Not later than 18 months after the date of enactment of the Indian Health Care Improvement Reauthorization and Extension Act of 2009, the Attorney General shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes—

“(A) the capacity of Federal and tribal agencies to carry out data collection and analysis and information exchanges as described in paragraph (1)(A);

“(B) the training conducted pursuant to paragraph (1)(B);

“(C) infrastructure enhancements required to carry out the activities described in paragraph (1), if any; and

“(D) any statutory or administrative barriers to carrying out those activities.”.

#### **SEC. 197. TRIBAL HEALTH PROGRAM OPTION FOR COST SHARING.**

Title VIII of the Indian Health Care Improvement Act (25 U.S.C. 1671 et seq.) (as amended by section 196) is amended by adding at the end the following:

#### **“SEC. 828. TRIBAL HEALTH PROGRAM OPTION FOR COST SHARING.**

“(a) IN GENERAL.—Nothing in this Act limits the ability of a tribal health program operating any health program, service, function, activity, or facility funded, in whole or part, by the Service through, or provided for in, a compact with the Service pursuant to title V of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458aaa et seq.) to charge an Indian for services provided by the tribal health program.

“(b) SERVICE.—Nothing in this Act authorizes the Service—

“(1) to charge an Indian for services; or

“(2) to require any tribal health program to charge an Indian for services.”.

#### **SEC. 198. DISEASE AND INJURY PREVENTION REPORT.**

Title VIII of the Indian Health Care Improvement Act (25 U.S.C. 1671 et seq.) (as amended by section 197) is amended by adding at the end the following:

#### **“SEC. 829. DISEASE AND INJURY PREVENTION REPORT.**

“Not later than 18 months after the date of enactment of the Indian Health Care Improvement Reauthorization and Extension Act of 2009, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committees on Natural Resources and Energy and Commerce of the House of Representatives describing—

“(1) all disease and injury prevention activities conducted by the Service, independently or in conjunction with other Federal departments and agencies and Indian tribes; and

“(2) the effectiveness of those activities, including the reductions of injury or disease conditions achieved by the activities.”.

#### **SEC. 199. OTHER GAO REPORTS.**

Title VIII of the Indian Health Care Improvement Act (25 U.S.C. 1671 et seq.) (as amended by section 198) is amended by adding at the end the following:

#### **“SEC. 830. OTHER GAO REPORTS.**

“(a) COORDINATION OF SERVICES.—

“(1) STUDY AND EVALUATION.—The Comptroller General of the United States shall conduct a study, and evaluate the effective-

ness, of coordination of health care services provided to Indians—

“(A) through Medicare, Medicaid, or SCHIP;

“(B) by the Service; or

“(C) using funds provided by—

“(i) State or local governments; or

“(ii) Indian tribes.

“(2) REPORT.—Not later than 18 months after the date of enactment of the Indian Health Care Improvement Reauthorization and Extension Act of 2009, the Comptroller General shall submit to Congress a report—

“(A) describing the results of the evaluation under paragraph (1); and

“(B) containing recommendations of the Comptroller General regarding measures to support and increase coordination of the provision of health care services to Indians as described in paragraph (1).

“(b) PAYMENTS FOR CONTRACT HEALTH SERVICES.—

“(1) IN GENERAL.—The Comptroller General shall conduct a study on the use of health care furnished by health care providers under the contract health services program funded by the Service and operated by the Service, an Indian tribe, or a tribal organization.

“(2) ANALYSIS.—The study conducted under paragraph (1) shall include an analysis of—

“(A) the amounts reimbursed under the contract health services program described in paragraph (1) for health care furnished by entities, individual providers, and suppliers, including a comparison of reimbursement for that health care through other public programs and in the private sector;

“(B) barriers to accessing care under such contract health services program, including barriers relating to travel distances, cultural differences, and public and private sector reluctance to furnish care to patients under the program;

“(C) the adequacy of existing Federal funding for health care under the contract health services program;

“(D) the administration of the contract health service program, including the distribution of funds to Indian health programs pursuant to the program; and

“(E) any other items determined appropriate by the Comptroller General.

“(3) REPORT.—Not later than 18 months after the date of enactment of the Indian Health Care Improvement Reauthorization and Extension Act of 2009, the Comptroller General shall submit to Congress a report on the study conducted under paragraph (1), together with recommendations regarding—

“(A) the appropriate level of Federal funding that should be established for health care under the contract health services program described in paragraph (1);

“(B) how to most efficiently use that funding; and

“(C) the identification of any inequities in the current distribution formula or inequitable results for any Indian tribe under the funding level, and any recommendations for addressing any inequities or inequitable results identified.

“(4) CONSULTATION.—In conducting the study under paragraph (1) and preparing the report under paragraph (3), the Comptroller General shall consult with the Service, Indian tribes, and tribal organizations.”.

#### **SEC. 199A. TRADITIONAL HEALTH CARE PRACTICES.**

Title VIII of the Indian Health Care Improvement Act (25 U.S.C. 1671 et seq.) (as amended by section 199) is amended by adding at the end the following:

#### **“SEC. 831. TRADITIONAL HEALTH CARE PRACTICES.**

“Although the Secretary may promote traditional health care practices, consistent with the Service standards for the provision of health care, health promotion, and disease prevention under this Act, the United States is not liable for any provision of traditional health care practices pursuant to this Act that results in damage, injury, or death to a patient. Nothing in this subsection shall be construed to alter any liability or other obligation that the United States may otherwise have under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or this Act.”.

#### **SEC. 199B. DIRECTOR OF HIV/AIDS PREVENTION AND TREATMENT.**

Title VIII of the Indian Health Care Improvement Act (25 U.S.C. 1671 et seq.) (as amended by section 199A) is amended by adding at the end the following:

#### **“SEC. 832. DIRECTOR OF HIV/AIDS PREVENTION AND TREATMENT.**

“(a) ESTABLISHMENT.—The Secretary, acting through the Service, shall establish within the Service the position of the Director of HIV/AIDS Prevention and Treatment (referred to in this section as the ‘Director’).

“(b) DUTIES.—The Director shall—

“(1) coordinate and promote HIV/AIDS prevention and treatment activities specific to Indians;

“(2) provide technical assistance to Indian tribes, tribal organizations, and urban Indian organizations regarding existing HIV/AIDS prevention and treatment programs; and

“(3) ensure interagency coordination to facilitate the inclusion of Indians in Federal HIV/AIDS research and grant opportunities, with emphasis on the programs operated under the Ryan White Comprehensive Aids Resources Emergency Act of 1990 (Public Law 101-381; 104 Stat. 576) and the amendments made by that Act.

“(c) REPORT.—Not later than 2 years after the date of enactment of the Indian Health Care Improvement Reauthorization and Extension Act of 2009, and not less frequently than once every 2 years thereafter, the Director shall submit to Congress a report describing, with respect to the preceding 2-year period—

“(1) each activity carried out under this section; and

“(2) any findings of the Director with respect to HIV/AIDS prevention and treatment activities specific to Indians.”.

#### **TITLE II—AMENDMENTS TO OTHER ACTS**

#### **SEC. 201. MEDICARE AMENDMENTS.**

(a) IN GENERAL.—Section 1880 of the Social Security Act (42 U.S.C. 1395qq) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following:

“(f) PROHIBITION.—Payments made pursuant to this section shall not be reduced as a result of any beneficiary deductible, coinsurance, or other charge under section 1813.”.

(b) PAYMENT OF BENEFITS.—Section 1833(a)(1)(B) of the Social Security Act (42 U.S.C. 1395f(a)(1)(B)) is amended by inserting “or 1880(e)” after “section 1861(s)(10)(A)”.

#### **SEC. 202. REAUTHORIZATION OF NATIVE HAWAIIAN HEALTH CARE PROGRAMS.**

(a) REAUTHORIZATION.—The Native Hawaiian Health Care Act of 1988 (42 U.S.C. 11701 et seq.) is amended by striking “2001” each place it appears in sections 6(h)(1), 7(b), and 10(c) (42 U.S.C. 11705(h)(1), 11706(b), 11709(c)) and inserting “2019”.

(b) HEALTH AND EDUCATION.—

(1) IN GENERAL.—Section 6(c) of the Native Hawaiian Health Care Act of 1988 (42 U.S.C.

11705) is amended by adding at the end the following:

“(4) **HEALTH AND EDUCATION.**—In order to enable privately funded organizations to continue to supplement public efforts to provide educational programs designed to improve the health, capability, and well-being of Native Hawaiians and to continue to provide health services to Native Hawaiians, notwithstanding any other provision of Federal or State law, it shall be lawful for the private educational organization identified in section 7202(16) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7512(16)) to continue to offer its educational programs and services to Native Hawaiians (as defined in section 7207 of that Act (20 U.S.C. 7517)) first and to others only after the need for such programs and services by Native Hawaiians has been met.”.

(2) **EFFECTIVE DATE.**—The amendment made by paragraph (1) takes effect on December 5, 2006.

(c) **DEFINITION OF HEALTH PROMOTION.**—Section 12(2) of the Native Hawaiian Health Care Act of 1988 (42 U.S.C. 11711(2)) is amended—

(1) in subparagraph (F), by striking “and” at the end;

(2) in subparagraph (G), by striking the period at the end and inserting “, and”; and

(3) by adding at the end the following:

“(H) educational programs with the mission of improving the health, capability, and well-being of Native Hawaiians.”.

#### PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that Sarah Allen, Ryan Nalty, and Grant Jamieson, staff of the Finance Committee, be granted the privilege of the floor for the duration of debate on the health care bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask unanimous consent that Sara Velde of Senator HARKIN's staff be granted the privilege of the floor during the duration of today's session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### DISCHARGE AND REFERRAL— S. 2129

Mr. BAUCUS. I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be discharged from further consideration of S. 2129 and the bill be referred to the Committee on Environment and Public Works.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SUPPORTING PEACE, SECURITY, AND INNOCENT CIVILIANS AF- FECTED BY CONFLICT IN YEMEN

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 212, S. Res. 341.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 341) supporting peace, security, and innocent civilians affected by conflict in Yemen.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BAUCUS. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 341) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 341

Whereas the people and Government of Yemen currently face tremendous security challenges, including the presence of a substantial number of al Qaeda militants, a rebellion in the northern part of the country, unrest in southern regions, and piracy in the Gulf of Aden;

Whereas these security challenges are compounded by a lack of governance throughout portions of the country;

Whereas this lack of governance creates a de facto safe haven for al Qaeda and militant forces in regions of Yemen;

Whereas Yemen also faces significant development challenges, reflected in its ranking of 140 out of 182 countries in the United Nations Development Program's 2009 Human Development Index;

Whereas Yemen is also confronted with limited and rapidly depleting natural resources, including oil, which accounts for over 75 percent of government revenue, and water, ⅓ of which goes to the cultivation of qat, a narcotic to which a vast number of Yemenis are addicted;

Whereas government subsidies are contributing to the depletion of Yemen's scarce resources;

Whereas the people of Yemen suffer from a lack of certain government services, including a robust education and skills training system;

Whereas the Department of State's 2009 International Religious Freedom Report notes that nearly all of the once-sizeable Jewish population in Yemen has emigrated, and, based on fears for the Jewish community's safety in the country, the United States Government has initiated a special process to refer Yemeni Jews for refugee resettlement in the United States;

Whereas women in Yemen have faced entrenched discrimination, obstacles in accessing basic education, and gender-based violence in their homes, communities, and workplaces while little is done to enforce or bolster the equality of women;

Whereas these challenges pose a threat not only to the Republic of Yemen, but to the region and to the national security of the United States;

Whereas, to the extent that Yemen serves as a base for terrorist operations and recruitment, these threats must be given sufficient consideration in the global strategy of the United States to combat terrorism;

Whereas this threat has materialized in the past, including the March 18 and September 17, 2008, attacks on the United States Embassy in Sana'a and the October 12, 2000,

attack on the U.S.S. Cole while it was anchored in the Port of Aden, as well as numerous other terrorist attacks;

Whereas the population of Yemen has suffered greatly from conflict and underdevelopment in Yemen;

Whereas up to 150,000 civilians have fled their homes in northern Yemen since 2004 in response to conflict between Government of Yemen forces and al-Houthi rebel forces; and

Whereas the people and Government of the United States support peace in Yemen and improved security, economic development, and basic human rights for the people of Yemen: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the innocent civilians in Yemen, especially displaced persons, who have suffered from instability, terrorist operations, and chronic underdevelopment in Yemen;

(2) recognizes the serious threat instability and terrorism in Yemen pose to the security of the United States, the region, and the population in Yemen;

(3) calls on the President to give sufficient weight to the situation in Yemen in efforts to prevent terrorist attacks on the United States, United States allies, and Yemeni civilians;

(4) calls on the President to promote economic and political reforms necessary to advance economic development and good governance in Yemen;

(5) applauds steps that have been taken by the President and the United Nations High Commissioner for Refugees to assist displaced persons in Yemen;

(6) urges the Government of Yemen and rebel forces to immediately halt hostilities, allow medical and humanitarian aid to reach civilians displaced by conflict, and create an environment that will enable a return to normal life for those displaced by the conflict; and

(7) calls on the President and international community to use all appropriate measures to assist the people of Yemen to prevent Yemen from becoming a failed state.

#### RELATIVE TO THE DEATH OF FORMER SENATOR PAULA F. HAWKINS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 370, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 370) relative to the death of Paula F. Hawkins, former United States Senator for the State of Florida.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LEMIEUX. Mr. President, I rise to express my sorrow at the passing of former U.S. Senator Paula Hawkins and to pay tribute to her long life and groundbreaking career of public service.

A resident of central Florida, Paula Hawkins began her political career in 1972 when she was elected to Florida's Public Services Commission where she served for two consecutive terms and worked to become a vibrant voice for consumers.

Paula Hawkins aspired to continue her public service by running for higher office, first for the U.S. Senate in 1974, and then for Lieutenant Governor in 1978. Though both times she lost the race, she never gave up and never lost the desire to continue working for Floridians.

Paula made history in 1980 when she became the first woman from Florida to be elected to the U.S. Senate and the first woman from Florida to be elected to Federal office.

During her tenure in the Senate, Senator Hawkins became an outspoken champion for America's victimized children and brought a special focus to the problem of child abduction. Driven by the disappearance of 6-year-old Florida resident Adam Walsh, Senator Hawkins ushered passage of landmark legislation focusing on the issue of missing children. Her work would ultimately help to establish the National Center for Missing & Exploited Children. She also supported a special unit at the Federal Bureau of Investigation that would focus solely on profiling serial killers.

Though I am saddened by her passing, I am honored today to serve in the same class as Senator Hawkins—a seat she held before being succeeded by former Senator Bob Graham, and my predecessor, Senator Mel Martinez.

The citizens of our United States owe a debt of gratitude to this great Floridian and we shall not soon forget the work of Senator Hawkins.

Mr. BAUCUS. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 370) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 370

Whereas Paula F. Hawkins was a staunch consumer advocate and served the citizens of the State of Florida on its Public Service Commission for seven years, serving as its Chairman for three years;

Whereas Paula F. Hawkins was instrumental in passing the Missing Children's Assistance Act of 1984 and worked to help establish the National Center for Missing and Exploited Children;

Whereas Paula F. Hawkins served the people of Florida with distinction for 6 years in the United States Senate;

*Resolved*, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Paula F. Hawkins, former member of the United States Senate.

*Resolved*, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

*Resolved*, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Paula F. Hawkins.

#### ORDERS FOR SATURDAY, DECEMBER 5, 2009

Mr. BAUCUS. I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Saturday, December 5; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of H.R. 3590, the health care reform legislation, with the first 3 hours following any leader remarks equally divided between the two leaders or their designees and controlled in 45-minute alternating blocks of time, with the majority controlling the first block, and with no other motions or amendments in order during the controlled time.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. BAUCUS. Mr. President, Senators should expect rollcall votes tomorrow afternoon. There will be no rollcall votes prior to 1 p.m.

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BAUCUS. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the provisions of S. Res. 370, as a further mark of respect to the memory of the late Paula Hawkins, a former Senator from the State of Florida.

Thereupon, the Senate, at 6:50 p.m., adjourned until Saturday, December 5, 2009, at 10 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### DEPARTMENT OF TRANSPORTATION

DAVID L. STRICKLAND, OF GEORGIA, TO BE ADMINISTRATOR OF THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, VICE NICOLE R. NASON, RESIGNED.

##### TENNESSEE VALLEY AUTHORITY

WILLIAM B. SANSOM, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2014. (RE-APPOINTMENT)

##### DEPARTMENT OF STATE

JUDITH ANN STEWART STOCK, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE (EDUCATIONAL AND CULTURAL AFFAIRS), VICE GOLI AMERI, RESIGNED.

##### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

##### *To be major general*

BRIG. GEN. MARY A. LEGERE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### *To be lieutenant general*

MAJ. GEN. THOMAS P. BOSTICK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### *To be lieutenant general*

MAJ. GEN. ROBERT L. CASLEN, JR.

**SENATE—Saturday, December 5, 2009**

The Senate met at 10 a.m. and was called to order by the Honorable AL FRANKEN, a Senator from the State of Minnesota.

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, who is without beginning or end of days, You count the nations as the dust of the balance. Use our lawmakers today to unleash freedom's might against evils that enslave people. Make our Senators such faithful servants of human needs and the common good that they will not fear history's scrutiny or Your verdict on Earth's final judgment day. Lord, give them courage and strength for the vast tasks of making America better, as they put You and Your righteousness first, above anything else. May their differences be debated but never divide them in their common striving for liberty.

We pray in Your wonderful Name. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable AL FRANKEN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, December 5, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable AL FRANKEN, a Senator from the State of Minnesota, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. FRANKEN thereupon assumed the chair as Acting President pro tempore.

**RECOGNITION OF THE MAJORITY LEADER**

The PRESIDING OFFICER (Mr. DURBIN). The majority leader is recognized.

**SCHEDULE**

Mr. REID. Mr. President, following leader remarks, the Senate will resume consideration of the health care reform legislation. The first 3 hours will be for debate only. That time will be equally divided and controlled between the two leaders or their designees and controlled in 45-minute alternating blocks of time. The majority will control the first block. We anticipate reaching an agreement to have a series of votes beginning at 2:30 this afternoon. Senators will be notified as soon as possible with regard to when the votes will actually occur.

**HEALTH CARE REFORM**

Mr. REID. Mr. President, yesterday, Friday, 14,000 people lost their health insurance in America. Today, Saturday, another 14,000 people will lose their health insurance, and Sunday and Monday and Tuesday and on and on. Every day, 14,000 people lose their health insurance in America. The American people don't get weekends off from this injustice. Bankruptcy doesn't keep bankers' hours. They do not go away just because it is Sunday or Saturday. The pain is still there. So our work continues this weekend. It will continue until we give this Nation's citizens a health insurance system that works for them.

Tens of millions of Americans, those with coverage and those without coverage, know all too well right now that the system is broken. They do not need academic studies or congressional investigations or politicians' speeches to tell them health care is in critical condition. Every day they live with it, and every day some even die with it or because of it.

Next year is just around the corner. It is just weeks away. In the new year, a whole lot more Americans are about to learn just how broken our system is. You see, last year one of America's largest private insurance companies made about \$1 billion. In fact, it was more than \$1 billion. Its chairman and chief executive officer took home \$100 million himself. But this health care company isn't going to make enough this year, by their estimation. The healthy profit of this health insurance company, by their standards, is not healthy enough because its executives have decided that the profit they are making—and remember, more than \$1 billion, with the boss taking home more than \$100 million—isn't enough. So this multibillion-dollar company found a clever way to make more money next year. How? Raising rates.

As one might expect with the insurance industry, being as callous as it is,

those higher premiums are going to be too expensive for many. Some analysts say that as many as 650,000 people insured by this company will no longer be insured by the company. They will have to find other insurance or go without. Now, 650,000 is more than the entire population of North Dakota, more than the population of Vermont, and more than the population of Wyoming. It is more than the entire populations of Baltimore and Boston and Denver and Seattle. How many people is this one company going to drop? You could count every man, woman, and child in Las Vegas and still have 100,000 people left over. Las Vegas is as big as Boston, Baltimore, Denver, and Seattle. But here is the worst part: That shocking estimate comes directly from the president of the company himself—the man who made more than \$100 million last year. That means the company devised this strategy, crunched the numbers, and saw how many American families it was going to hurt. Then the bosses shrugged their shoulders and decided to go ahead anyway.

We would hardly stand idly by as a country if every citizen of one of our States was left out in the cold. And that is, in fact, what we have here. We would never consider doing nothing if every resident of one of our biggest cities was, in fact, hung out to dry, but that is the equivalent of what just one company is doing—just one of the countless health insurance companies that care about nothing except profits.

Others may suggest the system is just fine the way it is. We on this side of the Senate do not believe that.

Why are they able to do this? Well, one reason they are able to do it is they are not subject to the antitrust laws. They can conspire to fix prices, as we have indicated, and there are no civil or criminal penalties.

Some may suggest the system is fine just the way it is. We don't believe that.

Just this summer, the junior Senator from South Carolina said what we need to do is “get out of the way and allow the market to work.” Well, the market sure worked fine for this insurance company. It is working fine right now. The problem is, it doesn't work for the American people, only for the big shots of these insurance companies.

Just last week, my distinguished counterpart, the Republican leader, said the health care crisis is “manufactured.” Those were his words: The health care crisis is “manufactured.” In one sense, he is right. It has been manufactured by the greedy insurance companies, just like the one I mentioned earlier, companies that claim to



be in the business of helping people stay healthy when they are actually in the business of making as much money as they can. They raise families' rates on a whim, deny coverage because someone has a preexisting condition or they are a woman or they are too old, with concern for nothing but their own executives' personal bank accounts.

The question before the Senate is, How many more of our own citizens will we sentence to such a fate? How much longer will we look the other way while our neighbors suffer right in front of us? How much more are we going to charge those fortunate enough to have insurance in order to cover the many who don't? Right now, every individual who has insurance pays at least \$1,000 a year more because of the uninsured going to emergency rooms all over the country. I ask my colleagues, How much longer will we enable the insurance companies to deny health care to the sick? How much longer will we let those companies force thousands upon thousands of Americans into bankruptcy while they rake millions of dollars of cash into their pockets? That is the reality.

Opponents of progress have tried to drown out this truth with distortions, distractions, and dishonesty. But, as John Adams observed a long time ago, facts are stubborn things.

Here is one of the most startling facts: Last year, 750,000 people filed for bankruptcy. Seventy percent of those who filed for bankruptcy did so because of medical expenses, and 62 percent of those who filed because of medical expenses had insurance. What a sad commentary. In the year World War II ended, President Harry Truman warned that many of us were vulnerable to what he called "the economic effects of sickness." In the 64 years since, it has only gotten worse.

Here are some facts—facts about what our legislation will do: The legislation before this body will make sure every American—nearly every American, at least 97½ percent—will be covered with insurance. It will not only protect those seniors on Medicare, it will make it stronger. It will make sure more than 30 million Americans who don't have health insurance now will soon have it. It will not add a dime to our deficit. In fact, in the next 10 years it will reduce it by \$130 billion and over the next 20 years by almost \$¾ trillion.

We are even making this bill stronger than when it was introduced, this bill here. For example, because we have added Senator MIKULSKI's amendment to the legislation, women can now get the mammograms, checkups, and other preventive tests they need in order to stay healthy, at no cost. We made it better by reaffirming our commitment to seniors who rely on Medicare and Medicare Advantage, guaranteeing they will always get the care they need

and the quality of life they deserve. We made it better by ensuring that the money dedicated to the health care of America's seniors and people with disabilities should be used only for those precise payments. And today, we will continue to make it better with an amendment by Senator LINCOLN of Arkansas that stops irresponsible tax breaks for millionaire health insurance executives and starts to use companies' revenues to strengthen Medicare.

The fact is, our bill will, in short, save lives, save money, and save Medicare. It will make it possible for each and every American to afford to live a healthy life. We can't afford not to do this.

#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

Mr. REID. Will the Chair now announce the business before the Senate.

#### SERVICE MEMBERS HOME OWNERSHIP TAX ACT OF 2009

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 3590, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3590) to amend the Internal Revenue Code of 1986 to modify the first-time home buyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

#### Pending

Reid amendment No. 2786, in the nature of a substitute.

Lincoln amendment No. 2905 (to amendment No. 2786), to modify the limit on excessive remuneration paid by certain health insurance providers to set the limit at the same level as the salary of the President of the United States.

Johanns motion to commit the bill to the Committee on Finance, with instructions.

The PRESIDING OFFICER. Under the previous order, the next 3 hours of debate will be equally divided between the two leaders or their designees, controlled in 45-minute alternating blocks of time, with the majority controlling the first portion of time.

#### Who yields time?

The junior Senator from Minnesota.

Mr. FRANKEN. Mr. President, I ask unanimous consent to speak as in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. FRANKEN are printed in today's RECORD under "Morning Business.")

Mr. FRANKEN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, first of all, let me say I am glad we are here this weekend. Oh, I know we like to be with our families, we have Christmas shopping to do and things such as that. It is always nice to be with our families on the weekends. But think about it this way: Millions of Americans today are giving up their weekends, they are giving up their nights, their holidays, because they are either out of work, they are working part time, they are trying to do odd jobs to get enough money together to keep their families intact. So they are working at nights, they are working on weekends. They are not taking time off. They are out there looking for work now or out there doing odd jobs, whatever they can possibly do. They are making sacrifices. They are making sacrifices for their families, but they are also making these sacrifices to pay their medical bills or to afford their needed prescriptions. It seems to me we owe them nothing less than the same level of commitment to the task of bringing quality, affordable health care within their reach.

Our leader, Senator REID, was right to call the Senate into session this weekend. We ought to keep at this bill, this health care reform bill, working hard, until the Senate finishes the job before us. Nothing less will do.

I do not plan to spend a lot of time on the debate over Medicare Advantage that we had yesterday. However, after listening to the comments yesterday, I did want to mention briefly editorials that appeared in the Des Moines Register. The first was published 6 years ago when the Senate considered the Republican Medicare drug legislation. The major element of that bill was to give outrageous bonuses to private health plans in Medicare Advantage. In criticizing that proposal, the Register called on Members of Congress "to remind themselves their job is to serve the interests of the people, not industry lobbyists."

Sadly, we didn't heed that call that time, 6 years ago. Instead, Congress, under Republican leadership at that time, enacted a bill that provided a massive and unjustified windfall to the insurance industry.

The Register revisited the same subject in an editorial this year, May 31 of this year. Here is what they said:

Congress encouraged private insurance plans, known as Medicare Advantage plans, which have cost taxpayers more than covering seniors in traditional government-administered Medicare.

Congress should not repeat the mistakes it made in 2003 when reforming Medicare—catering to special interests and pushing people into private-sector insurance coverage.

Our health bill, the one we have before us, heeds these words. We stand up

to the special interests that even today are demanding billions of dollars in taxpayer funds to prop up their inflated profits. So yesterday was a good day. Yesterday we said no to giving the insurance industry a \$120 billion bonus for doing the same job that Medicare can do for far less.

Today we will consider a proposal from Senator LINCOLN to say no to the outrageous salaries that top executives in these companies receive. Chief executive officers at the seven leading insurance companies made a combined \$118.6 million in 2007 alone, an average of \$11.9 million each. Let's compare that to the wages of millions of Americans or the minimum wage. For someone making the minimum wage, it would take nearly 800 years to make what these insurance company executives make in 1 year.

Again, here is the CEO compensation. For United Health Group, they made \$2.9 billion in profit in 2008 and they paid their CEO \$9.4 million; WellPoint, \$9.8 million; Aetna, \$24.3 million; Humana, \$47.3 million; Coventry Health Care, \$11 million; Cigna, \$4.4 million. That is the CEO compensation. That probably is not the whole package when you consider all the other benefits they get, deferred compensation and on and on—golden parachutes, all that kind of stuff. That is basically their CEO compensation for the year.

As you can see, they get paid pretty well and \$11.9 million is the average. Here is Aetna, \$24 million a year. They had a profit of \$1.3 billion that year. So they did well, their shareholders did well, their CEO did well. But how about the consumers, the working families?

In 2003, by the way, Aetna, this company right here, making all this money, paying their CEO \$24 million a year—in 2003 Aetna settled a lawsuit. You know, usually when you settle lawsuits it is because you think you are going to get hit worse down the line. They settled a lawsuit brought by who? Brought by physicians, a whole group of physicians brought a class action against Aetna because they had a history of shortchanging patient care. Aetna settled for \$470 million, just to get away from it, in 2003.

There was not any money to help them afford the coverage patients need, but they had billions for profits and they had millions for salaries—nothing for working families.

The reality for working families across America is simply this: Insurance premiums have skyrocketed, outpacing the growth in wages over the same period. Quality affordable health care is slipping further and further from the grasp of middle-class Americans. Between 1999 and 2007, the average American worker saw wages increase 29 percent. Insurance premiums during that same time rose more than 120 percent. They see the premiums skyrocketing, but their health care is slipping away.

There is something else. The profit margins of the insurance industry soared. Over the last 7 years the profits of the seven largest publicly traded health insurance companies increased by 428 percent. Profits increased by 428 percent, from \$2.4 billion to \$12.9 billion. Yet look at what our workers' wages went up—29 percent.

Now you begin to understand why people in this country are upset and discouraged and outright mad about their lack of health insurance coverage, about the affordability of that coverage and the quality of that coverage. Yet with all of this money that is going to their CEOs and huge increases in the profits they make, our Republican friends on the other side of the aisle say they still need a Federal handout. The industry cannot find a dime to bring down prices for consumers but they can find millions to lobby for more special favors.

The Wall Street Journal reported that the health care industry boosted their efforts in lobbying this year. In a quote from the Wall Street Journal:

Overall, the health-care sector reported a five percent increase in lobbying expenditures to \$133 million, making it the single largest spender on lobbying of the 10 major industry sectors tracked by the Center for Responsive Politics. Health-insurance companies increased lobbying activity by 11 percent to \$7.8 million, according to the data.

An increase of 11 percent. You wonder why all this health sector this year had \$133 million in lobbying expenditures. I think, if I am not mistaken, the supposed, stated purpose of health insurance is to protect Americans from the cost of illness. Supposedly their purpose is to keep the American people healthy and productive for the benefit of society. Yet over some 60 years, this industry, the health insurance industry, has transformed itself from an industry that is there to help you to an industry that is there to take money from you when you are healthy and avoid paying your bills when you get sick. This is an industry with armies of actuaries and functionaries whose job is to prevent you from enrolling if you have a preexisting condition. It is an industry that looks at the fine details of your medical records when you get sick so they can figure out how to cancel your policy and leave you high and dry when you need their help the most, as has been said many times around here.

The majority, actually 62 percent of bankruptcies in America, is because of medical costs, and 80 percent of that group had health insurance. They actually had health insurance, but they had to file for bankruptcy because—they didn't know it, but in their contract, in their policy, there was some fine print called a rescission clause, or there is fine print in there on terms of their annual or lifetime caps, which most people do not even know are in their policies. But when they got very sick, all

of a sudden their policy got rescinded, which means when it came up for renewal the insurance company didn't renew it, and here you are with an expensive chronic disease or illness such as cancer or heart disease or disability, and they cancel your policy. You are left with only one recourse—file for bankruptcy.

This is an industry which defines being a victim of domestic violence as a preexisting condition. I spoke about this previously. Only in America, with this health insurance industry running everything in terms of our health care coverage, only here would we have a situation where a woman can be the victim of domestic violence, be battered, get medical help, go to the hospital perhaps, a victim of domestic abuse, and then later on find that she can't get her policy renewed because she has a preexisting condition, the preexisting condition of being the victim of domestic violence.

You may think that is outlandish, but it is true, and it happens. All we are seeking is competition, openness, transparency, and fairness.

The insurance industry, what are they seeking? They are seeking to preserve and protect a sweet deal they have been enjoying on the backs of middle-class Americans and seniors. The proposal Senator LINCOLN is offering says basically: Enough is enough. In defense of their outlandish salaries, the insurance company CEOs cite the difficulty of their jobs and the complexity of their tasks. The President of the United States probably has a pretty difficult job. He has a few complex tasks to confront. There is no reason insurance company CEOs should get a tax break on salaries higher than the President's. That is exactly what the Lincoln amendment does.

I thank Senator LINCOLN for her commonsense proposal. I think consumers across America should know that when they pay their hard-earned dollars to cover the soaring cost of premiums, they are not just chipping in to pay for the CEOs' next new yacht or the newest Mercedes in the driveway. In homes across Iowa people are clipping coupons and making do with secondhand, patching up instead of buying new. They have had to make sacrifice after sacrifice to afford premiums that provide coverage for their health care. It is outrageous that their hard-earned cash goes for gold-plated salaries and bonuses. Senator LINCOLN is right to take a stand against these excesses. I urge my colleagues to support her amendment.

The Lincoln amendment is consistent with a major theme of our legislation. It is basically standing up to the health insurance industry on behalf of consumers. Her proposal will add one more important item to the list of benefits our legislation will bring to American patients.

As I said before, this bill ends the practice of denying coverage because a person has a preexisting medical condition. I would wager probably every Member of this Senate has some kind of a preexisting condition of some sort, and every one of us could be turned down if we didn't have the kind of secured program under the Federal employees program. Why shouldn't the rest of the American people have the same kind of security?

This legislation ends the lifetime limits and bans unreasonable annual limits. Our bill gives young people better options to stay on their family's and parents' plan until they are age 26. It also ends the outrageous practice of charging women higher prices for the same policy, the exact same policy a man gets. I can remember, during my town meetings back in August, talking about this issue. People were startled to learn that an insurance company can charge a woman up to twice as much for the same policy—same age, all the same parameters, same occupation, same kind of history. They can charge a woman up to twice as much as a man for the exact same coverage, the exact same policy. We get rid of that in this bill. We do not allow that kind of discrimination in any other kind of industry. Why should we allow it in this industry?

Our bill provides better options for individuals, small businesses, farms, for the self-employed. I have said many times the biggest winners in our health care reform bill are small businesses and the self-employed. Right now they are sort of at the end of their rope. They have no bargaining power whatsoever. Our bill will create exchanges so they will be able to go on the exchange and pool with other people for more options, more competition, more transparency available.

Some places in Iowa we have only one insurance company offering policies. There is absolutely no competition. Setting up the exchanges will allow our self-employed and small businesses to get more bargaining power.

These are the kinds of measures the American people want and need to make sure they get a fair deal on the coverage they buy. We need a health insurance industry that is a partner for employers and ordinary Americans, charges fair premiums, treats us right, and pays our bills when we get sick. That is what our bill is all about. It is to end a lot of these outrageous practices that have gone on for far too long in the health insurance industry.

A lot of times people say: You are always beating up on the health insurance industry. Not really. We are just taking them to task for where they have gone. Years ago when they first started out, they were doing a good job. Then the greed, the normal human nature and greed for more profits, higher CEO salaries, \$24 million sala-

ries for CEOs, gold-plated benefits packages for all their CEOs and corporate executives; it just got out of hand. It became a situation where almost one health insurance company was trying to outdo the others in terms of how much money they could squeeze out of the consumers. It is just a system that sort of ran amok.

Now it is up to us in the Congress to rein it in, to make the health insurance industry what it ought to be—a fair and reasonable, competitive system for the consumers. That is what this bill does. To me, that is the American way. That is why we have to stay here on the weekends, if we have to. If we have to be here today, fine; and tomorrow, fine; and all next week, fine; and next weekend; and, if we have to, right through the holidays.

The American people are looking to us to get this job done. We are going to get the job done. No matter how much our friends on the Republican side want to delay, delay, delay, and try to kill this bill, it is not going to happen. This bill is unstoppable because the American people are demanding that we do something about it. We are responding to that, and we are going to get the job done.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, we gather today on a Saturday which, as many Americans know, is rare, but it is entirely appropriate and essential that we make sure we spend the time on a weekend to debate this bill and to get the bill passed. I commend the words of Senator HARKIN and his great work over many months on this legislation. We are grateful for his leadership. I commend Senator LINCOLN on the amendment we will vote on today regarding executive compensation.

I rise to speak about children, as this bill affects their lives—in particular, the lives of children who are particularly vulnerable. I have said a number of times in this debate that at the end of this debate, when the bill is enacted into law, we should be able to say that no child is worse off, especially a child who happens to be poor or has special needs. That is what I rise to speak of this morning.

I had a joint resolution a number of months ago that was filed relating to this bill. It was joined in by Senators DODD, ROCKEFELLER, BROWN, WHITEHOUSE, and SANDERS. It was simple. It basically said what this chart says: No child worse off at the end of the debate. It is a fundamental principle, but I also believe it is a commitment we must keep. When we talk about the legislation before us, we are not talking about some new system. We are talking about figuring out a way—and I think we have in the Senate—to fix what is broken and build upon what works. I believe that is what we are trying to do.

When it comes to children, we have special considerations, and we have to have unique strategies to make sure they get the best health care possible. As so many child advocates tell us—and it seems like such a simple maxim—children are not small adults. That is a profound statement. You can't just take a health care program for adults and overlay that on the health care that is provided to children. Children are not small adults. They are different. The care they get has to be different. It has to be tailored and focused on their needs. The care they get, especially a child who is vulnerable, is determinative of their life. If we don't provide them the kind of care in the dawn of their life, as Hubert Humphrey talked about, there is very little after that we can do to save them or to allow them to reach their full potential.

That bright light inside a child, if we miss the opportunity to care for that child, will never be the same. We have an opportunity in this debate, and at the end of the debate with the legislation, to positively affect the lives of countless American children.

I have some changes I will propose to the Children's Health Insurance Program, but I wanted to speak this morning about parts of the bill that speak directly to the needs of at least two vulnerable children, two young girls by the name of Hannah and Madeline from Pennsylvania.

I will get to their story in a moment, but their mother, Stacie, communicated with us and a lot of other people about their lives and their challenges. I did want to first review some of the basic parts of the bill. We often say this bill contains consumer protections. That is a nice-sounding phrase, but when you talk about consumer protections in the lives of young children such as Hannah and Madeline, it takes on a whole new meaning. I will talk more about them in a moment.

I want to walk through some of the basic provisions in the bill as they relate to children and what we have in the bill already.

No. 1, the bill ensures pediatric input into benefit packages so that the skill and the knowledge of a pediatrician and the kind of care they can provide to a child is part of the benefits package. Again, children are not small adults. The bill also ensures benefit packages that include pediatric benefits including critical oral and vision health care.

We all remember the tragedy last year of Diamante Driver of the State of Maryland, a young boy who lost his life because his family did not have coverage for an infected tooth and couldn't afford the care. We are talking about a child in America who died from an infected tooth that would have cost \$80 to treat. This horrible tragedy that everyone in Washington was talking

about at the time was entirely preventable. We remembered his story and his tragedy in the bill by making sure that oral and vision health care are part of what we do.

In addition, the bill mandates prevention and screenings for children. It creates pediatric medical homes. People say: What is a medical home? That is not a place. It is a way to treat someone, so if an American, especially a child, has a primary care doctor, which many of them unfortunately don't—and that is another part of what we are trying to do—that primary care doctor should be surrounded by the expertise we can bring to bear to help the child. We have so much knowledge and wisdom and ability when it comes to our doctors. We have remarkable pediatricians whose sole focus is to help a child in one part of their needs, the health care needs of that child. Why should not every child be surrounded by that kind of expertise? That is what we are trying to do.

We strengthen the pediatric workforce. We can't just say we need a lot of pediatricians and hope it happens. We have to make sure we have a workforce and a recruiter workforce to do that.

Senator DODD and I and Senator BROWN—I know Senator DODD is on the floor—added a loan repayment provision in the bill for pediatric specialists and providers for mental health services for children.

I have two more items and then I will get to the story of Hannah and Madeline.

We expand drug discounts for children's hospitals and finally increase access to immunizations. The CDC will provide grants to improve immunizations for children and adolescent adults.

But let me talk for a couple moments—I know we have others who are waiting to talk this morning—about these two children: Hannah and Madeline. The good news is—this picture is a dramatic depiction of what they were suffering from when they were diagnosed with leukemia at the age of 4. They are 11 years old now, and they are doing better, but they still have enormous challenges in their lives. Their mother Stacie Ritter wrote as follows:

When my identical twins were both diagnosed with [a kind of leukemia]—

And she talks about it—

at age four, we were told they would need a bone marrow transplant in order to survive.

Imagine that. I have four daughters, and I remember when they were about the age of 4, I never had to worry about any of this. I never had to even think about it. But if my wife and I—my wife Teresa and I—were given this news, we would have been given coverage for a condition such as that by an insurance policy because I happened to be a State government employee, and now I am a Federal Government employee. So I never had to worry about that diag-

nosis for my daughters. Other than the challenge of the diagnosis itself, I did not have to worry about coverage. But Stacie Ritter and her husband Ben did. She says:

I learned that the insurance company thought my daughters were only worth \$1,000,000 each. It sounds like a lot of money. It's not!

She says that with an exclamation point.

When you add up the costs involved in caring for a patient with a life threatening disease like cancer \$1,000,000 barely covers it.

I think that is an understatement.

Fortunately the hospital social worker recommended we apply for a secondary insurance through the state considering the highly probable chance we would hit that [million dollar] cap. And we did hit that cap before the end of treatment. Thankfully the state program kicked in and helped pay for the remainder of treatment.

The State program—it sounds a lot like a public option, doesn't it, an awful lot like a public option. So at least for this part of the story, they were able to get some help through a State program, a kind of public option. We will talk more about that later.

But then Stacie goes on, and the lead headline of this section is one word, "Bankruptcy."

During this time my husband had to take family medical leave so we could take turns caring for our one year old son and our twins—

These twins, as shown in these pictures—

at the hospital. . . . For the 7 months my husband was out on family medical leave, he was able to maintain his employer based insurance for us via \$117.18 a month COBRA payments.

My recollection is, COBRA was an initiative by the Federal Government to make sure, if you lose your job, you do not lose your health insurance. We have to extend it right now—another government initiative that was helpful here.

After spending all our savings to pay the mortgage and other basic living expenses we had to rely on credit cards.

So a mother and a father who get this diagnosis for their children at age 4 have to rely on credit cards to get the help their daughters need.

Stacie writes:

In the end we had no choice but to file bankruptcy. And when you file bankruptcy everything must be disclosed, we even had to hand over the kids' savings accounts that their great grandparents—

Their great grandparents—had given them. . . .

Is this the kind of system we want, when a mother and a father are hit with that diagnosis for their two daughters, when they are age 4, that we have a system that says: Do you know what. We have to cap your coverage. We can help you a little bit, but we are going to limit it. You will figure it out. Don't worry. That is basically what the system said to them.

So what are we doing? Well, we have a bill that happens to speak to these kinds of situations. It is ironic—I guess is the word—that on page 16 of the bill, which is actually the second page of the text, we have a provision that says this:

A group health plan and a health insurance issuer offering group or individual health insurance coverage may not establish . . . lifetime limits on the dollar value of benefits for any participant or beneficiary. . . .

It is not complicated. It is not legalese. It is very specific to the lives of these two children. The first provision in the bill says there are no lifetime limits. So you cannot say to Hannah and Madeline: Sorry, we know you have leukemia and we know you need expert care and treatment, but we are going to limit your care.

So for those who think this is complicated and difficult in a lot of debate here in Washington, it is not complicated. If we had this provision as a matter of law in effect when Stacie got that diagnosis for her daughters, she would not have had to worry about coverage. She would not have had to use credit cards and go into bankruptcy and take the savings these children were given by their great grandparents.

Why do we tolerate this system? Why do we go, year after year, and talk about changing it, saying: Oh, isn't that terrible we have these situations and we let it go and we say that is too bad we couldn't get the bill passed; it got a little difficult in Washington.

Well, the time for talk and debate and discussing the finer points of this is over. We have to act to make sure a family such as this never has to go through what these parents went through but especially what these two young girls went through.

I will conclude with this: This picture, as dramatic as it is, I think connotes a lot of hope. Look at those two young girls, facing the most horrific of circumstances, and they are smiling and hopeful. But they still need help. We are going to be spending time in the next couple days getting this bill done so we can make sure we help them in the future.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, before he leaves the floor, I wish to thank our new colleague from Pennsylvania. From the moment he arrived here, he has raised the profile of this issue involving children and families. As someone who has been involved, myself, for a long time chairing the Subcommittee on Children and Families, and with the help of the Presiding Officer and others, we did the Family and Medical Leave Act back some 17 years ago; the childcare legislation almost 25 years ago, dealing with infant screening, premature births, autism—a whole host of other issues.

I wish to thank him for bringing what has been a tireless effort since he has arrived in this Chamber, adding yet another voice, another strong voice, on behalf of children in our country. JAY ROCKEFELLER, our colleague from West Virginia, has been a stalwart for years on these issues as well. I know SHERROD BROWN of Ohio is also working very hard on these issues, and I wish to commend him.

So I wish to say thank you to my colleague from Pennsylvania. The points that he raises are good ones.

I know our time has expired, and I apologize for interfering with our other colleagues' time, but I wish to thank him for his efforts. I cannot think of a more noble cause to be involved in. There will be a lot of debate about this bill, but we must keep in mind that the most innocent in our society, our children, are born into circumstances totally beyond their own control. And there are too many instances where they are suffering from one problem after another. A great country such as this, with great resources and potential, ought to be able to ensure that every child in this country—regardless of the economic circumstances or the physical circumstances they are born into—gets the kind of care that America can be proud of. I say to the Senator, you are a champion of that, and I thank you for it.

I yield the floor.

#### RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I am going to proceed on my leader time, which I assume will not be charged on this side.

The PRESIDING OFFICER. The Senator is correct. His leadership time has been reserved.

The Chair will note, there is 3½ minutes remaining on the Democratic side allocated on the debate; and then, of course, there is another 45 minutes, under the unanimous consent agreement, that will be allotted to the Republican side of the aisle.

Mr. DODD. Mr. President, I would like to yield my 3½ minutes to my distinguished friend from Kentucky and my friend from Arizona and my friend from Utah and my friend from Florida and my friend from Wyoming as well—3½ minutes for all of them.

The PRESIDING OFFICER (Mr. BEGICH). The Republican leader.

Mr. MCCONNELL. Mr. President, we all know the U.S. health care system is in serious need of reform. Costs are too high, they are rising, and if we do nothing, they will continue to consume a larger and larger share of Federal dollars and of the budgets of millions of middle-class American families, of young workers trying to get their start in life, and, of course, of seniors.

For months, the administration and its allies in Congress promised a solution to these problems, a solution they said would lower costs and help the economy. They assured us that under their proposal anyone who likes the health care plans they have would be able to keep them, and they said their proposal would save Medicare.

But, in the end, what matters is not what we say. It is what we do. This week, the proponents of this plan did more with a single vote than they did all year in talking about all the things their health care plan would do.

How? Because in voting to cut a \$½ trillion from the Medicare Program for seniors, our Democratic friends undercut not only the roughly 40 million seniors who depend on Medicare, they also undercut their own promises about reform.

As I said, the President and congressional Democrats have noted, again and again, that under their measure those who like their plans will be able to keep them. After Thursday's vote, even Democrats are admitting that is no longer true.

Here is how one of our Democratic colleagues put it:

We're not going to be able to say that "If you like what you have, you can keep it."

Then he added:

... and that basic commitment that a lot of us around here have made will be called into question.

As for the oft-repeated pledge to save Medicare, well, nobody buys that one after the vote on Thursday to cut it by \$½ trillion.

These Medicare cuts will impact the quality of care for millions of American seniors. Nearly 11 million seniors on Medicare Advantage will see a reduction in benefits. Hospice care will see massive cuts. Hospitals that treat Medicare patients will see massive cuts. Nursing homes are cut. More than \$40 billion is cut from home health care agencies—agencies that provide an appealing alternative to seniors who would rather receive the care and attention they need in the comfort and privacy of their own homes.

I hear from seniors all over Kentucky worried about the impact these cuts will have.

Anita, from Hebron, KY, says she is worried about the impact these cuts will have on her husband, a Vietnam vet with multiple sclerosis. Every 2 weeks, she writes, a home health care nurse visits her husband to perform procedures prescribed by his doctors. Now Anita is worried those visits might be limited or curtailed under this bill. It is not clear they will not be because cutting \$40 billion from a benefits program is bound to affect the benefits that people such as her husband receive.

Joy, from Somerset, KY, works for a home health care agency. She wrote my office because she is also concerned

about cuts to home health care. She asked me to protect the rights of the chronically ill, elderly Medicare population that she and her colleagues care for every day in Kentucky through cost-effective home health care.

Robin, from Independence, KY, writes that her father is almost 80 and receives home health care twice a week. She says he depends on a walker and a wheelchair to get around and that it is hard for him to get out of the house. Robin's father is the kind of person home health care is meant to help. Frankly, I do not know what to tell her—I literally do not know what to tell her—except that \$40 billion in cuts to this program is not a very encouraging sign for people such as her dad.

I noticed that some years ago one of the top Senators on this issue on the Democratic side used the very same image I have used to decry these cuts. Back then, he warned, as I have in recent months, not to use Medicare as a piggy bank. Yet that is precisely what our friends are doing with Medicare. They are not fixing it. They are raiding it—raiding it—to create an entirely new government entitlement program, raiding Medicare not to help save Medicare but to create an entirely new entitlement program. In fact, one of the largest single sources of money for this 2,074-page bill is the money they get from Medicare.

I am not sure what has changed since our friends decried cuts to Medicare as immoral and irresponsible. But today I would, once again, urge them to reconsider their vote from earlier this week. They have voted now to cut Medicare, and they have now voted twice to cut the important Medicare Advantage Program for nearly 11 million seniors.

Today we will have a chance to restore the cuts they authorized to home health care. A vote in favor of the Johanna amendment is a vote in favor of the men and women who have been writing our offices, sharing their stories about the benefits of home health care. Americans never expected that health care reform would mean that they would have to give up the health care they have and like. They didn't expect it because they were told it wouldn't happen. Unfortunately, that pledge was broken this week. That pledge was broken this week. Today our friends have an opportunity to help repair some of that damage.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The minority now has 45 minutes for debate.

The Senator from Arizona.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Senator from Utah, the Senator from Kentucky, the Senator from New Hampshire, the Senator from Georgia, the Senator from Florida, and the Senator from Wyoming be allowed to participate in a colloquy.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, very quickly, I wish to remind my colleagues that the AARP continues to be referred to as endorsing this legislation and supporting it and opposing amendments that would have done things that they in the past have supported. So I urge my colleagues to look at this Washington article—one of my favorite sources of information and opinion, the Washington Post:

But not advertised in this lobbying campaign have been AARP's substantial earnings from insurance royalties and the potential benefits that would come its way from many other reforms.

So we have been looking into that, and guess what. The AARP endorsement of more than \$400 billion in Medicare savings—according to its own financial statements from 2008, AARP generated 38 percent of its \$1.1 billion in revenue or more than \$414 million in royalty fees. They also obviously will—if we take away Medicare Advantage, then Medigap sales will have to go up because that provides for the services that are being taken away. So under the AARP, they would generate in their endorsements—they have generated \$414 million, putting them in fifth place of all of the health insurance companies in America behind United Health, Wellpoint, Aetna, and Humana. So we have before the body an amendment that would modify any health insurer's remuneration to the same level as the salary of the President of the United States.

So I ask unanimous consent at this time that the AARP executives be added in under the effect of this pending amendment from the Senator from Arkansas.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCAIN. Mr. President, I also understand that Walmart sells health insurance policies. They are based in Arkansas. I ask unanimous consent that Walmart be included in this curb on excessive remuneration that will now place them under the same level.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Reserving the right to object, to be totally candid, these are stunt amendments which we have not seen. I have never heard of the amendments.

Mr. MCCAIN. It is not complicated. It is pretty simple. It is people who sell health insurance.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Reserving the right to object, because I have not even seen these amendments, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCAIN. I am sorry the Senator from Montana cannot understand that

they are people who sell health insurance as well. AARP does, Walmart does. If we are going to have this kind of demagogic amendment, then we should include them, especially Walmart, that does a lot of business.

Mr. MCCONNELL. Mr. President, I would ask the Senator from Arizona if I may ask a question. I would ask the Senator from Arizona, is this the same AARP that I recall opposed a \$10 billion reduction in the rate of increase in Medicare spending back in 2005?

Mr. MCCAIN. I would say to my colleague they not only opposed it, they got all of their members fired up in opposition to it. We all heard from them back in 2005. These were reductions in spending. This was not \$438 billion taken out of Medicare and put in to create a new entitlement program of \$2.5 trillion.

Mr. MCCONNELL. Could I ask my friend one more question? Is this the same bill that back in 2005 my counterpart, the majority leader, decried as immoral?

Mr. MCCAIN. As I recall, that is exactly it. I think the Senator from New Hampshire recalls that debate.

Mr. GREGG. Mr. President, if the Senator will yield, absolutely. I was chairman of the Budget Committee at the time. As the Republican leader is alluding to, we attempted to reduce the rate of growth of Medicaid by \$10 billion of a \$1 trillion base over 5 years, less than one-tenth of 1 percent, I believe that was. It was opposed aggressively by the AARP, and it was opposed by the other side of the aisle. Not one Member of the other side of the aisle voted for that. Do you know what that change was going to be? It was going to require that wealthy people who benefited from the Part D drug benefit would have to pay part of their premiums rather than getting them all for free. So Warren Buffett, for example, would actually have to contribute to his drug benefit, assuming he is on Part D. Maybe he isn't. Maybe he hasn't opted for it. But as a practical matter it was a very reasonable amendment.

Now we are seeing, as the Senator from Arizona has pointed out, a \$460 billion cut over the first 10 years of this bill; a \$1 trillion cut in Medicare, \$3 trillion over the first 20 years of this bill—\$3 trillion—when we already know Medicare, according to this chart, is insolvent to the extent of \$38 trillion—insolvent. Yet we are going to take this money out of Medicare, as the Senator from Arizona has pointed out, and we are going to fund a brandnew entitlement.

We are going to expand Medicaid to 133 percent of poverty with this money, and we are going to create this brandnew entitlement which has nothing to do with Medicare. None of the people who are going to get this benefit probably have ever paid into the hos-

pital trust fund, which is what funds Medicare. That seems totally inconsistent with the purposes of Medicare.

Shouldn't Medicare funds benefit Medicare recipients, I would ask the Senator from Arizona or the Republican leader? If there are going to be reductions in Medicare, should it not go to make Medicare more solvent and not to create a new entitlement?

Mr. MCCAIN. One would think so. There are two doctors in the Senate; there are lots of lawyers, two doctors. Both of them have hands-on experience. I don't know if Dr. BARRASSO has seen this morning's New York Times, another of my favorite sources of news information and opinion. On the front page this morning: "Home Care Patients Worry Over Possible Cuts."

I understand the purpose of health care reform as proposed by the other side is to reduce health care costs. Is there a way to reduce health care costs better than treating people at home than instead of in a hospital? I am curious about the Senator's experience.

Mr. BARRASSO. Well, as the Senator from Arizona knows, I have treated patients in Wyoming, families in Wyoming, for 25 years. The story in the New York Times has a wonderful picture of Bertha Milliard, a 94-year-old lady, who is very similar to many of the patients I have taken care of in families in Wyoming who depend on this care. There is a picture of Bertha dealing with her nurse. Bertha greets the nurse who has come to check her condition and review the medications she takes for chronic pain, for heart failure, and for stroke. Ms. Milliard says those visits have been highly effective, she says, in keeping her out of the hospital.

That is the whole idea: Keep them out of the hospital so they can lower the cost of care. But the home care that she receives could be altered, according to the front page of the New York Times, under the legislation passed by the House and pending on the Senate floor today. The legislation would reduce Medicare spending on home health services, which is a lifeline for homebound Medicare beneficiaries which keeps them out of hospitals as well as out of nursing homes.

So there you have it. What could be better for our seniors than to have the dignity of being in their own homes, to have someone coming into their homes to help them, to make their lives better, and that is going to include skilled nursing care, physical therapy, occupational therapy, sometimes speech and language therapy, and different medical and social services? That is where the care ought to be given, in the home. That is what we want for our seniors: the dignity at home, opportunities at home, to stay in their surroundings. That is what we want for not just all seniors such as Bertha, we want that for our Nation because that will help keep down the cost of care.



This bill does the exact opposite. That is why we have to have this amendment that says don't cut Medicare for our seniors and certainly not to start a whole new program.

In the Wall Street Journal today is an editorial by the dean of Johns Hopkins Medical Center, a wonderful, world class center: "Health Reform Could Harm Medicaid Patients."

So we are taking the money from Medicare, hurting Medicare patients, and they are using it in a way that is actually going to make it worse for patients on Medicaid, as they have dumped 15 million people into this program that is absolutely broken.

Mr. BAUCUS. Will the Senator yield for a question? Will the Senator yield for a question?

Mr. BARRASSO. I will yield to the Senator from Arizona.

Mr. MCCAIN. If it is taken out of your time, just exactly as you responded when someone asked if you would yield for a question from them yesterday. Is it taken out of your time?

Mr. BAUCUS. Yes.

Mr. MCCAIN. I ask unanimous consent that the time for the Senator's question not be taken out of the time that is allotted to us.

The PRESIDING OFFICER. It will not be.

The Senator from Montana.

Mr. BAUCUS. Do the Senators realize and do they know that yesterday the Home Care and Hospice Association, the National Association for Home Care and Hospices, the umbrella organization for home health and hospice, wrote a letter to me, which basically says:

[F]or all of these reasons, we support the provisions of your health care reform legislation as it relates to home health care.

Is the Senator aware of that letter, the Home Care and Hospice Association's support for this legislation? Is the Senator aware of that letter?

Mr. MCCAIN. My response is, I don't know what deal has been cut in Senator REID's office, as the deal was cut with the pharmaceutical companies and the deal was cut with the AMA and the deal was cut with the hospital association. But I know what the effect is. I know what the effect is. The bill would slice \$55 billion—

Mr. BAUCUS. This is not on my time because he is going to filibuster over there.

Mr. MCCAIN. The House bill would slice \$55 billion over 10 years for projected Medicare spending on home health services while the Senate bill would take \$43 billion. I know that. But I don't know the details of the deal that was cut over where the white smoke comes out. I don't know what the deal was. I know what the deal was with PhRMA. I know what the deal was with PhRMA. They told them they would oppose drug reimportation from Canada, and they told PhRMA they

would not allow competition for Medicare patients.

So I don't know the deal that was cut that bought them, but I know deals have been going on, and I know they are unsavory. I know people, such as the lady who was just referred to, Bertha Milliard, are not too interested in seeing their home health care cut.

Mr. BAUCUS. If the Senator will yield, with time being equally divided on both sides for this colloquy.

Mr. MCCAIN. I don't know what the deal was—

Mr. BAUCUS. I can tell the Senator the deal. I am going to tell the Senator the deal.

The PRESIDING OFFICER. The Senator from Arizona has the floor.

Mr. MCCAIN. I don't know what the deal was, but we will find out, just like the deals that were cut with all of these other organizations.

Mr. BAUCUS. I will tell the Senator what the deal was.

Mr. MCCAIN. This place is full of lobbyists. I can't walk through the hallway without bumping into one of their lobbyists. If the Senator keeps interrupting, he is violating the rules of the Senate. He needs to learn the rules of the Senate.

Mr. BAUCUS. Will the Senator yield to know what the deal was?

Mr. MCCAIN. I would like to finish my answer to you, if I may; that is, I don't know the deal that was cut with them, but we will find out. I know Bertha Milliard was not there when the deal was cut that generated that letter. That is my answer.

Mr. BAUCUS. Will the Senator yield for another question?

Mr. MCCAIN. I will yield for one more, but we have other Senators who wish to speak.

Mr. BAUCUS. Does the Senator know that the so-called deal was that whereas MedPAC and the administration and the House wanted to make domestic cuts to home health care, but rather we went to the home health care industry, worked with them, and took two of their major suggestions about fraud and abuse as well as outliers, so we modified so that the home health industry thought this was fair and reasonable?

Does the Senator know that was the agreement that was reached?

Mr. MCCAIN. My quick answer is, I don't know what the deal was, but I know the people who are in the home health care business, who will see \$43 billion in cuts to their business, the funding for their business, were not there when the lobbyists showed up.

We have already heard the stories of the meetings you and the majority leader have had with these people saying: Get on board or when we shape the final parameters of this bill, we are going to hurt you.

We know they have been threatened.

Mr. GREGG. I was wondering if that was the deal. We know there are a lot

of deals around here. I know the Senator from Arizona pays a fair amount of attention to earmarks and other things done around here. I hope we will get an amendment from the Senator from Arizona that lists the special deals like the ones that exempted a few States from the Medicare Advantage cuts, like the deals that got allegedly a few votes on their side of the aisle so we could get cloture and proceed to this bill.

Do you think it is part of the deal that they would not—if there really was a deal, should we not put in here that this money would go to benefit Medicare recipients and not to create a new entitlement? If you were going to take \$42 billion out of Medicare money going to home health, shouldn't it have gone to making the system more solvent rather than creating a new entitlement with that and taking that money from seniors and giving it to somebody else? Shouldn't that have been part of the deal?

Mr. MCCAIN. As is often said, it is what it is.

The Senator from Georgia has a comment.

Mr. ISAKSON. If there was a deal, it wasn't made with everybody. I have a letter that was sent December 4 of this year to me from Judy Adams, executive director of the Georgia Association for Home Health Care Agencies, endorsing the Johanns amendment. So they must not have been part of the deal. They represent Georgia. Further, in here—

Mr. MCCAIN. They will probably be called up to Senator REID's office very soon.

Mr. ISAKSON. They estimate that 68 of the 100 Medicare-approved home health care agencies in Georgia will go out of business. So if there was a deal, it wasn't made with every State because the State of Georgia is on record.

I ask unanimous consent to have this letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GEORGIA ASSOCIATION FOR  
HOME HEALTH AGENCIES, INC.,  
Marietta, GA, December 4, 2009.

Hon. JOHNNY ISAKSON,  
Russell Senate Office Building,  
Washington, DC.

DEAR SENATOR ISAKSON: The members of the Georgia Association for Home Health Agencies, Inc. fully support Senator Johann's motion to commit Senator Reid's Patient Protection and Affordable Care Act back to the Senate Finance Committee with instructions to eliminate the home health cuts.

According to a study conducted by the National Association for Home Care and Hospice, under Senator Reid's bill 72.15 percent of home health agencies in Georgia will have negative margins by 2016 in the Senate bill, and approximately 68 percent of the 100 Medicare Certified home health agencies in Georgia will go out of business and the patients they serve will be rehospitalized or forced to seek alternative more costly care.

We appreciate the opportunity to offer our support for Senator Johann's motion and thank you for being an advocate for the sick and elderly citizens of Georgia.

Sincerely,

JUDY ADAMS,  
*Executive Director.*

Mr. LEMIEUX. If I may, I will follow up on my colleagues' comments about what happened in Georgia.

I walked to one of the largest home health care providers in Florida. We have a letter to the editor in the Sarasota Herald Tribune of November 16 where this person, who works for one of these home health care companies—one of the bigger ones, which aren't going to be in as much trouble—they say:

Contrary to the other assertions that senior care will be unaffected by health care reform in Florida, this scenario could be devastating for older Floridians. More than 56 percent of Florida's home health agencies could be in the red as early as 2011.

So we are going to take the smaller home health agencies—the mom-and-pops—in Florida, we have 1.9 million small businesses. They are not going to be able to function because we are going to take this money out.

I want to make a point, also, that today in the New York Times, a good point was made that there is going to be no new insurance money coming in for home health care agencies—or very little. It is not as if there are going to be folks having this new public option or new insurance-backed program because home health care is for seniors. There is not going to be any extra money. So what is going to happen? We are going to have our moms, dads, and grandparents who are benefiting from this home health care in Florida and across this country instead of having to go to a nursing home, instead of having to go to an assisted living facility away from their home and family—they are not going to be able to go anymore.

By the way, I don't believe that will save any money. I think that will increase costs because we know nursing home care is far more expensive than home health care. It is estimated that 1 day of hospital costs, for example, is 43 times as much as home health care. When you get rid of home health care, you are actually going to increase costs.

I want to follow up on a comment, if I can, of my friend from New Hampshire. I am new here, and I am still understanding the ways of Washington, DC. Everybody in America needs to know this bill will not help seniors at all. This bill takes money from senior health care. If there was a legitimate and straightforward effort to actually help seniors, we would take Medicare savings and keep the money in Medicare. But, as our leader said today, we are robbing the piggy bank, taking money out of health care for seniors and putting it into this new program.

Mr. MCCAIN. Let me remind the Senator from Montana, sometimes there is good news and sometimes it is bad. There was an article earlier this year where the staff of the Senator from Montana called in the high-paid lobbyists and told them not to meet with Republicans, saying that if they did, it would be treated as a hostile act. I can provide that article for the RECORD. I hope it is not true, but I think it is.

Mr. BENNETT. I say to the Senator from Arizona and others who have commented, home health care is not the only way seniors will be hurt by this. I am quoting from an article by Tom Scully, one of the designers of the Medicare Part D benefit, on the impact of this bill on Medicare Part D for seniors. Let me quote the key points of the article. I ask unanimous consent to have the entire article printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MEDICARE PART D 'REFORMS' WILL HARM SENIORS  
(By Tom Scully)

There is a little-noticed provision buried deep in both the House and Senate health-care reform bills that is intended to save billions of dollars—but instead will hurt millions of seniors, impose new costs on taxpayers, and charge employers millions in new taxes.

As part of the Medicare Modernization Act in 2003, Congress created a new drug benefit—called Medicare Part D—for retirees at a cost of about \$1,900 per recipient per year. Many private employers already provided drug coverage for their retirees, and the administration and Congress did not want to tempt employers into dropping their coverage. Actuaries calculated that if the government provided a subsidy of at least \$800, employers would not stop covering retirees.

The legislation created a \$600 tax-free benefit (the equivalent of \$800 cash for employers), and it worked. Employers continued to cover about seven million retirees who might have otherwise been dumped into Medicare Part D.

It was a good arrangement for all involved. An \$800 subsidy is cheaper than the \$1,900 cost of providing drug coverage. And millions of seniors got to keep a drug benefit they were comfortable with and that in many cases was better than the benefit offered by the government.

But now that subsidy is coming in to be clipped. This fall congressional staff, looking for a new revenue source to pay for health reform, proposed eliminating the tax deductibility of the subsidy to employers. The supposed savings were estimated by congressional staff to be as much as \$5 billion over the next decade.

It sounds smart—except that nobody asked how many employers will drop retiree drug coverage. Clearly, many will. The result is that, instead of saving money, the proposed revenue raiser will force Medicare Part D costs to skyrocket as employers drop retirees into the program.

The careful calculation that was made in 2003 to minimize federal spending and maximize private coverage will go out the window if this provision becomes law. Any short-term cost savings that Congress gets by

changing the tax provision will be overwhelmed by higher costs in the long run.

Some members in the House want to mitigate the cost of this provision by mandating that employers maintain existing levels of retiree coverage despite the reduced subsidy. But it's not that simple. A mandate would increase costs on businesses, which in turn would make it harder for those businesses to hire new employees. The mandate would effectively be a tax on employers that provide retiree benefits; this in turn will simply induce some unknown number of employers to terminate their retiree drug programs before the mandate kicks in.

In short, if the changes that are proposed for employer subsidies in the current Medicare Part D program are enacted, everyone will lose. Unions will lose as employers seek ways to drop retiree drug coverage. Seniors will lose as employers drop them into Medicare Part D. Medicare and taxpayers will lose as they face higher costs. And employers will lose as they find it harder to provide benefits.

To make matters worse, accounting rules for post-retirement benefits will require companies that keep their retiree benefits to record the entire accrued present value of the new tax the day the provision is signed into law. This would cause many employers to immediately post billions in losses, which could significantly impact our financial markets.

There are many reasons to pass health-care reform. There is no reason to hurt seniors, employers and taxpayers in the process. Businesses are struggling, and the Medicare trust funds have plenty of problems as it is. It makes no sense to make these problems worse.

Mr. BENNETT. He says:

There is a little-noticed provision buried deep in both the House and Senate health care reform bills that is intended to save billions of dollars—but instead will hurt millions of seniors, impose new costs on taxpayers, and charge employers millions in new taxes.

Here is the core of it:

This fall, congressional staff, looking for a new revenue source to pay for health reform, proposed eliminating the tax deductibility of the subsidy to employers. The supposed savings were estimated by congressional staff to be as much as \$5 billion over the next decade.

It sounds smart—except that nobody asked how many employers will drop retiree drug coverage. Clearly, many will. The result is that, instead of saving money, the proposed revenue raiser will force Medicare Part D costs to skyrocket as employers drop retirees into the program.

He concludes with this comment:

There are many reasons to pass health care reform. There is no reason to hurt seniors, employers and taxpayers in the process. Businesses are struggling and the Medicare trust funds have plenty of problems as it is. It makes no sense to make these problems worse.

So not only are the programs going to be cut, but the drug costs are going to be dumped into the program, with an increased number of people involved. You are going to see tremendous financial distortions as a result of the passage of this bill.

Mr. MCCAIN. I yield to the Senator from North Carolina for a question and then the Senator from Tennessee.

Mr. BURR. I will make this point and ask this question: The President set out in this debate and targeted two things—quality and savings. He assured the American people that we were going to save health care and we were going to maintain quality.

Would it not be accurate to say that, as you take money away from home health, one, you remove from that population that tool that maintains disease, that keeps that from getting worse, and you chase seniors back to the hospitals for the services. So, one, the acuity of the senior patient is much worse and, two, the cost of the delivery of the service because by the time they hit the hospital, it has deteriorated. So we flunk on both points. We don't decrease cost by cutting home health, we increase it. From the standpoint of the quality, the outcome of the patient is worse because we put them into a hospital setting. Is that not what we are trying to eliminate?

Mr. MCCAIN. It seems to me, yes.

I yield to the Senator from Tennessee.

Mr. CORKER. I was watching this in my office.

Mr. MCCAIN. It is a lot of fun, isn't it?

Mr. CORKER. It is. I would rather not be any other place than on the floor talking about the most important piece of legislation we probably will deal with in our tenure here.

Mr. MCCAIN. Based on the principle that a fight not joined is a fight not enjoyed.

Mr. CORKER. I can tell. I have never seen the Senator from Arizona as happy as he is today in the fight against something that is so devastating.

I don't understand what it is that would cause my friends on the left, on the other side of the aisle, to throw seniors under the bus. There is no doubt that there ought to be some changes in Medicare to make it more solvent. We all want to ensure that seniors, down the road, have the ability to benefit from Medicare. no question. I think we have all said from day one that we want to join with Senator GREGG and others to make sure Medicare is here for seniors.

I do not understand—I listened to the last segment of my friends on the other side of the aisle talking about the many needs in this country. Many people don't have health insurance, and many of us have offered bills to solve that.

I don't understand, and I hope you can explain it to me, why the left would be willing to throw seniors under the bus. Regardless of what you say about the bill, they are being thrown under the bus, and doctors are going to get a 23-percent cut in a year, and they are not even dealing with that, and they are taking \$464 billion out of Medicare. What is it that would drive

our friends on the left who in the past—not today—have supported seniors but today are willing to throw them under the bus for a political victory? What drives them?

Mr. MCCAIN. I do not understand it. Perhaps my other colleagues can explain it better.

I also want to return for a second to the question of the Senator from Montana. The AMA is a classic example. When I go back to Arizona and talk to doctors and providers, they say: What is going on? You made a deal with the lobbyists. That is my answer to you. You made a deal with the lobbyists—not the home health care providers, not the nurses, not the doctors, the people who are the users of pharmaceuticals who, this year, have seen an 8- to 9-percent increase in the cost of prescription drugs—because your deal is going to protect them. My answer to you is, I don't know what you bought that letter for, but it was probably a pretty high price.

The Senator from—

Mr. BAUCUS. Will the Senator yield? I can answer the Senator's question.

The PRESIDING OFFICER. The Senator from Arizona has the floor.

Mr. MCCAIN. I know the answer to it. I just gave you the answer.

I yield to the Senator from Wyoming.

Mr. BARRASSO. I agree with the Senator. It is astonishing that the Senator from Montana would read a national organization's letter instead of one from his home State.

In Wyoming, we have 43 different home health care agencies, and some of them are in communities that don't even have hospitals. Therapists drive long distances. We have colleagues from rural States here, and Montana is certainly one of them. Those home health care agencies know they are not even going to get paid enough from Medicare to put gas in the car to drive out to the ranches and the farms where people are who are staying at home, trying to stay out of the hospitals and nursing homes. We have home health agencies throughout the States, and they drive tens of thousands of miles every year, with therapists and nurses and home care aides going out to help people stay at home and therefore give them dignity and allow them to keep down the cost of care for everybody.

Mr. MCCAIN. Mr. President, how much time remains?

The PRESIDING OFFICER. Twenty minutes 22 seconds.

Mr. MCCAIN. The salary of William B. Novelli, who has since stepped down—an old friend—last year was \$1,797,751. Mr. Tauzin, a pharmaceutical research and manufacturers lobbyist, only made \$1.5 million last year. Scott Serota, of BlueCross BlueShield, made \$1.6 million. Chicken feed.

I yield to the Senator from Utah.

Mr. BENNETT. Mr. President, I thank the Senator from Arizona.

My mind goes back to a personal experience I had that I would like to share with my friends on the left. It was an entirely different bill—No Child Left Behind. We were all for it on this side of the aisle because our President had proposed it. My staffer said to me, listening to the debate: You know, Senator, if President Clinton had proposed this, you would vote against it because you would think it was too heavy-handed with government interference. I said: You know, you are right. I have to do the right thing. I was one of the few Senators who voted against it.

If we had proposed what the Democrats had proposed, every argument we are currently hearing from the right side of the aisle would be coming with great roars and insistent statements on the other side of the aisle. But because it is their President who proposed it, they are somehow keeping their consciences under control. I hope they will recognize the irony of that and that at least one Senator—that is all we need in order to stop this bill—would recognize that conscience ought to prevail and this bill ought to be stopped.

Let's be clear. If this bill is stopped, health care reform will not die as a cause. Indeed, health care reform will be reborn in a bipartisan sense of, let's solve the problem, rather than in a partisan sense of, let's jam something down somebody's throat.

I hope that is what will happen, that conscience will prevail somewhere and one member of the Democratic Party who feels in his or her heart that this is a dumb idea will let his or her conscience prevail.

I see the Republican leader.

Mr. MCCONNELL. Will the Senator yield for an observation? Senator MCCAIN has pointed out where the lobbyists are on this bill. Senator ISAKSON has pointed out where the people of Georgia are on this bill. Senator BARRASSO has pointed out where the people of Wyoming are on this bill. We also know where the American people are.

I have not seen a survey in months—in months—by anybody that indicates the American people are for this bill. It is not in doubt. We have heard that President Clinton came up to their lunch. The President may be coming back himself. The argument they are making on the other side? Ignore the American people, make history. Make history? What I hear the American people saying to us is: Vote for this bill and you will be history.

This is not in the gray area. The American people are asking us to stop this bill and start over. They do not want a 2,074-page monstrosity of complexity and Medicare cuts and tax increases and higher premiums for everybody else. They want us to stop and start over and get it right.

Mr. MCCAIN. I ask the Senator from New Hampshire very quickly, is it your understanding that AARP does sell

health insurance and Wal-Mart sells health insurance?

Mr. GREGG. Both of those are correct.

Mr. MCCAIN. Then would it make sense they would be included in the amendment to modify the limit on excessive remuneration paid by certain health insurance providers to set the limit at the same level as the salary of the President of the United States? Wouldn't the CEO of Wal-Mart and the head of AARP, who only made \$1.8 million last year, fall under that umbrella?

Mr. GREGG. The underlying proposal is a blatant act to try to Europeanize our economy and move us to a process where the government decides what the market should do. But consistency would require that both of those organizations be included in that if the author is going to be consistent with the theme of the amendment, which is absolutely wrong in my opinion because there is no reason that we as a Congress should decide the compensation levels for people who are in the private sector.

Mr. MCCAIN. The Senator from Georgia.

Mr. ISAKSON. I want to put a face on what home health care means to the quality of health care and the lowering of the cost of health care in America.

My youngest son was in a horrible accident in 1989. He was hospitalized for 8 weeks, had four surgeries, developed an infection, and had some bone marrow threats. He was put in home health care after those 8 weeks. At a cost of pennies on the dollar, a visiting nurse came and helped my wife and me administer antibiotic drips periodically so he could continue to have the protection he needed to fight off the infection.

The 8 weeks he was in the hospital cost over \$100,000. The 8 weeks following that, when he was at home, home health care cost only a few thousand dollars.

We are taking an agency and a service that has provided to the American people that greatly reduces the cost of health care, improves the quality of life of the individual and forcing the only option for somebody hurt like that to be in a hospital. Granted, my son was not in Medicare, but people in Medicare are in accidents and have the same type of thing happen.

The patent effect of this is, on the one hand you save money to pay for somebody else's government option health insurance, but you take away an affordable, effective way to deliver health care.

Mr. MCCAIN. The Senator from Tennessee.

Mr. CORKER. I was thinking about last year's campaign. The Senator from Arizona was highly involved in that campaign. I know he offered some health care solutions that were greatly

maligned. But I think back on that, and I wonder, had our sitting President run on a health care reform bill that took money out of Medicare, which was insolvent, created a new entitlement, hurt seniors through home health, eliminated choices, making sure doctors got a 23-percent cut in a year, if he ran on a platform of health care reform that did that—had unfunded mandates to States, raised taxes—and told the American people while he was campaigning that their premiums were going to go up, I do wonder if the outcome would have been the same.

As a matter of fact, I cannot imagine a health care policy being presented that is more off base than the one we are debating. But one that makes Medicare insolvent, has unfunded mandates to States when they are troubled, raises taxes and raises premiums. That is what we are discussing. Why my friends on the left want to give our President a victory on that basis is astounding to me.

I don't know, but since you were up close and personal to that, I wonder if you might respond.

Mr. MCCAIN. I thank the Senator from Tennessee. I am very reluctant to take a trip down memory lane again. Could I say, one of the phrases throughout the campaign was: If you like the insurance policy you have, you can keep it. You tell me how people who now have Medicare Advantage can keep it under this proposal? It is impossible.

Maybe the other side is right. Maybe these reductions have to be made in Medicare Advantage. Maybe those changes have to be made. I don't happen to agree, although cost savings should be there. But no one can believe that you can keep the same Medicare Advantage policy that 11 million seniors in America have today under this proposal. It is impossible.

The Senator from Florida.

Mr. LEMIEUX. If the Senator from Arizona will allow, I want to ask one question of my friend, the medical doctor, about infections in hospitals. My understanding is that home health care is actually better for the patient, it is better for the efficacy of the treatment because a big problem we have in hospitals is that patients get staph infections and other infections. In fact, it is one of the leading causes of death in a hospital. You don't go in with this infection, you get it there.

Isn't this proposal that is going to take people out of home health care and send them to hospitals going to actually hurt patients?

Mr. BARRASSO. This proposal is going to hurt patients in a lot of ways. It is going to hurt patients psychologically. They are in a hospital when they want to be at home. It is going to hurt patients in terms of their health. The better place to be is at home, as long as somebody is coming around to

check on them. That is why for so many reasons, doctors have for decades said: Try to help patients get home as quickly as they can. That is the best place for them to heal.

We have heard from the Senator from Georgia a remarkable story about penalties on the dollar, the effectiveness of this program. It is good for folks, and it is good for the whole health care of our Nation if we have people healing at home, not in the hospital.

Mr. MCCAIN. Thanks to our crack staff who are a good example of the success of work release programs, I remind my friend from Montana, a Roll-call article as of June 11:

Top aides to Senate Finance Chairman Max Baucus called a last-minute, preemptive strike on Wednesday with a group of prominent Democratic lobbyists, warning them to advise their clients not to attend a meeting with Senate Republicans set for Thursday.

Russell Sullivan—

Whom I don't happen to know—

the top staffer on Finance, and Jon Selib, Baucus' chief of staff, met with a bloc of more than 20 contract lobbyists, including several former Baucus aides.

Who have made a nice transition.

"They said, 'Republicans are having this meeting and you need to let all of your clients know if they have someone there, that will be viewed as a hostile act,'" said a Democratic lobbyist who attended the meeting.

"Going to the Republican meeting will say, 'I'm interested in working with Republicans to stop health care reform,'" the lobbyist added.

Again, PhRMA, the New York Times, again my favorite. Tauzin, the \$1.5-million-per-year representative of PhRMA said:

"We were assured: 'We need somebody to come in first. If you come in first, you will have a rock-solid deal,'" Billy Tauzin, the former Republican House member from Louisiana . . . said. "Who is ever going to get into a deal with the White House again if they don't keep their word? You are just going to duke it out instead."

They cut a deal. That is, again, in answer to the Senator from Montana, that is probably how they got the letter, the same way Tauzin wrote his letter.

The majority leader—the minority leader, hopefully majority leader soon.

Mr. MCCONNELL. I say to my friend from Arizona, at the risk of being repetitious, what we all know is going on here is there is a total disconnect between inside-the-beltway lobbyists who cut their special deals and the American people who are speaking loudly to all of us in all of the surveys saying: Please stop this thing.

I have never been involved in an issue in all the years I have been here, I say to my friend from Arizona and other colleagues, on which people spontaneously stop me in the airport and say: Please stop this bill.

I am sure there are people in Kentucky who are for it. I have not met

one. There must be a doctor in Kentucky who is for this. I have not heard from one.

This is an incredibly unpopular bill. Thus, their only rallying cry: Make history, ignore the American people. What an act of arrogance. What an act of total arrogance. We know better than you. Why don't all you American people, all 300 million of you, shut up, sit down, and we will do it for you. We will restructure one-sixth of the economy. We know what is best for you. This is an act of total arrogance.

As the Senator from Utah pointed out, we just need one Democratic Senator to say no: No, I am not going to do this. I know the President would like me to make history, but this is wrong for the country, and I will not participate in it. Just one can make a difference.

Mr. MCCAIN. The Senator from North Carolina.

Mr. BURR. The Washington Post in October of this year, talking about the story on AARP, said:

The group and its subsidiaries collected more than \$650 million in royalties and other fees last year from the sale of insurance policies, credit cards and other products that carry the AARP name . . .

Mr. MCCAIN. Wouldn't that mean that AARP executive would naturally fall under the Lincoln amendment?

Mr. BURR. Absolutely, because it says "the majority of its \$1.14 billion in

revenue" that AARP collected, according to the tax records, were made up of sale of these insurance products.

Mr. GREGG. I think the Senator from North Carolina has made an excellent point. Consistency would require for the AARP to be included in this amendment, if the amendment is going to go forward. I hope the amendment is not adopted. But clearly it should be consistent with all the different interest groups. It appears it is not included because some deal was cut. Is that the implication here?

Mr. MCCAIN. The Senator from Utah?

Mr. COBURN. If I might, I ask unanimous consent to have printed in the RECORD the consolidated audited financial statements of AARP. They are the fifth largest insurance sales company in America.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

KPMG LLP,  
Washington, DC, March 30, 2009.

INDEPENDENT AUDITORS' REPORT  
The BOARD OF DIRECTORS,  
AARP, Inc.

We have audited the accompanying consolidated statements of financial position of AARP, Inc. and affiliates (collectively, AARP) as of December 31, 2008 and 2007, and the related consolidated statements of activities and cash flows for the years then ended. These consolidated financial state-

ments are the responsibility of AARP management. Our responsibility is to express an opinion on these consolidated financial statements based on our audits.

We conducted our audits in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes consideration of internal control over financial reporting as a basis for designing audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of AARP's internal control over financial reporting. Accordingly, we express no such opinion. An audit also includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements, assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audits provide a reasonable basis for our opinion.

In our opinion, the consolidated financial statements referred to above present fairly, in all material respects, the financial position of AARP as of December 31, 2008 and 2007, and the changes in its net assets and its cash flows for the years then ended in conformity with U.S. generally accepted accounting principles.

As discussed in note 2 to the consolidated financial statements, AARP adopted Financial Accounting Standards Board Statement No. 157, *Fair Value Measurements*, in 2008.

KPMG LLP.

CONSOLIDATED STATEMENTS OF FINANCIAL POSITION, DECEMBER 31, 2008 AND 2007

(In thousands)

	2008	2007
<b>Assets:</b>		
Cash and cash equivalents (note 2(c))	\$472,006	\$325,154
Accounts receivable, net (note 5)	70,419	79,122
Prepaid expenses and other assets (note 8)	26,013	34,805
Prepaid pension asset (note 10)		4,789
Investments (note 4)	916,146	1,087,082
Property and equipment, net (note 6)	315,166	304,778
<b>Total assets</b>	<b>1,799,750</b>	<b>1,835,730</b>
<b>Liabilities:</b>		
Accounts payable and accrued expenses	100,030	143,680
Insurance premiums payable (note 3)	711,242	662,974
Deferred revenue and other liabilities	31,701	25,057
Deferred membership dues	435,597	388,280
Accrued pension liability (note 10)	113,764	
Accrued postretirement health benefits (note 11)	69,823	67,808
Notes payable (note 7)	230,069	230,053
<b>Total liabilities</b>	<b>1,692,226</b>	<b>1,517,852</b>
<b>Net assets:</b>		
Unrestricted:		
Undesignated	17,186	101,481
Board designated (note 14)	81,348	205,461
<b>Total unrestricted net assets</b>	<b>98,534</b>	<b>306,942</b>
Temporarily restricted (note 15)	8,990	10,936
<b>Total net assets</b>	<b>107,524</b>	<b>317,878</b>
<b>Total liabilities and net assets</b>	<b>1,799,750</b>	<b>1,835,730</b>

See accompanying notes to consolidated financial statements.

CONSOLIDATED STATEMENT OF ACTIVITIES, YEAR ENDED DECEMBER 31, 2008

(In thousands)

	Unrestricted	Temporarily restricted	Total
<b>Operating revenues:</b>			
Membership dues	\$249,314		\$249,314
Royalties (note 3)	652,701		652,701
Publications advertising	119,696		119,696
Grant revenue (note 9)	89,649		89,649
Program income	82,114		82,114
Contributions	41,113	\$879	41,992

## CONSOLIDATED STATEMENT OF ACTIVITIES, YEAR ENDED DECEMBER 31, 2008—Continued

(In thousands)

	Unrestricted	Temporarily restricted	Total
Other operating income .....	19,683	—	19,683
Net assets released from restrictions .....	2,825	(2,825)	—
Operating revenue before investment loss .....	1,257,095	(1,946)	1,255,149
Investment loss (notes 3 and 4) .....	(175,063)	—	(175,063)
Total operating revenues .....	1,082,032	(1,946)	1,080,086
Operating expenses:			
Program services:			
Programs and field services .....	298,310	—	298,310
Publications .....	177,638	—	177,638
Member services .....	284,086	—	284,086
Legislation and research .....	58,844	—	58,844
Total program services .....	818,878	—	818,878
Supporting services:			
Membership development .....	114,096	—	114,096
Management and general .....	204,879	—	204,879
Total supporting services .....	318,975	—	318,975
Total operating expenses .....	1,137,853	—	1,137,853
Change in net assets from operations .....	(55,821)	(1,946)	(57,767)
Other income (expenses):			
Investment loss from sinking fund (notes 4 and 7) .....	(22,513)	—	(22,513)
Income taxes (note 8) .....	(17,427)	—	(17,427)
Charges other than net periodic benefit cost (notes 10 and 11) .....	(106,239)	—	(106,239)
Change in net assets before effect of adoption of measurement provisions of FASB Statement No. 158 .....	(202,000)	(1,946)	(203,946)
Effect of adoption of measurement provisions of FASB Statement No. 158 (note 2) .....	(6,408)	—	(6,408)
Change in net assets .....	(208,408)	(1,946)	(210,354)
Net assets, beginning of year .....	306,942	10,936	317,878
Net assets, end of year .....	98,534	8,990	107,524

See accompanying notes to consolidated financial statements.

## CONSOLIDATED STATEMENT OF ACTIVITIES, YEAR ENDED DECEMBER 31, 2007

(In thousands)

	Unrestricted	Temporarily restricted	Total
Operating revenues:			
Membership dues .....	\$249,353	—	\$249,353
Royalties (note 3) .....	497,635	—	497,635
Publications advertising .....	121,518	—	121,518
Grant revenue (note 9) .....	82,431	—	82,431
Program income .....	90,850	—	90,850
Contributions .....	42,353	\$6,878	49,231
Other operating income .....	2,938	—	2,938
Net assets released from restrictions .....	888	(888)	—
Operating revenue before investment income .....	1,087,966	5,990	1,093,956
Investment income (notes 3 and 4) .....	79,951	—	79,951
Total operating revenues .....	1,167,917	5,990	1,173,907
Operating expenses:			
Program services:			
Programs and field services .....	302,518	—	302,518
Publications .....	184,572	—	184,572
Member services .....	294,631	—	294,631
Legislation and research .....	60,581	—	60,581
Total program services .....	842,302	—	842,302
Supporting services:			
Membership development .....	112,960	—	112,960
Management and general .....	204,079	—	204,079
Total supporting services .....	317,039	—	317,039
Total operating expenses .....	1,159,341	—	1,159,341
Change in net assets from operations .....	8,576	5,990	14,566
Other income (expenses):			
Investment income from sinking fund (notes 4 and 7) .....	4,479	—	4,479
Income taxes (note 8) .....	(8,902)	—	(8,902)
Change in net assets before effect of adoption of recognition provisions of FASB Statement No. 158 .....	4,153	5,990	10,143
Effect of adoption of recognition provisions of FASB Statement No. 158 (note 2) .....	(580)	—	(580)
Change in net assets .....	3,573	5,990	9,563
Net assets, beginning of year .....	303,369	4,946	308,315
Net assets, end of year .....	306,942	10,936	317,878

See accompanying notes to consolidated financial statements.



CONSOLIDATED STATEMENTS OF CASH FLOWS, YEARS  
ENDED DECEMBER 31, 2008 AND 2007

(In thousands)

	2008	2007
Cash flows from operating activities:		
Change in net assets .....	\$(210,354)	\$9,563
Adjustments to reconcile change in net assets to net cash provided by operating activities:		
Depreciation and amortiza- tion .....	27,606	24,846
Reserve for uncollectable accounts .....	248	(22)
Effect of adoption of FASB Statement No. 158 .....	6,408	580
Charges other than net periodic benefit cost .....	106,239	—
Net loss (gain) on invest- ments .....	258,420	(19,554)
Deferred income taxes .....	1,447	(327)
Amortization of premium on investments .....	18	120
Changes in operating assets and liabilities:		
Cash and cash equivalents held as collateral .....	—	41,506
Accounts receivable .....	8,455	(24,173)
Prepaid expenses and other assets .....	7,345	1,325
Prepaid pension asset .....	4,789	4,570
Accounts payable and ac- crued expenses .....	(43,650)	2,139
Insurance premiums pay- able .....	48,268	50,331
Securities loan payable .....	—	(41,506)
Deferred revenue and other liabilities .....	6,644	2,484
Deferred membership dues .....	47,317	29,629
Accrued pension liability .....	(1,408)	—
Accrued postretirement health benefits .....	4,540	5,336
Total adjustments .....	482,686	77,284
Net cash provided by operating activities .....	272,332	86,847
Cash flows from investing activities:		
Purchases of property and equip- ment .....	(37,978)	(31,350)
Proceeds from sale and matu- rities of investments .....	995,414	1,304,705
Purchases of investments .....	(1,082,916)	(1,358,527)
Investment in joint venture .....	—	(33)
Net cash used in investing activities .....	(125,480)	(85,205)
Net increase in cash and cash equivalents .....	146,852	1,642
Cash and cash equivalents, beginning of year .....	325,154	323,512
Cash and cash equivalents, end of year .....	472,006	325,154
Supplemental disclosures:		
Cash paid for interest .....	12,979	14,623
Cash paid for income taxes .....	17,928	6,646

See accompanying notes to consolidated financial statements.

Mr. BENNETT. Mr. President, I have enjoyed this colloquy. I have enjoyed the enthusiasm that is here. I noticed that the sense of passion to get something done properly for the American people is on this side of the aisle. A great of sense of defensiveness is on the other side of the aisle.

We all have an been caught one time or another in the struggle between support for a leadership position or a Presidential position and our own sense of what is the right thing to do. I join with my leader from Kentucky in saying that the people of Utah have never been more worked up about any issue than this one. I have never seen any circumstance where they have been more firm and unanimous in their demand that this bill be stopped.

The Senator from Kentucky said if there is somebody in Kentucky who is for this bill, he has not met him. I have met some people in Utah who are for this bill. They have spoken to me

about it, as I pass through airports or I walk down the street in the hearing of other people from Utah. As soon as anybody hears someone tell me, Vote for this bill, there is a chorus of voices that spontaneously come up around that and say: Don't listen to him; listen to us. This is a terrible bill. This is a terrible circumstance.

I have been proud in the debate to point out that in Utah, the Dartmouth study says we have the best health care available in the United States, and if everybody got their health care there, it would not only be the best, it would be one-third cheaper than the national average.

I have spent a lot of time talking with the people who provided that result. Unanimously they tell me this bill would damage that result. It would damage the quality, and it would raise the price. Why in the world would we want to do those two things?

Mr. MCCAIN. Dr. BARRASSO from Wyoming.

Mr. BARRASSO. It has been a privilege to take care of patients in Wyoming for the last 25 years. This bill is going to hurt them. It is going to hurt the future of care. It is going to hurt the future of Medicare in America. You cannot take \$464 billion away from Medicare, a program on which the seniors of this country depend, and say it will not affect their care. It will affect them in the hospitals, it will affect them in the doctors' offices, it will affect them in the final days of their lives in the hospices. That is what I hear about across Wyoming.

I have not met doctors who support this—not at all. I have not met very many patients who support it, and they are also told by others: We don't want this. The townhall meetings have been overwhelming in opposition.

This is a bill that will be bad for our small businesses and bad for people who want to get insurance. It will be bad for people who have insurance because they know their premiums are going to go up. It will be bad for people who pay taxes because those are going to go up. But specifically for home health care, this will be awful. It will affect small communities—in all of the small communities of America, not just in Wyoming. I can't imagine anyone in a small community being for this.

Mr. MCCAIN. And put more people in the hospital.

The Senator from Tennessee.

Mr. CORKER. Mr. President, I have been listening to the debate, and it is seldom that debate on the Senate floor has much impact on me, I must add. But the fact is, I do think this amendment—the Lincoln amendment—is a terrible amendment. We should not be voting on compensation.

But I am wondering, I ask Senator MCCAIN, if we should offer a unanimous

consent agreement to change the amendment to take into account AARP, PhRMA, and others. I wonder if the other side would be willing to take that unanimous consent request.

Mr. MCCAIN. Not to mention the chief executives of the pharmaceutical companies. Why wouldn't we want to bring them in on it? After all, they are paying for lobbyists at \$1.7 million every year to cut these deals at the White House that they describe on the front page of the New York Times.

I would hope the Senator would be glad to modify her amendment to include all these other people who have gotten extremely wealthy—PhRMA, an 8-percent increase in drug prices in the last year. Again, I refer to the New York Times.

Anyone else? Senator BURR.

Mr. President, how much time remains?

The PRESIDING OFFICER. One minute.

Mr. MCCAIN. Senator BURR will wrap it up.

Mr. BURR. The Senator from Arizona has stated this case very well over a number of days, and it will continue to be stated—they are cutting Medicare to fund a new government program. They are taxing the American people through drugs and devices and more money for their own insurance policies so that government can have a larger hand in health care.

You know what. At the end of the day, the American people realize now that they are going to pay more and the quality of their health care is going to go down. It is no more obvious than the current amendment on slashing the reimbursements to nursing homes or to hospice or to any other area under Medicare.

This is wrong, it should be stopped, and the American people's voices should be heard in this debate.

I thank the Senator.

Mr. MCCAIN. It has been a great time. We are going to do it again, a lot, between now and the time the vote is forced, and the American people are on our side.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Montana.

Mr. BAUCUS. Mr. President, this is very frustrating because we have these blocks of time, with Senators lining up to take control of the time and to make their points, and then they flee the Senate floor and we cannot get into a debate or a colloquy. We cannot make points that rebut the points they have made because they have all left the floor.

Mr. CORKER. I am glad to stay here.

The PRESIDING OFFICER. The Senator from Montana has the floor.

Mr. BAUCUS. They all come in and make their points and then they flee.

Mr. MCCAIN. We are here.

Mr. BAUCUS. Good, I am glad they are staying because I want them to

hear this. Maybe we will all learn something.

First of all, clearly, we all care about home health care. I mean, let's obviously agree that we all do. I see the Senator from Arizona nodding his head in agreement; he does care about home health care. This Senator cares about home health care. The Senator from Wyoming, Dr. BARRASSO—here he is, over here—he cares about home health care. He has talked about home health care.

We all know seniors would rather be home than in the hospital or a nursing home, if that is medically appropriate. We all know that. I know that personally. My mother was in the hospital 2 weeks ago, and she is now, thankfully—praise the Lord—out of the hospital, and she is home. We have a home health care person coming in every day to see my mom.

When I am there with the home health care person, I am very impressed. They do a super job. It is really something to behold. My mother loves it and I love it. We clearly are not going to do anything to cut home health care.

But another point I would assume all my colleagues agree with is that we want to cut waste, if there is waste. We want to cut waste out of the health care system. Why should we allow waste, as representatives of our people—the taxpayers? We want to cut out waste. Again, I see the Senator from Arizona is nodding his head, yes, that clearly we want to cut out waste that may or may not occur in the system.

Now, the next question—and it is a question—is, there are lots of forms of waste, and one is fraud—people just ripping taxpayers off and ripping seniors off. That is clear. There is a lot of waste. Let me take one small example in the home health provisions in the Senate bill, and that is this: The General Accountability Office found that in the home health industry there are a lot of outlier expenditures which are fraudulent; that is, some home health agencies classify their expenditures for home health as outliers—as extra payments—for very sick people.

In fact, there is one county in Florida which accounts for 60 percent of all outlier reimbursements, whereas they provide health care for only 1 percent of the Nation's people. The GAO has found lots of examples where the outlier portion of home health is abused. It is fraud. It is abused. Well, guess what. The home health care industry came to us and said: Gee, we have some ideas how to stop that because we don't like rotten apples spoiling our barrel. We want to stop this fraud that exists with excessive outlier payments.

So they came to us with some ideas. I know it is easy to think that suggestions might be classified as deals or whatnot, but that has not happened.

They came with an idea of how to cut excessive costs in outliers, and we have done that. That is in this bill. There are a lot of other provisions with respect to home health care.

I know the Senators have letters from their home States. I don't know if they are referring to a House-passed bill, which is very aggressive in cutting home health care benefits, or whether they have read the most recent language in the Senate bill, which essentially is much less aggressive because in talking to the agencies, they were saying: Yes, we can live with these changes—such as rebasing and market basket updates, phasing them in instead of immediately—with the idea, again, of getting rid of excessive payments and fraudulent payments.

I say excessive because the home health care industry is enjoying an 11-percent growth rate annually, as it is right now in dollars. Well, some think it is 17 percent. The chart I have is 11 percent, but maybe 17 percent. Then the national health care spending rate, spending for all care, goes up about 6 percent a year, about 6 percent a year nationwide. Home health without reform is between 11 and 17 percent. It is almost double.

Under this legislation spending will be about 8 percent. Remember, national health spending is 6 percent, and the home health industry did write a letter saying: Yes, we can live with that.

My approach, frankly, in regard to legislation, is to work with groups, to work with industries and talk to them and not just be draconian and not be arbitrary in cuts or changes. You talk to them to see what accommodations can be made consistent with your principles.

One of my principles is stopping a lot of the fraud and to see if there is a way to cut excessive spending because sometimes there is excessive spending around here, and that is what we have done in the home health industry.

I could go into more detail, but I want my colleagues to know there is real, solid, sound reason for these changes in the home health provisions, and it is my judgment this will not hurt home health care for patients. That is a very important point to make.

The same is basically true with the other industries—say with regard to the hospital industry. We worked with them and said: OK, we know you should be cut. I talked to a lot of hospital administrators privately and said: What do you think?

They said: Yeah, MAX, we should take a haircut. Our hospital should take a haircut.

As you well know, you sometimes go to a hospital and you say: Good gosh, why do they have that big fountain out front? Why do they have all that marble? Why does this look like the Taj

Mahal? You don't need that for health care.

So then they crank that back for the need of their health care. Some of the executives say to me privately: Yeah, there should be some reductions in hospital payments. So we go to the hospitals and say: What is reasonable? Remember, this is over a 10-year period.

They say: We could take a \$155 billion cut. But they say that, in part, because they know what they lose on the margin they can make up in volume because of everybody's health insurance. That means, too, that we can get health care reform.

You know, it is hard to get the health insurance industry to work with us if there is no health insurance for most Americans. If there is no health insurance for most Americans, then the health insurance industry is inclined to revert back to their old ways—or try to anyway—underwriting insurance, denying policies based on preexisting conditions, et cetera.

So this whole effort is to work with groups—work with consumer groups, with labor, with hospitals, doctors, the insurance industry, pharmaceuticals—to see what is reasonable. That is democracy—to try to get some kind of broad-based kind of rough justice agreement to put this together. That is the effort we have undertaken in this legislation.

I hear criticism, well, gee, we are cutting this and cutting that. But let's remember—and I know my colleagues agree with this—the waste in the American health care system is somewhere between \$300 billion a year to upper estimates of \$800 billion a year. It is waste, and we have to figure out a way to get rid of the waste without sacrificing care and actually, at the same time, improving the quality of care. That is the major goal.

So when you see reductions in some of the payments to providers, a lot of that is an honest attempt to get rid of the waste or excessive payments. Let's take Medicare Advantage. Somebody quoted Tom Scully today. I have a quote from Tom Scully that says there is way too much spending in Medicare Advantage. I don't have the exact quote, but it is basically a public quote that we should cut Medicare Advantage spending because there is way too much expense in Medicare Advantage.

It is a question of judgment as to how much to cut, I grant you. But still there are areas where there is excessive spending, there is waste, and home health care is a good area where we worked hard to refine the changes to get rid of some of the fraud—the outliers I mentioned—but in a way that helps seniors get good home health care.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Mr. President, I noticed the senior Senator from Montana

referred to us being here, and I wonder if he would yield for a very short question.

Mr. BAUCUS. I agree, so long as it comes off their future time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORKER. Well, I think we have a lot of time today, so I think that will work.

Mr. President, I was wondering if the Senator from Montana might educate us—and all seniors in this country who receive Medicare—if his intent is to make Medicare work better—and, by the way, I think he is, in some cases, working sincerely to do that—why is he taking those savings away from Medicare? And being the distinguished chairman of the Finance Committee, he knows as well as anybody in this country that Medicare is insolvent. Why is he not using whatever he believes to be good savings—and we may disagree with those savings—to make Medicare solvent, or at least to pay the physicians who treat Medicare recipients? They are going to get a 23-percent cut next year, and it will take \$250 billion just to make them equal in 10 years. Why is he not using those savings to actually make Medicare work for the people who are already receiving it versus leveraging all the entitlement from one insolvent entitlement to another insolvent entitlement? Why would the chairman of the Finance Committee consider doing something like that?

Mr. BAUCUS. Mr. President, I would very much like to respond to that question. First of all, I appreciate the implied premise in the statement that the Senator agrees there should be savings. The question is, Where should the savings go? I mean, basically, the Senator is implying there should be savings, and that is very good to hear. I think that is a very constructive addition to a part of this dialogue, this conversation, that we should take savings because there is waste.

The Senator's question is, OK, you take the savings, what should we do with the savings? That is the basic question.

The fact is, because of the reforms in Medicare, a couple things are happening. No. 1, we are extending the solvency of the trust fund; it is another 5 years. The Medicare trust fund will now be extended 5 years, so that helps seniors.

I know the Senator didn't mean this at all, but, rhetorically, earlier he said: Why does this side want to throw seniors under the bus? I know he didn't mean that. I know he knows nobody is trying to throw seniors under the bus, nobody wants to do that in the Senate. But the fact is, these changes do extend the solvency of the trust fund.

Then he asked a different question, and it is a very good question. It is a judgment call, what should be done

with the additional savings? This legislation takes those savings to help more people get health insurance. One could argue those savings should not be used to help those without health insurance get health insurance for them. They could go back to the Medicare trust fund, they could reduce the budget deficits—there are a lot of different options here. But this is a health care reform bill. In this legislation, we are trying to come up with a system, if you will, that gets some coherence nationwide in health care. We don't have a system today. It is a hodgepodge. It is a collection. It is kind of a free-for-all. Docs do their things, hospitals do their things, nursing homes do their things; each attempt to get health care based on profit motive, but it is kind of incoherent. There is no real—anything there.

We say let's try to look for coherence. We are the only industrialized country in the world that does not have some system, some way where everybody has health insurance. It seems to me we should try to see if we can have some kind of system, some way, where everybody has health insurance. I know it is extremely complicated. There is no doubt it is complicated. But if people have health insurance, that opens up lot of doors for other reform; one is to prevent companies, health insurance companies, from denying coverage based on preexisting conditions, health care status, and so on and so forth, because then what they lose on the margin, they can make up in volume because everybody has health insurance. It is the same with the hospitals, same with the pharmaceutical industry, same with virtually all providers, the whole system. If everybody has health insurance, not most everybody—more have health insurance the better the system is.

That is a judgment call. But I do believe, when people have health insurance—those who do not now have it—are going to be more healthy. I think that is a good thing. Hospitals will not have to worry near as much about uncompensated care, which is a big challenge to hospitals these days. The average, I think, is about \$1,100, \$1,200 a year per family, when it comes to uncompensated care that private patients' pay. Then, after that, we open up doors to delivery system reform. You get the system working a lot better, compensating more on quality outcomes rather than quantity, et cetera. I know the Senator knows much about all these things.

But it is a judgment call for those savings. I am glad the Senator seems to imply there should be or are savings, but it is a judgment call as to where the savings go.

The 21 percent in docs, we are going to have to take that up after this bill. It is going to be difficult because some want to pay for it; some want to not

pay for it. I grant you, that is going to be a huge battle.

You might ask: Why is that not in this bill?

Mr. CORKER. I did ask.

Mr. BAUCUS. My answer to that is, A, it is not part of health reform. But, B, on the other hand, it is; they are docs, we care about our docs and we are going to have to find a way to pay for them and we will, I think, by the end of this year because we have to. Docs—there cannot be any reduction.

Frankly, there is a partial fix in this bill anyway. It is 1 year with an update. At least this bill does take care of docs for at least 1 year and with an increase. That is 1 year. The House wants a permanent fix.

Frankly, I would love to have a permanent fix, but we are having a hard time finding the dollars to pay for it all, but this legislation does have a 1-year fix for docs.

I yield to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, just one moment?

Mr. BAUCUS. If the Senator will yield, I thank my colleagues for staying on the floor. I appreciate that.

Mr. KERRY. Mr. President, I just was notified—I wish to respond to a few of the things here. The Senator from Arkansas has the pending amendment. My amendment is apparently not quite ready to be called up. What I want to do, if I can make a couple comments so the conversation doesn't stay where it is, prior to the Senator from Arkansas and then I will yield and then I would like to be able to come back after that with my amendment.

I wish to say to our colleagues on the other side of the aisle, I have listened carefully, obviously, for a number of days now. I notice most of them have, indeed, disappeared—as the Senator from Montana suggested. It is pretty hard to have a legitimate debate in the Senate when people speak and then leave the floor and we can't actually test the things that have been said.

One of the things that was said a moment ago by the Senator from Utah was, you cannot find any doctors who support this plan. Can you find doctors who oppose it? Absolutely. I will give him that. But don't come to the floor of the Senate and suggest there are not huge numbers of doctors across the country who are desperately waiting for the Senate to pass health care reform and, in fact, this plan. In fact, the AMA—this is what the AMA says. They represent tens of thousands of doctors across the country, and they said:

[We are] working to put the scare tactics to bed once and for all and inform patients about the benefits of health reform.

We have heard an incredible amount of scare tactics, Senator after Senator standing there, jumping up, pounding

out one sort of misstatement or one distortion or another. The bottom line is, they have stood there for the last hour or so, claiming they are standing there to protect seniors. It is ironic, when one Senator, the Senator from Arizona, who said yesterday and sort of repeated it today—this is what he said yesterday:

I will eagerly look forward to hearing from the authors of this legislation as to how they can possibly add  $\frac{1}{2}$  trillion in cuts without impacting existing Medicare programs negatively and eventually lead to rationing of health care. . . .

That is the Senator from Arizona today.

Only a year ago, when he was running for President of the United States, this is what the Senator proposed:

"John McCain would pay for his health plan with major reductions to Medicare and Medicaid," a top aid said, "in a move that independent analysts estimate could result in cuts of \$1.13 trillion in 10 years to the government programs."

Consistency, obviously, has never constrained anybody in politics. We know that. But to stand there, over the last half hour or 45 minutes, and say: Seniors are going to get hurt and seniors don't support this and we are here to protect seniors—just a few days ago the organization that represents 40 million seniors in America, it is the largest single representative group of seniors in our country—we all know it, it is called AARP. It is the American Association of Retired Persons. It represents people from 50 years old on up. There are a total of about 90 million of those in the United States of America, so they represent about half the seniors in America.

Their interest, day to day, is making sure those seniors' interests are not hurt by what we do here in Washington. Here is what they said, on November 20:

Opponents of health reform won't rest. [They are] using myths and misinformation to distort the truth and wrongly suggest that Medicare will be harmed. After a lifetime of hard work, don't seniors deserve better?

This is what AARP said a few days before that, on November 18:

The new Senate bill makes improvements to the Medicare program by creating a new annual wellness benefit, providing free preventive benefits and—most notably for AARP members—reducing drug costs for seniors who fall into the dreaded Medicare doughnut hole, a costly gap in prescription coverage.

The Federation of American Hospitals said the following:

Hospitals always will stand by senior citizens.

They have no intention of pulling out the support that exists today.

The American Medical Association:

[We are] working to put the scare tactics to bed once and for all and inform patients about the benefits of health reform.

The Catholic Health Association of the United States:

The possibility that hospitals might pull out of Medicare [is] very, very unfounded. Catholic hospitals will never give up on Medicare patients.

So everything we have just heard continues the scare tactics, trying to gin anger in America that is unfounded, based on the basics of this bill. Let me call attention—this is the report this year in March that came out from Medicare—it is about Medicare payment policy. It is a report to us, the Congress, by MedPAC. As we all know, MedPAC is the entity that oversees the administration of Medicare, and its concern is maintaining the viability of Medicare, making sure Medicare patients are not hurt by a particular program.

What is in this bill—that Senator BAUCUS and those of us on the Finance committee put in the bill—is precisely what MedPAC told us we should do and could do without harming seniors. Let me share, specifically, what they said we should do:

The recommendation is that Congress should eliminate the market basket increase for 2010 and advance the planned reductions for coding adjustments in 2011 to 2010 so that payments in 2010 are reduced by 5.5 percent to 1990 levels.

They suggested that. They did it because they know it will make the program sounder and it will allow them to make payments in other areas of Medicare that wind up taking care of Medicare beneficiaries more effectively. They said:

The Congress should direct the Secretary [of health and human services] to rebase rates for home health care services to reflect the average cost of providing care.

That is precisely what we do here. But the other side jumps up, and they will take any change, anything that reflects a shift from one place to another—they will exploit shamelessly in an effort to scare seniors and pretend it is somehow going to affect them.

What is interesting—and America ought to take note of this—they keep coming to the floor and they keep opposing what is here. They keep wanting to strip something out. They keep wanting to send the bill back so that ends this process altogether. But they do not come to the floor of the Senate and show us how we could fix it more effectively and, in fact, serve seniors better, rather than just embracing the status quo. Everyone in America knows the status quo is unacceptable. We cannot afford it. Medicare will go bankrupt within the next 10 years, and then where are we going to be?

This is the time for responsible action, and every step we have offered offers that kind of responsible action without reducing care.

I will make one last comment and I will yield to the Senator from Arkansas and then come back and talk about further ways in which this, in fact, serves seniors and others more effectively. But as they have talked, for the

last moments they have been talking about home care cuts.

I have an amendment that shortly we will talk about that will prohibit any reduction in home care, that will guarantee we are clear that we are prohibiting any reduction in home care. But I have long been an advocate for better home care, more home care capacity. In the Finance Committee, I offered amendments to sustain that home care quality.

Nobody worked harder than our late colleague Senator Ted Kennedy, with whom I worked for years on this, to try to extend home health care, protect home health care patients and augment home health care. Here is what the people who represent home health care in America have to say. This is from the National Association for Home Care & Hospice, a letter they sent to Senator BAUCUS. It was a letter they sent yesterday.

The National Association for Home Care & Hospice supports making health care available to all Americans. We believe that everyone must be willing to sacrifice to make this happen. [The National Association for Home Care & Hospice] has agreed to do its part by reducing costs and payments in a manner that makes the Medicare home care program more efficient and less susceptible to abuse. We are grateful for the opportunity to make these improvements and at the same time protect the thousands of ethical providers who are participating in this important program. We are pleased to have the opportunity to work with your staff to make this happen. For all these reasons, [the National Association for Home Care & Hospice] supports the provisions of your health care reform legislation as they relate to home health care. We look forward to working with you and your staff. . . .

Thank you for [the] important work [you are doing].

Who better to speak to the concerns of home health care? The folks who have continually been distorting this debate and who continue to try to scare people, or an association whose sole existence, whose payroll every day is put to the use of protecting the folks they represent in home care? I think the answer is self-evident to anybody who wants to listen to common sense.

Mr. BURR. Will the Senator yield for a question?

Mr. BAUCUS. It will have to be on your time.

Mr. BURR. I would ask the Senator from Massachusetts, relating to the quote from Senator MCCAIN that he showed, is the Senator aware that the day after that, factcheck.com said that was false?

Mr. KERRY. What I am aware of is that the individual who was running for President of the United States never stood up and said it was false. I don't have any quote of Senator MCCAIN ever refuting it. All I can say is that throughout the campaign, that was the operative language. It was debated. It was never refuted.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, I am proud to join in this debate on an issue that is absolutely critical to all Arkansans and all Americans. I compliment Chairman BAUCUS because, as we talk about this issue in terms of health care reform, clearly, our delivery system in health care is broken. We have the best hospitals and doctors, research and technologies in the world. Yet our delivery system is broken. For the last 24 months, the Senate Finance Committee has held hearings and roundtables, summits, all kinds of different deliberative efforts working in partnership with associations that represent providers, advocacy groups on behalf of patients, anybody who would come to the table to talk about how we reform this system and make it better for the constituents we serve, the patients who are the ultimate recipients of the health care system. I applaud him and the work we have done.

To anyone who says we are jumping in here and moving too fast, I have tremendous respect for the minority leader from Kentucky. My husband trained at Kentucky, did his subspecialty there. His admiration for one of those he trained with is a good friend of Senator MCCONNELL's. But the minority leader's comment that we are saying to our constituents, sit down and shut up, again, like the comment from the Senator from Tennessee that we are throwing seniors under the bus, we are in a body that is here to be respectful of one another, respectful of our differences, our different approaches, how we come to the ideas we have of how we solve these questions.

The Senator from Massachusetts brings up a great point. Where are the suggestions from the other side of how we solve this? Come to the table. Are they going to come to the table with ideas of how we do something other than just going with the status quo? Clearly, Americans understand that we are not throwing them under the bus. We are trying to figure out how we preserve a Medicare Program that is going to be bankrupt in 2017. How do we make the difference in the delivery system so we bring down those long-term costs in health care, so that we can actually preserve the programs that work and that are so meaningful to people in their lives. As we come to this debate, I hope we will continue the age-old attitude in the Senate of being respectful for one another's views and one another's efforts in trying to bring about something that will make sense and that will be helpful, not throwing people under the bus, not telling constituents to sit down and shut up, but actually working hard to come up with some solutions.

Senator MCCAIN was trying to call an awful lot of people in Arkansas. My mother was one of those whom he tried

to get in touch with to tell them that something is wrong up here and that we are not doing what we need to do. I certainly visit with my mom an awful lot. I hear about her experiences and the concerns she has about Medicare, which is a system that is great for her, and I am proud I live in a country that provides her with that kind of care. She does believe very strongly in some of the things she has seen in her Medicare bill, inefficiencies that could be changed, ways that we could make it a better program. I hope we will all come to the table here with good ideas and ways that we can make a difference.

I notice that there was an effort or certainly a concern about wanting to add people to my amendment. I would welcome Republicans, if they wish to offer their own amendment to include other entities, if they wish to do that. I have worked on my amendment, and I like my amendment the way it is. I think it focuses on an industry with the sole purpose to provide health insurance. Their sole purpose is to provide health insurance. If they want to add other people—

Mr. THUNE. Will the Senator yield?

Mrs. LINCOLN. I will continue visiting for a moment, and then I will let the Senator take time on his part. I am directing it solely to those businesses whose only purpose is to provide health insurance for the people of this country.

I refer as an example to an article that came out yesterday. It references basically one of our large national insurance companies working hard, at least I hope they are, to do what is right. I see that they are going to be dumping 600,000-plus customers because they don't think their profits are big enough. Yet I look at the record, and I believe their CEO actually, in 2008, made over \$24 million. If they can pay their top executive \$24 million last year but they are going to complain that their profits are not big enough, that they have to dump patients, I would ask my colleagues, where do we go to correct this imbalance, if it is not to a very plausible amendment? My amendment does not restrict what industries, corporations can provide or give their executives in pay. It says we are not going to subsidize that with tax dollars. The very American taxpayers they are dumping are the ones who are subsidizing those incredible executive pay amounts.

I have to say to my friends over there, those over there who are defending the status quo on behalf of the health insurance companies and their executives who are receiving these multimillion dollar compensation packages, it took nine of them at one time, so it is a tough lift to be able to defend these executive compensations for insurance company executives; otherwise, nine of them wouldn't have been down here trying to shift the conversation to something else.

The American people do understand that is out of balance. Here we are with an opportunity to provide these insurance companies even more customers. We just simply want to be reassured that we are not, through taxpayers' dollars, subsidizing these enormous executive compensation amounts and, more importantly, that the savings that come from that are going to go into the Medicare trust fund to shore it up.

I appreciate everyone's debate and their efforts to come to the floor today and talk about a critical issue. I remind my colleagues, current law allows all businesses to deduct up to \$1 million annually per executive as a business expense. That is a million dollar tax break per executive per company that is subsidized by the taxpayers. There are multiple more ways they can obviously provide greater compensation, and there are lots of loopholes in there that allow them to get tax subsidies for more compensation for their executives. My amendment would limit this amount to \$400,000, the very amount the highest public official in this land gets paid, the President, a \$400,000 salary for those health insurance companies that will profit as a result of the health insurance reform.

Our objective is to get more people insured. Working diligently through all of these technicalities, trying to get more people insured, we are creating a new marketplace for them with more consumers, a tremendous amount. This is only in regard to health insurance companies. It doesn't dictate what a business can pay an employee. It does limit the taxpayer subsidies for compensation. This is a fair policy. It is aimed at encouraging health insurance companies to put premium dollars toward lower rates and more affordable coverage, not into their pocketbooks. They are complaining about profits. Yet they are still paying these executives a tremendous amount of money. To be sure, there is evidence these companies need the encouragement to do the right thing for consumers. Where health insurers spent more than 90 cents per every dollar on patient care in the early 1990s, that number has decreased to just over 80 cents per dollar. For every dollar they spend, only 80 cents of it goes back into their efforts to provide coverage for consumers. That is in 2007. Those are the numbers we have.

According to testimony delivered to the Senate Commerce Committee earlier this year, this trend has translated into a difference of several billion dollars in favor of insurance company shareholders and executives at the expense of health care providers and their patients. It is imperative that we do what we can to reverse that trend, particularly now when millions more Americans will be purchasing their health insurance coverage as a result

of this health reform package. Taxpayers are footing the bill for this subsidy, and we must take steps to deter the health insurance companies from further enhancing their profit margins at the expense of the American people.

We had a lot of Senators who came to the floor this morning on the Republican side to defend the status quo on behalf of the health insurance companies and their executives who are receiving these multimillion dollar compensation packages. Maybe they don't understand that under current law, the American people are already footing the bill for this tax windfall for health insurance executive pay. As we move forward, it is going to be a greater benefit to those executives and the ability for these insurance companies to be able to do that. We want to keep those insurance companies in business. We want to make sure they are there as providers. It is just a disconnect when they say they have to cut 600,000 of their insured under the current system because their profits aren't high enough. Yet they are paying their top executive a \$24 billion compensation package that is subsidized by the taxpayers.

I hope we will work together to figure out what is the right place to be here, if what we want to do is to make sure we are reforming health care, that we are asking everybody to come to the table and make an effort in putting ourselves back on track. Ultimately, we want that quality of life that a new, reformed health insurance and health care delivery system can provide. We also want to make sure we strengthen our economy. Making sure we make good use of every medical dollar, that we are getting the biggest bang for that buck is a critical part of putting our economy back on track.

The assumption on the other side has basically been based on the current and broken marketplace where insurance companies really do bully their customers and monopolize choices. I don't know about their phones, but I hear a lot on my phones and from my constituents that they can't get insurance.

They have a neighbor—a hard-working woman who is a single mom—who cannot get insurance because of a pre-existing condition. I have others who have had insurance, and then when they did become ill, they got dropped.

So our hope is we look at this in the context not of the broken marketplace that exists today but of what we are trying to create, and that is, a more robust marketplace, and one that makes sense both for insurance companies and for consumers as well.

With insurance market reforms we plan to implement, along with more consumer choices through the exchange, these insurance companies are going to have to work to keep up with the business they have and to be able to be there for future customers. That

is a healthy marketplace. I do not think I will get any disagreement from my colleagues on the other side that competition and choice is the way to go in the marketplace. That is who we are as Americans. It is to let those who have that entrepreneurial spirit—who want to get in the marketplace and provide a product at a reasonable cost—to be an active part of the marketplace. That is what we are trying to encourage in this legislation.

So the amendment I am offering today would set the deduction cap at the same level as the highest paid government official, and that is the President. It is estimated to save approximately \$650 million over 10 years, and will place these savings in the Medicare trust fund to further strengthen the solvency of that fund and protect our seniors.

We want desperately to make sure we protect our seniors. We know that in many instances there are Medicare Programs out there, unfortunately, that are oversubsidized, which means those who are in regular Medicare Programs are having to pay for the outrageous subsidies in these other Medicare Programs. We want to make sure we bring them to balance and create a better system for everybody out there. That means bringing down long-term costs. It means making sure we are protecting Medicare for all seniors. It means we do it in a deficit-neutral way, which we have done in this bill and the other bills we worked on in the Finance Committee. It means we work to put our best foot forward and bringing about partnerships between States and the Federal Government, as well as with providers who understand this delivery system is broken as well.

So in closing, the choice on this vote is very simple: either you support these revenues being placed in the Medicare trust fund or you support having the IRS write a check and sending it to health insurance companies to subsidize the multimillion-dollar salaries they are paying in their taxes.

I urge my colleagues to support this effort on behalf of the American taxpayer and on behalf of our seniors, and to vote in favor of this amendment that I feel has been structured in a very fair way.

Mr. President, I yield to the Senator from Montana.

Mr. BAUCUS. Mr. President, I think we have less than 4 minutes remaining on this side. I see someone else who wishes to speak. I promised him time, and Senator DURBIN as well. I know they are both eloquent orators. It is a bit difficult here. So I will split it in half, the time remaining, between each of the two.

Mr. DURBIN. I say to the chairman, I would yield whatever time I would have and come around in the next round.

Mr. BAUCUS. Fine.

Mr. DURBIN. I yield to Senator NELSON. And I think Senator KERRY wanted to lay down an amendment.

Mr. BAUCUS. Thank you.

Mr. NELSON of Florida. Mr. President, the Senator from Florida has 4 minutes?

The PRESIDING OFFICER. He has 2½ minutes.

Mr. NELSON of Florida. Well, let me say, the people of Florida gave me one of the toughest jobs I ever had in my life when they elected me the insurance commissioner 16 years ago of the State of Florida. I have some familiarity with the conduct of the insurance companies, and it does not surprise me that the insurance industry is out to kill this legislation and is spending millions of dollars running TV ads.

It does not surprise me that the insurance industry was very interested in this legislation to begin with, when we were going to expand all of those 46 million people who do not have insurance, to bring them into private insurance.

It does not surprise me that since they have calculated they have to do their part, and that this bill will not allow them to cancel policies in the middle of somebody getting their health care—and we have heard those horror stories: in the middle of chemotherapy, suddenly, the woman gets the notice that her insurance is canceled. We have heard those horror stories of that little boy who was a year old and was heavy in pounds, and the insurance company said: We are not going to cover him. We hear the stories that: Oh, no, we can't insure you because you have a preexisting condition. And when you look what that preexisting condition is, it was a skin rash.

Did you ever hear of the word cherry-picking? That is the typical modus operandi of insurance companies that want to keep their profit. They cherry-pick the good risk, the healthy ones, and they deny insurance to the ones who need the health insurance.

So as we come to consider the amendment of the Senator from Arkansas, which I support, as we, many times, come to hear all of this extraneous argument, come right back to the main function. When you try to—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. NELSON of Florida. When you try to reform the health care system, look who is trying to kill the reform.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I yield 5 minutes to Senator COBURN.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I thank you. I appreciate it. I sat here and listened to my colleagues to hear their input. I find it extremely peculiar that the only industry for which you would



limit their taxes is one that has not struck a deal with the committee. The only one. Pharmacists are going to spend \$70 million advertising for this bill. The other industries are putting up additional moneys to advertise for this bill. The only industry that we are going to restrict is the industry that is in opposition to what we are doing. It is interesting.

Senator CORNYN made the point with me a moment ago that we are going to take \$450 billion, and we are going to give it to the very industry you are talking about. We are going to take \$463 billion from Medicare and give it to the same industry you are now criticizing.

Senator BAUCUS said—and let me quote—he said: As we tried to work this, it was “rough justice” to put this agreement together. This is democracy.

It was done behind closed doors. That is not democracy. It was done behind closed doors. The Senator from Arkansas asked why we have not brought forward something. The Senator from Massachusetts asked. The first bill introduced was the Patients' Choice Act.

I commend to my colleagues a white paper by Thomson Reuters, a very well respected firm, talking about the \$600 to \$850 billion worth of waste in the health care system today, entitled “Where Can \$700 Billion in Waste Be Cut Annually From the U.S. Healthcare System.”

The reason we are concerned about \$465 billion coming out of Medicare, to be paid to the very insurance companies you are going after right now, is because we are not going where the real waste is. The promise of the President was to cut the cost of health care. Right here is where it is. This bill does not touch it.

There is \$175 billion a year in fraud in the health insurance industry. You all go after \$2 billion of it—\$2 billion. There is \$175 billion a year in fraud. What is in it? Nothing. We are going to manage to pay a private industry, but only the private industry that will not play along behind the closed door, rough justice of democracy in this country.

When Senator CORKER asked the chairman of the Finance Committee, Why are you taking the money from Medicare and using it somewhere else, rather than extending the life of Medicare, he did not answer the question. The fact is, there is a \$44 trillion—according to the latest calculation, if you go to the Medicare trustees: \$44 trillion—counting what has been borrowed—unfunded liability over the next 75 years for Medicare. We are going to take  $\frac{1}{2}$  trillion out of that program that we all know is going wrong. And I do not doubt the motives of anybody here. I just think we are misdirected. And we are going to take that and spend it on another program.

That is where people ought to be concerned.

It is interesting—I will submit another document for the RECORD. This is a report from the Congressional Research Service, released December 1, 2009, at my request.

I ask unanimous consent that document be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### MEMORANDUM

DECEMBER 1, 2009.

To: Senator Tom Coburn, Attention: Evan Feinberg.

From: Thomas L. Hungerford, Specialist in Public Finance, Congressional Research Service.

Subject: Public and Private Expenditures for Health Care, 2007.

This memorandum responds to your request for information on total national health expenditures for health care and the proportion funded by the federal, state and local governments. In particular you are interested in incorporating tax expenditures into the estimate of the proportion of national health expenditures coming from public sources. It can be argued that some private health expenditures should be attributed to the public sector because of tax subsidies available for health care spending.

Table 1 reports the breakdown of national health expenditures by source of funds. In 2007, national expenditures amounted to \$2.24 trillion, of which 53.8% came from private sources such as private health insurance and 46.8% came from public (federal, state, and local government) sources. This breakdown, however, does not take into consideration the tax subsidies for private funding for health care. For example, the exclusion of employer provided health care provides a subsidy for private health insurance, which could be counted as public funds rather than private funds.

Incorporating tax expenditures into the breakdown of health expenditures into public and private sources will change the results that are reported in Table 1. The intuition behind the analysis is fairly simple. For example, take a dollar an employer pays for a premium for an employee's health insurance. This dollar is part of the employee's compensation, but it is not taxed like other income (at an average federal, state, and local tax rate of 15%); it is excluded from income for income tax purposes. In essence, the employee receives a 15 cent government subsidy for this dollar spent on health insurance—the government pays 15 cents and the employee pays 85 cents. This suggests that some funds that are classified as private in Table 1 could arguably be classified as public funds.

TABLE 1—NATIONAL HEALTH EXPENDITURES BY FUNDING SOURCE, 2007

Source of funds	Amount (billions)
Total National Expenditures .....	\$2,241.2
Private Funds .....	1,205.5
Out-of-pocket payments .....	268.6
Private Health Insurance .....	775.0
Other Private Funds .....	162.0
Public Funds .....	1,035.7
Medicare .....	431.2
Medicaid (federal, state and local) .....	329.4
Other Federal .....	137.0
Other state and local .....	138.1

Source: Center for Medicare and Medicaid Services, Office of the Actuary, National Health Statistics Group, National Health Expenditure Data, table 3, available at <http://www.cms.hhs.gov/NationalHealthExpendData/downloads/tables.pdf>.

Table 2 reports the results of applying this reasoning to total national health expenditures. The table shows the funding sources and public/private breakdown as reported by the Center for Medicare and Medicaid Services (CMS) in the first column. The two columns of numbers show the revised split between public and private funds based on applying the reasoning described above to tax expenditures (the method is described below).

TABLE 2—REVISED NATIONAL HEALTH EXPENDITURES BY FUNDING SOURCE, 2007

(Billions of dollars)		
Source of funds	Private	Public
Private (CMS definition) .....	894.8	*310.7
Out-of-pocket payments .....	257.1	*11.5
Private Health Insurance .....	482.1	*292.9
Other Private Funds .....	155.7	*6.3
Public Funds (CMS definition) .....		1,035.7
Medicare .....		431.2
Medicaid .....		329.4
Other Federal .....		137.0
Other State and local .....		138.1
Total .....	894.8	1,346.4

Note: \*The public portion is due to tax expenditures. Source: CRS analysis of CMS data.

CMS attributes \$268.6 billion of out-of-pocket expenditures to private sources. However, taxpayers are allowed to deduct out-of-pocket medical expenditures exceeding 7.5% of adjusted gross income on their federal and state tax forms. The Joint Committee on Taxation estimates that the federal government lost \$8.7 billion in tax revenue in 2007 from this deduction. Other tax expenditures for out-of-pocket expenses amount to \$0.3 billion. State and local income tax revenues are about 28% of federal income tax revenues; it is assumed that state and local revenue losses from tax expenditures will also be 28% of federal revenue loss estimates. Consequently, it is estimated that state and local governments lost \$2.5 billion from these tax expenditures. The total tax subsidy for out-of-pocket health expenditures is \$11.5 billion.

The Joint Committee on Taxation estimates that federal government forgoes \$251.0 billion in income and payroll tax revenue due to the exclusion of employer provided health insurance and other health insurance deductions. State and local government lose \$41.9 billion in income tax revenue because of these exclusions and deductions. Consequently, \$292.9 billion of the \$775.0 billion for health insurance is classified as coming from public funds. Other private funds for health expenditures include charitable contributions to hospitals and other providers. These charitable contributions are deductible and reduce federal, state, and local tax revenues by \$6.3 billion. This analysis estimates that \$310.7 billion of health expenditures that CMS attributes to private funds could be considered public funds.

The last row of Table 2 reports the revised breakdown of national health care expenditures between private and public sources. It is estimated that public funding sources account for \$1,346.4 billion—60% of national health expenditures can be attributed to public sources.

Mr. COBURN. Here is what it says. I asked them what percentage of health care today is run through the government. You might be interested to know it is 60 percent. As the Finance chairman responded on why we were fixing it, we are going to create 70 new government programs in this bill—70 new



government programs in this bill—and we are fixing the government programs we have now. And we wonder why health care costs are out of control? They are out of control because the government is running 60 percent of it now, and there is no competition for that 60 percent.

Nobody is going to defend outlandish salaries, but it is interesting, we are not going after the outlandish salaries of the companies that are going to spend \$80 million to support this bill, the pharmaceutical companies. We are not going to go after the salaries of the people who run the hospitals who, on average, make more than \$1 million a year. We are not going to do any of those. Only the ones who say: Wait a minute. Maybe this is not such a good deal.

Mr. President, I commend to my colleagues a document entitled "Impact Of The Patient Protection And Affordable Care Act On Costs In The Individual And Small-Employer Health Insurance Markets" from Oliver Wyman and Associates, because what you claim you want to do is going to create 11 million young people who are not going to have insurance, and for those who remain, their insurance is going to cost twice as much.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COBURN. Mr. President, I thank the chairman for allowing me to respond.

Mr. GRASSLEY. Mr. President, I yield 5 minutes to the Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I thank the ranking member on the Finance Committee for allowing me to speak for a few minutes to simply respond to some of the statements, just as Dr. COBURN has done, that were made earlier.

My friend from Massachusetts, whose heart, I know, is in the right place, talked about the AMA, as if it were the last word in the medical arena, being in support of this bill.

Well, Dr. COBURN is a practicing physician, and he can speak to this maybe even better than I can, but what we know is that the AMA represents 10 percent of the practicing physicians in America—10 percent. That means 90 percent of the docs in America do not belong to this group that sent this letter in support of the Senate bill.

I speak to this with authority because my phones have been ringing off the hook since this debate started months ago—the calls coming in from docs around the State of Georgia, who are violently opposed to the Senate bill—as it was being discussed and as it came out of the closed-door session that took place across the hall after the leadership in the Finance Committee, after the leadership in the

HELP Committee could not agree on the direction on which we want to go.

The Senator from Massachusetts said we are here scaring seniors. Well, I hope we are. Seniors ought to be scared. They ought to be scared to death of what is going to happen here because we are taking almost \$500 billion out of Medicare, a program that a bipartisan Medicare Commission has said is going broke. And the Senator recognized this: It is going broke. We are taking \$500 billion out of it. Whether you agree or disagree that the cuts in Medicare proposed by the Democrats are legitimate, we ought to be taking that money and putting it back into Medicare to save that program for the long term.

The Senator from Tennessee asked the right question to the Senator from Montana, and he took 10 minutes responding to the question. And Dr. COBURN is right, he did not answer the question. There is a good reason why he did not answer the question. Because there is no legitimate answer to taking this \$500 billion out of Medicare and creating an entirely new entitlement program that in and of itself is destined to go broke.

If seniors are not scared by what we are saying, simply go to your doctor. Go to your doctor and ask your doctor about this. I know what happens to patients, Medicare patients who go to physicians who are generally in the range of 45 years or younger. Those physicians are not taking additional Medicare patients or any Medicaid patients because they can't afford it. The reimbursement rates to the physicians are less than the cost of the services they render.

The Senator from Montana said: Well, we understand that, yes; there is \$250 billion in reimbursements over the next 10 years that we need to take care of. And we are going to take care of. And I appreciate that because we need to. But it is in the House bill, and the House bill is \$1.2 trillion. It is not in this bill, other than the 1-year fix the Senator alluded to. That is the reason the House bill is \$1.2 trillion and this bill is about \$800 billion. That is the sole difference in the two, basically.

But we are coming back, and in addition to the \$800-plus billion expenditure in this bill, we still have a hole to be filled to try to take care of these docs or there is going to be a wholesale refusal on the part of the medical community to see Medicare patients. That should scare seniors. So I hope that message is getting out there.

I wish to close with one other response to my friend from Massachusetts who said the National Association for Home Care and Hospice is the leading organization in America in dealing with this issue, and we ought to listen to them. Let me tell my colleagues what they say about what is going on in my State.

I quote from a letter that has already been introduced dated December 4 from the Georgia Association for Home Health Agencies. In this letter the executive director says:

According to a study conducted by the National Association for Home Care and Hospice, under Senator REID's bill, 72 percent of home health agencies in Georgia will have negative margins by 2016 in the Senate bill and approximately 68 percent of the 100 Medicare Certified home health agencies in Georgia will go out of business and the patients they serve will be rehospitalized or forced to seek alternative more costly care.

Well, I don't know how it is in the other 49 States, but I want to see our patients, our Medicare patients in Georgia, do what they want to do, which is stay at home for the most part and receive the good home health care they are getting today which, frankly, allows them to live a better quality of life and a longer life. It is pretty obvious—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CHAMBLISS. From this letter that is not going to happen.

I yield back, and I thank the ranking member.

Mr. GRASSLEY. I yield to Senator MURKOWSKI for 5 minutes.

Ms. MURKOWSKI. Thank you, Mr. President, and thank you to my colleague from Iowa.

In this morning's Wall Street Journal there is an article—actually, an editorial—and it starts out: "Another Day, Another Study," confirming that Obamacare will increase the price of health insurance. It goes on to talk about a Blue Cross study. It talks about CBO numbers. But the reality is, we have numbers all over. I think we all recall the quote from Mark Twain: You've got liars, damn liars, and statisticians.

Well, I think we are caught up in that world now of dueling numbers. Our numbers say this is going to increase your premiums. The other side's numbers say it is going to decrease your premiums. So the real question is, Who is right and whose numbers do you look to?

Well, I think it is important, as so many of my colleagues have mentioned this morning, when we are talking about whether it is the home health care statistics in a State they impact, to look to those States and what they are saying the impact will be. So I have gone to our State's think tank, if you will. The Institute for Social and Economic Research at the University of Alaska is the entity that does a lot of analysis, not only on health care policy and issues but other economic issues. I have asked them, let's sort through some of these numbers. Let's sort through some of the statements that have been made out there. I think it is important to share this morning some of the statements coming out of ISER.

When we talk about the premiums Alaskans are going to face, instead of a

statement, a very simple statement, that, well, your premiums are going to go down, what ISER is saying is, when we look to the CBO estimate of the increase in the average premium for the nongroup market, what we expect to see is about a 12-percent increase by 2016. For single coverage, this is about \$1,160 a year, and for family coverage it is about \$2,900 in 2016.

ISER is still conducting the analysis to determine the extent of the subsidies that may be available for Alaskans that could, in fact, reduce those premiums. But I think it is important to make clear that we are understanding what we are talking about when we make statements such as, well, this is going to increase or this is going to decrease. We need to make sure we are looking at all of the numbers.

CBO has very clearly stated that the average premium per person for new nongroup policies is going to be between 10 and 13 percent higher in 2016 than the average premium. So we have to say, well, what is the difference between that statement and the statement the Democrats have made saying that the premiums are going to decrease by 14 to 20 percent? We have to look behind the screen, behind the curtain.

Two of the factors, administrative efficiencies and new enrollment, will make premiums go down, but these reductions are then overwhelmed by a 27- to 30-percent increase in premiums because of the coverage requirements that are mandated within the bill. The Democratic analysis that is out there omits this 27- to 30-percent increase, fundamentally flawing the analysis.

What are some of the other things ISER has taken a look at as it relates to this bill that is before the Senate right now? They have stated that because Alaska is a high-cost State, it is highly likely health insurance plans in Alaska will become subject to the excise tax on health insurance sooner than the U.S. average. The preliminary estimate is that roughly 50 percent of health plans in Alaska will be subject to the tax by the year 2016 compared to only a 19-percent average in the rest of the lower 48. They have also indicated that while the uninsured population will be reduced in Alaska, adding approximately 65,000 new enrollees to the market, their concern—and this is a statement I think is very important—is that the newly enrolled Medicaid expansion, and through the new exchange, will create a big surge in demand that could easily create what they call a “traffic jam” in the health care system and send the Medicare beneficiaries to the back of the line in Alaska due to Medicare’s low reimbursement rate. This is exceptionally important for us to understand.

On today’s front page of the Washington Post there is an article about Texas—

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator’s time has expired.

Ms. MURKOWSKI. The only statement we need to remember from this article is that even with insurance, you need somewhere to go.

Thank you, Madam President. I yield the floor.

Mr. GRASSLEY. Madam President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I rise to tell my colleagues why I am going to vote against the Lincoln executive compensation amendment. This amendment picks out one set of executives in the entire health care arena and singles out that one set of executives for limits on compensation. In the entire health care sector of the economy, this amendment suggests that only one group of executives warrants this sort of special treatment, and that happens to be the executives of health insurance companies. This amendment then takes that excess compensation that apparently Congress knows is the appropriate amount for compensation and devotes that excess money to the Medicare trust fund.

Well, a very commonsense question in this town of nonsense is, why not limit compensation for executives in other areas of health care? What about the executives of hospitals? Shouldn’t their excess compensation go to protect Medicare? Why not executives of nursing homes then? Why not executives of medical device manufacturers? Why not limit compensation on the people who run home health agencies? Why not limit compensation for doctors? Why not limit compensation for executives at the drug companies?

Well, let’s wait a second on that one. We know the answer to the one about why not include drug companies. This amendment can’t touch drug company executives because their industry cut a secret deal where they agreed to some things in this bill, and they are going to get a huge payoff in profits once this goes into effect, as long as they don’t open their big mouth and fight this legislation.

Of course, this all adds up because if you are watching TV at home, or even here on the Hill, big PhRMA is running ads all over the country in support of this 2,074-page Reid bill.

If the idea is for Congress to set the precedent of limiting compensation to protect the Medicare trust fund, then shouldn’t we branch out even beyond the health care industry? We could get a lot of compensation—or we could get a lot of income into the Medicare trust fund by limiting compensation beyond health care to say, for instance, executives of trade associations or union leaders or trial lawyers or baseball players or movie stars. But, no; this amendment focuses on one specific

group of executives who weren’t going to be bought off by this bill. So let’s just call this amendment out for the brazen political stunt it is, and if we do that, vote it down.

I wish to remind everyone in closing that I asked the sponsor to include drug company executives in her amendment but was turned down.

I yield the floor and yield 5 minutes to Senator BROWNBACK.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Madam President, I wish to thank the ranking member from Iowa for his comments on the amendment.

I wish to speak on the Johanns motion and its effect on the State of Kansas and the underlying bill in particular. Cuts to home health agencies of \$42 billion have a huge impact in my State, and I wish to urge my colleagues to support the Johanns amendment and restore that amount of money to the home health care agencies.

Years ago I did some work with the home health care agencies, and anybody who has been around them knows these groups don’t operate on much of a profit margin. They are frequently not highly capitalized. They are high on people and people skills. They take care of folks in their homes. They do a great job of it. They take care of people where they want to be taken care of, which is in their homes and not in hospitals or extended stay facilities.

Home health care and hospice frequently work with people in some of the most difficult times in their lives, when they are facing those difficult, often final, illnesses and they want to do it at home. They don’t want to be in the hospital. They want to be at home with family and friends around comfortable surroundings. In this underlying base bill, home health care is cut \$42 billion from the people who need it the most and from agencies that need it the most and are in dire straits.

I have a chart up here which shows the impact on my State, particularly on home health care agencies. Roughly \$240 million in cuts to home health care agencies in the State of Kansas will take place under this base bill. In this base bill, 64 percent of the home health agencies in Kansas will go broke by 2016, 64 percent by 2016. So just at the point in time where you have a lot of uptake and need for home health care for some people who are aging at that point in time, you are going to cut and you are going to cut this much, \$240 million in my State, 64 percent of them go broke, and for what?

Supposedly, it is to save a bunch of money, right? Well, on top of this, the CMS Office of the Actuary recently pointed out that the drastic cut to home health care will not produce savings to the Medicare Program. According to OACT, the savings from permanent annual productivity adjustments are unrealistic.

Again, that just stands to reason; if you are going to force people out of their homes into a hospital for extended care because you are cutting home health care, you are not going to save money in that system. You are going to spend more money in that system. This is not going to work. It is going to hurt people overall, and it is going to be at a point in their lives when they would rather be at home than in the hospital.

I think these are cruel cuts. I think it is at a terrible time. That is just for home health care, that alone, and then with the hospice. I have a letter from the Kansas Home Care Association that I wish to ask unanimous consent of the Presiding Officer to have printed in the RECORD at the end of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BROWBACK. They say in this sentence, among other things:

This will cause an increase in patients seeking care in more expensive institutions which will only cause more of a drain on State and Federal budgets.

It is projected that over 58 percent of Kansas home health agencies will operate at a negative margin in 2010. . . .

I noted to you the number that is going to go broke by 2016. This isn't a far-off prospect. This is even next year, under the current setting. Then they are going to cut another \$240 million from the Kansas ones that will cause even more of them to have great difficulty and financial trouble at this point in time.

I ask my colleagues to revisit this issue. Vote for the Johannis motion that supports home health care agencies. The Johannis motion is simple. It says: Look, restore this piece. Don't take these moneys from home health care agencies. For a number of us who represent a number of rural States, home health care is key. It can be expensive in a rural setting. They need the resources to be able to meet the needs of the seniors we have.

On top of that, in the overall cuts that are taking place are key and major cuts to Medicare Advantage programs. Referring to the chart, there will be a 63.7-percent cut to Medicare Advantage benefits that will affect more than 1 in 10 Kansas Medicare beneficiaries. A \$1.5 billion cut to Kansas hospitals is taking place and an 11.8-percent cut in hospice payments. Home health care agencies often do hospice care as well. So this is a double cut for them.

Again, this is at a point in time in life where it is the most difficult. There is \$124 million in cuts of skilled nursing facilities as well. This will force more people into that setting.

# EXHIBIT 1

KANSAS HOME CARE ASSOCIATION,  
Topeka, KS, December 4, 2009.

Hon. PAT ROBERTS,  
Senator from Kansas.

DEAR SENATOR ROBERTS: On behalf of the Home Health Care and Hospice agencies of Kansas, we would like to support the Republican Senators motions to commit back to the Senate Finance Committee the HCR bill with changes that do not include cuts in payments to both home health and hospice agencies.

This bill includes cuts to home health agencies that total \$42.1 billion and cuts to hospice agencies of \$7.7 billion. In Kansas a number of our member agencies service both home care patients and hospice patients, so they would be hit twice with monstrous cuts.

It is projected that over 58 percent of Kansas home health agencies will operate at a negative margin in 2010 and that number increases significantly in years to follow. Hospice agencies have already sustained cuts that have limited access to the Hospice benefit, particularly in rural areas, which of course is much of Kansas.

Last week Governor Mark Parkinson announced a 10 percent cut to Medicaid providers in order to balance the state budget. Agencies that provide services to Medicaid clients cannot sustain such drastic cuts and access will be severely limited. This will cause an increase in patients seeking care in more expensive institutions which will only cause more of a drain on state and federal budgets.

On behalf of the Kansas Home Care Association members, we applaud your efforts to block cuts to home health care and hospice benefits that the citizens of Kansas and the United States need and deserve.

Sincerely yours,

JANE KELLY,  
Executive Director.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Iowa is recognized.

Mr. GRASSLEY. Madam President, I yield 10 minutes to the Senator from Texas.

Mr. CORNYN. Madam President, I want to talk about the breathtaking audacity of this bill, in a takeover of yet another important sector of our economy, at a time when our economy is in recession—and the President was wondering at his job summit just on Thursday, how come the private sector seems to be on the sidelines when they should be back in the game creating jobs. This bill is exactly one of the reasons for that outcome.

This bill is chock-full of avenues that lead to more and more Washington control over our health care system and our economy. The amendment of the Senator from Arkansas would give Washington control over how much money health care executives would make. But we know as a practical matter, in terms of limiting executive compensation, section 162(m) has been a disaster.

Actually, in the past, when Congress has attempted to do this, it has exacerbated the problem by encouraging companies to come up with different ways of compensating their executives that would not be subject to those limita-

tions. This is ineffective in accomplishing the goal the Senator claims she wants.

This amendment also adds to the complexity—it adds mud to the already muddy waters—by imposing complex limitations on just one industry, as has been described.

I listened this morning—amazed—when there were offers to include other organizations such as AARP, which has reaped hundreds of billions of dollars of income from insurance sales, and executives at Walmart in the Senator's home State, who are also involved in the health care industry. Of course, those were rejected. Our favorite game around here is to try to demonize certain parts of the private sector and, of course, if the private sector is not involved in creating jobs, all that leaves is the government.

In health care, all that will do—once there is no private health insurance available because of draconian mandates, taxes, and limitations on compensation—is eventually leave the government as a single-payer provider of health care in this country. I suspect that may be the ultimate goal.

We already know the Reid bill will force millions of seniors to purchase so-called Medicare gap products which, by coincidence, are sold by AARP. We have heard Senators come to the floor and quote AARP as if it was holy writ, and somehow they represent all seniors. We know they have a blatant conflict of interest in supporting this bill, particularly as to stripping out Medicare Advantage benefits so they can sell more of our seniors Medigap coverage, which Medicare Advantage eliminates the need for.

We also know this bill provides more power to Washington and is taking it away from individuals in other ways by limiting individuals to only four different options for what kinds of health coverage they can get. There is no room for innovation or flexibility. We know, ultimately, that drives up the cost for people who have insurance now—their health insurance premiums.

We ought at least be as good to the American people as we are to ourselves as Members of Congress. We have almost 300 different health care plan options under the Federal employees health care benefits. Why should the American people accept less choices when it comes to their health care than Members of Congress? They should not.

These health insurance market reforms are designed to give Washington more power. More and more studies have said new controls by Washington will do nothing but drive up the cost of insurance. The Congressional Budget Office said they will go up by \$2,100 for American families. A new study came out yesterday saying that, in Texas, premiums would go up for 61 percent of individuals purchasing their insurance in the individual market.

The President of the United States said his goal for health care reform was to lower the cost of health insurance for the average American family by \$2,500. By that test, this bill fails to deliver on the President's promise.

Then there is, of course, the expansion of other government programs that, while they promise coverage, limit access to care by the way they are structured. This bill purports to give 94 percent of the American people health care coverage but does so by putting 15 million more Americans on the Medicaid Program. Of the 31 million newly insured under the Reid bill, the only choice of 15 million would be Medicaid. Of course, we know Medicaid—for example, in Dallas, TX, only 38 percent of doctors will see a new Medicaid patient because reimbursement rates are so low that a doctor cannot see Medicaid patients and leave his or her door open to see other patients. We, in essence, condemn low-income persons to a health care gulag, where they are offered coverage but have no access to health care. For 60 million Americans, Medicaid would be their only choice.

The \$120 billion cuts to Medicare Advantage that we talked about earlier gives more power to Washington and takes it away from the individual. By cutting the private part of Medicare under Medicare Advantage, it would result in seniors having no choice but Medicare fee for service. Medicare fee for service compensates doctors at about 80 percent of what private insurance does. That is why, in Texas, 42 percent of the doctors will not see a new Medicare patient under the Medicare fee-for-service payment formula. Frankly, it pays so low that they cannot afford to see new Medicare patients.

That means, again, this fraud is perpetrated on the American people—our seniors—saying we are going to keep our promise to them by providing coverage by effectively denying access to care because the reimbursement rates are so low.

This bill gives the government more power over people, and it takes it away from individuals in a number of other ways. While advocates describe it as a way to create competition and choice, the reality is it would drive out competition from the market and ultimately become the only choice for millions of American people. The so-called public option, which sounds relatively innocuous until people realize the effect of that, and the pay-or-play mandate on small businesses, which kills jobs, creates a rational decisionmaking process, and employers that will drop employees from the current private coverage, only to be left on a government-run plan, the so-called government option, which will end up, in the end, being anything but optional—denying power to the individual to make

their own decisions in consultation with their doctor and family, and giving Washington more power over their lives.

There are good reasons the vast majority of Americans don't trust Washington with running our health care system—an issue that so intimately affects all 300 million of us in America. We know Washington has a lousy record at managing spending. We have a \$12 trillion national debt and, before the end of this month, the administration and the majority leader will come to Members of Congress and say: Would you please lift the statutory debt limit because we maxed out our credit card and we need to lift the statutory debt limit.

Our entitlement programs are out of control, with Medicare running an unfunded liability of \$38 trillion. The majority wants to take \$½ trillion from Medicare and use it not to fix Medicare but to create a new entitlement program. Washington running health care means the personal health care decisions will be impacted by lobbyists and special interests rather than the interests of the American people. That is the reason the insurance industry has been supportive of health care up until now. There is \$450 billion in tax dollars that will flow directly to the insurance industry under this bill in the form of tax credits.

The hospital associations cut a deal so they would not be subject to the axe of the so-called “independent” Medicare advisory board.

Everyone has heard about the deal that the pharmaceutical industry cut, in which it would result in them running ads supporting Members of Congress who support this bill because they want to protect their special deal cut behind closed doors. We heard Senator McCain talk about the special deal cut in this bill for Medicare Advantage beneficiaries in Florida—another special political deal in order to secure a vote to support this bad deal—but it left out seniors in Pennsylvania and California.

I believe if there is any special deal to be cut, every senior who is a beneficiary under Medicare Advantage ought to have the same deal, not any more of these behind-closed-doors special deals in order to secure votes.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CORNYN. There is just one job-killing policy after another in this bill, and this is the latest.

Mr. GRASSLEY. Madam President, I yield the remaining time to the Senator from Wyoming.

Mr. BARRASSO. Madam President, how much time remains?

The PRESIDING OFFICER. There is 4½ minutes remaining.

Mr. BARRASSO. Madam President, you know as well as I that the President promised the American seniors

that if they liked the care they had, they could keep it. Nothing could be further from the truth.

Looking through this bill we are debating, there is an incredible amount of cuts to Medicare, which is a program seniors rely upon for their health care: \$120 billion of cuts to Medicare Advantage. One in four people in America who depend on Medicare for their health care—11 million Americans—are on Medicare Advantage. The reason they chose it is because it is an advantage. It helps with coordinated care and preventive care. Having practiced medicine for 25 years, I know the people at home get it. That is why they chose that program. It also cuts \$135 billion from hospitals and \$115 billion from nursing homes.

I want to focus a little bit on the \$42 billion cut from our home health agencies. I don't know how anybody on the other side of the aisle can say with a straight face that the legislation before us doesn't cut Medicare and doesn't hurt our seniors because it does.

I will tell you, having taken care of people in hospitals, the services that are provided through home health care is what helps get people out of the hospital sooner, gets them home faster, gets them out of nursing homes, and helps keep down their costs. These services include skilled nursing care, physical therapy, occupational therapy, speech and language therapy, and medical social services.

I have a letter from the director of home health services of Wyoming, the Home Health Care Alliance.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DECEMBER 5, 2009.

Senator MICHAEL B. ENZI,  
*Ranking Member, Committee on Health, Education, Labor, and Pensions, Hart Senate Office Building, Washington, DC.*

DEAR SENATOR ENZI: Over the past ten years the Medicare home health benefit has taken a larger hit in spending reductions than any other benefit. As home health has become an increasingly important part of our health care system with highly skilled and often technically complex services that enable millions of senior citizens and disabled Americans to avoid being hospitalized or admitted to nursing homes, these home health services save Medicare millions of dollars each year.

I believe that further reduction in home health payments would place the quality and availability of home health services at risk. I urge you to oppose the cut in Medicare dollars for home health agencies through out our nation.

Sincerely,

MARI IRELAN,  
*President,*

*Home Health Care Alliance of Wyoming.*

Mr. BARRASSO. This letter talks about the devastating impact of the cuts proposed in this bill we are considering today. There are 43 home health agencies in Wyoming and a number of

them are in communities—the occupant of the chair is from a State where there are a lot of rural areas. A number of our agencies are in communities that don't even have hospitals. So it helps people stay in their homes, in their home communities, stay out of the hospital, out of the nursing home, and it gives them the dignity and the opportunity and the independence they need to stay at home.

Yet this bill, according to the folks in Wyoming and the folks nationally, is going to make it that much harder for our seniors to stay at home.

Taking \$42 billion from home health care, raiding that program to start another program, to spend it on a new government program is going to absolutely impact the ability of home health care providers in this country to offer services. These nurses, therapists, and home care aides all drive hundreds of miles on a daily basis in Wyoming, going from ranch to farm, to help care for people and to help them stay at home. It is all around the country.

There is a front-page story in the New York Times today, a wonderful story of a delightful 94-year-old lady, Bertha Milliard. She lives in Maine. There is a picture of her with her nurse during a home health care visit. Bertha is very worried that they are going to lose this service, which is the service that keeps her out of the hospital.

It just seems, as we look at this, that there is no way home health care agencies around the country are going to be able to sustain these kinds of cuts and continue to remain available to the Medicare patients who depend on home health care.

Even the National Association for Home Care & Hospice said that in a few short years, Medicare will be paying home health agencies less than it costs to even provide the services. We are talking about less than the gas in the cars and the salaries of the folks who drive around. We are not talking about profit. We are talking just about keeping doors open.

As I think about the patients in Wyoming whom I have taken care of over the years who have benefited from home health services, who have been able to receive care from nurses, therapists, home care aides and allow them to stay at home, to be more independent—not totally independent but more independent—I think anything that cuts into this is not good for America.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BARRASSO. I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, I ask unanimous consent that we continue with debate, and debate only, as under the previous order, for an additional hour, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Madam President, I yield to the Senator from Michigan, Ms. STABENOW, 5 minutes.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Madam President, I thank the distinguished Senator from Montana, who has been here morning, noon, and night counteracting falsehoods and scare tactics on the floor and putting forward what is really in this legislation that is so important to millions of people around the country. Everyone benefits, in one way or the other, by either costs coming down or by direct access to more affordable insurance. I thank our distinguished leader from Montana.

We have talked so much about Medicare and Medicare Advantage, but I do have to take a moment to respond to what has been said over and over on the floor. It is very difficult for me—and I know for others around the country—to listen to our friends from the other side of the aisle lamenting that they want to protect Medicare, when it was a Democratic Congress and a Democratic President who created Medicare, over the same objections, by the way. You can take a look at the objections in 1965, the debate: The world was going to come to an end if, in fact, we passed Medicare. Of course, Medicare has become a great American success story for tens of millions of seniors and people with disabilities.

Our friends now talk about how they are going to protect Medicare, at the same time that just a couple weeks ago, on the House side, 80 percent of Republicans voted to do away with Medicare as we know it today and make it a voucher system and put insurance companies back in control.

One of the frustrations for me is to hear the unfortunate negative comments that have been made about a very distinguished organization that represents senior citizens across the country, the American Association of Retired Persons, that I might add, when we were doing the prescription drug bill, my colleagues on the other side of the aisle used in every single speech because they were supporting them at that time. Now they are supporting our position. They disagree with them. They have said:

Most importantly, the legislation does not reduce any guaranteed Medicare benefits.

Now we are hearing how horrible they are, which I think is a real disservice to a very important national organization. I think it is important, in the name of truth and in the name of fairness, to look at quotes that have been made about AARP that are different from what we have heard on the floor today and since this debate began.

Our distinguished colleague from Arizona, who sponsored an amendment re-

lated to Medicare Advantage and has been on the floor numerous times, including today, disparaging AARP, said at an AARP convention:

I say God bless AARP—

This is the senior Senator from Arizona.

I say God bless AARP for everything they are doing, not only for the present generations of Americans, but for future generations. That's your duty, that's your strength, and that's why I love to see you at every town hall meeting.

The unfortunate thing is now our colleagues on the other side of the aisle don't want to see AARP at every town-hall meeting because they are not saying what they want them to say.

I also have to express concern that we had 6 years of our colleagues in full control of the Federal Government—the Presidency, House, and Senate—and we did not get legislation to bring down health care costs or legislation to make sure every American, small business, and family could afford insurance as we are doing today. So it is a little difficult, even though we have come together on other issues on health care, on this particular one it is difficult now to hear all the criticisms that are flying and all the things we should be doing, but they were not brought forward a number of years ago, when they actually were in charge and could have done something about it. That is concerning to me.

This legislation is about saving lives, it is about saving money, and it is about saving Medicare.

I wish to share one story because not too long ago—it seems like a long time since we have been working so diligently this week—it was just Thanksgiving, and families all across America came together to reminisce around the dinner table, to watch football, and share a family meal. Even in tough times we stop, reflect, and give thanks for our many blessings. I know that is true for my family, and I am sure all our families.

This year, there were 45,000 empty place settings at tables across the country for men and women whose lives were cut short because they did not have health insurance. I wish to share one story.

The PRESIDING OFFICER. The Senator's time has expired.

Ms. STABENOW. I ask for an additional minute.

Mr. BAUCUS. I yield 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. STABENOW. One of those place settings was for a young man named Dr. Joe Hines, from Okemos, MI. He was a recent graduate of dental school. He had just completed his residency and had lined up a job in private practice in Detroit. He did not have health insurance. He became ill. He called his mom who urged him to go to a doctor, but he did not have insurance. He waited too long, figuring it would pass and

it did not pass. It got worse. He died at age 27.

This legislation is about Joe Hines. It is about his family. It is about every one of the 45,000 families who lost loved ones this year. It is about the 14,000 people who got up this morning—today—on a Saturday, with insurance and will go to bed without it. Saving lives, saving money, saving Medicare, that is what we are fighting to do.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, I yield to the Senator from Alabama 10 minutes.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, I thank Senator GRASSLEY, and I appreciate his leadership on this very important issue.

As I have reviewed the legislation and looked at the analysis, the financial accounting that has gone into it, I have been astounded, beyond my ability to express it, by the errors and fictitious promises that have been made by the bill's supporters.

My colleagues and people listening to or reading these words may think what I am saying cannot be true, that this is an exaggeration or has absolutely another side to the issue. But the statements I am making, I believe, are accurate, and if I am in error, I am glad to stand corrected.

The numbers are so huge they cannot, in reality, be hidden. The numbers simply do not add up. President Obama had a grand concept in his mind. He was following, I think, a great chimera of reform that he believed he could accomplish. He was able to express it on the campaign trail with cadence, passion, and skill. People liked those promises. As so often is the case with many of us, he came to believe his own rhetoric, his own words, and those words took on a reality of their own.

But once one takes office, words cease to be reality. Facts then dominate. Promises easily made in the Iowa spring or the New Hampshire winter, if not carefully constructed when made, become unreachable when a candidate takes office. Realities, I have to say, have risen to defeat his vision. They are not compatible.

One, the basic promises he has made financially under this bill cannot be met. The numbers do not add up. They do not work.

Two, the present debt crisis we are in, a crisis that will lead to doubling of the national debt in 5 years, the debt accumulated from the founding of the Republic, will double in 5 years and triple in 10, according to our own Congressional Budget Office. That does not include any money spent on this legislation because it is not current law. It will only make it worse. The financial crisis we are facing makes it even more important that we act with care and caution before we move forward.

I also note that many people today are happy with the quality of the health care they receive. They are nurses, they are doctors, the quality of the diagnostic equipment, the hospitals they have to utilize. They do not have any desire, whatsoever, for the Federal Government to take that over.

What they have been concerned about—and rightly so—are the rising costs. But the promises in this bill to reduce costs for the average American have not been achieved. Costs will continue to go up for average Americans.

There are many flaws, many fictions in the legislation. Its promises sound good, but reality, in fact, is interfering. I will point out a number of promises that have been made and the facts that dispute those. I will then point out what I think are the real facts. I will ask and evaluate this bill on how well it meets the promises that have been made for it. From this analysis, it becomes clear to me that it is an offer we can and an offer we must refuse.

Fiction No. 1: The allegation has been made and statements have been made from the beginning that the bill would cost \$848 billion.

The facts are, when the new programs created by this bill are fully implemented, the bill will cost \$2.5 trillion. I think the sponsors of the bill acknowledge that.

No. 1, is the cost \$848 billion as promised? The answer is, no, it is much more than that. In fact, \$2.5 trillion—2,500 billion dollars.

How can we be that far apart? The bill's new benefits programs, the expenditures the bill calls for are not phased in until 2014, the fifth year of the 2010–2019 period, during which the cost of this bill is scored by the Congressional Budget Office.

For example, the insurance subsidies funded by the Federal Government do not begin until 2014. Also, according to the bill, Medicaid will be expanded up to 133 percent of Federal poverty level, but that does not happen until 2014. It is disingenuous at best—just not accurate, some would say dishonest—for promoters of this legislation to claim the costs of the bill are only \$848 billion, when they don't begin to pay out the new benefits in the 10-year period until 5 years from now. So shouldn't you score the bill from the time the benefits start and then for 10 years to get a 10-year honest score of the legislation?

The Reid bill that is on the floor today, that was written basically in secret and added to this unrelated piece of legislation to get it to the floor, this piece of legislation begins to collect fees from insurers, medical device companies, and others—they are collecting money in increased fees and taxes—as soon as 2010. But when the true 10-year score, when the expenditures start from 2014 to 2023—the first 10 years of real implementation of the bill—that is

when the cost of the program is \$2.5 trillion. I don't think that is disputable in any significant way. Maybe a little here or there. I am just explaining what the facts are.

Overall, costs rise too. They do not go down. The Congressional Budget Office states that, "Under the legislation, Federal Government outlays for health care would increase during the 2010–2019 period, as would the Federal budgetary commitment to health care." So the Federal Government spending on health care, far from going down, is increased under this legislation.

We currently spend one-sixth of our total gross domestic product—one-sixth of the productivity of our economy—on health care. How much more can we afford to pay? And wasn't it the original intent of the bill to rein in health care spending to reduce the percentage of GDP going to health care? Wasn't that one of the concerns our business community has had—that too much of America's wealth is going to health care? They would like to see something that would reduce that.

I suppose the fact that it utterly fails in that regard and, in fact, increases the national health care expenditures from 17 percent of GDP now—more than any other country—to 21 percent is the reason groups such as the U.S. Chamber of Commerce have said this bill must be defeated and have aggressively opposed it. They do not always get engaged in these issues, but on this question they are engaged, and they have said it will not do and not meet the concerns President Obama reflected upon. He talked about the need to reduce the percentage of GDP on health care, but it is going up under this legislation, according to the scoring of the CBO.

One more question. If the benefits don't start until after 5 years from today, why is it so important to pass this monstrous bill today? Why can't we slow down a little bit? Why can't we do exactly as we are asking and go step by step and find out the things we know can work and do those things—particularly those things we can do now—that don't cost money but can actually help increase the quality of health care and maybe even bring costs down? Why don't we do those things?

Fiction No. 2: The President said in his State of the Union Address to the Congress, the joint session of Congress, that not one dime would be added to the Nation's surging debt.

Now, is that true or not? If it is not true, then I think people—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SESSIONS. Madam President, I appreciate the opportunity to speak. I will talk about the other points as the time avails itself and we have the time to do so.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.



Mr. BAUCUS. Madam President, I ask unanimous consent that Senator ROCKEFELLER be added as cosponsor to the Lincoln amendment, No. 2905.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Madam President, may I ask how much time remains on each side?

The PRESIDING OFFICER. The minority has 19 minutes 40 seconds remaining; the majority has 23½ minutes.

Mr. BAUCUS. I thank the Chair. I yield 10 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I thank the chairman.

Madam President, the Senator from Alabama has just said to the Senate: Slow down; you are going too fast on health care reform here.

Today, across America, 14,000 Americans will lose their health insurance. Tomorrow, 14,000 Americans will lose their health insurance. Monday, the same, and every day of the week.

Are we going too fast? The first time this issue came before us was over 100 years ago. Theodore Roosevelt, a Republican, said: We need to talk about health care for all Americans. It was a cause that was repeated by Franklin Roosevelt, certainly by Harry Truman and Lyndon Johnson. For 100 years now, there have always been voices in the Senate who have said: Slow down, you are going too fast.

This year, 45,000 Americans will die because they do not have health insurance. We are the only civilized country in the world—the only Western industrialized, developed country in the world—where a person can die because they do not have health insurance. That is a fact of life.

Slow down, they say on the other side of the aisle; you are going too fast. Well, we are here on a Saturday. It is a rare occurrence for the Senate to meet on Saturday, but I am glad we are here. If there were ever a time we should be here, it is right now. And we are here to discuss this bill—a 2,000-page bill. You know what went into this bill? Two committees: the Senate Finance Committee, under the leadership of the Senate Finance Committee chairman, MAX BAUCUS of Montana, and the HELP Committee, now chaired by Senator DODD of Connecticut. They spent days and weeks preparing this bill. Why did it take that long? Because health care represents \$1 out of every \$6 spent in America—one-sixth of our economy. It is that big a deal. And we produced this bill, this 2,075-page bill, after the considered effort of Democrats and Republicans writing it over the course of 1 year. Yet the other side says: Slow down.

You know what, the American people ought to ask our Republican friends: Where is your bill? Why haven't you

prepared a bill? You have had a year to do it. You knew this was coming. I know you have many ideas because we have heard them in speeches, we have seen them in charts, and we have seen them in press releases. But we don't see a bill. Nothing. It leads you to two conclusions—one of two. This is too hard to do, so they didn't do it, too difficult to write a bill, so they didn't do it, or they really don't believe we need to change the current system. Well, they are wrong.

Today, health protection for Americans is not affordable. The cost of health insurance is going up so fast—faster than wages, faster than businesses can keep up with it—and people are being tossed aside, one after the other. Fourteen thousand Americans a day are losing health insurance because they lost their job or the business they work for says: We just can't pay the premiums anymore. That is the reality.

This bill makes health insurance more affordable, No. 1 and, No. 2, this bill, at the end of the day, means that 94 percent of the people living in America will have health insurance. We have never in our history ever reached that level of protection—94 percent. I wish it were 100 percent, but it is 94 percent. Have the Republicans produced a bill that adds health insurance protection for anyone in America? No. Nothing.

There is something else this bill does, and it took a lot of hard work to achieve it. This bill not only tackles health reform, but it reduces our deficit, and we should. This is a debt our kids are carrying. So Senator BAUCUS and the Finance Committee worked with Senator REID of Nevada. This bill, by the Congressional Budget Office estimates, will reduce the deficit by \$130 billion in the first 10 years, \$650 billion in the next 10. How does it do that? Well, if the cost of health care goes down, the cost of government goes down for the same health care—real savings. Have the Republicans, who stand here day after day saying we have to do something about the deficit, produced a health care reform bill that reduces it? No. Nothing. They have nothing to bring to us.

Let me talk about one other aspect of this bill that is critically important. This bill gives to the American families and consumers, for the first time in a long time, a fighting chance against the health insurance companies. Do you know what they do to you? Do you know what happens when you get sick? You not only have to battle your illness, you have to battle your insurance company. Your doctor says you need this prescription, your doctor says you need this surgery, and then the doctor calls some clerk in some office in the middle of nowhere who says: Not covered. We are not paying for it. And do you know what happens next? The battle rages. It isn't

just you against the disease; it is you against your insurance company. Do you know what they do? They turn you down. They say: We looked at your application for insurance, and you forgot to mention a preexisting condition, such as acne, when you were a teenager. I am not making that up. You didn't take into consideration that there is a limit on how much we will pay, and when you get really sick, we just stop paying. You didn't realize that you thought your child was covered by your family health insurance company, but your young son just reached the age of 24 and he is not covered anymore. He is on his own.

Well, we take care of every one of those things in this bill. We give families, for the first time in history, a fighting chance to take on these insurance companies—real reform. I have yet to hear the first Republican come to the floor and endorse that concept. Why? Because the health insurance companies hate it. This is how they make money.

Did you see what Aetna just announced? Aetna is one of the biggest health insurers. Their CEO makes a very modest \$24 million a year in salary—\$24 million. They had their most profitable quarter ever, and they announced they need more. So in order to add to their profits next year and add to the payments to their CEO and their shareholders, they are going to take 650,000 people out of coverage at Aetna. They are going to drop the people they think may just get sick someday. So they try to cherry-pick the healthiest people to keep their profits high. What is going to happen to those 650,000 people? Do you think they are going to join in the chorus from the other side that says slow down when it comes to health insurance for everybody in this country? Of course not.

Senator LINCOLN has an amendment that challenges the CEOs of these health insurance companies and says: Enough is enough. We will let you deduct from your taxes, we will give you a subsidy for \$400,000 in income for a CEO of a health insurance company—that is how much the President gets paid, incidentally—but beyond that, we will not let you deduct it. We won't subsidize these obscene bonuses and payments to the health insurance executives. That is part of this as well.

I also think it is great to hear our colleagues on the other side of the aisle with their newfound belief in Medicare. They come before us and say: You know, we are standing here to fight for Medicare. That is what this battle is really all about. Historically, that party has not stood to fight for Medicare; they have stood to fight Medicare. They opposed it when it was created, they have tried to privatize it, and they have basically ridiculed it as a government health insurance program. But for 45 million Americans, it



is a lifeline to insurance when they retire so that their savings don't melt away and disappear because of high health care bills.

Most of our colleagues have ignored a vote they just cast 2 days ago. One of the most important votes we have had on the floor—in addition to Senator MIKULSKI's amendment which helped the women of America get preventive health services—was the amendment of Senator MICHAEL BENNET of Colorado. He offered an amendment that basically said any of the savings that come forward out of this Medicare change in this bill have to be put into giving sound financial footing to Medicare, more services for the elderly, and making certain we protect the services that are already guaranteed. That passed 100 to 0. My friends on the other side of the aisle know that. They all voted for it.

So we are protecting Medicare. We are going to put it on sound financial footing. And for the 45 million people currently receiving it and those who look forward to it in the future, this bill will make Medicare stronger.

Slow down? No, we are not slowing down. This time, we are going to pass health care reform. This time, we are going to make America a healthier country with quality, affordable health care for everybody.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Madam President, I yield myself such time as I might consume on this side.

I listened to the distinguished majority whip. I don't know how many times we on this side have to tell him that if they want to read Republican bills here is an opportunity to come and read them. They do exist and they have existed for a long time, going back to some of their entries into the Senate in the spring.

Another thing I heard was that Republicans have no ideas, taking on the insurance companies. I would refer him to the Coburn-Burr bill that does away with the discrimination, that insurance companies cannot deny health insurance because of preexisting conditions.

I heard him say we are newfound supporters of Medicare. Let me suggest to him that when we learned from the complaints of his party 4 years ago, when they were berating the fact that we wanted to take \$10 billion out of Medicare and how that was ruining Medicare—we are faced now with \$464 billion out of Medicare and we think they have talked out of both sides of their mouth, in the sense that 4 years ago, if Medicare would be hurt if \$10 billion were taken out, surely if \$464 billion were taken out, it is hurting Medicare.

I rise not to take on the Senate majority whip at this point but I rise be-

cause we keep hearing from the other side about how premiums are going to go down. I referred in previous remarks in this past week to a letter sent to Senator BAYH that provides a very comprehensive analysis of what health insurance premiums will look like as a result of this Reid bill now before us.

That reminds me of one other thing the Senate majority whip said, that we want to delay action on this bill. What we want to have is 99 Senators have the time to consider what is in this 2,074-page bill, when you have to remember that in the secrecy of the Senate leader's office, Senator REID's office, from October 2 until about the Saturday before Thanksgiving, it took that long in secrecy to put two bills together out of two separate committees. That is one Senator putting together the 2,074-page bill we have before us. Don't you think that 99 other Senators ought to have at least that same period of time to consider what is in this bill? I think so.

Anyway, getting back to the increase in premiums and Senator BAYH's letter from the Congressional Budget Office saying that premiums are going to go up, I wonder if anyone has actually read that letter. I hear a lot of people saying this letter proves that premiums would go down under the Reid bill, even though that is not what that letter says. So I am here to tell people what the letter says. The letter makes it very clear that premiums will increase on average 10 to 13 percent for people buying coverage in the individual market. I think you saw a specific figure given by the Senator from Texas, that in his State for a large percentage of the individual market premiums would go up, just for people in the State of Texas.

I have a chart here in case you missed what this letter actually says. The people who keep saying premiums are going to go down conveniently forget to mention this 10 to 13-percent increase that is going to happen for the individual market. No, they would prefer to talk about 57 percent of Americans in the individual market who are going to get subsidies. Yes, it is true. The Government is spending \$500 billion of hard-earned taxpayers' dollars in addition to the cuts they are having in home health care that is a pending amendment before the Senate. These cuts and these tax increases cover up the fact that this bill drives up premiums faster than current law.

I repeat, premiums will go up faster under this bill. Supporters of this bill are covering up this increase in costs by then handing out these subsidies. But if you are 1 of the 14 million people who does not get a subsidy—well, what? You are out of luck. You are stuck with the fact that this is 10 to 13 percent more expensive and, coupled with it, an unprecedented new Federal law that mandates that you buy and purchase insurance.

Some may say this is the individual market, it only accounts for a small portion of the total market. Again, if you are comfortable, as the other side seems to be, with 14 million people paying more under this bill than they would under current law.

I wish to also have you look at the employer-based market. The Congressional Budget Office analysis says this bill maintains the status quo in the small group and large group insurance market. Is this something we ought to be celebrating, maintaining the status quo? Are expectations so low at this point that Democrats are celebrating that this bill will increase premiums for some 14 million people and maintain the status quo for everybody else?

I am being generous in using the phrase status quo, because this bill actually makes things worse for millions of people. This bill is so bad that Democrats are trying to convince the American people that this is more of the same when even that is not the case.

What happened to bending the growth curve? In other words, the inflation we have historically had in health care costs, going up three or four times the rate of inflation, going up now 8 or 9 percent even when we have deflation in the economy at large? What about the President's promise that everyone will save \$2,500? According to CBO, almost every small business will pay between 1 percent more or 2 percent less for health insurance. That means compared to what businesses would have paid under current law, this bill will raise premiums 1 percent or maybe decrease them by a whopping 2 percent. That doesn't sound like this bill is providing real relief, and \$2,500 in savings for every American, as President Obama pledged repeatedly during the campaign, is not going to happen.

The larger businesses will pay the same or up to 3 percent less for health insurance. Once again, that doesn't sound like relief, it sounds like more of the same. In fact, the Congressional Budget Office has confirmed that between now and the year 2016, premiums will continue to grow at twice the rate of inflation.

I thought Congress was considering health reform to put an end to the unsustainable premium increases. This bill cuts Medicare by \$500 billion, raises taxes by \$500 billion, restructures 17 percent of our economy, spends \$2.5 trillion, and some of my colleagues on the other side of the aisle are celebrating that they have achieved the status quo when in fact the situation will be worse. I thought the status quo was not something that was acceptable to most Members of this body.

Our constituents want to lower costs. That is their main concern. That is what our constituents begged for, lower costs. But this bill fails to address that concern. It raises premiums

and, despite offering new ideas throughout the committee process and on the floor, Republicans are being accused of supporting the status quo when our bills are right here for anybody to look at if they think there are not any ideas we would put forth.

The Congressional Budget Office has spoken and it is pretty clear my colleagues across the aisle are not only OK with the status quo, they are OK with making things worse—higher taxes, higher premiums, increased deficits and less Medicare. Just think, we are approaching the Christmas holiday season and a Christmas gift coming from this Senate, with a 2,074-page bill: higher taxes, higher premiums, increased deficits, \$464 billion cuts in Medicare and not doing anything about inflation in health care costs. They are celebrating that they spend \$2.5 trillion to raise premiums for 14 million people, not bending this growth curve, not cutting costs.

Don't take my word for it. You have to read this letter from the Congressional Budget Office. It is there in black and white as evidenced by the chart I have here.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Madam President, I will yield myself such time as I will use.

There have been times during this debate that I have listened with astonishment to the minority. They agree with the diagnosis—that our health care system is in need of treatment. But they offer no remedy, no prescription, no cure.

We don't need a second opinion on what the problems are with our health care system. Our country leads the world in the advancement of medical science. We have the best doctors, the best technology and the best hospitals in the world. It is no surprise to see kings and queens come to the United States for medical treatment.

But for all that, the system is dysfunctional, wasteful and abusive. It rewards quantity over quality. And it delivers profits more than care. It is a system in which too many American families are just one illness or one injury away from financial ruin.

I would like to thank Majority Leader REID, Chairman BAUCUS, Chairman DODD and Chairman HARKIN for getting us to this important point in our long march toward a health care system that is affordable and available to all Americans. Their efforts have presented us an opportunity to cast a vote that will make life better for every single American. It isn't often that we get a chance to do that. But we have that chance now.

I know the majority leader, the Senate Finance Committee, and the Health, Education, Labor, and Pensions Committees have each tirelessly worked on the provisions in this bill

and have taken great care to ensure that Medicare beneficiaries will maintain access to their guaranteed benefits and will receive additional preventive benefits and expanded prescription drug coverage.

The amendment offered Senator JOHANNIS is very similar to the MCCAIN amendment we debated over the last few days. Once again, the opponents of this bill are endorsing the status quo that leaves Medicare on the brink of going bankrupt and seniors facing higher costs. My amendment simply ensures that no beneficiary would receive a reduction in their guaranteed Medicare home health benefit.

Let me remind my colleagues again what will happen if we stick with the status quo. The status quo means Medicare will be broke in approximately 8 years. The status quo means seniors will continue paying higher and higher premiums and cost-sharing due to wasteful overpayments to providers. The status quo means that each year billions of Medicare dollars will continue to be wasted on lining the pockets of private insurance companies. And the status quo means that seniors will continue struggling to pay for prescription drugs.

The stakes for seniors and for the Medicare Program have never been higher. Senators have a choice: Endorse the status quo or strengthen Medicare. Regarding Medicare changes for home health providers, let me describe what is in the Senate bill.

As most of my colleagues would agree, home health care is an important benefit in the Medicare Program. Today more than 3 million Medicare beneficiaries receive home health services across the country—including those with acute illnesses and injuries and those afflicted with numerous chronic conditions.

Across the country, more than 9,800 home health agencies provide care to seniors in their homes. This care helps seniors get better and avoid expensive rehospitalizations. Home health providers make a real difference in improving seniors' health. We should support their efforts.

While I have great respect for the services of home health providers, we also have a responsibility to protect the Medicare Program. As part of this, we must make sure Medicare is paying appropriately—and not overpaying—for Medicare services. We must also take action to root out fraud and abuse in the Medicare Program. I believe the policies in the Senate bill achieve both goals.

First, the Senate bill would “rebase” home health payments to ensure payments reflect actual costs of providing care. These changes are based on MedPAC recommendations, which is the nonpartisan group that advises Congress on Medicare.

When the current home health payments were set, seniors received an av-

erage of 31 visits per episode. Today, they only receive 22 visits. The Senate bill directs CMS to “rebase” payments to reflect this change. That is common sense.

The Senate bill also roots out fraud in the system by revising how Medicare pays for “outlier” cases. Medicare provides an extra payment today for providers who treat sicker or “outlier” patients. Unfortunately, the GAO found that some providers were gaming the system and getting more outlier payments than they deserve.

For example, GAO found that in one Florida County, providers were receiving 60 percent of all total outlier payments—even though the county had less than 1 percent of the total Medicare population. Clearly, something was going on there that needs to be changed.

The Senate bill addresses this problem by placing a cap on the amount any individual provider can receive in outlier payments. In addition, it establishes a productivity adjustment for home health providers beginning in 2015. These changes ask home health providers—like all other providers—to offer more efficient and higher quality care over time.

I believe the Senate policies are fair and reasonable. In making these changes, we worked closely with the home health industry to ensure these changes were reasonable and fair. On the rebasing policy, MedPAC recommended we fully implement these changes in 2011. To ensure providers could adapt to the new payment rates, the Senate bill phases-in the changes over 4 years. The home health providers support this phase-in.

The outlier policy and fraud changes were actually suggested by the home health industry. The home health industry fully supports these changes. For the productivity changes, the Senate bill holds off on applying these reductions while the rebasing policy is taking effect.

This will give providers extra time to adapt to the payment changes and is much less aggressive than the proposals put forth by MedPAC, the House bill and the administration, which require all of these payment changes to be implemented at the same time.

Finally, the Senate bill includes special protections for rural home health providers. From 2010–2015, rural providers will receive a 3 percent extra payment each year. This payment will ensure that rural providers are protected as we reform the broader home health system. In total, the Medicare delivery reforms in the Senate bill strike a fair balance between ensuring seniors have access to care, while also rooting out inappropriate payments from the system.

The opponents of these Medicare changes do not have a plan to protect seniors and strengthen the Medicare

Program. They advocate doing nothing. The opponents of health reform are now claiming that Medicare beneficiaries will be harmed by this bill. And here is what AARP—for example—has said about these claims:

AARP:

Opponents of health reform won't rest. [They are] using myths and misinformation to distort the truth and wrongly suggesting that Medicare will be harmed. After a lifetime of hard work, don't seniors deserve better?

I would like to remind my colleagues of the positive changes in the bill. It improves the solvency of the Medicare Program by 5 years. It puts \$30 billion back into the pockets of seniors in the form of lower Medicare premiums. It makes prescription drugs more affordable. It guarantees that seniors can continue to see the doctor of their choosing. It provides free wellness and prevention benefits to Medicare beneficiaries. And it also includes fair and appropriate changes for home health that protect access to care.

The truth is the JOHANNES amendment is harming seniors, harming the Medicare Program, and harming taxpayers. For this reason, I urge my colleagues to oppose the amendment by Senator JOHANNES and to support my home health amendment which ensures that no beneficiary would receive a reduction in their guaranteed Medicare home health benefit.

I just listened to my friend, Senator GRASSLEY. He and I have a good relationship; we work together here; we both serve on the Finance Committee. I have enjoyed a lot of the things we do together. Clearly, whatever I am saying is going to be substantive, but there is nothing personal in it. I have to say there is a lack of reality here in a lot of the comments we are hearing from our friends on the other side of the aisle, and a persistence in perpetuating a myth.

A lot have seen the politics of this country where, if you say something over and over, no matter how true it is, it can have an impact. I know that personally. But let me tell you, I heard the Senator from Iowa say—I am going to quote him; I wrote it down:

Certainly if \$450 billion is being taken out of Medicare, it is hurting Medicare.

That is what he said. Let me review what is happening here. I want to go back to the comments of the Republican nominee for President last year. This is a quote. JOHN MCCAIN, from an article in the Wall Street Journal:

John McCain would pay for his health care plan with major reductions to Medicare and Medicaid, a top aide said, in a move that independent analysts estimate could result in cuts of \$1.3 trillion.

After I said that on the floor, the Senator from North Carolina, Senator BURR, stood up and said:

Have you seen factcheck.org?

I said I haven't read the specific article but we didn't see that corrected in the course of the campaign.

Now I have seen the article. I wanted to know what the Senator from North Carolina was referring to, so I went and got factcheck.org. Factcheck.org went through the Obama campaign ads and their ads and fact checked what was being said. The McCain adviser is a fellow named Holtz-Eakin. In a conference call with reporters after the ad was released, what he said was:

No service is being reduced. Every beneficiary will in the future receive exactly the benefits that they have been promised from the beginning.

That is the same thing as we are doing. No benefit is being cut. But he didn't say he was not going to reduce the overall amount of money. What he said subsequently, and I am quoting from factcheck.org—here it is as late as October 17, about 2 weeks before the election—Mr. Holtz-Eakin said in a telephone conference call with reporters, representing the campaign for the Republican party:

Any shortfall in McCain's health care plan will be covered without cutting benefits by such measures as Medicare fraud and abuse reduction, employing a new generation of treatment models for expensive chronic diseases, speeding adoption of low-cost generic drugs, and expanding the use of information technology in medicine.

That is exactly some of which is happening right here—some of which is happening right here.

Let's get this conversation into a place of reality. Here is what happened in arriving at the reductions in overall Medicare expenditures, which does not reduce any benefit to any senior citizen, which is why AARP, that represents 40 million senior citizens, is supporting the Democratic legislation. They have written that to us as late as yesterday.

Madam President, \$120 billion comes from reducing overpayments in Medicare. Someone on the other side of the aisle has to explain to me how you hurt Medicare by stopping the charging of a \$90 overprice of premium to seniors, which is what happens. Do you know how the overpayments are paid for? Every senior couple, in a traditional Medicare plan, pays an additional \$90 per year in order to finance the overpayments. What they are suggesting is, we shouldn't cut overpayments. What they are suggesting is, Medicare is OK, paying seniors in a certain group an overpayment that doesn't even go to the seniors. Guess whom it goes to. It goes to the insurance company. Are you telling me we ought to go to the taxpayers and say: Hey, folks, we know we are paying a 14-percent overpayment for the service compared to what we pay for everybody else and we are going to keep on paying it. That is exactly what our friends on the other side of the aisle are saying.

What we are saying is: No, we think we ought to reduce that payment, and

that is the \$120 billion. That doesn't cut one benefit for a senior, but it makes the program more effective.

Let me go further. Here are the people who have come together in a series of meetings to say: Yes, we can live with a reduction in our overall Medicare payment because we can be more efficient. The hospitals came to the White House and said: We are willing to reduce the payments we are receiving by \$150 billion. Guess what. We are not even doing that. We are only asking them to reduce their payments by \$106 billion. That is what is in this bill. The hospitals have agreed. I represent hospitals in Massachusetts. We have one of the best hospital systems in America in the network of hospitals we have. People come from all over the world to come to our hospitals. I see the Senator from Minnesota. They come from all over the world to go to some of the hospitals Minnesota has. The fact is, those hospitals agree we can do this more efficiently, and we can reduce the overall payments under Medicare. We have worked very hard to protect the way we do that so it doesn't do injury.

The insurers have come to the table. Home health care came to the table. I read the letter earlier from home health care services. It is from the President of the National Association for Home Care & Hospice. He writes: We support the provisions of your health care reform legislation as they relate to home health care. That is what we are debating on the floor. They do support it.

The fact is, the Senator from Georgia, who stood and said: In our State, we have a letter that says—well, first of all, that is based on an earlier assumption. Secondly, we have no idea what the assumptions are in the analysis they made. Thirdly, it is based primarily on the House bill, which has \$13 billion more in reductions than we have. So before we get stuck there, we ought to listen to the national association that is working with us on a daily basis, where we agree on what the reductions ought to be.

The skilled nursing facilities, the rehab facilities, the long-term acute care hospitals have all come to the table and said: We can do this. Is that their preference? Do they love it? Nobody wants their budget to be tightened, where they have to make changes to try to be more effective. But the bottom line is, every single one of them has agreed with what we are doing on this side of the aisle. Notwithstanding that, our friends on the other side of the aisle keep coming back and keep trying to stand for grandma or stand for some senior citizen who is being falsely scared into believing their benefit is going to be cut or that Medicare is somehow going to be less available to them.

My amendment, which we will ultimately vote on, will guarantee that no

benefit is going to be cut for any senior under this plan. That is what we are going to do.

In addition to that, let me remind my colleagues and people listening what this bill does. This bill actually improves the solvency of Medicare. We have heard any number of people say Medicare is going to go bankrupt by 2017. Indeed, it is. We stretch that out. We improve that so we can then take the improvements in the health care system—

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KERRY. I yield myself an additional couple of minutes.

It improves the solvency of the Medicare program by 5 years. It puts \$30 billion back into the pockets of seniors in the form of lower Medicare premiums. It makes prescription drugs more affordable. It guarantees that seniors can continue to see the doctor of their choice. It provides free wellness and prevention benefits to Medicare beneficiaries. They are busy talking about the cuts, when this actually improves what Medicare beneficiaries are going to get. They don't have wellness and prevention benefits today. It provides for them.

It guarantees they will see the doctor of their choice. It actually puts \$30 billion back into their pockets, and it also includes fair and appropriate changes for home health that actually protects access to health care.

The truth is, the Johanns amendment is the amendment that actually would wind up hurting seniors. This amendment provides additional benefits. We all understand the importance of this. The Senate bill releases home health care payments so those payments actually reflect the real cost of providing care. We do that not in a partisan way. We do that based on the nonpartisan MedPAC commission recommendations to us of how you can improve Medicare.

Our colleagues have a long way to go on the other side to begin to talk about real health care change. This bill roots out fraud from the system, revises how Medicare pays for the outlier cases; that is, the cases that treat the sicker or what we call outlier patients. Unfortunately, GAO found some providers were gaming the system and getting more outlier payments than they deserve. Do they want us to continue to overpay people, providing service that people either don't need or charging more for the service that they do need but could have gotten at a lower price? Those are the changes we make. The American people will be proud of it.

Let me give an example. The GAO found that in a Florida county, providers were receiving 60 percent of all the other outlier payments, even though the county had less than 1 percent of the total Medicare population. That is absurd. What we do is fix those

kinds of absurdities that make Americans so angry about the administration of their tax dollars in Washington.

I believe the Senate bill addresses a number of these problems in a thoughtful way.

We need to have a debate about what is in this bill and what the real impacts are and what the negative impacts are of not doing these things. Our colleagues stand for the status quo. This is going to be historic when we pass it because it is going to benefit people in so many different ways, getting rid of preexisting condition restraints, not having people kicked off insurance they thought they had but when they get sick, they find it is gone. We end that. We get 31 billion more people covered in a way that spreads the risk of being sick in a sensible way and reduces the costs for other Americans. That is common sense. I am proud of what we are doing.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, as much as I would like to put the last Presidential campaign behind me, we seem to be continuing to dredge it up in a totally false manner, time after time.

I ask unanimous consent that my campaign position paper on a specific plan of action lowering health care costs be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### A SPECIFIC PLAN OF ACTION: LOWERING HEALTH CARE COSTS

John McCain Proposes a Number of Initiatives That Can Lower Health Care Costs. If we act today, we can lower health care costs for families through common-sense initiatives. Within a decade, health spending will comprise twenty percent of our economy. This is taking an increasing toll on America's families and small businesses. Even Senators Clinton and Obama recognize the pressure skyrocketing health costs place on small business when they exempt small businesses from their employer mandate plans.

Cheaper Drugs: Lowering Drug Prices. John McCain will look to bring greater competition to our drug markets through safe re-importation of drugs and faster introduction of generic drugs.

Chronic Disease: Providing Quality, Cheaper Care For Chronic Disease. Chronic conditions account for three-quarters of the nation's annual health care bill. By emphasizing prevention, early intervention, healthy habits, new treatment models, new public health infrastructure and the use of information technology, we can reduce health care costs. We should dedicate more federal research to caring and curing chronic disease.

Coordinated Care: Promoting Coordinated Care. Coordinated care—with providers collaborating to produce the best health care—offers better outcomes at lower cost. We should pay a single bill for high-quality disease care which will make every single provider accountable and responsive to the patients' needs.

Greater Access and Convenience: Expanding Access To Health Care. Families place a high value on quickly getting simple care. Government should promote greater access through walk-in clinics in retail outlets.

Information Technology: Greater Use Of Information Technology To Reduce Costs. We should promote the rapid deployment of 21st century information systems and technology that allows doctors to practice across state lines.

Medicaid and Medicare: Reforming the Payment System To Cut Costs. We must reform the payment systems in Medicaid and Medicare to compensate providers for diagnosis, prevention and care coordination. Medicaid and Medicare should not pay for preventable medical errors or mismanagement. Medicare should lead the way in health care reforms that improve quality and lower costs. We need to change the way providers are paid to move away from fragmented care and focus their attention on prevention and coordinated care, especially for those with chronic conditions. This is the utmost important step in effectively caring for an aging population. We must work in a bipartisan manner to reform the physician payment system, focus efforts on eliminating fraud and move Medicare into a new generation of coordinated, quality care.

Smoking: Promoting the Availability of Cessation Programs. Most smokers would love to quit but find it hard to do so. Working with business and insurance companies to promote availability, we can improve lives and reduce chronic disease through smoking cessation programs.

State Flexibility: Encouraging States To Lower Costs. States should have the flexibility to experiment with alternative forms of access, coordinated payments per episode covered under Medicaid, use of private insurance in Medicaid, alternative insurance policies and different licensing schemes for providers.

Tort Reform: Passing Medical Liability Reform. We must pass medical liability reform that eliminates lawsuits directed at doctors who follow clinical guidelines and adhere to safety protocols. Every patient should have access to legal remedies in cases of bad medical practice but that should not be an invitation to endless, frivolous lawsuits.

Transparency: Bringing Transparency To Health Care Costs. We must make public more information on treatment options and doctor records, and require transparency regarding medical outcomes, quality of care, costs and prices. We must also facilitate the development of national standards for measuring and recording treatments and outcomes.

#### CONFRONTING THE LONG-TERM CARE CHALLENGE

John McCain Will Develop A Strategy For Meeting The Challenge Of A Population Needing Greater Long-Term Care. There have been a variety of state-based experiments such as Cash and Counseling or The Program of All-Inclusive Care for the Elderly (PACE) that are pioneering approaches for delivering care to people in a home setting. Seniors are given a monthly stipend which they can use to: hire workers and purchase care-related services and goods. They can get help managing their care by designating representatives, such as relatives or friends, to help make decisions. It also offers counseling and bookkeeping services to assist consumers in handling their programmatic responsibilities.

SETTING THE RECORD STRAIGHT: COVERING  
THOSE WITH PRE-EXISTING CONDITIONS

Myth: Some claim that under John McCain's plan, those with pre-existing conditions would be denied insurance.

Fact: John McCain Supported The Health Insurance Portability And Accountability Act In 1996 That Took The Important Step Of Providing Some Protection Against Exclusion Of Pre-Existing Conditions.

Fact: Nothing In John McCain's Plan Changes The Fact That If You Are Employed And Insured You Will Build Protection Against The Cost Of Any Pre-Existing Condition.

Fact: As President, John McCain Would Work With Governors To Find The Solutions Necessary To Ensure Those With Pre-Existing Conditions Are Able To Easily Access Care.

Mr. MCCAIN. Then I ask unanimous consent to have printed in the RECORD a statement from FactCheck.org, of October 20, 2008, that says: "Obama's False Medicare Claim," which were the attacks on me which were not based on fact. I quote from FactCheck.org:

These claims are false, and based on a single newspaper report that says no such thing. McCain's policy director states unequivocally that no benefit cuts are envisioned. McCain does propose substantial "savings" . . .

I did propose savings, and we can make savings. Nowhere in my wildest imagination did I ever believe we were going to cut benefits in order to create a \$2.5 trillion new entitlement program when the system is already going broke. I will have those put in the RECORD.

Mr. KERRY. Reserving the right to object—

Mr. MCCAIN. The Senator from Massachusetts wants to distort my record, and that is fine. But it gets a little—

The PRESIDING OFFICER. Is there objection to having the document printed in the RECORD?

Mr. MCCAIN. As Ronald Reagan once said: Facts are stubborn things.

Mr. KERRY. Madam President, I am not going to object to putting something important in, but I would like my colleague to stay for a moment because this is very important.

Mr. GRASSLEY. Regular order.

The PRESIDING OFFICER. The majority's time has expired.

The Senator from Iowa.

Mr. GRASSLEY. I yield the remaining time on our side to Senator THUNE.

Mr. KERRY. I have objected to a statement being put in unless I have a chance to explain it.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCAIN. I ask unanimous consent that the Senator from Massachusetts be allowed 3 additional minutes and I be allowed 2 additional minutes.

The PRESIDING OFFICER. Is there objection?

The Senator from Massachusetts.

Mr. KERRY. I thank my friend from Arizona because this is the way the Senate ought to work. I totally agree

with what the Senator said. I want the Senator to know I agree with him. He is correct that the statement in FactCheck.org calls the Obama campaign to account for a misstatement about his proposal. I agree. It did that. It did not recommend a reduction in benefits. But that is not what I suggested that it did. What I am talking about is, the Senator said—and his staff insisted—he could get the savings for his reductions that would benefit Medicare from waste, fraud, and abuse from new treatment models, from expanding the use of information technology and that there is a complete similarity between what we are doing in order to achieve these savings and what he was doing. I am trying to point out the similarity, not the difference. I am not here to debate the campaign ad. I think it didn't accurately reflect the Senator's position. But do I believe, if you read the whole article, which is why I will not object to it being put in there, you will see it clearly says he is supportive of savings in Medicare, so you can do it without cutting benefits, which is exactly what we are doing.

I yield the floor and thank my colleague for his courtesy.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I thank the Senator from Massachusetts. This has been a vigorous debate. I see my prime adversary, the Senator from Illinois, on the floor, whom I look forward to doing battle with additionally, as well as my friend from Massachusetts. The fundamental point, I would say to my friend from Massachusetts, is that I never envisioned, nor do I believe the American people ever envisioned, we would be "cutting" benefits or, as the Senator says, making savings in order to transfer that to a brand new entitlement program. That is what the debate is about, whether we are going to take a failing system that in 7 years is going bankrupt, according to the Medicare trustees, and then take all this money, no matter how these savings are made—and I believe they are cuts of huge magnitude—and then fund a brandnew entitlement program.

That is what this real debate is about.

I thank my friend from Massachusetts for his courtesy. I look forward to the rebuttal from the Senator from Illinois, as well as the Senator from Montana. Thank you.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair is in doubt.

Mr. BAUCUS. Madam President, I suggest the Senator from Iowa be recognized.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, I yield the remainder of the time to the Senator from South Dakota.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Madam President, this is a great discussion. I have to say the fundamental point in this discussion should not be lost on anybody in this Chamber or on the American people; that is, whatever was said during the course of the campaign last year was said in the context of protecting and preserving and prolonging the lifespan of Medicare.

Senator MCCAIN is very accurate in the way he describes his position. But the American people need to understand what the other side is proposing: a \$2.5 trillion expansion of the Federal Government, financed with  $\frac{1}{2}$  trillion in Medicare cuts in the first 10 years and, as the Senator from New Hampshire said, \$3 trillion in the first two decades of this program—which does nothing to extend the lifespan of Medicare by 1 day, nothing. What it does is it creates an entirely new entitlement program that is going to be paid for by future generations of Americans.

So Medicare, which is destined to be bankrupt by 2017—is sitting out there floundering with this huge unfunded liability. It is going bankrupt. What we are talking about doing is piling a \$2.5 trillion new entitlement program on top of that. That is what this debate is about.

They can say these Medicare cuts are not real. But we have 11 million people in this country who get Medicare Advantage benefits, and if there is going to be \$118 billion cut, somebody is going to feel some pain. Surely, you jest when you say these cuts are not going to hurt anybody. Hospitals, home health agencies—\$15 billion out of nursing homes.

In the State of South Dakota, home health care agencies, like they do in Montana, provide services to people in rural areas. Some home care specialists have to travel 50 or 60 miles to serve a patient in their home. What we are talking about doing is cutting, in my State, \$35 million out of home health care. These cuts are  $\frac{1}{2}$  trillion. Of course, somebody gets hurt by that.

But what is probably most troubling of all, I guess, about the whole proposal the other side has made is, after all that—cutting Medicare, raising taxes—at the end of the day 90 percent of the people in this country either have their health insurance premiums stay the same or go up—over 6 percent if you are in the small-employer market, 5 percent if you are in the large-employer market—double the rate of inflation. That does not change anything.

If you are a family today, and you are paying \$13,000 for health care insurance—this is according to the Congressional Budget Office—in 2016 you will be paying over \$20,000 a year for health insurance. That is a \$7,000 increase. Now, tell me how that reforms or helps anybody in this country?

I want to show you how far we have come because the President said, in 2007, when he was campaigning: When I become President, we will have a health care reform bill that reduces premiums for people in this country by \$2,500 per family and covers everybody. We all know this bill leaves 24 million people uncovered, according to the Congressional Budget Office. It raises premiums by 10 to 13 percent for everybody who buys in the individual marketplace. It keeps them the same—and when I say “the same,” there will be yearly increases of 5 to 6 percent year over year for this foreseeable future—for everybody else.

The best you can hope for, America—90 percent of America—is the status quo. That is the best you can hope for under this bill. How does that change the status quo? How is that reform? You can call this an overhaul. You can call this a takeover. You can call it lots of things. But it is not reform because when the American people think about reform, they are thinking about something that drives their health care costs down not up.

The Congressional Budget Office has said that under this bill, health care costs in this country will go up by \$160 billion over the first 10 years, not down. If you are 90 percent of Americans, you stay the same or your premiums—at worst—go up by 10 to 13 percent. That is according to the Congressional Budget Office.

So I want to point out how far this debate has evolved from what the goals were in the first place. I have some comments some of my colleagues have made. Senator STABENOW said:

High health care costs are causing cuts in benefits and increases in premiums, adding to the ranks of the uninsured at alarming rates. But the impact of this problem goes beyond individual families. Skyrocketing health care costs make our businesses less competitive in the global marketplace and cost us good-paying jobs.

This is about jobs, and this proposal does nothing to help small businesses create jobs. It kills jobs. That is why the National Federation of Independent Business, the Chamber of Commerce, the National Association of Wholesalers and Distributors—all the major business organizations—are opposed to this legislation. They know the impact it will have on jobs.

I want to read one final quote. This does not come from a business organization. This comes from the dean of the Harvard Medical School. This was in an op-ed just recently in the *Wall Street Journal*:

Speeches and news reports can lead you to believe that proposed congressional legislation would tackle the problems of cost, access and quality. But that's not true. . . . So the overall effort will fail to qualify as reform.

In discussions with dozens of health-care leaders and economists, I find near unanimity of opinion that, whatever its shape,

the final legislation that will emerge from Congress will markedly accelerate national health-care spending rather than restrain it.

That is from the dean of the Harvard Medical School. He goes on to say:

This will make an eventual solution even more difficult.

So these Medicare cuts are real. They are \$½ trillion in the first 10 years. As the Senator from New Hampshire has said, \$3 trillion over the first two decades. It cuts Medicare Advantage. There are 11 million seniors in this country who get Medicare Advantage. So do not say they are not going to get hurt. Their benefits are going to go down. Of course they are going to get hurt.

Home health agencies, nursing homes, hospices—as I said, in my State of South Dakota, home health care delivery will feel an impact of \$35 million in an area of the country where we have vast distances in geography and where we already have home health agencies closing up shop because the reimbursements do not keep up with the costs, particularly when you have to travel the distances we have to in our States. If you have to put them in the hospital, the costs go up by multiples. It is so much more efficient to have somebody served in a home health setting rather than have them stay overnight in a hospital or staying successive nights in a hospital.

So this is not reform. This actually keeps costs the same or drives them up for 90 percent of Americans. It does nothing to preserve the lifespan—

The PRESIDING OFFICER. The minority's time has expired.

Mr. THUNE. I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, I ask unanimous consent that 10 more minutes of debate be allowed, evenly divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Hearing no objection?

The PRESIDING OFFICER. Yes, without objection, it is so ordered.

Mr. BAUCUS. Madam President, I would just like to state as clearly as I possibly can, so people understand, the Medicare savings are being used for Medicare. There is a strong implication by many Senators that the savings are not going to be used for Medicare, that it will go someplace else. That is not true. The Medicare savings are going to be used for Medicare.

What are the savings? I think all Senators would like to reduce waste. All Senators agree there is too much waste in the current system. It makes good sense to try to attack that waste, root out that waste, and where there are overexpenditures, to try to get the levels down to a reasonable level. Everybody knows we have spent too many dollars on Medicare Advantage. Everybody knows that. That is why we are bringing that cost down.

There is also waste and fraud—I know my good friend from South Dakota understands this—in home health care agencies. In the State of Florida, for example, the Government Accountability Office showed that in Florida 60 percent of the outlier payments—the extra money that goes for sicker patients—were in one county. That county has 1 percent of seniors. It had 60 percent of the outlier payments, according to the Government Accountability Office. That is fraud. They rooted out a lot of fraud in home health.

Home health is very good. My mother is in home health right now. It works really well. I am very proud of the home health caretaker there who takes care of my mother. But we are reducing some of the overpayments. We are getting the waste out. And guess what. Those savings, where do they go? They go back into Medicare. I repeat that. They go back into Medicare. I do not know if any Senator wants to open up his ears or her ears and hear that. They go back into Medicare. Guess what. That is why the solvency of the Medicare trust fund is extended.

If these so-called cuts, which we hear about on the other side, were really cuts, as implied by the other side, you would think that would hurt Medicare. You would think that might reduce the period in which the trust fund would be solvent; that it would go insolvent at an earlier time, if we were really cutting Medicare. No, it is the opposite. These are savings in Medicare which extend the life of Medicare.

Please, please—I see my friend from Iowa. I think he understands, these Medicare savings go into Medicare for extending the solvency of the Medicare trust fund. I see my friend from South Dakota. I think he understands—he is sitting there and grinning at me now—I think he understands those savings go back into Medicare and extend the solvency of the trust fund. So let's make that very clear.

Second, we are using some of the money to reduce Part B premiums. That helps seniors. If Part B premiums are reduced, that helps seniors. By how much? Madam President, \$30 billion over 10 years. That will reduce seniors' Part B premiums. That helps seniors. We are not taking money away from seniors; we are helping seniors, giving more dollars to seniors in this legislation.

In addition, there are additional benefits for seniors in this legislation. We are starting to close the doughnut hole—that is something seniors talk about—in prescription drug benefits. They want that doughnut hole closed.

I might add to that, there are other benefits: new preventive benefits under Medicare for mammograms, preventive screenings, colonoscopies, annual wellness visits—all new benefits.

So I want to make it very clear that it is not true when some Senators say



we are taking money away from Medicare and creating a whole new entitlement program. We are not taking money away from Medicare and hurting seniors. We are reforming how dollars are paid, taking the waste out, and extra, excessive payments, and putting the money back into Medicare, back for seniors, back for beneficiaries.

Also, not one penny of guaranteed benefits will be cut. Not one penny can be cut. So please, people, understand that the savings go to help seniors, with more benefits, extending the solvency of the trust fund. That is what we are doing. If we keep that firm point in mind, then maybe we can go address some of the next steps that are in this bill. But that is very important.

Madam President, I do not know how much time I have.

The PRESIDING OFFICER. The Senator has 16 seconds.

Mr. BAUCUS. Madam President, he can probably extend a little bit. I see the Senator from Minnesota anxiously sitting over there in the corner. Maybe we could give him a couple—

Mr. FRANKEN. Madam President, I will just take the 16 seconds.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. FRANKEN. I do have the microphone, and I thank you for the 16 seconds.

I would like to now—oh, I have used it up.

I yield my time.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Madam President, first, I ask unanimous consent that an article that was discussed earlier and had some objection to it—but that objection has been resolved now—from FactCheck.org be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### OBAMA'S FALSE MEDICARE CLAIM

(By Brooks Jackson)

##### SUMMARY

In a TV ad and in speeches, Obama is making bogus claims that McCain plans to cut \$880 billion from Medicare spending and to reduce benefits.

A TV spot says McCain's plan requires "cuts in benefits, eligibility or both."

Obama said in a speech that McCain plans "cuts" that would force seniors to "pay more for your drugs, receive fewer services, and get lower quality care."

Update, Oct. 21: A second Obama ad claims that McCain's plan would bring about a 22 percent cut in benefits, "higher premiums and co-pays," and more expensive prescription drugs.

These claims are false, and based on a single newspaper report that says no such thing. McCain's policy director states unequivocally that no benefit cuts are envisioned. McCain does propose substantial "savings" through such means as cutting fraud, increased use of information technology in medicine and better handling of expensive chronic diseases. Obama himself

proposes some of the same cost-saving measures. We're skeptical that either candidate can deliver the savings they promise, but that's no basis for Obama to accuse McCain of planning huge benefit cuts.

##### ANALYSIS

The Obama campaign began the Medicare assault with a 30-second TV ad released Oct. 17, which it said would run "across the country in key states."

ANNOUNCER. John McCain's health care plan . . . first we learned he's going to tax health care benefits to pay for part of it.

Now the Wall Street Journal reports John McCain would pay for the rest of his health care plan "with major reductions to Medicare and Medicaid."

Eight hundred and eighty-two billion from Medicare alone. "Requiring cuts in benefits, eligibility, or both."

John McCain . . . Taxing Health Benefits . . . Cutting Medicare. We Can't Afford John McCain.

OBAMA. I'm Barack Obama and I approved this message. The ad quotes the Wall Street Journal as saying McCain would pay for his health care plan with "major reductions to Medicare and Medicaid," which the ad says would total \$882 billion from Medicare alone, "requiring cuts in benefits, eligibility, or both."

Obama elaborated on the theme Oct. 18 in a stump speech in St. Louis, Mo., claiming flatly that seniors would face major medical hardships under McCain: "Obama, Oct. 18: But it turns out, Senator McCain would pay for part of his plan by making drastic cuts in Medicare—\$882 billion worth. Under his plan, if you count on Medicare, you would have fewer places to get care, and less freedom to choose your doctors. You'll pay more for your drugs, receive fewer services, and get lower quality care."

Update, Oct. 21: A second and even more misleading Obama ad begins: "How will your golden years turn out?" It states flatly that McCain's plan would mean a 22 percent cut in benefits, higher premiums, higher co-pays, and more expensive prescription drugs, and claims that both nursing home care and a patient's choice of doctor could be affected.

As the narrator says that McCain's plan "means a 22 percent cut in benefits," the ad displays a footnote citing an Oct. 6 Wall Street Journal story as its authority.

But, in fact, the Journal story makes no mention of any 22 percent reduction, or any reduction at all. To the contrary, the story's only mention of what might happen to benefits is a quote from McCain adviser Douglas Holtz-Eakin promising to maintain "the benefit package that has been promised." The story quotes him as saying "savings" would come from eliminating Medicare fraud and by reforming payment policies to lower the overall cost of care.

##### OBAMA-BIDEN AD: "GOLDEN YEARS"

OBAMA. I'm Barack Obama and I approve this message.

ANNOUNCER. How would your golden years turn out under John McCain? His health care plan would cut Medicare by \$800 billion. That means a 22% cut in benefits. Higher premiums and co-pays. More expensive prescription drugs. Nursing home care could suffer and so could your choice of doctor. After a lifetime of work, seniors' health care shouldn't be a gamble. John McCain's plan, it's not the change we need.

The fact is that McCain has never proposed to cut Medicare benefits, or Medicaid benefits either. Obama's claim is based on a false reading of a single Wall Street Journal

story, amplified by a one-sided, partisan analysis that piles speculation atop misinterpretation. The Journal story in turn was based on an interview with McCain adviser Holtz-Eakin. He said flatly in a conference call with reporters after the ad was released, "No service is being reduced. Every beneficiary will in the future receive exactly the benefits that they have been promised from the beginning."

##### TWISTING FACTS TO SCARE SENIORS

Here's how Democrats cooked up their bogus \$882 billion claim.

On Oct. 6, the Journal ran a story saying that McCain planned to pay for his health care plan "in part" through reduced Medicare and Medicaid spending, quoting Holtz-Eakin as its authority. The Journal characterizes these reductions as both "cuts" and "savings." Importantly, Holtz-Eakin did not say that any benefits would be cut, and the one direct quote from him in the article makes clear that he's talking about economies: "Wall Street Journal, Oct. 6: Mr. Holtz-Eakin said the Medicare and Medicaid changes would improve the programs and eliminate fraud, but he didn't detail where the cuts would come from. 'It's about giving them the benefit package that has been promised to them by law at lower cost,' he said."

Holtz-Eakin complains that the Journal story was "a terrible characterization" of McCain's intentions, but even so it clearly quoted him as saying McCain planned on "giving [Medicare and Medicaid beneficiaries] the benefit package that has been promised."

Nevertheless, a Democratic-leaning group quickly twisted his quotes into a report with a headline stating that the McCain plan "requires deep benefit and eligibility cuts in Medicare and Medicaid"—the opposite of what the Journal quoted Holtz-Eakin as saying. The report was issued by the Center for American Progress Action Fund, headed by John D. Podesta, former chief of staff to Democratic President Bill Clinton. The report's authors are a former Clinton administration official, a former aid to Democratic Sen. Bob Kerrey and a former aid to Democratic Sen. Barbara Mikulski.

The first sentence said—quite incorrectly—that McCain "disclosed this week that he would cut \$1.3 trillion from Medicare and Medicaid to pay for his health care plan." McCain said no such thing, and neither did Holtz-Eakin. The Journal reporter cited a \$1.3 trillion estimate of the amount McCain would need to produce, over 10 years, to make his health care plan "budget neutral," as he promises to do. The estimate comes not from McCain, but from the Urban-Brookings Tax Policy Center. McCain and Holtz-Eakin haven't disputed that figure, but they haven't endorsed it either.

Nevertheless, the report assumes McCain would divide \$1.3 trillion in "cuts" proportionately between the two programs, and comes up with this: "The McCain plan will cut \$882 billion from the Medicare program, roughly 13 percent of Medicare's projected spending over a 10-year period." And with such a cut, the report concludes, Medicare spending "will not keep pace with inflation and enrollment growth—thereby requiring cuts in benefits, eligibility, or both."

##### "SAVINGS" VS. "CUTS"

For the record, Holtz-Eakin said in a telephone conference call with reporters Oct. 17, after the ad was released, that any shortfall in McCain's health care plan could be covered, without cutting benefits, by such measures as reducing "Medicare fraud and



abuse," employing "a new generation of treatment models" for expensive chronic diseases, speeding adoption of low-cost generic drugs, and expanding the use of information technology in medicine.

Interestingly, Obama proposes to pay for his own health care plan in part through some of the same measures, particularly expanded use of I.T. and better handling of chronic disease. Whether either candidate can achieve the huge savings they are promising is dubious at best. As regular readers of FactCheck.org are aware, we're skeptical of Obama's claim that he can achieve his promised \$2,500 reduction in average health insurance premiums, for example.

But achievable or not, "savings" are what McCain is proposing. It's a rank distortion for Obama's ad to twist that into a plan for "cuts in benefits, eligibility or both," and for Obama to claim in a speech that seniors will "receive fewer services, and get lower quality care."

Update, Oct. 21: The Center for American Progress Action Fund issued a rebuttal to this article, claiming our analysis is "flawed," that this article "relies solely on the denials of McCain senior policy adviser Douglas Holtz-Eakin" and that we failed to conduct a "thorough analysis of the implications" of McCain's health care proposals.

We disagree. Our criticism of both Obama and American Progress is that they themselves misinterpret and misrepresent what Holtz-Eakin said to the Wall Street Journal in the first place. He was quoted in the Journal, and stated again to reporters in a conference call, that what McCain is proposing is to reduce the costs borne by Medicare and Medicaid, and that benefits will not be reduced. American Progress simply ignores that clear statement in its analysis, and the Obama ads take the extra step of telling seniors that McCain plans to cut benefits, when McCain says the opposite.

The American Progress argument rests on the idea that because McCain has also promised to make his health care plan budget neutral—neither raising nor cutting total federal spending—and that because American Progress' analysis concludes that he cannot achieve the savings that he claims, that McCain therefore must be forced to break his promise not to cut benefits.

We are also skeptical that McCain can achieve such savings, and we said so at the outset of our article. And we've twice called into question the campaign's claim that its plan is budget neutral. But it is false logic to conclude that Medicare benefit cuts would be McCain's only option should his promised savings fail to materialize. McCain could simply run up the deficit. Or he could choose to water down his health care plan to make it less expensive.

It is certainly possible that McCain will break his promise not to cut benefits, just as it is possible that Obama will break his promise to raise taxes only on families making over \$250,000 a year. We have no crystal ball, and we don't pretend we can predict the future. But for Obama or American Progress to state as a matter of fact that McCain will be forced to cut benefits, or that he is proposing any such thing, is simply a falsehood designed to frighten elderly voters.

Mr. ENZI. Madam President, I yield 5 minutes to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Madam President, I thank the manager of the bill.

I rise in support of the motion offered by my colleague from Nebraska to

commit this bill in order to strike the more than \$42 billion in cuts in the Medicare home health benefit.

Madam President, you, too, come from a pretty rural State, so I know you understand just how important home health care is to the seniors in our States. Home health care has become an increasingly important part of our health care system. The highly skilled services and compassionate care that our Nation's home health agencies provide have helped to keep families together. They have enabled millions of our most frail and vulnerable senior citizens to avoid hospitals and nursing homes and, instead, to receive care just where they want to be, in the privacy, comfort, and security of their own homes.

Moreover, by helping these individuals to avoid more costly institutional care, home health saves Medicare millions of dollars each year. That is why I find it so frustrating and so ironic that once again the Medicare home health benefit is under attack.

The bill before us would cut payments to home health providers by more than \$42 billion over the next 10 years. Moreover, these cuts are a double whammy because they come in addition to \$7.5 billion worth of cuts that have been imposed by the Centers for Medicare and Medicaid Services through regulation.

These cuts are particularly unfair and disproportionate for a program that costs Medicare less than \$16 billion a year. That is simply not right, and it is certainly not in the interests of our Nation's seniors who rely on home health care in order to keep out of more expensive hospitals, nursing homes, and other institutions.

The Medicare home health benefit has already taken a larger hit in spending over the past 10 years than any other Medicare benefit. In fact, home health as a share of Medicare spending has dropped from 8.7 percent in 1997 to only 3.6 percent today.

There was an excellent article in today's New York Times talking about the disproportionate impact this bill would have on home health care. As the reporter points out, under this legislation, home care would absorb a disproportionate share of the cuts. It currently accounts for 3.7 percent of the Medicare budget but would be required to absorb 10.2 percent of the savings from Medicare under the House bill and 9.4 percent of savings under the Senate bill. That does not make sense.

Home health care has consistently proven to be a compassionate and cost-effective alternative to institutional care. In rural States where home health providers have to travel long distances to deliver care, the impact of these cuts will ultimately fall on our seniors because home health agencies simply will not be able to afford to serve seniors who are living in smaller

communities off rural roads in isolated parts of our States.

These deep cuts are completely counterproductive to our efforts to control overall health care costs. They also place the quality of home health services at risk, particularly given ever-rising staffing, transportation, and technology cuts.

As our Nation faces the continuing challenges of caring for an aging population, now is not the time to be making such deep cuts in the Medicare home health benefit. I urge support for the motion to commit introduced by my friend and colleague from Nebraska.

Thank you, Madam President.

Mr. ENZI. Madam President, how much time do we have?

The PRESIDING OFFICER. The minority time has expired.

The Senator from Montana.

Mr. BAUCUS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. As long as it is equally divided between the two sides.

Mr. ENZI. That would be fine with me, and I would even allow the Senator from Minnesota to go first. I would use the same amount of time he uses.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRANKEN. How much time do I have? Two minutes.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. FRANKEN. Madam President, let me use the 16 seconds I had but use it in a better way, so maybe it won't be 2 minutes. I was going to talk about Senator LINCOLN's amendment to limit tax benefits health insurance companies receive on salaries for CEOs, but let me just talk about the nature of this debate.

My esteemed colleague from Arizona, Senator McCAIN, quoted Ronald Reagan saying facts are stubborn things. We just had my distinguished colleague from South Dakota say that this bill does not extend for 1 day the solvency of Medicare. Well, according to the Office of the Actuary for the Centers for Medicare and Medicaid Services, it extends it for 5 years. Now, facts are either stubborn things or they aren't. The Actuary for CMS is either the Actuary for CMS or not. You can't have a debate such as this and throw things around. Facts are stubborn things. We are entitled to our own opinions. We are not entitled to our own facts. You cannot stand up here

and wave your arms and say this doesn't extend Medicare 1 minute, 1 day, when the Actuary for Medicare says the bill extends it for 5 years.

I yield the floor.

Mr. ENZI. Madam President, how much time do I have?

The PRESIDING OFFICER. The Senator has no time.

Mr. ENZI. Madam President, the agreement was that whatever time he took, our side would get.

The PRESIDING OFFICER. The Senator would then have 2 minutes.

Mr. ENZI. Thank you.

Madam President, the first thing I wish to do is mention that some of these things are facts, particularly if you go to specific situations. In Wyoming, our home health care is a specific situation, and we have had letters pouring in. I have one here from the Home Health Care Alliance of Wyoming, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HOME HEALTH CARE  
ALLIANCE OF WYOMING,

Wheatland, WY, December 5, 2009.

Senator MICHAEL B. ENZI,  
*Ranking Member, Committee on Health, Education, Labor & Pensions, Hart Senate Office Building, Washington, DC.*

DEAR SENATOR ENZI: Over the past ten years the Medicare home health benefit has taken a larger hit in spending reductions than any other benefit. As home health has become an increasingly important part of our health care system with highly skilled and often technically complex services that enable millions of senior citizens and disabled Americans to avoid being hospitalized or admitted to nursing homes, these home health services save Medicare millions of dollars each year.

I believe that further reduction in home health payments would place the quality and availability of home health services at risk. I urge you to oppose the cut in Medicare dollars for home health agencies throughout our nation.

Sincerely,

MARI IRELAN,  
*President.*

Mr. ENZI. Madam President, the letter says:

Over the past 10 years the Medicare home health benefit has taken a larger hit in spending reductions than any other benefit. As home health has become an increasingly important part of our health system with highly skilled and often technically complex services that enable millions of senior citizens and disabled Americans to avoid being hospitalized or admitted to nursing homes, these home health services save Medicare millions of dollars each year.

I believe that further reduction in home health payments will place the quality and availability of home health services at risk. I urge you to oppose the cut in Medicare dollars for home health agencies throughout our Nation.

The New York Times today pointed out that in the Reid bill:

Home care would absorb a disproportionate share of cuts. It currently accounts for 3.7

percent of the Medicare budget, but would account for 9.4 percent of the cuts in the Senate bill according to the Congressional Budget Office.

That is from the New York Times.

The last time Congress made similar cuts was in the Balanced Budget Act in 1997 when about 15 percent of home health agencies ended their participation in Medicare. So there is a history on this that shows that if we do what we are talking about doing here, we will put people out of business and we will put an end to services to seniors and the more rural—

Mr. BAUCUS. Madam President, if my good friend would allow me to interrupt to propound a unanimous consent agreement so Senators know when votes are going to come up, and then continue.

Mr. ENZI. Sure.

Mr. BAUCUS. Madam President, I ask unanimous consent that once this agreement is entered, it be in order for Senator KERRY or his designee to be recognized to offer the majority side-by-side to the Johans motion; that the Senate proceed to vote in relation to the Kerry amendment; and that upon disposition of the Kerry amendment, the Senate then proceed to vote in relation to the Johans motion; that no amendments be in order to the Kerry amendment or the Johans motion; further, that upon disposition of the above-referenced amendment and motion, the Republican leader's designee be recognized to call up an amendment related to the Lincoln amendment No. 2905; further, that on Sunday, December 6, after the Senate has resumed consideration of H.R. 3590, the time until 3:15 p.m. be for debate with respect to the Lincoln amendment No. 2905, and the Republican amendment identified above; with the time on Sunday equally divided and controlled, with Senators permitted to speak for up to 10 minutes each; that at 3:15 p.m., the Senate proceed to vote in relation to the Lincoln amendment No. 2905; that upon disposition of amendment No. 2905, the Senate then proceed to vote in relation to the Republican amendment related to the Lincoln amendment; that all of the amendments and motions covered in this agreement be subject to an affirmative 60-vote threshold and that if any achieve it, then they be agreed to and the motion to reconsider be laid upon the table; that if they do not achieve that threshold, then they be withdrawn; that prior to the second votes covered in this agreement, there be 2 minutes of debate; that after the first vote, each succeeding vote covered here be limited to 10 minutes each; provided further that no other motion be in order, except a motion to reconsider a vote with respect to the above-referenced amendments and motion.

The PRESIDING OFFICER. Is there objection?

The Republican leader.

Mr. McCONNELL. Reserving the right to object, and I will not be objecting, I also wish to make clear that the majority leader and I have an understanding that we will actually have four votes tomorrow—not just two, four. Bearing that in mind, I do not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Madam President, I might say, that is our understanding on this side as well.

AMENDMENT NO. 2926 TO AMENDMENT NO. 2786

Mr. BAUCUS. Madam President, I call up the Kerry amendment which is at the desk and ask for the yeas and nays.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for Mr. KERRY, proposes an amendment numbered 2926.

The amendment is as follows:

(Purpose: To protect home health benefits)

On page 869, between lines 14 and 15, insert the following:

SEC. 3143. PROTECTING HOME HEALTH BENEFITS.

Nothing in the provisions of, or amendments made by, this Act shall result in the reduction of guaranteed home health benefits under title XVIII of the Social Security Act.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The yeas and nays have been requested. Is there a sufficient second? There appears to be.

The clerk will call the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Kentucky (Mr. BUNNING), the Senator from Oklahoma (Mr. INHOFE), and the Senator from South Carolina (Mr. GRAHAM).

Further, if present and voting, the Senator from Kentucky (Mr. BUNNING) would have voted "yea."

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 363 Leg.]

YEAS—96

Akaka	Chambliss	Gregg
Alexander	Coburn	Hagan
Barrasso	Cochran	Harkin
Baucus	Collins	Hatch
Bayh	Conrad	Hutchison
Begich	Corker	Inouye
Bennet	Cornyn	Isakson
Bennett	Crapo	Johanns
Bingaman	DeMint	Johnson
Bond	Dodd	Kaufman
Boxer	Dorgan	Kerry
Brown	Durbin	Kirk
Brownback	Ensign	Klobuchar
Burr	Enzi	Kohl
Burriss	Feingold	Kyl
Cantwell	Feinstein	Landrieu
Cardin	Franken	Lautenberg
Carper	Gillibrand	Leahy
Casey	Grassley	LeMieux

Levin	Nelson (FL)	Specter
Lieberman	Pryor	Stabenow
Lincoln	Reed	Tester
Lugar	Reid	Thune
McCain	Risch	Udall (CO)
McCaskill	Roberts	Udall (NM)
McConnell	Rockefeller	Vitter
Menendez	Sanders	Voinovich
Merkley	Schumer	Warner
Mikulski	Sessions	Webb
Murkowski	Shaheen	Whitehouse
Murray	Shelby	Wicker
Nelson (NE)	Snowe	Wyden

## NOT VOTING—4

Bunning	Graham
Byrd	Inhofe

The PRESIDING OFFICER. On this vote, the yeas are 96, the nays are 0. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is agreed to.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote.

Mr. BEGICH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## MOTION TO COMMIT

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided on the Johanns motion to commit.

The Senator from Montana.

Mr. BAUCUS. Madam President, this is very simple. A vote for the Johanns amendment is a vote for the status quo. What does that mean? It means seniors will continue to pay higher and higher premiums, higher cost sharing due to wasteful overpayments. A vote against Johanns means we can extend the solvency of the Medicare trust fund that helps benefits.

I think we are for seniors in this body. I urge a vote against Johanns.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Madam President, home health care is the compassionate, cost-effective alternative to institutional care. It allows our seniors to receive care just where they want to be—in their own homes. Under this bill, home health care would take a disproportionate cut.

Let me quote a home health care director in my State who sums up what the approach will be, what will happen if this motion is agreed to. She says:

Our staff is scared, but it is our patients who will pay the price if Congress makes cuts in home care.

I urge support for the motion to commit offered by the Senator from Nebraska.

Ms. COLLINS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr.

BYRD), the Senator from Vermont (Mr. LEAHY), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Kentucky (Mr. BUNNING), the Senator from Oklahoma (Mr. INHOFE), and the Senator from South Carolina (Mr. GRAHAM).

Further, if present and voting, the Senator from Kentucky (Mr. BUNNING) would have voted "yea."

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 41, nays 53, as follows:

[Rollcall Vote No. 364 Leg.]

## YEAS—41

Alexander	DeMint	McConnell
Barrasso	Ensign	Murkowski
Bayh	Enzi	Nelson (NE)
Bennett	Grassley	Risch
Bond	Gregg	Roberts
Brownback	Hatch	Sessions
Burr	Hutchison	Shelby
Chambliss	Isakson	Snowe
Coburn	Johanns	Thune
Cochran	Kyl	Vitter
Collins	LeMieux	Voinovich
Corker	Lincoln	Webb
Cornyn	Lugar	Wicker
Crapo	McCain	

## NAYS—53

Akaka	Franken	Mikulski
Baucus	Gillibrand	Murray
Begich	Hagan	Nelson (FL)
Bennet	Harkin	Pryor
Bingaman	Inouye	Reed
Boxer	Johnson	Reid
Brown	Kaufman	Rockefeller
Burr	Kerry	Schumer
Cantwell	Kirk	Shaheen
Cardin	Klobuchar	Specter
Carper	Kohl	Stabenow
Casey	Landrieu	Tester
Conrad	Lautenberg	Udall (CO)
Dodd	Levin	Udall (NM)
Dorgan	Lieberman	Warner
Durbin	McCaskill	Whitehouse
Feingold	Menendez	Wyden
Feinstein	Merkley	

## NOT VOTING—6

Bunning	Graham	Leahy
Byrd	Inhofe	Sanders

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 41, the nays are 53. Under the previous order requiring 60 votes for the adoption of this motion, the motion is withdrawn.

Mr. DORGAN. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

AMENDMENT NO. 2927 TO AMENDMENT NO. 2786

Mr. ENSIGN. Mr. President, I have an amendment at the desk.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Nevada [Mr. ENSIGN] proposes an amendment numbered 2927 to amendment No. 2786.

Mr. ENSIGN. Mr. President, I ask unanimous consent to waive the reading of the amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

## SEC. —. LIMITATION ON AMOUNT OF ATTORNEY'S CONTINGENCY FEES.

(a) IN GENERAL.—An attorney who represents, on a contingency fee basis, a plaintiff in a medical malpractice liability action may not charge, demand, receive, or collect for services rendered in connection with such action (including the resolution of the claim that is the subject of the action under any alternative dispute resolution system) in excess of—

(1) 33½ percent of the first \$150,000 of the total amount recovered by judgment or settlement in such action; plus

(2) 25 percent of any amount recovered in excess of the first \$150,000 recovered by such judgment or settlement, unless otherwise determined under State law. Such amount shall be computed after deductions are made for all the expenses associated with the claim other than those attributable to the normal operating expenses of the attorney.

(b) CALCULATION OF PERIODIC PAYMENTS.—In the event that a judgment or settlement includes periodic or future payments of damages, the amount recovered for purposes of calculating the limitation on the contingency fee under subsection (a) may, in the discretion of the court, be based on the cost of the annuity or trust established to make the payments. In any case in which an annuity or trust is not established to make such payments, such amount shall be based on the present value of the payments.

(c) DEFINITIONS.—In this section:

(1) CONTINGENCY FEE.—The term "contingency fee" means any fee for professional legal services which is, in whole or in part, contingent upon the recovery of any amount of damages, whether through judgment or settlement.

(2) HEALTH CARE PROFESSIONAL.—The term "health care professional" means any individual who provides health care services in a State and who is required by the laws or regulations of the State to be licensed or certified by the State to provide such services in the State.

(3) HEALTH CARE PROVIDER.—The term "health care provider" means any organization or institution that is engaged in the delivery of health care services in a State and that is required by the laws or regulations of the State to be licensed or certified by the State to engage in the delivery of such services in the State.

(4) MEDICAL MALPRACTICE LIABILITY ACTION.—The term "medical malpractice liability action" means a cause of action brought in State or Federal court against a health care provider or health care professional by which the plaintiff alleges a medical malpractice claim.

Mr. ENSIGN. Mr. President, the amendment I am offering is an amendment on medical liability reform. I believe meaningful medical liability reform should be included in any overall health care legislation that we do this year. I have a separate bill from this amendment, a complete comprehensive medical liability reform bill, which I introduced earlier, known as S. 45. In an effort to find a compromise, however, I am offering this amendment today.

This amendment was originally offered by Senator Edward Kennedy back in 1995. While many Members of the Senate, including myself, were not here in 1995, 21 Members from the other side of the aisle were here at that time, and they supported this amendment. Those Members included: Senator AKAKA, Senator BAUCUS, Senator BINGAMAN, Senator BOXER, Senator BYRD, Senator CONRAD, Senator DODD, Senator DORGAN, Senator FEINGOLD, Senator FEINSTEIN, Senator HARKIN, Senator INOUE, Senator KERRY, Senator KOHL, Senator LAUTENBERG, Senator LEAHY, Senator LEVIN, Senator MIKULSKI, Senator MURRAY, Senator REID, and Senator SPECTER. I would hope these Members will today continue to support Senator Kennedy's amendment from 1995.

Clearly, the issue of medical liability reform is even more pressing today than it was back in 1995. We, as Americans, spend more money on lawsuits than any other country in the world and more than twice as much as all but one other country. According to a recent nonpartisan study, the direct cost of health care lawsuits is around \$30 billion a year. That is the direct cost to our health care system—around \$30 billion a year. These costs are multiplied by indirect costs, especially doctors ordering costly tests out of fear of being sued.

Estimates of wasted money spent on unneeded tests range from over \$100 billion a year annually to \$250 billion a year annually. Let me repeat those numbers. The estimates range from \$100 billion to \$250 billion annually in unnecessary tests conducted by doctors due to fear of lawsuits.

In 2006, an article in the *New England Journal of Medicine* suggested that as much as 40 percent of medical liability lawsuits are without merit. Medical liability insurance premiums are threatening the stability of our Nation's health care system. These rates are forcing many physicians, hospitals, and other health care providers to move out of high-liability States, limit the scope of their practices, and even to close their doors permanently. This crisis is affecting more and more patients and is threatening access to reliable, quality health care services.

I have a good friend in southern Nevada who practices obstetrics. In his practice, he specializes in high-risk pregnancies. Because of the medical liability problems we have seen in the past several years, his insurance company limits the number of high-risk pregnancies in which he can assist. So you have one of the best doctors practicing obstetrics who—because of fear of lawsuits by his insurance company—is limited as to the number of high-risk pregnancies in which he can assist.

If you are a woman with a high-risk pregnancy, it would seem to me you would want the best doctors to take

care of you. That only makes sense. Because of the medical liability crisis we are facing in this country, however, the best of the best are limited to the number of cases they can handle. Because of unaffordable medical liability insurance premiums, it is now common for obstetricians to not even deliver babies and it is also common for other specialists to no longer provide emergency calls or to provide certain high-risk procedures.

Ask yourself this question: What if you were in need of an emergency procedure; what if you were the woman who had a high-risk pregnancy and could not find a specialist to provide you with the care you needed?

The medical liability crisis is threatening patient access to reliable quality health care services all over America. Additionally, costly medical liability insurance premiums have forced some emergency departments to shut down temporarily in recent years.

In my home State of Nevada, our level I trauma center closed for 10 days in 2002. This closure left every patient within a 10,000 square mile area unserved by a level I trauma center.

Unfortunately, Jim Lawson was one of those in need of the trauma unit at that time. Jim lived in Las Vegas, and was just 1 month shy of his 60th birthday. He had recently returned from visiting his daughter in California. When he returned, he was injured in a severe car accident.

Jim should have been taken to University Medical Center's level I trauma center, but it was closed. Instead, Jim was taken to another emergency room, where he was to be stabilized and then transferred to Salt Lake City's trauma center. Tragically, Jim never made it that far. He died that day due to cardiac arrest caused by blunt force from physical trauma.

Why was Nevada's only level I trauma center closed? Due to a simple fact: the doctors could not afford medical liability premiums, and there were not enough doctors to provide care. Ultimately, the State had to step in and take over the liability to reopen the trauma center.

More than 35 percent of neurosurgeons have altered their emergency or trauma call coverage because of the medical liability crisis. This means that patients with head injuries or those who are in need of neurosurgical services must be transferred to other facilities, delaying much needed care.

Dr. Alamo of Henderson, NV, brought another example of this problem to my attention. Dr. Alamo was presented with a teenager suffering from myasthenia gravis. She was in a crisis and in need of immediate medical treatment. Because of the medical liability situation, there was no emergency neurologist on call to assist this young woman.

Dr. Alamo called several in the area, and none of them wanted to take her

case because of the medical liability situation. So Dr. Alamo had the young woman transported to California by helicopter to receive the medical care she needed. Just imagine if that was your daughter or some close friend or relative. How would you feel?

These kinds of situations should not happen and should not be forced to happen because of the medical liability crisis we have in America today. Stories such as these are all too common across our country.

To address the growing medical liability crisis in my State of Nevada, the State enacted legislation that includes a cap on noneconomic damages and a cap on total damages for trauma care. Several other States have enacted similar reforms.

This should not be a Republican or Democratic issue; this is fundamentally a patient issue. Simply put, the current medical liability crisis means patients cannot find access to care when they need it most in many areas.

Without Federal legislation, the exodus of providers from the practice of medicine will continue, and patients will find it increasingly difficult to obtain needed care.

As we work on a comprehensive healthcare reform bill, one of our primary goals must be to enact meaningful medical liability reform to help ensure patients access to care. As you know, President Obama addressed the entire Congress on health reform in September. During his speech, he said, "I don't believe malpractice reform is a silver bullet, but I have talked to enough doctors to know that defensive medicine may be contributing to unnecessary costs." I think that is quite an understatement. Talk to health care providers. It drastically contributes to unnecessary costs, not just maybe contributors.

The President went on to say that he has asked Secretary Sebelius to move forward on demonstration projects in individual States to test ways to put patient safety first and let doctors focus on practicing medicine.

Let's face reality. There is no doubt that defensive medicine occurs every day and that the costs to the health care system are staggering. As I mentioned earlier, tens if not hundreds of billions of dollars are wasted every year due to the practice of defensive medicine, largely in an attempt to avoid frivolous, junk lawsuits.

Just think of how many uninsured patients we could take care of with that money or how much cheaper premiums would be for those who have insurance. We must stop playing games and start doing something real to address this important healthcare issue.

Unfortunately, the underlying bill does not meaningfully address medical liability reform—it only contains a toothless sense of the Senate. The Sense of the Senate notes that Congress should consider establishing a

State demonstration program to evaluate alternatives to the current civil litigation system.

Let's be honest with ourselves. This is just windowdressing. The Sense of the Senate is just fluff. It ignores the substantial progress that many States have already made with medical liability reform. Capping noneconomic damage awards has been highly successful in a number of States, such as Texas and is something that should be part of health care reform.

But, if we cannot reach a consensus on this, then we should at least follow Senator Kennedy's example and limit the amount of attorneys' contingency fees as an important first step.

Let's do the right thing. Let's enact real medical liability reform.

The amendment that I am proposing today would place reasonable limits on attorney's contingency fees in medical malpractice cases. The limit would be 33⅓ percent of the first \$150,000 of the total amount recovered by the judgment or settlement. There would be a further limit of 25 percent of any amount recovered in excess of the first \$150,000 recovered by the judgment or settlement.

While helping to reign in the cost of frivolous medical malpractice lawsuits, this amendment also ensures that States' rights are protected. This amendment explicitly allows States that have different fee limitations to keep them in place instead of these caps. This amendment ensures appropriate State flexibility while at the same time helping to improve access to care and reduce health care costs. Let me repeat. Back in 1995 when Senator Edward Kennedy offered this amendment, these 21 Senators, part of the Democratic majority, all voted for the Kennedy amendment.

To be clear, my Medical Care Access Protection Act contains more detailed limitations on contingency fees than those contained in the amendment I am proposing today. But in the interest of finding a starting point on medical liability reform, I am willing to start off the debate by enacting Senator Kennedy's limitations first.

By the way, the other side is going to say that the trial lawyers need this money to be able to take these cases. Let's face it, the trial lawyers are mostly the ones who get the money out of these cases. We want to make sure that money goes mostly to the patient. So when you see pictures put up by the other side, you will notice that my amendment would actually help those very patients who are in the pictures that those on the other side will put up.

Medical liability reform works, and it is already turning the tide against frivolous lawsuits and outrageous jury awards in some States. We have seen it in California, in Texas and in my home State of Nevada, where the number of

medical malpractice lawsuits has decreased drastically. It has been a crisis driving doctors out of business for too long. It is time to protect patients across the country and ensure access to quality health care.

To illustrate my point, I would like to tell you about the success of medical liability reform in several States. First, take the example of Texas that passed medical liability reform in 2003.

To begin with, access to health care has improved, with 18,252 new physicians coming to Texas. The number of high-risk medical specialists in Texas is growing. Since 2003, Texas has added 768 emergency medicine doctors, 481 heart doctors, 218 obstetricians, 212 orthopedic surgeons, and 48 neurosurgeons. These additions are not limited to metro Texas. The ranks of rural obstetricians have grown by 27 percent; 22 rural counties have added an obstetrician and ten counties have added their first OB; 23 rural counties have added at least one emergency medicine physician and 18 counties added their first ER doctor.

In addition to improvements in access to health care, charity care has also greatly expanded due to medical liability reform. Today, Texas hospitals are rendering \$594 million more in charity care annually than they were just 6 years ago. That is a 24 percent increase in charity care, which is due to liability savings.

Liability savings in States across the country have allowed hospitals to: upgrade medical equipment; expand the emergency room; expand outpatient services; staff ER rooms 24/7 with high-risk specialists; improve salaries for nurses; and launch patient safety programs.

Without reforms and the attendant savings, these healthy developments would not have been possible. Lawsuit reform has been a magnet for attracting doctors and the funding mechanism to improve access to care and enhance patient safety.

Physicians have seen a decrease in their medical liability premiums. Since 2003, physicians in Texas have saved a collective \$574 million on their liability premiums. Today, most Texas doctors are paying lower liability premiums than they were in 2001. All major physician liability carriers in Texas have cut their rates since the passage of the reforms, most by double digits. Texas physicians have seen their liability rates cut, on average, 27.6 percent. Eighty-five percent of Texas doctors have seen their rates slashed 30 percent or more. More than 43 percent of Texas doctors have seen their liability premiums reduced in half. Twenty-five rate cuts have occurred since the passage of the 2003 landmark reforms.

In my home State of Nevada, limitations on noneconomic damages has helped to stabilize the medical liability climate and allowed the Independent

Nevada Doctors Insurance Exchange to keep rates steady in 2008, following a 20 percent decline in 2007. And rates stayed steady after years of increasing dramatically.

In Mississippi reform in 2004 created a hard \$500,000 limit on non-economic damages. Since that law took effect, the number of medical malpractice lawsuits has fallen nearly 90 percent, which in turn has cut malpractice insurance costs by 30 percent to 45 percent, depending on the county.

Ohio and West Virginia have also seen sizable reductions in frivolous lawsuits and as a result less costly medical liability insurance.

These examples prove that lawsuit reform can improve access to care, expand the number of doctors and types of care that hospitals are able to offer, and help reduce medical costs.

According to a conservative estimate by the Congressional Budget Office, if Congress adopted my full Medical Care Access Protection Act, the deficit would decrease by \$54 billion over 10 years.

It would also, according to the CBO, save the private sector about the same amount of money. So over \$100 billion in savings that now goes to propping up a lot of frivolous lawsuits across the country.

By the way, think about it. If you had medical malpractice committed against you, I believe you should have access to the courts. I believe you should be able to sue. I believe you should be able to get just compensation. The problem is now, because our courts are so clogged with all these frivolous lawsuits, it takes years if not up to a decade to be able to get through the court system. For many of these patients who were severely hurt—many of them die before the case is ever settled. That is another reason we need medical liability reform and we need it now.

Let me tell you why I believe medical liability reform has been left out of this bill. Actually, I don't want to tell you why. Let me let Howard Dean tell you why. Howard Dean, obviously, is the former chairman of the Democratic National Committee. I am going to quote from him.

[T]he reason why tort reform is not in the bill is because the people who wrote it did not want to take on the trial lawyers in addition to everybody else they were taking on, and that is the plain and simple truth. Now, that's the truth.

That is a direct quote from Howard Dean, the former chairman of the Democratic National Committee.

I hope as this debate unfolds many of my colleagues on the other side of the aisle will change their minds about enacting serious medical liability reform. I hope that at least these 21 Senators who voted for this amendment before will vote for it again when it comes to a vote tomorrow. This isn't a battle between the right and the left; it is a battle between right and wrong.

This amendment is a helpful prescription for patients. I know many on the other side of the aisle would like to cap salaries of people who work in the health insurance industry. I hope these same Members would support this simple amendment to limit trial lawyers' contingency fees in a responsible manner.

I urge adoption of the amendment and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent that upon the conclusion of the remarks of Senator ENSIGN, I be recognized for a period of time equal to that utilized by Senator ENSIGN; further, that upon the conclusion of my remarks, Members be recognized in an alternating fashion and that they be permitted to speak for up to 10 minutes each; further, if any extensions of time are requested, the other side be accorded the same addition; further, that the Democratic speakers following me be as follows: Senators FRANKEN, LAUTENBERG, STABENOW, DODD, and KAUFMAN.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. ENZI. Reserving the right to object, and I will not, I wish to make a clarification that you wouldn't object to a couple of people without alternating so that we can have a couple of people who also go without alternating. Hopefully, we can make some arrangements on the time. I would like a provision that if one goes longer, the other side can go longer too. With that provision, I have no objection.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. Will the Chair inform me how much time the Senator from Nevada used?

The ACTING PRESIDENT pro tempore. Twenty-one and a half minutes.

Mr. DURBIN. I thank the Chair.

Mr. President, this issue is very personal and very important. I know a little bit about this because many years ago, before coming to Congress, I was a trial lawyer. I spent many years defending doctors when they were sued for medical malpractice, and I spent as many years representing plaintiffs who claimed to be victims of medical malpractice. I have literally been at both tables in the courtroom. At least in a previous life, I knew a little bit about this field of legal practice.

What the Senator from Nevada is trying to do is to reduce the contingency fee that can be paid to a lawyer who represents a plaintiff.

Here is how it works. If you believe you or a member of your family has been a victim of medical malpractice, where you have either been hurt or someone in your family has died, you will go to a lawyer and say: I don't think I was treated right.

The lawyer will say to you: If I think you have a good case we can prove in court, I will represent you. But I know you don't have enough money to pay me my legal fee. I will take your case, accept your case on a contingency, which means if you win, I get paid, and if you lose, I don't get paid.

That is what a contingency fee is. For most Americans who are not wealthy, this is the only way they can get a good attorney to go into court, is to pay a percentage if they win, a contingency fee. That is one side, one table in the courtroom.

There is another table in the courtroom. At that table sits the doctor or hospital and an attorney. That attorney isn't paid on a contingency fee; that attorney is paid by the hour, by the insurance company. No matter how many hours that attorney puts into the case, that attorney is confident at the end of the day he will be paid, win or lose.

The Senator from Nevada comes here and says: We think it would be just to limit how much victims' attorneys can get paid. I waited patiently and listened, hoping that at some point he would say: And in all fairness, we think defense attorneys should be limited in what they are paid too. But I didn't hear that because what it gets down to is really not about attorneys. If we are about making it fair and equal for both tables in the courtroom, we would limit both attorneys' fees. No. What this is all about is to discourage attorneys from representing victims, limit the amount of money a plaintiff's attorney can receive as a contingency fee.

There has been a lot said about frivolous lawsuits for medical malpractice. I want to tell you, as a person who did this for a living, the last thing in the world I would ever consider doing is taking a frivolous lawsuit. It costs a fortune. At the end of the day, you are likely to lose. You can't keep the doors open and the lights on in a law practice taking lawsuits that are going to lose, taking on frivolous cases. You carefully weigh the cases you take because you, as a plaintiff's attorney representing a victim, have to make a massive time-and-dollar commitment to bring that case to trial, realizing that at the end of the day, if there is a "not guilty," you are emptyhanded. You have nothing to show for all of that effort and all of that money spent. That is what is behind contingency fee cases.

That is why the Senator from Nevada has focused on only one table in the courtroom—the victims' table—saying we want to discourage lawyers from taking on victims' medical malpractice cases, we want to discourage them by paying them less. Defense lawyers—no limit whatsoever on how much the insurance company can pay them. That is the Ensign amendment in summary.

I am sorry in a way that Senator ENSIGN has invoked Senator Kennedy's name to support his effort. I am sorry that Senator Kennedy is not here because I think I know what Ted Kennedy, sitting right back here, would be saying at this very moment. He would explain to the Senator from Nevada that the amendment he is referring to was part of the Gingrich revolution, which some may recall, which was an attempt to change tort reform laws across America with some onerous provisions—removing, for example, the right of people to recover punitive damages in a lawsuit, all sorts of limitations or bars against filing lawsuits. It was an onerous law which Senator Kennedy offered his amendment to in the hopes of slowing it down. Senator Kennedy was not successful. At the end of the day, this bill passed, this Gingrich revolution bill passed. It was sent to President Clinton, who vetoed it. So to suggest this was Senator Kennedy's life's work—it was his attempt to slow down a steaming locomotive coming through the Senate. It didn't work. To invoke his name at this point is to at least not tell the whole story behind the amendment.

If you are going to tell the whole story about this amendment, you need to get beyond lawyers and start talking about victims going into courtrooms.

For the longest time, the argument on the other side of the aisle has been, if you go into a courtroom saying you are the victim of medical malpractice and prove that you are, they want to limit the amount of money a jury can give you for your injury. They used to call it caps. Right now, if you are a victim of medical malpractice and you are successful in a courtroom, you are likely to recover your medical bills and your lost income and some money for what they call noneconomic damages. Those would be scarring, disfigurement, pain and suffering. So what most of the effort has been on the other side is to limit the amount you can recover for these noneconomic losses—scarring, disfigurement, pain and suffering. For people who have proven they were the victims of malpractice, they have tried to limit the amount they can take from a jury. In over half the States in the Nation, those limitations or caps have been put in place.

What is the scope of this problem? The Institute of Medicine tells us—at least this was a finding they made back in 1999—that there are up to 98,000 deaths in America each year, preventable deaths, because of medical malpractice—98,000. When you look across the board at the number of paid malpractice claims each year against doctors in America, it is about 11,000. One in 10 of the deaths and injuries—frankly, a much smaller number than 1 in 10—actually ends up in a lawsuit. So the vast majority of victims of medical



malpractice don't bring a lawsuit. Either they don't know they were victims or they decide it is not something they want to do. A very small percentage do.

What the Senator from Nevada did not tell us is that since 2003, when this issue has been addressed by so many States, the number of medical malpractice lawsuits each year has gone down and continues to go down. The premiums for medical malpractice insurance have started to come down as well. So there is a positive trend here because of State reform and other circumstances which have led to fewer medical malpractice lawsuits.

But make no mistake, there are still victims and there still will be. We have to be honest about what those victims face and what the Ensign amendment will mean. What the Ensign amendment means is that many of them won't be able to find a lawyer. Some of them should. Let me tell you some real-life stories of victims of medical malpractice and what happened to them.

This beautiful couple, Molly Akers of New Lenox, IL, and her husband tell a story that is heartbreaking. Molly had a swelling in her breast, and her doctor performed a biopsy and determined she had breast cancer. She had several mammograms which found no evidence of a tumor. The doctors decided, however, that it must have been some rare form of breast cancer, and they said that Molly, to be safe, needed a mastectomy. They removed her right breast. After the operation, the doctor called her into the office and revealed that they discovered she never had breast cancer. Instead, the radiologist who reviewed her slides accidentally switched Molly's slides with those of another woman. Molly was permanently disfigured because of this mistake, this negligence.

She said:

I never thought something like this could happen to me, but I now know that medical malpractice can ruin your life.

By the way, the other woman, whose slides were switched with Molly's, was told she was cancer free. That was a medical error that ended up injuring two people, not just one.

Is she entitled to her day in court? Is she entitled to be compensated for what she went through? Is she entitled to have at least those responsible pay for her medical bills, her lost wages, pain and suffering, scars and disfigurement? By most standards of justice, the answer would be yes. But if she isn't rich enough to pay an attorney's fee, she walks in and says: The best I can do is tell you that if I win, you win. It will be a contingency fee basis to the lawyer. What the Senator from Nevada wants to do is to reduce the likelihood that she will find a lawyer to represent her.

This is another story of another person from Illinois. Glenn Steinberg is

shown here. In 2004, Glenn went for surgery in Chicago to remove a tumor from his abdomen. Ten days after surgery, while he was still in the hospital, he was having pain and problems. They did an xray of his abdomen and they found a 4-inch metal retractor lodged against his intestine that had been left in his body after the surgery. A second surgery was performed to remove this metal instrument, during which time Glenn's lungs aspirated and he died. Glenn's wife Mary lost her husband. She said:

Not a day goes by that I don't miss Glenn's companionship and the joy he brought to our home. Because of gross negligence, he was not here to support me when my son went off to serve our country in Iraq.

A real-life story. This man did nothing wrong—an innocent victim who, in our system of justice, is entitled to compensation. But if his widow didn't have enough money to pay the attorney's fees and went in for a contingency fee, she might be limited because of the amendment offered by the Senator from Nevada.

This next case in Illinois involves children. I have met the little fellow we are going to talk about, Martin Hartnett. He is the second boy from the right. When Martin's mother, Donna, arrived at the hospital to deliver him, her labor was not progressing. Her doctor broke her water and found it was abnormal. Rather than considering a C-section, Donna's doctor tried administering a drug to help induce contractions. Six hours later, Donna still hadn't delivered, but her son's fetal-monitoring system began indicating he was in severe respiratory distress. The doctor finally decided it was time to perform an emergency C-section but waited another hour before she was taken to the operating room. During that time, the doctor failed to administer oxygen or take other immediate steps to help Martin breathe.

After Martin was born, he was in intensive care for 3 weeks. Later, Donna learned that Martin had substantial brain damage and cerebral palsy—a direct result of the doctor's failure to respond to indications of serious oxygen deprivation and to deliver in a timely manner.

Donna's doctor told her not to have any more children because he said there was a serious problem with her DNA which could result in similar disabilities in the future.

Well, that turned out not to be true. Donna has given birth since to three perfectly healthy sons who are shown in this photo as well. Donna sued the doctor responsible for Martin's delivery and received a settlement in the case. Here she is, a young mother who is being told the problem was her problem, and it turned out it was a problem in the way she was treated when she went to the hospital.

Again, the Senator from Nevada would reduce the likelihood that Donna—the mother of this child who is going to face a lifetime of challenges—would have the attorney to come to court for reasonable compensation.

These are real-life examples. I know the other side—the Senator from Nevada said specifically: Oh, you are going to hear about the victims, but this is really about lawyers.

These victims would not have their day in court, would not have a chance to recover from medical malpractice that was eventually admitted or proven if it were not for an attorney to bring them to court. It does take a long time. I will concede, the Senator from Nevada said it takes a long time on these cases. Well, I have been there, and I know why. The attorneys representing the other side try to drag it out as long as they possibly can, filing motions and requiring discovery. It can go on and on. So an attorney who takes up one of these cases better not take up a frivolous case because it will be a lifetime of futility if you take that approach.

I took a look and asked my staff: Well, if Senator ENSIGN's amendment is dealing with victims' attorneys, are they really getting paid a lot more compared to the defense attorneys? Well, we went and looked at the information. We found that in a recent year, there was around \$1.3 billion paid to victims' attorneys who filed medical malpractice cases in America—\$1.3 billion. At the same time, \$2.1 billion was paid to defense attorneys.

So to argue we just want to reduce the plaintiffs' or the victims' attorneys' fees and ignore the defense attorneys' fees is to ignore a mismatch already. The defense attorneys in America are being paid substantially more—50 percent more—than those who represent the victims.

In 2008, in Texas, medical malpractice insurers earned \$369 million in premiums. They paid out \$17 million in losses. If one-third of that, say \$5.5 million, went to victims' attorneys, how much went to defense attorneys in medical malpractice cases in Texas? Mr. President, \$41 million. So \$5.5 million for plaintiffs' attorneys, \$41 million for defense attorneys.

This amendment does not even address the cost of defense attorneys.

In Tennessee, in 2008 malpractice insurers paid \$79 million in losses to victims, so perhaps \$26 million went to victims' attorneys' fees, and \$83 million was paid in defense attorney fees.

There is no similar outrage on the other side of the aisle when it comes to how much money the defense attorneys are being paid.

In the State of Mississippi in 2008 they paid out \$874,000 in losses, and paid \$4.1 million in defense attorneys' fees.

So it just goes on and on. The evidence is clear. Overwhelmingly, in the



courtroom, the race goes to the swift, and the swiftest are the ones with the most resources—the most attorneys, the most discovery, the most expert witnesses, and they all cost money. Time and again, plaintiffs' attorneys come into many courtrooms at a distinct disadvantage to the insurance companies that would be benefited by this.

Now, what are we going to do about this issue? And it is an issue. Well, I think the President is on the right track. First, we know it is a State issue when it comes to medical malpractice. Historically, the States set the standards, and the States initiate the reforms. A majority of States have already done that, limiting recoveries, even limiting fees in some cases. They have done it. Why would we come in at the Federal level and preempt that?

Secondly, the President said: Let's encourage some positive thinking about ways to end this. How can you reduce the number of medical malpractice lawsuits? There is one simple way, and many States have discovered it. It is when a doctor walks in and says to a patient: I made a mistake, and I am sorry. It sounds simple, doesn't it?

It happened in my family recently. One of the members of my family went for back surgery and had complications afterwards. It went on for weeks. He went in, and the doctor said: I am sorry. When I did your back surgery, I should have cauterized you right then and there rather than waiting through 2 miserable weeks until we finally did it. It was my mistake.

Well, my relative did not file a lawsuit. That doctor was honest. We know doctors are human. They make mistakes. Some States have protected the doctors' right to say: I am sorry. Many times that is all that is needed. There are other cases where States have put together panels to review lawsuits before they are filed. They do it successfully. There are other cases where they have to file an affidavit from a doctor that says this is a lawsuit with a real possibility of medical malpractice being proven.

All of these things are working, and we want to encourage them. But, please, do not close the door of the courtroom to victims and their attorneys. Do not benefit the defense attorneys, the insurance attorneys, at the expense of the victims' attorneys.

Mr. BROWN. Mr. President, will the Senator yield?

Mr. DURBIN. I am happy to.

Mr. BROWN. I say thank you to Senator DURBIN.

My understanding is, some States have stricter licensing requirements for doctors, and that typically very few doctors, relatively, commit significant, repeated mistakes as they are practicing medicine. But some small number of doctors are responsible for the

large number of medical errors and negligence and malpractice.

How important is it that the States strengthen their licensing requirements so those doctors—the small minority of doctors—who really do seem guilty of the most malpractice are disciplined either by losing their license or by being disciplined in other ways so they are not inflicting this on their patients?

Mr. DURBIN. I think the Senator from Ohio has put his finger on a part of the problem. It turns out, the vast majority of lawsuits involve a very small percentage of doctors, many of whom are making errors repeatedly. I would recommend to my friend from Ohio a book to read, and I know he reads them. It is called "Complications." It is by Dr. Atul Gawande, who is a Boston surgeon with whom we are familiar. I read it, and it was an eye opener about what a surgeon learns and goes through. But he spends a whole chapter in there about doctors and nurses of practicing doctors who are not up to skill anymore because of age, alcoholism, and drug addiction, and they are afraid to speak out.

That is not common. It is rare. But it should not happen at all. Those doctors who consistently make mistakes, consistently get sued, or have these problems should be identified and removed from the practice until they can be rehabilitated or go off to another job.

Mr. BROWN. If the Senator will yield for a moment, again, don't the State licensing boards have the ability to do disciplinary action? I know in my State, in Columbus, they do. Are they not doing that enough? Is there a way to strengthen that?

Mr. DURBIN. The point Dr. Gawande makes is there is this conspiracy of silence, this fear of outing a doctor.

Mr. BROWN. Nurses are not willing to speak up?

Mr. DURBIN. Nurses are not willing to speak up, other colleagues are not willing to speak up, and they should for the sake of their own profession, but certainly for the sake of the patients.

Mr. BROWN. So the Senator is arguing that if there was a mechanism or an environment where nurses and doctors would be willing to speak up, if there was a doctor, a surgeon who had a problem with alcohol, this issue would not go away certainly, but this issue would be much less serious, the issue of malpractice, the medical errors, the deaths, the injuries that come from some kind of medical error? Medical malpractice would be much alleviated?

Mr. DURBIN. I am.

I see my time is over. I thank the Senator from Ohio, and I would say this is one part of the answer. But denying victims a day in court I do not think brings justice to this country or fairness, and I know Senator Kennedy

would be saying the same thing if he were here today.

I yield the floor.

The PRESIDING OFFICER (Ms. STABENOW). The Senator from Wyoming.

Mr. ENZI. Madam President, I yield time to the Senator from Nevada.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Madam President, there is an urban myth that people like to talk about when they are discussing health care reform. It is like one of those rumors that runs rampant on the Internet. Nobody knows where it started, but you are sure it must be true.

The story is about Canadian health care: everyone there is covered, and they have a progressive health care system that we should somehow copy.

Well, it is time to bust this myth and tell the American people what a government-run health care system like Canada's would mean for us in the United States.

Canada and Great Britain offer what is typically referred to as universal coverage. Universal coverage, however, does not mean unlimited access to care or readily available care. Let me tell you why.

Let's talk about spending first. The U.S. spends about 16 percent of its gross domestic product on health care, while Canada spends about 10 percent. I know some Members of this body have been asking: If Canada can spend less money on health care, why can't we?

Well, there is a right way to reduce spending with technology, healthier behaviors, common sense, medical liability reform, other things I have talked about; and there is a wrong way.

In Canada, the government spends 10 percent on health care by setting a global budget. When the demand for health care exceeds that amount, the Canadian Government does not increase funding. Instead, medical care is often delayed and/or denied. Some estimate that about 750,000 Canadians are currently on a waiting list for medical procedures or referrals to specialists.

Madam President, can you imagine waiting up to 6 months for a hip replacement or up to 6 months for cardiac bypass surgery? What if you had to wait up to 4 months to get an MRI.

People who live in countries that have government-forced health care systems often wait, and then wait some more, for medical care. This chart shows typical patient wait times in Canada. The blue bar shows median clinically reasonable wait times. The red bar shows actual wait times. So this, in the blue, is what a reasonable patient wait time should be and what is shown in red is what patients actually experience.

If you look at this chart and study the wait times, you can see that in every single one of these cases whether it is general surgery, gynecology, internal medicine, neurosurgery, or ophthalmology, the actual wait times are

always much longer than what a clinically reasonable wait time should be in Canada.

For example, the median clinically reasonable wait time for neurosurgery is 5.8 weeks. But, as we see from this chart, the actual wait time is 31.7 weeks. That is for neurosurgery. That is shown on this part of the chart. Can you imagine having to wait that long for neurosurgery?

For orthopedic surgery, the clinically reasonable wait time is 11 weeks. The median actual wait time is 36.7 weeks. This is hard to fathom.

In Canada, the wait time depends on many factors. Getting in to see a doctor depends on the province in which you live, whether you are an urban or rural resident, the urgency of your medical condition, and your age.

I want to encourage all Americans not to take my word for it on these wait times. You can go to this Web site, <http://ontariowaittimes.com>, and it will actually tell you what the wait times are for various procedures.

As a matter of fact, my assistant who is on the Senate floor with me today broke her arm several months ago. Interestingly, she went to this Web site to find out how long her wait time would be for surgery in Ontario. By the time she would have got in to see a doctor in Canada to have the necessary procedure conducted, her arm would have already healed. It would have healed incorrectly, but it would have already healed.

That is unacceptable, but that is typical of what happens in countries where there is government rationing, and where the government sets a global budget.

Think about how frustrated you would be if you had to wait that length of time. Some Canadians get tired of this waiting. They leave the queue and catch planes, trains, and automobiles to the United States to get medical care when they need it most.

The Mayo Clinic, for example, sees about 2,000 Canadian patients each year. The Henry Ford Clinic in Michigan saw 191 hospital patients from Canada and had about 1,400 outpatient visits from Canada last year alone.

Those numbers have increased steadily over the past 3 years. In fact, revenue from Canadian patients has increased by \$7.5 million at the Henry Ford Clinic in the last 3 years. Although these major medical clinics do not track why some Canadian patients come to the United States for medical care, I believe the significant wait times in Canada are one of the primary reasons they choose to cross the border.

I also believe that Canadian patients come to the United States to reap the benefit of America's research and development and to access new breakthroughs in medical technologies.

Many of my colleagues have heard the story of Shona Holmes. Shona, a

Canadian citizen, was experiencing numerous conditions, including headaches, fatigue, and severe vision problems. Her primary care doctor in Canada ordered an MRI and the results suggested a brain tumor. Shona would have to wait 4 months to see a neurologist or 6 months to see an endocrinologist in Canada. She couldn't wait that long. Since it would be illegal for her to see a doctor outside the government-run health care system in her own country, she traveled 2,000 miles to the Mayo Clinic to Scottsdale, AZ, and paid for the visit herself. Doctors at the Mayo Clinic diagnosed Shona with Rathke's cleft cyst.

Shona returned to Canada with her diagnosis and attempted to have surgery under Canada's government-run health care plan. The Canadian Government wasn't able to do the necessary surgery within a 6-month time period. Since Shona's vision was rapidly declining, waiting more than 6 weeks for surgery was completely unacceptable. So her husband got a second job, took out a second mortgage on their home, and borrowed money from family and friends for surgery at the Mayo Clinic. Incidentally, the Mayo Clinic recommended a second surgery to remove her adrenal gland. So Shona went back to Canada and got in line. It took 3 years for her to get her second surgery in Canada—3 years.

In written testimony before the House Energy and Commerce Committee, Shona said:

If I had relied on my own government-run health care system in Canada, I would not be sitting before you today. At the very best I would be blind and at the very worst I would be dead.

Shona isn't the only Canadian citizen who has come to the United States for access to timely medical care. A private company called Timely Medical Alternatives was created in 2003 to help Canadian citizens obtain medical care in the United States. Over the years, the company has sent more than 500 Canadians to the United States for timely medical care. Richard Baker, the founder of Timely Medical Alternatives said:

The Canada Health Act is responsible for more pain, more suffering, and more death than any other piece of domestic legislation in Canadian history.

I am concerned that the inclusion of a government-run health plan in the Democrats' health reform bill will destroy the American health care system as we know it today.

Section 1323 of this bill establishes the community health insurance option. Don't let the name fool you; it is a government-run plan. States can opt out of the government-run plan if they enact a law prohibiting the offering of the government-run plan in the exchange, but I honestly expect that few States will take this course of action.

Regardless of the language indicating that people won't be forced to participate in a public health insurance program and won't be penalized for not participating, I still believe that some individuals will be forced into this government-run plan. I also believe this is just the first step toward a complete government-run plan.

Under the bill, the Secretary of Health and Human Services will be required to negotiate provider reimbursement rates. The government typically doesn't negotiate with doctors and hospitals. The government would likely resort to price-setting based on Medicare or Medicaid or use existing government programs as leverage for negotiations, creating similar effects. Remember, Medicare and Medicaid currently reimburse at much lower rates than the private sector.

Madam President, I ask for an additional 3 minutes.

THE PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

MR. ENSIGN. Madam President, Democrats claim that they will not be putting private health insurance companies out of business, but it seems to me that they are doing everything possible to make it harder for these companies to stay in business. I also question whether Members of Congress will be required to participate in this government-run program. We should be required to do so. If we decide that a government-run plan is good enough for the American people, then I believe that Members of Congress should subject themselves to the same type of care. I know there will be an amendment to do just that.

I want to tell a story about how federal government officials don't always think that they should be subject to the same type of care as their country's citizens. Belinda Stronach, a former Canadian Member of Parliament, opposed the privatization of Canada's health care system. Well, that was at least until she got sick. She was diagnosed with breast cancer in June 2007. Although she had led the charge against having a private system in Canada, she didn't want to wait in line in Canada to obtain treatment—so what did she do? As a matter of fact, she traveled to the United States for care—on the advice of her doctor. She went to UCLA for surgery and she paid for that treatment out of her own pocket. I have a feeling that she came to the United States because she knew that if she waited for care in Canada, the chances of her having successful treatment would be a lot lower.

Madam President, the wait to see a doctor is not the only wait Canadian patients face. Canada and other countries with government-run health care systems are slow to adopt new medical technologies. And, access to the latest medical technologies is limited. As a

result, patients often have to rely on old or outdated medical equipment for treatment.

Canadians have less access to MRIs, CT scanners, and lithotriptors than patients in other countries belonging to the Organisation of Economic Co-Operation and Development. Lack of access to cutting-edge medical technology has significant consequences. New medical technologies can often provide faster and more efficient identification and treatment of disease. They can offer the patient safer, less invasive and more comfortable treatments and care, as well as offering new treatment options where none previously existed. What is the secret to other countries' keeping costs down? One is refusing to approve or cover new life saving drugs and medical devices.

In 2007, the United States had 25.9 MRI machines per million people. Canada had 6.7 MRIs per million people and the United Kingdom had 8.2 per million people. In 2007, the United States had 34.3 CT machines per million people. The same year, Canada had 12.7 machines and the United Kingdom had 7.6 machines per million people.

It took France 5 years to approve the endoscopy pill camera and 10 years to approve implantable defibrillators. Japan is well known for refusing to pay for the latest technologies because of budgetary constraints and has yet to approve, for example, prosthetic titanium ribs and imaging masks for head surgery that have been approved in the United States for the past 6 years.

In my home State of Nevada, robotics surgery has become an exciting new frontier. Across Nevada, six hospitals are now equipped with the da Vinci Surgical System which allows patients access to cutting-edge minimally, invasive surgery. In all of Canada, the entire country, there are nine such machines. The United States has 968 machines. Wouldn't you prefer a system that thrives on innovation in medical technology? Where you have access to the most cutting-edge technology that can better diagnose and treat you?

Even with this clear discrepancy in technology investment, Democrats have argued that the United States spends more money than any other country on health care and gets worse results. The implication is that we should look to other countries for guidance on how to run our own system better. But if we look, for example, at cancer survival rates, we see that the United States gets better results than other countries that have experimented with broader government control of health care.

International studies have found Americans have far better access to new cancer drugs than do patients in Europe and the United Kingdom. The United States also has higher rates of cost-effective prevention measures that can detect certain cancers early

when they are cheaper, easier, and more effective to treat. As a result of this superior prevention and treatment, the United States has higher cancer survival rates.

Madam President, I would like to show another chart. This chart shows the European cancer survival rates for the major cancers in comparison to the United States. The United States data is in gold; the European Union data is in red. This chart shows 5-year survival rates. This part of the chart shows kidney cancer survival rates. We have significantly higher survival rates in the United States for colorectal cancer, breast cancer, cervical cancer, breast cancer, and skin cancer. You name it, across the board we have better survival rates because we don't ration care, we don't delay care, and we have access to better technology in the United States.

Madam President, I would like to be a little more specific when it comes to these facts and figures. A study published in *The Lancet Oncology* found that when comparing 5-year cancer survival rates, the United States had better outcomes than European countries. Among men, nearly two in three American cancer patients survived for at least 5 years, while fewer than half of Europeans did. Among women, 63 percent survived for 5 years in the United States, versus 56 percent in Europe. According to the study, survival rates for breast cancer were 11 percentage points higher in the United States than in Europe. Prostate cancer is even more alarming, with a 99 percent 5-year survival rate in the United States versus 78 percent in Europe. Colorectal cancer rates were 10 percentage points higher in our country than in Europe. And, survival rates for kidney cancer, cervical cancer, and melanoma were higher in the United States than in Europe.

Madam President, I think this body should take a look at what it would mean for quality of care and access to medical care in the United States if we were to adopt a government-run health care system. Many of us on this side of the aisle are opposed to government-run health care systems. We don't want these type of survival rates that are common in the European Union. We don't want people from Canada coming here and not having a place to go to obtain medical treatment. As a matter of fact, if the United States ends up going to a government-run healthcare system, where will Americans go for high-quality care when they need it most? All Americans should think about that as this bill is being considered on the floor of the Senate.

We should be very careful that reforms to our health system do not lead to reduced preventive care and poor access to lifesaving drugs. These reforms have led to lower rates of survival in places with greater government control over health systems.

These reforms have also proven unsustainable in other countries. The British National Health Service trust is issuing a report that says it will face the most severe and sustained financial shortfall in its history after 2011. In fact, the NHS trust is asking staff to work a day for free, take unpaid leave, and carry forward their vacations in order to save money. Germany's new proposal to reform the health care system met with thousands of protesters because it faces a massive budget shortfall due to rising costs. What are they looking at doing? Introduce fees, raise taxes, and do away with private plans to bring people with those plans into the public system. Sound familiar? France, too, has a gaping hole in its health care budget. France is looking at cutting subsidies in order to stop the problem. Japan faces one of the most difficult problems because of its rapidly aging population. It too has budget problems and has to find a way to offset a 5-percent increase in next year's health care budget despite all of its massive price controls on doctor, medical device, and drug prices. Is this the future of U.S. health care?

These are not health care systems that we should want to copy. Contrary to the opinion of some, the United States provides among the best care in the world for patients. The World Health Organization identifies the United States as 37th in the world, but these ratings are faulty. The United Nations World Health Organization uses subjective criteria such as "fairness" to rate many countries. "Fairness" means that any out-of-pocket expense by a patient is regressive and therefore penalizes poor people more. So, in the view of the United Nations, the United States is 54th in terms of their view of fairness. Consequently, according to the WHO ratings, countries like Colombia, Cuba, Micronesia, Mozambique, Saudi Arabia, Samoa, and Uruguay are "fairer" and therefore better than the United States. Something is wrong with that rating.

In contrast, the United States is No. 1 in responsiveness to patient care according to WHO. So, if you are sick and want the best care, even the United Nations agrees that the United States is the place to be treated.

Michael Moore's movie "SICKO" advertised how great Cuban health care is, but he apparently did not see the system used by the 11 million ordinary Cubans where patients "have to bring their own food, soap, sheets" with them to the hospital.

Some of my colleagues ask, if the United States is No. 1 in responsiveness according to WHO, then why is there lower life expectancy compared to other developed countries? Simple. Because the numbers are wrong. Life expectancy in the United States has been rising as it has been in most of the developed world. All of the life expectancy statistics include accidental and

even intentional deaths that clearly have no relation to the merit of our health care system.

For example, if you remove car accidents and homicides, both of which are higher in the United States for reasons unrelated to the effectiveness of health care, then the actual U.S. life expectancy is higher. Some economists rank the United States near the top of world rankings when that point is factored in. Moreover, the history of exceptionally heavy smoking in the United States and the recent increase in obesity means that diseases and shortened life expectancies related to these factors have little to do with the effectiveness of our health care system. That is why my approach to health care reform includes creating incentives for people to make healthier choices. We need to get to the root of health problems, not chase phantom foreign statistics.

Another example is high infant mortality. The United States has a higher level than other countries in part because of the higher number of low weight babies from teenage pregnancies. That social problem is not related to how effective our health care system is. In fact, a low birth weight baby in the United States has a better chance of survival than in Canada, but we have three times the quantity of low weight babies as Canada does.

The bottom line is that the United States has the best doctors, nurses, medical and nursing schools, medical research, medicine, hospitals, medical devices, innovative companies, and health care in the world. It is like that because we demand it.

Every night on the news for the past month or so, there are stories about the lines for the H1N1 vaccine. The vaccine supply has been slowly trickling out, and Americans are not accustomed to waiting for their care. They are frustrated about these lines and the priority groups that have denied some of them the vaccine. Welcome to government-run health care.

What Canada and Great Britain and other countries do with their health care systems is their business. They have determined that they want the government at the center of their health care system. The government decides what treatments patients can have, how long they have to wait, and how much is invested in technology. Here in the United States, that is the last kind of system we need. Instead, we need to move to a patient-centered system. We want to continue to empower patients to make decisions about their own treatment, to be consumers in the process, and to have access to the care they need.

The United States is home to some of the greatest medical advancements in the world. Turning away from that system at a time of great medical promise is not the direction we should be heading.

For generations, American researchers, scientists, physicians, and patients have worked together to push the envelope on the best tools for diagnosis and treatment. We have invested in finding cures and vaccines for illnesses. We could be on the cusp of cures for cancer, Alzheimer's disease, Parkinson's disease. The list goes on and on. But what happens when we become a one-size-fits-all, government-centered, bureaucracy-run health care system? We become like Canada and Great Britain, where wait times are unacceptable, where care is rationed, where technology and innovation are not a priority, where the doctor-patient relationship is devalued, and where patients have lost their say in their own care. So, it is not surprising that when people in other countries want the best, they come here.

Madam President, let's not put Americans in a position where they may have to wait weeks and even months for medical care. Let's not put Americans in a position where they can't access the latest medical technology or the best prescription drugs. And, let's not have government bureaucrats stand in the way of medical care. This is about patients. This is about creating a patient-centered healthcare system. The bill before us is not the answer.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ENSIGN. I thank the other side for their indulgence and I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized. As a result of the previous agreed-upon conditions, 3 minutes will be added to the Senator's time.

Mr. FRANKEN. Madam President, I actually was kind of feeling bad because I thought I was going to be changing the subject, when Senator DURBIN said I would be the next Democrat to speak. Because our good colleague from Nevada brought up an amendment on medical malpractice liability and the Senator from Illinois responded to it and I thought the Senator from Nevada was going to respond to his response with some factual information or something, he completely changed the subject. So he went from the Canadian system to rationing, and he will include his entire statement, which included this: We don't ration care here in the United States, we let—meaning the government—we let the private sector do that.

They do a great job of rationing care in the private sector. That is where we ration care in this country. They ration it by cutting off your insurance when you get sick. They ration care by not giving you insurance if you have a preexisting condition.

I wish to speak about an amendment I have—that is why I was going to change the subject—but let me talk a

little bit about tort reform, liability insurance. Senator DURBIN mentioned Atul Gawande. He wrote that article in the New Yorker. Senator ENSIGN talked about how great the tort reform was in Texas. McAllen, TX, has the most expensive health care in the country. What kind of progress is that? They have the most draconian medical liability reform. In Minnesota, we don't have anything such as that. We do it for a third of the cost that they do it for in Texas and with better outcomes.

The reason I actually asked for time today is to express my support for Senator LINCOLN's amendment to limit the tax benefits that health insurance CEOs receive—not limit their salaries, limit the tax benefits. This does not limit their compensation, as was claimed by the Senator from Nevada.

Most Americans would agree that the government, though, shouldn't be giving tax breaks to insurance companies for lining the pockets of their CEOs at the expense of working families who are forced to pay more and more as their premiums spiral out of control. The savings from removing this tax deduction in Senator LINCOLN's amendment will go directly to our seniors as a direct deposit into the Medicare trust fund. This amendment is immensely important because it reinforces one of our primary goals with this bill, which is to rein in the cost of health care. One of the key ways we can control costs is by holding insurance companies accountable.

I am pleased to be working with Senator LINCOLN on another effort to make our health care system focused on patients, not profits. Yesterday, Senator LINCOLN joined me, Senator ROCKEFELLER, and others in introducing an amendment to require that at least 90 percent of your premium dollars go toward actual health services. We do that in Minnesota. We do that in Minnesota—91 cents, actually.

I urge my colleagues to support both our amendments to ensure we get the highest possible value for our premium dollars because nobody can contest the fact that for-profit health insurance companies have been making obscene amounts of money, while Americans watch their premiums skyrocket. From 2000 to 2007, insurance company profits rose 428 percent—in 8 years. During that same time, we saw more than 6 million more Americans become uninsured. During that same period, American families saw their premiums almost double.

So nobody can stand on this floor and argue that American families aren't suffering. No one can dispute what I hear from Minnesotans every day, that in this economic downturn, one of the greatest fears families have is: What happens if I get sick? What happens if my spouse or my child gets sick? We are hardly holding on now. We are just

one illness away from losing everything. That is what I hear. That is what I hear from Minnesota families, and this is a State that has less-expensive, higher quality health care than the rest of the country. If Minnesotans are struggling, we know we have a crisis on our hands.

That is why I am working to make sure this bill does everything it can to bring down costs, improve quality, and hold private insurance companies accountable.

The current reality is, most of us don't know where our health insurance premiums go. It is difficult enough to understand a billing statement from your health insurer, much less track where your money is spent. Well, we are going to change that. We are going to change that with transparent reporting of how health insurance companies are spending your money. That is in this bill. Clear reporting, written in plain English will help us hold them accountable for every dollar we spend on health insurance. But reporting isn't enough because, right now, some of the health insurance plans being marketed and sold in this country are nothing short of a rip-off.

A recent report in *BusinessWeek* magazine described a policy being sold in Florida to college students in which only 10 percent of the premium went toward actual health services. Again, only 10 cents out of every dollar goes to health care in this plan. The rest goes to marketing, wasteful administrative costs, and, of course, profits. And this is legal. It has been legal. It was legal when the Republicans had the White House and controlled this Congress. We are going to make it illegal.

I don't think this is what we want for our children—insurance companies pocketing millions of dollars at the expense of our physical and economic health. Is that the kind of country we want to be? I believe we can all agree this health care reform bill must guarantee that Americans get value for the premiums we pay.

I implore my colleagues to support these efforts because health insurance should be about providing the best possible health care, not about marketing, wasteful administrative costs, CEO pay, and profits.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, how much time is available?

The ACTING PRESIDENT pro tempore. There is 4½ minutes remaining.

Mr. LAUTENBERG. I ask unanimous consent to be able to speak for up to 10 minutes. It will be less, I promise. I think we had a little miscue in our timing. Is there any objection to that?

The ACTING PRESIDENT pro tempore. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, reserving the right to object, would it be possible for the Senator from Arizona to do a 5-minute speech and then the Senator from New Jersey do his speech?

Mr. LAUTENBERG. All right. If we can be assured that the Senator who speaks will not take more than 5 minutes, I will consent to that. That includes a unanimous-consent agreement for me to have up to 10 minutes. I also see our colleague from Michigan, and I don't know whether that would disturb her.

Mr. ENZI. I am willing to let her go as well, and we will make up the time on our side after that.

Ms. STABENOW. May I ask my friend a question. Do I understand it would be the Senator from New Jersey and then the Senator from Arizona and then myself?

Mr. ENZI. The Senator from Arizona, the Senator from New Jersey, and then the Senator from Michigan.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I thank my colleagues for their courtesies. I am sure the Chair will cut me off at 5 minutes.

I wish to respond to some comments made earlier relative to the amendment of the Senator from Nevada on capping attorney's fees. We have an amendment we will vote on tomorrow that caps executive compensation, effectively, and the response to that from Senator ENSIGN was, if we are going to do that, let's cap the attorney's fees because we can accomplish something by doing that in medical malpractice cases. We can make sure the people who were injured get more of the money coming from these awards, with less going to the attorneys.

I think this would be a very salutary situation. This contingent fee system can really result in some abuses. I will cite some statistics from the Jury Verdict Research in a study done in 2005: Fifty-two percent of all awards in medical liability lawsuits exceed \$1 million. Think about that. Over half of the awards in these malpractice cases exceed \$1 million. The average award now weighs in at \$4.7 million. That is a lot of money. Obviously, juries have felt that is what the victims in these cases needed in order to be properly compensated.

The Ensign amendment would limit the amount of contingency fees in these kinds of lawsuits to no more than a third of the first \$150,000 recovered and a quarter of any recovery in excess of \$150,000. For example, an attorney representing a client in this average case, with a \$4.7 million verdict, would still receive \$1,187,500 for his or her services under the Ensign amendment. That is not a bad deal with a \$4.7 million verdict. The attorney gets \$1.1 mil-

lion-plus and the injured party, the plaintiff, gets the remainder. I ask my colleagues, in that situation, isn't \$1.1 million-plus enough compensation?

We are limiting the compensation for an entire year for an executive of an insurance company to \$400,000 as the amount that would be deductible to the company as a usual and ordinary business expense. Here, a lawyer has just one case, and you can have many cases in a year. He would be limited, in this particular situation, to \$1.1 million.

A lot of folks have been asked to sacrifice under this legislation—hospitals, doctors, and States, by accepting more Medicaid patients under their program; seniors would face sacrifices because of the \$500 billion cuts in Medicare; individuals would see their premiums rise; and small businesses would get hit. The one constituency that hasn't been asked to sacrifice anything is the trial lawyers. I don't think it is much of a sacrifice to say, when you get this kind of award—a \$4 million award—for your client, your fees should not exceed a little bit over \$1 million.

Even Howard Dean stated:

Tort reform is not in the [health care] bill because the people who wrote it did not want to take on the trial lawyers. And that is the plain and simple truth.

We know that to be the case. Surely, it wouldn't be too much to ask our trial lawyer friends to limit just a little bit the contingency fees they make in these cases.

There is a study that was recently conducted by the Institute for Legal Reform that found that medical liability lawsuits are being driven by the plaintiffs' bar. It cites all the advertising costs and the increase in the amount of advertising they are doing. That is where a lot of this money is going—to advertise for these lawsuits. Additionally, it showed that spending for these ads has increased dramatically in the last few years.

The threat of these "jackpot justice" suits against doctors is one of the reasons health insurance premiums are rising faster than the rate of inflation. In fact, a PricewaterhouseCoopers study concluded that approximately 10 percent of the costs of health insurance premiums are attributed to the cost of litigation and defensive medicine.

An even bigger health care cost related to the threat of frivolous lawsuits is the practice of defensive medicine. A 2005 survey in the *Journal of the American Medical Association* found that 93 percent of physicians reported practicing defensive medicine, costing the health care system \$200 billion annually.

We clearly need to reform the tort system, and not in the form of some sense of the Senate but in the way of something real. It seems to me the Ensign amendment begins that process by saying: Let's at least allow the injured plaintiffs in these cases to keep more

of the award granted to them and have less of that go to the lawyers who bring the cases. Surely, it is an adequate incentive that they receive about \$1 million out of a \$4 million lawsuit.

I thank my colleagues from New Jersey and Michigan for allowing me to speak first.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I rise to speak in support of the amendment proposed by Senator LINCOLN from Arkansas. I thank her for an excellent idea.

At the outset, before I came to the Senate, I was a founder and CEO of a major New York Stock Exchange company—a company now employing over 40,000 people. I say that because I do understand how business works. I know we have to pay executives to encourage their full capacity. But the money being paid to top health insurance executives is simply outrageous.

Most of these companies where these executives work get subsidies from the Federal Government through payments to Medicare Advantage and Medicare Part D. Our tax dollars then wind up stuffing the pockets of insurance company executives.

Remember, these companies are obliged to provide health care funding when people are ill or need counseling to improve their health and their longevity.

The average compensation package for the top five insurance chief executives between 2006 and 2008 was almost \$15 million a year.

I think their services in these companies more closely resemble a fire department or an emergency response organization than a traditional product producer or a Wall Street firm. These companies are not selling lawnmowers. They have a different obligation, to provide a guarantee to help people maintain better health, which is essential for individuals and should be great for our country. Our country will save money by reducing overhead and improving programs that will fight to help people live better and longer.

As their executives make millions of dollars every year, their customers are getting messages such as this: Sorry, this operation or that operation is not covered by your policy, or, we don't pay for that kind of medication.

Here is an example that really lays it out perfectly.

There is a company called UnitedHealthcare. It is a major health insurance company. After that company engaged in the practice of backdating hundreds of millions of dollars in stock options—and that was done to get an even better price than the shielded gain they get—after backdating hundreds of millions of dollars of stock options, their CEO, William McGuire, was forced to quit for his

questionable performance. Despite this scandal, United gave Mr. McGuire a golden parachute of more than \$1 billion. Where did that money come from? It came from the pockets of senior citizens and from the people who had programs that were covered by this company—\$1 billion for an outgoing CEO who engaged in misconduct, while hard-working, everyday Americans get turned down for needed and critical medical procedures. There was a disease in that boardroom when they permitted those inexplicable decisions.

While health insurance executives have been gouging working families, they are gorging themselves with their outrageous pay, corporate jets, and other perks. A cancer victim may not get critical chemotherapy. A family may not be able to cover the ravages of a child with diabetes. But health insurance company executives draw down millions of dollars. It doesn't add up.

This amendment will not tell insurance companies what they can pay their executives. They can pay them whatever they choose to. But only \$400,000 annually can be treated as an expense. That is what the President of the United States makes. The rest of it will be taxed, with those funds going to make Medicare more solvent. Again, the Lincoln amendment wisely uses that new tax revenue generated by this measure to further shore up Medicare.

An observation I wish to make is that I have listened to the debate over a long period of time—not just in recent weeks but long before that—about getting health care improved for the people across our country, the over 40 million people who cannot go to a doctor but who will go to an emergency room, draw a ticket as if they are waiting for a table in a restaurant, and hope they get seen before some critical disease gets worse. What we hear is objection after objection. They like the status quo. They have their friends in the industry. Look at the advertising budgets we see and the percentage of commercials paid for by those who are opposed as contrasted with those who desperately need the insurance.

We are seeing now, for instance, that one element of our reform program is the government plan, the plan that makes the industry more competitive, the public option. We hear all kinds of reasons why that cannot be.

What is the ultimate conclusion? It is that this lush field these insurance companies plow day after day, year after year, should be held intact. It is the wrong way to go. I say to them: Stand up, say you don't want 40 million people, or somewhere near that number, to get health care coverage. Say they don't deserve it because they may not be able to afford it. Say you don't deserve it, you don't have the money to pay for it. Who do you think you are, citizens of this country.

People who are here, who have worked, in many instances, who have

lost jobs in this recession, are being told—they don't use the language but the message is clear—you don't deserve it. But they want the insurance company executives to be treated particularly well.

We need clarification of the thinking of the Republicans—and I have a lot of good friends over there, and I know there are a lot of good thinking people. But when the Senator from South Carolina said publicly that if we can bring down this health care plan, we will present a Waterloo for President Obama, what they are seeking is a political victory. They are not seeking to help people who are desperate.

More people are worried about the loss of their health insurance than they are about their jobs because a job of some sort often can be available. But if you lose your health care, if you have a condition that the insurance company is not going to cover, you are in deep trouble.

I plead with my colleagues and I plead with the people across our country who may hear our voices to protest this assault against logic, this assault against those who need help, those who understand that government can be better.

I was a young boy when I enlisted in the Army, 18. My father was sick with cancer. He was 42 years old when he was diagnosed with cancer. He was a healthy man. He used to work out at the Y and take care of himself, but cancer overtook him and after 13 months of illness—a painful illness because they did not have the materials in those days to reduce the pain victims felt—he died, leaving a 37-year-old widow, my mother, who not only was grief-stricken but flat broke, no money. She owed pharmacists. She owed doctors. She owed hospitals.

I learned then that if you cannot turn to government in the United States, you are in bad shape. We have the means to do it, and we must do it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Ms. STABENOW. Mr. President, I want to specifically respond to the Senator from Nevada who was talking about the Canadian health care system a little earlier. I appreciate the information, the education. Of course, it has nothing to do with this debate, but it was nice to hear. We now understand a little bit more about the Canadian health care system.

The great news for us is that what we are designing is a uniquely American health care system. I want to walk through the elements.

About 60 percent of the folks of the great State of Michigan get their health insurance through their employer. That will continue. We are told that either their premiums will stay the same or go down, according to the Congressional Budget Office. And we

believe many of the efforts in this bill will actually bring costs down.

One of the reasons that costs will come down is those of us with insurance will no longer be paying through the back door for people who use the emergency room who are sicker than they otherwise would be. They use the emergency room and then the costs are shifted on to people with insurance. We know there is about a \$1,100 hidden tax we each pay on our premiums to pay for people right now who do not have insurance and use the emergency room inappropriately. Those with insurance now will not see their insurance change in terms of how they relate to their employer and their insurance company, but they will see costs go down because others will actually have insurance and not be using emergency rooms inappropriately.

We also put in place protections for consumers, basically those, as the Senator from Minnesota was talking about, who have a preexisting condition and cannot find insurance now. Or somebody who has insurance. I don't know how many times I have heard from constituents of mine who have paid all their life and said, I don't have a problem, I have insurance, and then somebody gets sick and somebody gets dropped. They get dropped from their insurance because the insurance company does not want to pay for it.

People with insurance now will keep the system they have but will benefit from consumer protections and from gradually seeing costs come down because we are not paying for people who are using other health care services inappropriately.

We have about 80, 85 percent of the public right now who are covered with insurance, either through their employer or through Medicare, the great American success story we have been talking about, or through Medicaid, the VA, and so on. For the 15 to 20 percent of the public we are trying to provide options for affordable insurance, those are mainly people working. A vast majority of the people we are talking about work for a small business, they work part time, they work two part-time jobs, they work three part-time jobs.

I have been hearing from small businesses for years: We wish we had the same clout as big business. We wish we could pool all the small businesses and the individuals, that entrepreneur working out of their garage, that realtor who does not have a pool. Pool us and give us the same clout as big business.

That is what we are doing in this bill. Versions of this have been proposed by the distinguished Senator from Wyoming. I know back during the Clinton years during the debate, Senator Bob Dole proposed something similar. This has been a Democratic idea and a Republican idea for years.

We are calling this an insurance exchange where basically if somebody right now cannot find affordable insurance by going out by themselves in the individual market, they are going to be able to go to a place where companies will bid on the large pool of everybody who does not have affordable insurance now. Just like what we do for the Federal Government, like our insurance plan, our Federal employee insurance plan, which is an insurance exchange, someone will be able to go to a Web site or be able to get information and be able to find out about the private insurance companies that want to offer insurance to them through this insurance pool.

One of the things we are debating is whether there should be a public insurance choice for people. I believe there should be. I believe that in order to provide competition for the for-profit companies, we should have that. But the exchange is set up basically for small businesses and individuals to purchase—and we are told that people will see cheaper rates being able to do that. And to be sure they are able to do that, we are including tax cuts, refundable tax credits for individuals, for small businesses that cannot afford insurance today, to help them afford insurance. That is what the exchange is about. That will affect 15 to 20 percent of the public who do not have insurance today.

We also have in the bill another option where a State could choose to take the tax credits available to people in the exchange and could decide to pool those and do a basic health insurance plan and negotiate with an insurance company to get a better deal for people in their State.

We also have something I wish had been in place a couple of years ago for my own children, and that is, we are going to say to young people that you can stay on your parents' insurance until your 27th birthday. We also have a policy that is more geared to young people within the exchange that will be less cost to them.

Can you imagine all of the young people today, college or not, who come out, get the first job, like my children, no health insurance, who will benefit by saying you can stay on your parents' insurance until your 27th birthday? That is in this bill, and it is very important. Also basically make Medicaid for low-income individuals a safety net so that anyone below 133 percent of poverty can qualify. What that says is—and this is very important to people in my State where we have the highest unemployment rate in the country—if you lose your job, you are not going to lose your insurance. It is a very important right for Americans.

We are improving the Medicare system. We have certainly talked about that for a long time on the floor. A lot of time has been spent on the Medicare

Program. We are cutting out overpayments to insurance companies, the for-profit companies right now that are being paid more than they should be and putting that back into the Medicare system to make it stronger for the future, to help pay for prescription drugs and to create more preventive care for seniors.

Then another very important piece I was very proud to coauthor with Senator KERRY relates to early retirees. We have a lot of folks who are retiring early not by choice. They are being told they are going to have to retire early at age 55 or age 58 or 59. They may or may not have insurance. If they do, they are a higher cost for their employer, and if they do not, it is extremely difficult to find affordable insurance for somebody more likely to be using health care at that point.

We have a provision where the Federal Government will partner with a business, with an insurance plan to make sure the costs are lower for the early retiree. It is called reinsurance. But for higher cost procedures or episodes, the Federal Government will come in above a certain level and cover the costs. It is a partnership between the private sector and the Federal Government to make sure early retirees, who are already being hit with a thousand different challenges as a result of early retirement, can afford insurance.

This is a snapshot of what we are doing. Again, the vast majority of people are in private employer-based insurance today. That will not change, other than this will over time bring their costs down and it will give them new protections because if something happens—and it is happening every single day where an employer has to decide, Do I pay the 30 percent increase in premiums or do I keep people employed? If people find themselves in a situation where their employer drops insurance or drops employees as a result of costs, they have another option. They have someplace to go where they cannot today. They can go into the insurance exchange. They can get tax cuts that will help them purchase more affordable insurance from a large group pool as a big business does.

Let me say that bottom line for all of this for us, despite everything that is being said, is that this is about saving lives, it is about saving money, and it is about saving Medicare. Every year we are losing 45,000 Americans who are dying prematurely because they cannot find health insurance and cannot get the health care they need. We have a variety of ways in this bill in which we are saving dollars. We have analysis from the Congressional Budget Office and Joint Tax showing that. And finally, we are saving Medicare for the future.

The ACTING PRESIDENT pro tempore. The Senator has spoken for 10 minutes.



Ms. STABENOW. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. ENZI. Mr. President, I have found this afternoon to be very interesting. We have actually two debates going on at the same time, and sometimes they do not seem very related, but they are.

One of the amendments we are debating is the one authored by the Senator from Arkansas, and it limits the deductible compensation for insurance executives to \$400,000. Then we have the Ensign amendment which suggests that we should do the same for lawyers bringing junk lawsuits, although it doesn't go quite as far or is not quite as unreasonable in that it only limits it as a portion of the lawsuit.

Of course, one of the reasons being given on the Senate floor for supporting the amendment of the Senator from Arkansas is that Republicans are funded by insurance companies. Well, I have to object to that kind of wording. We could make a lot of insinuations about who junk lawsuits are being supported by and where the money from those folks goes. The Democrats say: Well, the evidence is that the insurance companies are putting so much money into defeating this piece of legislation. Well, I found out the pharmaceutical industry is now so firmly in the President's camp that it is developing plans to spend \$150 million promoting the plan on TV. That certainly makes me kind of curious as to why the Arkansas Senator did not include executives of pharmacy companies in her piece of legislation.

Mr. President, I don't begrudge anybody anything that they make, but I do find it interesting that the CEO of Abbott Laboratories makes \$28 million, the Allergan CEO makes \$14 million, the CEO of Bristol-Myers Squibb makes \$23 million, the CEO of Eli Lilly makes \$12 million, the CEO of Johnson and Johnson makes \$29 million—the Senator from New Jersey was mentioning these things, so I checked—and the CEO of Merck, which is New Jersey based, makes \$25 million; the CEO of Pfizer, \$15 million; Schering-Plough, \$18 million; Valeant Pharmaceuticals, their CEO makes \$20 million; and Wyeth Pharmaceuticals' CEO makes \$25 million.

Why would we want to leave these people out of the same formula? Is it because they are taking the side of passing the bill as opposed to the side of opposing the bill and informing the people? We ought not to be about that sort of thing.

Mr. President, I ask unanimous consent to have printed in the RECORD an article from CBS News titled, "White House & Big Pharma: What's the Deal?"

There being no objection, the material was ordered to be printed in the RECORD, as follows:

# WHITE HOUSE & BIG PHARMA: WHAT'S THE DEAL?

(By Sharyl Attkisson)

While much of the health care debate has been carried out publicly, some very private negotiations have gone on too—between the White House and the pharmaceutical industry. So private, neither side will release all the details, yet they potentially involve millions of Americans, reports CBS News correspondent Sharyl Attkisson.

Sources say negotiations involving the White House and the pharmaceutical industry shifted to fast-forward in mid-June. President Obama had just taken a serious hit on the escalating cost of his health care plan and needed a shot in the arm. Days later, he got it with the full backing of the pharmaceutical industry and its promise to save Americans \$80 billion in health care costs.

"This is just part of the legislative process—working with industry, part of getting this done," said Nancy-Ann Deparle, director of the White House Office of Health Reform. "And the great thing is the pharmaceutical industry and others in the health care sector are supporting reform this time."

But what did the pharmaceutical industry get in return? Initial reports said the White House agreed not to seek price controls on drugs for seniors on Medicare and would not support importing cheaper drugs from Canada. Both the White House and the pharmaceutical industry now dispute that.

But news of a backroom deal riled even some fellow Democrats, including a key committee chairman Henry Waxman.

"We're not bound by that agreement," Waxman said. "We weren't part of it and we feel strongly that the drug companies shouldn't get off with a windfall at the expense of our seniors."

Whatever the case, the pharmaceutical industry is now so firmly in the president's camp, it's developing plans to spend up to \$150 million dollars promoting it with TV ads.

"The president and Congress have a plan," reads one ad.

Consumer watchdog Dr. Sidney Wolfe says there's reason for the public to be skeptical.

"We'll give you this, you'll give us this," Wolfe says. "All sort of off the record, not really incorporated in any kind of legislation and I believe in the long run a very bad deal for the American public even if it's a good deal for the drug industry."

The president may have won crucial support from the pharmaceutical industry but the question is whether that could jeopardize support among Democrats and the public.

Mr. ENZI. Mr. President, I am sorry the Senator from Minnesota finished his presiding in the Chair. I will still address the question to him—I did not expect him to give me an answer at the moment anyway—because he said there was a 428-percent increase in profits for the insurance companies. I didn't quite get what the dates were, but he was talking percentages. As the accountant, I like to talk dollars. I would like to know what those dollars were from that first year to the final year because, for example, if a person makes \$1 in the first year and in the last year cited they make \$5.28, that is a 428-percent increase. If you start with the low number of zero, you can have an unlimited—or infinity—increase in whatever year you pick after that, if they even

make a penny. So percentages can give some bad numbers.

Also, the Senator from New Jersey was talking about administrative costs, and so was the Senator from Minnesota. I would like to get the figures from Minnesota to see how that is working—to have a limitation of 91 percent of all insurance money going to evidently pay claims—because I am not aware of the administrative costs being quite that low in almost any business. Again, as the accountant, I find that most people—and when I say most people, I would include my colleagues—think most businesses are pretty simple. But when I visit one of those businesses, and I learn a little about it, I find that when I scratch the surface, there is a lot going on that the average person out there couldn't handle.

Some of that shows up in the legislation that we do. For instance, Cash for Clunkers. That was supposed to be a 4-month program. We ran out of money in 4 days. That shows how much we knew about the car business.

So when we are talking about these different things, I got involved with some of these administrative costs when I was working on health plans. I did small business health plans, and that is something that has been rattling around here for about 12 years. It still is, and now it is 15 years. Now, how that works is that it allows small businesses, through their associations, to group together to form a big enough pool so that they can effectively lobby against insurance companies or negotiate with providers. They can make these associations across State lines, even make them nationwide if that will work better.

Presently, they have to do it within their own State. That is the law that we have set up. But I found an example of one in Ohio that is very successful. It works well. That is kind of how I modeled my small business health plan. When I did small business health plans, I was taking on the insurance companies. They were pretty upset that I was doing anything in that area, and they joined with some other people to keep me from getting cloture on the motion to proceed to the debate on that. So I know how tough health care is to move along.

But Ohio has that association within its State boundaries, and it works because they have a huge population. We have less than 500,000 people who live in Wyoming, and so if you break that down by associations, it would be small pools, and you don't get the actuarial value out of it that you would if you go to a big population. But in Ohio they can do it within the State, and in Ohio they did do it within the State. It brought down the cost of health insurance. It brought down the cost.

Now, not only that, the biggest savings was actually in administrative

costs. It costs a lot more to keep track of all of the claims and everything from a small business than it does from a big business. The bigger the pool, again, the more capable you are of handling unusual situations. But administrative costs came down from 37 percent to 12 percent, which is a 25 percent savings. Every business would like to have that. But that is how much it costs to administer small ones, so that is why they wanted to group together to form associations to form this bigger pool, which we haven't been able to do.

I would ask the Chair how much time I have remaining?

The PRESIDING OFFICER (Ms. LANDRIEU). There is 2 minutes 15 seconds remaining.

Mr. ENZI. I do want to make some quick comments about the junk lawsuits. We do have to do something about that. When I am talking about junk lawsuits, I am talking about a bunch of them being filed these days that are \$25,000, \$45,000, \$95,000, or whatever is less than what it would cost to defend that lawsuit because if it is less than what it would cost to do the lawsuit, the insurance company is going to say: Let's just pay them and we will be saving money. It is bad precedent and it leads to more junk lawsuits being filed.

It is interesting to note that both lawyers who are with the insurance companies and lawyers who are with the people who have been harmed don't want to have tort reform. That kind of surprised me. Then I thought: Well, they probably learned a lot of this in law school. In law school they probably are taught how important it is to somebody's retirement. Then I remembered the Old West and the story about how when one lawyer comes to town, he is broke. But if they can get two, they can both make a good living. It does take lawyers on both sides working these lawsuits, and it does amount to a lot of money.

So we do have to do something, particularly in the medical area, because we could save \$45 billion a year if we were to have something done about junk lawsuits, particularly with OB-GYNs. We are losing all of them in Wyoming, and it is because there is such a long tail on it. Somebody can sue for 18 years after they are born. So the OB-GYNs have to pay a lot longer insurance tail than that.

We had one dramatic case of a doctor attending a basketball game in Douglas. The reason he chose to announce his retirement is because he couldn't afford the insurance he had to pay. The reason he did is because he had birthed almost every kid on both teams. So the mothers there don't have OB-GYN help as a result of his retirement, simply because of what it cost him for insurance.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ENZI. I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Madam President, I come to the floor pretty often reading letters from people in my State who have had problems with their health insurance. What is interesting about these letters is that in almost every case, if you had asked these people—Mary from Madison County, Ann from Montgomery, Sheila from Richland County—a year or two years ago if they were satisfied or happy with their insurance, most of them would have said yes. But today they say something very different, maybe because a baby was born with a preexisting condition, so they can't get insurance now or maybe they got very sick and the insurance company took them off their plan, kicked them off their plan because they were costing too much or maybe they changed jobs and lost their insurance or maybe they got laid off.

The other thing I noticed—and as the Presiding Officer knows, from what happens in Louisiana and the letters you get from Baton Rouge and Shreveport and all over—is so many people who are 58 or 62 or 63 years old, and who don't have insurance, they just pray that they can make it until they are 65 because they know they have a good strong public plan at 65 that doesn't deny people with preexisting conditions. Medicare doesn't do that, of course. It is a plan that is predictable and they can stay with it and it will help them.

I want to share a handful of these letters, Madam President, and I will start with Mary from Madison County. Madison is just west of Columbus. And Mary writes:

For the past 26 years, I've worked hard and carried my own insurance. When I started a home-based business, I joined my husband's employer-based plan. But when he had an on the job injury and went on Social Security Disability in 2006, I had to find my own insurance. Guess what? I was turned down by almost every health insurance company because of a pre-existing condition—which was a heart attack I had in 2004. The only insurance I could buy was a short-term policy.

Mary says she then got sick and had \$40,000 in medical bills from a procedure, that she has wiped out her savings, and she says:

I'm still unable to buy a major medical policy. I am too young for Medicare and I make too much to qualify for Medicaid.

Mary is an example of someone who would absolutely be helped by this bill. She could go to the insurance exchange, choose a private company or choose a public option, and she could make a decision based on what her needs are whether she wants the private or the public. She would know that with the public option prices will be more stable and that the quality will be better because there will be more competition than there would be otherwise.

Here is a letter from Ann, from Montgomery County, the Dayton area. She writes:

Our insurance premiums have nearly tripled in the last six years—going from about \$560 per month to about \$1,500 per month. At the same time, none of our benefits have increased. Since we bought our policy, we have paid the insurance company \$68,000 for the insurance.

Then she writes as though she is writing in a magazine, and she says:

Anthem's total spending from my family's claims since we bought the insurance: \$4,064.24. Anthem's profit from my family: just under \$464,000. Anthem's CEO's total compensation last year alone: \$10 million.

Now, clearly, one of the biggest, strongest supporters of my friends on the other side of the aisle is the insurance industry. They are as supportive of the insurance industry as the industry is of them. Well, we do know that if we do insurance reform right—as I think we will—and the Presiding Officer from Louisiana has been in a lot of these meetings where we have discussed some of these changes that we want to make—insurance companies are not going to be able to deny coverage. When someone gets sick and submits their claims, they are going to get paid instead of having to fight over it. And we know if there is a public option, there will be more competition and that these CEO salaries are probably not going to be as high. The average salary for CEOs of the top 10 health insurance companies in the country is \$1 million. That kind of salary is probably not going to happen if we have the type of insurance reform we hope to have because they will not make the kind of money to do that.

The next letter is from Sheila from Richland County—Mansfield, my hometown—and Sheila writes:

I moved to Ohio five years ago to be with my grand-daughter. I've worked hard all my life, and now, I'm 60 years old still working and paying for my insurance. The other day I learned that my health insurance has doubled. I am alarmed because I'm wondering how long I will be able to pay for my benefits. I've talked to some other people my age and they are feeling the same way. I have always worked, never sat down, or expected hand-outs. But insurance companies are downright greedy. I do have a problem with seniors being gouged because of age and health issues.

I think that says it all.

Most of these people, as you can see, happen to be women. Women are much more likely to write us about these problems, often not just for themselves but often because they are taking care of their families. They are the major caregivers and they are the ones who navigate their way through these complicated policies to advocate for their families. These people who work hard and play by the rules—they do everything we ask of them as American citizens. We owe them a little better treatment than that.

This last one I will read is from Kelly, from Delaware County, north of Columbus.

I am a 39-year-old mother of two young sons. My husband and I decided it would be better for me to leave my job and stay at home and take care of our children.

But this also meant we would lose our health insurance through my employer.

She had the insurance in the family.

My husband works for a small business that does not provide benefits.

We ended up purchasing at what we thought was a reasonable price. But it tripled within a year.

In February 2008 I found out I was pregnant and I inquired about the maternity coverage we added despite the high cost.

I was shocked to learn there was a nine-month waiting period before the coverage took effect—and that the pregnancy and birth would not be covered because it's a pre-existing condition.

That is \$15,000 to \$20,000 that would not be covered. My husband and I talked about that if I needed critical medical care, could we end up bankrupt? Could we lose our home? [How about] our child's college fund?

That \$15,000 or \$20,000 obviously is without major complications.

By the grace of God my husband's company decided to offer health benefits and pregnancy was covered.

Then she writes, thinking of people other than herself—Kelly writes:

Please take up reform in a serious manner and consider among your reforms, a public option. Why can't insurance companies compete? What are they so afraid of?

Kelly gets it. She understands that a public option will mean that insurance companies will have to compete.

For instance, in southwest Ohio, the Cincinnati area, two insurance companies have 85 percent of the insurance business. You create a public option, it doesn't mean someone from Lebanon or Batavia or Cincinnati or Blue Ash or Evendale or Middletown or Hamilton has to take that public option. But it does mean, because of the existence of the public option, there will be more competition and the insurance company will behave better. You get better quality, lower prices, and you will not have these companies dropping coverage because of a preexisting condition.

Let me add one other thing. There was a Dow Jones story a couple of years ago entitled "Humana's Third Quarter Profits Up 65 Percent, Sees Strong Medicare Advantage Gains."

Let me excerpt from the first few paragraphs. Humana Inc.'s third-quarter earnings rose 65 percent amid improved margins in government—i.e., Medicare Advantage—segment. The company also gave an initial 2010 forecast in which the health insurance projects "substantial" Medicare Advantage membership growth, resulting in revenue of \$32 billion to \$34 billion—well above analysts' average estimate of 29 billion. Humana's forecast takes into account reductions in Medicare Advantage overpayments.

We were on this floor in the last few days, listening over and over to my friends on the other side of the aisle defend the insurance industry, saying if you do this the insurance industry is going to be in such trouble and they will have to cut benefits.

The insurance industry under our plan will get 20, 25, 30 million new customers because all these people without insurance are going to buy insurance. Of course we are putting some new rules on them. We don't want them to continue to deny care for pre-existing condition; we don't want them to continue discriminating against women, as the Presiding Officer knows. As a female, but as a good Senator, she understands that women are paying oftentimes way more than men for more or less identical coverage and more or less identical situations. The insurance companies will not be able to do that anymore. So they will have these new customers. We have some rules so they will not be able to keep gaming the system.

My friends on the other side of the aisle I hope would sort of back off the defense of the insurance industry because that is not what we are here for. We are here to help make this insurance system work better for all Americans. That is the reason for the public option. That is the reason for the insurance reforms. It will mean people will not be denied for a preexisting condition, it means people will not have to fight so hard when they submit their claims and have the insurance companies turn them down.

About a third of claims that people submit to the insurance industry are denied. That means on the initial round that people do not get reimbursed for their expenses. It also means people have to fight with their insurance companies, far too often, people in a situation where they should not have to do that, they are sick, caring for a loved one, whatever it is.

That is the reason this insurance reform is so important. I ask we move forward and pass this bill.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition? The Senator from Oklahoma is recognized.

Mr. COBURN. Madam President, I ask unanimous consent that myself and the Senator from North Carolina consume the next hour discussing the health care bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. COBURN. Madam President, we have been discussing health care in Washington for the past 8 months rather vigorously. Four years ago I started working on a bill with my colleagues in the Senate and we introduced a bill 2 years ago and modified it this year. It was introduced before the House bill, it was introduced before the Senate bill.

It was introduced before the bill we have on the floor at this time. It is called the Patients' Choice Act.

We have heard several times that the Republicans want to stop this. As a practicing physician, I fully recognize the need to significantly reform health care. There is no question. I recognize that. In that bill is a guaranteed issue—no preexisting conditions are allowed in exchanges under our bill. But I also recognize that as we fix health care, some of the things we cannot do are make our fiscal situation worse and also our inefficiencies worse.

Earlier today I referred to research put out and published in October of 2009, which is a white paper on the waste in our health care. This is Robert Kelly, vice president, Health Care Analytics, at Thomson Reuters, a highly esteemed, reputable firm which says that every year between \$600 and \$850 billion of money is wasted in health care. It is wasted. It doesn't help anybody get well and it doesn't prevent anybody from getting sick.

When you look at the breakdown of where that comes from, it is rather apparent that the largest component of it is unwarranted use. They break that down. What is that? That is me as a physician—I am a practicing physician, delivered thousands of babies, cared for thousands of grandmothers, granddads, kids, set bones, done operations—old-time, broad-based practice.

But what is this unwarranted use? Madam President, 40 percent of \$700 billion is \$280 billion a year. They are saying a total of \$700 billion, times 10 years in my math, at least from Oklahoma, is \$7 trillion.

We have not begun to touch in any of these other bills this unwarranted use, the fraud and abuse—19 percent—that comes to \$175 billion a year in fraud. Most of it is not in the private sector, it is in Medicare and Medicaid. That is where most of the fraud is. We have not begun to touch that, we have not attacked it. There is a minimal \$2 billion over 10 years of direct fraud elimination in the bill we have on the floor.

Administrative inefficiencies. That is the bureaucratic paperwork that both the hospitals and the doctors spend money on to make sure they maintain compliance with the regulation of medicine—17 percent. That 17 percent comes to somewhere between \$100 billion and \$150 billion a year that does not help one patient get well. It doesn't prevent one patient from getting sick.

In this unwarranted use happens to be the very thing that none of the bills attack, except our bill, which is the defensive medicine costs in this country. Why would it be important to fix that? Because it is close to \$200 billion a year. That is \$200 billion of tests that are ordered on patients, on procedures that are done on patients they do not need, because the doctors need to do it to prevent themselves being exposed to

unnecessary litigation. That is \$200 billion a year, that is \$2 trillion over 10 years. Yet we do not address it, not one iota in the bill we have on the floor.

Avoidable care—those are complications. Those are things that we cause. Iatrogenic, they are induced complications. We are not going to be able to do much with that. We could fix this—lack of care coordination with accountable care organizations—by incentivizing outcomes, by grouping in payment for how we pay. But we have not done any of that.

So here is Thomson Reuters that is showing if we want to drive down costs in our health care system, what do we have to do? We have to attack where the waste is. There is nary a gnat's rear end of reduction in these things in the bill that is before us.

The other thing I referred to earlier today was a report by the Congressional Research Service, which was issued December 1, this year, last week. What did they say? The question that was asked of them: What percentage of health care is run or funded by the Federal Government today—or the governments today? The number came back—I have been quoting 61 percent on my back-of-the-envelope calculation. The number came back, as affirmed by Congressional Research Service, that 60 percent of all health care in America is funded through or by your tax dollars funding through a government organization.

The question has to be asked: How well are we doing? Could there be any coordination or connection to the fact that the government is now running 60 percent of the health care, and health care inflation is twice what all the rest of the inflation is? Could there be any connection between the inefficiencies that are in health care and the fact that we have bureaucracies that have themselves in between patients and their providers? I think the answer to that is an astounding yes.

I visited with a cardiovascular surgeon, because I have made this statement on the floor and people have disputed it.

Find me a doctor who has trained in the last 30 years in this country, who spent part of his training at a VA medical center, and ask him or her the following question: If you or your family were sick and you had the choice of where you trained at a VA hospital or any other hospital you trained, would you go to the VA hospital or would you go to one of the private hospitals where you trained? One hundred percent will say no.

Our VA system has markedly improved. I will readily admit, in certain areas, they are better than anybody else, especially prosthetics, especially post-traumatic stress disorder. They are better. But on the vast majority of the issues, they are not. They are run by the government. Look at the Indian

Health Service. We have a profound legal treaty obligation to provide health care to Native Americans. Yet Indian health care is abysmal. That is a government-run program. Then look at Medicaid, which we are going to put millions of people in. What happens? In Medicaid, 40 percent of the doctors and 65 percent of the specialists will not see you. But we are going to say: We will give you coverage in a system where you have access to only 60 percent of the doctors. That is not choice. That is relegating you to a system that says you can't get care.

I have talked on this floor about pediatric subspecialties. Because of Medicaid, we have an absolute dearth of pediatric subspecialties because the payment mechanism is so low that nobody will spend the extra time in residency to become a pediatric subspecialist. Whether it is a cardiologist or gastroenterologist or pediatric neurologist, we can't find them. Nobody will go there. The rates for reimbursement are set so low. So physicians graduating from medical school make an economic decision based on the health and well-being of their family to not go into those areas because we have forced them.

What we know is, there are poorer health outcomes in Medicaid. That should not be surprising. Some of the best doctors are not available to Medicaid patients because we will not pay for their expertise. We also pay an extra \$1,800 per family, everybody in this country who has insurance, because of the underpayment of Medicare and Medicaid. Finally, with the large tranche of people under this bill who are going into the Medicaid Program, we are going to break the States, if they are not broken already. We are going to cover it for 4 years. For certain States, we will do a whole lot better than that; Louisiana and a few others for which we have made special exceptions. But we are basically going to transfer a load of fiscal responsibility, call it equal, and put that load on the taxpayers of the individual States.

As we look at health care, one of the things I wished to do was to talk about the problems but also talk about the bill we have before us and make this point. Are we better off with the government running health care or are we better off changing the system in such a way so the patient is put first, the government is put last, and the doctor is a 100-percent advocate for their patient? Which would be the better way? Knowing that we have \$7 to \$800 billion a year wasted, why would we not design a system that goes after that waste and create the same opportunity for everybody?

When you look at the Patients' Choice Act, which my colleague, Senator BURR, will talk about in a minute, there are some important things. First, let me tell what the CBO says about it.

The CBO says it will reduce future budget deficits, relative to protections under current law, by amounts that increase over time—the first 10 years, \$70 billion. But what it will do for the States is \$1 trillion in savings the first 10 years. It will lead to lower budget deficits. That is what the CBO said. It said it also would reduce spending on health care because it will be more efficient spending. Then, finally, the Federal contribution for Medicaid would grow at a lower rate, lower than health care inflation, which means it is going to save a ton of money for the States.

The bill we have before us creates 70 new government programs. It has 1,696 times that we will write bureaucratic rules and regulations that are going to cause the government to step between the patient and their caregiver. It is estimated, right now, to add somewhere around 20,000 new Federal employees—we are trying to get a handle on that—20,000 new Federal employees to tell you what you will and will not do in your health care. It is going to create at least \$5 to \$10 billion in new requirements for the Internal Revenue Service just to check on you. That is per year to check on you to make sure you are filling out the forms right. It will create a massive disruption in the insurance market.

Nobody who practices medicine today likes insurance companies. The very fact that we would have our colleagues claim we are defending the process is absurd. What we are defending is allowing the free market, with legitimate regulation, to allocate a scarce resource without putting the patient second. There is a big difference. I can tell you horror stories about insurance companies, but I can tell you worse stories about the Federal Government and the fact that it denies twice as many claims per 10,000 claims as all the other insurance companies.

So when we are talking about access to care, both of the bureaucracies are a nightmare. Yet this bill creates the mother of all bureaucracies, the mother of all new programs.

I will make one last point and yield the floor. We have been down here fixing things that are wrong. We fixed the Preventive Services Task Force. We said it doesn't apply to breast cancer screening. That is what we said. We voted for it. It doesn't apply. Are we going to pass that every time? We didn't get rid of it. We didn't get rid of the Medicare Advisory Commission. We didn't get rid of the Comparative Effectiveness Panel. Every time they make a bad decision, are we going to pass a law and say: You were wrong or are we going to trust the professionals, the professional societies that guide my practice of medicine today or are we going to have a bureaucrat and a bureaucratic system that says what you will get and what you won't? Under the bill we have, you are going to have

that. We have taken the hot potato off the floor in terms of breast cancer, in terms of what they said. We said it doesn't apply. We passed something for women's health which I applaud. But what about men's health? What about children, what about prostate screening for men? What about colon screening for men? What about cardiovascular screening for men? We didn't do a thing. Why didn't we? Because we know a larger percentage of the emotional attraction has to do with those things associated with women. So we pounded our chests and passed the Mikulski amendment for preventative care for women, and we ignored the preventative requirements of everybody else. How does that fit with what we should be doing?

It doesn't connect. It is political. It makes good news. It satisfies vocal interest groups. But does it fix the long-term problem?

I yield to my fellow Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Madam President, this debate to date has not been about health care reform. It has been about coverage expansion. We are learning how expensive it is not to do reform. In fact, incorporated in this bill, just short of \$900 billion, we are required to offset 100 percent of it because you don't receive savings unless you reform.

When Dr. COBURN and I started work over 3½ years ago to try to figure out how you change the health care system to the most efficient, yet maintaining the same quality of care and innovation and breakthrough, we went on a search. We went to States to look at creative things that States had done. I daresay everybody trumpeted the reforms in Massachusetts. What we learned very early on was Massachusetts didn't have any reforms. They did coverage expansion. Where they used to pay for it out of the right pocket, now they paid for it out of the left pocket. They promised that coverage would be extensive and include everyone.

Where are we today, just a few years later? The companies they said they would never send bills to, they are sending an additional surcharge to the Massachusetts people, and they said everybody would be covered. This year they are throwing people off the Massachusetts plan because they don't have enough money to cover them.

Real health care reform means we are going to make sure every American has the resources to be covered or to be able to pay out of pocket because the real boogeyman of health care today is the cost shift. It is cost that is incurred when a service is delivered to you that the person or the institution delivering the service isn't reimbursed for. If they receive no payment for the

service they provide, then they have to shift the cost of delivery of that service over to somebody else. The somebody else is people who privately pay. They either pay out of their pocket or they walk in with insurance, and the cost of those services is shifted to everybody who falls into that category.

Up until this debate, most Americans had thought cost shift was only generated by people who had no insurance. What we have learned in this debate is it doesn't stop there, that the cost shift is also initiated from somebody who is underinsured, meaning they haven't got enough insurance to take care of the services they need. But it doesn't stop there. For every beneficiary that Medicaid covers, we reimburse at an average rate of 72 cents of every dollar of service provided, meaning for the millions of Americans who are covered under every State Medicaid plan, we automatically cost shift 28 cents of every dollar of service they get to the private side.

As a matter of fact, for the 35 to 40 million seniors under Medicare, we reimburse at 91 cents for every dollar of service provided. Therefore, 9 cents is shifted in some fashion to the private pay side. No wonder health insurance and the cost of health care has continued to rise at an unsustainable rate. It is because we keep growing the pool of people who don't provide 100 percent of the cost of the service provided.

We are here debating a plan that they say is a reform. Well, I will give them credit for this: They do cover 31 million Americans who are not covered today. It still leaves 24 million Americans uninsured, uncovered, but they do cover 31 million. Fifty percent of that number, 15 million Americans, are going to be thrown into Medicaid in the States they live in. If the attempt is to reform health care, the first place you start is with eliminating cost shift. The first place they have started is to take the least-efficient medical delivery system in the country, Medicaid, and jam 15 million Americans into it. Forget the fact that it is an unfunded mandate to the States at some point, after the Federal Government pays 100 percent of the initial charge. We are exacerbating the problem that exists in health care today because we are putting 15 million new covered lives into Medicaid, and we know for every dollar of services they get, we are going to cost shift 28 cents of that over to people who pay out of pocket or have insurance.

The direction we have started in is flawed because we haven't tried to address the cost shift that exists in our health care system. Senator COBURN and I attacked that. After we got past Massachusetts, we looked at innovative plans such as North Carolina's for Medicaid, where they were making progress reaching new efficiencies and last year saved \$200 million in their health care plan.

Most people don't know it, but Medicaid is an opt-out program. States can choose to opt out.

That word has been used a lot as we talk about health care reform in the United States, and that as long as you do an opt-out, we will be fine for a public option for the government-run system. Well, we have one of those. It is called Medicaid. It is an opt-out government health care program. How many States opt out? None. Why? Because the subsidy is so big they cannot do it.

But what happens when they want to change their plans? Let's go back to North Carolina. North Carolina would like to change their plan further, now that they have learned things they can do. They asked the Centers for Medicare and Medicaid Services for a waiver. Religiously, what happens? They are denied the waiver to change their health care plan to raise the quality and to reduce the cost.

Sound eerily similar to what we are talking about, potentially, in a health care plan we are going to roll out for the rest of the country? Maybe an opt-out plan where States could opt out, where they say it is not a government takeover. Well, if you have to go to the government and ask their permission to change it, to increase the quality of the care and to decrease the cost because of the efficiencies you get through how you design it, I will tell you that is a government-run plan, plain and simple.

We talked to self-insured companies. There was a gold mine of great ideas from companies such as Dell, SAS, Safeway, and Pitney Bowes, companies that had frozen their health care costs year after year after year. We had one simple question. How did you do it?

They looked at us and said: We invested in prevention, wellness, and chronic disease management—even to the degree that one company offered the employees who had chronic disease the ability to have a program specifically designed for them for free, if they would enter into the program. Employees in some cases chose not to go into it. The company turned around and financially rewarded them by writing them a check to get into the program.

At one company, when they wrote them a check, they had 80 percent enrollment, and in the first 18 months they saved \$1,782 per employee. That is real savings. That is bending the cost curve of health care down. That is not what we are doing in this debate. Even the CBO says you are going to spend almost \$900 billion and you have to raise \$900 billion to do it because there is no savings because there is no reform.

So Senator COBURN and I went through that process, and we began to construct a bill. He did a majority of the work. What did we find? We found that we needed massive insurance reform in this country. As he said earlier, you cannot be excluded if you

have a preexisting condition. You cannot be excluded because you get sick. What you have to have is competition.

Well, I will tell you, in this plan, where they say there is choice and competition and innovation, they actually mention choice 40 times, they mention innovation 25 times, and, believe it or not, they mention competition 13 times. Yet when they talk about taxes, fees, and revenues, they mention it 899 times. That gives the American people some insight as to where the focus of this health care bill is.

Dr. COBURN and I went exactly the opposite way. This is not a reform effort that needs to be dominated by government. We chose the carrot versus the stick. In the bill on the Senate floor we are talking about, if an individual does not buy insurance, they are fined. They are fined if they do not buy insurance. We thought the Constitution said that if you tax the American people, you have to do it equally. You have to apply the same tax to this group that you do to that group.

Through equalizing the application of taxes in this country, we were able to come up with a plan that provided every American family \$5,700 per year in refundable tax credits. So every American family would get that \$5,700 every year.

If, yes, we had that individual who was not married, and he or she got a \$2,800 refundable tax credit, and they did not use it, we gave the States the option that they could opt them in. They could actually enroll them with that \$2,800 into a high-risk catastrophic plan. We did not penalize the individual. We took what the government had provided and made sure they had insurance so that the next weekend, if they were riding their Harley-Davidson and they had a wreck and they ended up in the emergency room with no insurance, at least for the \$200,000 bill to get them well, the hospital was not going to cost-shift that to somebody else because they were going to have catastrophic insurance. Maybe the hospital had to eat the first \$5,000. But after that, they had an insurance policy.

But this is the difference in approaches. We are not penalizing the American people. We want them to be part of a health care system that is reformed.

We looked at Medicaid. We saw this problem with a 28-percent cost-shift. We said we have to reform Medicaid. How do you do it? We gave States the option: If you want to enroll your Medicaid beneficiaries into this new plan that we created in this new competitive insurance market, then we will double the investment in your Medicaid beneficiaries so they can have \$10,000 worth of coverage through the private sector.

Again, we did not force them. We did what Dell did, what companies did: we

gave them cash because we think we can increase the quality and decrease the overall cost.

Tort reform: Dr. COBURN has talked about tort reform. Every doctor has talked about tort reform and defensive medicine, how it has run up the cost of diagnostic procedures because you have to cover yourself for the one lawsuit you get.

We came up with quite a unique approach to it. We gave States three options. We gave them the ability to have arbitration, we gave them the stability to create a health court, and we said to States: If you adopt any one of these three options, we will give you a 1-percent bonus on your Medicaid. You do not have to adopt the tort reform. But if you want the 1-percent bonus on Medicaid, then you have to adopt one of the three options we have put into it.

So, in essence, what are the three things we have done in our bill, which Dr. COBURN, once again, said was the first bill introduced in the Congress of the United States? I have sat on this floor, as Dr. COBURN has, as many people have, and, yes; we have had a sharp exchange about what is in this bill and whether it is beneficial or whether it hurts. I happen to think it hurts. But I have also listened to folks on that side of the aisle say: When are Republicans going to offer something constructive? When are they going to offer a pathway?

We have. We were the first. We were ignored. We will get an opportunity to debate it as we go through this. We will get an opportunity to vote on it, I can assure you. I do not expect it to pass. But there are a lot of good things in here.

Mr. COBURN. Madam President, will the Senator yield for a question?

Mr. BURR. I am happy to yield.

Mr. COBURN. Does the Senator recall the vote in the HELP Committee when this bill was offered—this bill that allows you to keep whatever you have, if you like it; this bill that gives no tax increases on American families; this bill with no increase in taxes on American business; this bill that lowers everybody's health insurance premium; this bill that covers preexisting conditions, period; this bill that protects seniors' high quality of care and keeps their choices; this bill that increases personal control over health care; this bill that does not do a Medicaid expansion but, instead, puts Medicaid patients into real insurance so they can have the same choice as every other American; this bill that protects physician-patient relationships; and this bill that empowers patients, families, physicians, and providers, but does not empower the government—what was the vote, does the Senator recall?

Mr. BURR. All the Republicans voted for it and all the Democrats voted against it.

Mr. COBURN. Exactly right. The difference is, you can either trust people or you can put all your trust in a nanny state, and the nanny state is running 61 percent, 60 percent of our health care today.

I thank the Senator for answering my question.

Mr. BURR. Let me conclude and give the floor back to the Senator.

There are three objectives Dr. COBURN and I set out to accomplish for all Americans in the bill. The first was to cover all Americans, make sure everybody had the capability to access affordable coverage.

Two, remember what the companies that were self-insured told us: Invest in prevention, wellness, and chronic disease management. The only direct cost savings in health care today is prevention, wellness, and chronic disease management. There are a lot of indirect savings—tort reform, insurance reform, purchasing insurance across State lines—but the only direct savings comes from prevention, wellness, and chronic disease management.

Third, and probably most important, make sure it is financially sustainable.

Well, I do not know why, right now, we would create a health care plan in America that could not financially be sustainable for decades. Why would we create a health care plan that for the current generation entering adulthood would not live with that health care plan in a financially sustainable fashion for their lives? This one will not. It costs \$2.5 trillion. It does not make it through the first 10 years.

Yet we have an option. It is an option that Republicans have already introduced. We have let the American people see it. It is not 2,074 pages. I think it is barely 240-some pages, and it incorporates much more. Oh, by the way, it fulfills—it checks all the boxes the President said we needed to do when we started on health care reform. It covers all the American people, is financially sustainable, maintains the level of quality, and it bends the cost curve down.

What is the most disappointing thing out of this debate so far? It is that we do not have to get down here to tell the American people this is going to cost them more. They know it. They know their insurance premium is going up if they have coverage today. They know the doctors are going to have to charge more because Medicare is going to cut its reimbursements. They know more doctors are going to drop seeing Medicaid beneficiaries because the reimbursements are going to continue to go down. The American people get it. That is why, in an overwhelming fashion, they are opposed to what we are here debating.

My hope is that at some point in this debate we will talk about some rational things, like what we have in the Patients' Choice Act. I do not expect it to



become law, but I expect reasonable people to accept things that really do reform health care, and a lot of them are in this bill.

Madam President, I yield to my good friend.

Mr. COBURN. Madam President, could I inquire of the Chair how much time we have remaining?

The PRESIDING OFFICER (Mrs. GILLIBRAND). There is 24 minutes remaining.

Mr. COBURN. Madam President, I want to go back over some of the things in the Patients' Choice Act because people ask me why they have not heard of it, and it is because the press does not want to cover a commonsense bill that does not spend money. The majority does not want to incorporate the ideas because it is not government-centered, it is patient-centered. We have a bill on the Senate floor that is totally government-centered.

But what does the Patients' Choice Act do? Senator BURR alluded to a lot of it. But I want to go into it in a little bit of depth.

What it does it looks at the five preventable diseases in this country that consume 75 percent of our dollars, five chronic diseases: heart disease, cancer, stroke, chronic obstructive pulmonary disease, and diabetes. They cause two-thirds of the deaths and consume 75 percent of our dollars. The Patients' Choice Act invests in preventing those diseases.

The second thing it does is it creates affordable and accessible health insurance options—not government-run, not government-mandated, but uses the experience of 50 States through exchanges and sets a floor. What is the floor? The floor is the same level of care Members of Congress can get. That is the floor. But you get to choose. Nobody says you have to have this.

Do you realize that 15 million Americans who are going to be forced into Medicaid in this bill will not have any choice? They will just say: You have Medicaid. And they will be denied 60 percent of the doctors in this country.

It eliminates preexisting conditions. It eliminates the ability of an insurance company to drop you if you are sick. You get offered health insurance regardless of your age or regardless of your health. Yet we are saving trillions, and they are spending trillions.

What is the difference? What is the disconnect? It gives you, as Senator BURR talked about, an auto enrollment mechanism. If you choose to be irresponsible, that is fine, but the rest of us should not have to pay for your irresponsibility. So if you do not sign up, you have an automatic enrollment with your tax credit that puts you in a very high deductible plan, so if you have a catastrophic illness, the rest of us do not have to pay for you.

It also allows States to join in pooling arrangements, or regional areas,

where they increase their buying power through these exchanges.

Whatever you have today, if you like it, you really can keep it. That is not true in this bill that is coming across the Senate floor. There is an absolutely zero tax increase on American families, and it is not true in this bill on the floor. There is \$500 billion worth of tax increases on either families or businesses.

It lowers the cost of health insurance premiums. This one on the floor says, at best, in the large group and medium group market, it is going to be about the same trajectory of twice the inflation rate. But if you are in the individual market, it is going to be 10 to 13 percent higher. Our bill lowers everybody's cost. It protects the seniors' high-quality care and choices today. It doesn't pick winners and losers; it allows patients to pick what is best for them. It increases patients' own personal control over their health care, and it converts Medicaid to a system where no longer are patients in Medicaid discriminated against because what we do is we buy them an insurance system—allow them to buy insurance where nobody will ever know they are a Medicaid patient, so nobody will ever know to deny them, because the patient rate will be equivalent to anybody else in the insurance market. So we give them the same access.

We treat Medicaid as we treat Indian health care: Here is your health care, but it is not as good, so tough it. Here is your health care. We know the outcomes aren't as good. So what. Those aren't Tom Coburn's opinions. Those are published data where we know the outcome in Medicaid isn't as good as any of the other insurance programs or it is not as good as people who are in the cash market even though they pay more.

It protects patients and their caregivers' relationship. Finally, it empowers patients. It empowers mothers to make choices for their children; gives them a broad array of choices. It empowers, but it doesn't empower the Federal Government.

The Federal Government is failing in health care right now. It really isn't my ingenuity that came up with this chart, but since I am around my three daughters and a lot of younger people who work for me on my staff, this is a comparison of the Patients' Choice Act or the act we have here. It is like comparing old Ma Bell to an iPhone.

The Patients' Choice Act is the iPhone.

A little over a decade ago, iPhones or even cell phones in general—who would have thought they would be so widespread? Apple's iPhone was the fastest growing smartphone of 2008, and its 2008 sales were 2½ times higher than 2007. Why the increase? Why did iPhone sales take off? What did they do? They are hugely popular because they are

user friendly and they allow tons of options and you get a personalized iPhone experience that you control.

So what does an iPhone have to do with health care? Both sides of the political aisle rhetorically agree that American consumers prefer products that are personalized, that fit their needs, that are affordable, and that are portable. It sounds a lot like an iPhone. As a matter of fact, my colleagues across the aisle are now using the language "choice and competition" to try to sell this monstrosity on the American people, the most massive expansion of Federal Government control since Johnson's Great Society.

The problem is that the policies in this bill would discard the iPhone's individual choices and consumer control. But what it would embrace is Ma Bell, the old land line black phone with a rotary dial. That is what we are going to embrace with this bill. We are not going to embrace the iPhone; we are going to embrace being locked to your house with limited choices, limited capability to expand your choices, and limited freedom.

Mr. BURR. Would the Senator yield for a question?

Mr. COBURN. I am happy to.

Mr. BURR. My question is this: It sounds as though the Patients' Choice Act allows an individual to design the coverage to meet their age, their income, and their health condition.

Mr. COBURN. Absolutely right.

Mr. BURR. That is customizing your health care choice.

Mr. COBURN. It puts the consumer—i.e., the patient—in charge of their health care rather than the government in charge of their health care.

Mr. BURR. So one could then conclude that the current legislation we are debating in the Senate not only limits but it takes away choices that currently exist to seniors, to people who work, and to the younger generation.

Mr. COBURN. I don't think there is any question that is going to happen. Actually, it is even going to be worse than that because we have shrunk the differential for young people. If you are a young person, listen to me. The cost of your insurance is going to double under this bill. If you are a young couple or a young individual—and I am talking 40 and under, 24 to 40—your insurance is going to double under this bill. What you are going to do, you are going to do this: You are going to say, I am going to pay the tax rather than coverage for insurance because it is financially much more important for me to do that. And what we know is that between 6 million and 11 million young people are going to cancel their insurance under this bill, according to a report put out by—and I will reference it here—Oliver Wyman and Associates.

Mr. BURR. But typically children are a lot less expensive to insure because



they are younger and they are healthier.

Mr. COBURN. What do you think is going to happen?

Mr. BURR. What happens?

Mr. COBURN. What is going to happen is the spread—the people who have insurance, if you are over 40, because these young people drop out, your premium is going to go up. So what is available today because of the mix of people who are in the broad group of pools who are insured—we are going to drop out young, healthy people, so that small younger group insurance is going to go up. But because there are going to be 6 million to 11 million fewer of them and the insurance company keeps them in the pot to lower the cost for the older ones, the 65 and above, their premiums are going to go up.

So we are going to have exactly the opposite effect because when you mandate coverage and you force people to buy it with a big government program, people are going to make an economic decision—and the first year of this is \$250 is all you have to pay, and it goes up to \$750—they are going to say: Why would I do that? I will buy the insurance when I get sick.

So what we are going to do is totally disrupt—and it may be planned to be that way so we can come back and say: Well, look at the private insurance industry. It is not working. The government needs to take it all over. I don't know that is the case, but the consequences of what this bill is going to do—

Mr. BURR. From the way the Senator has described it, the current bill that is being debated in the Senate really doesn't benefit anybody. Everybody loses.

Mr. COBURN. Oh, yes, it does. We will have at least 20,000 new Federal Government employees. It will benefit them. It will benefit the bureaucracies. It will give them power to control. It is not a soft control or a light control; it is a heavy control. We will mandate on States bankruptcy through Medicaid—mandate to the States—the mother of all mandates to the States. So it will benefit the Federal Government and the bureaucracy but will have minimal benefit for the patients in this country.

Mr. BURR. So at best, we can claim that the bill being debated in the Senate is a \$2.5 trillion bill designed to try to stop waste, fraud, and abuse in the health care system.

Mr. COBURN. Supposedly.

Mr. BURR. Think about that. We are spending \$2.5 trillion to try to get waste, fraud, and abuse out of just the government side of health care. Yet the bill itself is making the government a bigger factor in health care, which means the likelihood is, because of the design not changing, you have more waste, fraud, and abuse. So there is no real value to the \$2.5 trillion, except to the government workers who are hired

to either collect the fines and the new taxes or sit on the panels to determine who gets coverage and who doesn't.

Mr. COBURN. Well, I wouldn't go quite that far. There is no question that some people who have no coverage today will get Medicaid. But compared to the Patients' Choice Act, they could get a private insurance policy instead of Medicaid. They would get access to all of the physicians, not just 60 percent of them.

Mr. BURR. And save \$2.5 trillion of the American people's money.

Mr. COBURN. And save \$2.5 trillion and have the flexibility of choice based on what they need and what they perceive their children or family needs.

So they do increase coverage, but how do they do it? They put you into a substandard plan. They put you into a plan that doesn't give you the same access Members of Congress have. They put 15 million people into that, and they decrease the flexibility and choice for those people, 11 million people, in Medicare, because we know better.

Mr. BURR. My good friend probably remembers the day we marked this up in the Health, Education, Labor, and Pensions Committee. As a matter of fact, it wasn't a day, it was 3½ weeks and 56½ hours, if I remember exactly. One of the amendments they accepted was an amendment that is titled this: The 2220 rule. My good friend being a doctor would recognize this was a program the Federal Government had to allow medical students to delay the repayment of their student loans until they actually got their practice up and running. That was eliminated about 2 years ago. I am sure the good doctor remembers that was accepted under a UC in the committee. But if you read the 2,074 pages, it was noticeably absent in the 2220 rule. Yet, as you know, we have less than a million doctors in the United States of America trying to provide medical coverage to 300 million people and growing. And some suggest that if this bill passed, we would lose 25 percent of our doctors in the first year who decided: This is it. I am going to retire. I am out of here.

The 2220 provision is the only thing we had in our bill that actually created an incentive for more individuals to seek medicine as a career.

Mr. COBURN. Madam President, if I may inquire how much time we have remaining.

The PRESIDING OFFICER. Nine minutes.

Mr. COBURN. Thank you.

Again, going back to incentive, carrots versus sticks, how is it that we have a shortage of primary care physicians in the country? Why is that? We have put a lot of money into medical schools. The States have put a lot of money into medical schools. We have student loans for physicians who average about \$170,000 in debt when they get out of there. How is it that people

don't want to be a pediatrician and a general internist or a family practice doctor? Why is that?

Mr. BURR. Reimbursements.

Mr. COBURN. The reimbursements, where you can invest 1 additional year in residency and double the income you can make from being a physician.

How did the payment rates get where they are? Who set the payment rates? The Federal Government set the payment rates because 60 percent of the payments to private physicians come from Medicare, Medicaid, TRICARE.

Mr. BURR. Indian Health.

Mr. COBURN. Those are contracted. Those are even lower. So they set them. Private insurance sets all the rates based on what the government does. So the government has created a shortage of primary care which we are going to see just explode as we put other people—the CBO has rightly said, if you add lots of people, you will get some increased utilization, a significant amount. They are not there. They are not there.

So you take somebody in their late fifties, mid- to late fifties or early sixties, who planned on practicing 10 or 15 years, and all of a sudden you say—and we don't in this bill. We had the claim today that this extends the life of Medicare. Well, here is how it does that. It uses the Medicare Advisory Commission to force cuts in Medicare, not fraud necessarily, just cuts. It doesn't pay for the doctor fix, which is \$250 billion, and then it cuts Medicare.

So the reason—and I don't have any problem extending the life of Medicare—I think so—but it ought to be all about fraud. It ought to be all about—the vast majority of fraud in health care today is through government programs, not the private sector. The fraud rate in the private sector is less than 1 percent. Here we have \$150 billion. We could save \$1 trillion over the next 10 years if we had an effective fraud program, which this bill minimally addresses, which our bill aggressively addresses—aggressively addresses. We even have undercover patients, undercover doctors where we create sting operations to put people in jail—not fine them, not ban them from Medicare; we put them in jail if you are stealing from the American people.

There is nothing anywhere close to that in this bill. So, in fact, we are aggressively going after the largest problem of the \$800 billion that is wasted every year, which is fraud.

The second largest problem is we need to incentivize the States to fix the tort extortion that is going on in this country that causes people to have tests done on them, not necessarily without any consequence to their health, and money wasted on tests so the doctors can be in a better defensive position.

Mr. BURR. How could a group such as AARP, whose primary role, by design, is to represent our Nation's seniors, be in favor of a reform package

that doesn't provide any additional benefits to our Nation's seniors?

Mr. COBURN. And it doesn't reform. I have wondered that.

Mr. BURR. As the Senator knows, we drastically cut Medicare Advantage, the only private sector option that a senior has for coverage. We basically eliminate that. That is 11 million seniors in this country.

Mr. COBURN. Well, we have protected some through earmarks in this bill—certain States; we have protected some. In some States, if you have Medicare Advantage, you are protected. In other States, if you don't happen to be on that side of the aisle, or you don't need help in your reelection, you don't get that.

Mr. BURR. If somebody didn't have Medicare Advantage as a choice, what insurance product would they have to go into the marketplace to buy?

Mr. COBURN. If they could afford it—and that is where a large number of Medicare Advantage people will be hurt; most of those people cannot afford to buy a supplemental policy. The fifth largest seller of insurance policies in the country happens to be AARP.

Mr. BURR. AARP, yes. So to eliminate Medicare Advantage is a tremendous financial windfall to AARP.

Mr. COBURN. For AARP.

Mr. BURR. That association supposedly looking out over the seniors in this country.

Mr. COBURN. We are fairly cynical, and we don't mean to be. We need to wrap up, if we can. There are two ways of fixing health care in this country. One is, we have the government running it—I make this point. Everybody agrees that in 2017 or 2019, Medicare will go belly up. Medicaid is already belly up. They are all in trouble. They are running deficits. The Census is broke. Social Security is going to be broke. The U.S. Post Office is absolutely broke. Cash for clunkers was broke before we started. The highway trust fund is \$18 billion in the red. And we are going to put another 16 percent of health care—76 percent instead of 60—in the hands of the government. Or we can utilize what we know works, which if you incentivize the management of chronic disease and incentivize prevention, incentivize transparency, and you create a way for people to have access, the Patients' Choice Act will insure 94 percent of Americans with a real insurance policy, not Medicaid or Indian health care.

By the way, Native Americans, listen up. Under our bill, if you are due health care, you get a card and you can go anywhere you want and it will be paid for. We need to do that for veterans, too.

The point is there is a choice. We can run a large government option or we can run a small government with 50 States, incentivizing them to do the right and best thing for their citizens,

where we will actually lower costs, increase access, and have better care, and we won't destroy the best health care system in the world.

I challenge my colleagues to come down here to the floor and debate me on that, because I guarantee you that in their families I can find somebody who was saved because they lived in this country and, had they not, they would not be alive. It is the best health care system in the world. Why should we destroy that as we try to fix what is wrong in health care in America today?

Mr. BURR. I ask my colleague to put that next chart up.

I ask unanimous consent for 5 additional minutes.

The PRESIDING OFFICER (Mrs. McCASKILL). Without objection, it is so ordered.

Mr. BURR. Madam President, this is self-explanatory, I think. Today we are borrowing 43 cents out of every dollar we spend; 43 cents of every dollar we spend in the Federal Government we are borrowing from somebody. You know, we talk about these unbelievable numbers in Washington—billions and trillions. The most popular bumper sticker out there is this: Don't tell Congress what comes after a trillion. Personally, I don't want to know, because I know if we get there, we are at the point of no return. Senator COBURN and I are close to the same age. We have kids just getting started raising families. We know what they are going to be faced with to raise their families, to make sure their children and grandchildren get educations, to make sure they go to college and have that opportunity, and make sure they have an opportunity after that for a place to work and an income. Do you know what is going to be the thing that dictates most of what they are faced with? It is right there on that chart. For every penny we borrow, it means we have an obligation to pay interest on that penny. Today interest is practically zero. We provide, as a Federal Government, money to banks they can lend out, and we charge them practically zero. That will not last forever. At some point, interest rates will go up.

Depending upon how much money we have borrowed, that will dictate how much we are obligated to pay in interest.

Mr. COBURN. Let me interrupt my colleague. Here is what the constellations show. Walk with me slowly. If you are 25 years of age or younger today in America—and we go out 20 years—that will be 45 and younger—that is 103 million Americans who will be in that group. Here is what they are each going to owe based on the unfunded liabilities of Medicare, Medicaid, and Social Security: 103 million Americans, 45 years and younger, will each owe \$1.119 million. That is what they will be responsible for. They will have to pay the average interest on

that, which will be about 6 percent. Before they ever pay the first bit of income taxes, they will have to cover that interest; otherwise, that will grow.

How does that fit a young family 20 years from now? We are talking about tax rates that allow no increased standard of living. As a matter of fact, they are rates that decrease the standard of living by 35 percent. That is the heritage we are creating and what we are going to expand with this health care bill the majority leader has brought to the floor. We are going to steal the future and the opportunity for those 25 years and younger today, because we cannot live and make the hard choices that are necessary, and we think the answer to every problem is more government, rather than more personal responsibility, competition, transparency in a market, and incentivizing people to do the right thing, rather than punishing them when they do the wrong thing.

Mr. BURR. The Senator is absolutely correct. What we can only hope to pass on to the next generation is an opportunity equal to what we have had. To strap them with this debt, to continue to go down this road and pile on the obligations, we will limit the next generation's opportunity. As you choke that opportunity for them, you will choke the fabric of this country in a way that the problems we are faced with today are minor in comparison to what they will deal with in the future.

As we sit here and debate the pluses and minuses of this health care legislation, I remind my colleagues, when you talk about \$2.5 trillion—and you probably never will save that money out of Medicare; you probably never will cut that doctors' reimbursement quite as much as in there—every time you don't do that, we are borrowing 43 cents of every dollar we spend. That is the obligation our children will inherit from us.

I am not willing to do that anymore. I want to make sure we are focused on the opportunity that is there for them. We can only do that if we do it in a responsible way, do the right thing as it relates to health care here.

Mr. COBURN. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRYOR. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Madam President, I ask unanimous consent that no amendments be in order to the pending amendments prior to the votes on Sunday, December 6.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MORNING BUSINESS

Mr. PRYOR. Madam President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## AMERICAN HOSTAGES

Mr. FRANKEN. Madam President, I rise today to talk about Shane Bauer, Sarah Shourd, and Josh Fattal. These three young Americans have been in custody in Iran since July 31, 2009. That is more than 4 months.

Shane is from Minnesota, where his devoted mother, Cindy Hickey, still lives. I have been in constant and close touch with Cindy over the phone, and last month I was able to meet with all the families of the young hikers, and they have been back in Washington again this week. I have to say, they are a remarkable group of people who want nothing more than to be reunited with their children. On behalf of their families, I have come to the floor today to urge the Government of Iran to make a humanitarian gesture and release these young Americans so they can be together with their families again.

As many of you know, Josh, Sarah, and Shane were hiking near the Iraqi-Iranian border in a remote region that is famous for a beautiful waterfall when they were taken into custody by Iranian authorities. The Iranians have indicated that the Americans strayed across the border in this remote region. There can be no doubt that it was an accident. Four months later, Josh, Sarah, and Shane remain in prison in Iran.

The Iranian Government has allowed the Swiss Embassy, in its capacity as protection power for U.S. interests in Iran, to have consular access to them twice during the time they have been held. I hope this will continue, and continue more regularly.

The Swiss have been enormously helpful in working with us to resolve the situation to bring these Americans home. I have been assured by one of the Swiss that Josh, Sarah, and Shane were all in decent physical condition as of the last visit. But it is also clear the imprisonment is taking its toll on these young people.

The President of Iran has indicated that their case will be examined expeditiously and with compassion, which is encouraging. President Ahmedinejad first made that statement around the time the U.N. General Assembly met this past September.

These young American tourists find themselves in unfortunate circumstances. One thing is clear: These circumstances do and should have nothing to do with politics. I hope that Josh, Sarah, and Shane's situation can

be resolved on the same basis—as purely a human gesture by the Government of Iran. I understand that people on all sides tend to get caught in the middle of geopolitical events they have nothing to do with. That is a cycle that can and should be stopped. We do not want to perpetuate that cycle. Above all, I hope the Iranian Government will recognize that these Americans have committed nothing more than an innocent mistake and want nothing more than to be brought back together with their families. The Americans should be released.

In the meantime, I hope Josh, Sarah, and Shane will be able to speak with their families by phone immediately. That would be the first direct contact they have had since their detention over 4 months ago.

As we approach the holiday season and the end of the year, this is an especially important time for families to be together. That is not an American value or an Iranian value, it is a human value. It is my fervent hope that Josh, Sarah, and Shane will be brought back together with their families now. I urge the Government of Iran to make a humanitarian gesture and make that family reunion possible.

## ADDITIONAL COSPONSORS

S. 605

At the request of Mr. KAUFMAN, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 605, a bill to require the Securities and Exchange Commission to reinstate the uptick rule and effectively regulate abusive short selling activities.

S. 1857

At the request of Ms. STABENOW, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1857, a bill to establish national centers of excellence for the treatment of depressive and bipolar disorders.

S. 2833

At the request of Mr. REED, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 2833, a bill to provide adjusted Federal medical assistance percentage rates during a transitional assistance period.

AMENDMENT NO. 2789

At the request of Mr. COBURN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of amendment No. 2789 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 2871

At the request of Mr. BROWN, the name of the Senator from Maryland

(Mr. CARDIN) was added as a cosponsor of amendment No. 2871 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 2882

At the request of Mr. JOHANNIS, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of amendment No. 2882 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 2884

At the request of Ms. STABENOW, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of amendment No. 2884 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 2895

At the request of Mr. BROWN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of amendment No. 2895 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 2905

At the request of Mr. BAUCUS, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of amendment No. 2905 proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 2921

At the request of Ms. STABENOW, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of amendment No. 2921 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 2924. Mr. CASEY (for himself and Mr. SPECTER) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS,

Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table.

SA 2925. Ms. STABENOW submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2926. Mr. BAUCUS (for Mr. KERRY) proposed an amendment to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra.

SA 2927. Mr. ENSIGN (for himself and Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra.

SA 2928. Mr. CASEY (for himself and Mr. KOHL) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2929. Mr. CASEY (for himself, Mr. DURBIN, and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2930. Ms. STABENOW submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2931. Mr. LAUTENBERG (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2932. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2933. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2934. Mr. INOUE (for himself and Mr. AKAKA) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2935. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 2923 submitted by Mr. DORGAN (for himself, Mr. WHITEHOUSE, Mr. UDALL of New Mexico, Mr. BEGICH, Mr. JOHNSON, Mr. FRANKEN, Ms. CANTWELL, Mr. UDALL of Colorado, Mr. TESTER, and Mr. INOUE) and intended to be proposed to the amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2936. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 2922 submitted by Mr. DORGAN and in-

tended to be proposed to the amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2937. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2938. Mrs. GILLIBRAND (for herself, Ms. STABENOW, Mr. BROWN, Mr. KERRY, Mr. MENENDEZ, Mr. SCHUMER, and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2939. Mr. PRYOR submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 2924.** Mr. CASEY (for himself and Mr. SPECTER) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### **SEC. \_\_\_\_ . GRANTS FOR FUNDING OF NEWLY ACCREDITED MEDICAL SCHOOLS.**

(a) **IN GENERAL.**—The Secretary of Health and Human Services (in this section referred to as the “Secretary”) shall establish a program of grants to newly accredited allopathic and osteopathic medical schools for the purpose of increasing the supply of physicians.

(b) **USE OF GRANTS.**—Amounts provided under grants under this section may be used to support scholarships, develop residencies, build infrastructure, recruit and retain faculty, and develop research programs for the purpose described in subsection (a).

(c) **ALLOCATION.**—The Secretary shall allocate funds appropriated under this section among newly accredited medical schools based on the following criteria:

(1) First priority shall be given to allopathic and osteopathic medical schools accredited to admit students from 2009 through 2014.

(2) Medical schools that enroll larger classes, while maintaining competitive faculty to student ratios, shall receive increased funding based on their size.

(3) Funds shall only be allocated to medical schools that provide accountability and transparency in expending such funds.

(d) **REPORTS.**—Each medical school receiving a grant under this section shall submit to the Secretary such reports as the Secretary may require on the specific uses of the funds provided under the grant and on how the grant benefitted the region and the Nation as a whole.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to

carry out this section \$500,000,000 for the 5-fiscal-year period beginning with fiscal year 2010.

**SA 2925.** Ms. STABENOW submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title I, insert the following:

#### **SEC. \_\_\_\_ . STATE HEALTH ACCESS PROGRAM GRANTS.**

(a) **IN GENERAL.**—The Secretary of Health and Human Services (in this section referred to as the “Secretary”) shall award grants to States (as defined for purposes of title XIX of the Social Security Act) to establish programs to expand access to affordable health care coverage for the uninsured populations in that State in a manner consistent with reforms to take effect under this title (and the amendments made by this title) in 2014.

(b) **TYPES OF PROGRAMS.**—The types of programs for which grants are available under subsection (a) include the following:

(1) **STATE INSURANCE EXCHANGES.**—State insurance Exchanges that develop new, less expensive, portable benefit packages for small employers and part-time and seasonal workers.

(2) **COMMUNITY COVERAGE PROGRAM.**—Community coverage with shared responsibility between employers, governmental or non-profit entities, and the individual.

(3) **REINSURANCE PLAN PROGRAM.**—Reinsurance plans that subsidize a certain share of carrier losses within a certain risk corridor health insurance premium assistance.

(4) **TRANSPARENT MARKETPLACE PROGRAM.**—Transparent marketplace that provides an organized structure for the sale of insurance products such as a web-based exchange or portal.

(5) **AUTOMATED ENROLLMENT PROGRAM.**—Statewide or automated enrollment systems for public assistance programs.

(6) **INNOVATIVE STRATEGIES.**—Innovative strategies to insure low-income childless adults.

(7) **PURCHASING COLLABORATIVES.**—Business and consumer collaboratives that provides direct contract health care service purchasing options for group plan sponsors.

(c) **ELIGIBILITY AND ADMINISTRATION.**—

(1) **IMPLEMENTATION OF KEY STATUTORY OR REGULATORY CHANGES.**—To be eligible to receive a grant under this section for a program, a State shall demonstrate that—

(A) it has achieved the key State and local statutory or regulatory changes required to begin implementing the new program within 1 year after the initiation of funding under the grant; and

(B) it will be able to sustain the program without Federal funding after the end of the period of the grant.

(2) **INELIGIBILITY.**—A State that has developed a comprehensive health insurance access program prior to the date of enactment of this Act shall not be eligible for a grant under this section.

(3) **APPLICATION REQUIRED.**—No State shall receive a grant under this section unless the State has approved by the Secretary such an application, in such form and manner as the Secretary specifies.

(4) ADMINISTRATION BASED ON CURRENT PROGRAM.—The program under this section is intended to build on the State Health Access Program funded under the Omnibus Appropriations Act, 2009 (Public Law 111-8).

(d) FUNDING LIMITATIONS.—

(1) IN GENERAL.—A grant under this section shall—

(A) only be available for expenditures before 2014; and

(B) only be used to supplement, and not supplant, funds otherwise provided.

(2) MATCHING FUND REQUIREMENT.—

(A) IN GENERAL.—Subject to subparagraph (B), no grant may be awarded to a State under this section unless the State demonstrates the seriousness of its effort by matching at least 20 percent of the grant amount through non-Federal resources, which may be a combination of State, local, and private dollars from insurers, providers, and other private organizations.

(B) WAIVER.—The Secretary may waive the requirement of subparagraph (A) if the State demonstrates to the Secretary financial hardship in complying with such requirement.

(e) STUDY.—The Secretary shall review, study, and benchmark the progress and results of the programs funded under this section.

(f) REPORT.—Each State receiving a grant under this section shall submit to the Secretary a report on best practices and lessons learned through the grant to inform the health reform coverage expansions under this title beginning in 2014.

(g) FUNDING.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

**SA 2926.** Mr. BAUCUS (for Mr. KERRY) proposed an amendment to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; as follows:

On page 869, between lines 14 and 15, insert the following:

**SEC. 3143. PROTECTING HOME HEALTH BENEFITS.**

Nothing in the provisions of, or amendments made by, this Act shall result in the reduction of guaranteed home health benefits under title XVIII of the Social Security Act.

**SA 2927.** Mr. ENSIGN (for himself and Mr. INHOFE) submitted an amendment to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; as follows:

At the appropriate place, insert the following:

**SEC. . LIMITATION ON AMOUNT OF ATTORNEY'S CONTINGENCY FEES.**

(a) IN GENERAL.—An attorney who represents, on a contingency fee basis, a plaintiff in a medical malpractice liability action

may not charge, demand, receive, or collect for services rendered in connection with such action (including the resolution of the claim that is the subject of the action under any alternative dispute resolution system) in excess of—

(1) 33½ percent of the first \$150,000 of the total amount recovered by judgment or settlement in such action; plus

(2) 25 percent of any amount recovered in excess of the first \$150,000 recovered by such judgment or settlement,

unless otherwise determined under State law. Such amount shall be computed after deductions are made for all the expenses associated with the claim other than those attributable to the normal operating expenses of the attorney.

(b) CALCULATION OF PERIODIC PAYMENTS.—In the event that a judgment or settlement includes periodic or future payments of damages, the amount recovered for purposes of calculating the limitation on the contingency fee under subsection (a) may, in the discretion of the court, be based on the cost of the annuity or trust established to make the payments. In any case in which an annuity or trust is not established to make such payments, such amount shall be based on the present value of the payments.

(c) DEFINITIONS.—In this section:

(1) CONTINGENCY FEE.—The term “contingency fee” means any fee for professional legal services which is, in whole or in part, contingent upon the recovery of any amount of damages, whether through judgment or settlement.

(2) HEALTH CARE PROFESSIONAL.—The term “health care professional” means any individual who provides health care services in a State and who is required by the laws or regulations of the State to be licensed or certified by the State to provide such services in the State.

(3) HEALTH CARE PROVIDER.—The term “health care provider” means any organization or institution that is engaged in the delivery of health care services in a State and that is required by the laws or regulations of the State to be licensed or certified by the State to engage in the delivery of such services in the State.

(4) MEDICAL MALPRACTICE LIABILITY ACTION.—The term “medical malpractice liability action” means a cause of action brought in State or Federal court against a health care provider or health care professional by which the plaintiff alleges a medical malpractice claim.

**SA 2928.** Mr. CASEY (for himself and Mr. KOHL) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 1289, between lines 11 and 12, insert the following:

“(VII) Direct care workforce capacity at all levels.”.

**SA 2929.** Mr. CASEY (for himself, Mr. DURBIN, and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr.

REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; as follows:

At the appropriate place, insert the following:

**SEC. . NATIONAL TRAINING INITIATIVES ON AUTISM SPECTRUM DISORDERS.**

Title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15001 et seq.) is amended by adding at the end the following:

**“Subtitle F—National Training Initiative on Autism Spectrum Disorders**

**“SEC. 171. NATIONAL TRAINING INITIATIVE.**

“(a) GRANTS AND TECHNICAL ASSISTANCE.—

“(1) GRANTS.—

“(A) IN GENERAL.—The Secretary, in consultation with the Interagency Autism Coordinating Committee, shall award multiyear grants to eligible entities to provide individuals (including parents and health, allied health, vocational, and educational professionals) with interdisciplinary training, continuing education, technical assistance, and information for the purpose of improving services rendered to children and adults with autism, and their families, to address unmet needs related to autism.

“(B) ELIGIBLE ENTITY.—To be eligible to receive a grant under this subsection, an entity shall be—

“(i) a University Center for Excellence in Developmental Disabilities Education, Research, and Service; or

“(ii) a comparable interdisciplinary education, research, and service entity.

“(C) APPLICATION REQUIREMENTS.—An entity that desires to receive a grant for a program under this paragraph shall submit to the Secretary an application—

“(i) demonstrating that the entity has capacity to—

“(I) provide training and technical assistance in evidence-based practices to evaluate, and provide effective interventions, services, treatments, and supports to, children and adults with autism and their families;

“(II) include individuals with autism and their families as part of the program to ensure that an individual- and family-centered approach is used;

“(III) share and disseminate materials and practices that are developed for, and evaluated to be effective in, the provision of training and technical assistance; and

“(IV) provide training, technical assistance, interventions, services, treatments, and supports under this subsection statewide.

“(ii) providing assurances that the entity will—

“(I) provide trainees under this subsection with an appropriate balance of interdisciplinary academic and community-based experiences; and

“(II) provide to the Secretary, in the manner prescribed by the Secretary, data regarding the number of individuals who have benefited from, and outcomes of, the provision of training and technical assistance under this subsection;

“(iii) providing assurances that training, technical assistance, dissemination of information, and services under this subsection will be—

“(I) consistent with the goals of this Act, the Americans with Disabilities Act of 1990,

the Individuals with Disabilities Education Act, and the Elementary and Secondary Education Act of 1965; and

“(II) conducted in coordination with relevant State agencies, institutions of higher education, and service providers; and

“(iv) containing such other information and assurances as the Secretary may require.

“(D) USE OF FUNDS.—A grant received under this subsection shall be used to provide individuals (including parents and health, allied health, vocational, and educational professionals) with interdisciplinary training, continuing education, technical assistance, and information for the purpose of improving services rendered to children and adults with autism, and their families, to address unmet needs related to autism. Such training, education, assistance, and information shall include each of the following:

“(i) Training health, allied health, vocational, and educational professionals to identify, evaluate the needs of, and develop interventions, services, treatments, and supports for, children and adults with autism.

“(ii) Developing model services and supports that demonstrate evidence-based practices.

“(iii) Developing systems and products that allow for the interventions, services, treatments, and supports to be evaluated for fidelity of implementation.

“(iv) Working to expand the availability of evidence-based, lifelong interventions; educational, employment, and transition services; and community supports.

“(v) Providing statewide technical assistance in collaboration with relevant State agencies, institutions of higher education, autism advocacy groups, and community-based service providers.

“(vi) Working to develop comprehensive systems of supports and services for individuals with autism and their families, including seamless transitions between education and health systems across the lifespan.

“(vii) Promoting training, technical assistance, dissemination of information, supports, and services.

“(viii) Developing mechanisms to provide training and technical assistance, including for-credit courses, intensive summer institutes, continuing education programs, distance based programs, and Web-based information dissemination strategies.

“(ix) Promoting activities that support community-based family and individual services and enable individuals with autism and related developmental disabilities to fully participate in society and achieve good quality-of-life outcomes.

“(x) Collecting data on the outcomes of training and technical assistance programs to meet statewide needs for the expansion of services to children and adults with autism.

“(E) AMOUNT OF GRANTS.—The amount of a grant to any entity for a fiscal year under this section shall be not less than \$250,000.

“(2) TECHNICAL ASSISTANCE.—The Secretary shall reserve 2 percent of the amount appropriated to carry out this subsection for a fiscal year to make a grant to a national organization with demonstrated capacity for providing training and technical assistance to—

“(A) assist in national dissemination of specific information, including evidence-based best practices, from interdisciplinary training programs, and when appropriate, other entities whose findings would inform the work performed by entities awarded grants;

“(B) compile and disseminate strategies and materials that prove to be effective in

the provision of training and technical assistance so that the entire network can benefit from the models, materials, and practices developed in individual centers;

“(C) assist in the coordination of activities of grantees under this subsection;

“(D) develop a Web portal that will provide linkages to each of the individual training initiatives and provide access to training modules, promising training, and technical assistance practices and other materials developed by grantees;

“(E) serve as a research-based resource for Federal and State policymakers on information concerning the provision of training and technical assistance for the assessment, and provision of supports and services for, children and adults with autism;

“(F) convene experts from multiple interdisciplinary training programs, individuals with autism, and the families of such individuals to discuss and make recommendations with regard to training issues related to assessment, interventions, services, treatment, and supports for children and adults with autism; and

“(G) undertake any other functions that the Secretary determines to be appropriate.

“(3) AUTHORIZATION OF APPROPRIATIONS.—To carry out this subsection, there are authorized to be appropriated \$17,000,000 for fiscal year 2011 and such sums as may be necessary for fiscal years 2012 through 2015.

“(b) EXPANSION OF THE NUMBER OF UNIVERSITY CENTERS FOR EXCELLENCE IN DEVELOPMENTAL DISABILITIES EDUCATION, RESEARCH, AND SERVICE.—

“(1) GRANTS.—To provide for the establishment of up to 4 new University Centers for Excellence in Developmental Disabilities Education, Research, and Service, the Secretary shall award up to 4 grants to institutions of higher education.

“(2) APPLICABLE PROVISIONS.—Except for subsection (a)(3), the provisions of subsection (a) shall apply with respect to grants under this subsection to the same extent and in the same manner as such provisions apply with respect to grants under subsection (a).

“(3) PRIORITY.—In awarding grants under this subsection, the Secretary shall give priority to applicants that—

“(A) are minority institutions that have demonstrated capacity to meet the requirements of this section and provide services to individuals with autism and their families; or

“(B) are located in a State with one or more underserved populations.

“(4) AUTHORIZATION OF APPROPRIATIONS.—To carry out this subsection, there is authorized to be appropriated \$2,000,000 for each of fiscal years 2011 through 2015.

“(c) DEFINITIONS.—In this section:

“(1) The term ‘autism’ means an autism spectrum disorder or a related developmental disability.

“(2) The term ‘interventions’ means educational methods and positive behavioral support strategies designed to improve or ameliorate symptoms associated with autism.

“(3) The term ‘minority institution’ has the meaning given to such term in section 365 of the Higher Education Act of 1965.

“(4) The term ‘services’ means services to assist individuals with autism to live more independently in their communities.

“(5) The term ‘treatments’ means health services, including mental health services, designed to improve or ameliorate symptoms associated with autism.

“(6) The term ‘University Center for Excellence in Developmental Disabilities Edu-

cation, Research, and Service’ means a University Center for Excellence in Developmental Disabilities Education, Research, and Service that has been or is funded through subtitle D or subsection (b).”.

**SA 2930.** Ms. STABENOW submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 466, between lines 5 and 6, insert the following:

#### **SEC. 2305. THERAPEUTIC FOSTER CARE.**

(a) RULE OF CONSTRUCTION.—Nothing in this title or an amendment made by this title shall prevent or limit a State from covering therapeutic foster care for eligible children in out-of-home placements under section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)).

(b) THERAPEUTIC FOSTER CARE DEFINED.—For purposes of this section, the term “therapeutic foster care” means a foster care program that provides—

(1) to the child—

(A) structured daily activities that develop, improve, monitor, and reinforce age-appropriate social, communications, and behavioral skills;

(B) crisis intervention and crisis support services;

(C) medication monitoring;

(D) counseling; and

(E) case management services; and

(2) specialized training for the foster parent and consultation with the foster parent on the management of children with mental illnesses and related health and developmental conditions.

**SA 2931.** Mr. LAUTENBERG (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title I, insert the following:

#### **SEC. 1563. DISCLOSURE OF INSURANCE COMPANY EXECUTIVE COMPENSATION.**

(a) MANDATORY DISCLOSURE OF EXECUTIVE COMPENSATION INFORMATION.—Each health care insurance company, including qualified health plans participating in an Exchange established under section 1311 and applicable plans or entities (as defined in section 1128J(f)(2) of the Social Security Act, as added by subsection (g)), shall annually disclose the compensation of the Chief Executive Officer of such health care insurance company for the previous year.

(b) STANDARDS.—The Secretary of the Treasury, in consultation with the Secretary



of Health and Human Services and the Chairman of the Securities and Exchange Commission, shall develop standards for disclosing the information described in subsection (a) in a manner determined to be understandable by the average health plan enrollee.

(c) **COMPENSATION DEFINED.**—In this section, the term “compensation” means wages, salary, fees, commissions, fringe benefits, deferred compensation, retirement contributions, options, bonuses, property, and any other form of remuneration, as the Secretary of the Treasury determines appropriate.

(d) **EFFECTIVE DATE.**—Beginning on April 1, 2010, each health care insurance company shall annually disclose the information as described in subsection (a) to—

(1) the Secretary of Health and Human Services, for inclusion of data in the internet portal to affordable coverage options established and operated under sections 1103 and 1311(c)(4);

(2) an applicant at the time of application;

(3) an enrollee at the time of enrollment;

(4) a policyholder or certificate holder at the time of issuance of the policy or delivery of the certificate.

(e) **ENFORCEMENT.**—A person that willfully fails to provide the information required under this section shall be subject to a fine of not more than \$1,000 for each such failure. Such failure with respect to each enrollee, applicant, policyholder, or certificate holder shall constitute a separate offense for purposes of this subsection.

(f) **AMENDMENT TO SECTION 1311.**—Section 1311(c)(1) is amended—

(1) in subparagraph (G), by striking “and” at the end; and

(2) by inserting after subparagraph (G) the following:

“(H) annually disclose the compensation of the Chief Executive Officer of the health care insurance company for the previous year, in accordance with the standards developed under section 1563(b); and”.

(g) **APPLICATION TO MEDICARE AND MEDICAID.**—Section 1128J of the Social Security Act, as added by section 6402, is amended by adding at the end the following new subsection:

“(f) **DISCLOSURE OF EXECUTIVE COMPENSATION BY CERTAIN PLANS AND OTHER ENTITIES.**—

“(1) **IN GENERAL.**—An applicable plan or entity shall annually disclose the compensation of the Chief Executive Officer of the applicable plan or entity for the previous year, in accordance with the standards developed under section 1563(b) of the Patient Protection and Affordable Care Act.

“(2) **APPLICABLE PLAN OR ENTITY.**—In this subsection, the term ‘applicable plan or entity’ means the following:

“(A) A Medicare Advantage plan under part C of title XVIII.

“(B) A prescription drug plan under part D of such title.

“(C) A Medicaid managed care organization (as defined in section 1903(m)(1)(A)).

“(D) Any health insurance issuer that contracts with a State to provide medical assistance under a State Medicaid program under title XIX or child health assistance under the State Children’s health insurance program under title XXI.

“(E) Any other plan or entity the Secretary determines appropriate.”.

**SA 2932.** Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr.

BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. —. DIABETES RESEARCH, EDUCATION, AND OTHER ACTIVITIES.**

(a) **CENTERS FOR DISEASE CONTROL AND PREVENTION.**—Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 317T the following section:

**“SEC. 317U. DIABETES IN MINORITY POPULATIONS.**

“(a) **DIABETES; HEALTH PROMOTION, PREVENTION ACTIVITIES, AND ACCESS.**—

“(1) **IN GENERAL.**—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall carry out culturally appropriate diabetes health promotion and prevention programs for minority populations.

“(2) **CERTAIN ACTIVITIES.**—Activities regarding culturally appropriate diabetes health promotion and prevention programs for minority populations shall include the following:

“(A) Expanding the Diabetes Prevention and Control Program (currently existing in all the States and territories) and providing funds for education and community outreach on diabetes.

“(B) Providing funds to strengthen existing surveillance systems to improve the quality, accuracy, and timeliness of morbidity and mortality diabetes data for such populations.

“(b) **DEFINITION.**—For purposes of this section, the term ‘minority population’ means a racial and ethnic minority group, as defined in section 1707(g).

“(c) **AUTHORIZATION OF APPROPRIATIONS.**—For the purpose of carrying out this section, there are authorized to be appropriated such sums as are necessary for fiscal year 2010 and each subsequent fiscal year.”.

(b) **HEALTH RESOURCES AND SERVICES ADMINISTRATION.**—Part P of title III of the Public Health Service Act is amended—

(1) by redesignating the section 399R inserted by section 2 of Public Law 110-373 as section 399S;

(2) by redesignating the section 399R inserted by section 3 of Public Law 110-374 as section 399T; and

(3) by adding at the end the following new section:

**“SEC. 399U. PROGRAMS TO EDUCATE HEALTH PROVIDERS ON THE CAUSES AND EFFECTS OF DIABETES IN MINORITY POPULATIONS.**

“(a) **IN GENERAL.**—The Secretary, acting through the Director of the Health Resources and Services Administration, shall conduct and support programs described in subsection (b) to educate health professionals on the causes and effects of diabetes in minority populations.

“(b) **PROGRAMS.**—Programs described in this subsection, with respect to education on diabetes in minority populations, shall include the following:

“(1) Making grants for diabetes-focused education classes or training programs on cultural sensitivity and patient care within such populations for health care providers.

“(2) Providing funds to community health centers for programs that provide diabetes services and screenings.

“(3) Developing a diabetes focus within, and providing additional funds for, the National Health Service Corps Scholarship program to place individuals in areas that are disproportionately affected by diabetes and to provide health care services to such areas.”.

**SA 2933.** Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle E of title I, insert the following:

**SEC. —. STUDY OF GEOGRAPHIC VARIATION IN APPLICATION OF FPL.**

(a) **IN GENERAL.**—The Secretary shall conduct a study to examine the feasibility and implication of adjusting the application of the Federal poverty level under this subtitle (and the amendments made by this subtitle) for different geographic areas so as to reflect the variations in cost-of-living among different areas within the United States. If the Secretary determines that an adjustment is feasible, the study should include a methodology to make such an adjustment. Not later than January 1, 2013, the Secretary shall submit to Congress a report on such study and shall include such recommendations as the Secretary determines appropriate.

(b) **INCLUSION OF TERRITORIES.**—

(1) **IN GENERAL.**—The Secretary shall ensure that the study under subsection (a) covers the territories of the United States and that special attention is paid to the disparity that exists among poverty levels and the cost of living in such territories and to the impact of such disparity on efforts to expand health coverage and ensure health care.

(2) **TERRITORIES DEFINED.**—In this subsection, the term “territories of the United States” includes the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Northern Mariana Islands, and any other territory or possession of the United States.

**SA 2934.** Mr. INOUE (for himself and Mr. AKAKA) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title II, insert the following:

**SEC. 2008. 100 PERCENT FMAP FOR MEDICAL ASSISTANCE PROVIDED TO A NATIVE HAWAIIAN THROUGH A FEDERALLY QUALIFIED HEALTH CENTER OR A NATIVE HAWAIIAN HEALTH CARE SYSTEM UNDER THE MEDICAID PROGRAM.**

(a) **MEDICAID.**—The third sentence of section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended by inserting “, and with respect to medical assistance provided to a Native Hawaiian (as defined in section 12 of the Native Hawaiian Health Care Improvement Act) through a Federally



qualified health center or a Native Hawaiian health care system (as so defined) whether directly, by referral, or under contract or other arrangement between a Federally-qualified health center or a Native Hawaiian health care system and another health care provider" before the period.

(b) **EFFECTIVE DATE.**—The amendment made by this section applies to medical assistance provided on or after the date of enactment of this Act.

**SA 2935.** Mr. VITTER submitted an amendment intended to be proposed to amendment SA 2923 submitted by Mr. DORGAN (for himself, Mr. WHITEHOUSE, Mr. UDALL of New Mexico, Mr. BEGICH, Mr. JOHNSON, Mr. FRANKEN, Ms. CANTWELL, Mr. UDALL of Colorado, Mr. TESTER, and Mr. INOUE) and intended to be proposed to the amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 71 of the amendment, between lines 21 and 22, insert the following:

**SEC. 138. LIMIT RELATING TO ABORTION.**

Title II of the Indian Health Care Improvement Act (25 U.S.C. 1621 et seq.) is amended by adding at the end the following:

**"SEC. 227. LIMIT RELATING TO ABORTION.**

"(a) **DEFINITION OF HEALTH BENEFITS COVERAGE.**—In this section, the term 'health benefits coverage' means a health-related service or group of services provided pursuant to a contract, compact, grant, or other agreement.

"(b) **LIMITATION.**—

"(1) **IN GENERAL.**—Except as provided in paragraph (2), no funds or facilities of the Service may be used—

"(A) to provide any abortion; or

"(B) to provide, or pay any administrative cost of, any health benefits coverage that includes coverage of an abortion.

"(2) **EXCEPTIONS.**—The limitation described in paragraph (1) shall not apply in any case in which—

"(A) a pregnancy is the result of an act of rape, or an act of incest against a minor; or

"(B) the woman suffers from a physical disorder, physical injury, or physical illness that, as certified by a physician, would place the woman in danger of death unless an abortion is performed, including a life-endangering physical condition caused by or arising from the pregnancy itself."

**SA 2936.** Mr. VITTER submitted an amendment intended to be proposed to amendment SA 2922 submitted by Mr. DORGAN and intended to be proposed to the amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 4 of the amendment, strike line 5 and insert the following: "as the 'Buy Indian Act'".

**"SEC. 827. LIMIT RELATING TO ABORTION.**

"(a) **DEFINITION OF HEALTH BENEFITS COVERAGE.**—In this section, the term 'health

benefits coverage' means a health-related service or group of services provided pursuant to a contract, compact, grant, or other agreement.

"(b) **LIMITATION.**—

"(1) **IN GENERAL.**—Except as provided in paragraph (2), no funds or facilities of the Service may be used—

"(A) to provide any abortion; or

"(B) to provide, or pay any administrative cost of, any health benefits coverage that includes coverage of an abortion.

"(2) **EXCEPTIONS.**—The limitation described in paragraph (1) shall not apply in any case in which—

"(A) a pregnancy is the result of an act of rape, or an act of incest against a minor; or

"(B) the woman suffers from a physical disorder, physical injury, or physical illness that, as certified by a physician, would place the woman in danger of death unless an abortion is performed, including a life-endangering physical condition caused by or arising from the pregnancy itself."

**SA 2937.** Mr. VITTER submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 1703, between lines 4 and 5, insert the following:

**SEC. 6303. RULE OF CONSTRUCTION.**

Nothing in the provisions of or amendments made by this subtitle shall be construed to allow any employee of the Federal government or any political appointee to dictate the manner in which a health care provider practices medicine.

**SA 2938.** Mrs. GILLIBRAND (for herself, Ms. STABENOW, Mr. BROWN, Mr. KERRY, Mr. MENENDEZ, Mr. SCHUMER, and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 1996, between lines 3 and 4, insert the following:

**SEC. 9001A. INCREASED THRESHOLDS ON HIGH COST EMPLOYER-SPONSORED HEALTH COVERAGE SUBJECT TO EXCISE TAX.**

Section 4980I of the Internal Revenue Code of 1986, as added by section 9001(b), is amended—

(1) by striking "\$8,500" in subsection (b)(3)(C)(i)(I) and inserting "\$9,500", and

(2) by striking "\$23,000" in subsection (b)(3)(C)(i)(II) and inserting "\$25,000".

**SA 2939.** Mr. PRYOR submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain

other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 134, between lines 10 and 11, insert the following:

(4) **ENROLLEE SATISFACTION SYSTEM.**—The Secretary shall develop an enrollee satisfaction survey system that would evaluate the level of enrollee satisfaction with qualified health plans offered through an Exchange, for each such qualified health plan that had more than 500 enrollees in the previous year. The Exchange shall include enrollee satisfaction information in the information provided to individuals and employers through the Internet portal established under paragraph (5) in a manner that allows individuals to easily compare enrollee satisfaction levels between comparable plans.

**PRIVILEGES OF THE FLOOR**

Mr. COBURN. Mr. President, I ask unanimous consent that Josh Trent of my staff be granted the privilege of the floor for the duration of the debate on H.R. 3590.

The PRESIDING OFFICER. Without objection, it is so ordered.

**ORDERS FOR SUNDAY, DECEMBER 6, 2009**

Mr. PRYOR. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 12:30 p.m., Sunday, December 6; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of H.R. 3590, the health care reform legislation, as provided for under the previous order, with the majority controlling the first 60 minutes and the Republicans controlling the next 60 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

**PROGRAM**

Mr. PRYOR. Madam President, Senators should expect at least two roll-call votes tomorrow to begin at approximately 3:15 p.m. The first two votes will be in relation to the Lincoln amendment No. 2905 regarding executive compensation, to be followed by a vote in relation to the Ensign amendment No. 2927 regarding attorneys fees. We are also working on the next amendments that will be offered, and we are hopeful we will be able to vote on those tomorrow after the 3:15 p.m. votes. Senators will be notified when any additional votes are scheduled.

**ADJOURNMENT UNTIL 12:30 P.M. TOMORROW**

Mr. PRYOR. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate adjourn under the previous order.

There being no objection, the Senate, at 6:29 p.m., adjourned until Sunday, December 6, 2009, at 12:30 p.m.

## SENATE—Sunday, December 6, 2009

The Senate met at 12:30 p.m. and was called to order by the Honorable MARK BEGICH, a Senator from the State of Alaska.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, the source of our strength, as we labor this weekend, we are grateful for Your keeping power. Lord, You sustain us and this land we love through dangers seen and unseen. Your faithfulness and mercy astound us, for throughout our Nation's history, Your loving providence has guided us through sunshine and storms.

Today, accompany our Senators in their work. May they feel Your presence, hear Your whisper, and follow Your leading. Remind them of the momentous nature of the work they seek to accomplish, as they remember that history will critique their labors. Help them also to take solace in the fact that they are ultimately accountable to You. We pray in Your great Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable MARK BEGICH led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, December 6, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK BEGICH, a Senator from the State of Alaska, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. BEGICH thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized.

### SCHEDULE

Mr. DURBIN. Mr. President, following leader remarks, the Senate will resume consideration of H.R. 3590, the health care reform legislation. The time until 3:15 p.m. will be equally divided. The majority will control the first hour, the Republicans will control the next hour. The remaining time will be equally divided and controlled between the two leaders or their designees.

At 3:15 p.m., the Senate will proceed to vote in relation to the Lincoln amendment, No. 2905, related to executive compensation, to be followed by a vote in relation to the Ensign amendment, No. 2927, relating to attorney's fees.

We are working on the next amendments in order and hope to have them ready for votes this afternoon. Senators will be notified if additional votes are scheduled after the votes at 3:15 p.m.

### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

### HEALTH CARE REFORM

Mr. MCCONNELL. Mr. President, first, I wish to extend a welcome to the President, who is coming to the Capitol today to meet with Democrats on the subject of the health care bill.

So far, they have voted to cut Medicare three times—cuts they previously described as immoral and irresponsible; cuts that made it impossible for the President to keep his pledge that people who like their plans can keep them; cuts that will reduce the quality of home health care; cuts that will reduce benefits for nearly 11 million American seniors on Medicare Advantage; cuts that raid Medicare instead of fixing it; and cuts the American people vehemently oppose.

Democrats are in a tough situation on this bill. They want to expand the government's reach into health care, but they do not have the money, and they don't have the support, more importantly, of the American people. So what did they do? They decided to take the money they need out of Medicare, and that has only made their health care plan even less popular with the American people.

The Gregg amendment, which we will vote on later this afternoon, will help reverse the damage of last week's

votes. The Gregg amendment says Democrats can't raid Medicare, which is already in serious trouble, in order to pay for their \$2.5 trillion bill. The money going out of Medicare's hospital insurance trust fund already exceeds its annual income. It is already drying up. By 2017, the hospital insurance trust fund will not be able to pay full benefits, and that is before our colleagues get their hands on it. This program needs to be fixed, not pillaged to create another one.

So the Gregg amendment prohibits using money from Medicare to pay for any new government programs, for expanding existing programs, or for subsidies. Instead, it directs that any money from Medicare be put back into Medicare to strengthen and preserve it for future generations so we can keep our promises. Frankly, this is common sense.

Americans don't want this bill to pass, and they certainly don't want it to pass at the expense of the roughly 40 million American seniors who depend on Medicare. The Gregg amendment would keep that from happening. A vote for the Gregg amendment is a vote to keep our promise to seniors.

We are also going to have a vote today on the Ensign amendment. The amendment is simple: It is designed to ensure that injured patients—not their lawyers—receive the vast majority of any settlement in a medical malpractice suit. It says that since lawsuits should benefit patients, not lawyers, lawyers can't take more than one-third of the recovery their clients receive. In other words, the lawyers can't take more than one-third of what the client gets.

These are responsible limits. Moreover, they were written by a Democrat and supported in the past by 21 of our current Democratic colleagues, as well as the Vice President, and they would drive down costs, which was the original purpose of reform.

The independent Congressional Budget Office has said comprehensive liability reforms would save the taxpayers more than \$50 billion. The Ensign amendment is a step in that direction.

We will offer a better, step-by-step reform to end junk lawsuits against doctors and hospitals later in the consideration of this bill. I am hopeful my Democratic colleagues will support it again, since so many of them have supported it in the past.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in leader time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### HEALTH CARE REFORM

Mr. DURBIN. Mr. President, Senator REID contacted me earlier today and said he was unable to be here for the opening of the session, and I told him I would be here to open.

I would like to say, briefly, in response to the comments that have been made by the minority leader, Senator MCCONNELL, who continues to raise the question about the future of Medicare, that I hope the Senator is sensitive to the fact that this last week, on December 3, we voted 100 to 0 for the amendment offered by Senator BENNET of Colorado, which said nothing in the amendments to this act shall result in the reduction of guaranteed benefits under the Social Security Act provisions related to Medicare; and we went on to say any savings would be used to extend the solvency of the Medicare trust fund, reduce Medicare premiums and other cost sharing for benefits and improve or expand guaranteed Medicare benefits and protect access to Medicare providers.

We voted 100 to 0, in a bipartisan fashion, to make certain we protect the Medicare Program. That is the way it should be, and that is the way the Senate voted.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### SERVICE MEMBERS HOME OWNERSHIP TAX ACT OF 2009

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 3590, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3590) to amend the Internal Revenue Code of 1986 to modify the first-time home buyers credit in the cases of members of the Armed Forces and certain other Federal employees, and for other purposes.

Pending:

Reid amendment No. 2786, in the nature of a substitute.

Lincoln amendment No. 2905 (to amendment No. 2786), to modify the limit on excessive remuneration paid by certain health insurance providers to set the limit at the same level as the salary of the President of the United States.

Ensign amendment No. 2927 (to amendment No. 2786), relative to limitation on amount of attorney's contingency fees.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 3:15 p.m. will be for debate

with respect to amendment No. 2905, offered by the Senator from Arkansas, Mrs. LINCOLN; and amendment No. 2927, offered by the Senator from Nevada, Mr. ENSIGN, with the time equally divided and controlled, with Senators permitted to speak for up to 10 minutes, with the majority controlling the first 60 minutes and the Republicans controlling the next 60 minutes.

The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I wish to speak on the bill and, in part, respond to the minority leader. At the end of the day, why are we staying around the clock discussing this bill with the intent that we are going to pass the bill? It is simply that we cannot continue as we are. We are in a system whereby insurance is not solving the Nation's health needs.

All you have to do is talk to a doctor. If they haven't already pulled their hair out, they are about to, in that when they want to give a certain treatment to a patient, they feel like they have to negotiate with the insurance company. In fact, the insurance company often is dictating to them what treatment and what drugs they can or cannot use or look at the simple little cases we hear about.

They are absolutely simple cases but end up with catastrophic results because someone is in the middle of a treatment for something and then they get a notice that their insurance company is going to cancel them or, perhaps, they have lost their job and they are desperately trying to get health insurance again and an insurance company uses, as an excuse, that they had a preexisting condition. It may be a flimsy excuse. I gave the example yesterday of a reason for denial being something as silly as a skin rash as a preexisting condition and so they can't get health insurance now on their own. We have a system that is out of control.

We hear a lot about cost out here. We hear a lot about cost. Indeed, if we don't do something about the cost of health care, none of our people are going to be able to afford it. Talk to corporate America and the CEOs and listen to them as they describe what the insurance companies are saying to them and how they are jacking up their rates on their employer-sponsored group policies. Please, pray that you are not an individual who can't get a group policy and you are having to go out there and try to find an individual policy because the likelihood is you are not going to be able to afford it.

So cost is a critical factor. It is a factor also to the Government because the U.S. Government cannot afford the cost of Medicare as it keeps exploding into the future. We have to bring these costs under control. When you mix that in with the horror stories that we hear of the 46 million people who don't have health insurance but who, when

they get sick, end up in the emergency room, we know they are getting that care at the most expensive place while the rest of us pay. That is a hidden tax.

On average, in this Nation, that hidden tax is \$1,000 per family's health insurance policy. I can tell you, in my State of Florida it is even higher. It is \$1,400. In Florida, a family with a group insurance policy is paying \$1,400 more per year to take care of those folks who do not have insurance but end up getting sick, and that bill is paid by everybody else.

What I have described is a system that is in tilt. It is not working. The whole purpose of this bill is to try to make it work so, No. 1, it is affordable; No. 2, that health insurance is available. At the end of the day, we are going to pass it. At the end of the day, poor old HARRY REID, our majority leader, is going to figure out a way to get 60 of us to come down here to shut off the filibuster so we can go to final passage and get it down to a conference committee in the House. At the end of the day, after that conference committee comes back, we are going to get those 60 votes again because this is so desperately needed, despite all the supposed arguments we hear from the other side.

Can this product be improved? Of course it can. I certainly wish to share, as I did in the Finance Committee, an amendment that would cause the pharmaceutical industry to come up with some more money.

They have made a pledge, to their credit. Let me just say that Billy Tauzin, the head of the pharmaceutical association, is smart. He knows what he is doing, and he is trying to play ball with the leadership and the White House. I want the pharmaceutical industry to know this Senator appreciates that because with everybody else, such as the insurance industry, trying to kill it dead than a doornail, at least they are helping. But the pharmaceutical industry said they were coming forth with \$80 billion over 10 years that they were going to contribute. The hospital industry said they were going to contribute about \$150 billion over 10 years, and so forth. But, in fact, the pharmaceutical industry is not contributing \$80 billion.

Here is a Morgan Stanley analysis for investors of pharmaceutical stocks. This is their analysis of what is going to happen to the pharmaceutical industry in the future. Morgan Stanley has said these guys are so smart, they are not contributing \$80 billion. They are contributing only \$22 billion. Why? Because when they say they are going to contribute discounts to allow half of this so-called doughnut hole to be filled, that means there is going to be a lot more drugs sold.

Oh, by the way, the bill takes Medicaid from 100 percent to 133 percent. That is going to mean a lot more drugs sold as a result of this bill.

So the real loss, or contribution, if you will, of the pharmaceutical industry is \$22 billion over 10 years, not \$80 billion. That does not even include—remember, they just raised their prices 9 percent, three times the rate of inflation. So they are going to make up a lot of that anyway.

What I want to plead with the leadership in the White House and the leadership of the pharmaceutical industry—come back to your \$80 billion real figure over 10 years. One way to get there is the amendment I offered in the Finance Committee that was rejected on a narrow vote of 13 to 10. Out here on the floor it is my intention to offer that amendment. I filed it. It would produce, according to the CBO, \$106 billion of taxpayer fund savings over 10 years because the discounts would have to be there for the Medicaid recipients who are entitled to discounts, but now, since they buy their drugs through Medicare, they can't get those discounts. That is because we changed the law 6 years ago in the prescription drug benefit. That is just simply not right.

I am not out here to try to punish anybody. I am out here to try to make this work and to get 60 votes so we can go to final passage. But everybody has to do their part. Everybody has to contribute for their part.

I look forward to the future discussions as we close in on what probably is going to end up being the final passage of this, probably a week or 8 days down the road.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, the schedulers have allocated 15 minutes to me, so I ask unanimous consent at this time that I may speak for up to 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I have sought recognition to speak in opposition to the Ensign amendment. The authoritative statement on attorney's fees has come from the National Association of Insurance Commissioners in a 2008 document entitled "Countrywide Summary of Medical Malpractice Insurance." These are authoritative figures on how much the defense lawyers have taken and how much the plaintiffs' lawyers have taken.

It shows that the plaintiffs' lawyers, on this state of the record, are underpaid—paid less than defense lawyers—hardly the cause for an amendment to lower attorney's fees even more for plaintiffs' lawyers.

These are the statistics by the National Association of Insurance Commissioners as to the attorney's fees. The attorney's fees for defendants were \$2.110 billion. The total recovery by

plaintiffs was \$4.09 billion. Calculating attorney's fees at one-third would mean that the attorney's fees were, for the plaintiffs' attorneys, \$1.340 billion, substantially under the \$2.110 billion for defense attorneys.

Attorneys who take on cases on a contingent fee do so because, unlike insurance companies which have the funds to retain lawyers on an hourly basis, most plaintiffs are unable to pay attorney's fees, do not have the capital to do so. The arrangement is worked out that the fee will be paid by a share of the recovery. If there is no recovery, there is no fee. Beyond the absence of the fee, the plaintiffs characteristically cannot afford the costs of litigation. When depositions are taken or filings are made or various other costs arise, it is up to the plaintiff's lawyer to pay those fees and those are not reimbursed.

An effort is being made now to have those deductions on an annual basis. The plaintiff's attorney cannot even take them in the year when they are paid. So if you see a situation where, in absolute dollars plaintiffs' lawyers on contingent fees are paid less than defense lawyers, and you have added to that the risk factor that the plaintiff's lawyers may get nothing, there should even be a greater compensation for plaintiffs' lawyers than defense lawyers. As these statistics show, it is less.

Most of my experience in the courtroom has been as a prosecuting attorney, but some experience—I worked for a big law firm, Barnes, Dechert, Price, Myers and Rhoads, representing the Pennsylvania railroads, defendants, representing insurance companies. In the firm practice in that kind of representation, there is frequently a senior lawyer, junior lawyer, associate, paralegal, and multiple tiers running up the costs.

Most plaintiffs' lawyers do not have large firms. Many are single practitioners. To postulate a situation where the fees be cut even further is just not reasonable or not realistic.

When the contention has been made—it was just made by the Republican leader, repeated earlier contentions—that there are Senators who voted in favor of the Kennedy bill on liability reform, it is not so as represented. First of all, Senator Kennedy's bill in 1995 was a much different bill. Second, it was a tabling motion. Those who voted against tabling were willing to consider the issue, not that they agreed with what was in the bill. Procedurally, when there is a motion to table, if it is passed the bill is off the floor. If a motion to table is defeated, then the bill remains on the floor for consideration. But it does not mean that people who want to consider the bill are in agreement the bill ought to be enacted.

The issue of attorney's fees and the issue of malpractice litigation ought to

be left to the States in our Federal system. Pennsylvania, my State, is illustrative of the way State governments can handle the issue and deal with it to avoid excesses. In Pennsylvania there was a rule change made to require that before a malpractice suit could be brought, there had to be a certification from a doctor that the case fell below applicable standards of care. A second major change was made which required that the medical malpractice action be brought only in the county where the cause of action took place. That was a move aimed at eliminating so-called venue shopping, to go to a venue where there is likely to be a better result.

As a consequence of these two rule changes, the number of filings in Pennsylvania dropped dramatically. With the comparison of the years 2000 to 2002, it was noted that the rates dropped by more than 37 percent in 2003, continued to decline in every succeeding year, and in 2008 had dropped 41.4 percent.

The improvement in the picture was further illustrated by the fact that the reforms resulted in the reduction of premiums on malpractice insurance. These reductions are in sharp contrast to 2002, when one leading carrier increased its rates an average of 40 percent and a second leading carrier increased its rates by 45 percent. Then the rates have been decreased consistently and in ensuing years.

Other indications in the success of Pennsylvania was the renewed interest of companies that want to sell medical malpractice insurance in Pennsylvania—57 newly licensed entities are now writing medical malpractice coverage since April, 2002. This is illustrative of the way the States can deal with this issue. It ought to be left to the States.

Interestingly, the Senator from Nevada, who has proposed this amendment, has filed legislation this year, S. 45, and in S. 45 he has a different approach. He allocates for some recoveries up to 40 percent. Why there is a difference now, cutting it back to 33 percent, and then down to 25 percent, is unexplained. But when an amendment of this sort is offered on a bill for comprehensive health care reform, it is not germane to the issues before the Senate. The standard of being germane means whether there is any provision in the bill now which relates to this matter.

Had this really been a serious effort to get legislation, the process or recourse to be followed would have been considerably different. The way to get legislation enacted is not merely to come before some bill and offer it without hearings before the committee of jurisdiction, without the consideration of witnesses. There have been no hearings on the amendment offered by the Senator from Nevada. Had there been

hearings we would have been in a position to make a determination as to what are the real facts.

Are the fees collected by plaintiffs' attorneys on a contingent basis excessive? What is the reality for the justification, in terms of the time it takes and the expenses involved? But no request was made, to my knowledge, for a hearing before the Judiciary Committee. I do know that no hearing was held. So we do not have a factual basis for making an evaluation of this amendment at this time.

It is my hope that we will move from this amendment and take up the issues which are in dispute. We need to eliminate and reject the false rumors which have been advanced. The contention has been made that there would be death panels as a result of this bill. That has been thoroughly debunked. There has been a context that there would be cuts in Medicare. We argued an amendment a few days ago on the contention that there would be very substantial cuts in Medicare. The AARP opposed that amendment because it was fallacious. It was untrue. AARP is an outstanding guardian of the interests and rights of senior citizens, and AARP opposed that amendment.

The contention has been made that there will be a government takeover of medical care which has also been disputed and pretty well disproved. When the government option is offered, it is just that. I believe America would be well served by having a robust public option. But the option is nothing more or less than what it says. It is one alternative. Private insurers would still be in the picture.

There have been repeated contentions that there will be an increase in the deficit. President Obama is pledged not to sign a bill which will add to the deficit. I am pledged not to vote for a bill which will add to the deficit. When you take a look at what this bill will accomplish, there are very substantial savings in the current cost of medical care, which is \$2.4 trillion. I will be specific in what they are. With annual examinations available and incentives for people to take annual examinations, they will be catching what could turn out to be chronic ailments, very disabling, very expensive. Catching a problem with a cardiac issue, with a heart problem, or catching breast cancer at an early stage or catching Hodgkin's at an early stage—I speak with some experience about this issue—will cut down medical expenses tremendously. When there are advance directives, there will also be additional savings. This bill provides for counseling for people who want to know about advance directives. No one should tell anyone else what they ought to do about end-of-life medical care, but it is fair to say consider it, make a decision, have a living will, do not leave it to the

last minute when someone is rushed to the hospital and the burden then falls on family members. Estimates range as high as 27 percent of Medicare costs in the last few days, few weeks of a person's life.

There are also very substantial savings available for changes in lifestyle. Safeway has demonstrated lower insurance premiums for people who stop smoking, lower insurance premiums for people who have lower cholesterol. That is another major area of savings.

An additional area of savings would be to change the current approach of having fines imposed for Medicare.

I ask unanimous consent for 30 additional seconds.

The PRESIDING OFFICER (Mr. BINGAMAN). Without objection, it is so ordered.

Mr. SPECTER. Currently the criminal justice system results most of the time in fines for health care fraud. That is totally ineffective. But if there were jail sentences imposed, that would be a deterrent to others, something I learned years ago as a prosecuting attorney. We can also come to terms on the abortion issue, allowing women to pay for abortion coverage in their medical care. There is no reason they should be denied in maintaining the principles of the Hyde amendment with no federal payment for abortion services.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank the Senator from the Commonwealth of Pennsylvania for his opening remarks. He has addressed an issue relative to a pending amendment offered by the Senator from Nevada. He makes note of a very critical flaw in this amendment. The Senator from Nevada is restricting the ability of the victims of medical malpractice to go to court to recover by restricting the attorney's fees that can be paid, contingency fees, because people usually don't have enough money to buy an attorney. The attorney takes the case and says: If you win, then I get paid. If you lose, I don't get paid. Contingent fee basis.

The Senator from Nevada is restricting the ability of these attorneys to represent plaintiffs, victims, on a contingency fee basis, but does not restrict the defense attorneys and the amount they are paid. As the Senator from Pennsylvania noted, the record is clear, the amount of money being paid to defense attorneys in medical malpractice cases is 50 percent higher on an annualized basis than that paid to those representing victims.

I won't question the motive of the Senator from Nevada, but the effect of his amendment is to reduce the likelihood that an injured victim will be able to go to court and be represented by an attorney to make their claim. Our system of justice has a courtroom

and jury and a judge there to make that final decision. What the Senator from Nevada does is preclude and reduce the possibility that victims can recover. How many people die each year in America from medical malpractice? The Institute of Medicine told us 10 years ago the number was 98,000 people a year. Many more are injured because of medical malpractice. How many lawsuits, claims are successfully filed each year in America for medical malpractice, for injuries and deaths? About 11,000. A very small percentage of the actual victims of malpractice go to court. It doesn't happen. Those who try to go to court are usually not rich people so they do it on a contingency fee. What the Senator from Nevada is trying to do, unfortunately, is to close the courthouse door to favor the defense of a malpractice case over the victim. That, to me, is unfortunate, and I hope we are successful in defeating it. For those who are following the proceedings of the Senate today, either in person or through C-SPAN, it is an unusual—not unprecedented but unusual—meeting on Sunday. But it is appropriate that we would do something extraordinary when you consider the matter at hand. This 2,000-page bill is the health care reform bill that has been in the works now for a year. It has been considered by three committees in the House and two in the Senate. The Presiding Officer from New Mexico has the dubious distinction of having been privy to all of the Senate committee proceedings and some extraneous proceedings. He has probably been subjected to more debate on this issue than any other Member.

A lot of hard work has gone into this bill. Some critics say it is too long. There are too many pages. When you consider that we are tackling our health care system, which comprises one-sixth of our gross domestic product—\$1 out of every \$6 spent in America—it is understandable that we would need to work carefully and try in a comprehensive way to address all the issues.

So what does this bill do? First, it is historic in that it moves us toward 94 percent of the American people having health insurance. Today about 50 million people don't have health insurance. That is not counting the people with bad health insurance. These are people who have no health insurance. Some have lost jobs, some worked for businesses that can't afford insurance, and some can't afford to buy it themselves, 50 million of them. Thirty million are going to move toward coverage in this bill. It will be the largest percentage of Americans with the security of health insurance protection in our Nation's history. That is what this bill does.

Secondly, this bill makes health insurance premiums more affordable. For

over 80 percent—some say over 90 percent—of the people in America, they will see either a reduction in premium or a slowdown in the rate of growth in health insurance premiums. That is something that is absolutely essential because health insurance premiums are breaking the bank. Ten years ago, the average health insurance plan for a family of four cost \$6,000 a year. That is a lot of money, \$500 a month. That was 10 years ago. Now it has doubled. The average is \$12,000 a year, \$1,000 a month for a family of four for health insurance coverage. That is the average, to work and earn \$1,000 a month strictly for health insurance. What is the projection in 8 years? That it will double again to \$24,000, that you will be working and earning \$2,000 a month just to pay for health insurance. That is unaffordable for so many people. That is why that is one of the highest priorities in this bill.

The third thing this bill does is to give people across America a fighting chance against the health insurance companies. These private insurance companies are some of the wealthiest companies in America and pay the highest amounts to their CEOs each and every year. What we are trying to do is to make sure they don't turn down people when they need help the most. Too many of these insurance companies, as has been noted many times, raise the issue of preexisting conditions and say: We are not going to cover that particular surgery or that particular drug because you had a pre-existing condition you didn't disclose. They game the system against the person who is sick. That is going to change. This bill will provide for coverage despite preexisting conditions, and we won't allow the insurance companies to assert a limit, a lifetime limit on what they can pay.

You know what happens. You get seriously ill, and they cut you off. What is happening today is that two out of three people who file for bankruptcy in America do so because of medical bills, bills they can't pay. That tells us that the number of people facing this threat is huge. But even worse is the fact that some 74 percent of those filing bankruptcy already have health insurance. It turns out the health insurance was not worth much when they needed it.

The last thing this bill does—and one of the most important things—is it doesn't add to the deficit. President Obama told us to do this job but don't make the deficit worse. The Congressional Budget Office, which is the referee and umpire when it comes to the cost of bills, came back and said our bill will actually reduce the Federal deficit by \$130 billion over the first 10 years and \$650 billion over the next 10. Bringing down the cost of health care brings down the cost of government health programs. It saves us money, saving families and businesses money,

saving the government money. It is the largest deficit reduction bill ever considered by Congress. It is before us now.

It is no surprise—we heard this morning from the Republican Senate leader, and we have heard before—that there are those who are arguing this is a dangerous bill and this bill should not be passed. I asked my staff to do a little bit of work on previous debates right here on the floor of the Senate and what was said.

In 1934, when Congress was considering the Social Security Program, which gave everybody a basic retirement plan, an insurance plan for retirement, even after the Social Security bill came to the Senate floor, not including health insurance, a Republican Senator from Delaware, Daniel Hastings, said on the floor about Social Security:

I fear it may end the progress of a great country.

A Congressman from the State of New York, James Wadsworth, in the same debate over Social Security, said that the passage of Social Security:

... opens the door and invites the entrance into the political field of a power so vast, so powerful as to threaten the integrity of our institutions and to pull the pillars of the temple down upon the heads of our descendants.

We know that when former Senator from Ohio Robert Taft was addressing the effort by President Harry Truman to have universal health care in America, he said:

I consider it socialism.

It was used against Lyndon Johnson. That same charge was used against Bill Clinton. It is virtually being used today. When we hear the Republicans who are opposing this bill come to the floor, I have a basic question to ask them. We have been at this debate for a year. Where is your bill? What do you want to do?

Oh, they tell us: We have some bills, and you are going to see them any day now. Well, I would like to. I would like to see the comprehensive health reform bill from the Republican side of the aisle. This is ours, and it has been on the Internet for 2 weeks for everybody in this Nation to read word by word, line by line. Sadly, there is no Republican bill.

I know there are two possible reasons for that. This was hard work. This was not easy politically or otherwise and they have not engaged in that hard work. What we have seen are press releases and speeches, graphs and pictures, but no bill, no comprehensive health care reform bill from the Republican side. Secondly, there are many on that side of the aisle who like this system of health care. They agree with the health insurance companies: Let's keep it the way it is.

But Americans know better. We are going to work today in the Senate on

this bill, as we should. While we are working today, 14,000 Americans are going to lose their health insurance. Mr. President, 14,000 Americans lost their health insurance yesterday, and 14,000 will lose it tomorrow, and every single day of the year. That is how many people, despite their best efforts, lose their coverage.

We have to stop that. It is time for us to provide the kind of peace of mind that every single family deserves in America when it comes to quality and affordable health care.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

AMENDMENT NO. 2927

Mr. CASEY. Mr. President, I rise this afternoon to speak about one of the amendments we are going to be voting on later today. As we stand here today, we are debating the bill on the floor, the health care bill, where we are trying to do a couple things at one time, and I think we can, and I think this bill does it, even though we will make some changes to it.

We are trying to improve the quality of care for Americans, whether they get their health care through a public program or through a private insurance company or a private plan. We are trying to finally use preventive measures to make people healthier and have better health outcomes.

We are also working to reduce costs. If you want to talk about it in terms of a doctor and a patient or a health care system and an American, who should benefit from the health care system, we basically want to have people get the care they need from the doctor they choose.

What we are engaged in now is a debate about an amendment which the other side says is about the fees going to trial lawyers. That is the way they like to talk about it, and I know that is popular. When the other side makes an amendment such as this, they like to have a target, so their target is trial lawyers. But, unfortunately, for this debate, I think it is misleading because this amendment, which I would urge people to vote against, is not about lawyers. It is about victims and whether we are going to ensure that victims have a shot, a fair chance, when they have a claim for medical negligence when they have been injured as a result of negligent conduct.

I said before, we are debating the health care bill and we are talking about costs. This amendment will do nothing to lower costs. What it will do is not lower anyone's costs. What it will do is increase the cost or the burden a claimant has to bear when they have a claim against any kind of hospital or doctor in the case of a medical negligence case. So the question is, are we going to enable people who do not have the means to bring cases versus very powerful interests? That is one of

the basic questions we will answer with regard to this amendment.

I would hope if a member of my family or any family—and I think this is true of everyone in this Chamber—if a member of your family, as a result of medical negligence, had to bring a claim, you would hope that individual could walk into a courtroom or file a claim with someone who has the skill and the ability to be their advocate. Because I will tell you one thing, they are going to be up against a very powerful interest: insurance companies that write medical liability policies, an incredibly powerful interest.

A lot of us come at this question through our own personal experience, through the experiences of our families. I had a grandfather who I never met, my father's father, Alphonsus Casey. He, like a lot of people in northeastern Pennsylvania, as a young kid, went into the coal mines at a very young age. He worked as a mule boy. One of the days he was tending to the mules in that mine, just as a kid, 11 or 12 years old at the time, he was kicked by a mule. He got a scar that started above his eyebrow and went across his face, split his lip, and went down through one side of his chin. So he understood injury as a child, injury in the course of working. I think he also understood that when he became a lawyer, many years later, well into his adulthood. He understood what it is like to suffer an injury and to make a claim for an injury. But what he did is represent injured workers. That was his law practice. I wonder what he would say if he were here talking about what happens to victims when they have an injury they want redress for.

Like on so many other things in this debate, I think the other side of the aisle is carrying water for the insurance companies. Just my opinion, but I think that is the case. Yet in the case of medical negligence and what happens in the real world, we know that 98,000 deaths a year are from preventable medical errors. Let me say that again. We know there are 98,000 deaths in America a year, according to the Institute of Medicine, from preventable medical errors.

So what this amendment does is deny patients the attorney of their choice. It further restricts access to the courts. It drives up costs for victims. When we talk about bringing a case and the barriers to doing that, that is not some future result of this amendment. Oh, I think this amendment will make that problem a lot worse. But right now—no matter what happens in this debate, no matter what happens on the vote on this amendment—there are barriers right now for people to bring a lawsuit. It costs, in many cases, thousands, if not tens of thousands, to bring a case. And then to see a case all the way through costs a lot more than that.

What are we talking about here? We are talking about allowing someone

who has a claim for a serious injury to go see a lawyer and to sit down with that lawyer and enter into an agreement for the fee, whatever that fee will be, whatever that will be. If that lawyer and that person, that patient or victim, goes forward with the case, they bear a risk. The victim bears a risk that they will not be successful and that at the end of that they will have no recovery at all.

But because of the way the contingent fee works, the lawyer bears a risk as well that he or she will not be paid, and they also stand a risk of having to pay for costs the victim cannot pay—and the lawyer will bear those costs throughout the pursuit of that case.

So here is what we are talking about. This is basically a debate about victims and whether they are going to have the kind of representation they need. If I were going in to have surgery in a hospital, I would hope the surgeon would be someone of the best, the highest skill possible. I would want the best surgeon, as I take on that battle. Anyone would.

I would hope we would not do something in the debate to reduce the chances that a victim of medical negligence could go into a courtroom or file a claim with the best, most highly skilled lawyer they can find. I would hope we would not want to do anything that would injure that basic right.

It is interesting that this amendment applies only to patients—it does not apply to anyone else—patients who would become victims of medical negligence.

In conclusion, in terms of what happens in our States, States regulate the conduct of lawyers. They do it all the time. But we also have evidence from the States about what happens in these kinds of cases. In Pennsylvania, for example, in most counties, as to cases going to trial because of medical malpractice claims—those kinds of lawsuits—in most counties in Pennsylvania, 90 percent of those cases are won by the defense, won by the insurance company. That is the evidence in Pennsylvania.

I know we have others who are ready to speak on this and other amendments. But I think we should make it very clear. On this amendment, this is a debate about two parties: victims of medical negligence versus insurance companies. It is time to choose up which side you stand on. Unfortunately, this amendment is very clearly drafted and intended to help insurance companies, not victims of medical negligence.

I yield the floor.

I suggest the absence of a quorum.

I withhold that suggestion.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, for the benefit of all Senators, I want to take a moment to review today's program.

This is the seventh day of debate on the health care reform bill. It has been nearly 2½ weeks since the majority leader moved to proceed to this bill. We have now considered 14 amendments, and we have conducted 10 roll calls.

Between now and 3:15 this afternoon, the Senate will continue to debate the amendment by the Senator from Arkansas, Mrs. LINCOLN, on insurance company executive compensation and, at the same time, we will debate the amendment by Senator ENSIGN limiting attorney's fees. The majority controls the first 60 minutes, and the Republicans will control the next 60 minutes. At 3:15 p.m., the Senate will conduct back-to-back votes on or in relation to the Lincoln amendment and the Ensign amendment.

Thereafter, we expect to turn to another Democratic first-degree amendment and another Republican first-degree amendment. That is the lineup at this time. It is possible the Senate may vote on those next two amendments today. As a result, additional votes are possible following the two votes at 3:15.

Once again, I thank all Senators for their cooperation and courtesy on this extraordinary weekend session.

Mr. President, I suggest that Senator HARKIN be next recognized for 7 minutes.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I will have more to say about this later. But there has been so much talk about fear, fear, fear. Everybody has a fear. Let's get away from that. It is time to quit talking about fear. Let's talk about hope. Let's talk about the realities of what is affecting people out there, what we are trying to do to make their lives better. Why do we always want to inject fear into people? Let's talk about hope. Let's talk about real people and what this bill does.

As shown in this picture, this is Sarah Posekany of Cedar Falls, IA. Let me tell you her story. It is incredible. She was diagnosed with Crohn's disease when she was 15 years old. During her first year in college, she ran into complications from the disease and had to drop classes. Because she was no longer a full-time student, her parents' private health insurance company terminated her coverage. Then the medical bills piled up. Four years later, she found herself \$180,000 in debt, and was forced to file for bankruptcy.

Sarah has undergone seven surgeries—seven. Here is what is disturbing. Two of those came as a direct result of not being able to afford medication. So again, it is an incredible story, but it is a true story.

So many people have to go through this. Our bill says: Look, you can stay on your parents' coverage until you are age 26, and—guess what—no pre-existing conditions will apply to you



from here on out. Think about Sarah when we are talking about this bill and the hope she needs—and so many like her—that we are going to change this system to make her life better.

Second, this is a picture of Tasha Hudson of Des Moines, IA. She is a single mother, with three kids. She had a job which provided health insurance, but she took a new job that paid her more, 50 percent more. You would think: Isn't that the American way? You learn, you get better, you get a better paying job. The problem is, the private sector job did not come with health insurance. Despite the higher pay, she could not afford the coverage.

Ironically, her higher pay led to cuts in her Medicaid benefits and the loss of childcare services. As a result, Tasha is now in the process of returning to a lower paying job, despite its limited opportunities, for one reason: because it will provide health insurance for her family. These are real people. These are the people to whom we need to give hope.

Here is one last one. Eleanor Pierce lives in Cedar Falls, IA. She lost her job when her company was eliminated. She had the option of purchasing COBRA, but she couldn't afford it. So she searched for coverage, but because of high blood pressure—preexisting condition—she was denied access. So age 62, suffering from high blood pressure, she had no choice but to go without insurance.

That is why we need this bill. Not for fear—let's quit talking about fear. Let's talk about hope for the people I just talked about, the hope that their lives will be better, that they will get the insurance coverage they need, that they will be able to get on with their lives and not have to go so far in debt that they have to go into bankruptcy.

If you are a 62-year-old woman with a serious heart condition such as the one Eleanor has, high blood pressure, you just don't have a prayer, you are on your own, and the odds of premature death are disturbingly high. We can and must do better. That is what we ought to be talking about: hope for the future, not fear.

Mr. President, I yield the floor.

Mr. BAUCUS. Mr. President, I yield to the Senator from Connecticut all the remaining time, and if he wants to speak for a little longer, I know we can make some accommodations with the other side.

Mr. DODD. How much time remains?

The PRESIDING OFFICER. Eight minutes is remaining.

Mr. DODD. I thank my colleagues.

Mr. President, some of these numbers get thrown around so much that it is almost dizzying. I wonder how the average person, even someone who is intently listening to these debates, can sort it all out: 47 million who have no coverage; 14,000 people every single day in our country who lose health care

coverage either because they are thrown into personal bankruptcy or because of medical costs or job loss around the country—14,000 a day, every day, 7 days a week. Just do the math. For 7 or 8 days, we have been debating this legislation. You can run the numbers yourself to determine over that period of time how many citizens across the country have found themselves in that free fall, that dreaded fear that a child or a loved one may end up needing care. It is not as though you can postpone the decision to some later time, as you can about whether to take a vacation or to buy that new car or maybe to spend more than you thought you would over the holidays coming up. If you now have a medical emergency and you are one of those 14,000 a day who have lost coverage, what do you do? So sometimes the sheer magnitude of these numbers can cause us to lose sight of the individual stories, anecdotes that are not exclusive or isolated but commonplace stories that are happening as we speak here on this Sunday, on a rare Sunday session in the Senate because of the importance of this issue.

So I rise today to share a few stories from my own State that I think put a face on these issues and why we are here. Let me start by asking some questions because I think too often when we debate these issues, sometimes we are so removed as Members of this body, from what goes on in the daily lives of the people we represent that we fail to appreciate what is happening right outside these doors from this very Chamber on a daily and an hourly occasion. The 535 of us who have the privilege of serving in the Congress, including Members of the other body, none of us here are worrying about losing our health care. Not a single Member here ever spent a nanosecond worrying about whether they are going to be dropped from their health care coverage—not one.

Is there anybody among the 535 of us who ever worries about whether we will be able to afford health care insurance? I don't know of anyone who ever worries about that, of the 535 who are here.

Has anyone ever been up late at night with a child or a loved one, wondering whether they are going to be able to afford the treatment that child may need, or that loved one? I would go so far as to say I don't think that happens here. God forbid if we are confronted with a child or a loved one who needs that care. We may worry about that, but we are not going to worry about whether the insurance will be there or whether we will have the ability to pay for it. Not one of us ever worries about that.

Has anybody ever spent hours being bounced from voice mail to voice mail to voice mail trying to find out why the insurance company you pay thousands of dollars to every year suddenly

refuses to pay for your spouse's cancer treatments? Has that ever happened to anyone here? I doubt it. I sincerely doubt it.

Is there anyone stuck in a job that pays very little because you can't afford to change jobs because you have a preexisting condition and you know if you go to that new job that may pay more, you are going to find yourself without the insurance coverage to take care of that preexisting condition? No one here worries about being in that particular predicament.

Has anyone been driven into bankruptcy, any Members of Congress, because they had a medical crisis? We now know that 62 percent of all bankruptcies this year alone are medical crisis related, and 70 percent of that 62 percent have health care insurance—70 percent of that 62 percent.

Is anybody here a small business owner who has had to choose between cutting coverage or putting your employees out of work?

Well, the answer to all of these questions obviously is a resounding no. None of us have ever had to grapple with what 14,000 people do in this country every day: losing their coverage, or the underinsured who discover all of a sudden that the coverage they thought they had doesn't quite cover the problems, or the out-of-pocket expenses you have to pay before getting to insurance are so high that you can't possibly meet them. That goes on every minute of every day all across our Nation, and it is why we are here on this Sunday in December, to try to finally see if we cannot come to terms and start moving on a coverage program, a health care and health insurance coverage program that makes it possible for all of our fellow citizens to be in the same position we are.

None of us are immune from health care crises. Every one of us here has grappled with that at one time or another. The difference is, we don't ever worry about the ability to pay for it, losing our coverage, having to go through what every other citizen does every single day.

These are real people who go through this. We can get so lost in the weeds on this debate. I am not suggesting the details are unimportant—they are important—but we are losing sight of the whole; that is, for 80 years every single Congress, whether it has been controlled by Republicans or Democrats, whether a Democrat or Republican has been in the White House, has been unable to even come close to solving this problem.

We are now that close—closer than we have ever been in our history—to coming up with a health care system that can begin to take care of that basic right every American ought to have—and it is a right—that if you are a citizen of the United States and you get sick, you ought not to be shoved

into bankruptcy, lose your job, or have your family suffer because of your economic circumstances. The privilege of getting good health care ought not to be based on wealth; it ought to be based on the fact that we live in the United States of America and we are able to take care of our fellow citizens when they reach those difficult times every one of us will at one point or another.

There are stories, and I know my colleagues have them as well.

A young woman in Connecticut, Maria, diagnosed with non-Hodgkins lymphoma, asked her insurance company to cover her treatments. The insurance company found out that Maria had once gone to a doctor for what she thought was a pinched nerve. Even though no tests had been done for cancer, they denied her claim based on a preexisting condition. How many have heard these stories? She passed away, by the way, from that illness.

A young man named Frank disclosed on his insurance application that he sometimes got headaches. Some months after he got his policy, he went in for a routine eye exam. The doctor saw something he didn't like and sent him to a neurologist, who told him that he had multiple sclerosis. The insurance company told him he should have known his occasional headaches were a sign of MS and took away his coverage retroactively. Frank's doctor wrote them a letter saying there was no way anyone could have known that an ordinary headache was related to multiple sclerosis. But the insurance left Frank out to dry, sticking him with a \$30,000 medical bill he couldn't afford. Frank's condition got worse. He had to leave his job and go on public assistance.

Kevin Galvin is a small business owner in my State. I have met with Kevin a number of times, and we have talked over the last year or so during my Connecticut Prescriptions for Change listening tour. Kevin owns a small business, a maintenance company. He employs seven people, some older, some younger. He can't afford to insure them. He would like to, but he can't afford it. His younger employees use the emergency room as their regular doctor. If one of them has a child with an ear infection—

The PRESIDING OFFICER. The majority time has expired.

Mr. DODD. I ask unanimous consent for 1 additional minute, I ask my colleagues.

Mr. BAUCUS. I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DODD. I thank my colleagues.

Kevin has three employees in their twenties and thirties. This is Kevin here, by the way, running this maintenance shop in Hartford, CT. He has em-

ployees in their twenties and thirties who have never had a physical or a dental cleaning by a hygienist. One of them, age 28, with two children to support, was out of work for 12 weeks and nearly died from a staph infection he got from an untreated cavity.

Kevin has been working hard to try to provide for these people, but he has recently lost people who worked for him for more than 20 years because they got a job that paid less than he pays them but they can get health insurance coverage. So here is an employee who leaves a job in order to get a job where he can have health insurance.

Again, small business owners who go through this are all across our country.

My simple point is this: Anyone who suggests this bill is the end-all obviously hasn't been through this process over the last several years. There will be a lot more work that needs to be done in the years to come. But we need to do what no other Congress has done before: We need to start. That is why I feel so passionately about getting this bill passed and moving it forward. I ask my colleagues to join us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I yield 5 minutes to the Senator from New Hampshire and 10 minutes to the Senator from Texas.

Mr. GREGG. Mr. President, I ask unanimous consent that during the next hour which we control we be allowed to enter into colloquies on our side of the aisle.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, we have certainly heard a lot of talk about Medicare over the last few days, and we have actually even voted on a few amendments, but they have all had no force of law, and they have just been statements of purpose. They are called sense of the Senate. Every one of these sense of the Senate has had as its purpose to try to give political cover to Members on the other side relative to the issue of the fact that this bill reduces Medicare spending by close to \$½ trillion in the first 10 years, \$1 trillion when it is fully implemented over a 10-year period, and \$2.5 trillion over the first 20 years, and that those reductions in spending in Medicare are going to translate immediately and unquestionably into a reduction in service and coverage for Medicare-recipient senior citizens. The money from that—the \$½ trillion in the first 10 years, the \$1 trillion in the 10 years that we are doing the implementation, and the \$2.5 trillion over the next 20 years—is being taken out of the senior citizen program called Medicare, and it is going to be moved over into a brandnew entitlement program and into the expansion of Medicaid.

Those dollars will be used to create new Federal programs for people who have never paid, for the most part, into the Medicare hospitalization fund; for people who are not senior citizens and therefore do not, arguably, deserve to receive the benefit of the Medicare hospitalization fund. As a result, seniors will see their benefits reduced and other people will get a new benefit through the Federal Government. Ironically, the new benefit, this new entitlement, will not be adequately funded either, but large portions of part of that funding are going to come from the Medicare trust fund.

The problem here is that the Medicare trust fund is insolvent. It has \$30 trillion of outstanding exposure to the Medicare trust fund, which we don't know how we are going to pay for as seniors retire over the next 20, 30, 40 years. Thus, there will be a reduction in the benefits to Medicare, a reduction to Medicare recipients, a reduction in the Medicare trust fund to the tune of \$½ trillion in the first 10 years, \$1 trillion when it is fully implemented, and \$2.5 trillion over the next 20 years.

That type of reduction shouldn't go to create new Federal programs. If it is going to be done at all, it should go to making the Medicare trust fund more solvent. Well, that has been essentially the tenure of some of the proposals from the other side of the aisle. We have heard a lot of people on the other side of the aisle say: All right, we are not going to cut Medicare. We are not going to cut Medicare. We are just going to reduce it by \$½ trillion, and then we are going to create a new program with it. We are not going to do this to the seniors. We are not going to take their money and start a new program.

We have heard that statement in different levels of machinations from the other side of the aisle quite regularly.

I do, however, for the record, want to say—because I have immense respect for him, and he has been totally forthcoming on these issues, and very accurate—that the chairman of the Finance Committee has not represented that is what is happening with the Medicare funds.

He has represented on the floor that those Medicare funds that are being reduced—those reductions in Medicare spending will go to create a new program. But a lot of folks on the other side have said they don't agree with that, that is not what they are intending to do. Some of the sense of the Senate have clearly had that implication in their passage.

So what does that amendment do that I am going to be offering? It shoots real bullets. No longer is it a political statement, a sense of the Senate, a thought process, a virtual event saying you want to protect the Medicare trust funds. This amendment is real. It protects the Medicare trust

fund. It is real hard language, which says that if you vote for this amendment, you are voting not to move Medicare trust fund dollars out of the Medicare trust fund, away from Medicare recipients, over to start a new program; that any new program started in this bill must be paid for by something other than Medicare.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GREGG. Mr. President, I ask unanimous consent for an additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. So this shoots with real bullets. It says, essentially, if you vote for this amendment, you are voting to keep the Medicare dollars with Medicare, not to take those dollars that are being cut out of senior citizen programs and move them to create a brandnew set of programs at the Federal level.

This will be the vote that I believe determines whether we raid the Medicare funds for the purpose of creating a new Federal program or whether we maintain the integrity of the Medicare system. This is a serious amendment, and it is a real amendment. There is no sense of the Senate about this. This is enforceable language. Anybody voting against this amendment is formally voting, unquestionably and unequivocally, to take  $\frac{1}{2}$  trillion of Medicare funds, in the first 10 years, and move them over to fund a new program; to take \$1 trillion from the Medicare funds, when fully implemented, and move them to fund a new program; to take \$2.5 trillion, over the next 20 years, of Medicare benefits that should be going to seniors—because they are Medicare funds and should be benefiting the solvency of the Medicare funds—and moves them to create new programs. Anybody who votes against this amendment is accomplishing that; they are cutting Medicare for the purpose of creating a new program. If you vote for the amendment, to the extent Medicare savings occur, they would not be used to fund new programs. It is a real, enforceable amendment.

The PRESIDING OFFICER (Mr. KYL). The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, the President of the United States is reportedly traveling to Capitol Hill to meet with Senate Democrats in a few moments. Unfortunately, Republicans are not invited, which follows an established pattern, where notwithstanding the public statements that Republican ideas are welcome, they have been rejected at every stage of the development of this 2,074-page bill. There were party line votes in the HELP Committee and the Finance Committee and virtually every Republican idea was rejected. The President is coming to rally our Democratic friends to basi-

cally do it in a “my way or the highway” sort of way. They are going to own it 1,000 percent.

I think it is perhaps very timely to recall some of the President’s promises because, frankly, if the President follows the promises he made to the American people, he will not be able to sign this bill or anything similar to it.

First of all, talking about transparency, he said we are going to have negotiations around a big table on C-SPAN so people can see who is making arguments on behalf of their constituents and who is making arguments on behalf of the drug companies or the insurance companies.

The reality is, this bill was merged between the Finance bill and the HELP Committee bill—merged behind closed doors, with only three Senators present and presumably their staffs.

Another promise the President made was this:

The plan I am announcing tonight—

This was during the joint session of Congress, I believe, we attended.

—will slow the growth of health care costs for our families, our businesses, and our government.

This is a pledge the President made to the American people. That was his stated goal for this bill. We see something very different in this 2,074-page bill, a different reality. We see that premiums for those in the individual market—families—will be increased by 10 percent by 2016, according to the CBO. You don’t have to take my word for it. It is not some insurance company talking. This is the Congressional Budget Office. Businesses that fail to comply with the job-killing mandates in the bill will face additional taxes of \$28 billion—yes, during a recession when unemployment is at 10 percent. That is according to the CBO. They also say taxpayers will see Federal outlays for health care coverage increase by \$160 billion over 10 years.

This is from the dean of Harvard Medical School. He said:

In discussions with dozens of health care leaders and economists, I find near unanimity of opinion that, whatever its shape, the final legislation that will emerge from Congress will markedly accelerate national health care spending.

So much for bending the proverbial cost curve. Then there is this promise—another solemn promise. The President said:

I have made a solemn pledge that I will sign a universal health care bill into law by the end of my first term as President that will cover every American—

This bill obviously does not.

—and cut the cost of a typical family’s premium by up to \$2,500 a year.

As I mentioned, under the CBO score, the average premium for families in the individual market will go up by \$2,100, not go down by \$2,500—another promise made that will not be kept if this bill is passed into law.

Then the President talked about deficits. There has been a lot about this bill being so-called deficit neutral. If you cut enough benefits for seniors and raise taxes enough on everybody, you can produce a deficit-neutral bill. This bill will spend \$2.5 trillion over the next 10 years with full implementation. President Obama’s chief actuary at the Center for Medicare and Medicaid Services called the ability to sign a bill such as this, without raising the deficit, “unrealistic and doubtful.” David Broder, the dean of the Washington press corps, said:

While the CBO said that both the House-passed bill and the one Reid has drafted meet Obama’s test for being budget neutral, every expert I have talked to says that the public has it right. These bills, as they stand, are budget busters.

Then there is the promise of choice. The President said the American people ought to have choice when it comes to health care, their choice of their doctors and health plans. The fact is, this bill would consign 60 million Americans to a health care “gulag” called Medicaid. I say that because, although Medicaid provides what some people would say is coverage, it certainly doesn’t provide access. In the metroplex of Texas, the Dallas-Fort Worth area, 38 percent of doctors will not see a new Medicaid patient because of Medicaid’s low rates.

Then there is this claim that it will not raise taxes. Well, the Joint Committee on Taxation indicates that 38 percent of the people earning less than \$200,000 a year will see a tax increase under this bill. In other words, this is another promise the President made that will be violated if this bill is passed into law because taxes will go up for 38 percent of the people. As a matter of fact, out of that 38 percent, 24 percent of them will experience a tax increase, even after taking into account the premium tax credit that is being paid under this bill. Another promise made, another promise that cannot be kept if this bill becomes law.

Then there is this one. The President said:

So don’t pay attention to those scary stories about how your benefits will be cut. That will never happen on my watch. I will protect Medicare.

Dr. Elmendorf, the head of the CBO, said Medicare’s managed care plans would see reduced benefits—I am sorry, that is according to CBS News. The chief actuary said:

Providers might end their participation in the program, possibly jeopardizing access to care for beneficiaries.

Dr. Elmendorf said you would see additional benefits that seniors get under Medicare Advantage cut by about half. Another promise, another promise broken if this bill becomes law.

There is this, which pertains to the Ensign amendment pending on the floor. The President said:

I want to work with the American Medical Association so we can scale back the excessive defensive medicine that reinforces our current system, and shift to a system where we are providing better care simply—rather than simply more treatment. So this is going to be a priority for me.

If this is a priority for the President of the United States, it is apparently not a priority of those who have authored this bill because all that is contained in the bill is a nonbinding sense of the Senate. We have heard that medical liability reform laws, such as those that have been passed and implemented in Texas—if passed nationwide, this bill could bend the cost curve by \$54 billion over 10 years. Yet all we get is a watered-down sense of the Senate that has no binding effect at all.

If the President was sincere about making those promises to the American people, then this Congress ought to be sincere about helping him keep that promise. The fact is, time after time, this bill breaks the promises that President Obama made to the American people. It is not too late to change that. I hope that, today, when he meets with Senate Democrats behind closed doors, to the exclusion of Republicans, there will be some discussion of how can we help you keep those promises to the American people because this bill does not.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I yield such time as they need to several Senators for the purpose of a colloquy.

Mr. MCCAIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I am pleased to see my friends on the floor again today—very intelligent people, such as the Senator from New Hampshire and my friend, Senator ENZI, who is an expert on this issue, and the rest of us who know that a fight not joined is a fight not enjoyed. I look forward to another spirited discussion with my colleagues.

Maybe if I could, to start with, I will take up a point about the debate and discussion we had yesterday on the floor with the Senator from Montana, the chairman of the committee, where he asked me why did I think that certain groups supported this legislation pending before the Senate. I said I didn't know what kinds of deals had been cut. I referred to the deal made with PhRMA and others. I didn't know exactly why because I am not taken into the discussions and negotiations

off the floor in the office of the majority leader.

There seems to have been some blowback on that, and somebody said maybe that wasn't appropriate to talk about deals that were cut. This morning, on the front page of the Washington Post, it says:

Deals Cut with Health Groups May Be at Peril.

Perhaps the Washington Post is impugning the reputation of someone or staffers or others. They have certainly impugned mine from time to time. But the fact is, this is a news story.

Again, I go back, very briefly, because we have a lot to talk about, my colleagues and I. The fact is, there have been deals cut, just like is reported in the Washington Post this morning, as has been reported all over America about the deals cut with various interest groups that don't necessarily represent the people they claim to represent. I know the American Medical Association does not represent the majority of physicians and caregivers. In the State of Arizona, I know too many of them. I also know they have a very large lobbying presence in our Nation's Capitol, as do the other interested groups that have "cut deals" that may be at peril now, according to the Washington Post.

With that, I will mention, again, that the doctor is in. Would the doctor care to give us some enlightened information, before we give our various opinions on this issue?

Mr. BARRASSO. I agree with the Senator from Arizona. I looked at another one of his favorite newspapers, the New York Times, today because we—

Mr. MCCAIN. My absolute favorite.

Mr. BARRASSO. On this floor have said the Democratic proposal is cutting the Medicare the seniors of this country depend on for their health care. We pointed out that they have taken \$120 billion away from Medicare Advantage. Mr. President, 11 million seniors use Medicare Advantage. One out of four seniors is on Medicare. The reason they signed up for Medicare Advantage is because there is an advantage for the seniors—preventive care, coordinated care, things we know are important.

Yesterday on this floor, the Democrats voted to cut away from home health care. This is a lifeline for home-bound patients. It helps keep them out of the hospital and out of the nursing homes. Yet in spite of all the letters we have read from patients, as well as home health care communities in all of our States, they have cut back.

Yet the majority whip came to the floor at the opening of the session today and said: Oh, we have handled all of that. He said: We have handled all of that with a wonderful resolution of the Senate by Senator MICHAEL BENNET.

The New York Times today, about that resolution, said:

Democrats decided to respond to the Republicans saying: Hey, you are cutting Medicare for our seniors. "Democrats decided to respond . . . with a meaningless amendment." The New York Times editorial today, "a meaningless amendment." We knew it was meaningless, and we know they are cutting Medicare from the seniors who depend on it—Medicare Advantage from hospitals, from nursing homes, from hospice, from home health care. This is robbing the people who need this care, deserve the care.

If you said maybe we should take a look at Medicare, then do it, Mr. President, to save Medicare, to save Medicare that we know is going broke.

I see the Senator from New Hampshire is here. He has been an expert on this topic of the budget and ways we can save Medicare. I say to my friend from New Hampshire, is this not true that Democrats have proposed a meaningless amendment but they are cutting the guts out of the Medicare Program on which the seniors of this country are dependent?

Mr. GREGG. As usual, the Senator from Wyoming is absolutely true. The sense-of-the-Senate amendments we have had from the other side of the aisle on Medicare are political amendments meant to make a political statement, but they have no substantive effect. That is why I brought forward my amendment which hopefully will be voted on in the next couple of days or so which says specifically what the Senator from Wyoming has asked for.

To the extent there are reductions in Medicare spending—and there may need to be some—that those reductions are reserved for the seniors for the benefit of their program and to make Medicare more solvent and no new programs be created on the backs of seniors by cutting Medicare and moving the money from Medicare over to new programs.

My amendment is not a sense of the Senate. My amendment is a real amendment. It is the one chance people are going to have to vote for protecting Medicare and not creating new programs with Medicare money. And that is what it is going to be.

Mr. MCCAIN. To be clear, the amendment of the Senator from New Hampshire is exactly the same as the White House sense-of-the-Senate amendment and the Bennet amendment, only it has the actual force of law.

Mr. GREGG. Absolutely. It is not exactly the same in the sense that it is real. Theirs is not real. Mine is real. It says you are going to keep the Medicare money to benefit Medicare, and you are not going to use the Medicare money for the purpose of creating new programs which have nothing to do with Medicare for people who are not on Medicare.

Mr. ENSIGN. I say to the Senator from Arizona, another place in this bill

where they have a sense of the Senate that is not real is medical liability reform. Back in September, when The President addressed the Nation, he said defensive medicine caused by the medical liability crisis may be contributing to unnecessary costs; there are unnecessary tests.

Let me show you the amount of money they are going to save with their medical liability reform sense of the Senate in this bill. That is it. That is how much their sense of the Senate on medical liability reform is going to save—zero.

In contrast, the Medical liability reform several of us have offered is real medical liability reform. Several of us have been working on that. The savings from a real medical liability reform: \$100 billion.

We at least have said we have an amendment we are going to vote on later today. Let's at least do something to get the ball rolling on medical liability reform with the amendment we are offering today. The President suggested getting the ball rolling on medical liability reform.

Back in 1995, Senator Ted Kennedy offered an amendment that would at least limit attorney's fees. These are contingencies fees. Twenty-one Democrats who were here back in 1995 who are here now voted for that limit. They are: AKAKA, BAUCUS, BINGAMAN, BOXER, BYRD, CONRAD, DODD, DORGAN, FEINGOLD, FEINSTEIN, HARKIN, INOUE, KERRY, KOHL, LAUTENBERG, LEAHY, LEVIN, MIKULSKI, MURRAY, REID, and SPECTER. All 21 of these Senators voted for caps on attorney's fees. That would at least do something. That would help get the ball rolling on medical liability reform.

But the same thing they have done with Medicare, saying they are going to keep Medicare savings in Medicare, they have not done. It is not real. Senator GREGG has a real amendment to fix that. I have a real amendment to fix the medical liability reform that hopefully will be voted on later as well. But at least let's go for a little bit of compromise right now.

Mrs. HUTCHISON. Will the Senator from Nevada yield?

Mr. ENSIGN. I will be happy to yield.

Mrs. HUTCHISON. Talk about liability, I have real statistics. I hear the other side say: Oh, we are going to lower the cost; that is what health care reform is about, lowering the cost of health care so more people will have access to affordable options. Yet the main one that is clearly available is medical malpractice reform, tort reform.

I know the Senator from Nevada has an amendment, and I am a cosponsor. Let me give some statistics about how we could save money.

Mr. MCCAIN. May I ask the Senator from Texas, is it not true that it is the State of Texas that is the demonstra-

tion project for medical malpractice reform?

Mrs. HUTCHISON. Exactly. And let me tell you what it has done in Texas and something we could do, and I think we would have bipartisan, 100 percent support in this body because that would be reform that would help health care.

Since medical malpractice and tort reform has been passed in Texas, over 7,000 new physicians have flooded into our State—a 7,000 increase. The reason? Tort reform. Since passed just 5, 6 years ago, physicians in Texas have saved \$574 million in liability premiums, and their liability rates have been cut an average of 27.6 percent, almost a 30-percent cut in premiums.

What has this done? Today in rural counties, the number of obstetricians has increased by 27 percent. Twelve counties did not have one obstetrician before this was passed, and now they do; 24 counties had no emergency room physicians, and now they do; and 58 counties, in addition to that, have added one more.

Rural counties are the ones that have suffered the most, and every State in this Union has rural counties—every one. They are the ones who are hurt the most. Yet the Medicare cuts will take \$135 billion out of rural hospitals' ability to serve Medicare patients. There is no medical malpractice reform unless, of course, in a huge bipartisan effort and gesture we can adopt the Ensign amendment which we are offering to try to make this a bipartisan bill that can work.

We have seen from Senator ENSIGN's charts that Democrats have supported limits on lawyer fees so that we would be able to cut back on the frivolous lawsuits that have been hampering our ability to cut the costs in Medicare.

I appreciate so much that Senator ENSIGN is offering this amendment because Texas can show us that this will work. It would be meaningful reform. It would cut the costs and make health care more available and, most important, it will give patients the opportunity to have doctors in their rural communities who will not practice today because their liability premiums are so high they cannot afford to stay in medicine and give this care to those rural patients. That is what we need.

Mr. MCCAIN. May I say in the immortal words of Howard Dean, the former chairman of the Democratic National Committee—he put it simply:

The reason why tort reform is not in the bill—

Talking about this bill—

The reason why tort reform is not in the bill is because the people who wrote it did not want to take on the trial lawyers in addition to everybody else they were taking on, and that is the plain and simple truth. Now, that's the truth.

I totally agree with Howard Dean. I could not agree with him more.

Mrs. HUTCHISON. If the Senator will yield, in addition to that, the House said: We have medical malpractice reform. They put it in their bill. You know what it says? There will be a State grant program and States can apply if they can show that they have made a meaningful effort at curbing frivolous lawsuits. But the only two reasons a State would not be eligible are if lawyer fees are capped or if damages are capped. Lawyer fees capped, damages capped—that is off the table. So I am thinking to myself—maybe the Senator from Nevada could tell me, if you don't curb lawyer fees and you don't curb the caps, what meaningful reform do you think we could get in medical malpractice?

Mr. ENSIGN. No question, those are the two most important types of reforms for medical liability laws that have been placed in the States—my State of Nevada, Texas, California and other States. The caps are what have shown a reduction in the medical liability premiums for doctors. They are what have shown a reduction in the cost of our health care system.

Mr. President, let me quote because the other side is talking about these contingency fees; that they need these contingency fees to take on these lawsuits, especially for those who are very poor. They say it is the only way for this to happen.

I quote:

Since 1960, the effective hourly rates of tort lawyers—

These are the personal injury attorneys—have increased 1,000 percent to 1,400 percent (in inflation-adjusted dollars).

While the overall risk of nonrecovery has remained essentially constant though it has decreased materially for such high end tort categories as products liability and medical malpractice.

The lawyers, basically, have created all these laws that make it easier for them to sue and their contingency rates have gone up 1,000 to 1,400 percent since 1960, and yet there is no more increased risk and even reduced risk of nonrecovery in medical malpractice cases. It is easier to sue nowadays. This comes down to, are you on the patients' side or the trial lawyers' side? Which side are you on? We are on the side of the patients; the other side seems to be on the side of the trial bar.

Mr. MCCAIN. The Senator from Alabama.

Mr. SESSIONS. I thank the Senator from Arizona for driving home this point. The reason that malpractice litigation reform is not in the bill is simple, plain, and known to every Member of this body because it is opposed by the plaintiff trial lawyers who are big supporters of Democratic Members of the body and the President. That is true.

Let me ask Dr. BARRASSO, can the Senator think of any other thing that

we could do in reforming health care that could save \$100 billion and not diminish the quality of care in America? Is there anything else? How do fellow doctors feel about that?

Mr. BARRASSO. When I talk to other doctors, they tell me, across the board they order a number of tests, expensive tests—call it defensive medicine—tests that do not necessarily help a patient get better, get well, but just to make sure they get covered in case they are sued. It is not unusual, when you look at the numbers, that we are talking \$100 billion a year in tests that are done that do not necessarily help somebody get better, but they are doing it because of the legal atmosphere in this country.

Here we are on the Senate floor on a Sunday afternoon. The President is less than 100 yards away, a former Member of this body. He ought to be involving all Senators. He is meeting behind closed doors, possibly cutting deals, trying to come to arrangements, twisting arms, asking people to march, follow his marching orders right off a cliff that I think is going to be coming for health care in America. I think he ought to be involving all Americans. We are talking to the Americans in this country. We are not hiding behind closed doors. People who aren't part of those discussions are completely cut out.

I know my colleague from Tennessee has been outstanding and outspoken on these very issues, but we are here, and we want to visit with people because we do have solutions that work; that will not increase the cost of care, which is what we are seeing now; that are not going to cut Medicare, which is what the Democrats are proposing; that are not going to increase taxes, which the Democrats are proposing; and they are not going to drive up the premiums.

The whole idea behind this was to get the costs under control. Senator ENSIGN's amendment does that by taking a look at the lawsuit abuse that we look at in this country. But I want to turn to my colleague from Tennessee, who I know has some more points he wants to make.

Mr. CORKER. I know all of us benefit from the Senator's background as a physician and knowledge in the industry. I also thank the Senator from Arizona for spending a lifetime focusing on how special interests affect this body.

I was thinking about this meeting taking place here in the Capitol not far from us from 2 to 3 p.m. with the President and 60 of our colleagues on the left, and I have this image of them being twisted up like pretzels because of the fact there are so many interest groups they have to sort of kowtow to. I have this image of a bunch of them up in a room with a yoga instructor, kind of loosening up, because they are so

twisted in knots trying to basically undo all the pledges they have made to so many groups.

I think about, for instance, Senator ENSIGN's amendment to deal with medical malpractice, but, no, the trial lawyers keep them from doing that. I think about the kinds of things Senator MCCAIN ran on during his Presidential election campaign, and others of us have looked at, as has Senator GREGG, so that people in this country have choice; that we create a market system that allows people to have choice. But they cannot do that because the unions don't want them to do so. The unions don't allow them to cap the exclusion, which many of us have talked about. The unions keep them from doing appropriate health care reform, and so instead, what happens, in order to make this work? Again, they are so twisted up. Remember that Peter Orszag, the major guru within this administration regarding health care, has said the thing that will bend the cost curve down would be these exclusions. I am so glad Senator GREGG, who has the integrity and the longstanding knowledge to deal with this, is offering an amendment.

Yesterday I was challenged on this by Senators on the other side of the aisle, but there is no doubt this bill throws seniors under the bus. We have an insolvent program that money is being taken from to create a whole new entitlement it is leveraging. If that is not throwing seniors under the bus, I don't know what is. So we have a program that is throwing seniors under the bus because the unions cannot be offended, the trial lawyers cannot be offended, so many other groups—AARP cannot be offended—and then we also lock 15 of the 31 million Americans who are receiving health care into a program none of us would be a part of—Medicaid. And they do that because of their unwillingness to address the free market issues that would make health care work in this country: medical malpractice issues, addressing defensive medicine, capping exclusions, and those kinds of things we Republicans have put forth from day one.

So I think the Senator from Arizona is doing an outstanding job pointing out the conflicts of interest that exist in this bill. We have a group on the other side of the aisle that won't address health care in the appropriate way, and I believe are in another room twisted up in knots with themselves trying to figure out a way to get out of this box they have put themselves into, and a President who is basically giving them a pep talk to keep them from getting out of the box.

I thank the Senator so much.

Mr. MCCAIN. Our Republican leader is here on the floor of the Senate, and he can speak for himself, but I am sure he would appreciate the opportunity if the President would come and sit down

and meet with us. I think we are all ready to have a meeting with him. Perhaps we would be able to give our input and recommendations as to what we need to do to get this bill unstuck.

That was, as I recall, the campaign. And I am getting tired of going down memory lane here, but that was going to be the "change." That was going to be the change in Washington. We are going to change the climate. We are all going to sit down together, Republicans and Democrats. Well, I think on this Sunday afternoon, we are all available, are we not, I would ask the Senator from Kentucky?

Mr. MCCONNELL. I would say to my friend from Arizona, normally we would be watching the Redskins game today, but we are here and ready to sit down with the President and ready to discuss with the American people this issue.

You know, it was said at the beginning of the debate, if they wanted to come up with a bill that would pass with 80 votes, the way to do that is not to craft a bill that no Republican can support and end up in the position they are in now, trying to get every single Democrat in line so they can pass this bill, even though they know the American people are overwhelmingly opposed to it. All the surveys indicate the American people do not want us to pass this bill. They would like for us to stop, start over, and get it right, with some of the suggestions that have been made here on the floor today and other days during this debate.

Mr. MCCAIN. And we could do that, perhaps in the most effective fashion, if we sat down with the President and made some of the very points he made in his State of the Union Message.

I want to turn to the Senator from South Dakota, but I want to mention something first on this issue of tort reform I have never quite gotten over. One of the most famous cases of the 1970s, and I think it spilled over into the 1980s, was agent orange, the defoliant that was used during the Vietnam war and which caused so many physical problems for our Vietnam veterans who were exposed to it. It was a big class action suit the trial lawyers won. The trial lawyers got paid off first, and Vietnam veterans died before the money was distributed to them. I will never get over that.

Mr. THUNE. I think the reason we are here today is that the Ensign and Gregg amendments strike at the very crux and the very core and the very heart of what this is all about. The Democratic majority was unwilling to take on the trial lawyers, unwilling to do things that actually bend the cost curve down, such as capping contingency fees, and so now we are faced with voting on the Ensign amendment, which would do that, but we are also voting on the Gregg amendment because they weren't willing to put actual measures in this bill that would



bend the cost curve down. What they have had to resort to is cutting Medicare to pay for it. A \$2.5 trillion expansion of the Federal Government has to be financed somehow, because there aren't any real cost-saving measures in here.

I point out to my colleagues that in spite of all that, this is where we are. The Congressional Budget Office says that even with the all of the Medicare cuts and all the tax increases that are in here, we actually still increase spending in this country on health care. The cost curve goes up. The blue line on this chart represents the existing cost curve if nothing is done. If we did nothing today, that is what would happen. That is the blue line. The red line represents what happens under this bill. We actually raise the cost curve even more. Costs for health care in this country under this legislation go up \$160 billion.

How does that affect the individual family? I want to show you exactly what this means in terms that I think most Americans can understand. This is the example of a family of four who today is paying \$13,000, a little over \$13,000 for their health insurance. Under this bill, their life doesn't get any better. In the year 2016, they are going to be paying over \$20,000 a year in health insurance. So what happens is they have locked in the status quo. And that status quo is year over year increases, double the rate of inflation, all because they were unwilling to put measures in this bill that actually do control costs.

If we did something along the lines of the Ensign amendment, that actually would get these contingency fees under control. We all have seen the statistics. The CBO has said that would bend the cost curve down.

We have all talked to physicians in our own States. I talked last week to a physician from my State who, unsolicited, said that 50 percent of the tests he does are to avoid being sued. Fifty percent of the tests he conducts are due to defensive medicine. That drives the cost of health care up for everybody. That is why the Ensign amendment is so important.

Unfortunately, why we have to vote on the Gregg amendment is because the Gregg amendment forces the Democrats to put their money where their mouth is and to see if they mean what they say—that they want all these savings in Medicare to go into Medicare. We all know that is not true. To pay for a \$2.5 trillion expansion of the Federal Government and create an entirely new entitlement, you have to take the cuts from Medicare and put them into this new entitlement program.

So we are voting on a couple of amendments today that will ensure seniors in this country are not going to be faced with cuts to their benefits—home health care, nursing homes, hos-

pitals, all those that receive cuts in this bill—and actually try to substitute something in there that would get costs under control, and would—according to the CBO—drive the cost curve down; would do something about this year over year double the rate of inflation that the average American family is seeing.

This is what the CBO said would happen to the average American family of four if this bill passes. Today they are paying \$13,000 a year—a family of four—and in the year 2016, they will be paying \$20,000 a year. Tell me, how is that reform? How can anybody go to an average American family with a straight face and say they are reforming health care when all they are doing is locking in permanently year-over-year increases that are double the rate of inflation, and in some cases even going up beyond that if you have to buy your insurance in the individual market?

I am glad the Senator from Nevada has offered this amendment. I am anxious to see how the other side votes on the amendment the Senator from New Hampshire has offered which would guarantee these Medicare savings would go back into Medicare and not be used to pay for a new government entitlement program at a cost of \$2.5 trillion to the American taxpayer.

Mr. MCCAIN. I will recognize the Senator from Texas, who will be presiding next, and wish to add one more comment.

Mrs. HUTCHISON. I so appreciate the opportunity to talk about these different areas of cuts and then the increase in spending overall, because everyone in America today is concerned about the spending and the debt and the ceiling we are about to reach.

I wanted to bring up one more point on hospitals, because this affects every State in America. In Texas, 29 percent of our hospitals are in rural areas. The cuts in this bill will especially affect hospitals in rural areas. In fact, out of the \$135 billion in Medicare cuts to hospitals, \$20 billion is cuts in Medicare payments for treating low-income seniors and another \$23 billion in Medicaid payments to hospitals for treating low-income patients.

I want to read an excerpt of a letter I received this week from the Texas Organization of Rural and Community Hospitals, which represents 150 rural hospitals in the State. They write:

We also fear the Medicare cuts as proposed could disproportionately hurt rural hospitals, which are the health care safety net for more than 2 million rural Texans. Because of lower financial margins and higher percentage of Medicare patients, rural hospitals will be impacted more than urban hospitals by any reductions in reimbursement. These proposed Medicare cuts could have a devastating effect on many of the hospitals, which could lead to curtailing of certain services. And, the closure of some of these Texas hospitals is a real possibility. It has

happened every time previously when Congress imposed so-called large-scale, cost-saving measures.

Well, this is the granddaddy of large-scale cost cuts—\$500 billion, or \$½ trillion—taken out of the hide of the hospitals that are treating low-income patients and seniors.

I ask the Senator from Nevada if he is experiencing that same thing, and if he feels that hospitals all over our country are going to be hurt by this bill?

Mr. ENSIGN. Mr. President, I thank the Senator from Texas for her comments, and I note that even the Congressional Budget Office has said when you cut, for instance, reimbursement rates, those are going to come out of somebody's hide. And basically, the hide it is going to come out of is the seniors.

As the Senator from Tennessee said, we are throwing seniors under the bus. When you cut \$465 billion out of Medicare, it is going to come out of services for seniors—if these cuts are real. And in this bill they are real. That is why the Gregg amendment is going to be so important.

I know the Senator from Kansas wants to jump in, so we welcome you to the conversation.

Mr. BROWNBACK. I appreciate that. I also note the Ensign amendment, instead of cutting, creates.

A Robert Woods study in 2006 said caps on things such as this hold down awards in cases 20 to 30 percent and increases the supply of physicians, which is something else we need.

I wish to give a better live example that we have in my State of Kansas. In the early 1980s, mid-1980s the piston engine industry of aircraft was just about dead. It had been sued—the aircraft industry, general aviation had been sued so much they were stopping making piston engine aircraft. Congress, finally, because the industry was dead, said we are going to put a 17-year statute of limitations on it so after 17 years you cannot sue the manufacturer anymore after that period of time.

It brought the industry back. They are now being made. There is a new plant in Independence, KS. There is another one that is making this aircraft because there was a limitation put, a reasonable limitation on manufacturing reform.

If we do this, this will create—this will help our medical industry, it will hold down costs, it will increase the number of physicians. These sorts of changes have worked. There is no reason at all not to do this in this bill.

Mr. ENSIGN. I thank the Senator from Kansas for his excellent remarks. I know the Senator from Florida, the newest Member, one of the newest Members of the body, would like to join in.

Mr. LEMIEUX. I thank the Senator from Nevada.



I don't know that there is a State that is going to be more impacted by cuts in health care for seniors than my State of Florida, with 3 million Floridians on Medicare, almost 1 million on Medicare Advantage. I think it is worth repeating what these cuts are going to mean: \$137.5 billion from hospitals that treat seniors. I talked to the director of a hospital district down where I am from, down in south Florida. He said these cuts will be devastating: \$120 billion from Medicare Advantage, \$14.6 billion from nursing homes that treat seniors, \$42 billion from health care for seniors—from home health care, and \$7.7 billion from hospice care.

Yesterday, our friends on the other side were trying to convince us and the American people that there are not going to be any cuts to benefits. It is not going to affect health care for seniors because they are going to pay less, but that will just get rid of the waste and the fraud and the abuse.

Everyone is against waste fraud and abuse. We have a measure on this side of the aisle that actually, I think, would do something about it. We have gone through the Reid bill to find all the provisions. My staff and I have been going through it, line by line, to find all the provisions that go after waste, fraud, and abuse—and there are some, to their credit. But the Congressional Budget Office has said, in their report that came out on November 18, the provisions that go toward waste, fraud, and abuse would cut \$1.5 billion and create that efficiency. But the cuts are \$464 billion. So if they are going to save \$1.5 billion and there is going to be \$464 billion in cuts, where are the rest of the cuts going to come from?

It is, as my friend, the Senator from Tennessee, said, seniors are going to get thrown under the bus. But you are not going to be able to cut \$464 billion, only get \$1.5 billion in savings, and not cut benefits. So seniors who want to go to the hospital are going to have their benefits cut; seniors who have home health care, their benefits are going to get cut and all the way down the line. Everyone needs to understand that at its base, this is a bill that hurts seniors.

Perhaps no State is going to be impacted more than Florida, where we have this huge population of seniors. I know my friend from Nevada has a huge population of seniors in his State. We have the highest per capita number of seniors. We like to say all the rest of the seniors in the country are eventually going to move to Florida anyway. We are going to have the greatest generation—we have them there now—we are going to have more of them living in Florida, and their health care is going to get cut.

This bill cuts from health care for seniors, it raises taxes, and it doesn't decrease the cost of health care for the

170 million Americans who have health insurance now. For some, it raises it.

For me, a new Member to this body, it does not make any sense. But what does make sense is what my esteemed colleague from New Hampshire has done with this amendment. If you are for health care for seniors and you do not want it to be cut and if you are true to your word that we have to put the savings back into Medicare, then this bill, which says as its purpose "to prevent Medicare from being raided for new entitlements and to use Medicare savings to save Medicare"—I cannot imagine that anyone could vote against that amendment, because if you vote against that amendment, you are voting against senior health care.

I ask my colleague from New Hampshire, who has so much experience on these budget issues, if this amendment is not agreed to, what is going to happen to the Medicare program?

Mr. GREGG. To begin with, it is going to be reduced by \$460 billion in the first 10 years. In the second 10 years, it will be reduced by \$1 trillion. In the full 20-year time, it will be reduced by \$3 trillion. All those funds, all those reductions, will go to create a new entitlement for people who are not seniors and who probably have not paid into the HI trust fund, not having paid into the Medicare trust fund, which is an insurance program, in part.

As a practical matter, it will take scarce resources out of the Medicare trust fund, which should be used to make the Medicare trust fund more solvent, and move them over to expand the Government in another place.

It will mean that we as a government have basically used up some of the resources which we might want to use to make Medicare more solvent because it has \$35 trillion of unfunded liability out there, and we will use up those resources to create a new Federal program which will not help us address this outyear insolvency of Medicare.

It doubles the problem. First, it does not address the Medicare problems in the future and, second, it creates a brandnew entitlement which will have to be supported forever by Medicare funds, it appears.

Mr. ENSIGN. I see the Republican whip is on the floor and wants to join in the fun we are having on a Sunday afternoon. Please join us.

(Mrs. HUTCHISON assumed the chair.)

Mr. KYL. I thank my colleague from Nevada. I had the opportunity, which we don't have very much anymore, to preside for a half hour, watching over a dozen of my Republican colleagues engaging in a very informative debate for the American people.

It occurred to me, as my colleague from Nevada was talking about his amendment, which would actually reduce the cost of medicine, would reduce the defensive medicine practiced by physicians and, therefore, have a

tendency to reduce health care costs, that he was doing that by actually attacking another problem we have been talking about; that is, these runaway lawsuits or these junk lawsuits that have been talked about.

As a person who used to practice law, as I was listening to the Senator, it occurred to me that maybe I should take the microphone and defend the trial lawyers. So I wish to make sure I have the math right.

Under the amendment of my colleague, there would be a cap on the amount of attorney's fees these lawyers could get, depending upon how much money they recovered for their plaintiff client; is that correct?

Mr. ENSIGN. That is correct.

Mr. KYL. First of all, you would get one-third of all the money you collected up to \$150,000. That is \$50,000. Then you would get one-fourth of everything beyond that; is that correct?

Mr. ENSIGN. My colleague is correct.

Mr. KYL. Is my colleague aware that the average malpractice award in this country today is \$4.3 million? Does that sound about right?

Mr. ENSIGN. It depends on the State, but that sounds about right.

Mr. KYL. In fact, over half of all the awards are over \$1 million. As a poor trial lawyer, for every one of these cases—we are not talking about cases per year and this is per case, you can try 20, 30, 40, 50 cases a year—so for each case, if the average award is \$4.3 million, I am only going to keep \$1.1 million. Is that fair; that the trial lawyer should only get \$1.1 million for every one of these cases? Of course, the clients I am recovering the money for don't get that money. That money goes into my pocket.

Mr. ENSIGN. Remember, if I would ask a practicing attorney, they also don't just get that percentage, they also get court costs and various other research they have to do. It is not that the person who was injured gets three-quarters; they actually get less than the three-quarters that even this amendment would limit them to.

Mr. KYL. Exactly so. Under the amendment of my colleague, at least the plaintiff, on whose behalf the lawsuit was brought, would get a fair amount of recovery, unlike today, when there are no caps, and we frequently find the person who was injured gets a very small percentage after the lawyer gets his chunk, the expert witnesses, other court costs, and so on.

Maybe I should not defend my lawyer friends. Maybe the Senator is right. This is a way to attack costs. It is certainly not unfair to the trial lawyers and actually would benefit the people who do deserve to get some recovery in these cases where, in fact, they have been injured.

Mr. ENSIGN. We do have a couple attorneys on the floor, including the

ranking member of the Judiciary Committee, and maybe one of the two of you could also talk about the true victims who actually have had medical malpractice against them. How long does it take to get through the court today because of all of these frivolous lawsuits that clog the courts?

Mr. SESSIONS. I think the Senator raises a very important point. It seems to me that there should be mechanisms created to settle cases much quicker, without the huge payouts going to lawyer fees and litigation. Don't forget, the insurance company that the doctor hires and that is defending the doctor charges too. That is all money going to increase the cost of health care.

I have with me, today, working for me, Dr. Conrad Pierce. On a normal day in Alabama, he would be my Sunday school teacher today. Today he is working.

He just retired. He delivered 7,000 babies. He told me, some years ago, that an average OB's insurance for a year is \$60,000. I don't know whether it is still that way. That was several years ago. Some smaller town physicians may not deliver more than 60 babies a year. That is \$1,000 per delivery in insurance premiums. It is driven by this litigation rush we are having, and the pursuit of these big verdicts that sometimes occur and make lawyers wealthy—and, to be fair, sometimes serious injuries occur and serious malpractice occurs. But I absolutely believe this country can, consistent with our heritage of allowing individuals to sue for wrongs done to them, create a much better system for medical malpractice. One of the steps is the one the Senator has mentioned in his amendment.

Mr. ENSIGN. I appreciate that. Maybe we can have Dr. BARRASSO jump in. I have a good friend who practices obstetrics and gynecology in Las Vegas, and he is a specialist in high-risk pregnancies. Because of the messed up medical liability situation, his insurance company limited the number—the same as Senator SESSIONS was talking about—limited the number of high-risk deliveries he could participate in. So if you are one of the unfortunate ones who got cut off—in other words, he had reached his cap of the number he could actually deliver, and you are a woman who has a high-risk pregnancy—there may not be one of the specialists around. Now you have to deal with just the normal OB who may not have the expertise.

What does that do to not only the practice of obstetrics but, as an orthopedic surgeon, I am sure this kind of example plays out in many other areas in medicine?

Mr. BARRASSO. Standing on the Senate floor, looking at so many colleagues from States with a lot of rural areas, it is a challenge to have people who can provide these excellent serv-

ices, who are very well trained, know how to do it, how they can provide the services in these small communities. We have dealt with that in Wheatland, WY, and New Castle, WY, where the expense for the malpractice insurance for those physicians was so high that even though they didn't deliver that many babies in these small communities, they could not afford and the hospital could not afford to allow them to continue to deliver any babies. The amount of money they would receive from delivering babies was not enough to cover the insurance. In New Castle, WY, there were three physicians qualified to deliver, but the number of deliveries was such they ended up with no one delivering because they wanted to take one night and the next and the next. So you have communities all across our country that are losing highly qualified medical practitioners—whether it is cardiologists, surgeons, trauma surgeons, whether it is obstetricians, gynecologist. We are seeing this all over our communities.

The Senator from Tennessee is here. There are a lot of small communities where they are going to lose those. We are seeing it in the cuts yesterday for home health. Those people are not going to be available to deliver small community care, lifeline, homebound, keeping them out of nursing homes, keeping them out of hospitals.

There are real consequences of this bill, not just with the junk lawsuits—that is a big part of it—but also with the Medicare cuts, also with the increased taxes we are seeing in this bill and how that is going to affect small businesses, which are the engines that drive the economy of this country—and profoundly.

We heard the Senator from South Dakota show the premiums families are going to have to pay for insurance are going to climb faster if this bill becomes law than if nothing were passed. Even though the President promised that families in this country on average would see a \$2,500-per-year decline in premiums, the President's own numbers people say: Sorry, it is going to go up \$2,100. That is a \$4,600 shift for every family who tries to buy their own health insurance. That is what we are seeing in Wyoming.

I ask my colleague from Tennessee if he is seeing the same things at home.

Mr. CORKER. Madam President, I have just finished my second tour of all 95 counties in our State. In 91 of the 95 counties in our State, women do not have access to the types of medical services they should have. The reason is that this whole issue of malpractice is especially prevalent in the issue of OB. That is the area of babies being born. Obviously, a physician cannot determine if there is going to be a genetic deficiency of some kind or something else. But trial lawyers are out there waiting to ensure that no matter what

happens, even if it is by the grace of God that something happens that is not so good, the fact is a trial lawyer is waiting there to take advantage of a physician. So they have just decided to leave that particular industry.

We have had a bunch of side-by-side votes here. The American people understand the trickery that takes place. Fortunately, Senator MCCAIN's favorite publication, the New York Times, pointed out what absurdity it was yesterday that we passed 100 to zip the Bennett amendment which everybody knows is toothless.

Today, we have the opportunity to actually have a values vote. The American people can determine the values of each Senator. Senator ENSIGN has an amendment to cap the amount trial lawyers are paid. Senator LINCOLN has one to cap the amount that people who are actually delivering health insurance are paid. This is a values vote. We have a nonprofit in our State that pours every bit of its money back into providing health insurance. Senator LINCOLN's amendment would cap the amount that person is paid. Senator ENSIGN would cap the amount a trial lawyer is paid who is pursuing a physician and causing them to pay more. This is the first of a real values vote.

Mr. ENSIGN. One clarification: We don't cap the total dollar they can be paid; we just cap the percentage. So even though they will cap at \$400,000 what somebody can be paid for an insurance company, trial lawyers could still, because they can get up to 25 percent of the verdict—if the verdict is on average, as we learned from Senator KYL, \$4 million, they can still make \$1 million on that one case, and they can have however many of those cases they want per year.

Mr. CORKER. I know Senator ENZI wants the floor.

Mr. GRASSLEY. Madam President, there are a number of issues that this amendment raises. Some are health care-related, most are not.

First, this amendment amends section 162(m) of the Tax Code—a tax law intended to curb excessive executive compensation.

Unfortunately, section 162(m) has been a disaster. It has encouraged companies to cook up complex design packages so as to avoid the limitations under the law.

Actually, excessive executive compensation exploded as a direct result of section 162(m)—which was enacted back in 1993.

I have consistently made it clear that the outrageous pay practices of many companies must stop. True pay-for-performance must be the cornerstone of any compensation package. And the boards of directors, compensation committees, and shareholders must all be partners in practicing good corporate governance. We should look to reform section 162(m) of the Tax

Code, not add to it. And we should look at whether Congress needs to reform the way corporate governance is practiced.

This amendment adds to section 162(m). It does not reform it. This amendment does nothing to empower shareholders to hold the corporation's board accountable. All it does is hurt shareholders by taking money out of the company and giving it to the government.

That is right. By limiting a corporation's deduction, shareholders are the ones who are disadvantaged, not the corporation.

My friends on the other side of the aisle forget that seniors are often shareholders who rely on dividends and capital gains for income to live on day in and day out. So actually, my Democratic friends are enacting policies that will hurt seniors. All in an effort to show the country that they have it in for the big, bad insurance companies.

I also find it interesting to hear my friends say that it is unfair for insurance companies to get a taxpayer-funded "subsidy" in the form of a tax deduction.

First, all corporations are allowed to deduct compensation as a business expense. Big, small, private, and public corporations get this same tax deduction.

Are these companies getting a tax subsidy? If so, why not take the subsidy away from them?

Now, my friends on the other side may argue that these restrictions are just like those Congress passed in T-A-R-P. And the way the legislation works, they would be correct.

But, the executive compensation restrictions in T-A-R-P were conditions for receiving taxpayer dollars. My constituents in Iowa would call them bailouts.

Now my friends may argue that health insurance companies are benefiting from their reforms and they should pay their "fair share." They may also say that they are receiving the government-subsidized tax credits for health insurance, which is taxpayer dollars.

The main reason why the government is subsidizing health insurance for low-income individuals is because the Reid bill forces people to buy health insurance.

If you force people to buy insurance, you have to make sure it is affordable for them to buy. This has forced the government to spend close to \$400 billion on these tax credits, which is one of most expensive parts of the Reid bill. And the cost of these tax credits are paid with higher taxes, fees, and penalties on the majority of Americans. Paid by many of those who earn less than \$250,000 a year.

Data from the Joint Committee on Taxation tells us that 38 percent of tax

returns making under \$200,000 in 2019 will see a tax increase under the Reid bill. Yet only 8 percent of tax returns in 2019 will be benefiting from the tax credit. That doesn't seem balanced.

Finally, this amendment directs the revenue generated from it to the Medicare trust fund. I commend my Democratic friends for crafting policies that would help shore up Medicare. What is interesting is that this bill cuts Medicare. To the tune of \$400 billion—that is billion with a B.

And the money raised from cutting Medicare is not being directed to help shore up Medicare. Rather, the money is being spent on expanding and creating new entitlement programs. The Joint Committee on Taxation scored this amendment as raising \$651 million over 10 years—that is million with an M.

So what we have here is \$400 billion in cuts in Medicare that is being used for other spending, in exchange for \$600 million which would be directed Medicare trust fund. Doesn't seem like a fair trade.

Do my friends on the other side feel guilty for using Medicare money for non-Medicare purposes? And to make up for this guilt, they decided to direct non-Medicare-related money to the Medicare trust fund?

I will close by saying that my Democratic friends will take to the floor and say that anyone who votes against this amendment is "in the pockets of the insurance companies." I will first tell my friends that they should look in the mirror. Then I will say opposing irrational policies that add complexity to our tax laws is not protecting insurance companies.

Let's get on to reforming our health care system, instead of voting on amendments so my Democratic friends can (1) look like they are taking it to the insurance companies, and so they can look like (2) they are helping Medicare solvency.

Mr. INHOFE. Madam President, I support the amendment offered by the Senator from Nevada, which I have also cosponsored, that calls for real reform of the medical liability system.

A key component to health care reform in our Nation is medical liability reform. However, the Democrats are not actually interested in making changes to the current system as evidenced by the inclusion in this bill of "the sense of the Senate that health care reform presents an opportunity to address issues related to medical malpractice and medical liability insurance." Well that opportunity has come now, with a vote on this amendment that will limit the amount of contingency fees available to trial lawyers who bring medical liability actions.

The threat of massive lawsuits and the costs of insuring against them have driven doctors out of the practice of medicine, influenced doctors and

nurses to avoid certain specialties, and in part led to the steady increase of health care premiums. With the threat of lawsuits hanging over their heads, doctors are forced to take extra precautions when diagnosing and treating patients through the ordering of additional tests and procedures. The Journal of the American Medical Association found that 93 percent of doctors admit practicing this type of self-protective medicine.

A recent study by the Pacific Research Institute estimates the cost of defensive medicine is at least \$191 billion per year, while other reports put costs over \$200 billion annually. According to the Congressional Budget Office, if Congress adopted only a few of the malpractice reforms we have seen various States enact, such as Texas and Alabama, the deficit would decrease by \$54 billion over 10 years.

At the heart of this issue, beyond the costs and savings, is the damage the current liability system does to the relationship patients have with their doctors. When physicians are afraid they could be sued, not only do they run unnecessary tests and procedures, but the quality of care patients receive is compromised. A 2003 GAO report concluded that defensive medicine has also contributed to access issues, especially in rural areas. Physicians tend to move to States and areas with lower liability rates, and hospitals are able to expand available services.

It is estimated that attorneys' fees and administrative costs amount to 54 percent of the compensation paid to plaintiffs. Less than 15 cents of every dollar awarded actually goes towards compensation for the individual. This amendment is not about preventing compensation to injured individuals; it is about increasing access to doctors and lowering costs. In fact, this measure allows injured plaintiffs to keep more of the reward. The simple truth is that lowering the cost of doing business allows doctors to serve more people at lower costs.

On November 6, I received a letter from the Oklahoma State Medical Association, confirming that medical liability reform would reduce health care costs because the practice of defensive medicine adds billions of dollars to the yearly cost of health care. Oklahoma physicians pay anywhere from \$20,000 to \$90,000 a year, depending on their specialty, for malpractice insurance, and their yearly costs have risen astronomically since 1999 to the point that some specialties, like OB-GYNs, have had to change careers or move to other States where State malpractice reform is already in place. Since 1999, Oklahoma OB-GYNs have seen their yearly malpractice costs rise from \$15,000 to \$63,000.

Meaningful malpractice reform must be a part of any comprehensive health care reform. This is not a partisan

issue. As my colleagues mentioned yesterday, this amendment was actually proposed by Senator Kennedy in 1995, with the support of many current Senators on the other side of the aisle. It will be very interesting to see just how serious the Democrats are about health care reform. The bill has a "sense of the Senate" recognizing medical malpractice costs are a problem. We will see if they think it is important to really do anything about it.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Wyoming.

Mr. ENZI. Mr. President, the time for the colloquy has, unfortunately, expired. The balance of the time goes to the Senator from Iowa. I thank everybody for their participation.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I rise to speak in favor of the amendment of the Senator from New Hampshire.

Because as I have been saying, the people who wrote the excesses of the Reid bill appear willfully ignorant of what is going on in the rest of the economy outside of health care.

We are a nation facing very challenging economic times with industries in financial crisis and Federal debt increasing to all-time highs.

So we should be considering a bill that would create jobs and prevent this country from being burdened with a bigger and more unsustainable Federal budget instead of this health bill.

But instead, we are now considering a bill that cuts half a trillion dollars from the Medicare Program to fund yet another unsustainable health care entitlement program.

You have heard from Members on this side of the aisle about how flawed this approach is and how these drastic Medicare cuts will threaten beneficiary access to care.

Medicare's chief actuary at the U.S. Department of Health and Human Services has warned Congress in his report that these cuts could jeopardize access to health care for beneficiaries.

In fact, a number of Members on the other side of the aisle have made clear that they share our concerns when they joined us to vote in favor of motions to eliminate these cuts.

Most of the Members on the other side of the aisle, however, claim that this bill does no such thing.

They claim that Medicare money is not being used to start up yet another unsustainable entitlement program that we clearly can't afford.

They claim that the Reid bill doesn't technically change the law on guaranteed benefits for beneficiaries.

They are ignoring the fact that while those benefits may be technically guaranteed, if the cuts put health care providers out of business, then those guarantees will be nothing more than useless words in the Medicare Act.

Guaranteed benefits are not worth much without health care providers who can treat patients, provide home health services, run the hospitals and hospice agencies.

These claims are not good enough to assure seniors who have paid into the Medicare Program all these years. It is not good enough for protecting access to the health care services and benefits they were promised.

So the Gregg amendment would back up those claims with a real enforceable mechanism to ensure that Medicare savings aren't being used to fund a new program.

The Gregg amendment is needed to protect the Medicare Program.

After all, if you knew that the Medicare Program already had \$37 trillion in unfunded obligations, would you be assured without an enforcement mechanism to back up those promises?

No guarantee is worth the paper it is written on without an enforcement mechanism to back it up. Otherwise, it is just a meaningless guarantee. It is not real without an enforcement mechanism.

The Gregg amendment provides that enforcement mechanism. It makes the guarantee real.

Opposition to the Gregg amendment will shine a light on the issue. If the Gregg amendment is not approved, it should be clear to everyone watching that all the guarantees they are making that Medicare is protected in the Reid bill are, in fact, worthless. As a result, I hope that everyone will be watching carefully how the other side votes on the Gregg amendment.

Now supporters of the Reid bill trumpet the fact that their drastic and permanent Medicare cuts extend the life of the program.

I agree that we can't ignore the pending insolvency of the Medicare Program.

The Medicare hospital insurance trust fund started going broke last year. In 2008, the Medicare Program began spending more out of this trust fund than it is taking in.

The Medicare trustees have been warning all of us for years that the trust fund is going broke. They now predict that it will go broke right around the corner in 2017.

But rather than work to bridge Medicare's \$37 trillion in unfunded liabilities, this bill cuts half a trillion dollars from the Medicare Program to fund yet another unsustainable health care entitlement program.

By diverting Medicare resources elsewhere, this bill ignores other major problems in the Medicare Program, like fixing the physician payment flaw with the sustainable growth rate formula, or SGR as it is known.

So the few years of extended life this bill would give to the Medicare hospital insurance trust fund is a Pyrrhic victory.

Because the drastic and permanent Medicare cuts in this bill will worsen health care access and quality.

And the Reid bill leaves problems that have long been vexing Congress like the fatally flawed physician payment formula unsolved.

The Reid bill will leave Congress with few options for fixing these problems.

So the Gregg amendment is essential for protecting the Medicare Program. It is essential for making those guarantees real.

The way the Gregg amendment works to enforce those guarantees is quite simple.

The Gregg amendment would make sure that the Medicare Program is not used as a piggy bank to spend for other purposes. It would make sure that the Medicare Program is not being raided to fund this new program as the other side claims.

Under this important amendment, the director of the White House Office of Management and Budget and Medicare's chief actuary would both be required to add up non-Medicare savings in the bill and compare that total to the total of new spending and revenues in the bill.

If non-Medicare savings don't offset all the new costs, then the Treasury Secretary and the HHS Secretary would be prohibited from implementing the new spending or revenue provisions in the bill.

By doing so, the Gregg amendment would ensure that the non-Medicare savings are paying for the new spending in this bill. And it would ensure that Medicare itself is not being used to pay for the new spending in the bill.

It is that simple.

The amendment therefore would prevent massive government expansions at the expense of Medicare beneficiaries.

As you can see, this amendment has teeth. This amendment is real.

As opposed to a mere nonbinding sense of the Senate resolution that the other side has offered to pretend to protect Medicare, the Gregg amendment requires action to protect the Medicare Program.

The Gregg amendment is the enforcement mechanism for the guarantees the other side says they are making to protect Medicare benefits.

Slashing Medicare payments to start up another new unsustainable government entitlement program is not the way to address a big and unsustainable budget.

That is why I support the Gregg amendment. And I urge my colleagues to do the same.

Vote to protect Medicare.

Vote to keep Medicare from being used to fund a separate new program.

Vote to keep Medicare funds from being siphoned off.

Vote to put in place a real guarantee that Medicare funds won't be used.

Vote to back up those promises with real action.

I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Wyoming.

Mr. ENZI. What is the status of the time?

The PRESIDING OFFICER. The minority has 50 seconds remaining, and the majority has 16 minutes 48 seconds.

Mr. ENZI. I will reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I ask unanimous consent to be recognized for 5 minutes under the majority time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, one of the amendments we are about to consider is offered by the Senator from Nevada.

We know medical malpractice is an issue in this country. The Institute of Medicine tells us that 98,000 Americans die each year from medical malpractice. Many more are injured. In the United States of America each year, there are about 11,000 medical malpractice claims paid.

There is a concern about the impact of medical malpractice on the practice of medicine. That is why President Obama and this legislation were looking together for ways to reduce medical malpractice, negligence, and errors. We are looking for ways to reduce any number of lawsuits that may not be necessary. That is a good and positive thing for us to do.

Unfortunately, the amendment offered by the Senator from Nevada is not a good amendment to achieve that goal because what the Senator from Nevada does is puts together a formula for compensating the lawyers who represent the victims of medical malpractice and reduces the amount of money that is available. I want every single dollar we can bring to the victims of medical malpractice, but the fact is, in our country today, most victims are not wealthy, and the only way they can bring a lawsuit is if the lawyer says it is a contingency fee. If you, the victim, win, then I will be paid. If you lose, I am not paid. It is the only way many people of modest means can get into a courthouse.

The Senator from Nevada wants to limit the amount of money that can be paid to the attorneys, limit the opportunity for victims to be represented. If his goal is to reduce the money paid to lawyers, you would think the amendment would also reduce the money paid to defense lawyers, those insurance company lawyers who are at the other table in the courtroom. Studies show that 50 percent more is paid to them than paid to the victims' lawyers. But the Senator from Nevada does not restrict their payment in any way. In other words, if you are going to try to

defeat a victim of medical malpractice in a courtroom, you can spend an unlimited amount of money, according to the Senator from Nevada. However, if you are going to represent that victim, he would limit the amount of money that counsel, that attorney can be paid. It will mean fewer victims will have lawyers, and maybe some of the lawyers they have will not be the best because of the amendment offered by the Senator from Nevada. That is bad policy. It is not fair to the victims because many of these victims are innocent victims.

I recall a woman in Chicago who went to one of our more famous hospitals for the simple removal of a mole from her face. She was administered a general anesthesia, and during the course of the general anesthesia, the oxygen, which she was receiving, exploded, caught fire, and burned off her facial features. She went through repeated reconstructive surgery, scarring, disfigurement, pain and suffering.

She was an innocent victim. She did nothing wrong. She wanted to make sure her medical bills were paid, her lost wages were paid, there was compensation for her pain and suffering. She was not a wealthy person. She went to an attorney, who said: I will take the case, but it is a contingency. If you win, I am paid. If you lose, I am not paid.

What the Senator from Nevada does with his amendment is limit the opportunity for innocent victims, just like her, to go into a courtroom, into our court of justice, and see justice at the end of the day. That is not a just result. We need to stick with this bill, which moves us forward, with innovative ways to reduce medical errors, reduce medical malpractice, and find ways to resolve the differences between medical providers and the patients in the fairest possible way. That is what this bill does. That is what we should do.

The amendment that has been offered by the Senator from Nevada fails to reach that goal and is fundamentally unfair and unjust to victims who are just asking for a day in court and for the compensation which they deserve for their injury.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I yield 2 minutes to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 2905

Mrs. LINCOLN. Mr. President, I think it is so important we look at the choice we will be making when we vote on this amendment in a few minutes. It is very simple. When health insurance reform becomes law, health insurance companies will receive millions of new customers purchasing their product for the first time.

My amendment is intended to encourage those insurance companies to put the additional premium dollars they will be bringing in with the volume of new customers back toward lowering their rates and making more affordable coverage for consumers, not putting it in their own pocketbooks.

Where health insurers spent more than 90 cents of every dollar on patient care in the early 1990s, that number has decreased dramatically to just over 80 cents for every dollar in 2007, and even more so in recent years.

According to testimony delivered in the Senate Commerce Committee earlier this year, this trend has translated into a difference of several billion dollars in favor of insurance company shareholders and executives at the expense of health care providers and their patients.

I think it is so important we understand what it is. This amendment does not dictate what insurance companies can pay their executives. They have the complete ability to pay what they choose. It is not a salary cap. But it does limit the American taxpayers' subsidization of outrageous pay and, instead, devotes those resources to protecting Medicare.

A vote for this amendment is a vote in support of strengthening the Medicare trust fund. A vote against this amendment is a vote in support of having the IRS write a check of \$650 million to the health insurance companies to subsidize the multimillion-dollar salaries they are paying their executives.

So I urge my colleagues to support this effort on behalf of the American taxpayer and our seniors and to vote in favor of our amendment.

Mr. BAUCUS. Mr. President, how much time is remaining on our side?

The PRESIDING OFFICER. There is 9 minutes 39 seconds remaining.

Mr. BAUCUS. Mr. President, I yield 9 minutes 39 seconds to my esteemed friend from Vermont.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the senior Senator from Montana.

AMENDMENT NO. 2927

Mr. President, let me wear my hat as chairman of the Senate Judiciary Committee and talk about the amendment we are going to vote on to cap attorney fees. It is a one-sided amendment. It does not hurt attorneys. It hurts injured Americans who seek to recover damages in our court system. It may not be obvious to the nonlawyers listening to this debate that many ordinary Americans who suffer an injury through another's negligence cannot afford to pay for the legal representation they need to go to court.

Our legal system allows for a plaintiff and an attorney to negotiate to determine what the compensation is going to be. In these cases, the parties

sign a contract where the attorney may agree to work on a case with no compensation at all unless the victim ultimately receives compensation from the doctor or hospital responsible for the injury. This is called a contingency fee. In other words, a judge and a jury have to agree that person was injured and deserves this compensation. The parties do not do that. This allows all Americans, not just the wealthy, to have their day in court.

It should also be noted that if a judge believes a compensation agreement is unfair to the victim, or if they believe it is disproportionate, the judge has the power to reduce the fee. I believe this is the same in virtually every State in this country. States have regulated the area of attorney compensation extensively, striving for reasonableness. States have done this. Doesn't that make the most sense that the States decide?

Let's not forget that lawyers only are compensated if the client's case is successful and if a jury finds that a wrong was committed and if that jury finds they should be compensated. This is not some kind of windfall. It is the result of an attorney's very hard work to redress a wrong.

The pending amendment would override all of these traditional considerations. It would impose a flat cap on all attorney fees for significant injuries. But the amendment would not cap the attorney fees of those representing a negligent hospital or doctor. That hospital, those doctors—their insurance companies could pay any amount of money they wanted, for example, in the case—and there have been cases like this—where the wrong leg was amputated by mistake or a person was given the wrong medicine and they end up paralyzed.

But this amendment says, if that person who was paralyzed wants to sue, we are going to cap the amount of compensation that could be possibly paid to their attorney. But for the person who wants to escape liability for giving the wrong medicine that paralyzed a patient—their insurance companies, their hospitals—they can pay all however much they want for attorneys. They can pay their own counsel 10 times what a plaintiff's attorney might get in their effort to prevent a hospital or doctor from being held liable for that horrible mistake.

Trust me, this gives a defendant every incentive to prolong litigation. Why should they settle? Why should they admit wrongdoing? They have the deep pockets. Yet through this amendment, a plaintiff would be limited by the actions of the Senate—made up of 100 people who can afford a lawyer, unlike many of the people who are injured? And so are we going to say that the Senate has capped what a plaintiff's lawyer can get? By the way—wink, wink, nudge, nudge—if you are

the hospital, the insurance company for a doctor or somebody who has done a grievous wrong, just keep this thing rolling long enough because you have the money and you can just beat it down.

When a patient receives more than \$150,000 in medical expenses or compensatory or other damages, it is because the injury is severe and ongoing or because it resulted in death. Those patients are going to have a tougher time finding someone to hold the person who harmed them accountable. Adding this insult to injury does not further the laudable goals of the pending health care bill. We should be increasing patient safety and health, not punishing those who have already been injured by wrongdoing.

I understand that yesterday the junior Senator from Nevada identified several prominent Democrats as having supported a similar amendment offered by Senator Kennedy a decade ago in a Republican-controlled Senate. I am not surprised by this tactic, given the disappointing tenor of the debate. Of course, upon a review of the actual vote, anyone would see that several Senators in this Chamber, including this one, opposed a motion to table Senator Kennedy's amendment. That is hardly the same as advocating a cap on fees.

It is also worth noting that in 1995, the Senate was considering a draconian products liability bill, not a health care bill. At that time, the then-Republican majority was attempting to go further than any other Congress in history to prevent injured Americans from recovering damages from the corporations that hurt them or their children.

I am relieved that legislation in 1995 never became law. I can see why some might have wished it had. Maybe they knew what was going to come because after that, what came to light were many recent incidents of harmful products that had been introduced into commerce—many of them toys for little children—and nothing could have been done about it had that bill become law. If that bill had become law, I fear we would have seen many more deaths or serious injuries among children as a result of faulty products.

I find it ironic, given the often-professed loyalty to the sovereignty of the States and the sanctity of private contracts, many on the other side of the aisle now seem to have no concerns about the vast Federal intrusion into these areas of traditional State control that this and other medical malpractice reform proposals represent.

Basically they are saying: Oh, we are all for States rights and sovereignty of the States except when it may cost some of the big insurance companies some money. We are all in favor of the sanctity of private contracts—except when it may cost some of the big insurance companies some money.

So I am going to oppose the amendment offered by Senator ENSIGN. It is unfair. It will only hurt Americans who have already been injured by making it more difficult for them to gain access to our court system.

I yield the floor.

Mr. BAUCUS. Mr. President, how much time remains on this side?

The PRESIDING OFFICER. A minute and a half.

Mr. BAUCUS. A minute and a half. I yield 1 minute to my friend from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I thank the Senator.

I have been listening to this debate. It has been very interesting. It is very clear what this amendment does. It hurts the victims who, through no fault of their own, get hurt in a medical malpractice case by essentially making it very difficult for them to get the best attorneys. Some of these cases cry out for the best attorneys.

But let me tell you, I have been in Congress since the 1980s. When a House Member or a Senator gets into trouble, do you know the first person they call? An attorney—the best attorney—and they do not come on this floor and say: Oh, let's make sure those attorneys do not earn enough money. They are willing to pay whatever it takes with their campaign accounts. By the way, that is all legal.

But I find it amazing that Senators—who the first person they call when they are in trouble through their work is an attorney—would wind up going after victims the way they do. When they are a victim of a problem, as they see it, they get the best attorneys and they pay the high price. It is just not right.

The PRESIDING OFFICER. Thirty seconds remain.

Mrs. BOXER. I hope we will defeat the Ensign amendment.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, let me, in closing, remind Senators that the Senate is about to conduct two back-to-back votes. The first vote will be on the Lincoln amendment on executive compensation. The second vote will be on the Ensign amendment on attorney's fees.

Mr. President, I yield back the remaining time.

The PRESIDING OFFICER. Fifteen seconds remains on the minority side.

The Senator from Nevada is recognized.

Mr. ENSIGN. Mr. President, the Ensign amendment is going to come down to a choice: Are you on the side of the patients or are you on the side of the trial bar, personal injury attorneys. That is what it comes down to. Personal injury attorneys will be able to, on their contingency fees—the first

\$150,000 they will be able to collect 33½ percent. Anything above that, we are going to cap them at collecting 25 percent.

This was from an amendment that was offered in 1995 by Senator Edward Kennedy. Twenty-one Members of the current Democratic majority who were also Members of the Senate in 1995 who voted for that amendment. Let's see how that vote comes out today. It is the right amendment. Let's be on the side of the patient instead of the side of the personal injury attorneys.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the Lincoln amendment.

Mr. BAUCUS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Kentucky (Mr. BUNNING).

Further, if present and voting, the Senator from Kentucky (Mr. BUNNING) would have voted "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 42, as follows:

[Rollcall Vote No. 365 Leg.]

#### YEAS—56

Akaka	Harkin	Nelson (FL)
Baucus	Inouye	Pryor
Bayh	Johnson	Reed
Begich	Kaufman	Reid
Bennet	Kerry	Rockefeller
Boxer	Kirk	Sanders
Brown	Klobuchar	Schumer
Burris	Kohl	Shaheen
Cantwell	Landrieu	Snowe
Cardin	Lautenberg	Specter
Casey	Leahy	Stabenow
Dodd	Levin	Tester
Dorgan	Lincoln	Udall (CO)
Durbin	McCaskill	Udall (NM)
Feingold	Menendez	Warner
Feinstein	Merkley	Webb
Franken	Mikulski	Whitehouse
Gillibrand	Murray	Wyden
Hagan	Nelson (NE)	

#### NAYS—42

Alexander	Cornyn	LeMieux
Barrasso	Crapo	Lieberman
Bennett	DeMint	Lugar
Bingaman	Ensign	McCain
Bond	Enzi	McConnell
Brownback	Graham	Murkowski
Burr	Grassley	Risch
Carper	Gregg	Roberts
Chambliss	Hatch	Sessions
Coburn	Hutchison	Shelby
Cochran	Inhofe	Thune
Collins	Isakson	Vitter
Conrad	Johanns	Voinovich
Corker	Kyl	Wicker

#### NOT VOTING—2

Bunning Byrd

The PRESIDING OFFICER. On this vote, the yeas are 56, the nays are 42.

Under the previous order, requiring 60 votes for the adoption of amendment No. 2905, the amendment is withdrawn.

Mr. REID. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I have had a brief conversation this afternoon with the Republican leader. We originally were not going to offer a side-by-side to the Gregg amendment. We have one more vote. We would like Senators GREGG and PRYOR to lay down their amendments after that. Because we have told everybody we wouldn't be voting late tonight, we need to complete work on these matters in the morning. So we will debate this tomorrow.

It is my understanding that tomorrow there will be a bipartisan amendment on abortion. We can debate the Pryor and Gregg thing in the morning, and then we will debate abortion, and we will be able to dispose of the Gregg and Pryor matters no earlier than 3:15 tomorrow. So we are going to be debating these two things tomorrow.

I say this off the subject: We have been grinding things out here for some time on a very partisan basis. I was confronted yesterday with an issue. We are here working on a Sunday. We had the President come here to talk to the caucus. The Republican leader said: I don't really think that is fair. Why should we be out of session? It is your caucus. So I said: You keep talking; you can preside. I had no concern about any untoward action taken. In a situation such as that, I had no problem. I trust implicitly Senator MCCONNELL and Senator KYL.

I hope that is kind of a breakthrough here. We have to start trusting each other. It is rarely done. I have never seen that happen before. I think it is the right thing to do. I am disappointed that there weren't more Democrats listening to what they had to say. From a procedural perspective, I never doubted that everything would go fine.

We are going to have one more vote. We will not be in session much longer today.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. MCCONNELL. Mr. President, I thank the majority leader. I did suggest yesterday that, since the President was not meeting with us, we had nothing constructive to do during that hour. I suggested that we be allowed to speak. We worked that out in our first bipartisan moment on this bill, as he indicated.

With regard to the agenda tomorrow, as the majority leader indicated, we have the Gregg amendment, the Pryor amendment, and the abortion amendment. We will have an additional amendment on this side as well. That is up to four.

Mr. REID. A counter to the abortion amendment or something like that?

Mr. MCCONNELL. No.

Mr. REID. Just an additional amendment.

Mr. MCCONNELL. Yes.

Mr. REID. Mr. President, I don't really know who is going to offer the amendment tomorrow for sure, but it is an issue I want to get out of the way. I think we all do. So it is OK. It will be our slot, no matter who will be the first person on the amendment.

AMENDMENT NO. 2927

The PRESIDING OFFICER. There is now 2 minutes of debate prior to a vote in relation to amendment No. 2927 offered by Senator ENSIGN.

The Senator from Nevada is recognized.

Mr. ENSIGN. Mr. President, the 2,074-page health care bill before us has a provision on medical liability reform. Here are the savings: zero.

Back in 1995, Senator Edward Kennedy offered an amendment on liability reform to cap attorney's fees. Twenty-one current Democratic Senators, who were Members at that time, voted for that amendment. This chart lists the Members who were in the Senate then.

The Members from the other side of the aisle have made arguments that plaintiffs need these contingency fees to be that high. Let me quote an abstract of a study written in the Washington University Law Quarterly:

Since 1960, the effective hourly rates of tort lawyers have increased 1,000 to 1,400 percent (in inflation-adjusted dollars), while the overall risk of nonrecovery has . . . decreased materially for such high-end tort categories as . . . medical malpractice.

Mr. President, the complete study that I just quoted an abstract of, is entitled, Effective Hourly Rates of Contingency Fee Lawyers: Competing Data and Non-Competitive Fees. I would urge all of my fellow Members to review that study.

Let me also quote from Howard Dean, who said:

The reason why tort reform is not in the bill is because the people—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ENSIGN. Mr. President, I ask unanimous consent for 30 more seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Reserving the right to object. If the Senator receives an extra minute, then we will have an extra minute on this side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENSIGN. Howard Dean said:

The reason why tort reform is not in the bill is because the people who wrote it did not want to take on the trial lawyers in addition to everybody else they were taking on, and that is the plain and simple truth. Now that's the truth.

That is a quote from Howard Dean.



We have a choice. We can be on the side of personal injury attorneys or we can be on the side of the patients. I think we should be on the side of the patients and vote for the Ensign amendment.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, it is hard to respond to all the inaccuracies in the statement of the junior Senator from Nevada.

One, incidentally, he may be interested in knowing, as I was leaving Burlington, VT, this morning after saying goodbye to a number of our Guard members I ran into Howard Dean. He hopes we will pass the bill that is on the floor.

Second, the motion he talks about and those who voted, including this Senator, was a procedural motion on a question of tabling Senator Kennedy's amendment. We thought he should be allowed to have a vote. It was not a vote in favor of caps.

Lastly, if you look at what he has done with this amendment, he is saying that the insurance companies and the hospitals or somebody who may have cut the wrong leg off or paralyzed you by giving you the wrong medication, they can spend all the money they want to stop you from getting any relief. You, however, will be limited and the Federal government will override the laws of your State and tell you what you can contract for on fees with your attorney.

In other words, the people who caused the damage can spend any amount of money they want to escape liability from the damage. The poor individual who has been damaged would not have an equal chance at recompense. Come on. Is the Senate actually going to vote for something like that? I would hope not.

Mr. ENSIGN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 2927.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Kentucky (Mr. BUNNING).

Further, if present and voting, the Senator from Kentucky (Mr. BUNNING) would have voted "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 32, nays 66, as follows:

[Rollcall Vote No. 366 Leg.]

#### YEAS—32

Alexander	Grassley	McCain
Barrasso	Gregg	McConnell
Bond	Hagan	Murkowski
Brownback	Hutchison	Roberts
Burr	Inhofe	Sessions
Coburn	Isakson	Snowe
Corker	Kohl	Thune
Cornyn	Kyl	Vitter
DeMint	Lieberman	Voinovich
Ensign	Lincoln	Warner
Enzi	Lugar	

#### NAYS—66

Akaka	Feingold	Mikulski
Baucus	Feinstein	Murray
Bayh	Franken	Nelson (NE)
Begich	Gillibrand	Nelson (FL)
Bennet	Graham	Pryor
Bennett	Harkin	Reed
Bingaman	Hatch	Reid
Boxer	Inouye	Risch
Brown	Johanns	Rockefeller
Burr	Johnson	Sanders
Cantwell	Kaufman	Schumer
Cardin	Kerry	Shaheen
Carper	Kirk	Shelby
Casey	Klobuchar	Specter
Chambliss	Landrieu	Stabenow
Cochran	Lautenberg	Tester
Collins	Leahy	Udall (CO)
Conrad	LeMieux	Udall (NM)
Crapo	Levin	Webb
Dodd	McCaskill	Whitehouse
Dorgan	Menendez	Wicker
Durbin	Merkley	Wyden

#### NOT VOTING—2

Bunning Byrd

The PRESIDING OFFICER. On this vote, the yeas are 32, the nays are 66. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is withdrawn.

Mr. DURBIN. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I am going to ask to have printed in the RECORD a letter dated December 1, 2009, from the insurance commissioner of the State of Oklahoma—she happens to be of your party, the majority's party—outlining the significant problems that she sees for our State if this bill becomes law. This is not a partisan document. This is a document that relates to what is going to happen to Oklahoma.

If I might summarize, very shortly: It will increase premium costs and increase the number of uninsured people in Oklahoma. That is according to our State insurance commissioner, who is of your party. It will decrease the amount of availability of insurance to people who do not have insurance today.

The letter states it will not rein in the cost. In fact, it will increase costs for everybody else in the State of Oklahoma. It will drive up costs and increase the number of uninsured. It will increase the costs for the private plans, negatively impacting medical providers and the health delivery system in Oklahoma, and it will encourage

fewer businesses in Oklahoma to offer benefits.

That is a fairly strong indictment from somebody who cares about the people of Oklahoma and what is going to happen in health care.

Mr. President, I ask unanimous consent to have printed in the RECORD this letter from the State insurance commissioner of Oklahoma.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OKLAHOMA INSURANCE DEPARTMENT,

STATE OF OKLAHOMA,

Oklahoma City, OK, December 1, 2009.

Re Senate Leadership Bill Patient Protection and Affordable Care Act.

Senator TOM COBURN,  
Russell Senate Office Building,  
Washington, DC.

DEAR SENATOR, I appreciate the opportunity to give you an Oklahoma perspective on the latest health care reform measure being considered by the US Senate. As you are well aware, the challenges associated with health care in America are immense. These complex problems require solutions grounded in fact and sound deliberation.

Large numbers of uninsured Oklahomans generate more than \$954 million dollars in uncompensated medical care each and every year in our state alone. This cost is shifted to those with insurance. Recent estimates indicate that this adds an additional \$2,911 annually to health insurance premiums for an Oklahoma family of four.

As Oklahoma Insurance Commissioner, I strongly support efforts to provide our citizens with high quality health care and affordable health insurance. Many features of the Senate Bill attempt to accomplish this, at least in part, when taken together. However, in the absence of a strong inducement to purchase coverage, the consequences of adverse selection can cause market disruption, higher costs and lower than desired take-up rates.

#### IMPACT TO OKLAHOMA

##### (1) Individual Mandate:

The Oklahoma Health Care Authority has estimated that there are nearly 600,000 uninsured working Oklahomans—nearly half between the ages of 19 and 32. There is no indication that most of those uninsured would voluntarily enroll in any health benefit plan.

Our popular Insure Oklahoma individual plan offers comprehensive, guaranteed issue coverage to individuals earning less than 200% of federal poverty level for less than \$40 per month, yet we have only 6,000 covered by that plan and most are over age 30. A healthy 25-year-old male in Oklahoma can purchase a comprehensive individual health insurance policy from a major Oklahoma medical insurer for just \$1,634 annually. In Oklahoma, affordability is not the issue for this age cohort. Therefore, we support an individual mandate to purchase health insurance that includes a strong inducement to take up health coverage to avoid the likelihood of adverse selection when only the older and healthier are motivated to enroll.

The Senate Leadership bill includes a minor penalty for non-enrollment scheduled to be phased in over a three year period beginning in 2014. The penalty is \$95 the first year, increasing to \$750 in year three. This penalty is inadequate to induce a large-scale take up of health coverage among Oklahoma's uninsured. Even with generous premium credits, the absence of a strong non-

compliance penalty will not encourage the desired and necessary take-up among the young and healthy to offset the greater risk and cost of the older and unhealthier.

(2) Guarantee Issue:

The Senate Leadership bill would require insurers to offer individual plans on a guaranteed issue basis without pre-existing condition limitations. We support guaranteed coverage when accompanied by a mandate to purchase coverage that is strongly enforced. The absence of a meaningful penalty for non-enrollment will likely result in those with chronic or serious health issues purchasing coverage while younger healthier individuals simply choose to pay the nominal penalty. The result will be higher insurance rates due to a higher percentage of insured being higher risk/expense individuals.

(3) Qualified Health Benefit Plans (QHBP):

The Senate Leadership bill would establish "Qualified Health Benefit Plans" and require all individual/family plans to conform to QHBP standards by 2014. While the minimum coverage requirements are suitable for some, they restrict individual choice and limit the ability of healthy and/or wealthier individuals from self-insuring part of their risk.

(4) Rating Standards:

The Senate Leadership bill would restrict the use of risk factors in determining rates to geographic area, smoking and age and would limit age bands to a 3:1 ratio. The age band restriction will shift the cost of the older individual to the younger individual. Blue Cross estimates that this factor alone will increase the base cost for a healthy 25-year-old by 44 percent in Oklahoma. This higher cost burden on the young will further discourage coverage take-up and drive up costs to the remaining insured's.

(4) Employer Penalties:

The Senate Leadership bill would impose a penalty on employers who do not offer coverage equal to \$750 for any employee who purchases coverage through a state exchange. This penalty is inadequate to induce an employer to establish a plan. Most employers who do not offer coverage have fewer than 50 employees (only 37 percent of Oklahoma small businesses offer coverage compared to 48 percent nationally) and most uninsured Oklahomans work for small businesses. This nominal penalty creates a potential incentive for certain small employers who currently offer coverage to employees to drop their plan and simply incur the penalty at less expense than the cost of a plan—particularly once the small employer tax credits sunset.

(5) State-Based Health Insurance Exchanges:

The Senate Leadership bill would require the formation of state-based exchanges from which individual coverage would be solely available and small group insurance may be purchased. While we support the state-based exchange concept and are currently in the planning stages for a similar concept here in Oklahoma, the infrastructure costs have been estimated in the millions of dollars. In the absence of a financial grant, current state budget limitations will preclude Oklahoma from making the necessary investment to create the exchange.

(6) Public Health Insurance Option:

The Senate Leadership bill would allow for a federal "Public Health Insurance Option" from which states may opt-out. Oklahoma would likely resist participation as long as the private insurance market remains robust and competitive. Although the bill provides that the federal government would "negotiate" provider rates, experience with Medi-

care and Medicaid suggests that reimbursement rates for a federal public option would result in low reimbursement rates.

Currently, our medical provider community relies on private pay to make up the difference in cost of services over government reimbursement rates resulting in higher private insurance rates—more cost-shift. In addition, we have concerns over the potential for government to assert an unfair advantage that would adversely affect our insurance markets and further stress our health care delivery system.

(7) Health Insurance Cooperatives (Co-Ops):

The Senate Leadership bill would provide funding to establish non-profit health insurance "co-ops." We question the likelihood that this notion will produce a lower cost option while meeting all requirements stipulated in the bill (specifically, benefit and solvency requirements). Some of the principles embodied in this idea already exist. For example, Oklahoma's largest health insurer, with nearly 30% of the Oklahoma health insurance marketplace, is a mutual company owned by policyholders for the benefit of policyholders.

(8) Premium Credits:

The Senate Leadership bill would provide "Premium Credits" for individuals with incomes up to 400% of FPL. The majority (approximately 65%) of Oklahoma's uninsured population have incomes less than 250% of FPL. Currently, 74% of Oklahoma's total population has incomes of 400% of FPL or less.

(9) Medicaid Eligibility Expansion:

The Senate Leadership bill would increase eligibility requirements for Medicaid. Recently, the Oklahoma State Coverage Initiative (SCI) process reached consensus and recommended that Medicaid be extended to adults with incomes up to 100% of FPL. The Senate Leadership bill would expand eligibility to all non-elderly persons with incomes up to 133% of FPL. This would increase Medicaid rolls by an estimated 285,000 adults and the state's annual cost share by \$116 million. This rough estimate is based on current Medicaid experience and does not include working-aged individuals who have not accessed reasonable and timely medical care due to an inability to pay. Our concern is that the cost of this expansion for the state is severely underestimated.

(10) Long-Term Care:

The Senate Leadership bill would provide for a federal, voluntary long-term care insurance plan. This plan appears to directly compete with the private insurance market based on reasons other than need.

(11) Anti-Trust Exemption:

The Senate Leadership bill would leave in place the anti-trust exemption established by the McCarren-Ferguson Act. We support such a decision. This exemption has long provided for a more competitive insurance marketplace and has facilitated solvency among carriers.

(12) Controlling Cost:

As mentioned in the opening of this letter, coverage is essential to increasing access to affordable health care. However, this bill does very little to address rapidly increasing health care costs. Data shows that the number one driver in health insurance premium costs are increased medical costs and utilization. As you know, on average, between \$0.80 and \$0.90 of every premium dollar for a comprehensive health plan is spent directly on benefits to policyholders.

In Oklahoma, we are studying the issue of rising costs as it relates specifically to our non-profit self-insured state plan. Medical

costs for the Oklahoma State Employee and Education Group Insurance plan have increased an average of 10% annually in recent years.

Of concern to us are reports from the CBO and others that the Senate reform plan will reduce premium costs. In actuality, we believe premium costs will rise substantially if adverse selection is allowed to occur and if the cost of medical care is not addressed. While the generous premium subsidies contemplated by the bill will indeed reduce an individual's expense in financing their health care needs (a strategy we agree is necessary to ensure affordability), health insurance premiums will not be lower.

Again, I thank you for the opportunity to provide this perspective and I hope that you have found it helpful. If you wish to further discuss this matter, please do not hesitate to contact me at anytime.

Sincerely,

KIM HOLLAND,  
Commissioner.

Mr. COBURN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I ask unanimous consent to call up my amendment No. 2942.

I see the Senator from Arkansas is standing. I thought I was supposed to offer my amendment first. Is the Senator from Arkansas supposed to go first?

Mr. PRYOR. I believe the sequence was that I would go first.

Mr. GREGG. I will reserve.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 2939 TO AMENDMENT NO. 2786

Mr. PRYOR. Mr. President, I call up amendment No. 2939.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. PRYOR] proposes an amendment numbered 2939 to amendment No. 2786.

Mr. PRYOR. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Secretary to provide information regarding enrollee satisfaction with qualified health plans offered through an Exchange through the Internet portal)

On page 134, between lines 10 and 11, insert the following:

(4) ENROLLEE SATISFACTION SYSTEM.—The Secretary shall develop an enrollee satisfaction survey system that would evaluate the level of enrollee satisfaction with qualified health plans offered through an Exchange, for each such qualified health plan that had more than 500 enrollees in the previous year. The Exchange shall include enrollee satisfaction information in the information provided to individuals and employers through the Internet portal established under paragraph (5) in a manner that allows individuals to easily compare enrollee satisfaction levels between comparable plans.

Mr. GREGG. Mr. President, I ask unanimous consent that the amendment of the Senator from Arkansas be

set aside so I may call up my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2942 TO AMENDMENT NO. 2786

Mr. GREGG. Mr. President, I call up amendment No. 2942.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG], for himself, and Mr. CORKER, Mr. THUNE, Mr. COBURN, Mr. ENSIGN, Mr. ISAKSON, Mr. BURR, Mr. ENZI, Mr. ALEXANDER, Mr. BARRASSO, Mr. CORNYN, Mr. MCCAIN, and Mr. LEMIEUX, proposes an amendment numbered 2942 to Amendment No. 2786.

Mr. GREGG. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prevent Medicare from being raided for new entitlements and to use Medicare savings to save Medicare)

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . PREVENTING THE IMPLEMENTATION OF NEW ENTITLEMENTS THAT WOULD RAID MEDICARE.**

(a) BAN ON NEW SPENDING TAKING EFFECT.—

(1) PURPOSE.—The purpose of this section is to require that savings resulting from this Act must fully offset the increase in Federal spending and reductions in revenues resulting from this Act before any such Federal spending increases or revenue reductions can occur.

(2) IN GENERAL.—Notwithstanding any other provision of this Act, the Secretary of the Treasury and the Secretary of Health and Human Services are prohibited from implementing the provisions of, and amendments made by, sections 1401, 1402, 2001, and 2101, or any other spending increase or revenue reduction provision in this Act until both the Director of the Office of Management and Budget (referred to in this section as “OMB”) and the Chief Actuary of the Centers for Medicare and Medicaid Services Office of the Actuary (referred to in this section as “CMS OACT”) each certify that they project that all of the projected Federal spending increases and revenue reductions resulting from this Act will be offset by projected savings from this Act.

(3) CALCULATIONS.—For purposes of this section, projected savings shall exclude any projected savings or other offsets directly resulting from changes to Medicare and Social Security made by this Act.

(b) LIMIT ON FUTURE SPENDING.—On September 1 of each year (beginning with 2013), the CMS OACT and the OMB shall each issue an annual report that—

(1) certifies whether all of the projected Federal spending increases and revenue reductions resulting from this Act, starting with the next fiscal year and for the following 9 fiscal years, are fully offset by projected savings resulting from this Act (as calculated under subsection (a)); and

(2) provides detailed estimates of such spending increases, revenue reductions, and savings, year by year, program by program and provision by provision.

Mr. PRYOR. Mr. President, I ask unanimous consent that no further amendments or motions be in order today.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota.

Mr. DORGAN. Mr. President, this issue of health care and health care reform has been an issue that has caused a great deal of advertising and claims on television from both sides, back and forth. A substantial amount of the advertising we have seen has been totally and completely without foundation—completely inaccurate. But, nonetheless, political dialogue in this country allows one to say whatever one wishes, so the very aggressive discussion about this issue of health care has taken on interesting tones—claims by some that Congress is working to undermine the Medicare Program.

The fact is, those of us on this side of the aisle are the ones who created the Medicare Program, at a time when most senior citizens had no health insurance at all. There were no insurance companies in this country tracking down senior citizens and saying: Do you mind if we sell you a policy for health care? At a time when people's lives were going to need an increasing claim on health care benefits, were insurance companies tracking them down and saying: Can I do business with you? Of course they weren't. Over half the American people had no access to health insurance. Folks reaching the end of their lives, retired, would lay their head down on their pillow at night and wonder if tomorrow would be the day they would get sick and have no health insurance coverage; and wonder if they would get sick, who would treat them or how they would find the money to provide for themselves. So the fact is, this Congress created something called Medicare at a time when it was decided that maybe we should put together a program to give senior citizens an opportunity to be covered with health care.

It was decried as socialism—unbelievable—when we tried to put together this government program to provide Medicare for senior citizens. Some old guy in a little town in North Dakota one night, at a town meeting, got up, and he was so angry with the government. He shook his hand as he spoke. He was a thin, older guy, and his neck was coursing out and bulging so that I thought he was going to have a heart attack right there, shouting about the government. At the end of the meeting, an elderly woman took me aside and said: You know what, I hope you are not upset with Ernie because he's been pretty emotional about a lot of things. He just had open heart surgery and he gets kind of emotional about things.

So I saw the gentleman as he was leaving, and I sidled up to him and I said: I understand you just had open heart surgery, and he said: Yeah. So I asked him if his surgery was covered by Medicare, and he said it was. I said: Well, there is at least one government

program that works. He said: Medicare “ain't” government. It just “ain't” government.

Well, of course, it is government. The reason he had health insurance coverage was because we—that is we the government, the Congress, the American people—decided we weren't going to let people come to the end of their years and not have health insurance coverage.

Some might say: Well, yes, you put together Social Security and Medicare and now you have trouble financing it. That is true. That is true. We have trouble financing it because of success. We can handle success. Our country can handle success. People are living longer and better lives these days—longer and better lives—and they claim more health care during those extra 5, 10 or 20 years they are living.

I have often told my colleagues that I have an 89-year-old uncle who runs in the Senior Olympics. He runs the 50 meter, the 100 meter, and the 200 meter. He runs the 100 meter in under 19 seconds at age 89. Would that have happened 30 years ago? Not likely. But people are living longer and healthier lives and it causes some strain on Social Security and Medicare, but we can deal with success. Surely, we can deal with success.

Now we are talking about a system of health care that doesn't work for everybody or it doesn't work very well for many people and it works very well for some others. But should we do nothing or should we decide to try to tackle this question?

I walked into a restaurant about 2 weeks ago, and I saw what several of my colleagues have seen: advertisements on the wall. This particular restaurant, as you walk through the door, has a plate glass window up to the ceiling, and it had a couple of advertisements on it. Both of them were advertisements for people who needed to raise money to try to pay for their health care costs—spaghetti dinners, bake sales, various things to ask people to come and chip in some money for their health care needs.

Let me read a few of them. I will not read the name, but this one is a benefit for Chris's family: A spaghetti feed and silent auction is going to be held from 5 to 7:30 p.m. to benefit Chris. He is a sheriff's deputy who was shot in the head and the abdomen while on duty and is still recovering at a rehabilitation hospital outside of Denver, CO. They will have a spaghetti feed and silent auction to try to raise the funds to benefit that family for their needs.

Here is a spaghetti supper, silent auction, bake sale, free-will offering for supper or donations to be made to the Duane fund at the Community National Bank. He has stomach cancer that has spread to other areas and is undergoing various treatments and needs help with medical and living expenses.

This is what you see on the side of the wall in cafes, posted to a bulletin board downtown: A burger supper and free-will offering to be held for Amy. In July, Amy was diagnosed with uterine cancer, which has metastasized to the lymph nodes. She has had surgery and is now undergoing chemotherapy radiation and needs to raise funds for health care costs.

Here is a pancake breakfast to be held for Sean in the school cafeteria. Scrambled eggs, pancakes, and sausage will be served, and there will be a free-will offering. Sean's infant daughter was born with a heart defect and needs corrective surgery and a lengthy stay in the hospital. The staff is hosting the event to defray the expenses so they can provide the funds to try to afford this very expensive medical treatment.

Joyce is the mother of Brandy. Brand is a 16-year-old who was involved in a car accident weeks after her parents decided to give up their health care coverage so they could afford mortgage payments. The family had a meatball and mashed potato dinner benefit last month to help pay for Brandy's health care needs.

I have a long list. The list goes on, and one wonders whether we should be oblivious to that, that we walk into the business places in the downtowns and the Main Streets of our communities and see that there are many people who have to have a spaghetti supper or burger feed to see if they can raise enough money just to get to the hospital, just for transportation, let alone the surgery, let alone the medical treatment.

I think it is the worst, not the best of our political system that when we debate these things, there is so much misinformation, so much bad information that is alleged about legislation to try to deal with health care.

It is interesting to me, I do not know of an attempt of a government takeover of the health care system. I have heard it 1,000 times on this floor. I am not familiar with any legislation that has been discussed that represents a government takeover of health care. I am just not familiar with it. Maybe it exists in some cubbyhole someplace, but I have not seen it. But I know why the allegation comes to the floor every day—because it works. Scare the devil out of people. Somebody is trying to have a complete government takeover of the health care system. I wouldn't support a government takeover of the health care system. I wouldn't support it. I do support Medicare. By the way, that is a government-created system to make sure all citizens have access to health care because the private industry is not going to get there. They didn't prior to Medicare, and they wouldn't now if we didn't have Medicare.

The very people who come and talk about government health care, it is in-

teresting they do not come to the floor of the Senate offering an amendment that would abolish Medicare. I don't understand—if, in fact, they really do not like this at all, they should be offering an amendment that abolishes the Medicare Program, saying it is just not worthy, to have a system in which the government tries to guarantee health care for America's seniors. The reason I think they do not is they agree with Medicare. They believe Medicare should exist, and as a result, they support a form of government health care, at least for senior citizens.

What I want to do briefly—I will talk more about that later. I am going to offer an amendment. I expect it will be tomorrow night or Tuesday.

I see Senator GRASSLEY is on the floor. He has been a cosponsor of this legislation, Senator SNOWE, Senator MCCAIN and others—many on my side—Senator STABENOW. There are a lot of folks who have worked on this, the issue of prescription drug importation. I want to make a couple of comments about that. I have not been on the floor speaking about the health care much until now, and I will be offering this amendment; I guess it will either be tomorrow evening or I expect it to be on Tuesday. But I want to make a couple of comments about it because I think it is very important.

I don't think you can leave the issue of health care, having tried to do things about the escalating costs—some people talk about bending the cost curve, whatever that means. All I know is, putting the brakes on increasing costs at the time they are skyrocketing is important for businesses, for families, for individuals. The question is, What about prescription drugs? How can we possibly leave that subject behind?

There are a whole lot of people in this country who are taking prescription drugs to manage their diseases and keep them out of an acute-care bed in a hospital. Cholesterol-lowering medicine, blood pressure-lowering medicine—a whole lot of people take both every day of their lives and do so to manage health care problems. Yet what they see with brand-name prescription drugs is a dramatic increase in prices. I want to just give some examples.

This year alone, the average price of brand-name prescription drugs has gone up 9.2 percent, well over quadruple the rate of inflation. Justification for that? I see none. Should we do something about it? Should we try to put the brakes on some of this? I think we should. Let's look at some examples. Enbrel, for arthritis, up 12 percent in 2009; Nexium, for ulcers, up 7 percent in 2009; Lipitor, up 5 percent; Singulair, for asthma, up 12 percent; Plavix, up 8 percent; Boniva, for osteoporosis, up 18 percent this year.

All of us understand—you watch television in the morning and brush your

teeth, you have a television set there someplace, and they are saying to you: Do you know what you should be doing? You should be going to talk to your doctor. You should talk to your doctor and see whether the purple pill is right for you.

I don't know what the purple pill is, but the television commercial is pretty seductive. You almost feel like: I ought to find a doctor someplace; maybe I am missing something; maybe the purple pill is right for me.

The list goes on and on. Flomax, Lipitor—you name it, they are advertising it relentlessly. Go ask your doctor whether these pills are right for you.

The problem is, the American people, with respect to the price of prescription drugs, are charged the highest prices in the world. Not even close—brand-name prescription drugs cost much more here than anywhere else in the world.

I have in my desk something I would like, by consent, to show. These are two bottles of Lipitor. This is, by the way, the most popular cholesterol-lowering drug in America. These bottles, as you can see, are the same shape. These pills are made in the same place. They are made in Ireland and then shipped around the world. This bottle was shipped to the United States. This bottle, with 20-milligram tablets of Lipitor, was shipped to the United States. You get to buy them as a U.S. consumer for \$4.48 per tablet. This bottle—one is red, one is blue, same size, same pills, same company—this bottle went to Canada, same 20-milligram tablets. No, it was not \$4.48, which the American consumer paid, it was \$1.83. It does not matter whether it is Canada, Italy, Spain, Germany, France—I would cite exactly the same numbers in terms of the American people being told they should be paying double, triple, in some cases quadruple what other people are paying for exactly the same prescription drug.

On this chart, this represents inflation—the yellow line. This represents the increased prices for prescription drugs—the red line—which I think demonstrates clearly why something ought to be done.

A group of us have put together a piece of legislation that is simple, and, in my judgment, very effective in addressing this problem that the American people are charged the highest prices in the world for brand-name prescription drugs.

An example of that, I sat on a straw bale out on a farm once about a year or so ago with some people at a town meeting. One of the old guys out there—he was about 80 years old—he said: My wife and I have driven to Canada every 3 months so she could buy Tamoxifen to treat her breast cancer.

I said: Why did you do that?

He said: Because we can't afford to buy Tamoxifen in the United States. I

bought it for one-fifth of the price in Canada of what it would cost us. My wife has been fighting breast cancer—in her late seventies now—for 3 years, and the only way we could afford the drug was to drive into Canada.

Most people cannot drive into Canada. There is an informal opportunity for people to bring back a 3-month supply on their person if they go to Canada. Most Americans cannot possibly do that. But the same drug is sold all over the world by the major drugmakers, and the difference is they charge the highest prices to the American people.

The question is this: Why shouldn't the American people have some freedom—the freedom to shop for that same FDA-approved drug wherever it is sold if it is sold at a fraction of the price? The answer is, they should have that freedom. Our legislation gives them that freedom.

I assume there will be people coming here and saying: If you pass this legislation, that allows the American people to access, through pharmacists or through registered wholesalers, these identical FDA-approved drugs for a fraction of the price. If you do that somehow, we are worried we will have an unsafe drug supply, we are worried about counterfeit drugs.

In this legislation I put together with my colleagues, Senator SNOWE, Senator STABENOW, and Senator GRASSLEY—a wide range, bipartisan group of Senators—that is pretty unusual. This is a bipartisan amendment, by the way. But in our legislation, we have the significant changes that are necessary to ensure safe drug supply, not just those you would ship in but those you buy here. We talk in our legislation about batch lots and pedigree and a whole series of things. So you track every drug right back through the chain of custody, right to its manufacturer, and that is something we do not do today.

When we offer this, the question is, Do we have the votes to get this passed? We have tried for a long time. We have been rebuffed here and there for various reasons.

There is a supposed “deal” that has been struck with the pharmaceutical industry, for \$80 billion. I think the pharmaceutical industry has something like \$220 billion a year in revenues, so that is \$2.2 trillion over 10 years. A very small fraction of that \$220 billion was agreed to by the White House, I guess, and somebody here in Congress.

One of my colleagues who served here years ago said, “I am not for any deal I am not a part of.” Most Members of the Senate were not part of any deal. So my expectation is, the time and place and reason to offer this is right now. We can't do health care and leave behind this question of the cost, the price of prescription drugs.

I think the drug industry is a fine industry. I want them to succeed. I want

them to be profitable. I want them to be successful. I want them to produce the new miracle lifesaving drugs, and by the way, much of that comes from public investments we make in the National Institutes of Health. But I just want them to change their pricing strategy. Why should the American people be paying the highest prices in the world?

Europe has had a strategy—it is called parallel trading—that they have had in place over 20 years. If you are in England and want to buy a drug from France, no problem. If you are in Spain and want to buy a drug from Italy, no problem. They have done it for 20 years successfully. Somehow, people are suggesting that we can't do what the Europeans do? That is nonsense.

We are going to offer this legislation: Myself, Senator MCCAIN, I mentioned Senator STABENOW, Senator GRASSLEY—there are so many Members of the Democratic and Republican side on this. We will offer this legislation, and I hope we will have the 60 votes necessary to pass it. I hope finally, at last—at long, long last—we will have enough people standing on the floor of Senate who will say: You know what, I am on the side of the American people here. I am not interested in having the American people pay the highest prices in the world for prescription drugs. How about some fair pricing for a change, fair pricing for the American people? And how about some freedom, freedom for the American people to access those identical drugs where they are sold at a fraction of the price? Why restrict the freedom of the American people? Everybody talks about this being a global economy. Well, that is so when it benefits everybody else, but what about a global economy that benefits the consumer when they want to access an FDA-approved drug when it is sold elsewhere for a half, quarter, or eighth of the price?

Let's give people a little freedom. I hear people talk about freedom on the floor of the Senate. This will be a bill in which we decide whether we want to give the American people the freedom to access those low-cost prescription drugs.

I am going to have a lot to talk about when we offer this amendment.

Just this year, again, just this year the price of prescription drugs has increased 9.2 percent.

I showed the chart. There is no reason that brand-named prescription drugs should be on a stepladder like that. What about the people who struggle, trying to figure out how to buy those drugs? Does anybody care about them?

They say the deal that was made with the pharmaceutical industry affects what is called the doughnut hole, and 50 percent of the doughnut hole is being filled if they buy brand-named—I don't care about that. That is a recipe

for a stew I was not part of making. What I do care about is a whole lot of folks going to the grocery store where the pharmacy is in the back of the store and they are trying to figure out, what do these drugs cost me this time when I fill them so I know how much money I have left to buy food. Over and over in this country, people are making those choices. There is no excuse for a 9-percent increase in these brand-name prescription drugs this year, in anticipation of health care reform.

The fact is, health care reform ought to contain the kinds of things that begin to put brakes on this.

I am not saying you put the brakes on it by imposing government pricing. I am saying you put the brakes on it by giving the American people the freedom to access those drugs where they are sold at a fraction of the price they are sold here. And you give the American people that freedom, I guarantee you, they will shop where they get the best price on identical drugs, FDA approved. It will force the pharmaceutical industry to reprice drugs in the United States.

A couple quick points in conclusion. President Barack Obama was a cosponsor of this legislation last year when he was a Senator. The Chief of Staff at the White House, Rahm Emanuel, was one of the leaders in the House on this legislation last year when he served in the House. It tells you a little something about the breadth of support that exists or existed for this. Somebody told me at the door as I came in: We are not sure the White House is supporting this. I fully expect the White House to support an amendment they supported last year in the Senate.

There are big issues and small issues. This issue is an important issue. A lot of us have worked for a long time to get it right. We have been thwarted by a very powerful industry that has a lot of friends in this town. I am hoping the consumers have a lot of friends as well. A lot of people are out there struggling to try to figure out how to afford the prescription drugs they need to take. A whole lot of folks are deciding, I guess what I will do is get the prescription drugs the doctor says I should have, and I will cut them in half and see if I can make that work somehow. The next time they show up at the counter, it is 9 percent more.

I say knock off a little of that advertising. There are different reports, but there are some reports that say they spend more money on marketing promotion and advertising than they do on research. How about knocking off a little of that advertising if that is causing some of the relentless price increases.

I want to begin the discussion because we will have a full discussion on this when it comes to the floor. It will be either tomorrow afternoon or Tuesday morning. Senator MCCAIN will be

joining me on the floor and many of my colleagues on both sides of the aisle to see if we can't finally lift this piece of legislation and get it over the finish line. It is important for the American people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I had a chance to hear the Senator from North Dakota. I am not rising to speak on that issue right now, but I support him in that effort. I thank him for working with my staff over a period of years to develop a bill that does not violate any of our trade agreements. That is an important aspect of the work of the Senate Finance Committee on which I serve. I look forward to that debate coming up.

Mr. DORGAN. Will the Senator yield for a question?

Mr. GRASSLEY. I yield.

Mr. DORGAN. I wanted to say it is so rare for us to have a bipartisan amendment. Those of us who have worked on this, including Senator GRASSLEY and Senator MCCAIN and many on my side, will be faced once again with the charge that this would undermine safety and so on. I wanted to make the point that Senator GRASSLEY was one of those who especially worked with us—and Senator MCCAIN—to make sure we had safety in this legislation, pedigrees, batch lots, safety that does not exist now even in domestic supply, let alone imported drugs.

I appreciate the Senator from Iowa working with us on this legislation. This is a good piece of legislation. I look forward to seeing the Senator from Iowa on the floor when we get it to the floor to have that debate.

Mr. GRASSLEY. I thank Senator DORGAN. He gave a very good description just now of how careful this piece of legislation—of which I am a cosponsor—would go not only to make price transparency and price competitiveness much better for the American consumer but to guarantee the same safety we would for drugs imported as we do for drugs produced here.

I rise to speak in a generic way about this 2,074-page bill that is before us, to speak about people who have raised questions about whether this bill is or is not a first step toward a government takeover of health care. I take the position that it is definitely a first step in that direction. If you spend a little bit of time watching any of the cable news stations, you will hear someone talking about how the current health reform proposals represent a government takeover of our health care system. The phrase “government takeover” has become a common talking point for people opposed to this pending bill. Unfortunately, these opponents rarely explain why this bill warrants such a claim, that it is a step toward government takeover of the en-

tire health care system or the nationalization of health care. Supporters of these bills don't do much better as well. These supporters dispute the claim but at the same time they seem unaware of all the new roles and responsibilities the Federal Government is taking on in this 2,074-page health care reform bill. I want to explain why I see the pending bills as a government takeover of our health care system.

I don't come to the floor to scare people or misinform them. I am more than willing to listen to different points of view. But if I am going to use the phrase “government takeover,” I want to make sure other Senators—and particularly my constituents in Iowa—know what I am talking about. I wish to start with the simplest example of government takeover, the government-run plan. It is sometimes referred to as the public option. This one seems to be pretty straightforward. In other words, the government-run plan is a pretty straightforward example that people can understand the government getting more involved.

If you wonder maybe sometimes why the public at the grassroots is a little bit concerned about the takeover of health care by the Federal Government, remember that it was only a few months ago the Federal Government nationalized General Motors, as an example, and has partially nationalized individual banks and financial institutions—in a sense, taking a big step toward nationalizing the whole financial system with the Federal Reserve system's intimate involvement and the Secretary of the Treasury's intimate involvement in a lot of decision making there or decisions that affect the entire financial system.

We are here with the prospect of building upon other things that have happened this year, having the Federal Government take over health care. The public option is one step in that direction. I see a government-run plan, whether it is an opt out, an opt in, a trigger or a straight government plan paying Medicare rates, as this country's first step toward a single-payer system. A single-payer system is a government-run system, one system for the entire country, as in Canada, without options or choices that people have. I don't want you to take my word for it.

Let's look at a quote from Representative JAN SCHAKOWSKY of Illinois:

A public option will put the private insurance industry out of business and lead to single payer.

I have another quote by Representative BARNEY FRANK of Massachusetts:

If we could get a good public option it could lead to single payer, and that's the best way to reach single payer.

Judging by these quotes, I would say both of these prominent Members of the Democratic party agree that the so-called public option is a first step

toward government taking over our health care system. But we don't need to rely only upon sound bites. Let me explain why I see the government-run plan leading to a single-payer system. The government-run plan may start out with some rules to keep it from having an unfair advantage over private insurers. Supporters might say it is on a level playing field with private insurers. They may say it would have to pay the same rates, form networks, and be independently solvent. But I remind people, when they hear those promises today, why something the government is doing can be competitive and not unfair competition with the private sector.

Those same kinds of promises were made during the Medicare debate way back in 1965. Supporters of the bill in 1965 promised the new government health insurance program would not interfere with the practice of medicine and would pay fair reimbursement rates. But over time, as the costs of the program exceeded projections, the government broke promises it made. The pending bills represent a government takeover of our health care system, because I believe the same thing that happened in 1965 with Medicare, the government breaking its promises, will also happen with the so-called public option.

In fact, I want to quote from a recent Wall Street Journal article:

Any policy guardrails built this year can be dismantled once the basic public option architecture is in place . . . That is what has always happened with government health programs.

Isn't that what Representative SCHAKOWSKY and Representative FRANK were saying? Start in a very simple way, saying to people the private sector needs competition. Government will give that competition. But start with a government-run plan so you can end up with a single-payer system, regardless of how innocent it sounded when you first started out. Slowly but surely, the government plan would take over the market. This is just one example of why I see the pending bills as a government takeover of our health care system. But there are others.

I wish to take a look at some health insurance reforms that are within this bill. All of these insurance reforms aren't bad as separate items. But coupled with all the bad things in the bill, it makes it difficult to sort out the good things.

For instance, I support stronger rules and regulations for private insurers. This is within the principle of the Federal Government's constitutional power to regulate interstate commerce, going way back to 1944 or 1945. The Supreme Court ruled that. Then Congress passed the McCarran-Ferguson Act and gave it right back to the States to do, where it has been basically regulated. But this bill brings a lot of that regulation back to the Federal Government. I



do support some stronger rules and regulations. Congress should make sure that people are not discriminated against because of preexisting conditions, and people should not have to stay up at night worrying about whether their insurance will be there when they get sick and need it most, just as you wouldn't want your fire insurance on your house canceled at the same time the fire starts in the house.

Those are the kinds of reforms I say are good in this bill and could get strong bipartisan support. But the pending bills go much further than creating stronger rules and regulations.

First, let's keep in mind that under current law, health insurance is primarily regulated under McCarran-Ferguson at the State level. State insurance commissioners and legislatures set most of the rules. The health reform proposals being debated in the Senate and over in the House would have the Federal Government take over these responsibilities. Under the present bills, the Federal Government, either through the Secretary of Health and Human Services, or a newly created office of health choices commissioner, or an unelected Federal health board is going to decide what health insurance has to look like. What every health plan has to cover is what the Federal Government is going to decide.

It is not just a case of ending discrimination. It is a case of the Federal Government saying what that health insurance plan needs to look like. If your current coverage does not meet one of the bronze, silver, gold, or platinum categories set up by the Federal Government—despite the President's promise—you may not be able to keep what you have.

The Federal Government is also going to set a national standard for how much insurers can vary prices between younger and older beneficiaries. These reforms will result in drastic price increases, particularly for younger and healthier beneficiaries. This means millions of people who are expecting lower costs as a result of reform will end up paying higher premiums.

So the Federal Government will decide how much plans can charge and what benefits can be covered. To help make these decisions, the Federal Government will have a newly created comparative effectiveness research program. This program would be similar to the ones in Great Britain and other foreign governments that decide which treatments you can and cannot have.

I want everyone to understand that the principle of comparative effectiveness research in and of itself is not something I oppose because I think when it is used as a way of informing patients and providers about best practices, it is a good thing to have. But I am also worried this research could be used as a tool for government to ration

care. Especially the reason for my concern is the recently passed House bill failed to include a prohibition on rationing that was in their original discussion draft. That discussion draft of the House bill, H.R. 3200, stated that the committee should "[e]nsure that essential benefits coverage does not lead to rationing of health care."

But, unfortunately, that line was not included in the final bill.

Now, that makes you wonder: When everybody says comparative effectiveness research is not going to be used to ration care, then why would you object to a statement saying: "Ensure that essential benefits coverage does not lead to rationing of health care." Why wouldn't that be in the bill if that is what you believe?

So under these pending bills, you have the Federal Government telling private plans how much they can charge and deciding what benefits they have to cover. Then the Federal Government is going to tell them—again, a Federal intervention in health care and a step toward more nationalization—they are not only going to tell them what benefits they have to cover, but then the Federal Government is going to tell you that you have to buy it.

Understand, as far as I know, in the 225-year history of our great country, the Federal Government has never said you had to buy anything—buy or not buy anything. They do not tell you.

Somebody is going to say: Well, the States make you buy car insurance. Well, under the 10th amendment, the States can do anything they want to that is not prohibited by the Federal Government. But the Federal Government is a government of limited power.

So you have the Federal Government saying you have to buy health insurance. But the government takeover does not stop there. The proposed bills also include the biggest expansion of the Medicaid Program since it was created in 1965. The bills force 14 million more Americans into Medicaid, even though many doctors will not see Medicaid patients. Under current law, the government already pays for about 50 percent of health care. But with the new subsidies and massive Medicaid expansion, the Federal Government will eclipse the private market when it comes to paying for health care services.

I am sure some of my colleagues saw recently released data from the inspector general showing that about 12 percent of Medicare payments were payment errors that could be the result of fraud, waste, and abuse. It is no wonder then that Medicare is scheduled to be insolvent within the next 10 years.

Clearly, the government cannot afford or even manage the programs it has now. But here we are debating the single largest expansion of government health care in history embodied in this 2,074-page bill.

So I would like to review why I see the current bill as a government takeover of our health care system.

First, there is a government-run plan that will drive private health plans out of business. In fact, some Democratic legislators have said publicly they see it as a first step toward a single-payer system.

Second, States will no longer be in charge of their own insurance markets. The Federal Government is going to take over the responsibility of setting premiums and defining benefits. So regardless of whether you are getting your health insurance through an employer or on your own, when you go to buy a new policy, the Federal Government is going to tell you what you can and cannot buy. If you do not buy the coverage the government has chosen for you, you could end up paying a new tax or even end up in jail under this new intrusive health insurance mandate that is going to be enforced by the Internal Revenue Service.

Interestingly, an analysis of similar health reform legislation said the IRS would have to grow by 25 percent in order to manage all the new taxes, fees, and mandates.

By the way, I have written a letter to the Secretary of the Treasury trying to get exactly some estimate of how much money it is going to take for the IRS to administer this program, and we do not have an answer yet.

Finally, we have the single largest expansion of Medicaid since its inception. Current proposals plan to add 14 million people to the Medicaid Program—a program that States already cannot afford.

All of this begs the question then: At more than 2,000 pages, and about \$2.5 trillion in spending when fully implemented, how can anyone say the pending bills do not represent a government takeover of health care? From the government-run plan, to a Federal takeover of private health insurance, to a massive expansion of Medicaid, I find it hard to call the pending bills anything else.

The American people want lower costs, higher quality, and better access. That is clear. I share these goals, but I cannot support any bill that I believe hands our private system of medicine over to a bunch of Washington bureaucrats. That is not what my constituents want, and it is not what this country needs.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank Senator GRASSLEY for his leadership on this issue.

I am going to share some facts and fictions that are relevant to this bill. I think it will explain to anybody who looks at it carefully why Senator GRASSLEY and others who hoped to be able to support this legislation are not



able to support it. It is why I am not able to support it.

Supporters of this legislation promise that it will do a number of things. We are being told we should support it and vote for it. But it does not do those things that are advertised of it. I wish it did. I wish we could create something for nothing. I wish we could make these numbers balance, but they do not.

Earlier today, one of our colleagues on the other side of the aisle said: We would not do anything about hurting Medicare. We Democrats, 45 years ago, created the program, and we would not do anything to hurt it.

Well, then, we are going to have a vote. We are going to have a serious vote coming up, probably tomorrow, on the Gregg amendment. Senator Judd Gregg is one of the most knowledgeable persons in the Senate on Medicare. He has worked hard on it for a number of years. He chaired the Budget Committee when Republicans were in the majority, and now he is the ranking Republican. Everybody respects him. He has offered an amendment that would make sure we do not raid Medicare—and that is exactly what this bill would do. If this bill does not raid Medicare, then why wouldn't everybody vote for the Gregg amendment?

We are entering a time in which we will have a defining moment. Some of my colleagues will say they voted for the Bennet amendment. As we said then, the amendment meant nothing. It did not do what they said it would do because it did not prohibit the raiding of the Medicare trust fund. But my colleagues wanted to adopt it. This is why people are angry with Congress—it was a cover amendment.

For a day or two it seemed as if the cover may have worked; that by voting for this amendment, my colleagues who are supporting this legislation could say they voted to not hurt Medicare. They could go back home and say: I voted for the Bennet amendment.

Well, the New York Times—along with anybody who takes the time to look at the amendment—said it was meaningless. And the New York Times supports the legislation. It is meaningless. It was absolutely meaningless. The amendment does not do anything, and will not protect the Medicare program.

We are going to have an opportunity to deal with that tomorrow. The numbers in this bill are not adding up. The way this bill is being financed in part is by a \$465 billion raid on Medicare. Well, I am going to raise a number of issues, but I will not do them all today, so you can rest with some relaxation.

As to some of the things that are critical to whether a person can support this kind of reform, the fiction that has been stated is that the bill's net total cost is \$848 billion. Well, in truth, when the bill is fully imple-

mented, the first 10 years of full implementation costs \$2.5 trillion, three times the number that their supporters claim.

How can this happen? Well, Senator REID and whomever he selected met down the hall in secret, and they talked about the numbers, and they were worried about how to meet the president's claim that their bill would not cost more than \$900 billion. They were trying to promise it would be only \$848 billion, but the numbers were not adding up.

So what did they do? They delayed the implementation of the expenditures the bill promises for 5 years. So they delay the expenditures, the benefits they promised, for 5 years, but the taxes start now. That way, you can take the first 10 years of the bill, and it looks pretty good because you only have expenditures—the big expenditures—for 5 years, and you have revenue for 10. Well, this is flimflammy. It is not honest. The numbers do not add up.

If you examine the bill's costs when it is fully implemented for 10 years, it is \$2.5 trillion, \$2,500 billion.

So I would say, first of all, that is a fiction. The fact is that these numbers are not accurate. They did not do what they said they were going to do. The bill does not do what it promises.

No. 2, the President told us in a joint session of Congress that he will not sign a bill that adds one dime to the deficit. Well, that is pretty good. In fact, they produced this \$848 billion bill, they say, that it is going to only cost \$848 billion. They say, boy, give us a pat on the back. Not only is it going to be deficit neutral and not add to the debt, it is going to increase revenues by \$130 billion, and we will pay down the debt. Have you heard that? We are going to pay down the debt.

But they had a number of problems. One of them was they promised to pay the doctors a reasonable fee. Under the existing law, the way it was passed in one of the budget balancing acts, doctors are set to take a 23-percent reduction in their payments in 2011 for doing Medicare work—23 percent—which we know we cannot allow to occur. Doctors will quit doing Medicare. Many of them are having difficulty continuing to see Medicare patients now. We cannot cut them 23 percent. So what did the writers of this bill do? They increased the doctors' reimbursement for 1 year. Next year, they give them a one-half-percent increase. But in the next 9 years, their budget assumptions assume the doctors will take a 23-percent cut. That is absolutely bogus. We are not going to cut the doctors 23 percent. We cannot do so and maintain health care in America for our seniors. And yet, that is one of the major problems with Medicare today: we are not on a sound financial basis. This bill assumes that Medicare expenditures for

physicians is going to drop 23 percent in 2011 and remain at that rate—and that amounts to a \$250 billion shortfall from 2011 through 2019.

So, they ask: How can we figure out how to do this, how to make this bill deficit-neutral and less than \$900 billion? We don't want to admit that our bill is not a \$130 billion surplus over 10 years if we have to pay the doctors, which we are going to pay one way or the other. If we pay the doctors, it will actually be a \$120 billion deficit on that issue alone. So what can they do? They came up with a budgetary gimmick. They just took physician pay out of the health care reform package, and decided to try to pass it on the floor of the Senate, with every penny of it, \$250 billion, going to the deficit—not a penny of it paid for.

So if you bring the physician pay issue back up, and add it to the health care reform bill that we are supposed to be passing, you end up at the beginning of the whole thing with a \$120 billion deficit. So, to avoid that, supporters of this bill moved physician pay out of the bill and tried to pass it. A lot of the Democratic colleagues wouldn't vote for that. It failed because, out in the open before the whole world, people did not want to vote, after all of this deficit that we are imposing on our children and grandchildren, for another \$250 billion hit to the debt. How can we continue to do that? So it was voted down, thank goodness. But the problem is still there. You have to raise \$494 billion in taxes to make this bill deficit-neutral. Instead of using that money to fund new entitlement programs, maybe we ought to use that tax revenue to pay for the program we have: Medicare, the one that is slipping into serious default, one in which we are not paying the doctors what we should be paying them for the work they do. If we are going to raise taxes, maybe that is what we ought to do with the money—and not create a new entitlement benefit that is going to grow and far exceed costs projections in the years to come and further jeopardize our spending. As I think most of my colleagues are pretty well informed, under the present spending program we will double the entire debt of the United States of America in 5 years. Then, in 10 years, we will triple it. It will go from \$5.7 trillion to over \$17 trillion in 10 years. We cannot keep doing this. It is unsustainable and the American people know it.

So, the cost promises of the bill are not being met. There are a lot of other points too. I would just first mention the fact that it was contended at the beginning that this reform bill ought to be able to keep us from spending so much of our gross domestic product on health care. It is a serious matter. We definitely need to wrestle with the cost of health care. It is not an easy thing

to deal with. But what does this bill do? It promised it was going to do something about that. It was going to bend the cost curve. Our cost curve on health care is currently going up, and this bill was going to bend it downward, contain the growth of health care as a percentage of the gross domestic product in America, and free up money for economic growth and jobs and other important items.

Well, does the bill do that? No, it doesn't. As Senator THUNE has pointed out, and others have, health care currently is about 17 percent of our gross domestic product. Of the total wealth of America, its productivity, 17 percent goes to providing health care. If this bill is passed, it will increase to 21 percent, and that is a faster rate of increase than if we didn't pass this bill at all. That is a big deal. I thought we had a promise and a commitment that the bill would reduce the percentage of growth there. Indeed, it will not.

There are a number of other issues that I will be talking about, including how the actual premiums for average families for insurance will be going up instead of going down as has been promised by the President and how this bill will increase the deficit and not reduce it; how it will increase the percentage of GDP to health care and not decrease it; how it will increase taxes and how it will raid Medicare, but not shore up the program. I am just going to repeat this again, because it is important: This bill is a raid on Medicare. It cannot be disputed, in my view. The idea that we could take \$465 billion out of Medicare and put it into an entirely new program without having any adverse effect on Medicare is something I don't think anybody can imagine to be true.

How did they do that, you might ask. Well, Senator SESSIONS, surely they thought this through. How can they say that? This is the gimmick. This is how they do it: We are not denying any "guaranteed" benefits under Medicare, they say. Don't worry, seniors. All your guaranteed benefits are going to be provided. Where does the \$465 billion come from? Well, we are just going to cut the providers, not your benefits. We are going to cut hospitals. We are going to cut hospice. We are going to cut home health care. We are going to cut nursing homes. We are going to cut disproportionate share hospitals that treat the poor, all of these things. We are going to cut all of these institutions and groups that provide health care, but don't worry. You will still get all of the benefits you had before. Study after study indicates that the health care providers are already operating on the margin. Health care will be savaged under this bill.

Second, if, indeed, we could save money in Medicare—and I think there are some savings there, and we need to work at it and see what we can do

without breaching the promise we made to our seniors—if we could save money there, let me ask my colleagues: What would you do with the money that is saved? Would you use it to try to keep Medicare healthy, or would you create a new entitlement program with it and raid the seniors' money?

Well, that is what has happened. The savings that are from Medicare need to be kept in Medicare so that we can keep the program from going insolvent in 2017. We should use that money, those savings to help the seniors.

Remember, Medicare is funded and has been funded by people such as Bill Eberle from Huntsville, AL, who wrote me about it. He said he paid into the fund for 40 years and now he is ready to draw down benefits. He didn't get any benefit from his years of Medicare taxes until he hit 65. But now he is ready to draw, and we are considering taking his money and spending it on somebody else. He doesn't like that. He doesn't think that is right, and he is correct.

That is why I am not able to support the legislation. It doesn't do what it promised. It is going to make our health care situation worse. It is going to create greater debt at a time when our spending is already out of control.

I thank the Chair and my colleagues. I hope as this debate goes forward that we can make some improvements, although I am not confident of the direction that we are headed right now. It seems as though any significant attempt to make real progress with the bill is failing. But Senator GREGG's amendment is important. I hope my colleagues will study up on it and vote to preserve Medicare and to keep the savings that can be obtained in Medicare in the program, and not create a new entitlement.

I thank the Chair.

Mr. ENZI. Mr. President, I rise in support of Senator JUDD GREGG's amendment, which would prevent the Medicare cuts in the Reid bill from being used to pay to create a new entitlement program to cover the uninsured.

I do not oppose covering the uninsured. Nor do I oppose reforming the Medicare Program. We should do those things.

What I oppose is the Reid bill. This is the wrong approach to solve these problems.

The amendment offered by my friend from New Hampshire highlights the main problems with the Reid bill and suggests a better approach.

His amendment would protect the savings from the Medicare Program, and prevent them from being used to create a new entitlement.

This would mean that this new program would not have to rely on cuts to Medicare to fund its operation. It would also reserve all of the money taken from Medicare so that it could

be used to fix the problems in the Medicare Program.

Some Democrats have argued that we are not creating a new entitlement program. They are simply wrong. Just like Social Security, Medicare and Medicaid, this bill will commit the Federal Treasury to paying for these new subsidies for the uninsured forever.

That means that, as Federal spending continues to grow, this new program will continue to grow. It will crowd out other federal spending priorities, like education and national defense.

Any future attempts to modify or restrain its growth will be met by cries of indignation, arguing that cuts would devastate access to health care. If anyone has any doubts, they should look at the transcripts from our debate on the Deficit Reduction Act.

In 2005, Congress tried to reduce Medicare spending by about \$20 billion and enact modest reforms to the Medicaid Program. These programs would have strengthened the long-term solvency of these programs and helped reduce the Federal deficit.

In response, Senator REID called that bill an "immoral document." The junior Senator from California said she strongly opposed the cuts in the bill, because they would "cut Medicare and Medicaid by \$27 billion."

Yet today, these same Members and the rest of my Democratic colleagues want to create a new entitlement program that will spend hundreds of billions of dollars. And they would pay for it by cutting \$464 billion from the Medicare Program.

I believe these facts highlight why we need to adopt the Gregg amendment. I don't believe we should create a new entitlement program, which will permanently obligate our children and grandchildren to pay its costs. If my colleagues insist on doing it, however, at a minimum we need to guarantee that any new program has a stable and reliable source of funding.

The Medicare cuts in this bill are neither stable nor reliable.

My Democratic colleagues have spoken at length about how the Medicare provisions in this bill will bend the growth of health care spending. That is unfortunately far from accurate.

If you don't believe me, listen to what other nationally recognized experts have to say.

According to the New York Times, the CEO of the world renowned Mayo Clinic dismissed the reforms in the bill. Dennis Cortese said the Reid bill only took baby steps towards revamping the current fee-for-service system.

The dean of the Harvard Medical School, Jeffery Flier, said that the bills being considered in Congress would accelerate national health care spending.

I wish there were more actual reforms in this bill. I applaud some of the efforts that Senator BAUCUS included

that will create incentives for coordinated care and rewarding providers who provide higher quality. I believe those are exactly the types of things that we should be doing to improve the Medicare Program.

Unfortunately, the savings from these actual reforms are a few pennies compared to the dollars of arbitrary payment cuts included in this bill.

According to the Congressional Budget Office, all of the savings from the various policies to link Medicare payments to quality and encourage better coordination of care in the Reid bill provide less than \$20 billion in total savings.

In contrast, the Reid bill includes over \$220 billion in arbitrary payment cuts to health care providers, including hospitals, nursing homes, home health agencies and hospice providers. The Reid bill also includes an additional \$120 billion in cuts to Medicare Advantage plans.

Those are not reforms. Instead they represent the best efforts of folks in Washington to guess how much it actually costs real doctors and nurses to provide health care services to Medicare beneficiaries.

These cuts are an excellent example of how government price controls work.

Medicare does not negotiate payment rates with providers, like private insurers. Medicare uses price controls to set payment rates. Experts in Washington then look at various reported costs, revenues and profits of health care providers and then decide how much we should pay health care providers.

I have often said that everyone thinks they know everything about a business, until they actually have to run it. As a former small business owner, I want to assure them, it is actually a lot harder than it looks.

The Medicare cuts in this bill are based on the efforts of folks in Washington to decide how much it costs to run a nursing home in Cheyenne or a home health agency in Gillette. Based on their past track record, I don't have much confidence in their abilities.

In 1997, Congress passed the Balanced Budget Act. It contained over \$434 billion in Medicare payment cuts. Lots of really smart folks in Washington made arguments similar to those we are hearing today about how these cuts would not harm providers or beneficiaries.

What happened after these cuts went into effect? Within two years, these cuts had driven four of the largest nursing home chains in the Nation into bankruptcy.

Vencor, Sun Healthcare, Integrated Health Services and Mariner Post-Acute Network all filed for bankruptcy. Between them, they operated 1,400 nursing homes that provided care for hundreds of thousands of Medicare beneficiaries.

Similarly, the bill also included cuts in payments to Medicare + Choice plans. After these cuts went into effect, one out of every four plans pulled out of the Medicare Program. Millions of beneficiaries then lost the extra benefits that these plans had provided.

Given this track record, I have grave concerns about what the Medicare cuts in the Reid bill would do to Medicare beneficiaries and the doctors, hospitals and other providers who treat them.

I have even greater concerns about using any estimated savings from these cuts to fund this new entitlement program for the uninsured.

That is why we should pass the Gregg amendment. Rather than relying on cuts that could devastate the Medicare Program, let's find a stable and reliable funding source that we could use to pay for health care reform.

The Gregg amendment says that savings from any Medicare cuts should be reserved for the Medicare Program. That way, if the Washington experts again got it wrong, we will not have already spent all the savings on another program.

Mr. INHOFE. Mr. President, yesterday the U.S. Senate voted on two measures, one by the Senator from Massachusetts and one by the Senator from Nebraska relating to home health benefits. I was unable to attend yesterday's session of the Senate but had I voted, I would have voted for both measures.

Home health and hospice benefits are very important to Oklahomans. In fact, the National Association for Home Care and Hospice reported that Oklahomans alone may receive a cut of over \$1 billion in home health and hospice benefits under this bill. I understand the value of home health and hospice very well. In March 2007, I introduced legislation with Senators THAD COCHRAN, ROGER WICKER, PETE DOMENICI, and RICHARD SHELBY, the Preserving Access to Hospice Act, to ensure America's terminally ill seniors have access to hospice care, by providing immediate relief for hospices impacted by the Medicare hospice cap and authorizing a MedPAC study on the cap issue. Identical legislation was introduced in the House led by Congressman JOHN SULLIVAN with many cosponsors. I introduced this legislation because of a flawed provision in Federal law which required hospices to repay the Centers for Medicare and Medicaid Services, CMS, for serving eligible patients in prior years. Many small, family, and community-owned hospices faced closure, and patients faced losing access to hospice care. In Oklahoma especially, hospice care companies of all sizes service a large number of Oklahomans. However, in 2005, 41 percent of the hospices providing care in Oklahoma received letters from CMS demanding repayment. Since then, I have been working to help small, commu-

nity hospices in Oklahoma as they face repayment letters from CMS for millions of dollars. Without help, hospices face closure and the discharge of significant numbers of terminally ill patients, possibly into more expensive care. In fact, during last summer's contentious debate on physician Medicare reimbursements, I argued at the very least for a MedPAC study on payment methodology for hospice care to evaluate if there is a problem with payments and whether cap amount revisions are needed.

I understand and greatly appreciate the value of good home health care and hospice benefits.

Admittedly, one of the measures considered yesterday would have been better than the other. The amendment from the Senator from Massachusetts simply said that nothing in the bill should result in the reduction of guaranteed home health benefits. The problem is that access to home health is not a "guaranteed" Medicare benefit. So even though the amendment from the Senator from Massachusetts passed 96 to 0, will it have a real impact on protecting seniors from the loss of access to home health care? No. The better approach was offered by the Senator from Nebraska. Unfortunately, the better approaches are failing by party line votes. However, I compliment the Senator from Virginia, Mr. WEBB, for his support of the motion by the Senator from Nebraska. This motion would have recommitted this entire legislation to the appropriate Senate committee to remove the cuts to home health benefits. I think that is the best and most direct approach. I think that is the most honest approach. Simply remove the cuts. For the past several days we have been discussing the cuts to Medicare and especially the cuts to Medicare Advantage. In each case, the Republicans have offered motions and amendments to recommit this massive 2,000-page health bill back to committee to improve it, namely, to remove the cuts to programs seniors and the disabled use. I was disappointed to see this most recent attempt to send this massive bill back to committee to improve it fail 41 to 53.

I look forward to today's debate. One scheduled for a vote is on medical malpractice reform. It will be very interesting to see just how serious the Democrats are about health care reform. Currently, the bill only has a "sense of the Senate" recognizing medical malpractice costs are a problem. We'll see if they think it is important to really do anything about it.

#### MORNING BUSINESS

Mr. BEGICH. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ADDITIONAL COSPONSORS

S. 1389

At the request of Mr. NELSON of Nebraska, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1389, a bill to clarify the exemption for certain annuity contracts and insurance policies from Federal regulation under the Securities Act of 1933.

AMENDMENT NO. 2884

At the request of Ms. STABENOW, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of amendment No. 2884 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 2927

At the request of Mrs. HUTCHISON, her name was added as a cosponsor of amendment No. 2927 proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 2939

At the request of Mr. PRYOR, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of amendment No. 2939 proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 2940. Mr. SPECTER (for himself, Mr. MERKLEY, Mr. WYDEN, Mr. CASEY, Ms. STABENOW, Mr. LEVIN, and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table.

SA 2941. Mr. SPECTER (for himself, Mr. WYDEN, and Mr. CASEY) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2942. Mr. GREGG (for himself, Mr. CORKER, Mr. THUNE, Mr. COBURN, Mr. ENSIGN, Mr. ISAKSON, Mr. BURR, Mr. ENZI, Mr. ALEXANDER, Mr. BARRASSO, Mr. CORNYN, Mr. MCCAIN, and Mr. LEMIEUX) submitted an

amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra.

SA 2943. Mr. CARPER (for himself and Mr. CONRAD) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2944. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2945. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2946. Mr. CASEY submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2947. Ms. KLOBUCHAR submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2948. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2949. Mr. ROCKEFELLER (for himself and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2950. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2951. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2952. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

SA 2940. Mr. SPECTER (for himself, Mr. MERKLEY, Mr. WYDEN, Mr. CASEY, Ms. STABENOW, Mr. LEVIN, and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which

was ordered to lie on the table; as follows:

On page 466, between lines 5 and 6, insert the following:

#### SEC. 2305. EXTENSION OF DELAY IN APPLICATION OF MEDICAID PROVIDER TAX PROVISIONS TO CERTAIN MANAGED CARE ORGANIZATIONS.

Effective as if included in the enactment of the Deficit Reduction Act of 2005 (Public Law 109-171), section 6051(b)(2)(A) of that Act of 2005 42 U.S.C. 1396b note) is amended by striking "2009" and inserting "2011".

SA 2941. Mr. SPECTER (for himself, Mr. WYDEN, and Mr. CASEY) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 857, strike lines 5 through 25 and insert the following:

(a) IN GENERAL.—Section 1834(a)(7)(A)(iii) of the Social Security Act (42 U.S.C. 1395m(a)(7)(A)(iii)) is amended—

(1) by inserting "complex rehabilitative power-driven wheelchair and any other" after "in the case of a" and

(2) by adding at the end the following: "In the case of a power-driven wheelchair that is not a complex rehabilitative power-driven wheelchair, the following rules shall apply:

"(aa) The first sentence of this clause shall only apply if the length of need is at least 13 months, as certified by a physician.

"(bb) If the individual exercises the option under the first sentence of this clause and the individual discontinues use of the item prior to end of the 13-month period that begins on the date the individual exercises such option, the supplier shall be subject to recovery by the Secretary of an amount equal to the amount (if any) by which the lump-sum payment for the purchase for the wheelchair exceeds the total of the monthly payments for the wheelchair that would have been made on a rental basis for continuous use of less than 13 months.

"(cc) If the Secretary recovers any payments under item (bb), the title for the wheelchair shall revert to the supplier at the option of the supplier."

SA 2942. Mr. GREGG (for himself, Mr. CORKER, Mr. THUNE, Mr. COBURN, Mr. ENSIGN, Mr. ISAKSON, Mr. BURR, Mr. ENZI, Mr. ALEXANDER, Mr. BARRASSO, Mr. CORNYN, Mr. MCCAIN, and Mr. LEMIEUX) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_\_. PREVENTING THE IMPLEMENTATION OF NEW ENTITLEMENTS THAT WOULD RAID MEDICARE.**

(a) **BAN ON NEW SPENDING TAKING EFFECT.**—

(1) **PURPOSE.**—The purpose of this section is to require that savings resulting from this Act must fully offset the increase in Federal spending and reductions in revenues resulting from this Act before any such Federal spending increases or revenue reductions can occur.

(2) **IN GENERAL.**—Notwithstanding any other provision of this Act, the Secretary of the Treasury and the Secretary of Health and Human Service are prohibited from implementing the provisions of, and amendments made by, sections 1401, 1402, 2001, and 2101, or any other spending increase or revenue reduction provision in this Act until both the Director of the Office of Management and Budget (referred to in this section as “OMB”) and the Chief Actuary of the Centers for Medicare and Medicaid Services Office of the Actuary (referred to in this section as “CMS OACT”) each certify that they project that all of the projected Federal spending increases and revenue reductions resulting from this Act will be offset by projected savings from this Act.

(3) **CALCULATIONS.**—For purposes of this section, projected savings shall exclude any projected savings or other offsets directly resulting from changes to Medicare and Social Security made by this Act.

(b) **LIMIT ON FUTURE SPENDING.**—On September 1 of each year (beginning with 2013), the CMS OACT and the OMB shall each issue an annual report that—

(1) certifies whether all of the projected Federal spending increases and revenue reductions resulting from this Act, starting with the next fiscal year and for the following 9 fiscal years, are fully offset by projected savings resulting from this Act (as calculated under subsection (a)); and

(2) provides detailed estimates of such spending increases, revenue reductions, and savings, year by year, program by program and provision by provision.

**SA 2943.** Mr. CARPER (for himself and Mr. CONRAD) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 722, after line 20, insert the following:

**SEC. 3016. ADVANCING IMPLEMENTATION OF CERTAIN VALUE-BASED PURCHASING PROGRAMS.**

(a) **ADVANCING IMPLEMENTATION OF HOSPITAL VALUE-BASED PURCHASING PROGRAM.**—

(1) **IN GENERAL.**—Section 1886(o) of the Social Security Act, as added by section 3001, is amended—

(A) in paragraph (1)(B)—

(i) in the subparagraph heading, by striking “2013” and inserting “2012”; and

(ii) by striking “2012” and inserting “2011”; and

(B) in paragraph (2)(B)—

(i) in clause (i), by striking “2013” each place it appears and inserting “2012”; and

(ii) in clause (ii), by striking “2014” and inserting “2013”; and

(C) in paragraph (7)—

(i) in subparagraph (B)(i), by striking “2013” and inserting “2012”; and

(ii) in subparagraph (C)—

(I) in clause (i), by striking “2013” and inserting “2012”; and

(II) in clause (ii), by striking “2014” and inserting “2013”; and

(III) in clause (iii), by striking “2015” and inserting “2014”; and

(IV) in clause (iv), by striking “2016” and inserting “2015”; and

(V) in clause (v), by striking “2017” and inserting “2016”; and

(iii) in subparagraph (D)(ii)(I), by striking “2012 and 2013” and inserting “2011, 2012, and 2013”.

(2) **CONFORMING AMENDMENT.**—Section 1886(b)(3)(B)(viii) of the Social Security Act, as amended by section 3001, is further amended—

(A) in subclause (V), by striking “2012” and inserting “2011”; and

(B) in each of subclauses (VIII) and (IX), by striking “2013” each place it appears and inserting “2012”.

(b) **ADVANCING IMPLEMENTATION OF NATIONAL PILOT PROGRAM ON PAYMENT BUNDLING.**—Section 1866D(a)(3) of the Social Security Act, as added by section 3023, is amended by striking “2013” and inserting “2012”.

**SEC. 3017. INTEGRATED HEALTH CARE SYSTEM COLLABORATION INITIATIVE.**

(a) **IN GENERAL.**—In order to improve health care quality and reduce costs, the Secretary of Health and Human Services (in this section referred to as the “Secretary”) shall develop, in consultation with major integrated health systems that have consistently demonstrated high quality and low cost (as determined by the Secretary and verified by a third party) a collaboration initiative (referred to in this section as “the Collaborative”). The Collaborative shall develop an exportable model of optimal health care delivery to apply value-based measurement, integrated information technology infrastructure, standard care pathways, and population-based payment models, to measurably improve health care quality, outcomes, and patient satisfaction and achieve cost savings.

(b) **PARTICIPATION.**—Prior to January 1, 2010, the Secretary shall determine 5 initial participants who will form the Collaborative and at least 6 additional participants who will join the Collaborative beginning in the fourth year that the Collaborative is in effect.

(1) **INITIAL PARTICIPANTS.**—Initial participants selected by the Secretary shall meet the following criteria:

(A) Be integrated health systems organized for the purpose of providing health care services.

(B) Have demonstrated a record of providing high value health care for at least the 5 previous years, as determined by the Secretary in accordance with the Dartmouth Atlas of Health Care.

(C) Any additional criteria specified by the Secretary.

(2) **ADDITIONAL PARTICIPANTS.**—Beginning January 1, 2013, the Secretary shall select 6 or more additional participants who represent diverse geographic areas and are situated in areas of differing population densities who agree to comply with the guidelines, processes, and requirements set forth for the Collaborative. Such additional participants shall meet the following additional criteria:

(A) Be organized for the provision of patient medical care.

(B) Be capable of implementing infrastructure and health care delivery modifications necessary to enhance health care quality and efficiency, as determined by the Secretary in accordance with the Dartmouth Atlas of Health Care.

(C) The participant’s cost and intensity of care do not meet the definition of high value health care.

(3) **ADDITIONAL CRITERIA.**—In addition to the criteria described in paragraphs (1) and (2), the participants in the Collaborative shall meet the following criteria:

(A) Have a legal structure that would allow the participant to receive incentive payments under this section.

(B) Agree to report on quality, cost, and efficiency in such form, manner, and frequency as specified by the Secretary.

(C) Provide care to patients enrolled in the Medicare program.

(D) Agree to contribute to a best practices network and website, that is maintained by the Collaborative for sharing strategies on quality improvement, care coordination, efficiency, and effectiveness.

(E) Use patient-centered processes of care, including those that emphasize patient and caregiver involvement in shared decision-making for treatment decisions.

(F) Meet other criteria determined to be appropriate by the Secretary.

(c) **COLLABORATIVE INITIATIVE.**—

(1) **IN GENERAL.**—Beginning January 1, 2010, the Collaborative shall begin a 2 year development phase in which initial participants share the quantitative and qualitative methods through which they have developed high value health care followed by a dissemination of that learning model to additional participants of the Collaborative.

(2) **COORDINATING MEMBER.**—In consultation with the Secretary, the Collaborative shall select a coordinating member organization (hereafter identified as the Coordinating Organization) of the Collaborative.

(3) **QUALIFICATIONS.**—The Coordinating Organization will have in place a comprehensive Medicare database and possess experience using and analyzing Medicare data to measure health care utilization, cost, and variation, such as The Dartmouth Institute for Health Policy and Clinical Practice. The Coordinating Organization shall be responsible for reporting to the Secretary as required and for any other requirements deemed necessary by the Secretary.

(4) **RESPONSIBILITIES.**—The Coordinating Member shall—

(A) lead efforts to develop each aspect of the learning model;

(B) organize efforts to disseminate the learning model for high value health care, including educating participant institutions; and

(C) provide administrative, technical, accounting, reporting, organizational and infrastructure support needed to carry out the goals of the Collaborative.

(5) **DEVELOPMENT OF LEARNING MODEL.**—

(A) **IN GENERAL.**—Initial participants in the Collaborative shall work together to develop a learning model based on their experience that includes a reliance on evidence based care that emphasizes quality and practice techniques that emphasize efficiency, joint development and implementation of health information technology, introduction of clinical microsystems of care, shared decision-making, outcomes and measurement, and the establishment of an e-learning distributive network, which have been put into practice at their respective institutions.

(B) **RESPONSIBILITIES.**—The Coordinating Member shall do the following:

(i) Partner with initial participants to comprehensively understand each institution's contribution to providing value-based health care.

(ii) Provide and measure value-based health care in a manner that ensures that measures are aligned with current measures approved by a consensus-based organization, such as the National Quality Forum, or other measures as determined appropriate by the Secretary, while also incorporating patient self-reported status and outcomes.

(iii) Create a replicable and scalable infrastructure for common measurement of value-based care that can be broadly disseminated across the Collaborative and other institutions.

(iv) Implement care pathways for common conditions using standard measures for assessment across institutions, targeting high variation and high cost conditions, including but not limited to—

(I) acute myocardial infarction (AMI) and angioplasty;

(II) coronary artery bypass graft surgery and percutaneous coronary intervention;

(III) hip or knee replacement;

(IV) spinal surgery; and

(V) care for chronic diseases including, but not limited to, diabetes, heart disease, and high blood pressure.

(v) Deploy and disseminate the comprehensive learning model across initial participant institutions, achieving improvements in care delivery and lowering costs, and demonstrating the portability and viability of the processes.

(6) **ADDITIONAL BEST PRACTICES.**—As additional methods of improving health care quality and efficiency are identified by members of the Collaborative or by other institutions, Initial Participants in the Collaborative shall incorporate those practices into the learning model.

(d) **IMPLEMENTATION OF LEARNING MODEL.**—

(1) **IN GENERAL.**—Beginning January 1, 2013, as additional participants are selected by the Secretary, Initial Participants in the Collaborative shall actively engage in the deployment of the learning model to educate each additional participant in the common conditions that have been identified.

(A) **DISSEMINATION OF LEARNING MODEL.**—Dissemination methods shall include but not be limited to the following methods:

(i) Specialized teams deployed by the Initial Participants to teach and facilitate implementation on site.

(ii) Distance-learning, taking advantage of latest interactive technologies.

(iii) On-line, fully accessible repositories of shared learning and information related to best practices.

(iv) Advanced population health information technology models.

(B) **EVALUATION OF PARTICIPANTS.**—Evaluation of initial participants shall be based on documented success in meeting quality and efficiency targets. Specific statistically valid measures of evaluation shall be determined by the Secretary.

(e) **EFFICIENCY AND QUALITY TARGETS.**—

(1) **EFFICIENCY TARGET BASED ON GROWTH RATE.**—Initial participants shall implement techniques under the comprehensive learning model to meet a growth rate target equal to, as selected by the Secretary with respect to the participant—

(A) the percentage increase in the consumer price index for all urban consumers (all items; United States city average) over the previous year, plus 2 percentage points; or

(B) the percentage increase in the projected per capita amount of National Health

Expenditures from the calendar year in which the previous fiscal year ends to the calendar year in which the fiscal year involved ends, as most recently published by the Secretary before the beginning of the fiscal year, minus 1.5 percentage points.

(2) **QUALITY TARGET.**—The Secretary shall establish a quality target, based on measures endorsed by a consensus-based quality organization, for the initial participants in the first year and subsequently for the additional participants.

(f) **PAYMENTS.**—

(1) **BASE PAYMENT.**—With respect to each participant in the Collaborative, the Secretary shall determine a base amount on a per capita basis for the participant for purposes of measuring the growth rate in total payments for common conditions, based on the reimbursement amount paid to the participant under title XVIII of the Social Security Act for furnishing items and services with respect to such conditions.

(2) **BONUS PAYMENT.**—If the growth rate in total payments for services for common conditions does not exceed the growth rate target selected for the participant under subsection (e)(1), and the participant satisfies the quality target established by the Secretary under subsection (e)(2), the Secretary shall provide a bonus payment equal to 50 percent of any per capita payment reductions that are below the capita base amounts determined under paragraph (1).

(3) **PENALTY PAYMENT.**—If the growth rate in total per capita payments for furnishing items and services for common conditions exceeds the growth rate target, the Secretary shall pay only 25 percent of any additional expenses that exceed the base amounts determined under paragraph (1).

(4) **BUDGET NEUTRALITY LIMITATION.**—The Secretary shall limit incentive payments to each of the participating organizations under this section as necessary to ensure that the aggregate expenditures with respect to applicable beneficiaries under title XVIII of the Social Security Act (inclusive of incentive payments described in this subsection) do not exceed the amount that the Secretary estimates would be expended for such beneficiaries if the Collaborative under this section were not implemented.

(g) **ADMINISTRATIVE PAYMENT.**—Out of funds not otherwise obligated in the Treasury, there are appropriated \$228,000,000, to remain available until expended, to be distributed in the following manner:

(1) The Coordinating Organization shall receive \$10,000,000 per year for program development related to the Collaborative, including for health information technology and other infrastructure, project evaluations, analysis, and measurement, compliance, audits and other reporting. Not less than \$5,000,000 of such funds shall be provided for education and training, including for support for the establishment of training teams for the Collaborative, to assist in the integration of new health information technology, best practices of care delivery, microsystems of care delivery, and a distributive e-learning network for the Collaborative.

(2) Each Initial Participant shall receive \$4,000,000 per year for internal program development for health information technology and other infrastructure, education and training, project evaluations, analysis, and measurement, and compliance, auditing, and other reporting.

(3) Beginning in 2013, the Secretary may provide funding to additional participants in the Collaborative in an amount not to exceed \$4,000,000 per participant per year under the

same use guidelines as apply to the Initial Participants.

(h) **CONTINUATION OR EXPANSION.**—

(1) **TERMINATION.**—Subject to paragraph (2), the Collaborative shall terminate on the date that is 6 years after the date on which the Collaborative is established.

(2) **EXPANSION.**—The Secretary may continue or expand the Collaborative if—

(A) participants meet the established growth rate targets and consistently receive bonus payments during the first 4 years of the Collaborative and are consistently meeting quality standards; or

(B) the Collaborative is consistently exceeding quality standards and is not increasing spending under the program.

(i) **TERMINATION.**—The Secretary may terminate an agreement with the Collaborative or a participating organization under the Collaborative if such organization did not qualify for incentive payments or consistently failed to meet quality standards in any of the first 3 years of the Collaborative.

(j) **REPORTS.**—

(1) **PERFORMANCE RESULTS REPORTS.**—The Secretary shall provide such data as is necessary for the Collaborative to measure the efficacy of the Collaborative and facilitate regular reporting on spending and cost savings results relative to a value-based program initiative.

(2) **REPORTS TO CONGRESS.**—Not later than 2 years after the date the first agreement is entered into under this section, and annually thereafter, the Secretary shall submit to Congress and make publicly available a report on the authority granted to the Secretary to carry out the Collaborative under this section. Each report shall address the impact of the use of such authority on expenditures for, access to, and quality of, care under title XVIII of the Social Security Act.

(k) **DEFINITIONS.**—In this section:

(1) **BENEFICIARY.**—The term “beneficiary” means a Medicare beneficiary enrolled under part B and entitled to benefits under part A who is not enrolled in Medicare Advantage under Part C or a PACE program under section 1894, and meets other criteria as the Secretary determines appropriate.

(2) **HIGH VALUE HEALTH CARE.**—The term “high value health care” means the care delivered by organizations shown by statistically valid methods to meet the highest quality measures established by the Secretary as of or after the date of enactment of this Act and to be delivering low-cost care with high patient satisfaction and clinical outcomes.

(3) **LEARNING MODEL.**—The term “learning model” means a standardized model developed by the Initial Participants in the Collaborative and based on best practices, as jointly developed and put into practice at the Initial Participant's respective institutions.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of Health and Human Services.

(l) **ADDITIONAL MONITORING.**—The Secretary may monitor data on expenditures and quality of services under title XVIII of the Social Security Act with respect to a beneficiary after the beneficiary discontinues receiving services under the Collaborative.

(m) **OTHER PROVISIONS.**—

(1) **LIMITATIONS ON REVIEW.**—There shall be no administrative or judicial review under this section or otherwise of—

(A) the elements, parameters, scope, and duration of the Collaborative, including the selection of participants in the Collaborative;



(B) the establishment of targets, measurement of performance;

(C) determinations with respect to whether savings have been achieved and the amount of savings;

(D) determinations regarding whether, to whom, and in what amounts incentive payments are paid; and

(E) decisions about the extension or expansion of the Collaborative.

(2) **ADMINISTRATION.**—Chapter 35 of title 44, United States Code shall not apply to this section.

(3) **EVALUATION.**—The Secretary shall evaluate the payment incentive model for the Collaborative to assess impacts on beneficiaries and on the Medicare program under title XVIII of the Social Security Act. The Secretary shall make such evaluation publicly available within 60 days of the date of completion of such report.

(4) **MONITORING.**—The Inspector General of the Department of Health and Human Services shall provide for monitoring of the operation of the Collaborative with regard to violations of section 1877 of the Social Security Act (popularly known as the “Stark law”).

(5) **ANTI-DISCRIMINATION.**—The Secretary shall not enter into an agreement with an entity to provide health care items or services under the Collaborative, or with an entity to administer the Collaborative, unless such entity guarantees that it will not deny, limit, or condition the coverage or provision of benefits under the Collaborative for beneficiaries to participate in the Collaborative, based on any health status-related factor described in section 2702(a)(1) of the Public Health Service Act.

**SA 2944.** Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

**SEC. 5316. GERIATRIC HEALTH CARE WORKFORCE.**

(a) **INVESTMENT IN TOMORROW'S GERIATRIC HEALTH CARE WORKFORCE.**—Part E of title VII of the Public Health Service Act (42 U.S.C. 294n et seq.), as amended by section 5314, is further amended by adding at the end the following:

**“SEC. 779. INVESTMENT IN TOMORROW'S GERIATRIC HEALTH CARE WORKFORCE.**

“(a) **ESTABLISHMENT.**—The Secretary shall establish and carry out a Geriatric and Gerontology Loan Repayment Program under which the eligible individual agrees to be employed full-time for a specified period (which shall not be less than 2 years) as a physician, physician assistant, nurse practitioner, clinical nurse specialist, pharmacist, psychologist, physical therapist, or social worker in geriatric care practice.

“(b) **PROGRAM ADMINISTRATION.**—Under the program established under subsection (a), the Secretary shall enter into contracts with qualified health professionals described in subsection (c) under which—

“(1) such qualified health professionals agree to provide full-time clinical practice and service to older adults through work serving, or for a provider serving—

“(A) an area with shortage of the specified geriatric or gerontology specialty that has a sufficient population of older adults to support such geriatric or gerontology specialty, as determined by the Secretary; and

“(B) a medically underserved community (including a health professional shortage area), or a medically underserved population; and

“(2) the Secretary agrees to make payments on the principal and interest of the graduate medical education loans of professionals described in paragraph (1) that—

“(A) are not more than \$35,000 a year for each year of agreed upon service under such paragraph for a period of not more than 4 years; and

“(B) are not more than 1/4 of the total of such principal and interest, for each year of the service, for a period of not more than 4 years.

“(c) **QUALIFIED HEALTH PROFESSIONALS.**—

“(1) **IN GENERAL.**—A qualified health professional described in this subsection is an individual—

“(A) who—

“(i) is a physician, including an osteopathic physician, who—

“(I) is entering or enrolled in an accredited fellowship in geriatric medicine or geriatric psychiatry; or

“(II) has completed (but not prior to the calendar year in which this section is enacted) an accredited fellowship in geriatric medicine or geriatric psychiatry; or

“(ii) is a nurse practitioner or clinical nurse specialist, pharmacist, social worker, physician assistant, physical therapist, or psychologist who has completed specialty training in geriatrics or gerontology;

“(B) who has obtained an educational loan for costs associated with graduate training in medicine, pharmacy, psychology, physical therapy, or social work, or costs associated with training to become a nurse practitioner, clinical nurse specialist, or physician assistant;

“(C) who is appropriately licensed or certified in the State in which the individual practices, or who meets other qualifications as determined by the Secretary;

“(D) who agrees to provide clinical services to older adults for a period of not less than 2 years in a setting determined appropriate by the Secretary; and

“(E) who has demonstrated the capability through education or training to work with frail older adults and older adults with disabilities, including individuals with dementia, urinary incontinence, and problems with balance or mobility, and medication regimes for older adults.

“(2) **ADDITIONAL ELIGIBILITY REQUIREMENTS.**—The Secretary may not enter into a contract under this subsection with an individual unless—

“(A) the individual is a United States citizen or a permanent legal United States resident;

“(B) if the individual is enrolled in a graduate program, the program is accredited, and the individual has an acceptable level of academic standing (as determined by the Secretary); and

“(C) the individual is not participating in any other Federal undergraduate or graduate medical education loan repayment program.

“(d) **PRIORITY.**—In entering into contracts under this section, the Secretary shall give priority to qualified health professionals who demonstrate financial need.

“(e) **APPLICABILITY OF CERTAIN PROVISIONS.**—With respect to the National Health Service Corps Loan Repayment Program es-

tablished in subpart III of part D of title III, the provisions of such subpart shall, except as inconsistent with this section, apply to the program established in this section in the same manner and to the same extent as such provisions apply to the National Health Service Corps Loan Repayment Program.

“(f) **DEFINITION.**—In this section:

“(1) **GERIATRICS.**—The term ‘geriatrics’ means the branch of medicine that deals with the problems and diseases of older adults and aging, including chronic conditions and geriatric syndromes such as dementia, delirium, urinary incontinence, osteoporosis, falls or gait disorders, or sleep disorders.

“(2) **GERONTOLOGY.**—The term ‘gerontology’ means the interdisciplinary study of the aging process and individuals as they grow from middle age through later life. Such term encompasses the social, cognitive, psychological, biological, and economic aspects of aging.

“(3) **GRADUATE MEDICAL EDUCATION.**—The term ‘graduate medical education’ means a graduate program in medicine, pharmacy, psychology, physical therapy, or social work, or a graduate program that trains individuals to become nurse practitioners, clinical nurse specialists, or physician assistants.

“(4) **SPECIALTY TRAINING.**—The term ‘specialty training’ means a concentration in coursework in geriatrics or gerontology or clinical training, including internships, residency programs, or fellowships, in a geriatric setting, or other requirements, as determined by the Secretary.

“(g) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section, \$4,000,000 for fiscal year 2010, \$9,500,000 for fiscal year 2011, \$16,000,000 for fiscal year 2012, \$24,000,000 for fiscal year 2013, and \$30,500,000 for fiscal year 2014.”.

(b) **EXPANSION OF NURSING EDUCATION LOAN REPAYMENT PROGRAM.**—Section 846 of the Public Health Service Act (42 U.S.C. 297n) is amended—

(1) by redesignating subsection (i) as subsection (j); and

(2) by inserting after subsection (h), the following:

“(i) **GERIATRIC CARE PRACTICE IN LONG-TERM CARE SETTINGS.**—

“(1) **LOAN REPAYMENTS.**—In providing for loan repayments under this section, the Secretary shall ensure that eligible individuals include registered nurses who complete specialty training in geriatrics or gerontology and who elect to provide nursing services to older adults in home and community-based or facility-based long-term care settings, or any other program determined appropriate by the Secretary.

“(2) **DEFINITION.**—In this subsection, the term ‘specialty training’ means coursework in geriatrics or gerontology or clinical training, including internships or fellowships, in a geriatric setting.

“(3) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this subsection, \$1,500,000 for fiscal year 2010, \$3,000,000 for fiscal year 2011, \$5,000,000 for fiscal year 2012, \$7,000,000 for fiscal year 2013, and \$8,500,000 for fiscal year 2014.”.

**SA 2945.** Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time



homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . REPORT ON IMPACT OF NURSE STAFFING.**

Not later than 18 months after the date of the enactment of this Act, the Director of the Agency for Healthcare Research and Quality shall submit to Congress a report on the impact of the nurse-to-patient ratio on the quality of care and patient outcomes, including recommendations for further integration into quality measurement and quality improvement activities as determined appropriate.

**SA 2946.** Mr. CASEY submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 330, line 9, insert after “1402(g)(1)” the following: “, or an individual who would be eligible for an exemption under such section if the individual were self-employed.”.

**SA 2947.** Ms. KLOBUCHAR submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 1411, between lines 5 and 6, insert the following:

**SEC. 5316. GRANTS FOR EMERGENCY MEDICAL SERVICES PERSONNEL TRAINING FOR VETERANS.**

Section 330J of the Public Health Service Act (42 U.S.C. 254c-15) is amended—

(1) in subsection (b)(1)—  
(A) in subparagraph (E), by striking “or” at the end;

(B) by redesignating subparagraph (F) as subparagraph (G); and

(C) by inserting after subparagraph (E), the following:

“(F) an entity providing training for emergency medical services personnel, including institutions of higher education, technical colleges, community colleges, and other State-certified training entities; or”;

(2) in subsection (c)—  
(A) in paragraph (7), by striking “and” at the end;

(B) in paragraph (8), by striking the period and inserting “; and”;

(C) by adding at the end the following:

“(9) provide to military veterans required coursework and training that take into account, and are not duplicative of, previous medical coursework and training received when such veterans were active members of the Armed Forces, to enable such veterans to

satisfy emergency medical services personnel certification requirements, as determined by the appropriate State regulatory entity.”.

**SA 2948.** Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

Strike subtitle I of title VI and insert the following:

**Subtitle I—State Medical Malpractice Programs**

**SEC. 6801. PRE-LITIGATION SCREENING AND MEDIATION PANELS.**

(a) IN GENERAL.—As a condition for receiving Federal funds under the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), each State and territory shall, not later than 3 years after the date of enactment of this Act, create a pre-litigation screening and mediation panel which shall provide timely review of each medical malpractice claim before such claim is filed in a State or Federal court in such State.

(b) REQUIREMENTS.—

(1) IN GENERAL.—Each medical malpractice claim shall be heard by such panel before such claim may be filed in a State or Federal court and before litigation of such case may commence.

(2) REPORTS.—The panel shall issue a report containing the findings and recommendations of such panel, based on the evidence presented to the panel. The report described in this paragraph shall not affect a claimant's right to bring a medical malpractice claim in State or Federal court. Notwithstanding any other provision of State or Federal law, such report may be admissible in such court.

(c) DUTIES.—Each panel established under subsection (a) shall—

(1) review medical malpractice claims;

(2) assess the evidence offered by the parties; and

(3) render professional judgment on the validity of claims.

(d) MEMBERSHIP.—Each panel established under subsection (a) shall be comprised of lawyers, retired judges, doctors, and medical professionals. Members of the panel shall serve on a volunteer basis, unless a State chooses to arrange for compensation of, or reimbursement of expenses for, such members.

(e) EXEMPTED STATES.—A State that, on the day before the date of enactment of this Act, has enacted laws that require medical malpractice claims to be heard by a pre-litigation panel, in a manner similar to the requirements of this section, may, at the discretion of the Secretary, be exempt from the requirements of this section for as long as such State maintains such panel.

(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to interfere with or restrict an individual's right to bring a lawsuit in civil courts.

**SEC. 6802. STANDARDS FOR MEDICAL LIABILITY EXPERT WITNESSES.**

As a condition for receiving Federal funds under the Medicaid program under title XIX

of the Social Security Act (42 U.S.C. 1396 et seq.), each State and territory shall require that an individual wishing to present evidence through an expert witness in a medical malpractice case demonstrate that such expert witness—

(1) be credentialed or licensed in one or more States to deliver health care services;

(2) typically treat the diagnosis or condition at issue in the case, or provide the type of treatment under review; and

(3) is substantially familiar with applicable standards of care and practice as they relate to the act or omission that is the subject of the lawsuit.

**SEC. 6803. ENCOURAGING SETTLEMENT OF MEDICAL MALPRACTICE LAWSUITS.**

As a condition for receiving Federal funds under the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), each State and territory shall require that a party in a medical malpractice lawsuit that refuses a settlement offer in an amount that is significantly greater than the amount awarded by a jury after trial reimburse the party that made such settlement offer for the costs of the trial, including attorney's fees associated with the trial.

**SA 2949.** Mr. ROCKEFELLER (for himself and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 182, strike line 8 and all that follows through page 200, line 5, and insert the following:

**SEC. 1323. CONSUMERS CHOICE HEALTH PLAN.**

(a) FINDINGS.—Congress makes the following findings:

(1) Americans need health care coverage that is always affordable.

(2) Americans need health care coverage that is always adequate.

(3) Americans need health care coverage that is always accountable.

(4) A public health insurance plan option that can compete with private insurance plans is the only way to guarantee that all consumers have affordable, adequate, and accountable options available in the insurance marketplace.

(b) OFFICE OF HEALTH PLAN MANAGEMENT.—

(1) ESTABLISHMENT.—Not later than July 1, 2010, there shall be established within the Department of Health and Human Services an Office of Health Plan Management (referred to in this section as the “Office”). The Office shall be headed by a Director (referred to in this section as the “Director”) who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) COMPENSATION.—The Director shall be paid at the annual rate of pay for a position at level II of the Executive Schedule under section 5313 of title 5, United States Code.

(3) LIMITATION.—Neither the Director nor the Office shall participate in the administration of the Exchanges established under this title or the promulgation or administration of any regulation regarding the health insurance industry.

(4) **PERSONNEL AND OPERATIONS AUTHORITY.**—The Director shall have the same general authorities with respect to personnel and operations of the Office as the heads of other agencies and departments of the Federal Government have with respect to such agencies and departments.

(c) **CONSUMER CHOICE HEALTH PLAN.**—

(1) **IN GENERAL.**—The Office shall establish and administer the Consumer Choice Health Plan (referred to in this section as the “Plan”) to provide for health insurance coverage that is made available to all eligible individuals (as described in paragraph (4)(A)) in the United States and its territories.

(2) **REGULATORY COMPLIANCE.**—The Plan shall comply with—

(A) all regulations and requirements that are applicable with respect to other qualified health plans that are offered through the Exchanges; and

(B) any additional regulations and requirements, as determined by the Director.

(3) **BENEFITS.**—

(A) **IN GENERAL.**—The Plan shall offer health insurance coverage at different benefit levels, provided that such benefits are commensurate with the required benefit levels to be provided by a qualified health plan through the Exchanges.

(B) **MINIMUM BENEFITS FOR CHILDREN.**—

(i) **IN GENERAL.**—The minimum benefit level available under the Plan for children shall include at least the services described in the most recently published version of the “Maternal and Child Health Plan Benefit Model” developed by the National Business Group on Health.

(ii) **AMENDMENT OF BENEFIT LEVEL.**—The Secretary of Health and Human Services, acting through the Director of the Agency for Healthcare Research and Quality, may amend the benefits described in clause (i) based on the most recent peer-reviewed and evidence-based data.

(4) **ELIGIBILITY AND ENROLLMENT.**—

(A) **ELIGIBILITY.**—An individual who is eligible to purchase coverage from a qualified health plan through an Exchange shall be eligible to enroll in the Plan.

(B) **ENROLLMENT PROCESS.**—An individual may enroll in the Plan only in such manner and form as may be prescribed by applicable regulations, and only during an enrollment period as prescribed by the Director.

(C) **EMPLOYER ENROLLMENT.**—An employer shall be eligible to purchase health insurance coverage for their employees and the employees’ dependents to the extent provided for all qualified health plans under the Exchanges.

(D) **SATISFACTION OF INDIVIDUAL MANDATE REQUIREMENT.**—An individual’s enrollment with the Plan shall be treated as satisfying any requirement under Federal law for such individual to demonstrate enrollment in health insurance or benefits coverage, including the requirement under section 5000A of the Internal Revenue Code of 1986.

(5) **PROVIDERS.**—

(A) **NETWORK REQUIREMENT.**—

(i) **MEDICARE.**—A participating provider who is voluntarily providing health care services under the Medicare program established under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) shall be required to provide services to any individual enrolled in the Plan.

(ii) **MEDICAID AND CHIP.**—A provider of health care services under the Medicaid program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), or the CHIP program established under title XXI of such Act (42 U.S.C. 1397aa et seq.),

shall be required to provide services to any individual enrolled in the Plan.

(B) **EXCEPTION.**—Subparagraph (A) shall not be construed as requiring a provider to accept new patients due to bona fide capacity limitations of the provider.

(C) **OPT-OUT PROVISION.**—

(i) **MEDICARE.**—A participating provider as described under subparagraph (A)(i) shall be required to provide services to any individual enrolled in the Plan for the 3-year period following the establishment of the Plan. Upon the expiration of the 3-year period, a participating provider in the Plan may elect to become a non-participating provider without affecting their status as a participating provider under the Medicare program.

(ii) **MEDICAID AND CHIP.**—A provider as described under subparagraph (A)(ii) shall be required to provide services to any individual enrolled in the Plan for the 3-year period following the establishment of the Plan. Upon the expiration of the 3-year period, a provider in the Plan may elect to cease provision of services under the Plan without affecting their status as a provider under the Medicaid program or the CHIP program.

(D) **PAYMENT RATES.**—

(i) **INITIAL PAYMENT RATES.**—

(I) **IN GENERAL.**—During the 2-year period following the establishment of the Plan, providers shall be reimbursed at such payment rates as are applicable under the Medicare program.

(II) **ADJUSTMENT.**—The Director may reimburse providers at rates lower or higher than applicable under the Medicare program if the Director determines that the adjusted rates are appropriate and ensure that enrollees in the Plan are provided with adequate access to health care services.

(ii) **SUBSEQUENT PAYMENT RATES.**—Subject to clause (iii), upon the expiration of the 2-year period following the establishment of the Plan, the Director shall develop payment rates for reimbursement of providers in order to maintain an adequate provider network necessary to assure that enrollees in the Plan have adequate access to health care. In determining such payment rates, the Director shall consider—

(I) competitive provider payment rates in both the public and private sectors;

(II) best practices among providers;

(III) integrated models of care delivery (including medical home and chronic care coordination models);

(IV) geographic variation in health care costs;

(V) evidence-based practices;

(VI) quality improvement;

(VII) use of health information technology; and

(VIII) any additional measures, as determined by the Director.

(iii) **PAYMENT RATE CONSULTATION.**—The Director shall determine payment rates under clause (ii) in consultation with providers participating under the Plan, the Director of the Office of Personnel Management, the Medicare Payment Advisory Commission, and the Medicaid and CHIP Payment and Access Commission.

(E) **ADOPTION OF MEDICARE REFORMS.**—The Plan may adopt Medicare system delivery reforms that provide patients with a coordinated system of care and make changes to the provider payment structure.

(6) **SUBSIDIES.**—The Plan shall be eligible to accept subsidies, including subsidies for the enrollment of individuals under the Plan, in the same manner and to the same extent as other qualified health plans offered through an Exchange (including credits

under section 36B of the Internal Revenue Code of 1986).

(7) **FINANCING.**—

(A) **TRANSITIONAL FUNDING.**—

(i) **IN GENERAL.**—In order to provide for adequate funding of the Plan in advance of receipt of payments as described in subparagraph (B), beginning July 1, 2010, there are transferred to the Plan from the general fund of the Treasury such amounts as may be necessary for operation of the Plan until the end of the 3-year period following the establishment of the Plan.

(ii) **RETURN OF FUNDS.**—Upon the expiration of the 3-year period following the establishment of the Plan, the Director shall enter into a repayment schedule with the Secretary of the Treasury to provide for repayment of funds provided under clause (i). Any expenditures made by the Plan pursuant to a repayment schedule established under this subparagraph shall not constitute administrative expenses as described in subparagraph (B)(ii).

(B) **SELF-FINANCING.**—

(i) **IN GENERAL.**—The Plan shall be financially self-sustaining insofar as funds used for operation of the Plan (including benefits, administration, and marketing) shall be derived from—

(I) insurance premium payments and subsidies for individuals enrolled in the Plan; and

(II) assessable payments made pursuant to section 4980H of the Internal Revenue Code of 1986 (as added by section 1513) by employers that fail to offer their full-time employees (and their dependents) the opportunity to enroll in minimum essential coverage under an eligible employer-sponsored plan.

(ii) **LIMITATION ON ADMINISTRATIVE EXPENSES.**—Not more than 5 percent of the amounts provided under clause (i) may be used for the annual administrative costs of the Plan.

(C) **CONTINGENCY RESERVE.**—

(i) **IN GENERAL.**—The Director shall establish and fund a contingency reserve for the Plan in a form similar to the contingency reserve provided for health benefits plans under the Federal Employees Health Benefits Program under chapter 89 of title 5, United States Code.

(ii) **REVENUE.**—Any revenue generated through the contingency reserve established in clause (i) shall be transferred to the Plan for the purpose of reducing enrollee premiums, reducing enrollee cost-sharing, increasing enrollee benefits, or any combination thereof.

(D) **GAO FINANCIAL AUDIT AND REPORT.**—Beginning not later than October 1, 2011, the Comptroller General shall conduct an annual audit of the financial statements and records of the Plan, in accordance with generally accepted government auditing standards, and submit an annual report on such audit to the Congress.

(E) **SUPERMAJORITY REQUIREMENT FOR SUPPLEMENTAL FUNDING.**—Upon certification by the Comptroller General that the financial audit described in subparagraph (D) indicates that the Plan is insolvent, supplemental funding may be appropriated for the Plan if such measure receives not less than a three-fifths vote of approval of the total number of Members of the House of Representatives and the Senate.

(8) **TRANSPARENCY.**—

(A) **IN GENERAL.**—Beginning with the first year of operation of the Plan through the Exchanges, the Director shall provide standards and undertake activities for promoting transparency in costs, benefits, and other

factors for health insurance coverage provided under the Plan.

(B) STANDARD DEFINITIONS OF INSURANCE AND MEDICAL TERMS.—

(i) IN GENERAL.—The Director shall provide for the development of standards for the definitions of terms used in health insurance coverage under the Plan, including insurance-related terms (including the insurance-related terms described in clause (ii)) and medical terms (including the medical terms described in clause (iii)).

(ii) INSURANCE-RELATED TERMS.—The insurance-related terms described in this clause are premium, deductible, co-insurance, co-payment, out-of-pocket limit, preferred provider, non-preferred provider, out-of-network co-payments, UCR (usual, customary and reasonable) fees, excluded services, grievance and appeals, and such other terms as the Director determines are important to define so that consumers may compare health insurance coverage and understand the terms of their coverage.

(iii) MEDICAL TERMS.—The medical terms described in this clause are hospitalization, hospital outpatient care, emergency room care, physician services, prescription drug coverage, durable medical equipment, home health care, skilled nursing care, rehabilitation services, hospice services, emergency medical transportation, and such other terms as the Director determines are important to define so that consumers may compare the medical benefits offered by health insurance plans and understand the extent of those medical benefits (or exceptions to those benefits).

(C) DISCLOSURE.—

(i) IN GENERAL.—In carrying out this paragraph, the Director shall disclose to Plan enrollees, potential enrollees, in-network health care providers, and others (through a publicly available Internet website and other appropriate means) relevant information regarding each policy of health insurance coverage marketed or in force (in such standardized manner as determined by the Director), including—

(I) full policy contract language; and

(II) a summary of the information described in subparagraph (D).

(ii) PERSONALIZED STATEMENT.—The Director shall disclose to enrollees (in such standardized manner as determined by the Director) an annual personalized statement that summarizes use of health care services and payment of claims with respect to an enrollee (and covered dependents) under health insurance coverage provided through the Plan in the preceding year.

(D) REQUIRED INFORMATION.—The information described in this subparagraph includes, but is not limited to, the following:

(i) Data on the price of each new policy of health insurance coverage and renewal rating practices.

(ii) Claims payment policies and practices, including how many and how quickly claims were paid.

(iii) Provider fee schedules and usual, customary, and reasonable fees (for both in-network and out-of-network providers).

(iv) Provider participation and provider directories.

(v) Loss ratios, including detailed information about amount and type of non-claims expenses.

(vi) Covered benefits, cost-sharing, and amount of payment provided toward each type of service identified as a covered benefit, including preventive care services recommended by the United States Preventive Services Task Force.

(vii) Civil or criminal actions successfully concluded against the Plan by any governmental entity.

(viii) Benefit exclusions and limits.

(E) DEVELOPMENT OF PATIENT CLAIMS SCENARIOS.—

(i) IN GENERAL.—In order to improve the ability of individuals and employers to compare the coverage and relative value provided under the Plan, the Director shall develop and make publically available a series of patient claims scenarios under which benefits (including out-of-pocket costs) under the Plan are simulated for certain common or expensive conditions or courses of treatment (including maternity care, breast cancer, heart disease, diabetes management, and well-child visits).

(ii) CONSULTATION.—The Director shall develop the patient claims scenarios described in clause (i)—

(I) in consultation with the Secretary of Health and Human Services, the National Institutes of Health, the Centers for Disease Control and Prevention, the Agency for Healthcare Research and Quality, health professional societies, patient advocates, and other entities as deemed necessary by the Director; and

(II) based upon recognized clinical practice guidelines.

(F) MANNER OF DISCLOSURE.—The Director shall disclose the information under this paragraph—

(i) with all marketing materials;

(ii) on the website for the Plan; and

(iii) at other times upon request.

(d) CONFORMING AMENDMENTS.—

(1) COMMUNITY HEALTH INSURANCE OPTION.—

(A) IN GENERAL.—Title I of this Act is amended by striking “community health insurance option” each place it appears and inserting “Consumer Choice Health Plan”.

(B) ANNUAL FEE ON HEALTH INSURANCE PROVIDERS.—Section 9010(c)(2)(B) is amended by striking “community health insurance option” and inserting “Consumer Choice Health Plan”.

(2) SPECIAL RULES.—Section 1303(a)(1)(C) is amended by—

(A) in clause (i)(III), striking “section 1323(e)(1)(C) or”; and

(B) in clause (ii), striking “section 1323(b)(3)(A)” and inserting “section 1323(c)(3)(A)”.

#### SEC. 1323A. ESTABLISHMENT OF AMERICA'S HEALTH INSURANCE TRUST.

(a) ESTABLISHMENT.—As of the date of enactment of this Act, there is authorized to be established a non-profit corporation that shall be known as the “America's Health Insurance Trust” (referred to in this section and section 1323B as the “Trust”), which is neither an agency nor establishment of the United States Government.

(b) LOCATION; SERVICE OF PROCESS.—The Trust shall maintain its principal office within the District of Columbia and have a designated agent in the District of Columbia to receive service of process for the Trust. Notice to or service on the agent shall be deemed as notice to or service on the corporation.

(c) APPLICATION OF PROVISIONS.—The Trust shall be subject to the provisions of this section and, to the extent consistent with this section, to the District of Columbia Non-profit Corporation Act.

(d) TAX EXEMPT STATUS.—The Trust shall be treated as a nonprofit organization described under section 170(c)(2)(B) and section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986.

(e) BOARD OF DIRECTORS.—

(1) IN GENERAL.—The Board of Directors of the Trust (referred to in this section as the “Board”) shall consist of 19 voting members appointed by the Comptroller General.

(2) TERMS.—

(A) IN GENERAL.—Subject to subparagraph (C), each member of the Board shall serve for a term of 6 years.

(B) LIMITATION.—No individual shall be appointed to the Board for more than 2 consecutive terms.

(C) INITIAL MEMBERS.—The initial members of the Board shall be appointed by the Comptroller General not later than October 1, 2010, and shall serve terms as follows:

(i) 8 members shall be appointed for a term of 5 years.

(ii) 8 members shall be appointed for a term of 3 years.

(iii) 3 members shall be appointed for a term of 1 year.

(D) EXPIRATION OF TERM.—Any member of the Board whose term has expired may serve until such member's successor has taken office, or until the end of the calendar year in which such member's term has expired, whichever is earlier.

(E) VACANCIES.—

(i) IN GENERAL.—Any member appointed to fill a vacancy prior to the expiration of the term for which such member's predecessor was appointed shall be appointed for the remainder of such term.

(ii) VACANCIES NOT TO AFFECT POWER OF BOARD.—A vacancy on the Board shall not affect its powers, but shall be filled in the same manner as the original appointment was made.

(3) CHAIRPERSON AND VICE-CHAIRPERSON.—

(A) IN GENERAL.—The Comptroller General shall designate a Chairperson and Vice-Chairperson of the Board from among the members of the Board.

(B) TERM.—The members designated as Chairperson and Vice-Chairperson shall serve for a period of 3 years.

(4) CONFLICTS OF INTEREST.—An individual may not serve on the Board if such individual (or an immediate family member of such individual) is employed by or has a financial interest in—

(A) an organization that provides a health insurance plan;

(B) a pharmaceutical manufacturer; or

(C) any subsidiary entities of an organization described in subparagraphs (A) or (B).

(5) COMPOSITION OF THE BOARD.—

(A) POLITICAL PARTIES.—Not more than 10 members of the Board may be affiliated with the same political party.

(B) DIVERSITY.—In appointing members under this paragraph, the Comptroller General shall ensure that such members provide appropriately diverse representation with respect to race, ethnicity, age, gender, and geography.

(C) CONSUMER REPRESENTATION.—10 members of the Board shall be independent and non-conflicted individuals representing the interests of health care consumers. Each member selected under this subparagraph shall represent 1 of the 10 Department of Health and Human Services regions in the United States.

(D) REMAINING REPRESENTATION.—

(i) IN GENERAL.—9 members of the Board shall be selected based on relevant experience, including expertise in—

(I) community affairs;

(II) Federal, State, and local government;

(III) health professions and administration;

(IV) business, finance, and accounting;

(V) legal affairs;

(VI) insurance;  
 (VII) trade unions;  
 (VIII) social services; and  
 (IX) any additional areas as determined by the Comptroller General.

(ii) **INCOME FROM HEALTH CARE INDUSTRY.**—Not more than 4 of the members selected under this subparagraph shall earn more than 10 percent of their income from the health care industry.

(6) **MEETINGS AND HEARINGS.**—The Board shall meet and hold hearings at the call of the Chairperson or a majority of its members. Meetings of the Board on matters not related to personnel shall be open to the public and advertised through public notice at least 7 days prior to the meeting.

(7) **QUORUM.**—A majority of the members of the Board shall constitute a quorum for purposes of conducting the duties of the Trust, but a lesser number of members may meet and hold hearings.

(8) **EXECUTIVE DIRECTOR AND STAFF; PERFORMANCE OF DUTIES.**—The Board may—

(A) employ and fix the compensation of an Executive Director and such other personnel as may be necessary to carry out the duties of the Trust;

(B) seek such assistance and support as may be required in the performance of the duties of the Trust from appropriate departments and agencies of the Federal Government;

(C) enter into contracts or other arrangements and make such payments as may be necessary for performance of the duties of the Trust;

(D) provide travel, subsistence, and per diem compensation for individuals performing the duties of the Trust, including members of the Advisory Council (as described in subsection (f)); and

(E) prescribe such rules, regulations, and bylaws as the Board determines necessary with respect to the internal organization and operation of the Trust.

(9) **LOBBYING COOLING-OFF PERIOD FOR MEMBERS OF THE BOARD.**—Section 207(c) of title 18, United States Code, as amended by section 3403(a)(2), is amended by inserting at the end the following:

“(4) **MEMBERS OF THE BOARD OF DIRECTORS OF THE AMERICA’S HEALTH INSURANCE TRUST.**—Paragraph (1) shall apply to a member of the Board of Directors of the America’s Health Insurance Trust who was appointed to the Board as of the day before the date of enactment of the Patient Protection and Affordable Care Act.”.

(f) **ADVISORY COUNCIL.**—

(1) **ESTABLISHMENT.**—The Board shall establish an advisory council that shall be comprised of the insurance commissioners of each State (including the District of Columbia) to advise the Board on the development and impact of measures to improve the transparency and accountability of qualified health plans provided through the Exchanges established under this title.

(2) **MEETINGS.**—The advisory council shall meet not less than twice a year and at the request of the Board.

(g) **FINANCIAL OVERSIGHT.**—

(1) **CONTRACT FOR AUDITS.**—The Trust shall provide for financial audits of the Trust on an annual basis by a private entity with expertise in conducting financial audits.

(2) **REVIEW AND REPORT ON AUDITS.**—The Comptroller General shall—

(A) review and evaluate the results of the audits conducted pursuant to paragraph (1); and

(B) submit a report to Congress containing the results and review of such audits, includ-

ing an analysis of the adequacy and use of the funding for the Trust and its activities.

(h) **RULES ON GIFTS AND OUTSIDE CONTRIBUTIONS.**—

(1) **GIFTS.**—The Trust (including the Board and any staff acting on behalf of the Trust) shall not accept gifts, bequeaths, or donations of services or property.

(2) **PROHIBITION ON OUTSIDE FUNDING OR CONTRIBUTIONS.**—The Trust shall not—

(A) establish a corporation other than as provided under this section; or

(B) accept any funds or contributions other than as provided under this section.

(i) **AMERICA’S HEALTH INSURANCE TRUST FUND.**—

(1) **IN GENERAL.**—There is established in the Treasury a trust fund to be known as the “America’s Health Insurance Trust Fund” (referred to in this section as the “Trust Fund”), consisting of such amounts as may be credited to the Trust Fund as provided under this subsection.

(2) **TRANSFER.**—The Secretary of the Treasury shall transfer to the Trust Fund out of the general fund of the Treasury amounts determined by the Secretary to be equivalent to the amounts received into such general fund that are attributable to the fees collected under sections 4385 and 4386 of the Internal Revenue Code of 1986 (relating to fees on health insurance policies and self-insured health plans).

(3) **FINANCING FOR FUND FROM FEES ON INSURED AND SELF-INSURED HEALTH PLANS.**—

(A) **GENERAL RULE.**—Chapter 34 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subchapter:

**“Subchapter C—Additional Fees on Insured and Self-Insured Health Plans**

“Sec. 4385. Health insurance.

“Sec. 4386. Self-insured health plans.

“Sec. 4387. Definitions and special rules.

**“SEC. 4385. HEALTH INSURANCE.**

“(a) **IMPOSITION OF FEE.**—In the case of any specified health insurance policy issued after October 1, 2009, there is hereby imposed a fee equal to—

“(1) for policies issued during fiscal years 2010 through 2013, 50 cents multiplied by the average number of lives covered under the policy; and

“(2) for policies issued after September 30, 2013, \$1 multiplied by the average number of lives covered under the policy.

“(b) **LIABILITY FOR FEE.**—The fee imposed by subsection (a) shall be paid by the issuer of the policy.

“(c) **SPECIFIED HEALTH INSURANCE POLICY.**—For purposes of this section:

“(1) **IN GENERAL.**—Except as otherwise provided in this section, the term ‘specified health insurance policy’ means any accident or health insurance policy (including a policy under a group health plan) issued with respect to individuals residing in the United States.

“(2) **EXEMPTION FOR CERTAIN POLICIES.**—The term ‘specified health insurance policy’ does not include any insurance if substantially all of its coverage is of excepted benefits described in section 9832(c).

“(3) **TREATMENT OF PREPAID HEALTH COVERAGE ARRANGEMENTS.**—

“(A) **IN GENERAL.**—In the case of any arrangement described in subparagraph (B)—

“(i) such arrangement shall be treated as a specified health insurance policy, and

“(ii) the person referred to in such subparagraph shall be treated as the issuer.

“(B) **DESCRIPTION OF ARRANGEMENTS.**—An arrangement is described in this subparagraph if under such arrangement fixed pay-

ments or premiums are received as consideration for any person’s agreement to provide or arrange for the provision of accident or health coverage to residents of the United States, regardless of how such coverage is provided or arranged to be provided.

“(d) **ADJUSTMENTS FOR INCREASES IN HEALTH CARE SPENDING.**—In the case of any policy issued in any fiscal year beginning after September 30, 2014, the dollar amount in effect under subsection (a) for such policy shall be equal to the sum of such dollar amount for policies issued in the previous fiscal year (determined after the application of this subsection), plus an amount equal to the product of—

“(1) such dollar amount for policies issued in the previous fiscal year, multiplied by

“(2) the percentage increase in the projected per capita amount of National Health Expenditures from the calendar year in which the previous fiscal year ends to the calendar year in which the fiscal year involved ends, as most recently published by the Secretary of Health and Human Services before the beginning of the fiscal year.

“(e) **TERMINATION.**—This section shall not apply to policy years ending after September 30, 2019.

**“SEC. 4386. SELF-INSURED HEALTH PLANS.**

“(a) **IMPOSITION OF FEE.**—In the case of any applicable self-insured health plan issued after October 1, 2009, there is hereby imposed a fee equal to—

“(1) for plans issued during fiscal years 2010 through 2013, 50 cents multiplied by the average number of lives covered under the plan; and

“(2) for plans issued after September 30, 2013, \$1 multiplied by the average number of lives covered under the plans.

“(b) **LIABILITY FOR FEE.**—

“(1) **IN GENERAL.**—The fee imposed by subsection (a) shall be paid by the plan sponsor.

“(2) **PLAN SPONSOR.**—For purposes of paragraph (1) the term ‘plan sponsor’ means—

“(A) the employer in the case of a plan established or maintained by a single employer,

“(B) the employee organization in the case of a plan established or maintained by an employee organization,

“(C) in the case of—

“(i) a plan established or maintained by 2 or more employers or jointly by 1 or more employers and 1 or more employee organizations,

“(ii) a multiple employer welfare arrangement, or

“(iii) a voluntary employees’ beneficiary association described in section 501(c)(9),

the association, committee, joint board of trustees, or other similar group of representatives of the parties who establish or maintain the plan, or

“(D) the cooperative or association described in subsection (c)(2)(F) in the case of a plan established or maintained by such a cooperative or association.

“(c) **APPLICABLE SELF-INSURED HEALTH PLAN.**—For purposes of this section, the term ‘applicable self-insured health plan’ means any plan for providing accident or health coverage if—

“(1) any portion of such coverage is provided other than through an insurance policy, and

“(2) such plan is established or maintained—

“(A) by one or more employers for the benefit of their employees or former employees,

“(B) by one or more employee organizations for the benefit of their members or former members,

“(C) jointly by 1 or more employers and 1 or more employee organizations for the benefit of employees or former employees,

“(D) by a voluntary employees’ beneficiary association described in section 501(c)(9),

“(E) by any organization described in section 501(c)(6), or

“(F) in the case of a plan not described in the preceding subparagraphs, by a multiple employer welfare arrangement (as defined in section 3(40) of Employee Retirement Income Security Act of 1974), a rural electric cooperative (as defined in section 3(40)(B)(iv) of such Act), or a rural telephone cooperative association (as defined in section 3(40)(B)(v) of such Act).

“(d) ADJUSTMENTS FOR INCREASES IN HEALTH CARE SPENDING.—In the case of any plan issued in any fiscal year beginning after September 30, 2014, the dollar amount in effect under subsection (a) for such plan shall be equal to the sum of such dollar amount for plans issued in the previous fiscal year (determined after the application of this subsection), plus an amount equal to the product of—

“(1) such dollar amount for plans issued in the previous fiscal year, multiplied by

“(2) the percentage increase in the projected per capita amount of National Health Expenditures from the calendar year in which the previous fiscal year ends to the calendar year in which the fiscal year involved ends, as most recently published by the Secretary of Health and Human Services before the beginning of the fiscal year.

“(e) TERMINATION.—This section shall not apply to plans issued after September 30, 2019.

#### **“SEC. 4387. DEFINITIONS AND SPECIAL RULES.**

“(a) DEFINITIONS.—For purposes of this subchapter—

“(1) ACCIDENT AND HEALTH COVERAGE.—The term ‘accident and health coverage’ means any coverage which, if provided by an insurance policy, would cause such policy to be a specified health insurance policy (as defined in section 4385(c)).

“(2) INSURANCE POLICY.—The term ‘insurance policy’ means any policy or other instrument whereby a contract of insurance is issued, renewed, or extended.

“(3) UNITED STATES.—The term ‘United States’ includes any possession of the United States.

“(b) TREATMENT OF GOVERNMENTAL ENTITIES.—

“(1) IN GENERAL.—For purposes of this subchapter—

“(A) the term ‘person’ includes any governmental entity, and

“(B) notwithstanding any other law or rule of law, governmental entities shall not be exempt from the fees imposed by this subchapter except as provided in paragraph (2).

“(2) TREATMENT OF EXEMPT GOVERNMENTAL PROGRAMS.—In the case of an exempt governmental program, no fee shall be imposed under section 4385 or section 4386 on any covered policy or plan under such program.

“(3) EXEMPT GOVERNMENTAL PROGRAM DEFINED.—For purposes of this subchapter, the term ‘exempt governmental program’ means—

“(A) any insurance program established under title XVIII of the Social Security Act,

“(B) the medical assistance program established by title XIX or XXI of the Social Security Act,

“(C) the Federal Employees Health Benefits Program under chapter 89 of title 5, United States Code,

“(D) the Consumer Choice Health Plan established under section 1323 of the Patient Protection and Affordable Care Act,

“(E) any program established by Federal law for providing medical care (other than through insurance policies) to individuals (or the spouses and dependents thereof) by reason of such individuals being—

“(i) members of the Armed Forces of the United States, or

“(ii) veterans, and

“(F) any program established by Federal law for providing medical care (other than through insurance policies) to members of Indian tribes (as defined in section 4(d) of the Indian Health Care Improvement Act).

“(c) TREATMENT AS TAX.—For purposes of subtitle F, the fees imposed by this subchapter shall be treated as if they were taxes.

“(d) NO COVER OVER TO POSSESSIONS.—Notwithstanding any other provision of law, no amount collected under this subchapter shall be covered over to any possession of the United States.”.

(B) CLERICAL AMENDMENTS.—

(1) Chapter 34 of such Code is amended by striking the chapter heading and inserting the following:

#### **“CHAPTER 34—TAXES ON CERTAIN INSURANCE POLICIES**

“SUBCHAPTER A. POLICIES ISSUED BY FOREIGN INSURERS

“SUBCHAPTER B. INSURED AND SELF-INSURED HEALTH PLANS

“SUBCHAPTER C. ADDITIONAL FEES ON INSURED AND SELF-INSURED HEALTH PLANS

#### **“Subchapter A—Policies Issued By Foreign Insurers”.**

(ii) The table of chapters for subtitle D of such Code is amended by striking the item relating to chapter 34 and inserting the following new item:

“CHAPTER 34—TAXES ON CERTAIN INSURANCE POLICIES”.

#### **SEC. 1323B. DUTIES OF AMERICA'S HEALTH INSURANCE TRUST.**

(a) INSURANCE PLAN RANKINGS AND WEBSITE.—

(1) WEB-BASED MATERIALS.—The Trust shall establish and maintain a website that provides informational materials regarding the qualified health plans provided through the Exchanges established under this title, including appropriate links for all available State insurance commissioner websites.

(2) PLAN RANKINGS.—The Trust shall develop and publish annual rankings of the qualified health plans provided through the Exchanges, based on the assignment of a letter grade between “grade A” (highest) and “grade F” (lowest). The Trust shall provide for a comparative evaluation of each plan based upon—

(A) administrative expenditures;

(B) affordability of coverage;

(C) adequacy of coverage;

(D) timeliness and adequacy of consumer claims processing;

(E) available consumer complaint systems;

(F) grievance and appeals processes;

(G) transparency;

(H) consumer satisfaction; and

(I) any additional measures as determined by the Board.

(3) INFORMATION AVAILABLE ON WEBSITE BY ZIP CODE.—The annual rankings of the qualified health plans (as described in paragraph (2)) shall be available on the website for the Trust (as described in paragraph (1)), and websites for the Exchanges, in a manner that is searchable and sortable by zip code.

(4) CONSUMER FEEDBACK.—

(A) CONSUMER COMPLAINTS.—The Trust shall develop written and web-based methods

for individuals to provide recommendations and complaints regarding the qualified health plans provided through the Exchanges.

(B) CONSUMER SURVEYS.—The Trust shall obtain meaningful consumer input, including consumer surveys, that measure the extent to which an individual receives the services and supports described in the individual's health insurance plan and the individual's satisfaction with such services and supports.

(b) DATA SHARING.—

(1) IN GENERAL.—An organization that provides a qualified health plan through an Exchange shall provide the Trust with all information and data that is necessary for improving transparency, monitoring, and oversight of such plans.

(2) ANNUAL DISCLOSURE.—Beginning with the first full year for which Exchanges are required to be operational under this title, an organization that provides a qualified health plan through an Exchange shall annually provide the Trust with appropriate information regarding the following:

(A) Name of the plan.

(B) Levels of available plan benefits.

(C) Description of plan benefits.

(D) Number of enrollees under the plan.

(E) Demographic profile of enrollees under the plan.

(F) Number of claims paid to enrollees.

(G) Number of enrollees that terminated their coverage under the plan.

(H) Total operating cost for the plan (including administrative costs).

(I) Patterns of utilization of the plan's services.

(J) Availability, accessibility, and acceptability of the plan's services.

(K) Such information as the Trust may require demonstrating that the organization has a fiscally sound operation.

(L) Any additional information as determined by the Trust.

(3) FORM AND MANNER OF INFORMATION.—Information to be provided to the Trust under paragraphs (1) and (2) shall be provided—

(A) in such form and manner as specified by the Trust; and

(B) within 30 days of the date of receipt of the request for such information, or within such extended period as the Trust deems appropriate.

(4) INFORMATION FROM THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.—

(A) IN GENERAL.—Any information regarding the qualified health plans that are offered through the Exchanges that has been provided to the Secretary of Health and Human Services shall also be made available (as deemed appropriate by the Secretary) to the Trust for the purpose of improving transparency, monitoring, and oversight of such plans. Such information may include, but is not limited to, the following:

(i) Underwriting guidelines to ensure compliance with applicable Federal health insurance requirements.

(ii) Rating practices to ensure compliance with applicable Federal health insurance requirements.

(iii) Enrollment and disenrollment data, including information the Secretary may need to detect patterns of discrimination against individuals based on health status or other characteristics, to ensure compliance with applicable Federal health insurance requirements (including non-discrimination in group coverage, guaranteed issue, and guaranteed renewability requirements applicable in all markets).

(iv) Post-claims underwriting and rescission practices to ensure compliance with applicable Federal health insurance requirements relating to guaranteed renewability.

(v) Marketing materials and agent guidelines to ensure compliance with applicable Federal health insurance requirements.

(vi) Data on the imposition of pre-existing condition exclusion periods and claims subjected to such exclusion periods.

(vii) Information on issuance of certificates of creditable coverage.

(viii) Information on cost-sharing and payments with respect to any out-of-network coverage.

(ix) The application to issuers of penalties for violation of applicable Federal health insurance requirements (including failure to produce requested information).

(x) Such other information as the Trust may determine to be necessary to verify compliance with the requirements of this section.

(B) **REQUIRED DISCLOSURE.**—The Secretary of Health and Human Services shall provide the Trust with all consumer claims data or information that has been provided to the Secretary by any qualified health plan that is offered through an Exchange.

(C) **PERIOD FOR PROVIDING INFORMATION.**—Information to be provided to the Trust under this paragraph shall be provided by the Secretary within 30 days of the date of receipt of the request for such information, or within such extended period as the Secretary and the Trust mutually deem appropriate.

(5) **NON-DISCLOSURE OF HEALTH INSURANCE DATA.**—The Trust shall prevent disclosure of any data or information provided under this paragraph that the Trust determines is proprietary or qualifies as a trade secret subject to withholding from public dissemination. Any data or information provided under this paragraph shall not be subject to disclosure under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act).

**SA 2950.** Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 34, between lines 4 and 5, insert the following:

**“SEC. 7270. LIMITATION ON ANNUAL GROWTH IN HEALTH INSURANCE PREMIUMS.**

“(a) **IN GENERAL.**—A group health plan and a health insurance issuer offering group or individual health insurance coverage may not increase the health insurance premium rates for such plan or coverage in any year by a percentage that is greater than the percentage increase in the Medical Care Component of the Consumer Price Index for all urban consumers for year involved.

“(b) **EFFECT.**—If a plan or an issuer increases the health insurance premium rate by a percentage greater than the percentage described in subsection (a), that plan or issuer shall refund the excess premium dollars back to the enrollee or to the Federal

treasury, in amounts equal to the respective premium contributions of the enrollee and the Federal Government, taking into account premium subsidies provided to individuals or families for coverage purchased in an Exchange.”.

**SA 2951.** Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 112, between lines 8 and 9, insert the following:

**(5) MAXIMUM TOTAL OUT-OF-POCKET EXPENSES.—**

**(A) IN GENERAL.**—Notwithstanding any other provision of this Act (or any amendments made by this Act), in no case may out-of-pocket expenses incurred under a health plan with respect to self-only coverage or coverage other than self-only exceed the following limits for any plan year beginning in or after 2014:

(i) 7.5 percent of annual household income for an individual with household income under 200 percent of the poverty line for the size of the family involved.

(ii) 10 percent of annual household income for an individual with household income between 200 and 400 percent of the poverty line for the size of the family involved.

(iii) 12 percent of annual household income for an individual with household income above 400 percent of the poverty line for the size of the family involved.

**(B) OUT-OF-POCKET EXPENSES.**—In this paragraph, the term “out-of-pocket expenses” includes deductibles, coinsurance, copayments, premiums, balance billing amounts for non-network providers, and similar charges.

**SA 2952.** Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 1925, between lines 14 and 15, insert the following:

**Subtitle C—Provisions Relating to Authorized Generic Drugs**

**SEC. 7201. PROHIBITION OF AUTHORIZED GENERICS.**

**(a) IN GENERAL.**—Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) is amended by adding at the end the following:

“(w) **PROHIBITION OF AUTHORIZED GENERIC DRUGS.**—

“(1) **IN GENERAL.**—Notwithstanding any other provision of this Act, no holder of a new drug application approved under subsection (c) shall manufacture, market, sell, or distribute an authorized generic drug, di-

rect or indirectly, or authorize any other person to manufacture, market, sell, or distribute an authorized generic drug.

“(2) **AUTHORIZED GENERIC DRUG.**—For purposes of this subsection, the term ‘authorized generic drug’—

“(A) means any version of a listed drug (as such term is used in subsection (j)) that the holder of the new drug application approved under subsection (c) for that listed drug seeks to commence marketing, selling, or distributing, directly or indirectly, after receipt of a notice sent pursuant to subsection (j)(2)(B) with respect to that listed drug; and

“(B) does not include any drug to be marketed, sold, or distributed—

“(i) by an entity eligible for exclusivity with respect to such drug under subsection (j)(5)(B)(iv); or

“(ii) after expiration or forfeiture of any exclusivity with respect to such drug under such subsection (j)(5)(B)(iv).”.

**(b) CONFORMING AMENDMENT.**—Section 505(t)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(t)(3)) is amended by striking “In this section” and inserting “In this subsection”.

**ORDERS FOR MONDAY, DECEMBER 7, 2009**

Mr. BEGICH. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Monday, December 7; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of H.R. 3590, the health care reform legislation; that following leader remarks, the first 2 hours be equally divided and controlled between the two leaders or their designees, with Senators permitted to speak therein for up to 10 minutes each, with the Republicans controlling the first 30 minutes, and the majority controlling the next 30 minutes, and with no amendments or motions in order during the controlled time.

The PRESIDING OFFICER. Without objection, it is so ordered.

**PROGRAM**

Mr. BEGICH. Mr. President, rollcall votes in relation to the amendments to the health care reform bill are expected to occur after 3:15 p.m. tomorrow.

**ADJOURNMENT UNTIL 10 A.M. TOMORROW**

Mr. BEGICH. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 5:24 p.m., adjourned until Monday, December 7, 2009, at 10 a.m.

## SENATE—Monday, December 7, 2009

The Senate met at 10 a.m. and was called to order by the Honorable KAY R. HAGAN, a Senator from the State of North Carolina.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Eternal Spirit, our shelter in the time of storm, thank You for the opportunity to serve You and our country. Remind us that You are more interested in our faithfulness than our success.

Today, empower our lawmakers to be faithful in the small things, thereby qualifying themselves for greater opportunities to serve. Make them worthy stewards of the rich resources You have given our Nation, as they remember the rich legacy of faithful labor that punctuates our history. Guide their thinking so that they will see Your plan and follow Your leading.

And Lord, on this anniversary of the attack on Pearl Harbor, we think of all the veterans of past wars, those currently in harm's way and all who have served in our Nation's military. Thank You for their sacrifices and for the faithfulness of their loved ones.

We pray in Your powerful Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable KAY R. HAGAN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, December 7, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KAY R. HAGAN, a Senator from the State of North Carolina, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mrs. HAGAN thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Madam President, following leader remarks, the Senate will resume consideration of the health care legislation. Following those remarks, the first 2 hours will be for debate only, with Senators permitted to speak for up to 10 minutes each. Republicans will control the first 30 minutes and the majority will control the next 30 minutes. The remaining hour will be equally divided between the two leaders or their designees. The Pryor amendment regarding enrollee satisfaction and the Gregg amendment regarding Medicare are pending. In addition, I have been informed by Senator BEN NELSON that he will offer sometime today the abortion amendment, either as the lead sponsor or as a cosponsor. We hope to complete these amendments this afternoon sometime and move on to other matters.

I should inform Members, we will not be in late tonight. There is an event at the White House that a number of Senators will be attending. So we will not be in late tonight, but the rest of the week we probably will be. As I indicated, it appears we certainly have to be in this weekend again.

### HEALTH CARE REFORM

Mr. REID. Madam President, I think everyone will acknowledge the legislatively historic time in which we are now involved. We have tried to get to this point with health care legislation for almost 70 years. We are there. We can see the light at the end of the tunnel, so that people in the future will not have to file bankruptcy because they get sick. That is what happens today. For example, 750,000 people filed bankruptcy last year, as I have said here on a number of occasions, and almost 70 percent of those who filed bankruptcy did so because of medical expenses. In addition, 62 percent of those who filed because of medical expenses had insurance. That pretty well says it all.

There is not one of us who has gone home in recent months and hasn't had someone come to us in a grocery store or some other public event and say: My daughter has diabetes. She is now 23 years old. She goes off our insurance. What are we going to do? She can't get insurance.

That is going to stop. There is nothing the people of America want more than for us to do something about this. They want us to stop greedy insurance companies from denying health care to the sick and taking away your coverage at the exact time you need it the most. They want us to make it illegal for multibillion-dollar companies to say: I am sorry, your high cholesterol is going to prevent us from giving you an insurance policy or you were in an accident and badly injured your leg a few years ago and we can't give you insurance now or you are too old or you have hay fever or you have asthma. We have all heard the stories. These insurance companies say: You are on your own. Why? Because they are concerned more about their bottom line than they are about taking care of the American people. I was here a couple days ago talking about an insurance company that made more than \$1 billion in profits last year. Their chief executive officer made over \$100 million in take-home pay. But they are still out denying coverage to everybody. These companies are not good for the American people.

What we want to do is make sure that before people get sick, they get the tests they need before these diseases start. We want women to be able to afford screenings that will catch breast cancer.

There was an interesting piece, sad though it was, on public radio this morning. African-American women get breast cancer at a much earlier age and it is a much more difficult type of breast cancer. That is why what Senator MIKULSKI did was so important. Women can now, no matter their age, have a mammogram to find out if they have breast cancer. They need these tests. We need to make sure women are able to get Pap smears when they need them and other things that are so important. Men need to be able to check for prostate cancer, which is something that has now become fixed on men's minds. It wasn't in the past.

Seniors want to be able to afford prescription drugs. They want to know their Medicare benefits will be protected.

The American people want us to make it possible for everyone to afford insurance. They know that until we do, those who do have it will keep paying extra to cover those who don't. They want us to cut the waste and fraud out of the health care system so that everyone can save money. They want us to make sure they can choose their own doctors, their own hospitals, and a health plan that is right for them.



They want us to guarantee they will be able to afford health care even if they lose or change jobs.

That is why we have written a good bill, one that will make it possible for every single American to stay in a condition known as healthy. It is a bill that will make health care more affordable and health insurance companies more accountable, and it will do all this while reducing the deficit.

Yet, while the American people want us to act, our Republican colleagues in the Senate want nothing more than failure. They wanted us to do nothing. That is why Republicans have sounded a familiar cry: Slow down. Stop everything. Start over.

We have seen it again and again. They like to pretend America's health care crisis isn't a problem, that it can have some little minor tweaks here and there and everything will be fine. They choose to ignore the fact that unfair and unchecked insurance companies are forcing the very people these Senators represent to lose their homes, file for bankruptcy, and even die.

It amazes me that the Republican leader rejects the suggestion that what we are doing is truly historic. In fact, the day before yesterday he said it is "an act of total arrogance." That is a direct quote. I am confident history, ironically enough, will prove the Republican leader wrong. This is indeed historic, as I began my conversation today. I am not afraid to say it is. But instead of joining us on the right side of history, all Republicans can come up with is this: Slow down. Stop everything. Let's start over.

If you think you have heard these same excuses before, you are right. When this country belatedly recognized the wrongs of slavery, there were those who dug in their heels and said: Slow down. It is too early. Let's wait. Things aren't bad enough.

When women spoke up for the right to speak up, when they wanted the vote, some insisted they simply slow down. There will be a better day to do that. Today isn't quite right.

When this body was on the verge of guaranteeing equal civil rights to everyone regardless of the color of their skin, some Senators resorted to the same filibuster threats we hear today.

And more recently, when Chairman CHRIS DODD of Connecticut, one of the people who will go down in history as the chief champion of the bill before us, said that Americans should be able to take care of their families without fear of losing their jobs, we heard the same old excuses. Through 7 years of fighting and more than one Presidential veto, it was slow down, stop everything, start over.

History is repeating itself before our eyes. There are now those who don't think it is the right time to reform health care. If not now, when? But in reality for many who feel that way,

there will be never a good time to reform health care.

I know this country has never had a place for those who hope for failure. So here is whom I would rather listen to: the men and women in Nevada who write me every day. They are hard-working people, lots of different letters, really sad letters, people who play by the rules and don't understand why their health insurance system doesn't do the same. They write from the heart. Here are a couple of stories I will talk about.

A woman named Lisa lives in Gardnerville, NV, a beautiful place beneath the Sierra Nevada mountains, with her two daughters, both of whom are in elementary school. The youngest suffers seizures. Her teachers think she has a learning disability. Because of her family history, Lisa, the girl's mom, is at a high risk for cervical cancer. Although she is supposed to get an exam every 3 months, now she is not able to get one at all. When Lisa lost her job, she lost her health coverage. Now both she and her daughter miss out on the tests and preventative medicine that could keep them healthy. Her long letter to me ended with a simple plea. It wasn't slow down, stop everything, start over. It was:

We want to go to the doctor.

Another person named Braden lives in Sparks, NV. Sparks and Reno are side by side. Braden works a 55-hour week to support his family, but it just barely pays the bills. It is not enough for him to get health insurance. He had to go to the emergency room—\$12,000. It was the only place he could go. He is a brave man, though, and in his letter he doesn't dread the debt he carries, and he is going to try to pay it. He doesn't grumble about how hard he works. But he does have one fear. It is not that the Senate is doing its job. His fear is, as he wrote:

If I was seriously sick or injured, I would lose it all.

That is the way many Americans feel.

Michelle is a 60-year-old woman who lives in Fallon, NV, about 60 miles southeast of Reno. Like so many in my State, she moved to Nevada in the last 10 years. Like so many Americans who keep our economy going, she is self-employed and has to find her own health insurance. She has two choices. One is a company that won't give her a policy because she takes three prescription medications. The insurance company only allows you to have two. So Michelle is stuck buying insurance from the other company, the only one that will sell her a plan. When Michelle moved to Nevada a few years ago, she picked the cheapest plan. Now, within 3 years, her plan costs three times as much. That doesn't include dental and vision insurance. It is very minimal, a bare-bones policy. She is waiting. But she is not waiting for us to scrap every-

thing we have done over the past year and start over. She wrote that she is "waiting to be old enough for Medicare to afford the surgery my doctor says I need, as I know with my current policy it will cost more than I can afford."

These are real stories about real people: Braden, Michelle, and Lisa. They are not written with a political objective in mind. I do not know whether they are Democrats or Republicans or Independents. They have no axe to grind, as far as any partisan view. They are written by people who know that insurance companies discriminate against their policyholders, and it is not based, I repeat, on party affiliation. They are written by citizens who know this crisis is bigger than politics, and too big to ignore. They are written by Americans who want to be able to live a healthy life without going broke.

My colleagues on the other side want us to slow down, stop everything, and start over. But the course of our country goes in a different direction, only one direction. We move forward. We make progress. And when history calls on its leaders to make life better for its citizens, we answer, and we act. And we are going to act.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### SERVICE MEMBERS HOME OWNERSHIP TAX ACT OF 2009

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 3590, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3590) to amend the Internal Revenue Code of 1986 to modify the first-time home buyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

Pending:

Reid amendment No. 2786, in the nature of a substitute.

Pryor amendment No. 2939 (to amendment No. 2786), to require the Secretary to provide information regarding enrollee satisfaction with qualified health plans offered through an Exchange through the Internet portal.

Gregg amendment No. 2942 (to amendment No. 2786), to prevent Medicare from being raided for new entitlements and to use Medicare savings to save Medicare.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 2 hours of controlled debate, equally divided between the two leaders or their designees, with the Republicans controlling the first 30 minutes, and the majority controlling the second 30 minutes.

The Senator from Tennessee.

Mr. ALEXANDER. Madam President, on our Republican time, the Senator from Wyoming, Mr. BARRASSO, will lead a colloquy and ask for permission

to do that concerning Senator GREGG's amendment, which we will be talking about this afternoon, making clear to the American people this Democratic health care bill is being paid for by treating Medicare as a piggy bank. But before we do that, I want to say, briefly, something in response to the majority leader's comments.

He, the majority leader, said the Republican leader had said the Democratic health care bill is arrogant. It is historic in its arrogance. It is arrogant to think we are wise enough—we 100 Senators are wise enough—in a 2,000-page bill to completely turn upside down and change a comprehensive health care system that affects nearly 300 million Americans and 16 or 17 percent of our economy all at once.

It is arrogant for us to imagine the American people are not wise enough to see through the proposals in this bill, which are to transfer millions more Americans into a Medicaid Program for low-income people that none of us would want our families or members a part of.

It is arrogant for us, then, to send a significant bill for much of that to State governments. We make the decision, we send them the bill, and do that in a way that in my State, at least, will cause devastating cuts in higher education or huge tax increases.

It is arrogant to say to the American people it is an \$800 billion bill, which, as the Senator from New Hampshire has pointed out, when it is fully implemented it is a \$2.5 trillion bill—half paid for by Medicare cuts.

It is arrogant to say we have balanced our budget when in fact—when in fact—we leave outside the budget what it costs to pay doctors to work in the government-run program we have today.

So this legislation is historic. It is historic in its arrogance, and the American people will see through it and will expect us to, instead, identify a clear goal. That is the Republican proposal, which is, to reduce costs and go step by step in a direction toward those goals—whether we are allowing small businesses to put together their plans so they can serve more people at a lower cost, whether it is creating competition by allowing people to buy insurance across State lines, whether it is reducing junk lawsuits against doctors. We have made all these proposals.

We are ready not to roll a wheelbarrow of our own in here with a comprehensive proposal. But day after day, we have said, instead of increasing costs, raising taxes, allowing premiums to go up, shifting costs to States, and dumping low-income Americans into Medicaid, let's reduce costs. We have a plan to do that.

AMENDMENT NO. 2942

I wish to recognize the Senator from Wyoming so we can have a discussion about Senator GREGG's amendment.

The PRESIDING OFFICER (Mr. BINGAMAN). The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I ask unanimous consent to engage in a colloquy with my colleagues to discuss the issues at hand.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BARRASSO. I thank the Presiding Officer.

Mr. President, I have been looking at the bill, which, to me, is going to hurt the health care system of our country. I am a physician. I have taken care of families in Wyoming for 25 years, and I think if we want to get costs under control, if we want to help families all across America who are struggling with their health care needs, we need to focus on an amendment that is before us today, brought forward by the Senator from New Hampshire.

I ask my friend and colleague from New Hampshire, is it not true that the numbers we are looking at are underreported? It is going to be much more expensive and the cuts are going to come from our seniors, those who are vulnerable, those who depend on Medicare for their health care, and we need to make sure and promise the American people we will be protecting those folks who depend on Medicare for their health care?

Mr. GREGG. Mr. President, the Senator from Wyoming, first as a doctor and second as a Senator, raises a very important point; that is, this is the largest expansion in government in the history of the government.

Let's begin right there. This is a \$2.5 trillion expansion in the size of the government when fully implemented. It is a massive growth in the size of government. Most of that growth comes from the expansion of government in two areas: the expansion and creation of a brand new entitlement and the expansion of Medicaid, as was alluded to by the Senator from Tennessee.

How is that paid for? How is this huge explosion in the size of government paid for? Well, a large part of that is paid for by reducing the amount of money in Medicare that is paid in Medicare, paid to Medicare providers, and available to Medicare recipients—\$460 billion in the first 10 years, \$1 trillion in the first 10 years when the program is fully implemented—that would start in about 5 years—and then \$3 trillion, by our estimates, which are linear—I suspect it will be more—over the first 20 years of this bill, a \$3 trillion reduction in Medicare benefits.

We heard arguments from the other side of the aisle: Oh, that is not going to affect benefits. Well, that is not believable. We know that. You cannot reduce Medicare provider payments and you cannot cut Medicare Advantage—with the total cuts of both, combined, by \$460 billion in the first 5 years, \$1

trillion in the first 10 years of full implementation, and \$3 trillion over 20 years—and not affect benefits.

This is money that is going to have the most significant impact we have ever had occur on our seniors in their Medicare system. This is a fundamental change in the way Medicare services are paid for and the insurance that is available to seniors under Medicare, specifically, Medicare Advantage. We know for a fact that of the 11 million people on Medicare Advantage, approximately a fourth of them will lose it—simply lose their Medicare Advantage.

We also know hospital groups, provider groups, and doctors are all going to see significant reductions in their reimbursement rates, which means, of course, they are going to change the way in which they treat seniors. Seniors are going to find it harder to find a doctor. They are going to find it harder to get a procedure they need because the reimbursement rate for those procedures is going to have been cut so significantly under this bill.

Home health care will be dramatically impacted. The Senator from Wyoming had a very interesting letter from his home health care groups in Wyoming which related to what percentage of home health care agencies would actually close. It was a very high percentage under this proposal.

There is no question but that Medicare is in dire straits. It is headed toward insolvency. It goes into a negative cashflow in 2 years, and it has \$35 trillion of obligations, which we have no idea how we are going to pay for. So Medicare reform is important. I have supported it. I proposed it. In fact, I proposed it a number of times and have always been voted against by colleagues on the other side of the aisle.

But any reform to Medicare of this size—\$464 billion in the first 10 years, \$1 trillion in the first 10 years of implementation, \$3 trillion over 20 years—anything that is going to cut Medicare by those numbers, those savings, if they are going to occur, those reductions, should go to benefit making Medicare more solvent.

But what happens under this bill? That is not what they are used for. Those dollars which come right out of the pockets of seniors and the people who provide seniors care—and the ability of seniors to purchase insurance under Medicare Advantage—those dollars go from the senior over to creating these new major programs, these new entitlements.

In fact, I was looking at the bill. It appears to me some of those dollars go to get votes around here. Isn't that incredible? They are going to take money away from seniors and use it for the purposes of getting votes to pass this bill by sending money back to States of Members who are maybe a little wavery on whether they want to vote

for this bill. That is where some of the money goes.

But most of the money goes to creating these new entitlements for people who may be deserving—probably are deserving—but who are not seniors and who probably have not paid into the insurance fund that seniors have paid into for all their life and, thus, it is totally inappropriate to do that.

I have an amendment. It is very simple. It is an amendment that has real teeth, and it is actually an amendment that follows up on a number of statements from the other side of the aisle and some sense of the Senate which were voted 100 to nothing around here, which says, simply: No Medicare money can be used to fund other parts of this bill. To the extent Medicare savings occur under this bill as a result of cuts to home health care, cuts to Medicare Advantage, cuts to provider groups, those dollars will not be taken and used to fund new entitlements for people who are not on Medicare, not seniors. They will not be taken to fund the purchase of votes around here to pass this bill.

This is a real amendment. A lot of stuff happening around here is sense of the Senate, where people stand up and say: Oh, I am for that. Exactly, what I said—let's do a sense of the Senate to that effect.

But sense of the Senate has no impact at all. It is political cover. This is not political cover. This amendment, as structured, will actually accomplish the goal of not allowing Medicare dollars—cuts in Medicare that are \$464 billion over the first 10 years, \$1 trillion over the fully implemented period, and \$3 trillion over the 20-year period—it will not allow any of those dollars to be used to fund new programs in this bill which do not benefit seniors.

That is all it says. It seems to me, if you are going to stand up for responsible action in the area of Medicare, if you are going to live by the sense of the Senate that have been voted for here, if you are going to stand behind your word, as the sense of the Senate have called for—that Medicare money be used for Medicare, and that Medicare money not be used to fund things that are extraneous to Medicare; Medicare cuts savings—then you have to vote for this amendment.

Mr. THUNE. Will the Senator yield for a question?

Mr. GREGG. I would be happy to yield.

Mr. THUNE. It strikes me that the Senator's amendment is very straightforward, very simple, and very clear; that is, any savings that come out of the Medicare Program cannot be used to fund a new entitlement program.

Mr. GREGG. That is not related to seniors.

Mr. THUNE. Correct. And it seems to me, at least, that the amendment gets at what some on the other side have ar-

gued, with their amendments, they are trying to accomplish.

Could the Senator from New Hampshire describe how the effect, the legal effect, of his amendment differs from, say, for example, the votes we have had, where it was a 100-to-0 vote the other day on a Bennet amendment, what the impact the amendment of the Senator from New Hampshire would be relative to some of the previous votes we have had, which it appears to me, at least, were completely meaningless, sort of cover votes, to try and give people on the other side the opportunity to say: We voted to protect Medicare, when, in fact, they did not?

How is the amendment of the Senator from New Hampshire distinguished from those that have been voted on previously?

Mr. GREGG. My amendment has force of law behind it. Those amendments have no force of law behind them. They have no effect at all. As the Senator said: a political statement, an editorial comment, a piece of paper written.

This amendment, if passed, will have the force of law behind it. It will very simply be structured in a way that the money cannot be taken out of Medicare if it is going to be used for the purposes of funding the new programs in this bill, whether they are the entitlement programs for people who are not seniors—this expansion of entitlements—or whether they are for the purposes of getting votes to pass the bill.

Mr. THUNE. So if a Senator on either side of the aisle, a Republican on this side or a Democrat, was serious about protecting Medicare, ensuring that Medicare's solvency is protected and that these funds are not going to be re-allocated to create some new entitlement program or spend money on some new, clearly, \$2½ trillion expansion of government, which we know is going to require enormous amounts of revenue which seems to me has to come from somewhere—what the Senator's amendment would do is simply force the other side to put up or shut up with regard to this argument they have, which is that they are, in fact, supporting Medicare; the Senator's amendment would essentially say, very clearly, in a very straightforward way, that funds that come in out of savings from Medicare have to be retained in the Medicare account.

Mr. GREGG. That is correct. This is the first and only vote Members on this floor are going to have, to make it clear that Medicare dollars will not be used for something other than Medicare.

Mr. CHAMBLISS. Would the Senator yield for an additional question? The language in the Bennet amendment that passed 100 to nothing the other day said, basically, that Medicare savings should benefit the Medicare Program and Medicare beneficiaries. That

sounds pretty straightforward, pretty simple. But let me ask the Senator—

Mr. GREGG. Well, if I might interject, anybody who voted for that amendment would want to vote for mine.

Mr. CHAMBLISS. That is exactly the question I am getting to. Is there anything in the Bennet amendment that removes the expenditure of almost \$500 billion from Medicare in the base Reid bill that would require the restoration of those cuts to benefit Medicare versus using it as a fund to pay for the underlying Reid bill?

Mr. GREGG. Well, the Senator has made an excellent point. Essentially, the Bennet amendment has no teeth. It has no substance. It has no substantive effect. It is just a statement of purpose. If the statement of purpose is as recited by the Senator from Georgia, then you would need to vote for this amendment, my amendment, if you voted for the Bennet amendment, because my amendment has the teeth that backs up the language of the Bennet amendment.

Mr. CHAMBLISS. If I understand what the Senator is saying in his amendment, he is requiring the Office of Management and Budget as well as CMS to certify to Congress, basically, that the savings that are referred to in the Bennet amendment as well as in the Senator's amendment are, in fact, being used to fund Medicare benefits versus being used to fund other benefits outside Medicare until such time as Medicare is fully funded.

Mr. GREGG. That is, essentially, what it says. It says that CMS and OMB must certify that no funds are being used to fund the additional activity in this bill that does not relate to Medicare with Medicare funds. It does not say that Medicare savings—it agrees to the Medicare savings, but those Medicare savings would basically be used for the purposes of reducing the outyear fiscal imbalance of Medicare. So it doesn't contest the Medicare savings as proposed in this bill, although those amendments have—we have already voted on a number of those. We voted on home health care, and we voted on Medicare Advantage, but to the extent those savings go in, those cuts in Medicare benefits go in, the revenues from those cuts cannot be used and spent to expand the size of government in someplace else which has nothing to do with senior citizens.

Mr. BARRASSO. If I could follow up with a question for my colleague from New Hampshire, because as I read the Sunday New York Times, it said the Bennet amendment was completely meaningless—the Bennet amendment was meaningless. It also goes on to say, Senator MCCAIN is trying to keep that \$500 billion in Medicare, but the Democrats are trying to take that money out of Medicare and, as the article

says, the editorial says: to finance coverage for uninsured Americans but not people on Medicare.

So it does seem the New York Times, at least in this segment, got it right: that the Bennet amendment that our colleague from Georgia referred to is meaningless, that the cuts are going to come out of people who depend upon Medicare for their health care to pay for a whole new government program and not to focus on Medicare.

Well, don't we owe it to these seniors who have paid into the program and who have been promised the program to save that program first?

Mr. GREGG. Well, the Senator from Wyoming is absolutely right. I think the New York Times got it right. It is a convergence of two unique forces of nature that the Republican minority in the Senate and the New York Times should be on the exact same page on this issue and both be right.

Mr. ALEXANDER. I wonder if the Senator from New Hampshire would characterize this discussion this way: As I am hearing it, in order to protect Medicare, a Senator wouldn't want to say: I voted for the Bennet amendment and then I voted against the Gregg amendment, when it counted.

Mr. GREGG. It would be virtually impossible to make that argument with a straight face.

Mr. BARRASSO. I have a question for my Senate colleague from South Dakota who is here. We heard the majority leader, Senator REID, come to the floor a few minutes ago and talk about how this bill is going to get premiums under control, keep the cost—for people who have insurance, keep their premiums under control. I saw a chart from the Senator from South Dakota yesterday that said for 90 percent of Americans, those who have insurance now, if we did nothing and did not pass this bill, the premiums would be lower than if we do pass this bill; that passing this bill actually will raise premiums, in spite of the fact the President of the United States promised, while campaigning, that he would lower the cost of premiums for American families by \$2,500.

I would ask my colleague from South Dakota, isn't it true that if this bill passes, Americans wanting—feeling they have been promised that premiums would be reduced, are they not doomed to disappointment?

Mr. THUNE. The Senator from Wyoming is correct. This is where the real rub in this bill comes into play because what we were told and the promises that were made—of course, many promises were made throughout the course of the campaign, many of which will never be realized with this legislation. There was also a promise made that taxes wouldn't go up for people making less than \$250,000 a year—not payroll taxes, not income taxes, not any kind of taxes. In fact, we now know

that 38 percent of the people who make under \$200,000 a year are going to see their taxes go up under this legislation. So promises made during a campaign season tend not to necessarily be adhered to when it comes time to legislate and actually follow through, and I think that is clearly the case here.

With regard to the question of the Senator from Wyoming, the whole purpose of health care reform, at least as I understand it—and I think, for the most part, as the people of South Dakota whom I represent understand it—is to lower cost. Because everybody complains—the thing you hear the most when you go home—and the Senator from Georgia is here. If you go to Georgia, Wyoming, South Dakota, I think the sentiment you hear most frequently from people in our States is: Do something about the cost of health care. We have these year-over-year, double-digit increases or increases that are twice the rate of inflation, and we are dealing with this. Small businesses are dealing with it. More and more people—families are struggling with the high cost of health care. Nobody argues that. We all, basically, accept the premise that health care costs have been going up and health care reform ought to be focused directly on trying to get those costs under control.

The irony in all this is, after cutting \$½ trillion from Medicare in the first 10 years, and if you go into the fully implemented time period it is about \$1 trillion, and \$½ trillion in tax increases, what happens with premiums? Well, according to the Congressional Budget Office, 90 percent of Americans would be the same or worse off. In other words, 90 percent of Americans would see no improvement in their health insurance premiums. In fact, if you buy in a small group market, if you buy in a large group market, your premiums go up by about 6 percent a year, year over year. In fact, a family of four—let's put it in a perspective that an American family can understand. If you are a family of four—this is according to the Congressional Budget Office—that is paying \$13,900 for insurance this year and you are getting your insurance in a large group market because you work for a large employer, in 2016, your insurance cost is going to be over \$20,000 a year. In other words, your insurance is going to go up about—a little under \$14,000 to over \$20,000 a year in that time period.

So what American in their right mind is going to say that is reform? I think most Americans are going to say: What are you doing? You are spending \$2.5 trillion, you are raising my taxes, and cutting my parents' or my grandparents' Medicare benefits, for what? So my premiums can stay the same or go up? If you buy your insurance in the individual marketplace, your insurance premiums, according, again, to the Congressional Budget Of-

fice, are going to go up anywhere from 10 to 13 percent a year. So you get Medicare cuts, you get tax increases, and for 90 percent of Americans, you stay the same or are worse off. In other words, your insurance premiums are now going to be impacted, you have achieved the status quo or, worse yet, your insurance premiums are going to go up 10 to 13 percent if you are buying in the individual market. That is according to the Congressional Budget Office.

So I would say to my friend from Wyoming, the point he made is exactly right. In doing all this, the exercise ought to be about reducing costs. Clearly, that is not the case with this legislation.

Mr. CHAMBLISS. Let me address a question to our friend from Wyoming who is a medical doctor, in addition to being an outstanding Senator.

What we are being asked to believe from the folks on the other side and what the American people are struggling with and having a hard time believing is, they are saying that even though they are cutting Medicare by a total of \$450 billion-plus over a 10-year period, actually the solvency of Medicare is going to be extended. They expect the American people to believe that somehow.

The fact is, we know from the information we received this spring from the bipartisan Medicare Commission, unless something is done, Medicare is going to become insolvent in the year 2017, pure and simple. What we are doing is not taking the savings they are proposing—and we don't agree with them, but irrespective of that—irrespective of the savings they are saying are going to be achieved, instead of applying that back, we are going to use that to grow the size of government, tie some reimbursement payments to physicians to the Medicare Program, and now we are looking at about a 23-percent reduction in payments to physicians as reimbursement under Medicare if we don't take some action next year. When you put all this together, the American people are saying: You have to be kidding me. How in the world are you going to extend the life of Medicare by cutting it by almost \$500 billion?

Mr. BARRASSO. As my colleague from Georgia knows, there is no way you can save Medicare when you cut that kind of money out of it. How, when they cut physicians' payments by 23 percent, are we going to have physicians going to any of our small communities in South Dakota, in Georgia, in Wyoming, where we have many people who depend on Medicare for their health care? I worry about access to care.

Our colleague, Senator ISAKSON, yesterday talked about home health care and how, for pennies on the dollar, you can help people. It provides a lifeline

for people who are homebound. It keeps them out of the hospital, out of the nursing homes. Instead, this Senate, the Democratically led Senate, yesterday voted to cut \$42 billion out of home health care, which people in our small communities and in the rural areas of our State depend upon. So there is no way this program can stay solvent.

It is hard for me to fathom and, clearly, hard for the people of Wyoming to fathom, how with all this budget trickery it is going to work for people who need to go to see a doctor or to have a home health care provider in many of our rural communities.

We all have townhall meetings, and when I go to townhall meetings, people say: Don't cut my Medicare, don't raise my taxes, and don't make things worse for me than they are now.

Mr. THUNE. If the Senator will yield, the Senator, of course, is one of only two physicians in the Senate and has great experience and great depth on this issue and knows what it is like to serve and provide health care services to people in rural areas, such Wyoming and South Dakota and some areas of Georgia.

I think it is interesting too—and the Senator from Georgia was here, as was I; I don't think the Senator from Wyoming was here at the time. But in 2005, we had a debate about Medicare, and the Senator from New Hampshire proposed cutting \$10 billion in Medicare, taking \$10 billion over a 5-year period or about \$2 billion a year, and paid for it by income testing the Part D benefit that people got. In other words, the premiums that are paid, those who are in the higher income categories would have to pay a higher premium for their Part B drug benefit than would those in lower income categories. You would have thought that the apocalyptic pronouncements and predictions around here about what that was going to do for Medicare: \$2 billion a year or \$10 billion over 5 and you heard the other side describe it as immoral, it was cruel, it was a disaster of monumental proportions. That was some of the terminology that was used around here at the time. That was for \$10 billion over 5 years, and that basically was to say to people who have higher incomes, the Warren Buffetts of the world ought to pay a little bit more for their prescription drug benefit under Medicare than those in lower income categories, and people on the other side went nuts about that.

Now here we are talking about cutting \$465 billion over a 10-year period, \$1 trillion over 10 years, when it is fully implemented, and it seems to me, I would say to my colleagues, the other side is going to have a lot of explaining to do to the American people about why \$10 billion in reductions was immoral, cruel, and a disaster of monumental proportions, but cutting \$½ trillion out of home health care and

nursing homes and hospitals and everything else to pay for an entirely new entitlement program, a \$2.5 trillion expansion, somehow makes sense.

Mr. BARRASSO. Mr. President, I appreciate the comments from my colleagues. I think we are hearing around the country that we do need health care reform. We need to get costs under control. We need to have patient-centered reform, not government-centered reform, not insurance-centered reform. We need to not cut Medicare. We need to not raise taxes. We need to not make things worse for the American people.

From what I have seen of this bill—and I worked my way all the way through it—it makes things worse for the American people, not better. This is not the right prescription for health care in America.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, for the benefit of all Senators, I will take a moment to lay out today's program. It has been 2½ weeks since the majority leader moved to proceed to the health care reform legislation. This is the eighth day of debate. The Senate has considered 16 amendments and motions and conducted 12 rollcall votes.

Today, we will debate an amendment by Senator PRYOR and, at the same time, an amendment by Senator GREGG to do with spending taking effect. The first 2 hours will be equally divided. The Republicans will control the first 30 minutes and the majority will control the next 30 minutes. There may or may not be a side-by-side amendment to the Gregg amendment. The Senate will conduct votes on or in relation to the Pryor and Gregg amendments this afternoon. We expect at least those votes to begin sometime between 3:15 and 4 p.m. this afternoon.

I will take a few moments to discuss the amendment Senator GREGG offered yesterday. The Gregg amendment has been billed as protecting Medicare. That seems to be the new fashion on the other side of the aisle—to say that the bill cuts Medicare. Frankly, that is a misleading statement at best, and it is inaccurate, basically. In reality, the Gregg amendment is a killer amendment. It is designed to prevent health care reform from taking effect. That is the purpose of the Gregg amendment. It is a killer amendment.

The amendment has more details to it, but you can get the flavor of it from a few excerpts. Let me quote from the amendment.

The first subsection of the amendment is entitled "Ban on New Spending Taking Effect." You really don't have to go much further to get an idea of what the amendment is about. Just focus on that statement in the amendment—a ban on new spending taking effect.

Let me quote further from the second subsection:

... the Secretary of the Treasury and the Secretary of Health and Human Services are prohibited from implementing the provisions of, and amendments made by, sections 1401, 1402, 2001 and 2101. . . .

What are those sections? The Gregg amendment will stop this spending from taking effect.

Section 1401 is refundable tax credits providing premium assistance for coverage. Those are the tax credits, the tax reductions that help people buy health insurance. The Gregg amendment says we cannot help people buy health insurance, that they can't have those tax credits.

The second section is 1402. What is that? It is to reduce cost sharing for individuals. That is the part that would make copays and other out-of-pocket expenses affordable. The Gregg amendment says: No, we can't have reduced cost sharing for individuals. We have to keep those copays in effect and out-of-pocket expenses high. It would help people with copays and other out-of-pocket expenses.

The third section the Gregg amendment would stop is section 2001. It is a section that provides Medicaid coverage for the lowest income population. That is the one that provides expanded Medicaid coverage up to 133 percent of poverty. The Gregg amendment says: No, you can't help poor people with health care. The Secretary is prohibited from making those payments to Medicaid if that amendment is adopted.

The fourth section the Gregg amendment would stop is section 2101. Section 2101 is a section that provides additional funding for the Children's Health Insurance Program. Can you believe that? A Senator gets up on the floor of the Senate and wants to stop funding to the Children's Health Insurance Program? That is what that section provides.

So if you don't like tax reductions to help people buy health insurance, if you don't like making health insurance affordable, if you don't like health care for the lowest income Americans, and if you don't like health care for kids, then the Gregg amendment is for you.

The folks on the other side of the aisle have spent a lot of time this year talking about Medicare. That is about all I hear from them. They make it sound as if they want to help Medicare. In effect, they are hurting it. A lot of folks say they want to help Medicare, and I see the big crocodile tears they shed. I will take a few moments to set the record straight about how the trust fund works. That might help them understand, frankly, why the bill before us—the Reid bill—helps Medicare, contrary to protestations of those on the other side.

The Medicare trust fund provides hospital insurance for seniors and

Americans who are disabled. Working Americans pay into that trust fund when they pay their payroll taxes. When a senior has to go to the hospital or a nursing home—there are lots of areas where seniors get help—the spending to help pay for that hospitalization comes out of the trust fund. The actual sum comes out of Medicaid, but some payments come out of the Medicare trust fund, such as for home health care, et cetera.

When payroll tax revenues are greater than the payments for hospitalizations, the assets in the Medicare trust fund grow. That is good. On the other hand, when spending for hospital care is greater than payroll tax revenues and interest payments on the trust fund assets, then assets in the Medicare trust fund diminish. That is not good.

The Actuary for Medicare—the person charged with determining the health of the Medicare trust fund over at HHS—tells us that if we don't do anything—if this legislation is not passed—then by about 2017 the Medicare trust fund assets will be exhausted. That is clear. That is definite. That is a fact, and I emphasize the word “fact.” I am just being honest, Mr. President. I have to be objective and honest about this stuff. When I hear Senators talk about Medicare, they are not looking at facts. It is one thing to say something and engage in all this rhetoric, but if it is not backed by facts, it is a bit irresponsible.

The fact is, the life of the Medicare trust fund will be extended for 5 years under this legislation. I talked to a Senator on that side privately. He said that the Medicare trust fund will not be extended—the solvency—for 5 years. I asked him privately: How can that be true? Did you read the Actuary's report? By the way, it was not this Senator right here; it was another Senator, and that Senator said: I don't believe it. It is a fact. The Actuary says that will be the result of the legislation before us; namely, that the solvency of the trust fund will last 5 more years. That is a fact. That is what the Actuary's report said.

So we can either raise more payroll taxes to continue the solvency of the trust fund so that seniors get their benefits or we can reduce spending out of the trust fund. We can either increase the money or decrease the money coming out.

I will say it again. The Medicare Actuary tells us that health care reform will extend the life of the Medicare trust fund by 5 years or, to put it another way, if we do not enact health care reform, we will hurt Medicare's long-term solvency.

Let me cite some examples on how that works.

Health care reform would discourage hospital readmissions, for example. That is waste. See, here is what the

other side doesn't quite understand. You don't hear them talking about it. The goal here is to extend the life of the trust fund, basically by cutting out waste—not hurting seniors but cutting out waste and cutting back on overpayments in some areas where some providers are overpaid, and where seniors are helped, not hurt.

Again, here is an example: hospital readmissions. If you can discourage hospital readmissions, that is fewer dollars wasted out of the trust fund, and it is better health care for seniors. The incentive is for hospitals to have more readmissions because that is how they make money. Some hospitals, frankly, don't go out of their way to prevent readmissions because they can make more money that way, although it is not good care for seniors.

When a senior is discharged from a hospital, you want to make sure there is a flow, a seamless effort of keeping health care for that patient, whether it is extended care or home health care in a nursing home or whatnot, and there is a physician involved and nurses involved and so forth, making sure the patient is taking his or her medication, and it is just to make sure patients are getting better all the time.

We all know—I know because I have experienced it, and I have watched it firsthand, and I have heard many people talk about this—that too often, when a patient is discharged, the care for that patient is not as great, as the hospital is in longer involved, and sometimes the regular doctor is not involved because that doctor is not very much involved with the patient at the hospital. My own view is that it needs improvement. It is not working too well.

Again, we are saving dollars in the Medicare trust fund by preventing excessive readmissions. That is wasteful and doesn't help the patient. So that is a way we are saving and extending the solvency of the trust fund. That is one way. There are others. I will cite a second.

Health care reform discourages hospital-acquired infections. I think in America, unfortunately—and I don't know the facts, but I have read this somewhere, but I haven't confirmed it—the rate of infections in American hospitals is greater than it is for other industrialized countries. That is clearly a problem. People die from infections in hospitals, and it seems to me that the more we can encourage fewer infections—one way is through health care reform. Maybe we can lower payments to hospitals that have too many infections. I know it is hard to do. It is a judgment call. You have to do the best you can. That, too, will help the solvency of the trust fund and help care for patients. That is another way we are extending solvency of the trust fund.

I see my good friend from Wyoming on the floor, Senator BARRASSO, who

talks about home health care. I am sure he wants to eliminate fraud in home health care. I am sure he does. We all want to. So we cut back on areas where there is fraud. Where is there fraud? In outliers. Too many hospitals bill too much for outlier payments, additional payments, because they say they have a special patient who is an outlier. One county in Florida billed for 60 percent of the outlier payments in America even though they had 1 percent of seniors in America. There are other examples like that. The GAO came to us and said we have to do something about this. There is fraud in the home health care program. I am a big fan of home health care—a big, big fan. They do very good work. But we want to take out the fraud—excessive payments that are fraudulent. Isn't that a good thing? Doesn't that extend the solvency of the trust fund? Isn't that helping patients instead of hurting them?

There are examples. The home health folks came to us and said: Make some of these changes because it is more efficient and we can give better care. As a result, fewer dollars are going to home health care. We also had a provision for rural health care. We add an extra bonus for rural health care.

My point is simply that when Senators stand up on the floor and say we are cutting Medicare—sometimes they use the words “cutting benefits” or “hurting beneficiaries”—that is patently false. It is not true. It is true that in some cases we are taking some of the fraud out. It is also true that in some cases we are taking excessive payments—not by our judgment but by the judgment of MedPAC and other organizations and experts who study this. One Senator from Florida stood up and told me he agreed that payments to Medicare Advantage are excessive. Doesn't it make sense to take out the excess, the waste, and the fraud in order to extend the solvency of the trust fund? That is what this bill does.

It doesn't hurt seniors by “cutting” Medicare, leaving the implication that we are cutting Medicare benefits. It is an old saying in life: If you say something loud enough, maybe people will start to believe it. That is what the other side is engaging in.

If you look at the actual facts, the actuary says it does extend the life and solvency of the trust fund. The actual fact is we are cutting out waste. The actual fact is the industry has come to us and said: Help us with this, help us with that so we can be more efficient, much of what is going on here.

I have countless examples. Let me give a third one. This legislation would encourage hospitals and doctors to work together by bundling payments. If doctors and hospitals work together, guess what happens. They are less likely to order duplicate tests. They are working together. Payments based on

fee for service, payments based today on volume, on quantity are, in some cases, wasteful. It is wasteful.

All of us who go to a hospital, a doctor's office, we kind of wonder: My gosh, some things seem wasteful here. We have to get new tests, new this; the doctor doesn't know what happened when I was here previously; we have to start all over again; new x rays, new imaging, so forth. They are waste. We are trying to cut out a lot of this waste, and bundling payments is definitely going to help.

We have other techniques—accountable care organizations, medical home concepts. These could take 1 year, 2, 3, or 4 to kick in. But if they do work, it is the model of integrated care systems we all talked about which cut out waste and improve quality at the same time, and that is going to help Medicare. These integrated systems are going to also help extend the solvency of the trust fund and improve quality of care—not reduce it but improve it.

The main point I am making is these reforms will extend the life of the trust fund. And guess what. They improve the quality of care, not decrease the quality of care but improve it.

We also add some additional benefits for seniors that they will not receive if this legislation does not go into effect.

I note we only have a half hour on our side. I probably used more time than I should. The chairman of the HELP Committee is on the floor. Mr. President, how much time remains on the majority side?

The PRESIDING OFFICER. Thirteen minutes remains.

Mr. BAUCUS. I yield 10 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I thank my colleague from Montana, the chairman of the Finance Committee, for his great leadership on this issue, on this bill, and Senator DODD, who took the leadership of our HELP Committee, in putting our bill together. The two of them have done an admirable job of getting our bill this far along and, hopefully, we are going to see the light at the end of the tunnel pretty soon. One of the best Christmas presents we can give the American people is to bring this bill to a close, have our votes up or down and let's get this bill passed so the American people can look ahead to a brighter future in terms of their health care and its quality, affordability, and accessibility.

AMENDMENT NO. 2939

I wish to take a little bit of time this morning to speak in strong support of Senator PRYOR's amendment, which is before us, which would provide information on the consumer satisfaction of health plans offered through the exchanges. The Pryor amendment develops an enrollee satisfaction survey for these plans and requires exchanges to

include information from this survey on an Internet Web site. This, too, will allow consumers, both individuals and small businesses, to easily compare survey results and make well-informed choices.

Currently, OPM manages an enrollee satisfaction survey for the Federal Employees Health Benefits Plan, the one we are all in and the one our staffs are in, the one that postal workers are in and civil servants all over this country are in. Right now OPM, in managing that plan, has an enrollee satisfaction survey. The Pryor amendment would provide a tool to all Americans that we as Members of Congress have when we select a plan.

The survey results could be used by GAO, the Government Accountability Office, and the committee I chair, the Senate HELP Committee, to monitor the quality of exchange plans and fulfill our oversight responsibilities over the exchanges.

As a little aside, I keep reminding people we will pass this bill, we will get this health reform bill passed. It will be signed into law. But that does not mean, like the Ten Commandments, it is written in stone, never to be changed. Laws are laws and laws change. They get amended, and we change and adapt as times and conditions demand. As we move ahead and as we look at how the exchanges work, what is happening out there, I have no doubt in my mind there will be some bumps in the road and we will have to come back and revisit it and make some changes. By having this Pryor amendment and what we have in the bill to provide for this kind of survey to see how satisfied people are with the plans, it gives us that kind of oversight ability, that oversight responsibility to look ahead and plan on changes that we will probably be making in the future.

But most important, the Pryor amendment will give consumers an important voice. It will keep the insurance companies honest because they will know to maintain and grow their enrollment they must satisfy their customers.

This amendment truly complements and reinforces the purpose and function of the exchanges. The Patient Protection and Affordable Care Act, our reform bill, creates exchanges as a place for one-stop shopping where consumers, the self-employed, and small businesses can easily compare plans. This amendment will increase competition and lower premiums as the exchanges will increase competition and lower premiums.

This past week, the Congressional Budget Office validated this approach, and the CBO said this about the exchanges:

The exchanges would enhance competition among insurers in the nongroup market—

That is small businesses, individuals, self-employed—

by providing a centralized marketplace in which consumers could compare the premiums of relatively standardized insurance products. The additional competition would slightly reduce average premiums in the exchanges by encouraging consumers to enroll in lower-cost plans and by encouraging plans to keep their premiums low in order to attract enrollees.

What we have been hearing from the other side of the aisle all along is premiums are going to go up, everything is going to skyrocket. CBO debunked this last week. CBO also said it will benefit small business:

Those small employers that purchase coverage through the exchanges would see similar reductions in premiums because of the increased competition among plans.

The Senate bill before us ensures consumers and small businesses have the information they need to make informed choices.

One, our bill requires exchange plans to provide information on quality measures for health plan performance. This was a provision offered in our committee by Senator JACK REED, and I commend him for it.

Second, our bill develops a rating system that will rate exchange plans based on quality and price—ratings, again, that will be available on an Internet Web site.

Third, our bill requires exchanges to operate a toll-free hotline to respond to requests for consumer assistance.

Fourth, our bill develops an online calculator so that consumers can figure out how much they will have to pay, factoring in their tax credits and cost-sharing reductions.

And fifth, and perhaps most important, I want to acknowledge a contribution made by Senator DODD in this area. He authored a key provision in our bill to require all plans—all plans—not just exchange plans, all plans—to provide a uniform, easily understandable summary of coverage to enrollees and applicants. In other words, no longer will Americans have to read and try to comprehend the fine print.

All of these provisions are currently in our bill to enhance consumer choice, which is what this bill is about—enhancing and expanding affordable choices.

Some of them have been overlooked in a lot of the verbiage going on about cutting Medicare and all that stuff, but these provisions will do a great deal to change the way Americans shop for and buy health insurance.

This amendment by Senator PRYOR will add one more important tool to help our consumers. It is a consumer amendment to make sure consumers get the information they need and the input, a satisfaction survey so consumers can have an input. That way we know here if we need to make changes down the road.

I commend Senator PRYOR for offering the amendment. I urge my colleagues to support it.



I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent to speak as in morning business for up to 7 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. BARRASSO. No objection.

The PRESIDING OFFICER. No objection is heard. The Senator may speak for up to 7 minutes.

Ms. KLOBUCHAR. Mr. President, I rise today in support of the amendment offered by Senator PRYOR that calls for an enrollee satisfaction survey for health care plans offered through the exchange. As you know, the exchange will be a series of different policies from which people can choose. What I love about this idea is that for my small businesses and self-employed who are paying 20 percent more than people who work for big businesses right now because they simply cannot leverage their numbers, it is hard for them to get good rates because they are out there on their own, this exchange, where they can choose a number of different policies like Members of Congress can choose from, whether it is Blue Cross or a number of the other choices, they can pick a policy on the exchange.

I serve with Senator PRYOR on the Consumer Protection Subcommittee and know that he offers this amendment with the full intent of improving resources for individuals who buy insurance. A satisfaction survey will be a tool to help consumers navigate through the complicated process of purchasing health insurance. The survey results will allow individuals and small businesses to make well-informed health care decisions by comparing current enrollee satisfaction levels among the plans offered through the exchange.

This survey also provides, as Senator HARKIN has pointed out, an oversight tool for Congress so we can monitor the progress of the exchange and present information to patients in an open, transparent manner.

As I have said many times, I come from Minnesota, often known as a "medical Mecca." We are home to the Mayo Clinic. We are home to the University of Minnesota. Countless innovative businesses have contributed groundbreaking medical research that is bettering the lives of patients.

The key to this Minnesota model, where we have some of the highest quality care in the country and some of the lowest costs, is by putting the patient in the driver's seat. I have been at the Mayo Clinic. I have seen what happens there. It is integrated care with one primary doctor with a group of doctors that work with him, like a quarterback on a football team. They also focus on the patients with satisfaction surveys, keeping the team accountable for what they are doing.

I always say to my colleagues, it is counterintuitive. If you go to a hotel and pay more money, you often get the best room with a view. That is not true with health care in America. You can pay more money and get some of the worst quality care in this country because there is no accountability. That is why these patient surveys, in allowing consumers in this country to look at these different plans and figure out which one is better for them, is the way to go.

In my State, 92 percent are covered by some form of health insurance, and we have done that by learning the importance of transparency and providing quality information to consumers.

In 2004, a Minneapolis-based nonprofit called Minnesota Community Measurement developed a consumer resource called Developed HealthScores. HealthScores is based on information submitted by more than 300 clinics statewide and is available to consumers on an easily accessible Web site.

HealthScores is also used by medical groups and clinics to improve patient care and by employers and patients to provide access to critical information about the quality of health care services.

Researchers at the University of Oregon have studied public reporting efforts and found that public reporting motivates health care providers and insurers to work harder on improving care, largely because of a concern about their reputation.

This is how the private market should work. You cannot just have insurance policies that have a name and not understand what they mean for the consumer. By having these surveys, we are going to be able to understand so a consumer can navigate through and figure out which policy is good, what it offers, what is best for their family.

As we continue our debate on health care, we must remain focused on solutions with outcomes. Public reporting works. Senator PRYOR's amendment ensures that customers are able to voice their approval or disapproval of plans offered by insurance companies and that information will be available to small businesses and individuals to make well-informed decisions about their health care.

How can they make a well-informed decision without knowing what plans are good, what plans are bad, what plans offer? That is why we need this, if we want to make this private market solution work for consumers.

As the experience in Minnesota has shown, public reporting also has the ability to improve quality as well. HealthScores in Minnesota has forced health plans, medical groups, and employers to focus on a common set of goals. Through this process, patient outcomes have produced dramatic improvements for chronic conditions such as diabetes.

We know already that small businesses are paying too much—up to 18 percent more than large businesses—often forcing small businesses to lay off employees or cut back on their coverage. We all know, from the letters we have gotten in our offices, what the average American families are facing right now with these skyrocketing premiums.

We must provide these patients and these consumers with tools to make informed health care decisions. Not only will we put consumers in the driver's seat so they can make the decision, we will also have an effect on the entire market. Because if insurance companies think no one is watching them, that consumers can't figure it out—maybe something has a great name so they go buy it—they will never get the kind of accountability and cost reductions we want.

The lessons from Minnesota have shown that providing consumers with information about their health care has the ability to improve patient satisfaction and drive our system to focus on quality results.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I ask unanimous consent to proceed as in morning business, not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, in this morning's Washington Post, we have, once again, an outstanding article by Robert Samuelson, this one entitled: "Health-care Nation: Medical spending threatens everything else." Mr. Samuelson has been critical of Republicans—and he is in this article—and he has been critical of Democrats—and he is in this article—but he makes some points I think are worth bringing to our attention, the primary one being that we are not focusing on the right issue, which is making some kind of attempt to turn the cost curve down—using the budgetary doublespeak—with respect to health care.

Let me quote a few comments from Mr. Samuelson's presentation. He says, first:

The most obvious characteristic of health spending is that government can't control it.

As demonstrated by our past history, that is a very true statement, which I will show in a moment. He goes on to say:

[The] consequence is a slow, steady, and largely invisible degradation of other public and private goals. Historian Niall Ferguson, writing recently in Newsweek, argued that the huge Federal debt threatens America's global power by an "inexorable reduction in the resources" for the military. Ferguson got it half right. The real threat is not the debt but burgeoning health spending that, even if the budget were balanced, would press on everything else. "Everything else" includes universities, roads, research, parks,

courts, border protection, and—because similar pressures operate on States through Medicaid—schools, police, trash collection and libraries. Higher health spending similarly weakens families' ability to raise children, because it reduces households' discretionary income either through steeper taxes or lower take-home pay, as higher employee-paid premiums squeeze salaries.

He concludes:

... Obama talks hypocritically about restraining deficits and controlling health costs while his program would increase spending and worsen the budget outlook. Democrats congratulate themselves on caring for the uninsured—who already receive much care—while avoiding any major overhaul of the delivery system. The resulting society discriminates against the young and increasingly assigns economic resources and political choice to an unrestrained medical-industrial complex.

Mr. President, I ask unanimous consent to have printed in the RECORD the entire article at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BENNETT. To demonstrate the accuracy of what Mr. Samuelson has to say, I have some charts. This one shows the breakdown of Federal spending in 1966. Why do I pick 1966? Because that was the year for the beginning of Medicare. At that time, 26 percent of the Federal budget went for mandatory spending—overwhelmingly Social Security—7 percent went to pay interest on the national debt, and 44 percent went for defense, with 23 percent for nondefense.

Where are we now? In 2008, mandatory spending had more than doubled and had gone to 54 percent, interest costs remained about the same—8 percent—defense had shrunk to 21 percent, cut in half, and the nondefense discretionary, 17. The difference? Medicare and Medicaid taking over the mandatory side.

What do we see as we look out to 2019. We can't break down the difference between defense and non-defense because that would require an analysis that is not available to us in that future year. But mandatory by that time will have grown to 61 percent. The size of the debt increasing costs now, interest costs have grown to 10 percent and defense and nondefense discretionary have shrunk to 29—a complete reversal. That is roughly what mandatory was when Medicare was started.

I am not saying we should not have Medicare, and I am not saying we should not have Medicaid, but I am saying we should be focusing on how we make people healthier, how we reward people for not using the system, how we do something to control the costs, instead of increasing the status quo with respect to health care spending.

This chart was drawn up before we had the bill before us. I think it is very

likely, if the bill before us passes, this mandatory will grow even further and we find ourselves in this situation with respect to 2010. I watched the budget as it came down and it said, in 2010, Federal revenues were going to be \$2.2 trillion and mandatory spending was going to be \$2.2 trillion, which means every dime of everything else had to be borrowed.

I worked with Senator WYDEN and a number of others on both sides of the aisle to craft a health care plan that would turn the cost curve for health care down. We didn't even get a vote in the Finance Committee. We didn't even get anybody to consider what we had to say because everyone was focused entirely on the issue of let's cover the uninsured. The position is: Let's cover the uninsured by taking what we are doing now and spreading it even wider.

As Mr. Samuelson says, very clearly, in his column today: That squeezes out the money for everything else. That is an uncontrolled expenditure. We are not focusing on changing the system in a way that can cause cost curves to come down, we are focusing on taking the present system and spreading it wider.

The cost curve can come down. I have quoted this before. The Dartmouth study talks about where the best health care is available in America, and it is in three cities, according to Dartmouth: Seattle, WA, Rochester, MN, and Salt Lake City, UT. Then they go on to say, if every American got his or her health care in Salt Lake City, UT, it would be the best in the country and one-third cheaper than the national average. It is one-third cheaper than the national average because the focus in that plan, as it is in Rochester, MN, at the Mayo Clinic, and other places, is trying to make health care better and, therefore, cheaper, instead of focusing on taking the present system and perpetuating it.

If we don't get into that mentality, if we just take the present system, which this bill does, and spread it over a wider number of people, which this bill does, we will see the spending go up and we will see everything else suffer as a result of it and the health care will not get any better for the people who are involved.

#### EXHIBIT 1

[From the Washington Post, Dec. 7, 2009]

#### HEALTH-CARE NATION

(By Robert J. Samuelson)

President Obama's critics sometimes say that he is engineering a government takeover of health care or even introducing "socialized medicine" into America. These allegations are wildly overblown. Government already dominates health care, one-sixth of the economy. It pays directly or indirectly for roughly half of all health costs. Medicine is pervasively regulated, from drug approvals to nursing-home rules. There is no "free market" in health care.

What's happening is the reverse, which is more interesting and alarming: Health care

is taking over government. Consider: In 1980, the federal government spent \$65 billion on health care; that was 11 percent of all its spending. By 2008, health outlays had grown to \$752 billion—25 percent of the total, one dollar in four.

Even without new legislation, the health share would grow, as an aging population uses more Medicare (insurance for the elderly) and Medicaid (the joint federal-state insurance for the poor, including the very poor elderly). Obama would magnify the trend by expanding Medicaid and providing new subsidies for private insurance. Thirty million or more Americans would receive coverage.

All this is transforming politics and society. The most obvious characteristic of health spending is that government can't control it. The reason is public opinion. We all want the best health care for ourselves and loved ones; that's natural and seems morally compelling. Unfortunately, what we all want as individuals may harm us as a nation. Our concern sanctions open-ended and ineffective health spending, because everyone believes that cost controls are heartless and illegitimate. The recent furor over proposals to reduce mammogram screenings captures the popular feeling.

The consequence is a slow, steady and largely invisible degradation of other public and private goals. Historian Niall Ferguson, writing recently in *Newsweek*, argued that the huge federal debt threatens America's global power by an "inexorable reduction in the resources" for the military. Ferguson got it half right. The real threat is not the debt but burgeoning health spending that, even if the budget were balanced, would press on everything else.

"Everything else" includes universities, roads, research, parks, courts, border protection and—because similar pressures operate on states through Medicaid—schools, police, trash collection and libraries. Higher health spending similarly weakens families' ability to raise children, because it reduces households' discretionary income either through steeper taxes or lower take-home pay, as higher employer-paid premiums squeeze salaries.

A society that passively accepts constant increases in health spending endorses some explicit, if poorly understood, forms of income redistribution. The young transfer to the elderly, because about half of all health spending goes for those 55 and over. Unless taxes are increased disproportionately for older Americans (and just the opposite is true), they are subsidized by the young. More and more resources also go to a small sliver of the population: In 2006, the sickest 5 percent of Americans accounted for 48 percent of health spending.

Political power in this system shifts. It flows to groups that promote and defend more health spending—AARP, the lobby for Americans 50 and over, and also provider organizations such as the American Medical Association (AMA), which represents doctors. Predictably, AARP has been active in the present debate. It claims to have participated in 649 town-hall and other meetings and to have reached more than 50 million people through ads this year. Not surprisingly, AARP and the AMA recently conducted a joint TV ad campaign.

The rise of health-care nation has con-founded America's political and intellectual leaders, of both left and right. No one wants to appear unfeeling by denying anyone treatment that seems needed; no one wants to endorse openly meddling with doctors' independence. It's easier to perpetuate and enlarge the status quo than to undertake the

difficult job of restructuring the health-care system to provide better and less costly care.

Obama's health-care proposals may be undesirable (they are), but it's mindless to oppose them—as many Republicans do—by screaming that they'll lead to “rationing.” Almost everything in society is “rationed,” either by price (if you can't afford it, you can't buy it) or explicit political decisions (school boards have budgets). Health care is an exception; it enjoys an open tab. The central political problem of health-care nation is to find effective and acceptable ways to limit medical spending.

Democrats are no better. Obama talks hypocritically about restraining deficits and controlling health costs while his program would increase spending and worsen the budget outlook. Democrats congratulate themselves on caring for the uninsured—who already receive much care—while avoiding any major overhaul of the delivery system. The resulting society discriminates against the young and increasingly assigns economic resources and political choice to an unrestrained medical-industrial complex.

Mr. BENNETT. Mr. President, I see the Senator from Iowa wishes to ask me a question and I am happy to respond, but tell me how much time I have remaining. Maybe some of it will have to come off his time.

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. BENNETT. In my 2 minutes remaining, unless it is a long question, I will be happy to respond to any question my friend may ask.

Mr. HARKIN. Mr. President, I would say that a lot of what Senator BENNETT says I agree with. That is why, in this bill—and I keep reminding people because it is not talked about much—there are more provisions in this bill to promote wellness and prevention than any health bill we have ever passed—ever—in the United States. There are huge investments in this bill on prevention and wellness.

I happen to think that perhaps one of the reasons Salt Lake City is so good is because people don't smoke and don't drink and that goes a long way toward providing for a healthier form of living. So I say to my friend from Utah, people talk about bending the cost curve only in terms of the spending. I think—and I sincerely believe this—the only way we are going to bend that cost curve is by pushing more of this upstream, by keeping people healthy in the first place, starting with kids and adults, community-based, clinical-based, workplace-based wellness programs.

So I ask my friend from Utah to look at that part of the bill.

Mr. BENNETT. Mr. President, if I can reclaim my 2 minutes to respond to the Senator from Iowa, I can give you data that indicates it is not just the fact there are a lot of people who don't smoke and don't drink in Utah that makes them healthier. I agree there are many things in this bill that are for wellness, and I approve of that. But the fact is, the bill does not go anywhere near far enough in this direction to change the paradigm that has created the situation we find ourselves in.

Every expert I have talked to, in the 3½ years I have immersed myself in this issue, has repeated that. They have said the only way you are going to deal with this is to do something dramatically different, which is what Senator WYDEN and I tried to do and we got the cold shoulder. All right, I understand, if you don't have the votes, you can't get anywhere. But the fact remains, we are not going to be able to afford all the things we want to do in this country, militarily and otherwise, in this cost projection that we are on with respect to health care right now.

Mr. BAUCUS. Will the Senator yield for a question?

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mr. BENNETT. That is right; my time has gone. I will be happy to respond to the Senator from Montana, if he wants to take the time to let me.

Mr. BAUCUS. If my colleagues will allow, I ask unanimous consent for 3 minutes.

The PRESIDING OFFICER. Without objection, the Senator from Montana has 3 minutes.

Mr. BAUCUS. I understand what the Senator is saying, and like everything around here, there is a kernel of truth in almost everything. I read that Samuelson article, and what I took away from it is the guy is kind of pessimistic. There is not a lot you can do. People love health care, they want to get all the health care they want, and that is going to drive up spending.

But the main point is this. You mentioned how Intermountain and the quality of care is so good at Intermountain and the costs are down.

Mr. BENNETT. If I may, it is not just Intermountain. There are other agencies in Utah that do a good job.

Mr. BAUCUS. I was going to say, it is Intermountain, and there are many other great integrated systems. There is one in Billings, MT—the Billings Clinic. There are lots of integrated systems, and generally in these areas, in these integrated systems—which I think work quite well—a lot of the doctors are salaried, a lot of the incentives are there to focus on health care of the patient, and it is coordinated care in contrast with some other parts of the country.

In this bill, in addition to wellness and prevention, I would ask if the Senator agrees the delivery system reforms will help move health care, as it is in Intermountain and other integrated systems, to encourage coordinated care, encourage bundling, encourage these accountable care organizations and so forth. I was wondering if the Senator thinks that will help systems—clinics, doctors, hospitals, nursing homes and health care providers generally—to work better together, where there may be more salaried physicians than there are currently, but

the salaried physicians I talked to at the Mayo Clinic, for example, and Kaiser and other similar places, kind of like that because they get decent salaries and they can spend their time not on paperwork but can focus on the patients.

I am sure the Senator knows all the delivery reforms that are in this that help move toward the Intermountain direction, and I would ask if he thinks that will help.

Mr. BENNETT. Responding to the question of the Senator from Montana, I am delighted there is as much of that in the bill as there is, but I still believe the basic structure of the bill is fatally flawed because it perpetuates the present system in ways that will guarantee the cost curve will continue to go up. I disagree with him about the Samuelson article. I do not think he is being overly pessimistic. I think he is being very realistic.

Mr. BAUCUS. One more moment, if I might, Mr. President.

I understand the bill that the Senator and Senator WYDEN cosponsored is basically to move us away from the employer-based system. Currently, our tax law encourages employers providing tax free health insurance and so forth. I understand the theoretical and actual problems with the current system. In fact, I earlier advocated moving in that direction, all the way to your legislation. But as you know, this town, this city, this country, this White House was not moving there, and major business was not moving in that direction. Therefore, we had to find something else. My main point is, if we can't go in that direction—you might say keep trying, but read the tea leaves. If we can't do that, at least now, isn't it better to start moving toward the integrated delivery system reforms in this bill?

Mr. BENNETT. Mr. President, I certainly hope this legislation will surprise me by producing—

Mr. BAUCUS. I hope so, too.

Mr. BENNETT. The result the Senator from Montana is hoping for.

Mr. BAUCUS. I like your answer, too. Thank you.

Mr. BENNETT. I am not going to hold my breath, however.

Mr. BAUCUS. Mr. President, I am going to yield 10 minutes—this is a jump ball, so why don't you go ahead. I yield to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 10 minutes.

Mr. SANDERS. Mr. President, there are at least two major goals we have to achieve in health care reform and that is we have to expand access to everyone in America, and we have to control costs. We focus a lot on expanding insurance but expanding insurance is not expanding access. There are people today in America who have insurance but they do not have access. The fact

is, we have 60 million people who do not have access to a physician on a regular basis and many of those people—according to recent studies, 45,000—may die because they do not get to a doctor in a timely manner. By the time they walk into the doctor's office their situation is terminal.

We need substantially improved access to health care. When we improve access, we save money because people do not go to the emergency room, they do not end up in the hospital, sicker than they otherwise would have been. We need a revolution in primary health care in America. Unless we do something and do it now, our primary health care system infrastructure is close to collapse.

We have an aging primary care workforce which is not being replaced. At a Senate hearing I chaired earlier this year, it was noted that only 2 percent of internal medicine residents were choosing primary care as their specialty. Happily, there are two Federal programs that can both assure access and control costs, and I refer to the Community Health Center Program and the National Health Service Corps. Both are well-established programs that have garnered broad bipartisan support because of their proven cost effectiveness.

What a federally qualified community health center is about—and I believe they exist in all States in this country. They have widespread support from Members of the Senate and the House of both political parties. What they are about is saying that anyone in an underserved area can walk into that facility and get health care, either Medicaid, Medicare, private insurance, or a sliding scale—if you don't have enough money, you pay on a sliding scale basis—and low-cost prescription drugs.

This is a very successful program that now provides health care to over 20 million Americans and it is a 40-year-old program, again supported widely in the House and the Senate.

I am pleased that in the Senate bill, it recognizes the importance of both federally qualified community health centers and the National Health Service Corps. The National Health Service Corps is a long-established Federal program which says to people in medical school: We are prepared to provide debt forgiveness to you—on average, I know in Vermont, people are coming out \$150,000 in debt—if you are prepared to work in primary health care in an underserved area.

In the Senate bill we recognize the importance of the federally qualified community health centers and the National Health Service Corps. In fact, our bill calls for authorization levels that, if appropriated, would enable the Community Health Centers Program to expand to every underserved area within 5 years, and would result in sup-

porting at least 40,000 more primary care professionals in the next 10 years—doctors, nurses, dentists.

But we can and must improve the Senate bill. I favor very strongly the language in the House bill which calls for a dedicated trust fund with mandatory annual spending for community health centers and the National Health Service Corps. In other words, in the Senate we have authorized funding. The House has established a trust fund to actually pay for it. The Senate bill contains authorization levels that would be sufficient to fund a community health center in every underserved area in America and thus provide primary health care to 60 million more people by the year 2015. These are people who do not have to go into the emergency room, they don't have to go into the hospital because they are sicker than they should have been. They are going to get timely, cost-effective health care at a community health center.

Therefore, let me be very clear: I favor the language in the House bill which includes community health centers in its Public Health Investment Fund and guarantees mandatory funding for health centers totaling \$12 billion over the next 5 years. This is in addition to the \$2.2 billion current annual appropriation for community health centers which, it is anticipated, would also continue to be appropriated in each of the next 5 years. While this House funding level will not achieve a community health center in every underserved area, it will take us very far toward that goal, bringing primary care health services to some 40 million citizens living in underserved areas. Also in the House bill there is appropriated money to greatly expand the National Health Service Corps.

In the middle of all this discussion on health care, health insurance, let us not forget a few basic points. Sixty million Americans do not have access to a doctor. We need a revolution in primary medical care. We need to make sure we have the physicians, nurses, and dentists who are going to get out in underserved areas. The Senate bill provides authorization. The House bill provides a trust fund for community health centers and for disease prevention in general. My strong hope—and I am going to do everything I can to make sure it happens—is that the Senate adopts the House provisions.

If we are serious about providing health care to all Americans, we have to expand community health centers, we have to make sure there are primary health care doctors, dentists, nurses out there.

In addition, we need to focus on disease prevention. I know my colleague from Iowa has worked very hard on that. So we have to support the trust fund in that area.

I yield to my friend from Iowa.

Mr. HARKIN. First, I thank my friend from Vermont. There is no one who has been leading the charge longer and stronger and more fervently than the Senator from Vermont, Mr. SANDERS. I thank him for that. Obviously, we all have community health centers in our States. In Iowa they have been a godsend for so many people in rural areas who did not have access to these kinds of facilities.

I remember one time I was in Fort Dodge several years ago. They had a small free clinic there. It was in a church basement one night a week, so people could come in who didn't have insurance and couldn't get access to a doctor. They had one old dental chair there. I think every couple of weeks a dentist would come in for people. A woman had come in who had an abscessed tooth. It was hurting her so much she took a hammer and screwdriver and tried to knock her tooth out. Of course she damaged her gums. That is how desperate people get.

Because of that, I got the Fort Dodge community looking at a community health center. They now have a wonderful community health center. They have doctors there, they have nurses there, and people have access to that kind of dental care and health care.

Mr. SANDERS. Let me mention to my friend, in the State of Vermont, the poorest region of our State borders on Canada. It is called the Northeast Kingdom, in the northeast part of the State. For 30 years we have had a number of community health centers in that region. Do you know what? Amidst all of the poverty, all of the unemployment, all of the economic problems, we do not have a problem in terms of primary health care in the poorest area of the State of Vermont precisely because of these community health centers, which you indicate address dental care, which we often forget about, mental health counseling, we forget about, low-cost prescription drugs.

I look forward to working with the chairman of the HELP Committee and others to make sure we fund the kind of revolution we need in disease prevention, in primary health care, which at the end of the day improves people's health, keeps them out of the emergency room, keeps them out of the hospital, saves us money.

Study after study: Saves us money.

Mr. HARKIN. I thank the Senator again. I can't help but every time we talk about community health centers, I always have to add one thing. A lot of people think community health centers are just for poor people who do not have anything. Nothing could be further from the truth. They will take anyone who walks in the door. You can have health insurance, you can be on Medicare, you can be on Medicaid, you can have no insurance, you can have a

great insurance plan—whoever walks in the door. They have a sliding scale based on income, based on resources, of who they will take.

It has been my experience—I ask the Senator from Vermont what it has been in his area, but it has been my experience in our growing number of community health centers in my State of Iowa that more and more people—

Mr. SANDERS. I ask unanimous consent for 2 minutes more.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Come to community health centers. Why? Because they get the kind of hands-on care, they get many kinds of supportive services. A lot of times there are language barriers that are a problem. They get preventive care, they get all the things that make people feel better about their own quality of health care. So more and more we are finding people who actually have health insurance going to community health centers.

I ask if that has been the experience in Vermont?

Mr. SANDERS. Let me concur. In the State of Vermont we have gone from 2 to 8 with 40 satellites. Over 100,000 people in Vermont are now accessing community health centers for their primary health care.

The other point we don't often make about community health centers is they are democratically run, they are run by the communities themselves. My experience is exactly that of the Senator from Iowa. They are community health centers.

In rural areas it is not rich or poor. By and large, most of the people, regardless of income, go there. The doctors are there for a long time. The dentists are there. It is, in fact, in the best sense of the word, a community health center open and accessed by all people. People take responsibility for it because it is democratically run. It is a program—one of the bright shining stars of public health in America. I hope to work with the chairman of the HELP Committee to make sure these programs are funded adequately in this bill and that we adopt the language in the House, which goes a long way.

I yield the floor.

Mr. HARKIN. I can assure my friend from Vermont that this Senator will be in the forefront of fighting for the maximum possible support, money, and input for community health centers that we can possibly get out of this bill. I can assure him that.

Mr. SANDERS. I thank the Senator very much and yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I yield myself as much time as I might need out of the remaining time we have.

I, too, thank the Senator from Vermont for his passionate comments on community health centers. In Wy-

oming we have community health centers and they serve a great role. For underserved areas across the Nation, they are absolutely critical. I wish there were more that we were doing in the area of community health centers. I think it provides some better solutions than some of the other things we are doing in this bill.

Wyoming is considered to be underserved. The whole State is underserved. Even our biggest cities are considered underserved. We are missing every single kind of medical provider, including veterinarians.

Usually when I make that comment, people say: People don't use veterinarians. But as far as our distances are, some people are happy to get to a veterinarian in an emergency situation.

We do have situations across the country that need to be taken care of. One of my concerns is that we are doing this huge Medicaid expansion. And when we do the Medicaid expansion, we already have it priced for doctors so that 60 percent of the doctors won't take a Medicaid patient. If you can't see a doctor, you don't have insurance, period. I don't think we are doing enough to take care of that difficulty prior to expanding this population. So we are going to shove more and more people out of getting any health care.

#### AMENDMENT NO. 2942

But the main thing I wanted to do today is rise in support of the Gregg amendment which would prevent Medicare cuts in the Reid bill from being used to create new entitlement programs to cover the uninsured. Yes, I want to have the uninsured covered. I don't oppose covering the uninsured, nor do I oppose reforming the Medicare Program. We need to do those things. We absolutely need to do those. But we shouldn't do it on a system that is going broke. We should not take the money from a system that is going broke to do new entitlement programs.

I know the Senator from Montana admitted that if the Gregg amendment were to pass, it would limit some of these entitlements, that they wouldn't be able to do them. Again, we are not opposed to doing those new entitlements. We are opposed to paying for them with Medicare money because Medicare is going broke.

They do say that if we put these extra burdens on Medicare, we will extend the life of it. And you can believe that or not. But we could expand it even more and we could solve some problems in Medicare if we took the money and we used it for Medicare. Medicare needs changes. Medicare needs to have money that we are now going to move away and put into other programs. But don't worry about it because we are going to form a Medicare Commission. Every year, that Commission is going to tell us what we ought to do to make more cuts. Before we

start doing more cuts, maybe we ought to make sure the cuts we are doing go to what we anticipated needed the most help.

I am not opposed to covering the uninsured. I don't oppose reforming the Medicare Program. We should do those things. What I oppose is the Reid bill. This is the wrong approach to solve the problems.

The Gregg amendment would go quite a ways to solving some of my discontent with the bill. The amendment offered by my friend from New Hampshire highlights the main problems of the Reid bill and suggests a better approach. His amendment would protect the savings from the Medicare Program and prevent them from being used to create a new entitlement. This would mean this new program would not have to rely on cuts to Medicare to fund its operation. It would also reserve all money taken from Medicare so that it could be used to fix the problems in the Medicare system.

Earlier, we had an amendment that said that the money for Medicare would go to Medicare. Every single program that we allocate money to, we have inspectors general who are supposed to make sure the money for that program goes to that program. But this is a different situation. What we are saying here is that we want the money from Medicare to go to Medicare, not the money for Medicare to go to Medicare. The money for Medicare has to go to Medicare. But we are going to take money from Medicare. I say, if we have that money we can take from Medicare, we ought to put it to Medicare and only to Medicare until we have the Medicare problem solved. Our seniors are relying on that. Don't be caught up by the little words in do-nothing amendments that say the money for Medicare is going to go to Medicare. What we want to say is that the money from Medicare goes only to Medicare.

Mr. BAUCUS. Will the Senator yield on that point?

Mr. ENZI. I am on my time here.

Mr. BAUCUS. Do we have any time remaining on our side, Mr. President?

The PRESIDING OFFICER. There are 12 minutes remaining on the majority side and 14 minutes remaining on the Republican side.

Mr. BAUCUS. I will take 2 minutes from our side to ask a question.

The PRESIDING OFFICER. Does the Senator from Wyoming wish to yield time?

Mr. ENZI. It is my understanding that the Senator from Montana is willing to take his time for the question.

Mr. BAUCUS. Correct.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. May I ask the Senator from Wyoming a question? To, from, for—isn't the result the same? If we take a program—let's take home health care. We are all for home health

care. But if there is fraud, if the GAO says there is fraud in home health—maybe others too—doesn't the Senator think it is a good idea that we eliminate some of the fraud that might exist in the Medicare Program? Does the Senator agree with that?

Mr. ENZI. Absolutely.

Mr. BAUCUS. Does the Senator also agree that when that happens, that means that program—say, home health care, for example—is spending fewer dollars not on less care but fewer dollars because it is not making fraudulent payments?

Mr. ENZI. Yes.

Mr. BAUCUS. Does the Senator further agree that would extend the life of the trust fund because that program—in this case, home health—would be spending fewer dollars even though the quality of health care is not diminished? Doesn't that have the effect of extending the quality of health care, and isn't that reduction for Medicare, for seniors, not to take it away but to give it to seniors because it extends the life of the trust fund?

Mr. ENZI. That is where the Senator runs into a dead end. If you take the money that would be from home health care and you put it into an entitlement that has nothing to do with home health care, nothing to do with Medicare, then you did not extend the life of Medicare.

Mr. BAUCUS. No, no, no. There is less spending; therefore, by definition, the solvency of the trust fund is extended, so there are more dollars for seniors in future years. That is the basic point here. That is not a dead end. That is a big wide avenue to help extend the solvency of the Medicare trust fund.

Mr. ENZI. Reclaiming my time, I am the accountant in the Senate. If you take money from a program and you give it to something else, you have less money in that program. We admit that Medicare does have problems in the long term. Seven or eight years out there, it is going broke, and maybe we can extend it a year or two. If we took that money, that fraud and abuse—and I will say some more things about fraud and abuse here in just a minute—if we took that money and put it into the Medicare Program to extend the life of the program, we could give some assurance to seniors that we are doing something for them. That is where a lot of the concern comes from.

On fraud and abuse, if there is all this fraud and abuse out there, how come we haven't been getting at that in the past and putting it to some kind of good use? All of a sudden, we are saying there is all this fraud and abuse and we are going to take this extra fraud and abuse and we are going to put it in there. I notice we have increased the amount of fraud and abuse we are capturing, but we did that by changing the definition. We just

claimed more fraud and abuse. We didn't capture more money. That is one of the problems with having a government bureaucracy do things they really have no value in doing. If the government agency finds the money, it doesn't come back to their program, so they are not very excited about doing it. We keep passing fraud and abuse things around here, and the fraud and abuse never gets found to any extent. And the money can't be used if it can't be found.

As an accountant, what I have always suggested is, we have a separate fund set up, and when we find this fraud and abuse, we put it in that fund. We would only be able to use the money from that fund in these areas where we say we are going to fund it with fraud and abuse money. Because we have no incentive in government to go out and collect the money. It is a huge problem around here.

Some Democrats have argued that we are not creating a new entitlement program. They are simply wrong with that too. Just like Social Security, Medicare, and Medicaid, this bill will commit the Federal Treasury to paying for these new subsidies for the uninsured forever.

When we start a program around here, we don't put an end date on it. As soon as we have passed it, the people say: Wow, thanks, that is really great. Now what are you going to do for us? We look around and we say: Maybe we can do like Medicare Part D. Then we pass that and they say: Yes, you gave us Medicare Part D, but you still have the doughnut hole. So we take care of that. Anytime we do an entitlement, we keep adding to the entitlement regardless of where the money is coming from. And that is how Medicare has gotten in trouble. Once subsidies are given, they are never taken back. They are only expanded. There is no appreciation for what has been done. Medicare Part D; now they want the doughnut hole closed.

We are going to do kind of a phony thing to close that doughnut hole. PhRMA said they would give \$50 billion that can be used as a subsidy as people go through the doughnut hole, but they said: You can only use the subsidy if we can pay it directly to the customer. That way, they keep in contact with the customer. And you can only use it if they stay with our brand name. OK, so they get through the doughnut hole. Then the taxpayer picks up the money, and they are stuck with the brand name. That is why the pharmaceutical companies can make so much money. If they can get them to not switch to that generic and make good economic decisions as they go through the doughnut hole, they can make a lot more money, once it is on the taxpayer outside of the doughnut hole. I am really upset with the pharmaceutical industry for doing that. That is the

reason they are putting all the money into promoting this.

That means that as Federal spending continues to grow, new programs continue to grow. It will crowd out other Federal spending priorities such as education or national defense. States will tell you it is already crowding out education. When we put these new Medicaid requirements in there and they have to pay for them, they have a limited budget too. What they have done is take money away from colleges, so colleges have had to increase tuition dramatically in order to cover the money they had to give to Medicaid. So when we do some of these things, we are affecting a whole lot of things, other spending priorities such as education and national defense.

Any future attempts to modify or restrain this growth will be met by cries of indignation, arguing that cuts would devastate access to health care. If anyone has any doubt, they should look at the transcripts from our debate on the Deficit Reduction Act.

In 2005, Congress tried to reduce Medicare spending by about \$20 billion and enact modest reforms to the Medicare Program. These reforms would have strengthened the long-term solvency of these programs which we are talking about now and helped reduce the Federal deficit. In response, Senator REID called that bill an "immoral document," and the junior Senator from California said she strongly opposed the cuts in the bill because they would "cut Medicare and Medicaid by \$27 billion."

There are thousands of media quotes. The media quotes the majority more often, and here in DC the volume of quotes is equated with being right. Yet today these same Members and the rest of my Democratic colleagues want to create a new entitlement program that will spend hundreds of billions of dollars, and they would pay for it by cutting \$464 billion from the Medicare Program. That is enough money to run the State of Wyoming for 320 years.

We don't understand how much money we are talking about here. You can't take that kind of money from a program, give it to other programs, and expect the program to work. We recognize that. That is why we put this Medicare Commission in there that annually is supposed to suggest extra cuts.

Let's see. We made a deal with the hospitals that we weren't going to cut them. We made a deal with the pharmaceuticals that we wouldn't cut them any more. We made a deal with doctors that we wouldn't cut them any more, although we never followed through on the doctor stuff because their deal—and these were all hidden deals—was supposed to be that they would either get a 1-year fix on the doc fix and medical malpractice or they would get a 10-year fix on the doc fix. That isn't in either of the bills. I don't know if they



are going to stick with the hidden deal they made. I don't know what other hidden deals there were in this.

I believe these facts highlight why we need to adopt the Gregg amendment.

We should be very careful creating a new entitlement program which will permanently obligate our children and grandchildren to pay its costs. In fact, with the way we have maxed out our credit cards, we are now talking about the seniors actually having to pay for these other new entitlements. So grandpa and grandma will be paying for that, too, not just our grandkids and children. If my colleagues insist on doing it, however, at a minimum we need to guarantee that any new program has a stable and reliable source of funding. The Medicare cuts in this bill are neither stable nor reliable.

My Democratic colleagues have spoken at length about how the Medicare provisions in this bill will bend the growth of health care spending. That, unfortunately, is far from accurate. If you don't believe me, listen to what the other nationally recognized experts have to say.

According to the New York Times, the CEO of the world-renowned Mayo Clinic, which we use around here all the time, dismissed the reforms in the bill. Dennis Cortese said the Reid bill only took baby steps toward revamping the current fee-for-service system. The dean of the Harvard Medical School, Jeffrey Flier, said the bills being considered in Congress would accelerate national health care spending.

I wish there were more actual reforms in this bill. I applaud some of the efforts Senator BAUCUS included that will create incentives for coordinated care and rewarding providers who provide higher quality. I believe those are exactly the types of things we should do to improve the Medicare Program. Unfortunately, the savings from these actual reforms are a few pennies compared to the dollars of the arbitrary payment cuts included in the bill.

According to the Congressional Budget Office, all of the savings from the various policies to link Medicare payments to quality and encourage better coordination of care in the Reid bill provide less than \$20 billion in total savings.

In contrast, the Reid bill includes over \$220 billion in arbitrary payment cuts to health care providers, including hospitals, nursing homes, home health agencies, and hospice providers. We have made a point of how much those are and what the effect is going to be, and it is going to take away service that people have come to expect.

The Reid bill also includes an additional \$120 billion in cuts to Medicare Advantage plans. Medicare Advantage is—we talked about wanting to provide catastrophic care for everybody. That was one of the goals. Well, Medicare people do not have catastrophic care.

They can buy catastrophic care through Medicare Advantage. But we are talking about making some substantial cuts to that which are either going to decrease benefits or, in some cases, make the whole service go away.

Those are not reforms. Instead, they represent the best efforts of folks in Washington to guess how much it actually costs real doctors and nurses to provide health care services to Medicare beneficiaries. We are not experts in the health care field, but we are going to guess at how much extra revenue they are getting. I want to emphasize that word "revenue" because, again, as an accountant, there is a difference between profit and revenue. We are going to cut substantially into the revenues, which is going to eliminate profits, which is the point at which people say: Why am I doing this?

So doctors and nurses are going to—people who are looking at being doctors and nurses are going to say: Why would I want to do that? Well, there is going to be a huge demand because the baby boomers are coming up, and they are going to need services.

So cuts like the ones to doctors and nurses and home health, and all of those, are an excellent example of how government price controls do not work.

Medicare does not negotiate payment rates with providers like private insurers do. Medicare uses price controls to set payment rates.

When I first went into the shoe business, President Nixon suggested we should have price controls; that the cost of goods was going out of sight. At that time, one could buy a pair of men's dress shoes for \$10. They put in price controls—like this—but they could not put the price controls in immediately because it takes a while to pass a bill. So what did everybody who was manufacturing shoes do? They raised their prices, which forced us at the retail end to have to raise our prices too. By the time that went into effect, that \$10 pair of shoes was \$20. So price controls do not work. I have experienced it. It was dramatic, and it was terrible for the customer. We are talking about customers again.

Medicare uses price controls to set payment rates. Experts in Washington then look at various reported costs, revenues, and profits of health care providers, and then decide how much we should pay health care providers.

I have often said everyone thinks they know everything about a business until they actually have to run it. Unfortunately, we have been taking over a lot of businesses, and our expertise is showing. I am kind of fascinated by the Cash for Clunkers. That was a little business we decided we would set up on behalf of the government, and we said it would last for 4 months. It went broke in 4 days.

So as to any of the numbers anybody around here is considering, you ought

to take a look at it because as a former small business owner, I want to assure them, it is actually a lot harder to run a business than it looks. For the simplest business you can think of out there, if you scratch the surface just a little bit you will find out those people are making dramatic decisions on a daily basis just to keep in business, which means, hopefully, paying themselves, but definitely paying their employees because that is not an option. If it was as easy as we think around here to do a business, everybody would be going into business.

The Medicare cuts in this bill are based on the efforts of folks in Washington to decide how much it costs to run a nursing home in Cheyenne or a home health agency in Gillette or any of these businesses in much smaller communities than that. Based on the past track record of Washington, I do not have much confidence in their abilities, and I do not think America does. I think that is showing up in the polls. I think that is showing up in the town meetings.

In 1997, Congress passed the Balanced Budget Act. It contained Medicare payment cuts. Lots of smart folks in Washington made arguments similar to those we are hearing today about how those cuts would not harm the providers or beneficiaries. That was historic.

Well, let me show you the historic arrogance of that time. What happened after these cuts went into effect? Within 2 years, these cuts had driven four of the largest nursing home chains in the Nation into bankruptcy. Vencor, Sun Healthcare, Integrated Health Services, and Mariner Post-Acute Network all filed for bankruptcy. Between them, they operated 1,400 nursing homes that provided care for hundreds of thousands of Medicare beneficiaries.

Similarly, the bill also included cuts in payments to Medicare+Choice plans. After these cuts went into effect, one out of every four plans pulled out of the Medicare program. Millions of beneficiaries lost the extra benefits these plans had provided.

Given this track record, I have grave concerns about what the Medicare cuts in the Reid bill would do to Medicare beneficiaries and the doctors, hospitals, and other providers who treat them. I have even greater concerns about using any estimated savings from these cuts to fund this new entitlement program for the uninsured.

That is why we should pass the Gregg amendment. Rather than relying on cuts that could devastate the Medicare Program, let's find a stable and reliable funding source that we could use to pay for health care reform. The Gregg amendment says that savings from any Medicare cuts should be reserved for the Medicare Program. That way, if the Washington experts again got it wrong, we will not have already



spent all the savings on another program.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. ENZI. Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Madam President, I ask unanimous consent that the time until 1 p.m. today be under the same conditions and limitations as previously ordered; further, that the prohibition on amendments and motions also be extended until 1 p.m.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAUCUS. Madam President, I yield 25 minutes to the Senator from North Dakota.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. CONRAD. Madam President, I thank the distinguished chairman and I thank the Acting President pro tempore.

I come to the floor to respond to some of the things I have heard over the last several days with respect to the legislation before us and to try to give—in some cases—the other side of this story because I am increasingly concerned, as I listen to this debate, that people have started to create their own facts, and that is never useful in a debate.

Let me start with an ad that is running—a full-page ad—back in my home State of North Dakota, with the headline:

Isn't Senator Conrad Supposed to be a "Deficit Hawk?"

It starts by saying some nice things about me. It says:

Senator Kent Conrad has a long, admirable record as a deficit hawk. For years, he has advocated for fiscal sanity and smaller deficits, and he has served North Dakota well.

I wish they would have just ended the ad there. That would have been a very good ad. But they go on to say:

Now, federal spending is totally out of control:

And they give some examples. Then they say:

On top of all this, Congress is considering a new \$900 billion health care entitlement, with some estimates saying it could actually cost more than \$2 trillion!

Well, the \$2 trillion number is a number that somebody has concocted. That is not the 10-year cost of this bill. The 10-year cost of this bill is between \$800 billion and \$900 billion, as the ad says. Then they go on to conclude:

America can't afford it. And North Dakotans can't afford it.

Of course, this ad is not paid for by North Dakotans. But they are clear that: "North Dakotans can't afford it."

Senator Conrad: how can you even consider this?

"How can you even consider this?" Well, because I have read the bill, and

this bill does not increase the deficit; this bill reduces the deficit. That is not my opinion as chairman of the Budget Committee. That is what the Congressional Budget Office—which is non-partisan, which is the objective scorekeeper—they are the ones we look to for analysis of legislation before Congress. Objective analysis—not made up analysis. Here is their conclusion.

This is the Congressional Budget Office estimate of the Senate health plan, the legislation that is before us now. It reduces the deficit over the budget period by \$130 billion. It does not increase the deficit, despite all the speeches that have been given. It reduces the deficit by \$130 billion.

Our colleagues get different numbers because they come out here and say: Well, if this part of the bill were not included, it would increase the deficit. But that is not the bill. The bill before us has been analyzed by the Congressional Budget Office, and they say the bill before us—the one we will be voting on—reduces the deficit by \$130 billion in the first budget window.

In the second budget window—the second 10 years—the Congressional Budget Office says:

CBO expects that the bill, if enacted, would reduce federal budget deficits over the ensuing decade [beyond 2019] relative to those projected under current law—with a total effect during that decade that is in a broad range around one-quarter percent of [gross domestic product].

What is one-quarter of 1 percent of gross domestic product in the second decade? It is \$650 billion. If you take, then, in total what the Congressional Budget Office is telling us to 2019—the first 10 years—it reduces the deficit by \$130 billion. In the second 10 years, it reduces the deficit by one-quarter of 1 percent of GDP, which is equal to \$650 billion.

So to my friends who ran this ad in every newspaper in my State, wondering why a deficit hawk might support this legislation, it is because this legislation reduces the deficit, both in the first 10 years and in the second 10 years, according to the Congressional Budget Office. That record should be clear.

Do we have a problem long term? Absolutely, we do. As this chart shows, Medicare and Medicaid combined are going from 2 percent of GDP, back in 1980, to 12.7 percent of GDP on the current trend line by 2050, and that is an unsustainable course. I think we all understand that. Medicare and Medicaid are increasing very dramatically as a share of our gross domestic product, and they are a key reason we are seeing the gross Federal deficit expand, and expand dramatically.

We now project the gross Federal debt to be 114 percent of the gross domestic product in 2019. That is almost as high as it was after World War II, which is the previous record in this

country. Already we are approaching 100 percent of GDP with the economic downturn and with all the pressures that exist with two wars and a very sharp reduction in revenue in this country.

The reality is, for those who say we do not have to do anything, Medicare is going broke. It is already cash negative; that is, more money is going out from Medicare than is coming in under the revenue sources of Medicare. The trustees tell us it will be insolvent by 2017—2 years earlier than forecast just last year.

So those who say we do not have to do anything—just steady as she goes, the status quo is fine—are detached from any financial reality. The bill before us has significant Medicare savings: provisions that lower cost growth without harming beneficiaries.

Let me give some examples. In the legislation before us, we reduce overpayments to private Medicare Advantage plans. We reform the health care delivery system. By the way, this is the provision that most experts say is the single most important component of this legislation, and it has gotten almost no attention in this debate. It has gotten almost no attention in the media—reforming the delivery system so instead of paying for procedures, we pay for quality outcomes.

We incentivize those integrated systems such as the Mayo Clinic, such as the Cleveland Clinic, such as Geisinger in Pennsylvania and Intermountain Healthcare out in Utah that have much lower cost and the highest quality outcomes. We are going to, for the first time, provide major incentives for other systems to adopt their good practices. This is what health care reformers say are really the most important parts of the legislation.

We also improve payment accuracy, crack down on fraud and waste, which we all know is significant in Medicare, perhaps as much as \$70 billion a year. We are going to beef up very substantially the moves to go after those who are committing fraud in this system. It also slows the growth in reimbursements to providers, many of whom will benefit from over 30 million newly insured people.

So people ask: How is this bill paid for? One of the biggest ways of paying for it is to go to the providers and say: Your future increases will not be as large as previously indicated. You are not going to have growth as much as you had previously thought in your level of reimbursements. These groups have, by and large, agreed to that prospect. Why? Because, No. 1, they know there are savings to be accrued. No. 2, they know that with over 30 million more people being covered, they will have a big increase in business, and they will have a sharp reduction in uncompensated care.

So that is why the hospitals have agreed to more than \$150 billion in savings over ten years and that is why nursing homes and home health care have agreed to significant savings and why the pharmaceutical industry has as well. Let me say, before we are done, I believe that what is in the bill for nursing homes will be further modified so it is not as much of a reduction in their increases as was anticipated. Because if you look at who has put up how much, there is rough agreement from these providers to take these reductions in their increases. They are not cuts in the sense of getting less next year than they got the year before, it is getting less of an increase.

Interestingly enough, an argument made by Republicans when they were advocating reductions and savings out of Medicare were far higher, far bigger than anything that is in this bill. This is an amusing point for those who have been listening to this debate. Our Republican colleagues are now decrying savings out of Medicare which just a year ago they themselves were advocating. They had their President come forward with a proposal with much bigger savings than those in this bill. We will get to that in a minute.

Here is what some of my colleagues have been saying on deficit and debt because the rhetoric coming from our colleagues on the other side has been interesting, and the difference between their rhetoric and their amendments is striking. Here is what they have said. This is Senator MCCONNELL, the Republican leader:

We're heading down a dangerous road. It's long past time for the administration and its allies in Congress to face the hard choices that Americans have had to face over the past several months. No more spending money we don't have on things we don't need. No more debt.

That is Leader MCCONNELL.

Senator KYL, again, a member of the Republican leadership:

We have got to reduce deficit spending to manageable levels and ultimately learn to live within our means, and the sooner the better.

Senator MCCAIN, who offered the first Republican amendment:

This staggering deficit threatens our children's and grandchildren's future and simply cannot be sustained. I call on my colleagues on both sides of the aisle to chart a different course toward real change and fiscal responsibility.

Well, that is what they have said in their speeches. What have they done with their amendments with respect to debt? This is curious. Every major amendment they have offered was to increase the debt, to increase deficits. After all the brave speeches about how important it was to be fiscally responsible, what amendments have they offered? Well, Senator MCCAIN offered the first one to eliminate the Medicare savings. That would increase the deficit and increase the debt by \$441 billion. So much for the brave speeches.

The Hatch amendment was to continue overpayments to Medicare Advantage plans, increasing the deficit and debt by \$120 billion. So much for the brave speeches.

The Johanns amendment to eliminate the home health care savings would increase the deficit and debt by \$42 billion.

So far our Republican colleagues, who have given such strong speeches about the need to reduce deficits and debt, every single major amendment they have offered have been to increase deficits and debt and so far the running total is over \$440 billion that our colleagues on the other side would increase the deficit and debt by, if their amendments had been adopted.

The good thing is, there are other people watching, other people who are listening to the speeches and comparing the speeches to the amendments and comparing the speeches to the policy prescriptions of our colleagues on the other side. Here is what the American Association of Retired Persons said on November 20:

Opponents of health care reform won't rest. They are using myths and misinformation to distort the truth and wrongly suggesting that Medicare will be harmed. After a lifetime of hard work, don't seniors deserve better?

On November 18, the American Association of Retired Persons said this:

The new Senate bill—

Talking about the bill before us—

makes improvements to the Medicare program by creating a new annual wellness benefit, providing free preventive benefits, and—most notably for AARP members—reducing drug costs for seniors who fall into the dreaded Medicare doughnut hole, a costly gap in prescription drug coverage.

The Federation of American Hospitals, on November 20, said:

Hospitals always will stand by senior citizens.

The American Medical Association said, on that same day:

We are working to put the scare tactics to bed once and for all and inform patients about the benefits of health reform.

On November 16, the Catholic Health Association of the United States said:

The possibility that hospitals might pull out of Medicare is very, very unfounded. Catholic hospitals would never give up on Medicare patients.

Again, from the National Committee to Preserve Social Security and Medicare on November 19:

We are . . . very well aware of the positive impact health reform can have on the future of the Medicare program and its beneficiaries.

One of the things that is most striking to me in listening to our friends on the other side is they are trying to scare people into thinking that the savings in Medicare are going to disadvantage Medicare beneficiaries. What is most remarkable is, the last time our friends on the other side of-

fered a budget, it was offered in the Bush administration. Their savings out of Medicare in that budget were \$481 billion over 10 years, far larger than the savings in this bill. Interestingly enough, I never heard a single Republican colleague say one peep about those savings out of Medicare. There was no suggestion it threatened grandma. There was no suggestion this was going to ruin Medicare. There was no suggestion these savings out of Medicare were going to undermine Medicare beneficiaries. That was their budget. That was their President's budget, to save \$481 billion out of Medicare.

Let's compare it to the savings in Medicare in this bill. The Bush administration, the last budget they offered, had \$481 billion in 10-year savings out of Medicare. The net reduction in this bill is \$380 billion. I would ask my colleagues on the side opposite: What is the bigger number? Is \$481 billion bigger or is \$380 billion bigger? They didn't say one word in opposition to Medicare savings from the previous administration, their administration, when it was \$481 billion, but now this administration has savings of \$380 billion on a net basis, all of a sudden the sky is falling and it is the end of the world. I would say the hypocrisy meter is on tilt when I listen to these speeches from the opposite side.

Medicare Advantage plans. I have heard so many speeches here about Medicare Advantage. Medicare Advantage was originally put in place to save money for Medicare. In fact, it was capped at 97 percent of traditional fee-for-service Medicare. What has happened? Is it saving money? No. On average, it is costing 114 percent of traditional fee-for-service Medicare. In fact, there are plans in Medicare Advantage that are costing 150 percent of traditional fee-for-service Medicare. We have a runaway train. We have a program in Medicare Advantage—at least some elements of it, to be fair, because some of them are working fine—some elements of it are a runaway deficit train, costing 150 percent of traditional fee-for-service Medicare. These are the hard realities Medicare Advantage is contributing to Medicare's fiscal problem.

This is the MedPAC report from March of 2009:

In 2009, payments to Medicare Advantage plans continue to exceed what Medicare would spend for similar beneficiaries in traditional fee-for-service. Medicare Advantage payments per enrollee are projected to be 114 percent of comparable fee-for-service spending for 2009. . . . This added cost contributes to the worsening long-range financial sustainability of the Medicare program.

In plain English, it is contributing to Medicare heading for insolvency, and this bill does something about it. It moves Medicare Advantage to a more sound and sustainable course.

By the way, interestingly enough, the estimates by the Congressional

Budget Office are, there will be more people in Medicare Advantage after this bill passes. After this bill passes, there will still be more people in Medicare Advantage than have been in the past. So Medicare Advantage will go forward, but the abuses will be run out of the system, the overpayments will be reduced, and that will help extend the solvency of Medicare.

Question: Does this bill that is before us extend the solvency of Medicare or does it reduce the years of solvency of Medicare? What is the right answer? The correct answer is, this legislation extends the solvency of Medicare by at least 4 years and perhaps 5. We know the House bill has been scored. It extends Medicare solvency, according to the CMS actuaries, 5 years. The bill that came out of the Finance Committee extended solvency of Medicare by at least 4 years, and most estimates are, the bill before us does somewhat better.

Back on the question of Medicare Advantage:

Taxpayers pay 50 percent more for beneficiaries enrolled in Medicare Advantage plans in some areas.

I asked CBO last year: Is Medicare Advantage saving money which was its original intention? They came back and said not only is it not saving money:

It is on average costing 14 percent more, or 114 percent of traditional fee-for-service Medicare and, in some places, the Medicare Advantage pricing benchmarks currently range from 100 percent to over 150 percent of local per capita spending in the fee-for-service traditional Medicare sector.

Facts are stubborn things. The fact is, this bill reduces the deficit by \$130 billion over the first 10 years and by as much as \$650 billion over the second 10 years. Those are facts, according to CBO, not facts made up by colleagues on the floor, for one purpose or another.

This bill extends the solvency of Medicare by at least 4 years and perhaps as long as 5 years. That is not all that needs to be done, but it is a beginning. Those who want to oppose it and vote against it will have to explain why they don't want to extend the solvency of Medicare, why they don't want to achieve savings, why they don't want to go after the fraud and abuse that exists in the system.

Let me say with respect to the Gregg amendment, I have enormous respect for Senator GREGG, but his amendment is designed to kill this bill.

Let's just be clear. That is the purpose of the amendment. If you want to kill the bill that reduces the deficit, the bill that will reduce premiums for a significant majority of the American people; if you want to kill the bill that begins the critically important process of reform, then you ought to vote for the Gregg amendment. If you want this bill to be able to advise and deliver on

the promises made to the American people about what must be done to solve Medicare—not to solve it but to extend its solvency; if you want to have legislation that begins the critically important process of reform, then reject the Gregg amendment.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming is recognized.

Mr. ENZI. Madam President, I wasn't going to take any part of this 30 minutes, but I can't help it. I will allocate myself 5 minutes.

I keep running into this comment that the Republicans were willing to cut \$481 billion from Medicare. Would somebody show me where we cut \$481 billion from Medicare? We didn't do it, and this bill won't cut \$464 billion. Seniors won't let you do that. We didn't even propose it; the President proposed that. We knew it wasn't going to happen. You cannot cut Medicare without having the seniors all upset because they understand their program is going broke—going broke.

That is why we have had this series of amendments. We have tried to come up with one that would actually solve the problem. We have been emphasizing the problem. The Gregg amendment takes care of the problem. That is why we brought up the Gregg amendment and why we should pass it. Rather than relying on cuts that can devastate the Medicare Program, we can find a stable and reliable funding source to pay for health care reform.

The Gregg amendment says that savings from any Medicare cuts should be reserved for the Medicare Program. That is saying that if these things are all possible that we are talking about as being possible and as being cost savers, if they really work, put it into Medicare. If you really want to extend Medicare, don't just say you are going to extend Medicare and then overlook a few things.

I have a little chart I haven't had a chance to use yet.

It was reiterated here that this bill is "deficit neutral." Yes, according to CBO, it is—if you assume that Medicare physician payments will be cut 20 percent in 2011 and that they will be cut 40 percent over the next 10 years. We hold the physicians hostage every year, 1 year at a time, to get something out of them, and then we keep the cuts from happening. These cuts aren't going to happen. If they did happen, it would not be deficit neutral.

The bill makes no provision for paying this 20 percent that will be cut in 2011 or for the 40 percent over the next 10 years. There is no provision. So that part is going to be false as to having a deficit-neutral bill.

A massive new tax will be imposed on employer health benefits, hitting 31 percent of American family plans by 2019, if that does not happen—and I

think people will notice the tax in a whole bunch of different ways—then this assumption is wrong and it is not deficit neutral.

Also, it relies on us cutting \$464 million from Medicare. The Actuary said this level of cuts would bankrupt hospitals and threaten patient care.

I have a typo on the chart. It is supposed to be \$464 billion, not million. I am still having trouble with that.

That amount would fund the State of Wyoming for 320 years. It is a big number. We are talking about cutting it by that much. If we don't cut this and we use this to pay for the other entitlement, the bill is not deficit neutral. CBO says that.

Everybody is entitled to their own opinions, but the facts are there. The facts say that if, if, if. We are not going to do those "ifs." I will not go into that point, even though I am a little upset.

Mr. GREGG. Will the Senator yield for a quick question?

Mr. ENZI. Yes.

Mr. GREGG. I know the Senator from Idaho wants to speak, but if I can ask the ranking member a quick question.

Mr. CRAPO. That is fine.

Mr. GREGG. I heard the Senator from Montana and the Senator from North Dakota say the amendment I have pending would make it impossible for them, under this bill, to create their entitlement programs because the Medicare money that will be taken from Medicare would not be available. My amendment says they cannot do that. It says Medicare cannot be used to create new entitlements, but it doesn't say those entitlement programs cannot be created if they want to pay for them some other way. So really what they are saying is they don't have the idea, the courage, or the will to pay for them in a way other than by stealing from Medicare. Isn't that what they are saying?

Mr. ENZI. The Senator from New Hampshire is absolutely correct. I am glad he came here to make that point on the amendment we are going to vote on this afternoon. It is critical. If you want to save Medicare, this amendment will save Medicare. It doesn't prohibit their programs from happening. They can still do the entitlements, but they have to be sure they are paid for. That is one of the problems. To say they are going to take the \$464 billion from Medicare and put it into these other entitlements, that is not fair.

Mr. GREGG. I thank the Senator.

Mr. ENZI. Madam President, I yield 10 minutes to the Senator from Idaho.

The ACTING PRESIDENT pro tempore. The Senator from Idaho is recognized.

Mr. CRAPO. Madam President, I am here to speak in support of the Gregg amendment. I rise in support of my colleague's amendment because it would

prohibit using Medicare cuts in the Democratic health care bill to pay for new government spending.

It is interesting, as you listen to the debate—in fact, I was interested to hear my colleague from North Dakota say the Republican amendments would increase the deficit. They would only do that if you assume all of the spending in the bill, which is also opposed by the Republicans.

One of the key parts of the debate that I think needs to be emphasized here is, among all of the other things this bill does, when you have the first full 10 years of real implementation of the bill, it is a \$2.5 trillion increase in Federal spending, paid for with hundreds of billions—in fact, trillions in new taxes and cuts in Medicare.

The purpose of the Gregg amendment is to require that when we do achieve savings in Medicare, instead of it being used to just transfer into a new government entitlement program, making Medicare less solvent, we use the savings for Medicare itself.

In the first 10 years of their bill, we will see cuts in Medicare by \$465 billion, every dollar of which will simply be transferred over to a massive new Federal entitlement program. If you actually take the first 10 full years of the implementation of the bill—and recall that there are some budget gimmicks being played to say it is not generating a deficit, and it is not really implemented fully until about 4 years into the bill—if you take the first 10 years of implementation, the cuts to Medicare are not \$465 billion but \$1 trillion, and \$3 trillion over a longer period of time as we evaluate the bill moving into the future.

In Medicare's hospital insurance trust fund, annual outlays already exceed the annual income, so the fund is drawing down its holdings to pay full benefits—but not for long. By 2017, the HI trust fund will be insolvent and will no longer be able to pay full benefits for seniors. These cuts will make it worse.

This amendment provides that the major provisions in the underlying bill, including the subsidies and Medicaid expansion, cannot go into effect unless the Director of OMB and the Centers for Medicare and Medicaid Services certify that all of the projected spending in the bill is offset with savings, but that savings shall exclude any changes to Medicare or Social Security. In other words, we require that Medicare savings be used for Medicare and Social Security savings be used for Social Security. This will ensure that the savings generated from the Medicare cuts in the bill don't go toward the creation of a new entitlement program at the expense of our seniors. If the non-Medicare savings don't offset the new costs, then the Secretary of the Treasury and the Secretary of HHS are prohibited from implementing new spending or revenue-reduction provisions in the bill.

Republicans have opposed the Reid bill's harmful cuts to Medicare through three votes. Should those cuts remain, the Gregg amendment makes sure Medicare savings go to making the program more solvent, not to offsetting the new entitlement programs.

Congress should not raid Medicare—a program that has \$38 trillion in unfunded liabilities—and use it as a piggy bank to pay for a new health care entitlement. The government already has \$70 trillion in unfunded obligations over the next 75 years, and we should not add to it with these dangerous provisions. The \$70 trillion in unfunded obligations represents a burden of \$600,000 per American household. The Reid bill carries an estimated cost of \$2.5 trillion over the first 10 years that it is fully implemented. It is fully loaded with budget gimmicks.

Earlier in the debate, we voted 100 to 0 for the Bennet amendment—a rule of construction—which stated that nothing in the bill “shall result in the reduction of guaranteed” Medicare benefits. In contrast with the Bennet amendment, the Gregg amendment actually guarantees there will be Medicare for future generations, while guarding against the creation of a new unfunded entitlement this country cannot afford.

I wish to respond a little bit to some of the arguments my colleague from North Dakota just made.

I mentioned we have had three votes already to try to take these Medicare cuts out of the bill. All of those votes have failed. The Senator from North Dakota indicated those votes would have reduced the deficit or would have caused a huge deficit problem. That is only true if you assume the \$2.5 trillion of spending in the bill will continue.

But those who claim there is a reduction in the deficit in this bill can do so only if they assume three things—one, if they assume the budget gimmicks are implemented. They have not included the SGR payments for physicians—a \$245 billion cost over the next 10 years. It is just not in the bill because it cannot be accounted for.

Second, they have delayed the cost implementation portions of the bill by 4 years now, so that they have 10 years of revenue and 4 years of spending, so they can claim it balances. Even then, they cannot claim this bill helps the deficit unless they assume the hundreds of billions of dollars of new taxes and the hundreds of billions of dollars of cuts in Medicare. If any one of those items was taken out—the Medicare cuts, the tax increases, or the budget gimmicks—this bill would be shown to be what it is: a huge expansion of the Federal Government that is going to necessitate increased tax burdens and reductions in spending, as well as budget gimmicks to hide what cannot be hidden in order to claim it doesn't generate a deficit. I think most Americans

understand that those kinds of gimmicks are the things we see all the time in Congress when we are trying to make it look as if we are not engaging in debt spending and increasing the national debt.

The bottom line here is that there is a significant amount of reform that can be achieved, that can reduce the cost of health care, that can reduce the cost of health insurance premiums, that we could agree to on a bipartisan basis if we were not stuck in this debate on the insistence that we create a massive new intrusion of the Federal Government into the operation and control of the health care economy and the development of another massive new Federal entitlement program at the expense of some of the current entitlement programs.

I haven't even talked about what is being done in Medicaid yet. I am sure others will talk about that.

This bill, as I said, will increase spending and the size of the government by \$2.5 trillion. It will cut Medicare benefits over that same true full period by \$1 trillion. It will increase taxes by hundreds of billions of dollars, and over that true full 10-year period of implementation, over \$1 trillion. It will force the neediest of our uninsured in this country not into the opportunity to gain insurance coverage but into another failing entitlement program, which is Medicaid. It will drive a massive, unfunded mandate onto our States, which are already trying to figure out how they are going to deal with their fiscal problems. It will cause the cost of health insurance to go up for 30 percent of all Americans immediately and for the 70 percent who are in the large groups and get insurance from large companies, and they will basically see no significant savings and ultimately more taxes.

The bottom line is, we are not going to see an increase in the ability to control or handle the cost of health care. We are going to see an increase in government, an increase in government controls, an increase in taxes, and a reduction in the stability of our Medicare programs. That is not the way we should approach reform.

The Gregg amendment simply says let's create a lockbox, if you will, for Medicare, the same kind of lockbox we need for Social Security to keep the Congress from continuing to raid Social Security. Let's put it into place to ensure that all these great statements we hear on the floor about how we want to protect and preserve Medicare are enforced.

It simply creates by power of law, by force of law, the necessary mechanism to help all of us be sure that what we are talking about on the floor actually happens; namely, that we protect Medicare from being raided for the establishment of yet again another massive Federal entitlement program.

Madam President, I yield back my time.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. ENZI. Madam President, may I inquire as to the time arrangement?

The ACTING PRESIDENT pro tempore. The minority has 5½ minutes. The majority has 7½ minutes.

Mr. BAUCUS. Madam President, before we continue, I ask unanimous consent that the time be extended for debate only until 2 p.m., with the limitations of the previous order remaining in effect.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Wyoming.

Mr. ENZI. Madam President, I usually don't say much at these debates, but today I am going to make that an exception. I allocate the rest of our time to me. There have been a lot of comments here and they need to be clarified.

I do want to pass a bill that decreases health insurance premiums. I have traveled thousands of miles across the State of Wyoming, and every time I talk with somebody about health care, they ask me to do something to lower their health care costs—to lower their health care costs. That is what most people in America want.

American families cannot afford to pay ever increasing health insurance premiums. Small businesses cannot afford premiums that increase twice as fast as inflation.

Earlier this week, CBO issued—actually, it was last week—its long awaited report on the impact the Reid bill would have on insurance premiums. CBO said the premiums for individuals and families purchasing their health insurance will increase by 10 to 13 percent.

That means if the Reid bill is enacted, these folks will pay 10 to 13 percent more—more—for their health insurance. The legislation that its sponsors say is intended to lower health care costs will actually increase insurance premiums.

We should not be surprised by this finding. Several well-known actuarial business consulting firms have already issued reports that said the exact same thing: The bill increases health insurance premiums.

What is surprising is that some of my Democratic colleagues have argued that this CBO report provides support for enacting health reform. The New York Times even described this as “Good News on Premiums.”

These statements defy logic and common sense. The bill attempts to completely restructure the nonemployer insurance market and impose massive new government mandates. Is anybody surprised that as a result the costs will go up?

Yet some of my Democratic colleagues have attempted to cherry-pick

data and use selective quotes to try to mask what CBO said. For instance, some of them have pointed out how CBO said the Reid bill would lower premiums by 7 to 10 percent because of changes in the rules governing the insurance market.

As the Senate's only accountant, I take offense to these kinds of misrepresentations. Giving my Democratic colleagues the benefit of the doubt, I will assume they do not understand the differences between gross and net numbers.

I am not going to try to do a lot of numbers here. I did that once in committee and my staff watching back at the office—I got to ask the accountants at the SEC important questions at the time Enron was failing. You could see this little wedge of people seated behind the people testifying, and they were all asleep. I want to use this chart instead.

CBO did say the premiums would go down 7 to 10 percent due to insurance market changes. They also said premiums would go down another 7 to 10 percent because healthier people would sign up for insurance. What my colleagues forgot to mention or do not want to mention is that CBO also said that premiums would go up by 27 to 30 percent because the bill has so many mandates and requires most Americans to purchase more expensive coverage.

Yes, the Federal Government is going to tell you what you need for insurance, and then they are going to fine you if you do not get it. Maybe this chart helps to explain it.

We can see the net impact. Here is the 27 percent in increases because of the mandates and the requirement to purchase more expensive coverage. This is the decrease that I mentioned. But you cannot just talk about this decrease and you cannot just talk about this decrease. You can talk about the net, and the net is a 13-percent increase in premiums.

I urge anyone who questions what I am saying to read the CBO letter. It is on the CBO Web site. Page 4 of the letter clearly states premiums will increase by 10 to 13 percent. That amounts to \$2,100 for families purchasing coverage on their own. That does not meet the requirement that people in Wyoming think they are going to get. And the younger they are, the more surprised they are going to be because we get rid of the ratings, and young people will be paying considerably more. They are already paying into Medicare for seniors without getting any promise that will last until the time they become seniors, unless we pass something like the Judd Gregg amendment.

We have to protect that Medicare money to make sure it goes to Medicare and only Medicare if we are going to make sure Medicare stays solvent. We have to make that as a promise to

the kids paying into the system now. They and their employers, and the amount the employers pay in, is the amount they could have in their own pocket if the employer did not have to pay it. But they are paying that so seniors can have the Medicare benefits, and we want them to have those benefits. We should not at this point take money from Medicare and build new entitlements and expect those same young people to pay an increased amount on while they pay an increase in their insurance premiums. Their insurance increase is going to be a lot more than 27 percent. In Wyoming, it was estimated to be around 300 percent. I think they will notice. I think they will be upset. If this bill passes, there will be a revolution in this country when people realize what has been thrust on them in this bill.

I yield the floor and keep the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Madam President, I think everybody who is interested in the subject ought to read the CBO letter. Different people make different claims about the CBO letter, but I think it is only fair to read the entire letter, refer to the entire letter, not bits and pieces and parts of the CBO letter.

For example, it has been stated that CBO claims the average premiums—we are talking about the nongroup market. That is the individual market now. In fact, that is page 6 of their letter which said average premiums would be 27 percent to 30 percent higher because of greater coverage. That is the statement we just heard.

The CBO letter does say that. But I think it is also important to say that those people would be getting much higher quality insurance because of all the insurance market reforms we provide for in this legislation.

Even more important, CBO goes on to say on that same page in that same letter:

The majority of these enrollees, about 57 percent, would receive subsidies via the new insurance exchanges, and those subsidies on average would cover two-thirds of the total premium.

It is true that some in the so-called nongroup market in the year 2016 would find their premiums go up without subsidies. I think that figure nets out to about 7 percent. But they are getting better insurance, much better insurance than they currently have because the insurance they buy in the exchange—we are talking about 2016—will be much better insurance than they now have.

According to everybody else, a fair reading of the CBO letter leads one to conclude that premiums will basically go down by a little bit—not a lot, a little bit—or be about the same. For example, I have heard on this floor the

assertion, but no reference, no authority for this assertion—I heard this morning the assertion that for employees who work for larger companies, their premiums would go up. The fact is the CBO letter said just the opposite.

One can make the assertion premiums go up, but I think it is unfair to the American people to make rhetorical claims that are not backed up with authority. The CBO letter is probably the best authority we have for us to work with, and that letter says flatly that premiums for those persons—that is about five-sixths of Americans—would go down, not up, as has been asserted without the authority on the floor.

I am making the opposite assertion they will go down by about 3 percent. Not a lot but 3 percent. But my authority is the Congressional Budget Office. That is what they say.

Basically, 93 percent of premiums will either go down or be about the same. I mentioned a 3-percent reduction for the employees. Five-sixths of persons work for big companies and in the so-called small group market, CBO says—this is all the year 2016—premiums will be up 1 percent or down by 2 percentage points. It depends on who gets the credit. Some will, some will not.

Let's not forget small business gets credit under this legislation, too. I am not sure whether CBO calculated that in. A fair reading is the small group market, that is about 13 percent of Americans, it is, say, a net minus 1 because some go up 1 percent and some down by 2 percent.

Basically, if we compare apples to apples, that is what insurance will be in 2016—premiums will go down for those in the nongroup market, down by 14 or 20 percent. Because those with better benefits will find their premiums might go up by 10 to 13 percent and add in the tax credits which one has to do because that is the legislation, on a net basis, for two-thirds of those folks, their premiums will be lower by a large amount. By "large," I mean by about 56 to 59 percent.

Who knows what is going to happen in 2016. CBO is giving their best shot based on this legislation. That is what their letter says. I have the letter right in front of me.

I might also say that CBO says—I don't know if it is in this letter or another letter—the bill is deficit neutral, and basically over 10 years—I think a 20-year period—the net effect is not much more government or less government, it is about the same as today. There are wild assertions: Oh, it is bigger government. CBO said government's involvement in people's lives will be basically no more or less than today, and that is partly because of a lot more choice people will have. They will have a lot more choice in the exchanges, a lot of choice under the ex-

changes. It is that choice which will encourage greater competition, and greater competition will encourage lower prices. At least that is the theory. Most of us tend to think competition lowers prices, and that is what the legislation does.

Unless the Senator from Wyoming wishes to speak, Senator KERRY, on our side, wishes to speak for at least 15 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KERRY. Madam President, I might pick up, if I may, on this issue of premiums. First, let me say it is astonishing to me how we are continuing here to have a debate about mythology and not reality. We keep trying to bring it back to reality. Our friends on the other side of the aisle, for better or worse, seem to be content to continue to try to scare America's seniors and to try to frighten people about this legislation overall.

I was listening to the debate about premiums, whether premiums are going to go up or premiums are going to go down. Let me share with people who are listening, particularly seniors, who I hope will not be scared by the false assertions that have been made; let me tell you about the experience in the Commonwealth of Massachusetts where we passed landmark health care reform 3 years ago.

Since implementing this plan in which we require—we require—every single citizen in the State to buy insurance, and employers are penalized if they do not provide insurance, the fact is that today in Massachusetts, the plan is working. The companies like it and the citizens like it because they have the coverage. In fact, coverage by companies, corporations, has gone up since we put it in place. There are more companies that now participate and find that it works for them than before. But most important, 432,000 people now have gained quality, affordable health care coverage where they didn't have it before.

We have the lowest uninsured numbers in the United States of America and we are proud of that. In Massachusetts, 97.3 percent of our citizens—more than we are attempting to cover under the legislation we want to pass here—97.3 percent of our citizens are covered and have health insurance. Equally important, the newly insured have enrolled in all types of private and public coverage. There are 18 percent who are in the State's Medicaid; 40 percent are in something called Commonwealth Care, which is administered by the Commonwealth, the new subsidized plan; 33 percent are in employer-based coverage; and 9 percent are in a nongroup purchase plan.

Let me say to the Senate, health reform has improved access in the Commonwealth of Massachusetts. There are fewer insured individuals who report

cost as a barrier to being able to get care. In the last year, most Massachusetts residents—88 percent—had at least one visit to a doctor and 78 percent had a preventive care visit. A recent State survey found that 92 percent of individuals reported having a primary care provider in our State. As coverage has increased, the number of uninsured individuals going to hospitals for free care has declined. So we have reduced the number of people who sort of unfairly require everybody else to pay for their coverage when they go to a hospital and the hospital covers them, and it is paid for unevenly by the people who have coverage and by the corporations that have to make up the difference. That has gone down now. Now the free care has gone down because the people have a program, they have a plan, and they can go in and get the care that is afforded to them.

Here is what is important—and I say this to my friend who is managing for the Republicans right now—the average premiums in the individual market fell dramatically in Massachusetts—falling from \$8,537 at the end of 2006 to \$5,143 in mid-2009. In other words, premiums, which we have been arguing about, in the individual market, fell by 40 percent, while the rest of the Nation saw a 14-percent increase. Which would you rather have, a program where you spread the risk more fairly, where you lower the premiums and you provide quality care for people who don't have coverage today or continue the status quo, where you get thrown off your insurance by a company that just wants to take the profit and doesn't care about the fact that you got sick; that cuts you off after you have paid your premiums because they find a little catchphrase in the clauses of the contract and they tell you: Sorry, you are not covered when you are sick, or you can't even get covered because you have a preexisting condition when you walk in and you try to get the coverage.

I think the case is so clear it is almost unbelievable to me that we are here arguing about this at this point. But even more ridiculous is the following: The very same people who are coming to the floor right now and telling us not to slow the growth of Medicare, which is all that we are doing. We are not cutting any benefits. I hope every senior in America hears this. It is time to end these scare tactics. There is no cut in benefits. Every benefit currently under the law will continue to be given to the seniors of this country, and that is an obligation we have. But listen to what the people who are coming to tell you that there are cuts in your benefits used to say. I say used to say because it was when they had a Republican President and they were running the Senate.

The fact is, back in June 2009, because of a report on the long-term



budget outlook, we know, point-blank, that if we don't cut, if we don't do something to reduce the rate of growth in Medicare, by 2080, the Federal Government is going to spend almost as much a share of the economy on just its two major health programs as it spent on all its programs in every branch of government in recent years. The Medicare provisions in this bill take the necessary steps to try to reform the delivery system through value-based purchasing initiatives, through bundled payments. A bundled payment is when you give a hospital or a delivery provider a sort of global budget, if you will. You give them a big amount of money and you say: This is what we are giving you, and you have to manage with that amount of money, instead of paying them for every single time somebody comes in to do something. When you give them that global budget, that so-called bundled budget, it encourages the executives to do what they haven't done today, which is find the ways to deliver the same quality of care but to deliver it more effectively and more efficiently.

We provide the creation of an innovation center to test new payments, to have comparative effectiveness research. Doesn't that make sense? We want to know if what they are doing in Wyoming or what they are doing in Colorado or some other part of the country makes as much sense as what they are doing in Kentucky or Massachusetts or West Virginia somewhere. By looking at the comparative effectiveness, we will all learn and become more effective and more efficient at delivering services. Thanks to the distinguished Senator from West Virginia, we create an independent Medicare advisory board, which will have a profound impact on forcing the Congress to make decisions we have avoided for far too long.

Our colleagues who are here today saying: Don't do this. Don't be smart about Medicare. That is effectively what they are saying because that is what we are doing. We are trying to be smart about Medicare. We are not cutting any benefits. But they are coming here and telling you we are cutting benefits, even though in June of 1995, June 28, Senator GRASSLEY from Iowa came to the floor and said:

We propose slower growth of Medicare. Medicare would otherwise be bankrupt.

On June 29, 1995 Senator JOHN KYL said:

We do heed the warning of the Medicare board of trustees and limit growth to more sustainable levels to prevent Medicare from going bankrupt in 2002.

Medicare, we think, is not going to go bankrupt until 2017. Thanks to what is in this bill, we actually extend the life of Medicare another 4, definitely, and hopefully 5 years. But here is what Senator KYL said:

Preventing Medicare from going bankrupt is what is necessary to make sure seniors do

not lose their benefits altogether as a result of bankruptcy in 7 years.

On June 29, 1995, Senator HATCH said:

It is important to start the structural reforms which are necessary to make Medicare solvent in the long term.

That is exactly what we are doing. That is precisely what we are doing, and we should have the support of Senator KYL and Senator GRASSLEY and Senator HATCH.

On October 17, 1995, Senator KYL said:

We also know that it is necessary to prevent the Medicare program from going broke. The Republican budget will slow the growth in Medicare because the Medicare trustees have warned us that without doing so the system will go broke. I think that it is totally irresponsible for any organization in America to be scaring America's senior citizens.

I am quoting Senator JOHN KYL: "... irresponsible for any organization ... to be scaring America's seniors." Yet here is the Republican Party scaring America's seniors.

I wish to talk about what this legislation does and doesn't do because every claim that is being made is simply without foundation. This amendment is basically an amendment designed to try to gut this bill and what it does is condition any spending increases or tax reductions in the bill on certification that all costs in the bill are offset, without counting changes in Medicare or Social Security. That is a gimmick. It is a game. It is calculated to prevent us from taking the positive changes we make and using those positive changes in an effective way to do even more that is positive.

I wish to be very specific about more that is positive, but I want to, first, go through each of the claims made by the other side. First of all, they claim the Medicare payroll taxes are used in this bill to pay for non-Medicare benefits. They say this bill raises the Medicare payroll tax so we pay for non-Medicare benefits. Well, it is not true. It is true the payroll tax goes up for an individual with an income over \$200,000 and for a married couple with an income over \$250,000. But let's set the record straight. By law—and nothing in this bill changes that law—all Medicare payroll taxes are used to improve the solvency of the Medicare Program. This bill does not change that practice, notwithstanding anything they try to say, and it certainly doesn't divert Medicare payroll taxes to another program.

Even the CMS actuary has certified that because of the Medicare provisions contained in this bill, the solvency of the Medicare Part A hospital insurance trust fund will be improved by 5 years. So what they are saying with respect to that is simply not true.

They also claim Medicare cuts are used to pay for coverage expansion. This statement actually ignores the benefits seniors receive from this bill.

I think it also is important to remind people how the Medicare financing sys-

tem works. I just talked about the Medicare solvency in the Part A Program. The Part A Program is paid through payroll tax. The Part B Program and the prescription drug program is paid through a combination of general revenue contributions and enrollee premiums. About 25 percent of the total program cost is paid through the premium, and 75 percent is paid by the general revenues. Part D financing works exactly the same way.

This bill reduces Medicare spending by a total of \$463 billion. It doesn't reduce the benefits, but it reduces the spending over the next 10 years. Do you know what that does? That lowers the out-of-pocket premiums beneficiaries pay for Medicare physician services and prescription drug coverages. In effect—and this has already been certified by CBO—we lower the premiums for seniors. That is the benefit.

The opponents claim the Medicare cuts to providers are going to result in decreased access. Well, it is interesting that the very same people who brought us the so-called death panels, which never existed, are at it again with respect to access. They want to scare you. They want to say you are not going to get access to a doctor or access to your medical care, and they claim Medicare benefits could be harmed by the bill. Yet, even as they say that, AARP, the people who represent 40 million retired Americans, says: No, no, no, that is not true. Our people are protected. The American Medical Association says: No, no, no, that is not true. The folks we care about are protected.

This bill fully protects guaranteed Medicare benefits for seniors. It will keep Medicare from going broke in 7 years, it extends the life of the Medicare trust fund, it reduces prescription drug costs for seniors, it ensures seniors can keep their own doctors next year by blocking a 21-percent pay cut for physicians, it creates new prevention and wellness benefits in Medicare, and it keeps seniors in their own homes and not in nursing homes.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. BAUCUS. Mr. President, I yield an additional 5 minutes to the Senator from Massachusetts.

The ACTING PRESIDENT pro tempore. The Senator may proceed.

Mr. KERRY. I thank the distinguished leader and the Chair.

So the opponents of health care reform are simply not telling you that the program is about to be insolvent because private insurance companies and some of the providers are, in fact, using the money basically to get rich off the Medicare dollar.

We ought to be clear about the impact of these policies. Even with the Medicare changes we have made—I hope Medicare beneficiaries hear this—



even with the Medicare changes in the bill, overall provider payments are still going to go up. They are not cut. They are going up. We are simply slowing the rate of growth, and that is something everybody on the other side has said they want to do.

Wall Street analysts also have suggested that many providers, including hospitals, are going to be “net winners.” That is a quote, “net winners.” Under our bill, they estimate hospital profitability will increase with reform because more and more hospital patients will have private insurance that they do not have today and the hospitals today are out of pocket because they take care of these people but they do not have the insurance. Just as in Massachusetts, where the premiums went down and where the expenses for free care went down, that is precisely what the impact will be here.

We have a choice. We can do nothing, which is basically what our colleagues have proposed. The status quo means Medicare is going to be broke in approximately 7 years. It means seniors are going to pay higher and higher premiums and cost sharing due to wasteful overpayments to providers. It means that each year billions of Medicare dollars are going to continue to be wasted, lining the pockets of the private insurance companies that kick people off indiscriminately or tell them they don't have the coverage when they finally get sick and need the coverage. The status quo means seniors are going to continue to pay for their prescription drugs.

The fact is, this is the time for responsible action. This bill strengthens the Medicare Program, it reduces premium costs for seniors, it restores Medicare's financial integrity, and it fortifies Medicare and protects Medicare benefits for America's seniors.

Let me point to another thing they keep saying. They keep saying this bill cuts billions of dollars from the Medicare Advantage Program, hurting the 11 million seniors who are enrolled in those programs today. I know that is exactly what they have said—this bill cuts Medicare Advantage and hurts those millions of seniors. Wrong, not true, scare tactic, same old procedure, trying to distort and provide fear. Nothing could be further from the truth. This bill cuts down on overpayments, not benefits. What taxpayer in America should knowingly be paying an additional amount for a service, more than the service is worth and more than we pay in the regular program?

Mr. COBURN. Will the Senator yield for a question?

Mr. KERRY. I want to finish the thought. If we can yield on your time at the end, I will be happy to do that, but I want to make the points.

It is the overpayments to insurers that actually threaten Medicare's fu-

ture. That is what increases the costs for seniors.

In 2009, MedPAC, the independent commission that advises us on issues affecting Medicare, estimates that Medicare is going to pay approximately \$12 billion more for beneficiaries enrolled in private Medicare Advantage plans than if they were in the traditional Medicare. These are overpayments, according to MedPAC and according to folks in the medical profession. They exist because private insurers, under Medicare Advantage, are overpaid by about 14 percent, on average.

I might add, coincidentally, in 2008, when the Senator from Arizona was the nominee for President, one of his top aides, Mr. Douglas Holtz-Eakin, said—I think it was in an article in USA TODAY—that Medicare Advantage plans should “compete on a level playing field” with traditional Medicare. The changes in this bill will help to reduce these overpayments, and they bring us closer to that level playing field that was suggested last year.

My friends on the other side of the aisle also say that reducing the government subsidies to private medical plans is going to increase the costs for seniors. Again, this statement is fiction. The overpayments private insurance companies receive under the current law to deliver Medicare benefits have increased the costs for seniors today. They, in fact, result in a \$90 increase in premiums to every married couple enrolled in Medicare.

As we go forward, I hope it is the truth and facts that will prevail here, not the fiction we keep hearing to scare seniors.

Americans ought to take note that the Minority do not come to the floor of the Senate and show us how we could fix Medicare's problems more effectively. The minority does not support changes that serve seniors better. Instead, they just embrace the status quo. Everyone in America knows the status quo is unacceptable. We cannot afford it. Medicare will go bankrupt within the next 10 years. I ask my colleagues, then where are we going to be?

This is the time for responsible action, and every step we have offered offers that kind of responsible action without reducing care. Opponents of health reform won't rest. They are using myths and misinformation to distort the truth and wrongly suggest that Medicare will be harmed. After a lifetime of hard work, don't seniors deserve better?

The Patient Protection and Affordable Care Act clearly strengthens the Medicare program. The bill reduces premium costs for seniors, improves Medicare's financial integrity and delivers immediate benefits for seniors like lower prescription drug costs and free preventive services. In short, health care reform will fortify Medi-

care and protect Medicare benefits for America's seniors. I would like to take the next few minutes to separate the facts from the fiction.

My friends on the other side of the aisle say that health reform will cut Medicare benefits for seniors. And once again, this statement is false. Health reform will increase the number of Medicare benefits that seniors are entitled to under law. Nothing in this bill will take away or reduce guaranteed Medicare benefits. In fact, the legislation increases coverage of preventive services at no additional costs to seniors. That means, when seniors visit a doctor for a colonoscopy, mammography, or other preventive screen, they won't pay the co-pay required under current law. Encouraging more preventive care is one of the best ways we can save lives and lower health care costs. That's why, under this bill, seniors will receive even better preventive benefits than they receive today.

My friends on the other side of the aisle say that under health reform, government bureaucrats will dictate personal health care decisions. This statement is completely false. Health care decisions about providers and treatments are some of the most personal decisions many people make. Under current law, doctors and patients decide which treatments Medicare patients need. The same is true under this bill. Health reform will keep these decisions between health care providers and patients. And with improved payment policies, this bill also ensures Medicare providers get the resources they need to continue providing quality care to their patients.

My colleagues on the other side of the aisle say that reducing fraud, waste and abuse in Medicare will not save a significant amount of money. To the contrary, waste, fraud and abuse cost the health care system billions of dollars every year. Improving Medicare's financial integrity is one of the first steps we can take to save the program. According to independent analysis from the Congressional Budget Office, under this bill, enhanced oversight, like requiring background checks and screening for providers, will save Medicare dollars. Targeting waste, fraud and abuse in Medicare will protect American taxpayers and help extend the life of the program.

My friends on the other side of the aisle claim that health care reform will not lower costs for seniors but drive costs higher. The truth is that seniors will see immediate savings in prescription drug costs under health care reform. This legislation will save seniors money in the Medicare prescription drug coverage program by providing more coverage and lowering the costs of brand-name prescription drugs. In 2010, seniors will receive an additional \$500 of coverage before they have to begin paying out of their own pocket in

the coverage gap or “doughnut hole” in the Medicare Prescription Drug Benefit. Also beginning in 2010, the price of brand-name drugs and biologics will be cut in half for the seniors who have to pay for prescriptions out of their own pocket when they hit the “doughnut hole” between initial and catastrophic coverage.

Those on the other side of the aisle say that we are not doing enough to protect home health care. The fact is that this bill includes provisions I introduced to make home and community-based services more widely available in Medicaid. Despite advancements in home and community-based services, seniors have few affordable and accessible options in choosing a health care setting today. Seniors deserve more options, rather than just nursing homes. For seniors eligible for both Medicare and Medicaid and who prefer home or community-based services, this bill provides valuable support.

We have heard repeatedly from my friends on the other side of the aisle that leading advocacy groups do not support the Senate health care bill. Nothing could be further from the truth. The country’s leading advocacy groups for seniors rights are helping stop the scare tactics and clear up the facts. Voices like AARP and the American Medical Association support the responsible Medicare reform in this bill.

On November 18th, AARP said:

The new Senate bill makes improvements to the Medicare program by creating a new annual wellness benefit, providing free preventive benefits, and—most notably for AARP—members reducing drug costs for seniors who fall into the dreaded Medicare doughnut hole, a costly gap in prescription drug coverage.

On November 20th, the American Medical Association said:

[We are] working to put the scare tactics to bed once and for all and inform patients about the benefits of health reform.

On November 16th, the Federation of American Hospitals said

Hospitals always will stand by senior citizens.

And on November 16th, the Catholic Health Association of the United States said:

The possibility that hospitals might pull out of Medicare [is] very, very unfounded. Catholic hospitals would never give up on Medicare patients.

The minority today is arguing the exact opposite of what they have said previously. In the late 1990s, Republicans and Democrats joined together to fight for America’s seniors, advocating Congress take the advice of experts who said the solvency of Medicare was in trouble. Today, some are using scare tactics, falsely claiming that the Patient Protection and Affordable Care Act will impose “cuts to Medicare” that hurt seniors. In truth,

this bill protects the guaranteed Medicare benefits our seniors deserve. I urge my colleagues to stop spreading the misinformation and false claims about this bill that are intended only to scare seniors. Instead, I urge you to work with us on this legislation which delivers health care to an additional 31 million Americans and strengthens and preserves Medicare for the 45 million beneficiaries who rely on the program.

The PRESIDING OFFICER (Mr. ROCKFELLER). The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I ask unanimous consent that following the comments of the Senator from Massachusetts, an article be printed in the RECORD called “The Coming Deficit Disaster” by Douglas Holtz-Eakin, the same Congressional Budget Office Director to whom he was referring. That goes into a number of these points I probably will do later, but I want it at this moment because I want to relinquish such time as the Senator from Oklahoma might want.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### THE COMING DEFICIT DISASTER

The president says he understands the urgency of our fiscal crisis, but his policies are the equivalent of steering the economy toward an iceberg. By Douglas Holtz-Eakin (Mr. Holtz-Eakin is former director of the Congressional Budget Office and a fellow at the Manhattan Institute. This is adapted from testimony he gave before the Senate Committee on the Budget on Nov. 10.)

President Barack Obama took office promising to lead from the center and solve big problems. He has exerted enormous political energy attempting to reform the nation’s health-care system. But the biggest economic problem facing the nation is not health care. It’s the deficit.

Recently, the White House signaled that it will get serious about reducing the deficit next year—after it locks into place massive new health-care entitlements. This is a recipe for disaster, as it will create a new appetite for increased spending and yet another powerful interest group to oppose deficit-reduction measures.

Our fiscal situation has deteriorated rapidly in just the past few years. The federal government ran a 2009 deficit of \$1.4 trillion—the highest since World War II—as spending reached nearly 25% of GDP and total revenues fell below 15% of GDP. Shortfalls like these have not been seen in more than 50 years. Going forward, there is no relief in sight, as spending far outpaces revenues and the federal budget is projected to be in enormous deficit every year. Our national debt is projected to stand at \$17.1 trillion 10 years from now, or over \$50,000 per American. By 2019, according to the Congressional Budget Office’s (CBO) analysis of the president’s budget, the budget deficit will still be roughly \$1 trillion, even though the economic situation will have improved and revenues will be above historical norms.

The planned deficits will have destructive consequences for both fairness and economic growth. They will force upon our children and grandchildren the bill for our overconsumption. Federal deficits will crowd out domestic investment in physical capital,

human capital, and technologies that increase potential GDP and the standard of living. Financing deficits could crowd out exports and harm our international competitiveness, as we can already see happening with the large borrowing we are doing from competitors like China.

At what point, some financial analysts ask, do rating agencies downgrade the United States? When do lenders price additional risk to federal borrowing, leading to a damaging spike in interest rates? How quickly will international investors flee the dollar for a new reserve currency? And how will the resulting higher interest rates, diminished dollar, higher inflation, and economic distress manifest itself? Given the president’s recent reception in China—friendly but fruitless—these answers may come sooner than any of us would like.

Mr. Obama and his advisers say they understand these concerns, but the administration’s policy choices are the equivalent of steering the economy toward an iceberg. Perhaps the most vivid example of sending the wrong message to international capital markets are the health-care reform bills—one that passed the House earlier this month and another under consideration in the Senate. Whatever their good intentions, they have too many flaws to be defensible.

First and foremost, neither bends the health-cost curve downward. The CBO found that the House bill fails to reduce the pace of health-care spending growth. An audit of the bill by Richard Foster, chief actuary for the Centers for Medicare and Medicaid Services, found that the pace of national health-care spending will increase by 2.1% over 10 years, or by about \$750 billion. Senate Majority Leader Harry Reid’s bill grows just as fast as the House version. In this way, the bills betray the basic promise of health-care reform: providing quality care at lower cost.

Second, each bill sets up a new entitlement program that grows at 8% annually as far as the eye can see—faster than the economy will grow, faster than tax revenues will grow, and just as fast as the already-broken Medicare and Medicaid programs. They also create a second new entitlement program, a federally run, long-term-care insurance plan.

Finally, the bills are fiscally dishonest, using every budget gimmick and trick in the book: Leave out inconvenient spending, back-load spending to disguise the true scale, front-load tax revenues, let inflation push up tax revenues, promise spending cuts to doctors and hospitals that have no record of materializing, and so on. If there really are savings to be found in Medicare, those savings should be directed toward deficit reduction and preserving Medicare, not to financing huge new entitlement programs. Getting long-term budgets under control is hard enough today. The job will be nearly impossible with a slew of new entitlements in place. In short, any combination of what is moving through Congress is economically dangerous and invites the rapid acceleration of a debt crisis.

It is a dramatic statement to financial markets that the federal government does not understand that it must get its fiscal house in order. The time to worry about the deficit is not next year, but now. There is no time to waste.

Again, Mr. Holtz-Eakin is former director of the Congressional Budget Office and a fellow at the Manhattan Institute. This is adapted from testimony he gave before the Senate Committee on the Budget on Nov. 10.

Mr. COBURN. Mr. President, the question I was going to ask the distinguished Senator from Massachusetts is,

how many Medicare Advantage patients has he ever cared for? How many Medicare Advantage—how many Medicare patients has he ever cared for? How many times has he been in the trough, experiencing the heavy hand of government as we try to care for people on Medicare? The answer to that question is zero because he is not a physician. He relies on the American Medical Association—the American Medical Association that today represents less than 10 percent of the active practicing doctors in this country. He relies on AARP, which has 40 million in membership but is the fifth largest revenue receiver from supplemental policies. That is whom he relies on. The fact is, he does not have the experience of being in the trough, caring for patients.

Let me tell you what is going to happen to Medicare Advantage patients.

Mr. KERRY. Will the Senator yield—

Mr. COBURN. The Senator would not yield to me. I have no intention to yield to him.

Mr. KERRY. I was ready to yield on your time.

Mr. COBURN. The Senator would not yield. I will continue my talk.

For Medicare Advantage patients—there is no question, I have agreed with the chairman of the Finance Committee—the competitive bidding needs to happen. But there is one little thing that happened on the way to the bank. It is that there is going to be a decrease in benefits—not only a decrease in what we pay for, but there is going to be a decrease in benefits. Where will that impact be most importantly felt? Not in the urban areas. It is not going to be felt in the urban areas. It is going to be felt in rural areas throughout this country. That is where it is going to be felt. It is going to be felt out there where there is a marginal rural hospital that is using the other benefits to help maintain the flow to that hospital.

So there is no question that, if you are one of the 11 million—with the exception of those who got deals cut in this bill—that, for sure, the 90,000 Oklahomans are going to feel an impact from this cut.

Nobody says Medicare Advantage is perfect. It is not. It is far from it. But there is another aspect of Medicare Advantage that really helps those on the lower rung of the economic ladder. It is that with Medicare Advantage, they did not have to buy a supplemental policy because all the things they need are covered.

Ninety-four percent of Americans on Medicare who are not on Medicare Advantage purchase a supplemental policy. Why do they do that? Why do they spend \$300 or \$400 a month to buy a supplemental policy? Because basic Medicare that we have proudly said will not be cut does not cover the basic needs of

a senior and their health care. Consequently, they pay into Medicare Part A, HI trust fund their whole life, they buy Medicare Part B, and then they buy a supplemental policy. It just so happens that one of the largest sellers of those policies happens to be somebody who is endorsing this bill. If that is not a conflict of interest, I don't know what is.

I heard the Senator talk about Massachusetts. I refer to an article from the Chicago Tribune—they have broadened care. I am proud of them for doing that. But at what cost? At a 10-percent increase in cost of premiums for the people in the middle.

When we go back to what the President said about what his goals are, there is no question that this bill does not keep those promises.

I now ask unanimous consent to turn to another area which we have discussed and ask unanimous consent to have printed in the RECORD an article from the North County Times/The Californian, dated December 5, 2009, at 9:35 p.m.

Mr. KERRY. Reserving the right—

The PRESIDING OFFICER. It is so ordered—the Senator from Massachusetts?

Mr. KERRY. I reserve the right to object. I want to find out if we can have a moment to have a discussion, I ask my colleague.

Mr. COBURN. I will offer you the same courtesy you offered me. When I finish my remarks, on your time, you are more than welcome to refute what I said.

I ask unanimous-consent that be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator's unanimous-consent request is granted as it was before.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the North County Times, Dec. 5, 2009]

STATE ENDS SUBSIDY FOR MAMMOGRAMS TO LOW-INCOME WOMEN UNDER 50

(By Bradley J. Fikes)

The eligibility age for state-subsidized breast cancer screening has been raised from 40 to 50 by the California Health and Human Services Agency, which will also temporarily stop enrollment in the breast cancer screening program.

Advocates for low-income women, whose health care the department helps pay for, say the cuts put a two-tier system in place that is based on money rather than medical standards.

The cuts will greatly harm the clinic's mammogram program, said Natasha Riley, manager of Vista Community Clinic's Breast Health Outreach and Education Program.

The clinic and others like it in San Diego County provide reduced-cost care, mostly to low-income people, with money from the state and some private donations.

"More than 50 percent of the women we give breast exams and mammograms to are in their 40s," Riley said. "The majority of our current breast cancer survivors are women in their 40s."

The state's decision, announced Dec. 1 and effective Jan. 1, follows a controversial federal recommendation last month that mammograms before the age of 50 are generally not needed.

However, the public health department also linked the change to California's budget woes.

The federal recommendation, made Nov. 16 by the U.S. Preventive Services Task Force, has encountered strong opposition.

The task force later retreated a bit, adjusting its recommendation to state that mammograms for women ages 40 to 49 should be considered by their doctors on an individual basis.

Moreover, private health care systems such as Scripps Health have rejected the federal task force's recommendation, choosing instead to keep the existing standard, which calls for a mammogram at age 40, with annual mammograms thereafter.

That means doctors will be using two medical practice guidelines, distinguished not by knowledge but by the pocketbook, said Dr. Jack Klausen, a gynecologist and obstetrician who practices at Vista Community Clinic.

"If we are in a situation where we don't screen, but the private-practice doctor can screen, then we are actually not practicing to the standard of care," Klausen said.

In its announcement, the state said the cuts were needed because of a projected budget shortfall for the California Department of Public Health, and from declining revenue from tobacco taxes.

However, it did not say how much money it expected to save.

Calls to the department were not returned Friday.

The policy puts lives at risk, said Barbara Mannino, CEO of Vista Community Clinic.

"I bet you everybody knows a woman who was diagnosed in her 40s, and her life was saved by a mammogram, or lost because it was too late," Mannino said, just before leaving for her own mammogram.

And she said that little money would be saved, because all the equipment and staff to provide mammograms is already in place.

There is a difference of opinion in the medical community about when mammograms, an X-ray of the breast, should be used.

Mammograms sometimes give false alarms, with the incidence of false positives especially high for women in their 40s.

Estimates are that 10 percent to 15 percent of mammograms give false positives, experts say.

False negatives, in which the cancer is present but the mammogram seems normal, occurs 20 percent of the time, according to the National Cancer Institute.

However, false negatives become less frequent with age.

But the benefits in finding cancers when they are more easily treatable outweigh the drawbacks, Mannino and Klausen said.

And Scripps' breast cancer task force said that because 28 percent of women newly diagnosed with breast cancer are younger than 50, the number of lives saved outweighs the additional cost.

Klausen said the federal panel was trying to "create a best-practices (standard) from a monetary point of view," to provide the most health care for all, out of a limited budget.

Women who get false positives on mammograms not only undergo stress, but they must go through other tests, only to find out there's nothing wrong.

That adds costs to the system without providing any better health care, according to the federal panel's reasoning.

However, Klausen said the state has taken that reasoning too far, putting too much emphasis on saving money.

"What makes me really worried is that the California Department of Public Health wants to save money by taking away a cancer-detection program," Klausen said. "That discriminates against a gender, and also discriminates against an income level. And it also discriminates against how community clinics can practice medicine."

Mr. COBURN. In this bill, what we are debating are three terrible things for care but great things for cost: the U.S. Preventive Task Force on Prevention Services, the Medicare Advisory Commission, and the references to the Cost Comparative Effectiveness Panel.

When the U.S. Preventive Services Task Force came out with their recommendation, as far as costs—I am talking about breast cancer screening for 40- to 49-year-olds—as far as costs, they were absolutely right, as far as cost-effectiveness. But as far as clinical effectiveness, they were absolutely wrong. What did we do? We accepted a Vitter amendment to hold off, so that recommendation, that mandate from that panel will not apply to women in this country under these programs—except the women in California on Medicaid because, you see, this week California embraced the U.S. Preventive Services Task Force. So if you are a Medicaid patient—which we are going to put 15 million more people into—you cannot have a mammogram in California if you are under 50. You cannot have it because, from a cost standpoint, they are right. From a clinical standpoint, they are wrong.

What we have done is, every time one of these three organizations creates a ruling, that the American people rise up and say: That is wrong, we are going to come in here and correct it? But throughout this bill, strung throughout are multiple references to what these three panels are going to ration—I did not miss that word—ration the care to American people in this country.

If you are a senior, you have two real reasons to be worried. One is, we are cutting Medicare. And if we are not, then vote for the Gregg amendment and you will make sure we don't. It is an insurance policy. But more important, within that, we are going to see the care to seniors rationed based not on what is in their own best interests or their health's best interests but what is in the cost's best interests. There is no question about it. We are going to do that.

It would be different if we created a comparative effectiveness panel, a clinical comparative panel. But they are already out there. We knew that.

When I study to take my recertification exams, I have to know what the clinical comparative effectiveness guidelines are or I will not pass as a practicing physician. But we didn't do that. We said: Cost is most important. So how are we going to cut? We are

going to say where something is cost-effective though not clinically effective, we are going to cut that care.

So if you are a senior, especially if you are on Medicare Advantage, you don't have to just worry about the fact that we are going to decrease the revenue stream that will supply those benefits that cause you not to have to buy a supplemental policy, and we are going to decrease some of the things that are available to you as a Medicare Advantage patient, but you also have to worry about the next ruling that is going to come from the U.S. Preventative Health Services Task Force. You have to worry about what is going to come from the Medicare Payment Advisory Commission because it is going to be looking at costs too.

Then you have to worry about what is going to come from the cost comparative effectiveness panel. I could spend up to 8 hours talking about tragedies from England and Canada on care denied based on things Americans have today that that very panel is going to deny to Americans in the future because they are not cost-effective. That is one of the reasons our result in terms of cancer treatments is one-third better than anywhere else in the world. It is because we don't have mother nanny bureaucracy saying what you can and cannot have.

It would be totally different if we created incentives for lowering the cost, but we don't. We create mandates. We drive down the cost of health care in specific areas through these three separate panels.

There is one thing that is even worse than the two things I just talked about for Medicare patients. Here is what it is. When you have these three panels, you have just taken away the loyalty of your physician to you. You have just decided, with these three panels, that the physicians have to keep their eyes on the government. They have to do what the government says is in your best health interest rather than what that provider knows is in your best interest. Remember, the Medicare Payment Advisory Commission, the cost comparative effectiveness panel, and the Preventative Services Task Force doesn't know your family history, doesn't know your clinical history, has never done an exam on you, do not know the idiosyncrasies of your health care. But we are going to apply that all to you; we are going to depersonalize health care.

I readily admit, for 80 percent of the people, it is going to be just fine. They will not see any untoward result. But I will predict, as a practicing physician for over 25 years, for that remaining 20 percent it is going to be a disaster as far as their personal health is concerned. It will destroy the patient-doctor relationship. It will give us worse outcomes, and it will not save us any money because the consequences of

those decisions will create a complication which will require more dollars expended.

When we think the government can practice medicine—and that is what this bill does; this bill sets up the government to practice medicine—we might as well hang it up and just be ready because 20 percent are going to get substandard care compared to what a Medicare patient receives today. We are going to get sicker. The life expectancy of people under this health care bill will decline. The quality of care will decline. The innovation of new advancements in health care will decline because we have chosen the government to decide what everybody will get. It is a disaster as far as the individual patient is concerned.

That is not the motivation of my colleagues on the other side. I know that. I am not accusing them of that. But what they don't see, sitting in Washington, is what I see in a clinic office practice in medicine. Medicine is intensely personal. It ought to be about your choice, about what is best for you and your family and your children, not what the government says makes the best economic sense to the budget picture in Washington any particular year. When we lose that quality in American medicine, we are going to lose the best of what we have in the name of fixing what is wrong.

I agree with my colleagues the insurance industry has a lot of stink to it. But there are a lot of ways to fix it other than the way we have done. I agree with my colleagues that my profession is not pure at every turn of the corner. I agree with my colleagues we can do better. But when we write a bill that is absent any absolute clinical judgment left to the practice of medicine by those who know the patients best, who have 100 percent of that patient's best interests at heart, we are going to hurt the quality of care. We are going to hurt it significantly. Your motivations are good. The answers are wrong on a clinical basis.

Now to the Gregg amendment. The Gregg amendment does what you all say you want to do. I remind my colleagues the Medicare trustees are highly suspicious of the Medicare cuts in this bill. What they say is, they highly doubt it will ever happen because it has never happened before because there is not the political will to decrease the dollars in Medicare. More importantly, the dollars are going to come out of care instead of out of fraud. There is only \$2 billion, say, out of at least \$100 billion a year, in fraud. Only 2 percent of it per year is coming out. That is the problem. We could have had a Medicare bill and we could have cut \$60 or \$70 billion of fraud together out of this bill. We can come together on that. We could have cut \$720 billion out of Medicare just based on fraud alone without ever touching Medicare Advantage,

without ever giving sweetheart deals to the people in Florida because their Senator wanted it, without ever touching FMAP adjustments in other States.

We could have done that, but we chose not to. We chose what we know up here rather than what we know in the hinterland, those of us who are practicing medicine. What do we know? We know there are some rip-offs in home health care. We know there are significant rip-offs in durable medical equipment. We know there are some rip-offs in hospice. We know there are drug company rip-offs. We could agree to some of those. We actually even know in large hospitals that there are some problems there as well. But there are very few problems in our rural hospitals because they are struggling just to keep the doors open. We could have done that, but we chose not to. So we have this divide, and we are going to fix it one way. The biggest pot of honey in Medicare is fraud. Everybody knows that. But we are not going to fix it.

If, in fact, what my colleagues claim is true, that these are Medicare cuts that nobody will ever feel any consequence from, in spite of my own years of practice and knowing the difference, that that isn't true, but let's give you that, why would we not put it all back in Medicare so we don't steal from our children and our grandchildren? Why would we not do that? We have chosen not to do that. We have chosen to mix it. And it is honorable to try to create a system to get more people insured. Yet we will still have 24 million people not insured. Out of this bill, we will still have 24 million people not insured, when it is all said and done, if everything goes as planned.

Yesterday I introduced into the RECORD the analysis by the State insurance commission in the State of Oklahoma. Kim Holland is of your party, the majority party. But she sees what is getting ready to happen with this bill. What does she say? What she says is, insurance premiums are going to significantly rise in Oklahoma. More people will be uninsured than there are today. The State Medicaid fund is going to be tremendously stressed with at least \$67 million a year having to go into that, again, based on the mandates in this bill that we don't have money to do; that, in fact, it is not the way to solve what Oklahoma is facing in terms of health care.

I didn't call her and say: Give me something bad to say about this bill. She volunteered this information out of her legitimate concern for the consequences, of what is going to happen with this bill. Why would she do that? Because she knows one heck-of-a-lot more about insurance than I do and anybody else in this body. She knows it in our State. And the other insurance commissioners around here, some through their association, have en-

dorsed this bill. Most, when they look at their State, especially the poorer States, especially West Virginia, it is going to hurt.

How are we going to cover that? We are going to shift 15 million people to Medicaid. What do we know about Medicaid? I have delivered thousands of babies and over half of them have been Medicaid. I have cared for thousands of Medicaid children, thousands of Medicaid adults and thousands of Medicaid patients. What do we know? Medicaid is a substandard program. Compared to everybody else, it is substandard, except when compared to the Indian Health Service, and that is a disaster. So our answer is to put a mandate on the States that they cannot afford and shove another 15 million people into a system that has poorer outcomes, higher complication rates, higher infant mortality rates, later presentation, and a system that has 11 million people eligible for it today who are not signed up.

We have the system out there, but they are not signed up. So they are not getting any preventative care. They are not interacting with a primary care physician.

And that is our answer? Move 15 million more Americans into Medicaid. By the way, keep a discriminatory stamp on their forehead, rather than give them an insurance program; put a stamp on their forehead that says 40 percent of the doctors can't see you, 65 percent of the specialists will not see you because your reimbursement rate is so low they can't afford to have you walk into their office and cover the cost of seeing you. That is what we are going to do.

That is not reform to health care. That is banishing people to a substandard system as compared to what the rest of the system is and then feeling good about it. That is not reform. That is discrimination because here is what really happens to a Medicaid mom and her children.

If she has a sick kid, she can't get in. She has this 6-year-old with a fever, not eating, dehydrated, and she can't get in to see a primary care physician, which could keep that child out of the hospital. So what happens? She keeps trying to get in. What does she do? She accesses the emergency room, the most expensive place. She accesses it late—not early, late.

So we have a sicker child, with higher costs, because we have a system that will not reimburse its costs. And you all have actually talked about the cost shift on that, from Medicare and Medicaid, to the private sector. We would be much better off paying the same rates in Medicaid so we do not get that cost shift, so we do not discriminate against people on Medicaid for access to care. But we have chosen not to do that because it fits with the numbers. It fits with the Washington, govern-

ment-centered management of health care.

I will tell you as a physician, we would be better off—single-payer rationing and all—than what you are doing to so many of these patients in this bill. We would be better off with the government just running it all, rationing it, and saying: Tough, you get to 75 years of age, you can't get your hip fixed; you get cancer, we are not going to give you the latest drugs. We would be better off because now we are going to get the worst of both worlds. We are going to get the rationing through these three panels I talked about. They are going to tell doctors what they can and cannot do. They are going to practice medicine—the very people who have never touched, never had an encounter, never visited with that patient and do not know anything about them—they are going to make a decision.

Mr. President, I would inquire, I think I have 5 minutes.

THE PRESIDING OFFICER. The Senator is correct.

Mr. COBURN. What is the request of my ranking member?

Mr. ENZI. Senator SESSIONS?

Mr. SESSIONS. Mr. President, I will just respond by saying to Senator COBURN, I think he should use the remainder of the time, and then I will be able to work with the Democrats to get time.

Mr. COBURN. I think I will finish up in seconds.

Mr. SESSIONS. I say to the Senator, take the remainder of the time, if you would like it. I will get my opportunity in a few minutes.

Mr. COBURN. Every person in this country should be able to have access. I agree. Nobody should lose their home. Nobody should have to file for bankruptcy because of health care. I agree. That premise we agree on. How we get there is in two totally different ways.

The No. 1 impediment to access is cost. Costs are not going to go down. We know that by all the studies. The health care costs are not going to go down. They are not going to go down per individual and they are not going to go down in total. So we will not have fixed the big problem with health care, which is cost.

We will have worked on access through a government program, but we will not have fixed the real problems. What are the real problems? Fraud is at least 6 percent of the cost of health care. Tort extortion by the trial bar is at least 6 percent of the cost of health care when you count defensive medicine. There is 12 percent where you could lower it tomorrow—12 percent where you could lower the cost of health care tomorrow if, in fact, we would fix the real problems.

No. 3, transparency with insurance companies and transparency with doctors so you know what the cost is, you

know what the outcomes are, you know what their track record is, so you can truly make a decision about your care. There is no incentive for that, the incentivization for prevention and management of chronic disease.

I have said this on the floor before, but it bears repeating: The reason we have a primary care doctor shortage in this country today is because of Medicare. The Centers for Medicare & Medicaid Services sets the rates of reimbursement for primary care encounters in Medicare, and everybody else follows it. So you have a disruption, a differential of 300 percent from a family practice doctor and an obstetrician like me to a super-subspecialist. And what do you think the doctors in medical schools are doing? Last year, only 1 in 50 went into primary care. Only 1 in 50 went into primary care.

So let's say we get everybody covered. Who are they going to see? Oh, I know what the answer is. We are going to use physician extenders. So not only are we going to say you are covered, now we are not going to give you an experienced, gray-haired, reasoned, long-term educated physician with 25 or 30 years of experience; we are going to hand you off to somebody who is a nurse or a PA who is good at limited things but does not practice the art of medicine.

So I will wind up with this. I so want to fix health care. I am so sick of the way it is. But I am not near as sick of the way it is as the way it is getting ready to be under this bill. I know my patients are going to get hurt under this bill. My Medicaid patients are going to get hurt under this bill. My Medicare patients are going to get hurt under this bill. And those who are in between—whether it is with insurance with their employer or insurance they are buying on their own or they are paying cash—are going to pay more for their health care because of this bill. That is what I believe is going to be the outcome of this bill. And all you have to do is go look at the history. Talk to Alice Rivlin, the first CBO Director, about the accuracy of CBO in estimating anything when it comes to health care. They have missed it every way. They have only gotten one “wrong,” by saying it was going to cost more. For every other one, they said it was going to cost less than it did. So every patient—every patient—in some way or another is going to suffer under this bill. That is what we should be worried about. We should not worry about whether the President wins or we win.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COBURN. I thank the Presiding Officer for the accommodation of the time, and I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, how much time is remaining in this hour?

The PRESIDING OFFICER. Eight and a half minutes.

Mr. BAUCUS. Mr. President, I would like to yield 3 minutes to the Senator from Massachusetts. I have spoken with Senator SESSIONS. He is very kindly and very graciously agreeing that Senator SHAHEEN from New Hampshire will be able to speak next after Senator KERRY. So Senator KERRY for 3 minutes, and then the remaining 5½ minutes will be for Senator SHAHEEN.

I also unanimous consent that we be able to proceed until 3 o'clock under the usual form; that is, under the conditions of the last agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I yield 3 minutes to the Senator from Massachusetts. It is also my understanding that the Republican leader may come down at some point after Senator SHAHEEN speaks and use leader time. That is my understanding—or after Senator KERRY speaks. Whenever he comes, he comes. Thank you.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, thank you very much, and I thank Senator BAUCUS for the time.

My friend from Oklahoma asked how many patients I take care of in terms of Medicare. I must say that is not the essential ingredient of being able to exercise common sense and to make some judgments about this issue. I could turn to him and ask, how many buses has he driven, but he votes on transportation policy; how many wars has he fought in, but he sends people to Afghanistan; how many courtrooms has he practiced in and tried a case in, but he is willing to limit attorney's fees. That is not the measure here. The measure is, what does the policy do?

Let me be very clear. The Medicare Advantage Program was put in place. It is a private plan that is run by the insurance companies. We put them in place, and they grew, in 2003, and gained the name “Medicare Advantage” because they were going to be run more efficiently and at lower cost. Originally, we were paying about 95 percent to the repayment, but that has angled up now to the point where MedPAC itself—not AARP. This is not AARP. This is MedPAC. Here is the MedPAC report. MedPAC says:

Currently, Medicare pays Medicare Advantage plans 14 percent more than it would spend for similar beneficiaries in [the Medicare program], pays a subsidy of \$3.26 for each dollar of enhanced benefits. . . .

So the Medicare folks are subsidizing additional payments to a program that is paying more than is regularly paid, and it goes straight to the insurance company. It does not make sense for tax dollars to be spent that way.

Finally, let me just say, the Senator referenced Massachusetts. Let me read a quote from the Massachusetts Tax-

payers Foundation. It is the most conservative—it is constantly protecting the expenditure of tax dollars. Everyone in the State looks to it on issues of tax policy, expenditures. Here is what it says about our plan in Massachusetts:

[T]he cost to taxpayers of achieving near universal coverage has been relatively modest and well within initial projections of how much the state would have to spend to implement reform, in part because many of the newly insured have enrolled in employer-sponsored plans at no public expense.

That is what happens.

The final comment I make to him: We are blessed to have five physicians in my immediate family—my daughter, my son-in-law, her father-in-law, and two nieces—and every single one of them would overwhelmingly disagree with the comments made by the Senator from Oklahoma. They hope we will pass this legislation, as do millions of other doctors.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, for the past several months, my office has responded to thousands of letters and phone calls about health care. I have traveled all across New Hampshire talking to small business owners and families who are desperate for help. I have talked to health care providers that are frustrated with the current system. The underlying message is very clear: Health care reform cannot wait any longer.

My colleagues on the other side of the aisle continue to offer amendments that would take this bill off the floor of the Senate, arguing we need to go back to the beginning and start all over or, worse, do nothing at all. But, Mr. President, you and I both know we need to act and we need to act as soon as possible. We need to continue to move forward. We need to move forward on behalf of thousands in New Hampshire and millions across this country who need health care reform.

I have listened to these families, these individuals, and I want to take a few minutes this afternoon to share two of their stories.

Judith Pietroniro from Franconia, NH, was diagnosed with breast cancer in 2005 after her doctor found a lump during a routine mammogram. After undergoing multiple surgeries and radiation treatment, I am very pleased to report that Judith is now in her fourth year of being cancer free. However, at a time in her life when she should be celebrating her good health, Judith is facing a new challenge—finding affordable health insurance—because, you see, when Judith was in treatment, she was fortunate to be covered on her husband's insurance plan. They paid \$82 a week for a family plan. Unfortunately, her husband lost his job last year. But the family has been able to take advantage of COBRA. However,



when her COBRA option runs out, which is going to be at the end of this year, she will be unable to buy an insurance plan from her current carrier. That is because breast cancer is considered a preexisting condition until the patient is cancer free for 5 years under her plan. But the rub is, once she is cancer free for 5 years and able to qualify for insurance under her current plan, she will face a monthly premium of over \$2,000 for a plan that has a huge deductible. Health care for Judith will simply be out of reach.

Now, Mr. President, you and I both know cancer does not discriminate. This could happen to any of us.

I also recently heard from Colleen Connors, a woman who lives in my hometown of Madbury, NH. Like so many others, she has struggled with our ailing health care system. She was born with a hip condition, and she has suffered from several other medical problems, including lupus and scoliosis. As a result, she has also been denied coverage because of her preexisting conditions.

I heard my colleague from Oklahoma talking about the people who he said were being denied care in other health care systems. But let me read what Colleen, my neighbor in Madbury, says about her situation under our health care system. She writes:

It's very difficult to be in this position. As a part-time lecturer at a college, I'm not eligible to buy health insurance through the system.

She says:

I was born with a serious congenital hip deformity and have incurred some 30, mostly related, surgical procedures to make it possible for me to walk and function with relative normalcy. It has given—

She names her insurer; I will not report that—

all the reason, it seems, to legally deny me the coverage I so desperately need. All other venues I have attempted to engage to secure affordable, sustainable, and efficacious coverage have similarly been denied me. I cannot tell you how hurtful this has been. The trickle down economics of my currently uninsured state has had a terrible impact on my daughter also, who just earlier today asked me, "Mom, how long ago is it since your last mammogram?" I told her, "Five years, I think," to which she replied, "Well, I've already lost one parent. I don't want to lose two."

What is happening to people in New Hampshire and throughout this country is devastating to people like Colleen and Judith. But despite Colleen's struggles and the difficulties life has placed in her path, she has remained optimistic and hopeful that things will get better. I, too, am optimistic. I am optimistic we can pass comprehensive health reform that changes the way the insurance market works so my neighbors Colleen and Judith from New Hampshire and Americans in communities all across this country no longer face this discrimination.

The reality is we can't always control whether we get sick, and when we are at our most vulnerable moments, we shouldn't have to worry about whether we are going to be kicked off our insurance or whether our coverage is going to run out. Health care reform will offer this peace of mind to millions of Americans. Health care reform will touch the lives of all Americans.

We have the opportunity to improve our health care system for everyone in New Hampshire and across the country, and we must act now on this opportunity and pass meaningful, comprehensive health care reform.

I thank the Chair.

Mr. ENZI. Mr. President, I yield up to 20 minutes to the Senator from Alabama.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I appreciate the comments that have been made about preexisting illnesses, and I do think we can do something with this legislation to fix that. We just have to be careful. If you have two people both making the same salary, they have both worked for 20 years, one individual saved and paid his health care insurance for those 20 years and got sick and is covered by it, and another one chose not to, it is not insurance if a person then walks in and wants somebody else to pay for it. But we can do that. I think we can work through those difficulties, and I would definitely support moving in that direction.

My colleagues earlier mentioned about Medicare Advantage, that this is a program some are critical of, and they think we can deliver health care better without the Medicare Advantage part of the Medicare Program. I would say Medicare Advantage can and probably should be reformed, but we shouldn't address the problems in Medicare Advantage by directly cutting its seniors' benefits.

With regard to the physicians, in my hometown of Mobile, the medical association ran a poll of their members and 94 percent of them opposed a government option which is in this bill, a part of this legislation. They opposed the bill in general in large numbers. A similar poll in Montgomery, AL, showed the same thing.

What I wish to talk about today is the Gregg amendment. The purpose of his amendment is to prevent Medicare from being raided for new entitlements and to use those Medicare savings, any that we can achieve, to save Medicare. I note for the record Senator GREGG, the former chairman of our Budget Committee and the ranking member on the Budget Committee today, is probably the most knowledgeable person in the Senate—not probably, I am pretty certain he is the most knowledgeable person in the Senate on the financial

instability of Medicare. He has worked hard over the years to try to identify some way to fix it. A number of years ago he proposed an amendment, an idea that would have saved, over 5 years, \$10 billion through cost effectiveness and smart actions within Medicare, and that \$10 billion would have enabled the Medicare Program to extend its life. Because all the actuaries tell us—and there is no dispute about this—that by 2017 Medicare will be in default. Less money will be coming in than going out. So Senator GREGG saw that coming and he attempted to fix it. He was attacked by my colleagues on the other side for this \$10 billion efficiency idea that would have strengthened Medicare, not spent it on something else, but he would spend it to strengthen Medicare. I do not think a single Member of the Democratic Party voted for it and several Republicans didn't. It was a tie vote. The Vice President had to break the vote.

The idea now that we are going to find \$465 billion in Medicare savings without damaging the care and take that money not to strengthen Medicare and put it on a self-sustaining basis, as we should be trying to do, but to take it and create an entirely new entitlement program, is something I cannot support. Actually, I understand my colleagues in their speeches say they don't support it. They say they don't. They voted for the Bennet amendment which sort of seemed to say that. But we knew, those of us who read it carefully, that the amendment of the Senator from Colorado wouldn't do anything. Even the New York Times which supports this bill said it was a meaningless amendment.

So let's talk about where we are. The Gregg amendment, unlike the Bennet amendment, means what it says. This is a serious vote. It simply says if you take money from Medicare, it ought to be used to strengthen Medicare, not to create a new program with it. It is pretty clear about it. It has teeth. It means what it says. It is not a joke. It is not a flimflam. It is a serious amendment. So we will now be, I think, ascertaining how people in this body actually believe with reference to Medicare and whether we ought to be taking money from it.

The amendment says if non-Medicare savings—which are very few, if you want to know the truth—if the non-Medicare savings in this proposal do not offset the new cost of this new bill, the Secretary of the Treasury and the Secretary of HHS are prohibited from implementing new spending or revenue reduction provisions in the bill. The reality is there are not going to be any—or very few say non-Medicare savings. That is where the savings are, frankly.

The amendment prevents Medicare cuts from being used to create new and expanded entitlement programs and to fuel massive government growth on the



backs of Medicare beneficiaries. I recall for my colleagues that people who pay into Medicare have paid into it all their lives and they are now at a point in their life where they are drawing from it. The social contract we had with them was that they would pay into this program, and when they got to be 65, they would get the benefits from it. They didn't get the benefits of it when they were 30. They didn't get the benefits when they were 40. They didn't get the benefits when they were 50, yet they were paying in all these years, and now when the time comes to benefit from it, we have a massive plan to raid that program that clearly is the most unstable, actuarially unsound program we have in our country. It is heading into default. When it goes into default, it is not going to gradually go beyond the break-even line; it is going to drop below it dramatically. It accelerates. One study from the Heritage Foundation, I believe, said as much as \$80 trillion over the lifetime of instability in this program. So I don't think anybody disputes the numbers and the problems that Medicare faces.

The bill says we are going to have a budget-neutral piece of legislation here, and don't worry, it is not going to add to the debt. In fact, we are told by the President that not one dime will be added to the debt. We have Members of this body who say the bill on the floor will create a \$130 billion surplus over 10 years. Well, that would be good if it were true. How do you do that? Well, there are a number of things, but one of them is you have a \$494 billion tax increase, and an \$848 billion fund achieved largely from Medicare. That is where the \$465 billion comes from: Medicare. But the truth is that is not an accurate number, because the tax increases start immediately and the benefits don't start until 2014, 5 years down the road, the fifth year. When you add that up and you take the first 10 years of the real implementation of the legislation that is on the floor, it is going to cost \$2.5 trillion. That is a big amount of money.

Also, it does not fix the doctors payments that everybody assumed and thought and we were told would be part of health care reform. That is not done. Why is it not done? Because the bill wouldn't balance. You wouldn't be able to tell the American people that it brings in revenue when it doesn't. That is \$250 billion to fix an essential payment to our doctors that we cannot cut. We need to put that on a sound financial basis. It should be a part of this reform. But since they couldn't—they figured they had raised enough taxes and they couldn't claim to cut anymore from Medicare, they put it out here on the side somewhere and we will do as has been done in the past, unfortunately: Pay the doctors their payments by increasing the debt. Every penny of the money that goes to

make up the shortfall in doctor payments increases the debt and it is going to continue and it should end.

The bill is not balanced in any fair analysis. It is a shell game. It moves the \$250 billion shortfall for doctors out of the bill. They say we don't have a problem, our bill balances. But there is a \$250 billion hole sitting over here; we just moved it across the room here. That is not good and sound policy.

The Gregg amendment prohibits the using of the \$465 billion in Medicare cuts to pay for the new government spending in this legislation. It would keep the Medicare expansions—Medicaid expansions from going into effect without—by having or saving cuts in Medicare or Social Security. Unlike the Bennet amendment, which had no meaning whatsoever, it has some teeth to it. So we will know something significant about how people feel about Medicare and the financial responsibility when this vote comes up.

Senator BENNET has said:

With my amendment, the bill strengthens Medicare and preserves seniors' benefits.

Well, I think that is not an accurate statement. Once and for all, with this amendment, we will be able to show American seniors who have paid into their health care—Medicare—all their lives, that we mean it when we say we don't want to weaken their program.

One asks, how can you have such a disagreement, Senator SESSIONS? Look, you might ask me, they say the money is there; you say you are cutting Medicare; they say it is not cutting Medicare, \$465 billion. Somebody ought to be able to get it straight here. How can you possibly have this kind of disagreement? I say to you the general fund budget for the State of Alabama—we are about one-fiftieth of the Nation's population, 4 million people, it is about \$2 billion. So how can we lose \$465 billion? Well, this is what they are saying. If you listen to much of the comments carefully, they are saying: We are not cutting guaranteed benefits to seniors. They are not saying they are cutting Medicare, if you listen to most of the people who are careful about what they say. They say, We are not cutting guaranteed benefits.

I see. What are we doing?

We are cutting home health care agencies; we are cutting hospice programs; we are cutting hospitals; we are cutting the disproportionate share hospitals for poor people; we are cutting program after program after program. So they are cutting the providers and telling everybody we are not cutting Medicare. But if we are going to cut providers, why haven't we already done it and put Medicare on a sound footing? You can't cut providers this much. You cannot do so. They will collapse. Doctors already are refusing to take Medicare patients and they are worried about that. I think in the future, if we go through with this legislation, we

will see far more will quit seeing those patients.

Well, the Gregg amendment makes sure Medicare savings go to making the program more solvent and not to offset the creation of an entirely new entitlement program. There are many things we can do in this legislation to improve health care in America. I know many on our side have offered many things, some of which are in the bill, many of which are not, but we can do a lot of things together that we could agree on that would strengthen and make health care better in this country.

This legislation is unsound. We will be raiding Medicare. We will have a massive, new tax increase. If we were going to raise taxes, let me ask, might that money be best spent to make Medicare solvent instead of creating a new program, when we know Medicare is going to be insolvent in just a few years? We will be raising taxes and creating bogus, phantom cuts in Medicare, and they claim that will make this bill balance. They are adjusting the numbers in the bill so the benefits don't start for 5 years, to make the first 10 years look like it is a sound program—looks like it is going to cost \$848 billion for the first full 10 years of implementation, and it costs \$2.5 trillion.

There is not nearly enough money to pay for that. We are just going to be increasing the debt. That is why the American people have noticed. They have been out there at tea parties and meetings and rallies, pleading with us to be responsible, to quit throwing away money, quit acting like there can be something for nothing. There can't be something for nothing. Somebody has to provide care if we say care will be provided. If they provide it, it has to be paid for. That is simple.

We are creating a mindset that has resulted in a budget from the President that will double the entire national debt in 5 years and triple the national debt in 10 years. The national debt—\$5.7 trillion last year—will go to \$11 trillion-plus in 5 years and \$17 trillion in 10 years. That is unacceptable. It is irresponsible. We need to listen to our constituents and respond to their commonsense pleas that we act with more responsibility in the Senate. I thank the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, I am here to speak on my amendment, which is a simple and straightforward amendment to create an enrollee satisfaction survey for the qualified health plans offered through the exchange established in the Senate health care reform bill. Let me show you how this will work. This is taken from the Federal Employees Health Benefits Program Web page that is administered by the Office of Personnel Management, OPM. They lay out on the Web page how the survey works.

The first question is:

How would you rate your overall experience with your health plan?

Other questions are:

When you needed care right away, how often did you get care as soon as you thought you needed it?

How often did your personal doctor listen carefully to you, show respect for what you had to say, and spend enough time with you?

This is all collected and put into a form and used when people make health care decisions on what plan to choose. One of the real measures of the quality of a health care plan is how satisfied people are with that plan. It is a little bit hard to measure. We send out these surveys to Federal employees. They come back and the information is available to the public. People can click on this and know, when they are about to sign up for a plan, how the plan rates in satisfaction.

This is not a new idea. It has been around for a long time. It helps people make good health care decisions. It allows them to compare one company to another. It allows them to look at what the people who have that health care plan right now, how they perceive the performance of the plan. It is a win-win for the whole system.

The idea is to make this part of the new law, and if you are on the exchange, you would have access to filling out one of these surveys; but, more importantly, you would also have access to reading the surveys and knowing, when you are making your health care choice, how your company rates. Here are a few examples.

Again, this is from the Web page right now under the Federal health care plan. The first question was about overall plan satisfaction. The FEHBP national average is 80 percent. People are 80 percent satisfied with that. There is one insurance company that only has 54.5 percent. Another one has 88.7 percent. So you can understand the range. Again, that is not to say nobody is happy with that one at 54.5 percent, but it allows the people who are purchasing the health care to make an informed decision before they enter into a contract with the company.

One of these categories is "getting care quickly." The average is 91.6 percent. It is not a big spread, but one company is at 88 percent, a little below average. The highest company is at 93.5 percent, a little above average. That is not a very big spread, but if getting care quickly is your most important thing, you may want to go to the one where the people who use that insurance company right now say you get care the quickest.

Another issue is the claims processing. That is one of the questions here: How does a company do in processing your claims? In our office, we have hundreds of complaints from people around Arkansas who have had problems with insurance companies

processing their claims. Again, the average here is 92 percent. That is what the FEHBP average is. There is a company that has a 77-percent rating as a result of the survey. There, again, that is not saying people would not choose that company; they may choose it for other reasons. But if the claims processing part of their business is important, they may not choose that company, or at least they know what they are getting into. The highest one I saw in the claims processing was 96.8 percent.

You understand this is something that already exists, something I cannot imagine anybody having a problem with because it puts the tool in the hands of the people making decisions on the health care provider that they are going to choose. It puts the tool in their hands, before they choose them, to know what they are getting into.

Lastly, basically, this doesn't cost any money—and if it does, it is just a tiny amount. This is a very consumer-friendly tool. It simplifies the process for people. It takes a lot of anxiety out of the process for people. It is also a very good commonsense, grassroots way to hold insurance companies accountable. If they don't do well in these customer surveys, chances are they will not get a lot of business in the coming year. It puts a quality control there—a satisfaction-based quality control there. I think it is a great tool for keeping people happy. I can guarantee you that, when they look at the survey from this company that only had 55 percent respond in a positive way, they are going to talk to their folks and say: We have to get that number up. What is going on in this company?

Again, this is something people talk about. I have heard many people in Arkansas and around the country say they want the same deal we have in Congress. This isn't all the same deal, but this is part of it. What we are able to do is, when we make health care choices, we are able to have this knowledge before we make a decision. Accountability and performance go hand in hand. This is a great example of how we can do that and have a very inexpensive way and a way that is meaningful to the people making the decision. This is there at the point of decision.

I ask that all my colleagues join in this amendment. We will vote on this, I understand, around 4 o'clock.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Mr. President, I ask unanimous consent that the time during the quorum call be charged equally between the two sides.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. PRYOR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ENZI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. Mr. President, I allocate the balance of our time to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. DURBIN. Mr. President, before the Senator speaks, I ask unanimous consent to follow the Senator from Tennessee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORKER. Mr. President, how much time is there on the minority side?

The PRESIDING OFFICER. There is 12 minutes.

Mr. CORKER. Mr. President, I may not take 12 minutes, I tell the Senator from Illinois so he may plan his time.

I am here to speak regarding the Gregg amendment. This health care debate, in many ways, has been going on the better part of this entire year. There are obviously differences in this body over philosophical issues and how health care needs to be delivered.

One of the things I hope has come across is that all of us would like to see health care reform. I campaigned on health care reform. I used to be commissioner of finance for the State of Tennessee. In that particular role, I oversaw the Medicaid Program, which is called TennCare. I saw, firsthand, the tremendous plight of people not having appropriate health care and what they deal with on a daily basis. When I ran for the Senate—and I have been here 3 years now—I ran on the whole notion of health care reform.

I have put forth numerous ideas during my first Congress, authored with others bills that I feel would have delivered health care in an appropriate way to citizens across this country. The other part of the debate, though, is not just philosophically how that is done—and we have had a lot of give and take on that—but it has been the issue of paying for something such as this.

Early on, I sat down with the chairman of the Finance Committee. I have met ad nauseam with people on both sides regarding health care insurance and sent to the majority leader of the Senate a letter, signed by 36 Senators, to this effect: We all want to see health care reform.

But we also want to ensure that the entitlements that are in place, and in particular in this case Medicare, are on a sound footing. We want to make sure those commitments we have made to seniors and future seniors will remain in place. And we want to make sure our country's fiscal condition is on solid footing.

I could go into discussions about how we are perceived around the world as relates to our financial situation. I could talk about the value of the dollar. But I am going to speak about the one issue the Gregg amendment addresses, and that is keeping integrity in the Medicare Program.

I believe the Senator from Illinois, who is going to speak in a moment, and myself would be much closer in this debate had we not begun with a fundamental building block of this bill using \$464 billion in Medicare "savings," to leverage an entirely new entitlement. For me that was an absolute non-starter. I know for Senator ENZI from Wyoming it was an absolute non-starter.

We have a number of differences, but the fact that we would raid a program we all know is insolvent, that has \$38.6 trillion of unfunded liabilities, that we know is going to end up creating havoc for our country if we do not deal with it, the fact that we would take savings from that program, which is insolvent, and use it to leverage a new entitlement, in my State and I think most States around the country, does not pass the commonsense test.

People have lined up on both sides. My friends on the left certainly see this possibility, and certainly I am in no way implying any agenda issue, but this has become a political issue. The President obviously was over here yesterday advocating that everybody stick together and pass this bill. This one amendment we are getting ready to vote on this afternoon to me defines much of this debate; that is, are we truly as a country going to take \$464 billion in savings from an insolvent program that everyone knows is insolvent and use that to leverage a new entitlement, that even when it begins is insolvent also? If you look at 10-year costs versus 10-year revenue, we know that over time, this new entitlement that might be created by this bill is also going to have tremendous fiscal implications to our country.

One of the most offensive pieces of this legislation is not only will we be taking this \$464 billion—and I realize the Senator from Illinois mentioned yesterday on the floor the fact that some of the things that are in this bill will lengthen the life of Medicare. I understand how the math works on that. I do. I understand that. But I think the fact that we would take, again, savings from a program that is an entitlement that people count on, that seniors count on and that future generations—

these young people sitting before us on the steps, these wonderful people who have come here to help us—are going to ultimately be stuck paying for, taking that money to create a new entitlement, to me, does not make sense.

The offensive part I was going to allude to is not even dealing with the SGR, the doc fix. This pays for the doc fix, or SGR, for 1 year. For those who are listening and don't know what that means, it means that physicians who deal with Medicare recipients for 1 year will not receive a 21-percent cut in reimbursements. But the very next year, there is going to be a 23-percent cut to physicians who serve Medicare recipients.

This bill, instead of taking those savings and dealing with that—and over a 10-year period that would cost \$250 billion, I might add—instead of dealing with that, we are going to throw that off to the side and use the \$464 billion to create a new entitlement. I do not know how anyone in this body can talk to their constituents or talk to any of us with a straight face and say that is a sensible thing to do.

All of us know we have huge deficits, and even though we disagree about much of that, the stimulus, and other issues that are happening, the thing that we agree on is our country has some long-term issues that need to be dealt with. It seems to me we would show people around this world who loan us money and certainly show our citizens back home that we have the courage to deal with those entitlements.

I am hoping we are going to have an opportunity to vote on a task force, a commission that will have a binding ability to cause us to deal with Medicare and Social Security in a defined amount of time very soon. But it seems to me the first huge step for all of us is to vote for the Gregg amendment today.

I realize that if the Gregg amendment is adopted, the construct under which this entire health care reform bill is based would dissipate. I realize that. I realize we are creating a health care bill from something that is insolvent, taking money from it to create something that, again, will be insolvent.

What I say to my friends on the left is I stand ready to talk about solutions. I have proposed solutions. I don't know how anybody in this body can with a straight face say we are being responsible as it relates to Medicare as an entitlement if, in fact, Members of this body do not support the Gregg amendment which would keep this savings from being used for a new entitlement and instead would lock it away in a manner to make Medicare more solvent for generations to come.

I thank my colleagues for the time. I do believe it is the initial building blocks, the fundamentals of this bill

that have kept us apart. I realize there are some emotional issues that separate Members of this body, and my guess is that Senator REID, in his managers' amendment, in working with Senator DURBIN and others, will figure out a way to resolve this issue. I know there is the issue of the public option. My guess is that will be figured out in some form or fashion on the other side of the aisle. There are other issues that I know are emotional that divide us. But the fundamental building blocks of this bill are flawed. They are flawed. It is this very issue, plus a couple of others, that has kept this body from being able to work together and has made this debate a very partisan debate. I regret that.

I hope my friends on the other side of the aisle will over the next few days realize this is not something of common sense, this is not sensible. I hope they will reconvene and I hope that we together can focus on something that will stand the test of time instead of kicking the can down the road, knowing full well this is incredibly irresponsible.

My guess is—and I would love to hear the Senator from Illinois dispute this—if this bill were to pass in its present form, that within a week or two, the majority will take up the issue of paying for the doc fix or not paying for it, but actually passing legislation to basically throw debt on these young men and women sitting in front of us.

My guess is if this bill passes, the majority party will say: Oh, we have to deal with the doc fix; we have to deal with SGR. By the way, that is a \$250 billion tab. My guess is the majority party is going to bring legislation forward in the next 2 or 3 weeks to deal with that—or maybe not in the next 2 or 3 weeks. I guess since we have a 1-year—within the next year the majority party will bring something forth to deal with this issue and point back to this moment of disingenuous activity on this floor. I hope that is not the case.

I thank all involved. I know this has been a very vigorous debate which I hope will carry on until we get it right. But I am very disappointed that the fundamental building blocks of this bill have separated us. I hope this body will stop what it is doing in regard to Medicare, come together, and do something that stands the test of time.

I realize my time is about up. I do not want to cause the Presiding Officer to tell me that.

I yield the floor.

**THE PRESIDING OFFICER.** The Senator from Illinois.

**MR. DURBIN.** How much time is remaining on the Democratic side?

**THE PRESIDING OFFICER.** Nineteen minutes.

**MR. DURBIN.** Mr. President, I thank the Senator from Tennessee. Although we disagree on this issue, I respect him

very much. I am hoping—maybe it is a false hope—before the end of the day, he will join us and make this a truly bipartisan effort. We have tried, we have reached out to the other side of the aisle for almost one calendar year with lengthy hearings in the HELP Committee, in the Finance Committee, inviting Republican Senators to come join us.

There were times when there was kind of a tease that was going on where they would come in and offer amendments and the amendments would be adopted in the HELP Committee. I think over 100 Republican amendments were adopted. We felt they were coming our way, that we were going to have a bipartisan bill. Then the roll was called and not a single Republican Senator would vote for it.

As I stand here today, after 1 year of effort, despite three committees in the House going through markup, two committees in the Senate, despite the vote on the Senate floor, the official tally is this: Only two Republicans have voted for health care reform. One Congressman from New Orleans, LA, a Republican Congressman, voted for the House bill. One Republican Senator, Senator SNOWE of Maine, voted for the Finance Committee bill to be brought from the committee. We have made a good-faith effort. We will continue to.

I salute the Senator from Wyoming who is on the floor who is the ranking member of the HELP Committee. I know he spent long, arduous allocations of time meeting and trying to find a bipartisan solution without success. But thank you for trying.

I say to the Senator from Tennessee, we would like to have your support. We would like to have your help in passing this bill and truly making it bipartisan. That is our goal, and I hope it happens.

The Senator from Tennessee questioned the fundamental building blocks of this bill. I cannot resist the opportunity to say I think this is a good bill, and I believe the effort that went into it by Senator DODD, who has now joined us, and the HELP Committee and Senator BAUCUS and the Finance Committee gives us a bill that has many positive things.

This is our bill, 2,074 pages. It is the Democratic reform bill. You will see the desks on the other side of the aisle are empty because they do not have a bill. The Republicans have not produced a health care reform bill. In 1 year of speeches and press releases and charts and appearances on television talking about health care reform, they have not produced a comprehensive health care reform bill. I know why. It is hard. It is very difficult to tackle one-sixth of our economy. We did it, and it took a lot of effort, as I mentioned earlier.

Second, there are some in the Senate—not on this side of the aisle—some

in the Senate who do not believe we need to change. Some accept the current system. I think if they accept it, then they have to answer a few fundamental questions about the building blocks of this amendment. If the Republican Senators who oppose our bill accept the current system, what do they have to say about the affordability of health care premiums?

We know what has happened. Health care premiums have risen dramatically. Ten years ago, a health insurance plan for a family of four was \$6,000 on average. Today it is \$12,000. We project in 8 years it will be \$24,000. If we do not stop this, fewer and fewer Americans will have health insurance, and what they have may not be any good.

We have in this bill efforts to reduce the increase in costs in health insurance premiums. Don't take my word for it. The Congressional Budget Office, which is the official umpire, has said, yes, the vast majority of Americans will see their health insurance premiums either go down in cost or not go up as they would have. So we address, No. 1, the affordability of health care for businesses and families across America. There is no Republican bill that does this.

Secondly, the provisions in this bill will extend protection of health insurance so that 94 percent of Americans will have the peace of mind of knowing they have health insurance. Thirty million more Americans uninsured today will have health insurance. Of the lowest income categories, some will qualify for Medicaid, the government program for the poor and disabled, and in other instances some will qualify for the health insurance program, but they will have protection—30 million more Americans. There is no Republican bill or amendment that extends coverage of health insurance to 30 million more Americans. There is none.

There is a third issue, too. We have built into the front end of this bill what we call the health care bill of rights. It is about time somebody stood up for families and individuals across America who have been treated very poorly by health insurance companies. These extremely profitable companies make a lot of money by saying no—saying no to your doctor's recommendation for surgery, saying no to your doctor's recommendation for the appropriate medication. They have people who just say no. But here is what our bill does. Our bill says that in America you will have the right to buy insurance if you have a preexisting condition.

What that basically means is the No. 1 reason that health insurance companies deny coverage today is going to come to an end. We are creating new risk pools where preexisting conditions cannot exclude you. I know everyone is

concerned about that critical moment in time when there is a frightening diagnosis or a terrible accident that they will turn to their health insurance they have paid into for a lifetime and the company will say: No. We checked your application and you failed to disclose something about your past medical history—such as acne. Incidentally, that was one of the reasons used to refuse coverage. So the first thing we do is make sure that Americans have the right to buy insurance and won't be excluded for preexisting conditions.

We also make sure you will be able to keep your insurance if you become sick or injured. Too many times when you get sick, your insurance fails you. Two out of three people filing for bankruptcy in America today file because of medical bills they can't pay—two out of three. And 74 percent of them had health insurance. They thought they had protection—they paid the premiums—but when they needed it, it wasn't there. So the No. 2 element in our health care bill of rights in this bill is that you can keep your insurance if you become sick or injured, that your insurance won't face lifetime limits on coverage, and that you will have affordable insurance if you lose or change your job. That is a large portion of the uninsured people in America.

Here is one that parents will appreciate. Remember when you first learned when your family policy wouldn't cover your son or daughter, right as they were coming out of college? And you thought: Uh-oh, they are loaded with student debt, they are looking for a job, and now they don't have health insurance. I can't tell you how many times I called my daughter and said: Jennifer, have you got health insurance yet? Oh, yeah, dad, I will get to that soon. I didn't like to hear that. Parents don't like to hear that. Well, we extend them from age 24, and we say they can stay on their parents' insurance policy until they are 27. That is an addition of several years of protection—peace of mind—while a young person goes about finding a job, starting a career, and starting a family.

We also provide preventive care without extra cost, and we also begin to eliminate the discrimination in health insurance premiums. Health insurance companies—insurance companies in general and health insurance companies—are the only business, save American baseball, that is exempt from antitrust laws, which means they can literally come together—the executives of the insurance companies—and decide how much to charge in premiums for women, the elderly, people who are members of a minority group, and they can make those distinctions and do it legally. We put an end to that. We say you have a right to fair insurance premiums without discrimination based

on gender, health history, family history, or occupation.

There has not been a single Republican bill offered that offers this patients bill of rights to make sure we have this kind of protection when it comes to health insurance. It is one of the fundamental building blocks when it comes to health care reform in America.

The Senator from Tennessee and others have raised the question about deficits and have said: Well, isn't this bill, for all that it seeks to do, going to add more expense to our deficit? That was a legitimate question, asked by President Obama when he told us: If you want to do health care reform, don't do it at the expense of adding to our debt as a nation.

When we passed the prescription drug bill under Medicare—when there was a different party in charge in the Senate and in the White House—they added \$400 billion to the deficit and didn't blink—\$400 billion in debt added to America with impunity. It meant more subsidies for pharmaceutical companies—which do quite well—and more subsidies for health insurance companies—which are very profitable—at the expense of our deficit.

Now when it comes to this bill, that same party has returned to its role as the deficit hawk. Well, they should look very carefully at this bill, because the Congressional Budget Office tells us this legislation will reduce the deficit of the United States by \$130 billion over the next 10 years, and in the following 10 years there will be \$650 billion in reduced deficit. That is almost \$1 trillion in deficit savings over 20 years.

There is no bill that has ever been introduced that makes this kind of deficit savings, according to the Congressional Budget Office. And unfortunately for their argument, there is not a single bill before us on the Republican side of the aisle which would even come close to reducing the deficit in that regard. In fact, all the major amendments that have been offered so far on the Republican side of the aisle add to our deficit. They want to continue the subsidy for private health insurance companies under a program called Medicare Advantage.

The Senator from Connecticut has said repeatedly—and I hope he will say again soon—that Medicare Advantage is neither Medicare nor an advantage. It is a subsidy from taxpayers to profitable health insurance companies, which the Republican side of the aisle has labored day after day to protect—a private subsidy to health insurance companies. The health insurance companies can't stand this bill because it upsets their apple cart and maybe their profit and loss statement, and they can't stand the thought of having Medicare Advantage policies held to accountability or losing the subsidy

they currently have. But we believe that if we are honest with Medicare and its future, we have to do that.

I want to address one issue that comes up every time my colleagues on the other side of the aisle stand to speak, and it is the issue of the future of Medicare. They fail to recall that Senator CORKER, from Tennessee, Senator DODD, myself, and the Presiding Officer all voted in favor of the amendment offered by Senator MICHAEL BENNET of Colorado. The amendment that he offered—which is the most bipartisan amendment we have had on this otherwise partisan bill—said nothing we do here in this bill will in any way reduce or endanger guaranteed benefits under Medicare, No. 1. And, No. 2, any savings that we get from this bill under the Medicare Program have to go back into putting Medicare on solid financial footing, to extend the benefits available to seniors, and to reduce the cost to seniors.

We all voted for that. It is now a part of the law we want to pass. So to come to the floor and argue the opposite is to ignore their own votes on the issue. Senator BENNET of Colorado has passed a watershed amendment that every senior and the families of seniors should respect as important to their future. So although you may disagree with the fundamental building blocks of this amendment, I think they are sound, I think they are responsible from a fiscal viewpoint, and they are responsible when it comes to the future of Medicare.

Mr. DODD. Will my colleague yield?

Mr. DURBIN. Mr. President, I will be happy to yield, and I will be glad to yield the floor, if the Senator from Connecticut wants to speak.

Mr. DODD. No, no, but I certainly like these moments where we engage a little bit.

Mr. DURBIN. It is perilously close to debate here in the Senate.

Mr. DODD. Be careful about that. The last thing you want to have is a debate here. We used to have them. It doesn't happen often enough these days.

A couple of points you made can't be reinforced enough. One of the great worries, obviously, is the cost issue. I think everyone agrees this is the great nightmare we have, the growing problem of cost—the premium costs. Again, we either love or hate CBO depending on what numbers they come back to us with. I have been on both sides of those emotions when dealing with CBO, but we have come to recognize and accept the fact—I think collectively here—that we rely on them. This is not Mount Olympus, not to say they are 100 percent right on every occasion. But I was going over the numbers, and I wondered if my colleague from Illinois—I know he is aware of these, but I may be wrong on some of this.

If you take the individual market in the country, there are 32 million people

under CBO's analysis that are in the individual market. They would pay, according to CBO, 14 to 20 percent less in premiums of an equivalent plan than under the status quo. In the small group market, there are 25 million people, according to CBO, who fall into the small business market—the small group market, and the ones who are eligible for tax credits would pay 8 to 11 percent less in premiums than for an equivalent plan under the status quo. If you work for small business and don't qualify for the tax credit, your premiums would be about 2 or 3 percent lower. So you go from 8 to 11 percent to 2 or 3. And, lastly, where most people are—where five out of every six people work, in the large group market—people who work for large employers—roughly 134 million people, according to CBO—would see lower premiums up to 3 percent than what they pay under the status quo.

That, to me, goes to the heart of this. Obviously, getting down and reducing our budget deficit by \$130 billion, \$150 billion the second decade, is terribly important. But if I am sitting out there as a consumer and I want to know one thing more than anything else—how is this going to affect me; am I going to be paying more or less—as the Senator points out, we are now looking at the year 2000 in Connecticut where a family of four paid between \$6,000 and \$7,000 for health care and they are now paying \$12,000, the same family, and in the next 7 years they will go to 24,000, and some predict within 10 years going to 35,000. Those are staggering increases.

Compare that, if you will, with what we are being told, even if these numbers are off a little bit, and they may well be one way or the other. But assume for the sake of debate they are not off quite that much; they may almost be flat, the cost; not actually a reduction in premiums. I can't understand why people wouldn't embrace this in a wholehearted fashion and say this is a great achievement. No one has been able to improve these numbers.

Am I wrong about some of these numbers, or are those your calculations as well?

Mr. DURBIN. As a matter of fact, the Senator from Connecticut, I would say through the Chair, is quoting a study from the Congressional Budget Office requested by Senator BAYH of Indiana, who asked the straight-up question of the Congressional Budget Office: If this is passed and becomes law, what will happen to premiums to people across America? As the Senator from Connecticut correctly reports, the premiums are either going to stay the same or go down for the vast majority of people; otherwise, they are going up dramatically.

There is one other element, which I know the Senator is aware of. If you happen to be one of those callous, stypic-hearted individuals who could care

less about people who are uninsured, believing the poor will always be with us, you ought to stop and reflect upon the fact that many of the poor people with no health insurance receive medical care through charity, compassionate care from hospitals and doctors, and their costs are passed along. We estimate that current premiums reflect about \$1,000 to \$1,200 a year that each of us pays—in addition to what we need to cover our families—to cover those uninsured who receive the benefits and the treatment they seek at hospitals.

So in addition to reducing the premiums, as the Senator from Connecticut said, as more and more people come into coverage with their own health insurance, there is less of a pull on our benefit packages to subsidize the uninsured.

Mr. DODD. One other statistic that again jumps off the page at you, and I went back to my staff and said: Are you sure these numbers are right? I am told they are correct. For people who receive tax credits—and many do under our proposal here—the premium savings, on average, are 56 to 59 percent lower relative to the current individual market premiums—56 to 59 percent lower.

That is an incredible achievement in a piece of legislation designed to deal with cost—how do you get costs down? And of course the added elements of this—which again CBO doesn't calculate in showing reductions in premiums—include catastrophic options available to young adults, reinsurance provisions, which would reduce premiums even further. None of those calculations were actually calibrated by CBO in arriving at their conclusion. So, actually, I think these numbers turn out to be far better than the ones we have just talked about.

Mr. DURBIN. I say to the Senator from Connecticut, this affordability element is the No. 1 reason why we need health care reform, and I think the one reason why our critics on the other side of the aisle come to this debate emptyhanded. They don't have anything to offer to reduce the costs. We are looking for a comprehensive bill from the Republican side.

This is ours, and it has been on the Internet for over 2 weeks. Every word can be read by every person in America. That kind of transparency and disclosure is what we need in the course of this debate. I am sorry the other side doesn't offer an alternative but does offer, unfortunately, amendments which don't enhance this bill's goals.

Mr. DODD. If I could get a last minute on the floor, Mr. President, I commend Senator MARK PRYOR, our colleague from Arkansas, whose amendment we will vote on shortly. I commend him for his work. This is a very worthwhile amendment he is offering, and gives individuals and small

businesses better and more consistent information about insurance plans that would be sold in the exchange. All of us in this Chamber, and every Federal employee, gets one of these. This is a little booklet. What it says is: "Guide to Federal Benefits." I think I get some 15 or 20 options this year. I get options—take a look. I can open this book to various pages, and there is a comparative analysis of consumer reactions to the various plans over the last year or so, what they thought of them, how well they worked. There is nothing similar to this. We put language in our bill out of the HELP Committee to try to put this in common language people can understand, getting away from the small print, telling people what exactly will be the benefits under their plan, or the disadvantages, to some degree. The Pryor amendment includes this kind of provision in the bill and strengthens it tremendously. I commend Senator PRYOR of Arkansas for including a provision in this bill that will provide greater clarity and greater understanding, the same kind of clarity we get under the Federal Employees Health Benefits package that allows us to make that very simple. You don't have to have a Ph.D. in economics to understand this. You can go right through and they list it quickly, if it is only yourself, yourself and your family, what it is like in Delaware, the District of Columbia, Florida, Georgia, every State. It is a very simple, very clear understanding of how this works.

One of the complaints all of us get all the time, this is complicated. No matter how sophisticated you may think you are, trying to sort out what is the best plan for you—and I say this candidly, the insurance industry isn't always as forthcoming in letting you know what the disadvantages are as they are marketing their various plans to people. So the Pryor amendment, I think, will go a long way toward providing that kind of clarity and understanding that all Americans want. I urge my colleagues to support the Pryor amendment when that issue comes up for a vote.

I see the time is 3. I inquire and see I have gone over a little bit past 3 o'clock. I apologize to my colleague.

Mr. DURBIN. I ask unanimous consent that the next half hour, between now and 3:30, be evenly divided as the time has been before and the first person recognized on the Democratic side in that slot be the Senator from Washington, Mrs. MURRAY.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. And that the same other conditions will apply as the previous unanimous consent.

Mr. CORKER. I wonder if the Senator from Illinois will yield for a question.

The PRESIDING OFFICER. Does the Senator from Illinois yield?

Mr. DURBIN. Relative to the unanimous consent request?

Mr. CORKER. No.

Mr. DURBIN. I have pending a unanimous consent request.

The PRESIDING OFFICER. Is there objection to the request? Without objection, it is so ordered.

Mr. DURBIN. I will be happy to yield and ask our time be evenly divided, but I wish to give the Senator from Washington a chance to speak for a few moments too.

Mr. ENZI. I think we are in alternating modes, so I could yield some time to the Senator from Tennessee.

Mr. CORKER. I listened to the Senator from Illinois talking about Medicare, and I assume, based on his comments, there is a chance we may get a 100-to-zip vote on the Gregg amendment, which truly ensures that all Medicare savings are used to make sure Medicare is more solvent.

The Bennet amendment, as I think the Senator knows, was parodied in the New York Times over the weekend, talking about it as toothless. It was a cover vote to give people the opportunity to be able to say they voted for something that saved Medicare, but actually the Gregg amendment does that. It puts the money away in such a fashion that all savings that are derived from Medicare are used to make Medicare more solvent. I am assuming that, since the Senator from Illinois is so supportive of ensuring that occurs, that he will be supporting this amendment.

Mr. DURBIN. If the Senator from Tennessee is propounding a question, I will be opposing the Gregg amendment. I think the Bennet amendment achieves what we wanted to achieve. I think my friend from New Hampshire in his amendment goes too far and, basically, we understand what he wants to do. He doesn't want to see us create tax credits to help families pay for health insurance premiums. He believes it is an entitlement. I think your side referred to it as such. I think it is important to help businesses and individuals who are struggling to pay health insurance premiums receive some assistance in doing so.

Mr. CORKER. So what the Senator from Illinois just said is the answer is no; that they are willing to use Medicare savings to create a new entitlement and they are not willing to do something that absolutely locks away those savings so they can only be used to make Medicare more solvent. I think all of us know the Bennet amendment was a cover vote. Nothing around here that has any meaning passes with 100 votes, with 58 Democrats, 40 Republicans, 2 Independents. The fact is, the whip on the other side of the aisle, whom I respect and who is very eloquent, has just said that, yes, we are willing to raid Medicare and to take the savings from that, an insolvent program, to create a new entitlement or a new program—whatever you



want to call it; I don't want to be pejorative—that is also going to be insolvent the day it starts, but, yes, we will take Medicare dollars directly. We will not do what Senator GREGG wants to do; that is, to be responsible, to try to make it solvent. We are going to lever it for a new entitlement—or a new program, whatever you want to call it—and I think, by virtue of this vote, we will see who in this body is serious about truly wanting to save Medicare for seniors and making sure young people are not hocked to the hilt in the future.

Mr. ENZI. Mr. President, I reserve the remainder of our time for the Senator from New Hampshire, but I will allow the Senator to speak now.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I come to the floor this afternoon, although I know this is an extremely important issue we are debating, health care, but I wish to speak on a different topic.

(The further remarks of Mrs. MURRAY are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. How much time remains on both sides?

The PRESIDING OFFICER. The minority has 13½ minutes; the majority has 1 minute 8 seconds.

Mr. GREGG. I yield 11 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, opponents of the Gregg amendment claim the Reid bill doesn't technically change the law on guaranteed benefits for beneficiaries. But they are ignoring the fact that while those benefits may be "technically guaranteed," if the cuts put health care providers out of business, then those guarantees will be nothing more than useless words in the Medicare Act. Guaranteed benefits are not worth much without health care providers that can treat patients, provide home health services, and run hospitals and hospice agencies. These claims are not good enough to assure seniors who have paid into the Medicare Program for all these years. It is not good enough for protecting access to health care services and the benefits that our seniors have been promised.

My colleague from New Hampshire in his amendment would back up those claims with very real enforceable mechanisms to ensure that Medicare savings are not being used to fund a whole new program at a time when the trust fund is just about broke. The Gregg amendment is needed to protect the Medicare Program. After all, if you knew the Medicare Program already had \$37 trillion in unfunded obligations, would you be assured without an enforcement mechanism to back up those promises? No guarantee is worth

the paper it is written on without an enforcement mechanism to back it up. That is what the Gregg amendment is all about; otherwise, it is just a meaningless guarantee that our friends on the other side of the aisle are talking about. It is not real without an enforcement mechanism.

Let me say for a third time, the Gregg amendment provides that enforcement mechanism. It makes guarantees real. It then goes much further than just the words we get from the other side of the aisle to make sure that what seniors have they will actually get when needed.

Opposition to the Gregg amendment shines light on this issue. If the Gregg amendment is not approved, it should be clear to everyone watching that all the guarantees that are made from the other side of the aisle that Medicare is protected in the Reid bill are worthless. As a result, I hope everyone will be watching carefully how the other side votes on the Gregg amendment. The Gregg amendment is essential for protecting the Medicare Program. It is essential for making guarantees real.

The way the Gregg amendment works to enforce those guarantees is quite simple. The Gregg amendment would make sure the Medicare Program is not used as a piggy bank to spend for other purposes. It would make sure the Medicare Program is not being raided to fund this new program, as the other side claims. Under this important amendment, the Director of the White House Office of Management and Budget and Medicare's Chief Actuary would both be required to add up non-Medicare savings in the bill and compare that total to the total of new spending and revenues in this bill. The Gregg amendment works then that if the non-Medicare savings don't offset all the new costs, then the Treasury Secretary and the Health and Human Services Secretary would be prohibited from implementing the new spending or revenue provisions in the bill. By doing so, the Gregg amendment would ensure that non-Medicare savings are, in fact, paying for the new spending in this bill. It would ensure at the same time that Medicare itself is not being used to pay for new spending in the bill.

It is very simple, very straightforward. It brings common sense to this whole argument that has been full of a lot of nonsense before now. The amendment, therefore, would prevent massive government expansion at the expense of Medicare beneficiaries. Massive expansion of government is one thing, if it is paid for, but it is quite another thing if you take the money out of a trust fund that is on its way to being broke and use it to set up a brandnew entitlement program to the tune of \$464 billion.

As opposed to the mere nonbinding sense-of-the-Senate resolution the

other side has offered to pretend to protect Medicare, this Gregg amendment requires action, action that has to be taken to protect the Medicare Program. The Gregg amendment is the enforcement mechanism for the guarantees the other side says they are making to protect Medicare. Slashing Medicare payments to start up another new and, in fact, unsustainable government entitlement program is not the way to address big and unsustainable budgets.

AMENDMENT NO. 2939

I would like to take a little bit of time to discuss the Pryor amendment. I have always been a strong supporter of transparency. In order to have a successful free market, consumers need to have information. I can't think of any reason, besides my strong objection to the underlying 2,074-page bill, to oppose the Pryor amendment. It is pretty straightforward. It requires that the Secretary of Health and Human Services have a rating system for private health plans. That sounds OK to me. An informed consumer makes better decisions. So I don't object to the Pryor amendment. But I do object to the fact that the Pryor amendment is more proof that this bill is not being crafted out in the open on the Senate floor.

The Associated Press has confirmed, based on an e-mail circulated by Democratic staff, that the Bennet amendment of last week to protect Medicare was simply "a message amendment."

The New York Times went on to call the Bennet amendment "meaningless." Now we have a Pryor amendment that requires a level of transparency that, in fact, is already required by the bill. If you look at page 134, the bill already describes a rating system developed by the Secretary that consumers can use to choose the right health insurance plan. So if the underlying bill is already doing this, I can only assume this amendment by my friend from Arkansas is specifically designed to buy time so the White House and Democratic leadership can cut deals and twist arms behind closed doors.

That is right. The American people need to know this bill is not being written on the Senate floor. In fact, we have a 2,074-page bill before us that took since October 2, until we took it up, for one Senator, the majority leader, to put together. Somehow the other 99 Senators shouldn't have 3 weeks to look at a bill that took well over a month to put together.

Then we had the President here yesterday speaking to his caucus. That kind of obviates any efforts to get bipartisan support for this bill. I think it gives further proof that it is not only partisan but that what this final 2,074-page bill is, we don't know yet. They are trying to put together some sort of a group that can get 60 votes to get a bill passed.

Do we really know what sort of a Christmas present we are giving to the American people with this health reform bill? I don't think so.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GREGG. Mr. President, what is the time situation?

The PRESIDING OFFICER. There is 3½ minutes for the Republicans and 1 minute 9 seconds for Democrats.

AMENDMENT NO. 2942

Mr. GREGG. Mr. President, I am not sure when the vote is going to occur. I hope sooner rather than later.

First, I congratulate the Senator from Iowa who has been involved in Medicare and the issue of how we manage Medicare for many years, both as chairman of the Finance Committee and as ranking member. His analysis of this situation relative to my amendment was absolutely dead on and accurate, as he always is. It was a breath of fresh air, common sense and plain speak in this institution, which often gets convoluted, gets tied around its own axle. In this case, it didn't. The Senator from Iowa was very precise, a Senator who used to be chairman of the Finance Committee and is now ranking.

My amendment is simple. It says the cuts in Medicare in this bill, which are substantial—\$460 billion over the first 10 years, \$1 trillion over the 10 years when fully implemented, \$3 trillion over 20 years, that is how much Medicare is cut—the cuts come out of primarily Medicare Advantage and provider payments, all of which will translate into a lesser quality of care for senior citizens, that those Medicare cuts cannot be used for the purpose of financing new programs which have nothing to do with seniors. The new entitlements in this bill are significant, they are expensive, and they benefit a number of people. But they don't benefit seniors. In fact, they benefit very few people who have even paid into the hospital insurance fund from which the Medicare trust fund is funded. It is totally inappropriate to take Medicare money and use it to fund a brandnew entitlement, a series of new initiatives, the biggest of which is a brandnew entitlement and the expansion of Medicaid.

The other side of the aisle—and 100 participated in the vote—sponsored an amendment, agreed to 100 to nothing, which said that wouldn't happen; that Medicare money would not be used for the purpose of funding new programs that had nothing to do with Medicare, the Bennet amendment. But that was a political vote. Everybody knew that was a statement. It was called a sense of the Senate. It didn't even raise to the standard of being an amendment. It is something around here that is a unique vehicle, the purpose of which is to make a political statement; not

worth much more than the paper it is printed on.

This is different. This amendment, as the Senator from Iowa pointed out, is real. It has a hardened enforcement mechanism which requires that monies which are saved by cutting senior citizen benefits and by cutting Medicare will not be used for the purposes of creating new programs at the Federal level.

I have heard from the other side of the aisle that this is an amendment that destroys the bill because all these new benefits they have plowed in here—there are benefits for a lot of new folks in here; there are benefits for Senators whose votes they need, and that has been publicly reported; all funded in large part by Medicare reductions or significantly by Medicare reductions—I have heard the other side of the aisle say that is going to destroy these new programs. No, it is not.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GREGG. I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. As long as we get an additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. These programs are not going to be terminated by this bill. The programs will still be in the law. They will still go forward. They just have to be paid for with something other than seniors' money, with something other than Medicare. That representation from the other side of the aisle is a straw dog.

What is not a straw dog is that my amendment enforces the language which this Congress, this Senate has already voted on 100 to nothing in the Bennet amendment. It says Medicare money will not be used to fund new programs that are not Medicare related. In the end, that means Medicare money will be used, hopefully, to the extent that these cuts go into place and these changes and benefits go into place, for seniors, to make the Medicare system more solvent because it is already headed toward insolvency.

I reserve the remainder of my time.

Mr. HARKIN. Mr. President, do I have 2 minutes?

The PRESIDING OFFICER. The Senator is correct.

The Senator from Iowa.

Mr. HARKIN. Mr. President, I listened to my colleague from Iowa earlier talking about the "meaningless amendments" and that amendments that do not have any teeth are just meaningless, stuff like that. I listened to that.

I want to make it very clear that the Gregg amendment is not a meaningless amendment. It has a lot of meaning because what it does is it kills health reform. Oh, yes, this is a meaningful

amendment, make no mistake about it. It goes right to heart of what the health reform is all about: making sure people at the low-income end of the scale have a little bit better coverage; that is, people on Medicaid—that is section 2001—the tax credits and the copays that are in there, again, to help moderate-income people and families be able to afford better coverage for themselves and their families—he guts that too—and, of course, the expansion of SCHIP.

So really, yes, I say to my friend from Iowa, this is a meaningful amendment—if you want to kill the bill, if you want to kill it. I suppose since most of my friends on that side of the aisle would like to kill the bill, they will probably vote for the Gregg amendment. But it completely guts it—completely guts it. Why? To help protect the wasteful subsidies to the insurance companies at the expense of families who are struggling to afford insurance and seniors who rely on Medicare.

This bill lowers premiums for American families, businesses, and the country as a whole. The Congressional Budget Office just said that this week. It strengthens Medicare, it improves benefits, and it adds years of life to the Medicare trust fund.

Let's be clear. Not one dime of the Medicare trust fund is used to pay for this reform, and no guaranteed Medicare benefits will be cut. If anyone can prove otherwise, please come forward. We have had a lot of rhetoric about it, but prove that this statement is not true: Not one dime of the Medicare trust fund is used to pay for reform and no guaranteed Medicare benefits will be cut.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HARKIN. Mr. President, I ask unanimous consent that the Senate now proceed to vote in relation to the Pryor amendment No. 2939; and that upon disposition of that amendment, there be 2 minutes of debate prior to a vote in relation to the Gregg amendment No. 2942; that no amendments be in order to either amendment, and that the second vote in this sequence be 10 minutes in duration; that each of the above-referenced amendments be subject to an affirmative 60-vote threshold, and if the amendment achieves that threshold, then it be agreed to and the motion to reconsider be laid upon the table; that if the amendment does not achieve that threshold, then it be withdrawn; that upon disposition of the above amendments, Senator NELSON of Nebraska be recognized to call up his amendment No. 2962; that once the amendment has been reported by number, it be set aside, and the Republican leader's designee be recognized to call up his motion to commit with instructions.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. Mr. President, reserving the right to object, I believe I still have 15 seconds left on my time. But independent of that, I would ask that this unanimous consent request be amended and that we agree to the Pryor amendment by unanimous consent.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Mr. President, reserving the right to object, will the Senator please repeat what he just asked?

Mr. GREGG. Mr. President, I requested that we amend the unanimous consent request and agree to the Pryor amendment by unanimous consent.

Mr. HARKIN. Mr. President, I will have to object to that. I have no instructions from Senator PRYOR. I believe he wants a vote on his amendment. So I would have to object to that.

The PRESIDING OFFICER. Objection is heard for the modification.

Mr. HARKIN. Mr. President, I want to modify my request, that the 2 minutes I asked for for debate prior to the vote be evenly divided between the two sides.

The PRESIDING OFFICER. Is there objection to the Senator's modification?

Mr. GREGG. I reserve the right to object because I would like to reserve my 15 seconds.

The PRESIDING OFFICER. Without objection, the Senator's time will be reserved, his 15 seconds will be reserved.

Is there objection to the original request of the Senator from Iowa?

Without objection, it is so ordered.

The Senator from New Hampshire has 15 seconds.

Mr. GREGG. Mr. President, I reserved the 15 seconds because it is easy to respond to the Senator from Iowa and it only takes 15 seconds.

Taking money out of the Medicare fund to fund other parts of this bill is a mistake and it is not appropriate.

The PRESIDING OFFICER. The Senator still has 3 seconds.

Mr. GREGG. I thank the Presiding Officer. I yield my 3 seconds. Actually, I yield it to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Arkansas.

#### AMENDMENT NO. 2939

Mr. PRYOR. Mr. President, I would like to speak on my amendment for just 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Mr. President, I would ask my colleagues to look at this amendment very closely. It is a good consumer-oriented amendment that will allow people to make smart decisions on their health insurance. We need more of this type of information to allow the premium payers to make good decisions for themselves, for their families, and for their businesses. So I would ask my colleagues on both sides

of the aisle to consider voting for this amendment.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 2939.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Pennsylvania (Mr. SPECTER) are necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 367 Leg.]

#### YEAS—98

Akaka	Enzi	McConnell
Alexander	Feingold	Menendez
Barrasso	Feinstein	Merkley
Baucus	Franken	Mikulski
Bayh	Gillibrand	Murkowski
Begich	Graham	Murray
Bennet	Grassley	Nelson (NE)
Bennett	Gregg	Nelson (FL)
Bingaman	Hagan	Pryor
Bond	Harkin	Reed
Boxer	Hatch	Reid
Brown	Hutchison	Risch
Brownback	Inhofe	Roberts
Bunning	Inouye	Rockefeller
Burr	Isakson	Sanders
Burr	Johanns	Schumer
Cantwell	Johnson	Sessions
Cardin	Kaufman	Shaheen
Carper	Kerry	Shelby
Casey	Kirk	Snowe
Chambliss	Klobuchar	Stabenow
Coburn	Kohl	Tester
Cochran	Kyl	Thune
Collins	Landrieu	Udall (CO)
Conrad	Lautenberg	Udall (NM)
Corker	Leahy	Vitter
Cornyn	LeMieux	Voinovich
Crapo	Levin	Warner
DeMint	Lieberman	Webb
Dodd	Lincoln	Whitehouse
Dorgan	Lugar	Wicker
Durbin	McCain	Wyden
Ensign	McCaskey	

#### NOT VOTING—2

Byrd Specter

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 98, the nays are zero. Under the previous order, requiring 60 votes for the adoption of amendment No. 2939, the amendment is agreed to.

Mr. BAUCUS. Madam President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 2942

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 2 minutes of debate, equally divided, prior to a vote on the amendment No. 2942, offered by the Senator from New Hampshire, Mr. GREGG.

The Senator from Montana is recognized.

Mr. BAUCUS. Madam President, the Gregg amendment is a killer amend-

ment. It would kill the tax cuts in the bill, kill assistance for copays, kill the Medicaid expansion for the lowest income Americans, kill additional funding for the Children's Health Insurance Program.

Proponents advertise this amendment as protecting Medicare. That is false advertising. The Gregg amendment would kill health care reform. Health care reform would extend the life of the Medicare trust fund by 4 to 5 years. Health care reform would result in commonsense changes, such as decreasing hospital readmissions, decreasing hospital-acquired infections, and paying doctors and hospitals to work together. Health care reform will not reduce guaranteed Medicare benefits. Health care reform would extend the life of the Medicare trust fund.

The choice is clear. If you want to vote against tax cuts, Medicaid, and the Children's Health Insurance Program, vote for the Gregg amendment. If you want to extend the life of Medicare, vote against it.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire is recognized.

Mr. GREGG. Madam President, I appreciate—although it was with a bit of hyperbole—that the Senator from Montana has made my case.

The Medicare trust fund and its recipients will be cut by almost \$½ billion in the first 10 years. That money will be taken to fund initiatives that have nothing to do with senior citizens, and it will not benefit them.

In the end, it is going to mean the Medicare trust fund is less solvent and less capable of sustaining the benefits seniors deserve. This is the only amendment we will get to vote on that absolutely guarantees the Medicare funds will not be used to fund a new entitlement or the purchase of votes for the purpose of passing this bill or to fund anything else in this bill that isn't tied to the senior citizens' benefits.

You can either vote with seniors and protect the Medicare funds for them or you can vote to raid the Medicare fund and spend it on something else.

Madam President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 43, nays 56, as follows:

[Rollcall Vote No. 368 Leg.]

## YEAS—43

Alexander	DeMint	McConnell
Barrasso	Ensign	Murkowski
Bayh	Enzi	Nelson (NE)
Bennett	Graham	Risch
Bond	Grassley	Roberts
Brownback	Gregg	Sessions
Bunning	Hatch	Shelby
Burr	Hutchison	Snowe
Chambliss	Inhofe	Thune
Coburn	Isakson	Vitter
Cochran	Johanns	Voinovich
Collins	Kyl	Webb
Corker	LeMieux	Wicker
Cornyn	Lugar	
Crapo	McCain	

## NAYS—56

Akaka	Gillibrand	Mikulski
Baucus	Hagan	Murray
Begich	Harkin	Nelson (FL)
Bennet	Inouye	Pryor
Bingaman	Johnson	Reed
Boxer	Kaufman	Reid
Brown	Kerry	Rockefeller
Burris	Kirk	Sanders
Cantwell	Klobuchar	Schumer
Cardin	Kohl	Shaheen
Carper	Landrieu	Specter
Casey	Lautenberg	Stabenow
Conrad	Leahy	Tester
Dodd	Levin	Udall (CO)
Dorgan	Lieberman	Udall (NM)
Durbin	Lincoln	Warner
Feingold	McCaskill	Whitehouse
Feinstein	Menendez	Wyden
Franken	Merkley	

## NOT VOTING—1

Byrd

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 43, the nays are 56. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is withdrawn.

Mr. NELSON of Nebraska. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON of Nebraska. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 2962 TO AMENDMENT NO. 2786

Mr. NELSON of Nebraska. Madam President, I call up amendment No. 2962.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. NELSON], for himself, Mr. HATCH, Mr. CASEY, Mr. BROWNBACK, Mr. THUNE, Mr. ENZI, Mr. COBURN, Mr. JOHANNIS, Mr. VITTER, and Mr. BARRASSO, proposes an amendment numbered 2962 to amendment No. 2786.

Mr. NELSON of Nebraska. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the use of Federal funds for abortions)

Beginning on page 116, strike line 15 and all that follows through line 15 on page 123, and insert the following:

(a) SPECIAL RULES RELATING TO COVERAGE OF ABORTION SERVICES.—

(1) IN GENERAL.—Subject to paragraph (2), nothing in this Act (or any amendment made by this Act) shall be construed to require any health plan to provide coverage of abortion services or to allow the Secretary or any other person or entity implementing this Act (or amendment) to require coverage of such services.

(2) COMMUNITY HEALTH INSURANCE OPTION.—The Secretary may not provide coverage of abortion services in the community health insurance option established under section 1323, except in the case where use of funds authorized or appropriated by this Act is permitted for such services under subsection (b)(1).

(3) NO DISCRIMINATION ON THE BASIS OF PROVISION OF ABORTION.—No Exchange participating health benefits plan may discriminate against any individual health care provider or health care facility because of its unwillingness to provide, pay for, provide coverage of, or refer for abortions.

(b) LIMITATION ON ABORTION FUNDING.—

(1) IN GENERAL.—No funds authorized or appropriated by this Act (or an amendment made by this Act) may be used to pay for any abortion or to cover any part of the costs of any health plan that includes coverage of abortion, except in the case where a woman suffers from a physical disorder, physical injury, or physical illness that would, as certified by a physician, place the woman in danger of death unless an abortion is performed, including a life-endangering physical condition caused by or arising from the pregnancy itself, or unless the pregnancy is the result of an act of rape or incest.

(2) OPTION TO PURCHASE SEPARATE SUPPLEMENTAL COVERAGE OR PLAN.—Nothing in this subsection shall be construed as prohibiting any non-Federal entity (including an individual or a State or local government) from purchasing separate supplemental coverage for abortions for which funding is prohibited under this subsection, or a plan that includes such abortions, so long as—

(A) such coverage or plan is paid for entirely using only funds not authorized or appropriated by this Act; and

(B) such coverage or plan is not purchased using—

(i) individual premium payments required for a qualified health plan offered through the Exchange towards which a credit is applied under section 36B of the Internal Revenue Code of 1986; or

(ii) other non-Federal funds required to receive a Federal payment, including a State's or locality's contribution of Medicaid matching funds.

(3) OPTION TO OFFER SUPPLEMENTAL COVERAGE OR PLAN.—Nothing in this subsection shall restrict any non-Federal health insurance issuer offering a qualified health plan from offering separate supplemental coverage for abortions for which funding is prohibited under this subsection, or a plan that includes such abortions, so long as—

(A) premiums for such separate supplemental coverage or plan are paid for entirely with funds not authorized or appropriated by this Act;

(B) administrative costs and all services offered through such supplemental coverage or plan are paid for using only premiums collected for such coverage or plan; and

(C) any such non-Federal health insurance issuer that offers a qualified health plan through the Exchange that includes coverage for abortions for which funding is prohibited under this subsection also offers a qualified health plan through the Exchange that is identical in every respect except that it does not cover abortions for which funding is prohibited under this subsection.

Mrs. BOXER. Madam President, would my friend yield for a unanimous consent request?

Mr. NELSON of Nebraska. Yes.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Madam President, we are trying to get the times locked in so that Senators who have come over here get their time. So I ask unanimous consent that Senator NELSON speak for 10 minutes, BOXER for 5, MIKULSKI for 10, GRASSLEY for 10, CORNYN for 10, GILLIBRAND for 10, and then Senator MCCAIN wishes to comment.

Mr. MCCAIN. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

The Senator from Nebraska.

Mr. NELSON of Nebraska. Madam President, my lead cosponsor, Senator HATCH, will appear sometime later and speak in favor of amendment 2962. He is unable to be here at the moment.

Before the Thanksgiving break, I voted with a number—and the majority, actually—of my colleagues in favor of beginning this debate. Debate is essential in our democracy. It keeps our country resilient and strong through changing times.

Before that vote, some argued here on the Senate floor that we shouldn't hold this open and full debate. They seemed to suggest that obstruction was better than action. Some also argued here on the floor that the November 21 vote was about abortion. They were wrong. That vote was whether to begin a debate on an issue that has consumed the American public. Now is the time to start debating the issue of abortion, as we are addressing many other issues in health care reform.

I wish to discuss the amendment that I propose, along with a bipartisan group of colleagues, which includes Senators HATCH, CASEY, BROWNBACK, THUNE, COBURN, JOHANNIS, VITTER, and BARRASSO. The amendment we offer today mirrors the Stupak language added to the House health care bill.

For more than three decades, taxpayer money has not been used for elective abortions, and it shouldn't under any new health reform legislation either. Some suggest that the Stupak language imposes new restrictions on abortion. I disagree. We are seeking to justify the same standards on abortion to the Senate health care bill that already exist for Federal health programs. They include those covering veterans, all Federal employees, Native Americans, active-duty servicemembers, and others.

I note that the Senate health care bill, if enacted, would indeed chart new

ground—it covers abortion. The language in the bill goes around the Federal standard disallowing public funding of abortion. A clear majority of Americans, including my constituents in Nebraska, support this prohibition against using public money to cover abortion. Our amendment formally extends that standard to this health reform bill.

The U.S. Supreme Court has held that government may regulate abortion and may disallow public funds being used for elective abortions. Beginning in 1976, with the Hyde amendment, Congress has prohibited public funding for elective abortion in all significant health-related bills. Exceptions have been preserved for when the life of the mother is in danger or in cases of rape or incest. And except for those exceptions, public funds may not be used for any health care benefits package that covers abortion.

Some have now cited the Federal Employees Health Benefits Program—FEHBP—as a possible model for health care reform. The FEHBP helps pay premiums for many different private health insurance plans. That way, Federal employees may choose the insurance plan that best suits their budget and personal needs. It is important to note that none of the benefits packages offered to Federal employees provide health insurance coverage for abortion. I repeat: None of the benefits packages offered to Federal employees provide coverage for abortion, nor do benefits packages that are offered to individuals in other Federal programs, such as the Children's Health Insurance Program, Medicare, Medicaid, Indian Health Services, veterans health, and military health care programs.

Some have argued that the Stupak language imposes tougher restrictions than in current law. That is not the case. Our amendment merely aims to extend the current standard to this new legislation.

On another point, under Federal law, States are allowed to set their own policies concerning abortion. Many States oppose the use of public funds for abortion. Many States also have passed laws that regulate abortion by requiring informed consent and waiting periods, requiring parental involvement in cases where minors seek abortions and protecting the rights of health care providers who refuse, as a matter of conscience, to assist in abortions. And perhaps most importantly, there is no Federal law, nor is there any State law, that requires a private health plan include abortion coverage.

I believe the current health care reform we are debating should not be used to open a new avenue for public funding of abortion. We should preserve the current policies prohibiting the use of taxpayer money for abortion that have existed for more than three decades.

A number of polls this year have again shown that most Americans do not support using taxpayer money for abortion. The Senate bill, as proposed, goes against that majority public opinion. The bill says the Secretary of Health and Human Services may allow elective abortion coverage in the Community Health Insurance Option—the public option—if the Secretary believes there is sufficient segregation of funds to ensure Federal tax credits are not used to purchase that portion of the coverage.

The bill would also require that at least one insurance plan cover abortion and one that does not cover abortion be offered on every State insurance exchange. Federal legislation establishing a public option that provides abortion coverage and Federal legislation allowing States to opt out of the public option that provides abortion coverage eases the restrictions established by the Hyde amendment.

Our amendment would prohibit Federal funds from being used for elective abortion services in the public option and also prohibit individuals who receive tax credits from purchasing a plan that provides elective abortions.

I have always been pro-life and I have a strong record opposing abortion. As Governor of Nebraska in the 1990s, I signed into law the parental notification law and the ban against partial birth abortion. In the Senate, I cosponsored and voted for legislation that prohibits taking minors across State lines to avoid parental notification laws and voted for legislation creating a separate offense for harming or killing an unborn child in utero during the commission of specified violent crimes.

Aside from my personal views, however, I think most Americans would prefer that the health care reform we are working on remain neutral on abortion. Public polls suggest so. So does the fact that over the last 30-plus years Congress has passed new Federal laws that have not provided public funding for abortions.

So the question has been settled: Most Americans, even some who support abortion, do not want taxpayer money to be used for abortions. We should not break with precedent on this bill.

And, finally, as President Obama has said, this is a health care reform bill. It is not an abortion bill. It is time to simply extend the standard disallowing public funding of abortion, which has stood the test of time, to new proposed Federal legislation.

I look forward to debating this and other issues in the health reform bill as we work to address solutions to our troubled health care system. Today it costs too much and delivers too little to the people of my State and to most Americans.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. Madam President, this last Thursday was one of those days in Washington where the left hand of government didn't know what the right hand was doing. On one end of Pennsylvania Avenue, the President was hosting a jobs summit. But here on the other end of Pennsylvania Avenue, we continued debate on a health care bill which will, for reasons I will explain, be a job killer and will discourage small and large businesses from hiring new people, even though unemployment exceeds double digits.

The November jobs number shows the economy is still hurting. Not only is the unemployment rate at 10 percent, 11,000 more families have lost a breadwinner. More than 15 million Americans remain unemployed, and more than 3 million Americans have lost their jobs since Congress passed the stimulus bill in February, which failed in its essential purpose—to keep unemployment under 8 percent.

According to an article by Mort Zuckerman in U.S. News and World Report, 21 percent of all families have an immediate family member who has lost a job. My family is one of those. My daughter has lost a job. And, according to the article, 33 percent—a third—of U.S. families have an immediate family member or a close friend who has lost a job. But the President, during the jobs summit, seemed to be completely unaware of the impact that policies here in Washington have on the desire and willingness of job creators to actually re-hire laid-off American workers. He seemed to be oblivious to the role of the private sector in creating those jobs.

If you look at the States that have been most successful in creating jobs, it is clear that jobs-friendly policies can actually lead to better results. I don't want to brag, but Texas has been one of the best economies we have had, even during this tough recession. Many analysts have wondered why that is—from the Wall Street Journal to The Economist. But it is clear to me that the Texas economy has been doing better than other States because our laboratory of democracy has embraced better policies—things such as growing jobs in the private sector over government, lower taxes, fiscal discipline, right-to-work legislation, and commonsense civil justice reforms, to mention a few.

But my State isn't the only State that has been successful in embracing these sound job-creating policies. Other States have adopted similar policies and they have seen similar results. That is why it is so frustrating to many of us to see the White House ignore these results and focus on policies that will actually kill jobs, not encourage job creation.

For example, cap and trade. In Texas alone, according to the State comptroller, more than 300,000 jobs would be

lost in the State of Texas if we embrace the ill-considered and misguided cap-and-trade legislation that has passed the House and which we will consider later—perhaps next year. Here is a quote from economist Anne Layne-Farrar regarding card check—eliminating the secret ballot:

For every 3 percentage points gained in union membership through card checks and mandatory arbitration, the following year's unemployment rate is predicted to increase by 1 percentage point—and job creation predicted to fall by about 1.5 million jobs.

So cap and trade is a job killer and card check is a job killer. Then there are higher taxes. Small businesses, which are America's best job creators, may soon face the highest marginal tax rate in a quarter of a century. And still the White House wants to raise taxes higher on energy producers right here at home as well as companies that sell American products in foreign markets. The biggest job killer of all, of course, is the bill that is presently on the Senate floor. This is a \$2.5 trillion expansion of government, and it will cost Americans jobs in a number of ways.

We will recall the President's pledge on September 12, 2008. He said:

I make a firm pledge under my plan, no family making less than \$250,000 will see their taxes increase—not your income taxes, not your payroll taxes, not your capital gains taxes, not any of your taxes.

But yesterday the Joint Tax Committee came out with a new score or analysis of what the impact would be of the Reid health care bill. They said the Reid health care bill increases taxes for 25 percent of taxpayers earning less than \$200,000. That is even after the subsidies that are provided for in this bill are applied. Without those subsidies about 42 percent of taxpayers would see an increase in their taxes.

There are nearly  $\frac{1}{2}$  trillion of higher taxes in this bill, including things such as \$149 billion in excise taxes on Americans who have certain types of health plans, a \$15.2 billion tax on all taxpayers with catastrophic medical costs, and \$14.6 billion of additional taxes on workers who use FSAs.

There are also taxes that allegedly target only the rich. But you know what. These taxes hit thousands of small businesses. That is right; the very job creators we are trying to encourage to create new jobs and retain new jobs, particularly those who file as sole proprietors or partnerships or subchapter S corporations that pay flowthrough income on individual tax returns at individual rates.

For example, a \$54 billion increase in the Medicare payroll tax would be used not to pay for Medicare but to pay for yet a new entitlement spending program. The Reid bill also adds \$100 billion in new taxes and fees on the health care industry which will, of course, be passed down to consumers, which is one reason insurance premiums are cal-

culated to go up under this bill, not down.

The Reid bill would create new punitive taxes on businesses that do not offer a Washington-approved health care plan.

Then there is the employer mandate. The employer mandate will kill jobs because the additional cost of insurance will be passed along to workers in the form of lower wages or result in reduced hours or layoffs. Harvard Professor Kate Baicker said this:

Workers who would lose their jobs are disproportionately likely to be high school dropouts, minority and female. . . . Thus, among the uninsured, those with the least education face the highest risk of losing jobs under employer mandates.

I mentioned the Reid bill would raise premiums for small businesses. Under one study those premiums in the group market would rise by 20 percent. I thought the purpose of health care reform was to lower and make more affordable health care, not to make it more expensive. But the Reid bill does the opposite of reform and makes it worse, not better.

Then, of course, the Reid bill would kill jobs by increasing the cost shifting due to low Medicaid reimbursements. Of course, cost shifting occurs because Medicaid pays a fraction of what private insurance pays. Medicare pays about 80 percent, and so in order to make up the difference, those with private health insurance have to pay an additional cost in the form of cost shifting. Fifteen million more Americans on Medicaid would make this worse, not better.

The Reid bill would kill jobs by raising State and local taxes because of unfunded mandates. Because of the expansion of Medicaid, which is not paid for by the Federal Government, over 10 years the State of Texas alone would see \$20 billion more in Medicaid spending because of this unfunded mandate—\$20 billion. We are a big State, but we can't afford \$20 billion more in an unfunded mandate because of the Medicare expansion under this bill.

It should not be any surprise that the Reid bill and these other job-killing policies are the reasons the private sector is not hiring. Again, according to Mort Zuckerman of U.S. News and World Report, businesses "are holding back in hiring because of anxiety over the administration's policies on such matters as increased health care costs . . . higher taxes . . . more corporate regulations . . . and disaffecting labor policies."

These policies are causing the greatest anxiety among small business owners. Firms with fewer than 20 workers employ a quarter of the workforce. In the last economic expansion they accounted for 4 out of 10 new jobs.

I hear this from my constituents in Texas, people such as Richard Belden who owns a small retail grocery busi-

ness that has been in the family for 54 years and employs 75 people. He files as a subchapter S corporation, so he pays taxes according to the highest marginal tax bracket. He is going to get hit by these taxes.

Do you think that is going to make it easier for him to hire more people and keep the people he has or make it harder? I think the answer is self-evident.

This is from Nathan Avard, who owns and operates five Burger King restaurants in northeast Texas and employs more than 100 people. He said the employer mandate included in this bill will make it harder, not easier, for him to keep the employees he has. He believes the employer mandate would cost him thousands of dollars per restaurant, effectively eliminating much of his profit and making it exceedingly difficult for him to operate and improve his business in this economy.

I have heard the same story from the Chamber of Commerce in Lubbock, TX, that represents more than 2,100 businesses that employ more than 57,000 workers. But it is not just the Lubbock, TX, Chamber, but the Greater Irving-Los Colinas Chamber, the Greater Austin Chamber, the Rosenberg-Richmond Area Chamber, the Harlingen Area Chamber, the Liberty-Dayton area Chamber, the Tyler Area Chamber, the Bryan/College Station's Chamber, the Port Aransas Chamber, the Northwest Houston Chamber, the Odessa Chamber, the Deer Park Chamber, the Henderson Area Chamber, the West I-10 Chamber, the Crowley Area Chamber, Marble Falls/Lake LBJ Chamber, Granbury Chamber, McAllen Area Chamber, and the Washington County Chamber. You get the idea. These are job-killing policies, and this bill is perhaps the biggest of them all.

Of course, a few enterprises will get bigger under the Reid bill; namely, the Internal Revenue Service. According to the nonpartisan Congressional Budget Office, the IRS will need a budget nearly twice its current size to enforce the Reid bill. The IRS will need more agents and more bureaucrats to collect the new taxes, enforce all of the new mandates, and apply all the additional redtape.

I think we should be about facilitating the creation of new jobs not killing jobs through ill-considered policies such as this bill.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California is recognized.

Mrs. BOXER. Madam President, it is an honor to be here in the Senate at a time when we are working on one of the major issues of our time. We know that generations of leaders in both parties have tried to solve the health care crisis, and they have done it bit by bit. We read history. We know that leaders struggled with Social Security. The Democrats were in the forefront. Republicans fought us every step of the



way. Franklin Roosevelt took the lead on that, and we had John Kennedy and Lyndon Johnson take the lead on Medicare. The Republicans fought us every inch of the way. We had some cooperation from certain Senators and certain Members of Congress, but overall it was very difficult.

This fight is very difficult to make sure that we turn things around. We live in a society where, if we do not step into the breach—we are told by nonpartisan surveys that if we do nothing—and this is important—average premiums for our families in California will be 41 percent of income. In States such as Pennsylvania it will be 50 percent of income. We know what that means. People will not have health insurance. So we can pull the covers over our heads and say it is too hard; it is too tough. We can turn our backs on the fact that 62 percent of bankruptcies are related to a health care crisis. We could turn our backs on that. We could turn our backs on the fact that the infant mortality rate in America is 29th out of 30 nations—that is where we come out.

This is America, the greatest country in the world. Something is wrong when so many people do not have access to insurance; and even if they do, when they need it most it is gone.

How proud am I to be here at this time? Very proud. How grateful am I to the people of my State for sending me back here three times, so I can stand here and be a voice for them? I can't tell you how proud I am.

When we started this health care debate we knew it was important to the people we represent and we knew it was important to the economy of this country. Senator CORNYN has gotten up and said this bill is terrible for the economy. Let me tell you, there are \$27 billion of tax cuts in this bill. Let me repeat that—\$27 billion of tax cuts for small business.

There are billions of dollars of tax breaks for individuals. For people to stand up and say this is not good for our economy, I don't think they understand or get it. If we continue with the status quo, that is when we are in trouble.

The women of the Senate have been very involved, the Democratic women. We have worked together to make sure this bill meets the needs of all of our families, including the women of this country. Senator MIKULSKI, who is on the floor, took the lead and made sure that we corrected a problem that was in the bill, a problem which basically was unclear as to who was going to set the benefits. We wanted to make sure that women could get mammograms after 40 every year. Senator MIKULSKI fixed it by making sure the head of Health and Human Services is going to be the one to decide what is covered.

Women's prevention has now gone way up to the top of the list because of

Senator MIKULSKI and the women who worked with her. We are very proud of that.

There is one thing that was taken care of in the Reid bill that we didn't think we would have an argument about; that is, we thought we had an understanding that we were not going to bring up the issue of abortion; that it was not necessary to do it because we were not doing anything in the bill—Senator REID doesn't do anything in the bill that changes the current agreement.

Let me say, because I started in the House in the 1980s, I was part of that agreement. I offered the amendment that said, yes; it is true no Federal funds could be used unless the life of the woman was at stake, for abortion. Through my amendment we added rape and incest. Those are the only three exceptions. No Federal funds could be used for abortion except to save the life of the woman or if she is a victim of rape or incest. That agreement has held for three decades.

It is fair to say neither side is thrilled with it, but the fact is, the agreement has held. The fact is, Senator REID has crafted a bill, which is the underlying bill, that preserves that three-decades-long agreement.

But over on the House side they passed the radical Stupak amendment which strikes at the heart of this delicate compromise by preventing women from using their own private funds for their legal reproductive health care. That is a big shock because women have been able to utilize their own private funds in order to get a legal procedure—legal procedure—and never has anyone, to my knowledge, on either side of the aisle said she could not get access to insurance to cover the whole range of legal reproductive health care if she uses her own funds. This amendment takes us way back.

Here is what is interesting. The people who bring us this—mostly it is going to be the men who speak on this, I think. We will see if that is right or wrong, but I predict that.

The men who have brought us this do not single out a procedure that is used by a man, or a drug that is used by a man, that involves his reproductive health care and say they have to get a special rider. There is nothing in this amendment that says if a man someday wants to buy Viagra, for example, that his pharmaceutical coverage cannot cover it; that he has to buy a rider. I would not support that. And they should not support going after a woman, using her own private funds, for her reproductive health care.

Is it fair to say to a man: You are going to have to buy a rider to buy Viagra—and this is public information. It could be accessed. No, I don't support that. I support a man's privacy just as I support a woman's privacy.

So it is very clear to me that this amendment would be the biggest roll-

back of a woman's right to choose in decades.

We didn't ask for this fight. We didn't plan for this fight. We don't want this fight. We simply want to ensure that this three-decades-long agreement is kept in place. And that is what Senator REID does in the underlying bill. It is very clear that in the underlying bill, there is a firewall between Federal funds and private funds. All we are saying is, please leave it alone. We believe it is discriminatory to single out a procedure only women can utilize and say to the women of this Nation: Yes, this is a legal procedure, but you can't use your own private funds. Senator REID is very clear. He puts a firewall in place between the Federal funds and the private funds.

Roe v. Wade is still the law of the land. I know a lot of my colleagues would like to see it overturned. They would like to make abortion illegal at the earliest stages. They would like to criminalize it. They would like to put women and doctors in jail. The fact is, Roe v. Wade is the law of the land. At the early stages of a pregnancy, a woman has a right to choose. That is the law. Later on, she can't do it. There are restrictions for her, hurdles for her. That is what Roe does.

There are many people, particularly on the other side of the aisle—more than on our side, for sure—who want to overturn Roe. They know they can't do it because the vast majority of the people support a woman's right to choose at the early stages of a pregnancy. So what can they do? They can make it impossible for her to access a doctor for this procedure. In this bill, they go after her insurance. It is surprising to me that such an amendment could pass the House, but it did.

I am asking my colleagues, women and men, both sides of the aisle, to please stand up for equality. Please don't single out women. What have women done to deserve this? They are our mothers, our daughters, our grandmas. They serve in the military with dignity. Why punish them this way? Why have such a lack of respect for them that they can't even get reproductive health care with their own private funds? It is, to me, such a rollback of women's rights.

I believe we will defeat this in the Senate. I believe Senator REID deserves a lot of credit because what he did in the underlying bill is preserve the status quo—no Federal funds for abortion, not a dollar, but a woman can use her own private funds to buy health insurance.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

MOTION TO COMMIT

Mr. MCCAIN. Madam President, as is the agreed-upon procedure by the two leaders, I send a motion to commit to the desk with instructions, as part of

the side-by-side procedure that has been agreed to by the majority leader and the minority leader, and ask for its consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows: The Senator from Arizona [Mr. McCAIN] moves to commit the bill (H.R. 3590) to the Committee on Finance with instructions.

Mr. McCAIN. I ask unanimous consent that reading of the motion be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The motion is as follows: Motion to commit the bill H.R. 3590 to the Committee on Finance with instructions to report the same back to the Senate with changes that include applying the amendments made by section 3201(g) (related to Grandfathering Supplemental Benefits for Current Enrollees) to all individuals enrolled in a Medicare Advantage plan under part C of title XVIII of the Social Security Act as of the date of enactment, in order to ensure the following:

That the 10,600,000 seniors enrolled in Medicare Advantage can continue to keep the benefits they have and may continue to benefit from the protection against traditional Medicare's significant out-of-pocket costs, wellness programs, and vision, hearing, and dental benefits that they have come to rely on.

That the Senate does not cut benefits in a program that disproportionately benefits low-income and minority seniors by providing protection from higher out-of-pocket spending.

That the approximately \$5,000,000,000 "Grandfathering" protections under the amendments made by section 3201(g), which provide Medicare Advantage enrollees in certain States, including Florida, protection from a 64 percent cut in benefits under the Medicare Advantage program under part C, are also provided to the following:

The 181,304 Medicare Advantage enrollees in Alabama.

The 462 Medicare Advantage enrollees in Alaska.

The 329,157 Medicare Advantage enrollees in Arizona.

The 70,137 Medicare Advantage enrollees in Arkansas.

The 1,606,193 Medicare Advantage enrollees in California.

The 198,521 Medicare Advantage enrollees in Colorado.

The 94,181 Medicare Advantage enrollees in Connecticut.

The 6,661 Medicare Advantage enrollees in Delaware.

The 7,976 Medicare Advantage enrollees in the District of Columbia.

The 946,836 Medicare Advantage enrollees in Florida.

The 176,090 Medicare Advantage enrollees in Georgia.

The 79,386 Medicare Advantage enrollees in Hawaii.

The 60,676 Medicare Advantage enrollees in Idaho.

The 176,395 Medicare Advantage enrollees in Illinois.

The 148,174 Medicare Advantage enrollees in Indiana.

The 63,902 Medicare Advantage enrollees in Iowa.

The 43,867 Medicare Advantage enrollees in Kansas.

The 110,814 Medicare Advantage enrollees in Kentucky.

The 151,954 Medicare Advantage enrollees in Louisiana.

The 26,984 Medicare Advantage enrollees in Maine.

The 56,812 Medicare Advantage enrollees in Maryland.

The 199,727 Medicare Advantage enrollees in Massachusetts.

The 406,124 Medicare Advantage enrollees in Michigan.

The 284,101 Medicare Advantage enrollees in Minnesota.

The 44,772 Medicare Advantage enrollees in Mississippi.

The 195,036 Medicare Advantage enrollees in Missouri.

The 27,592 Medicare Advantage enrollees in Montana.

The 30,571 Medicare Advantage enrollees in Nebraska.

The 104,043 Medicare Advantage enrollees in Nevada.

The 13,200 Medicare Advantage enrollees in New Hampshire.

The 156,607 Medicare Advantage enrollees in New Jersey.

The 73,567 Medicare Advantage enrollees in New Mexico.

The 853,387 Medicare Advantage enrollees in New York.

The 251,738 Medicare Advantage enrollees in North Carolina.

The 7,633 Medicare Advantage enrollees in North Dakota.

The 499,819 Medicare Advantage enrollees in Ohio.

The 84,980 Medicare Advantage enrollees in Oklahoma.

The 249,993 Medicare Advantage enrollees in Oregon.

The 864,040 Medicare Advantage enrollees in Pennsylvania.

The 400,991 Medicare Advantage enrollees in Puerto Rico.

The 65,108 Medicare Advantage enrollees in Rhode Island.

The 110,949 Medicare Advantage enrollees in South Carolina.

The 8,973 Medicare Advantage enrollees in South Dakota.

The 233,024 Medicare Advantage enrollees in Tennessee.

The 532,242 Medicare Advantage enrollees in Texas.

The 85,585 Medicare Advantage enrollees in Utah.

The 3,966 Medicare Advantage enrollees in Vermont.

The 151,942 Medicare Advantage enrollees in Virginia.

The 225,918 Medicare Advantage enrollees in Washington.

The 249,027 Medicare Advantage enrollees in West Virginia.

The 243,443 Medicare Advantage enrollees in Wisconsin.

The 3,942 Medicare Advantage enrollees in Wyoming.

Mr. McCAIN. Madam President, the motion I am offering would simply commit the bill back to the Finance Committee for a short period to apply the same grandfathering provision in this legislation to all Medicare Advantage beneficiaries, the provision in the bill as it is specifically drafted, to prevent the drastic Medicare Advantage cuts from impacting some seniors in Florida, which compare to the cuts facing Medicare Advantage enrollees in the rest of Florida and the rest of

America, including the 330,000 Medicare Advantage enrollees in my State.

Basically, this motion says that the same benefits that have been granted in the legislation to citizens in Florida would also apply to citizens who are enrollees in the Medicare Advantage Program all over America. It is pretty simple.

Specifically, starting in 2012, this motion would accomplish a fix that allows all Medicare Advantage enrollees to maintain the current levels of benefits on the date of enactment. That would be in keeping with the sense-of-the-Senate resolution that was agreed to by the Senator from Colorado, Mr. BENNET, that called for all Americans to be able to keep the same level of benefits as they presently have today under Medicare and Medicaid.

During the Finance Committee markup, the senior Senator from Florida advocated in favor of treating certain Medicare Advantage enrollees in Florida better than the rest of America's seniors under Medicare Advantage.

Let me read from two articles written at the time of the Senate Finance Committee's deliberation. From the New York Times, "Senator Tries to Allay Fears on Health Overhaul," September 24, 2009:

But Mr. Nelson, a Democrat, has a big problem. The bill taken up this week by the committee would cut Medicare payments to insurance companies that care for more than 10 million older Americans, including nearly one million in Florida. The program, known as Medicare Advantage, is popular because it offers extra benefits, including vision and dental care and even, in some cases, membership in health clubs or fitness centers.

"It would be intolerable to ask senior citizens to give up substantial health benefits they are enjoying under Medicare," said Mr. Nelson, who has been deluged with calls and complaints from constituents. "I am offering an amendment to shield seniors from those benefit cuts."

Pretty simple. The Senator from Florida believes there would be cuts to the Medicare Advantage Program, and he was able to get into this bill an exemption for some 950,000 enrollees in Medicare Advantage in Florida. Admirably, the Senator from Florida was able to insert in this bill protection for 800-some or 900-some thousand constituents of his who are Medicare enrollees. There are 330,000 of them in my State who are seniors, who have paid into Medicare, who have the Medicare Advantage Program which, under the legislation, with the exception of the carve-out for the citizens in Florida by Mr. NELSON, would also then lose their benefits.

Similar concerns exploded into public view on Wednesday as members of the Finance Committee slogged through a mammoth health care overhaul bill for a second day.

Senator Nelson said Republicans were waging a "scare campaign," but he shares some of their concerns. His predicament highlights the political risks for Democrats eager to reassure older Americans who vote in large numbers.

There are risks for President Obama as well. He cannot afford to lose Mr. Nelson's vote. White House officials have offered to work with him to address his concerns. Mr. Obama has said repeatedly that "if you like your health care plan, you will be able to keep it."

That is one of the remarkable statements that is obviously contradicted by anybody who reads this bill. Any one of 11 million Americans, with the exception of Senator NELSON's constituents, who are under Medicare Advantage will see cuts in Medicare Advantage. That is a fact. If those 11 million Americans like their health care plan, they will not be able to keep it.

The cost of Mr. Nelson's proposed fix—to preserve benefits for many people enrolled in the private Medicare plans—could total \$40 billion over 10 years, and that could also be a problem for the White House. Mr. Obama has promised not to sign a health bill that increases the deficit, and so far Mr. Nelson has not said precisely how he would pay for his amendment.

Approval of the amendment could invite other Democrats to ask for similar deals that might make the bill more palatable to their constituents, but more costly as well.

Well, since that September article, obviously other Senators have asked for the same shielding of their constituents who are enrolled in Medicare Advantage.

An October 20, 2009, Bloomberg story, "Reid Leads Democrats into Carving Out Favors for States on Health."

Democrats such as Senator Bill Nelson of Florida and Ron Wyden of Oregon secured provisions setting aside \$5 billion to shore up benefits for constituents who participate in Medicare Advantage. That program allows private insurers to contract with the government to provide Medicare benefits. Nelson said the aid isn't directed solely at Florida. "It affects several States, including New York," he said. "We're trying to grandfather in seniors so they don't lose the benefits they have."

Well, I am trying to carry out Senator NELSON's ambition. Senator NELSON said that, in effect, several States, including New York, are trying to grandfather in seniors so they don't lose the benefits they have. That is exactly what this motion is all about.

I assume I can expect Senator NELSON's affirmative vote, along with all others listed in the motion of the 11 million people who are under Medicare Advantage in their States.

And the deal-making continues. We have now learned about the special provisions in the 2,000-page legislation designed for certain Senators—I might add, at the expense of Medicare Advantage members in other States and the American taxpayer. We have had to read about such deals because they have been cut in secret closed meetings without the benefit of the C-SPAN cameras, as promised. Just the other day, it came to light that this legislation has special provisions for Oregon, New York, and a special one in Florida. I have had a conversation with Senator WYDEN of Oregon, and he says that is

not the case. I will certainly take Senator WYDEN's word for it.

I want the same protections extended to all seniors. That is all this motion is about—the same protection for all seniors, no special deals for any constituents related to the State in which they reside or the influence of their elected representatives. That is not the way we should treat seniors who have paid into Medicare Advantage.

The special carve-out for some Florida seniors is quite interesting. Despite beneficiaries in Florida hearing the President's promises about being able to keep what you have, it appears the 950,000 Medicare Advantage enrollees in Florida aren't satisfied with the Democrats' promises to protect so-called guaranteed benefits. Medicare Advantage beneficiaries in Florida thought they would be able to keep the Medicare Advantage benefits that provide protection from high cost sharing in traditional Medicare, wellness programs, and vision, hearing, and dental benefits upon which they have come to rely.

However, when Florida beneficiaries learned they were not going to be able to keep what they have—in fact, they were going to see a 64-percent cut in benefits—a deal benefiting some at the expense of other Medicare Advantage beneficiaries and taxpayers was added in exchange for support to move forward on the cuts.

Let me point out, despite attempting to protect hundreds of thousands of Florida seniors from benefit cuts, Senator NELSON's deal still leaves approximately 150,000 Florida seniors and seniors across the country unprotected. So even in the proposed deal that was cut, Senator NELSON was willing to leave 150,000 beneficiaries subject to Medicare Advantage cuts.

The Medicare Advantage Program is a program that had bipartisan support and the support of 11 million seniors who are enrolled in the program.

Just a few short years ago, when Congress enacted the Medicare Modernization Act, new funding was intentionally provided to stabilize the Medicare health plan program. This was one of the few issues on which there was strong bipartisan agreement during the 2003 Medicare debate. It was done to ensure seniors all across America had access to an option in the Medicare Program, an option for additional, better benefits than are available under the traditional Medicare Program.

In June 2003, several of our colleagues, including Senator SCHUMER and Senator KERRY, offered a bipartisan amendment on the Senate floor to provide additional funding for benefits under the Medicare Advantage Program. So I find it a little interesting that Members on the other side want to cut benefits to seniors now. Even though they supported the funding before, they now want to cut them.

Later in 2003, as the Medicare conference committee was completing its deliberations, a bipartisan group of 18 Senators signed a letter urging the conferees to provide a meaningful increase in Medicare Advantage funding. This letter was signed by a diverse group of our colleagues, including Democratic Senators such as DIANNE FEINSTEIN, CHRISTOPHER DODD, RON WYDEN, FRANK LAUTENBERG, PATTY MURRAY, ARLEN SPECTER, MARY LANDRIEU, and MARIA CANTWELL.

Here is a letter dated September 30, 2003. It says "United States Senate," and it is signed by a number of Senators, including my colleague, Senator KERRY. It says:

Dear Medicare conferee:

We are writing to ask you, as a member of the Medicare conference committee, to ensure that the final Medicare bill includes a meaningful increase in Medicare+Choice funding in fiscal years 2004 and 2005.

So I guess my friend and colleague, Senator KERRY, was against cuts in funding before he was for them. He was against them before he was for them. So anyway it goes on to say:

We strongly support additional Medicare+Choice funding for two very important reasons: (1) to protect the health care choices and benefits of the nearly 5 million Medicare beneficiaries who are currently enrolled in private sector health plans; and (2) to strengthen the foundation for future health plan choices.

We believe that the Medicare+Choice funding provisions . . . are critically important to preserving choice and quality for America's seniors. We urge you to include these provisions in the final bill reported out of the Medicare conference committee.

Since then the Medicare Advantage Program has been popular enough so that 11 million of our senior citizens have joined the program. I think that is a pretty impressive number of people who have decided to join the program. So I urge my colleagues to vote for this motion, just to give equal access to a very popular program to all citizens rather than just give it to several hundred thousand who happen to live in a certain part of the country.

Mrs. BOXER. Madam President, will the Senator yield for just a brief question on time, I say to Senator MCCAIN?

I just wondered how much longer the Senator was going to go because we have people waiting on both sides to speak up to 10 minutes.

Mr. MCCAIN. I am not sure.

So, Madam President, recently there was an article in the North County Times from San Diego, dated Saturday, December 5, 2009.

I would say to the Senator from California, in response to her question, this is a very important issue, as the Senator from California just pointed out. I have a lot to say on it, and I have waited my turn to speak. In keeping with the procedures that are in keeping with the agreement between the two leaders, I do not expect to be too much

longer, but I do not expect to curtail my remarks on this very important issue at 5:20 p.m. in the afternoon.

So here is an article from the North County Times from San Diego, dated December 5, 2009: "REGION: State ends subsidy for mammograms to low-income women under 50." I repeat: "State ends subsidy for mammograms to low-income women under 50." It goes on to say:

The eligibility age for state-subsidized breast cancer screening has been raised from 40 to 50 by the California Health and Human Services Agency, which will also temporarily stop enrollment in the breast cancer screening program.

Advocates for low-income women, whose health care the department helps pay for, say the cuts put a two-tier system in place that is based on money rather than medical standards.

The cuts will greatly harm the clinic's mammogram program, said Natasha Riley, manager of Vista Community Clinic's Breast Health Outreach and Education Program.

The clinic and others like it in San Diego County provide reduced-cost care, mostly to low-income people, with money from the state and some private donations.

"More than 50 percent of the women we give breast exams and mammograms to are in their 40s," Riley said. "The majority of our current breast cancer survivors are women in their 40s."

The state's decision, announced Dec. 1 and effective Jan. 1, follows a controversial federal recommendation last month that mammograms before the age of 50 are generally not needed.

So now we see the Federal recommendation that was made last month—that mammograms before the age of 50 are generally not needed—is now being implemented in the State of California.

Moreover, private health care systems such as Scripps Health have rejected the federal task force's recommendation, choosing instead to keep the existing standard, which calls for a mammogram at age 40, with annual mammograms thereafter.

That means doctors will be using two medical practice guidelines, distinguished not by knowledge but by the pocketbook, said Dr. Jack Klausen, a gynecologist and obstetrician who practices at Vista Community Clinic.

"If we are in a situation where we don't screen, but the private-practice doctor can screen, then we are actually not practicing to the standard of care," Klausen said.

Madam President, I ask unanimous consent that this entire article be printed in the RECORD. I certainly hope that a decision like this would not be implemented in discrimination against low-income women in the State of California.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the North County Times, Dec. 7, 2009]

REGION: STATE ENDS SUBSIDY FOR MAMMOGRAMS TO LOW-INCOME WOMEN UNDER 50

(By Bradley J. Fikes)

The eligibility age for state-subsidized breast cancer screening has been raised from 40 to 50 by the California Health and Human

Services Agency, which will also temporarily stop enrollment in the breast cancer screening program.

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"More than 50 percent of the women we give breast exams and mammograms to are in their 40s," Riley said. "The majority of our current breast cancer survivors are women in their 40s."

The state's decision, announced Dec. 1 and effective Jan. 1, follows a controversial federal recommendation last month that mammograms before the age of 50 are generally not needed.

However, the public health department also linked the change to California's budget woes.

The federal recommendation, made Nov. 16 by the U.S. Preventive Services Task Force, has encountered strong opposition.

The task force later retreated a bit, adjusting its recommendation to state that mammograms for women ages 40 to 49 should be considered by their doctors on an individual basis.

Moreover, private health care systems such as Scripps Health have rejected the federal task force's recommendation, choosing instead to keep the existing standard, which calls for a mammogram at age 40, with annual mammograms thereafter.

That means doctors will be using two medical practice guidelines, distinguished not by knowledge but by the pocketbook, said Dr. Jack Klausen, a gynecologist and obstetrician who practices at Vista Community Clinic.

"If we are in a situation where we don't screen, but the private-practice doctor can screen, then we are actually not practicing to the standard of care," Klausen said.

In its announcement, the state said the cuts were needed because of a projected budget shortfall for the California Department of Public Health, and from declining revenue from tobacco taxes.

However, it did not say how much money it expected to save.

Calls to the department were not returned Friday.

The policy puts lives at risk, said Barbara Mannino, CEO of Vista Community Clinic.

"I bet you everybody knows a woman who was diagnosed in her 40s, and her life was saved by a mammogram, or lost because it was too late," Mannino said, just before leaving for her own mammogram.

And she said that little money would be saved, because all the equipment and staff to provide mammograms is already in place.

There is a difference of opinion in the medical community about when mammograms, an X-ray of the breast, should be used.

Mammograms sometimes give false alarms, with the incidence of false positives especially high for women in their 40s.

Estimates are that 10 percent to 15 percent of mammograms give false positives, experts say.

False negatives, in which the cancer is present but the mammogram seems normal, occurs 20 percent of the time, according to the National Cancer Institute.

However, false negatives become less frequent with age.

But the benefits in finding cancers when they are more easily treatable outweigh the drawbacks, Mannino and Klausen said.

And Scripps' breast cancer task force said that because 28 percent of women newly diagnosed with breast cancer are younger than 50, the number of lives saved outweighs the additional cost.

Klausen said the federal panel was trying to "create a best-practices (standard) from a monetary point of view," to provide the most health care for all, out of a limited budget.

Women who get false positives on mammograms not only undergo stress, but they must go through other tests, only to find out there's nothing wrong.

That adds costs to the system without providing any better health care, according to the federal panel's reasoning.

However, Klausen said the state has taken that reasoning too far, putting too much emphasis on saving money.

"What makes me really worried is that the California Department of Public Health wants to save money by taking away a cancer-detection program," Klausen said. "That discriminates against a gender, and also discriminates against an income level. And it also discriminates against how community clinics can practice medicine."

Mr. MCCAIN. Madam President, I have found that the debate on the floor has been invigorating. I have found it to be educational not only to the Members of this body, and this Senator in particular, but I think to all Americans. Believe it or not, a lot of the deliberations and the debate and discussion we have had on the Senate floor have been vigorous. They have been sometimes passionate because this is such an important issue—issues such as the one I just discussed—and they have been sometimes tough.

But I must say, I have always tried to be respectful of the views of my colleagues, even though we have had some—especially the Senator from Illinois, the distinguished whip of the Democratic Party, whom I have engaged vigorously—but they have always been respectful debates. I intend to maintain that respect, as I have throughout my career. But I do not mean that means I will not be passionate.

So I was astonished—I was astonished—and taken aback to see a foxnews.com article that just crossed my desk titled: "Reid Compares Opponents of Health Care Reform to Supporters of Slavery."

Senate Majority Leader Harry Reid took his GOP-blasting rhetoric—

I am quoting from the article—to a new level Monday, comparing Republicans who oppose health care reform to lawmakers who clung to the institution of slavery more than a century ago.

Senate Majority Leader Harry Reid took his GOP-blasting rhetoric to a new level Monday, comparing Republicans who oppose health care reform to lawmakers who clung to the institution of slavery more than a century ago.

The Nevada Democrat, in a sweeping set of accusations on the Senate floor, also compared health care foes to those who opposed

women's suffrage and the civil rights movement—even though it was Sen. Strom Thurmond, then a Democrat, who unsuccessfully tried to filibuster the Civil Rights Act of 1957 and it was Republicans who led the charge against slavery.

So not only was Senator REID wrong in his accusations, Senator REID was also incorrect in who opposed slavery and who supported the Civil Rights Act. But that is not the important point. The important point, as the article goes on to say:

But Reid argued that Republicans are using the same stalling tactics employed in the pre-Civil War era.

And I quote from the article that is quoting Senator REID:

"Instead of joining us on the right side of history, all the Republicans can come up with is, 'slow down, stop everything, let's start over.' If you think you've heard these same excuses before, you're right," Reid said Monday. "When this country belatedly recognized the wrongs of slavery, there were those who dug in their heels and said 'slow down, it's too early, things aren't bad enough.'"

He continued: "When women spoke up for the right to speak up, they wanted to vote, some insisted they simply, slow down, there will be a better day to do that, today isn't quite right."

"When this body was on the verge of guaranteeing equal civil rights to everyone regardless of the color of their skin, some senators resorted to the same filibuster threats that we hear today."

That seemed to be a reference to Thurmond's famous 1957 filibuster—the late Senator switched parties several years later.

Sen. Orrin Hatch, R-Utah, said Reid's remarks were over the top.

"That is extremely offensive," he told Fox News. "It's language that should never be used, never be used. . . . Those days are not here now."

Sen. Saxby Chambliss, R-Ga., suggested Reid was starting to "crack" under the pressure of the health care reform debate.

"I think it's beneath the dignity of the majority leader," Sen. Tom Coburn, R-Okla., said. "I personally am insulted."

So this is a debate which has been spirited. This has been a debate which has been passionate. This has been a debate that I think has been very helpful to the American people. Some of the back and forth that I have seen I think has been excellent. It has been excellent debate and discussion. I enjoyed it when the Senator from Montana and I had a discussion about various endorsements. I appreciated the fact that Senator DURBIN brought my record to light and questioned it. But, most importantly, most of the conversation has been about the components of this bill and its impact on the future of America.

So to somehow compare—as this article says—we who believe firmly in the principles that are being violated by this 2,000-page legislation to people who supported slavery, I would very much appreciate it if Senator REID would come to the floor and, if not apologize certainly clarify his remarks that he was not referring to those of us

who believe we are carrying out and performing our constitutional duties; that is, acting in the best interests of our constituents on an issue that will impact the future of the United States of America for years and years and years.

Madam President, I ask unanimous consent that the foxnews.com article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REID COMPARES OPPONENTS OF HEALTH CARE REFORM TO SUPPORTERS OF SLAVERY

Senate Majority Leader Harry Reid took his GOP-blasting rhetoric to a new level Monday, comparing Republicans who oppose health care reform to lawmakers who clung to the institution of slavery more than a century ago.

The Nevada Democrat, in a sweeping set of accusations on the Senate floor, also compared health care foes to those who opposed women's suffrage and the civil rights movement—even though it was Sen. Strom Thurmond, then a Democrat, who unsuccessfully tried to filibuster the Civil Rights Act of 1957 and it was Republicans who led the charge against slavery.

Senate Republicans on Monday called Reid's comments "offensive" and "unbelievable."

But Reid argued that Republicans are using the same stalling tactics employed in the pre-Civil War era.

"Instead of joining us on the right side of history, all the Republicans can come up with is, 'slow down, stop everything, let's start over.' If you think you've heard these same excuses before, you're right," Reid said Monday. "When this country belatedly recognized the wrongs of slavery, there were those who dug in their heels and said 'slow down, it's too early, things aren't bad enough.'"

He continued: "When women spoke up for the right to speak up, they wanted to vote, some insisted they simply, slow down, there will be a better day to do that, today isn't quite right."

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"I think it's beneath the dignity of the majority leader," Sen. Tom Coburn, R-Okla., said. "I personally am insulted."

Mr. MCCAIN. So if I could return to my amendment. My amendment would make sure every beneficiary is protected and receives equal treatment. I would expect strong bipartisan support, since I think we would all like to see the same protections guaranteed for our own constituents. I know the Senator from Pennsylvania will appreciate this amendment, since he filed

his own amendment to spend \$2.5 billion in taxpayers' dollars to protect Medicare Advantage beneficiaries in Pennsylvania. I guess the 864,000 Medicare Advantage beneficiaries in Pennsylvania weren't satisfied with the promise to protect so-called guaranteed benefits either.

This motion to commit is straightforward and will help the President keep his promise that if you like your health insurance you have today, the policy you have today, you can keep it, and will protect 10.6 million Medicare Advantage beneficiaries from at least a 64-percent cut in benefits.

May I say, again, I think it has been an important debate we have engaged in. I do not and will not impugn the motives or the integrity of those who are sponsors of this legislation. Yes, I will argue we didn't keep the President's promise and commitment over a year ago during the Presidential campaign when he said he would have the C-SPAN cameras in, that there would be bipartisan negotiations with the C-SPAN cameras in, with Republicans and Democrats sitting down together so, in his words, the American people could see who is on the side of the health insurance companies and the special interests and who is on the side of the American people. I think that is a legitimate statement and a legitimate questioning as to the process that is taking place today, where there have been no negotiations with the Members on this side and there has been no C-SPAN camera included where these negotiations are taking place. So I hope there will be. I hope this legislation is defeated. I hope we can go back and sit down together, Republicans and Democrats, and agree on medical malpractice reform, on crossing State lines to be able to get the best insurance policy for every citizen and their family, to emphasize wellness and fitness and reward it, and to enact outcome-based treatment for our patients. I hope we can produce a lot of measures and take a lot of significant steps that would truly reduce the cost of health care in America, not enact a \$2.5 trillion new entitlement program that is a scam. It is a scam because of the way the budgetary process has been set up. Right now, today, I can go out and buy an automobile, and I don't have to make a payment for a year. Under this proposal, you start making the payments and 4 years later you get the benefits. That is Enron accounting.

I hope my colleagues will allow us to continue this spirited debate and discussion. I say, with the greatest respect, these are tough issues and there are strong differences of opinion. But I think, overall, this debate and discussion is good for the American people and, hopefully, the outcome will be one where we will be better informed and can better address the issue of the skyrocketing costs of health care in America and our ability to provide them

with affordable and available health care.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New York.

Mrs. GILLIBRAND. Madam President, I ask unanimous consent that no further amendments be in order during today's session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. GILLIBRAND. I yield the floor now to Senator MIKULSKI for 10 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Ms. MIKULSKI. Madam President, I rise to speak on the bill as well as in opposition to the Nelson of Nebraska amendment on the subject of abortion.

First of all, I truly believe health care reform is the most important social justice vote we will cast in this decade. Why? Because we are talking about providing universal access to health care, which I believe is a basic human right and should be a fundamental American right. That is why health care reform is so important: To provide universal access to health care and, in this bill, ending the punitive practices of insurance companies against women, particularly in the area of gender discrimination, where we pay more and get less in our benefit package, as well as where simply being a woman is often treated as a pre-existing condition.

Eight States consider domestic violence a preexisting condition and you can't get insurance. One woman who had a medically mandated C-section was told she couldn't get insurance again unless she had a sterilization—coerced sterilization in the United States of America. I thought that is what they did in Nazi Germany or in old Communist China.

The other thing this bill does is strengthen and stabilize Medicare to make sure seniors have access to health care at all ages and all stages.

I consider these principles to be pro-life. I think the health care bill we are debating is as pro-life as can be because what other thing helps maintain, protect, save, or deal with impaired life better than providing universal access to health care? A famous pastor by the name of Rick Warren, who has written the great book that has inspired so many, "The Purpose Driven Life," talks not about pro-life but whole-life principles. I think being able to see a doctor or an appropriate health care professional saves lives, and I view this vote on health care reform as the most important pro-life or whole-life vote anyone can cast.

I agree with Pastor Rick Warren when he uses that principle. I believe in seeing a doctor when you need one, in saving a life, or in getting the health care you need so you don't lose an eye

from diabetes, you don't lose your kidney, you don't lose your foot or, if you are pregnant and diabetic, you don't lose your child. We want to make sure women have access to mammograms, that the men we love and who love us have access if they have high blood pressure—and sometimes they have it because they don't have health care for their family—or prostate cancer. I believe that is what whole life is.

So with this bill, I believe supporting screening for diabetes is pro-life, cervical cancer screening is pro-life, but, most of all, if you want people to have healthy pregnancies, healthy childbirth, healthy babies, they need access to health care. So that is why I say voting for universal access to health care is as pro-life as you can be.

Making this debate about abortion, I believe, is misguided and wrong. First of all, in the bill, we already deal with this topic. In the interest of passing health care reform, I believe we deal with this sensitive topic in a sensitive way. We rejected shrill and strident amendments on both sides. For example, we did not seek to change the settled language regarding abortion that is the Hyde amendment.

There were those in the exuberance of last year's election who said: Oh, let's get rid of Hyde. Many of us took that position, trying to find that sensible center. We are principled and whole-life people as well. We said: Let's keep the Hyde amendment. It is settled language. I don't use the term "settled law" because that is a precise legal term, and I know my colleague from Pennsylvania and others can argue that, but Hyde is settled language.

What does the Hyde amendment that has been around for almost 30 years do? It prohibits any Federal funds to be used directly for abortions, except in the case of rape, incest, or when the life of the mother is at risk. It has additional provisions that provide a conscious clause to protect providers who do not want to provide abortions. This bill does not seek to change the underlying premise of the Hyde amendment which, as I said, I regard as settled language of 30 years ago.

The pending Senate bill goes even further than Hyde. It was legislation that came out of the Finance Committee, and I salute them for, once again, trying to find a sensible center, engaging in civil and rational dialogue. I wish to compliment them on their efforts. However, the other side keeps changing the midpoint. By seeking a greater good, many of us agreed to what was in the Finance bill. Quite frankly, it went further than I would have liked if I were writing the bill, but, again, in the interest of comity we would keep this debate on the issue of providing health care and not turn it into an abortion debate.

What does what came out of the Finance Committee and what is in the

merged bill do? It says loudly, clearly, and consistently: No Federal funds can be used to pay for the coverage of abortion, and it does it by separating out funds so no public money from Federal credits or subsidies would be used for abortions. What more can we ask anyone to do? Under the pending bill, health care plans cannot be required to cover abortion. Health care plans can choose to cover or not cover it, and State laws regarding abortion are not preempted. It, again, includes the longstanding practice of a strong conscience clause for either individual providers or institutions—for example, Catholic hospitals—from performing abortions if it is against their conscience.

I believe what we have done is found the sensible center, and it leaves the decision in the hands of patients and doctors, not politicians or insurance executives. So the question is not what is decided but who decides. I believe it should be in the hands of patients and doctors, not politicians or insurance executives.

Let's go to Nelson, which is a Senate version of Stupak. I reject the Ben Nelson amendment. I believe it is unnecessary. I believe it is unneeded. I believe it is uncalled for. It goes further than Hyde because it prohibits the public option from covering abortions and it prohibits individuals receiving Federal insurance subsidies from purchasing a plan that covers abortion and, even if you use your own money, it cannot be used for abortion.

It also allows women to purchase an abortion rider. Oh, boy. Is this supposed to be a big deal? Is this supposed to be the kind of thing that is supposed to make us happy? What an insulting, humiliating thing to say: If you want an abortion, go buy a rider. I think it demonizes women. Why don't you go into the workplace and paint a scarlet letter on your head. Hawthorne still lives in the Nelson amendment. Let's paint the "A word" on your forehead. Can you believe this? I don't know of any individual woman or any woman in consultation with the man she loves and who loves her saying: Yes, you know, we might have an abortion. Why don't we buy that rider. Nobody plans to have an abortion. It is not the subject of intimate conversations that families talk about as they plan their lives together. Do you realize the intense discrimination a woman would face? How about: Why don't we have men buy an abortion rider for the women they get pregnant? Let them buy the abortion rider. Maybe we can even give them a discount.

We are hot about this, and we are cranky about it because there is no need to do it like this. We have tried, at every step of the way, to handle this topic with great respect because there are people with principles. We are all people of principle. Some use the term



“pro-life.” I use the term “whole life.” What are the rest of us? Do you think I am anti-life?

All my life as a social worker, I have fought for social justice. I fought for access to health care. And to say I am going to support a bill that denies access to services for most women in the exchange—anyway, I think this thing goes further than Hyde, and we should be debating health care, not abortion. This legislation on the Senate floor should be about women’s health, like the debate we had last week about prenatal health care, how to improve delivery systems for greater survival and how to minimize birth defects. That is what it should be.

Women’s health care decisions should be made by the women, in consultation with their doctor. The Patient Protection and Affordable Care Act is what we believe is a wonderful compromise, and it rejects these strident viewpoints. The most pro-life thing we can do is pass universal access to health care. The most pro-life thing we can do is stabilize Medicare so people have health care at all ages and all stages.

So reject the Nelson amendment, and if you are pro-life, vote for the Senate merged bill.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Iowa is recognized.

Mr. GRASSLEY. Madam President, for the benefit of my colleagues waiting to speak, I don’t think I will speak much more than 10 minutes. Before I speak on my purpose for coming to the floor to support Senator MCCAIN’s amendment, I want to take a couple of minutes to go over a source of information that is no longer credible, which has been used in debate on the floor several times, used throughout the year—information that has been in letters to the editor of Iowa newspapers.

The most recent hearing of this was when the Senator from California rose to talk about the quality of our health care and the reference to the fact that the United States is 37th out of all of the nations of the world in quality of health care.

I don’t deny we have to do a lot to improve the quality of health care in America. I even admit that in this legislation, though I oppose the bulk of this 2,074-page bill, there is a lot in the bill that has to do with the enhancing of the quality of care.

We keep hearing about the United States being 37th in quality. That comes from a World Health Organization analysis that was made back in the year 2000, ranking the United States among all the other nations. It is a 10-year-old report that was flawed in its analysis at the very outset. Yet it is repeated as if gospel truth by almost anybody who wants to denigrate America’s health care system and build a case for this monstrosity of a bill we

have before us. When I call it a monstrosity, I will say it has some very good provisions in it that would enhance the quality of care. The World Health Organization no longer produces such a ranking table because of the complexities of the task. The rankings were flawed because they judged health care systems for problems—cultural, behavioral, and economic—that are not controlled by health care. There is no differentiation between the quality of medical systems and other factors, such as diet, exercise, and violent crime rates, which ought to be taken into consideration when considering a nation’s delivering quality of health care.

The editor in chief of this 2000 report of the World Health Organization, Philip Musgrove, called the figures “... many made-up numbers,” and the result a “nonsense ranking.” Dr. Musgrove, an economist who is now deputy editor of the journal *Health Affairs*, said he was hired to edit the report’s text but didn’t fully understand the methodology until after the report was released. Once he left the World Health Organization, he wrote an article in 2003 for the medical journal *Lancet* criticizing the rankings as “meaningless.”

The U.S. health system spends more than any other country per capita and was ranked 37th out of 191 due to that spending alone. Prior to considering how much we spend, the United States was ranked 15th, not 37th.

The Dominican Republic, Costa Rica, and Morocco ranked 42nd, 45th, and 94th before adjusting for spending levels. After the adjustment for spending levels, can you believe it? They ranked above the United States—35th, 36th, and 29th, respectively.

The United States ranked first in responsiveness. That means respect for persons and prompt attention. Americans understand and appreciate this quality care. This will be lost in this massive health care reform bill when the government takes more control.

Experts in the field of health, such as Mark Pearson, head of health for the Organization of Economic Cooperation and Development, OECD, was quoted as saying:

It’s a very notorious ranking. Health analysts don’t like to talk about it in polite company. It’s one of those things that we wish would go away.

I hope my colleagues will take that into consideration when they bring up the rationale for this bill, that it is because of that World Health Organization study, which I think what I said and a lot of other things you can say about it ought to put it into proper perspective.

For my support of the McCain motion to bring equalization among the 50 States for the Medicare Advantage portions of this bill, I have spent the past 28 years in Congress working to make

sure that rural Iowans have access to the same quality of health care as people living in more urban areas.

Medicare, since 1965, has been a national program. Well, it is a national program with traditional Medicare. But before we brought equity to Medicare Advantage, it wasn’t a national program. It was a program for California, Arizona, Texas, New York, Florida, Chicago, or near the Midwest, maybe Omaha. Since Medicare Advantage was not a national program, and since Medicare since 1965 has been a national program, I set out in the Medicare Modernization Act to bring equity to rural America just as we have in urban America. I fought to make sure that seniors living in rural areas would have the same choices as seniors living in Miami, New York City, or Los Angeles.

That is simply saying that wherever you live in the United States, you have Medicare—traditional Medicare. Before then, wherever you lived in the United States, in most rural areas you didn’t have Medicare Advantage. Since Medicare is a national program, people living in rural America ought to have the same choice as those in urban America.

Today that is the case. Seniors in every county in Iowa have a choice between traditional Medicare and Medicare Advantage. That is a big improvement, since prior to the Medicare Modernization Act not all Iowans had that choice. I can narrow it down to 1 out of 99 counties—Pottawattamie County, across from Omaha, had Medicare Advantage. The other 98 counties didn’t have it. I want to tell you, there are still inequities, because Iowa providers offer high-quality care that leads to less utilization. Iowans get approximately \$1,500 less per year in Medicare Advantage benefits than seniors living in Florida. Under this bill, Iowans will see even less in Medicare Advantage benefits. It looks like that won’t be the case for some lucky Floridians.

In another one of those backroom deals—a backroom deal that seemed to be needed to get 60 votes, backroom deals that are still being attempted to get 60 votes—the Senator from Florida, in one of these backroom deals, was able to secure a provision in the Finance Committee bill that would make sure that seniors in certain Florida counties are able to maintain their current benefits. I am not talking about the so-called guaranteed benefits that Democrats say they are protecting. The provision secured by the Senator from Florida will also protect additional and extra benefits for Floridians. In pushing for this amendment, the senior Senator from Florida said:

It would be intolerable to ask senior citizens to give up substantial health benefits they are enjoying under Medicare.

I guess Floridians weren’t satisfied with the promise that has been made

throughout the last 2 weeks of debate on this bill to protect the so-called guaranteed benefits. Seniors in Florida still wanted the lower cost sharing, wellness programs and vision, hearing and dental benefits they have come to rely on. Now we have the Senator from Pennsylvania filing an amendment to help Medicare beneficiaries in Pennsylvania protect their extra benefits, to get these extra benefits that people on Medicare Advantage have.

I am guessing that seniors in Pennsylvania must have also picked up on the Democrats' hollow promises to protect guaranteed benefits but not worry about other benefits. In fact, the presence of these special deals is proof that this bill is cutting Medicare benefits.

It is even proof that some Senators are worried about going back to their constituents and trying to explain the difference between cutting guaranteed and additional benefits, and explaining why they voted to cut Medicare Advantage benefits by 64 percent. Why else would these special deals be necessary?

I am here to ask my colleagues, why should seniors in Florida or Pennsylvania get to keep their extra benefits, while more than 9 million seniors in other parts of the country see an average cut of 64 percent? To quote the Senator from Florida, isn't this also intolerable?

My colleagues on the other side talk about efficiency and fairness, but they are supporting a bill that maintains the highest Medicare Advantage payments in the country, while slashing benefits in higher quality rural areas. One of those higher quality rural areas is the State of Iowa, where we are fifth in quality but near the bottom of 50 States in reimbursement on Medicare, whereas other States are fiftieth in quality and No. 1 in reimbursement on health care.

All of this doesn't sound very efficient or fair to me. Senator MCCAIN's motion is pretty straightforward. It goes State by State. I am not going to read all 50 States, but it says here that 1 million—it is going to benefit the 70,000 Medicare Advantage enrollees in Arkansas. It is going to benefit the 198,000 Medicare Advantage enrollees in Colorado. In Iowa, it is probably something in the neighborhood of 63,902. It will make sure that seniors in every other State in the country—red States and blue States—get the same deal Senator NELSON got for Florida.

A vote for the McCain amendment is simply a vote for equity. But a vote against the amendment is a vote to favor backroom deals that put the interest of a handful of Floridians above 10 million seniors across the country.

I urge my colleagues to support all seniors and vote for the McCain motion.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New York.

#### AMENDMENT NO. 2962

Mrs. GILLIBRAND. Mr. President, I rise today in strong opposition to an amendment that has been offered by my distinguished colleague from Nebraska.

There has been a lot of misinformation about what the health care bill we are debating would mean for women and for reproductive rights. So let me please set the record straight.

The underlying legislation before us maintains a historic compromise we have had in this country by barring the use of Federal funds for the full range of reproductive services, except in cases of rape, incest, and to save a woman's life. That is the current law of the land, and the Senate bill goes to great lengths to maintain current Federal law.

The legislation would segregate private funds from public funds, so only a person's private money will contribute to their reproductive coverage. This is not an accounting gimmick, as some critics have falsely charged. In fact, this kind of arrangement is often used when public funds are given to parochial schools or other religious institutions to maintain a separation of church and state.

The Senate version would also require that at least one plan within the health insurance exchange offer a plan that covers reproductive services and one that does not. It would authorize the Secretary of Health and Human Services to audit any and all plans to make absolutely certain abortion is not being paid for with Federal dollars. This arrangement is squarely in line with the historic compromise we have had in this country for 30 years that keeps Federal funds from being used to pay for abortions.

As we debate the solution to the deepening health care crisis that has affected every citizen, business, and community in the country, this is not the time nor the place to instigate a new battle over reproductive rights and reproductive freedoms. Families and businesses that are getting buried under the weight of the current cost of health care deserve much better.

Proponents of the Stupak-Pitts amendment claim this is a continuation of current Federal law, but that is simply false. This proposal goes far beyond Federal law and will, in fact, bring about significant change and dramatic new limitations on reproductive access in this country. It establishes for the very first time restrictions on people who pay for their own private health insurance. This is not partisan spin; this is fact. A new study by George Washington University School of Public Health and Health Services concluded:

The treatment exclusions required under the Stupak/Pitts amendment will have an industry-wide effect, eliminating coverage of medically indicated abortions over time for

all women, not only those whose coverage is derived through a health insurance exchange.

This is government invading the personal lives of Americans, and it puts the health of women and young girls at grave risk.

In fact, this amendment would represent the only place in the entire health care bill where opponents are actually correct. This would truly limit access to medical care by giving the government the power to make medical decisions, not the patient or the doctor.

We all agree it is important to reduce abortions in this country, and I will continue to work in many ways to reduce unintended pregnancies and to promote adoption. However, the Stupak amendment prohibits the public plan as well as the private plans offered through the exchange, if they accept any subsidized customers, from covering any abortion services. This effectively bans full reproductive coverage in all health insurance plans in the new system, whether they are public or private.

Creating a system in which women are forced to purchase a separate abortion rider is not only discriminatory, it is ridiculous. It would require women to essentially plan for an event that occurs in the most unplanned of circumstances and often in critical emergency situations.

There are currently five States that require a separate rider for abortion coverage. In these five States, it is nearly impossible to find such a private insurance policy that covers full reproductive care. In one State, one insurance company holds 91 percent of the State's health insurance market and refuses to even offer such a rider.

There is no doubt that a lack of access to full reproductive health care puts the lives of women and girls at grave risk. The Stupak measure poses greater restriction on low-income women and those who are more likely to receive some kind of subsidy and less likely to be able to afford a supplemental insurance policy.

Denying low-income women reproductive coverage in this way is not only discriminatory, it is dangerous. Without proper coverage, women will be forced to postpone care while attempting to find the money to pay for it. Such a delay can lead to increased costs and graver health risks, particularly for these younger girls or these women will be forced to return to dangerous back-alley providers. Women and girls in America deserve better.

I am optimistic we can defeat this radical change to Federal law, pass a health care bill in the Senate that respects current law, and strip the dangerous Stupak measure during the conference process. As I said before, I think there has been a lot of misinformation about what the Stupak

measure does and the level of danger this kind of sweeping change could pose to women and girls.

This health care package must move us forward toward quality, affordable health care for every single American.

I ask my colleagues to oppose the Nelson amendment and any similar measure. I ask that we work together to preserve current law and respect the private choices made between a woman and her doctor.

Madam President, I yield the floor.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I have sought recognition to join Senator BOXER, Senator MIKULSKI, and Senator GILLIBRAND in opposing the Stupak amendment.

The controversy set forth on this issue has been debated in this body and in the House since the Hyde amendment was enacted in 1977. What is attempted by the pending amendment in the Senate and the Stupak amendment in the House is to alter that to the disadvantage of a woman's right to choose.

The decision in *Roe v. Wade* in 1973 was admittedly and obviously viewed as a landmark decision which recognizes the constitutional right of a woman to choose. There have been some limitations drafted as we have moved through the process. We have had many debates on this floor on the Mexico City policy, and many aspects have been subject to challenge. But the provision which is in the bill presented by the distinguished majority leader, Senator REID, the pending bill, maintains careful delineation which has been worked out up until this time; that is, there would not be any Federal funds used for abortion, but there would be no limitation on the ability of a woman to have abortion coverage if she chooses to so long as she paid for it herself.

The provisions in the statute are very plain. Section 1302(2)(a) provides for the prohibition on the use of Federal funds. I am inserting the meaning of the language where it has references to many subsections. But the prohibition on the use of Federal funds states, in effect, that if a qualified health plan provides coverage of services for abortion, the issuer of the plan shall not use any of the Federal funds for abortion. Then there is a provision on segregation of funds, section 1303(2)(b), which provides, in effect, in the case of a plan which covers abortions, the issuer of the plan shall segregate an amount equal to the cost of services for medical services other than abortion from the cost of medical services for abortions. That sets it out about as plainly as you can.

The precedent on Medicaid coverage, which involves Federal funding, where some 23 States have chosen to add

abortion coverage where the States are putting up their own money, so that there are no Federal funds involved but the Medicaid services do cover abortions, but they are with funds other than Federal funds—State funds—it is just the same analogy as no Federal funds under this bill but with moneys provided by the woman who wants the coverage for herself. The precedent from Medicaid, it seems to me, is totally dispositive of the matters of public policy.

Also, it ought to be noted that there is some 87 percent of insurance in the private market which covers abortions. Insurance in the private market provided by employers has the feature of deductibility. So while there is not a direct payment by the Federal Government on policies which do cover abortions, there is an indirect factor here because there is a tax break. The Federal Government does not get taxes on items which the employer deducts on the cost of the insurance coverage.

There is also a consideration on an underlying issue of discriminatory practices as to women on the limitation of what is reasonable medical coverage. There is an analogy—none of the analogies are really compelling, but the argument has been made that where you have a pharmaceutical coverage on Viagra, for example, which deals with reproductive capacity, nobody would think of saying the pharmaceutical coverage ought to be limited. Similarly, where there is the right to an abortion, if a woman wants to have it, which she pays for herself, it has all of the ring of discrimination.

A principal concern which I have is that if this issue results in a stalemate, the entire bill will be defeated because of this issue.

There are two remaining matters to be resolved which have some significant import which could lead to the defeat of the bill. One is on the issue of the public option. It is my argument, contention that we still ought to have a robust public option. There is a vast misunderstanding that the public option does not mean that the Federal Government is taking over on insurance coverage. That is single payer. That is not the public option, which is what it says, an option, one alternative. There are efforts being made to find an accommodation. I hope we stick with a robust public option.

The other issue which could lead to defeat of this bill, bring it down, is this controversy on abortion. It is still unclear how the Stupak amendment emerged in the House bill. There are lots of objections to it. Why the dichotomy of Hyde with no Federal funds being used and people could pay for their own was not followed in the House bill I do not know. I do not ascribe any inappropriate motives to any of my colleagues. I would not do that. But I think a consequence of this con-

troversy—and I think there may be some who do want to kill the bill. Certainly, the delaying tactics on the other side of the aisle make it plain that there are those who would use whatever procedures are available, whatever arguments are available to defeat the bill. That would be very regrettable in terms of the long struggle. We have discussed this on the floor again and again, what has happened since Theodore Roosevelt, FDR, and the efforts made to have coverage of health care for the uninsured.

If we stalemate on this issue, that could be the consequence. There is no reason to stalemate when there is such a clear-cut path. The bill explicitly provides that no Federal funds may be used for abortion, that any Federal funds would be segregated. That is the precise precedent of Medicaid. So I urge my colleagues to defeat the pending amendment so we can proceed to move for final enactment of this important legislation.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. FRANKEN. Madam President, I rise to speak in opposition to the Nelson-Hatch amendment, which replaces the compromise language in the current bill with unprecedented restrictions on women's access to safe and legal abortion services.

I think we can all agree that women's health is fundamental to our Nation's health. We all know that when women are healthier, families, communities, and countries are healthier. But I also know the issue of abortion is difficult, no matter where you stand on it, and I truly respect the fact that we have a range of opinions among us. Women have abortions for different reasons. Some of these reasons may not seem right to some of us. But even if we disagree, it is better that each woman be able to make her own decision with her doctor.

In a perfect world, no woman should have to face the decisions we are discussing today. But the reason we have insurance coverage is to help us deal with the unexpected. No woman expects to have an unplanned pregnancy. No woman expects to end a wanted pregnancy because of fetal anomalies or risks to her own health. If we limit options in private health insurance coverage, we take away a woman's right to make a decision that may be best for her and for her family in their circumstances.

But unplanned pregnancies do occur, and we have a responsibility to provide women with the full range of choices regarding their health. The Supreme Court has repeatedly ruled on this issue and made it clear that women have a constitutional right to access abortion. It is our responsibility to make sure abortions are safe, legal, and rare.

Supporting a woman's right to make decisions about her health means more than keeping abortion services legal; it means supporting a woman's decision to terminate a pregnancy safely and with dignity. It also means teaching honest, realistic sex education. It means the right to choose contraception. It means standing with women who choose to continue their pregnancies—with the hope and expectation that a compassionate society will support them in their responsibilities raising a child. It is about respecting women's personal decisions and the challenges they face, especially at times when they are the most vulnerable.

I strongly oppose the Nelson-Hatch amendment because it undermines the status quo and breaks new ground by restricting women's fundamental rights. The amendment stipulates that health plans cannot cover abortion services if they accept even one subsidized customer, even if the abortion coverage would be paid with the private premiums health plans receive directly from individuals. If adopted, this would mark the first time in Federal law that we would restrict how individuals can use their own dollars in the private health insurance marketplace.

I also oppose the amendment because we have a workable solution. The existing compromise in our bill represents genuine concessions by both pro-choice and pro-life Members of Congress. The current bill prohibits Federal funding of abortion but also allows women to pay for abortion coverage with their own private funds. It makes clear abortion can't be mandated or prohibited and stipulates that Federal funds cannot be used for abortion.

Let me be clear. The compromise within the current bill is as far as we can go. We have negotiated to get to this point. We cannot negotiate further without literally undermining the compromise we have made on behalf of women's health in this country.

We are on the verge of passing a historic health reform law that will do more to improve the health of women and families than any legislation in recent history. We will end discrimination based on health history, on gender, or history of domestic violence. We will provide access to preventive health services so women can get annual exams and mammograms at no cost. It is our responsibility to guarantee women are not worse off—under the health reform we are going to pass—than they are today.

As my friend Paul Wellstone used to say: "If we don't fight hard enough for the things that we stand for, at some point we have to recognize that we don't really stand for them." I urge my colleagues to stand with me today to oppose this amendment.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Madam President, I am troubled by what I have seen in the Chamber of the Senate in the last week. Actually, I am troubled by what I have seen in the Senate Chamber for the last several weeks, as I have watched this slow walk that so many of my colleagues who oppose health care reform are doing—anything to stall, anything to slow things down, anything to distract the public.

It began last summer, when some negotiations were going on. It was pretty clear there was no interest in any kind of real compromise, in any kind of constructive input into these negotiations. I can say that because I remember what happened in the Health, Education, Labor, and Pensions Committee in July. In June and July, we wrote the original—the first health care bill that passed a Senate committee, the HELP Committee.

We processed hundreds of amendments. The markup—which is the discussion inside the committee—took 11 days, the longest markup in anybody's memory. Everybody got a chance, everybody—all 23 Members of the committee, 13 Democrats, 10 Republicans—to offer amendments. Most of those amendments were voted on or agreed to. Nobody filibustered.

There was certainly lots of discussion. Sometimes we are a little long-winded around here, more so than we should be, but 160 Republican amendments were passed—either agreed to or actually voted on and passed in the committee. I voted for most of those amendments—I would say probably all but 10 of them—something like that. But the point is, there was a lot of bipartisanship in this legislation.

On the bigger questions, the differences are more ideological, more fundamental. For instance, Democrats support a strong Medicare. Republicans, who originally opposed Medicare in the 1960s—and not for partisan reasons but for ideological reasons—do not think government should run Medicare. That was pretty clear.

In the 1990s, when I was a Member of the House, Speaker Gingrich and the Republicans—they had a majority in the House and Senate—tried to privatize Medicare. President Clinton mostly blocked it, although he went along with some of it. When the Republicans, for the first time, had the House, the Senate, and the White House, in 2003, they dramatically privatized Medicare, shoveling all kinds of moneys into the insurance companies and giving huge subsidies to the drug companies. Look what we got. We got more difficult problems with

Medicare, more budget problems. We went from a budget surplus to a budget deficit, partly because of that bill and because of the war.

My point is, this bill was bipartisan in many ways, but on the big fundamental questions—should government be involved in things such as Medicare; what should we do on worker safety issues; what to do on consumer protections—the Democrats want to see strong consumer protections, with no more cutting people off their coverage because of preexisting conditions, no more discrimination against women.

As the Presiding Officer knows, through her work in New Hampshire, she has seen too many of her female constituents paying higher prices than male constituents. What is fair about that? So the Republicans have generally sided with the insurance companies and the Democrats generally side with consumers. On those fundamental questions, they aren't really partisan as much as they are ideological.

Saturday night, a couple weeks ago, when we actually began the debate—where no Republican voted to allow the bill to even be debated—that was the ultimate stall tactic, to keep it off the floor. The Democrats voted to put it on the floor. But what bothers me about this stalling is not just that they are stopping us from doing what we need to do in this country, it is that in my State alone, there are 400 people every single day—from Toledo to Athens, from Bryan to St. Clairsville, from Conneaut to Middletown—400 Ohioans every day lose their insurance, 400 Ohioans every day. Across the country, 45,000 people die every year, according to studies, and 1,000 people a week die because they don't have insurance.

As the Presiding Officer knows, because of her work on women's health care, a woman with breast cancer, without insurance, is 40 percent more likely to die than a woman who has breast cancer with insurance.

Think about that. If you have breast cancer, as anxious as you are, as fearful as you are, as sick as you are, if you have insurance you at least do not have to worry about that; you can go get decent medical care and many times your life is saved, particularly if you caught it early enough. But if you don't have insurance, you can't go to the emergency room. They are not going to take care of you every day. They might take care of you at the end of your life, right at the end; if you are dying you might get emergency care. But people like that are just left out of the system. That is why a woman with breast cancer without insurance is 40 percent more likely to die. That is why these delays from my friends over there, they write memos on the best way to delay the bills. They try every motion they can think of. For 3 days we couldn't even get a vote when we wanted to vote on one of their amendments, Senator MCCAIN's amendment

on Medicare. We literally could not get a vote because the Republicans blocked the vote. We finally did.

It is just these delay tactics. Again, 400 people in Findlay and Mansfield and Zanesville and Springfield and Xenia and Columbus—400 people every day lose their insurance in my State alone. Forty-five thousand people die a year because they do not have insurance.

Let me read a couple of letters. I come to the floor most days and read letters from people from my State. Many of these letters—not every one, but many of them—come from people who, if you asked them a year ago, would have said they had pretty good insurance. Then they have a child born with a preexisting condition, and they lose their insurance or then maybe they got sick and their hospital bills were so high the insurance company cut them off. Maybe they lost their job and they lost their insurance.

So many of those letters, as I said, were from people who thought they had good insurance and found out when they really needed the insurance, it was not such good insurance.

Let me just read from a couple of letters. This comes from Amy from Franklin County. Franklin County is in the middle of the State, the State capital located in Franklin County.

I recently had two minor surgeries. But in the last six months alone, I've had to spend about \$4,000 to cover 15 percent of my income. Thank you for taking a strong stance on health reform.

What Amy writes about, when you are spending one-sixth of your gross income on health care—then this is somebody who is working, she is playing by the rules, she is doing everything she can, and she got really sick—there was not the safety net for her that there should be.

Our bill will take care of that. Our bill says if you have health insurance and you like it, you can keep it, but in addition you are going to get good consumer protections, no more preexisting condition, no denial of care that way.

A second thing: If you are a small business you are going to get assistance—some tax incentives, some tax incentives, some tax credits—to insure your employees. Most small business people I know in Bucyrus, OH, in Galion, in Crestline, in Shelby, and all over my part of the State, like that. Most of them want to cover their employees, but if you have 20 employees and one of them gets sick, your insurance rates will go so high you can no longer afford it sometimes or you will get cancelled.

The third thing our bill does is it helps people, those who do not have insurance, by giving them assistance so they can afford insurance, so people like Amy can get a better insurance policy rather than spending that much money out of pocket.

The other letter I would like to share is from Amber from Morrow County, an

area of the State sort of north-central, north of Columbus, Mount Gilead, that part of the State, Cardington. She says, at age 19—this is more a story about her than an actual letter—at age 19 Amber was discontinued on her stepfather's insurance plan because of a preexisting condition. Needing constant medication and treatment for her diabetes, she tried to obtain her own health insurance plan. She was unable to afford any of her treatments or medications because she couldn't get insurance. As a result of an inability to treat her condition, she suffered two heart attacks and lost most of her vision.

She is 22 years old now. Now legally blind, she has lost feeling in her hand and feet, missing many of her teeth, and has kidney and intestinal problems. She feels lucky now to qualify for government disability benefits.

I don't know Amber. I know what her family members sent to us about her. But because she could not get insurance, because she was taken off her stepfather's insurance because of a preexisting condition, she was not able to do the kind of care diabetics are able to do.

It is a horrible disease. My best friend had diabetes. We have friends and neighbors and family members and colleagues and associates who have diabetes. Most of them, if they have a good health insurance plan, are able to live normal lives and don't have these kinds of things happen that happened to Amber.

What has happened, lost feeling in her hands and feet, kidney and intestinal problems, all the awful things that come out of diabetes are because it is a chronic disease. They are manageable. You know what will happen. Amber ends up in the hospital. Because she doesn't have insurance, it costs others in Morrow County who have insurance. They all pay more because they have to take care of Amber in a very expensive situation instead of providing insurance for Amber so she can manage her diabetes at much less cost and much more humanely.

It simply doesn't make sense to continue to stall. I have been around a good while in government. I have never been more upset than I have watching these stall tactics. These are not games people should be playing when you think about the human life, you think about Amber, you think about Amy, you think about how we all have people in our States who have suffered because they do not have insurance. We know how to fix it. We need to move forward and get this done as quickly as we can.

Four hundred Ohioans losing their insurance every day; 45,000 Americans dying every year because they don't have insurance. Those things simply are not acceptable.

I yield the floor.

Mr. KOHL. Madam President, with America aging at an unprecedented rate, and with the high and rising costs of caring for a loved one, the financing of long-term care must be addressed if we are going to get health care costs under control. For those who can plan ahead while they are still healthy, and who can afford it, private long-term care insurance may play a helpful role in enhancing their retirement security—but only if the policies they purchase are sound and the protections are strong.

We all know that long-term care is expensive. The cost of care in a nursing home now averages \$75,000 per year. However, most Americans do not realize Medicare provides only very limited assistance through home health services, and that Medicaid will not cover long-term care costs unless their household savings are nearly eliminated. States share the responsibility of providing Medicaid funding for long-term care with the Federal Government, and are also looking for ways to reduce their expenses. As of today, 43 States are in the process of launching "partnership" programs, which provide consumers who purchase private long-term care insurance and exhaust their benefits the ability to retain higher assets than are normally permitted if they go on to receive services under Medicaid.

We have a duty to try to ensure that these policies, which often span decades, are financially viable. During the last several years, several long-term care insurance carriers have fallen into financial difficulties, raising questions about how protected policyholders' investments are, and others have sharply raised premiums to compensate for actuarial miscalculations. Such premium increases can be devastating for older persons who are living on fixed incomes. Their choices are often stark and very limited: they can either dig deeper and pay the increased premiums, or let their policy lapse, leaving them with no coverage if they ever need care.

Last year, I was joined by several Senate and House colleagues in releasing a GAO report on whether adequate consumer protections are in place for those who purchase long-term care insurance. The report found that rate increases are common throughout the industry, and that consumer protections are uneven. While some States have adopted requirements that keep rates relatively stable, some have not, leaving consumers unprotected.

The amendment I am cosponsoring with Senators WYDEN and KLOBUCHAR will help mitigate these problems and do a better job of protecting policyholders who buy policies in the future. We need to strengthen standards for all policies to ensure that premiums increases are kept to a minimum; that insurance agents receive adequate

training; and that complaints and appeals are addressed in a timely manner. We also need to make it easier for consumers to accurately compare policies from different insurance carriers, particularly with regard to what benefits are covered and whether the plan offers inflation protection. States should also have to approve materials used to market Partnership policies. This amendment will institute these and many other improvements.

It is estimated that two out of three Americans who reach the age of 65 will need long-term care services and supports at some point to assist them with day-to-day activities, and enable them to maintain a high-quality, independent life. Long-term care insurance is an appropriate product for many who wish to plan for a secure retirement. But to be a viable part of the health care solution, we must take the necessary steps to guarantee that consumers across the country have adequate information and protections, and that premiums won't skyrocket down the road.

I am pleased to say that this policy is strongly supported by the National Association of Insurance Commissioners and the Wisconsin Office of the Insurance Commissioner, Consumers Union, Genworth Financial, Northwestern Mutual, the National Treasury Employees Union, and California Health Advocates, which provides support to that state's insurance counseling and advocacy programs.

I urge my colleagues to support this vital amendment.

#### MORNING BUSINESS

Mr. BROWN. Madam President, I ask unanimous consent the Senate proceed to a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### LAKEWOOD POLICE SHOOTINGS

Mrs. MURRAY. Madam President, tomorrow will be a somber and very difficult day in my home State.

That is because tomorrow, just over a week after the single worst act of violence against law enforcement in Washington State history, police officers from across the State and Nation, heartbroken Washington State residents, the community of Lakewood, WA, and the families of the victims of last Sunday's brutal attack on four police officers will gather to say goodbye.

Tomorrow's memorial for the four officers killed on the morning of November 29th will begin with a procession that leaves from just steps away from the coffee shop that was the site of that senseless and cowardly attack.

An attack in which four officers were targeted solely because they were in

uniform, solely because they had sworn to protect their community.

The procession will then weave its way through that very community—Lakewood, WA, a community that has been devastated by this tragedy, a community where these four officers were original members of their police force—and were loved and respected by their colleagues and the people they served.

Along the way, the procession route is expected to be lined by thousands of Lakewood residents and by all those who have been so deeply affected by this tragedy from throughout my State.

At the Lakewood Police Department the procession will stop to pick up the families of the fallen officers—families who together now include nine children left without a parent—families whose grief is hard to imagine.

The procession will end at a service that is expected to be attended by more than 20,000 law enforcement officers from every corner of my State and from throughout the Nation.

It will be an emotional end to a week that has rocked my home State.

It will also be farewell for four police officers who devoted and ultimately gave their lives to protect others.

Law enforcement is not for everyone. In fact, it takes a special kind of person to be willing to wake up each day—motivated and ready to be the line of protection between dangerous criminals and our neighborhoods and people.

But in the case of Sergeant Mark Renninger and Officers Gregory Richards, Tina Griswold and Ronald Owens it is easy to see where they got that motivation from.

When you hear their life stories, it is clear that, to a person, these were officers who beyond all else, were dedicated to family; officers who knew that the work they did protected those they love and families just like theirs.

In a telling quote this week, a fellow Lakewood officer described his fallen colleagues by saying that they were executed because they were cops, but that none of them saw their lives that way.

Instead he said they saw themselves first and foremost as family men and women.

For these four police officers any reminder of just how critical the duties they performed each day were came when they went home each night.

Officer Greg Richards leaves behind a wife and three children. He was an 8-year veteran who served in the Kent Police Department before joining the Lakewood department.

In memorials he has been described as a glass-half-full guy, someone who made things better for the people around him. His wife Kelly has talked this week about his passion for music, his job and of course his family.

Officer Tina Griswold leaves behind a husband and two children. She was a

14-year veteran who served in the police departments in Shelton and Lacey before joining the Lakewood police force in 2004.

She stood 4 foot 11 but as her colleagues have said many times—she wouldn't back down from anyone. She was a member of the riot response team, a hard-charging officer and mom who loved her job and her family.

Officer Ronald Owens leaves behind a daughter. Owens followed his father into law enforcement and was a 12-year veteran who served on the Washington State Patrol before moving to the Lakewood Police Department.

He has been remembered as spending almost all of his off-duty time with his daughter—attending all of her school functions, riding bikes together, and treating her to nights out whenever he could.

Sgt. Mark Renninger leaves behind a wife and three children. He was a veteran, who wore the uniform of the United States before putting on the uniform of the Tukwila Police Department in 1996. He joined the Lakewood Police Department in 2004.

He was an Army Ranger and has been described as having the kind of natural leadership abilities that put other officers at ease in difficult situations.

He was a SWAT team trainer known for an enthusiasm for his job. But he was also remembered this week for the joy that family brought him—whether it was trips to Mariners games or family vacations to Mount Rainier.

This was a senseless and brutal killing—and it specifically targeted the people who sacrifice each day to keep all of us safe.

This terrible crime has not only left the families of the victims shattered, but it has shattered our sense of safety and left an entire community in disbelief.

It was also part of a shockingly violent month for my State's law enforcement community that has also included a senseless attack on October 31 which killed Seattle Police Officer Timothy Brenton and left another officer—Britt Sweeney—injured.

These attacks remind all of us of the incredible risks our law enforcement officers take each day, and that even when doing the most routine aspects of their jobs, our law enforcement officers put themselves on the line for our safety.

Already this year more than 100 police officers across our country have given their lives while serving to protect us.

Each of these tragedies sheds light on just how big a sacrifice our police officers make in the line of duty.

But these most recent attacks in my home State also offer an important reminder that our officers are always in the line of duty, even when they are training other officers, out on routine patrols, or simply having coffee.



There is no doubt that these senseless attacks have left many law enforcement officers across my State and our country feeling targeted. But there is also no doubt that their willingness to put themselves on the line to protect us will continue unshaken. That is a testament to the commitment they make to serve and protect us every day, and it should remind all of us that these brave men and women deserve all the support we can provide to keep them safe.

As my State prepares to say goodbye to these four heroes, I again extend my condolences and the condolences of the entire Senate to their families.

Our law enforcement professionals put themselves between us and danger every day. Right now, in light of such horrible events, we hold them even closer in our own thoughts and prayers.

#### PEARL HARBOR ANNIVERSARY

Mr. AKAKA. Madam President, I rise in remembrance of the attack on Pearl Harbor, the "Day of Infamy," 68 years ago today.

I had other things on my mind when I woke up on the morning of Sunday, December 7, 1941. I was 17 years old and studying at the Kamehameha School for Boys. I climbed to the roof of my dormitory in the foothills above Pearl Harbor—and saw the planes swarm. I watched as their bombs and torpedoes delivered a crippling blow to the Pacific fleet. I saw smoke rise to the sky as the USS *Arizona* and other battleships sank.

When the planes flew over our campus for a second bombing run in Kaneohe, close enough to see the unmistakable red sun of imperial Japan, I confirmed what I had feared: we were under attack. I did not know what would happen next, but I knew for certain that my life, Hawaii, the United States, and the world would never be the same.

As an ROTC cadet, I spent the rest of that day in the foothills above our campus, searching for paratroopers. Later, I joined the Army and served as a noncommissioned officer in the Pacific.

Hawaii changed immediately. Martial law was declared. A military governor was appointed. Food and supplies were rationed. The people of Hawaii were subjected to a curfew, and sat in darkness all night—lights were banned to make it harder for the enemy to find the islands.

The terrible attack inspired a generation of young people to set their lives and dreams aside to fight World War II. When we returned home, victorious, we returned to a grateful Nation. Thanks to the G.I. bill and other reintegration efforts, these young veterans went on to become The Greatest Generation: Presidents, Nobel laureates, and leaders in their communities.

We who lived through Pearl Harbor and fought World War II know too well that today's service men and women face challenges similar to those from our youth. So does our Nation. But we benefit from the lessons of World War II: that our warriors can do great things if they return to a grateful Nation that provides them with the care and support they have earned.

World War II changed our country forever, revolutionizing our defense forces, industrializing our Nation, and leading the United States to assert its global leadership and become the world's superpower.

As we pause to remember those lost on the "Day of Infamy," let us also honor those who are overseas fighting today, and all those who have sacrificed to defend our great country over the years.

Like the veterans of World War II, today's servicemembers and former servicemembers can achieve great things if they are supported by the Nation they have defended. With that in mind, let us show our thanks by honoring our veterans and preserving the Union they risked everything to protect.

Mr. LEMIEUX. Madam President, 68 years ago today, the United States was thrust into World War II following the surprise attack on Pearl Harbor. Today, we pay tribute to those who survived the attack and remember the men and women who perished.

Although the attack claimed the lives of more than 2,300 Americans, it did not break the resolve of our military. Today, we are grateful for the service of those we lost in conflict as well as those who returned after fighting to keep us safe and free. I join all Floridians in honoring those who fought for our freedom on that day and throughout the ensuing campaigns in Europe and the Pacific.

On this Pearl Harbor Day, I thank all World War II veterans who answered our Nation's call to serve in the cause of freedom. They are true heroes and our Nation will always remember their sacrifice.

#### HONORING OUR ARMED FORCES

##### LIEUTENANT COLONEL JAMES GENTRY

Mr. BAYH. Madam President, I rise today to honor the life of LTC James Gentry, commander of the 1st Battalion, 152nd Infantry of the Indiana National Guard.

Jim was only 52 years old when he tragically lost his long and heroic battle with cancer on November 25, 2009, the day before Thanksgiving.

A native of Mitchell, IN, he served two tours of duty in Iraq. It was in Iraq in 2003 where Lieutenant Colonel Gentry and the more than 600 soldiers he bravely led were exposed to the lethal chemical sodium dichromate while guarding the Qarmat Ali water treatment facility in Basrah.

In 2006, Lieutenant Colonel Gentry was diagnosed with terminal cancer and given 2 months to live. He not only valiantly fought this debilitating illness—and survived much longer than doctors expected—but he also fought to bring crucial details about the tragedy at Qarmat Ali to the Nation's attention.

With his quiet courage, he advocated for justice for the soldiers under his command until his final days. Due in large part to his efforts, the Department of Defense is now investigating why so many service men and women were exposed to this deadly chemical.

As Americans, we take pride in the example Lieutenant Colonel Gentry set as a soldier, a leader, and a patriot. I had the privilege of speaking with him on the phone a little more than a month ago. Even in what turned out to be his final days, he remained steadfast in his dedication to his troops and in his efforts to ensure they received proper care.

Jim is survived by his devoted wife LouAnn Grube Gentry, five children Sarah Clark, Jason Newman, Emily Gentry, Jennafer Newman, and Ellen Gentry, his parents George and Brenda Sue Gentry, brother Sanford Gentry, and sister Carolyn Hodges.

Lieutenant Colonel Gentry was a brave man who put his soldiers before himself, both on and off the field of battle. Today and always, he will be remembered by family and friends, fellow soldiers and all Hoosiers as a true American hero. We cherish the legacy of his service and his life.

It is my sad duty to enter the name of LTC James Gentry in the RECORD of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy, and peace.

#### AMINATOU HAIDAR

Mr. LEAHY. Madam President, last week I spoke about the situation of Aminatou Haidar, a Sahrawi human rights activist who has been on a hunger strike since shortly after November 13 when her passport was confiscated by Moroccan authorities and she was deported to the Canary Islands. She is now in the third week of her hunger strike, and her health has seriously declined. An agreement between the Spanish and Moroccan governments was reportedly reached on Friday, but it fell through at the last minute and Ms. Haidar remains at the Lanzarote Airport.

Given this dire situation and the damage it is causing to efforts to resume good-faith negotiations on the future status of the Western Sahara, I want to repeat my appeal to the Moroccan authorities to reinstate Ms. Haidar's passport and allow her to return home to her family.

Morocco and the United States are friends and allies. The denial of citizenship and forcible exile of Ms. Haidar is inconsistent with international human rights norms to which Morocco is a signatory and will accomplish nothing positive. It also raises the question, as do the recent arrests of other Sahrawi activists, of whether the United Nations' mandate in Western Sahara should be expanded to include human rights monitoring. I believe the State Department should seriously review this issue when the UN mission's term comes up for extension in the Security Council in April.

There is still time, but it is running out, to resolve this issue in a manner that serves Morocco's interests and protects Ms. Haidar's rights.

#### ADDITIONAL STATEMENTS

##### REMEMBERING MITCH DEMIENTIEFF

• Mr. BEGICH. Mr. President, I wish to remember the life of a much respected and accomplished resident from my home State of Alaska, Mr. Mitch Demientieff of Nenana. Mitch passed away on December 1, 2009. He was 57.

Mr. Demientieff not only held many important positions in the Native community, he was an ardent preserver of his Athabascan culture and a true family man. While a student at the University of Alaska Fairbanks, he accomplished something truly amazing: at age 19, he was elected president of the Tanana Chiefs Conference, a post he held again years later. One year before his election as president, he broke into the local political scene as mayor of Nenana.

His legacy at the Chiefs included the modernization of the tribal health programs and working to provide education to the youth in the Native community. His personal legacy revolves around his dedication to preserving Native culture. Mitch was committed to making sure the traditions of Alaska Natives and his people were not lost. His interests included the stories he heard and passed on, traditional songs and dances, how clans were run and the practices of traditional medicine.

His achievements later in life included service on the Federal Subsistence Board where he was a strong advocate for subsistence rights for Natives. At the time of his passing, he was serving on the Nenana City Council and was the Nenana tribal chief.

In his personal life Mitch was an avid sports fan and coach who was loved by his family and community. He and his wife Kathleen, married for 24 years, have a blended family of six children and 14 grandchildren. Mitch was both beloved and respected in their community and throughout interior Alaska. Everywhere Mitch went, he made friends.

Mitch Demientieff will be missed by his family, friends, and all of the people he touched in the State of Alaska.●

##### TRIBUTE TO DR. JAMES A. (DOLPH) NORTON

• Mr. VOINOVICH. Mr. President, I wish to congratulate a distinguished American public administrator, Dr. James A. (Dolph) Norton, who is being awarded the 2009 George Graham Award for Exceptional Service by the National Academy of Public Administration, NAPA. NAPA is a congressionally chartered national institution created to help governments serve the public better and achieve excellence. Dr. Norton's career in public service stands as a shining example and testament to the high ideals of public administration that NAPA represents. His diverse and numerous accomplishments serve as an inspiration to those who may also aspire to careers in public administration.

During the course of his outstanding career, Dr. Norton earned degrees from both Louisiana State University and Harvard University. He served with distinction on the faculties at Florida State University, Case Western Reserve University, and the University of Virginia. He went on to become the chief executive officer of several organizations during times of notable achievement. He directed a comprehensive research study on urban governance for the city of Cleveland, served as director of the Greater Cleveland Associated Foundation and director of the Cleveland Foundation, the Nation's oldest and then-largest community foundation, and as chancellor of the Ohio Board of Regents as the State innovated funding for centers of excellence at universities.

In retirement he answered the call to serve from several institutions of higher education throughout the Nation by providing the unique skills necessary to manage their transition from one generation of leadership to another. He served with distinction as interim chancellor of the University of Maryland System, interim president of Hiram College in Ohio, interim president of Adelphi University in New York, interim president of Bryant College in Rhode Island, interim chancellor of Lamar University System in Texas, and interim president of Central Washington University.

I commend Dr. Norton for his lifelong dedication to public service and outstanding leadership, and congratulate him on his award.●

##### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3900. A communication from the Assistant to the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Transactions Between Member Banks and Their Affiliates: Exemption for Certain Purchases of Asset-Backed Commercial Paper by a Member Bank from an Affiliate" (Regulation W; Docket No. R-1331) received in the Office of the President of the Senate on December 2, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-3901. A communication from the Assistant to the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Transactions Between Member Banks and Their Affiliates: Exemption for Certain Securities Financing Transactions Between a Member Bank and an Affiliate" (Regulation W; Docket No. R-1330) received in the Office of the President of the Senate on December 2, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-3902. A communication from the Assistant to the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Risk-Based Capital Guidelines; Leverage Capital Guidelines" (Regulations H and Y; Docket No. R-1332) received in the Office of the President of the Senate on December 2, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-3903. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report relative to using private contributions to acquire land adjacent to a designated wilderness area in Lassen Volcanic National Park; to the Committee on Energy and Natural Resources.

EC-3904. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Utah Regulatory Program" (SATS No. UT-046-FOR) received in the Office of the President of the Senate on December 2, 2009; to the Committee on Energy and Natural Resources.

EC-3905. A communication from the Chief of the Endangered Species Listing Branch, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Revised Designation of Critical Habitat for *Cirsium loncholepis* (La Graciosa Thistle)" (RIN1018-AV03) received in the Office of the President of the Senate on December 3, 2009; to the Committee on Environment and Public Works.

EC-3906. A communication from the Secretary of Labor, transmitting, pursuant to law, a report relative to the impact of the Andean Trade Preference Act on U.S. trade and employment through 2008; to the Committee on Finance.

EC-3907. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Net Operating Loss Carryback Election under Section 13 of the Worker, Homeownership, and Business Assistance Act of 2009" (Rev. Proc. 2009-52) as received during the adjournment of the Senate in the Office of the President of the Senate on November 24, 2009; to the Committee on Finance.

EC-3908. A communication from the Chief of the Border Security Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Extension of Port Limits of Columbus, Ohio"

(CPB Dec. 09-35) received in the Office of the President of the Senate on December 2, 2009; to the Committee on Finance.

EC-3909. A communication from the Acting Executive Secretary, U.S. Agency for International Development, transmitting, pursuant to law, a report relative to seven (7) vacancies in the agency; to the Committee on Foreign Relations.

EC-3910. A communication from the Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting, pursuant to law, the Agency's response to the GAO report entitled "Democracy Assistance: U.S. Agencies Takes Steps to Coordinate International Programs but Lack Information on Some U.S.-funded Activities"; to the Committee on Foreign Relations.

EC-3911. A communication from the Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting, pursuant to law, the Agency's response to the GAO report entitled "International Food Assistance: USAID Is Taking Actions to Improve Monitoring and Evaluations of Nonemergency Food Aid, but Weaknesses in Planning Could Impede Efforts"; to the Committee on Foreign Relations.

EC-3912. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; North Carolina; Clean Air Interstate Rule" (FRL No. 9086-2) received during adjournment of the Senate in the Office of the President of the Senate on November 23, 2009; to the Committee on Environment and Public Works.

EC-3913. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Illinois; Indiana; Chicago and Evansville Nonattainment Areas; Determination of Attainment of the Fine Particle Standards" (FRL No. 8985-2) received during adjournment of the Senate in the Office of the President of the Senate on November 23, 2009; to the Committee on Environment and Public Works.

EC-3914. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Georgia: Revisions to State Implementation Plan" (FRL No. 8984-7) received during adjournment of the Senate in the Office of the President of the Senate on November 23, 2009; to the Committee on Environment and Public Works.

EC-3915. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation and Designation of Areas for Air Quality Implementation Plans; Tennessee; Clean Air Interstate Rule" (FRL No. 8984-6) received during adjournment of the Senate in the Office of the President of the Senate on November 23, 2009; to the Committee on Environment and Public Works.

EC-3916. A communication from the Director of the Regulatory Management Division,

Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Effluent Limitations Guidelines and Standards for the Construction and Development Point Source Category" (FRL No. 9086-4) received during adjournment of the Senate in the Office of the President of the Senate on November 23, 2009; to the Committee on Environment and Public Works.

EC-3917. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Finding Failure to Submit State Implementation Plans Required for the 1997 Particulate Matter Less Than 2.5 Micrometer (PM<sub>2.5</sub>) National Ambient Air Quality Standards (NAAQS)" (FRL No. 8985-6) received in the Office of the President of the Senate on December 3, 2009; to the Committee on Environment and Public Works.

EC-3918. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Inclusion of Fugitive Emissions; Interim Final Rule; Stay" (FRL No. 9089-4) received in the Office of the President of the Senate on December 3, 2009; to the Committee on Environment and Public Works.

EC-3919. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Determinations of Attainment of the One-Hour and Eight-Hour Ozone Standards for Various Ozone Nonattainment Areas in New Jersey and Upstate New York" (FRL No. 9088-8) received in the Office of the President of the Senate on December 3, 2009; to the Committee on Environment and Public Works.

EC-3920. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of Section 112(1) Authority for Hazardous Air Pollutants; Equivalency by Permit Provisions; National Emission Standards for Hazardous Air Pollutants; Plywood and Composite Wood Products" (FRL No. 9089-2) received in the Office of the President of the Senate on December 3, 2009; to the Committee on Environment and Public Works.

EC-3921. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; North Carolina: Redesignation of Great Smoky Mountains National Park 1997 8-Hour Ozone Nonattainment Area to Attainment" (FRL No. 9089-1) received in the Office of the President of the Senate on December 3, 2009; to the Committee on Environment and Public Works.

EC-3922. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Imple-

mentation Plans; Kentucky; Source-Specific Revision for Avis Rent-A-Car and Budget Rent-A-Car Facilities Located at the Cincinnati/Northern Kentucky International Airport" (FRL No. 9086-1) received in the Office of the President of the Senate on November 30, 2009; to the Committee on Environment and Public Works.

EC-3923. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; California; Determination of Attainment of the 1997 8-Hour Ozone Standard" (FRL No. 9086-7) received in the Office of the President of the Senate on November 30, 2009; to the Committee on Environment and Public Works.

EC-3924. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Novaluron; Pesticide Tolerances" (FRL No. 8799-6) received in the Office of the President of the Senate on December 3, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3925. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Hexythiazox; Pesticide Tolerances" (FRL No. 8799-9) received in the Office of the President of the Senate on November 30, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3926. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Fenpyroximate; Pesticide Tolerances" (FRL No. 8799-2) received in the Office of the President of the Senate on November 30, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3927. A communication from the Deputy to the Chairman, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Prepaid Assessments" (RIN 3064-AD51) received in the Office of the President of the Senate on December 3, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-3928. A communication from the Deputy to the Chairman, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Defining Safe Harbor Protection for Treatment by the Federal Deposit Insurance Corporation as Conservator or Receiver of Financial Assets Transferred by an Insured Depository Institution in Connection With a Securitization or Participation" (RIN 3064-AD53) received in the Office of the President of the Senate on December 3, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-3929. A communication from the Chief Counsel of the Fiscal Service, Bureau of Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Sale and Issue of Marketable Book-Entry Treasury Bills, Notes, and Bonds; Customer Confirmation Reporting Requirement Threshold Amount" (31 CFR Part 356) received in the Office of the President of the Senate on December 3, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-3930. A communication from the Secretary of Transportation, transmitting, pursuant to law, an annual report relative to

the regulatory status of each recommendation on the National Transportation Safety Board's Most Wanted List; to the Committee on Commerce, Science, and Transportation.

EC-3931. A communication from the Secretary, Federal Trade Commission, transmitting, pursuant to law, a report entitled "Federal Trade Commission Report to Congress on Marketing Violent Entertainment to Children: A Sixth Follow-Up Review of Industry Practices in the Motion Picture, Music Recording and Electronic Game Industries"; to the Committee on Commerce, Science, and Transportation.

EC-3932. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "List of Fisheries for 2010" (RIN0648-AX65) received in the Office of the President of the Senate on December 3, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3933. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Extension of Emergency Fishery Closure Due to the Presence of the Toxin that Causes Paralytic Shellfish Poisoning" (RIN0648-AT48) received in the Office of the President of the Senate on December 3, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3934. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Closure of the 2009 Commercial Harvest of Gulf of Mexico Greater Amberjack" (RIN0648-XP56) received in the Office of the President of the Senate on December 3, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3935. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Sea World December Fireworks, Mission Bay, San Diego, CA" ((RIN1625-AA00)(Docket No. USG-2009-0319)) received in the Office of the President of the Senate on December 3, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3936. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; SR 90 Bridge, Assawoman Bay, Isle of Wight and Ocean City, MD" ((RIN1625-AA00)(Docket No. USG-2009-0956)) received in the Office of the President of the Senate on December 3, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3937. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Fireworks Displays, Potomac River, National Harbor, MD" ((RIN1625-AA00)(Docket No. USG-2009-0949)) received in the Office of the President of the Senate on December 3, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3938. A communication from the Attorney, U.S. Coast Guard, Department of Home-

land Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Blasting and Dredging Operations and Movement of Explosives, Columbia River, Portland to St. Helens, OR" ((RIN1625-AA00)(Docket No. USG-2009-0946)) received in the Office of the President of the Senate on December 3, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3939. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Perdido Regional Host Outer Continental Shelf Platform, Gulf of Mexico" ((RIN1625-AA00)(Docket No. USG-2008-1051)) received in the Office of the President of the Senate on December 3, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3940. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Corporate Party on Hornblower Yacht, Fireworks Display, San Francisco, CA" ((RIN1625-AA00)(Docket No. USG-2009-0907)) received in the Office of the President of the Senate on December 3, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3941. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Area; East Rockaway Inlet to Atlantic Beach Bridge, Nassau County, Long Island, NY" ((RIN1625-AA11)(Docket No. USG-2008-0085)) received in the Office of the President of the Senate on December 3, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3942. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Areas; Bars Along the Coasts of Oregon and Washington" ((RIN1625-AA11)(Docket No. USG-2008-1017)) received in the Office of the President of the Senate on December 3, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3943. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Area; Portsmouth Naval Shipyard, Portsmouth, NH" ((RIN1625-AA11)(Docket No. USG-2009-0895)) received in the Office of the President of the Senate on December 3, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3944. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone and Regulated Navigation Area, Chicago Sanitary and Ship Canal, Romeoville, IL" ((RIN1625-AA11)(Docket No. USG-2009-0942)) received in the Office of the President of the Senate on December 3, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3945. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Munitions and Explosives of Concern (MEC); Seal Island, ME" ((RIN1625-AA00)(Docket No. USG-2009-0595)) received in the Office of the President of the Senate on December 3, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3946. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Minnesota" (FRL No. 9087-7) received in the Office of the President of the Senate on November 30, 2009; to the Committee on Environment and Public Works.

EC-3947. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Clean Air Interstate Rule; NOx SIP Call Rule; Amendments to NOx Control Rules" (FRL No. 9090-2) received in the Office of the President of the Senate on December 3, 2009; to the Committee on Environment and Public Works.

EC-3948. A communication from the Secretary of the Interior, transmitting, pursuant to law, the annual report for the Department of the Interior's Office of Surface Mining Reclamation and Enforcement for fiscal year 2008; to the Committee on Energy and Natural Resources.

EC-3949. A communication from the General Counsel of the Pension Benefit Guaranty Corporation, transmitting, pursuant to law, a report relative to a nomination in the position of Director of the Pension Benefit Guaranty Corporation; to the Committee on Health, Education, Labor, and Pensions.

EC-3950. A communication from the General Counsel of the U.S. Trade and Development Agency, transmitting, pursuant to law, a report relative to the report of a nomination in the position of Director of the U.S. Trade and Development Agency; to the Committee on Homeland Security and Governmental Affairs.

EC-3951. A communication from the Secretary of Education, transmitting, pursuant to law, a report on the Department's Semiannual Report to Congress on Audit Follow-Up for the period of April 1, 2009, through September 30, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-3952. A communication from the Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-3953. A communication from the Attorney General, Department of Justice, transmitting, pursuant to law, the Attorney General's Semiannual Management Report and the Semiannual Report of the Inspector General for the period from April 1, 2009, through September 30, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-3954. A communication from the Inspector General of the Department of Energy, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of April 1, 2009 through September 30, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-3955. A communication from the Secretary of the Department of the Treasury, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report and the Treasury Inspector General for Tax Administration's Report for the period of April

1, 2009 through September 30, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-3956. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of April 1, 2009 through September 30, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-3957. A communication from the Acting Administrator of the U.S. Agency for International Development, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of April 1, 2009 through September 30, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-3958. A communication from the Chief of the Border Security Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Technical Amendments to List of CBP Preclearance Offices in Foreign Countries: Addition of Halifax, Canada and Shannon, Ireland" (CPB Dec. 09-45) received in the Office of the President of the Senate on December 3, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-3959. A communication from the Department of State, transmitting, pursuant to law, a report relative to the transfer of detainees (OSS Control No. 2009-1979); to the Committee on the Judiciary.

EC-3960. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, an annual report relative to the activities and operations of the Public Integrity Section, Criminal Division, and the nationwide federal law enforcement effort against public corruption for 2008; to the Committee on the Judiciary.

EC-3961. A communication from the Deputy General Counsel, Office of Capital Access, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "American Recovery and Reinvestment Act: Loan Program for Systemically Important SBA Secondary Market Broker-Dealers" (RIN3245-AF95) received in the Office of the President of the Senate on December 2, 2009; to the Committee on Small Business and Entrepreneurship.

EC-3962. A communication from the Deputy General Counsel, Office of Government Contracting, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Inflationary Adjustment to Acquisition-Related Dollar Thresholds" (RIN3245-AF74) as received during adjournment of the Senate in the Office of the President of the Senate on November 24, 2009; to the Committee on Small Business and Entrepreneurship.

EC-3963. A communication from the Director of Regulation Policy and Management, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Community Residential Care Program" (RIN2900-AM82) received in the Office of the President of the Senate on December 3, 2009; to the Committee on Veterans' Affairs.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BURRIS:

S. 2841. A bill to amend the Internal Revenue Code of 1986 to allow S corporations the deduction for charitable contribution of inventory; to the Committee on Finance.

By Mr. BEGICH:

S. 2842. A bill to amend the Internal Revenue Code of 1986 to deny the deduction for direct to consumer advertising expenses for prescription pharmaceuticals and to provide a deduction for fees paid for the participation of children in certain organizations which promote physical activity; to the Committee on Finance.

By Ms. STABENOW (for herself, Mr. BROWN, Mr. WYDEN, and Mr. NELSON of Florida):

S. 2843. A bill to provide for a program of research, development, demonstration, and commercial application in vehicle technologies at the Department of Energy; to the Committee on Energy and Natural Resources.

By Mr. SCHUMER (for himself, Mr. KYL, Mrs. FEINSTEIN, and Mr. CORNYN):

S. 2844. A bill to amend title 18, United States Code, to improve the terrorist hoax statute; to the Committee on the Judiciary.

By Mr. SCHUMER (for himself, Mr. KYL, Mrs. FEINSTEIN, and Mr. CORNYN):

S. 2845. A bill to amend section 1028 of title 18, United States Code, to prohibit the possession, transfer, or use of fraudulent documents; to the Committee on the Judiciary.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. HAGAN (for herself and Mr. BURRIS):

S. Res. 371. A resolution congratulating Jimmie Johnson and Hendrick Motorsports for winning the 2009 NASCAR Spring Cup Championship; to the Committee on the Judiciary.

#### ADDITIONAL COSPONSORS

S. 144

At the request of Mr. KERRY, the name of the Senator from Florida (Mr. LEMIEUX) was added as a cosponsor of S. 144, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 292

At the request of Mr. SPECTER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 292, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

S. 410

At the request of Mrs. LINCOLN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 410, a bill to amend part E of title IV of the Social Security Act to ensure States follow best policies and practices for supporting and retaining foster parents and to require the Secretary of Health and Human Services to award grants to States to improve

the empowerment, leadership, support, training, recruitment, and retention of foster care, kinship care, and adoptive parents.

S. 455

At the request of Mr. ROBERTS, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 455, a bill to require the Secretary of the Treasury to mint coins in recognition of 5 United States Army Five-Star Generals, George Marshall, Douglas MacArthur, Dwight Eisenhower, Henry "Hap" Arnold, and Omar Bradley, alumni of the United States Army Command and General Staff College, Fort Leavenworth, Kansas, to coincide with the celebration of the 132nd Anniversary of the founding of the United States Army Command and General Staff College.

S. 461

At the request of Mrs. LINCOLN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 461, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 633

At the request of Mr. TESTER, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 633, a bill to establish a program for tribal colleges and universities within the Department of Health and Human Services and to amend the Native American Programs Act of 1974 to authorize the provision of grants and cooperative agreements to tribal colleges and universities, and for other purposes.

S. 730

At the request of Mr. ENSIGN, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 730, a bill to amend the Harmonized Tariff Schedule of the United States to modify the tariffs on certain footwear, and for other purposes.

S. 760

At the request of Mrs. McCASKILL, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 760, a bill to designate the Liberty Memorial at the National World War I Museum in Kansas City, Missouri, as the "National World War I Memorial".

S. 761

At the request of Mr. BOND, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 761, a bill to establish the World War I Centennial Commission to ensure a suitable observance of the centennial of World War I, and for other purposes.

S. 1055

At the request of Mrs. BOXER, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1055, a bill to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd

Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

S. 1147

At the request of Mr. KOHL, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1147, a bill to prevent tobacco smuggling, to ensure the collection of all tobacco taxes, and for other purposes.

S. 1222

At the request of Mrs. LINCOLN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1222, a bill to amend the Internal Revenue Code of 1986 to extend and expand the benefits for businesses operating in empowerment zones, enterprise communities, or renewal communities, and for other purposes.

S. 1397

At the request of Ms. KLOBUCHAR, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1397, a bill to authorize the Administrator of the Environmental Protection Agency to award grants for electronic device recycling research, development, and demonstration projects, and for other purposes.

S. 1518

At the request of Mr. BURR, the names of the Senator from Arkansas (Mrs. LINCOLN), the Senator from Nebraska (Mr. JOHANNIS) and the Senator from Florida (Mr. LEMIEUX) were added as cosponsors of S. 1518, a bill to amend title 38, United States Code, to furnish hospital care, medical services, and nursing home care to veterans who were stationed at Camp Lejeune, North Carolina, while the water was contaminated at Camp Lejeune.

S. 1580

At the request of Mrs. GILLIBRAND, her name was added as a cosponsor of S. 1580, a bill to amend the Occupational Safety and Health Act of 1970 to expand coverage under the Act, to increase protections for whistleblowers, to increase penalties for certain violators, and for other purposes.

S. 1775

At the request of Mr. BAYH, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1775, a bill to amend the Higher Education Act of 1965 to provide that interest shall not accrue on Federal Direct Loans for members of the Armed Forces on active duty regardless of the date of disbursement.

S. 1933

At the request of Mr. BINGAMAN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1933, a bill to establish an integrated Federal program that protects, restores, and conserves natural resources by responding to the threats and effects of climate change, and for other purposes.

S. 1939

At the request of Mrs. GILLIBRAND, the names of the Senator from Arkan-

sas (Mrs. LINCOLN) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 1939, a bill to amend title 38, United States Code, to clarify presumptions relating to the exposure of certain veterans who served in the vicinity of the Republic of Vietnam, and for other purposes.

S. 2097

At the request of Mr. THUNE, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2097, a bill to authorize the rededication of the District of Columbia War Memorial as a National and District of Columbia World War I Memorial to honor the sacrifices made by American veterans of World War I.

S. 2106

At the request of Mrs. LINCOLN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2106, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first law enforcement agency, the United States Marshals Service.

S. 2760

At the request of Mr. UDALL of New Mexico, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 2760, a bill to amend title 38, United States Code, to provide for an increase in the annual amount authorized to be appropriated to the Secretary of Veterans Affairs to carry out comprehensive service programs for homeless veterans.

S. 2796

At the request of Mr. ENZI, the names of the Senator from South Carolina (Mr. GRAHAM) and the Senator from Nevada (Mr. ENSIGN) were added as cosponsors of S. 2796, a bill to extend the authority of the Secretary of Education to purchase guaranteed student loans for an additional year, and for other purposes.

S. 2837

At the request of Mrs. LINCOLN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2837, a bill to amend part E of title IV of the Social Security Act to examine and improve the child welfare workforce, and for other purposes.

AMENDMENT NO. 2789

At the request of Mr. COBURN, the names of the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Nevada (Mr. ENSIGN) were added as cosponsors of amendment No. 2789 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 2792

At the request of Mr. KAUFMAN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of

amendment No. 2792 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 2793

At the request of Mr. DORGAN, the names of the Senator from California (Mrs. BOXER), the Senator from Virginia (Mr. WEBB) and the Senator from Montana (Mr. TESTER) were added as cosponsors of amendment No. 2793 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 2795

At the request of Mr. LEAHY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of amendment No. 2795 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 2916

At the request of Mr. UDALL of New Mexico, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of amendment No. 2916 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 2923

At the request of Mr. DORGAN, the names of the Senator from Colorado (Mr. BENNET) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of amendment No. 2923 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 2924

At the request of Mr. CASEY, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of amendment No. 2924 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 2938

At the request of Mrs. GILLIBRAND, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from California (Mrs. BOXER) were



added as cosponsors of amendment No. 2938 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

## AMENDMENT NO. 2939

At the request of Mr. PRYOR, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of amendment No. 2939 proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

## AMENDMENT NO. 2942

At the request of Mr. JOHANNIS, his name was added as a cosponsor of amendment No. 2942 proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

## SUBMITTED RESOLUTIONS

## SENATE RESOLUTION 371—CONGRATULATING JIMMIE JOHNSON AND HENDRICK MOTORSPORTS FOR WINNING THE 2009 NASCAR SPRING CUP CHAMPIONSHIP

Mrs. HAGAN (for herself and Mr. BURR) submitted the following resolution; which was referred to the Committee on the Judiciary:

## S. RES. 371

Whereas on November 22, 2009, Hendrick Motorsports driver Jimmie Johnson won the 2009 NASCAR Sprint Cup Championship after finishing in fifth place in the Ford 400 at Homestead-Miami Speedway;

Whereas Jimmie Johnson's victory represents his fourth straight Sprint Cup Championship, a feat that no driver in the 62-year history of NASCAR's premier series had previously been able to accomplish;

Whereas by capturing 4 Sprint Cup Championships in a row, Jimmie Johnson and Hendrick Motorsports have now surpassed the standard set by Cale Yarborough, who previously held the record with 3 consecutive NASCAR Championships between 1976 and 1978;

Whereas since the "Chase for the Sprint Cup" format began in 2004, Jimmie Johnson has won 18 of the 60 Chase races that have been run, failing to finish only once;

Whereas Jimmie Johnson won the 2009 NASCAR Sprint Cup Championship by his widest margin yet, holding a 141-point advantage over his Hendrick teammate, Mark Martin;

Whereas since its inception in February 2006, the Jimmie Johnson Foundation has been dedicated to helping children, families, and communities in need across the United States, and has awarded grants to schools throughout the State of North Carolina, including—

(1) Ashley Park Elementary School in Charlotte, North Carolina;

(2) Collinswood Elementary School in Charlotte, North Carolina;

(3) East Iredell Elementary School in Statesville, North Carolina;

(4) J.H. Gunn Elementary School in Charlotte, North Carolina;

(5) Metro School in Charlotte, North Carolina;

(6) R.B. McAllister Elementary School in Concord, North Carolina;

(7) Smithfield Elementary School in Charlotte, North Carolina;

(8) Third Creek Elementary School in Statesville, North Carolina; and

(9) University Meadows Elementary School in Charlotte, North Carolina;

Whereas in 25 years of competition, Hendrick Motorsports has garnered 8 NASCAR Sprint Cup Series championships, 3 NASCAR Camping World Truck Series titles, and 1 NASCAR Nationwide Series crown (formerly known as the NASCAR Busch Series), making it one of the premier organizations in stock-car racing;

Whereas team owner Rick Hendrick is just the second team owner in the modern era of NASCAR to earn more than 180 Cup Series victories;

Whereas under the Hendrick banner, records have been set for both victories and consistency, with 4 consecutive Southern 500 victories (Jeff Gordon), 6 consecutive road course wins (Gordon), the youngest driver to reach 50 career Cup Series triumphs (Gordon), the youngest driver to win a race in the NASCAR Craftsman Truck Series (Ricky Hendrick), the sole driver to win 3 Truck Series championships (Jack Sprague), and the youngest driver to ever win a NASCAR championship (Brian Vickers);

Whereas all Hendrick race cars are constructed start-to-finish at their 100-plus acre complex, and more than 550 engines are built or rebuilt on-site in Concord, North Carolina each year, with the team leasing some of these engines to other NASCAR outfits;

Whereas the stock car industry has a rich heritage in North Carolina, and as the home to numerous race teams, suppliers, and world-class race tracks, North Carolina has a competitive advantage in this industry;

Whereas as the first race team to implement professional pit crews, Hendrick employs on-site fitness trainers and operates a fully equipped gym to assure that all personnel are in shape and ready for race day; and

Whereas more than 500 employees call Hendrick Motorsports home, with day-to-day activities including management of HendrickMotorsports.com and a 15,000 square foot museum and team store, as well as marketing, public relations, sponsor services, licensing, show cars, merchandising, and much more: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates Jimmie Johnson and Hendrick Motorsports for winning the 2009 NASCAR Sprint Cup Championship;

(2) recognizes the achievements of the owner, driver, pit crew, and support staff, whose perseverance and dedication to excellence helped propel the race team to win the championship; and

(3) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to—

(A) the team owner of Hendrick Motorsports, Rick Hendrick;

(B) the crew chief of the Lowes Race Team, Chad Knaus; and

(C) the driver of the Lowes Race Team, Jimmie Johnson.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 2953. Mr. UDALL, of Colorado submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table.

SA 2954. Mr. UDALL, of Colorado (for himself and Mr. UDALL, of New Mexico) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2955. Mr. UDALL, of Colorado (for himself, Mrs. HAGAN, Ms. KLOBUCHAR, Mr. BEGICH, Mr. KAUFMAN, Mr. UDALL, of New Mexico, Mr. KIRK, Mr. KOHL, Mr. FRANKEN, Mr. SPECTER, and Mr. CASEY) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2956. Mr. UDALL, of Colorado (for himself, Mr. HARKIN, and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2957. Mr. BENNETT (for himself and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2958. Mr. BENNETT submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2959. Mr. LEAHY (for himself and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2960. Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2961. Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2962. Mr. NELSON, of Nebraska (for himself, Mr. HATCH, Mr. CASEY, Mr. BROWNBACK, Mr. THUNE, Mr. ENZI, Mr. COBURN, Mr. JOHANNIS, Mr. VITTER, Mr. BARRASSO, Mr. WICKER, Mr. BOND, Mr. BENNETT, and Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra.

SA 2963. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

Strike line 11 on page 1204 and all that follows through line 16 on page 1206, insert the following:

(B) a local government agency, including municipal, county, and regional public health departments;

(C) a national network of community-based organizations;

(D) a State or local nonprofit organization;

(E) an Indian tribe; or

(F) a nonprofit hospital, clinic, or entity involved in health care delivery or health promotion; and

(2) submit to the Director an application at such time, in such a manner, and containing such information as the Director may require, including a description of the program to be carried out under the grant; and

(3) demonstrate a history or capacity, if funded, to develop relationships necessary to engage key stakeholders from multiple sectors within and beyond health care and across a community, such as healthy futures corps and health care providers.

(d) **DIVERSITY.**—In awarding grants under this section, the Secretary shall ensure, to the extent practicable, that such grants equitably serve racially, economically, and geographically diverse populations and include grants to rural local government agencies or organizations located in, and focused on serving, rural communities.

(e) **USE OF FUNDS.**—

(1) **IN GENERAL.**—An eligible entity shall use amounts received under a grant under this section to carry out programs described in this subsection.

(2) **COMMUNITY TRANSFORMATION PLAN.**—

(A) **IN GENERAL.**—An eligible entity that receives a grant under this section shall submit to the Director (for approval) a detailed plan that includes the policy, environmental, programmatic, and infrastructure changes needed to promote healthy living and reduce disparities.

(B) **ACTIVITIES.**—Activities within the plan shall focus on (but not be limited to)—

(i) creating healthier school environments, including increasing healthy food options, physical activity opportunities, promotion of healthy lifestyle, emotional wellness, and prevention curricula, and activities to prevent chronic diseases;

(ii) creating the infrastructure to support active living and access to nutritious foods in a safe environment;

(iii) developing and promoting programs targeting a variety of age levels to increase access to nutrition, physical activity, and smoking cessation, enhance safety in a community, or address any other chronic disease priority area identified by the grantee;

(iv) assessing and implementing worksite wellness programming and incentives;

(v) working to highlight healthy options at restaurants and other food venues;

(vi) prioritizing strategies to reduce racial, ethnic, and geographic disparities, including social determinants of health; and

**SA 2954.** Mr. UDALL of Colorado (for himself and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 1265, between lines 8 and 9, insert the following:

**SEC. 4307. PILOT PROGRAM TO REDUCE THE INCREASING PREVALENCE OF OVERWEIGHT/OBESITY AMONG CHILDREN FROM BIRTH THROUGH 5 YEARS OF AGE.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) Life-long food preferences, eating habits, and activity levels develop early in childhood.

(2) Preschool years are a critical time for determining whether or not an individual will develop obesity later in life.

(3) Aerobic fitness and healthy eating patterns support enhanced behavioral, emotional, and academic performance in school.

(4) Recent studies indicate that children who are overweight at age 5 are more likely to be more overweight at age 9.

(5) Obese preschool children already exhibit signs of cardiovascular disease and diabetes.

(6) According to a 2007 Centers for Disease Control and Prevention study, 12.4 percent of children in the United States ages 2 through 6 are obese.

(7) The 2001 National Household Education Survey found that 74 percent of children in the United States ages 3 through 6 are in some form of non-parental child care, and 56 percent are in center-based child care.

(8) According to a 2009 analysis of child care center licensing regulations, only 12 States have a policy prohibiting or limiting foods of low nutritional value in child care centers, only 8 States require vigorous or moderate physical activity, only one of which has a policy quantifying a required number of minutes of physical activity by day or week, and only 7 States quantify a maximum amount of time for media (television and electronic) each day or week.

(9) In July 2009, the Centers for Disease Control and Prevention released recommended community strategies and measures to prevent obesity in the United States that includes child care specific policy and environmental initiatives to achieve healthy eating and active living among children from birth to 5 years of age.

(10) In September 2009, The Institute of Medicine released findings supporting local governments' ability to play a crucial role in creating environments that make it easier for children to eat healthy diets and remain active.

(11) States should strive to adopt nutrition standards, practices, and policies for childcare centers that are consistent with the 2005 Dietary Guidelines for Americans.

(12) The Child and Adult Care Food Program is a Federal initiative that provides States with grants to provide children and adults in care settings with nutritious meals and snacks.

(13) Childcare centers should serve as settings where children adopt healthy eating habits, have opportunities for age appropriate physical activity, and set screen time limits.

(b) **PURPOSES.**—It is the purpose of this Act to—

(1) establish a 3-year pilot program in 5 States that will focus on reducing the increasing prevalence of overweight/obesity among children between birth and 5 years of age in child care settings;

(2) enhance the focus of child care centers serving the birth to 5 years of age population on children's healthy development through evidence-based or data-informed policies and practices to improve healthy eating, physical activity, and screen time limits; and

(3) identify emerging and expand existing evidence-based practices and understanding

of healthy eating, physical activity, and screen time limits, as appropriate, as well as replicate curricula, interventions, practices, and policy changes that are most effective in promoting nutrition and physical activity among the birth to 5 years of age population in the child care setting.

(c) **DEFINITIONS.**—In this section:

(1) **CHILD CARE CENTER.**—The term “child care center” means a nonresidential facility that generally provides child care services for fewer than 24 hours per day per child, unless care in excess of 24 hours is due to the nature of the parents' work, and that is certified, registered, or licensed in the State in which it is located.

(2) **EARLY LEARNING COUNCIL.**—The term “early learning council” means an early childhood assembly that is established to advise governors, State legislators, or State agency administrators on how best to meet the needs of young children and their families specifically through improvement of programs and services.

(3) **FAMILY CHILD CARE HOME.**—The term “family child care home” means a private family home where home-based child care is provided for a portion of the day, unless care in excess of 24 hours is due to the nature of the parents' work, and that is certified, registered, or licensed in the State in which it is located.

(4) **SCREEN TIME LIMITS.**—The term “screen time limits” means policies or guidelines, such as those developed by the American Academy of Pediatrics, designed to reduce the daily amount of time that children spend watching or looking at digital monitors or displays, including television sets, computer monitors, or hand-held gaming devices.

(5) **SECRETARY.**—The term “Secretary” means the Secretary of Health and Human Services.

(d) **GRANTS.**—

(1) **IN GENERAL.**—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall award 3-year competitive grants to 5 State health departments (or other appropriate State agency administering the Child and Adult Care Food Program or other child care programs) to help reduce and prevent obesity among the birth to 5 year old population of the State in child care centers and family child care homes.

(2) **USE OF FUNDS.**—State grantees shall use amounts received under a grant under this subsection to—

(A) provide, or enter into contracts to provide, training (that meets the requirements of paragraph (3)) to the staff of national, State, or community-based organizations with networks of child care centers, or a consortium of childcare centers and family child care homes consisting of at least 10 child care centers or family child care homes, for the purpose of implementing evidence-based or data-informed healthy eating and physical activity policies and practices, including curricula and other interventions; and

(B) provide grants to child care centers and family child care homes, whose staff received the training described in subparagraph (A), to implement practice, curricula, and policy changes (that meet the requirements of paragraph (4)) that promote healthy eating and physical activity among the birth to 5 years of age population.

In determining who receives grant funds, a State shall consider, but not be limited to, child care centers and family child care homes that receive funds under the Child and Adult Care Food Program administered by the Department of Agriculture. Preference

shall be given to those States that demonstrate collaboration between relevant State entities related to child care and health and with key stakeholders, such as State early learning councils and other community based organizations working with child care centers or family child care homes.

(3) TRAINING REQUIREMENTS.—

(A) IN GENERAL.—Training provided under paragraph (2) shall—

(i) include the provision of information concerning age-appropriate healthy eating and physical activity interventions and curricula for the birth to 5 years of age population in the State involved;

(ii) identify, improve upon, and expand nutrition and physical activity best practices targeted to the birth to 5 years of age population in the State involved and identify strategies for incorporating parental education and other parental involvement; and

(iii) provide instruction on how to appropriately model, direct, and encourage child care staff behavior to apply the best practices and strategies identified under clause (ii).

(B) TRAINING ENTITIES.—A grantee may conduct the training required under this subsection directly, or may provide such training through a contract with—

(i) an appropriate national, State, or community organization with relevant expertise;

(ii) a health care provider or professional organization with relevant expertise;

(iii) a university or research center that employs faculty with relevant expertise; or

(iv) any other entity determined appropriate by the State and approved by the Secretary.

(C) REQUIREMENT OF CONTRACT.—If a grantee elects to provide the training under this subsection through a contract, the grantee shall ensure that a consistent healthy eating and physical activity curriculum is being developed for all child care entities that provide care for 10 or more children throughout the State.

(4) PRACTICE, CURRICULA, AND POLICY CHANGES.—After training is provided as required under paragraph (3), a State grantee shall ensure that the organizations and consortium involved—

(A) implement, in child care settings, evidence-based or data-informed policy changes that promote healthy eating, physical activity, and appropriate screen time limits among the birth to 5 years of age population;

(B) utilize an evidence-based or data-informed healthy eating and physical activity curriculum in child care settings focusing on such birth to 5 age population;

(C) implement programs, activities, and procedures for incorporating parental education and involvement of parents in programs, including disseminating a written parental involvement policy, and coordinating and integrating parental involvement strategies under this section, to the extent feasible and appropriate, with parental involvement strategies under other programs, such as the Head Start program and the Early Head Start Program; and

(D) find innovative ways to remove barriers that exist to providing opportunities for healthy eating and physical activity.

All activities described in this paragraph shall be evidence-based or data-informed and be consistent with the curriculum presented through training activities described in paragraph (3).

(e) GRANTS FOR THE EVALUATION OF PILOT PROGRAMS.—The Secretary, acting through the Director of the Centers for Disease Con-

trol and Prevention, shall award competitive grants to Prevention Research Centers or universities to evaluate the programs carried out with grants under subsection (d), including baseline, process, and outcome measurements.

(f) COORDINATION.—

(1) INTERAGENCY COORDINATION.—To the extent practicable, the Secretary, acting through the Centers for Disease Control and Prevention, shall coordinate activities conducted under this section with activities undertaken by the National Prevention, Health Promotion and Public Health Council established under section 4001. Where possible, such coordination should—

(A) include the sharing of current and emerging best practices concerning healthy eating, physical activity, and screen time limits that have a population-level impact in promoting nutrition and physical activity in child care settings;

(B) promote the effective implementation and sustainability of such programs; and

(C) avoid unnecessary duplication of effort.

(2) PILOT COORDINATION.—The Director of the Centers for Disease Control and Prevention shall designate an individual (directly or through contract) to provide technical assistance to States and pilot centers in the development, implementation, and evaluation of activities and dissemination of information described in subparagraphs (A), (B), and (C) of paragraph (1).

(g) EVALUATION AND REPORTING.—

(1) TECHNICAL ASSISTANCE AND INFORMATION.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall—

(A) provide technical assistance to grantees and other entities providing training under a grant under this section; and

(B) disseminate to health departments and trainers under grants under this section information concerning evidence-based or data-informed approaches, including dissemination of existing toolkits, curricula, and existing or emerging best practices that can be expanded or improved upon through a program conducted under this section.

(2) EVALUATION REQUIREMENTS.—With respect to evaluations conducted under subsection (e), the Secretary, acting through the Director of the Center for Disease Control and Prevention, shall ensure that—

(A) evaluation metrics are consistent across all programs funded under this section;

(B) interim outcomes are measured by the number of centers that have implemented policy and environmental strategies that support use of curricula and practices supporting healthy eating, physical activity, and screen time limits;

(C) interim outcomes are measured, to the extent possible, by behavior changes in healthy eating, physical activity, and screen time; and

(D) upon completion of the program, the evaluation shall include an identification of best practices relating to behavior change and reductions in the increasing prevalence of overweight and obesity that could be replicated in other settings.

(3) DISSEMINATION OF INFORMATION.—Upon the conclusion of the programs carried out under this section, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall disseminate evidence, best practices, and lessons learned from grantees and shall submit to Congress a report concerning the evaluation of such programs, including recommendations as to how lessons learned from such

programs can be incorporated into future guidance documents developed and provided by the Director for States and communities funded for nutrition, physical activity, and obesity prevention.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, \$7,500,000 for each of fiscal years 2011, 2012 and 2013.

**SA 2955.** Mr. UDALL of Colorado (for himself, Mrs. HAGAN, Ms. KLOBUCHAR, Mr. BEGICH, Mr. KAUFMAN, Mr. UDALL of New Mexico, Mr. KIRK, Mr. KOHL, Mr. FRANKEN, Mr. SPECTER, and Mr. CASEY) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 1507, after line 19, insert the following:

**SEC. 5510. RURAL PHYSICIAN TRAINING GRANTS.**

Part C of title VII of the Public Health Service Act (42 U.S.C. 293k et seq.) is amended—

(1) after the part heading, by inserting the following:

**“Subpart I—Medical Training Generally”;**

and

(2) by inserting at the end the following:

**“Subpart II—Training in Underserved Communities**

**“SEC. 749B. RURAL PHYSICIAN TRAINING GRANTS.**

“(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall establish a program to make grants to eligible entities for the purposes of—

“(1) assisting eligible entities in recruiting students most likely to practice medicine in underserved rural communities;

“(2) providing rural-focused training and experience; and

“(3) increasing the number of recent allopathic and osteopathic medical school graduates who practice in underserved rural communities.

“(b) ELIGIBLE ENTITIES.—In order to be eligible to receive a grant under this section, an entity shall—

“(1) be a school of allopathic or osteopathic medicine accredited by a nationally recognized accrediting agency or association approved by the Secretary for this purpose, or any combination or consortium of such schools; and

“(2) submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require, including a certification that such entity—

“(A) will use amounts provided to the institution to—

“(i) establish and carry out a Rural Physician Training Program described in subsection (d);

“(ii) improve an existing rural-focused training program to meet the requirements described in subsection (d) and carry out such program; or

“(iii) expand and carry out an existing rural-focused training program that meets

the requirements described in subsection (d); and

“(B) employs, or will employ within a timeframe sufficient to implement the Program (as described by a timetable and supporting documentation in the application of the eligible entity), faculty with experience or training in rural medicine or with experience in training rural physicians.

“(c) PRIORITY.—In awarding grant funds under this section, the Secretary shall give priority to eligible entities that—

“(1) demonstrate a record of successfully training students, as determined by the Secretary, who practice medicine in underserved rural communities;

“(2) demonstrate that an existing academic program of the eligible entity produces a high percentage, as determined by the Secretary, of graduates from such program who practice medicine in underserved rural communities;

“(3) demonstrate rural community institutional partnerships, through such mechanisms as matching or contributory funding, documented in-kind services for implementation, or existence of training partners with interprofessional expertise (such as dental, vision, or mental health services) in community health center training locations or other similar facilities; or

“(4) submit, as part of the application of the entity under subsection (b), a plan for the long-term tracking of where the graduates of such entity are practicing medicine.

“(d) USE OF FUNDS.—

“(1) ESTABLISHMENT.—An eligible entity receiving a grant under this section shall use the funds made available under such grant to—

“(A) establish and carry out a ‘Rural Physician Training Program’ (referred to in this section as the ‘Program’);

“(B) improve an existing rural-focused training program to meet the Program requirements described in this subsection and carry out such program; or

“(C) expand and carry out an existing rural-focused training program that meets the Program requirements described in this subsection.

“(2) STRUCTURE OF PROGRAM.—An eligible entity shall—

“(A) enroll no fewer than 10 students per class year into the Program; and

“(B) develop criteria for admission to the Program that gives priority to students—

“(i) who have originated from or lived for a period of 2 or more years in an underserved rural community; and

“(ii) who express a commitment to practice medicine in an underserved rural community.

“(3) CURRICULA.—The Program shall require students to enroll in didactic coursework and clinical experience particularly applicable to medical practice in underserved rural communities, including—

“(A) clinical rotations in underserved rural communities, and in specialties including family medicine, internal medicine, pediatrics, surgery, psychiatry, and emergency medicine;

“(B) in addition to core school curricula, additional coursework or training experiences focused on medical issues prevalent in underserved rural communities, including in areas such as trauma, obstetrics, ultrasound, oral health, and behavioral health; and

“(C) any coursework or clinical experience that—

“(i) may be developed as a result of the Symposium described in subsection (f); or

“(ii) the Secretary finds appropriate.

“(4) RESIDENCY PLACEMENT ASSISTANCE.—Where available, the Program shall assist all students of the Program in obtaining clinical training experiences in locations with postgraduate programs offering residency training opportunities in underserved rural communities, or in local residency training programs that support and train physicians to practice in underserved rural communities, as well as assist all students of the Program in obtaining postgraduate residency training in such programs.

“(5) PROGRAM STUDENT COHORT SUPPORT.—The Program shall provide and require all students of the Program to participate in social, educational, and other group activities designed to further develop, maintain, and reinforce the original commitment of such students to practice in an underserved rural community.

“(e) ANNUAL REPORTING REQUIREMENT.—On an annual basis, an eligible entity receiving a grant under this section shall submit a report to the Secretary on—

“(1) the overall success of the Program established by the entity, based on criteria the Secretary determines appropriate;

“(2) the number of students participating in the Program;

“(3) the number of graduating students who participated in the Program;

“(4) the residency program selection of graduating students who participated in the Program;

“(5) the number of graduates who participated in the Program who are practicing in underserved rural communities not less than one year after completing residency training; and

“(6) the number of graduates who participated in the Program who are not practicing in underserved rural communities not less than one year after completing residency training.

“(f) RURAL TRAINING PROGRAM SYMPOSIUM.—

“(1) PURPOSES OF SYMPOSIUM.—To assist the Secretary in carrying out the Program and making grant determinations under this section, the Secretary shall convene a Rural Training Program Symposium (referred to in this section as the ‘Symposium’) to—

“(A) develop best practices that may be incorporated into consideration of applications under subsection (b); and

“(B) establish a network of allopathic and osteopathic medical schools that have developed or will develop rural training programs in accordance with subsection (d).

“(2) COMPOSITION.—The Symposium shall include—

“(A) representatives from eligible entities with existing rural training programs;

“(B) representatives from all eligible entities interested in developing the Program;

“(C) representatives from area health education centers;

“(D) representatives from the Health Resources and Services Administration; and

“(E) any other experts or individuals with experience in practicing medicine in underserved rural communities the Secretary determines appropriate.

“(g) REGULATIONS.—Not later than 60 days after the date of enactment of this section, the Secretary shall by regulation define ‘underserved rural community’ for purposes of this section.

“(h) SUPPLEMENT NOT SUPPLANT.—Any eligible entity receiving funds under this section shall use such funds to supplement, not supplant, any other Federal, State, and local funds that would otherwise be expended by such entity to carry out the activities described in this section.

“(i) MAINTENANCE OF EFFORT.—With respect to activities for which funds awarded under this section are to be expended, the entity shall agree to maintain expenditures of non-Federal amounts for such activities at a level that is not less than the level of such expenditures maintained by the entity for the fiscal year preceding the fiscal year for which the entity receives a grant under this section.

“(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

“(1) to carry out this section (other than subsection (f))—

“(A) \$4,000,000 for fiscal year 2010;

“(B) \$8,000,000 for fiscal year 2011;

“(C) \$12,000,000 for fiscal year 2012;

“(D) \$16,000,000 for fiscal year 2013; and

“(2) to carry out subsection (f), such sums as may be necessary.”

**SA 2956.** Mr. UDALL of Colorado (for himself, Mr. HARKIN, and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590 to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for the purposes; which was ordered to lie on the table; as follows:

On page 1266, between lines 17 and 18, insert the following:

#### **Subtitle F—Physical Activity Guidelines and Foundation**

#### **PART I—PHYSICAL ACTIVITY GUIDELINES**

#### **SEC. 4501. ESTABLISHMENT OF PHYSICAL ACTIVITY GUIDELINES.**

(a) REPORT.—

(1) IN GENERAL.—At least every 5 years, the Secretary of Health and Human Services (in this section referred to as the “Secretary”) shall publish a report entitled “Physical Activity Guidelines for Americans”. Each such report shall contain physical activity information and guidelines for the general public, and shall be promoted by each Federal agency in carrying out any Federal health program.

(2) BASIS OF GUIDELINES.—The information and guidelines contained in each report required under paragraph (1) shall be based on the preponderance of the scientific and medical knowledge which is current at the time the report is prepared.

(b) APPROVAL BY SECRETARY.—

(1) REVIEW.—Any Federal agency that proposes to issue any physical activity guidance for the general population or identified population subgroups shall submit the text of such guidance to the Secretary for a 60-day review period.

(2) BASIS OF REVIEW.—

(A) IN GENERAL.—During the 60-day review period established in paragraph (1), the Secretary shall review and approve or disapprove such guidance to assure that the guidance either is consistent with the “Physical Activity Guidelines for Americans” or that the guidance is based on medical or new scientific knowledge which is determined to be valid by the Secretary. If after such 60-day review period the Secretary has not notified the proposing agency that such guidance has been disapproved, then such guidance may be issued by the agency. If the Secretary disapproves such guidance,

it shall be returned to the agency. If the Secretary finds that such guidance is inconsistent with the "Physical Activity Guidelines for Americans" and so notifies the proposing agency, such agency shall follow the procedures set forth in this subsection before disseminating such proposal to the public in final form. If after such 60-day period, the Secretary disapproves such guidance as inconsistent with the "Physical Activity Guidelines for Americans" the proposing agency shall—

(i) publish a notice in the Federal Register of the availability of the full text of the proposal and the preamble of such proposal which shall explain the basis and purpose for the proposed physical activity guidance;

(ii) provide in such notice for a public comment period of 30 days; and

(iii) make available for public inspection and copying during normal business hours any comment received by the agency during such comment period.

(B) REVIEW OF COMMENTS.—After review of comments received during the comment period, the Secretary may approve for dissemination by the proposing agency a final version of such physical activity guidance along with an explanation of the basis and purpose for the final guidance which addresses significant and substantive comments as determined by the proposing agency.

(C) ANNOUNCEMENT.—Any such final physical activity guidance to be disseminated under subparagraph (B) shall be announced in a notice published in the Federal Register, before public dissemination along with an address where copies may be obtained.

(D) NOTIFICATION OF DISAPPROVAL.—If after the 30-day period for comment as provided under subparagraph (A)(ii), the Secretary disapproves a proposed physical activity guidance, the Secretary shall notify the Federal agency submitting such guidance of such disapproval, and such guidance may not be issued, except as provided in subparagraph (E).

(E) REVIEW OF DISAPPROVAL.—If a proposed physical activity guidance is disapproved by the Secretary under subparagraph (D), the Federal agency proposing such guidance may, within 15 days after receiving notification of such disapproval under subparagraph (D), request the Secretary to review such disapproval. Within 15 days after receiving a request for such a review, the Secretary shall conduct such review. If, pursuant to such review, the Secretary approves such proposed physical activity guidance, such guidance may be issued by the Federal agency.

(3) DEFINITIONS.—In this subsection:

(A) The term "physical activity guidance for the general population" does not include any rule or regulation issued by a Federal agency.

(B) The term "identified population subgroups" shall include, but not be limited to, groups based on factors such as age, sex, race, or physical disability.

(C) EXISTING AUTHORITY NOT AFFECTED.—This section does not place any limitations on—

(1) the conduct or support of any scientific or medical research by any Federal agency; or

(2) the presentation of any scientific or medical findings or the exchange or review of scientific or medical information by any Federal agency.

## PART II—NATIONAL FOUNDATION ON PHYSICAL FITNESS AND SPORTS

### SEC. 4511. ESTABLISHMENT AND PURPOSE OF FOUNDATION.

(a) ESTABLISHMENT.—There is established the National Foundation on Physical Fitness and Sports (hereinafter in this part referred to as the "Foundation"). The Foundation is a charitable and nonprofit corporation and is not an agency or establishment of the United States.

(b) PURPOSES.—The purposes of the Foundation are—

(1) in conjunction with the President's Council on Physical Fitness and Sports, to develop a list and description of programs, events and other activities which would further the goals outlined in Executive Order 12345 and with respect to which combined private and governmental efforts would be beneficial; and

(2) to encourage and promote the participation by private organizations in the activities referred to in subsection (b)(1) and to encourage and promote private gifts of money and other property to support those activities.

(c) DISPOSITION OF MONEY AND PROPERTY.—At least annually the Foundation shall transfer, after the deduction of the administrative expenses of the Foundation, the balance of any contributions received for the activities referred to in subsection (b), to the United States Public Health Service Gift Fund pursuant to section 2701 of the Public Health Service Act (42 U.S.C. 300aaa) for expenditure pursuant to the provisions of that section and consistent with the purposes for which the funds were donated.

### SEC. 4512. BOARD OF DIRECTORS OF THE FOUNDATION.

(a) ESTABLISHMENT AND MEMBERSHIP.—The Foundation shall have a governing Board of Directors (hereinafter referred to in this part as the "Board"), which shall consist of 9 members each of whom shall be a United States citizen and—

(1) 3 of whom must be knowledgeable or experienced in one or more fields directly connected with physical fitness, sports, or the relationship between health status and physical exercise; and

(2) 6 of whom must be leaders in the private sector with a strong interest in physical fitness, sports, or the relationship between health status and physical exercise.

The membership of the Board, to the extent practicable, shall represent diverse professional specialties relating to the achievement of physical fitness through regular participation in programs of exercise, sports, and similar activities. The Assistant Secretary for Health, the Executive Director of the President's Council on Physical Fitness and Sports, the Director for the National Center for Chronic Disease Prevention and Health Promotion, the Director of the National Heart, Lung, and Blood Institute, and the Director for the Centers for Disease Control and Prevention shall be ex officio, non-voting members of the Board. Appointment to the Board or its staff shall not constitute employment by, or the holding of an office of, the United States for the purposes of any Federal employment or other law.

(b) APPOINTMENTS.—Within 90 days from the date of enactment of this Act, the members of the Board will be appointed. Three members of the Board will be appointed by the Secretary (hereinafter referred to in this part as the "Secretary"), 2 by the majority leader of the Senate, 1 by the minority leader of the Senate, 2 by the Speaker of the House of Representatives, 1 by the minority leader of the House of Representatives.

(c) TERMS.—The members of the Board shall serve for a term of 6 years. A vacancy on the Board shall be filled within 60 days of the vacancy in the same manner in which the original appointment was made and shall be for the balance of the term of the individual who was replaced. No individual may serve more than 2 consecutive terms as a member.

(d) CHAIRMAN.—The Chairman shall be elected by the Board from its members for a 2-year term and will not be limited in terms or service.

(e) QUORUM.—A majority of the current membership of the Board shall constitute a quorum for the transaction of business.

(f) MEETINGS.—The Board shall meet at the call of the Chairman at least once a year. If a member misses 3 consecutive regularly scheduled meetings, that member may be removed from the Board and the vacancy filled in accordance with subsection (c).

(g) REIMBURSEMENT OF EXPENSES.—Members of the Board shall serve without pay, but may be reimbursed for the actual and necessary traveling and subsistence expenses incurred by them in the performance of the duties of the Foundation, subject to the same limitations on reimbursement that are imposed upon employees of Federal agencies.

(h) LIMITATIONS.—The following limitations apply with respect to the appointment of officers and employees of the Foundation:

(1) Officers and employees may not be appointed until the Foundation has sufficient funds to pay them for their service. No individual so appointed may receive pay in excess of the annual rate of basic pay in effect for Executive Level V in the Federal service.

(2) The first officer or employee appointed by the Board shall be the Secretary of the Board who shall serve, at the direction of the Board, as its chief operating officer and shall be knowledgeable and experienced in matters relating to physical fitness and sports.

(3) No Public Health Service employee nor the spouse or dependent relative of such an employee may serve as an officer or member of the Board of Directors or as an employee of the Foundation.

(4) Any individual who is an officer, employee, or member of the Board of the Foundation may not (in accordance with the policies developed under subsection (i)) personally or substantially participate in the consideration or determination by the Foundation of any matter that would directly or predictably affect any financial interest of the individual or a relative (as such term is defined in section 109(16) of the Ethics in Government Act, 1978) of the individual, of any business organization, or other entity, or of which the individual is an officer or employee, is negotiating for employment, or in which the individual has any other financial interest.

(i) GENERAL POWERS.—The Board may complete the organization of the Foundation by—

(1) appointing officers and employees;

(2) adopting a constitution and bylaws consistent with the purposes of the Foundation and the provision of this part; and

(3) undertaking such other acts as may be necessary to carry out the provisions of this part.

In establishing bylaws under this subsection, the Board shall provide for policies with regard to financial conflicts of interest and ethical standards for the acceptance, solicitation and disposition of donations and grants to the Foundation.

### SEC. 4513. RIGHTS AND OBLIGATIONS OF THE FOUNDATION.

(a) IN GENERAL.—The Foundation—



(1) shall have perpetual succession;

(2) may conduct business throughout the several States, territories, and possessions of the United States;

(3) shall have its principal offices in or near the District of Columbia; and

(4) shall at all times maintain a designated agent authorized to accept service of process for the Foundation.

The serving of notice to, or service of process upon, the agent required under paragraph (4), or mailed to the business address of such agent, shall be deemed as service upon or notice to the Foundation.

(b) **SEAL.**—The Foundation shall have an official seal selected by the Board which shall be judicially noticed.

(c) **POWERS.**—To carry out its purposes under section 4511, and subject to the specific provisions thereof, the Foundation shall have the usual powers of a corporation acting as a trustee in the District of Columbia, including the power—

(1) except as otherwise provided herein, to accept, receive, solicit, hold, administer and use any gift, devise, or bequest, either absolutely or in trust, of real or personal property or any income therefrom or other interest therein;

(2) to acquire by purchase or exchange any real or personal property or interest therein;

(3) unless otherwise required by the instrument of transfer, to sell, donate, lease, invest, reinvest, retain or otherwise dispose of any property or income therefrom;

(4) to sue and be sued, and complain and defend itself in any court of competent jurisdiction, except for gross negligence;

(5) to enter into contracts or other arrangements with public agencies and private organizations and persons and to make such payments as may be necessary to carry out its functions; and

(6) to do any and all acts necessary and proper to carry out the purposes of the Foundation.

For purposes of this part, an interest in real property shall be treated as including easements or other rights for preservation, conservation, protection, or enhancement by and for the public of natural, scenic, historic, scientific, educational inspirational or recreational resources. A gift, devise, or bequest may be accepted by the Foundation even though it is encumbered, restricted, or subject to beneficial interests of private persons if any current or future interest therein is for the benefit of the Foundation.

#### **SEC. 4514. PROTECTION AND USES OF TRADE-MARKS AND TRADE NAMES.**

(a) **PROTECTION.**—Without the consent of the Foundation in conjunction with the President's Council on Physical Fitness and Sports, any person who uses for the purpose of trade, uses to induce the sale of any goods or services, or uses to promote any theatrical exhibition, athletic performance or competition—

(1) the official seal of the President's Council on Physical Fitness and Sports consisting of the eagle holding an olive branch and arrows with shield breast encircled by name "President's Council on Physical Fitness and Sports" and consisting, depending upon placement, of diagonal stripes;

(2) the official seal of the Foundation; or

(3) any trademark, trade name, sign, symbol, or insignia falsely representing association with or authorization by the President's Council on Physical Fitness and Sports or the Foundation;

shall be subject in a civil action by the Foundation for the remedies provided in the Act of July 9, 1946 (60 Stat. 427; popularly known as the Trademark Act of 1946).

(b) **USES.**—The Foundation, in conjunction with the President's Council on Physical Fitness and Sports, may authorize contributors and suppliers of goods or services to use the trade name or the President's Council on Physical Fitness and Sports and the Foundation as well as any trademark, seal, symbol, insignia, or emblem of the President's Council on Physical Fitness and Sports or the Foundation in advertising that the contributors, goods, or services when donated, supplied, or furnished to or for the use of, or approved, selected, or used by the President's Council on Physical Fitness and Sports or the Foundation.

#### **SEC. 4515. VOLUNTEER STATUS.**

The Foundation may accept, without regard to the civil service classification laws, rules, or regulations, the services of volunteers in the performance of the functions authorized herein, in the manner provided for under section 7(c) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742f(c)).

#### **SEC. 4516. AUDIT, REPORT REQUIREMENTS, AND PETITION OF ATTORNEY GENERAL FOR EQUITABLE RELIEF.**

(a) **AUDITS.**—For purposes of the Act entitled "An Act for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (Public Law 88-504, 36 U.S.C. 1101-1103), the Foundation shall be treated as a private corporation under Federal law. The Inspector General of the Department of Health and Human Services and the Comptroller General of the United States shall have access to the financial and other records of the Foundation, upon reasonable notice.

(b) **REPORT.**—The Foundation shall, as soon as practicable after the end of each fiscal year, transmit to the Secretary of Health and Human Services and to Congress a report of its proceedings and activities during such year, including a full and complete statement of its receipts, expenditures, and investments.

(c) **RELIEF WITH RESPECT TO CERTAIN FOUNDATION ACTS OR FAILURE TO ACT.**—If the Foundation—

(1) engages in, or threatens to engage in, any act, practice or policy that is inconsistent with its purposes set forth in section 4511(b); or

(2) refuses, fails, or neglects to discharge its obligations under this part, or threaten to do so;

the Attorney General of the United States may petition in the United States District Court for the District of Columbia for such equitable relief as may be necessary or appropriate.

#### **SEC. 4517. AUTHORIZATION OF APPROPRIATIONS.**

For fiscal year 2010, there are authorized to be appropriated such sums as may be necessary, to be made available to the Foundation for organizational costs.

**SA 2957.** Mr. BENNET (for himself and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 4101, insert the following:

(c) **AMENDMENTS TO SCHOOL-BASED HEALTH CENTERS PROGRAM.**—Section 399Z-1 of the Public Health Service Act, as added by subsection (b), is amended—

(1) in subsection (f)(1)(A)(iii), by inserting "including programs to promote healthy, active lifestyles and wellness for students" after "programs";

(2) by redesignating subsection (l) as subsection (m); and

(3) by inserting after subsection (k) the following:

"(l) **REGULATIONS REGARDING REIMBURSEMENT FOR HEALTH SERVICES.**—The Secretary shall issue regulations regarding the reimbursement for health services provided by SBHCs to individuals eligible to receive such services through the program under this section, including reimbursement under any insurance policy or any Federal or State health benefits program (including titles XIX and XXI of the Social Security Act)."

**SA 2958.** Mr. BENNET submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, insert the following:

#### **Subtitle C—Rural Health Access and Improvement**

#### **SEC. 7201. GRANTS TO PROMOTE HOSPITAL HEALTH INFORMATION TECHNOLOGY.**

Section 3013 of the Public Health Service Act (42 U.S.C. 300jj-33) is amended by adding at the end the following:

"(j) **PRIORITY.**—In awarding a grant under this section, the Secretary shall give priority to qualified State-designated entities that are critical access hospitals, as defined in section 1861(mm) of the Social Security Act."

#### **SEC. 7202. EXPANDED PARTICIPATION IN SECTION 340B PROGRAM.**

Section 340B(a)(4) of the Public Health Service Act (42 U.S.C. 256b(a)(4)), as amended by section 7101(a), is further amended by adding at the end the following:

"(P) An entity that is a rural health clinic, as defined in section 1861(aa)(2) of the Social Security Act."

#### **SEC. 7203. GAO STUDY AND REPORT ON DISPENSING FEES.**

(a) **STUDY.**—The Comptroller General of the United States shall conduct a study of the cost in each State of dispensing prescription drugs under the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396a et seq.), which shall consider—

(1) any reasonable costs associated with pharmacists—

(A) checking for information regarding Medicaid coverage of individuals; and

(B) performing necessary clinical review and quality assurance activities, such as—

(i) activities to identify and reduce the frequency of patterns of fraud, abuse, gross overuse, and inappropriate or medically unnecessary care among physicians, pharmacists, and patients;

(ii) activities associated with specific drugs or groups of drugs, including potential

and actual severe adverse reactions to drugs, including education on therapeutic appropriateness, over-utilization and under-utilization of drugs, appropriate use of generic products, therapeutic duplication, drug-disease contraindications, drug interactions, incorrect drug dosage or duration of drug treatment, drug-allergy interactions, and clinical abuse or misuse; and

(iii) any other clinical review and quality assurance activities required under Federal or State law;

(2) the costs incurred by a pharmacy that are associated with—

(A) the measurement or mixing of a drug covered by Medicaid;

(B) filling the container for such a drug;

(C) physically transferring the prescription to the patient, including any costs of delivering the medication to the home of such patient;

(D) special packaging of drugs;

(E) overhead costs of the pharmacy, or the section of the facility that is devoted to a pharmacy, and maintenance of the pharmacy or section of the facility (including the equipment necessary to operate such pharmacy or such section and the salaries of pharmacists and other pharmacy workers);

(F) geographic factors that impact operational costs;

(G) compounding such prescription if necessary; and

(H) uncollectability of Medicaid prescription copayments;

(3) the variation in costs described in paragraph (2) based on—

(A) whether a product dispensed is a rural or urban pharmacy;

(B) whether the product dispensed is a specialty pharmacy product; and

(C) whether the pharmacy is located in, or contracts with, a long-term care facility; and

(4) the increase in dispensing fees, including the costs described in paragraphs (1), (2), and (3), that would be sufficient to create an incentive for a pharmacist to promote the use of generic medications.

(b) **REPORT.**—Not later than December 1, 2010, the Comptroller General of the United States shall submit to the Secretary of Health and Human Services and to each State a report describing the study conducted under subsection (a). The report shall include—

(1) the average cost in each State of dispensing a prescription drug under Medicaid;

(2) the findings of the study conducted under subsection (a) with respect to—

(A) the variation in costs studied under subparagraphs (A) and (B) of paragraph (3) of such subsection; and

(B) the increase in dispensing fees described in paragraph (4) of such subsection.

(c) **USE OF STUDY.**—Each State shall use the report described in subsection (b) to assess the adequacy of Medicaid pharmacy dispensing fees. The Secretary of Health and Human Services shall use such report to approve State plan amendments for States that submit such amendments for the purposes of increasing Medicaid pharmacy dispensing fees.

#### SEC. 7204. STATE OFFICES OF RURAL HEALTH.

Section 338J of the Public Health Service Act (42 U.S.C. 254r) is amended by striking subsection (k).

**SA 2959.** Mr. LEAHY (for himself and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend

the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 1266, between lines 17 and 18, insert the following:

#### SEC. 4403. EXTENSION OF MEDICAL MALPRACTICE COVERAGE TO FREE CLINICS.

(a) **IN GENERAL.**—Section 224(o)(1) of the Public Health Service Act (42 U.S.C. 233(o)(1)) is amended by inserting after “to an individual” the following: “, or an officer, governing board member, employee, or contractor of a free clinic shall in providing services for the free clinic.”

(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect on the date of enactment of this Act and apply to any act or omission which occurs on or after that date.

**SA 2960.** Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 816, after line 20, insert the following:

#### SEC. 3115. RECOGNITION OF CERTIFIED DIABETES EDUCATORS AS CERTIFIED PROVIDERS FOR PURPOSES OF MEDICAL CARE DIABETES OUTPATIENT SELF-MANAGEMENT TRAINING SERVICES.

(a) **IN GENERAL.**—Section 1861(qq) of the Social Security Act (42 U.S.C. 1395x(qq)) is amended—

(1) in paragraph (1), by inserting “or by a certified diabetes educator (as defined in paragraph (3))” after “paragraph (2)(B)”; and

(2) by adding at the end the following new paragraphs:

“(3) For purposes of paragraph (1), the term ‘certified diabetes educator’ means an individual who—

“(A) is licensed or registered by the State in which the services are performed as a health care professional;

“(B) specializes in teaching individuals with diabetes to develop the necessary skills and knowledge to manage the individual’s diabetic condition; and

“(C) is certified as a diabetes educator by a recognized certifying body (as defined in paragraph (4)).

“(4)(A) For purposes of paragraph (3)(C), the term ‘recognized certifying body’ means—

“(i) the National Certification Board for Diabetes Educators; or

“(ii) a certifying body for diabetes educators, which is recognized by the Secretary as authorized to grant certification of diabetes educators for purposes of this subsection pursuant to standards established by the Secretary, if the Secretary determines such Board or body, respectively, meets the requirement of subparagraph (B).

“(B) The National Certification Board for Diabetes Educators or a certifying body for diabetes educators meets the requirement of this subparagraph, with respect to the cer-

tification of an individual, if the Board or body, respectively, is incorporated and registered to do business in the United States and requires as a condition of such certification each of the following:

“(i) The individual has a qualifying credential in a specified health care profession.

“(ii) The individual has professional practice experience in diabetes self-management training that includes a minimum number of hours and years of experience in such training.

“(iii) The individual has successfully completed a national certification examination offered by such entity.

“(iv) The individual periodically renews certification status following initial certification.”

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply to diabetes outpatient self-management training services furnished on or after the first day of the first calendar year that is at least 6 months after the date of the enactment of this Act.

**SA 2961.** Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 1925, between lines 14 and 15, insert the following:

#### Subtitle C—Provisions Relating to Generic Drugs

#### SEC. 7201. LABELING CHANGES.

Section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)) is amended by adding at the end the following:

“(10)(A) If the proposed labeling of a drug that is the subject of an application under this subsection differs from the listed drug due to a labeling revision described under clause (i), the drug that is the subject of such application shall, notwithstanding any other provision of this Act, be eligible for approval and shall not be considered misbranded under section 502 if—

“(i) the application is otherwise eligible for approval under this subsection but for expiration of patent, an exclusivity period, or of a delay in approval described in paragraph (5)(B)(iii), and a revision to the labeling of the listed drug has been approved by the Secretary within 60 days of such expiration;

“(ii) the labeling revision described under clause (i) does not include a change to the ‘Warnings’ section of the labeling;

“(iii) the sponsor of the application under this subsection agrees to submit revised labeling of the drug that is the subject of such application not later than 60 days after the notification of any changes to such labeling required by the Secretary; and

“(iv) such application otherwise meets the applicable requirements for approval under this subsection.

“(B) If, after a labeling revision described in subparagraph (A)(i), the Secretary determines that the continued presence in interstate commerce of the labeling of the listed drug (as in effect before the revision described in subparagraph (A)(i)) adversely impacts the safe use of the drug, no application under this subsection shall be eligible for approval with such labeling.”

**SA 2962.** Mr. NELSON of Nebraska (for himself, Mr. HATCH, Mr. CASEY, Mr. BROWNBACK, Mr. THUNE, Mr. ENZI, Mr. COBURN, Mr. JOHANNES, Mr. VITTER, Mr. BARRASSO, Mr. WICKER, Mr. BOND, Mr. BENNETT, and Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; as follows:

Beginning on page 116, strike line 15 and all that follows through line 15 on page 123, and insert the following:

(a) **SPECIAL RULES RELATING TO COVERAGE OF ABORTION SERVICES.**—

(1) **IN GENERAL.**—Subject to paragraph (2), nothing in this Act (or any amendment made by this Act) shall be construed to require any health plan to provide coverage of abortion services or to allow the Secretary or any other person or entity implementing this Act (or amendment) to require coverage of such services.

(2) **COMMUNITY HEALTH INSURANCE OPTION.**—The Secretary may not provide coverage of abortion services in the community health insurance option established under section 1323, except in the case where use of funds authorized or appropriated by this Act is permitted for such services under subsection (b)(1).

(3) **NO DISCRIMINATION ON THE BASIS OF PROVISION OF ABORTION.**—No Exchange participating health benefits plan may discriminate against any individual health care provider or health care facility because of its unwillingness to provide, pay for, provide coverage of, or refer for abortions.

(b) **LIMITATION ON ABORTION FUNDING.**—

(1) **IN GENERAL.**—No funds authorized or appropriated by this Act (or an amendment made by this Act) may be used to pay for any abortion or to cover any part of the costs of any health plan that includes coverage of abortion, except in the case where a woman suffers from a physical disorder, physical injury, or physical illness that would, as certified by a physician, place the woman in danger of death unless an abortion is performed, including a life-endangering physical condition caused by or arising from the pregnancy itself, or unless the pregnancy is the result of an act of rape or incest.

(2) **OPTION TO PURCHASE SEPARATE SUPPLEMENTAL COVERAGE OR PLAN.**—Nothing in this subsection shall be construed as prohibiting any non-Federal entity (including an individual or a State or local government) from purchasing separate supplemental coverage for abortions for which funding is prohibited under this subsection, or a plan that includes such abortions, so long as—

(A) such coverage or plan is paid for entirely using only funds not authorized or appropriated by this Act; and

(B) such coverage or plan is not purchased using—

(i) individual premium payments required for a qualified health plan offered through the Exchange towards which a credit is applied under section 36B of the Internal Revenue Code of 1986; or

(ii) other non-Federal funds required to receive a Federal payment, including a State's or locality's contribution of Medicaid matching funds.

(3) **OPTION TO OFFER SUPPLEMENTAL COVERAGE OR PLAN.**—Nothing in this subsection shall restrict any non-Federal health insurance issuer offering a qualified health plan from offering separate supplemental coverage for abortions for which funding is prohibited under this subsection, or a plan that includes such abortions, so long as—

(A) premiums for such separate supplemental coverage or plan are paid for entirely with funds not authorized or appropriated by this Act;

(B) administrative costs and all services offered through such supplemental coverage or plan are paid for using only premiums collected for such coverage or plan; and

(C) any such non-Federal health insurance issuer that offers a qualified health plan through the Exchange that includes coverage for abortions for which funding is prohibited under this subsection also offers a qualified health plan through the Exchange that is identical in every respect except that it does not cover abortions for which funding is prohibited under this subsection.

**SA 2963.** Mr. COBURN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 2074, after line 25, add the following:

**SEC. 90. OPT-OUT OF TAXES AND FEES IMPOSED ON STATES AND INDIVIDUALS.**

(a) **IN GENERAL.**—An individual or State may elect to opt out of any fee or tax imposed or increased under this Act or any amendment made by this Act, including the application of—

(1) the amendments made by section 9003 (relating to distributions for medicine qualified only if for prescribed drug or insulin), and

(2) the amendments made by section 9013 (relating to the modification of itemized deduction for medical expenses).

(b) **PROCESS FOR ELECTION; NOTIFICATION OF OPT-OUT.**—

(1) **IN GENERAL.**—Any election under subsection (a) shall be made by filing a statement (on line, by mail, or in such other manner as specified by the appropriate Secretary)—

(A) in the case of any tax provision, with the Secretary of the Treasury, and

(B) in the case of any other provision, with the Secretary of Health and Human Services. The Secretary of the Treasury, in consultation with the Secretary of Health and Human Services, shall establish a form that may be used for making an election under subsection (a) and shall make such form available on the Internet.

(2) **NOTIFICATION.**—

(A) **IN GENERAL.**—Not later than 1 month after the date of the enactment of this Act, the Secretary of the Treasury, together with the Secretary of Health and Human Services, shall mail a notice to each individual who may make an election under subsection (a).

(B) **CONTENT.**—The notification under subparagraph (A) shall—

(i) state that this Act will create government-run health care exchanges and program

that will be paid for in part with higher taxes and other fees, and

(ii) a form that can be used for opting out of such fees and taxes.

(3) **REVOCATION.**—An individual may revoke an election made under subsection (a) at any time in a manner similar to the manner in which the election is made under paragraph (1).

(c) **RESPONSIBILITY REQUIREMENTS TREATED AS TAX PROVISIONS.**—For purposes of this section, amounts imposed under sections 5000A and 4980H of the Internal Revenue Code of 1986, as added by this Act, shall be treated as taxes.

**SA 2964.** Mr. COBURN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 17, strike line 11 through line 14.

On page 396, between lines 8 and 9, insert the following:

**SEC. 1563. ENSURING THAT GOVERNMENT HEALTH CARE RATIONING DOES NOT HARM, INJURE, OR DENY MEDICALLY NECESSARY CARE.**

Notwithstanding any other provision of law—

(1) no individual may be denied health care based on age or life expectancy by any Federal health program, the community health insurance option established under section 1323, or any Exchange established under this Act; and

(2) no entity of the Federal Government may develop Quality-Adjusted Life Year measures or other similarly designed government formulas for limiting access to treatment.

Strike section 3403.

Strike section 4105.

On page 1680, between lines 20 and 21, insert the following:

“(2) **PROHIBITION.**—The findings of the Institute are prohibited from being used by any government entity for payment, coverage, or treatment decisions. Nothing in the preceding sentence shall limit a physician or other health care provider from using Institute reports and recommendations when making decisions about the best treatment for an individual patient in an individual circumstance.”.

At the end of subtitle G of title I, add the following:

**SEC. 15. IDENTIFICATION OF FEDERAL GOVERNMENT HEALTH CARE RATIONING.**

(a) **IN GENERAL.**—The Comptroller General of the United States shall conduct, and submit to Congress a report describing the results of, a study that compares, with regard to the programs described in subsection (b)—

(1) any restrictions or limitations regarding access to health care providers (including the percentage of health care providers willing or permitted to care for patients insured by each program);

(2) any restrictions, denials, or rationing relating to the provision of health care, including medical procedures, tests (including mammograms and cervical cancer screenings), and prescription drug formularies;

(3) average wait times to see a primary care doctor;

(4) average wait times for medically necessary surgeries and medical procedures; and

(5) the estimated waste, fraud, and abuse (including improper payments) in each program.

(b) PROGRAMS.—The programs referred to in subsection (a) are—

- (1) Medicare;
- (2) Medicaid;
- (3) the Indian Health Service;
- (4) the Department of Veterans Affairs; and
- (5) the Federal Employee Health Benefits Program.

**SA 2965.** Mr. COBURN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

After title IX, insert the following:

**TITLE X—CERTIFICATION OF FINANCIAL SUSTAINABILITY AND FISCAL SOLVENCY**

**SEC. 10001. FINANCIAL SUSTAINABILITY AND FISCAL SOLVENCY REQUIREMENT.**

Notwithstanding any other provision of law, the provisions of this Act (and the amendments made by this Act), including any health insurance programs created, run, or expanded by the government through this Act (or the amendments made by this Act), shall not take effect unless the actuary of the Department of Health and Human Services and the actuary of the Social Security Administration each independently certify, in testimony before Congress and in an official report to Congress, that, as of January 1, 2009, the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) and the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) are financially sustainable and fiscally solvent through January 1, 2029.

**SA 2966.** Mr. COBURN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 621, strike line 10 and all that follows through page 1134, line 3, and insert the following:

**TITLE III—REDUCING WASTE, FRAUD, AND ABUSE IN MEDICARE AND MEDICAID**

**SEC. 3001. PREVENTION AND DETECTION OF WASTE, FRAUD, AND ABUSE WITHIN THE MEDICARE AND MEDICAID PROGRAMS.**

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall develop and implement innovative technologies, systems, and procedures (as described under subsection (b)) to reduce waste, fraud, and abuse under the Medicare and Medicaid programs and ensure that

amounts attributed to waste, fraud, and abuse constitute an amount not greater than 5 percent of all funds expended under the Medicare program.

(b) PREVENTION AND DETECTION MEASURES.—For purposes of subsection (a), the technologies, systems, and procedures to be developed and implemented by the Secretary shall include the following:

(1) Improving the Medicare beneficiary identifier (MBI) used to identify beneficiaries under the Medicare program to—

(A) ensure that the social security account numbers assigned to such beneficiaries are not used;

(B) provide such beneficiaries with machine-readable identification cards that employ a unique patient number; and

(C) establish a process for changing the MBI for an individual to a different identifier in the case of the discovery of fraud, including identity theft.

(2) Comprehensive real-time data matching across Federal agencies (similar to measures employed by the credit card industry) that is able to determine—

(A) whether a beneficiary under the Medicare or Medicaid programs is dead, imprisoned, or otherwise not eligible for benefits under such programs; and

(B) whether a provider of services or a supplier under the Medicare or Medicaid programs is dead, imprisoned, or otherwise not eligible to furnish or receive payment for furnishing items and services under such programs.

(3) Imposition of direct financial penalties to facilities receiving funds under the Medicare or Medicaid programs that employ any physician, executive, or administrator that has been convicted of an offense involving fraud relating to the Medicare or Medicaid programs or reached a settlement relating to such an offense with the Federal Government or any State government.

(4) Use of procedures and technology (including front-end, pre-payment technology similar to that used by hedge funds, investment funds, and banks) to provide real-time data analysis of claims for payment under the Medicare program to identify and investigate unusual billing or order practices that could indicate fraud or abuse.

(c) INVESTIGATION.—The Secretary shall, in the case where a provider of services or a supplier under the Medicare or Medicaid programs submits a claim for payment for items or services furnished to an individual who the Secretary determines, as a result of information obtained pursuant to subsection (b), is not eligible for benefits under such program, or where the Secretary determines, as a result of such information, that such provider of services or supplier is not eligible to furnish or receive payment for furnishing such items or services, refer the matter to the Inspector General of the Department of Health and Human Services for investigation not later than 14 days after the Secretary has made such a determination.

(d) DEFINITIONS.—In this title:

(1) MEDICAID.—The term “Medicaid” means the program for medical assistance established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(2) MEDICARE.—The term “Medicare” means the program for medical assistance established under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(3) SECRETARY.—The term “Secretary” means the Secretary of Health and Human Services.

**SEC. 3002. REINVESTMENT OF SAVINGS INTO MEDICARE PROGRAM.**

Any savings achieved under the Medicare program pursuant to the measures developed and implemented by the Secretary under section 3001 shall be reinvested into the Federal Hospital Insurance Trust Fund, as established under section 1817 of the Social Security Act (42 U.S.C. 1395i), or the Federal Supplementary Medical Insurance Trust Fund, as established under section 1841 of such Act (42 U.S.C. 1395t).

**SEC. 3003. USING HEALTH CARE PROFESSIONALS TO REDUCE FRAUD.**

(a) IN GENERAL.—The Secretary shall establish a demonstration project that uses practicing health care professionals to conduct undercover investigations of other health care professionals.

(b) DEMONSTRATION PROJECT.—

(1) IN GENERAL.—The Secretary, in coordination with the Office of the Inspector General of the Department of Health and Human Services (referred to in this section as the “Inspector General”), shall establish a demonstration project in which the Secretary enters into contracts with practicing health care professionals to conduct investigations of health care providers that receive reimbursements through any Federal public health care program.

(2) SCOPE.—The Secretary shall conduct the demonstration project under this section in States or regions that have—

(A) above-average rates of Medicare fraud; or

(B) any level of Medicaid fraud.

(c) ELIGIBILITY.—To be eligible to receive a contract under subsection (b)(1), a health care professional shall—

(1) be a licensed and practicing medical professional who holds an advanced medical degree from an accredited American university or college and has experience within the health care industry; and

(2) submit to the Secretary such information, at such time, and in such manner, as the Secretary may require.

(d) ACTIVITIES.—Each health care professional awarded a contract under subsection (b)(1) shall assist the Secretary and the Inspector General in conducting random audits of the practices of health care providers that receive reimbursements through any Federal public health care program. Such audits may include—

(1) statistically random visits to the practices of such health care providers;

(2) attempts to purchase pharmaceutical products illegally from such health care providers;

(3) purchasing durable medical equipment from such health care providers;

(4) hospital visits; and

(5) other activities, as the Secretary determines appropriate.

(e) FOLLOW-UP BY THE INSPECTOR GENERAL.—The Inspector General shall follow up on any notable findings of the investigations conducted under subsection (d) in order to report fraudulent practices and refer individual cases to the appropriate State and local authorities.

(f) LIMITATION.—The Secretary shall not contract with a health care professional if, due to physical proximity or a personal, familial, proprietary, or monetary relationship with such health care professional to individuals that such professional would be investigating, a conflict of interest could be inferred.

(g) FUNDING.—To carry out this section, the Secretary and the Inspector General are each authorized to reserve, from amounts appropriated to the Department of Health and

Human Services and the Office of the Inspector General of the Department of Health and Human Services, respectively, \$500,000 for each of fiscal years 2010 through 2014.

**SA 2967.** Mr. COBURN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 124, line 1 insert "OTHER" before "FEDERAL".

On page 124, line 4, insert "other" before "Federal".

On page 124, between lines 22 and 23, insert the following:

**SEC. 1304. NONDISCRIMINATION ON ABORTION AND RESPECT FOR RIGHTS OF CONSCIENCE.**

(a) **NONDISCRIMINATION.**—A Federal agency or program, and any State or local government, or institutional health care entity that receives Federal financial assistance under this Act (or an amendment made by this Act), shall not—

(1) subject any individual or institutional health care entity to discrimination; or

(2) require any health care entity that is established or regulated under this Act (or an amendment made by this Act) to subject any individual or institutional health care entity to discrimination;

on the basis that such health care entity does not provide, pay for, provide coverage of, or refer for abortions.

(b) **DEFINITION.**—In this section, the term "health care entity" includes an individual physician or other health care professional, a hospital, a provider-sponsored organization, a health maintenance organization, a health insurance plan, a plan sponsor, a health insurance issuer, a qualified health plan or issuer offering such a plan, or any other kind of health care facility, organization, or plan.

(c) **ADMINISTRATION.**—The Office for Civil Rights of the Department of Health and Human Services is designated to receive complaints of discrimination based on this section, and coordinate the investigation of such complaints.

**SA 2968.** Mr. COBURN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

Strike subtitle D of title IV and insert the following:

**Subtitle D—Prohibition on Comparative Effectiveness Research for the Purpose of Determining Cost and Coverage Decisions**

**SEC. 4301. PROHIBITION ON COMPARATIVE EFFECTIVENESS RESEARCH FOR THE PURPOSE OF DETERMINING COST AND COVERAGE DECISIONS.**

Reports and recommendations from the Patient-Centered Outcomes Research Insti-

tute, established under section 1181 of the Social Security Act (as added by section 6301), are prohibited from being used by any government entity for payment, coverage, or treatment decisions based on cost. Nothing in the preceding sentence shall limit a physician or other health care provider from using reports and recommendations of such Institute when making decisions about the best treatment for an individual patient in an individual circumstance.

**SA 2969.** Mr. COBURN (for himself, Mr. GRASSLEY, Mr. BURR, Mr. VITTER, Mrs. MCCASKILL, and Mr. ENSIGN) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 156, line 4, strike all through page 157, line 7, and insert the following:

(D) **REQUIREMENT OF MEMBERS OF CONGRESS AND OTHERS TO ENROLL IN THE PUBLIC OPTION.**—

(i) **REQUIREMENT.**—Notwithstanding any other provision of law, all Federal officers shall be enrolled in the community health insurance option when established by the Secretary.

(ii) **INELIGIBLE FOR FEHBP.**—Effective on the date on which the community health insurance option is established by the Secretary, no Federal officer shall be eligible to participate in a health benefits plan under chapter 89 of title 5, United States Code.

(iii) **EMPLOYER CONTRIBUTION.**—

(I) **IN GENERAL.**—The appropriate disbursing officer for each Federal officer shall pay the amount determined under subclause (II) to—

(aa) the appropriate community health insurance option; or

(bb) in the case of a Federal officer who resides in a State which opts out of providing a community health insurance option and is enrolled in a plan offered through an Exchange, the appropriate Exchange.

(II) **AMOUNT OF EMPLOYER CONTRIBUTION.**—The Director of the Office of Personnel Management shall determine the amount of the employer contribution for each Federal officer. The amount shall be equal to the employer contribution for the health benefits plan under chapter 89 of title 5, United States Code, with the greatest number of enrollees, except that the contribution shall be actuarially adjusted for age.

(iv) **DEFINITIONS.**—In this subparagraph:

(I) **COMMUNITY HEALTH INSURANCE OPTION.**—The term "community health insurance option" means the health insurance established by the Secretary under section 1323.

(II) **CONGRESSIONAL EMPLOYEE.**—The term "congressional employee" means an employee of—

(aa) a committee of the Senate or House of Representatives;

(bb) the office of a Member of Congress;

(cc) the Majority Leader of the Senate;

(dd) the Minority Leader of the Senate;

(ee) the Speaker of the House of Representatives; or

(ff) the Minority Leader of the House of Representatives;

(III) **FEDERAL OFFICER.**—The term "Federal officer" means—

(aa) a Member of Congress;

(bb) the President;

(cc) the Vice President;

(dd) a political appointee; and

(ee) a congressional employee.

(IV) **MEMBER OF CONGRESS.**—The term "Member of Congress" means any member of the House of Representatives or the Senate.

(V) **POLITICAL APPOINTEE.**—The term "political appointee" means any individual who—

(aa) is employed in a position described under sections 5312 through 5316 of title 5, United States Code, (relating to the Executive Schedule);

(bb) is a limited term appointee, limited emergency appointee, or noncareer appointee in the Senior Executive Service, as defined under paragraphs (5), (6), and (7), respectively, of section 3132(a) of title 5, United States Code; or

(cc) is employed in a position in the executive branch of the Government of a confidential or policy-determining character under schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations.

**SA 2970.** Mr. CASEY submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**TITLE PULMONARY HYPERTENSION RESEARCH AND EDUCATION**

**SEC. 101. SHORT TITLE.**

This title may be cited as the "Tom Lantos Pulmonary Hypertension Research and Education Act of 2009".

**Subtitle A—Research on Pulmonary Hypertension**

**SEC. 11. EXPANSION AND INTENSIFICATION OF ACTIVITIES.**

(a) **SENSE OF CONGRESS.**—It is the sense of the Congress that—

(1) the Secretary of Health and Human Services (in this Act referred to as the "Secretary"), acting through the Director of the National Institutes of Health and the Director of the National Heart, Lung, and Blood Institute (in this title referred to as the "Institute"), should continue aggressive work on pulmonary hypertension;

(2) as part of such work, the Director of the Institute should continue research to expand the understanding of the causes of, and to find a cure for, pulmonary hypertension; and

(3) activities under paragraph (1) may include conducting and supporting—

(A) basic research concerning the etiology and causes of pulmonary hypertension;

(B) basic research on the relationship between scleroderma, sickle cell anemia (and other conditions identified by the Director of the Institute that can lead to a secondary diagnosis of pulmonary hypertension), and pulmonary hypertension;

(C) clinical research for the development and evaluation of new treatments for pulmonary hypertension, including the establishment of a "Pulmonary Hypertension Clinical Research Network";

(D) support for the training of new clinicians and investigators with expertise in the pulmonary hypertension; and

(E) information and education programs for the general public.

(b) BIENNIAL REPORTS.—As part of the biennial report made under section 403 of the Public Health Service Act (42 U.S.C. 283), the Secretary shall include information on the status of pulmonary hypertension research at the National Institutes of Health.

**Subtitle B—Increasing Awareness of Pulmonary Hypertension**

**SEC. 21. PROMOTING PUBLIC AWARENESS.**

(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall carry out an educational campaign to increase public awareness of pulmonary hypertension. Print, video, and Web-based materials distributed under this program may include—

- (1) basic information on pulmonary hypertension and its symptoms; and
- (2) information on—
  - (A) the incidence and prevalence of pulmonary hypertension;
  - (B) diseases and conditions that can lead to pulmonary hypertension as a secondary diagnosis;
  - (C) the importance of early diagnosis; and
  - (D) the availability, as medically appropriate, of a range of treatment options and pulmonary hypertension.

(b) DISSEMINATION OF INFORMATION.—The Secretary is encouraged to disseminate information under subsection (a) through a cooperative agreement with a national non-profit entity with expertise in pulmonary hypertension.

(c) REPORT TO CONGRESS.—Not later than September 30, 2010, the Secretary shall report to the Committee on Energy and Commerce of the House of Representatives, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Appropriations of the House of Representatives and the Senate on the status of activities under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated \$2,500,000 for each of fiscal years 2010, 2011, and 2012.

**SEC. 22. PROMOTING AWARENESS AMONG HEALTH CARE PROFESSIONALS.**

(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration and the Director of the Centers for Disease Control and Prevention, shall carry out an educational campaign to increase awareness of pulmonary hypertension among health care providers. Print, video, and Web-based materials distributed under this program may include information on—

- (1) the symptoms of pulmonary hypertension;
- (2) the importance of early diagnosis;
- (3) current diagnostic criteria; and
- (4) Food and Drug Administration-approved therapies for the disease.

(b) TARGETED HEALTH CARE PROVIDERS.—Health care providers targeted through the campaign under subsection (a) shall include, but not be limited to, cardiologists, pulmonologists, rheumatologists, primary care physicians, pediatricians, and nurse practitioners.

(c) DISSEMINATION OF INFORMATION.—The Secretary is encouraged to disseminate information under subsection (a) through a cooperative agreement with a national non-profit entity with expertise in pulmonary hypertension.

(d) REPORT TO CONGRESS.—Not later than September 30, 2010, the Secretary shall report to the Committee on Energy and Com-

merce of the House of Representatives, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Appropriations of the House of Representatives and the Senate on the status of activities under this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated \$2,500,000 for each of fiscal years 2010, 2011, and 2012.

**SA 2971.** Mr. CASEY submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 731, strike line 9 and all that follows through line 16 and insert the following: clude a teaching hospital or medical school, physicians, and other clinical entities, that, through their structure, operations, and joint-activity deliver a full spectrum of integrated and comprehensive health care services to applicable individuals while also incorporating innovative methods for the clinical training of future health care professionals.

“(xix) Determining the efficacy of methods to change education models and the practice of community based physicians for higher quality and more cost effective care, to be conducted by a new, freestanding medical school working in a collaborative model with an insurer, community hospitals, private practice physicians, and other health professionals.

**SA 2972.** Mr. CASEY submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 731, between lines 16 and 17, insert the following:

“(xvii) Funding the use of telehealth systems to facilitate acute stroke therapy services furnished to Medicare beneficiaries in both rural and urban areas that are administered by board eligible or board certified vascular neurologists and coordinated by a certified stroke center.”.

**SA 2973.** Mrs. MURRAY (for herself and Ms. STABENOW) submitted an amendment intended to be proposed by her to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ COMMUNITY-BASED COLLABORATIVE CARE NETWORKS.**

Part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) is amended by adding at the end the following new subpart:

**“Subpart XI—Community-Based Collaborative Care Network Program**

**“SEC. 340H. COMMUNITY-BASED COLLABORATIVE CARE NETWORK PROGRAM.**

“(a) IN GENERAL.—The Secretary may award grants to eligible entities for the purpose of establishing model projects to accomplish the following goals:

“(1) To reduce unnecessary use of items and services furnished in emergency departments of hospitals (especially to ensure that individuals without health insurance coverage or with inadequate health insurance coverage do not use the services of such department instead of the services of a primary care provider) through methods such as—

“(A) screening individuals who seek emergency department services for possible eligibility under relevant governmental health programs or for subsidies under such programs; and

“(B) providing such individuals referrals for followup care and chronic condition care.

“(2) To manage chronic conditions to reduce their severity, negative health outcomes, and expense.

“(3) To encourage health care providers to coordinate their efforts so that the most vulnerable patient populations seek and obtain primary care.

“(4) To provide more comprehensive and coordinated care to vulnerable low-income individuals and individuals without health insurance coverage or with inadequate coverage.

“(5) To provide mechanisms for improving both quality and efficiency of care for low-income individuals and families, with an emphasis on those most likely to remain uninsured despite the existence of government programs to make health insurance more affordable.

“(6) To increase preventive services, including screening and counseling, to those who would otherwise not receive such screening, in order to improve health status and reduce long-term complications and costs.

“(7) To ensure the availability of community-wide safety net services, including emergency and trauma care.

“(b) ELIGIBILITY AND GRANTEE SELECTION.—

“(1) APPLICATION.—A community-based collaborative care network described in subsection (d) shall submit to the Secretary an application in such form and manner and containing such information as specified by the Secretary. Such information shall at least—

“(A) identify the health care providers participating in the community-based collaborative care network proposed by the applicant and, if a provider designated in paragraph (d)(1)(B) is not included, the reason such provider is not so included;

“(B) include a description of how the providers plan to collaborate to provide comprehensive and integrated care for low-income individuals, including uninsured and underinsured individuals;

“(C) include a description of the organizational and joint governance structure of the community-based collaborative care network in a manner so that it is clear how decisions will be made, and how the decision-making process of the network will include appropriate representation of the participating entities;



“(D) define the geographic areas and populations that the network intends to serve;

“(E) define the scope of services that the network intends to provide and identify any reasons why such services would not include a suggested core service identified by the Secretary under paragraph (3);

“(F) demonstrate the network’s ability to meet the requirements of this section; and

“(G) provide assurances that grant funds received shall be used to support the entire community-based collaborative care network.

“(2) SELECTION OF GRANTEEES.—

“(A) IN GENERAL.—The Secretary shall select community-based collaborative care networks to receive grants from applications submitted under paragraph (1) on the basis of quality of the proposal involved, geographic diversity (including different States and regions served and urban and rural diversity), and the number of low-income and uninsured individuals that the proposal intends to serve.

“(B) PRIORITY.—The Secretary shall give priority to proposals from community-based collaborative care networks that—

“(i) include the capability to provide the broadest range of services to low-income individuals; and

“(ii) include providers that currently serve a high volume of low-income individuals.

“(C) RENEWAL.—In subsequent years, based on the performance of grantees, the Secretary may provide renewal grants to prior year grant recipients.

“(3) SUGGESTED CORE SERVICES.—For purposes of paragraph (1)(E), the Secretary shall develop a list of suggested core patient and core network services to be provided by a community-based collaborative care network. The Secretary may select a community-based collaborative care network under paragraph (2), the application of which does not include all such services, if such application provides a reasonable explanation why such services are not proposed to be included, and the Secretary determines that the application is otherwise high quality.

“(4) TERMINATION AUTHORITY.—The Secretary may terminate selection of a community-based collaborative care network under this section for good cause. Such good cause shall include a determination that the network—

“(A) has failed to provide a comprehensive range of coordinated and integrated health care services as required under subsection (d)(2);

“(B) has failed to meet reasonable quality standards;

“(C) has misappropriated funds provided under this section; or

“(D) has failed to make progress toward accomplishing goals set out in subsection (a).

“(c) USE OF FUNDS.—

“(1) USE BY GRANTEEES.—Grant funds are provided to community-based collaborative care networks to carry out the following activities:

“(A) Assist low-income individuals without adequate health care coverage to—

“(i) access and appropriately use health services;

“(ii) enroll in applicable public or private health insurance programs;

“(iii) obtain referrals to and see a primary care provider in case such an individual does not have a primary care provider; and

“(iv) obtain appropriate care for chronic conditions.

“(B) Improve health care by providing case management, application assistance, and ap-

propriate referrals such as through methods to—

“(i) create and meaningfully use a health information technology network to track patients across collaborative providers;

“(ii) perform health outreach, such as by using neighborhood health workers who may inform individuals about the availability of safety net and primary care providers available through the community-based collaborative care network;

“(iii) provide for followup outreach to remind patients of appointments or follow-up care instructions;

“(iv) provide transportation to individuals to and from the site of care;

“(v) expand the capacity to provide care at any provider participating in the community-based collaborative care network, including telehealth, hiring new clinical or administrative staff, providing access to services after-hours, on weekends, or otherwise providing an urgent care alternative to an emergency department; and

“(vi) provide a primary care provider or medical home for each network patient.

“(C) Provide direct patient care services as described in their application and approved by the Secretary.

“(2) GRANT FUNDS TO HRSA GRANTEEES.—The Secretary may limit the percent of grant funding that may be spent on direct care services provided by grantees of programs administered by the Health Resources and Services Administration (in this section referred to as ‘HRSA’) or impose other requirements on HRSA grantees participating in a community-based collaborative care network as may be necessary for consistency with the requirements of such programs.

“(3) RESERVATION OF FUNDS FOR NATIONAL PROGRAM PURPOSES.—The Secretary may use not more than 7 percent of funds appropriated to carry out this section for providing technical assistance to grantees, obtaining assistance of experts and consultants, holding meetings, developing of tools, disseminating of information, and evaluation.

“(d) COMMUNITY-BASED COLLABORATIVE CARE NETWORKS.—

“(1) IN GENERAL.—

“(A) DESCRIPTION.—A community-based collaborative care network described in this subsection is a consortium of health care providers with a joint governance structure that provides a comprehensive range of coordinated and integrated health care services for low-income patient populations or medically underserved communities (whether or not such individuals receive benefits under title XVIII, XIX, or XXI of the Social Security Act, private or other health insurance or are uninsured or underinsured) and that complies with any applicable minimum eligibility requirements that the Secretary may determine appropriate.

“(B) REQUIRED INCLUSION.—Each such network shall include the following providers that serve the community (unless such provider does not exist within the community, declines or refuses to participate, or places unreasonable conditions on their participation)—

“(i) A safety net hospital that provides services to a high volume of low-income patients, as demonstrated by meeting the criteria in section 1923(b)(1) of the Social Security Act, or other similar criteria determined by the Secretary; and

“(ii) All Federally qualified health centers (as defined in section 1861(aa) of the Social Security Act (42 U.S.C. 1395x(aa))) located in the geographic area served by the Coordinated Care Network;

“(C) ADDITIONAL INCLUSIONS.—Funding preferences shall be given to networks that include additional providers such as the following:

“(i) A hospital, including a critical access hospital (as defined in section 1820(c)(2) of the Social Security Act (42 U.S.C. 1395i-4(c)(2)));

“(ii) A county or municipal department of health.

“(iii) A rural health clinic or a rural health network (as defined in sections 1861(aa) and 1820(d) of the Social Security Act, respectively (42 U.S.C. 1395x(aa), 1395i-4(d))).

“(iv) A community clinic, including a mental health clinic, substance abuse clinic, or a reproductive health clinic.

“(v) A health center controlled network as defined by section 330(e)(1)(C) of the Public Health Service Act.

“(vi) A private practice physician or group practice.

“(vii) A nurse or physician assistant or group practice.

“(viii) An adult day care center.

“(ix) A home health provider.

“(x) Any other type of provider specified by the Secretary, which has a desire to serve low-income and uninsured patients.

“(D) CONSTRUCTION.—

“(i) Nothing in this section shall prohibit a single entity from qualifying as community-based collaborative care network so long as such single entity meets the criteria of a community-based collaborative care network. If the network does not include the providers referenced in clauses (i) and (ii) of subparagraph (B) of this paragraph, the application must explain the reason pursuant to subsection (b)(1)(A).

“(ii) Participation in a community-based collaborative care network shall not affect Federally qualified health centers’ obligation to comply with the governance requirements under section 330 of the Public Health Service Act (42 U.S.C. 254b).

“(iii) Federally qualified health centers participating in a community-based collaborative care network may not be required to provide services beyond their Federal Health Center scope of project approved by HRSA.

“(iv) Nothing in this section shall be construed to expand medical malpractice liability protection under the Federal Tort Claims Act for Section 330-funded Federally qualified health centers.

“(2) COMPREHENSIVE RANGE OF COORDINATED AND INTEGRATED HEALTH CARE SERVICES.—The Secretary shall define criteria for evaluating whether the services offered by a community-based collaborative care network qualify as a comprehensive range of coordinated and integrated health care services. Such criteria may vary based on the needs of the geographic areas and populations to be served by the network and may include the following:

“(A) Requiring community-based collaborative care networks to include at least the suggested core services identified under subsection (b)(3), or whichever subset of the suggested core services is applicable to a particular network.

“(B) Requiring such networks to assign each patient of the network to a primary care provider responsible for managing that patient’s care.

“(C) Requiring the services provided by a community-based collaborative care network to include support services appropriate to meet the health needs of low-income populations in the network’s community, which may include chronic care management, nutritional counseling, transportation, language services, enrollment counselors, social

services and other services as proposed by the network.

“(D) Providing that the services provided by a community-based collaborative care network may also include long-term care services and other services not specified in this subsection.

“(E) Providing for the approval by the Secretary of a scope of community-based collaborative care network services for each network that addresses an appropriate minimum scope of work consistent with the setting of the network and the health professionals available in the community the network serves.

“(3) CLARIFICATION.—Participation in a community-based collaborative care network shall not disqualify a health care provider from reimbursement under title XVIII, XIX, or XXI of the Social Security Act with respect to services otherwise reimbursable under such title. Nothing in this section shall prevent a community-based collaborative care network that is otherwise eligible to contract with Medicare, a private health insurer, or any other appropriate entity to provide care under Medicare, under health insurance coverage offered by the insurer, or otherwise.

“(e) EVALUATIONS.—

“(1) GRANTEE REPORTS.—Beginning in the third year following an initial grant, each community-based collaborative care network shall submit to the Secretary, with respect to each year the grantee has received a grant, an evaluation on the activities carried out by the community-based collaborative care network under the community-based collaborative care network program and shall include—

“(A) the number of people served;

“(B) the most common health problems treated;

“(C) any reductions in emergency department use;

“(D) any improvements in access to primary care;

“(E) an accounting of how amounts received were used, including identification of amounts used for patient care services as may be required for HRSA grantees; and

“(F) to the extent requested by the Secretary, any quality measures or any other measures specified by the Secretary.

“(2) PROGRAM REPORTS.—The Secretary shall submit to Congress an annual evaluation (beginning not later than 6 months after the first reports under paragraph (1) are submitted) on the extent to which emergency department use was reduced as a result of the activities carried out by the community-based collaborative care network under the program. Each such evaluation shall also include information on—

“(A) the prevalence of certain chronic conditions in various populations, including a comparison of such prevalence in the general population versus in the population of individuals with inadequate health insurance coverage;

“(B) demographic characteristics of the population of uninsured and underinsured individuals served by the community-based collaborative care network involved; and

“(C) the conditions of such individuals for whom services were requested at such emergency departments of participating hospitals.

“(3) AUDIT AUTHORITY.—The Secretary may conduct periodic audits and request periodic spending reports of community-based collaborative care networks under the community-based collaborative care network program.

“(f) CLARIFICATION.—Nothing in this section requires a provider to report individually identifiable information of an individual to government agencies, unless the individual consents, consistent with HIPAA privacy and security law, as defined in section 3009(a)(2).

“(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2011 through 2015.”.

**SA 2974.** Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 114, beginning with line 17, strike all through page 116, line 6, and insert the following:

(e) CATASTROPHIC PLAN.—

(1) IN GENERAL.—A health plan not providing a bronze, silver, gold, or platinum level of coverage shall be treated as meeting the requirements of subsection (d) with respect to any plan year if the plan provides —

(A) except as provided in subparagraph (B), the essential health benefits determined under subsection (b), except that the plan provides no benefits for any plan year until the individual has incurred cost-sharing expenses in an amount equal to the annual limitation in effect under subsection (c)(1) for the plan year (except as provided for in section 2713); and

(B) coverage for at least three primary care visits.

(2) RESTRICTION TO INDIVIDUAL MARKET.—If a health insurance issuer offers a health plan described in this subsection, the issuer may only offer the plan in the individual market.

On page 155, beginning with line 22, strike all through page 156, line 3, and insert the following:

(A) INDIVIDUALS ALLOWED TO ENROLL IN ANY PLAN.—A qualified individual may enroll in any qualified health plan.

On page 250, lines 7 through 10, strike “, except that such term shall not include a qualified health plan which is a catastrophic health plan described in section 1302(e) of such Act”.

**SA 2975.** Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 348, strike line 22 and all that follows through line 15 on page 349.

**SA 2976.** Mr. CARDIN (for himself and Mr. ENSIGN) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr.

REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 816, after line 20, insert the following:

**SEC. 3115. PERMITTING HOME HEALTH AGENCIES TO ASSIGN THE MOST APPROPRIATE SKILLED SERVICE TO MAKE THE INITIAL ASSESSMENT VISIT UNDER A MEDICARE HOME HEALTH PLAN OF CARE FOR REHABILITATION CASES.**

(a) IN GENERAL.—Notwithstanding section 484.55(a)(2) of title 42 of the Code of Federal Regulations or any other provision of law, a home health agency may determine the most appropriate skilled therapist to make the initial assessment visit for an individual who is referred (and may be eligible) for home health services under title XVIII of the Social Security Act but who does not require skilled nursing care as long as the skilled service (for which that therapist is qualified to provide the service) is included as part of the plan of care for home health services for such individual.

(b) RULE OF CONSTRUCTION.—Nothing in subsection (a) shall be construed to provide for initial eligibility for coverage of home health services under title XVIII of the Social Security Act on the basis of a need for occupational therapy.

**SA 2977.** Mr. BEGICH submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title IV, insert the following:

**SEC. 4208. INTERAGENCY TASK FORCE TO ASSESS AND IMPROVE ACCESS TO HEALTH CARE IN THE STATE OF ALASKA.**

(a) FINDINGS.—Congress finds as follows:

(1) Access to health care in the State of Alaska is challenging due to geographical constraints, health care workforce and treatment facility shortages, and lack of certain medical specialties available in the State.

(2) Delivery of health care to beneficiaries of Federal health care programs is especially challenging in the State of Alaska as a result of capacity constraints at Federal treatment facilities and insufficient civilian provider networks to support Federal systems.

(3) The State of Alaska has the largest, per capita population of veterans, many of whom rely on the health care system of the Department of Veterans Affairs.

(4) The State of Alaska has a large population of active-duty military personnel, military retirees, and dependents of military personnel and retirees who rely on the military health care system. This population will increase as a result of Armed Forces structure initiatives during the next several years.

(5) A significant portion of Alaska's population is comprised of Medicare beneficiaries.

(6) Almost ¼ of Alaska's population is comprised of Medicaid beneficiaries.

(7) Federal agencies have undertaken efforts to improve and increase access to health care in the State of Alaska for Federal health care system beneficiaries, but there are finite medical resources in the State for which such beneficiaries must compete.

(8) To ensure improved and increased access to health care for beneficiaries of Federal health care systems in the State of Alaska, comprehensive policies and inter-agency collaboration are required.

(b) INTERAGENCY ACCESS TO HEALTH CARE IN ALASKA TASK FORCE.—

(1) ESTABLISHMENT.—There is established a task force to be known as the “Interagency Access to Health Care in Alaska Task Force” (referred to in this section as the “Task Force”).

(2) ACTIVITIES.—The Task Force shall—

(A) assess access to health care for beneficiaries of Federal health care systems in Alaska, which shall include consideration of, with regard to the State of Alaska—

(i) current Federal health care delivery methods at Federal treatment facilities and through civilian provider networks;

(ii) shortfalls in delivering health care to beneficiaries of Federal health care systems at Federal treatment facilities and through civilian provider networks; and

(iii) the impact of reimbursement rates and claims processing on civilian provider participation; and

(B) develop a strategy for the Federal Government to improve delivery of health care to Federal beneficiaries in the State of Alaska, which shall include—

(i) interagency collaboration opportunities for addressing shortfalls in delivering health care to beneficiaries of Federal health care systems;

(ii) increasing Federal Government primary care and specialty care capability practices in the State of Alaska at Federal treatment facilities and in the civilian provider community.

(c) MEMBERSHIP.—

(1) APPOINTMENT.—

(A) FEDERAL MEMBERS.—The Task Force shall be comprised of Federal members who shall be appointed as follows:

(i) One member shall be a representative of the Department of Health and Human Services and shall be appointed by the Secretary of Health and Human Services.

(ii) One member shall be a representative of the Centers for Medicare and Medicaid Services and shall be appointed by the Secretary of Health and Human Services.

(iii) One member shall be a representative of the Indian Health Service and shall be appointed by the Secretary of Health and Human Services.

(iv) One member shall be a representative of the TRICARE Management Activity and shall be appointed by the Secretary of Defense.

(v) One member shall be a representative of the Army Medical Department and shall be appointed by the Secretary of the Army.

(vi) One member shall be a representative of the Air Force and shall be appointed by the Secretary of the Air Force from among officers at the Air Force performing medical service functions.

(vii) One member shall be a representative of the Department of Veterans Affairs and shall be appointed by the Secretary of Veterans Affairs.

(viii) One member shall be a representative of the Veterans Health Administration and shall be appointed by the Secretary of Veterans Affairs.

(ix) One member shall be a representative of the United States Coast Guard and shall be appointed by the Secretary of Homeland Security.

(B) NON-FEDERAL MEMBERS.—Individuals appointed by the Secretary of Health and Human Services to the Task Force from outside the agencies may include officers or employees of other departments and agencies of the Federal Government and individuals from the private medical community in Alaska and, at the election of the Governor of the State of Alaska, shall include at least one employee representative of the State of Alaska.

(2) TIMEFRAME FOR APPOINTMENT.—All appointments of individuals to the Task Force, as described in paragraph (2), shall be made not later than 45 days after the date of enactment of this Act.

(3) CO-CHAIRPERSONS.—There shall be 2 co-chairpersons of the Task Force, appointed at the time of appointment of members under paragraph (1). One co-chairperson shall be designated by the Secretary of Health and Human Services from among the representatives of the Department of Health and Human Services who are appointed to the Task Force under clauses (i) through (iii) of paragraph (2), and one co-chairperson shall be designated by the Secretary of Health and Human Services from among the members appointed under clauses (iv) through (ix) of such paragraph.

(4) VACANCIES.—A vacancy in the Task Force shall be filled in the manner in which the original appointment was made.

(5) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), members of the Task Force may not receive pay, allowances, or benefits by reason of such member's service on the Task Force.

(B) TRAVEL EXPENSES.—The members of the Task Force shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Task Force.

(d) MEETINGS.—The Task Force shall meet at the call of the chairperson.

(e) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Task Force shall submit to Congress a report detailing the activities of the Task Force and containing the findings, strategies, recommendations, policies, and initiatives developed pursuant to the duties of the Task Force under subsection (b)(2).

(2) CONSIDERATION OF OTHER EFFORTS.—In preparing the report described in paragraph (1), the Task Force shall consider completed and ongoing efforts by Federal agencies to improve access to health care in the State of Alaska.

(f) TERMINATION.—The Task Force shall be terminated on the date of submission of the report described in subsection (e).

**SA 2978.** Mr. BEGICH submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other

purposes; which was ordered to lie on the table; as follows:

After section 3510, insert the following:

**SEC. 3511. ASSISTANCE FOR FRONTIER CLINICS.**

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.), as amended by section 4303, is further amended by adding at the end the following:

**“PART V—ASSISTANCE FOR FRONTIER CLINICS**

**“SEC. 399NN. ASSISTANCE FOR FRONTIER CLINICS.**

“(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the ‘Secretary’), acting through the Administrator of the Health Resources and Services Administration, shall award grants to eligible health clinics for the purpose of ensuring access to needed emergency care in frontier areas 24-hours per day, 7 days per week, and to ensure the health and safety of patients at such clinics.

“(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), an entity shall be—

“(1) located in a community where the closest short-term acute care hospital or critical access hospital is—

“(A) at least 60 miles or one hour usual travel time from such community; or

“(B) inaccessible by public road; and

“(2) designed to address the needs of—

“(A) seriously or critically ill or injured patients for stabilization prior to transport to definitive care; or

“(B) patients who need monitoring and observation for a limited period of time.

“(c) PRIORITY.—In awarding grants under this section, the Secretary shall ensure that not less than 25 percent of the entities receiving such a grant are located in communities from which the nearest short-term acute care hospital or critical access hospital is at least 75 miles or is inaccessible by public road.

“(d) USE OF FUNDS.—Entities receiving a grant under this section shall use such grant funds to meet quality standards established for the staffing, equipment, or health care facility of such entity.

“(e) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there is authorized to be appropriated \$20,000,000 for each of fiscal years 2011 through 2015.”

**SA 2979.** Mr. BEGICH submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

After title IX, insert the following:

**TITLE X—INCREASING ACCESS TO PRIMARY CARE SERVICES**

**SEC. 10001. STATE GRANTS TO HEALTH CARE PROVIDERS WHO PROVIDE SERVICES TO A HIGH PERCENTAGE OF MEDICALLY UNDERSERVED POPULATIONS OR OTHER SPECIAL POPULATIONS.**

(a) IN GENERAL.—A State may award grants to health care providers who treat a high percentage, as determined by such State, of medically underserved populations or other special populations in such State.

(b) SOURCE OF FUNDS.—A grant program established by a State under subsection (a)

may not be established within a department, agency, or other entity of such State that administers the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), and no Federal or State funds allocated to such Medicaid program, the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.), or the TRICARE program under chapter 55 of title 10, United States Code, may be used to award grants or to pay administrative costs associated with a grant program established under subsection (a).

**SEC. 10002. INCENTIVE PAYMENTS FOR PRIMARY CARE PHYSICIANS WHO TREAT A CERTAIN PERCENTAGE OF NEW MEDICARE PATIENTS.**

(a) IN GENERAL.—Section 1833 of the Social Security Act (42 U.S.C. 1395l), as amended by section 5501, is further amended by adding at the end the following new subsection:

“(z) INCENTIVE PAYMENTS FOR PRIMARY CARE SERVICES PROVIDED TO NEW MEDICARE PATIENTS.—

“(1) IN GENERAL.—In the case of primary care services furnished on or after January 1, 2011, and before January 1, 2016, by an eligible primary care practitioner in a calendar year, in addition to the amount of payment that would otherwise be made for such services under this part, including any payment available under subsection (x), there also shall be paid (on a monthly or quarterly basis) an amount equal to 5 percent of the payment amount for the service under this part.

“(2) DEFINITIONS.—In this subsection—

“(A) the term ‘eligible primary care provider’ means a primary care practitioner for whom, of all patients for whom such practitioner provides primary care services in a calendar year and for whom such practitioner did not provide such services in the previous calendar year, 10 percent of such patients are enrollees under this part;

“(B) the terms ‘primary care practitioner’ and ‘primary care services’ have the meanings given such terms in subsection (x)(2).

“(3) COORDINATION WITH OTHER PAYMENTS.—The amount of the additional payment for a service under this subsection and subsections (m) and (x) shall be determined without regard to any additional payment for the service under subsection (m), subsection (x), and this subsection, respectively.

“(4) LIMITATION ON REVIEW.—There shall be no administrative or judicial review under section 1869, 1878, or otherwise, respecting the identification of primary care practitioners under this subsection.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 1834(g)(2)(B) of the Social Security Act (42 U.S.C. 1395m(g)(2)(B)), as amended by section 5501(b)(2), is further amended by striking “(x) and (y)” in the last sentence and inserting “(x), (y), and (z)”.

(2) Section 1834(x)(3) of such Act, as added by section 5501, is amended—

(A) by striking “subsection (m)” the first place it appears and inserting “subsections (m) and (z)”;

(B) by striking “subsection (m) and” and inserting “subsection (m), subsection (z), and”.

**SEC. 10003. FACULTY LOAN REPAYMENT FOR PHYSICIAN ASSISTANTS.**

Section 738(a)(3) of the Public Health Service Act (42 U.S.C. 293b(a)(3)) is amended by inserting “schools offering physician assistant education programs,” after “public health.”.

**SEC. 10004. ACCOUNTABLE CARE ORGANIZATION DEMONSTRATION PROGRAM.**

Section 1899(b)(2)(D) of the Social Security Act, as added by section 3022, is amended by

adding at the end: “Notwithstanding the preceding sentence, the Secretary may approve for participation in the program any ACO, with any number of Medicare fee-for-service beneficiaries assigned to such ACO, that proposes a plan that would improve efficiencies and provide cost savings.”

**SEC. 10005. AMERICAN PRIMARY CARE CORPS.**

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the “Secretary”) shall establish an American Primary Care Corps (referred to in this section as the “program”) for the purpose of encouraging health care practitioners who are recent graduates of a health care program to enter into primary care practice, by providing incentive payments to eligible primary care practitioners.

(b) DEFINITIONS.—In this section:

(1) PRIMARY CARE PRACTITIONER.—The term “primary care practitioner” means a health care provider, including a physician, dentist, nurse practitioner, and physician assistant, who primarily provides primary health services.

(2) PRIMARY CARE SERVICES.—The term “primary health services” has the meaning given such term in section 331(a)(3)(D) of the Public Health Service Act (42 U.S.C. 254d(a)(3)(D)).

(c) PROGRAM.—

(1) IN GENERAL.—The Secretary shall select recipients of the incentive payment awards under this section from among eligible primary care practitioners. Each recipient of such an award shall receive incentive payments, as described in paragraph (2), for a period of 3 years, provided such recipient continues to maintain active employment as a primary care practitioner.

(2) INCENTIVE PAYMENTS.—The Secretary shall award incentive payments, on a competitive basis, to eligible primary care practitioners as follows:

(A) In the first year that a practitioner receives an award under the program, such practitioner shall receive an incentive payment in an amount that is equal to 75 percent of the salary for such year received by such practitioner for employment as a primary care practitioner.

(B) In the second year that a practitioner receives an award under the program, such practitioner shall receive an incentive payment in an amount that is equal to 50 percent of the salary for such year received by such practitioner for employment as a primary care practitioner.

(C) In the third year that a practitioner receives an award under the program, such practitioner shall receive an incentive payment in an amount that is equal to 25 percent of the salary for such year received by such practitioner for employment as a primary care practitioner.

(d) ELIGIBLE PRIMARY CARE PRACTITIONERS.—To be eligible to receive an incentive payment under this section, an individual shall—

(1) be actively employed as a primary care practitioner, or have arrangements to commence active employment as a primary care practitioner;

(2) have graduated, not more than 2 years after the date on which such individual would begin receiving incentive payments under this program, from an accredited program that qualifies such individual to maintain employment as a primary care practitioner; and

(3) submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require.

(e) DURATION OF PROGRAM.—The Secretary shall make awards under this section for each of fiscal years 2011 through 2015. Each such recipient shall remain in the program for a 3-year period, as described in subsection (c), provided such recipient continues to maintain active employment as a primary care practitioner.

(f) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated \$50,000,000 for each of fiscal years 2011 through 2015, and such sums as may be necessary for fiscal years 2016 and 2017.

**SA 2980.** Ms. MIKULSKI submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 84, line 10, insert “sterilization” after “including”.

On page 95, between lines 7 and 8, insert the following:

**“SEC. 2705A. PROHIBITING CONSIDERATION OF PRIOR HISTORY OF STERILIZATION, DOMESTIC VIOLENCE, OR MEDICALLY NECESSARY CESAREAN SECTION AS A CONDITION FOR ISSUING HEALTH INSURANCE COVERAGE.**

“A group health plan and a health insurance issuer offering group or individual health insurance coverage shall not, with respect to an individual desiring to enroll in coverage, take any of the following actions based on evidence of sterilization, domestic violence, or medically necessary cesarean section with respect to such individual:

“(1) Decline to offer coverage to such individual.

“(2) Deny enrollment of such individual in the plan or coverage.

“(3) Establish rules of eligibility (including continued eligibility) for such individual under the plan or coverage.

“(4) Require such individual to pay an additional premium or contribution amount based solely on evidence of sterilization.

“(5) Require sterilization as a condition to offer coverage.”.

On page 99, line 23, insert before the period the following: “, except that the provisions of section 2705A of the Public Health Service Act (as added by such amendments) shall become effective for plan years beginning on or after the date that is 6 months after the date of enactment of this Act”.

**SA 2981.** Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 19, line 19, insert before the period the following: “and for form and rate filings with respect to issuers”.

On page 24, line 14, insert “(including standards relating to form and rate filings)” after “section”.

**SA 2982.** Mr. REID (for Mr. BYRD) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 621, between lines 9 and 10, insert the following:

**SEC. 2956. INFANT EYE AND VISION ASSESSMENT.**

(a) INCLUSION IN MATERNAL AND CHILD HEALTH SERVICES PROGRAM.—Subsection (a)(2) of section 501 of the Social Security Act (42 U.S.C. 701) is amended—

(1) by striking “and” after “without regard to age,”; and

(2) by inserting after “follow-up services” the following: “, and for infant eye and vision assessment promotion”.

(b) DEFINITION.—Subsection (b) of such section is amended by adding at the end the following new paragraph:

“(5) The term ‘infant eye and vision assessment promotion’ means a nationally established program for the promotion of—

“(A) comprehensive eye and vision assessments provided to infants who have attained 6 months, but not 12 months, in age without charge;

“(B) the development and dissemination of parental information and education materials on infant eye and vision health;

“(C) increased participation by optometrists to perform infant eye and vision assessments; and

“(D) public and private partnerships at the State and local levels for the provision of such eye and vision assessments.”.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on January 1, 2010.

**SA 2983.** Mr. REID (for Mr. BYRD) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 1265, between lines 8 and 9, insert the following:

**SEC. 4307. SCREENING, BRIEF INTERVENTION, REFERRAL, AND TREATMENT FOR MENTAL HEALTH AND SUBSTANCE ABUSE DISORDERS.**

Part D of title V of the Public Health Service Act (42 U.S.C. 290dd et seq.) is amended by adding at the end the following:

**“SEC. 544. SCREENING, BRIEF INTERVENTION, REFERRAL, AND TREATMENT FOR MENTAL HEALTH AND SUBSTANCE ABUSE DISORDERS.**

“(a) PROGRAM.—The Secretary, acting through the Administrator, shall establish a program (consisting of awarding grants, contracts, and cooperative agreements under subsection (b)) on mental health and substance abuse screening, brief intervention, referral, and recovery services for individuals in primary health care settings.

“(b) USE OF FUNDS.—The Secretary may award grants to, or enter into contracts or cooperative agreements with, entities—

“(1) to provide mental health and substance abuse screening, brief interventions, referral, and recovery services;

“(2) to coordinate such services with primary health care services in the same program and setting;

“(3) to develop a network of facilities to which patients may be referred if needed;

“(4) to purchase needed screening and other tools that are—

“(A) necessary for providing such services; and

“(B) supported by evidence-based research; and

“(5) to maintain communication with appropriate State mental health and substance abuse agencies.

“(c) ELIGIBILITY.—To be eligible for a grant, contract, or cooperative agreement under this section, an entity shall be a public or private nonprofit entity that—

“(1) provides primary health services;

“(2) seeks to integrate mental health and substance abuse services into its service system;

“(3) has developed a working relationship with providers of mental health and substance abuse services;

“(4) demonstrates a need for the inclusion of mental health and substance abuse services in its service system; and

“(5) agrees—

“(A) to prepare and submit to the Secretary at the end of the grant, contract, or cooperative agreement period an evaluation of all activities funded through the grant, contract, or cooperative agreement; and

“(B) to use such performance measures as may be stipulated by the Secretary for purposes of such evaluation.

“(d) PREFERENCE.—In awarding grants, contracts, and cooperative agreements under this section, the Secretary shall give preference to entities that—

“(1) provide services in rural or underserved areas of the United States;

“(2) provide services to entities in States that have high percentages of populations with substance abuse or mental health problems; or

“(3) provide services in school-based health clinics or on university and college campuses.

“(e) DURATION.—The period of a grant, contract, or cooperative agreement under this section may not exceed 5 years.

“(f) REPORT.—Not later than 4 years after the first appropriation of funds to carry out this section, the Secretary shall submit a report to the Congress on the program under this section—

“(1) that includes an evaluation of the benefits of integrating mental health and substance abuse care within primary health care; and

“(2) focusing on the performance measures stipulated by the Secretary under subsection (c)(5).

“(g) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—To carry out this section, there are authorized to be appropriated \$30,000,000 for fiscal year 2011 and such sums as may be necessary for each of fiscal years 2012 through 2015.

“(2) PROGRAM MANAGEMENT.—Of the funds appropriated to carry out this section for a fiscal year, the Secretary may use not more than 5 percent to manage the program under this section.”.

**SA 2984.** Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr.

DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 816, after line 20, insert the following:

**SEC. 3115. USE OF PRIVATE CONTRACTS BY MEDICARE BENEFICIARIES FOR PROFESSIONAL SERVICES.**

(a) IN GENERAL.—Section 1802(b) of the Social Security Act (42 U.S.C. 1395a) is amended to read as follows:

“(b) CLARIFICATION OF USE OF PRIVATE CONTRACTS BY MEDICARE BENEFICIARIES FOR PROFESSIONAL SERVICES.—

“(1) IN GENERAL.—Nothing in this title shall prohibit a medicare beneficiary from entering into a private contract with a physician or health care practitioner for the provision of medicare covered professional services (as defined in paragraph (5)(C)) if—

“(A) the services are covered under a private contract that is between the beneficiary and the physician or practitioner and meets the requirements of paragraph (2);

“(B) under the private contract no claim for payment for services covered under the contract is to be submitted (and no payment made) under part A or B, under a contract under section 1876, or under an MA plan (other than an MSA plan); and

“(C)(i) the Secretary has been provided with the minimum information necessary to avoid any payment under part A or B for services covered under the contract, or

“(ii) in the case of an individual enrolled under a contract under section 1876 or an MA plan (other than an MSA plan) under part C, the eligible organization under the contract or the MA organization offering the plan has been provided the minimum information necessary to avoid any payment under such contract or plan for services covered under the contract.

“(2) REQUIREMENTS FOR PRIVATE CONTRACTS.—The requirements in this paragraph for a private contract between a medicare beneficiary and a physician or health care practitioner are as follows:

“(A) GENERAL FORM OF CONTRACT.—The contract is in writing and is signed by the medicare beneficiary.

“(B) NO CLAIMS TO BE SUBMITTED FOR COVERED SERVICES.—The contract provides that no party to the contract (and no entity on behalf of any party to the contract) shall submit any claim for (or request) payment for services covered under the contract under part A or B, under a contract under section 1876, or under an MA plan (other than an MSA plan).

“(C) SCOPE OF SERVICES.—The contract identifies the medicare covered professional services and the period (if any) to be covered under the contract, but does not cover any services furnished—

“(i) before the contract is entered into; or

“(ii) for the treatment of an emergency medical condition (as defined in section 1867(e)(1)(A)), unless the contract was entered into before the onset of the emergency medical condition.

“(D) CLEAR DISCLOSURE OF TERMS.—The contract clearly indicates that by signing the contract the medicare beneficiary—

“(i) agrees not to submit a claim (or to request that anyone submit a claim) under part A or B (or under section 1876 or under an MA plan, other than an MSA plan) for services covered under the contract;

“(ii) agrees to be responsible, whether through insurance or otherwise, for payment for such services and understands that no reimbursement will be provided under such part, contract, or plan for such services;

“(iii) acknowledges that no limits under this title (including limits under paragraphs (1) and (3) of section 1848(g)) will apply to amounts that may be charged for such services;

“(iv) acknowledges that medicare supplemental policies under section 1882 do not, and other supplemental health plans and policies may elect not to, make payments for such services because payment is not made under this title; and

“(v) acknowledges that the beneficiary has the right to have such services provided by (or under the supervision of) other physicians or health care practitioners for whom payment would be made under such part, contract, or plan.

Such contract shall also clearly indicate whether the physician or practitioner involved is excluded from participation under this title.

“(3) MODIFICATIONS.—The parties to a private contract may mutually agree at any time to modify or terminate the contract on a prospective basis, consistent with the provisions of paragraphs (1) and (2).

“(4) NO REQUIREMENTS FOR SERVICES FURNISHED TO MSA PLAN ENROLLEES.—The requirements of paragraphs (1) and (2) do not apply to any contract or arrangement for the provision of services to a medicare beneficiary enrolled in an MSA plan under part C.

“(5) DEFINITIONS.—In this subsection:

“(A) HEALTH CARE PRACTITIONER.—The term ‘health care practitioner’ means a practitioner described in section 1842(b)(18)(C).

“(B) MEDICARE BENEFICIARY.—The term ‘medicare beneficiary’ means an individual who is enrolled under part B.

“(C) MEDICARE COVERED PROFESSIONAL SERVICES.—The term ‘medicare covered professional services’ means—

“(i) physicians’ services (as defined in section 1861(q), and including services described in section 1861(s)(2)(A)), and

“(ii) professional services of health care practitioners, including services described in section 1842(b)(18)(D),

for which payment may be made under part A or B, under a contract under section 1876, or under a Medicare Advantage plan but for the provisions of a private contract that meets the requirements of paragraph (2).

“(D) MA PLAN; MSA PLAN.—The terms ‘MA plan’ and ‘MSA plan’ have the meanings given such terms in section 1859.

“(E) PHYSICIAN.—The term ‘physician’ has the meaning given such term in section 1861(r).”

(b) CONFORMING AMENDMENTS CLARIFYING EXEMPTION FROM LIMITING CHARGE AND FROM REQUIREMENT FOR SUBMISSION OF CLAIMS.—Section 1848(g) of the Social Security Act (42 U.S.C. 1395w-4(g)) is amended—

(1) in paragraph (1)(A), by striking “In” and inserting “Subject to paragraph (8), in”;

(2) in paragraph (3)(A), by striking “Payment” and inserting “Subject to paragraph (8), payment”;

(3) in paragraph (4)(A), by striking “For” and inserting “Subject to paragraph (8), for”;

(4) by adding at the end the following new paragraph:

“(8) EXEMPTION FROM REQUIREMENTS FOR SERVICES FURNISHED UNDER PRIVATE CONTRACTS.—

“(A) IN GENERAL.—Pursuant to section 1802(b)(1), paragraphs (1), (3), and (4) do not

apply with respect to physicians’ services (and services described in section 1861(s)(2)(A)) furnished to an individual by (or under the supervision of) a physician if the conditions described in section 1802(b)(1) are met with respect to the services.

“(B) NO RESTRICTIONS FOR ENROLLEES IN MSA PLANS.—Such paragraphs do not apply with respect to services furnished to individuals enrolled with MSA plans under part C, without regard to whether the conditions described in subparagraphs (A) through (C) of section 1802(b)(1) are met.

“(C) APPLICATION TO ENROLLEES IN OTHER PLANS.—Subject to subparagraph (B) and section 1852(k)(2), the provisions of subparagraph (A) shall apply in the case of an individual enrolled under a contract under section 1876 or under an MA plan (other than an MSA plan) under part C, in the same manner as they apply to individuals not enrolled under such a contract or plan.”

(c) CONFORMING AMENDMENTS.—(1) Section 1842(b)(18) of the Social Security Act (42 U.S.C. 1395u(b)(18)) is amended by adding at the end the following:

“(E) The provisions of section 1848(g)(8) shall apply with respect to exemption from limitations on charges and from billing requirements for services of health care practitioners described in this paragraph in the same manner as such provisions apply to exemption from the requirements referred to in section 1848(g)(8)(A) for physicians’ services.”

(2) Section 1866(a)(1)(O) of such Act (42 U.S.C. 1395cc(a)(1)(O)) is amended by striking “enrolled with a Medicare Advantage organization under part C” and inserting “enrolled with an MA organization under part C (other than under an MSA plan)”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 6 months after the date of the enactment of this Act and apply to contracts entered into on or after that date.

**SA 2985.** Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title I, insert the following:

**SEC. \_\_\_\_ CONTINUED ABILITY TO PAY FOR HEALTH CARE.**

Nothing in this title (or an amendment made by this title) shall be construed to prohibit an individual from purchasing or otherwise paying for health care items or services on an out-of-pocket basis.

**SA 2986.** Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 201, between lines 6 and 7, insert the following:

**SEC. 1325. PROVIDER CHOICE.**

Notwithstanding any other provision of this title, a Consumer Operated and Oriented Plan under section 1322 and a community health insurance option under section 1323 shall not require the participation of health care providers. The participation of such providers shall be on a voluntary basis.

**SA 2987.** Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title I, insert the following:

**SEC. \_\_\_\_ PROTECTING THE TAXPAYERS.**

The provisions of this title (and the amendments made by this title) shall not apply with respect to a fiscal year if the Director of the Office of Management and Budget fails to certify to Congress that the application of such provisions (and amendments) in such fiscal year will not increase the Federal budget deficit.

**SA 2988.** Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 320, beginning with line 19, strike all through page 340, line 21.

**SA 2989.** Mr. MENENDEZ (for himself, Mr. SCHUMER, Mr. DODD, Mrs. GILLIBRAND, Mr. KERRY, and Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 128, line 6, insert “, and includes, as elected under and subject to section 10001, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands”.

Strike section 2005.

On page 2074, after line 25, add the following:

**TITLE X—PROVISIONS RELATING TO THE TERRITORIES**

**SEC. 10001. SPECIAL RULES FOR APPLICATION OF TITLE I TO TERRITORIES.**

(a) ONE-TIME ELECTION FOR TREATMENT AND APPLICATION OF FUNDING.—



(1) IN GENERAL.—A territory may elect, in a form and manner specified by the Secretary of Health and Human Services jointly with the Secretary of the Treasury, and not later than October 1, 2013, either—

(A) to be treated as a State for purposes of applying title I (including establishing an Exchange for such territory); or

(B) not to be so treated but instead, to have the dollar limitation otherwise applicable to the territory under subsections (f) and (g) of section 1108 of the Social Security Act (42 U.S.C. 1308) for a fiscal year increased by a dollar amount equivalent to the cap amount determined under subsection (c)(2) for the territory as applied by the Secretary for the fiscal year involved.

(2) CONDITIONS FOR ACCEPTANCE.—The Secretary of Health and Human Services has the nonreviewable authority to accept or reject an election described in paragraph (1)(A). Any such acceptance is—

(A) contingent upon entering into an agreement described in subsection (b) between the Secretary of Health and Human Services and the territory and subsection (c); and

(B) subject to the approval of the Secretary of Health and Human Services and the Secretary of the Treasury and subject to such other terms and conditions as the Secretaries may specify.

(3) DEFAULT RULE.—A territory failing to make such an election (or having an election under paragraph (1)(A) not accepted under paragraph (2)) shall be treated as having made the election described in paragraph (1)(B).

(b) AGREEMENT FOR SUBSTITUTION OF PERCENTAGES FOR REDUCTION IN COST-SHARING.—

(1) NEGOTIATION.—In the case of a territory making an election under subsection (a)(1)(A) (in this section referred to as an “electing territory”), the Secretaries of Health and Human Services and the Treasury shall enter into negotiations with the government of such territory so that, prior to January 1, 2014, there is an agreement reached between the parties on the percentages that shall be applied under paragraph (2) for that territory. The Secretary of Health and Human Services shall not enter into such an agreement unless—

(A) payments made under title I (and the amendments made by such title) with respect to residents of the territory are consistent with the cap established under subsection (c) for such territory and with subsection (d); and

(B) the requirements of paragraphs (3) and (4) are met.

(2) APPLICATION OF SUBSTITUTE PERCENTAGES AND DOLLAR AMOUNTS.—In the case of an electing territory, there shall be substituted in section 1402(b)(2) and section 36B of the Internal Revenue Code of 1986 for 400 percent, 133 percent, and other percentages and dollar amounts specified in such sections, such respective percentages and dollar amounts as are established under the agreement under paragraph (1) consistent with the following:

(A) NO INCOME GAP BETWEEN MEDICAID AND REDUCTION IN COST-SHARING.—The substituted percentages shall be specified in a manner so as to prevent any gap in coverage for individuals between the income level at which medical assistance is available through Medicaid and the income level at which reduced cost-sharing is available under section 1402.

(B) ADJUSTMENT FOR OUT-OF-POCKET RESPONSIBILITY FOR PREMIUMS AND COST-SHARING IN RELATION TO INCOME.—The substituted percentages of the Federal poverty line for

income tiers under such sections shall be specified in a manner so that—

(i) individuals eligible for reduced cost-sharing under section 1402 residing in the territory bear the same out-of-pocket responsibility for premiums and cost-sharing in relation to average income for residents in that territory, as

(ii) the out-of-pocket responsibility for premiums and cost-sharing for individuals eligible for reduced cost-sharing under section 1402 residing in the 50 States or the District of Columbia in relation to average income for such residents.

In the case of a territory with a mirror code tax system, the Internal Revenue Code of 1986 shall be applied as if the substitutions permitted under this paragraph were included in such Code.

(3) SPECIAL RULES WITH RESPECT TO APPLICATION OF TAX AND PENALTY PROVISIONS.—The electing territory shall enact one or more laws under which provisions similar to the following provisions apply with respect to such territory:

(A) Section 5000A of the Internal Revenue Code of 1986, except that any resident of the territory who is not eligible for reduced cost-sharing under section 1402 but who would be so eligible if such resident were a resident of one of the 50 States (and any qualifying child residing with such individual) may be treated as covered by minimum essential coverage.

(B) Section 502(c)(11) of the Employee Retirement Income Security Act of 1974.

(C) Section 3121(c) of the Internal Revenue Code of 1986.

(4) IMPLEMENTATION OF INSURANCE REFORM AND CONSUMER PROTECTION REQUIREMENTS.—The electing territory shall enact and implement such laws and regulations as may be required to apply the requirements of subtitles A and C of title I (and the amendments made by such subtitles) with respect to health insurance coverage offered in the territory.

(c) CAP ON ADDITIONAL EXPENDITURES.—

(1) IN GENERAL.—In entering into an agreement with an electing territory under subsection (b), the Commissioner shall ensure that the aggregate expenditures under this section with respect to residents of such territory during the period beginning on January 1, 2014 and ending with 2019 will not exceed the cap amount specified in paragraph (2) for such territory. The Commissioner shall adjust from time to time the percentages applicable under such agreement as needed in order to carry out the previous sentence.

(2) CAP AMOUNT.—

(A) IN GENERAL.—The cap amount specified in this paragraph—

(i) for Puerto Rico is \$3,700,000,000 increased by the amount (if any) elected under subparagraph (C); or

(ii) for another territory is the portion of \$300,000,000 negotiated for such territory under subparagraph (B).

(B) NEGOTIATION FOR CERTAIN TERRITORIES.—The Secretary of Health and Human Services shall negotiate with the governments of the territories (other than Puerto Rico) to allocate the amount specified in subparagraph (A)(ii) among such territories.

(C) OPTIONAL SUPPLEMENTATION FOR PUERTO RICO.—

(i) IN GENERAL.—Puerto Rico may elect, in a form and manner specified by the Secretary of Health and Human Services to increase the dollar amount specified in subparagraph (A)(i) by up to \$1,000,000,000.

(ii) OFFSET IN MEDICAID CAP.—If Puerto Rico makes the election described in clause (i), the Secretary shall decrease the dollar limitation otherwise applicable to Puerto Rico under subsections (f) and (g) of section 1108 of the Social Security Act (42 U.S.C. 1308) for a fiscal year by the additional aggregate payments the Secretary estimates will be payable under this section for the fiscal year because of such election.

(d) LIMITATION ON FUNDING.—In no case shall this section (including the agreement under subsection (b)) permit—

(1) the obligation of funds for expenditures under this section for periods beginning on or after January 1, 2020; or

(2) any increase in the dollar limitation described in subsection (a)(1)(B) for any portion of any fiscal year occurring on or after such date.

#### SEC. 10002. MEDICAID PAYMENTS TO TERRITORIES.

(a) INCREASE IN CAP.—Section 1108 of the Social Security Act (42 U.S.C. 1308) is amended—

(1) in subsection (f), by striking “subsection (g)” and inserting “subsections (g) and (h)”;

(2) in subsection (g)(1), by striking “With respect to” and inserting “Subject to subsection (h), with respect to”; and

(3) by adding at the end the following new subsection:

“(h) ADDITIONAL INCREASE FOR FISCAL YEARS 2011 THROUGH 2019.—Subject to section 10002(b)(1) of the Patient Protection and Affordable Care Act, with respect to fiscal years 2011 through 2019, the amounts otherwise determined under subsections (f) and (g) for Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands and American Samoa shall be increased by the following amounts:

“(1) For Puerto Rico, for fiscal year 2011, \$727,600,000; for fiscal year 2012, \$775,000,000; for fiscal year 2013, \$850,000,000; for fiscal year 2014, \$925,000,000; for fiscal year 2015, \$1,000,000,000; for fiscal year 2016, \$1,075,000,000; for fiscal year 2017, \$1,150,000,000; for fiscal year 2018, \$1,225,000,000; and for fiscal year 2019, \$1,396,400,000.

“(2) For the Virgin Islands, for fiscal year 2011, \$34,000,000; for fiscal year 2012, \$37,000,000; for fiscal year 2013, \$40,000,000; for fiscal year 2014, \$43,000,000; for fiscal year 2015, \$46,000,000; for fiscal year 2016, \$49,000,000; for fiscal year 2017, \$52,000,000; for fiscal year 2018, \$55,000,000; and for fiscal year 2019, \$58,000,000.

“(3) For Guam, for fiscal year 2011, \$34,000,000; for fiscal year 2012, \$37,000,000; for fiscal year 2013, \$40,000,000; for fiscal year 2014, \$43,000,000; for fiscal year 2015, \$46,000,000; for fiscal year 2016, \$49,000,000; for fiscal year 2017, \$52,000,000; for fiscal year 2018, \$55,000,000; and for fiscal year 2019, \$58,000,000.

“(4) For the Northern Mariana Islands, for fiscal year 2011, \$13,500,000; fiscal year 2012, \$14,500,000; for fiscal year 2013, \$15,500,000; for fiscal year 2014, \$16,500,000; for fiscal year 2015, \$17,500,000; for fiscal year 2016, \$18,500,000; for fiscal year 2017, \$19,500,000; for fiscal year 2018, \$21,000,000; and for fiscal year 2019, \$22,000,000.

“(5) For American Samoa, fiscal year 2011, \$22,000,000; fiscal year 2012, \$23,687,500; for fiscal year 2013, \$24,687,500; for fiscal year 2014, \$25,687,500; for fiscal year 2015, \$26,687,500; for fiscal year 2016, \$27,687,500; for fiscal year 2017, \$28,687,500; for fiscal year 2018, \$29,687,500; and for fiscal year 2019, \$30,687,500.”

(b) REPORT ON ACHIEVING MEDICAID PARITY PAYMENTS BEGINNING WITH FISCAL YEAR 2020.—

(1) IN GENERAL.—Not later than October 1, 2013, the Secretary of Health and Human Services shall submit to Congress a report that details a plan for the transition of each territory to full parity in Medicaid with the 50 States and the District of Columbia in fiscal year 2020 by modifying their existing Medicaid programs and outlining actions the Secretary and the governments of each territory must take by fiscal year 2020 to ensure parity in financing. Such report shall include what the Federal medical assistance percentages would be for each territory if the formula applicable to the 50 States were applied. Such report shall also include any recommendations that the Secretary may have as to whether the mandatory ceiling amounts for each territory provided for in section 1108 of the Social Security Act (42 U.S.C. 1398) should be increased any time before fiscal year 2020 due to any factors that the Secretary deems relevant.

(2) PER CAPITA DATA.—As part of such report the Secretary shall include information about per capita income data that could be used to calculate Federal medical assistance percentages under section 1905(b) of the Social Security Act, under section 1108(a)(8)(B) of such Act, for each territory on how such data differ from the per capita income data used to promulgate Federal medical assistance percentages for the 50 States. The report under this subsection shall include recommendations on how the Federal medical assistance percentages can be calculated for the territories beginning in fiscal year 2020 to ensure parity with the 50 States.

(3) SUBSEQUENT REPORTS.—The Secretary shall submit subsequent reports to Congress in 2015, 2017, and 2019 detailing the progress that the Secretary and the governments of each territory have made in fulfilling the actions outlined in the plan submitted under paragraph (1).

(c) APPLICATION OF FMAP FOR ADDITIONAL FUNDS.—Section 1905(b) of such Act (42 U.S.C. 1396d(b)) is amended by adding at the end the following sentence: “Notwithstanding the first sentence of this subsection and any other provision of law, for fiscal years 2011 through 2019, the Federal medical assistance percentage for Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa shall be the highest Federal medical assistance percentage applicable to any of the 50 States or the District of Columbia for the fiscal year involved, taking into account the application of subsections (a) and (b)(1) of section 5001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) to such States and the District for calendar quarters during such fiscal years for which such subsections apply.”.

(d) WAIVERS.—

(1) IN GENERAL.—Section 1902(j) of the Social Security Act (42 U.S.C. 1396a(j)) is amended—

(A) by striking “American Samoa and the Northern Mariana Islands” and inserting “Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa”; and

(B) by striking “American Samoa or the Northern Mariana Islands” and inserting “Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, or American Samoa”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply beginning with fiscal year 2011.

(e) TECHNICAL ASSISTANCE.—The Secretary shall provide nonmonetary technical assistance to the governments of Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa in upgrading their existing computer systems in order to anticipate meeting reporting requirements necessary to implement the plan contained in the report under subsection (b)(1).

#### SEC. 10003. MEDICARE PROVISIONS RELATING TO PUERTO RICO.

(a) MODIFICATION OF MEDICARE INPATIENT HOSPITAL PAYMENT RATE FOR PUERTO RICO HOSPITALS.—Section 1886(d)(9)(E) of the Social Security Act (42 U.S.C. 1395ww(d)(9)(E)) is amended—

(1) by striking “and” at the end of clause (iii);

(2) in clause (iv), by inserting “and before April 1, 2010,” after “2004,” and by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new clause:

“(v) on or after April 1, 2010, the applicable Puerto Rico percentage is 0 percent and the applicable Federal percentage is 100 percent.”.

(b) APPLICATION OF DEEMED PART B MEDICARE ENROLLMENT RULES TO RESIDENTS OF PUERTO RICO.—

(1) IN GENERAL.—Section 1837(f)(3) of the Social Security Act (42 U.S.C. 1395p(f)(3)) is amended by striking “, exclusive of Puerto Rico”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to individuals whose initial enrollment period under section 1837(d) of the Social Security Act (42 U.S.C. 1395p(d)) begins on or after the first day of the first month that begins more than 60 days after the date of the enactment of this Act.

**SA 2990.** Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ . EXPANDING ACCESS TO VACCINES.

(a) IN GENERAL.—Paragraph (10) of section 1861(s) of the Social Security Act (42 U.S.C. 1395w(s)) is amended to read as follows:

“(10) federally approved and recommended vaccines (as defined in subsection (hhh) and their respective administration);”.

(b) FEDERALLY APPROVED AND RECOMMENDED VACCINES DEFINED.—Section 1861 of such Act is amended by adding at the end the following new subsection:

“Federally Approved and Recommended Vaccines

“(hhh) The term ‘federally approved and recommended vaccine’ means a vaccine that—

“(1) is licensed under section 351 of the Public Health Service Act, approved under the Federal Food, Drug, and Cosmetic Act, or authorized for emergency use under section 564 of the Federal Food, Drug, and Cosmetic Act; and

“(2) is recommended by the Director of the Centers for Disease Control and Prevention.”.

(c) CONFORMING AMENDMENTS.—

(1) Section 1833 of such Act (42 U.S.C. 1395l) is amended, in each of subsections (a)(1)(B), (a)(2)(G), and (a)(3)(A), by striking “1861(s)(10)(A)” and inserting “1861(s)(10)” each place it appears.

(2) Section 1842(o)(1)(A)(iv) of such Act (42 U.S.C. 1395u(o)(1)(A)(iv)) is amended—

(A) by striking “subparagraph (A) or (B) of”; and

(B) by inserting before the period the following: “and before January 1, 2011, and influenza vaccines furnished on or after January 1, 2011”.

(3) Section 1847A(c)(6) of such Act (42 U.S.C. 1395w-3a(c)(6)) is amended—

(A) in subparagraph (D)(i), by inserting “, including a vaccine furnished on or after January 1, 2010”; and

(B) by the following new paragraph:

“(H) IMPLEMENTATION.—Chapter 35 of title 44, United States Code shall not apply to manufacturer provision of information pursuant to section 1927(b)(3)(A)(iii) or subsection (f)(2) for purposes of implementation of this section.”.

(4) Section 1860D-2(e)(1) of such Act (42 U.S.C. 1395w-102(e)(1)) is amended by striking “such term includes a vaccine” and all that follows through “its administration” and

(5) Section 1861(ww)(2)(A) of such Act (42 U.S.C. 1395x(ww)(2)(A)) is amended by striking “Pneumococcal, influenza, and hepatitis B vaccine and administration” and inserting “federally approved or authorized vaccines (as defined in subsection (hhh) and their respective administration”.

(6) Section 1927(b)(3)(A)(iii) of such Act (42 U.S.C. 1396r-8(b)(3)(A)(iii)) is amended, in the matter following subclause (III), by inserting “(A)(iv) (including influenza vaccines furnished on or after January 1, 2011),” after “described in subparagraph”.

(7) Section 1847A(f) of such Act (42 U.S.C. 1395w-3a(f)) is amended—

(A) by striking “For” and inserting “(1) IN GENERAL.—For”; and

(B) by indenting paragraph (1), as redesignated in subparagraph (A), 2 ems to the left; and

(C) by adding at the end the following new paragraph:

“(2) TREATMENT OF CERTAIN MANUFACTURERS.—In the case of a manufacturer of a drug or biological described in subparagraphs (A)(iv), (C), (D), (E), or (G) of section 1842(o)(1) that does not have a rebate agreement under section 1927(a), no payment may be made under this part for such drug or biological if such manufacturer does not submit the information described in section 1927(b)(3)(A)(iii) in the same manner as if the manufacturer had such a rebate agreement in effect. Subparagraphs (C) and (D) of section 1927(b)(3) shall apply to information reported pursuant to the previous sentence in the same manner as such subparagraphs apply with respect to information reported pursuant to such section.”.

(d) EFFECTIVE DATES.—The amendments made—

(1) by this section (other than by subsection (c)(6)) shall apply to vaccines administered on or after January 1, 2011; and

(2) by subsection (c)(6) shall apply to calendar quarters beginning on or after January 1, 2010.

**SA 2991.** Mr. MENENDEZ (for himself, Mr. ROCKEFELLER, Mr. BINGAMAN, and Mr. DURBIN) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R.

3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 436, between lines 14 and 15, insert the following:

**SEC. 2008. PERMITTING STATES TO ENSURE COVERAGE WITHOUT A 5-YEAR DELAY OF LAWFULLY RESIDING NONCITIZEN NONPREGNANT ADULTS UNDER MEDICAID.**

(a) STATE OPTION.—

(1) IN GENERAL.—Section 1903(v)(4)(A) of the Social Security Act (42 U.S.C. 1396b(v)(4)(A)) is amended—

(A) in the matter preceding clause (i)—

(i) by striking “children and pregnant women” and inserting “individuals”; and

(ii) by striking “either or both” and inserting “any or all”; and

(B) by adding at the end the following:

“(iii) OTHER LAWFULLY RESIDING INDIVIDUALS.—Individuals who are not described in clause (i) or (ii).”

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) take effect on January 1, 2014.

(b) CONFORMING AMENDMENT.—Effective as if enacted on October 1, 2009, subparagraph (H) of section 2107(e)(1) of the Social Security Act (42 U.S.C. 1397gg(e)(1)) is amended by striking “Paragraph (4) of section 1903(v)” and inserting “Clauses (i) and (ii) of section 1903(v)(4)”.

**SA 2992.** Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 867, strike line 15 and all that follows through page 869, line 14, and insert the following:

**SEC. 3142. TREATMENT OF URBAN MEDICARE-DEPENDENT HOSPITALS.**

Section 1886(d)(5) of the Social Security Act (42 U.S.C. 1395ww(d)(5)) is amended by adding at the end the following new subparagraph:

“(M) AUTHORIZATION OF ADJUSTMENT IN AMOUNT OF PAYMENT FOR URBAN MEDICARE-DEPENDENT HOSPITALS.—

“(i) STUDY.—The Secretary shall conduct a study on the need for a payment adjustment under the prospective payment system under this section for urban Medicare-dependent hospitals similar to the adjustment available (as of the date of enactment of this subparagraph) to medicare-dependent, small rural hospitals under subparagraph (G). Such study shall compare the Medicare inpatient operating margins of urban Medicare-dependent hospitals to the Medicare inpatient operating margins of subsection (d) hospitals that receive one or more additional payments or adjustments (as defined in clause (iv)). The Secretary shall finish conducting such study by not later than June 1, 2010.

“(ii) AUTHORIZATION OF ADJUSTMENT.—If the Secretary determines under clause (i) that the average Medicare inpatient operating margin of urban Medicare-dependent

hospitals is materially lower than the average Medicare inpatient operating margin of subsection (d) hospitals that receive one or more additional payments or adjustments (as so defined), the Secretary shall provide for an adjustment to the payment amounts to urban Medicare-dependent hospitals under this section similar to the adjustment available to medicare-dependent, small rural hospitals under subparagraph (G). Any such adjustment shall be effective for discharges occurring on or after October 1, 2010.

“(iii) DEFINITION OF URBAN MEDICARE-DEPENDENT HOSPITAL.—In this subparagraph, the term ‘urban Medicare-dependent hospital’ means a subsection (d) hospital—

“(I) located in an urban area;

“(II) that does not receive any additional payments or adjustments (as so defined);

“(III) that is not a physician-owned hospital, as defined in section 489.3 of title 42, Code of Federal Regulations (as in effect as of the date of the enactment of this subparagraph); and

“(IV) for which not less than 60 percent of its inpatient days or discharges during the cost reporting period beginning in fiscal year 2006, or 2 of the 3 most recently audited cost reporting periods for which the Secretary has a settled cost report, were attributable to inpatients entitled to benefits under part A.

“(iv) ADDITIONAL PAYMENTS OR ADJUSTMENTS DEFINED.—The term ‘additional payments or adjustments’ means payments or adjustments—

“(I) under subparagraph (C) as a rural referral center;

“(II) under subparagraph (D) as a sole community hospital;

“(III) under subparagraph (B) for indirect medical education costs;

“(IV) under subsection (h) for direct graduate medical education costs;

“(V) under subparagraph (F) for disproportionate share hospital payments; or

“(VI) under subparagraph (G) as a medicare-dependent, small rural hospital.”

**SA 2993.** Mr. SCHUMER (for himself and Mrs. LINCOLN) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 1999, strike lines 9 through 17 and insert the following:

“(i) LIMITATION ON HEALTH FLEXIBLE SPENDING ARRANGEMENTS.—

“(1) IN GENERAL.—For purposes of this section, if a benefit is provided under a cafeteria plan through employer contributions to a health flexible spending arrangement, such benefit shall not be treated as a qualified benefit unless the cafeteria plan provides that an employee may not elect for any taxable year to have salary reduction contributions in excess of \$2,500 made to such arrangement.

“(2) ADJUSTMENT FOR INFLATION.—In the case of a taxable year beginning in any calendar year after 2011, the dollar amount in paragraph (1) shall be increased to the amount equal to such amount as in effect for taxable years beginning in the calendar year

preceding such calendar year, increased by an amount equal to the product of—

“(A) such amount as so in effect, multiplied by

“(B) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting the calendar year that is 2 years before such calendar year for ‘calendar year 1992’ in subparagraph (B) thereof, increased by 1 percentage point.

If any increase determined under this paragraph is not a multiple of \$50, such increase shall be rounded to the nearest multiple of \$50.”

**SA 2994.** Mr. SCHUMER (for himself, Mr. AKAKA, Mr. BROWN, Mr. LAUTENBERG, Mr. MERKLEY, Ms. CANTWELL, Mr. KERRY, Mr. LEAHY, Mr. MENENDEZ, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 2074, after line 25, insert the following:

**Subtitle C—Tax Equity for Health Plan Beneficiaries**

**SEC. 9031. APPLICATION OF ACCIDENT AND HEALTH PLANS TO ELIGIBLE BENEFICIARIES.**

(a) EXCLUSION OF CONTRIBUTIONS.—Section 106 of the Internal Revenue Code of 1986, as amended by section 9003, is amended by adding at the end the following new subsection:

“(g) COVERAGE PROVIDED FOR ELIGIBLE BENEFICIARIES OF EMPLOYEES.—

“(1) IN GENERAL.—Subsection (a) shall apply with respect to any eligible beneficiary of the employee.

“(2) ELIGIBLE BENEFICIARY.—For purposes of this subsection, the term ‘eligible beneficiary’ means any individual who is eligible to receive benefits or coverage under an accident or health plan.”

(b) EXCLUSION OF AMOUNTS EXPENDED FOR MEDICAL CARE.—The first sentence of section 105(b) of the Internal Revenue Code of 1986 is amended—

(1) by striking “and his dependents” and inserting “his dependents”, and

(2) by inserting before the period the following: “and any eligible beneficiary (within the meaning of section 106(g)) with respect to the taxpayer”.

(c) PAYROLL TAXES.—

(1) Section 3121(a)(2) of the Internal Revenue Code of 1986 is amended—

(A) by striking “or any of his dependents” in the matter preceding subparagraph (A) and inserting “, any of his dependents, or any eligible beneficiary (within the meaning of section 106(g)) with respect to the employee”;

(B) by striking “or any of his dependents,” in subparagraph (A) and inserting “, any of his dependents, or any eligible beneficiary (within the meaning of section 106(g)) with respect to the employee,”; and

(C) by striking “and their dependents” both places it appears and inserting “and such employees’ dependents and eligible beneficiaries (within the meaning of section 106(g))”.

(2) Section 3231(e)(1) of such Code is amended—

(A) by striking “or any of his dependents” and inserting “, any of his dependents, or any eligible beneficiary (within the meaning of section 106(g)) with respect to the employee,”, and

(B) by striking “and their dependents” both places it appears and inserting “and such employees’ dependents and eligible beneficiaries (within the meaning of section 106(g))”.

(3) Section 3306(b)(2) of such Code is amended—

(A) by striking “or any of his dependents” in the matter preceding subparagraph (A) and inserting “, any of his dependents, or any eligible beneficiary (within the meaning of section 106(g)) with respect to the employee,”, and

(B) by striking “or any of his dependents” in subparagraph (A) and inserting “, any of his dependents, or any eligible beneficiary (within the meaning of section 106(g)) with respect to the employee,”, and

(C) by striking “and their dependents” both places it appears and inserting “and such employees’ dependents and eligible beneficiaries (within the meaning of section 106(g))”.

(4) Section 3401(a) of such Code is amended by striking “or” at the end of paragraph (22), by striking the period at the end of paragraph (23) and inserting “; or”, and by inserting after paragraph (23) the following new paragraph:

“(24) for any payment made to or for the benefit of an employee or any eligible beneficiary (within the meaning of section 106(g)) if at the time of such payment it is reasonable to believe that the employee will be able to exclude such payment from income under section 106 or under section 105 by reference in section 105(b) to section 106(g).”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

**SEC. 9032. EXPANSION OF DEPENDENCY FOR PURPOSES OF DEDUCTION FOR HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.**

(a) IN GENERAL.—Paragraph (1) of section 162(l) of the Internal Revenue Code of 1986 is amended to read as follows:

“(1) ALLOWANCE OF DEDUCTION.—In the case of a taxpayer who is an employee within the meaning of section 401(c)(1), there shall be allowed as a deduction under this section an amount equal to the amount paid during the taxable year for insurance which constitutes medical care for—

“(A) the taxpayer,  
“(B) the taxpayer’s spouse,  
“(C) the taxpayer’s dependents, and  
“(D) any individual who—

“(i) satisfies the age requirements of section 152(c)(3)(A),

“(ii) bears a relationship to the taxpayer described in section 152(d)(2)(H), and

“(iii) meets the requirements of section 152(d)(1)(C), and

“(E) not more than one individual who—

“(i) does not satisfy the age requirements of section 152(c)(3)(A),

“(ii) bears a relationship to the taxpayer described in section 152(d)(2)(H),

“(iii) meets the requirements of section 152(d)(1)(D), and

“(iv) is not the spouse of the taxpayer and does not bear any relationship to the taxpayer described in subparagraphs (A) through (G) of section 152(d)(2).”.

(b) CONFORMING AMENDMENT.—Subparagraph (B) of section 162(l)(2) of the Internal Revenue Code of 1986 is amended by inserting “, any dependent, or individual described in

subparagraph (D) or (E) of paragraph (1) with respect to” after “spouse”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

**SEC. 9033. EXTENSION TO ELIGIBLE BENEFICIARIES OF SICK AND ACCIDENT BENEFITS PROVIDED TO MEMBERS OF A VOLUNTARY EMPLOYEES’ BENEFICIARY ASSOCIATION AND THEIR DEPENDENTS.**

(a) IN GENERAL.—Section 501(c)(9) of the Internal Revenue Code of 1986 is amended by adding at the end the following new sentence: “For purposes of providing for the payment of sick and accident benefits to members of such an association and their dependents, the term ‘dependents’ shall include any individual who is an eligible beneficiary (within the meaning of section 106(g)), as determined under the terms of a medical benefit, health insurance, or other program under which members and their dependents are entitled to sick and accident benefits.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

**SEC. 9034. FLEXIBLE SPENDING ARRANGEMENTS AND HEALTH REIMBURSEMENT ARRANGEMENTS.**

The Secretary of Treasury shall issue guidance of general applicability providing that medical expenses that otherwise qualify—

(1) for reimbursement from a flexible spending arrangement under regulations in effect on the date of the enactment of this Act may be reimbursed from an employee’s flexible spending arrangement, notwithstanding the fact that such expenses are attributable to any individual who is not the employee’s spouse or dependent (within the meaning of section 105(b) of the Internal Revenue Code of 1986) but is an eligible beneficiary (within the meaning of section 106(g) of such Code) under the flexible spending arrangement with respect to the employee, and

(2) for reimbursement from a health reimbursement arrangement under regulations in effect on the date of the enactment of this Act may be reimbursed from an employee’s health reimbursement arrangement, notwithstanding the fact that such expenses are attributable to an individual who is not a spouse or dependent (within the meaning of section 105(b) of such Code) but is an eligible beneficiary (within the meaning of section 106(g) of such Code) under the health reimbursement arrangement with respect to the employee.

**SA 2995.** Mr. SCHUMER (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 466, between lines 5 and 6, insert the following:

**SEC. 2305. REQUIRING COVERAGE OF SERVICES OF PODIATRISTS.**

(a) IN GENERAL.—Section 1905(a)(5)(A) of the Social Security Act (42 U.S.C. 1396d(a)(5)(A)) is amended by striking “section 1861(r)(1)” and inserting “paragraphs (1) and (3) of section 1861(r)”.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by subsection (a) shall apply to services furnished on or after January 1, 2010.

(2) DELAY IF NEEDED FOR STATE LEGISLATION.—In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirement imposed by the amendment made by subsection (a), the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet this additional requirement before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

**SA 2996.** Mr. KOHL (for himself, Mr. WYDEN, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 1979, between lines 15 and 16, insert the following:

**Subtitle B—Long-Term Care Insurance**

**PART I—NATIONAL MARKET SURVEY; MODEL DISCLOSURES AND DEFINITIONS; LTC INSURANCE COMPARE**

**SEC. 8101. NAIC NATIONAL MARKET SURVEY.**

(a) IN GENERAL.—The Secretary shall request the NAIC to conduct reviews of the national and State-specific markets for long-term care insurance policies and to submit reports to the Secretary on the results of such reviews every 5 years.

(b) CONTENT.—The Secretary shall request that the reviews include, with respect to the period occurring since any prior review, analysis of the following:

(1) Information on key market parameters, including the number of carriers offering long-term care insurance, and the scope of coverage offered under those policies (such as policies offering nursing-home only benefits, policies offering comprehensive coverage, cash plans, and reimbursement plans, and hybrid products in which long-term care benefits are present).

(2) The number of complaints received and resolved, including benefit denials.

(3) The number of policies that have lapsed.

(4) The number of agents trained and whether the training included competency tests.

(5) The number of policyholders exhausting benefits.

(6) The number of premium rate increases filed by carriers on a policy basis with the States, including the ranges of the increases approved for or finally used.

(7) The number of policyholders affected by any premium rate increases.

(8) Requests for exceptions to State permitted accounting practices, as defined by the NAIC.

(c) **TIMING FOR REVIEWS AND REPORTS.**—The Secretary shall request the NAIC to—

(1) complete the initial market review under this section not later than 2 years after the date of enactment of this Act;

(2) submit a report to the Secretary on the results of the initial review not later than December 31, 2011; and

(3) complete each subsequent review and submit each subsequent report not later than December 31 of the fifth succeeding year.

(d) **CONSULTATION REQUIRED.**—The Secretary shall request the NAIC to consult with State insurance commissioners, appropriate Federal agencies, issuers of long-term care insurance, States with experience in long-term care insurance partnership plans, other States, representatives of consumer groups, consumers of long-term care insurance policies, and such other stakeholders as the Secretary or the NAIC determine appropriate, to conduct the market reviews requested under this section.

(e) **DEFINITIONS.**—In this section and section 8102:

(1) **LONG-TERM CARE INSURANCE POLICY.**—The term “long-term care insurance policy”—

(A) means—

(i) a qualified long-term care insurance contract (as defined in section 7702B(b) of the Internal Revenue Code of 1986); and

(ii) a qualified long-term care insurance contract that covers an insured who is a resident of a State with a qualified State long-term care insurance partnership under clause (iii) of section 1917(b)(1)(C) of the Social Security Act (42 U.S.C. 1396p(b)(1)(C)) or a long-term care insurance policy offered in connection with a State plan amendment described in clause (iv) of such section; and

(B) includes any other insurance policy or rider described in the definition of “long-term care insurance” in section 4 of the model Act promulgated by the National Association of Insurance Commissioners (as adopted December 2006).

(2) **NAIC.**—The term “NAIC” means the National Association of Insurance Commissioners.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of Health and Human Services.

#### **SEC. 8102. MODEL DISCLOSURE FORM.**

(a) **NAIC STUDY AND REPORT ON STATE DISCLOSURE REQUIREMENTS FOR LONG-TERM CARE INSURANCE.**—

(1) **IN GENERAL.**—The Secretary shall request the NAIC to carry out the activities described in paragraph (2) and issue the report described in paragraph (3).

(2) **REVIEW AND DEVELOPMENT OF PROPOSED MODEL DISCLOSURE REQUIREMENTS.**—The activities described in this paragraph are the following:

(A) **MODEL ACT AND REGULATION DISCLOSURE REQUIREMENTS.**—Review and describe disclosure requirements for long-term care insurance policies under the Model Act and regulation.

(B) **STATE LAW DISCLOSURE REQUIREMENTS.**—Review and describe disclosure requirements for long-term care insurance policies under State laws, including as part of such description an analysis of the effectiveness of the various existing disclosures.

(C) **LONG-TERM CARE SERVICES.**—Review and describe differences in long-term care services, including with respect to providers of such services and the settings in which such

services are provided among States and develop standardized definitions for long-term care services.

(D) **IDENTIFICATION OF KEY ISSUES FOR DEVELOPMENT OF MODEL DISCLOSURE MARKETING FORM.**—Identify and describe key issues to consider in the development of a proposed form for marketing long-term care insurance policies.

(3) **REPORT.**—The report described in this paragraph is an NAIC White Paper that is issued not later than 12 months after the date of enactment of this Act and contains the results of the reviews conducted under paragraph (2) and the descriptions required under that paragraph.

(b) **NAIC WORKING GROUP TO DEVELOP MODEL DISCLOSURE FORM FOR LONG-TERM CARE INSURANCE.**—

(1) **IN GENERAL.**—The Secretary shall request the NAIC to establish, not later than 60 days after the date on which the NAIC White Paper described in subsection (a)(3) is issued and in consultation with the Secretary and the Secretary of the Treasury, a Working Group to develop a model disclosure form for marketing long-term care insurance policies.

(2) **WORKING GROUP MEMBERS.**—The Working Group established under paragraph (1) shall be composed of the following:

(A) Representatives from State Departments of Health (or the most appropriate State agencies with responsibility for oversight of the provision of long-term care).

(B) Representatives of long-term care providers and facilities.

(C) Consumer advocates.

(D) Representatives of issuers of long-term care insurance policies.

(E) Representatives of the NAIC or State insurance commissioners.

(F) Other experts in long-term care and long-term care insurance policies selected by the Secretary and Secretary of the Treasury or the NAIC.

(3) **REQUIREMENTS FOR DEVELOPMENT OF FORM.**—

(A) **CONSIDERATIONS.**—In developing the model form, the Working Group shall consider the following:

(i) Variations among providers, services, and facilities in the long-term care and long-term care insurance markets.

(ii) The results of the reviews and the descriptions included in the NAIC White Paper issued under subsection (a)(3).

(iii) Such other information and factors as the Working Group determines appropriate.

(B) **MINIMUM STANDARDS.**—The Working Group shall ensure that the model has—

(i) minimum standard definitions for coverage of the various types of services and benefits provided under long-term care insurance policies;

(ii) minimum standard language for use by issuers of such policies, and for agents selling such policies, in explaining the services and benefits covered under the policies and restrictions on the services and benefits;

(iii) minimum standard format, color and type size for disclosure documents; and

(iv) such other minimum standards as the Working Group determines appropriate.

(4) **DEADLINE FOR DEVELOPMENT.**—The Working Group shall issue a proposed model disclosure form for marketing long-term care insurance policies not later than 1 year after the date on which the Working Group is established.

(5) **ADOPTION AND INCORPORATION INTO MODEL ACT AND REGULATION.**—The Secretary shall request the NAIC to amend the Model Act and regulation to incorporate the use of

the proposed model disclosure form issued by the Working Group, not later than 1 year after the date on which the Working Group issues the form.

(c) **REQUIRED USE OF MODEL DISCLOSURE FORM IN MARKETING LONG-TERM CARE INSURANCE POLICIES.**—

(1) **APPLICATION TO TAX-QUALIFIED AND MEDICAID PARTNERSHIP POLICIES.**—Not later than 1 year after the date on which the Working Group issues the proposed model disclosure form for marketing long-term care insurance policies under subsection (b):

(A) **TAX-QUALIFIED POLICIES.**—The Secretary of the Treasury shall promulgate a regulation requiring, not later than 1 year after the date on which the regulation is final, any issuer of a qualified long-term care insurance contract (as defined in section 7702B(b) of the Internal Revenue Code of 1986) to use the proposed model disclosure form for marketing such contracts, to the extent such disclosure is not inconsistent with State law.

(B) **MEDICAID PARTNERSHIP POLICIES.**—The Secretary shall promulgate a regulation requiring, not later than 1 year after the date on which the regulation is final, any issuer that markets a qualified long-term care insurance contract intended to cover an insured who is a resident of a State with a qualified State long-term care insurance partnership under clause (iii) of section 1917(b)(1)(C) of the Social Security Act (42 U.S.C. 1396p(b)(1)(C)) or a long-term care insurance policy offered in connection with a State plan amendment described in clause (iv) of such section to use the proposed model disclosure form for marketing such contracts.

(2) **APPLICATION TO ALL OTHER LONG-TERM CARE INSURANCE POLICIES.**—Not later than 18 months, or the earliest date on which an amendment could be enacted for those States with legislatures which meet only every other year, after the date on which the NAIC adopts an amended Model Act and regulation to require the use of the proposed model disclosure form issued by the Working Group under subsection (b), each State shall require by statute or regulation any issuer of a long-term care insurance policy to use the proposed model disclosure form when marketing such a policy in the State.

#### **SEC. 8103. LTC INSURANCE COMPARE.**

(a) **IN GENERAL.**—Section 6021(d) of the Deficit Reduction Act of 2005 (42 U.S.C. 1396p note) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A)—

(i) in clause (ii), by striking “and” at the end;

(ii) in clause (iii), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(iv) establish an Internet directory of information regarding long-term care insurance, to be known as ‘LTC Insurance Compare’, that shall include the following:

“(I) Comparison tools to assist consumers in evaluating long-term care insurance policies (as defined in subparagraph (D)) with different benefits and features and that allow consumers to compare the price, long-term premium stability, and carrier financial strength of such policies.

“(II) State-specific information about the long-term care insurance policies marketed in a State, including the following:

“(aa) Whether a State has promulgated rate stability provisions or has rate stability procedures in place, and how the standards or procedures work.

“(bb) The rating history for at least the most recent preceding 5 years for issuers

selling long-term care insurance policies in the State.

“(cc) An appropriate sampling of the policy forms marketed in the State.

“(III) Links to State information regarding long-term care under State Medicaid programs (which may be provided, as appropriate, through Internet linkages to the websites of State Medicaid programs) that includes the following:

“(aa) The medical assistance provided under each State’s Medicaid program for nursing facility services and other long-term care services (including any functional criteria imposed for receipt of such services, as reported in accordance with section 1902(a)(28)(D) of the Social Security Act) and any differences from benefits and services offered under long-term care insurance policies in the State and the criteria for triggering receipt of such benefits and services.

“(bb) If the State has a qualified State long-term care insurance partnership under section 1917(b)(1)(C)(iii) of the Social Security Act, information regarding how and when an individual with a partnership long-term care insurance policy who is receiving benefits under the policy should apply for medical assistance for nursing facility services or other long-term care services under the State Medicaid program and information regarding about how Medicaid asset protection is accumulated over time.”; and

(B) by adding at the end the following:

“(C) CURRENT INFORMATION.—The Secretary of Health and Human Services shall ensure that, to the greatest extent practicable, the information maintained in the National Clearinghouse for Long-Term Care Information, including the information required for LTC Insurance Compare, is the most recent information available.

“(D) LONG-TERM CARE INSURANCE POLICY DEFINED.—In subparagraph (A)(iv), the term ‘long-term care insurance policy’ means a qualified long-term care insurance contract (as defined in section 7702B(b) of the Internal Revenue Code of 1986), a qualified long-term care insurance contract that covers an insured who is a resident of a State with a qualified State long-term care insurance partnership under clause (iii) of section 1917(b)(1)(C) of the Social Security Act (42 U.S.C. 1396p(b)(1)(C)) or a long-term care insurance policy offered in connection with a State plan amendment described in clause (iv) of such section, and includes any other insurance policy or rider described in the definition of ‘long-term care insurance’ in section 4 of the model Act promulgated by the National Association of Insurance Commissioners (as adopted December 2006).”;

(2) by redesignating paragraph (3) as paragraph (4); and

(3) by inserting after paragraph (2) the following:

“(3) CONSULTATION ON LTC INSURANCE COMPARE.—The Secretary of Health and Human Services shall consult with the National Association of Insurance Commissioners and the entities and stakeholders specified in section 8101(d) of the Patient Protection and Affordable Care Act in designing and implementing the LTC Insurance Compare required under paragraph (2)(A)(iv).”.

(b) MEDICAID STATE PLAN REQUIREMENT TO SUBMIT NURSING FACILITY SERVICES FUNCTIONAL CRITERIA DATA.—Section 1902(a)(28) of the Social Security Act (42 U.S.C. 1396a(a)(28)) is amended—

(1) in subparagraph (C), by striking “and” after the semicolon;

(2) in subparagraph (D)(iii), by adding “and” after the semicolon; and

(3) by inserting after subparagraph (D)(iii), the following new subparagraph:

“(E) for the annual submission of data relating to functional criteria for the receipt of nursing facility services under the plan (in such form and manner as the Secretary shall specify);”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section take effect on the date of enactment of this Act.

(2) EXTENSION OF EFFECTIVE DATE FOR STATE LAW AMENDMENT.—In the case of a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) which the Secretary of Health and Human Services determines requires State legislation or State regulation in order for the plan to meet the additional requirements imposed by the amendments made by subsection (b), the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session is considered to be a separate regular session of the State legislature.

## **PART II—IMPROVED STATE CONSUMER PROTECTIONS FOR QUALIFIED LONG-TERM CARE INSURANCE CONTRACTS AND MEDICAID PARTNERSHIP POLICIES**

### **SEC. 8121. APPLICATION OF MEDICAID PARTNERSHIP REQUIRED MODEL PROVISIONS TO ALL TAX-QUALIFIED LONG-TERM CARE INSURANCE CONTRACTS.**

(a) IN GENERAL.—Section 7702B(g)(1) of the Internal Revenue Code of 1986 (relating to consumer protection provisions) is amended—

(1) in subparagraph (A), by inserting “(but only to the extent such requirements do not conflict with requirements applicable under subparagraph (B)),” after “paragraph (2)”,

(2) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively, and

(3) by inserting after subparagraph (A), the following new subparagraph:

“(B) the requirements of the model regulation and model Act described in section 1917(b)(5) of the Social Security Act.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to contracts issued on or after the date that is 1 year after the date of enactment of this Act.

### **SEC. 8122. STREAMLINED PROCESS FOR APPLYING NEW OR UPDATED MODEL PROVISIONS.**

(a) SECRETARIAL REVIEW.—

(1) TAX-QUALIFIED POLICIES.—

(A) 2000 AND 2006 MODEL PROVISIONS.—Not later than 12 months after the date of enactment of this Act, the Secretary of the Treasury, in consultation with the Secretary of Health and Human Services, shall review the model provisions specified in subsection (c)(1) for purposes of determining whether updating any such provisions for a provision specified in section 7702B(g)(2) of the Internal Revenue Code of 1986, or the inclusion of any such provisions in such section, for purposes of an insurance contract qualifying for treatment as a qualified long-term care insurance contract under such Code, would improve consumer protections for insured individuals under such contracts.

(B) SUBSEQUENT MODEL PROVISIONS.—Not later than 12 months after model provisions

described in paragraph (2) or (3) of subsection (c) are adopted by the National Association of Insurance Commissioners, the Secretary of the Treasury, in consultation with the Secretary of Health and Human Services, shall review the model provisions to determine whether the application of such provisions to an insurance contract for purposes of qualifying for treatment as a qualified long-term care insurance contract under section 7702B(g)(2) of the Internal Revenue Code of 1986, would improve consumer protections for insured individuals under such contracts.

(2) MEDICAID PARTNERSHIP POLICIES.—

(A) SUBSEQUENT MODEL PROVISIONS.—Not later than 12 months after model provisions described in paragraph (2) or (3) of subsection (c) are adopted by the National Association of Insurance Commissioners, the Secretary of Health and Human Services, in consultation with the Secretary of the Treasury, shall review the model provisions to determine whether the application of such provisions to an insurance contract for purposes of satisfying the requirements for participation in a qualified State long-term care insurance partnership under section 1917(b)(1)(C)(iii) of such Act (42 U.S.C. 1396p(b)(1)(C)(iii)) would improve consumer protections for insured individuals under such contracts.

(B) REVIEW OF OTHER PARTNERSHIP REQUIREMENTS.—The Secretary of Health and Human Services, in consultation with the Secretary of the Treasury, shall review clauses (iii) and (iv) of section 1917(b)(1)(C) for purposes of determining whether the requirements specified in such clauses should be modified to provide improved consumer protections or, as appropriate, to resolve any conflicts with the application of the 2006 model provisions under paragraph (5) of section 1917(b) (as amended by section 302(a)) or with the application of any model provisions that the Secretary determines should apply to an insurance contract as a result of a review required under subparagraph (A).

(b) EXPEDITED RULEMAKING.—

(1) TAX-QUALIFIED POLICIES.—Subject to paragraph (3), if the Secretary of the Treasury determines that any model provisions reviewed under subsection (a)(1) should apply for purposes of an insurance contract qualifying for treatment as a qualified long-term care insurance contract under the Internal Revenue Code of 1986, the Secretary shall promulgate an interim final rule applying such provisions for such purposes not later than 3 months after making such determination.

(2) MEDICAID PARTNERSHIP POLICIES.—Subject to paragraph (3), if the Secretary of Health and Human Services determines that any model provisions or requirements reviewed under subsection (a)(2) should apply for purposes of an insurance contract satisfying the requirements for participation in a qualified State long-term care insurance partnership under section 1917(b)(1)(C)(iii) of such Act (42 U.S.C. 1396p(b)(1)(C)(iii)), the Secretary shall promulgate an interim final rule applying such provisions for such purposes not later than 3 months after making such determination.

(3) CONSULTATION REQUIRED.—The Secretary of the Treasury and the Secretary of Health and Human Services, respectively, shall consult with the National Association of Insurance Commissioners and the entities and stakeholders specified in section 101(d) regarding the extent to which it is appropriate to apply the model provisions described in paragraph (1) or (2) (as applicable) to insurance contracts described in such



paragraphs through promulgation of an interim final rule. If, after such consultation—

(A) the Secretary of the Treasury determines it would be appropriate to promulgate an interim final rule, the Secretary of the Treasury shall use notice and comment rulemaking to promulgate a rule applying such provisions to insurance contracts described in paragraph (1); and

(B) the Secretary of Health and Human Services determines it would be appropriate to promulgate an interim final rule, the Secretary of Health and Human Services shall use notice and comment rulemaking to promulgate a rule applying such provisions to insurance contracts described in paragraph (2).

(4) **RULE OF CONSTRUCTION RELATING TO APPLICATION OF CONGRESSIONAL REVIEW ACT.**—Nothing in paragraphs (1), (2), or (3) shall be construed as affecting the application of the sections 801 through 808 of title 5, United States Code (commonly known as the “Congressional Review Act”) to any interim final rule issued in accordance with such paragraphs.

(5) **TECHNICAL AMENDMENT ELIMINATING PRIOR REVIEW STANDARD MADE OBSOLETE.**—Section 1917(b)(5) of the Social Security Act (42 U.S.C. 1396p(b)(5)) is amended by striking subparagraph (C).

(c) **MODEL PROVISIONS.**—In this section, the term “model provisions” means—

(1) each provision of the long-term care insurance model regulation, and the long-term care insurance model Act, respectively, promulgated by the National Association of Insurance Commissioners (as adopted as of October 2000 and as of December 2006);

(2) each provision of the model language relating to marketing disclosures and definitions developed under section 102(b)(1); and

(3) each provision of any long-term care insurance model regulation, or the long-term care insurance model Act, respectively, promulgated by the National Association of Insurance Commissioners and adopted after December 2006.

### **PART III—IMPROVED CONSUMER PROTECTIONS FOR MEDICAID PARTNERSHIP POLICIES**

#### **SEC. 8131. BIENNIAL REPORTS ON IMPACT OF MEDICAID LONG-TERM CARE INSURANCE PARTNERSHIPS.**

Section 6021(c) of the Deficit Reduction Act of 2005 (42 U.S.C. 1396p note) is amended to read as follows:

“(c) **BIENNIAL REPORTS.**—

“(1) **IN GENERAL.**—Not later than January 1, 2011, and biennially thereafter, the Secretary of Health and Human Services (in this subsection referred to as the ‘Secretary’) shall issue a report to States and Congress on the long-term care insurance partnerships established in accordance with section 1917(b)(1)(C)(ii) of the Social Security Act (42 U.S.C. 1396p(b)(1)(C)(ii)). Each report shall include (with respect to the period the report addresses) the following information, nationally and on a State-specific basis:

“(A) Analyses of the extent to which such partnerships improve access of individuals to affordable long-term care services and benefits and the impact of such partnerships on Federal and State expenditures on long-term care under the Medicare and Medicaid programs.

“(B) Analyses of the impact of such partnerships on consumer decisionmaking with respect to purchasing, accessing, and retaining coverage under long-term care insurance policies (as defined in subsection (d)(2)(D)), including a description of the benefits and services offered under such policies, the av-

erage premiums for coverage under such policies, the number of policies sold and at what ages, the number of policies retained and for how long, the number of policies for which coverage was exhausted, and the number of insured individuals who were determined eligible for medical assistance under the State Medicaid program.

“(2) **DATA.**—The reports by issuers of partnership long-term care insurance policies required under section 1917(b)(1)(C)(iii)(VI) of the Social Security Act shall include such data as the Secretary shall specify in order to conduct the analyses required under paragraph (1).

“(3) **PUBLIC AVAILABILITY.**—The Secretary shall make each report issued under this subsection publicly available through the LTC Insurance Compare website required under subsection (d).

“(4) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed as requiring the Secretary to conduct an independent review of each long-term care insurance policy offered under or in connection with such a partnership.”.

#### **SEC. 8132. ADDITIONAL CONSUMER PROTECTIONS FOR MEDICAID PARTNERSHIPS.**

(a) **APPLICATION OF 2006 MODEL PROVISIONS.**—

(1) **UPDATING OF 2000 REQUIREMENTS.**—

(A) **IN GENERAL.**—Section 1917(b)(5)(B)(i) of the Social Security Act (42 U.S.C. 1396p(b)(5)(B)(i)) is amended by striking “October 2000” and inserting “December 2006”.

(B) **CONFORMING AMENDMENTS.**—

(i) Subclause (XVII) of such section is amended by striking “section 26” and inserting “section 28”.

(ii) Subclause (XVIII) of such section is amended by striking “section 29” and inserting “section 31”.

(iii) Subclause (XIX) of such section is amended by striking “section 30” and inserting “section 32”.

(2) **APPLICATION TO GRANDFATHERED PARTNERSHIPS.**—Section 1917(b)(1)(C)(iv) of such Act (42 U.S.C. 1396p(b)(1)(C)(iv)) is amended by inserting “, and the State satisfies the requirements of paragraph (5)” after “2005”.

(b) **APPLICATION OF PRODUCER TRAINING MODEL ACT REQUIREMENTS.**—Section 1917(b)(1)(C) of such Act (42 U.S.C. 1396p(b)(1)(C)) is amended—

(1) in clause (iii)(V), by inserting “and satisfies the producer training requirements specified in section 9 of the model Act specified in paragraph (5)” after “coverage of long-term care”; and

(2) in clause (iv), as amended by subsection (a)(2), by inserting “clause (iii)(V) and” before “paragraph (5)”.

(c) **APPLICATION OF ADDITIONAL REQUIREMENTS FOR ALL PARTNERSHIPS.**—Section 1917(b) of the Social Security Act (42 U.S.C. 1396p(b)) is amended—

(1) in paragraph (1)(C)—

(A) in clause (iii)—

(i) by inserting after subclause (VII) the following new subclause:

“(VIII) The State satisfies the requirements of paragraph (6).”; and

(ii) in the flush sentence at the end, by striking “paragraph (5)” and inserting “paragraphs (5) and (6).”; and

(B) in clause (iv), as amended by subsections (a)(2) and (b)(2), by striking “paragraph (5)” and inserting “paragraphs (5) and (6).”; and

(2) by adding at the end the following new paragraph:

“(6) For purposes of clauses (iii)(VIII) and (iv) of paragraph (1)(C), the requirements of this paragraph are the following:

“(A) The State requires issuers of long-term care insurance policies to—

“(i) use marketing materials filed with the State for purposes of the partnership in all sales and marketing activities conducted or supported by the issuers in the State with respect to any long-term care insurance policies marketed by the issuer in the State;

“(ii) provide such materials to all agents selling long-term care insurance policies in the State;

“(iii) ensure that agent training and education courses conducted or supported by the issuers incorporate discussion of marketing materials; and

“(iv) make such materials available to any consumer upon request, and to make such materials available to all prospective purchasers of a policy offered under a qualified State long-term care insurance partnership before submission of an application for coverage under that policy.

“(B) The State requires issuers of long-term care insurance policies sold in the State to require agents to use any inflation protection comparison form developed by the National Association of Insurance Commissioners when selling the policies in the State.

“(C) The State requires issuers of long-term care insurance policies sold in the State to comply with the provisions of section 8 of the model Act specified in paragraph (5) relating to contingent nonforfeiture benefits.

“(D) The State enacts legislation, not later than January 1, 2012, that establishes rating standards for all issuers of long-term care insurance policies sold in the State that result in rates over the life of the policy that are no less protective of consumers than those produced by the premium rate schedule increase standards specified in section 20 of the model regulation specified in paragraph (5), unless the State has more stringent procedures or requirements.

“(E) The State develops and updates marketing materials filed with the State whenever changes are made under the State plan that relate to eligibility for medical assistance for nursing facility services, including other long-term care services or the amount, duration, or scope of medical assistance for nursing facility services, and also provides to individuals at the time of application for medical assistance under the State plan, or under a waiver of the plan materials that describe in clear, simple language the terms of eligibility, the benefits and services provided as such assistance, and rules relating to adjustment or recovery from the estate of an individual who receives such assistance. Such materials shall include a clear disclosure that medical assistance is not guaranteed to partnership policyholders who exhaust benefits under a partnership policy, and that Federal changes to the program under this title or State changes to the State plan may affect an individual's eligibility for, or receipt of, such assistance.

“(F) The State—

“(i) through the State Medicaid agency under section 1902(a)(5) and in consultation with the State insurance department, develops materials explaining how the benefits and rules of long-term care policies offered by issuers participating in the partnership interact with the benefits and rules under the State plan under this title;

“(ii) requires agents to use such materials when selling or otherwise discussing how long-term care policies offered by issuers participating in the partnership work with potential purchasers and to provide the materials to any such purchasers upon request;

“(iii) informs holders of such policies of any changes in eligibility requirements under the State plan under this title and of any changes in estate recovery rules under the State plan as soon as practicable after such changes are made at the time or at the time of application for medical assistance; and

“(iv) agrees to honor the asset protections of any such policy that were provided under the policy when purchased, regardless of whether the State subsequently terminates a partnership program under the State plan.

“(G) The State Medicaid agency under section 1902(a)(5) and the State insurance department enter into a memorandum of understanding to—

“(i) inform consumers about long-term care policies offered by issuers participating in the partnership, the amount, duration, or scope of medical assistance for nursing facility services or other long-term care services offered under the State plan, consumer protections, and any other issues such agency and department determine appropriate through such means as the State determines appropriate; and

“(ii) jointly facilitate coordination in eligibility determinations for medical assistance under the State plan and the provision of benefits or other services under such policies and medical assistance provided under the State plan that includes—

“(I) the number of policyholders applying for medical assistance under the State plan; and

“(II) the number of policyholders deemed eligible (and, if applicable, ineligible) for such assistance.

“(H) Subject to subparagraph (I), the State enters into agreements with other States that have established qualified State long-term care insurance partnerships under which such States agree to provide reciprocity for policyholders under such partnerships, including providing guaranteed asset protection to all individuals covered under a policy offered under a qualified State long-term care insurance partnership who bought such a policy in the State or in another State with such a partnership and with which the State has a reciprocity agreement.

“(I)(i) In the case of a State described in paragraph (I)(C)(iv) (in this subparagraph referred to as a ‘grandfathered partnership State’)—

“(I) the grandfathered partnership State may, in lieu of entering into agreements that satisfy subparagraph (I), enter into individual reciprocity agreements with other States that have established qualified State long-term care insurance partnerships; and

“(II) if the grandfathered partnership State has not, as of January 1, 2013, entered into a reciprocity agreement with each State that has a qualified State long-term care insurance partnership, the grandfathered partnership State shall enter into and comply with a reciprocity agreement developed by the Secretary in accordance with clause (ii) for each partnership State that the grandfathered State does not have a reciprocity agreement with and, with respect to each such State, for so long as the grandfathered partnership State does not have an individual reciprocity agreement with that State.

“(ii) In developing a reciprocity agreement for purposes of clause (i)(II), the Secretary shall take into account—

“(I) the difference in consumer protections under the partnership program of the grandfathered partnership State and the other partnership State that will be covered by the

agreement, and, to the greatest extent possible, preserve the more protective requirements; and

“(II) the impact the reciprocity agreement will have on expenditures under the State plan under this title (including under any waivers of such plan) of each such State and, to the greatest extent possible, minimize any negative impact on such expenditures and States.”.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section take effect on the date that is 1 year after the date of enactment of this Act.

(2) EXTENSION OF EFFECTIVE DATE FOR STATE LAW AMENDMENT.—In the case of a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) which the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by this section, the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session is considered to be a separate regular session of the State legislature.

#### SEC. 8133. REPORT TO CONGRESS REGARDING NEED FOR MINIMUM ANNUAL COMPOUND INFLATION PROTECTION.

Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services (in this section referred to as the “Secretary”) shall submit a report to Congress that includes the Secretary’s recommendation regarding whether legislative or other administrative action should be taken to require all long-term care insurance policies sold after a date determined by the Secretary in connection with a qualified State long-term care insurance partnership under clause (iii) of section 1917(b)(1)(C) of the Social Security Act (42 U.S.C. 1396p(b)(1)(C)) or a long-term care insurance policy offered in connection with a State plan amendment described in clause (iv) of such section, provide a minimum level of annual compound inflation protection, and if so, whether such requirements should be imposed on a basis related to the age of the policyholder at the time of purchase. The Secretary shall include in the report information on the various levels of inflation protection available under such long-term care insurance partnerships and the methodologies used by issuers of such policies to calculate and present various inflation protection options under such policies, including policies with a future purchase option feature.

#### PART IV—PRESERVATION OF STATE AUTHORITY

##### SEC. 8141. PRESERVATION OF STATE AUTHORITY.

Nothing in this title, any amendments made by this title, or any rules promulgated to carry out this title or such amendments, shall be construed to limit the authority of a State to enact, adopt, promulgate, and enforce any law, rule, regulation, or other measure with respect to long-term care insurance that is in addition to, or more stringent than, requirements established under this title and the amendments made by this title.

**SA 2997.** Ms. KLOBUCHAR (for herself, Mr. BROWN, and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 1441, line 5, strike “or pediatric medicine” and insert “neurology, or pediatric medicine”.

**SA 2998.** Ms. KLOBUCHAR (for herself and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 1783, between lines 2 and 3, insert the following:

#### SEC. 6412. PROVIDER AND SUPPLIER PAYMENTS UNDER MEDICARE AND MEDICAID THROUGH DIRECT DEPOSIT OR ELECTRONIC FUNDS TRANSFER (EFT) AT INSURED DEPOSITORY INSTITUTIONS.

(a) MEDICARE.—

(1) IN GENERAL.—Section 1874 of the Social Security Act (42 U.S.C. 1395kk) is amended by adding at the end the following new subsection:

“(i) LIMITATION ON PAYMENT TO PROVIDERS OF SERVICES AND SUPPLIERS.—No payment shall be made under this title for items and services furnished by a provider of services or supplier unless each payment to the provider of services or supplier is in the form of direct deposit or electronic funds transfer to the provider of services’ or supplier’s account, as applicable, at a depository institution (as defined in section 19(b)(1)(A) of the Federal Reserve Act (12 U.S.C. 461(b)(1)(A))).”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to each payment made to a provider of services, provider, or supplier on or after such date (not later than July 1, 2012) as the Secretary of Health and Human Services shall specify, regardless of when the items and services for which such payment is made were furnished.

(b) MEDICAID PILOT PROJECT.—

(1) AUTHORITY TO ESTABLISH.—The Secretary shall establish a Medicaid pilot project under which payment for items and services furnished by providers or suppliers of items or services under the Medicaid programs of the States selected to participate in the project is in the form of a direct deposit or electronic funds transfer to the provider’s or supplier’s account, as applicable, at a depository institution (as defined in section 19(b)(1)(A) of the Federal Reserve Act (12 U.S.C. 461(b)(1)(A))).

(2) DEADLINE FOR IMPLEMENTATION.—The pilot project established under paragraph (1) shall begin in fiscal year 2012.

(3) REPORT.—Not later than September 30, 2014, the Secretary of Health and Human

Services shall report to Congress on the pilot project established under this subsection. The report shall include an analysis of the extent to which the project is effective in improving efficiency, reducing administrative costs, and preventing fraud in the Medicaid program and a recommendation as to whether the project should be expanded to additional or all State Medicaid programs.

**SA 2999.** Ms. SNOWE (for herself, Mr. KERRY, and Ms. LANDRIEU) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 2057, between lines 6 and 7, insert the following:

**SEC. \_\_\_\_ APPLICATION OF CAFETERIA PLANS TO SELF-EMPLOYED INDIVIDUALS.**

(a) IN GENERAL.—  
(1) APPLICATION TO SELF-EMPLOYED INDIVIDUALS.—Section 125(d) of the Internal Revenue Code of 1986 (defining cafeteria plan) is amended by adding at the end the following new paragraph:

“(3) EMPLOYEE TO INCLUDE SELF-EMPLOYED.—

“(A) IN GENERAL.—The term ‘employee’ includes an individual who is an employee within the meaning of section 401(c)(1) (relating to self-employed individuals).

“(B) LIMITATIONS.—

“(i) IN GENERAL.—The amount which may be excluded under subsection (a) with respect to a participant in a cafeteria plan by reason of being an employee under subparagraph (A) shall not exceed the employee’s earned income (within the meaning of section 401(c)) derived from the trade or business with respect to which the cafeteria plan is established.

“(ii) LIMITATIONS ON CERTAIN FLEXIBLE SPENDING ARRANGEMENTS.—No amount shall be excluded under subsection (a) with respect to any plan which provides benefits in the form of a health flexible spending arrangement or a dependent care flexible spending arrangement and in which an individual described in subparagraph (A) participates unless such plan is administered by a person other than the employer.

“(C) ADDITIONAL TAX ON UNREIMBURSED AMOUNTS.—

“(i) IN GENERAL.—The tax imposed by this chapter on any person who is described in subparagraph (A) and who is a participant in a cafeteria plan which provides benefits in the form of a health flexible spending arrangement or a dependent care flexible spending arrangement shall be increased by an amount equal to 100 percent of the excess (if any) of—

“(I) the maximum value of the qualified benefit with respect to such person, over

“(II) the amount of covered expenses both incurred during the coverage period for the qualified benefit, and any grace period, and reimbursed during that period or during any appropriate run-out period.

“(ii) COLLECTION.—The tax imposed by this subparagraph shall be collected by the person administering the flexible spending arrangement, and to the extent that such person fails to collect such tax, the tax shall be paid by such person.”.

(2) APPLICATION TO BENEFITS WHICH MAY BE PROVIDED UNDER CAFETERIA PLAN.—

(A) GROUP-TERM LIFE INSURANCE.—Section 79 of the Internal Revenue Code of 1986 (relating to group-term life insurance provided to employees) is amended by adding at the end the following new subsection:

“(f) EMPLOYEE INCLUDES SELF-EMPLOYED.—

“(1) IN GENERAL.—For purposes of this section, the term ‘employee’ includes an individual who is an employee within the meaning of section 401(c)(1) (relating to self-employed individuals).

“(2) LIMITATION.—The amount which may be excluded under the exceptions contained in subsection (a) or (b) with respect to an individual treated as an employee by reason of paragraph (1) shall not exceed the employee’s earned income (within the meaning of section 401(c)) derived from the trade or business with respect to which the individual is so treated.”.

(B) ACCIDENT AND HEALTH PLANS.—Subsection (g) of section 105 of such Code (relating to amounts received under accident and health plans) is amended to read as follows:

“(g) EMPLOYEE INCLUDES SELF-EMPLOYED.—

“(1) IN GENERAL.—For purposes of this section, in the case of any coverage under an accident or health plan which is provided through a simple cafeteria plan under section 125(j), the term ‘employee’ includes an individual who is an employee within the meaning of section 401(c)(1) (relating to self-employed individuals).

“(2) LIMITATION.—The amount which may be excluded under this section by reason of subsection (b) or (c) with respect to an individual treated as an employee by reason of paragraph (1) shall not exceed the employee’s earned income (within the meaning of section 401(c)) derived from the trade or business with respect to which the accident or health insurance was established.”.

(C) CONTRIBUTIONS BY EMPLOYERS TO ACCIDENT AND HEALTH PLANS.—

(i) IN GENERAL.—Section 106 of such Code is amended by inserting after subsection (e) the following new subsection:

“(f) SPECIAL RULE FOR BENEFITS PROVIDED THROUGH SIMPLE CAFETERIA PLANS.—

“(1) IN GENERAL.—For purposes of this section, in the case of any coverage under an accident or health plan which is provided through a simple cafeteria plan under section 125(j), the term ‘employee’ includes an individual who is an employee within the meaning of section 401(c)(1) (relating to self-employed individuals).

“(2) LIMITATION.—The amount which may be excluded under subsection (a) with respect to an individual treated as an employee by reason of paragraph (1) shall not exceed the employee’s earned income (within the meaning of section 401(c)) derived from the trade or business with respect to which the accident or health insurance was established.”.

(ii) CLARIFICATION OF LIMITATIONS ON OTHER COVERAGE.—The first sentence of section 162(l)(2)(B) of such Code is amended to read as follows: “Paragraph (1) shall not apply to any taxpayer for any calendar month for which the taxpayer participates in any subsidized health plan maintained by any employer (other than an employer described in section 401(c)(4)) of the taxpayer or the spouse of the taxpayer.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

**SA 3000.** Mr. COBURN submitted an amendment intended to be proposed to

amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI insert the following:

**SEC. 6303. PROHIBITION ON COMPARATIVE EFFECTIVENESS RESEARCH FOR THE PURPOSE OF DETERMINING COST AND COVERAGE DECISIONS.**

Reports and recommendations from the Patient-Centered Outcomes Research Institute, established under section 1181 of the Social Security Act (as added by section 6301), or any other government entity are prohibited from being used by any government entity for payment, coverage, or treatment decisions based on costs. Nothing in the preceding sentence shall limit a physician or other health care provider from using reports and recommendations of such Institute or other government entity when making decisions about the best treatment for an individual patient in an individual circumstance.

**NOTICE OF HEARING**

**COMMITTEE ON INDIAN AFFAIRS**

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, December 9, 2009, at 9:30 a.m. in room 628 of the Dirksen Senate Office Building to conduct a business meeting on pending committee issues, to be followed immediately by a legislative hearing on S. 1690, a bill to amend the Act of March 1, 1933, to transfer certain authority and resources to the Utah Dineh Corporation, and for other purposes. The Committee will then conduct a hearing entitled “Where’s the Trustee? U.S. Department of the Interior Backlogs Prevent Tribes from Using their Lands.”

Those wishing additional information may contact the Indian Affairs Committee at 202-224-2251.

**EXECUTIVE SESSION**

**NOMINATIONS DISCHARGED**

Mr. BROWN. Madam President, I ask unanimous consent the Senate proceed to executive session and the Foreign Relations Committee be discharged en bloc from PN1001, PN1002, PN1003, PN1005, PN1016; and then the Senate proceed en bloc to the consideration of the nominations; that the nominations be confirmed en bloc; the motions to reconsider be considered made and laid upon the table en bloc; that no further motions be in order, and any statements relating to the nominations be printed in the RECORD; the President be immediately notified of the Senate’s action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

#### DEPARTMENT OF STATE

Bill Delahunt, of Massachusetts, to be a Representative of the United States of America to the Sixty-fourth Session of the General Assembly of the United Nations.

Elaine Schuster, of Florida, to be a Representative of the United States of America to the Sixty-fourth Session of the General Assembly of the United Nations.

Christopher H. Smith, of New Jersey, to be a Representative of the United States of America to the Sixty-fourth Session of the General Assembly of the United Nations.

Wellington E. Webb, of Colorado, to be an Alternate Representative of the United States of America to the Sixty-fourth Session of the General Assembly of the United Nations.

Laura Gore Ross, of New York, to be an Alternate Representative of the United States of America to the Sixty-fourth Session of the General Assembly of the United Nations.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate resumes legislative session.

#### ORDERS FOR TUESDAY, DECEMBER 8, 2009

Mr. BROWN. I ask unanimous consent when the Senate completes its business today, it adjourn until 10 a.m., Tuesday, December 8; that following

the prayer and pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of S. 3590, the health care reform legislation; that following leader remarks, the time until 12:30 p.m. be for debate only, with the time equally divided and controlled between the two leaders or their designees, with Senators permitted to speak for up to 10 minutes each, with the majority controlling the first hour and the Republicans controlling the next hour; finally, I ask that the Senate recess from 12:30 until 2:15 to allow for the weekly caucus luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BROWN. If there is no further business to come before the Senate, I ask unanimous consent it adjourn under the previous order.

There being no objection, the Senate, at 6:39 p.m., adjourned until Tuesday, December 8, 2009, at 10 a.m.

#### DISCHARGED NOMINATIONS

The Senate Committee on Foreign Relations was discharged from further consideration of the following nomina-

tions by unanimous consent and the nominations were confirmed:

BILL DELAHUNT, OF MASSACHUSETTS, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-FOURTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

ELAINE SCHUSTER, OF FLORIDA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-FOURTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

CHRISTOPHER H. SMITH, OF NEW JERSEY, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-FOURTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

WELLINGTON E. WEBB, OF COLORADO, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-FOURTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

LAURA GORE ROSS, OF NEW YORK, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-FOURTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

#### CONFIRMATIONS

Executive nominations confirmed by the Senate, Monday, December 7, 2009:

#### DEPARTMENT OF STATE

BILL DELAHUNT, OF MASSACHUSETTS, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-FOURTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

ELAINE SCHUSTER, OF FLORIDA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-FOURTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

CHRISTOPHER H. SMITH, OF NEW JERSEY, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-FOURTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

WELLINGTON E. WEBB, OF COLORADO, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-FOURTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

LAURA GORE ROSS, OF NEW YORK, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-FOURTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

## HOUSE OF REPRESENTATIVES—Monday, December 7, 2009

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mr. GARAMENDI).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
December 7, 2009.

I hereby appoint the Honorable JOHN GARAMENDI to act as Speaker pro tempore on this day.

NANCY PELOSI,  
*Speaker of the House of Representatives.*

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2009, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

### HEALTH CARE REFORM

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, as we listen to the debate in the other body, there are two missing factors that would create the momentum for reform and revitalization of our health care. There is a stunning disconnect between the two sides on the nature of the problem and the impact of government's involvement in health care.

Opponents argue, with apparent sincerity, that America has the best health care in the world and it would be "destroyed by Federal involvement undermining the quality of existing care", while supposed cost increases would make health care unaffordable for individuals purchasing insurance and ultimately for the taxpayer as well.

What opponents describe could not be more different from what my research, my constituents and my personal experience tells me. For many in Congress, there is no sense of urgency to compel action because Members of Congress are perhaps the most health care secure people in the world and all can

enjoy the finest health coverage in the world.

No one in Congress is likely to go bankrupt this year, or the next, from their preexisting conditions. It doesn't matter because all are eligible for participation in the Federal employees health benefits program. They are able to access the House physician. When they travel overseas, they have military doctors. About a quarter of the House and Senate are eligible for Medicare and for veterans' programs. No wonder there's no sense of urgency, and Senators and Congresspeople can be sincere in their conviction that America has the best health care in the world.

The disconnect is my colleagues' failure to recognize the government's role in all that they enjoy. There is a simple solution to break this deadlock—support my bill to end government involvement in the health care of Members of Congress. I propose, until comprehensive health care reform is signed by the President, there be no Federal investment in health insurance for Members of Congress. No Federal involvement in negotiating their Federal Employees Health Benefits. They would not be eligible to be participating in the dreaded government single payer program—Medicare. There would be no veterans, no House physicians, no military doctors. Those, after all, are socialized medicine. Members of Congress would be in exactly the same position as over 200 million Americans who are currently underinsured, uninsured, or are relying on the good intentions of a spouse's employer, or their ability to negotiate insurance on the private market, contending with their preexisting conditions and the fine print.

Mr. Speaker, I am absolutely confident that within 6 months of Members of Congress experiencing the health care world of most of America, dealing with the fine print, the pre-existing condition, the uncertainty, the bureaucracy, we would have the consensus necessary to be able to move forward with the comprehensive health insurance reform that Americans want, need and deserve.

I would urge my colleagues to join me in sponsoring this legislation to get government out of the health care of Members of the House and Senate until all Americans can enjoy such health security.

### JOB CREATION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. THOMPSON) for 2 minutes.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, a headline in the Wall Street Journal last week read, Job Cuts Loom as Stimulus Fades. Therein lies the jobs problem. The Democratic stimulus plan was poorly designed as a job creator. Government money doesn't do a very good job of stimulating the private sector to invest. The American people know that true economic stimulus starts with tax relief for working families and small businesses. They know that burdening those same families and businesses with an expensive health care program with unknown consequences is a job killer. They know that placing additional energy taxes on the public through the cap and trade system makes businesses pull back on any new investments for the fear of the unknown costs they will face. A stable economy with no surprises looming in the future will give confidence to businesses, and they are the true economic engines of our country. Tax relief promises more capital in the hands of those who invest in the future.

At the time of the stimulus vote, Republicans wanted more funds put into highway construction and Army Corps projects, but that didn't happen. The President has acknowledged that jobs are a problem by holding a jobs summit just this last week. He knows that more than 15 million Americans are looking for work. Let's hope he chooses a new and better path.

### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 41 minutes a.m.), the House stood in recess until noon.

□ 1200

### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LARSEN of Washington) at noon.

### PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The first touch of snow startled Washington as Your soft whisper of winter upon us, Lord. Not enough to stall the driving force in the Nation's Capital, it melts like political words on the air; yet penetrates the grounding of all future plans.

Lord, this thin white curtain fell on our scene, a seeming call for purification of intentions. Quite unsure if we are ready to be fully clothed with Your victory of total transformation, we beg for more time as if it were not already given freely.

Send us more gentle snow, Lord, if it will awaken within us the hidden child who accepts Your surprising sky with a quiet smile. Brighten our shortened days, Lord, that we may take delight again in Your creation and prepare to celebrate the approaching day of Your visitation, when You embraced all our limitations and kept loving us anyway. Amen.

#### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

#### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. SMITH) come forward and lead the House in the Pledge of Allegiance.

Mr. SMITH of Texas led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

#### HARVARD MED DEAN FAILS HEALTH CARE BILL

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, here is what Jeffrey Flier, dean of Harvard Medical School, has to say about the administration's health care bill: "... The people who favor the legislation are engaged in collective denial.

"Speeches and news reports can lead you to believe that proposed congressional legislation would tackle the problems of cost, access and quality. But that's not true.

"... There are no provisions to substantially control the growth of costs or raise the quality of care. So the overall effort will fail to qualify as reform.

"Whatever its shape, the final legislation that will emerge from Congress will markedly accelerate national health care spending rather than restrain it ... The legislation would do

little or nothing to improve quality or change health care's dysfunctional delivery system.

"Worse, currently proposed Federal legislation would undermine any potential for real innovation in insurance and the provision of care."

Dean Flier has good advice: Congress should start over and do it right.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

#### RECOGNIZING ECHO COMPANY OF 100TH BATTALION OF THE 442D INFANTRY

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 199) recognizing the 10th Anniversary of the activation of Echo Company of the 100th Battalion of the 442d Infantry, and the sacrifice of the soldiers and families in support of the United States, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

##### H. CON. RES. 199

Whereas Company E, 100th Battalion, 442d Infantry Regiment of the United States Army was redesignated on February 16, 1999, on the islands of Saipan, Tinian, Rota, Guam and protects the citizens of the Northern Mariana Islands and Guam;

Whereas the soldiers of Company E and their families are active community volunteers supporting the local community and participating in community events;

Whereas Company E has served with great honor and distinction for two tours in Iraq in 2004–2006 and 2008–2009;

Whereas Army Staff Sergeant Wilgene T. Lieto, Army SPC Derence W. Jack, and Army Sergeant Julian F. Manglona of Company E made the ultimate sacrifice for the United States while they served in Iraq; and

Whereas Company E commemorates one of the original companies of the 100th Battalion, 442d Infantry Regiment, which served with distinction during World War II, and continues to live by its motto "Go For Broke": Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That Congress—*

(1) recognizes the valuable, historic, and continued contribution of Company E, 100th Battalion, 442d Infantry Regiment of the United States Army to the citizens of the Northern Mariana Islands, Guam, and the United States;

(2) commends the efforts and contributions of the soldiers and sacrifices of the families of Company E, 100th Battalion, 442d Infantry Regiment to the United States;

(3) recognizes and reaffirms the commitment of Congress to support the mission of Company E, 100th Battalion, 442d Infantry Regiment; and

(4) honors the lives of the soldiers of Company E, 100th Battalion, 442d Infantry Regiment who made the ultimate sacrifice on behalf of the United States.

Amend the title so as to read: "Concurrent resolution Recognizing the 10th Anniversary of the redesignation of Company E, 100th Battalion, 442d Infantry Regiment of the United States Army and the sacrifice of the soldiers of Company E and their families in support of the United States."

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Florida (Mr. ROONEY) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

##### GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I stand in support of House Concurrent Resolution 199, introduced by my colleague, Congressman SABLON, from the Commonwealth of the Northern Mariana Islands.

House Concurrent Resolution 199 recognizes the valuable contributions of Company E, 100th Battalion, 442nd Infantry Regiment of the United States Army.

Not many know that the 100th Battalion, 442nd Infantry Regiment remains the only combat unit in the Army Reserve. In fact, Echo Company of the 100th Battalion was redesignated on February 16, 1999, on the islands of Saipan, Tinian, Rota, and Guam.

As the representative from Guam, I appreciate the opportunity to recognize and commend these soldiers for their outstanding and important service to our Nation.

So today I join my colleague in recognizing the 10th anniversary of the activation of Echo Company and commend the men and women who serve in Echo Company and their families for their dedication and their sacrifice.

During the Second World War, the 100th Battalion, known as "one-puka-puka" was comprised principally of Japanese Americans from Hawaii. The battalion subsequently became a part of the 442nd Infantry Combat Regiment comprised of Japanese Americans who had parents, siblings, and relatives, and many who themselves had been forcibly removed from their homes and communities and sent to internment camps in the United States.

These highly decorated individuals distinguished themselves on the battlefields of Europe; and today those who



volunteer to serve in Echo Company continue to serve with distinction on today's battlefields.

Echo Company has served two tours in Iraq in 2004 through 2006 and, again, in 2008 through this year. In fact, on my most recent trip to Iraq, I had the opportunity to meet with men and women of Echo Company who were performing security operations. I appreciated the opportunity to meet with these men and women in uniform and to recognize their service in the theater of operations.

Unfortunately, three members of Echo Company have made the ultimate sacrifice in defense of our Nation: Staff Sergeant Wilgene T. Lieto, Specialist Derence W. Jack, and Sergeant Julian F. Manglona. Our hearts and prayers are with their families and loved ones and those who they left behind.

The motto of the 100th Battalion is "Go for broke," which continues unabated. Today, we commend Echo Company on their 10th anniversary, and I urge my colleagues to join me in recognizing the service of these fine men and women who have volunteered to defend our Nation, and to support House Concurrent Resolution 199.

I reserve the balance of my time.

Mr. ROONEY. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I rise in strong support of House Concurrent Resolution 199, which recognizes the service and sacrifices of Echo Company of the 100th Infantry Battalion. I want to thank Delegate GREGORIO SABLON for supporting it.

Ten years ago, Echo Company was redesignated on the island of Saipan, Tinian, Rota, and Guam and now serves to protect the citizens of the Northern Mariana Islands and Guam. Since that time, it has served two tours in Iraq, suffering the loss of two of its men. It continues to support the people and communities of the Northern Marianas and stands ready to serve America.

Echo Company carries on the traditions of World War II predecessors in the 100th Battalion, 442nd Infantry Regiment and continues to live by its motto, "Go for broke."

This resolution honors the soldiers of the unit and the families who support them. I urge Members to vote "yes" on this bill.

I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield such time as he may consume to my friend and colleague and the sponsor of this resolution, the gentleman from the Commonwealth of the Northern Mariana Islands (Mr. SABLON).

Mr. SABLON. Mr. Speaker, our Nation can never say "thank you" too frequently to the men and women who put their own lives at risk in military service. So I rise today as the sponsor of House Concurrent Resolution 199 thanking the men and women of Company E, 100th Battalion, 442nd Infantry

Regiment for their service, their dedication, and their sacrifice.

I ask that the House adopt House Concurrent Resolution 199 honoring Company E—Echo Company, as we call it in the Northern Mariana Islands—in this year, the 10th anniversary of this distinguished band of soldiers. This year also marks the completion of Echo Company's second tour of duty in Iraq where they have distinguished themselves for their fortitude and bravery, always living up to the company motto, "Go for broke."

I appreciate the support of the distinguished gentlelady from Guam and the other 25 members of the House Armed Services Committee who are cosponsors of House Concurrent Resolution 199. I also want to thank the additional 29 Members of this House from both sides of the aisle, including my good friend, the distinguished gentleman from Florida, who stepped up to say "thank you" to Echo Company.

Most of all, I want to thank Chairman SKELTON and Ranking Member MCKEON for their leadership and their commitment to our men and women in uniform and for working with me to bring this resolution to the floor today.

As the first person to have the honor to represent the people of the Northern Mariana Islands here in Congress, one of my duties, I believe, is to educate this House about the people I represent. One distinguishing trait of the people of the Northern Mariana Islands is our devotion to the United States of America. We're unique, I believe, in modern times to have chosen as a society to become a permanent part of the United States. We could have become an independent nation, but instead, we chose to be part of this Nation.

Perhaps nothing exemplifies our commitment to serve our new Nation more than our participation in military service. Thirty percent of our graduating class from our public high schools enlisted in military service this year. And obviously, of course, with this out-of-proportion participation in our military, there is an out-of-proportion level of risk. Our community, our small community of some 65,000 people, has suffered the loss of 12 of our people in military service since the commencement of the war in Iraq and Afghanistan. This is certainly one of the highest per capita rates of death in service of any community in our Nation.

I would like to read their names and honor them today: Army Sergeant Yihjyh "Eddie" L. Chen; Army Sergeant Jesse J. Castro; Marine Lance Corporal Adam Q. Emul; Army Specialist Leeroy A. Camacho; Army Private First Class John D. Flores; Army Private First Class Victor M. Fontanilla; Army Specialist Joe G. Charfauros, Jr.; Navy Seaman Anamarie San Nicolas Camacho; Senior Airman Audra P.M. Winkfield; and,

finally, the three members of Echo Company who gave their lives in combat for their country: Army Staff Sergeant Wilgene T. Lieto, Army Specialist Derence W. Jack, and Army Staff Sergeant Julian F. Manglona.

□ 1215

Mr. Speaker, in closing, I would like to say that by honoring specific individuals or a specific unit of the military, we in no way are forgetting all the men and women from communities all across our Nation who serve in the armed services. There are, in fact, many people from the Northern Mariana Islands who are not members of Echo Company in service throughout the world today. My prayers go out to them today and my thanks.

But Echo Company is the only unit from the Northern Mariana Islands composed solely of people from the Northern Mariana Islands and a platoon from Guam. So as the Representative of the Northern Mariana Islands and especially because this is the 10th anniversary of Echo Company in the Northern Mariana Islands, it is my honor and responsibility to take the floor and say "thank you."

Mr. Speaker, I also want to recognize and am honored to have Representative and Senator-elect Ralph Torres of the Northern Mariana Legislature in the gallery today. Mr. Torres is here to join me in paying respect to our troops.

I would like to submit this letter of support from Representative and Senator-elect Ralph M. Torres into the RECORD.

SAIPAN, MP,  
December 5, 2009.

Hon. GREGORIO KILILI CAMACHO SABLON,  
House of Representatives,  
Washington, DC.

DEAR REPRESENTATIVE SABLON: I am proud and honored to write this letter of support for H. Con. Res. 199, the concurrent congressional resolution recognizing the outstanding efforts of Company E, 100th Battalion, 442 Infantry Regiment for their second deployment to Iraq; and to recognize their 10th Anniversary of being located on the Commonwealth of the Northern Mariana Islands (CNMI).

As a current Representative and Senator-Elect in the CNMI Legislature, I appreciate your efforts to honor the dedication of our troops, and for recognizing the commitment and challenges the spouses and families face when their loved ones are deployed.

Company E not only preserves our freedoms, but is a valuable part of our community. They participate in many community events, such as every July 4th as part of Island Liberation Day, provide all funeral details on the CNMI and participate in the Go for Broke baseball and canoeing teams.

Go for Broke is the motto of Company E, and they live that way in all they do and I am proud to support H. Con. Res. 199.

Sincerely,

RALPH TORRES,  
Representative and Senator-Elect.

Godspeed to Company E, to all our men and women for your sacrifice and for all that you have done for our people and for the United States of America.

Mr. ROONEY. Mr. Speaker, I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, at this time, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 199, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. BORDALLO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### COMMENDING THE SOLDIERS AND CIVILIAN PERSONNEL STATIONED AT FORT GORDON

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 206) commending the soldiers and civilian personnel stationed at Fort Gordon and their families for their service and dedication to the United States and recognizing the contributions of Fort Gordon to Operation Iraqi Freedom and Operation Enduring Freedom and its role as a pivotal communications training installation, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

##### H. CON. RES. 206

Whereas in 1940, in preparation for possible involvement in World War II, the United States Army identified a site near Augusta, Georgia, that was suitable for division-level training, and the War Department entered into a \$22 million contract to construct the new installation;

Whereas, at the groundbreaking ceremony on October 18, 1941, the new installation was named Camp Gordon in memory of John B. Gordon, a general in the Civil War and former Georgia Governor;

Whereas during World War II, Camp Gordon was home to three Army divisions, namely the 4th Infantry Division, the 26th Infantry Division, and the 10th Armored Division until they were deployed to Europe, where all three served with distinction;

Whereas after the war, on November 1, 1948, Camp Gordon began its signal corps tradition by becoming the home of the Signal Corps Training Center;

Whereas by 1950, the need for signalmen for the Army during the Korean War led to a major expansion of the Signal Corps Training Center, making it the largest single source of Army communications specialists;

Whereas, on March 21, 1956, Camp Gordon was made a permanent installation and renamed Fort Gordon;

Whereas the military conflicts in Southeast Asia in the 1960s and 1970s, together

with advances in communications-electronics (C-E) technology, placed heavy training demands on Fort Gordon;

Whereas at the height of the Vietnam War, the Signal Corps Training Center was renamed the Southeastern Signal School and became the primary source of personnel for tactical C-E units in Vietnam;

Whereas in September 1965, the Southeastern Signal School activated the Signal Officer Candidate School, from which more than 2,000 officers graduated by February 1968;

Whereas in the post-Vietnam era, as the Army reorganized and modernized, signal training at Fort Gordon progressed to keep pace with rapid technological advances on the modern battlefield, and the Southeastern Signal School was renamed first as the United States Army Signal School and subsequently the United States Army Signal Center at Fort Gordon;

Whereas in June 1986, the United States Army Signal Corp Regiment was established, and Fort Gordon was designated as the regimental home base;

Whereas the Signal Center's efforts included the development of Mobile Subscriber Equipment, the Army's communications architecture and assuming the lead for the Army's Information Mission Area, which included the integration of automation, communications, visual information, records management, and publications and printing;

Whereas in 1990 and 1991, the Signal Center played a vital role in preparing soldiers for deployment during Operation Desert Shield and Operation Desert Storm;

Whereas in the 1990s, Fort Gordon became the home for training most of the personnel within the Department of Defense who operate and maintain satellites and continued to train signal troops of allied and foreign countries;

Whereas Fort Gordon continues to serve as a power projection base for several Signal units responsible for conducting operations overseas;

Whereas approximately 19,000 soldiers are stationed at Fort Gordon, and many of these soldiers have been deployed in Operation Iraqi Freedom or Operation Enduring Freedom multiple times; and

Whereas the strength and unwavering support of the soldiers and their families of Fort Gordon and the entire Augusta community have contributed to making the United States a safe and secure country: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That Congress—*

(1) recognizes Fort Gordon as the home of the United States Army Signal Corps on the occasion of the 60th anniversary of Fort Gordon serving as the home of the Signal Corps Training Center;

(2) commends the soldiers, their families, and the civilian personnel at Fort Gordon for their service and dedication to the United States; and

(3) recognizes the contributions of Fort Gordon to Operation Iraqi Freedom and Operation Enduring Freedom.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Florida (Mr. ROONEY) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

##### GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members

have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I rise today to support House Concurrent Resolution 206, commending the dedication of soldiers, civilian personnel, and families stationed at Fort Gordon, Georgia, and recognizing the 60th anniversary of Fort Gordon as the vital training center of the United States Army Signal Corps.

Fort Gordon has a long and storied history of preparing our soldiers to effectively utilize technological advances on the battlefield. Now, Fort Gordon is training our soldiers in the advanced communication technologies needed to execute missions in Operation Iraqi Freedom and Operation Enduring Freedom.

I also want to commend the civilian personnel at Fort Gordon who are key members of the United States Army Signal Corps team and whose hard work and dedication to the mission are critical to the United States Army's success. To be the best, we need soldiers and civilians working together.

And finally, I want to express my gratitude to the families stationed at Fort Gordon. While their loved ones train for long hours and deploy overseas for extended periods of time, the families remain supportive and steadfast, understanding the sacrifice that comes from keeping the United States safe and secure. I also commend the entire Augusta, Georgia, community who rally around the great men and women of Fort Gordon.

Mr. Speaker, I would like to thank my colleague, Mr. BROWN of the State of Georgia, for his work in bringing this resolution to the floor, and I ask all my colleagues to support House Concurrent Resolution 206.

I reserve the balance of my time.

Mr. ROONEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of House Concurrent Resolution 206, which commends the soldiers, civilian personnel, and their families stationed at Fort Gordon, Georgia, for their service and dedication to the United States.

I want to commend Representative PAUL BROWN of Georgia for sponsoring this legislation which has drawn wide support of other Members as cosponsors, including a great number of non-Georgians.

Mr. Speaker, Fort Gordon has been an important site of Army training for more than 60 years. Initially a training area for newly formed combat divisions preparing for battle in World War II, the 4th Infantry, the 26th Infantry, and the 10th Armored Divisions trained at

the then-Camp Gordon before they were deployed to combat in Europe and distinguished themselves in hard fighting across France, the Low Countries, and Germany.

After the war, the newly designated Fort Gordon became the home of the Army's Signal Corps. In every conflict since, from Korea through today's wars in Iraq and Afghanistan, Fort Gordon has trained Army combat communicators in their essential combat duties.

This is why it is, therefore, right and proper that we recognize Fort Gordon, the home of the Army Signal Corps, for its outstanding contributions to our Nation. I urge all Members to support this resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. GINGREY of Georgia. Mr. Speaker, I rise today as a cosponsor of H. Con. Res. 206, a resolution commending the soldiers and civilian personnel stationed at Fort Gordon and their families for their service and dedication to the United States and recognizing the contributions of Fort Gordon to Operation Iraqi Freedom and Operation Enduring Freedom and its role as a pivotal communications training installation.

Fort Gordon dates to 1940, when the United States Army recognized a need for a military installation near Augusta, Georgia that could aid in combat during the ensuing Second World War. The groundbreaking actually took place in 1941, and the base was originally named Camp Gordon after John B. Gordon, a general during the Civil War and former Governor of Georgia. During World War II, Camp Gordon was home to the 4th Infantry Division, 26th Infantry Division, and 10th Armored Division of the Army until they were deployed to Europe. However, in 1948, Camp Gordon became the home of the Signal Corps Training Center—for which it is most commonly known today.

Throughout the Korean war the need for signalmen grew, and the Signal Corps Training Center became the largest single source for Army communications specialists. Camp Gordon was also made a permanent installation in 1956 and was renamed Fort Gordon. Further, during the Vietnam war era and after, communications specialists became an absolutely necessary component of highly technological and modernized warfare, and Fort Gordon was recognized as an exemplary institution for these soldiers as the Signal Corps Training Center came to be known as the United States Army Signal Center at Fort Gordon.

Fort Gordon and the troops and families stationed there were instrumental in Operations Desert Shield and Desert Storm, and during the 1990s the installation was responsible for training most of the DoD personnel who operate and maintain satellites, as well as training signal troops of allied and former nations.

Currently, approximately 19,000 soldiers are stationed at Fort Gordon, and Augusta has been a welcome home to all of them. To this day, the base continues its tradition of success in the Signal Corps, as it trains soldiers for deployment into theater in Iraq and Afghanistan. On behalf of Georgia's 11th Con-

gressional District, I am proud of the continued dedication to the safety and security of the United States of the men and women at Fort Gordon and thank them for their nearly 60 years of service to this Nation. Georgia has been blessed with an abundance of willing men and women who are committed to ensuring freedom and liberty for America, and I thank each of them for their service.

I believe that the brave men and women at Fort Gordon and every military installation who sacrifice for our present freedoms deserve our fullest support. Our Nation's service men and women represent the best our country has to offer, and they must be treated with the respect and honor they deserve. As we ask these courageous soldiers, sailors, airmen, and marines—and their families—to do more and more, it's only right we continue doing all we can for them. Commending the accomplishments and service of our troops at Fort Gordon is just one small example of the gratitude that every American should express to our troops at home and abroad.

With that, Mr. Speaker, I ask all of my colleagues to support this resolution.

Mr. BROUN of Georgia. Mr. Speaker, I rise today to commend the soldiers, civilians, and military families stationed at Fort Gordon for their service and dedication to the United States, and to honor the lineage of Fort Gordon as an indispensable communications installation and training center in our Nation's history.

Fort Gordon was originally conceived as Camp Gordon on October 18, 1941, as an answer to America's fight in WWII Europe. Camp Gordon was home to three Army Divisions—the 4th Infantry Division, the 26th Infantry Division, and the 10th Armored Division. All served with distinction in the liberation of Europe from the Nazi tyranny. It was not until March 21, 1956, that Camp Gordon was given permanent status and renamed Fort Gordon.

Since that time, Fort Gordon's soldiers and civilians have continuously served with distinction in Vietnam, Operations Desert Shield and Desert Storm, and in current operations in Iraq and Afghanistan. All the while, the military family members were providing support while dealing with the hardship of long and often times multiple deployment separations.

In June 1986, the United States Army Signal Regiment was established and Fort Gordon was designated as the home base for the regiment. Fort Gordon is home not only to the Army's premier signal training center, but it is also home to deploying active and reserve Army units. The soldiers in these units take the lessons learned from the battlefield in order to incorporate the lessons into the signal training curriculum and in research and development. This functional and technical analysis has led to the development of mobile subscriber equipment, the Army's communication architecture and information mission area, which include integration of automation, communications, and visual information.

Fort Gordon's role as a communications leader was not achieved through individuality but through a combined effort of the Army and the citizens of Augusta who together have fostered a strong community. Margret Mead said it best when referring to the strength of a community, "never doubt that a small, group of

thoughtful, committed citizens can change the world. Indeed, it is the only thing that ever has." These committed Augusta citizens were and are an essential part of Fort Gordon's history that has led to a safer and secure America.

Ms. BORDALLO. Mr. Speaker, at this time I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 206, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. BORDALLO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### HONORING 373RD ANNIVERSARY OF THE NATIONAL GUARD

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 940) recognizing and honoring the National Guard on the occasion of its 373rd anniversary.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 940

Whereas the National Guard celebrates its 373rd birthday on December 13, 2009;

Whereas the National Guard and its citizen-soldiers have participated in all major American conflicts, most recently Operation Enduring Freedom and Operation Iraqi Freedom;

Whereas the National Guard is the oldest component of the United States Armed Forces;

Whereas the National Guard has served with distinction as America's first line of defense against natural and man-made disasters within the United States;

Whereas Colonial and State militias were the precursors to the National Guard;

Whereas the militia stood their ground during the opening shots of the Revolutionary War at Lexington Green and Concord Bridge in 1775;

Whereas more than 164,000 members of the militia from the 13 colonies served under the command of George Washington during the Revolutionary War;

Whereas in 1824, the 2nd Battalion, 11th Regiment, New York Artillery became the first military organization in the United States to adopt the title "National Guard";

Whereas during the Mexican War of 1846–1848, more than 70 percent of the total manpower effort was from citizen-soldiers through volunteer militiamen;

Whereas the Union and Confederate Armies relied heavily on militias and volunteer regiments during the Civil War of 1861–1865;

Whereas, on April 15, 1861, President Abraham Lincoln invoked the Calling Forth Act

of 1792 and ordered 75,000 militiamen into Federal service for 90 days;

Whereas during the Spanish-American War in 1898, over 160,000 National Guardsmen volunteered for active duty;

Whereas a group of National Guardsmen from Arizona, New Mexico, Oklahoma and Texas were called the "Rough Riders" and were led by Lieutenant Colonel and future United States President Theodore "Teddy" Roosevelt;

Whereas in 1902, Major General Charles W. Dick, commander of the Ohio Division of the National Guard and a member of the United States House of Representatives, became president of the National Guard Association;

Whereas the Militia Act of 1903 created the modern National Guard and affirmed the National Guard as the primary organized combat Reserve force of the Armed Forces;

Whereas in World War I, the National Guard made up 40 percent of the United States combat divisions;

Whereas the National Defense Act of 1920 established the Army of the United States, to consist of the Regular Army, the Organized Reserve Corps, and the National Guard, when called into Federal service;

Whereas an amendment to the National Defense Act enacted on June 15, 1933, established the National Guard of the United States as a Reserve component of the Army;

Whereas the National Security Act of 1947 established the Air National Guard as a Reserve component of the Air Force;

Whereas more than 300,000 members of the National Guard, including 18 infantry divisions, participated in World War II;

Whereas more than 138,000 members of the Army National Guard and more than 45,000 members of the Air National Guard were called to active duty during the Korean War;

Whereas almost 23,000 members of the Army and Air National Guard were mobilized for two years of active duty during the Vietnam War;

Whereas more than 70,000 members of the Army and Air National Guard were called upon to participate in Operation Desert Shield and Operation Desert Storm in 1990 and 1991;

Whereas since the attacks on September 11, 2001, hundreds of thousands of members of the Army and Air National Guard have been called upon by their States and the Federal Government to provide security at home and combat terrorism abroad; and

Whereas more than 50,000 members of the Army and Air National Guard were deployed in the Gulf States following Hurricane Katrina in 2005: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) thanks the members of the National Guard for their service in response to the attacks on September 11, 2001, and their continuing role in homeland security and military operations;

(2) supports providing the National Guard with the necessary resources to ensure its readiness;

(3) expresses its condolences and gratitude to the families of those members of the National Guard who have lost their lives through their dedication and commitment to the freedom and security of the United States while serving in the National Guard; and

(4) honors and supports the compassionate, courageous, and dedicated members of the National Guard who serve a critical role in protecting the United States and its citizens' freedoms and treasured liberties.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Florida (Mr. ROONEY) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of House Resolution 940, introduced by my colleague from Ohio (Mr. LATTA), which recognizes the 373rd birthday of the Nation's military first responders, our National Guard.

On December 13, 2009, we will celebrate the enormous contributions that our Nation's citizen soldiers and airmen have contributed to our national defense for over 300 years. Our forefathers relied on its citizen soldiers to protect this young Nation, and today we continue to rely on our citizen soldiers to protect the values and the rights that Americans enjoy today.

Our men and women in the National Guard not only volunteer to serve overseas in our Nation's defense, they are also an integral part of our local communities, providing assistance, support, and protection to their neighbors and loved ones in cases of natural and man-made disasters within the United States.

The history of the National Guard began back during the early days of our Nation. The colonists adopted the English militia system which required all males between the ages of 16 and 60 to bear arms and contribute to the defense of their community. In those early years, the militia provided the first line of defense in our Nation, which continues to this very day.

Throughout our Nation's conflicts, the National Guard has been an integral part of our country's national defense. During World War I, the National Guard made up 40 percent of America's combat divisions. The National Defense Act of 1933 established the National Guard as a reserve component of the Army, and the National Defense Act of 1947 established the air component of the National Guard as a reserve component of the Air Force.

More than 300,000 members of the National Guard participated in World War II, over 180,000 members of the National Guard participated in the Korean War, and nearly 23,000 members of the National Guard deployed in support of the Vietnam War. More than 50,000 members of the National Guard were deployed to the Gulf States in support of Hurricane Katrina. Today, Mr. Speak-

er, almost a quarter of a million members of the National Guard have been mobilized in support of Operation Noble Eagle, Operation Enduring Freedom, and Operation Iraqi Freedom.

So, today, we are here to express our appreciation to those who serve in the National Guard and their families, who are also making a contribution in defense of our Nation, and we are here to express our gratitude and respect to those of the National Guard who have given their lives in defense of our Nation. Our sympathy and our prayers are with their families and their loved ones, and their sacrifices will never be forgotten.

Mr. Speaker, as a former Lieutenant Governor of Guam, I came to rely on the National Guard to be always there, always ready to respond to local issues. On September 11, the National Guard immediately responded to the new and urgent national requirement to protect our airports. The National Guard is a critical component of our national defense. And I am also proud to represent the Guam National Guard, which has the most membership per capita of any other State National Guard in this country.

So I urge my colleagues to support House Resolution 940 and join us as we wish America's National Guard a very happy birthday.

I reserve the balance of my time.

Mr. ROONEY. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I rise in strong support of House Resolution 940, which recognizes the service and sacrifices of the members of the Army and Air National Guard on the occasion of the 373rd anniversary of the National Guard.

I want to commend Representative ROBERT LATTA of Ohio for sponsoring this legislation.

Mr. Speaker, America is such a dynamic, forward-moving, ever-changing Nation that few institutions can survive for long unless they repeatedly prove their worth and are capable of changing to meet new challenges. For more than 300 years, the National Guard has repeatedly demonstrated its worth and value to this Nation in the crises of peace and war. The courage, commitment, and sacrifices of the National Guard members have been an integral part of every war this Nation has ever fought.

These citizen soldiers most recently have accepted an entirely new role in our national security and enthusiastically transformed themselves and their units from a ready Reserve to an operational Reserve, where repeated deployments to combat have become the norm and not the exception.

□ 1230

While providing significant combat power to support ongoing wars, the Guard has remained true to its mission: to support the individual States

in times of natural disasters. With this dual requirement to support not only the Nation, but also the people of the States from which they come, the National Guard is indispensable to the well-being, safety, and security of all Americans. This is why it is, therefore, right and proper that we recognize the National Guard for 373 years of outstanding service.

I urge all Members to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I continue to reserve the balance of my time.

Mr. ROONEY. Mr. Speaker, I would like to yield at this point 3 minutes to the sponsor of this resolution, the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. I thank the gentleman for yielding.

Mr. Speaker, it is very appropriate that we assemble here today on December 7, "a day that will live in infamy," words that were spoken by President Franklin Delano Roosevelt on this House floor 68 years ago tomorrow. On that December 7, the United States lost many courageous, dedicated, heroic, compassionate men and women when the Pacific fleet was attacked at Pearl Harbor by forces of the Imperial Japan Navy.

I rise today in support of House Resolution 940, which I introduced last week on December 1.

As it has already been pointed out very eloquently about the background of the National Guard, the Guard dates its origins back to December 13, 1636, when the General Court of the Massachusetts Bay Colony ordered existing militias to be organized into three regiments. Since then, the National Guard has fought in every major American conflict. From the shot that was heard around the world at Lexington Green and later at Concord Bridge in April of 1775 to our men and women who are standing strong today and fighting in Afghanistan and Iraq, the National Guard and its citizen soldiers have been there for us no matter what, always ready, always there.

The National Guard is the oldest component of the Armed Forces of the United States. The National Guard's number one priority is the security and defense of our homeland at home and abroad. Americans have relied on their National Guard for more than three-and-a-half centuries, even before the United States existed.

I want to thank all past and present members of the National Guard for their service and response to the attacks on September 11, 2001, and their continuing role in homeland security and military operations around the world.

In today's world, it is essential that we honor and support all of our service-members who have sacrificed so much

for us to ensure that our freedoms and liberties are secure in the United States. We need to support and provide our men and women of the National Guard and all the Armed Forces with the necessary resources to ensure their readiness and success.

As the National Guard's official song goes, "Defending freedom, protecting dreams, this is the spirit of what it means to me. For my God and my home that I love: I Guard America, Guarding America, America."

Ms. BORDALLO. Mr. Speaker, I reserve the balance of my time.

Mr. ROONEY. Mr. Speaker, at this time, I would like to yield 3 minutes to the gentleman from Pennsylvania (Mr. THOMPSON).

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I thank my good friend from Florida for yielding on this very important bill.

Mr. Speaker, I rise today in strong support of House Resolution 940, a resolution that recognizes and honors the National Guard on its 373rd anniversary. The National Guard has a long and proud history as the oldest component of our Armed Forces.

The roots of the National Guard date back to our early colonial and State militias, which were vital during the Revolutionary War. It was the National Guardsmen who made up the Rough Riders in the Spanish-American War. More recently, on this date the Japanese attacked Pearl Harbor, and the Greatest Generation went to war. And it is fitting that we pass this resolution today in memory of all those who served, but in particular those who were in the National Guard.

More than 16 million Americans fought in World War II, and about 2 million of them are still alive today, but they are dying at a rate of about 900 a day, according to the Department of Defense. The National Guard have made up 40 percent of the U.S. combat divisions and included 300,000 members and 18 infantry divisions in World War II.

Since the establishment of the National Guard, men and women have served valiantly in every American conflict, including our recent efforts in the Middle East in Operation Enduring Freedom and Operation Iraqi Freedom.

As the father of a former National Guardsman who has served in Iraq with the Army, I have the greatest respect and gratitude for the National Guard and the job that they perform. Earlier this year, I had the privilege to travel to Iraq and Afghanistan to meet many of our soldiers and leaders on the ground, and it was there I witnessed the National Guard firsthand.

I commend and thank the National Guard and all of our men and women in uniform for their selfless service to their country. And I urge my colleagues to support the National Guard and our troops and vote in favor of this important legislation.

Mr. ROONEY. Mr. Speaker, I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of H. Res. 940 recognizing and honoring the National Guard on the occasion of its 373rd anniversary.

The security and freedom we enjoy in the United States of America is due in great part to the sacrifices made by the oldest component of the Armed Forces, the National Guard. From the Revolutionary War to the latest military operations in the Middle East, the Citizen-Soldiers of the National Guard have competently responded to the call of duty. In addition to serving overseas, these men and women make up the forces in the state divisions, such as the Texas National Guard, and have been key in serving the local community during natural disasters and civil emergencies.

As we reflect on the 68th anniversary of Pearl Harbor this week, it reminds us of the ultimate sacrifice members of the National Guard have bravely made, and will continue to make, for our country. I urge my colleagues to join me in supporting H. Res. 940 to recognize and honor the National Guard on the occasion of its 373rd anniversary.

Ms. RICHARDSON. Mr. Speaker, I rise today in strong support of House Resolution 940, a resolution recognizing and honoring the National Guard on the occasion of its 373rd anniversary. The National Guard has a rich and vital history of protecting our Nation, and I am proud to support this resolution honoring them.

I would like to thank Congressman LATTA for authoring this important resolution, and House Majority Leader STENY HOYER and Speaker NANCY PELOSI for their skill and leadership in bringing it to the floor.

Mr. Speaker, since the attacks on September 11, 2001, hundreds of thousands of members of the Army and Air National Guard have been called upon by their States and the Federal Government to provide security at home and combat terrorism abroad. As a conferee on H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010, I was proud to support the provision of \$200 million to support National Guard and Reserve military construction projects. The men and women of the National Guard make so many sacrifices to keep our Nation and its people safe, and we need to make sure they have the support and funding to perform their duties. This resolution recognizes and honors those sacrifices.

In conclusion, Mr. Speaker, I support this resolution thanking the members of the National Guard for their service and continued support, as well as expressing condolences and gratitude to the families of members of the National Guard who have lost their lives. I am proud to honor and support the compassionate, courageous, and dedicated members of the National Guard who serve a critical role in protecting the United States and its citizens' freedoms and treasured liberties.

Mr. Speaker, I urge my colleagues to join me in supporting H. Res. 940.

Ms. BORDALLO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by

the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and agree to the resolution, H. Res. 940.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. BORDALLO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### RECOGNIZING THE AIR FORCE AND DYESS AIR FORCE BASE ON ACHIEVING ENERGY SAVINGS

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 845) recognizing the United States Air Force and Dyess Air Force Base for their success in achieving energy savings and developing energy-saving innovations during Energy Awareness Month, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

##### H. RES. 845

Whereas the United States Air Force operates 84 major installations and 82 minor installations worldwide and is supported by an employee base of approximately 700,000 persons, which includes regular and Reserve component members and civilian employees;

Whereas the Air Force mission requires a global presence that provides a rapid response capability and strategic positioning of its assets;

Whereas the Air Force is the largest user of energy in the Federal Government since Air Force aircraft consume significant quantities of energy in executing their mission and keeping the United States and its allies safe;

Whereas the Air Force has a comprehensive energy policy and strategy that identifies the imperative to eliminate waste, conserve resources, and seek new, alternative sources of energy;

Whereas October of each year is Energy Awareness Month throughout the Federal Government, and the Air Force's theme for fiscal year 2010 is "Energy Solutions...Fueling the Mission";

Whereas the theme "Energy Solutions...Fueling the Mission" highlights the importance of energy to the Air Force's overall mission to "Fly, Fight, Win" and supports the Air Force energy plan to reduce demand, increase supply, and change the culture to make energy a consideration in everything they do;

Whereas Dyess Air Force Base in Abilene, Texas, is one of just three Air Force installations recognized by the Department of Energy as a 2009 Federal Energy and Water Management Award Winner;

Whereas Dyess Air Force Base has developed several energy-saving initiatives, including a system that employs a pond and an ice plant through which water is circulated and then used to cool the installation during the hot summer months, reducing the energy used by the B-1 simulator campus by over 30

percent, and saving Dyess Air Force Base more than \$239,000;

Whereas through a partnership with two companies, Dyess Air Force Base was able to take previously unusable water to the base through an abandoned pipeline for use on the installation's golf course, thereby saving more than 160 million gallons of water a year;

Whereas the hangar lights at Dyess Air Force Base were replaced with new electronic dimming lights, which have saved 9,734 million BTUs and \$209,000; and

Whereas in 2008, Dyess Air Force Base energy managers, engineers, and contracting officials reduced energy consumption by 16.5 percent and saved more than \$1 million: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) recognizes the energy savings and innovations achieved by the United State Air Force;

(2) honors the leadership of the 7th Bomb Wing at Dyess Air Force Base for their energy savings; and

(3) congratulates Tom Denslow, Danny Dobbs, Ron Miller, and TSgt (Sel) Daniel Thatcher of the Department of the Air Force, Dyess Air Force Base, and Steve Dumont of the Department of the Air Force, Air Combat Command, for their efforts to reduce energy use in support of the missions of the 7th Bomb Wing and the 317th Airlift Group and to make Dyess Air Force Base a model of efficient energy use.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Florida (Mr. ROONEY) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

##### GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to support House Resolution 845, recognizing the United States Armed Forces and Dyess Air Force Base for their success in achieving energy savings and developing energy-saving innovations.

I would like to thank my colleague and former neighbor, Mr. NEUGEBAUER, for his work in bringing this resolution to the floor.

The Air Force pledge to become more energy efficient has facilitated both resourceful engineering projects and simple solutions, such as the installation of new electronic dimming lights in hangars at Dyess Air Force Base.

While the projects at Dyess Air Force Base range in size and scope, the end result is a 16.5 percent reduction in energy usage at a savings of over \$1 million in 2008. The diligence exhibited by the Air Force and leadership at Dyess Air Force Base serves as a good example of what can be achieved in energy

savings, not only at other bases, but in government facilities, private businesses, and personal households.

The men and women at this base in Abilene, Texas, continue to display a commitment to conserve energy and remain faithful stewards of the taxpayers' money. They accomplished all of this without sacrificing their ultimate mission to "Fly, Fight, Win."

So Mr. Speaker, I urge my colleagues to join me in congratulating the United States Air Force and Dyess Air Force Base for their successes in energy conservation by supporting House Resolution 845.

Mr. Speaker, I reserve the balance of my time.

Mr. ROONEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of House Resolution 845, which recognizes the United States Air Force and Dyess Air Force Base, Texas, for their innovative approaches and success in achieving energy savings. I want to commend Representative RANDY NEUGEBAUER of Texas for sponsoring this legislation.

Mr. Speaker, as the largest user of energy in the Federal Government, the Air Force has been a national leader in seeking ways to conserve energy, eliminate waste, and seek alternative sources of energy at its 166 large and small installations around the world. Within this exemplary group of military installations, Dyess Air Force Base, Texas, was just one of three Air Force installations recognized by the Department of Energy as a 2009 Federal Energy and Water Management Award winner. In earning this distinction, Dyess Air Force Base personnel reduced energy consumption by more than 16 percent and saved over \$1 million without sacrificing mission accomplishment in any way.

This is why it is, therefore, right and proper that we recognize the Air Force and Dyess Air Force Base, Texas, for their leadership and outstanding accomplishments in energy stewardship.

I urge all Members to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I continue to reserve the balance of my time.

Mr. ROONEY. Mr. Speaker, at this time, I would like to yield 5 minutes to the gentleman from Texas, the sponsor of this resolution, Mr. NEUGEBAUER.

Mr. NEUGEBAUER. Mr. Speaker, today I rise in recognition of the United States Air Force in their tremendous efforts as leaders in the Federal Government's participation in Energy Awareness Month this past October.

America depends on the Air Force to continually provide an umbrella of security, deter our Nation's enemies, and provide safe, efficient, and effective



transportation of essential personnel and supplies to carry out their mission.

As the largest single user of energy in the Federal Government, the Air Force faces the daily challenge of improving their energy efficiency while continuing to provide our Nation and her allies with the most reliable Air Force in the world.

Mr. Speaker, I would like to also take this opportunity to congratulate Dyess Air Force Base, located in my district. Dyess Air Force Base was recently recognized by receiving the Department of Energy's Federal Energy and Waste Management Award. The Federal Energy and Waste Management Award recognizes individuals, groups, and agencies for their outstanding contributions in the areas of energy efficiency, water conservation, and the use of advanced and renewable energy technologies at their Federal facilities. Having earned this award in the past, Dyess Air Force Base continues to be a model for smart energy use.

As we recognize October as Energy Awareness Month throughout the Federal Government, Dyess Air Force Base has made outstanding contributions in areas of energy efficiency, water conservation, and the use of advanced and renewable energy technologies. Some of the energy-saving initiatives included a system that employs a pond and an ice plant through which water is circulated and used to cool the installation during the hot summer months, and reducing the energy used by the B-1 bomb simulator over 30 percent, saving almost \$239,000. They also developed a way to use previously unusable water through an abandoned pipeline for use by the installation's golf course, thereby saving almost 160 million gallons of fresh water each year.

All told, in 2008, Dyess Air Force Base reduced its total energy consumption 16.5 percent and saved the American taxpayers over \$1 million. I am proud of this achievement and the honor that this award brings to the Air Force, the people of the 19th Congressional District, and to the State of Texas. As we step toward developing sustainable and alternative energy sources, we must continue to work to increase our energy efficiency.

Finally, Mr. Speaker, I would like to personally congratulate and insert into the RECORD the following names: Tom Denslow, Danny Dobbs, Ron Miller, and Daniel Thatcher of Dyess Air Force Base; and Steve Dumont of Air Combat Command for their efforts to reduce energy use and to make that base a model of energy use. It is because of their hard work and dedication that America's dollars are better utilized and airmen are best served.

Mr. ROONEY. Mr. Speaker, I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I wish to thank my colleague from Florida

(Mr. ROONEY) for managing the bills on the floor today. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and agree to the resolution, H. Res. 845, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. BORDALLO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1245

#### NORTHWEST STRAITS MARINE CONSERVATION INITIATIVE REAUTHORIZATION ACT OF 2009

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1672) to reauthorize the Northwest Straits Marine Conservation Initiative Act to promote the protection of the resources of the Northwest Straits, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1672

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

##### SECTION 1. SHORT TITLE.

This Act may be cited as the "Northwest Straits Marine Conservation Initiative Reauthorization Act of 2009".

##### SEC. 2. REAUTHORIZATION OF NORTHWEST STRAITS MARINE CONSERVATION INITIATIVE ACT.

The Northwest Straits Marine Conservation Initiative Act (title IV of Public Law 105-384; 112 Stat. 3458) is amended—

- (1) in section 402, by striking "(in this title referred to as the 'Commission')"; and
- (2) by striking sections 403 and 404;
- (3) by redesignating section 405 as section 410; and
- (4) by inserting after section 402 the following new sections:

##### "SEC. 403. FINDINGS.

"Congress makes the following findings:

"(1) The marine waters and ecosystem of the Northwest Straits in Puget Sound in the State of Washington represent a unique resource of enormous environmental and economic value to the people of the United States.

"(2) During the 20th century, the environmental health of the Northwest Straits declined dramatically as indicated by impaired water quality, declines in marine wildlife, collapse of harvestable marine species, loss of critical marine habitats, ocean acidification, and sea level rise.

"(3) At the start of the 21st century, the Northwest Straits have been threatened by sea level rise, ocean acidification, and other effects of climate change.

"(4) In 1998, the Northwest Straits Marine Conservation Initiative Act (title IV of Pub-

lic Law 105-384) was enacted to tap the unprecedented level of citizen stewardship demonstrated in the Northwest Straits and create a mechanism to mobilize public support and raise capacity for local efforts to protect and restore the ecosystem of the Northwest Straits.

"(5) The Northwest Straits Marine Conservation Initiative helps the National Oceanic and Atmospheric Administration and other Federal agencies with their marine missions by fostering local interest in marine issues and involving diverse groups of citizens.

"(6) The Northwest Straits Marine Conservation Initiative shares many of the same goals with the National Oceanic and Atmospheric Administration, including fostering citizen stewardship of marine resources, general ecosystem management, and protecting federally managed marine species.

"(7) Ocean literacy and identification and removal of marine debris projects are examples of on-going partnerships between the Northwest Straits Marine Conservation Initiative and the National Oceanic and Atmospheric Administration.

##### "SEC. 404. DEFINITIONS.

"In this title:

"(1) COMMISSION.—The term 'Commission' means the Northwest Straits Advisory Commission established by section 402.

"(2) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

"(3) NORTHWEST STRAITS.—The term 'Northwest Straits' means the marine waters of the Strait of Juan de Fuca and of Puget Sound from the Canadian border to the south end of Snohomish County.

##### "SEC. 405. MEMBERSHIP OF THE COMMISSION.

"(a) COMPOSITION.—The Commission shall be composed of up to 14 members who shall be appointed as follows:

"(1) One member appointed by a consensus of the members of a marine resources committee established under section 408 for each of the following counties of the State of Washington:

"(A) San Juan County.

"(B) Island County.

"(C) Skagit County.

"(D) Whatcom County.

"(E) Snohomish County.

"(F) Clallam County.

"(G) Jefferson County.

"(2) Two members appointed by the Secretary of the Interior in trust capacity and in consultation with the Northwest Indian Fisheries Commission or the Indian tribes affected by this title collectively, as the Secretary of the Interior considers appropriate, to represent the interests of such tribes.

"(3) One member appointed by the Governor of the State of Washington to represent the interests of the Puget Sound Partnership.

"(4) Four members appointed by the Governor of the State of Washington who—

"(A) are residents of the State of Washington; and

"(B) are not employed by a Federal, State, or local government.

"(b) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

"(c) CHAIRPERSON.—The Commission shall select a Chairperson from among its members.

"(d) MEETING.—The Commission shall meet at the call of the Chairperson, but not less frequently than quarterly.

"(e) LIAISON.—

“(1) IN GENERAL.—The Secretary of Commerce, acting through the Under Secretary for Oceans and Atmosphere and in consultation with the Director of the Commission appointed under section 407(a), shall appoint an employee of the National Oceanic and Atmospheric Administration—

“(A) to serve as a liaison between the Commission and the Department of Commerce; and

“(B) to attend meetings and other events of the Commission as a nonvoting participant.

“(2) LIMITATION.—Service of an employee as an appointee under paragraph (1)—

“(A) shall be limited to service as a liaison and attendance of meetings and other events as a nonvoting participant; and

“(B) does not obligate the employee to perform any duty of the Commission under section 406(b).

#### **“SEC. 406. GOAL AND DUTIES OF THE COMMISSION.**

“(a) GOAL.—The goal of the Commission is to protect and restore the marine waters, habitats, and species of the Northwest Straits region to achieve ecosystem health and sustainable resource use by—

“(1) designing and initiating projects that are driven by sound science, local priorities, community-based decisions, and the ability to measure results;

“(2) building awareness and stewardship and making recommendations to improve the health of the Northwest Straits marine resources;

“(3) maintaining and expanding diverse membership and partner organizations;

“(4) expanding partnerships with governments of Indian tribes affected by this title and continuing to foster respect for tribal cultures and treaties; and

“(5) recognizing the importance of economic and social benefits that are dependent on marine environments and sustainable marine resources.

“(b) DUTIES.—The duties of the Commission are the following:

“(1) To provide resources and technical support for marine resources committees established under section 408.

“(2) To work with such marine resources committees and appropriate entities of Federal and State governments and Indian tribes affected by this title to develop programs to monitor the overall health of the marine ecosystem of the Northwest Straits.

“(3) To identify factors adversely affecting or preventing the restoration of the health of the marine ecosystem and coastal economies of the Northwest Straits.

“(4) To develop scientifically sound restoration and protection recommendations, informed by local priorities, that address such factors.

“(5) To assist in facilitating the successful implementation of such recommendations by developing broad support among appropriate authorities, stakeholder groups, and local communities.

“(6) To develop regional projects based on such recommendations to protect and restore the Northwest Straits ecosystem.

“(7) To serve as a public forum for the discussion of policies and actions of Federal, State, or local government, an Indian tribe affected by this title, or the Government of Canada with respect to the marine ecosystem of the Northwest Straits.

“(8) To inform appropriate authorities and local communities about the marine ecosystem of the Northwest Straits and about issues relating to the marine ecosystem of the Northwest Straits.

“(9) To consult with all Indian tribes affected by this title to ensure that the work of the Commission does not violate tribal treaty rights.

“(c) BENCHMARKS.—The Commission shall carry out its duties in a manner that promotes the achieving of the benchmarks described in subsection (f)(2).

“(d) COORDINATION AND COLLABORATION.—The Commission shall carry out the duties described in subsection (b) in coordination and collaboration, when appropriate, with Federal, State, and local governments and Indian tribes affected by this title.

“(e) REGULATORY AUTHORITY.—The Commission shall have no power to issue regulations.

“(f) ANNUAL REPORT.—

“(1) IN GENERAL.—Each year, the Commission shall prepare, submit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Natural Resources of the House of Representatives, and the Under Secretary for Oceans and Atmosphere, and make available to the public an annual report describing—

“(A) the activities carried out by the Commission during the preceding year; and

“(B) the progress of the Commission in achieving the benchmarks described in paragraph (2).

“(2) BENCHMARKS.—The benchmarks described in this paragraph are the following:

“(A) Protection and restoration of marine, coastal, and nearshore habitats.

“(B) Prevention of loss and achievement of a net gain of healthy habitat areas.

“(C) Protection and restoration of marine populations to healthy, sustainable levels.

“(D) Protection of the marine water quality of the Northwest Straits region and restoration of the health of marine waters.

“(E) Collection of high-quality data and promotion of the use and dissemination of such data.

“(F) Promotion of stewardship and understanding of Northwest Straits marine resources through education and outreach.

#### **“SEC. 407. COMMISSION PERSONNEL AND ADMINISTRATIVE MATTERS.**

“(a) DIRECTOR.—The Manager of the Shorelands and Environmental Assistance Program of the Department of Ecology of the State of Washington may, upon the recommendation of the Commission and the Director of the Padilla Bay National Estuarine Research Reserve, appoint and terminate a Director of the Commission. The employment of the Director shall be subject to confirmation by the Commission.

“(b) STAFF.—The Director may hire such other personnel as may be appropriate to enable the Commission to perform its duties. Such personnel shall be hired through the personnel system of the Department of Ecology of the State of Washington.

“(c) ADMINISTRATIVE SERVICES.—If the Governor of the State of Washington makes available to the Commission the administrative services of the State of Washington Department of Ecology, the Commission shall use such services for employment, procurement, grant and fiscal management, and support services necessary to carry out the duties of the Commission.

#### **“SEC. 408. MARINE RESOURCES COMMITTEES.**

“(a) IN GENERAL.—The government of each of the counties referred to in subparagraphs (A) through (G) of section 405(a)(1) may establish a marine resources committee that—

“(1) complies with the requirements of this section; and

“(2) receives from such government the mission, direction, expert assistance, and financial resources necessary—

“(A) to address issues affecting the marine ecosystems within its county; and

“(B) to work to achieve the benchmarks described in section 406(f)(2).

“(b) MEMBERSHIP.—

“(1) IN GENERAL.—Each marine resources committee established pursuant to this section shall be composed of—

“(A) members with relevant scientific expertise; and

“(B) members that represent balanced representation, including representation of—

“(i) local governments, including planning staff from counties and cities with marine shorelines;

“(ii) affected economic interests, such as ports and commercial fishers;

“(iii) affected recreational interests, such as sport fishers; and

“(iv) conservation and environmental interests.

“(2) TRIBAL MEMBERS.—With respect to a county referred to in subparagraphs (A) through (G) of section 405(a)(1), each Indian tribe with usual and accustomed fishing rights in the waters of such county and each Indian tribe with reservation lands in such county, may appoint one member to the marine resources committee for such county. Such member may be appointed by the respective tribal authority.

“(3) CHAIRPERSON.—

“(A) IN GENERAL.—Each marine resources committee established pursuant to this section shall select a chairperson from among members by a majority vote of the members of the committee.

“(B) ROTATING POSITION.—Each marine resources committee established pursuant to this section shall select a new chairperson at a frequency determined by the county charter of the marine resources committee to create a diversity of representation in the leadership of the marine resources committee.

“(c) DUTIES.—The duties of a marine resources committee established pursuant to this section are the following:

“(1) To assist in assessing marine resource problems in concert with governmental agencies, tribes, and other entities.

“(2) To assist in identifying local implications, needs, and strategies associated with the recovery of Puget Sound salmon and other species in the region of the Northwest Straits listed under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) in coordination with Federal, State, and local governments, Indian tribes affected by this title, and other entities.

“(3) To work with other entities to enhance the scientific baseline and monitoring program for the marine environment of the Northwest Straits.

“(4) To identify local priorities for marine resource conservation and develop new projects to address those needs.

“(5) To work closely with county leadership to implement local marine conservation and restoration initiatives.

“(6) To coordinate with the Commission on marine ecosystem objectives.

“(7) To educate the public and key constituencies regarding the relationship between healthy marine habitats, harvestable resources, and human activities.

#### **“SEC. 409. NORTHWEST STRAITS MARINE CONSERVATION FOUNDATION.**

“(a) ESTABLISHMENT.—The Director of the Commission and the Director of the State of Washington Department of Ecology, or his or her designee, may enter into an agreement with an organization described in section 501(c)(3) of the Internal Revenue Code of 1986

to establish a nonprofit foundation to support the Commission and the marine resources committees established under section 408 in carrying out their duties under this Act.

“(b) DESIGNATION.—The foundation authorized by subsection (a) shall be known as the ‘Northwest Straits Marine Conservation Foundation’.

“(c) RECEIPT OF GRANTS.—The Northwest Straits Marine Conservation Foundation may, if eligible, apply for, accept, and use grants awarded by Federal agencies, States, local governments, regional agencies, interstate agencies, corporations, foundations, or other persons to assist the Commission and the marine resources committees in carrying out their duties under this Act.

“(d) TRANSFER OF FUNDS.—The Northwest Straits Marine Conservation Foundation may transfer funds to the Commission or the marine resources committees to assist them in carrying out their duties under this Act.”.

The SPEAKER pro tempore (Mr. GARAMENDI). Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from South Carolina (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

#### GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. I yield myself such time as I may consume.

Mr. Speaker, for more than a decade, the Northwest Straits Marine Conservation Initiative has fostered innovative, citizen-driven restoration and conservation programs that protect critical marine, coastal and island resources in the Northwest Straits. Despite hugely successful programs, such as the Derelict Fishing Gear Removal Program, the initiative's original authorizing statute has lapsed.

H.R. 1672 would reauthorize the initiative and would codify aspects of the initiative's operating body, the Northwest Straits Commission.

I commend the bill's sponsor, Representative RICK LARSEN of the State of Washington, for his leadership in reauthorizing the initiative and for enhancing the ability of the commission to produce locally driven, coordinated restoration projects with measurable results.

With that, I urge Members on both sides to support the passage of this bill.

I reserve the balance of my time.

Mr. BROWN of South Carolina. I yield myself such time as I may consume.

Mr. Speaker, H.R. 1672 reauthorizes and makes modest modifications to legislation which created a regional citizens' advisory board in the Pacific

Northwest. The Northwest Straits Advisory Commission was established to make recommendations to Federal and State agencies based on input from the county level, and it has no regulatory powers.

I yield back the balance of my time.

Mr. LARSEN of Washington. Mr. Speaker, I rise today to express my support for the Northwest Straits Marine Conservation Initiative Reauthorization Act, H.R. 1672.

Throughout the 1980s and early 1990s the marine waters of the Strait of Juan de Fuca, the San Juan Islands and northern Puget Sound, collectively known as the Northwest Straits, experienced substantial environmental decline. This was concerning because local communities rely on the resources of the Northwest Straits to create good-paying jobs and many iconic and endangered species, including orca whales and pacific salmon, rely on the Northwest Straits for food and habitat.

In 1997, Senator PATTY MURRAY and Congressman Jack Metcalf convened a blue-ribbon commission to examine ways to reverse this trend and restore the health of the Northwest Straits. In 1998, Congress adopted the Murray-Metcalf Commission's recommendations when it authorized the creation of the Northwest Straits Marine Conservation Commission, a grassroots organization which does not exercise regulatory authority but harnesses the energy of local communities to develop and implement conservation and restoration projects.

For the last 11 years, the Northwest Straits Commission has done great work to restore the Northwest Straits. Their projects have helped create jobs and protect endangered and threatened species.

The Northwest Straits Commission has demonstrated the ability to implement challenging recovery projects. The Commission used \$4.5 million of funding from the American Recovery and Reinvestment Act to remove hundreds of acres of abandoned fishing gear from the seafloor. This project created jobs for out-of-work fisherman and saved the lives of endangered species.

The legislation under consideration on the House floor today would extend the legislative authorization of the Northwest Straits Commission for an additional five years. It will increase tribal participation in the Commission and improve oversight of its activities.

H.R. 1672 has earned the support of our local community—I have received letters of support for this legislation from elected officials, businesspeople and environmentalists in every county in which the Northwest Straits Commission operates.

Similar legislation has been introduced in the United States Senate by my friend Senator PATTY MURRAY. I hope that our joint effort will help to protect and restore the Northwest straits for the people, fish, and threatened wildlife which rely on it.

Ms. BORDALLO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 1672, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### MIGRATORY BIRD TREATY ACT PENALTY AND ENFORCEMENT ACT OF 2009

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2062) to amend the Migratory Bird Treaty Act to provide for penalties and enforcement for intentionally taking protected avian species, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2062

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the “Migratory Bird Treaty Act Penalty and Enforcement Act of 2009”.*

#### SEC. 2. AMENDMENT OF MIGRATORY BIRD TREATY ACT.

*Section 6 of the Migratory Bird Treaty Act (16 U.S.C. 707) is amended by redesignating subsection (d) as subsection (e), and by inserting after subsection (c) the following new subsection:*

*“(d)(1) Except in the case of hunting and other activity allowed under section 3, whoever in violation of this Act kills or wounds a migratory bird in an aggravated manner shall, in lieu of any penalty for such violation—*

*“(A) for the first violation, be fined under title 18, United States Code, imprisoned for not more than one year, or both; and*

*“(B) for the second and any subsequent violation, be fined under title 18 of the United States Code, imprisoned for not more than 2 years, or both.*

*“(2) The authority under section 3(k) of the Fish and Wildlife Improvement Act of 1978 (16 U.S.C. 742i(k)) applies with respect to a violation described in paragraph (1).*

*“(3) For the purposes of this subsection the term ‘aggravated manner’ means deliberately and in a manner that—*

*“(A) demonstrates indifference to the pain and suffering of the bird; or*

*“(B) involves actions that would shock a reasonable person.”.*

The SPEAKER pro tempore (Mr. LARSEN of Washington). Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from South Carolina (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

#### GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. I yield myself such time as I may consume.

Mr. Speaker, H.R. 2062 would amend the Migratory Bird Treaty Act to establish new penalties and fines for instances when migratory birds are deliberately killed or wounded in an aggravated manner.

In 2007, a 14-month, multi-State undercover investigation initiated by the U.S. Fish and Wildlife Service revealed that thousands of protected species of hawks and falcons had been killed illegally. Worse, despite the fact that those who had done the killing had used horrific methods, including trapping, poisoning, suffocating, clubbing, and baiting birds with pigeons rigged with fishing hooks, many of the defendants who pleaded guilty to the only applicable charge under the MBTA, a class B misdemeanor, escaped with minor fines or were merely granted probation.

These events confirm that the Congress should amend the MBTA to authorize new felony penalties to deter future offenses and to allow the Fish and Wildlife Service to recommend charges appropriate for the brutal nature of these actions when they do occur.

I commend our colleague from Oregon, Representative PETER DEFAZIO, for his leadership in developing this narrowly tailored legislation that does not diminish in any way the MBTA's existing "strict liability" standard.

So, Mr. Speaker, I urge Members on both sides to support the passage of this important bill.

I reserve the balance of my time.

Mr. BROWN of South Carolina. I yield myself such time as I may consume.

Mr. Speaker, 91 years ago, in an effort to protect certain avian species, Congress enacted the Migratory Bird Treaty Act. That law established criminal penalties for certain illegal activities, such as hunting over a baited field, using a live decoy to hunt waterfowl, or simply killing a protected migratory bird. In most instances, the punishment for these offenses is limited to 6 months in jail, a \$15,000 fine, or both.

What H.R. 2062 is designed to address are inhumane and shocking violations of the Migratory Bird Treaty Act. For example, during the past 3 years, a number of protected hawks and peregrine falcons have been killed by pigeon hobbyists in retaliation for these raptors eating their prized pets. While those involved in this illegal activity were tried and convicted under Federal law, not a single defendant received jail time, and none of the fines approached the maximum level. This is despite the fact that these pigeon hobbyists shot, poisoned, gassed, strangled, and clubbed thousands of protected birds and then bragged about it on the Internet.

In an effort to respond to future cases which would shock a reasonable person, H.R. 2062 establishes a new two-tiered penalty system under the Migratory Bird Treaty Act. For the first offense under this new standard, a defendant could receive up to 1 year in jail, a \$100,000 fine, or both. For subsequent convictions of the same type, the penalties could increase to 2 years in jail, fines of up to \$250,000, or both. These would be available, but not mandatory, penalties that a United States Attorney could seek in future migratory bird prosecutions.

Let me emphasize that this will not be the new legal standard for all violations of the Migratory Bird Treaty Act. We are not talking about protected birds that are killed by a cell tower. We are not talking about hunters who kill too many ducks or geese. We are not talking about someone who steals goose eggs from a golf course. We are not talking about your grandmother who may shoot a protected woodpecker because its constant tapping on her house is annoying her. There is also absolutely no intention that these new penalties would affect in any manner the authorized hunting of migratory birds or the taking of migratory birds under a depredation order established by the U.S. Fish and Wildlife Service.

These enhanced penalties in H.R. 2062 will send a clear message to individuals throughout this Nation that egregious behavior, like the roller pigeon cases, will not be tolerated in the future.

Mr. DEFAZIO. Mr. Speaker, just over 2 years ago, Fish and Wildlife Service arrested a dozen individuals for repeatedly and deliberately killing protected raptors under the Migratory Bird Treaty Act. In many cases, the individuals used cruel and shocking methods of torture, mutilation, poisoning, suffocation, and clubbing to kill and wound these birds. They then bragged about their egregious behavior on the internet and to members of their organizations.

Despite the horrific nature of the crimes, the defendants who pleaded guilty to the Class B Misdemeanor—the same penalty ascribed to unauthorized uses of the Woodsy Owl and Smokey Bear characters—escaped with fines far smaller than the maximum allowances and were granted probation or given community service.

I and thousands of Oregonians were outraged by the nature of these wanton and senseless crimes. Yet, the individuals responsible only received a stiff slap on the wrist, demonstrating that courts often do not take wildlife crimes seriously enough. Regrettably, horrific violence against protected migratory birds continues across the country.

I introduced H.R. 2062 to provide Fish and Wildlife Service with a law enforcement tool that would allow the agency to prosecute the most egregious violations of the MBTA with serious penalties. This bill would also send a clear message to courts that Congress does take wildlife crimes seriously and expects courts to apply penalties that measure up to the shocking nature of some of these crimes.

The bill before the House today is the consensus product of over 6 months of discussion with conservation groups, hunting associations, Fish and Wildlife Service, the States, and the Republican minority. The bill was passed unanimously by the House Committee on Natural Resources on November 18th. I urge my colleagues to support this legislation.

Mr. BROWN of South Carolina. Mr. Speaker, I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I again urge Members to support this resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 2062, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### AUTHORIZATION OF A PUBLIC EDUCATION PROGRAM FOR GUAM

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3940) to authorize the Secretary of the Interior to extend grants and other assistance to facilitate a political status public education program for the people of Guam, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3940

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SENSE OF CONGRESS.

*Congress reaffirms that it is the responsibility of the Secretary of the Interior to advance the economic, social, and political development of the territories of the United States.*

#### SEC. 2. ASSISTANCE FOR POLITICAL STATUS PUBLIC EDUCATION PROGRAMS.

(a) *IN GENERAL.*—Section 601 of the Act entitled "An Act to authorize appropriations for certain insular areas of the United States, and for other purposes", approved December 24, 1980 (48 U.S.C. 1469d), is amended—

(1) by redesignating subsections (b) through (d) as subsections (c) through (e), respectively; and

(2) by inserting after subsection (a) the following new subsection:

"(b) The Secretary of the Interior may extend to the governments of American Samoa, Guam, and the United States Virgin Islands, and their agencies and instrumentalities, assistance, including assistance in the form of grants, research, planning assistance, studies, and agreements with Federal agencies, to facilitate public education programs regarding political status options for their respective territories."

(b) *CONFORMING AMENDMENT.*—Section 19(a)(2)(C) of the Food Stamp Act of 1977 (7 U.S.C. 2028(a)(2)(C)) is amended by striking "section 601(c) of Public Law 96-597 (48 U.S.C. 1469d(c))" and inserting "section 601(d) of Public Law 96-597 (48 U.S.C. 1469d(d))".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from

Guam (Ms. BORDALLO) and the gentleman from South Carolina (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

#### GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. I yield myself such time as I may consume.

Mr. Speaker, H.R. 3940 would authorize the Secretary of the Interior to assist the Governments of Guam, American Samoa, and the United States Virgin Islands in developing and implementing political status public education programs.

Such programs would aid the people of these territories in understanding the various and viable political status options available to them. With such information, they could, in turn, express informed opinions about their future in any political status plebiscite or convention.

Today, Guam, American Samoa, and the United States Virgin Islands are the three United States territories recognized by the international community as nonself-governing. The Federal Government is obligated to advance their self-government, taking into account the political aspirations of their peoples. The Secretary of the Interior is responsible for these efforts under U.S. law, and the resolution of status for these territories is a matter for Congress to ultimately resolve under article IV of the United States Constitution. Although efforts have been made in the past in each territory toward improving its status consistent with the right of self-determination, status remains ultimately unresolved for them.

In Guam, a local law has authorized a plebiscite to be held that is to involve a public education program. In American Samoa, the work of a locally established commission to assess status options, the third such commission in the history of the territory, was recently concluded. A plebiscite on status was also held previously in the Virgin Islands.

Each circumstance, however, demonstrates the importance of a public education program for resolving status in each territory and for preparing for future plebiscites or other processes by which their people can collectively express their political aspirations.

This bill, Mr. Speaker, simply clarifies in law that the Secretary of the Interior can exercise existing authority to provide general technical assistance to these territories for the purpose of

facilitating political status public education.

So I ask my colleagues to support the passage of this bill.

I reserve the balance of my time.

Mr. BROWN of South Carolina. I yield myself such time as I may consume.

Mr. Speaker, H.R. 3940 would authorize the Secretary of the Interior to extend assistance to facilitate political status public education programs for American Samoa, Guam, and the U.S. Virgin Islands. These territories may request grant funds from the Secretary to conduct public education programs to assist their electorate in understanding the political status options for each territory.

Mr. Speaker, I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield back the balance of my time.

□ 1300

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 3940, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to amend Public Law 96-597 to clarify the authority of the Secretary of the Interior to extend grants and other assistance to facilitate political status public education programs for the peoples of the non-self-governing territories of the United States."

A motion to reconsider was laid on the table.

#### RENAMING THE OCMULGEE NATIONAL MONUMENT

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3603) to rename the Ocmulgee National Monument, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3603

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. REDESIGNATION.

*The Ocmulgee National Monument in Macon, Georgia, shall be known and redesignated as the "Ocmulgee Mounds National Monument".*

#### SEC. 2. REFERENCES.

*Any reference in a law, map, regulation, document, paper, or other record of the United States to the Ocmulgee National Monument shall be deemed to be a reference to the "Ocmulgee Mounds National Monument".*

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from South Carolina (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

#### GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, H.R. 3603 is sponsored by my friend and colleague Representative MARSHALL of Georgia.

The bill is very simple. It changes the name of the Ocmulgee National Monument to the Ocmulgee Mounds National Monument.

The new name will more accurately portray the resources at the monument, which is located in Macon, Georgia, and which was established in 1934 to protect a collection of Native American mounds, including a large ceremonial center, that encompassed burial and residential mounds, a large earthen temple, and political meeting chambers.

H.R. 3603 has wide support in the community, and those supporters believe the name change will help the public better understand the nature of the monument and encourage increased visitation.

I urge all Members to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of South Carolina. Mr. Speaker, I yield myself such time as I may consume.

The Democrat bill manager's adequately explained this bill. We have no objection to its consideration.

I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I recognize the sponsor of the bill, the gentleman from Georgia (Mr. MARSHALL), for as much time as he may consume.

Mr. MARSHALL. I thank the gentlewoman from Guam.

I just want to add my 2 cents here. I am the sponsor of the bill. Locally, in the middle of Georgia area, when we refer to the Ocmulgee National Monument, almost everybody says the Mounds, we are going over to the Mounds. That's the most significant archaeological and physical aspect of this particular facility.

The facility is actually virtually in downtown Macon. It's right at the junction of two interstate highways. It's the most frequently visited monument, museum, et cetera, in middle Georgia. We believe, by adding the word "mounds" to the name, we will increase the visibility of the Mounds.

This site has had continuous human habitation for over 12,000 years. It may be the site, the longest site of continuous human habitation in North America. The Mounds were added circa 600 to 900, if I recall correctly, A.D., but

the site is of historical significance that goes well beyond simply the Mounds.

We encourage the House to unanimously support this request.

Mr. BROWN of South Carolina. Mr. Speaker, I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 3603, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BROWN of South Carolina. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### PRESERVING ORANGE COUNTY'S ROCKS AND SMALL ISLANDS

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 86) to eliminate an unused lighthouse reservation, provide management consistency by bringing the rocks and small islands along the coast of Orange County, California, and meet the original Congressional intent of preserving Orange County's rocks and small islands, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 86

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. PRESERVATION OF ROCKS AND SMALL ISLANDS ALONG THE COAST OF ORANGE COUNTY, CALIFORNIA.

(a) CALIFORNIA COASTAL NATIONAL MONUMENT.—The Act of February 18, 1931, entitled “An Act to reserve for public use rocks, pinnacles, reefs, and small islands along the seacoast of Orange County, California” is amended by striking “temporarily reserved” and all that follows through “United States” and inserting “part of the California Coastal National Monument and shall be administered as such”.

(b) REPEAL OF RESERVATION.—Section 31 of the Act of May 28, 1935, entitled “An Act to authorize the Secretary of Commerce to dispose of certain lighthouse reservations, and for other purposes” is hereby repealed.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from South Carolina (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, H.R. 86, introduced by our colleague from California Representative CAMPBELL, would correct a situation in which two acts from the 1930s are inadvertently preventing certain rocks, pinnacles, reefs, small islands, and lighthouses off the coast of Orange County from being included in the California Coastal National Monument.

President Clinton, in 2000, created the California Coastal National Monument, which spans the entire 1,100 miles of the California coast and encompasses more than 20,000 small islands, rocks, exposed reefs, and pinnacles; however, the act designating the monument included only unreserved and unappropriated rocks and islands. Under the 1930s acts, these natural and cultural sites off the coast of Orange County were already reserved.

H.R. 86 would strike the reservation language in one act and repeal another act to provide that these areas finally be permanently protected as part of the California Coastal National Monument.

Mr. Speaker, I urge my colleagues to support the passage of H.R. 86.

I reserve the balance of time.

Mr. BROWN of South Carolina. Mr. Speaker, I yield myself such time as I may consume.

H.R. 86, introduced by Congressman JOHN CAMPBELL, will remove an unused lighthouse reservation currently in place for certain rocks and small islands along the coast of Orange County, California. This bill would add them to the California Coastal National Monument. The lighthouse reservation has been in place since 1935 to provide locations for searchlights and other coastal defense equipment; however, we have been assured that there is no longer a need for this reservation.

Congressman CAMPBELL's legislation will provide for consistency in the management of geological features along the coast of Orange County, and I support this bill.

I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I urge Members to support this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 86, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. BORDALLO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### MULTINATIONAL SPECIES CONSERVATION FUNDS SEMIPOSTAL STAMP ACT OF 2009

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1454) to provide for the issuance of a Multinational Species Conservation Funds Semipostal Stamp, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1454

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the “Multinational Species Conservation Funds Semipostal Stamp Act of 2009”.*

#### SEC. 2. MULTINATIONAL SPECIES CONSERVATION FUNDS SEMIPOSTAL STAMP.

(a) IN GENERAL.—In order to afford a convenient way for members of the public to contribute to funding for the operations supported by the Multinational Species Conservation Funds, the United States Postal Service shall issue a semipostal stamp (hereinafter in this Act referred to as the “Multinational Species Conservation Funds Semipostal Stamp”) in accordance with succeeding provisions of this section.

(b) COST.—The Multinational Species Conservation Funds Semipostal Stamp shall be offered at a cost equal to the cost of mailing a letter weighing 1 ounce or less at the nonautomation single-piece first-ounce letter rate, in effect at the time of purchase, plus a differential of not less than 25 percent.

(c) OTHER TERMS AND CONDITIONS.—The issuance and sale of the Multinational Species Conservation Funds Semipostal Stamp shall be governed by the provisions of section 416 of title 39, United States Code, and regulations issued under such section, subject to subsection (b) and the following:

##### (1) DISPOSITION OF PROCEEDS.—

(A) IN GENERAL.—All amounts becoming available from the sale of the Multinational Species Conservation Funds Semipostal Stamp (as determined under section 416(d) of such title 39) shall be transferred to the United States Fish and Wildlife Service, for the purpose described in subsection (a), through payments which shall be made at least twice a year, with the proceeds to be divided equally among the African Elephant Conservation Fund, the Asian Elephant Conservation Fund, the Great Ape Conservation Fund, the Marine Turtle Conservation Fund, the Rhinoceros and Tiger Conservation Fund, and other international wildlife conservation funds authorized by the Congress after the date of the enactment of this Act and administered by the Service as part of the Multinational Species Conservation Fund.

(B) PROCEEDS NOT TO BE OFFSET.—In accordance with section 416(d)(4) of such title 39, amounts becoming available from the sale of the Multinational Species Conservation Funds Semipostal Stamp (as so determined) shall not be taken into account in any decision relating to the level of appropriations or other Federal funding to be furnished in any year to—

(i) the United States Fish and Wildlife Service; or



(ii) any of the funds identified in subparagraph (A).

(2) *DURATION.*—The Multinational Species Conservation Funds Semipostal Stamp shall be made available to the public for a period of at least 5 years, beginning no later than 12 months after the date of the enactment of this Act.

(3) *STAMP DEPICTIONS.*—Stamps issued under this Act shall depict images of flagship multinational species, such as African and Asian elephants, rhinoceros and tigers, marine turtles, and certain species of great apes.

(4) *LIMITATION.*—The Multinational Species Conservation Funds Semipostal Stamp shall not be subject to, or taken into account for purposes of applying, any limitation under section 416(e)(1)(C) of such title 39.

(5) *RESTRICTION ON USE OF FUNDS.*—Amounts transferred under paragraph (1) shall not be used to fund or support the Wildlife Without Borders Program or to supplement funds made available for the Neotropical Migratory Bird Conservation Fund.

(d) *DEFINITION.*—For purposes of this Act, the term “semipostal stamp” refers to a stamp described in section 416(a)(1) of title 39, United States Code.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from South Carolina (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

#### GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, this bill has been authored by my colleague and my friend Mr. BROWN of South Carolina. The Multinational Species Conservation Funds support conservation activities in a wide range of countries to protect, recover, or restore threatened and endangered species, specifically, tigers, rhinoceroses, African elephants, Asian elephants, great apes and sea turtles.

H.R. 1454 would require the U.S. Postal Service to issue a Multinational Species Conservation Funds Semipostal Stamp to generate additional funding to support the wildlife grant programs under these funds. Considering the high demand for grants under these programs and the fact that they commonly leverage three or four times as much funding from non-Federal contributions, this additional funding, Mr. Speaker, will be put to good use to protect these keystone species.

With that, I ask Members on both sides to support the bill's passage.

I reserve the balance of my time.

Mr. BROWN of South Carolina. Mr. Speaker, I yield myself such time as I may consume.

As the sponsor of H.R. 1454, first I want to thank the chairwoman of our subcommittee, Ms. BORDALLO, for her assistance in moving this bill forward.

Also, I want to express my sincere appreciation to Chairman NICK RAHALL, Chairman ED TOWNS, Ranking Republican Member DOC HASTINGS and Ranking Republican Member DARRELL ISSA for all of their efforts to facilitate today's consideration for the Multinational Species Conservation Funds Semipostal Stamp Act.

Mr. Speaker, this legislation is a fiscally responsible method to assist endangered species without costing our taxpayers any money.

This bipartisan legislation has been cosponsored by 154 Members of this body and it has been endorsed by more than 40 conservation organizations, including the Humane Society of the United States, the Association of Zoos and Aquariums, the National Rifle Association, Safari Club International, the Congressional Sportsmen's Foundation, The Nature Conservancy, the Wildlife Conservation Society, and the World Wildlife Fund. These groups represent millions of Americans, and I agree with their assessment that allowing the U.S. Postal Service to sell a semipostal stamp that would generate funding for the Multinational Species Conservation Funds would give the general public the opportunity to contribute directly to the conservation of many keystone species around the world.

Under the terms of this measure, the U.S. Postal Service will be directed to design and distribute a semipostal stamp depicting various flagship species, like an African elephant, Bengal tiger, white rhinoceros, or loggerhead sea turtle. These stamps would be available to the public at a premium price. After the Postal Service has deducted all of its administrative costs, the remaining proceeds will be transferred to the U.S. Fish and Wildlife Service, who will then equally divide the monies into the Multinational Species Conservation Funds.

This is not a new idea. In fact, the Congress has already approved semipostal stamps for the 9/11 response heroes, the victims of domestic violence, and breast cancer research. These stamps have been remarkably successful. According to the U.S. Postal Service, more than 860 million breast cancer stamps have been sold, \$381 million in revenue has been obtained, and \$67.8 million has been dedicated for medical research to fight this terrible disease.

Let me be clear that under H.R. 1454, there is absolutely no cost to either our taxpayers or the U.S. Postal Service. In fact, the Postal Service will realize a significant profit from the sale of these wildlife postal stamps because we know, based on previous experience, that a large number of people will buy semipostals but will never use them.

For the past 20 years, the U.S. Congress has generously allocated a small amount of taxpayers' money to save

highly imperiled African and Asian elephants, rhinoceros, tigers, great apes, and marine turtles. While we have authorized \$400 million to assist these species, only \$64 million has been appropriated, leaving over 1,500 worthwhile eligible conservation projects unfunded.

□ 1315

H.R. 1454 offers us a unique opportunity to establish a new creative funding mechanism, for a limited period of time and at no cost, to provide a small amount of additional money to help save some of the most iconic species on this planet.

Finally, I would like to again thank the leadership of House Committees on Oversight and Government Reform and Natural Resources for allowing the House to vote on this important bipartisan wildlife conservation legislation. I would also like to again thank all the cosponsors of this bill and recognize my distinguished colleague and friend from Columbia, South Carolina, the Honorable JIM CLYBURN, for assisting me in this effort.

I urge an “aye” vote on H.R. 1454, and let's work together to stamp out extinction.

Mr. ROSKAM. Mr. Speaker, I rise today to support the passage of H.R. 1454, legislation to create a postal stamp to benefit the Multinational Species Conservation Fund. I appreciate the leadership of my colleagues on both sides of the aisle in crafting this bill and am pleased to support this effort to improve global wildlife conservation efforts.

The bill before the House today, H.R. 1454, would establish a Multinational Species Conservation Fund stamp through the United States Post Office in order to provide the public with a convenient opportunity to contribute to important international conservation efforts.

Like many of my constituents in the west and northwest suburbs of Chicago, I believe that we are called to be good stewards of our environment and natural resources. This means exercising a healthy respect for animals, both domestically as pets, and in the wild. As the parent of four children, I want to pass along to them an appreciation of the beauty of God's creation.

The proceeds of the stamps sold under this legislation will benefit the research and protection of at-risk species including African elephants, Asian elephants, great apes and marine turtles. This legislation provides a great avenue for animal welfare supporters to make a financial difference in international conservation efforts on a daily basis, one stamp at a time.

Mr. Speaker and distinguished colleagues, I encourage supportive members of the public to select these new stamps when they become available to help show their commitment to safeguarding our precious natural resources and wildlife.

I urge Members to support this bill.

Mr. BROWN of South Carolina. Mr. Speaker, I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I again urge Members to support the bill,

and I congratulate my colleague for authoring this fine piece of legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 1454, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### MORRISTOWN NATIONAL HISTORICAL PARK ADDITION

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 118) to authorize the addition of 100 acres to Morristown National Historical Park, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 118

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. ADDITION TO THE PARK.

The first section of the Act entitled "An Act to authorize the addition of lands to Morristown National Historical Park in the State of New Jersey, and for other purposes", approved September 18, 1964 (16 U.S.C. 409g), is amended—

(1) by inserting " , from a willing owner only," after "the Secretary of the Interior is authorized to procure"; and

(2) by striking "615" each place it appears and inserting "715".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from South Carolina (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

#### GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

H.R. 118 is sponsored by our colleague, Representative FRELINGHUYSEN of New Jersey. The bill would expand the authorized acquisition ceiling for Morristown National Historic Park, which was the first unit of its kind in our national park system.

The park is currently limited to a maximum of 615 acres and is under severe pressure from surrounding residential development. H.R. 118 would allow the National Park Service to acquire up to an additional 100 acres as

land or easements become available from willing sellers.

Mr. Speaker, this is a good bill and I urge Members to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of South Carolina. Mr. Speaker, I yield myself such time as I may consume.

Twice during the Revolutionary War, George Washington decided on Morristown, New Jersey, as the place to station the Continental Army for the winter lull in fighting. There were both military and civilian reasons to choose this area. With the Redcoats in firm control of New York City and the sea, it was essential that an inland route connecting rebel-held New England with the South be kept open. Morristown was positioned just right to keep this link from being severed.

Morristown was also the right place because George Washington had won over the local population to support the American cause. He won their support by insisting that his troops respect the property of the people, even the property of Tory sympathizers.

Not only did Washington give strict orders that forbade the Patriot forces from looting, in sharp contrast to the practice of the British and Hessian forces, but he also gave the New Jersey militia as its major assignment the mission of protecting the property of New Jersey's farmers from the foraging parties of King George's army.

The leader of the militia in neighboring Somerset County at that time was a young, 23-year-old colonel named Frederick Frelinghuysen. So it is appropriate that this now 200-year-old family tradition of protecting the property rights of New Jersey citizens is upheld in the bill by a "willing seller" provision.

The Morristown National Historical Park was established in 1933 as the first National Historic Park. It includes Washington's winter headquarters and other preserved or reconstructed Revolutionary War encampments and artifacts. The park has reached its statutory size limit, but there are additional parcels that could be donated to the park. H.R. 118 authorizes an additional 100 acres for park expansion.

Mr. Speaker, I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of South Carolina. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Speaker, I want to thank the gentleman from South Carolina for yielding me time and for his very accurate history lesson. This is indeed New Jersey's version of Valley Forge.

At the outset I want to thank the chairman of the Subcommittee on Na-

tional Parks, Forests and Public Lands, the gentleman from Arizona (Mr. GRIJALVA); and the ranking member, the gentleman from Utah, Mr. ROB BISHOP, for their work on my bill. In addition, I want to offer my appreciation to the chairman of the full Committee on Natural Resources, Mr. RAHALL; and the ranking member, DOC HASTINGS, for bringing this legislation to the floor today.

Mr. Speaker, as has been stated here this afternoon, H.R. 118 seeks to authorize the addition of 100 acres to Morristown National Historic Park in my congressional district in New Jersey. The Morristown National Historic Park, our Nation's oldest National Historic Park, has a rich historical significance beginning with Washington's encampment there in 1777, 1779, and 1780.

New Jersey was quite literally the crossroads of the American Revolution as America's struggle for independence was won and, yes, nearly lost there. During two critical winters of the war, Morristown served as the headquarters for General George Washington. To mark the area's impact on our Nation's history, Morristown National Historic Park was established by Congress in 1933.

Today, from time to time, property owners with land adjacent to the park offer their property in the form of a donation to the National Park Service. Due to an existing acreage ceiling, the park cannot accept these donations nor can it acquire any additional land.

My colleagues, Federal support for Morristown National Historic Park and the inclusion of additional lands that have significant historical background presents a unique opportunity for our government to express its commitment to preserving our past which may be threatened if these lands go unprotected.

I am also pleased that the committee adopted language proposed by Representative BISHOP that land come from only willing donors or sellers, assuring that property rights are respected.

I believe our responsibility at the Federal level is to serve as a helping hand, one that works with the Department of the Interior to secure critical funding, and I do that on the Appropriations Committee, and provides authority to purchase and, yes, accept as donations parcels from willing sellers. This process will allow us to continue to respect and complement greater county, State, municipal, and private efforts already in place to protect these important resources.

I want to commend the cosponsors of this legislation, including the entire New Jersey congressional delegation, and members of the Committee on Natural Resources for recognizing the importance of this proposal. Additionally, I want to thank the Morris County Board of Chosen Freeholders in New

Jersey and the local municipalities for their support.

With that said, I urge passage of my bill.

Mr. BROWN of South Carolina. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I again urge Members to support this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 118, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## NATIONAL PARK SERVICE AUTHORITIES AND CORRECTIONS ACT OF 2009

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3804) to make technical corrections to various Acts affecting the National Park Service, to extend, amend, or establish certain National Park Service authorities, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3804

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “National Park Service Authorities and Corrections Act of 2009”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

#### TITLE I—NATIONAL PARK SERVICE AUTHORIZATIONS

Sec. 101. National Park System Advisory Board.

Sec. 102. National Park Service Concessions Management Advisory Board.

Sec. 103. National Park System uniform penalties.

Sec. 104. Volunteers in the parks.

#### TITLE II—PEARL HARBOR TICKETING

Sec. 201. Definitions.

Sec. 202. Facilitation of admission to historic attractions within Pearl Harbor Naval Complex.

Sec. 203. Protection of resources.

#### TITLE III—CHANGES TO NATIONAL PARK UNITS

Sec. 301. George Washington Memorial Parkway.

Sec. 302. District of Columbia snow removal.

Sec. 303. Martin Luther King, Jr. National Historical Park.

Sec. 304. Lava Beds National Monument Wilderness boundary adjustment.

#### TITLE IV—TECHNICAL CORRECTIONS

Sec. 401. Baltimore National Heritage Area.

Sec. 402. Muscle Shoals National Heritage Area.

Sec. 403. Snake River headwaters.

Sec. 404. Taunton River.

Sec. 405. Cumberland Island National Seashore.

Sec. 406. Niagara Falls National Heritage Area.

#### TITLE I—NATIONAL PARK SERVICE AUTHORIZATIONS

##### SEC. 101. NATIONAL PARK SYSTEM ADVISORY BOARD.

Section 3(f) of the Act entitled, “An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes”, approved August 21, 1935 (16 U.S.C. 463(f)), is amended in the first sentence by striking “2010” and inserting “2020”.

##### SEC. 102. NATIONAL PARK SERVICE CONCESSIONS MANAGEMENT ADVISORY BOARD.

Section 409(d) of the National Park Service Concessions Management Improvement Act of 1998 (Public Law 105–391) is amended by striking “2009” and inserting “2019”.

##### SEC. 103. NATIONAL PARK SYSTEM UNIFORM PENALTIES.

(a) FINES AND IMPRISONMENT.—The first section of the Act entitled, “An Act to provide for the protection of national military parks, national parks, battlefield sites, national monuments, and miscellaneous memorials under the control of the War Department”, approved March 2, 1933 (47 Stat. 1420, ch. 180), is amended by striking “such fine and imprisonment.” and inserting “such fine and imprisonment; except if the violation occurs within a park, site, monument, or memorial that is part of the National Park System, where violations shall be subject to the penalty provision set forth in section 3 of the Act of August 25, 1916 (16 U.S.C. 3; commonly known as the ‘National Park Service Organic Act’) and section 3571 of title 18, United States Code.”.

(b) COST OF PROCEEDINGS.—Section 2(k) of the Act entitled, “An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes”, approved August 21, 1935 (16 U.S.C. 462(k)), is amended by striking “cost of the proceedings.” and inserting “cost of the proceedings; except if the violation occurs within an area that is part of the National Park System, where violations shall be subject to the penalty provision set forth in section 3 of the Act of August 25, 1916 (16 U.S.C. 3; commonly known as the ‘National Park Service Organic Act’), and section 3571 of title 18, United States Code.”.

##### SEC. 104. VOLUNTEERS IN THE PARKS.

Section 4 of the Volunteers in the Parks Act of 1969 (16 U.S.C. 18j) is amended by striking “\$3,500,000” and inserting “\$10,000,000”.

#### TITLE II—PEARL HARBOR TICKETING

##### SEC. 201. DEFINITIONS.

In this title:

(1) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(2) PEARL HARBOR HISTORIC SITE.—The term “Pearl Harbor historic site” means a historic attraction within the Pearl Harbor Naval Complex, including the USS Bowfin Submarine Museum and Park, the Battleship Missouri Memorial, the Pacific Aviation Museum—Pearl Harbor, and any other historic attraction that the Secretary identifies as a Pearl Harbor historic site and that is not administered or managed by the Secretary.

(3) VISITOR CENTER.—The term “visitor center” means the visitor center located within the Pearl Harbor Naval Complex on lands that are within the World War II Valor in the Pacific National Monument and managed by the Secretary through the National Park Service.

##### SEC. 202. FACILITATION OF ADMISSION TO HISTORIC ATTRACTIONS WITHIN PEARL HARBOR NAVAL COMPLEX.

(a) IN GENERAL.—The Secretary, in managing the World War II Valor in the Pacific National Monument, may enter into an agreement with the nonprofit organizations or other legally recognized entities that are authorized to administer or manage a Pearl Harbor historic site—

(1) to allow visitors to a Pearl Harbor historic site to gain access to the site by passing through security screening at the Visitor Center; and

(2) to allow the sale of tickets to a Pearl Harbor historic site within the Visitor Center by employees of the National Park Service or by organizations that administer or manage a Pearl Harbor historic site.

(b) TERMS AND CONDITIONS.—In any agreement entered into pursuant to this title, the Secretary—

(1) shall require the organization administering or managing a Pearl Harbor historic site to pay to the Secretary a reasonable fee to recover administrative costs associated with the use of the Visitor Center for public access and ticket sales, the proceeds of which shall remain available, without further appropriation, for use by the National Park Service at the World War II Valor in the Pacific National Monument;

(2) shall ensure the limited liability of the United States arising from the admission of the public through the Visitor Center to a Pearl Harbor historic site and the sale or issuance of any tickets to the site; and

(3) may include any other terms and conditions the Secretary deems appropriate.

(c) LIMITATION OF AUTHORITY.—Under this title, the Secretary shall have no authority—

(1) to regulate or approve the rates for admission to an attraction within the Pearl Harbor historic site;

(2) to regulate or manage any visitor services of any historic sites within the Pearl Harbor Naval Complex other than at those sites managed by the National Park Service as part of World War II Valor in the Pacific National Monument; or

(3) to charge an entrance fee for admission to the World War II Valor in the Pacific National Monument.

##### SEC. 203. PROTECTION OF RESOURCES.

Nothing in this title authorizes the Secretary or any organization that administers or manages a Pearl Harbor historic site to take any action in derogation of the preservation and protection of the values and resources of the World War II Valor in the Pacific National Monument.

#### TITLE III—CHANGES TO NATIONAL PARK UNITS

##### SEC. 301. GEORGE WASHINGTON MEMORIAL PARKWAY.

(a) PURPOSE.—The purpose of this section is to authorize, direct, facilitate, and expedite the transfer of administrative jurisdiction of certain Federal land in accordance with the terms and conditions of this section.

(b) DEFINITIONS.—In this section:

(1) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(2) RESEARCH CENTER.—The term “Research Center” means the Federal Highway

Administration's Turner-Fairbank Highway Research Center.

(3) FARM.—The term "Farm" means the Claude Moore Colonial Farm.

(4) MAP.—The term "Map" means the map titled "GWMP—Claude Moore Proposed Boundary Adjustment", numbered 850/82003, and dated April 2004. The map shall be available for public inspection in the appropriate offices of the National Park Service, Department of the Interior.

(c) ADMINISTRATIVE JURISDICTION TRANSFER.—

(1) TRANSFER OF JURISDICTION.—

(A) IN GENERAL.—The Secretary and the Secretary of Transportation are authorized to transfer administrative jurisdiction for approximately 0.342 acre of land under the jurisdiction of the Department of the Interior within the boundary of the George Washington Memorial Parkway, generally depicted as "B" on the Map, for approximately 0.479 acre within the boundary of the Research Center land under the jurisdiction of the Department of Transportation adjacent to the boundary of the George Washington Memorial Parkway, generally depicted as "A" on the Map.

(B) USE RESTRICTION.—The Secretary shall restrict the use of 0.139 acre of land within the boundary of the George Washington Memorial Parkway immediately adjacent to part of the north perimeter fence of the Research Center, generally depicted as "C" on the Map, by prohibiting the storage, construction, or installation of any item that may obstruct the view from the Research Center into the George Washington Memorial Parkway.

(2) REIMBURSEMENT OR CONSIDERATION.—The transfer of administrative jurisdiction under this section shall occur without reimbursement or consideration.

(3) COMPLIANCE WITH AGREEMENT.—

(A) AGREEMENT.—The National Park Service and the Federal Highway Administration shall comply with all terms and conditions of the Agreement entered into by the parties on September 11, 2002, regarding the transfer of administrative jurisdiction, management, and maintenance of the lands discussed in the Agreement.

(B) ACCESS TO LAND.—The Secretary shall allow the Research Center access to the land the Secretary restricts under paragraph (1)(B) for purposes of maintenance in accordance with National Park Service standards, which includes grass mowing and weed control, tree maintenance, fence maintenance, and visual appearance. No tree 6 inches or more in diameter shall be pruned or removed without the advance written permission of the Secretary. Any pesticide use must be approved in writing by the Secretary prior to application of the pesticide.

(d) MANAGEMENT OF TRANSFERRED LANDS.—

(1) INTERIOR LAND.—The land transferred to the Secretary under subsection (c)(1) shall be included in the boundaries of the George Washington Memorial Parkway and shall be administered by the National Park Service as part of the parkway subject to applicable laws and regulations.

(2) TRANSPORTATION LAND.—The land transferred to the Secretary of Transportation under subsection (c)(1) shall be included in the boundary of the Research Center and shall be removed from the boundary of the parkway.

(3) RESTRICTED-USE LAND.—The land the Secretary has designated for restricted use under subsection (c)(1) shall be maintained by the Research Center.

#### SEC. 302. DISTRICT OF COLUMBIA SNOW REMOVAL.

Section 3 of the Act entitled, "An Act Providing for the removal of snow and ice from the paved sidewalks of the District of Columbia", approved September 16, 1922 (Sec. 9-603, D.C. Official Code), is amended to read as follows:

"SEC. 3. (a) It shall be the duty of a Federal agency to remove, or cause to be removed, snow, sleet, or ice from paved sidewalks and crosswalks within the fire limits of the District of Columbia that are—

"(1) in front of or adjacent to buildings owned by the United States and under such Federal agency's jurisdiction; or

"(2) public thoroughfares in front of, around, or through public squares, reservations, or open spaces and that are owned by the United States and under such Federal agency's jurisdiction.

"(b) The snow, sleet, or ice removal required by subsection (a) shall occur within a reasonable time period after snow or sleet ceases to fall or after ice has accumulated. In the event that snow, sleet, or ice has hardened and cannot be removed, such Federal agency shall—

"(1) make the paved sidewalks and crosswalks under its jurisdiction described in subsection (a) reasonably safe for travel by the application of sand, ashes, salt, or other acceptable materials; and

"(2) as soon as practicable, thoroughly remove the snow, sleet, or ice.

"(c)(1) The duty of a Federal agency described in subsections (a) and (b) may be delegated to another governmental or non-governmental entity through a lease, contract, or other comparable arrangement.

"(2) If two or more Federal agencies have overlapping responsibility for the same sidewalk or crosswalk they may enter into an arrangement assigning responsibility."

#### SEC. 303. MARTIN LUTHER KING, JR. NATIONAL HISTORICAL PARK.

(a) AMENDMENTS.—The Act entitled "An Act to establish the Martin Luther King, Junior, National Historic Site in the State of Georgia, and for other purposes", approved October 10, 1980 (Public Law 96-428; 94 Stat. 1839) is amended—

(1) in the first section, by striking "the map entitled 'Martin Luther King, Junior, National Historic Site Boundary Map', number 489/80,013B, and dated September 1992" and inserting "the map titled 'Martin Luther King, Jr. National Historical Park', number 489/80,032, and dated April 2009";

(2) by striking "Martin Luther King, Junior, National Historic Site" each place it appears and inserting "Martin Luther King, Jr. National Historical Park"; and

(3) by striking "historic site" each place it appears and inserting "historical park".

(b) REFERENCES.—Any reference in any law (other than this Act), map, regulation, document, record, or other official paper of the United States to the "Martin Luther King, Junior, National Historic Site" shall be considered to be a reference to the "Martin Luther King, Jr. National Historical Park".

#### SEC. 304. LAVA BEDS NATIONAL MONUMENT WILDERNESS BOUNDARY ADJUSTMENT.

The first section of the Act of October 13, 1972 (Public Law 92-493; 16 U.S.C. 1132 note), is amended in the first sentence—

(1) by striking "That, in" and inserting the following:

"SECTION 1. In"; and

(2) by striking "ten thousand acres" and all that follows through the end of the sentence and inserting "10,431 acres, as depicted within the proposed wilderness boundary on

the map titled 'Lava Beds National Monument, Proposed Wilderness Boundary Adjustment', numbered 147/80,015, and dated September 2005, and those lands within the area generally known as the 'Schonchin Lava Flow', comprising approximately 18,029 acres, as depicted within the proposed wilderness boundary on the map, are designated as wilderness."

#### TITLE IV—TECHNICAL CORRECTIONS

##### SEC. 401. BALTIMORE NATIONAL HERITAGE AREA.

The Omnibus Public Land Management Act of 2009 (Public Law 111-11) is amended—

(1) in sections 8005(b)(3) and 8005(b)(4) by striking "Baltimore Heritage Area Association" and inserting "Baltimore City Heritage Area Association"; and

(2) in section 8005(i) by striking "EFFECTIVENESS" and inserting "FINANCIAL ASSISTANCE".

##### SEC. 402. MUSCLE SHOALS NATIONAL HERITAGE AREA.

Section 8009(j) of the Omnibus Public Land Management Act of 2009 is amended by striking "EFFECTIVENESS" and inserting "FINANCIAL ASSISTANCE".

##### SEC. 403. SNAKE RIVER HEADWATERS.

Section 5002(c)(1) of the Omnibus Public Land Management Act of 2009 is amended by striking "paragraph (205) of section 3(a)" each place it appears and inserting "paragraph (206) of section 3(a)".

##### SEC. 404. TAUNTON RIVER.

Section 5003(b) of the Omnibus Public Land Management Act of 2009 is amended by striking "section 3(a)(206)" each place it appears and inserting "section 3(a)(207)".

##### SEC. 405. CUMBERLAND ISLAND NATIONAL SEASHORE.

Section 6(b) of the Act titled "An Act to establish the Cumberland Island National Seashore in the State of Georgia, and for other purposes" (Public Law 92-536) is amended by striking "physiographic conditions not prevailing" and inserting "physiographic conditions now prevailing".

##### SEC. 406. NIAGARA FALLS NATIONAL HERITAGE AREA.

Section 427(k) of the Consolidated Natural Resources Act of 2008 (Public Law 110-229) is amended by striking "Except as provided for the leasing of administrative facilities under subsection (g)(1), the" and inserting "The".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from South Carolina (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

#### GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

H.R. 3804 is a package of reauthorizations and technical corrections introduced at the request of the National Park Service by Representative PAUL TONKO.

The bill includes 10-year reauthorizations for the National Park System Advisory Board and the National Park Service Concession Management Advisory Board.

H.R. 3804 also increases the authorization for the popular Volunteers in Parks program, which provides reimbursement for travel costs and other small expenses to volunteers whose contributions to our parks are enormous.

Among other provisions, H.R. 3804 also changes the designation of the Martin Luther King, Jr. National Historic Site in Atlanta, makes several minor boundary adjustments, and allows park staff at the USS Arizona Memorial to work with other organizations to ease visitors' admission to the many historic sites at Pearl Harbor in Hawaii.

Mr. Speaker, Representative TONKO is to be commended for helping the National Park System with this legislation, and I urge my colleagues to support it.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,

Washington, DC, December 2, 2009.

Hon. NICK RAHALL,

Chairman, Committee on Natural Resources,  
Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN RAHALL: I am writing about H.R. 3804, the "National Park Service Authorities and Corrections Act of 2009", which the Committee on Natural Resources ordered reported to the House on November 10, 2009.

I appreciate your effort to consult with the Committee on Oversight and Government Reform regarding those provisions of H.R. 3804 that fall within the Oversight Committee's jurisdiction. These provisions include matters related to snow and ice removal within the District of Columbia.

In the interest of expediting consideration of H.R. 3804, the Committee on Oversight and Government Reform will not object to the consideration of this bill in the House. I would, however, request your support for the appointment of conferees from the Committee on Oversight and Government Reform should H.R. 3804 or a similar Senate bill be considered in conference with the Senate.

This letter should not be construed as a waiver of the Committee on Oversight and Government Reform's legislative jurisdiction over subjects addressed in H.R. 3804 that fall within the jurisdiction of the Oversight Committee.

Finally, I request that you include our exchange of letters on this matter in the Committee on Natural Resources report on H.R. 3804 and in the Congressional Record during consideration of this legislation on the House floor.

Sincerely,

EDOLPHUS TOWNS,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON NATURAL RESOURCES,  
Washington, DC, December 2, 2009.

Hon. EDOLPHUS TOWNS,  
Chairman, Committee on Oversight and Government Reform, Rayburn H.O.B., Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your willingness to expedite floor consideration of

H.R. 3804, the National Park Service Authorities and Corrections Act of 2009, which contains provisions that fall within the jurisdiction of the Committee on Oversight and Government Reform.

I appreciate your willingness to waive rights to further consideration of H.R. 3804, even though your Committee has received an additional referral. Of course, this waiver does not prejudice any further jurisdictional claims by your Committee over this legislation or similar language. Furthermore, I agree to support your request for appointment of conferees from the Committee on Oversight and Government Reform if a conference is held on this matter.

This exchange of letters will be inserted in the Congressional Record as part of the consideration of the bill on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

With warm regards, I am

Sincerely,

NICK J. RAHALL, II,  
Chairman, Committee on Natural Resources.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of South Carolina. Mr. Speaker, I yield myself such time as I may consume.

Although many parts of this legislation are technical, there are a few extra "want list" items thrown in by the National Park Service. It is a bad practice for us to enact substantive changes in law or extensions of authority under the guise of a technical corrections bill.

I want to call the attention of the House to two of the provisions of this bill that should have been subject to hearings and thoughtful deliberation.

First, the reauthorization of the NPS Advisory Board is not a technical matter. The board has recently been reauthorized through annual appropriations bills, but issues such as conflicts of interest, membership qualifications, and the independence of board members who work for organizations that receive funds from the Department of the Interior should be addressed by Congress. The usefulness of the board itself came into question under previous Park Service Directors as it was routinely used to stall difficult decisions.

Second, the Concessions Advisory Board has received little if any oversight, and a 10-year reauthorization without any specific inquiry may be unjustifiable at this time.

Typically, these boards have been used as "plums" by sitting administrations, Republican and Democrat. The National Park System has many strong supporters in Congress, including me, but I do not think we help the Park Service by enacting unexamined provisions of law buried in a technical corrections bill.

Mr. Speaker, I yield back the balance of my time.

Mr. TONKO. Mr. Speaker, as a new Member of Congress, I have spent this year actively seeking opportunities to offer constructive legislative proposals on issues important

to my constituents and to the Nation. I have been honored to sponsor measures dealing with improving highway safety and fostering research and development for alternative energy.

In addition to my other legislation focused on energy and transportation safety, I also directed my staff to contact the National Parks, Forests and Public Lands Subcommittee because the protection and preservation of our parks, heritage areas, forests and public lands are of vital interest to me and the people I represent.

The committee informed me that the National Park Service needed legislation to deal with a number of technical concerns facing the agency, and I was honored to act as the sponsor.

H.R. 3804 includes 10-year reauthorizations for two important advisory boards, the National Park System Advisory Board and the National Park Service Concession Management Advisory Board.

The National Park System Advisory Board was first authorized in 1935 and advises the NPS Director and the Secretary of the Interior on matters relating to the agency, the National Park System, and programs administered by the NPS, including the designation of national historic landmarks and proposed national historic trails. A full, 10-year reauthorization of the Board is critical to maintaining the excellent management standards set by the National Park Service.

The Concession Management Advisory Board was established by the National Parks Omnibus Management Act of 1998. The seven-member panel advises the Secretary of the Interior and the National Park Service on matters relating to the effective management of concessions in units of the National Park System. Reauthorization of this Board is important to ensure that the lodging, transportation, dining and other services provided to park visitors are of the very highest quality.

H.R. 3804 also raises the ceiling for the popular Volunteers in Parks program from \$3.5 million to \$10 million. Volunteers, of course, are not paid, but many receive reimbursement for travel costs or other small expenses. Our national parks simply could not function without these volunteers, and the VIP program is really the least we can do to repay their enormous contributions.

At the request of the National Park Service, H.R. 3804 changes the designation of the Martin Luther King, Jr. National Historic Site in Atlanta to the Martin Luther King, Jr. National Historical Park, to better reflect the size and complexity of the unit.

The bill also makes several minor boundary adjustments that will allow the National Park Service to cooperate with other sites near the U.S.S. Arizona Memorial to make ticketing easier for visitors and makes technical corrections for six provisions in the omnibus parks bill from earlier this year.

Finally, H.R. 3804 will strengthen law enforcement in our national parks by increasing and standardizing penalties for violations of park laws.

I urge my colleagues to vote in favor of this bill so that our Park Service can move to a more stable future.

Ms. BORDALLO. Mr. Speaker, I again urge Members to support this

bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 3804, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1330

# PETERSBURG NATIONAL BATTLEFIELD BOUNDARY MODIFICATION ACT

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3388) to modify the boundary of Petersburg National Battlefield in the Commonwealth of Virginia, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3388

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE.

*This Act may be cited as the "Petersburg National Battlefield Boundary Modification Act".*

## SEC. 2. BOUNDARY MODIFICATION.

(a) IN GENERAL.—*The boundary of Petersburg National Battlefield is modified to include the properties as generally depicted on the map titled "Petersburg National Battlefield Boundary Expansion", numbered 325/80,080, and dated June 2007. The map shall be on file and available for inspection in the appropriate offices of the National Park Service.*

(b) ACQUISITION OF PROPERTIES.—*The Secretary of the Interior (referred to in this Act as the "Secretary") is authorized to acquire the lands or interests in land, described in subsection (a), from willing sellers only by donation, purchase with donated or appropriated funds, exchange, or transfer.*

(c) ADMINISTRATION.—*The Secretary shall administer any land or interests in land acquired under this section as part of the Petersburg National Battlefield in accordance with applicable laws and regulations.*

## SEC. 3. ADMINISTRATIVE JURISDICTION TRANSFER.

(a) IN GENERAL.—*The Secretary and the Secretary of the Army are authorized to transfer administrative jurisdiction for approximately 1,171 acres of land under the jurisdiction of the Department of the Interior within the boundary of the Petersburg National Battlefield, for approximately 1,170 acres of land under the jurisdiction of the Department of the Army within the boundary of the Fort Lee Military Reservation adjacent to the boundary of the Petersburg National Battlefield.*

(b) MAP.—*The land to be exchanged is depicted on the map titled "Petersburg National Battlefield Proposed Transfer of Administrative Jurisdiction", numbered 325/80,081, and dated October 2009. The map shall be available for public inspection in the appropriate offices of the National Park Service.*

(c) CONDITIONS OF TRANSFER.—*The transfer of administrative jurisdiction authorized in subsection (a) shall be subject to the following conditions:*

(1) NO REIMBURSEMENT OR CONSIDERATION.—*The transfer shall occur without reimbursement or consideration.*

(2) DEADLINE.—*The Secretary and the Secretary of the Army shall complete the transfers authorized by this section not later than 120 days after the funds are made available for that purpose.*

(3) MANAGEMENT.—*The land conveyed to the Secretary under subsection (a) shall be included within the boundary of the Petersburg National Battlefield and shall be administered as part of the park in accordance with applicable laws and regulations.*

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from South Carolina (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

## GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, H.R. 3388 is sponsored by our colleague, Representative FORBES of Virginia. The 9-month campaign by the Union Army to capture the town of Petersburg, Virginia, was the longest of the Civil War. Today, only a fraction of the sites associated with the siege are protected within Petersburg National Battlefield. The Civil War Preservation Trust has consistently listed this area among the Nation's most endangered Civil War battlefields. Mr. Speaker, this legislation authorizes the expansion of the park to preserve approximately 7,000 acres that retain their historic significance. It was the subject of an extensive public planning process and has strong support within the local community.

I commend Mr. FORBES for sponsoring this legislation to improve the preservation of such an important historic resource, and I ask my colleagues to support passage of this measure.

DECEMBER 3, 2009.

Hon. NICK J. RAHALL II,  
Chairman, Committee on Natural Resources,  
Longworth House Office Building Washington, DC.

DEAR MR. CHAIRMAN: On November 18, 2009, the Committee on Natural Resources ordered H.R. 3388, the Petersburg National Battlefield Boundary Modification Act, to be reported. As you know, this measure contains certain provisions that are within the jurisdiction of the Committee on Armed Services.

Our Committee recognizes the importance of H.R. 3388 and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over this legislation, the Committee on Armed Services will waive further consideration of H.R. 3388. I do so with the understanding that by waiving further consideration of the bill, the Committee does not waive any future juris-

dictional claims over similar measures. In the event of a conference with the Senate on H.R. 3388, the Committee on Armed Services reserves the right to seek the appointment of conferees.

I would appreciate the inclusion of this letter and a copy of your response in your Committee's report on H.R. 3388 and the Congressional Record during consideration of the measure on the House floor.

Very truly yours,

IKE SKELTON,  
Chairman,  
House Committee on Armed Services.

DECEMBER 3, 2009.

Hon. IKE SKELTON,  
Chairman, Committee on Armed Services, Rayburn H.O.B., Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your willingness to expedite floor consideration of H.R. 3388, the Petersburg National Battlefield Boundary Modification Act, which contains provisions that fall within the jurisdiction of the Committee on Armed Services.

I appreciate your willingness to waive rights to further consideration of H.R. 3388, even though your Committee has received an additional referral. Of course, this waiver does not prejudice any further jurisdictional claims by your Committee over this legislation or similar language. Furthermore, I agree to support your request for appointment of conferees from the Committee on Armed Services if a conference is held on this matter.

This exchange of letters will be inserted in the Congressional Record as part of the consideration of the bill on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

With warm regards, I am

Sincerely,

NICK J. RAHALL II,  
Chairman,  
Committee on Natural Resources.

I reserve the balance of my time.

Mr. BROWN of South Carolina. Mr. Speaker, I yield myself such time as I may consume.

H.R. 3388 expands the boundary of the Petersburg National Battlefield in Virginia and authorizes the exchange of approximately equal 1-acre parcels between the Secretary of the Interior and the Army. The boundary expansion adds an additional 7,000 acres that have been identified as core battlefield areas during the Union Army's long siege of Petersburg during the Civil War.

I want to compliment the sponsor of this bill, Congressman FORBES, for including "willing seller" language in the bill. Private land will fall within the expanded boundary of the park, and those property rights need to be protected.

Mr. FORBES. Mr. Speaker, I rise today to support H.R. 3388, the Petersburg National Battlefield Boundary Modification Act. This legislation would provide for the expansion of Petersburg National Battlefield in Petersburg, Virginia, which will serve to increase heritage tourism in the Commonwealth of Virginia and enable Americans to learn more about the final years of the Civil War.

Nearly one quarter of the entire Civil War was fought in and around Petersburg, Virginia.



Only 25 miles south of Richmond, the city of Petersburg served as an important supply center to the Confederate capital. With its five railroad lines and key roads, Petersburg was recognized as a lynchpin of all Confederate efforts by both General Ulysses S. Grant and General Robert E. Lee, which is why on June 1864 General Grant moved to surround and isolate the City. Remarkably, for 9 1/2 months, General Lee held off the Northern troops, in what became one of the longest sieges in the history of American warfare. Eventually, both armies were forced to abandon Petersburg, leaving behind 70,000 casualties as they began their trek toward Appomattox Courthouse, where General Lee would ultimately surrender.

The historic sites at Petersburg National Battlefield tell this incredible story, and serve as an important reminder of an extraordinary chapter in American history. The numerous battlefields, monuments, and museums allow not only Virginians, but all Americans, to appreciate those who came before us during one of the most trying conflicts in the history of our great Nation.

The bill before us today, H.R. 3388, expands the area of the Petersburg National Battlefield in Virginia by over 7,000 acres. The bill allows the National Park Service to acquire the land by purchase, easement, exchange, and donation from private and nonprofit landowners. This bill would also allow for the administrative jurisdiction transfer of approximately 1.17 acres of land between the Fort Lee Military Reservation, through the Department of the Army, and the National Park Service, through the Department of the Interior. H.R. 3388 is supported by all parties involved, including each surrounding locality.

The Petersburg National Battlefield is an integral part of the local community, an important tourist destination for the Commonwealth of Virginia, and a touchstone of America's past. I urge my colleagues to support H.R. 3388 to ensure that this important historic site is enhanced for generations of Americans to come.

Mr. BROWN of South Carolina. I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I again urge Members to support the bill, and I want to thank my colleague from South Carolina for managing the bills on the floor today.

I yield back the balance of my time. The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 3388, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,  
Washington, DC, December 7, 2009.

Hon. NANCY PELOSI,  
*The Speaker, The Capitol, House of Representatives, Washington, DC.*

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 7, 2009, at 9:31 a.m.:

That the Senate agreed to S. Res. 370.

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER,  
*Clerk of the House.*

#### SPECIAL ORDERS

The SPEAKER pro tempore (Ms. TITUS). Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

#### A DEFINABLE VICTORY IN IRAQ

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes as the designee of the minority leader.

Mr. KING of Iowa. Madam Speaker, I appreciate being recognized and the privilege to address you here on the floor of the House of Representatives. And I've just returned within the last few hours from Afghanistan, arriving here this morning sometime around, oh, 7 or so after a long and very busy weekend in places in Afghanistan that we know as Kabul and Kandahar, Bagram, and also, a forward operating base called Spin Boldak.

And it's been my opinion for a long time, and having made at least nine different visits over to theaters that we do call theaters of war, that would include six to Iraq and three trips to Afghanistan, there are some other trips along there that I haven't chronicled, Madam Speaker, but I've found that sitting in classified briefings here in the United States Congress, here in the Capitol Building or over in the secure building in Rayburn, or going out to briefings at the White House and listening to our top military officers, our top civilian officers, including the State Department officers, give us their briefing on what's taking place in a region like that is not a fair substitute for actually going into the theater and receiving the briefings there from the people that are hands-on, on the ground, in the field.

And having an opportunity to sit down and eye-to-eye discuss these situations, generally with people from our home State, where we always have something in common and where we can get down to the frank matters of fact without hesitation because we more naturally trust each other, and we also know somebody that knows

somebody, and whether we actually know the troops or not, we know the family members that are related to their family members, at a minimum. And so we build that level of trust and rapport.

This trip was similar to a number in the past. It included briefings from top military personnel, top State Department and civilian personnel, included a meeting that lasted for an extended period of time with President Mohammed Karzai of Afghanistan in the palace in Kabul, and the trip, as I mentioned, out to the forward operating base south and a little bit east of Kandahar, right on the Pakistani border.

The position that I have taken over these years has been a strong national defense position, Madam Speaker. And I would go back and catalog some of that for the benefit of your attention, and that is that, from the time we went into Iraq, and as I watched things, the liberation of Iraq and then the stagnation of our operations in Iraq, the war of attrition that we fought there for a while that wasn't coming to a successful conclusion.

And on one of my trips into that area before the "surge" became a word that was used in the common vernacular here in the United States at least, I had worked through that policy and agreed with the officers who were about to request that President Bush order the surge in Iraq.

So, in short, Madam Speaker, I was for the surge before the surge had a name. And it has proven itself, I believe, to be the successful tactic that's brought about what I have also defined in this Congress—to have achieved a definable victory in Iraq. And I will get to Afghanistan. But I introduced a resolution in February of this year that defines the victory that we've achieved in Iraq. And it goes through the list or the chronology or the history of the incidents that took place in that country, the things that we and coalition forces did to liberate the Iraqi people, and the milestones along the way, the ups and the downs of the struggle that's taken place in Iraq.

And yet, if you put it all together, and you look at the successful ratification of a Constitution, successful elections in Iraq, the emergence of the Iraqi security forces as becoming ever more proficient and ever more stable, the definition of what we were seeking to achieve in Iraq has been very closely achieved to this point. Now, there's no such thing as a locked in, guaranteed, free, and moderate people of any kind. There's not a guarantee in the United States. But by comparison with what Iraq was to what it is today, it's significantly more stable. And we expect there will be a continued transition of power in Iraq, a sharing of power in Iraq that will be brought about by legitimate elections.

And so this accomplishment in Iraq, I bring out and make this point,

Madam Speaker, so that should I utter a contrast, I want you and everyone listening to understand the foundation that I build this judgment on, and that's that foundation that I believe we have achieved a definable victory in Iraq. And now, that being said, and I can certainly discount some of the things that are going on there, and I could lay some conditions on the statement like anyone who might choose to rebut such a position. But, by the same token, a lot's been achieved.

And on my first trip into Afghanistan which was some time, I believe, in 2005, without checking the records, and perhaps 2004, but we were in some of the more difficult times in Iraq at the time that I first went to Afghanistan. But when I came back from Afghanistan, even then, in the middle part of this decade that we're in now, I said then that we'll be in Afghanistan a lot longer than we'll be in Iraq. It wasn't conventional wisdom at the time. People didn't know how we were going to get out of Iraq. They didn't know how we were going to achieve a definable victory there.

But even then, I said we'll be in Afghanistan a lot longer because, Madam Speaker, Afghanistan is a lot closer to the Stone Age than is Iraq. Iraq has resources, they have oil, they have a tradition of education. They have a history of a more moderate and more modern government that has, actually, a central government that reached out to the corners of Iraq.

Afghanistan has none of those traditions and none of those histories, and they don't have the natural resources at this point, at least, that have been developed that's going to help the treasury of Afghanistan. They had a gross domestic product, the previous time that I was there, I remember the briefing documents, of \$7.5 billion. That's the gross domestic product of Afghanistan.

Now it's reported it's gone up to around \$11.4 billion in the GDP. That's only over the last couple of years. Almost a 50 percent increase. And I suspect, Madam Speaker, that some of that has to do, since it's measured in American dollars, with the fall of the American dollar, the diminishment of the value of our American dollar. And when that happens, it's going to automatically and inversely increase the GDP of any country that's indexed to it, such as Afghanistan. But the GDP of Afghanistan is very minimal.

And at one time I compared Afghanistan's GDP to the value of the beer brewed in Wisconsin. They were about the same. A couple of years ago, the \$7.5 billion GDP of Afghanistan and the value of the beer brewed in Wisconsin was \$7 billion. So that gives you a sense of how tiny this economy is, not to disparage the beer brewers in Wisconsin of course, Madam Speaker. And this tiny little economy has struggled

along. It's very much agriculture and agrarian-based, and a large percentage of the agricultural value output in Afghanistan is poppies, poppies from which heroin and opium are made, and that produce about half of the value of the ag products in Afghanistan, and perhaps more, if one were able to get an accurate accounting.

The poppy business in Afghanistan, much of it in Helman province, and neighboring Kandahar province to a lesser degree, those poppies in Afghanistan represent about two-thirds of the world's supply of opium and heroin in the world. So Afghanistan has long been a producer of poppies. But the system that has emerged and developed, we knew it then, we knew when we went in to liberate Afghanistan in the late fall or early winter of 2001, that the heroin trade from poppies was a significant component of the funding of our enemies, the funding of the Taliban.

□ 1345

Glad it remains that way today, and in some respects it may be worse than it was before. And yet there has been an effort under way to reduce the production of poppies in Afghanistan and thereby reducing the amount of dollars that go to the people that we declare to be our enemies. And these would be presumably the people who have attacked the United States, or plotted to do so.

I advocated, Madam Speaker, that on the day we went into Afghanistan, the time that American forces arrived there and became a predominant force there on the ground in Afghanistan was the time that we should have gone in and taken out the poppies. Just sprayed them. We can eradicate most any kind of foliage if we want to do that. And I've made this argument with every United States ambassador—and with one exception, their representative instead because the ambassador wasn't available—that we've had in Afghanistan since the beginning. And their response to me has been, We can't upset the economy in Afghanistan by taking them out of the poppy business. And besides, do I, as a Member of Congress, who advocates such a thing, understand the difficulty and logistics of spraying that many poppies?

And certainly I do understand the difficulty. I'm not sure the ambassadors do. They lay out a comparison that it would be something like four football fields wide, all the way around the Earth at the equator, the equivalent of taking out that much crop. Well, that's an awful lot of crop, Madam Speaker. But we sprayed almost the entire crop in Iowa on average more than once just last summer, and we have a few squadrons of spray planes in Iowa that have the capability of going in and taking out that poppy crop. And if we did that, that would

shut down billions of dollars that go into the hands of the Taliban and al Qaeda, billions of dollars that are used against the United States.

Now, some of these briefings will say it's somewhere between \$70 million and \$120 million. Well, if that's the case, I would ask the question, If it's \$3 billion, \$3.5 billion worth of poppies altogether, if that's what the crop is worth, how does only \$70 million to \$120 million get into the hands of the Taliban or al Qaeda, and where does the rest of the money go?

I'll submit, I think it's a lot more money than that. I don't think it's possible for us to track that money. And I don't accept the values that have been put on it with such confidence in places like Afghanistan when I can't, Madam Speaker, find out from the director of the Drug Enforcement Agency here in the United States how many dollars are spent on illegal drugs in the streets of America in a year.

When they tell me, We don't know; we don't know what the drugs are worth that are bought and sold and used and go in people's bloodstream and up the noses of Americans, we can't put a value on that within a billion dollars, how can the State Department tell me in a country that is that close to the Stone Age that doesn't have communications like we have, doesn't have a transportation network as anybody would imagine for any kind of a country, how can we get that estimate close in Afghanistan but we can't even guess at it in the United States?

So I will submit this: if they're right, the poppy crop is worth about half of the GDP of Afghanistan 2 years ago, may or may not be right, then we should be thinking of it in terms of roughly half the GDP in Afghanistan today.

In any case, it's lots of money. It's tens of millions at a very minimum, more likely hundreds of millions and maybe billions of dollars, and large shares of that go into the coffers of the Taliban and al Qaeda; and that money is used to pay the people that they recruit that plot and plan and train against us and to provide for them supplies, munitions, weaponry that get used around this world in terrorist plots.

So the number one effort to eradicate the terrorists that are in the breeding and training grounds in the areas of Afghanistan and Pakistan would be to shut off the money that comes from the illegal drugs that come from the poppy trade.

So instead, we have State Department personnel, USAID and USDA and other personnel that are seeking to negotiate with Afghan farmers to encourage them to raise pomegranates and fruits and nuts of all kinds, especially vines and trees, so they have to invest in longer than an annual crop, a perennial crop that makes them stick with that crop a little bit longer.

We're investing millions in that, and we're providing subsidies to Afghanistan of significant dollars. Now, here I will just pose this number: a billion dollars, a billion U.S. dollars invested in subsidies in Afghanistan to try to convince them that there are crops that pay better than raising the illegal poppy crop.

Well, I think a big degree of this is poppycock, Madam Speaker, to think that we can negotiate with people that are raising illegal drugs and convince them if we just gave them enough subsidy, they will stop doing that. They will always do what pays the best. That's the way things work.

And the world does have a free market economy. Can you imagine going down to pay the people in Mexico and Central and South America not to raise coca or not to raise the tree that produces cocaine, and can we convince them not to raise marijuana crops? Can we convince them not to convert the products that are now smuggled in from China or shipped directly into the United States into methamphetamines because there is something that pays better? It will always find its way to the market.

So we need to raise the cost of transaction. If we raise the cost of transaction, that means knock out these poppies. They will blossom. It's the nature of a poppy. They're easy to see from the air. I know we have poppies growing in places where we don't go with our military, and we're looking at perhaps as much as 90 percent of the poppies raised in Afghanistan, which is someplace two-thirds or more of the world production of poppies taking place in Helmand province down there where we are going to send reinforcements.

And, Madam Speaker, I applaud the President for finally making the decision after 3 months of—what shall I say—floating trial balloons and deliberating, and having discussions at the White House and deliberations. When the request that emerged in the public, a request that was submitted by General McChrystal—and if my date is correct it would be August 30 of this year—and by September 23, that report was leaked into the media. Who knows where it came from, Madam Speaker, and I'm generally a harsh critic of people inside the military system that would leak anything that's classified information.

Now, I don't know if this request was classified, but it was leaked. And I have not heard anyone report how it was leaked, but I suspect it was somebody who wanted the American people to know the request was made by General McChrystal. And I suspect that if that request of General McChrystal, at least the substance of that request that was leaked, that was put out into the press that was reported to be 40,000 troops necessary or risk failure in Af-

ghanistan, if that report, if that request had not been submitted, Madam Speaker, I suspect that we would have never found out what General McChrystal's actual request was.

In fact, back channels tell me that was the lowest number that General McChrystal asked for. And back channels tell me that the number between 40,000 and 80,000 was incrementally dialed in so that if there were 80,000 troops sent rather than 40,000, the odds of success increased in proportion with the number of troops. Less than 40,000, we risk failure; and 80,000 troops would bring us to the highest probability of success. It could be dialed down from 80,000 and still have success, taking the risks, of course, in proportion. But dialed down below 40,000, I don't understand that General McChrystal entertained the thought that 30,000 troops would be enough to do the job.

However, our military, being the brave and noble warriors that they are, do keep a stiff upper lip, and none of them would not utter these things to me because they know what their orders are from the Commander in Chief by rights, by the rights of the Constitution, by the rights of the results of the election, the President of the United States is the Commander in Chief of our military; and implicitly in the Constitution, the President sets the foreign policy.

Our foreign policy now is 30,000 more troops deployed into Afghanistan starting sometime in January and then with a look at 18 months as a period of time to start to withdraw troops out of Afghanistan. And having achieved the goals that have been defined to the American people in the speech the President gave over a little over a week ago—and again, I would reiterate that I was part of the first delegation of Members of Congress to arrive in Afghanistan after the President's speech when he announced he would send an additional 30,000 troops—this deployment of 30,000 troops and the stiff upper lip that's being kept by our military requires one to read between the lines to draw conclusions of what their real judgment is because they have their orders, and they will make due.

But when I see that the lowest number—and again this is back-channel information to me; it's not classified and it's not a briefing. Back channel information to me says 40,000 was the lowest number asked for by General McChrystal. General McChrystal and our troops in Afghanistan got a number that was 75 percent of the minimum number I believe was offered as a necessary number of troops to conduct the operations in Afghanistan with prospects of, let me say, avoiding mission failure in Afghanistan.

So they will make do with what they have. And we have gone out and negotiated with some of our NATO partners; and I saw troops there from Ger-

many and Great Britain and from Canada and a number of other countries that are part of our NATO partners. They are there. And they're working hand-in-glove with American troops.

So the additional anticipation of 7,000 or more coming from the NATO section will be very helpful, Madam Speaker. And it doesn't substitute for the request, I don't believe. I don't think we get to say now it's 37,000. I would have rather seen—if it's going to be the minimum number asked for by General McChrystal, I don't think his request was, Oh, by the way, you don't need to send me any if NATO will come up with 40,000. I don't think that was part of the equation at all because our commanders value—and they should—our American troops as being more effective than the troops that are put together in the coalitions from NATO themselves, even though we have valuable partners and even though they send some very, very good people there.

A little aside: I looked around the airport in Kandahar, and I hadn't thought about the Europeans that were deployed there in Kandahar. It'd been a little over a year since I'd been there. But when I saw all of these bicycles out there, I knew that I actually was in a place where there were a lot of Europeans that were deployed, and that turned out to be the case, Madam Speaker.

In any case, it will be 30,000 troops, not a minimum of 40,000. It certainly won't be 80,000. One might argue we're 50,000 troops short of what the optimum would have been, as back channels say would have been the best wish list for General McChrystal.

And now what I find on the ground is this: the city of Kabul is more stable than I have seen it. The streets of Kabul seem to have a certain order to them. If you watch the people who are moving around, they're not looking over their shoulder, they're not worried about IEDs going off. They're conducting the business there as they have for centuries in Kabul. Little markets, meat hanging on hooks out in the open air collecting that Afghan dust. And if there is one word I would use to describe Afghanistan, it's always been "dust." Dust everywhere, dust all the time. And if it rains, there's dust underneath the little layer of crust that forms if it rains a little bit in Afghanistan. Dust there all the time. But the streets of Kabul being, I think, as stable and orderly as I have seen them and the signs of war have diminished some in Kabul.

Same would go to Kandahar to a certain degree, although Kandahar not being quite as safe in the sense that you get in Kabul itself.

That tells me that we've made some progress. Two-thirds of the population of Afghanistan can be influenced around those urban zones that I have mentioned, the cities in Afghanistan.

The balance of that is out there in the countryside: people that live in the valleys and mountains. And those that have an agricultural base and foundation whether they're raising a crop out of the soil or whether they're herding the sheep or their goats, that rural agrarian Afghanistan is the hardest part to reach out to. They have never had a centralized powerful government in Afghanistan. They've never been able to project power out of Kabul out to the corners of Afghanistan. And, today, that's our challenge.

Our challenge, as has been laid out by the President, is to rebuild and in some cases just simply go out and construct the institutions in Afghanistan that are necessary to get government services out to the corners of Afghanistan.

And to provide first for security. We have learned—and it has been true, I believe, for all of human experience—and sometimes we have to relearn that we can't put down insurrection if we can't provide for stability and security. Security is number one. And then once you establish security, then you can establish the institution of government, the institutions of education, the institutions of a peaceful society.

But without safety, without security, nothing can flow from it when you have only anarchy and that bloody clash of the power struggles that take place, if there's a vacuum for power.

□ 1400

So the charge for President Karzai, for our American people, and for the NATO people is to be able to clear those areas that the Taliban now occupy and control, where the Taliban are providing actually some function of government, including dispute resolution. However brutal it might be, the Taliban are providing some dispute resolution. We need to clear those areas—this is going to sound familiar, Madam Speaker—clear and hold and build, and then transfer.

First we need to clear those areas of the Taliban and to whatever extent al Qaeda might exist in Afghanistan, and we need to hold them. Once we clear a place, we can't leave it. We found out in Iraq that if we would go in and clear al Qaeda, or any of the militia, out of a community in Iraq and then pull our troops out of there, they would just form back again. I don't know why we ever thought that that could be successful.

I remember hearing reports that there was a city or two in Iraq that were controlled by the enemy. And I was astonished that we would go in, liberate a country, and then tolerate the enemy coming into the cities, setting up shop and running the government there, and more or less setting up a fortress and a training camp right there within those cities in Iraq. We learned that lesson the hard way, and

we had to go in with the surge and clean out these cities and restabilize.

According to General Petraeus, we brought our own troops in and essentially bunked them right there in the community so they were invested in the security 24/7; not a patrol that just went in and pulled back out again, but Americans that lived right there and provided 24/7 security for the people in those communities. We are going to have to do some of that in Afghanistan as well. But in Iraq we had to go in under the surge, clear and hold those communities and not give that real estate back, clear it and hold it, and then we needed to rebuild some infrastructure.

It's not as big a job to rebuild infrastructure to prewar conditions in Afghanistan as it is probably anywhere else I can think of. We have to rebuild infrastructure, establish the institutions of local government, and any educational institutions that we can set up, outreach to the farmers to try to do the things that we can do with American advisers and whatever comes from the NATO people, establish a stability of security and the stability of the unity of the institutions and hold that area. And while that is going on, we need to go to other areas and clear and hold and build and set it up so we could transfer then to full Afghan control.

Well, here are some contrasts, again, between Iraq and Afghanistan. Iraq has a population of 28 million. Afghanistan has a population of 28 million. It's the same population, as close as we can count.

The geographical area of Iraq is about the size of California. The geographical area of Afghanistan is about the size of Texas. And so those are the differences. It means the Afghans are stretched out a little more thinly in their population density.

The geography is significantly different in some of the areas. The Iraq geography we know—desert and sand. When you get into the north, then you run into some mountains and some greenness up there in the Kurdish area. But a lot of Iraq looks the same to me when I see it.

In Afghanistan there is a sharper difference in the topography across the country. There are a lot of stark, brutal, bold, stone mountains in the east, around to the south and over towards the west. But also, the further west you go, the more high plains and dust you have out that way. It is a forbidding topography in Afghanistan as compared to that in Iraq.

But on the security side, in Iraq we have managed to, working with our partners and with the full cooperation and support of the Iraqi people and the Iraqi Government, including President Maliki, now provide a number of over 600,000 trained security personnel in Iraq with Iraqi military and Iraqi police forces joined together. I have

watched them drill and watched some of their special forces operations. And even though the best that the Iraqis have to offer doesn't match up with the best America has to offer, they look pretty good. There are just over 600,000. The last number I saw was 609,000 Iraqis trained and on line and up and running for the security personnel.

But in Afghanistan, and I'm going to have to work off of memory here, Madam Speaker, because it looks as though my notes don't include these numbers. But in Afghanistan, we are struggling to put together a 100,000 Afghan Army and, at the same time, around 130,000 Afghan police. The Afghan police have significant difficulty in achieving credibility. The people's lack of confidence in the Afghan police comes because of a long history of corruption. The police have been, I will say, not paid a lot, except when it came to bribes. They supplemented their income with bribes. The corruption that has been there in the Afghan police makes it very hard to stand them up and think that they are going to look like, say, New York's Finest, for example. They will never be that. And the culture and the history of the country won't allow that.

But we need to get the Afghan police to be as good as they can be and the Afghan Army to be as good as they can be. And even then, our best hopes are, by the time the President has scheduled a beginning of the drawdown of troops in Afghanistan, the 18 months takes us into the summer of 2011, by that period of time, the goal, the target, is about 230,000 Afghanistan Army and Afghan police that will be providing the security in a country that is spread out more than Iraq is with the same population of Iraq. Where Iraq has 609,000, Afghanistan would have presumably 230,000, a good number of them just trained within the last 18 months.

We know there will be turnover. We know there will be corruption. We know some of them will have to be pulled out by their roots and made an example of, and others will need to be created. And those that have credibility, honor, and integrity will have to be lifted up and promoted.

When we look at an Afghan Army that is perhaps 100,000 strong and an army that has not functioned in a fashion that we would imagine, and we think of the Afghan Army as something that goes out and operates independently, but, truthfully, they are operating with American and NATO advisers in almost every case. An army of 100,000 for a population of 28 million compared to an army of around 400,000, a little more than that in Iraq, for a population of 28 million.

We have many times listened to our military advisers tell us how long it takes to stand up a brigade commander, and they will tell us it takes

about 20 years of training and active duty to stand up a brigade commander for our military. And yet, the charge is that we take an army, an Afghan Army that doesn't have the traditions that the United States has nor the knowledge nor the command and control structure, and many times they have illiterate troops that can't read or write. In fact, the literacy rate among Afghans is about 20 percent among the men and 1 or 2 percent among the women. So it's awfully hard to educate someone who can't read and write in their own language. It is hard to identify the best talent in the population if they can't take the written exam. They can only be given an oral exam. It's pretty hard to command troops if you can't read. So, naturally, the literate Afghans will be the ones that will move up through the chain of command. And we have a whole society that needs to be educated and taught to function in a literate fashion.

But to imagine that we can stand up an army in Afghanistan and do so in 18 months by training brigade commanders and on up, officers to do that in an 18-month period of time when it takes 20 years in the United States, and do so in a language that they understand many of them only orally, that they can't read and write in, it boggles the mind to think about how difficult this task will be to reach this goal where we can start to draw troops down in a year and a half.

I listened to the strategy of clear and hold and build and transfer. I'm not surprised to hear it. I expected that's what I would hear.

I have looked at the numbers of troops that we've committed and the numbers that we hope to recruit out of Afghanistan and the numbers that we hope to be able to convince to come to Afghanistan from the other NATO countries, and it looks like we've got at least a verbal agreement on that, roughly 7,000 additional troops. I have looked at the geography being stretched out the way it is, and I stand and look at the Pakistani border and realize that even though we can control most of the real estate in Afghanistan and probably will control all the real estate in Afghanistan, by the time those additional 30,000 troops arrive, we won't have a license to go into Pakistan. They still have a sanctuary in the neighboring country of Pakistan. Pakistan has a population of, I believe, 173 million. The number indicates a lot of high population in Pakistan and more resources in Pakistan. There are a lot of big mountains there.

The Pakistanis themselves are like people everywhere. They are going to look out for their own interests. Well, their own interests aren't necessarily to put all their resources in defeating the Taliban and rooting out what is left of al Qaeda in the mountains in Pakistan. Their interests are in pro-

tecting the Pakistani people. There aren't a lot of them up in the mountains where we think their military needs to go. And their interests are in protecting the Pakistani Government and not overreaching so that the Pakistani Government doesn't get overthrown by the Taliban. That's the struggle that is going on there. So they will take on the Taliban that threatened the Pakistanis, but they don't want to go out and pick a new fight with those elements that are there whose primary objective is to damage the United States and damage the rest of the free world.

So in a lot of the cases, Madam Speaker, it's where you sit is where you stand, that the position that each country takes is a lot like the position that individuals take. We will make our argument at the table for the things that advantage us. And we are pretty creative, and we can self-rationalize and sit down at the table and make the arguments that defend our interests. It's true with people, it's true in this Congress, and it's true when nations negotiate with nations.

So we should always look at what is the interests of Afghanistan; what are the interests of Mohammed Karzai, the President. He would like to stay in power. He would like to serve out his second full term. He is the one that says that he was not reelected, that there was an election. He regrets the corruption, but because his nearest opponent pulled out of the race, he was awarded the election by default. He does regret that, Madam Speaker; at least, those are the words he used to speak to us on this.

But President Karzai has his interests, and the Afghan people that have influence with President Karzai and the Afghan Government have their interests. Taliban have their interests and al Qaeda theirs. There are different groups of the Taliban and other groups that we are fighting as well. It is very complicated, and it is not simple, and it's not at all completely militarily tactical. It's very much how do we put together the solutions of first providing security, maintaining that security, building the institutions and the infrastructure that are necessary so that the central government in Afghanistan can reach out to the corners of the country, such as the place where I was just yesterday at Spin Boldak down on the Pakistani border, and other places.

All of that needs to happen, Madam Speaker. And as General Petraeus said, the enemy gets a vote, too, and they will be working against us and mounting operations where they can. But my general overall impressions are this: I believe that the strategy that has been put together is one where we have to thread the needle. We have the very minimal amount of resources necessary to provide the security. If everything

works according to time frame and schedule, there is a chance this can be successful.

But I do not see, when I look at the plan, that there is a redundancy that's built in, that there is a fallback position, that there's an overbuild that comes in. The "just in case" resources don't appear to be there.

Now, I have spent a lot of my life planning logistics and taking on projects. No, not directing wars. But, for example, if I would go into a construction site, and it might be 40 acres of cornfield, and we need to turn it into a school complex, there are a lot of challenges that go on. Things go wrong. The weather works against you. You have people with different interests that are undermining the overall goal. They are breaking up the sequence of the scheduling you set up. Machines break down. And sometimes they throw a wrench in the works, a permit that wasn't required before. You have to plan. You set a schedule. You plan to meet the schedule, and you have to have reserve resources to make sure you can make up for the difference. It might be bring in more men, more workers we say now. It might be bring in more machines. It might be overlap the duties that are assigned from contractor to contractor. It might be go to a different supplier if one of them can't get the materials in time for you. It might be work 7 days a week. It might be work 24/7. It might be double up with crews and go 24/7. But however it is when you have to meet the deadline, when you have the goal, you have to be planning what you'll do if things don't work out.

□ 1415

Now we have a plan in Afghanistan, 30,000 more troops, starting to insert them in January to get them in position for the beginning of the fighting season, which, I guess, nobody can really tell you when that is—that's when the enemy attacks us in a greater number than it is right now—but roughly mid-to-late March would be what we can anticipate. And that we have 18 months to clear any areas in Afghanistan that are held by our enemy—and I am going to define that enemy as they define the enemy to me, the Taliban; clear and hold, and build the institutions and rebuild the infrastructure, and then transfer in 18 months.

Now, we've been there for 8 years, Madam Speaker, 8 years in Afghanistan. There has been a lot accomplished. And we should not diminish the accomplishments in Afghanistan. They have been significant in that Afghanistan has a Constitution that has been ratified, they have held successful national elections—and some here will object that there was voter fraud in the last election, and there was, no one denies that. And to the extent that the voter fraud was there, I would like to

know exactly how many votes were stolen or how many ballot boxes were stuffed by the supporters of either side. And I don't think Karzai would tell us that it didn't happen on his side—I think it's almost certain that it did. Were those numbers great enough to change the result of the election? Probably not.

I will lament any ballot that is not a legitimate one, but the question then becomes: Is this government legitimate? Well, it is among the most legitimate governments that Afghanistan has ever had. We know that the first election electing nationwide offices and leaders on the soil in Afghanistan took place because American and NATO forces allowed that to happen. They provided the security so people could go to the polls.

I remember that there were Iowa National Guard troops on the ground guarding the polling places for the first time in the history on that real estate for people to go to the polls and vote in a national election. It had never happened before. So they have come a long way, Madam Speaker, and we should not diminish the accomplishments.

When you think of the United States of America establishing the Declaration of Independence in 1776, and we fought a war that went on for several years—I'll say 7 years or 8 years—the Treaty of Paris was signed by John Jay in, I think, 1783. By 1787, we produced a Constitution; by 1789 we ratified a Constitution. Thirteen years from the date of the Declaration of Independence until the ratification of the Constitution—which didn't guarantee the centuries-old existence of the United States; it laid down the foundation where we could continue to fight for liberty and fight for freedom and shape a Nation.

I don't think it was imagined that the United States of America would become the unchallenged greatest Nation in the world. I don't think they knew where the Pacific Ocean was—in, fact I know they didn't. They had to guess how far it was. And Lewis and Clark chartered it in 1803 and 1804, that's when we found out, not in 1789, when the Constitution was ratified.

So this dream of manifest destiny, this dream of this great Nation, wasn't really in the imagination of the Founding Fathers. And yet in 13 years we got where we did with a ratified Constitution from the time of the Declaration. When you look at Iraq and Afghanistan, both of those countries have outpaced the development speed of the United States of America itself, if you measure elections, and even if you measure legitimate elections, and if you measure the ratification of constitutions where there was no tradition before.

So we should be, I think, respectful of the accomplishments that have been made in Iraq and in Afghanistan. It

takes a long time to build institutions. We shouldn't just automatically think that because when we opened up the geography book when we were studying eighth-grade geography and looked at the map of the world, and that wooden pointer up there by the chalk board said, here's Pakistan, here's Afghanistan, here's Iran. When we looked at those borders, we envisioned them as borders like we would envision borders of the United States of America, at least. And those borders don't look like I anticipated that they would, Madam Speaker.

But the borders of Afghanistan, especially with Pakistan, are not clearly defined. We have a place that we declare to be the border, but it's not recognized in the same fashion by the people that live near the border. They want to be able to move back and cross across the border and do commerce and trade like they always have. And the agreement on exactly where that is is not a handshake even between Afghanistan and Pakistan; there are still tensions there, there is distrust there. There is the worry that Pakistan focuses towards India with a fear of India as their primary enemy, and they're afraid that Afghanistan will make common cause with India. Those little tensions play out just like they play out between people and neighbors and other countries as well.

But the difficulty of the task in Afghanistan needs to be measured with the reality of what is going on there on the ground and within the historical context of what we are living with today, and that is that a lot of progress has been made, and that the central government in Kabul has never reached out to those borders, those borders that we see on the map that aren't really at all like the borders we would imagine when we look at Afghanistan and look at the map itself.

We need to understand that many of the enemy are living undisturbed in the mountains in Pakistan. And even though we get a report occasionally that an unmanned drone strayed across the border and dropped a missile in to a household that happened to have some al Qaeda terrorists in it, even though we get some reports of that, operations in Pakistan, if they exist, they don't exist formally and they don't exist in any kind of an organized tactical sense.

And so I ask the question, Madam Speaker: Has there ever been an example in the history of the world where a foreign power went into another country and took on an insurgency that operated within that country that also had a sanctuary in a neighboring sovereign nation? In other words, as it was impossible to defeat the Vietnamese as long as they could pull back to North Vietnam or go back up the Ho Chi Minh trail, as long as they could choose the time of engagement and the

method of engagement, as long as they had a sanctuary to hide in, a line across which we would not go, it was, I don't believe, possible to defeat the Vietnamese. Same with North Korea. We didn't go after them where they planned their operations, and therefore we ended up with a negotiated settlement.

As I pose this question, I bring it out, Madam Speaker, so we understand here the great difficulty in defeating an enemy that has a sanctuary in a neighboring sovereignty. In other words, if al Qaeda or the Taliban can come into Afghanistan, attack American troops or attack the Afghan people or their military or their police, security personnel, and disengage and go back to Pakistan, and we can chase them to the border, and we've got to stop, and if the Pakistanis are not standing there to meet them, then they can choose the time and the place of their engagement. They can build up and train and gather munitions and then conduct those operations. They can plan operations all over the world, and they have, because they are protected in a sanctuary.

So my argument here, Madam Speaker, is, there needs to be political support for going to the sanctuaries of our enemies, wherever they may be, to take out our enemies that have pledged to kill us. And I remember sitting through a whole weekend of analysis of this—it would have been in January or February of 2003—when we brought in experts. It was a bipartisan retreat weekend, Democrats and Republicans together. And in this retreat weekend, Tom Friedman gave the opening address and raised a series of questions. And we sat around all weekend going, What did we ever do to make them hate us? How can we make them like us again so they don't attack us like they did on September 11? What was wrong with us that caused them to attack us? Who do we repair who we are as Americans?

Madam Speaker, that was the mindset going on here in the United States, especially over on this side of the aisle, and to some degree over on the Republican side of the aisle as well. What if there was nothing wrong with us? What if it was all that was wrong with them? We didn't anticipate in 2001 that there was an enemy that believed as strongly as they did that their path to salvation is in killing Jews, Christians and capitalists, probably in that order. And if they could get a twofer—and they almost always did—they counted that to be a very good thing.

That's why they attacked the economic center of the United States, because they believed that they could kill capitalists at the same time. They despise freedom, they despise liberty, they despise capitalism, they despise Judeo-Christianity. All of that is the enemy of the radical jihadis that we



are seeking to psychoanalyze instead of defeat. And believing that we can rebuild institutions in 18 months that we haven't been able to rebuild in 8 years, it smacks of a significant degree of optimism, which I am willing to cautiously buy into provided we provide the resources to do that, and provided we are willing to go where the enemy is.

If that is in Pakistan, I don't want to sit and wait for them to decide to come and attack American troops, or plant IEDs and take out Americans that are there trying to rebuild the institutions and allow the enemy to hide in a neighboring Pakistan. When Pancho Villa came into the United States and murdered about 17 people back in 1912—in fact, Madam Speaker, it might have been the other way around; it might have been 12 people murdered in 1917—we sent our military down there to chase Pancho Villa around because we wouldn't tolerate attacks that came from foreign countries. We knew we couldn't let them have a sanctuary.

If we let our enemies have sanctuaries, they chose the time and the place that they attacked us. We knew that in the early part of the 20th century; we seem to have somehow forgotten that in the early part of the 21st century. We've got to go take the enemy on where they live, where they train, where they lay up, where their munitions are, where their equipment is. We've got to be willing to do that.

And any country that will harbor terrorists doesn't deserve the support of the United States of America. I remember President Bush saying words to the effect of, If you harbor terrorists, you're a terrorist. You are either with us or against us. He made it very clear at the onset of this, and now we seem to be reluctant to even declare who our enemies are.

Another component that I think is significant, Madam Speaker, for the American people to know is that there has been a significant diminishment in the focus on Osama bin Laden and al Qaeda. It seems as though the position today of the White House and the military is that al Qaeda no longer exists in any significant way in Afghanistan. I remember about two weeks ago or a little more, General Jones—a general handpicked by President Obama—said that the numbers of al Qaeda in Afghanistan are less than 100, less than 100 al Qaeda in Afghanistan. Now, maybe that's true, I don't know. I don't think we have a way of knowing. But if that is the best intelligence that we have, and that is the intelligence that's been delivered in public to the American people by General Jones, then I have to say I don't have any supplemental intelligence that trumps that number.

It just doesn't seem plausible to me that we would mobilize all of this effort and focus ourselves on an enemy

called al Qaeda, and have the President of the United States repeatedly, at least 40 times, declare his dedication to going after Osama bin Laden and al Qaeda and defeating them where they are. That was at least 40 times as candidate Obama, then United States Senator Obama, sold himself to the American people and sold his national security credentials to the American people. Forty times, at least, he said he would go after Osama bin Laden, and that he would defeat al Qaeda and Osama bin Laden, and occasionally he added the Taliban to it.

Now, al Qaeda has been pulled out of the dialogue with Afghanistan, Osama bin Laden's name has only been uttered four times by the President of the United States in the year and a month and 3 days since he has been elected President, and those four times, three of them were in response to direct questions asked by the press, and the other time he brought it into another discussion. But at no time has the President said, since he was elected in 1 year and 1 month and 3 days, I will go get Osama bin Laden, I will defeat bin Laden and al Qaeda in Afghanistan. That stopped. That rhetoric stopped abruptly. The 3rd of November, 2008 was the last time Barack Obama spoke of taking out Osama bin Laden. So that actually makes it 1 year, 1 month, and 4 days, to be precise, since the President has said he is going to take out Osama bin Laden.

And now here we are with a minimum number of troops, minus about 25 percent of the minimum number, to go in and stand up the security forces in Afghanistan, take those numbers up to around 230,000, and then have a goal to take that number up higher than that, but to get that recruitment done and the training done with the commanding officers necessary. Even though we know it takes 20 years to get them ready, we are going to do it in 18 months, with a minimum number of resources, and we are going to rebuild the institutions, we are going to clear, we are going to hold, we are going to build, and we are going to transfer.

□ 1430

All of that sounds right, and it sounds good to me. I know a plan when I read one. I understand when I read the contingency plans the redundancies that are built in. I look for that because, for part of a success in a mission, it is necessary to make the contingency plans because things never go the way you plan them to be. There are always pitfalls along the way. There are always things that don't work well. Sometimes it's just bad luck.

I know from my own experience, when I plan logistics as precisely as I can and when I build in the contingency plans and build in the redundancy, then things fall apart anyway. I have to go back and put together a new

plan and present that new approach; but about the third time I do that, I finally get to that point where I realize I can keep throwing resources at this over and over again and always add just the minimum to get it done.

Sometimes just the minimum to get it done is just enough to guarantee it isn't going to work. At a certain point, you have to pour enough resources in where you can say, by golly, this will fix it, and I'm done re-devising the plan, and I'm done dragging this out through days and months and weeks and years. We're going to solve this problem.

We're going to solve it with enough resources. If we don't do that, we can't move on to the next thing, the next mission, the next challenge for America.

So I'm going to stand here, proposing that we provide not only the resources that are necessary for our military to protect and to advance the destiny of America but that we provide backup plans, contingency plans, redundancy and that we're ready to alter this plan with more resources, if necessary, in order to achieve or to set about achieving in both Iraq and in Afghanistan a definable victory. We have done so in Iraq. We seek to do that in Afghanistan.

President Karzai recognizes that the Bush doctrine remains intact, that promoting freedom and a stable self-governing country in Afghanistan lays out the foundation consistent with the Bush doctrine, which is to provide for that foundation of legitimate government. If that happens, the voice of the people is heard. When the voice of the people is heard through the ballot box and through other means of self-expression—freedom of the press will be another one—then the tension diminishes.

We don't have to have revolutions in America because we have elections in America. They don't have to have terrorists and revolutions in places like Iraq or Afghanistan if they have elections there, if the voice of the people is heard and if there is dispute resolution by a legitimate means under the rule of law.

President Karzai understands the Bush doctrine is not dead. The Bush doctrine is very much alive. The directive of the strategy that was laid out by President Obama actually maintains and holds the Bush doctrine intact. It just does so with a minimum number of resources, and we're going to have to look forward to, I'll say, the utter excellence of our noble American troops to bring about an accomplishment there that, I think, could use more resources to ensure a successful result in Afghanistan.

While this is going on, I want to, Madam Speaker, continue to press the President of the United States and the people in America to look at a strategy

that goes beyond this amorphous line around through the mountains and between Afghanistan and Pakistan that we cannot defeat an enemy that has a sovereign sanctuary, an enemy that can choose its time to attack us and to lay up and hold up and train.

Furthermore, we'd better start paying attention to this global war on terror. It is not a police action. It is a war against people who ideologically oppose us. We are now raising in the United States terrorists from within the United States who are attacking free people in other parts of the world. We had five terrorist operations that emerged in a single day.

There was one in Dallas, two in New York, one in Chicago, and another one in North Carolina. I think that covers most of them, homegrown to some extent. We have the Somali terrorists out of Minneapolis—homegrown. We have the individual who was just arrested today, or charged today, with helping to plan the massacre that took place a little over a year ago in Mumbai. These are Americans who are now projecting terror around other parts of the world.

We need to get with this and understand the enemy that we are fighting. We need to put a plan in place to clean this up in the United States of America, to eradicate the habitat that breeds terrorists like that, to defeat the culture that breeds people who believe their path to salvation is in killing freedom-loving, God-fearing people like we are here in the United States of America.

This is not just a little bit of an engagement of our law enforcement. This is a clash of ideologies. They are committed. We need to be. We need to understand our enemy, Madam Speaker.

That has been the purpose of my discussion here this afternoon. I appreciate your attention to this matter.

To all of the Members of Congress, as you tune in and listen and to the American people who have the benefit of this open dialogue, I urge our attention to the matter, to the educational upgrade of all of the people in this country.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. BORDALLO) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. BROWN of South Carolina) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, December 11 and 14.

Mr. JONES, for 5 minutes, December 11 and 14.

Ms. ROS-LEHTINEN, for 5 minutes, today, December 8, 9 and 10.

Mr. HALL of New York, for 5 minutes, December 8.

Mr. DEAL of Georgia, for 5 minutes, December 8.

#### ADJOURNMENT

Mr. KING of Iowa. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 35 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, December 8, 2009, at 9 a.m., for morning-hour debate.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4877. A letter from the Secretary, Department of Defense, transmitting authorization of three officers to wear the authorized insignia of the grade of Rear Admiral; to the Committee on Armed Services.

4878. A letter from the Under Secretary, Department of Defense, transmitting a letter regarding the Single Channel Ground and Airborne Radio Systems and the Joint Tactical Radio System procurements; to the Committee on Armed Services.

4879. A letter from the Chair, Congressional Oversight Panel, transmitting the Panel's monthly report pursuant to Section 125(b)(1) of the Emergency Economic Stabilization Act of 2008, Pub. L. 110-343; to the Committee on Financial Services.

4880. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2008-0020; Internal Agency Docket No. FEMA-8101] received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4881. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2008-0020; Internal Agency Docket No. FEMA-B-1067] received November 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4882. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2008-0020; Internal Agency Docket No. FEMA-B-1070] received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4883. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to United Kingdom pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

4884. A letter from the Secretary, Department of Education, transmitting the Department's final rule — Institutional Eligibility under the Higher Education Act of 1965, as amended, and the Secretary's Recognition of Accrediting Agencies [Docket ID: ED-2009-OPE-0009] (RIN: 1840-AD00) received October 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

4885. A letter from the Secretary, Department of Education, transmitting the Department's final rule — General Non-Loan Programmatic Issues [Docket ID: ED-2009-OPE-0005] (RIN: 1840-AC99) received October 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

4886. A letter from the Secretary, Department of Education, transmitting the Department's final rule — Federal Perkins Loan Program, Federal Family Education Loan Program, and William D. Ford Federal Direct Loan Program [Docket ID: ED-2009-OPE-0004] (RIN: 1840-AC98) received October 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

4887. A letter from the Director, Office of Policy, Reports and Disclosure, Department of Labor, transmitting the Department's final rule — Labor Organizations Annual Financial Reports (RIN: 1215-AB62) received November 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

4888. A letter from the Deputy Secretary, Department of the Treasury, transmitting a six-month periodic report on the national emergency with respect to Syria that was declared in Executive Order 13338 of May 11, 2004, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

4889. A letter from the Under Secretary, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 18-09 informing of an intent to sign a Project Agreement with Czech Republic; to the Committee on Foreign Affairs.

4890. A letter from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

4891. A letter from the Assistant Secretary, Policy, Management and Budget, Department of the Interior, transmitting the Department's Fiscal Year 2008 Annual Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 Report; to the Committee on Oversight and Government Reform.

4892. A letter from the Associate Legal Counsel, Equal Employment Opportunity Commission, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4893. A letter from the Commissioner, Social Security Administration, transmitting the Administration's Performance and Accountability Report for Fiscal Year 2009; to the Committee on Oversight and Government Reform.

4894. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Colored Federal Airway; Washington [Docket No.: FAA-2009-0970; Airspace Docket No. 09-ANM-15] (RIN: 2120-AA66) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4895. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of VOR Federal Airway B-626; UT [Docket No.: FAA-2009-0311; Airspace Docket No. 09-ANM-3] (RIN: 2120-AA66) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

the Committee on Transportation and Infrastructure.

4896. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 and ERJ 190 Airplanes [Docket No.: FAA-2009-0687; Directorate Identifier 2009-NM-033; Amendment 39-16080; AD 2009-23-08] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4897. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Canada Model 407 and 427 Helicopters [Docket No.: FAA-2009-1003; Directorate Identifier 2009-SW-25-AD; Amendment 39-16064; AD 2009-22-11] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4898. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Reims Aviation S.A. Model F406 Airplanes [Docket No.: FAA-2007-0115; Directorate Identifier 2007-CE-080-AD; Amendment 39-16067; AD 2009-22-15] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4899. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F.27 Mark 050, 200, 300, 400, 500, 600, and 700 Airplanes [Docket No.: FAA-2009-1024; Directorate Identifier 2009-NM-182-AD; Amendment 39-16083; AD 2008-05-18 R1] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4900. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; 328 Support Services GmbH Dornier Model 328-300 Airplanes [Docket No.: FAA-2009-1023; Directorate Identifier 2009-NM-176-AD; Amendment 39-16082; AD 2009-01-06 R1] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4901. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30694; Amdt. No 3346] received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4902. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-500 Airplanes [Docket No.: FAA-2009-1039; Directorate Identifier 2009-CE-059-AD; Amendment 39-16085; AD 2009-23-11] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4903. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Restricted Areas and Other Special Use Airspace; Fallon, NV [Docket No.: FAA-2009-0700; Airspace Docket No. 09-AWP-4] (RIN: 2120-AA64) received November 13, 2009, pursuant

to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4904. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Noorwik, AK [Docket No.: FAA-2009-0318; Airspace Docket No. 09-AAL-8] received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4905. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Federal Airways V-163 and V-358 in the Lampasas, TX, Area [Docket No.: FAA-2009-0128; Airspace Docket No. 08-ASW-15] (RIN: 2120-AA66) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4906. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class D and Class E Airspace; Topeka, KS [Docket No.: FAA-2009-0404; Airspace Docket No. 09-ACE-5] received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4907. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class D and Class E Airspace; New Orleans NAS, LA [Docket No.: FAA-2009-0405; Airspace Docket No. 09-ASW-12] received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4908. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Midlothian-Waxahachie, TX [Docket No.: FAA-2009-0513; Airspace Docket No. 09-ASW-13] received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4909. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Many, LA [Docket No.: FAA-2009-0536; Airspace Docket No. 09-ASW-14] received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4910. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; St. Louis, MO [Docket No.: FAA-2009-0541; Airspace Docket No. 09-ACE-7] received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4911. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Peoria, IL [Docket No.: FAA-2009-0511; Airspace Docket No. 09-AGL-8] received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4912. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Minden, NE [Docket No.: FAA-2009-0542; Airspace Docket No. 09-ACE-8] received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4913. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Spencer, WV [Docket No.: FAA-2009-0602; Airspace Docket No. 09-AEA-13] received November 13, 2009, pursuant

to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4914. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Winona, MN [Docket No.: FAA-2009-0539; Airspace Docket No. 09-AGL-14] received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4915. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Beckley, WV [Docket No.: FAA-2009-0651; Airspace Docket No. 09-AEA-00] received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RAHALL: Committee on Natural Resources. H.R. 1672. A bill to reauthorize the Northwest Straits Marine Conservation Initiative Act to promote the protection of the resources of the Northwest Straits, and for other purposes; with an amendment (Rept. 111-354). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 2062. A bill to amend the Migratory Bird Treaty Act to provide for penalties and enforcement for intentionally taking protected avian species, and for other purposes; with an amendment (Rept. 111-355). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 3603. A bill to rename the Ocmulgee National Monument; with an amendment (Rept. 111-356). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 3940. A bill to authorize the Secretary of the Interior to extend grants and other assistance to facilitate a political status public education program for the people of Guam; with amendments (Rept. 111-357). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1454. A bill to provide for the issuance of a Multinational Species Conservation Funds Semipostal Stamp; with an amendment (Rept. 111-358, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 3388. A bill to modify the boundary of Petersburg National Battlefield in the Commonwealth of Virginia, and for other purposes; with an amendment (Rept. 111-359, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 3804. A bill to make technical corrections to various Acts affecting the National Park Service, to extend, amend, or establish certain National Park Service authorities, and for other purposes (Rept. 111-360, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

## DISCHARGE OF COMMITTEE

[The following action occurred on December 4, 2009]

Pursuant to clause 2 of rule XIII the Committees on Financial Services and

Oversight and Government Reform discharged from further consideration of H.R. 2194.

[Submitted December 7, 2009]

Pursuant to clause 2 of rule XIII the Committee on Oversight and Government Reform discharged from further consideration. H.R. 1454 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 2 of rule XIII the Committee on Armed Services discharged from further consideration. H.R. 3388 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 2 of rule XIII the Committees on Transportation and Infrastructure and Oversight and Government Reform discharged from further consideration. H.R. 3804 referred to the Committee of the Whole House on the State of the Union.

#### TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

[The following action occurred on December 4, 2009]

H.R. 2194. Referral to the Committee on Ways and Means extended for a period ending not later than December 11, 2009.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. RANGEL:

H.R. 4213. A bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; to the Committee on Ways and Means.

By Mrs. BONO MACK:

H.R. 4214. A bill to designate the facility of the United States Postal Service located at 45300 Portola Avenue in Palm Desert, California, as the "Roy Wilson Post Office"; to the Committee on Oversight and Government Reform.

By Mr. REHBERG:

H.R. 4215. A bill to prohibit the inclusion of brucella abortus in certain lists of dangerous biological agents and toxins; to the Committee on Energy and Commerce, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KENNEDY (for himself and Mr. REICHERT):

H.R. 4216. A bill to amend the Public Health Service Act and titles XVIII and XIX of the Social Security Act to establish guidelines to enhance the meaningful use and interoperability of electronic medical records with personal health records, including for purposes of Medicare and Medicaid payment incentives; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of

such provisions as fall within the jurisdiction of the committee concerned.

#### MEMORIALS

Under clause 4 of Rule XXII,

222. The SPEAKER presented a memorial of the House of Representatives of the State of Tennessee, relative to House Joint Resolution No. 108 affirming Tennessee's sovereignty under the Tenth Amendment; to the Committee on the Judiciary.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Mr. DOGGETT.  
H.R. 211: Ms. DEGETTE and Mr. SULLIVAN.  
H.R. 571: Mr. HIGGINS and Ms. LINDA T. SANCHEZ of California.  
H.R. 930: Mr. CARSON of Indiana.  
H.R. 953: Mr. OWENS.  
H.R. 1177: Mr. TEAGUE.  
H.R. 1193: Mr. NADLER of New York.  
H.R. 1378: Mr. WOLF, Mr. HODES, Mr. CASTLE, Mr. LATOURETTE, Ms. DEGETTE, and Mr. BUTTERFIELD.  
H.R. 1495: Mr. POSEY.  
H.R. 1549: Mr. KLEIN of Florida, Mrs. DAVIS of California, and Mr. WELCH.  
H.R. 1770: Mr. ABERCROMBIE and Mr. LATOURETTE.  
H.R. 1778: Mr. HODES.  
H.R. 1844: Ms. HIRONO.  
H.R. 1895: Mr. STARK.  
H.R. 2043: Ms. SCHAKOWSKY.  
H.R. 2057: Ms. RICHARDSON and Mr. BILBRAY.  
H.R. 2149: Mr. KAGEN.  
H.R. 2194: Ms. SPEIER and Ms. RICHARDSON.  
H.R. 2278: Ms. ROS-LEHTINEN.  
H.R. 2408: Mr. ROGERS of Michigan.  
H.R. 2568: Mr. KAGEN.  
H.R. 2629: Mr. POSEY.  
H.R. 2811: Mr. MASSA.  
H.R. 2866: Ms. MATSUI.  
H.R. 3012: Mr. CLAY.  
H.R. 3017: Mrs. HALVORSON.  
H.R. 3020: Mr. SCHOCK.  
H.R. 3129: Mr. SENSENBRENNER.  
H.R. 3355: Mr. STARK.  
H.R. 3381: Mr. RUSH.  
H.R. 3589: Mr. LANCE.  
H.R. 3592: Mr. SCHRADER.  
H.R. 3710: Mr. POLIS, Mr. KIRK, Mrs. NAPOLITANO, Mr. KUCINICH, and Mr. GUTIERREZ.  
H.R. 3715: Mr. BONNER.  
H.R. 3745: Mr. DRIEHAUS.  
H.R. 3758: Mr. BOSWELL, Mr. KILDEE, Mr. JOHNSON of Illinois, Mr. BRALEY of Iowa, Mr. SMITH of New Jersey, Mr. MILLER of North Carolina, and Ms. WATSON.  
H.R. 3783: Mr. COLE, Mr. GINGREY of Georgia, and Mr. BARTLETT.  
H.R. 3790: Ms. DEGETTE, Mr. LUETKEMEYER, Mr. YOUNG of Florida, Mr. GUTHRIE, Mr. DUNCAN, Mr. ELLSWORTH, Mr. AKIN, Mr. PETERS, Mr. SMITH of Nebraska, Mr. BILBRAY, Mr. TEAGUE, Ms. BERKLEY, Mr. DENT, Mr. SOUDER, Mr. BISHOP of Georgia, Mr. PAYNE, Mr. BOUCHER, Mr. CAO, Mr. COBLE, Mr. WHITFIELD, Mr. CUELLAR, and Mr. WELCH.  
H.R. 3924: Mr. BARRETT of South Carolina.  
H.R. 4075: Mr. LUETKEMEYER.  
H.R. 4090: Mr. UPTON and Mr. YOUNG of Alaska.  
H.R. 4138: Mr. WESTMORELAND.  
H.R. 4140: Mr. BACA.  
H.R. 4183: Mr. STARK, Mr. OBERSTAR, Mr. DINGELL, and Ms. SUTTON.

H. Con. Res. 137: Mr. MCGOVERN and Mr. CAPUANO.

H. Con. Res. 194: Mr. MARSHALL and Mr. COURTNEY.

H. Con. Res. 200: Mr. WU.

H. Res. 35: Mr. BURGESS.

H. Res. 200: Mr. FALEOMAVAEGA.

H. Res. 862: Mr. QUIGLEY, Mr. ROSKAM, Mr. JOHNSON of Illinois, Mr. MANZULLO, Mr. ROTHMAN of New Jersey, Mr. DINGELL, and Mr. SHIMKUS.

H. Res. 898: Ms. NORTON.

H. Res. 900: Mr. FORTENBERRY, Mrs. LOWEY, and Mr. PLATTS.

H. Res. 949: Mr. DUNCAN and Mrs. CAPITO.

#### CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY Mr. RANGEL

H.R. 4213, the Tax Extenders Act of 2009, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

87. The SPEAKER presented a petition of The Legislature of Rockland County, New York, relative to petitioning the U.S. Congress to pass the Student Aid and Fiscal Responsibility Act; to the Committee on Education and Labor.

88. Also, a petition of The Legislature of Rockland County, New York, relative to petitioning the U.S. Congress to pass H.R. 3545; to the Committee on Education and Labor.

89. Also, a petition of Croatian Parliament, Croatia, relative to expressing the condolences of the Croatian Parliament for the victims of the earthquake and tsunami that struck American Samoa; to the Committee on Foreign Affairs.

#### DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petition was filed:

[Omitted from the Record of December 3, 2009]

Petition 8, December 2, 2009, by Mr. DEVIN NUNES on H.R. 3105, was signed by the following Members: Devin Nunes, Kevin McCarthy, Daniel E. Lungren, Patrick J. Tiberi, John Boozman, Peter J. Roskam, Wally Herger, Henry E. Brown, Jr., Tom McClintock, Lee Terry, Edward R. Royce, Dean Heller, Darrell E. Issa, John Campbell, Steve King, Paul C. Broun, Duncan Hunter, Thaddeus G. McCotter, Pete Sessions, Ken Calvert, Brian P. Bilbray, Doug Lamborn, Sue Wilkins Myrick, Dana Rohrabacher, Doc Hastings, George Radanovich, Jason Chaffetz, Paul Ryan, Trent Franks, Mary Bono Mack, Jim Costa, Gary G. Miller, Howard P. "Buck" McKeon, Jerry Lewis, John Sullivan, Gresham Barrett, David P. Roe, Peter Hoekstra, Adrian Smith, Jo Ann Emerson, Steve Austria, Ander Crenshaw, Louie Gohmert, Glenn Thompson, Cynthia M. Lummis, John Shimkus, Geoff Davis, Tom Cole, and Gregg Harper.

## EXTENSIONS OF REMARKS

### COMMEMORATING THE 25TH ANNIVERSARY OF THE BHOPAL GAS DISASTER

#### HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 7, 2009*

Mr. PALLONE. Madam Speaker, I rise today to commemorate the 25th anniversary of the Bhopal gas disaster. On December 3, 1984, 27 tons of deadly gases spewed out of the Union Carbide plant, forming a cloud of poisonous gas over Bhopal, India. As a result, 8,000 people lost their lives. In total, the deadly effects of this disaster have left 20,000 dead and another 20,000 with chronic illness.

A 2003 study by the highly regarded Journal of the American Medical Association found that children born to parents affected by this disaster still suffer the effects of Union Carbide's poisonous gases. In fact, a Greenpeace report documented the presence of chloroform, lead, mercury, and a series of other chemicals in the breast milk of nursing women who live near the factory.

Just this past June, a report by the Bhopal Medical Appeal and the Sambhavna Trust Clinic found that the water in and around Bhopal still contains unsafe levels of carbon tetrachloride and other pollutants, solvents, nickel, and other heavy metals. Therefore, it is not surprising that populations in the areas around Bhopal have high rates of birth defects, rapidly rising cancer rates, neurological damage, and mental illness.

It is simply unbelievable that Union Carbide refused to acknowledge which chemicals and gases were leaked for fear of legal liability. This left doctors to treat patients with no knowledge of how to proceed or what treatment to use. Union Carbide's use of unsafe and untested technologies led to one of the worst chemical disasters in world history. Rather than acknowledge the devastation they created and fully pay for the damages, Union Carbide decided to walk away.

However, in 2001 Dow Chemical Company, based in the United States, purchased Union Carbide and acquired all of its assets and liabilities. To this day, Dow Chemical refuses to shoulder the liabilities and obligations that it took on when it purchased Union Carbide.

Dow should clean up the factory site, which continues to contaminate the local environment and should go beyond simply providing compensation to the victims. Dow should also fund the necessary medical care and research studies necessary to treat victims and offer them the chance to live fruitful lives not plagued by chemical affects.

I believe that the Indian Government has a role to play in ensuring that the survivors of the Bhopal disaster and those that continue to face its deadly effects receive dignified care. Despite an order from the Supreme Court of

India that clean drinking water should be supplied immediately, more than 25,000 people in Bhopal are forced to consume water known to contain dangerous contaminants.

Last year, along with 15 of my colleagues I wrote to Prime Minister Singh to express support for the people of Bhopal and urged him to personally meet with survivor groups to address the long-standing demands for justice. We expressed our hope that the Indian Government would pursue Union Carbide and Dow Chemical for their civil and criminal liabilities in the country.

We argued the victims of the Bhopal tragedy were right and deserving in their request for a commission to execute social, economic, and medical rehabilitation, implement an environmental clean-up of the polluted land, and provide funding for clean drinking water.

Today, thousands remember the lives lost in Bhopal and protest the current inaction and lack of responsibility associated with the Bhopal disaster. I hope that my colleagues will join me remembering the lives that were needlessly lost because of Union Carbide's negligence and the devastating effects that continue to plague the people of Bhopal.

Although this may be the 25th anniversary of the Bhopal disaster, people are still dying from the horrible affects of the chemicals that Union Carbide's plant leaked. I remain dedicated to fighting for the rights of the survivors of the Bhopal disaster and ensuring that those in Bhopal today receive the assistance needed to live in a clean and healthy environment.

### HONORING CORPORAL JAMESON CHAREST UPON HIS RETURN HOME FROM SERVICE IN IRAQ

#### HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 7, 2009*

Ms. DELAURO. Madam Speaker, it is with the greatest joy that I rise today to join the more than 300 family and friends who have gathered to welcome home Corporal Jameson Charest of Wallingford, Connecticut. I have known Jameson's family for many years. His mother, Karen, served as a Congressional Aide in one of my Connecticut colleagues' District Office and I often had the opportunity to work with her. There are no words to describe how proud we all are of his outstanding service to our nation and, most importantly, to his fellow marines.

Jameson enlisted in the United States Marine Corps and was deployed to Iraq, where he served a 7 month tour. During his tour, he earned both the Purple Heart and the Combat Action Ribbon, when the vehicle he was in was destroyed by an IED. Needless to say, when word spread of his injuries, we were all concerned for his health and safety. Fortu-

nately, Jameson has recovered and is ready to return to service. Though home on leave for the next several weeks, Jameson will report to Okinawa on New Year's Day and, in May, will report to the Pentagon.

Jameson will be the first one to tell you he is not a hero—that he is simply a marine, doing his job. However, in my mind, Jameson, and all of the men and women who volunteer to serve in our Nation's Armed Forces are heroes. Dedicating themselves to protecting the freedoms and values we all cherish, they often give up much of themselves—and that is particularly true for those who have served in combat. Corporal Jameson Charest is a very special young man who certainly deserves our respect, our gratitude, and our admiration. He is a source of inspiration to all of those fortunate enough to know him.

For now, Corporal Jameson Charest has come home and it is certainly cause for celebration. I am so proud to stand today and join his parents, Karen and Denis, as well as all of those who have gathered this evening to welcome our hero home and to wish him all the best as he continues his service as a United States marine.

### HONORING JAMES HARDEN "PAT" DAUGHERTY

#### HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 7, 2009*

Mr. VAN HOLLEN. Madam Speaker, I rise today to recognize a remarkable American. Mr. James Harden "Pat" Daugherty, a longtime resident of Silver Spring, Maryland, was drafted into the U.S. Army during World War II when he was 19 years old. He was assigned to the U.S. Army's 92nd Infantry Division, known as the Buffalo Soldiers, which was the only division-strength unit comprised of African Americans to fight in the European Theater. The division fought German and Italian troops in northern Italy, suffering thousands of injuries and deaths. Mr. Daugherty watched some of his best friends die right before his eyes. He was decorated with the Bronze Star Medal for heroic achievement and the Combat Infantryman Badge for outstanding performance of duty in action.

The Buffalo Soldiers were great American heroes who waged a fight for freedom abroad even as they were denied freedom at home. After the war, they returned home to face racism, segregation, job discrimination and wide-ranging injustices. At age 23, upon returning from war, Mr. Daugherty felt compelled to document his wartime experiences as an African American. Earlier this year, coinciding with the 65th anniversary of D-day and the election of the first African American President, Mr. Daugherty published his firsthand account as a Buffalo Soldier in his memoir, *Buffalo Saga*.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Following the war, Mr. Daugherty resumed his studies with the aid of the GI Bill and received his bachelor of science from Howard University and his master of public health from Columbia University.

Mr. Daugherty was an educator in the District of Columbia public schools, where he organized an after-school tutoring program and taught students in math and reading. In 1964, he was the first African American to serve as Health Educator for the District of Columbia Health Department. He was the first African American to be elected to the Montgomery County, Maryland Board of Education and served for many years on the Board of Visitors for the Maryland School for the Deaf.

From 1966 to 1994, Mr. Daugherty worked for the U.S. Public Health Service in a variety of positions. He was committed to improving the Nation's health care, particularly the underserved—rural and urban poor and minorities, coal miners, migrant workers, and incarcerated individuals. For his dedicated and tireless efforts, he received numerous awards and recognition, including the U.S. Public Health Service's "Administrator's Award for Excellence." The Mississippi Medical and Surgical Association honored Mr. Daugherty for his "dogged determination and work with divergent groups in a leading role to establish many community health centers throughout Mississippi and the South in the 1960s and 1970s—a time when racial injustice was one of the main barriers that separated black Americans from adequate health care."

In 1975, Mr. Daugherty was one of five co-founders of "Blacks in Government" and served as the first chairman of the national organization. This organization was formed to address the needs of African Americans in public service with the goal of promoting excellence in public service, equity in all aspects of American life and opportunity for all Americans.

Montgomery County, Maryland, declared July 28, 2009, "James Harden Daugherty Buffalo Soldier Day." Mr. Daugherty also was recognized for his contributions by Maryland's Governor and was recently interviewed by Smithsonian Magazine and National Public Radio.

Mr. Daugherty is a man of courage and integrity who has been a role model through his inspirational life of service to our Nation, especially to the underserved and needy. Mr. Daugherty's desire to share his story in his memoir allows all of us to benefit from his experiences.

Madam Speaker, I am honored to recognize Mr. James Harden "Pat" Daugherty for his life of achievement and service.

#### EARMARK DECLARATION

### HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 7, 2009*

Mr. LEWIS of California. Madam Speaker, I am submitting the following: in regards to my bill, H.R. 1854 to amend the Water Resources Development Act of 1992 to modify an environmental infrastructure project for Big Bear Lake, California.

Agency: Army Corps of Engineers

Legal Name of Requesting Entity: Big Bear Department of Water and Power

Address of Requesting Entity: 41972 Garstin Drive, Big Bear Lake, CA 92315

Description of Request: The city of Big Bear Lake delivers its potable water from 70 year old 2-inch diameter pipes that have led to declining water quality at the faucet, massive unaccounted for water loss, and most dangerously—low water pressure.

Because of this lack of water pressure the city does not have the capability to effectively fight a fire of size within city boundaries. Big Bear exists within the San Bernardino National Forest one of the most high risk zones for wildfire in the State of California. It has also led to rampant power consumption to move water through the system making Big Bear Lake the second highest rate payer in the region.

This bill will modify an existing authorization for Big Bear Department of Water and Power and reduce the previously authorized amount by \$3,000,000.

Amount: \$9,000,000

#### RECOGNIZING THE DEPLOYMENT OF THE TENNESSEE ARMY NATIONAL GUARD'S 278TH ARMORED CAVALRY REGIMENT

### HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 7, 2009*

Mrs. BLACKBURN. Madam Speaker, two days ago, thousands of Tennessee's finest men and women boarded buses and began the first leg of a long journey that will eventually lead them to the other side of the globe. Tennessee's largest National Guard unit, the 278th Armored Cavalry Regiment, has received its orders and begun its deployment—first to Camp Shelby, MS, and then on to Iraq.

The 278th has proven itself to be an essential part of our Nation's Army. Without the citizen-soldiers that make up today's National Guard, our ability to defend ourselves and our allies would be severely diminished. A long deployment is very difficult, however, and for many of these soldiers this is not their first deployment. I hope these soldiers know how valuable, essential, and honored their service to our country is.

I specifically think today of Troop A, 278th Support Squadron, based in Lobelville, Tennessee. These fine men and women were appropriately honored by their community on December 4, and I know will fulfill the high expectations placed upon them by their commanders and perform admirably.

I ask my colleagues to lift up the 278th ACR in prayer, to honor the sacrifice their service represents, and support their families in every way possible.

IN HONOR OF LEE MATHEWS

### HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 7, 2009*

Mr. PALLONE. Madam Speaker, I rise today to honor the life and work of Mr. Lee Mathews, the Director of Edison Job Corps Academy in Edison New Jersey, who passed away November 29, 2009 at the age of 57. Mr. Mathews served as an anti-drug advocate and spokesman for youth issues in his position as Director of Edison Job Corps Academy, and previously in his position as Director of the South Bronx Job Corps Center. Both institutions were nationally recognized, and Mr. Mathews had himself been recognized with the National Award for being involved with the most innovative Job Corps Program in his last 3 years with Edison Job Corps.

When ResCare took control of the Edison Job Corps Center in November 1995, the center was rated 100 out of 109 and had an exceedingly poor image in the community. Mr. Mathews was able to improve the performance of the center to over 110 percent of the Department of Labor standard. Under the helm of Mr. Mathews, the program rose to prominence, ranking 21st out of 123 in the country.

By establishing relationships with companies like Aamco Transmission, Roto Rooter, and AT&T, Mr. Mathews revolutionized Edison Job Corps Academy's vocational training and made it into a model program that Job Corps programs nationwide are seeking to imitate and follow.

While the death of Mr. Mathews comes as a great loss to Job Corps, it comes as a greater loss to the State of New Jersey. His efforts and advocacy for youth issues will be greatly missed, though his legacy will live on through his accomplishments and work.

Madam Speaker, I sincerely hope that my colleagues will join me in celebrating the life of Mr. Lee Mathews, as our State remembers his determination and excellent service.

#### HONORING RONALD McDONALD CHARITIES OF THE CENTRAL VALLEY

### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 7, 2009*

Mr. RADANOVICH. Madam Speaker, I rise today to commend and congratulate Ronald McDonald Charities of the Central Valley upon 25 years of service. The organization will celebrate its 25th anniversary on Saturday, November 14, 2009 at the Third Annual Red Heart Ball held in Fresno, California.

Ronald McDonald Charities of the Central Valley operates the Central Valley Ronald McDonald House that is affiliated with Children's Hospital Central California. The current house was built in 2001 and is adjacent to Children's Hospital. The 3-winged home has 18 bedrooms with multiple recreation and relaxation rooms. The house provides services



for the families of the patients at Children's Hospital. These services include home cooked meals, private bedrooms and bathrooms, playrooms for children, recreational activities, toiletries and laundry materials, emotional support and clothing when necessary. It has been found that being just steps away from their sick child, along with the services offered, reduces a tremendous amount of stress for families and the patients. Further, children who are near their families while ill are more likely to heal faster.

Currently, the Ronald McDonald House runs at 99 percent occupancy. In recent years, hundreds of families have been turned away. With fundraisers, amazing support from the community and a recent 8-acre land donation adjacent to Children's Hospital, the Ronald McDonald House is looking to create a larger home in the future to meet the increasing demands for the services that they provide.

Madam Speaker, I rise today to commend and congratulate Ronald McDonald Charities of the Central Valley upon its 25th anniversary of service to the community and the families of patients at Children's Hospital Central California. I invite my colleagues to join me in wishing Ronald McDonald Charities many years of continued success.

**HONORING GABRIEL AND LOUISE AMATO AS THEY CELEBRATE THEIR 50TH WEDDING ANNIVERSARY**

**HON. ROSA L. DeLAURO**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 7, 2009*

Ms. DeLAURO. Madam Speaker, it is my great pleasure to rise today to join the many family and friends who have gathered to celebrate the 50th wedding anniversary of Gabriel and Louise Amato—quite a milestone for this wonderful couple. Gabe and Louise are more than just my dear friends—they are family—and I am so happy to have this opportunity to congratulate them on this golden anniversary.

Gabe and Louise met as teenagers—Gabe was 17 and Louise was 14—at a Catholic Youth Organization. It was kismet and the two soon became inseparable. They later married on Halloween in 1959. Louise was an educator for more than 25 years and Gabe, after serving in the United States Army for 2 years, worked for the APA Transport Company for nearly 30 years. Together they raised three beautiful children, Laurie, Cheryl, and Marc.

Some of my fondest memories include my cousin Gabe and his wife Louise—they are both so energetic, vibrant, and full of life. Gabe continues to be an active athlete playing basketball and bowling every week. He once won the golden ring for bowling a 300 game and just last week came close to repeating that feat when he bowled a 299. And, though she retired a few years ago, Louise is still engaged in the community.

Anyone who knows them can tell you that Gabe and Louise are a special couple. They are fierce friends—never far from those who need a helping hand. I cannot think of a time when I could not turn to them when I was in

need and I have no doubt that you would hear similar stories from all of those fortunate enough to have benefitted from their friendship over the years.

Today, as Gabe and Louise celebrate their 50th wedding anniversary and reflect on the life they built for themselves, they can be proud of the many ways in which they have touched the lives of others. Parent, friend, mentor, and, most importantly, spouse, Gabe and Louise have supported each other and all of those around them with a generosity, kindness, and compassion that is impossible to describe—it can only be felt.

It is with the warmest of hearts that I rise today to join their children, Laurie, Cheryl and Marc; their eight grandchildren, Christopher, Lindsey, Justin, Sydney, Erica, Sera, Marc, and Katie; as well as the multitude of family and friends who have gathered today to wish them a very happy 50th wedding anniversary and all the best for many more years of love and happiness.

**TRIBUTE TO A CALIFORNIA WATER ICON: THOMAS J. GRAFF**

**HON. GRACE F. NAPOLITANO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 7, 2009*

Mrs. NAPOLITANO. Madam Speaker, I rise today to honor the life of Thomas J. Graff, who passed away on November 12, 2009, after a courageous battle with cancer. Tom will be remembered as the dynamic force that helped shape the way that the State of California and the Federal Government manage water and protect the environmental resources of the State. Tom worked for and founded the California office of the Environmental Defense Fund in Oakland. His water achievements were based on an ability to work effectively with water users, legislators, conservationists, economists, and the public. He was known for his insightful thinking, writing and ability to translate complex water issues into understandable dialogue that legislators and the public could understand.

The water and environmental communities have lost a valuable champion, a true leader and a good friend. In a world today where hard feelings and rhetoric seem to capture the headlines, Tom worked to find the common ground and opportunities for sound water management. Tom's shoes will never be filled, but we can set a path to continue to follow his philosophy of finding solutions for our complex water issues.

"Along with much of California, I have been informed and inspired by Tom Graff since the mid-1970s," said Tim Brick, chairman of the board of directors for Metropolitan Water District, Los Angeles, California. "Tom truly recognized the value of water and fought to ensure that the environment gets its rightful share. Long before others, he was a beacon in promoting conservation, water transfers and environmental protections as solutions for California's great water systems, the Colorado River, the Central Valley Project, and the State Water Project. The development of policies and programs to ensure a sustainable Bay-Delta will be his greatest legacy."

We owe a great debt of gratitude to Mr. Graff, and I wish to express my sincere sympathy to his family as well as the extended family who have endured the loss of their loved one. I ask that all Members join me to honor this icon for his life's work.

**INTRODUCTION OF PERSONAL HEALTH RECORD ACT OF 2009**

**HON. PATRICK J. KENNEDY**

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 7, 2009*

Mr. KENNEDY. Madam Speaker, the passage of the American Recovery and Reinvestment Act of 2009 will expedite the adoption of electronic medical records throughout the health care sector nationwide. Creating an interoperable information technology network for health care will decrease health care costs and increase patient safety. While the implementation of electronic medical records were an internal feature of this act, another new and innovative technology, the personal health record (PHR), has emerged to further strengthen the health care system by engaging individuals directly in their health care experiences. Active consumer engagement promises better patient health outcomes, reduction in health care costs, and greater patient safety. For these reasons, I am proud to introduce the Personal Health Records Act of 2009 today with my colleague Representative DAVID REICHERT.

We are all concerned with rising health care costs. Portable, Internet-based PHRs can be a critical piece of the process of improving the quality and efficiency of the health care system in this country. With PHRs, patients can both electronically import and export pertinent medical information to their health care providers. As a patient travels between multiple health care facilities, the patient's complete medical record can be easily accessed at the nearest computer, thus decreasing health care cost through limiting the number of repeated laboratory and diagnostic tests.

PHRs also engage patients in their medical care decisions by allowing them to personalize their medical history, medication lists, and allergies from a click of their mouse at their home. Patients can avoid repeatedly having to fill out the proverbial office room clipboard repeatedly. Additionally, PHRs can give patients a vehicle for personalized communication with their providers, thus allowing them to receive reminders, as an example, for preventive care, or receive information about medications they have been prescribed.

In order to maximize the potential of PHRs, the Personal Health Records Act of 2009 would define the critical components to be included in PHRs, including past medical and surgical history, medications, and allergies. The legislation also requires the Office of the National Coordinator to develop guidelines regarding the technological standards for interoperability between PHRs and electronic health records, and makes recommendations for the incorporation of PHRs into community and behavioral health programs. As health care provider adoption of PHRs is paramount

to their success, Medicare and Medicaid reimbursement through the American Recovery and Reinvestment Act would be available for providers that demonstrate meaningful use of electronic medical records through the interoperability of electronic medical records with PHRs.

Since PHRs will change the landscape of how confidential, health care information is obtained across the nation, issues of privacy, security, and patient safety are incorporated into PHR development from the onset. While the American Recovery and Reinvestment Act of 2009 addresses many of these issues, the Personal Health Record Act further evaluates issues pertaining to PHR privacy, utilization, and patient safety.

The Personal Health Record Act aims to empower individuals to have a greater involvement in their medical care decisions. This engagement will lead to better health outcomes, not only by giving health care providers a more complete picture of a patient's medical history, but also by providing a tool through which the consumer can actively engage in their health care.

I look forward to working with my colleagues to pass this legislation.

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HONORING DIRECTOR ROBERT  
PARKER

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**HON. MARIO DIAZ-BALART**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 7, 2009*

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I rise today to honor a true leader and a dedicated public servant, Miami-Dade Police Department Director Robert Parker.

After honorably serving his country in the Army, Robert Parker continued his service by joining the Miami-Dade Police Department in 1976. With his hard work and dedication to the police department and to the residents of south Florida, he was able to earn his way through the ranks, eventually being appointed as the director in 2004.

As director, Robert Parker was in charge of the eighth largest police department in the country with more than 4,700 sworn and non-sworn personnel serving almost 2.5 million residents and visitors.

Director Parker's retirement culminates a long and illustrious career serving and protecting the residents of Miami-Dade County. The Mortgage Fraud Task Force initiated by Director Parker's department has become a national model of success in targeting mortgage fraud crimes.

Madam Speaker, I ask that you join me in thanking Director Robert Parker for his dedicated service to the great people of south Florida and wish him and his family well in his retirement.

INTRADO 30 YEAR ANNIVERSARY

**HON. BETSY MARKEY**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 7, 2009*

Ms. MARKEY of Colorado. Madam Speaker, I rise today to congratulate Longmont, Colorado, based Intrado on the occasion of the celebration of their 30-year anniversary.

Founded by two Boulder County sheriffs, George Heinrichs and Stephen Meer, Intrado has played a key role in helping to define, build, and maintain the country's complex emergency communications system. Today Intrado provides the core of the Nation's 9-1-1 infrastructure, supporting over 200 million calls to 9-1-1 each year.

Intrado's history of emergency communications excellence is based on a strong foundation consisting of unmatched knowledge of emergency communications and public safety operations; proven experience in the design, deployment and operations of highly accurate, high-volume communication systems; solid reputation as a trusted and neutral custodian of sensitive data and; passion for saving lives.

Their extensive involvement in all aspects of the current 9-1-1 network has given them a unique perspective on how the system must evolve to support new technology, new system requirements and citizens' growing expectations. Intrado's customers include public safety agencies and the majority of the fixed wireline carriers, wireless carriers and VoIP service providers in the United States. Additionally, the nation's 6,000+ public safety answering points, PSAPs, rely on Intrado services for efficient 9-1-1 voice and data delivery. With the largest dedicated 9-1-1 call delivery network in the nation, Intrado can provide a broad range of customized and scaleable solutions.

9-1-1 is fundamental to telecommunications service. To meet this market requirement, Intrado helps telecommunications service providers ensure their subscribers' 9-1-1 calls are delivered to the correct public safety answering point (PSAP) over the dedicated 9-1-1 network along with the caller's accurate location information and call back number. As communications networks converge and 9-1-1 callers become more mobile Intrado has a proven track record of both anticipating and pioneering the solutions needed to keep pace with subscribers' demands for ubiquitous access to 9-1-1.

Intrado's contributions to the evolution of the 9-1-1 infrastructure include numerous technological and operational improvements as well as being responsible for more 9-1-1 technology "firsts" than any other commercial entity in the country.

Operates the largest dedicated 9-1-1 delivery network, with the highest data integrity level in the country;

Responsible for the ultimate delivery of over 90 percent of all 9-1-1 calls in the country;

Connected directly or indirectly to more than 6,000 public safety answering points in the country;

Supports over 200 million calls to 9-1-1 annually;

Maintains over 350 million records under management; average of three records per U.S. household;

Over 240 million wireline telephone records;  
Over 120 million wireless records;  
Over 1 million VoIP subscriber records;  
Provides 9-1-1 services to more than 28 million members of the deaf community;  
Processed an estimated 3 billion 9-1-1 calls to date;

Processed more satellite calls to 9-1-1 than any other service provider;

Processes an average of 500,000 updates to the 9-1-1 system daily;

Employees have more than 1,200 years of combined experience in public safety and telecommunications;

Holds licenses for over 45 U.S. and foreign patents, with over 100 pending.

Intrado's success has come in large part to its leadership, dedication and perseverance helping the public safety community. I want to thank them for all they have done to contribute to Colorado's economy and to the advancement of 9-1-1 and congratulations on this momentous occasion.

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THE TEXAS AGRILIFE RESEARCH  
AND EXTENSION CENTER

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**HON. TED POE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 7, 2009*

Mr. POE of Texas. Madam Speaker, for 100 years, scientists at the Research and Extension Center in Beaumont, Texas, have worked to provide economic security to agricultural producers in southeast Texas. The center was created by the Texas legislature in 1909, and was charged with developing rice production and management programs for the Texas upper gulf coast. Today the center occupies ca. 960 acres near Beaumont, 113 acres in Eagle Lake, and 18 acres near Ganado, and is 1 of 13 research and extension centers affiliated with the Texas A&M University System and Texas AgriLife Research, the State's premier research agency in agriculture, natural resources, and the life sciences.

The Texas AgriLife Research and Extension Center at Beaumont is the preeminent center in developing high quality, high yielding rice varieties, economically competitive and environmentally sustainable rice production and management systems, rice water conservation programs, cellulosic bioenergy crop production systems, and cutting-edge internet-based crop, pest, and environmental resource management decision programs and databases, providing economic well being to thousands of families in southeast Texas.

The center scientists work extremely closely with Texas rice producers and rice producers across the U.S., and maintain research programs with scientists from across Texas and from California, Louisiana, Arkansas, Indiana, Missouri, and Mississippi. Current international research partners include scientists from Australia, Brazil, China, India, Japan, Mexico, Philippines, South Korea, and Sri Lanka, which has lead to the development of economically competitive and environmentally sound management systems that benefit Texas, the U.S., and the world.

The Texas AgriLife Research and Extension Center at Beaumont is a showcase of agricultural and environmental research in the Upper

Gulf Coast and looks forward to serving the needs of Texas, the Nation, and the world into the next century.

**HONORING THE MARCHEGIAN SOCIETY OF NEW HAVEN AS THEY CELEBRATE THEIR 100TH ANNIVERSARY**

**HON. ROSA L. DeLAURO**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 7, 2009*

Ms. DELAURO. Madam Speaker, it is with great pleasure that I rise today to congratulate the Marchegian Society of New Haven as they celebrate their centennial anniversary—a remarkable milestone for this very special organization.

Founded in 1909 by 36 men who had come to the United States from the Marche Province of Italy, the Marchegian Society was born out of a sense of responsibility to their fellow Marchigiani. They wanted to provide financial assistance for their fellow members in the event of illness, death, or accidents—not an uncommon occurrence at the turn of the century. Though the majority of the Marchigiani came from agrarian backgrounds, they were skilled artisans who were family oriented, industrious and proud of their work ethic. While they quickly assimilated into American society, the Marchegian Society provided them with a way to celebrate their shared ancestry, culture, and traditions.

The original members of the Marchegian Society met in a building at the lower end of Minor Street in the Hill section of New Haven, Connecticut. In 1923, the society purchased its present home on Cedar and Minor Streets. The acquisition allowed the organization to expand in size and led to the formation of the Marchegian Club for the purposes of social endeavors. In 1924, a group of 132 women founded the Societa Femminile Marchegiana which functioned under its own bylaws until a fusion pact was passed in 1936 giving the Marchegian Ladies Society an equal partnership with the men—an act of equal rights for women well before the concept became a national issue.

The construction of the present building was completed in 1936 and the new facility provided an outstanding space which soon became the social and cultural center of the community. Minstrels, musical shows, bowling contests, card games, bocce tournaments and weekly dances were among the many activities and charity events held there. The society remained a very progressive organization and continued to care for its members, providing sick and death benefits as well as cemetery plots for those members who could not afford one. The Marchegian Society provided a social and financial safety net for their members and, when the nation called on communities to sell war bonds during World War II, the society held numerous rallies to support the cause. The pride that they have shared, from generation to generation, in their community, their work, and their nation—that sense of family—is what has made this organization so special and what has enabled it to continue its

mission for 100. The Marchegian Society is a community treasure.

Today, as members gather to celebrate, I am honored to have this opportunity to stand and extend my sincere congratulations to the Marchegian Society on their 100th anniversary. I have no doubt that the Marchegian Society will continue to be a source of pride for our community and continue in their mission to preserve, protect, and celebrate the strong and special traditions of Le Marche.

**HONORING THE GUILDS**

**HON. GEORGE RADANOVICH**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 7, 2009*

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate the Guilds of Children's Hospital Central California upon 60 years of community service, philanthropy, and advocacy for the hospital. The Guilds will celebrate their 60th anniversary on Thursday, November 12, 2009, in Fresno, California.

In 1949 five women, Agnes Crockett, Gail Goodwin, Helen Maupin Ross, Carolyn Peck and Patty Randall, recognized a common need for a dedicated pediatric hospital in California's San Joaquin Valley. As the five women moved forward with their vision, they realized this would need to be a community project, and the idea of a "guild" system emerged. Since then, the Guilds have had two primary objectives; to raise financial support and to develop ongoing community support for Children's Hospital Central California.

On January 28, 1949, the first public meeting was held to discuss a "hospital for children only." By September the first Guild, Llanada Guild, was established and the initial fundraiser for Valley Children's Hospital was held. With Mrs. T. Wayne Simpson as President, Llanada Guild raised \$5,477 at a fundraiser held at Giffen Ranch. In just 2 years, the Guild had raised well over \$3,000.

On September 12, 1951, a ground breaking ceremony for the hospital was held. It was through the fundraising efforts of the original Guilds that Valley Children's Hospital was constructed in Fresno, California on donated land. Fourteen months after the ground breaking ceremony, Valley Children's Hospital was open for patients. The first patient, a young girl with a stomach ache was admitted on November 12, 1952, and the first surgery performed at the hospital was an appendectomy on the young girl.

During the early 1990s Valley Children's Hospital started the plans for a new, state-of-the-art facility. After settling on a 50-acre site in Madera County, just north of the Madera-Fresno County line, planning and construction of the new facility took almost a decade. For almost 50 years, Valley Children's Hospital provided medical and emergency services to children through out the San Joaquin Valley at the same facility. On August 31, 1998, at 1 minute past midnight, the move to the new facility began and the new hospital was renamed Children's Hospital Central California.

Today, Children's Hospital has a service area that covers 10 counties in central Cali-

fornia. The hospital treats more inpatient cases than any other pediatric hospital north of San Diego, making this hospital the second largest children's hospital in the State of California. It is a 338 bed facility, and is 1 of the 10 largest hospitals of its type in the Nation. The hospital performs over 9,000 surgeries annually. The Pediatric and Neonatal Intensive Care Units have some of the lowest mortality rates in the nation, while treating some of the sickest children. The Craycroft Cancer Center at Children's Hospital is a full member of the nationally recognized Children's Oncology Group, and sees more than 100 new cases every year. The Wilson Heart Center has pioneered cardiac care for half a century, and performed one of the first open-heart surgeries in the area. It is also the first pediatric hospital west of the Rocky Mountains to be awarded Magnet Nursing status and received re-designation in 2008.

With the vision and ingenuity of the first five women, the Guilds have helped to make Children's Hospital what it is today. For the past 60 years the Guilds have been the largest financial contributor to the hospital, raising almost \$22 million. The hospital has used these funds to expand both services and the hospital. In June 2009, the Guilds voted to support the largest single donation to the hospital, a \$4 million commitment for the continuation of the Guilds Child Abuse Prevention and Treatment Endowment. In 60 years funds have been raised through the fundraising efforts of all of the Guilds; Llanada (established 1949, disbanded), Kings (established 1949), La Feliz (established 1949), Los Rancheros (established 1949), Pleasant Valley (established 1949, disbanded), Alegria (established 1950), Corcoran (established 1950, disbanded), Las Madrinan (established 1950), Panoche (established 1950, disbanded), Rio Reyes (established 1950, disbanded), Sequoia (established 1950), Tenaya (established 1950), La Caridad (established 1951, disbanded), La Tienda (established 1952), Holiday (established 1953), La Comida (established 1953), Children's Service (established 1950s, disbanded), Los Ninos (established 1950s, disbanded), Selma (established 1950s, disbanded), Las Amigas (established 1950s, disbanded), La Sierra (established 1999), La Visionaria (established 2007), Del Corazon (established 2008) and Los Ninos Hispanic (established 2008).

Madam Speaker, I rise today to commend and congratulate the Guilds of Children's Hospital Central California on 60 years of giving. I invite my colleagues to join me in wishing the Guilds many years of continued success.

**IN HONOR OF THE ANCIENT ORDER OF HIBERNIANS DIVISION 4 ANNUAL IRISH FAMINE MASS**

**HON. FRANK PALLONE, JR.**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 7, 2009*

Mr. PALLONE. Madam Speaker, I rise today to recognize the Ancient Order of Hibernians A.O.H., Division 4 and their Great Irish Hunger Annual Mass and Memorial Dedication. On

Saturday, November 14, the A.O.H. will hold a mass and immediately following take part in a processional walk to Friendship Park in Keansburg, New Jersey, for the dedication and blessing of "The Great Irish Hunger Monument." The monument was designed by artist Phil Sloan and A.O.H. Division 2 President Jack Sullivan.

The Ancient Order of Hibernians was founded in 1836 in New York City and is a nonprofit Catholic fraternal organization whose mission is to promote friendship, unity, and Christian charity among its members. The original order existed in Ireland for over 300 years and was created to help protect the lives of Catholic priests in occupied Ireland after the reign of England's King Henry VIII.

American chapters of the Ancient Order of Hibernians were created for similar reasons like protecting the clergy and the Catholic Church and its followers while providing aid to the community at large. The A.O.H. admirably seeks to promote and preserve the Irish Heritage through art, music, dance, and culture. The services that they provide are important assets to my district and provide unique diversity that is dearly valued.

The Great Famine or Great Hunger created widespread starvation and disease which, coupled with a mass exodus from Ireland, caused the country's population to drop by more than 20 percent. It is estimated that approximately 1 million people died and 1 million more left Ireland during that period. The A.O.H. will honor and remember those devastated by the famine with a memorial mass, as well as bless their newly erected monument which will stand as a memorial to the lives lost and forever changed by the Great Hunger.

Madam Speaker, I sincerely hope my colleagues will join me in thanking the Ancient Order of Hibernians for the work they do in supporting my constituency, as well as honor the memory of those affected by the Great Hunger that struck Ireland over 150 years ago.

#### SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, December 8, 2009 may be found in the Daily Digest of today's RECORD.

#### MEETINGS SCHEDULED

##### DECEMBER 9

9:30 a.m.

##### Indian Affairs

Business meeting to consider pending calendar business; to be immediately followed by a hearing to examine S. 1690, to amend the Act of March 1, 1933, to transfer certain authority and resources to the Utah Dineh Corporation; to be immediately followed by an oversight hearing to examine Department of the Interior backlogs.

SD-628

##### Veterans' Affairs

To hold hearings to examine the nominations of Robert A. Petzel, of Minnesota, to be Under Secretary for Health, and Raul Perea-Henze, of New York, to be Assistant Secretary for Policy and Planning, both of the Department of Veterans Affairs.

SR-418

10 a.m.

##### Foreign Relations

To hold hearings to examine the new Afghanistan strategy, focusing on the view from the ground.

SD-419

##### Health, Education, Labor, and Pensions

Business meeting to consider the nominations of Jacqueline A. Berrien, of New York, Victoria A. Lipnic, of Virginia, Chai Rachel Feldblum, of Maryland, all to be a Member of the Equal Employment Opportunity Commission, P. David Lopez, of Arizona, to be General Counsel of the Equal Employment Opportunity Commission, Patrick Alfred Corvington, of Maryland, to be Chief Executive Officer of the Corporation for National and Community Service, Adele Logan Alexander, of the District of Columbia, to be a Member of the National Council on the Humanities, and Lynnae M. Rutledge, of Washington, to be Commissioner of the Rehabilitation Services Administration, Department of Education.

SD-430

##### Homeland Security and Governmental Affairs

To hold hearings to examine five years after the Intelligence Reform and Terrorism Prevention Act, focusing on stopping terrorist travel.

SD-342

##### Judiciary

To hold an oversight hearing to examine the Department of Homeland Security.

SH-216

2 p.m.

##### Banking, Housing, and Urban Affairs Economic Policy Subcommittee

To hold hearings to examine creating jobs in the recession.

SD-538

##### Judiciary

To hold hearings to examine mortgage fraud, securities fraud, and the financial meltdown, focusing on prosecuting those responsible.

SD-226

2:30 p.m.

##### Commerce, Science, and Transportation

To hold hearings to examine research parks and job creation, focusing on innovation through cooperation.

SR-253

##### Foreign Relations

##### European Affairs Subcommittee

To hold hearings to examine strengthening the transatlantic economy.

SD-419

##### Finance

##### International Trade, Customs, and Global Competitiveness Subcommittee

To hold hearings to examine exports' place on the path of economic recovery.

SD-215

##### Homeland Security and Governmental Affairs

##### Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine the diplomat's shield, focusing on diplomatic security today.

SD-342

##### DECEMBER 10

9:30 a.m.

##### Environment and Public Works

Business meeting to consider S. 373, to amend title 18, United States Code, to include constrictor snakes of the species Python genera as an injurious animal, S. 1214, to conserve fish and aquatic communities in the United States through partnerships that foster fish habitat conservation, to improve the quality of life for the people of the United States, S. 1421, to amend section 42 of title 18, United States Code, to prohibit the importation and shipment of certain species of carp, S. 1519, to provide for the eradication and control of nutria in Maryland, Louisiana, and other coastal States, S. 1965, to authorize the Secretary of the Interior to provide financial assistance to the State of Louisiana for a pilot program to develop measures to eradicate or control feral swine and to assess and restore wetlands damaged by feral swine, H.R. 509, to reauthorize the Marine Turtle Conservation Act of 2004, H.R. 2188, to authorize the Secretary of the Interior, through the United States Fish and Wildlife Service, to conduct a Joint Venture Program to protect, restore, enhance, and manage migratory bird populations, their habitats, and the ecosystems they rely on, through voluntary actions on public and private lands, H.R. 3433, to amend the North American Wetlands Conservation Act to establish requirements regarding payment of the non-Federal share of the costs of wetlands conservation projects in Canada that are funded under that Act, H.R. 3537, to amend and reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1994, S. 1397, to authorize the Administrator of the Environmental Protection Agency to award grants for electronic device recycling research, development, and demonstration projects, S. 1660, to amend the Toxic Substances Control Act to reduce the emissions of formaldehyde from composite wood products, a proposed resolution relating to Army Corps study for Espanola Valley, and a proposed resolution relating to the General Services Administration.

SD-406

##### Banking, Housing, and Urban Affairs

##### Housing, Transportation and Community Development Subcommittee

To hold hearings to examine the Federal role in overseeing the safety of public transportation systems.

SD-538

10 a.m.

Commerce, Science, and Transportation  
Aviation Operations, Safety, and Security  
Subcommittee

To hold an oversight hearing to examine aviation safety, focusing on Federal Aviation Administration (FAA) safety initiatives.

SR-253

Budget

To hold hearings to examine data-driven performance, focusing on using technology to deliver results.

SD-608

Energy and Natural Resources

To hold hearings to examine the role of grid-scale energy storage in meeting our energy and climate goals.

SD-366

Foreign Relations

To hold hearings to examine Treaty Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland Concerning Defense Trade Cooperation, done at Washington and London on June 21 and 26, 2007 (Treaty Doc. 110-07), and Treaty Between the Government of the United States of America and the Government of Australia Concerning Defense Trade Cooperation, done at Sydney, September 5, 2007 (Treaty Doc. 110-10).

SD-419

Homeland Security and Governmental Affairs

To hold hearings to examine the nominations of Grayling Grant Williams, of Maryland, to be Director of the Office of Counternarcotics Enforcement, and Elizabeth M. Harman, of Maryland, to be an Assistant Administrator of the Federal Emergency Management Agency, both of the Department of Homeland Security.

SD-342

Judiciary

Business meeting to consider S. 448, to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media, S. 714, to establish the National Criminal Justice Commission, S. 1624, to amend title 11 of the United States Code, to provide protection for medical debt homeowners, to restore bankruptcy protections for individuals experiencing economic distress as caregivers to ill, injured, or disabled family members, and

to exempt from means testing debtors whose financial problems were caused by serious medical problems, S. 1765, to amend the Hate Crime Statistics Act to include crimes against the homeless, S. 678, to reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, S. 1554, to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to prevent later delinquency and improve the health and well-being of maltreated infants and toddlers through the development of local Court Teams for Maltreated Infants and Toddlers and the creation of a National Court Teams Resource Center to assist such Court Teams, S. 1789, to restore fairness to Federal cocaine sentencing, and the nominations of Rosanna Malouf Peterson, to be United States District Judge for the Eastern District of Washington, William M. Conley, to be United States District Judge for the Western District of Wisconsin, Denny Chin, of New York, to be United States Circuit Judge for the Second Circuit, Paul R. Verkuil, of Florida, to be Chairman of the Administrative Conference of the United States, and John Gibbons, to be United States Marshal for the District of Massachusetts, Richard G. Callahan, to be United States Attorney for the Eastern District of Missouri, and John Leroy Kammerzell, to be United States Marshal for the District of Colorado, all of the Department of Justice.

SD-226

Joint Economic Committee

To hold hearings to examine the challenge of creating jobs in the aftermath of the recession.

210, Cannon Building

2:30 p.m.

Homeland Security and Governmental Affairs

Disaster Recovery Subcommittee

To hold hearings to examine children and disasters, focusing on a progress report on addressing needs.

SD-342

Foreign Relations

East Asian and Pacific Affairs Subcommittee

To hold hearings to examine principles for United States engagement in Asia.

SD-419

Intelligence

To hold closed hearings to consider certain intelligence matters.

S-407, Capitol

DECEMBER 15

10 a.m.

Energy and Natural Resources

To hold hearings to examine S. 2052, to amend the Energy Policy Act of 2005 to require the Secretary of Energy to carry out a research and development and demonstration program to reduce manufacturing and construction costs relating to nuclear reactors, and S. 2812, to amend the Energy Policy Act of 2005 to require the Secretary of Energy to carry out programs to develop and demonstrate 2 small modular nuclear reactor designs.

SD-366

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine certain nominations.

SR-253

DECEMBER 17

10 a.m.

Commerce, Science, and Transportation

Business meeting to consider pending calendar business.

SR-253

2:30 p.m.

Homeland Security and Governmental Affairs

Contracting Oversight Subcommittee

To hold hearings to examine an overview of Afghanistan contracts.

SD-342

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold hearings to examine S. 1470, to sustain the economic development and recreational use of National Forest System land and other public land in the State of Montana, to add certain land to the National Wilderness Preservation System, to release certain wilderness study areas, to designate new areas for recreation, S. 1719, to provide for the conveyance of certain parcels of land to the town of Alta, Utah, S. 1787, to reauthorize the Federal Land Trans-action Facilitation Act, H.R. 762, to validate final patent number 27-2005-0081, and H.R. 934, to convey certain submerged lands to the Commonwealth of the Northern Mariana Islands in order to give that territory the same benefits in its submerged lands as Guam, the Virgin Islands, and American Samoa have in their submerged lands.

SD-366

## SENATE—Tuesday, December 8, 2009

The Senate met at 10 a.m. and was called to order by the Honorable ROLAND W. BURRIS, a Senator from the State of Illinois.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God of wonder, beyond all majesty, may our lives and our world be awakened by Your grace. Open our eyes to Your works and our ears to Your words of life.

Stir within our lawmakers a desire to please You. Enable them to hear with objectivity and respond with integrity, as they comprehend their individual and collective responsibilities. Lord, make them exemplary models of the highest and finest in faithful, loyal, and dedicated leadership. Give them wisdom, strength, and clarity to meet today's daunting challenges.

We pray in Your great Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable ROLAND W. BURRIS led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, December 8, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROLAND W. BURRIS, a Senator from the State of Illinois, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. BURRIS thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will resume

consideration of the health reform legislation. Following leader remarks, the time until 12:30 will be for debate only. The majority will control the first half of the time allotted until 12:30. The Republicans will control the next half. The remaining time will be equally divided and controlled between the two leaders or their designees. The Senate will recess from 12:30 until 2:15 p.m. to allow for the weekly caucus luncheons. There are two amendments now pending. One is the Nelson of Nebraska amendment and the other is the McCain motion to commit. Senators should expect votes after the recess in relation to the pending amendment and motion.

### NEW DEMOCRATIC SENATORS

Mr. REID. Mr. President, we have scheduled this morning, as soon as the leader time is used, a group of Democratic Senators. These are all new Senators. I hope those people who are watching understand the quality of the people who are now going to make a presentation before this body. The States that will be represented here today will be Oregon, Delaware, New Hampshire, Colorado—we have two Colorado Senators who will speak—the new Senator from Massachusetts, New Mexico, Virginia, Illinois, Alaska, and the opening will be by Senator MERKLEY and the closing will be by Senator MERKLEY. Such quality individuals we are so fortunate to have in the Senate. I am grateful for the time they have taken to speak on this issue. Much of what they have done has set the tone for this debate on our side of the aisle. It has been constructive, it has been positive, and it has been very lucid. They were all successful individuals before they came to the Senate. Certainly, that is acknowledged every time we hear one of them say a word here on the Senate floor.

Would the Chair announce the matter before the Senate.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### SERVICEMEMBERS HOME OWNERSHIP TAX ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 3590, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3590) to amend the Internal Revenue Code of 1986 to modify the first-time

home buyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

Pending:

Reid amendment No. 2786, in the nature of a substitute.

Nelson (NE) amendment No. 2962 (to amendment No. 2786), to prohibit the use of Federal funds for abortions.

McCain motion to commit the bill to the Committee on Finance, with instructions.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 12:30 p.m. will be for debate only, with the time equally divided and controlled between the two leaders or their designees, with Senators permitted to speak for up to 10 minutes each, with the majority controlling the first hour and the Republicans controlling the next hour.

### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

### HEALTH CARE REFORM

Mr. MCCONNELL. Mr. President, over the past several days, Americans have seen in vivid detail what some supporters of this plan plan to do for the Medicare Program for seniors. They plan to use it as a giant piggy bank to pay for an entirely new government program. Yesterday, we heard floated, for the very first time, that they want to radically expand Medicare. So what is becoming abundantly clear is that the majority will make any deal, agree to any terms, sign any dotted line that brings them closer to final passage of this terrible bill. They entertain adding new experiments without any assessment of the impact this backroom deal-making will have on the American people or our economy. They are, for lack of a better term, winging it on one of the most consequential pieces of legislation affecting our country in memory.

Let me suggest to the majority, Americans would much rather we get it right than scurry around, throwing together untested, last-minute experiments in order to get 60 votes before Christmas. Let me say that again. Americans would much rather we get it right than scurry around, throwing together untested, last-minute experiments in order to get 60 votes before Christmas.

Over the past several days, our friends on the other side repeatedly voted to preserve nearly \$½ trillion in Medicare cuts to finance their vision of reform, a vision that includes cutting nearly \$8 billion from hospice care, \$40 billion in cuts to home health agencies, \$120 billion in cuts to Medicare Advantage, \$135 billion in cuts to hospitals



that serve Medicare patients, and nearly \$15 billion in cuts to nursing homes. What these cuts really illustrate is a lack of vision because cutting one troubled government program in order to create another is a mistake. I will say that again: \$½ trillion in cuts to Medicare for seniors is not reform.

But Medicare cuts are just one leg of the stool holding up this misguided vision of reform. Let's take a look at another. Let's look at how this bill punishes not only seniors but how it kills jobs at a time when 1 in 10 working Americans is looking for one. This bill doesn't just punish seniors, it punishes job creators too.

That is the message we got yesterday from small businesses across the country. They sent us a letter opposing this bill because it doesn't do the things proponents of this bill promised it would. It doesn't lower costs, it doesn't help create jobs, and it doesn't help the economy. Here are just some of the groups that signed that letter: the Associated Builders and Contractors, the Associated General Contractors, the International Food Service Distributors Association, the National Association of Manufacturers, the National Association of Wholesale Distributors, the National Retail Federation, Small Business and Entrepreneurship Council, and the U.S. Chamber of Commerce.

Here is what these groups had to say about this bill. I am reading from their letter dated December 7, 2009, a letter that was addressed to every Member of the Senate:

In order to finance part of its \$2.5 trillion price tag, HR 3590 imposes new taxes, fees and penalties totaling nearly half a trillion dollars. This financial burden falls disproportionately on the backs of small business. Small firms are in desperate need of this precious capital for job creation, investment, business expansion, and survival.

The letter goes on to detail all the ways in which this bill punishes small businesses, thus making it harder for them to retain or hire workers. These groups point out that under this bill, small businesses in the United States would see major cost increases as a result of new taxes on health benefits and health insurance, costs that would be passed on to employees and which would make health insurance more expensive, not less.

Under this bill, self-employed business owners who buy coverage for themselves could see a double-digit jump in their insurance premiums. For other small businesses, the bill won't lead to a significant decrease in cost—something they were promised as a result of the bill.

Under this bill, jobs would be lost and wages depressed as a result of a new law that would require businesses either to buy insurance for their employees or to pay a fine.

Needless to say, this is not the kind of legislation the American worker

needs or wants at a moment of double-digit unemployment. Perhaps that is the reason that poll after poll after public opinion poll shows that the American worker opposes this bill.

Some business groups may have supported this plan earlier in the year because they thought it was inevitable. They didn't want to be critical of a bill they thought they had no power to stop. But something happened between then and now: The American people realized what this bill meant for them. They realized what it would mean for seniors, for business owners, for the economy, for our future as a country. Americans stood up, they made their voices heard, and now the tide has turned. The American people oppose this bill. They want us to start over. They want us to make commonsense, step-by-step reforms that everyone can support, not some backroom deal to have the government take over the health care system that is then forced on the American people without discussion.

Our friends on the other side can read the writing on the wall. They know the American people oppose this bill. But they have apparently made a calculation to force it through Congress over the next several days before the American people even have a chance to absorb the details. The only thing that can stop them is the realization by Democrats themselves that this plan would be a tragic mistake for seniors, for the economy, and for our country and that a better path would be the kind of step-by-step reforms Americans have been asking of us, reforms Americans really want. Americans don't think reform should come at the expense of seniors, and they don't think it should come at the expense of jobs. They don't think it should make current problems worse.

TARP

Mr. President, we are now hearing talk that the administration is thinking of using the bank bailout TARP money that taxpayers reluctantly handed over during last year's credit crisis on another spending spree like the stimulus which they said would stop unemployment at 8 percent but hasn't. One trillion dollars later, unemployment is now at 10 percent. This is not only irresponsible, since the purpose of these emergency funds was to prop up the credit system in the midst of a crisis, it also violates both current law and the pledge we made that every dollar we got back would be returned to the taxpayer to reduce the national debt. That is the pledge we made when we passed the TARP proposal.

This proposal from the administration is completely wrongheaded, but it is perfectly illustrative of the way Democrats in Congress have been dealing with taxpayer money all year—by throwing it at one problem after another without much regard for the con-

sequences. Whether it is the stimulus, Cash for Clunkers, or the health care bill that is currently on the Senate floor, Americans are running out of patience with politicians who promise jobs but who deliver nothing but more debt, higher taxes, and longer unemployment lines.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Mr. President, for the benefit of all Senators, I would like to take a moment to lay out today's program. It has been more than 2½ weeks since the majority leader moved to proceed to the health care reform bill, and this is the ninth day of debate. The Senate has considered 18 amendments or motions. We have conducted 14 roll-call votes.

Today, the Senate will debate the amendment by the Senator from Nebraska, Mr. NELSON, on a woman's right to choose. At the same time, we will debate the motion by Senator MCCAIN on Medicare Advantage.

The time between now and the caucus lunches is for debate only. The majority will control the first hour of debate this morning; the Republicans will control the second hour.

We are hopeful the Senate will be able to conduct votes on or in relation to the Nelson amendment, a side-by-side amendment to the McCain motion, and the McCain motion sometime this afternoon.

Thereafter, we expect to turn to another Democratic first-degree amendment, which is likely to be the amendment by the Senator from North Dakota, Mr. DORGAN, on drug reimportation, and another Republican first-degree amendment. We are working on lining up those amendments.

I note that the pending McCain motion is the third such effort by the Republicans to defend the private insurance companies that run the program called Medicare Advantage. That is the same so-called Medicare Advantage Program that the nonpartisan MedPAC says is overpaid—overpaid by 14 percent—compared with traditional Medicare, which does the same thing.

That is the same so-called Medicare Advantage Program whose overpayments add \$90 to the Medicare premiums of a typical retired couple, even though that couple gets nothing in exchange.

That is the same so-called Medicare Advantage Program that has been the major source of strong profits for the private insurance companies that receive those overpayments. And that is the same so-called Medicare Advantage Program that helps those private insurance companies to pay their CEOs \$8 million a year, \$9 million a year, and in one instance more than \$20 million a year in compensation.

So that is the same so-called Medicare Advantage Program that, in our

view, needs a healthy dose of competition. That is all our bill would do. Our bill would move to competitive bidding in the private insurance Medicare market. It is high time we did so.

This morning we are going to have a colloquy among many new Senators, the group of Senators who were just elected last year, which is a very active group. I have met with them many times. They are very thoughtful, very active, and they have a lot to say.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I will be very brief because we want to take the time to hear from our colleagues. I, too, want to commend them. A number of them serve on the Health, Education, Labor, and Pensions Committee and were tremendously valuable in helping us craft the legislation we now have before us in this compromised, melded bill.

I also want to make a note. I listened to the Republican leader this morning—and I will talk more about this later—but you would almost begin to believe that 300 days ago Barack Obama arrived as President of the United States, and all these problems emerged miraculously. The fact is, in the previous 8 years we watched the Nation accumulate more debt in one administration than all prior 43 administrations combined.

The situation we find ourselves in economically did not happen overnight. It happened over a number of years of carelessness, with a lack of regulation and a lack of the enforcement of the regulation that existed. We have been grappling with these problems. In December of last year, more than 700,000 people lost their jobs—in that 1 month alone. In January, almost 700,000 again, and the same was true in March. Almost 3 million jobs were lost before the ink on the inauguration papers was dry.

We are now finding ourselves—while still too high an unemployment rate—with a vastly improved economic condition in this country. Much more needs to be done. Yet we hear the same sort of “Chicken Little” arguments. Just say no, every time, to an idea that might make a difference to this country getting back on its feet again.

Certainly the decisions made a year ago to provide the stabilization of major financial institutions contributed directly to the benefits we are seeing today. Certainly the efforts of taking some of these resources that have gone to bail out major financial institutions now being used to try to create jobs in the country is something I think would be welcomed by the American people—not rejected by Members of Congress who seem only to be interested in whether we are going to take care of those large firms that got us into this mess in the first place.

So I welcome the President's ideas in this area. We welcome particularly this effort on health care, to make a difference not only for individuals but for our economy, to reduce those costs, reduce those premiums, and make those insurance products available to all Americans who worry every night about whether they are going to fall into that abyss because of a health care crisis that happens to a family member or a loved one.

So today we are going to hear from a number of our colleagues who have been deeply engaged in these issues over the last several years and in their new membership in this wonderful body of the Senate. I welcome tremendously their efforts.

Mr. President, I yield the floor to allow them to discuss their ideas. I believe the first one to speak is our new colleague from Delaware.

The ACTING PRESIDENT pro tempore. The Senator from Delaware is recognized.

Mr. KAUFMAN. Mr. President, I want to start by agreeing—and I practically always agree with the Senator from Connecticut—with his summation as to how we got to where we are, and why it is important we do something about it. He is right. The chairman of the Finance Committee is right too.

The freshman Senators who come from all over this country got together and, frankly, with the leadership of Senator WARNER from Virginia, put together a package which I think is a very constructive package for the Health Care Reform Act we have to pass.

I appreciate the opportunity to join with the other freshmen, including the Acting President pro tempore, to discuss the unique opportunity we have to finally enact meaningful health care reform.

Make no mistake, we need health care reform now. When you look out there and you see everything from rising premiums to insurers denying coverage for people with preexisting conditions, the health care system is failing individual Americans. There is no doubt about that.

Not only is it doing that, it is threatening the fiscal solvency of our country. Medicare and Medicaid are swallowing up more and more of our Federal spending. If we do not act soon, it will become the largest contributor to the deficit.

The time for reform is now. We cannot wait any longer. As the Senator from Connecticut said, this is not something that just came out of nowhere. It has been there for a long time. But we cannot let any more time go by. We have to act now.

Thanks to the hard work of Senators REID, BAUCUS, DODD, and HARKIN and their staffs, we have a bill before us that can finally reform our health care system. It is a good bill. It is a bill that

truly protects what works in our system and, at the same time, fixes what is broken.

No longer will Americans be denied coverage on the basis of preexisting conditions. No longer will their coverage be revoked when they get sick and need it the most. This bill will help protect seniors by offering new preventive and wellness benefits.

It will extend the solvency of the Medicare trust fund by an additional 5 years. It will also help our economy by significantly cutting health care costs and reducing the Nation's deficit by \$130 billion.

You hear a lot of numbers. You see a lot of numbers. You read about it in the newspaper. Especially, you hear about it on the other side of the aisle. This will cut the deficit by \$130 billion for the first 10 years and maybe up to \$650 billion in the second 10 years. This will truly bend the cost curve, which we have to do if we are not going to go into insolvency.

It is interesting, when the other side talks about deficits, deficits, deficits—the thing that is driving the deficit is health care costs because what drives Medicare and Medicaid costs is health care costs.

This bill makes quality, affordable health care within reach of all Americans. But there is always more we can do. That is why I am pleased to join my other freshman colleagues to support a very promising amendment to the bill.

So much of what is broken in our present health care system revolves around basic inefficiencies that drive up costs, while simultaneously driving down quality. That is right. Costs go up, quality goes down. That is not the way we want to have it. We want costs to go down and quality to go up.

Even worse, inefficiencies in the system often give way to the waste, fraud, and abuse that drains somewhere between \$72 and \$220 billion annually from doctors, patients, private insurers, and the State and Federal Governments. This is significantly increasing health care costs for Americans. These are inefficiencies that can and will be curbed.

By seeking creative ways to encourage innovation and lower costs even further—and more quickly—for Americans across the country, this amendment complements the underlying health care bill.

It adopts the full spectrum of 21st-century technologies and innovative methods of delivery to further cut through the redtape that continues to plague our system and stifle innovation. It provides commonsense, practical solutions that help contain costs, improve value, and increase quality. It increases penalties for health care fraud and enhances enforcement against medical crooks and utilizes the most sophisticated technology to better detect and deter fraud in the health care system.

It quickens the implementation of uniform administrative standards, allowing for more efficient exchange of information among patients, doctors, and insurers. It provides more flexibility in establishing accountable care organizations that realign financial incentives and help ensure Americans receive high-quality care. It provides greater incentives to insurers in the exchange to reduce health care disparities along racial lines.

These are just a few examples of the provisions in the amendment that I believe will mesh well with the Patient Protection and Affordable Care Act. As I have said before, it is time to gather our collective will and do the right thing during this historic opportunity by passing health care reform now. I think this amendment can help us reach that goal. We cannot afford to wait any longer. We need to act now. We can do no less. The American people deserve no less.

Thank you, Mr. President.

The ACTING PRESIDENT pro tempore. The Senator from Virginia is recognized.

Mr. WARNER. Thank you, Mr. President.

I thank my colleague, the Senator from Delaware, for his comments and for his leadership on this issue. I also thank all of the freshmen. This is, I think, the seventh time the freshmen have come to the floor on this very important issue. Our colleagues have had to now endure 65 speeches from the freshmen on the subject of health care.

Before I get into my remarks, I want to personally thank Senator BAUCUS, Senator DODD, the majority leader, and their staffs, for working with the 11 freshmen Members who have come together today to unveil a package of health care amendments focused on the issue of cost containment.

We have been working on this now for close to 3 months.

Let me say at the outset, I am proud of the enormous broad-based support we are receiving for this package of amendments. The Business Roundtable has endorsed the amendments. Companies such as Walmart, Intel, Target and Quad/Graphics endorse this package. Groups such as the AARP and the AFL, and important think tanks such as the New America Foundation have endorsed this package. We also have support from Mark McClellan, who was the head of CMS under President Bush. While the merged bill starts to move us in the right direction in addressing health care spending in this country, this package strengthens that movement. Our package further moves us away from a current system that makes no financial sense—one that rewards volume over quality and one that reimburses hospitals for higher, rather than lower, readmission rates.

We are taking the payment reform aspects of the health care bill—sections

that increase accountability, and focus on data mining and administrative simplification—and accelerating them. We are giving the Secretary, as we move forward, the ability to take pilot programs and broaden their approach and appeal. And if it works, we'll bring that reform to our whole system.

While we anticipate a very good score from CBO in terms of lowering health care costs overall, another thing we focused on with this package is not just health care reform in the context of government-related programs, such as Medicare and Medicaid, but also how we partner with those in the private sector.

One of the reasons the Business Roundtable is so supportive is the fact that our package recognizes that well over half of the American public still receives their health care through private insurance or in conjunction with their employers. With these amendments, we look at how we take the best of the private sector, and the lessons we've learned from them, and bring those into health care reform.

My friend, the Senator from Delaware, has raised this point. There are still issues to be resolved in this bill.

I still have some concerns, particularly with the public option portion. But I know that with a good-faith effort, we are going to get those issues resolved.

One thing that needs to be reaffirmed, time and time again, is what happens if we don't enact health care reform. Not acting is a policy choice; it is every bit as much of a policy choice as moving forward on this bill. What many don't realize is that the largest driver of our Federal deficit is not education funding, transportation funding, and not even TARP funds or the stimulus. The largest driver of our Federal deficit is health care spending.

If we fail to act now, Medicare, which provides health care to millions of senior citizens, will go bankrupt in the next 8 years. If we fail to act now, an average Virginia family will see their health care costs eat up 40 percent of their disposable income in the next decade.

One of the reasons we are seeing so much broad-based business support for our amendment package is business understands that if we can't drive down overall health care costs, the ability of the United States to come out of this recession and remain competitive in a global marketplace will be seriously undermined. As long as American business has to pay twice as much per person—as much as \$3,000 to \$4,000 more per employee—for their health care costs than any of our industrial competitors around the world, regardless of how productive the American workforce is, American businesses will be at a serious disadvantage.

Our amendment package is complex. It is a bit dense. There are some 30-odd

different provisions that take very good parts of the merged bill and move them faster. It increases price transparency in health care pricing, and increases our ability to take programs and pilots that work and roll them out on a wider basis. My good friend, the Senator from Colorado, has been working hard on the administrative reform portion.

This is a good package of amendments. I was asked yesterday by somebody in the press how I would describe the package. I guess I would sum it up—because some of this stuff gets fairly dense—with two things that this package of amendments is trying to do.

I think we all remember, years back, in the travel industry, when you called up and tried to get an airline reservation and depending on whom you called and what time you called, you might get a totally different price on your airline ticket. Well, this package of amendments is trying to do for health care what Travelocity did for the airline business. And that is bring some true pricing transparency to the health care system.

Our package of amendments will move us—it will not get us all the way there—but it will move us further down the field. I say this modestly, again, to the originators of the bill—it is a very good bill, a very good framework. But humbly I might say, as some know, I was lucky enough in the old days to fall into the cell phone industry. I managed to eke out a small living in that industry. I like to think about the cell phone industry as a metaphor for this package of amendments. If we think of the original bill as creating the cell phone of the 20th century, our package of amendments is basically the iPhone version to your Motorola flip phone original version. We literally provide dozens of new applications on a good, basic framework that has been provided by this merged bill. And we take these applications a little bit further into the 21st century.

I am very proud of the work all these freshmen Senators and their staffs have done over the last 3 or 4 months. Again, I thank the chairman of the Finance Committee, the chairman of the HELP Committee, the majority leader and their staffs for helping us work through this package, and I look forward to its adoption.

With that, I yield the floor, and I believe the junior Senator from Colorado will speak next.

The ACTING PRESIDENT pro tempore. The Senator from Colorado is recognized.

Mr. BENNET. Mr. President, I wish to thank our colleague from Virginia, Senator WARNER, for his extraordinary leadership throughout this process of the freshmen coming together to see what we can do to move this legislation forward to improve it. I think a lot has been said about how the bill

that was drafted by the HELP Committee, by the Finance Committee, and now by the majority leader is directionally correct in its efforts to get a handle on these skyrocketing costs. I think this amendment package will move us much further in the right direction of trying to hold down costs for our working families and small businesses across the country.

Throughout this entire debate and going back to the very beginning, what I have said is, no matter where you are on many of the issues, there can't be any disagreement that the current system, with respect to costs, is completely insane. Our families in Colorado faced double-digit cost increases every year over the last decade. Their median family income has actually gone down by \$300, and the cost of health care has gone up by 97 percent over that period of time. Our small businesses are paying 18 percent more for health insurance than large businesses just because they are small. As the Senator from Virginia was mentioning, we are spending, as a country, more than twice what almost any other industrialized country in the world is spending as a percentage of our gross domestic product on health care. We are spending roughly 18 percent, going to 20 percent in the blink of an eye. We can't hope to compete in this global economy if we are devoting a fifth of our economy to health care and everyone else in the world is devoting less than half that. Finally, as the Senator from Virginia also said, if you have any concern about these deficits we are facing in Washington becoming completely untenable, what you need to know is, the biggest driver of those is rising Medicare and Medicaid costs and the biggest driver of those is, of course, health care costs.

So my view has been, from the start, no matter what your entry point was into this debate, cost was the central question for our working families and for our small businesses. We have stressed the need over and over for health care reform to contain the rising costs that are plaguing our current system. That is why I think the Senate needs to adopt the freshman amendment package, which would cut costs, save taxpayers money, and in this bill it can make our health care system function more efficiently.

This package of amendments will help strengthen the reform proposal's ability to deliver affordable, quality health care to all Americans, whether they are in private plans or whether they are in public plans. These provisions will remove much of the redtape that, for so long, has slowed the delivery of care. Doctors from all over Colorado have told me, time and time again, their medical practices are mired in paperwork and their staffs spend far too much time and money jumping through administrative hoop

after hoop. The time our doctors and nurses spend on unnecessary paperwork is time they can't spend becoming better professionals and, most importantly, providing quality care to their patients. This amendment will require the Secretary of Health and Human Services to adopt and regularly update a single national standard for some of the most basic electronic transactions that occur between insurers and providers, and meeting these standards will be enforceable by penalties if insurance providers don't take steps to comply. My provision will make sure that as we implement health care reform, we are consistently identifying and implementing new standards.

There are also terrible inefficiencies in the way we pay health care providers and allow them to deliver care to patients. This package helps eliminate bottlenecks so patients are cared for in a reasonable amount of time.

This package of amendments also expands the Senate bills reforms being made to Medicare and Medicaid. There is a provision that will allow accountable care organizations to work with private insurance companies to better craft strategies for Medicare and Medicaid and private sector plans to improve care. In the current system, doctors are forced into requesting a multitude of tests to confirm a diagnosis they have already made. This creates unnecessary work for doctors, their administrative staffs, lab technicians, and so on. It is time we create a system that empowers doctors to practice medicine and do their jobs efficiently.

Under the current broken system, doctors have to endure needless hurdles to even set up a practice. It is no wonder the number of primary care doctors has been steadily declining for some time now.

This package of amendments would create an environment that attracts doctors back to the field rather than make it more difficult for them to provide care. Along with the savings this bill already creates, these amendments will help doctors remove the redtape that has limited their ability to help patients in a timely manner.

We cannot go on allowing the middle class to absorb the rising costs of our Nation's health care system. We need health care reform that will control costs and put us back on a path toward fiscal responsibility. This package of amendments will help us do that.

I wish to, again, say thank you to my colleagues from the freshman class for their work. This sometimes has seemed tedious and sometimes hard to describe, but these amendments are very critical if we are going to get hold of costs as we go forward. That is the relief working families in this country need more than anything. In order to have stability in their lives, we have to get hold of our rising health care costs.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

Mr. KIRK. Thank you, Mr. President.

With great joy and enthusiasm, I can say that today we are closer than ever to guaranteeing that all Americans, at long last, will have full access to quality, affordable health care. The Patient Protection and Affordable Care Act, which our colleague and fellow freshman Senator JEFF MERKLEY of Oregon suggests, as Senator Kennedy of Massachusetts would have subscribed to, that this is the health care bill of rights. It will help fix a health care system that is failing to meet the needs of the American people. I am extremely proud to join with Majority Leader REID, with Senator BAUCUS, with my good friend, Senator DODD of Connecticut, and with my fellow freshman Senators. I wish to single out, if I may, the Senator from Virginia, MARK WARNER, one of the more enlightened business leaders of our time, who brought his wisdom and innovation and skills and practices of the private sector to help improve the important challenge we have in the public sector. I thank the Senator for his leadership on this effort, in contributing to legislation that will mark a historic stride forward for the American people.

I wish to say a word as well, a particular word, about the chairman of the Finance Committee who has enormous responsibilities in the Senate chairing the effort to reform our financial regulations and our financial systems so the American people will understand we are one country, with one important financial system and not somehow second tier, unrelated and unconnected to the decisions made on Wall Street and elsewhere. When Senator Kennedy of Massachusetts was stricken, Senator DODD of Connecticut stepped forward, not only because Senator Kennedy was his very close friend but because the Senator from Connecticut understood the enormity of the challenge and important effort that is being made in the Senate. I wish to salute him for sharing his wisdom and his strength and his leadership, not only in the areas of financial reform but in this important area as well.

As I said, this is nothing less than a bill of rights for the American people on the issues of health care. With this legislation, all Americans, finally, will be guaranteed access to the affordable health care coverage they deserve. Families who need a helping hand to care for an aging relative will be protected. Insurance companies will be prohibited from arbitrarily refusing coverage and from stopping benefits when they are needed the most. Doctors will be given the support they need to practice the best medicine possible. That is why they took their oath. With the help of the measures in this

total legislation and some of the particular reforms suggested by our freshman colleagues, that best medicine will be practiced. The American economy will be protected from the skyrocketing costs of health care, with which every American family is now inflicted.

Over the past month, I have had the privilege of working with my fellow freshman colleagues on a series of amendments that we are discussing this morning to make this health care bill of rights even stronger. These amendments plant the seed for an innovative 21st-century health care system that offers what American families want most: better results for lower costs. It is as simple as that. These amendments focus on the root causes of our skyrocketing health care costs to provide Medicare the support it needs to become a leader in moving away from the reimbursement models that increase costs without improving care.

Public-private arrangements will be established to smooth reform and prevent private insurance from shifting costs onto public plans. The redtape, with which we are all familiar, which weighs down the current health care system in both the public and private sectors will be reduced. All of this will contribute to lower costs and higher quality in our health care system.

One focus that is particularly of interest and important to me is the delivery system reform. We must move toward a system of paying hospitals and doctors for the quality of care they provide rather than the quantity of tests and procedures they perform. Our amendment rewards providers of Medicare who give high-quality care rather than high-volume procedures. We will also allow Medicare to test promising new models to reduce costs, increase quality, and improve patient health. We must make these changes for the sake of our patients and for the sake of our economy.

In short, our amendments strengthen the reforms of the Patient Protection and Affordable Care Act. I urge all my colleagues to support these amendments and take these important steps with us to bring America's health care system into the 21st century.

I thank the leadership once again, and I thank the Senator from Virginia and my other freshman colleagues for their good work on this historic health care bill of rights.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Colorado is recognized.

Mr. UDALL of Colorado. Mr. President, my freshman colleagues and I have come to the floor on a regular basis over the last few months to make clear to both sides of the aisle just how critical it is that we succeed in reforming our health care insurance system.

Right now, too many Americans lack the freedom to move to a new job, further their education, or start a small business because doing so can put them at risk of losing health care coverage for their family. If you think about it, freedom is, after all, about choices. What motivates me—and I know it motivates my freshman colleagues—is the desire to preserve and enhance the freedom of all Americans.

This legislation we have been debating and amending over the past 2 weeks can and should be a vehicle that we use to enhance freedom for all of our American citizens. We are going to repair and modernize a broken health care system. If we fail to do so, we perpetuate an antiquated status quo that stalls economic growth, stifles the entrepreneurs who make up the American business landscape, and keep stability and security out of reach for millions of American families.

The package of amendments we present today is designed to inject more cost containment into the bill, cut down on regulatory and bureaucratic redtape, and push us more aggressively toward a reformed health care system that rewards better patient care rather than simply more care.

In developing these ideas, my fellow freshmen and I have relied upon the input of people back home. And through my discussions with constituents, health care providers, and businesses from all over Colorado, a common theme has emerged: They want a health care system that tackles costs, while keeping the focus on patients and quality. I believe we have accomplished that with our freshman proposal because more than 30 groups have come out in the past few days in support of our efforts. This is a wide-ranging number of groups, including consumer champions such as AARP, business leaders such as the Business Roundtable, and health providers such as Denver Health in my home State.

My freshman colleagues have spoken about individual pieces of this effort that combine to make the whole. I will single out a section that I think will have a particularly strong influence on the future of our health care system.

Senator ROCKEFELLER has authored an important provision that creates the independent Medicare advisory board. This board would be tasked with keeping down the costs in the Medicare system by issuing proposals to cut spending and increase the quality of care for beneficiaries.

I applaud this contribution to the bill, but I have wondered why we cannot take it a step further by looking at the whole health care system and not just Medicare in isolation. If we are going to tackle spiraling health costs across the country, we need to push each area of our health care system to be smarter and more efficient in dealing with cost growth.

One of my contributions to the package is a provision to expand the scope of the Medicare advisory board to examine not just Medicare but the entire health care system and task the board with finding ways to slow down the growth of health costs across the country. This would include providing recommendations on the steps the private sector should take to make our delivery system more efficient. Health care leaders and economists agree that such an approach can help push our system toward a more streamlined and coordinated way of delivering health care to all Americans.

In sum, I thank the Senator from Virginia for his leadership, the Senator from Oregon, Mr. MERKLEY, and Senator SHAHEEN from New Hampshire. It has been a delight to work with 11 of my fellow Senators. This is a bold contribution to the package that I know we will pass out of the Senate. We come from varying parts of the country and have varied political outlooks and backgrounds. This will attract broad support in our Chamber. It is a winning addition to health care reform, and I encourage all Senators to support our efforts.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire is recognized.

Mrs. SHAHEEN. Mr. President, I am so pleased this morning to join my freshman colleagues in introducing our innovation and value package.

For the last several months, the freshmen in the Senate have been coming to the floor to help make the case for health care reform, to tell our colleagues and the public about what we have heard from our constituents, and to come together as one voice in support of reform.

Today, we back up that rhetoric with action. Today, we propose something concrete. We have talked about the importance of reforming the way we deliver care, about how we need to slow down the skyrocketing costs of health care, while improving quality, and about the need to provide incentives to make the changes happen. Today, we deliver on that talk. Our proposals are about containing costs, about looking into the future, thinking about our delivery system, and finding ways to make small but very important changes that will make a difference.

Throughout this debate, I have been talking about the importance of increasing the quality of care while reducing the cost. This amendment package does just that.

This amendment package matters. It matters to all the health care consumers who are interested in reducing costs and increasing the value in our health care system. It especially matters to business. The high cost of health care and insurance coverage

eats away at the bottom line for businesses. If we can reduce waste and inefficiency, attack fraud, and simplify our system, we can reduce costs. The innovations in this package attract business because business understands that we need to take steps in our public and private health care systems to lower costs and deliver value.

I am proud that, with this amendment, we are able to promote the good work of Elliot Fisher and his colleagues at the Dartmouth Institute for Health Policy and Clinical Practice and to recognize the work they have done on accountable care organizations.

Accountable care organizations are about coordinating care among providers—hospitals, primary care physicians, specialists, and other medical professionals. These accountable care organizations make decisions with patients. I think that is the operative phrase. They make decisions “with” patients about what steps they can take together to improve care. When these efforts result in cost and quality improvements, providers and consumers can share in the savings. This is the essence of true reform. We must demand performance, quality, and value from our health care system. This package makes great strides.

I will close by thanking all of my fellow freshmen. I am so proud to be part of this freshman class and all of the great work they have done.

I especially wish to recognize Senator WARNER, who has really been the driving force behind this health care package. I am not sure I agree with his cell phone analysis, but I certainly agree with the leadership he has shown on this package.

Also, I recognize our senior colleagues, Senators DODD, BAUCUS, REID, and HARKIN, for the leadership they have shown in getting us to this point.

Finally, I recognize all of the staff of all of us freshman Senators, many of whom are here today, who have worked so hard to get us to this point. I single out my assistants, Alison MacDonald and Dr. Manny Jimenez, for the work they have done on this package. It is a great effort, and I am pleased to be here with my fellow freshmen.

I urge all of our colleagues to join us in support of this effort.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina is recognized.

Mrs. HAGAN. Mr. President, I rise in support of the freshman value and innovation package, which builds on efforts to provide quality, affordable health care at a lower cost to families. I, too, applaud our colleague, Senator MARK WARNER, for helping to initiate this package.

I wish to take a moment to talk about two provisions in the package that I included: curbing fraud and abuse with 21st-century technology and medication therapy management.

Today, Medicare spends about \$430 billion annually; Medicaid, approximately \$340 billion; the States Children's Health Insurance Program, an additional \$5 billion, for a total of \$775 billion.

In Medicare alone, annual waste amounts to between \$23 billion and \$78 billion. Yet, despite these sky-high numbers, investigations are pursued only after payment has been made, which means government fraud investigators have to recover funds that have already been paid. As a result, it is estimated that only about 10 percent of possible fraud is ever detected, and of that amount only about 3 percent is ever actually recovered. This means the government recovers, at best, about \$130 million in Medicare waste, fraud, and abuse. Again, when estimates are between \$23 billion and \$78 billion, we are only recovering \$130 million.

“Doctor shopping” is an example that was profiled in a recent USA TODAY news article and GAO report. This involves a patient receiving multiple prescriptions from numerous doctors in a short period of time, without getting caught. Each of the claims gets paid by Medicare, Medicaid, or even private health insurers.

The current technology exists to assess in real time if a claim warrants further investigation, and this technology will prevent fraudulent claims from being paid on the front end. A software company in Cary, NC, SAS, has developed this technology.

This amendment will require the Department of Health and Human Services to put into place systems that will detect patterns of fraud and abuse before any money leaves our Federal coffers.

Another source of waste in the system is people not sticking to their medication regimen. As much as one-half of all patients in our country do not follow their doctors' orders regarding their medications. The New England Health Care Institute estimates that the overall cost of people not following directions is as much as \$290 billion per year.

This waste can be eliminated with medication therapy management. That is a program where seniors bring all of their prescriptions, in a little brown bag, and their over-the-counter medications and their vitamins and supplements to the pharmacy to be thoroughly reviewed in a one-on-one session. The pharmacist follows up and educates the patient about his or her medication regimen.

North Carolina has some successful medication therapy management programs already in place.

In 2007, the North Carolina Health and Wellness Trust Fund Commission launched an innovative statewide program called Checkmeds NC to provide medication therapy management serv-

ices to our seniors. During the program's first year, more than 15,000 seniors and 285 pharmacists participated. Just this small program saved an estimated \$10 million, and countless health problems were avoided for our seniors.

This amendment takes this successful North Carolina model and implements it nationally, permitting pharmacies and other health care providers to spend considerable time and resources evaluating a person's drug routine and educating them on proper usage.

I urge passage of this freshman amendment package which will further reduce health care costs for American families. Thank you.

Mr. UDALL of New Mexico. Madam President, I seek recognition.

The PRESIDING OFFICER (Mrs. GILLIBRAND). The Senator from New Mexico.

Mr. UDALL of New Mexico. Madam President, this package today is a result of collaboration that began months ago when the Senate's freshman class united as advocates for comprehensive health reform, when we united in the belief that the status quo is not an option.

The health care status quo does not work for Americans and it does not work for America either. If we fail to act, every person, every institution, every small business in this country will pay the price.

Achieving true reform means making insurance available and affordable to all Americans. It also means reining in out-of-control spending. For some, those two goals seem diametrically opposed. They ask: How can you contain costs when you are expanding access to millions of additional people?

One of our country's great economic thinkers, Paul Krugman, recently challenged this hypothesis. First, he said a majority of Americans uninsured are young and healthy. Covering them would not increase costs very much. Second, he noted that this reform links coverage expansion to “serious cost-control measures.”

These goals are two sides of the same coin. Without one, we cannot have the other. As Mr. Krugman said:

The path to cost control runs through universality. We can only tackle out-of-control costs as part of a deal that also provides Americans with the security of guaranteed health care.

With these amendments, we take additional steps to transform our delivery system, to contain costs, and to curb abuses and excess spending. With these amendments, we encourage a faster transition to a 21st-century system that is more efficient, costs less, and holds providers and insurers accountable.

I am proud to sign on to all of the amendments in this package. But there is one proposal that is particularly important to the people of New Mexico. In



my State, 30 of 33 counties are classified as medically underserved. Residents of these highly rural counties are more likely to be uninsured. They are more likely to have higher rates of disease. And because of a shortage in health care providers, they are often forced to travel long distances for care.

This amendment would help us take the first steps toward alleviating the growing shortage of primary care physicians in New Mexico and across the country. By 2025, there will be a shortage of at least 35,000 primary care physicians in the United States. As this shortage grows, our rural areas will be hardest hit.

In this amendment, we call for expert recommendations on how to encourage providers to choose primary care and to establish their practices in medically underserved areas. These experts would analyze things such as compensation and work environment. They would recommend ways to increase interest in primary care as a career.

We are closer than ever to providing all Americans with access to quality, affordable health care. I am proud to be a part of a group of freshmen who refuse to sit on the back bench and watch this reform develop from the sidelines. I am proud to be part of a group that from the beginning refused to accept the status quo as an option.

I thank the staff of all these fine Senators and thank personally my staff members, Fern Goodheart and Ben Nathanson.

I look forward to continuing the work with this outstanding group as we debate a bill that will improve our health care system for generations to come.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. BURRIS. Madam President, it is also my pleasure to stand with my colleagues and be a part of this health reform package, to give recognition to those distinguished senior Senators who have put so much heart into drafting this important legislation, to our Leader REID and to Senator BAUCUS, Senator DODD, and all the individuals. It is a pleasure for me to be a part of this freshman colloquy on this major package.

Over the past several months, my freshman colleagues and I have taken the floor many times to speak about the need for comprehensive health care reform. I am pleased to join them today as we discuss our cost containment package.

This set of provisions will help promote accountability, increase efficiency, and reduce disparities in our health care system. Our amendment will reinforce and improve the principles of high-value, low-cost care that is central to the Patient Protection and Affordable Care Act.

Our amendment will strengthen Medicare's ability to act as a payment

innovator, paying for value and not for volume. In speeding this process, our amendment gives Medicare more of the resources it needs to gather data, expand programs that work, and reach the neediest patients.

We also work to strengthen waste, fraud, and abuse provisions in the Patient Protection and Affordable Care Act in order to make sure that the Department of Health and Human Services has the tools to not only punish offenders but to prevent fraud from happening in the first place.

But this is not just about our public programs. We also promote private-public data sharing to get a better picture of our whole medical system.

Our amendment further takes aim at administrative costs, another barrier often cited to getting the most effective care, by encouraging public-private collaboration to create uniform standards and reduce the mountain of paperwork that takes doctors' time away from their patients.

Finally, we put pressure on private insurers to change the way they pay. By encouraging insurers to reward programs that reduce disparities, providers will increasingly focus attention on populations that need it most.

By proactively targeting these needy folks through cultural competency training, language services, and community outreach, our amendment will increase wellness and reduce the use of costly emergency room care.

My colleagues and I are supported by top business groups, consumer groups, and providers because they all know we have to transform the way care is delivered in this country. Businesses know that without the reduced cost of care and promoting transparency, the cost of premiums continues to rise, putting a stranglehold on wage increases and making them less competitive.

Consumer groups want to ensure the patients get more value for their dollar, that they do not just get more care but they get the type of coordinated, effective care that will keep them healthy and out of the emergency rooms. Those providers who focus on targeted care to get the best patient outcome want to be rewarded for doing so.

The evidence could not be clearer, the conclusions could not be more decisive that the Patient Protection and Affordable Care Act, coupled with our amendment, will lower costs for ordinary Americans.

I call upon my colleagues to take an honest look at what we are doing, and I defy them to say that health care reform will not reduce costs and improve the functioning of our health care system.

The debate over health care reform cannot be scoring political points. It must be about the health and well-being of the American people. All of

our great work will bear fruit, and we will reform our Nation's health system because there is no other option. Our citizens demand it, and they deserve no less.

I thank our distinguished colleagues. I am happy to be a part of this freshman colloquy in presenting such an important issue at this time in history in this great country of ours.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. BEGICH. Madam President, I seek the floor to talk about this package of cost containment offered by the freshmen. I am proud to join them in offering this amendment today.

The technical work in this package is complex and complicated, but the themes it addresses are simple and straightforward, which I know our colleagues on the other side will appreciate and we hope support—value, innovation, quality, transparency, and cost containment.

The full legislation now under debate in the Senate makes wonderful strides in fixing what is broken in America's current health care system. Under the leadership of Senators BAUCUS, DODD, HARKIN, and our Majority Leader REID, the committees have done incredible work.

What the freshmen are saying today is we believe our package can help. We can go further. We can do better. Our goal is a health care system that is more efficient and more affordable.

In a few moments, I will stand together at a news conference with all my freshman colleagues to formally announce this package. What I most appreciate is that we will do so with the support of consumer and business groups.

While the language of this amendment promotes efficiency and encourages innovation within the health delivery system, what it is about is helping individual Americans and businesses get a better deal on health care. I am proud of that, especially when we know that cost containment is the No. 1 priority of small business owners in this health reform debate.

Insurance premiums alone in the last 10 years for small businesses have risen 113 percent. It was reported in the media that small businesses in this country face another 15-percent increase in the health premiums in the coming year.

What about families, our friends, and our neighbors? Health insurance premiums are eating up ever growing chunks of the family budget. Nationwide, family health insurance purchased through an employer at the start of this decade cost about \$6,700, almost 14 percent of the family income. Last year, the same premium cost \$13,000—21 percent of the family income.

If we do nothing, if we do not reform the system and do not contain costs,

this country will be in big trouble. By 2016, the same family health insurance will cost more than \$24,000. Because health costs are skyrocketing compared to wages, that \$24,000 will represent 45 percent of the family budget. Enough is enough. The package we are offering today will help.

I want to focus briefly on a small but significant piece of this package that addresses rural health care. It will help hospitals in several States, including Alaska, my home State, by extending the Rural Community Hospital Demonstration Program. We are building on known success. The program is small. Even with this amendment, the number of eligible hospitals nationwide will expand from 15 to 30, and 20 rural States will be eligible to participate instead of the current 10.

Part of what we are saying in this package is this: If something is working to provide better health care access and value, for goodness sake, let's keep it going and do what we can to improve on it.

My thanks go to Senator BEN NELSON who has been a champion of this program and is also pushing for the extension.

As I conclude, I wish to stress once again how proud I am to stand with my freshman colleagues. The cost containment package we are proposing today will help all Americans, and I hope it will move the Senate that much closer to a historic vote on the landmark legislation that is before us today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I know our time is about to expire. I wish to close by thanking all my freshman colleagues and their staffs for the great work they have done on this legislation.

I see a number of my colleagues from the other side of the aisle. This is an amendment package that brings greater transparency, greater accountability, greater efficiency, and greater innovation, and is supported by the Business Roundtable, small businesses and health care systems around the country. I ask for their consideration.

I again thank the Chair, Senator DODD, for allowing us to lay out this package of amendments. I think it will add an important component to this bill in trying to rein in costs not just on the government side but system-wide.

I yield the floor.

Mr. DODD. Madam President, quickly, because I know my colleagues are here on the other side, I want to commend 10 of the 11 new freshmen who are here and who have spoken with great eloquence and passion about this issue. I think all of us, regardless of which side of the aisle we are on, owe them all a great deal of gratitude for putting together a very fine package.

I particularly thank Senator MARK WARNER, our colleague from Virginia, who has led this effort, but obviously so much of this has happened because of the cooperation and ideas that each Member who has spoken here this morning has brought to this particular cluster of ideas on cost containment. All Americans owe them a deep debt of gratitude and can feel pretty good about the future of our country with this fine group of Americans leading it.

The PRESIDING OFFICER. The minority now has 60 minutes.

Mr. BAUCUS. Madam President, may I ask unanimous consent to speak for a couple of minutes to comment on the freshman package? It will just take a few minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Madam President, I join my good friend from Connecticut in thanking—I don't know if calling them freshmen would be wise, because our colleagues act as though they have been here for years and know the subject extremely well.

Delivery system reform has always been something I have been pushing for, and I am happy to see it is part of your package, and also with additional emphasis on rural areas and Indian reservations. We clearly need more of that, and more transparency. I firmly believe that will help us get costs down and get quality of care up. Your work on the independent Medicare advisory board is great too.

To be honest, these are all the next steps in ideas that are pretty much in the bill, but they are the proper next steps, and the next steps I firmly believe should be taken. So I compliment you and thank you very much, and I thank my friend from Arizona for allowing me this time.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I wish also to add my words of congratulations to the new Members for their eloquence, their passion, and their well-informed arguments, although they are badly misguided. But I do congratulate them for bringing forth their ideas and taking part in this spirited debate. We welcome it, and I hope that someday we will be able to agree on both sides for us to engage in real colloquy between us, back and forth. I think the American people and all Members would be well informed.

Madam President, I ask unanimous consent for the next 30 minutes to engage in a colloquy with my colleagues.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Madam President, I talk a lot about C-SPAN. I am a great admirer of C-SPAN. And the President—at least when he was running for the presidency—believed in C-SPAN as well, because he said C-SPAN would be in on the negotiations. Here is what

was posted by a reporter from Politico last night at 5:48 p.m., entitled “No C-SPAN Here.”

Right now a group of moderate Senators is meeting behind closed doors to try to hash out a compromise on the public option. Reporters, waiting for the meeting to break, were just moved out of the corridor nearest the meeting and shunted around the corner, making it harder for the press to catch Senators as they leave. C-SPAN this is not.

I would remind my colleagues that the amendment we are discussing here is drafted to prevent drastic Medicare Advantage cuts from impacting all seniors in Medicare Advantage. The amendment says simply: Let's give seniors who are members of Medicare, who have enrolled in Medicare Advantage, the same deal that Senator NELSON was able to get for the State of Florida—at least most of the seniors who enrolled in the Medicare Advantage Program. There are 11 million American seniors who are enrolled in the Medicare Advantage Program. This amendment would allow all 11 million to have the same benefits and there would be no carve-out for various groups of seniors because of the influence of a Member of this body.

I want to quote again the New York Times, my favorite source of information, from an article entitled “Senator Tries to Allay Fears on Health Overhaul.”

... Mr. Nelson, a Democrat, has a big problem. The bill taken up this week by the committee would cut Medicare payments to insurance companies that care for more than 10 million older Americans, including nearly one million in Florida. The program, known as Medicare Advantage, is popular—

And the article lists the benefits, and then continues as follows:

“It would be intolerable to ask senior citizens to give up substantial health benefits they are enjoying under Medicare,” said Mr. Nelson, who has been deluged with calls and complaints from constituents. “I am offering an amendment to shield seniors from those benefit cuts.”

He is offering an amendment to shield senior citizens. Well, I am offering a motion that deals with all of the 11 million seniors who are under Medicare Advantage, as the Senator from Florida said, to shield seniors from benefit cuts. That is what this motion is all about. We should not carve out for some seniors what other seniors are not entitled to. That is not America. That is not the way we should treat all of our citizens, and I hope my colleagues will understand this amendment is proposed simply in the name of fairness.

I ask the Senator from Tennessee and the Senator from Texas, who have a large number of enrollees in the Medicare Advantage Program, whether they feel this would be unfair?

Mr. ALEXANDER. Well, I thank the Senator from Arizona for his motion, and I thank the Senator from Florida for his amendment, because Medicare

Advantage is very important to Tennesseans. We have 243,000 Tennesseans who have opted for Medicare Advantage. About one-fourth of all Americans who are on Medicare have chosen Medicare Advantage because it provides the option for increased dental care, for vision care, for hearing coverage, for reduced hospital deductibles, and many benefits. It is helpful to low-income and minority Americans, and it is especially helpful to people in rural areas.

What the Republicans have been arguing all week is that, contrary to what our friends on the other side are saying, this bill cuts those Medicare Advantage benefits. The Director of the Congressional Budget Office says that fully half—fully half—of the benefits in Medicare Advantage for these 11 million Americans will be cut. Our Democratic friends say: No, that is not true. That is not true. We are going to cut \$1 trillion out of Medicare over a fully implemented 10-year period of this bill, but nobody will be affected by it.

Well, the Senator from Florida apparently doesn't believe that. He says: We have 900,000 Floridians who don't want their Medicare Advantage cut. And he is saying, in effect, we don't trust this Democratic bill to protect these seniors in Medicare Advantage.

So I ask the Senator from Texas: If the people of Florida and the Senator from Florida don't trust the Democratic bill to protect Medicare Advantage, why should 240,000 Tennesseans trust the Democratic bill to protect Medicare Advantage?

Mr. CORNYN. I agree with the distinguished Senators from Tennessee and Arizona, that what is good enough for the seniors in Florida ought to be good enough for all seniors. In my State of Texas, we have 532,000 seniors on Medicare Advantage, and they like it, for the reasons that the Senator from Tennessee mentioned. They do not want us cutting those benefits.

But I say to the Senators from Arizona and Tennessee, I seem to recall that we had amendments earlier which would have protected everybody from cuts in Medicare benefits, and now we have a targeted effort, negotiated behind closed doors, to protect States such as Florida and Pennsylvania and others, and I wonder whether the Nelson amendment to protect the seniors of Florida would even be necessary if our colleagues across the aisle had agreed with us that no Medicare benefits should be cut.

Mr. MCCAIN. As the Senator points out, a few days ago, by a vote of 100 to 1, we voted to pass an amendment proposed by the Senator from Colorado, Senator BENNET, which included words such as "protecting guaranteed Medicare benefits" or "protecting and improving guaranteed Medicare benefits." The wording was: "Nothing in the pro-

visions of or amendments made by this act shall result in the reduction of guaranteed benefits under title XVIII of the Social Security Act."

Is there any Member on the other side who can guarantee that seniors in his or her State in Medicare Advantage will not lose a single benefit they have today—not the guaranteed benefit the other side goes to great pains to talk about. I think those who are enrolled in the Medicare Advantage system believe that since they receive those benefits, they are guaranteed benefits as well.

I would ask our two physicians here on the floor, who both have had the opportunity to deal directly with the Medicare Advantage Program, if you have a patient come in and you say: By the way, you are having your Medicare Advantage Program cut, but don't worry, we are protecting your guaranteed Medicare benefits, do you think they understand that language?

Mr. COBURN. I would respond to the Senator from Arizona in the following way. First of all, they won't understand that language. But more importantly, if you look at the law, there is Medicare Part A, Medicare Part B, Medicare Part C, and Medicare Part D. They are all law. They are all law. What is guaranteed under the law today is that if you want Medicare Advantage, you can have it. What is going to change is that we are going to take away that guarantee. We are going to modify Medicare Part C, which is Medicare Advantage.

So we have this confusing way of saying we are not taking away any of your guaranteed benefits, but in fact, under the current law today, Medicare Advantage is guaranteed to anybody who wants to sign up for it. So it is duplicitous to say we are not cutting your benefits, when in fact we are.

Let me speak to my experience and then I will yield to my colleague from Wyoming, who is an orthopedic surgeon.

What is good about Medicare Advantage? We hear it is a money pot to pay for a new program for other people. Here is what is good about it. We get coordinated care for poor Medicare folks. Medicare Advantage coordinates the care. When you coordinate care, what you do is you decrease the number of tests, you prevent hospitalizations, you get better outcomes, and consequently you have healthier seniors.

So when it is looked at, Medicare Advantage doesn't cost more. It actually saves Medicare money on an individual basis. Because if you forgo the interests of a hospital, where you start incurring costs, what you have done is saved the Medicare Trust Fund but you have also given better care.

The second point I wish to make is that many people on Medicare Advantage cannot afford to buy Medicare

supplemental policies. Ninety-four percent of the people in this country who are on Medicare and not Medicare Advantage are buying a supplemental policy. Why is that? Because the basic underlying benefit package of Medicare is not adequate. So here we have this group of people who are benefitted because they have chosen a guaranteed benefit of Medicare Part C, and all of a sudden we are saying: Time out. You don't get that anymore.

Mr. MCCAIN. So a preponderance of people who enroll in Medicare Advantage are low-income people, and a lot of them are rural residents?

Mr. COBURN. A lot of them are rural. I don't know the income levels, but I know there is a propensity for actually getting a savings, because you don't have to buy a supplemental policy if you are on Medicare Advantage.

Mr. BARRASSO. I would add to that, following on my colleague from Oklahoma, that there is the coordinated care, which is one of the advantages of Medicare Advantage, but there is also the preventive component of this. We talk about ways to help people keep their health care costs down, and that has to do with coordinated care and preventing illness.

Mr. COBURN. And we heard from the freshman Democrats that they want to put a new preventive package into the program. Yet they want to take the preventive package out of Medicare Advantage. It is an interesting mix of amendments, isn't it?

Mr. BARRASSO. We want to keep our seniors healthy. That is one way they can stay out of the hospital, out of the nursing home, and stay active. Yet with the cuts in Medicare Advantage, the Democrats have voted to do that—to cut all the money out of this program that seniors like. Eleven million American seniors who depend upon Medicare for their health care choose this because there is an advantage to them.

My colleague from Oklahoma, the other physician in the Senate, has talked, as I have, extensively about patient-centered health care—not insurance centered, not government centered. Medicare Advantage helps keep it patient centered. So when I see deals being cut behind closed doors where they are cutting out people from all across the country and providing sweetheart deals to help seniors on Medicare Advantage in Florida in order to encourage one Member of the Senate to vote a certain way, I have to ask myself: What about the seniors in the rest of the country, whether it is Texas, Oklahoma, Tennessee, or Arizona?

A lot of seniors have great concern, and I would hope they would call up and say this is wrong; we need to know what is going on, and to ask why it is there is a sweetheart deal for one selected Senator from one State when we

want to have that same advantage; and why are the Democrats voting to eliminate all this Medicare money.

Mr. CORNYN. May I ask my colleagues a question—maybe starting with the Senator from Arizona—on a related issue. Medicare Advantage is a private sector alternative or choice to Medicare, which is a government-run program. I am detecting throughout all of this bill sort of a bias against the private sector and wanting to eliminate choices that aren't government-run plans.

Am I reading too much into this or do any of my colleagues see a similar propensity in this bill?

Mr. ALEXANDER. If I may respond to the Senator from Texas, I think he is exactly right. There is a lot of very appealing talk that we hear from the advocates of the so-called health reform bill. But when we get right down to it, and when we examine it closely, we find a big increase in government-run programs. What does that mean for low-income Americans, and what does it mean for seniors who depend on our biggest government-run programs, Medicare and Medicaid? It means they risk not having access to the doctor they want. The Senator from Wyoming mentioned the Mayo Clinic, widely cited by the President and by many on the other side as an example of controlling costs, is beginning to say: We can't take patients from the government-run programs in some cases because we are not reimbursed properly.

What is going to happen behind all this happy talk we are hearing about health care is, we are going to find more and more low-income patients dumped into a program called Medicaid. Under this program half the doc-

tors will not see a new Medicaid patient. It is akin to giving someone a bus ticket on a bus line that runs half the time. Medicare is going to increasingly find itself in the same shape as Medicaid. The Mayo Clinic has already said they can't afford to serve patients from the government-run programs. The Senator from Texas is exactly right. We don't have to persuade the 11 million Americans who have chosen Medicare Advantage that it is a good program. They like it. In rural areas, between 2003 and 2007, more than 600,000 people signed up for it. In a way, the Senator from Florida may have a sweetheart deal, but in a way he has done us a favor. We have been trying to say all week the Democrats are cutting Medicare. They are saying: Trust us, we are not cutting Medicare. The Senator from Florida is saying: Floridians don't trust you. You are cutting their Medicare Advantage. I want to have an amendment to protect them. Senator MCCAIN is saying: Let's protect all seniors' Medicare Advantage.

Mr. MCCAIN. May I also point out, for the record, on September 20, 2003, there was a letter to the conferees of Medicare, urging them to include a meaningful increase in Medicare Advantage funding for fiscal years 2004–2005—a group of 18 Senators, including Senators SCHUMER, LAUTENBERG, CLINTON, WYDEN, et cetera, including Senator KERRY, who now obviously wants to reduce the funding for Medicare Advantage. Again, perhaps he was for it before he was against it.

I would also like to point out, as short a time ago as April 3, 2009, a group of Senators, bipartisan, including Senators WYDEN, MURRAY, SPECTER, BENNET, KLOBUCHAR, and others,

wrote to Charlene Frizzera, acting administrator of the Centers for Medicare and Medicaid Services:

We write to express our concerns regarding the Centers for Medicare and Medicaid Services' proposed changes to Medicare Advantage rates for calendar year 2010. The advance notice has raised two important issues that, if implemented, would result in highly problematic premium increases and benefit reductions for Medicare Advantage enrollees across the country.

Again, as recently as last April, there was concern on the other side about cuts in the Medicare Advantage Program.

Mr. COBURN. I wonder if the Senator is aware, in Alabama, there will be 181,000 people who will get a Medicare Advantage cut; in California, 1,606,000 seniors are going to have benefits cut; Colorado, 198,000; Georgia, 176,000; Illinois, 176,000; Indiana, 148,000; Kentucky, 110,000; Louisiana, 151,000; Massachusetts, 200,000; Michigan, 406,000—that is exactly what Michigan needs right now, isn't it, for their seniors to have their benefits cut—Minnesota, 284,000; Missouri, 200,000; Nevada, 104,000; New Jersey, 156,000; New York, 853,000; Ohio, 499,000; Oregon, 250,000; Pennsylvania—maybe, maybe not because they may have the deal—865,000; Tennessee, 233,000; Washington State, 225,000; Wisconsin, 243,000.

I ask unanimous consent that the list of what the enrollment is by CMS on Medicare and Medicare Advantage enrollment, as of August 2009, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

State	MA Enrollment (August 2009)	Eligibles	MA Penetration (percent)
Alabama	181,304	819,112	22.1
Alaska	462	61,599	0.8
Arizona	329,157	876,944	37.5
Arkansas	70,137	515,175	13.6
California	1,606,193	4,562,728	35.2
Colorado	198,521	591,148	33.6
Connecticut	94,181	553,528	17.0
Delaware	6,661	142,716	4.7
DC	7,976	75,783	10.5
Florida	946,836	3,239,150	29.2
Georgia	176,090	1,176,917	15.0
Hawaii	79,386	197,660	40.2
Idaho	60,676	218,225	27.8
Illinois	176,395	1,792,581	9.8
Indiana	148,174	973,732	15.2
Iowa	63,902	508,942	12.6
Kansas	43,867	421,593	10.4
Kentucky	110,814	735,953	15.1
Louisiana	151,954	664,692	22.9
Maine	26,984	256,214	10.5
Maryland	56,812	754,638	7.5
Massachusetts	199,727	1,029,357	19.4
Michigan	406,124	1,597,119	25.4
Minnesota	284,101	758,981	37.4
Mississippi	44,772	483,403	9.3
Missouri	195,036	976,397	20.0
Montana	27,592	162,779	17.0
Nebraska	30,571	273,589	11.2
Nevada	104,043	336,581	30.9
New Hampshire	13,200	208,125	6.3
New Jersey	156,607	1,294,052	12.1
New Mexico	73,567	299,538	24.6
New York	853,387	2,909,216	29.3
North Carolina	251,738	1,424,360	17.7
North Dakota	7,633	106,969	7.1
Ohio	499,819	1,852,596	27.0
Oklahoma	84,980	585,906	14.5
Oregon	249,993	593,232	42.1
Pennsylvania	864,040	2,233,074	38.7

State	MA Enrollment (August 2009)	Eligibles	MA Penetration (percent)
Puerto Rico .....	400,991	631,298	63.5
Rhode Island .....	65,108	179,044	36.4
South Carolina .....	110,949	734,772	15.1
South Dakota .....	8,973	133,420	6.7
Tennessee .....	233,024	1,015,771	22.9
Texas .....	532,242	2,853,472	18.7
Utah .....	85,585	269,378	31.8
Vermont .....	3,966	106,562	3.7
Virginia .....	151,942	1,094,976	13.9
Washington .....	225,918	919,899	24.6
West Virginia .....	88,027	375,303	23.5
Wisconsin .....	243,443	883,419	27.6
Wyoming .....	3,942	77,197	5.1

Mr. MCCAIN. The point of all this is, the Senator from Florida, a member of the Finance Committee, felt so strongly that Medicare Advantage was at risk he decided to carve out, and was able to get the majority on a party-line vote of the Finance Committee to carve out a special status for a group of seniors under Medicare Advantage in his State. My motion simply says, everyone whom the Senator from Oklahoma made reference to deserves that same protection. That is all this motion is about.

Mr. CORNYN. If the Senator would yield for a question, if this motion is not agreed to, which protects all Medicare Advantage beneficiaries—all 11 million of them, 532,000 in my State—and as a result of not only these cuts but perhaps additional cuts to come in the future to Medicare Advantage, which will make it harder for Medicare beneficiaries to get coverage, I ask particularly my doctor colleagues, what is the impact of eliminating Medicare Advantage and leaving people with Medicare fee for service, which is, as I recall, the Bennet amendment earlier? You have to parse the language closely, but it talked about guaranteed benefits. I think the Senator from Oklahoma makes a good point. Right now, Medicare Advantage has guaranteed benefits.

Mr. COBURN. Absolutely.

Mr. CORNYN. What is the consequence of seniors losing Medicare Advantage and being forced onto a Medicare fee-for-service program?

Mr. COBURN. Limited prevention screening, no coordinated care, loss of access to certain drugs, loss of accessory things, such as vision and hearing supplementals, but, more importantly, poorer health outcomes. That is what it is going to mean—or a much smaller checkbook, one or the other. A smaller checkbook because now the government isn't going to pay for it—you are—or poorer health outcomes. If your checkbook is limited, the thing that happens is, you will get the poorer health outcome.

Mr. BARRASSO. Additionally, the Senator from Arizona talked about the closed-door meetings, secretly trying to come up with things.

There was an article in the paper today that the Democrats are turning to actually throwing more people on

the Medicare and Medicaid rolls as they are trying to come up with some compromise; the idea being it is going to be compromising the care of the people. They are trying to put more people onto the Medicaid rolls. The Senator from Tennessee has said many physicians don't take those patients because reimbursement is so poor. It is putting more people into a boat that is already sinking. They want to put more people on Medicaid and more on Medicare, but at the same time they are cutting Medicare by \$464 billion. This is a program we know is already going broke. Yet they want to now put people age 55 to 64, add those to the Medicare rolls, which is a program we have great concerns about.

Special deals for some, cutting out many others, now adding more people to the Medicare rolls—to me, this is not sustainable. Yet these are the deals that are being cut less than 100 feet from here off the floor of the Senate, when we are out here debating for all the American people to see the things we think are important about health care. Jobs are going to be lost as a result, if this bill gets passed. People who have insurance will end up paying more in premiums, if this bill is passed. People who depend on Medicare, whether it is Medicare Advantage or regular Medicare, will see their health care deteriorate as a result of this proposal. I turn to the Senator from Arizona, who has been a special student of this.

Mr. MCCAIN. So seniors, by losing Medicare Advantage, would then lose certain provisions Medicare Advantage provides and then they would be forced, if they can afford it, which they are now paying zero because it is covered under Medicare Advantage, then they would have to buy Medigap policies that would make up for those benefits they lost when they lose Medicare Advantage.

Guess who offers those Medigap insurance policies. Our friends at AARP, which average \$175 a month. We are telling people who are on Medicare Advantage today, when they lose it, they can be guaranteed, if they want to make up for those benefits they are losing, they would be paying \$175 a month, minimum, for a Medigap policy. A lot of America's seniors cannot afford that.

Mr. COBURN. That is \$2,000 a year.

Mr. MCCAIN. They can't afford it.

Mr. COBURN. I will make one other point. Over the next 10 years, 15 million baby boomers are going to go into Medicare. We are taking \$465 billion out of Medicare; on the 10-year picture, \$1 trillion. So we are going to add \$15 million and cut \$1 trillion. What do you think is going to happen to the care for everybody in Medicare? The ultimate is, we are going to ration the care for seniors, if this bill comes through.

Mr. MCCAIN. How much time remains, Madam President?

The PRESIDING OFFICER. Five minutes is remaining.

Mr. MCCAIN. I ask Dr. BARRASSO, have you treated people under Medicare Advantage?

Mr. BARRASSO. I have. People know there is an advantage to being in this program, and that is why they sign up for it. That is why citizens all around the country have signed up for Medicare Advantage. They realize there is value in prevention and there is value in coordinated care. There is value in having eye care, dental care, hearing care. There are advantages to wanting to stay healthy, to keep down the cost of care.

Mr. MCCAIN. So you are making the case that even though it may cost more, the fact that you have a weller and fitter group of senior citizens, you, in the long-run, reduce health care costs because they take advantage of the kind of care that, over time, would keep them from going to the hospital earlier or having to see the doctor more often.

Mr. BARRASSO. That is one of the reasons that Medicare Advantage was brought forth. I know a lot of Senators from rural States supported it because it would allow people in small communities to have this advantage to be in a program such as that. It could encourage doctors to go into those communities to try to keep those people well, work with prevention. The 11 million people who are on Medicare Advantage know they are on Medicare Advantage. They have chosen it. It is the fastest growing component because people realize the advantages of being on Medicare Advantage. If they want to stay independent, healthy, and fit, they sign up for Medicare Advantage. I would think people all across the country, who are seniors on Medicare but are

not on Medicare Advantage, would want to say: Why didn't I know about this program? As seniors talk about this at senior centers—and I go to centers and meetings there and visit with folks and hear their concerns—they are converting over and joining, signing up for Medicare Advantage because they know there are advantages to it. For this Senate and the Democrats to say: We want to slash over \$100 billion from Medicare Advantage, I think the people of America understand this is a great loss to them and a peril to their own health, as they lose the coordinated care and the preventive nature of the care.

Mr. MCCAIN. I ask the Senator from Tennessee, do you know of any expert economist on health care who believes we can make these kinds of cuts in Medicare Advantage and still preserve the same benefits the enrollees have today?

Mr. ALEXANDER. The answer to the Senator from Arizona is no. I do not know of one. I know of one Senator at least who does not believe it. He is the Senator from Florida. It is interesting that all week we have been going back and forth. We have been saying to the Democrats: You are cutting Medicare benefits. They have been saying: No, we are not.

We have been saying: Yes, you are.

No, we are not.

I am sure the people at home must say: Well, who is right about this? Well, the Senator from Florida, who sits on the other side of the aisle, has said: I am not willing to go back to Florida and say to the people of Florida that your benefits are going to be cut if you are on Medicare Advantage, so I want an amendment to protect you. The Senator from Texas wants an amendment to protect 11 million seniors and so does the Senator from Oklahoma and so does the Senator from Louisiana and so does the Senator from Wyoming, and the Senator from Tennessee.

So the Senator from Arizona is saying, we believe you are cutting Medicare Advantage benefits for 11 million Americans. The Senator from Florida does not trust your bill. We do not either. We want an amendment that protects 11 million seniors.

Mr. CORNYN. Madam President, I would ask our Senators to expand in the brief time we have. It seems as if all of the discussion about health care reform is a bit about accountable care organizations, coordinating care, particularly in the later part of life, avoiding chronic diseases in life.

When I was at Kelsey-Seybold Clinic in Houston, TX, they told me it is Medicare Advantage that allows them to coordinate care, to hold down costs, to keep people healthier longer. Yet the irony, to me, it seems, is that by cutting Medicare Advantage benefits, we are going backward rather than forward

when it comes to that kind of coordinated, less expensive care.

Would the Senator concur with that?

Mr. BARRASSO. I would concur that this is actually taking a step backward. That is why the Senator from Florida has demanded they make accommodations for the people of Florida. The people of Wyoming want those same accommodations, as do the people of Arizona and Texas. Because 11 million Americans have chosen the Medicare Advantage Program because it does help coordinate care. It has preventive care. It keeps it more patient centered as opposed to government centered, insurance company centered. That is the way for people to stay healthy, live longer lives, and keep their independence.

We have seen cuts across the board on Medicare, whether it is home health, nursing homes, hospice care, Medicare Advantage. And across the board, they are cutting Medicare in a way that certainly the seniors of this country do not deserve. They have paid into that program for many years and they deserve their benefits.

Mr. ALEXANDER. If I may say to the Senator from Arizona one other thing, we have talked a lot about our good friend, the Senator from Florida, and how he has been so perceptive on noticing that his Floridians with Medicare Advantage may lose their Medicare benefits.

The PRESIDING OFFICER. The Senator's time is expired.

Mr. MCCAIN. Madam President, I ask unanimous consent for an additional 30 seconds for the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. I say to the Senator from Arizona, I believe there are other Medicare benefits that are likely to be cut in this bill. Aren't there cuts to hospice? Aren't there cuts to hospitals? Aren't there cuts to home health care, which we talked about yesterday? So if Floridians do not trust the Democratic bill to protect their Medicare benefits from Medicare Advantage, why should they trust the Democratic bill to protect any of their Medicare benefits?

Mr. MCCAIN. I wish to finally point out what Dr. COBURN said. Medicare Part C, which is Medicare Advantage, is part of the law, and to treat it in any way different, because those on the other side do not particularly happen to like it, I think is an abrogation of the responsibilities we have to the seniors of this country.

I thank my colleagues and yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 2962

Mrs. HUTCHISON. Madam President, I rise today to talk about another amendment that is pending, the Nelson-Hatch-Casey amendment. This is

an amendment that I think has been discussed in the last day as well. That is the amendment that would assure that no Federal funds are spent for abortion. That was unclear. It is unclear in the underlying bill. I think it is very important we talk about it, that we make sure it is very clear exactly what the Nelson-Hatch-Casey amendment does; and that is, it would bar Federal funding for abortion, which is basically applying the Hyde amendment to the programs under this health care bill.

Since the Hyde amendment was first passed in 1977, the Senate has had to vote on this issue many times, probably just about every year, and I have consistently voted to prohibit Federal funding for abortions, as I know my colleague and friend from Utah has done, as well as the Democratic sponsors of this amendment.

Yet it seems that some Members were on the floor last night misconstruing exactly what the Nelson-Hatch-Casey amendment does. Specifically, their claim was that the Hyde language only bars direct funding for elective abortions while the Nelson-Hatch-Casey amendment bars funding of an entire benefits package that includes elective abortions and therefore is unprecedented.

I wish to ask the distinguished Senator from Utah, what exactly did the Hyde language say? Let's clarify what Hyde was, so we can then determine if your amendment is the same.

Mr. HATCH. I thank the Senator so much.

The current Hyde language contained in the fiscal year 2009 Labor-HHS Appropriations Act says the following:

SEC. 507. (a) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for any abortion.

(b) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for health benefits coverage that includes coverage of abortion.

Mrs. HUTCHISON. So Federal funds are prohibited from being used in abortions in that particular bill.

What about programs such as CHIP, that was created in the Balanced Budget Act? And in 2009, it was reauthorized by Congress and signed by the President earlier this year. What about the CHIP program?

Mr. HATCH. I know a little bit about CHIP. That was the Hatch-Kennedy bill. I was one of the original authors of the program and insisted that the following language be included in the original statute:

LIMITATION ON PAYMENT FOR ABORTIONS

(A) IN GENERAL.—Payment shall not be made to a State under this section for any amount expended under the State plan to pay for any abortion or to assist in the purchase, in whole or in part, of health benefit coverage that includes coverage of abortion.

(B) EXCEPTION.—Subparagraph (A) shall not apply to an abortion only if necessary to



save the life of the mother or if the pregnancy is the result of an act of rape or incest.

That is what the CHIP bill said, and that was the Hatch-Kennedy bill.

Mrs. HUTCHISON. I would assume you do know what is in that bill. What about the Federal Employees Health Benefits Plan, what does it say?

Mr. HATCH. The reason I mentioned Senator Kennedy is because he was the leading liberal in the Senate at the time, and yet he agreed to that language.

As to the Federal Employees Health Benefits package, the following language appears in the Financial Services and General Government Appropriations Act for fiscal year 2009:

SEC. 613. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees' health benefits program which provides any benefits or coverage for abortions.

SEC. 614. The provisions of Section 613 shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

Mrs. HUTCHISON. Well, isn't that the same as the language in the Nelson-Hatch-Casey amendment?

Mr. HATCH. You are absolutely right.

Let me read the language for you in the Nelson-Hatch-Casey amendment.

IN GENERAL.—No funds authorized or appropriated by this Act (or an amendment made by this Act) may be used to pay for any abortion or to cover any part of the costs of any health plan that includes coverage of abortion.

Mrs. HUTCHISON. So based on what you have said, this is not new Federal abortion policy. The Hyde amendment currently applies to the plans discussed, including the plans that Members of Congress have. And the abortion protections for all of the Federal health programs all say exactly the same thing.

The amendment we are going to vote on that is the Nelson-Hatch-Casey amendment would preserve the three-decades-long precedent—that is what your amendment does—and that we must pass it if we are going to guarantee that the bill that is on the floor is properly amended so it is the same as our 30 years of abortion Federal policy in this country?

Mr. HATCH. Right. The reason it is so critical we pass the Nelson-Hatch-Casey amendment is that it is the only way to guarantee that taxpayers' dollars are not used by the insurance plans under the Democrats' bill to pay for abortions. In other words, the Hyde language is in the appropriations process. We have to do it every year rather than making it a solid amendment. But this bill is not subject to appropriations. So if we leave the Hyde language out of this bill, the language we have in the amendment, the Nelson-Hatch-

Casey amendment, then we would be opening up a door for people who believe that abortion ought to be paid for by the Federal Government to do so. And we should close that door because that has been the rule since 1977.

Mrs. HUTCHISON. I thank the Senator for the explanation. I thank the Senator from Utah because I do think it is important people know. There has been a lot of questions raised about the bill and whether it would be a foot in the door for changing a policy that has been the law of our country, and accepted as such. Whether it was a Democratic-controlled Congress or a Republican-controlled Congress, I think everyone has agreed this Hyde amendment language has protected Federal taxpayers who might have a very firm conviction against abortion so they would not have to be subsidizing this procedure.

Mr. HATCH. I appreciate the Senator from Texas pointing this out. The current bill has language that looks like it is protective, but it is not. That is what we are trying to do: close the loophole in that language and get it so we live up to the Hyde amendment, which has been in law since 1977.

To be honest with you, I do not see how anybody could argue that the taxpayers ought to be called upon to foot the bill for abortions. Let's be brutally frank about it. The taxpayers should not be called upon to pay for abortions. The polls range from 61 percent of the American people, including many pro-choice people, who do not believe taxpayers should pay for abortions, to 68 percent. The polls are from 61 to 68 percent of those who do not believe the taxpayers ought to be paying for abortion, except to save the life of the mother or because of rape or incest. And we have provided for those approaches in this amendment. So anybody who argues otherwise is plain not being accurate.

Mr. SPECTER. Madam President, will the Senator from Utah be willing to yield for a question?

Mr. HATCH. Sure.

Mr. SPECTER. My question relates to the provisions of the pending bill, section 1303(2)(A), which specifies that the plan will not allow for any payments of abortion, and where there is, as provided under section 1303(2)(B), there will be a segregation of funds. So that under the existing statute, there is no Federal funding used for abortion. But a woman has the right to pay for her own abortion coverage. And with the status of Medicaid, where the prohibition applies to any Federal funds being used to pay for an abortion, there are 23 States which allow for payment for abortion coverage coming out of State funds.

So aren't the provisions of this statute, which enable a woman to pay for an abortion on her own, exactly the same as what is now covered under

Medicaid, without violating the provisions of the Hyde amendment?

Mr. HATCH. Well, the way we view the current language in the bill is that there is a loophole there whereby they can even use Federal funds to provide for abortion under this segregation language, and that is what we are concerned about. We want to close that loophole and make sure that the Federal funds are not used for abortion.

Like I say, there are millions of people who are pro-choice who agree with the Hyde language. All we are doing is putting the Hyde language into this bill in a way that we think will work better.

Mr. SPECTER. If the Senator will yield further.

Mr. BROWNBACK. Will the Senator yield for a comment?

Mr. HATCH. I would be happy to yield.

Mr. BROWNBACK. In responding to the Senator from Pennsylvania as well, I wish to quote BART STUPAK, who carried the same sort of amendment you are putting forward, only on the House side. The same sorts of questions, naturally, were coming forward, saying: OK, you are blocking abortion funding for the individual. He said this—and I am quoting directly from Representative STUPAK:

The Capps amendment—Which is in the base Reid bill here—departed from Hyde in several important and troubling ways: by mandating that at least one plan in the health insurance exchange provide abortion coverage, by requiring a minimum \$1 monthly charge for all covered individuals that would go toward paying for abortions and by allowing individuals receiving Federal affordability credits—

Those are Federal dollars—to purchase health insurance plans that cover abortion. . . .

In all those ways, the Capps amendment—which is in the Reid bill—expands and does allow Federal funding of abortion that we have not done for 33 years.

Going on with Representative STUPAK's statement:

Hyde currently prohibits direct federal funding of abortion. . . . The Stupak amendment—

Which is also the Nelson-Hatch amendment—

is a continuation of this policy—

Of the Hyde amendment—nothing more, nothing less.

I think it is important to clarify that this is a continuation of what we have been doing for 33 years that the Senator from Utah and the Senator from Nebraska are putting forward with this amendment.

I thank my colleague for yielding.

Mr. HATCH. Madam President, I thank my colleague for bringing it forward. The segregation language is very problematic language. That is what we are trying to resolve. We basically have all agreed with the Hyde amendment,

which is from 1977, and this would, in effect, incorporate the language in the bill.

Mr. JOHANNIS. Would the Senator yield for another comment?

Mr. HATCH. Sure.

Mr. JOHANNIS. I might just offer a thought here on that language. The National Right to Life group saw through that gimmick immediately. It took them about 20 seconds to figure out what was happening here. I think they referred to it as a "bookkeeping gimmick," that somehow there would be some segregation if the Federal money went in your left pocket but you paid for abortions out of your right pocket. It doesn't make any sense. That segregation isn't going to work. They saw through it. They saw the gimmick it was.

Let me just say, I support the Senator's amendment. I applaud Senator HATCH and Senator NELSON and Senator CASEY for bringing this very important issue forward. I applaud you for keeping this effort that started with the Hyde amendment—or Hyde language, rather—because what we are really doing here is we are saying very clearly to the American people, whether directly or indirectly, your tax dollars are not going to be used to buy abortions.

Thank you for your leadership on this issue. I am happy to be here to support that.

Mr. SPECTER. Would the Senator from Utah respond to my question? How can you disagree with the provisions of section 1303(2)(A) of the bill which is pending which specifies that if a qualified health plan provides services for abortion—this is the essence of it—if a qualified health plan provides coverage for services for abortion, the issuer of the plan should not use any amount of the Federal funds for abortion? So there is a flatout prohibition for use of Federal funds. And under section 1303(2)(B), there is a segregation of funds which is identical to Medicaid.

So however you may want to characterize it, how do you respond to the flat language of the statute which accomplishes the purpose of the Hyde amendment and allows for a payment by collateral funds, just as Medicaid pays for abortions without Federal funds?

Mr. HATCH. Let me respond to the distinguished Senator, although I am not going to ask him a formal question. If that is true, then why have the Capps language in there? Why don't we just take the Hyde language, which is what we are trying to do. It isn't true. We know in this bill there will be subsidization to help people pay for health insurance. In fact, the subsidization can go to people up to \$88,000 a year, and that could be indirectly used for abortion. It is a loophole that Hyde closes.

If the distinguished Senator from Pennsylvania believes the Capps lan-

guage does what Hyde meant to begin with and what it has been since 1977, what is wrong with putting the Hyde language in here and solving the problem once and for all? We see it as a loophole through which they can actually get help from the Federal Government directly and indirectly to pay for abortion.

Now, let's think about it. There are no mandates in this language that we have for elective abortion coverage. Plans and providers are free from any government mandate for abortion. There is no Federal funding of elective abortion or plans that include elective abortion except in the cases where the life of the mother is in danger or the pregnancy is caused by rape or incest. The amendment allows individuals to purchase a supplemental policy from a plan that covers elective abortion as long as it is purchased with private dollars. The amendment prohibits the public plan from covering elective abortions. It prevents the Federal Government from mandating abortion coverage by private health plans or providers within such plans. And insurance plans are not prevented from selling truly private abortion coverage, even through the exchange. This amendment doesn't prohibit that.

The bottom line: The effect on abortion funding and mandates is exactly the same as that of the House bill changed by the Stupak amendment.

Now, look, if the distinguished Senator from Pennsylvania believes the Capps language is the same as Hyde, he is wrong. And if he believes it does what Hyde would do, he is wrong there. Why not just put the Hyde language in once and for all, which has been there since 1977? That is what the Stupak language is.

The Hyde amendment specifically removes abortion from government programs, but the Reid bill specifically allows abortion to be offered in two huge new government programs. The Reid bill tries to explain this contradiction by calling for the segregation of Federal dollars when Federal subsidies are used to purchase health plans. This "segregation" of funds actually violates the Hyde amendment which prevents funding of abortion not only by Federal funds but also by State matching funds within the same plan. Simply put, today, Federal and State Medicaid dollars are not segregated. So that is the difference.

If the distinguished Senator from Pennsylvania believes the current language in the Reid bill meets the qualities of the Hyde language, then why not just put the Hyde language in once and for all since it has been in law since 1977?

It is important to note that today there is no segregation of Federal funds in any Federal health care program. For example, the Medicaid Program receives both Federal and State dollars.

There is no segregation of either the Federal Medicaid dollars or the State Medicaid dollars.

With that, I know I have some colleagues who have asked for some time to speak, so I will yield the floor.

Mr. VITTER addressed the Chair.

Mr. SPECTER. The Senator from Utah has not yet answered the question.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. VITTER. Thank you, Madam President.

I strongly support the efforts of the distinguished Senator from Utah and his amendment offered along with Senator NELSON and Senator CASEY. And I think this exchange and this colloquy is very helpful. In fact, I think it proves the point, particularly the participation of the Senator from Pennsylvania in it. The only folks who are defending the language in the Reid bill are folks who are clearly and strongly pro-choice, pro-abortion. Folks who have a fundamental problem with that all say the underlying language in the Reid bill has huge loopholes. That includes people who want to support the bill otherwise. I am strongly against this bill. I am not in that category. But, as the distinguished Senator, Mr. BROWNBACK, mentioned, Representative STUPAK wants to support the underlying bill. He supported it in the House, but he was very clear in his efforts on the House floor that the underlying language, which is now in the Reid bill, had huge loopholes, wasn't good enough, needed to be fixed. That is why he came up with the Stupak language, and that is essentially exactly what we have in this amendment.

Similarly, the U.S. Conference of Bishops is very supportive of the concepts of the underlying bill, but they have said clearly that the Reid bill is "completely unacceptable" on this abortion issue and "is actually the worst bill we have seen so far on the life issues."

So this colloquy involving the distinguished Senator from Pennsylvania, I think that general debate proves the point clearly.

I again compliment the Senator from Utah, along with Senator NELSON, Senator CASEY, and others—I am a cosponsor of the amendment—on this effort. We need to pass this on the bill. This will do away with the loophole. This will be real language to truly prohibit taxpayer funding of abortions. This constitutes exactly the same as that long tradition, since 1977, of the Hyde amendment. This marries the Stupak language, so it should be crystal-clear.

What will this amendment specifically do? It will mean there are no mandates for elective abortion coverage. Plans and providers are free from any government mandate for abortion under this amendment language. It would mean there is no Federal funding of elective abortion or

plans that include elective abortion except in the case of when the life of the mother is in danger or in case of rape or incest. It means this amendment would allow individuals to purchase a supplemental policy or a plan that covers elective abortion as long as that separate policy is purchased completely with private dollars. It would prohibit the public plan from covering those elective abortions and prevent the Federal Government from mandating abortion coverage by any private plan. Insurance plans are not prevented from selling truly private abortion coverage, including through the exchange, but taxpayer dollars would have nothing—absolutely nothing—to do with it.

Bottom line: The effect on abortion funding and mandates is exactly the same as the long and distinguished tradition of the Hyde amendment with this amendment, and it would be exactly the same as the Stupak language on the House side.

I also agreed with the distinguished Senator from Utah when he said this should not be of any great controversy. Abortion is a deeply divisive issue in this country, but taxpayer dollars being used to pay for abortion is not. There is a broad and a wide and a deep consensus against using any taxpayer dollars to pay for abortion. The Senator from Utah mentioned polls. That is why the Hyde amendment has been longstanding since 1977. That is why it has been voted for and supported and passed again and again in Congresses with Democratic majorities and Republican majorities. It is a solid consensus. It does represent the common sense of the American people. Certainly, I will follow in a similar, proud tradition of Louisiana Senators supporting that consensus. Every U.S. Senator from Louisiana since the Hyde amendment was originally adopted has strongly supported this commonsense consensus view—every Senator. Everyone but me has been Democratic, but every sitting U.S. Senator from Louisiana has supported that commonsense consensus view, and I surely hope that tradition continues today.

Again, I applaud the Senator from Utah and his leading cosponsors, Senator NELSON and Senator CASEY, on this effort, and I encourage all of my colleagues, Democrats and Republicans, to come together around what the American people consider a real no-brainer, a true consensus, something that clearly reflects the common sense of the American people. Is abortion a divisive issue? Yes. Is using taxpayer dollars to fund abortion a close question? No. There is a clear consensus in America not to use any taxpayer dollars to fund abortion. It is crystal-clear that we need to pass this amendment, and the underlying language in the Reid bill is completely unacceptable.

With that, thank you, Madam President. I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, I am very appreciative of the Senator from Texas, the distinguished Senator from Louisiana, the distinguished Senator from Nebraska, and, of course, the distinguished Senator from Kansas and the distinguished Senator from South Dakota who are here on the floor and participating. I believe we have until 12:27, so I am going to relinquish the floor.

Mr. THUNE. Before the Senator leaves, I wish to put one fine point on something the Senator said in response to the question from the Senator from Pennsylvania about the use of Medicaid funds in the States.

There are a number of States that do provide programs that have abortion funding, but I think there is a very clear distinction that needs to be made in Medicaid funds which are matching funds, and none of those funds can be used to fund abortions. You said that in response to his question, but I think that point needs to be made very clearly because the Senator from Pennsylvania was implying that somehow, since States have created programs to fund abortions and since Medicaid is a Federal and State program, that somehow those two are being mixed, and that this idea that because they are calling for “segregation,” that really doesn’t exist in the Medicaid Program.

The Medicaid Program—those are matching funds—is a Federal-State program. The Federal dollars that go into the Medicaid Program—the prohibition that exists on Federal funding of abortions applies to Medicaid dollars that go to the States, to the degree that States have adopted programs that fund abortion. Those are State funds and not Medicaid funds, which are matching funds.

Mr. HATCH. I am glad the Senator made that even more clear. Last night, a number of Democrats completely distorted this issue. If they think the Capps language equals the Hyde language, why not put it in? They want to be able to fund abortion any way they possibly can, to fund it in a variety of ways, with Federal dollars, if we don’t put the Hyde language in. That is what this is about.

Mr. BROWNBACK. Will my colleague yield?

Mr. HATCH. I am happy to.

Mr. BROWNBACK. If you are not clear about this, then abortion will be funded. If there is any of this that needs clarity one thing is for certain with the Capps language in the baseline of the Reid bill, that abortion will be funded.

The Commonwealth of Massachusetts recently passed its State-mandated insurance, Commonwealth Care, without an explicit exclusion on abortion.

Guess what. Abortions there were also funded immediately. In fact, according to the Commonwealth Care Web site, abortion is considered covered as outpatient medical care. That is a point about being clear with the Hyde-type language, which is the Nelson-Hatch language, which says: No, we are not going to fund this, and we are going to continue the 33-year policy. If we keep the Capps language in that funds abortion—the last time the Federal Government funded abortions was during that 3-year period after Roe, but before Hyde, and we were funding about 300,000 abortions a year. The Federal taxpayer dollars funded abortions through Medicaid.

I cannot believe any of my colleagues would say: Yes, I would be willing to buy into that 300,000 abortions a year when President Obama and President Clinton said we want to make abortions safe, legal, and rare. Well, 300,000 a year would not be in that ballpark. That is the past number that happened when you didn’t have Hyde language in place at the Federal level.

Mr. HATCH. That is what it will do here too. All this yelling and screaming when they say it equals the Hyde language—it doesn’t. That is the problem. If they want to solve the problem, why not use the Hyde language that has been accepted by every Congress since 1977? The Senator is right that there were 300,000 abortions a year between 1973 and 1977 because we didn’t have the Hyde language. We got tired of the taxpayers paying for them. Why should they pay for it? Why should taxpayers who are pro-life—for religious reasons or otherwise—have to pay for abortions, elective abortions by those who are not? They should not have to.

To be honest, the language in the current bill is ambiguous and it would allow that. Anybody who is arguing this is the same as the Hyde language hasn’t read the Capps language. We want to change it to go along with Hyde. It doesn’t affect the right to abortion, except that we are not going to have taxpayers paying for it.

Mr. THUNE. If the Senator will yield—

Mr. HATCH. Yes.

Mr. THUNE. That is what STUPAK and other Members of the House of Representatives saw; that this created tremendous ambiguity and they sought to tighten it up and reinstate the longstanding policy regarding Federal funds and their use to finance abortions since 1977, the Hyde language. The Stupak amendment to the House bill passed with 240 votes. There was a sizable, decisive majority of Members in the House of Representatives who saw through what the ambiguity was that exists regarding the House bill and now the Senate bill.

This is intentionally ambiguous for the reasons you mentioned. This simply clarifies, once and for all, what has

been standard policy at the Federal level going back to 1977. As the Senator stated earlier, I believe it represents the consensus view in America of both Republicans and Democrats who believe this is ground we can all stand on, irrespective of where people come down on this issue; that the idea that somehow Federal taxpayer funds ought to finance abortions is something most Americans disagree with. That is why there has been such broad, bipartisan support for this particular policy, and that is why it should be extended into the future.

As the Senator from Utah said, 61 percent are against funding abortions. But I have seen polls that suggest it is much higher than that. I know it is much higher in my State of South Dakota. I commend the Senator for seeing his way to offer an amendment that clarifies and removes all this ambiguity and what, to me, is clearly an intentional ambiguity regarding this issue and the underlying bill.

Mr. HATCH. Madam President, I ask unanimous consent that Senator CORNYN be added as a cosponsor to the Nelson-Hatch-Casey amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nebraska is recognized.

Mr. JOHANNES. Madam President, how much time remains?

The PRESIDING OFFICER. There is 4 minutes remaining.

Mr. JOHANNES. Madam President, I have been on the floor a number of times debating this issue, a while back on a motion to proceed and since this amendment has come up. I wish to tell the Senator from Utah that I don't believe I have seen a more concise, clear explanation of the history of the Hyde language than I saw over the last half hour of debate on the Senate floor. The Senator laid it out perfectly. The Senator laid out how we have, over a long period of time, stayed with that Hyde language. That was the agreement that had been reached.

Our colleague from Texas said this is a foot in the door, and I agree with her. If this Reid bill passes with the current language on abortion, it is not only a foot in the door but, in my estimation, it kicks down the door. It kicks down the door and sets up structure for the Federal funding of abortions. That is what we are going to end up with.

A couple weeks ago, I came to the floor when we were debating the motion to proceed and I said, at that time, to me, this is the pro-life vote, because if this bill goes to the floor, we will now need 60 votes to get an amendment passed. I said I don't count the 60. I issued a challenge and I said: If there is any Member who has a list of 60 Members who will vote for this amendment, I am willing to look at that and change my view of the world. Well, that hasn't happened.

In fact, there are many predictions being made that, sadly and unfortunately, this amendment will not get the 60 votes it needs.

Let me put this into context. For pro-life Senators, this is the vote, but it doesn't stop here. In my estimation, you are pro-life on every vote. You don't get a pass on this vote or that vote or the next vote or whatever the vote is. You are pro-life all the way through.

Even if this amendment doesn't pass, I wish to make the case that this bill should not go forward because it literally will create a system, a structure, a way to finance abortions. I don't believe that is what this country wants. Many Senators, including the Senator from South Dakota and the Senator from Kansas, have very clearly made the case that the people of the United States do not want their tax dollars to go to buying abortions.

My hope is, 60 Senators will step up on this amendment. I will sure support it. I will speak everywhere I can in support of it. I am so appreciative that Senator NELSON and Senator HATCH and Senator CASEY brought this forward. I am glad to be a cosponsor. It is my hope this amendment will pass.

It is my conviction that we need to stand strong throughout this debate and make sure this language doesn't end up in the final bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Madam President, I think the Catholic bishops have put it as concisely as anybody:

In every major Federal program where Federal funds combine with nonfederal funds (e.g. state or private) to support or purchase health coverage, Congress has consistently sought to ensure that the entire package of benefits excludes elective abortion. For example, the Hyde amendment governing Medicaid prevents the funding of such abortions not only using federal funds themselves, but also using the state matching funds that combine with the federal funds to subsidize the coverage. A similar amendment excludes elective abortions from all plans offered under the Federal Employees Health Benefits Program, where private premiums are supplemented by a federal subsidy. Where relevant, such provisions also specify that federal funds may not be used to help pay for administrative expenses of a benefits package that included abortions. Under this policy, those wishing to use state or private funds to purchase abortion coverage must do so completely separately from the plan that is purchased in whole or in part with federal financial assistance. This is the policy that health care reform legislation must follow if it is to comply with the legal status quo on federal funding of abortion coverage. All of the five health care reform bills approved by committee in the 111th Congress violate this policy.

Following the Hyde amendment principles is what we have done for 33 years, until this moment, until the Capps language in the Reid bill. Now we have flipped that on its head and

are saying you can combine Federal funds with non-Federal funds to pay for elective abortions. That was the policy prior to Hyde in 1977. That funded 300,000 abortions, roughly, a year at that point in time. There is no way in this country that is a policy the American people support. They don't. They may be divided about abortion but not about Federal funding for elective abortion. There is no division about that at all. It has been very consistent policy, until we have seen the Reid bill, this particular piece of legislation. We have been quite consistent about this. It is my hope my colleagues will say: I may be pro-choice, but I have consistently supported Hyde because I think we should not be funding elective abortions.

I hope they will vote for the Nelson-Hatch amendment because of that very feature. It is not about abortion, it is about the funding of elective abortions. I hope we don't go in that direction.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Montana has 3 minutes 17 seconds.

Mr. BAUCUS. Madam President, with respect to the last debate, let's be clear that the underlying bill keeps the three-decades-old agreement that has implemented the Hyde amendment to separate Federal funds from private funds when it comes to reproductive health care.

The Nelson-Hatch amendment is unnecessary. It is discriminatory against women. Women are the only group of people who are told how to use their own private money. That is unfair.

On another matter, with respect to the McCain motion, let me explain a little bit about Medicare Advantage and how it works. Essentially, the Medicare Advantage Programs are insurance companies. They are insurance companies that have their own officers, directors, their own marketing plans and their own administrative costs and they are concerned about the rate of return on investment for their stockholders. These are simple, garden variety, ordinary insurance companies.

In this case, they are insurance companies that get general revenue from payroll taxes and premiums. They are basically insurance companies that give benefits to senior citizens. These insurance companies are overpaid. There is not much disagreement that they are overpaid. How are they paid? Well, believe it or not, these insurance companies—Medicare Advantage plans—are paid according to the amount Congress sets in statute. That is their payment rate, what Congress sets in statute.

The problem is, by doing so, these preset rates overstate the actual cost of providing care by 30 percent. We pay more than it costs to provide care by about 30 percent, in many cases. These

overpayments also clearly promote inefficiencies in Medicare. Also, these payments have not been proven to increase the quality of care seniors receive. In the estimate I saw, about half the Medicare Advantage plans have care coordination and half don't. Half are no better than ordinary fee-for-service plans. Because of this broken, irrational payment system, some plans receive more than \$200 per enrollee per month and others receive about \$36 per enrollee per month.

Again, the payment rates are set by statute, relating to fee for service in the area. It is broken. It doesn't make sense. It causes great dislocations and differences in the payment rates. Frankly, under this broken system, all beneficiaries are not receiving the same care. I believe all beneficiaries should be able to have access to the best care, not just those who happen to live in States with high payment rates.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BAUCUS. Madam President, I ask unanimous consent to continue for an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Madam President, I have said these Medicare Advantage plans are overpaid. Nobody disagrees with that. They are overpaid. The Senator from Oklahoma, Mr. COBURN, when I asked him a few days ago if he thought they were overpaid, said: Yes, they are overpaid. The MedPAC advisory board tells us: Yes, they are overpaid.

Here is a statement made by Tom Scully, former Administrator of the Center for Medicare and Medicaid Services:

I think Congress should take some of it away. There's been huge over-funding.

There are lots of other citations from Wall Street analysts and others in the industry saying clearly the Medicare Advantage plans are overpaid. Frankly, we, in Congress, put a statutory provision in law that has caused this overpayment. Clearly, we should fix it.

In addition, something that is pretty alarming is, according to a study I saw, only about 14 cents on the dollar of extra payments to Medicare Advantage plans goes to beneficiaries—only 14 cents—which means 86 cents on the dollar goes to the company, not to the beneficiaries, not to the enrollees but to the companies—"the companies" meaning the officers, directors, administrative costs, marketing costs, rate of return. It is to the company, any ordinary, garden variety company. Therefore, it behooves us to find a better way to pay Medicare Advantage companies so it is efficient, there is not waste, and payments go primarily to enrollees, to beneficiaries.

How do we do that? This legislation moves away from the current archaic system which sets statutory amounts

in effect. Rather, we say, OK, why not have these companies bid? Let them compete based on costs in their regions. One region of the country is different from another region of the country. We are going to say what is fair here to get rid of a lot of waste and overpayments is provide that Medicare Advantage plans can compete in their area based on cost.

The plan will be paid the average bids that are based on competition in the area. We, the authors of this bill, think that is a far better way of paying for Medicare Advantage.

Will that reduce payments to beneficiaries? Certainly no. All guaranteed benefits are guaranteed in this legislation. In fact, I am going to check up on another statistic. I heard somewhere under this legislation there will be an increase of enrollees—not a decrease, an increase of enrollees. I am going to track that down because I want to be sure I am accurate.

I will conclude. I want to talk more about this issue later. There may be a separate amendment on this subject offered on our side. By and large, it is wrong to continue a current system that dramatically overpays and where 86 percent of the overpayment goes to the company and only 14 cents goes to the beneficiaries. We have to come up with a fair way of paying Medicare Advantage. I think a fair way is to have the companies competitively bid based on cost in their areas. That way they are going to get reimbursed at a level that is relevant to their area, and it is also relative to the cost they incur when they run their plans. I will have more to say about that later.

I yield the floor.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:34 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. FRANKEN).

#### SERVICE MEMBERS HOME OWNER-SHIP TAX ACT OF 2009—Resumed

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I ask unanimous consent that the time between 2:15 p.m. and 4:15 p.m. be equally divided between the two leaders, or their designees, in alternating 30-minute blocks of time, with the majority controlling the first 30 minutes and the Republicans controlling the second 30 minutes; further, that no amendments be in order during this time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mrs. BOXER. Mr. President, since this is the 30 minutes of time for our

side, I ask that I be recognized for 10 minutes, Senator MURRAY for 5 minutes, Senator LAUTENBERG for 5 minutes, Senator HARKIN for 5 minutes, and Senator CARDIN for 5 minutes.

We have many Members who wish to come and speak, and I would urge them to contact us. I will just take a minute to get my notes in order, so I suggest the absence of a quorum, and the time should be taken off our time.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, we are in the middle of a very important debate about whether we are going to move forward and make sure our people in America have health care. That is what it is about. I am going to throw out a few numbers that are always on my mind as I talk about this issue. One of them is 14,000. Every day, 14,000 Americans lose their health insurance. It is not because they did anything wrong. A lot of times it is just because they get sick and their insurance company walks away from them or they may reach the limit of their coverage, which they didn't realize they had, and they are done for. They could lose their job and suddenly they can't afford to pay the full brunt of their premium. They could get sick and then all of a sudden are now branded with a PC—and that is not a personal computer, it is a preexisting condition—and they can't get health care.

So we are in trouble in this country, with 14,000 Americans a day losing their health care, and a lot of them are working Americans. As a matter of fact, most of them are working Americans. Sometimes a child, for example, will reach the age where they can no longer be covered through their parents' plan, and the child might have had asthma. When they go to the doctor, they beg the doctor not to say they have asthma. I have doctors writing to me saying that parents are begging them: Please, don't write down that my child has asthma; say she has bronchitis because when she goes off my medical plan, she is going to be branded with a preexisting condition. So 14,000 Americans a day, remember that number.

Then, Mr. President, 66 percent, that is the percentage—66 percent—of all bankruptcies that are due to a health care crisis. People are going bankrupt not because they didn't manage their money well or they didn't work hard and save but because they are hit with a health care crisis and either they had no insurance or the insurance refused them. The stories that come across my desk, as I am sure yours, are very

heartbreaking. So people are going bankrupt. They lose their dignity, they lose everything because of a health care crisis.

Yesterday, I brought up a couple of numbers—29 out of 30 industrialized nations. That is where we stand on infant mortality. We are not doing very well. It is no wonder; more than 50 percent of the women in this Nation are not seeking health care when they should. They are putting it off or they are never getting it. No wonder we don't do well with infant mortality.

Now, why don't women do this? Because they either don't have insurance or they do not have good enough insurance or they can't afford the copay or they are fearful. They are fearful that maybe if they go this time, the insurance company will say: No more.

We rank 24 out of 30 industrialized nations for life expectancy. My constituents are shocked to hear that. They are shocked at the infant mortality ranking, and they are shocked at the life expectancy ranking. I have heard my Republican friends try to rationalize this: Well, it is because our population is diverse—and all the rest. This is the most powerful, richest Nation on Earth. There is no reason we have to be 24 out of 30 in terms of our life expectancy, especially when we know so much of our problem deals with about five diseases—diseases such as diabetes, which can be prevented and certainly treated.

The last number I will talk about is 45 percent. The average family in America, by 2016, if we do nothing, will be paying 45 percent of their income on premiums. Now, this is disastrous, and 2016 is around the corner by my calculations. So that means more and more of us will not be able to afford insurance, and we are going to show up at hospital emergency rooms. That costs a lot and the outcomes are bad and America will continue on this downward spiral in relation to our health care system.

Why do I take time to talk about this issue? It is because we need to keep our eye on the big picture, and the big picture is not a pretty picture for our people right now. The status quo is not benign, it is not neutral, it is cruel. Every one of us could wake up in the morning having lost a job and having no health care. So what we are doing is going to help every American, and I think one of the best things we do in the underlying bill is to make sure that health care premiums are affordable for everyone. That is the key, and we do it in a number of ways.

But, Mr. President, in the middle of all this, we have an amendment that would roll back the clock on women's rights. I am here to say, as I said last night—and I am happy to see other colleagues joining me—it is unacceptable to single out one group of people—namely the women of this country—

and tell them they can't use their own private money to buy an insurance policy that covers the range of reproductive health care. Why are women being singled out? It is so unfair.

We have had a firewall in place for 30 years. It said this: No Federal funds can be used for abortion, but private funds can be used as long as abortion is legal, and it is. *Roe v. Wade* made it legal in the early stages of a pregnancy. Women have had that right.

Well, this amendment says there is one group of people we are going to treat differently. We are going to take one procedure, that only applies to them, and say they can't buy health insurance for that procedure—only if it is a separate rider, which everyone knows is unaffordable, impractical, and will not work.

I don't see any amendment saying to men that if they want to have a procedure that relates to their reproductive health they can't use their own private money to buy coverage for it. No, it is not in there. We don't tell men, if they want to make sure they can buy insurance coverage through their pharmaceutical plan for *Viagra*, that they can't do it. No, we don't do that, and I wouldn't support that. It would be wrong. Well, it is wrong to single out women and to say to the women of this country that they can't use their own private funds to purchase insurance that covers the whole range of reproductive health care.

You have to look behind this amendment to understand how pernicious it really is. I have five male colleagues on the other side of the aisle who were on the Senate floor for at least an hour or so talking about this amendment, and one thing about each and every one of them, they want to make abortion illegal. There is no question about it. They want to take away a woman's right to choose, even in the earliest stages of the pregnancy, even if it impacts her health, her ability to remain fertile, or her ability to avoid a very serious health issue such as a heart problem, a stroke. They do not want to have an exception for a woman's health. No question, that is what they want.

The PRESIDING OFFICER. The Senator's 10 minutes has expired.

Mrs. BOXER. I ask unanimous consent for an additional 30 seconds, and then I will turn to Senator LAUTENBERG.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. So to sum up my part, the amendment that has been offered by Senators NELSON, HATCH, VITTER, BROWNBACK, et al., hurts women. It singles out one legal procedure and says: You know what. You can't use your own private funds to buy insurance so that in case you need to use it for that legal procedure, you can. So I hope we will vote it down.

I yield the floor, Mr. President, and note that Senator LAUTENBERG is here

for 5 minutes. Oh, I am sorry. May I say that the order was Senator MURRAY for 5 minutes to be followed by Senator LAUTENBERG for 5.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I thank the Senator from California for her debate, for outlining the serious concerns we have, and I rise today not only in strong opposition to the Nelson amendment but in strong support of women's health care choices, which this amendment would eliminate.

Mr. President, we can't allow a bill that does so much for women and for families and for our businesses and for the future strength of this Nation to get bogged down in ideological politics because in every single sense of the word, health insurance reform is about choices—giving options to those who don't have them: options for better care or better quality, and insurance that is within reach. This bill was never supposed to be about taking away choices, and we cannot allow it to become that.

Mr. President, this bill already does so much for millions of women across America. Already so far, the Senate has passed Senator MIKULSKI's amendment to be sure that all women have access to quality preventive health care services, and that screenings, which are so critical to keeping women healthy, are available. This underlying bill will also help women by ending discrimination based on gender-rating or gender-biased preexisting conditions, on covering maternity care, preventive care and screenings, including mammograms and well-baby care, expanding access to coverage even if an employer doesn't cover it, and giving freedom to those who are forced to stay in abusive relationships because if they leave, they or their children could lose their coverage.

Mr. President, the amendment before us today would undermine those efforts and goes against the spirit and the goal of this underlying bill. All Americans should be allowed to choose a plan that allows for coverage of any legal health care service, no matter their income, and that, by the way, includes women. But if this amendment were to pass, it would be the first time that Federal law would restrict what individual private dollars can pay for in the private health insurance marketplace.

Let me repeat that: If this amendment were to pass, it would be the first time that Federal law would restrict what individual private dollars can pay for in the private health insurance marketplace.

Now, the opponents of this bill have taken to the floor day in and day out for months arguing that this bill takes away choice. This bill doesn't take away choice, Mr. President, but this amendment sure does. This amendment stipulates that any health plan receiving any funds under this legislation



cannot cover abortion care, even if such coverage is paid for using the private premiums that health plans receive directly from individuals.

Simply put, the amendment says if a health plan wants to offer coverage to individuals who receive affordability credits—no matter how small—that coverage cannot include abortion.

In this way, the amendment doesn't only restrict Federal funds, it restricts private funds. It doesn't just affect those receiving some amount of affordability credits, it also impacts people who are paying the entire cost of coverage but who just happen to purchase the same health plan as those with affordability credits.

The bottom line: This amendment would be taking away options and choices for American women.

There is no question this amendment goes much further than current law, no matter what our colleagues on the other side contend. Current law restricts public funds from paying for abortion except in cases of rape or incest or where the woman's life is in danger. The existing bill before us represents a genuine compromise. It prohibits Federal funding of abortion, other than the exceptions I just mentioned, but it also allows women to pay for coverage with their own private funds. It maintains current law; it doesn't roll it back.

This amendment now before us would be an unprecedented restriction on women's health choices and coverage. Health insurance reform should be a giant step forward for the health and economic stability of all Americans. This amendment would be a giant step backward for women's health and women's rights. Women already pay higher costs for health care. We should not be forced into limited choices as well.

We are standing on the floor today having a debate about a broken health insurance system. It is broken for women who are denied coverage or charged more for preexisting conditions such as pregnancy or C-sections or domestic violence. It is broken when insurance companies charge women of childbearing age more than men but don't cover maternity care or only offer it for hefty additional premiums.

The status quo is not working. Women and their families need health insurance reform that gives them options, doesn't take them away.

I urge my colleagues to stand up for real reform. Reject this shortsighted amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I ask unanimous consent to amend the previous order to give Senator LAUTENBERG 8 minutes, myself 2 minutes, and Senator CARDIN 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, throughout my service in the Senate, I have been a strong supporter for health care reform. But we can't allow reform to be used as an excuse to roll back women's rights that they have had for almost half a century. That is why I strongly oppose the amendment offered by my friend, the Senator from Nebraska. I think he is wrong.

What this amendment does is remove a woman's right to make her own decision, as a practical matter. It is to prohibit any of the health plans on the exchange from covering abortion. It will ban coverage even for women who don't get a dime in Federal subsidy.

Women's reproductive rights are always being challenged here in Congress. What about men's reproductive rights? Let's turn the tables for a moment. What if we were to vote on a Viagra amendment restricting coverage for male reproductive services? The same rules would apply for Viagra as being proposed for abortion. Of course, that means no health plan on the exchange would cover Viagra availability. How popular would that demand be around here? I understand that abortion and drugs such as Viagra present different issues, but there is a fundamental principle that is the same: restricting access to reproductive health services for one gender. This amendment is exclusively directed at a woman's right to decide for herself. It doesn't dare to challenge men's personal decisions.

I have the good fortune of being a father of three daughters and grandfather of six granddaughters. I am deeply concerned by the precedent this amendment would set. I don't want politicians making decisions for my daughters or my granddaughters when it comes to their health and well-being, but that is exactly what this amendment does.

Nothing made me happier than when any of my daughters announced a pregnancy. I watched them grow and prosper in their health and well-being, as they were carrying that child. I was fully prepared to support a decision she might make for the best health of that new baby and protecting her health to be able to offer her love and care for a new child, as I saw in my years.

I don't want to stand here and think that somebody is going to make a decision in this room that affects what my granddaughters or my daughters have to think about. If they want to restrict themselves, let them do it. But how can we stand here and permit this to take place when we are trying to make people healthier and better informed? This amendment wants to take away that right.

Right now, the majority of private health insurance plans do offer abortion coverage. This amendment would force private health insurance compa-

nies to abandon those policies, eliminate services, and limit a woman's options. The amendment does not, contrary to statements being made here on the floor, simply preserve the Hyde language that has been in place for more than three decades. Make no mistake, this amendment goes well beyond the concept of limiting Federal funds from paying for abortion. This amendment would make it impossible for a woman who pays for her premiums out of her own pocket to purchase a private health plan that offers her the right to choose what is best for her, for her health, and her family's well-being.

We have been working hard for a long time to eliminate discrimination against women in our current health care system. Right now, our health care bill takes a balanced approach to abortion coverage. It preserves existing Federal law. Women have fought since this Nation's founding to have full rights under the law, including suffrage, including many other things. Unfortunately, this amendment would force them to take a step backward. I don't want to see it happen.

I urge my colleagues, please, use your judgment, make your own choices about your own family. Make your decisions as to what you would recommend to a daughter or a wife. But for God's sake, let the woman choose what is best for her.

I urge my colleagues to vote against the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I rise in strong opposition to the Nelson-Hatch amendment. Let me start by saying that I support a woman's right of choice as a constitutionally affirmed right. I understand how difficult and divisive this issue is. That is why the underlying bill we have before us carries out the compromise that has already been reached between pro-choice and pro-life supporters. It represents maintaining the prohibition on Federal funds for abortion but allows a woman to pay for abortion coverage through use of her own funds. That is current law, and that is what the underlying bill makes sure we continue.

Many of us believe the health care debate is critically important. It is also controversial. Let's not bring the abortion issue into the bill. The Nelson-Hatch amendment would go beyond that. It would restrict a woman's ability to use her own funds for coverage to pay for abortions. It blocks a woman from using her personal funds to purchase insurance plans with abortion coverage. If enacted, for the first time in Federal law, this amendment would restrict what individual private dollars can pay for in the private insurance marketplace.

When you look at those who are supporting this amendment, you can't

help but have some concern that this amendment is being offered as a way to derail and defeat the health care reform bill. Most of the people who are going to be supporting the amendment will vote in opposition to the bill. It is quite clear that the Senate health reform bill already includes language banning Federal funds for abortion services. So supporters of this bill are not satisfied with the current funding ban; they are trying to use this to move the equation further in an effort to defeat the bill. This is really wrong as it relates to women in America.

I am outraged at the suggestion that women who want an abortion should be able to purchase a separate rider to cover them. Why would we expect this overwhelmingly male Senate to expect women to shop for a supplemental plan in anticipation of an unintended pregnancy or a pregnancy with health complications? Who plans for that? The whole point of health insurance is to protect against unexpected incidents.

Currently, there are five States—I Idaho, Kentucky, Oklahoma, Missouri, and North Dakota—that only allow abortion coverage through riders. Guess what. The individual market does not accept this type of policy. It doesn't exist.

Abortion riders severely undermine patient privacy, as a woman would be placed in a position of having to tell her employer or insurer and, in many cases, their husband's employer that they anticipate terminating a pregnancy.

Also, requiring women to spend additional money to have comprehensive health care coverage is discriminatory. We don't do that for services that affect men's reproductive rights.

I hear frequently from my friends on the other side of the aisle that the statements we make; that is, those who support the underlying bill—that this allows individuals who currently have insurance to be able to maintain their insurance builds on what is good in our health care system. This amendment takes away rights people already have. So if you have insurance today as an individual that covers abortion services, if this amendment were adopted, you will not be able to get that. So we are denying people the ability to maintain their own current insurance, if this amendment were adopted.

It is the wrong amendment. The policy is wrong. But clearly, on this bill it is wrong.

I urge my colleagues to accept the compromise reached on this bill. Many of us who would like to see us be more progressive in dealing with this issue and remove some of the discriminatory provisions in existing law understand we will have to wait for another day to do that. Let's not confuse the issue of health care reform. Let's defeat this amendment that would be discriminatory against women. That is wrong.

I urge my colleagues to reject the Nelson-Hatch amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I thank Senators MURRAY, LAUTENBERG, and CARDIN for participating in our half hour of debate. Our block of time has almost expired. I would like to close the half hour by saying one word that I think is a beautiful word, and that word is "fairness." "Fairness" is a beautiful word. It should always be the centerpiece of our work here. We should never single out one group of people as targets. We should treat people the same.

It has been very clearly stated that the Nelson-Hatch amendment, like the Stupak amendment in the House, singles out an area of reproductive health care that only impacts one group, and that is women. It says to women that they can't use their own private funds to buy coverage for the full range of reproductive health procedures. It doesn't say that to a man. It doesn't say to men: You can't use your own funds to cover the cost of a pharmaceutical product that you may want for your reproductive health. It doesn't say that they can't use their own private funds for a surgical procedure they may choose that is in the arsenal that they may choose for their own reproductive rights.

So we say to the men of this country: Look, we are not going to single out any procedure or any pharmaceutical product you may want to use for your reproductive health care. We are saying, if a private insurer offers it, you have the right to buy it. We are singling out women.

Again, let me say this as clearly as I can. We have had a firewall between the use of Federal funds and private funds. Senator REID has kept that firewall in place in the underlying bill. He keeps the status quo of the Hyde amendment. The group here who is coming on the floor continually—mostly men; I think so far all men; there may be some women who have spoken on their behalf, but I have not heard it—are basically saying: Forget the firewall. Forget it. Women, you cannot use your private funds, and government will tell you what you can or cannot do. I will tell you something. That is not what Uncle Sam should do. Uncle Sam should respect women, should respect men. I hope we defeat this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Wyoming.

Mr. ENZI. Mr. President, I yield up to 10 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, America's seniors have made clear they value the

Medicare Advantage Program. They like their access to private plans, plan choices, lower cost sharing, and all the extra benefits not included in traditional Medicare, such as vision, dental, hearing, and the wellness programs that help them stay fit.

Before the Medicare Modernization Act of 2003, seniors had been decrying their lack of choices. We made sure, under the Medicare Modernization Act, that seniors would be assured health care choices, just as all of us here in the Congress enjoy.

Now that they have access to private coverage and enjoy more benefits and choices, seniors want us to make sure Medicare Advantage stays viable, and they are not happy about the proposed cuts in the majority leader's bill.

I have received more than 500 phone calls since November 1 from constituents who oppose the \$120 billion Medicare Advantage cuts proposed by the majority's bill. They know you cannot cut \$120 billion from a program without cutting its benefits. A lot of seniors in Arizona are asking, What happened to the President's repeated promise that if you like your insurance, you get to keep what you have? They do not like the idea that under this bill their benefits would be slashed by 64 percent, from \$135 of value per month to \$49 of value per month, which is exactly what the Congressional Budget Office projects would happen. They do not want the money they paid into Medicare going to fund a new government entitlement program for nonseniors. They are not satisfied with the majority's promise to protect "guaranteed" benefits. They want Members of Congress to be straight about our intentions and not engage in semantics. They want an unequivocal promise they will be able to keep exactly what they have now, just as the President promised.

Here is the problem. There is an earmark buried on page 894 of the legislation before us that suggests that senior citizens in Florida must have insisted on this exact kind of protection for their Medicare Advantage as well.

This provision, in section 3201(g), was specifically drafted at the request of the senior Senator from Florida to protect the benefits for at least 363,000 Medicare Advantage beneficiaries in Florida but very few anywhere else. Nothing in the bill grants the same protection that is granted to these senior citizens to those in my State or in the other States in which there are a lot of seniors who have the Medicare Advantage Program.

That is why I support the motion of my colleague, Senator MCCAIN, to commit this bill to the committee and return it without these—actually, what his bill does is to ensure that all seniors, whatever State they are in, enjoy the same grandfathering status as the senior citizens in Florida would have under the Nelson proposal.

The McCain motion to commit is straightforward. First of all, it would help the President keep his commitment that seniors get to keep their insurance if they like it. And it applies to all of America's seniors the same protection granted to Floridians, as I said. Isn't that what all seniors deserve, the security of knowing their current benefits are safe? If our Democratic colleagues are not willing to extend this protection to every Medicare Advantage beneficiary, then I cannot imagine how they can claim to be in favor of protecting Medicare.

I have been sharing letters that I have received from Arizona constituents describing what the Medicare Advantage Program means to them. I thought today I would share some excerpts from a few more of these letters.

A constituent in Surprise, AZ—I hope the Presiding Officer likes the name of that town: Surprise, AZ—just west of Phoenix, says:

I truly hope you will consider keeping the Medicare Advantage plans for seniors. I find the savings a must on my fixed income.

I appreciate the [high quality] doctor care on my MediSun Advantage plan. Prescriptions are included in the cost of my plan, providing further savings for me. Medicare Advantage has made a real difference in my life. Please don't let anything happen to this important program.

A constituent from Fountain Hills, AZ, writes:

I suffer from a specific type of amyotrophic lateral sclerosis, and rely on Medicare Advantage for all of my medical needs. I am asking that you do all that is in your power to protect and provide for the continued funding of this program. In Arizona, we have over 329,000 people who count on Medicare Advantage. Our lives would be devastated without it.

A constituent from Wickenburg, AZ, says:

Please don't let anything happen to my Medicare Advantage. I like my Medicare Advantage plan because I can choose my own doctor in my own town and also choose a specialist if I need one.

I can also get regular check-ups and don't have trouble getting to see the doctor. So, I ask that you don't let the government cut my Medicare Advantage.

A constituent from Mesa, AZ, says:

I am a senior citizen. I am becoming more and more concerned about President Obama's healthcare plans, and I am writing to tell you that I am happy with my Medicare Advantage plan. I request that you do all you can not to cut my benefits.

I have a fairly wide choice of doctors and specialists, who have always treated me with respect, given me the time I feel I need, and have given me excellent care.

I have a fitness benefit, which entitles me to the Silver Sneakers program at our local YMCA; two choices of a dental plan; a vision plan; plus many other options to maintain my level of health or to try to improve it.

Please, I beg you, do whatever you can to maintain our Medicare Advantage plan. Do NOT cut any of our benefits.

We know there are millions of seniors out there who absolutely depend on

Medicare Advantage. Many have stories to tell about how this program has improved the quality of their life and their health. I urge my colleagues to support the McCain motion to commit to ensure that all of America's seniors, not just those in certain preferred counties, primarily located in the State of Florida, are grandfathered in these benefits.

Again, to make it very clear, Medicare Advantage benefits are cut by the \$120 billion reduction in Medicare under the bill. The Senator from Florida found a way to grandfather the Medicare Advantage benefits for many of his constituents. What the McCain motion to commit does is to apply that same grandfathering to all seniors in all States so that none of the seniors who have Medicare Advantage today would lose any of the benefits they enjoy today.

It seems to me what is good for our senior citizens in Florida ought to be good for our senior citizens in Arizona or any other State in which they reside. I urge my colleagues to consider and to support the McCain motion to commit.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I yield up to 10 minutes to the Senator from Ohio, Mr. VOINOVICH.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I want to spend a minute discussing the very emotional and divisive issue of abortion. I personally believe that all children, born or unborn, are a precious gift from God, and we have a moral responsibility to protect them. It grieves me to think that there have been more than 40 million abortions performed in this country since 1973.

I am pleased to support the Nelson amendment that would apply the long-standing Hyde amendment, which currently prohibits Federal funding to pay for abortion services except in cases of rape, incest, or to save the life of the mother, to the health care reform bill.

The issue of abortion is one that results in very strong emotions on both sides of this issue. Because of the concerns that millions of Americans have with using Federal taxpayer dollars for abortion, Congress enacted the Hyde amendment. As my colleagues know, the Hyde amendment has restricted Federal Medicaid dollars from paying for abortion services since 1977, and has been applied to all other federally funded health care programs, including the Federal Employees Health Benefits Program.

Think about that, this language has been in place since the Ford administration, and has survived through the administrations of Presidents Carter, Reagan, George H.W. Bush, Clinton, and George W. Bush. That is 33 years, and all of a sudden, my colleagues want

to change our policy on Federal funding of abortion.

We shouldn't be making this type of sweeping policy change in the health care legislation, and the Nelson amendment is a necessary addition to the bill in order to protect our current policy and the unborn.

I understand that not everyone in this country agrees with my position on abortion, but I am deeply concerned about the possible implications of spending taxpayer dollars on abortions when the issue so deeply divides Americans on ethical grounds.

While as I have said, I don't agree with abortion and believe *Roe v. Wade* should be overturned, the Nelson amendment does not prohibit anyone from seeking an abortion, it does not overturn *Roe v. Wade*, and it does not place any new restrictions on access to abortions.

It simply ensures that the taxpayer dollars will not pay for services that cause such deep moral divisions in our Nation. I think it is notable that this amendment is one of the few bipartisan amendments that the Senate will consider as part of this debate.

I am pleased that a similar amendment in the House of Representatives passed with a convincing margin, and I urge my colleagues to support the Nelson-Hatch amendment before the Senate.

I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of Colorado). The Senator from Wyoming.

Mr. ENZI. Mr. President, I yield up to 10 minutes to the Senator from Idaho, Mr. CRAPO.

Mr. CRAPO. Mr. President, I rise today to discuss the Medicare Advantage Program again. It is one that is facing nearly \$120 billion in cuts under the Democratic health care bill.

Currently, there are nearly 11 million seniors enrolled in Medicare Advantage, which is about one out of every four seniors in the United States. In my home State of Idaho, that is about 60,000 people or 27 percent of all Medicare beneficiaries in the State.

Medicare Advantage is an extremely popular program. In fact, it is probably the most popular and fastest growing part of Medicare. A 2007 study reported high overall satisfaction with the Medicare Advantage Program. Eighty-four percent of the respondents said they were happy with their coverage, and 75 percent would recommend Medicare Advantage to their friends or family members.

But despite the popularity of the program, the massive cuts in the Reid bill will result in most seniors losing benefits or coverage or both under Medicare Advantage.

I have a chart in the Chamber which I have shown before. You cannot see the individual States too well on it from this distance at this size, but you

can see the coloring on the United States in this chart.

If you live in a State that is red, deep red, or the pinkish color—which is almost every State in the Union—then you are going to see your benefits cut under Medicare Advantage under this bill.

Why am I bringing it up again? We have already had a vote on it. In fact, we have had two votes on it. The majority has insisted on keeping these cuts in the bill. The reason I am bringing it up again is because, as we have combed through this 2,074-page bill, we have found out there is a provision in the Reid bill that would protect Medicare Advantage benefits for some people in the United States, for just a few in this country.

During the Finance Committee markup, Senator BILL NELSON of Florida advocated on behalf of Medicare Advantage and the beneficiaries in his home State of Florida. Subsequently, during closed-door negotiations, the legislative language was added to protect those beneficiaries.

This is interesting because one of the responses to us, as we have tried to stop the imposition of these cuts to Medicare, has been this bill will not cut any Medicare benefits. Well, if not, then why does Florida need a special exemption for its citizens? If not, why not support the McCain amendment that would give the same protection to all Medicare Advantage beneficiaries that the bill gives to primarily just a few in Florida?

Specifically, section 3201(g) of the Reid bill, very deep in the bill on page 894, has a \$5 billion provision drafted to prevent the drastic cuts in the Medicare Advantage Program from impacting those enrollees who reside primarily in three counties in Florida: Broward, Miami-Dade, and Palm Beach. It seems unfair that taxpayers would foot a \$5 billion provision that provides protection for only some of the Medicare Advantage beneficiaries. It certainly proves there are cuts to Medicare Advantage benefits in this bill; again, benefits that one out of four beneficiaries in America receives—one of the fastest, if not the fastest, growing parts of Medicare. Instead of preferential treatment for some, why not extend these same protections for Medicare Advantage to all beneficiaries under Medicare? I know the 60,000 Medicare beneficiaries on Medicare Advantage in Idaho, my home State, want and deserve that same level of protection.

That is why I am here to support the McCain motion to commit, and that is what his motion to commit would accomplish, very plain and very simple.

The McCain motion would extend this grandfathering provision to all beneficiaries in the Medicare Advantage Program so all seniors in this popular and successful program could

maintain that same level of benefits that today they enjoy under the current law. Every senior in the Medicare Advantage Program deserves to keep these critical extra benefits, which include things such as dental protection, vision coverage, preventive and wellness services, flu shots, and much more.

In fact, most people who are not on Medicare Advantage in the Medicare Program have to buy supplemental insurance to get access to this coverage. Those in Medicare Advantage, which is one of the reasons it is such a popular program, have the opportunity to get it through their Medicaid services. Why is Medicare Advantage so opposed? Well, some say it is because of the extra costs, except that the extra costs in Medicare Advantage are returned to the government or shared with the beneficiaries. I think the reason might be because Medicare Advantage is one part of the Medicare Program that we have successfully been able to turn over to the private markets for operation. Interestingly, when the private sector gets involved in administering this part of the Medicare Program, the Medicare beneficiaries get more benefits, and it becomes the most popular program in Medicare.

I know my colleague from Pennsylvania, Senator CASEY, has filed an amendment to protect the 864,000 Medicare Advantage beneficiaries in his home State, and I would expect strong bipartisan support for the McCain motion to commit, since I think every Senator representing their constituents in their State wants to see this kind of protection. At the end, the McCain motion to commit is simply an amendment that will protect nearly 11 million seniors today enrolled in the Medicare Advantage Program and help to keep the President's promise when he said if you like what you have, you can keep it. If this bill is not amended in the way it is being proposed to be amended by Senator MCCAIN's amendment, 11 million Americans are not going to be able to keep what they have in the Medicare Program, and that is just a start on the impact of what people in America are going to see under this legislation in terms of a reduction of their benefits and the quality of services they have access to.

I urge my colleagues to support this amendment, and I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. I yield myself the balance of the time.

AMENDMENT NO. 2962 TO AMENDMENT NO. 2786

Mr. President, I rise to speak in support of the Nelson amendment. We have been talking about the McCain amendment, which provides fairness for seniors who have Medicare Advantage so everybody across the country can have the same thing Florida is getting. But the critical amendment I

wish to talk about is the Nelson amendment.

This amendment needs to be adopted if we truly want to prevent Federal dollars from being used to pay for abortions. I am asking my colleagues to support a Democratic amendment. This isn't a partisan issue; it is a human issue. Even if you are on the other side, I hope you can agree it is not right to force people to pay for a procedure they may find offensive to the core of their morality. This issue is very personal for many of us. It is for me.

When my wife Diana gave birth to our first child, Amy was 3 months premature. She weighed just 2 pounds and the doctor's advice was: Wait until morning and see if she lives. The doctors couldn't do anything to help this newborn baby. She survived the night.

The next day I took Amy to a hospital in Casper. An ambulance wasn't available so we went in a Thunderbird. It was in a huge blizzard, the same blizzard that prevented us to fly Amy to a hospital in Denver that specialized in that. But we took this car and went to the center of the State to the biggest hospital to get the best care we could find. We ran out of oxygen on the way because the snow slowed us. The highway patrol was looking for us, and they were looking for an ambulance. All along the way, we were watching every breath of that child.

We arrived at the hospital in Casper and put her in the care of doctors. There were several times when Diana and I went to the hospital and found her isolette with a shroud around it. We would knock on the window and the nurses would come and say: It is not looking good. We had to help her to breathe again or: Have you had your baby baptized? We did have Amy baptized a few minutes after birth, as she worked and struggled to live. Watching an infant fight with every fiber of her being, unquestionably showing the desire to live, even though they are only 6 months developed, is something that will show you the value of life. Amy survived and is now a teacher so gifted she teaches other teachers.

Amy's birth changed my whole outlook on life. It reminded me of the miracle of life and the respect we owe that miracle. The Reid bill, as it is currently, does not respect life. But the amendment before us will allow that respect to be given to every American who benefits from that bill.

On September 9, President Obama told a joint session of Congress: "No Federal dollars will be used to fund abortions." I agree. No Federal dollars should ever be used to pay for abortions. To do otherwise would compel millions of taxpayers to pay for abortion procedures they oppose on moral or ethical grounds. Unfortunately, the Reid bill fails to meet that standard set by the President. Section 1303 of the bill provides the Secretary the authority to mandate and fund abortions.

Some have questioned exactly how this bill funds abortions. It is quite simple. The bill funds abortions through the government-run insurance option and through subsidies to individuals to help pay for the cost of private insurance. Both of these options are funded with Federal dollars. Under the community health insurance option, also known as the government-run plan, the Secretary of Health and Human Services could allow the plan to cover abortions. In addition, the new tax subsidies in the bill could also go to private plans that cover abortions. In both these cases, Federal subsidies would be paid to plans that cover abortion.

The Reid bill attempts to use budget gimmicks so its sponsors can argue that Federal funds will not pay for abortions. As the accountant in the Senate, I am not fooled by these gimmicks and neither should anyone else be. If the Reid bill is passed, Federal dollars will be used to pay for abortions.

Money is fungible. That is an interesting word. It means Federal dollars paid into a health plan could be shifted across accounts. We don't have a good accounting system for that. It can replace other spending and those dollars could then go to pay for abortions. There is no way to absolutely prevent Federal dollars from paying for abortions once they are paid to plans that cover abortions.

That is why Federal laws for the last 30 years have explicitly prohibited Federal funding going to such plans. That is right. It is already Federal law, although it comes in, in the appropriations bill, on an annual basis. Federal law currently prohibits funds going to pay for abortions under the Medicaid Program, under FEHBP—that is the program where we get our health insurance; it is the one that provides all the health insurance for all Federal employees, the same choices of plans—and the TRICARE Program, which is for all our Active military and their families.

Current law recognizes the only way to actually prevent Federal funds from being used to pay for abortion is to offer the coverage of abortion in separate insurance plans and collect separate premiums to pay for that plan. This is what States who want to cover abortion for their Medicaid populations already do. As I said earlier, Medicaid is prohibited from using Federal dollars to pay for abortions. As a result, States set up separate plans and collect non-Federal dollars in separate accounts to pay for those services.

If anyone has any doubts about the impact of the Reid bill, I would point them to the comments made by the senior staff at the U.S. Conference of Catholic Bishops. The associate director, Richard Doerflinger, recently described the Reid bill as “completely unacceptable” and said it was the

worst health reform bill they had seen so far on life issues.

It is probably worth it to note that the bishops have been longtime supporters of health care reform and covering the uninsured. Similarly, National Right to Life said the Reid bill “seeks to cover elective abortions in two big new Federal health programs, but tries to conceal that unpopular reality with layers of contrived definitions and hollow bookkeeping requirements.”

There has also been some misinformation out there regarding this amendment, and I wish to take a minute to clear up a couple arguments used against the Nelson amendment. First, it does not prohibit individuals from purchasing abortion coverage with their own private dollars. When similar arguments were made during the House debate on the Stupak language, PolitiFact, a Pulitzer Prize-winning, fact-checking organization, concluded that such statements were false. The Nelson amendment only prohibits Federal funds from subsidizing those plans.

Some have argued the Nelson amendment could cause individuals to lose the abortion coverage they currently receive from their current health insurance plans. That also isn't accurate. I would urge everyone to read section 1251 of the bill. Section 1251 says, clearly and unequivocally, that:

Nothing in this act or an amendment made to this act shall be construed to require that an individual terminate coverage under a group health plan or health insurance coverage in which such individual was enrolled at the date of the enactment of this act.

According to the sponsors of this bill, this section protects the ability of persons with existing insurance coverage to keep that same coverage. If section 1251 works as its authors describe it, this bill should make no changes to existing insurance plans that cover abortion and should allow individuals to keep the plans they have.

Some have also said this amendment would ban abortion procedures. That, too, is false. The amendment does not ban abortions; it simply prohibits Federal dollars from paying for abortions, which is consistent with the current law.

Many of my Democratic colleagues have argued during the debate that the health care we provide under this bill should be as good as the coverage given to Senators. If they believe that, they should all support applying the same rules regarding abortion coverage that apply to our own health plans. Federal employees' plans are prohibited from covering abortion—all Federal employees, not just Senators.

I will work hard to see that taxpayers are not compelled to fund abortion services. I believe those of us in elected office have a duty to work to safeguard the sanctity of human life,

since the right to life was specifically named in the Declaration of Independence. By safeguarding our right to life, our government fulfills the most fundamental duty to the American people. When that right is violated, we violate our sacred trust with our Nation's citizens and the legacy we leave to future generations.

Regardless of what some people think, God doesn't make junk. He makes people in a variety of sizes, shapes, and abilities, and disabilities. There is a purpose even if we cannot understand it. I like the sign just outside Gillette. It says: “If it's not a baby, you're not pregnant.”

I don't believe Federal funding should be used to pay for abortions, and I will work to ensure that it doesn't happen under this bill. I will vote in support of the Nelson amendment and encourage my colleagues to do the same to protect life and respect the miracle of life that I witnessed with the birth of my daughter Amy.

I thank the Chair and yield the floor. The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I ask unanimous consent for the following order: Boxer, 1 minute; Durbin, 5 minutes; Stabenow, 5 minutes; Shaheen, 5 minutes; Dodd, 5 minutes; Menendez, 5 minutes; and Baucus, 4 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I gave birth to two beautiful children, and I am proud to say that I have now four grandchildren—the light of my life. I am just here to say as a mother, as a grandmother, and as a Senator from California that I trust the women of this country. I don't want to tell the women of this country—or tell anybody else anything like this—that they can't buy insurance with their own private money to cover their whole range of legal reproductive health care. We don't do that to the men. We don't say they can't get any surgery if they might need it for their reproductive health care. We don't tell them they can't get certain drugs, under a pharmaceutical benefit, they may need for their reproductive health care. Imagine if the men in this Chamber had to fill out a form and get a rider for Viagra or Cialis and it was public. Forget about it. There would be a rage in this Chamber.

We are just saying treat women fairly. Treat women the same way you treat men. Let them have access to the full range of legal reproductive health care. That is all we are saying. Vote no on this amendment, the Nelson-Hatch amendment, because HARRY REID takes care of the firewall between private funds and Federal funds. We keep that firewall.

Is it OK if Senator DURBIN goes after Senator STABENOW?

Mr. DURBIN. Yes.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, first, I thank the Senator from California for her passionate advocacy and standing up for all of us, the women of this country. She is a mom, as she said. I, too, am a mom. As hard as it is for me to believe, I am also a grandmother with wonderful 2-year-old Lily and a little grandson Walter, who was born on his daddy's—my son's—birthday in August. Obviously, they are the light of my life, as well.

One of the reasons I feel so passionate about the broader bill on health care reform is that this is about extending coverage to babies so they can be born healthy, and about prenatal care; it is about making sure that in the new insurance exchange we have basic coverage for maternity care. I was shocked to learn that 60 percent of the insurance policies offered right now in the individual market don't offer maternity care as basic care. We happen to think that is incredibly important. We are 29th in the world in the number of babies—below Third World countries—that survive the first year of life. This health care reform bill is about making sure we have healthy babies, healthy moms, and it is about saving lives and moving forward in a way that is positive, expanding coverage, not taking away important coverage for women who, frankly, find themselves in a crisis situation.

That is what we are doing, unfortunately, through the Nelson-Hatch amendment. I have great respect for both of my colleagues who have offered this amendment, and for others who feel deeply about this issue. In the bill that has come before us, I think we respect all sides and keep in place the longstanding ban on Federal funding for abortion services, and no one is objecting to that. No one is trying to change that.

As my friends have said, this is about whether we cross that line into private insurance coverage—whether we say to a woman, to a family: You are going to have to decide whether, when you have a child and you are having a crisis in the third trimester and might need some kind of crisis abortion services—whether you are going to find yourself in a situation where you are going to need abortion services, and you are going to have to publicly indicate that and buy a rider on insurance because you can't use your own money to buy an insurance policy.

Here is what we know now. We know five States have riders right now—Idaho, Kentucky, Oklahoma, Missouri, and North Dakota. There is no evidence there are any riders available in the individual market. So even though, technically, they say you can buy additional coverage, it is not offered or available. We are told by the insurance

carriers that, in fact, it probably will not be available.

We all know what this is about. This is about effectively banning abortion services coverage in the new insurance exchange we are setting up, which could, in fact, have a broader implication of eliminating the coverage for health plans outside the exchanges. So that is what this is about, which is why it is so important.

Again, we are agreeing on the elimination or banning of Federal funding for abortions, other than extreme crises circumstances. We have done that in Federal law. This is about whether we go on to essentially create a situation where effectively people cannot get that coverage with their own money.

The Center for American Progress noted that because approximately 86 percent of the people who are going to be offered new opportunities for insurance—small businesses, individuals, in the private market—that because 86 percent of them will, in fact, receive some kind of tax credit or tax cut, in fact, again, we are talking about eliminating this option altogether because the majority of people will get some kind of a tax cut during this process.

I think there are also some broader implications around the tax policy. If we are saying that someone can't purchase an insurance policy of their liking if they are getting a tax credit to help with health insurance, the fact is, what about other tax credits? What about other kinds of ways in which people get tax credits or tax cuts today? The implications of this are extremely broad.

I urge a "no" vote. Let's keep Federal policy in place that doesn't allow Federal funding for abortion but respects the women of this country.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I rise in opposition to the Hatch-Nelson amendment. For 27 years, it has been my honor to serve in both the House and Senate. During that 27 years, the issue of abortion has been front and center as one of the most controversial and contentious issues we have faced. When I returned home to my congressional district, and now to the State, there have been many strong, heartfelt positions on this issue that are in conflict. Members of the Senate and House meet with people who have varying degrees of intensity on this issue all the time. We are not going to resolve this issue today with this amendment or this bill. We are going to do several things that I think are important.

What we set out to do in health care reform was honor the time-honored principles that we have now accepted. They are these: Abortion is a legal procedure since the Supreme Court case of *Roe v. Wade*. For over 30 years now, we have said no public funds can be used

for an abortion but to save the life of a mother or in cases of rape or incest. We have said that no doctor or hospital will be compelled to perform an abortion procedure if it violates their conscience. Those are the three basic pillars of our abortion policy in this country.

Now comes this debate about health care reform and a question about whether, if we offer health insurance policies through an exchange that offers abortion services, and the people are paying for the premiums for those policies with a tax credit, whether we are indirectly somehow or another financing and supporting abortion. I argue that we are not. We find, on a daily basis, many instances where Federal funds go to a private entity, even a religious entity with clear guidelines that none of the Federal funds can be spent for religious or private purposes.

Organizations far and wide across America live within those bounds. They keep their books clean, and they account for the money received, and no questions are asked. The audits show that they followed the guidelines. This bill before us strictly follows these guidelines, as well. No Federal funds shall be used for any abortion procedure in an insurance policy. It has to be privately funded.

I want to step back and make a slightly different argument too. There are those who have said in the House and in the Senate that unless the Stupak language in the House is adopted, they would seriously consider voting against health care reform. I argue to them that is a wrong position to take if they are opposed to abortion because the health care reform bill before us dramatically expands health care coverage.

Today, there are 17 million women of reproductive age in America who are uninsured. This bill will expand health insurance coverage to the vast majority of them, which means millions more women will have access to affordable birth control and other contraceptive services. This expanded access will reduce unintended pregnancies and reduce abortions. So the family planning aspect of our health care reform will actually net fewer abortions in America—we know this because of the history of the issue—as more women have access to family planning. So those who argue that they either have this amendment or they will vote against health care reform should reflect on the fact that there will be fewer abortions in America with these health care services.

Senator MIKULSKI, in the first amendment we adopted, provided for more preventive services for women across the board. Those services, I believe, would result in more counseling, more contraception, and fewer unintended pregnancies. That is a reality. Every Federal dollar that we spend on



family planning saves \$3 in Medicaid costs. In 1972, we established a special matching rate of 90 percent for family planning services in Medicaid. Across the board, we know this money, well spent to allow women to decide their own reproductive fate, means there are fewer unintended pregnancies.

I argue that whether your position is for or against abortion, if you believe there should be fewer abortions, you want this health care reform bill to pass—with or without the Stupak amendment. I think that the Stupak amendment goes too far, and I think we have come up with a reasonable alternative that adheres to the three pillars I mentioned earlier on abortion policy in America, and it sets up reasonable accounting on these insurance policies. I think this language in the bill is the right way to move to lessen the number of abortions in America and stay consistent with the basic principles that guide us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I commend my colleague from Illinois, the Democratic whip of the Senate, for his arguments. He speaks for me when he identifies the pillars of our views on this issue.

I was elected to the House of Representatives in 1974, 2 years after *Roe v. Wade*, and I have been in Congress now for 35 years. We have lived with those guidelines since then. I know it has not resolved the matter for many people. But it has served us well.

What we have in this bill is a reflection of a continuation of those pillars. Having been the acting chair of the Health, Education, Labor, and Pensions Committee during the markup of the bill—in fact, Senator Kennedy voted by proxy, as they call it in that process—we insisted upon the adoption of a Kennedy amendment that maintained the notion of conscience in these matters. So we would not be forcing individuals to engage in abortion practices if they felt otherwise.

We have long held the view in this Congress, under Democratic and Republican leadership, despite the differences—others have different views on this matter—that clearly public money should not be used. Despite the arguments to the contrary, we have done that again with this bill.

The Senator from Illinois made a point about the measures in the bill that deal with wellness and reproductive rights. We minimize the likelihood of there being a demand for abortion on the part of many.

I appreciate the fact that our leadership has made this matter, the Nelson-Hatch amendment, a matter of conscience. There is no caucus position on this amendment. There never has been and nor should there be, in my view, given the nature of this debate.

I want to mention another argument we fail to understand here, in addition to the eloquent ones made by the Senator from Illinois. We rank 29th in infant mortality in the United States. It is an incredible statistic when you consider the wealth of our Nation. I worked on legislation with our colleague, LAMAR ALEXANDER, on infant births, prescreening, trying to provide resources and help for families with infants who suffer these debilitating and fatal problems.

This legislation takes a major step forward in taking the United States out of the basement when it comes to infant mortality and gets us back to where we ought to be in reducing the tragedy that occurs in infant mortality.

There is a distinction, clearly, between abortion and infant mortality. But this legislation takes a major step in improving quality of life, assisting children who arrive prematurely, as many do in our country today, and many do not survive that prematurity. Today many women are not getting the kind of support they need during their pregnancy, thus increasing the likelihood of premature births occurring, or not getting the screenings that need to occur immediately so you can avoid the terrible problems that can ensue thereafter. This legislation takes a major step in that direction.

While we have done what is necessary for us to do, that is, protect the longstanding distinction between public and private dollars when it comes to abortion, we also have gone so much further. This bill provides support for families when it comes to minimizing the likelihood a child will be lost because they are not getting support services, as well as providing the reproductive services that will assist women during their pregnancies.

My colleagues know I am a late bloomer. I am a parent of a 4-year-old and an 8-year-old. My colleagues talk about being grandparents. I always said I was the only candidate in the country who used to get mail from AARP and diaper services at the same time, having qualified for Medicare and also being a parent of infant children, two little girls, Grace and Christina. I want them to grow up having all the rights of young women in this country. I am hopeful that one day I may even be around to be a grandparent. We fought very hard to make sure those children were going to get the protections they could during my wife's pregnancies, to see to it they would be born healthy and sound. I have a great health care plan, as a Federal employee, to make sure that will happen. I want every American to have that same sense of security when that blessing occurs with the arrival of a child or grandchild. This bill does that.

For all of those reasons, this amendment ought to be defeated. This bill

ought to be supported and achieve a great success for our fellow citizens.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mrs. SHAHEEN. Mr. President, I rise today to speak in opposition to the Nelson-Hatch amendment.

The Patient Protection and Affordable Care Act we have before us does so many good things. It gives women access to preventive care. It makes health care more accessible to families across the country. It changes the way patients receive the care they need. We must not let the issue of reproductive choice overshadow all of the things this bill gets right.

For over three decades, the Hyde amendment, which prohibits the use of Federal funds to pay for abortions except in cases of rape, incest, or if the life of the mother is at risk, has been the law of this land. Abortion should play no role in this health care debate. The Finance and HELP Committees spent countless hours drafting legislation that is part of the language in our health care bill to make sure it remains neutral on the issue of choice.

The Patient Protection and Affordable Care Act that is currently before us maintains the Hyde amendment prohibiting Federal funding of abortions. As a result, neither the pro-choice nor the pro-life agendas are advanced.

This is clearly explained in an analysis done by the nonpartisan Congressional Research Service. I ask unanimous consent to have printed in the RECORD this analysis.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NOVEMBER 30, 2009.

#### MEMORANDUM

To: Hon. Jeanne Shaheen.

From: Jon O. Shimabukuro, Legislative Attorney, American Law Division, Congressional Research Service.

Subject: Abortion and the Patient Protection and Affordable Care Act.

This memorandum responds to your request concerning abortion and the Patient Protection and Affordable Care Act. The measure was proposed by Senator Harry Reid on November 21, 2009 as an amendment in the nature of a substitute for H.R. 3590, the Service Members Home Ownership Tax Act of 2009. You asked several questions about the Patient Protection and Affordable Care Act and the use of federal funds to pay for abortion services. This memorandum addresses those questions.

1. "Does the Senate's Patient Protection and Affordable Care Act prohibit affordability and cost-sharing credits from paying for abortions beyond those permitted by the most recent appropriation for the Department of Health and Human Services?"

Division F of the Omnibus Appropriations Act, 2009, provides appropriations for the Departments of Labor, Health and Human Services, Education, and Related Agencies for FY2009. Section 507, included within Division F, prohibits generally the use of appropriated funds to pay for abortions:

(a) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for any abortion.

(b) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term "health benefits coverage" means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

This restriction on the use of appropriated funds to pay for abortions is commonly referred to as the "Hyde Amendment." In 1976, Rep. Henry J. Hyde offered an amendment to the Departments of Labor and Health, Education, and Welfare, Appropriation Act, 1977, that restricted the use of appropriated funds to pay for abortions provided through the Medicaid program.

An exception to the general prohibition on using appropriated funds for abortions is provided in section 508(a) of the omnibus measure:

The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

In other words, funds appropriated to the Department of Health and Human Services ("HHS") for FY2009 could be used to pay for an abortion if a pregnancy is the result of an act of rape or incest, or if a woman's life would be endangered if an abortion were not performed. Appropriated funds remain unavailable, however, for elective abortions.

Under the Senate measure, the issuer of a qualified health plan would determine whether or not the plan provides coverage for either elective abortions or abortions for which the expenditure of federal funds appropriated for HHS is permitted. If a qualified health plan decides to provide coverage for elective abortions, it could not use any amount attributable to a premium assistance credit or any cost-sharing reduction to pay for such services. The community health insurance option established by the Senate measure would be similarly restricted. H.R. 3590 would allow coverage for elective abortions by the community health insurance option, but amounts attributable to a premium assistance credit or cost-sharing reduction could not be used to pay for such abortions.

2. "Does the Senate's Patient Protection and Affordable Care Act ensure that the community health insurance option does not use federal funds to pay for abortions beyond those permitted by the most recent appropriation for the Department of Health and Human Services?"

The Senate measure would allow coverage for elective abortions by the community health insurance option, but amounts attributable to a premium assistance credit or cost-sharing reduction could not be used to pay for such abortions.

3. "Under current law, the Weldon Amendment prohibits Federal agencies or programs and State or local governments who [sic] receive certain federal funds from discriminating against certain health care entities, including individuals and facilities, that are unwilling to provide, pay for, provide cov-

erage of, or refer for abortions. Does the Senate's Patient Protection and Affordable Care Act offer an additional, new conscience protection for individual health care providers and facilities that are unwilling to provide, pay for, provide coverage of, or refer for abortions?"

Under the Senate measure, individual health care providers and health care facilities could not be discriminated against because of a willingness or unwillingness to provide, pay for, provide coverage of, or refer for abortions, if their decisions are based on their religious or moral beliefs. Section 1303(a)(3) of the Senate measure states: "No individual health care provider or health care facility may be discriminated against because of a willingness or an unwillingness, if doing so is contrary to the religious or moral beliefs of the provider or facility, to provide, pay for, provide coverage of, or refer for abortions."

4. "Does the Senate's Patient Protection and Affordable Care Act ensure that there is a health plan available in every exchange that does not cover abortion beyond those permitted by the most recent appropriation for the Department of Health and Human Services?"

The Senate measure would require the Secretary of HHS to ensure that in any health insurance exchange ("Exchange"), at least one qualified health plan does not provide coverage for abortions for which the expenditure of federal funds appropriated for HHS is not permitted. If a state has one Exchange that covers more than one insurance market, the Secretary would be required to provide the aforementioned assurance with respect to each market.

Mrs. SHAHEEN. Mr. President, the health reform legislation before us preserves the Hyde language and maintains the status quo in this country. We should keep it so. This should be a debate about health care. It should be about patients and about ensuring they have access to quality care at all stages of their lives, regardless of what may happen in their lives. It is a mistake to make this debate one about abortion.

The amendment that is before us, the Nelson-Hatch amendment, would restrict any health plan operating in the exchange that accepts affordability credits from offering abortion services. In essence, the amendment before us would amount to a ban on abortion coverage in the health insurance exchange regardless of where the money comes from. Put another way, a woman who pays for insurance with money out of her own pocket would most likely not be able to get insurance that covers abortion.

Make no mistake about it, this amendment is much more than a debate on whether Federal funds should be used for abortion, which is already established law. It is established law that is maintained in the Patient Protection and Affordable Care Act before us.

The Nelson-Hatch amendment is a very far-reaching intrusion into the lives of women in how we would get private insurance. It is unprecedented, and it would mean millions of women

would lose coverage they currently have.

It is true, as we have heard from those people who support this amendment, that a woman would be able to buy an abortion rider. What we heard from Senator STABENOW and what we have seen from the National Women's Law Center shows us that in the five States that do require such a rider, there is no evidence that such plans exist. And even if they did exist, who would purchase that kind of a rider? No woman expects to need an abortion. This is not something you go into planning ahead of time.

Finally, this amendment would have effects that reach well into the private insurance market. An independent analysis by the School of Public Health and Health Services at George Washington University concluded that a similar amendment adopted in the House—what is commonly known as the Stupak amendment—will have an "industry-wide effect," eliminating coverage of medically indicated abortions over time for all women. That means any type of abortion for which there is a medical indication of need would go uncovered.

I ask unanimous consent that "Introduction and Results in Brief" of the George Washington University analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### AN ANALYSIS OF THE IMPLICATIONS OF THE STUPAK/PITTS AMENDMENT FOR COVERAGE OF MEDICALLY INDICATED ABORTIONS

(By Sara Rosenbaum, Lara Cartwright-Smith, Ross Margulies, Susan Wood, D. Richard Mauery)

#### INTRODUCTION AND RESULTS IN BRIEF

This analysis examines the implications for coverage of medically indicated abortions under the Stupak/Pitts Amendment (Stupak/Pitts) to H.R. 3962, the Affordable Health Care for America Act. In this analysis we focus on the Amendment's implications for the health benefit services industry as a whole. We also consider the Amendment's implications for the growth of a market for public or private supplemental coverage of medically indicated abortions. Finally, we examine the issues that may arise as insurers attempt to implement coverage determinations in which abortion may be a consequence of a condition, rather than the primary basis of treatment.

Industry-wide impact that will shift the standard of coverage for medically indicated abortions for all women: In view of how the health benefit services industry operates and how insurance product design responds to broad regulatory intervention aimed at reshaping product content, we conclude that the treatment exclusions required under the Stupak/Pitts Amendment will have an industry-wide effect, eliminating coverage of medically indicated abortions over time for all women, not only those whose coverage is derived through a health insurance exchange. As a result, Stupak/Pitts can be expected to move the industry away from current norms of coverage for medically indicated abortions. In combination with the Hyde Amendment, Stupak/Pitts will impose

a coverage exclusion for medically indicated abortions on such a widespread basis that the health benefit services industry can be expected to recalibrate product design downward across the board in order to accommodate the exclusion in selected markets.

Supplemental insurance coverage for medically indicated abortions: In our view, the terms and impact of the Amendment will work to defeat the development of a supplemental coverage market for medically indicated abortions. In any supplemental coverage arrangement, it is essential that the supplemental coverage be administered in conjunction with basic coverage. This intertwined administration approach is barred under Stupak/Pitts because of the prohibition against financial commingling. This bar is in addition to the challenges inherent in administering any supplemental policy. These challenges would be magnified in the case of medically indicated abortions because, given the relatively low number of medically indicated abortions, the coverage supplement would apply to only a handful of procedures for a handful of conditions. Furthermore, the House legislation contains no direct economic incentive to create such a market. Indeed, it is not clear how such a market even would be regulated or whether it would be subject to the requirements that apply to all products offered inside the exchange. Finally, because supplemental coverage must of necessity commingle funds with basic coverage, the impact of Stupak/Pitts on states' ability to offer supplemental Medicaid coverage to women insured through a subsidized exchange plan is in doubt.

Spillover effects as a result of administration of Stupak/Pitts. The administration of any coverage exclusion raises a risk that, in applying the exclusion, a plan administrator will deny coverage not only for the excluded treatment but also for related treatments that are intertwined with the exclusion. The risk of such improper denials in high risk and costly cases is great in the case of the Stupak/Pitts Amendment, which, like the Hyde Amendment, distinguishes between life-threatening physical conditions and conditions in which health is threatened. Unlike Medicaid agencies, however, the private health benefit services industry has no experience with this distinction. The danger is around coverage denials in cases in which an abortion is the result of a serious health condition rather than the direct presenting treatment.

The remainder of this analysis examines these issues in greater detail.

#### OVERVIEW OF CURRENT FEDERAL LAW

##### 1. The Hyde Amendment and Medicaid

The Hyde Amendment has been part of each HHS-related appropriation since FY 1977. As set forth in the most recent annual Labor/HHS federal appropriations legislation, the Hyde Amendment provides in pertinent part as follows:

Sec. 507. (a) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for any abortion.

(b) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term "health benefits coverage" means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

Sec. 508. (a) The limitation established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

Mrs. SHAHEEN. When we pass this legislation that will reform our health care system, it should not be done in a way that would lose benefits for women. All women should have access to comprehensive health care, including reproductive health care, from the provider of their choice.

I urge my colleagues to oppose any amendment that threatens reproductive care that women have counted on for over 30 years.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, health care reform legislation we are considering is good for America, it is good for women and for families. It is a health care reform bill; it is not an abortion bill. In fact, not a dime of taxpayers' money goes to subsidize abortion coverage in this bill. It is, in fact, abortion neutral.

This amendment, however, would change that. It would roll back the clock on a woman's right to choose. It unfairly singles women out and takes away benefits they already have. It singles out our daughters and legislates limits on their reproductive health, their reproductive rights. If we were to do the same to men, if we were to single out men's reproductive health in this legislation, imagine the outcry. Imagine if men were denied access to certain procedures. Imagine if they were denied access to certain prescription drugs. Imagine if the majority had to suffer the decision of the minority. But that is exactly what we are being asked to do to our daughters with this amendment—rolling back the hands of time. I personally find that offensive, as do women across this country.

The language of this bill has been carefully negotiated to ensure that we are preserving a woman's right to choose but doing so without Federal funding. To claim otherwise is hypocritical and misleading.

We need not fight all battles that have nothing to do with the real issue at hand—that millions of Americans do not have health insurance and many are being forced into debt to buy coverage that insurers later deny. But now, instead, we are not only reopening long-settled debates over this issue, we are actually faced with a proposal that would turn back the clock and deny women access to reproductive health care. It is the wrong debate at the wrong time.

Over the years, we have made extraordinary progress in addressing women's reproductive rights. We have debated this issue in the Senate. We

have debated it in our churches, in our homes, in our communities, and in the U.S. Supreme Court that has said a woman's right to choose is the law of the land. Let's not turn back the clock.

I respect the deeply held views of my friend from Nebraska and the deeply held views of my friend from Utah. I know we will debate the issue many times in many forums. They will raise their voices in protest of a woman's right to choose, as I will raise mine to protect it. But this is neither the time nor the legislative vehicle for hot-button politics to get in the way of badly needed health care reform.

The language in this bill is clear: It preserves a woman's reproductive rights without any taxpayer funding. Yet we are engaged in a debate in which we are basically being told that neutrality is not good enough; that there needs to be an antichoice bill, not a health care reform bill; that neutrality on the issue is not acceptable; that only effectively banning abortion is acceptable. We are not going to be dragged down that road, and the women of this country will not stand for it. Certainly, this Senator will not either.

The sponsors claim the amendment simply reinforces existing law restricting Federal funding of abortion coverage. Let's be very clear: There is no taxpayer money going to a woman's reproductive choices—none—and to say otherwise is simply wrong.

The fact is, this amendment that clearly takes us back in time would leave our daughters with the same hopeless lack of options their grandmothers faced, and that is not where we ought to be.

This amendment would make it virtually impossible for insurance plans in the exchange to offer abortion coverage even if a woman were to pay premiums entirely out of her own pocket. It would do so by forbidding any plan that includes abortion coverage from accepting even one subsidized customer.

This amendment is nothing more than a backdoor effort to restrict rights women already have. Would I like to see it clearly stated in this legislation that a woman should have a right to choose and all aspects of her reproductive health should be available under every plan? Yes, I would. But am I willing to accept neutrality as a reasonable compromise for the sake of passage of a bill that will provide affordable, accessible health care to every American and not spend a dime of taxpayers' money on women's reproductive choices? I will.

Under this bill, if a plan chooses to provide abortion coverage, only private funds can go toward that care. That is further than I would like to go, but it is neutrality. In this bill, in each State exchange, there would be at least one plan that covers abortion and one plan

that does not. That is neutrality. It is fair. Let's accept it and move on.

Under this legislation, women will keep their fundamental right to reproductive health benefits and gain other benefits.

The PRESIDING OFFICER. The Senator has spoken for 5 minutes.

Mr. MENENDEZ. That is what we should do in terms of the underlying bill. Let's vote down this amendment. Let's not turn back the clock.

Mrs. BOXER. Mr. President, I ask unanimous consent that in lieu of Senator BAUCUS's 4 minutes, Senator CASEY take that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania is recognized.

Mr. CASEY. Mr. President, I rise in support of the Nelson amendment for two reasons, and I speak for myself, not for other Members of the Senate. Obviously, I know there is a good bit of disagreement on both sides and even within both sides of the aisle.

But I support this amendment for two reasons. One, I wish to make sure we ensure, through this health care legislation, the consensus we have had as part of our public policy for many years now—that taxpayer dollars don't pay for abortions. I believe we can and should and will get this right by the end of this debate.

The second reason I support this is, I believe it is important to respect the conscience of taxpayers, both women and men across the country, who don't want taxpayer dollars going to support abortions. If there is one or maybe two areas where both sides can agree—people who are pro-life and pro-choice—it is on these basic principles: No. 1, we don't want to take actions to increase the number of abortions in America. I think that is the prevailing view across the divide of this issue. No. 2, we also have to do more to help those women who are pregnant, and I don't believe we are doing enough. We will talk more about that later. Even as we debate this amendment, the third thing I think we can agree on is, no matter what happens on this vote—and this debate will continue, even in the context of this bill—I believe we have to pass health care legislation this year.

There are all kinds of consumer protections in this bill that will help men and women—prevention services that have never been part of our health care system before, insurance reforms to protect families and, finally, the kind of security we are going to get by passing health care legislation for the American people. I believe we can get this decisive issue correct in this bill. We are not there yet, but I believe we can. I believe we must pass health care legislation this month through the Senate and then, from there, get it enacted into law.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, before we turn this over to the Republican side, I ask unanimous consent to have printed in the RECORD a letter from religious leaders who support maintaining the underlying bill and who oppose this amendment, and they are: Catholics for Choice, Disciples Justice Action Center, The Episcopal Church, Jewish Women International, Presbyterian Church Washington Office, Religious Coalition for Reproductive Choice, Union of Reform Judaism, United Church of Christ, Justice and Witness Ministries, United Methodist Church—General Board of Church and Society, Unitarian Universalist Association of Congregations.

We are proud to have their support for our position.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RELIGIOUS LEADERS SUPPORT MAINTAINING  
THE STATUS QUO ON ABORTION IN HEALTH  
CARE REFORM

The undersigned religious and religiously affiliated organizations urge the Senate to support comprehensive, quality health care reform that maintains the current Senate language on abortion services.

We believe that it is our social and moral obligation to ensure access to high quality comprehensive health care services at every stage in an individual's life. Reforming the health care system in a way that guarantees affordable and accessible care for all is not simply a good idea—it is necessary for the well-being of all people in our nation.

The passage of meaningful health reform legislation will make significant strides toward accomplishing the important goal of access to health care for all. Unfortunately, the House-passed version of health reform includes language that imposes significant new restrictions on access to abortion services. This provision would result in women losing health coverage they currently have, an unfortunate contradiction to the basic guiding principle of health care reform. Providing affordable, accessible health care to all Americans is a moral imperative that unites Americans of many faith traditions. The selective withdrawal of critical health coverage from women is both a violation of this imperative and a betrayal of the public good.

The use of this legislation to advance new restrictions on abortion services that surpass those in current law will serve only to derail this important bill. The Senate bill is already abortion neutral, an appropriate reflection of the fact that it is intended to serve Americans of many diverse religious and moral views. The bill includes compromise language that maintains current law, prohibiting federal funds from being used to pay for abortion services, while still allowing women the option to use their own private funds to pay for abortion care. American families should have the opportunity to choose health coverage that reflects their own values and medical needs, a principle that should not be sacrificed in service of any political agenda.

We urge the Senate to support meaningful health reform that maintains the compromise language on abortion services currently in the bill.

Respectfully,

Catholics for Choice, Disciples Justice  
Action Center, The Episcopal Church,

Jewish Women International,  
NA'AMAT USA, National Council of  
Jewish Women, Presbyterian Church  
(U.S.A.) Washington Office, Religious  
Coalition for Reproductive Choice, The  
Religious Institute, Union of Reform  
Judaism, United Church of Christ, Jus-  
tice and Witness Ministries, United  
Methodist Church—General Board of  
Church and Society, Unitarian Univer-  
salist Association of Congregations.

Mrs. BOXER. I thank the Chair.

Mr. ENZI. Mr. President, I assume that added a few additional minutes to our time as well.

I yield 10 minutes to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. JOHANNES. Mr. President, let me start my remarks today, if I could, by offering my words of support and commendation to Senators NELSON and HATCH for offering this amendment. They have long been champions of the pro-life cause, and I applaud them for putting the time and effort into this amendment to get it right, bringing it to the floor, and offering it. I am very proud to stand here today as a cosponsor of this legislation.

Fundamentally, this legislation is simply about doing the right thing. It ensures that current Federal law is upheld. In its most basic form, it says taxpayer dollars are not going to be used, directly or indirectly, to finance elective abortions. In fact, this has been the law of our country now dating back three decades.

Basically, this amendment applies the Hyde amendment to the health care reform bill. It bars Federal funding for abortion, except in the case of rape, incest, or to protect the life of the mother. The Hyde amendment—as we have heard so many times during this debate—finds its genesis in 1977. The language in the Nelson-Hatch amendment is virtually identical to the Stupak language that was included in the House bill, where 240 Representatives in the House supported it and it passed on a vote of 240 to 194.

The Stupak language very clearly prohibits Federal funding of abortions. It says this: No. 1, the government-run plan cannot cover abortions. That seems very straightforward. No. 2, Americans who receive a subsidy cannot use it to buy health insurance that covers abortion. No. 3, the Federal Government cannot mandate abortion coverage by private providers or plans. Then, finally, No. 4, as has been the case for 30 years, private insurance plans may cover abortion, and individuals may purchase a plan that covers it, but taxpayer dollars cannot be in the mix to purchase that.

Compare that to what is in the current Senate bill. The government-run plan can cover abortion. Americans who receive a subsidy can use it to buy a health insurance policy that covers abortion. The Federal Government can

and does mandate abortion coverage by at least one provider or plan. There is a stipulation in the current bill that requires the Health and Human Services Secretary to assure the segregation of funds, the tax credit/Federal dollars can't be used.

But the reality is, it is akin to saying: Here, put those Federal dollars in your left pocket. When you are purchasing the abortion coverage, make sure it is your right hand that is reaching into your right pocket. How do you segregate those funds? It is impossible. What it does is to simply erase the line between taxpayer dollars and funding of abortions.

Quoting the National Right to Life:

Senator Reid included in his substitute bill language that some have claimed would preserve the principles of the Hyde Amendment. Such claims are highly misleading. In reality, the Reid language explicitly authorizes direct funding of elective abortion by a Federal Government program.

Well, I feel very strongly we must ensure that Federal dollars are not used to fund abortions directly or indirectly. Health care reform, under the Reid language, has become a vehicle for changing the current law of the land regarding abortion coverage. Here is what some of my constituents have said to me, and I am quoting from a gentleman in Kearney:

It is time to make sure that abortion is explicitly prohibited by any language that may be put forward.

Another Nebraskan said to me:

I know that the pro-life issue is not the only component of the Healthcare bill to consider, but it is probably the most important issue of concern that I have in this bill. Abortion is not health care.

From central Nebraska I heard this:

I'm taking a minute to send a note to say "thank you" for standing up for life. Life is precious, whether you are just conceived or over 100 years of age.

Pro-life groups across the board support this amendment—the National Right to Life, Catholic Bishops, Family Research Council, and others. They represent millions of Americans. But the reality is, Americans support this.

In a recent CNN survey, we confirm that 6 in 10 Americans favor a ban on the use of Federal funds for abortion. A recent Washington Post-ABC News poll indicates 65 percent of adults believe private insurance plans paid for with government assistance should not include coverage of abortion.

I was in McCook, NE, a while back, doing a townhall meeting in August. After everybody had left, a gentleman came up to me. He told me something about that I will remember all the years I am in the Senate. First, he spoke about his faith, and then he said: I hope you understand, Senator, I cannot, under any circumstances, agree to anything that would allow my taxpayer dollars, either directly or indirectly, to fund abortions. He said: I

cannot go there. He said: Please, do everything you can to stop this from happening.

Today, I stand with that gentleman from McCook, NE, to say we have to stop this.

I applaud my colleague from Nebraska, and I wish to end my comments with this. Senator NELSON stood on this issue and in a recent interview he said this:

I have said at the end of the day, if it doesn't have the Stupak language on abortion in it, I won't vote to move it off the floor.

I think that is a courageous statement. I do not mind standing here and saying I am very pleased to associate myself with Senator NELSON and Senator HATCH on this important amendment.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 2 minutes 45 seconds.

Mr. JOHANNIS. I yield my 2 minutes 45 seconds to Senator HATCH when he speaks. I yield the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I yield 10 minutes to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I appreciate this very much. It has been a healthy debate, a big debate, and it is an unusual debate because we haven't debated Hyde around here for 20 years. So this is an unusual debate we are having. Normally, we debate about abortion but not about abortion funding because there has been an agreement in this body for 33 years about that. So this is an unusual debate, but I think it is an important one.

I think it is extraneous, in many respects, to the health care bill itself. Abortion is not health care, and so why we are debating the funding of abortion in a health care bill seems odd to me. But it is in the base bill, and we need to deal with that.

A lot of people are coming forward and saying: Well, OK, which way is this; is it in the bill or not on funding for abortion? I am going to go to an independent fact checker and cite this. This is an independent research and prize-winning fact checker, PolitiFact.com, and they say our opponents' characterization of this amendment was "misleading" and that "the people who would truly pay all their premium with their own money, and who would not use Federal subsidies at all, not barred in any way from obtaining abortion coverage, even if they obtain their insurance from the federally administered health exchange."

That is an independent group, PolitiFact.com, saying this doesn't limit the ability for somebody on their own to be able to purchase abortion

coverage, if they want to do that, but in the base bill, what we are saying is we don't want to put Federal funds in it as the longstanding policy has been here.

As the President himself has said when he spoke to a joint session of Congress, launching the health care debate:

One more misunderstanding I want to clear up—under our plan, no Federal dollars will be used to fund abortions, and Federal conscience laws will remain in place.

Unfortunately, in the Reid bill, this is not true. This is not true in the Reid bill. What is in the Reid bill is the so-called Capps amendment language, which allows for the Federal funding of abortion.

I wish to describe—and I think a great deal of what is in here has been described, but what is taking place is the Federal subsidization of an insurance program that will have abortion funding in it. According to most groups, that is what is taking place in the Capps language, which is in the base Reid bill.

I say this is an unusual debate that is taking place because we haven't debated Hyde for years around here. I wish to read to you what is our normal status on funding of abortions; that is, that we don't do Federal funding of abortions. I will read to you what the normal status is. The U.S. Conference of Catholic Bishops, which supports this base bill but does not support funding of abortions, describes it this way:

In every major federal program where federal funds combined with nonfederal funds to support or purchase health coverage, Congress has consistently sought to ensure that the entire package of benefits excludes elective abortions. For example, the Hyde amendment governing Medicaid prevents the funding of such abortions not only using federal funds themselves, but also using the state matching funds that combine with the federal funds to subsidize the coverage. A similar amendment excludes elective abortions from all plans offered under the Federal Employees Health Benefits Program, where private premiums are supplemented by a federal subsidy.

So there it is prohibited as well.

Where relevant, such provisions also specify that federal funds may not be used to help pay the administrative expenses of a benefits package that includes abortions. Under this policy, those wishing to use state or private funds to purchase abortion coverage must do so completely separately from the plan that is purchased in whole or in part with federal financial assistance.

Here I take a quick aside. That is what we are saying should be done in this bill, but it is not what is done in this bill.

Going on:

This is the policy that health care reform legislation must follow if it is to comply with the legal status quo on federal funding of abortion coverage. All of the five health care reform bills approved in the 111th Congress violate this policy.

This is from a group, the United States Conference of Catholic Bishops,

that supports health care reform but not the abortion funding in it. They say as well that this fails in the Reid bill, that there is explicit funding for abortion in this bill.

I thank my colleagues, particularly on the other side of the aisle, Senators NELSON and CASEY, for being major cosponsors of this amendment. They are the ones who look at this and say: I don't want this in the base bill. This should not be in the base bill. It doesn't belong in the base bill. The language should be different.

I also wish to note that most people across the country don't want this in the base bill. A majority of the country is opposed to the bill overall. They don't think this is the way we should go. They think it is the wrong way. But even people who support the bill itself by and large don't want Federal funding for abortion to be in this bill.

A Pew poll even showed that 46 percent of people who support health care reform want to see the radical abortion language removed, the Capps language in the Reid bill, and all pro-choice Republicans and several pro-choice Democrats supported the measure in the House that put Stupak language in that removed the Federal funding for abortion. The American people feel this way because they know that forcing Federal funding of abortion is fiscally irresponsible and morally indefensible. Those are the two central pieces we are discussing, the fiscal responsibility or irresponsibility of this and the moral indefensibility. At a time of hemorrhaging debt, the Federal Government being supportive and funding elective abortions flies in the face of trying to restrain or bend the cost curve down in this legislation. That is not us being fiscally responsible.

I have shown this chart before, but I think it is so striking. Back when we did do funding for abortions, we funded about 300,000 a year. How is that extra funding going to help us be more fiscally responsible? That is why a majority of the people, pro-life and pro-choice, are saying the Federal Government should not be funding this. I don't believe that is fiscally responsible. And it is morally indefensible.

Whether you are pro-choice or pro-life, we are having 300,000 children who are not going to be here that we are funding the elimination of. Under anybody's definition of looking at that, they would say that is morally indefensible for the Federal Government that has long debated abortion policy, has not debated abortion funding, that that is morally indefensible for us to do something along that line.

There are many issues to debate but thankfully Hyde has not been one of them we have been debating until now. I say to my colleagues the admonition we have had many times, whether you choose this day life or death, blessing or curse, why wouldn't we choose the

life route on this one? Even if you have a close call or you are questioning this, why wouldn't we choose the route that says: I am not going to fund 300,000 abortions. I want abortion to be safe, legal and rare, as some people in this body, but that is not rare, 300,000. Why wouldn't we choose the life route that says this is a controversial issue sometime way in the past, not recently. We don't fund these things. So many people in America don't want their money used to pay for abortions. Yet in this base Reid bill, it is there. I urge my colleagues to vote in favor of the Nelson-Hatch-Casey amendment that puts into Hyde language that is the status quo that there is not taxpayer funding going toward abortion and to reject those who would put the Reid language forward that would take us back decades to an era when we did fund abortion procedures.

I yield the floor.

Ms. SNOWE. Mr. President, I rise today to voice my opposition to the Nelson-Hatch amendment. In deliberating how to construct a fair equitable solution to such a divisive question, the one thing that our Group of 6 agreed on during our meetings prior to the markup of legislation in the Finance Committee was that we wanted to remain neutral and preserve the status quo.

I am pleased that Majority Leader REID chose to reflect the Finance Committee's work because I believe that we achieved that careful balance. Federal funds continue to be prohibited being used to pay for abortions unless the pregnancy is due to rape, incest or if the life of the mother is in danger. Health plans that choose to cover abortion care must demonstrate that no tax credits or cost-sharing credits are used to pay for abortion care.

The Finance Committee adopted this solution primarily because the policy of separating Federal dollars from private dollars has been achieved in other instances and there is a precedent for that approach. Today, 17 States cover abortion beyond the Hyde limitations with State-only dollars in their Medicaid Programs. States and hospitals, which in no way want to risk their eligibility for Medicaid funding, use separate billing codes for abortions that are allowable under the Hyde amendment, and those that are not. And let me emphasize, there have never been any violations among the States in this regard. Moreover, a similar approach has also been taken with Title X family planning funds and the United Nations Population Fund. We ought to hew to current law and what we know already works.

Yet some want to prohibit women from using their own money—beyond taxpayer dollars—towards purchasing a plan in the exchange that covers abortion or limit coverage only through a supplemental policy. I have strong res-

ervations about taking such an approach.

Under the Nelson-Hatch amendment, a woman must try to predict whether or not she will require that coverage. This is an unfair proposition. Half of all pregnancies in this country are unplanned and most women do not anticipate the necessity for abortion coverage. Furthermore, in most cases, women already have that coverage. Today, between 47 and 80 percent of private plans cover abortion services. So for a middle income woman who already purchases coverage in the individual market and could now receive a subsidy, let me be clear about the effect this change would have. This would take away coverage she currently has essentially creating a two tiered system for women who don't have coverage through their employer and instead receive it through the exchange. That is fundamentally wrong, and it is patently unfair.

And the fact is, over time, more and more individuals will receive coverage through the exchange, which means that the number of women who will confront these restrictions will grow. Not only that but this amendment threatens to reach even further than the exchange. According to a study by the George Washington University School of Public Health that reviewed the Stupak/Pitts provisions from the House "the size of the new market is large enough so that Stupak/Pitts can be expected to alter the 'default' customs and practices that guide the health benefits industry as a whole, leading it to drop coverage in all markets in order to meet the lowest common denominator in both the exchange and expanded Medicaid markets."

As opposed to the demonstrated evidence from States that separating Federal funds can and does work, we cannot say the same about the availability of supplemental, abortion-only coverage.

In the five States that have similar prohibitions on abortion coverage to the Nelson-Hatch amendment, supplemental coverage is generally not offered—as a result of a lack of market demand for riders. And even if supplemental coverage were available, there are significant privacy concerns. If a woman opted to purchase supplemental abortion coverage, it could be inferred that she plans to obtain an abortion. Confidentiality is vital to women who are making this choice and the possibility that this information could be disclosed is both serious and disturbing. Women may face harassment and intimidation on what should be a private matter between her family and her physician.

The fact of the matter is, whether to undergo an abortion is one of the most wrenching decisions a woman can ever make—and we shouldn't ignore the real life circumstances that lead them to



this choice. For some expecting mothers, tragedy strikes when a lethal fetal anomaly is discovered. Other times there may be adverse health consequences to continuing a pregnancy. In these heartbreaking cases, a woman without coverage can face severe financial hardship in paying for these health costs—not to mention emotional anguish from ending a planned pregnancy.

Rather than focusing on abortion, we should concentrate on the significant obstacles women of child-bearing age face under our current health care system. And we have achieved some clear victories for women in this bill. For example, maternity and newborn care is specifically included as an essential health benefit. Pregnancy is typically the most expensive health event for families during their childbearing years and there are significant consequences in a lack of coverage or even minimal coverage. Maternity coverage in the individual insurance market is difficult to find and exceedingly expensive if it is available. Maternity coverage riders alone ranged from \$106 to \$1,100 per month, required waiting periods of one to 2 years with either no or limited coverage during that period and capped total maximum benefits as low as \$2,000 to \$6,000. Yet expenditures for maternity care average \$8,802.

I am also pleased that we passed the Mikulski amendment, which I was proud to cosponsor, that will enhance preventive services for women. This could include preconception care, where doctors counsel women on nutrition and other health interventions before they become pregnant, as well as proper prenatal care.

This is critical as mothers who receive no prenatal care have an infant mortality rate more than six times that of mothers receiving early prenatal care. Yet 20 percent of women of childbearing age are uninsured and approximately 13 percent of all pregnant women are uninsured.

This bill also at long last ends the discriminatory practice of gender rating. For years, women in this age group seeking insurance coverage have faced clear inequities compared to men. A study conducted by the National Women's Law Center found that insurers who practice gender rating charged 25-year-old women anywhere from 6 percent to 45 percent more than 25-year-old men, and charged 40-year-old women from 4 percent to 48 percent more than 40-year-old men. These critical improvements will enhance both access and health care outcomes for women. This is precisely the direction we should be heading in . . . rather than placing additional obstacles in front of women.

Throughout my tenure in Congress I have opposed Federal funding for abortion. At the same time, as a champion of women's health, I have profound res-

ervations about limiting coverage options for women when they are contributing private dollars. Women who are subject to an individual mandate and are contributing private dollars to the cost of their insurance should not have coverage choices dictated for them by the Federal Government. We are making decisions that will affect women on an intensely personal level and if we fail to craft the right solution, it could have serious implications for women's health and privacy.

I appreciate the Finance Committee's effort to navigate this difficult issue and hope we can concentrate on the task at hand—providing coverage to the 30 million uninsured Americans. In that light, I urge my colleagues to vote against the Nelson-Hatch amendment.

The PRESIDING OFFICER (Mr. CASEY). Who yields time?

Mr. GRASSLEY. I yield such time as is remaining to the Senator from Utah.

Mr. HATCH. Mr. President, I had a longer statement I was going to deliver this afternoon, but after listening to my colleagues speak about the Nelson-Casey-Hatch amendment, I want to take my time to refute some of the arguments they are making about our amendment.

It does not even sound as though they are talking about the same amendment I filed with Senators NELSON and CASEY. Our amendment does nothing to roll back women's rights. When my colleagues on the other side say that, they are simply mischaracterizing our amendment. Our amendment ensures that the Hyde language, a provision that has been in the HHS appropriations legislation for the last 33 years, will apply to the new health care programs created through this bill. We are applying current law to these programs. That is it. The current Hyde language ensures that no Federal Government funds are used to pay for elective abortion or health plans that provide elective abortion. Today States may only offer Medicaid abortion coverage if the coverage is paid for using entirely separate State funds, not State Medicaid matching funds. They cannot do that under current law. This is a longstanding policy based on a principle that the Federal Government does not want to encourage abortion.

For example, Guttmacher studies show that when abortion is not covered in Medicaid, roughly 25 percent of women in the covered population who would have otherwise had an abortion choose to carry to term. I wanted to explain why the Reid-Capps language in the Reid bill is not the Hyde language. First, the Hyde amendment prohibits funding for abortions through Medicaid and other programs funded through the HHS appropriations bill. However, the public option is not subject to further appropriation and there-

fore is not subject to Hyde. Directly opposite of the Hyde amendment, the Reid-Capps language explicitly authorizes the newly created public option to pay for elective abortions. The public option will operate under the authority of the Secretary of HHS and draw funds from the Federal Treasury account. Regardless of how these funds are collected, these funds from the Treasury are Federal funds. Funding of abortion through this program will represent a clear departure from longstanding policy by authorizing the Federal Government to pay for elective abortion for the first time in decades.

The Nelson-Hatch-Casey amendment would prohibit funding for abortion under H.R. 3590 except in the cases of rape, incest, or to save the life of the mother. As is the case with the CHIP program and Department of Defense health care, the Nelson-Hatch-Casey amendment would be permanent law rather than an appropriations rider, subject to annual debate and approval. Any funding ban subject to annual approval will be in jeopardy in the future. Even if there are the votes to maintain the Hyde language, procedural tactics and veto threats could be employed and make it impossible to retain an annual ban.

Secondly, the Hyde amendment prohibits funding for health benefits coverage that includes coverage of abortion. This requirement ensures that the Federal Government does not encourage abortion by providing access to it. When the government subsidizes a plan, it is helping to make all of the covered services available. Federal premium subsidies authorized and appropriated in H.R. 3590 are not subject to annual appropriations and they are, therefore, not subject to the Hyde language. Directly opposite of the Hyde language, the Reid-Capps explicitly allows federal subsidies to pay for plans that cover abortion by applying an accounting scheme. Under the accounting scheme, the government is permitted to subsidize abortion coverage provided that funds used to reimburse for abortions are labeled "private" funds. This is an end run around the Hyde restriction on funding for plans that cover abortion.

Furthermore, under the accounting scheme, premium holders will be forced to pay at least \$12 per year as an abortion surcharge to be used to pay for abortions. The Nelson-Casey-Hatch amendment would ensure that no funds under H.R. 3590 will subsidize plans that cover abortion. However, it does nothing to prohibit individuals from purchasing separate abortion coverage or from purchasing plans that cover abortion without a Federal subsidy.

Another issue I want to raise is the impact the Nelson-Hatch-Casey amendment would have on coverage of elective abortions by private health plans. I heard some of my colleagues say that

our amendment would prohibit women from purchasing health plans with abortion coverage, even if they spend their own money. I understand there is a Politifact story with the headline "Lowey Says Stupak Amendment Restricts Abortion Coverage, Even for Those Who Pay for Their Own Plan."

That is simply not true. Our amendment would not prohibit the ability of women to obtain elective abortions as long as they use their own money to purchase these policies and not the money of the taxpayers of America, directly or indirectly. Again, our opponents will argue that it does, but if they take the time to read our amendment, they will note on page 3, line 6, that it ensures there is an option to purchase separate supplemental coverage or a plan with coverage for elective abortions. In fact, let me read it to my colleagues so we are all clear on what the language actually says. I am going to read it because I am tired of hearing some of the misrepresentations made on the floor by, I am sure, well-meaning people who are very poorly informed on this amendment. It is easy for me to see why they are poorly informed when I look at this itty-bitty bill.

My gosh, no matter how bright you are, who could know everything in this itty-bitty bill that will break the desk, if I drop it on it.

I am sorry. I scared the distinguished Senator from Iowa with this itty-bitty bill. I should have dropped it a little bit softly. I apologize.

Let me tell you what it actually says.

(2) OPTION TO PURCHASE SEPARATE SUPPLEMENTAL COVERAGE OR PLAN.—Nothing in this subsection shall be construed as prohibiting any non-Federal entity (including an individual or a State or local government) from purchasing separate supplemental coverage for abortions for which funding is prohibited under this subsection, or a plan that includes such abortions, so long as—

(A) such coverage or plan is paid for entirely using only funds not authorized or appropriated by this Act; and

(B) such coverage or plan is not purchased using—

(i) individual premium payments required for a qualified health plan offered through the Exchange towards which a credit is applied under section 36B of the Internal Revenue Code of 1986; or

(ii) other non-Federal funds required to receive a Federal payment, including a State's or locality's contribution of Medicaid matching funds.

Under the Nelson-Hatch-Casey amendment, women are allowed to purchase separate elective abortion coverage with their own money. I wish they would not, but we allow it. Anybody who says otherwise is misrepresenting what this amendment does. I am sure they are not intentionally misrepresenting but nevertheless misrepresenting. So have fair warning.

It is also true that our amendment allows women to purchase a health

plan that includes coverage of elective abortions in addition to the supplemental abortion policy as long as they pay for it with their own money. So when those who oppose our amendment say a woman would never want to purchase abortion coverage as a separate rider, they are truly misunderstanding that our language also permits women to purchase an identical exchange plan that includes coverage of elective abortions, in addition to other health benefits. To be clear, under our amendment, a woman may purchase with her own funds either a supplemental policy that covers elective abortions or an entire health plan that includes the coverage of elective abortions.

Today, Federal funds may not pay for elective abortions or plans that cover elective abortions. This is the fundamental component of the Hyde language. And to be clear, the Nelson-Hatch-Casey language does not prevent people purchasing their own private plans that include elective abortion coverage with private dollars.

In addition, our amendment explicitly states that these types of policies may be offered. In other words, our amendment does not restrict these policies from being offered. The only caveat is that they may not be purchased with Federal subsidies. We want to make that clear, and the Reid-Capps language does not.

Let me read that section of the Nelson-Hatch-Casey amendment for my colleagues. It may be found on page 4, line 3, of the Nelson-Hatch-Casey amendment.

(3) Option To Offer Supplemental Coverage Or Plan.—

Now get this:

Nothing in this subsection shall restrict any non-Federal health insurance issuer offering a qualified health plan from offering separate supplemental coverage for abortions for which funding is prohibited under this subsection, or a plan that includes such abortions, so long as—

(A) premiums for such separate supplemental coverage or plan are paid for entirely with funds not authorized or appropriated by this Act;

(B) administrative costs and all services offered through such supplemental coverage or plan are paid for using only premiums collected for such coverage or plan; and

(C) any such non-Federal health insurance issuer that offers a qualified health plan through the Exchange that includes coverage for abortions for which funding is prohibited under this subsection also offers a qualified health plan through the Exchange that is identical in every respect except that it does not cover abortions for which funding is prohibited under this subsection.

Our amendment has the support of the U.S. Conference of Catholic Bishops, the National Right to Life Committee, the Family Research Council, the Ethics & Religious Liberty Commission of the Southern Baptist Convention, Concerned Women for America, the National Association of Evangelicals, and Americans United for Life Action.

Polls across the country indicate a majority of Americans do not want their tax dollars paying for elective abortions. According to a CNN/Opinion Research Corporation survey, 6 in 10 Americans favor a ban on the use of Federal funds for abortion. Anybody who understands that figure knows there are pro-choice people who also favor a ban on the use of Federal funds for abortion.

It also indicates that the public may also favor legislation that would prevent many women from getting their health insurance plan to cover the cost of an abortion, even if no Federal funds are involved. This poll indicates that 61 percent of the public opposes the use of public money for abortions for women who cannot afford the procedure, with 37 percent in favor of allowing the use of Federal funds.

So my question to my fellow Senators is the following: When is this Congress going to start listening to the American people, people on both sides of this issue, who do not feel that taxpayers ought to be saddled with paying for abortion through their tax dollars, or in any other way, for that matter?

I urge my colleagues to support the Nelson-Hatch-Casey amendment. Do the right thing and support our amendment, which truly protects the sanctity of life and provides conscience protections to health care providers who do not want to perform abortions. That is an important aspect of this issue, and I have waited until the last minute to say something about that issue. Why should people of conscience be forced to participate in any aspect of elective abortions? They should not. People who have deep feelings of conscience should not be forced—that includes nurses, doctors, health care providers, hospitals—they should not be forced to do this, just because of the radicalness of some people who exist in our society today, and some think the radicalness of some in this body and in the other body. It is radical to expect the American taxpayers to pay for elective abortions, especially when such a high percentage—up to 68 percent, according to some polls, and I think even higher—do not want to have Federal dollars used for this purpose.

I appreciate my colleagues. I appreciate what my colleagues stand for. But this is very important stuff.

I ask unanimous consent that a number of constituent letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### CONSTITUENT LETTERS

Senator HATCH: I am absolutely and adamantly opposed to having any of my tax dollars go to fund abortion directly or indirectly. I urge you in the strongest possible terms to vote against any motion to have the Senate consider any bill that does not include specific language like the Stupak Amendment.

Please let me know how you vote on the upcoming motion to proceed to consider any healthcare legislation.

Thank you.

Senator HATCH: I am extremely concerned that the majority of members of all the congressional committees that have considered healthcare legislation have refused to specifically include language that would prohibit allowing any of my tax dollars from directly or indirectly funding abortions.

I am absolutely opposed to being forced to fund abortions in any way with my tax dollars, and I urge you not to support any healthcare bill that does not specifically prevent this. I consider abortion to be the taking of innocent life and a fundamental moral issue. I do not want to be forced to support it in any way. . . .

Thank you.

Senator HATCH: During floor debate on the health care reform bill, please support an amendment to incorporate longstanding policies against abortion funding and in favor of conscience rights. If these serious concerns are not addressed, the final bill should be opposed.

Genuine health care reform should protect the life and dignity of all people from the moment of conception until natural death.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senator from Nebraska be allowed to speak for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nebraska.

Mr. NELSON of Nebraska. Mr. President, I rise to discuss the bipartisan amendment which I have proposed with Senator HATCH, the Presiding Officer, and others. As my good friend and colleague from Utah has so eloquently explained, our amendment mirrors the language offered by Representative STUPAK that was accepted into the House health care bill. Our view is that it should become part of the Senate health care bill we are debating as well.

It is a fact that the issue of abortion stirs very strong emotions involving strongly held principles all across America, from those who support the procedure and those who do not. We are hearing that passion at times here on the Senate floor.

But we are not here to debate for or against abortion. This is a debate about taxpayer money. It is a debate about whether it is appropriate for public funds to, for the first time in more than three decades, cover elective abortions. In my opinion, most Americans and most of the people in my State would say no.

As it is currently written, though, the Senate health care bill enables taxpayer dollars, directly and indirectly, to pay for insurance plans that cover abortion. We should not open the door to do so. As I said yesterday, when we offered the amendment, some suggested the Stupak language imposes

new restrictions on abortion. But that is not the case. We are seeking to apply the same standards to the Senate health care bill that already exist for many Federal health programs.

But the bill does set a new standard. It is a standard in favor of public funding of abortion. Our amendment does not limit the procedure, nor prevent people from buying insurance that covers abortion with their own money. It only ensures that when taxpayer dollars are involved, people are not required to pay for other people's abortions.

Some have claimed that the amendment restricts abortion coverage even for those who pay for their own plan. That is not true, according to politifact.com, a prize-winning, fact-checking Web site, which looked at similar claims by a House Member during House debate on the Stupak amendment. PolitFact found, and I quote:

First, she suggests the amendment applies to everyone in the private insurance market when it just applies to those in the health care exchange. Second, her statement that the restrictions would affect women "even when they would pay premiums with their own money" is incorrect. In fact, women on the exchange who pay the premiums with their own money will be able to get abortion coverage. So we find her statement false.

The Nelson-Hatch-Casey amendment only incorporates the longstanding rules of the Hyde amendment, which Congress approved in 1976, to ensure that no Federal funds are used to pay for abortion in the legislation.

This standard now applies to Federal health programs covering such wide and broad groups as veterans, Federal employees, Native Americans, active-duty servicemembers, and others—all of whom are covered under some form of a Federal health program.

Thus, this standard applies to individuals participating in the Children's Health Insurance Program, Medicare, Medicaid, Indian Health Services, veterans health, and military health care programs.

I wish to emphasize another point. All current Federal health programs disallow the use of Federal funds to help pay for health plans that include abortion. Our amendment only continues that established Federal policy. Some have said the Hyde amendment already is in effect in this bill. But that is not the case at all. The bill says the Secretary of Health and Human Services may allow elective abortion coverage in the Community Health Insurance Option—the public option—if the Secretary believes there is sufficient segregation of funds to ensure Federal tax credits are not used to purchase that portion of the coverage.

The bill would also require that at least one insurance plan that covers abortion and one that does not cover abortion be offered on every State insurance exchange.

Federal legislation establishing a public option that provides abortion coverage and Federal legislation allowing States to opt out of the public option that provides abortion coverage eases—let me repeat the word "eases"—the standards established by the Hyde amendment.

The claim that the segregation of funds accomplishes the Hyde intent falls short. Segregation of funds is an accounting gimmick. The reality is, taxpayer-supported Federal dollars would help buy insurance coverage that includes covering abortion.

I wish to offer some other points about the effect of the Nelson-Hatch-Casey amendment.

Under the amendment, no funds authorized or appropriated by the bill could be used for abortions or for benefits packages that include abortion. The amendment would prohibit the use of the affordability tax credits to purchase a health insurance policy that covers abortion. It would also prohibit Federal funding for abortion under the Community Health Insurance Option.

In addition, the amendment makes exceptions in the cases of rape or incest or in cases of danger to the mother's life.

In addition, the amendment allows an individual to use their own private funds to purchase separate supplemental insurance coverage for abortions, perhaps even what is called a rider to an existing plan.

The amendment allows an individual whose private health care coverage is not subsidized by the Federal Government to purchase or be covered by a plan that includes elective abortions, paid for with that individual's own premium dollars.

Under the amendment, a private insurer participating in the exchange can offer a plan that includes elective abortion coverage to nonsubsidized individuals on the exchange, as long as they also offer the same plan without elective abortion coverage to those who receive Federal subsidies.

On another point, under Federal law, States are allowed to set their own policies concerning abortion. Many States oppose the use of public funds for abortion. Many States have also passed laws that regulate abortion by requiring informed consent and waiting periods, requiring parental involvement in cases where minors seek abortions, and protecting the rights of health care providers who refuse, as a matter of conscience, to assist in abortion.

But perhaps most importantly, there is no Federal law, nor is there any State law, that requires a private health plan to include abortion coverage. But the bill before us, as written, does.

As I have said, the current health care bill we are debating should not be used to open a new avenue for public

funding of abortion. We should preserve the current policies, which have stood the test of time, which are supported by most Nebraskans and most Americans. The Senate bill, as proposed, goes against that majority public opinion. I think most Americans would prefer that this health care bill remain neutral on abortion, not chart a new course providing public funds for the procedure. Public opinion suggests so. So does the fact that over the last 30-plus years Congress has passed new Federal laws that have not broken with precedent.

Finally, as President Obama has said, this is a health care reform bill. It is not an abortion bill. So it is time to simply extend the longstanding standard disallowing public funding of abortion to new proposed Federal legislation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I yield to the Senator from California. At least indirectly it is our understanding that Senator REID will soon come to the floor to speak.

Mrs. FEINSTEIN. As soon as he comes in, I would be happy to yield.

Mr. BAUCUS. That would be my request.

Mrs. FEINSTEIN. Thank you. I appreciate that.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, simply put, I believe this amendment would be a harsh and unnecessary step back in health coverage for American women.

What this amendment would do, as I read it, is to prohibit any health insurance plan that accepts a single government subsidy or dollar from providing coverage for any abortion, no matter how necessary that procedure might be for a woman's health, even if she pays for the coverage herself.

The proponents of this amendment say their sole aim is to block government funds from being used to cover abortion, but the underlying bill already does that. In the bill before us, health plans that opt to cover abortion services—in cases other than rape, incest, or when the life of the mother is at stake—must segregate the premium dollars they receive to ensure that only private dollars and not government money is used. They argue that segregating funds means nothing—you heard that—and that money is fungible. However, this method of separating funds for separate uses is used in many other areas, and there is ample precedent for the provision.

For example, charitable choice programs allow agencies that promote religion to receive Federal funds as long as these funds are segregated from religious activities. We all know that. We see it in program after program. If

these organizations can successfully segregate their sources of funding, surely health insurance plans can do the same. Additionally, the Secretary of Health and Human Services must certify that the plan does not use any Federal funding for abortion coverage based on accounting standards created by the GAO.

This amendment would place an unprecedented restriction on a woman's right to use her own money to purchase health care coverage that would cover abortions. Let me give my colleagues one example. Recently, my staff met with a bright, young, married attorney who works for the Federal Government. She and her husband desperately wanted to start a family and were overjoyed to learn she was pregnant. Subsequently she learned the baby she was carrying had anencephaly, a birth defect whereby the majority of the brain does not develop. She was told the baby could not survive outside of the womb. She ended the pregnancy but received a bill of nearly \$9,000. Because she is employed by the Federal Government, her insurance policy would not cover the procedure. Her physician argued that continuing the pregnancy could have resulted in "dysfunctional labor and postpartum hemorrhage, which can increase the risk for the mother." The physician also warned that the complications could be "life threatening."

However, OMB found that this circumstance did not meet the narrow exception in which a woman's life, not her health, is in danger. The patient was told: "The fetal anomaly presented no medical danger to you," despite the admonitions of her physician. The best she could do was to negotiate down the cost to \$5,000.

Now, this story, without question, is tragic. A very much-wanted pregnancy could not be continued and, on top of this loss, the family was left with a substantial unpaid medical bill. Health insurance is designed to protect patients from incurring catastrophic bills following a catastrophic medical event. But if this amendment passes, insured women would lose any coverage included in the underlying bill, even if she pays for it herself. Why would this body want to do that? I can't support that.

A woman's pregnancy may also exacerbate a health condition that was previously under control, or a woman may receive a new diagnosis in the middle of her pregnancy. It happens. If this amendment passes, women in these circumstances would also learn that their insurance does not cover an abortion. In some cases, it may be unclear whether the woman's health problem meets the strict definition of life endangerment.

The National Abortion Federation has compiled calls they receive on their hotline which are available to

women who need assistance obtaining abortion care. Let me give you a few examples.

Molly was having kidney problems and was in a great deal of pain. She couldn't go to work. She couldn't provide for her two children. When she became pregnant, she made the decision to terminate the pregnancy in order to have her kidney removed to begin her recovery. She knew carrying the pregnancy would create additional health problems and would leave her unable to provide for her family.

Jamie already had severe health problems when she learned she was pregnant. She was a severe diabetic and her low blood sugar levels caused her to suffer from seizures. She was unable to continue her pregnancy but had difficulty affording the procedure.

Another was suffering from a serious liver illness when she became pregnant. Doctors were unsure of the cause, but she was in a great deal of pain. She already had two children. She could not care for them because of this pain. The tests and medications she needed to address her medical condition were incompatible with pregnancy.

None of these women experienced immediate threats to their lives, so under this amendment their circumstances would not meet the narrow exceptions permitted for abortion coverage.

This is a problem. How can one say we are going to provide insurance, but we don't like one aspect of it. We don't want the government to pay for it. OK, OK. But the woman herself can't pay for it. That is the extra step that this legislation takes.

To this day, it is still legal to have an abortion. Women in this situation don't buy insurance for abortion, but they buy a policy that may cover them, married women, should something happen in a pregnancy in the third trimester. If they find a baby is without a brain, she can have an abortion, and it is covered.

One of the problems with this whole debate is everybody sees something through their own lens. They don't see the grief and trouble and morbidity that is out there and the circumstances that drive a woman to decide—married—she has to terminate her pregnancy for very good medical reasons. Nobody considers that. This is all ideologic, and it really, deeply bothers me.

So I can only tell my colleagues I very much hope this amendment goes down.

Thank you very much, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NELSON of Nebraska. Mr. President, I would like to summarize the reasons for and the intent of the amendment that Senator HATCH and the Presiding Officer and I, together with others, have proposed to the health care bill.

First of all, I should say the examples our very good friend from California has outlined would not have been covered under the Federal Employees Health Benefits Plan either because the Federal Employees Health Benefits Plan does not provide abortion coverage for such circumstances.

Our amendment mirrors the language that has been offered by Representative STUPAK that was adopted into the House health care bill, and we believe it should be applied to the Senate bill as well. As I said earlier, the issue of abortion certainly prompts strong opinions, fierce passions, and deep-seated principles for millions and millions of Americans, those who support the procedure and those who don't. But our amendment does not take sides on abortion. It is about the use of taxpayer money.

The question before us is whether public funds, for the first time in more than three decades, should cover elective abortions. Numerous public opinion polls have shown that most Americans, including a number who support abortion, do not support public funds paying for abortion. But the Senate bill we are debating allows taxpayer dollars, directly and indirectly, to pay for insurance plans to cover abortion. That is out of step with the majority of Nebraskans and of all Americans.

Our amendment does not impose new restrictions on women despite what some have claimed, and I respect but strongly disagree with them. We are seeking to just apply the same standards to the Senate health care bill that already exist for every Federal health program.

Our amendment does not add a new restriction, but the bill does add a new relaxation of a Federal standard that has worked well for more than 30 years. Under our amendment, abortion isn't limited, nor would people be prevented from buying insurance on the private market covering abortion with their own money.

Our amendment only ensures that where taxpayer money enters the picture, people are not required to pay for people's abortions.

The Nelson-Hatch-Casey amendment incorporates the longstanding standard established by the Hyde amendment which Congress approved in 1976. Today it applies to every Federal health program. That includes plans that cover veterans, Federal employees, including Members of Congress, Native Americans, Active-Duty servicemembers, and a whole host of others.

Some people have called our amendment radical. Nothing could be further from the truth. It is reasonable. It is rational because it follows established Federal law. It is right. Taxpayers shouldn't be required to pay for people's abortions. It is just that simple.

Thank you, Mr. President. I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KAUFMAN). Without objection, it is so ordered.

Mr. REID. Mr. President, there were 45,000 funerals in America this year. These funerals, 45,000 in number, stood out from all the rest. Why? They were tearful, as all funerals are. They filled loved ones with sorrow and grief, as many of us know firsthand. But these 45,000 funerals were avoidable. That is why they were more tragic than most, because 45,000 times this year—nearly 900 times a week, more than 120 times each day, about every 10 minutes in America, every day, without end—someone dies as a direct result of not having health insurance.

That is a sickening number. You would have to be heartless not to be horrified. It doesn't even include those who did have health insurance but died because it was not enough to meet their most basic needs. That is what this is all about.

But it is not even just about death. How many citizens in each of our States are bankrupt and broke because of a broken health care system? How many have to choose between their mother's chemotherapy and their daughter's college tuition? How many have to work two or three jobs to provide for a family they never have time to see, all because of an accident they had or an illness they acquired that some insurance big shot calls a pre-existing condition.

So many of these tragedies could be prevented. If our Nation truly values the sanctity of life, as I believe it does, we will do everything we can to prevent them. That is why we are pushing so hard to make it possible for every American to afford good health. That is why we cannot take no for an answer, and that is why we will not let the American people down.

That value is also evident in the amendment before us. As some know, for many years—nearly 28 years as a Member of the House of Representatives, of the Senate, and as majority leader—I have consistently cast my vote against abortion.

To me, it is not about partisanship of any kind or political points or even polling data. To me, it is a matter of conscience.

I might not be the loudest on this topic, but that doesn't make my beliefs any less strong. I might oppose abortion, but that does not mean I am opposed to finding common ground for the benefit of the greater good. We can find common ground.

My belief in the sanctity of life is why I have repeatedly voted against

using taxpayer money for abortion. It is why I have repeatedly voted against covering abortions in Federal employees health insurance plans and repeatedly voted against allowing Federal facilities to be used for abortions.

But I recognize abortion is an emotional issue. Many Senators in this body disagree, as many citizens in the country disagree, on the issue. But divisive issues don't have to divide us. There is value in finding common ground.

Among this institution's immortals is Senator Henry Clay, who worked under the premise that, as he said:

All legislation is founded upon the principle of mutual concession.

It is in that spirit that I have been able to work with my colleagues to my left and to my right—Congressmen and Senators who are pro-life, such as I am, and those who are pro-choice. One of the ways I have done this is by trying to reduce the rate and number of unintended pregnancies.

Our great country leads the world in many ways. But this area is not one in which we take much pride. The United States has one of the highest rates of unintended pregnancies among all industrialized nations, and that is an understatement. Half of all pregnancies in America—every other one—is unintended. Of those, more than half result in abortions.

I have worked to stop this problem before it starts. In 1997, Senator Olympia Snowe and I started the first of many efforts to improve access to contraception. We said health plans should treat prescription contraception the same way it treats other prescription medications. We even passed a law that ensures that Federal employees have access to contraception. This proves what is possible when Senators have different backgrounds, both of good faith, work with each other rather than against each other.

In this case, a pro-life Democrat and a pro-choice Republican followed common sense and found common ground. I have always been appreciative of Senator SNOWE for her cooperation and her courage. I continue, to this day, to be grateful.

Let's not forget that the historic bill before this body will continue those efforts. By making sure that all Americans can get good health care, we will reduce the number of unintended pregnancies at the root of this issue. That is a goal both Democrats and Republicans can agree is worthwhile.

Let's talk about current law and this bill. In that and many other respects, this bill is a good, strong, and historic one. It is a bill that will affect the lives of every single American, and it will do so for the better. It will—as you have heard me say many times—save lives, save money, and save Medicare.

But you have also heard me say this bill deserves to go through the legislative process. That process includes

amendments. It warrants additions, subtractions, and modifications, as the Senate sees fit. This is an appropriate process, one that has served this body well for more than two centuries.

The amendment before us today, offered by Senator NELSON of Nebraska, would make dramatic changes in current law in America. It is worth examining what that law says, how this bill would treat it and what this amendment would require in addition and then evaluating whether it improves the overall effort.

As current law dictates, not a single taxpayer dollar—not one—can be used to pay for an abortion. There are very few—but very serious—exceptions to this rule: Those are explicitly limited to cases in which the life of the mother is in danger and when the pregnancy is the result of rape or incest.

This law is called the Hyde amendment. It has been on the books since the late Republican Congressman Henry Hyde wrote it in 1976. I have great respect for Henry Hyde, and I recall with fondness how this Illinois Republican Congressman came to Nevada and campaigned for me. We worked together at a time when a Republican could campaign for a Democrat and vice versa and not fear retribution and condemnation from his own party.

When we drafted the health reform bill now under consideration, we worked hard to come up with a compromise between pro-life and pro-choice Senators. On one side, there are some Senators who don't believe abortion should be legal, let alone mentioned in any health plan. On the other side, there are Senators who don't want a woman's access to legal abortion to depend on which health plan she could afford, and they wanted that reflected in this bill.

So legislating in pursuit of mutual concession, as Senator Clay advised, we struck a compromise. It is a compromise that recognizes people of good faith can have different beliefs, and instead of trying to settle the sensitive question of abortion rights in this bill, we found a fair middle ground.

That compromise is, we maintain current law. We are faithful to the Hyde amendment, which has been in place now for 33 years. Let me be clear. As our bill currently reads, no insurance plans in the new marketplace we create—whether private or public—would be allowed to use taxpayer money for abortion, beyond the limits of existing law.

But we don't stop there. The bill takes special care to keep public and private dollars separate to make sure that happens. This isn't a new concept. It is worth noting this practice of segregating money is consistent with other existing rules that make sure the public doesn't pay for things it shouldn't. It is consistent with the existing Medicaid practice that gives

States the option of covering abortion also at their expense. It mirrors practices already in place to separate church and State by ensuring money the Federal Government gives religious organizations is not used for religious practices. So we are not reinventing the wheel.

Just as current law demands, the bill respects the conscience of both individual health care providers and health care facilities. And once again, it goes further. Our bill not only safeguards a long list of Federal laws regarding conscience protections and refusal rights, it even outlaws discrimination against those health care providers and facilities with moral and religious objections to abortion. That means if a doctor does not believe it is right to perform an abortion, he or she can say no, no questions asked. Health care facilities such as Catholic hospitals, which are the largest nongovernment, non-profit health care providers in the country, would continue to have the same right to refuse to perform abortions.

Under our bill, at least one plan that does not cover abortion services will have to be offered in each exchange so no one will be forced to enroll in a plan that covers abortion services. This is an improvement since the current marketplace does not provide a similar guarantee.

It is clear that the current bill does not expand or restrict anyone's access to abortion, period. It does not force any health plans to cover abortion or prohibit them from doing so, period. Why? Because this bill is about access to health care, not access to abortions.

I have great respect for Senator BEN NELSON. His integrity and independence reflect on the Nebraskans he represents. His strong beliefs are rooted in his strong values. But he shows, better than most, that one can be steadfast without being stubborn. Senator NELSON has always been a gentleman whose consideration is the true portrait of how a Senator should conduct oneself.

I mentioned that our underlying bill leaves current law where it is. This amendment, however, does not. It goes further than the standard that has guided this country for 33 years. It would place limits not only on taxpayer money, which I support, but also on private money. Again, current law already forbids Federal funds from paying for abortions, and our bill does not weaken that rule one bit. I believe current law is sufficient, and I do not believe we need to go further. Specifically, I do not believe the Senate needs to go as far as this amendment would take us. No one should use the health care bill to expand or restrict abortion, and no one should use the issue of abortion to rob millions of the opportunity to get good health care.

This is not the right place for this debate. We have to get on with the larger

issue at hand. We have to keep moving toward the finish line and cannot be distracted by detours or derailed by diversions.

Our health reform bill now before this body respects life. I started by saying I believe in the sanctity of life. But my strong belief is that value does not end when a child is born; it continues throughout the lifetime of every person.

With this bill, nearly every American will be able to afford the care they need to stay healthy or care for a loved one. It respects life.

Those who today have nowhere to turn will soon have security against what President Harry Truman called "the economic effects of sickness." It respects life.

Those who suffer from disease, from injury, or from disability will no longer be told by claims adjusters they never met that they are on their own. It respects life.

It will help seniors afford every prescription drug they need so they do not have to decide which pills to skip and which pills to split. It respects life.

It will stop terrible illnesses before they start and stop Americans from dying of diseases we know how to treat. It respects life.

We will stop terrible abuses, such as insurance companies looking at earnings reports instead of your doctor's report and charging rates that make the health we want a luxury. It respects life.

We will ensure the most vulnerable and the least prosperous among us can afford to go to a doctor when they are sick or hurt, not to the emergency room where the rest of us pick up the bill. It respects life.

This bill recognizes that health care is a human right. This bill respects life.

The issue in this amendment is not the only so-called moral issue in this debate. The ability of all Americans to afford and get the access to care they need to stay healthy is also a question of morality.

The reason I oppose abortion and the reason I support the historic bill is the same: I respect the sanctity of life.

This is a health care bill. It is not an abortion bill. We cannot afford to miss the big picture. It is bigger than any one issue. Neither this amendment nor any other should be something that overshadows the entire bill or overwhelms the entire process.

Throughout my entire public career, I voted my conscience on the subject of abortion. As I said, that decision is based on something personal with me. My vote today will also honor another principle I believe to my very core and that I will believe until my very last day on Earth: We must make it possible for every American to afford a healthy life.

I believe the compromise in our current bill and the current bill itself fully



fulfill both of these moral imperatives. And I believe when we are given the trust of our neighbors, friends, relatives, the privilege to lead the opportunity to improve others' lives, we cannot turn our backs. We cannot turn our backs on the tens of millions of Americans who have no health insurance at all—none—not thousands, not hundreds, not millions but tens of millions. We cannot turn our backs on the many who do but live one accident, one illness, or one pink slip away from losing that insurance they have.

One of the most cherished charters this Nation has, drafted by one of our most beloved leaders, declared life to be the first among several of our absolute rights. Jefferson put it even before liberty, even before the pursuit of happiness—life.

If we still truly value life in America—and I believe we do—if we still truly value the life of every American, we cannot turn our backs on the 14,000 of us who lose health coverage every single day of every week of every month of every year in this country—no weekends off, no vacations. How many of the thousands of men, women, and children who today will be kicked out in the cold will next year become one of the tens of thousands who die because of it? If we value the sanctity of life, as I know we do, and fix what is broken, as I know we must, we will not have to find out.

I believe in this bill and what it will do for our country for generations to come, what it will do for our constituents, my children, my grandchildren, and their children and their grandchildren. I will not support efforts to undermine this historic legislation.

Mrs. BOXER. Mr. President, I ask unanimous consent that the Senate proceed to vote in relation to the Nelson-Hatch amendment No. 2962; that regardless of the outcome of the vote with respect to that amendment, there be 2 minutes of debate prior to a vote in relation to the McCain motion to commit, equally divided and controlled in the usual form; that upon the use or yielding back of that time, the Senate proceed to vote in relation to the McCain motion to commit; the McCain motion be subject to an affirmative 60-vote threshold; that if the motion achieves that threshold, then it be agreed to and the motion to reconsider be laid upon the table; that if it does not achieve that threshold, then it be withdrawn; and that no amendment be in order to the motion.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I move to table the Nelson amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 45, as follows:

[Rollcall Vote No. 369 Leg.]

YEAS—54

Akaka	Hagan	Murray
Baucus	Harkin	Nelson (FL)
Begich	Inouye	Reed
Bennet	Johnson	Reid
Bingaman	Kerry	Rockefeller
Boxer	Kirk	Sanders
Brown	Klobuchar	Schumer
Burr	Kohl	Shaheen
Cantwell	Landrieu	Snowe
Cardin	Lautenberg	Specter
Carper	Leahy	Stabenow
Collins	Levin	Tester
Dodd	Lieberman	Udall (CO)
Durbin	Lincoln	Udall (NM)
Feingold	McCaskill	Warner
Feinstein	Menendez	Webb
Franken	Merkley	Whitehouse
Gillibrand	Mikulski	Wyden

NAYS—45

Alexander	Crapo	LeMieux
Barrasso	DeMint	Lugar
Bayh	Dorgan	McCain
Bennett	Ensign	McConnell
Bond	Enzi	Murkowski
Brownback	Graham	Nelson (NE)
Bunning	Grassley	Pryor
Burr	Gregg	Risch
Casey	Hatch	Roberts
Chambliss	Hutchison	Sessions
Coburn	Inhofe	Shelby
Cochran	Isakson	Thune
Conrad	Johanns	Vitter
Corker	Kaufman	Voinovich
Cornyn	Kyl	Wicker

NOT VOTING—1

Byrd

The motion was agreed to.

Mrs. BOXER. I move to reconsider the vote.

Mrs. FEINSTEIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to a vote in relation to the motion to commit offered by the Senator from Arizona.

Who yields time?

The Senator from Montana.

Mr. BAUCUS. Mr. President, the McCain motion to commit on Medicare Advantage would keep overpayments in the Medicare Advantage program, even though the Medicare Payment Advisory Commission recommends that they be eliminated.

The McCain motion to commit is a tax on all seniors. It would maintain the overpayments to private insurers and require beneficiaries to pay higher Part B premiums. The average couple pays \$90 per year just so insurers can reap greater profits under Medicare.

The McCain amendment is a raid on the Medicare trust fund. MA overpayments take 18 months off the life of the Part A trust fund. And according to

MedPAC, there is no evidence of greater quality of care. In fact, MedPAC told Congress this year that “only some” MA plans are of high quality. MedPAC finds that “only half of beneficiaries nationwide have access to a plan that Medicare rates above average on overall plan quality.”

The more than 45 million seniors with Medicare deserve better. They do not deserve to subsidize high profits of private insurers. And the more than 11 million Medicare beneficiaries who choose to enroll in private plans also deserve better. They deserve plans that coordinate care. Most plans today do not. They deserve plans that are of high quality. Many plans today do not.

If Senators want to help beneficiaries, they will vote to eliminate overpayments under Medicare Advantage. And they should vote against the McCain motion.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, this amendment is about an earmark. It is about a special deal cut for a special group of people who happen to reside in the State of Florida. I am never so presumptuous. I have lost too many votes trying to eliminate earmarks. But what I am trying to do is allow every American citizen who is enrolled in Medicare Advantage to have the same protection of their Medicare Advantage Program as the Senator from Florida has carved out in this bill. That is all it is about. It is about equality. It is about not letting one special group of people who reside in a particular State get a better deal than those who live in the rest of the country. That is all this amendment is about.

It will probably be voted down on a party-line vote. But what you have done is you have allowed a carve-out for a few hundred thousand people in the State of Florida and have disallowed the other 11 million who have Medicare Advantage from having their health care cut. That is what this is all about.

Mr. BOND. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 42, nays 57, as follows:

[Rollcall Vote No. 370 Leg.]

## YEAS—42

Alexander	DeMint	McCain
Barrasso	Ensign	McConnell
Bennett	Enzi	Murkowski
Bond	Graham	Nelson (NE)
Brownback	Grassley	Risch
Bunning	Gregg	Roberts
Burr	Hatch	Sessions
Chambliss	Hutchison	Shelby
Coburn	Inhofe	Snowe
Cochran	Isakson	Thune
Collins	Johanns	Vitter
Corker	Kyl	Voinovich
Cornyn	LeMieux	Webb
Crapo	Lugar	Wicker

## NAYS—57

Akaka	Franken	Merkley
Baucus	Gillibrand	Mikulski
Bayh	Hagan	Murray
Begich	Harkin	Nelson (FL)
Bennet	Inouye	Pryor
Bingaman	Johnson	Reed
Boxer	Kaufman	Reid
Brown	Kerry	Rockefeller
Burris	Kirk	Sanders
Cantwell	Klobuchar	Schumer
Cardin	Kohl	Shaheen
Carper	Landrieu	Specter
Casey	Lautenberg	Stabenow
Conrad	Leahy	Tester
Dodd	Levin	Udall (CO)
Dorgan	Lieberman	Udall (NM)
Durbin	Lincoln	Warner
Feingold	McCaskill	Whitehouse
Feinstein	Menendez	Wyden

## NOT VOTING—1

Byrd

The PRESIDING OFFICER. On this vote, the yeas are 42, the nays are 57. Under the previous order requiring 60 votes for adoption of the motion, the motion is withdrawn.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from Texas.

Mr. DORGAN. Madam President, will the Senator from Texas yield for a unanimous consent request?

Mrs. HUTCHISON. I will.

Mr. DORGAN. Madam President, I ask unanimous consent that following the presentation by the Senator from Texas that I be recognized to offer an amendment, and following that Senator CRAPO be recognized to offer an amendment, and Senator CRAPO, I believe, wishes to speak 2 or 3 minutes, and following that then I would be recognized as well for a presentation on the amendment I have offered, and following my presentation, the Senator from Minnesota, Ms. KLOBUCHAR, would be recognized, and Senator KAUFMAN would be recognized as part of the colloquy with Senator KLOBUCHAR.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Texas.

Mrs. HUTCHISON. Madam President, we have spent the last few days highlighting how this health care reform bill is paid for by cutting benefits to seniors, jeopardizing their access to care. Almost \$500 billion will be cut from the Medicare Program.

But this bill also imposes  $\frac{1}{2}$  trillion in new taxes. These are taxes that hit every American and virtually every health care business or related business in the country.

During an economic downturn, this approach is counterintuitive. These taxes will discourage investment and hiring. We are in one of the worst economic downturns in the history of our country. We do not need to tell anybody that. We are all feeling it. We know people who are suffering right now.

I look at what has been done in the past when we have had economic downturns, and I look at President Kennedy, President Reagan, President Bush. They lowered taxes. What happened? The economy was spurred. Lower taxes have proven to spur the economy. Yet in this bill we see  $\frac{1}{2}$  trillion in new taxes on families and small businesses.

Let's walk through some of these taxes.

Employer taxes. Madam President, \$28 billion in new taxes is imposed on businesses that do not provide health insurance to their employees. To avoid the tax, an employer has to provide the right kind of insurance—insurance that the Federal Government approves. It is going to be a certain percentage and have certain coverage requirements. Employers who do not provide the right kind of insurance could see a penalty as high as \$3,000 per employee.

We should be encouraging people to hire in this kind of environment. That should be job No. 1: creating jobs.

Yet imposing taxes and fines are what is in this bill, and that is not going to encourage hiring; it is going to discourage hiring. That is economics 101.

Individual taxes: There are \$8 billion in taxes for those who don't purchase insurance on their own. The tax is \$750 per person. Again, because you are insured today does not mean you will avoid the tax. You must have the right kind of insurance—insurance that the Federal Government approves and says is the right amount of insurance.

How about the taxes on high-benefit plans? There are \$149 billion in taxes on health insurance plans that the Federal Government says are too robust. These high-benefit plans—Cadillac plans some call them—would be subject to a 40-percent excise tax. To make it worse, the tax is not indexed, so it is a new AMT, a new alternative minimum tax that everyone says was not supposed to encroach on lower income people, but, in fact, it has because it is not indexed for inflation.

So here we are. In this bill, you get taxed if you don't provide enough benefits and you get taxed if you provide too many benefits. So this is beginning to sound like government-run health care to me, and I can only imagine how the unions feel because they are the ones that have these high-benefit plans and here they are under fire because they have too much coverage.

Medicare payroll tax: This is the new payroll tax that is imposed on individuals making more than \$200,000 and

couples making more than \$250,000. That tax raises another \$54 billion. This additional payroll tax is a marriage penalty. It is not indexed to inflation, meaning it is another AMT in the making because today, that may sound high—\$200,000 and \$250,000—but it is a huge marriage penalty, and it could begin then to go down in numbers so that more and more people are affected.

This body voted unanimously during the budget debate—unanimously—that a point of order would be made against legislation that would impose a marriage penalty in the budget. So we have voted unanimously that a budget point of order would stand if there is a marriage penalty in the budget. So now here we are a few months later, and the majority is not only retreating from the opposition to the marriage penalty, but we now have for the first time in our Tax Code—or will when this bill passes—a payroll tax marriage penalty. How on Earth can we do that?

I am going to fight this marriage penalty, and I hope the Senate will vote against this concept. It is a new precedent that could be set in other areas that would say if you are married, you are going to get fewer benefits than if you are single. That is not a precedent we ought to be setting.

Then there is the medical deduction cap. There is a change in our Tax Code that would limit the itemized deduction for medical expenses. We have always had one that said if your medical expenses go above 7.5 percent of your income, that you would be able to deduct anything above that. This bill increases that threshold to 10 percent so that if you are going to get deductions—and this is going to affect people who have catastrophic accidents, really, really high medical bills, debilitating health conditions, or very, very expensive medicine—if you go above 7.5 percent today, you would be able to deduct. But in this bill, it is going to be 10 percent of your income before the government is going to allow you to deduct these added expenses.

Then there is the drug, device, and insurance company taxes: \$60 billion in taxes assessed to insurance companies, \$22 billion to prescription drug manufacturers, and \$20 billion on medical device manufacturers. The experts have said, all of the economists have said these taxes will be paid by the public. Of course they are going to be passed on: higher premiums for every insurance policy that is already there, and higher prices for medications and medical equipment.

So medications you take for diabetes or heart disease, medications or medical devices that you need to fight cancer would all become more expensive because every one of them would have a higher cost because the company is going to pay an added fee just for producing these medicines and equipment.

So many people today are struggling with their medical bills. They are struggling to fill prescriptions. Why aren't we bringing costs down? Isn't medical cost part of the reason for reform because the costs are going up? Wasn't the point of reform to bring the costs down so more people would have affordable options for health care coverage? What happened to that? All of these taxes on individuals and businesses are going to drive prices and costs up.

In closing, the bill before us imposes \$½ trillion in new taxes at a time when unemployment is soaring and our economy is struggling. We have \$½ trillion in cuts to Medicare which is going to severely hurt our senior citizens and their access to health care, and then \$½ trillion in tax increases, taxing marriage, taxing Tylenol, taxing high-benefit plans, taxing low-benefit plans, taxes if you offer employee health care coverage, and taxes if you offer not quite enough. This is a tax-and-spend bill.

Republicans have repeatedly put forward ideas that would reform our health system, bring the costs down without burdening our employers with more taxes that would keep them from helping our economy by hiring more people; ideas that would increase competition and transparency and ensure access to affordable care.

So I hope while our colleagues are meeting to try to get their 60 votes—which we know they are—that maybe they might consider bringing everybody into this process and listening to other ideas that would not be a government takeover of our health care system; that would not be more government mandates, more taxes, cuts from Medicare services. This is a recipe for disaster for our country, and I hope it is not too late for the Democratic majority to say: OK, let's get together and try to put together a bipartisan plan that will not hurt the quality of health care that Americans have known and expected in our country, one that will bring costs down and make health care more affordable, one that will give carrots to our employers not sticks that will switch them if they don't have the right kind of coverage or the government-approved coverage or the right percentage of coverage.

We can do better and I hope we will. Thank you, Madam President. I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 2793, AS MODIFIED, TO  
AMENDMENT NO. 2786

(Purpose: to provide for the importation of prescription drugs)

Mr. DORGAN. Madam President, I call up amendment No. 2793, as modified, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself, Ms. SNOWE, Mr. GRASSLEY, Mr. MCCAIN, Ms. STABENOW, Ms. KLOBUCHAR, Mr. BROWN, Mrs. SHAHEEN, Mr. VITTER, Mr. KOHL, Mr. LEAHY, Mr. FEINGOLD, and Mr. NELSON of Florida, proposes an amendment numbered 2793 to amendment No. 2786, as modified.

Mr. DORGAN. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. DORGAN. Madam President, my understanding is that the Senator from Idaho is to be recognized next for laying down an amendment.

The PRESIDING OFFICER. The Senator from Idaho.

#### MOTION TO COMMIT

Mr. CRAPO. Madam President, I have a motion at the desk which I wish to call up and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Idaho [Mr. CRAPO] moves to commit the bill H.R. 3590 to the Committee on Finance with instructions to report the same back to the Senate with changes that provide that no provision of this Act shall result in an increase in Federal tax liability for individuals with adjusted gross income of less than \$200,000 and married individuals with adjusted gross income of less than \$250,000.

Mr. CRAPO. Thank you, Madam President.

As the motion which has just been read clearly states, this motion would be to commit this bill to the Finance Committee for the Finance Committee to do one simple thing, and that is to make the bill conform to President Barack Obama's pledge to the American people about health care reform and who would pay for health care reform.

In a speech he has given in a number of different places, President Obama has very clearly stated:

I can make a firm pledge . . . no family making less than \$250,000 will see their taxes increase . . . not your income taxes, not your payroll taxes, not your capital gains taxes, not any of your taxes. You will not see any of your taxes increase one single dime.

All this motion does is to commit this bill to the Finance Committee to have the Finance Committee assure that its provisions comply with this pledge.

Now, why would we want to do that? I think most Americans are very aware today that this bill comes at a huge price. There are \$2.5 trillion of new Federal spending, \$2.5 trillion of new Federal spending that is offset, if you will, by about \$500 billion worth of cuts in Medicare and \$493 billion worth of cuts in the first 10 years are tax in-

creases, \$1.2 trillion of tax increases in the first real 10 years of the full implementation of the bill. There is no question but that much of the tax increase that is included in this bill to pay for this massive increase in Federal spending will come squarely from people in the United States who make less than \$250,000 as a family or less than \$200,000 as individuals.

All we need to do is to go through this bill to see that by the analysis we have made so far, it appears that at least 42 million households in America will pay a portion of this \$1.2 trillion in new taxes, people who are under these income levels to whom President Obama made the pledge.

I will have a greater opportunity tomorrow to discuss this motion in more detail. Tonight I just had a few minutes to make the introduction and to call up the motion, and we will then get into a fuller discussion on how this bill provides a heavy tax burden on the middle class of this country in direct violation of the President's pledge.

So as I conclude, I would simply say this is a very simple amendment. We can debate about whether the bill does or does not increase taxes—I think that is absolutely clear—on those in the middle class. But all the motion would do is to commit this bill to the Finance Committee to have the Finance Committee make the bill comport with the President's pledge.

I will conclude by just reading his pledge one more time. The President, in his words, said:

I can make a firm pledge . . . no family making less than \$250,000 will see their taxes increase . . . not your income taxes, not your payroll taxes, not your capital gains taxes, not any of your taxes. . . . you will not see any of your taxes increase one single dime.

That is what this motion accomplishes.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, the amendment I have offered with many colleagues—over 30 colleagues, Republicans and Democrats, a bipartisan legislation—deals with the issue of prescription drugs; specifically, the importation of FDA-approved drugs that the American people would be able to access for a fraction of the price they are charged in this country.

The American people are paying the highest prices in the world for brand-name prescription drugs.

It is not even close. Let me just show the first chart. I have many. I will show the first one to describe what brings me to the floor of the Senate.

Here are prices for Lipitor. There are so many people who take Lipitor that they probably ought to put it in the water supply—the most popular cholesterol-lowering drug in America, perhaps in the world. Here is what the

American people pay for an equivalent quantity: \$125. The same quantity costs \$40 in Britain, \$32 in Spain, \$63 in the Netherlands, \$48 in Germany, \$53 in France, and \$33 in Canada. Once again, it is \$125 to the American consumer.

Here are the two bottles for Lipitor. It is made in Ireland by an American company and then sent around the world. This happened to go to Canada, and this went to the United States. It is the same pill, same bottle, same company, made at the same manufacturing plant, and it is FDA approved. Difference? The American consumer gets to pay three to four times higher cost. Fair? Not for me.

That is what this amendment is about. This amendment is about freedom, giving the American people the freedom in the global economy to buy the same FDA-approved drug from those countries that have an identical chain of custody as we do in this country, so an FDA-approved drug sold for a fraction of the price—why should we prevent the American people from being able to exercise and see the same savings every other consumer in the world sees?

Let me see whether anybody recognizes this. Prescription drugs are a significant part of our lives. We are bombarded with ads every single day. Let me show a demonstration of the push for consumption of prescription drugs at the highest brand-name prices in the world.

On television, Sally Field says to us—and I have seen it many mornings when I am brushing my teeth—she says this:

I always thought calcium, vitamin D, and exercise would keep my bones healthy. But I got osteoporosis anyway, so my doctor started me on once-a-month Boniva. And he told me something important: Boniva works with your body to help stop and reverse bone loss.

My test results proved I was able to stop and reverse my bone loss with Boniva. And studies show that after one year, 9 out of 10 women did, too.

I've got this one body and this one life, so I wanted to stop my bone loss. But I did more than that; I reversed it with Boniva.

Ask your doctor if Boniva is right for you.

Here is another one:

Some of us need help falling asleep. Some of us need help staying asleep. A good night's sleep doesn't have to be an on/off thing anymore.

From the makers of the most prescribed name in sleep medicine comes controlled release Ambien CR. It's the only one with two layers of sleep relief.

Ambien CR is a treatment you and your doctor can consider along with lifestyle changes and can be taken for as long as your health care provider recommends.

So ask your health care provider about Ambien CR, for a good night's sleep from start to finish.

Here is another one:

Does your restless mind keep you from sleeping? Do you lie awake exhausted? Well, maybe it's time to ask whether Lunesta is right for you.

For a limited time, you're invited to take the 7-night Lunesta challenge. Ask your doc-

tor how to get 7 nights of Lunesta free and see if it's the sleep aid you've been looking for.

Get your coupon at Lunesta.com and ask your doctor today.

Here is another one:

They're running the men's room marathon, with lots of guys going over and over. And here's the dash to the men's room with lots of guys going urgently. Then there's a night game waking up to go.

These guys should be in a race to see their doctors. Those symptoms could be signs of BPH or enlarged prostate. Waking up to go, starting and stopping, going urgently, incomplete emptying, weak stream, going over and over, straining.

For many guys, prescription Flomax reduces urinary symptoms associated with BPH in one week. Only a doctor can tell if you have BPH and not a more serious condition like prostate cancer.

Call 1-877-FLOMAX to see if Flomax works for you and to see if you qualify for \$40 off your prescription.

For many men, Flomax can make a difference in one week.

Here is another one:

There are moments you look forward to, and you shouldn't have to miss out on them. Sometimes a bladder control problem can cause unwanted interruptions. It doesn't have to be that way. Overactive bladder is a treatable medical condition.

Enablex is a medication that can help reduce bladder leaks and accidents for a full 24 hours. Ask your doctor about Enablex.

Well, I have a couple dozen more.

Most people understand what this is because they have heard them all—things like: Go ask your doctor if the purple pill is right for you. They don't have the foggiest idea what a purple pill is for. They think that with all these scenes of trees and green grass and convertible cars and pillow clouds in the sky, if life is like that when you are on the purple pill, give me some purple pills. I mean, that is what this advertising is all about.

I don't mean to make light or fun of all of it. Prescription drugs are important in people's lives. I understand that. But you know what, you can only get a prescription drug if your doctor prescribes it and believes you need it. These advertisements are telling people sitting at home watching a television program tonight that you need to get up and go talk to your doctor and see if you don't need some of these pills. It is trying to create consumer demand for something you can get only because a doctor believes you should have it.

Well, that is where we are now with prescription drugs in our country. A lot of people are taking prescription drugs. A lot of these drugs are miracle drugs, and they allow people to stay out of a hospital. They don't have to be in an acute-care hospital bed if they manage the disease—whether it is high blood pressure, high cholesterol—with medicine. That is good, and I understand that. But this consumer demand-driven urge for prescription drugs is pretty unbelievable. Go talk to a doctor and

ask that doctor what happens every single day in the doctor's office. Somebody is coming in and saying: I wonder if I shouldn't be taking some of this medicine. I read about it or saw the advertisement about this. I wonder if I shouldn't be taking some of it. It is quite a deal.

You produce all of this demand with dramatic amounts of marketing, promotion, and advertising, and then you jack up the price and keep it up. The question is, Who can afford these prescription drugs? Who can afford them?

So that is what brings me to the floor of the Senate today saying that when the American people are charged the highest prices for brand-name drugs—and this year, it goes up close to 10 percent once again in price—at a time when we have almost no inflation, isn't that pricing prescription drugs out of the reach of too many Americans?

We are now talking about health care reform. There is nothing in any of this legislation in the House or the Senate that addresses this question of the steep and relentless price increases on prescription drugs. There is nothing in any of this legislation that does that. The question is, Shouldn't we be addressing this as well?

I talked about Lipitor. Let me show you Plavix. Do you see the U.S. price? The U.S. consumer pays the highest prices in the world.

Here is Nexium. If you want to buy that, you get to pay \$424 in the United States, and it is \$41—one-tenth the price—in England, \$36 in Spain, and \$37 in Germany. The question is this: If Nexium is an FDA-approved drug—and it is—made in plants approved by our FDA—and it is—why should an American citizen not be able to access this drug from here, from here, and from here? It is because the pharmaceutical industry doesn't want them to. They have had enough friends here to keep in place a law that prevents the American people from reimporting these drugs. That is why.

That is what this amendment is about. This amendment says: Give the American people the freedom to access FDA-approved drugs where they are sold at a fraction of the price.

Madam President, there is a lot to talk about, and I will describe a number of circumstances that have brought us to this point.

This is the place for this amendment—not some other place; this is the place. It is about health care. We have been told over and over again that our problem is that health care is consuming too large a portion of the GDP of this country—roughly 17.3 percent, I believe. All right, part of health care—not the largest part but one of the fastest growing parts is prescription drugs. So if the issue is that health care is rising in cost relentlessly and consuming too large a portion of our GDP because

we spend much more on health care than anybody else in the world by far—it is not even close—if that is the case and if one of the fastest rising areas of health care is drug costs, then why would legislation that leaves this Chamber or the House of Representatives not include something that addresses these unbelievable price increases for prescription drugs? How is it that we would allow that to happen? I don't know how we got to this point without having it in the bill, but I aim to try to put it in.

I understand, by the way, that there is tremendous pushback by the pharmaceutical industry. If I had the sweetheart deal they have, I would fight to the finish to try to keep it. I understand that.

By the way, let me just say, as I have always said and nobody hears it very much—certainly the pharmaceutical industry will never hear this—that some of the things the pharmaceutical industry does for this country are laudable. I say, good for you. They talk about the prescription drugs they produce. Good for them. A substantial portion of that comes from research we have done and paid for at the National Institutes of Health with taxpayer funds. But that doesn't matter to me. That information ought to be available to the pharmaceutical industry—and it is—so they can produce these new miracle drugs. I commend them.

My beef is not that they produce pharmaceutical drugs that help people. I am all for that. My beef is the way they price those drugs, saying to the American people: You will pay the highest prices in the world, and there is nothing you can do about it. It is their pricing policy. It is just not fair.

How many in this Chamber have visited with somebody at a town meeting someplace—I have—and they come up to you—in this case, an elderly woman who was close to 80 touched me gently on the elbow and said, “Senator DORGAN, can you help me?” She was talking about how many prescription drugs she had to take, how little money she had to pay for them, and how she always had to try to determine what her rent cost was and how much groceries she could buy to determine how much she had left to pay for prescription drugs. How many people have said to you: Yes, I take the drugs my doctor asks me to take, but I cut them in half because I cannot afford the whole dose. We have all heard that. So the question is, Are we going to do something about it?

This is a chart that shows price increases in 2009. Enbrel, for arthritis, is up 12 percent. Singulair, for asthma, is up 12 percent. Boniva is up 18 percent. Nexium is up 7 percent.

I want to talk a bit about the issue of drug prices versus inflation. This chart shows what has happened to the price of prescription drugs, the red line, and

the inflation rate in this country, the yellow line. It describes why it is urgent that we do something, why we cannot allow a health reform bill to leave this Chamber and do nothing about the issue of prescription drugs. We must at least address this question of whether the American people should not have the freedom to access these identical drugs where they are sold elsewhere for a fraction of the price.

This year, there was a 9.3-percent increase in brand-name prescription drug prices, at a time when inflation is going down. We have had deflation. That is not justifiable.

Madam President, I know we are going to have a lot of debate here in the Chamber about a lot of things. I will describe tomorrow morning, when I speak, that 40 percent of the active ingredients in U.S. prescription drugs currently come from India and China. And they are worried about somebody from Sioux Falls, SD, buying prescription drugs from Winnipeg. Are you kidding me? Again, 40 percent of the active ingredients in U.S. prescription drugs currently come from India and China. In most cases, the places those active ingredients come from have never been inspected.

I will talk about that, but I am not going to go into it tonight. I will talk about a number of issues related to drug safety of the existing drug supply and how what we have included in this legislation with respect to pedigree, batch lots and track and trace will dramatically improve the existing drug supply in our country and make certain we prevent safety problems coming from the importation of drugs.

I am going to speak about this at some length tomorrow. But I just received a letter from the head of the FDA, Margaret Hamburg, who raises some questions about the amendment. I am not going to read the letter into the RECORD. I will talk more about it tomorrow.

I must say, I am in some ways surprised by the letter and in some ways not surprised at all. Surprised, because this administration, President Obama, was a cosponsor of this legislation last year in the Senate—a cosponsor of my legislation. He was part of a bipartisan group that believed the American people ought to have this right and believed we could put together a piece of legislation that has sufficient safety capabilities and, in fact, dramatically enhances the safety of our existing drug supply.

I am going to show tomorrow that the existing drug supply has all kinds of issues. I will show batch lots of existing drugs that have gone through strip joints, in the back room in coolers, and distributed out of strip joints. I am going to talk about that. But, first, I wish to say I was surprised to get this letter because both the President and the Chief of Staff at the White

House were a cosponsor in the Senate and a leader in the House for reimportation of prescription drugs.

I called the head of the FDA yesterday afternoon about this time and said: I have heard rumors that there was a letter coming to Capitol Hill on this issue. She told me she was not aware of such a letter. Twenty-four hours later, apparently she is aware of that letter because she signed it. I am interested in where it was written, but that is another subject I will save for tomorrow as well.

We will be told, as we have been so often, that if you allow the American people to buy prescription drugs that are FDA approved from elsewhere, it will be somehow unsafe. The implication is, we are not smart enough and we are not capable enough of putting together a system that the Europeans have had together for 20 years.

In Europe, they do this routinely. For 20 years, they have had something called parallel trading. You are in Germany and want to buy a prescription drug from Spain? No problem. You are in Italy and want to buy a prescription drug from France? No problem. They have a specific parallel trading system, and it works and works well.

I am going to describe, in the words of someone who has been involved in that system for many years, that the Europeans can do, have done it, do it today with no problems at all. Are people saying they can do it, they are smart enough, they are capable enough, but we are not? Give me a break. That makes no sense to me at all. Of course, we can do this.

It is just that those who do not want to do it have decided this current “deal,” which allows the pharmaceutical industry to price as they wish in this country and make certain the American people cannot do anything to get the lesser prices in other countries, lower prices for the identical drug, it means they will price this year up 9.3 percent, just this year alone. They will do whatever they want to price those prescription drugs and too often will price them out of reach of the American people. It is not fair to me. It does not make any sense to me.

I know some will view this as just an attack on the pharmaceutical industry. It is not intended to be that. As I said, I don't have a grievance against that industry at all. The only problem I have is the way they price their product, and I think it is not fair to the American people.

We are dealing with health care, which is a big issue and an unbelievably controversial issue. This is one piece of it—not even the biggest piece—but it is an important piece.

I have a lot to say tomorrow morning, and I will take substantial time. I know there are others who want to speak tonight. I wish to say this. I have watched and listened in this Chamber

now for some while. I have not spoken a lot on health care. I have been pretty distressed about some of what has been said on the floor of the Senate. I especially have been distressed with the television ads that have been running that are unbelievably dishonest with respect to the facts. The first amendment allows all that. I would be the last to suggest we ought to alter the first amendment.

This is a great country in which we live. Over the last century, for example, we have made a lot of changes, and in most every case—in most every single case—the changes have been unbelievably painful.

I think of the Presiding Officer and think of the period in which the women in this country wanted the right to vote and were taken to the Occoquan Prison and beaten. Lucy Byrne and Alice Paul, they nearly choked to death one of them; the other hung with a chain from a prison door all night long with blood running down her arms. Why? Because they wanted the right to vote. Think of the pain of that.

Now we look back and say: How could anybody have decided we are all Americans except women do not have full participation because they cannot vote? Think of that. You can go right up the line. Social Security: a Communist socialist plot. Medicare: What are you thinking about? A takeover of health care for senior citizens.

I bet there is not—I was going to say I bet there is not one. I shouldn't say that. I bet there are not more than two or three people in this Chamber, if we said: Let's get rid of Medicare, who would say: Yes, let's do that. Almost everybody believes that providing health care for senior citizens was the right thing to do.

There were no insurance companies in the fifties and early sixties that said: Here is our business strategy. Our business strategy is to go look for old people and see if we can't sell them health insurance because we think that would be a very good deal. They were not doing that. They would not even make health insurance available to a lot of old folks because they know, somewhere toward the end of their lives, they were going to need a lot of health care. One-half of the senior citizens in America had no access to health care. Think of that—lie down on your pillow at night frightened that tomorrow might be the day you have this dreaded disease and you have no coverage to see a doctor or go to a hospital. It is unbelievable.

So some people in this Chamber said: Let's do Medicare. Man, that was radical. People said: Socialist plot, government takeover. But we did it. I was not here. They did it—God bless the ones who did it—and it enriched this country, to say all those who lived their lives and built the roads and built the schools and built the communities

and left a better place for us: You are not going to have to lay awake at night frightened about your health care; we are going to provide health care for you.

All these issues have been difficult, draining, wrenching issues, and they have all provoked great criticism and great anger, in many cases. This issue of health care brought to the floor of the Senate—I, perhaps, would have a different view of what is the priority.

I have spent most of my time saying: The economic engine, restart the engine, get people back to work. But that does not mean health care is not important. It is. Health care continues to gobble up more and more of this country's economy. At some point, somebody has to say: How do we stop that? If we are spending much more than anybody else, how do we fix this?

That is what this is about. It is going to take some courage to do it. One piece of it is this issue of prescription drugs and pricing. Some of us have been working on this for a long time. The breadth of the support of this issue in this Chamber extends from the late Senator Ted Kennedy, who sat in that seat back there—and God bless his memory—to JOHN MCCAIN over there; it extends to Senator CHUCK GRASSLEY, DEBBIE STABENOW, AMY KLOBUCHAR—a whole series of Republicans and Democrats who have come together to say: You know what, let's make sure there is fair pricing of prescription drugs for the American people.

We are not asking for anything other than fair pricing. How do you get it? My goal is not to ask the American people to buy their prescription drugs overseas. My goal is to say, if we allow the American people the freedom to do that, the pharmaceutical industry will be required to reprice their drugs in this country. It is as simple as that.

I know others wish to speak. As I said, I have a lot to say tomorrow. I am going to go home kind of upset about this letter today from the FDA, which is, in my judgment, completely bogus. I will read it tomorrow. I am not surprised. I expected this. I heard rumors about it.

Tomorrow my hope is with my colleagues—Republicans and Democrats—we will pass this legislation at last, at long last. Many of us have been working on this issue 6, 8, 10 years. We will pass this legislation. Why? Because this is the place for it. This is the bill that should be amended. This is the time to do this. We cannot walk out of this Chamber and say something happened in that Chamber to deal with health care. But did you do something about prescription drugs? No, no, we couldn't do that, couldn't do that. This is not the way I want this to end, and it is not the way it has to end if enough of us have the courage to take on this fight.

As I said, I will have a lot more to say tomorrow morning. I appreciate

the indulgence of my colleagues to listen tonight about why we have offered this legislation.

I started and let me finish by saying this is broadly bipartisan. It is, first and foremost, a Dorgan-Snowe bill. Senator DORGAN—myself—and Senator SNOWE from the State of Maine, but many others—my colleague, Senator GRASSLEY, who is on the floor, Senator MCCAIN, who spent a lot of time on this issue—Republicans and Democrats have come together.

By the way, this has not happened very often on this bill. But this is a bipartisan bill with Republicans and Democrats pulling their oars together to try to get this done.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Iowa.

MR. GRASSLEY. Madam President, before the Senator from North Dakota leaves and before I speak on another issue, I wish to tell him I am going to speak in support of his amendment. But I would like to ask him a question now, if he will answer it for me—a friendly question, but it is something I don't know absolutely for sure, but I believe that pharmaceuticals are about the only thing a consumer in the United States cannot buy anywhere in the world that they want to buy. We ought to give them that same right we do on everything else. There may be some other items I am not aware of, but I think it is only pharmaceuticals that you cannot import from wherever you want to buy them.

MR. DORGAN. Madam President, I say to the Senator from Iowa, that and Cohiba cigars from Cuba, I reckon. We have a special embargo with respect to Cuba. With that exception, I don't think there is a legal product the American consumer cannot access anywhere else in the world.

This is about giving the American consumer the freedom that the global economy should offer everybody. The big shots got it. The big interests can do it. How about the American people having the opportunity to shop around the world for the same product and pay a fraction of the price of the charges that are imposed on them in the United States.

MR. GRASSLEY. I thank the Senator from North Dakota.

I would like to talk about a recent news—

MS. KLOBUCHAR. Madam President, we had a unanimous consent agreement. I am trying to figure out the order.

THE PRESIDING OFFICER. Under the previous order, the next speaker is to be the Senator from Minnesota, followed by the Senator from Delaware.

MR. GRASSLEY. I ask unanimous consent to speak now, if I may.

THE PRESIDING OFFICER. Is there objection?

MR. KAUFMAN. Will the Senator yield for a question? How long will the Senator be?



Mr. GRASSLEY. Fifteen minutes.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Madam President, I believe our speeches are 10 minutes long. If the Senator from Iowa could wait for 10 minutes, then we will be able to complete our speeches, as recognized by the Chair.

Mr. GRASSLEY. I will let the Senators speak, and I will speak tomorrow because I have to go to a meeting. I will let the unanimous consent agreement stand.

Ms. KLOBUCHAR. I was not aware the Senator from Iowa had to leave. If he can keep it to 10 minutes, that would be helpful.

Mr. GRASSLEY. I cannot keep it to 10 minutes, and I cannot shorten it. So I will let the unanimous consent agreement stand.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. KAUFMAN. Madam President, the Senator from Minnesota and I are going to engage in a colloquy.

We rise to talk about health care fraud enforcement. It is no secret fraud represents one of the fastest growing and most costly forms of crime in America today.

In no small part, our current economic crisis can be linked to financial fraud, starting with unchecked mortgage fraud generated by loan originators through securities fraud that hastened the eventual market crash and maximized its impact on Main Street and the average American investor.

In response, this body passed the Fraud Enforcement Recovery Act, which directed critical resources and tools to antifinancial fraud efforts. I was proud to work on FERA with my friend from Minnesota, a former prosecutor, who understands both the harm that financial fraud causes ordinary Americans and the importance of deterring criminal behavior before it happens.

Ms. KLOBUCHAR. Madam President, I thank Senator KAUFMAN. Before I begin, I wish to, first, acknowledge the amendment that has been offered by Senator DORGAN on drug reimportation, something I support and I know Senator KAUFMAN supports as well. We look forward to talking about that amendment in the days to come.

The bill Senator KAUFMAN referred to, the Fraud Enforcement and Recovery Act, was passed in response to an unprecedented financial crisis.

I was proud to work on that bill in the Senate Judiciary Committee along with Senator KAUFMAN.

But Americans should expect Congress to do more than simply react to crises after their most destructive impacts have already been felt. We are always coming in after the fact and putting out the fire. That is not what we want to do. We owe it to our constituents to be proactive, to seek out and to

solve problems on the horizon so that financial disasters can be averted.

In the midst of the debate concerning comprehensive health care reform, we must be proactive in combating health care fraud and abuse. Each year, criminals drain between \$72 billion and \$220 billion from private and public health care plans through fraud, increasing the costs of medical care and health insurance and undermining public trust in our health care system. Think of all the money wasted—\$72 billion to \$220 billion each year—drained by criminals, that could be going to our seniors, that could be going for care.

Let me give a couple of examples, Senator KAUFMAN, of the kinds of fraud we need to address. On June 23 of this year, eight individuals were indicted in Miami for cashing \$30,000 to \$80,000 several times a week at two check-cashing facilities they owned themselves. These crooks defrauded the U.S. health care system by creating a phony clinic that churned out medical bills in five States. They were not providing health care. They were phony clinics. Federal prosecutors announced this on Tuesday.

Some of the purported clinics were empty storefronts with handwritten signs while others existed only as post office boxes, but none provided any actual medical services, according to prosecutors. By the time they were caught, in this one incident, this one group of con men, had bilked the government of \$100 million. That is \$100 million at a time when our taxpayers are trying to save every dime, while they are holding on to their jobs and trying to pay their bills. This one group of con men—\$100 million.

Here is another example. In November of 2007, the Department of Justice indicted a woman for billing Medicare for motorized wheelchairs that beneficiaries didn't need and for children's psychotherapy services never provided. According to the indictment, the woman then laundered the money through a Houston check-cashing business, cashing several Medicaid checks each for more than \$10,000. Those are just examples of what we are dealing with.

Mr. KAUFMAN. I say to the Senator, those are sobering examples of the kinds of fraud we must stop. As we take steps to increase the number of Americans covered by health insurance and to improve the health care system for everyone—and we will do that—we must ensure that law enforcement has the tools it needs to deter, detect, and punish health care fraud.

The Finance and HELP Committees, as well as leadership, have worked long and hard to find ways to fight fraud and bend the cost curve down, and they have done a great job. But there is more work to be done. That is why Senator KLOBUCHAR and I, along with Senators LEAHY, SPECTER, KOHL, SCHU-

MER, and HARKIN, have introduced our health care fraud enforcement, No. 2792.

Ms. KLOBUCHAR. What I like about the amendment is it will protect our increased national investment in the health of Americans. We have decided Americans should be covered by health care; that people shouldn't be thrown off of their health insurance by pre-existing conditions. The way we protect that investment, and the way we make sure the funds are there to help people, is by doing things such as increasing the tools we need to prosecute these kinds of cases.

These criminals scheme the system to rob the American taxpayers of money that should be used to provide health care to those who need it most. We must put a stop to this, and we are doing that with this amendment. It provides straightforward but critical improvements to the Federal sentencing guidelines, to health care fraud statutes, to forfeiture, money laundering, and obstruction statutes, all of which would strengthen prosecutors' ability to combat health care fraud.

As a former prosecutor, I can tell you that when we had these types of cases, we used every tool you could use to push someone to plead guilty, every tool you could use to make sure you got the maximum sentence so a message would be sent not just to that particular criminal but to other white collar offenders who thought this might be a quick way to make a buck. They need to hear they can be caught and they will go to jail.

I know Senator KAUFMAN has worked on this and is taking a lead, and perhaps he can provide the details on this amendment.

Mr. KAUFMAN. Sure. This amendment directs a significant increase in the Federal sentencing guidelines for large-scale health care fraud offenses. It is incredible that despite enormous losses in many health care fraud cases, analysis from the U.S. Sentencing Commission suggests that health care fraud offenders often receive—and I know this is hard to believe—shorter sentences than other white collar offenders in cases with similar loss amounts. For some reason, people think health care fraud is kind of okay.

Ms. KLOBUCHAR. If people knew this, they would be shocked. In health care fraud, you are taking money from people who need it most—when they are at the hospital—and yet they would have shorter sentences than other types of fraud.

Mr. KAUFMAN. There is data to show that criminals are drawn to health care fraud, when they are sitting around deciding what kind of fraud they are going to do, because the risk-to-reward ratio is so much lower. That is ridiculous. We need to ensure these offenders are punished not only commensurate with the costs they impose on our health care system but also

at a level that will offer real deterrence. People have got to understand they can't go out and commit health care fraud.

There are so many different ways it can be presented; that if in fact they do it, they are going to get real time for the crime. As a result, our amendment directs changes to the sentencing guidelines that, as a practical matter, amount to sentence increases of between 20 and 50 percent for health care fraudsters stealing over \$1 million.

Ms. KLOBUCHAR. The other thing that is great about this amendment is it updates the definition of "health care fraud offense" in the Federal criminal code so it includes violations of the anti-kickback statute, the Food and Drug and Cosmetic Act, and certain provisions of ERISA. These changes will allow the full array of law enforcement tools to be used against all health care fraud.

The amendment also provides the Department of Justice with subpoena authority for investigations conducted pursuant to the Civil Rights for Institutionalized Persons Act—also known as CRIPA. Under current law, the Department of Justice must rely upon the cooperation of the nursing homes, mental health institutions, facilities for persons with disabilities, and residential schools for children with disabilities that are the target of these CRIPA investigations. While such targets often cooperate, they sometimes do not, and the current lack of subpoena authority puts vulnerable victims at needless risk.

Finally, in addition to the very important piece of this amendment that Senator KAUFMAN has pointed out—where we are actually increasing the ability to get better criminal penalties—the amendment corrects an apparent drafting error by providing that obstruction of criminal investigations involving administrative subpoenas under HIPAA—the Health Insurance Portability and Accountability Act of 1996—should be treated in the same manner as obstruction of criminal investigations involving grand jury subpoenas.

Senator KAUFMAN and I also plan to file an additional health care fraud amendment that would require direct depositing of all payments made to providers under Medicare and Medicaid. This amendment is incredibly important because the Medicare regulations already require direct depositing or electronic transfer, but these regulations have not been uniformly enforced and criminals are taking advantage of this system.

Again, I ask the question: Why would we want this money—\$60 billion estimated for Medicare fraud alone—to be going to con men and crooks, people who are setting up fake storefronts with fake signs that say doctor's office, instead of to the hard-working people

in this country who can hardly afford their health care insurance? It is an outrage.

That is why I am so glad Senator KAUFMAN would take the leadership here, that we have a group of us who were prosecutors working on this in the Judiciary Committee to include this in the health care reform bill, because Americans have waited too long for these kinds of changes.

Mr. KAUFMAN. That is a great amendment that I think will be a big help in terms of cutting down this fraud, and that is what we are all about. This is a bipartisan issue, if there was ever a bipartisan issue. I don't know of anyone who doesn't think we have to do more in terms of health care fraud. When we have \$70 billion to \$220 billion a year in health care fraud, we have to do everything we can to stop it.

As we consider and debate meaningful health care reform, we must ensure that criminals who engage in health care fraud—and more importantly those who contemplate doing so—understand that they face swift prosecution and substantial punishment.

When the time comes, Senator KLOBUCHAR and I, along with our fellow cosponsors, will urge our colleagues to support these amendments.

Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KAUFMAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KAUFMAN. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AFGHANISTAN STRATEGY

Mr. KAUFMAN. Madam President, I rise today to speak about the Afghanistan strategy President Obama announced last week. The dilemma facing the President and our national security team in Afghanistan is one of the most complex and difficult I have seen in more than three decades of public service.

President Obama's speech laid out a bold plan, and he has been both deliberative and courageous in his approach. At the same time, I share the concerns of many Americans about the challenges that lie ahead for our troops. Sending young men and women into harms way is the most difficult choices we must face. Each life lost is one too many.

The decision in Afghanistan is especially difficult because four primary questions remain. The first question is do we have a trusted and effective partner in President Karzai? No matter

how many troops we deploy, we cannot succeed with an Afghan government plagued by corruption.

The second question is to what length is Pakistan willing to go to help? We cannot defeat al-Qaida and degrade the Taliban without Pakistan's support.

The third question is can we accelerate the training of Afghan National Security Forces? Today, there are too few Afghan security forces to clear and hold against the Taliban, and they are not capable of taking over from U.S. troops. And in light of the President's 18-month deadline, it is clear that self-sufficiency for the Afghans is not optional; it is mandatory. Secretary Gates confirmed for me in last week's Senate Foreign Relations hearing that July 2011 is a firm deadline. In 18 months, we will begin our withdrawal and we will not send additional troops after this time. This was reiterated by Secretary Clinton and Chairman of the Joint Chiefs Mullen.

The fourth question is do we have enough qualified U.S. civilians in Afghanistan to partner with the Afghan people in promoting governance and economic development? We must send even more and ensure that the "civilian surge" extends to all 34 provinces, so they can partner with Afghans in the field.

I visited Afghanistan in April and September and had the opportunity to speak with our military and civilian leaders, President Karzai, and numerous Afghan ministers. I traveled to Helmand and Kandahar Provinces, and met with local government officials and tribal elders at a "shura," or community council. What I heard from the Afghan people was frustration with their government's inability to provide security, administer justice, and deliver basic services. They welcomed international assistance in the short-term but sought improved security and governance. Most importantly, they wanted control transferred to Afghan security forces once they were capable of holding against the Taliban themselves.

Since returning from Afghanistan, my No. 1 concern has been the ability of the Karzai government to be an effective and trusted partner. In his second term, President Karzai must eliminate corruption, strengthen rule of law, and deliver essential services in order to win the trust of the Afghan people. Ultimately, the battle is not between the U.S. and the Taliban. It is a struggle between the Afghan government and the Taliban, and the fight must be won by the Afghans themselves. The notion of a corrupt government has emboldened the Taliban and further undermined trust between President Karzai and his people. President Karzai must translate promises in his inauguration speech into action,

because increased government transparency and accountability is absolutely critical.

For me, the key point in President Obama's speech was that our military commitment is not open-ended. In July 2011, we will begin our troop drawdown. This has created an 18-month deadline for progress, injecting a sense of urgency to our mission that has been missing for the past 8 years. It sends a message that the clock is ticking for the Afghan government to eliminate corruption. They will no longer get a "blank check" because the time for action is now. On the security front, the Afghan National Army and Police have no choice but to assume greater responsibility given the certainty of a U.S. withdrawal.

As President Obama outlined, Pakistan is central to this fight. We cannot succeed without its cooperation because developments in the region are inextricably tied to both sides of the border. After my April visit, I was concerned about the Pakistani commitment. When I returned in September, however, I was impressed by the Pakistani military's decision to go after elements of the Taliban in the Swat Valley and South Waziristan. At the same time, Pakistan must take action against the Afghan Taliban and al-Qaida, which continue to find safe haven in Pakistani tribal areas. If extremists continue to operate freely between Afghanistan and Pakistan, it will undermine security gains made on the Afghan side of the border. And the stakes are even higher in Pakistan, which has both nuclear weapons and delivery vehicles.

In Afghanistan, we must break the momentum of the Taliban by improving security and strengthening our ability to partner with the Afghans. That is why I support efforts to accelerate the training of Afghan National Security Forces, ANSF. I am concerned that the President's goal of increasing the Afghan Army to 134,000 in 2010 does not go far enough in building the capacity of the ANSF. By comparison, Iraq—a geographically smaller country with the same sized population—has 600,000 trained security forces. This is why we must accelerate our targets for building the army and improve the capability of the police, which has faced even greater challenges in terms of corruption, incompetence, and attrition.

Finally, our success in Afghanistan depends on more than troops—we need an integrated civilian-military strategy in order to sustain progress. Many dedicated U.S. civilians continue to serve in Afghanistan, and we must further augment these numbers and ensure they can directly interact with Afghans in the field. Given their role as a force multiplier for the military and international nongovernmental organizations, NGOs, this is an area where we

must channel even more resources and people in the near term. We need a stronger civilian capacity, because counterinsurgency cannot and should not be conducted with the military alone.

Over the coming months, I will closely monitor our progress in Afghan governance, partnering with Pakistan, building the Afghan National Security Forces, and increasing the U.S. civilian surge. Improvements in these areas are critical to our overall success in Afghanistan, and will determine when our brave men and women in uniform can return home.

I yield the floor.

Mr. SESSIONS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. UDALL of Colorado). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. The Senator from Alabama. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I see my good friends, Senators KAUFMAN and KLOBUCHAR, had talked about actions we could take to deal with fraud in health care. I support that. I had the opportunity in the past, as U.S. attorney, to lead a group that would do that. But something is troubling me today a great deal. I am uneasy about it. It goes to the heart of how the legislation that is before us today has been put together.

Earlier today, we had Senator MCCAIN offering an amendment to say that every State should have the same policies with regard to Medicare Advantage that the State of Florida will under this bill. Presumably, that was an effort to gain some support. We have seen other situations such as that with Louisiana and other places getting special advantages.

Let me tell you about something that is particularly troubling to me. It was written about by Robert Reich, who was Secretary of Labor in President Clinton's Cabinet. He is a prolific writer about economic and health care matters. He starts his Sunday August 9 article this way on his blog. It says:

I'm a strong supporter of universal health insurance—

He is not pulling any punches there. He believes in a single-payer government policy. Then he goes on to say—and a fan of the Obama administration. But I am appalled by the deal the White House has made with the pharmaceutical industry's lobbying arm to buy their support.

That is a pretty serious charge. He goes on to say:

Last week, after being reported in the Los Angeles Times, the White House confirmed it had promised Big Pharma that any healthcare legislation will bar the Govern-

ment from using its huge purchasing power to negotiate lower drug prices. That's basically the same deal George W. Bush struck in getting the Medicare drug benefit, and it's proven a bonanza for the drug industry.

I will say, as I recall, that Mr. Reich was a critic of that at the time. Right or wrong, it was done and he was a critic of it. I give him credit for it. He said a continuation of that would be an even larger bonanza. He goes on to describe why he thinks it is a bonanza.

Right or wrong, as a matter of policy and so forth, it is no doubt that is something Big Pharma would like. He goes on to say this:

In return, Big Pharma isn't just supporting universal health care. It's also spending lots of money on TV and radio advertising in support. Sunday's New York Times reports that Big Pharma has budgeted \$150 million for TV ads promoting universal health insurance, starting this August—

I am quoting him—

(that's more money than John McCain spent on TV advertising in last year's presidential campaign), after having already spent a bundle through advocacy groups like Healthy Economies Now and Families USA.

I don't know what has happened. There is a memorandum in, I believe, one of the blogs here, the Huffington Post. That is supposed to be the memorandum that documents the agreement. I don't know what the facts are, but I know this, it is not a healthy thing, as somebody who has been involved in Federal law enforcement, for a government official, under color of right, to say to a private individual that you will help me with an advertising campaign and spend your private money, or I will do you a favor in exchange for an \$150-million television campaign.

I wish to tell you that is not good. That is beyond the pale. If things such as this have been done in the past, it is not the kind of thing that ought to be continued. I think it is a big deal.

The New York Times has reported, as they go forward:

Shortly after striking that agreement, the trade group—the Pharmaceutical Research and Manufacturers of America, or PhRMA—also set aside \$150 million for advertising to support health care legislation.

I am quoting a New York Times article by Duff Wilson.

But an industry official involved in the discussions said the group and its advertising money would now be aimed specifically at the approach being pushed by Mr. Baucus, Democrat of Montana and chairman of the Senate Finance Committee.

Is that the way this thing is being done? I hope not. I will examine these circumstances in more detail, but I would like to say, right now and today, that I am not happy about it. I don't like the looks of it, it doesn't smell good to me, it does not strike me as something that is legitimate, and I think maybe we need to find out more about it, frankly.

I wish to share with my colleagues a fundamental concern I have with this

health care bill. Supporters of the bill have made a great deal of promises. They alleged it would do a lot of very great sounding things, and we were asked to support it on the basis of their promises. But a careful examination of the legislation shows it fails to deliver on almost all the major promises it made and is likely to cause a great deal of adverse, unanticipated consequences. As a result, I think the American people have intuitively understood this; that is, why they are so strongly opposed to it. They cannot imagine why the leadership of this Senate continues to try to push down on their brow this piece of legislation that does not do what it promised to do.

For example, the sponsors of the legislation say the bill's total cost is \$848 billion. However, they do not begin the benefits of the bill until 5 years after enactment and that \$848 billion is the cost of expenditures over 10 years. So when you move forward to when the benefits actually start for those who will be receiving them and go 10 years from that point, the total costs are not \$848 billion, they are \$2.5 trillion. That is a huge difference. It is a monumental difference. It is a difference so large I cannot understand how we can, with a straight face, try to contend that we have a sound budget-minded bill that is going to cost \$848 billion, and we have tax increases of about half of that, and raids on Medicare for about half of that and that is how we are going to pay for it. It is not working in that way, in my view.

Another promise for the bill that was made by the President in the joint session to the Congress, he said this:

This bill will not add one dime to the deficit.

That is just not accurate. You can make anything deficit neutral if you pay for it by slashing Medicare and taking the money from Medicare to pay for it. Or you can make a bill be deficit neutral if you raise enough taxes. So they are raising \$494 billion in taxes. They are cutting Medicare by \$465 billion. That is the plan.

They claim they have a \$130 billion surplus. So don't worry about the budget. We have created a bill that is going to reduce the deficit. That is what they have said repeatedly.

But they forgot something. They forgot we have to pay our physicians. That was always supposed to be part of health care reform. In fact, the physician groups were told they were going to be paid. But under this bill, to show you how it has been doctored—and this has been done before, Republicans have participated in this in the past, and it has been something that has been going on for a decade, but it is really relevant today, particularly in this legislation because this legislation was supposed to fix this problem—they keep the physician rates slightly above last year's rate for 1 year. Then for 9

years in the 10-year budget, they assume that doctor payments, physician reimbursements are going to be cut 23 percent. That is unthinkable.

We are not going to cut physicians 23 percent. We can't cut the physicians at all because they are already wondering whether they will continue to take Medicare patients and, even more so, Medicaid patients, where they get paid less.

We could have a mass walkout of physicians who couldn't afford to see seniors if we were to cut their pay by 23 percent. In fact, we are not going to do that. We all know this. So what did they do? I know they were meeting down in the hallways somewhere, and they were plotting out this bill. They said: The President said it will not add to the debt. What are we going to do? The numbers don't add up. We can't raise taxes any more. We can't cut Medicare any more. We have done all we can do. What are we going to do?

So what they obviously decided was to take the physician pay portion of the bill out, that one that would have fixed this aberrational law we have that requires it to be cut 23 percent, and so they put it in a separate bill. Every penny of this separate bill would be paid for by increased debt, so not really paid for at all. They offered that bill on the Senate floor, and it got voted down because Republicans all voted against it as being utterly fiscally irresponsible. Enough Democrats joined in to kill the bill. They wouldn't support it either. A number of Democrats know the budget has to have some rationality. So they failed to do that.

But if you put the doctor fix in, you are increasing the costs of the bill by \$250 billion, so the \$130 billion surplus is reduced to a \$120 billion deficit. So it does add to the deficit. It adds more than one dime to the debt; it adds \$120 billion to the debt.

Another fiction was their promise that they would fix the physician payments and make a permanent policy of paying them so every year they wouldn't have to run to Congress and hire lobbyists to come here and meet with Senators to beg them not to have a 23-percent cut. That happens every year. It is ridiculous. But this bill does not deal with that. It only has a 1-year fix, and for 9 years it is reduced just like it has been done in the past. There is no reform in that part of health care that needs to be done.

Another fiction is that they are not cutting Medicare benefits. They say: We are not cutting Medicare benefits. We are cutting that bad old Medicare Advantage that 11 million seniors are benefiting from and enjoy and participate in. They are cutting that \$100-plus billion which is about one-fourth of what the cuts to Medicare are. They say that is not truly cutting Medicare. But that clearly is cutting Medicare

because Medicare Advantage is part of the Medicare Program. It is cutting Medicare. However you feel about Medicare Advantage, this is a cut to Medicare Programs that millions of seniors favor.

That is why Florida didn't want to have their Medicare Advantage cut. So they got a special deal in this legislation. Everybody else in America won't get that. They want to keep it.

Let's go on a little bit further just to show you why the American people are unhappy with Congress. They have a right to be unhappy. People say: Those people out there at the tea parties and townhall meetings, they were just upset. They are poor Americans. They are not good Americans. Good Americans would come in and say: How much more money can we give you, big government, to take care of all our needs from cradle to the grave?

The people at the tea parties understand the kind of games that are being played here. They understand the cuts to home health care, to hospice programs, to hospitals, the hospitals that care for a disproportionate share of the poor people, and the \$23 billion from just general Medicare accounts represent cuts to Medicare, which is our seniors program.

How is it, then, that we have this disagreement? How is it possible that you can't agree on where \$465 billion comes from? The sponsors of the bill, this is what they say. They say: We promised we wouldn't cut Medicare benefits. Any guaranteed benefit any senior citizen has, we promised not to cut it. All we are doing is cutting the providers, the people who provide the benefit.

Give me a break. So you come in and you cut hospice, nursing homes, other providers, \$118 billion from Medicare Advantage, \$192 billion from the hospices, nursing homes, and other providers, \$43 billion from hospitals that serve a disproportionate number of poor and uninsured, \$23 billion from unspecified Medicare accounts, and that this doesn't weaken Medicare. If we could cut that, why haven't we done it already? If this didn't reduce the quality of care for seniors, if we could reduce these hospitals and others and they could still provide care to our seniors, why haven't we done it already?

Mike Horsley, head of our hospital association in Alabama, tells me that as a result of an abominable wage index program that helps to determine how much hospitals get paid primarily and lien payments in general, two-thirds of the hospitals in Alabama are operating in the red. They don't need to be cut any more.

I guess what I would say is, this is the way the game has been played. My colleagues are saying we are not cutting guaranteed benefits. We are just cutting the money from the people who provide the benefits. How many of them are going to keep doing so, as the

CMS Actuary's report questioned? How many of those will give it up?

Fiction No. 6—I have 10, and I will not go through all of them tonight—is that hospitals that treat the poorest and sickest will somehow be better off under this program. But they are not feeling that way. They are not feeling they are going to make up for the fact that the hospitals that qualify as disproportionate share hospitals, those who serve a high percentage of individuals who are very low income or who have no insurance, they are going to lose \$43 billion in cuts under this bill. These hospitals that provide so much charity care and provide a safety net in the communities are going to suffer under this legislation. They are telling me that. I don't know who in Washington may say they are not, but that is what they are telling me. I think they are telling the truth.

Fiction No. 5 is that average family premiums are going to decrease. Have you heard that through this proposal? Senator EVAN BAYH asked the CBO about this, and they said families who do not receive coverage from their employer would see their premiums rise "about 10 to 13 percent higher by 2016" than under the current law. The ones who claim they are seeing some reductions, those reductions are only the slightest reduction, less than 3 percent in most cases, of the 5- or 6-percent increase expected to occur every year under current law.

So instead of going up 5.56 percent, it goes up 5.41 percent. They are claiming, I guess, that is some sort of cut. But it is misrepresentation to say that family premiums are going to decrease, when people who are not in group health plans through their employers are the ones who are going to see the largest increases, perhaps 10 to 13 percent by 2016, more than would occur under present law.

I am pleased to be able to serve in the Senate with Senator GRASSLEY who chaired the Finance Committee, is ranking member now, who does over 100 townhall meetings a year or something in the counties in Iowa. He met with thousands of people and got the same message I got, which is you people are irresponsible. The debt is surging and will double in 5 years, the whole debt of America, and triple in 10. I want to say that the American people are concerned about this. Senator GRASSLEY worked so hard to see if he could get a bill that would be bipartisan, that we all could support, or large numbers of the Senate could support. But we got off track.

I talked to one person who dealt with this issue. He said the way things got off track was that we abandoned ways to legitimately contain costs increases. The way to create more competition, the more personal stake in your health care, other things that would actually help reduce the cost of health care, is

what we got away from, and it became driven by President Obama's determination to have a government option. That, in my estimation, may have been the decisive event in the negotiations breaking down.

This is a serious piece of legislation. It seeks to alter one-sixth of the American economy. It does not do what it promises. It surges spending. It increases taxes dramatically. It represents a major governmental takeover and will ultimately undermine the special relationship between patients and their doctors. It will also substantially threaten the viability of Medicare. This money that is being taken out of Medicare will only accelerate its insolvency. By 2017, Medicare—I believe Senator GRASSLEY will agree—is expected to go into default. It will go down rapidly, actually.

Is that correct, Senator GRASSLEY, that by 2017, under current law, Medicare is projected to go into default and go rapidly into default, and if we could save any money out of Medicare, if we can save \$400 billion, shouldn't it be kept in the Medicare Program to try to extend its life and make it a viable program that seniors can rely on rather than creating a whole new spending program with that money?

Mr. GRASSLEY. Mr. President, if the Senator is asking me that question, I will tell him that he is absolutely right, not based upon what I say or what the Senator says, but every spring the trustees of Social Security and Medicare look ahead 75 years and they predict what the income and the outlays are going to be based upon the population and the projected growth of the economy and all that stuff. Right now, they are projecting \$37 trillion of shortfall over that 75-year period of time. They already told us, and it has materialized, that in the year 2008 we started paying more money out of Medicare than was coming into Medicare, and by the year 2017, as the Senator correctly stated, the trust fund will be out of reserves.

Mr. SESSIONS. So we are spending the reserves in Social Security, which will be exhausted by 2017.

Mr. GRASSLEY. In Medicare.

Mr. SESSIONS. Medicare. Excuse me.

I am going to yield the floor to Senator GRASSLEY. I say to the Senator, I appreciate your leadership and insight into this issue. I value your whole approach to it. I think most Americans—if they understood this information as the Senator does and as the Senator has articulated, the opposition to the bill would be even greater than it is.

I urge my colleagues to examine the fact that the bill simply does not do what it sets out to do. It does not meet its promises, and as a result, we absolutely should not go down this road to a major Federal takeover of health care, with ramifications that go far beyond what it might appear today.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I had a chance to hear a great deal of what the Senator from Alabama said. I think I would highlight that what he said is what he is hearing from the grassroots of his State, which is very much what I hear from the grassroots of my State: people are very concerned about this piece of legislation leading to the nationalization of health care, similar to what they have seen this administration previously do this year with the nationalization of General Motors, partial nationalization of the financial system—a big deficit. And then they see the money being spent on this bill—\$2.5 trillion after it gets fully implemented. And where are you going to get money? And what is that going to do to the economy? And, more importantly, what sort of a legacy is that leaving to our children and grandchildren?

He also correctly stated that I do visit every county every year. The number of counties the Senator had was just a little bit high. We only have 99 counties. But for the 29 years I have been in the U.S. Senate, I have held a town meeting in each one of our counties every year. So I do have the benefit of 2,871 town meetings as a basis for suggesting what people tell me face to face, besides the large number of phone calls we get.

You cannot believe the number of phone calls that are coming in now, the number of e-mails we are getting—historically high. I have never had that before on any issue. I assume it is the same for the State of Alabama, contacting their two Senators as well.

Mr. President, I rise to bring up an issue that is a relatively new issue in this debate, as in the secrecy of the negotiations that are going on around Capitol Hill on the issue of health care reform. These secret negotiations actually started about October 2 when Senator REID, the leader, had to merge the bill out of the Senate Finance Committee and the bill out of the Senate HELP Committee into one bill. It took a long period of time to do that.

We are in the second week of debate. I hope people realize that 99 Senators ought to have the same privilege that 1 Senator had of getting a grasp of this huge 2,074-page bill. There are still negotiations going on because the leader still does not have locked down the 60 votes that it is going to take to get to finality.

So some of these discussions are: what can we do to get a few votes if we do not have a so-called public option? And the latest of that is: Well, allow people to buy into Medicare. So I want to speak about that issue because it sounds pretty simple. It may get 4 more votes and may get 60 votes, but it is bad. It may be good politically, but

it is bad for Medicare and particularly for Medicare in rural areas where we have a difficult time keeping hospitals open, and we have a difficult time recruiting doctors in rural America.

So I would talk about the recent news reports of a proposal being concocted behind closed doors to allow 55- to 64-year-olds to buy into the Medicare Program. Supposedly, this idea has been put on the table to get the votes for supporters of having a brandnew government-run health plan and the people who do not like that.

Back in the spring, such a proposal came up during the early stages of our Finance Committee's health care reform efforts. The idea was originally proposed by President Clinton even going back to 1998. I opposed such a proposal back then, and I oppose such a proposal now. I oppose the proposal because of its negative effect on the Medicare Program and our senior citizens who use Medicare.

The best way to describe the effect of this proposal on the Medicare Program and its beneficiaries is to quote former Senator Phil Gramm of Texas when he was asked about President Clinton's proposal when President Clinton put that proposal on the table back in 1998. Senator Gramm said this about President Clinton's proposal, which would be applicable today as our colleagues are studying it:

If your mother is on the Titanic, and the Titanic is sinking, the last thing on Earth you want to be preoccupied with is getting more passengers on the Titanic.

Since its inception in 1965, the Medicare Program has helped ensure senior access to health care. But, as the Senator from Alabama and I were just discussing, the problems with health care and Medicare are such that Medicare is already under extreme financial pressure. So why would you load more people into a system that Senator Gramm of Texas was referring to as the Titanic? You would not load more people on it as it was going to sink.

This is not to say that this entitlement program, Medicare, is not in need of improvement, but having the 36 million Americans who are age 55 to 64 buy into the program is not an improvement. Even groups supporting the Reid bill, such as the AARP, are pointing out the severe shortcomings of such an approach.

Last summer, the AARP Public Policy Institute published an analysis of the Medicare buy-in concept. In their report, the AARP points out the potential for increased Federal entitlement spending. AARP said:

Expanding the program to more people could raise federal spending even further if their care is made affordable through subsidies that would be funded by the existing Medicare trust funds.

And do not forget the effects of adverse selection from a Medicare buy-in program. Here AARP has studied it, and this is what they say about that:

... the premium may be too uncompetitive for those who don't use much health care and unaffordable for those with modest incomes. This may limit buy-in enrollment and drive up cost further.

So this means that this buy-in proposal is likely unsustainable. And we all know what happens when the government creates an unsustainable new program. What happens? The taxpayers end up on the hook for bailing it out down the road sometime.

We all know the Medicare Program has \$37 trillion in unfunded obligations. We all know about the pending insolvency of the Medicare Program. The trustees say so every spring.

The Medicare hospital insurance trust fund started going broke last year. In 2008, the Medicare Program began spending more out of this trust fund than was coming in through the payroll tax. The Medicare trustees have been warning all of us for years that this trust fund is going broke. They now predict that it will go broke right around the corner in 2017. Well, as the AARP has pointed out, adding millions to the Medicare Program would almost certainly make things much, much worse for the fiscal health of a program that is not in very good financial shape. This proposal would also make things worse for the 45 million Medicare beneficiaries who paid into the program over the years and are receiving benefits under the program.

Since we started debate on this 2,074-page bill, Members on this side of the aisle have questioned the wisdom of slashing Medicare by \$½ trillion and then using the savings to start a new Federal entitlement program. We on this side have stressed that provider cuts of this magnitude will make it financially harder for providers to care for beneficiaries. We have pointed out that this will worsen beneficiary access to health care, as providers stop treating Medicare patients.

Adding millions more Americans to Medicare on top of the \$½ trillion in Medicare cuts in this Reid bill would make beneficiaries' access to care much worse. But do not take my word for it. Even national hospital associations such as the American Hospital Association and the Federation of American Hospitals are opposing this proposal. They are mobilizing their ranks against this proposal even as I speak. Yes, the same groups that agreed already—and this was back in June—to \$155 billion in Medicare cuts—and they did that in an agreement with the White House and got sweetheart deals in this bill—do not want the Senate to go the route of expanding Medicare for people under 65 years of age. The American Medical Association has also opposed this proposal. These groups recognize the potential for financial disaster by boosting the number of patients with coverage that pays well below cost.

This Medicare buy-in proposal would also jeopardize retiree benefits. Going back to the same AARP analysis that I have quoted, they concluded that a Medicare buy-in program could further reduce employer-sponsored health benefits.

According to the AARP:

... a buy-in program might displace retiree coverage now available through [their] employers.

Still quoting AARP, they said:

As health care costs tend to rise with age, employers might have the incentive to find ways to avoid offering private coverage for early retirees. . . .

So with fewer patients with higher paying private coverage, there is less opportunity for providers to cost-shift to make up for low Medicare payments, because everybody recognizes the Federal Government does not pay 100 percent of costs. This would make it even harder for providers to treat Medicare beneficiaries, and as a result, beneficiaries would have an even harder time finding a provider to treat them.

I come from a rural State where Medicare reimbursement is already lower than almost every other State in the Nation, so I have serious concerns about the ability of the Iowa providers to keep their doors open if more and more of their reimbursement is coming from Medicare. I know this is a concern that is shared by rural State Members of this body from both sides of the aisle. But losing providers to serve Medicare beneficiaries would only be the beginning of access problems caused by a Medicare buy-in program. Because if you think it would be tough to keep existing Medicare providers, think how hard it would be then to recruit new ones.

Provider recruitment is already a major problem in rural States, particularly my State of Iowa. This issue comes up during my meetings with constituents in Washington or during the townhall meetings I hold in each of Iowa's 99 counties every year. It is already a challenge under the current Medicare Program for Iowa to compete for providers with urban areas where Medicare reimbursement is higher.

I hear countless stories from constituents where they make great efforts to recruit doctors only to lose them to areas where Medicare reimbursement is higher. The Medicare buy-in will only make this situation worse in my State of Iowa, because more and more reimbursement would come from Medicare. So the current and future Medicare beneficiaries would be assured of limited access to providers because of this buy-in.

AARP pointed out another flaw in this buy-in proposal. In their analysis, AARP warned that there are large cost-sharing requirements in Medicare, so buy-in enrollees would still be exposed to significant cost sharing. Maybe these buy-in enrollees would



have the resources to purchase supplemental Medicare policies to defray these cost-sharing requirements. Perhaps AARP is thinking of making even more money by selling supplemental policies to these retirees.

I share the goal of getting more Americans covered, but expanding the Medicare Program to early retirees is not the answer. Medicare beneficiaries have paid in to this program all these years and rightfully have the expectation to receive the benefits to which they are entitled under the program. The Medicare buy-in proposal would jeopardize these benefits. It would jeopardize existing retiree benefits. It would leave retirees exposed to significant cost sharing. It would be unsustainable and taxpayers would end up footing the bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, thank you very much. I rise tonight to continue the discussion and debate on health care. I had the chance over the last couple of months not only to do a good bit of work on a number of issues that relate to the bill and the two bills that came before and were merged into one bill, but also to hear from constituents across Pennsylvania. Some of them are writing to us and urging us to pass a bill and some are urging us to go in the other direction. But the communications I get from people who write about their own stories, their own family, their own challenges are, of course, the most compelling and the most worthy of time and attention.

Often they come from Pennsylvania families who are not only facing health care challenges but facing economic challenges that I don't think anyone in this Chamber can fully understand, at least not at this point in someone's life. Because when you become a Member of Congress, you are usually in pretty good shape. You may not have a lot of wealth, but you at least have a job to go to every day, you have a lot of people helping you, and you have health care. That is not something that can be said for tens of millions of Americans.

This legislation is the culmination of a lot of debate and discussion and analysis and study over many decades now. It is nice that we have been talking for years and years about preventing a preexisting condition from barring someone's coverage or treatment. It is nice to talk about it, but it is a lot better when we do something about it. It is nice we have talked about limiting out-of-pocket costs for families who are trying to take care of their children, trying to care of themselves, but it is a lot better to do it, to enact it into law.

This bill makes it illegal to use preexisting conditions to deny someone coverage. This bill makes it illegal for

insurance companies to put a lifetime cap on services, or an annual cap. This bill makes it illegal to discriminate so that no longer, if we do what we must do and get this bill passed, can an insurance company discriminate against a woman, which they do all the time now, just as they prevent people from getting coverage due to a preexisting condition. We have an opportunity to change the way we provide health care in ways we haven't been able to imagine, let alone enact into law.

One issue that has motivated me throughout this whole debate is what happens to our children at the end of the debate, at the end the legislative line, so to speak. Will children in America—and I am speaking about poor children and those with special needs because they are the ones who need help. If you are in a wealthy family, you will figure it out, and your family will figure it out. If you happen to be a child of a poor family or a child who has special needs, will you be better off at the end of this debate or will you be worse off.

As it relates to poor children and children with special needs, the goal here has to be no child worse off. It is very simple. It is a very simple test. That is what we have been working on. I believe this bill that is on the floor right now is a dramatic improvement in the lives of so many families. I still think we have some more work to do as it relates to children, but there is no question that the bill we are debating will make children a priority in ways we haven't been able to do in any kind of other legislation, other than the children's health insurance legislation that Congress enacted going back more than a decade ago and that we reauthorized this past year.

I wish to speak about two families tonight. This isn't a discussion about theory or about the nuances of a policy. This is about real people and what has happened to them under our existing system. I wish to put up the first chart. This chart depicts one family, the Ritter family in Manheim, PA. I spoke with them several days ago and I spoke with these two young girls. One daughter's name is Hannah—one twin, I should say, is Hannah and her sister—after I spoke on the floor I called their mom to talk about what I had said on the floor and I said to her, I think I referred to one of your daughters as Madeline, and that is incorrect, it is Madeline. So I want Madeline to know I correctly pronounced her name my second time around. Part of that is because of a story I read to my daughters when they were kids all the time. But there was a story about Madeline, and a lot of parents know that story. So I apologize to Stacie Ritter.

But here is the story that Stacie Ritter has told me through this communication, but has told a lot of other people, and now we try to tell her story

on the Senate floor to give meaning to what we are talking about here. But this isn't some public policy discussion about health care; this is about what happens to real families when we don't get the policy right, when we talk and talk year after year, decade after decade, and talk about good intentions, but never get it done, never get a bill passed. This is what happens to people.

Stacie Ritter had to declare bankruptcy after her twins were diagnosed with leukemia at the age of 4. My wife Teresa and I have four daughters, and thank goodness they are all healthy. Two of them are in college, one is in high school, and one is in seventh grade. We have never had to face that kind of diagnosis, thank goodness. Thank God I have never had to face that, nor has my wife Teresa had to face that as a parent. But if we did, we would have been given some protection and so would our daughters if we faced that horrific diagnosis, because when I was working as a lawyer or when I was a public official, I had health care. Sometimes, for a lot of that time period, a decade in State government health care, because I was a State employee, I had a tremendous health care plan, a kind of public option, a good public health care plan. So I never had to worry about that as a parent nor did my wife if something horrific were diagnosed.

These two little girls pictured here—and you can see even though because of that diagnosis they are facing the kind of challenge I can't even imagine, let alone endure—I hope I could, but I am not sure I could if I were in their place. But you can see that even though it is obvious they are facing a real challenge with regard to the leukemia, they are very hopeful, aren't they, in that picture. They have their arms around each other. They have these stethoscopes and they are dressed up like two doctors. So even in the midst of the horror of that kind of a diagnosis, you have these two brave little girls who are looking forward, not just worried about their one situation but looking forward with hope and optimism.

Here is a picture down here taken last year in Washington, DC, then at the age of 11. Here is what their mother said:

Without meaningful health reform my girls will be unable to afford care, that is if they are even eligible for care, that is critically necessary to maintain this chronic condition.

Punished and rejected because they had the misfortune of developing cancer as a child.

What is the particular problem here with this case? The obvious problem is that these young girls were diagnosed with leukemia. That is bad enough. But we have a system that made their life a lot worse than the leukemia, because we had a system that said—basically what the system said to them is:

We can help you and maybe cure you, but we are going to put limits on it. We are going to say that it is nice to have all of this technology and all of this great medical knowledge and great doctors and hospitals across America—and we do. We are the envy of the world on some of this stuff: the doctors and the nurses and the health care professionals, and the hospitals and the technology and the know-how. We are the envy of the world. We should acknowledge that. But then we have this ridiculous system that says to these two little girls: But the care we want to give you and the results we can get from that care are going to be limited. So we hope it works out for you.

That is ridiculous. It is an abomination. I don't understand why we have gone year after year and settled for this. Why do we have limits on the kind of care people get? Because insurance companies thought that was a good idea. I don't know why. I don't know whether it is for their bottom line or for whatever reason, but there is no excuse—no rationale—for saying to someone: We can cure you, but we are going to limit your care.

You are in real trouble, and we know how to help you. But we are going to limit it. Here is what Stacie said about her kids:

When my identical twins were both diagnosed with [this leukemia] . . . at the age of four, we were told they would need a bone marrow transplant in order to survive. That's when I learned that the insurance company thought my daughters were only worth \$1 million each.

I don't know a parent in America who believes their son or daughter—in this case, two daughters, her twins—is worth any amount of money or their care is worth any amount of money. Why does the insurance company do it? We hear they say that is policy, and then they get pressure from a TV station or news organization and they give the care.

If the policy makes sense, why would public pressure change a policy? The policy is ridiculous and insulting. It should be changed. It is one of those things we have to make illegal, and this bill does that. We should make it illegal for an insurance company to do that to children. But it doesn't make a lot of sense unless you talk about it in terms of a real story.

Here is what Stacie Ritter said after she talked about the limit—very flatly, she said two words about whether a \$1 million is enough to care for two daughters with leukemia over many years:

It's not! When you add up the costs involved in caring for a patient with a life-threatening disease like cancer, \$1 million barely covers it.

We have lots of stories like this.

Fortunately, the hospital social worker recommended we apply for secondary insurance through the State considering the highly probable chance we would hit the cap. And

we did hit that cap before the end of treatment.

The State program sounds a lot like a public option. I may be wrong, but it sounds an awful lot like that.

Thankfully, the State program kicked in and helped pay for the remainder of treatment.

So that part of the story worked itself out. It didn't work itself out because the insurance company said: We have a way to help you, and we are going to do it and figure out the cost in another way. No, the insurance company didn't help them. It was the State program in this case—the kind of public option that helped these kids. That part of the story has somewhat of a positive outcome. These kids are only 11. When they were 4 and 5, they didn't have that kind of an option.

This story gets worse. This is what Stacie says:

During this time, my husband had to take family medical leave so we could take turns caring for our one-year-old son and our twins at the hospital. . . .

For the 7 months my husband was out on family medical leave, he was able to maintain his employer-based insurance for us via a \$717.18 a month COBRA payment.

Let me get this straight. We are now talking about COBRA—the extension of insurance coverage for people who are hurting, laid off or unemployed. That is another government initiative enacted by Congress. I am sure there were some folks who thought let's not use government to extend health insurance. But in this case, it was helpful to this family. But it wasn't enough.

Here is what Stacie says, as she keeps going:

After spending all our savings to pay the mortgage and other basic living expenses, we had to rely on credit cards.

We have a health care system that forced Stacie Ritter, and lots of other families in America, to rely upon credit cards so they could get the health care for their daughters who have leukemia and make ends meet so they could pay the mortgage and all the other things they had to pay for for themselves and their daughters and their son. That is what this health care system has forced them to do.

This isn't unambiguous. This is exactly the result of the worse part of our health care system. This last sentence might be the most poignant. She mentions they filed bankruptcy:

And when you file bankruptcy, everything must be disclosed. We even had to hand over the kids' savings accounts that their great grandparents had given them when they were born.

That is another problem with this messed up system we have. It forced this family not only to worry about whether their daughters were going to be taken care of with leukemia, it not only said they probably had to declare bankruptcy to take care of themselves and get the care they needed, but in

the course of the bankruptcy proceedings, they had to turn over savings accounts.

I don't care if it was \$1 or \$1,000 or a much higher amount. I don't care what the amount was. We should never allow a system to force two little girls with leukemia to turn over their savings accounts that their great grandparents started for them. That is how bad the system is.

I will spend lots of time complimenting doctors, hospitals, and nurses. We have a lot of good things. We have good technology. OK. I am acknowledging all that. But this system is messed up when we have this happen to one family. I don't care if it is one family or 1 million, but we know there are lots of them out there who face similar circumstances.

Some people might say you are talking about the family and all these problems. What does your bill do? It so happens the first provision in the bill—go by the table of contents and go to the page—I think page 16. The first provision of the bill talks about not having limits on lifetime coverage. If that were in effect when Stacie Ritter and her husband got the diagnosis for their daughters—if that was in effect, the following would have happened, and this is irrefutable: No. 1, they were upset, and as worried as they were about their daughters, at least they would have had the peace of mind to know they didn't have to worry about it costing too much to get them care. They would not have had to worry about this causing bankruptcy. So at least we would have given them some peace of mind and some security. Then on top of that, we would have given them the kind of care they needed, including the follow-up care.

When some people say we need to debate a little longer, 3 months or 6 months more, or let's talk about it for a couple more years—we have talked this issue to death for years. We know exactly what is wrong. This is what is wrong. That story alone is reason to pass the bill. There are a lot of other reasons, a lot of other tragedies that are preventable if we do the right thing.

We have a bill that we are going to pass, and the first provision speaks to this family's challenge.

Let me read one more letter and I will stop. I know I am over my time. We have heard a lot of discussion in the last couple of days about people whose personal tragedies bring all of us to our senses as we get lost in the politics. I received a letter this fall that I think sums it up in a way that both Hannah's and Madeline's story does as well. This is a letter that I received from a woman in Havertown, PA, suburban Philadelphia. She says:

On September 9, 2009, my sister-in-law's cousin had to take her three-week-old son off of life support. He took two shallow breaths

and passed away peacefully. He did not have to die, he did not have to be on life support, he did not even have to be in the [neonatal intensive care unit] NICU.

At 36 weeks gestation, his mother was told that she had Placenta-previa, but the insurance company and the doctor were at a tug of war on getting it covered.

This is America. Why should a doctor have to be in any tug of war about whether this mother, who is pregnant, will be covered? That should not even be a discussion. There should not have to be any discussion about that. But that is how messed up our system is.

At 39 weeks, Brandon's umbilical cord ruptured. His mother Karen was rushed to the hospital and Brandon was taken to Jefferson [hospital] in Philadelphia to undergo brain cooling treatment to return brain activity.

It was too late. After minimal return of brain activity, it was decided after 3 weeks to remove life support.

She concludes with this haunting sentence, this haunting reminder of how bad a case this is:

Who saved money here? Was it worth a child's life to save a few dollars? And I am sure 3 weeks of life support costs more than a C-section.

That is the end of her letter. So anybody who says that we have to make a couple little changes on the margins, but we have a great system that is not in need of major reform—I need only point to these two examples. That is all the information I need.

Unfortunately, we have thousands—hundreds of thousands of additional examples—literally millions of people who are denied coverage because of a preexisting condition. Sometimes because a woman has been a victim of domestic violence, that has been used as a preexisting condition in terms of whether she gets health care. So we have a messed up system.

When we allow these tragedies to happen day after day, year after year, and we have people in Washington saying: We just could not get it done, we have to debate a little longer—we have to get a bill passed. We are going to do that in the next couple of weeks. We will take whatever steps are necessary to get this legislation passed because we cannot say to this woman who wrote to me from Havertown, PA, nor can we say to these two girls and their parents—we can't walk up to Hannah and Madeline and other kids like them in the country and say we tried to get that lifetime limit matter done, but it got a little contentious.

We have to get it done, and we will get it done because we are summoned by a lot of things. But I think we are summoned by our conscience to get this done and make sure we can do everything possible—no system is perfect—to prevent these tragedies.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. SANDERS. Mr. President, let me begin by thanking Senator CASEY for

his consistent efforts in fighting to make sure that every American has good-quality, cost-effective health care. He has been a leader and I congratulate him.

Mr. President, I wish to touch on some of the health care issues that are out there and tell you what I think is positive in the bill we are dealing with in the Senate and tell you what I think is not so positive.

To begin with, as Senator CASEY has aptly described, we have a system which, in many ways, is disintegrating. It is an international embarrassment that in the United States of America, we remain the only Nation in the industrialized world that does not guarantee health care to all its people as a right. The result of that is, some 46 million Americans today have no health insurance. Even more are underinsured, with large copayments and deductibles.

We have some 60 million Americans today who, because of our very poor primary health care outreach network, do not have access to a doctor on a regular basis. The result of that is, as incredible as it may sound, according to a recent study at Harvard University, some 45,000 people die every single year because they do not get to a doctor when they should. As a result, by the time they walk into a doctor's office, their illness may be terminal. In addition to that, God only knows how many people end up in a hospital, at great expense to the system, because they did not get care when they should have.

Meanwhile, as Senator CASEY indicated, bankruptcy is an enormous problem because of our health care system. Close to 1 million Americans this year will be going bankrupt because of medically related bills. Furthermore, when we talk about economic growth in America, all of us understand that small businesses, medium-sized businesses are plowing an enormous amount of money into health care for their workers rather than reinvesting that money and expanding their operations and creating the kind of jobs we need as a nation in the midst of our very deep recession.

We have a major problem. At the end of the day, despite so many people uninsured, underinsured, so many people dying because they do not get health care when they need it, so many people going bankrupt, we end up spending almost twice as much per capita on health care as any other nation.

It is clear to me and I think it is clear to the vast majority of the American people that we need real health care reform. What real health care reform must be about is at least two things. No. 1, providing coverage to all Americans as a right of citizenship and, No. 2, doing that in the most cost-effective way we possibly can.

To my mind, quite frankly, there is only one way that I know of that we

can provide universal, cost-effective, and comprehensive health care for all our people, and that is a Medicare-for-all, single-payer system. Very briefly, the reason for that is we are wasting about \$400 billion every single year on administrative costs, on profiteering, on advertising, on billing—all in the name of profits for the private insurance companies that have thousands and thousands of separate plans out there, creating an enormously complicated and burdensome system. With each one of their thousands of plans, if you are young and do not get sick and are healthy, they have a plan for you. If you are older and you get sick, they have another plan for you. There are 1,300 private insurance companies with thousands and thousands of plans, and to administer all of this costs hundreds and hundreds of billions of dollars.

That is money not going into doctors—we have a huge crisis in primary health care physicians—not money going into dentists. Many areas, including Vermont, have a serious dental access problem. That is money not going to nurses. We have a nursing shortage. This is money going into bureaucracy, profiteering, and salaries for the CEOs of insurance companies. It is going into inflated prices for prescription drugs in this country. As a nation, we pay the highest prices in the world for prescription drugs.

To my mind, as a nation, what we have to finally deal with is that so long as we have thousands of separate plans, each designed to make as much money as possible, we are not going to get a handle on the cost of health care in America.

In the bill we are now talking about in the Senate, we have to be clear that the projections, according to the CBO, are that, everything being equal, over a 10-year period, the cost of health care for most Americans is going to continue to soar. That is the reality. This is bad not only for individuals, not only for businesses, this is bad for our international competitive capabilities because we are starting off from the position that today we spend much more than any other country. Guess what? While this bill does a number of very good things, it is not strong on cost containment.

If we are going to try to improve cost containment—and I wonder how much we can do within the context of this particular approach to health care without being a Medicare-for-all, single-payer system—at the very least, we need a strong public option. We need that for two reasons. First of all, there is widespread mistrust of private health insurance companies for all the right reasons.

Most Americans understand that the function of a private health insurance company is not to provide health care; the function is to make as much money as possible. People do not trust private

health insurance companies, and they are right in terms of their perceptions.

People are entitled to a choice. If you want to stay with your private health insurance company, great, you can do it. But as many people as possible in this country should be able to say: You know what, I am not comfortable with a private insurance company. I would rather have a Medicare-type plan.

Poll after poll suggests that the American people want that public option. That is point No. 1, freedom of choice. People should have that choice. If they do not want it, that is fine.

Point No. 2 may be even more important, if we are going to get a handle on exploding health care costs, somebody is going to have to rein in the private insurance companies whose only function in life is to make as much money as they possibly can. We need a non-profit, government-run public plan to do that. If we do not have that in this bill, I am not sure how we are going to get any handle on cost containment.

I will fight to make sure we have as strong a public option as we possibly can. As I have said publicly many times, my vote for this legislation is not at all certain. I have a lot of problems with this bill. We have to have at least, among other things, a strong public option.

Let me tell my colleagues something else I think we have to address in this bill. As I mentioned a moment ago, we have a disaster in terms of primary health care in America. Some 60 million Americans are finding it difficult to get to a doctor on a regular basis, and that is dumb in terms of the health and well-being of our people. It is also dumb in terms of trying to control health care costs.

If somebody does not have a doctor they can go to when they get sick, where do they end up? They end up in the emergency room, and everybody knows the emergency room, by far, is the most expensive form of primary health care. Yet millions of people have no other options. They end up in an emergency room. If they have a bad cold, Medicaid may pay \$500 to \$600 for their visit to the emergency room. That is totally absurd.

Furthermore, if you have a primary health care physician, that person can work with you on disease prevention—helping you get off cigarette smoking or helping you with alcohol, a drug problem, a whole myriad of issues in terms of good prevention, good nutrition. That we have a disaster in primary health care which is driving people to the ER makes no sense at all.

As I mentioned the other day, there is a provision in this legislation in the Senate which authorizes a very significant expansion of federally qualified community health centers which, in a nonpartisan way, a bipartisan way is widely supported by, I suspect, almost everybody in the Senate and in the House as well.

These community health centers today allow 20 million people to access not only good, quality primary health care but dental care, which is a huge issue all over this country, mental health counseling, a very big issue, and low-cost prescription drugs.

The problem is, while the community health centers today do an excellent job, there are not enough of them. So in this legislation, we have greatly expanded community health centers. If we as a Congress are talking about bringing 13, 14, 15 million more people into Medicaid, I am not quite sure how a struggling Medicaid Program is going to accommodate those people, unless we provide the facilities and the medical personnel to treat them.

We need this. We need to expand primary health care. Community health centers are the most cost-effective way I know how to do that. There are studies that suggest providing that primary care, keeping people out of the emergency room, keeping them out of the hospital because they have gotten sicker than they should have gotten, we can, in fact, pay for these community health centers over a period of years by simply saving money.

In the Senate, we have very good language authorizing an expansion. In the House, they have similar language, except in the House they have a trust fund which actually pays for this. I am going to do my best to make sure we adopt the House language, which pays for, through a trust fund, a substantial increase in community health centers and, in addition, a very significant expansion of the National Health Service Corps, which is a Federal program which provides debt forgiveness and scholarships for medical students who are prepared to serve in medically underserved areas in primary health care.

We desperately need more primary health care physicians, nurses, dentists. That is what the National Health Service Corps does. My hope is the Senate will adopt the House provision to greatly expand the National Health Service Corps and the Health Service programs. That is an issue that is very important to me.

Let me touch on another issue, which is clearly going to be contentious; that is, at the end of the day, we are going to be spending on health care somewhere around \$800 billion to \$1 trillion. The American people want to know a couple of things. They want to know: Is this going to raise our national deficit? What CBO tells us is, no, it will not. More money is going to come in than goes out. There will be savings incorporated in the legislation, and that is a good thing. We have a \$12 trillion national debt, and we do not want to add to that.

But people are also asking how are you going to raise the money? How are you going to pay for this? Where does the \$800 billion to \$1 trillion come

from? Here is where we have a bit of differences of opinion.

In the House, I think they have, once again, done the right thing. What the House has done is raise \$460 billion, with a surcharge on the top three-tenths of 1 percent of taxpayers. These are the wealthiest people in this country. What the House has said, quite appropriately, is that at a time when the gap between the rich and everybody else is growing wider and at a time when the top 1 percent earn more income than the bottom 50 percent, it is appropriate, especially after all of President Bush's tax breaks, to ask the wealthy to start paying their fair share of taxes so we can provide health insurance to tens of millions of Americans. That, in my view, is exactly the right way to go.

Unfortunately, in the Senate, we have not done that. What we have chosen to do in the Senate is to raise about—I do not know the exact number—but we have chosen to impose an excise tax of 40 percent on so-called Cadillac plans. The problem is, given the substantial increase in health care costs in this country, a Cadillac plan today in 5 or 10 years may be a junk car plan.

I believe with a struggling middle class, with people desperately trying to hold onto their standard of living, the last thing the Senate wants to do is impose a tax on millions and millions of working people who have fought hard to get a halfway decent health care plan.

Let me very briefly read from a fact sheet that came from the Communications Workers of America. CWA is one of the largest unions in this country. Similar to almost every union, they are strongly opposed to this excise tax on health care benefits. This is what they say. I read right from it. This is a document from the CWA:

The U.S. Senate will soon vote on legislation that would tax CWA-negotiated employer health plans. The tax will be passed directly onto working families. To avoid the tax, employers will try to significantly cut benefits for active workers and pre-Medicare retirees.

How the House Benefits Tax Works.

A 40-percent excise tax would be assessed on the value of health care plans exceeding \$23,000 for a family and \$8,500 for an individual starting in 2013. (Levels are higher for pre-Medicare retiree plans and high-risk industry plans—\$26,000 and \$9,850.)

And here is an important point. Because while people may not have to pay this tax in a couple of years, with health care costs soaring, they will have to pay this tax in the reasonably near future.

Quoting from the CWA document:

These "thresholds" would increase at the rate of general inflation, plus 1 percentage point, or 3 percent. This is well below the medical inflation rate (4 percent) and about half the rate (6 percent) at which employer and union plan costs have been increasing.

In other words, the cost of health care is rising a lot faster than inflation, which today is almost zero. It may actually be below zero, the point being that in a number of years, so-called Cadillac plans are going to reach the threshold upon which middle-class workers are going to be forced to pay a lot in taxes.

Let me go back to the CWA now. They write:

Health Benefits Tax Will Hit CWA—

And they are talking about many union workers here.

—CWA-negotiated Plans Hard and Result in Deep Cuts. In 40 of 43 states examined over 10 years (2013–2022) the average excise taxes assessed on each worker in CWA's most popular plans will be: \$13,300 per active worker in the family plan.

That is for a 10-year period, \$13,300.

\$5,800 per active single worker, \$13,600 for pre-Medicare retiree in the family plan, and \$4,400 for pre-Medicare retiree in the single plan.

The bottom line is that the middle class in this country is struggling. We are in the midst of the most severe recession since the Great Depression of the 1930s. People are working longer hours for lower wages. The middle class is on the verge of collapse. The Senate should not be imposing an additional tax on middle-class workers. The House got it right; the Senate got it wrong, and I intend to offer an amendment to take out this tax and replace it with a progressive tax similar to what exists in the House.

Let me conclude by simply saying this: I understand that the leadership wants to move this bill forward as quickly as possible. I understand that. But in my view, we have a lot of work in front of us to improve this plan. Among many other things—many other things—and I know other Members have different ideas—at the very least, States in this country—individual States—if they so choose, should be able to develop a single-payer plan for their States. Because at the end of the day, in my view, the only way we are going to provide comprehensive, cost-effective, universal care is through a single payer.

I know some people are saying: Well, we are dealing with health care, we are not going to be back for a long time. If this bill were passed tomorrow, trust me, we would be back in a few years, because health care costs are going to continue to soar. Winston Churchill once said: "The American people always do the right thing when they have no other option." And I think that is what we are looking at right now. We are running out of options.

What we have put together is an enormously complicated patchwork piece of legislation. It is going to help a lot of people. It involves insurance reform, which is absolutely right. We have a lot of money into disease prevention, which we should have. There

are a lot of very good things in this bill. But it is not going to solve, in my view, the health care crisis. Costs are going to soar. If we don't have the courage as a body to take on the insurance companies, to take on the drug companies, at the very least let us give States—whether it is Vermont, Pennsylvania, California, or other States—the right to become a model for America; to provide health care to all people in a cost-effective way through a Medicare-for-all, single-payer system. We have to do that.

The other thing we have to do, in my view, is to get rid of this tax on the middle class by taxing health care benefits. Mr. President, you will recall that a year ago we were in a highly controversial and difficult Presidential campaign. One candidate, who happened to have lost that election—a Member of the Senate, Senator MCCAIN—came up with a plan that was exactly—or very close to it—to what we are talking about today. Then-Senator Barack Obama, who won that election, came up with a different plan, because he said that wasn't a good idea. Well, how do you think millions of American workers are going to feel when they say: Wait a second, the guy who won told me he was against taxing health care plans, and now we are adopting the program of the guy who lost. How do the American people who voted in that election have faith in their elected officials if we do exactly what we said we would not do?

So I believe we have to move toward a progressive way of funding this health care plan. As I stand here right now, this plan has a lot of good stuff in it, but there are a lot of problems in it. I very much look forward to the opportunity to be able to offer a number of amendments to strengthen this bill. It is very important to the people of Vermont and to people all over this country that not only I but the Presiding Officer and other Members have a right to offer amendments. Because if this bill gets whizzed right through, and is not as strong as it possibly can be, I think we will not have done the job we need to do.

Mr. President, with that, I yield the floor.

Mr. KOHL. Mr. President, as chairman of the Special Committee on Aging, the plight of vulnerable seniors is a subject of great concern to me. The committee is charged with uncovering problems that endanger the health and welfare of older adults and developing policy to prevent seniors from becoming victims of fraudulent scams and abuse.

During this Congress, I have been fortunate to be joined by my colleagues, Senators LINCOLN and HATCH and STABENOW, in advancing policy to reduce elder abuse. The Senate health care reform bill now includes both the Elder Justice Act and the Patient Safety and

Abuse Prevention Act, and we will do our utmost to see that they become law.

Today I am pleased to continue the effort to protect America's vulnerable seniors by introducing an amendment that combines two very valuable bills, the Elder Abuse Victims Act and the National Silver Alert Act. Both have been passed by the House of Representatives.

Elder abuse is a sad scourge on our society, often hidden from sight by the victims themselves. Even so, experts conservatively estimate that as many as 2 million Americans age 65 and older have been injured, exploited or otherwise mistreated by someone on whom they depend for care or protection.

As Federal policymakers, it is time that we step forward and tackle this challenge with dedicated efforts and more vigorous programs that will make fighting elder abuse as high a priority as ongoing efforts to counter child abuse.

It is in this spirit that I am offering an amendment to give the Department of Justice a roadmap for how to establish programs to bolster the frontline responses of state and local prosecutors, aid victims, and build a robust infrastructure for identifying and addressing elder abuse far more effectively than we do today.

We need to provide assistance to our courts, which would benefit from having access to designated staff that boast particular expertise in elder abuse. Specialized protocols may be required where victims are unable to testify on their own behalf, due to cognitive impairments or poor physical health. And there is a great need for specialized knowledge to support successful prosecutions and enhance the development of case law. Today, many state elder abuse statutes lack adequate provisions to encourage wide reporting of abuse and exploitation, more thorough investigations and greater prosecution of abuse cases.

For the victims of elder abuse, many of whom are physically frail and very frightened, we must do much more. First and foremost, we must be more responsive. Not too long ago, it was difficult to even get an abuse case investigated. While that is starting to change, we have much work ahead. For example, sometimes emergency interventions are necessary, particularly if the older person is being harmed at the hands of family members or trusted "friends." It may be necessary to remove the older adult from his or her home to a temporary safe haven. To do this, we must build a much more robust system of support.

And there is more we must do to assist vulnerable seniors who may not be abused, but who are nonetheless vulnerable because they suffer from cognitive impairment. As the prevalence of dementia rises in our aging society,

we have a special responsibility to ensure that those who "go missing" from home are returned promptly and safely. This is the purpose of the second part of the amendment, which proposes to create a national program to coordinate State Silver Alert systems.

The Amber Alert system, on which the Silver Alert Act is modeled, was created as a Federal program to rapidly filter reported information on missing children and transmit relevant details to law enforcement authorities and the public as quickly as possible. Using the same infrastructure as Amber Alerts, 11 States have already responded to the problem of missing seniors by establishing Silver Alert systems at very little additional cost. These programs have created public notification systems triggered by the report of a missing senior. Postings on highways, radio, television, and other forms of media broadcast information about the missing senior to assist in locating and returning the senior safely home. Now we have an opportunity to finish the job and create Silver Alert programs across the country.

Both of the provisions in this amendment are strongly supported by the Elder Justice Coalition. I ask my colleagues to support this amendment, and by doing so to markedly reduce the risk of harm to our most vulnerable citizens.

Mr. SANDERS. Mr. President, it appears I am going to be closing tonight.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

#### MORNING BUSINESS

Mr. SANDERS. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TRIBUTE TO VIDA CHAN LIN

Mr. REID. Mr. President, I rise today to honor Vida Chan Lin. The Las Vegas Asian Chamber of Commerce recently named Vida Chan Lin as their first female president. For many years, Lin has been an advocate for Nevada's Asian Pacific Islander American, APIA, community. Her early exposure to the complexities of business and the APIA community has cultivated the passion and talent necessary for success.

Vida Chan Lin moved to Las Vegas in 1994 and began developing her career as an insurance sales representative. Within a few years, Lin pursued her entrepreneurial interests and launched an insurance agency named V&J Insurance. The company was committed to providing outstanding service and education to Asian and minority communities in Nevada. Vida Chan Lin's suc-

cess continued when she was named vice president after a merger between V&J Insurance and Western Risk Insurance.

Vida Chan Lin's continued involvement and dedication with supporting local community and business organizations resulted in a significant partnership that benefits families and businesses across Nevada. Lin has also advanced local business endeavors through her work with the Asian Chamber of Commerce, ACC, and the OCA Las Vegas Chapter. During her tenure in ACC, she helped develop annual events such as the Chinese New Year Community Achievement Awards Dinner, Bill Endow Golf Tournament, and Asian Business Night. Her help with the OCA Las Vegas Chapter resulted in two national events to be held in Las Vegas for the first time—the OCA National Convention and the National Asian Pacific American Corporate Achievement Awards.

Being a leader in the Asian Pacific Islander American community has provided Vida Chan Lin an opportunity to affect younger generations. Her positive attitude and passion for APIA issues brought forth an inspiration within our youth to provide for their communities. Lin promotes and ensures that the voice of APIA youth is heard. She continues to dedicate time for students involved in the OCA Las Vegas Chapter and ACC by engaging them in entrepreneurial development opportunities such as the Clark County Summer Business Institute.

As she continues to advance her career and charitable interests, Vida continues to give great care to her family. Las Vegas is better as a place because of dedicated people like Vida Chan Lin. Vida's dynamic ambition reminds me of a quote from one of this country's greatest Presidents. Teddy Roosevelt once said:

The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood, who strives valiantly; who errs and comes short again and again; because there is not effort without error and shortcomings; but who actually strive to do the deed; who knows the great enthusiasm, the great devotion, who spends himself in a worthy cause, who at the best knows in the end the triumph of high achievement and who at the worst, if he fails, at least he fails while daring greatly. So that his place shall never be with those cold timid souls who know neither victory nor defeat.

Vida is not a timid soul. She strives for success with her family, career, and community.

I know that Vida Chan Lin and the Las Vegas Asian Chamber of Commerce have a bright and blessed future. I congratulate Vida on being the first woman to lead the Asian Las Vegas Chamber of Commerce.

#### REMEMBERING ALBERT E. DIX

Mr. McCONNELL. Mr. President, all of the Commonwealth of Kentucky has

suffered a great loss with the recent death of Albert E. Dix. A fourth-generation journalist, Al Dix moved to Frankfort, Kentucky's State capital, to become publisher of The State Journal in 1962, a post he would keep until his retirement in 1996. Known for being a mentor to aspiring journalists, Al Dix helped train scores of individuals who went on to work at papers with much larger circulations. But he was more than just one of Kentucky's finest journalists. As one of his former press foremen put it, "He treated all employees really well, just like they were his family. He was a really good person all around."

Indeed, Al Dix leaves behind a legacy as not only a superb publisher but as a pillar of his community. While I could say much more about my friend Al Dix, I think it appropriate for me to share with my colleagues a recent account of Al's life, which was published by The State Journal on December 3, 2009. I ask unanimous consent that the full article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the State-Journal, Dec. 2, 2009]

FORMER PUBLISHER AL DIX REMEMBERED AS  
CARING LEADER

(By Charlie Pearl)

Journalists, bankers, politicians, educators and others today paid tribute to Al Dix as a sensitive and caring publisher who was dedicated to improving the community but kept his good works private.

Dix died at his home in Frankfort Tuesday morning of pancreatic cancer. He was 80. Services will be 2 p.m. Friday at South Frankfort Presbyterian Church with visitation at noon. Burial will follow at Frankfort Cemetery.

Richard Wilson, who retired from The (Louisville) Courier-Journal as its higher education reporter, got his first job in newspapers with The State Journal under Dix in 1963 and 1964.

"That helped me immensely during a nearly 40-year career in journalism," Wilson said. "Much of the reason for that was Al, who was unquestionably a reporter's publisher. He was encouraging, respected quality work and openly shared his enthusiasm for its appearance in the newspaper."

"While he may have held strong views on many subjects, he never permitted them to permeate The State Journal's news columns and he respected those who believed otherwise. He also frequently took a personal interest in his employees and their well-being, both professionally and personally."

Bruce Brooks, retired executive vice president at Farmers Bank, said he always considered Dix "a dear friend. He was a little bit of a mentor to me."

"He was always willing to be a listening board for any situation. He was free with his advice and usually it was pretty sound and analytical."

Brooks said Dix was master of ceremonies at various functions, "and was really, really skilled at it. And he always had an open checkbook for a worthy cause. He would walk the walk and talk the talk."

Former City Commissioner Pat Layton said Dix encouraged her to start her real estate career.



"He had a lot of insight of what was going on in the community," Layton said. "It wasn't because he was publisher of a newspaper but because he really loved his community."

"He was truly a leader. But a lot of people didn't know about the many things he did for Frankfort because he was very private about it. He was a silent supporter. When there was a need, he was there and stepped right up front. He was a special guy."

State Sen. Julian Carroll, who was governor while Dix was publisher, said, "Al was a great community-minded leader. Although he was a Republican and I'm a Democrat, he was always very nice and cordial to me. I considered him to be one of our outstanding citizens."

Bob Roach, a retired school teacher and former city commissioner and county judge-executive, said Dix "was certainly interested in young people and education, and he believed in excellence. He was a prince of a fellow."

While teaching at Franklin County High School, Roach said he took groups of students to Washington, D.C., for 25 years to participate in a North American Invitational Model United Nations program, "and we could always count on him for a donation."

By sponsoring an annual State Journal All-Academic Banquet, Dix encouraged students to excel in the classroom, Roach said, "and he encouraged teachers by recognizing them as well."

Dix could also be a confidant, Roach said. "You could go talk to him about an issue and you knew it would always be in confidence," Roach said. "And I knew his advice would be on target."

Attorney Bill Kirkland, a former Paul Sawyer Public Library president, said Dix was on a special gifts committee during fundraising for the new library and he came faithfully to every meeting.

"He had numerous contacts in the community and personally added immeasurably to the quality of the library through the gifts he solicited."

"He was a person of intellect, humor, good personality and good judgment. There was never a kinder soul and more generous person in the community."

Kirkland said their friendship spanned four decades.

"About 40 years ago, we played one-wall handball at the old YMCA on Bridge Street. I knew him first through his connection with South Frankfort Presbyterian Church, and through a few Republican endeavors. He certainly was a conservative after my own heart."

"He had extraordinary compassion and was interested in literacy, education, good government and ethical behavior."

Bruce Dungan, retired president of Farmers Capital Bank Corporation, said when Dix first came to Frankfort from Ohio, "I could tell he was here to be a friend of Frankfort. He was very thoughtful of people."

"He was here to help people, charities, government and his church. He worked so hard at charities. He would call me and say what I had given last year, and then say, 'Don't you think you ought to raise it a little this time?'"

"If it hadn't been for Al, the YMCA (on Broadway) may never have happened. He kept pushing everybody. He did whatever he could to improve Frankfort. He was one of the greatest guys in Frankfort that I know of. We're going to miss him. I sure will."

Irvine Gershman, a retired downtown merchant, said Dix "coming here from Ohio was

probably one of the best things to happen to Frankfort. He was always willing to do things for other people."

"He and his family have contributed so much to this community. When I would call on him for a little help (to various charities), he would just say, 'How much do you need?'"

Gershman's wife, Priscilla, said Dix "was a precious jewel. He will be sorely missed by everyone."

Russ McClure, a former vice president of Morehead State University, said he was "under the gun a lot of times" while serving as Finance Cabinet secretary to Carroll and assistant budget director to Bert Combs when they were governors.

"One thing I could always count on was Al being straight up and fair," McClure said. "He was always straightforward with his questions and always accurate in his reporting of my answers and the facts."

The Rev. John Hunt, retired pastor of South Frankfort Presbyterian Church, said he has fond memories of getting to cover one of the launches of the Gemini space program in the early 1960s for The State Journal because of Dix.

"He knew of my interest in science and he credentialed me," Hunt recalled.

When Hunt got to Cape Canaveral, bad weather caused the flight to be postponed, so he figured he would have to miss the experience because he would need to get back to Frankfort for Sunday church services.

But Dix encouraged him to stay in Florida, saying he would give the sermon on Sunday, Hunt said.

"He filled the pulpit for me and did an excellent job," Hunt said. "He got rave reviews and supplied the pulpit on my absences after that. I was about ready to swap places with him."

Scottie Willard, who retired in September as press foreman after 44 years at The State Journal, remembers when Dix became publisher in 1962.

"He made a lot of improvements as far as press equipment when he took over," Willard said. "He treated all employees really well, just like they were his family. He was a really good person all around."

Ronnie Martin, retired composing foreman who worked at the newspaper 43 years, agrees.

"He was super to work for," Martin said. "He gave me all sorts of opportunities and challenges at the same time, but they all worked out. He was a great guy. He treated everybody fairly."

Ann Maenza, Dix's daughter, now publisher of The State Journal, said her father "never cut corners. He always made sure things were done right. He was old school, fair and honest."

Amy Dix Rock, senior director of regulatory and scientific affairs at Cumberland Pharmaceuticals Inc. in Nashville, Tenn., said her father was "always thinking of others. We don't know how many things he's done for others because he didn't talk about it."

"That's the way he was. He was soft-spoken but when he did speak you listened."

Al Smith, who rose to prominence in the state as a weekly newspaper publisher and as the longtime host of KET's "Comment on Kentucky," said Dix was a newspaper publisher of the old school, "but the opposite of the domineering egotistic bosses who bullied employees and squeezed the news to match their biases."

"'Old school' means that we always knew that with Al at The State Journal, it was like the grocery slogan of years ago, 'the

owner is in the store.' He didn't have to call a distant headquarters to know what to say or do."

"He had strong views, conservative Republican in a 'company town' (state government) of readers who are mostly Democratic, but he ran the paper on principles of fairness in the news columns and gave his editorial writers, who were mostly more liberal than he, free rein on the opinion page."

Smith noted how The State Journal under Dix supported a constitutional amendment that overhauled the state's judicial system and created what is today the Supreme Court. Smith also noted the newspaper's spotlight on corruption in government and how Dix shunned personal publicity.

"Once I wrote him a private note about something very generous he had done to help someone in trouble," Smith said. "I heard nary a word in reply. But I didn't expect it. I am sure he was embarrassed that I even knew."

Born Aug. 18, 1929, in Ravenna, Ohio, Albert E. Dix majored in political science and was a 1951 graduate of Denison University in Granville, Ohio.

He served in the U.S. Army Intelligence from 1953-1955.

A fourth-generation journalist, Dix first worked at The Times-Leader in Bellaire, Ohio, where his father was publisher. He moved to Frankfort in October 1962 to become publisher of The State Journal. He retired in 1996 as publisher and president of Wooster Republican Printing Co., the parent company of The State Journal, which now owns seven newspapers.

The Kentucky Book Fair was founded by The State Journal in 1981.

Dix also was a member of the board of directors of First Capital Bank of Kentucky, the Frankfort/Franklin County Industrial Development Authority and the local Kiwanis Club; and served two terms as chairman of the American Saddlebred Museum at the Kentucky Horse Park in Lexington.

He loved fishing and making fishing rods, electric trains and saddlebred horses.

Other survivors include his wife of 56 years, Edna Dix; a son, Troy Dix, publisher of the Ashland Times-Gazette in Ohio; and four grandchildren, Evan, Stewart and Melissa Dix and Lauren Maenza.

## CUBA

Mr. KERRY. Mr. President, I rise as a cosponsor for S. 428, the Freedom to Travel to Cuba Act.

It is time we brought our strengths to bear—our people, our vision, our energy—to help the Cuban people shape the future direction of Cuba and to fix a policy that has manifestly failed. For America to act as the great power we are, with confidence in our values and vision, we need a Cuba policy that looks forward.

The truth is, we have reached out to countries where our wounds were far deeper, and far more recent. When JOHN MCCAIN and I led the efforts to unfreeze our relationship with Vietnam, we said: "let's be honest . . . the Cold War is over. All the American trade embargo is doing is keeping Vietnam poor and thus encouraging a flood of refugees."

For nearly 20 years after the fall of Saigon, the Vietnam war took a less

bloody but equally hostile form. The U.S. and Vietnam had no diplomatic relations. Vietnamese assets were frozen. Trade was embargoed. But in 1995 the United States normalized relations with Vietnam. The Cold War had ended, and we even signed a trade deal with a country where 58,000 Americans had given their lives.

The results? A Vietnam that is less isolated, more market-oriented, and, yes, freer—though it has miles to go.

And yet, when it comes to Cuba, a small, impoverished island 90 miles off the shores of Florida, we maintain a policy of embargo—motivated by past grievance, not present realities and future dreams. Fidel Castro has stepped aside from day-to-day government, there is a new American President, and Cuban-Americans increasingly want broad, far-reaching interaction across the Florida Straits. Times are changing, and we cannot live in the past.

Forty-seven years ago, I was in my first semester of college when Soviet missiles, deployed in Cuba, threatened to set the world on fire. No one who lived through those thirteen harrowing days in October will ever forget them. Certainly, the threat from Cuba was real.

It is true that we continue to disapprove of Cuba's dismal human rights record and palpable lack of freedom. And it is also true that, over 50 years, the embargo can claim some successes. For example, it can be reasonably argued that U.S. pressure contributed to Cuba's decision to cease its military adventurism in Africa and its support for the violent insurgencies that ripped apart Central America in the 1980s.

But on the two most important questions, the verdict is decisive:

First, did this policy fulfill its oft-stated purpose of overthrowing the Castro regime? Fidel Castro outlasted nine American Presidents, from Eisenhower to Clinton, and retired only for reasons of health during the tenth. When he passed on the reins to his brother, Fidel joined Omar Bongo of Gabon and Libya's Colonel Qaddafi as one of the world's longest-serving head of states.

Second, have the benefits of our policy outweighed the costs? It is hard to argue they have. The embargo has cost Cubans access to our markets, and for many years to our food and medicine—with little progress to show. But it has cost us as well. It has limited the influence of our people and our democracy. What's more, this fall's U.N. vote condemning America's embargo showed yet again: Cuba is not the only country isolated by our policy. The vote against our policy was 187 to 3. All of our major allies voted against us, and one of the two voting with us itself routinely trades with Cuba.

Is it morally satisfying to sanction a government whose human rights practices we abhor and whose political sys-

tem rejects many of our values? Sure. And helping Cubans to live in democracy and liberty absolutely remains a goal of American policy. But for 47 years now, we have endorsed an embargo in the name of democracy that produced no democracy!

In fact, our rhetoric and policies have actually helped to consolidate the Cuban government. We have provided the Castro regime with an all-purpose—if exaggerated—excuse to draw attention away from its many shortcomings, including its shamelessly flawed economic model. For too many Cubans, our threats have legitimized Castro's outsized nationalism and repression of opponents. Our posture has played to his strengths.

At the same time, we have not brought our strengths to bear—our people, our vision, our energy, our opportunities. It is time for America to act as the great power it is—with greatness built on confidence in our values and vision.

Of course, the greatest cost of our policy has been borne by the Cuban people themselves. José Martí, Cuba's great "Apostle" and man of letters, once said: "Everything that divides men, everything that classifies, separates or shuts off men, is a sin against humanity." More than 70 percent of Cuba's 11½ million people have lived their entire lives in this stalemate. A Cuban boy or girl of 10 when Fidel Castro drove victorious into Havana is 60 years old today. His whole life has been spent deprived of basic freedoms but also deprived—in accordance with U.S. policies except during brief periods—of interaction with America's people.

We must have the courage to admit the need for a new approach. President Kennedy, who instituted sanctions against Cuba, had by mid-1963 set in motion secret contacts aimed at normalizing relations. Ford and Carter, too, looked for ways out of the box. George H.W. Bush cooperated with Cuba on the Angola peace accord, and his administration even dangled a promise of improved ties with America. Each initiative failed for a different reason, but all were grounded in the same recognition: there must be a better way forward.

Fortunately, we know there is a different strategy that can succeed. The Clinton administration worked to refocus our policy around what matters: on the Cuban people, not the Castro brothers; on the future, not the past; and on America's long-term national interests, not the political expedencies of a given moment.

The Clinton administration promoted people-to-people relations "unilaterally"—without conditions on Havana. We worked to improve bilateral cooperation on issues like migration and combating drug trafficking, which were clearly in our national interest. Family travel in both directions quickly

skyrocketed. And tens of thousands of Americans from across society—church members, academics and students, medical professionals, athletes, journalists, and more—were permitted to interact with their Cuban counterparts.

Those policies sent a clear and effective message to the Cuban people: the United States is not who your leaders say we are. Our problem is not now, nor has it ever been, with the Cuban people. We completely changed the dynamic: A synagogue with holes in its roof so big that birds flew around the sanctuary has been repaired with funds and materials from American supporters. Environmentalists worked together to save species and protect our shared environment. The children who received bats and balls—and moral support—from Baltimore Orioles players visiting Cuba for an exhibition game will never forget the gesture of American generosity.

And guess what. Across the board, Cubans seeking a better future for their country have said that nothing energized civil society in Cuba more than contact with U.S. civil society. Even Cuba's human rights and democracy activists benefitted immeasurably from the contact.

Unfortunately, the Bush administration shut down most forms of contact and dramatically reduced our interactions to a tightly regulated, government controlled trickle. They tightened licensing procedures, reduced transparency, and put government in the people's way in what amounted to a unilateral suspension of Americans' ability to help Cubans shape their future. People-to-people relations were made secretive, filtered, and for narrow objectives. That is the opposite of pro-democracy.

Regrettably, that was the record of the Bush administration: an enormous step backwards. Now it's up to the Obama administration to craft a Cuba policy that moves us forward.

In May 2008, Barack Obama said on the Presidential campaign trail that it was "time for a new strategy." While he wasn't ready to give up the embargo as a source of leverage, he did declare at the Summit of the Americas: "The United States seeks a new beginning with Cuba," and announced that he was "prepared to have [the] Administration engage with the Cuban government on a wide range of issues."

As promised, the Obama administration has expanded licenses for Cuban-Americans—albeit only Cuban-Americans—to travel to Cuba. Controls on family remittances, gift parcels, and certain transactions with telecommunications companies were loosened as well. Mid-level talks about immigration matters and postal relations have resumed. And we've turned off an Orwellian electronic billboard flashing political messages from our Interests Section in Havana.

These are positive steps, but they are only a start. So what comes next?

At a minimum, the administration should use the authorities that it has to reinvigorate people-to-people relations—to unleash the energy of the American people who want to help Cubans build their future. The policy worked in the past and enjoyed wide support in both countries.

When announcing expanded family travel, the President said, “There are no better ambassadors for freedom than Cuban-Americans.” But I think it’s also fair to say that there are excellent ambassadors for freedom among the 299 million other Americans—religious faithful, teachers and students, environmentalists, scholars, doctors and nurses, political scientists, and artists—whose challenging minds, economic success, love for democracy, and advocacy of solid American values make them proud ambassadors as well.

The New York Philharmonic and its board of directors have been brilliant representatives of America on trips to North Korea, Vietnam and around the world. I don’t understand why the administration recently blocked their proposed trip to Cuba. What are we afraid of?

Second, as we reinvigorate people-to-people diplomacy, the administration should review the programs that the Bush administration funded generously to substitute for it.

The Senate Foreign Relations Committee is already undertaking an investigation into the need to reform Radio and TV Martí—programming beamed into Cuba at a cost of \$35 million a year. Many Cubans call TV Martí “La TV que no se ve” because it has never, in 18 years of broadcast, had a significant audience in Cuba. Report after report has documented that the Martí services are hindered by bad management, weak professional tradecraft, and serious politicization. We are looking at whether its business model—as a “surrogate service” exempt from many Voice of America standards and regulations—has failed, and whether the TV service should be closed entirely and radio should be integrated into the high-quality VOA services. We ought to be especially concerned that human rights activists in Cuba, a key bellwether audience are unanimous in their view that the Martí brand must be repaired.

Meanwhile, USAID’s civil-society programs, totaling \$45 million in 2008, have noble objectives, but we need to examine whether we’re achieving any of them. The Bush administration changed the program’s focus from supporting the Cuban people to accelerating regime change, and the fact that some of our grantees have extravagantly high overheads has raised concerns about where all the money is going. It is also fair to ask whether these programs even work.

Bush’s refocus on regime change made it difficult for Cubans outside declared antiregime groups to accept the informational materials or assistance offered—even if they had a burning desire for it. Our interests section used to distribute tens of thousands of books a year to Cubans across the political spectrum and the books could be seen, well-worn, in government and Communist party think tanks. Today, politicization has reduced the flow of information to many of the very same people eager to steer Cuba toward a better future.

The Foreign Relations Committee has begun a review of these programs. It is in the administration’s interest to take the lead in overhauling them.

Finally, as I mentioned at the outset, I want to address legislation that will go even farther toward fixing our Cuba policy. S. 428, the Freedom to Travel to Cuba Act, does not lift the embargo or normalize relations. It merely stops our government from regulating or prohibiting travel to or from Cuba by U.S. citizens or legal residents, except in certain obviously inappropriate circumstances.

The Freedom to Travel to Cuba Act has strong support in Congress—33 sponsors in the Senate and 180 cosponsors for similar legislation in the House. I cosponsored similar legislation in the past, and I am proud to do so again. We are talking about restoring a fundamental American right—the right to travel—that is denied to Americans nowhere else in the world. Americans who can get a visa are free to travel to Iran, Iraq, Sudan, and even North Korea, and it makes no sense to deny them the right to travel to a poor island near Florida. There is a certain irony in the fact that Americans have to apply for licenses and wait, with little or no feedback, to travel to a country that we criticize for denying its citizens the right to travel. The current ban on travel contravenes the spirit of the Universal Declaration of Human Rights’ statement that “everyone has the right to leave any country, including his own, and to return to his country.”

Free travel also makes for good policy inside Cuba. Visits from Americans would have the same positive effects as people-to-people exchanges, but on a larger scale. Visiting Europeans and Canadians have already increased the flow of information and hard currency to ordinary Cubans, with a significant impact on the country. Cuba’s economic model, for sure, remains profoundly flawed, and human rights conditions remain dismal. But the hard-currency sectors of the Cuban economy have significantly altered workers’ dependence on the regime, introduced material incentives that are changing economic culture, and raised expectations, if not demands, for greater improvements in the future. After years

of Cuban government propaganda, Americans are even better positioned than Europeans and Canadians to be catalysts of change. We can do more if we let them.

That is one reason why all of Cuba’s major pro-democracy groups support free travel. Freedom House, Human Rights Watch, and other groups critical of Cuba’s government agree. Studies of change in Eastern and Central Europe show a direct correlation between contact with the outside world and the peacefulness and durability of democratic transitions.

This is a policy whose time has come. Numerous polls of Americans—of Cuban origin and otherwise—show strong support. Non-Cuban-Americans have long supported easing restrictions. But here is what is surprising: one recent poll found that 59 percent of Cuban-Americans—the group most widely thought to oppose a change in policy—actually support allowing all American citizens to travel to Cuba. As the proportion of Cuban Americans who arrived after 1980 increases, support for free travel is only growing. In fact, even many Cuban émigrés 65 years and older, once passionately opposed to it, now favor free travel. This is a sea change in the attitudes of Cuban-Americans, and we should not ignore it.

Change is in the air—in Havana, in Washington, and in major Cuban-American communities. I don’t personally hold high hopes that the transfer of power from Fidel to Raúl Castro and to the next generation of hand-picked loyalists portends rapid change, but it is obvious that the Cuba of today is not the Cuba of the 60s or even the 90s, and that our policy should not be stuck in time either. Cubans are searching for models for the future, and our economic system and democratic ideals appeal to them.

In September, when the Colombian rock star Juanes came to Havana, by some estimates as many as a million people came to hear the concert. From the stage, he looked out at the Cuban people and started a simple chant: *Una Sola Familia Cubana*. The crowd roared approval at the thought of ending the conflict between Cubans across the Florida Straits.

There is a hunger out there among the Cuban people. America should capitalize on it. They want contact with their own families, and they want contact with American people and American ideas.

There is no other country in the world to which we have closed our lives as long as we have to Cuba. The Berlin Wall fell 20 years ago, but the wall separating Americans and Cubans has yet to come down.

We have a choice to ignore change and resist it or to mold it and channel it into a new set of policies. After 50 years of trying to isolate and destroy,

it's time to try working with the Cuban people and making a new future together.

#### REMEMBERING SENATOR PAULA HAWKINS

Mr. HATCH. Mr. President, I rise today to speak about the passing of Paula Hawkins, a former colleague of mine in the U.S. Senate and a very dear and close personal friend whose service to the Nation and her home State of Florida will endure for generations in the heads and hearts of her posterity, friends and legions of admirers.

In the ranks of those who greatly admire and will dearly miss Paula, I stand front and center today to salute this extraordinary woman for her accomplishments, outstanding public service, wonderful family and exemplary life. As I do so, I am humbled by the magnitude of the task. It is not easy to find the right words to do justice to such a unique and choice individual.

That said, I guess the first thing that comes to mind about Paula Hawkins is that, true to her Utah Mormon heritage, she was a pioneer—a real trailblazer who opened doors and windows of opportunity for others to follow.

Long before there was a KAY BAILEY HUTCHISON, DIANNE FEINSTEIN, OLYMPIA SNOWE or MARIA CANTWELL in the U.S. Senate, there was Paula Hawkins. In 1980, she became the first woman elected to that august body for a full term without the benefit of family connections, and she was the first woman from Florida to serve as a Senator.

And to the surprise of no one who knew her, she was no shrinking violet in Washington once she arrived. The media may have dismissively billed her as that “housewife from Maitland,” but she quickly showed everyone that this was one tough homemaker who was acclimated to the political kitchen and could weather the heat that goes with it. I mean to tell you she was tough.

Anyone who knows Paula also knows that she was always impeccably dressed. Indeed, her appearance was so picture-perfect that she probably made many a Hollywood starlet feel shabby by comparison. To say she was dressed to the nines is like saying Jack Nicklaus was a fair golfer or that Shakespeare sort of had a way with words.

But Paula was more than a pretty face. Sure, she had perfectly coiffed hair and wore designer clothes and jewelry, but she had a razor-sharp mind to go with her smart appearance, and she quickly showed she was nobody's pushover. She could stand toe to toe and verbally slug it out with some of the most powerful and even most obnoxious Senators. In other words, she gave more than she got—and her opponents,

more often than not, got more than they bargained for.

She was a great debater, a human dynamo who brought unrivaled energy and unbridled enthusiasm to the Senate. She was extremely intelligent and tremendously interested in politics—and she was very good at it. A quick look at her successful Senate campaign in 1980 attests to just how good she was.

By today's big-bucks standards, Paula's campaign was strictly bargain-basement. Fox News pundit Dick Morris, her pollster at the time, recalls the campaign being too cash-strapped to afford a teleprompter. Aides made do by writing scripts on paper towels and unrolling them as Paula spoke. In the end, her powers of persuasion and command of the facts carried the day with voters.

After stirring voters' hearts in Florida, Paula stirred things up in the Nation's Capital. Change was in the wind when she blew into wintry Washington in January 1981. For starters, she became the first Senator to bring her husband to Washington, which resulted in the Senate wives' club being renamed the Senate spouses' club. She helped spearhead legislation to help widows and women divorcees get back into the job market. She supported efforts to improve pensions for women and make them more equal to that of men. She further fought to get daycare for the children of Senate employees. Even the all-male Senate gym was no sweat for Paula, who forced her fellow Senators to wear swimming suits so that she could swim there as well.

To me, Paula was a ray of Florida sunshine that brightened my days during the years we served together in the Senate. She was a true blue conservative who was warm, witty and cracked wise. We shared many a joke and a laugh along with our commonly held moral, ethical and religious beliefs. And we became political allies and fast friends. In fact, Paula became and always remained one of my closest friends.

Both on and off Capitol Hill, she always could be counted on through good times and bad. I quickly learned that her word was her bond. Whenever I needed help, she was always there. And I certainly hope the reverse was true—that I was there whenever she needed help.

Women, minorities, as well as the elderly with disabilities also learned they could count on Paula. She was a tireless advocate in their behalf—and they loved her for it. She also showed great political courage in 1984, when she disclosed during a hearing that she had been molested as a child. I am sure that horrific childhood experience, in part, informed her efforts to champion children's causes.

While her legislative accomplishments are too numerous to mention

here, I would like to make mention of one in particular. Paula spearheaded the Missing Children's Act of 1982, the bill that instituted the National Center for Missing & Exploited Children. Thanks to that landmark legislation, the names of thousands of missing children are now part of the FBI's national crime database.

To secure the bill's passage, Paula personally lobbied President Reagan. As great a communicator as he was, the “Great Communicator” knew he had met his match in Paula and lent his support. Of course the President knew that Paula could always be relied on to help deliver a legislative win for “the Gipper” in the Senate—which she did many times.

As a staunch conservative, she found common cause with the President and other conservatives, including myself, on numerous issues. She was, for example, an ardent anti-communist who supported the President's hard line against Soviet expansionism. She also despised overly big government—and, there is certainly a lot to despise in Washington, especially these days.

Paula was an unwavering friend for those who shared her values and commitment, but she was an implacable foe of political corruption and to those who peddled illegal drugs on our streets and in our schools. She fought for legislation to cut foreign aid to nations that refused to reduce their export of harmful drugs. She further assisted in creating the Senate Caucus on International Narcotics Control and helped initiate the South Florida Drug Task Force.

I would be remiss if I didn't say something about Paula's stamina. She could endure as well as endear—often when she was in great pain. In 1982, she was knocked unconscious when a TV studio partition fell on her during an interview in Florida.

Those of us who worked closely with her know that the years that followed were often filled with crippling pain. Between votes on the Senate floor, she would often go to a room lent to her by Senator Strom Thurmond in the Capitol and lie in traction in a hospital bed.

Despite the immense pain stemming from her debilitating injury, Paula soldiered on during her 1986 bid for reelection. On campaign trips across Florida Paula would sometimes lay in the back seat moaning between appearances, according to Congressman John Mica, her aide at the time. While she lost that race to Bob Graham, it is amazing that she did so well and a testament to her courage and determination.

Paula's service did not end with her Senate term. Her contributions to her State, community, family and church over the past 23 years have been truly significant. She also didn't lose her sense of humor. When a Florida State

senator told Paula several years ago that she was trying to do a good job, Paula smiled, grasped her hand firmly and said simply: "Try harder, dear."

As great a public servant she was, Paula was just as remarkable in her private life—as a wife, mother, grandmother and great-grandmother. She had a fierce love for each member of her immediate and extended family. And her husband Gene is no less remarkable. He is one of the kindest, most friendly, decent and honorable men I have ever known—and his love for Paula has always been uplifting to behold.

In every aspect of their lives, they have been an exemplary couple. They have been just as exemplary as parents. As members of The Church of Jesus Christ of Latter-day Saints, Gene and Paula took to heart the Mormon teaching that families are forever. They were determined to ensure that every family member worked hard toward achieving the goal of being able to be together in the hereafter. They have a great family and are well on their way toward achieving that lofty goal.

In the Old Testament book of Proverbs, we read:

Who can find a virtuous woman, for her price is far above rubies. The heart of her husband doth safely trust in her, so that he shall have no need of spoil . . . She stretcheth out her hand to the poor; yea, she reacheth forth her hands to the needy . . . Strength and honor are her clothing; and she shall rejoice in the time to come . . . She looketh well to the ways of her household, and eateth not the bread of idleness. Her children arise up, and call her blessed; her husband also, and he praiseth her . . . Favour is deceitful and beauty is vain: but a woman that feareth the Lord, she shall be praised. Give her of the fruit of her hands; and let her own works praise her in the gates (Proverbs 31:10-31).

Today, I am honored to have the privilege of adding my voice to the chorus of praise for my dear friend, Paula Hawkins. I feel deeply that a loving Father in heaven and Jesus Christ have already embraced Paula and taken her into their care and treatment as one of truly great women who graced this Earth.

I truly loved Paula Hawkins. We were best friends. Like Gene and the Hawkins' three children—Genean, Kevin and Kelly—11 grandchildren and 10 great-grandchildren, my wife Elaine and I look forward to a joyous reunion one day with Paula on the other side of the veil.

In the meantime, it is my hope that all of us here in this chamber will reflect on her service and follow her advice to that State Senator: Try Harder!

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO ROY OBREITER

• Mr. LEVIN. Mr. President, the Office of Rural Development within the

United States Department of Agriculture will soon say goodbye to Roy Obreiter, a longtime trusted adviser, friend, and colleague to all who have worked with him. I am delighted to have this opportunity to pay tribute to Roy, a staff appraiser with the agency in Michigan, who will retire after 38 years of dedicated service. I join many within the USDA, as well as the many who have benefitted from his work over the years, in celebrating this impressive milestone.

Roy has an encyclopedic knowledge of agency programs and appraisal guidelines. Through his hard work, focus, and passion, Roy has endeared himself to those who have had the pleasure of working with him.

Roy has been a role model and mentor to his peers and coworkers. His kind and gentle demeanor, combined with his ability to connect on a personal level, have helped him earn the respect and admiration of his colleagues within the agency. Roy is an incredibly decent human being, devoted to family and work, and loyal to those around him.

Beyond his personal qualities, Roy has distinguished himself with a remarkable record of contributions to the agency. The assistance he has provided to Rural Development programs during his career has been invaluable. Roy can be proud of his contributions to Michigan and to rural America. He will be missed by his colleagues and by those throughout Michigan who have been touched by his work.

I congratulate Roy Obreiter on a job well done and wish him the best as he embarks on the next phase of his life.●

##### TRIBUTE TO TERRY SHERWOOD

• Mrs. LINCOLN. Mr. President, today I join many of my fellow Arkansans in recognizing and thanking Terry Sherwood with the Southwest Arkansas Planning and Development District for his 40 years of work with this agency and to wish him all the best in his retirement.

Since the Southwest Arkansas Planning and Development District was organized and began operation in 1967, it has served local governments by working as an indispensable partner to identify and implement State and Federal programs. Through Terry's hard work and leadership with the Southwest Arkansas Planning and Development District, communities throughout southwest Arkansas have been positively impacted and their lasting results are a testament to his dedication and vision and will be felt for decades to come.

Not only has Terry admirably served in his chosen career, but he has also offered his talents and expertise to a variety of local, state and national organizations. Terry has served as past President and board member of the National Association of Development Or-

ganizations, chairman of the Arkansas I-69 Association and vice-president of Arkansas Good Roads, board member of the Council of Peers and Southwest Regional Economic Development Association, chairman of the Association of Delta Development Districts, member of the Arkansas Highway and Transportation Public Participation's Committee, and a member of the Arkansas Association of Development Organizations. Terry's efforts have enhanced the lives of the citizens of our state. I am thankful for his work and his friendship and wish him a productive retirement.

I am proud to represent Terry in the U.S. Senate and pleased to have this opportunity today to publicly thank him for his contributions to the State of Arkansas and the people he touched.●

• Mr. PRYOR. Mr. President, today I pay tribute to the professional career and community achievements of Terry Sherwood of Magnolia, AR.

Terry Sherwood, a graduate of Michigan State University, began working as an employee of Southwest Arkansas Planning and Development District, Inc. in 1969. His hard work and dedication showed as he became the executive director in January 1992. He has provided the people of Arkansas with many accomplishments that are spread throughout the State.

He has served on several boards in several leadership roles such as past president and board member of the National Association of Development Organizations, NADO, vice president and member of the executive board of the I-69 Mid-Continent Highway Coalition, chairman of the Arkansas I-69 Association, vice-president of Arkansas Good Roads, board member of the Council of Peers Southeast Regional Executive Directors Institute, board member of the Southwest Regional Economic Development Association, chair of the Association of Delta Development Districts Delta Regional Authority, member of the Public Participation Committee Arkansas Highway and Transportation Department, and member of Arkansas Association of Development Organizations.

Terry has brought great leadership and outstanding integrity to the south Arkansas community. His leadership is unique and has inspired many other people in the area to get involved in their local neighborhoods and towns.

Mr. President, I ask that my colleagues join me in recognizing the great contributions Terry Sherwood has made to Arkansas and the United States of America.●

##### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## MESSAGES FROM THE HOUSE

At 10:03 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 118. An act to authorize the addition of 100 acres to Morristown National Historical Park.

H.R. 1454. An act to provide for the issuance of a Multinational Species Conservation Funds Semipostal Stamp.

H.R. 1672. An act to reauthorize the Northwest Straits Marine Conservation Initiative Act to promote the protection of the resources of the Northwest Straits, and for other purposes.

H.R. 2062. An act to amend the Migratory Bird Treaty Act to provide for penalties and enforcement for intentionally taking protected avian species, and for other purposes.

H.R. 3388. An act to modify the boundary of Petersburg National Battlefield in the Commonwealth of Virginia, and for other purposes.

H.R. 3804. An act to make technical corrections to various Acts affecting the National Park Service, to extend, amend, or establish certain National Park Service authorities, and for other purposes.

H.R. 3940. An act to amend Public Law 96-597 to clarify the authority of the Secretary of the Interior to extend grants and other assistance to facilitate political status public education programs for the peoples of the non-self-governing territories of the United States.

## ENROLLED BILL SIGNED

At 3:16 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 1422. An act to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

At 4:27 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4218. An act to amend titles II and XVI of the Social Security Act to prohibit retroactive payments to individuals during periods for which such individuals are prisoners, fugitive felons, or probation or parole violators.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 3288) "making appropriations for the Departments of Transportation, and Housing and

Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes"; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. OLVER, Mr. PASTOR, Ms. KAPTUR, Mr. PRICE of North Carolina, Ms. ROYBAL-ALLARD, Mr. BERRY, Ms. KILPATRICK of Michigan, Mrs. LOWEY, Mr. OBEY, Mr. LATHAM, Mr. WOLF, Mr. TIAHRT, Mr. WAMP, and Mr. LEWIS of California, as managers of the conference on the part of the House.

## MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 118. An act to authorize the addition of 100 acres to Morristown National Historical Park; to the Committee on Energy and Natural Resources.

H.R. 1454. An act to provide for the issuance of a Multinational Species Conservation Funds Semipostal Stamp; to the Committee on Homeland Security and Governmental Affairs.

H.R. 2062. An act to amend the Migratory Bird Treaty Act to provide for penalties and enforcement for intentionally taking protected avian species, and for other purposes; to the Committee on Environment and Public Works.

H.R. 3388. An act to modify the boundary of Petersburg National Battlefield in the Commonwealth of Virginia, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3804. An act to make technical corrections to various Acts affecting the National Park Service, to extend, amend, or establish certain National Park Service authorities, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3940. An act to amend Public Law 96-597 to clarify the authority of the Secretary of the Interior to extend grants and other assistance to facilitate political status public education programs for the peoples of the non-self-governing territories of the United States; to the Committee on Energy and Natural Resources.

## MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1672. An act to reauthorize the Northwest Straits Marine Conservation Initiative Act to promote the protection of the resources of the Northwest Straits, and for other purposes.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3964. A communication from the Commissioner of the Social Security Administration, transmitting, the report of a proposed bill to amend titles II and XVI; to the Committee on Finance.

EC-3965. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Quarterly Listings; Safety Zones; Security Zones; Special Local Regulations; Regulated Navigation Areas; Drawbridge Operation Regulations" (Docket No. USG-2009-1039) received in the Office of the President of the Senate on December 3, 2009; to the Committee on Commerce, Science, and Transportation.

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. KERRY for the Committee on Foreign Relations.

\*Rajiv J. Shah, of Washington, to be Administrator of the United States Agency for International Development.

\*Mary Burce Warlick, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Serbia.

Nominee: Mary Burce Warlick.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.
2. Spouse: James B. Warlick, Jr., None.
3. Children and Spouses: James B. Warlick, III, None; Jason A. Warlick, None; Jordan V. C. Warlick, None.
4. Parents: Willard and Elinor Burce, \$35.00, 8/14/08, Republican National Committee; \$25.00, 10/3/08, Republican National Committee; \$35.00, 10/30/08, Republican National Committee.
5. Grandparents: Deceased.
6. Brothers and Spouses: Gregory C. Burce and Jan Rhodes: \$30.00, 2/20/08, Obama for America; \$30.00, 2/20/08, Al Franken for Senate; \$25.00, 8/21/08, Al Franken for Senate; \$25.00, 8/21/08, Obama for America; \$25.00, 9/21/08, Obama for America; \$25.00, 12/20/08, Al Franken for Senate; \$25.00, 4/16/08, Democratic Legislative Campaign Committee; Jerome E. and Nancy Burce: None; Charles A. Burce: None.
7. Sisters and Spouses: Amy E. Burce, \$25.00, 3/18/08, Obama for America; \$25.00, 5/31/08, Obama for America; \$25.00, 11/02/08, Obama for America; Juliana and Brian Tanning: None; Carrie and Myron Koehn: None.

\*James B. Warlick, Jr., of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Bulgaria.

Nominee: James B. Warlick, Jr.

Post: Sofia, Bulgaria.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions and amount:

1. Self: None.
2. Spouse: None.



3. Children and Spouses: None.
4. Parents: None.
5. Grandparents: None.
6. Brothers and Spouses: None.
7. Sisters and Spouses: None.

\*Eleni Tsakopoulos Kounalakis, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Hungary.

Nominee: Eleni Tsakopoulos Kounalakis.  
Post: Hungary.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self: \$1,998.11, 2/7/2005, Doris Matsui for Congress; \$2,000, 3/21/2005, Olympia Snowe for Senate; \$26,700, 3/21/2005, DCCC; \$1,000, 3/21/2005, Arizona Democratic Party/Federal; \$4,000, 3/28/2005, Van Hollen for Congress; \$500, 3/24/2005, Friends of Dennis Cardoza; \$4,200, 4/4/2005, Mike Thompson for Congress; \$5,000, 4/19/2005, VINE PAC; \$1,000, 4/26/2005, Keeping America's Promise; \$4,200, 6/13/2005, Friends of Hillary Clinton; \$5,000, 8/25/2005, Searchlight Leadership Fund; \$4,200, 9/2/2005, Cantwell 2006; \$2,100, 11/14/2005, John Sarbanes for Congress; \$2,100, 11/4/2005, Bilirakis for Congress; \$2,100, 2/21/2006, Doris Matsui for Congress; \$3,246.44, 2/22/2006, Feinstein for Senate; \$4,200, 3/13/2006, Stabenow for US Senate; \$5,000, 3/17/2006, DSCC; \$2,100, 4/7/2006, Francine Busby for Congress; \$10,000, 6/30/2006, DSCC of CA; \$5,000, 9/5/2006, HILL PAC; \$500, 9/27/2006, John Sarbanes for Congress; \$2,100, 10/17/06, Amy Klobuchar (In preparing this report, we discovered that this contribution was reported by the Kolbuchar for Minnesota committee as a contribution from Eleni Tsakopoulos and not from Alexandra Tsakopoulos. This appears to have been an inadvertent reporting error by the committee.); \$1,936.55 10/18/2006 DCCC; \$1,000, 2/8/2007, Emily's List; \$2,300, 2/21/2007, Hillary Clinton for President; \$320, 2/20/2007, Friends of Patrick Kennedy; \$1,000, 3/29/2007, The Reed Committee; \$28,500, 3/7/2007, DCCC; \$28,500, 3/29/2007, DSCC; \$1,000, 4/6/2007, Competitive Edge PAC; \$4,600, 5/7/2007, Mike Thompson for Congress; \$2,300, 5/11/2007, Tom Vilsack for President; \$4,600, 5/24/2007, Friends of Harry Reid; \$2,300, 5/21/2007, Zack Space for Congress; \$500, 5/23/2007, Al Franken for US Senate; \$500, 6/15/2007, Udall for Colorado; \$2,300, 9/21/2007, Niki Tsongas for Congress; \$2,300, 11/27/2007, Jeanne Shaheen for Senate; \$2,300, 11/27/2007, Honda for Congress; \$1,000, 2/21/2008, Kristen Gillibrand for Congress; \$2,300, 5/12/2008, Zack Space for Congress; \$2,300, 5/12/2008, Titus for Congress; \$4,600, 6/10/2008, Obama for America; \$2300 6/10/2008, Obama for America refund; \$6,500, 9/22/2008, DNC/Obama Victory Fund; \$2,300, 9/29/2008, Titus for Congress; \$2,300, 10/14/2008, Al Franken for US Senate; \$2,300, 10/14/2008, Jill Derby for Congress; \$215, 3/24/2009, DSCC of CA.

2. Spouse: Markos Kounalakis:

(My husband does not make contributions because he is a journalist. However, on occasion, when I have made a contribution with a check payable on a joint checking account, the contribution has been incorrectly attributed to him including the following during the relevant time period:)

\$2,300, 3/6/2007, Hillary Clinton for President (contribution refunded on 10/6/2008).

3. Children: Antoneo: None.

Evangelos: None.

Spouses: None.

4. Parents: Angelo Tsakopoulos: \$2,000, 1/21/2005, Doris Matsui for Congress; \$2,000, 3/18/2005, Olympia Snowe for Senate; \$26,700, 3/21/2005, DCCC; \$4,200, 4/5/2005, Mike Thompson for Congress; \$5,000, 4/20/2005, VINE PAC; \$4,200, 6/6/2005, Friends of Hillary Clinton; \$5,000, 8/26/2005, Searchlight Leadership Fund; \$2,100, 11/11/2005, John Sarbanes for Congress; \$2,100, 11/16/2005, Bilirakis for Congress; \$4,200, 2/21/2006, Feinstein for Senate; \$4,200, 3/13/2006, Stabenow for US Senate; \$2,100, 4/4/2006, Francine Busby for Congress; \$4,200, 5/18/2006, John Doolittle for Congress; \$10,000, 6/30/2006, Democratic State Central Committee of CA-Levin Funds Account; \$5,000, 8/31/2006, HILL PAC; \$2,100, 9/7/2006, Madrid for Congress; \$2,100, 9/7/2006, Arcuri for Congress; \$2,100, 9/7/2006, Kilroy for Congress; \$500, 9/27/2006, John Sarbanes for Congress; \$1,900, 10/5/2006, Bilirakis for Congress; \$15,000, 11/1/2006, DCCC; \$4,600, 2/21/2007, Hillary Clinton for President (\$2,300 redesignated to Friends of Hillary Clinton on 7/21/2008); \$1,000, 2/16/2007, Friends of Patrick Kennedy; \$26,700, 2/21/2007, DCCC; \$500, 2/21/2007, Doris Matsui for Congress; \$28,500, 3/28/2007, DSCC; \$5,000, 4/10/2007, Calumet PAC; \$4,600, 5/7/2007, Mike Thompson for Congress; \$2,300, 5/11/2007, Tom Vilsack for President; \$4,600, 5/24/2007, Friends of Harry Reid; \$2,300, 5/16/2007, Zack Space for Congress; \$500, 6/17/2007, Udall for Colorado; \$2,300, 9/20/2007, Niki Tsongas for Congress; \$2,300, 10/31/2007, Bilirakis for Congress; \$2,300, 12/28/2007, Dean Scontras for Congress; \$2,300, 1/24/2008, Jared Polis for Congress; \$500, 2/29/2008, Wexler for Congress; \$200, 3/28/2008, Lungren for Congress; \$2,300, 4/4/2008, Solis for Congress; \$2,300, 5/8/2008, Zack Space for Congress; \$1,600, 5/12/2008, Titus for Congress; \$1,600, 5/13/2008, Bilirakis for Congress; \$1,000, 3/5/2009, Lungren for Congress.

Elaine Tsakopoulos: \$1,000, 6/3/2005, Friends of Hillary Clinton; \$1,000, 6/15/2007, Hillary Clinton for President; \$2,000, 12/10/2007, Hillary Clinton for President (\$700 refunded on 8/28/2008); \$2,300, 10/20/2008, Obama for America/Obama Victory Fund.

5. Grandparents: Deceased

6. Brothers: Kyriakos Tsakopoulos (no spouse): \$1,907, 6/28/2006, John Sarbanes for Congress; \$10,000, 10/10/2006, Democratic State Central Committee of CA—Levin Funds Account; \$26,700, 10/24/2006, DCCC; \$28,500, 3/7/2007, DCCC; \$500, 6/10/2007, Udall for Colorado; \$4,600, 12/28/2007, Hillary Clinton for President (\$2,300 refunded on 8/28/2008); \$2,300, 12/28/2007, Dean Scontras for Congress; \$2,300, 4/1/2008, Obama for America; \$500, 6/7/2008, Mitakides for Congress; \$28,500, 7/28/2008, DNC/Obama Victory Fund (\$2,300 refunded from Obama for America on 8/31/2008).

7. Sisters: Katina Tsakopoulos (no spouse): \$2,000, 1/20/2005, Doris Matsui for Congress; \$2,000, 3/18/2005, Olympia Snowe for Senate; \$26,700, 3/22/2005, DCCC; \$4,200, 5/4/2005, Mike Thompson for Congress; \$5,000, 5/4/2005, VINE PAC; \$2,100, 6/1/2005, Doris Matsui for Congress; \$4,200, 6/13/2005, Friends of Hillary Clinton; \$5,000, 8/25/2005, Searchlight Leadership Fund; \$2,100, 10/25/2005, Francine Busby for Congress; \$2,100, 11/11/2005, John Sarbanes for Congress; \$2,100, 11/18/2005, Bilirakis for Congress; \$4,200, 4/7/2006, Francine Busby for Congress; \$24,700, 5/23/2006, DCCC; \$2,100, 9/8/2006, Madrid for Congress; \$2,100, 9/8/2006, Arcuri for Congress; \$2,100, 9/8/2006, Kilroy for Congress; \$2,100, 9/27/2006, John Sarbanes for Congress; \$2,100, 10/5/2006, Bilirakis for Congress; \$2,100 10/19/2006, Francine Busby for Congress; \$2,100, 10/25/2006, Zach Space for Congress; \$4,600, 2/12/2007, Hillary Clinton for President (\$2,300 refund received on 8/28/2008); \$1,000 2/16/

2007, Friends of Patrick Kennedy; \$28,500, 3/7/2007, DCCC; \$4,600, 5/4/2007, Mike Thompson for Congress; \$2,300, 5/11/2007, Tom Vilsack for Congress; \$2,300, 9/17/2007, Zach Space for Congress; \$2,300, 3/7/2008, Susan Davis for Congress; \$2,300, 5/12/008, Titus for Congress.

Athena Tsakopoulos (no spouse): \$2,000, 1/24/2005, Doris Matsui for Congress; \$2,000, 3/21/2005, Olympia Snowe for Senate; \$4,200, 4/13/2005, Mike Thompson for Congress; \$5,000, 4/29/500, VINE PAC; \$4,200, 6/16/2005, Friends of Hillary Clinton; \$2,100, 11/11/2005, John Sarbanes for Congress; \$2,100, 11/18/2005, Bilirakis for Congress; \$847.97, 2/28/2006, Feinstein for Senate; \$2,100, 4/4/2006, Francine Busby for Congress; \$4,200, 5/16/2006, Francine Busby for Congress; \$10,000 6/30/2006, Democratic State Central Committee of California Levin Funds Account; \$5,000, 8/31/2006, HILL PAC; \$25,000 9/8/2006, DSCC/Senate Victory Fund; \$2,100, 9/8/2006, Madrid for Congress; \$2,100, 9/8/2006, Arcuri for Congress; \$2,100, 9/8/2006, Kilroy for Congress; \$2,100, 9/27/2006, John Sarbanes for Congress; \$2,100, 10/25/2006, Zach Space for Congress; \$10,000, 11/1/2006, DCCC; \$4,600, 2/12/2007, redesignated to Friends of Hillary Clinton on 7/10/2008; \$1,000, 2/16/2007, Friends of Patrick Kennedy; \$4,600, 5/4/2007, Mike Thompson for Congress; \$2,300, 5/11/2007, Tom Vilsack for Congress; \$2,300, 9/11/2007, Zach Space for Congress; \$2,300, 5/12/2008, Zach Space for Congress; \$2,300, 5/12/2008, Titus for Congress; \$2,300, 10/23/2008, Obama for America; \$26,200, 10/31/2008, DNC/Obama Victory Fund.

Chrysanthi Tsakopoulos (no spouse): \$2,000, 1/21/2005, Doris Matsui for Congress; \$2,000, 3/18/2005, Olympia Snowe for Senate; \$26,700, 3/22/2005, DCCC; \$4,200, 4/6/2005, Mike Thompson for Congress; \$5,000, 4/19/2005, VINE PAC; \$4,200, 6/6/2005, Friends of Hillary Clinton; \$5,000, 8/26/2005, Searchlight Leadership Fund; \$2,100, 11/11/2005, John Sarbanes for Congress; \$2,100, 11/18/2005, Bilirakis for Congress; \$4,200, 2/21/2006, Feinstein for Senate; \$4,200, 3/12/2006, Stabenow for US Senate; \$2,100, 4/4/2006, Francine Busby for Congress for special election on 4/11/06; \$4,200, 5/16/2006, Francine Busby for Congress \$2100 for special runoff election held on 6/6/2006 and \$2100 for primary election held on 6/6/2006; \$10,000, 6/30/2006, Democratic State Central Committee of California Levin Funds Account; \$5,000, 8/31/2006, HILL PAC; \$2,100, 9/20/2006, Zach Space for Congress; \$2,100, 9/27/2006, John Sarbanes for Congress; \$2,100, 10/5/2006, Bilirakis for Congress; \$10,000, 10/18/2006, DCCC; \$1,000, 10/30/2006, Montana Democratic Party/Federal; \$4,600, 2/12/2007, Hillary Clinton for President (2,300 redesignated to Friends of Hillary on 8/28/2008; \$1,000, 2/16/2007, Friends of Patrick Kennedy; \$28,500, 3/7/2007, DCCC; \$4,600, 5/4/2007, Mike Thompson for Congress; \$2,300, 5/11/2007, Tom Vilsack for Congress; \$500, 6/14/2007, Udall for Colorado; \$2,300, 9/17/2007, Zach Space for Congress; \$2,300, 9/20/2007, Niki Tsongas for Congress; \$2,300, 11/28/2007, Jim Costa for Congress; \$2,300, 5/12/2008, Titus for Congress; \$2,300, 6/30/2008, Zach Space for Congress; \$2,300, 10/23/2008, Obama for America; \$26,200, 10/31/2008, DNC/Obama Victory Fund; \$2,300, 10/23/2008, Bilirakis for Congress; \$4,800, 3/24/2009, Alexi for Illinois Exploratory Committee.

Alexandra Tsakopoulos (no spouse): \$5,000, 8/26/2005, Searchlight Leadership Fund; \$2,100, 11/11/2005, John Sarbanes for Congress; \$2,100, 11/18/2005, Bilirakis for Congress; \$4,200, 2/21/2006, Feinstein for Senate; \$44,200, 3/12/2006, Stabenow for US Senate; \$2,100, 4/4/2006, Francine Busby for Congress for special election on 4/11/06; \$4,200, 5/16/2006, Francine Busby for Congress \$2100 for special runoff election held on 6/6/2006 and \$2100 for primary

election held on 6/6/2006; \$10,000, 6/30/2006, Democratic State Central Committee of California Levin Funds Account; \$2,000, 8/29/2006, Honda for Congress; \$5,000, 8/31/2006, HILL PAC; \$25,000, 9/8/2006, DSCC/Senate Victory Fund; \$25,000, 9/8/2006, DCCC/House Victory Fund; \$2,100, 9/8/2006, Madrid for Congress; \$2,100, 9/8/2006, Arcuri for Congress; \$2,100, 9/8/2006, Kilroy for Congress; \$2,100, 9/20/2006, Zach Space for Congress; \$2,100, 9/27/2006, John Sarbanes for Congress; \$2,100, 10/5/2006, Bilirakis for Congress; \$10,000, 10/18/2006, DCCC; \$1,000, 10/30/2006, Montana Democratic Party/Federal; \$4,600, 2/12/2007, Hillary Clinton for President (2,300 redesignated to Friends of Hillary on 8/28/2008); \$1,000, 2/16/2007, Friends of Patrick Kennedy; \$28,500, 3/7/2007, DCCC; \$4,600, 5/4/2007, Mike Thompson for Congress; \$2,300, 5/11/2007, Tom Vilsack for Congress; \$500, 6/14/2007, Udall for Colorado; \$2,300, 9/11/2007, Zach Space for Congress; \$2,300, 9/20/2007, Niki Tsongas for Congress; \$2,300, 11/28/2007, Jeanne Shaheen for Senate; \$2,300, 11/28/2007, Honda for Congress; \$2,300, 8/11/2008, Jeanne Shaheen for Senate; \$2,300, 9/19/2008, Obama for America; \$26,200, 9/19/2008, DNC/Obama Victory Fund.

\*Leslie V. Rowe, of Washington, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mozambique.

Nominee: Leslie V. Rowe.

Post: Mozambique.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.
2. Theodore Einar Dieffenbacher, Spouse: None.
3. Children: Paul Vicente Dieffenbacher, None; Daniele Dieffenbacher, None; Jacqueline Liisa Dieffenbacher, None.

4. Parents: Sara Ventura Rowe—deceased; John Leslie Rowe—deceased; Leon Ventura—deceased; Pauline Ventura—deceased; John E. Rowe—deceased; Mary E. Rowe—deceased.

5. Sister: Nancy Ventura Rowe; None.

\*Alberto M. Fernandez, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Equatorial Guinea.

Nominee: Alberto M. Fernandez.

Post: Ambassador to Equatorial Guinea.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee

1. Self: None.
2. Spouse: Katy Fernandez: None.
3. Children: Josrah P. Fernandez; None; Adam F. Fernandez; None.
4. Parents: Diana Rodriguez; \$25.00; 7-23-08; John McCain; Jorge L. Rodriguez; None.
5. Grandparents—deceased; None.
6. Brother and Spouses: None.
7. Sister and Spouse: Diana Valencia; None; Guillermo Valencia; None.

\*Mary Jo Wills, of the District of Columbia, a Career Member of the Senior Foreign

Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mauritius, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Seychelles.

Nominee: Mary Jo Wills.

Post:

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, donee:

1. Self: None.
2. Spouse: Calvin D. Wills, Sr.: None.
3. Children and Spouses: Calvin D. Wills, Jr., None; Anthony R. Wills, None.
4. Parents: Edna D. Randall; \$50.00; Barack Obama; Joseph R. Randall, Sr.—deceased.
5. Grandparents: Lenear B. Randall—deceased; Jessie Randall—deceased; Marie Barnett—deceased; George Denny—deceased.
6. Brothers and Spouses: George E. Randall, None; Dawn Randall, None; Joseph R. Randall, Jr., None; Angelia Randall, None.
7. Sisters and Spouses: Deborah I. Randall, None; Gloria Jean Randall, None; Toni M. Randall, \$150.00, Barack Obama.

\*Anne Slaughter Andrew, of Indiana, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Costa Rica.

Nominee: Anne Slaughter Andrew.

Post: Ambassador.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self: \$2,100, 9/30/2005, Evan Bayh Committee; \$1,000, 6/9/2006, Ellsworth for Congress; \$250, 7/26/06, Mahoney for Florida; \$2,300, 9/30/2007, Hillary Clinton for President; \$100, 5/29/08, Obama for America; \$500, 6/24/2008, Obama for America; \$2,300, 7/8/2008, Obama for America; \$28,500, 8/4/2008, Obama Victory Fund/DNC; \$4,000 designated by DNC to Obama for America; \$24,500 designated by DNC to DNC; (\$2,300), 11/12/09, Refund by Obama for America.

2. Spouse: Joseph J. Andrew: \$5,000, 2005, Sonnenschein PAC; \$2,100, 9/30/2005, Evan Bayh Committee; \$5,000, 2006, Sonnenschein PAC; \$500, 4/27/2006, Ben Cardin for Senate; \$1,000, 6/27/2006, Hoosiers for Hill; \$500, 1/08/07, IN Dem Cong. Victory Cmte.; \$5,000, 2007, Sonnenschein PAC; \$2,300, 6/30/2007, Hillary Clinton for President; \$5,000, 2008, Sonnenschein PAC; \$504, 9/1/2008, Obama Victory Fund; \$3,000, 9/30/2008, Obama Victory Fund; \$5,000, 2009, Sonnenschein PAC; \$1,000, 5/1/2009, Harry Reid for U.S. Senate.

3. Children and Spouses: Will Andrew—None; Meredith Andrew—None.

4. Parents: Marjorie Slaughter—Deceased; Owen L. Slaughter, M.D.—Deceased.

5. Grandparents: Jack Slaughter—Deceased; Margaret Sullivan Slaughter—Deceased; Mr. and Mrs. George Specht—Deceased.

6. Brothers and Spouses: Owen Slaughter—None; Julie Slaughter (spouse); \$100, 2006, Baron Hill for Congress; \$100, 2008, Baron Hill for Congress; \$50, 2008, Obama for America; Mark Slaughter: \$2,300, 8/24/2008, 2008, Yar-

muth for Congress; Martha Slaughter (spouse); \$2,300, 11/14/2007, Hillary Clinton for President; \$300, 1/27/2008, Citizens for Rick Stock; \$500, 5/5/2008, Friends of Scott Harper; \$500, 6/30/2008, Friends of Scott Harper; \$250, 10/23/2008, Friends of Bruce Lunsford.

7. Sisters and Spouses: Sara Slaughter: \$500, 4/25/2007, Obama for America; \$50, 10/2008, Obama for America; Tom Smith (spouse)—None; Lynne Hodge—None; Christopher Hodge (spouse)—None.

\*David Daniel Nelson, of Minnesota, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Oriental Republic of Uruguay.

Nominee: David D. Nelson.

Post: Montevideo.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: David Nelson: \$0, n/a, n/a.
2. Spouse: Gloria Nelson: \$0, n/a, n/a.
3. Children and Spouses: Alexander D. Nelson: \$0, n/a, n/a.
4. Parents: Edmund K. Nelson: No donations, but ran for State Legislature in South Dakota, 2004 (he lost). Marlys M. Nelson: \$50, 2008, Republican Senatorial Campaign Committee.

5. Grandparents: Joel Nelson—deceased; Estelle Nelson—deceased; Albert Billman—deceased; Edith Billman—deceased.

6. Brothers and Spouses: none.

7. Sisters and Spouses: Suzanne Babich: \$50, 2008, Minn. State Republican Party; \$50, 2007, Minn. State Republican Party; \$50, 2006, Minn. State Republican Party, \$50, 2005, Minn. State Republican Party; Elizabeth Thorson: \$0, n/a, n/a; David Thorson: \$50, 2004, Doug Meslow; \$50, 2004, Rebecca Otto; \$50, 2006, Hutchinson/Reed; \$50, 2006, Matt Dean; \$50, 2006, Scott Wright; \$50, 2006, Thomas Huntley; \$356, 2009, AAFP PAC; \$100, 2009, MMA MEDPAC; \$356, 2008, AAFP PAC; \$100, 2008, MMA MEDPAC; \$356, 2007, AAFP PAC; \$100, 2007, MMA MEDPAC; \$356, 2006, AAFP PAC; \$100, 2006, MMA MEDPAC; \$356, 2005, AAFP PAC; \$100, 2005, MMA MEDPAC.

\*Betty E. King, of New York, to be Representative of the United States of America to the Office of the United Nations and Other International Organizations in Geneva, with the rank of Ambassador.

Nominee: Betty King.

Post: USUN Geneva.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, date, donee, and amount:

1. Self: 2009, Democratic National Committee; \$200, 2008 Barack Obama Presidential Campaign; \$1,750, 2008 Hillary for President; \$1,250, 2008, Democratic National Committee; \$150, 2007, Democratic National Committee; \$100, 2006, Harold Ford Senate Campaign; \$250, 2005, Paul Aronshen for Congress; \$100.

\*Laura E. Kennedy, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during her tenure of service as U.S. Representative to the Conference on Disarmament.

\*Eileen Chamberlain Donahoe, of California, for the rank of Ambassador during her tenure of service as the United States Representative to the UN Human Rights Council.

\*Jide J. Zeitlin, of New York, to be Representative of the United States of America to the United Nations for U.N. Management and Reform, with the rank of Ambassador.

\*Jide J. Zeitlin, of New York, to be Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations during his tenure of service as Representative of the United States of America to the United Nations for U.N. Management and Reform.

Mr. KERRY. Mr. President, for the Committee on Foreign Relations I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

\*Foreign Service nominations beginning with Christopher William Dell and ending with Mark J. Steakley, which nominations were received by the Senate and appeared in the Congressional Record on September 24, 2009. (minus 1 nominee: Barbara J. Martin)

\*Foreign Service nominations beginning with Carleene H. Dei and ending with Robert E. Wuertz, which nominations were received by the Senate and appeared in the Congressional Record on September 25, 2009. (minus 2 nominees: Earl W. Gast; R. Douglass Arbuckle)

\*Foreign Service nominations beginning with Jeffrey D. Adler and ending with Conrad William Turner, which nominations were received by the Senate and appeared in the Congressional Record on November 9, 2009.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. NELSON of Nebraska:

S. 2846. A bill to authorize the issuance of United States War Bonds to aid in funding of the operations in Iraq and Afghanistan; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. WHITEHOUSE (for himself and Mr. SCHUMER):

S. 2847. A bill to regulate the volume of audio on commercials; to the Committee on Commerce, Science, and Transportation.

By Mr. LAUTENBERG:

S. 2848. A bill to amend the Federal Food, Drug, and Cosmetic Act to require manufacturers of bottled water to submit annual reports, and for other purposes; to the Committee on Environment and Public Works.

By Ms. MURKOWSKI:

S. 2849. A bill to require a study and report on the feasibility and potential of estab-

lishing a deep water sea port in the Arctic to protect and advance strategic United States interests within the evolving and ever more important region; to the Committee on Armed Services.

By Mr. VITTER:

S. 2850. A bill to permit the use of Federal funds from the Community Development Block Grant Program to be used to remediate damage from the installation of tainted drywall, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GRASSLEY:

S. 2851. A bill to make permanent certain education tax incentives, to modify rules relating to college savings plans, and for other purposes; to the Committee on Finance.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LEVIN:

S. Res. 372. A resolution designating March 2010 as "National Autoimmune Diseases Awareness Month" and supporting efforts to increase awareness of autoimmune diseases and increase funding for autoimmune disease research; to the Committee on the Judiciary.

#### ADDITIONAL COSPONSORS

S. 428

At the request of Mr. DORGAN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 428, a bill to allow travel between the United States and Cuba.

S. 696

At the request of Mr. CARDIN, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 696, a bill to amend the Federal Water Pollution Control Act to include a definition of fill material.

S. 762

At the request of Mrs. FEINSTEIN, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 762, a bill to promote fire safe communities and for other purposes.

S. 841

At the request of Mr. KERRY, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 841, a bill to direct the Secretary of Transportation to study and establish a motor vehicle safety standard that provides for a means of alerting blind and other pedestrians of motor vehicle operation.

S. 878

At the request of Mr. LAUTENBERG, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 878, a bill to amend the Federal Water Pollution Control Act to modify provisions relating to beach monitoring, and for other purposes.

S. 936

At the request of Mr. LAUTENBERG, the name of the Senator from New

York (Mr. SCHUMER) was added as a cosponsor of S. 936, a bill to amend the Federal Water Pollution Control Act to authorize appropriations for sewer overflow control grants.

S. 1066

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1066, a bill to amend title XVIII of the Social Security Act to preserve access to ambulance services under the Medicare program.

S. 1304

At the request of Mr. GRASSLEY, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 1304, a bill to restore the economic rights of automobile dealers, and for other purposes.

S. 1313

At the request of Mr. LUGAR, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1313, a bill to amend the Internal Revenue Code of 1986 to permanently extend and expand the charitable deduction for contributions of food inventory.

S. 1421

At the request of Mr. LEVIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1421, a bill to amend section 42 of title 18, United States Code, to prohibit the importation and shipment of certain species of carp.

S. 1524

At the request of Mr. KERRY, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1524, a bill to strengthen the capacity, transparency, and accountability of United States foreign assistance programs to effectively adapt and respond to new challenges of the 21st century, and for other purposes.

S. 1547

At the request of Mr. REED, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1547, a bill to amend title 38, United States Code, and the United States Housing Act of 1937 to enhance and expand the assistance provided by the Department of Veterans Affairs and the Department of Housing and Urban Development to homeless veterans and veterans at risk of homelessness, and for other purposes.

S. 1578

At the request of Mr. LEAHY, the name of the Senator from Florida (Mr. LEMIEUX) was added as a cosponsor of S. 1578, a bill to amend chapter 171 of title 28, United States Code, (commonly referred to as the Federal Torts Claim Act) to extend medical malpractice coverage to free clinics and the officers, governing board members, employees, and contractors of free clinics in the same manner and extent as certain Federal officers and employees.

S. 1589

At the request of Ms. CANTWELL, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 1589, a bill to amend the Internal Revenue Code of 1986 to modify the incentives for the production of biodiesel.

S. 1660

At the request of Ms. KLOBUCHAR, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1660, a bill to amend the Toxic Substances Control Act to reduce the emissions of formaldehyde from composite wood products, and for other purposes.

S. 1666

At the request of Ms. COLLINS, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1666, a bill to require the Administrator of the Environmental Protection Agency to satisfy certain conditions before issuing to producers of mid-level ethanol blends a waiver from certain requirements under the Clean Air Act, and for other purposes.

S. 1822

At the request of Mr. MERKLEY, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 1822, a bill to amend the Emergency Economic Stabilization Act of 2008, with respect to considerations of the Secretary of the Treasury in providing assistance under that Act, and for other purposes.

S. 1938

At the request of Mr. ROCKEFELLER, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1938, a bill to establish a program to reduce injuries and deaths caused by cellphone use and texting while driving.

S. 2128

At the request of Mr. LEMIEUX, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2128, a bill to provide for the establishment of the Office of Deputy Secretary for Health Care Fraud Prevention.

S. 2810

At the request of Mr. COCHRAN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 2810, a bill to require the Secretary of Agriculture to provide emergency disaster assistance to certain agricultural producers that suffered losses during the 2009 calendar year.

S. 2831

At the request of Mr. REED, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2831, a bill to provide for additional emergency unemployment compensation and to keep Americans working, and for other purposes.

S. RES. 320

At the request of Mr. BOND, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S.

Res. 320, a resolution designating May 1 each year as "Silver Star Banner Day".

AMENDMENT NO. 2790

At the request of Mr. CASEY, the names of the Senator from New York (Mrs. GILLIBRAND) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of amendment No. 2790 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 2807

At the request of Mr. CORNYN, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of amendment No. 2807 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 2878

At the request of Mr. CARDIN, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Illinois (Mr. BURRIS), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of amendment No. 2878 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 2898

At the request of Mr. LIEBERMAN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of amendment No. 2898 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 2909

At the request of Mr. NELSON of Florida, the names of the Senator from New York (Mrs. GILLIBRAND), the Senator from Pennsylvania (Mr. CASEY) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of amendment No. 2909 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 2912

At the request of Mr. WHITEHOUSE, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of amendment No. 2912 intended to be proposed to H.R. 3590, a bill to

amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 2913

At the request of Mr. WHITEHOUSE, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of amendment No. 2913 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 2923

At the request of Mr. DORGAN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of amendment No. 2923 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 2930

At the request of Ms. STABENOW, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of amendment No. 2930 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 2943

At the request of Mr. CARPER, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of amendment No. 2943 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 2944

At the request of Mrs. BOXER, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of amendment No. 2944 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 2957

At the request of Mr. BENNET, the names of the Senator from Illinois (Mr. DURBIN), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of amendment No. 2957 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue

Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

## AMENDMENT NO. 2961

At the request of Mrs. SHAHEEN, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of amendment No. 2961 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

## AMENDMENT NO. 2962

At the request of Mr. HATCH, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 2962 proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

At the request of Mr. ISAKSON, his name was added as a cosponsor of amendment No. 2962 proposed to H.R. 3590, *supra*.

At the request of Mr. NELSON of Nebraska, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of amendment No. 2962 proposed to H.R. 3590, *supra*.

## AMENDMENT NO. 2969

At the request of Mr. COBURN, the name of the Senator from Nebraska (Mr. JOHANNIS) was added as a cosponsor of amendment No. 2969 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

## AMENDMENT NO. 2991

At the request of Mr. MENENDEZ, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of amendment No. 2991 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

## AMENDMENT NO. 2993

At the request of Mr. SCHUMER, the names of the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KERRY) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of amendment No. 2993 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and cer-

tain other Federal employees, and for other purposes.

## AMENDMENT NO. 2995

At the request of Mr. SCHUMER, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of amendment No. 2995 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. NELSON, of Nebraska:

S. 2846. A bill to authorize the issuance of United States War Bonds to aid in funding of the operations in Iraq and Afghanistan; to the Committee on Banking, Housing, and Urban Affairs.

Mr. NELSON of Nebraska. Mr. President, I rise today to introduce legislation to help finance the war effort without sharp tax increases or increased foreign borrowing. The United States War Bonds Act of 2009 will authorize the Treasury to issue and market War Bonds to the American people to help finance the wars in Afghanistan and Iraq.

I believe that we need shared sacrifice and fiscal discipline in financing the war effort. I don't believe our first instinct should always be a rush to tax. The government has gone to great lengths to address the economic downturn and adding new taxes right now could undermine those efforts. We need to work to reduce Federal spending wherever possible and reduce the growth in spending to finance the war.

War bonds are a cost-effective way to reduce our dependence on foreign creditors and create an outlet for Americans to express their patriotism and support for our servicemembers and America's mission. War bonds allow us to borrow from ourselves, rather than other countries.

This legislation finds a precedent in World War II savings bonds. From May 1, 1941 through December 1945, the War Finance Division and its predecessors were responsible for the sale of nearly \$186 billion worth of government securities. Of this, more than \$54 billion was in the form of War Savings bonds.

Although the times and economic circumstances are different than the 1940s, America's commitment to protecting freedom and our way of life has not waned. My hope is that we can tap into the same spirit of patriotism and create a sense of participation in the war effort akin to that shown by the greatest generation.

The new military strategy increasing troops by 30,000 for Afghanistan announced last week by President Obama is estimated to cost \$30 billion beyond the baseline for Iraq and Afghanistan

funding, which stands around \$130 billion for 2010. The United States public debt is currently more than \$7.6 trillion and nearly \$3.5 trillion—46 percent—of the debt is held by foreign investors. While there are no simple solutions to our fiscal woes, while we endeavor to get our fiscal house in order, we must also be responsible borrowers and reduce our dependence on foreign creditors; this is a step in that direction.

By Mr. WHITEHOUSE (for himself and Mr. SCHUMER):

S. 2847. A bill to regulate the volume of audio on commercials; to the Committee on commerce, Science, and Transportation.

Mr. WHITEHOUSE. Mr. President, I rise today to introduce the Commercial Advertisement Loudness Mitigation Act of 2009—the CALM Act. I want to thank my original cosponsor Senator SCHUMER for his support of this straightforward and commonsense legislation, which would require the Federal Communications Commission, FCC, to limit the volume of television advertisements to a level no louder than the average volume level of the programs during which the advertisements appear. This time for this Act is overdue. All too often over the years, Americans, sitting down after a long workday or workweek to enjoy their favorite television shows, have been assaulted by commercials at volumes that are degrees of magnitude louder than the shows themselves. The FCC first received enough complaints from viewers to look into the problem in the 1960s—when television was in its earliest stages—but technology did not exist to fix the problem. Each decade, as consumer complaints piled up, the FCC had to reexamine the loudness issue. Unfortunately, it took no action even with the technology improved. The complaints continue to this day; in the 25 quarterly reports on consumer complaints released by the FCC since 2002, 21 have listed as a top complaint the loudness of television commercials.

But now, with the digital transition complete and new broadcast technology available, we can finally take this long-overdue action. We now have a common digital platform used by all broadcasters, which presents a terrific opportunity to standardize the loudness of the ads broadcast into our living rooms. As Consumers Union, the nonprofit organization that publishes Consumers Report has stated, in testimony before the House of Representatives, “the CALM Act provides an elegant and commonsense solution to finally ending a forty-five year consumer complaint in the United States.”

The House has already begun its consideration of companion legislation, and I applaud the leadership of Representative ESHOO on this issue. The

television industry has been deeply involved in the drafting of this legislation, and the standards it adopts are practicable, affordable, and effective. I hope my Senate colleagues will act quickly to pass the CALM Act and finally put an end to this longstanding irritation.

By Ms. MURKOWSKI:

S. 2849. A bill to require a study and report on the feasibility and potential of establishing a deep water sea port in the Arctic to protect and advance strategic United States interests within the evolving and ever more important region; to the Committee on Armed Services.

Ms. MURKOWSKI. Mr. President, as you are undoubtedly aware, the U.S. is an arctic Nation. As such, the U.S. must ensure that not only its economic and environmental interests in the region are protected, but also its national defense and homeland security interests. While the U.S. maintains a strong working relationship with the 7 other arctic nations—Canada, Denmark, Finland, Iceland, Norway, the Russian Federation and Sweden—these nations also have their own interests to protect in the arctic region. Despite those relationships, the U.S. cannot assume that these nations will protect our interests in the region. The ability for the U.S. to project its territorial claims and protect its economic interests in the arctic will become increasingly important as the arctic shipping lanes become more accessible as the seasonal arctic ice decreases. With the high potential for increased and industrial and commercial activity in the arctic region, the U.S. must ensure that it is prepared to protect human life as well as the vulnerable arctic environment.

With an expected increase in arctic activity on the horizon, the U.S. cannot wait until our interests in the region are threatened before we act. In that light, the Arctic Deep Water Sea Port Act of 2009 is a major step towards protecting vital U.S. interests in the region. The Arctic Deep Water Sea Port Act of 2009 directs the Secretary of Defense, in consultation with the Secretary of Homeland Security, to conduct a study to determine the feasibility of establishing a deep water port in the arctic to protect U.S. strategic interests in the region. As the lead Departments for National Defense and Homeland Security initiatives for the U.S., the Department of Defense and the Department of Homeland Security, while working alongside their subordinate agencies, are best suited for determining and implementing policy decisions that protect U.S. sovereignty and national security.

This two-year study is designed to determine what strategic capabilities a deep water port could provide as well as an optimal location that would pro-

vide protection for a wide spectrum of U.S. initiatives. While studying the infrastructure needs for such a port, this study will also endeavor to determine the resource and timeframe needs to establish such a port, given the complex environmental constraints that the arctic marine environment provides. Upon completion of this study, the U.S. will be better positioned to understand the resource and development needs for the arctic region that are required to protect our interests in the region.

Mr. GRASSLEY:

S. 2851. A bill to make permanent certain education tax incentives, to modify rules relating to college savings plans, and for other purposes; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, today I am offering legislation to make permanent a number of education-related tax relief measures. My legislation also improves and makes permanent helpful provisions for 529 plans and the American Opportunity tax credit for education.

At the first hearing I held when I became Chairman of the Finance Committee in 2001, I made clear that education tax policy was a priority of mine. As Chairman, I was able to remove the 60-payment limit for deducting student loan interest and I was able to increase the income limits for that deduction. This was not the only time I fought hard to allow students to deduct their student loan interest. In 1997, I was able to re-instate the student loan interest deduction that Congress had eliminated from our tax laws. However, the 60-payment limit on the deductibility of student loan interest remained. I ensured that the 2001 tax relief bill took care of that problem. Other incentives for education that I was able to enact into law in 2001 included raising the amount that can be contributed to an education saving account from \$500 to \$2,000; making distributions from pre-paid college savings plans and tuition plans tax-free; and making permanent the tax-free treatment of employer-provided educational assistance. These tax policies and many others, including those for school renovations, repairs and construction, have proven their value to Iowa students in dollars and cents, year after year. The tax relief has delivered measureable educational assistance to Iowans and students and families nationwide, making education more affordable and accessible.

One draw-back of enacting these provisions in the 2001 tax relief bill, however, is that there was a sunset provision attached to that entire piece of legislation. All of the tax relief needs to be made permanent. Especially the education-related tax provisions. That is what my bill today does. My bill makes these provisions permanent.

It is no coincidence that I am introducing my education tax bill on the day the President of the United States talked about jobs. Our economy demands well-educated workers. The popularity of education tax incentives is good news for workers who find themselves unemployed or who want to go back to school to advance, or even change, their careers. Congress is willing to consider permanent tax relief for companies to buy machinery. Why isn't Congress willing to make an investment in people? That is what tax relief for education is. An investment in our future. It is just as important as job-creating tax incentives for businesses. Some will say we can't afford this, but we really can't afford to lose billions of dollars of help for Americans working hard to educate their kids.

Education has made this country great. We should not let this opportunity pass us by. We should not let these education-related tax provisions expire. We should also continue to help make education affordable for families and students. This makes education accessible for all. I look forward to working with my colleagues on passing this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2851

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

#### SEC. 2. PERMANENT EXTENSION AND INCREASE OF AMERICAN OPPORTUNITY TAX CREDIT.

(a) PERMANENT EXTENSION OF CREDIT; INCREASE OF CREDIT AMOUNT.—Section 25A is amended—

(1) by striking “\$1,000” each place it appears in subsection (b)(1) and inserting “\$2,000”;

(2) by striking “the applicable limit” in subsection (b)(1)(B) and inserting “\$4,000”;

(3) by striking paragraph (4) of subsection (b),

(4) by striking “2 TAXABLE YEARS” in the heading of subparagraph (A) of subsection (b)(2) and inserting “4 TAXABLE YEARS”;

(5) by striking “2 prior taxable years” in subsection (b)(2)(A) and inserting “4 prior taxable years”;

(6) by striking “2 YEARS” in the heading of subparagraph (C) of subsection (b)(2) and inserting “4 YEARS”;

(7) by striking “first 2 years” in subsection (b)(2)(C) and inserting “first 4 years”;

(8) by striking “tuition and fees” in subparagraph (A) of subsection (f)(1) and inserting “tuition, fees, and course materials”;

(9) by striking paragraphs (1) and (2) of subsection (d) and inserting the following new paragraphs:



“(1) HOPE SCHOLARSHIP CREDIT.—The amount which would (but for this paragraph) be taken into account under paragraph (1) of subsection (a) for the taxable year shall be reduced (but not below zero) by the amount which bears the same ratio to the amount which would be so taken into account as—

“(A) the excess of—

“(i) the taxpayer's modified adjusted gross income for such taxable year, over

“(ii) \$80,000 (\$160,000 in the case of a joint return), bears to

“(B) \$10,000 (\$20,000 in the case of a joint return).”

“(2) LIFETIME LEARNING CREDIT.—The amount which would (but for this paragraph) be taken into account under paragraph (2) of subsection (a) for the taxable year shall be reduced (but not below zero) by the amount which bears the same ratio to the amount which would be so taken into account as—

“(A) the excess of—

“(i) the taxpayer's modified adjusted gross income for such taxable year, over

“(ii) \$40,000 (\$80,000 in the case of a joint return), bears to

“(B) \$10,000 (\$20,000 in the case of a joint return).”

(10) by striking “DOLLAR LIMITATION ON AMOUNT OF CREDIT” in the heading of paragraph (1) of subsection (h) and inserting “HOPE SCHOLARSHIP CREDIT”;

(11) by striking “2001” in subsection (h)(1)(A) and inserting “2011”;

(12) by striking “the \$1,000 amounts under subsection (b)(1)” in subsection (h)(1)(A) and inserting “the dollar amounts under subsections (b)(1) and (d)(1)”;

(13) by striking “calendar year 2000” in subsection (h)(1)(A)(ii) and inserting “calendar year 2010”;

(14) by striking “If any amount” and all that follows in subparagraph (B) of subsection (h)(1) and inserting “If any amount under subsection (b)(1) as adjusted under subparagraph (A) is not a multiple of \$100, such amount shall be rounded to the next lowest multiple of \$100. If any amount under subsection (d)(1) as adjusted under subparagraph (A) is not a multiple of \$1,000, such amount shall be rounded to the next lowest multiple of \$1,000.”;

(15) by inserting “OF LIFETIME LEARNING CREDIT” after “INCOME LIMITS” in the heading of paragraph (2) of subsection (h);

(16) by adding at the end of subsection (b) the following new paragraphs:

“(4) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, so much of the credit allowed under subsection (a) as is attributable to the Hope Scholarship Credit shall not exceed the excess of—

“(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

“(B) the sum of the credits allowable under this subpart (other than this subsection and sections 23, 25D, and 30D) and section 27 for the taxable year.

Any reference in this section or section 24, 25, 25B, 26, 904, or 1400C to a credit allowable under this subsection shall be treated as a reference to so much of the credit allowable under subsection (a) as is attributable to the Hope Scholarship Credit.

“(5) PORTION OF CREDIT MADE REFUNDABLE.—40 percent of so much of the credit allowed under subsection (a) as is attributable to the Hope Scholarship Credit (determined after the application of subsection (d)(1) and without regard to this paragraph and section 26(a)(2) or paragraph (4), as the case may be) shall be treated as a credit allowable under

subpart C (and not allowed under subsection (a)). The preceding sentence shall not apply to any taxpayer for any taxable year if such taxpayer is a child to whom subsection (g) of section 1 applies for such taxable year.”; and

(17) by striking subsection (i).

(b) CONFORMING AMENDMENTS.—

(1) Section 24(b)(3)(B) is amended by striking “25A(i)” and inserting “25A(b)”.

(2) Section 25(e)(1)(C)(ii) is amended by striking “25A(i)” and inserting “25A(b)”.

(3) Section 26(a)(1) is amended by striking “25A(i)” and inserting “25A(b)”.

(4) Section 25B(g)(2) is amended by striking “25A(i)” and inserting “25A(b)”.

(5) Section 904(i) is amended by striking “25A(i)” and inserting “25A(b)”.

(6) Section 1400C(d)(2) is amended by striking “25A(i)” and inserting “25A(b)”.

(7) Section 6211(b)(4)(A) is amended by striking “25A by reason of subsection (i)(6) thereof” and inserting “25A by reason of subsection (b)(5) thereof”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

(d) APPLICATION OF EGTRRA SUNSET.—The amendment made by subsection (b)(1) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provision of such Act to which such amendment relates.

### SEC. 3. PERMANENT EXTENSION OF CERTAIN EGTRRA PROVISIONS RELATING TO EDUCATION.

(a) IN GENERAL.—Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to the amendments made by sections 401, 402, 411, 412, 413, and 431 of such Act.

(b) CONFORMING AMENDMENT.—Section 222 is amended by striking subsection (e).

(c) EFFECTIVE DATE.—The amendment made by subsection (b) shall apply to taxable years beginning after December 31, 2009.

### SEC. 4. PERMANENT EXTENSION OF DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) IN GENERAL.—Subparagraph (D) of section 62(a)(2) is amended by striking “during 2002, 2003, 2004, 2005, 2006, 2007, 2008, or 2009” and inserting “after 2001”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

### SEC. 5. PERMANENT EXTENSION OF QUALIFIED ZONE ACADEMY BONDS.

(a) IN GENERAL.—Paragraph (1) of section 54E(c) is amended by striking “and, except as provided in paragraph (4), zero thereafter” and inserting “and, except as provided in paragraph (5), \$700,000,000 for each calendar year thereafter”.

(b) INFLATION ADJUSTMENT.—Subsection (c) of section 54E is amended by adding at the end the following new paragraph:

“(5) INFLATION ADJUSTMENT.—In the case of any calendar year after 2011, the \$700,000,000 amount in paragraph (1) shall be increased by an amount equal to—

“(A) such amount, multiplied by

“(B) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting ‘calendar year 2010’ for ‘calendar year 1992’ in subparagraph (B) thereof.

If any increase determined under this paragraph is not a multiple of \$1,000,000, such increase shall be rounded to the next lowest multiple of \$1,000,000.”

(c) CREDITS NOT TO BE STRIPPED.—Section 54E is amended by adding at the end the following new subsection:

“(e) CREDITS NOT TO BE STRIPPED.—Subsection (i) of section 54A shall not apply with respect to any qualified zone academy bond.”.

(d) DAVIS-BACON RULES NOT TO APPLY TO QZABS OR SCHOOL CONSTRUCTION BONDS.—Section 1601 of the American Recovery and Reinvestment Act of 2009 is amended by striking paragraphs (3) and (4), by inserting “and” at the end of paragraph (2), and by redesignating paragraph (5) as paragraph (3).

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to obligations issued after December 31, 2010.

(2) DAVIS-BACON RULES.—The amendments made by subsection (d) shall apply to obligations issued after the date of the enactment of this Act.

### SEC. 6. PERMANENT EXTENSION OF SCHOOL CONSTRUCTION BONDS.

(a) IN GENERAL.—Subsection (c) of section 54F is amended—

(1) by striking paragraph (3);

(2) by inserting “and” at the end of paragraph (1), and

(3) by striking “for 2010, and” in paragraph (2) and inserting “thereafter.”.

(b) ALLOCATIONS FOR INDIAN SCHOOLS.—Paragraph (4) of section 54F(d) is amended by striking “for calendar year 2010” and inserting “for each calendar year after 2009”.

(c) EXTENSION OF SMALL ISSUER EXCEPTION.—

(1) IN GENERAL.—Clause (vii) of section 148(f)(4)(D) is amended by striking “\$10,000,000” and inserting “\$15,000,000”.

(2) ELIMINATION OF EGTRRA SUNSET.—Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to the amendments made by section 421 of such Act.

(d) CREDITS NOT TO BE STRIPPED.—Section 54F is amended by adding at the end the following new subsection:

“(f) CREDITS NOT TO BE STRIPPED.—Subsection (i) of section 54A shall not apply with respect to any qualified school construction bond.”.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2010.

### SEC. 7. PERMANENT EXTENSION AND MODIFICATION OF SECTION 529 RULES.

(a) IN GENERAL.—Clause (iii) of section 529(e)(3)(A) is amended by striking “in 2009 or 2010”.

(b) ABILITY TO CHANGE INVESTMENT OPTIONS.—Subsection (e) of section 529 is amended by adding at the end the following new paragraph:

“(6) ALLOWABLE CHANGE OF INVESTMENT OPTIONS.—A program shall not fail to be treated as meeting the requirements of subsection (b)(4) merely because such program allows a designated beneficiary to change investment options under the plan not more than 4 times per year.”.

(c) EFFECTIVE DATES.—

(1) EXTENSION.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2010.

(2) INVESTMENT OPTIONS.—The amendment made by subsection (b) shall apply to taxable years beginning after December 31, 2009.

## SUBMITTED RESOLUTIONS

## SENATE RESOLUTION 372—DESIGNATING MARCH 2010 AS “NATIONAL AUTOIMMUNE DISEASES AWARENESS MONTH” AND SUPPORTING EFFORTS TO INCREASE AWARENESS OF AUTOIMMUNE DISEASES AND INCREASE FUNDING FOR AUTOIMMUNE DISEASE RESEARCH

Mr. LEVIN submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 372

Whereas autoimmune diseases are chronic, disabling diseases in which underlying defects in the immune system lead the body to attack its own organs and tissues;

Whereas autoimmune diseases can affect any part of the body, including the blood, blood vessels, muscles, nervous system, gastrointestinal tract, endocrine glands, and multiple-organ systems, and can be life-threatening;

Whereas researchers have identified over 80 different autoimmune diseases, and suspect at least 40 additional diseases of qualifying as autoimmune diseases;

Whereas researchers have identified a close genetic relationship and a common pathway of disease that exists among autoimmune diseases, explaining the clustering of autoimmune diseases in individuals and families;

Whereas the family of autoimmune diseases is under-recognized, and poses a major health care challenge to the United States;

Whereas the National Institutes of Health (NIH) estimates that autoimmune diseases afflict up to 23,500,000 people in the United States, 75 percent of whom are women, and that the prevalence of autoimmune diseases is rising;

Whereas NIH estimates the annual direct health care costs associated with autoimmune diseases at more than \$100,000,000,000, with over 250,000 new diagnoses each year;

Whereas autoimmune diseases are among the top 10 leading causes of death in female children and adult women;

Whereas autoimmune diseases most often affect children and young adults, leading to a lifetime of disability;

Whereas diagnostic tests for most autoimmune diseases are not standardized, making autoimmune diseases very difficult to diagnose;

Whereas because autoimmune diseases are difficult to diagnose, treatment is often delayed, resulting in irreparable organ damage and unnecessary suffering;

Whereas the Institute of Medicine of the National Academies reported that the United States is behind other countries in research into immune system self-recognition, the cause of autoimmune diseases;

Whereas a study by the American Autoimmune Related Diseases Association revealed that it takes the average patient with an autoimmune disease more than 4 years, and costs more than \$50,000, to get a correct diagnosis;

Whereas there is a significant need for more collaboration and cross-fertilization of basic autoimmune research;

Whereas there is a significant need for research focusing on the etiology of all autoimmune-related diseases, in order to increase understanding of the root causes of these diseases rather than treating the symptoms

after the disease has already had its destructive effect;

Whereas the National Coalition of Autoimmune Patient Groups is a coalition of national organizations focused on autoimmune diseases, working to consolidate the voices of patients with autoimmune diseases and to promote increased education, awareness, and research into all aspects of autoimmune diseases through a collaborative approach; and

Whereas designating March 2010 as “National Autoimmune Diseases Awareness Month” would help educate the public about autoimmune diseases and the need for research funding, accurate diagnosis, and effective treatments: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates March 2010 as “National Autoimmune Diseases Awareness Month”;

(2) supports the efforts of health care providers and autoimmune patient advocacy and education organizations to increase awareness of the causes of, and treatments for, autoimmune diseases; and

(3) supports the goal of increasing Federal funding for aggressive research to learn the root causes of autoimmune diseases, as well as the best diagnostic methods and treatments for people with autoimmune diseases.

Mr. LEVIN. Mr. President, this resolution designates March 2010 as National Autoimmune Diseases Awareness Month. The purpose of the resolution is to raise awareness of autoimmune diseases and the need for aggressive research to learn the root causes of autoimmune diseases, as well as the best diagnostic methods and treatments for people with autoimmune diseases.

Autoimmune diseases are chronic, disabling diseases in which underlying defects in the immune system lead the body to attack its own organs and tissues. They can affect any part of the body—blood, blood vessels, muscles, nervous system, gastrointestinal tract, endocrine glands, and multiple-organ systems—and can be life-threatening.

Researchers have identified over 80 different autoimmune diseases, including multiple sclerosis, rheumatoid arthritis, juvenile diabetes, Crohn's disease, scleroderma, polymyositis, lupus, Sjogren's disease and Graves' disease, and suspect at least 40 additional diseases of having an autoimmune basis. The National Institutes of Health estimates that autoimmune diseases afflict more than 23 million people in the U.S. Seventy-five percent of the people affected with autoimmune diseases are women, and the prevalence of autoimmune diseases is rising. However, the family of autoimmune diseases is underrecognized, and this poses a major health care challenge to the U.S.

Diagnostic tests for autoimmune diseases are not standardized, which makes autoimmune diseases very difficult to diagnose. Because autoimmune diseases are difficult to diagnose, treatment is often delayed, resulting in irreparable organ damage and unnecessary suffering.

There is a significant need for more collaboration and cross-fertilization of basic autoimmune research, with a par-

ticular focus on the etiology of all autoimmune-related diseases in order to increase understanding of the root causes of these diseases rather than treating the symptoms after the disease has had its destructive effect.

It is my hope that this resolution will help educate the public about autoimmune diseases and the continued need for research towards accurate diagnosis, and effective treatments.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 3001. Mrs. HAGAN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table.

SA 3002. Mrs. HAGAN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3003. Mrs. HAGAN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3004. Mrs. HAGAN (for herself and Mr. BENNETT) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3005. Ms. LANDRIEU (for herself, Mrs. SHAHEEN, Ms. SNOWE, and Mr. BAYH) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3006. Ms. LANDRIEU (for herself, Mrs. SHAHEEN, Ms. SNOWE, and Mr. BAYH) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3007. Ms. LANDRIEU (for herself, Mrs. SHAHEEN, Ms. SNOWE, and Mr. BAYH) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3008. Ms. LANDRIEU (for herself, Ms. SNOWE, and Mrs. SHAHEEN) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3009. Ms. LANDRIEU (for herself, Mrs. SHAHEEN, Ms. SNOWE, and Mr. DURBIN) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3010. Ms. LANDRIEU (for herself, Mrs. SHAHEEN, Ms. SNOWE, Mr. DURBIN, and Mr. BAYH) submitted an amendment intended to



amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3051. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3052. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3053. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3054. Mr. ROBERTS (for himself and Mr. KYL) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3055. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3056. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3057. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3058. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3059. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3060. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3061. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3062. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3063. Mr. AKAKA (for himself and Mr. INOUE) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3064. Mr. CASEY submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3065. Mr. CARDIN (for himself and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3066. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3067. Mr. PRYOR (for himself, Mrs. BOXER, and Mr. ROCKEFELLER) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3068. Mr. KYL (for himself, Mr. ROBERTS, Mr. VITTER, Mr. GRASSLEY, Mr. CRAPO, Mr. COBURN, Mr. BARRASSO, and Mr. JOHANNIS) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3069. Mr. KOHL submitted an amendment intended to be proposed by him to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3070. Mrs. HAGAN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3071. Mrs. HAGAN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3072. Mrs. HAGAN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3073. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3074. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3075. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3076. Mr. DURBIN (for himself and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3077. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to

the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3078. Ms. KLOBUCHAR (for herself and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 3001.** Mrs. HAGAN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 974, between lines 9 and 10, insert the following:

#### **SEC. 3316. IMPROVEMENT IN PART D MEDICATION THERAPY MANAGEMENT (MTM) PROGRAMS.**

(a) IN GENERAL.—Section 1860D-4(c)(2) of the Social Security Act (42 U.S.C. 1395w-104(c)(2)) is amended—

(1) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (E), (F), and (G), respectively; and

(2) by inserting after subparagraph (B) the following new subparagraphs:

“(C) REQUIRED INTERVENTIONS.—For plan years beginning on or after the date that is 2 years after the date of the enactment of the Patient Protection and Affordable Care Act, prescription drug plan sponsors shall offer medication therapy management services to targeted beneficiaries described in subparagraph (A)(ii) that include, at a minimum, the following to increase adherence to prescription medications or other goals deemed necessary by the Secretary:

“(i) An annual comprehensive medication review furnished person-to-person or using telehealth technologies (as defined by the Secretary) by a licensed pharmacist or other qualified provider. The comprehensive medication review—

“(I) shall include a review of the individual’s medications and may result in the creation of a recommended medication action plan or other actions in consultation with the individual and with input from the prescriber to the extent necessary and practicable; and

“(II) shall include providing the individual with a written or printed summary of the results of the review.

The Secretary, in consultation with relevant stakeholders, shall develop a standardized format for the action plan under subclause (I) and the summary under subclause (II).

“(ii) Follow-up interventions as warranted based on the findings of the annual medication review or the targeted medication enrollment and which may be provided person-to-person or using telehealth technologies (as defined by the Secretary).

“(D) ASSESSMENT.—The prescription drug plan sponsor shall have in place a process to assess, at least on a quarterly basis, the medication use of individuals who are at risk but not enrolled in the medication therapy management program, including individuals who have experienced a transition in care, if the prescription drug plan sponsor has access to that information.

“(E) AUTOMATIC ENROLLMENT WITH ABILITY TO OPT-OUT.—The prescription drug plan sponsor shall have in place a process to—

“(i) subject to clause (ii), automatically enroll targeted beneficiaries described in subparagraph (A)(ii), including beneficiaries identified under subparagraph (D), in the medication therapy management program required under this subsection; and

“(ii) permit such beneficiaries to opt-out of enrollment in such program.”.

(b) **RULE OF CONSTRUCTION.**—Nothing in this section shall limit the authority of the Secretary of Health and Human Services to modify or broaden requirements for a medication therapy management program under part D of title XVIII of the Social Security Act or to study new models for medication therapy management through the Center for Medicare and Medicaid Innovation under section 1115A of such Act, as added by section 3021.

**SA 3002.** Mrs. HAGAN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 1722, after line 24, insert the following:

“(C) **USE OF TECHNOLOGY.**—The Secretary shall incorporate the use of technologies, including analytics and predictive modeling, as part of the analysis process for the purpose of identifying fraud, abuse, or improper payments prior to the payment of claims. Such analysis technologies shall at a minimum—

“(i) have the capability to detect emerging fraud schemes through the use of automated predictive modeling techniques; and

“(ii) improve the efficiency and effectiveness of current fraud and abuse detection methods by incorporating predictive risk scoring techniques that minimize investigations that result in false positive outcomes.”.

**SA 3003.** Mrs. HAGAN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, insert the following:

#### Subtitle —Better Diabetes Care

##### SEC. 1. SHORT TITLE.

This subtitle may be cited as the “Catalyst to Better Diabetes Care Act of 2009”.

##### SEC. 2. DIABETES SCREENING COLLABORATION AND OUTREACH PROGRAM.

(a) **ESTABLISHMENT.**—With respect to diabetes screening tests and for the purposes of reducing the number of undiagnosed seniors with diabetes or prediabetes, the Secretary of Health and Human Services (referred to in this subtitle as the “Secretary”), in collabora-

tion with the Director of the Centers for Disease Control and Prevention (referred to in this section as the “Director”), shall—

(1) review uptake and utilization of diabetes screening benefits to identify and address any existing problems with regard to utilization and data collection mechanisms;

(2) establish an outreach program to identify existing efforts by agencies and by the private and nonprofit sectors to increase awareness among seniors and providers of diabetes screening benefits; and

(3) maximize cost effectiveness in increasing utilization of diabetes screening benefits.

(b) **CONSULTATION.**—In carrying out this section, the Secretary and the Director shall consult with—

(1) various units of the Federal Government, including the Centers for Medicare & Medicaid Services, the Surgeon General of the Public Health Service, the Agency for Healthcare Research and Quality, the Health Resources and Services Administration, and the National Institutes of Health; and

(2) entities with an interest in diabetes, including industry, voluntary health organizations, trade associations, and professional societies.

##### SEC. 3. ADVISORY GROUP REGARDING EMPLOYEE WELLNESS AND DISEASE MANAGEMENT BEST PRACTICES.

(a) **ESTABLISHMENT.**—The Secretary shall establish an advisory group consisting of representatives of the public and private sector. The advisory group shall include—

(1) representatives of the Department of Health and Human Services;

(2) representatives of the Department of Commerce; and

(3) members of the public, representatives of the private sector, and representatives of the small business community, who have experience with diabetes or in administering and operating employee wellness and disease management programs.

(b) **DUTIES.**—The advisory group established under subsection (a) shall examine and make recommendations of best practices of employee wellness and disease management programs in order to—

(1) provide public and private sector entities with improved information in assessing the role of employee wellness and disease management programs in saving money and improving quality of life for patients with chronic illnesses; and

(2) encourage the adoption of effective employee wellness and disease management programs.

(c) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the advisory group established under subsection (a) shall submit to the Secretary the results of the examination under subsection (b)(1).

##### SEC. 4. NATIONAL DIABETES REPORT CARD.

(a) **IN GENERAL.**—The Secretary, in collaboration with the Director of the Centers for Disease Control and Prevention (referred to in this section as the “Director”), shall prepare on a biennial basis a national diabetes report card (referred to in this section as a “Report Card”) and, to the extent possible, for each State.

(b) **CONTENTS.**—

(1) **IN GENERAL.**—Each Report Card shall include aggregate health outcomes related to individuals diagnosed with diabetes and prediabetes including—

(A) preventative care practices and quality of care;

(B) risk factors; and

(C) outcomes.

(2) **UPDATED REPORTS.**—Each Report Card that is prepared after the initial Report Card

shall include trend analysis for the Nation and, to the extent possible, for each State, for the purpose of—

(A) tracking progress in meeting established national goals and objectives for improving diabetes care, costs, and prevalence (including Healthy People 2010); and

(B) informing policy and program development.

(c) **AVAILABILITY.**—The Secretary, in collaboration with the Director, shall make each Report Card publicly available, including by posting the Report Card on the Internet.

##### SEC. 5. IMPROVEMENT OF VITAL STATISTICS COLLECTION.

(a) **IN GENERAL.**—The Secretary, acting through the Director of the Centers for Disease Control and Prevention and in collaboration with appropriate agencies and States, shall—

(1) promote the education and training of physicians on the importance of birth and death certificate data and how to properly complete these documents, including the collection of such data for diabetes and other chronic diseases;

(2) encourage State adoption of the latest standard revisions of birth and death certificates; and

(3) work with States to re-engineer their vital statistics systems in order to provide cost-effective, timely, and accurate vital systems data.

(b) **DEATH CERTIFICATE ADDITIONAL LANGUAGE.**—In carrying out this section, the Secretary may promote improvements to the collection of diabetes mortality data, including the addition of a question for the individual certifying the cause of death regarding whether the deceased had diabetes.

##### SEC. 6. STUDY ON APPROPRIATE LEVEL OF DIABETES MEDICAL EDUCATION.

(a) **IN GENERAL.**—The Secretary shall, in collaboration with the Institute of Medicine and appropriate associations and councils, conduct a study of the impact of diabetes on the practice of medicine in the United States and the appropriateness of the level of diabetes medical education that should be required prior to licensure, board certification, and board recertification.

(b) **REPORT.**—Not later than 2 years after the date of the enactment of this Act, the Secretary shall submit a report on the study under subsection (a) to the Committees on Ways and Means and Energy and Commerce of the House of Representatives and the Committees on Finance and Health, Education, Labor, and Pensions of the Senate.

##### SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subtitle such sums as may be necessary.

**SA 3004.** Mrs. HAGAN (for herself and Mr. BENNET) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 32, after line 24, add the following:

“(d) **CLEAR TRANSPARENCY OF HEALTH CARE CHARGES.**—

“(1) PUBLIC DISCLOSURE OF REIMBURSEMENT AMOUNTS.—A health insurance issuer offering group or individual health insurance coverage shall report at least once a year to the Secretary the current allowable reimbursement that the issuer will provide for all covered benefits and services (other than prescription medications dispensed through a licensed pharmacy), including—

“(A) with respect to services provided by in-network providers where payment is made in part or in full on a fee for service basis, the current allowed charge for specific services using currently accepted procedure coding associated with each provider; and

“(B) the expected reasonable and allowed charges made for services by out-of-network providers and the amount the issuer would reimburse for such charges.

“(2) ACCESSIBILITY.—Information submitted to the Secretary under paragraph (1) shall be maintained by the Secretary in a manner that ensures that such information is readily accessible by the public.

“(3) REGULATIONS.—Not later than one year after the date of enactment of the Patient Protection and Affordable Care Act, the Secretary shall promulgate regulations to implement the requirements of this subsection.”.

**SA 3005.** Ms. LANDRIEU (for herself, Mrs. SHAHEEN, and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 150, line 5, strike “small business development centers” and insert “resource partners of the Small Business Administration”.

**SA 3006.** Ms. LANDRIEU (for herself, Mrs. SHAHEEN, and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 1280, between lines 18 and 19, insert the following:

(VIII) small business concerns (as defined under section 3 of the Small Business Act (15 U.S.C. 632)) and self-employed individuals; and

**SA 3007.** Ms. LANDRIEU (for herself, Mrs. SHAHEEN, and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees,

and for other purposes; which was ordered to lie on the table; as follows:

On page 163, between lines 21 and 22, insert the following:

(4) a survey of the cost and affordability of health care insurance provided under the Exchanges for owners and employees of small business concerns (as defined under section 3 of the Small Business Act (15 U.S.C. 632)), including data on enrollees in Exchanges and individuals purchasing health insurance coverage outside of Exchanges; and

**SA 3008.** Ms. LANDRIEU (for herself, Ms. SNOWE, and Mrs. SHAHEEN) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 2074, after line 25, add the following:

**SEC. 9024. SMALL BUSINESS PROCUREMENT.**

Part 19 of the Federal Acquisition Regulation, section 15 of the Small Business Act (15 U.S.C. 644), and any other applicable laws or regulations establishing procurement requirements relating to small business concerns (as defined in section 3 of the Small Business Act (15 U.S.C. 632)) may not be waived with respect to any contract awarded under any program or other authority under this Act or an amendment made by this Act.

**SA 3009.** Ms. LANDRIEU (for herself, Mrs. SHAHEEN, and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 54, between lines 16 and 17, insert the following:

(F) ALLOCATION OF FUNDING FOR SMALL BUSINESSES.—Of the amount appropriated under subsection (e), a reasonable amount, as determined by the Secretary, shall be used to provide reimbursement to participating employment-based plans of small employers with 50 or fewer employees.

**SA 3010.** Ms. LANDRIEU (for herself, Mrs. SHAHEEN, and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 55, line 4, strike “website,” and all that follows through line

5 on page 56 and insert the following: “website, through which a resident of, or small business in, any State may identify affordable health insurance coverage options in that State.

(2) CONNECTING TO AFFORDABLE COVERAGE.—An Internet website established under paragraph (1) shall, to the extent practicable, provide ways for residents of, and small businesses in, any State to receive information on at least the following coverage options:

(A) Health insurance coverage offered by health insurance issuers, other than coverage that provides reimbursement only for the treatment or mitigation of—

(i) a single disease or condition; or  
(ii) an unreasonably limited set of diseases or conditions (as determined by the Secretary).

(B) Medicaid coverage under title XIX of the Social Security Act.

(C) Coverage under title XXI of the Social Security Act.

(D) A State health benefits high risk pool, to the extent that such high risk pool is offered in such State; and

(E) Coverage under a high risk pool under section 1101.

(F) Coverage within the small group market for small businesses and their employees, including reinsurance for early retirees under section 1102, tax credits available under section 45R of the Internal Revenue Code of 1986 (as added by section 1421), and other information specifically for small businesses regarding affordable health care options.”.

**SA 3011.** Ms. LANDRIEU (for herself, Mrs. SHAHEEN, and Mrs. LINCOLN) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 349, line 16, strike all through page 350, line 14.

**SA 3012.** Ms. LANDRIEU (for herself, Mrs. SHAHEEN, and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 2074, after line 25, add the following:

**SEC. 9024. EXTENSION OF SMALL BUSINESS TAX CREDIT TO 5 YEARS.**

(a) IN GENERAL.—Section 45R(e)(2) of the Internal Revenue Code of 1986, as added by section 1421(a), is amended by striking “2-consecutive-taxable year” and inserting “5-consecutive-taxable year”.

(b) CONFORMING AMENDMENT.—Section 45R(i) of the Internal Revenue Code of 1986, as so added, is amended by striking “2-year” and inserting “5-year”.



(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect as if included in the enactment of section 1421.

**SA 3013.** Ms. LANDRIEU (for herself, Mrs. SHAHEEN, and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 274, after line 25, add the following:

**SEC. 90. PARTIAL DEDUCTION FOR HEALTH INSURANCE COSTS IN COMPUTING SELF-EMPLOYMENT TAXES.**

(a) **IN GENERAL.**—Paragraph (4) of section 162(l) of the Internal Revenue Code of 1986 is amended to read as follows:

“(4) **REDUCED DEDUCTION FOR SELF-EMPLOYMENT TAX PURPOSES.**—In determining an individual’s net earnings from self-employment (within the meaning of section 1402(a)) for purposes of chapter 2, the deduction allowable by reason of this subsection shall be reduced by an amount equal to 50 percent of the amount which would otherwise be allowable (determined without regard to this paragraph).”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

**SA 3014.** Ms. LANDRIEU (for herself, Mrs. SHAHEEN, and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 2074, after line 25, add the following:

**SEC. 9024. EXTENSION OF SMALL BUSINESS TAX CREDIT TO 2010.**

(a) **IN GENERAL.**—Subsections (d)(3)(B)(i) and (g) of section 45R of the Internal Revenue Code of 1986, as added by section 1421(a), is amended by striking “2011” each place it appears and inserting “2010, 2011”.

(b) **CONFORMING AMENDMENTS.**—

(1) Section 280C(h) of the Internal Revenue Code of 1986, as added by section 1421(d)(1), is amended by striking “2011” and inserting “2010, 2011”.

(2) Section 1421(f) is amended by striking “2010” both places it appears and inserting “2009”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect as if included in the enactment of section 1421.

**SA 3015.** Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue

Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. . PROTECTION OF ACCESS TO QUALITY HEALTH CARE THROUGH THE DEPARTMENT OF VETERANS AFFAIRS AND THE DEPARTMENT OF DEFENSE.**

(a) **HEALTH CARE THROUGH DEPARTMENT OF VETERANS AFFAIRS.**—Nothing in this Act shall be construed to prohibit, limit, or otherwise penalize veterans and dependents eligible for health care through the Department of Veterans Affairs under the laws administered by the Secretary of Veterans Affairs from receiving timely access to quality health care in any facility of the Department or from any non-Department health care provider through which the Secretary provides health care.

(b) **HEALTH CARE THROUGH DEPARTMENT OF DEFENSE.**—

(1) **IN GENERAL.**—Nothing in this Act shall be construed to prohibit, limit, or otherwise penalize eligible beneficiaries from receiving timely access to quality health care in any military medical treatment facility or under the TRICARE program.

(2) **DEFINITIONS.**—In this subsection:

(A) The term “eligible beneficiaries” means covered beneficiaries (as defined in section 1072(5) of title 10, United States Code) for purposes of eligibility for mental and dental care under chapter 55 of title 10, United States Code.

(B) The term “TRICARE program” has the meaning given that term in section 1072(7) of title 10, United States Code.

**SA 3016.** Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 246, between lines 7 and 8, insert the following:

“(C) **SPECIAL RULES TO ENSURE CITIZENS AND NATIONALS OF THE UNITED STATES HAVE THE SAME HEALTH CARE CHOICES AS LEGAL IMMIGRANTS.**—

“(i) **IN GENERAL.**—Notwithstanding any other provision of this Code, the Patient Protection and Affordable Care Act, or any amendment made by that Act, any taxpayer who—

“(I) is a citizen or national of the United States; and

“(II) has a household income which is not greater than 133 percent of an amount equal to the poverty line for a family of the size involved,

may elect to enroll in a qualified health plan through the Exchange established by the State under section 1311 of the Patient Protection and Affordable Care Act instead of enrolling in the State Medicaid plan under title XIX of the Social Security, or under a waiver of such plan.

“(ii) **SPECIAL RULES.**—

“(I) An individual making an election under clause (i) shall waive being provided

with medical assistance under the State Medicaid plan under title XIX of the Social Security, or under a waiver of such plan while enrolled in a qualified health plan.

“(II) In the case of an individual who is a child, the child’s parent or legal guardian may make such an election on behalf of the child.

“(III) Any individual making such an election, or on whose behalf such an election is made, shall be treated as an applicable taxpayer with a household income which is equal to 100 percent of the poverty line for a family of the size involved.

**SA 3017.** Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part I of subtitle C of title I, insert the following:

**SEC. 1202. APPLICATION OF WELLNESS PROGRAMS PROVISIONS TO CARRIERS PROVIDING FEDERAL EMPLOYEE HEALTH BENEFITS PLANS.**

(a) **IN GENERAL.**—Notwithstanding section 8906 of title 5, United States Code (including subsections (b)(1) and (b)(2) of such section), section 2705(j) of the Public Health Service Act (as added by section 1201) (relating to wellness programs) shall apply to carriers entering into contracts under section 8902 of title 5, United States Code.

(b) **PROPOSALS.**—Carriers may submit separate proposals relating to voluntary wellness program offerings as part of the annual call for benefit and rate proposals to the Office of Personnel Management.

(c) **EFFECTIVE DATE.**—This subsection shall take effect on the date of enactment of this Act and shall apply to contracts entered into under section 8902 of title 5, United States Code, that take effect with respect to calendar years that begin more than 1 year after that date.

**SA 3018.** Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. . APPOINTMENT OF HEALTH CARE CZARS.**

Notwithstanding any other provision of this Act, any individual appointed by the President as a czar to handle health care issues shall be subject to Senate confirmation.

**SA 3019.** Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R.

3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 100, line 16, insert “or meets the requirements for a high deductible health plan under section 223(c)(2) of the Internal Revenue Code of 1986” after “section 1302(a)”.

**SA 3020.** Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . EQUIVALENT BANKRUPTCY PROTECTIONS FOR HEALTH SAVINGS ACCOUNTS AS RETIREMENT FUNDS.**

(a) IN GENERAL.—Section 522 of title 11, United States Code, is amended by adding at the end the following new subsection:

“(r) TREATMENT OF HEALTH SAVINGS ACCOUNTS.—For purposes of this section, any health savings account (as described in section 223 of the Internal Revenue Code of 1986) shall be treated in the same manner as an individual retirement account described in section 408 of such Code.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to cases commencing under title 11, United States Code, after the date of the enactment of this Act.

**SA 3021.** Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 816, after line 20, insert the following:

**SEC. 3115. ENSURING THAT AN INDIVIDUAL WHO ELECTS TO OPT-OUT OF MEDICARE PART A BENEFITS IS NOT ALSO REQUIRED TO OPT-OUT OF SOCIAL SECURITY BENEFITS.**

Notwithstanding any other provision of law, in the case of an individual who elects to opt-out of benefits under part A of title XVIII of the Social Security Act, such individual shall not be required to opt-out of benefits under title II of such Act as a condition for making such election.

**SA 3022.** Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time

homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 923, between lines 7 and 8, insert the following:

**SEC. \_\_\_\_ . LIMITATION ON IMPLEMENTATION.**

Notwithstanding any other provision of law, the Secretary of Health and Human Services (in this section referred to as the “Secretary”) shall not implement the amendments made by and the provisions of this part for any year unless the Secretary certifies with respect to such year that such amendments and provisions will not result in any individual who would otherwise be enrolled in a Medicare Advantage plan under part C of title XVIII of the Social Security Act being forced away from or losing their enrollment in such plan, as such enrollment was in effect on the day before the date of enactment of this Act.

**SA 3023.** Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 1053, between lines 2 and 3, insert the following:

**SEC. 3404. ENSURING MEDICARE SAVINGS ARE KEPT IN THE MEDICARE PROGRAM.**

No reduction in outlays under the Medicare program under title XVIII of the Social Security Act under the provisions of and amendments made by this Act may be utilized to offset any outlays under any other program or activity of the Federal government.

**SA 3024.** Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . PROHIBITION ON USING MEDICARE SAVINGS TO OFFSET PROGRAMS UNRELATED TO MEDICARE.**

Title III of the Congressional Budget Act of 1974 (2 U.S.C. 621 et seq.) is amended by adding at the end the following:

**“SEC. 316. PROHIBITION ON USING MEDICARE SAVINGS TO OFFSET PROGRAMS UNRELATED TO MEDICARE.**

“For purposes of this title and title IV, a reduction in outlays under title XVIII of the Social Security Act may not be counted as an offset to any outlays under any other program or activity of the Federal Government.”.

**SA 3025.** Mr. ENSIGN submitted an amendment intended to be proposed to

amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 1050, between lines 9 and 10, insert the following:

“(n) REDUCTIONS IN MEDICARE PROGRAM SPENDING NOT COUNTED TOWARDS THE PAY-AS-YOU-GO SCORECARD.—Any reductions in Medicare program spending enacted pursuant to this section shall not count towards the pay-as-you-go scorecard under section 201(a)(6) of S. Con. Res. 21 (110th Congress).”.

**SA 3026.** Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 2044, between lines 7 and 8, insert the following:

(d) ADDITIONAL HOSPITAL INSURANCE TAX SOLELY DEDICATED TO MEDICARE.—It is the policy of Congress that the additional hospital insurance taxes resulting from the amendments made by this section shall, as is the case regarding such taxes under the Social Security Act as in effect on the date of the enactment of this Act, be deposited into the Federal Hospital Insurance Trust Fund and under the terms of that Trust Fund used only for purposes of funding the medicare program under part A of title XVIII of the Social Security Act.

**SA 3027.** Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 436, between lines 14 and 15, insert the following:

**SEC. 2008. STATE OPTION TO OPT-OUT OF MEDICAID COVERAGE EXPANSION TO AVOID ASSUMING UNFUNDED FEDERAL MANDATE.**

Notwithstanding any other provision of this Act (or an amendment made by this Act), the Governor of a State shall have the authority to opt out of any provision under this Act or any amendment made by this Act that requires the State to expand coverage under the Medicaid program if the State agency responsible for administering the State plan under title XIX certifies that such expansion would result in an increase of at least 1 percent in the total amount of expenditures by the State for providing medical assistance to all individuals enrolled under the State plan, when compared to the

total amount of such expenditures for the most recently ended State fiscal year.

**SA 3028.** Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ STUDY AND REPORT ON MEDICARE COVERAGE FOR MEDICAL EQUIPMENT USED IN THE TREATMENT OF CIRCULATORY DISEASES.**

(a) **STUDY.**—The Secretary of Health and Human Services shall conduct a study on the feasibility and advisability of providing for reimbursement under the Medicare program under title XVIII of the Social Security Act for gradient pumps and compression stockings that are used in the treatment of individuals with lymphedema, chronic venous insufficiency, and other circulatory diseases. Such study shall include an analysis of the following:

(1) The types of gradient pumps and compression stockings that are currently available on the market.

(2) The clinical appropriateness of providing gradient pumps and compression stockings for Medicare beneficiaries who have been diagnosed with lymphedema, chronic venous insufficiency, and other circulatory diseases.

(3) The financial impact on the Medicare program (including a description of any resulting costs or savings) if reimbursement were to be provided for gradient pumps and compression stockings that are used in the treatment of lymphedema, chronic venous insufficiency, and other circulatory diseases.

(b) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall submit a report to Congress on the study conducted under subsection (a), together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

**SA 3029.** Mr. THUNE submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 356, between lines 19 and 20, insert the following:

“(f) **LIMITATION.**—A full-time employee shall not be taken into account for purposes of calculating the amount of any assessable payment imposed under subsections (a), (b), or (c) if such employee performs the majority of services in a State—

“(1) the unemployment rate of which exceeds 6 percent, and

“(2) the Governor of which has certified that the assessable penalties imposed under this section have contributed to such unemployment rate.”.

**SA 3030.** Mrs. FEINSTEIN (for herself, Mr. ROCKEFELLER, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 37, strike line 10 through line 14 and insert the following:

“(1) **IN GENERAL.**—

“(A) **ESTABLISHMENT.**—The Secretary, in conjunction with States, shall establish a uniform process for the annual review, beginning with the 2010 plan year and subject to subsection (b)(2)(A), of unreasonable increases in premiums for health insurance coverage.

“(B) **ELECTRONIC REPORTING.**—The process established under subparagraph (A) shall include an electronic reporting system established by the Secretary through which health insurance issuers shall report to the Secretary and State insurance commissioners the information requested by the Secretary pursuant to this subsection.

On page 37, between lines 24 and 25, insert the following:

“(3) **HEALTH INSURANCE RATE AUTHORITY.**—

“(A) **IN GENERAL.**—The Secretary shall establish a Health Insurance Rate Authority (referred to in this paragraph as the ‘Authority’) to be composed of 7 members to be appointed by the Secretary, of which—

“(i) at least 2 members shall be a consumer advocate with expertise in the insurance industry;

“(ii) at least 1 member shall be an individual who is a medical professional;

“(iii) at least 1 member shall be a representative of health insurance issuers; and

“(iv) such remaining members shall be individuals who are recognized for their expertise in health finance and economics, actuarial science, health facility management, health plans and integrated delivery systems, reimbursement of health facilities, and other related fields, who provide broad geographic representation and a balance between urban and rural members.

“(B) **ROLE.**—In addition to the other duties of the Authority set forth in this subsection, the Authority shall advise and make recommendations to the Secretary concerning the Secretary’s duties under this subsection.

“(4) **CORRECTIVE ACTION FOR UNJUSTIFIED RATE INCREASES.**—

“(A) **IN GENERAL.**—Pursuant to the procedures set forth in this paragraph, the Secretary or the relevant State insurance commissioner shall—

“(i) review potentially unreasonable rate increases and determine whether such increases are justified; and

“(ii) take action to ensure that any rate increase found to be unjustified under clause (i) is corrected, through mechanisms including—

“(I) denial of the rate increase;

“(II) modification of the rate increase;

“(III) ordering rebates to consumers; or

“(IV) any other actions that correct for the unjustified increase.

“(B) **REQUIRED REPORT.**—The Secretary shall ensure that, not later than 6 months after the date of enactment of the Patient

Protection and Affordable Care Act, the National Association of Insurance Commissioners (referred to in this section as the ‘Association’), in conjunction with States, or other appropriate body, will provide to the Secretary and the Authority a report on—

“(i) State authority to review rates in each insurance market, and methodologies used in such reviews;

“(ii) rating requests received by the State in the previous 12 months and subsequent actions taken by States to approve, deny, or modify such requests; and

“(iii) justifications by insurance issuers for rate requests.

“(C) **DETERMINATION OF WHO CONDUCTS REVIEWS FOR EACH STATE.**—Using the report submitted pursuant to subparagraph (B), the Secretary shall determine not later than 1 year after the date of enactment of the Patient Protection and Affordable Care Act—

“(i) for which States the State insurance commissioner shall undertake the actions described in subparagraph (A)—

“(I) based on the Secretary’s determination that the State has sufficient authority and capability to deny rates, modify rates, provide rebates, or take other corrective actions; and

“(II) as a condition of receiving a grant under subsection (c)(1); and

“(ii) for which States the Secretary shall undertake the actions described in subparagraph (A), based on the Secretary’s determination that such States lacks the authority and capability described in clause (i).

“(D) **TRANSITION PERIOD.**—Until the Secretary makes the determinations described in subparagraph (C), the relevant State insurance commissioner shall, as a condition of receiving a grant under subsection (c)(1), carry out the action described in subparagraph (A).

“(E) **SUNSET.**—Beginning on the date on which subsection (b)(2)(A) applies, the requirements of this paragraph shall no longer have force or effect.

“(5) **PRIORITIZING PROPOSED PREMIUM INCREASES FOR REVIEW.**—In determining which proposed premium increases to review under this subsection, the Secretary or the relevant State insurance commissioner may prioritize—

“(A) rate increases which exceed market averages;

“(B) rate increases that will impact large numbers of consumers; and

“(C) rate reviews requested from States, if applicable.

“(6) **ANNUAL REPORT.**—

“(A) **UNIFORM DATA COLLECTION SYSTEM.**—The Secretary, in consultation with the Association and the Authority, shall develop a uniform data collection system for rate information, which shall include information on rates, medical loss ratios, consumer complaints, solvency, reserves, and any other relevant factors of market conduct.

“(B) **PREPARATION OF ANNUAL REPORT.**—Using the data obtained in accordance with subparagraph (A), the Authority shall annually produce a single, aggregate report on insurance market behavior, which includes—

“(i) State-by-State information on rate increases from one year to the next, including by issuer and by market and including medical trends, benefit changes, and relevant demographic changes; and

“(ii) a national growth rate percentage for every issuer, which shall be based on aggregated data of such issuer from premiums sold in the each market.

“(C) DISTRIBUTION.—The Authority shall share the annual report described in subparagraph (B) with States, and include such report in the information disclosed to the public.

“(7) RECOMMENDATION ON EXCHANGE PARTICIPATION.—

“(A) IN GENERAL.—Based on the information provided pursuant to this subsection and other relevant information, the official described in subparagraph (B) shall make recommendations to State Exchanges about whether particular health insurance issuers should be excluded from participation in the Exchange based on a pattern of excessive premium increases, low medical loss ratios, or market conduct.

“(B) REVIEWING OFFICIAL.—Either the Secretary or the relevant State insurance commissioner or commissioners, based on the determination in paragraph (4)(C), shall make the recommendations described in subparagraph (A).

On page 144, line 12, strike “may” and insert “shall”.

**SA 3031.** Mr. WHITEHOUSE (for himself and Mr. CASEY) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 1507, after line 19, insert the following:

**SEC. 5510. SUPPORT OF GRADUATE MEDICAL EDUCATION PROGRAMS IN WOMEN'S HOSPITALS.**

Subpart IX of part D of title III of the Public Health Service Act (42 U.S.C. 256e et seq.) is amended—

(1) in the subpart heading, by adding “and Women's Hospitals” at the end; and

(2) by adding at the end the following:

**“SEC. 340E-1. SUPPORT OF GRADUATE MEDICAL EDUCATION PROGRAMS IN WOMEN'S HOSPITALS.**

“(a) PAYMENTS.—The Secretary shall make two payments under this section to each women's hospital for each of fiscal years 2010 through 2014, one for the direct expenses and the other for indirect expenses associated with operating approved graduate medical residency training programs. The Secretary shall promulgate regulations pursuant to the rulemaking requirements of title 5, United States Code, which shall govern payments made under this subpart.

“(b) AMOUNT OF PAYMENTS.—

“(1) IN GENERAL.—Subject to paragraphs (2) and (3), the amounts payable under this section to a women's hospital for an approved graduate medical residency training program for a fiscal year shall be each of the following:

“(A) DIRECT EXPENSE AMOUNT.—The amount determined in accordance with subsection (c) for direct expenses associated with operating approved graduate medical residency training programs for a fiscal year.

“(B) INDIRECT EXPENSE AMOUNT.—The amount determined in accordance with subsection (c) for indirect expenses associated with the treatment of more severely ill patients and the additional costs relating to teaching residents in such programs for a fiscal year.

“(2) CAPPED AMOUNT.—

“(A) IN GENERAL.—The total of the payments made to women's hospitals under paragraph (1) in a fiscal year shall not exceed the funds appropriated under subsection (e) for such payments for that fiscal year.

“(B) PRO RATA REDUCTIONS OF PAYMENTS.—If the Secretary determines that the amount of funds appropriated under subsection (e) for a fiscal year is insufficient to provide the total amount of payments otherwise due for such periods under paragraph (1), the Secretary shall reduce the amounts so payable on a pro rata basis to reflect such shortfall.

“(3) ANNUAL REPORTING REQUIRED.—The provisions of subsection (b)(3) of section 340E shall apply to women's hospitals under this section in the same manner as such provisions apply to children's hospitals under such section 340E. In applying such provisions, the Secretary may make such modifications as may be necessary to apply such provisions to women's hospitals.

“(c) APPLICATION OF CERTAIN PROVISIONS.—The provisions of subsections (c) and (d) of section 340E shall apply to women's hospitals under this section in the same manner as such provisions apply to children's hospitals under such section 340E. In applying such provisions, the Secretary may make such modifications as may be necessary to apply such provisions to women's hospitals.

“(d) MAKING OF PAYMENTS.—

“(1) INTERIM PAYMENTS.—The Secretary shall determine, before the beginning of each fiscal year involved for which payments may be made for a hospital under this section, the amounts of the payments for direct graduate medical education and indirect medical education for such fiscal year and shall (subject to paragraph (2)) make the payments of such amounts in 12 equal interim installments during such period. Such interim payments to each individual hospital shall be based on the number of residents reported in the hospital's most recently filed Medicare cost report prior to the application date for the Federal fiscal year for which the interim payment amounts are established. In the case of a hospital that does not report residents on a Medicare cost report, such interim payments shall be based on the number of residents trained during the hospital's most recently completed Medicare cost report filing period.

“(2) WITHHOLDING.—The Secretary shall withhold up to 25 percent from each interim installment for direct and indirect graduate medical education paid under paragraph (1) as necessary to ensure a hospital will not be overpaid on an interim basis.

“(3) RECONCILIATION.—Prior to the end of each fiscal year, the Secretary shall determine any changes to the number of residents reported by a hospital in the application of the hospital for the current fiscal year to determine the final amount payable to the hospital for the current fiscal year for both direct expense and indirect expense amounts. Based on such determination, the Secretary shall recoup any overpayments made and pay any balance due to the extent possible. The final amount so determined shall be considered a final intermediary determination for the purposes of section 1878 of the Social Security Act and shall be subject to administrative and judicial review under that section in the same manner as the amount of payment under section 1886(d) of such Act is subject to review under such section.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, \$12,000,000 for fiscal year 2010, and such sums as may be necessary for each of fiscal years 2011 through 2014.

“(f) DEFINITIONS.—In this section:

“(1) APPROVED GRADUATE MEDICAL RESIDENCY TRAINING PROGRAM.—The term ‘approved graduate medical residency training program’ has the meaning given the term ‘approved medical residency training program’ in section 1886(h)(5)(A) of the Social Security Act.

“(2) DIRECT GRADUATE MEDICAL EDUCATION COSTS.—The term ‘direct graduate medical education costs’ has the meaning given such term in section 1886(h)(5)(C) of the Social Security Act.

“(3) WOMEN'S HOSPITAL.—The term ‘women's hospital’ means a hospital—

“(A) that has a Medicare provider agreement under title XVIII of the Social Security Act;

“(B) that has an approved graduate medical residency training program;

“(C) that has not been excluded from the Medicare prospective payment system;

“(D) that had at least 3,000 births during 2007, as determined by the Centers for Medicare & Medicaid Services; and

“(E) with respect to which and as determined by the Centers for Medicare & Medicaid Services, less than 4 percent of the total discharges from the hospital during 2007 were Medicare discharges of individuals who, as of the time of the discharge—

“(i) were enrolled in the original Medicare fee-for-service program under part A of title XVIII of the Social Security Act; and

“(ii) were not enrolled in—

“(I) a Medicare Advantage plan under part C of title XVIII of that Act;

“(II) an eligible organization under section 1876 of that Act; or

“(III) a PACE program under section 1894 of that Act.”.

**SA 3032.** Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 36, strike line 23 and insert the following: ‘be necessary to carry out this section.

**“SEC. 2793A. IMPROVING OVERSIGHT OF INSURER SERVICE TO BENEFICIARIES.**

“(a) DEFINITIONS.—In this section—

“(1) the term ‘database’ means the database established under subsection (b); and

“(2) the term ‘NAIC’ means the National Association of State Insurance Commissioners.

“(b) MONITORING INSURER HANDLING OF REQUESTS FOR COVERAGE OF MEDICAL CARE.—

“(1) ESTABLISHMENT.—The Secretary shall, in consultation with the NAIC, establish and maintain a nationally consistent database that, using standardized definitions, tracks claims handling performance by—

“(A) all group health plans (and health insurance issuers offering group health insurance coverage in connection with a group health plan) and health insurance issuers that offer health insurance coverage in the individual market; and

“(B) external review organizations that consider and resolve external appeals from such plans and issuers.

“(2) **CONTENT.**—The database shall include information on the nature, timing, final disposal, and other relevant details (as determined by the Secretary) of claims, appeals, reviews, and requests for or denials of treatment by the entities described in paragraph (1). The Secretary may limit the content of the database to those claims that are monetarily significant, as determined by the Secretary.

“(3) **COLLECTION OF DATA.**—The Secretary shall have the authority to collect and audit data from entities described in paragraph (1) necessary to implement the database, except that, in the case of such plans and issuers subject to the Employee Retirement Income Security Act of 1974, such data shall be collected by the Secretary of Labor for use by the Secretary. At the discretion of the Secretary, such data collection authority may be delegated to State insurance regulators.

“(4) **DATA PROTECTION AND PRIVACY.**—The Secretary and the Secretary of Labor shall ensure the confidentiality and privacy of any claims data submitted pursuant to this section. Within 1 year of the date of enactment of this section, the Secretary shall promulgate a proposed regulation to ensure that such data is protected against any violation of the privacy and confidentiality of an individual's medical records. Within 180 days of such promulgation, the Comptroller General shall publish a report on the adequacy of such regulation to ensure such protection. The database shall not include names, unencrypted Social Security numbers, addresses, or other information that may uniquely identify an individual.

“(5) **TABULATION; CLASSIFICATION.**—The Secretary shall work with the NAIC to develop a procedure for centralized tabulation and classification of consumer complaints related to claims handling, appeals, and reviews by the entities described in paragraph (1).

“(c) **IMPLEMENTATION.**—The Secretary shall implement the database not later than 2 years after the date of enactment of this section.

“(d) **DISSEMINATION.**—The Secretary shall make the database available to State insurance regulators, health exchanges, and consumer assistance ombudsmen, provided that such entities ensure the confidentiality and privacy of medical records and comply with all existing privacy laws, and shall update the database on a quarterly basis.

“(e) **REPORTING.**—Not later than January 1, 2013, and on an annual basis thereafter, the Secretary shall issue a public report assessing the performance of the plans and issuers described in subsection (b)(1)(A) regarding claims handling, appeals, and reviews. Such report shall assess whether there is any evidence of a pattern of denial or delay of medically necessary claims or appeals.”.

**SA 3033.** Mr. CASEY (for himself and Mr. SPECTER) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 1133, between lines 22 and 23, insert the following:

**SEC. 3511. CONSISTENT QUALITY ACCREDITATION REQUIREMENTS FOR PROVIDERS CONTRACTING WITH MEDICARE ADVANTAGE PLANS AND STATE MEDICAID PROGRAMS.**

(a) **MEDICARE ADVANTAGE.**—Section 1854(a)(6)(B)(iii) of the Social Security Act (42 U.S.C. 1395w-24(a)(6)(B)(iii)) is amended—

(1) by striking “In order to” and inserting the following:

“(aa) **IN GENERAL.**—In order to”; and

(2) by adding at the end the following:

“(bb) **QUALITY ASSURANCE.**—An MA organization shall not prohibit a particular hospital, physician or other entity within a category of healthcare providers from eligibility to contract with the MA organization because of a separate policy of the MA organization that does not recognize an approved nationally recognized accreditation organization with the appropriate ‘deeming authority’ from the Secretary.”.

(b) **STATE MEDICAID PLAN REQUIREMENT.**—Section 1902(a)(23) of the Social Security Act (42 U.S.C. 1396a(a)(23)) is amended by inserting “and (C) the State plan and a primary care case-management system (described in section 1915(b)(1)), a medicaid managed care organization, or a similar entity shall not prohibit a particular hospital, physician or other entity within a category of healthcare providers from being qualified to perform a service or services because of a separate policy of the State plan, system, organization, or entity that does not recognize an approved nationally recognized accreditation organization with the appropriate ‘deeming authority’ from the Secretary” after “subsection (g) and in section 1915”.

(c) **EFFECTIVE DATE.**—The amendments made by this section take effect on the date of enactment of this Act and, in the case of MA organizations under part C of title XVIII of the Social Security Act, apply to plan years beginning after that date.

**SA 3034.** Mr. TESTER submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 828, between lines 3 and 4, insert the following:

**SEC. 3130. CAPITAL INFRASTRUCTURE REVOLVING LOAN PROGRAM FOR RURAL ENTITIES.**

(a) **IN GENERAL.**—The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by inserting after section 1602 the following:

**“SEC. 1603. CAPITAL INFRASTRUCTURE REVOLVING LOAN PROGRAM FOR RURAL ENTITIES.**

**“(a) AUTHORITY TO MAKE AND GUARANTEE LOANS.**—

“(1) **AUTHORITY TO MAKE LOANS.**—The Secretary may make loans from the fund established under section 1602(d) to any rural entity for projects for capital improvements, including—

“(A) the acquisition of software and hardware necessary to implement electronic health records as required under section 3011;

“(B) the acquisition of land necessary for the capital improvements;

“(C) the renovation or modernization of any building;

“(D) the acquisition or repair of fixed or major movable equipment; and

“(E) such other project expenses as the Secretary determines appropriate.

“(2) **AUTHORITY TO GUARANTEE LOANS.**—

“(A) **IN GENERAL.**—The Secretary may guarantee the payment of principal and interest for loans made to rural entities for projects for any capital improvement described in paragraph (1) to any non-Federal lender.

“(B) **INTEREST SUBSIDIES.**—In the case of a guarantee of any loan made to a rural entity under subparagraph (A), the Secretary may pay to the holder of such loan, for and on behalf of the project for which the loan was made, amounts sufficient to reduce (by not more than 3 percent) the net effective interest rate otherwise payable on such loan.

“(b) **AMOUNT OF LOAN.**—The principal amount of a loan directly made or guaranteed under subsection (a) for a project for capital improvement may not exceed \$2,500,000.

“(c) **FUNDING LIMITATIONS.**—

“(1) **GOVERNMENT CREDIT SUBSIDY EXPOSURE.**—The total of the Government credit subsidy exposure under the Federal Credit Reform Act of 1990 scoring protocol with respect to the loans outstanding at any time with respect to which guarantees have been issued, or which have been directly made, under subsection (a) may not exceed \$50,000,000 per year.

“(2) **TOTAL AMOUNTS.**—Subject to paragraph (1), the total of the principal amount of all loans directly made or guaranteed under subsection (a) may not exceed \$400,000,000 per year.

“(d) **CAPITAL ASSESSMENT AND PLANNING GRANTS.**—

“(1) **NONREPAYABLE GRANTS.**—Subject to paragraph (2), the Secretary may make a grant to a rural entity, in an amount not to exceed \$50,000, for purposes of capital assessment and business planning.

“(2) **LIMITATION.**—The cumulative total of grants awarded under this subsection may not exceed \$2,500,000 per year.

“(e) **TERMINATION OF AUTHORITY.**—The Secretary may not directly make or guarantee any loan under subsection (a) or make a grant under subsection (d) after September 30, 2013.”.

(b) **RURAL ENTITY DEFINED.**—Section 1624 of the Public Health Service Act (42 U.S.C. 300s-3) is amended by adding at the end the following:

“(15)(A) The term ‘rural entity’ includes—

“(i) a rural health clinic, as defined in section 1861(aa)(2) of the Social Security Act;

“(ii) any medical facility with at least 1 bed, but not more than 49 beds, that is located in—

“(I) a county that is not part of a metropolitan statistical area; or

“(II) a rural census tract of a metropolitan statistical area (as determined under the most recent modification of the Goldsmith Modification, originally published in the Federal Register on February 27, 1992 (57 Fed. Reg. 6725)); and

“(iii) a hospital that is classified as a critical access hospital or a rural hospital with fewer than 1,500 discharges per year.

“(B) For purposes of subparagraph (A), the fact that a clinic, facility, or hospital has been geographically reclassified under the Medicare program under title XVIII of the Social Security Act shall not preclude a hospital from being considered a rural entity under clause (i) or (ii) of subparagraph (A).”.

(c) **CONFORMING AMENDMENTS.**—Section 1602 of the Public Health Service Act (42 U.S.C. 300q-2) is amended—

(1) in subsection (b)(2)(D), by inserting “or 1603(a)(2)(B)” after “1601(a)(2)(B)”; and

(2) in subsection (d)—

(A) in paragraph (1)(C), by striking “section 1601(a)(2)(B)” and inserting “sections 1601(a)(2)(B) and 1603(a)(2)(B)”; and

(B) in paragraph (2)(A), by inserting “or 1603(a)(2)(B)” after “1601(a)(2)(B)”.

**SA 3035.** Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . HEALTH CARE SAFETY NET ENHANCEMENT.**

(a) **LIMITATION ON LIABILITY.**—Notwithstanding any other provision of law, a health care professional shall not be liable in any medical malpractice lawsuit for a cause of action arising out of the provision of, or the failure to provide, any medical service to a medically underserved or indigent individual while engaging in the provision of pro bono medical services.

(b) **REQUIREMENTS.**—Subsection (a) shall not apply—

(1) to any act or omission by a health care professional that is outside the scope of the services for which such professional is deemed to be licensed or certified to provide, unless such act or omission can reasonably be determined to be necessary to prevent serious bodily harm or preserve the life of the individual being treated;

(2) if the services on which the medical malpractice claim is based did not arise out of the rendering of pro bono care for a medically underserved or indigent individual; or

(3) to an act or omission by a health care professional that constitutes willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by such professional.

(c) **DEFINITION.**—In this section—

(1) the term “medically underserved individual” means an individual who does not have health care coverage under a group health plan, health insurance coverage, or any other health care coverage program; and

(2) the term “indigent individual” means and individual who is unable to pay for the health care services that are provided to the individual.

**SA 3036.** Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . DISASTER VOLUNTEER HEALTH CARE PROFESSIONAL PROTECTION.**

(a) **LIMITATION ON LIABILITY.**—Notwithstanding any other provision of law, with respect to an area in which a major disaster has been declared in accordance with the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5721 et seq.), a health care professional who is providing health or dental services on a voluntary basis in such area, or to a non-resident victim of the disaster involved, shall not be liable for damages in a medical malpractice lawsuit for a cause of action arising out of an act or omission of such professional in providing the services involved.

(b) **REQUIREMENTS.**—Subsection (a) shall not apply—

(1) to any act or omission by a health care professional that is outside the scope of the services for which such professional is deemed to be licensed or certified to provide, unless such act or omission can reasonably be determined to be necessary to prevent serious bodily harm or preserve the life of the individual being treated;

(2) if the services on which the medical malpractice claim is based did not arise out of the rendering of voluntary care in the disaster area or were provided to an individual who was not a victim of the disaster; or

(3) to an act or omission by a health care professional that constitutes willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by such professional.

(c) **LIMITATION ON VICARIOUS LIABILITY.**—An individual or a health care institution that deploys or uses a volunteer described in subsection (a) shall not be vicariously liable in a medical malpractice lawsuit with respect to services described in such subsection unless the volunteer involved is determined to be liable.

(d) **RECIPROCITY WITH RESPECT TO LICENSED OR CERTIFIED HEALTH CARE PROFESSIONALS.**—A health care professional that is licensed or certified in a State and who is providing health or dental services on a voluntary basis in an area in which a major disaster has been declared in accordance with the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5721 et seq.), shall be deemed to be licensed or certified by the State in which such area is located with respect to such health or dental services, subject to any additional conditions, limitations, or expansions that may be applied by the chief executive of the State in which such area is located.

**SA 3037.** Mr. JOHNSON (for himself, Mr. FRANKEN, Mr. BURRIS, and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 731, between lines 16 and 17, insert the following:

“(xix) Utilizing a diverse network of providers of services and suppliers to improve care coordination for applicable individuals described in subsection (a)(4)(A)(i) with 2 or more chronic conditions and a history of

prior-year hospitalization through interventions developed under the Medicare Coordinated Care Demonstration Project under section 4016 of the Balanced Budget Act of 1997 (42 U.S.C. 1395b–1 note). ”

**SA 3038.** Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 436, between lines 14 and 15, insert the following:

**SEC. 2008. EXTENSION OF ARRA INCREASE IN FMAP.**

Section 5001 of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) is amended—

(1) in subsection (a)(3), by striking “first calendar quarter” and inserting “first 3 calendar quarters”;

(2) in subsection (b)(2), by inserting before the period at the end the following: “, and such paragraph shall not apply to calendar quarters beginning on or after October 1, 2010”;

(3) in subsection (c)(4)(C)(ii), by striking “December 2009” and “January 2010” and inserting “June 2010” and “July 2010”, respectively;

(4) in subsection (d), by inserting “ending before October 1, 2010” after “entire fiscal years” and after “with respect to fiscal years”;

(5) in subsection (g)(1), by striking “September 30, 2011” and inserting “December 31, 2011”; and

(6) in subsection (h)(3), by striking “December 31, 2010” and inserting “June 30, 2011”.

**SA 3039.** Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 436, between lines 14 and 15, insert the following:

**SEC. 2008. MANAGED CARE ORGANIZATIONS.**

(a) **MINIMUM MEDICAL LOSS RATIO.**—

(1) **MEDICAID.**—Section 1903(m)(2)(A) of the Social Security Act (42 U.S.C. 1396b(m)(2)(A)) is amended—

(A) by striking “and” at the end of clause (xi);

(B) by striking the period at the end of clause (xii) and inserting “; and”; and

(C) by adding at the end the following new clause:

“(xiii) such contract has a medical loss ratio, as determined in accordance with a methodology specified by the Secretary, that is a percentage (not less than 85 percent) specified by the Secretary.”.

(2) **CHIP.**—Section 2107(e)(1) of such Act (42 U.S.C. 1397gg(e)(1)), as amended by sections 2101(d)(2), 2101(e), and 6401(c), is amended—



(A) by redesignating subparagraphs (H) through (O) as subparagraphs (I) through (P); and

(B) by inserting after subparagraph (G) the following new subparagraph:

“(H) Section 1903(m)(2)(A)(xiv) (relating to application of minimum loss ratios), with respect to comparable contracts under this title.”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to contracts entered into or renewed on or after July 1, 2010.

(b) PATIENT ENCOUNTER DATA.—

(1) IN GENERAL.—Section 1903(m)(2)(A)(xi) of the Social Security Act (42 U.S.C. 1396b(m)(2)(A)(xi)) is amended by inserting “and for the provision of such data to the State at a frequency and level of detail to be specified by the Secretary” after “patients”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to contract years beginning on or after January 1, 2010.

**SA 3040.** Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 436, between lines 14 and 15, insert the following:

**SEC. 2008. AUTOMATIC INCREASE IN THE FEDERAL MEDICAL ASSISTANCE PERCENTAGE DURING PERIODS OF NATIONAL ECONOMIC DOWNTURN.**

(a) NATIONAL ECONOMIC DOWNTURN ASSISTANCE FMAP.—

(1) IN GENERAL.—Section 1905 of the Social Security Act (42 U.S.C. 1396d), as amended by sections 2001(a)(3), 2006, 4106(b), and 4107, is amended—

(A) in subsection (b), in the first sentence—  
(i) by striking “and (5)” and inserting “(5)”;

(ii) by inserting “and (6) with respect to each fiscal year quarter other than the first quarter of a national economic downturn assistance period described in subsection (cc)(1), the Federal medical assistance percentage for any State described in subsection (cc)(2) shall be equal to the national economic downturn assistance FMAP determined for the State for the quarter under subsection (cc)(3)” before the period; and

(B) by adding at the end the following:

“(cc) NATIONAL ECONOMIC DOWNTURN ASSISTANCE FMAP.—For purposes of clause (6) of the first sentence of subsection (b):

“(1) NATIONAL ECONOMIC DOWNTURN ASSISTANCE PERIOD.—A national economic downturn assistance period described in this paragraph—

“(A) begins with the first fiscal year quarter for which the Secretary determines that for at least 23 States, the rolling average unemployment rate for that quarter has increased by at least 10 percent over the corresponding quarter for the most recent preceding 12-month period for which data are available (in this subsection referred to as the ‘trigger quarter’); and

“(B) ends with the first succeeding fiscal year quarter for which the Secretary determines that less than 23 States have a rolling average unemployment rate for that quarter

with an increase of at least 10 percent over the corresponding quarter for the most recent preceding 12-month period for which data are available.

“(2) ELIGIBLE STATE.—A State described in this paragraph is a State for which the Secretary determines that the rolling average unemployment rate for the State for any quarter occurring during a national economic downturn assistance period described in paragraph (1) has increased over the corresponding quarter for the most recent preceding 12-month period for which data are available.

“(3) DETERMINATION OF NATIONAL ECONOMIC DOWNTURN ASSISTANCE FMAP.—

“(A) IN GENERAL.—The national economic downturn assistance FMAP for a fiscal year quarter determined with respect to a State under this paragraph is equal to the Federal medical assistance percentage for the State for that quarter increased by the number of percentage points determined by—

“(i) dividing—

“(I) the Medicaid additional unemployed increased cost amount determined under subparagraph (B) for the quarter; by

“(II) the State’s total Medicaid quarterly spending amount determined under subparagraph (C) for the quarter; and

“(ii) multiplying the quotient determined under clause (i) by 100.

“(B) MEDICAID ADDITIONAL UNEMPLOYED INCREASED COST AMOUNT.—For purposes of subparagraph (A)(i)(I), the Medicaid additional unemployed increased cost amount determined under this subparagraph with respect to a State and a quarter is the product of the following:

“(i) STATE INCREASE IN ROLLING AVERAGE NUMBER OF UNEMPLOYED INDIVIDUALS FROM THE BASE QUARTER OF UNEMPLOYMENT.—

“(I) IN GENERAL.—The amount determined by subtracting the rolling average number of unemployed individuals in the State for the base unemployment quarter for the State determined under subclause (II) from the rolling average number of unemployed individuals in the State for the quarter.

“(II) BASE UNEMPLOYMENT QUARTER DEFINED.—

“(aa) IN GENERAL.—For purposes of subclause (I), except as provided in item (bb), the base quarter for a State is the quarter with the lowest rolling average number of unemployed individuals in the State in the 12-month period preceding the trigger quarter for a national economic downturn assistance period described in paragraph (1).

“(bb) EXCEPTION.—If the rolling average number of unemployed individuals in a State for a quarter occurring during a national economic downturn assistance period described in paragraph (1) is less than the rolling average number of unemployed individuals in the State for the base quarter determined under item (aa), that quarter shall be treated as the base quarter for the State for such national economic downturn assistance period.

“(ii) NATIONAL AVERAGE AMOUNT OF ADDITIONAL FEDERAL MEDICAID SPENDING PER ADDITIONAL UNEMPLOYED INDIVIDUAL.—In the case of—

“(I) a calendar quarter occurring in fiscal year 2012, \$350; and

“(II) a calendar quarter occurring in any succeeding fiscal year, the amount applicable under this clause for calendar quarters occurring during the preceding fiscal year, increased by the annual percentage increase in the medical care component of the consumer price index for all urban consumers (U.S. city average), as rounded up in an appropriate manner.

“(iii) STATE NONDISABLED, NONELDERLY ADULTS AND CHILDREN MEDICAID SPENDING INDEX.—

“(I) IN GENERAL.—With respect to a State, the quotient (not to exceed 1.00) of—

“(aa) the State expenditure per person in poverty amount determined under subclause (II); divided by—

“(bb) the National expenditure per person in poverty amount determined under subclause (III).

“(II) STATE EXPENDITURE PER PERSON IN POVERTY AMOUNT.—For purposes of subclause (I)(aa), the State expenditure per person in poverty amount is the quotient of—

“(aa) the total amount of annual expenditures by the State for providing medical assistance under the State plan to nondisabled, nonelderly adults and children; divided by

“(bb) the total number of nonelderly adults and children in poverty who reside in the State, as determined under paragraph (4)(A).

“(III) NATIONAL EXPENDITURE PER PERSON IN POVERTY AMOUNT.—For purposes of subclause (I)(bb), the National expenditure per person in poverty amount is the quotient of—

“(aa) the sum of the total amounts determined under subclause (II)(aa) for all States; divided by

“(bb) the sum of the total amounts determined under subclause (II)(bb) for all States.

“(C) STATE’S TOTAL MEDICAID QUARTERLY SPENDING AMOUNT.—For purposes of subparagraph (A)(i)(II), the State’s total Medicaid quarterly spending amount determined under this subparagraph with respect to a State and a quarter is the amount equal to—

“(i) the total amount of expenditures by the State for providing medical assistance under the State plan to all individuals enrolled in the plan for the most recent fiscal year for which data is available; divided by

“(ii) 4.

“(4) DATA.—In making the determinations required under this subsection, the Secretary shall use, in addition to the most recent available data from the Bureau of Labor Statistics Local Area Unemployment Statistics for each State referred to in paragraph (5), the most recently available—

“(A) data from the Bureau of the Census with respect to the number of nonelderly adults and children who reside in a State described in paragraph (2) with family income below the poverty line (as defined in section 2110(c)(5)) applicable to a family of the size involved (or, if the Secretary determines it appropriate, a multiyear average of such data);

“(B) data reported to the Secretary by a State described in paragraph (2) with respect to expenditures for medical assistance under the State plan under this title for non-disabled, nonelderly adults and children; and

“(C) econometric studies of the responsiveness of Medicaid enrollments and spending to changes in rolling average unemployment rates and other factors, including State spending on certain Medicaid populations.

“(5) DEFINITION OF ‘ROLLING AVERAGE NUMBER OF UNEMPLOYED INDIVIDUALS’, ‘ROLLING AVERAGE UNEMPLOYMENT RATE’.—In this subsection, the term—

“(A) ‘rolling average number of unemployed individuals’ means, with respect to a calendar quarter and a State, the average of the 12 most recent months of seasonally adjusted unemployment data for each State;

“(B) ‘rolling average unemployment rate’ means, with respect to a calendar quarter and a State, the average of the 12 most recent monthly unemployment rates for the State; and

“(C) ‘monthly unemployment rate’ means, with respect to a State, the quotient of—

“(i) the monthly seasonally adjusted number of unemployed individuals for the State; divided by

“(ii) the monthly seasonally adjusted number of the labor force for the State,

using the most recent data available from the Bureau of Labor Statistics Local Area Unemployment Statistics for each State,

“(6) INCREASE IN CAP ON PAYMENTS TO TERRITORIES.—With respect to any fiscal year quarter for which the national economic downturn assistance Federal medical assistance percentage applies to Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, or American Samoa, the amounts otherwise determined for such commonwealth or territory under subsections (f) and (g) of section 1108 shall be increased by such percentage of such amounts as the Secretary determines is equal to twice the average increase in the national economic downturn assistance FMAP determined for all States described in paragraph (2) for the quarter.

“(7) SCOPE OF APPLICATION.—The national economic downturn assistance FMAP shall only apply for purposes of payments under section 1903 for a quarter and shall not apply with respect to—

“(A) disproportionate share hospital payments described in section 1923;

“(B) payments under title IV or XXI; or

“(C) any payments under this title that are based on the enhanced FMAP described in section 2105(b).

“(8) ADDITIONAL REQUIREMENT FOR CERTAIN STATES.—In the case of a State described in paragraph (2) that requires political subdivisions within the State to contribute toward the non-Federal share of expenditures required under section 1902(a)(2), the State shall not require that such political subdivisions pay for any fiscal year quarters occurring during a national economic downturn assistance period a greater percentage of the non-Federal share of such expenditures, or a greater percentage of the non-Federal share of payments under section 1923, than the respective percentage that would have been required by the State under State law in effect on the first day of the fiscal year quarter occurring immediately prior to the trigger quarter for the period.”

(2) EFFECTIVE DATE; NO RETROACTIVE APPLICATION.—The amendments made by paragraph (1) take effect on January 1, 2012. In no event may a State receive a payment on the basis of the national economic downturn assistance Federal medical assistance percentage determined for the State under section 1905(cc)(3) of the Social Security Act for amounts expended by the State prior to January 1, 2012.

(b) GAO STUDY AND REPORT.—

(1) STUDY.—The Comptroller General of the United States shall analyze the previous periods of national economic downturn, including the most recent such period in effect as of the date of enactment of this Act, and the past and projected effects of temporary increases in the Federal medical assistance percentage under the Medicaid program with respect to such periods.

(2) REPORT.—Not later than April 1, 2011, the Comptroller General of the United States shall submit a report to Congress on the results of the analysis conducted under paragraph (1). Such report shall include such recommendations as the Comptroller General determines appropriate for modifying the national economic downturn assistance FMAP established under section 1905(cc) of the Social Security Act (as added by subsection (a))

to improve the effectiveness of the application of such percentage in addressing the needs of States during periods of national economic downturn, including recommendations for—

(A) improvements to the factors that begin and end the application of such percentage;

(B) how the determination of such percentage could be adjusted to address State and regional economic variations during such periods; and

(C) how the determination of such percentage could be adjusted to be more responsive to actual Medicaid costs incurred by States during such periods, as well as to the effects of any other specific economic indicators that the Comptroller General determines appropriate.

**SA 3041.** Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 397, beginning on line 2, strike “under” and all that follows through line 6, and insert “not pregnant and are”

**SA 3042.** Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 553, between lines 14 and 15, insert the following:

**SEC. 2708. EVALUATION OF STATE COMPLIANCE WITH PROVISION OF COMMUNITY-BASED SERVICES TO INDIVIDUALS WITH DISABILITIES.**

Not later than December 31, 2010, and annually thereafter, the Inspector General of the Department of Justice shall prepare and submit a report to Congress that evaluates the adequacy of efforts by States to provide appropriate home and community-based services to individuals with disabilities in accordance with the requirements under *Olmstead v. L.C.*, 527 U.S. 581 (1999).

**SA 3043.** Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 397, strike line 15 and all that follows through page 398, line 25.

**SA 3044.** Mr. ROCKEFELLER submitted an amendment intended to be

proposed by him to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. —. PAYMENT OF MEDICARE LIABILITY TO STATES AS A RESULT OF THE SPECIAL DISABILITY WORKLOAD PROJECT.**

(a) IN GENERAL.—The Secretary, in consultation with the Commissioner, shall work with each State to reach an agreement, not later than 6 months after the date of enactment of this Act, on the amount of a payment for the State related to the Medicare program liability as a result of the Special Disability Workload project, subject to the requirements of subsection (c).

(b) PAYMENTS.—

(1) DEADLINE FOR MAKING PAYMENTS.—Not later than 30 days after reaching an agreement with a State under subsection (a), the Secretary shall pay the State, from the amounts appropriated under paragraph (2), the payment agreed to for the State.

(2) APPROPRIATION.—Out of any money in the Treasury not otherwise appropriated, there is appropriated \$4,000,000,000 for fiscal year 2010 for making payments to States under paragraph (1).

(3) LIMITATIONS.—In no case may the aggregate amount of payments made by the Secretary to States under paragraph (1) exceed \$4,000,000,000.

(c) REQUIREMENTS.—The requirements of this subsection are the following:

(1) FEDERAL DATA USED TO DETERMINE AMOUNT OF PAYMENTS.—The amount of the payment under subsection (a) for each State is determined on the basis of the most recent Federal data available, including the use of proxies and reasonable estimates as necessary, for determining expeditiously the amount of the payment that shall be made to each State that enters into an agreement under this section. The payment methodology shall consider the following factors:

(A) The number of SDW cases found to have been eligible for benefits under the Medicare program and the month of the initial Medicare program eligibility for such cases.

(B) The applicable non-Federal share of expenditures made by a State under the Medicaid program during the time period for SDW cases.

(C) Such other factors as the Secretary and the Commissioner, in consultation with the States, determine appropriate.

(2) CONDITIONS FOR PAYMENTS.—A State shall not receive a payment under this section unless the State—

(A) waives the right to file a civil action (or to be a party to any action) in any Federal or State court in which the relief sought includes a payment from the United States to the State related to the Medicare liability under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) as a result of the Special Disability Workload project; and

(B) releases the United States from any further claims for reimbursement of State expenditures as a result of the Special Disability Workload project (other than reimbursements being made under agreements in effect on the date of enactment of this Act as a result of such project, including payments made pursuant to agreements entered into

under section 1616 of the Social Security Act or section 211(1)(A) of Public Law 93-66).

(3) **NO INDIVIDUAL STATE CLAIMS DATA REQUIRED.**—No State shall be required to submit individual claims evidencing payment under the Medicaid program as a condition for receiving a payment under this section.

(4) **INELIGIBLE STATES.**—No State that is a party to a civil action in any Federal or State court in which the relief sought includes a payment from the United States to the State related to the Medicare liability under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) as a result of the Special Disability Workload project shall be eligible to receive a payment under this section while such an action is pending or if such an action is resolved in favor of the State.

(d) **DEFINITIONS.**—In this section:

(1) **COMMISSIONER.**—The term “Commissioner” means the Commissioner of Social Security.

(2) **MEDICAID PROGRAM.**—The term “Medicaid program” means the program of medical assistance established under title XIX of the Social Security Act (42 U.S.C. 1396a et seq.) and includes medical assistance provided under any waiver of that program approved under section 1115 or 1915 of such Act (42 U.S.C. 1315, 1396n) or otherwise.

(3) **MEDICARE PROGRAM.**—The term “Medicare program” means the program established under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(4) **SECRETARY.**—The term “Secretary” means the Secretary of Health and Human Services.

(5) **SDW CASE.**—The term “SDW case” means a case in the Special Disability Workload project involving an individual determined by the Commissioner to have been eligible for benefits under title II of the Social Security Act (42 U.S.C. 401 et seq.) for a period during which such benefits were not provided to the individual and who was, during all or part of such period, enrolled in a State Medicaid program.

(6) **SPECIAL DISABILITY WORKLOAD PROJECT.**—The term “Special Disability Workload project” means the project described in the 2008 Annual Report of the Board of Trustees of the Federal Old-Age and Survivors Insurance and Federal Disability Insurance Trust Funds, H.R. Doc. No. 110-104, 110th Cong. (2008).

(7) **STATE.**—The term “State” means each of the 50 States and the District of Columbia.

**SEC. —. REQUIREMENTS FOR MEDICAID PROVIDERS TO ACCEPT IN-NETWORK PAYMENT RATES FOR SERVICES PROVIDED TO MEDICAID MANAGED CARE ENROLLEES.**

(a) **IN GENERAL.**—Section 1932(b) of the Social Security Act (42 U.S.C. 1396u-2(b)) is amended by adding at the end the following

“(9) **ASSURING ACCESS TO SERVICES FURNISHED BY NON-CONTRACT PROVIDERS.**—Any provider of items or services for which medical assistance is provided under the State plan or under a waiver of the plan that does not have in effect a contract with a Medicaid managed care entity that establishes payment amounts for items or services furnished to a beneficiary enrolled in the entity’s Medicaid managed care plan shall accept as payment in full no more than the amounts (less any payments for indirect costs of medical education and direct costs of graduate medical education) that it could collect if the beneficiary received medical assistance under this title other than through enrollment in such an entity. In a State where rates paid to hospitals under the State plan are negotiated by contract and not publicly released, the payment amount

applicable under this subparagraph shall be the average contract rate that would apply under the State plan for general acute care hospitals or the average contract rate that would apply under such plan for tertiary hospitals.”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) takes effect on January 1, 2010.

**SA 3045.** Mr. KERRY (for himself, Mr. KIRK, Mr. SCHUMER, Mrs. GILLIBRAND, Mr. LEAHY, Mr. SANDERS, Mr. CARPER, and Mr. KAUFMAN) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 402, strike line 15 and all that follows through page 403, line 9, and insert the following:

“(A) **NEWLY ELIGIBLE.**—The term “newly eligible” means an individual described in subclause (VIII) of section 1902(a)(10)(A)(i) who, on the date of enactment of the Patient Protection and Affordable Care Act, is not eligible under the State plan for full benefits or for benchmark coverage described in section 1937(b)(1) or benchmark equivalent coverage described in section 1937(b)(2), or is eligible but not enrolled (or is on a waiting list) for such benefits or coverage through a waiver under the plan that has a capped or limited enrollment that is full.

**SA 3046.** Mr. KERRY (for himself, Ms. STABENOW, Ms. COLLINS, Ms. SNOWE, Mr. WYDEN, Mrs. LINCOLN, Mr. JOHNSON, Mr. SPECTER, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 983, strike line 11 and all that follows through page 984, line 3, and insert the following:

“(vi) **PRODUCTIVITY ADJUSTMENT.**—After determining the home health market basket percentage increase under clause (iii), and after application of clause (v), the Secretary shall reduce such percentage, for 2015 and each subsequent year, by the productivity adjustment described in section 1886(b)(3)(B)(xi)(II). The application of the preceding sentence may result in the home health market basket percentage increase under clause (iii) being less than 0.0 for a year, and may result in payment rates under the system under this subsection for a year being less than such payment rates for the preceding year.”.

**SA 3047.** Mr. KERRY (for himself, Mr. WYDEN, Mr. WHITEHOUSE, Mr. REED) submitted an amendment intended to

be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. —. MEDICARE PATIENT IVIG ACCESS DEMONSTRATION PROJECT.**

(a) **ESTABLISHMENT.**—The Secretary shall establish and implement a demonstration project under title XVIII of the Social Security Act to evaluate the benefits of providing payment for items and services needed for the administration, within the homes of Medicare beneficiaries, of intravenous immune globulin for the treatment of primary immune deficiency diseases.

(b) **DURATION AND SCOPE.**—

(1) **DURATION.**—Beginning not later than January 1, 2011, the Secretary shall conduct the demonstration project for a period of 3 years.

(2) **SCOPE.**—The Secretary shall enroll not greater than 4,000 Medicare beneficiaries who have been diagnosed with primary immunodeficiency disease for participation in the demonstration project. A Medicare beneficiary may participate in the demonstration project on a voluntary basis and may terminate participation at any time.

(c) **REIMBURSEMENT.**—The Secretary shall establish an hourly rate for payment for items and services needed for the administration of intravenous immune globulin based on the low-utilization payment adjustment under the prospective payment system for home health services established under section 1895 of the Social Security Act (42 U.S.C. 1395fff).

(d) **STUDY AND REPORT TO CONGRESS.**—

(1) **INTERIM EVALUATION AND REPORT.**—Not later than 24 months after the date of enactment of this Act, the Secretary shall submit to Congress a report that contains the following:

(A) An interim evaluation of the impact of the demonstration project on access for Medicare beneficiaries to items and services needed for the administration of intravenous immune globulin within the home.

(B) An analysis of the appropriateness of implementing a new methodology for payment for intravenous immune globulins in all care settings under part B of title XVIII of the Social Security Act (42 U.S.C. 1395k et seq.).

(C) An analysis of the feasibility of reducing the lag time with respect to data used to determine the average sales price under section 1847A of the Social Security Act (42 U.S.C. 1395w-3a).

(D) An update to the report entitled “Analysis of Supply, Distribution, Demand, and Access Issues Associated with Immune Globulin Intravenous (IGIV)”, issued in February 2007 by the Office of the Assistant Secretary for Planning and Evaluation of the Department of Health and Human Services.

(2) **FINAL EVALUATION AND REPORT.**—Not later than July 1, 2014, the Secretary shall submit to Congress a report that contains a final evaluation of the impact of the demonstration project on access for Medicare beneficiaries to items and services needed for the administration of intravenous immune globulin within the home.

(e) **OFFSET.**—

(1) IN GENERAL.—Section 1861(n) of the Social Security Act (42 U.S.C. 1395x(n)) is amended by adding at the end the following: “Such term includes disposable drug delivery systems, including elastomeric infusion pumps, for the treatment of colorectal cancer.”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to items furnished on or after the date of enactment of this Act.

(f) DEFINITIONS.—In this section:

(1) DEMONSTRATION PROJECT.—The term “demonstration project” means the demonstration project conducted under this section.

(2) MEDICARE BENEFICIARY.—The term “Medicare beneficiary” means an individual who is entitled to, or enrolled for, benefits under part A of title XVIII of the Social Security Act or enrolled for benefits under part B of such title.

(3) SECRETARY.—The term “Secretary” means the Secretary of Health and Human Services.

**SA 3048.** Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 172, between lines 11 and 12, insert the following:

(E) REPAYMENT OF FUNDS.—A person that receives Federal funds under a loan or grant under this section shall be required to reimburse the Federal Government for the full amount received under such loan or grant on terms established by the Secretary, but in no event shall such repayment be made later than 10 years after the date on which such loan or grant was made.

**SA 3049.** Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 436, between lines 14 and 15, insert the following:

**SEC. 2008. PROTECTION OF MEDICAID WAIVER AUTHORITY.**

No provision of this Act or any amendment made by this Act shall limit or otherwise restrict any authority in effect on the date of enactment of this Act which the Secretary of Health and Human Services may exercise under section 1915 or 1115 of the Social Security Act or otherwise to encourage States to develop innovation programs to provide health insurance to uninsured individuals or to contain health care costs by granting States budget neutral Medicaid waivers Any provision of this Act or an amendment of this Act that is contrary to the preceding sentence is null and void.

**SA 3050.** Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 1998, strike lines 13 through 24.

**SA 3051.** Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 816, after line 20, insert the following:

**SEC. 3115. RURAL HEALTH CLINIC REIMBURSEMENT.**

Section 1833(f) of the Social Security Act (42 U.S.C. 1395l(f)) is amended—

(1) in paragraph (1), by striking “, and” at the end and inserting a semicolon;

(2) in paragraph (2)—

(A) by striking “in a subsequent year” and inserting “after 1988 and before 2010”; and

(B) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

“(3) in 2010, at \$85 per visit; and

“(4) in a subsequent year, at the limit established under this subsection for the previous year increased by the percentage increase in the MEI (as defined in section 1842(i)(3)) applicable to primary care services (as defined in section 1842(i)(4)) furnished as of the first day of that year.”.

**SA 3052.** Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 1266, between lines 17 and 18, insert the following:

**SEC. 4403. RURAL HEALTH CLINIC AND COMMUNITY HEALTH CENTER COLLABORATIVE ACCESS EXPANSION.**

Section 330 of the Public Health Service Act (42 U.S.C. 254b), as amended by section 4206, is amended by adding at the end the following:

“(t) RULE OF CONSTRUCTION WITH RESPECT TO RURAL HEALTH CLINICS.—

“(1) IN GENERAL.—Nothing in this section shall be construed to prevent a community health center from contracting with a federally certified rural health clinic (as defined by section 1861(aa)(2) of the Social Security Act) for the delivery of primary health care

services that are available at the rural health clinic to individuals who would otherwise be eligible for free or reduced cost care if that individual were able to obtain that care at the community health center. Such services may be limited in scope to those primary health care services available in that rural health clinic.

“(2) ASSURANCES.—In order for a rural health clinic to receive funds under this section through a contract with a community health center under paragraph (1), such rural health clinic shall establish policies to ensure—

“(A) nondiscrimination based upon the ability of a patient to pay; and

“(B) the establishment of a sliding fee scale for low-income patients.”.

**SA 3053.** Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 2026, strike line 3 and insert the following:

(i) EXCLUSION OF ASSISTIVE DEVICES FOR PEOPLE WITH DISABILITIES.—

(1) IN GENERAL.—The term “medical device sales” shall not include sales of any assistive device for people with disabilities.

(2) REDUCTION OF AGGREGATE FEE AMOUNT.—The \$2,000,000,000 amount in subsection (b)(1) shall be reduced in each calendar year by the amount which bears the same ratio to such \$2,000,000,000 amount as the amount of the sales of devices described in paragraph (1) for such calendar year bears to the amount of total medical device sales (without regard to this subsection) for such calendar year, as determined by the Secretary.

(j) APPLICATION OF SECTION.—This section shall

**SA 3054.** Mr. ROBERTS (for himself and Mr. KYL) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 1703, between lines 4 and 5, insert the following:

**SEC. 6303. PROHIBITION ON THE USE OF COST IN COMPARATIVE EFFECTIVENESS RESEARCH.**

(a) IN GENERAL.—Notwithstanding any other provision of law, in no case may the cost of any medical treatment, item, or service described in subsection (b) be considered a factor in any comparative effectiveness research conducted—

(1) by the Federal Government; or

(2) by any other entity using funding provided by the Federal Government.

(b) MEDICAL TREATMENT, ITEM, OR SERVICE.—The medical treatments, services, and items described in this subsection are health

care interventions, protocols for treatment, care management, and delivery, procedures, medical devices, diagnostic tools, pharmaceuticals (including drugs and biologicals), integrative health practices, and any other strategies or items being used in the treatment, management, and diagnosis of, or prevention of illness or injury in, individuals.

(c) **INCLUSION.**—The comparative effectiveness research described under subsection (a) includes any such research conducted or funded by—

(1) the Patient-Centered Outcomes Research Institute under section 1181 of the Social Security Act (as added by section 6301);

(2) the Department of Health and Human Services, including the Agency for Healthcare Research and Quality and the National Institutes of Health; and

(3) the Federal Coordinating Council for Comparative Effectiveness Research established under section 804 of Division A of the American Recovery and Reinvestment Act of 2009 (42 U.S.C. 299b-8).

(d) **APPLICATION.**—This section shall apply to any comparative effectiveness research—

(1) that is ongoing as of the date of enactment of this Act; or

(2) that is conducted after the date of enactment of this Act.

**SA 3055.** Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 1983, strike lines 1-11 and insert the following:

“(II) the 3-year average FEHB program premium increase for such year.

If any amount determined under this clause is not a multiple of \$50, such amount shall be rounded to the nearest multiple of \$50.

(iv) **3-YEAR AVERAGE FEHB PROGRAM PREMIUM INCREASE.**—For purposes of clause (iii)—

(I) **IN GENERAL.**—The term “3-year average FEHB program premium increase” means, with respect to any calendar year, the average of the FEHB program premium increases for the preceding 3 calendar years.

(II) **FEHB PREMIUM INCREASE.**—The term “FEHB program premium increase” means, with respect to any calendar year, the average amount of the increases in premiums (if any) for all plans offered under the Federal Employee Health Benefits Program under chapter 89 of title 5, United States Code, which were offered under such program for the preceding calendar year.

**SA 3056.** Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 340, strike lines 1 through 14 and insert the following:

“(A) **WAIVER OF CRIMINAL AND CIVIL PENALTIES AND INTEREST.**—In the case of any failure by a taxpayer to timely pay any penalty imposed by this section—

“(i) such taxpayer shall not be subject to any criminal prosecution or penalty with respect to such failure, and

“(ii) no penalty, addition to tax, or interest shall be imposed with respect to such failure or such penalty.

“(B) **LIMITED COLLECTION ACTIONS PERMITTED.**—In the case of the assessment of any penalty imposed by this section, the Secretary shall not take any action with respect to the collection of such penalty other than—

“(i) giving notice and demand for such penalty under section 6303,

“(ii) crediting under section 6402(a) the amount of any overpayment of the taxpayer against such penalty, and

“(iii) offsetting any payment owed by any Federal agency to the taxpayer against such penalty under the Treasury offset program.”.

**SA 3057.** Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 334, line 19, strike all through page 335, line 2, and insert the following:

“(2) **MIDDLE INCOME INDIVIDUALS AND FAMILIES.**—Any applicable individual for any month during a calendar year if the individual’s household income for the taxable year described in section 1412(b)(1)(B) of the Patient Protection and Affordable Care Act is less than \$200,000 (\$250,000 in the case of a joint return), determined in the same manner as under subsection (c)(4).

**SA 3058.** Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 2074, after line 25, add the following:

**SEC. . NO FEDERAL TAX INCREASE IMPOSED ON MIDDLE INCOME INDIVIDUALS AND FAMILIES.**

(a) **IN GENERAL.**—Notwithstanding any provision of, or amendment made by this Act, no such provision or amendment which, directly or indirectly, results in a Federal tax increase shall be administered in such manner as to impose such an increase on any middle income taxpayer.

(b) **MIDDLE INCOME TAXPAYER.**—For purposes of this section, the term “middle income taxpayer” means, for any taxable year, any taxpayer with adjusted gross income (as defined in section 62 of the Internal Revenue Code of 1986) of less than \$200,000 (\$250,000 in the case of a joint return of tax).

**SA 3059.** Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 1999, strike lines 1 through 20.

**SA 3060.** Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 9004.

**SA 3061.** Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 2074, after line 25, add the following:

**SEC. 9024. TAXES NOT FEES, PENALTIES, OR ASSESSABLE PAYMENTS.**

(a) **TAXES NOT FEES.**—Sections 4375, 4376, 4377, and 9511 of the Internal Revenue Code of 1986 (as added by section 6301(e)) and sections 9008, 9009, and 9010 are each amended by striking “fee” or “fees” each place they appear and inserting “tax” or “taxes”, respectively.

(b) **TAXES NOT PENALTIES.**—Section 5000A of the Internal Revenue Code of 1986 (as added by section 1501(b)) is amended by striking “penalty” each place it appears (other than the second place in paragraphs (1) and (2)(A) of subsection (g) thereof) and inserting “tax”.

(c) **TAXES NOT ASSESSABLE PAYMENTS.**—Section 4980H of the Internal Revenue Code of 1986 (as added by section 1513(a)) and section 1513(c)(1) are each amended by striking “assessable payment” or “assessable payments” each place they appear and inserting “tax” or “taxes”, respectively.

**SA 3062.** Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 357, strike line 15 and insert the following:

(d) **REPORT ON IMPACT OF PENALTIES.**—Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the assessable payments imposed under section 4980H of the Internal Revenue Code of 1986 (as added by the amendments made by this section). The report submitted under this subsection shall include a detailed analysis of the impact of such assessable penalty on—

- (1) employer profits,
  - (2) Federal revenues, including any decrease in tax revenues due to any decrease in employer profits as a result of such assessable penalties,
  - (3) the level of wages and benefits of employees,
  - (4) the hours worked by employees, including whether employees are classified as part-time or full-time employees, and
  - (5) the termination of employees.
- (e) **EFFECTIVE DATE.**—The amendments made by

**SA 3063.** Mr. AKAKA (for himself and Mr. INOUE) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 515 of the amendment, between lines 11 and 12, insert the following:

**SEC. 2552. ESTABLISHMENT OF PERMANENT MEDICAID DSH ALLOTMENT FOR HAWAII.**

(a) **IN GENERAL.**—Section 1923(f)(6) of the Social Security Act (42 U.S.C. 1396r–4(f)(6)) is amended—

(1) by striking the paragraph heading and inserting the following: “ALLOTMENT ADJUSTMENTS FOR TENNESSEE AND HAWAII”; and

(2) in subparagraph (B), by adding at the end the following:

“(iii) **ALLOTMENT FOR 2D, 3RD, AND 4TH QUARTER OF FISCAL YEAR 2012, FISCAL YEAR 2013, AND SUCCEEDING FISCAL YEARS.**—Notwithstanding the table set forth in paragraph (2) or paragraph (7):

“(I) 2D, 3RD, AND 4TH QUARTER OF FISCAL YEAR 2012.—The DSH allotment for Hawaii for the 2d, 3rd, and 4th quarters of fiscal year 2012 shall be \$7,500,000.

“(II) **TREATMENT AS A LOW-DSH STATE FOR FISCAL YEAR 2013 AND SUCCEEDING FISCAL YEARS.**—With respect to fiscal year 2013, and each fiscal year thereafter, the DSH allotment for Hawaii shall be increased in the same manner as allotments for low DSH States are increased for such fiscal year under clauses (ii) and (iii) of paragraph (5)(B).

“(III) **CERTAIN HOSPITAL PAYMENTS.**—The Secretary may not impose a limitation on the total amount of payments made to hospitals under the QUEST section 1115 Demonstration Project except to the extent that such limitation is necessary to ensure that a hospital does not receive payments in excess of the amounts described in subsection (g), or as necessary to ensure that such payments under the waiver and such payments pursuant to the allotment provided in this clause do not, in the aggregate in any year, exceed the amount that the Secretary deter-

mines is equal to the Federal medical assistance percentage component attributable to disproportionate share hospital payment adjustments for such year that is reflected in the budget neutrality provision of the QUEST Demonstration Project.”

(b) **CONFORMING AMENDMENT.**—Effective October 1, 2011, paragraph (7) of section 1923(f) of such Act (42 U.S.C. 1396r–4(f)), as added by section 2551, is amended—

(1) in subparagraph (A), in the matter preceding clause (i), by striking “subparagraph (E)” and inserting “subparagraphs (E) and (G)”;

(2) by adding at the end the following:

“(G) **NONAPPLICATION.**—The preceding provisions of this paragraph shall not apply to the DSH allotment determined for the State of Hawaii for a fiscal year under paragraph (6).”

**SA 3064.** Mr. CASEY submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 124, between lines 16 and 17, insert the following:

(4) **NONDISCRIMINATION ON ABORTION AND RESPECT FOR RIGHTS OF CONSCIENCE.**—

(A) **NONDISCRIMINATION.**—A Federal agency or program, and any State or local government that receives Federal financial assistance under this Act (or an amendment made by this Act), may not—

(i) subject any individual or institutional health care entity to discrimination; or

(ii) require any health plan created or regulated under this Act (or an amendment made by this Act) to subject any individual or institutional health care entity to discrimination,

on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions.

(B) **DEFINITION.**—In this section, the term “health care entity” includes an individual physician or other health care professional, a hospital, a provider-sponsored organization, a health maintenance organization, a health insurance plan, or any other kind of health care facility, organization, or plan.

(C) **ADMINISTRATION.**—The Office for Civil Rights of the Department of Health and Human Services is designated to receive complaints of discrimination based on this section, and coordinate the investigation of such complaints.

**SA 3065.** Mr. CARDIN (for himself and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 396, between lines 8 and 9, insert the following:

**Subtitle H—Patient Protections**

**PART I—IMPROVING MANAGED CARE**

**Subpart A—Utilization Review; Claims**

**SEC. 1601. UTILIZATION REVIEW ACTIVITIES.**

(a) **COMPLIANCE WITH REQUIREMENTS.**—

(1) **IN GENERAL.**—A group health plan, and a health insurance issuer that provides health insurance coverage, shall conduct utilization review activities in connection with the provision of benefits under such plan or coverage only in accordance with a utilization review program that meets the requirements of this section and section 1602.

(2) **USE OF OUTSIDE AGENTS.**—Nothing in this section shall be construed as preventing a group health plan or health insurance issuer from arranging through a contract or otherwise for persons or entities to conduct utilization review activities on behalf of the plan or issuer, so long as such activities are conducted in accordance with a utilization review program that meets the requirements of this section.

(3) **UTILIZATION REVIEW DEFINED.**—For purposes of this section, the terms “utilization review” and “utilization review activities” mean procedures used to monitor or evaluate the use or coverage, clinical necessity, appropriateness, efficacy, or efficiency of health care services, procedures or settings, and includes prospective review, concurrent review, second opinions, case management, discharge planning, or retrospective review.

(b) **WRITTEN POLICIES AND CRITERIA.**—

(1) **WRITTEN POLICIES.**—A utilization review program shall be conducted consistent with written policies and procedures that govern all aspects of the program.

(2) **USE OF WRITTEN CRITERIA.**—

(A) **IN GENERAL.**—Such a program shall utilize written clinical review criteria developed with input from a range of appropriate actively practicing health care professionals, as determined by the plan, pursuant to the program. Such criteria shall include written clinical review criteria that are based on valid clinical evidence where available and that are directed specifically at meeting the needs of at-risk populations and covered individuals with chronic conditions or severe illnesses, including gender-specific criteria and pediatric-specific criteria where available and appropriate.

(B) **CONTINUING USE OF STANDARDS IN RETROSPECTIVE REVIEW.**—If a health care service has been specifically pre-authorized or approved for a participant, beneficiary, or enrollee under such a program, the program shall not, pursuant to retrospective review, revise or modify the specific standards, criteria, or procedures used for the utilization review for procedures, treatment, and services delivered to the enrollee during the same course of treatment.

(C) **REVIEW OF SAMPLE OF CLAIMS DENIALS.**—Such a program shall provide for a periodic evaluation of the clinical appropriateness of at least a sample of denials of claims for benefits.

(c) **CONDUCT OF PROGRAM ACTIVITIES.**—

(1) **ADMINISTRATION BY HEALTH CARE PROFESSIONALS.**—A utilization review program shall be administered by qualified health care professionals who shall oversee review decisions.

(2) **USE OF QUALIFIED, INDEPENDENT PERSONNEL.**—

(A) **IN GENERAL.**—A utilization review program shall provide for the conduct of utilization review activities only through personnel who are qualified and have received appropriate training in the conduct of such activities under the program.



(B) PROHIBITION OF CONTINGENT COMPENSATION ARRANGEMENTS.—Such a program shall not, with respect to utilization review activities, permit or provide compensation or anything of value to its employees, agents, or contractors in a manner that encourages denials of claims for benefits.

(C) PROHIBITION OF CONFLICTS.—Such a program shall not permit a health care professional who is providing health care services to an individual to perform utilization review activities in connection with the health care services being provided to the individual.

(3) ACCESSIBILITY OF REVIEW.—Such a program shall provide that appropriate personnel performing utilization review activities under the program, including the utilization review administrator, are reasonably accessible by toll-free telephone during normal business hours to discuss patient care and allow response to telephone requests, and that appropriate provision is made to receive and respond promptly to calls received during other hours.

(4) LIMITS ON FREQUENCY.—Such a program shall not provide for the performance of utilization review activities with respect to a class of services furnished to an individual more frequently than is reasonably required to assess whether the services under review are medically necessary and appropriate.

#### SEC. 1602. PROCEDURES FOR INITIAL CLAIMS FOR BENEFITS AND PRIOR AUTHORIZATION DETERMINATIONS.

(a) PROCEDURES OF INITIAL CLAIMS FOR BENEFITS.—

(1) IN GENERAL.—A group health plan, or health insurance issuer offering health insurance coverage, shall—

(A) make a determination on an initial claim for benefits by a participant, beneficiary, or enrollee (or authorized representative) regarding payment or coverage for items or services under the terms and conditions of the plan or coverage involved, including any cost-sharing amount that the participant, beneficiary, or enrollee is required to pay with respect to such claim for benefits; and

(B) notify a participant, beneficiary, or enrollee (or authorized representative) and the treating health care professional involved regarding a determination on an initial claim for benefits made under the terms and conditions of the plan or coverage, including any cost-sharing amounts that the participant, beneficiary, or enrollee may be required to make with respect to such claim for benefits.

(2) ACCESS TO INFORMATION.—

(A) TIMELY PROVISION OF NECESSARY INFORMATION.—With respect to an initial claim for benefits, the participant, beneficiary, or enrollee (or authorized representative) and the treating health care professional (if any) shall provide the plan or issuer with access to information requested by the plan or issuer that is necessary to make a determination relating to the claim. Such access shall be provided not later than 5 days after the date on which the request for information is received, or, in a case described in subparagraph (B) or (C) of subsection (b)(1), by such earlier time as may be necessary to comply with the applicable timeline under such subparagraph.

(B) LIMITED EFFECT OF FAILURE ON PLAN OR ISSUER'S OBLIGATIONS.—Failure of the participant, beneficiary, or enrollee to comply with the requirements of subparagraph (A) shall not remove the obligation of the plan or issuer to make a decision in accordance with the medical exigencies of the case and as soon as possible, based on the available in-

formation, and failure to comply with the time limit established by this paragraph shall not remove the obligation of the plan or issuer to comply with the requirements of this section.

(3) ORAL REQUESTS.—In the case of a claim for benefits involving an expedited or concurrent determination, a participant, beneficiary, or enrollee (or authorized representative) may make an initial claim for benefits orally, but a group health plan, or health insurance issuer offering health insurance coverage, may require that the participant, beneficiary, or enrollee (or authorized representative) provide written confirmation of such request in a timely manner on a form provided by the plan or issuer. In the case of such an oral request for benefits, the making of the request (and the timing of such request) shall be treated as the making at that time of a claim for such benefits without regard to whether and when a written confirmation of such request is made.

(b) TIMELINE FOR MAKING DETERMINATIONS.—

(1) PRIOR AUTHORIZATION DETERMINATION.—

(A) IN GENERAL.—A group health plan, or health insurance issuer offering health insurance coverage, shall make a prior authorization determination on a claim for benefits (whether oral or written) in accordance with the medical exigencies of the case and as soon as possible, but in no case later than 14 days from the date on which the plan or issuer receives information that is reasonably necessary to enable the plan or issuer to make a determination on the request for prior authorization and in no case later than 28 days after the date of the claim for benefits is received.

(B) EXPEDITED DETERMINATION.—Notwithstanding subparagraph (A), a group health plan, or health insurance issuer offering health insurance coverage, shall expedite a prior authorization determination on a claim for benefits described in such subparagraph when a request for such an expedited determination is made by a participant, beneficiary, or enrollee (or authorized representative) at any time during the process for making a determination and a health care professional certifies, with the request, that a determination under the procedures described in subparagraph (A) would seriously jeopardize the life or health of the participant, beneficiary, or enrollee or the ability of the participant, beneficiary, or enrollee to maintain or regain maximum function. Such determination shall be made in accordance with the medical exigencies of the case and as soon as possible, but in no case later than 72 hours after the time the request is received by the plan or issuer under this subparagraph.

(C) ONGOING CARE.—

(i) CONCURRENT REVIEW.—

(I) IN GENERAL.—Subject to clause (ii), in the case of a concurrent review of ongoing care (including hospitalization), which results in a termination or reduction of such care, the plan or issuer must provide by telephone and in printed form notice of the concurrent review determination to the individual or the individual's designee and the individual's health care provider in accordance with the medical exigencies of the case and as soon as possible.

(II) CONTENTS OF NOTICE.—Such notice shall include, with respect to ongoing health care items and services, the number of ongoing services approved, the new total of approved services, the date of onset of services, and the next review date, if any, as well as a statement of the individual's rights to further appeal.

(ii) RULE OF CONSTRUCTION.—Clause (i) shall not be construed as requiring plans or issuers to provide coverage of care that would exceed the coverage limitations for such care.

(2) RETROSPECTIVE DETERMINATION.—A group health plan, or health insurance issuer offering health insurance coverage, shall make a retrospective determination on a claim for benefits in accordance with the medical exigencies of the case and as soon as possible, but not later than 30 days after the date on which the plan or issuer receives information that is reasonably necessary to enable the plan or issuer to make a determination on the claim, or, if earlier, 60 days after the date of receipt of the claim for benefits.

(c) NOTICE OF A DENIAL OF A CLAIM FOR BENEFITS.—Written notice of a denial made under an initial claim for benefits shall be issued to the participant, beneficiary, or enrollee (or authorized representative) and the treating health care professional in accordance with the medical exigencies of the case and as soon as possible, but in no case later than 2 days after the date of the determination (or, in the case described in subparagraph (B) or (C) of subsection (b)(1), within the 72-hour or applicable period referred to in such subparagraph).

(d) REQUIREMENTS OF NOTICE OF DETERMINATIONS.—The written notice of a denial of a claim for benefits determination under subsection (c) shall be provided in printed form and written in a manner calculated to be understood by the participant, beneficiary, or enrollee and shall include—

(1) the specific reasons for the determination (including a summary of the clinical or scientific evidence used in making the determination); and

(2) the procedures for obtaining additional information concerning the determination.

(e) DEFINITIONS.—For purposes of this part:

(1) AUTHORIZED REPRESENTATIVE.—The term “authorized representative” means, with respect to an individual who is a participant, beneficiary, or enrollee, any health care professional or other person acting on behalf of the individual with the individual's consent or without such consent if the individual is medically unable to provide such consent.

(2) CLAIM FOR BENEFITS.—The term “claim for benefits” means any request for coverage (including authorization of coverage), for eligibility, or for payment in whole or in part, for an item or service under a group health plan or health insurance coverage.

(3) DENIAL OF CLAIM FOR BENEFITS.—The term “denial” means, with respect to a claim for benefits, a denial (in whole or in part) of, or a failure to act on a timely basis upon, the claim for benefits and includes a failure to provide benefits (including items and services) required to be provided under this part.

(4) TREATING HEALTH CARE PROFESSIONAL.—The term “treating health care professional” means, with respect to services to be provided to a participant, beneficiary, or enrollee, a health care professional who is primarily responsible for delivering those services to the participant, beneficiary, or enrollee.

#### Subpart B—Access to Care

#### SEC. 1611. CHOICE OF HEALTH CARE PROFESSIONAL.

(a) PRIMARY CARE.—If a group health plan, or a health insurance issuer that offers health insurance coverage, requires or provides for designation by a participant, beneficiary, or enrollee of a participating primary care provider, then the plan or issuer

shall permit each participant, beneficiary, and enrollee to designate any participating primary care provider who is available to accept such individual.

(b) SPECIALISTS.—

(1) IN GENERAL.—Subject to paragraph (2), a group health plan and a health insurance issuer that offers health insurance coverage shall permit each participant, beneficiary, or enrollee to receive medically necessary and appropriate specialty care, pursuant to appropriate referral procedures, from any qualified participating health care professional who is available to accept such individual for such care.

(2) LIMITATION.—Paragraph (1) shall not apply to specialty care if the plan or issuer clearly informs participants, beneficiaries, and enrollees of the limitations on choice of participating health care professionals with respect to such care.

(3) CONSTRUCTION.—Nothing in this subsection shall be construed as affecting the application of section 114 (relating to access to specialty care).

**SEC. 1612. ACCESS TO EMERGENCY CARE.**

(a) COVERAGE OF EMERGENCY SERVICES.—

(1) IN GENERAL.—If a group health plan, or health insurance coverage offered by a health insurance issuer, provides or covers any benefits with respect to services in an emergency department of a hospital, the plan or issuer shall cover emergency services (as defined in paragraph (2)(B))—

(A) without the need for any prior authorization determination;

(B) whether the health care provider furnishing such services is a participating provider with respect to such services;

(C) in a manner so that, if such services are provided to a participant, beneficiary, or enrollee—

(i) by a nonparticipating health care provider with or without prior authorization, or

(ii) by a participating health care provider without prior authorization, the participant, beneficiary, or enrollee is not liable for amounts that exceed the amounts of liability that would be incurred if the services were provided by a participating health care provider with prior authorization; and

(D) without regard to any other term or condition of such coverage (other than exclusion or coordination of benefits, or an affiliation or waiting period, permitted under section 2701 of the Public Health Service Act, section 701 of the Employee Retirement Income Security Act of 1974, or section 9801 of the Internal Revenue Code of 1986, and other than applicable cost-sharing).

(2) DEFINITIONS.—In this section:

(A) EMERGENCY MEDICAL CONDITION.—The term “emergency medical condition” means a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in a condition described in clause (i), (ii), or (iii) of section 1867(e)(1)(A) of the Social Security Act.

(B) EMERGENCY SERVICES.—The term “emergency services” means, with respect to an emergency medical condition—

(i) a medical screening examination (as required under section 1867 of the Social Security Act) that is within the capability of the emergency department of a hospital, including ancillary services routinely available to the emergency department to evaluate such emergency medical condition, and

(ii) within the capabilities of the staff and facilities available at the hospital, such fur-

ther medical examination and treatment as are required under section 1867 of such Act to stabilize the patient.

(C) STABILIZE.—The term “to stabilize”, with respect to an emergency medical condition (as defined in subparagraph (A)), has the meaning given in section 1867(e)(3) of the Social Security Act (42 U.S.C. 1395dd(e)(3)).

(b) REIMBURSEMENT FOR MAINTENANCE CARE AND POST-STABILIZATION CARE.—A group health plan, and health insurance coverage offered by a health insurance issuer, must provide reimbursement for maintenance care and post-stabilization care in accordance with the requirements of section 1852(d)(2) of the Social Security Act (42 U.S.C. 1395w-22(d)(2)). Such reimbursement shall be provided in a manner consistent with subsection (a)(1)(C).

(c) COVERAGE OF EMERGENCY AMBULANCE SERVICES.—

(1) IN GENERAL.—If a group health plan, or health insurance coverage provided by a health insurance issuer, provides any benefits with respect to ambulance services and emergency services, the plan or issuer shall cover emergency ambulance services (as defined in paragraph (2)) furnished under the plan or coverage under the same terms and conditions under subparagraphs (A) through (D) of subsection (a)(1) under which coverage is provided for emergency services.

(2) EMERGENCY AMBULANCE SERVICES.—For purposes of this subsection, the term “emergency ambulance services” means ambulance services (as defined for purposes of section 1861(s)(7) of the Social Security Act) furnished to transport an individual who has an emergency medical condition (as defined in subsection (a)(2)(A)) to a hospital for the receipt of emergency services (as defined in subsection (a)(2)(B)) in a case in which the emergency services are covered under the plan or coverage pursuant to subsection (a)(1) and a prudent layperson, with an average knowledge of health and medicine, could reasonably expect that the absence of such transport would result in placing the health of the individual in serious jeopardy, serious impairment of bodily function, or serious dysfunction of any bodily organ or part.

**SEC. 1613. TIMELY ACCESS TO SPECIALISTS.**

(a) TIMELY ACCESS.—

(1) IN GENERAL.—A group health plan or health insurance issuer offering health insurance coverage shall ensure that participants, beneficiaries, and enrollees receive timely access to specialists who are appropriate to the condition of, and accessible to, the participant, beneficiary, or enrollee, when such specialty care is a covered benefit under the plan or coverage.

(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed—

(A) to require the coverage under a group health plan or health insurance coverage of benefits or services;

(B) to prohibit a plan or issuer from including providers in the network only to the extent necessary to meet the needs of the plan's or issuer's participants, beneficiaries, or enrollees; or

(C) to override any State licensure or scope-of-practice law.

(3) ACCESS TO CERTAIN PROVIDERS.—

(A) IN GENERAL.—With respect to specialty care under this section, if a participating specialist is not available and qualified to provide such care to the participant, beneficiary, or enrollee, the plan or issuer shall provide for coverage of such care by a nonparticipating specialist.

(B) TREATMENT OF NONPARTICIPATING PROVIDERS.—If a participant, beneficiary, or en-

rollee receives care from a nonparticipating specialist pursuant to subparagraph (A), such specialty care shall be provided at no additional cost to the participant, beneficiary, or enrollee beyond what the participant, beneficiary, or enrollee would otherwise pay for such specialty care if provided by a participating specialist.

(b) REFERRALS.—

(1) AUTHORIZATION.—Subject to subsection (a)(1), a group health plan or health insurance issuer may require an authorization in order to obtain coverage for specialty services under this section. Any such authorization—

(A) shall be for an appropriate duration of time or number of referrals, including an authorization for a standing referral where appropriate; and

(B) may not be refused solely because the authorization involves services of a nonparticipating specialist (described in subsection (a)(3)).

(2) REFERRALS FOR ONGOING SPECIAL CONDITIONS.—

(A) IN GENERAL.—Subject to subsection (a)(1), a group health plan or health insurance issuer shall permit a participant, beneficiary, or enrollee who has an ongoing special condition (as defined in subparagraph (B)) to receive a referral to a specialist for the treatment of such condition and such specialist may authorize such referrals, procedures, tests, and other medical services with respect to such condition, or coordinate the care for such condition, subject to the terms of a treatment plan (if any) referred to in subsection (c) with respect to the condition.

(B) ONGOING SPECIAL CONDITION DEFINED.—In this subsection, the term “ongoing special condition” means a condition or disease that—

(i) is life-threatening, degenerative, potentially disabling, or congenital; and

(ii) requires specialized medical care over a prolonged period of time.

(c) TREATMENT PLANS.—

(1) IN GENERAL.—A group health plan or health insurance issuer may require that the specialty care be provided—

(A) pursuant to a treatment plan, but only if the treatment plan—

(i) is developed by the specialist, in consultation with the case manager or primary care provider, and the participant, beneficiary, or enrollee, and

(ii) is approved by the plan or issuer in a timely manner, if the plan or issuer requires such approval; and

(B) in accordance with applicable quality assurance and utilization review standards of the plan or issuer.

(2) NOTIFICATION.—Nothing in paragraph (1) shall be construed as prohibiting a plan or issuer from requiring the specialist to provide the plan or issuer with regular updates on the specialty care provided, as well as all other reasonably necessary medical information.

(d) SPECIALIST DEFINED.—For purposes of this section, the term “specialist” means, with respect to the condition of the participant, beneficiary, or enrollee, a health care professional, facility, or center that has adequate expertise through appropriate training and experience (including, in the case of a child, appropriate pediatric expertise) to provide high quality care in treating the condition.

**SEC. 1614. ACCESS TO PEDIATRIC CARE.**

(a) PEDIATRIC CARE.—In the case of a person who has a child who is a participant, beneficiary, or enrollee under a group health

plan, or health insurance coverage offered by a health insurance issuer, if the plan or issuer requires or provides for the designation of a participating primary care provider for the child, the plan or issuer shall permit such person to designate a physician (allopathic or osteopathic) who specializes in pediatrics as the child's primary care provider if such provider participates in the network of the plan or issuer.

(b) CONSTRUCTION.—Nothing in subsection (a) shall be construed to waive any exclusions of coverage under the terms and conditions of the plan or health insurance coverage with respect to coverage of pediatric care.

#### SEC. 1615. PATIENT ACCESS TO OBSTETRICAL AND GYNECOLOGICAL CARE.

(a) GENERAL RIGHTS.—

(1) DIRECT ACCESS.—A group health plan, or health insurance issuer offering health insurance coverage, described in subsection (b) may not require authorization or referral by the plan, issuer, or any person (including a primary care provider described in subsection (b)(2)) in the case of a female participant, beneficiary, or enrollee who seeks coverage for obstetrical or gynecological care provided by a participating health care professional who specializes in obstetrics or gynecology.

(2) OBSTETRICAL AND GYNECOLOGICAL CARE.—A group health plan or health insurance issuer described in subsection (b) shall treat the provision of obstetrical and gynecological care, and the ordering of related obstetrical and gynecological items and services, pursuant to the direct access described under paragraph (1), by a participating health care professional who specializes in obstetrics or gynecology as the authorization of the primary care provider.

(b) APPLICATION OF SECTION.—A group health plan, or health insurance issuer offering health insurance coverage, described in this subsection is a group health plan or coverage that—

(1) provides coverage for obstetric or gynecologic care; and

(2) requires the designation by a participant, beneficiary, or enrollee of a participating primary care provider.

(c) CONSTRUCTION.—Nothing in subsection (a) shall be construed to—

(1) waive any exclusions of coverage under the terms and conditions of the plan or health insurance coverage with respect to coverage of obstetrical or gynecological care; or

(2) preclude the group health plan or health insurance issuer involved from requiring that the obstetrical or gynecological provider notify the primary care health care professional or the plan or issuer of treatment decisions.

#### SEC. 1616. CONTINUITY OF CARE.

(a) TERMINATION OF PROVIDER.—

(1) IN GENERAL.—If—

(A) a contract between a group health plan, or a health insurance issuer offering health insurance coverage, and a treating health care provider is terminated (as defined in subsection (e)(4)), or

(B) benefits or coverage provided by a health care provider are terminated because of a change in the terms of provider participation in such plan or coverage, the plan or issuer shall meet the requirements of paragraph (3) with respect to each continuing care patient.

(2) TREATMENT OF TERMINATION OF CONTRACT WITH HEALTH INSURANCE ISSUER.—If a contract for the provision of health insurance coverage between a group health plan

and a health insurance issuer is terminated and, as a result of such termination, coverage of services of a health care provider is terminated with respect to an individual, the provisions of paragraph (1) (and the succeeding provisions of this section) shall apply under the plan in the same manner as if there had been a contract between the plan and the provider that had been terminated, but only with respect to benefits that are covered under the plan after the contract termination.

(3) REQUIREMENTS.—The requirements of this paragraph are that the plan or issuer—

(A) notify the continuing care patient involved, or arrange to have the patient notified pursuant to subsection (d)(2), on a timely basis of the termination described in paragraph (1) (or paragraph (2), if applicable) and the right to elect continued transitional care from the provider under this section;

(B) provide the patient with an opportunity to notify the plan or issuer of the patient's need for transitional care; and

(C) subject to subsection (c), permit the patient to elect to continue to be covered with respect to the course of treatment by such provider with the provider's consent during a transitional period (as provided for under subsection (b)).

(4) CONTINUING CARE PATIENT.—For purposes of this section, the term “continuing care patient” means a participant, beneficiary, or enrollee who—

(A) is undergoing a course of treatment for a serious and complex condition from the provider at the time the plan or issuer receives or provides notice of provider, benefit, or coverage termination described in paragraph (1) (or paragraph (2), if applicable);

(B) is undergoing a course of institutional or inpatient care from the provider at the time of such notice;

(C) is scheduled to undergo non-elective surgery from the provider at the time of such notice;

(D) is pregnant and undergoing a course of treatment for the pregnancy from the provider at the time of such notice; or

(E) is or was determined to be terminally ill (as determined under section 1861(dd)(3)(A) of the Social Security Act) at the time of such notice, but only with respect to a provider that was treating the terminal illness before the date of such notice.

(b) TRANSITIONAL PERIODS.—

(1) SERIOUS AND COMPLEX CONDITIONS.—The transitional period under this subsection with respect to a continuing care patient described in subsection (a)(4)(A) shall extend for up to 90 days (as determined by the treating health care professional) from the date of the notice described in subsection (a)(3)(A).

(2) INSTITUTIONAL OR INPATIENT CARE.—The transitional period under this subsection for a continuing care patient described in subsection (a)(4)(B) shall extend until the earlier of—

(A) the expiration of the 90-day period beginning on the date on which the notice under subsection (a)(3)(A) is provided; or

(B) the date of discharge of the patient from such care or the termination of the period of institutionalization, or, if later, the date of completion of reasonable follow-up care.

(3) SCHEDULED NON-ELECTIVE SURGERY.—The transitional period under this subsection for a continuing care patient described in subsection (a)(4)(C) shall extend until the completion of the surgery involved and post-surgical follow-up care relating to the surgery and occurring within 90 days after the date of the surgery.

(4) PREGNANCY.—The transitional period under this subsection for a continuing care patient described in subsection (a)(4)(D) shall extend through the provision of post-partum care directly related to the delivery.

(5) TERMINAL ILLNESS.—The transitional period under this subsection for a continuing care patient described in subsection (a)(4)(E) shall extend for the remainder of the patient's life for care that is directly related to the treatment of the terminal illness or its medical manifestations.

(c) PERMISSIBLE TERMS AND CONDITIONS.—A group health plan or health insurance issuer may condition coverage of continued treatment by a provider under this section upon the provider agreeing to the following terms and conditions:

(1) The treating health care provider agrees to accept reimbursement from the plan or issuer and continuing care patient involved (with respect to cost-sharing) at the rates applicable prior to the start of the transitional period as payment in full (or, in the case described in subsection (a)(2), at the rates applicable under the replacement plan or coverage after the date of the termination of the contract with the group health plan or health insurance issuer) and not to impose cost-sharing with respect to the patient in an amount that would exceed the cost-sharing that could have been imposed if the contract referred to in subsection (a)(1) had not been terminated.

(2) The treating health care provider agrees to adhere to the quality assurance standards of the plan or issuer responsible for payment under paragraph (1) and to provide to such plan or issuer necessary medical information related to the care provided.

(3) The treating health care provider agrees otherwise to adhere to such plan's or issuer's policies and procedures, including procedures regarding referrals and obtaining prior authorization and providing services pursuant to a treatment plan (if any) approved by the plan or issuer.

(d) RULES OF CONSTRUCTION.—Nothing in this section shall be construed—

(1) to require the coverage of benefits which would not have been covered if the provider involved remained a participating provider; or

(2) with respect to the termination of a contract under subsection (a) to prevent a group health plan or health insurance issuer from requiring that the health care provider—

(A) notify participants, beneficiaries, or enrollees of their rights under this section; or

(B) provide the plan or issuer with the name of each participant, beneficiary, or enrollee who the provider believes is a continuing care patient.

(e) DEFINITIONS.—In this section:

(1) CONTRACT.—The term “contract” includes, with respect to a plan or issuer and a treating health care provider, a contract between such plan or issuer and an organized network of providers that includes the treating health care provider, and (in the case of such a contract) the contract between the treating health care provider and the organized network.

(2) HEALTH CARE PROVIDER.—The term “health care provider” or “provider” means—

(A) any individual who is engaged in the delivery of health care services in a State and who is required by State law or regulation to be licensed or certified by the State to engage in the delivery of such services in the State; and

(B) any entity that is engaged in the delivery of health care services in a State and that, if it is required by State law or regulation to be licensed or certified by the State to engage in the delivery of such services in the State, is so licensed.

(3) **SERIOUS AND COMPLEX CONDITION.**—The term “serious and complex condition” means, with respect to a participant, beneficiary, or enrollee under the plan or coverage—

(A) in the case of an acute illness, a condition that is serious enough to require specialized medical treatment to avoid the reasonable possibility of death or permanent harm; or

(B) in the case of a chronic illness or condition, is an ongoing special condition (as defined in section (b)(2)(B)).

(4) **TERMINATED.**—The term “terminated” includes, with respect to a contract, the expiration or nonrenewal of the contract, but does not include a termination of the contract for failure to meet applicable quality standards or for fraud.

#### **Subpart C—Protecting the Doctor-Patient Relationship**

#### **SEC. 1621. PROHIBITION OF INTERFERENCE WITH CERTAIN MEDICAL COMMUNICATIONS.**

(a) **GENERAL RULE.**—The provisions of any contract or agreement, or the operation of any contract or agreement, between a group health plan or health insurance issuer in relation to health insurance coverage (including any partnership, association, or other organization that enters into or administers such a contract or agreement) and a health care provider (or group of health care providers) shall not prohibit or otherwise restrict a health care professional from advising such a participant, beneficiary, or enrollee who is a patient of the professional about the health status of the individual or medical care or treatment for the individual's condition or disease, regardless of whether benefits for such care or treatment are provided under the plan or coverage, if the professional is acting within the lawful scope of practice.

(b) **NULLIFICATION.**—Any contract provision or agreement that restricts or prohibits medical communications in violation of subsection (a) shall be null and void.

#### **Subpart D—Definitions**

#### **SEC. 1631. DEFINITIONS.**

(a) **INCORPORATION OF GENERAL DEFINITIONS.**—Except as otherwise provided, the provisions of section 2791 of the Public Health Service Act shall apply for purposes of this part in the same manner as they apply for purposes of title XXVII of such Act.

(b) **SECRETARY.**—Except as otherwise provided, the term “Secretary” means the Secretary of Health and Human Services, in consultation with the Secretary of Labor and the term “appropriate Secretary” means the Secretary of Health and Human Services in relation to carrying out this part under sections 2706 and 2751 of the Public Health Service Act and the Secretary of Labor in relation to carrying out this part under section 713 of the Employee Retirement Income Security Act of 1974.

(c) **ADDITIONAL DEFINITIONS.**—For purposes of this part:

(1) **APPLICABLE AUTHORITY.**—The term “applicable authority” means—

(A) in the case of a group health plan, the Secretary of Health and Human Services and the Secretary of Labor; and

(B) in the case of a health insurance issuer with respect to a specific provision of this

part, the applicable State authority (as defined in section 2791(d) of the Public Health Service Act), or the Secretary of Health and Human Services, if such Secretary is enforcing such provision under section 2722(a)(2) or 2761(a)(2) of the Public Health Service Act.

(2) **ENROLLEE.**—The term “enrollee” means, with respect to health insurance coverage offered by a health insurance issuer, an individual enrolled with the issuer to receive such coverage.

(3) **GROUP HEALTH PLAN.**—The term “group health plan” has the meaning given such term in section 733(a) of the Employee Retirement Income Security Act of 1974, except that such term includes a employee welfare benefit plan treated as a group health plan under section 732(d) of such Act or defined as such a plan under section 607(1) of such Act.

(4) **HEALTH CARE PROFESSIONAL.**—The term “health care professional” means an individual who is licensed, accredited, or certified under State law to provide specified health care services and who is operating within the scope of such licensure, accreditation, or certification.

(5) **HEALTH CARE PROVIDER.**—The term “health care provider” includes a physician or other health care professional, as well as an institutional or other facility or agency that provides health care services and that is licensed, accredited, or certified to provide health care items and services under applicable State law.

(6) **NETWORK.**—The term “network” means, with respect to a group health plan or health insurance issuer offering health insurance coverage, the participating health care professionals and providers through whom the plan or issuer provides health care items and services to participants, beneficiaries, or enrollees.

(7) **NONPARTICIPATING.**—The term “nonparticipating” means, with respect to a health care provider that provides health care items and services to a participant, beneficiary, or enrollee under group health plan or health insurance coverage, a health care provider that is not a participating health care provider with respect to such items and services.

(8) **PARTICIPATING.**—The term “participating” means, with respect to a health care provider that provides health care items and services to a participant, beneficiary, or enrollee under group health plan or health insurance coverage offered by a health insurance issuer, a health care provider that furnishes such items and services under a contract or other arrangement with the plan or issuer.

(9) **PRIOR AUTHORIZATION.**—The term “prior authorization” means the process of obtaining prior approval from a health insurance issuer or group health plan for the provision or coverage of medical services.

(10) **TERMS AND CONDITIONS.**—The term “terms and conditions” includes, with respect to a group health plan or health insurance coverage, requirements imposed under this part with respect to the plan or coverage.

#### **SEC. 1632. PREEMPTION; STATE FLEXIBILITY; CONSTRUCTION.**

(a) **CONTINUED APPLICABILITY OF STATE LAW WITH RESPECT TO HEALTH INSURANCE ISSUERS.**—

(1) **IN GENERAL.**—Subject to paragraph (2), this part shall not be construed to supersede any provision of State law which establishes, implements, or continues in effect any standard or requirement solely relating to health insurance issuers (in connection with group health insurance coverage or other-

wise) except to the extent that such standard or requirement prevents the application of a requirement of this part.

(2) **CONTINUED PREEMPTION WITH RESPECT TO GROUP HEALTH PLANS.**—Nothing in this part shall be construed to affect or modify the provisions of section 514 of the Employee Retirement Income Security Act of 1974 with respect to group health plans.

(3) **CONSTRUCTION.**—In applying this section, a State law that provides for equal access to, and availability of, all categories of licensed health care providers and services shall not be treated as preventing the application of any requirement of this part.

(b) **APPLICATION OF SUBSTANTIALLY COMPLIANT STATE LAWS.**—

(1) **IN GENERAL.**—In the case of a State law that imposes, with respect to health insurance coverage offered by a health insurance issuer and with respect to a group health plan that is a non-Federal governmental plan, a requirement that substantially complies (within the meaning of subsection (c)) with a patient protection requirement (as defined in paragraph (3)) and does not prevent the application of other requirements under this subtitle (except in the case of other substantially compliant requirements), in applying the requirements of this part under section 2720 and 2754 (as applicable) of the Public Health Service Act (as added by part II), subject to subsection (a)(2)—

(A) the State law shall not be treated as being superseded under subsection (a); and

(B) the State law shall apply instead of the patient protection requirement otherwise applicable with respect to health insurance coverage and non-Federal governmental plans.

(2) **LIMITATION.**—In the case of a group health plan covered under title I of the Employee Retirement Income Security Act of 1974, paragraph (1) shall be construed to apply only with respect to the health insurance coverage (if any) offered in connection with the plan.

(3) **DEFINITIONS.**—In this section:

(A) **PATIENT PROTECTION REQUIREMENT.**—The term “patient protection requirement” means a requirement under this part, and includes (as a single requirement) a group or related set of requirements under a section or similar unit under this part.

(B) **SUBSTANTIALLY COMPLIANT.**—The terms “substantially compliant”, “substantially complies”, or “substantial compliance” with respect to a State law, mean that the State law has the same or similar features as the patient protection requirements and has a similar effect.

(c) **DETERMINATIONS OF SUBSTANTIAL COMPLIANCE.**—

(1) **CERTIFICATION BY STATES.**—A State may submit to the Secretary a certification that a State law provides for patient protections that are at least substantially compliant with one or more patient protection requirements. Such certification shall be accompanied by such information as may be required to permit the Secretary to make the determination described in paragraph (2)(A).

(2) **REVIEW.**—

(A) **IN GENERAL.**—The Secretary shall promptly review a certification submitted under paragraph (1) with respect to a State law to determine if the State law substantially complies with the patient protection requirement (or requirements) to which the law relates.

(B) **APPROVAL DEADLINES.**—

(i) **INITIAL REVIEW.**—Such a certification is considered approved unless the Secretary notifies the State in writing, within 90 days

after the date of receipt of the certification, that the certification is disapproved (and the reasons for disapproval) or that specified additional information is needed to make the determination described in subparagraph (A).

(ii) **ADDITIONAL INFORMATION.**—With respect to a State that has been notified by the Secretary under clause (i) that specified additional information is needed to make the determination described in subparagraph (A), the Secretary shall make the determination within 60 days after the date on which such specified additional information is received by the Secretary.

(3) **APPROVAL.**—

(A) **IN GENERAL.**—The Secretary shall approve a certification under paragraph (1) unless—

(i) the State fails to provide sufficient information to enable the Secretary to make a determination under paragraph (2)(A); or

(ii) the Secretary determines that the State law involved does not provide for patient protections that substantially comply with the patient protection requirement (or requirements) to which the law relates.

(B) **STATE CHALLENGE.**—A State that has a certification disapproved by the Secretary under subparagraph (A) may challenge such disapproval in the appropriate United States district court.

(C) **DEFERENCE TO STATES.**—With respect to a certification submitted under paragraph (1), the Secretary shall give deference to the State's interpretation of the State law involved and the compliance of the law with a patient protection requirement.

(D) **PUBLIC NOTIFICATION.**—The Secretary shall—

(i) provide a State with a notice of the determination to approve or disapprove a certification under this paragraph;

(ii) promptly publish in the Federal Register a notice that a State has submitted a certification under paragraph (1);

(iii) promptly publish in the Federal Register the notice described in clause (i) with respect to the State; and

(iv) annually publish the status of all States with respect to certifications.

(4) **CONSTRUCTION.**—Nothing in this subsection shall be construed as preventing the certification (and approval of certification) of a State law under this subsection solely because it provides for greater protections for patients than those protections otherwise required to establish substantial compliance.

(5) **PETITIONS.**—

(A) **PETITION PROCESS.**—Effective on the date on which the provisions of this subtitle become effective, as provided for in section 1652, a group health plan, health insurance issuer, participant, beneficiary, or enrollee may submit a petition to the Secretary for an advisory opinion as to whether or not a standard or requirement under a State law applicable to the plan, issuer, participant, beneficiary, or enrollee that is not the subject of a certification under this subsection, is superseded under subsection (a)(1) because such standard or requirement prevents the application of a requirement of this part.

(B) **OPINION.**—The Secretary shall issue an advisory opinion with respect to a petition submitted under subparagraph (A) within the 60-day period beginning on the date on which such petition is submitted.

(d) **DEFINITIONS.**—For purposes of this section:

(1) **STATE LAW.**—The term “State law” includes all laws, decisions, rules, regulations, or other State action having the effect of law, of any State. A law of the United States

applicable only to the District of Columbia shall be treated as a State law rather than a law of the United States.

(2) **STATE.**—The term “State” includes a State, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, any political subdivisions of such, or any agency or instrumentality of such.

#### **SEC. 1633. REGULATIONS.**

The Secretaries of Health and Human Services and Labor shall issue such regulations as may be necessary or appropriate to carry out this part. Such regulations shall be issued consistent with section 104 of Health Insurance Portability and Accountability Act of 1996. Such Secretaries may promulgate any interim final rules as the Secretaries determine are appropriate to carry out this part.

#### **SEC. 1634. INCORPORATION INTO PLAN OR COVERAGE DOCUMENTS.**

The requirements of this part with respect to a group health plan or health insurance coverage are deemed to be incorporated into, and made a part of, such plan or the policy, certificate, or contract providing such coverage and are enforceable under law as if directly included in the documentation of such plan or such policy, certificate, or contract.

#### **PART II—APPLICATION OF QUALITY CARE STANDARDS TO GROUP HEALTH PLANS AND HEALTH INSURANCE COVERAGE UNDER THE PUBLIC HEALTH SERVICE ACT**

##### **SEC. 1641. APPLICATION TO GROUP HEALTH PLANS AND GROUP HEALTH INSURANCE COVERAGE.**

(a) **IN GENERAL.**—Subpart 2 of part A of title XXVII of the Public Health Service Act, as amended by section 1001, is further amended by adding at the end the following new section:

##### **“SEC. 2720. PATIENT PROTECTION STANDARDS.**

“Each group health plan shall comply with patient protection requirements under part I of subtitle H of title I of the Patient Protection and Affordable Care Act, and each health insurance issuer shall comply with patient protection requirements under such part with respect to group health insurance coverage it offers, and such requirements shall be deemed to be incorporated into this subsection.”

(b) **CONFORMING AMENDMENT.**—Section 2721(b)(2)(A) of such Act (42 U.S.C. 300gg-21(b)(2)(A)) is amended by inserting “(other than section 2720)” after “requirements of such subparts”.

##### **SEC. 1642. APPLICATION TO INDIVIDUAL HEALTH INSURANCE COVERAGE.**

Part B of title XXVII of the Public Health Service Act is amended by inserting after section 2753 the following new section:

##### **“SEC. 2754. PATIENT PROTECTION STANDARDS.**

“Each health insurance issuer shall comply with patient protection requirements under part I of subtitle H of title I of the Patient Protection and Affordable Care Act with respect to individual health insurance coverage it offers, and such requirements shall be deemed to be incorporated into this subsection.”

##### **SEC. 1643. COOPERATION BETWEEN FEDERAL AND STATE AUTHORITIES.**

Part C of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-91 et seq.), as amended by section 1002, is further amended by adding at the end the following:

##### **“SEC. 2795. COOPERATION BETWEEN FEDERAL AND STATE AUTHORITIES.**

“(a) **AGREEMENT WITH STATES.**—A State may enter into an agreement with the Sec-

retary for the delegation to the State of some or all of the Secretary's authority under this title to enforce the requirements applicable under part I of subtitle H of title I of the Patient Protection and Affordable Care Act with respect to health insurance coverage offered by a health insurance issuer and with respect to a group health plan that is a non-Federal governmental plan.

“(b) **DELEGATIONS.**—Any department, agency, or instrumentality of a State to which authority is delegated pursuant to an agreement entered into under this section may, if authorized under State law and to the extent consistent with such agreement, exercise the powers of the Secretary under this title which relate to such authority.”

#### **PART III—AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974**

##### **SEC. 1651. APPLICATION OF PATIENT PROTECTION STANDARDS TO GROUP HEALTH PLANS AND GROUP HEALTH INSURANCE COVERAGE UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.**

(a) **IN GENERAL.**—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974, as amended by section 1562, is further amended by adding at the end the following new section: **“SEC. 716. PATIENT PROTECTION STANDARDS.**

“(a) **IN GENERAL.**—Subject to subsection (b), a group health plan (and a health insurance issuer offering group health insurance coverage in connection with such a plan) shall comply with the requirements of part I of subtitle H of title I of the Patient Protection and Affordable Care Act (as in effect as of the date of the enactment of such Act), and such requirements shall be deemed to be incorporated into this subsection.

“(b) **PLAN SATISFACTION OF CERTAIN REQUIREMENTS.**—

“(1) **SATISFACTION OF CERTAIN REQUIREMENTS THROUGH INSURANCE.**—For purposes of subsection (a), insofar as a group health plan provides benefits in the form of health insurance coverage through a health insurance issuer, the plan shall be treated as meeting the following requirements of part I of subtitle H of title I of the Patient Protection and Affordable Care Act with respect to such benefits and not be considered as failing to meet such requirements because of a failure of the issuer to meet such requirements so long as the plan sponsor or its representatives did not cause such failure by the issuer:

“(A) Section 1611 (relating to choice of health care professional).

“(B) Section 1612 (relating to access to emergency care).

“(C) Section 1613 (relating to timely access to specialists).

“(D) Section 1614 (relating to access to pediatric care).

“(E) Section 1615 (relating to patient access to obstetrical and gynecological care).

“(F) Section 1616 (relating to continuity of care), but only insofar as a replacement issuer assumes the obligation for continuity of care.

“(2) **APPLICATION TO PROHIBITIONS.**—Pursuant to rules of the Secretary, if a health insurance issuer offers health insurance coverage in connection with a group health plan and takes an action in violation of section 1621 of the Patient Protection and Affordable Care Act (relating to prohibition of interference with certain medical communications), the group health plan shall not be liable for such violation unless the plan caused such violation.

“(3) **CONSTRUCTION.**—Nothing in this subsection shall be construed to affect or modify

the responsibilities of the fiduciaries of a group health plan under part 4 of subtitle B.

“(4) TREATMENT OF SUBSTANTIALLY COMPLIANT STATE LAWS.—For purposes of applying this subsection, any reference in this subsection to a requirement in a section or other provision in subtitle H of title I of the Patient Protection and Affordable Care Act with respect to a health insurance issuer is deemed to include a reference to a requirement under a State law that substantially complies (as determined under section 1632(c) of such Act) with the requirement in such section or other provisions.

“(c) CONFORMING REGULATIONS.—The Secretary shall issue regulations to coordinate the requirements on group health plans and health insurance issuers under this section with the requirements imposed under the other provisions of this title.”.

(b) SATISFACTION OF ERISA CLAIMS PROCEDURE REQUIREMENT.—Section 503 of such Act (29 U.S.C. 1133) is amended by inserting “(a)” after “SEC. 503.” and by adding at the end the following new subsection:

“(b) In the case of a group health plan (as defined in section 733) compliance with the requirements of subpart A of part I of subtitle H of title I of the Patient Protection and Affordable Care Act, and compliance with regulations promulgated by the Secretary, in the case of a claims denial shall be deemed compliance with subsection (a) with respect to such claims denial.”.

(c) CONFORMING AMENDMENTS.—(1) Section 732(a) of such Act (29 U.S.C. 1185(a)) is amended by striking “section 711” and inserting “sections 711 and 716”.

(2) The table of contents in section 1 of such Act is amended by inserting after the item relating to section 715 the following new item:

“Sec. 716. Patient protection standards”.

(d) EFFECT ON COLLECTIVE BARGAINING AGREEMENTS.—In the case of health insurance coverage maintained pursuant to one or more collective bargaining agreements between employee representatives and one or more employers that was ratified before the date of enactment of this title, the provisions of this section (and the amendments made by this section) shall not apply until the date on which the last of the collective bargaining agreements relating to the coverage terminates. Any coverage amendment made pursuant to a collective bargaining agreement relating to the coverage which amends the coverage solely to conform to any requirement added by this section (or amendments) shall not be treated as a termination of such collective bargaining agreement.

#### SEC. 1652. EFFECTIVE DATE.

This subtitle (and the amendments made by this subtitle) shall become effective for plan years beginning on or after the date that is 6 months after the date of enactment of this Act.

**SA 3066.** Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 1907, after line 25, add the following:

“(P) An entity that is owned or operated by a unit of local government which provides mental health or health care services and is located in a county in which the rate of uninsurance is above the national rate of uninsurance for the under-65 population, based on the best available estimate of the rate of uninsurance published by the Bureau of the Census.”.

**SA 3067.** Mr. PRYOR (for himself, Mrs. BOXER, and Mr. ROCKEFELLER) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ FEDERAL TRADE COMMISSION OVERSIGHT OVER HEALTH INSURANCE ISSUERS.

Section 6 of the Federal Trade Commission Act (15 U.S.C. 46) is amended in the undesignated matter following subsection (l), by striking “Nothing” and all that follows through “was made.” and inserting the following:

“Notwithstanding the Act of March 9, 1945 (15 U.S.C. 1011 et seq.) and the definition of corporation in section 4, the Commission may use the authority described in this section to conduct studies, prepare reports, and disclose information relating to insurance, without regard to whether the subject of the study, report, or the information is for-profit or not-for-profit.

“Subject to the Act of March 9, 1945 (15 U.S.C. 1011 et seq.) and notwithstanding the definition of corporation in section 4, the provisions of this Act shall apply to an insurer without regard to whether such insurer is for-profit or not-for-profit. For purposes of this paragraph, an employer or membership organization not organized for its own profit or that of its members that provides health care or medical malpractice benefits only to its employees or members shall not be deemed to be a health insurer or a medical malpractice insurer, provided that this exclusion shall not apply to a separate entity that issues insurance or to an organization whose sole or primary membership benefit is insurance.”.

**SA 3068.** Mr. KYL (for himself, Mr. ROBERTS, Mr. VITTER, Mr. GRASSLEY, Mr. CRAPO, Mr. COBURN, Mr. BARRASSO, and Mr. JOHANNIS) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ PROHIBITION ON CERTAIN USES OF DATA OBTAINED FROM COMPARATIVE EFFECTIVENESS RESEARCH; ACCOUNTING FOR PERSONALIZED MEDICINE AND DIFFERENCES IN PATIENT TREATMENT RESPONSE.

(a) IN GENERAL.—Notwithstanding any other provision of law, a Federal department, office, or representative—

(1) shall not use data obtained from the conduct of comparative effectiveness research, including such research that is conducted or supported using funds appropriated under the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), to deny coverage of an item or service under a Federal health care program (as defined in section 1128B(f) of the Social Security Act (42 U.S.C. 1320a–7b(f))), including under plans offered under the Federal Employees Health Benefits Program (under chapter 89 of title 5, United States Code), or under private health insurance; and

(2) shall ensure that comparative effectiveness research conducted or supported by the Federal Government accounts for factors contributing to differences in the treatment response and treatment preferences of patients, including patient-reported outcomes, genomics and personalized medicine, the unique needs of health disparity populations, and indirect patient benefits.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as affecting the authority of the Commissioner of Food and Drugs under the Federal Food, Drug, and Cosmetic Act or the Public Health Service Act.

(c) PATIENT CENTERED OUTCOMES RESEARCH INSTITUTE BOARD.—Notwithstanding section 1181(f)(1)(A) and (B) of the Social Security Act (as added by section 6301(a)), no Federal officer or employee (including Federally elected officials and members of Congress) shall serve on the Board of Governors of the Patient Centered Outcomes Research Institute.

**SA 3069.** Mr. KOHL submitted an amendment intended to be proposed by him to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### TITLE \_\_\_\_—COMBATING ELDER ABUSE AND SILVER ALERTS

##### SEC. \_\_\_\_ 11. SHORT TITLE.

This title may be cited as the “Combating Elder Abuse and National Silver Alert Act of 2009”.

##### Subtitle A—Elder Abuse Victims Act of 2009

##### SEC. \_\_\_\_ 21. SHORT TITLE.

This subtitle may be cited as the “Elder Abuse Victims Act of 2009”.

##### PART I—ELDER ABUSE VICTIMS

##### SEC. \_\_\_\_ 31. ANALYSIS, REPORT, AND RECOMMENDATIONS RELATED TO ELDER JUSTICE PROGRAMS.

(a) IN GENERAL.—Subject to the availability of appropriations to carry out this section, the Attorney General, in consultation with the Secretary of Health and Human Services, shall carry out the following:

(1) STUDY.—Conduct a study of laws and practices relating to elder abuse, neglect, and exploitation, which shall include—



(A) a comprehensive description of State laws and practices relating to elder abuse, neglect, and exploitation;

(B) a comprehensive analysis of the effectiveness of such State laws and practices; and

(C) an examination of State laws and practices relating to specific elder abuse, neglect, and exploitation issues, including—

(i) the definition of—

(I) “elder”;

(II) “abuse”;

(III) “neglect”;

(IV) “exploitation”;

(V) such related terms the Attorney General determines to be appropriate;

(ii) mandatory reporting laws, with respect to—

(I) who is a mandated reporter;

(II) to whom must they report and within what time frame; and

(III) any consequences for not reporting;

(iii) evidentiary, procedural, sentencing, choice of remedies, and data retention issues relating to pursuing cases relating to elder abuse, neglect, and exploitation;

(iv) laws requiring reporting of all nursing home deaths to the county coroner or to some other individual or entity;

(v) fiduciary laws, including guardianship and power of attorney laws;

(vi) laws that permit or encourage banks and bank employees to prevent and report suspected elder abuse, neglect, and exploitation;

(vii) laws relating to fraud and related activities in connection with mail, telemarketing, or the Internet;

(viii) laws that may impede research on elder abuse, neglect, and exploitation;

(ix) practices relating to the enforcement of laws relating to elder abuse, neglect, and exploitation; and

(x) practices relating to other aspects of elder justice.

(2) **DEVELOPMENT OF PLAN.**—Develop objectives, priorities, policies, and a long-term plan for elder justice programs and activities relating to—

(A) prevention and detection of elder abuse, neglect, and exploitation;

(B) intervention and treatment for victims of elder abuse, neglect, and exploitation;

(C) training, evaluation, and research related to elder justice programs and activities; and

(D) improvement of the elder justice system in the United States.

(3) **REPORT.**—Not later than 2 years after the date of enactment of this Act, submit to the chairman and ranking member of the Special Committee on Aging of the Senate, and the Speaker and minority leader of the House of Representatives, and the Secretary of Health and Human Services, and make available to the States, a report that contains—

(A) the findings of the study conducted under paragraph (1);

(B) a description of the objectives, priorities, policies, and a long-term plan developed under paragraph (2); and

(C) a list, description, and analysis of the best practices used by States to develop, implement, maintain, and improve elder justice systems, based on such findings.

(b) **GAO RECOMMENDATIONS.**—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall review existing Federal programs and initiatives in the Federal criminal justice system relevant to elder justice and shall submit to Congress—

(1) a report on such programs and initiatives; and

(2) any recommendations the Comptroller General determines are appropriate to improve elder justice in the United States.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section \$6,000,000 for each of the fiscal years 2010 through 2016.

#### **SEC. 32. VICTIM ADVOCACY GRANTS.**

(a) **GRANTS AUTHORIZED.**—The Attorney General, after consultation with the Secretary of Health and Human Services, may award grants to eligible entities to study the special needs of victims of elder abuse, neglect, and exploitation.

(b) **AUTHORIZED ACTIVITIES.**—Funds awarded pursuant to subsection (a) shall be used for pilot programs that—

(1) develop programs for and provide training to health care, social, and protective services providers, law enforcement, fiduciaries (including guardians), judges and court personnel, and victim advocates; and

(2) examine special approaches designed to meet the needs of victims of elder abuse, neglect, and exploitation.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section \$3,000,000 for each of the fiscal years 2010 through 2016.

#### **SEC. 33. SUPPORTING LOCAL PROSECUTORS AND COURTS IN ELDER JUSTICE MATTERS.**

(a) **GRANTS AUTHORIZED.**—Subject to the availability of appropriations under this section, the Attorney General, after consultation with the Secretary of Health and Human Services, shall award grants to eligible entities to provide training, technical assistance, policy development, multidisciplinary coordination, and other types of support to local prosecutors and courts handling elder justice-related cases, including—

(1) funding specially designated elder justice positions or units in local prosecutors' offices and local courts; and

(2) funding the creation of a Center for the Prosecution of Elder Abuse, Neglect, and Exploitation to advise and support local prosecutors and courts nationwide in the pursuit of cases involving elder abuse, neglect, and exploitation.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section \$6,000,000 for each of the fiscal years 2010 through 2016.

#### **SEC. 34. SUPPORTING STATE PROSECUTORS AND COURTS IN ELDER JUSTICE MATTERS.**

(a) **IN GENERAL.**—Subject to the availability of appropriations under this section, the Attorney General, after consultation with the Secretary of Health and Human Services, shall award grants to eligible entities to provide training, technical assistance, multidisciplinary coordination, policy development, and other types of support to State prosecutors and courts, employees of State Attorneys General, and Medicaid Fraud Control Units handling elder justice-related matters.

(b) **CREATING SPECIALIZED POSITIONS.**—Grants under this section may be made for—

(1) the establishment of specially designated elder justice positions or units in State prosecutors' offices and State courts; and

(2) the creation of a position to coordinate elder justice-related cases, training, technical assistance, and policy development for State prosecutors and courts.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section \$6,000,000 for each of the fiscal years 2010 through 2016.

#### **SEC. 35. SUPPORTING LAW ENFORCEMENT IN ELDER JUSTICE MATTERS.**

(a) **IN GENERAL.**—Subject to the availability of appropriations under this section, the Attorney General, after consultation with the Secretary of Health and Human Services, the Postmaster General, and the Chief Postal Inspector for the United States Postal Inspection Service, shall award grants to eligible entities to provide training, technical assistance, multidisciplinary coordination, policy development, and other types of support to police, sheriffs, detectives, public safety officers, corrections personnel, and other first responders who handle elder justice-related matters, to fund specially designated elder justice positions or units designed to support first responders in elder justice matters.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section \$8,000,000 for each of the fiscal years 2010 through 2016.

#### **SEC. 36. EVALUATIONS.**

(a) **GRANTS UNDER THIS PART.**—

(1) **IN GENERAL.**—In carrying out the grant programs under this part, the Attorney General shall—

(A) require each recipient of a grant to use a portion of the funds made available through the grant to conduct a validated evaluation of the effectiveness of the activities carried out through the grant by such recipient; or

(B) as the Attorney General considers appropriate, use a portion of the funds available under this part for a grant program under this part to provide assistance to an eligible entity to conduct a validated evaluation of the effectiveness of the activities carried out through such grant program by each of the grant recipients.

(2) **APPLICATIONS.**—

(A) **SUBMISSION.**—To be eligible to receive a grant under this part, an entity shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General may require, which shall include—

(i) a proposal for the evaluation required in accordance with paragraph (1)(A); and

(ii) the amount of assistance under paragraph (1)(B) the entity is requesting, if any.

(B) **REVIEW AND ASSISTANCE.**—

(i) **IN GENERAL.**—An employee of the Department of Justice, after consultation with an employee of the Department of Health and Human Services with expertise in evaluation methodology, shall review each application described in subparagraph (A) and determine whether the methodology described in the proposal under subparagraph (A)(i) is adequate to gather meaningful information.

(ii) **DENIAL.**—If the reviewing employee determines the methodology described in such proposal is inadequate, the reviewing employee shall recommend that the Attorney General deny the application for the grant, or make recommendations for how the application should be amended.

(iii) **NOTICE TO APPLICANT.**—If the Attorney General denies the application on the basis of such proposal, the Attorney General shall inform the applicant of the reasons the application was denied, and offer assistance to the applicant in modifying the proposal.

(b) **OTHER GRANTS.**—Subject to the availability of appropriations under this section, the Attorney General shall award grants to appropriate entities to conduct validated evaluations of grant activities that are funded by Federal funds not provided under this part, or other funds, to reduce elder abuse, neglect, and exploitation.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section \$7,000,000 for each of the fiscal years 2010 through 2016.

#### SEC. 37. DEFINITIONS.

In this part:

(1) **ELDER.**—The term “elder” means an individual age 60 or older.

(2) **ELDER JUSTICE.**—The term “elder justice” means—

(A) from a societal perspective, efforts to—

- (i) prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation; and
- (ii) protect elders with diminished capacity while maximizing their autonomy; and

(B) from an individual perspective, the recognition of an elder's rights, including the right to be free of abuse, neglect, and exploitation.

(3) **ELIGIBLE ENTITIES.**—The term “eligible entity” means a State or local government agency, Indian tribe or tribal organization, or any other public or nonprofit private entity that is engaged in and has expertise in issues relating to elder justice or a field necessary to promote elder justice efforts.

#### PART II—ELDER SERVE VICTIM GRANT PROGRAMS

#### SEC. 41. ESTABLISHMENT OF ELDER SERVE VICTIM GRANT PROGRAMS.

(a) **ESTABLISHMENT.**—The Attorney General, acting through the Director of the Office of Victims of Crime of the Department of Justice (in this section referred to as the “Director”), shall, subject to appropriations, carry out a three-year grant program to be known as the Elder Serve Victim grant program (in this section referred to as the “Program”) to provide grants to eligible entities to establish programs to facilitate and coordinate programs described in subsection (e) for victims of elder abuse.

(b) **ELIGIBILITY REQUIREMENTS FOR GRANTEES.**—To be eligible to receive a grant under the Program, an entity must meet the following criteria:

(1) **ELIGIBLE CRIME VICTIM ASSISTANCE PROGRAM.**—The entity is a crime victim assistance program receiving a grant under the Victims of Crime Act of 1984 (42 U.S.C. 1401 et seq.) for the period described in subsection (c)(2) with respect to the grant sought under this section.

(2) **COORDINATION WITH LOCAL COMMUNITY BASED AGENCIES AND SERVICES.**—The entity shall demonstrate to the satisfaction of the Director that such entity has a record of community coordination or established contacts with other county and local services that serve elderly individuals.

(3) **ABILITY TO CREATE ECRT ON TIMELY BASIS.**—The entity shall demonstrate to the satisfaction of the Director the ability of the entity to create, not later than 6 months after receiving such grant, an Emergency Crisis Response Team program described in subsection (e)(1) and the programs described in subsection (e)(2).

For purposes of meeting the criteria described in paragraph (2), for each year an entity receives a grant under this section the entity shall provide a record of community coordination or established contacts described in such paragraph through memoranda of understanding, contracts, subcontracts, and other such documentation.

(c) **ADMINISTRATIVE PROVISIONS.**—

(1) **CONSULTATION.**—Each program established pursuant to this section shall be developed and carried out in consultation with the following entities, as appropriate:

(A) Relevant Federal, State, and local public and private agencies and entities, relat-

ing to elder abuse, neglect, and exploitation and other crimes against elderly individuals.

(B) Local law enforcement including police, sheriffs, detectives, public safety officers, corrections personnel, prosecutors, medical examiners, investigators, and coroners.

(C) Long-term care and nursing facilities.

(2) **GRANT PERIOD.**—Grants under the Program shall be issued for a three-year period.

(3) **LOCATIONS.**—The Program shall be carried out in six geographically and demographically diverse locations, taking into account—

(A) the number of elderly individuals residing in or near an area; and

(B) the difficulty of access to immediate short-term housing and health services for victims of elder abuse.

(d) **PERSONNEL.**—In providing care and services, each program established pursuant to this section may employ a staff to assist in creating an Emergency Crisis Response Teams under subsection (e)(1).

(e) **USE OF GRANTS.**—

(1) **EMERGENCY CRISIS RESPONSE TEAM.**—Each entity that receives a grant under this section shall use such grant to establish an Emergency Crisis Response Team program by not later than the date that is six months after the entity receives the grant. Under such program the following shall apply:

(A) Such program shall include immediate, short-term emergency services, including shelter, care services, food, clothing, transportation to medical or legal appointment as appropriate, and any other life services deemed necessary by the entity for victims of elder abuse.

(B) Such program shall provide services to victims of elder abuse, including those who have been referred to the program through the adult protective services agency of the local law enforcement or any other relevant law enforcement or referral agency.

(C) A victim of elder abuse may not receive short-term housing under the program for more than 30 consecutive days.

(D) The entity that established the program shall enter into arrangements with the relevant local law enforcement agencies so that the program receives quarterly reports from such agencies on elder abuse.

(2) **ADDITIONAL SERVICES REQUIRED TO BE PROVIDED.**—Not later than one year after the date an entity receives a grant under this section, such entity shall have established the following programs (and community collaborations to support such programs):

(A) **COUNSELING.**—A program that provides counseling and assistance for victims of elder abuse accessing health care, educational, pension, or other benefits for which seniors may be eligible under Federal or applicable State law.

(B) **MENTAL HEALTH SCREENING.**—A program that provides mental health screenings for victims of elder abuse to identify and seek assistance for potential mental health disorders such as depression or substance abuse.

(C) **EMERGENCY LEGAL ADVOCACY.**—A program that provides legal advocacy for victims of elder abuse and, as appropriate, their families.

(D) **JOB PLACEMENT ASSISTANCE.**—A program that provides job placement assistance and information on employment, training, or volunteer opportunities for victims of elder abuse.

(E) **BEREAVEMENT COUNSELING.**—A program that provides bereavement counseling for families of victims of elder abuse.

(F) **OTHER SERVICES.**—A program that provides such other care, services, and assist-

ance as the entity considers appropriate for purposes of the program.

(f) **TECHNICAL ASSISTANCE.**—The Director shall enter into contracts with private entities with experience in elder abuse coordination or victim services to provide such technical assistance to grantees under this section as the entity determines appropriate.

(g) **REPORTS TO CONGRESS.**—Not later than 12 months after the commencement of the Program, and annually thereafter, the entity shall submit a report to the Chairman and Ranking Member of the Committee on the Judiciary of the House of Representatives, and the Chairman and Ranking Member of the Special Committee on Aging of the Senate. Each report shall include the following:

(1) A description and assessment of the implementation of the Program.

(2) An assessment of the effectiveness of the Program in providing care and services to seniors, including a comparative assessment of effectiveness for each of the locations designated under subsection (c)(3) for the Program.

(3) An assessment of the effectiveness of the coordination for programs described in subsection (e) in contributing toward the effectiveness of the Program.

(4) Such recommendations as the entity considers appropriate for modifications of the Program in order to better provide care and services to seniors.

(h) **DEFINITIONS.**—For purposes of this section:

(1) **ELDER ABUSE.**—The term “elder abuse” means any type of violence or abuse, whether mental or physical, inflicted upon an elderly individual, and any type of criminal financial exploitation of an elderly individual.

(2) **ELDERLY INDIVIDUAL.**—The term “elderly individual” means an individual who is age 60 or older.

(i) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated for the Department of Justice to carry out this section \$3,000,000 for each of the fiscal years 2010 through 2012.

#### Subtitle B—National Silver Alert

#### SEC. 51. SHORT TITLE.

This subtitle may be cited as the “National Silver Alert Act”.

#### SEC. 52. DEFINITIONS.

For purposes of this subtitle:

(1) **STATE.**—The term “State” means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(2) **MISSING SENIOR.**—The term “missing senior” refers to any individual who—

(A) is reported to, or identified by, a law enforcement agency as a missing person; and

(B) meets the requirements to be designated as a missing senior, as determined by the State in which the individual is reported or identified as a missing person.

#### SEC. 53. SILVER ALERT COMMUNICATIONS NETWORK.

The Attorney General shall, subject to the availability of appropriations under section 57, establish a national Silver Alert communications network within the Department of Justice to provide assistance to regional and local search efforts for missing seniors through the initiation, facilitation, and promotion of local elements of the network (known as Silver Alert plans) in coordination with States, units of local government, law enforcement agencies, and other concerned entities with expertise in providing services to seniors.

**SEC. 54. SILVER ALERT COORDINATOR.**

(a) NATIONAL COORDINATOR WITHIN DEPARTMENT OF JUSTICE.—The Attorney General shall designate an individual of the Department of Justice to act as the national coordinator of the Silver Alert communications network. The individual so designated shall be known as the Silver Alert Coordinator of the Department of Justice (referred to in this subtitle as the “Coordinator”).

(b) DUTIES OF THE COORDINATOR.—In acting as the national coordinator of the Silver Alert communications network, the Coordinator shall—

(1) work with States to encourage the development of additional Silver Alert plans in the network;

(2) establish voluntary guidelines for States to use in developing Silver Alert plans that will promote compatible and integrated Silver Alert plans throughout the United States, including—

(A) a list of the resources necessary to establish a Silver Alert plan;

(B) criteria for evaluating whether a situation warrants issuing a Silver Alert, taking into consideration the need for the use of such Alerts to be limited in scope because the effectiveness of the Silver Alert communications network may be affected by overuse, including criteria to determine—

(i) whether the mental capacity of a senior who is missing, and the circumstances of his or her disappearance, warrant the issuance a Silver Alert; and

(ii) whether the individual who reports that a senior is missing is an appropriate and credible source on which to base the issuance of a Silver Alert;

(C) a description of the appropriate uses of the Silver Alert name to readily identify the nature of search efforts for missing seniors; and

(D) recommendations on how to protect the privacy, dignity, independence, and autonomy of any missing senior who may be the subject of a Silver Alert;

(3) develop proposed protocols for efforts to recover missing seniors and to reduce the number of seniors who are reported missing, including protocols for procedures that are needed from the time of initial notification of a law enforcement agency that the senior is missing through the time of the return of the senior to family, guardian, or domicile, as appropriate, including—

(A) public safety communications protocol;

(B) case management protocol;

(C) command center operations;

(D) reunification protocol; and

(E) incident review, evaluation, debriefing, and public information procedures;

(4) work with States to ensure appropriate regional coordination of various elements of the network;

(5) establish an advisory group to assist States, units of local government, law enforcement agencies, and other entities involved in the Silver Alert communications network with initiating, facilitating, and promoting Silver Alert plans, which shall include—

(A) to the maximum extent practicable, representation from the various geographic regions of the United States; and

(B) members who are—

(i) representatives of senior citizen advocacy groups, law enforcement agencies, and public safety communications;

(ii) broadcasters, first responders, dispatchers, and radio station personnel; and

(iii) representatives of any other individuals or organizations that the Coordinator determines are necessary to the success of

the Silver Alert communications network; and

(6) act as the nationwide point of contact for—

(A) the development of the network; and

(B) regional coordination of alerts for missing seniors through the network.

(c) COORDINATION.—

(1) COORDINATION WITH OTHER AGENCIES.—The Coordinator shall coordinate and consult with the Secretary of Transportation, the Federal Communications Commission, the Assistant Secretary for Aging of the Department of Health and Human Services, the head of the Missing Alzheimer’s Disease Patient Alert Program, and other appropriate offices of the Department of Justice in carrying out activities under this subtitle.

(2) STATE AND LOCAL COORDINATION.—The Coordinator shall consult with local broadcasters and State and local law enforcement agencies in establishing minimum standards under section 55 and in carrying out other activities under this subtitle, as appropriate.

(d) ANNUAL REPORTS.—Not later than one year after the date of enactment of this Act, and annually thereafter, the Coordinator shall submit to Congress a report on the activities of the Coordinator and the effectiveness and status of the Silver Alert plans of each State that has established or is in the process of establishing such a plan. Each such report shall include—

(1) a list of States that have established Silver Alert plans;

(2) a list of States that are in the process of establishing Silver Alert plans;

(3) for each State that has established such a plan, to the extent the data is available—

(A) the number of Silver Alerts issued;

(B) the number of individuals located successfully;

(C) the average period of time between the issuance of a Silver Alert and the location of the individual for whom such Alert was issued;

(D) the State agency or authority issuing Silver Alerts, and the process by which Silver Alerts are disseminated;

(E) the cost of establishing and operating such a plan;

(F) the criteria used by the State to determine whether to issue a Silver Alert; and

(G) the extent to which missing individuals for whom Silver Alerts were issued crossed State lines;

(4) actions States have taken to protect the privacy and dignity of the individuals for whom Silver Alerts are issued;

(5) ways that States have facilitated and improved communication about missing individuals between families, caregivers, law enforcement officials, and other authorities; and

(6) any other information the Coordinator determines to be appropriate.

**SEC. 55. MINIMUM STANDARDS FOR ISSUANCE AND DISSEMINATION OF ALERTS THROUGH SILVER ALERT COMMUNICATIONS NETWORK.**

(a) ESTABLISHMENT OF MINIMUM STANDARDS.—Subject to subsection (b), the Coordinator shall establish minimum standards for—

(1) the issuance of alerts through the Silver Alert communications network; and

(2) the extent of the dissemination of alerts issued through the network.

(b) LIMITATIONS.—

(1) VOLUNTARY PARTICIPATION.—The minimum standards established under subsection (a) of this section, and any other guidelines and programs established under section 54, shall be adoptable on a voluntary basis only.

(2) DISSEMINATION OF INFORMATION.—The minimum standards shall, to the maximum extent practicable (as determined by the Coordinator in consultation with State and local law enforcement agencies), provide that appropriate information relating to the special needs of a missing senior (including health care needs) are disseminated to the appropriate law enforcement, public health, and other public officials.

(3) GEOGRAPHIC AREAS.—The minimum standards shall, to the maximum extent practicable (as determined by the Coordinator in consultation with State and local law enforcement agencies), provide that the dissemination of an alert through the Silver Alert communications network be limited to the geographic areas which the missing senior could reasonably reach, considering the missing senior’s circumstances and physical and mental condition, the modes of transportation available to the missing senior, and the circumstances of the disappearance.

(4) AGE REQUIREMENTS.—The minimum standards shall not include any specific age requirement for an individual to be classified as a missing senior for purposes of the Silver Alert communication network. Age requirements for determinations of whether an individual is a missing senior shall be determined by each State, and may vary from State to State.

(5) PRIVACY AND CIVIL LIBERTIES PROTECTIONS.—The minimum standards shall—

(A) ensure that alerts issued through the Silver Alert communications network comply with all applicable Federal, State, and local privacy laws and regulations; and

(B) include standards that specifically provide for the protection of the civil liberties and sensitive medical information of missing seniors.

(6) STATE AND LOCAL VOLUNTARY COORDINATION.—In carrying out the activities under subsection (a), the Coordinator may not interfere with the current system of voluntary coordination between local broadcasters and State and local law enforcement agencies for purposes of the Silver Alert communications network.

**SEC. 56. TRAINING AND OTHER RESOURCES.**

(a) TRAINING AND EDUCATIONAL PROGRAMS.—The Coordinator shall make available to States, units of local government, law enforcement agencies, and other concerned entities that are involved in initiating, facilitating, or promoting Silver Alert plans, including broadcasters, first responders, dispatchers, public safety communications personnel, and radio station personnel—

(1) training and educational programs related to the Silver Alert communication network and the capabilities, limitations, and anticipated behaviors of missing seniors, which shall be updated regularly to encourage the use of new tools, technologies, and resources in Silver Alert plans; and

(2) informational materials, including brochures, videos, posters, and websites to support and supplement such training and educational programs.

(b) COORDINATION.—The Coordinator shall coordinate—

(1) with the Assistant Secretary for Aging of the Department of Health and Human Services in developing the training and educational programs and materials under subsection (a); and

(2) with the head of the Missing Alzheimer’s Disease Patient Alert Program within the Department of Justice, to determine if any existing material with respect to training programs or educational materials

developed or used as subtitle of such Patient Alert Program are appropriate and may be used for the programs under subsection (a).

**SEC. 57. AUTHORIZATION OF APPROPRIATIONS FOR THE SILVER ALERT COMMUNICATIONS NETWORK.**

There are authorized to be appropriated to the Department of Justice such sums as may be necessary to carry out the Silver Alert communications network as authorized under this subtitle.

**SEC. 58. GRANT PROGRAM FOR SUPPORT OF SILVER ALERT PLANS.**

(a) **GRANT PROGRAM.**—Subject to the availability of appropriations to carry out this section, the Attorney General shall carry out a program to provide grants to States for the development and enhancement of programs and activities for the support of Silver Alert plans and the Silver Alert communications network.

(b) **ACTIVITIES.**—Activities funded by grants under the program under subsection (a) may include—

(1) the development and implementation of education and training programs, and associated materials, relating to Silver Alert plans;

(2) the development and implementation of law enforcement programs, and associated equipment, relating to Silver Alert plans;

(3) the development and implementation of new technologies to improve Silver Alert communications; and

(4) such other activities as the Attorney General considers appropriate for supporting the Silver Alert communications network.

(c) **FEDERAL SHARE.**—The Federal share of the cost of any activities funded by a grant under the program under subsection (a) may not exceed 50 percent.

(d) **DISTRIBUTION OF GRANTS ON GEOGRAPHIC BASIS.**—The Attorney General shall, to the maximum extent practicable, ensure the distribution of grants under the program under subsection (a) on an equitable basis throughout the various regions of the United States.

(e) **ADMINISTRATION.**—The Attorney General shall prescribe requirements, including application requirements, for grants under the program under subsection (a).

**(f) AUTHORIZATION OF APPROPRIATIONS.**—

(1) There is authorized to be appropriated to the Department of Justice \$5,000,000 for each of the fiscal years 2010 through 2014 to carry out this section and, in addition, \$5,000,000 for each of the fiscal years 2010 through 2014 to carry out subsection (b)(3).

(2) Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until expended.

**SEC. 59. SAMMY KIRK VOLUNTARY ELECTRONIC MONITORING PROGRAM.**

(a) **PROGRAM AUTHORIZED.**—The Attorney General, after consultation with the Secretary of Health and Human Services, is authorized to award grants to States and units of local government to carry out programs to provide voluntary electronic monitoring services to elderly individuals to assist in the location of such individuals if such individuals are reported as missing.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section \$2,000,000 for each of the fiscal years 2010 through 2014.

(c) **DESIGNATION.**—The grant program authorized under this section shall be referred to as the “Sammy Kirk Voluntary Electronic Monitoring Program”.

**Subtitle C—Kristen’s Act Reauthorization**

**SEC. 61. SHORT TITLE.**

This subtitle may be cited as “Kristen’s Act Reauthorization of 2009”.

**SEC. 62. FINDINGS.**

Congress finds the following:

(1) Every year thousands of adults become missing due to advanced age, diminished mental capacity, or foul play. Often there is no information regarding the whereabouts of these adults and many of them are never reunited with their families.

(2) Missing adults are at great risk of both physical harm and sexual exploitation.

(3) In most cases, families and local law enforcement officials have neither the resources nor the expertise to undertake appropriate search efforts for a missing adult.

(4) The search for a missing adult requires cooperation and coordination among Federal, State, and local law enforcement agencies and assistance from distant communities where the adult may be located.

(5) Federal assistance is urgently needed to help with coordination among such agencies.

**SEC. 63. GRANTS FOR THE ASSISTANCE OF ORGANIZATIONS TO FIND MISSING ADULTS.**

**(a) GRANTS.**—

(1) **GRANT PROGRAM.**—Subject to the availability of appropriations to carry out this section, the Attorney General shall make competitive grants to public agencies or nonprofit private organizations, or combinations thereof, to—

(A) maintain a national resource center and information clearinghouse for missing and unidentified adults;

(B) maintain a national, interconnected database for the purpose of tracking missing adults who are determined by law enforcement to be endangered due to age, diminished mental capacity, or the circumstances of disappearance, when foul play is suspected or circumstances are unknown;

(C) coordinate public and private programs that locate or recover missing adults or reunite missing adults with their families;

(D) provide assistance and training to law enforcement agencies, State and local governments, elements of the criminal justice system, nonprofit organizations, and individuals in the prevention, investigation, prosecution, and treatment of cases involving missing adults;

(E) provide assistance to families in locating and recovering missing adults; and

(F) assist in public notification and victim advocacy related to missing adults.

(2) **APPLICATIONS.**—The Attorney General shall periodically solicit applications for grants under this section by publishing a request for applications in the Federal Register and by posting such a request on the website of the Department of Justice.

(b) **OTHER DUTIES.**—The Attorney General shall—

(1) coordinate programs relating to missing adults that are funded by the Federal Government; and

(2) encourage coordination between State and local law enforcement and public agencies and nonprofit private organizations receiving a grant pursuant to subsection (a).

**SEC. 64. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to carry out this subtitle \$4,000,000 for each of fiscal years 2010 through 2020.

**SA 3070.** Mrs. HAGAN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of mem-

bers of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 510, between lines 9 and 10, insert the following:

**SEC. 2504. EXCEPTION TO MEDICAID COVERAGE EXCLUSION OF WEIGHT LOSS DRUGS AND INCLUSION OF WEIGHT LOSS DRUGS AS COVERED MEDICARE PART D DRUGS.**

(a) **ELIMINATION OF MEDICAID EXCLUSION.**—Section 1927(d)(2)(A) of the Social Security Act (42 U.S.C. 1396r-8(d)(2)(A)) is amended by inserting “, other than prescription weight loss agents approved by the Food and Drug Administration when used for obese patients or for overweight patients with a weight-related co-morbidity, such as hypertension, type 2 diabetes, or dyslipidemia” after “weight gain”.

(b) **INCLUSION OF COVERAGE UNDER MEDICARE PART D.**—Section 1860D-2(e)(1) of the Social Security Act (42 U.S.C. 1395w-102(e)(1)) is amended in the flush matter after and below subparagraph (B), by inserting “and prescription weight loss agents approved by the Food and Drug Administration when used for obese patients or for overweight patients with a weight-related co-morbidity such as hypertension, type 2 diabetes or dyslipidemia,” before the period.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to services furnished on or after January 1, 2011.

**SA 3071.** Mrs. HAGAN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 861, between lines 19 and 20, insert the following:

**SEC. 3137A. TREATMENT OF CERTAIN MEDICARE GEOGRAPHIC CLASSIFICATION REVIEW BOARD (MGCRB) RECLASSIFICATIONS.**

(a) **IN GENERAL.**—Notwithstanding any other provision of law, for purposes of making payments under Section 1886(d) of the Social Security Act (42 U.S.C. 1395 ww (d)), the Secretary of Health and Human Services shall permit any hospital with Medicare Geographic Classification Review Board reclassifications that overlap for one fiscal year with the option to continue year three of the earlier reclassification while waiving year one of the subsequent reclassification. Such option shall be in addition to the option to immediately transition to year one of the subsequent reclassification with the loss of year three of the earlier reclassification.

**(b) APPLICATION.**—

(1) **IN GENERAL.**—Subsection (a) shall apply to discharges occurring on or after October 1, 2009.

(2) **SPECIAL RULE FOR FY 2010.**—In the case of any hospital whose year three Medicare Geographic Classification Review Board reclassification was lost or eliminated for fiscal 2010, the Secretary of Health and Human Services shall establish a process under which such hospital shall have 30 days from the date of the enactment of this Act to notify the Secretary of the hospital’s election to continue

for fiscal 2010 the third year of their earlier Medicare Geographic Classification Review Board reclassification.

**SA 3072.** Mrs. HAGAN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 1255, line 14, after the first period insert the following:

**“SEC. 399MM-4. WORKPLACE DISEASE MANAGEMENT AND WELLNESS PUBLIC-PRIVATE PARTNERSHIP.**

“(a) IN GENERAL.—The Secretary, in coordination with the Secretary of Labor, the Secretary of the Treasury, the Secretary of Commerce, the Administrator of the Small Business Administration, employers (including small, medium, and large employers), employer organizations, worksite health promotion organizations, State and local health departments, Indian tribes and tribal organizations, and academic institutions, shall provide for the implementation of a national public-private partnership to—

“(1) promote the benefits of workplace wellness programs;

“(2) understand what types of disease prevention and workplace wellness programs are effective, considering different environments, factors, and circumstances;

“(3) understand the obstacles to the implementation of disease prevention and workplace wellness programs, issues relating to employer size and resources, and best practices for the scalable implementation of such programs;

“(4) understand what factors influence employees to participate in workplace disease prevention and wellness programs;

“(5) emphasize an integrated and coordinated approach to workplace disease management and wellness programs;

“(6) ensure informed decisions through the sharing of high quality information and best practices; and

“(7) recommend policies to encourage or stimulate the utilization of worksite disease management and wellness programs, including specific recommendations as to the types of technical and other assistance that may be necessary to fully implement section 399MM.

“(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report that contains—

“(1) the findings of the public-private partnership implemented under subsection (a); and

“(2) recommendations for statutory changes that may be required or useful to implement the findings described in paragraph (1) and to encourage the development of worksite disease management and wellness programs.

“(c) RECOMMENDATIONS BY CDC.—The Director of the Centers for Disease Control and Prevention shall collect information concerning workplace wellness programs and make recommendations to the Secretary on ways to improve such programs.”.

**SA 3073.** Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. . ADULT DAY HEALTH CARE SERVICES.**

(a) IN GENERAL.—The Secretary of Health and Human Services shall not—

(1) withhold, suspend, disallow, or otherwise deny Federal financial participation under section 1903(a) of the Social Security Act (42 U.S.C. 1396b(a)) for the provision of adult day health care services, day activity and health services, or adult medical day care services, as defined under a State Medicaid plan approved during or before 1994, during such period if such services are provided consistent with such definition and the requirements of such plan; or

(2) withdraw Federal approval of any such State plan or part thereof regarding the provision of such services (by regulation or otherwise).

(b) EFFECTIVE DATE.—Subsection (a) shall apply with respect to services provided on or after October 1, 2008.

**SA 3074.** Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 453, between lines 5 and 6, insert the following:

**SEC. 2203. PERMITTING LOCAL PUBLIC AGENCIES TO ACT AS MEDICAID ENROLLMENT BROKERS.**

Section 1903(b)(4) of the Social Security Act (42 U.S.C. 1396b(b)(4)) is amended by adding at the end the following new subparagraph:

“(C)(i) Subparagraphs (A) and (B) shall not apply in the case of a local public agency that is acting as an enrollment broker under a contract or memorandum with a State Medicaid agency, provided the local public agency does not have a direct or indirect financial interest with any Medicaid managed care plan for which it provides enrollment broker services.

“(ii) In determining whether a local public agency has a direct or indirect financial interest with a Medicaid managed care plan under clause (i), the status of a local public agency as a contractor of the plan does not constitute having a direct or indirect financial interest with the plan.”.

**SA 3075.** Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of mem-

bers of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 1266, between lines 17 and 18, insert the following:

**Subtitle F—Programs Relating to Congenital Heart Disease**

**SEC. 4501. PROGRAMS RELATING TO CONGENITAL HEART DISEASE.**

(a) SHORT TITLE.—This subtitle may be cited as the “Congenital Heart Futures Act”.

(b) PROGRAMS RELATING TO CONGENITAL HEART DISEASE.—

(1) PUBLIC EDUCATION AND AWARENESS; NATIONAL REGISTRY; ADVISORY COMMITTEE.—Title III of the Public Health Service Act (42 U.S.C. 241 et seq.), as amended by section 4303, is further amended by adding at the end the following:

**“PART V—PROGRAMS RELATING TO CONGENITAL HEART DISEASE**

**“SEC. 399NN-1. PUBLIC EDUCATION AND AWARENESS OF CONGENITAL HEART DISEASE.**

“(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention and in collaboration with appropriate congenital heart disease patient organizations and professional organizations, may directly or through grants, cooperative agreements, or contracts to eligible entities conduct, support, and promote a comprehensive public education and awareness campaign to increase public and medical community awareness regarding congenital heart disease, including the need for life-long treatment of congenital heart disease survivors.

“(b) ELIGIBILITY FOR GRANTS.—To be eligible to receive a grant, cooperative agreement, or contract under this section, an entity shall be a State or private nonprofit entity and shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.”.

**“SEC. 399NN-2. NATIONAL CONGENITAL HEART DISEASE REGISTRY.**

“(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may—

“(1) enhance and expand infrastructure to track the epidemiology of congenital heart disease and to organize such information into a nationally-representative surveillance system with development of a population-based registry of actual occurrences of congenital heart disease, to be known as the ‘National Congenital Heart Disease Registry’; or

“(2) award a grant to one eligible entity to undertake the activities described in paragraph (1).

“(b) PURPOSE.—The purpose of the Congenital Heart Disease Registry shall be to facilitate further research into the types of health services patients use and to identify possible areas for educational outreach and prevention in accordance with standard practices of the Centers for Disease Control and Prevention.

“(c) CONTENT.—The Congenital Heart Disease Registry—

“(1) may include information concerning the incidence and prevalence of congenital heart disease in the United States;

“(2) may be used to collect and store data on congenital heart disease, including data concerning—

“(A) demographic factors associated with congenital heart disease, such as age, race, ethnicity, sex, and family history of individuals who are diagnosed with the disease;

“(B) risk factors associated with the disease;

“(C) causation of the disease;

“(D) treatment approaches; and

“(E) outcome measures, such that analysis of the outcome measures will allow derivation of evidence-based best practices and guidelines for congenital heart disease patients; and

“(3) may ensure the collection and analysis of longitudinal data related to individuals of all ages with congenital heart disease, including infants, young children, adolescents, and adults of all ages.

“(d) COORDINATION WITH FEDERAL, STATE, AND LOCAL REGISTRIES.—In establishing the National Congenital Heart Registry, the Secretary may identify, build upon, expand, and coordinate among existing data and surveillance systems, surveys, registries, and other Federal public health infrastructure, including—

“(1) State birth defects surveillance systems;

“(2) the State birth defects tracking systems of the Centers for Disease Control and Prevention;

“(3) the Metropolitan Atlanta Congenital Defects Program; and

“(4) the National Birth Defects Prevention Network.

“(e) PUBLIC ACCESS.—The Congenital Heart Disease Registry shall be made available to the public, as appropriate, including congenital heart disease researchers.

“(f) PATIENT PRIVACY.—The Secretary shall ensure that the Congenital Heart Disease Registry is maintained in a manner that complies with the regulations promulgated under section 264 of the Health Insurance Portability and Accountability Act of 1996.

“(g) ELIGIBILITY FOR GRANT.—To be eligible to receive a grant under subsection (a)(2), an entity shall—

“(1) be a public or private nonprofit entity with specialized experience in congenital heart disease; and

“(2) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

“(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2010 through 2014.”.

#### **“SEC. 399NN-3. ADVISORY COMMITTEE ON CONGENITAL HEART DISEASE.**

“(a) ESTABLISHMENT.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may establish an advisory committee, to be known as the ‘Advisory Committee on Congenital Heart Disease’ (referred to in this section as the ‘Advisory Committee’).

“(b) MEMBERSHIP.—The members of the Advisory Committee may be appointed by the Secretary, acting through the Centers for Disease Control and Prevention, and shall include—

“(1) at least one representative from—

“(A) the National Institutes of Health;

“(B) the Centers for Disease Control and Prevention; and

“(C) a national patient advocacy organization with experience advocating on behalf of patients living with congenital heart disease;

“(2) at least one epidemiologist who has experience working with data registries;

“(3) clinicians, including—

“(A) at least one with experience diagnosing or treating congenital heart disease; and

“(B) at least one with experience using medical data registries; and

“(4) at least one publicly or privately funded researcher with experience researching congenital heart disease.

“(c) DUTIES.—The Advisory Committee may review information and make recommendations to the Secretary concerning—

“(1) the development and maintenance of the National Congenital Heart Disease Registry established under section 399NN-2;

“(2) the type of data to be collected and stored in the National Congenital Heart Disease Registry;

“(3) the manner in which such data is to be collected;

“(4) the use and availability of such data, including guidelines for such use; and

“(5) other matters, as the Secretary determines to be appropriate.

“(d) REPORT.—Not later than 180 days after the date on which the Advisory Committee is established and annually thereafter, the Advisory Committee shall submit a report to the Secretary concerning the information described in subsection (c), including recommendations with respect to the results of the Advisory Committee’s review of such information.”.

(2) CONGENITAL HEART DISEASE RESEARCH.—Subpart 2 of part C of title IV of the Public Health Service Act (42 U.S.C. 285b et seq.) is amended by adding at the end the following:

#### **“SEC. 425. CONGENITAL HEART DISEASE.**

“(a) IN GENERAL.—The Director of the Institute may expand, intensify, and coordinate research and related activities of the Institute with respect to congenital heart disease, which may include congenital heart disease research with respect to—

“(1) causation of congenital heart disease, including genetic causes;

“(2) long-term outcomes in individuals with congenital heart disease, including infants, children, teenagers, adults, and elderly individuals;

“(3) diagnosis, treatment, and prevention;

“(4) studies using longitudinal data and retrospective analysis to identify effective treatments and outcomes for individuals with congenital heart disease; and

“(5) identifying barriers to life-long care for individuals with congenital heart disease.

“(b) COORDINATION OF RESEARCH ACTIVITIES.—The Director of the Institute may coordinate research efforts related to congenital heart disease among multiple research institutions and may develop research networks.

“(c) MINORITY AND MEDICALLY UNDERSERVED COMMUNITIES.—In carrying out the activities described in this section, the Director of the Institute shall consider the application of such research and other activities to minority and medically underserved communities.”.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the amendments made by this section such sums as may be necessary for each of fiscal years 2010 through 2014.

**SA 3076.** Mr. DURBIN (for himself and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other

purposes; which was ordered to lie on the table; as follows:

Strike section 4107 and insert the following:

#### **SEC. 4107. COVERAGE OF COMPREHENSIVE TOBACCO CESSATION SERVICES IN MEDICAID.**

(a) REQUIRING COVERAGE OF COUNSELING AND PHARMACOTHERAPY FOR CESSATION OF TOBACCO USE.—Section 1905 of the Social Security Act (42 U.S.C. 1396d), as amended by sections 2001(a)(3)(B) and 2303, is further amended—

(1) in subsection (a)(4)—

(A) by striking “and” before “(C)”; and

(B) by inserting before the semicolon at the end the following new subparagraph: “; and (D) counseling and pharmacotherapy for cessation of tobacco use (as defined in subsection (bb))”; and

(2) by adding at the end the following:

“(bb)(1) For purposes of this title, the term ‘counseling and pharmacotherapy for cessation of tobacco use’ means diagnostic, therapy, and counseling services and pharmacotherapy (including the coverage of prescription and nonprescription tobacco cessation agents approved by the Food and Drug Administration) for cessation of tobacco use by individuals who use tobacco products or who are being treated for tobacco use that is furnished—

“(A) by or under the supervision of a physician; or

“(B) by any other health care professional who—

“(i) is legally authorized to furnish such services under State law (or the State regulatory mechanism provided by State law) of the State in which the services are furnished; and

“(ii) is authorized to receive payment for other services under this title or is designated by the Secretary for this purpose.

“(2) Subject to paragraph (3), such term is limited to—

“(A) services recommended with respect to individuals in ‘Treating Tobacco Use and Dependence: 2008 Update: A Clinical Practice Guideline’, published by the Public Health Service in May 2008, or any subsequent modification of such Guideline; and

“(B) such other services that the Secretary recognizes to be effective for cessation of tobacco use.

“(3) Such term shall not include coverage for drugs or biologicals that are not otherwise covered under this title.”.

(b) EXCEPTION FROM OPTIONAL RESTRICTION UNDER MEDICAID PRESCRIPTION DRUG COVERAGE.—Section 1927(d)(2)(F) of the Social Security Act (42 U.S.C. 1396r-8(d)(2)(F)), as redesignated by section 2502(a), is amended by inserting before the period at the end the following: “, except when recommended in accordance with the Guideline referred to in section 1905(bb)(2)(A), agents approved by the Food and Drug Administration under the over-the-counter monograph process for purposes of promoting, and when used to promote, tobacco cessation”.

(c) REMOVAL OF COST-SHARING FOR COUNSELING AND PHARMACOTHERAPY FOR CESSATION OF TOBACCO USE.—

(1) GENERAL COST-SHARING LIMITATIONS.—Section 1916 of the Social Security Act (42 U.S.C. 1396o) is amended in each of subsections (a)(2)(D) and (b)(2)(D) by inserting “and counseling and pharmacotherapy for cessation of tobacco use (as defined in section 1905(bb)) and covered outpatient drugs (as defined in subsection (k)(2) of section 1927 and including nonprescription drugs described in subsection (d)(2) of such section)



that are prescribed for purposes of promoting, and when used to promote, tobacco cessation in accordance with the Guideline referred to in section 1905(bb)(2)(A)" after "section 1905(a)(4)(C).".

(2) APPLICATION TO ALTERNATIVE COST-SHARING.—Section 1916A(b)(3)(B) of such Act (42 U.S.C. 1396o-1(b)(3)(B)) is amended by adding at the end the following:

"(xi) Counseling and pharmacotherapy for cessation of tobacco use (as defined in section 1905(bb)) and covered outpatient drugs (as defined in subsection (k)(2) of section 1927 and including nonprescription drugs described in subsection (d)(2) of such section) that are prescribed for purposes of promoting, and when used to promote, tobacco cessation in accordance with the Guideline referred to in section 1905(bb)(2)(A).".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2010.

**SA 3077.** Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 816, after line 20, add the following:

**SEC. 3115. MEDICARE PASS-THROUGH PAYMENTS FOR CRNA SERVICES.**

(a) TREATMENT OF CRITICAL ACCESS HOSPITALS AS RURAL IN DETERMINING ELIGIBILITY FOR CRNA PASS-THROUGH PAYMENTS.—Section 9320(k) of the Omnibus Budget Reconciliation Act of 1986 (42 U.S.C. 1395k note), as added by section 608(c)(2) of the Family Support Act of 1988 and amended by section 6132 of the Omnibus Budget Reconciliation Act of 1989, is amended by adding at the end the following:

"(3) Any facility that qualifies as a critical access hospital (as defined in section 1861(mm)(1) of the Social Security Act) shall be treated as being located in a rural area for purposes of paragraph (1) regardless of any geographic reclassification of the facility, including such a reclassification of the county in which the facility is located as an urban county (also popularly known as a Lugar county) under section 1886(d)(8)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(8)(B)).".

(b) TREATMENT OF STANDBY AND ON-CALL COSTS.—Such section 9320(k), as amended by subsection (a), is further amended by adding at the end the following:

"(4) In determining the reasonable costs incurred by a hospital or critical access hospital for the services of a certified registered nurse anesthetist under this subsection, the Secretary shall include standby costs and on-call costs incurred by the hospital or critical access hospital, respectively, with respect to such nurse anesthetist."

(c) EFFECTIVE DATES.—

(1) TREATMENT OF CAHS AS RURAL IN DETERMINING CRNA PASS-THROUGH ELIGIBILITY.—The amendment made by subsection (a) shall apply to calendar years beginning on or after the date of the enactment of this Act (regardless of whether the geographic reclassification of a critical access hospital occurred before, on, or after such date).

(2) INCLUSION OF STANDBY COSTS AND ON-CALL COSTS IN DETERMINING REASONABLE

COSTS OF CRNA SERVICES.—The amendment made by subsection (b) shall apply to costs incurred in cost reporting periods beginning in fiscal years after fiscal year 2003.

**SA 3078.** Ms. KLOBUCHAR (for herself and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title IV, insert the following:

**SEC. —. YOUNG WOMEN'S BREAST HEALTH AWARENESS AND SUPPORT OF YOUNG WOMEN DIAGNOSED WITH BREAST CANCER.**

(a) SHORT TITLE.—This section may be cited as the "Young Women's Breast Health Education and Awareness Requires Learning Young Act of 2009" or "EARLY Act".

(b) AMENDMENT.—Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following:

**"PART S—PROGRAMS RELATING TO BREAST HEALTH AND CANCER**

**"SEC. 399HH. YOUNG WOMEN'S BREAST HEALTH AWARENESS AND SUPPORT OF YOUNG WOMEN DIAGNOSED WITH BREAST CANCER.**

"(a) PUBLIC EDUCATION CAMPAIGN.—

"(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall conduct a national evidence-based education campaign to increase awareness of young women's knowledge regarding—

"(A) breast health in young women of all racial, ethnic, and cultural backgrounds;

"(B) breast awareness and good breast health habits;

"(C) the occurrence of breast cancer and the general and specific risk factors in women who may be at high risk for breast cancer based on familial, racial, ethnic, and cultural backgrounds such as Ashkenazi Jewish populations;

"(D) evidence-based information that would encourage young women and their health care professional to increase early detection of breast cancers; and

"(E) the availability of health information and other resources for young women diagnosed with breast cancer on—

"(i) fertility preservation;

"(ii) support, including social, emotional, psychosocial, financial, lifestyle, and caregiver support;

"(iii) familial risk factors; and

"(iv) prevention and early detection strategies to reduce recurrence or metastasis;

"(2) EVIDENCE-BASED, AGE APPROPRIATE MESSAGES.—The campaign shall provide evidence-based, age-appropriate messages and materials as developed by the Centers for Disease Control and Prevention and the Advisory Committee established under paragraph (4).

"(3) MEDIA CAMPAIGN.—In conducting the education campaign under paragraph (1), the Secretary shall award grants to entities to establish national multimedia campaigns oriented to young women that may include advertising through television, radio, print media, billboards, posters, all forms of existing and especially emerging social net-

working media, other Internet media, and any other medium determined appropriate by the Secretary.

"(4) ADVISORY COMMITTEE.—

"(A) ESTABLISHMENT.—Not later than 60 days after the date of the enactment of this section, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall establish an advisory committee to assist in creating and conducting the education campaigns under paragraph (1) and subsection (b)(1).

"(B) MEMBERSHIP.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall appoint to the advisory committee under subparagraph (A) such members as deemed necessary to properly advise the Secretary, and shall include organizations and individuals with expertise in breast cancer, disease prevention, early detection, diagnosis, public health, social marketing, genetic screening and counseling, treatment, rehabilitation, palliative care, and survivorship in young women.

"(b) HEALTH CARE PROFESSIONAL EDUCATION CAMPAIGN.—

"(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, and in consultation with the Administrator of the Health Resources and Services Administration, shall conduct an education campaign among physicians and other health care professionals to increase awareness—

"(A) of breast health, symptoms, and early diagnosis and treatment of breast cancer in young women, including specific risk factors such as family history of cancer and women that may be at high risk for breast cancer, such as Ashkenazi Jewish population;

"(B) on how to provide counseling to young women about their breast health, including knowledge of their family cancer history and importance of providing regular clinical breast examinations;

"(C) concerning the importance of discussing healthy behaviors, and increasing awareness of services and programs available to address overall health and wellness, and making patient referrals to address tobacco cessation, good nutrition, and physical activity;

"(D) on when to refer patients to a health care provider with genetics expertise;

"(E) on how to provide counseling that addresses long-term survivorship and health concerns of young women diagnosed with breast cancer; and

"(F) on when to provide referrals to organizations and institutions that provide credible health information and substantive assistance and support to young women diagnosed with breast cancer, including—

"(i) re-entry into the workforce or school;

"(ii) infertility as a result of treatment;

"(iii) neuro-cognitive effects;

"(iv) important effects of cardiac, vascular, muscle, and skeletal complications; and

"(v) secondary malignancies.

"(2) MATERIALS.—The education campaign under paragraph (1) may include the distribution of print, video, and Web-based materials on assisting physicians and other health care professionals in achieving the goals of this section.

"(c) PREVENTION RESEARCH ACTIVITIES.—The Secretary, acting through—

"(1) the Director of the Centers for Disease Control and Prevention, shall conduct prevention research on breast cancer in younger women, including—

“(A) behavioral, survivorship studies, and other research on the impact of breast cancer diagnosis on young women;

“(B) formative research to assist with the development of educational messages and information for the public, targeted populations, and their families about breast health, breast cancer, and healthy lifestyles;

“(C) testing and evaluating existing and new social marketing strategies targeted at young women; and

“(D) surveys of health care providers and the public regarding knowledge, attitudes, and practices related to breast health and breast cancer prevention and control in high-risk populations; and

“(2) the Director of the National Institutes of Health, shall conduct research to develop and validate new screening tests and methods for prevention and early detection of breast cancer in young women.

“(d) SUPPORT FOR YOUNG WOMEN DIAGNOSED WITH BREAST CANCER.—

“(1) IN GENERAL.—The Secretary shall award grants to organizations and institutions to provide health information from credible sources and substantive assistance directed to young women diagnosed with breast cancer and pre-neoplastic breast diseases on issues such as—

“(A) education and counseling regarding fertility preservation;

“(B) support, including social, emotional, psychosocial, financial, lifestyle, and caregiver support;

“(C) familial risk factors; and

“(D) prevention and early education strategies to reduce recurrence or metastasis.

“(2) PRIORITY.—In making grants under paragraph (1), the Secretary shall give priority to applicants that deal specifically with young women diagnosed with breast cancer and pre-neoplastic breast disease.

“(e) NO DUPLICATION OF EFFORT.—In conducting an education campaign or other program under subsections (a), (b), (c), or (d), the Secretary shall avoid duplicating other existing Federal breast cancer education efforts.

“(f) MEASUREMENT; REPORTING.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall—

“(1) measure—

“(A) young women’s awareness regarding breast health, including knowledge of family cancer history, specific risk factors and early warning signs, and young women’s proactive efforts at early detection;

“(B) the number or percentage of young women utilizing information regarding lifestyle interventions that foster healthy behaviors such as tobacco cessation, nutrition, and physical activity;

“(C) the number or percentage of young women receiving regular clinical breast exams; and

“(D) the number or percentage of young women who perform breast self exams, and the frequency of such exams, before the implementation of this section;

“(2) establish quantitative benchmarks to measure the impact of activities under this section;

“(3) not less than every 3 years, measure the impact of such activities; and

“(4) submit reports to the Congress on the results of such measurements.

“(g) DEFINITIONS.—In this section—

“(1) the term ‘State’ means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, and the Trust Territory of the Pacific Islands; and

“(2) the term ‘young women’ means women 15 to 44 years of age.

“(h) AUTHORIZATION OF APPROPRIATIONS.—To carry out subsections (a), (b), (c)(1), and (d), there are authorized to be appropriated \$9,000,000 for each of the fiscal years 2010 through 2014.”.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON ARMED SERVICES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on December 8, 2009, at 1:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on December 8, 2009 at 10 a.m. in room 406 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FOREIGN RELATIONS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on December 8, 2009, at 2:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SELECT COMMITTEE ON INTELLIGENCE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on December 8, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON ENERGY

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Energy be authorized to meet during the session of the Senate in order to conduct a hearing on December 8, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDERS FOR WEDNESDAY, DECEMBER 9, 2009

Mr. SANDERS. Mr. President, I ask unanimous consent that when the Sen-

ate completes its business today, it adjourn until 9:30 a.m., Wednesday, December 9; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of H.R. 3590, the health care reform legislation; that following any remarks of the chair and ranking member of the Finance Committee, or their designees, for up to 10 minutes each, the next 2 hours be for debate only, with the time equally divided and controlled between the two leaders or their designees, with Senators permitted to speak for up to 10 minutes each; the Republicans controlling the first 30 minutes and the majority controlling the second 30 minutes, with the remaining time equally divided and used in an alternating fashion; further, that no amendments are in order during this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. SANDERS. Mr. President, roll-call votes are possible throughout the day tomorrow. Senators will be notified when any votes are scheduled.

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. SANDERS. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 8:38 p.m., adjourned until Wednesday, December 9, 2009, at 9:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate:

### DEPARTMENT OF TRANSPORTATION

MICHAEL PETER HUERTA, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY ADMINISTRATOR OF THE FEDERAL AVIATION ADMINISTRATION, VICE ROBERT A. STURGELL, RESIGNED.

### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 824:

*To be brigadier general*

COL. KORY G. CORNUM

### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be major general*

BRIG. GEN. STEVEN W. SMITH

## HOUSE OF REPRESENTATIVES—Tuesday, December 8, 2009

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Ms. SPEIER).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
December 8, 2009.

I hereby appoint the Honorable JACKIE SPEIER to act as Speaker pro tempore on this day.

NANCY PELOSI,  
*Speaker of the House of Representatives.*

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2009, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 25 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes, but in no event shall debate continue beyond 9:50 a.m.

### A GREEN LIGHT FOR THE REAUTHORIZATION OF THE SURFACE TRANSPORTATION ACT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Madam Speaker, this is one of those rare occasions where Congress can put everything together for a holiday gift for Americans. People in this city and across the country are obsessed with the concern to create jobs. It is appropriate and imperative that we do so. All the objective evidence suggested that the economic recovery package made a huge difference, but not enough.

As my friend and colleague Mr. DEFAZIO, from the Transportation and Infrastructure Committee, has documented, the economic recovery package had only 4 percent of its funds dedicated for infrastructure, but it created 25 percent of the jobs. Mr. OBERSTAR, and Subcommittee Chair DEFAZIO, have been working for 3 years on the reauthorization of the biggest infrastructure package that we will look at—the Surface Transportation Act. The evidence is that they are, literally,

just weeks away from the opportunity to bring this legislation to the floor.

At the same time, we see the consensus building, at least on the Democratic side of the aisle and with the administration, that it is time to revisit efforts to revitalize the economy, that the original economic recovery package simply wasn't big enough considering the problems that we were facing. There is an opportunity to take unused TARP money, part of the hundreds of billions of dollars that was set aside, to help the financial sector recover after it brought our economy to, literally, the brink of collapse.

Well, we've seen at least that area stabilize. Some of the money is being repaid, and the balance is not likely to be needed for an economic emergency like we saw last year. So we should be able to take a significant portion of that unused TARP money and, rather than sending it to Wall Street, sending it instead to Main Street, perhaps to your street to be able to front-load the reauthorization of the Surface Transportation Act to be able to have 6-year funding certainty.

This is a very important opportunity that we should not lose because, at a time when we are concerned about deficits in the Federal budget, there is a yawning deficit in the highway trust fund which simply is not going to be able to meet the current needs of America's highways and transit projects, let alone its future. At the same time, there is an opportunity for us to improve the Federal balance sheet. There is support for the concepts of having user fees that are available to be able to shore up those trust funds that fund infrastructure.

For instance, the administration has placed in its budget the reimposition of the Superfund tax—a tax on the polluters who created these toxic problems all across America, a tax that expired years ago. The previous folks who ran this place would not allow us even to consider its reenactment. Well, it's in the President's budget, which is one example of where a simple action—having polluters pay—will be able to have the economic activity of cleaning up Superfund sites while we are shoring up the Federal budget.

Madam Speaker, if we move forward with the reauthorization of the Transportation Act, if we deal with water infrastructure, if we beef up our economic recovery efforts, and reenact a Superfund tax, we will have an opportunity to invest in America's future and to put millions of Americans back

to work. Unlike other areas of expenditure, this is truly an investment in America's future, which will generate other economic activities and will help the long-term fiscal health of our Nation while we strengthen our families and our communities.

I hope there is a green light for floor time for the Transportation bill. I hope there is a commitment to front-load the Transportation bill with TARP money and that we can get a Transportation bill passed next month and on its way to the Senate so we can put America back to work.

### PUT AMERICA BACK TO WORK AND REBUILD AMERICA'S DECREPIT INFRASTRUCTURE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. DEFAZIO) for 5 minutes.

Mr. DEFAZIO. Madam Speaker, the President brought the jobs summit to a very unfortunate and, unfortunately, ill-informed close in his summary statement.

The President is skeptical about shovel-ready projects. He said the term “shovel-ready.” Let's be honest. It doesn't always live up to its billing. Well, if he is talking about other than infrastructure, he is right.

The Department of Energy managed to commit a tiny fraction of the money in the stimulus bill, and that which they have committed has created thousands of jobs. Yeah. Unfortunately, they are jobs in China of making windmills that will be shipped to the United States of America. Not exactly what we had in mind.

Maybe it's the tax cuts all across America. People every week are grateful for their tax cuts. No. Actually, they don't know that they get a minuscule reduction in their withholdings, and that's what is supposed to rebuild our economy. There was seven times as much money for tax cuts as there was for transportation infrastructure.

Now let's examine the President's statement a little further. I think he is very, very ill-advised by a prejudiced group of economic advisers who, for some reason, were frightened by infrastructure at a young age, perhaps. Whatever the reason, they hate it—plain and simple—because the fact is, as the previous gentleman said, 4 percent of the funding, that which was spent and is already committed and is underway in infrastructure, has created 25 percent of the jobs. All of that money will be spent out by next summer. There are hundreds of billions of

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

dollars in other programs that aren't being spent out so well, but the shovel-ready transportation infrastructure projects are going forward.

We had a report last week. There is \$49 billion more in bridge and highway projects. We have 160,000 bridges that need reconstruction across America. That's steel. That's concrete. That's construction jobs. That's engineering work. There is no long lead time. There is no lengthy environmental review. We are replacing or rebuilding things that are already in place. In addition to that, there are many other road and highway projects of great merit. That can be committed within 120 days—\$49 billion. It could take place next construction season—\$16 billion in intermodal, port and other access issues.

Then perhaps this will get the attention out at the White House: \$20 billion in transit. We are killing people on our transit systems because of the outmoded, decrepit infrastructure we have. There is an \$80 billion backlog. When you begin to fill that backlog, what you can do within a day in some places, like the Chicago Transit Authority, which spent a quarter of \$1 billion in 30 days, which is all the money they got—they spent it in 30 days because they have a decrepit system. They ordered things that create a huge multiplier effect and jobs across the economy—transit vehicles, buses. Then people who make parts for buses have jobs. We have “buy America” provisions so the jobs aren't going to China like the DOE grants are. These are the kinds of investments we need to be making. These things work.

Now, why won't his advisers wake up and tell him the truth?

Most of the jobs, the real jobs—the private-sector jobs—that were created by this last so-called “stimulus,” were in transportation infrastructure. The money has been successfully spent and obligated. We can give him those statistics. I defy them to go to any other part of that bill other than the money that kept teachers working and other things that helped the States or the tax cuts where the money has spent out at such a rapid rate.

So it's time to reorient the thinking down there on the economic team at the White House. If we want to put America back to work next year, we need to dedicate more funds for rebuilding our decrepit infrastructure across this country. Get the huge multiplier effect we get with that. We have a total of close to \$80 billion of projects ready to go in 120 days. These aren't just your resurfacing things like we saw last year. These are major projects—bridge replacements and major work on transit systems—that are ready to go, that are shovel-ready to go. No lie there.

I hope some of his advisers are listening, that they'll look at the facts and will send the President a corrective memo on these issues.

#### HEALTH CARE REFORM IN AMERICA

The SPEAKER pro tempore. The Chair recognizes the gentleman from Kentucky (Mr. YARMUTH) for 5 minutes.

Mr. YARMUTH. Madam Speaker, this weekend, my Senator and constituent, Minority Leader MITCH MCCONNELL, made a statement on the floor of the Senate that was, quite honestly, pretty remarkable. It was special, not because it was passionately delivered or because it was well-constructed, but because it so perfectly illuminated just how disconnected from reality the Senate's opponents of health care reform are.

Of the legislation pending in Congress, the minority leader said, “I am sure there are people in Kentucky who are for it. I have not met one.”

Not one? Needless to say, this Kentuckian, for one, found the statement difficult to swallow, but that's beside the point.

The point is that my senior Senator made the claim despite poll after poll showing that the majority of the American people are for it, including not one but more than 1 million Kentuckians. The minority leader has read the same polls I have. I would venture to say that he has heard from many of the same thousands of Louisvillians from whom I've gotten calls, letters, e-mails, faxes, and visits. Everywhere I go in Louisville—from the VA hospital to community cookouts to the aisles of Kroger—I hear from people with valid perspectives on both sides of the issues, and we were elected to listen to all of them.

Yet my fellow Louisville resident proudly took the floor of the United States Senate this weekend and bragged that he was ignoring his constituents, half of them at least. He denied them as though a desire for reform is some sort of a preexisting condition that entitles him to abdicate his responsibilities to us.

Senator, you don't have to take my word for it, and I won't ask you to go searching through all of your old mail. If you're listening, I'd like to take this opportunity to introduce you to a few of your constituents and mine—yes, your fellow Kentuckians. Then maybe the next time you exert your considerable power to stop something that you know is of vital importance to many of your constituents, you will take time to consider their views as well.

Elizabeth of Louisville wrote, “I am a single mother with two children. I am offered health insurance through my employer, but due to the high cost of this insurance, I do not always have enough money to go to the doctor when I need to. Health insurance companies have had at least two decades to get it together and fix the system they have in place, but they have chosen not to. Please do not place the citizens of this

country at the mercy of some of the wealthiest companies in this country.”

Bobby of Okolona wrote, “As a veteran and recently unemployed worker, I want to thank you for taking a stand on health care reform. I lost my job and insurance coverage in May of 2008. Do we need health care reform? You bet.”

Mary of Louisville wrote, “I am asking you to support health care reform. We need a public option plan. My brother is a 59-year-old diabetic, and is unable to get health care coverage. He is excluded from any plan.”

Alvin of East End wrote, “Please do not let health care reform fail. I am a Registered Nurse. I've worked as a case manager at a local hospital. I have seen private insurance deny patients acute rehab after a stroke; whereas, with Medicare, we could have seen them.”

Elizabeth of the East End wrote, “I am behind health care reform 100 percent. I am worried about our young adult children and how they can afford it. I have a child who had cancer. I've told her she needs to have a job that provides health insurance when she graduates. The insurance companies need to provide for those who need it most, not just the ones who are healthy.”

□ 0915

Gregg of Louisville wrote, “Today I received my annual premium increase. My new premium has increased 32 percent. This has followed 18 to 25 percent increases in the last 3 years.”

Andrea of Shively wrote, “Please vote for the health care bill. I am a heart attack survivor, and I am praying that I can stay with my company to keep my insurance. I will never be able to leave this company now that I have a preexisting condition.”

Sandra of Prospect wrote, “I am totally behind President Obama's health care reform. I have insurance now, but was not allowed to have it for 4 years due to a preexisting condition. I lived in utter terror the entire time, fearing I would lose my house if I became sick.”

Phyllis of the Highlands wrote, “I think we need health care for more people. For years, I struggled as a single parent to pay for health insurance for my five children, and it frequently cost me more than 30 percent of my income—in addition to copays.”

Christian of Crescent Hill wrote, “I know what it is like not to have this basic human right, and I know how much better the quality of my life is now that I do not have to worry about it. I believe that it is shameful that we are the only developed country in the world without a public health system, and I would like to voice my support of the President's plan.”

Finally, Matthew G., a 10-year-old boy from Louisville wrote, “My parents spend \$50,000 per year for my

brother's autism, and I think it's a national crisis. It's just not fair, and this is a fair country, and everybody, no matter who they are, including my brother, Eric, should be treated equally."

Senator MCCONNELL, these are your constituents, yours and mine, and they are Americans. They are deserving of your attention and not your scorn. Please come with me to Louisville, and I will introduce you to more of the people who support health care reform for America.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 17 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. BALDWIN) at 10 a.m.

#### PRAYER

Rev. Richard Hynes, Office of Evangelism, Archdiocese of Chicago, Chicago, Illinois, offered the following prayer:

Lord God, on this date, Catholics honor Jesus' mother, her own conception, especially today at the Shrine of the Immaculate Conception in Washington, which is dedicated in her honor as our patroness of the United States of America.

God of peace and justice, 68 years ago today, from this Chamber, President Franklin Roosevelt asked Congress for the permission to respond to terror inflicted on our country in Pearl Harbor the previous day.

Sadly, Lord God, terror continues today. Individuals, groups of individuals, and even some nation-states imagine terror, prepare for terror, and conspire for terror. However, the necessity to protect innocent people, the right of communities to live in peace, the expectation that people can live with differences and in harmony remain deep desires for Americans and for many others of goodwill.

Guide our Nation with right judgment and courage. Encourage all who labor for an end to terror. We shall never cease seeking Your inspiration in our endeavors to imagine peace and to work for justice.

Amen.

#### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

#### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Pennsylvania (Mr. SESTAK) come forward and lead the House in the Pledge of Allegiance.

Mr. SESTAK led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

#### EXTENDED COBRA CONTINUATION PROTECTION ACT

(Mr. SESTAK asked and was given permission to address the House for 1 minute.)

Mr. SESTAK. Madam Speaker, I rise today to ask the House to quickly pass the Extended COBRA Continuation Protection Act to ensure health coverage for millions of Americans who, through no fault of their own, have lost their jobs and now, because Wall Street gambled with their savings, cannot afford the COBRA premiums to keep their health care from their former employer.

So, in the economic stimulus bill we provided 65 percent of the cost of those premiums, but those benefits are now running out for those who were laid off first. I ask this House to quickly pass the bill to extend those COBRA premium subsidies for 6 months.

Take a woman in my district. She pays \$535 for her 35 percent share of the premiums. It will go over \$1,500 very soon if we do not act. And she has a preexisting condition and must keep on her health care plan.

Hundreds have contacted my office regarding this, and I ask this House to quickly help. As we come out of this savage recession, it's not just economic security, but it's health security we must address.

#### CO<sub>2</sub> IS NOW A POLLUTANT

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Madam Speaker, yesterday was a historic day. It will be a day which lives in economic infamy. The EPA administrator yesterday unsheathed the dagger at the heart of our economy when she announced an endangerment

finding. Yes, CO<sub>2</sub> is now a pollutant. That means everyone in this Chamber, anyone who out there might be hearing us, you are now polluters. With every breath you take you emit CO<sub>2</sub>.

This was never, ever, conceived by Congress when it passed the Clean Air Act. We now have a situation in which administrators are going to effectively control the entire economy and the way in which we live and the way in which we breathe. This is not the idea of freedom. This is, in fact, not an endangerment finding about clean air. This is an endangerment finding about our freedom.

Our freedom took a vicious blow yesterday, and we, as representatives of our people, must act.

#### ARE WE FIGHTING OR FUNDING THE TALIBAN?

(Mr. KUCINICH asked and was given permission to address the House for 1 minute.)

Mr. KUCINICH. Madam Speaker, U.S. contractors are paying U.S. tax dollars to the Taliban in order to protect the delivery of U.S. shipments of U.S. goods to U.S. soldiers so that our soldiers can fight against the Taliban.

In an investigative expose, The Nation magazine reveals "how U.S. funds the Taliban," and "with Pentagon cash, contractors bribe insurgents not to attack supply lines for U.S. troops." Another quote from the investigation: "The real secret to trucking in Afghanistan is ensuring security on the perilous roads controlled by warlords, tribal militias, insurgents, and Taliban commanders." The American executive I spoke to was fairly specific about it: "The Army is basically paying the Taliban not to shoot at them," and then the Taliban uses that money to shoot at our troops. What a racket.

Are we in Afghanistan to fight or to fund the Taliban or both?

#### NETWORKS IGNORE CLIMATEGATE SCANDAL

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Madam Speaker, ABC, CBS, and NBC are the winners of this week's Media Fairness Caucus' highly uncoveted "Lap Dog Award" for the most glaring example of media bias. The networks took 2 weeks to devote any coverage to the Climategate scandal on their evening news programs.

We now know that prominent scientists were so determined to advance the idea of human-made global warming that they worked together to hide contradictory temperature data. But for 2 weeks, none of the networks gave the scandal any coverage on their evening news programs, and when they

finally did cover it, their reporting was largely slanted in favor of global warming alarmists.

The networks have shown a steady pattern of bias on climate change. During a 6-month period, four out of five network news reports failed to acknowledge any dissenting views about global warming, according to a Business and Media Institute study.

The networks should tell Americans the truth, rather than hide the facts.

#### FINANCIAL REGULATORY REFORM

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Madam Speaker, last fall our economy began a tailspin into the worst economic crisis since the Great Depression. For years, greed and irresponsibility was allowed to run wild. Now, we find ourselves beginning to climb out of this hole.

This week, we will consider a comprehensive financial package that is loud and clear: No more, and I state, no more, no more will we allow financial institutions to engage in abusive behavior with other people's money. No more will we allow corporate executives to receive cash bonuses for failed investments. No more will we let consumer protection take a back seat to the bottom line of Bank of America or Citibank. The age of taxpayer funded bailouts is over.

Last fall, Americans lost faith in this country's ability to regulate corporate greed. This week, we have a chance to deliver reform Americans demand. We cannot let them down.

I urge my colleagues to support this bill.

#### SERVICE ACADEMY APPLICATIONS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, all too often we come to this floor to talk about problems in the country. Today, however, I want to mention some good news about the future of America and the next generation of patriotic men and women.

In my district this year, applications to the military service academies increased by 30 percent. Today's youth, more than ever, are looking to serve this country. And our academies are among the finest universities in the world.

While it may seem counterintuitive that a nation at war would see increased interest in military service, I think that we have remarkable young people who value the sacrifices made by previous generations. They know the value of freedom and liberty and are willing to defend these precious gifts. They're willing to serve a cause greater than themselves.

We just celebrated Thanksgiving, and I believe we need to be thankful for men and women who are eager to wear the uniform and become leaders in our military services.

#### WE'RE NOT DOING ENOUGH

(Mr. TEAGUE asked and was given permission to address the House for 1 minute.)

Mr. TEAGUE. Madam Speaker, Congressional Quarterly recently reported that more American military personnel have taken their own lives in 2009 than have been killed in either the Afghanistan or Iraq wars this year, with 334 members of the military service committing suicide. This staggering number means one thing. We're not doing enough.

We're not doing enough to provide adequate mental health care for our returning servicemembers. The National Defense Authorization Act of 2009 was recently signed into law with a provision that I championed that requires mental health screening for all servicemembers returning from combat. This is the single most effective thing we can do to identify cases of mental illness, reduce the stigma of mental illness, and ensure our brave men and women in uniform receive the treatment they need and deserve for mental illness. However, we don't have enough mental health professionals to carry out these screenings.

I ask my colleagues to join me in increasing mental health funding and making sure the Defense Department and VA hire the mental health professionals they need to keep our servicemembers well.

#### CAP-AND-TRADE

(Mr. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Nebraska. Madam Speaker, I rise to express my concerns about the rush of some of my colleagues that they seem to be in to enact cap-and-trade legislation. We are seeing serious doubts on the validity of the science which is driving this flawed policy. In fact, the EPA has formally declared greenhouse gas emissions as dangerous pollutants, an action which could prove costly to America's farms, ranches, and small businesses.

At a time of double-digit unemployment, the last thing our country needs is a jobs-killing tax regime imposed on our family-run small businesses and agriculture producers. Agriculture is an energy-intensive industry, relying on fuel for the truck, fertilizer for the crops, and generators to keep heaters on during the winter.

This national energy tax is the wrong way to go, and it's based on flawed science.

#### HONORING THE LIVES OF THE FOUR LAKEWOOD CITY POLICE OFFICERS KILLED ON NOVEMBER 30, 2009

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Madam Speaker, today in Tacoma, Washington, the State of Washington will honor and memorialize the service and lives of four Lakewood City police officers who were slain while on duty on November 30 this year.

Sergeant Mark Renninger, Officer Ronald Owens, Officer Tina Griswold, and Officer Gregory Richards were killed while in the line of duty. And today, in the Tacoma Dome, thousands of Washingtonians will embrace them in their arms and in their hearts and to show respect for their loss.

But I just want to note that it is the Nation that appropriately honors and memorializes these four officers, and the reason is that they are symbols of the service of police and sheriff's officers all over this country who are out on dark roads, who are working in dark cities, who are doing the hard detective work it takes to keep us safe. And I hope we will thank the next officer we see for their service.

And I just want to tell these families how I feel. I lost my cousin, a sheriff's deputy, Mark Brown, in 1999 while in the line of duty. My prayers and heart goes out to these families, and I hope all my colleagues will join me in that regard.

□ 1015

#### THE FINANCIAL SECURITY OF THE UNITED STATES

(Mrs. SCHMIDT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHMIDT. Madam Speaker, as I was getting ready to come here this morning, I was listening to the television and something was said that really caused me to not just pause but really question what some folks are doing with this country.

Moody's Investment Service has sounded an alarm. It is said that if we do not stop our spending, we will lose our AAA rating. We're in jeopardy of losing our AAA rating in the next 3 to 4 years.

This week we're going to debate an omnibus budget bill that will spend almost a half-trillion dollars—that's a half-trillion dollars more to the deficit we already have. Moody's has warned us we can't sustain the spending, and this is going to cost us our triple-A rating.

Madam Speaker, I question what some folks want to do. We need to pause before we spend the taxpayer dollars. We need to make sure that we do



not ruin the financial security of our Nation.

#### CONGRATULATING CENTRAL ARIZONA COLLEGE'S CROSS-COUNTRY TEAM

(Mrs. KIRKPATRICK of Arizona asked and was given permission to address the House for 1 minute.)

Mrs. KIRKPATRICK of Arizona. Madam Speaker, I rise to honor the accomplishments of Central Arizona College's women's cross-country team.

On November 14, the Vaqueras earned their second National Junior College Athletic Association Championship in 5 years. The squad had four runners in the top 12 at the Championship meet, with last year's national title winner, Rose Tanui, placing second. The team has shown an unwavering commitment to excellence. They have been practicing six mornings a week starting at 5:59 a.m. since the start of the school year, and now all their hard work and lost sleep has paid off. Winning the title was a perfect sendoff for Coach Mike Gray, the NJCAA coach of the year who is retiring after leading the Vaqueras for over a decade.

I would like to congratulate Coach Gray and the entire team on this amazing end to their tremendous season.

#### "LET WALL STREET PAY FOR THE RESTORATION OF MAIN STREET" ACT

(Ms. HIRONO asked and was given permission to address the House for 1 minute.)

Ms. HIRONO. Madam Speaker, out-of-control financial speculation on Wall Street contributed to the deep economic hole we're in today. Taxpayers have paid the price, risking around \$3 trillion to stabilize the financial system. Astonishingly, the top three bailed-out firms are reportedly on track to pay \$30 billion in bonuses to top executives this year. In the meantime, furloughs, unemployment, and foreclosure are weighing on American families. Limited access to lending is still a problem for many small businesses.

It's time for us to institute a modest transaction tax on trades of stocks, options, and swaps. Even a small tax of a quarter percent on these securities could raise up to \$150 billion a year. Part of this revenue should be used to invest in our Nation's infrastructure, creating jobs and putting Americans back to work again.

I ask my colleagues to support the "Let Wall Street Pay for the Restoration of Main Street Act." Wall Street needs to be part of the solution, not an ongoing part of the problem.

#### USING BAILOUT FUNDS AS A SLUSH FUND VIOLATES THE LAW

(Mr. PENCE asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. PENCE. Last year I opposed the Wall Street bailout because I thought it was just wrong to take \$700 billion in bad decisions on Wall Street and transfer that debt burden to Main Street and future generations of Americans.

But while I believe the action taken by Congress a year ago was wrong, the TARP legislation actually rightly demanded that any money not used to purchase toxic assets in the bill be used to pay down the national debt. The legislation specifically says that any leftover TARP money goes to deficit reduction.

That's why I have to tell you, Madam Speaker, I was astonished when I heard Speaker NANCY PELOSI last week suggest that her source to pay for a new so-called stimulus bill would be leftover TARP funding. And if press reports are true, the President of the United States will address the Brookings Institution this morning and suggest the same.

Let me be clear on this point. To use money from the TARP fund in the manner that is being discussed by the White House and congressional Democrats would be a violation of the law, and it would betray the trust of the American people.

It seems the Democrats' policy on spending is, If we got it, spend it—no matter where it comes from.

#### WALL STREET REFORM AND CONSUMER PROTECTIONS ACT

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Madam Speaker, I rise today in strong support of the Wall Street Reform and Consumer Protection Act. This historic legislation will strengthen our financial regulatory system and better protect consumers from abuse by the lending and credit industries. Most importantly, this historic legislation ends "too big to fail" and government bailouts.

Never again will taxpayer dollars be used to bail out Wall Street and their overpaid executives. Large financial institutions like AIG or Lehman Brothers at risk of collapse will be dissolved in an orderly and controlled process, and this process will be paid for by the shareholders, by creditors, and the assets of failed companies—not by the taxpayers.

For years, Wall Street has reaped the spoils of success with no penalties for failure. This bill will end this injustice and force Wall Street to accept responsibility for its failings.

I urge my colleagues to support this bill.

#### MOTION TO INSTRUCT CONFEREES ON H.R. 3288, TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Mr. OLVER. Madam Speaker, pursuant to clause 1 of rule XXII and by direction of the Committee on Appropriations, I move to take from the Speaker's table the bill (H.R. 3288) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The motion was agreed to.

Mr. LATHAM. Madam Speaker, I have a motion at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Latham moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 3288 be instructed as follows:

(1) To disagree to any proposition in violation of clause 9 of Rule XXII which:

(a) Includes matter not committed to the conference committee by either House;

(b) Modifies specific matter committed to conference by either or both Houses beyond the scope of the specific matter as committed to the conference committee.

(2) That they shall not record their approval of the final conference agreement (as such term is used in clause 12(a)(4) of rule XXII of the Rules of the House of Representatives) unless the text of such agreement has been available to the managers in an electronic, searchable, and downloadable form for at least 72 hours prior to the time described in such clause.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Iowa (Mr. LATHAM) and the gentleman from Massachusetts (Mr. OLVER) each will control 30 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. LATHAM. I yield myself such time as I may consume.

Madam Speaker, this is a very basic motion to instruct on what could be a very complicated bill. This motion simply instructs the conferees to restrain from adding any extraneous materials—like other appropriation bills and any other issues outside the provisions included in either the House- or Senate-passed Transportation HUD bill, or THUD bill. This motion also provides any conference report will be available for no less than 72 hours before the conference report will be brought up for final passage in the House.

Madam Speaker, the THUD bill, like every appropriations bill this year, was slammed through the House in July under an unprecedented closed and restrictive rule, all in the name of completing these bills in "regular order."

The Senate, even with all of its scheduling issues, managed to pass a regular THUD bill in an open process with amendments—and I might add by September 17.

This THUD bill should have been considered and passed by early October at the latest. Instead, here we are now in December.

According to the plan as presented to me, Chairman OBEY is planning on lumping five other bills with the THUD bill to create an omnibus. Three of those bills—Financial Services, Foreign Operations, and the Labor H bills—weren't even considered on the Senate floor. Two of the other bills—the Military Construction-VA and the Commerce, Justice, Science bills—have passed both the House and the Senate, and there is no reason these bills shouldn't have their own free-standing conferences. In fact, the Commerce, Justice, Science bill was supposed to go to conference on November 17, but that conference got yanked due to some cold feet on the part of the majority at the prospect of having their Members have to vote on Guantanamo Bay policy.

By voting for this motion to instruct, you are voting for regular order process on these bills. We should be able to vote on veterans issues separate from the D.C. issues, the foreign aid issues, and all of the other issues we don't want stacked together. There are other things like railroad issues, immigration issues. They should all be done separately.

Further, this motion to instruct provides that the House will make available the full text of the conference report to the conferees at least 72 hours prior to consideration. There are billions of dollars at stake and a lot of policy to digest. It's our responsibility that we, as elected Representatives representing our districts, know what we're voting on. Further, I believe this motion is not inconsistent with Speaker PELOSI's policy.

I urge a "yes" vote on the simple motion to instruct.

I reserve the balance of my time.

Mr. OLIVER. Madam Speaker, the motion that we have before us is essentially the same motion that we had earlier back in September, September 23, when the Legislative branch appropriations bill was brought to the floor and we were considering doing a continuing resolution for a period of time, which ended up leading to a second continuing resolution at the point that the first one had run out.

The only difference from that motion is that this one now calls for 72 hours rather than 48 hours, thereby making the time constraint a more difficult one given the circumstances that we are in and given the time at which we are supposed to have another continuing resolution run out.

□ 1030

So that's a very small point, because at 48 hours, it would be easier to deal with. Madam Speaker, in a perfect world, we would have 72 hours to further review this bill. However, we cannot guarantee that for the reason that the current CR expires on the 18th and the bills that have been mentioned by the gentleman from Iowa fund critical programs.

The Departments that are funded in these bills cannot wait much longer for the funds, and we want to get the bills enacted for the entire year. It's already December 8. And we need to get these bills done. Plus, we all know that we need to have plenty of time for our colleagues on the Senate side to act.

Now, Madam Speaker, I would just like to point out that in recent years, in 2005—and all of these, of course, were while the present minority was in the majority, and so they were in control of the procedures that were being followed—in 2005, the omnibus at that time included Agriculture, Commerce, Energy-Water, Foreign Operations, Interior, Labor-HHS-Education, the Leg Branch, Transportation, Treasury, VA-HUD and Foreign Operations and that year happened to be the vehicle being used to bring that process to a conclusion.

So the number of bills that were involved in that process were nine plus the vehicle, 10 of the 12 bills. In that instance, the Agriculture bill had never been considered in the Senate; the Commerce, Justice and State bills had never been considered in the Senate. In fact, that was before—that was Justice and Judiciary at that point, it was a more complicated bill. Energy-Water never were considered in the Senate, Interior had never been considered in the Senate, Labor-HHS had never been considered in the Senate, Leg Branch had never appointed conferees, Transportation and Treasury had never been considered in the Senate, and the VA-HUD bill was never considered in either body.

Yet all of those bills were in that continuing resolution. And so this has been done in the past. That was the omnibus bill that finished up our work for the fiscal year 2005 budget.

Going back a year, we considered an appropriations bill to finish up the fiscal year 2004 sequence that included Agriculture, Commerce, State, Justice, District of Columbia, Foreign Operations, Labor-Health-Education, Transportation, Treasury and VA-HUD; and Agriculture was the vehicle. And CJS was never considered in the Senate. D.C. had not appointed conferees. The Foreign Operations bill had appointed conferees, but never reported a conference report. A report had never been agreed to. Labor-HHS, the conferees had been appointed, but then the conference, the conferees discharged from their appointment and brought it back

to the full committee. And so VA-HUD never had appointed conferees. And so it goes.

The conferees in these instances included a series of Members from the majority side, from the variety of the committees in each case. At that time, Mr. YOUNG of Florida was the chairman of the Appropriations Committee. And I could go on here. In 2003, the consolidated appropriations resolution that completed the 2003 budgetary events included Agriculture, Commerce, District of Columbia, those were still part of it, except it was still a separate subcommittee, Energy-Water Development, Foreign Operations, Interior, Labor-HHS, Legislative Branch, Transportation, Treasury and Postal Service were now getting back at least two different reorganizations of the jurisdictions of the Appropriations Committee, all during the period that the present minority making the motion was in control and moved very quickly on the actions.

In that year, 2003, every one of the bills that I have mentioned had never been considered in one or the other branch. Several of them had not been considered in the House, and several of them had not been considered in the Senate. Well, I'm wrong actually. In the House, Leg Branch had never appointed conferees, but it had been considered and the bill had been passed. But in the others, the others had never been considered in either House, in one of the two branches at least.

So it is a time-honored process. When one gets here, we have known we've had now for 3 months since the end of the fiscal year, almost 3 months since the end of the fiscal year, and all of these bills have been put forward in conference in continuing resolutions, and the final continuing resolution ends on the 18 of December, 10 days away. The bill that we have before us is the Transportation, Treasury bill.

My ranking member, Mr. LATHAM, I want to express my strong appreciation for all the work that he has done on the legislation thus far that is the carrying legislation here. And he has mentioned that there are several bills that are being added, and I'm not going to exactly repeat those because they are already now a part of the RECORD, and they do not complete our—there is one left. There is a Defense bill that is left.

So we are in a time constraint. We need to move. We have a situation that we understand quite well if I were to go through and list the dates on which the Senate acted finally on several of these bills, they have been passed in the Senate in the case of Commerce at least and Veterans Affairs and Military Construction, but they weren't passed in the Senate until well after the end of the fiscal year 2009. All of our bills have been passed through the House by the end of fiscal year 2009. So we were ready to move forward with individual bills at a much earlier stage.

As I have already stated, we cannot guarantee 72 hours. It would be nice in a perfect world to be able to do that. But we must get this legislation done, or we are putting enormous pressures on the executive Departments of this government and on our own procedures as we move forward toward the appropriations process for fiscal year 2011, which comes quickly on the tail of getting finished with the needs that we have for finishing fiscal year 2010.

I reserve the balance of my time.

Mr. LATHAM. Madam Speaker, while I appreciate the chairman reciting history, also you should look at fiscal year 2006 when every bill was passed individually, signed into law in regular order with an open, free process. And so I think that is a model that we should all be looking for, and hopefully that would be the case. And there's no reason to put all of these bills together. And certainly there's no reason that we shouldn't have enough time to look at—it's about a half a trillion dollars of spending—to have 72 hours to finally look at the bill.

Again, Madam Speaker, there really is no controversy here. This is a simple motion to instruct, directing the committee to, number one, keep the THUD bill clean and within its scope of the conference, and, number two, to allow the conference agreement to be available to conferees 72 hours in advance of final passage.

I ask for a "yes" vote.

I reserve the balance of my time.

Mr. OLIVER. Madam Speaker, I would just like to reiterate that the bill that we are considering bringing to conference this morning is the Transportation, Housing and Urban Development, and related agencies bill.

I want to thank, again, my ranking member. This is his first year that Mr. LATHAM has been the ranking member, and I have enjoyed greatly the communications that we have had, sporadic as they have been. We work kind of in fits and starts because there has been a lot of waiting in the process to get to where we are today.

But I want to thank him in particular for the cooperation and the work that he and his staff have done. And I would name the minority clerk, Dena Baron, and on the minority side David Gibbons and Allison Peters and Janine Scianna. And on our side, I want to give the strongest praise to our staff and to our clerk and that staff with Kate Hallahan, who has given me a list that doesn't even have her name on it. She is so modest here. David Napoliello, Kate Hallahan, Laura Hogshhead, Alex Gillen, Sylvia Garcia who is, in this lengthened process, a replacement in the middle of the process of bringing out this legislation for a previous staff member who has now gone on to greener pastures.

And with that, I yield back the balance of my time.

Mr. LATHAM. I want to express my appreciation to the chairman for his patience. This has been a difficult process. As he mentioned, we start and stop, start and stop and back and forth; but it has been a real pleasure for me in my first year on this subcommittee to work with the chairman. And while we don't always agree on everything, we always have a very, very open dialogue. And I appreciate that very much.

Again, Madam Speaker, this really is very simple. With all the money that we are spending in this bill that we are pulling together a bunch of extraneous bills that have nothing to do with Transportation and HUD, the idea that we should just limit the conference to this bill, there are other avenues for doing the other bills. And certainly when you are spending this much money, there is no doubt that people should have a chance, at least 72 hours, to look at this bill in advance of passage.

I would ask for a "yes" vote.

I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate having expired, without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. LATHAM. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

□ 1045

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

#### REQUESTING REPORT ON ANTI-AMERICAN INCITEMENT TO VIOLENCE IN THE MIDDLE EAST

Mr. COSTA. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2278) to direct the President to transmit to Congress a report on anti-American incitement to violence in the Middle East, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2278

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. ANTI-AMERICAN INCITEMENT TO VIOLENCE IN THE MIDDLE EAST.

(a) FINDINGS.—Congress finds the following:

(1) Freedom of the press and freedom of expression are the foundations of free and prosperous societies worldwide, and with the freedom of the press and freedom of expression comes the responsibility to repudiate purveyors of incitement to violence.

(2) For years, certain media outlets in the Middle East, particularly those associated with terrorist groups, have repeatedly published or broadcast incitements to violence against the United States and Americans.

(3) Television channels that broadcast incitement to violence against Americans, the United States, and others have demonstrated the ability to shift their operations to different countries and their transmissions to different satellite providers in order to continue broadcasting and to evade accountability.

(4) Television channels such as al-Manar, al-Aqsa, al-Zawra, and others that broadcast incitement to violence against the United States and Americans aid Foreign Terrorist Organizations in the key functions of recruitment, fundraising, and propaganda.

(b) STATEMENT OF POLICY.—It shall be the policy of the United States to—

(1) designate as Specially Designated Global Terrorists satellite providers that knowingly and willingly contract with entities designated as Specially Designated Global Terrorists under Executive Order 13224, to broadcast their channels, or to consider implementing other punitive measures against satellite providers that transmit al-Aqsa TV, al-Manar TV, al-Rafidayn TV, or any other terrorist owned and operated station;

(2) consider state-sponsorship of anti-American incitement to violence when determining the level of assistance to, and frequency and nature of relations with, all states; and

(3) urge all governments and private investors who own shares in satellite companies or otherwise influence decisions about satellite transmissions to oppose transmissions of telecasts by al-Aqsa TV, al-Manar TV, al-Rafidayn TV, or any other Specially Designated Global Terrorist owned and operated stations that openly incite their audiences to commit acts of terrorism or violence against the United States and its citizens.

(c) REPORT.—

(1) REQUIREMENT FOR REPORTS.—Beginning 6 months after the date of the enactment of this Act and annually thereafter, the President shall transmit to the appropriate congressional committees a report on anti-American incitement to violence in the Middle East.

(2) CONTENT.—The reports required under paragraph (1) shall include—

(A) a country-by-country list and description of media outlets that engage in anti-American incitement to violence; and

(B) a list of satellite companies that carry mediums described in subparagraph (A) or designated under Executive Order 13224.

(d) DEFINITIONS.—In this section:

(1) ANTI-AMERICAN INCITEMENT TO VIOLENCE.—The term "anti-American incitement to violence" means the act of persuading, encouraging, instigating, advocating, pressuring, or threatening so as to cause another to commit a violent act against any person, agent, instrumentality,

or official of, is affiliated with, or is serving as a representative of the United States.

(2) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(3) **MIDDLE EAST.**—The term “Middle East” means Algeria, Bahrain, Egypt, Iran, Iraq, Israel, the West Bank and Gaza Strip, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Qatar, Saudi Arabia, Syria, Tunisia, the United Arab Emirates, and Yemen.

The **SPEAKER** pro tempore. Pursuant to the rule, the gentleman from California (Mr. COSTA) and the gentleman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

#### GENERAL LEAVE

Mr. COSTA. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill under consideration.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. COSTA. I yield myself as much time as I may consume as I rise in strong support of this resolution.

Madam Speaker, I want to commend my friend from Florida (Mr. BILIRAKIS) for introducing this piece of legislation as well as my friend and colleague from New York, JOE CROWLEY, for his leadership on this issue.

This is an important matter. The Obama administration has brought a new, more positive tone to American foreign policy in the Middle East. Yet, despite the President's desire to seek a new beginning between the United States and Muslims around the world, there still lies fanatical anti-American and anti-Semitic efforts which continue to incite people around the world through broadcasts in the Middle East by television stations for those Muslim viewers.

Without a doubt, freedom of the press and freedom of expression are the foundations of free and prosperous societies throughout the world. Yet with this important freedom comes the great responsibility to reject and repudiate that incitement to violence. This resolution attempts to remind us of that fact.

For years, certain media outlets in the Middle East, particularly those associated with terrorist groups, have repeatedly published or have broadcast incitement to violence against the United States and our allies. Television stations, such as Hezbollah's al-Manar, Hamas' al-Aqsa, the Iraq-based Al-Zawra, and others that broadcast incitement to violence against the United States aid foreign terrorist organizations in their key functions to recruit, to fund-raise, and to incite fur-

ther propaganda. This must not continue. Some of these stations are broadcast throughout the region by two prominent Arab world satellites—Egypt's Nilesat and the Arab League's Arabsat—in which both Saudi Arabia and Kuwait are the leading shareholders. Saudi Arabia and Kuwait have relations with our country.

This is unfortunate. This propaganda threatens long-term U.S. interests in the region, and it does a great deal of damage to the prospect of improving bilateral relations between America and our allies in the Arab world. In addition, it undermines the prospects for Arab-Israeli peace. Make no doubt about that.

Americans have witnessed the direct connection between the charged rhetoric of the jihadist narrative, as Tom Friedman called it in his recent column that many of us have read, and it incites actual violence. This incitement creates an environment conducive to and accepting of terrorism, terrorism that impacts all of us throughout the world. As the U.S. and other nations join in fighting this terrorism, there must be renewed vigilance against the purveyors of anti-American hatred abroad and of the consequences for inaction, inattention, or state sponsorship of this hatred.

This legislation requires the State Department to submit to Congress an annual report that details, country by country, Middle Eastern media outlets that engage in anti-American incitement to violence and of the satellite companies that transmit them. They are the enablers.

It also establishes as U.S. policy that satellite providers which knowingly and willingly contract with terrorist entities can be legally designated as “specially designated global terrorists,” under Executive Order 13224, for perpetrating this incitement. In addition, it calls upon our government to consider the state sponsorship of anti-American incitement to violence when determining the level of assistance to and the frequency and nature of relations with Middle Eastern states. We ought to reflect and make an analysis of this effort. This legislation attempts to do so.

Finally, H.R. 2278 urges all governments and private investors who are involved with satellite transmissions to oppose the broadcasting of telecasts by any specially designated global terrorist-owned-and-operated stations which openly incite their audiences to commit acts of terrorism or acts of violence against the United States and its citizens or against citizens throughout the world.

I know that the terrorist likes of Hamas and Hezbollah will not soon abandon their mass media attempts of promoting hatred and violence, but there are efforts that we can and should pursue. It is longtime past for

all state-owned and privately owned satellite companies, wherever they are located, to cease transmitting these ugly messages which encourage the murder of Americans and our allies. That is why, Madam Speaker, I strongly support this legislation, and I urge all of my colleagues to join me in that support.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. I yield myself such time as I may consume.

Madam Speaker, I also rise in strong support of this legislation authored by my good friend and colleague from Florida, Congressman GUS BILIRAKIS, and I am a proud cosponsor of this important bill.

I thank Mr. BILIRAKIS for his vision, and I also wish to extend my gratitude to our colleague from New York, Congressman JOE CROWLEY. They have been leaders on this important issue.

The bill before us, Madam Speaker, is a successor to a resolution that was passed last Congress condemning the broadcasting of incitement to violence against Americans and the United States in media based in the Middle East and calling for the designation of al-Aqsa TV as a specially designated global terrorist entity.

As we commemorate the 68th anniversary of the United States' entry into World War II, we know well the power that words have for either good or evil. Before there were factories to drive the Nazi war machine, there were hateful and violent words. Before there were bricks to build concentration camps, there were ugly, dehumanizing words. As we have witnessed, such charged rhetoric invites violent action, and such incitement creates an environment accepting of and conducive to violent Islamic extremism.

As we too sadly learned on September 11, 2001, purveyors of anti-American incitement to violence traffic not only in words but in deeds. Accordingly, this important and critical legislation before us this morning requires that the President submit a report to Congress on the activities of media outlets which engage in anti-American incitement to violence and on the satellite providers that carry out these messages of hate.

Furthermore, Mr. BILIRAKIS' legislation seeks to document the threat posed by the broadcasts of incitement to violence against Americans and the United States on television channels and other media which are accessible in the United States. It will highlight how the threat may increase the risk of radicalization and recruitment of Americans into extremist organizations which seek to carry out attacks against American targets and on American soil.

We cannot allow satellite providers which traffic in and profit from anti-American incitement to violence to remain in the shadows. We must join

with the majority of those throughout the Middle East and right here at home who value pluralism, who value tolerance, and, in both word and deed, who reject the purveyors of anti-American incitement to violence and their enablers.

Madam Speaker, I strongly urge my colleagues to support this critical legislation. I thank the author of this important bill, my colleague from Florida (Mr. BILIRAKIS), for its introduction. As well, I thank our friend from New York (Mr. CROWLEY).

With that, Madam Speaker, I yield such time as he may consume to my friend from Florida (Mr. BILIRAKIS).

Mr. BILIRAKIS. Madam Speaker, I rise today in support of H.R. 2278.

I want to thank the gentleman from California, of course my good friend from Florida, and also the gentleman from New York (Mr. CROWLEY).

My legislation will direct the President to transmit to Congress a report on anti-American incitement to violence in the Middle East. This nefarious activity is escalating in quality and quantity and is fueled by the rapid growth of satellite television throughout the Arab world.

In 2008, al-Manar TV, which is run by Hezbollah, broadcast over two dozen video clips of insurgents' bombings against U.S. and coalition forces in Iraq. Further, Iranian state-controlled TV channels, such as al-Rafidayn, repeatedly broadcast calls for "death to America." Al-Aqsa TV, an arm of Hamas, broadcast a puppet show depicting an Arab child stabbing the President of the United States.

Instead of denouncing such incitement, many countries in the region provide financial, material, and technological support to the purveyors of incitement. Al-Manar and al-Aqsa, among others, are transmitted on the satellite providers Nilesat, which is controlled by the Egyptian Government, and Arabsat, which is controlled by the Arab League. Given the dangers such incitement poses to American soldiers and civilians in the region and at home, it is long past time for the U.S. and other responsible nations to stop this growing threat. The passage of H.R. 2278 is therefore critical.

This legislation seeks to designate, under Executive Order 13224, specially designated global terrorist satellite providers which knowingly engage in contracts with entities already designated as specially designated global terrorists.

This bill would also make it the policy of the U.S. to urge all governments and private investors who own shares in satellite companies to oppose transmissions of telecasts by any station that openly incites its audience to commit acts of terrorism or violence against the United States and its citizens.

This bill requires the President to transmit a report to Congress that

must include a country-by-country list and description of media outlets that engage in anti-American incitement to violence in the Middle East and a list of satellite companies which carry such media.

Most importantly, it must be the policy of the United States, in crafting its foreign policy, to consider the state sponsorship of anti-American incitement to violence when determining the level of assistance to and frequency in nature of relations with regional states.

Finally, Madam Speaker, the broadcast of incitement to violence against Americans in our country on television channels and on other media that are accessible in the U.S. may increase the risk of the radicalization and recruitment of individuals into foreign terrorist organizations that seek to carry out acts of violence against American targets on American soil. This is a concerning trend that must be halted.

Madam Speaker, I urge the passage of this very important measure, which I hope will improve our national security and the safety of our soldiers and citizens overseas.

Again, I thank the gentleman from California and the gentlewoman from Florida. I appreciate it very much.

Ms. ROS-LEHTINEN. Madam Speaker, I reserve the balance of my time.

Mr. COSTA. Madam Speaker, I ask unanimous consent to turn the management of this measure and of the other remaining items to my friend, the gentleman from New York (Mr. ENGEL).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ENGEL. Madam Speaker, I rise in strong support of this resolution.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. With that, Madam Speaker, I yield back the balance of my time.

Mr. ENGEL. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. COSTA) that the House suspend the rules and pass the bill, H.R. 2278, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BILIRAKIS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1100

## WESTERN HEMISPHERE DRUG POLICY COMMISSION ACT OF 2009

Mr. ENGEL. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2134) to establish the Western Hemisphere Drug Policy Commission, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2134

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Western Hemisphere Drug Policy Commission Act of 2009".

### SEC. 2. FINDINGS.

Congress finds the following:

(1) According to the Substance Abuse and Mental Health Services Administration's (SAMHSA) National Survey on Drug Use and Health, in 2008 in the United States, there were an estimated 25,768,000 users of marijuana, 5,255,000 users of cocaine, 850,000 users of methamphetamine, and 453,000 users of heroin.

(2) Nearly 100 percent of the United States cocaine supply originates in the Andean countries of Bolivia, Colombia, and Peru and over 90 percent of the United States heroin supply originates in Colombia and Mexico.

(3) In those countries, the cultivation, production and trafficking of cocaine and heroin generate violence, instability and corruption.

(4) In the transit countries of Central America, Mexico, Venezuela, Ecuador, Haiti, and other Caribbean countries, drug trafficking is central to the growing strength of organized criminals to threaten local and national law enforcement, political institutions, citizen security, rule of law, and United States security and interests.

(5) Drug-related violence is on the rise in Mexico and along the United States-Mexico border. 5,661 people died in Mexico in 2008 alone as a result of drug-related violence. This is more than double the 2007 total of 2,773.

(6) According to the Department of State's June 2009 Trafficking in Persons report, organized criminal networks in Mexico also "traffic Mexican women and girls into the United States for commercial sexual exploitation".

(7) Extremist groups and their supporters in the Western Hemisphere, including the Revolutionary Armed Forces of Colombia (FARC) and Hezbollah, often use drug trafficking to finance terrorist activities.

(8) From 1980-2008, United States counter-narcotics assistance from the State and Defense Departments to Latin America and the Caribbean totaled about \$11,300,000,000.

### SEC. 3. ESTABLISHMENT OF WESTERN HEMISPHERE DRUG POLICY COMMISSION.

There is established an independent commission to be known as the "Western Hemisphere Drug Policy Commission" (in this Act referred to as the "Commission").

### SEC. 4. PURPOSE.

The Commission shall review and evaluate United States policy regarding illicit drug supply reduction and interdiction, with particular emphasis on international drug policies and programs directed toward the countries of the Western Hemisphere, along with foreign and domestic demand reduction policies and programs. The Commission shall

identify policy and program options to improve existing international and domestic counternarcotics policy.

#### SEC. 5. DUTIES OF THE COMMISSION.

(a) REVIEW OF ILLICIT DRUG SUPPLY REDUCTION AND DEMAND REDUCTION POLICIES.—The Commission shall conduct a comprehensive review of United States policy regarding illicit drug supply reduction, interdiction, and demand reduction policies and shall, at a minimum, address the following topics:

(1) An assessment of United States international illicit drug control policies in the Western Hemisphere.

(2) An assessment of drug interdiction efforts, crop eradication programs, and the promotion of economic development alternatives to illicit drugs.

(3) The impact of the Andean Counterdrug Initiative (ACI), the Merida Initiative, the Caribbean Basin Security Initiative, and other programs in curbing drug production, drug trafficking, and drug-related violence in the Western Hemisphere.

(4) An assessment of how to better deploy and employ available technology to target major drug cartels.

(5) An assessment of efforts to curb the trafficking of chemical precursors for illicit drugs.

(6) An assessment of how the United States drug certification process serves United States interests with respect to United States international illicit drug control policies.

(7) An assessment of the nature and extent of the United States population's demand for illicit drugs.

(8) An assessment of United States drug prevention and treatment programs, including anti-drug coalitions, drug courts, and programs aimed at preventing recidivism.

(9) An assessment of the extent to which the consumption of illicit drugs in the United States is driven by individuals addicted to or abusive of illicit drugs, and the most effective experiences in the United States and throughout the world in treating those individuals and reducing the damage to themselves and to society.

(10) Recommendations on how best to improve United States policies aimed at reducing the supply of and demand for illicit drugs.

(11) Assessing the value of supporting relevant government entities and nongovernmental institutions in other countries of the Western Hemisphere in promoting the reduction of supply of and demand for illicit drugs.

(12) An assessment of whether the proper indicators of success are being used in United States illicit drug control policy.

(b) COORDINATION WITH GOVERNMENTS, INTERNATIONAL ORGANIZATIONS, AND NONGOVERNMENTAL ORGANIZATIONS (NGOs) IN THE WESTERN HEMISPHERE.—In conducting the review required under subsection (a), the Commission shall consult with—

(1) government, academic, and nongovernmental leaders, as well as leaders from international organizations, from throughout the United States, Latin America, and the Caribbean; and

(2) the Inter-American Drug Abuse Control Commission (CICAD) to examine what changes would increase its effectiveness.

#### (c) REPORT.—

(1) IN GENERAL.—Not later than 12 months after the first meeting of the Commission, the Commission shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate, the Committee

on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate, the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate, the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate, the Secretary of State, the Secretary of Defense, the Secretary of Health and Human Services, the Attorney General, and the Director of the Office of National Drug Control Policy (ONDCP) a report that contains a detailed statement of the recommendations, findings, and conclusions of the Commission, including summaries of the input and recommendations of the leaders and organizations with which is consulted under subsection (b).

(2) PUBLIC AVAILABILITY.—The report required under this subsection shall be made available to the public.

#### SEC. 6. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of ten members, to be appointed as follows:

(1) The majority leader and minority leader of the Senate shall each appoint two members.

(2) The Speaker and the minority leader of the House of Representatives shall each appoint two members.

(3) The President shall appoint two members.

(b) APPOINTMENTS.—The Commission may not include Members of Congress or other currently elected Federal, State, or local government officials.

(c) PERIOD OF APPOINTMENT.—Each member shall be appointed for the life of the Commission. Any vacancies shall not affect the power and duties of the Commission, but shall be filled in the same manner as the original appointment.

(d) DATE.—Members of the Commission shall be appointed not later than 30 days after the date of the enactment of this Act.

(e) INITIAL MEETING AND SELECTION OF CHAIRPERSON.—Not later than 60 days after the date of the enactment of this Act, the Commission shall hold an initial meeting to develop and implement a schedule for completion of the review and report required under section 5. At the initial meeting, the Commission shall select a Chairperson from among its members.

(f) QUORUM.—Six members of the Commission shall constitute a quorum.

(g) TRAVEL EXPENSES.—Members shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code, while away from their homes or regular places of business in performance of services for the Commission.

#### SEC. 7. POWERS.

(a) MEETINGS.—The Commission shall meet at the call of the Chairperson or a majority of its members.

(b) HEARINGS.—The Commission may hold such hearings and undertake such other activities as the Commission determines necessary to carry out its duties.

(c) OTHER RESOURCES.—The Commission shall have reasonable access to documents, statistical data, and other such information the Commission determines necessary to carry out its duties from the Library of Congress, the Office of National Drug Control Policy, the Department of State, the Department of Health and Human Services, the Department of Justice, the Drug Enforcement Administration, the Department of Defense (including the United States Southern Com-

mand), and other agencies of the executive and legislative branches of the Federal Government. The Chairperson of the Commission shall make requests for such access in writing when necessary. The General Services Administration (GSA) shall make office space available for day-to-day Commission activities and for scheduled Commission meetings. Upon request, the Administrator of General Services shall provide, on a reimbursable basis, such administrative support as the Commission requests to fulfill its duties.

(d) AUTHORITY TO USE THE UNITED STATES MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(e) AUTHORITY TO CONTRACT.—Subject to the Federal Property and Administrative Services Act of 1949, the Commission is authorized to enter into contracts with Federal and State agencies, private firms, institutions, and individuals for the conduct of activities necessary to the discharge of its duties and responsibilities. A contract, lease, or other legal agreement entered into by the Commission may not extend beyond the date of termination of the Commission.

#### SEC. 8. STAFF.

(a) EXECUTIVE DIRECTOR.—The Commission shall have a staff headed by an Executive Director. The Executive Director and such staff as is needed shall be paid at a rate not more than the rate of pay for level IV of the Executive Schedule.

(b) STAFF APPOINTMENT.—With the approval of the Commission, the Executive Director may appoint such personnel as the Executive Director determines to be appropriate. The Commission may appoint and fix the compensation of such other personnel as may be necessary to enable the Commission to carry out its duties, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable to a person occupying a position at level V of the Executive Schedule under section 5316 of such title.

(c) EXPERTS AND CONSULTANTS.—With the approval of the Commission, the Executive Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Upon the request of the Commission, the head of any Federal agency may detail, without reimbursement, any of the personnel of such agency to the Commission to assist in carrying out the duties of the Commission. Any such detail shall not interrupt or otherwise affect the civil service status or privileges of the personnel.

#### SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated \$2,000,000 to carry out this Act.

(b) AVAILABILITY.—Amounts appropriated pursuant to subsection (a) shall remain available, without fiscal year limitation, until expended.

#### SEC. 10. SUNSET.

The Western Hemisphere Drug Policy Commission shall terminate 60 days after the submission to Congress of its report under section 5(c).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from



New York (Mr. ENGEL) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

#### GENERAL LEAVE

Mr. ENGEL. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ENGEL. Madam Speaker, I rise in strong support of H.R. 2134, a bill that I authored to establish a Western Hemisphere Drug Policy Commission.

I thank Foreign Affairs Chairman HOWARD BERMAN and Ranking Member ILEANA ROS-LEHTINEN for their support of this bill.

I am particularly grateful to CONNIE MACK, the ranking member of the Western Hemisphere Subcommittee, which I chair, for being my lead Republican cosponsor of this bill.

Madam Speaker, billions of U.S. taxpayer dollars have been spent over the years to fight the drug trade in Latin America and the Caribbean. In spite of our efforts, drug use in the United States has increased.

According to the Brookings Institution, since the peak of the heroin and cocaine epidemics of the mid-1980s, consumption rates for these narcotics have remained more or less stable. At the same time, amphetamine use has spread.

As Members of Congress, we owe it to our constituents to do a better job combating the drug trade and taking illegal drugs off of our cities' streets. I believe that we are long past due in re-examining our counternarcotics efforts here at home and throughout the Americas.

H.R. 2134 will create an independent commission to evaluate U.S. drug policies and programs aimed at reducing illicit drug supply in the Americas and the demand for these drugs here at home. This commission will assess all aspects of the illegal drug trade, including prevention and treatment programs in the United States.

The Western Hemisphere Drug Policy Commission will be required to submit recommendations on future U.S. drug policy to Congress and various Cabinet secretaries, including the Secretary of State, the Secretary of Defense, the Secretary of Health and Human Services, and the Attorney General.

To tackle our Nation's horrific drug problem once and for all, we must have a better sense of what works and what does not work. The citizens of our great country, who deal every day with illegal drugs on their streets, and our partners in the Americas, who have worked with us in fighting the drug trade for years, deserve no less.

Madam Speaker, I have long thought that, as we try to combat the growing of crops that produce drugs, we also need to combat the consumption side here at home, and this report will help us to understand what we can do more effectively. I urge my colleagues to support this crucial legislation.

CONGRESS OF THE UNITED STATES,  
COMMITTEE ON THE JUDICIARY,  
Washington, DC, November 5, 2009.

Hon. HOWARD BERMAN,  
Chairman, Committee on Foreign Affairs, House of Representatives, Washington, DC.

DEAR HOWARD. This is to advise you that, as a result of your having consulted with us on provisions in H.R. 2134, the Western Hemisphere Drug Policy Commission Act of 2009, that fall within the rule X jurisdiction of the Committee on the Judiciary, we are able to agree to discharging our committee from further consideration of the bill, in order that it may proceed without delay to the House floor for consideration.

The Judiciary Committee takes this action with the understanding that by forgoing further consideration of H.R. 2134 at this time, we do not waive any jurisdiction over subject matter contained in this or similar legislation, and that our Committee will be appropriately consulted and involved as the bill moves forward, so that we may address any remaining issues on matters in our jurisdiction. We also reserve the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this important legislation, and request your support if such a request is made.

I would appreciate your including this letter in your committee report, or in the Congressional Record during consideration of the bill on the House floor. Thank you for your attention to our requests, and for the cooperative relationship between our two committees.

Sincerely,

JOHN CONYERS, Jr.,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON FOREIGN AFFAIRS,  
Washington, DC, November 20, 2009.

Hon. JOHN CONYERS, Jr.,  
Chairman, Committee on the Judiciary,  
Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 2134, the "Western Hemisphere Drug Policy Commission Act of 2009."

I appreciate your willingness to work cooperatively on this legislation. I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on the Judiciary. I acknowledge that your Committee will not formally consider the bill and agree that the inaction of your Committee with respect to the bill does not waive any future jurisdictional claim over the matters contained in the bill which fall within the Committee's Rule X jurisdiction.

Further, as to any House-Senate conference on the bill, I understand that your Committee reserves the right to seek the appointment of conferees for consideration of portions of the bill that are within the Committee's jurisdiction, and I agree to support a request by the Committee with respect to serving as conferees on the bill, consistent with the Speaker's practice in this regard.

I will ensure that our exchange of letters is included in the Congressional Record, and I

look forward to working with you on this important legislation.

Sincerely,

HOWARD L. BERMAN,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON ENERGY AND COMMERCE,  
Washington, DC, October 28, 2009.

Hon. HOWARD BERMAN,  
Chairman, House Committee on Foreign Affairs,  
Washington, DC.

DEAR CHAIRMAN BERMAN: I am writing to confirm our understanding regarding H.R. 2134, the "Western Hemisphere Drug Policy Commission Act of 2009." As you know, this bill was referred to the Committee on Energy and Commerce, which has jurisdictional interest in provisions of the bill.

In light of the interest in moving this bill forward promptly, I do not intend to exercise the jurisdiction of the Committee on Energy and Commerce by conducting further proceedings on H.R. 2134. I do this, however, only with the understanding that foregoing further consideration of H.R. 2134 at this time will not be construed as prejudicing this Committee's jurisdictional interests and prerogatives on the subject matter contained in this or similar legislation. In addition, we reserve the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this legislation.

I would appreciate your including this letter in the Congressional Record during consideration of the bill on the House floor. Thank you for your cooperation on this matter.

Sincerely,

HENRY A. WAXMAN,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON FOREIGN AFFAIRS,  
Washington, DC, November 2, 2009.

Hon. HENRY A. WAXMAN,  
Chairman, Committee on Energy & Commerce,  
Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 2134, the "Western Hemisphere Drug Policy Commission Act of 2009."

I appreciate your willingness to work cooperatively on this legislation. I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on Energy and Commerce. I acknowledge that your Committee will not formally consider the bill and agree that the inaction of your Committee with respect to the bill does not waive any future jurisdictional claim over the matters contained in the bill which fall within the Committee's Rule X jurisdiction.

Further, as to any House-Senate conference on the bill, I understand that your Committee reserves the right to seek the appointment of conferees for consideration of portions of the bill that are within the Committee's jurisdiction, and I agree to support a request by the Committee with respect to serving as conferees on the bill, consistent with the Speaker's practice in this regard.

I will ensure that our exchange of letters is included in the Congressional Record, and I look forward to working with you on this important legislation.

Sincerely,

HOWARD L. BERMAN,  
Chairman.

Madam Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the United States has been involved in multilateral international drug control efforts for nearly a century.

Over the years, our agencies have used a wide array of tools to counter the drug trade in our hemisphere, ranging from multilateral cooperation and foreign assistance restrictions, to crop eradication, alternative development, interdiction, and institutional capacity building. Here within our own hemisphere the U.S. remains a major supporter and participant of the Inter-American Drug Abuse Control Commission.

Regionally and bilaterally the U.S. has also worked closely with responsible partners on counternarcotics efforts through important programs such as the Merida Initiative, the Andean Counterdrug Initiative, Plan Colombia, and the upcoming Caribbean Basin Security Initiative. Through these programs and others, at least eight U.S. agencies are involved in implementing U.S. international counternarcotics activities.

The Western Hemisphere Drug Policy Commission, created by this bill, H.R. 2134, will be responsible for assessing the promotion of economic development alternatives to illicit drugs, how to better employ technology to target major drug cartels, U.S. drug prevention and treatment programs, and the value of working with other governments and NGOs to promote the reduction of supply and demand for illicit drugs.

After this 1-year review, the commission will complete its mandate by providing a report to Congress that provides an assessment of overall U.S. international illicit drug control policies in our Western Hemisphere and recommendations on how to best improve these policies. It is critical that the appropriate measures be taken to ensure that U.S. drug policy, both here at home and abroad, is responsible and is effective.

Already we have seen tremendous results from some of our efforts. For example, in the last 2 years, the price of cocaine in the United States has increased nearly 80 percent while its purity has decreased nearly 30 percent. Drugs not only poison our children and our communities, but drugs fund and sustain many of the violent criminal groups and extremist organizations lurking in our hemisphere.

Within the last year or so, two major drug rings with ties to Hezbollah have been caught operating in our Western Hemisphere. The comfort with which these criminals traipse around the region is alarming.

However, with leaders like Hugo Chavez and Daniel Ortega bending over backwards to let rogue states like Iran expand its presence in the region, it really is no surprise that extremist groups like Hezbollah would also make their homes here.

We cannot allow the Western Hemisphere to become a staging ground for extremists. From money laundering to drug smuggling to arms trafficking, extremist groups like the FARC and Hezbollah, the regimes who support them, and their enablers are putting the people of the Americas in direct danger.

The United States must continue to work with our democratic allies to stamp out these threats. I am hopeful that this commission will help us to do just that.

Madam Speaker, I yield back the balance of my time.

Mr. ENGEL. Madam Speaker, let me just say that I have listened to everything that my good friend and colleague from Florida, Congresswoman ROS-LEHTINEN, said and I concur with every word that she said.

This is a very important bill. It's a very important subject, and I urge my colleagues to support the bill.

Mrs. BONO MACK. Madam Speaker, I rise in support of H.R. 2134, the Western Hemisphere Drug Policy Commission Act of 2009.

Tackling substance abuse among all age groups will take a domestic and international effort that continually evolves to meet the challenge. The U.S. Government's approach to reducing the supply of and demand for drugs in the Western Hemisphere is a crucial place to start. This is the primary reason I strongly support this legislation. The challenge is one that not only affects so many families across our country, but also everything from our law enforcement efforts to scientific research, and diplomatic priorities.

The need to act on all fronts—prevention, treatment, research, and law enforcement—is crucial. There's no silver bullet.

In particular, I have serious concerns with the trends we are seeing among our youth toward prescription drug abuse. Drugs like OxyContin are being abused across our country, with 2,500 kids a day using a prescription drug to get high for the first time. Just because it's sitting in the medicine cabinet doesn't mean it is safe, and these drugs are often used as a gateway to street drugs.

The Commission created in the legislation is necessary, as it will allow us to better find the solutions to reducing the numbers of those using these dangerous substances, which are staggering within our own borders. According to the National Survey on Drug Use and Health, in 2008, over 20 million Americans aged 12 or older were current illicit drug users.

I hope to continue to work with the Foreign Affairs Committee as well as the Energy and Commerce Committee to create a foundation for a domestic and international drug policy that balances maintaining our vital law enforcement efforts with an augmented demand-side effort toward reducing substance abuse and addiction.

Finally, I appreciated the time I was able to take with the Chairman and Ranking Member along with other dignitaries to raise this issue at the Summit of the Americas. We'll only make progress if we are serious about an international coordinated effort.

Mr. ENGEL's legislation is a positive step toward addressing this issue, and I look forward

to the bipartisan support of our colleagues today on H.R. 2134.

Mr. ENGEL. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. ENGEL) that the House suspend the rules and pass the bill, H.R. 2134, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### ENCOURAGING HUNGARY TO RESPECT THE RULE OF LAW

Mr. ENGEL. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 915) encouraging the Republic of Hungary to respect the rule of law, treat foreign investors fairly, and promote a free and independent press.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 915

Whereas, on October 23, 1956, some 100,000 Hungarian citizens began a nation-wide revolt against the Communist government of Hungary and its domination by the Soviet Union;

Whereas the Hungarian people fought bravely for freedom, democracy, and human rights;

Whereas, on March 12, 1999, the Government of Hungary, reflecting the will of the Hungarian people, formally became a member of NATO and on May 1, 2005, Hungary became a full member of the European Union;

Whereas the United States has invested over \$9,000,000,000 in Hungary since 1989 and the United States is the fourth-largest contributor and largest non-European contributor to foreign investment in Hungary according to the U.S. Department of Commerce;

Whereas the Hungarian Investment and Trade Development Agency reports that foreign direct investment has been crucial in boosting Hungary's economic performance and remains the driving force behind Hungary's economic success;

Whereas in 1997, the Hungarian National Radio and Television Board (ORTT) awarded licenses for two national radio stations, which are set to expire on November 19, 2009;

Whereas the two licenses are the only ones that allow for nationwide coverage by commercial, rather than state, radio-broadcast services in Hungary;

Whereas one of these licenses was awarded to a United States company and the other to a European company, each for a total of 12 years;

Whereas the Financial Times reported on November 6, 2009, that before the bids for renewal of their national licenses were due, these companies were approached by individuals claiming to represent the Socialist and Fidesz Parties in Hungary offering to extend their licenses if the parties received 50 percent of the companies' equity;

Whereas the Financial Times also reported on November 6, 2009, that both stations refused this alleged extortion attempt and the

ORTT delegates from Fidesz and the ruling Socialist party voted to award the licenses to two politically-connected local bidders instead;

Whereas the Wall Street Journal reported on November 10, 2009, that Hungary's Prime Minister and the Chair of the ORTT have publicly decried the process by which these licenses were awarded;

Whereas the Economist reported on November 7, 2009, that the Chair of the ORTT resigned in protest and refused to sign the politically-motivated contracts;

Whereas United States investors are an important part of the Hungarian economy and deserve equitable treatment in accordance with United States and Hungarian laws;

Whereas unfair treatment of foreign companies will deter investment and hinder economic growth in Hungary; and

Whereas respect for the rule of law and a free and independent press will spur investor confidence in Hungary: Now, therefore, be it Resolved, That the House of Representatives—

(1) condemns the recent action by the Hungarian National Radio and Television Board that awarded the national community radio licenses;

(2) encourages the Republic of Hungary to respect the rule of law and treat foreign investors fairly; and

(3) encourages the Republic of Hungary to maintain its commitment to a free and independent press.

Mr. KUCINICH. Madam Speaker, I seek to claim time in opposition.

The SPEAKER pro tempore. Is the gentlewoman from Florida opposed to the resolution?

Ms. ROS-LEHTINEN. Madam Speaker, I do not oppose this resolution.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. ENGEL) and the gentleman from Ohio (Mr. KUCINICH) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

#### GENERAL LEAVE

Mr. ENGEL. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ENGEL. Madam Speaker, I rise in strong support of this resolution, and I yield myself as much time as I may consume.

Madam Speaker, I thank my good friend from Indiana (Mr. DONNELLY) for introducing this important resolution.

Let me just say in 1989 Hungary joined its Central and Eastern European neighbors in throwing off the mantle of communist rule. By taking the brave and unprecedented decision in that year to open its borders to Austria and to allow East Germans to travel freely to the West, Hungary played a decisive role in bringing about the end of the Cold War. In the 20 years since, Hungary has become a member of NATO, the European Union and a strong partner of the United States.

Hungary is working side-by-side with the U.S. in Afghanistan, where it leads the provincial reconstruction team in Baghlan Province, and it has been a partner in conflicts in Iraq and in the Balkans. We greatly appreciate Hungary's staunch support in these and many areas.

However, we have become concerned about recent reports of possible unfair treatment of foreign investors in Hungary and possible efforts to inject politically motivated demands into the commercial process. In particular, we are concerned by the actions of the Hungarian National Radio and Television Board, ORTT, in deciding not to renew the national radio licenses for two foreign companies, one of which is American-owned, and to award them instead to two local bidders.

In 1997, the ORTT awarded to the foreign companies the only two licenses to provide commercial, rather than state-owned, nationwide broadcast services. Those licenses expired on November 19 of this year.

According to widespread media reporting, the two foreign companies have alleged that before their renewal bids were due, they were approached by representatives of Hungary's two leading political parties, offering to ensure their licenses would be extended if they agreed to the representatives' demands for a percentage of the company's equity and a say in editorial content.

The two foreign companies refused, and the ORTT awarded the licenses to the two local bidders instead, who had submitted tenders that many outside experts have said are not commercially viable.

The day following the award, the chairman of the ORTT resigned in protest, claiming that the two local bidders' contracts were flawed and economically unsound. Numerous commentators have indicated that on the face of it, the ORTT's decision clearly appears to have been politically motivated and have ignored the economic feasibility of the two local bidders' tenders.

Madam Speaker, American companies have invested over \$9 billion in Hungary since 1989. Hungary's economy, as with every other country, has been severely affected by the global economic downturn. We support U.S. companies' investment in Hungary, but we note that events such as this case give rise to questions about the fairness and transparency of doing business in Hungary.

We welcome the Prime Minister's commitment to investigate any complaint relating to foreign investments, and the decision by the Hungarian Parliament's Constitutional and Justice Committee to set up a body to examine the radio license transaction.

Hungary is a close friend and ally of the United States, and we urge the government to take all necessary steps to

ensure that foreign investors are treated fairly. I urge all of my colleagues to support this important resolution.

Madam Speaker, I ask unanimous consent to split the time evenly in favor of the resolution with my colleague, Ms. ROS-LEHTINEN of Florida.

#### PARLIAMENTARY INQUIRY

Mr. KUCINICH. Madam Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. KUCINICH. The gentleman asks for unanimous consent to split the time between himself and Ms. ROS-LEHTINEN. I have already claimed time in opposition. What does the Chair rule on that?

The SPEAKER pro tempore. The gentleman from Ohio will control 20 minutes in opposition.

Is there objection to the request of the gentleman from New York that the gentlewoman from Florida control 10 minutes of the time in support?

Without objection, the gentlewoman from Florida will control 10 minutes.

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Ohio.

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Mr. KUCINICH. Madam Speaker and my colleagues, as Chair of the Hungarian American Caucus, I want to bring to the attention of this Congress the concerns that have been raised about H. Res. 915, legislation which "encourages the Republic of Hungary to respect the rule of law, treat foreign investors fairly, and promote a free and independent press."

This legislation issues broad condemnation of the Republic of Hungary without regard to current legal proceedings that should receive more discussion. I urge my colleagues to consider the consequence of this legislation before casting a vote.

It's already been stated that the Hungarian Prime Minister has given statements questioning the award of the contract, that there is a parliamentary committee looking into it, that courts are reviewing it, and that, in fact, there's a prosecutorial investigation in the offing.

I have contacted the Hungarian Government, and in response to this congressional inquiry, the Hungarian Government pointed out that the licenses awarded to two national radio stations by the Hungarian National Radio and Television Board are under judicial review before the court: "A criminal procedure related to the issue was launched with the prosecutor's office."

Now, if this doesn't indicate a responsiveness by the government to the award of the contract, I don't know what does. The question then comes, Why is this even on the floor of the House as a suspension?

I stand by the right of every Member of this body to protect the interest of

any business in any district. That's what we're here for. But I think that to put this resolution before the House for passage before any committee meetings have been held to review the actual extent of the Hungarian Government's involvement or lack thereof is really not consistent with our duties and due diligence on every piece of legislation.

Now, the Hungarian National Radio and Television Board awarded 12-year licenses to two national radio stations in 1997, to two companies, one based in the United States and another in Europe. The licenses expired last month and are the only licenses that allow for nationwide coverage by commercial rather than state-run radio broadcast services in Hungary. Following a national bidding process, the licenses were awarded to two Hungarian companies. Members across the political spectrum in Hungary have raised concerns regarding the manner in which the licenses were issued, and a U.S.-based telecommunication company filed legal proceedings in Hungarian court.

Now, the legislation accurately states the importance of foreign investment and a need for equitable treatment in accordance with the United States and Hungarian laws. However, broad condemnation of the Republic of Hungary, charging the country, or implying, that there's widespread corruption without allowing legal processes to take place is more than problematic. This dispute should be resolved in Hungarian courts, which can render judgment and provide sufficient remedy to the injured party including, if they care to, revoke existing licenses, forcing a new round of competitive bidding, or awarding compensation. I mean, these are all things that the Republic of Hungary has the opportunity to do.

But I just want to go back to the legislation itself, which raises questions about the integrity of the government itself. And, frankly, I don't think that's appropriate given the scope of the legislation and the grievances that Members have about the contract-awarding procedure.

Madam Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

The bill before us, House Resolution 915, encourages the Republic of Hungary to respect the rule of law, treat foreign investors fairly, and promote a free and independent press.

Since breaking the chains of communist dictatorship and Soviet domination, Hungary has made significant progress in implementing democracy and economic reforms. I congratulate the Hungarian people and its government for these significant steps. It has also become a full member of the Trans-Atlantic community, having

joined both the NATO alliance and the European Union.

In light of how far Hungary has come in just two decades since the fall of the Iron Curtain in integrating itself in Western institutions and embracing basic freedoms, some recent developments in that country regarding the freedom of the press and the rule of law have raised some concern.

Specifically, political appointees to a government body that administers Hungary's airwaves have reportedly taken away two radio licenses from foreign-owned stations, one of them an American company, and have given the licenses to local firms that have links to Hungary's major political parties. The chairman of that government body administering the airwaves has resigned as a result, stating that the decision to take the licenses away from the foreign firms violated the law.

Madam Speaker, the manner in which this Hungarian Government body reportedly treated these foreign companies also may raise concerns about Hungary's full commitment to a free and independent press. Political cronyism, corruption, and restriction on the media are relics of the old communist system and the old parties. The Hungarian people do not wish to resurrect these harmful policies. Not just foreign investors in Hungary but the Hungarian people deserve much better. They have worked too hard. They have gone through too much to make their beautiful country, Hungary, a free and democratic nation.

The sponsors of this measure, Mr. DONNELLY, Mr. PENCE and Mr. BURTON, have introduced this resolution which condemns the recent action by the Hungarian National Radio and Television Board. It encourages the Republic of Hungary to continue to promote and respect the rule of law and treat foreign investors fairly. And, lastly, it encourages the Republic of Hungary to maintain its strong and vibrant commitment to a free and independent press.

Madam Speaker, I reserve the balance of my time.

Mr. ENGEL. Madam Speaker, I yield 5 minutes to the gentleman from Indiana (Mr. DONNELLY).

Mr. DONNELLY of Indiana. Madam Speaker, I rise in support of House Resolution 915, a resolution that encourages Hungary to respect the rule of law, treat foreign investors fairly, and to promote a free and independent press.

I appreciate the words of my good friend from Ohio, but I would just like to say that this resolution expresses our concern and condemns the Hungarian Radio and Television Board's process in granting these licenses. It does not question the Government of Hungary's efforts and it does not question our full confidence in their ability to resolve this matter. We welcome the

government's steps in moving this forward.

For decades the Hungarian people fought against communist rule for the chance at freedom and democracy. They have been our ally, they joined NATO in 1999, and the country of Hungary is a good and dear friend of the United States of America. We must ensure that this friendship continues to maintain in a healthy and engaged way and that it continues to foster economic growth for our countries.

In 1997 the Hungarian National Radio and Television Board, ORTT, awarded licenses for two national radio stations. One of these licenses was awarded to an American company, the other to a European company, each for a total of 12 years. These terms ended on November 19 of this year. The Financial Times reported on November 6 that shortly before these bids of renewal for the national licenses were due that the companies were approached by individuals claiming to represent various parties in Hungary. They offered to extend these companies' licenses if they received 50 percent of the equity. Both companies refused this attempt, and the ORTT voted to award these licenses to two connected local bidders instead.

We want to ensure the fullness and fairness that will be provided by the Government of Hungary's review, and we want to make sure that this resolution expresses our concern and condemns the actions of the ORTT.

U.S. investors are an important part of the Hungarian economy and deserve equitable treatment. We have invested over \$9 billion in Hungary since 1989. The friendship is strong, the friendship is unbreakable, and we are the fourth largest contributor to direct foreign investment in Hungary.

This resolution, as indicated, expresses our concerns and condemns the ORTT's actions, and we ask the Government of Hungary to treat foreign investors fairly and fully respect the rule of law, as we know they will. I urge my colleagues to support this resolution, to pass House Resolution 915.

Ms. ROS-LEHTINEN. Madam Speaker, I continue to reserve the balance of my time.

Mr. ENGEL. Madam Speaker, I reserve the balance of my time.

Mr. KUCINICH. Madam Speaker, this resolution encourages the Republic of Hungary to respect the rule of law. Now, if you're encouraging someone to respect the law, the underlying assumption is that they don't.

I think that to look at the action of a single agency and to put a broad brush on an entire national government is really grossly unfair. To imply that Hungary does not respect the law is actually an insult to the people of Hungary, who put their lives on the line in 1956 fighting to break free of domination by the Soviet Union, who

put their lives on the line to be able to establish a democracy and self-determination.

□ 1130

Is this what they deserve? Do the people of Hungary really deserve to be treated this way? This should have been handled diplomatically. This should have been handled at a committee level before bringing it to the floor of the House of Representatives. And with respect to foreign investors, since the Government of Hungary has itself launched an investigation into the award of this contract, doesn't that show that they want foreign investors to be treated fairly? Doesn't it show that they respect the rule of law by going forward to raise the potential of prosecution of people involved in the award of this contract? Don't we already have what it is that this legislation supposedly aspires to, evidence of respect for the law and fair treatment of foreign investors?

There is no evidence that the Republic of Hungary has suddenly taken a tilt towards Soviet-type control of the press; I hope that no one is seriously asserting that. Hungary is a proud and free society, and we should be very careful about moving forward with resolutions that in any way imply otherwise, not to say simultaneously, well, Hungary is a law-abiding nation, and then say, well, they ought to respect the law.

So again, I wish that the sponsors of this legislation, who I deeply respect and who I know are working very hard for their constituents and the business community as well as for all the people in their districts. I would say take another look at this and maybe send it to committee so that we could have the opportunity to have a deeper discussion about the advisability of the legislation, and maybe to tailor it even more firmly. I mean, I could agree with questioning the action by the Hungarian National Radio and Television Board—the Hungarian Government is questioning that action, but to challenge the entire government's integrity when the government has already taken action to raise questions itself about the award of a contract, really we have to ask what we're doing here.

Madam Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield back the balance of my time and I thank the gentleman from New York.

Mr. ENGEL. Madam Speaker, I yield myself such time as I may consume.

I just want to answer the gentleman from Ohio, for whom I have profound respect. And I want to do it by just reading what this resolution says because I don't think it implies what he thinks it implies.

First of all, at the start of the resolution we talk about the brave people of

Hungary and how they rose up against domination, Communist domination, Soviet domination in 1956, and whereas the Hungarian people fought bravely for freedom, democracy and human rights. And we talk about celebrating the fact that they have become a member of NATO and a member of the European Union. And at the end the bill simply says, and let me read it, "Resolved, that the House of Representatives (1) condemns the recent action by the Hungarian National Radio and Television Board that awarded the national community radio licenses; (2) encourages the Republic of Hungary to respect the rule of law and treat foreign investors fairly; and (3) encourages the Republic of Hungary to maintain its commitment to a free and independent press." I don't think that implies anything; I think that it encourages them.

And obviously this resolution is bipartisan. It was a company from Indiana that was wronged, and that is why you have Mr. DONNELLY, Mr. BURTON and Mr. PENCE from different parties, but all from Indiana, very concerned about this as well. So I don't think this casts any aspersions on Hungary, its people, or its government; quite the opposite, I think clearly in the resolution it celebrates the great partnership and alliance that we have with Hungary and all the brave things that the Hungarian people did during the past 50 years. I just wanted to point that out.

I reserve the balance of my time.

Mr. KUCINICH. May I inquire as to how much time I have remaining?

The SPEAKER pro tempore. The gentleman from Ohio controls 11½ minutes.

Mr. KUCINICH. I question why this resolution was brought before this House under suspension. I question why an effort by the proponents of the legislation wasn't made to contact the Hungarian Government and to learn that their position is in fact that there is a judicial review and that there is a criminal procedure related to the issue that was launched with the prosecutor's office because that would clearly indicate action being taken on the part of the government to look at this particular contract.

Why is this matter on the floor of the House of Representatives? Why are we taking this time to look at something that is already under review by the Hungarian Government and doing it in the context of urging the Hungarian Government to have respect for law? That's what they're doing, they are showing respect for law by taking this forward. Why do they need to be encouraged? Everyone here understands what that means; we're implying that they don't respect the law unless their judicial response is a certain way. That is not an appropriate way to proceed here. And again, it is very difficult when you have a colleague who you

want to agree with on everything present a resolution with which you don't agree.

I reserve the balance of my time.

Mr. ENGEL. Madam Speaker, I yield 1 minute to the author of this resolution, the gentleman from Indiana (Mr. DONNELLY).

Mr. DONNELLY of Indiana. And I, too, have the greatest respect and friendship for my colleague from Ohio, but I did want to comment that we, in fact, did meet with the Hungarian Ambassador and did meet with him in my office here at the Capitol. And there is no implication in any way that Hungary does not respect the rule of law; in fact, we are very, very proud of the partnership and friendship that has been built with Hungary. What we are trying to do is express our concern about the conduct of the Hungarian Radio and Television Board, a concern we also expressed to the Hungarian Ambassador. And we are hopeful that this will be resolved in the near future.

Mr. ENGEL. Madam Speaker, I reserve the balance of my time.

Mr. KUCINICH. As my colleague has stated, this resolution is intended to address the actions of the Hungarian National Radio and Television Board; they are the ones who awarded the contract. But yet, in the same breath, we're asking the Hungarian Government to respect the rule of law. Is there any other example, other than the action of a single board, that any proponent of this legislation can point to which indicates that the Republic of Hungary does not respect the rule of law? Or are we simply talking about one agency? Because if we're talking about one agency, then the resolution should have been written in a different way. Because the impact of this resolution is not going to be just to talk about the decision of one agency, it is going to imply, very broadly, that the Government of Hungary does not respect the rule of law. That passage should have been struck from this legislation.

I ask my colleague, Mr. ENGEL, if you look at the second part of the enactment clause, if he would consider striking that.

I yield to the gentleman from New York.

Mr. ENGEL. Well, let me say to my friend that it is not my resolution; it is Mr. DONNELLY's resolution. I don't think it is appropriate for me to strike anything.

Parliamentary Inquiry

Mr. KUCINICH. Parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. KUCINICH. Is a motion to strike in order by the manager of the bill, or would the sponsor of the bill have to ask for such a motion?

The SPEAKER pro tempore. A motion to suspend the rules is not amendable.

Mr. KUCINICH. So since this legislation is being offered under suspension, then no motion to strike would be in order; is that right?

The SPEAKER pro tempore. The gentleman is correct. A motion to suspend the rules is not amendable.

Mr. KUCINICH. Okay. I withdraw my request for a colloquy with my friend from New York.

I just think if it was so important to bring this to the floor, it should have been tailored quite narrowly to talk about the Hungarian National Radio and Television Board and not to take a broad brush with which we paint the Government of Hungary.

I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from New York has 1½ minutes remaining. The gentleman from Ohio controls 7 minutes.

The gentleman from New York has the right to close.

Mr. KUCINICH. I think that in the time that I had allotted, I had an opportunity to present my point here. And I just hope that when my colleagues vote on this later on in the day that they will consider the diplomatic implications of voting for this resolution.

And I will say again, and this is really a concern that I have that I want to express to the leaders of the House of Representatives, we have a lot of bills that come to this floor under suspension that appropriately should be discussed in committee before they come to the floor of the House. I think this is a good example of such a bill. And I would ask our leadership to please pay more careful attention to these issues because this House has very valuable time, and while we have the freedom of speech on this floor, the speech gets very expensive when there are so many other issues waiting for discussion on the floor.

I appreciate the opportunity here. I want to thank my colleague, ILEANA ROS-LEHTINEN, for what she has expressed and for the concerns that Mr. DONNELLY and Mr. ENGEL have expressed.

I yield back the balance of my time.

Mr. ENGEL. Madam Speaker, I would just urge my colleagues to support this bipartisan bill. This really is not a controversial bill. This is really, with all due respect, a tempest in a teapot. I think that simply, again, I will read the first sentence—

Mr. KUCINICH. Will the gentleman yield?

Mr. ENGEL. Let me just finish and I will be happy to yield. I would read the first sentence in this resolution, which says, "Encouraging the Republic of Hungary to respect the rule of law, treat foreign investors fairly, and promote a free and independent press." I don't think anyone can disagree with that, not even my friend from Ohio. And I will now yield to him.

Mr. KUCINICH. With all due respect to my good friend, Mr. ENGEL, you have compared this to a tempest in a teapot. It's your teapot and it's your tempest.

Mr. ENGEL. Well, let me say to my friend, it's not my tempest and it's not my teapot. I wish the gentleman had come to us earlier before we were having the vote scheduled. We did not know of his objections prior to this debate. And perhaps if he had come to us a little bit earlier we might have been willing to accommodate him, but not knowing about it and being blindsided by his objection, I think it's kind of a little bit difficult to change it.

Mr. KUCINICH. Will the gentleman yield?

Mr. ENGEL. No, I have yielded enough.

Mr. PENCE. Madam Speaker, I rise in support of H. Res. 915, a resolution of the House of Representatives encouraging the Republic of Hungary to respect the rule of law, treat foreign investors fairly, and promote a free and independent press.

I would like to thank my Indiana colleagues, especially Congressmen JOE DONNELLY and BARON HILL, for their yeoman's work on this issue. Chairman HOWARD BERMAN and Ranking Member ILEANA ROS-LEHTINEN also were instrumental in bringing this important resolution to the floor.

What could and should have been a fair competition to rebid Hungary's only two national, commercial FM radio broadcast licenses is now mired in allegations of political corruption. As nine embassies in Hungary including the United States warned in a joint letter last month, we are concerned that such instances of non-transparent behavior affecting investors could discourage foreign investment and hamper economic growth in Hungary. This concern is underscored by a report commissioned by the Public Procurement Council in Hungary, which recently found that between 70 and 90 percent of all public procurements in Hungary are tainted by corruption.

The broadcast licenses previously held by Slager Radio (owned by an Indianapolis-based company) and Danubius Radio (owned by a Vienna-based private equity firm) were recently awarded by the Hungarian National Radio and Television Board (ORTT) to other bidders despite unrealistic business plans and irregularities in those bids that I am told should have disqualified them under Hungarian media law. Not only that, but prior to the ORTT's highly controversial decision, Slager and Danubius were reportedly approached by agents of the Fidesz and Socialist parties seeking to acquire partial control of the stations to ensure their licenses would be renewed. Although the ORTT chairman resigned in protest and refused to sign the contracts, the delegates appointed to the ORTT by the Fidesz and Socialist parties all voted in favor of the two new stations. A poll of Hungarians suggested that six of out ten agreed that the decision to end the broadcast rights of Slager Radio and Danubius was "outrageous."

Slager and Danubius have appealed the ORTT decision, but litigation could drag on for years, while their popular broadcasts were forced off the air on November 18 of this year,

the same day we introduced this resolution. In addition, the Hungarian parliament voted to investigate the matter and a prosecutor is looking into whether criminal charges are warranted. I am encouraged by these steps and it is certainly my hope that the matter will be expeditiously resolved.

U.S. and other foreign investors deserve equitable treatment in accordance with Hungarian law. It bears mentioning that the United States is the fourth-largest contributor to foreign investment in Hungary and the largest non-European source of investment. The United States has invested over nine billion dollars in Hungary since 1989.

Unfair treatment of foreign companies will deter investment and hinder economic growth, while upholding the rule of law and promoting a free and independent press—as we urge in this resolution—would instead spur investor confidence.

In conclusion, we bring this resolution to the floor of the U.S. House of Representatives today in solidarity with all Hungarians demanding a thorough and expeditious investigation into the highly questionable circumstances surrounding the awarding of these radio licenses and fair competitions in public procurements that will demonstrate Hungary's commitment to respect the rule of law, treat foreign investors fairly and promote a free and independent press.

Mr. ENGEL. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. ENGEL) that the House suspend the rules and agree to the resolution, H. Res. 915.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. KUCINICH. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1145

#### EXPRESSING SOLIDARITY WITH EL SALVADOR

Mr. ENGEL. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 213) expressing the sense of Congress for and solidarity with the people of El Salvador as they persevere through the aftermath of torrential rains which caused devastating flooding and deadly mudslides, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 213

Whereas, on November 9, 2009, parts of El Salvador were decimated by floods brought on by Hurricane Ida;



Whereas Hurricane Ida caused the death of over 190 people in El Salvador, and made over 14,000 homeless, with both of those numbers likely to rise;

Whereas over 1,800 homes have been destroyed by the mudslides;

Whereas the small coffee growing town of Verapaz, population 7,000, has almost been completely destroyed;

Whereas reports have stated that up to 10,000 Salvadorians may need emergency food assistance;

Whereas Hurricane Ida also left about 13,000 people homeless in Nicaragua and damaged about 100 homes in Guatemala;

Whereas neighboring nations of El Salvador have provided relief to the people of El Salvador;

Whereas the United States, through the U.S. Agency for International Development and U.S. Southern Command, has provided significant emergency relief and assistance to the people of El Salvador in the wake of Hurricane Ida; and

Whereas El Salvador has begun the process of recovering from this natural disaster: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That Congress—*

(1) expresses solidarity with all people affected by Hurricane Ida;

(2) commends the brave efforts of the people of El Salvador and Central America as they recover from Hurricane Ida;

(3) applauds the coordination between the countries of Central America during the relief effort in providing relief to the people of El Salvador;

(4) acknowledges the efforts of the government of El Salvador to work closely and promptly with the United States to assist the affected population;

(5) recognizes the progress made by El Salvador on disaster preparedness capacity and their efforts to invest in disaster risk reduction; and

(6) urges the President to continue to make available assistance to help mitigate the effects of the recent natural disasters that have devastated El Salvador.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. ENGEL) and the gentleman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

#### GENERAL LEAVE

Mr. ENGEL. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ENGEL. Madam Speaker, I rise in strong support of H. Con. Res. 213, a resolution expressing our support for the people of El Salvador as they persevere through the aftermath of floods brought on by Hurricane Ida. I am the chairman of the Western Hemisphere Subcommittee of the House Foreign Affairs Committee, and I feel especially strongly about a resolution like this. I want to thank the ranking member of my subcommittee, CONNIE MACK,

the gentleman from Florida, for introducing this important resolution.

On November 9, a large portion of El Salvador was devastated by floods brought on by Hurricane Ida; 196 people were killed, 78 people are missing, and nearly 14,000 individuals are displaced from their homes. Our thoughts are with the people and Government of El Salvador as they cope with these difficult losses.

The United States, through USAID and the U.S. Southern Command, has provided significant emergency relief and assistance to the people of El Salvador in the wake of Hurricane Ida. The President of El Salvador, Mauricio Funes, and his government have worked closely with the United States to assist the affected populations.

Let me add that I attended the inauguration of President Funes in El Salvador with Secretary of State Hillary Clinton just a few months ago, and I am glad that our governments are working so closely together. And let me say that I have great confidence in President Funes as he takes on these crucial disaster relief efforts. I had the pleasure, when I attended the inauguration of Mr. Funes with Secretary Clinton, of meeting with then President-elect Funes at the Summit of the Americas in Trinidad as well, so I have discussed things with him twice.

As I have said, the U.S. and other countries have already done a great deal to assist El Salvador during this difficult time, but I believe much more remains to be done. I urge my colleagues to support this crucial legislation, and I again thank Representative MACK for his important initiative.

I encourage the Obama administration to also support disaster relief efforts in Nicaragua and Guatemala, and we need to continue to assist the government and people of El Salvador and prevent future disasters by investing in the country's infrastructure. And I want to, again, say that Hurricane Ida's damages were not limited to El Salvador. Guatemala and Nicaragua were impacted as well.

So I want to thank my friend, Congressman MACK, and I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I'd like to yield myself such time as I may consume.

Madam Speaker, I rise today to join my colleagues in support for the people of El Salvador and, specifically, the bill before us, H. Con. Res. 213, a resolution introduced by my colleague from Florida, my good friend, Mr. CONNIE MACK, the ranking member of our important Subcommittee on the Western Hemisphere.

Last month, as we have heard, the torrential rains of Hurricane Ida took a devastating toll on the people of El Salvador. Nearly 200 people lost their lives, and more than 14,000 were left homeless. Up to 10,000 Salvadorans

were left in reported need of emergency food supplies. The devastation did not stop at the borders of El Salvador, however. Hurricane Ida also left about 13,000 people homeless in Nicaragua and damaged about 100 homes in Guatemala.

This important resolution expresses our solidarity with all of the people impacted by this horrendous storm, and it commends the brave efforts of all who helped to contribute in the relief efforts in its aftermath. Specifically, I would like to recognize and commend the significant and immediate efforts undertaken by our most generous country, the United States of America, in the wake of this horrific storm. Through the U.S. Agency for International Development's Office of U.S. Foreign Disaster Assistance and the U.S. Southern Command, the United States was able to help airlift emergency relief supplies, finance humanitarian assistance projects, support medical evacuations, assess infrastructure repair projects, and deliver emergency and food supplies to the worst-hit and isolated communities in El Salvador.

This resolution also recognizes the coordination among the countries of Central America in the relief efforts following the storm. It is critical that responsible nations continue to work together to better prepare ourselves and our democratic partners for natural disasters such as this one.

Again, I would like to commend the brave efforts of the people of El Salvador and, in fact, all of Central America as they recover from Hurricane Ida and to express our strong support during this most difficult time.

Specifically, I would like to congratulate my friend from Florida (Mr. MACK) for his authorship of this important resolution, and I would like to recognize him at this time, Madam Speaker, to speak on this resolution. And I would ask him if he would also speak on the Drug Commission on the Western Hemisphere of which he and Mr. ENGEL were the authors.

At this time, Madam Speaker, I would like to yield such time as he may consume to the gentleman from Florida (Mr. MACK), the ranking member of the Foreign Affairs Subcommittee on the Western Hemisphere and the author of this measure.

Mr. MACK. Thank you to Chairman BERMAN, and a special thanks to Ranking Member ROS-LEHTINEN for all of her efforts and her leadership, for bringing this resolution to the floor. I'd also like to thank my colleague from New York, Congressman TOWNS, for joining me in introducing this resolution. Finally, I also want to thank my chairman, Chairman ENGEL, for his leadership in the hemisphere. It has been a pleasure working with Chairman ENGEL on the important issues facing the Western Hemisphere.

Madam Speaker, the people of El Salvador were hit hard by Hurricane Ida. As a Floridian, I understand how destructive and devastating a hurricane can be. We in Florida know what it's like to see the eye of a hurricane coming our way and how it impacts our lives. My heart goes out to the thousands of men, women, and children who have had their lives completely changed by Hurricane Ida and who are, as we speak, picking up the pieces and slowly rebuilding their destroyed villages.

As the ranking member of the Western Hemisphere Subcommittee, I believe it's important that the people of El Salvador understand that the people of the United States support them during these difficult times. I also think it's important to note how several nations worked together and continue to do so to ensure the people of El Salvador are getting the help they need to rebuild. From Honduras, our forces were able to lift those in need out of harm's way. From south Florida, we were able to airlift much-needed supplies. Those who have participated in these relief efforts should be commended for their help. We are honored by their service.

Madam Speaker, we in Congress remain committed to ensure that the people of El Salvador recover from this disaster, and I urge my colleagues to support this important resolution.

I'd also like to make a quick note, if I could, on an earlier resolution that was brought up, H.R. 2134. And I want to thank, again, Chairman ENGEL for his leadership for introducing the Western Hemisphere Drug Policy Act. The problem of illegal drugs impact people across borders, cultures, and socioeconomic status. When we evaluate the U.S. drug policy in the Americas, we must take an all-encompassing approach to the problem.

This legislation is a positive step towards evaluating U.S. policy. Some have focused on treatment or better education; others have focused on supply and the law enforcement aspect of the problem. But let me be clear, we must make sure that we attack the problem from both angles and all perspectives.

As we continue to address U.S. drug policy in the hemisphere, I know that there will be, as there have been, many obstacles. Some of these include countries that simply refuse to cooperate with the United States. And even worse, Madam Speaker, there are governments that have chosen to be part of or facilitate the flow of drugs into the United States.

According to President Obama, Venezuela has failed during the past year when it comes to counternarcotic efforts. The Obama administration has strong evidence that Venezuela has refused to cooperate on almost all counternarcotic issues. Hugo Chavez'

refusal to act responsibly not only hurts Americans, but now Venezuela has the second highest murder rate in the world. The Venezuelan Government's alignment with drug lords is so pervasive that ministers of the Chavez government are now categorized as "Tier II Kingpins." It's pretty clear cut, Madam Speaker, that Chavez and the flow of drugs into the United States is something we cannot ignore.

I want to thank Chairman ENGEL again for his leadership, and urge my colleagues to vote "yes" on the Western Hemisphere Drug Policy Commission Act, H.R. 2134.

Ms. ROS-LEHTINEN. Madam Speaker, I yield back the balance of our time.

Mr. ENGEL. Madam Speaker, let me just say very quickly, it's been a pleasure to work with the gentleman from Florida (Mr. MACK), as well as the ranking member of our subcommittee.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. ENGEL) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 213, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

#### EXPRESSING SYMPATHY TO THE PHILIPPINES

Mr. ENGEL. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 218) expressing sympathy for the 57 civilians who were killed in the southern Philippines on November 23, 2009.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

##### H. CON. RES. 218

Whereas, on November 23, 2009, 57 unarmed civilians were slain in Maguindanao in the worst politically motivated violence in recent Philippine history;

Whereas those killed were on their way to file nomination papers on behalf of Ismael Mangudadatu, vice mayor of Buluan, who intended to run against Andal Ampatuan, Jr. who is currently mayor of Datay Unsu, in next year's gubernatorial elections to succeed Andal Ampatuan, Sr., the father of Andal Ampatuan, Jr.;

Whereas many of those killed were women and children, including the wife of Vice Mayor Ismael Mangudadatu and his two sisters;

Whereas most of the women were reportedly raped and their bodies were mutilated after being shot;

Whereas as of December 2, 2009, initial charges have been filed in connection with the massacre, according to press reports;

Whereas the Freedom Fund for Filipino Journalists reports that at least 30 journalists and media workers were killed in the Maguindanao massacre;

Whereas, the Committee to Protect Journalists reports that prior to the Maguindanao massacre, 30 journalists had been killed in the Philippines since 2000, and suspects were prosecuted in no more than 4 cases, putting into question the safety of journalists and the integrity of independent journalism in the Philippines;

Whereas government prosecutors and judges with jurisdiction over the massacre have allegedly received threats and have been told to "go slow" on the investigation;

Whereas President Gloria Macapagal Arroyo declared a state of emergency in Maguindanao the day after the massacre, vowing that "no effort will be spared to bring justice to the victims";

Whereas extrajudicial killings and election-related violence are common in the Philippines, though never on this scale and rarely with this level of brutality; and

Whereas the United States and the Philippines share a strong friendship based on shared history and the commitment to democracy and freedom: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That Congress—*

(1) regrets the senseless killing of unarmed civilians and expresses its deepest condolences to the families of the 57 victims;

(2) condemns the culture of impunity that continues to exist among clans, politicians, armed elements, and other persons of influence in the Philippines;

(3) calls for a thorough, transparent, and independent investigation and prosecution of those who are responsible for the massacre, including those who committed the killings and anyone who may have ordered them, and that the proceedings be conducted with the highest possible level of professionalism, impartiality, and regard for witness protection to assure the Filipino people that all the responsible persons are brought to justice;

(4) calls for an end to extrajudicial killings and election-related violence;

(5) calls for freedom of press and the safety of the reporters investigating the massacre;

(6) urges the Departments of State and Justice and other United States Government agencies to review their assistance programs to the Government of the Philippines, and to offer any technical assistance, such as forensics support, that Philippine authorities may request; and

(7) reaffirms the United States commitment to working alongside Philippine authorities to combat corruption, terrorism, and security threats.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. ENGEL) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

##### GENERAL LEAVE

Mr. ENGEL. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ENGEL. Madam Speaker, I rise in strong support of this resolution, and I yield myself as much time as I may consume.

Madam Speaker, this concurrent resolution extends our profound condolences to the people of the Philippines who witnessed the worst election-related violence in the country's recent history. I'd like to thank the chairman of our committee, HOWARD BERMAN, for his leadership in bringing this resolution before the House.

On November 23, 57 civilians were killed in Maguindanao in the southern Philippines. They were on their way to file nomination papers on behalf of Ismael Mangudadatu, who intended to run against Andal Ampatuan, Jr., the son of the incumbent governor in next year's elections. Many of those killed were women and children, and at least 30 journalists were also killed, putting into question the safety of journalists and the integrity of independent journalism in the Philippines.

I want to extend my deepest sympathy and support for President Gloria Macapagal Arroyo, who has taken strong measures to hold accountable those who are responsible for this atrocity, vowing that "no effort will be spared to bring justice to the victims." The United States and the Philippines maintain strong bilateral ties based upon historical relations, common interests, and shared Values.

□ 1200

This resolution underscores our commitment to its important relationship during these difficult times.

Madam Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I'd like to yield myself such time as I may consume.

Madam Speaker, I rise in support of this resolution which commemorates the victims of the worst political violence in recent Philippine history. The wholesale massacre of 57 innocent persons, including women, children, and journalists, can only be termed as shocking even in this era of mass violence. The fact that this attack, which included mutilation and rape, took place on a convoy headed to register a candidate for election is a cause for concern for all who uphold democratic values and the rule of law.

I held discussions earlier this fall with my Filipino friends, keen political observers who warned of the potential for corruption, intimidation, and even violence in the run-up to elections in May of next year.

Extrajudicial killings have sadly become rather commonplace in the Republic of the Philippines. Over 30 journalists have reportedly been killed since the year 2000, with prosecutions in only four cases. The pen may be mightier than the sword, but no pen can maintain its strength if so easily cut down.

The Philippines is, after all, no ordinary republic. It is the only Asian nation that first incorporated democratic

values as a territory of the United States of America. It was to the Philippines that General Douglas MacArthur vowed to return after the courage of the defense of Corregidor and the agony of the Bataan death march.

American blood was shed, American treasure expended, American youth lost to give birth to the Philippine democracy in the post-World War II world. That is why the massacre of November 23 must be of concern to all of us as the political heirs to those brave veterans of the Philippines. Anything less than a thorough, transparent, and independent investigation of this massacre is unacceptable.

The success of the global war on terror in this volatile southern region of the Philippines depends on a full implementation of transparency and the rule of law.

The People Power Revolution of 1986—which the United States both celebrated and assisted—requires open, fair, and violence-free Presidential elections in May of 2010. Anything less would besmirch the memory of those who have fought and died so that the Philippines might have government of the people, for the people, and by the people. This dream, Madam Speaker, may only be achieved if the truth of the November 23 massacre is fully disclosed.

With that, Madam Speaker, I reserve the balance of my time.

Mr. ENGEL. Madam Speaker, I yield 1 minute to the gentleman from Texas, Congressman AL GREEN.

Mr. AL GREEN of Texas. I thank the Chair and the ranking member.

I would like to quickly give 200,000 reasons why we should be concerned about this incident—200,000. That's the number of persons from the Philippines who served with the United States military in World War II.

The Philippines have earned our respect, and they've earned our necessity to step forward in times of difficulty for them. We owe it to ourselves to make sure that injustice in the Philippines is addressed, because injustice there is a threat to justice here, just as a threat to justice for us was a threat to justice for them.

I support this resolution, and I strongly urge my colleagues to vote in favor of it.

I thank you.

Ms. ROS-LEHTINEN. I have no further requests for time. I yield back the balance of our time.

Mr. ENGEL. Madam Speaker, I just would very quickly like to point out that, besides expressing our deep concern, we also express the concern about the culture of impunity that continues to exist among politicians, clans, armed forces, and other persons in the Philippines. And this calls on the United States to offer any kind of assistance, technical assistance, that we can, and we stand by the Philippine

government's efforts to bring peace, rule of law, and security to the southern province.

Mr. SMITH of New Jersey. Madam Speaker, I rise today in support of H. Con. Res 218, expressing Congress's deepest condolences to the families of the 57 victims of the Maguindanao massacre. I thank my good friend from California, Mr. BERMAN, for authoring the resolution, which I am proud to co-sponsor.

Madam Speaker, when a friend is struck by a tragedy, perhaps the death of a family member, we all know what to do. We call them up, we visit them, we reach out to them. That is what they need at that moment—to know they are not alone, that they are accompanied by friends. I am confident this is happening in the Philippines right now. The Filipino people have strong families, and a gift for friendship.

I think it is like that with nations too. What happened in Maguindanao was such a terrible tragedy that other nations have to reach out and remind the Filipino people that they are part of a great human family, and that other nations grieve with them.

Madam Speaker, lest anyone doubt the importance of this gesture, let me remind them of the outpouring of support, which came from every corner of the globe, after the September 11 attacks in 2001. That meant so much to us.

But, Madam Speaker, the Filipino people also need justice. When a crime is committed on such a scale and in such a manner as the Maguindanao massacre, fundamental issues of justice and human rights are raised. The ambush of 57 people travelling in broad daylight to file a candidate's nomination papers, their forced march to a prepared killing field, their grisly shooting, mutilation, including the sexual mutilation and reportedly rape of women, and attempted burial by government-owned equipment—something is deeply wrong. And let's remember that the murder of 30 journalists is a full-scale attack on freedom of expression—the Committee to Protect Journalists says this massacre was the deadliest attack on journalists since it began monitoring in 1992.

My good friend's resolution addresses these issues. It condemns the "culture of impunity" that precedes and enables such a crime, and calls for a "transparent and independent investigation and prosecution" of those responsible, and the proceedings to be conducted with the highest possible level of "impartiality and regard for witness protection." And this is the issue: whether in our own country or elsewhere, whenever a government is unwilling to administer justice, it prepares the ground for human rights violations.

This resolution also calls for an end to extrajudicial killings and political violence, and for press freedom and safety. Finally, it urges our government to offer technical assistance to the investigation.

Madam Speaker, let us ask God to comfort all those who have lost family members and friends in this terrible crime. I urge my colleagues to support this resolution.

Mr. ENGEL. With that, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr.

ENGEL) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 218.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

The motion to instruct conferees on H.R. 3288, by the yeas and nays;

Suspending the rules and agreeing to:

H. Con. Res. 199, by the yeas and nays;

H. Con. Res. 206, by the yeas and nays;

H. Res. 940, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

#### MOTION TO INSTRUCT CONFEREES ON H.R. 3288, TRANSPORTATION, HOUSING AND URBAN DEVELOP- MENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The SPEAKER pro tempore. The unfinished business is the vote on the motion to instruct on H.R. 3288 offered by the gentleman from Iowa (Mr. LATHAM) on which the yeas and nays were ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct.

The vote was taken by electronic device, and there were—yeas 212, nays 193, not voting 29, as follows:

[Roll No. 931]

YEAS—212

Aderholt	Boustany	Conaway
Adler (NJ)	Brady (TX)	Cooper
Akin	Braley (IA)	Costa
Alexander	Bright	Crenshaw
Altmire	Brown (SC)	Cuellar
Austria	Brown-Waite,	Culberson
Bachmann	Ginny	Dahlkemper
Bachus	Buchanan	Davis (KY)
Baird	Burgess	Deal (GA)
Barrow	Burton (IN)	Dent
Bartlett	Buyer	Diaz-Balart, L.
Barton (TX)	Calvert	Diaz-Balart, M.
Bean	Camp	Doggett
Biggert	Cantor	Donnelly (IN)
Bilbray	Cao	Dreier
Billirakis	Capito	Duncan
Bishop (UT)	Carney	Ehlers
Blackburn	Carter	Ellsworth
Blunt	Cassidy	Emerson
Boccieri	Castle	Flake
Boehner	Chaffetz	Fleming
Bonner	Childers	Forbes
Bono Mack	Coble	Fortenberry
Boozman	Coffman (CO)	Foster
Boren	Cole	Fox

Franks (AZ)	Lungren, Daniel	Rogers (KY)
Frelinghuysen	E.	Rogers (MI)
Galleghy	Mack	Rohrabacher
Garrett (NJ)	Manzullo	Rooney
Gerlach	Marchant	Ros-Lehtinen
Giffords	Marshall	Roskam
Gingrey (GA)	McCarthy (CA)	Royce
Gohmert	McCaul	Rush
Goodlatte	McClintock	Ryan (WI)
Granger	McCotter	Scalise
Graves	McHenry	Schmidt
Griffith	McIntyre	Schock
Guthrie	McKeon	Schrader
Hall (NY)	McMahon	Sensenbrenner
Harper	McMorris	Sessions
Hastings (WA)	Rodgers	Sestak
Heller	McNerney	Shadegg
Hensarling	Mica	Shimkus
Herger	Michaud	Shuster
Himes	Miller (FL)	Simpson
Hodes	Miller (MI)	Skelton
Hunter	Minnick	Smith (NE)
Inglis	Mitchell	Smith (NJ)
Issa	Moran (KS)	Smith (TX)
Jenkins	Murphy (CT)	Souder
Jones	Murphy (NY)	Space
Jordan (OH)	Murphy, Tim	Stearns
King (IA)	Myrick	Sullivan
King (NY)	Neugebauer	Taylor
Kingston	Nunes	Teague
Kirk	Nye	Terry
Klein (FL)	Olson	Thompson (PA)
Kline (MN)	Owens	Thornberry
Kosmas	Paulsen	Tiahrt
Kratovil	Pence	Tiberi
Lamborn	Perriello	Turner
Lance	Pitts	Upton
Latham	Platts	Walden
LaTourette	Poe (TX)	Wamp
Latta	Pomeroy	Westmoreland
Lee (NY)	Posey	Whitfield
Lewis (CA)	Price (GA)	Wilson (SC)
Linder	Putnam	Wittman
LoBiondo	Radanovich	Wolf
Lucas	Rehberg	Young (AK)
Luetkemeyer	Roe (TN)	Young (FL)
Lummis	Rogers (AL)	

NAYS—193

Ackerman	Engel	Langevin
Andrews	Eshoo	Larsen (WA)
Baca	Etheridge	Larson (CT)
Baldwin	Farr	Lee (CA)
Becerra	Fattah	Levin
Berkley	Filner	Lewis (GA)
Berry	Frank (MA)	Loeb
Bishop (GA)	Fudge	Loeb
Bishop (NY)	Garamendi	Lofgren, Zoe
Blumenauer	Gonzalez	Lowey
Boswell	Gordon (TN)	Lujan
Boyd	Grayson	Lynch
Brady (PA)	Green, Al	Maffei
Brown, Corrine	Green, Gene	Maloney
Butterfield	Grijalva	Markey (CO)
Capps	Gutierrez	Markey (MA)
Cardoza	Halvorson	Massa
Carnahan	Hare	Matheson
Carson (IN)	Harman	Matsui
Castor (FL)	Hastings (FL)	McCarthy (NY)
Chandler	Heinrich	McCollum
Chu	Herseth Sandlin	McDermott
Clarke	Higgins	McGovern
Clay	Hill	Meek (FL)
Cleaver	Hinchey	Meeks (NY)
Clyburn	Hinojosa	Melancon
Cohen	Hirono	Miller (NC)
Connolly (VA)	Holden	Miller, George
Conyers	Holt	Mollohan
Costello	Honda	Moore (KS)
Courtney	Hoyer	Moore (WI)
Crowley	Insole	Murphy, Patrick
Cummings	Israel	Nadler (NY)
Davis (CA)	Jackson (IL)	Napolitano
Davis (IL)	Jackson-Lee	Oberstar
Davis (TN)	(TX)	Obey
DeFazio	Johnson (GA)	Olver
DeGette	Johnson, E. B.	Ortiz
DeLauro	Kanjorski	Pallone
Dicks	Kaptur	Pascarell
Dingell	Kennedy	Pastor (AZ)
Doyle	Kildee	Payne
Driehaus	Kilpatrick (MI)	Perlmutter
Edwards (MD)	Kilroy	Peters
Edwards (TX)	Kissell	Peterson
Ellison	Kucinich	Pingree (ME)
		Polis (CO)

Price (NC)	Schwartz	Tonko
Quigley	Scott (GA)	Tsongas
Rahall	Scott (VA)	Van Hollen
Rangel	Serrano	Velázquez
Reyes	Shea-Porter	Visclosky
Richardson	Sherman	Walz
Rodriguez	Shuler	Wasserman
Ross	Sires	Schultz
Rothman (NJ)	Slaughter	Waters
Roybal-Allard	Snyder	Watson
Ruppersberger	Speier	Watt
Ryan (OH)	Spratt	Waxman
Salazar	Stark	Weiner
Sánchez, Linda	Stupak	Welch
T.	Sutton	Wilson (OH)
Sanchez, Loretta	Tanner	Woolsey
Sarbanes	Thompson (CA)	Wu
Schakowsky	Thompson (MS)	Yarmuth
Schauer	Tierney	
Schiff	Titus	

#### NOT VOTING—29

Abercrombie	Fallin	Moran (VA)
Arcuri	Hall (TX)	Murtha
Barrett (SC)	Hoekstra	Neal (MA)
Berman	Johnson (IL)	Paul
Boucher	Johnson, Sam	Petri
Brown (GA)	Kagen	Reichert
Campbell	Kind	Smith (WA)
Capuano	Kirkpatrick (AZ)	Towns
Davis (AL)	Lipinski	Wexler
Delahunt	Miller, Gary	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1239

Messrs. GRIJALVA, HOLT, Ms. HARMAN, Messrs. RODRIGUEZ, HOYER, GARAMENDI, BLUMENAUER, BECERRA, Ms. FUDGE, Mr. SCHAUER, Ms. LINDA T. SANCHEZ of California, Messrs. HASTINGS of Florida, LYNCH, PALLONE, ELLISON, Ms. LORETTA SANCHEZ of California, Messrs. GEORGE MILLER of California, CLEAVER, GRAYSON, MCGOVERN, MOLLOHAN, BISHOP of Georgia, KANJORSKI, Ms. SLAUGHTER, Ms. SPEIER, Ms. RICHARDSON, Messrs. TIERNEY, DAVIS of Tennessee, GUTIERREZ, RYAN of Ohio, Mrs. HALVORSON, Mr. MELANCON, Ms. DEGETTE, and Mr. COHEN changed their vote from “yea” to “nay.”

Messrs. HENSARLING, POE of Texas, BARTON of Texas, YOUNG of Alaska, Mrs. DAHLKEMPER, Messrs. ADLER of New Jersey, DOGGETT, and HODES changed their vote from “nay” to “yea.”

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. PETRI. Madam Speaker, on rollcall No. 931, I was unavoidably detained. Had I been present, I would have voted “yea.”

#### RECOGNIZING ECHO COMPANY OF 100TH BATTALION OF THE 442D INFANTRY

The SPEAKER pro tempore (Mr. BLUMENAUER). The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent

resolution, H. Con. Res. 199, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 199, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 400, nays 0, not voting 34, as follows:

[Roll No. 932]

YEAS—400

Ackerman	Coble	Grijalva
Aderholt	Coffman (CO)	Guthrie
Adler (NJ)	Cohen	Gutierrez
Akin	Cole	Hall (NY)
Alexander	Conaway	Halvorson
Altmire	Connolly (VA)	Hare
Andrews	Conyers	Harman
Austria	Cooper	Harper
Baca	Costa	Hastings (FL)
Bachmann	Costello	Hastings (WA)
Bachus	Courtney	Heinrich
Baird	Crenshaw	Heller
Baldwin	Crowley	Hensarling
Barrow	Cuellar	Hergert
Bartlett	Culberson	Herseth Sandlin
Barton (TX)	Cummings	Higgins
Bean	Dahlkemper	Hill
Becerra	Davis (CA)	Himes
Berkley	Davis (IL)	Hinchee
Berry	Davis (KY)	Hinojosa
Biggert	Davis (TN)	Hirono
Bilbray	Deal (GA)	Hodes
Bilirakis	DeFazio	Holden
Bishop (GA)	DeGette	Holt
Bishop (NY)	DeLauro	Honda
Bishop (UT)	Dent	Hoyer
Blackburn	Diaz-Balart, L.	Hunter
Blumenauer	Diaz-Balart, M.	Inglis
Blunt	Dicks	Inslee
Bocciari	Dingell	Israel
Boehner	Doggett	Issa
Bonner	Donnelly (IN)	Jackson (IL)
Bono Mack	Doyle	Jackson-Lee
Boozman	Dreier	(TX)
Boren	Driehaus	Jenkins
Boswell	Duncan	Johnson, E. B.
Boustany	Edwards (MD)	Jones
Boyd	Edwards (TX)	Jordan (OH)
Brady (PA)	Ehlers	Kanjorski
Brady (TX)	Ellison	Kaptur
Braley (IA)	Ellsworth	Kennedy
Bright	Emerson	Kildee
Brown (SC)	Engel	Kilpatrick (MI)
Brown, Corrine	Eshoo	Kilroy
Brown-Waite,	Etheridge	King (IA)
Ginny	Farr	King (NY)
Buchanan	Fattah	Kingston
Burgess	Filner	Kirk
Burton (IN)	Flake	Kissell
Butterfield	Fleming	Klein (FL)
Buyer	Forbes	Kline (MN)
Calvert	Fortenberry	Kosmas
Camp	Foster	Kratovil
Cantor	Fox	Lamborn
Cao	Frank (MA)	Lance
Capito	Franks (AZ)	Langevin
Capps	Frelinghuysen	Larsen (WA)
Cardoza	Fudge	Latham
Carnahan	Gallely	LaTourette
Carney	Garamendi	Latta
Carson (IN)	Gerlach	Lee (CA)
Carter	Giffords	Lee (NY)
Cassidy	Gingrey (GA)	Levin
Castle	Gohmert	Lewis (CA)
Castor (FL)	Gonzalez	Lewis (GA)
Chaffetz	Goodlatte	Linder
Chandler	Gordon (TN)	LoBiondo
Childers	Granger	Loebach
Chu	Graves	Lofgren, Zoe
Clarke	Grayson	Lowey
Clay	Green, Al	Lucas
Cleaver	Green, Gene	Luetkemeyer
Clyburn	Griffith	Lujan

Lummis	Pastor (AZ)	Shimkus
Lungrun, Daniel	Paulsen	Shuler
E.	Payne	Shuster
Lynch	Pence	Simpson
Mack	Perlmutter	Sires
Maffei	Perriello	Skelton
Maloney	Peters	Slaughter
Manzullo	Peterson	Smith (NE)
Marchant	Petri	Smith (NJ)
Markey (CO)	Pingree (ME)	Smith (TX)
Markey (MA)	Pitts	Snyder
Marshall	Platts	Souder
Massa	Poe (TX)	Space
Matheson	Polis (CO)	Speier
Matsui	Pomerooy	Spratt
McCarthy (CA)	Posey	Stark
McCarthy (NY)	Price (GA)	Stearns
McCaul	Price (NC)	Stupak
McClintock	Putnam	Sullivan
McCollum	Quigley	Sutton
McCotter	Radanovich	Tanner
McDermott	Rahall	Taylor
McGovern	Rangel	Teague
McHenry	Rehberg	Terry
McIntyre	Reyes	Thompson (CA)
McKeon	Richardson	Thompson (MS)
McMahon	Rodriguez	Thompson (PA)
McMorris	Roe (TN)	Thornberry
Rodgers	Rogers (AL)	Tiahrt
McNerney	Rogers (KY)	Tiberi
Meek (FL)	Rogers (MI)	Tierney
Meeks (NY)	Rohrabacher	Titus
Melancon	Ros-Lehtinen	Tonko
Mica	Roskam	Tsongas
Michaud	Ross	Turner
Miller (FL)	Rothman (NJ)	Upton
Miller (MI)	Roybal-Allard	Van Hollen
Miller (NC)	Royce	Velázquez
Miller, George	Ruppersberger	Visclosky
Minnick	Rush	Walden
Mitchell	Ryan (OH)	Walz
Mollohan	Ryan (WI)	Wamp
Moore (KS)	Salazar	Wasserman
Moore (WI)	Sánchez, Linda	Schultz
Moran (KS)	T.	Waters
Murphy (CT)	Sanchez, Loretta	Watson
Murphy (NY)	Sarbanes	Watt
Murphy, Patrick	Scalise	Waxman
Murphy, Tim	Schakowsky	Weiner
Myrick	Schauer	Welch
Nadler (NY)	Schiff	Westmoreland
Napolitano	Schmidt	Whitfield
Neugebauer	Schock	Wilson (OH)
Nunes	Schrader	Wilson (SC)
Nye	Schwartz	Wittman
Oberstar	Scott (GA)	Wolf
Obey	Scott (VA)	Woolsey
Olson	Sensenbrenner	Wu
Oliver	Sessions	Yarmuth
Ortiz	Sestak	Young (AK)
Owens	Shadegg	Young (FL)
Pallone	Shea-Porter	
Pascarell	Sherman	

NOT VOTING—34

Abercrombie	Hall (TX)	Moran (VA)
Arcuri	Hoekstra	Murtha
Barrett (SC)	Johnson (GA)	Neal (MA)
Berman	Johnson (IL)	Paul
Boucher	Johnson, Sam	Reichert
Broun (GA)	Kagen	Rooney
Campbell	Kind	Serrano
Capuano	Kirkpatrick (AZ)	Smith (WA)
Davis (AL)	Kucinich	Towns
Delahunt	Larson (CT)	Wexler
Fallin	Lipinski	
Garrett (NJ)	Miller, Gary	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1246

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title was amended so as to read: “Concurrent resolution recognizing the 10th Anniversary of the redesignation

of Company E, 100th Battalion, 442d Infantry Regiment of the United States Army and the sacrifice of the soldiers of Company E and their families in support of the United States.”

A motion to reconsider was laid on the table.

Stated for:

Mr. ROONEY. Mr. Speaker, on rollcall No. 932, had I been present, I would have voted “yea.”

Mr. LARSON of Connecticut. Mr. Speaker, on rollcall No. 932, had I been present, I would have voted “yea.”

## PERSONAL EXPLANATION

Mr. BROUN of Georgia. Madam Speaker, on rollcall No. 931, making appropriations for the Departments of Transportation, HUD, and related agencies for FY 2010, and on rollcall No. 932, recognizing the 10th anniversary of the activation of Echo Company of the 100th Battalion of the 442d Infantry, and the sacrifice of the soldiers and families in support of the United States, had I been present, I would have voted “yea.”

## COMMENDING THE SOLDIERS AND CIVILIAN PERSONNEL STATIONED AT FORT GORDON

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution, H. Con. Res. 206, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 206, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 404, nays 0, not voting 30, as follows:

[Roll No. 933]

YEAS—404

Ackerman	Blumenauer	Cao
Aderholt	Blunt	Capito
Adler (NJ)	Bocciari	Capps
Akin	Boehner	Cardoza
Alexander	Bonner	Carnahan
Altmire	Bono Mack	Carney
Andrews	Boozman	Carson (IN)
Austria	Boren	Carter
Baca	Boswell	Cassidy
Bachmann	Boustany	Castle
Bachus	Boyd	Castor (FL)
Baird	Brady (PA)	Chaffetz
Baldwin	Brady (TX)	Chandler
Barrow	Braley (IA)	Childers
Bartlett	Bright	Chu
Barton (TX)	Brown (SC)	Clarke
Bean	Brown, Corrine	Clay
Becerra	Brown-Waite,	Cleaver
Berkley	Ginny	Clyburn
Berry	Buchanan	Coble
Biggert	Burgess	Coffman (CO)
Bilbray	Burton (IN)	Cohen
Bilirakis	Butterfield	Cole
Bishop (GA)	Buyer	Conaway
Bishop (NY)	Calvert	Connolly (VA)
Bishop (UT)	Camp	Conyers
Blackburn	Cantor	Cooper

Costa	Jackson (IL)	Neugebauer	Tanner	Turner	Weiner	Berkley	Eshoo	Lewis (CA)
Costello	Jackson-Lee	Nunes	Taylor	Upton	Welch	Berry	Etheridge	Lewis (GA)
Courtney	(TX)	Nye	Teague	Van Hollen	Westmoreland	Biggart	Farr	Linder
Crenshaw	Jenkins	Oberstar	Terry	Velázquez	Whitfield	Bilbray	Fattah	LoBiondo
Crowley	Johnson, E. B.	Obey	Thompson (CA)	Visclosky	Wilson (OH)	Bilirakis	Filner	Loebsack
Cuellar	Jones	Olson	Thompson (MS)	Walden	Wilson (SC)	Bishop (GA)	Flake	Loftgren, Zoe
Culberson	Jordan (OH)	Olver	Thompson (PA)	Walz	Wittman	Bishop (NY)	Fleming	Lowe
Cummings	Kanjorski	Ortiz	Thornberry	Wamp	Wolf	Bishop (UT)	Forbes	Lucas
Dahlkemper	Kaptur	Owens	Tiahrt	Wasserman	Woolsey	Blackburn	Fortenberry	Luetkemeyer
Davis (CA)	Kennedy	Pallone	Tiberi	Schultz	Wu	Blumenauer	Foster	Luján
Davis (IL)	Kildee	Pascarell	Tierney	Waters	Yarmuth	Blunt	Fox	Lummis
Davis (KY)	Kilpatrick (MI)	Pastor (AZ)	Titus	Watson	Young (AK)	Boccieri	Frank (MA)	Lungren, Daniel
Davis (TN)	Kilroy	Paulsen	Tonko	Watt	Young (FL)	Boehner	Franks (AZ)	E.
Deal (GA)	King (IA)	Payne	Tsongas	Waxman		Bonner	Frelinghuysen	Lynch
DeFazio	King (NY)	Pence				Bono Mack	Fudge	Mack
DeGette	Kingston	Perlmutter				Boozman	Gallely	Maffei
DeLauro	Kirk	Perriello				Boren	Garamendi	Maloney
Dent	Kissell	Peters	Abercrombie	Fallin	Lipinski	Boswell	Garrett (NJ)	Manzullo
Diaz-Balart, L.	Klein (FL)	Peterson	Arcuri	Garrett (NJ)	Miller, Gary	Boustany	Gerlach	Marchant
Diaz-Balart, M.	Kline (MN)	Petri	Barrett (SC)	Hall (TX)	Moran (VA)	Boyd	Giffords	Markey (CO)
Dicks	Kosmas	Pingree (ME)	Berman	Hoekstra	Murtha	Brady (PA)	Gingrey (GA)	Markey (MA)
Dingell	Kratovil	Pitts	Boucher	Johnson (GA)	Neal (MA)	Brady (TX)	Gohmert	Marshall
Doggett	Kucinich	Platts	Broun (GA)	Johnson (IL)	Paul	Braley (IA)	Gonzalez	Massa
Donnelly (IN)	Lamborn	Poe (TX)	Campbell	Johnson, Sam	Reichert	Bright	Goodlatte	Matheson
Doyle	Lance	Polis (CO)	Capuano	Kagen	Smith (WA)	Brown (SC)	Gordon (TN)	Matsui
Dreier	Langevin	Pomeroy	Davis (AL)	Kind	Towns	Brown, Corrine	Granger	McCarthy (CA)
Driehaus	Larsen (WA)	Posey	Delahunt	Kirkpatrick (AZ)	Wexler	Brown-Waite,	Graves	McCarthy (NY)
Duncan	Larson (CT)	Price (GA)				Ginny	Grayson	McCaul
Edwards (MD)	Latham	Price (NC)				Buchanan	Green, Al	McClintock
Edwards (TX)	LaTourette	Putnam				Burgess	Green, Gene	McCollum
Ehlers	Latta	Quigley				Burton (IN)	Griffith	McCotter
Ellison	Lee (CA)	Radanovich				Butterfield	Grijalva	McDermott
Ellsworth	Lee (NY)	Rahall				Buyer	Guthrie	McGovern
Emerson	Levin	Rangel				Calvert	Gutierrez	McHenry
Engel	Lewis (CA)	Rehberg				Camp	Hall (NY)	McIntyre
Eshoo	Lewis (GA)	Reyes				Cantor	Halvorson	McKeon
Etheridge	Linder	Richardson				Cao	Hare	McMahon
Farr	LoBiondo	Rodriguez				Capito	Harman	McMorris
Fattah	Loebsack	Roe (TN)				Capps	Harper	Rodgers
Filner	Loftgren, Zoe	Rogers (AL)				Cardoza	Hastings (FL)	McNerney
Flake	Lowe	Rogers (KY)				Carnahan	Hastings (WA)	Meek (FL)
Fleming	Lucas	Rogers (MI)				Carney	Heller	Meeks (NY)
Forbes	Luetkemeyer	Rohrabacher				Carson (IN)	Hensarling	Melancon
Fortenberry	Luján	Rooney				Carter	Herger	Mica
Foster	Lummis	Ros-Lehtinen				Cassidy	Herseht Sandlin	Michaud
Fox	Lungren, Daniel	Roskam				Castle	Higgins	Miller (FL)
Frank (MA)	E.	Ross				Castor (FL)	Hill	Miller (MI)
Franks (AZ)	Lynch	Rothman (NJ)				Chaffetz	Himes	Miller (NC)
Frelinghuysen	Mack	Roybal-Allard				Chandler	Hinche	Miller, George
Fudge	Maffei	Royce				Childers	Hinojosa	Minnick
Gallely	Maloney	Ruppersberger				Clarke	Hirono	Mitchell
Garamendi	Manzullo	Rush				Clay	Hodes	Mollohan
Gerlach	Marchant	Ryan (OH)				Cleaver	Holden	Moore (KS)
Giffords	Markey (CO)	Ryan (WI)				Clyburn	Holt	Moore (WI)
Gingrey (GA)	Markey (MA)	Salazar				Coble	Honda	Moran (KS)
Gohmert	Marshall	Sánchez, Linda				Coffman (CO)	Hoyer	Murphy (CT)
Gonzalez	Massa	T.				Cohen	Hunter	Murphy (NY)
Goodlatte	Matheson	Sanchez, Loretta				Cole	Inglis	Murphy, Patrick
Gordon (TN)	Matsui	Sarbanes				Conaway	Inslee	Murphy, Tim
Granger	McCarthy (CA)	Scalise				Connolly (VA)	Israel	Myrick
Graves	McCarthy (NY)	Schakowsky				Conyers	Issa	Nadler (NY)
Grayson	McCaul	Schauer				Cooper	Jackson (IL)	Napolitano
Green, Al	McClintock	Schiff				Costa	Jackson-Lee	Neugebauer
Green, Gene	McCollum	Schmidt				Costello	(TX)	Nunes
Griffith	McCotter	Schock				Courtney	Jenkins	Nye
Grijalva	McDermott	Schrader				Crenshaw	Johnson, E. B.	Oberstar
Guthrie	McGovern	Schwartz				Crowley	Jones	Obey
Gutierrez	McHenry	Scott (GA)				Cuellar	Jordan (OH)	Olson
Hall (NY)	McIntyre	Scott (VA)				Culberson	Kanjorski	Olver
Halvorson	McKeon	Sensenbrenner				Cummings	Kaptur	Ortiz
Hare	McMahon	Serrano				Dahlkemper	Kennedy	Owens
Harman	McMorris	Sessions				Davis (CA)	Kildee	Pallone
Harper	Rodgers	Sestak				Davis (IL)	Kilpatrick (MI)	Pascarell
Hastings (FL)	McNerney	Shadegg				Davis (KY)	Kilroy	Pastor (AZ)
Hastings (WA)	Meek (FL)	Shea-Porter				Davis (TN)	King (IA)	Paulsen
Heinrich	Meeks (NY)	Sherman				Deal (GA)	King (NY)	Payne
Heller	Melancon	Shimkus				DeFazio	Kingston	Perlmutter
Hensarling	Mica	Shuler				DeGette	Kirk	Perriello
Herger	Michaud	Shuster				Dent	Kirkpatrick (AZ)	Peters
Herseht Sandlin	Miller (FL)	Simpson				Diaz-Balart, L.	Kissell	Peterson
Higgins	Miller (MI)	Sires				Diaz-Balart, M.	Klein (FL)	Petri
Hill	Miller (NC)	Skelton				Dicks	Kline (MN)	Pingree (ME)
Himes	Miller, George	Slaughter				Dingell	Kosmas	Pitts
Hinche	Minnick	Smith (NE)				Doggett	Kratovil	Platts
Hinojosa	Mitchell	Smith (NJ)				Donnelly (IN)	Kucinich	Poe (TX)
Hirono	Mollohan	Smith (TX)				Doyle	Lamborn	Polis (CO)
Hodes	Moore (KS)	Snyder				Dreier	Lance	Pomeroy
Holden	Moore (WI)	Souder				Driehaus	Langevin	Posey
Holt	Moran (KS)	Space				Duncan	Larsen (WA)	Price (GA)
Honda	Murphy (CT)	Speier				Edwards (MD)	Larson (CT)	Price (NC)
Hoyer	Murphy (NY)	Spratt				Edwards (TX)	Latham	Putnam
Hunter	Murphy, Patrick	Stark				Ehlers	LaTourette	Quigley
Inglis	Murphy, Tim	Stearns				Ellison	Latta	Radanovich
Inslee	Myrick	Stupak				Ellsworth	Lee (CA)	Rahall
Israel	Nadler (NY)	Sullivan				Emerson	Lee (NY)	Rangel
Issa	Napolitano	Sutton				Engel	Levin	Rehberg

## NOT VOTING—30

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1254

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BROUN of Georgia. Mr. Speaker, on rollcall No. 933, commending the soldiers and civilian personnel stationed at Ford Gordon and their families for their service and dedication to the United States and recognizing the contributions of Fort Gordon to Operation Iraqi Freedom and Operation Enduring Freedom and its role as a pivotal communications training installation, had I been present, I would have voted "yea."

## HONORING 373RD ANNIVERSARY OF THE NATIONAL GUARD

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 940, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and agree to the resolution, H. Res. 940.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 401, nays 0, not voting 33, as follows:

[Roll No. 934]

YEAS—401

Ackerman	Andrews	Baldwin
Aderholt	Austria	Barrow
Adler (NJ)	Baca	Bartlett
Akin	Bachmann	Barton (TX)
Alexander	Bachus	Bean
Altmire	Baird	Becerra



Reyes	Sensenbrenner	Thornberry
Richardson	Serrano	Tiahrt
Rodriguez	Sessions	Tiberi
Roe (TN)	Sestak	Tierney
Rogers (AL)	Shadegg	Titus
Rogers (KY)	Shea-Porter	Tonko
Rogers (MI)	Sherman	Tsongas
Rohrabacher	Shimkus	Turner
Rooney	Shuler	Upton
Ros-Lehtinen	Shuster	Van Hollen
Roskam	Simpson	Velázquez
Ross	Sires	Visclosky
Rothman (NJ)	Skelton	Walden
Roybal-Allard	Slaughter	Walz
Royce	Smith (NE)	Wamp
Ruppersberger	Smith (NJ)	Wasserman
Rush	Smith (TX)	Schultz
Ryan (OH)	Snyder	Watson
Ryan (WI)	Souder	Watt
Salazar	Space	Waxman
Sánchez, Linda	Speler	Weiner
T.	Spratt	Welch
Sanchez, Loretta	Stark	Westmoreland
Sarbanes	Stearns	Whitfield
Scalise	Stupak	Wilson (OH)
Schakowsky	Sullivan	Wilson (SC)
Schauer	Sutton	Wittman
Schiff	Tanner	Wolf
Schmidt	Taylor	Woolsey
Schock	Teague	Wu
Schrader	Terry	Yarmuth
Schwartz	Thompson (CA)	Young (AK)
Scott (GA)	Thompson (MS)	Young (FL)
Scott (VA)	Thompson (PA)	

## NOT VOTING—33

Abercrombie	DeLauro	Miller, Gary
Arcuri	Fallin	Moran (VA)
Barrett (SC)	Hall (TX)	Murtha
Berman	Heinrich	Neal (MA)
Boucher	Hoekstra	Paul
Broun (GA)	Johnson (GA)	Pence
Campbell	Johnson (IL)	Reichert
Capuano	Johnson, Sam	Smith (WA)
Chu	Kagen	Towns
Davis (AL)	Kind	Waters
Delahunt	Lipinski	Wexler

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1301

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BROUN of Georgia. Mr. Speaker, on rollcall No. 934, recognizing and honoring the National Guard on the occasion of its 373rd anniversary, had I been present, I would have voted "yea."

# APPOINTMENT OF CONFEREES ON H.R. 3288, TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees on H.R. 3288:

Messrs. OLIVER, PASTOR of Arizona, Ms. KAPTUR, Mr. PRICE of North Carolina, Ms. ROYBAL-ALLARD, Mr. BERRY, Ms. KILPATRICK of Michigan, Mrs. LOWEY, Messrs. OBEY, LATHAM, WOLF, TIAHRT, WAMP, and LEWIS of California.

There was no objection.

## ROY RONDENO, SR. POST OFFICE BUILDING

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3951) to designate the facility of the United States Postal Service located at 2000 Louisiana Avenue in New Orleans, Louisiana, as the "Roy Rondeno, Sr. Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3951

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. ROY RONDENO, SR. POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 2000 Louisiana Avenue in New Orleans, Louisiana, shall be known and designated as the "Roy Rondeno, Sr. Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Roy Rondeno, Sr. Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Louisiana (Mr. CAO) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

#### GENERAL LEAVE

Mr. LYNCH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and add any extraneous materials.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as chairman of the House subcommittee with jurisdiction over the United States Postal Service, I am pleased to present H.R. 3951 for consideration. This legislation will designate the United States Postal Service facility located at 2000 Louisiana Avenue in New Orleans, Louisiana, as the "Roy Rondeno, Sr. Post Office Building."

Introduced by my colleague, Representative ANH "JOSEPH" CAO of Louisiana on October 28, 2009, and reported out of the Oversight and Government Reform Committee on November 18, 2009 by unanimous consent, H.R. 3951 enjoys the support of the entire Louisiana House delegation.

A native of New Orleans, Louisiana, Roy Rondeno, Sr. served his beloved community as a dedicated employee of the United States Postal Service for over 30 years. Notably, Mr. Rondeno worked at the United States Postal Service facility at Uptown Station located at 2000 Louisiana Avenue in New Orleans, the very facility that we seek to designate in his honor.

The true embodiment of the old adage that "neither rain, nor snow, nor

sleet" will keep a postman from completing his rounds, Mr. Rondeno was roundly known as a dedicated and beloved letter carrier who would never fail to deliver even the smallest package in the pouring rain.

As noted by the New Orleans Times-Picayune newspaper, many residents along Mr. Rondeno's route had formed a close relationship with this letter carrier and described him as a charismatic man who always had a kind word for everyone. According to friend and Uptown resident Susan Hereford, Mr. Rondeno did not only deliver the mail every day but rather also delivered "a little piece of himself" and connected with everyone on his route. Dr. Brian Ghre, another Uptown resident, further describes Mr. Rondeno as "an exceptional human being, a great letter carrier, and a real credit to his profession."

The extent of Mr. Rondeno's commitment to his job and his Uptown residents that he was proud to serve was never more evident than on September 26 of this year. Mr. Rondeno volunteered to work on his day off given that the Uptown Station lacked enough letter carriers to cover the day's route. As Mr. Rondeno was sorting mail on the back of his truck, he was struck by a car and tragically lost both of his legs as a result of the accident.

The outpouring of support for Mr. Rondeno and his family that followed his hospitalization stands as a true testament to Mr. Rondeno's standing in Uptown New Orleans as a model public servant and community member. Notably, local merchants and community leaders promptly established a donation fund to assist Mr. Rondeno in his recovery, and signs of support for the letter carrier could be seen hanging in a variety of local storefronts along his route.

Regrettably, on October 2, only 6 days after this accident, Mr. Rondeno died from heart failure during surgery. Mr. Rondeno was only 57 years old at the time of his death, and he had planned on retiring from the postal service early next year so as to focus his attention on serving his New Orleans community in a different capacity, through an outreach ministry that he had recently founded with his beloved wife, Shirley.

As noted by Acting Louisiana District Manager Peter Sgro upon Mr. Rondeno's passing, "Roy was a dedicated postal employee who wore his uniform proudly. Everybody who knew him agreed he had a tremendous work ethic and always worked to provide the best service to his customers and the postal service."

Mr. Speaker, while Mr. Rondeno is no longer with us, his memory will undoubtedly live on through his wife, Shirley; his three sons, Roy, Richard,

and Ryan; and all those who were fortunate enough to know this dedicated and hardworking public servant.

Mr. Speaker, it is my hope that we can pay tribute to the life and legacy of Mr. Roy Rondeno, Sr. through the passage of this legislation to designate the Uptown postal facility in his honor. I urge all of my colleagues to join us and Mr. CAO, the chief sponsor of this measure, in supporting H.R. 3951.

Mr. Speaker, I reserve the balance of my time.

Mr. CAO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 3951 to designate the Uptown post office building located at 2000 Louisiana Avenue in New Orleans, Louisiana, in honor of Roy Rondeno, Sr., a 34-year USPS letter carrier and military veteran, who was the epitome of a loyal and beloved public servant and community member.

In late September 2009, while working on his day off because the postal service was short-staffed, Mr. Rondeno was sorting through mail in the back of his truck when he was hit by a car. The vehicle blew through a stop sign and critically injured him. Six days later, on October 2, 2009, he died from heart failure during surgery, a few weeks short of his plan to retire and spend time with his family and recently founded outreach ministry.

Mr. Rondeno, a native of New Orleans, Louisiana, lived in Metairie and worked at the USPS Uptown Station in New Orleans. He was known as a dedicated, charismatic, and beloved letter carrier. Survivors include his wife Shirley of Metairie; and sons Richard of Houston, Ryan of Los Angeles, and Roy, Jr. of Metairie.

Mr. Rondeno's accident and subsequent death came as a complete shock to those whom he loyally and lovingly served for and with during the past 37 years. The merchants and community members whom Mr. Rondeno served established a donation fund in his honor and organized a block party to raise funds for his family. Shortly thereafter, the community members and Louisiana district postal employees asked that we dedicate this post office in his honor.

According to the Times-Picayune, those whom Mr. Rondeno served said they formed a "close bond" with Mr. Rondeno and described him as a "happy man with a kind word for everyone and a dutiful postman who introduced himself to new residents, never delivered junk mail addressed to previous tenants, and would stand outside in pouring rain to deliver even the smallest package."

As one constituent, Susan Hereford, expressed to the Times-Picayune regarding Mr. Rondeno's service to and passion for those whom he served: "To have that constancy with someone who doesn't just have his head down and

drop mail in your box, he connected with everyone on his route. And they connected with him."

To those whom he served, Mr. Rondeno was a great letter carrier, civil servant, New Orleanian, American, veteran, and friend. To those he leaves behind, he was a loyal and loving husband, father, brother, uncle, and friend. I am proud of his service to the postal service, the United States Military, and the citizens of New Orleans, and I am proud to dedicate this post office in his honor.

As another constituent, Mary Nass, said to the Times-Picayune: "The outpouring of grief on the part of hundreds of people following Roy's death should teach us that we do not need to know others intimately to positively impact their lives. Here was a kind, humble, and conscientious man who made each and every person whose path he crossed feel a little happier, a little more connected to the human race, after his daily passing. No one could have left us a finer legacy."

Mr. Rondeno was beloved by the community, his colleagues, and his wonderful family. And I can think of no greater way to honor him than to dedicate the Uptown post office located at 2000 Louisiana Avenue in New Orleans, Louisiana, in his name as a reminder for all who go there of the dedication and passion of this public servant.

I urge all Members to support the passage of H.R. 3951.

Mr. Speaker, I yield back the balance of my time.

Mr. LYNCH. Mr. Speaker, in closing, I urge all our colleagues to join Mr. CAO, the principal author of this bill, to support House Resolution 3951, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 3951.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CAO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### ANN MARIE BLUTE POST OFFICE

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4017) to designate the facility of the United States Postal Service located at 43 Maple Avenue in Shrewsbury, Massachusetts, as the "Ann Marie Blute Post Office".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4017

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. ANN MARIE BLUTE POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 43 Maple Avenue in Shrewsbury, Massachusetts, shall be known and designated as the "Ann Marie Blute Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Ann Marie Blute Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Louisiana (Mr. CAO) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

#### GENERAL LEAVE

Mr. LYNCH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and add any extraneous materials.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), the chief sponsor of this measure.

Mr. MCGOVERN. I thank the gentleman for yielding.

Mr. Speaker, I am proud today to rise in support of H.R. 4017 to rename the post office at 43 Maple Avenue in Shrewsbury, Massachusetts, as the "Ann Marie Blute Post Office."

Mrs. Blute was a beloved and active member of the tight-knit Shrewsbury community, which is located in my district. She passed away on May 1 of this year after suffering a stroke, and she is dearly missed by her family and all who knew her.

Mrs. Blute was a true pillar of her community. Her life revolved around helping others, especially children. She once told her son Joseph that all she ever wanted to be was a mother. Along with her husband, Dr. Robert Blute, Sr., she did just that, raising 11 wonderful children, including former Congressman Peter Blute.

□ 1315

Over the years, she took great pride in watching her children, and later her 23 grandchildren and four great-grandchildren, thrive and prosper. What truly distinguished Mrs. Blute, however, is that she was not only a mother to her own children, but she was also a mother figure to so many of the children she came in contact with through her volunteer work.

Mrs. Blute had a deep and unwavering passion for social justice and committed herself to helping the sick and the poor. The diversity of Mrs. Blute's

community work is truly impressive. She volunteered with the Nazareth Home for Boys, which provides stable housing and a nurturing environment for young boys in difficult times. She also worked with the Mustard Seed, a volunteer soup kitchen that offers hot meals to the homeless. A devout Roman Catholic, she was especially active in St. Mary's Church in Shrewsbury where she served on the Women's Guild and as a catechism teacher and a Eucharistic minister.

One of Mrs. Blute's proudest moments came in 1994, when Cardinal John J. O'Connor called her to St. Patrick's Cathedral in New York City to receive the title of Dame of Malta. This is one of the highest honors bestowed by the Catholic church and is given to those individuals who demonstrate an intense devotion to service. I can think of no one more deserving of this prestigious honor than Mrs. Blute.

Mr. Speaker, all too often we fail to adequately recognize one of the toughest yet most important jobs of all, being a mother. Mrs. Blute exemplified all of the best qualities of a mother—kindness, compassion, dedication, and hard work. She was kind enough to share herself not only with her own children and family, but also with the entire Shrewsbury community. Hundreds of children in central Massachusetts are no doubt better off today because they had the privilege of knowing Mrs. Blute.

We are all eternally grateful for her service and her lasting kindness. The world would be a better place with more people like Ann Marie Blute. Mr. Speaker, naming the Shrewsbury Post Office after Mrs. Blute is a permanent reminder of her beautiful life and commitment to service. I hope that it will also inspire others to take up the call of service that Mrs. Blute answered with such passion.

Mr. Speaker, I urge all of my colleagues to vote "yes" on H.R. 4017, and I thank the gentleman from Massachusetts, my colleague, Mr. LYNCH, for yielding me the time.

Mr. CAO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 4017, which designates the United States Postal Facility located at 43 Maple Avenue in Shrewsbury, Massachusetts, as the Ann Marie Blute Post Office.

Ann Marie Blute was born on May 30, 1925 in Boston, Massachusetts. As the oldest of eight, she helped raise her siblings, which would only help prepare her for raising 11 children of her own one day. In 1947, she married Dr. Robert Blute, Sr., an Army doctor, and sailed to Germany where they lived for 2 years. After returning to the States, her husband began practicing medicine in Worcester, Massachusetts, while she raised her family and volunteered tirelessly within the Catholic church.

A parishioner at St. Mary's Church in Shrewsbury since 1954, Mrs. Blute served on many committees as a mother at the school. She taught catechism, worked with the Women's Guild, and was a Eucharistic minister. In 1994, she received the ultimate honor for all of her service to the Shrewsbury community through the Catholic church with the title of Dame of Malta, one of the oldest Catholic religious orders dedicated to charitable service.

Her generosity extended outside of her family and her neighbors. After her children had left for college, Mrs. Blute offered her home and her hospitality to young Vietnamese immigrant, Lucy Hoang, who was searching for a better life. Ms. Hoang, now 44 years old and a chemical engineer, said of her host, "When I first came here, she was standing at the door waiting for me with arms wide open. I felt shaky, but as I came to her, she hugged me." Ann Marie Blute's kindness knew no bounds.

Mrs. Blute sadly passed away at the age of 84. She is survived by her husband, children, and large extended family. Please join me in supporting this bill in honor of Ann Marie Blute who fervently served her community in Shrewsbury.

Mr. Speaker, I reserve the balance of my time.

Mr. LYNCH. Mr. Speaker, as a procedural matter, H.R. 4017 was introduced by my friend and colleague, Representative JIM MCGOVERN, who we heard from earlier, on November 4, 2009, and was favorably reported out of the House Oversight Committee by unanimous consent on November 18, 2009. In addition, I am proud to say that I am an original cosponsor of H.R. 4017, which enjoys the support of the entire Massachusetts House delegation.

A beloved resident of the town of Shrewsbury, Massachusetts, Mrs. Ann Marie Blute passed away on May, 1, 2009 at the age of 83. While Mrs. Blute is no longer with us, she will forever be remembered for her dedication to her loving family as well as her genuine and longstanding commitment to public service.

Born in the city of Boston on May 30, 1925, and as the oldest daughter of eight children, Mrs. Blute quickly learned how to help in raising a large and very busy family. In addition, Mrs. Blute was also able to witness the value of public service at a very early age as her father, Colonel Paul Hines, a distinguished veteran of World War I, went on to serve in the Massachusetts House of Representatives. As noted by the Boston Globe upon Mrs. Blute's passing, a commitment to public service "ran in the genes" of the Blute family, as Mrs. Blute's brother, Peter, served as chairman of the Boston city council and her son, Peter, as has been mentioned earlier by Mr. MCGOVERN, was elected to the United States Congress.

After receiving her education in the Boston public school system, Mrs. Blute accepted a position in the business office at the Boston Post newspaper where her mother, Margaret Galvin Hines, worked as a reporter. In 1947, however, Mrs. Blute left Boston for the town of Bremerhaven, Germany, after marrying Dr. Robert Blute, a doctor with the United States Army and Mrs. Blute's beloved husband for the next 62 years. Together, Mr. and Mrs. Blute would go on to have 11 children—five sons and six daughters.

Upon their return from Germany, the Blute family settled in the town of Shrewsbury, Massachusetts, where Mrs. Blute embarked on her life's work and journey as a mom, not only to her own 11 children but also to the many neighborhood children that entered her life. In addition, Mrs. Blute's arrival in Shrewsbury also marked the continuation of her lifelong dedication to serving others. A devout Roman Catholic and devoted parishioner of St. Mary's, as has been mentioned, Mrs. Blute actively participated in a variety of church community programs and activities. Specifically, Mrs. Blute served on the Women's Guild, taught catechism, as Mr. CAO has mentioned, and became a Eucharistic minister. In addition, she was a founding member of the Associates of the Sisters of Notre Dame de Namur, based in Ipswich, Massachusetts. And in 1994, Mrs. Blute, as Mr. MCGOVERN has mentioned, was called to St. Patrick's Cathedral in New York by Cardinal John O'Connor to receive the title of Dame of Malta, granted to those who demonstrate an intense devotion to service and one of the Catholic church's highest honors.

Moreover, Mrs. Blute also served as a dedicated board member of various community organizations, some of which have been mentioned, including the Nazareth Home for Boys in Leicester, Massachusetts, and the Mustard Seed homeless shelter in the city of Worcester.

In addition, Mrs. Blute's community work included her service as a trustee of the Shrewsbury Library, as well as her membership in the Shrewsbury Garden Club, the Ladies Auxiliary of St. Vincent's Hospital, and the Ladies Auxiliary of the Massachusetts Medical Society. Notably, Mrs. Blute also spent several years volunteering for the non-profit organization, Aid to Incarcerated Mothers.

As so eloquently stated by her beloved husband, Robert, Mrs. Blute's lifelong ambition was "to perform each of the works of mercy—to feed the hungry, to help the poor, to visit the prisoner, and give aid to the sick and the stranger." Mrs. Blute's driving purpose was evidenced time and time again through her many good deeds. Among them was the kindness and generosity that she displayed toward Lucy Hoang, a Vietnamese immigrant who Mrs.

Blute lovingly took into her home for 3 years.

Mr. Speaker, the life of Mrs. Ann Marie Blute stands as a testament to public service. Her memory will undoubtedly live on through her husband, Robert; their 11 children, 23 great grandchildren, four great-grandchildren, her four siblings, and the countless friends and neighbors for whom Mrs. Blute's dedication to community service made the ultimate difference. It is my hope that we can pay further tribute to Mrs. Blute's remarkable legacy through the passage of this legislation to rename the Shrewsbury post office in her honor. I urge my colleagues to join Mr. MCGOVERN, the chief sponsor of this bill, in doing so and supporting H.R. 4017.

Mr. Speaker, I reserve the balance of my time.

Mr. CAO. Mr. Speaker, I urge all Members to support the passage of H.R. 4017, and I would like to congratulate Mr. MCGOVERN.

Mr. Speaker, I yield back the balance of my time.

Mr. LYNCH. Again, Mr. Speaker, in closing, I urge Members on both sides of the aisle to support Mr. MCGOVERN in the sponsorship of this measure, H.R. 4017.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 4017.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LYNCH. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

#### SPECIAL AGENT SAMUEL HICKS FAMILIES OF FALLEN HEROES ACT

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2711) to amend title 5, United States Code, to provide for the transportation of the dependents, remains, and effects of certain Federal employees who die while performing official duties or as a result of the performance of official duties, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2711

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Special Agent Samuel Hicks Families of Fallen Heroes Act".

#### SEC. 2. TRANSPORTATION OF DEPENDENTS, REMAINS, AND EFFECTS OF CERTAIN FEDERAL EMPLOYEES.

(a) IN GENERAL.—Subchapter II of chapter 57 of title 5, United States Code, is amended by inserting after section 5724c the following:

##### "§ 5724d. Transportation of dependents, remains, and effects of certain Federal employees

"(a) IN GENERAL.—Under regulations prescribed under section 5738 and when the head of the agency concerned (or a designee thereof) authorizes or approves, if a covered employee dies while performing official duties or as a result of the performance of, official duties, the agency may pay from Government funds—

"(1) the qualified expenses of the immediate family of the employee, if the place where the family will reside following the death of the employee is—

"(A) different from the place where the family resided at the time of the employee's death; and

"(B) within the United States; and

"(2) the expenses of preparing and transporting the remains of the deceased to—

"(A) the place where the immediate family will reside following the death of the employee; or

"(B) such other place, appropriate for interment, as is determined by the agency head (or designee).

"(b) QUALIFIED EXPENSES.—For purposes of this section, the term 'qualified expenses', as used with respect to a family changing its place of residence, means the moving expenses, transportation expenses, and relocation expenses of the family which are attributable to the change in place of residence.

"(c) DEFINITIONS.—For purposes of this section—

"(1) the term 'covered employee' means—

"(A) a law enforcement officer, as defined by section 8331 or 8401; and

"(B) any employee in or under the Federal Bureau of Investigation who is not described in subparagraph (A);

"(2) the term 'moving expenses', as used with respect to a family, includes the expenses of transporting, packing, crating, temporarily storing, draying, and unpacking the household goods and personal effects of such family, not in excess of 18,000 pounds net weight; and

"(3) the term 'relocation expenses' has the meaning given such term under regulations prescribed under section 5738, including relocation expenses and relocation services described in sections 5724a and 5724c, respectively."

(b) CLERICAL AMENDMENT.—The analysis for chapter 57 of title 5, United States Code, is amended by inserting after the item relating to section 5724c the following:

"5724d. Transportation of dependents, remains, and effects of certain Federal employees."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Louisiana (Mr. CAO) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

#### GENERAL LEAVE

Mr. LYNCH. Mr. Speaker, I ask unanimous consent that all Members may

have 5 legislative days within which to revise and extend their remarks and add any extraneous materials.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on behalf of the chairman of the full Committee on Oversight and Government Reform, Chairman TOWNS, and its members, I am proud to present H.R. 2711, the Special Agent Samuel Hicks Families of Fallen Heroes Act, for consideration.

This bipartisan legislation was introduced on June 4, 2009, by Representative MIKE ROGERS of Michigan and several members of the Oversight Committee, including Chairman ED TOWNS and Representatives BILL FOSTER, ELIJAH CUMMINGS, and BRIAN BILBRAY. In addition, this legislation was favorably reported out of the Oversight Committee on September 10, 2009, by voice vote. H.R. 2711 is a worthy and important issue and I am pleased to be an original cosponsor of this bill.

As reported by the Oversight Committee, the legislation would authorize the FBI to pay the relocation and moving expenses for families of FBI agents who are killed in the line of duty. Under current law, the FBI is only authorized to pay these expenses if an FBI agent or an employee is killed overseas, but cannot pay for relocation if the death occurs in the U.S.

FBI employees and their families are moved routinely by the Bureau within the United States to take on assignments that further the mission of the agency and the security of the country. While we wish this legislation was not necessary, tragically there have been instances in the recent past where such authority was needed to support the families of agents or employees who gave their lives.

Of course, untimely deaths in the Federal law enforcement community are not limited to the FBI, and the Bureau is not the only Federal agency that relocates its employees to better protect the country. Recognizing this, the bill we are considering on the floor today includes a straightforward but important amendment that recognizes the service and sacrifice of all Federal law enforcement officers. The amendment simply extends the authority in this legislation to the other agencies that employ Federal law enforcement officers.

This amendment has strong support from the Federal law enforcement community. I should also note that the costs associated with this bill remain small as the number of Federal law enforcement officers killed annually is approximately 12 to 15 officers. We can and should assist each and every one of these families by supporting this amendment and this bill. Moreover, the

amendment also pays tribute to the memory and service of Special Agent Samuel Hicks by renaming the legislation in his honor. Special Agent Hicks was assigned to the Pittsburgh FBI office and was shot fatally on November 19, 2008 at the age of 33 while executing a Federal search warrant associated with a drug distribution ring. He is survived by his wife and their 2-year-old son.

Special Agent Hicks was a former police officer with the Baltimore police department. He and his family relocated to Pittsburgh when he became an FBI agent. Unfortunately, after the loss of Special Agent Hicks, the Bureau was unable to assist the Hicks family in moving back to Baltimore because of statutory limitations.

□ 1330

This legislation would correct this problem and prevent future families from suffering additional unnecessary grief and hardship. I encourage all the Members to support Mr. ROGERS and his legislation.

I reserve the balance of our time.

Mr. CAO. Mr. Speaker, I yield as much time as he may consume to my friend and colleague from the State of Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Speaker, Mr. LYNCH and Mr. TOWNS, thank you very, very much for your work in a bipartisan way on this very important piece of legislation.

Sometimes, with all of the big issues that we deal with, we do pause and pay attention to issues that impact lives like some circumstances like no other. And if you imagine the Federal law enforcement community—and I used to serve proudly as an FBI agent and was proud to count myself as one of them—that every single day somebody suits up quietly, with a search warrant or an arrest warrant to serve it somewhere in America. And we forget because they are exceptionally good at doing what they do without getting hurt or harmed, but it is incredibly dangerous work. They get drug dealers and they get child pornographers and they get bank executives committing bank fraud. They get Mafia dons, and they get terrorists of the hardest sort, and they bring them to justice as a part of defending the Constitution and the communities of the United States of America.

And what this particular case exemplified is that there was a glitch in the law, because we ask these Federal law enforcement officers to move and uproot from their communities. They swear an oath to their country and their Constitution and to uphold the law of the United States. And then we ask them to leave their hometowns of, say, Baltimore or New York or small towns anywhere in America and take their families with them to these new places to fight crime wherever they

find it. And this pointed out one very, very significant glitch is that if an officer, a Federal law enforcement officer was killed in the line of duty in the United States, their families had no means, the Federal Government could not assist them in moving back home, the very place that they stood up and said they would serve proudly with their loved one wherever that mission would take them.

Many, the FBI, specifically, makes it very well known that you have no right to serve where you want. You will serve at the needs of the FBI. And other agencies serve in the same capacity, and their families suffer the same sacrifice when we ask them to move.

This is a small token, just a small token of what we can do for those families who have sacrificed so much and lost their loved one while killed in the line of duty. And it's named after a very, very brave FBI agent who risked his life for his country serving a narcotics warrant in Pittsburgh. I mean, this is someone who had a strong history of public service. He was a teacher. He was a Baltimore police officer.

His FBI agent colleagues described him as brave and courageous and the anchor. When they were going through their training at the FBI academy, they said this is the guy that you wanted to go in the door with. He's the guy that would anchor and teach them how to safely get in and safely get out of homes in very dangerous situations. And the agents and all that were interviewed were certainly, by press reports, tearing up and reliving the memories of what was a great American who was absolutely committed to the ideals of the FBI: fidelity and bravery and integrity. And in that pursuit, in his pursuit to live up to the standards of the FBI, he risked and ultimately gave his life for his community and his country.

So what this bill does, with the help of Mr. LYNCH and Mr. TOWNS and so many others, Mr. CAO—thank you—is it says that we will respect what you have given your country, and we will help those families move back to where they call home in that final, final rest and trip in remembrance of someone who did something so great for their country.

His peers also described him, Mr. Speaker, as a humble and giving man, an outstanding FBI agent, somebody whose dream job was to wear and carry the badge of a special agent of the FBI.

He is survived by his wife, Brooke, and his 3-year-old son, Noah.

And for all that he has done, I think it's so fitting that the committee sought to name this bill after one agent. And in the Bureau, it's never anyone's particular case. He didn't own that case. He didn't own that incident, but he was part of a bigger team. And so, when you name this bill after an agent like this, it really sends great condolences to the family and respect

to every officer that falls in the line of duty. His name may be on the bill, but it is a gift to every family who risks their lives every day in the service of this great Nation in the law enforcement community.

And I would, again, urge all of us to support this with vigor.

And I also want to thank the FBI Agents Association for their work and diligence on this. The Department of Justice has been very, very good to work with, and the FBI itself has given their time and commitment, once again proving their commitment to the family of the FBI and the work that they do.

Again, I thank you all for the work that you have done. I think his family would be humbled. I think the FBI agents are humbled, and I think our Federal law enforcement community is humbled that we would pause in all of the debate and remember their service and sacrifice to the United States.

Mr. LYNCH. Mr. Speaker, I thank the gentleman from Michigan for his kind words and articulate words.

At this time, Mr. Speaker, I would like to yield to the gentleman from Maryland (Mr. CUMMINGS), who is also a driving force behind this bill, for 5 minutes.

Mr. CUMMINGS. Mr. Speaker, I rise today in support of H.R. 2711, the Special Agent Samuel Hicks Families of Fallen Heroes Act.

This legislation, as has been said, honors Pittsburgh FBI Special Agent Samuel Hicks, who was shot and killed while executing a Federal search warrant on November 19, 2008. Before joining the FBI, Special Agent Hicks was a teacher and a city police officer in my hometown and the Congressional district I represent in Baltimore, Maryland. When arrangements were made for Special Agent Hicks to return to his final resting place in Baltimore, moving expenses for his family to relocate were not covered.

This legislation would provide funds for the moving, transportation, and relocation expenses attributed to a change of residence within the United States of the immediate family of an FBI employee who dies in the performance of official duties. It also covers the expenses of preparing and transporting the remains of the deceased to the place where the family will reside following the employee's death.

I must commend Mr. ROGERS for this legislation. I think it's very much due. As I was reading over the legislation, I could not help but think to myself, I hope we don't have to use the provisions of this legislation too often, because I think all of us mourn whenever one of our law enforcement officers is harmed or killed. It's a sad day. I've often said, and we've often heard the words, they are, indeed, our thin blue line. If you don't think they're the thin blue line, you let something happen to you and they don't show up.

One of Special Agent Hicks' colleagues said of him, He was very skilled in everything, encouraging, always had a positive attitude, and the first to step forward and volunteer for anything. His colleague went on to say, He was just the kind of guy who was a role model for other people in the academy who maybe didn't have experience or come from different backgrounds.

Mr. Speaker, this is just one of many examples of how dangerous a job like being an FBI agent can be, but it is one that so many take on every single day, not wondering whether they will return home to their families, return to their neighborhoods. His sacrifice is always going to be remembered through his family, colleagues, and hopefully through the passage of this legislation.

On May 2, 2009, Special Agent Hicks' name was added to the National Law Enforcement Officers Memorial here in Washington, but that is simply not enough. We must honor those who have made the ultimate sacrifice by taking care of their loved ones who have also made a tremendous sacrifice.

Again, I commend Congressman ROGERS of Michigan and the House Oversight and Government Reform Committee, Mr. LYNCH, especially those original cosponsors, of which I'm one, for the leadership with regard to this legislation. With the passage of H.R. 2711, we can honor Special Agent Hicks and prevent future families from additional heartache and hardship at a very, very difficult moment in their lives.

I encourage all the Members to support this legislation.

Mr. CAO. Mr. Speaker, I yield myself as much time as I may consume.

When we passed this bill out of the Oversight Committee on September 9, this bill only applied to FBI officers who died in the performance of official duties. After working with our Democratic colleagues, this bill, as amended, would authorize the employing agency of any Federal law enforcement officer who dies in the performance of his or her duties as defined under title 5, section 5541, to pay the moving, transportation, and relocation expenses due to a change of residence within the United States of the immediate family of the officer. It would also authorize the employing agency to cover the expenses of preparing and transporting the remains of the deceased to the place where the family will reside following the employee's death.

Federal law enforcement officers are often asked to relocate to new areas all across the country and the world, and, frequently, these officers bring their families with them to these new areas. In the case of Federal law enforcement officers who die in the performance of official duties, the family is often left stranded, with no means to return to an area they call home. Caring for the families of these heroes who have died

while serving this Nation is a priority for Congress, and the costs of H.R. 2711 are relatively insignificant.

Mr. Speaker, I support this measure and I urge all Members to support the passage of H.R. 2711.

I yield back the balance of my time.  
Mr. CRENSHAW. Mr. Speaker, I rise in strong support of H.R. 2711, the FBI Families of Fallen Heroes Act. This legislation would ensure the families of our FBI Fallen Heroes are properly cared for and that the final remains of the fallen heroes are treated with the honor and respect they are due. The government would fully fund the transportation and relocation expenses of the immediate family members of FBI employees who have given their lives in the line of duty. This will allow the family members to relocate from their spouse's last FBI assignment location to their hometown. In addition, the expenses of preparing and transporting the remains of the deceased to their final places of interment will be provided by the federal government.

For over a century the FBI's primary goal has been to protect and defend the United States against terrorist and foreign intelligence threats, to uphold and enforce the criminal laws of the United States, and to provide leadership and criminal justice services to federal, state, municipal, and international agencies and partners.

To accomplish these goals, the FBI has 56 field offices, 400 satellite offices, 62 international offices, and 14 legal attaché offices. With investigative programs including counterterrorism, cybercrime, civil rights, and organized crime, the FBI must continually update their techniques, strategies, and programs. FBI Special Agents and Professional Staff are rotated through these many offices to continue their training and to fill the FBI's staffing needs and investigative priorities.

Proof of their success is clearly shown in the 2006 indictment, arrest, and conviction of Fadi Mohamad Maatouk, a resident of Orange Park, Florida who was convicted of conspiracy to provide material support to Hezbollah. The FBI has also been instrumental in the investigations of the Oklahoma City bombing, multiple World Trade Center attacks, the assault on the USS *Cole*, and the attacks of 9/11.

These successes come at a price beyond the dangers in the field. FBI families, like military families, are under a great deal of stress. When a person chooses to serve in the FBI, every family member is affected. Every person experiences not just the benefits but also the downsides—the relocations, the long periods of separation, the not knowing if your spouse, dad or mom is in danger. Spouses and children must make new friends, enter new schools, find new employment, and try to adjust to new environs almost every three years. They do this while always knowing that their loved one, who has chosen to help defend the country, could be in the line of fire—maybe not today, but maybe tomorrow. It is a burden the family shoulders. I believe this legislation will in some small way lighten that load.

FBI agents and other employees make a choice to engage in a career that is vital to our national security. They understand that there are dangers, but still they make the choice to do their part to defend our country. My col-

leagues and I in the House unanimously agreed to this legislation because I believe we must honor those who have served and paid the ultimate price.

Mr. LYNCH. Mr. Speaker, in closing, I want to thank Mr. CAO and Mr. ROGERS, the gentleman from Michigan, as well as the gentleman from Maryland (Mr. CUMMINGS), and one other driving force behind this, our own chairman, ED TOWNS, for supporting this measure, H.R. 2711, as it really provides Federal law enforcement agencies with the necessary authority to support these families in their greatest time of need.

I yield back the balance of our time.  
The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 2711, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1345

#### RECOGNIZING 100TH ANNIVERSARY OF THE GRAND CONCOURSE

Mr. LARSEN of Washington. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 907) recognizing the Grand Concourse on its 100th anniversary as the preeminent thoroughfare in the borough of the Bronx and an important nexus of commerce and culture for the City of New York.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 907

Whereas the Grand Concourse was designed by engineer Louis Aloys Risse beginning in 1894;

Whereas the Grand Concourse opened in 1909;

Whereas the 4-mile thoroughfare stretches from 138th Street to Van Cortland Park in the Bronx;

Whereas Edgar Allan Poe wrote the poem "Annabel Lee" in his Bronx cottage which now stands on the Grand Concourse;

Whereas Babe Ruth, Stanley Kubrick, Milton Berle, Penny and Garry Marshall, and E.L. Doctorow all at one time made their homes on the Grand Concourse;

Whereas the Grand Concourse hosts such New York landmarks as Yankee Stadium, Loews Paradise Theater, and the Concourse Plaza Hotel;

Whereas the Grand Concourse has the largest collection of Art Deco and Art Moderne buildings in the United States;

Whereas the Grand Concourse is registered as a National Historic Place;

Whereas the Grand Concourse has been designated as a special preservation district by the City of New York;

Whereas the Grand Concourse is known as the Champs Elysées of the Bronx;

Whereas the Grand Concourse is the central north-south artery of the Bronx;



Whereas the Concourse serves the 4, 5, B, and D subway lines as well as several bus routes and is a major transportation route in New York City;

Whereas the \$18,000,000 that was provided for the Grand Concourse in January 2006 led to improving the streetscape and creating better access for pedestrians;

Whereas the Bronx Museum of the Arts is celebrating the roadway in its exhibition, "Intersections: The Grand Concourse at 100";

Whereas the Grand Concourse has seen the arrival of countless new immigrants as well as people arriving from other parts of the country, including Puerto Rico, and has been their launching point for the valuable contributions that they have made;

Whereas the people of the Bronx enjoy spending time on the beautiful parks adjoining the Grand Concourse, making it a center for socializing and recreating;

Whereas the Grand Concourse has fulfilled and exceeded its planners' intentions over a series of generations, occupying a central place in the hearts and minds of Bronxites past and present; and

Whereas the Grand Concourse since its inception has been an integral part of the cultural life and economic development of the Bronx: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) recognizes the Grand Concourse on its 100th anniversary as the preeminent thoroughfare in the borough of the Bronx and an important nexus of commerce and culture for the City of New York; and

(2) directs the Clerk of the House of Representatives to transmit a copy of this resolution to The Bronx County Historical Society located at 3309 Bainbridge Avenue, The Bronx, NY 10467, for appropriate display.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. LARSEN) and the gentleman from Tennessee (Mr. DUNCAN) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

#### GENERAL LEAVE

Mr. LARSEN of Washington. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to include extraneous material on House Resolution 907.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. LARSEN of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 907, a resolution recognizing the Grand Concourse on its 100th anniversary as the preeminent thoroughfare in the borough of the Bronx and as an important nexus of commerce and culture for the city of New York. I commend the gentleman from New York (Mr. SERRANO) for his work on this resolution to honor a historic roadway in advance of this milestone.

First conceived of in 1890 as a means of connecting the borough of Manhattan to the northern Bronx, the Grand Concourse was designed by Louis Aloys

Risse and opened to the public in 1909. The project was originally completed for a total cost of \$14 million, the equivalent of \$340 million today.

Over the past 100 years, the Grand Concourse has served as the backdrop to many historic New York City landmarks, while the apartment buildings along the roadway have been home to the likes of Babe Ruth, Stanley Kubrick, Milton Berle, and other famous New Yorkers.

Among the many landmarks along the Grand Concourse is the Loew's Paradise Theater, which was constructed in 1929 and was at one time the largest movie theater in New York City. The old Yankee Stadium opened near the Grand Concourse at 161st Street in 1923 and has served as an important centerpiece for the Bronx and the city of New York ever since.

In the course of over 100 years, the Grand Concourse has played a long-standing role in defining the Bronx community, serving as the central north-south artery of the borough. Covering over 4 miles in length, it is lined with parks, fountains, and other pedestrian-friendly community assets that add aesthetic, cultural, and transportation value to the borough.

Recently, \$18 million was invested in the infrastructure of the Grand Concourse to make it more pedestrian friendly and restore the roadway's beauty that has made it vital to the cultural and economic development of the Bronx for 100 years.

So, Mr. Speaker, in honor of this historic landmark and its contributions to both the city of New York and the borough of the Bronx over the past century, I urge my colleagues to join me in supporting House Resolution 907.

I reserve the balance of my time.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the ranking minority member on the Highways and Transit Subcommittee, I have been asked to speak on this resolution, and I rise in support of House Resolution 907, a resolution—as the gentleman from Washington State just described—a resolution recognizing the Grand Concourse on its 100th anniversary as the preeminent thoroughfare in the borough of the Bronx and an important nexus of commerce and culture in the city of New York.

The Grand Concourse is a rare blend of history, culture, and infrastructure that has accommodated the likes of Babe Ruth, Stanley Kubrick, and Edgar Allan Poe. The Grand Concourse also plays host to the iconic Yankee Stadium, Loew's Paradise Theater, and the Concourse Plaza Hotel. Few roads in our Nation's history have reflected the personality of the local culture better than the Grand Concourse has done for the Bronx.

Mr. Speaker, I urge all of my colleagues to support this very timely and appropriate resolution.

I reserve the balance of my time.

Mr. LARSEN of Washington. Mr. Speaker, I would now like to recognize for as much time as he may consume the gentleman from New York (Mr. SERRANO), the sponsor of the resolution.

Mr. SERRANO. I thank the gentleman for the time, and I thank both him and the ranking member for the support.

Too often we take for granted those places where we live in terms of the landmarks that are around us, and this is a celebration of a roadway that—it was stated before—it was set up or thought of originally to link the borough of Manhattan to the Bronx, but it became much more than that. It became a cultural icon. It became part of a community. And as the city grew and up to today, in its 100th anniversary, it has become grander year by year.

We are now celebrating 100 years of the Grand Concourse, and this, as said, was designed by a French immigrant in 1894, and when it opened in 1909, it was something spectacular that had not been seen before. Those of you who have come on many occasions, I'm sure—and hopefully in the future—to visit the Bronx and to visit Yankee Stadium will know that the Grand Concourse, that 4-mile thoroughfare that stretches from 138th Street to Van Cortlandt in my borough, the Bronx, is really majestic in form and so full of history.

The Grand Concourse has the largest collection of Art Deco buildings in the United States, and those Art Deco buildings are those that you walk into and the lobbies are so special with the artwork and the murals that were painted, especially during World War II and in the late 1930s. Those buildings are now part of the National Registry.

In accordance, the Grand Concourse itself has been designated and registered as a National Historic Place and has also been designated as a special preservation district by the city of New York.

And as was mentioned before, if you go to the Grand Concourse you will see the cottage known as Poe Cottage where Edgar Allan Poe wrote the poem "Annabel Lee," and that is still standing there.

Many folks, as we mentioned today, have lived on the Grand Concourse. Of course I live on the Grand Concourse, and I certainly did not have the kind of year that Babe Ruth had in 1927, but I've had a pretty good year in this past year.

This Congress saw fit a couple years ago to designate \$18 million that was used to renovate parts of the Grand Concourse and its infrastructure. That was in January of 2006. And now as part of that celebration, the Bronx Museum of the Arts is celebrating the roadway in its exhibition "Intersections: The Grand Concourse at 100."

What's interesting about the Grand Concourse, I believe, is that it mirrors so much of what New York City is and what this country is. Because as you travel the Concourse not only physically but through its history, you see the different groups of people who came to New York, who came to the Bronx, who settled on the Concourse, as we called it, and became part of America.

And so as we see people enjoying the park and enjoying and socializing on the Concourse, we see the different groups that have arrived from throughout the world and from my birthplace of Puerto Rico.

The Grand Concourse has, for them, fulfilled and exceeded its planners' intentions over a series of generations—occupying a central place in the hearts and minds of Bronxites past and present.

So I have come here today in support of this resolution. I would hope everyone votes for it. I thank the committee, the chairman, and the ranking member for their support.

Mr. OBERSTAR. Mr. Speaker, I rise today in support of H. Res. 907, recognizing the Grand Concourse on its 100th anniversary as the preeminent thoroughfare in the borough of the Bronx, which serves as an important nexus of commerce and culture for the City of New York. I commend the gentleman from New York (Mr. SERRANO) for his work on this Resolution. Designed by Louis Aloys Risse and opened to the public in 1909, this beautiful, tree-lined thoroughfare was first conceived of in 1890 as a means of connecting the borough of Manhattan to the northern Bronx.

The original cost of the project was \$14 million, the equivalent of \$340 million today. Over the past 100 years, this investment has leveraged significant private and public economic development activity in the Bronx, and has served as the backdrop to many historic New York City landmarks. Among these landmarks is the Loews Paradise Theater—at one time the largest movie theater in New York City—which was constructed in 1929 along the Grand Concourse. In 1923, the old Yankee Stadium opened near the Grand Concourse at 161st Street and has remained an important landmark in the surrounding Bronx community ever since.

Over the course of its 100 years, the Grand Concourse has played a longstanding role in defining the Bronx community, serving as the central north-south artery of the borough. For over 4 miles, the Grand Concourse is lined by several parks, fountains, and other pedestrian-friendly community treasures. The apartment buildings along the Grand Concourse have been home to the likes of Babe Ruth, Stanley Kubrick, Milton Berle and other famous New Yorkers over the years.

Reflecting much of the tumultuous history of the Bronx itself, the Grand Concourse is preparing for the rebirth and restoration of key social, economic and environmental infrastructure. Recently, \$18 million was committed to upgrading the Grand Concourse to make it more pedestrian-friendly and to restore the

roadway's beauty that has made it vital to the cultural and economic development of the Bronx for 100 years.

Mr. Speaker, it is for these great contributions to the City of New York and to the Borough of the Bronx over the past 100 years that I urge my colleagues to join me in supporting H. Res. 907.

Mr. ENGEL. Mr. Speaker, I rise today to recognize the 100th anniversary of the Grand Concourse. As a proud, lifelong resident of the Bronx, I am pleased to co-sponsor H. Res. 907 recognizing the Grand Concourse as one of the most important and historic commerce and cultural centers of New York City.

The Grand Concourse is both the backbone and the heart of the Bronx. Each and every day, thousands of Bronxites travel up and down the concourse, connecting our borough from the north and south of the borough. It unifies the Bronx and enables people to interact and frequent the scores of businesses and cultural landmarks which run up and down the highway.

I grew up only four blocks from the Grand Concourse, and I have very fond memories of those days and the time spent along the thoroughfare. So much of my life, and the lives of my constituents, are tied to the Grand Concourse and I would not trade one moment of it for anything. As a child I watched films at the Loews Theater, I've attended numerous games at Yankee Stadium, and driven north along the Grand Concourse to visit Van Cortlandt Park.

I look forward to the start of the next 100 years in the life of the Grand Concourse, and Mr. Speaker, I encourage my colleagues to come to the Bronx and do the same.

Mr. DUNCAN. Mr. Speaker, I urge support of this resolution, and I yield back the balance of my time.

Mr. LARSEN of Washington. Mr. Speaker, we have no further speakers, and as a result, I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. LARSEN) that the House suspend the rules and agree to the resolution, H. Res. 907.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LARSEN of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### EXTENSION OF AUTHORITY TO EXPEDITE THE PROCESSING OF PERMITS

Mr. LARSEN of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4165) to extend through December 31, 2010, the authority of the Secretary of the Army to ac-

cept and expend funds contributed by non-Federal public entities to expedite the processing of permits.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4165

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. FUNDING TO PROCESS PERMITS.

Section 214(c) of the Water Resources Development Act of 2000 (33 U.S.C. 2201 note; 114 Stat. 2594; 119 Stat. 2169; 120 Stat. 318; 120 Stat. 3197; 121 Stat. 1067) is amended by striking "2009" and inserting "2010".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. LARSEN) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

#### GENERAL LEAVE

Mr. LARSEN of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 4165.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. LARSEN of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 4165. This bill would extend section 214 of the Water Resources Development Act of 2000 for another year through December 31, 2010. Section 214 is currently authorized through December 31, 2009.

The section 214 program allows local governments to fund additional U.S. Army Corps of Engineers staff time to expedite the processing of permits for infrastructure and ecosystem restoration projects. Section 214 was enacted by Congress because the Corps of Engineers' permitting process had become cumbersome for both the Corps staff and applicants as the number of permit applications rose.

By funding additional specific staff to work on specific, time-intensive permits, existing Corps staff are able to process significant current backlogs more quickly. Funding for additional Corps staff has resulted in a reduction of permanent wait times not only for the funding entity, but also for any individual or organization seeking a permit. As a result, local governments are able to move forward with infrastructure and ecosystem restoration projects.

Section 214 is currently being used by over 41 public agencies in 20 separate Corps districts. The city of Seattle in my home State of Washington was the first public entity in the country to develop and use this facilitated permitting process. The city has used the section 214 program for 285 projects representing over \$1.1 billion in capital investments. Seven years of using the

program has resulted in an estimated cost savings of \$10.6 million. The average review time per project has been reduced from over 808 days to an average of between 47–166 days.

In a region where we must balance the most difficult environmental issues in the country with the second-highest commerce and trade demands of any region in the country, section 214 has become key to overcoming permitting delays and other challenges.

The authority granted by section 214 by the WRDA 2000 has worked well in practice. This authority needs to be renewed so the additional staff can remain on the job without interruption. Therefore, I urge the House to pass H.R. 4165.

With that, I reserve the balance of my time.

Mr. BOOZMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in qualified support of H.R. 4165, to authorize an extension of the Army Corps of Engineers' section 214 program. Section 214 of the Water Resources Development Act of 2000 allows the Army Corps of Engineers to accept and expand funds provided by non-Federal public entities to hire additional personnel to process regulatory permits.

Mr. Speaker, I say I offer qualified support for H.R. 4165 because while this legislation is needed, my colleague from Texas (Mr. OLSON) has offered a better piece of legislation. Mr. OLSON's legislation, H.R. 4162, will authorize a permanent extension of the program—not a 1-year temporary extension offered by H.R. 4165. The Congress has been forced to temporarily expand this program five times since it was authorized by the Water Resources Development Act in 2000, yet the Committee on Transportation and Infrastructure has heard from Members on both sides of the aisle supporting permanent extension of the 214 program.

I have heard no Member object to a permanent expansion of the section 214 program. The Corps of Engineers now has adequate experience in running the program, and recent Government Accountability Office observations concur with this assessment. Yet here we are again on the House floor moving a temporary extension of an excellent program.

Authority for this program expires on December 31 of this calendar year. If this program expires, the Corps will have to fire some regulatory personnel, reducing its ability to process permits in a timely manner.

I want to thank Representative OLSON and Representative LARSEN for their efforts on this issue. I urge all Members to vote in favor of H.R. 4165, but I do wish that we were passing a permanent, or at least a long-term, extension of the section 214 program today, not a temporary one.

I reserve the balance of my time.

Mr. LARSEN of Washington. Mr. Speaker, I reserve the balance of my time.

Mr. BOOZMAN. Mr. Speaker, I yield to the gentleman from Texas (Mr. OLSON) whatever time he might consume.

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Mr. OLSON. Mr. Speaker, I thank my colleague from Arkansas, Congressman BOOZMAN, for yielding me time; and I rise today to express my disappointment that we are only considering a 1-year extension of the section 214 language.

Section 214 of the Water Resources Development Act of 2000 allows the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits through the Army Corps of Engineers. By funding additional staff to work on permanent evaluation, existing Corps staff are able to process significant backlogs more quickly. Hiring additional staff results in a reduction of permit waiting times not only for the local funding entity, but also for any individual or organization that makes an application with the Corps district.

In my district, the Harris County Flood Control District has used section 214 for the past 6 months to move forward with vital infrastructure and maintenance projects that have minimal environmental impact. According to a letter they sent my office, Harris County Flood Control District has "already noticed a significant improvement in the length of time it is taking to receive our reviews and permits that are required to proceed to construction of our projects."

In the past 9 years, section 214 has been extended five times. Two of these extensions were for less than 1 year. This program has been hamstrung by short-term extensions that discourage both Corps districts and local public entities from participating. And today, we again add to the uncertainty of this program by extending it for 1 additional year with no guarantee of continuing it past that.

I sponsored legislation that would make section 214 authority permanent and ensure non-Federal project sponsors have the ability to move forward with vital water resources infrastructure projects and maintenance more efficiently year after year.

My bill is ready for consideration; but, instead, we are considering another short-term extension.

I will reluctantly support this 1-year extension but hope that as we move forward with the debate on the Water Resources Development Act that we can have a serious conversation about making this provision permanent. Non-Federal project sponsors need to be able to count on the longevity of section 214 in order to make the most out of it.

Mr. LARSEN of Washington. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, in response to the gentleman from Texas, I do want to say I'm extremely sympathetic to his position, and I fully, in fact, agree with the request that we make section 214 permanent. And I, along with many others, have asked for that consideration within the context of the reauthorization of the Water Resources Development Act of 2010. I am hopeful we can work in a bipartisan approach to work with the committee's leadership to make Mr. OLSON's, as well as many others who made the same request, to make that request a reality.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. BOOZMAN. Mr. Speaker, again, I do support H.R. 4165 and urge my fellow Members to vote for the bill. I appreciate Mr. LARSEN. I know that he has worked hard on this in trying to bring the issue forward and provide a permanent fix.

My hope is that in the reauthorization of WRDA that we can all, as was mentioned, work in a very bipartisan way, because this is an entity that has worked very, very well. And I think all of us agree that it really is a success story. So hopefully we can work together, he and Mr. OLSON and our leadership on the committee, so that we can provide for a permanent fix of the program, a permanent authorization, and not have to go through this every year.

Mr. OBERSTAR. Mr. Speaker, I am pleased to support H.R. 4165, a bill to extend authority of the Secretary of the Army to accept funds from non-Federal public entities for the consideration of permits under the Clean Water Act and the Rivers and Harbor Act of 1899.

This language is modeled after language included in the Water Resources Development Act of 2007 that included a short-term extension of the U.S. Army Corps of Engineers, corps, section 214 permit review authority. That authority expires at the end of the current calendar year, and this legislation will continue the program through the end of December 2010.

I have been carefully monitoring the implementation of this authority. While this authority is very popular for the local public entities that have used it, we need to ensure that this authority does not affect the objectivity of the regulator.

In May 2007, the Government Accountability Office, GAO, issued a report, upon my request, which expressed concern with the overall implementation of the section 214 authority. This report recommended several improvements to increase the overall transparency and impartiality of corps' permit reviews conducted with outside funds.

Earlier this year, I requested GAO to re-evaluate whether these recommendations had been implemented by the corps. In November, the staff of the Subcommittee on Water Resources and Environment received a briefing by GAO that suggested additional improvements to the program were still warranted.

As a track record of implementation developments, the Committee on Transportation and Infrastructure, committee, will have an opportunity to further review the implementation of this authority, and ensure that the corps' review of permit applications is a fair and equitable process.

The committee will further consider this issue next year during its development of the Water Resource Development Act. However, because that process will take place after the existing program authority expires, it is appropriate that we provide for an additional, short-term extension of the section 214 authority.

I urge my colleagues to join me in supporting H.R. 4165.

Mr. BOOZMAN. With that, I yield back the balance of my time.

Mr. LARSEN of Washington. Mr. Speaker, I urge everyone to support H.R. 4165, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. LARSEN) that the House suspend the rules and pass the bill, H.R. 4165.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### WATER RESOURCES DEVELOPMENT ACT OF 1992 AMENDMENT

Mr. LARSEN of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1854) to amend the Water Resources Development Act of 1992 to modify an environmental infrastructure project for Big Bear Lake, California.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1854

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

#### SECTION 1. BIG BEAR LAKE, CALIFORNIA

Section 219(f)(84) of the Water Resources Development Act of 1992 (121 Stat. 1259) is amended to read as follows:

“(84) BIG BEAR LAKE, CALIFORNIA.—\$9,000,000 for water supply infrastructure improvements for Big Bear Lake, California.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. LARSEN) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

#### GENERAL LEAVE

Mr. LARSEN of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1854.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. LARSEN of Washington. Mr. Speaker, I ask the House to consider H.R. 1854 to amend the Water Resources Development Act of 1992 to modify the environmental infrastructure project for Big Bear Lake, California. This bill provides technical corrections to the Big Bear Lake project, originally authorized in the Water Resources Development Act of 2007.

H.R. 1854 changes the authorized purpose of the Big Bear Lake project from wastewater treatment to water supply infrastructure. In addition, the authorized funding level is reduced by \$6 million to a \$9 million authorized funding level. We have no objections to this bill as introduced.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. BOOZMAN. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I rise in support of H.R. 1854, amending the Water Resources Development Act of 1992 to modify a project in the vicinity of Big Bear, California.

The Water Resources Development Act of 2007 was enacted in November 2007. Included in the bill is a project that authorized assistance for the city of Big Bear, California. As authorized, the bill provided \$15 million of assistance to the city to construct a wastewater treatment facility.

Since enactment, however, the city has decided against constructing the project and would instead use the authority to upgrade its water supply distribution system at a lower cost than originally authorized. The new cost of the project is \$9 million.

This project is especially critical to this region of California which is typically subjected to catastrophic wildfires. Upgrades to the water supply in the vicinity of Big Bear would increase water pressure at peak demand periods and improve water quality.

It's not often that a Member of Congress asks us to cut authorized levels of funding for their congressional district. This bill is an act of good governance and truth-in-budgeting.

I want to thank Representative LEWIS for his leadership on this issue and urge all Members to vote in favor of H.R. 1854.

Mr. LEWIS of California. Madam Speaker, I rise in support of H.R. 1854.

This bill will revise a previously authorized project to allow the mountain community of Big Bear, which is located in the 41st Congressional District, to move forward with the Army Corps of Engineers to begin replacement of an aging water infrastructure. The bill reduces the authorized amount of the project by \$3 million.

The city of Big Bear Lake currently distributes water through pipes that are over 70 years old and crumbling by the minute. This lack of integrity from the water infrastructure has led to declining water quality, massive water loss, and dangerously low flow levels that do not meet firefighting standards.

California is in the midst of a water crisis, and San Bernardino County has been granted Federal disaster status due to extreme drought conditions. In a misguided effort to protect fish, the Federal Government has shut off pumps for the California Aqueduct, further reducing water supplies for southern California communities. Under these severe conditions, we cannot overlook any opportunity to conserve what water we have. This bill will provide immediate and measurable conservation.

Equally dire, Big Bear is located within the San Bernardino National Forest. Because of lack of consistent management in the past, the San Bernardino National Forest has become a powder keg for wildfire. We have made some progress at reducing the threat through aggressive hazardous fuels removal, but the danger remains extreme. Replacing the water infrastructure will help protect the Big Bear community and provide the U.S. Forest Service with another vital weapon in the event of catastrophic wildfire.

As a side benefit, the increased pressure in the pipes will also drastically reduce the power consumption currently needed to pump water throughout the system. It has been a priority of this Congress to implement policies that conserve resources and I believe this bill is consistent with those goals.

I urge a “yes” vote of H.R. 1854.

Mr. OBERSTAR. Mr. Speaker, I rise in support of H.R. 1854, offered by the gentleman from California (Mr. LEWIS), to amend the Water Resources Development Act of 1992 to modify an environmental infrastructure project for Big Bear Lake, California. The Big Bear Lake project was originally authorized in Water Resources Development Act of 2007 for the purpose of wastewater treatment at a funding level of \$15 million. This bill modifies the Big Bear Lake Project, reducing the authorized funding to \$9 million and changing the project purpose to water supply infrastructure.

I urge my colleagues to join me in supporting H.R. 1854.

Mr. BOOZMAN. Mr. Speaker, having no further speakers, I yield back the balance of my time.

Mr. LARSEN of Washington. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. LARSEN) that the House suspend the rules and pass the bill, H.R. 1854.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### AUTHORIZATION FOR SMITHSONIAN INSTITUTION TO CONSTRUCT A VEHICLE MAINTENANCE BUILDING

Mr. BRADY of Pennsylvania. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3224) to authorize the Board of Regents of the Smithsonian Institution to plan, design, and construct a vehicle maintenance building at the vehicle maintenance branch

of the Smithsonian Institution located in Suitland, Maryland, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3224

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. VEHICLE MAINTENANCE BUILDING, SUITLAND, MARYLAND.**

(a) **AUTHORITY TO PLAN, DESIGN, AND CONSTRUCT.**—The Board of Regents of the Smithsonian Institution is authorized to plan, design, and construct a vehicle maintenance building at the vehicle maintenance branch of the Smithsonian Institution located in Suitland, Maryland.

(b) **PURPOSE OF BUILDING.**—The purpose of the building shall be to provide a facility to be used for housing, maintaining, and repairing vehicles and transportation equipment of the Smithsonian Institution.

**SEC. 2. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated to carry out this Act \$4,000,000 for fiscal year 2010.

The SPEAKER pro tempore (Mr. LARSEN of Washington). Pursuant to the rule, the gentleman from Pennsylvania (Mr. BRADY) and the gentleman from Nebraska (Mr. TERRY) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

**GENERAL LEAVE**

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on the consideration of H.R. 3224.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BRADY of Pennsylvania. Mr. Speaker, H.R. 3224 would authorize \$4 million in fiscal year 2010 for the Smithsonian Institution to plan, design and construct a vehicle maintenance building at its facilities in Suitland, Maryland. Our committee ordered the bill reported unanimously.

The new building would absorb the vehicle maintenance functions for the entire Smithsonian complex in the Washington area. These are currently performed in a constricted and increasingly dysfunctional space at the General Services Building within the National Zoo in northwest Washington, D.C.

The vehicle maintenance functions, which cover the maintenance, repair and fueling of about 780 Smithsonian-owned vehicles and pieces of equipment, are not compatible with the surrounding environment at the zoo and would be better served at the Suitland facility, which has more space and is isolated from public access. The space being vacated at the zoo would be converted to other uses.

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The bill authorizes the planning, design and construction of this project,

which would give the Committee on House Administration primary jurisdiction. The Committee on Transportation and Infrastructure, which has an additional referral, also reported this bill. The fiscal year 2010 Interior appropriations conference report, which has been enacted into law, contains the necessary funding for this bill, and I urge the approval of the legislation.

I reserve the balance of my time.

Mr. TERRY. I yield myself as much time as I may consume.

Mr. Speaker, I rise in support of this bill, which will provide for the construction of a vehicle maintenance branch at the National Zoo to benefit the zoo and larger Smithsonian Institution operations. The course of action prescribed by this bill is the result of a careful analysis of alternatives, which has demonstrated that the onsite construction of a vehicle maintenance facility would prove to be, roughly, 40 percent cheaper than developing an off-site facility. Additionally, this bill will provide for the better environmental stewardship in the operations of the National Zoo and of the Smithsonian Institution.

I want to thank Mr. BECERRA for bringing this forward. Accordingly, I request that my colleagues on this side of the aisle support this suspension.

Mr. Speaker, I just want to thank Mr. LUNGREN for his efforts on this measure, and I yield back the balance of my time.

Mr. BRADY of Pennsylvania. I would like to thank Mr. LUNGREN, too, for his cooperation on this and for hurrying over just a second or two late.

Mr. OBERSTAR. Mr. Speaker, I rise in support of H.R. 3224, a bill to authorize the Board of Regents of the Smithsonian Institution to plan, design and construct a vehicle maintenance facility at the vehicle maintenance branch of the Smithsonian Institution located in Suitland, Maryland.

Currently the bulk of the Smithsonian's vehicle maintenance is conducted from the National Zoo's General Services Building. The Vehicle Maintenance Branch is responsible for maintenance, repair, and fueling of more than 780 Smithsonian vehicles and pieces of equipment valued at over \$17 million. However, the vehicle maintenance operations over the years have become incompatible with the other needs of the General Services Building. After researching the potential of leasing a facility, the Smithsonian Institution determined the most economical method of housing its fleet management and maintenance operations was to request authority to build a facility on government-owned property located in Suitland, Maryland.

Transferring the vehicle maintenance operations to a new site will increase the ability of the Smithsonian to use alternative fuels in its vehicles. The proposed site at Suitland currently has both a compressed natural gas fueling station and a gasoline fueling station. Furthermore, the Smithsonian plans to install E-85 and bio-diesel above-ground fuel tanks at the facility. The Zoo's General Services Build-

ing does not have the space available to accommodate these alternative fuel tanks.

I urge my colleagues to join me in supporting H.R. 3224.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BRADY) that the House suspend the rules and pass the bill, H.R. 3224.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

**FUNDING FOR CONTINUED TYPE 1 DIABETES RESEARCH**

Mrs. CAPPS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 35) expressing the sense of the House of Representatives that Congress should provide increased Federal funding for continued type 1 diabetes research.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

**H. RES. 35**

Whereas as many as 3,000,000 Americans suffer from type 1 diabetes, a chronic, genetically determined, debilitating disease affecting every organ system;

Whereas more than 15,000 children each year are diagnosed with type 1 diabetes, a disease caused by an autoimmune attack that destroys the insulin-producing beta cells of the pancreas;

Whereas diabetes is one of the most costly chronic diseases, costing the United States economy more than \$174,000,000,000 and costing individuals with diabetes an average of \$13,000 in annual health care costs, compared to \$2,600 for individuals without diabetes;

Whereas insulin treats but does not cure this potentially deadly disease and does not prevent the complications of diabetes, which include blindness, heart attack, kidney failure, stroke, nerve damage, and amputations;

Whereas the National Institutes of Health has established 6 goal areas to guide type 1 diabetes research focused on the reduction, prevention, and cure of type 1 diabetes and its complications;

Whereas Federal funding has enabled research focused on determining the underlying genetic and environmental causes of diabetes and testing of promising new treatments to halt and reverse the autoimmune attack causing type 1 diabetes;

Whereas a cure for type 1 diabetes will require restoring beta cell function either by replacement with transplantation or by beta cell regeneration;

Whereas the development of a "closed-loop" artificial pancreas would greatly alleviate the daily burden of disease management for type 1 diabetes patients by continuously monitoring blood sugar levels, infusing insulin as necessary when blood glucose levels become too high, and warning patients when blood glucose levels become dangerously low;

Whereas continued progress toward a cure for type 1 diabetes depends on training the next generation of diabetes researchers;

Whereas a strong public-private partnership to fund type 1 diabetes exists between the Federal Government and the Juvenile Diabetes Research Foundation International, a foundation which has awarded more than \$1,000,000,000 for diabetes research since its founding and in fiscal year 2008 provided more than \$156,000,000 for diabetes research in 20 countries;

Whereas Congress has provided \$150,000,000 annually through fiscal year 2011 for the Special Statutory Funding Program for type 1 Diabetes Research;

Whereas the National Institutes of Health devoted a total of \$433,000,000 in fiscal year 2009 for type 1 diabetes research; and

Whereas leading type 1 diabetes researchers have recommended a total funding level of \$4,100,000,000 for fiscal years 2009 through 2013 in order to meet the National Institutes of Health's type 1 research goals: Now, therefore, be it

*Resolved*, That Federal funding for diabetes research should be increased to meet the National Institutes of Health's goals so that a cure for type 1 diabetes can be found.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. CAPPS) and the gentleman from Nebraska (Mr. TERRY) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

#### GENERAL LEAVE

Mrs. CAPPS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. CAPPS. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 35, expressing the sense of the House that Congress should provide increased Federal research funding for type 1 diabetes. Diabetes is one of the most prevalent and costly chronic conditions in the United States today.

According to the Centers for Disease Control and Prevention, nearly 24 million Americans—that's roughly 8 percent of the United States population—have diabetes. Direct and indirect costs of diabetes totaled \$174 billion in 2007, \$120 billion of which were direct medical costs attributable to diabetes.

Three million Americans have type 1 diabetes, which results when the body's immune system destroys insulin-producing cells in the pancreas that regulate blood glucose levels. Individuals with type 1 diabetes depend on insulin, but even with adherence to insulin treatment, individuals with type 1 diabetes are still very vulnerable to the many complications that this disease offers, which are blindness, kidney failure, and amputation.

As a school nurse, I became intimately aware of the challenges faced by children with type 1 diabetes and of the impact it has on their families and

on their classmates as well. During the years I cared for those students, we discussed the potential for a cure by now. Unfortunately, we still have a ways to go.

The Federal funding of diabetes research has resulted in tremendous advancements for our understanding and our treatment of the disease. We have successfully determined underlying genetic and environmental causes of diabetes, and we are testing and promising new treatments, but there is still much more work to be done.

The National Institutes of Health devoted \$433 million in fiscal year 2009 for type 1 diabetes research. This resolution calls for a doubling of annual NIH funding to meet leading researchers' estimates of the funding needed to accomplish NIH's six goals related to type 1 diabetes.

Mr. Speaker, I am pleased to join my colleagues in calling for the passage of this resolution and of increased research funding to find a cure for type 1 diabetes. I want to thank my colleague on the Energy and Commerce Committee, Congressman GENE GREEN, for his leadership on this important issue.

I reserve the balance of my time.

Mr. TERRY. I yield myself as much time as I may consume.

Mr. Speaker, as a member of the Diabetes Caucus and throughout most of the 1990s, I was a member of our regional diabetes board for the ADA. In fact, I call myself a perpetual vice chairman of our region. So it is with great pride that I am here in support and that I encourage my colleagues to support H. Res. 35.

I want to recognize the 23.6 million Americans who suffer from diabetes. Diabetes can lead to serious complications and premature death, but people with diabetes can take steps to control the disease and to lower their risks of complications.

The Centers for Disease Control has stated that the progression of diabetes among those with prediabetes is not inevitable, and studies have shown that people with prediabetes who lose weight and who increase their physical activity can prevent or delay diabetes and can return their blood pressure to near normal. Through regular exercise and a steady diet, Americans can return to a healthier state of living and can avoid diabetes.

Because diabetes affects individuals in different ways, it is important that we educate our communities about the causes and about effective ways to avoid diabetes through living a healthy lifestyle. Additionally, we must continue to research the causes, treatment, education, and eventual cure for diabetes through public and private partnerships.

I do believe that the 1,000-page health reform bill, which was rushed through the House of Representatives by the other side of the aisle to establish a

government takeover of health care, will negatively impact those with diabetes and will severely curtail our ability to find a cure. I fail to see how a massive government takeover of our health care system and how the creation of scores of new bureaucracies will revitalize our economy or will give Americans better care.

Instead, the House Tri-Committee bill would ration health care like it is done in the U.K. and Canada. This rationing of health care will not be better for the patients. It will lead to many diabetics in need of dialysis and care who will be turned away or who will have longer wait times when they need access to physicians.

In addition to nearly a \$1 trillion health reform bill which was pushed on the American public, the recent stimulus legislation provided an extra \$10 billion of funding to the NIH for the advancement of scientific research. Unfortunately, long-held processes on the length and structure of trials have been ignored in order to spend the funds as quickly as possible and in as many Congressional districts as possible.

Instead of rushing to spend billions of dollars for a political photo op, it would have been more responsible, both scientifically and fiscally, to continue to have the NIH determine what trials' processes deserve the most merit. If we hadn't rushed to spend in the name of "stimulus," I believe that some of the \$10 billion could have been used for research into type 1 diabetes.

I want to see Americans recognizing the significance of monitoring their own and members of their families' health in getting the proper and timely treatment for diabetes. I would also like to see, through public-private partnerships, a continued commitment to diabetes research so that, one day, we may have a cure.

I would like to thank the sponsor of this bill, Representative GENE GREEN from Texas, for his work on this resolution. I stand, once again, in support of this legislation, and I hope my colleagues will join me.

I reserve the balance of my time.

Mrs. CAPPS. Mr. Speaker, I wish to respond to my friend and colleague from Nebraska by reminding us all that, with the health care and insurance reform legislation that has been proposed, one of the effects would be that more Americans would have access to preventative and primary care, which would, hopefully, mitigate the onset of diabetes and its effects on Americans.

Now it is my great pleasure to yield as much time as he may consume to my colleague from Texas, GENE GREEN. He is the resolution sponsor.

Mr. GENE GREEN of Texas. I would like to thank the vice Chair of the Energy and Commerce Committee for yielding to me.



Mr. Speaker, this resolution discusses type 1 diabetes, which is typically the early onset of juvenile diabetes in some of us, but it does sometimes affect older children. Type 1 diabetes is a chronic, genetically determined, and debilitating disease caused by an autoimmune attack that destroys the insulin-producing beta cells of the pancreas, and it affects every organ system. As many as 3 million Americans suffer from type 1 diabetes, with more than 15,000 children being diagnosed with the disease annually.

Diabetes is one of the most costly chronic diseases, costing the United States economy more than \$174 billion annually in direct and indirect health care costs. On average, individuals with diabetes pay \$13,000 in annual health care costs compared to \$2,600 for individuals without diabetes.

Insulin treats but does not cure this potentially deadly disease nor does it prevent the complications of diabetes, which include blindness, heart attacks, kidney failure, strokes, nerve damage, and amputations. Diabetes is also the leading cause of legal blindness in working-age adults, and nearly all of type 1 diabetes patients exhibit some degree of eye disease after living with diabetes for 15 to 20 years.

A special diabetes program was created that provides significant support to the Diabetic Retinopathy Clinical Research Network, which is a nationwide network involving 163 clinical sites in 43 States, in order to address the number of individuals diagnosed with type 1 diabetes and to find a cure.

The National Institutes of Health has established six goal areas to guide type 1 diabetes research, which are focused on the reduction, prevention, and cure of type 1 diabetes and its complications. The National Institutes of Health devoted \$433 million in fiscal year 2009 for type 1 diabetes research. Congress currently provides \$150 million annually, through fiscal year 2011, for the Special Statutory Funding Program for type 1 diabetes research. Promising advances have been made in determining root causes of the disease, and finding a cure will depend on funded research initiatives and on training the next generation of diabetes researchers.

Congress can do more to advance the research on type 1 diabetes. This resolution calls for the doubling of annual NIH funding to meet leading researchers' estimates of funding needed to meet NIH's six goals related to type 1 diabetes.

I am pleased to sponsor this resolution with the 101 other Members who are calling for research funding to find a cure for type 1 diabetes. I want to thank all of my cosponsors, including both of my colleagues—the vice Chair of the Energy and Commerce Committee, Congresswoman CAPPS; and also Congressman TERRY from Ne-

braska, who is also, like I said, a cosponsor of the resolution.

Hopefully, our national health care plan will actually help those who have either type 1 diabetes or type 2 diabetes to make sure they can go see physicians when they need to.

□ 1430

Mr. TERRY. I yield myself as much time as I may consume.

Mr. Speaker, as I mentioned, from my activities in the Diabetes Caucus, I have learned that, as I stated in the main statement, that education, nutrition, and exercise leads to prevention of much of type 1 and type 2. Today is the sixth anniversary of the Medicare and Medicaid Reform Act that was passed in 2003 on a nearly partisan vote. It was then that we recognized that the Republicans, who authored that bill, supported that bill and that actually this is the first time that Medicare would pay for education, nutrition counseling.

I thought it was very odd that under Medicare for a diabetic, that Medicare would pay for an amputation or kidney dialysis, but it wouldn't pay \$150 to prevent those from happening by way of education, diabetic education classes, which included nutrition and exercise and such. We have come a long way in recognizing prevention.

Certainly we don't need the government, through its history of not wanting to cover preventive care—I think we could do a better job within the private side or free enterprise side. We don't need government running health care to make sure that people that are in need of diabetes education, nutrition, a dietician, exercise, counseling, could receive that.

I again want to thank GENE GREEN for bringing this much-needed resolution. Once again, I rise in support of this resolution.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of House Resolution 35 to express the sense of the House of Representatives that Congress should provide increased federal funding for continued type 1 diabetes research.

This legislation is particularly timely as roughly 3 million people suffer from type 1 diabetes across the country. It is important for us to move forward in the fight against this disease and increase funding for research that aims to prevent and treat diabetes. It is estimated that over \$4 billion will be necessary to fund the National Institute of Health's research goals for type 1 diabetes through 2013, and as this disease continues to affect millions of people across America, it is imperative that we fund research at increased levels to see its end.

I would also like to mention one of the efforts that we are undertaking in North Texas to help combat diabetes. Recently the Baylor Health Care System announced that it would be transforming the Juanita J. Craft Recreation Center in south Dallas to the area's first and only diabetes health and wellness insti-

tute. This center will help to save lives by offering improved diabetes care, educational programs, and conducting research in addition to encouraging healthy lifestyles for those living with the disease. The center will also educate the community on preventative measures for type 2 diabetes so that a preventative lifestyle becomes a natural and normal part of everyday life in this neighborhood. It is my hope that increased funding for diabetes research will encourage similar centers to be created across the country.

Mr. Speaker, I encourage my fellow colleagues to join me in supporting this important resolution so that we recognize the need for diabetes research funding and help countless people across the country living with the disease.

Mr. TERRY. I have no further speakers, and I yield back the balance of my time.

Mrs. CAPPS. I have no remaining speakers on this side, and I also urge our colleagues to support this resolution.

I yield back the balance of our time. The SPEAKER pro tempore (Mr. CUELLAR). The question is on the motion offered by the gentlewoman from California (Mrs. CAPPS) that the House suspend the rules and agree to the resolution, H. Res. 35.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mrs. CAPPS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

#### NATIONAL PRADER-WILLI SYNDROME AWARENESS MONTH

Mrs. CAPPS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 55) expressing support for the designation of a National Prader-Willi Syndrome Awareness Month to raise awareness of and promote research into this challenging disorder.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 55

Whereas Prader-Willi syndrome is a complex genetic disorder that occurs in approximately 1 out of every 15,000 births, and is the most commonly known genetic cause of life-threatening obesity;

Whereas Prader-Willi syndrome affects males and females with equal frequency and affects all races and ethnicities;

Whereas Prader-Willi syndrome causes an extreme and insatiable appetite, often resulting in morbid obesity, which is the major cause of death for individuals with the syndrome;

Whereas Prader-Willi syndrome also causes cognitive and learning disabilities, and behavioral difficulties, such as obsessive-compulsive disorder and difficulty controlling emotions;

Whereas the hunger, metabolic, and behavioral characteristics of Prader-Willi syndrome force affected individuals to require constant and lifelong supervision in a controlled environment;

Whereas studies have shown that there is a high morbidity and mortality rate for individuals with Prader-Willi syndrome;

Whereas there is no known cure for Prader-Willi syndrome;

Whereas early diagnosis of Prader-Willi syndrome allows families to access treatment, intervention services, and support from health professionals, advocacy organizations, and other families who are dealing with the syndrome;

Whereas recently discovered treatments, such as human growth hormone, are improving the quality of life for individuals with the syndrome and offer new hope to families, but many difficult symptoms associated with Prader-Willi syndrome remain untreated;

Whereas increased research into Prader-Willi syndrome can lead to a better understanding of the disorder, more effective treatments, and an eventual cure for Prader-Willi syndrome;

Whereas increased research into Prader-Willi syndrome is likely to improve our understanding of common public health concerns, including childhood obesity and mental health; and

Whereas advocacy organizations have designated May as Prader-Willi Syndrome Awareness Month: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) supports raising awareness and educating the public about Prader-Willi syndrome;

(2) applauds the efforts of advocates and organizations that encourage awareness, promote research, and provide education, support, and hope to those impacted by Prader-Willi syndrome;

(3) recognizes the commitment of parents, families, researchers, health professionals, and others dedicated to finding an effective treatment and eventual cure for Prader-Willi syndrome;

(4) supports increased funding for research into the causes, treatment, and cure for Prader-Willi syndrome; and

(5) expresses support for the designation of a National Prader-Willi Syndrome Awareness Month.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. CAPPs) and the gentleman from Nebraska (Mr. TERRY) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

#### GENERAL LEAVE

Mrs. CAPPs. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. CAPPs. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 55. This resolution supports raising awareness and educating the public about Prader-Willi syndrome and expresses the support for designating National Prader-Willi Syndrome Awareness Month.

Prader-Willi syndrome is a genetic disorder that occurs in approximately 1 in every 15,000 births. Individuals with this syndrome have lower metabolic rates and lack normal hunger and satiety cues. The combination of these factors results in morbid obesity and associated complications if gone untreated.

Individuals with Prader-Willi syndrome are also affected by nonobesity-related conditions such as cognitive and learning disabilities and some behavioral difficulties. The link between Prader-Willi syndrome and obesity is one that cannot be ignored. Obesity is one of the fastest-growing public health challenges in the United States.

The Centers for Disease Control and Prevention estimates that 16 percent of American children and one-third of American adults are obese. That's an astounding fact.

A recently released report supported by the United Health Foundation, the American Public Health Association, and the Partnership for Prevention concluded that, if current trends continue, over 100 million American adults will be obese by 2018. This would translate to over \$300 billion of health care costs attributable to obesity if the rates continue to increase at current trends.

As my colleagues are aware, obesity is a complex health issue. Behavioral, environmental, and genetic factors also contribute to this epidemic. Most often we talk about eating a healthy diet and exercising. In recent months, I am proud of how we have prioritized investments in community-level prevention and wellness activities.

Interventions in schools, workplaces, and other settings are essential to reinforce and facilitate individual efforts to maintain a healthy weight. The resolution we are considering today presents us with an opportunity to focus on how genes affect obesity.

I am pleased to join my colleagues in drawing attention to the Prader-Willi syndrome. I urge passage this resolution.

I want to thank my colleagues from California, Congressman ROYCE and Congresswoman HARMAN, for their leadership on this issue.

I reserve the balance of my time.

Mr. TERRY. I yield myself as much time as I may consume.

Mr. Speaker, I rise in support of House Resolution 55 and encourage the designation of National Prader-Willi Syndrome Awareness Month.

Prader-Willi syndrome is a complex genetic disorder that can cause life-threatening symptoms such as an extreme and insatiable appetite. Often

resulting in morbid obesity, Prader-Willi syndrome occurs in males and females equally and in all races. Estimates of the prevalence of Prader-Willi syndrome vary, with the most likely figure being 1 out of every 15,000 children.

Children with PWS have sweet and loving personalities, but they are also characterized by weight-control issues and motor development delays, along with some behavior problems and unique medical issues. PWS typically causes low muscle tone, short stature if not treated with growth hormone, incomplete sexual development, and a chronic feeling of hunger that, coupled with a metabolism that utilizes drastically fewer calories than normal, can lead to excessive eating and life-threatening obesity. The food compulsion requires constant supervision on the part of the family members, along with regular attention to many of the other difficult symptoms.

It is the commitment of researchers and health professionals that has led to effective treatments and, hopefully, an eventual cure for the families afflicted by this disorder.

I would like to thank Representative ROYCE from California for his commitment to raising awareness about Prader-Willi syndrome. I encourage all of my colleagues to vote for this resolution.

At this time, I yield to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of House Resolution 55, authored by myself and my colleague from the State of California, Congresswoman JANE HARMAN.

This resolution calls for the establishment of a National Prader-Willi Syndrome Awareness Month, and it encourages continued Federal research of this syndrome. Now, this syndrome is recognized as a common genetic cause of childhood obesity, and for too many children, it is an affliction which causes them not even to be able to reach their teens. Many of them don't reach their 20th birthday as a result of this malady.

Mr. Speaker, 7½ years ago I was in the position of most Members of this House and most Americans in that I had never heard of Prader-Willi syndrome. Then a little girl named Abby Porter was born. I can still remember that day and the phone call that came telling me that Abby had arrived but that something was wrong. Abby was sleeping almost 24 hours a day, was unable to eat on her own, and had almost no muscle tone at all.

Thanks to the persistence and strong will of Abby's parents, she was sent to Children's Hospital in Denver where she underwent extensive testing. At 2 weeks of age we all learned that Abby had a genetic disorder called Prader-Willi syndrome.

Many of you are now asking what I asked on that day of the phone call. What is Prader-Willi syndrome? In short, it is a complex condition characterized by morbid obesity, by insatiable appetite, by poor muscle tone and failure to thrive during infancy, among many other maladies. Twenty years ago a child with Prader-Willi syndrome was likely to die of morbid obesity before they reached adulthood. Most of these children were either never diagnosed or diagnosed later in life when treatment was far less effective.

Abby Porter is actually one of the lucky ones, as she received a very early diagnosis. As a result of this early diagnosis she was able to begin human growth hormone treatments at the age of 3 months. A relatively new treatment for Prader-Willi at the time of her birth, growth hormone enabled Abby to begin building the muscle tone she needed to eat, to hold up her head, to sit up, crawl, and finally to walk. As a result she was able to reach all of her developmental milestones at roughly the appropriate times. She was also able to develop cognitively at a more normal rate than she would have without this treatment.

Abby and I want every child with Prader-Willi syndrome to have this same opportunity. We want to increase awareness of this genetic disorder among health care providers and pediatricians and parents and teachers and communities. We want children to get diagnosed early so that they can begin immediate treatment.

We want parents to be able to find out the information that they need to make decisions about the treatment and development of their children. We want teachers to understand the cognitive and emotional struggles that come with Prader-Willi and that must be dealt with in order for these children to learn.

We want neighbors and community members to learn about this syndrome so that they will understand the actions and behavior of some of the children with Prader-Willi; thus, they will not reject them outright and will instead teach their own children about the acceptance of differences.

Abby and I want these families with Prader-Willi children to know that the families are not alone in this fight to search for cures and treatments that will improve the future of their children.

For that reason, we are both proud today to see this House call for a National Prader-Willi Syndrome Awareness Month and to express support for further research in this disorder.

I want to again thank my colleague, Congresswoman JANE HARMAN from California, for her support and efforts on behalf of this resolution. I urge all my colleagues to support this bill.

Mrs. CAPPS. I am pleased now to yield whatever time she may consume

to my colleague and friend from California, JANE HARMAN.

Mrs. HARMAN. Let me first commend Mrs. CAPPS, who, as a registered nurse, has brought so much understanding and depth to our ongoing negotiations on health care in the Energy and Commerce Committee.

Second, let me commend a good friend and frequent partner, Mr. ROYCE, whose focus on this issue and personal compassion on behalf of his friend, Abby, and enormously caring staff, have brought this issue to my attention.

It resonates in my California congressional district, where there is an incredible community of activists who are committed to increasing awareness and supporting research on Prader-Willi syndrome. Two of those activists, Tom and Renay Compere, are parents of a child with PWS. They have brought other Prader-Willi families together with groups of students, teachers, and other members of the community to spread awareness and raise funds to combat this devastating disease.

Tom Compere says, "The thing that has kept us going over the years has been the optimism that a cure for PWS will be found and that our son will have a normal life. What a concept. A normal life was something, until recently, that I took for granted."

That's the goal of this resolution. By increasing awareness and promoting research at the national level, we can give the Compere family and thousands of families like them a chance to lead a normal life.

Two years ago, Mr. Speaker, I attended the annual walkathon for Prader-Willi research in Mar Vista, a wonderful community in my district. The warmth and excitement of the children I met there was touching, especially in the face of the challenges they face on a daily basis.

Prader-Willi patients suffer, as you have heard, from cognitive disabilities, poor muscle tone, and constant feelings of hunger. They often look different from other children, which makes it difficult to fit in or be accepted as a normal kid. Some cutting-edge treatments, like the ones Abby received, can improve the physical development of children with Prader-Willi so they can fit in, but this is contingent on early diagnosis and treatment, and that often doesn't happen.

By passing H. Res. 55 and raising the profile of this disease, this House can give these children better odds at doing something most of us take for granted: Living a normal life.

I urge passage of the resolution and again commend my friends from California for their role.

Mr. TERRY. We have no further speakers and, therefore, encourage the passage of this resolution.

I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Mr Speaker, I rise before you today in support of H. Res. 55, "Expressing support for the designation of a National Prader-Willi Syndrome Awareness Month to raise awareness of and promote research into this challenging disorder." I would like thank my colleague, Rep. EDWARD ROYCE, for introducing this act of solidarity, as well as the co-sponsors.

Prader-Willi syndrome is a complex genetic disorder that occurs in approximately 1 out of every 15,000 births, and is the most commonly known genetic cause of life-threatening obesity.

It affects males and females with equal frequency and affects all races and ethnicities, causing an extreme and insatiable appetite, often resulting in morbid obesity, which is the major cause of death for individuals with the syndrome. The syndrome also causes cognitive and learning disabilities, and behavioral difficulties, such as obsessive-compulsive disorder and difficulty controlling emotions.

The hunger, metabolic, and behavioral characteristics of Prader-Willi syndrome force affected individuals to require constant and lifelong supervision in a controlled environment; Studies have shown that there is a high morbidity and mortality rate for individuals with Prader-Willi syndrome, and there is no known cure.

Early diagnosis allows families to access treatment, intervention services, and support from health professionals, advocacy organizations, and other families who are dealing with the syndrome. Recently discovered treatments, such as human growth hormone, are improving the quality of life for individuals with the syndrome and offer new hope to families, but many difficult symptoms associated with Prader-Willi syndrome remain untreated.

Increased research into this disease can lead to a better understanding of the disorder, more effective treatments, and an eventual cure for Prader-Willi syndrome, and is likely to improve our understanding of common public health concerns, including childhood obesity and mental health.

That is why I join this body in supporting raised awareness and educating the public about Prader-Willi syndrome. I also join in applauding the efforts of advocates and organizations that encourage awareness, promote research, and provide education, support, and hope to those impacted by Prader-Willi syndrome.

This resolution does all this, as well as recognizing the commitment of parents, families, researchers, health professionals, and others dedicated to finding an effective treatment and eventual cure for Prader-Willi syndrome; supporting increased funding for research into the causes, treatment, and cure for Prader-Willi syndrome; and expressing support for the designation of a National Prader-Willi Syndrome Awareness Month.

Mrs. CAPPS. I wish to commend the personal commitment of our colleagues from California, Congressman ROYCE and Congresswoman JANE HARMAN, and I urge support for this resolution.

I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs.

CAPPS) that the House suspend the rules and agree to the resolution, H. Res. 55.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mrs. CAPPS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

□ 1445

#### DATA ACCOUNTABILITY AND TRUST ACT

Mr. RUSH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2221) to protect consumers by requiring reasonable security policies and procedures to protect computerized data containing personal information, and to provide for nationwide notice in the event of a security breach, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2221

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Data Accountability and Trust Act".

#### SEC. 2. REQUIREMENTS FOR INFORMATION SECURITY.

(a) GENERAL SECURITY POLICIES AND PROCEDURES.—

(1) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Commission shall promulgate regulations under section 553 of title 5, United States Code, to require each person engaged in interstate commerce that owns or possesses data containing personal information, or contracts to have any third party entity maintain such data for such person, to establish and implement policies and procedures regarding information security practices for the treatment and protection of personal information taking into consideration—

(A) the size of, and the nature, scope, and complexity of the activities engaged in by, such person;

(B) the current state of the art in administrative, technical, and physical safeguards for protecting such information; and

(C) the cost of implementing such safeguards.

(2) REQUIREMENTS.—Such regulations shall require the policies and procedures to include the following:

(A) A security policy with respect to the collection, use, sale, other dissemination, and maintenance of such personal information.

(B) The identification of an officer or other individual as the point of contact with responsibility for the management of information security.

(C) A process for identifying and assessing any reasonably foreseeable vulnerabilities in

the system or systems maintained by such person that contains such data, which shall include regular monitoring for a breach of security of such system or systems.

(D) A process for taking preventive and corrective action to mitigate against any vulnerabilities identified in the process required by subparagraph (C), which may include implementing any changes to security practices and the architecture, installation, or implementation of network or operating software.

(E) A process for disposing of data in electronic form containing personal information by shredding, permanently erasing, or otherwise modifying the personal information contained in such data to make such personal information permanently unreadable or undecipherable.

(F) A standard method or methods for the destruction of paper documents and other non-electronic data containing personal information.

(3) TREATMENT OF ENTITIES GOVERNED BY OTHER LAW.—Any person who is in compliance with any other Federal law that requires such person to maintain standards and safeguards for information security and protection of personal information that, taken as a whole and as the Commission shall determine in the rulemaking required under paragraph (1), provide protections substantially similar to, or greater than, those required under this subsection, shall be deemed to be in compliance with this subsection.

(b) SPECIAL REQUIREMENTS FOR INFORMATION BROKERS.—

(1) SUBMISSION OF POLICIES TO THE FTC.—The regulations promulgated under subsection (a) shall require each information broker to submit its security policies to the Commission in conjunction with a notification of a breach of security under section 3 or upon request of the Commission.

(2) POST-BREACH AUDIT.—For any information broker required to provide notification under section 3, the Commission may conduct audits of the information security practices of such information broker, or require the information broker to conduct independent audits of such practices (by an independent auditor who has not audited such information broker's security practices during the preceding 5 years).

(3) ACCURACY OF AND INDIVIDUAL ACCESS TO PERSONAL INFORMATION.—

(A) ACCURACY.—

(i) IN GENERAL.—Each information broker shall establish reasonable procedures to assure the maximum possible accuracy of the personal information it collects, assembles, or maintains, and any other information it collects, assembles, or maintains that specifically identifies an individual, other than information which merely identifies an individual's name or address.

(ii) LIMITED EXCEPTION FOR FRAUD DATABASES.—The requirement in clause (i) shall not prevent the collection or maintenance of information that may be inaccurate with respect to a particular individual when that information is being collected or maintained solely—

(I) for the purpose of indicating whether there may be a discrepancy or irregularity in the personal information that is associated with an individual; and

(II) to help identify, or authenticate the identity of, an individual, or to protect against or investigate fraud or other unlawful conduct.

(B) CONSUMER ACCESS TO INFORMATION.—

(i) ACCESS.—Each information broker shall—

(I) provide to each individual whose personal information it maintains, at the individual's request at least 1 time per year and at no cost to the individual, and after verifying the identity of such individual, a means for the individual to review any personal information regarding such individual maintained by the information broker and any other information maintained by the information broker that specifically identifies such individual, other than information which merely identifies an individual's name or address; and

(II) place a conspicuous notice on its Internet website (if the information broker maintains such a website) instructing individuals how to request access to the information required to be provided under subclause (I), and, as applicable, how to express a preference with respect to the use of personal information for marketing purposes under clause (iii).

(ii) DISPUTED INFORMATION.—Whenever an individual whose information the information broker maintains makes a written request disputing the accuracy of any such information, the information broker, after verifying the identity of the individual making such request and unless there are reasonable grounds to believe such request is frivolous or irrelevant, shall—

(I) correct any inaccuracy; or

(II)(aa) in the case of information that is public record information, inform the individual of the source of the information, and, if reasonably available, where a request for correction may be directed and, if the individual provides proof that the public record has been corrected or that the information broker was reporting the information incorrectly, correct the inaccuracy in the information broker's records; or

(bb) in the case of information that is non-public information, note the information that is disputed, including the individual's statement disputing such information, and take reasonable steps to independently verify such information under the procedures outlined in subparagraph (A) if such information can be independently verified.

(iii) ALTERNATIVE PROCEDURE FOR CERTAIN MARKETING INFORMATION.—In accordance with regulations issued under clause (v), an information broker that maintains any information described in clause (i) which is used, shared, or sold by such information broker for marketing purposes, may, in lieu of complying with the access and dispute requirements set forth in clauses (i) and (ii), provide each individual whose information it maintains with a reasonable means of expressing a preference not to have his or her information used for such purposes. If the individual expresses such a preference, the information broker may not use, share, or sell the individual's information for marketing purposes.

(iv) LIMITATIONS.—An information broker may limit the access to information required under subparagraph (B)(i)(I) and is not required to provide notice to individuals as required under subparagraph (B)(i)(II) in the following circumstances:

(I) If access of the individual to the information is limited by law or legally recognized privilege.

(II) If the information is used for a legitimate governmental or fraud prevention purpose that would be compromised by such access.

(III) If the information consists of a published media record, unless that record has been included in a report about an individual shared with a third party.

(v) **RULEMAKING.**—Not later than 1 year after the date of the enactment of this Act, the Commission shall promulgate regulations under section 553 of title 5, United States Code, to carry out this paragraph and to facilitate the purposes of this Act. In addition, the Commission shall issue regulations, as necessary, under section 553 of title 5, United States Code, on the scope of the application of the limitations in clause (iv), including any additional circumstances in which an information broker may limit access to information under such clause that the Commission determines to be appropriate.

(C) **FCRA REGULATED PERSONS.**—Any information broker who is engaged in activities subject to the Fair Credit Reporting Act and who is in compliance with sections 609, 610, and 611 of such Act with respect to information subject to such Act, shall be deemed to be in compliance with this paragraph with respect to such information.

(4) **REQUIREMENT OF AUDIT LOG OF ACCESSED AND TRANSMITTED INFORMATION.**—Not later than 1 year after the date of the enactment of this Act, the Commission shall promulgate regulations under section 553 of title 5, United States Code, to require information brokers to establish measures which facilitate the auditing or retracing of any internal or external access to, or transmissions of, any data containing personal information collected, assembled, or maintained by such information broker.

(5) **PROHIBITION ON PRETEXTING BY INFORMATION BROKERS.**—

(A) **PROHIBITION ON OBTAINING PERSONAL INFORMATION BY FALSE PRETENSES.**—It shall be unlawful for an information broker to obtain or attempt to obtain, or cause to be disclosed or attempt to cause to be disclosed to any person, personal information or any other information relating to any person by—

(i) making a false, fictitious, or fraudulent statement or representation to any person; or

(ii) providing any document or other information to any person that the information broker knows or should know to be forged, counterfeit, lost, stolen, or fraudulently obtained, or to contain a false, fictitious, or fraudulent statement or representation.

(B) **PROHIBITION ON SOLICITATION TO OBTAIN PERSONAL INFORMATION UNDER FALSE PRETENSES.**—It shall be unlawful for an information broker to request a person to obtain personal information or any other information relating to any other person, if the information broker knew or should have known that the person to whom such a request is made will obtain or attempt to obtain such information in the manner described in subparagraph (A).

(C) **EXEMPTION FOR CERTAIN SERVICE PROVIDERS.**—Nothing in this section shall apply to a service provider for any electronic communication by a third party that is transmitted, routed, or stored in intermediate or transient storage by such service provider.

### SEC. 3. NOTIFICATION OF INFORMATION SECURITY BREACH.

(a) **NATIONWIDE NOTIFICATION.**—Any person engaged in interstate commerce that owns or possesses data in electronic form containing personal information shall, following the discovery of a breach of security of the system maintained by such person that contains such data—

(1) notify each individual who is a citizen or resident of the United States whose personal information was acquired or accessed as a result of such a breach of security; and

(2) notify the Commission.

(b) **SPECIAL NOTIFICATION REQUIREMENTS.**—

(1) **THIRD PARTY AGENTS.**—In the event of a breach of security by any third party entity that has been contracted to maintain or process data in electronic form containing personal information on behalf of any other person who owns or possesses such data, such third party entity shall be required to notify such person of the breach of security. Upon receiving such notification from such third party, such person shall provide the notification required under subsection (a).

(2) **SERVICE PROVIDERS.**—If a service provider becomes aware of a breach of security of data in electronic form containing personal information that is owned or possessed by another person that connects to or uses a system or network provided by the service provider for the purpose of transmitting, routing, or providing intermediate or transient storage of such data, such service provider shall be required to notify of such a breach of security only the person who initiated such connection, transmission, routing, or storage if such person can be reasonably identified. Upon receiving such notification from a service provider, such person shall provide the notification required under subsection (a).

(3) **COORDINATION OF NOTIFICATION WITH CREDIT REPORTING AGENCIES.**—If a person is required to provide notification to more than 5,000 individuals under subsection (a)(1), the person shall also notify the major credit reporting agencies that compile and maintain files on consumers on a nationwide basis, of the timing and distribution of the notices. Such notice shall be given to the credit reporting agencies without unreasonable delay and, if it will not delay notice to the affected individuals, prior to the distribution of notices to the affected individuals.

(c) **TIMELINESS OF NOTIFICATION.**—

(1) **IN GENERAL.**—Unless subject to a delay authorized under paragraph (2), a notification required under subsection (a) shall be made not later than 60 days following the discovery of a breach of security, unless the person providing notice can show that providing notice within such a time frame is not feasible due to extraordinary circumstances necessary to prevent further breach or unauthorized disclosures, and reasonably restore the integrity of the data system, in which case such notification shall be made as promptly as possible.

(2) **DELAY OF NOTIFICATION AUTHORIZED FOR LAW ENFORCEMENT OR NATIONAL SECURITY PURPOSES.**—

(A) **LAW ENFORCEMENT.**—If a Federal, State, or local law enforcement agency determines that the notification required under this section would impede a civil or criminal investigation, such notification shall be delayed upon the written request of the law enforcement agency for 30 days or such lesser period of time which the law enforcement agency determines is reasonably necessary and requests in writing. A law enforcement agency may, by a subsequent written request, revoke such delay or extend the period of time set forth in the original request made under this paragraph if further delay is necessary.

(B) **NATIONAL SECURITY.**—If a Federal national security agency or homeland security agency determines that the notification required under this section would threaten national or homeland security, such notification may be delayed for a period of time which the national security agency or homeland security agency determines is reasonably necessary and requests in writing. A Federal national security agency or home-

land security agency may revoke such delay or extend the period of time set forth in the original request made under this paragraph by a subsequent written request if further delay is necessary.

(d) **METHOD AND CONTENT OF NOTIFICATION.**—

(1) **DIRECT NOTIFICATION.**—

(A) **METHOD OF NOTIFICATION.**—A person required to provide notification to individuals under subsection (a)(1) shall be in compliance with such requirement if the person provides conspicuous and clearly identified notification by one of the following methods (provided the selected method can reasonably be expected to reach the intended individual):

(i) Written notification.

(ii) Notification by email or other electronic means, if—

(I) the person's primary method of communication with the individual is by email or such other electronic means; or

(II) the individual has consented to receive such notification and the notification is provided in a manner that is consistent with the provisions permitting electronic transmission of notices under section 101 of the Electronic Signatures in Global Commerce Act (15 U.S.C. 7001).

(B) **CONTENT OF NOTIFICATION.**—Regardless of the method by which notification is provided to an individual under subparagraph (A), such notification shall include—

(i) a description of the personal information that was acquired or accessed by an unauthorized person;

(ii) a telephone number that the individual may use, at no cost to such individual, to contact the person to inquire about the breach of security or the information the person maintained about that individual;

(iii) notice that the individual is entitled to receive, at no cost to such individual, consumer credit reports on a quarterly basis for a period of 2 years, or credit monitoring or other service that enables consumers to detect the misuse of their personal information for a period of 2 years, and instructions to the individual on requesting such reports or service from the person, except when the only information which has been the subject of the security breach is the individual's first name or initial and last name, or address, or phone number, in combination with a credit or debit card number, and any required security code;

(iv) the toll-free contact telephone numbers and addresses for the major credit reporting agencies; and

(v) a toll-free telephone number and Internet website address for the Commission whereby the individual may obtain information regarding identity theft.

(2) **SUBSTITUTE NOTIFICATION.**—

(A) **CIRCUMSTANCES GIVING RISE TO SUBSTITUTE NOTIFICATION.**—A person required to provide notification to individuals under subsection (a)(1) may provide substitute notification in lieu of the direct notification required by paragraph (1) if the person owns or possesses data in electronic form containing personal information of fewer than 1,000 individuals and such direct notification is not feasible due to—

(i) excessive cost to the person required to provide such notification relative to the resources of such person, as determined in accordance with the regulations issued by the Commission under paragraph (3)(A); or

(ii) lack of sufficient contact information for the individual required to be notified.

(B) **FORM OF SUBSTITUTE NOTIFICATION.**—Such substitute notification shall include—

(i) email notification to the extent that the person has email addresses of individuals to whom it is required to provide notification under subsection (a)(1);

(ii) a conspicuous notice on the Internet website of the person (if such person maintains such a website); and

(iii) notification in print and to broadcast media, including major media in metropolitan and rural areas where the individuals whose personal information was acquired reside.

(C) CONTENT OF SUBSTITUTE NOTICE.—Each form of substitute notice under this paragraph shall include—

(i) notice that individuals whose personal information is included in the breach of security are entitled to receive, at no cost to the individuals, consumer credit reports on a quarterly basis for a period of 2 years, or credit monitoring or other service that enables consumers to detect the misuse of their personal information for a period of 2 years, and instructions on requesting such reports or service from the person, except when the only information which has been the subject of the security breach is the individual's first name or initial and last name, or address, or phone number, in combination with a credit or debit card number, and any required security code; and

(ii) a telephone number by which an individual can, at no cost to such individual, learn whether that individual's personal information is included in the breach of security.

(3) REGULATIONS AND GUIDANCE.—

(A) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Commission shall, by regulation under section 553 of title 5, United States Code, establish criteria for determining circumstances under which substitute notification may be provided under paragraph (2), including criteria for determining if notification under paragraph (1) is not feasible due to excessive costs to the person required to provide such notification relative to the resources of such person. Such regulations may also identify other circumstances where substitute notification would be appropriate for any person, including circumstances under which the cost of providing notification exceeds the benefits to consumers.

(B) GUIDANCE.—In addition, the Commission shall provide and publish general guidance with respect to compliance with this subsection. Such guidance shall include—

(i) a description of written or email notification that complies with the requirements of paragraph (1); and

(ii) guidance on the content of substitute notification under paragraph (2), including the extent of notification to print and broadcast media that complies with the requirements of such paragraph.

(e) OTHER OBLIGATIONS FOLLOWING BREACH.—

(1) IN GENERAL.—A person required to provide notification under subsection (a) shall, upon request of an individual whose personal information was included in the breach of security, provide or arrange for the provision of, to each such individual and at no cost to such individual—

(A) consumer credit reports from at least one of the major credit reporting agencies beginning not later than 60 days following the individual's request and continuing on a quarterly basis for a period of 2 years thereafter; or

(B) a credit monitoring or other service that enables consumers to detect the misuse of their personal information, beginning not

later than 60 days following the individual's request and continuing for a period of 2 years.

(2) LIMITATION.—This subsection shall not apply if the only personal information which has been the subject of the security breach is the individual's first name or initial and last name, or address, or phone number, in combination with a credit or debit card number, and any required security code.

(3) RULEMAKING.—As part of the Commission's rulemaking described in subsection (d)(3), the Commission shall determine the circumstances under which a person required to provide notification under subsection (a)(1) shall provide or arrange for the provision of free consumer credit reports or credit monitoring or other service to affected individuals.

(f) EXEMPTION.—

(1) GENERAL EXEMPTION.—A person shall be exempt from the requirements under this section if, following a breach of security, such person determines that there is no reasonable risk of identity theft, fraud, or other unlawful conduct.

(2) PRESUMPTION.—

(A) IN GENERAL.—If the data in electronic form containing personal information is rendered unusable, unreadable, or indecipherable through encryption or other security technology or methodology (if the method of encryption or such other technology or methodology is generally accepted by experts in the information security field), there shall be a presumption that no reasonable risk of identity theft, fraud, or other unlawful conduct exists following a breach of security of such data. Any such presumption may be rebutted by facts demonstrating that the encryption or other security technologies or methodologies in a specific case, have been or are reasonably likely to be compromised.

(B) METHODOLOGIES OR TECHNOLOGIES.—Not later than 1 year after the date of the enactment of this Act and biannually thereafter, the Commission shall issue rules (pursuant to section 553 of title 5, United States Code) or guidance to identify security methodologies or technologies which render data in electronic form unusable, unreadable, or indecipherable, that shall, if applied to such data, establish a presumption that no reasonable risk of identity theft, fraud, or other unlawful conduct exists following a breach of security of such data. Any such presumption may be rebutted by facts demonstrating that any such methodology or technology in a specific case has been or is reasonably likely to be compromised. In issuing such rules or guidance, the Commission shall consult with relevant industries, consumer organizations, and data security and identity theft prevention experts and established standards setting bodies.

(3) FTC GUIDANCE.—Not later than 1 year after the date of the enactment of this Act the Commission shall issue guidance regarding the application of the exemption in paragraph (1).

(g) WEBSITE NOTICE OF FEDERAL TRADE COMMISSION.—If the Commission, upon receiving notification of any breach of security that is reported to the Commission under subsection (a)(2), finds that notification of such a breach of security via the Commission's Internet website would be in the public interest or for the protection of consumers, the Commission shall place such a notice in a clear and conspicuous location on its Internet website.

(h) FTC STUDY ON NOTIFICATION IN LANGUAGES IN ADDITION TO ENGLISH.—Not later

than 1 year after the date of enactment of this Act, the Commission shall conduct a study on the practicality and cost effectiveness of requiring the notification required by subsection (d)(1) to be provided in a language in addition to English to individuals known to speak only such other language.

(i) GENERAL RULEMAKING AUTHORITY.—The Commission may promulgate regulations necessary under section 553 of title 5, United States Code, to effectively enforce the requirements of this section.

(j) TREATMENT OF PERSONS GOVERNED BY OTHER LAW.—A person who is in compliance with any other Federal law that requires such person to provide notification to individuals following a breach of security, and that, taken as a whole, provides protections substantially similar to, or greater than, those required under this section, as the Commission shall determine by rule (under section 553 of title 5, United States Code), shall be deemed to be in compliance with this section.

SEC. 4. APPLICATION AND ENFORCEMENT.

(a) GENERAL APPLICATION.—The requirements of sections 2 and 3 shall only apply to those persons, partnerships, or corporations over which the Commission has authority pursuant to section 5(a)(2) of the Federal Trade Commission Act.

(b) ENFORCEMENT BY THE FEDERAL TRADE COMMISSION.—

(1) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—A violation of section 2 or 3 shall be treated as an unfair and deceptive act or practice in violation of a regulation under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)) regarding unfair or deceptive acts or practices.

(2) POWERS OF COMMISSION.—The Commission shall enforce this Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this Act. Any person who violates such regulations shall be subject to the penalties and entitled to the privileges and immunities provided in that Act.

(3) LIMITATION.—In promulgating rules under this Act, the Commission shall not require the deployment or use of any specific products or technologies, including any specific computer software or hardware.

(c) ENFORCEMENT BY STATE ATTORNEYS GENERAL.—

(1) CIVIL ACTION.—In any case in which the attorney general of a State, or an official or agency of a State, has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by any person who violates section 2 or 3 of this Act, the attorney general, official, or agency of the State, as parens patriae, may bring a civil action on behalf of the residents of the State in a district court of the United States of appropriate jurisdiction—

(A) to enjoin further violation of such section by the defendant;

(B) to compel compliance with such section; or

(C) to obtain civil penalties in the amount determined under paragraph (2).

(2) CIVIL PENALTIES.—

(A) CALCULATION.—

(i) TREATMENT OF VIOLATIONS OF SECTION 2.—For purposes of paragraph (1)(C) with regard to a violation of section 2, the amount determined under this paragraph is the amount calculated by multiplying the number of days that a person is not in compliance with such section by an amount not greater than \$11,000.



(ii) TREATMENT OF VIOLATIONS OF SECTION 3.—For purposes of paragraph (1)(C) with regard to a violation of section 3, the amount determined under this paragraph is the amount calculated by multiplying the number of violations of such section by an amount not greater than \$11,000. Each failure to send notification as required under section 3 to a resident of the State shall be treated as a separate violation.

(B) ADJUSTMENT FOR INFLATION.—Beginning on the date that the Consumer Price Index is first published by the Bureau of Labor Statistics that is after 1 year after the date of enactment of this Act, and each year thereafter, the amounts specified in clauses (i) and (ii) of subparagraph (A) shall be increased by the percentage increase in the Consumer Price Index published on that date from the Consumer Price Index published the previous year.

(C) MAXIMUM TOTAL LIABILITY.—Notwithstanding the number of actions which may be brought against a person under this subsection the maximum civil penalty for which any person may be liable under this subsection shall not exceed—

(i) \$5,000,000 for each violation of section 2; and

(ii) \$5,000,000 for all violations of section 3 resulting from a single breach of security.

(3) INTERVENTION BY THE FTC.—

(A) NOTICE AND INTERVENTION.—The State shall provide prior written notice of any action under paragraph (1) to the Commission and provide the Commission with a copy of its complaint, except in any case in which such prior notice is not feasible, in which case the State shall serve such notice immediately upon instituting such action. The Commission shall have the right—

(i) to intervene in the action;

(ii) upon so intervening, to be heard on all matters arising therein; and

(iii) to file petitions for appeal.

(B) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION IS PENDING.—If the Commission has instituted a civil action for violation of this Act, no State attorney general, or official or agency of a State, may bring an action under this subsection during the pendency of that action against any defendant named in the complaint of the Commission for any violation of this Act alleged in the complaint.

(4) CONSTRUCTION.—For purposes of bringing any civil action under paragraph (1), nothing in this Act shall be construed to prevent an attorney general of a State from exercising the powers conferred on the attorney general by the laws of that State to—

(A) conduct investigations;

(B) administer oaths or affirmations; or

(C) compel the attendance of witnesses or the production of documentary and other evidence.

(d) AFFIRMATIVE DEFENSE FOR A VIOLATION OF SECTION 3.—

(1) IN GENERAL.—It shall be an affirmative defense to an enforcement action brought under subsection (b), or a civil action brought under subsection (c), based on a violation of section 3, that all of the personal information contained in the data in electronic form that was acquired or accessed as a result of a breach of security of the defendant is public record information that is lawfully made available to the general public from Federal, State, or local government records and was acquired by the defendant from such records.

(2) NO EFFECT ON OTHER REQUIREMENTS.—Nothing in this subsection shall be construed to exempt any person from the requirement

to notify the Commission of a breach of security as required under section 3(a).

#### SEC. 5. DEFINITIONS.

In this Act the following definitions apply:

(1) BREACH OF SECURITY.—The term “breach of security” means unauthorized access to or acquisition of data in electronic form containing personal information.

(2) COMMISSION.—The term “Commission” means the Federal Trade Commission.

(3) DATA IN ELECTRONIC FORM.—The term “data in electronic form” means any data stored electronically or digitally on any computer system or other database and includes recordable tapes and other mass storage devices.

(4) ENCRYPTION.—The term “encryption” means the protection of data in electronic form in storage or in transit using an encryption technology that has been adopted by an established standards setting body which renders such data indecipherable in the absence of associated cryptographic keys necessary to enable decryption of such data. Such encryption must include appropriate management and safeguards of such keys to protect the integrity of the encryption.

(5) IDENTITY THEFT.—The term “identity theft” means the unauthorized use of another person’s personal information for the purpose of engaging in commercial transactions under the name of such other person.

(6) INFORMATION BROKER.—The term “information broker”—

(A) means a commercial entity whose business is to collect, assemble, or maintain personal information concerning individuals who are not current or former customers of such entity in order to sell such information or provide access to such information to any nonaffiliated third party in exchange for consideration, whether such collection, assembly, or maintenance of personal information is performed by the information broker directly, or by contract or subcontract with any other entity; and

(B) does not include a commercial entity to the extent that such entity processes information collected by or on behalf of and received from or on behalf of a nonaffiliated third party concerning individuals who are current or former customers or employees of such third party to enable such third party directly or through parties acting on its behalf to (1) provide benefits for its employees or (2) directly transact business with its customers.

(7) PERSONAL INFORMATION.—

(A) DEFINITION.—The term “personal information” means an individual’s first name or initial and last name, or address, or phone number, in combination with any 1 or more of the following data elements for that individual:

(i) Social Security number.

(ii) Driver’s license number, passport number, military identification number, or other similar number issued on a government document used to verify identity.

(iii) Financial account number, or credit or debit card number, and any required security code, access code, or password that is necessary to permit access to an individual’s financial account.

(B) MODIFIED DEFINITION BY RULEMAKING.—The Commission may, by rule promulgated under section 553 of title 5, United States Code, modify the definition of “personal information” under subparagraph (A)—

(i) for the purpose of section 2 to the extent that such modification will not unreasonably impede interstate commerce, and will accomplish the purposes of this Act; or

(ii) for the purpose of section 3, to the extent that such modification is necessary to accommodate changes in technology or practices, will not unreasonably impede interstate commerce, and will accomplish the purposes of this Act.

(8) PUBLIC RECORD INFORMATION.—The term “public record information” means information about an individual which has been obtained originally from records of a Federal, State, or local government entity that are available for public inspection.

(9) NON-PUBLIC INFORMATION.—The term “non-public information” means information about an individual that is of a private nature and neither available to the general public nor obtained from a public record.

(10) SERVICE PROVIDER.—The term “service provider” means a person that provides electronic data transmission, routing, intermediate and transient storage, or connections to its system or network, where the person providing such services does not select or modify the content of the electronic data, is not the sender or the intended recipient of the data, and such person transmits, routes, stores, or provides connections for personal information in a manner that personal information is undifferentiated from other types of data that such person transmits, routes, stores, or provides connections. Any such person shall be treated as a service provider under this Act only to the extent that it is engaged in the provision of such transmission, routing, intermediate and transient storage or connections.

#### SEC. 6. EFFECT ON OTHER LAWS.

(a) PREEMPTION OF STATE INFORMATION SECURITY LAWS.—This Act supersedes any provision of a statute, regulation, or rule of a State or political subdivision of a State, with respect to those entities covered by the regulations issued pursuant to this Act, that expressly—

(1) requires information security practices and treatment of data containing personal information similar to any of those required under section 2; and

(2) requires notification to individuals of a breach of security resulting in unauthorized access to or acquisition of data in electronic form containing personal information.

(b) ADDITIONAL PREEMPTION.—

(1) IN GENERAL.—No person other than a person specified in section 4(c) may bring a civil action under the laws of any State if such action is premised in whole or in part upon the defendant violating any provision of this Act.

(2) PROTECTION OF CONSUMER PROTECTION LAWS.—This subsection shall not be construed to limit the enforcement of any State consumer protection law by an Attorney General of a State.

(c) PROTECTION OF CERTAIN STATE LAWS.—This Act shall not be construed to preempt the applicability of—

(1) State trespass, contract, or tort law; or

(2) other State laws to the extent that those laws relate to acts of fraud.

(d) PRESERVATION OF FTC AUTHORITY.—Nothing in this Act may be construed in any way to limit or affect the Commission’s authority under any other provision of law.

#### SEC. 7. EFFECTIVE DATE.

This Act shall take effect 1 year after the date of enactment of this Act.

#### SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Commission \$1,000,000 for each of fiscal years 2010 through 2015 to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. RUSH) and the gentleman

from Florida (Mr. STEARNS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

#### GENERAL LEAVE

Mr. RUSH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. RUSH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the first bill that I am urging adoption of is H.R. 2221, the Data Accountability and Trust Act, known as the DATA Act.

H.R. 2221 addresses data breaches by requiring for-profit entities holding data containing people's personal information to have reasonable and appropriate security measures in place to protect that data. H.R. 2221 would also require them to notify consumers who are U.S. citizens or residents and the Federal Trade Commission when a breach occurs.

For the past 5 years, the Privacy Rights Clearinghouse contends that nearly 340 million records "containing sensitive personal information" have been involved in security breaches. High-profile data breaches have plagued financial institutions, nationwide retailers, online merchants, information brokers, credit card processors, health care institutions, high-tech companies, research facilities, and government agencies.

Currently, several laws address data security requirements for narrow categories of information or specific sectors of the marketplace. These laws include the Gramm-Leach-Bliley Act Safeguards Rule, which contains data security requirements for financial institutions and the Fair Credit Reporting Act Disposal Rule, which imposes safe disposal obligations on entities that maintain consumer report information.

In addition, FTC has used its enforcement authority under the FTC Act to bring actions against companies that have made misleading claims about data security procedures or who have failed to employ reasonable security measures in circumstances causing substantial injury.

However, there is no comprehensive Federal law that requires all companies that hold consumers' personal information to implement reasonable measures to protect that data. Also, there is no Federal law that requires companies that experience a data breach to provide notice to those consumers whose personal information was compromised. Those entities who determine that there is no reasonable risk of identity theft, fraud, or other

unlawful conduct would be exempt from providing nationwide notice to affected persons under H.R. 2221.

The DATA Act establishes a rebuttal presumption in the law that encryption-based technologies and methodologies adequately meet the determination standard in section 3, subsection (f)(2)(A) of the bill. More narrow exemptions are provided for a defined category of personal information holders known as "service providers" in addition to information brokers who handle protective data but only for the limited purposes of preventing fraud.

In promulgating the regulations under this subsection, the FTC may determine to be in compliance any person who is required under any other Federal law to maintain standards and safeguards for information security and protection of personal information that provide equal or greater protection than H.R. 2221.

Mr. Speaker, I reserve the balance of my time.

Mr. STEARNS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2221, the Data Accountability and Trust Act, and I am very pleased and gratified that we're considering this bill today. I've taken an active part and interest in data privacy, and I am happy that the House Members will now finally have an opportunity to vote on this important legislation which, frankly, I introduced in its original form in the 109th Congress.

As former chairman of the Subcommittee on Commerce, Trade, and Consumer Protection, CTCP, of the Energy and Commerce Committee, I held two hearings in 2005 on identity theft and security breaches involving personal information. These hearings led me to introduce the Data Accountability and Trust Act, which would require any entity that experiences a simple breach of security, such as a business, to notify all those folks in the United States whose information was acquired by an unauthorized person as a result of this breach. My bill was reported out of the Energy and Commerce Committee by a unanimous vote, but, unfortunately, it never made its way to the House floor for a final vote.

But today we're considering legislation that is almost identical to the bill I sponsored when I was chairman of the CTCP Subcommittee. So I would like to commend Chairman BOBBY RUSH for his leadership in introducing this bill, and I'm proud to be the original cosponsor of the bill.

My colleagues, importantly, this bill requires an audit of a data broker's security practices following a breach of security. The legislation also directs the Federal Trade Commission to create rules requiring persons in interstate commerce that own or possess data to simply establish and imple-

ment security policies and procedures that protect this data from unauthorized use and requires data brokers to establish reasonable procedures to verify the accuracy of their data and also to allow consumers access to such information while also including important protections to prevent fraudsters from accessing this same information.

The DATA bill also directs the Federal Trade Commission, the FTC, to post data breaches on its Web site, making important data breach information readily available to the public.

The CTCP Subcommittee worked in a bipartisan manner to address a few concerns that were raised about the broad scope of this bill, such as worries about duplicative regulations; but our staff committee worked in a bipartisan manner to solve these problems. So they have been mitigated.

Importantly, H.R. 2221 does not impose duplicative, inconsistent, or overlapping regulations. The bill ensures that any person who is in compliance with a similar data security law will then be deemed to be in compliance with H.R. 2221. Additionally, with respect to concerns that were raised about the access and dispute resolution requirements for information brokers, the DATA bill provides that if an information broker is in compliance with similar relevant laws, then the information broker will also be deemed to be in compliance with respect to that information.

Members should also note that the Data Accountability and Trust Act only applies to those entities that are subject to Federal Trade Commission jurisdiction. Banks, savings and loan institutions, thrifts, and the business of insurance are not subject to the requirements of this bill.

Consideration of this bill today is timely, as data security, data privacy problems continue to affect countless Americans each year. In fact, according to Privacy Rights Clearinghouse, almost 340 million records containing "sensitive personal information" have been "involved in security breaches since 2005."

One of the largest known breaches in our country actually occurred in January of this year at Heartland Payment Systems. In this case over 180 million personal records were compromised. Furthermore, universities across this Nation have had names, photos, phone numbers, and addresses of their students and their staff compromised or stolen. Sensitive technology companies such as SAIC, Science Application International Corporation, and large financial institutions such as Bank of America have also experienced these breaches. Hundreds of hospitals have had the personal information of their patients in their hospitals compromised.

Earlier this year, hackers broke into a Virginia State Web site used by pharmacists to track prescription drug abuse. They successfully deleted records of more than 8 million patients and replaced the site's home page with a ransom note demanding \$10 million for the return of these records.

Breaches have also occurred in the Department of Motor Vehicles; the IRS; the Federal Trade Commission itself; the FDIC, which is the Federal Deposit Insurance Corporation; the State Department; the Department of Veterans Affairs; the Department of Justice. Of course, the list goes on and on.

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Oftentimes, these data security breaches can lead to credit card fraud and even identity theft, which can require time and a whole lot of money and energy from consumers to simply repair their good name and to restore their credit history.

Consideration of this bill, the Data Accountability and Trust Act, is timely and necessary to give the record number of data breaches that are occurring across this country their due and protection. So I urge my colleagues at this time to support the bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. RUSH. Mr. Speaker, as has been noted, and as is obvious here, H.R. 2221 is a bipartisan bill that is the result of a cooperative process. This bill was first introduced in the 109th Congress by Representative STEARNS as the lead sponsor when the Republicans were in the majority. It was voted out of full committee by a unanimous recorded vote. This year, it was introduced by myself as lead sponsor, and after making further improvements to the bill, it was voted out of full committee by voice vote. Compromises were made on all sides to produce an effective piece of legislation.

I would like to thank both Members and staff from both sides of the aisle for their work on this bill. I want to thank Mr. STEARNS, Mr. BARTON, Mr. RADANOVICH, Ms. SCHAKOWSKY, and the chairman of the full committee, Mr. WAXMAN, for working in a bipartisan fashion to move this important legislation forward.

Mr. Speaker, it is, again, unacceptable that in 2009 there is no comprehensive Federal law that requires all companies that hold consumers' personal information to protect that data. It is equally unacceptable that there is no Federal law requiring companies that experience a data breach to provide notice to those consumers whose personal information was compromised. This bill creates uniform, nationwide standards for breach notification. That's not only good for consumers, but uniform standards are also good for business,

good for Americans, and good for our constituents. We need this law, and I urge my colleagues to support and pass H.R. 2221.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. RUSH) that the House suspend the rules and pass the bill, H.R. 2221, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to protect consumers by requiring reasonable security policies and procedures to protect data containing personal information, and to provide for nationwide notice in the event of a security breach."

A motion to reconsider was laid on the table.

#### INFORMED P2P USER ACT

Mr. RUSH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1319) to prevent the inadvertent disclosure of information on a computer through the use of certain "peer-to-peer" file sharing software without first providing notice and obtaining consent from the owner or authorized user of the computer, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1319

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Informed P2P User Act".

#### SEC. 2. CONDUCT PROHIBITED.

(a) NOTICE AND CONSENT REQUIRED FOR FILE-SHARING SOFTWARE.—

(1) NOTICE AND CONSENT REQUIRED PRIOR TO INSTALLATION.—It is unlawful for any covered entity to install on a protected computer or offer or make available for installation or download on a protected computer a covered file-sharing program unless such program—

(A) immediately prior to the installation or downloading of such program—

(i) provides clear and conspicuous notice that such program allows files on the protected computer to be made available for searching by and copying to one or more other computers; and

(ii) obtains the informed consent to the installation of such program from an owner or authorized user of the protected computer; and

(B) immediately prior to initial activation of a file-sharing function of such program—

(i) provides clear and conspicuous notice of which files on the protected computer are to be made available for searching by and copying to another computer; and

(ii) obtains the informed consent from an owner or authorized user of the protected computer for such files to be made available for searching and copying to another computer.

(2) NON-APPLICATION TO PRE-INSTALLED SOFTWARE.—Nothing in paragraph (1)(A)

shall apply to the installation of a covered file-sharing program on a computer prior to the first sale of such computer to an end user, provided that notice is provided to the end user who first purchases the computer that such a program has been installed on the computer.

(3) NON-APPLICATION TO SOFTWARE UPGRADES.—Once the notice and consent requirements of paragraphs (1)(A) and (1)(B) have been satisfied with respect to the installation or initial activation of a covered file-sharing program on a protected computer after the effective date of this Act, the notice and consent requirements of paragraphs (1)(A) and (1)(B) do not apply to the installation or initial activation of software modifications or upgrades to a covered file-sharing program installed on that protected computer at the time of the software modifications or upgrades so long as those software modifications or upgrades do not—

(A) make files on the protected computer available for searching by and copying to one or more other computers that were not already made available by the covered file-sharing program for searching by and copying to one or more other computers; or

(B) add to the types or locations of files that can be made available by the covered file-sharing program for searching by and copying to one or more other computers.

(b) PREVENTING THE DISABLING OR REMOVAL OF CERTAIN SOFTWARE.—It is unlawful for any covered entity—

(1) to prevent the reasonable efforts of an owner or authorized user of a protected computer from blocking the installation of a covered file-sharing program or file-sharing function thereof; or

(2) to prevent an owner or authorized user of a protected computer from having a reasonable means to either—

(A) disable from the protected computer any covered file-sharing program; or

(B) remove from the protected computer any covered file-sharing program that the covered entity caused to be installed on that computer or induced another individual to install.

#### SEC. 3. ENFORCEMENT.

(a) UNFAIR AND DECEPTIVE ACTS AND PRACTICES.—A violation of section 2 shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(b) FEDERAL TRADE COMMISSION ENFORCEMENT.—The Federal Trade Commission shall enforce this Act in the same manner, by the same means, and with the same jurisdiction as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this Act.

(c) PRESERVATION OF FEDERAL AND STATE AUTHORITY.—Nothing in this Act shall be construed to limit or supersede any other Federal or State law.

#### SEC. 4. DEFINITIONS.

As used in this Act—

(1) the term "commercial entity" means an entity engaged in acts or practices in or affecting commerce, as such term is defined in section 4 of the Federal Trade Commission Act (15 U.S.C. 44);

(2) the term "covered entity" means—

(A) a commercial entity that develops a covered file-sharing program; and

(B) a commercial entity that disseminates or distributes a covered file-sharing program and is owned or operated by the commercial entity that developed the covered file-sharing program;

(3) the term “protected computer” has the meaning given such term in section 1030(e)(2) of title 18, United States Code; and

(4) the term “covered file-sharing program” —

(A) means a program, application, or software that is commercially marketed or distributed to the public and that enables—

(i) a file or files on the protected computer on which such program is installed to be designated as available for searching by and copying to one or more other computers owned by another person;

(ii) the searching of files on the protected computer on which such program is installed and the copying of any such file to a computer owned by another person—

(I) at the initiative of such other computer and without requiring any action by an owner or authorized user of the protected computer on which such program is installed; and

(II) without requiring an owner or authorized user of the protected computer on which such program is installed to have selected or designated a computer owned by another person as the recipient of any such file; and

(iii) the protected computer on which such program is installed to search files on one or more other computers owned by another person using the same or a compatible program, application, or software, and to copy files from the other computer to such protected computer; and

(B) does not include a program, application, or software designed primarily to—

(i) operate as a server that is accessible over the Internet using the Internet Domain Name system;

(ii) transmit or receive email messages, instant messaging, real-time audio or video communications, or real-time voice communications; or

(iii) provide network or computer security, network management, hosting and backup services, maintenance, diagnostics, technical support or repair, or to detect or prevent fraudulent activities; and

(5) the term “initial activation of a file-sharing function” means—

(A) the first time the file sharing function of a covered file-sharing program is activated on a protected computer; and

(B) does not include subsequent uses of the program on that protected computer.

#### SEC. 5. RULEMAKING.

The Federal Trade Commission may promulgate regulations under section 553 of title 5, United States Code to accomplish the purposes of this Act. In promulgating rules under this Act, the Federal Trade Commission shall not require the deployment or use of any specific products or technologies.

#### SEC. 6. NONAPPLICATION TO GOVERNMENT.

The prohibition in section 2 of this Act shall not apply to the Federal Government or any instrumentality of the Federal Government, nor to any State government or government of a subdivision of a State.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. RUSH) and the gentleman from Florida (Mr. STEARNS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

#### GENERAL LEAVE

Mr. RUSH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. RUSH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this second bill which I am urging adoption of is H.R. 1319, the Informed P2P User Act.

H.R. 1319 was originally introduced by the gentlelady from California, Mrs. BONO MACK; Ranking Member BARTON, the gentleman from Texas; and Mr. BARROW, the gentleman from Georgia.

H.R. 1319, similar to H.R. 2221, would better enable consumers to secure personal information. The focus under H.R. 1319 is on personal information which resides on “protected computers.” By making these users of file-sharing software programs more aware of the risk involved in downloading and running these programs, the P2P Act will reduce inadvertent disclosures of sensitive information over the Internet.

Under H.R. 1319, developers of file-sharing software programs would be prohibited from installing their software or from making it available for installation or downloading without first notifying consumers that their software is capable of searching and copying files from their computers. Developers would also have to provide consumers with a reasonable means to disable or remove the file-sharing program. H.R. 1319 would not require user notice prior to installation for software that was installed prior to the initial sale of a computer so long as notice of the installation of a covered program is provided in some other form.

The P2P Act would also provide the FTC with discretionary rulemaking authority and expressly states that it does not apply to the Federal Government.

Mr. Speaker, I reserve the balance of my time.

Mr. STEARNS. Mr. Speaker, I yield myself such time as I may consume, and I also rise in support of H.R. 1319, the Informed P2P User Act of 2009.

For the second consecutive Congress, Mrs. BONO MACK has introduced this legislation because too many American consumers are having their personal information stolen and their lives wrecked by the careless distribution of file-sharing software which more often than not is used to distribute copyright-infringing content and child pornography. These file-sharing software distributors can no longer be trusted to do the right thing.

The problem of inadvertent file sharing caused by peer-to-peer programs has been felt by thousands of consumers and widely reported by the press. Recent high profile cases, like Marine One schematics being found on a network in Iran, the public availability of United States Supreme Court Justice Breyer's financial records, and

the compromising of our own House Committee on Standards of Official Conduct's network security only serve to underscore the dangers associated with file-sharing software and the importance of providing American consumers with the tools and information they need to make wise decisions online.

As a believer in the power of the free market, I am willing to afford commercial interest the opportunity to simply self-regulate; however, the distributors of file-sharing software have proven they are either unable or unwilling to handle their affairs without intervention. This bill is the logical consequence.

In the House of Representatives alone, inadvertent file sharing has been the subject of at least five congressional hearings in three separate committees. In each hearing, distributors of file-sharing software have come forth with a list of voluntary best practices or a commitment to correct the problem, but in each instance they have failed to deliver.

The Informed P2P User Act improves upon existing law because its substantive requirements very narrowly target the critical problem of inadvertent sharing. Unfortunately, many users of the software—particularly preteens or teenage children and their parents—are unaware of the potential dangers of file-sharing software. Today, by passing the Informed P2P User Act, we will move that much closer to arming American consumers with the information they need to protect their personal information.

Now, I thought I would go into what the bill includes:

One, it will create a system where users of file-sharing programs are provided with conspicuous notice and forced to give consent prior to installation and activation of a file-sharing program. And two, requires entities that develop file-sharing programs to make it reasonably simple to block or remove these programs once they are installed.

Additionally, this act will require an easy-to-understand notice and consent rule for file-sharing software. It is my belief that when the consumer is provided with this information, he or she will make a more informed choice.

Finally, my colleagues, the Informed P2P User Act ensures a narrow scope by exempting technologies like e-mail, instant messaging, real-time audio or video communications, and real-time voice communications.

This bill has broad bipartisan support, including 36 cosponsors, written endorsement of 41 State Attorneys General, and the full backing of child safety groups such as Stop Child Predators.

I would like to commend Congresswoman BONO MACK for all the work she has done here; the ranking member on

our committee, Mr. BARTON; obviously Mr. RUSH for being on the floor; and Congressman BARROW for his leadership on this issue. I encourage the passage of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. RUSH. Mr. Speaker, it is my pleasure to now yield 5 minutes to the gentleman from Georgia (Mr. BARROW).

Mr. BARROW. I thank the chairman of the subcommittee for his leadership on this issue and for yielding.

Mr. Speaker, I rise today in support of H.R. 1319, the Informed Peer-to-Peer User Act, which I introduced with Representatives BONO MACK and BARTON.

We live in a world where digital technology connects people in ways that make all kinds of collaboration and innovation possible. There is no question about the benefits of this technology; what I am worried about is the cost. This technology has made us all more productive all right, but it has also made it easier for others to invade our personal records and reveal private information about us and our families that we would never choose to disclose. This bill will protect consumers by making Internet users more aware of the inherent privacy and security risks associated with peer-to-peer file-sharing programs.

All too often, folks who connect to these networks don't even realize that their most personal and private files are visible to everyone else on the network at any time. They are posting their tax returns, their financial records, and personal messages on the Internet and they don't even know it. Recent reports have shown that peer-to-peer software was implicated in a security breach involving Marine One—the helicopter used by President Obama—and another high profile case involved Supreme Court Justice Stephen Breyer.

There are all kinds of legitimate peer-to-peer software packages out there, and we are working real hard to make sure that none of those are impacted or limited by what is proposed by this legislation, and the committee members are going to continue to make sure that the scope of this bill doesn't interfere with the productive capacity of this technology. But this bipartisan bill is critical to protecting the privacy and Internet safety of American families. We have truth in lending and truth in labeling. I think it's time we had truth in networking.

I want to thank Congresswoman BONO MACK for her leadership and Congressman BARTON for his sponsoring this bill and working with me on this important legislation. I urge my colleagues to vote in support of the Informed Peer-to-Peer User Act.

Mr. STEARNS. Mr. Speaker, I yield 2 minutes to the gentlelady from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, I am pleased to rise in support of the Informed Peer-to-Peer User Act.

As we are hearing today on the floor, it is imperative that we heighten public awareness of the dangers associated with P2P file sharing, and Mr. BARROW just spoke so well to those points.

The reason that this legislation is needed and why it effectively requires software applications to provide clear warnings to their users is because, as the gentleman from Georgia indicated, many people are not aware of what they are finding themselves in the middle of as their information is exposed on the Internet.

In addition, the Seventh District of Tennessee, my district, is home to some of the country's most talented and creative minds in the music industry, and they rely heavily on P2P file sharing in crafting and bringing forward their music.

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However, P2P programs are notorious for stealing copyrighted work, and this legislation does much to curb the piracy and the copyright infringement while stepping up penalties that are badly needed for those that are knowingly and willingly carrying out these violations. Unknown and untracked predators have been given fertile ground to steal intellectual property in a system that had been previously void of any centralized mechanism to track, monitor, and prosecute the violators.

I do want to commend those on both sides of the aisle, especially Mr. BARROW, Mrs. BONO MACK, Mr. BARTON, and Mr. STEARNS, for all their hard work in crafting this bill, and I encourage everyone to support the legislation.

Mr. STEARNS. Mr. Speaker, I have no further speakers.

I would just conclude by saying, oftentimes when we come to the floor, we have very controversial bills. We've had two consecutive bills here that had bipartisan support. So it's important, I think, the American people realize that Congress can get things done, and these two bills are the best example of it. And so I urge all my colleagues to support this act.

I yield back the balance of my time.

Mr. RUSH. Mr. Speaker, I yield myself as much time as I may consume for a closing statement.

Mr. Speaker, again, as the gentleman from Florida has indicated, this is a bipartisan bill. It is the result of a very intense and cooperative process. It was voted out of the full committee by a unanimous recorded vote.

Mr. Speaker, I would like to thank both Members and the staffs on both sides of the aisle for their hard work on this important piece of legislation. I want to thank, in particular, Mrs. BONO MACK, Mr. BARTON, Mr. BARROW, Mr. WAXMAN, Mr. RADANOVICH, and others for working in a true bipartisan fashion to move this important piece of legislation and to move it forward.

Mr. Speaker, I urge all my colleagues to vote for this bill and to approve this bill.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. RUSH) that the House suspend the rules and pass the bill, H.R. 1319, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to prevent the inadvertent disclosure of information on a computer through certain 'peer-to-peer' file sharing programs without first providing notice and obtaining consent from an owner or authorized user of the computer."

A motion to reconsider was laid on the table.

## FISCAL YEAR 2010 FEDERAL AVIATION ADMINISTRATION EXTENSION ACT, PART II

Mr. LEWIS of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4217) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4217

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Fiscal Year 2010 Federal Aviation Administration Extension Act, Part II".

### SEC. 2. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) FUEL TAXES.—Subparagraph (B) of section 4081(d)(2) of the Internal Revenue Code of 1986 is amended by striking "December 31, 2009" and inserting "March 31, 2010".

(b) TICKET TAXES.—

(1) PERSONS.—Clause (ii) of section 4261(j)(1)(A) of the Internal Revenue Code of 1986 is amended by striking "December 31, 2009" and inserting "March 31, 2010".

(2) PROPERTY.—Clause (ii) of section 4271(d)(1)(A) of such Code is amended by striking "December 31, 2009" and inserting "March 31, 2010".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2010.

### SEC. 3. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 is amended—

(1) by striking "January 1, 2010" and inserting "April 1, 2010"; and

(2) by inserting "or the Fiscal Year 2010 Federal Aviation Administration Extension Act, Part II" before the semicolon at the end of subparagraph (A).

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 9502(e) of such Code is amended by striking "January 1, 2010" and inserting "April 1, 2010".

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on January 1, 2010.

#### SEC. 4. EXTENSION OF AIRPORT IMPROVEMENT PROGRAM.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—Section 48103(7) of title 49, United States Code, is amended to read as follows:

“(7) \$2,000,000,000 for the 6-month period beginning on October 1, 2009.”.

(2) **OBLIGATION OF AMOUNTS.**—Sums made available pursuant to the amendment made by paragraph (1) may be obligated at any time through September 30, 2010, and shall remain available until expended.

(3) **PROGRAM IMPLEMENTATION.**—For purposes of calculating funding apportionments and meeting other requirements under sections 47114, 47115, 47116, and 47117 of title 49, United States Code, for the 6-month period beginning on October 1, 2009, the Administrator of the Federal Aviation Administration shall—

(A) first calculate funding apportionments on an annualized basis as if the total amount available under section 48103 of such title for fiscal year 2010 were \$4,000,000,000; and

(B) then reduce by 50 percent—

(i) all funding apportionments calculated under subparagraph (A); and

(ii) amounts available pursuant to sections 47117(b) and 47117(f)(2) of such title.

(b) **PROJECT GRANT AUTHORITY.**—Section 47104(c) of such title is amended by striking “December 31, 2009,” and inserting “March 31, 2010.”.

#### SEC. 5. EXTENSION OF EXPIRING AUTHORITIES.

(a) Section 40117(1)(7) of title 49, United States Code, is amended by striking “January 1, 2010.” and inserting “April 1, 2010.”.

(b) Section 44302(f)(1) of such title is amended—

(1) by striking “December 31, 2009,” and inserting “March 31, 2010.”; and

(2) by striking “March 31, 2010,” and inserting “June 30, 2010.”.

(c) Section 44303(b) of such title is amended by striking “March 31, 2010,” and inserting “June 30, 2010.”.

(d) Section 47107(s)(3) of such title is amended by striking “January 1, 2010.” and inserting “April 1, 2010.”.

(e) Section 47115(j) of such title is amended by striking “January 1, 2010,” and inserting “April 1, 2010.”.

(f) Section 47141(f) of such title is amended by striking “December 31, 2009.” and inserting “March 31, 2010.”.

(g) Section 49108 of such title is amended by striking “December 31, 2009,” and inserting “March 31, 2010.”.

(h) Section 161 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 47109 note) is amended by striking “January 1, 2010,” and inserting “April 1, 2010.”.

(i) Section 186(d) of such Act (117 Stat. 2518) is amended by striking “January 1, 2010,” and inserting “April 1, 2010.”.

(j) The amendments made by this section shall take effect on January 1, 2010.

#### SEC. 6. FEDERAL AVIATION ADMINISTRATION OPERATIONS.

Section 106(k)(1)(F) of title 49, United States Code, is amended to read as follows:

“(F) \$4,676,574,750 for the 6-month period beginning on October 1, 2009.”.

#### SEC. 7. AIR NAVIGATION FACILITIES AND EQUIPMENT.

Section 48101(a)(6) of title 49, United States Code, is amended to read as follows:

“(6) \$1,466,888,500 for the 6-month period beginning on October 1, 2009.”.

#### SEC. 8. RESEARCH, ENGINEERING, AND DEVELOPMENT.

Section 48102(a)(14) of title 49, United States Code, is amended to read as follows:

“(14) \$92,500,000 for the 6-month period beginning on October 1, 2009.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. LEWIS) and the gentleman from Ohio (Mr. TIBERI) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

#### GENERAL LEAVE

Mr. LEWIS of Georgia. Mr. Speaker, I ask unanimous consent to give Members 5 legislative days to revise and extend their remarks on H.R. 4217.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. LEWIS of Georgia. Mr. Speaker, I yield myself as much time as I may consume.

H.R. 4217, the Fiscal Year 2010 FAA Extension Act, Part II, extends the financing and spending authority for the Airport and Airway Trust Fund. The trust fund taxes and spending authority are scheduled to expire on December 31, 2009, a few days from now. This bill simply extends these taxes for 3 months.

Earlier this year, the House passed legislation allowing the trust fund to operate through 2012. Unfortunately, the Senate has not considered this important legislation. Today's bill simply keeps the Airport and Airway Trust Fund taxes and operations in place until a long-term measure can be signed into law.

Air travel plays a critical role in our economy and in our lives. The world's busiest passenger airport, Hartsfield-Jackson Atlanta International Airport, is located in my congressional district. This airport alone has a direct impact of \$24 billion on our economy. Failure to act will prevent the FAA from spending funds that are already in the trust fund. As a result, important airport construction projects around the country would shut down.

This bill also extends a number of authorizing provisions that are under the jurisdiction of the Transportation and Infrastructure Committee, led by my good and close friend, Chairman OBERSTAR. All of those provisions were passed by this body in a similar bill that extended these expiring tax provisions. If we fail to act on this bill, Mr. Speaker, I will repeat, if we fail to act on this bill, the trust fund will lose the revenue that we need for airport construction and the air traffic control system.

I hope all of my colleagues will join me in supporting this good and necessary bill.

I reserve the balance of my time, Mr. Speaker.

Mr. TIBERI. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in support of H.R. 4217.

Mr. Speaker, this is a straightforward bill, one that will provide a 3-month extension of various excise taxes that support the Airport and Airway Trust Fund, as well as the trust fund's expenditure authorities. These taxes and authorities are currently scheduled to expire at the end of the month, and today's legislation will permit this Congress the time it needs to consider a longer-term FAA reauthorization bill.

As the ranking member of the Select Revenue Subcommittee within the Ways and Means Committee, I'm pleased that Chairman RANGEL held a hearing earlier this year to examine tax issues related to the Airport and Airway Trust Fund. I certainly look forward to working with Chairman RANGEL, Chairman LEWIS, and all the members of our committee over the months ahead as we determine whether modifications to the financing structure of the Airport and Airway Trust Fund are warranted going forward. Ways and Means is clearly the appropriate committee of jurisdiction regarding these tax issues, and I anticipate working with other Ways and Means members of both parties to ensure that our committee continues to shape FAA reauthorization as it proceeds forward.

I would note for my colleagues that under the Congressional Budget Office baseline, expiring excise taxes that are dedicated to a trust fund are assumed to be extended at current rates for budgeting purposes. Consequently, the Joint Committee on Taxation is expected to score H.R. 4217 as having no revenue effect, just as it has with similar short-term extensions of FAA taxes in the past. While many Members on our side of the aisle would argue that the Congressional Budget Office and Joint Tax should make the same assumption about expiring tax relief as well, that is a bigger debate for another day. For now, it's important that we extend the current FAA excise taxes on a temporary basis, and I'm pleased to join with my colleagues on the other side of the aisle in support of this legislation today.

Mr. Speaker, I reserve the balance of my time.

Mr. LEWIS of Georgia. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Illinois, the chairman of the Aviation Subcommittee, my good friend, Mr. COSTELLO.

Mr. COSTELLO. Mr. Speaker, I rise in support of H.R. 4217, Fiscal Year 2010 Federal Aviation Administration Extension Act. I want to thank Chairman RANGEL and Ranking Member CAMP as well as Chairman OBERSTAR and Ranking Member MICA and Mr. PETRI for bringing this to the floor today.

The FAA has been operating under a string of short-term extensions for over



2 years, since the last FAA reauthorization bill expired. Short-term extensions and uncertain funding levels can be disruptive to the aviation industry and to communities because they do not allow them to plan for long-term growth. Every month that goes by without a long-term FAA authorization is a lost opportunity to improve aviation safety, security, and to create and maintain jobs around the country.

Mr. Speaker, the House did its job and passed H.R. 915, the FAA Reauthorization Act of 2009, a 3-year authorization of the FAA programs. For several months, we have been waiting on the other body to bring a bill to the floor and to pass it. The Airport and Airways Trust Fund will expire on December 31, 2009, and the bill before us today, H.R. 4217, extends aviation taxes and expenditures authority and the Airport Improvement Program contract authority until March 31, 2010.

H.R. 4217 also provides an additional \$2 billion in AIP contract authority, resulting in an annualized amount of \$4 billion for fiscal year 2010. Four billion dollars for AIP is consistent with the House and Senate reauthorization bills, as well as the fiscal year 2010 concurrent budget resolution. These additional funds will allow airports to continue critical safety and capacity enhancement projects.

Congress must ensure that this extension passes to reduce delays and congestion, improve safety and efficiency, stimulate the economy and create jobs. Mr. Speaker, I urge my colleagues to support this bill.

Mr. TIBERI. Mr. Speaker, I yield 5 minutes to an expert on transportation issues in this Congress, a true leader, the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. In the 110th Congress, the House passed the FAA Reauthorization Act of 2007, and that legislation reauthorized FAA for 4 years. In May of this year, the House voted again to pass a comprehensive reauthorization bill, this time H.R. 915, the FAA Reauthorization Act of 2009. Unfortunately, the Senate has been unable to come to an agreement on its bill over the last two Congresses. So, for the past 2 years, Congress has passed extensions of the Federal Aviation Administration's funding and authority through the end of calendar year 2009. The latest extension expires at the end of this month, so today we're considering another extension.

H.R. 4217 would extend the taxes, programs, and funding of the FAA through March of 2010. This bill extends FAA funding and contract authority for 3 months, provides \$1 billion in airport improvement funding through March 2010, extends the War Risk Insurance program, and extends the Small Community Air Service Development Program. The bill before us, H.R. 4217, will ensure that our national aviation sys-

tem continues to operate until a full FAA reauthorization can be enacted.

As I've indicated many times since the passage of the House FAA reauthorization bill back in 2007, we need to pass a long-term bill so that we can meet the growing demands placed on our Nation's aviation infrastructure. Modernizing our antiquated air traffic control system and repairing our crumbling infrastructure need to be at the top of our priorities.

While I have some concerns with the House-passed bill, I look forward to addressing these issues in conference to develop bipartisan solutions on some of the more controversial provisions of the act. I urge my colleagues in the other body to complete their work on a comprehensive FAA reauthorization package in a timely fashion. And while I'm disappointed that the FAA has gone so long without a comprehensive reauthorization, I support this extension as the best alternative to keep the FAA and the National Airspace System running safely until we can take up and pass a bipartisan and bicameral bill.

□ 1530

Mr. LEWIS of Georgia. I reserve the balance of my time.

Mr. TIBERI. I will close by asking, again, my colleagues to support the measure. I yield back the balance of my time.

Mr. LEWIS of Georgia. Mr. Speaker, I fully support H.R. 4217. Simply said, Mr. Speaker, we must make sure that the FAA remains funded. I urge my colleagues on both sides of the aisle to vote "yes" on this bill.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H.R. 4217, the "Fiscal Year 2010 Federal Aviation Administration Extension Act, Part II".

The previous long-term Federal Aviation Administration (FAA) reauthorization act, the Vision 100—Century of Aviation Reauthorization Act (P.L. 108–176) expired on September 30, 2007. Although the House passed an FAA reauthorization bill last Congress, the Senate did not, resulting in the need for a series of short-term extension acts that, unfortunately, continues to this day.

At the outset of this Congress, the House again passed a long-term FAA reauthorization bill. On May 21, 2009, the House passed H.R. 915, the "FAA Reauthorization Act of 2009", which reauthorizes FAA programs for fiscal years (FY) 2010 through 2012.

However, this legislation is still pending in the Senate, as the other body has been unable to complete action on a long-term FAA reauthorization bill. Given that the current authority for aviation programs expires on December 31, an extension of current law is necessary to continue financing of aviation programs until a multi-year reauthorization bill can be completed. H.R. 4217 provides a three-month extension of aviation programs, through March 31, 2010.

H.R. 4217 provides \$2 billion in contract authority for the Airport Improvement Program

(AIP) through the end of March. This \$2 billion will enable airports to move forward with important safety and capacity projects. When annualized, this level of AIP funding equals \$4 billion, which is consistent with both the House and Senate FAA reauthorization bills, and the FY 2010 Concurrent Budget Resolution.

The bill also authorizes appropriations for FAA Operations, Facilities and Equipment (F&E), and Research, Engineering, and Development (RE&D) programs, consistent with average funding levels of the FY 2010 House-approved appropriations bill and the Senate-approved appropriations bill.

In addition, H.R. 4217 extends the aviation excise taxes through March 31, 2010. These taxes are necessary to support the Airport and Airway Trust Fund, which funds a substantial portion of the FAA's budget. With an uncommitted cash balance of just \$251 million at the end of FY 2009, any lapse in the aviation taxes could put the solvency of the Trust Fund at risk.

In addition to extending the aviation taxes, H.R. 4217 extends the FAA's authority to make expenditures from the Airport and Airway Trust Fund through March 2010.

To allow aviation programs to continue under the same terms and conditions as were in effect during the previous authorization period, H.R. 4217 also extends several other provisions of Vision 100.

I thank Chairman RANGEL, Chairman of the Committee on Ways and Means, for introducing this measure, and for his assistance in ensuring the continued operation of aviation programs. I also thank Ways and Means Committee Ranking Member CAMP and my Committee colleagues, Ranking Member MICA, Subcommittee Chairman COSTELLO, and Subcommittee Ranking Member PETRI, for working with me on this critical legislation.

I strongly urge my colleagues to join me in supporting H.R. 4217.

Mr. LEWIS of Georgia. With that, Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. LEWIS) that the House suspend the rules and pass the bill, H.R. 4217.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### NO SOCIAL SECURITY BENEFITS FOR PRISONERS ACT OF 2009

Mr. TANNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4218) to amend titles II and XVI of the Social Security Act to prohibit retroactive payments to individuals during periods for which such individuals are prisoners, fugitive felons, or probation or parole violators.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4218

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “No Social Security Benefits for Prisoners Act of 2009”.

**SEC. 2. PROHIBITION OF RETROACTIVE TITLE II AND TITLE XVI PAYMENTS TO PRISONERS, FUGITIVE FELONS, AND PROBATION OR PAROLE VIOLATORS.**

(a) AMENDMENTS TO TITLE II.—Section 204(a)(1)(B) of the Social Security Act (42 U.S.C. 404(a)(1)(B)) is amended—

(1) by striking “(B) With” and inserting “(B)(i) Subject to clause (ii), with”; and

(2) by adding at the end the following:

“(ii) No payment shall be made under this subparagraph to any person during any period for which monthly insurance benefits of such person—

“(I) are subject to nonpayment by reason of section 202(x)(1), or

“(II) in the case of a person whose monthly insurance benefits have terminated for a reason other than death, would be subject to nonpayment by reason of section 202(x)(1) but for the termination of such benefits, until section 202(x)(1) no longer applies, or would no longer apply in the case of benefits that have terminated.

“(iii) Nothing in clause (ii) shall be construed to limit the Commissioner’s authority to withhold amounts, make adjustments, or recover amounts due under this title, title VIII or title XVI that would be deducted from a payment that would otherwise be payable to such person but for such clause.”.

(b) AMENDMENTS TO TITLE XVI.—Section 1631(b) of such Act (42 U.S.C. 1383(b)) is amended by adding at the end the following new paragraph:

“(7)(A) In the case of payment of less than the correct amount of benefits to or on behalf of any individual, no payment shall be made to such individual pursuant to this subsection during any period for which such individual—

“(i) is not an eligible individual or eligible spouse under section 1611(e)(1) because such individual is an inmate of a public institution that is a jail, prison, or other penal institution or correctional facility the purpose of which is to confine individuals as described in clause (ii) or (iii) of section 202(x)(1)(A), or

“(ii) is not an eligible individual or eligible spouse under section 1611(e)(4), until such person is no longer considered an ineligible individual or ineligible spouse under section 1611(e)(1) or 1611(e)(4).

“(B) Nothing in subparagraph (A) shall be construed to limit the Commissioner’s authority to withhold amounts, make adjustments, or recover amounts due under this title, title II, or title VIII that would be deducted from a payment that would otherwise be payable to such individual but for such subparagraph.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective for payments that would otherwise be made on or after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. TANNER) and the gentleman from Texas (Mr. SAM JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

**GENERAL LEAVE**

Mr. TANNER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on H.R. 4218.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. TANNER. Mr. Speaker, I yield myself such time as I might consume.

Mr. JOHNSON and I bring this bill to the floor today. It’s a stopgap measure, Mr. Speaker.

The Social Security Act already prohibits payment of Social Security and SSI benefits to individuals in prison and to those who are fleeing to avoid prosecution, custody, or confinement for a felony. The law also prohibits payments to individuals violating a condition of parole or probation. However, payments of retroactive benefits owed to such individuals are not currently barred by law, and this ensures that retroactive payments are treated the same as monthly benefits.

The need for this law to be done quickly is because of a recent court determination that the Social Security Administration’s implementation of this prohibition for those fleeing prosecution or imprisonment was applied too broadly. Without this legislation, the Social Security Administration will be obligated under court order to make payments to some of these individuals as early as next week.

What Mr. JOHNSON and I wanted to do was to bring this bill today and pass it so we can get it to the Senate and give some guidance to the Social Security Administration in this regard.

Mr. Speaker, with that, I reserve the balance of my time.

Mr. SAM JOHNSON of Texas. Mr. Speaker, the point of this bill is simple. Social Security and supplemental security income benefits should not be paid to prisoners, probation, or parole violators or fugitive felons. That is why I joined the Ways and Means Social Security Subcommittee with JOHN TANNER, who is great about looking into these things, and we cosponsored this bill. And I ask all of my colleagues to support it.

This stopgap measure addresses a glitch in the current law discovered when Social Security began to implement a nationwide class-action settlement agreement reached in September in the case of *Martinez v. Astrue*. That agreement reduced the number and type of felony arrest warrants used to prohibit benefit payments, resulting in retroactive payments to certain recipients.

In the first phase of settlement implementation, notices will be issued beginning this week to 28,000 individuals. Of these, Social Security recently identified 150 as prisoners.

Current law already prohibits prisoners, fugitive felons, and probation/parole violators from receiving benefits. The same law should apply to retroactive benefits as well but right now it doesn’t. That is why we need to pass this bill. If we don’t, prisoners eligible

for payments from before they were in jail may soon receive a lump sum retroactive check, some covering back benefits over 3 or 4 years.

Thanks in large part to the work of my Ways and Means colleague, WALLY HERGER, those with outstanding felony arrest warrants, known as fugitive felons, have not been able to receive supplemental security income, Social Security, or Social Security disability benefits.

According to the Office of the Inspector General, their data-sharing efforts with local, State, and Federal law enforcement agencies contributed to over 83,000 arrests since the program’s inception in 1996. While well-intentioned, the Martinez settlement nevertheless requires Social Security to pay benefits that had been suspended. And as a result, taxpayers are now on the hook for millions of dollars. We can and we must do better.

I look forward to working with Chairman TANNER to right this wrong and draft legislation to suspend payments for those fugitives wanted for the most heinous crimes while permitting lenience in cases where good cause exemptions make sense.

I reserve the balance of my time.

Mr. TANNER. I reserve the balance of my time.

Mr. SAM JOHNSON of Texas. At this time, I’d like to recognize and yield to the gentleman from California (Mr. HERGER), a member of the Ways and Means Committee and one of our staunch allies, as much time as he may consume.

Mr. HERGER. I thank my good friend from Texas.

I rise today to discuss an issue I have been involved with for many years.

The landmark 1996 welfare reform included legislation I drafted that denies fugitive felons, along with probation and parole violators, Supplemental Security Income checks. GAO long recognized those SSI disability payments were at a high risk for fraud and abuse and encouraged Congress to act. Subsequent legislation expanded that 1996 ban to include certain Social Security checks. These provisions have been successful in saving millions of taxpayer dollars and have assisted law enforcement in making over 86,000 arrests and getting felons off the street, including a man wanted in Texas for 20 counts of child molestation.

Due to a recent court action, however, the Social Security Administration now is required to ban payments only to fugitive felons issued a warrant for trying to escape arrest rather than the broader group of fugitives with an outstanding felony arrest warrant. That action also compels SSA to restore benefits denied earlier, which will result in large retroactive payments of as much as \$30,000 per individual. Not only will this cost taxpayers millions of dollars, but I’m deeply concerned

that the effectiveness of the program we set up in 1996 could be greatly reduced.

The bill before us would immediately prevent checks for past-due Social Security and SSI benefits from being sent to currently incarcerated individuals, including checks that, without this action, could pay inmates tens of thousands of dollars while they are behind bars. Thus, the bill before us is a step in the right direction of addressing issues created by the court decision.

But there are more steps to take.

Following release of an October 2009 report from the SSA Inspector General that brought to light concerns with SSA's fugitive felon policy, I joined other Ways and Means members in requesting additional information on how SSA has used the good cause exemptions it is already allowed to make in certain cases. I believe the Social Security Administration should continue to suspend payments for those fugitives wanted based on the most heinous crimes while using the authority it already has to make good cause exemptions as appropriate.

As the legislation before us suggests, many of those made eligible for disability payments under the recent court action continue to break the law and can and do wind up in jail, costing taxpayers thousands of dollars.

I look forward to the Inspector General's response to our inquiry so that Congress can determine the best way forward to improve this important program and prevent the misuse of taxpayer dollars while protecting those who truly merit relief.

Let's stop these payments from going to prisoners today, and then keep working to ensure the right people are getting the right benefits and that taxpayer dollars are spent wisely to help only those truly in need.

Mr. TANNER. Mr. Speaker, I want to thank Mr. JOHNSON for working with us on this.

I yield back the balance of my time.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. TANNER) that the House suspend the rules and pass the bill, H.R. 4218.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 845, by the yeas and nays;

H.R. 2278, by the yeas and nays;

H. Res. 915, by the yeas and nays;

H. Res. 907, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

#### RECOGNIZING THE AIR FORCE AND DYESS AIR FORCE BASE ON ACHIEVING ENERGY SAVINGS

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 845, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and agree to the resolution, H. Res. 845, as amended.

This will be a 15-minute vote.

The vote was taken by electronic device, and there were—yeas 409, nays 0, not voting 25, as follows:

[Roll No. 935]

YEAS—409

Ackerman	Campbell	Donnelly (IN)
Aderholt	Cantor	Doyle
Adler (NJ)	Cao	Dreier
Akin	Capito	Driehtaus
Alexander	Capps	Duncan
Altmire	Cardoza	Edwards (MD)
Andrews	Carnahan	Edwards (TX)
Austria	Carson (IN)	Ehlers
Baca	Carter	Ellison
Bachmann	Cassidy	Ellsworth
Bachus	Castle	Emerson
Baird	Castor (FL)	Engel
Baldwin	Chaffetz	Eshoo
Barrow	Chandler	Etheridge
Bartlett	Childers	Fallin
Barton (TX)	Chu	Farr
Bean	Clarke	Fattah
Becerra	Clay	Filner
Berkley	Cleaver	Flake
Berry	Clyburn	Fleming
Biggert	Coble	Forbes
Bilbray	Coffman (CO)	Fortenberry
Bilirakis	Cohen	Foster
Bishop (GA)	Cole	Fox
Bishop (NY)	Conaway	Frank (MA)
Bishop (UT)	Connolly (VA)	Franks (AZ)
Blackburn	Conyers	Frelinghuysen
Blumenauer	Cooper	Fudge
Blunt	Costa	Gallegly
Boccieri	Costello	Garamendi
Boehner	Courtney	Garrett (NJ)
Bonner	Crenshaw	Gerlach
Boozman	Crowley	Giffords
Boren	Cuellar	Gingrey (GA)
Boswell	Culberson	Gohmert
Boustany	Cummings	Gonzalez
Boyd	Dahlkemper	Goodlatte
Brady (PA)	Davis (CA)	Goodson (TN)
Brady (TX)	Davis (IL)	Granger
Braley (IA)	Davis (KY)	Graves
Bright	Davis (TN)	Grayson
Brown (SC)	Deal (GA)	Green, Al
Brown, Corrine	DeFazio	Green, Gene
Brown-Waite,	DeGette	Griffith
Ginny	Delahunt	Guthrie
Buchanan	DeLauro	Gutierrez
Burgess	Dent	Hall (NY)
Burton (IN)	Diaz-Balart, L.	Hall (TX)
Butterfield	Diaz-Balart, M.	Halvorson
Buyer	Dicks	Hare
Calvert	Dingell	Harman
Camp	Doggett	Harper

Hastings (FL)	McCarthy (CA)	Ryan (OH)
Hastings (WA)	McCarthy (NY)	Ryan (WI)
Heinrich	McCaul	Salazar
Heller	McClintock	Sanchez, Linda
Hensarling	McCollum	T.
Herger	McCotter	Sanchez, Loretta
Herseth Sandlin	McDermott	Sarbanes
Higgins	McGovern	Scalise
Hill	McHenry	Schakowsky
Himes	McIntyre	Schauer
Hinchey	McKeon	Schiff
Hinojosa	McMahon	Schmidt
Hirono	McMorris	Schock
Hodes	Rodgers	Schrader
Holden	McNerney	Schwartz
Holt	Meek (FL)	Scott (GA)
Honda	Meeks (NY)	Scott (VA)
Hoyer	Mica	Sensenbrenner
Hunter	Michaud	Serrano
Inglis	Miller (FL)	Sessions
Inslee	Miller (MI)	Sestak
Israel	Miller (NC)	Shadegg
Issa	Miller, Gary	Shea-Porter
Jackson (IL)	Miller, George	Sherman
Jackson-Lee	Minnick	Shimkus
(TX)	Mitchell	Shuler
Jenkins	Mollohan	Shuster
Johnson (GA)	Moore (KS)	Sires
Johnson (IL)	Moore (WI)	Skelton
Johnson, E. B.	Moran (KS)	Slaughter
Johnson, Sam	Murphy (CT)	Smith (NE)
Jones	Murphy (NY)	Smith (NJ)
Jordan (OH)	Murphy, Patrick	Smith (TX)
Kanjorski	Murphy, Tim	Snyder
Kaptur	Myrick	Souder
Kennedy	Nadler (NY)	Space
Kildee	Napolitano	Speier
Kilpatrick (MI)	Neal (MA)	Spratt
Kilroy	Neugebauer	Stark
King (IA)	Nunes	Stearns
King (NY)	Nye	Stupak
Kingston	Oberstar	Sullivan
Kirk	Obey	Sutton
Kirkpatrick (AZ)	Olson	Tanner
Kissell	Olver	Taylor
Klein (FL)	Ortiz	Teague
Kline (MN)	Owens	Terry
Kosmas	Pallone	Thompson (CA)
Kratovil	Pascrell	Thompson (MS)
Kucinich	Pastor (AZ)	Thompson (PA)
Lamborn	Paul	Thornberry
Lance	Paulsen	Tiaht
Langevin	Perlmutter	Tiberi
Larsen (WA)	Perriello	Tierney
Larson (CT)	Peters	Titus
Latham	Peterson	Tonko
LaTourette	Petri	Towns
Latta	Pingree (ME)	Turner
Lee (CA)	Pitts	Upton
Lee (NY)	Platts	Van Hollen
Levin	Polis (CO)	Velázquez
Lewis (CA)	Pomeroy	Visclosky
Lewis (GA)	Posey	Walden
Linder	Price (GA)	Walz
Lipinski	Price (NC)	Wamp
LoBiondo	Putnam	Wasserman
Loebach	Quigley	Schultz
Lofgren, Zoe	Rahall	Waters
Lowey	Rangel	Watson
Lucas	Rehberg	Watt
Luetkemeyer	Reyes	Waxman
Lujan	Richardson	Weiner
Lummis	Rodriguez	Welch
Lungren, Daniel	Roe (TN)	Westmoreland
E.	Rogers (AL)	Wexler
Lynch	Rogers (KY)	Whitfield
Mack	Rogers (MI)	Wilson (OH)
Maffei	Rohrabacher	Wilson (SC)
Maloney	Rooney	Wittman
Manzullo	Ros-Lehtinen	Wolf
Marchant	Roskam	Woolsey
Markey (CO)	Ross	Wu
Markey (MA)	Rothman (NJ)	Yarmuth
Marshall	Roybal-Allard	Young (AK)
Massa	Royce	Young (FL)
Matheson	Ruppersberger	
Matsui	Rush	

NOT VOTING—25

Abercrombie	Broun (GA)	Kagen
Arcuri	Capuano	Kind
Barrett (SC)	Carney	Melancon
Berman	Davis (AL)	Moran (VA)
Bono Mack	Grijalva	Murtha
Boucher	Hoekstra	Payne

Pence  
Poe (TX)  
Radanovich

Reichert  
Simpson  
Smith (WA)

Tsongas

Guthrie  
Hall (NY)  
Hall (TX)  
Halvorson  
Hare  
Harman  
Harper  
Hastings (FL)  
Hastings (WA)  
Heinrich  
Heller  
Hensarling  
Herger  
Herseth Sandlin  
Higgins  
Hill  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hodes  
Holden  
Holt  
Hoyer  
Hunter  
Ingليس  
Inslee  
Israel  
Issa  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson, Sam  
Jones  
Jordan (OH)  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kline (MN)  
Kratovil  
Lamborn  
Lance  
Langevin  
Larson (WA)  
Larson (CT)  
Latham  
LaTourette  
Latta  
Lee (NY)  
Levin  
Lewis (CA)  
Lewis (GA)  
Linder  
Lipinski  
LoBiondo  
Loebach  
Lofgren, Zoe  
Lowey  
Lucas  
Luetkemeyer  
Luján  
Lummis  
Lungrén, Daniel  
E.  
Lynch  
Mack  
Maffei  
Maloney  
Manzullo  
Marchant  
Markey (CO)  
Markey (MA)

Marshall  
Massa  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCaul  
McClintock  
McCollum  
McCotter  
McGovern  
McHenry  
McIntyre  
McKeon  
McMahon  
McMorris  
Rodgers  
McNerney  
Meek (FL)  
Meeks (NY)  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Minnick  
Mitchell  
Mollohan  
Moore (KS)  
Moran (KS)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Murphy, Tim  
Myrick  
Nadler (NY)  
Napolitano  
Neal (MA)  
Neugebauer  
Nunes  
Nye  
Oberstar  
Obey  
Olson  
Oliver  
Ortiz  
Pallone  
Pascarella  
Pastor (AZ)  
Paulsen  
Perlmuter  
Perriello  
Peters  
Peterson  
Petri  
Pingree (ME)  
Pitts  
Platts  
Poe (TX)  
Polis (CO)  
Pomeroy  
Posey  
Price (GA)  
Price (NC)  
Putnam  
Quigley  
Rahall  
Rangel  
Rehberg  
Reyes  
Richardson  
Rodriguez  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothman (NJ)  
Roybal-Allard

Royce  
Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Scalise  
Schakowsky  
Schauer  
Schiff  
Schmidt  
Schock  
Schwartz  
Scott (GA)  
Scott (VA)  
Sensenbrenner  
Serrano  
Sessions  
Sestak  
Shadegg  
Shea-Porter  
Sherman  
Shimkus  
Shuler  
Shuster  
Simpson  
Sires  
Skelton  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Snyder  
Souder  
Space  
Speier  
Spratt  
Stearns  
Stupak  
Sullivan  
Sutton  
Tanner  
Taylor  
Teague  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Tierney  
Titus  
Tonko  
Townes  
Turner  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walden  
Walz  
Wamp  
Wasserman  
Schultz  
Watson  
Waxman  
Weiner  
Welch  
Westmoreland  
Wexler  
Whitfield  
Wilson (OH)  
Wilson (SC)  
Wittman  
Wolf  
Wu  
Yarmuth  
Young (AK)  
Young (FL)

#### NOT VOTING—27

Abercrombie  
Arcuri  
Barrett (SC)  
Berman  
Bono Mack  
Boucher  
Broun (GA)  
Capuano  
Carney  
Davis (AL)  
Grijalva  
Gutierrez  
Hoekstra  
Kagen  
Kind  
Kosmas  
Melancon  
Moran (VA)  
Murtha  
Owens  
Payne  
Pence  
Radanovich  
Reichert  
Schrader  
Smith (WA)  
Tsongas

□ 1611

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### REQUESTING REPORT ON ANTI-AMERICAN INCITEMENT TO VIOLENCE IN THE MIDDLE EAST

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 2278, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. COSTA) that the House suspend the rules and pass the bill, H.R. 2278, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 395, nays 3, answered “present” 9, not voting 27, as follows:

[Roll No. 936]

YEAS—395

Ackerman  
Aderholt  
Adler (NJ)  
Akin  
Alexander  
Altmire  
Andrews  
Austria  
Baca  
Bachmann  
Bachus  
Baird  
Baldwin  
Barrow  
Bartlett  
Barton (TX)  
Bean  
Becerra  
Berkley  
Berry  
Biggert  
Bilbray  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Blackburn  
Blumenauer  
Blunt  
Bocchieri  
Boehner  
Bonner  
Boozman  
Boren  
Boswell  
Boustany  
Boyd  
Brady (PA)  
Brady (TX)  
Braley (IA)  
Bright  
Brown (SC)  
Brown, Corrine  
Brown-Waite,  
Ginny  
Buchanan  
Burgess  
Burton (IN)  
Butterfield  
Buyer  
Calvert  
Camp  
Campbell  
Cantor  
Cao  
Capito  
Capps  
Cardoza  
Carnahan  
Carson (IN)  
Carter  
Cassidy  
Castle  
Castor (FL)  
Chaffetz  
Chandler  
Childers  
Chu  
Clarke  
Clay  
Cleaver  
Clyburn  
Coble  
Coffman (CO)  
Cohen  
Cole  
Conaway  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Crenshaw  
Crowley  
Cuellar  
Culberson  
Cummings  
Dahlkemper  
Davis (CA)  
Davis (KY)  
Davis (TN)  
Deal (GA)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Dreier  
Driehaus  
Duncan  
Edwards (TX)  
Ehlers  
Ellison  
Ellsworth  
Emerson  
Engel  
Eshoo  
Etheridge  
Fallin  
Farr  
Fattah  
Filner  
Flake  
Fleming  
Forbes  
Fortenberry  
Foster  
Fox  
Frank (MA)  
Franks (AZ)  
Frelinghuysen  
Fudge  
Gallegly  
Garamendi  
Garrett (NJ)  
Gerlach  
Giffords  
Gingrey (GA)  
Gohmert  
Gonzalez  
Goodlatte  
Gordon (TN)  
Granger  
Graves  
Grayson  
Green, Al  
Green, Gene  
Griffith

Jackson (IL)  
Jackson-Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson, Sam  
Jones  
Jordan (OH)  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kline (MN)  
Kratovil  
Lamborn  
Lance  
Langevin  
Larson (WA)  
Larson (CT)  
Latham  
LaTourette  
Latta  
Lee (NY)  
Levin  
Lewis (CA)  
Lewis (GA)  
Linder  
Lipinski  
LoBiondo  
Loebach  
Lofgren, Zoe  
Lowey  
Lucas  
Luetkemeyer  
Luján  
Lummis  
Lungrén, Daniel  
E.  
Lynch  
Mack  
Maffei  
Maloney  
Manzullo  
Marchant  
Markey (CO)  
Markey (MA)

Myrick  
Nadler (NY)  
Napolitano  
Neal (MA)  
Neugebauer  
Nunes  
Nye  
Oberstar  
Obey  
Olson  
Oliver  
Ortiz  
Pallone  
Pascarella  
Pastor (AZ)  
Paulsen  
Perlmuter  
Perriello  
Peters  
Peterson  
Petri  
Pingree (ME)  
Pitts  
Platts  
Poe (TX)  
Polis (CO)  
Pomeroy  
Posey  
Price (GA)  
Price (NC)  
Putnam  
Quigley  
Rahall  
Rangel  
Rehberg  
Reyes  
Richardson  
Rodriguez  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothman (NJ)  
Roybal-Allard

NAYS—3

Johnson, E. B.

Paul

ANSWERED “PRESENT”—9

Edwards (MD)  
Kucinich  
Lee (CA)  
McDermott  
Moore (WI)  
Stark  
Waters  
Watt  
Woolsey

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1619

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### PERSONAL EXPLANATION

Mr. BROUN of Georgia. Mr. Speaker, on rollcall No. 935, H. Res. 845—recognizing the United States Air Force and Dyess Air Force Base for their success in achieving energy savings and developing energy-saving innovations during Energy Awareness Month, and rollcall No. 936, H.R. 2278, to direct the President to transmit to Congress a report on anti-American incitement to violence in the Middle East, and for other purposes, had I been present, I would have voted “yea.”

#### ENCOURAGING HUNGARY TO RESPECT THE RULE OF LAW

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 915, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. ENGEL) that the House suspend the rules and agree to the resolution, H. Res. 915.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 333, nays 74, answered “present” 3, not voting 24, as follows:

[Roll No. 937]

YEAS—333

Ackerman  
Aderholt  
Adler (NJ)  
Akin  
Alexander  
Altmire  
Andrews  
Austria  
Baca  
Bachmann  
Bachus  
Baird  
Barrow  
Bartlett  
Barton (TX)  
Bean  
Berkley  
Berry  
Biggert  
Bilbray  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Blackburn  
Blunt  
Boehner  
Bonner  
Boozman  
Boren  
Boswell  
Boustany  
Boyd  
Brady (PA)  
Brady (TX)  
Braley (IA)  
Bright  
Brown (SC)  
Brown, Corrine  
Brown-Waite,  
Ginny  
Buchanan  
Burgess  
Burton (IN)  
Butterfield  
Buyer  
Calvert  
Camp  
Campbell  
Cantor  
Cao  
Capito  
Capps  
Cardoza  
Carnahan

Carson (IN) Hoyer  
Carter Hunter  
Cassidy Inglis  
Castle Inslee  
Castor (FL) Israel  
Chandler Issa  
Childers Jackson (IL)  
Chu Jackson-Lee  
Clay (TX)  
Cleaver Jenkins  
Clyburn Johnson (GA)  
Coble Johnson (IL)  
Coffman (CO) Johnson, Sam  
Conaway Jordan (OH)  
Connolly (VA) Kanjorski  
Cooper Kennedy  
Costa King (IA)  
Courtney King (NY)  
Crenshaw Kingston  
Crowley Kirk  
Cuellar Kirkpatrick (AZ)  
Culberson Kissell  
Cummins Klein (FL)  
Davis (CA) Kline (MN)  
Davis (IL) Kosmas  
Davis (KY) Kratovil  
Davis (TN) Lamborn  
Deal (GA) Lance  
DeGette Langevin  
Delahunt Larsen (WA)  
DeLauro Larson (CT)  
Dent Latham  
Dicks Latta  
Donnelly (IN) Lee (NY)  
Doyle Levin  
Dreier Lewis (CA)  
Edwards (TX) Lewis (GA)  
Ehlers Linder  
Ellison Lipinski  
Ellsworth LoBiondo  
Emerson Lowey  
Engel Lucas  
Eshoo Luetkemeyer  
Etheridge Lujan  
Fallin Lummis  
Farr Lungren, Daniel  
Fattah E.  
Filner Mack  
Flake Maffei  
Fleming Maloney  
Forbes Manzullo  
Fortenberry Marchant  
Foster Markey (CO)  
Foxx Marshall  
Frank (MA) Matheson  
Franks (AZ) Matsui  
Frelinghuysen McCarthy (CA)  
Gallegly McCaul  
Garamendi McClintock  
Garrett (NJ) McCollum  
Gerlach McHenry  
Giffords McIntyre  
Gingrey (GA) McKeon  
Gohmert McMorris  
Gonzalez Rodgers  
Goodlatte McNerney  
Gordon (TN) Meek (FL)  
Granger Meeks (NY)  
Graves Mica  
Grayson Miller (NC)  
Green, Al Miller, Gary  
Green, Gene Miller, George  
Griffith Minnick  
Guthrie Mitchell  
Gutierrez Moore (KS)  
Hall (NY) Moran (KS)  
Hall (TX) Murphy (CT)  
Halvorson Murphy (NY)  
Hare Murphy, Patrick  
Harman Murphy, Tim  
Harper Myrick  
Hastings (FL) Nadler (NY)  
Hastings (WA) Neal (MA)  
Heinrich Neugebauer  
Heller Nye  
Hensarling Oberstar  
Herger Obey  
Herseth Sandlin Olson  
Higgins Ortiz  
Hill Owens  
Himes Pallone  
Hinojosa Pascrell  
Hodes Paulsen  
Holden Pence  
Holt Perlmutter

Peters  
Peterson  
Pitts  
Platts  
Poe (TX)  
Polis (CO)  
Pomeroy  
Posey  
Price (GA)  
Price (NC)  
Putnam  
Quigley  
Rangel  
Rehberg  
Richardson  
Rodriguez  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothman (NJ)  
Roybal-Allard  
Royce  
Ruppersberger  
Rush  
Ryan (WI)  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Scalise  
Schakowsky  
Schauer  
Schiff  
Schock  
Schradler  
Schwartz  
Scott (GA)  
Scott (VA)  
Sensenbrenner  
Sessions  
Sestak  
Shadegg  
Shea-Porter  
Sherman  
Shimkus  
Shuler  
Simpson  
Sires  
Skelton  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Souder  
Space  
Spratt  
Stearns  
Stupak  
Sullivan  
Sutton  
Teague  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiahrt  
Titus  
Tonko  
Towns  
Upton  
Van Hollen  
Visclosky  
Walden  
Wamp  
Wasserman  
Schultz  
Watson  
Watt  
Weiner  
Westmoreland  
Wilson (OH)  
Wilson (SC)  
Wittman  
Wolf  
Wu  
Yarmuth  
Young (FL)

Baldwin  
Becerra  
Bishop (UT)  
Blumenauer  
Boccieri  
Chaffetz  
Clarke  
Cohen  
Cole  
Conyers  
Costello  
Dahlkemper  
DeFazio  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dingell  
Doggett  
Driebehaus  
Duncan  
Edwards (MD)  
Fudge  
Hincehy  
Hirono  
Honda  
Johnson, E. B.

## NAYS—74

Jones  
Kaptur  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kucinich  
LaTourette  
Lee (CA)  
Loeb sack  
Lofgren, Zoe  
Lynch  
Markey (MA)  
Massa  
McCotter  
McDermott  
McGovern  
McMahon  
Michaud  
Miller (MI)  
Mollohan  
Moore (WI)  
Napolitano  
Nunes  
Oliver  
Pastor (AZ)

Paul  
Perriello  
Petri  
Pingree (ME)  
Rahall  
Reyes  
Ryan (OH)  
Schmidt  
Serrano  
Shuster  
Snyder  
Stark  
Taylor  
Tiberi  
Turney  
Turner  
Velázquez  
Walz  
Waters  
Waxman  
Welch  
Whitfield  
Woolsey  
Young (AK)

[Roll No. 938]

## YEAS—405

DeGette  
Delahunt  
DeLauro  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Dreier  
Driebehaus  
Duncan  
Edwards (MD)  
Edwards (TX)  
Ehlers  
Ellison  
Ellsworth  
Emerson  
Engel  
Eshoo  
Etheridge  
Fallin  
Farr  
Fattah  
Filner  
Flake  
Fleming  
Forbes  
Fortenberry  
Foster  
Foxx  
Frank (MA)  
Franks (AZ)  
Frelinghuysen  
Fudge  
Gallegly  
Garamendi  
Gerlach  
Giffords  
Gingrey (GA)  
Gohmert  
Gonzalez  
Goodlatte  
Gordon (TN)  
Granger  
Graves  
Grayson  
Green, Al  
Green, Gene  
Griffith  
Griffith  
Guthrie  
Gutierrez  
Hall (NY)  
Hall (TX)  
Halvorson  
Hare  
Harman  
Harper  
Cassidy  
Castle  
Castor (FL)  
Chaffetz  
Chandler  
Childers  
Chu  
Clarke  
Clay  
Cleaver  
Clyburn  
Coble  
Coffman (CO)  
Cohen  
Cole  
Conaway  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Crenshaw  
Crowley  
Cuellar  
Cummins  
Dahlkemper  
Davis (CA)  
Davis (IL)  
Davis (KY)  
Davis (TN)  
Deal (GA)  
DeFazio

## ANSWERED “PRESENT”—3

McCarthy (NY) Speier Tanner

## NOT VOTING—24

Abercrombie  
Arcuri  
Barrett (SC)  
Berman  
Bono Mack  
Boucher  
Broun (GA)  
Capuano  
Carney  
Davis (AL)  
Grijalva  
Hoekstra  
Kagen  
Kind  
Melancon  
Miller (FL)  
Moran (VA)  
Murtha  
Payne  
Radanovich  
Reichert  
Smith (WA)  
Tsongas  
Wexler

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1629

Messrs. COHEN, NUNES, McMAHON, MOLLOHAN, YOUNG of Alaska, LYNCH, Ms. ZOE LOFGREN of California, Messrs. DRIEHAUS, WELCH, and Mrs. SCHMIDT changed their vote from “yea” to “nay.”

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## RECOGNIZING 100TH ANNIVERSARY OF THE GRAND CONCOURSE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 907, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. LARSEN) that the House suspend the rules and agree to the resolution, H. Res. 907.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 405, nays 0, not voting 29, as follows:

Oberstar	Royce	Stupak
Obey	Ruppersberger	Sullivan
Olson	Rush	Sutton
Olver	Ryan (OH)	Tanner
Ortiz	Ryan (WI)	Taylor
Owens	Salazar	Teague
Pallone	Sánchez, Linda	Terry
Pascarell	T.	Thompson (CA)
Pastor (AZ)	Sanchez, Loretta	Thompson (MS)
Paul	Sarbanes	Thompson (PA)
Paulsen	Scalise	Thornberry
Pence	Schakowsky	Tiahrt
Perlmutter	Schauer	Tiberi
Perriello	Schiff	Tierney
Peters	Schmidt	Titus
Peterson	Schock	Tonko
Petri	Schrader	Towns
Pingree (ME)	Schwartz	Turner
Pitts	Scott (GA)	Upton
Platts	Scott (VA)	Van Hollen
Poe (TX)	Sensenbrenner	Velázquez
Polis (CO)	Serrano	Visclosky
Pomeroy	Sessions	Walden
Posey	Sestak	Walz
Price (GA)	Shadegg	Wamp
Price (NC)	Shea-Porter	Wasserman
Putnam	Sherman	Schultz
Quigley	Shimkus	Watson
Rahall	Shuler	Watt
Rangel	Shuster	Waxman
Rehberg	Simpson	Weiner
Reyes	Sires	Welch
Richardson	Skelton	Westmoreland
Rodriguez	Slaughter	Wexler
Roe (TN)	Smith (NE)	Whitfield
Rogers (AL)	Smith (NJ)	Wilson (OH)
Rogers (KY)	Smith (TX)	Wilson (SC)
Rogers (MI)	Snyder	Wittman
Rohrabacher	Souder	Wolf
Rooney	Space	Woolsey
Ros-Lehtinen	Speier	Wu
Roskam	Spratt	Yarmuth
Ross	Stark	Young (AK)
Rothman (NJ)	Stearns	Young (FL)

## NOT VOTING—29

Abercrombie	Culberson	Murtha
Arcuri	Davis (AL)	Neugebauer
Barrett (SC)	Garrett (NJ)	Payne
Berman	Grijalva	Radanovich
Boehner	Hoekstra	Reichert
Bono Mack	Hoyer	Roybal-Allard
Boucher	Kagen	Smith (WA)
Broun (GA)	Kind	Tsongas
Capuano	Melancon	Waters
Carney	Moran (VA)	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded there are 2 minutes remaining in this vote.

□ 1643

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BROUN of Georgia. Mr. Speaker, on rollcall No. 937, H. Res. 915, encouraging the Republic of Hungary to respect the rule of law, treat foreign investors fairly, and promote a free and independent press, and rollcall No. 938, H. Res. 907, recognizing the Grand Concourse on its 100th anniversary as the pre-eminent thoroughfare in the borough of the Bronx and an important nexus of commerce and culture for the City of New York, had I been present, I would have voted "yea."

## JOBS BILL

(Mr. COSTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COSTA. Madam Speaker, I rise today to discuss the importance of jobs and our economy, and the importance of putting Americans back to work to really spur the economic growth that I think we all desire.

I was pleased that the mayor of Fresno last week was one of the five mayors to participate in the jobs forum in the White House since she and I represent a region that has suffered severe economic hardships, including a drought, a devastating drought, that has impacted much of the San Joaquin Valley and other aspects of California, the collapse of the dairy market, and the precipitous drop in housing markets that has put housing and foreclosures of the utmost concern. We need to do everything we can to invest in our infrastructure and transportation, schools, and water.

California is in the midst of a water crisis, and I urge the administration to use all of the flexibility within its power to get water flowing for next year's growing season to allow tens of thousands of hardworking farmworkers, farmers, to return to work, to putting food on America's dinner table. Water equals jobs, equals food. That's what we need to do.

I'd like to submit a letter for the RECORD that I wrote to the President concerning this crisis.

CONGRESS OF THE UNITED STATES,

HOUSE OF REPRESENTATIVES,

Washington, DC, December 3, 2009.

The PRESIDENT,

The White House,  
Washington, DC.

DEAR MR. PRESIDENT: Today, as the White House convenes its jobs summit and examines ways to speed job growth in a slow-moving economy, please accept my sincere appreciation and best wishes for a successful event. I am pleased to hear that Mayor Ashley Swearingin of Fresno, CA is one of five U.S. mayors invited to participate today, since the region that she and I represent has suffered from severe economic hardships including a crippling drought, a collapse of the dairy market and precipitous drop in the housing market. Mayor Swearingin's presence is especially timely as she navigates unprecedented fiscal challenges in the city's operating budget which include employee furloughs, fire station closures and over one hundred employee layoffs.

As you are well aware from our prior meetings and my correspondence, California is in the midst of a water supply crisis and likely heading into the fourth consecutive year of a crippling drought. I urge you to keep California's San Joaquin Valley in the forefront of your economic recovery dialogue. I would be remiss if I did not point out that one way to bring people back to work in the San Joaquin Valley immediately is to use all the discretion within your power under the law to get water flowing this growing season. This action alone would allow tens of thousands of hard-working farmers, farm workers, and farm communities to return to the honest work of putting food on America's dinner table.

Water is the lifeblood of the Valley, and without it, our cities and towns have literally been withering and drying out. Unless Mother Nature intervenes and you take ac-

tion now to implement short, mid, and long-term solutions to alleviate the crisis, all of California will have to prepare for the devastating impacts of the drought. On Tuesday of this week, the California Department of Water Resources announced its projected allocation for water deliveries to two-thirds of Californians at 5 percent of contracted totals. For your reference, this is the lowest initial allocation in State Water Project history. It is my understanding that the announcement from the Bureau of Reclamation will not be far behind. Mr. President, farmers cannot get bank loans to sustain their businesses with water supply delivery allocations this low. Many communities throughout the Valley are facing unemployment levels that rival any in recent memory—up to forty percent. I believe that every region of California deserves a sustainable water supply, and your direct commitment and leadership is necessary to help with California's short-term water needs.

In addition, I am disappointed that the released list of attendees at your jobs summit today did not include community bankers from a diverse cross-section of the country. As you know, community bankers have continued to lend to consumers and small businesses in communities where the largest banks have closed branches or reduced access to credit. The ability to obtain credit is essential to any sustainable growth in the small business sector, and I urge you to invite community bankers to share their solutions for growth with your administration.

The San Joaquin Valley can benefit from additional investments in our highway infrastructure. Just yesterday, House Transportation and Infrastructure Committee Chairman Jim Oberstar held a press conference with The American Association of State Highway and Transportation Officials (AASHTO) regarding infrastructure investment. They identified 120 ready-to-go highway projects in California worth \$4.012 billion. Investment in our highways will put people back to work immediately, and improve transit in the San Joaquin Valley.

In addition, a renewed focus on high-speed rail would greatly impact the local economy in the San Joaquin Valley. Top economists have indicated that direct investment in infrastructure projects is the best way to create jobs and stimulate the economy. The short-term and long-term economic impacts of a high-speed rail system would be tremendous for California's economy. Construction of the system is estimated to generate almost 300,000 jobs, and following construction, the system will provide 450,000 permanent jobs in California. These jobs will have a huge ripple effect into other areas of California's economy such as the service and manufacturing industries. Overall, for every dollar spent on this system, we will see two dollars in return. I urge you and Secretary LaHood to approve California's Track 2 application for federal high-speed rail funds, and would be happy to join you when this funding is announced next year.

Thank you for your consideration of these requests, and I look forward to continue working with your administration to bring jobs and long-term economic growth to California's San Joaquin Valley.

Sincerely,

JIM COSTA,  
Member of Congress.



□ 1645

# THE "TREAT TERRORISTS NICE GANG" AND THE NAVY SEALs

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, Navy SEALs were in court yesterday accused of punching a terrorist. The SEALs are Matthew McCabe, Jonathan Keefe, and Julio Huertas. In a nighttime raid last September, they were part of SEAL Team 10 that captured the most wanted terrorist in Iraq.

Ahmed Hashim Abed planned the barbaric ambush of four Blackwater security guards in 2004. Madam Speaker, the Americans were murdered. They were drug through the streets, mutilated, burned, and hung from a bridge in Fallujah. During the public executions, our enemies cheered in front of news cameras. Abed didn't say he was allegedly assaulted until he was turned over to Iraqi authorities, however. The al Qaeda manual tells members when captured to complain of torture and mistreatment; it doesn't matter if it's true or not. And besides killing, these folks lie. Now SEALs are being court-martialed on the word of a bragadocios murderer.

Al Qaeda has learned to play the "Treat Terrorists Nice Gang" like useful misfits. One word from a killer and the accusers become the accused. The military should try the terrorist for murder and give the SEALs medals for capturing him.

And that's just the way it is.

## SPECIAL ORDERS

The SPEAKER pro tempore (Ms. FUDGE). Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

## IT'S TIME FOR A NEW ATTITUDE DOWNTOWN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Madam Speaker, America's infrastructure is in an extraordinarily sad state of disrepair, in fact, endangering and killing Americans. We need a new attitude in terms of rebuilding our infrastructure and bringing it up to a state of good repair at the White House.

There seems to be some reluctance. The President said after his jobs summit that he just had to admit that shovel ready wasn't always shovel ready, and he seemed to be referring to infrastructure. But actually, the infrastructure money is already 60 percent spent and underway and the other 40 percent will be obligated before spring to begin to catch up with that deficit.

Now, the Department of Energy has already spent about 8 percent of their money; HUD, I don't know if they've spent any of it. There are all sorts of fantasy programs out there that were in the stimulus where money hasn't been expended, but in transportation and infrastructure it has been invested and it is going to save lives and it is going to get people to work with less congestion and less damage to their vehicles by bringing the infrastructure up to date.

I would like to try and bring this home to the White House because they just don't seem to be listening. This was—or is—a lag bolt; it's about 60 years old. You can see it's kind of missing the bottom. Well, this lag bolt was involved in an accident on the Chicago Transit Authority. This is what holds down the metal plates that hold down the rail. They have a life span of about 40 years. There are thousands of them on the system waiting to fail.

Now, when the Chicago Transit Authority got \$250 million—that's a lot of money—under the stimulus bill, they spent the money in 30 days. Thirty days. These aren't just your old public works construction jobs; these are, first off, almost all private sector jobs bid out on contract. Secondly, much of it was invested in sophisticated equipment and manufactured goods. So that \$250 million produced a huge multiplier effect. They were buying new buses because their buses are decrepit. People who build buses were getting good wages. The people who build things to go on buses—tires, brakes, all that because of "Made in America"—they were getting jobs, too. So actually, the shovel-ready stuff was ready and is underway when it comes to transit and highway infrastructure.

Like this failed bolt in Chicago, the Chicago Transit Authority could spend another \$6.5 billion just to bring their system up to a state of good repair, and they can spend that money very quickly with a huge multiplier effect. Why can't the economic team at the White House understand that? Their pointy-head theories about, oh, infrastructure takes so long and it doesn't have a good multiplier, unlike giving people a little bit of money in withholding—or green grid, whatever that is, where a penny hasn't been spent. Somehow this is just too old school for them, fixing up our country, putting people to work, manufacturing and construction jobs.

We have 160,000 bridges on the Federal system that should be posted. The American people should see a big sign saying, "Danger, the bridge over which you are about to drive is either weight limited, structurally deficient, or functionally obsolete." One hundred sixty thousand bridges. Now, if we began a program to replace those, it doesn't take long, look how quickly we replaced the bridge in Minnesota. It doesn't require lengthy environmental

impact statements or planning, it's replace and fix the bridges, it's concrete, it's steel, it's workers, it's aggregate, it's made in America. You can't export those jobs.

But somehow the people on the President's economic team don't get that, or maybe from the back seat of their limousines they can't see that the bridges and the infrastructure are deteriorated, and they sure as heck aren't on the creaky public transit systems that are falling apart and here in D.C. killing people because the infrastructure is so outmoded and so substandard.

It is embarrassing for the greatest nation on Earth to be devolving toward a fourth-world infrastructure—we're not even third world. We are investing less of our GDP in our infrastructure than are many third-world countries. We are formerly first world, formerly world leader. Now we are watching our competitors around the world vault ahead of us with high-speed rail, with modern transit, with beautiful new highways, with safe bridges that are designed to current standards. But no, we can't afford it. And even if we could afford it, like taking some of that unspent TARP money or maybe some of the other unspent stimulus money, they don't want to do it downtown.

It's time for a new attitude downtown. Don't jeopardize the people of America with this kind of outmoded infrastructure anymore. Get it, guys. This means jobs, and it's something the American people believe in.

## THE COST OF WAR IN AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Madam Speaker, I follow the gentleman from Oregon (Mr. DEFAZIO) and I do share his frustration as well. Mine is a little different, though. It is the cost of war in Afghanistan. My concern is, as the President has decided to send 30,000 additional troops to Afghanistan, I join my colleagues in both parties, and BARBARA LEE from California, in saying that we should debate this policy on the floor of the House.

I am one that is very upset that this Nation, since World War II, we never declare war anymore, we just pass resolutions on the floor and we give the President, whether it be a Republican or Democrat, the authority to make decisions to go ahead and send troops into certain areas.

I do agree with Mr. Obama, the war should have always been Afghanistan and we should not have gone into Iraq, but that is history now. The problem is we are 9 years after we went into Afghanistan and now we are trying to catch up for the 8 years we spent in Iraq.

Down in Camp Lejeune, which is in my district, the Third District of North

Carolina, the day that Mr. Obama made the announcement that we would send 30,000 more troops to combat in Afghanistan, I want to read, Madam Speaker, just a few comments that were in the Jacksonville paper—again, that is the home paper for Jacksonville, North Carolina and, again, the home of Camp Lejeune Marine Base.

“With White House officials saying that President Obama will order about 30,000 more troops, including a brigade of marines from Camp Lejeune, into combat in Afghanistan, local military are reacting to the news with skepticism and concern.”

Further down in the article, it says:

Marine Sergeant Doug Copeland, who is scheduled to deploy with his 1st Battalion, 8th Marines in October, said he approved of the troop surge as a means to assist troops already on the ground, but believed a date for leaving the country was coming too late. “We should have dealt with Afghanistan in the first place,” Copeland said. “We’ve already been in this war for 7 or 8 years. We’ve got to call it quits. Our country needs to focus on our country now.”

That is exactly what Mr. DEFAZIO was saying. This country is in bad financial shape, we are losing jobs every day, and what we need to do is concentrate on this country itself.

I will read just another comment, Madam Speaker:

“HM2 Cagney Noland, a corpsman currently with Combat Logistics Regiment 27, said he doubted the proposed timeline would see troops out of Afghanistan.”

Madam Speaker, the number of our troops with PTSD, with TBI, and with mental depression and anxiety is growing each and every day. Again, I have gotten to know many of the marines down at Camp Lejeune, from privates all the way up to generals. They will go and fight for this country, they want to do everything they can to defend this country and they will give their life, but we need to take into consideration the stress that we are putting on these troops.

There is another article I want to make brief reference to that was in the New York Times on December 3 by Nicholas Kristof. It's called, “Johnson, Gorbachev, Obama.” It is about the Vietnam War, it is about the Russians involved in Afghanistan, and now Mr. Obama's decision.

I am not trying to second-guess the President. He's got a very difficult job, and I wish him well. In fact, I was one of the few Republicans that thanked him for taking his time before he decided what the solution should be or what the strategy should be for Afghanistan. But Madam Speaker, I think that we as a Congress should debate the policy.

I said this just a moment ago, and I would like to say it again, I joined

BARBARA LEE in a letter to the Speaker of the House asking the Speaker of the House to please let us debate the policy of what we should be doing in Afghanistan before we pass any type of supplemental to financially support the troops. So, therefore, it is my hope that maybe in January or February of 2010 we will be granted a debate on the floor, whether it be for sending more troops to Afghanistan or fewer troops to Afghanistan, and we will come closer to meeting our constitutional responsibility than we have done, truthfully, since World War II.

Madam Speaker, I would like to close as I always do. I have signed over 8,000 letters to families and extended families in this country because I regret that I ever voted to give President Bush the authority to send troops to Iraq. That is my pain that I've lived with, and writing the letters and signing the letters to the families is my way of saying I'm sorry that I did not meet my constitutional responsibility and vote my conscience on the floor of this House.

With that, Madam Speaker, I would like to close these brief comments by asking God to please bless our men and women in uniform, ask God to please bless the families of our men and women in uniform, and ask God to please, in his loving arms, hold the families who have given a child dying for freedom in Afghanistan and Iraq. I would like to ask God to please give the House and Senate strength to do what is right for the next generation. I would like to ask God to give strength and wisdom and courage to the President of the United States. And I close by asking three times, God please, God please, God please continue to bless America.

#### RETURN TO JOB GROWTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. CONNOLLY) is recognized for 5 minutes.

Mr. CONNOLLY of Virginia. Madam Speaker, in our ongoing efforts to stabilize the economy and ensure a return to prosperity, our focus must remain fixed on the saving and creation of American jobs. The actions of this administration and this Congress have shown progress. Job losses fell dramatically, and the unemployment rate dropped in November from 10.2 percent to 10 percent.

The recession began in 2007 and has been the worst since World War II. Unemployment hit a 26-year high, consumer confidence plummeted, the gross domestic product contracted at near unprecedented levels, the stock market plunged, home prices tumbled and foreclosures skyrocketed, and millions of Americans found themselves out of work.

Monthly job losses continued to worsen each month. In September of

2008, the monthly losses were more than 300,000. By December of 2008 and January of 2009, in the waning days of the Bush administration, job losses exceeded 700,000. And it wasn't just 2008. Under the Clinton administration, from 1993 to 2000 the average monthly private job growth was 217,000, one of the most robust job growths in American history. During the Bush 8 years, that average monthly job creation was just 2,000.

□ 1700

As this Congress and the Obama administration took office in January, we were facing a job market in free fall. We immediately took action on a number of fronts.

The Recovery Act provided critically important investments, saving or creating 1.6 million jobs so far. States and localities faced with growing budget deficits would have been forced to lay off hundreds of thousands of teachers, police and fire fighters, but the Recovery Act saved those jobs, including, in my district, 404 teachers in Fairfax County and 304 in Prince William County. The Recovery Act created thousands of additional jobs in road construction, clean energy, and medical research. Businesses in my district received at least 205 contracts, grants, and loans, totaling almost \$200 million, thanks to the Recovery Act. They have had a noticeable impact.

The employment rate in my district began to fall in advance of the national rate, declining in October from 5.3 to 5.2 percent in Prince William County, and from 4.7 to 4.5 percent in Fairfax, half the national average.

The House of Representatives reauthorized the COPS program, which will add 50,000 police officers nationwide. The 21st Century Green Schools Act and the Student Aid and Fiscal Responsibility Act invested billions of more dollars to modernize public schools and community college campuses, creating tens of thousands of new construction jobs. The American Clean Energy and Security Act creates incentives for new research and development, creating thousands of new job opportunities related to the production of advanced batteries, wind turbines, solar power, and other sustainable technologies. In addition, Madam Speaker, we passed a number of bills to spur small business job creation through tax incentives and employment opportunities for our veterans.

Ultimately, for sustainable job growth, the private sector must feel comfortable to return to hiring employees. Large companies will not expand while the value of their firm drops. Small companies will not expand while the owners' assets are disappearing. And those assets did drop. From its high of over 14,000 in October of 2007, the Dow Jones Industrial Average began a precipitous decline to just

over 6,600 in March of this year. Since then, thanks to our actions, the market has recovered more than 50 percent.

Companies will not expand while consumer confidence declines, and it did decline to 25 points in February of this year, the lowest level since the conference board's inception in 1967. Since then, thanks again to our actions, consumer confidence has continued to improve, hitting 48.7 in October, almost doubling.

Companies will not expand, Madam Speaker, while the national economy is contracting, and it did indeed contract, starting in the third quarter of 2008. It declined an astounding 6.3 percent in the fourth quarter and 5.7 percent in the first quarter of 2009, but our actions have helped. GDP increased 2.8 percent in the third quarter of 2009 and continues to grow this quarter as well.

This February, the horrific pace of job losses began to ease. Job losses in May fell to 300,000. In August through October, they averaged 135,000 a month. In November, just 11,000 jobs, net, were lost in the American economy, continuing to contribute to the decline in the unemployment rate.

Madam Speaker, we're not out of the woods just yet. Millions of Americans are still out of work. But we've started to turn the economy around. We've begun to stabilize the stock market, the housing sector, and the GDP. Madam Speaker, we've begun to create conditions for job growth, and now we must partner with the private sector to ensure that millions of Americans can return to work.

#### CONGRATULATIONS TO THE REDMEN OF SMITH CENTER HIGH SCHOOL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Madam Speaker, on the Kansas prairie, in a small town named Smith Center, an exceptional tradition has been built and maintained over the course of decades. The Redmen of Smith Center High School have achieved great things on the football field.

There are few, if any, high school football fans in Kansas who are unaware of Smith Center's reputation. The parents and boosters of Smith Center High School have watched with pride as their sons bested opponents on the gridiron in 79 consecutive contests. Coach Roger Barta and his Redmen football team have won over 300 games in the past 32 seasons. They've racked up eight State championships, five of them in a row.

Smith Center was on the longest active 11-man high school football winning streak in the Nation. The streak was snapped in the Kansas State 2-1A

championship game 2 weeks ago. Every player on the Redman football squad, from freshman to senior, experienced their first high school defeat at the hands of the Centralia High School Panthers. It was a heartbreaking loss for an extraordinary group of boys.

I had the opportunity to participate in several pregame coin flips over the past few seasons, including this year's State title game. Each time I witnessed a very talented football team with a very spirited group of fans. Yet, all the success the team has enjoyed on the field has never been what makes them so remarkable. Football is just what attracts notoriety and our applause. It's the building of character and lifelong traits that matter in Smith Center. Following their first loss in 6 years, Coach Barta reminded his players, "We've never judged ourselves on wins and losses."

The truly exceptional work being done on the plains of Kansas is the development of character in the boys of the Smith Center football team and the students of Smith Center High School. It is the respect each athlete is taught by their coaches. It's the insistence of integrity insisted upon by their teachers. It's the values instilled in each son by their parents and community.

Joe Drape, a New York Times Sports writer, recently authored a book entitled, "Our Boys: A Perfect Season on the Plains with the Smith Center Redmen." In his book, Mr. Drape extols the virtues we, in rural America, hold dear. Humility, sacrifice, unwavering commitment, all are characteristics that are exemplified by the Redmen and their fans. Additionally, as I was told by one of the game officials after the State title game, this is the only team that year after year, every game, they gather on the field, hold hands, and a prayer is offered by one of the coaches or one of the players on the team.

Redmen football is what received the attention, but behind the scenes is where the most impressive and longest lasting accomplishments are discovered. Football is simply a teaching tool used by the community. Coach Barta was quoted in the book as stating, "None of this is really about football. What we're doing is sending kids into life who know that every day means something."

This attitude exemplifies the teaching, coaching, and parenting philosophy of rural America. Our population may be dwindling and our communities aging, but our commitment to raising good children and preparing them for life after high school is something that will never diminish. School pride is important to a community, but it pales in comparison to the role a teacher, coach, or parent plays when he or she helps a child succeed. I'm thankful that Coach Barta and his staff understand this, and I'm thankful to come

from a part of the country that understands this.

Congratulations to the Smith Center Redmen, their football team, for their remarkable success, and thanks to the team, the community, and the school that are such great ambassadors for our way of life on the plains of Kansas.

#### HONORING THE LIFE OF REAR ADMIRAL DAVID M. STONE, USN (RET.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. SESTAK) is recognized for 5 minutes.

Mr. SESTAK. Madam Speaker, I rise to honor and mourn the loss of a great American. Rear Admiral David M. Stone, United States Navy (Retired) recently passed away, and as a result, we are a lesser Nation. He was a proud son of Illinois, not the Commonwealth of Pennsylvania, my State, but I am compelled to see that the achievements of this remarkable man are forever captured in the record of our proceedings because Dave Stone was my shipmate.

We graduated from the United States Naval Academy in 1974 and served together as fellow Surface Warfare Officers at sea and ashore for nearly three decades. In the course of those years, I witnessed Dave Stone consistently offer our Nation all of his enormous talent and energy. At the Academy, he led Navy's basketball team with an unmatched passion and competitive spirit.

Upon commissioning as an ensign, he went to sea with the work ethic, sense of responsibility, and selflessness that characterized the very best of the graduates of Annapolis, his reputation across the fleet reflecting an unflinching dedication to leading sailors from the front, by example, and with a total commitment to their personal and professional excellence. He never forgot the importance of a sailor's family, and he put in countless hours tending to the concerns of the parents, wives, and children who sacrifice so much in offering their loved ones to the naval service.

Tactically, his fighting spirit and natural sense of competition drove him to constantly press his systems, operators, and decisionmakers to outthink and outfight every adversary. When our fleet was challenged by serious maintenance concerns, he rolled up his sleeves and took charge of the most complex engineering plant the Navy had devised. He set a standard for engineering readiness that astounded only those who did not know him. As a result, his rise through the ranks was deservedly fast.

Every ship and sailor he served reached new standards of excellence. He commanded the USS *John Hancock* (DD 981), Destroyer Squadron 50,

NATO's Standing Naval Force Mediterranean, and the USS Nimitz Aircraft Carrier Battle Group with skill, courage, and extraordinary professionalism.

He was the officer our Nation needed in the Persian Gulf as that theater became increasingly dangerous. He was the surface warrior best qualified to support actions in the Adriatic that helped close hostilities in Kosovo quickly and favorably. On his promotion to admiral, he was an officer with precisely the strategic vision, intellect, and sense of the world our Navy and Nation needed to meet the challenges of the 21st century.

Following retirement from the naval service, his patriotism and sense of responsibility continued unabated. As the first Federal Security Director at Los Angeles International Airport, and later as head of the Transportation Security Administration, he helped secure our national transportation infrastructure so quickly and so completely that his work stands out as one of our government's greatest and most impressive post-9/11 achievements.

However, Dave always considered his greatest achievement the fortune to fall in love with and marry his wonderful bride, Cynthia Faith Voth of Clearwater, Florida. Together, Dave and Faith represented all that was right and good about life in the naval service. They were partners and best friends through the joy and pain of countless deployments, household moves, and the pressures of ever increasing responsibilities for the safety of our Nation's greatest treasure—the young men and women who wear the uniform of our military.

Madam Speaker, I ask that we pause to reflect upon the many contributions Admiral Dave Stone made to our country and the world and to thank Faith Stone for inspiring her husband to serve us all so proudly. Through the pain and frustration of losing this great shipmate, everyone who knew, loved, and respected Dave is comforted by the fact that today, there are countless Midshipmen at Annapolis who will follow his example and seek to model their life on his legacy. Therein lies the greatness of the United States Navy and our Nation and our shipmate and classmate, Dave Stone.

#### DEMOCRACY IN HONDURAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Madam Speaker, following the antics of Zelaya, Chavez, and Ortega, there were growing concerns over the ability of free people in the Western Hemisphere to defend democratic principles and institutions against the assaults of these and other oppressors belonging to ALBA. How-

ever, the fierce commitment to democracy and the rule of law demonstrated by the people of Honduras have renewed our optimism about the future of freedom and the consolidation of democracy in our region.

Last week the Honduran National Congress voted decisively to reject Manuel Zelaya's return to office. The Supreme Court made the same ruling months ago, and now it is final. The Honduran Supreme Court, the Attorney General, the National Commission for Human Rights, and the Honduran General Accounting Office were all consulted prior to this congressional vote and unanimously rejected Zelaya's return.

□ 1715

The United States has accepted the decision as a matter left to the discretion of the national Congress, and even some of Manuel Zelaya's strongest supporters inside Honduras have finally publicly stated that their mission is no longer publicly focused on his resolution.

The writing is on the wall, Madam Speaker. The people of Honduras are ready to write the post-Zelaya chapter of their nation's history. The newly elected President, Porfirio Lobo Sosa, has already taken steps to help bring national reconciliation to Honduras. Last week, he began meeting with individuals from broad spectrums of the Honduran government and society to discuss long-term goals for the future and stability of Honduras, and he has already warned Chavez not to intervene with Honduras' sovereignty.

The Honduran people have had enough of Chavez's meddling in their internal affairs. It is time for responsible nations—and specifically for us in the United States—to turn the page and rebuild the relationship with the people of Honduras.

I am pleased that the Obama administration has finally lifted the travel alert on Honduras, which has had a severe economic impact on the well-being of American businesses operating in the country. However, this is just the beginning. Honduras is a traditional ally of the United States and a vital partner to us in our regional counternarcotics effort. It is under attack by narcotraffickers and their violent network. Just this morning, General Julian Aristides Gonzalez, the top anti-drug official in Honduras, was assassinated. Witnesses report that his body was riddled with bullets. General Gonzalez and other high-ranking law enforcement officials engaged in the counternarcotics efforts in Honduras are declared targets of the drug-trafficking network in the country. The use of Honduras as a drug transit country threatens our vital security interests.

As such, the U.S. must immediately restore all assistance, particularly

counternarcotics cooperation, to Honduras. Visas and other nonsecurity-related assistance must also be reinstated.

Today, Honduran President-elect Lobo travels to San Jose to meet with President Oscar Arias. Tomorrow he will meet with Panamanian President Ricardo Martinelli in Tegucigalpa. Also on Thursday, Lobo will visit the Dominican Republic to meet with President Leonel Fernandez.

Meanwhile, Zelaya stays hidden. He cannot face the truth of his transgressions. He has said, "As long as I have Brazil's support, I will be here." Well, Brazil, the OAS and any other country or body should not help him be so cowardly. The OAS should stand up to Zelaya and the enablers of oppression so that freedom can prevail.

Regrettably, the MERCOSUR countries—of which Brazil is a member—announced during their meeting just today that they will not recognize the Honduran elections. But the Honduran people will not be deterred. They have spoken loud and clear. The Honduran people were brave enough to put their principles to the test. They looked to their Congress, they looked to their Supreme Court, and finally they looked to themselves and carried out peaceful and successful elections.

In closing, Madam Speaker, I would like to quote from Honduran President-elect Lobo, who perhaps best summarized recent developments in Honduras. Following his victory—which was resounding—he said, there were "no winners or losers, only democracy has triumphed. I am happy looking toward to the future. You keep asking, 'And Zelaya?' Zelaya is history, he is part of the past."

Madam Speaker, may democracy and freedom continue to triumph in the hemisphere and throughout the world.

Thank you for the time.

#### REQUIRE THE PRESIDENT TO WITHDRAW FROM AFGHANISTAN AND PAKISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. KUCINICH) is recognized for 5 minutes.

Mr. KUCINICH. Madam Speaker, this morning I stood before this House and pointed out that The Nation magazine did an investigation that showed that U.S. tax dollars were going to U.S. contractors who then gave the Taliban money so that the Taliban wouldn't attack a shipment of U.S. goods to U.S. troops. And of course U.S. troops would use those resources to attack the Taliban.

The war in Afghanistan is a racket. We have a strategy to pay off insurgents, warlords, the Taliban, in pretending that somehow this practice is going to help make an already corrupt central government more stable. I have

been in this House now for seven terms, and I have seen the slow and steady erosion of the Constitution of the United States and, in particular, congressional authority with respect to article 1, section 8 of the Constitution, which very explicitly puts the power to create war in the hands of the United States Congress, not in the hands of the executive.

When the Founders crafted the Constitution, they were very clear that they did not want a monarchy. They wanted to what was called "restrain the dogs of war" by placing the power to commit men and women into combat in the hands of an elected Congress, in this case in the hands of the House of Representatives. Unfortunately, over a few generations, we have seen that power of Congress erode.

Today, according to ABC News, Hamid Karzai, the President of Afghanistan, in a joint press conference with Secretary of Defense Robert Gates, said that his country's security forces will need financial and training assistance from the United States for the next 15 to 20 years.

Now, since we're already spending at least \$100 billion to \$150 billion a year in Afghanistan, we are now committed, through Mr. Karzai, we're embarked on a strategy that could lead us to spend \$2 trillion, maybe more.

We've had speakers precede me today speak about the need for jobs in the United States. It goes without saying we should start taking care of things here instead of endeavoring to pour our resources into a corrupt administration, and furthermore, engage in a kind of

As President Obama prepares to escalate military operations in Afghanistan and Pakistan, we must reinstate our prerogative as it relates to war. The United States has been involved in military action—both in Afghanistan and Pakistan—since the inception of this administration despite the fact that the President has never submitted a report to Congress pursuant to section 4(a)(1) of the War Powers Resolution.

Madam Speaker, when Congress returns in 2010, I intend to bring to the floor of the House privileged resolutions reasserting this congressional prerogative. My bills will trigger a timeline for timely withdrawal of U.S. troops from Afghanistan and Pakistan, invoke the War Powers Resolution of 1973, and secure the constitutional role of Congress as directly elected representatives of the people under article 1, section 8 of the Constitution for Congress to decide whether or not America enters into a war or continues a war or otherwise introduces Armed Forces or materials into combat zones.

Despite the President's assertion that previous congressional action gives him the authority to respond to the attacks of September 11, 2001, a

careful reading of the authorization of military force makes clear that this authorization did not supersede any requirement of the War Powers Resolution and therefore did not undermine Congress' ability to revisit the constitutional question of war powers at a later date.

We will have an opportunity in this House in January to vote on this issue of Afghanistan and Pakistan, and I urge my colleagues to join the resolution, which I'll begin to circulate the notice of starting tomorrow.

Thank you.

#### RESOLUTION ON THE IMPORTANCE OF SCIENTIFIC INTEGRITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. HALL) is recognized for 5 minutes.

Mr. HALL of Texas. Mr. Speaker, in the last few weeks there has been some very disturbing correspondence that's surfaced and presents a real dilemma for the scientific community and an even greater dilemma for this Congress as the United Nations Climate Change Conference begins in Copenhagen.

As ranking member of the Science Committee, I'm concerned about these revelations dubbed by the press as "Climate-gate" and their implication for the scientific community, Congress, and the American people. Allegations of manipulation of scientific data would be troublesome under any circumstance. The fact that the scientific data in question here is to be used as the basis for global agreement to limit greenhouse gas emissions or changes to the regulatory regime of the United States makes these allegations that much more disturbing.

I've introduced a resolution which highlights concerns about moving forward with greenhouse gas emissions regulations or an agreement in Copenhagen on the basis of scientific data which email exchanges indicate has been manipulated, enhanced, or deleted in order to advance a political agenda. Forcing Americans to meet carbon emission reductions may worsen our high unemployment rate and slow our economy while other nations advance their own growth at our expense.

Considering the loss of confidence in the scientific process, it's even more troubling that policymakers are pushing forward with a scheme that could irrevocably alter our economy and our prosperity.

In the past few weeks, through the disclosure of more than a thousand emails, there is extensive evidence that many researchers across the globe discussed the destruction, alteration, and suppression of data that did not support global warming claims. These exchanges include a leading climate scientist encouraging other scientists to alter data that is the basis of climate

modeling across the globe by using the "trick of adding in the real temps to each series . . . to hide the decline [in temperature]."

The U.S. National Science and Technology Council defines research misconduct as fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results.

All of this would be troubling enough on the basis that much of this research is taxpayer funded. However, it is even more troubling when one considers that this data is held up as the reason to implement new regulations and laws and potentially enter into global agreements, all in the name of reducing emissions. Policymakers are asking citizens to agree to alter the economic structure of our country and possibly sacrifice jobs in the name of preserving this warming planet, even as these scientists fail to follow accepted scientific practices and seek to stifle contrary points of view.

Federal policy for addressing research misconduct requires a full inquiry and investigation of the misconduct, as well as a correction of the research record, and potential referral to the Department of Justice. I have sent a letter to the chairman of the Science Committee asking there be an investigation into these matters.

Even more troubling is that these exchanges describe attempts to silence academic journals that publish research skeptical of significant man-made global warming and refer to efforts to exclude contrary views from publication in the scientific journals. Some scientists even encouraged the deletion of data and emails to avoid disclosure in the event of a Freedom of Information request.

All of this presents a troubling pattern of attempts not only to misrepresent the data on global warming to meet expectations contained in the theories, but also to silence any dissenters and cover up inappropriate data manipulation.

□ 1730

The emails show that raw data not meeting the expectations of the scientists or showing a pattern of warm were altered and the raw data in question was destroyed so as to ensure no further examination. When accepted scientific practices are not followed, there can be implications well beyond the scope of the narrowly focused project. I believe that this is the situation we have before us.

These documents reveal actions that may constitute a serious breach of scientific ethics and violation of the public trust. Certain actions appear to qualify under the definition of U.S. Federal policy on research misconduct.

While this investigation is an important step, the resolution states that the United States should not consider

limitations on emissions until sufficient scientific protocols and a robust oversight mechanism have been established to preclude future infringements of public trust by scientific falsification and fraud.

In addition to the economic and regulatory concerns about international climate agreements, Congress should not allow any agreement with any other country nor agree to legislation or regulatory action that will irrevocably alter our economy until we can be assured that this data which forms the basis for these laws and agreements is based on sound science obtained and maintained using traditionally accepted scientific principles. Signing an internal protocol in Copenhagen, especially one based on questionable science, is un-American and will kill jobs.

#### BITTER FRUIT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Madam Speaker, I wish everyone would listen to these words from a column in the current issue of the American Conservative magazine. This column says: "We ran Saddam out of Kuwait and put U.S. troops into Saudi Arabia, and we got Osama bin Laden's 9/11. We responded by taking down the Taliban and taking over Afghanistan, and we got an 8-year war with no victory and no end in sight. Now Pakistan is burning. We took down Saddam and got a 7-year war and an ungrateful Iraq.

"Meanwhile, the Turks who shared a border with Saddam, have done no fighting. Iran has watched as we destroyed its two greatest enemies, the Taliban and Saddam. China, which has a border with both Pakistan and Afghanistan, has sat back. India, which has a border with Pakistan and fought three wars with the country, has stayed aloof. The United States, on the other side of the world, plunged in. And now we face an elongated military presence in Iraq, an escalating war in Afghanistan, and potential disaster in Pakistan, and being pushed from behind into a war with Iran."

And then in the December 3 issue of The Washington Post, it says: "President Obama's new strategy for combating Islamist insurgents in Afghanistan fell on skeptical ears Wednesday in next-door Pakistan, a much larger, nuclear-armed state that Obama said was 'at the core' of the plan and had even more at stake than Afghanistan. Analysts and residents on both sides of the 1,699-mile border expressed concerns about Obama's plan to send 30,000 more troops into Afghanistan."

And on that same day, The Washington Post had a headline that said: "A deadline written in quicksand not stone."

Now, I think most Americans feel that 8 years in Afghanistan is not only enough; it's far too long. After all, we finished World War II in just 4 years. Now under the President's most optimistic scenario, we are going to be there another year and a half, that's 9½ years, and we're going to be there, we have 68,000 troops there now. They want to add 34,000 more at a cost of \$1 billion per thousand per year, which means over \$100 billion a year.

The Center for War Information says we've already spent almost a half trillion dollars in war and war-related costs in Afghanistan at this point.

And then I would like to ask, Who is in charge? Because this weekend on the interview program, Secretary of State Clinton and Secretary of Defense Gates said, Well, the year and a half withdrawal plan presented by the President at West Point really doesn't mean anything, that we're going to be there probably another 3 or 5 more years. That would bring our time there to 11 or 13 years. That is ridiculous in a country like Afghanistan, a very small country where we are fighting a very small force that has almost no money.

And then I understand from one of the previous speakers that President Karzai said that he needs American troops to be there another 15 or 20 more years. Well, he wants our money, that's for sure, like any gigantic bureaucracy. And what does any gigantic bureaucracy want? They want more money and more employees. So the Defense Department, being the most gigantic bureaucracy in the world, is going to continue to want more money and more personnel.

But when we have a \$12 trillion national debt and almost \$60 trillion in unfunded future pension liabilities, Madam Speaker, we simply can't afford it. We have to start putting our own people first at some point. It's not going to be long before we're not going to be able to pay our Social Security and veterans' pensions and things we have promised our own people with money that will buy anything, if we keep spending hundreds of billions for very unnecessary wars.

Now, I would like to mention just a couple of things about Pakistan. In the Los Angeles Times on November 1 in a story about Secretary Clinton's visit to Pakistan, it said: "At a televised town hall meeting in Islamabad, the capital, on Friday, a woman in a mostly female audience characterized U.S. drone missile strikes on suspected terrorist targets in northwestern Pakistan as de facto acts of terrorism. A day earlier, in Lahore, a college student asked Clinton why every student who visits the U.S. is viewed as a terrorist. The opinions Clinton heard weren't described in voices of radical clerics or politicians with anti-U.S. agendas. Some of the most biting criticisms came from well-mannered university

students and respected, seasoned journalists, a reflection of the breadth of dissatisfaction Pakistanis have with U.S. policies toward their country."

This is a country, Madam Speaker, that the Congress in a voice vote at a time when almost no one was on the floor, most Members didn't even know it was coming up, voted to send another \$7.5 billion in foreign aid to Pakistan on top of \$15.5 billion that we've spent since 2003 there already.

This is getting ridiculous. A country that we are sending billions and billions and billions in foreign aid to, and it's becoming so anti-American, and they don't appreciate this aid at all. We simply can't afford to keep doing these ridiculous and very wasteful expenditures. And I will say again, we need to start putting our own people first once again.

#### CLIMATEGATE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. OLSON) is recognized for 5 minutes.

Mr. OLSON. Madam Speaker, yesterday the U.N. climate change summit in Copenhagen, Denmark, began. The work of the summit is supported in large part by the research developed by the Intergovernmental Panel on Climate Change, or the IPCC. This panel is responsible for assessing the state of scientific knowledge related to climate change and reporting its findings to the convention.

And it is not a stretch to say that policymakers in the United States and many other countries rely upon and use the data compiled by the IPCC as a basis for making predictions on future climate conditions and setting policy to limit potential causes of climate change.

The emails that emerged recently from the University of East Anglia call into question the accuracy of the IPCC data. There is evidence that researchers suppressed science and data that did not conform to their preferred outcomes.

I would like to read from one of the emails that was discovered:

"I can't see either of these papers being in the next IPCC report. Kevin and I will keep them out somehow—even if we have to redefine what the peer-review literature is."

This is scary. The availability of accurate, objective, and scientific data is essential for decision makers. Given that the data was manipulated and hidden and that opposing data was potentially suppressed, it's clear that the United States should not commit to any international agreement on climate change or implement a domestic regulatory system that could damage the economy and kill jobs.

And I'm proud to be a cosponsor of Ranking Member HALL's resolution regarding scientific protocols and peer



review standards. Science is based on facts and data, but there is also an element of trust when public policy and science meet. If that trust is broken, it is irresponsible for government to legislate on half-truths, incomplete findings, and bogus claims.

This administration promised openness and transparency, and they use science as a primary means to demonstrate that practice. It's time for the administration to stand up for the principle of openness, even if it means exposing findings that don't meet their preexisting policy initiatives.

#### CLIMATEGATE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. INGLES) is recognized for 5 minutes.

Mr. INGLIS. Madam Speaker, a number of physicians would tell you that longevity is based only on genetic make-up. But you might ask them, Doctor, if I were to diet and exercise safely, might I extend my life? Well, most physicians would say, If you can do it safely, go ahead.

That is really what I think we should be talking about when it comes to climate change. If we can do it safely as to the economy, we should act. If we can't do it safely, then we should hold up.

In the case of cap-and-trade, which has passed this floor, unfortunately, and is pending now in the other body, it can't be done that way. In other words, it will harm the economy. We are talking about a tax increase in the midst of a recession. We are talking about a Wall Street trading scheme that would make some traders blush, and it punishes American manufacturing. So for all those reasons, I wish cap-and-trade were off the table. Hopefully, it falls apart over in the other body.

Then the question is, Could we act in some way that is sort of like the longevity question? It might not extend our lives, but on the other hand, would it hurt us? And in this case, what we are looking for is something that would work that wouldn't hurt us, that wouldn't hurt our economy.

And what I have proposed is a 15-page alternative to the 1,200-page cap-and-trade, and that 15 pages describes a tax cut on payroll and a shift on to emissions, the result being that we would change the economics of the incumbent fossil fuels and begin replacing them with better fuels that can create jobs and improve the national security of the United States.

Along the way, though, I think the big debate about whether the climate change models are right, and it's very important that we get it right as to those models, but that process is going to take a long time. It's going to take a longer time with this setback here

recently with the revelation that various climate data has been manipulated.

What we have here is a teachable moment for all scientists everywhere that when this kind of misconduct occurs, the result is all of science is questioned. It's not a good result because the reality is we need this science to advance, and we need it to advance in a transparent way where the evidence can be pushed on and replicated if it's accurate. If it's not accurate and can't be replicated, it's rejected. But in the rejection, we learn, and science advances.

So I join with Ranking Member HALL in asking for a full investigation of these revelations about the manipulation of data because we need to get to the bottom of it. Especially in the Science Committee, we need to use this as a teachable moment to figure out how to advance science, true science, without manipulation of data in calling to account those who have manipulated data. In the process, we will all learn a lot about the climate models, we will advance science, and we will make better public policy.

#### CLIMATEGATE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Mrs. BIGGERT) is recognized for 5 minutes.

Mrs. BIGGERT. According to the American Physical Society, science is the systematic enterprise of gathering knowledge about the universe and organizing and condensing that knowledge into testable laws and theories. The success and credibility of science are anchored in the willingness of scientists who, number one, expose their ideas and results to independent testing and replication by others. This requires the open exchange of data, procedures and materials, and, two, abandon or modify previously accepted conclusions when confronted with more complete or reliable experimental or observational evidence.

Adherence to these principles provides a mechanism for self-correction that is the foundation of the credibility of science.

□ 1745

Madam Speaker, the recent emails out of the University of East Anglia on the subject of climate change call into question the scientific integrity of several of the researchers involved in developing the climate science that is being used by decisionmakers around the world. While allegations of fraud and manipulation in the scientific community are troubling in and of themselves, they are even more concerning when the data in question is being used by United Nations negotiators as the basis for a global agreement to limit greenhouse gases. Such a

situation should give international and domestic negotiators pause on the eve of the U.N. Framework Convention on Climate Change in Copenhagen.

Recent events have uncovered evidence from the Climate Research Unit at the University of East Anglia, which show that researchers around the globe discussed hiding, destroying, and altering climate data that did not support their narrow global warming claims. Their emails further indicate an attempt to silence academic journalists who publish research that is at odds with their ideology, and they even refer to efforts to exclude contrary views from publication in scientific journals.

Scientific research should meet high standards of quality and should not be held hostage to the ideologies of those presenting the data. It is beyond comprehension that we would even consider implementing a carbon reduction scheme which will irrevocably alter the economy and lead to more joblessness based on these fabrications. Before we move any further, we must restore scientific integrity to the process.

Recent events really show that this has not happened. The hacked emails provide evidence that researchers suppressed science and data which did not conform to the preferred outcomes. For example, one researcher commits himself to ensuring that no nonconforming science will be mentioned in the IPCC's fourth assessment report. He writes, "Kevin and I will keep them out somehow even if we have to redefine what peer-review literature is."

As a senior member of the House Science and Technology Committee, I cannot stress enough how important the availability of objective scientific data is for both decisionmakers and researchers. When it comes to our economy and environment, we cannot afford to make decisions on the basis of corrupted data.

With this in mind, the President should call on the IPCC to establish a robust oversight mechanism governing its work before further climate legislation or regulatory measures are taken. Such action is necessary to prevent future infringements of public trust by scientific falsification and fraud.

#### THE UNITED STATES—A LEADER IN ENERGY INDEPENDENCE AND CLEAN ENERGY JOB CREATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Massachusetts (Mr. MARKEY) is recognized for 60 minutes as the designee of the majority leader.

Mr. MARKEY of Massachusetts. Madam Speaker, without question, we are now engaged in an historic debate, and that debate is over the question of whether the United States is going to become a leader and not a laggard on

the question of climate change and energy independence and clean energy job creation in our country.

What is happening on the Republican side is that they have decided to engage in a phony debate—in a debate about science, which is, in fact, not debatable, in a debate about whether the United States should be the leader in green job creation and energy independence, which should not be debatable. So let's begin first with the science.

The science is quite clear. Over the last 130 years, there has been a tracking of the temperature of the planet. It is clear that we have now entered, as the world has industrialized, a period of rapid warming of the planet. In fact, since 2001, 9 of the 10 warmest years in the history of our country have been recorded. Nine of the 10 warmest years in the record. So this trend line, this rapid warming of our planet, is something which, of course, is of great concern because glaciers melt. The Arctic ice cap melts. The deserts in Africa, in Asia begin to widen. Water evaporates. The world, as a result, sees fundamental changes in the way in which it operates. So this undeniable increase in warming due to the CO<sub>2</sub>, the greenhouse gases which are going up into the atmosphere, is something which we really don't have an ability to debate.

What the Republicans have done is they have taken a couple of emails from some scientists who had a fight scientifically over whether or not they would be properly characterized at some point in the past, and they have taken that as an entree to question the consensus that has been reached by the National Academy of Sciences of every country in the world. It's kind of their death panel equivalent for the climate debate, for the energy debate. How can we find something that's irrelevant—minor—and elevate it to the point where it obscures the need for us to really debate the big issues that are in front of us?

So this warming trend is absolutely indisputable. What they contend is that, at this point, it really hasn't spiked that much higher in the last 10 years. It has stayed at this relatively high, historical plateau. So their concern is that there needs to be a re-evaluation as to whether or not the planet is actually warming.

It's kind of like saying to a mother, Well, you know, the average temperature is 98.6 for all human beings, and little Joey's temperature is now up to 100.6, 2 degrees higher, but it has only been there for the last 10 days, so don't worry about it. That's the new normal for his temperature, 100.6. Who as a parent would ever accept a 2-degree increase in temperature for 10 days as being the new normal?

Well, that's what they're saying about the temperature of the planet. The planet is running a fever. There

are no emergency rooms for planets. We must engage in preventative care; but what they are saying is that this new temperature is the new normal, the new temperature for the planet, even though we can see the beginnings of the catastrophic consequences of having that temperature at such a high level.

So this debate does turn on science. Ours is irrefutable. No one denies even on their side that the temperatures have risen dramatically. They don't debate that. They don't debate that the Arctic ice cover is eroding rapidly. They don't deny that there has been a 30 percent increase in the acidification of our oceans. They don't deny that it has become 6 degrees warmer in Alaska during the winter over the last 50 years. None of this do they deny, but what they really are trying to do is to stop any legislative attempt, any international attempt to put together a set of solutions for these problems. That's really at the heart of this matter.

So, as we move forward, the issue for us is: How do we deal with it? Well, you know, I thought I would think through some analogy that we could use, and what I thought about was baseball.

In baseball, going back to 1920 when Babe Ruth was playing, the average number of players in the Major Leagues who hit more than 40 home runs in a season was 3.3 players. That goes all the way from 1920 up until very recently. So that covers Babe Ruth, Mickey Mantle, Willie Mays. That's why they were so famous. Anyone who could hit more than 40 home runs was very famous.

Then all of a sudden, beginning about 20 years ago, more and more players started hitting more than 40 home runs. Major League Baseball said, Well, don't worry about it. The players are getting stronger. Don't worry about it. The ballparks must be getting smaller. Now, some people said, Maybe, just maybe, the players are injecting steroids into themselves; but Major League Baseball said, No, no, no—don't worry about it—until finally we reached a point where 10 players were hitting 40 home runs, where 15 players were hitting 40 home runs, where 17 players were hitting 40 home runs. They just weren't breaking Babe Ruth's record. They were blowing that record away. They were just so much stronger.

Then all of a sudden, baseball decided, because of congressional intervention, to start testing for steroids. Guess what happens? After they start testing for steroids, all of a sudden, very quickly—just over the last 3 years—the same average for 40 home run hitters that existed from 1920 has been restored. The American League leader only had 39 home runs this year. I wonder why that happened? Maybe because they tested for the injection of artificial stimulants into baseball players.

Well, the same thing is true when it comes to our planet. When you inject artificial stimulants into the atmosphere, you get warming. You are now playing with Mother Nature. The warming of the planet has dramatic consequences for all of its inhabitants, and we in the United States are not immune to the consequences. We are going to be radically adversely affected by the impact. So what is the solution?

Well, you might remember just about a year and a half ago that President Bush went to Saudi Arabia. At a point when we had gas prices up around \$4 a gallon and at a point when our economy was starting to teeter on the brink because of this impact of oil, President Bush went to Saudi Arabia.

President Bush said to the Saudi prince, Please produce another million barrels of oil a day that we could purchase from you. Send us more oil. Have us buy more of your oil at \$147 a barrel.

That was a low point in American history. By the way, do you know what the Saudi prince said to President Bush?

The Saudi prince said, I will consider selling more oil to you at \$147 a barrel, but you must first promise me that you will start selling nuclear power plants to Saudi Arabia.

Do you know what President Bush's response was to the Saudi Arabians?

We will start selling nuclear power plants to you.

Now, which country in the world does not need nuclear power for its electricity? Which country in the world has so much sun, so much wind, so much oil, so much gas that to build a nuclear power plant would really be a waste of money? I wonder why the Saudi Arabians would want nuclear power—uranium? plutonium? Yet that is the promise that President Bush made to the Saudi Arabians.

We are in the midst of a debate over climate, in a debate over some emails. Who do you think partnered with these skeptics? Who do you think has partnered with the Republican Party in now questioning the validity of climate change?

□ 1800

The Saudi Arabians yesterday said, we want an investigation. We want an investigation as to whether or not there really is climate change affecting the planet. Now, I wonder why the Saudi Arabians, the number one producer of oil on the planet, the number one exporter, would start to question climate change, start to try to throw some doubt into whether or not the world should be moving away from imported oil, moving away from this dependence on Middle Eastern oil.

I wonder why they would be the partner with the American Petroleum Institute on this issue, in the same way that maybe you would wonder why the American Tobacco Institute used to

question whether or not smoking caused cancer and all of the science which they funded at the American Tobacco Institute as these fumes were being inhaled by people and by children and those families.

Well, now we have a different kind of fume that has been going up from coal-fired plants, from oil that is consumed in our country and around the planet. We know that there is a dangerous warming of our planet, a dangerous impact.

Yet, like the American Tobacco Institute, the American Petroleum Institute says, well, let's question what's going on. The Saudi Arabians say, let's question what's going on. Maybe we don't want to move too fast.

Well, let me tell you something. In 1970, when the United States was just really beginning to get addicted to imported oil, we imported about 20 percent of the oil which we consumed in the United States. Well, today, ladies and gentlemen, we import 57 percent of the oil that we consume, and we import it from very dangerous places in the world.

As a matter of fact, here is an astounding number. One half of our entire trade deficit is from imported oil. Everything else that we import combined is equal to the price we have to pay for oil to bring it into our country. We produce fewer than 8 million barrels of oil a day, we import more than 11 million barrels of oil a day. Over the course of the year, oil accounts for half of our trade deficit.

Now, here is another astounding fact. Three percent of the world's reserves of oil are controlled by the United States, but we actually consume 25 percent of the world's oil every day, 3 percent of the world's oil reserves, 25 percent of the consumption.

Now, you keep that going for another 5 years, 10 years, 20 years, you can see what that's going to do to our national security. You can see what that's going to do to our trade deficit. You can see what that's going to do to a new clean-energy jobs revolution.

Those that want this revolution to be stopped, this revolution consisting of wind energy, solar energy, geothermal, biomass, all-electric vehicles and hybrids, buildings that are twice as efficient so that we don't have to use all that energy. All of the opponents, of course, are going to jump on this very, very, very thin reed and try to use it as a way of undermining our ability to pass historic legislation and the world's ability to come together to create historic international agreements to reduce the amount of fossil fuels that we burn in our atmosphere.

People say, oh, can you do it? Is it possible for the United States? Is it possible for us to lead in this new direction?

Well, I would point back to the 1990s. In the 1990s, we were still living, unfor-

tunately, in this kind of black rotary-dial phone world. We were living in a world where cell phones were about the size of a brick, it cost 50 cents a minute to make a call and people didn't have cell phones in their pocket. We had to change the laws in the United States.

Well, I happened to be the chairman of the Telecommunications Subcommittee at that time. If we wanted an 18-inch satellite dish that people could buy, we had to change the law. If we wanted cell phones that people could have that had data, video, voice, and they paid under 10 cents a minute, we had to change the laws. If we wanted to have broadband in our country, rather than narrow band, if we wanted to have a capacity to have Google, eBay, Hulu, Amazon, Twitter and YouTube, we would have to change the laws.

Now, of course, there were many people, led by the Chamber of Commerce of the United States, opposed to the Telecommunications Act. The Chamber of Commerce said, Oh, it will be bad for our country. Can you imagine if we had listened to the Chamber of Commerce and we had not changed our laws? All of these products would have been created—but not in the United States. We would not have branded it “Made in the U.S.A.”

We are a technological giant. That's our greatest strength. Our weakness, our greatest weakness, is that we only have 3 percent of the oil reserves in the world, and we allow it to control our destiny.

This revolution, the telecommunications revolution, it created 1.5 to 2 million new jobs. There are people all across our country right now, and we are able to go down and check our BlackBerry, even as they are listening to us here. That's great. That's what we should be looking for.

That's what young people want. That's what “the green generation” wants. They are saying, no brainer, why don't we move towards green energy? Why don't we move towards these clean energy jobs, wind, solar, move that way? No, no the opponents are saying. That would be dangerous.

They have got a couple of emails that they believe call into question the entire science of whether or not the planet is warming, whether the glaciers are melting, whether the corals are being destroyed, whether there has been a 30 percent increase in the acidification of our oceans, whether or not there has been a 6-degree warming in Alaska in the winter over the last 50 years.

They are calling it all into question. Of course, they don't have any answers for it. They don't have any way of really explaining it, but they are using it as a deliberate political tactic in order to slow down the legislative and international response to the problem.

The head of the Intergovernmental Panel on Climate Change, Rajendra

Pachauri, 2 days ago said in the opening session of the United Nations Climate Change Conference in Copenhagen that the recent incidents of stealing the emails of scientists at the University of East Anglia shows that some would go to the extent of carrying out illegal acts, perhaps in an attempt to discredit the IPCC. But the panel has a record of transparent and objective assessments stretching over 21 years performed by tens of thousands of dedicated scientists from all corners of the globe. I am proud to inform this conference that the findings of the panel are based on measurements made by many independent institutions worldwide that demonstrate significant changes on land, in the atmosphere, the oceans and in the ice-covered areas of the Earth. The internal consistency from multiple lines of evidence strongly supports the work of the scientific community, including those individuals singled out in these email exchanges, many of whom have dedicated their time and effort to develop these findings in teams of lead authors in the series of IPCC assessment reports during the past 21 years.

The IPCC process is designed to ensure consideration of all relevant scientific information from established journals with robust peer-review processes or from other sources which have undergone robust and independent peer review. The entire report-writing process of the IPCC is subjected to extensive and repeated review by experts as well as by governments.

There were a total of around 2,500 expert reviewers performing this review process. Consequently, there is full opportunity for experts in the field to draw attention to any piece of published literature and its basic findings that would ensure inclusion of a wide range of views.

The Republicans have been unable to win a debate on clean energy and climate based on the facts, the science or the economics. Now, in a desperate attempt to manipulate the truth, they have joined with Saudi Arabia and ExxonMobil to promote a manufactured scandal about stolen emails, not science, because they can't answer these questions about the warming of the planet, the permafrost being destroyed up in Alaska.

The personal emails in question—

Mr. LINDER. We are prepared to have that debate right now if the gentleman would yield.

Mr. MARKEY of Massachusetts. The gentleman will have his turn.

The personal emails in question do not in any way disprove or undercut the mountain of scientific evidence on global warming. Now the Republicans are attacking the scientists who have worked decades on this problem, going so far as to accuse them of scientific fascism.

This is an insult to America's best and brightest scientists. The science

that we are relying upon is the science of NASA, the science of NOAA, the National Oceanic and Atmospheric Administration, the National Academy of Sciences and our United States military. That is the evidence that we are relying upon. Men and women who had nothing to do with the emails and whose work has shown climate change is real and a danger to public health.

The scientists have used a careful, rigorous and transparent approach to come to consensus that evidence of global warming is unequivocal. The data topics referred to in the emails were all transparent and also debated openly and in public literature at that time.

Additionally, the American Association for the Advancement of Science, the AAAS, has reaffirmed its statement that global climate change caused by human activities is now underway and is a growing threat to society.

On December 4, just a couple of days ago, more than 25 leading U.S. scientists sent an open letter. Here is what they said. They said the content of the stolen emails has no impact whatsoever on our overall understanding that human activity is driving dangerous levels of global warming. The letter states, even without including analysis from the UK research center from which the emails were stolen, that the body of evidence underlying our understanding of human-caused global warming remains robust.

The AAAS expressed grave concerns that the illegal release of private emails stolen from the University of East Anglia should not cause policymakers and the public to become confused about the scientific basis of climate change. Similarly, the prestigious British journal *Nature* published an editorial last week saying that there was no reason for its editors to revisit papers submitted by scientists whose emails were stolen.

The American Meteorological Society has also stated that the emails gave them no reason to revisit its conclusion that human activity is driving climate change.

Bryan Walsh of *Time* magazine writes in his article, "The truth is that the emails, while unseemly, do little to change the overwhelming scientific consensus on the reality of manmade climate change." The IPCC chairman, Rajendra Pachauri, in the opening of the U.N. climate change conference, as I just pointed out, made the very same point.

□ 1815

So the consensus from the scientific community is clear that the Republicans are trying to manufacture an issue to derail legislation. They do not have the information. They do not have the scientific evidence to maintain their points. However, the Saudi

Arabians and ExxonMobil, they want to question it. They want to continue business as usual in our country. But the consequences, if we do move forward in their direction, will be further catastrophic consequences for our planet.

The emails do not in any way indicate global warming data is flawed or manipulated. The emails do not in any way undermine the sound science or disprove the unequivocal scientific consensus that global warming is real and caused by manmade carbon pollution. These emails do not show evidence of a conspiracy. The emails do not contain admissions of a global warming hoax. And the emails do not show that data was falsified. The Republicans are cherry-picking key words in emails to try to manufacture a scandal.

Here are two prime examples: one email suggests using a trick. Now, this email was written in 1999, 10 years ago. Since that time the planet has had 9 of the 10 hottest years on record. We have seen category 5 hurricanes like Katrina, record wildfires out West, villages falling into the sea in Alaska, and a 500-year flood in the Midwest, not to mention the disappearance of Arctic Sea ice at a rate far outpacing the climate models. These events are not a trick. They have all found global warming to be a danger to public health and national security. This work is publicly available and fully transparent.

Next, skeptical scientists have not been silenced or suppressed. The deniers have not been silenced. In fact, their very research and opinions mentioned in the emails were, in fact, included in the IPCC report. Two of the skeptical papers that the emails suggest should be kept out of the IPCC process are cited and discussed in chapter 3 of the 2007 IPCC Physical Science Basis report. Deniers have testified before Congress literally dozens of times. But the majority of their work has been funded by Big Oil and by other polluters. And let's not forget deniers and skeptics had 8 years of George Bush to help them delay action.

The scientific process has been very robust; but if you want to have a story about emails, then let's talk about the Environmental Protection Agency of George Bush.

After the Supreme Court decision *Massachusetts v. EPA* was rendered in April of 2007, they instructed the Bush administration and its Environmental Protection Agency to make a determination as to whether or not CO<sub>2</sub> posed a danger to the health and welfare of the American people. They told them they had to make a finding one way or the other. Well, back in May of 2008, the EPA of George Bush made the decision that CO<sub>2</sub> was a danger, and they sent an email over to the White House saying we have found the danger.

But Vice President Cheney found out that an email had been sent and the finding was not going to be finalized until the Bush White House accepted that email.

So what did they do? Vice President Cheney ordered that the email not be received in the White House. No email, which is the consensus of the Environmental Protection Agency of George Bush that CO<sub>2</sub> is a danger; we won't accept that email.

Now, there is a scandal. That's a scandal. The American Environmental Protection Agency has made a finding that CO<sub>2</sub> is a danger and Vice President Cheney says, We won't accept it. Send the email back because once we get it, we'll have to act on it. There is a scandal. That's the Cheney-Bush years, holding hands with the Saudi Prince. Please send us more oil, denying the science that their own EPA had developed saying that CO<sub>2</sub> is a danger to the health and welfare of our country. That is what is the real scandal, that they were denying science. They were denying the evaluation made by thousands of scientists not only in our own country but around the world.

And who are these scientists? They're the people that work at NASA. They're the people who work at NOAA. They're the people who work at the Navy Department, in the Army, in the Marines, in the Air Force. These are the people that have gathered this information. Our submarine crews who have been in *Polaris* submarines going under the Arctic to measure the depth of the ice, these are the people whose information is now being called into question by the Republicans.

These are the people whose email going into the White House was rejected by Dick Cheney. No, we don't want to act. We're going to finish out all 8 years of the Bush-Cheney era without ever having done anything about climate change.

This scientific process is very robust. The emails show without question that scientists are human. The power of the scientific process, however, has always been its ability to overcome human bias. That is the case with climate science as well. Despite the revelation that a few climate scientists may have considered acting inappropriately, there is virtually no evidence that anything was done that in any way would affect the final conclusion that was reached that this is a real danger to our planet.

The burden of proof here is all wrong. The climate deniers should be trying to explain why the tens of thousands of scientists who say global warming is unequivocal are wrong, why they think global warming isn't happening. And they can't do it. They cannot take on these tens of thousands of scientists around the world. So instead they're trying to create a mini-contretemps, something that makes it look like there's a real debate.

Yes, it's between Democrats and Republicans, but it's really between scientists at a 98 percent level and everyone else. But they're trying to take the 1 percent, 2 percent and make it out like there's an evenhanded debate. That's what the American Tobacco Institute used to do. The American Tobacco Institute used to find a couple of scientists that said, Don't worry about smoking, there's still no conclusive evidence that it's harmful to your lungs.

By the way, my father, smoking two packs of Camels a day, he used to say to my brothers and my mother and I, Don't worry about my smoking; okay? Two packs of Camels won't kill me. Until finally that little spot showed up on his lung and took my father. It still didn't convince, of course, the American Tobacco Institute. It didn't convince those people who were in scientific denial that these fumes that were being inhaled could lead to the death of people any more than the science which is overwhelmingly conclusive that the glaciers are melting, the Arctic ice cover is shrinking, the permafrost being exposed up in Alaska, the villages falling into the ocean beginning with Shishmaref, the village up in Alaska, because of that dramatic warming; that it had nothing to do, of course, they say, with the science—kind of like the American Tobacco Institute.

But the overwhelming consensus not only of our scientists but of the world is that these fumes that are being inhaled by our planet are making our planet sick.

So that's our choice. It's to make them explain why the Arctic has lost an ice cover three times the size of Texas compared to just a couple of decades ago; why Alaskan winters are 6.3 degrees warmer now than they were 50 years ago; why the ocean waters are 30 percent more acidic than they were in pre-industrial times; why this summer, the ocean was the warmest in NOAA's 130-year record.

The year 2000 was the 15th warmest year in NASA's record; 2001 is tied for the eighth warmest; 2002 is tied for the third warmest; 2003 is the sixth warmest; 2004 is tied for the eighth warmest; 2005 is the warmest year on NASA's record; 2006 is the seventh warmest year ever recorded; 2007 is the second warmest ever recorded; 2008 is the 10th warmest ever recorded; and just today we learned that 2009 is projected to be the fifth warmest year on record. All of it leading inevitably, inexorably towards catastrophic conditions for our planet.

Well, as this science was being developed, the Republicans did not decide to accept it. Dick Cheney said, Keep that email out of the White House. I don't care what my own EPA says. I don't care what the scientists hired by the Bush administration said about global

warming, that email telling us that it is a danger to our planet, to our country, because that's the finding they had to make. The finding the EPA had to make was not a danger to the world, a danger to the United States of America. And that email, that scientific email, was summarily rejected by Dick Cheney because once they accepted it, they would then have the political and moral responsibility to ensure that something had to be done about it.

So there was no open and free discussion inside the Bush administration on that science. There was no roundtable with Dick Cheney sitting in the middle of it saying, Well, let's now debate the science. Oh, no. No free and open discussion of science. No free and open discussion of how the Vice President is going to reject out of hand the consensus of the entire EPA of his administration in the 8th year of the Bush administration. So it wasn't as though there were a bunch of Clinton holdovers at this point. This was a decision made by the Bush administration and its EPA, and it was rejected without so much as a debate by Dick Cheney and the White House.

So all of this, unfortunately, is being covered by the media as though it's kind of an evenhanded discussion here that's going on: 99, 98 percent of all scientists on one side, 1 percent on the other side. No, let's just make it even-steven, which is kind of how the tobacco debate was handled for a generation.

Well, there are two sides to the story, you know. Either tobacco and its inhalation into the lungs of human beings causes cancer or it doesn't. There are a couple of scientists over here that the American Tobacco Institute has and there's every other scientist in the world, every doctor, every physician.

So this is a huge moment for us as a country. We have two pathways that we can go down. We can continue to beg for oil from other countries. We continue to spew these greenhouse gases up into our atmosphere. Or we can say to America it is time for an oil change. It is time to move to an agenda of wind, of solar, of green buildings, of plug-in hybrids, a new era where we become the technological giant that we should be; that we do in the energy field what we did in the technology sector; that we overhaul our relationship with these technologies so we can overhaul our relationship with other countries in the world and create the 2 million jobs here in our country.

□ 1830

And that's really what is at stake because China right now is moving towards becoming number one in the world in wind, in solar, in all of these technologies.

So if you listen to the dissenters here, they're willing for us to move from an era where it's made by OPEC

to an era made in China without ever having had a "Made in America" period. These jobs in wind, in solar, green buildings, plug-in hybrids, they should be American jobs. They should be the future for our country. They should be the next manufacturing sector. They should be what Google and eBay and Amazon and YouTube all represented in terms of the changing of our national view as to how we worked in our country. That is our challenge.

This is actually a good debate to have because it gets right to the heart of the matter, a green job revolution, backing out imported oil and saving the planet in the bargain, or engaging in a debate over a few emails. By the way, the emails were ultimately included in the report of the U.N.—included, not excluded. Included.

During our debate here in Congress, we had the deniers that were able to sit at the table and to make their points. We heard them, we listened to them, we deliberated, and then we passed the legislation based upon the overwhelming preponderance of scientific evidence.

So that's our challenge. We are either going to help each other on this planet or we are going to hurt each other. We are either going to know each other or we're going to hurt each other. The glaciers melting, the coral reefs dying, the deserts that are being created, the least that we should be able to say to ourselves as a people in the year 2050 is that we tried, we really tried to do something about global warming, about this imported oil, about the need to create a new generation of green jobs in our country. We should try to create a world in 2050 where children have to look to the history books to find that there ever was such a time where America imported 60 percent of its oil, where we allowed the temperature of the planet to warm dangerously, where we missed the opportunity to create 2 million green jobs in our country. That's what this debate is all about. We have enjoyed the benefits of this fossil fuel era, but we have a responsibility to the generations to come to create a new era for them. That's our challenge.

And to have this debate over a couple of emails is really a disservice to the American people and to the planet. This should really be about something that's much bigger, and our country deserves that debate. The world wants us to be the leader. We have dangerously gone down a path of imported oil for too long.

The other major story that we are debating right now is sending another 30,000 young men and women to Afghanistan to join the hundreds of thousands that are already over there. How much more do we need to know? Where do we send them towards? We send them towards the countries with oil; we send them towards the countries

that have fundamentalists that are funded by oil money. That's the other major story. It doesn't take a lot to link them together, to make it all part of one big opportunity for our country.

Let's follow the science. Let's follow all of those who have labored to create this understanding of what's happening to our planet, to our country, and end the debate over the emails and begin a real debate about our energy and climate future.

With that, Mr. Speaker, I yield back the balance of my time.

Mr. BARTON of Texas. Mr. MARKEY, before you yield back, could you answer a question if you still have time?

Mr. MARKEY of Massachusetts. I would be glad to yield.

Mr. BARTON of Texas. We have a fundamental difference on the data, which is part of what our Special Order is going to be. We have verifiable data that the temperature has gone down the last 11 years in a row, and yet you alluded to some data points about the hottest years on record and stuff; I mean, how do we reconcile that?

Mr. MARKEY of Massachusetts. How do I reconcile that?

Mr. BARTON of Texas. We can't both be telling the truth. We can't say the temperature has gone down 11 years in a row and you have data that says 2005 was the second hottest year on record and all of that. I mean, how do we reconcile these data points? I mean, is there a way, a methodology that we can supply our data and you can supply your data and we can try to reconcile them? I mean, the facts ought to be the facts. We can have different opinions, but we ought to agree on what the facts are.

Mr. MARKEY of Massachusetts. Well, the facts are very clear. The facts are that 9 of the 10 warmest years on record have occurred in the last 10 years and it has reached a temporary plateau. We are in a recession, and in China and in the United States and in other countries there has been a slower pace of increase in emissions. And by the way, this year it's going back up again, it's going to be the fifth warmest year in history this year.

Mr. BARTON of Texas. Are those data points public?

Mr. MARKEY of Massachusetts. Yes, they are public. This is the data provided by NASA, which I will provide to you. NASA has been compiling temperatures from the last 130 years, and I will be more than willing to give it to you.

I guess the fundamental question is, as China and India industrialize, as other parts of the world industrialize and start to send up more fossil fuels into the atmosphere, do we believe this trend is likely to stop and abate, or is it likely to exacerbate and continue to skyrocket? I think the evidence, since the beginning of the industrialized period as we have moved from 280 parts

per million to 380 parts per million of CO<sub>2</sub> in our atmosphere, is that the more we add the warmer it gets. And as the 3 or 4 billion people in this developing world begin to want to drive automobiles and have electricity in their homes, it's pretty clear that the trend line is heading upwards. Yes, over the last 10 years it stayed very warm. As I said earlier, it's like a child having the same temperature, 100.6 not 98.6, for about 10 days.

Mr. BARTON of Texas. Well, one of the things that I hope we can agree, we can have different opinions, different views on issues, but between you as chairman of the Climate Committee and Mr. WAXMAN as chairman of the Energy Committee and Mr. SENSENBRENNER, who is your ranking member, and myself, who is the ranking member on Energy, we should be able to get a data set that we both agree is what the facts are, and I would like your cooperation in doing that.

Our data sets that I'm going to allude to are different. Now, I know enough to know what I don't know. And I don't know if that's a surface temperature, I don't know if that's a tropospheric temperature in the upper atmosphere, I don't know if that's a local temperature that's some sort of an annual mean. There are all kinds of different ways to describe it and to calculate it, but we ought to agree, as policy leaders, on a way to get a data set that everybody says, then we are going to debate the implications of that data set, whatever it is. And I hope that you and Mr. WAXMAN—

Mr. MARKEY of Massachusetts. And I would be more than willing to do that. But then we have to agree whose data are we going to rely upon? I would say that if we don't rely upon NASA's data and NOAA's data, which are the institutions that we historically have relied upon, then we are going to allow a small number of outlying—

Mr. BARTON of Texas. We are going to introduce, in our Special Order, some serious concerns that some of the scientists that maintain these data sets manipulate, change and eliminate for their own conclusions. And again, it's very fair to have an opinion and have a scientific debate, but it shouldn't be fair to manipulate the data in a way that at best is disingenuous, or in some cases deceitful, and I hope you would agree with that.

Mr. MARKEY of Massachusetts. I completely agree with that. And I think that the incontrovertible evidence of the overwhelming majority of scientists in the world is what is represented by the science that the United Nations and all of the National Academy of Sciences of every country in the world has accepted.

Again, as I point out, even papers mentioned in those emails and the points in them were included in the IPCC, the Intergovernmental Panel on

Climate Change report of the United Nations. So it was in. It was a minority view, it was not accepted by the overwhelming majority of scientists. And amongst these human beings that are scientists, they did show some very human qualities as they debated the subject, but it never did call into question the fact that human activity was causing the warming of the planet. But the views were included in section three of the Intergovernmental Panel on Climate Change's report that the United Nations produced.

Mr. BARTON of Texas. I encourage you to listen, and if you wish to stay and maybe participate in our Special Order, you would be welcome.

Mr. MARKEY of Massachusetts. I thank the gentleman.

Mr. LANGEVIN. Will the gentleman yield?

Mr. MARKEY of Massachusetts. I would be glad to yield to the gentleman from Rhode Island.

Mr. LANGEVIN. I thank the gentleman for yielding.

Let me just commend the gentleman from Massachusetts for his incredible work on the issue of addressing global climate change, an issue that I know in many ways has become his life's work for so many years. I deeply appreciate his work here in the Congress, particularly as he leads the committee on the environment and global climate change here in the Congress.

Madam Speaker, I rise tonight to join my colleague, Mr. MARKEY, and so many others, in addressing this issue of global climate change, particularly during tonight's Special Order hour to recognize the critical negotiations that are beginning to take place at Copenhagen at the United Nations Climate Change Conference.

Like so many of us, I am greatly concerned with the permanent damage that we have already inflicted on the planet by failing to curb carbon emissions, but I believe that there is still time to enact meaningful reform that will not only stop the harmful effects of pollution, but will also jump-start our economy with a greater investment and demand for clean energy.

This issue, in terms of addressing global warming, is important for our environment, it's important for our national security, it's important for our economy in creating jobs of the 21st century, and clearly it's so vitally important to the future of our planet.

The predictions of what will happen to our planet if we do not take action on global warming are startling, and often they are even too dire to comprehend. But as a representative of the Ocean State, I simply can't ignore the situation that is facing my State today and in the near future. In my home State, just off our coast, the temperature of Narragansett Bay has risen 2 degrees in the past 30 years, leading to dramatic changes in the fisheries population. In Rhode Island, our economy



relies on the fishing industry, and they are being so adversely affected right now because of these issues.

Conservative graphs of our coastal communities in the year 2100 shows cities that are halfway underwater. What happens to the investment that we've made to restore our fisheries, upgrade our ports, and to refurbish our wastewater infrastructure? Well, they will slowly be underwater, and the Federal investments that we made will be gone.

When I listen to my colleagues speak about things like the deficit, they often lament that we are focused on short-term fixes while perpetuating a long-term burden that our grandchildren will have to carry. Well, I agree with them. I don't want the next generation to be burdened with the decisions that we make here today and I don't want to leave them with air they can't breathe, water they can't drink, and destroyed infrastructure up and down the coastline.

We need to address this issue now. I look forward to working with my colleagues on addressing global warming.

I commend the gentleman from Massachusetts again for his extraordinary work on global climate change issues.

#### CLIMATEGATE SCANDAL

The SPEAKER pro tempore (Ms. MARKEY of Colorado). Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Madam Speaker, it seems the science behind man-made global warming is melting before our eyes. Now there is a chance that even NASA will be pulled into the worldwide Climategate scandal.

□ 1845

For nearly 3 years, NASA has been stonewalling requests under the Freedom of Information Act for information surrounding their own temperature manipulations. Earlier, we learned that the University of Anglia in England where those global warming scientists house themselves had been hiding emails that contradict their theory of global warming.

So now Climategate has a twin sister, NASagate. Investors' Business Daily reported just yesterday on NASA being forced to change their climate records that the world has been using for years. They said, "NASA was caught with its thermometers down when James Hansen, head of NASA's Goddard Institute for Space Studies, announced that 1998 was the country's hottest year on record, with 2006 the third hottest."

The last speaker, with all due respect, used these false statistics in his speech claiming global warming is a crisis. The fact is: "NASA and Goddard were forced to correct the record in 2007 to show that 1934, decades before

the old SUV, was in fact the warmest. In fact, the new numbers show that four of the country's 10 warmest years were in the 1930s."

So how did NASA, the premier scientific agency of the United States, get such basic temperature calculations wrong? Did they cook the books too, just like the University of Anglia? We don't know. It turns out NASA has been blocking the Freedom of Information requests about that incident just like the scientists in Britain. What are they trying to hide? If global warming is a well-settled fact, why are these experts hiding the evidence to the contrary? And why isn't NASA following the Freedom of Information law? It's been 3 years since that information was requested. The public has a right to see the temperature data in these NASA emails. But there's more.

Earlier this year, the Environmental Protection Agency was caught suppressing dissenting views, just like the Climategate warmers in Britain and NASA. One of the EPA's own scientists wrote a report refuting manmade global warming science, using the latest, most current information that says the Earth is actually cooling right now. In fact, the Earth has been cooling for more than a decade. That's really an inconvenient truth for Al Gore and the global warmers.

But the people at the EPA buried the dissenting report, just like the Climategate warmers did and maybe NASA. The EPA bureaucrats said their scientist's own report wasn't helping their agenda, so they hid it and threatened the scientist so he would keep his mouth shut. The question is: Why can't the public see the dissenting view from other scientists? Isn't that what science is all about? The reason: It appears to me that careers are at stake, along with millions upon billions of dollars.

In the 1970s, Time and Newsweek predicted global cooling, that the world was all going to freeze. But when climates began to warm, scientists changed that name to global warming instead of global cooling. And have we noticed that the planet has actually began to cool again? Madam Speaker, it even snowed last week in Houston. It never snows in Houston. A snow in Houston is about as frequent as a hurricane in Iowa.

But the warmers, again, have changed the name of that catastrophe. It's now no longer global warming; it is climate change. That's a safe bet, because the climate does change almost every day. And why would they do this? What's the motivation for these scientists to apparently cook the books on global cooling or warming or climate change? It's money.

According to the leaked Climategate documents, the British university, the CRU at the center of the Climategate scandal, has received millions of dol-

lars. NASA's climate change warmers stand to receive a billion dollars in funding this year alone. Global warming is big business. Fox News reported today that former Vice President Al Gore may be the world's first carbon billionaire. He makes money preaching fear in the name of global warming.

It's a great thing to make money in America. That's what capitalism is all about. But it's not okay to earn money from investing in green technology companies and, at the same time, forcing expensive green laws and EPA regulations on the American people based upon science that is not a fact. In the real world of science, if your calculations are wrong by data and observation, you have to throw out the hypothesis.

Some of the computer models using CRU data as a result are falsified. That includes the global warming claims. And these are the top warmer scientists. These scientists and their dogma of fear is about control and obtaining taxpayer money. Ronald Reagan said it best: Government does not solve problems; it just continues to subsidize them.

And that's just the way it is.

#### GLOBAL WARMING OR CLIMATE CHANGE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. BARTON) is recognized for 60 minutes as the designee of the minority leader.

Mr. BARTON of Texas. Madam Speaker, I do think that I will use the 1 hour. I understand there's going to be a rule reported in the time, and we'll certainly yield to the person from the Rules Committee to file that rule.

Madam Speaker, I wish to rise to discuss a topic that's already been discussed on the House floor this evening. It's the issue of climate change or global warming. Next week, I am honored to be one of the congressional delegation attending the Copenhagen Climate Change Conference in Copenhagen, Denmark, that's going to be led by our esteemed Speaker, the Honorable NANCY PELOSI. I also attended Kyoto, Buenos Aires, and The Hague. I'm the ranking Republican on the Energy and Commerce Committee and formerly also on the Science Committee, and I have been a participant at the congressional level on the climate change debate for the last 20 years.

I'm going to start off by putting into the RECORD a suppressed report that Congressman POE just talked about that has never before this evening been made public in its entire, unexpurgated form. The title of the report is Comments on the Draft Technical Support Document for the Endangerment Analysis for Greenhouse Gas Emissions under the Clean Air Act. This report

was compiled by Dr. Alan Carlin, who is a career scientist and investigator at the EPA. At one time, he self-described himself, I'm told, as a global warming believer. He prepared this report. He works in a group within the EPA that is responsible for conducting an internal review of some of these draft orders before they go public. And I'm not going to read the entire report. I'm going to read excerpts of the preface and the executive summary, and then I will put the entire report into the RECORD.

This is from the executive summary and the preface, and I quote, "We have become increasingly concerned that EPA has itself paid too little attention to the science of global warming. EPA and others have tended to accept the findings reached by outside groups, particularly the IPCC," which is the International Protocol on Climate Change under the auspices of the United Nations, "and the CCSP, as being correct without a careful and critical examination of their conclusions and documentation. If they should be found to be incorrect at a later date, however, the EPA is found not to have made a really careful independent review of them before reaching its decision on endangerment, it appears likely that it is the EPA rather than these other groups that may be blamed for any errors."

Further down on the executive summary, Page 1, "Our conclusions do represent the best science in the sense of most closely corresponding to available observations that we currently know of, however, and are sufficiently at variance with those of the IPCC, CCSP, and the Draft TSD that we believe they support our increasing concern that the EPA has not critically reviewed the findings by these groups."

Further, "we believe our concerns and reservations are sufficiently important to warrant a serious review of the science by EPA before any attempt is made to reach conclusions on the subject of endangerment from greenhouse gases."

And on Page 2, "What is actually noteworthy . . . is not the relative apparent scientific shine of the two sides"—those that oppose and those that support the global warming argument—"but rather the relative ease with which major holes have been found in the greenhouse gas/CO<sub>2</sub>/global warming argument. In many cases the most important arguments are based not on multimillion dollar research efforts, but by simple observation of available data, which has surprisingly received little scrutiny. The best example of this is the MSU satellite data on global temperatures. Simple scrutiny of this data yields what to us are stunning observations. Yet this has received surprisingly little study or at least publicity. In the end it must be emphasized that the issue is not which

side has spent the most money or published the most peer-reviewed papers, or been supported by more scientific organizations." This is very important, the next sentence. "The issue is whether the greenhouse gas/CO<sub>2</sub>/AGW hypothesis meets the ultimate scientific test—conformance with real world data. What these comments show is that it is this ultimate test that the hypothesis fails." That the hypothesis fails. "This is why EPA needs to carefully reexamine the science behind global warming before proposing an endangerment finding."

Now, this is from Dr. Carlin in the EPA. This is not some disgruntled Republican Congressman. This is a professional scientist, Ph.D., in an office within the EPA that is tasked with reviewing this endangerment document before a final decision is made. And in his words, the ultimate test is whether the greenhouse gas CO<sub>2</sub> hypothesis meets the ultimate scientific test conformance with real world data. These comments show that it is the ultimate test that the hypothesis fails.

Further, on Page 3 of the executive summary, there are several principal comments that they wish to raise in their review. "As of the best information we currently have"—and this was in March of 2009—"the greenhouse gas/CO<sub>2</sub> hypothesis as the cause of global warming, which the Draft TSD supports, is currently an invalid hypothesis from a scientific viewpoint because it fails a number of critical comparisons with available observable data. Any one of these failings should be enough to invalidate the hypothesis; the breadth of these failings leaves no other possible conclusion based on current data." As Feynman said in 1975, "failure to conform to real world data makes it necessary from a scientific viewpoint to revise the hypothesis or abandon it. Unfortunately this has not happened in the global warming debate, but needs to if an accurate finding concerning endangerment is to be made."

The failings listed below why we should not have an endangerment finding in order of importance in our view:

Number 1, the lack of observed upper tropospheric heating in the tropics;

Number 2, the lack of observed constant humidity levels;

Number 3, the most reliable sets of global temperature data we have, using satellite microwave sounding units, show no appreciable temperature increases during the critical period from 1978 to 1997. Satellite data after 1998 is also inconsistent with the greenhouse gas/CO<sub>2</sub>/AGW hypothesis;

Number 4, the models used by the IPCC do not take into account or show the most important ocean oscillations which clearly do affect global temperatures;

Number 5, the models in the IPCC ignored the possibility of indirect solar variability;

Number 6, the models in the IPCC ignored the possibility that there may be other significant natural effects on global temperatures;

Number 7, surface global temperature data may have been hopelessly corrupted by the urban heat island effect.

Now, this one is the one that I was asking Mr. MARKEY about to see where he got his data set, because surface global temperature, if you take it in downtown Manhattan, for example, is going to be very different than if you take a surface temperature in a rural area. The actual urban effect, the concrete, the asphalt, the buildings raise the temperature, and there is some concern that this urban heat island effect has corrupted the temperature.

Those are just seven reasons in this draft document why this author had skepticism about going forward with an endangerment finding. And yet, this report was not made a part of the record. This report was not made public. In fact, this report was suppressed, and because of considerable anxiety on the part of people like myself and Congressman ISSA, Congressman SENSENBRENNER, the author was allowed to put a redacted version of this report on his personal Web site. Then we were able to get the unredacted version provided to us by the EPA, and that's the version that I'm going to put in the RECORD.

□ 1900

As this author says, Dr. Carlin, he was prophetic because we're now seeing that some of the climatologists—maybe more than some—have attempted to suppress certain data, to destroy data sets, to manipulate data sets, to not get a true scientific review, but to reach a preconceived conclusion.

Madam Speaker, I think that is wrong.

Mr. DREIER. Will the gentleman yield?

Mr. BARTON of Texas. I will yield to the distinguished member of the Rules Committee.

Mr. DREIER. I thank my friend for yielding.

I know there are colleagues of ours who are anxiously looking forward to participating in this very important Special Order, and I want to congratulate all of you for the work that you're doing to demonstrate that there clearly is a wide diversity of views on this question of global warming.

And I was listening to the exchange that my friend had with the chairman of the committee from Massachusetts (Mr. MARKEY), and I was thinking about the fact that one of the things I think would be very helpful for us to do is to try and pursue some bipartisan ship. That's a buzzword that is used around here regularly. People talk about how important it is for us to be as bipartisan as we can. But I think with the controversy that exists from

both sides, there may be a way for us to come together on an issue.

I wanted to come up and mention this very briefly. I have joined, Madam Speaker, with our colleague from Ohio (Mr. KUCINICH.) I know that might come as somewhat of a surprise that Mr. KUCINICH joined in an effort to deal with this question in a bipartisan way—and it might come as a surprise that DAVID DREIER would join with Mr. KUCINICH in doing something that would address this issue. But it is a measure that I think is very important for us to look at.

There is recognition—and Mr. MARKEY said this—that we have the potential to create a couple of million green jobs here in the United States. And I think there is a desire to continue to do what we can to improve our environment. I come from the Los Angeles basin. We have air-quality problems there. Very serious. I believe that if we were to take what is our comparative advantage—and my friend from Georgia and I have worked regularly on the trade issue—and take advantage of our comparative advantage, which happens to be the development of a wide range of alternative energy sources—whether it's algae, whether it's wind, whatever—and provide a chance for those technologies to move to these developing countries which have not yet been able to comply—Bangladesh, India, China, other countries.

So Mr. KUCINICH and I have joined to introduce a resolution calling for the tariff-free export of all green technology. Now, I believe that that would create jobs in this country, and it would go a long way towards helping us in our quest to deal with overall environmental issues.

And so while there is a wide range of views on this issue of global climate change, I do believe that it's important for us to know that improving our environment is something we can come together on. And I'd like to congratulate my friend and say that I hope that in a bipartisan way we can encourage entities like the World Trade Organization to negotiate a worldwide agreement that would allow green technology to be exported to all parts of the world.

Mr. BARTON of Texas. I thank the gentleman for bringing that to our attention, and it sounds like a worthy proposal.

Mr. DREIER. I thank my friend for yielding.

Mr. BARTON of Texas. I would like to yield such time as he may consume to a member of the committee from the great State of Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Thank you, Mr. BARTON.

I think what is important, Mr. BARTON, was your focus on science and your focus on data points and what we should be able to do in the Chamber in

a bipartisan manner is to agree on the data points. We should be able to agree on what the science is, and that's in question. And for many of us it has been in question for a long time.

We're joined by JOHN LINDER who's been following this as long as anyone else has, and part of his search has been because the scientists would not give the data. They would never tell us what's the base by which they're making this extrapolation. And so I'm glad that you highlighted the scientific method that I didn't get on the chart but I brought down here.

It's very simple. I taught high school. You're an engineer. I went to an engineering school. This is irrefutable. This is how science is done. You ask questions. You do background research. Background research in this debate would be to get the temperatures.

We're already questioning the background research, one, based upon the request from the Freedom of Information Act, and of course now our friends at the IPCC are saying, We don't have them. The dog ate the homework. It is amazing. Scientists are really some of the most respected professionals. But they're respected because of this, this process, which should be objective. You should be able to follow it. You should be able to construct a hypothesis. The hypothesis is an educated guess. That is all it is. It's not truth. It's a guess based upon the data points. And then you are—then you're to test it. And then you analyze the result and then draw your conclusions.

Based upon the scientific method, you can categorically say right now that those who say the science that solves are in error. The science does not solve. That is why all of this political activity is going on right now. That is why now the EPA administrator is saying, We're going to do endangerment findings. They want to do it before we are able to educate the public that the science is not solid. And they are not providing us with the data points, they're not complying with Freedom of Information Act requests. And so this process is skewed.

So when they tested it, they found out that the results didn't match their educated guess. And what did they do? These scientists are politicians. They went into—we call it in the military they went and holed up. They lowered the turrets; they got under ground. Don't ask questions. And here are some of the emails, in essence, to prove that. Here's the first one.

"The fact is that we can't account for the lack of warming at the moment, and it is a travesty that we can't."

Mr. BARTON of Texas. When was that email? Was that 10 years ago? Was that a decade ago? When was that?

Mr. SHIMKUS. 12 October, 2009, at 8:57.

Mr. BARTON of Texas. So that was 2 months ago.

Mr. SHIMKUS. As of 2 months ago, we can't account for the lack of warming.

There's two things here. First of all, they say we can't account for the lack of warming. So their background research, he is already trying to skew the research. And he has an emotional response: "It's a shame. I'm saddened." Scientists shouldn't be emotionally attached to the data. This is the data. Let's test it.

What we would encourage our friends on the other side to say is, in a bipartisan manner, let's get the facts on the table, and let's get the scientists to look at the facts. The facts are being hidden. That is sad.

One is they don't have the facts; two is he's emotionally distraught because his hypotheses cannot be proven.

Here's another one to the ranking member. "I can't see either of these papers being in the next International Panel on Climate Change report. Kevin and I will keep them out somehow—even if we have to redefine what the peer-review literature is."

Here's another process on the scientific message. Analyze the results. Draw conclusions. They have got some—they've done some analysis that doesn't support it. So are they going to add that in a scientific objective fashion, say, This is what we believe, but there are some who disagree—they say that the facts don't speak for the hypotheses? No. These scientists say, We're going to bury it. We're going to hide it. We don't want the public to know.

Can you imagine scientists doing that?

Again, the scientific community is one of the most respected communities because they go by the scientific method.

Here they admit that they're going to keep the analyses out of the report—two analyses that contradict what they want their hypothesis to be.

Mr. BARTON of Texas. Now Mr. Phil Jones, he is the head of the Climate Research Unit at East Anglia University in Great Britain. Is he the gentleman that just resigned?

Mr. SHIMKUS. He is the person who just resigned.

Mr. BARTON of Texas. And is Michael Mann the professor at Penn State that is the proponent, initially, of the hockey stick theory, which has been shown to be discredited and was actually using data sets that were manipulated in a way that they shouldn't have done? Those are the two gentleman, the author and the recipients of this email?

Mr. SHIMKUS. That is correct.

Mr. BARTON of Texas. And are these two gentlemen two of the leading proponents in the IPCC that climate is growing warmer because of manmade CO<sub>2</sub> emissions?

Mr. SHIMKUS. They are the foremost promoters of the theory.

And there's the followup. Are they receiving taxpayer dollars to promote this theory through the IPCC, which is the U.N. International Panel on Climate Change, or Virginia.edu, and you could speculate that there are DOE grants, EPA money, going. And another thing, these scientists are for hire. They're for hire.

Mr. LINDER. Will the gentleman yield?

Mr. SHIMKUS. I will yield.

Mr. LINDER. We heard the gentleman from Massachusetts talk about Big Oil, and Saudi Arabia funding all of the opposition. I can't find the scientists that are getting those checks. But a recent study came out in the last several weeks that says that government money going to climate science on behalf of those who believe in human-cause global warming has been \$79 billion over the last 20 years. They have dwarfed anything on the other side of the issue. And they continue to do it.

Would you suggest that maybe that's why they are continuing to hide this situation because the money keeps coming?

Mr. SHIMKUS. I believe that those who seek taxpayer dollars—we know here that agencies and programs never go away. If that's why they're not providing the data, that's why they're hiding the fact of the last decade—can you imagine us in this environment of trying to get control of the deficit and the debt, and we're spending billions of dollars to scientists who are not using the scientific method?

Mr. LINDER. I believe the number this year is \$7 billion from the government.

Mr. SHIMKUS. So, yes, they're on the dole. They want to keep their jobs so they're continuing to promote and deceive the public. I don't know. I would say it's pretty damaging to their name, to the community, and also to the taxpayers.

Now, if I may, I have one more that I'd like to share. And there are tons. I mean, these are just a small sampling. The ones I picked out I kind of wanted to address the scientific method.

Again, as an engineer, give us the facts, give us the data, test the data, prove if it's right or wrong. If it's wrong, get an analysis, and then maybe try again. Retest it. Let's retest the data point.

□ 1915

Here is another one: I've just completed Mike's Nature trick of adding in the real temps to each series for the last 20 years, i.e. from 1981 onwards, 20 years, for Keith to hide the decline.

So now, not only are they not providing the data, they are keeping the analysis from being reported in the IPCC report, and they are jimmying the numbers. They are actually using tricks.

These are scientists. Now, we are politicians. I think people would have some skepticism. We don't claim to be—you claim to be an engineer; I went to engineering school. I understand it, but if you were building a bridge, or if you were designing a building, and you jimmied the numbers on the tensile strength of the steel, you would be in real trouble because the design would be faulty, and the building would collapse.

Their design, Administrator Jackson's design to remake the United States is on faulty data. It is on data that has been jimmied. And this house of cards will collapse, and it will be jobs in the wake on faulty data.

Now, bring us real data. Go through the scientific method. Test it, but don't hide it. Don't trick us. Don't deceive us. Don't discourage your profession of scientists by staying on the public dole to receive taxpayer money to continue to promote a fraud, a fraud on the American public. So that's why I real appreciate, Congressman BARTON, that you've taken this time to help address this. There's a lot of education. And this education has to go on now because they are going to be making decisions in Copenhagen. They are going to try to bind us to stuff on faulty data.

Mr. BARTON of Texas. Now my assumption, and this is an assumption, is that the gentleman that wrote those emails and that received them by and large are in the inner circle of the climate change community; and in all probability, they are in Copenhagen right now.

Mr. SHIMKUS. You bet they are. The International Panel on Climate Change, they are the U.N. designees to continue to provide the information to the folks who attend the conference upon which they make the decisions.

Mr. BARTON of Texas. And if the President were to commit the United States to a legislative path that these scientists support, and if we were to adopt as law the climate change bill that passed the House that requires a reduction of 83 percent of emissions from CO<sub>2</sub>, manmade sources, 2005, by the year 2050, and we implemented that, we would have a CO<sub>2</sub> emissions level in this country that we last experienced in 1910. And if we do it on a per capita basis that we last experienced per person in 1875, is it the gentleman's position that if we were to do that, our lifestyle in the year 2050 would be anywhere comparable to where it is today?

Mr. SHIMKUS. Our lifestyle would be dramatically different.

Mr. BARTON of Texas. In a negative way.

Mr. SHIMKUS. We rely on jobs and our environment on cheap energy. And as you know I'm from the coalfields of southern Illinois, and I spent this whole year and last year fighting for our coal reserves and the importance of

that. And I usually bring another poster of miners who lost their jobs during the last cycle, 1,200 miners in one mine. The State of Ohio lost 35,000 coal miner jobs. That is just a fraction of what we will see in this country if we roll back the carbon emissions, and if they could prove it, but they can't.

Mr. BARTON of Texas. They can't even prove it apparently with tricks.

Mr. SHIMKUS. Carbon dioxide is not a toxic emission. And that is what Administrator Jackson just said.

Mr. BARTON of Texas. If it were, the floor of the House would be a toxic waste dump because there is more CO<sub>2</sub> created here than in any other size room in the country, with the exception of perhaps the Senate floor.

Mr. SHIMKUS. I would encourage you to keep up the great work. Thank you for letting me join you.

Mr. BARTON of Texas. I would now like to yield to one of the most informed Congressmen on the issue of climate change, the Honorable JOHN LINDER of the great State of Georgia.

Mr. LINDER. I thank the gentleman for yielding.

I first got interested in this 5 or 6 years ago on a trip to New Zealand. It was a congressional delegation. We had a visit with the leader of the NOAA point there where they leave to go into Antarctica for their expeditions and come back to this scientific center. And they put a PowerPoint presentation together for us and a big chart on the wall that showed that at that time they had dug into the Vostok ice core for 400,000 years back, and that from 400,000 years back to today, temperature increases and decreases and CO<sub>2</sub> increases and decrease were in consonance. They moved with each other.

And I asked him, Who was burning fossil fuels 400,000 years ago? He took that as a rude question, and it took me a year to get a copy of that chart. But I studied that chart. And then I looked at the studies about the Vostok ice core. And what you discover when you don't have it on a 8½-by-11 piece of paper and expanded is that temperature changes precede CO<sub>2</sub> changes by about 1,000 years.

Mr. BARTON of Texas. That means that temperature is the dominant variable, and that it drives the dependent variable, which is CO<sub>2</sub>. Temperature goes up and then CO<sub>2</sub> goes up.

Mr. LINDER. That's correct. One study says 800 years, one study says 2,800 years, but people average it at about 1,000 years.

Mr. BARTON of Texas. So Vice President Gore is only off by 180 degrees?

Mr. LINDER. That's right. And so is the entire IPCC report. CO<sub>2</sub> is a trace gas. It is a plant food. It is beneficial to all of life. CO<sub>2</sub> is a modest gas. Methane is 23 times more powerful at trapping heat. Sixty-five percent of the heat-trapping gases come from water vapor.

We are not going after them because we are going after people. What you

learn when you discover that CO<sub>2</sub> levels follow the temperature changes is that there's a reason for it. And the reason is this: we go through ice ages and global increases and declines in temperature. And as the temperature declines globally, the trees at the top of the mountain start to die for lack of photosynthesis, and then the bushes, and then the grasslands. And the dust that blows out across the oceans. And part of that dust is lead. And when that lead settles to the bottom of the oceans, it catalyzes growth in the largest biological mass we have in this planet, the plankton. And that growth demands CO<sub>2</sub> to keep going.

Now the oceans contain 70 times as much CO<sub>2</sub> as the atmosphere does. And as the plant life, the plankton, pulls that CO<sub>2</sub> out of the oceans, homeostasis, or equilibrium, causes more CO<sub>2</sub> to come out of the atmosphere and into the oceans. The reverse happens when the planet warms up through more solar activity. So colder oceans hold more CO<sub>2</sub> than warm oceans. And when the planet cools off, the CO<sub>2</sub> winds up in the oceans and out of the atmosphere. We have 388 parts per million today.

Mr. BARTON of Texas. And we believe that the Atlantic and Pacific are in a cooling period.

Mr. LINDER. They have been in a cooling period.

Mr. BARTON of Texas. Something called a PSO and an AMO or something?

Mr. LINDER. That's correct. They have been in a cooling period. And we have now 3,400 instruments that go into the oceans. And every 10 days they pop up, and they give satellites information of what is on those instruments about the temperatures. And there has been no warming in the oceans.

Mr. BARTON of Texas. I know it's dangerous for Congressmen to actually think. We are not accused of doing that very often, but there are sometimes some Congressmen, you and I, I think, are two, not that others don't, but we actually think.

Now I want to build on what you just said. These ice core samples that you got the data that show temperature goes up, and then CO<sub>2</sub> goes up. And if temperature were to go down, then CO<sub>2</sub> would go down.

Mr. LINDER. That's correct.

Mr. BARTON of Texas. We are in a situation right now where it appears, it depends on the data that you believe; but if the data points that we think are correct are correct, we are in a cooling period. Temperature has gone down at least 8 years in a row and probably 12 years in a row, and we appear to be in a cooling period. But at the same time, we have to admit that CO<sub>2</sub> concentrations are going up.

Mr. LINDER. That's correct.

Mr. BARTON of Texas. So I would hypothesize that the CO<sub>2</sub> concentra-

tions going up are going to prevent as much cooling, and it will keep the planet warmer than it would be otherwise, but still cooler overall, which would be a good thing for mankind. We don't want another ice age, do we?

Mr. LINDER. No, we do not. In the last 2 million years, we have had 20 ice ages, 20 glaciations, the last on average about 100,000 years, interrupted by about 10,000 years of warming. It has been 11,400 years since the last glaciation. It is likely the planet is looking toward going cooler again. We have had less sun activity in the last 11 years than we've had in many, many years.

Mr. BARTON of Texas. I'm told this, you probably know, that there are more glaciers in the world that are growing than there are that are in decline.

Mr. LINDER. Than are receding, that's right. But 388 parts per million is not even high. It's at the low end of the comfort scale. Roughly 65 to 135 million years when the dinosaurs roamed this Earth, CO<sub>2</sub> levels were five and 10 times as high they are today and produced a tremendous amount of greenery that fed those animals.

542 million years ago was the Cambrian period. It came to be known as the Cambrian explosion because in a very short period of time, 5 to 10 million years, which in a 4½ billion-year-old planet is the blink of an eye, in that short period of time, all of multicellular complex life that has ever existed on this Earth was deposited in the fossil evidence.

How did that happen? That happened because temperatures were warmer. The CO<sub>2</sub> levels were 7,000 parts per million, 20 times what it is today. The entire planet was covered with greenery and had immense amounts of oxygen and all of complex life as we know it, 96 percent of which is no longer existent.

Mr. BARTON of Texas. But it would have been a little warmer than it is today. We might not have been comfortable wearing a woolen sweater back then.

Mr. LINDER. But it would have been better than a glaciation. I always like to ask people who tell me the temperature is growing too much to say what should the current temperature be. Tell me. Should it be the temperature 1,000 years ago when Greenland was settled for agriculture? Or when the people in Scotland were growing wine grapes? Or should it be 879 A.D. when the Thames froze over? Or should it be a little ice age when Greenland was empty of life again?

Mr. BARTON of Texas. All I know is when people retire, they move to Florida and Texas.

Mr. LINDER. They don't move to Greenland.

Mr. BARTON of Texas. They don't move to Iceland or Greenland.

Mr. LINDER. CO<sub>2</sub> is a beneficial trace, helpful gas that feeds plants.

And this whole notion that we should control it somehow is nothing but vanity. We are not going to change what is put on this planet for 4½ billion years. Now we are told, and we heard from the gentleman from Massachusetts, that there is a scientific consensus. He said 98 percent of the scientists, tens of thousands, agree with his position. Well, I would like to ask him to produce that list. Because only 600 of them shared the Nobel Prize with Al Gore. A scientist from Australia has said only 35 people actually wrote the IPCC reports, and they were controlled by 10 people.

Mr. BARTON of Texas. One of whom just resigned from his position in East Anglia.

Mr. LINDER. He did? What is not popularly known is that 32,000 scientists, including Edward Teller, 9,000 of whom are Ph.D.s and the rest masters, have signed a statement that says there is no evidence that humans are causing any impact on the global warming that occurred between 1975 and 1998, none whatsoever. In fact, five scientists who contributed to the first IPCC report said in their papers there is no evidence that humans are contributing. Those five statements were removed by the top bureaucrat at the IPCC and replaced with one statement that said there is no doubt that humans are causing this. He was asked about that under oath in a legal action. Why did he remove those statements? He said under immense pressure from the top of the Federal Government of the United States.

□ 1930

Now, "consensus" doesn't mean much in science. "Consensus" is important in politics. In science, we have to be seeking truth and fact. Indeed, in science, only two conditions are ever obtained. One is theory and the other is fact. You put forth your theory. You release your underlying documents and sources and methods, and you let your peers review it and try and replicate it.

That is the point at which I got very nervous about this science because I tried to get underlying documents from Jim Hansen, who had the first computer model. He first testified before Congress in 1989, I believe, in the Senate. He recently attested, recently spoke in England. He said, We have 4 years to save the planet. He doesn't release his source documents because he says they are proprietary. Well, he is an employee of the Federal Government. The Federal Government ought to own those documents. They ought to be released. When somebody is hiding something, when somebody is hiding things, you begin to wonder why he is hiding it.

Mr. BARTON of Texas. It would be similar if we held an election and if we just said, Assume that I won—

Mr. LINDER. That's right.

Mr. BARTON of Texas. But we didn't release the documents, and we didn't release the ballots, and we didn't let them be audited, and we didn't have a canvassing committee.

Mr. LINDER. That's correct.

Mr. BARTON of Texas. We just said, We'll assume that, since Congressman LINDER says he won, he did win.

Mr. LINDER. What we are learning from East Anglia—and I want to make a point that the gentleman—

Mr. BARTON of Texas. Then we want to go to Mr. SCALISE.

Mr. LINDER. I want to make a point that those are not stolen documents. Those documents were released from inside by a whistleblower.

Mr. BARTON of Texas. Well, they should be in the public domain anyway.

Mr. LINDER. Of course.

But somebody working inside that organization realized they were destroying documents that were being asked for in the Freedom of Information Act, and someone released those documents. I believe that we ought to be thinking about releasing everything. Let scientists pour over it and establish whether the theory is actually a fact and move on.

Mr. BARTON of Texas. I agree.

We want to now turn to the Congressman from New Orleans, Louisiana, a member of the Energy and Commerce Committee, Congressman SCALISE.

Mr. SCALISE. I want to thank the gentleman from Texas for yielding and the gentleman from Georgia for opening up this discussion.

Of course, what we are talking about and the reason this is so important is that many of the different world leaders are getting ready to meet in Copenhagen, Denmark, to start discussing a Kyoto II-type treaty—a treaty for many countries, including the United States, to literally change the way our entire manufacturing base operates.

Of course, here in Congress, we've been debating the proposal by Speaker PELOSI and others to codify that type of treaty in the form of the cap-and-trade national energy tax. They are trying to bring a national energy tax to our country to tax businesses, to tax not only businesses but also individuals in their household electricity use for using fossil fuels. It's all in the name of stopping manmade global warming.

So what brings us to this debate that you are focusing on is the fact that we have found out recently through Climategate that the science that they are using is corrupt. In fact, behind much of the data that has been used to try to sell a cap-and-trade energy tax, that has been used to try to sell the Kyoto Treaty and now this new meeting in Copenhagen to have a Kyoto II-type agreement, all of it was based on corrupted data.

If you go back to former Vice President Al Gore, who said, The debate is

over, he was trying to imply that all of the scientists are in agreement. Of course, as my colleague from Georgia pointed out, the scientists are not in agreement.

What is even worse is now we have found out and have uncovered this scandal where some of the scientists who have been collecting data through the U.N.'s Intergovernmental Panel on Climate Change, the IPCC, which is the respected body worldwide on all of this data—it turns out, as the clearing-house, they were actually corrupting the data that is being used.

In some of the examples through these emails, Phil Jones, who just resigned, said, I've just completed Mike's nature trick—he goes on—to hide the decline in temperatures.

We go back to the infamous hockey stick graph that Al Gore used in his film, "An Inconvenient Truth." I guess the most inconvenient truth for the former Vice President is that these emails have now come out and have exposed the scandal.

If the gentleman from Texas will allow me, I want to read a few other of the emails. I know my colleague from Illinois earlier highlighted some of the other emails.

Yet, just to show how deep this is, first, Phil Jones in an email last year said, Mike, can you delete any emails you may have had with Keith regarding the AR4 data set? Keith will do likewise. He says, Can you also email Gene and get him to do the same? I don't have his email address. We will be getting Caspar to do likewise.

So here he is talking about deleting data, deleting the emails which show that some of this manipulation and corruption of the data was going on. This is the person who is the director of the University of East Anglia's Climatic Research Unit. He is a scientist who should not only understand the importance of following the facts, of following the data, but who should also understand that, as others try to verify this data, that is something that he should be openly and freely willing to share.

Mr. BARTON of Texas. The AR4 data set is the data set that was used in the IPCC report in 2007, so it's a

Mr. SCALISE. Exactly.

Mr. BARTON of Texas. What you are saying is they went to some lengths to manipulate the data that that report is based on.

Mr. SCALISE. They went to lengths to manipulate the data, and then they went to lengths to actually delete, to try to destroy the evidence, in essence—some of that data—as you know as the ranking member of Energy and Commerce and when we were having that debate here in committee and on the House floor on the cap-and-trade energy tax.

Many of the people who have been promoting that national energy tax—

Speaker PELOSI and her liberal attendants and others—are using that IPCC data to say, Look, we need to act quickly because the data shows. Of course, now we know that the data was corrupted.

Then he goes on—and we are all familiar in this country with the freedom of information. This administration came in saying they were going to be the most transparent administration ever. Yet you look at these emails further, and he says—this is an email—The freedom of information line we are all using is this. So he is telling this to some of the other scientists who were involved in this corruption. He says, The IPCC is exempt from any country's Freedom of Information Act. The sceptics have been told this. Even though we possibly hold relevant info, the IPCC is not part—and then he goes on to say—therefore, we don't have an obligation to pass it on.

So he is trying to lay out this groundwork so that he doesn't even have to turn over his data. This is, I think, before he destroyed it.

Then he says, If the Royal Meteorological Society is going to require authors to make all data available—raw data plus results from all intermediate calculations—he says, I will not submit any further papers to the RMS Journal.

This is Phil Jones—again, leading scientist—whose data is used by many of these people all throughout the world to try to pass Kyoto-type agreements in the cap-and-trade energy tax that's getting ready to be debated over in the Senate.

Mr. LINDER. Will the gentleman yield?

Mr. SCALISE. Yes, I will yield to the gentleman.

Mr. LINDER. Sadly, that data that the IPCC uses from East Anglia is also the basis of the data that NASA uses in Huntsville, Alabama, and all of the other future models that have been built have been somehow shaped by that data. So there is no place to go now, since all of the source documents have been thrown away, to reconstruct all of that.

Mr. SCALISE. It is really frustrating because there are scientists who have different opinions, who have tried to present alternative data to this corrupt scientific data, and they have been blacklisted. In fact, I won't go into detail on this here, but that information will continue to come out. In some of the emails, they actually go on to describe how they are going to try to blacklist other scientists who try to propose data which shows something different than theirs—in fact, even saying that they are going to withhold some of their journal writings so that they won't even publish some of this information.

I go on to say this because they are trying to use this corrupt data, this



corrupt scientific data, to pass not only a cap-and-trade energy tax which will run millions of jobs out of this country, but they are also trying to use it now in conjunction with the EPA and their latest ruling to try to literally threaten Congress by saying, Well, okay. If you don't pass cap-and-trade here in Congress, then the EPA will in a de facto way try to pass its own cap-and-trade by using these radical environmentalists in the EPA, again using the corrupt scientific data, to try to pass it even if Congress won't pass it because the American people have realized this will run millions of jobs out of our country.

Many groups, one being the National Association of Manufacturers, on the low end, says, We would lose 3 million jobs in our country if the cap-and-trade energy tax were passed, and every American family would pay over \$1,000 more per year in higher electricity rates. All of this is based upon false scientific data that has been corrupted, and we know it from the Climategate emails.

Mr. BARTON of Texas. May I ask the Chair how much time we have remaining in our Special Order?

The SPEAKER pro tempore. There are 12 minutes remaining.

Mr. BARTON of Texas. There are 12 minutes. Okay.

At about 10 minutes to go, I have got some documents I want to put in the RECORD.

Mr. SCALISE. I yield back.

Mr. LINDER. I want to make one point.

The data that you are talking about and that we are acting on in this country with cap-and-trade is also the data being used in Copenhagen today, as we speak, to begin what Al Gore called the ultimate reason for all of this: global governance, turning over the sovereignty of the United States to an unelected bureaucracy and the United Nations.

Mr. BARTON of Texas. I want to thank Congressman SCALISE, Congressman LINDER, and Congressman SHIMKUS for participating in this Special Order.

What we are attempting to do is to actually use the scientific method to determine what steps, if any, the United States Government should take policy-wise if, in fact, climate change or global warming is a major problem that needs to be addressed. It does appear, in my opinion, that there is reasonable doubt about whether we should take some of the radical steps that have been espoused in the climate change bills which have passed the House and which are pending in the Senate.

I want to take the remaining time and go through a series of emails that have just become public—we've alluded to them—and go into a little more depth.

The first email which we have already alluded to is from Michael Mann. Michael Mann is a climatologist at Penn State University. He is one of the leading<sup>2</sup> is the cause of the climate warming in the world. This is a document from him to Phil Jones, who was, until recently, the head of the Climate Research Unit at East Anglia University in Great Britain.

Now, Dr. Jones resigned in the last week or so, but in it, he says, Can you delete any emails that you've have had with Keith—Keith is Keith Briffa—regarding AR4?

AR4 is a U.N. IPCC fourth assessment document from 2007. It's one of these policy documents that is used around the world.

You can see that he says, I am going to contact Gene about this.

Okay. Gene is actually Eugene Wahl. He is at the National Oceanic and Atmospheric Administration's office in Boulder, Colorado. That's with the U.S. Department of Commerce.

He said, I am going to contact Gene about this. Can you delete any emails that you have? I'll get Caspar to do likewise.

Caspar is Caspar Jones—I mean Caspar Ammann. He is at the National Center for Atmospheric Research, or NCAR, in Boulder, Colorado. It's a federally supported consortium.

So, in this email, we have collaboration between NOAA, NCAR—both in the United States—the Climate Research Unit, which is CRU in East Anglia, Great Britain, and many prominent IPCC contributors coordinating document destruction. I think that is something that policymakers here in the United States should be concerned about.

Now let's go to the next document, email No. 2. Now, the first one was from Michael Mann to Phil Jones. This is from Phil Jones to a gentleman named Tom Wigley. Its subject is: Schles suggestion. This is last year, December of 2008. It says, I am supposed to go through my emails, and he can get anything I've written about him. About 2 months ago, I deleted loads of emails, so we have very little, if anything, at all.

So what this is showing is, or one could say, they have conspired to delete data. This is of Ben Santer, who is Santer 1, who is a prominent climate modeler at the Department of Energy's Lawrence Livermore National Laboratory, and of Tom Wigley, who is a scientist at the National Center for Atmospheric Research in Boulder, Colorado.

□ 1945

The gist of this is he has already deleted a lot of emails from 2 months ago. What are they trying to hide here?

Now, let's go to email number 3. Email number 3 shows an unprecedented data purge at the CRU in East

Anglia, Great Britain. Here is a public index of documents on one day and then here is the public index on the next, very quickly, after they have gone through and purged all, purged all of this. It says the next day, on July 28, Phil Jones deleted data from his public files, leaving online a variety of files from the 1990s. This morning, everything in Dr. Phil's directory had been removed.

It's not just the emails that have been deleted, in a widely reported event. Steve McIntyre, who is a Canadian researcher who testified before Congress several years ago when I was chairman, and who has been attempting to get these data sets, to get these documents, he has been trying to get, through the Freedom of Information Act, the public documents that some of these studies are purported to be based upon. Instead of releasing them, they purged them. They took them away in what is reported to be an unprecedented data purge.

They have deleted files pertaining to station data from the public directories. Why? Where are the data now if they are still in existence? What is it they are trying to hide? If the temperature data records really proved their theory, they would want to publicize them. At least I would think that they would.

Let's go to number 4. This is an email from Phil Jones, who we know well now, to a gentleman named Neville Nicholls. Mr. Nicholls, let's see, Mr. Nicholls, I am not sure who Mr. Nicholls is, but here it says, I hope I don't get a call from Congress. I am hoping that no one there realizes I have a U.S. Department of Energy grant and have had this with Tom W. for the past 25 years.

This is back in 2005. This is when I was chairman of the Energy and Commerce Committee, and we were conducting the investigation into Dr. Mann's hockey stick proposal, hockey stick theory, and we had asked for some documents from Professor Mann, or Dr. Mann, and this gentleman is saying we hope the Congress doesn't realize that we are getting Federal money; we don't want them to be asking us about documents.

Of course, as we now know, they have destroyed many of those documents or apparently have destroyed many of those documents.

Let's go to number 5. Now, this documents shows the lengths to which they will go to suppress information, says if they ever hear that there is a Freedom of Information Act now in the UK, I think I will delete these rather than send them to anyone.

Now, Congressman MARKEY, who is a good friend of mine and who is a believer, a proponent of manmade global warming, has got data sets that he says justify some of the policies that he supports. But here we see that some of

these documents and some of these data sets that Mr. MARKEY and others have—who sincerely believe that there is a problem—appear to be very suspect. In fact, they are so suspect that if they have to release them publicly, they would rather delete them than to comply with the Freedom of Information Act.

Tom Wigley had sent me a worried email when he heard about it. He thought that people might ask him for his model code. My heavens, you know. Keep in mind that this theory that mankind-made CO<sub>2</sub> emissions is driving the temperature upwards, it's just that; it's a theory. These researchers have built these models to try to replicate the planet's temperature mechanism, and all these models show the temperature going up.

But that's the conclusion that the modelers want. It is not factually correct to say the temperature is going up; it's factually correct to say the modelers, who want to prove that the temperature is going up, are putting variables and assumptions in these models that drive them up, but they apparently don't have the data to back that up.

Let's go to number 6. This is again from Mr. Jones, a gentleman named Gavin Schmidt, concerning the revised version of something called the Wengen paper, W-e-n-g-e-n. It says all of our Freedom of Information officers have been in discussions and are now using the same exceptions not to respond—the advice that they got from the information commissioner. The Freedom of Information line that we are using is that the IPCC—now keep in mind the IPCC is the Intergovernmental Panel on Climate Change—is funded primarily by the U.S. taxpayer, not exclusively, but primarily, is exempt from any country's Freedom of Information, because the skeptics have been told this. Even though we possibly hold relevant information that the IPCC is not part of our remit, i.e., mission statement, therefore we don't have an obligation to pass it on.

To me that's just irresponsible to say that the IPCC, which is a total governmental agency, admittedly through the U.N. and a large number of nations, but the U.S. as the primary funder, is above Federal Freedom of Information laws, not only in the United States but in every other country. This information that has been collected and paid for by U.S. taxpayers and funded by U.S. scientists is now out of reach of the U.S. taxpayer? I think that's just flat wrong, Madam Speaker.

My last email is number 7, and this shows, while they accuse people like myself of trying to be bullies and to ostracize people, here is an email where again this Professor Mann, Michael, it's to Michael Mann from a gentleman named Malcolm Hughes, just a heads up; apparently the contrarians now have an in with GRL.

GRL, which is the Geophysical Research Letters, a prominent climate journal—this guy Sayers has a prior connection with the University of Virginia Department of Environmental Sciences that causes me some unease. Then later on—this is truly awful. If you think that Sayers is in the greenhouse skeptics camp, then if we can find documentary evidence of this, we could go through official ATU channels to get him ousted. They are trying to ostracize those that are honest enough to say that they have some doubts about the theory.

I will end with this: The theory of global warming caused by mankind is just that, it is a theory; it is not a fact. As U.S. taxpayers and as the guardians of the U.S. taxpayers, we should demand that the facts be made public so that we can make a relevant policy decision.

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**REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4213, TAX EXTENDERS ACT OF 2009**

Mr. PERLMUTTER, from the Committee on Rules (during the Special Order of Mr. BARTON of Texas), submitted a privileged report (Rept. No. 111-364) on the resolution (H. Res. 955) providing for consideration of the bill (H.R. 4213) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes, which was referred to the House Calendar and ordered to be printed.

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**REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4173, WALL STREET REFORM AND CONSUMER PROTECTION ACT OF 2009**

Mr. PERLMUTTER, from the Committee on Rules (during the Special Order of Mr. BARTON of Texas), submitted a privileged report (Rept. No. 111-365) on the resolution (H. Res. 956) providing for consideration of the bill (H.R. 4173) to provide for financial regulatory reform, to protect consumers and investors, to enhance Federal understanding of insurance issues, to regulate the over-the-counter derivatives markets, and for other purposes, which was referred to the House Calendar and ordered to be printed.

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**MASSIVELY EXPENSIVE AND ECONOMICALLY DESTRUCTIVE CAP-AND-TRADE**

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from California (Mr. ROHRBACHER) is recognized for 60 minutes.

Mr. ROHRBACHER. Let me agree with the distinguished ranking member that global warming is something

other than what has been presented. He said it's a theory. I would suggest that as we go on with my speech, you will learn that it is a fraud.

Madam Speaker, not too long ago I stood here on the floor of the House and remarked that I have expected Rod Sterling to appear from behind a curtain and announce, "This is the twilight zone."

Well, since then this body has continued on an agenda fit only for the most bizarre episode of that program. In the last month, Congress has passed bailouts, rescues and stimulus packages, dumping trillions of dollars of debt onto the backs of the American people and, yes, onto our children's backs, and their children's backs.

Congress passed a massively expensive and economically destructive cap-and-trade bill, moved toward a government takeover of our health care system, and now Congress appears ready to support President Obama's request to dig ourselves even deeper into the mire of Afghanistan. Optimism over the election of a new President promising change has turned into despair as the American people are realizing what kind of changes being imposed on our country. It's going from bad to worse.

This week marks the beginning of the United Nations framework convention on climate change in Copenhagen. It started yesterday, December 7, Pearl Harbor Day. How very appropriate. President Obama and Democrat leaders of Congress are planning to attend.

This conference could well bind the American people to a series of international agreements that will be a boon to globalist bureaucracy, and, yes, their power-elite allies, while at the same time picking the pockets of the American taxpayer and shackling us to restrictions, mandates, and controls inconsistent with our free society and enforced by governing bodies we have never voted for.

According to the conference's Web site, the conference in Copenhagen is a turning point in the fight to prevent what they claim will be a climate disaster, and I quote. "The science demands it, the economics support it, future generations require it," proclaims the Web site.

Well, Madam Speaker, I am here to explain why that aggrandizing postulation is complete and utter nonsense, and to warn of the danger that lurks behind this high-sounding rhetoric. The Copenhagen conference is the culmination of efforts that began in earnest back in 1992. That was the year our "New World Order" President, George H. W. Bush, submitted the U.N. Framework Convention on Climate Change to the Senate. It was quickly adopted by a voice vote.

For the most part, that 1992 framework treaty was filled with grandiose yet vague principles. It asked for long-term CO<sub>2</sub> reductions from the 192 nations which signed that contract, yet

few of the obligations were spelled out, and there was no enforcement or penalties written into that treaty. It stated objectives, and that was step number one.

Step two came in 1997 when the Kyoto Protocol established enforceable mandates, mandates stating those objectives that were started in the earlier network agreement that was sent on to the Senate by President Bush. The 1997 protocol was different than the earlier one because it had enforceable mandates to meet the objectives that were stated earlier. This clearly would have meant a fundamental altering of our economy, with a dramatic negative impact on the lives of our people. With the Republicans in control of the Senate at that time, President Clinton never submitted the Kyoto treaty for ratification.

Then in 2001 President George W. Bush said that we would not sign the Kyoto treaty due to the enormous cost and economic dislocation associated with complying with the Kyoto mandates, and that was the end of what would have been step number two.

Here we are at step number three, and while a Kyoto-like agreement is not likely, Copenhagen may well lay the foundations for the future that the globalists who are pushing this agenda envision for us, what they envision for the United States, U.S., us. The threat to us is there, and it is real.

A few months ago, H.R. 2454, the so-called cap-and-trade bill, passed the House and is now awaiting action in the Senate. That far-reaching legislation seeks to put in place taxes and regulatory policies that exactly parallel what the Copenhagen crowd would mandate and can be traced back to that same alliance between our domestic, radical environmentalists and a globalist elite.

This unholy alliance has already had an impact. It is no accident that for over the past 20 years America has built no hydroelectric dams, no nuclear power plants, no oil refineries and has brought into production a pitifully small amount of new domestic oil and gas.

□ 2000

In essence, our economy has been and is now being starved of traditional energy development. Even the much acclaimed solar energy alternative has been strangled in its cradle. The Federal Bureau of Land Management, which is unduly influenced by radical environmentalists, has prevented the building of solar-powered electric generating facilities in America's vast deserts. This supposedly to protect the habitat of lizards and insects, which are obviously more important to these elitist decision-makers than the quality of life of human beings. Our quality of life, us.

Again, the forces behind the undermining of America's domestic energy

development know exactly what they're doing. Treaty obligations or not, they want to change our way of life to remake America whether we like it or not. This isn't about green power; it's about raw political power exercised over our lives.

A few decades ago, the globalist radical environmental alliance latched onto an apocalyptic theory to justify their power grab. The theory is that the world is dramatically heating up because of how we human beings live, especially us Americans. So controlling us must be the answer to saving the planet from heating up and up and up.

When they geared up their crusade, our planet was in one of its many warming cycles. But the illusion that they were trying to create began to disintegrate about 9 years ago when the Earth quit warming and now may be in a cooling cycle. Undaunted, the fanatic claims and their predictions of global warming have now been transformed into a new, all-encompassing warning. So "global warming" was the phrase that was yelled and screamed at us for almost a decade, but now that has miraculously been changed into "climate change."

Do they think that the American people are stupid? Do they think that we'll just forget about their predictions of rapid rises in temperatures and that those predictions have been proven 100 percent wrong?

Even the much-touted melting of the Arctic ice cap has reversed itself in the last 2 years and is now refreezing and enlarging. The warming has ended, but the power grab continues. What we now are finding out is exactly how ruthless and, yes, how deceitful this power grab has been. It is becoming ever more apparent that during the 1990s, many scientists who refused to go along with the global warming paradigm were denied research grants. Prominent scientists like Dr. William Gray, former president of the American Meteorological Association, found themselves repeatedly rejected for research grants despite their careers of distinguished research excellence and accomplishments.

The liberal press ignored those transgressions, ignored that repression of opposing views. Yet the same press made it a huge controversy when during the Bush administration NASA asked Richard Hansen, who was NASA's most vocal global warming activist staffer, simply to note when being published that the opinions that he was publishing were his opinions and not necessarily endorsed by NASA. Well, the press made that into a horrible attack on his rights.

This was censorship. There were hearings in Congress about that, simply asking this man to acknowledge that it was his opinions and not the official opinions of NASA. Well, how does

that compare with the coverage and the outrage over outright repression and denial of research grants to prominent scientists? How does that compare with Vice President Gore's firing of Dr. William Happer as the lead scientist at the Department of Energy? This because Happer was open minded on the issue of global warming. Not that he opposed it, but that he was open minded about it. The double standard in the reporting of this issue has been appalling.

Zealots can usually find high-sounding excuses for their transgressions. This abusive attack on Happer and so many others, so many other prominent scientists, of course, was perpetrated in the name of protecting all of us from a climate calamity: man-made global warming that we were repeatedly warned was going to fry the planet.

We can still hear alarming claims of a disastrous upward jump in temperatures, rising sea levels, Arctic meltings, forest fires, hurricanes, acid seas, dying plants and animals. Every climate-related disaster that a Federal research grant can conjure up we're hearing about because that's how they get their government grants. That's how they qualify.

Professional figures in white coats with authoritative tones of voice and lots of credentials repeatedly dismissed specific criticism of what they were proposing by claiming that their so-called scientific findings had been peer reviewed, verified by other scientists. Rather than honestly discussing the issues that were being raised, they portrayed themselves as beyond reproach. They've been peer reviewed. So why even discuss any specific criticism? Just dismiss it.

They gave each other prizes as they selectively handed out research grants. Those who disagreed no matter how prominent were treated like non-entities, like they didn't exist, or they were personally disparaged, labeled deniers, you know, like Holocaust deniers. How much uglier can you get?

But such tactics won't work forever. It's clear their steamroller operation is beginning to fall apart. We know that, because we hear scientists who have been clamoring for subservient acceptance of their theory of man-made global warming, we now can find out and we now understand that those very same scientists, they themselves were making a sham out of scientific methodology and were indeed repressing dissent and destroying peer review.

I'm speaking, of course, about the over 1,000 emails and 3,000 other documents that were purloined from one of the foremost global warming research institutes in the world, the Climate Research Institute at East Anglia University in the United Kingdom. Let me acknowledge, yes, a hacker or possibly a whistleblower may have been responsible for making this information public, but contrary to the frantic attempt

to distract attention away from the clear wrongdoing and arrogance that was exposed in these communications, contrary to that, how those documents were obtained is not what's relevant. It's the truth of these emails that counts, not how the information was obtained.

What do these formerly private and now exposed communications say? One email is from Kevin Trenberth, head of the Climate Analysis Section at the National Center for Atmospheric Research in Boulder, Colorado. In it he describes his utter frustration with studies that reach conclusions contrary to his clique's predictions of a looming global warming disaster. Even more frustrating, the temperatures being recorded, contrary to his august observations and predictions, contrary to them, things were getting colder, much colder than usual.

And here, folks, is the clincher: Trenberth laments in this email, in this formerly secret communication, "The fact is we can't account for the lack of warming at the moment, and it is a travesty that we can't." Rather than reconsidering his position, he is complaining. He can't find a cover thick enough to hide his errors.

So what do you do if those gosh darn numbers show that there is no warming? Well, you fudge the numbers of course. There is a 1999 email from Phil Jones, the center's director, talking about a "trick" in the presentation of data intended "to hide the decline." What does "decline" mean when he says "hide the decline"? A decline in global temperatures, of course. These people who are touting global warming are talking about hiding the decline in temperatures that would prove that there is no global warming going on at this time.

To those who have followed this issue closely, this is nothing new. We have seen it before. There was a famous graph produced by Michael Mann, one of the most prominent global warming advocates. His famous graph, as well as his highly touted lectures, deleted the existence of a warming period in the Middle Ages and the 500-year decline in the Earth's temperature, which ended in about 1850, known as the Little Ice Age. Those very real temperature cycles were left out of his graphs. And many of the newly revealed emails detail that this was intentional deception.

Mann's graph indicated centuries-long stability instead of two distinct climate cycles going up and down. And then after presenting a graph that just had centuries-long stability, then we were shown a jump in temperature that looked like a hockey stick, the end of a hockey stick. Stability and then a big jump forward. That graph was a fake, and the jump in temperature he predicted didn't happen.

So now the climate elite has simply deleted the hockey stick graph from

their presentation even though it was a distinct part of their presentation for years, just as Mann had deleted the preceding warming and cooling cycles when he analyzed modern temperature trends and put them into his graph.

As more honest and level-headed scientists from around the world raised serious questions, well-funded global warming alarmists were hard pressed to answer critics. So what is a true believer to do when you hear criticism? Well, shut up the opposition of course. No, don't consider what the opposition is saying. Don't try to have an honest dialogue. No, shut them up.

Here's Phil Jones again, this time about censoring criticism: "I can't see either of these papers being in the next IPCC report."

Let's stop right there. So here he is trying to leave out of the IPCC report papers that were contrary in view; yet they tout over and over again that the IPCC is the basis for their credibility. It's all the time talking about the IPCC report. Yet here we have a quote talking about how they're trying to censor what goes into that report.

Quoting further: "Kevin and I will keep them out," meaning this information out of the IPCC report, "even if we have to redefine what the peer-review literature is." And these are the same people who were proclaiming that their credibility came from the IPCC and peer-reviewed research.

Well, let's look at what happened next when an editor of an academic journal does not buckle under to this kind of pressure and actually publishes the work of a skeptical scientist. Here's what Jones says: "I will be emailing the journal to tell them I'm having nothing more to do with it until they rid themselves of this troublesome editor." This guy is conspiring to get the editor of a research publication fired. And what was it for? For publishing a contrary review.

Is this science? These emails are filled not with answering critics but with the effort to stifle the right to question what these people were advocating.

Significantly, man-made global warming alarmists have continually countered criticism by arrogantly dismissing tangible questions and asserting that peer reviews backed them up. Well, now we can see the evidence that these self-righteous snobs who saw themselves as above criticism were manipulating, if not destroying, the peer review process so no one with other points of view could actually participate. Get that?

□ 2015

They say you can't question our material because ours has been peer-reviewed and your criticisms haven't, but they themselves were undermining the ability of those critics to have their criticisms published in a peer-reviewed

publication. Have they no shame? But there's more than this.

Jones again, this time to Professor Michael Mann of Pennsylvania State University, the same guy with the phony hockey-stick graph, is talking about hiding information from critics:

"If they ever hear there is a freedom of information act now in the U.K., I think I'll delete the file rather than sending it to anyone."

Let's read that again:

"I think I'll delete the file rather than sending it to anyone."

Madam Speaker, this is not only arrogant, it's criminal. We have been and continue to be the victims of outright lies, and victims of an effort to focus our people on some kind of created and mythical scientific findings in order to scare and force our people into accepting draconian economic and regulatory policies.

Senator JAMES INHOFE of Oklahoma has called for an investigation in the Senate. There should be one in the House as well. Certain scientists receiving Federal research grants are betraying the standards of their own profession. And, yes, as I say, perhaps breaking the law. Countless numbers of our own people will suffer job losses and a decline in their standard of living if policies based on phony science, bad practices, the suppression of dissent and outright lies are put in place and enforced. Before any action is taken by this Congress on cap and trade legislation, a full inquiry into this horrific abuse of science should be conducted.

Wake up, America. They are trying to steal our freedom with lies and scare tactics. The Good Book says, "The truth shall set you free." A caveat might be, "And a lie can destroy your freedom." Perhaps the most perplexing of all, the global warming elite continues to herald their projections of man-made gloom and doom. They try to ignore the uproar that we've had with these emails. They ignore it, or they just change the subject. But this recent revelation of these emails seriously calls into question the basic science that these man-made global warming fanatics claim to be irrefutable. Well, let's look at this so-called "irrefutable science" that is the basis of the man-made global warming advocates.

I in fact—and I would make this very clear at this moment—would challenge any Member of Congress to come here and debate me in the future on the science of this issue. Let me make that clear. This Congressman, I am a senior member of the Science Committee, I challenge any of the advocates of man-made global warming to come here and debate me on the science of the issue. We shouldn't be dismissing our opposition's arguments any more than those scientists should have been. We are here to make policy and to determine truth. Let's have an honest debate on this.

First, let's talk about the so-called global warming cycle that's being used as an excuse, or as a reason to look at human activity, the global warming cycle that's being caused by human activity. That's fundamental to this whole issue. We know that there have been weather and climate cycles throughout the long history of our planet. That's going back to prehistoric times. There has been cycle after cycle. One of the more recent of these cycles, the one ignored by Dr. Michael Mann, a cooling cycle that reduced temperatures on this planet for 500 years. That was between 1300 and about 1850. It's called the Little Ice Age. Amazingly, with a straight face, the global warming alarmists are using the low point in a 500-year cooling cycle as the baseline for determining if humankind is making the planet hotter at this time. Get that. We should declare an emergency because, according to the alarmists, the Earth is a tiny bit, perhaps 1 degree warmer than it was at the bottom of a 500-year decline in temperature. Professor Mann can't wipe that out. He may try to delete it from his graphs and pretend it didn't happen, but this has been well documented. I remember there was a History Channel report going through the entire time of this mini Ice Age.

Our current climate cycle is no different than the other numerous cycles that preceded it. It is dishonest to create hysteria by using the end of a cycle known as the Little Ice Age at a 500-year low in the Earth's temperatures as a baseline for apocalyptic claims that it is now getting extraordinarily warmer. On top of that, as people, the alarmists are claiming that it's our fault. It's the people's fault. It's us. We're the bad guys. We're the ones making the climate go up so much warmer than it normally is and they're using as a baseline a 500-year low in the Earth's temperatures.

So science question challenge No. 1: Are man-made global warming advocates using an unrealistically and unreasonably cooler moment as the baseline for their analysis? Question No. 2: What are the causes of the climate cycles that we've been talking about? The alarmists claim it's us. It's people. There were such cycles, of course, in the Earth's temperatures and climate even before prehistoric man existed. If there were such cycles, then there must be some explanation other than human activity, because this was before humans existed, there must be some other explanation for the weather and temperature trends of those days.

Well, then what is the other explanation? Many scientists believe cycles of climate have resulted from solar activity. After all, the sun is the biggest source of energy on our planet. The biggest. Everything else pales in comparison. Some of the revealed emails are specifically aimed at debunking

this explanation by altering graphs and distorting data. The solar explanation is consistent with the fact that climate cycles on Earth parallel cycles taking place on other planetary bodies. That's right; like Mars, or the moons of Jupiter which have similar and simultaneous cycles to those on our Earth. But the global warming gang is intent on blaming us.

In recent years, for example, human activity has been declared the culprit causing the melting of the Arctic ice cap. Who hasn't seen pictures of sad-looking polar bears stranded there on an ice floe, obviously a victim of man-made global warming? Such nonsense plays on our emotions, but it is presenting a distorted and dishonest picture of reality. Yes, until recently the Arctic ice cap has been retreating. There is no doubt about that. But what about the ice cap on Mars? Yes, at the same time our Earth's ice cap was retreating, the ice cap on Mars was retreating; mirroring, paralleling what was going on on Earth. Does that indicate that the cycle that we're talking about might have been caused by the sun and not by too many people driving SUVs or using modern technology? So maybe it's the sun that has affected the habitat of the polar bears, just as other cycles have affected the habitat of the plants and animals living in the time when those cycles kicked in.

By the way, there's something to keep in mind when one hears for the umpteenth time that the polar bears are becoming extinct. The polar bears are not becoming extinct. In fact, the number of polar bears on this planet has dramatically expanded. There are four to five times the number of polar bears in the world today than there were in the 1960s. And I have spoken before groups of students and they have been given this lie over and over again and they are crestfallen to hear that maybe what they've been told are lies. Yes, lies. The extinction of the polar bear is about as real as the film footage of dissipating ice caps in former Vice President Gore's movie *An Inconvenient Truth*. That, too, was a scam. A special effect made of Styrofoam was presented to us, especially to our impressionable children, to create the illusion that this was documenting the melting and breaking off of the Arctic ice cap. It was Styrofoam. Styrofoam. It was phony, just as many of the arguments presented in that movie were phony; were false.

So here's another scientific challenge, challenge No. 2: If there have been many other cycles and if the ice cap is melting on Mars just as it is here, how can this climate cycle be a result of human activity rather than solar activity? Which brings us to the theory of just what man does that supposedly creates global warming. Well, this allegation is based on the well-promoted theory that greenhouse gases—

and according to the alarmists CO<sub>2</sub> is by far the worst culprit—these greenhouse gases and, thus, CO<sub>2</sub>, the worst one of all, are trapping heat in the atmosphere and the increase of CO<sub>2</sub> levels is thus leading to a disastrous jump in the Earth's temperature.

So let's look at this theory. I don't dismiss it. Let's look at it. Let's answer it. I wish the American people and the rest of us were paid an equal amount of respect by those people, the alarmists, who are advocating the man-made global warming theory. So let's look at this. Let's look at their theory now and give it an honest look. With all the hoopla about CO<sub>2</sub>, nonscientists might believe that it is a huge part of the atmosphere. I want everyone here, my colleagues and everyone listening, to ask themselves: What percentage do you think that CO<sub>2</sub> is of the atmosphere? Well, most people think it's a huge part. Some people I've asked have actually suggested it was between maybe 40 and 60 percent of the atmosphere.

Well, that's wrong. Wrong. People have been given a false impression. CO<sub>2</sub>, carbon dioxide, is a minuscule part of our atmosphere. And, as I say, most of the people I've talked to, even the highly educated ones, have thought that CO<sub>2</sub> makes up maybe 25, maybe 40, one guy even said 60 percent of the atmosphere. In reality, CO<sub>2</sub> is less than .04 percent of the atmosphere. So CO<sub>2</sub> is not even one-half of one-tenth of 1 percent of the atmosphere. Not even one-half of one-tenth of 1 percent. This is a minuscule part of the atmosphere that we have been led to believe is having this dramatic impact on weather patterns.

And where did the minuscule amount of this CO<sub>2</sub>, even though it's as small as it is, one half of one-tenth of 1 percent of the atmosphere, where did that minuscule amount come from? With all the hoopla, one would assume that most of the atmosphere's CO<sub>2</sub> can be traced to human activity. No. At least 70 percent of the CO<sub>2</sub> in our atmosphere has a natural source and has nothing to do with human activity.

□ 2030

I have been in Science Committee hearings where very prominent scientists have suggested that it might be 80 or 90 percent of the CO<sub>2</sub> in the atmosphere coming from natural sources. But let's say, okay, at least 70 percent.

So the part of the atmosphere that is CO<sub>2</sub> generated by man is even less than minuscule. It is a minor part of a minuscule component, and if we suppress our standard of living enough to eliminate even one-tenth of man's contribution, then one big volcano, or maybe some forest fires could totally undo this supposed reduction in CO<sub>2</sub>. And to get a 10 percent reduction means a dramatic attack on the standard of living of our people and the reallocation of

trillions of dollars. We are to give up our own freedom and prosperity, and hand over such power as I have just mentioned to a global government or even to a centralized Federal Government here in the United States? All for that, for something for a step forward that could be erased by a big volcano or perhaps a series of forest fires? That's insane.

Well, undaunted, the alarmists point to increases in CO<sub>2</sub>, which they label as alarming, of course. That's why they're alarmists; they call it alarming. Starting from such a miniscule level, however, it's like using a phony temperature baseline, like they did with the end of the mini ice age. But using that as their baseline, with the miniscule level of CO<sub>2</sub>, this can distort the importance of, when someone says that there's been a rise in the amount of CO<sub>2</sub>, because it's, to begin with, it's a very, very, miniscule amount or part of our atmosphere. So if there's an increase in that, it's not going to have the same impact as what most people have led to believe, the people who believe that it's 40 percent of our atmosphere.

But this increase, of course, no matter, has been described to us in such sinister terms that we are supposed to believe that it is making the world hotter, and so it's mankind, by increasing CO<sub>2</sub>, making the world hotter. When trying to pull this off, they don't mention that in recent times, CO<sub>2</sub> levels, yes, have increased, but contrary to the alarmists' theory, the Earth's temperatures have gone down. Remember, we are being told that the rise of CO<sub>2</sub>, which is a miniscule part of our thing, but the rise of the CO<sub>2</sub> in our atmosphere is causing the atmosphere to warm. Again, there are clearly times when CO<sub>2</sub> has been going up but the temperature has gone down.

So science challenge number 3, if manmade CO<sub>2</sub>, which is a miniscule part of a miniscule element of the atmosphere, if that causes warming, then why is it that when mankind has been emitting more and more CO<sub>2</sub>, like in the 1940s, the fifties and the sixties, and at a time, at that same time when CO<sub>2</sub> levels in general were rising, why was there an actual cooling going on in our climate? This is true today, too. We have an increase in CO<sub>2</sub>, but there's been a cooling going on, or at least there hasn't been a warming for the last 10 years. Remember, no matter how they've tried to hide it—and that attempt to hide it is very clear in the emails that have just been exposed. No matter how they try to hide it, global temperatures have not gone up for almost a decade.

It should be noted that scientific ice core specialists now tell us that historically, over a course of 500 years, CO<sub>2</sub> increases followed temperature increases. It would appear that when it gets warmer, the Earth produces more

CO<sub>2</sub>. The alarmists have it totally backwards, and they're using that as an excuse to dramatically increase their power to control our lives. It is a flawed theory. It is the warmer Earth that creates the CO<sub>2</sub> increase, not the other way around. But that would mean, of course, human beings, if they accept that it's the Earth and it's the warming of the Earth that creates more CO<sub>2</sub>, that would mean that us human beings, that we're off the hook, and the globalists would have no excuse for their power grab and no excuse to control us, to tax us, and to regulate away our livelihood.

Well, it's not getting any warmer, and contrary to those trying to frighten us into giving up our freedom, CO<sub>2</sub> is not a threat to the planet and is not a pollutant. It is not harmful to human beings or animals. It is food for plants which then give us oxygen. Throughout the world, greenhouses, sometimes they're called hothouses, are growing vegetables by pumping CO<sub>2</sub> to feed the plants. And they end up, after pumping CO<sub>2</sub> into these hothouses, they end up with bigger, juicier tomatoes, berries, and other crops.

CO<sub>2</sub> is not a threat to human health or a threat to the planet. During ancient times, before human beings, there were much higher levels of CO<sub>2</sub> in the air, and life on this planet flourished. Even in the oceans, which were, yes, more acidic, ocean life was robust and abundant at that time. All of this makes the announcement yesterday that the EPA will treat CO<sub>2</sub> as a pollutant all the more astounding and, yes, repugnant. It is an example of the heavyhanded power grab we are up against.

By declaring CO<sub>2</sub> a pollutant, a threat to human health, they have empowered the EPA to issue orders, mandates, regulations, controls, and fines which will be put in place and enforced even without a vote of Congress, unelected officials declaring themselves as having this enormous power over us. This bypassing of the authority of Congress is a manifestation of tyranny. I don't care if they think that they are saving the world. This is tyranny. If there are changes in the law that are required by some climate theory, let us debate them, have an honest debate. Let's not impose this on the American people without having elected officials be held accountable for that decision. And, of course, we know now the theories that we're talking about are all based on the cooked books and phony science, which makes it all even worse.

So now on to challenge number 4, which focuses on the accuracy of the statistics being used to justify manmade global warming. Importantly, the alarmists who are raising all of this ruckus, they're doing it about less than 1 degree of an increase in the global temperature. So we hear all of this

ruckus, but it's only increased, even by what they're claiming, less than 1 degree, or just about 1 degree over 150 years. So small inaccuracies can have huge implications to this process.

Well, an investigation has found accuracy problems with 80 percent of America's National Weather Service stations which collected the data here in the United States. And worse, our system, even with 80 percent of the stations not meeting reliable standards, we've been heralded as the best in the world.

But what about the statistics gathered in the rest of the world, in the developing countries and in other countries? What about the statistics that were gathered here and abroad 100 years ago or 150 years ago? Does anyone have faith in those figures? Remember, that's what was fed into the computer. Let's remember also, garbage in, garbage out is a truism when it comes to computers. The whole basis for this so-called irrefutable evidence of global warming rests on computer models that were based on data collected from faulty systems.

Perhaps just as troubling, the data fed into these computers is no longer available for reassessment. Yep, the data was deleted by the research institutes. Deleted, just like they talked about in these hacked emails. And a close reading of the recently exposed emails reveal that alterations were made in the raw data being fed into computers. They were called adjustments of the data. In short, they cooked the books, and that data is no longer available. It was deleted by the research institutes and can not be looked over again for accuracy. Oh, well, I guess we should just trust them.

Fortunately, the ground-based sensors that fed those infamous computer models are not the only source of temperature data. Information is also available from research and observation satellites and weather balloons, and, you guessed it, that source is in conflict with the ground-based data. Of course, no one is certain of that, because all of this we're talking about was the data before adjustments were made and before it was all deleted.

So how is this for a scientific challenge? Defend the scientific integrity of the manmade global warming data collection process. It's got more holes in it than a spaghetti strainer. And this manmade global warming theory is the greatest scam in history. This, of course, is only one of many scams designed to frighten us into draconian solutions for fictitious problems.

I remember when I was a kid, they said cranberries cause cancer. Two years later, after the cranberry industry was decimated, Oh, sorry, we made a mistake. Then you remember cyclamates were supposedly causing cancer. That cost the American industry hundreds of millions of dollars. It



destroyed a sugar substitute which was perfectly fine, and it ended up getting America and perhaps the rest of the world hooked on high fructose corn syrup, only to be found out later on that cyclamates are not carcinogenic at all. And, in fact, Canada never banned them at all, and now its cyclamates are free to be consumed here in the United States.

Well, then we remember Dr. Meryl Streep, a prominent scientist and movie actress who warned us about Alar, only to find out that that was fictitious. We remember Three Mile Island and Jane Fonda, a presentation which stopped the building of nuclear power plants and made us even more dependent on foreign oil. So what did we do? We now depend more on oil and coal for our electricity because Jane Fonda created the impression that nuclear energy was not safe.

And then during the Reagan administration there was a furor about acid rain, which was presented to us, again with a phony baseline. They said that the lakes in the Northeast and everything were becoming more acidic, and they used as their baseline the time immediately in the years that were after a massive number of fires in that area turned those lakes into a base and, thus, the acidity was not the natural acidity that they normally were at. And they were going back to the natural acidity. It was a phony baseline, and it totally distorted the so-called problem.

The topper of them all, many of the very same gang now agonizing over manmade global warming, they were the same people who were warning us with similar intensity about the coming ice age. And then, of course, we have to remember, there's a big price to pay for all of this, big price to pay for lies. Like, for example, the report that bird shells were thinning, which resulted in a global ban on DDT. Millions of children in the Third World have subsequently lost their lives to malaria because of that ban. Apparently, birds were more important to those who made policy than those millions of poor and struggling children in the Third World who lost their lives to malaria, a disease that we had controlled before we banned DDT.

The cap-and-trade bill, rammed through the House by deceit and alarmist propaganda, awaits the U.S. Senate. If it becomes law, as I said on the floor, the debate, our economy will go to hell and our jobs will go to China. And yes, it will affect all of us big time. And that's what this is all about, changing our lives big time.

What are some of the long-term changes these steely-eyed fanatics behind cap-and-trade and global warming and behind the Copenhagen gathering want to make in our lives? It's a long run, but here's some of the things they want.

They want gas to at least double in price, probably triple, maybe more. Parking prices need to go up. Parking permits need to go way up. Air travel will be out of reach for ordinary people by elimination of frequent flier miles and discount tickets and simply dramatically raising the price of airplane tickets. Only the rich and powerful in their private jets and limousines will be free to travel as they please.

Yes, and there will be restrictions on our diet. Embedded in the manmade global warming movement is a contingent of power freaks who want to restrict our meat consumption by limiting production. This is based on the idea that methane from cow flatulence threatens the stability of the planet's climate. This is insane. So hamburgers are out, much less backyard barbecues.

The prices of electricity, just like every energy source, would be pushed sky high, as will the price of almost everything that we consume because everything manufactured or farmed depends on energy. The goal is to put limits on human activity, especially human consumption. To these fanatics, anything used or consumed that is not essential is a waste of resources.

□ 2045

Ronald Reagan used to say about this crowd, They won't be satisfied until we're all living in a bird's nest.

So why is Congress on the verge of passing this monstrous legislation which will bolster the competitiveness of China and India while undercutting our own economy and our way of life? This is a product of a radical environmentalist-globalist coalition. They want to build a whole new world based on benevolent control by people like themselves. They have a vision of a harmonious and balanced world, and they don't mind scaring us into accepting it or imposing it upon us.

And that is where the real threat comes in. This is not just the EPA pushing democracy aside to centralize power and controls in Washington, D.C., which is, in and of itself, contrary to what America is supposed to be all about. This is about centralizing power into the hands of global government. That is what Kyoto and Copenhagen are all about. That's what the radical environmentalist and globalist alliance is all about.

Wake up, America. We still have time to turn this around. We must fight the globalist clique that is trying to shackle future generations of Americans to a burden of economy-killing debt. They are chains that will be hard to break, but we must have the strength and the commitment to do so.

We will not give up our freedom, and we are not powerless. We will stand together, Americans of every race and religion, of every ethnic group and social status. We will fight as united patriots, and we will win. Members of Congress

need to hear from angry constituents, and I predict they will.

Yes, we need to overcome this power grab. We need to overcome this alliance between radical environmentalists and the globalists. But most of all, in order to win, we need to overcome apathy among the American people. It is when the American people rise up in a righteous rage that our freedom will be secure. This is a power grab that is aimed at destroying our freedom.

Wake up, America. We should not be giving more power to United Nation panels or anybody else or any other institution internationally that is composed of governments that are controlled by gangsters and thugs that we would never dream of electing here in the United States, countries that don't have any freedom of press. We're going to give authority to enforce environmental laws and rules that we've never voted on to bodies like that? Or we're going to go along with the EPA and push the Congress aside and elected officials aside and let that be imposed upon us by people who have never been elected to anything? No. We must stand up and defeat this power grab.

Wake up, America. Your freedom and prosperity are at stake.

I have three children at home: little Christian, Anika and Tristan. We owe it to them and the children of this country to pass on freedom and opportunity that has been passed on to us. The sacrifice, the sacrifice of generations of Americans to provide us the democracy that we have, the democratic way of fighting these battles that we have. We will not see that destroyed.

We will instead use the democratic process in this fight and hold true to the principles, and what was passed on to us by generations of Americans, and we will also be true to future generations of Americans. But now it's up to us. If we don't act, this conspiracy of lies, of distortions in the scientific community coupled with an alliance with a globalist who would centralize power in global government. No. We must defeat them, or we will not be living up to our responsibility, not living up to what we should be asked to do as Americans, and that is to pass on this freedom.

We are united patriots, and we will win.

With that, I yield back the balance of my time.

## RECESS

The SPEAKER pro tempore (Mrs. DAHLKEMPER). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 8 o'clock and 50 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2322

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. WASSERMAN SCHULTZ) at 11 o'clock and 22 minutes p.m.

# CONFERENCE REPORT ON H.R. 3288, TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Mr. OLVER submitted the following conference report and statement on the bill (H.R. 3288) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes:

# CONFERENCE REPORT ON H.R. 3288, TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Mr. OLVER submitted the following conference report and statement on the bill (H.R. 3288) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes:

## CONFERENCE REPORT (H. REPT. 111-366)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3288), making appropriations for the Departments of Transportation and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

## SECTION 1. SHORT TITLE

This Act may be cited as the "Consolidated Appropriations Act, 2010".

## SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. References.
- Sec. 4. Statement of appropriations.

# DIVISION A—TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Title I—Department of Transportation  
Title II—Department of Housing and Urban Development

Title III—Related agencies  
Title IV—General provisions—This Act

# DIVISION B—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Title I—Department of Commerce

Title II—Department of Justice

Title III—Science

Title IV—Related agencies

Title V—General provisions

# DIVISION C—FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2010

Title I—Department of the Treasury

Title II—Executive Office of the President and funds appropriated to the President

Title III—The judiciary

Title IV—District of Columbia

Title V—Independent agencies

Title VI—General provisions—This Act

Title VII—General provisions—Government-wide

Title VIII—General provisions—District of Columbia

# DIVISION D—DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Title I—Department of Labor

Title II—Department of Health and Human Services

Title III—Department of Education

Title IV—Related agencies

Title V—General provisions

# DIVISION E—MILITARY CONSTRUCTION AND VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Title I—Department of Defense

Title II—Department of Veterans Affairs

Title III—Related agencies

Title IV—Overseas contingency operations

Title V—General provisions

# DIVISION F—DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2010

Title I—Department of State and related agency

Title II—United States Agency for International Development

Title III—Bilateral economic assistance

Title IV—International security assistance

Title V—Multilateral assistance

Title VI—Export and investment assistance

Title VII—General provisions

## SEC. 3. REFERENCES.

Except as expressly provided otherwise, any reference to "this Act" contained in any division of this Act shall be treated as referring only to the provisions of that division.

## SEC. 4. STATEMENT OF APPROPRIATIONS.

The following sums in this Act are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010.

# DIVISION A—TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

## TITLE I

### DEPARTMENT OF TRANSPORTATION

#### OFFICE OF THE SECRETARY

#### SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, \$102,686,000, of which not to exceed \$2,631,000 shall be available for the immediate Office of the Secretary; not to exceed \$986,000 shall be available for the immediate Office of the Deputy Secretary; not to exceed \$20,359,000 shall be available for the Office of the General Counsel; not to exceed \$11,100,000 shall be available for the Office of the Under Secretary of Transportation for Policy; not to exceed \$10,559,000 shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed \$2,504,000 shall be available for the Office of the Assistant Secretary for Governmental Af-

fairs; not to exceed \$25,520,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed \$2,055,000 shall be available for the Office of Public Affairs; not to exceed \$1,658,000 shall be available for the Office of the Executive Secretariat; not to exceed \$1,499,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed \$10,600,000 for the Office of Intelligence, Security, and Emergency Response; and not to exceed \$13,215,000 shall be available for the Office of the Chief Information Officer: Provided, That the Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: Provided further, That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: Provided further, That notice of any change in funding greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations: Provided further, That not to exceed \$60,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine: Provided further, That notwithstanding any other provision of law, excluding fees authorized in Public Law 107-71, there may be credited to this appropriation up to \$2,500,000 in funds received in user fees: Provided further, That none of the funds provided in this Act shall be available for the position of Assistant Secretary for Public Affairs.

#### NATIONAL INFRASTRUCTURE INVESTMENTS

For capital investments in surface transportation infrastructure, \$600,000,000, to remain available through September 30, 2012: Provided, That the Secretary of Transportation shall distribute funds provided under this heading as discretionary grants to be awarded to a State, local government, transit agency, or a collaboration among such entities on a competitive basis for projects that will have a significant impact on the Nation, a metropolitan area, or a region: Provided further, That projects eligible for funding provided under this heading shall include, but not be limited to, highway or bridge projects eligible under title 23, United States Code; public transportation projects eligible under chapter 53 of title 49, United States Code; passenger and freight rail transportation projects; and port infrastructure investments: Provided further, That in distributing funds provided under this heading, the Secretary shall take such measures so as to ensure an equitable geographic distribution of funds, an appropriate balance in addressing the needs of urban and rural areas, and the investment in a variety of transportation modes: Provided further, That a grant funded under this heading shall be not less than \$10,000,000 and not greater than \$200,000,000: Provided further, That not more than 25 percent of the funds made available under this heading may be awarded to projects in a single State: Provided further, That the Federal share of the costs for which an expenditure is made under this heading shall be, at the option of the recipient, up to 80 percent: Provided further, That the Secretary shall give priority to projects that require a contribution of Federal funds in order to complete an overall financing package: Provided further, That not less than \$140,000,000 of the funds provided under this heading shall be for projects located in rural areas: Provided further, That for projects located in rural areas, the minimum grant size shall be \$1,000,000 and the Secretary may increase the Federal share of costs above 80 percent: Provided further, That of the amount made available under this heading, the Secretary may use an amount not to exceed \$150,000,000 for the purpose of paying the subsidy and administrative costs of projects eligible for federal credit assistance under chapter 6 of

title 23, United States Code, if the Secretary finds that such use of the funds would advance the purposes of this paragraph: Provided further, That of the amount made available under this heading, the Secretary may use an amount not to exceed \$35,000,000 for the planning, preparation or design of projects eligible for funding under this heading: Provided further, That projects conducted using funds provided under this heading must comply with the requirements of subchapter IV of chapter 31 of title 40, United States Code: Provided further, That the Secretary shall publish criteria on which to base the competition for any grants awarded under this heading no sooner than 60 days after enactment of this Act, require applications for funding provided under this heading to be submitted no sooner than 120 days after the publication of such criteria, and announce all projects selected to be funded from funds provided under this heading no sooner than September 15, 2010: Provided further, That the Secretary may retain up to \$25,000,000 of the funds provided under this heading, and may transfer portions of those funds to the Administrators of the Federal Highway Administration, the Federal Transit Administration, the Federal Railroad Administration and the Federal Maritime Administration, to fund the award and oversight of grants made under this heading.

#### FINANCIAL MANAGEMENT CAPITAL

For necessary expenses for upgrading and enhancing the Department of Transportation's financial systems and re-engineering business processes, \$5,000,000, to remain available until expended.

#### OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, \$9,667,000.

#### TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, \$16,168,000.

#### WORKING CAPITAL FUND

For necessary expenses for operating costs and capital outlays of the Working Capital Fund, not to exceed \$147,596,000, shall be paid from appropriations made available to the Department of Transportation: Provided, That such services shall be provided on a competitive basis to entities within the Department of Transportation: Provided further, That the above limitation on operating expenses shall not apply to non-DOT entities: Provided further, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency modal administrator: Provided further, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

#### MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of guaranteed loans, \$353,000, as authorized by 49 U.S.C. 332: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$18,367,000. In addition, for administrative expenses to carry out the guaranteed loan program, \$570,000.

#### MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, \$3,074,000,

to remain available until September 30, 2011: Provided, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

#### PAYMENTS TO AIR CARRIERS

#### (AIRPORT AND AIRWAY TRUST FUND)

#### (INCLUDING TRANSFER OF FUNDS)

In addition to funds made available from any other source to carry out the essential air service program under 49 U.S.C. 41731 through 41742, \$150,000,000, to be derived from the Airport and Airway Trust Fund, to remain available until expended: Provided, That, in determining between or among carriers competing to provide service to a community, the Secretary may consider the relative subsidy requirements of the carriers: Provided further, That, if the funds under this heading are insufficient to meet the costs of the essential air service program in the current fiscal year, the Secretary shall transfer such sums as may be necessary to carry out the essential air service program from any available amounts appropriated to or directly administered by the Office of the Secretary for such fiscal year.

#### ADMINISTRATIVE PROVISIONS—OFFICE OF THE SECRETARY OF TRANSPORTATION

SEC. 101. None of the funds made available in this Act to the Department of Transportation may be obligated for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the modal administrations in this Act, except for activities underway on the date of enactment of this Act, unless such assessments or agreements have completed the normal reprogramming process for Congressional notification.

SEC. 102. None of the funds made available under this Act may be obligated or expended to establish or implement a program under which essential air service communities are required to assume subsidy costs commonly referred to as the EAS local participation program.

SEC. 103. The Secretary or his designee may engage in activities with States and State legislators to consider proposals related to the reduction of motorcycle fatalities.

SEC. 104. The Secretary of Transportation is authorized to transfer the unexpended balances available for the bonding assistance program from "Office of the Secretary, Salaries and expenses" to "Minority Business Outreach".

SEC. 105. Such amounts as are required from amounts provided in this Act to the Office of the Secretary of Transportation for the Transportation Planning, Research and Development program may be used for the development, coordination, and analysis of data collection procedures and national performance measures.

#### FEDERAL AVIATION ADMINISTRATION

#### OPERATIONS

#### (AIRPORT AND AIRWAY TRUST FUND)

#### (INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 108-176, \$9,350,028,000, of which \$4,000,000,000 shall be derived from the Airport and Airway Trust Fund, of which not to exceed \$7,299,299,000 shall be available for air traffic organization activities; not to exceed \$1,234,065,000 shall be available for aviation safety activities; not to exceed \$15,237,000 shall

be available for commercial space transportation activities; not to exceed \$113,681,000 shall be available for financial services activities; not to exceed \$100,428,000 shall be available for human resources program activities; not to exceed \$341,977,000 shall be available for region and center operations and regional coordination activities; not to exceed \$196,063,000 shall be available for staff offices; and not to exceed \$49,278,000 shall be available for information services: Provided, That the Secretary utilize not less than \$17,084,000 of the funds provided for aviation safety activities to pay for staff increases in the Office of Aviation Flight Standards and the Office of Aircraft Certification: Provided further, That none of the funds provided for increases to the staffs of the aviation flight standards and aircraft certification offices shall be used for other purposes: Provided further, That not to exceed 2 percent of any budget activity, except for aviation safety budget activity, may be transferred to any budget activity under this heading: Provided further, That no transfer may increase or decrease any appropriation by more than 2 percent: Provided further, That any transfer in excess of 2 percent shall be treated as a reprogramming of funds under section 405 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: Provided further, That not later than March 31 of each fiscal year hereafter, the Administrator of the Federal Aviation Administration shall transmit to Congress an annual update to the report submitted to Congress in December 2004 pursuant to section 221 of Public Law 108-176: Provided further, That the amount herein appropriated shall be reduced by \$100,000 for each day after March 31 that such report has not been submitted to the Congress: Provided further, That not later than March 31 of each fiscal year hereafter, the Administrator shall transmit to Congress a companion report that describes a comprehensive strategy for staffing, hiring, and training flight standards and aircraft certification staff in a format similar to the one utilized for the controller staffing plan, including stated attrition estimates and numerical hiring goals by fiscal year: Provided further, That the amount herein appropriated shall be reduced by \$100,000 per day for each day after March 31 that such report has not been submitted to Congress: Provided further, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: Provided further, That none of the funds in this Act shall be available for new applicants for the second career training program: Provided further, That none of the funds in this Act shall be available for the Federal Aviation Administration to finalize or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: Provided further, That there may be credited to this appropriation funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: Provided further, That of the funds appropriated under this heading, not less than \$9,500,000 shall be for the contract tower cost-sharing program: Provided further, That none of the funds in this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Working Capital Fund: Provided further,

That of the funds available under this heading not to exceed \$500,000 shall be provided to the Department of Transportation's Office of Inspector General through reimbursement to conduct the annual audits of financial statements in accordance with section 3521 of title 31, United States Code, and not to exceed \$120,000 shall be provided to that office through reimbursement to conduct the annual Enterprise Services Center Statement on Auditing Standards 70 audit.

#### FACILITIES AND EQUIPMENT

##### (AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, technical support services, improvement by contract or purchase, and hire of national airspace systems and experimental facilities and equipment, as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this heading, including aircraft for aviation regulation and certification; to be derived from the Airport and Airway Trust Fund, \$2,936,203,000, of which \$2,466,203,000 shall remain available until September 30, 2012, and of which \$470,000,000 shall remain available until September 30, 2010: Provided, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: Provided further, That upon initial submission to the Congress of the fiscal year 2011 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2011 through 2015, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget.

#### RESEARCH, ENGINEERING, AND DEVELOPMENT

##### (AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, \$190,500,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2012: Provided, That there may be credited to this appropriation as offsetting collections, funds received from States, counties, municipalities, other public authorities, and private sources, which shall be available for expenses incurred for research, engineering, and development.

#### GRANTS-IN-AID FOR AIRPORTS

##### (LIQUIDATION OF CONTRACT AUTHORIZATION)

##### (LIMITATION ON OBLIGATIONS)

##### (AIRPORT AND AIRWAY TRUST FUND)

##### (INCLUDING TRANSFER OF FUNDS)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other

law authorizing such obligations; for procurement, installation, and commissioning of runway incursion prevention devices and systems at airports of such title; for grants authorized under section 41743 of title 49, United States Code; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, \$3,000,000,000 to be derived from the Airport and Airway Trust Fund and to remain available until expended: Provided, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of \$3,515,000,000 in fiscal year 2010, notwithstanding section 47117(g) of title 49, United States Code: Provided further, That none of the funds under this heading shall be available for the replacement of baggage conveyor systems, reconfiguration of terminal baggage areas, or other airport improvements that are necessary to install bulk explosive detection systems: Provided further, That notwithstanding any other provision of law, of funds limited under this heading, not more than \$93,422,000 shall be obligated for administration, not less than \$15,000,000 shall be available for the airport cooperative research program, not less than \$22,472,000 shall be for Airport Technology Research and \$6,000,000, to remain available until expended, shall be available and transferred to "Office of the Secretary, Salaries and Expenses" to carry out the Small Community Air Service Development Program.

##### (RESCISSION)

Of the amounts authorized for the fiscal year ending September 30, 2009, and prior years under sections 48103 and 48112 of title 49, United States Code, \$394,000,000 are permanently rescinded.

#### ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION ADMINISTRATION

SEC. 110. None of the funds in this Act may be used to compensate in excess of 600 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2010.

SEC. 111. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation, or weather reporting: Provided, That the prohibition of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on "below-market" rates for these items or to grant assurances that require airport sponsors to provide land without cost to the FAA for air traffic control facilities.

SEC. 112. The Administrator of the Federal Aviation Administration may reimburse amounts made available to satisfy 49 U.S.C. 41742(a)(1) from fees credited under 49 U.S.C. 45303: Provided, That during fiscal year 2010, 49 U.S.C. 41742(b) shall not apply, and any amount remaining in such account at the close of that fiscal year may be made available to satisfy section 41742(a)(1) for the subsequent fiscal year.

SEC. 113. Amounts collected under section 40113(e) of title 49, United States Code, shall be credited to the appropriation current at the time of collection, to be merged with and available for the same purposes of such appropriation.

SEC. 114. (a) Section 44302(f)(1) of title 49, United States Code, is amended—

(1) by striking "September 30, 2009," and inserting "September 30, 2010,"; and

(2) by striking "December 31, 2009," and inserting "December 31, 2010,".

(b) Section 44303(b) of such title is amended by striking "December 31, 2009," and inserting "December 31, 2010,".

SEC. 115. None of the funds appropriated or limited by this Act may be used to change weight restrictions or prior permission rules at Teterboro airport in Teterboro, New Jersey.

SEC. 116. None of the funds limited by this Act for grants under the Airport Improvement Program shall be made available to the sponsor of a commercial service airport if such sponsor fails to agree to a request from the Secretary of Transportation for cost-free space in a non-revenue producing, public use area of the airport terminal or other airport facilities for the purpose of carrying out a public service air passenger rights and consumer outreach campaign.

SEC. 117. None of the funds in this Act shall be available for paying premium pay under subsection 5546(a) of title 5, United States Code, to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay.

SEC. 118. None of the funds in this Act may be obligated or expended for an employee of the Federal Aviation Administration to purchase a store gift card or gift certificate through use of a Government-issued credit card.

SEC. 119. The Secretary shall apportion to the sponsor of an airport that received scheduled or unscheduled air service from a large certified air carrier (as defined in part 241 of title 14 Code of Federal Regulations, or such other regulations as may be issued by the Secretary under the authority of section 41709) an amount equal to the minimum apportionment specified in 49 U.S.C. 47114(c), if the Secretary determines that airport had more than 10,000 passenger boardings in the preceding calendar year, based on data submitted to the Secretary under part 241 of title 14, Code of Federal Regulations.

#### FEDERAL HIGHWAY ADMINISTRATION

##### LIMITATION ON ADMINISTRATIVE EXPENSES

##### (INCLUDING TRANSFER OF FUNDS)

Not to exceed \$413,533,000, together with advances and reimbursements received by the Federal Highway Administration, shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration for necessary expenses for administration and operation. In addition, not to exceed \$3,524,000 shall be paid from appropriations made available by this Act and transferred to the Department of Transportation's Office of Inspector General for costs associated with audits and investigations of projects and programs of the Federal Highway Administration, and not to exceed \$285,000 shall be paid from appropriations made available by this Act and provided to that office through reimbursement to conduct the annual audits of financial statements in accordance with section 3521 of title 31, United States Code. In addition, not to exceed \$3,220,000 shall be paid from appropriations made available by this Act and transferred to the Appalachian Regional Commission in accordance with section 104 of title 23, United States Code.

#### FEDERAL-AID HIGHWAYS

##### (LIMITATION ON OBLIGATIONS)

##### (HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of \$41,107,000,000 for Federal-aid highways and highway safety construction programs for fiscal year 2010: Provided, That within the \$41,107,000,000 obligation limitation on Federal-aid highways and highway safety construction

programs, not more than \$429,800,000 shall be available for the implementation or execution of programs for transportation research (chapter 5 of title 23, United States Code; sections 111, 5505, and 5506 of title 49, United States Code; and title 5 of Public Law 109-59) for fiscal year 2010: Provided further, That this limitation on transportation research programs shall not apply to any authority previously made available for obligation: Provided further, That the Secretary may, as authorized by section 605(b) of title 23, United States Code, collect and spend fees to cover the costs of services of expert firms, including counsel, in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments and all or a portion of the costs to the Federal Government of servicing such credit instruments: Provided further, That such fees are available until expended to pay for such costs: Provided further, That such amounts are in addition to administrative expenses that are also available for such purpose, and are not subject to any obligation limitation or the limitation on administrative expenses under section 608 of title 23, United States Code.

(LIQUIDATION OF CONTRACT AUTHORIZATION)  
(HIGHWAY TRUST FUND)

For carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, \$41,846,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund (other than the Mass Transit Account), to remain available until expended.

SURFACE TRANSPORTATION PRIORITIES

For the necessary expenses of certain highway and surface transportation projects, \$292,829,000, to remain available until expended: Provided, That the amount provided under this heading shall be made available for the programs, projects, and activities identified under this heading in the explanatory statement accompanying this Act: Provided further, That funds provided under this heading, at the request of a State, shall be transferred by the Secretary to another Federal agency: Provided further, That the Federal share payable on account of any program, project, or activity carried out with funds provided under this heading shall be 100 percent: Provided further, That none of the funds provided under this heading shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs set forth in this Act or any other Act.

ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY ADMINISTRATION

SEC. 120. (a) For fiscal year 2010, the Secretary of Transportation shall—

(1) not distribute from the obligation limitation for Federal-aid highways amounts authorized for administrative expenses and programs by section 104(a) of title 23, United States Code; programs funded from the administrative take-down authorized by section 104(a)(1) of title 23, United States Code (as in effect on the date before the date of enactment of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users); the highway use tax evasion program; and the Bureau of Transportation Statistics;

(2) not distribute an amount from the obligation limitation for Federal-aid highways that is equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highways and highway safety programs for previous fiscal years the funds for which are allocated by the Secretary;

(3) determine the ratio that—

(A) the obligation limitation for Federal-aid highways, less the aggregate of amounts not distributed under paragraphs (1) and (2), bears to

(B) the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction programs (other than sums authorized to be appropriated for provisions of law described in paragraphs (1) through (9) of subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(10) for such fiscal year), less the aggregate of the amounts not distributed under paragraphs (1) and (2) of this subsection;

(4)(A) distribute the obligation limitation for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2), for sections 1301, 1302, and 1934 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users; sections 117 (but individually for each project numbered 1 through 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users) and section 144(g) of title 23, United States Code; and section 14501 of title 40, United States Code, so that the amount of obligation authority available for each of such sections is equal to the amount determined by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for that section for the fiscal year; and

(B) distribute \$2,000,000,000 for section 105 of title 23, United States Code;

(5) distribute the obligation limitation provided for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraph (4), for each of the programs that are allocated by the Secretary under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and title 23, United States Code (other than to programs to which paragraphs (1) and (4) apply), by multiplying the ratio determined under paragraph (3) by the amounts authorized to be appropriated for each such program for such fiscal year; and

(6) distribute the obligation limitation provided for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5), for Federal-aid highways and highway safety construction programs (other than the amounts apportioned for the equity bonus program, but only to the extent that the amounts apportioned for the equity bonus program for the fiscal year are greater than \$2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and title 23, United States Code, in the ratio that—

(A) amounts authorized to be appropriated for such programs that are apportioned to each State for such fiscal year, bear to

(B) the total of the amounts authorized to be appropriated for such programs that are apportioned to all States for such fiscal year.

(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—The obligation limitation for Federal-aid highways shall not apply to obligations: (1) under section 125 of title 23, United States Code; (2) under section 147 of the Surface Transportation Assistance Act of 1978; (3) under section 9 of the Federal-Aid Highway Act of 1981; (4) under subsections (b) and (j) of section 131 of the Surface Transportation Assistance Act of 1982; (5) under subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987; (6) under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991; (7) under section 157 of title 23, United States Code,

as in effect on the day before the date of the enactment of the Transportation Equity Act for the 21st Century; (8) under section 105 of title 23, United States Code, as in effect for fiscal years 1998 through 2004, but only in an amount equal to \$639,000,000 for each of those fiscal years; (9) for Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st Century or subsequent public laws for multiple years or to remain available until used, but only to the extent that the obligation authority has not lapsed or been used; (10) under section 105 of title 23, United States Code, but only in an amount equal to \$639,000,000 for each of fiscal years 2005 through 2010; and (11) under section 1603 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, to the extent that funds obligated in accordance with that section were not subject to a limitation on obligations at the time at which the funds were initially made available for obligation.

(c) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (a), the Secretary shall, after August 1 of such fiscal year, revise a distribution of the obligation limitation made available under subsection (a) if the amount distributed cannot be obligated during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year, giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code.

(d) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—The obligation limitation shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code, and title V (research title) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, except that obligation authority made available for such programs under such limitation shall remain available for a period of 3 fiscal years and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(e) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—

(1) IN GENERAL.—Not later than 30 days after the date of the distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds that—

(A) are authorized to be appropriated for such fiscal year for Federal-aid highways programs; and

(B) the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year.

(2) RATIO.—Funds shall be distributed under paragraph (1) in the same ratio as the distribution of obligation authority under subsection (a)(6).

(3) AVAILABILITY.—Funds distributed under paragraph (1) shall be available for any purposes described in section 133(b) of title 23, United States Code.

(f) SPECIAL LIMITATION CHARACTERISTICS.—Obligation limitation distributed for a fiscal year under subsection (a)(4) for the provision specified in subsection (a)(4) shall—

(1) remain available until used for obligation of funds for that provision; and

(2) be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(g) HIGH PRIORITY PROJECT FLEXIBILITY.—

(1) *IN GENERAL.*—Subject to paragraph (2), obligation authority distributed for such fiscal year under subsection (a)(4) for each project numbered 1 through 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users may be obligated for any other project in such section in the same State.

(2) *RESTORATION.*—Obligation authority used as described in paragraph (1) shall be restored to the original purpose on the date on which obligation authority is distributed under this section for the next fiscal year following obligation under paragraph (1).

(h) *LIMITATION ON STATUTORY CONSTRUCTION.*—Nothing in this section shall be construed to limit the distribution of obligation authority under subsection (a)(4)(A) for each of the individual projects numbered greater than 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.

SEC. 121. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: Provided, That such funds shall be subject to the obligation limitation for Federal-aid highways and highway safety construction.

SEC. 122. There is hereby appropriated to the Secretary of Transportation \$650,000,000, to remain available through September 30, 2012: Provided, That the funds provided under this section shall be apportioned to the States in the same ratio as the obligation limitation for fiscal year 2010 is distributed among the States in section 120(a)(6) of this Act, and made available for the restoration, repair, construction, and other activities eligible under paragraph (b) of section 133 of title 23, United States Code: Provided further, That funds apportioned under this section shall be administered as if apportioned under chapter 1 of title 23, United States Code: Provided further, That the Federal share payable on account of any project or activity carried out with funds apportioned under this section shall be 80 percent: Provided further, That funding provided under this section shall be in addition to any and all funds provided for fiscal year 2010 in this or any other Act for “Federal-aid Highways” and shall not affect the distribution of funds provided for “Federal-aid Highways” in any other Act: Provided further, That the amounts made available under this section shall not be subject to any limitation on obligations for Federal-aid highways or highway safety construction programs set forth in any Act: Provided further, That section 1101(b) of Public Law 109–59 shall apply to funds apportioned under this section.

SEC. 123. Not less than 15 days prior to waiving, under his statutory authority, any Buy America requirement for Federal-aid highway projects, the Secretary of Transportation shall make an informal public notice and comment opportunity on the intent to issue such waiver and the reasons therefor: Provided, That the Secretary shall provide an annual report to the Appropriations Committees of the Congress on any waivers granted under the Buy America requirements.

SEC. 124. (a) *IN GENERAL.*—Except as provided in subsection (b), none of the funds made available, limited, or otherwise affected by this Act shall be used to approve or otherwise authorize the imposition of any toll on any segment of highway located on the Federal-aid system in the State of Texas that—

(1) as of the date of enactment of this Act, is not tolled;

(2) is constructed with Federal assistance provided under title 23, United States Code; and

(3) is in actual operation as of the date of enactment of this Act.

(b) *EXCEPTIONS.*—

(1) *NUMBER OF TOLL LANES.*—Subsection (a) shall not apply to any segment of highway on the Federal-aid system described in that subsection that, as of the date on which a toll is imposed on the segment, will have the same number of non-toll lanes as were in existence prior to that date.

(2) *HIGH-OCCUPANCY VEHICLE LANES.*—A high-occupancy vehicle lane that is converted to a toll lane shall not be subject to this section, and shall not be considered to be a non-toll lane for purposes of determining whether a highway will have fewer non-toll lanes than prior to the date of imposition of the toll, if—

(A) high-occupancy vehicles occupied by the number of passengers specified by the entity operating the toll lane may use the toll lane without paying a toll, unless otherwise specified by the appropriate county, town, municipal or other local government entity, or public toll road or transit authority; or

(B) each high-occupancy vehicle lane that was converted to a toll lane was constructed as a temporary lane to be replaced by a toll lane under a plan approved by the appropriate county, town, municipal or other local government entity, or public toll road or transit authority.

SEC. 125. (a) In the explanatory statement referenced in section 129 of division K of Public Law 110–161 (121 Stat. 2388), the item relating to “Route 5 Overpass and River Center, St. Mary’s County, MD” in the table of projects for such section 129 is deemed to be amended by striking “Route 5 Overpass and River Center, St. Mary’s County, MD” and inserting “Safety Improvements and Traffic Calming Measures along Route 5 at St. Mary’s County, MD”.

(b) In the explanatory statement referenced in section 186 of title I of division I of Public Law 111–8 (123 Stat. 947), the item relating to “US 422 River Crossing Complex Project, King of Prussia, PA” in the table of projects under the heading “Transportation, Community, and System Preservation Program” is deemed to be amended by striking “US 422 River Crossing Complex Project, King of Prussia, PA” and inserting “For closed loop signal control system and other improvements for Trooper Road in Lower Providence and West Norriton Townships, Montgomery County, PA”.

(c) In the explanatory statement referenced in section 186 of title I of division I of Public Law 111–8 (123 Stat. 947), the item relating to “Improving the West Bank River Front, IL” in the table of projects under the heading “Transportation, Community, and System Preservation Program” is deemed to be amended by striking “Improving the West Bank River Front, IL” and inserting “East Bank River Front and Bikeway Improvements, IL”.

(d) In the explanatory statement referenced in section 186 of title I of division K of Public Law 110–161 (121 Stat. 2406), as amended by section 129(d) of division I of Public Law 111–8 (123 Stat. 947), the item relating to “Repair of Side Streets and Relocation of Water Mains resulting from rerouting of traffic and reconstruction of 159th Street in Harvey, IL” in the table of projects under the heading “Transportation, Community, and System Preservation Program” is deemed to be amended by striking “Repair of Side Streets and Relocation of Water Mains resulting from rerouting of traffic and reconstruction of 159th Street in Harvey, IL” and inserting “Intersection Improvements on Crawford Avenue and 203rd Street in the Village of Olympia Fields, IL”.

(e) In the explanatory statement referenced in section 129 of division K of Public Law 110–161 (121 Stat. 2388), the item relating to “Study Improvements to 109th Avenue, Winfield, IN” in

the table of projects for such section 129 is deemed to be amended by striking “Winfield, IN” and inserting “Town of Winfield, City of Crown Point, Lake County, IN”.

(f) In the explanatory statement referenced in section 186 of title I of division I of Public Law 111–8 (123 Stat. 947), the item relating to “Ronald Reagan Parkway (Middle and Southern segments), Boone County, IN” in the table of projects under the heading “Transportation, Community, and System Preservation Program” is deemed to be amended by striking “Boone County” and inserting “Hendricks County”.

(g) In the explanatory statement referenced in section 186 of title I of division I of Public Law 111–8 (123 Stat. 947), the item relating to “Onville Road Intersection and Road-Widening Project, Prince William County, VA” in the table of projects under the heading “Federal Lands” is deemed to be amended by striking “Prince William” and inserting “Stafford”.

(h) In the explanatory statement referenced in section 186 of title I of division I of Public Law 111–8 (123 Stat. 947), the item relating to “U.S. 59/Alabama Grade Separation Project, St. Joseph, MO” in the table of projects under the heading “Interstate Maintenance Discretionary” is deemed to be amended by striking “U.S. 59/Alabama Grade Separation Project, St. Joseph, MO” and inserting “I-29 Interchange Reconstruction in St. Joseph, MO”.

(i) In the explanatory statement referenced in section 186 of title I of division I of Public Law 111–8 (123 Stat. 947), the item relating to “Decking and Sidewalk Replacement on the Central Avenue Overpass, South Charleston, WV” in the table of projects under the heading “Interstate Maintenance Discretionary” is deemed to be amended by striking “Decking and Sidewalk Replacement on the Central Avenue Overpass, South Charleston, WV” and inserting “General Interstate Maintenance, WV”.

(j) In the explanatory statement referenced in section 125 of title I of division I of Public Law 111–8 (123 Stat. 928), the item relating to “Wapsi Great Western Line Trail, Mitchell County, IA” is deemed to be amended by striking “Mitchell County” and inserting “Mitchell and Howard Counties”.

(k) In the explanatory statement referenced in section 125 of title I of division I of Public Law 111–8 (123 Stat. 928), the item relating to “Highway 169 Corridor Project Environmental Assessment, Preliminary Engineering and Planning, Humboldt, IA” is deemed to be amended by striking “Corridor Project Environmental Assessment, Preliminary Engineering and Planning, Humboldt, IA” and inserting “Construction, Humboldt and Webster Counties, IA”.

(l) In the explanatory statement referenced in section 125 of title I of division I of Public Law 111–8 (123 Stat. 928), the item relating to “Highway 53 Interchanges, WI” is deemed to be amended by striking “Interchanges” and inserting “Intersections”.

SEC. 126. Item 4866A in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59) is amended by striking “Repair and restore” and inserting “Removal of and enhancements around”.

SEC. 127. Item 3923 in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59) is amended by striking “to 4 lanes from I–10 to West U.S. 90”.

SEC. 128. Funds made available for “Brentwood Boulevard/SR 4 Improvements, Brentwood, CA” under section 129 of Public Law 110–161 shall be made available for “John Muir Parkway Project, Brentwood, CA”.

SEC. 129. The table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users



(119 Stat. 1256) is amended in item number 3138 by striking the project description and inserting “Elimination of highway-railway crossings and rehabilitation of rail along the KO railroad to Osborne”.

SEC. 130. Funds made available for “City of Tuscaloosa Downtown Revitalization Project—University Blvd and Greensboro Avenue, AL” under section 125 of Public Law 111–8 shall be made available for “City of Tuscaloosa Downtown Revitalization Project—University Blvd”.

SEC. 131. The table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1256) is amended by striking the project description for item number 4573 and inserting the following: “Design and construct interchange on I–15 in Mesquite”.

FEDERAL MOTOR CARRIER SAFETY  
ADMINISTRATION

MOTOR CARRIER SAFETY OPERATIONS AND  
PROGRAMS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in the implementation, execution and administration of motor carrier safety operations and programs pursuant to section 31104(i) of title 49, United States Code, and sections 4127 and 4134 of Public Law 109–59, \$239,828,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account), together with advances and reimbursements received by the Federal Motor Carrier Safety Administration, the sum of which shall remain available until expended: Provided, That none of the funds derived from the Highway Trust Fund in this Act shall be available for the implementation, execution or administration of programs, the obligations for which are in excess of \$239,828,000, for “Motor Carrier Safety Operations and Programs” of which \$8,543,000, to remain available for obligation until September 30, 2012, is for the research and technology program and \$1,000,000 shall be available for commercial motor vehicle operator’s grants to carry out section 4134 of Public Law 109–59: Provided further, That notwithstanding any other provision of law, none of the funds under this heading for outreach and education shall be available for transfer: Provided further, That the Federal Motor Carrier Safety Administration shall transmit to Congress a report on March 30, 2010, and September 30, 2010, on the agency’s ability to meet its requirement to conduct compliance reviews on high-risk carriers.

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(INCLUDING RESCISSION)

For payment of obligations incurred in carrying out sections 31102, 31104(a), 31106, 31107, 31109, 31309, 31313 of title 49, United States Code, and sections 4126 and 4128 of Public Law 109–59, \$310,070,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: Provided, That none of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of \$310,070,000, for “Motor Carrier Safety Grants”; of which \$212,070,000 shall be available for the motor carrier safety assistance program to carry out sections 31102 and 31104(a) of title 49, United States Code; \$25,000,000 shall be available for the commercial driver’s license improvements program to carry out section 31313 of title 49, United States Code; \$32,000,000 shall be available for the bor-

der enforcement grants program to carry out section 31107 of title 49, United States Code; \$5,000,000 shall be available for the performance and registration information system management program to carry out sections 31106(b) and 31109 of title 49, United States Code; \$25,000,000 shall be available for the commercial vehicle information systems and networks deployment program to carry out section 4126 of Public Law 109–59; \$3,000,000 shall be available for the safety data improvement program to carry out section 4128 of Public Law 109–59; and \$8,000,000 shall be available for the commercial driver’s license information system modernization program to carry out section 31309(e) of title 49, United States Code: Provided further, That of the funds made available for the motor carrier safety assistance program, \$29,000,000 shall be available for audits of new entrant motor carriers: Provided further, That \$1,610,661 in unobligated balances are permanently rescinded.

MOTOR CARRIER SAFETY

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the amounts made available under this heading in prior appropriations Acts, \$6,415,501 in unobligated balances are permanently rescinded.

NATIONAL MOTOR CARRIER SAFETY PROGRAM

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the amounts made available under this heading in prior appropriations Acts, \$3,232,639 in unobligated balances are permanently rescinded.

ADMINISTRATIVE PROVISION—FEDERAL MOTOR  
CARRIER SAFETY ADMINISTRATION

SEC. 135. Funds appropriated or limited in this Act shall be subject to the terms and conditions stipulated in section 350 of Public Law 107–87 and section 6901 of Public Law 110–28, including that the Secretary submit a report to the House and Senate Appropriations Committees annually on the safety and security of transportation into the United States by Mexico-domiciled motor carriers.

NATIONAL HIGHWAY TRAFFIC SAFETY

ADMINISTRATION

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under subtitle C of title X of Public Law 109–59 and chapter 301 and part C of subtitle VI of title 49, United States Code, \$140,427,000, of which \$35,543,000 shall remain available through September 30, 2011: Provided, That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect.

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, \$105,500,000 to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: Provided, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2010, are in excess of \$105,500,000 for programs authorized under 23 U.S.C. 403: Provided further, That within the \$105,500,000 obligation limitation for operations and research,

\$26,908,000 shall remain available until September 30, 2011 and shall be in addition to the amount of any limitation imposed on obligations for future years.

NATIONAL DRIVER REGISTER

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out chapter 303 of title 49, United States Code, \$4,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: Provided, That none of the funds in this Act shall be available for the implementation or execution of programs the total obligations for which, in fiscal year 2010, are in excess of \$4,000,000 for the National Driver Register authorized under such chapter.

NATIONAL DRIVER REGISTER MODERNIZATION

For an additional amount for the “National Driver Register” as authorized by chapter 303 of title 49, United States Code, \$3,350,000, to remain available through September 30, 2011: Provided, That the funding made available under this heading shall be used to carry out the modernization of the National Driver Register.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, 406, 408, and 410 and sections 2001(a)(11), 2009, 2010, and 2011 of Public Law 109–59, to remain available until expended, \$619,500,000 to be derived from the Highway Trust Fund (other than the Mass Transit Account): Provided, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2010, are in excess of \$619,500,000 for programs authorized under 23 U.S.C. 402, 405, 406, 408, and 410 and sections 2001(a)(11), 2009, 2010, and 2011 of Public Law 109–59, of which \$235,000,000 shall be for “Highway Safety Programs” under 23 U.S.C. 402; \$25,000,000 shall be for “Occupant Protection Incentive Grants” under 23 U.S.C. 405; \$124,500,000 shall be for “Safety Belt Performance Grants” under 23 U.S.C. 406, and such obligation limitation shall remain available until September 30, 2011 in accordance with subsection (f) of such section 406 and shall be in addition to the amount of any limitation imposed on obligations for such grants for future fiscal years; \$34,500,000 shall be for “State Traffic Safety Information System Improvements” under 23 U.S.C. 408; \$139,000,000 shall be for “Alcohol-Impaired Driving Countermeasures Incentive Grant Program” under 23 U.S.C. 410; \$18,500,000 shall be for “Administrative Expenses” under section 2001(a)(11) of Public Law 109–59; \$29,000,000 shall be for “High Visibility Enforcement Program” under section 2009 of Public Law 109–59; \$7,000,000 shall be for “Motorcyclist Safety” under section 2010 of Public Law 109–59; and \$7,000,000 shall be for “Child Safety and Child Booster Seat Safety Incentive Grants” under section 2011 of Public Law 109–59: Provided further, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local or private buildings or structures: Provided further, That not to exceed \$500,000 of the funds made available for section 410 “Alcohol-Impaired Driving Countermeasures Grants” shall be available for technical assistance to the States: Provided further, That not to exceed \$750,000 of the funds made available for the “High Visibility Enforcement Program” shall be available for the evaluation required under section 2009(f) of Public Law 109–59.

ADMINISTRATIVE PROVISIONS—NATIONAL  
HIGHWAY TRAFFIC SAFETY ADMINISTRATION  
(INCLUDING RESCISSIONS)

SEC. 140. Notwithstanding any other provision of law or limitation on the use of funds made available under section 403 of title 23, United States Code, an additional \$130,000 shall be made available to the National Highway Traffic Safety Administration, out of the amount limited for section 402 of title 23, United States Code, to pay for travel and related expenses for State management reviews and to pay for core competency development training and related expenses for highway safety staff.

SEC. 141. The limitations on obligations for the programs of the National Highway Traffic Safety Administration set in this Act shall not apply to obligations for which obligation authority was made available in previous public laws for multiple years but only to the extent that the obligation authority has not lapsed or been used.

SEC. 142. Of the amounts made available under the heading "Operations and Research (Liquidation of Contract Authorization) (Limitation on Obligations) (Highway Trust Fund)" in prior appropriations Acts, \$2,299,000 in unobligated balances are permanently rescinded.

SEC. 143. Of the amounts made available under the heading "Highway Traffic Safety Grants (Liquidation of Contract Authorization) (Limitation on Obligations) (Highway Trust Fund)" in prior appropriations Acts, \$14,004,000 in unobligated balances are permanently rescinded.

FEDERAL RAILROAD ADMINISTRATION  
SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, \$172,270,000, of which \$12,300,000 shall remain available until expended.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, \$37,613,000, to remain available until expended.

RAILROAD REHABILITATION AND IMPROVEMENT  
FINANCING PROGRAM

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: Provided, That pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2010.

RAIL LINE RELOCATION AND IMPROVEMENT  
PROGRAM

For necessary expenses of carrying out section 20154 of title 49, United States Code, \$34,532,000, to remain available until expended.

RAILROAD SAFETY TECHNOLOGY PROGRAM

For necessary expenses of carrying out section 20158 of title 49, United States Code, \$50,000,000, to remain available until expended: Provided, That to be eligible for assistance under this heading, an entity need not have developed plans required under subsection 20156(e)(2) of title 49, United States Code, and section 20157 of such title.

CAPITAL ASSISTANCE FOR HIGH SPEED RAIL CORRIDORS AND INTERCITY PASSENGER RAIL SERVICE

To enable the Secretary of Transportation to make grants for high-speed rail projects as au-

thorized under section 26106 of title 49, United States Code, capital investment grants to support intercity passenger rail service as authorized under section 24406 of title 49, United States Code, and congestion grants as authorized under section 24105 of title 49, United States Code, and to enter into cooperative agreements for these purposes as authorized, \$2,500,000,000, to remain available until expended: Provided, That \$50,000,000 of funds provided under this paragraph are available to the Administrator of the Federal Railroad Administration to fund the award and oversight by the Administrator of grants and cooperative agreements for intercity and high-speed rail: Provided further, That up to \$30,000,000 of the funds provided under this paragraph are available to the Administrator for the purposes of conducting research and demonstrating technologies supporting the development of high-speed rail in the United States, including the demonstration of next-generation rolling stock fleet technology and the implementation of the Rail Cooperative Research Program authorized by section 24910 of title 49, United States Code: Provided further, That up to \$50,000,000 of the funds provided under this paragraph may be used for planning activities that lead directly to the development of a passenger rail corridor investment plan consistent with the requirements established by the Administrator or a state rail plan consistent with chapter 227 of title 49, United States Code: Provided further, That the Secretary may retain a portion of the funds made available for planning activities under the previous proviso to facilitate the preparation of a service development plan and related environmental impact statement for high-speed corridors located in multiple States: Provided further, That the Secretary shall issue interim guidance to applicants covering application procedures and administer the grants provided under this heading pursuant to that guidance until final regulations are issued: Provided further, That not less than 85 percent of the funds provided under this heading shall be for cooperative agreements that lead to the development of entire segments or phases of intercity or high-speed rail corridors: Provided further, That the Secretary shall submit to Congress the national rail plan required by section 103(j) of title 49, United States Code, no later than September 15, 2010: Provided further, That at least 30 days prior to issuing a letter of intent or cooperative agreement pursuant to Section 24402(f) of title 49, United States Code, for a major corridor development program, the Secretary shall provide to the House and Senate Committees on Appropriations written notification consisting of a business and public investment case for the proposed corridor program which shall include: a comprehensive analysis of the monetary and non-monetary costs and benefits of the corridor development program; an assessment of ridership, passenger travel time reductions, congestion relief benefits, environmental benefits, economic benefits, and other public benefits; operating financial forecasts for the program; a full capital cost estimation for the entire project, including the amount, source and security of non-Federal funds to complete the project; a summary of the grants management plan and an evaluation of the grantee's ability to sustain the project: Provided further, That the Federal share payable of the costs for which a grant or cooperative agreements is made under this heading shall not exceed 80 percent: Provided further, That in addition to the provisions of title 49, United States Code, that apply to each of the individual programs funded under this heading, subsections 24402(a)(2), 24402(f), 24402(i), and 24403(a) and (c) of title 49, United States Code, shall also apply to the provision of funds provided under this heading: Provided further, That a project

need not be in a State rail plan developed under Chapter 227 of title 49, United States Code, to be eligible for assistance under this heading: Provided further, That recipients of grants under this paragraph shall conduct all procurement transactions using such grant funds in a manner that provides full and open competition, as determined by the Secretary, in compliance with existing labor agreements.

OPERATING GRANTS TO THE NATIONAL RAILROAD  
PASSENGER CORPORATION

To enable the Secretary of Transportation to make quarterly grants to the National Railroad Passenger Corporation for the operation of intercity passenger rail, as authorized by section 101 of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110-432), \$563,000,000, to remain available until expended: Provided, That the Secretary shall not make the grants for the third and fourth quarter of the fiscal year available to the Corporation until an Inspector General who is a member of the Council of the Inspectors General on Integrity and Efficiency determines that the Corporation and the Corporation's Inspector General have agreed upon a set of policies and procedures for interacting with each other that are consistent with the letter and the spirit of the Inspector General Act of 1978, as amended: Provided further, That 1 year after such determination is made, the Council of the Inspectors General on Integrity and Efficiency shall appoint another member to evaluate the current operational independence of the Amtrak Inspector General: Provided further, That the Corporation shall reimburse each Inspector General for all costs incurred in conducting the determination and the evaluation required by the preceding two provisos: Provided further, That the amounts available under this paragraph shall be available for the Secretary to approve funding to cover operating losses for the Corporation only after receiving and reviewing a grant request for each specific train route: Provided further, That each such grant request shall be accompanied by a detailed financial analysis, revenue projection, and capital expenditure projection justifying the Federal support to the Secretary's satisfaction: Provided further, That not later than 60 days after enactment of this Act, the Corporation shall transmit to the Secretary, the Inspector General of the Department of Transportation, and the House and Senate Committees on Appropriations a plan to achieve savings through operating efficiencies including, but not limited to, modifications to food and beverage service and first class service: Provided further, That the Inspector General of the Department of Transportation shall provide semiannual reports to the House and Senate Committees on Appropriations on the estimated savings accrued as a result of all operational reforms instituted by the Corporation and estimations of possible future savings: Provided further, That not later than 60 days after enactment of this Act, the Corporation shall transmit, in electronic format, to the Secretary, the Inspector General of Department of Transportation, the House and Senate Committees on Appropriations, the House Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation the annual budget and business plan and the 5-Year Financial Plan for fiscal year 2010 required under section 204 of the Passenger Rail Investment and Improvement Act of 2008: Provided further, That the budget, business plan, and the 5-Year Financial Plan shall also include a separate accounting of ridership, revenues, and capital and operating expenses for the Northeast Corridor; commuter service; long-distance Amtrak service; State-supported service; each intercity train route, including Autotrain; and commercial activities including

contract operations: Provided further, That the budget, business plan and the 5-Year Financial Plan shall include a description of work to be funded, along with cost estimates and an estimated timetable for completion of the projects covered by these plans: Provided further, That the Corporation shall provide semiannual reports in electronic format regarding the pending business plan, which shall describe the work completed to date, any changes to the business plan, and the reasons for such changes, and shall identify all sole source contract awards which shall be accompanied by a justification as to why said contract was awarded on a sole-source basis, as well as progress against the milestones and target dates of the 2009 performance improvement plan: Provided further, That the Corporation's budget, business plan, 5-Year Financial Plan, and all subsequent supplemental plans shall be displayed on the Corporation's website within a reasonable timeframe following their submission to the appropriate entities: Provided further, That these plans shall be accompanied by a comprehensive fleet plan for all Amtrak rolling stock which shall address the Corporation's detailed plans and timeframes for the maintenance, refurbishment, replacement, and expansion of the Amtrak fleet: Provided further, That said fleet plan shall establish year-specific goals and milestones and discuss potential, current, and preferred financing options for all such activities: Provided further, That none of the funds under this heading may be obligated or expended until the Corporation agrees to continue abiding by the provisions of paragraphs 1, 2, 5, 9, and 11 of the summary of conditions for the direct loan agreement of June 28, 2002, in the same manner as in effect on the date of enactment of this Act: Provided further, That concurrent with the President's budget request for fiscal year 2011, the Corporation shall submit to the House and Senate Committees on Appropriations a budget request for fiscal year 2011 in similar format and substance to those submitted by executive agencies of the Federal Government.

#### CAPITAL AND DEBT SERVICE GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation for capital investments as authorized by section 101(c) of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110-432), \$1,001,625,000, to remain available until expended, of which not to exceed \$264,000,000 shall be for debt service obligations as authorized by section 102 of such Act: Provided, That grants after an initial allocation of \$200,000,000 shall be provided to the Corporation only on a reimbursable basis: Provided further, That the Secretary may retain up to one-half of 1 percent of the funds provided under this heading to fund the costs of project management oversight of capital projects funded by grants provided under this heading, as authorized by subsection 101(d) of division B of Public Law 110-432: Provided further, That the Secretary shall approve funding for capital expenditures, including advance purchase orders of materials, for the Corporation only after receiving and reviewing a grant request for each specific capital project justifying the Federal support to the Secretary's satisfaction: Provided further, That none of the funds under this heading may be used to subsidize operating losses of the Corporation: Provided further, That none of the funds under this heading may be used for capital projects not approved by the Secretary of Transportation or on the Corporation's fiscal year 2010 business plan: Provided further, That in addition to the project management oversight funds authorized under section 101(d) of division B of Public Law 110-432, the Secretary may retain up to an additional one-

half of one percent of the funds provided under this heading to fund expenses associated with implementing section 212 of division B of Public Law 110-432, including the amendments made by section 212 to section 24905 of title 49, United States Code.

#### ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD ADMINISTRATION

SEC. 151. The Secretary may purchase promotional items of nominal value for use in public outreach activities to accomplish the purposes of 49 U.S.C. 20134: Provided, That the Secretary shall prescribe guidelines for the administration of such purchases and use.

SEC. 152. Hereafter, notwithstanding any other provision of law, funds provided in this Act for the National Railroad Passenger Corporation shall immediately cease to be available to said Corporation in the event that the Corporation contracts to have services provided at or from any location outside the United States. For purposes of this section, the word "services" shall mean any service that was, as of July 1, 2006, performed by a full-time or part-time Amtrak employee whose base of employment is located within the United States.

SEC. 153. The Secretary of Transportation may receive and expend cash, or receive and utilize spare parts and similar items, from non-United States Government sources to repair damages to or replace United States Government owned automated track inspection cars and equipment as a result of third party liability for such damages, and any amounts collected under this section shall be credited directly to the Safety and Operations account of the Federal Railroad Administration, and shall remain available until expended for the repair, operation and maintenance of automated track inspection cars and equipment in connection with the automated track inspection program.

SEC. 154. The Administrator of the Federal Railroad Administration shall submit a report on April 1, 2010, and quarterly reports thereafter, to the House and Senate Committees on Appropriations detailing the Administrator's efforts at improving the on-time performance of Amtrak intercity rail service operating on non-Amtrak owned property. Such reports shall compare the most recent actual on-time performance data to pre-established on-time performance goals that the Administrator shall set for each rail service, identified by route. Such reports shall also include whatever other information and data regarding the on-time performance of Amtrak trains the Administrator deems to be appropriate.

SEC. 155. In the Explanatory Statement referenced in division I of Public Law 111-8 under the heading Railroad Research and Development the item relating to "San Gabriel trench grade separation project, Alameda Corridor, CA" is deemed to be amended by inserting "Alameda Corridor East Construction Authority Grade Separations, CA."

SEC. 156. In the Explanatory Statement referenced in division K of Public Law 110-161 under the heading Rail Line Relocation and Improvement Program the item relating to "Mt. Vernon railroad cut, NY" is deemed to be amended by inserting "Rail Line and Station Improvement and Rehabilitation, Mount Vernon, NY."

SEC. 157. Notwithstanding any other provision of law, funds provided in Public Law 111-8 for "Lincoln Avenue Grade Separation, Port of Tacoma, Washington" shall be made available for this project as therein described.

SEC. 158. The Administrator of the Federal Railroad Administration, in cooperation with the Illinois Department of Transportation (IDOT), may provide technical and financial assistance to IDOT and local and county officials to study the feasibility of 10th Street, or other

alternatives, in Springfield, Illinois, as a route for consolidated freight rail operations and/or combined freight and passenger rail operations within the city of Springfield.

SEC. 159. (a) AMTRAK SECURITY EVALUATION.—No later than 180 days after the enactment of this Act, Amtrak, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration), shall submit a report to Congress that contains—

(1) a comprehensive, system-wide, security evaluation; and

(2) proposed guidance and procedures necessary to implement a new checked firearms program.

(b) DEVELOPMENT AND IMPLEMENTATION OF GUIDANCE AND PROCEDURES.—

(1) IN GENERAL.—Not later than one year after the enactment of this Act, Amtrak, in consultation with the Assistant Secretary, shall develop and implement guidance and procedures to carry out the duties and responsibilities of firearm storage and carriage in checked baggage cars and at Amtrak stations that accept checked baggage.

(2) SCOPE.—The guidance and procedures developed under paragraph (1) shall—

(A) permit Amtrak passengers holding a ticket for a specific Amtrak route to place an unloaded firearm or starter pistol in a checked bag on such route if—

(i) the Amtrak station accepts checked baggage for such route;

(ii) the passenger declares to Amtrak, either orally or in writing, at the time the reservation is made or not later than 24 hours before departure, that the firearm will be placed in his or her bag and will be unloaded;

(iii) the firearm is in a hard-sided container;

(iv) such container is locked; and

(v) only the passenger has the key or combination for such container;

(B) permit Amtrak passengers holding a tick for a specific Amtrak route to place small arms ammunition for personal use in a checked bag on such route if the ammunition is securely packed—

(i) in fiber, wood, or metal boxes; or

(ii) in other packaging specifically designed to carry small amount of ammunition; and

(C) include any other measures needed to ensure the safety and security of Amtrak employees, passengers, and infrastructure, including—

(i) requiring inspections of any container that carries a firearm or ammunition; and

(ii) the temporary suspension of firearm carriage service if credible intelligence information indicates a threat related to the national rail system or specific routes or trains.

(c) DEFINITIONS.—

(1) For purposes of this section, the term "checked baggage" refers to baggage transported that is accessible only to select Amtrak employees.

#### FEDERAL TRANSIT ADMINISTRATION

##### ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, \$98,911,000: Provided, That of the funds available under this heading, not to exceed \$1,809,000 shall be available for travel: Provided further, That none of the funds provided or limited in this Act may be used to create a permanent office of transit security under this heading: Provided further, That of the amounts made available under this heading not to exceed \$75,000 shall be paid from appropriations made available by this Act and provided to the Department of Transportation Office of Inspector General through reimbursement to conduct the annual audits of financial statements in accordance with section 3521 of title 31, United States Code: Provided further, That upon submission

to the Congress of the fiscal year 2011 President's budget, the Secretary of Transportation shall transmit to Congress the annual report on new starts, including proposed allocations of funds for fiscal year 2011.

FORMULA AND BUS GRANTS  
(LIQUIDATION OF CONTRACT AUTHORITY)  
(LIMITATION ON OBLIGATIONS)  
(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and section 3038 of Public Law 105-178, as amended, \$9,400,000,000 to be derived from the Mass Transit Account of the Highway Trust Fund and to remain available until expended: Provided, That funds available for the implementation or execution of programs authorized under 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and section 3038 of Public Law 105-178, as amended, shall not exceed total obligations of \$8,343,171,000 in fiscal year 2010.

RESEARCH AND UNIVERSITY RESEARCH CENTERS

For necessary expenses to carry out 49 U.S.C. 5306, 5312-5315, 5322, and 5506, \$65,670,000, to remain available until expended: Provided, That \$10,000,000 is available to carry out the transit cooperative research program under section 5313 of title 49, United States Code, \$4,300,000 is available for the National Transit Institute under section 5315 of title 49, United States Code, and \$7,000,000 is available for university transportation centers program under section 5506 of title 49, United States Code: Provided further, That \$44,370,000 is available to carry out national research programs under sections 5312, 5313, 5314, and 5322 of title 49, United States Code: Provided further, That of the funds available to carry out section 5312 of title 49, United States Code, \$5,000,000 shall be available to the Secretary to develop standards for asset management plans, provide technical assistance to recipients engaged in the development or implementation of an asset management plan, improve data collection through the National Transit Database, and conduct a pilot program designed to identify the best practices of asset management.

CAPITAL INVESTMENT GRANTS  
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out section 5309 of title 49, United States Code, \$2,000,000,000, to remain available until expended, of which no less than \$200,000,000 is for section 5309(e) of such title: Provided, That \$2,000,000 shall be transferred to the Department of Transportation Office of Inspector General from funds set aside for the execution of oversight contracts pursuant to section 5327(c) of title 49, United States Code, for costs associated with audits and investigations of transit-related issues, including reviews of new fixed guideway systems.

GRANTS FOR ENERGY EFFICIENCY AND  
GREENHOUSE GAS REDUCTIONS

For grants to public transit agencies for capital investments that will reduce the energy consumption or greenhouse gas emissions of their public transportation systems, \$75,000,000, to remain available through September 30, 2012: Provided, That priority shall be given to projects based on the total energy savings that are projected to result from the investments, and the projected energy savings as a percentage of the total energy usage of the public transit agency: Provided further, That the Secretary shall public criteria on which to base the competition for any grants awarded under this heading no sooner than 90 days after the enactment of this Act, require applications for funding provided

under this heading to be submitted no sooner than 120 days after the publication of such criteria, and announce all projects selected to be funded from funds provided under this heading no sooner than September 15, 2010.

GRANTS TO THE WASHINGTON METROPOLITAN  
AREA TRANSIT AUTHORITY

For grants to the Washington Metropolitan Area Transit Authority as authorized under section 601 of division B of Public Law 110-432, \$150,000,000, to remain available until expended: Provided, That the Secretary shall approve grants for capital and preventive maintenance expenditures for the Washington Metropolitan Area Transit Authority only after receiving and reviewing a request for each specific project: Provided further, That prior to approving such grants, the Secretary shall determine that the Washington Metropolitan Area Transit Authority has placed the highest priority on those investments that will improve the safety of the system, including but not limited to fixing the track signal system, replacing the 1000 series cars, installing guarded turnouts, buying equipment for wayside worker protection, and installing rollback protection on cars that are not equipped with this safety feature.

ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT  
ADMINISTRATION

SEC. 160. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 161. Notwithstanding any other provision of law, funds appropriated or limited by this Act under "Federal Transit Administration, Capital Investment Grants" and for bus and bus facilities under "Federal Transit Administration, Formula and Bus Grants" for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2012, and other recoveries, shall be directed to projects eligible to use the funds for the purposes for which they were originally provided.

SEC. 162. Notwithstanding any other provision of law, any funds appropriated before October 1, 2009, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure, may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 163. Notwithstanding any other provision of law, unobligated funds made available for new fixed guideway system projects under the heading "Federal Transit Administration, Capital investment grants" in any appropriations Act prior to this Act may be used during this fiscal year to satisfy expenses incurred for such projects.

SEC. 164. During fiscal year 2010, each Federal Transit Administration grant for a project that involves the acquisition or rehabilitation of a bus to be used in public transportation shall be funded for 90 percent of the net capital costs of a biodiesel bus or a factory-installed or retrofitted hybrid electric propulsion system and any equipment related to such a system: Provided, That the Secretary shall have the discretion to determine, through practicable administrative procedures, the costs attributable to the system and related equipment.

SEC. 165. Notwithstanding any other provision of law, unobligated funds or recoveries under section 5309 of title 49, United States Code, that are available to the Secretary of Transportation for reallocation shall be directed to projects eligible to use the funds for the purposes for which they were originally provided.

SEC. 166. (a) In the explanatory statement referenced in section 186 of title I of division K of Public Law 110-161 (121 Stat. 2406), the item re-

lating to "Broward County Southwest Transit Facility" in the table of projects under the heading "Bus and Bus Facilities" is deemed to be amended by striking "Southwest" and inserting "Ravenswood".

(b) The explanatory statement referenced in section 186 of title I of division I of Public Law 111-8 for "Alternatives analysis" under "Federal Transit Administration-Formula and Bus Grants" is deemed to be amended by striking "Hudson-Bergen Light Rail Extension Route 440, North Bergen, NJ" and inserting "Hudson-Bergen Light Rail Extension Route 440, Jersey City, NJ".

(c) Funds made available for the "Phoenix/Regional Heavy Maintenance Facility, AZ", "Dial-a-Ride facility, Phoenix, AZ" and the "Phoenix Regional Heavy Bus Maintenance Facility, Arizona" through the Department of Transportation Appropriations Acts for Fiscal Years 2004, 2005 and 2008 that remain unobligated or unexpended shall be made available to the East Baseline Park-and-Ride Facility in Phoenix, Arizona.

SEC. 167. Funds made available for Alaska or Hawaii ferry boats or ferry terminal facilities pursuant to 49 U.S.C. 5309(m)(2)(B) may be used to construct new vessels and facilities, or to improve existing vessels and facilities, including both the passenger and vehicle-related elements of such vessels and facilities, and for repair facilities: Provided, That not more than \$4,000,000 of the funds made available pursuant to 49 U.S.C. 5309(m)(2)(B) may be used by the City and County of Honolulu to operate a passenger ferry boat service demonstration project to test the viability of different intra-island ferry boat routes and technologies.

SEC. 168. In determining the local share of the cost of the project authorized to be carried out under section 3043(c)(70) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59; 119 Stat. 1644) for purposes of the rating process for New Starts projects, the Secretary shall consider any portion of the corridor advanced entirely with non-Federal funds.

SEC. 169. The Secretary of Transportation shall provide recommendations to Congress, including legislative proposals, on how to strengthen its role in regulating the safety of transit agencies operating heavy rail on fixed guideway: Provided, That the Secretary shall include actions the Department of Transportation will take and what additional legislative authorities it may need in order to fully implement recommendations of the National Transportation Safety Board directed at the Federal Transit Administration, including but not limited to recommendations related to crash-worthiness, emergency access and egress, event recorders, and hours of service: Provided further, That the Secretary shall transmit to the House and Senate Committees on Appropriations, the House Committee on Transportation and Infrastructure, and the Senate Committee on Banking, Housing, and Urban Affairs a report outlining these recommendations and a plan for their implementation by the Department of Transportation no later than 45 days after enactment of this Act.

SEC. 170. Notwithstanding any other provision of law, the Secretary of Transportation shall not reallocate any funding made available for items 523, 267, and 131 of section 3044 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59).

SEC. 171. Notwithstanding any other provision of law, for fiscal year 2010, the total estimated amount of future obligations of the Government and contingent commitments to incur obligations covered by all outstanding full funding

grant agreements entered into on or before September 30, 2009, and all outstanding letters of intent and early systems work agreements under subsection 5309(g) of Title 49, United States Code, for major new fixed guideway capital projects may be not more than the sum of the amount authorized under subsections 5338(a)(3)(iv) and 5338(c) of such title for such projects and an amount equivalent to the last 3 fiscal years of funding allocated under subsections 5309(m)(1)(A) and (m)(2)(A)(ii) of such title, for such projects less an amount the Secretary reasonable estimates is necessary for grants under subsection 5309(b)(1) of such title for those of such projects that are not covered by a letter or agreement: Provided, That the Secretary may enter into full funding grant agreements under subsection 5309(g)(2) of such title for major new fixed guideway capital projects that contain contingent commitments to incur obligations in such amounts as the Secretary determines are appropriate.

SEC. 172. None of the funds provided or limited under this Act may be used to enforce regulations related to charter bus service under part 604 of title 49, Code of Federal Regulations, for any transit agency who during fiscal year 2008 was both initially granted a 60-day period to come into compliance with part 604, and then was subsequently granted an exception from said part.

SEC. 173. Hereafter, for interstate multi-modal projects which are in Interstate highway corridors, the Secretary shall base the rating under section 5309(d) of title 49, United States Code, of the non-New Starts share of the public transportation element of the project on the percentage of non-New Starts funds in the unified finance plan for the multi-modal project: Provided, That the Secretary shall base the accounting of local matching funds on the total amount of all local funds incorporated in the unified finance plan for the multi-modal project for the purposes of funding under chapter 53 of title 49, United States Code and title 23, United States Code: Provided further, That the Secretary shall evaluate the justification for the project under section 5309(d) of title 49, United States Code, including cost effectiveness, on the public transportation costs and public transportation benefits.

#### SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

#### OPERATIONS AND MAINTENANCE (HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operations, maintenance, and capital asset renewal of those portions of the Saint Lawrence Seaway owned, operated, and maintained by the Saint Lawrence Seaway Development Corporation, \$32,324,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662.

#### MARITIME ADMINISTRATION MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, \$174,000,000, to remain available until expended.

#### OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law,

\$149,750,000, of which \$11,240,000 shall remain available until expended for maintenance and repair of training ships at State Maritime Academies, and of which \$15,000,000 shall remain available until expended for capital improvements at the United States Merchant Marine Academy, and of which \$59,057,000 shall be available for operations at the United States Merchant Marine Academy: Provided, That amounts apportioned for the United States Merchant Marine Academy shall be available only upon allotments made personally by the Secretary of Transportation or the Assistant Secretary for Budget and Programs: Provided further, That the Superintendent, Deputy Superintendent and the Director of the Office of Resource Management of the United States Merchant Marine Academy may not be allotment holders for the United States Merchant Marine Academy, and the Administrator of Maritime Administration shall hold all allotments made by the Secretary of Transportation or the Assistant Secretary for Budget and Programs under the previous proviso: Provided further, That 50 percent of the funding made available for the United States Merchant Marine Academy under this heading shall be available only after the Secretary, in consultation with the Superintendent and the Maritime Administration, completes a plan detailing by program or activity and by object class how such funding will be expended at the Academy, and this plan is submitted to the House and Senate Committees on Appropriations.

#### SHIP DISPOSAL

For necessary expenses related to the disposal of obsolete vessels in the National Defense Reserve Fleet of the Maritime Administration, \$15,000,000, to remain available until expended.

#### ASSISTANCE TO SMALL SHIPYARDS

To make grants to qualified shipyards as authorized under section 3508 of Public Law 110-417 or section 54101 of title 46, United States Code, \$15,000,000, to remain available until expended: Provided, That to be considered for assistance, a qualified shipyard shall submit an application for assistance no later than 60 days after enactment of this Act: Provided further, That from applications submitted under the previous proviso, the Secretary of Transportation shall make grants no later than 120 days after enactment of this Act in such amounts as the Secretary determines: Provided further, That not to exceed 2 percent of the funds appropriated under this heading shall be available for necessary costs of grant administration.

#### MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

#### (INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized, \$9,000,000, of which \$5,000,000 shall remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That not to exceed \$4,000,000 shall be available for administrative expenses to carry out the guaranteed loan program, which shall be transferred to and merged with the appropriation for "Operations and Training", Maritime Administration.

#### ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

SEC. 175. Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefor shall be credited to the appropriation charged with the cost thereof: Provided, That rental

payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

SEC. 176. Section 51314 of title 46, United States Code, is amended in subsection (b) by inserting at the end "Such fees shall be credited to the Maritime Administration's Operations and Training appropriation, to remain available until expended, for those expenses directly related to the purposes of the fees. Fees collected in excess of actual expenses may be refunded to the Midshipmen through a mechanism approved by the Secretary. The Academy shall maintain a separate and detailed accounting of fee revenue and all associated expenses."

#### PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

#### OPERATIONAL EXPENSES

#### (PIPELINE SAFETY FUND)

#### (INCLUDING TRANSFER OF FUNDS)

For necessary operational expenses of the Pipeline and Hazardous Materials Safety Administration, \$21,132,000, of which \$639,000 shall be derived from the Pipeline Safety Fund: Provided, That \$1,000,000 shall be transferred to "Pipeline Safety" in order to fund "Pipeline Safety Information Grants to Communities" as authorized under section 60130 of title 49, United States Code.

#### HAZARDOUS MATERIALS SAFETY

For expenses necessary to discharge the hazardous materials safety functions of the Pipeline and Hazardous Materials Safety Administration, \$37,994,000, of which \$1,699,000 shall remain available until September 30, 2012: Provided, That up to \$800,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: Provided further, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

#### PIPELINE SAFETY

#### (PIPELINE SAFETY FUND)

#### (OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, \$105,239,000, of which \$18,905,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2012; and of which \$86,334,000 shall be derived from the Pipeline Safety Fund, of which \$47,332,000 shall remain available until September 30, 2012: Provided, That not less than \$1,048,000 of the funds provided under this heading shall be for the one-call State grant program.

#### EMERGENCY PREPAREDNESS GRANTS

#### (EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5128(b), \$188,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2011: Provided, That not more than \$28,318,000 shall be made available for obligation in fiscal year 2010 from amounts made available by 49 U.S.C. 5116(I) and 5128(b)-(c): Provided further, That none of the funds made available by 49 U.S.C. 5116(I), 5128(b), or 5128(c) shall be made available for obligation by individuals other than the Secretary of Transportation, or his designee.

RESEARCH AND INNOVATIVE TECHNOLOGY  
ADMINISTRATION

RESEARCH AND DEVELOPMENT

For necessary expenses of the Research and Innovative Technology Administration, \$13,007,000, of which \$6,036,000 shall remain available until September 30, 2012: Provided, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training.

OFFICE OF INSPECTOR GENERAL  
SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, \$75,114,000: Provided, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department: Provided further, That the funds made available under this heading shall be used to investigate, pursuant to section 41712 of title 49, United States Code: (1) unfair or deceptive practices and unfair methods of competition by domestic and foreign air carriers and ticket agents; and (2) the compliance of domestic and foreign air carriers with respect to item (1) of this proviso.

SURFACE TRANSPORTATION BOARD  
SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, \$29,066,000: Provided, That notwithstanding any other provision of law, not to exceed \$1,250,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: Provided further, That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2010, to result in a final appropriation from the general fund estimated at no more than \$27,816,000.

GENERAL PROVISIONS—DEPARTMENT OF  
TRANSPORTATION

SEC. 180. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 181. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 182. None of the funds in this Act shall be available for salaries and expenses of more than 110 political and Presidential appointees in the Department of Transportation: Provided, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 183. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 184. (a) No recipient of funds made available in this Act shall disseminate personal information (as defined in 18 U.S.C. 2725(3)) obtained by a State department of motor vehicles in connection with a motor vehicle record as defined

in 18 U.S.C. 2725(1), except as provided in 18 U.S.C. 2721 for a use permitted under 18 U.S.C. 2721.

(b) Notwithstanding subsection (a), the Secretary shall not withhold funds provided in this Act for any grantee if a State is in noncompliance with this provision.

SEC. 185. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's "Federal-Aid Highways" account, the Federal Transit Administration's "Research and University Research Centers" account, and to the Federal Railroad Administration's "Safety and Operations" account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 186. Funds provided or limited in this Act under the appropriate accounts within the Federal Highway Administration, the Federal Railroad Administration and the Federal Transit Administration shall be for the eligible programs, projects and activities in the corresponding amounts identified in the committee report accompanying this Act for "Ferry Boats and Ferry Terminal Facilities", "Federal Lands", "Interstate Maintenance Discretionary", "Transportation, Community and System Preservation Program", "Delta Region Transportation Development Program", "Rail Line Relocation and Improvement Program", "Rail-highway crossing hazard eliminations", "Capital Investment Grants", "Alternatives analysis", and "Bus and bus facilities".

SEC. 187. Notwithstanding any other provisions of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

SEC. 188. None of the funds in this Act to the Department of Transportation may be used to make a grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than 3 full business days before any discretionary grant award, letter of intent, or full funding grant agreement totaling \$1,000,000 or more is announced by the department or its modal administrations from: (1) any discretionary grant program of the Federal Highway Administration including the emergency relief program; (2) the airport improvement program of the Federal Aviation Administration; (3) any grant from the Federal Railroad Administration; or (4) any program of the Federal Transit Administration other than the formula grants and fixed guideway modernization programs: Provided, That the Secretary gives concurrent notification to the House and Senate Committees on Appropriations for any "quick release" of funds from the emergency relief program: Provided further, That no notification shall involve funds that are not available for obligation.

SEC. 189. Rebates, refunds, incentive payments, minor fees and other funds received by the Department of Transportation from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department of Transportation and allocated to elements of the Department of Transportation using fair and equitable criteria and such funds shall be available until expended.

SEC. 190. Amounts made available in this or any other Act that the Secretary determines represent improper payments by the Department of Transportation to a third-party contractor under a financial assistance award, which are recovered pursuant to law, shall be available—

(1) to reimburse the actual expenses incurred by the Department of Transportation in recovering improper payments; and

(2) to pay contractors for services provided in recovering improper payments or contractor support in the implementation of the Improper Payments Information Act of 2002: Provided, That amounts in excess of that required for paragraphs (1) and (2)—

(A) shall be credited to and merged with the appropriation from which the improper payments were made, and shall be available for the purposes and period for which such appropriations are available; or

(B) if no such appropriation remains available, shall be deposited in the Treasury as miscellaneous receipts: Provided further, That prior to the transfer of any such recovery to an appropriations account, the Secretary shall notify to the House and Senate Committees on Appropriations of the amount and reasons for such transfer: Provided further, That for purposes of this section, the term "improper payments", has the same meaning as that provided in section 2(d)(2) of Public Law 107–300.

SEC. 191. Notwithstanding any other provision of law, if any funds provided in or limited by this Act are subject to a reprogramming action that requires notice to be provided to the House and Senate Committees on Appropriations, said reprogramming action shall be approved or denied solely by the Committees on Appropriations: Provided, That the Secretary may provide notice to other congressional committees of the action of the Committees on Appropriations on such reprogramming but not sooner than 30 days following the date on which the reprogramming action has been approved or denied by the House and Senate Committees on Appropriations.

SEC. 192. None of the funds appropriated or otherwise made available under this Act may be used by the Surface Transportation Board of the Department of Transportation to charge or collect any filing fee for rate complaints filed with the Board in an amount in excess of the amount authorized for district court civil suit filing fees under section 1914 of title 28, United States Code.

SEC. 193. Notwithstanding section 3324 of Title 31, United States Code, in addition to authority provided by section 327 of title 49, United States Code, the Department's Working Capital fund is hereby authorized to provide payments in advance to vendors that are necessary to carry out the Federal transit pass transportation fringe benefit program under Executive Order 13150 and section 3049 of Public Law 109–59: Provided, that the Department shall include adequate safeguards in the contract with the vendors to ensure timely and high quality performance under the contract.

SEC. 194. (a) IN GENERAL.—Section 127(a)(11) of title 23, United States Code, is amended by striking "that portion of the Maine Turnpike designated Route 95 and 495, and that portion of Interstate Route 95 from the southern terminus of the Maine Turnpike to the New Hampshire State line, laws (including regulations)" and inserting "all portions of the Interstate Highway System in the State, laws (including regulations)".

(b) PERIOD OF EFFECTIVENESS.—The amendment made by subsection (a) shall be in effect during the 1-year period beginning on the date of enactment of this Act.

(c) REVERSION.—Effective as of the date that is 366 days after the date of enactment of this Act, section 127(a)(11) of title 23, United States Code, is amended by striking "all portions of the Interstate Highway System in the State, laws (including regulations)" and inserting "that portion of the Maine Turnpike designated Route 95 and 495, and that portion of Interstate Route



95 from the southern terminus of the Maine Turnpike to the New Hampshire State line, laws (including regulations)”).

(d) VERMONT PILOT PROGRAM.—Section 127(a) of title 23, United States Code, is amended by adding at the end the following:

“(13) VERMONT PILOT PROGRAM.—

“(A) IN GENERAL.—With respect to Interstate Routes 89, 91, and 93 in the State of Vermont, laws (including regulations) of that State concerning vehicle weight limitations applicable to state highways other than the Interstate system shall be applicable in lieu of the requirement of this subsection.”

(e) Period of Effectiveness for the Vermont Pilot Program.—The amendment made by subsection (d) shall be in effect during the 1-year period beginning on the date of enactment of this Act.

(f) Reversion for the Vermont Pilot Program.—Effective as of the date that is 366 days after the date of enactment of this Act, section 127(a) of title 23, United States Code, is amended by striking paragraph (13).

(g) Report on the Vermont Pilot Program.—Not later than 2 years after the date of enactment of this paragraph, the Secretary shall complete and submit to Congress a report on the effects of the pilot program under this paragraph on highway safety, bridge and road durability, commerce, truck, volumes, and energy use within the State of Vermont.

SEC. 195. The Secretary shall initiate an independent and comprehensive study and analysis to supplement that authorized under section 108, division C, of Public Law 111-8: Provided, That the Department of Transportation shall work with and coordinate with the Departments of Energy, Commerce and Agriculture to develop a comprehensive understanding of the full value of river flow support to users in the Mississippi and Missouri Rivers: Provided further, That subjects of analysis shall include energy (including hydropower and generation cooling), and water transport (including water-compelled rates, projected total transportation congestion considerations, transportation energy efficiency, air quality and carbon emissions) and water users (including the number and distribution of people, households, municipalities, and business throughout the Missouri and Mississippi River basins who use river water for multiple purposes): Provided further, That in addition to understanding current value, the Department is directed to work with appropriate Federal partners to develop recommendations on how to minimize impediments to growth and maximize water value of benefits related to energy production and efficiency, congestion relief, trade and transport efficiency, and air quality: Provided further, That the Department of Transportation shall provide its analysis and recommendations to the U.S. Army Corps of Engineers, the White House, and the Congress: Provided further, That \$2,000,000 is available until expended for such purposes.

SEC. 196. Notwithstanding any other provision of law, funds made available under section 330 of the Fiscal Year 2002 Department of Transportation and Related Agencies Appropriations Act (Public Law 107-87) for the Las Vegas, Nevada Monorail Project, funds made available under section 115 of the Fiscal Year 2004 Transportation, Treasury and Independent Agencies Appropriations Act (Public Law 108-199) for the North Las Vegas Intermodal Transit Hub, and funds made available for the CATRAIL RTC Rail Project, Nevada in the Fiscal Year 2005 Transportation, Treasury, Independent Agencies and General Government Appropriations Act (Public Law 108-447), as well as any unexpended funds in the Federal Transit Administration grant numbers NV-03-0024 and NV-03-0027, shall be made available until expended to

the Regional Transportation Commission of Southern Nevada for bus and bus-related projects and bus rapid transit projects: Provided, That the funds made available for a project in accordance with this section shall be administered under the terms and conditions set forth in 49 U.S.C. 5307, to the extent applicable.

This title may be cited as the “Department of Transportation Appropriations Act, 2010”.

## TITLE II

### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

#### MANAGEMENT AND ADMINISTRATION

##### EXECUTIVE DIRECTION

For necessary salaries and expenses for Executive Direction, \$26,855,000, of which not to exceed \$4,619,000 shall be available for the immediate Office of the Secretary and Deputy Secretary; not to exceed \$1,703,000 shall be available for the Office of Hearings and Appeals; not to exceed \$778,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed \$727,000 shall be available for the immediate Office of the Chief Financial Officer; not to exceed \$1,474,000 shall be available for the immediate Office of the General Counsel; not to exceed \$2,912,000 shall be available to the Office of the Assistant Secretary for Congressional and Intergovernmental Relations; not to exceed \$3,996,000 shall be available for the Office of the Assistant Secretary for Public Affairs; not to exceed \$1,218,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed \$2,125,000 shall be available to the Office of the Assistant Secretary for Public and Indian Housing; not to exceed \$1,781,000 shall be available to the Office of the Assistant Secretary for Community Planning and Development; not to exceed \$3,497,000 shall be available to the Office of the Assistant Secretary for Housing, Federal Housing Commissioner; not to exceed \$1,097,000 shall be available to the Office of the Assistant Secretary for Policy Development and Research; and not to exceed \$928,000 shall be available to the Office of the Assistant Secretary for Fair Housing and Equal Opportunity: Provided, That the Secretary of the Department of Housing and Urban Development is authorized to transfer funds appropriated for any office funded under this heading to any other office funded under this heading following the written notification to the House and Senate Committees on Appropriations: Provided further, That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: Provided further, That notice of any change in funding greater than 5 percent shall be submitted for prior approval to the House and Senate Committees on Appropriations: Provided further, That the Secretary shall provide the Committees on Appropriations quarterly written notification regarding the status of pending congressional reports: Provided further, That the Secretary shall provide all signed reports required by Congress electronically: Provided further, That not to exceed \$25,000 of the amount made available under this paragraph for the immediate Office of the Secretary shall be available for official reception and representation expenses as the Secretary may determine.

##### ADMINISTRATION, OPERATIONS AND MANAGEMENT

For necessary salaries and expenses for administration, operations and management for the Department of Housing and Urban Development, \$537,011,000, of which not to exceed \$76,958,000 shall be available for the personnel compensation and benefits of the Office of Administration; not to exceed \$9,623,000 shall be available for the personnel compensation and benefits of the Office of Departmental Operations and Coordination; not to exceed \$51,275,000 shall be available for the personnel

compensation and benefits of the Office of Field Policy and Management; not to exceed \$14,649,000 shall be available for the personnel compensation and benefits of the Office of the Chief Procurement Officer; not to exceed \$35,197,000 shall be available for the personnel compensation and benefits of the remaining staff in the Office of the Chief Financial Officer; not to exceed \$89,062,000 shall be available for the personnel compensation and benefits of the remaining staff in the Office of the General Counsel; not to exceed \$3,296,000 shall be available for the personnel compensation and benefits of the Office of Departmental Equal Employment Opportunity; not to exceed \$1,393,000 shall be available for the personnel compensation and benefits for the Center for Faith-Based and Community Initiatives; not to exceed \$2,400,000 shall be available for the personnel compensation and benefits for the Office of Sustainability; not to exceed \$3,288,000 shall be available for the personnel compensation and benefits for the Office of Strategic Planning and Management; and not to exceed \$249,870,000 shall be available for non-personnel expenses of the Department of Housing and Urban Development: Provided, That, funds provided under this heading may be used for necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901-5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109: Provided further, That notwithstanding any other provision of law, funds appropriated under this heading may be used for advertising and promotional activities that support the housing mission area: Provided further, That the Secretary of Housing and Urban Development is authorized to transfer funds appropriated for any office included in Administration, Operations and Management to any other office included in Administration, Operations and Management only after such transfer has been submitted to, and received prior written approval by, the House and Senate Committees on Appropriations: Provided further, That no appropriation for any office shall be increased or decreased by more than 10 percent by all such transfers.

##### PERSONNEL COMPENSATION AND BENEFITS

###### PUBLIC AND INDIAN HOUSING

For necessary personnel compensation and benefits expenses of the Office of Public and Indian Housing, \$197,074,000.

###### COMMUNITY PLANNING AND DEVELOPMENT

For necessary personnel compensation and benefits expenses of the Office of Community Planning and Development mission area, \$98,989,000.

###### HOUSING

For necessary personnel compensation and benefits expenses of the Office of Housing, \$374,887,000.

###### OFFICE OF THE GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

For necessary personnel compensation and benefits expenses of the Office of the Government National Mortgage Association, \$11,095,000, to be derived from the GNMA guarantees of mortgage backed securities guaranteed loan receipt account.

###### POLICY DEVELOPMENT AND RESEARCH

For necessary personnel compensation and benefits expenses of the Office of Policy Development and Research, \$21,138,000.

###### FAIR HOUSING AND EQUAL OPPORTUNITY

For necessary personnel compensation and benefits expenses of the Office of Fair Housing and Equal Opportunity, \$71,800,000.

OFFICE OF HEALTHY HOMES AND LEAD HAZARD  
CONTROL

For necessary personnel compensation and benefits expenses of the Office of Healthy Homes and Lead Hazard Control, \$7,151,000.

PUBLIC AND INDIAN HOUSING

TENANT-BASED RENTAL ASSISTANCE  
(INCLUDING TRANSFER OF FUNDS)

For activities and assistance for the provision of tenant-based rental assistance authorized under the United States Housing Act of 1937, as amended (42 U.S.C. 1437 et seq.) ("the Act" herein), not otherwise provided for, \$14,184,200,000, to remain available until expended, shall be available on October 1, 2009 (in addition to the \$4,000,000,000 previously appropriated under this heading that will become available on October 1, 2009), and \$4,000,000,000, to remain available until expended, shall be available on October 1, 2010: Provided, That of the amounts made available under this heading are provided as follows:

(1) \$16,339,200,000 shall be available for renewals of expiring section 8 tenant-based annual contributions contracts (including renewals of enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act) and including renewal of other special purpose vouchers initially funded in fiscal year 2008 and 2009 such as Family Unification, Veterans Affairs Supportive Housing Vouchers and Non-elderly Disabled Vouchers: Provided, That notwithstanding any other provision of law, from amounts provided under this paragraph and any carryover, the Secretary for the calendar year 2010 funding cycle shall provide renewal funding for each public housing agency based on voucher management system (VMS) leasing and cost data for the most recent Federal fiscal year and by applying the most recent Annual Adjustment Factor as established by the Secretary, and by making any necessary adjustments for the costs associated with deposits to family self-sufficiency program escrow accounts or first-time renewals including tenant protection or HOPE VI vouchers: Provided further, That none of the funds provided under this paragraph may be used to fund a total number of unit months under lease which exceeds a public housing agency's authorized level of units under contract, except for public housing agencies participating in the Moving to Work demonstration, which are instead governed by the terms and conditions of their MTW agreements: Provided further, That the Secretary shall, to the extent necessary to stay within the amount specified under this paragraph (except as otherwise modified under this Act), pro rata each public housing agency's allocation otherwise established pursuant to this paragraph: Provided further, That except as provided in the last two provisos, the entire amount specified under this paragraph (except as otherwise modified under this Act) shall be obligated to the public housing agencies based on the allocation and pro rata method described above, and the Secretary shall notify public housing agencies of their annual budget not later than 60 days after enactment of this Act: Provided further, That the Secretary may extend the 60-day notification period with the prior written approval of the House and Senate Committees on Appropriations: Provided further, That public housing agencies participating in the Moving to Work demonstration shall be funded pursuant to their Moving to Work agreements and shall be subject to the same pro rata adjustments under the previous provisos: Provided further, That up to \$150,000,000 shall be available only: (1) to adjust the allocations for public housing agencies, after application for an adjustment by a public housing agency that experienced a significant increase, as determined by the Secretary, in re-

newal costs of tenant-based rental assistance resulting from unforeseen circumstances or from portability under section 8(r) of the Act; (2) for adjustments for public housing agencies with voucher leasing rates at the end of the calendar year that exceed the average leasing for the 12-month period used to establish the allocation; (3) for adjustments for the costs associated with VASH vouchers; or (4) for vouchers that were not in use during the 12-month period in order to be available to meet a commitment pursuant to section 8(o)(13) of the Act: Provided further, That the Secretary shall allocate amounts under the previous proviso based on need as determined by the Secretary: Provided further, That of the amounts made available under this paragraph, up to \$100,000,000 may be transferred to and merged with the appropriation for "Transformation Initiative";

(2) \$120,000,000 shall be for section 8 rental assistance for relocation and replacement of housing units that are demolished or disposed of pursuant to the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104-134), conversion of section 23 projects to assistance under section 8, the family unification program under section 8(c) of the Act, relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency, enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act, HOPE VI vouchers, mandatory and voluntary conversions, and tenant protection assistance including replacement and relocation assistance or for project based assistance to prevent the displacement of unassisted elderly tenants currently residing in section 202 properties financed between 1959 and 1974 that are refinanced pursuant to Public Law 106-569, as amended, or under the authority as provided under this Act: Provided, That the Secretary shall provide replacement vouchers for all units that were occupied within the previous 24 months that cease to be available as assisted housing, subject only to the availability of funds;

(3) \$1,575,000,000 shall be for administrative and other expenses of public housing agencies in administering the section 8 tenant-based rental assistance program, of which up to \$50,000,000 shall be available to the Secretary to allocate to public housing agencies that need additional funds to administer their section 8 programs, including fees associated with section 8 tenant protection rental assistance, the administration of disaster related vouchers, Veterans Affairs Supportive Housing vouchers, and other incremental vouchers: Provided, That no less than \$1,525,000,000 of the amount provided in this paragraph shall be allocated to public housing agencies for the calendar year 2010 funding cycle based on section 8(q) of the Act (and related Appropriation Act provisions) as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1998 (Public Law 105-276): Provided further, That if the amounts made available under this paragraph are insufficient to pay the amounts determined under the previous proviso, the Secretary may decrease the amounts allocated to agencies by a uniform percentage applicable to all agencies receiving funding under this paragraph or may, to the extent necessary to provide full payment of amounts determined under the previous proviso, utilize unobligated balances, including recaptures and carryovers, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, for fiscal year 2009 and prior fiscal years, notwithstanding the purposes for which such amounts were appropriated: Provided further, That amounts provided under this paragraph shall be only for activities related to the provi-

sion of tenant-based rental assistance authorized under section 8, including related development activities;

(4) \$60,000,000 shall be available for family self-sufficiency coordinators under section 23 of the Act;

(5) \$15,000,000 for incremental voucher assistance through the Family Unification Program: Provided, That the assistance made available under this paragraph shall continue to remain available for family unification upon turnover: Provided further, That the Secretary of Housing and Urban Development shall make such funding available, notwithstanding section 204 (competition provision) of this title, to entities with demonstrated experience and resources for supportive services;

(6) \$75,000,000 for incremental rental voucher assistance for use through a supported housing program administered in conjunction with the Department of Veterans Affairs as authorized under section 8(o)(19) of the United States Housing Act of 1937: Provided, That the Secretary of Housing and Urban Development shall make such funding available, notwithstanding section 204 (competition provision) of this title, to public housing agencies that partner with eligible VA Medical Centers or other entities as designated by the Secretary of the Department of Veterans Affairs, based on geographical need for such assistance as identified by the Secretary of the Department of Veterans Affairs, public housing agency administrative performance, and other factors as specified by the Secretary of Housing and Urban Development in consultation with the Secretary of the Department of Veterans Affairs: Provided further, That the Secretary of Housing and Urban Development may waive, or specify alternative requirements for (in consultation with the Secretary of the Department of Veterans Affairs), any provision of any statute or regulation that the Secretary of Housing and Urban Development administers in connection with the use of funds made available under this paragraph (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the effective delivery and administration of such voucher assistance: Provided further, That assistance made available under this paragraph shall continue to remain available for homeless veterans upon turn-over.

HOUSING CERTIFICATE FUND

Unobligated balances, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, the heading "Annual Contributions for Assisted Housing" and the heading "Project-Based Rental Assistance", for fiscal year 2010 and prior years may be used for renewal of or amendments to section 8 project-based contracts and for performance-based contract administrators, notwithstanding the purposes for which such funds were appropriated: Provided, That any obligated balances of contract authority from fiscal year 1974 and prior that have been terminated shall be cancelled: Provided further, That amounts heretofore recaptured, or recaptured during the current fiscal year, from project-based Section 8 contracts from source years fiscal year 1975 through fiscal year 1987 are hereby rescinded, and an amount of additional new budget authority, equivalent to the amount rescinded is hereby appropriated, to remain available until expended, for the purposes set forth under this heading, in addition to amounts otherwise available.

PUBLIC HOUSING CAPITAL FUND

For the Public Housing Capital Fund Program to carry out capital and management activities

for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) (the "Act") \$2,500,000,000, to remain available until September 30, 2013: Provided, That notwithstanding any other provision of law or regulation, during fiscal year 2010 the Secretary of Housing and Urban Development may not delegate to any Department official other than the Deputy Secretary and the Assistant Secretary for Public and Indian Housing any authority under paragraph (2) of section 9(j) regarding the extension of the time periods under such section: Provided further, That for purposes of such section 9(j), the term "obligate" means, with respect to amounts, that the amounts are subject to a binding agreement that will result in outlays, immediately or in the future: Provided further, That up to \$15,345,000 shall be to support the ongoing Public Housing Financial and Physical Assessment activities of the Real Estate Assessment Center (REAC): Provided further, That of the total amount provided under this heading, not to exceed \$20,000,000 shall be available for the Secretary to make grants, notwithstanding section 204 of this Act, to public housing agencies for emergency capital needs including safety and security measures necessary to address crime and drug-related activity as well as needs resulting from unforeseen or unpreventable emergencies and natural disasters excluding Presidentially declared emergencies and natural disasters under the Robert T. Stafford Disaster Relief and Emergency Act (42 U.S.C. 5121 et seq.) occurring in fiscal year 2010: Provided further, That of the amounts provided under this heading up to \$40,000,000 may be for grants to be competitively awarded to public housing agencies for the construction, rehabilitation or purchase of facilities to be used to provide early education, adult education, job training or other appropriate services to public housing residents: Provided further, That grantees shall demonstrate an ability to leverage other Federal, State, local or private resources for the construction, rehabilitation or acquisition of such facilities, and that selected grantees shall demonstrate a capacity to pay the long-term costs of operating such facilities: Provided further, That of the total amount provided under this heading, \$50,000,000 shall be for supportive services, service coordinators and congregate services as authorized by section 34 of the Act (42 U.S.C. 1437e-6) and the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.): Provided further, That of the total amount provided under this heading up to \$8,820,000 is to support the costs of administrative and judicial receiverships: Provided further, That from the funds made available under this heading, the Secretary shall provide bonus awards in fiscal year 2010 to public housing agencies that are designated high performers.

#### PUBLIC HOUSING OPERATING FUND

##### (INCLUDING TRANSFER OF FUNDS)

For 2010 payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(e)), \$4,775,000,000: Provided, That, in fiscal year 2009 and all fiscal years hereafter, no amounts under this heading in any appropriations Act may be used for payments to public housing agencies for the costs of operation and management of public housing for any year prior to the current year of such Act: Provided further, That of the amounts made available under this heading, up to \$15,000,000 may be transferred to and merged with the appropriation for "Transformation Initiative".

#### REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)

For grants to public housing agencies for demolition, site revitalization, replacement housing, and tenant-based assistance grants to projects as authorized by section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v), \$200,000,000, to remain available until September 30, 2011, of which the Secretary of Housing and Urban Development may use up to \$10,000,000 for technical assistance and contract expertise, to be provided directly or indirectly by grants, contracts or cooperative agreements, including training and cost of necessary travel for participants in such training, by or to officials and employees of the department and of public housing agencies and to residents: Provided, That none of such funds shall be used directly or indirectly by granting competitive advantage in awards to settle litigation or pay judgments, unless expressly permitted herein: Provided further, That of the amounts provided under this heading, up to \$65,000,000 may be available for a demonstration of the Choice Neighborhoods Initiative (subject to such section 24 except as otherwise specified under the provisos for this demonstration under this heading) for the transformation, rehabilitation and replacement housing needs of both public and HUD-assisted housing and to transform neighborhoods of poverty into functioning, sustainable mixed income neighborhoods with appropriate services, public assets, transportation and access to jobs, and schools, including public schools, community schools, and charter schools: Provided further, That for this demonstration, funding may also be used for the conversion of vacant or foreclosed properties to affordable housing: Provided further, That use of funds made available for this demonstration under this heading shall not be deemed to be public housing notwithstanding section 3(b)(1) of such Act: Provided further, That grantees shall commit to an additional period of affordability determined by the Secretary, but not fewer than 20 years: Provided further, That grantees shall undertake comprehensive local planning with input from residents and the community: Provided further, That for the purposes of this demonstration, applicants may include local governments, public housing authorities, nonprofits, and for-profit developers that apply jointly with a public entity: Provided further, That such grantees shall create partnerships with other local organizations including assisted housing owners, service agencies and resident organizations: Provided further, That the Secretary shall develop and publish a Notice of Funding Availability for the allocation and use of such competitive funds in this demonstration, including but not limited to eligible activities, program requirements, protections and services for affected residents, and performance metrics.

#### NATIVE AMERICAN HOUSING BLOCK GRANTS

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4111 et seq.), \$700,000,000, to remain available until expended: Provided, That, notwithstanding the Native American Housing Assistance and Self-Determination Act of 1996, to determine the amount of the allocation under title I of such Act for each Indian tribe, the Secretary shall apply the formula under section 302 of such Act with the need component based on single-race Census data and with the need component based on multi-race Census data, and the amount of the allocation for each Indian tribe shall be the greater of the two resulting allocation amounts: Provided further, That of the amounts made available under this heading, \$3,500,000 shall be contracted for assistance for a national organization representing Native

American housing interests for providing training and technical assistance to Indian housing authorities and tribally designated housing entities as authorized under NAHASDA; and \$4,250,000 shall be to support the inspection of Indian housing units, contract expertise, training, and technical assistance in the training, oversight, and management of such Indian housing and tenant-based assistance, including up to \$300,000 for related travel: Provided further, That of the amount provided under this heading, \$2,000,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: Provided further, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed \$18,000,000.

#### NATIVE HAWAIIAN HOUSING BLOCK GRANT

For the Native Hawaiian Housing Block Grant program, as authorized under title VIII of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111 et seq.), \$13,000,000, to remain available until expended: Provided, That of this amount, \$300,000 shall be for training and technical assistance activities, including up to \$100,000 for related travel by Hawaii-based HUD employees.

#### INDIAN HOUSING LOAN GUARANTEE FUND

##### PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z), \$7,000,000, to remain available until expended: Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, up to \$919,000,000: Provided further, That up to \$750,000 shall be for administrative contract expenses including management processes and systems to carry out the loan guarantee program.

#### NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z), \$1,044,000, to remain available until expended: Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$41,504,255.

#### COMMUNITY PLANNING AND DEVELOPMENT

##### HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.), \$335,000,000, to remain available until September 30, 2011, except that amounts allocated pursuant to section 854(c)(3) of such Act shall remain available until September 30, 2012: Provided, That the Secretary shall renew all expiring contracts for permanent supportive housing that were funded under section 854(c)(3) of such Act that meet all program requirements before awarding funds for new contracts and activities authorized under this section.

#### COMMUNITY DEVELOPMENT FUND

For assistance to units of State and local government, and to other entities, for economic and community development activities, and for other purposes, \$4,450,000,000, to remain available

until September 30, 2012, unless otherwise specified: Provided, That of the total amount provided, \$3,990,068,480 is for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended (the "Act" herein) (42 U.S.C. 5301 et seq.): Provided further, That unless explicitly provided for under this heading (except for planning grants provided in the second paragraph and amounts made available under the third paragraph), not to exceed 20 percent of any grant made with funds appropriated under this heading shall be expended for planning and management development and administration: Provided further, That \$65,000,000 shall be for grants to Indian tribes notwithstanding section 106(a)(1) of such Act, of which, notwithstanding any other provision of law (including section 204 of this Act), up to \$3,960,000 may be used for emergencies that constitute imminent threats to health and safety.

Of the amount made available under this heading, \$172,843,570 shall be available for grants for the Economic Development Initiative (EDI) to finance a variety of targeted economic investments in accordance with the terms and conditions specified in the explanatory statement accompanying this Act: Provided, That none of the funds provided under this paragraph may be used for program operations: Provided further, That, for fiscal years 2008, 2009 and 2010, no unobligated funds for EDI grants may be used for any purpose except acquisition, planning, design, purchase of equipment, revitalization, redevelopment or construction.

Of the amount made available under this heading, \$22,087,950 shall be available for neighborhood initiatives that are utilized to improve the conditions of distressed and blighted areas and neighborhoods, to stimulate investment, economic diversification, and community revitalization in areas with population outmigration or a stagnating or declining economic base, or to determine whether housing benefits can be integrated more effectively with welfare reform initiatives: Provided, That amounts made available under this paragraph shall be provided in accordance with the terms and conditions specified in the explanatory statement accompanying this Act.

The referenced explanatory statement under this heading in title II of division K of Public Law 110-161 is deemed to be amended by striking "Old Town Boys and Girls Club, Albuquerque, NM, for renovation of the existing Old Town Boys and Girls Club accompanied by construction of new areas for the Club" and inserting "Old Town Boys and Girls Club, Albuquerque, NM, for renovation of the Heights Boys and Girls Club".

The referenced statement of the managers under this heading "Community Planning and Development" in title II of division K of Public Law 110-161 is deemed to be amended by striking "Custer County, ID for acquisition of an unused middle school building" and inserting "Custer County, ID, to construct a community center".

The referenced explanatory statement under this heading in division I of Public Law 111-8 is deemed to be amended with respect to "Hawaii County Office of Housing and Community Development, HI" by striking "Senior Housing Renovation Project" and inserting "Transitional Housing Project".

The referenced statement of the managers under this heading "Community Planning and Development" in title II of division I of Public Law 111-8 is deemed to be amended by striking "Custer County, ID, to purchase a middle school building" and inserting "Custer County, ID, to construct a community center".

The referenced explanatory statement under the heading "Community Development Fund"

in title II of division K of Public Law 110-161 is deemed to be amended with respect to "Emergency Housing Consortium in San Jose, CA" by striking "for construction of the Sobrato Transitional Center, a residential facility for homeless individuals and families" and inserting "for improvements to homeless services and prevention facilities".

Of the amounts made available under this heading, \$150,000,000 shall be made available for a Sustainable Communities Initiative to improve regional planning efforts that integrate housing and transportation decisions, and increase the capacity to improve land use and zoning: Provided, That \$100,000,000 shall be for Regional Integrated Planning Grants to support the linking of transportation and land use planning: Provided further, That not less than \$25,000,000 of the funding made available for Regional Integrated Planning Grants shall be awarded to metropolitan areas of less than 500,000: Provided further, That \$40,000,000 shall be for Community Challenge Planning Grants to foster reform and reduce barriers to achieve affordable, economically vital, and sustainable communities: Provided further, That before funding is made available for Regional Integrated Planning Grants or Community Challenge Planning Grants, the Secretary, in coordination with the Secretary of Transportation, shall submit a plan to the House and Senate Committees on Appropriations, the Senate Committee on Banking and Urban Affairs, and the House Committee on Financial Services establishing grant criteria as well as performance measures by which the success of grantees will be measured: Provided further, That the Secretary will consult with the Secretary of Transportation in evaluating grant proposals: Provided further, That up to \$10,000,000 shall be for a joint Department of Housing and Urban Development and Department of Transportation research effort that shall include a rigorous evaluation of the Regional Integrated Planning Grants and Community Challenge Planning Grants programs: Provided further, That of the amounts made available under this heading, \$25,000,000 shall be made available for the Rural Innovation Fund for grants to Indian tribes, State housing finance agencies, State community and/or economic development agencies, local rural nonprofits and community development corporations to address the problems of concentrated rural housing distress and community poverty: Provided further, That of the funding made available under the previous proviso, at least \$5,000,000 shall be made available to promote economic development and entrepreneurship for federally recognized Indian Tribes, through activities including the capitalization of revolving loan programs and business planning and development, funding is also made available for technical assistance to increase capacity through training and outreach activities: Provided further, That of the amounts made available under this heading, \$25,000,000 is for grants pursuant to section 107 of the Housing and Community Development Act of 1974 (42 U.S.C. 5307).

#### COMMUNITY DEVELOPMENT LOAN GUARANTEES PROGRAM ACCOUNT

For the cost of guaranteed loans, \$6,000,000, to remain available until September 30, 2011, as authorized by section 108 of the Housing and Community Development Act of 1974 (42 U.S.C. 5308): Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$275,000,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in section 108(k) of the Housing and Community Development Act of 1974, as amended.

#### BROWNFIELDS REDEVELOPMENT

For competitive economic development grants, as authorized by section 108(q) of the Housing and Community Development Act of 1974, as amended, for Brownfields redevelopment projects, \$17,500,000, to remain available until September 30, 2011: Provided, That no funds made available under this heading may be used to establish loan loss reserves for the section 108 Community Development Loan Guarantee program.

#### HOME INVESTMENT PARTNERSHIPS PROGRAM

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, \$1,825,000,000, to remain available until September 30, 2012: Provided, That, funds provided in prior appropriations Acts for technical assistance, that were made available for Community Housing Development Organizations technical assistance, and that still remain available, may be used for HOME technical assistance notwithstanding the purposes for which such amounts were appropriated.

#### SELF-HELP AND ASSISTED HOMEOWNERSHIP OPPORTUNITY PROGRAM

For the Self-Help and Assisted Homeownership Opportunity Program, as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended, \$82,000,000, to remain available until September 30, 2012: Provided, That of the total amount provided under this heading, \$27,000,000 shall be made available to the Self-Help and Assisted Homeownership Opportunity Program as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended: Provided further, That \$50,000,000 shall be made available for the second, third and fourth capacity building activities authorized under section 4(a) of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note), of which not less than \$5,000,000 may be made available for rural capacity building activities: Provided further, That \$5,000,000 shall be made available for capacity building activities as authorized in sections 6301 through 6305 of Public Law 110-246.

#### HOMELESS ASSISTANCE GRANTS (INCLUDING TRANSFER OF FUNDS)

For the emergency shelter grants program as authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act, as amended; the supportive housing program as authorized under subtitle C of title IV of such Act; the section 8 moderate rehabilitation single room occupancy program as authorized under the United States Housing Act of 1937, as amended, to assist homeless individuals pursuant to section 441 of the McKinney-Vento Homeless Assistance Act; and the shelter plus care program as authorized under subtitle F of title IV of such Act, \$1,865,000,000, of which \$1,860,000,000 shall remain available until September 30, 2012, and of which \$5,000,000 shall remain available until expended for rehabilitation projects with 10-year grant terms: Provided, That not less than 30 percent of funds made available, excluding amounts provided for renewals under the Shelter Plus Care Program and emergency shelter grants, shall be used for permanent housing for individuals and families: Provided further, That all funds awarded for services shall be matched by not less than 25 percent in funding by each grantee: Provided further, That for all match requirements applicable to funds made available under this heading for this fiscal year and prior years, a grantee may use (or could have used) as a source of match funds other funds administered by the Secretary and other Federal agencies unless there is (or was) a specific statutory prohibition on any such use of any such funds: Provided

further, That the Secretary shall renew on an annual basis expiring contracts or amendments to contracts funded under the shelter plus care program if the program is determined to be needed under the applicable continuum of care and meets appropriate program requirements and financial standards, as determined by the Secretary: Provided further, That all awards of assistance under this heading shall be required to coordinate and integrate homeless programs with other mainstream health, social services, and employment programs for which homeless populations may be eligible, including Medicaid, State Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health and Substance Abuse Block Grant, Workforce Investment Act, and the Welfare-to-Work grant program: Provided further, That up to \$6,000,000 of the funds appropriated under this heading shall be available for the national homeless data analysis project: Provided further, That up to \$12,650,000 of the funds made available under this heading may be transferred to and merged with the appropriation for "Transformation Initiative": Provided further, That all balances for Shelter Plus Care renewals previously funded from the Shelter Plus Care Renewal account and transferred to this account shall be available, if recaptured, for Shelter Plus Care renewals in fiscal year 2010.

#### HOUSING PROGRAMS

##### PROJECT-BASED RENTAL ASSISTANCE

For activities and assistance for the provision of project-based subsidy contracts under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) ("the Act"), not otherwise provided for, \$8,157,853,000, to remain available until expended, shall be available on October 1, 2009, and \$393,672,000, to remain available until expended, shall be available on October 1, 2010: Provided, That the amounts made available under this heading are provided as follows:

(1) Up to \$8,325,853,000 shall be available for expiring or terminating section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for amendments to section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for contracts entered into pursuant to section 441 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11401), for renewal of section 8 contracts for units in projects that are subject to approved plans of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990, and for administrative and other expenses associated with project-based activities and assistance funded under this paragraph.

(2) Not less than \$232,000,000 but not to exceed \$258,000,000 shall be available for performance-based contract administrators for section 8 project-based assistance: Provided, That the Secretary of Housing and Urban Development may also use such amounts for performance-based contract administrators for the administration of: interest reduction payments pursuant to section 236(a) of the National Housing Act (12 U.S.C. 1715e-1(a)); rent supplement payments pursuant to section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s); section 236(f)(2) rental assistance payments (12 U.S.C. 1715e-1(f)(2)); project rental assistance contracts for the elderly under section 202(c)(2) of the Housing Act of 1959 (12 U.S.C. 1701g); project rental assistance contracts for supportive housing for persons with disabilities under section 811(d)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(d)(2)); project assistance contracts pursuant to section 202(h) of the Housing Act of 1959 (Public Law 86-372; 73 Stat. 667); and loans

under section 202 of the Housing Act of 1959 (Public Law 86-372; 73 Stat. 667).

(3) Amounts recaptured under this heading, the heading "Annual Contributions for Assisted Housing", or the heading "Housing Certificate Fund" may be used for renewals of or amendments to section 8 project-based contracts or for performance-based contract administrators, notwithstanding the purposes for which such amounts were appropriated.

#### HOUSING FOR THE ELDERLY

For capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance for the elderly under section 202(c)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing, \$825,000,000, to remain available until September 30, 2013, of which up to \$582,000,000 shall be for capital advance and project-based rental assistance awards: Provided, That amounts for project rental assistance contracts are to remain available for the liquidation of valid obligations for 10 years following the date of such obligation: Provided further, That of the amount provided under this heading, up to \$90,000,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects, and of which up to \$40,000,000 shall be for grants under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q-2) for conversion of eligible projects under such section to assisted living or related use and for substantial and emergency capital repairs as determined by the Secretary: Provided further, That of the amount made available under this heading, \$20,000,000 shall be available to the Secretary of Housing and Urban Development only for making competitive grants to private nonprofit organizations and consumer cooperatives for covering costs of architectural and engineering work, site control, and other planning relating to the development of supportive housing for the elderly that is eligible for assistance under section 202 of the Housing Act of 1959 (12 U.S.C. 1701g): Provided further, That amounts under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 202 capital advance projects: Provided further, That the Secretary may waive the provisions of section 202 governing the terms and conditions of project rental assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration.

#### HOUSING FOR PERSONS WITH DISABILITIES

For capital advance contracts, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), for project rental assistance for supportive housing for persons with disabilities under section 811(d)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing for persons with disabilities as authorized by section 811(b)(1) of such Act, and for tenant-based rental assistance contracts entered into pursuant to section 811 of such Act, \$300,000,000, of which up to \$186,000,000 shall be for capital advances and project-based rental assistance contracts, to remain available until September 30, 2013: Provided, That amounts for project rental assistance contracts are to remain available for the liquidation of valid obligations for 10 years following the date of such obligation: Provided

further, That, of the amount provided under this heading, \$87,100,000 shall be for amendments or renewal of tenant-based assistance contracts entered into prior to fiscal year 2005 (only one amendment authorized for any such contract): Provided further, That all tenant-based assistance made available under this heading shall continue to remain available only to persons with disabilities: Provided further, That the Secretary may waive the provisions of section 811 governing the terms and conditions of project rental assistance and tenant-based assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration: Provided further, That amounts made available under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 811 Capital Advance Projects.

#### HOUSING COUNSELING ASSISTANCE

For contracts, grants, and other assistance excluding loans, as authorized under section 106 of the Housing and Urban Development Act of 1968, as amended, \$87,500,000, including up to \$2,500,000 for administrative contract services, to remain available until September 30, 2011: Provided, That funds shall be used for providing counseling and advice to tenants and homeowners, both current and prospective, with respect to property maintenance, financial management/literacy, and such other matters as may be appropriate to assist them in improving their housing conditions, meeting their financial needs, and fulfilling the responsibilities of tenancy or homeownership; for program administration; and for housing counselor training: Provided further, That of the amounts made available under this heading, not less than \$13,500,000 shall be awarded to HUD-certified housing counseling agencies located in the 100 metropolitan statistical areas with the highest rate of home foreclosures for the purpose of assisting homeowners with inquiries regarding mortgage-modification assistance and mortgage scams.

#### ENERGY INNOVATION FUND

For an Energy Innovation Fund to enable the Federal Housing Administration and the new Office of Sustainability to catalyze innovations in the residential energy efficiency sector that have promise of replicability and help create a standardized home energy efficient retrofit market, \$50,000,000, to remain available until September 30, 2013: Provided, That \$25,000,000 shall be for the Energy Efficient Mortgage Innovation pilot program, directed at the single family housing market: Provided further, That \$25,000,000 shall be for the Multifamily Energy Pilot, directed at the multifamily housing market.

#### OTHER ASSISTED HOUSING PROGRAMS

##### RENTAL HOUSING ASSISTANCE

For amendments to contracts under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) and section 236(f)(2) of the National Housing Act (12 U.S.C. 1715e-1) in State-aided, non-insured rental housing projects, \$40,000,000, to remain available until expended.

##### RENT SUPPLEMENT

##### (RESCISSION)

Of the amounts recaptured from terminated contracts under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) and section 236 of the National Housing Act (12 U.S.C. 1715e-1) \$72,036,000 are rescinded: Provided, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

PAYMENT TO MANUFACTURED HOUSING FEES  
TRUST FUND

For necessary expenses as authorized by the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.), up to \$16,000,000, to remain available until expended, of which \$7,000,000 is to be derived from the Manufactured Housing Fees Trust Fund: Provided, That not to exceed the total amount appropriated under this heading shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund pursuant to section 620 of such Act: Provided further, That the amount made available under this heading from the general fund shall be reduced as such collections are received during fiscal year 2010 so as to result in a final fiscal year 2010 appropriation from the general fund estimated at not more than \$9,000,000 and fees pursuant to such section 620 shall be modified as necessary to ensure such a final fiscal year 2010 appropriation: Provided further, That for the dispute resolution and installation programs, the Secretary of Housing and Urban Development may assess and collect fees from any program participant: Provided further, That such collections shall be deposited into the Fund, and the Secretary, as provided herein, may use such collections, as well as fees collected under section 620, for necessary expenses of such Act: Provided further, That notwithstanding the requirements of section 620 of such Act, the Secretary may carry out responsibilities of the Secretary under such Act through the use of approved service providers that are paid directly by the recipients of their services.

FEDERAL HOUSING ADMINISTRATION  
MUTUAL MORTGAGE INSURANCE PROGRAM  
ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

During fiscal year 2010, commitments to guarantee single family loans insured under the Mutual Mortgage Insurance Fund shall not exceed a loan principal of \$400,000,000,000: Provided, That for new loans guaranteed pursuant to section 255 of the National Housing Act (12 U.S.C. 1715z-20), the Secretary shall adjust the factors used to calculate the principal limit (as such term is defined in HUD Handbook 4235.1) that were assumed in the President's Budget Request for 2010 for such loans, as necessary to ensure that the program operates at a net zero subsidy rate: Provided further, That during fiscal year 2010, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed \$50,000,000: Provided further, That the foregoing amount shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund. For administrative contract expenses of the Federal Housing Administration, \$188,900,000, of which up to \$70,794,000 may be transferred to the Working Capital Fund, and of which up to \$7,500,000 shall be for education and outreach of FHA single family loan products: Provided further, That to the extent guaranteed loan commitments exceed \$200,000,000,000 on or before April 1, 2010, an additional \$1,400 for administrative contract expenses shall be available for each \$1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below \$1,000,000), but in no case shall funds made available by this proviso exceed \$30,000,000.

GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z-3 and 1735c), in-

cluding the cost of loan guarantee modifications, as that term is defined in section 502 of the Congressional Budget Act of 1974, as amended, \$8,600,000, to remain available until expended: Provided, That commitments to guarantee loans shall not exceed \$15,000,000,000 in total loan principal, any part of which is to be guaranteed.

Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the National Housing Act, shall not exceed \$20,000,000, which shall be for loans to nonprofit and governmental entities in connection with the sale of single-family real properties owned by the Secretary and formerly insured under such Act.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION  
GUARANTEES OF MORTGAGE-BACKED SECURITIES  
LOAN GUARANTEE PROGRAM ACCOUNT

New commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed \$500,000,000,000, to remain available until September 30, 2011.

POLICY DEVELOPMENT AND RESEARCH  
RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z-1 et seq.), including carrying out the functions of the Secretary of Housing and Urban Development under section 1(a)(1)(I) of Reorganization Plan No. 2 of 1968, \$48,000,000, to remain available until September 30, 2011.

FAIR HOUSING AND EQUAL OPPORTUNITY  
FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, \$72,000,000, to remain available until September 30, 2011, of which \$42,500,000 shall be to carry out activities pursuant to such section 561: Provided, That notwithstanding 31 U.S.C. 3302, the Secretary may assess and collect fees to cover the costs of the Fair Housing Training Academy, and may use such funds to provide such training: Provided further, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant or loan: Provided further, That of the funds made available under this heading, \$500,000 shall be available to the Secretary of Housing and Urban Development for the creation and promotion of translated materials and other programs that support the assistance of persons with limited English proficiency in utilizing the services provided by the Department of Housing and Urban Development.

OFFICE OF LEAD HAZARD CONTROL AND  
HEALTHY HOMES  
LEAD HAZARD REDUCTION

For the Lead Hazard Reduction Program, as Authorized by section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, \$140,000,000, to remain available until September 30, 2011, of which not less than \$20,000,000 shall be for the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related diseases and hazards: Provided, That for purposes of environmental

review, pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other provisions of the law that further the purposes of such Act, a grant under the Healthy Homes Initiative, Operation Lead Elimination Action Plan (LEAP), or the Lead Technical Studies program under this heading or under prior appropriations Acts for such purposes under this heading, shall be considered to be funds for a special project for purposes of section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994: Provided further, That of the total amount made available under this heading, \$48,000,000 shall be made available on a competitive basis for areas with the highest lead paint abatement needs: Provided further, That each recipient of funds provided under the second proviso shall make a matching contribution in an amount not less than 25 percent: Provided further, That the Secretary may waive the matching requirement cited in the preceding proviso on a case by case basis if the Secretary determines that such a waiver is necessary to advance the purposes of this program: Provided further, That each applicant shall submit a detailed plan and strategy that demonstrates adequate capacity that is acceptable to the Secretary to carry out the proposed use of funds pursuant to a notice of funding availability: Provided further, That amounts made available under this heading in this or prior appropriations Acts, and that still remain available, may be used for any purpose under this heading notwithstanding the purpose for which such amounts were appropriated if a program competition is undersubscribed and there are other program competitions under this heading that are oversubscribed.

MANAGEMENT AND ADMINISTRATION  
WORKING CAPITAL FUND  
(INCLUDING TRANSFER OF FUNDS)

For additional capital for the Working Capital Fund (42 U.S.C. 3535) for the maintenance of infrastructure for Department-wide information technology systems, for the continuing operation and maintenance of both Department-wide and program-specific information systems, and for program-related maintenance activities, \$200,000,000, to remain available until September 30, 2011: Provided, That any amounts transferred to this Fund under this Act shall remain available until expended: Provided further, That any amounts transferred to this Fund from amounts appropriated by previously enacted appropriations Acts or from within this Act may be used only for the purposes specified under this Fund, in addition to the purposes for which such amounts were appropriated: Provided further, That up to \$15,000,000 may be transferred to this account from all other accounts in this title (except for the Office of the Inspector General account) that make funds available for salaries and expenses.

OFFICE OF INSPECTOR GENERAL

For necessary salaries and expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, \$125,000,000: Provided, That the Inspector General shall have independent authority over all personnel issues within this office.

TRANSFORMATION INITIATIVE  
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for combating mortgage fraud, \$20,000,000, to remain available until expended.

In addition, of the amounts made available in this Act under each of the following headings under this title, the Secretary may transfer to, and merge with, this account up to 1 percent from each such account, and such transferred amounts shall be available until September 30, 2012, for (1) research, evaluation, and program



metrics; (2) program demonstrations; (3) technical assistance and capacity building; and (4) information technology: "Public Housing Capital Fund", "Revitalization of Severely Distressed Public Housing", "Brownfields Redevelopment", "Section 108 Loan Guarantees", "Energy Innovation Fund", "Housing Opportunities for Persons With AIDS", "Community Development Fund", "HOME Investment Partnerships Program", "Self-Help and Assisted Homeownership Opportunity Program", "Housing for the Elderly", "Housing for Persons With Disabilities", "Housing Counseling Assistance", "Payment to Manufactured Housing Fees Trust Fund", "Mutual Mortgage Insurance Program Account", "General and Special Risk Program Account", "Research and Technology", "Lead Hazard Reduction", "Rental Housing Assistance", and "Fair Housing Activities": Provided, That of the amounts made available under this paragraph, not less than \$80,000,000 and not more than \$180,000,000 shall be available for information technology modernization, including development and deployment of a Next Generation of Voucher Management System and development and deployment of modernized Federal Housing Administration systems: Provided further, That not more than 25 percent of the funds made available for information technology modernization may be obligated until the Secretary submits to the Committees on Appropriations a plan for expenditure that (1) identifies for each modernization project (a) the functional and performance capabilities to be delivered and the mission benefits to be realized, (b) the estimated lifecycle cost, and (c) key milestones to be met; (2) demonstrates that each modernization project is (a) compliant with the department's enterprise architecture, (b) being managed in accordance with applicable lifecycle management policies and guidance, (c) subject to the department's capital planning and investment control requirements, and (d) supported by an adequately staffed project office; and (3) has been reviewed by the Government Accountability Office: Provided further, That of the amounts made available under this paragraph, not less than \$45,000,000 shall be available for technical assistance and capacity building: Provided further, That technical assistance activities shall include, technical assistance for HUD programs, including HOME, Community Development Block Grant, homeless programs, HOPWA, HOPE VI, Public Housing, the Housing Choice Voucher Program, Fair Housing Initiative Program, Housing Counseling, Healthy Homes, Sustainable Communities, Energy Innovation Fund and other technical assistance as determined by the Secretary: Provided further, That of the amounts made available for research, evaluation and program metrics and program demonstrations, the Secretary shall include an assessment of the housing needs of Native Americans, including sustainable building practices: Provided further, That of the amounts made available for research, evaluation and program metrics and program demonstrations, the Secretary shall include an evaluation of the Moving-to-Work demonstration program: Provided further, That the Secretary shall submit a plan to the House and Senate Committees on Appropriations for approval detailing how the funding provided under this heading will be allocated to each of the four categories identified under this heading and for what projects or activities funding will be used: Provided further, That following the initial approval of this plan, the Secretary may amend the plan with the approval of the House and Senate Committees on Appropriations.

**GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

SEC. 201. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of

the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 1437 note) shall be rescission or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescission or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescission or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

SEC. 202. None of the amounts made available under this Act may be used during fiscal year 2010 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a non-frivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction.

SEC. 203. (a) Notwithstanding section 854(c)(1)(A) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)(1)(A)), from any amounts made available under this title for fiscal year 2010 that are allocated under such section, the Secretary of Housing and Urban Development shall allocate and make a grant, in the amount determined under subsection (b), for any State that—

(1) received an allocation in a prior fiscal year under clause (ii) of such section; and

(2) is not otherwise eligible for an allocation for fiscal year 2010 under such clause (ii) because the areas in the State outside of the metropolitan statistical areas that qualify under clause (i) in fiscal year 2010 do not have the number of cases of acquired immunodeficiency syndrome (AIDS) required under such clause.

(b) The amount of the allocation and grant for any State described in subsection (a) shall be an amount based on the cumulative number of AIDS cases in the areas of that State that are outside of metropolitan statistical areas that qualify under clause (i) of such section 854(c)(1)(A) in fiscal year 2010, in proportion to AIDS cases among cities and States that qualify under clauses (i) and (ii) of such section and States deemed eligible under subsection (a).

(c) Notwithstanding any other provision of law, the amount allocated for fiscal year 2010 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), to the City of New York, New York, on behalf of the New York-Wayne-White Plains, New York-New Jersey Metropolitan Division (hereafter "metropolitan division") of the New York-Newark-Edison, NY-NJ-PA Metropolitan Statistical Area, shall be adjusted by the Secretary of Housing and Urban Development by: (1) allocating to the City of Jersey City, New Jersey, the proportion of the metropolitan area's or division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area or division that is located in Hudson County, New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS; and (2) allocating to the City of Paterson, New Jersey, the proportion of the metropolitan area's or division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area or division that is located in Bergen County and Passaic County, New Jersey,

and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS. The recipient cities shall use amounts allocated under this subsection to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in their respective portions of the metropolitan division that is located in New Jersey.

(d) Notwithstanding any other provision of law, the amount allocated for fiscal year 2010 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to areas with a higher than average per capita incidence of AIDS, shall be adjusted by the Secretary on the basis of area incidence reported over a 3-year period.

SEC. 204. Except as explicitly provided in law, any grant, cooperative agreement or other assistance made pursuant to title II of this Act shall be made on a competitive basis and in accordance with section 102 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545).

SEC. 205. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of the Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1).

SEC. 206. Unless otherwise provided for in this Act or through a reprogramming of funds, no part of any appropriation for the Department of Housing and Urban Development shall be available for any program, project or activity in excess of amounts set forth in the budget estimates submitted to Congress.

SEC. 207. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of such Act as may be necessary in carrying out the programs set forth in the budget for 2010 for such corporation or agency except as hereinafter provided: Provided, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

SEC. 208. The Secretary of Housing and Urban Development shall provide quarterly reports to the House and Senate Committees on Appropriations regarding all uncommitted, unobligated, recaptured and excess funds in each program and activity within the jurisdiction of the Department and shall submit additional, updated budget information to these Committees upon request.

SEC. 209. (a) Notwithstanding any other provision of law, the amount allocated for fiscal year 2010 under section 854(c) of the AIDS Housing

Opportunity Act (42 U.S.C. 12903(c)), to the City of Wilmington, Delaware, on behalf of the Wilmington, Delaware-Maryland-New Jersey Metropolitan Division (hereafter "metropolitan division"), shall be adjusted by the Secretary of Housing and Urban Development by allocating to the State of New Jersey the proportion of the metropolitan division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan division that is located in New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS. The State of New Jersey shall use amounts allocated to the State under this subsection to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in the portion of the metropolitan division that is located in New Jersey.

(b) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall allocate to Wake County, North Carolina, the amounts that otherwise would be allocated for fiscal year 2010 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to the City of Raleigh, North Carolina, on behalf of the Raleigh-Cary, North Carolina Metropolitan Statistical Area. Any amounts allocated to Wake County shall be used to carry out eligible activities under section 855 of such Act (42 U.S.C. 12904) within such metropolitan statistical area.

(c) Notwithstanding section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), the Secretary of Housing and Urban Development may adjust the allocation of the amounts that otherwise would be allocated for fiscal year 2010 under section 854(c) of such Act, upon the written request of an applicant, in conjunction with the State(s), for a formula allocation on behalf of a metropolitan statistical area, to designate the State or States in which the metropolitan statistical area is located as the eligible grantee(s) of the allocation. In the case that a metropolitan statistical area involves more than one State, such amounts allocated to each State shall be in proportion to the number of cases of AIDS reported in the portion of the metropolitan statistical area located in that State.

SEC. 210. The President's formal budget request for fiscal year 2011, as well as the Department of Housing and Urban Development's congressional budget justifications to be submitted to the Committees on Appropriations of the House of Representatives and the Senate, shall use the identical account and sub-account structure provided under this Act.

SEC. 211. A public housing agency or such other entity that administers Federal housing assistance for the Housing Authority of the county of Los Angeles, California, the States of Alaska, Iowa, and Mississippi shall not be required to include a resident of public housing or a recipient of assistance provided under section 8 of the United States Housing Act of 1937 on the board of directors or a similar governing board of such agency or entity as required under section (2)(b) of such Act. Each public housing agency or other entity that administers Federal housing assistance under section 8 for the Housing Authority of the county of Los Angeles, California and the States of Alaska, Iowa and Mississippi that chooses not to include a resident of Public Housing or a recipient of section 8 assistance on the board of directors or a similar governing board shall establish an advisory board of not less than six residents of public housing or recipients of section 8 assistance to provide advice and comment to the public

housing agency or other administering entity on issues related to public housing and section 8. Such advisory board shall meet not less than quarterly.

SEC. 212. (a) Notwithstanding any other provision of law, subject to the conditions listed in subsection (b), for fiscal years 2010 and 2011, the Secretary of Housing and Urban Development may authorize the transfer of some or all project-based assistance, debt and statutorily required low-income and very low-income use restrictions, associated with one or more multifamily housing project to another multifamily housing project or projects.

(b) The transfer authorized in subsection (a) is subject to the following conditions:

(1) The number of low-income and very low-income units and the net dollar amount of Federal assistance provided by the transferring project shall remain the same in the receiving project or projects.

(2) The transferring project shall, as determined by the Secretary, be either physically obsolete or economically non-viable.

(3) The receiving project or projects shall meet or exceed applicable physical standards established by the Secretary.

(4) The owner or mortgagor of the transferring project shall notify and consult with the tenants residing in the transferring project and provide a certification of approval by all appropriate local governmental officials.

(5) The tenants of the transferring project who remain eligible for assistance to be provided by the receiving project or projects shall not be required to vacate their units in the transferring project or projects until new units in the receiving project are available for occupancy.

(6) The Secretary determines that this transfer is in the best interest of the tenants.

(7) If either the transferring project or the receiving project or projects meets the condition specified in subsection (c)(2)(A), any lien on the receiving project resulting from additional financing obtained by the owner shall be subordinate to any FHA-insured mortgage lien transferred to, or placed on, such project by the Secretary.

(8) If the transferring project meets the requirements of subsection (c)(2)(E), the owner or mortgagor of the receiving project or projects shall execute and record either a continuation of the existing use agreement or a new use agreement for the project where, in either case, any use restrictions in such agreement are of no lesser duration than the existing use restrictions.

(9) Any financial risk to the FHA General and Special Risk Insurance Fund, as determined by the Secretary, would be reduced as a result of a transfer completed under this section.

(10) The Secretary determines that Federal liability with regard to this project will not be increased.

(c) For purposes of this section—

(1) the terms "low-income" and "very low-income" shall have the meanings provided by the statute and/or regulations governing the program under which the project is insured or assisted;

(2) the term "multifamily housing project" means housing that meets one of the following conditions—

(A) housing that is subject to a mortgage insured under the National Housing Act;

(B) housing that has project-based assistance attached to the structure including projects undergoing mark to market debt restructuring under the Multifamily Assisted Housing Reform and Affordability Housing Act;

(C) housing that is assisted under section 202 of the Housing Act of 1959 as amended by section 801 of the Cranston-Gonzales National Affordable Housing Act;

(D) housing that is assisted under section 202 of the Housing Act of 1959, as such section existed before the enactment of the Cranston-Gonzales National Affordable Housing Act; or

(E) housing or vacant land that is subject to a use agreement;

(3) the term "project-based assistance" means—

(A) assistance provided under section 8(b) of the United States Housing Act of 1937;

(B) assistance for housing constructed or substantially rehabilitated pursuant to assistance provided under section 8(b)(2) of such Act (as such section existed immediately before October 1, 1983);

(C) rent supplement payments under section 101 of the Housing and Urban Development Act of 1965;

(D) interest reduction payments under section 236 and/or additional assistance payments under section 236(f)(2) of the National Housing Act; and

(E) assistance payments made under section 202(c)(2) of the Housing Act of 1959;

(4) the term "receiving project or projects" means the multifamily housing project or projects to which some or all of the project-based assistance, debt, and statutorily required use low-income and very low-income restrictions are to be transferred;

(5) the term "transferring project" means the multifamily housing project which is transferring some or all of the project-based assistance, debt and the statutorily required low-income and very low-income use restrictions to the receiving project or projects; and

(6) the term "Secretary" means the Secretary of Housing and Urban Development.

SEC. 213. The funds made available for Native Alaskans under the heading "Native American Housing Block Grants" in title III of this Act shall be allocated to the same Native Alaskan housing block grant recipients that received funds in fiscal year 2005.

SEC. 214. No funds provided under this title may be used for an audit of the Government National Mortgage Association that makes applicable requirements under the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

SEC. 215. (a) No assistance shall be provided under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) to any individual who—

(1) is enrolled as a student at an institution of higher education (as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002));

(2) is under 24 years of age;

(3) is not a veteran;

(4) is unmarried;

(5) does not have a dependent child;

(6) is not a person with disabilities, as such term is defined in section 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)) and was not receiving assistance under such section 8 as of November 30, 2005; and

(7) is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible, to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

(b) For purposes of determining the eligibility of a person to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), any financial assistance (in excess of amounts received for tuition) that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), from private sources, or an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall be considered income to that individual, except for a person over the age of 23 with dependent children.

SEC. 216. Notwithstanding the limitation in the first sentence of section 255(g) of the National Housing Act (12 U.S.C. 1715z–g)), the Secretary of Housing and Urban Development may, until September 30, 2010, insure and enter into commitments to insure mortgages under section 255(g) of the National Housing Act (12 U.S.C. 1715z–20).

SEC. 217. Notwithstanding any other provision of law, in fiscal year 2010, in managing and disposing of any multifamily property that is owned or has a mortgage held by the Secretary of Housing and Urban Development, the Secretary shall maintain any rental assistance payments under section 8 of the United States Housing Act of 1937 and other programs that are attached to any dwelling units in the property. To the extent the Secretary determines, in consultation with the tenants and the local government, that such a multifamily property owned or held by the Secretary is not feasible for continued rental assistance payments under such section 8 or other programs, based on consideration of (1) the costs of rehabilitating and operating the property and all available Federal, State, and local resources, including rent adjustments under section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (“MAHRAA”) and (2) environmental conditions that cannot be remedied in a cost-effective fashion, the Secretary may, in consultation with the tenants of that property, contract for project-based rental assistance payments with an owner or owners of other existing housing properties, or provide other rental assistance. The Secretary shall also take appropriate steps to ensure that project-based contracts remain in effect prior to foreclosure, subject to the exercise of contractual abatement remedies to assist relocation of tenants for imminent major threats to health and safety. After disposition of any multifamily property described under this section, the contract and allowable rent levels on such properties shall be subject to the requirements under section 524 of MAHRAA.

SEC. 218. During fiscal year 2010, in the provision of rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) in connection with a program to demonstrate the economy and effectiveness of providing such assistance for use in assisted living facilities that is carried out in the counties of the State of Michigan notwithstanding paragraphs (3) and (18)(B)(iii) of such section 8(o), a family residing in an assisted living facility in any such county, on behalf of which a public housing agency provides assistance pursuant to section 8(o)(18) of such Act, may be required, at the time the family initially receives such assistance, to pay rent in an amount exceeding 40 percent of the monthly adjusted income of the family by such a percentage or amount as the Secretary of Housing and Urban Development determines to be appropriate.

SEC. 219. The Secretary of Housing and Urban Development shall report quarterly to the House of Representatives and Senate Committees on Appropriations on HUD’s use of all sole source contracts, including terms of the contracts, cost, and a substantive rationale for using a sole source contract.

SEC. 220. Notwithstanding any other provision of law, the recipient of a grant under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q) after December 26, 2000, in accordance with the unnumbered paragraph at the end of section 202(b) of such Act, may, at its option, establish a single-asset nonprofit entity to own the project and may lend the grant funds to such entity, which may be a private nonprofit organization described in section 831 of the American Homeownership and Economic Opportunity Act of 2000.

SEC. 221. (a) The amounts provided under the subheading “Program Account” under the

heading “Community Development Loan Guarantees” may be used to guarantee, or make commitments to guarantee, notes, or other obligations issued by any State on behalf of non-entitlement communities in the State in accordance with the requirements of section 108 of the Housing and Community Development Act of 1974: Provided, That, any State receiving such a guarantee or commitment shall distribute all funds subject to such guarantee to the units of general local government in non-entitlement areas that received the commitment.

(b) Not later than 60 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall promulgate regulations governing the administration of the funds described under subsection (a).

SEC. 222. Section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v) is amended—

(1) in subsection (m)(1), by striking “fiscal year” and all that follows through the period at the end and inserting “fiscal year 2010.”; and

(2) in subsection (o), by striking “September” and all that follows through the period at the end and inserting “September 30, 2010.”.

SEC. 223. Public housing agencies that own and operate 400 or fewer public housing units may elect to be exempt from any asset management requirement imposed by the Secretary of Housing and Urban Development in connection with the operating fund rule: Provided, That an agency seeking a discontinuance of a reduction of subsidy under the operating fund formula shall not be exempt from asset management requirements.

SEC. 224. With respect to the use of amounts provided in this Act and in future Acts for the operation, capital improvement and management of public housing as authorized by sections 9(d) and 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(d) and (e)), the Secretary shall not impose any requirement or guideline relating to asset management that restricts or limits in any way the use of capital funds for central office costs pursuant to section 9(g)(1) or 9(g)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437g(g)(1), (2)): Provided, That a public housing agency may not use capital funds authorized under section 9(d) for activities that are eligible under section 9(e) for assistance with amounts from the operating fund in excess of the amounts permitted under section 9(g)(1) or 9(g)(2).

SEC. 225. No official or employee of the Department of Housing and Urban Development shall be designated as an allotment holder unless the Office of the Chief Financial Officer has determined that such allotment holder has implemented an adequate system of funds control and has received training in funds control procedures and directives. The Chief Financial Officer shall ensure that, not later than 90 days after the date of enactment of this Act, a trained allotment holder shall be designated for each HUD subaccount under the headings “Executive Direction” and heading “Administration, Operations, and Management” as well as each account receiving appropriations for “personnel compensation and benefits” within the Department of Housing and Urban Development.

SEC. 226. The Secretary of Housing and Urban Development shall report quarterly to the House of Representatives and Senate Committees on Appropriations on the status of all section 8 project-based housing, including the number of all project-based units by region as well as an analysis of all federally subsidized housing being refinanced under the Mark-to-Market program. The Secretary shall in the report identify all existing units maintained by region as section 8 project-based units and all project-based units that have opted out of section 8 or have otherwise been eliminated as section 8

project-based units. The Secretary shall identify in detail and by project all the efforts made by the Department to preserve all section 8 project-based housing units and all the reasons for any units which opted out or otherwise were lost as section 8 project-based units. Such analysis shall include a review of the impact of the loss of any subsidized units in that housing marketplace, such as the impact of cost and the loss of available subsidized, low-income housing in areas with scarce housing resources for low-income families.

SEC. 227. Payment of attorney fees in program-related litigation must be paid from individual program office personnel benefits and compensation funding. The annual budget submission for program office personnel benefit and compensation funding must include program-related litigation costs for attorney fees as a separate line item request.

SEC. 228. The Secretary of the Department of Housing and Urban Development shall for Fiscal Year 2010 and subsequent fiscal years, notify the public through the Federal Register and other means, as determined appropriate, of the issuance of a notice of the availability of assistance or notice of funding availability (NOFA) for any program or discretionary fund administered by the Secretary that is to be competitively awarded. Notwithstanding any other provision of law, for Fiscal Year 2010 and subsequent fiscal years, the Secretary may make the NOFA available only on the Internet at the appropriate government website or websites or through other electronic media, as determined by the Secretary.

SEC. 229. (a) APPROVAL OF PREPAYMENT OF DEBT.—Upon request of the project sponsor of a project assisted with a loan under section 202 of the Housing Act of 1959 (as in effect before the enactment of the Cranston-Gonzalez National Affordable Housing Act), for which the Secretary’s consent to prepayment is required, the Secretary shall approve the prepayment of any indebtedness to the Secretary relating to any remaining principal and interest under the loan as part of a prepayment plan under which—

(1) the project sponsor agrees to operate the project until the maturity date of the original loan under terms at least as advantageous to existing and future tenants as the terms required by the original loan agreement or any project-based rental assistance payments contract under section 8 of the United States Housing Act of 1937 (or any other project-based rental housing assistance programs of the Department of Housing and Urban Development, including the rent supplement program under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s)) or any successor project-based rental assistance program, except as provided by subsection (a)(2)(B); and

(2) the prepayment may involve refinancing of the loan if such refinancing results—

(A) in a lower interest rate on the principal of the loan for the project and in reductions in debt service related to such loan; or

(B) in the case of a project that is assisted with a loan under such section 202 carrying an interest rate of 6 percent or lower, a transaction under which—

(i) the project owner shall address the physical needs of the project;

(ii) the prepayment plan for the transaction, including the refinancing, shall meet a cost benefit analysis, as established by the Secretary, that the benefit of the transaction outweighs the cost of the transaction including any increases in rent charged to unassisted tenants;

(iii) the overall cost for providing rental assistance under section 8 for the project (if any) is not increased, except, upon approval by the Secretary to—

(I) mark-up-to-market contracts pursuant to section 524(a)(3) of the Multifamily Assisted

Housing Reform and Affordability Act (42 U.S.C. 1437f note), as such section is carried out by the Secretary for properties owned by non-profit organizations; or

(II) mark-up-to-budget contracts pursuant to section 524(a)(4) of the Multifamily Assisted Housing Reform and Affordability Act (42 U.S.C. 1437f note), as such section is carried out by the Secretary for properties owned by eligible owners (as such term is defined in section 202(k) of the Housing Act of 1959 (12 U.S.C. 1701q(k)));

(iv) the project owner may charge tenants rent sufficient to meet debt service payments and operating cost requirements, as approved by the Secretary, if project-based rental assistance is not available or is insufficient for the debt service and operating cost of the project after refinancing. Such approval by the Secretary—

(I) shall be the basis for the owner to agree to terminate the project-based rental assistance contract that is insufficient for the debt service and operating cost of the project after refinancing; and

(II) shall be an eligibility event for the project for purposes of section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t));

(v) units to be occupied by tenants assisted under section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)) shall, upon termination of the occupancy of such tenants, become eligible for project-based assistance under section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) without regard to the percentage limitations provided in such section; and

(vi) there shall be a use agreement of 20 years from the date of the maturity date of the original 202 loan for all units, including units to be occupied by tenants assisted under section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)).

SEC. 230. No property identified by the Secretary of Housing and Urban Development as surplus Federal property for use to assist the homeless shall be made available to any homeless group unless the group is a member in good standing under any of HUD's homeless assistance programs or is in good standing with any other program which receives funds from any other Federal or State agency or entity: Provided, That an exception may be made for an entity not involved with Federal homeless programs to use surplus Federal property for the homeless only after the Secretary or another responsible Federal agency has fully and comprehensively reviewed all relevant finances of the entity, the track record of the entity in assisting the homeless, the ability of the entity to manage the property, including all costs, the ability of the entity to administer homeless programs in a manner that is effective to meet the needs of the homeless population that is expected to use the property and any other related issues that demonstrate a commitment to assist the homeless: Provided further, That the Secretary shall not require the entity to have cash in hand in order to demonstrate financial ability but may rely on the entity's prior demonstrated fundraising ability or commitments for in-kind donations of goods and services: Provided further, That the Secretary shall make all such information and its decision regarding the award of the surplus property available to the committees of jurisdiction, including a full justification of the appropriateness of the use of the property to assist the homeless as well as the appropriateness of the group seeking to obtain the property to use such property to assist the homeless: Provided further, That, this section shall apply to properties in fiscal years 2009 and 2010 made available as surplus Federal property for use to assist the homeless.

SEC. 231. The Secretary of the Department of Housing and Urban Development is authorized

to transfer up to 5 percent of funds appropriated for any account under this title under the heading "Personnel Compensation and Benefits" to any other account under this title under the heading "Personnel Compensation and Benefits" only after such transfer has been submitted to, and received prior written approval by, the House and Senate Committees on Appropriations: Provided, That, no appropriation for any such account shall be increased or decreased by more than 10 percent by all such transfers.

SEC. 232. The Secretary of Housing and Urban Development may increase, pursuant to this section, the number of Moving-to-Work agencies authorized under section 204, title II, of the Departments of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations Act, 1996 (Public Law 104-134; 110 Stat. 1321) by adding to the program three Public Housing Agencies that meet the following requirements: is a High Performing Agency under the Public Housing Assessment System (PHAS). No PHA shall be granted this designation through this section that administers in excess of 5,000 aggregate housing vouchers and public housing units. No PHA granted this designation through this section shall receive more funding under sections 8 or 9 of the United States Housing Act of 1937 than they otherwise would have received absent this designation. In addition to other reporting requirements, all Moving-to-Work agencies shall report financial data to the Department of Housing and Urban Development as specified by the Secretary, so that the effect of Moving-to-Work policy changes can be measured.

SEC. 233. Notwithstanding any other provision of law, in determining the market value of any multifamily real property or multifamily loan for any noncompetitive sale to a State or local government, the Secretary shall in fiscal year 2010 consider, but not be limited to, industry standard appraisal practices, including the cost of repairs needed to bring the property into such condition as to satisfy minimum State and local code standards and the cost of maintaining the affordability restrictions imposed by the Secretary on the multifamily real property or multifamily loan.

SEC. 234. The Disaster Housing Assistance Programs, administered by the Department of Housing and Urban Development, shall be considered a "program of the Department of Housing and Urban Development" under section 904 of the McKinney Act for the purpose of income verifications and matching.

SEC. 235. (a) IN GENERAL.—The Secretary of Housing and Urban Development shall prepare a report, and post such report on the public website of the Department of Housing and Urban Development (in this section referred to as the "Department"), regarding the number of homes owned by the Department and the budget impact of acquiring, maintaining, and selling such homes.

(b) CONTENT.—The report required by this section shall include—

(1) the number of residential homes that the Department owned during the years 2004 through 2009;

(2) an itemized breakdown of the total annual financial impact, including losses and gains from selling homes and maintenance and acquisition of homes, of home ownership by the Department since 2004;

(3) a detailed explanation of the reasons for the ownership by the Department of the homes;

(4) a list of the 10 urban areas in which the Department owns the most homes and the rate of homelessness in each of those areas; and

(5) a list of the 10 States in which the Department owns the most homes and the rate of homelessness in each of those States.

SEC. 236. The matter under the heading "Community Development Fund", under the heading

"Community Planning and Development", under the heading "Department of Housing and Urban Development" in chapter 10 of title I of division B of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110-329; 122 Stat. 3601) is amended by striking "": Provided further, That none of the funds provided under this heading may be used by a State or locality as a matching requirement, share, or contribution for any other Federal program".

This title may be cited as the "Department of Housing and Urban Development Appropriations Act, 2010".

#### TITLE III

#### RELATED AGENCIES

##### ACCESS BOARD

##### SALARIES AND EXPENSES

For expenses necessary for the Access Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, \$7,300,000: Provided, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

#### FEDERAL MARITIME COMMISSION

##### SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. App. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefore, as authorized by 5 U.S.C. 5901-5902, \$24,135,000: Provided, That not to exceed \$2,000 shall be available for official reception and representation expenses.

#### NATIONAL RAILROAD PASSENGER CORPORATION

##### OFFICE OF INSPECTOR GENERAL

##### SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General for the National Railroad Passenger Corporation to carry out the provisions of the Inspector General Act of 1978, as amended, \$19,000,000: Provided, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the National Railroad Passenger Corporation: Provided further, That the Inspector General may enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, subject to the applicable laws and regulations that govern the obtaining of such services within the National Railroad Passenger Corporation: Provided further, That the Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office of Inspector General, subject to the applicable laws and regulations that govern such selections, appointments, and employment within Amtrak: Provided further, That concurrent with the President's budget request for fiscal year 2011, the Inspector General shall submit to the House and Senate Committees on Appropriations a budget request for fiscal year 2011 in similar format and substance to those submitted by executive agencies of the Federal Government.

#### NATIONAL TRANSPORTATION SAFETY BOARD

##### SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as

authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS-15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902) \$98,050,000, of which not to exceed \$2,000 may be used for official reception and representation expenses: Provided, That of the funds provided under this heading, \$2,416,000 shall remain available through September 30, 2011: Provided further, That of the funds provided, up to \$100,000 shall be provided through reimbursement to the Department of Transportation's Office of Inspector General to audit the National Transportation Safety Board's financial statements. The amounts made available to the National Transportation Safety Board in this Act include amounts necessary to make lease payments on an obligation incurred in fiscal year 2001 for a capital lease.

**NEIGHBORHOOD REINVESTMENT CORPORATION  
PAYMENT TO THE NEIGHBORHOOD REINVESTMENT  
CORPORATION**

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101-8107), \$133,000,000, of which \$5,000,000 shall be for a multi-family rental housing program: Provided, That section 605(a) of the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8104) is amended by adding at the end of the first sentence, prior to the period, “, except that the board-appointed officers may be paid salary at a rate not to exceed level II of the Executive Schedule”: Provided further, That in addition, \$35,000,000 shall be made available until expended for capital grants to rehabilitate or finance the rehabilitation of affordable housing units, including necessary administrative expenses: Provided further, That in addition, \$65,000,000 shall be made available until expended to the Neighborhood Reinvestment Corporation for mortgage foreclosure mitigation activities, under the following terms and conditions:

(1) The Neighborhood Reinvestment Corporation (“NRC”), shall make grants to counseling intermediaries approved by the Department of Housing and Urban Development (HUD) (with match to be determined by the NRC based on affordability and the economic conditions of an area; a match also may be waived by the NRC based on the aforementioned conditions) to provide mortgage foreclosure mitigation assistance primarily to States and areas with high rates of defaults and foreclosures to help eliminate the default and foreclosure of mortgages of owner-occupied single-family homes that are at risk of such foreclosure. Other than areas with high rates of defaults and foreclosures, grants may also be provided to approved counseling intermediaries based on a geographic analysis of the Nation by the NRC which determines where there is a prevalence of mortgages that are risky and likely to fail, including any trends for mortgages that are likely to default and face foreclosure. A State Housing Finance Agency may also be eligible where the State Housing Finance Agency meets all the requirements under this paragraph. A HUD-approved counseling intermediary shall meet certain mortgage foreclosure mitigation assistance counseling requirements, as determined by the NRC, and shall be approved by HUD or the NRC as meeting these requirements.

(2) Mortgage foreclosure mitigation assistance shall only be made available to homeowners of owner-occupied homes with mortgages in default or in danger of default. These mortgages shall likely be subject to a foreclosure action and homeowners will be provided such assistance that shall consist of activities that are likely to prevent foreclosures and result in the long-term affordability of the mortgage retained pur-

suant to such activity or another positive outcome for the homeowner. No funds made available under this paragraph may be provided directly to lenders or homeowners to discharge outstanding mortgage balances or for any other direct debt reduction payments.

(3) The use of Mortgage Foreclosure Mitigation Assistance by approved counseling intermediaries and State Housing Finance Agencies shall involve a reasonable analysis of the borrower's financial situation, an evaluation of the current value of the property that is subject to the mortgage, counseling regarding the assumption of the mortgage by another non-Federal party, counseling regarding the possible purchase of the mortgage by a non-Federal third party, counseling and advice of all likely restructuring and refinancing strategies or the approval of a work-out strategy by all interested parties.

(4) NRC may provide up to 15 percent of the total funds under this paragraph to its own charter members with expertise in foreclosure prevention counseling, subject to a certification by the NRC that the procedures for selection do not consist of any procedures or activities that could be construed as an unacceptable conflict of interest or have the appearance of impropriety.

(5) HUD-approved counseling entities and State Housing Finance Agencies receiving funds under this paragraph shall have demonstrated experience in successfully working with financial institutions as well as borrowers facing default, delinquency and foreclosure as well as documented counseling capacity, outreach capacity, past successful performance and positive outcomes with documented counseling plans (including post mortgage foreclosure mitigation counseling), loan workout agreements and loan modification agreements. NRC may use other criteria to demonstrate capacity in underserved areas.

(6) Of the total amount made available under this paragraph, up to \$3,000,000 may be made available to build the mortgage foreclosure and default mitigation counseling capacity of counseling intermediaries through NRC training courses with HUD-approved counseling intermediaries and their partners, except that private financial institutions that participate in NRC training shall pay market rates for such training.

(7) Of the total amount made available under this paragraph, up to 4 percent may be used for associated administrative expenses for the NRC to carry out activities provided under this section.

(8) Mortgage foreclosure mitigation assistance grants may include a budget for outreach and advertising, and training, as determined by the NRC.

(9) The NRC shall continue to report bi-annually to the House and Senate Committees on Appropriations as well as the Senate Banking Committee and House Financial Services Committee on its efforts to mitigate mortgage default.

**UNITED STATES INTERAGENCY COUNCIL ON  
HOMELESSNESS  
OPERATING EXPENSES**

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms, and the employment of experts and consultants under section 3109 of title 5, United States Code) of the United States Interagency Council on Homelessness in carrying out the functions pursuant to title II of the McKinney-Vento Homeless Assistance Act, as amended, \$2,450,000.

**TITLE IV**

**GENERAL PROVISIONS—THIS ACT**

SEC. 401. Such sums as may be necessary for fiscal year 2010 pay raises for programs funded

in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 402. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 403. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 404. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 405. Except as otherwise provided in this Act, none of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2010, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose; (5) augments existing programs, projects, or activities in excess of \$5,000,000 or 10 percent, whichever is less; (6) reduces existing programs, projects, or activities by \$5,000,000 or 10 percent, whichever is less; or (7) creates, reorganizes, or restructures a branch, division, office, bureau, board, commission, agency, administration, or department different from the budget justifications submitted to the Committees on Appropriations or the table accompanying the explanatory statement accompanying this Act, whichever is more detailed, unless prior approval is received from the House and Senate Committees on Appropriations: Provided, That not later than 60 days after the date of enactment of this Act, each agency funded by this Act shall submit a report to the Committees on Appropriations of the Senate and of the House of Representatives to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: Provided further, That the report shall include: (1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level; (2) a delineation in the table for each appropriation both by object class and program, project, and activity as detailed in the budget appendix for the respective appropriation; and (3) an identification of items of special congressional interest: Provided further, That the amount appropriated or limited for salaries and expenses for an agency shall be reduced by \$100,000 per day for each day after the required date that the report has not been submitted to the Congress.

SEC. 406. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2010 from appropriations made available for salaries and expenses for fiscal year 2010 in this Act, shall remain available through

September 30, 2011, for each such account for the purposes authorized: Provided, That a request shall be submitted to the House and Senate Committees on Appropriations for approval prior to the expenditure of such funds: Provided further, That these requests shall be made in compliance with reprogramming guidelines under section 405 of this Act.

SEC. 407. All Federal agencies and departments that are funded under this Act shall issue a report to the House and Senate Committees on Appropriations on all sole source contracts by no later than July 30, 2010. Such report shall include the contractor, the amount of the contract and the rationale for using a sole source contract.

SEC. 408. (a) None of the funds made available in this Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or “new age” belief systems as defined in Equal Employment Opportunity Commission Notice N-915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants’ personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 409. No funds in this Act may be used to support any Federal, State, or local projects that seek to use the power of eminent domain, unless eminent domain is employed only for a public use: Provided, That for purposes of this section, public use shall not be construed to include economic development that primarily benefits private entities: Provided further, That any use of funds for mass transit, railroad, airport, seaport or highway projects as well as utility projects which benefit or serve the general public (including energy-related, communication-related, water-related and wastewater-related infrastructure), other structures designated for use by the general public or which have other common-carrier or public-utility functions that serve the general public and are subject to regulation and oversight by the government, and projects for the removal of an immediate threat to public health and safety or brownfields as defined in the Small Business Liability Relief and Brownfields Revitalization Act (Public Law 107-118) shall be considered a public use for purposes of eminent domain.

SEC. 410. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 411. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still quali-

fied to perform the duties of his former position and has not been restored thereto.

SEC. 412. No funds appropriated pursuant to this Act may be expended in contravention of sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the “Buy American Act”).

SEC. 413. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been found to violate the Buy American Act (41 U.S.C. 10a-10c).

SEC. 414. None of the funds made available in this Act may be used for first-class airline accommodations in contravention of sections 301-10.122 and 301-10.123 of title 41, Code of Federal Regulations.

SEC. 415. None of the funds made available in this Act may be used to purchase a light bulb for an office building unless the light bulb has, to the extent practicable, an Energy Star or Federal Energy Management Program designation.

SEC. 416. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public website of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

(c) The head of the agency posting such report shall do so only after such report has been made available to the requesting Committee or Committees of Congress for no less than 45 days.

SEC. 417. None of the funds made available in this Act may be used to establish, issue, implement, administer, or enforce any prohibition or restriction on the establishment or effectiveness of any occupancy preference for veterans in supportive housing for the elderly that: (1) is provided assistance by the Department of Housing and Urban Development; and (2)(A) is or would be located on property of the Department of Veterans Affairs; or (B) is subject to an enhanced use lease with the Department of Veterans Affairs.

SEC. 418. None of the funds made available under this Act or any prior Act may be provided to the Association of Community Organizations for Reform Now (ACORN), or any of its affiliates, subsidiaries, or allied organizations.

SEC. 419. Specific projects contained in the report of the Committee on Appropriations of the House of Representatives accompanying this Act (H. Rept. 111-218) that are considered congressional earmarks for purposes of clause 9 of rule XXI of the Rules of the House of Representatives, when intended to be awarded to a for-profit entity, shall be awarded under a full and open competition.

This division may be cited as the “Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010”.

And the Senate agree to the same.

DIVISION B—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

#### TITLE I

#### DEPARTMENT OF COMMERCE

#### INTERNATIONAL TRADE ADMINISTRATION

#### OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and for engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the pur-

pose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the International Trade Administration between two points abroad, without regard to 49 U.S.C. 40118; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed \$327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed \$45,000 per vehicle; obtaining insurance on official motor vehicles; and rental of tie lines, \$456,204,000, to remain available until September 30, 2011, of which \$9,439,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding 31 U.S.C. 3302: Provided, That not less than \$49,530,000 shall be for Manufacturing and Services; not less than \$43,212,000 shall be for Market Access and Compliance; not less than \$68,290,000 shall be for the Import Administration; not less than \$258,438,000 shall be for the Trade Promotion and United States and Foreign Commercial Service; and not less than \$27,295,000 shall be for Executive Direction and Administration: Provided further, That not less than \$7,000,000 shall be for the Office of China Compliance, and not less than \$4,400,000 shall be for the China Countervailing Duty Group: Provided further, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act of 1961 shall include payment for assessments for services provided as part of these activities: Provided further, That negotiations shall be conducted within the World Trade Organization to recognize the right of members to distribute monies collected from antidumping and countervailing duties: Provided further, That negotiations shall be conducted within the World Trade Organization consistent with the negotiating objectives contained in the Trade Act of 2002, Public Law 107-210: Provided further, That within the amounts appropriated, \$5,215,000 shall be used for the projects, and in the amounts, specified in the explanatory statement accompanying this Act.

#### BUREAU OF INDUSTRY AND SECURITY

#### OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed \$15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); and purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with



special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, \$100,342,000, to remain available until expended, of which \$14,767,000 shall be for inspections and other activities related to national security: Provided, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: Provided further, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

#### ECONOMIC DEVELOPMENT ADMINISTRATION ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, and for trade adjustment assistance, \$255,000,000, to remain available until expended.

#### SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, \$38,000,000: Provided, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, title II of the Trade Act of 1974, and the Community Emergency Drought Relief Act of 1977.

#### MINORITY BUSINESS DEVELOPMENT AGENCY MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, \$31,500,000: Provided, That within the amounts appropriated, \$1,100,000 shall be used for the projects, and in the amounts, specified in the explanatory statement accompanying this Act.

#### ECONOMIC AND STATISTICAL ANALYSIS SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, \$97,255,000, to remain available until September 30, 2011.

#### BUREAU OF THE CENSUS SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, \$259,024,000.

#### PERIODIC CENSUSES AND PROGRAMS

For necessary expenses to collect and publish statistics for periodic censuses and programs provided for by law, \$7,065,707,000, of which \$100,000,000 shall be derived from available unobligated balances previously appropriated under this heading, to remain available until September 30, 2011: Provided, That none of the funds provided in this or any other Act for any fiscal year may be used for the collection of census data on race identification that does not include "some other race" as a category: Provided further, That from amounts provided herein, funds may be used for additional promotion, outreach, and marketing activities.

#### NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), \$19,999,000, to remain available until September 30, 2011:

Provided, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, operations, and related services, and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: Provided further, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

#### PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For the administration of grants, authorized by section 392 of the Communications Act of 1934, \$20,000,000, to remain available until expended as authorized by section 391 of the Act: Provided, That not to exceed \$2,000,000 shall be available for program administration as authorized by section 391 of the Act: Provided further, That, notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year.

#### UNITED STATES PATENT AND TRADEMARK OFFICE SALARIES AND EXPENSES

For necessary expenses of the United States Patent and Trademark Office (USPTO) provided for by law, including defense of suits instituted against the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, \$1,887,000,000, to remain available until expended: Provided, That the sum herein appropriated from the general fund shall be reduced as offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376 are received during fiscal year 2010, so as to result in a fiscal year 2010 appropriation from the general fund estimated at \$0: Provided further, That during fiscal year 2010, should the total amount of offsetting fee collections be less than \$1,887,000,000, this amount shall be reduced accordingly: Provided further, That from amounts provided herein, not to exceed \$1,000 shall be made available in fiscal year 2010 for official reception and representation expenses: Provided further, That in fiscal year 2010 from the amounts made available for "Salaries and Expenses" for the USPTO, the amounts necessary to pay: (1) the difference between the percentage of basic pay contributed by the USPTO and employees under section 8334(a) of title 5, United States Code, and the normal cost percentage (as defined by section 8331(17) of that title) of basic pay, of employees subject to subchapter III of chapter 83 of that title; and (2) the present value of the otherwise unfunded accruing costs, as determined by the Office of Personnel Management, of post-retirement life insurance and post-retirement health benefits coverage for all USPTO employees, shall be transferred to the Civil Service Retirement and Disability Fund, the Employees Life Insurance Fund, and the Employees Health Benefits Fund, as appropriate, and shall be available for the authorized purposes of those accounts: Provided further, That sections 801, 802, and 803 of division B, Public Law 108-447 shall remain in effect during fiscal year 2010: Provided further, That the Director may, this year, reduce by regulation fees payable for documents in patent and trademark matters, in connection with the filing of documents filed electronically in a form prescribed by the Director: Provided further,

That from the amounts provided herein, no less than \$4,000,000 shall be available only for the USPTO contribution in a cooperative or joint agreement or agreements with a non-profit organization or organizations, successfully audited within the previous year, and with previous experience in such programs, to conduct policy studies, including studies relating to activities of United Nations Specialized agencies and other international organizations, as well as conferences and other development programs, in support of fair international protection of intellectual property rights.

#### NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, \$515,000,000, to remain available until expended, of which not to exceed \$9,000,000 may be transferred to the "Working Capital Fund": Provided, That not to exceed \$10,000 shall be for official reception and representation expenses: Provided further, That within the amounts appropriated, \$10,500,000 shall be used for the projects, and in the amounts, specified in the explanatory statement accompanying this Act.

#### INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Hollings Manufacturing Extension Partnership of the National Institute of Standards and Technology, \$124,700,000, to remain available until expended. In addition, for necessary expenses of the Technology Innovation Program of the National Institute of Standards and Technology, \$69,900,000, to remain available until expended.

#### CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation and maintenance of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c-278e, \$147,000,000, to remain available until expended, of which \$20,000,000 is for a competitive construction grant program for research science buildings: Provided, That within the amounts appropriated, \$47,000,000 shall be used for the projects, and in the amounts, specified in the explanatory statement accompanying this Act: Provided further, That the Secretary of Commerce shall include in the budget justification materials that the Secretary submits to Congress in support of the Department of Commerce budget (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) an estimate for each National Institute of Standards and Technology construction project having a total multi-year program cost of more than \$5,000,000 and simultaneously the budget justification materials shall include an estimate of the budgetary requirements for each such project for each of the five subsequent fiscal years.

#### NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION OPERATIONS, RESEARCH, AND FACILITIES (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft and vessels; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities, \$3,305,178,000, to remain available until September 30, 2011, except for funds provided for cooperative enforcement, which shall remain available until September 30, 2012: Provided, That fees and donations received by the National Ocean Service for

the management of national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: Provided further, That in addition, \$3,000,000 shall be derived by transfer from the fund entitled "Coastal Zone Management" and in addition \$104,600,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries": Provided further, That of the \$3,412,778,000 provided for in direct obligations under this heading \$3,305,178,000 is appropriated from the general fund, and \$107,600,000 is provided by transfer: Provided further, That the total amount available for the National Oceanic and Atmospheric Administration corporate services administrative support costs shall not exceed \$235,549,000: Provided further, That payments of funds made available under this heading to the Department of Commerce Working Capital Fund including Department of Commerce General Counsel legal services shall not exceed \$41,944,000: Provided further, That within the amounts appropriated, \$99,295,000 shall be used for the projects, and in the amounts, specified in the explanatory statement accompanying this Act: Provided further, That any deviation from the amounts designated for specific activities in the explanatory statement accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act: Provided further, That in allocating grants under sections 306 and 306A of the Coastal Zone Management Act of 1972, as amended, no coastal State shall receive more than 5 percent or less than 1 percent of increased funds appropriated over the previous fiscal year.

In addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for the medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. 55), such sums as may be necessary.

#### PROCUREMENT, ACQUISITION AND CONSTRUCTION

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, \$1,358,353,000, to remain available until September 30, 2012, except funds provided for construction of facilities which shall remain available until expended: Provided, That of the \$1,360,353,000 provided for in direct obligations under this heading, \$1,358,353,000 is appropriated from the general fund and \$2,000,000 is provided from recoveries of prior year obligations: Provided further, That except to the extent expressly prohibited by any other law, the Department of Defense may delegate procurement functions related to the National Polar-orbiting Operational Environmental Satellite System to officials of the Department of Commerce pursuant to section 2311 of title 10, United States Code: Provided further, That any deviation from the amounts designated for specific activities in the explanatory statement accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act: Provided further, That the Secretary of Commerce shall include in budget justification materials that the Secretary submits to Congress in support of the Department of Commerce budget (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) an estimate for each National Oceanic and Atmospheric Administration Procurement, Acquisition or Construction project having a total of more than \$5,000,000 and simultaneously the budget justification

shall include an estimate of the budgetary requirements for each such project for each of the five subsequent fiscal years: Provided further, That the Secretary of Commerce is authorized to enter into a lease, at no cost to the United States Government, with the Regents of the University of Alabama for a term of not less than 55 years, with two successive options each of 5 years, for land situated on the campus of University of Alabama in Tuscaloosa to house the Cooperative Institute and Research Center for Southeast Weather and Hydrology: Provided further, That within the amounts appropriated, \$18,000,000 shall be used for the projects, and in the amounts, specified in the explanatory statement accompanying this Act.

#### PACIFIC COASTAL SALMON RECOVERY

For necessary expenses associated with the restoration of Pacific salmon populations, \$80,000,000, to remain available until September 30, 2011: Provided, That of the funds provided herein the Secretary of Commerce may issue grants to the States of Washington, Oregon, Idaho, Nevada, California, and Alaska, and Federally-recognized tribes of the Columbia River and Pacific Coast for projects necessary for conservation of salmon and steelhead populations that are listed as threatened or endangered, or identified by a State as at-risk to be so-listed, for maintaining populations necessary for exercise of tribal treaty fishing rights or native subsistence fishing, or for conservation of Pacific coastal salmon and steelhead habitat, based on guidelines to be developed by the Secretary of Commerce: Provided further, That funds disbursed to States shall be subject to a matching requirement of funds or documented in-kind contributions of at least 33 percent of the Federal funds.

#### COASTAL ZONE MANAGEMENT FUND

##### (INCLUDING TRANSFER OF FUNDS)

Of amounts collected pursuant to section 308 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456a), not to exceed \$3,000,000 shall be transferred to the "Operations, Research, and Facilities" account to offset the costs of implementing such Act.

#### FISHERIES FINANCE PROGRAM ACCOUNT

Subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2010, obligations of direct loans may not exceed \$16,000,000 for Individual Fishing Quota loans and not to exceed \$59,000,000 for traditional direct loans as authorized by the Merchant Marine Act of 1936: Provided, That none of the funds made available under this heading may be used for direct loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

#### DEPARTMENTAL MANAGEMENT

##### SALARIES AND EXPENSES

For expenses necessary for the departmental management of the Department of Commerce provided for by law, including not to exceed \$5,000 for official reception and representation, \$58,000,000: Provided, That the Secretary, within 60 days of enactment of this Act, shall provide a report to the Committees on Appropriations of the House and Senate that audits and evaluates all decision documents and expenditures by the Bureau of the Census as they relate to the 2010 Census: Provided further, That of the amounts provided to the Secretary within this account, \$5,000,000 shall not become available for obligation until the Secretary certifies to the Committees on Appropriations of the House and Senate that the Bureau of the Census has followed and met all standards and best practices, and all Office of Management and Budget guidelines related to information technology projects and contract management.

#### HERBERT C. HOOVER BUILDING RENOVATION AND MODERNIZATION

For expenses necessary, including blast windows, for the renovation and modernization of the Herbert C. Hoover Building, \$22,500,000, to remain available until expended.

#### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), \$27,000,000.

#### GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 101. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 102. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 103. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: Provided further, That the Secretary of Commerce shall notify the Committees on Appropriations at least 15 days in advance of the acquisition or disposal of any capital asset (including land, structures, and equipment) not specifically provided for in this Act or any other law appropriating funds for the Department of Commerce: Provided further, That for the National Oceanic and Atmospheric Administration this section shall provide for transfers among appropriations made only to the National Oceanic and Atmospheric Administration and such appropriations may not be transferred and reprogrammed to other Department of Commerce bureaus and appropriation accounts.

SEC. 104. Any costs incurred by a department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 105. The requirements set forth by section 112 of division B of Public Law 110–161 are hereby adopted by reference.

SEC. 106. Notwithstanding any other law, the Secretary may furnish services (including but not limited to utilities, telecommunications, and security services) necessary to support the operation, maintenance, and improvement of space

that persons, firms or organizations are authorized pursuant to the Public Buildings Cooperative Use Act of 1976 or other authority to use or occupy in the Herbert C. Hoover Building, Washington, DC, or other buildings, the maintenance, operation, and protection of which has been delegated to the Secretary from the Administrator of General Services pursuant to the Federal Property and Administrative Services Act of 1949, as amended, on a reimbursable or non-reimbursable basis. Amounts received as reimbursement for services provided under this section or the authority under which the use or occupancy of the space is authorized, up to \$200,000, shall be credited to the appropriation or fund which initially bears the costs of such services.

SEC. 107. With the consent of the President, the Secretary of Commerce shall represent the United States Government in negotiating and monitoring international agreements regarding fisheries, marine mammals, or sea turtles: Provided, That the Secretary of Commerce shall be responsible for the development and interdepartmental coordination of the policies of the United States with respect to the international negotiations and agreements referred to in this section.

SEC. 108. Section 101(k) of the Emergency Steel Loan Guarantee Act of 1999 (15 U.S.C. 1841 note) is amended by striking "2009" and inserting "2011".

SEC. 109. Nothing in this title shall be construed to prevent a grant recipient from deterring child pornography, copyright infringement, or any other unlawful activity over its networks.

SEC. 110. The Administration of the National Oceanic and Atmospheric Administration is authorized to use, with their consent, with reimbursement and subject to the limits of available appropriations, the land, services, equipment, personnel, and facilities of any department, agency or instrumentality of the United States, or of any State, local government, Indian tribal government, Territory or possession, or of any political subdivision thereof, or of any foreign government or international organization for purposes related to carrying out the responsibilities of any statute administered by the National Oceanic and Atmospheric Administration.

This title may be cited as the "Department of Commerce Appropriations Act, 2010".

## TITLE II

### DEPARTMENT OF JUSTICE

#### GENERAL ADMINISTRATION

##### SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, \$118,488,000, of which not to exceed \$4,000,000 for security and construction of Department of Justice facilities shall remain available until expended: Provided, That the Attorney General is authorized to transfer funds appropriated within General Administration to any office in this account: Provided further, That \$18,693,000 is for Department Leadership; \$8,101,000 is for Intergovernmental Relations/External Affairs; \$12,715,000 is for Executive Support/Professional Responsibility; and \$78,979,000 is for the Justice Management Division: Provided further, That any change in amounts specified in the preceding proviso greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations consistent with the terms of section 505 of this Act: Provided further, That this transfer authority is in addition to transfers authorized under section 505 of this Act.

##### NATIONAL DRUG INTELLIGENCE CENTER

For necessary expenses of the National Drug Intelligence Center, \$44,023,000, of which \$2,000,000 shall be for reimbursement of Air Force personnel for the National Drug Intelligence Center to support the Department of De-

fense's counter-drug intelligence responsibilities: Provided, That the National Drug Intelligence Center shall maintain the personnel and technical resources to provide timely support to law enforcement authorities and the intelligence community by conducting document and computer exploitation of materials collected in Federal, State, and local law enforcement activity associated with counter-drug, counterterrorism, and national security investigations and operations.

##### JUSTICE INFORMATION SHARING TECHNOLOGY

For necessary expenses for information sharing technology, including planning, development, deployment and departmental direction, \$88,285,000, to remain available until expended.

##### TACTICAL LAW ENFORCEMENT WIRELESS COMMUNICATIONS

For the costs of developing and implementing a nation-wide Integrated Wireless Network supporting Federal law enforcement communications, and for the costs of operations and maintenance of existing Land Mobile Radio legacy systems, \$206,143,000, to remain available until expended: Provided, That the Attorney General shall transfer to this account all funds made available to the Department of Justice for the purchase of portable and mobile radios: Provided further, That any transfer made under the preceding proviso shall be subject to section 505 of this Act.

##### ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration-related activities, \$300,685,000, of which \$4,000,000 shall be derived by transfer from the Executive Office for Immigration Review fees deposited in the "Immigration Examinations Fee" account.

##### DETENTION TRUSTEE

For necessary expenses of the Federal Detention Trustee, \$1,438,663,000, to remain available until expended: Provided, That the Trustee shall be responsible for managing the Justice Prisoner and Alien Transportation System: Provided further, That not to exceed \$5,000,000 shall be considered "funds appropriated for State and local law enforcement assistance" pursuant to 18 U.S.C. 4013(b).

##### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, \$84,368,000, including not to exceed \$10,000 to meet unforeseen emergencies of a confidential character.

##### UNITED STATES PAROLE COMMISSION

##### SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized, \$12,859,000.

##### LEGAL ACTIVITIES

##### SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed \$20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, \$875,097,000, of which not to exceed \$10,000,000 for litigation support contracts shall remain available until expended: Provided, That of the total amount appropriated, not to exceed \$10,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses: Provided further, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for litigation activities of the

Civil Division, the Attorney General may transfer such amounts to "Salaries and Expenses, General Legal Activities" from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: Provided further, That of the amount appropriated, such sums as may be necessary shall be available to reimburse the Office of Personnel Management for salaries and expenses associated with the election monitoring program under section 8 of the Voting Rights Act of 1965 (42 U.S.C. 1973f): Provided further, That of the amounts provided under this heading for the election monitoring program \$3,390,000, shall remain available until expended.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed \$7,833,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

##### SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, \$163,170,000, to remain available until expended: Provided, That notwithstanding any other provision of law, fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection (and estimated to be \$102,000,000 in fiscal year 2010), shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2010, so as to result in a final fiscal year 2010 appropriation from the general fund estimated at \$61,170,000.

##### SALARIES AND EXPENSES, UNITED STATES

##### ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including inter-governmental and cooperative agreements, \$1,934,003,000: Provided, That of the total amount appropriated, not to exceed \$8,000 shall be available for official reception and representation expenses: Provided further, That not to exceed \$25,000,000 shall remain available until expended: Provided further, That of the amount provided under this heading, not less than \$36,980,000 shall be used for salaries and expenses for assistant U.S. Attorneys to carry out section 704 of the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248) concerning the prosecution of offenses relating to the sexual exploitation of children: Provided further, That of the amount provided under this heading, \$6,000,000 is for salaries and expenses for new assistant U.S. Attorneys to carry out additional prosecutions of serious crimes in Indian Country.

##### UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized, \$219,250,000, to remain available until expended and to be derived from the United States Trustee System Fund: Provided, That notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: Provided further, That, notwithstanding any other provision of law, \$210,000,000 of offsetting collections pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and shall remain available until expended: Provided further, That the sum herein appropriated from the Fund shall be reduced

as such offsetting collections are received during fiscal year 2010, so as to result in a final fiscal year 2010 appropriation from the Fund estimated at \$4,250,000.

#### SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by section 3109 of title 5, United States Code, \$2,117,000.

#### FEES AND EXPENSES OF WITNESSES

For fees and expenses of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, including advances, and for expenses of foreign counsel, \$168,300,000, to remain available until expended: Provided, That not to exceed \$10,000,000 may be made available for construction of buildings for protected witness safesites: Provided further, That not to exceed \$3,000,000 may be made available for the purchase and maintenance of armored and other vehicles for witness security caravans: Provided further, That not to exceed \$11,000,000 may be made available for the purchase, installation, maintenance, and upgrade of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses.

#### SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, \$11,479,000: Provided, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict resolution and violence prevention activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

#### ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(B), (F), and (G), \$20,990,000, to be derived from the Department of Justice Assets Forfeiture Fund.

#### UNITED STATES MARSHALS SERVICE

##### SALARIES AND EXPENSES

For necessary expenses of the United States Marshals Service, \$1,125,763,000; of which not to exceed \$30,000 shall be available for official reception and representation expenses; and of which not to exceed \$10,000,000 shall remain available until expended for information technology systems.

##### CONSTRUCTION

For construction in space controlled, occupied or utilized by the United States Marshals Service for prisoner holding and related support, \$26,625,000, to remain available until expended; of which not less than \$12,625,000 shall be available for the costs of courthouse security equipment, including furnishings, relocations, and telephone systems and cabling.

#### NATIONAL SECURITY DIVISION

##### SALARIES AND EXPENSES

For expenses necessary to carry out the activities of the National Security Division, \$87,938,000; of which not to exceed \$5,000,000 for information technology systems shall remain available until expended: Provided, That not-

withstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for the activities of the National Security Division, the Attorney General may transfer such amounts to this heading from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

#### INTERAGENCY LAW ENFORCEMENT

##### INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the identification, investigation, and prosecution of individuals associated with the most significant drug trafficking and affiliated money laundering organizations not otherwise provided for, to include inter-governmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, \$528,569,000, of which \$50,000,000 shall remain available until expended: Provided, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation.

#### FEDERAL BUREAU OF INVESTIGATION

##### SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States, \$7,658,622,000, of which \$101,066,000 is designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010; and of which not to exceed \$150,000,000 shall remain available until expended: Provided, That not to exceed \$205,000 shall be available for official reception and representation expenses: Provided further, That notwithstanding section 205 of this Act, the Director of the Federal Bureau of Investigation, upon a determination that additional funding is necessary to carry out construction of the Biometrics Technology Center, may transfer from amounts available for "Salaries and Expenses" to amounts available for "Construction" up to \$30,000,000 in fees collected to defray expenses for the automation of fingerprint identification and criminal justice information services and associated costs: Provided further, That any transfer made pursuant to the previous proviso shall be subject to section 505 of this Act.

##### CONSTRUCTION

For all necessary expenses, to include the cost of equipment, furniture, and information technology requirements, related to construction or acquisition of buildings, facilities and sites by purchase, or as otherwise authorized by law; conversion, modification and extension of Federally-owned buildings; and preliminary planning and design of projects; \$239,915,000, to remain available until expended.

#### DRUG ENFORCEMENT ADMINISTRATION

##### SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed \$70,000 to meet unforeseen emergencies of a confidential character pursuant to 28 U.S.C. 530C; and expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs, \$2,019,682,000; of which not to exceed \$75,000,000

shall remain available until expended; and of which not to exceed \$100,000 shall be available for official reception and representation expenses.

#### BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

##### SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco, Firearms and Explosives, not to exceed \$40,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and for provision of laboratory assistance to State and local law enforcement agencies, with or without reimbursement, \$1,114,772,000, of which not to exceed \$1,000,000 shall be available for the payment of attorneys' fees as provided by section 924(d)(2) of title 18, United States Code; and of which not to exceed \$10,000,000 shall remain available until expended: Provided, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of Justice, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: Provided further, That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 478.118 or to change the definition of "Curios or relics" in 27 CFR 478.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: Provided further, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): Provided further, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: Provided further, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco, Firearms and Explosives to other agencies or Departments in fiscal year 2010: Provided further, That, beginning in fiscal year 2010 and thereafter, no funds appropriated under this or any other Act may be used to disclose part or all of the contents of the Firearms Trace System database maintained by the National Trace Center of the Bureau of Alcohol, Tobacco, Firearms and Explosives or any information required to be kept by licensees pursuant to section 923(g) of title 18, United States Code, or required to be reported pursuant to paragraphs (3) and (7) of such section 923(g), except to: (1) a Federal, State, local, or tribal law enforcement agency, or a Federal, State, or local prosecutor; or (2) a foreign law enforcement agency solely in connection with or for use in a criminal investigation or prosecution; or (3) a Federal agency for a national security or intelligence purpose; unless such disclosure of such data to any of the entities described in (1), (2) or (3) of this proviso would compromise the identity of any undercover law enforcement officer or confidential informant, or interfere with any case under investigation; and no person or entity described in (1), (2) or (3) shall knowingly and publicly disclose such data; and all such data shall be immune from legal process, shall not be subject to subpoena or other discovery, shall be inadmissible in evidence, and shall not be used, relied on, or disclosed in any manner, nor shall testimony or other evidence be permitted based on the data, in a civil action in any State (including the District of Columbia) or Federal court or in an administrative proceeding other

than a proceeding commenced by the Bureau of Alcohol, Tobacco, Firearms and Explosives to enforce the provisions of chapter 44 of such title, or a review of such an action or proceeding; except that this proviso shall not be construed to prevent: (A) the disclosure of statistical information concerning total production, importation, and exportation by each licensed importer (as defined in section 921(a)(9) of such title) and licensed manufacturer (as defined in section 921(a)(10) of such title); (B) the sharing or exchange of such information among and between Federal, State, local, or foreign law enforcement agencies, Federal, State, or local prosecutors, and Federal national security, intelligence, or counterterrorism officials; or (C) the publication of annual statistical reports on products regulated by the Bureau of Alcohol, Tobacco, Firearms and Explosives, including total production, importation, and exportation by each licensed importer (as so defined) and licensed manufacturer (as so defined), or statistical aggregate data regarding firearms traffickers and trafficking channels, or firearms misuse, felons, and trafficking investigations: Provided further, That no funds made available by this or any other Act shall be expended to promulgate or implement any rule requiring a physical inventory of any business licensed under section 923 of title 18, United States Code: Provided further, That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code: Provided further, That no funds authorized or made available under this or any other Act may be used to deny any application for a license under section 923 of title 18, United States Code, or renewal of such a license due to a lack of business activity, provided that the applicant is otherwise eligible to receive such a license, and is eligible to report business income or to claim an income tax deduction for business expenses under the Internal Revenue Code of 1986.

#### CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of Federally-owned buildings; and preliminary planning and design of projects; \$6,000,000, to remain available until expended.

#### FEDERAL PRISON SYSTEM

##### SALARIES AND EXPENSES

For necessary expenses of the Federal Prison System for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed \$31, of which 743 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments, \$6,086,231,000: Provided, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: Provided further, That the Director of the Federal Prison System, where necessary, may enter into contracts with a fiscal agent or fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the Federal Prison System, furnish health services to individuals committed to the custody of the Federal Prison System: Provided further, That not to exceed \$6,000 shall be available for official reception and representation expenses: Provided further, That not to exceed \$50,000,000 shall remain available for necessary operations until September 30, 2011: Provided further, That, of the amounts provided for contract confinement, not to exceed \$20,000,000 shall

remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note), for the care and security in the United States of Cuban and Haitian entrants: Provided further, That the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program from a not-for-profit entity which has operated such program in the past notwithstanding the fact that such not-for-profit entity furnishes services under contracts to the Federal Prison System relating to the operation of pre-release services, halfway houses, or other custodial facilities.

#### BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, \$99,155,000, to remain available until expended, of which not less than \$73,769,000 shall be available only for modernization, maintenance and repair, and of which not to exceed \$14,000,000 shall be available to construct areas for inmate work programs: Provided, That labor of United States prisoners may be used for work performed under this appropriation.

#### FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase (not to exceed five for replacement only) and hire of passenger motor vehicles.

#### LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed \$2,700,000 of the funds of the Federal Prison Industries, Incorporated shall be available for its administrative expenses, and for services as authorized by section 3109 of title 5, United States Code, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which such accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

#### STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES

#### OFFICE ON VIOLENCE AGAINST WOMEN VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS (INCLUDING TRANSFER OF FUNDS)

For grants, contracts, cooperative agreements, and other assistance for the prevention and prosecution of violence against women, as authorized by the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) ("the 1968 Act"); the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322) ("the 1994 Act"); the Victims of Child Abuse Act

of 1990 (Public Law 101-647) ("the 1990 Act"); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108-21); the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) ("the 1974 Act"); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106-386) ("the 2000 Act"); and the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162) ("the 2005 Act"); and for related victims services, \$418,500,000, to remain available until expended: Provided, That except as otherwise provided by law, not to exceed 3 percent of funds made available under this heading may be used for expenses related to evaluation, training, and technical assistance: Provided further, That of the amount provided (which shall be by transfer for programs administered by the Office of Justice Programs)—

(1) \$210,000,000 for grants to combat violence against women, as authorized by part T of the 1968 Act, of which—

(A) \$18,000,000 shall be for transitional housing assistance grants for victims of domestic violence, stalking or sexual assault as authorized by section 40299 of the 1994 Act; and

(B) \$3,000,000 shall be for the National Institute of Justice for research and evaluation of violence against women and related issues addressed by grant programs of the Office on Violence Against Women;

(2) \$60,000,000 for grants to encourage arrest policies as authorized by part U of the 1968 Act;

(3) \$15,000,000 for sexual assault victims assistance, as authorized by section 41601 of the 1994 Act;

(4) \$41,000,000 for rural domestic violence and child abuse enforcement assistance grants, as authorized by section 40295 of the 1994 Act;

(5) \$9,500,000 for grants to reduce violent crimes against women on campus, as authorized by section 304 of the 2005 Act;

(6) \$41,000,000 for legal assistance for victims, as authorized by section 1201 of the 2000 Act;

(7) \$4,250,000 for enhanced training and services to end violence against and abuse of women in later life, as authorized by section 40802 of the 1994 Act;

(8) \$14,000,000 for the safe havens for children program, as authorized by section 1301 of the 2000 Act;

(9) \$6,750,000 for education and training to end violence against and abuse of women with disabilities, as authorized by section 1402 of the 2000 Act;

(10) \$3,000,000 for an engaging men and youth in prevention program, as authorized by section 41305 of the 1994 Act;

(11) \$1,000,000 for tracking of violence against Indian women, as authorized by section 905 of the 2005 Act and consistent with title I of the Adam Walsh Child Protection and Safety Act of 2006;

(12) \$3,500,000 for services to advocate and respond to youth, as authorized by section 41201 of the 1994 Act;

(13) \$3,000,000 for grants to assist children and youth exposed to violence, as authorized by section 41303 of the 1994 Act;

(14) \$3,000,000 for the court training and improvements program, as authorized by section 41002 of the 1994 Act;

(15) \$1,000,000 for the National Resource Center on Workplace Responses to assist victims of domestic violence, as authorized by section 41501 of the 1994 Act; and

(16) \$2,500,000 for the Supporting Teens through Education and Protection program, as authorized by section 41204 of the 1994 Act.

#### OFFICE OF JUSTICE PROGRAMS

##### JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the

Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"; the Juvenile Justice and Delinquency Prevention Act of 1974 ("the 1974 Act"; the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108-21); the Justice for All Act of 2004 (Public Law 108-405); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162); the Victims of Child Abuse Act of 1990 (Public Law 101-647); the Second Chance Act of 2007 (Public Law 110-199); the Victims of Crime Act of 1984 (Public Law 98-473); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248); the PROTECT Our Children Act of 2008 (Public Law 110-401); subtitle D of title II of the Homeland Security Act of 2002 (Public Law 107-296), which may include research and development; and other programs (including the Statewide Automated Victim Notification Program); \$235,000,000, to remain available until expended, of which—

(1) \$60,000,000 is for criminal justice statistics programs, and other activities, as authorized by part C of title I of the 1968 Act, of which \$41,000,000 is for the National Crime Victimization Survey;

(2) \$48,000,000 is for research, development, and evaluation programs, and other activities as authorized by part B of title I of the 1968 Act;

(3) \$12,000,000 is for the Statewide Victim Notification System of the Bureau of Justice Assistance;

(4) \$45,000,000 is for the Regional Information Sharing System, as authorized by part M of title I of the 1968 Act; and

(5) \$70,000,000 is for missing and exploited children programs, including as authorized by sections 404(b) and 405(a) of the 1974 Act.

#### STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322) ("the 1994 Act"); the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); the Justice for All Act of 2004 (Public Law 108-405); the Victims of Child Abuse Act of 1990 (Public Law 101-647) ("the 1990 Act"); the Trafficking Victims Protection Reauthorization Act of 2005 (Public Law 109-164); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248); and the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106-386); the Second Chance Act of 2007 (Public Law 110-199); the Prioritizing Resources and Organization for Intellectual Property Act of 2008 (Public Law 110-403); and other programs; \$1,534,768,000, to remain available until expended as follows—

(1) \$519,000,000 for the Edward Byrne Memorial Justice Assistance Grant program as authorized by subpart I of part E of title I of the 1968 Act, (except that section 1001(c), and the special rules for Puerto Rico under section 505(g), of the 1968 Act, as amended, shall not apply for purposes of this Act), of which \$5,000,000 is for use by the National Institute of Justice in assisting units of local government to identify, select, develop, modernize, and purchase new technologies for use by law enforcement, and \$3,000,000 is for a program to improve State and local law enforcement intelligence capabilities including antiterrorism training and training to ensure that constitutional rights, civil liberties, civil rights, and privacy interests are protected throughout the intelligence process;

(2) \$330,000,000 for the State Criminal Alien Assistance Program, as authorized by section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(5));

(3) \$31,000,000 for the Southwest Border Prosecutor Initiative to reimburse State, county, par-

ish, tribal, or municipal governments for costs associated with the prosecution of criminal cases declined by local offices of the United States Attorneys;

(4) \$185,268,000 for discretionary grants to improve the functioning of the criminal justice system, to prevent or combat juvenile delinquency, and to assist victims of crime (other than compensation), which shall be used for the projects, and in the amounts, specified in the explanatory statement accompanying this Act;

(5) \$40,000,000 for competitive grants to improve the functioning of the criminal justice system, to prevent or combat juvenile delinquency, and to assist victims of crime (other than compensation);

(6) \$2,000,000 for the purposes described in the Missing Alzheimer's Disease Patient Alert Program (section 240001 of the 1994 Act);

(7) \$12,500,000 for victim services programs for victims of trafficking, as authorized by section 107(b)(2) of Public Law 106-386 and for programs authorized under Public Law 109-164;

(8) \$45,000,000 for Drug Courts, as authorized by section 1001(25)(A) of title I of the 1968 Act;

(9) \$7,000,000 for a program to monitor prescription drugs and scheduled listed chemical products;

(10) \$15,000,000 for prison rape prevention and prosecution and other programs, as authorized by the Prison Rape Elimination Act of 2003 (Public Law 108-79);

(11) \$30,000,000 for grants for Residential Substance Abuse Treatment for State Prisoners, as authorized by part S of title I of the 1968 Act;

(12) \$5,500,000 for the Capital Litigation Improvement Grant Program, as authorized by section 426 of Public Law 108-405, and for grants for wrongful conviction review;

(13) \$12,000,000 for mental health courts and adult and juvenile collaboration program grants, as authorized by parts V and HH of title I of the 1968 Act, and the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008 (Public Law 110-416);

(14) \$50,000,000 for assistance to Indian tribes, of which—

(A) \$10,000,000 shall be available for grants under section 20109 of subtitle A of title II of the 1994 Act;

(B) \$25,000,000 shall be available for the Tribal Courts Initiative;

(C) \$12,000,000 shall be available for tribal alcohol and substance abuse reduction assistance grants; and

(D) \$3,000,000 shall be available for training and technical assistance and civil and criminal legal assistance as authorized by title I of Public Law 106-559;

(15) \$20,000,000 for economic, high technology and Internet crime prevention grants, including as authorized by section 401 of Public Law 110-403;

(16) \$15,000,000 for the court-appointed special advocate program, as authorized by section 217 of the 1990 Act;

(17) \$2,500,000 for child abuse training programs for judicial personnel and practitioners, as authorized by section 222 of the 1990 Act;

(18) \$3,000,000 for grants to improve the stalking and domestic violence database, as authorized by section 40602 of the 1994 Act;

(19) \$1,000,000 for analysis and research on violence against Indian women, including as authorized by section 904 of the 2005 Act;

(20) \$3,500,000 for training programs as authorized by section 40152 of the 1994 Act, and for related local demonstration projects;

(21) \$1,000,000 for grants for televised testimony, as authorized by part N of title I of the 1968 Act;

(22) \$15,000,000 for programs to reduce gun crime and gang violence;

(23) \$20,000,000 for grants to assist State and tribal governments as authorized by the NICS Improvement Amendments Act of 2007 (Public Law 110-180);

(24) \$11,500,000 for the National Criminal History Improvement program for grants to upgrade criminal records;

(25) \$100,000,000 for offender reentry programs, as authorized by the Second Chance Act of 2007 (Public Law 110-199), of which \$37,000,000 is for grants for adult and juvenile offender State and local reentry demonstration projects, \$15,000,000 is for grants for mentoring and transitional services, \$10,000,000 is for reentry courts, \$7,500,000 is for family-based substance abuse treatment, \$2,500,000 is for evaluation and improvement of education at prisons, jails, and juvenile facilities, \$5,000,000 is for technology careers training demonstration grants, \$13,000,000 is for offender reentry substance abuse and criminal justice collaboration, and \$10,000,000 is for prisoner reentry research;

(26) \$10,000,000 for activities related to comprehensive criminal justice reform and recidivism reduction efforts by States;

(27) \$10,000,000 for implementation of a student loan repayment assistance program pursuant to section 952 of Public Law 110-315;

(28) \$3,000,000 for the Northern Border Prosecutor Initiative to reimburse State, county, parish, tribal, or municipal governments for the costs associated with the prosecution of criminal cases declined by local offices of the United States Attorneys; and

(29) \$35,000,000 for Paul Coverdell Forensic Science Improvement Grants under part BB of title I of the 1968 Act.

Provided, That if a unit of local government uses any of the funds made available under this heading to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform non-administrative public sector safety service.

#### WEED AND SEED PROGRAM FUND

For necessary expenses, including salaries and related expenses of the Office of Weed and Seed Strategies, \$20,000,000, to remain available until expended, as authorized by section 103 of title I of the Omnibus Crime Control and Safe Streets Act of 1968.

#### JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974 ("the 1974 Act"), the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"), the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162), the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108-21); the Victims of Child Abuse Act of 1990 (Public Law 101-647); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248); the PROTECT Our Children Act of 2008 (Public Law 110-401), and other juvenile justice programs, \$423,595,000, to remain available until expended as follows—

(1) \$75,000,000 for programs authorized by section 221 of the 1974 Act, and for training and technical assistance to assist small, non-profit organizations with the Federal grants process;

(2) \$91,095,000 for grants and projects, as authorized by sections 261 and 262 of the 1974 Act, which shall be used for the projects, and in the amounts, specified in the explanatory statement accompanying this Act;

(3) \$100,000,000 for youth mentoring grants;

(4) \$65,000,000 for delinquency prevention, as authorized by section 505 of the 1974 Act, of which, pursuant to sections 261 and 262 thereof—



(A) \$25,000,000 shall be for the Tribal Youth Program;

(B) \$10,000,000 shall be for a gang education initiative; and

(C) \$25,000,000 shall be for grants of \$360,000 to each State and \$4,840,000 shall be available for discretionary grants, for programs and activities to enforce State laws prohibiting the sale of alcoholic beverages to minors or the purchase or consumption of alcoholic beverages by minors, for prevention and reduction of consumption of alcoholic beverages by minors, and for technical assistance and training;

(5) \$22,500,000 for programs authorized by the Victims of Child Abuse Act of 1990;

(6) \$55,000,000 for the Juvenile Accountability Block Grants program as authorized by part R of title I of the 1968 Act and Guam shall be considered a State;

(7) \$10,000,000 for community-based violence prevention initiatives; and

(8) \$5,000,000 for the Safe Start Program, as authorized by the 1974 Act:

Provided, That not more than 10 percent of each amount may be used for research, evaluation, and statistics activities designed to benefit the programs or activities authorized: Provided further, That not more than 2 percent of each amount may be used for training and technical assistance: Provided further, That the previous two provisos shall not apply to grants and projects authorized by sections 261 and 262 of the 1974 Act.

#### PUBLIC SAFETY OFFICER BENEFITS

For payments and expenses authorized under section 1001(a)(4) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, such sums as are necessary (including amounts for administrative costs, which amounts shall be paid to the "Salaries and Expenses" account), to remain available until expended; and \$9,100,000 for payments authorized by section 1201(b) of such Act and for educational assistance authorized by section 1218 of such Act, to remain available until expended: Provided, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for such disability and education payments, the Attorney General may transfer such amounts to "Public Safety Officer Benefits" from available appropriations for the current fiscal year for the Department of Justice as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

#### COMMUNITY ORIENTED POLICING SERVICES (INCLUDING TRANSFERS OF FUNDS)

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322); the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162); subtitle D of title II of the Homeland Security Act of 2002 (Public Law 107-296), which may include research and development; and the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177); the NICS Improvement Amendments Act of 2007 (Public Law 110-180); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248) (the "Adam Walsh Act"); and the Justice for All Act of 2004 (Public Law 108-405), \$791,608,000, to remain available until expended: Provided, That any balances made available through prior year deobligations shall only be available in accordance with section 505 of this Act. Of the amount provided (which shall be by transfer, for pro-

grams administered by the Office of Justice Programs)—

(1) \$30,000,000 for the matching grant program for law enforcement armor vests, as authorized by section 2501 of title I of the 1968 Act: Provided, That \$1,500,000 is for related research, testing, and evaluation programs;

(2) \$40,385,000 for grants to entities described in section 1701 of title I of the 1968 Act, to address public safety and methamphetamine manufacturing, sale, and use in hot spots as authorized by section 754 of Public Law 109-177, and for other anti-methamphetamine-related activities: Provided, That within the amounts appropriated \$25,385,000 shall be used for the projects, and in the amounts, specified in the explanatory statement accompanying this Act: Provided further, That within the amounts appropriated \$10,000,000 shall be transferred to the Drug Enforcement Administration upon enactment of this Act: Provided further, That within the amounts appropriated \$5,000,000 is for anti-methamphetamine-related activities in Indian Country;

(3) \$170,223,000 for a law enforcement technologies and interoperable communications program, and related law enforcement and public safety equipment: Provided, That within the amounts appropriated, \$168,723,000 shall be used for the projects, and in the amounts, specified in the explanatory statement accompanying this Act: Provided further, That of the amounts provided under this heading \$1,500,000 is transferred directly to the National Institute of Standards and Technology's Office of Law Enforcement Standards from the Community Oriented Policing Services Office for research, testing, and evaluation programs;

(4) \$161,000,000 for DNA related and forensic programs and activities, of which—

(A) \$151,000,000 is for a DNA analysis and capacity enhancement program and for other local, State, and Federal forensic activities including the purposes of section 2 of the DNA Analysis Backlog Elimination Act of 2000 (the Debbie Smith DNA Backlog Grant Program);

(B) \$5,000,000 is for the purposes described in the Kirk Bloodsworth Post-Conviction DNA Testing Program (Public Law 108-405, section 412); and

(C) \$5,000,000 is for Sexual Assault Forensic Exam Program Grants as authorized by Public Law 108-405, section 304;

(5) \$40,000,000 for improving tribal law enforcement, including equipment and training;

(6) \$12,000,000 for community policing development activities;

(7) \$24,000,000 for a national grant program the purpose of which is to assist State and local law enforcement to locate, arrest and prosecute child sexual predators and exploiters, and to enforce sex offender registration laws described in section 1701(b) of the 1968 Act, of which—

(A) \$11,000,000 is for sex offender management assistance as authorized by the Adam Walsh Act and the Violent Crime Control Act of 1994 (Public Law 103-322); and

(B) \$1,000,000 is for the National Sex Offender Public Registry;

(8) \$16,000,000 for expenses authorized by part AA of the 1968 Act (Secure our Schools); and

(9) \$298,000,000 for grants under section 1701 of title I of the 1968 Act (42 U.S.C. 3796dd) for the hiring and rehiring of additional career law enforcement officers under part Q of such title notwithstanding subsections (g) and (i) of such section and notwithstanding 42 U.S.C. 3796dd-3(c).

#### SALARIES AND EXPENSES

For necessary expenses, not elsewhere specified in this title, for management and administration of programs within the Office on Violence Against Women, the Office of Justice Programs and the Community Oriented Policing

Services Office, \$192,388,000, of which not to exceed \$15,708,000 shall be available for the Office on Violence Against Women; not to exceed \$139,218,000 shall be available for the Office of Justice Programs; not to exceed \$37,462,000 shall be available for the Community Oriented Policing Services Office: Provided, That, notwithstanding section 109 of title I of Public Law 90-351, an additional amount, not to exceed \$21,000,000 shall be available for authorized activities of the Office of Audit, Assessment, and Management: Provided further, That the total amount available for management and administration of such programs shall not exceed \$213,388,000: Provided further, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for management and administration of such programs, the Attorney General may transfer such amounts to "Salaries and Expenses" from available appropriations for the current fiscal year for the Department of Justice as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

#### GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 201. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed \$75,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses.

SEC. 202. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: Provided, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

SEC. 203. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 204. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: Provided, That nothing in this section in any way diminishes the effect of section 203 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

SEC. 206. The Attorney General is authorized to extend through September 30, 2011, the Personnel Management Demonstration Project transferred to the Attorney General pursuant to section 1115 of the Homeland Security Act of 2002, Public Law 107-296 (6 U.S.C. 533) without limitation on the number of employees or the positions covered.

SEC. 207. Notwithstanding any other provision of law, Public Law 102-395 section 102(b) shall extend to the Bureau of Alcohol, Tobacco, Firearms and Explosives in the conduct of undercover investigative operations and shall apply

without fiscal year limitation with respect to any undercover investigative operation by the Bureau of Alcohol, Tobacco, Firearms and Explosives that is necessary for the detection and prosecution of crimes against the United States.

SEC. 208. None of the funds made available to the Department of Justice in this Act may be used for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

SEC. 209. (a) None of the funds appropriated by this Act may be used by Federal prisons to purchase cable television services, to rent or purchase videocassettes, videocassette recorders, or other audiovisual or electronic equipment used primarily for recreational purposes.

(b) The preceding sentence does not preclude the renting, maintenance, or purchase of audiovisual or electronic equipment for inmate training, religious, or educational programs.

SEC. 210. None of the funds made available under this title shall be obligated or expended for Sentinel, or for any other major new or enhanced information technology program having total estimated development costs in excess of \$100,000,000, unless the Deputy Attorney General and the investment review board certify to the Committees on Appropriations that the information technology program has appropriate program management and contractor oversight mechanisms in place, and that the program is compatible with the enterprise architecture of the Department of Justice.

SEC. 211. The notification thresholds and procedures set forth in section 505 of this Act shall apply to deviations from the amounts designated for specific activities in this Act and accompanying statement, and to any use of deobligated balances of funds provided under this title in previous years.

SEC. 212. None of the funds appropriated by this Act may be used to plan for, begin, continue, finish, process, or approve a public-private competition under the Office of Management and Budget Circular A-76 or any successor administrative regulation, directive, or policy for work performed by employees of the Bureau of Prisons or of Federal Prison Industries, Incorporated.

SEC. 213. Notwithstanding any other provision of law, no funds shall be available for the salary, benefits, or expenses of any United States Attorney assigned dual or additional responsibilities by the Attorney General or his designee that exempt that United States Attorney from the residency requirements of 28 U.S.C. 545.

SEC. 214. None of the funds appropriated in this or any other Act shall be obligated for the initiation of a future phase of the Federal Bureau of Investigation's Sentinel program until the Attorney General certifies to the Committees on Appropriations that existing phases currently under contract for development or fielding have completed a majority of the work for that phase under the performance measurement baseline validated by the integrated baseline review conducted in 2008: Provided, That this restriction does not apply to planning and design activities for future phases: Provided further, That the Bureau will notify the Committees on Appropriations of any significant changes to the baseline.

SEC. 215. In addition to any amounts that otherwise may be available (or authorized to be made available) by law, with respect to funds appropriated by this Act under the headings "Justice Assistance", "State and Local Law Enforcement Assistance", "Weed and Seed", "Juvenile Justice Programs", and "Community Oriented Policing Services"—

(1) Up to 3 percent of funds made available to the Office of Justice Programs for grants or reimbursement may be used to provide training and technical assistance; and

(2) Up to 1 percent of funds made available to such Office for formula grants under such headings may be used for research or statistical purposes by the National Institute of Justice or the Bureau of Justice Statistics, pursuant to, respectively, sections 201 and 202, and sections 301 and 302 of title I of Public Law 90-351.

SEC. 216. The Attorney General may, upon request by a grantee and based upon a determination of fiscal hardship, waive the requirements of paragraph (1) of section 2976(g) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w(g)(1)) with respect to funds appropriated in this or any other Act making appropriations for fiscal years 2009 and 2010 for Adult and Juvenile Offender State and Local Reentry Demonstration Projects authorized under part FF of such Act of 1968.

SEC. 217. Section 5759 of title 5, United States Code, is amended by striking subsection (e).

SEC. 218. (a) The Attorney General shall submit quarterly reports to the Inspector General of the Department of Justice regarding the costs and contracting procedures relating to each conference held by the Department of Justice during fiscal year 2010 for which the cost to the Government was more than \$20,000.

(b) Each report submitted under subsection (a) shall include, for each conference described in that subsection held during the applicable quarter—

(1) a description of the subject of and number of participants attending that conference;

(2) a detailed statement of the costs to the Government relating to that conference, including—

(A) the cost of any food or beverages;

(B) the cost of any audio-visual services; and

(C) a discussion of the methodology used to determine which costs relate to that conference; and

(3) a description of the contracting procedures relating to that conference, including—

(A) whether contracts were awarded on a competitive basis for that conference; and

(B) a discussion of any cost comparison conducted by the Department of Justice in evaluating potential contractors for that conference.

SEC. 219. (a) Subchapter IV of chapter 57 of title 5, United States Code, is amended by adding at the end the following:

**"§5761. Foreign language proficiency pay awards for the Federal Bureau of Investigation"**

"The Director of the Federal Bureau of Investigation may, under regulations prescribed by the Director, pay a cash award of up to 10 percent of basic pay to any Bureau employee who maintains proficiency in a language or languages critical to the mission or who uses one or more foreign languages in the performance of official duties."

(b) The analysis for chapter 57 of title 5, United States Code, is amended by adding at the end the following:

"§5761. Foreign language proficiency pay awards for the Federal Bureau of Investigation."

SEC. 220. For purposes of the allocation under section 505(d)(1) of title I of Public Law 90-351 (42 U.S.C. 3755(d)(1)) for fiscal year 2010, the Attorney General is authorized to waive the application of section 505(e)(3) (42 U.S.C. 3755(e)(3)) to any non-reporting unit of local government that—

(1) was eligible to receive an allocation under section 505(d)(2)(B) (42 U.S.C. 3755(d)(2)(B));

(2) agrees to begin to report timely data on part I violent crimes of the Uniform Crime Reports to the Federal Bureau of Investigation by not later than the end of such fiscal year; and

(3) does so begin in accordance with such agreement.

This title may be cited as the "Department of Justice Appropriations Act, 2010".

### TITLE III

### SCIENCE

#### OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601-6671), hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, not to exceed \$2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, \$7,000,000.

#### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

#### SCIENCE

For necessary expenses, not otherwise provided for, in the conduct and support of science research and development activities, including research, development, operations, support, and services; maintenance; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$4,469,000,000, to remain available until September 30, 2011.

#### AERONAUTICS

For necessary expenses, not otherwise provided for, in the conduct and support of aeronautics research and development activities, including research, development, operations, support, and services; maintenance; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$501,000,000, to remain available until September 30, 2011.

#### EXPLORATION

For necessary expenses, not otherwise provided for, in the conduct and support of exploration research and development activities, including research, development, operations, support, and services; maintenance; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$3,746,300,000, to remain available until September 30, 2011: Provided, That notwithstanding section 505 of this Act, none of the funds provided herein and from prior years that remain available for obligation during fiscal year 2010 shall be available for the termination or elimination of any program, project or activity of the architecture for the Constellation program nor shall such funds be available to create or initiate a new program, project or activity, unless such program termination, elimination, creation, or initiation is provided in subsequent appropriations Acts.

#### SPACE OPERATIONS

For necessary expenses, not otherwise provided for, in the conduct and support of space operations research and development activities, including research, development, operations, support and services; space flight, spacecraft

control and communications activities including operations, production, and services; maintenance; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, \$6,146,800,000, to remain available until September 30, 2011: Provided, That of the amounts provided under this heading, not more than \$3,157,100,000 shall be for Space Shuttle operations, production, research, development, and support, not more than \$2,317,000,000 shall be for International Space Station operations, production, research, development, and support, and not more than \$751,500,000 shall be for Space and Flight Support.

#### EDUCATION

For necessary expenses, not otherwise provided for, in carrying out aerospace and aeronautical education research and development activities, including research, development, operations, support, and services; program management; personnel and related costs, uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$182,500,000, to remain available until September 30, 2011.

#### CROSS AGENCY SUPPORT

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics, exploration, space operations and education research and development activities, including research, development, operations, support, and services; maintenance; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed \$70,000 for official reception and representation expenses; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$3,194,000,000: Provided, That not more than \$2,206,300,000 shall be available for center management and operations: Provided further, That not less than \$40,000,000 shall be available for independent verification and validation activities: Provided further, That within the amounts appropriated, \$63,000,000 shall be used for the projects, and in the amounts, specified in the explanatory statement accompanying this Act.

#### CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND REMEDIATION

For necessary expenses for construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law, and environmental compliance and restoration, \$448,300,000, to remain available until September 30, 2015: Provided, That within the funds provided, \$13,700,000 shall be available to support science research and development activities; \$90,800,000 shall be available to support exploration research and development activities; \$27,300,000 shall be available to support space operations research and development activities; and \$316,500,000 shall be available for cross agency support activities: Provided further, That hereafter, notwithstanding section 315 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2459j), all proceeds from leases entered into under that section shall be deposited into this account and shall be available for a

period of 5 years, to the extent provided in annual appropriations Acts: Provided further, That such proceeds shall be available for obligation for fiscal year 2010 in an amount not to exceed \$6,226,000: Provided further, That each annual budget request shall include an annual estimate of gross receipts and collections and proposed use of all funds collected pursuant to section 315 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2459j).

#### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, \$36,400,000.

#### ADMINISTRATIVE PROVISIONS

Funds for announced prizes otherwise authorized shall remain available, without fiscal year limitation, until the prize is claimed or the offer is withdrawn.

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the National Aeronautics and Space Administration in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers. Any transfer pursuant to this provision shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

Notwithstanding any other provision of law, no funds shall be used to implement by Reduction in Force or other involuntary separations (except for cause) by the National Aeronautics and Space Administration prior to September 30, 2010.

The unexpired balances of the Science, Aeronautics, and Exploration account, for activities for which funds are provided under this Act, may be transferred to the new accounts established in this Act that provide such activity. Balances so transferred shall be merged with the funds in the newly established accounts, but shall be available under the same terms, conditions and period of time as previously appropriated.

#### NATIONAL SCIENCE FOUNDATION

##### RESEARCH AND RELATED ACTIVITIES (INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880–1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; and authorized travel; \$5,617,920,000, to remain available until September 30, 2011, of which not to exceed \$570,000,000 shall remain available until expended for polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program: Provided, That from funds specified in the fiscal year 2010 budget request for icebreaking services, \$54,000,000 shall be transferred to the U.S. Coast Guard “Operating Expenses” within 60 days of enactment of this Act: Provided further, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: Provided further, That not less than \$147,120,000 shall be available for activities authorized by section 7002(c)(2)(A)(iv) of Public Law 110–69.

#### MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

For necessary expenses for the acquisition, construction, commissioning, and upgrading of

major research equipment, facilities, and other such capital assets pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including authorized travel, \$117,290,000, to remain available until expended: Provided, That none of the funds may be used to reimburse the Judgment Fund.

#### EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science, mathematics and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109, authorized travel, and rental of conference rooms in the District of Columbia, \$872,760,000, to remain available until September 30, 2011: Provided, That not less than \$55,000,000 shall be available until expended for activities authorized by section 7030 of Public Law 110–69: Provided further, That not less than \$32,000,000 shall be available until expended for the Historically Black Colleges and Universities Undergraduate Program.

#### AGENCY OPERATIONS AND AWARD MANAGEMENT

For agency operations and award management necessary in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed \$9,200 for official reception and representation expenses; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; rental of conference rooms in the District of Columbia; and reimbursement of the Department of Homeland Security for security guard services; \$300,000,000: Provided, That contracts may be entered into under this heading in fiscal year 2010 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

#### OFFICE OF THE NATIONAL SCIENCE BOARD

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, and the employment of experts and consultants under section 3109 of title 5, United States Code) involved in carrying out section 4 of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1863) and Public Law 86–209 (42 U.S.C. 1880 et seq.), \$4,540,000: Provided, That not to exceed \$2,800 shall be available for official reception and representation expenses.

#### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, as amended, \$14,000,000.

This title may be cited as the “Science Appropriations Act, 2010”.

#### TITLE IV

##### RELATED AGENCIES

##### COMMISSION ON CIVIL RIGHTS

##### SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, \$9,400,000: Provided, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: Provided further, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days.

##### EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

##### SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by

title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Equal Pay Act of 1963, the Americans with Disabilities Act of 1990, the Civil Rights Act of 1991, the Genetic Information Non-Discrimination Act (GINA) of 2008 (Public Law 110-233), the ADA Amendments Act of 2008 (Public Law 110-325), and the Lilly Ledbetter Fair Pay Act of 2009 (Public Law 111-2), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); nonmonetary awards to private citizens; and not to exceed \$30,000,000 for payments to State and local enforcement agencies for authorized services to the Commission, \$367,303,000: Provided, That the Commission is authorized to make available for official reception and representation expenses not to exceed \$2,500 from available funds: Provided further, That the Commission may take no action to implement any workforce repositioning, restructuring, or reorganization until such time as the House and Senate Committees on Appropriations have been notified of such proposals, in accordance with the reprogramming requirements of section 505 of this Act: Provided further, That the Chair is authorized to accept and use any gift or donation to carry out the work of the Commission.

#### INTERNATIONAL TRADE COMMISSION SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed \$2,500 for official reception and representation expenses, \$81,860,000, to remain available until expended.

#### LEGAL SERVICES CORPORATION

##### PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, \$420,000,000, of which \$394,400,000 is for basic field programs and required independent audits; \$4,200,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; \$17,000,000 is for management and grants oversight; \$3,400,000 is for client self-help and information technology; and \$1,000,000 is for loan repayment assistance: Provided, That the Legal Services Corporation may continue to provide locality pay to officers and employees at a rate no greater than that provided by the Federal Government to Washington, DC-based employees as authorized by 5 U.S.C. 5304, notwithstanding section 1005(d) of the Legal Services Corporation Act, 42 U.S.C. 2996(d): Provided further, That the authorities provided in section 205 of this Act shall be applicable to the Legal Services Corporation.

#### ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105-119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2009 and 2010, respectively.

#### MARINE MAMMAL COMMISSION SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92-522, \$3,250,000.

#### OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, \$47,826,000, of which \$1,000,000 shall remain available until expended: Provided, That not to exceed \$124,000 shall be available for official reception and representation expenses: Provided further, That negotiations shall be conducted within the World Trade Organization to recognize the right of members to distribute monies collected from antidumping and countervailing duties: Provided further, That negotiations shall be conducted within the World Trade Organization consistent with the negotiating objectives contained in the Trade Act of 2002, Public Law 107-210.

#### STATE JUSTICE INSTITUTE SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1984 (42 U.S.C. 10701 et seq.) \$5,131,000, of which \$500,000 shall remain available until September 30, 2011: Provided, That not to exceed \$2,500 shall be available for official reception and representation expenses.

#### TITLE V GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 504. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 505. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2010, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through the reprogramming of funds that—

(1) creates or initiates a new program, project or activity;

(2) eliminates a program, project or activity, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted by this Act, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(4) relocates an office or employees, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(5) reorganizes or renames offices, programs or activities, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(6) contracts out or privatizes any functions or activities presently performed by Federal employees, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(7) proposes to use funds directed for a specific activity by either the House or Senate Committee on Appropriations for a different purpose, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(8) augments funds for existing programs, projects or activities in excess of \$500,000 or 10 percent, whichever is less, or reduces by 10 percent funding for any program, project or activity, or numbers of personnel by 10 percent as approved by Congress, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds; or

(9) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, projects or activities as approved by Congress, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds in provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2010, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through the reprogramming of funds after August 1, except in extraordinary circumstances, and only after the House and Senate Committees on Appropriations are notified 30 days in advance of such reprogramming of funds.

SEC. 506. Hereafter, none of the funds made available in this or any other Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

SEC. 507. If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 508. The Departments of Commerce and Justice, the National Science Foundation, and the National Aeronautics and Space Administration, shall provide to the House and Senate Committees on Appropriations a quarterly accounting of the cumulative balances of any unobligated funds that were received by such agency during any previous fiscal year.

SEC. 509. Any costs incurred by a department or agency funded under this Act resulting from, or to prevent, personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: Provided, That the authority to transfer funds between appropriations accounts as may

be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 510. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

SEC. 511. None of the funds appropriated pursuant to this Act or any other provision of law may be used for—

(1) the implementation of any tax or fee in connection with the implementation of subsection 922(t) of title 18, United States Code; and

(2) any system to implement subsection 922(t) of title 18, United States Code, that does not require and result in the destruction of any identifying information submitted by or on behalf of any person who has been determined not to be prohibited from possessing or receiving a firearm no more than 24 hours after the system advises a Federal firearms licensee that possession or receipt of a firearm by the prospective transferee would not violate subsection (g) or (n) of section 922 of title 18, United States Code, or State law.

SEC. 512. Notwithstanding any other provision of law, amounts deposited or available in the Fund established under 42 U.S.C. 10601 in any fiscal year in excess of \$705,000,000 shall not be available for obligation until the following fiscal year.

SEC. 513. None of the funds made available to the Department of Justice in this Act may be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.

SEC. 514. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 515. Any funds provided in this Act used to implement E-Government Initiatives shall be subject to the procedures set forth in section 505 of this Act.

SEC. 516. (a) Tracing studies conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives are released without adequate disclaimers regarding the limitations of the data.

(b) The Bureau of Alcohol, Tobacco, Firearms and Explosives shall include in all such data releases, language similar to the following that would make clear that trace data cannot be used to draw broad conclusions about firearms-related crime:

(1) Firearm traces are designed to assist law enforcement authorities in conducting investigations by tracking the sale and possession of specific firearms. Law enforcement agencies may request firearms traces for any reason, and those reasons are not necessarily reported to the Federal Government. Not all firearms used in crime are traced and not all firearms traced are used in crime.

(2) Firearms selected for tracing are not chosen for purposes of determining which types, makes, or models of firearms are used for illicit purposes. The firearms selected do not constitute a random sample and should not be considered representative of the larger universe of all firearms used by criminals, or any subset of that universe. Firearms are normally traced to the first retail seller, and sources reported for fire-

arms traced do not necessarily represent the sources or methods by which firearms in general are acquired for use in crime.

SEC. 517. (a) The Inspectors General of the Department of Commerce, the Department of Justice, the National Aeronautics and Space Administration, the National Science Foundation, and the Legal Services Corporation shall conduct audits, pursuant to the Inspector General Act (5 U.S.C. App.), of grants or contracts for which funds are appropriated by this Act, and shall submit reports to Congress on the progress of such audits, which may include preliminary findings and a description of areas of particular interest, within 180 days after initiating such an audit and every 180 days thereafter until any such audit is completed.

(b) Within 60 days after the date on which an audit described in subsection (a) by an Inspector General is completed, the Secretary, Attorney General, Administrator, Director, or President, as appropriate, shall make the results of the audit available to the public on the Internet website maintained by the Department, Administration, Foundation, or Corporation, respectively. The results shall be made available in redacted form to exclude—

(1) any matter described in section 552(b) of title 5, United States Code; and

(2) sensitive personal information for any individual, the public access to which could be used to commit identity theft or for other inappropriate or unlawful purposes.

(c) A grant or contract funded by amounts appropriated by this Act may not be used for the purpose of defraying the costs of a banquet or conference that is not directly and programatically related to the purpose for which the grant or contract was awarded, such as a banquet or conference held in connection with planning, training, assessment, review, or other routine purposes related to a project funded by the grant or contract.

(d) Any person awarded a grant or contract funded by amounts appropriated by this Act shall submit a statement to the Secretary of Commerce, the Attorney General, the Administrator, Director, or President, as appropriate, certifying that no funds derived from the grant or contract will be made available through a subcontract or in any other manner to another person who has a financial interest in the person awarded the grant or contract.

(e) The provisions of the preceding subsections of this section shall take effect 30 days after the date on which the Director of the Office of Management and Budget, in consultation with the Director of the Office of Government Ethics, determines that a uniform set of rules and requirements, substantially similar to the requirements in such subsections, consistently apply under the executive branch ethics program to all Federal departments, agencies, and entities.

SEC. 518. None of the funds appropriated or otherwise made available under this Act may be used to issue patents on claims directed to or encompassing a human organism.

SEC. 519. None of the funds made available in this Act shall be used in any way whatsoever to support or justify the use of torture by any official or contract employee of the United States Government.

SEC. 520. (a) Notwithstanding any other provision of law or treaty, none of the funds appropriated or otherwise made available under this Act or any other Act may be expended or obligated by a department, agency, or instrumentality of the United States to pay administrative expenses or to compensate an officer or employee of the United States in connection with requiring an export license for the export to Canada of components, parts, accessories or attachments for firearms listed in Category I, section 121.1 of title 22, Code of Federal Regula-

tions (International Trafficking in Arms Regulations (ITAR), part 121, as it existed on April 1, 2005) with a total value not exceeding \$500 wholesale in any transaction, provided that the conditions of subsection (b) of this section are met by the exporting party for such articles.

(b) The foregoing exemption from obtaining an export license—

(1) does not exempt an exporter from filing any Shipper's Export Declaration or notification letter required by law, or from being otherwise eligible under the laws of the United States to possess, ship, transport, or export the articles enumerated in subsection (a); and

(2) does not permit the export without a license of—

(A) fully automatic firearms and components and parts for such firearms, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada;

(B) barrels, cylinders, receivers (frames) or complete breech mechanisms for any firearm listed in Category I, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada; or

(C) articles for export from Canada to another foreign destination.

(c) In accordance with this section, the District Directors of Customs and postmasters shall permit the permanent or temporary export without a license of any unclassified articles specified in subsection (a) to Canada for end use in Canada or return to the United States, or temporary import of Canadian-origin items from Canada for end use in the United States or return to Canada for a Canadian citizen.

(d) The President may require export licenses under this section on a temporary basis if the President determines, upon publication first in the Federal Register, that the Government of Canada has implemented or maintained inadequate import controls for the articles specified in subsection (a), such that a significant diversion of such articles has and continues to take place for use in international terrorism or in the escalation of a conflict in another nation. The President shall terminate the requirements of a license when reasons for the temporary requirements have ceased.

SEC. 521. Notwithstanding any other provision of law, no department, agency, or instrumentality of the United States receiving appropriated funds under this Act or any other Act shall obligate or expend in any way such funds to pay administrative expenses or the compensation of any officer or employee of the United States to deny any application submitted pursuant to 22 U.S.C. 2778(b)(1)(B) and qualified pursuant to 27 CFR section 478.112 or .113, for a permit to import United States origin "curios or relics" firearms, parts, or ammunition.

SEC. 522. None of the funds made available in this Act may be used to include in any new bilateral or multilateral trade agreement the text of—

(1) paragraph 2 of article 16.7 of the United States-Singapore Free Trade Agreement;

(2) paragraph 4 of article 17.9 of the United States-Australia Free Trade Agreement; or

(3) paragraph 4 of article 15.9 of the United States-Morocco Free Trade Agreement.

SEC. 523. None of the funds made available in this Act may be used to authorize or issue a national security letter in contravention of any of the following laws authorizing the Federal Bureau of Investigation to issue national security letters: The Right to Financial Privacy Act; The Electronic Communications Privacy Act; The Fair Credit Reporting Act; The National Security Act of 1947; USA PATRIOT Act; and the laws amended by these Acts.

SEC. 524. If at any time during any quarter, the program manager of a project within the jurisdiction of the Departments of Commerce or

Justice, the National Aeronautics and Space Administration, or the National Science Foundation totaling more than \$75,000,000 has reasonable cause to believe that the total program cost has increased by 10 percent, the program manager shall immediately inform the Secretary, Administrator, or Director. The Secretary, Administrator, or Director shall notify the House and Senate Committees on Appropriations within 30 days in writing of such increase, and shall include in such notice: the date on which such determination was made; a statement of the reasons for such increases; the action taken and proposed to be taken to control future cost growth of the project; changes made in the performance or schedule milestones and the degree to which such changes have contributed to the increase in total program costs or procurement costs; new estimates of the total project or procurement costs; and a statement validating that the project's management structure is adequate to control total project or procurement costs.

SEC. 525. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence or intelligence related activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2010 until the enactment of the Intelligence Authorization Act for fiscal year 2010.

SEC. 526. The Departments, agencies, and commissions funded under this Act, shall establish and maintain on the homepages of their Internet websites—

(1) a direct link to the Internet websites of their Offices of Inspectors General; and

(2) a mechanism on the Offices of Inspectors General website by which individuals may anonymously report cases of waste, fraud, or abuse with respect to those Departments, agencies, and commissions.

SEC. 527. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than \$5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

SEC. 528. None of the funds appropriated or otherwise made available in this Act may be used in a manner that is inconsistent with the principal negotiating objective of the United States with respect to trade remedy laws to preserve the ability of the United States—

(1) to enforce vigorously its trade laws, including antidumping, countervailing duty, and safeguard laws;

(2) to avoid agreements that—

(A) lessen the effectiveness of domestic and international disciplines on unfair trade, especially dumping and subsidies; or

(B) lessen the effectiveness of domestic and international safeguard provisions, in order to ensure that United States workers, agricultural producers, and firms can compete fully on fair terms and enjoy the benefits of reciprocal trade concessions; and

(3) to address and remedy market distortions that lead to dumping and subsidization, includ-

ing overcapacity, cartelization, and market-access barriers.

#### (RESCISSIONS)

SEC. 529. (a) Of the unobligated balances available to the Department of Justice from prior appropriations, the following funds are hereby rescinded, not later than September 30, 2010, from the following accounts in the specified amounts—

(1) “Legal Activities, Assets Forfeiture Fund”, \$387,200,000;

(2) “Federal Bureau of Investigation, Salaries and Expenses”, \$50,000,000;

(3) “Office of Justice Programs”, \$54,000,000; and

(4) “Community Oriented Policing Services”, \$40,000,000.

(b) Within 30 days of enactment of this Act, the Department of Justice shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report specifying the amount of each rescission made pursuant to this section.

(c) The rescissions contained in this section shall not apply to funds provided in this Act.

SEC. 530. None of the funds made available in this Act may be used to purchase first class or premium airline travel in contravention of sections 301–10.122 through 301–10.124 of title 41 of the Code of Federal Regulations.

SEC. 531. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees from a Federal department or agency at any single conference occurring outside the United States.

SEC. 532. (a) None of the funds made available in this or any other Act may be used to release an individual who is detained, as of June 24, 2009, at Naval Station, Guantanamo Bay, Cuba, into the continental United States, Alaska, Hawaii, or the District of Columbia, into any of the United States territories of Guam, American Samoa (AS), the United States Virgin Islands (USVI), the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands (CNMI).

(b) None of the funds made available in this or any other Act may be used to transfer an individual who is detained, as of June 24, 2009, at Naval Station, Guantanamo Bay, Cuba, into the continental United States, Alaska, Hawaii, or the District of Columbia, into any of the United States territories of Guam, American Samoa (AS), the United States Virgin Islands (USVI), the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands (CNMI), for the purpose of detention, except as provided in subsection (c).

(c) None of the funds made available in this or any other Act may be used to transfer an individual who is detained, as of June 24, 2009, at Naval Station, Guantanamo Bay, Cuba, into the continental United States, Alaska, Hawaii, or the District of Columbia, into any of the United States territories of Guam, American Samoa (AS), the United States Virgin Islands (USVI), the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands (CNMI), for the purposes of prosecuting such individual, or detaining such individual during legal proceedings, until 45 days after the plan described in subsection (d) is received.

(d) The President shall submit to Congress, in classified form, a plan regarding the proposed disposition of any individual covered by subsection (c) who is detained as of June 24, 2009. Such plan shall include, at a minimum, each of the following for each such individual:

(1) A determination of the risk that the individual might instigate an act of terrorism within the continental United States, Alaska, Hawaii, the District of Columbia, or the United States territories if the individual were so transferred.

(2) A determination of the risk that the individual might advocate, coerce, or incite violent extremism, ideologically motivated criminal activity, or acts of terrorism, among inmate populations at incarceration facilities within the continental United States, Alaska, Hawaii, the District of Columbia, or the United States territories if the individual were transferred to such a facility.

(3) The costs associated with transferring the individual in question.

(4) The legal rationale and associated court demands for transfer.

(5) A plan for mitigation of any risks described in paragraphs (1), (2), and (7).

(6) A copy of a notification to the Governor of the State to which the individual will be transferred, to the Mayor of the District of Columbia if the individual will be transferred to the District of Columbia, or to any United States territories with a certification by the Attorney General of the United States in classified form at least 14 days prior to such transfer (together with supporting documentation and justification) that the individual poses little or no security risk to the United States.

(7) An assessment of any risk to the national security of the United States or its citizens, including members of the Armed Services of the United States, that is posed by such transfer and the actions taken to mitigate such risk.

(e) None of the funds made available in this or any other Act may be used to transfer or release an individual detained at Naval Station, Guantanamo Bay, Cuba, as of June 24, 2009, to the country of such individual's nationality or last habitual residence or to any other country other than the United States or to a freely associated State, unless the President submits to the Congress, in classified form, at least 15 days prior to such transfer or release, the following information:

(1) The name of any individual to be transferred or released and the country or the freely associated State to which such individual is to be transferred or released.

(2) An assessment of any risk to the national security of the United States or its citizens, including members of the Armed Services of the United States, that is posed by such transfer or release and the actions taken to mitigate such risk.

(3) The terms of any agreement with the country or the freely associated State for the acceptance of such individual, including the amount of any financial assistance related to such agreement.

(f) None of the funds made available in this Act may be used to provide any immigration benefit (including a visa, admission into the United States or any of the United States territories, parole into the United States or any of the United States territories (other than parole for the purposes of prosecution and related detention), or classification as a refugee or applicant for asylum) to any individual who is detained, as of June 24, 2009, at Naval Station, Guantanamo Bay, Cuba.

(g) In this section, the term “freely associated States” means the Federated States of Micronesia (FSM), the Republic of the Marshall Islands (RMI), and the Republic of Palau.

(h) Prior to the termination of detention operations at Naval Station, Guantanamo Bay, Cuba, the President shall submit to the Congress a report in classified form describing the disposition or legal status of each individual detained at the facility as of the date of enactment of this Act.

SEC. 533. Section 504(a) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996 (as contained in Public Law 104–134) is amended by striking paragraph (13).



SEC. 534. None of the funds made available under this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.

SEC. 535. (a) The Comptroller General of the United States shall conduct a review and audit of Federal funds received by the Association of Community Organizations for Reform Now (referred to in this section as “ACORN”) or any subsidiary or affiliate of ACORN to determine—

(1) whether any Federal funds were misused and, if so, the total amount of Federal funds involved and how such funds were misused;

(2) what steps, if any, have been taken to recover any Federal funds that were misused;

(3) what steps should be taken to prevent the misuse of any Federal funds; and

(4) whether all necessary steps have been taken to prevent the misuse of any Federal funds.

(b) Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the audit required under subsection (a), along with recommendations for Federal agency reforms.

SEC. 536. To the extent practicable, funds made available in this Act should be used to purchase light bulbs that are “Energy Star” qualified or have the “Federal Energy Management Program” designation.

SEC. 537. The Director of the Office of Management and Budget shall instruct any department, agency, or instrumentality of the United States Government receiving funds appropriated under this Act to track undisbursed balances in expired grant accounts and include in its annual performance plan and performance and accountability reports the following:

(1) Details on future action the department, agency, or instrumentality will take to resolve undisbursed balances in expired grant accounts.

(2) The method that the department, agency, or instrumentality uses to track undisbursed balances in expired grant accounts.

(3) Identification of undisbursed balances in expired grant accounts that may be returned to the Treasury of the United States.

(4) In the preceding 3 fiscal years, details on the total number of expired grant accounts with undisbursed balances (on the first day of each fiscal year) for the department, agency, or instrumentality and the total finances that have not been obligated to a specific project remaining in the accounts.

SEC. 538. None of the funds made available in this Act may be used to relocate the Bureau of the Census or employees from the Department of Commerce to the jurisdiction of the Executive Office of the President.

SEC. 539. Specific projects contained in the report of the Committee on Appropriations of the House of Representatives accompanying this Act (H. Rept. 111–149) that are considered congressional earmarks for purposes of clause 9 of rule XXI of the Rules of the House of Representatives, when intended to be awarded to a for-profit entity, shall be awarded under a full and open competition.

This division may be cited as the “Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010”.

#### DIVISION C FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2010

##### TITLE I

##### DEPARTMENT OF THE TREASURY

##### DEPARTMENTAL OFFICES

##### SALARIES AND EXPENSES

##### (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of pas-

senger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business, \$304,888,000, of which not to exceed \$21,983,000 is for executive direction program activities; not to exceed \$47,249,000 is for economic policies and programs activities, including \$1,000,000 that shall be transferred to the National Academy of Sciences for a study by the Board on Mathematical Sciences and Their Applications on the long-term economic effects of the aging population in the United States, to remain available until September 30, 2011, and \$1,500,000 that shall be transferred to the National Academy of Sciences for a carbon audit of the tax code as authorized in section 117 of the Energy Improvement and Extension Act of 2008 (Public Law 110–343), to remain available until September 30, 2011; not to exceed \$48,580,000 is for financial policies and programs activities; not to exceed \$64,611,000 is for terrorism and financial intelligence activities; not to exceed \$22,679,000 is for Treasury-wide management policies and programs activities; and not to exceed \$99,786,000 is for administration programs activities: Provided, That the Secretary of the Treasury is authorized to transfer funds appropriated for any program activity of the Departmental Offices to any other program activity of the Departmental Offices upon notification to the House and Senate Committees on Appropriations: Provided further, That no appropriation for any program activity shall be increased or decreased by more than 4 percent by all such transfers: Provided further, That any change in funding greater than 4 percent shall be submitted for approval to the House and Senate Committees on Appropriations: Provided further, That of the amount appropriated under this heading, not to exceed \$3,000,000, to remain available until September 30, 2011, is for information technology modernization requirements; not to exceed \$200,000 is for official reception and representation expenses; and not to exceed \$258,000 is for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate: Provided further, That of the amount appropriated under this heading, \$6,787,000, to remain available until September 30, 2011, is for the Treasury-wide Financial Statement Audit and Internal Control Program, of which such amounts as may be necessary may be transferred to accounts of the Department's offices and bureaus to conduct audits: Provided further, That this transfer authority shall be in addition to any other provided in this Act: Provided further, That of the amount appropriated under this heading, \$500,000, to remain available until September 30, 2011, is for secure space requirements: Provided further, That of the amount appropriated under this heading, \$3,400,000, to remain available until September 30, 2012, is to develop and implement programs within the Office of Critical Infrastructure Protection and Compliance Policy, including entering into cooperative agreements: Provided further, That of the amount appropriated under this heading, \$3,000,000, to remain available until September 30, 2012, is for modernizing the Office of Debt Management's information technology.

##### DEPARTMENT-WIDE SYSTEMS AND CAPITAL

##### INVESTMENTS PROGRAMS

##### (INCLUDING TRANSFER OF FUNDS)

For development and acquisition of automatic data processing equipment, software, and services for the Department of the Treasury, \$9,544,000, to remain available until September 30, 2012: Provided, That \$4,544,000 is for repairs to the Treasury Annex Building: Provided further, That these funds shall be transferred to

accounts and in amounts as necessary to satisfy the requirements of the Department's offices, bureaus, and other organizations: Provided further, That this transfer authority shall be in addition to any other transfer authority provided in this Act: Provided further, That none of the funds appropriated under this heading shall be used to support or supplement “Internal Revenue Service, Operations Support” or “Internal Revenue Service, Business Systems Modernization”.

##### OFFICE OF INSPECTOR GENERAL

##### SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, not to exceed \$2,000,000 for official travel expenses, including hire of passenger motor vehicles; and not to exceed \$100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury, \$29,700,000, of which not to exceed \$2,500 shall be available for official reception and representation expenses.

##### TREASURY INSPECTOR GENERAL FOR TAX

##### ADMINISTRATION

##### SALARIES AND EXPENSES

For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, including purchase (not to exceed 150 for replacement only for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); services authorized by 5 U.S.C. 3109, at such rates as may be determined by the Inspector General for Tax Administration; \$152,000,000, of which not to exceed \$6,000,000 shall be available for official travel expenses; of which not to exceed \$500,000 shall be available for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General for Tax Administration; and of which not to exceed \$1,500 shall be available for official reception and representation expenses.

##### SPECIAL INSPECTOR GENERAL FOR THE TROUBLED

##### ASSET RELIEF PROGRAM

##### SALARIES AND EXPENSES

For necessary expenses of the Office of the Special Inspector General in carrying out the provisions of the Emergency Economic Stabilization Act of 2008 (Public Law 110–343), \$23,300,000.

##### FINANCIAL CRIMES ENFORCEMENT NETWORK

##### SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel and training expenses, including for course development, of non-Federal and foreign government personnel to attend meetings and training concerned with domestic and foreign financial intelligence activities, law enforcement, and financial regulation; not to exceed \$14,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement, \$111,010,000, of which not to exceed \$26,085,000 shall remain available until September 30, 2012; and of which \$9,316,000 shall remain available until September 30, 2011: Provided, That funds appropriated in this account may be used to procure personal services contracts.

##### TREASURY FORFEITURE FUND

##### (RESCISSION)

Of the unobligated balances available under this heading, \$90,000,000 are rescinded.

##### FINANCIAL MANAGEMENT SERVICE

##### SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, \$244,132,000, of which not to

exceed \$9,220,000 shall remain available until September 30, 2012, for information systems modernization initiatives; and of which not to exceed \$2,500 shall be available for official reception and representation expenses.

#### ALCOHOL AND TOBACCO TAX AND TRADE BUREAU SALARIES AND EXPENSES

For necessary expenses of carrying out section 1111 of the Homeland Security Act of 2002, including hire of passenger motor vehicles, \$103,000,000; of which not to exceed \$6,000 for official reception and representation expenses; not to exceed \$50,000 for cooperative research and development programs for laboratory services; and provision of laboratory assistance to State and local agencies with or without reimbursement: Provided, That of the amount appropriated under this heading, \$3,000,000, to remain available until September 30, 2011, shall be for the hiring, training, and equipping of special agents and related support personnel.

#### UNITED STATES MINT

##### UNITED STATES MINT PUBLIC ENTERPRISE FUND

Pursuant to section 5136 of title 31, United States Code, the United States Mint is provided funding through the United States Mint Public Enterprise Fund for costs associated with the production of circulating coins, numismatic coins, and protective services, including both operating expenses and capital investments. The aggregate amount of new liabilities and obligations incurred during fiscal year 2010 under such section 5136 for circulating coinage and protective service capital investments of the United States Mint shall not exceed \$26,700,000.

#### BUREAU OF THE PUBLIC DEBT

##### ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States, \$192,244,000, of which not to exceed \$2,500 shall be available for official reception and representation expenses, and of which not to exceed \$2,000,000 shall remain available until September 30, 2012, for systems modernization: Provided, That the sum appropriated herein from the general fund for fiscal year 2010 shall be reduced by not more than \$10,000,000 as definitive security issue fees and Legacy Treasury Direct Investor Account Maintenance fees are collected, so as to result in a final fiscal year 2010 appropriation from the general fund estimated at \$182,244,000. In addition, \$90,000 to be derived from the Oil Spill Liability Trust Fund to reimburse the Bureau for administrative and personnel expenses for financial management of the Fund, as authorized by section 1012 of Public Law 101-380.

#### COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND PROGRAM ACCOUNT

##### (INCLUDING TRANSFER OF FUNDS)

To carry out the Community Development Banking and Financial Institutions Act of 1994 (Public Law 103-325), including services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for ES-3, notwithstanding sections 4707(d) and 4707(e) of title 12, United States Code, \$166,750,000, to remain available until September 30, 2011; of which \$12,000,000 shall be for financial assistance, technical assistance, training and outreach programs, designed to benefit Native American, Native Hawaiian, and Alaskan Native communities and provided primarily through qualified community development lender organizations with experience and expertise in community development banking and lending in Indian country, Native American organizations, tribes and tribal organizations and other suitable providers; of which \$1,000,000 shall be available for the pilot project grant program under section 1132(d) of division A of the Housing and Economic Recovery Act of 2008

(Public Law 110-289); of which \$3,150,000 shall be for an additional pilot project grant to an eligible organization located in the State of Hawaii for financial education and pre-home ownership counseling as authorized in section 1132(d) of division A of the Housing and Economic Recovery Act of 2008 (Public Law 110-289), and of which up to \$18,000,000 may be used for administrative expenses, including administration of the New Markets Tax Credit.

For an additional amount to be transferred to the "Capital Magnet Fund", as authorized by section 1339 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 1301 et seq.), as amended by section 1131 of the Housing and Economic Recovery Act of 2008 (Public Law 110-289), to support financing for affordable housing and economic development projects, \$80,000,000, to remain available until September 30, 2011: Provided, That, for fiscal year 2010, section 1339(h)(3) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, as amended by section 1131 of the Housing and Economic Recovery Act of 2008 (Public Law 110-289), shall be applied by substituting the term "at least 10 times the grant amount or such other amount that the Secretary may require" for "at least 10 times the grant amount".

#### INTERNAL REVENUE SERVICE

##### TAXPAYER SERVICES

For necessary expenses of the Internal Revenue Service to provide taxpayer services, including pre-filing assistance and education, filing and account services, taxpayer advocacy services, and other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, \$2,278,830,000, of which not less than \$6,100,000 shall be for the Tax Counseling for the Elderly Program, of which not less than \$10,000,000 shall be available for low-income taxpayer clinic grants, of which not less than \$12,000,000, to remain available until September 30, 2011, shall be available for a Community Volunteer Income Tax Assistance matching grants demonstration program for tax return preparation assistance, and of which not less than \$205,954,000 shall be available for operating expenses of the Taxpayer Advocate Service.

##### ENFORCEMENT

##### (INCLUDING TRANSFER OF FUNDS)

For necessary expenses for tax enforcement activities of the Internal Revenue Service to determine and collect owed taxes, to provide legal and litigation support, to conduct criminal investigations, to enforce criminal statutes related to violations of internal revenue laws and other financial crimes, to purchase (for police-type use, not to exceed 850) and hire passenger motor vehicles (31 U.S.C. 1343(b)), and to provide other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, \$4,904,000,000, of which not less than \$59,206,000 shall be for the Interagency Crime and Drug Enforcement program; and of which not to exceed \$126,500 shall be for official reception and representation expenses associated with hosting the Leeds Castle Meeting in the United States during 2010: Provided, That up to \$10,000,000 may be transferred as necessary from this account to "Operations Support" solely for the purposes of the Interagency Crime and Drug Enforcement program: Provided further, That this transfer authority shall be in addition to any other transfer authority provided in this Act. In addition to amounts made available above, \$600,000,000 shall be made available for enhanced tax enforcement activities.

##### OPERATIONS SUPPORT

For necessary expenses of the Internal Revenue Service to support taxpayer services and

enforcement programs, including rent payments; facilities services; printing; postage; physical security; headquarters and other IRS-wide administration activities; research and statistics of income; telecommunications; information technology development, enhancement, operations, maintenance, and security; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; \$4,083,884,000, of which up to \$75,000,000 shall remain available until September 30, 2011, for information technology support; of which not to exceed \$1,000,000 shall remain available until September 30, 2012, for research; of which not less than \$2,000,000 shall be for the Internal Revenue Service Oversight Board; of which not to exceed \$25,000 shall be for official reception and representation; and of which \$290,000,000 shall be made available to support enhanced tax enforcement activities: Provided, That of the amounts provided under this heading, such sums as are necessary shall be available to fully support tax enforcement and enhanced tax enforcement activities.

##### BUSINESS SYSTEMS MODERNIZATION

For necessary expenses of the Internal Revenue Service's business systems modernization program, \$263,897,000, to remain available until September 30, 2012, for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including related Internal Revenue Service labor costs, and contractual costs associated with operations authorized by 5 U.S.C. 3109: Provided, That, with the exception of labor costs, none of these funds may be obligated until the Internal Revenue Service submits to the Committees on Appropriations, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A-11; (2) complies with the Internal Revenue Service's enterprise architecture, including the modernization blueprint; (3) conforms with the Internal Revenue Service's enterprise life cycle methodology; (4) is approved by the Internal Revenue Service, the Department of the Treasury, and the Office of Management and Budget; (5) has been reviewed by the Government Accountability Office; and (6) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.

##### HEALTH INSURANCE TAX CREDIT ADMINISTRATION

For expenses necessary to implement the health insurance tax credit included in the Trade Act of 2002 (Public Law 107-210), \$15,512,000.

#### ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

##### (INCLUDING TRANSFER OF FUNDS)

SEC. 101. Not to exceed 5 percent of any appropriation made available in this Act to the Internal Revenue Service or not to exceed 3 percent of appropriations under the heading "Enforcement" may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the Committees on Appropriations.

SEC. 102. The Internal Revenue Service shall maintain a training program to ensure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with taxpayers, and in cross-cultural relations.

SEC. 103. The Internal Revenue Service shall institute and enforce policies and procedures that will safeguard the confidentiality of taxpayer information.

SEC. 104. Funds made available by this or any other Act to the Internal Revenue Service shall

be available for improved facilities and increased staffing to provide sufficient and effective 1-800 help line service for taxpayers. The Commissioner shall continue to make the improvement of the Internal Revenue Service 1-800 help line service a priority and allocate resources necessary to increase phone lines and staff to improve the Internal Revenue Service 1-800 help line service.

SEC. 105. Of the funds made available by this Act to the Internal Revenue Service, not less than \$7,100,000,000 shall be available only for tax enforcement. In addition, of the funds made available by this Act to the Internal Revenue Service, and subject to the same terms and conditions, \$890,000,000 shall be available for enhanced tax law enforcement.

SEC. 106. None of the funds made available in this Act may be used to enter into, renew, extend, administer, implement, enforce, or provide oversight of any qualified tax collection contract (as defined in section 6306 of the Internal Revenue Code of 1986).

#### ADMINISTRATIVE PROVISIONS—DEPARTMENT OF THE TREASURY

##### (INCLUDING TRANSFERS OF FUNDS)

SEC. 107. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 108. Not to exceed 2 percent of any appropriations in this Act made available to the Departmental Offices—Salaries and Expenses, Office of Inspector General, Financial Management Service, Alcohol and Tobacco Tax and Trade Bureau, Financial Crimes Enforcement Network, and Bureau of the Public Debt, may be transferred between such appropriations upon the advance approval of the Committees on Appropriations: Provided, That no transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 109. Not to exceed 2 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to the Treasury Inspector General for Tax Administration's appropriation upon the advance approval of the Committees on Appropriations: Provided, That no transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 110. Of the funds available for the purchase of law enforcement vehicles, no funds may be obligated until the Secretary of the Treasury certifies that the purchase by the respective Treasury bureau is consistent with departmental vehicle management principles: Provided, That the Secretary may delegate this authority to the Assistant Secretary for Management.

SEC. 111. None of the funds appropriated in this Act or otherwise available to the Department of the Treasury or the Bureau of Engraving and Printing may be used to redesign the \$1 Federal Reserve note.

SEC. 112. The Secretary of the Treasury may transfer funds from Financial Management Service, Salaries and Expenses to the Debt Collection Fund as necessary to cover the costs of debt collection: Provided, That such amounts shall be reimbursed to such salaries and expenses account from debt collections received in the Debt Collection Fund.

SEC. 113. Section 122(g)(1) of Public Law 105-119 (5 U.S.C. 3104 note), is further amended by striking "11 years" and inserting "12 years".

SEC. 114. None of the funds appropriated or otherwise made available by this or any other Act may be used by the United States Mint to construct or operate any museum without the explicit approval of the Committees on Appropriations of the House of Representatives and the Senate, the House Committee on Financial Services, and the Senate Committee on Banking, Housing and Urban Affairs.

SEC. 115. None of the funds appropriated or otherwise made available by this or any other Act or source to the Department of the Treasury, the Bureau of Engraving and Printing, and the United States Mint, individually or collectively, may be used to consolidate any or all functions of the Bureau of Engraving and Printing and the United States Mint without the explicit approval of the House Committee on Financial Services; the Senate Committee on Banking, Housing, and Urban Affairs; the House Committee on Appropriations; and the Senate Committee on Appropriations.

SEC. 116. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for the Department of the Treasury's intelligence or intelligence related activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2010 until the enactment of the Intelligence Authorization Act for Fiscal Year 2010.

SEC. 117. Not to exceed \$5,000 shall be made available from the Bureau of Engraving and Printing's Industrial Revolving Fund for necessary official reception and representation expenses.

This title may be cited as the "Department of the Treasury Appropriations Act, 2010".

#### TITLE II

#### EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

##### COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of \$50,000 per annum as authorized by 3 U.S.C. 102, \$450,000: Provided, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to 31 U.S.C. 1552.

##### THE WHITE HOUSE

##### SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed \$3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed \$100,000 to be expended and accounted for as provided by 3 U.S.C. 103); and not to exceed \$19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President; and for necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, \$59,143,000, of which not less than \$1,400,000 shall be for the Office of National AIDS Policy.

##### EXECUTIVE RESIDENCE AT THE WHITE HOUSE

##### OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurbishing, improvement, heating, and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President, \$13,838,000, to be expended and accounted

for as provided by 3 U.S.C. 105, 109, 110, and 112-114.

##### REIMBURSABLE EXPENSES

For the reimbursable expenses of the Executive Residence at the White House, such sums as may be necessary: Provided, That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: Provided further, That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: Provided further, That the Executive Residence shall require each person sponsoring a reimbursable political event to pay in advance an amount equal to the estimated cost of the event, and all such advance payments shall be credited to this account and remain available until expended: Provided further, That the Executive Residence shall require the national committee of the political party of the President to maintain on deposit \$25,000, to be separately accounted for and available for expenses relating to reimbursable political events sponsored by such committee during such fiscal year: Provided further, That the Executive Residence shall ensure that a written notice of any amount owed for a reimbursable operating expense under this paragraph is submitted to the person owing such amount within 60 days after such expense is incurred, and that such amount is collected within 30 days after the submission of such notice: Provided further, That the Executive Residence shall charge interest and assess penalties and other charges on any such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt on a United States Government claim under 31 U.S.C. 3717: Provided further, That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: Provided further, That the Executive Residence shall prepare and submit to the Committees on Appropriations, by not later than 90 days after the end of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount of such total that consists of reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that has been reimbursed as of the date of the report: Provided further, That the Executive Residence shall maintain a system for the tracking of expenses related to reimbursable events within the Executive Residence that includes a standard for the classification of any such expense as political or nonpolitical: Provided further, That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.

##### WHITE HOUSE REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Executive Residence at the White House, \$2,500,000, to remain available until expended, for required maintenance, resolution of safety and health issues, and continued preventative maintenance.

##### COUNCIL OF ECONOMIC ADVISERS

##### SALARIES AND EXPENSES

For necessary expenses of the Council of Economic Advisers in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021 et seq.), \$4,200,000.

NATIONAL SECURITY COUNCIL  
SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109, \$12,231,000.

OFFICE OF ADMINISTRATION  
SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles, \$115,280,000, of which \$16,768,000 shall remain available until expended for continued modernization of the information technology infrastructure within the Executive Office of the President.

OFFICE OF MANAGEMENT AND BUDGET  
SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109 and to carry out the provisions of chapter 35 of title 44, United States Code, \$92,863,000, of which not to exceed \$3,000 shall be available for official representation expenses: Provided, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): Provided further, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committees on Appropriations or their subcommittees: Provided further, That none of the funds provided in this or prior Acts shall be used, directly or indirectly, by the Office of Management and Budget, for evaluating or determining if water resource project or study reports submitted by the Chief of Engineers acting through the Secretary of the Army are in compliance with all applicable laws, regulations, and requirements relevant to the Civil Works water resource planning process: Provided further, That the Office of Management and Budget shall have not more than 60 days in which to perform budgetary policy reviews of water resource matters on which the Chief of Engineers has reported: Provided further, That the Director of the Office of Management and Budget shall notify the appropriate authorizing and appropriating committees when the 60-day review is initiated: Provided further, That if water resource reports have not been transmitted to the appropriate authorizing and appropriating committees within 15 days after the end of the Office of Management and Budget review period based on the notification from the Director, Congress shall assume Office of Management and Budget concurrence with the report and act accordingly.

OFFICE OF NATIONAL DRUG CONTROL POLICY  
SALARIES AND EXPENSES

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109-469); not to exceed \$10,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement, \$29,575,000; of which \$1,300,000 shall remain available until expended for policy research and evaluation: Provided, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, public and private, without fiscal year limitation, for

the purpose of aiding or facilitating the work of the Office.

COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER  
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Counterdrug Technology Assessment Center (CTAC) for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109-469), \$5,000,000, which shall remain available until expended for counternarcotics research and development projects: Provided, That such amount shall be available for transfer to other Federal departments or agencies: Provided further, That the Office of National Drug Control Policy shall submit for approval by the Committees on Appropriations of the House of Representatives and the Senate, a mission statement for CTAC, a detailed explanation of the CTAC program, and a detailed spending plan for the use of these funds, prior to obligation of any funds provided in this paragraph: Provided further, That the report required by the preceding proviso shall be in lieu of inclusion of CTAC in the financial plan required by section 202.

FEDERAL DRUG CONTROL PROGRAMS  
HIGH INTENSITY DRUG TRAFFICKING AREAS  
PROGRAM  
(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, \$239,000,000, to remain available until September 30, 2011, for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas ("HIDTAs"), of which not less than 51 percent shall be transferred to State and local entities for drug control activities and shall be obligated not later than 120 days after enactment of this Act: Provided, That up to 49 percent may be transferred to Federal agencies and departments in amounts determined by the Director of the Office of National Drug Control Policy ("the Director"), of which up to \$2,700,000 may be used for auditing services and associated activities (including up to \$500,000 to ensure the continued operation and maintenance of the Performance Management System): Provided further, That, notwithstanding the requirements of Public Law 106-58, any unexpended funds obligated prior to fiscal year 2008 may be used for any other approved activities of that High Intensity Drug Trafficking Area, subject to reprogramming requirements: Provided further, That each High Intensity Drug Trafficking Area designated as of September 30, 2009, shall be funded at not less than the fiscal year 2009 base level, unless the Director submits to the Committees on Appropriations of the House of Representatives and the Senate justification for changes to those levels based on clearly articulated priorities and published Office of National Drug Control Policy performance measures of effectiveness: Provided further, That the Director shall notify the Committees on Appropriations of the initial allocation of fiscal year 2010 funding among HIDTAs not later than 45 days after enactment of this Act, and shall notify the Committees of planned uses of discretionary HIDTA funding, as determined in consultation with the HIDTA Directors, not later than 90 days after enactment of this Act.

OTHER FEDERAL DRUG CONTROL PROGRAMS  
(INCLUDING TRANSFERS OF FUNDS)

For other drug control activities authorized by the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109-469), \$154,400,000, to remain available until expended, which shall be available as follows: \$45,000,000 to support a national media campaign; \$95,000,000 for the Drug-Free Communities Program, of which \$2,000,000 shall be made avail-

able as directed by section 4 of Public Law 107-82, as amended by Public Law 109-469 (21 U.S.C. 1521 note); \$1,000,000 for the National Drug Court Institute; \$10,000,000 for the United States Anti-Doping Agency for anti-doping activities; \$1,900,000 for the United States membership dues to the World Anti-Doping Agency; \$1,250,000 for the National Alliance for Model State Drug Laws; and \$250,000 for evaluations and research related to National Drug Control Program performance measures, which may be transferred to other Federal departments and agencies to carry out such activities.

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year, as authorized by 3 U.S.C. 108, \$1,000,000, to remain available until September 30, 2011.

PARTNERSHIP FUND FOR PROGRAM INTEGRITY  
INNOVATION  
(INCLUDING TRANSFER OF FUNDS)

For the Partnership Fund for Program Integrity Innovation, \$37,500,000, to remain available until September 30, 2012, which may be used for grants, contracts, cooperative agreements, and administrative costs of carrying out Partnership Fund for Program Integrity Innovation pilot projects: Provided, That these funds shall be transferred by the Director of the Office of Management and Budget to appropriate agencies to carry out pilot projects and to conduct or provide for evaluation of such projects: Provided further, That such transfers shall be contingent upon the Director of the Office of Management and Budget determining, in consultation with an interagency council consisting of representatives of appropriate Federal agencies, States, and other stakeholders, that the pilot projects address Federal programs that have a substantial State role in eligibility determination or administration or where Federal-State cooperation could otherwise be beneficial; in aggregate, save at least as much money as they cost; demonstrate the potential to streamline administration or strengthen program integrity; and do not achieve savings primarily by reducing the participation of eligible beneficiaries: Provided further, That the interagency council required by the previous proviso shall submit a progress report to the Committees on Appropriations of the House of Representatives and the Senate not later than March 31, 2010 and semiannually thereafter until the program is completed, including detailed information on goals, objectives, performance measures, and evaluations of the program in general and of each specific pilot undertaken.

SPECIAL ASSISTANCE TO THE PRESIDENT  
SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions; services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles, \$4,604,000.

OFFICIAL RESIDENCE OF THE VICE PRESIDENT  
OPERATING EXPENSES  
(INCLUDING TRANSFER OF FUNDS)

For the care, operation, refurbishing, improvement, and to the extent not otherwise provided for, heating and lighting, including electric power and fixtures, of the official residence of the Vice President; the hire of passenger

motor vehicles; and not to exceed \$90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate, \$330,000: Provided, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

**ADMINISTRATIVE PROVISIONS—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT**

**(INCLUDING TRANSFERS OF FUNDS)**

SEC. 201. From funds made available in this Act under the headings “The White House”, “Executive Residence at the White House”, “White House Repair and Restoration”, “Council of Economic Advisers”, “National Security Council”, “Office of Administration”, “Special Assistance to the President”, and “Official Residence of the Vice President”, the Director of the Office of Management and Budget (or such other officer as the President may designate in writing), may, 15 days after giving notice to the Committees on Appropriations of the House of Representatives and the Senate, transfer not to exceed 10 percent of any such appropriation to any other such appropriation, to be merged with and available for the same time and for the same purposes as the appropriation to which transferred: Provided, That the amount of an appropriation shall not be increased by more than 50 percent by such transfers: Provided further, That no amount shall be transferred from “Special Assistance to the President” or “Official Residence of the Vice President” without the approval of the Vice President.

SEC. 202. The Director of the Office of National Drug Control Policy shall submit to the Committees on Appropriations of the House of Representatives and the Senate not later than 60 days after the date of enactment of this Act, and prior to the initial obligation of more than 20 percent of the funds appropriated in any account (except “Counterdrug Technology Assessment Center”) under the heading “Office of National Drug Control Policy”, a detailed narrative and financial plan on the proposed uses of all funds under the account by program, project, and activity: Provided, That the reports required by this section shall be updated and submitted to the Committees on Appropriations every 6 months and shall include information detailing how the estimates and assumptions contained in previous reports have changed: Provided further, That any new projects and changes in funding of ongoing projects shall be subject to the prior approval of the Committees on Appropriations.

SEC. 203. Not to exceed 2 percent of any appropriations in this Act made available to the Office of National Drug Control Policy may be transferred between appropriated programs upon the advance approval of the Committees on Appropriations: Provided, That no transfer may increase or decrease any such appropriation by more than 3 percent.

SEC. 204. Not to exceed \$1,000,000 of any appropriations in this Act made available to the Office of National Drug Control Policy may be reprogrammed within a program, project, or activity upon the advance approval of the Committees on Appropriations.

This title may be cited as the “Executive Office of the President Appropriations Act, 2010”.

**TITLE III**

**THE JUDICIARY**

**SUPREME COURT OF THE UNITED STATES**

**SALARIES AND EXPENSES**

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice,

not to exceed \$10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed \$10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, \$74,034,000, of which \$2,000,000 shall remain available until expended.

**CARE OF THE BUILDING AND GROUNDS**

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon the Architect by 40 U.S.C. 6111 and 6112, \$14,525,000, which shall remain available until expended.

**UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT**

**SALARIES AND EXPENSES**

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, \$32,560,000.

**UNITED STATES COURT OF INTERNATIONAL TRADE**

**SALARIES AND EXPENSES**

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services, and necessary expenses of the court, as authorized by law, \$21,350,000.

**COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES**

**SALARIES AND EXPENSES**

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, \$5,011,018,000 (including the purchase of firearms and ammunition); of which not to exceed \$27,817,000 shall remain available until expended for space alteration projects and for furniture and furnishings related to new space alteration and construction projects.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986 (Public Law 99-660), not to exceed \$5,428,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

**DEFENDER SERVICES**

For the operation of Federal Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under 18 U.S.C. 3006A, and also under 18 U.S.C. 3599, in cases in which a defendant is charged with a crime that may be punishable by death; the compensation and reimbursement of expenses of persons furnishing investigative, expert, and other services under 18 U.S.C. 3006A(e), and also under 18 U.S.C. 3599(f) and (g)(2), in cases in which a defendant is charged with a crime that may be punishable by death; the compensation (in accordance with the maximums under 18 U.S.C. 3006A) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences; the compensation and reimbursement of expenses of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d); the compensation and reimburse-

ment of expenses of attorneys appointed under 18 U.S.C. 983(b)(1) in connection with certain judicial civil forfeiture proceedings; and for necessary training and general administrative expenses, \$977,748,000, to remain available until expended.

**FEES OF JURORS AND COMMISSIONERS**

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71.1(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71.1(h)), \$61,861,000, to remain available until expended: Provided, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under 5 U.S.C. 5332.

**COURT SECURITY**

**(INCLUDING TRANSFERS OF FUNDS)**

For necessary expenses, not otherwise provided for, incident to the provision of protective guard services for United States courthouses and other facilities housing Federal court operations, and the procurement, installation, and maintenance of security systems and equipment for United States courthouses and other facilities housing Federal court operations, including building ingress-egress control, inspection of mail and packages, directed security patrols, perimeter security, basic security services provided by the Federal Protective Service, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100-702), \$452,607,000, of which not to exceed \$15,000,000 shall remain available until expended, to be expended directly or transferred to the United States Marshals Service, which shall be responsible for administering the Judicial Facility Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

**ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS**

**SALARIES AND EXPENSES**

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, \$83,075,000, of which not to exceed \$8,500 is authorized for official reception and representation expenses.

**FEDERAL JUDICIAL CENTER**

**SALARIES AND EXPENSES**

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90-219, \$27,328,000; of which \$1,800,000 shall remain available through September 30, 2011, to provide education and training to Federal court personnel; and of which not to exceed \$1,500 is authorized for official reception and representation expenses.

**JUDICIAL RETIREMENT FUNDS**

**PAYMENT TO JUDICIARY TRUST FUNDS**

For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), \$71,874,000; to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), \$6,500,000; and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), \$4,000,000.

**UNITED STATES SENTENCING COMMISSION**

**SALARIES AND EXPENSES**

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, \$16,837,000, of which not to exceed \$1,000 is authorized for official reception and representation expenses.

ADMINISTRATIVE PROVISIONS—THE JUDICIARY  
(INCLUDING TRANSFER OF FUNDS)

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except "Courts of Appeals, District Courts, and Other Judicial Services, Defender Services" and "Courts of Appeals, District Courts, and Other Judicial Services, Fees of Jurors and Commissioners", shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under sections 604 and 608 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in section 608.

SEC. 303. Notwithstanding any other provision of law, the salaries and expenses appropriation for "Courts of Appeals, District Courts, and Other Judicial Services" shall be available for official reception and representation expenses of the Judicial Conference of the United States: Provided, That such available funds shall not exceed \$11,000 and shall be administered by the Director of the Administrative Office of the United States Courts in the capacity as Secretary of the Judicial Conference.

SEC. 304. Within 90 days after the date of the enactment of this Act, the Administrative Office of the U.S. Courts shall submit to the Committees on Appropriations a comprehensive financial plan for the Judiciary allocating all sources of available funds including appropriations, fee collections, and carryover balances, to include a separate and detailed plan for the Judiciary Information Technology Fund, which will establish the baseline for application of reprogramming and transfer authorities for the current fiscal year.

SEC. 305. Section 3314(a) of title 40, United States Code, shall be applied by substituting "Federal" for "executive" each place it appears.

SEC. 306. In accordance with 28 U.S.C. 561-569, and notwithstanding any other provision of law, the United States Marshals Service shall provide, for such courthouses as its Director may designate in consultation with the Director of the Administrative Office of the United States Courts, for purposes of a pilot program, the security services that 40 U.S.C. 1315 authorizes the Department of Homeland Security to provide, except for the services specified in 40 U.S.C. 1315(b)(2)(E). For building-specific security services at these courthouses, the Director of the Administrative Office of the United States Courts shall reimburse the United States Marshals Service rather than the Department of Homeland Security.

SEC. 307. Section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101-650; 28 U.S.C. 133 note), is amended—

(1) in the third sentence (relating to the District of Kansas), by striking "18 years" and inserting "19 years";

(2) in the sixth sentence (relating to the Northern District of Ohio), by striking "18 years" and inserting "19 years"; and

(3) in the seventh sentence (relating to the District of Hawaii), by striking "15 years" and inserting "16 years".

This title may be cited as the "Judiciary Appropriations Act, 2010".

TITLE IV  
DISTRICT OF COLUMBIA  
FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION  
SUPPORT

For a Federal payment to the District of Columbia, to be deposited into a dedicated account, for a nationwide program to be administered by the Mayor, for District of Columbia resident tuition support, \$35,100,000, to remain available until expended: Provided, That such funds, including any interest accrued thereon, may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, or to pay up to \$2,500 each year at eligible private institutions of higher education: Provided further, That the awarding of such funds may be prioritized on the basis of a resident's academic merit, the income and need of eligible students and such other factors as may be authorized: Provided further, That the District of Columbia government shall maintain a dedicated account for the Resident Tuition Support Program that shall consist of the Federal funds appropriated to the Program in this Act and any subsequent appropriations, any unobligated balances from prior fiscal years, and any interest earned in this or any fiscal year: Provided further, That the account shall be under the control of the District of Columbia Chief Financial Officer, who shall use those funds solely for the purposes of carrying out the Resident Tuition Support Program: Provided further, That the Office of the Chief Financial Officer shall provide a quarterly financial report to the Committees on Appropriations of the House of Representatives and the Senate for these funds showing, by object class, the expenditures made and the purpose therefor.

FEDERAL PAYMENT FOR EMERGENCY PLANNING  
AND SECURITY COSTS IN THE DISTRICT OF CO-  
LUMBIA

For a Federal payment of necessary expenses, as determined by the Mayor of the District of Columbia in written consultation with the elected county or city officials of surrounding jurisdictions, \$15,000,000, to remain available until expended and in addition any funds that remain available from prior year appropriations under this heading for the District of Columbia Government, for the costs of providing public safety at events related to the presence of the national capital in the District of Columbia, including support requested by the Director of the United States Secret Service Division in carrying out protective duties under the direction of the Secretary of Homeland Security, and for the costs of providing support to respond to immediate and specific terrorist threats or attacks in the District of Columbia or surrounding jurisdictions.

FEDERAL PAYMENT TO THE DISTRICT OF  
COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, \$261,180,000 to be allocated as follows: for the District of Columbia Court of Appeals, \$12,022,000, of which not to exceed \$2,500 is for official reception and representation expenses; for the District of Columbia Superior Court, \$108,524,000, of which not to exceed \$2,500 is for official reception and representation expenses; for the District of Columbia Court System, \$65,114,000, of which not to exceed \$2,500 is for official reception and representation expenses; and \$75,520,000, to remain available until September 30, 2011, for capital improvements for District of Columbia courthouse facilities, including structural improvements to the District of Columbia cell block at the Moultrie Courthouse: Provided, That funds made avail-

able for capital improvements shall be expended consistent with the General Services Administration (GSA) master plan study and building evaluation report: Provided further, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the GSA, and such services shall include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate: Provided further, That 30 days after providing written notice to the Committees on Appropriations of the House of Representatives and the Senate, the District of Columbia Courts may reallocate not more than \$1,000,000 of the funds provided under this heading among the items and entities funded under this heading for operations, and not more than 4 percent of the funds provided under this heading for facilities.

FEDERAL PAYMENT FOR DEFENDER SERVICES IN  
DISTRICT OF COLUMBIA COURTS

For payments authorized under section 11-2604 and section 11-2605, D.C. Official Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Court of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Official Code, or pursuant to contractual agreements to provide guardian ad litem representation, training, technical assistance, and such other services as are necessary to improve the quality of guardian ad litem representation, payments for counsel appointed in adoption proceedings under chapter 3 of title 16, D.C. Official Code, and payments for counsel authorized under section 21-2060, D.C. Official Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), \$55,000,000, to remain available until expended: Provided, That funds provided under this heading shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: Provided further, That notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), and such services shall include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate.

FEDERAL PAYMENT TO THE COURT SERVICES AND  
OFFENDER SUPERVISION AGENCY FOR THE DIS-  
TRICT OF COLUMBIA

For salaries and expenses, including the transfer and hire of motor vehicles, of the Court Services and Offender Supervision Agency for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, \$212,408,000, of which not to exceed \$2,000 is for official reception and representation expenses related to



Community Supervision and Pretrial Services Agency programs; of which not to exceed \$25,000 is for dues and assessments relating to the implementation of the Court Services and Offender Supervision Agency Interstate Supervision Act of 2002; of which \$153,856,000 shall be for necessary expenses of Community Supervision and Sex Offender Registration, to include expenses relating to the supervision of adults subject to protection orders or the provision of services for or related to such persons; of which \$58,552,000 shall be available to the Pretrial Services Agency: Provided, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: Provided further, That not less than \$2,000,000 shall be available for re-entrant housing in the District of Columbia: Provided further, That the Director is authorized to accept and use gifts in the form of in-kind contributions of space and hospitality to support offender and defendant programs, and equipment and vocational training services to educate and train offenders and defendants: Provided further, That the Director shall keep accurate and detailed records of the acceptance and use of any gift or donation under the previous proviso, and shall make such records available for audit and public inspection: Provided further, That the Court Services and Offender Supervision Agency Director is authorized to accept and use reimbursement from the District of Columbia Government for space and services provided on a cost reimbursable basis.

#### FEDERAL PAYMENT TO THE PUBLIC DEFENDER SERVICE FOR THE DISTRICT OF COLUMBIA

For salaries and expenses, including the transfer and hire of motor vehicles, of the District of Columbia Public Defender Service, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, \$37,316,000: Provided, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of Federal agencies.

#### FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

For a Federal payment to the District of Columbia Water and Sewer Authority, \$20,000,000, to remain available until expended, to continue implementation of the Combined Sewer Overflow Long-Term Plan: Provided, That the District of Columbia Water and Sewer Authority provides a 100 percent match for this payment.

#### FEDERAL PAYMENT TO THE CRIMINAL JUSTICE COORDINATING COUNCIL

For a Federal payment to the Criminal Justice Coordinating Council, \$2,000,000, to remain available until expended, to support initiatives related to the coordination of Federal and local criminal justice resources in the District of Columbia.

#### FEDERAL PAYMENT FOR JUDICIAL COMMISSIONS

For a Federal payment, to remain available until September 30, 2011, to the Commission on Judicial Disabilities and Tenure, \$295,000, and for the Judicial Nomination Commission, \$205,000.

#### FEDERAL PAYMENT TO THE OFFICE OF THE CHIEF FINANCIAL OFFICER FOR THE DISTRICT OF COLUMBIA

For a Federal payment to the Office of the Chief Financial Officer for the District of Columbia, \$1,850,000, in the amounts and for the projects specified in the table that appears under the heading "Federal Payment to the Of-

fice of the Chief Financial Officer for the District of Columbia" in the statement of managers to accompany this Act: Provided, That each entity that receives funding under this heading shall submit to the Office of the Chief Financial Officer for the District of Columbia (CFO), not later than 60 days after enactment of this Act, a detailed budget and comprehensive description of the activities to be carried out with such funds, and the CFO shall submit a comprehensive report to the Committees on Appropriations of the House of Representatives and the Senate not later than June 1, 2010.

#### FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT

For a Federal payment for a school improvement program in the District of Columbia, \$75,400,000, to be allocated as follows: for the District of Columbia Public Schools, \$42,200,000 to improve public school education in the District of Columbia; for the State Education Office, \$20,000,000 to expand quality public charter schools in the District of Columbia, to remain available until expended; for the Secretary of the Department of Education, \$13,200,000 to provide opportunity scholarships for students in the District of Columbia in accordance with title III of division C of the District of Columbia Appropriations Act, 2004 (Public Law 108-199; 118 Stat. 126), to remain available until expended, of which up to \$1,000,000 may be used to administer and fund assessments, and of which up to \$1,000,000 may be used to administer testing of students to determine and compare academic performance of the schools enrolling students participating in the opportunity scholarship program: Provided, That notwithstanding the second proviso under this heading in Public Law 111-8, funds provided herein may only be used to provide opportunity scholarships to students who received scholarships in the 2009-2010 school year: Provided further, That funds available under this heading for opportunity scholarships, including from prior-year appropriations Acts, may be made available only for scholarships to students who received scholarships in the 2009-2010 school year: Provided further, That none of the funds provided in this Act or any other Act for opportunity scholarships may be used by an eligible student to enroll in a participating school under the DC School Choice Incentive Act of 2003 unless (1) the participating school has and maintains a valid certificate of occupancy issued by the District of Columbia; (2) the core subject matter teachers of the eligible student hold 4-year bachelor's degrees; and (3) the participating school is in compliance with the accreditation and other standards prescribed under the District of Columbia compulsory school attendance laws that apply to educational institutions not affiliated with the District of Columbia Public Schools: Provided further, That the Secretary of Education shall submit a report to Congress not later than June 15, 2010 detailing the academic rigor and quality of each participating school and that for the purposes of submitting the report the Secretary shall administer to eligible students participating in the program the same tests of academic performance as those administered to students enrolled in the District of Columbia Public Schools in the 2009-2010 school year and the Secretary shall utilize the performance of scholarship recipients on that test as well as other metrics of academic quality considered appropriate by the Secretary to evaluate the academic rigor and quality of participating schools and include in this report comparative data on District of Columbia Public Schools and Public Charter Schools: Provided further, That the Secretary of Education shall ensure that site inspections of participating schools are conducted at least twice annually.

#### FEDERAL PAYMENT FOR CONSOLIDATED LABORATORY FACILITY

For a Federal payment to the District of Columbia, \$15,000,000, to remain available until September 30, 2011, for costs associated with the construction of a consolidated bioterrorism and forensics laboratory: Provided, That the District of Columbia provides a 100 percent match for this payment.

#### FEDERAL PAYMENT FOR THE DISTRICT OF COLUMBIA NATIONAL GUARD

For a Federal payment to the District of Columbia National Guard, \$375,000, to remain available until expended for the District of Columbia National Guard retention and college access programs, which shall hereafter be known as the "Major General David F. Wherley, Jr. District of Columbia National Guard Retention and College Access Program".

#### FEDERAL PAYMENT FOR HOUSING FOR THE HOMELESS

For a Federal payment to the District of Columbia, \$17,000,000, to remain available until September 30, 2011, to support permanent supportive housing programs in the District.

#### FEDERAL PAYMENT FOR YOUTH SERVICES

For a Federal payment to the District of Columbia, \$4,000,000, to remain available until September 30, 2011, to support the "Reconnecting Disconnected Youth" initiative.

#### DISTRICT OF COLUMBIA FUNDS

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the General Fund of the District of Columbia ("General Fund"), except as otherwise specifically provided: Provided, That notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act, (114 Stat. 2440; D.C. Official Code, section 1-204.50a) and provisions of the Fiscal Year 2010 Budget Request Act, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2010 under this heading shall not exceed the lesser of the sum of the total revenues of the District of Columbia for such fiscal year or \$10,016,041,000 (of which \$5,637,824,000 shall be from local funds, (including \$394,417,000 from dedicated taxes) \$2,661,782,000 shall be from Federal grant funds, \$1,711,249,000 shall be from other funds, and \$5,187,000 shall be from private funds); in addition, \$185,725,000 from funds previously appropriated in this Act as Federal payments, which does not include funds appropriated under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5): Provided further, That of the local funds, such amounts as may be necessary may be derived from the District's General Fund balance: Provided further, That of these funds the District's intradistrict authority shall be \$791,096,000: in addition for capital construction projects, an increase of \$3,249,642,000, of which \$2,685,760,000 shall be from local funds, \$54,893,000 from the District of Columbia Highway Trust fund, \$186,805,000 from the Local Street Maintenance fund, \$322,184,000 from Federal grant funds, and a rescission of \$1,834,494,000 from local funds and a rescission of \$91,327,000 from Local Street Maintenance funds appropriated under this heading in prior fiscal years for a net amount of \$1,323,821,000, to remain available until expended: Provided further, That the amounts provided under this heading are to be available, allocated and expended as proposed under Title III of the Fiscal Year 2010 Budget Request Act at the rate set forth under "District of Columbia Funds Division of Expenses" of the Fiscal Year 2010 Proposed Budget and Financial Plan submitted to the Congress of the United States by the District of Columbia on September 28, 2009: Provided further, That this amount

may be increased by proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs: Provided further, That such increases shall be approved by enactment of local District law and shall comply with all reserve requirements contained in the District of Columbia Home Rule Act (87 Stat. 777; D.C. Official Code sec. 1–201.01 et seq.): Provided further, That the Chief Financial Officer of the District of Columbia shall take such steps as are necessary to assure that the District of Columbia meets these requirements, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2010, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

This title may be cited as the “District of Columbia Appropriations Act, 2010”.

#### TITLE V

#### INDEPENDENT AGENCIES

##### ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

###### SALARIES AND EXPENSES

For necessary expenses of the Administrative Conference of the United States, authorized by 5 U.S.C. 591 et seq., \$1,500,000, to remain available until September 30, 2011, of which not to exceed \$1,000 is for official reception and representation expenses.

##### CHRISTOPHER COLUMBUS FELLOWSHIP FOUNDATION

###### SALARIES AND EXPENSES

For payment to the Christopher Columbus Fellowship Foundation, established by section 423 of Public Law 102–281, \$750,000, to remain available until expended.

##### CONSUMER PRODUCT SAFETY COMMISSION

###### SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable under 5 U.S.C. 5376, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed \$2,000 for official reception and representation expenses, \$118,200,000, of which \$2,000,000 shall remain available for obligation until September 30, 2011, to implement the Virginia Graeme Baker Pool and Spa Safety Act grant program as provided by section 1405 of Public Law 110–140 (15 U.S.C. 8004).

##### ELECTION ASSISTANCE COMMISSION

###### SALARIES AND EXPENSES

###### (INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the Help America Vote Act of 2002 (Public Law 107–252), \$17,959,000, of which \$3,500,000 shall be transferred to the National Institute of Standards and Technology for election reform activities authorized under the Help America Vote Act of 2002: Provided, That \$750,000 shall be for the Help America Vote College Program as authorized by the Help America Vote Act of 2002: Provided further, That \$300,000 shall be for a competitive grant program to support community involvement in student and parent mock elections.

###### ELECTION REFORM PROGRAMS

For necessary expenses relating to election reform programs, \$75,000,000, to remain available until expended, of which \$70,000,000 shall be for requirements payments under part 1 of subtitle D of title II of the Help America Vote Act of 2002 (Public Law 107–252), \$3,000,000 shall be for grants to carry out research on voting tech-

nology improvements as authorized under part 3 of subtitle D of title II of such Act, and \$2,000,000, shall be to conduct a pilot program for grants to States and units of local government for pre-election logic and accuracy testing and post-election voting systems verification.

##### FEDERAL COMMUNICATIONS COMMISSION

###### SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–5902; not to exceed \$4,000 for official reception and representation expenses; purchase and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109, \$335,794,000: Provided, That \$335,794,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 2010 so as to result in a final fiscal year 2010 appropriation estimated at \$0: Provided further, That any offsetting collections received in excess of \$335,794,000 in fiscal year 2010 shall not be available for obligation: Provided further, That remaining offsetting collections from prior years collected in excess of the amount specified for collection in each such year and otherwise becoming available on October 1, 2009, shall not be available for obligation: Provided further, That notwithstanding 47 U.S.C. 309(j)(8)(B), proceeds from the use of a competitive bidding system that may be retained and made available for obligation shall not exceed \$85,000,000 for fiscal year 2010: Provided further, That the Inspector General of the Federal Communications Commission shall examine whether, and to what extent, the National Exchange Carrier Association, Inc. is acting in compliance with the Communications Act of 1934, as amended, and the regulations promulgated thereunder, and whether, and to what extent, the FCC has delegated authority to National Exchange Carrier Association, Inc. consistent with the Communications Act of 1934, as amended: Provided further, That the Federal Communications Commission Inspector General shall submit a report to Congress not later than July 1, 2010, setting forth the conclusions of such examination.

##### ADMINISTRATIVE PROVISIONS—FEDERAL COMMUNICATIONS COMMISSION

SEC. 501. Section 302 of the Universal Service Antideficiency Temporary Suspension Act is amended by striking “December 31, 2009”, each place it appears and inserting “December 31, 2010”.

SEC. 502. None of the funds appropriated by this Act may be used by the Federal Communications Commission to modify, amend, or change its rules or regulations for universal service support payments to implement the February 27, 2004 recommendations of the Federal-State Joint Board on Universal Service regarding single connection or primary line restrictions on universal service support payments.

##### FEDERAL DEPOSIT INSURANCE CORPORATION

###### OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$37,942,000, to be derived from the Deposit Insurance Fund or, only when appropriate, the FSLIC Resolution Fund.

##### FEDERAL ELECTION COMMISSION

###### SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, \$66,500,000, of which not to exceed \$5,000

shall be available for reception and representation expenses.

##### FEDERAL LABOR RELATIONS AUTHORITY

###### SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services authorized by 5 U.S.C. 3109, and including hire of experts and consultants, hire of passenger motor vehicles, and rental of conference rooms in the District of Columbia and elsewhere, \$24,773,000: Provided, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: Provided further, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

##### FEDERAL TRADE COMMISSION

###### SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed \$2,000 for official reception and representation expenses, \$291,700,000, to remain available until expended: Provided, That not to exceed \$300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718: Provided further, That, notwithstanding any other provision of law, not to exceed \$102,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation: Provided further, That, notwithstanding any other provision of law, not to exceed \$21,000,000 in offsetting collections derived from fees sufficient to implement and enforce the Telemarketing Sales Rule, promulgated under the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6101 et seq.), shall be credited to this account, and be retained and used for necessary expenses in this appropriation: Provided further, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2010, so as to result in a final fiscal year 2010 appropriation from the general fund estimated at not more than \$168,700,000: Provided further, That none of the funds made available to the Federal Trade Commission may be used to implement subsection (e)(2)(B) of section 43 of the Federal Deposit Insurance Act (12 U.S.C. 1831t).

##### GENERAL SERVICES ADMINISTRATION

###### REAL PROPERTY ACTIVITIES

###### FEDERAL BUILDINGS FUND

###### LIMITATIONS ON AVAILABILITY OF REVENUE

For an additional amount to be deposited in the Federal Buildings Fund, \$537,900,000. Amounts in the Fund, including revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving

governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract; in the aggregate amount of \$8,543,585,000, of which: (1) \$894,037,000 shall remain available until expended for construction and acquisition (including funds for sites and expenses and associated design and construction services) of additional projects at the following locations:

**New Construction:**

**Alabama:**

Mobile, United States Courthouse, \$50,000,000.

**California:**

Calerico, Calerico West, Land Port of Entry, \$9,437,000.

**Colorado:**

Lakewood, Denver Federal Center Remediation, \$9,962,000.

**District of Columbia:**

Columbia Plaza, \$100,000,000.

Southeast Federal Center Remediation, \$15,000,000.

**Florida:**

Miami, Federal Bureau of Investigation Field Office Consolidation, \$190,675,000.

**Georgia:**

Savannah, United States Courthouse, \$7,900,000.

**Maine:**

Madawaska, Land Port of Entry, \$50,127,000.

**Maryland:**

White Oak, Food and Drug Administration Consolidation, \$137,871,000.

Greenbelt, United States Courthouse, \$10,000,000.

**Pennsylvania:**

Lancaster, United States Courthouse, \$6,500,000.

**Texas:**

El Paso, Tornillo-Guadalupe, Land Port of Entry, \$91,565,000.

San Antonio, United States Courthouse, \$4,000,000.

**Utah:**

Salt Lake City, United States Courthouse, \$211,000,000:

Provided, That each of the foregoing limits of costs on new construction projects may be exceeded to the extent that savings are effected in other such projects, but not to exceed 10 percent of the amounts included in an approved prospectus, if required, unless advance approval is obtained from the Committees on Appropriations of a greater amount: Provided further, That all funds for direct construction projects shall expire on September 30, 2011 and remain in the Federal Buildings Fund except for funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: Provided further, That for fiscal year 2011 and thereafter, the annual budget submission to Congress for the General Services Administration shall include a detailed 5-year plan for Federal building construction projects with a yearly update of total projected future funding needs: Provided further, That

budget submission to Congress for the General Services Administration shall, in consultation with U.S. Customs and Border Protection, include a detailed 5-year plan for Federal land port-of-entry projects with a yearly update of total projected future funding needs; (2) \$413,776,000 shall remain available until expended for repairs and alterations, which includes associated design and construction services:

**Repairs and Alterations:**

**District of Columbia:**

East Wing Infrastructure Systems Replacement, \$84,500,000.

Eisenhower Executive Office Building Roof Replacement, \$15,000,000.

New Executive Office Building, \$30,276,000.

**Special Emphasis Programs:**

Fire and Life Safety Program, \$20,000,000.

Energy and Water Retrofit and Conservation Measures, \$2,000,000.

Federal High-Performance Green Buildings, \$2,000,000.

**Basic Repairs and Alterations, \$260,000,000:**

Provided further, That funds made available in this or any previous Act in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount identified for each project, except each project in this or any previous Act may be increased by an amount not to exceed 10 percent unless advance approval is obtained from the Committees on Appropriations of a greater amount: Provided further, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations: Provided further, That the amounts provided in this or any prior Act for "Repairs and Alterations" may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: Provided further, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading "Repairs and Alterations", may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: Provided further, That all funds for repairs and alterations prospectus projects shall expire on September 30, 2011 and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: Provided further, That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading "Repairs and Alterations" or used to fund authorized increases in prospectus projects; (3) \$140,525,000 for installment acquisition payments including payments on purchase contracts which shall remain available until expended; (4) \$4,804,871,000 for rental of space which shall remain available until expended; and (5) \$2,290,376,000 for building operations which shall remain available until expended: Provided further, That funds available to the General Services Administration shall not be available for expenses of any construction, repair, alteration and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus: Provided further, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations: Provided

further, That amounts necessary to provide reimbursable special services to other agencies under 40 U.S.C. 592(b)(2) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, shall be available from such revenues and collections: Provided further, That revenues and collections and any other sums accruing to this Fund during fiscal year 2010, excluding reimbursements under 40 U.S.C. 592(b)(2) in excess of the aggregate new obligational authority authorized for Real Property Activities of the Federal Buildings Fund in this Act shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

**GENERAL ACTIVITIES**

**GOVERNMENT-WIDE POLICY**

For expenses authorized by law, not otherwise provided for, for Government-wide policy and evaluation activities associated with the management of real and personal property assets and certain administrative services; Government-wide policy support responsibilities relating to acquisition, telecommunications, information technology management, and related technology activities; and services as authorized by 5 U.S.C. 3109; \$59,665,000.

**OPERATING EXPENSES**

For expenses authorized by law, not otherwise provided for, for Government-wide activities associated with utilization and donation of surplus personal property; disposal of real property; agency-wide policy direction, management, and communications; the Civilian Board of Contract Appeals; services as authorized by 5 U.S.C. 3109; and not to exceed \$7,500 for official reception and representation expenses; \$72,881,000, of which \$1,000,000 shall be for a payment to the Oklahoma City National Memorial Foundation as authorized by 16 U.S.C. 450ss-5.

**OFFICE OF INSPECTOR GENERAL**

For necessary expenses of the Office of Inspector General and service authorized by 5 U.S.C. 3109, \$59,000,000: Provided, That not to exceed \$15,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: Provided further, That not to exceed \$2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

**ELECTRONIC GOVERNMENT FUND**

**(INCLUDING TRANSFER OF FUNDS)**

For necessary expenses in support of inter-agency projects that enable the Federal Government to expand its ability to conduct activities electronically, through the development and implementation of innovative uses of the Internet and other electronic methods, \$34,000,000, to remain available until expended: Provided, That these funds may be transferred to Federal agencies to carry out the purpose of the Fund: Provided further, That this transfer authority shall be in addition to any other transfer authority provided in this Act: Provided further, That such transfers may not be made until 10 days after a proposed spending plan and explanation for each project to be undertaken has been submitted to the Committees on Appropriations of the House of Representatives and the Senate.

**ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS**

For carrying out the provisions of the Act of August 25, 1958 (3 U.S.C. 102 note), and Public Law 95-138, \$3,756,000.

## FEDERAL CITIZEN SERVICES FUND

For necessary expenses of the Office of Citizen Services, including services authorized by 5 U.S.C. 3109, \$36,515,000, to be deposited into the Federal Citizen Services Fund: Provided, That the appropriations, revenues, and collections deposited into the Fund shall be available for necessary expenses of Federal Citizen Services activities in the aggregate amount not to exceed \$61,000,000. Appropriations, revenues, and collections accruing to this Fund during fiscal year 2010 in excess of such amount shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

## ADMINISTRATIVE PROVISIONS—GENERAL SERVICES ADMINISTRATION

## (INCLUDING TRANSFERS OF FUNDS)

SEC. 510. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 511. Funds in the Federal Buildings Fund made available for fiscal year 2010 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: Provided, That any proposed transfers shall be approved in advance by the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 512. Except as otherwise provided in this title, funds made available by this Act shall be used to transmit a fiscal year 2011 request for United States Courthouse construction only if the request: (1) meets the design guide standards for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget; (2) reflects the priorities of the Judicial Conference of the United States as set out in its approved 5-year construction plan; and (3) includes a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded.

SEC. 513. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency that does not pay the rate per square foot assessment for space and services as determined by the General Services Administration in compliance with the Public Buildings Amendments Act of 1972 (Public Law 92-313).

SEC. 514. From funds made available under the heading "Federal Buildings Fund, Limitations on Availability of Revenue", claims against the Government of less than \$250,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 515. In any case in which the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate adopt a resolution granting lease authority pursuant to a prospectus transmitted to Congress by the Administrator of the General Services Administration under 40 U.S.C. 3307, the Administrator shall ensure that the delineated area of procurement is identical to the delineated area included in the prospectus for all lease agreements, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to each of such committees and the Committees on Appropriations of the House of Representatives

and the Senate prior to exercising any lease authority provided in the resolution.

SEC. 516. In furtherance of the emergency management policy set forth in the Robert T. Stafford Disaster Relief and Emergency Assistance Act, the Administrator of the General Services Administration may provide for the use of the Federal supply schedules of the General Services Administration by relief and disaster assistance organizations as described in section 309 of that Act. Purchases under this authority shall be limited to use in preparation for, response to, and recovery from hazards as defined in section 602 of that Act.

## HARRY S TRUMAN SCHOLARSHIP FOUNDATION

## SALARIES AND EXPENSES

For payment to the Harry S Truman Scholarship Foundation Trust Fund, established by section 10 of Public Law 93-642, \$660,000, to remain available until expended.

## MERIT SYSTEMS PROTECTION BOARD

## SALARIES AND EXPENSES

## (INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978, and the Whistleblower Protection Act of 1989 (5 U.S.C. 5509 note), including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, direct procurement of survey printing, and not to exceed \$2,000 for official reception and representation expenses, \$40,339,000 together with not to exceed \$2,579,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

## MORRIS K. UDALL AND STEWART L. UDALL FOUNDATION

## MORRIS K. UDALL AND STEWART L. UDALL TRUST FUND

## (INCLUDING TRANSFER OF FUNDS)

For payment to the Morris K. Udall and Stewart L. Udall Trust Fund, pursuant to the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5601 et seq.), \$2,500,000, to remain available until expended, of which up to \$50,000 shall be used to conduct financial audits pursuant to the Accountability of Tax Dollars Act of 2002 (Public Law 107-289) notwithstanding sections 8 and 9 of Public Law 102-259: Provided, That up to 60 percent of such funds may be transferred by the Morris K. Udall and Stewart L. Udall Foundation for the necessary expenses of the Native Nations Institute.

## ENVIRONMENTAL DISPUTE RESOLUTION FUND

For payment to the Environmental Dispute Resolution Fund to carry out activities authorized in the Environmental Policy and Conflict Resolution Act of 1998, \$3,800,000, to remain available until expended.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION  
OPERATING EXPENSES

For necessary expenses in connection with the administration of the National Archives and Records Administration (including the Information Security Oversight Office) and archived Federal records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents and the activities of the Public Interest Declassification Board, and for the hire of passenger motor vehicles, and for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901 et seq.), including maintenance, repairs, and cleaning, \$339,770,000.

## OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Reform Act of 2008, Public Law 110-409, 122 Stat. 4302-16 (2008), and the Inspector General Act of 1978 (5 U.S.C. App.), and for the hire of passenger motor vehicles, \$4,100,000.

## ELECTRONIC RECORDS ARCHIVES

For necessary expenses in connection with the development of the electronic records archives, to include all direct project costs associated with research, analysis, design, development, and program management, \$85,500,000, of which \$61,757,000 shall remain available until September 30, 2012: Provided, That none of the multi-year funds may be obligated until the National Archives and Records Administration submits to the Committees on Appropriations, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A-11; (2) complies with the National Archives and Records Administration's enterprise architecture; (3) conforms with the National Archives and Records Administration's enterprise life cycle methodology; (4) is approved by the National Archives and Records Administration and the Office of Management and Budget; (5) has been reviewed by the Government Accountability Office; and (6) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.

## REPAIRS AND RESTORATION

For the repair, alteration, and improvement of archives facilities, and to provide adequate storage for holdings, \$27,500,000, to remain available until expended.

## NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

## GRANTS PROGRAM

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, \$13,000,000, to remain available until expended.

## NATIONAL CREDIT UNION ADMINISTRATION

## CENTRAL LIQUIDITY FACILITY

During fiscal year 2010, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions, as authorized by 12 U.S.C. 1795 et seq., shall be the amount authorized by section 307(a)(4)(A) of the Federal Credit Union Act (12 U.S.C. 1795f(a)(4)(A)): Provided, That administrative expenses of the Central Liquidity Facility in fiscal year 2010 shall not exceed \$1,250,000.

## COMMUNITY DEVELOPMENT REVOLVING LOAN FUND

For the Community Development Revolving Loan Fund program as authorized by 42 U.S.C. 9812, 9822 and 9910, \$1,250,000 shall be available until September 30, 2011 for technical assistance to low-income designated credit unions.

## OFFICE OF GOVERNMENT ETHICS

## SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, and the Ethics Reform Act of 1989, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed \$1,500 for official reception and representation expenses, \$14,000,000.

OFFICE OF PERSONNEL MANAGEMENT  
SALARIES AND EXPENSES  
(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed \$2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order No. 10422 of January 9, 1953, as amended; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty, \$102,970,000, of which \$5,908,000 shall remain available until September 30, 2011 for the Enterprise Human Resources Integration project; \$1,364,000 shall remain available until September 30, 2011 for the Human Resources Line of Business project; and in addition \$112,738,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs, of which not more than \$9,300,000 shall remain available until September 30, 2011 for the cost of implementing the new integrated financial system and not more than \$4,000,000 shall remain available until September 30, 2011 for automating the retirement recordkeeping systems: Provided, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by sections 8348(a)(1)(B), and 9004(f)(2)(A) of title 5, United States Code: Provided further, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order No. 9358 of July 1, 1943, or any successor unit of like purpose: Provided further, That the President's Commission on White House Fellows, established by Executive Order No. 11183 of October 3, 1964, may, during fiscal year 2010, accept donations of money, property, and personal services: Provided further, That such donations, including those from prior years, may be used for the development of publicity materials to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission: Provided further, That within the funds provided, the Office of Personnel Management shall carry out the Intergovernmental Personnel Act Mobility Program, with special attention to Federal agencies employing more than 2,000 nurses: Provided further, That funding may be allocated to develop guidelines that provide Federal agencies direction in using their authority under the Intergovernmental Personnel Act Mobility Program, according to the directives outlined in the joint explanatory statement.

OFFICE OF INSPECTOR GENERAL  
SALARIES AND EXPENSES  
(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, \$3,148,000, and in addition, not to exceed \$21,215,000 for administrative expenses to audit, investigate, and provide other oversight of the Office of Personnel Man-

agement's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: Provided, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

GOVERNMENT PAYMENT FOR ANNUITANTS,  
EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), such sums as may be necessary.

GOVERNMENT PAYMENT FOR ANNUITANTS,  
EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, such sums as may be necessary.

PAYMENT TO CIVIL SERVICE RETIREMENT AND  
DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: Provided, That annuities authorized by the Act of May 29, 1944, and the Act of August 19, 1950 (33 U.S.C. 771-775), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

OFFICE OF SPECIAL COUNSEL  
SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95-454), the Whistleblower Protection Act of 1989 (Public Law 101-12), Public Law 107-304, and the Uniformed Services Employment and Reemployment Rights Act of 1994 (Public Law 103-353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; \$18,495,000.

POSTAL REGULATORY COMMISSION  
SALARIES AND EXPENSES  
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Postal Regulatory Commission in carrying out the provisions of the Postal Accountability and Enhancement Act (Public Law 109-435), \$14,333,000, to be derived by transfer from the Postal Service Fund and expended as authorized by section 603(a) of such Act.

PRIVACY AND CIVIL LIBERTIES OVERSIGHT  
BOARD

SALARIES AND EXPENSES

For necessary expenses of the Privacy and Civil Liberties Oversight Board, as authorized by section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (5 U.S.C. 601 note), \$1,500,000, to remain available until September 30, 2011.

SECURITIES AND EXCHANGE COMMISSION  
SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed \$3,500 for official reception and representation expenses, \$1,111,000,000, to remain available until expended; of which not less than \$4,400,000 shall be for the Office of Inspector General; of

which not to exceed \$20,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions; and of which not to exceed \$100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (1) such incidental expenses as meals taken in the course of such attendance; (2) any travel and transportation to or from such meetings; and (3) any other related lodging or subsistence: Provided, That fees and charges authorized by sections 6(b) of the Securities Exchange Act of 1933 (15 U.S.C. 77f(b)), and 13(e), 14(g) and 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78m(e), 78n(g), and 78ee), shall be credited to this account as offsetting collections: Provided further, That not to exceed \$1,094,915,800 of such offsetting collections shall be available until expended for necessary expenses of this account: Provided further, That \$16,084,200 shall be derived from prior year unobligated balances from funds previously appropriated to the Securities and Exchange Commission: Provided further, That the total amount appropriated under this heading from the general fund for fiscal year 2010 shall be reduced as such offsetting fees are received so as to result in a final total fiscal year 2010 appropriation from the general fund estimated at not more than \$0.

SELECTIVE SERVICE SYSTEM  
SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by 5 U.S.C. 4101-4118 for civilian employees; purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901-5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and not to exceed \$750 for official reception and representation expenses; \$24,275,000: Provided, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever the President deems such action to be necessary in the interest of national defense: Provided further, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

SMALL BUSINESS ADMINISTRATION  
SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 108-447, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed \$3,500 for official reception and representation expenses, \$433,438,000: Provided, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan program activities, including fees authorized by section 5(b) of the Small Business Act: Provided further, That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to remain available until expended, for carrying out these purposes without further appropriations: Provided further, That \$113,000,000 shall be available to fund

grants for performance in fiscal year 2010 or fiscal year 2011 as authorized by section 21 of the Small Business Act, of which \$1,000,000 shall be for the Veterans Assistance and Services Program authorized by section 21(n) of the Small Business Act, as added by section 107 of Public Law 110-186, and of which \$1,000,000 shall be for the Small Business Energy Efficiency Program authorized by section 1203(c) of Public Law 110-140: Provided further, That \$22,000,000 shall remain available until September 30, 2011 for marketing, management, and technical assistance under section 7(m) of the Small Business Act (15 U.S.C. 636(m)(4)) by intermediaries that make microloans under the microloan program: Provided further, That during fiscal year 2010, the applicable percentage under section 7(m)(4)(A) of the Small Business Act shall be 50 percent: Provided further, That \$11,690,500 shall be available for the Loan Modernization and Accounting System, to be available until September 30, 2011: Provided further, That \$2,000,000 shall be for the Federal and State Technology Partnership Program under section 34 of the Small Business Act (15 U.S.C. 657d).

#### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$16,300,000.

#### SURETY BOND GUARANTEES REVOLVING FUND

For additional capital for the Surety Bond Guarantees Revolving Fund, authorized by the Small Business Investment Act of 1958, \$1,000,000, to remain available until expended.

#### BUSINESS LOANS PROGRAM ACCOUNT

##### (INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, \$3,000,000, to remain available until expended, and for the cost of guaranteed loans as authorized by section 7(a) of the Small Business Act, \$80,000,000, to remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2010 commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958 shall not exceed \$7,500,000,000: Provided further, That during fiscal year 2010 commitments for general business loans authorized under section 7(a) of the Small Business Act shall not exceed \$17,500,000,000: Provided further, That during fiscal year 2010 commitments to guarantee loans for debentures under section 303(b) of the Small Business Investment Act of 1958, shall not exceed \$3,000,000,000: Provided further, That during fiscal year 2010, guarantees of trust certificates authorized by section 5(g) of the Small Business Act shall not exceed a principal amount of \$12,000,000,000. In addition, for administrative expenses to carry out the direct and guaranteed loan programs, \$153,000,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

#### DISASTER LOANS PROGRAM ACCOUNT

##### (INCLUDING TRANSFERS OF FUNDS)

For the cost of guaranteed loans, including the cost of modifying such loans as defined in section 502 of the Congressional Budget Act of 1974, \$1,690,000, to remain available until expended, of which \$352,357 is for loan guarantees as authorized by section 42 of the Small Business Act, and \$1,337,643 is for loan guarantees as authorized by section 12085 of Public Law 110-246.

In addition, for administrative expenses to carry out the direct loan program authorized by section 7(b) of the Small Business Act and the guaranteed loan programs authorized by section 42 of the Small Business Act and section 12085 of

Public Law 110-246, \$76,588,200, to be available until expended, of which \$1,000,000 is for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan programs and shall be transferred to and merged with the appropriations for the Office of Inspector General; of which \$65,278,200 is for direct administrative expenses of loan making and servicing to carry out the direct loan program, which may be transferred to and merged with the appropriations for Salaries and Expenses; of which \$9,000,000 is for indirect administrative expenses for the direct loan program, which may be transferred to and merged with the appropriations for Salaries and Expenses, and of which \$1,310,000 is for administrative expenses to carry out the guaranteed loan programs, which may be transferred to and merged with the appropriations for Salaries and Expenses.

#### ADMINISTRATIVE PROVISIONS—SMALL BUSINESS ADMINISTRATION

##### (INCLUDING TRANSFER OF FUNDS)

SEC. 520. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 608 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 521. All disaster loans issued in Alaska or North Dakota shall be administered by the Small Business Administration and shall not be sold during fiscal year 2010.

SEC. 522. Funds made available under section 525 of Public Law 111-8 for the Jackie Joyner-Kersey Center shall be made available to the Illinois Institute of Independent Colleges and Universities.

SEC. 523. For an additional amount under the heading "Small Business Administration—Salaries and Expenses", \$59,000,000, to remain available until September 30, 2011, which shall be for initiatives related to small business development and entrepreneurship, including programmatic and construction activities, in the amounts and for the projects specified in the table that appears under the heading "Administrative Provisions—Small Business Administration" in the statement of managers to accompany this Act.

#### UNITED STATES POSTAL SERVICE

##### PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, \$118,328,000, of which \$89,328,000 shall not be available for obligation until October 1, 2010: Provided, That mail for overseas voting and mail for the blind shall continue to be free: Provided further, That 6-day delivery and rural delivery of mail shall continue at not less than the 1983 level: Provided further, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: Provided further, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in fiscal year 2010.

#### OFFICE OF INSPECTOR GENERAL

##### SALARIES AND EXPENSES

##### (INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$244,397,000, to be derived by transfer from the Postal Service Fund and expended as authorized by section 603(b)(3) of the Postal Accountability and Enhancement Act (Public Law 109-435).

#### UNITED STATES TAX COURT

##### SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, \$49,241,000: Provided, That travel expenses of the judges shall be paid upon the written certificate of the judge.

#### TITLE VI

##### GENERAL PROVISIONS—THIS ACT

SEC. 601. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 602. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 605. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

SEC. 606. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with the Buy American Act (41 U.S.C. 10a-10c).

SEC. 607. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a-10c).

SEC. 608. Except as otherwise provided in this Act, none of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2010, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by the Committee on Appropriations of either the House of Representatives or the Senate for a different purpose; (5) augments existing programs, projects,



or activities in excess of \$5,000,000 or 10 percent, whichever is less; (6) reduces existing programs, projects, or activities by \$5,000,000 or 10 percent, whichever is less; or (7) creates or reorganizes offices, programs, or activities unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate: Provided, That prior to any significant reorganization or restructuring of offices, programs, or activities, each agency or entity funded in this Act shall consult with the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That not later than 60 days after the date of enactment of this Act, each agency funded by this Act shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: Provided further, That the report shall include: (1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level; (2) a delineation in the table for each appropriation both by object class and program, project, and activity as detailed in the budget appendix for the respective appropriation; and (3) an identification of items of special congressional interest: Provided further, That the amount appropriated or limited for salaries and expenses for an agency shall be reduced by \$100,000 per day for each day after the required date that the report has not been submitted to the Congress.

SEC. 609. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2010 from appropriations made available for salaries and expenses for fiscal year 2010 in this Act, shall remain available through September 30, 2011, for each such account for the purposes authorized: Provided, That a request shall be submitted to the Committees on Appropriations of the House of Representatives and the Senate for approval prior to the expenditure of such funds: Provided further, That these requests shall be made in compliance with reprogramming guidelines.

SEC. 610. None of the funds made available in this Act may be used by the Executive Office of the President to request from the Federal Bureau of Investigation any official background investigation report on any individual, except when—

(1) such individual has given his or her express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

(2) such request is required due to extraordinary circumstances involving national security.

SEC. 611. The cost accounting standards promulgated under section 26 of the Office of Federal Procurement Policy Act (Public Law 93-400; 41 U.S.C. 422) shall not apply with respect to a contract under the Federal Employees Health Benefits Program established under chapter 89 of title 5, United States Code.

SEC. 612. For the purpose of resolving litigation and implementing any settlement agreements regarding the nonforeign area cost-of-living allowance program, the Office of Personnel Management may accept and utilize (without regard to any restriction on unanticipated travel expenses imposed in an Appropriations Act) funds made available to the Office of Personnel Management pursuant to court approval.

SEC. 613. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health

benefits program which provides any benefits or coverage for abortions.

SEC. 614. The provision of section 613 shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

SEC. 615. In order to promote Government access to commercial information technology, the restriction on purchasing nondomestic articles, materials, and supplies set forth in the Buy American Act (41 U.S.C. 10a et seq.), shall not apply to the acquisition by the Federal Government of information technology (as defined in section 11101 of title 40, United States Code), that is a commercial item (as defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12))).

SEC. 616. Notwithstanding section 1353 of title 31, United States Code, no officer or employee of any regulatory agency or commission funded by this Act may accept on behalf of that agency, nor may such agency or commission accept, payment or reimbursement from a non-Federal entity for travel, subsistence, or related expenses for the purpose of enabling an officer or employee to attend and participate in any meeting or similar function relating to the official duties of the officer or employee when the entity offering payment or reimbursement is a person or entity subject to regulation by such agency or commission, or represents a person or entity subject to regulation by such agency or commission, unless the person or entity is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

SEC. 617. The Public Company Accounting Oversight Board shall have authority to obligate funds for the scholarship program established by section 109(c)(2) of the Sarbanes-Oxley Act of 2002 (Public Law 107-204) in an aggregate amount not exceeding the amount of funds collected by the Board as of December 31, 2009, including accrued interest, as a result of the assessment of monetary penalties. Funds available for obligation in fiscal year 2010 shall remain available until expended.

SEC. 618. From the unobligated balances of prior year appropriations made available for the Privacy and Civil Liberties Oversight Board, \$1,500,000 are rescinded.

SEC. 619. During fiscal year 2010, for purposes of section 908(b)(1) of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7207(b)(1)), the term "payment of cash in advance" shall be interpreted as payment before the transfer of title to, and control of, the exported items to the Cuban purchaser.

SEC. 620. (a) Section 101(a)(1) of the Federal and District of Columbia Government Real Property Act of 2006 (Public Law 109-396; 120 Stat. 2711) is amended to read as follows:

"(1) IN GENERAL.—

"(A) U.S. RESERVATION 13.—On the date on which the District of Columbia conveys to the Administrator of General Services all right, title, and interest of the District of Columbia in the property described in subsection (c), the Administrator shall convey to the District of Columbia all right, title, and interest of the United States in U.S. Reservation 13, subject to the conditions described in subsection (b).

"(B) OLD NAVAL HOSPITAL.—Not later than 60 days after the date of the enactment of the Financial Services and General Government Appropriations Act, 2010, the Administrator shall convey to the District of Columbia all right, title, and interest of the United States in Old Naval Hospital."

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of the Federal and District of Columbia Government Real Property Act of 2006.

SEC. 621. Notwithstanding section 708 of this Act, funds made available to the Commodity Futures Trading Commission and the Securities and Exchange Commission by this or any other Act may be used for the interagency funding and sponsorship of a joint advisory committee to advise on emerging regulatory issues.

SEC. 622. Specific projects contained in the report of the Committee on Appropriations of the House of Representatives accompanying this Act (H. Rept. 111-202) that are considered congressional earmarks for purposes of clause 9 of rule XXI of the Rules of the House of Representatives, when intended to be awarded to a for-profit entity, shall be awarded under a full and open competition.

## TITLE VII

### GENERAL PROVISIONS—GOVERNMENT-WIDE

#### DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. 701. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2010 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act (21 U.S.C. 802)) by the officers and employees of such department, agency, or instrumentality.

SEC. 702. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at \$13,197 except station wagons for which the maximum shall be \$13,631: Provided, That these limits may be exceeded by not to exceed \$3,700 for police-type vehicles, and by not to exceed \$4,000 for special heavy-duty vehicles: Provided further, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: Provided further, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101-549 over the cost of comparable conventionally fueled vehicles.

SEC. 703. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922-5924.

SEC. 704. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person: (1) is a citizen of the United States; (2) is a person who is lawfully admitted for permanent residence and is seeking citizenship as outlined in 8 U.S.C. 1324b(a)(3)(B); (3) is a person who is admitted as a refugee under 8 U.S.C. 1157 or is granted asylum under 8 U.S.C. 1158 and has filed a declaration of intention to become a lawful permanent resident and then a citizen when eligible; or (4) is a person who owes allegiance to the United States: Provided, That for purposes of this section, affidavits signed by any

such person shall be considered *prima facie* evidence that the requirements of this section with respect to his or her status are being complied with: Provided further, That any person making a false affidavit shall be guilty of a felony, and upon conviction, shall be fined no more than \$4,000 or imprisoned for not more than 1 year, or both: Provided further, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: Provided further, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government: Provided further, That this section shall not apply to any person who is an officer or employee of the Government of the United States on the date of enactment of this Act, or to international broadcasters employed by the Broadcasting Board of Governors, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies: Provided further, That this section does not apply to the employment as Wildland firefighters for not more than 120 days of nonresident aliens employed by the Department of the Interior or the USDA Forest Service pursuant to an agreement with another country.

SEC. 705. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 479), the Public Buildings Amendments of 1972 (86 Stat. 216), or other applicable law.

SEC. 706. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order No. 13423 (January 24, 2007), including any such programs adopted prior to the effective date of the Executive order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

SEC. 707. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: Provided, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 708. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not

they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 709. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a joint resolution duly adopted in accordance with the applicable law of the United States.

SEC. 710. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for fiscal year 2010, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(1) during the period from the date of expiration of the limitation imposed by the comparable section for previous fiscal years until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 2010, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section; and

(2) during the period consisting of the remainder of fiscal year 2010, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—

(A) the percentage adjustment taking effect in fiscal year 2010 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 2010 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in the previous fiscal year under such section.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, 2009, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 2009, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) This section shall apply with respect to pay for service performed after September 30, 2009.

(f) For the purpose of administering any provision of law (including any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed

by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

SEC. 711. During the period in which the head of any department or agency, or any other officer or civilian employee of the Federal Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of \$5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is transmitted to the Committees on Appropriations of the House of Representatives and the Senate. For the purposes of this section, the term "office" shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 712. Notwithstanding section 31 U.S.C. 1346, or section 708 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 12472 (April 3, 1984).

SEC. 713. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to 5 U.S.C. 3302, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed forces detailed to or from—

- (1) the Central Intelligence Agency;
- (2) the National Security Agency;
- (3) the Defense Intelligence Agency;
- (4) the National Geospatial-Intelligence Agency;

(5) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(6) the Bureau of Intelligence and Research of the Department of State;

(7) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Department of Homeland Security, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(8) the Director of National Intelligence or the Office of the Director of National Intelligence.

SEC. 714. No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance or efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

SEC. 715. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or “new age” belief systems as defined in Equal Employment Opportunity Commission Notice N-915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants—personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 716. No funds appropriated in this or any other Act may be used to implement or enforce the agreements in Standard Forms 312 and 4414 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: “These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act of 1989 (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive order and listed statutes are incorporated into this agreement and are controlling.”: Provided, That notwithstanding the preceding paragraph, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Govern-

ment. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress, or to an authorized official of an executive agency or the Department of Justice, that are essential to reporting a substantial violation of law.

SEC. 717. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 718. None of the funds appropriated by this or any other Act may be used by an agency to provide a Federal employee's home address to any labor organization except when the employee has authorized such disclosure or when such disclosure has been ordered by a court of competent jurisdiction.

SEC. 719. None of the funds made available in this Act or any other Act may be used to provide any non-public information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 720. No part of any appropriation contained in this or any other Act shall be used directly or indirectly, including by private contractor, for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. 721. (a) In this section, the term “agency”—

(1) means an Executive agency, as defined under 5 U.S.C. 105;

(2) includes a military department, as defined under section 102 of such title, the Postal Service, and the Postal Regulatory Commission; and

(3) shall not include the Government Accountability Office.

(b) Unless authorized in accordance with law or regulations to use such time for other purposes, an employee of an agency shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under 5 U.S.C. 6301(2), has an obligation to expend an honest effort and a reasonable proportion of such employee's time in the performance of official duties.

SEC. 722. Notwithstanding 31 U.S.C. 1346 and section 708 of this Act, funds made available for the current fiscal year by this or any other Act to any department or agency, which is a member of the Federal Accounting Standards Advisory Board (FASAB), shall be available to finance an appropriate share of FASAB administrative costs.

#### (TRANSFER OF FUNDS)

SEC. 723. Notwithstanding 31 U.S.C. 1346 and section 708 of this Act, the head of each Executive department and agency is hereby authorized to transfer to or reimburse “General Services Administration, Government-wide Policy” with the approval of the Director of the Office of Management and Budget, funds made available for the current fiscal year by this or any other Act, including rebates from charge card and other contracts: Provided, That these funds shall be administered by the Administrator of General Services to support Government-wide financial, information technology, procurement, and other management innovations, initiatives, and activities, as approved by the Director of the Office of Management and Budget, in consultation with the appropriate interagency groups designated by the Director (including the

President's Management Council for overall management improvement initiatives, the Chief Financial Officers Council for financial management initiatives, the Chief Information Officers Council for information technology initiatives, the Chief Human Capital Officers Council for human capital initiatives, the Chief Acquisition Officers Council for procurement initiatives, and the Performance Improvement Council for performance improvement initiatives): Provided further, That the total funds transferred or reimbursed shall not exceed \$17,000,000: Provided further, That such transfers or reimbursements may only be made after 15 days following notification of the Committees on Appropriations by the Director of the Office of Management and Budget.

SEC. 724. Notwithstanding any other provision of law, a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location.

SEC. 725. Notwithstanding 31 U.S.C. 1346, or section 708 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of specific projects, workshops, studies, and similar efforts to carry out the purposes of the National Science and Technology Council (authorized by Executive Order No. 12881), which benefit multiple Federal departments, agencies, or entities: Provided, That the Office of Management and Budget shall provide a report describing the budget of and resources connected with the National Science and Technology Council to the Committees on Appropriations, the House Committee on Science and Technology, and the Senate Committee on Commerce, Science, and Transportation 90 days after enactment of this Act.

SEC. 726. Any request for proposals, solicitation, grant application, form, notification, press release, or other publications involving the distribution of Federal funds shall indicate the agency providing the funds, the Catalog of Federal Domestic Assistance Number, as applicable, and the amount provided: Provided, That this provision shall apply to direct payments, formula funds, and grants received by a State receiving Federal funds.

SEC. 727. (a) PROHIBITION OF FEDERAL AGENCY MONITORING OF INDIVIDUALS' INTERNET USE.—None of the funds made available in this or any other Act may be used by any Federal agency—

(1) to collect, review, or create any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's access to or use of any Federal Government Internet site of the agency; or

(2) to enter into any agreement with a third party (including another government agency) to collect, review, or obtain any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's access to or use of any non-governmental Internet site.

(b) EXCEPTIONS.—The limitations established in subsection (a) shall not apply to—

(1) any record of aggregate data that does not identify particular persons;

(2) any voluntary submission of personally identifiable information;

(3) any action taken for law enforcement, regulatory, or supervisory purposes, in accordance with applicable law; or

(4) any action described in subsection (a)(1) that is a system security action taken by the operator of an Internet site and is necessarily incident to providing the Internet site services or to protecting the rights or property of the provider of the Internet site.

(c) DEFINITIONS.—For the purposes of this section:

(1) The term “regulatory” means agency actions to implement, interpret or enforce authorities provided in law.

(2) The term “supervisory” means examinations of the agency’s supervised institutions, including assessing safety and soundness, overall financial condition, management practices and policies and compliance with applicable standards as provided in law.

SEC. 728. (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

(b) Nothing in this section shall apply to a contract with—

(1) any of the following religious plans:

(A) Personal Care’s HMO; and

(B) OSF HealthPlans, Inc.; and

(2) any existing or future plan, if the carrier for the plan objects to such coverage on the basis of religious beliefs.

(c) In implementing this section, any plan that enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individual’s religious beliefs or moral convictions.

(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

SEC. 729. The Congress of the United States recognizes the United States Anti-Doping Agency (USADA) as the official anti-doping agency for Olympic, Pan American, and Paralympic sport in the United States.

SEC. 730. Notwithstanding any other provision of law, funds appropriated for official travel by Federal departments and agencies may be used by such departments and agencies, if consistent with Office of Management and Budget Circular A-126 regarding official travel for Government personnel, to participate in the fractional aircraft ownership pilot program.

SEC. 731. Notwithstanding any other provision of law, none of the funds appropriated or made available under this Act or any other appropriations Act may be used to implement or enforce restrictions or limitations on the Coast Guard Congressional Fellowship Program, or to implement the proposed regulations of the Office of Personnel Management to add sections 300.311 through 300.316 to part 300 of title 5 of the Code of Federal Regulations, published in the Federal Register, volume 68, number 174, on September 9, 2003 (relating to the detail of executive branch employees to the legislative branch).

SEC. 732. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations of the House of Representatives and the Senate, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 733. (a) For fiscal year 2010, no funds shall be available for transfers or reimbursements to the E-Government initiatives sponsored by the Office of Management and Budget prior to 15 days following submission of a report to the Committees on Appropriations of the House of Representatives and the Senate by the Director of the Office of Management and Budget and receipt of approval to transfer funds by the Committees on Appropriations of the House of Representatives and the Senate.

(b) The report in subsection (a) and other required justification materials shall include at a minimum—

(1) a description of each initiative including but not limited to its objectives, benefits, development status, risks, cost effectiveness (including estimated net costs or savings to the government), and the estimated date of full operational capability;

(2) the total development cost of each initiative by fiscal year including costs to date, the estimated costs to complete its development to full operational capability, and estimated annual operations and maintenance costs; and

(3) the sources and distribution of funding by fiscal year and by agency and bureau for each initiative including agency contributions to date and estimated future contributions by agency.

(c) No funds shall be available for obligation or expenditure for new E-Government initiatives without the explicit approval of the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 734. Notwithstanding section 1346 of title 31, United States Code, and section 708 of this Act and any other provision of law, the head of each appropriate executive department and agency shall transfer to or reimburse the Federal Aviation Administration, upon the direction of the Director of the Office of Management and Budget, funds made available by this or any other Act for the purposes described below, and shall submit budget requests for such purposes. These funds shall be administered by the Federal Aviation Administration, in consultation with the appropriate interagency groups designated by the Director and shall be used to ensure the uninterrupted, continuous operation of the Midway Atoll Airfield by the Federal Aviation Administration pursuant to an operational agreement with the Department of the Interior for the entirety of fiscal year 2010 and any period thereafter that precedes the enactment of the Financial Services and General Government Appropriations Act, 2011. The Director of the Office of Management and Budget shall mandate the necessary transfers after determining an equitable allocation between the appropriate executive departments and agencies of the responsibility for funding the continuous operation of the Midway Atoll Airfield based on, but not limited to, potential use, interest in maintaining aviation safety, and applicability to governmental operations and agency mission. The total funds transferred or reimbursed shall not exceed \$6,000,000 for any 12-month period. Such sums shall be sufficient to ensure continued operation of the airfield throughout the period cited above. Funds shall be available for operation of the airfield or airfield-related capital upgrades. The Director of the Office of Management and Budget shall notify the Committees on Appropriations of the House of Representatives and the Senate of such transfers or reimbursements within 15 days of this Act. Such transfers or reimbursements shall begin within 30 days of enactment of this Act.

SEC. 735. None of the funds appropriated or otherwise made available by this or any other Act may be used to begin or announce a study or public-private competition regarding the conversion to contractor performance of any function performed by Federal employees pursuant to Office of Management and Budget Circular A-76 or any other administrative regulation, directive, or policy.

SEC. 736. Unless otherwise authorized by existing law, none of the funds provided in this Act or any other Act may be used by an executive branch agency to produce any prepackaged news story intended for broadcast or distribution in the United States, unless the story includes a clear notification within the text or audio of the prepackaged news story that the

prepackaged news story was prepared or funded by that executive branch agency.

SEC. 737. None of the funds made available in this Act may be used in contravention of section 552a of title 5, United States Code (popularly known as the Privacy Act) and regulations implementing that section.

SEC. 738. Each executive department and agency shall evaluate the creditworthiness of an individual before issuing the individual a government travel charge card. Such evaluations for individually billed travel charge cards shall include an assessment of the individual’s consumer report from a consumer reporting agency as those terms are defined in section 603 of the Fair Credit Reporting Act (Public Law 91-508): Provided, That the department or agency may not issue a government travel charge card to an individual that either lacks a credit history or is found to have an unsatisfactory credit history as a result of this evaluation: Provided further, That this restriction shall not preclude issuance of a restricted-use charge, debit, or stored value card made in accordance with agency procedures to: (1) an individual with an unsatisfactory credit history where such card is used to pay travel expenses and the agency determines there is no suitable alternative payment mechanism available before issuing the card; or (2) an individual who lacks a credit history. Each executive department and agency shall establish guidelines and procedures for disciplinary actions to be taken against agency personnel for improper, fraudulent, or abusive use of government charge cards, which shall include appropriate disciplinary actions for use of charge cards for purposes, and at establishments, that are inconsistent with the official business of the Department or agency or with applicable standards of conduct.

SEC. 739. (a) DEFINITIONS.—For purposes of this section the following definitions apply:

(1) GREAT LAKES.—The terms “Great Lakes” and “Great Lakes State” have the same meanings as such terms have in section 506 of the Water Resources Development Act of 2000 (42 U.S.C. 1962d-22).

(2) GREAT LAKES RESTORATION ACTIVITIES.—The term “Great Lakes restoration activities” means any Federal or State activity primarily or entirely within the Great Lakes watershed that seeks to improve the overall health of the Great Lakes ecosystem.

(b) REPORT.—Not later than 45 days after submission of the budget of the President to Congress, the Director of the Office of Management and Budget, in coordination with the Governor of each Great Lakes State and the Great Lakes Interagency Task Force, shall submit to the appropriate authorizing and appropriating committees of the Senate and the House of Representatives a financial report, certified by the Secretary of each agency that has budget authority for Great Lakes restoration activities, containing—

(1) an interagency budget crosscut report that—

(A) displays the budget proposed, including any planned interagency or intra-agency transfer, for each of the Federal agencies that carries out Great Lakes restoration activities in the upcoming fiscal year, separately reporting the amount of funding to be provided under existing laws pertaining to the Great Lakes ecosystem; and

(B) identifies all expenditures since fiscal year 2004 by the Federal Government and State governments for Great Lakes restoration activities;

(2) a detailed accounting of all funds received and obligated by all Federal agencies and, to the extent available, State agencies using Federal funds, for Great Lakes restoration activities during the current and previous fiscal years;

(3) a budget for the proposed projects (including a description of the project, authorization

level, and project status) to be carried out in the upcoming fiscal year with the Federal portion of funds for activities; and

(4) a listing of all projects to be undertaken in the upcoming fiscal year with the Federal portion of funds for activities.

SEC. 740. (a) IN GENERAL.—None of the funds appropriated or otherwise made available by this or any other Act may be used for any Federal Government contract with any foreign incorporated entity which is treated as an inverted domestic corporation under section 835(b) of the Homeland Security Act of 2002 (6 U.S.C. 395(b)) or any subsidiary of such an entity.

(b) WAIVERS.—

(1) IN GENERAL.—Any Secretary shall waive subsection (a) with respect to any Federal Government contract under the authority of such Secretary if the Secretary determines that the waiver is required in the interest of national security.

(2) REPORT TO CONGRESS.—Any Secretary issuing a waiver under paragraph (1) shall report such issuance to Congress.

(c) EXCEPTION.—This section shall not apply to any Federal Government contract entered into before the date of the enactment of this Act, or to any task order issued pursuant to such contract.

SEC. 741. None of the funds made available by this or any other Act may be used to implement, administer, enforce, or apply the rule entitled “Competitive Area” published by the Office of Personnel Management in the Federal Register on April 15, 2008 (73 Fed. Reg. 20180 et seq.).

SEC. 742. (a) Section 748 of the Financial Services and General Government Appropriations Act, 2009 (Public Law 111–8, division D) is repealed.

(b) Hereafter, the President may modify or replace Executive Order No. 13423 if the President determines that a revised or new executive order will achieve equal or better environmental or energy efficiency results.

SEC. 743. (a) SERVICE CONTRACT INVENTORY REQUIREMENT.—

(1) GUIDANCE.—Not later than March 1, 2010, the Director of the Office of Management and Budget shall develop and disseminate guidance to aid executive agencies in establishing systems for the collection of information required to meet the requirements of this section and to ensure consistency of inventories across agencies.

(2) REPORT.—Not later than July 31, 2010, the Director of the Office of Management and Budget shall submit a report to Congress on the status of efforts to enable executive agencies to prepare the inventories required under paragraph (3), including the development, as appropriate, of guidance, methodologies, and technical tools.

(3) INVENTORY CONTENTS.—Not later than December 31, 2010, and annually thereafter, the head of each executive agency required to submit an inventory in accordance with the Federal Activities Inventory Reform Act of 1998 (Public Law 105–270; 31 U.S.C. 501 note), other than the Department of Defense, shall submit to the Office of Management and Budget an annual inventory of service contracts awarded or extended through the exercise of an option on or after April 1, 2010, for or on behalf of such agency. For each service contract, the entry for an inventory under this section shall include, for the preceding fiscal year, the following:

(A) A description of the services purchased by the executive agency and the role the services played in achieving agency objectives, regardless of whether such a purchase was made through a contract or task order.

(B) The organizational component of the executive agency administering the contract, and the organizational component of the agency whose requirements are being met through contractor performance of the service.

(C) The total dollar amount obligated for services under the contract and the funding source for the contract.

(D) The total dollar amount invoiced for services under the contract.

(E) The contract type and date of award.

(F) The name of the contractor and place of performance.

(G) The number and work location of contractor and subcontractor employees, expressed as full-time equivalents for direct labor, compensated under the contract.

(H) Whether the contract is a personal services contract.

(I) Whether the contract was awarded on a noncompetitive basis, regardless of date of award.

(b) FORM.—Reports required under this section shall be submitted in unclassified form, but may include a classified annex.

(c) PUBLICATION.—Not later than 30 days after the date on which the inventory under subsection (a)(3) is required to be submitted to the Office of Management and Budget, the head of each executive agency shall—

(1) make the inventory available to the public; and

(2) publish in the Federal Register a notice that the inventory is available to the public.

(d) GOVERNMENT-WIDE INVENTORY REPORT.—Not later than 90 days after the deadline for submitting inventories under subsection (a)(3), and annually thereafter, the Director of the Office of Management and Budget shall submit to Congress and make publicly available on the Office of Management and Budget website a report on the inventories submitted. The report shall identify whether each agency required to submit an inventory under subsection (a)(3) has met such requirement and summarize the information submitted by each executive agency required to have a Chief Financial Officer pursuant to section 901 of title 31, United States Code.

(e) REVIEW AND PLANNING REQUIREMENTS.—Not later than 180 days after the deadline for submitting inventories under subsection (a)(3) for an executive agency, the head of the executive agency, or an official designated by the agency head shall—

(1) review the contracts and information in the inventory;

(2) ensure that—

(A) each contract in the inventory that is a personal services contract has been entered into, and is being performed, in accordance with applicable laws and regulations;

(B) the agency is giving special management attention to functions that are closely associated with inherently governmental functions;

(C) the agency is not using contractor employees to perform inherently governmental functions;

(D) the agency has specific safeguards and monitoring systems in place to ensure that work being performed by contractors has not changed or expanded during performance to become an inherently governmental function;

(E) the agency is not using contractor employees to perform critical functions in such a way that could affect the ability of the agency to maintain control of its mission and operations; and

(F) there are sufficient internal agency resources to manage and oversee contracts effectively;

(3) identify contracts that have been poorly performed, as determined by a contracting officer, because of excessive costs or inferior quality; and

(4) identify contracts that should be considered for conversion to—

(A) performance by Federal employees of the executive agency in accordance with agency insourcing guidelines required under section 736

of the Financial Services and General Government Appropriations Act, 2009 (Public Law 111–8, division D); or

(B) an alternative acquisition approach that would better enable the agency to efficiently utilize its assets and achieve its public mission.

(f) REPORT ON ACTIONS TAKEN IN RESPONSE TO ANNUAL INVENTORY.—Not later than one year after submitting an annual inventory under subsection (a)(3), the head of each executive agency submitting such an inventory shall submit to the Office of Management and Budget a report summarizing the actions taken pursuant to subsection (e), including any actions taken to consider and convert functions from contractor to Federal employee performance. The report shall be included as an attachment to the next annual inventory and made publicly available in accordance with subsection (c).

(g) SUBMISSION OF SERVICE CONTRACT INVENTORY BEFORE PUBLIC-PRIVATE COMPETITION.—Notwithstanding any other provision of law, beginning in fiscal year 2011, if an executive agency has not submitted to the Office of Management and Budget the inventory required under subsection (a)(3) for the prior fiscal year, the agency may not begin, plan for, or announce a study or public-private competition regarding the conversion to contractor performance of any function performed by Federal employees pursuant to Office of Management and Budget Circular A–76 or any other administrative regulation or directive until such time as the inventory is submitted for the prior fiscal year.

(h) GAO REPORTS ON IMPLEMENTATION.—

(1) REPORT ON GUIDANCE.—Not later than 120 days after submission of the report by the Director of the Office of Management and Budget required under subsection (a)(2), the Comptroller General of the United States shall report on the guidance issued and actions taken by the Director. The report shall be submitted to the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate and the Committee on Oversight and Government Reform and the Committee on Appropriations of the House of Representatives.

(2) REPORTS ON INVENTORIES.—

(A) INITIAL INVENTORY.—Not later than September 30, 2011, the Comptroller General of the United States shall submit a report to the Committees named in the preceding paragraph on the initial implementation by executive agencies of the inventory requirement in subsection (a)(3) with respect to inventories required to be submitted by December 31, 2010.

(B) SECOND INVENTORY.—Not later than September 30, 2012, the Comptroller General shall submit a report to the same Committees on annual inventories required to be submitted by December 31, 2011.

(3) PERIODIC BRIEFINGS.—The Comptroller General shall provide periodic briefings, as may be requested by the Committees, on matters related to implementation of this section.

(i) EXECUTIVE AGENCY DEFINED.—In this section, the term “executive agency” has the meaning given the term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

SEC. 744. (a) The adjustment in rates of basic pay for employees under the statutory pay systems that takes effect in fiscal year 2010 under section 5303 of title 5, United States Code, shall be an increase of 1.5 percent, and the overall average percentage of the adjustments taking effect in such fiscal year under sections 5304–5304a of such title 5 shall be an increase of 0.5 percent (with comparability payments to be determined and allocated among pay localities by the President). Adjustments under the preceding sentence shall also apply to civilian employees in the Department of Homeland Security and in the Department of Defense. All adjustments under this subsection shall be effective as of the

first day of the first applicable pay period beginning on or after January 1, 2010.

(b) Notwithstanding section 710, the adjustment in rates of basic pay for the statutory pay systems that take place in fiscal year 2010 under sections 5344 and 5348 of title 5, United States Code, shall be no less than the percentages in subsection (a) as employees in the same location whose rates of basic pay are adjusted pursuant to the statutory pay systems under section 5303 and 5304-5304a of title 5, United States Code. Prevailing rate employees at locations where there are no employees whose pay is increased pursuant to sections 5303 and 5304-5304a of such title 5 and prevailing rate employees described in section 5343(a)(5) of such title 5 shall be considered to be located in the pay locality designated as "Rest of U.S." pursuant to section 5304 of such title 5 for purposes of this subsection.

(c) Funds used to carry out this section shall be paid from appropriations, which are made to each applicable department or agency for salaries and expenses for fiscal year 2010.

SEC. 745. (a) Section 5538 of title 5, United States Code, is amended by striking subsection (b) and inserting the following:

"(b) Amounts under this section shall be payable with respect to each pay period (which would otherwise apply if the employee's civilian employment had not been interrupted)—

"(1) during which such employee is entitled to re-employment rights under chapter 43 of title 38 with respect to the position from which such employee is absent (as referred to in subsection (a)); and

"(2) for which such employee does not otherwise receive basic pay (including by taking any annual, military, or other paid leave) to which such employee is entitled by virtue of such employee's civilian employment with the Government."

(b) The amendments made by this section shall take effect on the first day of the first applicable pay period beginning on or after the date of the enactment of this Act.

SEC. 746. Except as expressly provided otherwise, any reference to "this Act" contained in any title other than title IV or VIII shall not apply to such title IV or VIII.

SEC. 747. (a) DEFINITIONS.—For purposes of this section the following definitions apply:

(1) The term "covered manufacturer" means—  
(A) an automobile manufacturer in which the United States Government has an ownership interest, or to which the Government has provided financial assistance under title I of the Emergency Economic Stabilization Act of 2008; or

(B) an automobile manufacturer which acquired more than half of the assets of an automobile manufacturer in which the United States Government has an ownership interest, or to which the Government has provided financial assistance under title I of the Emergency Economic Stabilization Act of 2008.

(2) The term "covered dealership" means an automobile dealership that had a franchise agreement for the sale and service of vehicles of a brand or brands with a covered manufacturer in effect as of October 3, 2008, and such agreement was terminated, not assigned in the form existing on October 3, 2008 to another covered manufacturer in connection with an acquisition of assets related to the manufacture of that vehicle brand or brands, not renewed, or not continued during the period beginning on October 3, 2008, and ending on December 31, 2010.

(b) A covered dealership that was not lawfully terminated under applicable State law on or before April 29, 2009, shall have the right to seek, through binding arbitration, continuation, or reinstatement of a franchise agreement, or to be added as a franchisee to the dealer network of the covered manufacturer in the geographical

area where the covered dealership was located when its franchise agreement was terminated, not assigned, not renewed, or not continued. Such continuation, reinstatement, or addition shall be limited to each brand owned and manufactured by the covered manufacturer at the time the arbitration commences, to the extent that the covered dealership had been a dealer for such brand at the time such dealer's franchise agreement was terminated, not assigned, not renewed, or not continued.

(c) Before the end of the 30-day period beginning on the date of the enactment of this Act, a covered manufacturer shall provide to each covered dealership related to such covered manufacturer a summary of the terms and the rights accorded under this section to a covered dealership and the specific criteria pursuant to which such dealer was terminated, was not renewed, or was not assumed and assigned to a covered manufacturer.

(d) A covered dealership may elect to pursue the right to binding arbitration with the appropriate covered manufacturer. Such election must occur within 40 days of the date of enactment. The arbitration process must commence as soon as practicable thereafter with the selection of the arbitrator and conclude with the case being submitted to the arbitrator for deliberation within 180 days of the date of enactment of this Act. The arbitrator may extend the time periods in this subsection for up to 30 days for good cause. The covered manufacturer and the covered dealership may present any relevant information during the arbitration. The arbitrator shall balance the economic interest of the covered dealership, the economic interest of the covered manufacturer, and the economic interest of the public at large and shall decide, based on that balancing, whether or not the covered dealership should be added to the dealer network of the covered manufacturer. The factors considered by the arbitrator shall include (1) the covered dealership's profitability in 2006, 2007, 2008, and 2009, (2) the covered manufacturer's overall business plan, (3) the covered dealership's current economic viability, (4) the covered dealership's satisfaction of the performance objectives established pursuant to the applicable franchise agreement, (5) the demographic and geographic characteristics of the covered dealership's market territory, (6) the covered dealership's performance in relation to the criteria used by the covered manufacturer to terminate, not renew, not assume or not assign the covered dealership's franchise agreement, and (7) the length of experience of the covered dealership. The arbitrator shall issue a written determination no later than 7 business days after the arbitrator determines that case has been fully submitted. At a minimum, the written determination shall include (1) a description of the covered dealership, (2) a clear statement indicating whether the franchise agreement at issue is to be renewed, continued, assigned or assumed by the covered manufacturer, (3) the key facts relied upon by the arbitrator in making the determination, and (4) an explanation of how the balance of economic interests supports the arbitrator's determination.

(e) The arbitrator shall be selected from the list of qualified arbitrators maintained by the Regional Office of the American Arbitration Association (AAA), in the Region where the dealership is located, by mutual agreement of the covered dealership and covered manufacturer. If agreement cannot be reached on a suitable arbitrator, the parties shall request AAA to select the arbitrator. There will be no depositions in the proceedings, and discovery shall be limited to requests for documents specific to the covered dealership. The parties shall be responsible for their own expenses, fees, and costs, and shall share equally all other costs associated with the

arbitration, such as arbitrator fees, meeting room charges, and administrative costs. The arbitration shall be conducted in the State where the covered dealership is located. Parties will have the option of conducting arbitration electronically and telephonically, by mutual agreement of both parties. The arbitrator shall not award compensatory, punitive, or exemplary damages to any party. If the arbitrator finds in favor of a covered dealership, the covered manufacturer shall as soon as practicable, but not later than 7 business days after receipt of the arbitrator's determination, provide the dealer a customary and usual letter of intent to enter into a sales and service agreement. After executing the sales and service agreement and successfully completing the operational prerequisites set forth therein, a covered dealership shall return to the covered manufacturer any financial compensation provided by the covered manufacturer in consideration of the covered manufacturer's initial determination to terminate, not renew, not assign or not assume the covered dealership's applicable franchise agreement.

(f) Any legally binding agreement resulting from a voluntary negotiation between a covered manufacturer and covered dealership(s) shall not be considered inconsistent with this provision and any covered dealership that is a party to such agreement shall forfeit the right to arbitration established by this provision.

(g) Notwithstanding the requirements of this provision, nothing herein shall prevent a covered manufacturer from lawfully terminating a covered dealership in accordance with applicable State law.

#### TITLE VIII GENERAL PROVISIONS—DISTRICT OF COLUMBIA

##### (INCLUDING TRANSFER OF FUNDS)

SEC. 801. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 802. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor, or, in the case of the Council of the District of Columbia, funds may be expended with the authorization of the Chairman of the Council.

SEC. 803. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government.

SEC. 804. (a) None of the Federal funds provided in this Act shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

(b) The District of Columbia may use local funds provided in this title to carry out lobbying activities on any matter.

SEC. 805. (a) None of the Federal funds provided under this Act to the agencies funded by this Act, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2010, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditures for an agency through a reprogramming of funds which—

(1) creates new programs;



(2) eliminates a program, project, or responsibility center;

(3) establishes or changes allocations specifically denied, limited or increased under this Act;

(4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted;

(5) re-establishes any program or project previously deferred through reprogramming;

(6) augments any existing program, project, or responsibility center through a reprogramming of funds in excess of \$3,000,000 or 10 percent, whichever is less; or

(7) increases by 20 percent or more personnel assigned to a specific program, project or responsibility center,

unless the Committees on Appropriations of the House of Representatives and the Senate are notified in writing 15 days in advance of the reprogramming.

(b) The District of Columbia government is authorized to approve and execute reprogramming and transfer requests of local funds under this title through November 1, 2010.

SEC. 806. Consistent with the provisions of section 1301(a) of title 31, United States Code, appropriations under this Act shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.

SEC. 807. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979 (D.C. Law 3-171; D.C. Official Code, sec. 1-123).

SEC. 808. Except as otherwise provided in this section, none of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this section, the term "official duties" does not include travel between the officer's or employee's residence and workplace, except in the case of—

(1) an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or a District of Columbia government employee as may otherwise be designated by the Chief of the Department;

(2) at the discretion of the Fire Chief, an officer or employee of the District of Columbia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day or is otherwise designated by the Fire Chief;

(3) at the discretion of the Director of the Department of Corrections, an officer or employee of the District of Columbia Department of Corrections who resides in the District of Columbia and is on call 24 hours a day or is otherwise designated by the Director;

(4) the Mayor of the District of Columbia; and

(5) the Chairman of the Council of the District of Columbia.

SEC. 809. (a) None of the Federal funds contained in this Act may be used by the District of Columbia Attorney General or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

(b) Nothing in this section bars the District of Columbia Attorney General from reviewing or commenting on briefs in private lawsuits, or from consulting with officials of the District government regarding such lawsuits.

SEC. 810. None of the Federal funds contained in this Act may be used to distribute any needle

or syringe for the purpose of preventing the spread of blood borne pathogens in any location that has been determined by the local public health or local law enforcement authorities to be inappropriate for such distribution.

SEC. 811. Nothing in this Act may be construed to prevent the Council or Mayor of the District of Columbia from addressing the issue of the provision of contraceptive coverage by health insurance plans, but it is the intent of Congress that any legislation enacted on such issue should include a "conscience clause" which provides exceptions for religious beliefs and moral convictions.

SEC. 812. The Mayor of the District of Columbia shall submit to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate annual reports addressing—

(1) crime, including the homicide rate, implementation of community policing, the number of police officers on local beats, and the closing down of open-air drug markets;

(2) access to substance and alcohol abuse treatment, including the number of treatment slots, the number of people served, the number of people on waiting lists, and the effectiveness of treatment programs, the retention rates in treatment programs, and the recidivism/re-arrest rates for treatment participants;

(3) management of parolees and pre-trial violent offenders, including the number of halfway houses escapes and steps taken to improve monitoring and supervision of halfway house residents to reduce the number of escapes to be provided in consultation with the Court Services and Offender Supervision Agency for the District of Columbia;

(4) education, including access to special education services and student achievement to be provided in consultation with the District of Columbia Public Schools and the District of Columbia public charter schools, repeated grade rates, high school graduation rates, post-secondary education attendance rates, and teen pregnancy rates;

(5) improvement in basic District services, including rat control and abatement;

(6) application for and management of Federal grants, including the number and type of grants for which the District was eligible but failed to apply and the number and type of grants awarded to the District but for which the District failed to spend the amounts received;

(7) indicators of child and family well-being including child living arrangements by family structure, number of children aging out of foster care, poverty rates by family structure, crime by family structure, marriage rates by income quintile, and out-of-wedlock births; and

(8) employment, including job status and participation in assistance programs by income, education and family structure.

SEC. 813. None of the Federal funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 801 et seq.) or any tetrahydrocannabinols derivative.

SEC. 814. None of the Federal funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

SEC. 815. (a) No later than 30 calendar days after the date of the enactment of this Act, the Chief Financial Officer for the District of Columbia shall submit to the appropriate commit-

tees of Congress, the Mayor, and the Council of the District of Columbia, a revised appropriated funds operating budget in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1-204.42), for all agencies of the District of Columbia government for fiscal year 2010 that is in the total amount of the approved appropriation and that realigns all budgeted data for personal services and other-than-personal services, respectively, with anticipated actual expenditures.

(b) This section shall apply only to an agency for which the Chief Financial Officer for the District of Columbia certifies that a reallocation is required to address unanticipated changes in program requirements.

SEC. 816. No later than 30 calendar days after the date of the enactment of this Act, the Chief Financial Officer for the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council for the District of Columbia, a revised appropriated funds operating budget for the District of Columbia Public Schools that aligns schools budgets to actual enrollment. The revised appropriated funds budget shall be in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (D.C. Official Code, Sec. 1-204.42).

SEC. 817. Amounts appropriated in this Act as operating funds may be transferred to the District of Columbia's enterprise and capital funds and such amounts, once transferred, shall retain appropriation authority consistent with the provisions of this Act.

SEC. 818. Except as expressly provided otherwise, any reference to "this Act" contained in this title or in title IV shall be treated as referring only to the provisions of this title or of title IV.

This division may be cited as the "Financial Services and General Government Appropriations Act, 2010".

**DIVISION D—DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010**

#### TITLE I

##### DEPARTMENT OF LABOR

##### EMPLOYMENT AND TRAINING ADMINISTRATION

##### TRAINING AND EMPLOYMENT SERVICES

##### (INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Workforce Investment Act of 1998 ("WIA"), the Second Chance Act of 2007, and the Women in Apprenticeship and Non-Traditional Occupations Act of 1992, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the WIA; \$3,828,530,000, plus reimbursements, shall be available. Of the amounts provided:

(1) for grants to States for adult employment and training activities, youth activities, and dislocated worker employment and training activities, \$2,969,449,000 as follows:

(A) \$861,540,000 for adult employment and training activities, of which \$149,540,000 shall be available for the period July 1, 2010, through June 30, 2011, and of which \$712,000,000 shall be available for the period October 1, 2010 through June 30, 2011;

(B) \$924,069,000 for youth activities, which shall be available for the period April 1, 2010 through June 30, 2011; and

(C) \$1,183,840,000 for dislocated worker employment and training activities, of which \$323,840,000 shall be available for the period July 1, 2010 through June 30, 2011, and of which

\$860,000,000 shall be available for the period October 1, 2010 through June 30, 2011:

Provided, That notwithstanding the transfer limitation under section 133(b)(4) of the WIA, up to 30 percent of such funds may be transferred by a local board if approved by the Governor: Provided further, That a local board may award a contract to an institution of higher education or other eligible training provider if the local board determines that it would facilitate the training of multiple individuals in high-demand occupations, if such contract does not limit customer choice;

(2) for federally administered programs, \$470,038,000 as follows:

(A) \$229,160,000 for the dislocated workers assistance national reserve, of which \$29,160,000 shall be available for the period July 1, 2010 through June 30, 2011, and of which \$200,000,000 shall be available for the period October 1, 2010 through June 30, 2011: Provided, That funds provided to carry out section 132(a)(2)(A) of the WIA may be used to provide assistance to a State for State-wide or local use in order to address cases where there have been worker dislocations across multiple sectors or across multiple local areas and such workers remain dislocated; coordinate the State workforce development plan with emerging economic development needs; and train such eligible dislocated workers: Provided further, That funds provided to carry out section 171(d) of the WIA may be used for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers: Provided further, That none of the funds shall be obligated to carry out section 173(e) of the WIA;

(B) \$52,758,000 for Native American programs, which shall be available for the period July 1, 2010 through June 30, 2011;

(C) \$84,620,000 for migrant and seasonal farmworker programs under section 167 of the WIA, including \$78,410,000 for formula grants (of which not less than 70 percent shall be for employment and training services), \$5,700,000 for migrant and seasonal housing (of which not less than 70 percent shall be for permanent housing), and \$510,000 for other discretionary purposes, which shall be available for the period July 1, 2010 through June 30, 2011: Provided, That notwithstanding any other provision of law or related regulation, the Department of Labor shall take no action limiting the number or proportion of eligible participants receiving related assistance services or discouraging grantees from providing such services;

(D) \$1,000,000 for carrying out the Women in Apprenticeship and Nontraditional Occupations Act, which shall be available for the period July 1, 2010 through June 30, 2011; and

(E) \$102,500,000 for YouthBuild activities as described in section 173A of the WIA, which shall be available for the period April 1, 2010 through June 30, 2011: Provided, That for program year 2010 and each program year thereafter, the YouthBuild program may serve an individual who has dropped out of high school and re-enrolled in an alternative school, if that re-enrollment is part of a sequential service strategy;

(3) for national activities, \$389,043,000, as follows:

(A) \$93,450,000 for Pilots, Demonstrations, and Research, which shall be available for the period April 1, 2010 through June 30, 2011, of which \$30,000,000 shall be for Transitional Jobs activities, and shall not be subject to the requirements of section 171(b)(2)(B) or 171(c)(4)(D) of the WIA, and that up to 10 percent of the amount available for Transitional Jobs activities may be used for evaluation of such projects or transferred to the Department of Health and Human Services and/or the Department of Justice for support of Transitional Jobs activities;

and of which \$5,500,000 shall be for competitive grants to address the employment and training needs of young parents, and shall not be subject to the requirements of section 171(b)(2)(B) or 171(c)(4)(D) of the WIA; and of which \$48,889,000 shall be used for the projects, and in the amounts, specified under the heading "Training and Employment Services" in the statement of the managers on the conference report accompanying this Act: Provided, That funding provided to carry out such projects shall not be subject to the requirements of sections 171(b)(2)(B) and 171(c)(4)(D) of the WIA, the joint funding requirements of sections 171(b)(2)(A) and 171(c)(4)(A) of the WIA, or any time limit requirements of sections 171(b)(2)(C) and 171(c)(4)(B) of the WIA;

(B) \$108,493,000 for ex-offender activities, under the authority of section 171 of the WIA and section 212 of the Second Chance Act of 2007, which shall be available for the period April 1, 2010 through June 30, 2011, notwithstanding the requirements of section 171(b)(2)(B) or 171(c)(4)(D) of the WIA, of which \$15,000,000 shall be for competitive grants to provide Transitional Job activities for ex-offenders;

(C) \$9,600,000 for Evaluation, which shall be available for the period July 1, 2010 through June 30, 2011;

(D) \$40,000,000 for activities that prepare workers for careers in energy efficiency and renewable energy as described in section 171(e)(1)(B) of the WIA, under the authority of section 171 of the WIA, which shall be available for the period July 1, 2010 through June 30, 2011, and which shall not be subject to the requirements of section 171(b)(2)(B) or 171(c)(4)(D);

(E) \$125,000,000 for Career Pathways Innovation Fund, under the authority of section 171 of the WIA, which shall be available for the period July 1, 2010 through June 30, 2011, of which not less than \$65,000,000 shall be dedicated to activities that prepare workers for careers in the health care sector, and which shall not be subject to the requirements of section 171(b)(2)(B) or 171(c)(4)(D); and

(F) \$12,500,000 for the Workforce Data Quality Initiative, under the authority of section 171(c)(2) of the WIA, which shall be available for the period July 1, 2010 through June 30, 2011, and which shall not be subject to the requirements of section 171(c)(4)(D).

#### COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out title V of the Older Americans Act of 1965 ("OAA"), \$825,425,000, of which \$600,425,000 shall be available for the period July 1, 2010 through June 30, 2011 and of which \$225,000,000 shall be available on the date of the enactment of this Act and remain available through December 31, 2011: Provided, That notwithstanding sections 506 and 514 of the OAA, \$225,000,000 shall be allotted within 45 days of the date of the enactment of this Act to current grantees that the Secretary of Labor determines can effectively utilize additional funding: Provided further, That within 15 days of the enactment of this Act, the Secretary shall provide to the Committees on Appropriations of the House of Representatives and the Senate a report on the procedure for allotting such funds: Provided further, That funds made available under this heading may, in accordance with section 517(c) of the OAA, be recaptured and reobligated.

#### FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during fiscal year 2010 of trade adjustment benefit payments and allowances under part I of subchapter B of chapter 2 of title II of the Trade Act of 1974, and section 246 of that Act; and for training, employment and case management services, allowances for job search and relocation, and related State administrative

expenses under part II of subchapter B of chapter 2 of title II of the Trade Act of 1974, including benefit payments, allowances, training, and related State administration provided pursuant to paragraphs (1) and (2) of section 1891(b) of the Trade and Globalization Adjustment Assistance Act of 2009, \$1,818,400,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15, 2010.

#### STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, \$86,403,000, together with not to exceed \$3,977,278,000 which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund ("the Trust Fund"), of which:

(1) \$3,195,645,000 from the Trust Fund is for grants to States for the administration of State unemployment insurance laws as authorized under title III of the Social Security Act (including \$10,000,000 to conduct in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews), the administration of unemployment insurance for Federal employees and for ex-service members as authorized under 5 U.S.C. 8501–8523, and the administration of trade readjustment allowances, reemployment trade adjustment assistance, and alternative trade adjustment assistance under the Trade Act of 1974 and under section 1891(b) of the Trade and Globalization Adjustment Assistance Act of 2009, and shall be available for obligation by the States through December 31, 2010, except that funds used for automation acquisitions shall be available for obligation by the States through September 30, 2012, and funds used for unemployment insurance workloads experienced by the States through September 30, 2010, shall be available for Federal obligation through December 31, 2010;

(2) \$11,310,000 from the Trust Fund is for national activities necessary to support the administration of the Federal-State unemployment insurance system;

(3) \$680,893,000 from the Trust Fund, together with \$22,683,000 from the General Fund of the Treasury, is for grants to States in accordance with section 6 of the Wagner-Peyser Act, and shall be available for Federal obligation for the period July 1, 2010 through June 30, 2011;

(4) \$20,994,000 from the Trust Fund is for national activities of the Employment Service, including administration of the work opportunity tax credit under section 51 of the Internal Revenue Code of 1986, and the provision of technical assistance and staff training under the Wagner-Peyser Act, including not to exceed \$1,228,000 that may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980;

(5) \$68,436,000 from the Trust Fund is for the administration of foreign labor certifications and related activities under the Immigration and Nationality Act and related laws, of which \$53,307,000 shall be available for the Federal administration of such activities, and \$15,129,000 shall be available for grants to States for the administration of such activities; and

(6) \$63,720,000 from the General Fund is to provide workforce information, national electronic tools, and one-stop system building under the Wagner-Peyser Act and section 171 (e)(2)(C) of the Workforce Investment Act of 1998 and shall be available for Federal obligation for the period July 1, 2010 through June 30, 2011:

Provided, That to the extent that the Average Weekly Insured Unemployment ("AWIU") for fiscal year 2010 is projected by the Department of Labor to exceed 5,059,000, an additional \$28,600,000 from the Trust Fund shall be available for obligation for every 100,000 increase in

the AWIU level (including a pro rata amount for any increment less than 100,000) to carry out title III of the Social Security Act: Provided further, That funds appropriated in this Act that are allotted to a State to carry out activities under title III of the Social Security Act may be used by such State to assist other States in carrying out activities under such title III if the other States include areas that have suffered a major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act: Provided further, That the Secretary of Labor may use funds appropriated for grants to States under title III of the Social Security Act to make payments on behalf of States for the use of the National Directory of New Hires under section 453(j)(8) of such Act: Provided further, That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance or immigration programs, may be obligated in contracts, grants, or agreements with non-State entities: Provided further, That funds appropriated under this Act for activities authorized under title III of the Social Security Act and the Wagner-Peyser Act may be used by States to fund integrated Unemployment Insurance and Employment Service automation efforts, notwithstanding cost allocation principles prescribed under the Office of Management and Budget Circular A-87: Provided further, That the Secretary, at the request of a State participating in a consortium with other States, may reallocate funds allotted to such State under title III of the Social Security Act to other States participating in the consortium in order to carry out activities that benefit the administration of the unemployment compensation law of the State making the request.

In addition, \$50,000,000 from the Employment Security Administration Account of the Unemployment Trust Fund shall be available to conduct in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews.

#### ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1986; and for nonrepayable advances to the Unemployment Trust Fund as authorized by 5 U.S.C. 8509, and to the "Federal Unemployment Benefits and Allowances" account, such sums as may be necessary, which shall be available for obligation through September 30, 2011.

#### PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, \$97,516,000, together with not to exceed \$50,140,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

#### EMPLOYEE BENEFITS SECURITY ADMINISTRATION SALARIES AND EXPENSES

For necessary expenses for the Employee Benefits Security Administration, \$154,861,000.

#### PENSION BENEFIT GUARANTY CORPORATION

##### PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation ("Corporation") is authorized to make such expenditures, including financial assistance authorized by subtitle E of title IV of the Employee Retirement Income Security Act of 1974, within limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, as may be necessary in

carrying out the program, including associated administrative expenses, through September 30, 2010, for the Corporation: Provided, That none of the funds available to the Corporation for fiscal year 2010 shall be available for obligations for administrative expenses in excess of \$464,067,000: Provided further, That to the extent that the number of new plan participants in plans terminated by the Corporation exceeds 100,000 in fiscal year 2010, an amount not to exceed an additional \$9,200,000 shall be available through September 30, 2011 for obligation for administrative expenses for every 20,000 additional terminated participants: Provided further, That an additional \$50,000 shall be made available through September 30, 2011, for obligation for investment management fees for every \$25,000,000 in assets received by the Corporation as a result of new plan terminations or asset growth, after approval by the Office of Management and Budget and notification of the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That obligations in excess of the amounts provided in this paragraph may be incurred for unforeseen and extraordinary pretermination expenses after approval by the Office of Management and Budget and notification of the Committees on Appropriations of the House of Representatives and the Senate.

#### EMPLOYMENT STANDARDS ADMINISTRATION SALARIES AND EXPENSES

##### (INCLUDING RESCISSION AND TRANSFER OF FUNDS)

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, \$491,382,000, together with \$2,124,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d), and 44(j) of the Longshore and Harbor Workers' Compensation Act: Provided, That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938 and for processing applications and issuing registrations under title I of the Migrant and Seasonal Agricultural Worker Protection Act: Provided further, That funds identified in the table contained in the statement of the managers on the conference report accompanying this Act for Program Direction and Support may be allocated among the agencies included in this account and may be transferred to any other account within the Department of Labor for such purposes.

Of the unobligated funds collected pursuant to section 286(v) of the Immigration and Nationality Act, \$50,000,000 are rescinded as of September 30, 2010.

#### SPECIAL BENEFITS

##### (INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by 5 U.S.C. 81; continuation of benefits as provided for under the heading "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; sections 4(c) and 5(f) of the War Claims Act of 1948; and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, \$187,000,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: Provided, That amounts appropriated may be used under 5 U.S.C. 8104, by the Sec-

retary of Labor to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a re-employed, disabled beneficiary: Provided further, That balances of reimbursements unobligated on September 30, 2009, shall remain available until expended for the payment of compensation, benefits, and expenses: Provided further, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under 5 U.S.C. 8147(c) to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2010: Provided further, That of those funds transferred to this account from the fair share entities to pay the cost of administration of the Federal Employees' Compensation Act, \$58,120,000 shall be made available to the Secretary as follows:

(1) For enhancement and maintenance of automated data processing systems and telecommunications systems, \$19,968,000;

(2) For automated workload processing operations, including document imaging, centralized mail intake, and medical bill processing, \$23,323,000;

(3) For periodic roll management and medical review, \$14,829,000; and

(4) The remaining funds shall be paid into the Treasury as miscellaneous receipts:

Provided further, That the Secretary may require that any person filing a notice of injury or a claim for benefits under 5 U.S.C. 81, or the Longshore and Harbor Workers' Compensation Act, provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

#### SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, as amended by Public Law 107-275, \$169,180,000, to remain available until expended.

For making after July 31 of the current fiscal year, benefit payments to individuals under title IV of such Act, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV for the first quarter of fiscal year 2011, \$45,000,000, to remain available until expended.

#### ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Program Act, \$51,900,000, to remain available until expended: Provided, That the Secretary of Labor may require that any person filing a claim for benefits under the Act provide as part of such claim, such identifying information (including Social Security account number) as may be prescribed.

#### BLACK LUNG DISABILITY TRUST FUND

##### (INCLUDING TRANSFER OF FUNDS)

In fiscal year 2010, such sums as may be necessary from the Black Lung Disability Trust Fund ("Fund"), to remain available until expended, for payment of all benefits authorized by section 9501(d)(1), (2), (4), and (7) of the Internal Revenue Code of 1986; and interest on advances, as authorized by section 9501(c)(2) of that Act. In addition, the following amounts may be expended from the Fund for fiscal year 2010 for expenses of operation and administration of the Black Lung Benefits program, as authorized by section 9501(d)(5): not to exceed \$32,720,000 for transfer to the Employment Standards Administration "Salaries and Expenses"; not to exceed \$25,091,000 for transfer to Departmental Management, "Salaries and Expenses"; not to exceed \$327,000 for transfer to

Departmental Management, "Office of Inspector General"; and not to exceed \$356,000 for payments into miscellaneous receipts for the expenses of the Department of the Treasury.

OCCUPATIONAL SAFETY AND HEALTH  
ADMINISTRATION  
SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, \$558,620,000, including not to exceed \$104,393,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act ("Act"), which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary of Labor under section 18 of the Act; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to \$200,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education: Provided, That notwithstanding 31 U.S.C. 3302, the Secretary is authorized, during the fiscal year ending September 30, 2010, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: Provided further, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Act which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: Provided further, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Act with respect to any employer of 10 or fewer employees who is included within a category having a Days Away, Restricted, or Transferred (DART) occupational injury and illness rate, at the most precise industrial classification code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of the Act, except—

(1) to provide, as authorized by the Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by the Act with respect to imminent dangers;

(4) to take any action authorized by the Act with respect to health hazards;

(5) to take any action authorized by the Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by the Act; and

(6) to take any action authorized by the Act with respect to complaints of discrimination against employees for exercising rights under the Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in

a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: Provided further, That \$10,750,000 shall be available for Susan Harwood training grants.

MINE SAFETY AND HEALTH ADMINISTRATION  
SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, \$357,293,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles, including up to \$2,000,000 for mine rescue and recovery activities, and \$1,450,000 to continue the project with the United Mine Workers of America, for classroom and simulated rescue training for mine rescue teams; in addition, not to exceed \$750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities, notwithstanding 31 U.S.C. 3302; and, in addition, the Mine Safety and Health Administration may retain up to \$1,000,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities; the Secretary of Labor is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; the Secretary is authorized to recognize the Joseph A. Holmes Safety Association as a principal safety association and, notwithstanding any other provision of law, may provide funds and, with or without reimbursement, personnel, including service of Mine Safety and Health Administration officials as officers in local chapters or in the national organization; and any funds available to the Department of Labor may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

BUREAU OF LABOR STATISTICS  
SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, \$533,183,000, together with not to exceed \$78,264,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund, of which \$1,500,000 may be used to fund the mass layoff statistics program under section 15 of the Wagner-Peyser Act: Provided, That the Current Employment Survey shall maintain the content of the survey issued prior to June 2005 with respect to the collection of data for the women worker series.

OFFICE OF DISABILITY EMPLOYMENT POLICY  
SALARIES AND EXPENSES

For necessary expenses for the Office of Disability Employment Policy to provide leadership, develop policy and initiatives, and award grants furthering the objective of eliminating barriers to the training and employment of people with disabilities, \$39,031,000.

DEPARTMENTAL MANAGEMENT  
SALARIES AND EXPENSES  
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for Departmental Management, including the hire of three sedans,

\$354,827,000, together with not to exceed \$327,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund: Provided, That \$66,500,000 for the Bureau of International Labor Affairs shall be available for obligation through December 31, 2010: Provided further, That funds available to the Bureau of International Labor Affairs may be used to administer or operate international labor activities, bilateral and multilateral technical assistance, and microfinance programs, by or through contracts, grants, subgrants and other arrangements: Provided further, That \$40,000,000 shall be for the United States' contribution to the International Labour Organization's International Program on the Elimination of Child Labor: Provided further, That not less than \$6,500,000 shall be used to implement model programs that address worker rights issues through technical assistance in countries with which the United States has trade preference programs: Provided further, That funds available for the acquisition of Departmental information technology, architecture, infrastructure, equipment, software and related needs, may be allocated to agencies of the Department by the Department's Chief Information Officer: Provided further, That funds available for program evaluation may be transferred to any other appropriate account in the Department for such purpose.

OFFICE OF JOB CORPS

To carry out subtitle C of title I of the Workforce Investment Act of 1998, including Federal administrative expenses, the purchase and hire of passenger motor vehicles, the construction, alteration and repairs of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act; \$1,708,205,000, plus reimbursements, as follows:

(1) \$1,574,015,000 for Job Corps Operations, of which \$983,015,000 shall be available for obligation for the period July 1, 2010 through June 30, 2011 and of which \$591,000,000 shall be available for obligation for the period October 1, 2010 through June 30, 2011;

(2) \$105,000,000 for construction, rehabilitation and acquisition of Job Corps Centers, of which \$5,000,000 shall be available for the period July 1, 2010 through June 30, 2013 and \$100,000,000 shall be available for the period October 1, 2010 through June 30, 2013; and

(3) \$29,190,000 for necessary expenses of the Office of Job Corps shall be available for obligation for the period October 1, 2009 through September 30, 2010:

Provided, That the Office of Job Corps shall have contracting authority: Provided further, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers.

VETERANS EMPLOYMENT AND TRAINING

Not to exceed \$210,156,000 may be derived from the Employment Security Administration Account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100–4113, 4211–4215, and 4321–4327, and Public Law 103–353, and which shall be available for obligation by the States through December 31, 2010, of which \$2,449,000 is for the National Veterans' Employment and Training Services Institute.

In addition, to carry out Department of Labor programs under section 5(a)(1) of the Homeless Veterans Comprehensive Assistance Act of 2001 and the Veterans Workforce Investment Programs under section 168 of the Workforce Investment Act, \$45,971,000, of which \$9,641,000 shall be available for obligation for the period July 1, 2010 through June 30, 2011.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of

the Inspector General Act of 1978, \$78,093,000, together with not to exceed \$5,921,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

#### GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this Act for the Job Corps shall be used to pay the salary of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level I.

#### (TRANSFER OF FUNDS)

SEC. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between a program, project, or activity, but no such program, project, or activity shall be increased by more than 3 percent by any such transfer: Provided, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: Provided further, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

SEC. 103. In accordance with Executive Order No. 13126, none of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended for the procurement of goods mined, produced, manufactured, or harvested or services rendered, whole or in part, by forced or indentured child labor in industries and host countries already identified by the United States Department of Labor prior to enactment of this Act.

SEC. 104. None of the funds appropriated in this title for grants under section 171 of the Workforce Investment Act of 1998 may be obligated prior to the preparation and submission of a report by the Secretary of Labor to the Committees on Appropriations of the House of Representatives and the Senate detailing the planned uses of such funds.

SEC. 105. None of the funds made available to the Department of Labor for grants under section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 may be used for any purpose other than training in the occupations and industries for which employers are using H-1B visas to hire foreign workers, and the related activities necessary to support such training: Provided, That the preceding limitation shall not apply to multi-year grants awarded prior to June 30, 2007.

SEC. 106. None of the funds available in this Act or available to the Secretary of Labor from other sources for grants under the Career Pathways Innovation Fund and grants authorized under section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 shall be obligated for a grant awarded on a non-competitive basis.

SEC. 107. None of the funds appropriated in this Act under the heading "Employment and Training Administration" shall be used by a recipient or subrecipient of such funds to pay the salary and bonuses of an individual, either as direct costs or indirect costs, at a rate in excess of Executive Level II. This limitation shall not apply to vendors providing goods and services as defined in Office of Management and Budget Circular A-133. Where States are recipients of such funds, States may establish a lower limit for salaries and bonuses of those receiving salaries and bonuses from subrecipients of such funds, taking into account factors including the relative cost-of-living in the State, the compensation levels for comparable State or local

government employees, and the size of the organizations that administer Federal programs involved including Employment and Training Administration programs.

#### (INCLUDING TRANSFER OF FUNDS)

SEC. 108. The Secretary of Labor shall submit to the Committees on Appropriations of the House of Representatives and the Senate a plan for the transfer of the administration of the Job Corps program authorized under title I-C of the Workforce Investment Act of 1998 from the Office of the Secretary to the Employment and Training Administration. As of the date that is 30 days after the date of submission of such plan, the Secretary may transfer the administration and appropriated funds of the program from the Office of the Secretary and the provisions of section 102 of Public Law 109-149 shall no longer be applicable.

SEC. 109. The Secretary of Labor shall take no action to amend, through regulatory or administrative action, the definition established in section 667.220 of title 20 of the Code of Federal Regulations for functions and activities under title I of the Workforce Investment Act of 1998, or to modify, through regulatory or administrative action, the procedure for redesignation of local areas as specified in subtitle B of title I of that Act (including applying the standards specified in section 116(a)(3)(B) of that Act, but notwithstanding the time limits specified in section 116(a)(3)(B) of that Act), until such time as legislation reauthorizing the Act is enacted. Nothing in the preceding sentence shall permit or require the Secretary to withdraw approval for such redesignation from a State that received the approval not later than October 12, 2005, or to revise action taken or modify the redesignation procedure being used by the Secretary in order to complete such redesignation for a State that initiated the process of such redesignation by submitting any request for such redesignation not later than October 26, 2005.

This title may be cited as the "Department of Labor Appropriations Act, 2010".

#### TITLE II

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

##### HEALTH RESOURCES AND SERVICES ADMINISTRATION

##### HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, IV, VII, VIII, X, XI, XII, XIX, and XXVI of the Public Health Service Act ("PHS Act"), section 427(a) of the Federal Coal Mine Health and Safety Act, title V and sections 711, 1128E, and 1820 of the Social Security Act, the Health Care Quality Improvement Act of 1986, the Native Hawaiian Health Care Act of 1988, the Cardiac Arrest Survival Act of 2000, section 712 of the American Jobs Creation Act of 2004, and the Stem Cell Therapeutic and Research Act of 2005, \$7,473,522,000, of which \$41,200,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program under such section: Provided, That of the funds made available under this heading, \$1,000,000 shall be to carry out section 1820(g)(6) of the Social Security Act: Provided further, That amounts provided for such grants shall be available for the purchase and implementation of telehealth services, including pilots and demonstrations on the use of electronic health records to coordinate rural veterans care between rural providers and the Department of Veterans Affairs through the use of the VISTA-Electronic Health Record: Provided further, That of the funds made available under this heading, \$129,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: Provided further, That in addition to fees authorized by sec-

tion 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: Provided further, That fees collected for the full disclosure of information under the "Health Care Fraud and Abuse Data Collection Program", authorized by section 1128E(d)(2) of the Social Security Act, shall be sufficient to recover the full costs of operating the program, and shall remain available until expended to carry out that Act: Provided further, That no more than \$40,000 shall be available until expended for carrying out the provisions of section 224(o) of the PHS Act including associated administrative expenses and relevant evaluations: Provided further, That no more than \$44,055,000 shall be available until expended for carrying out the provisions of Public Law 104-73 and for expenses incurred by the Department of Health and Human Services ("HHS") pertaining to administrative claims made under such law: Provided further, That of the funds made available under this heading, \$317,491,000 shall be for the program under title X of the PHS Act to provide for voluntary family planning projects: Provided further, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: Provided further, That of the funds available under this heading, \$1,932,865,000 shall remain available to the Secretary of HHS through September 30, 2012, for parts A and B of title XXVI of the PHS Act: Provided further, That within the amounts provided for part A of title XXVI of the PHS Act, \$6,021,000 shall be available to the Secretary through September 30, 2012, and shall be available to qualifying jurisdictions, within 30 days of enactment, for increasing supplemental grants for fiscal year 2010 to metropolitan and transitional areas that received grant funding in fiscal year 2009 under subparts I and II of part A of title XXVI of the PHS Act to ensure that an area's total funding under subparts I and II of part A for fiscal year 2009, together with the amount of this additional funding, is not less than 92.4 percent of the amount of such area's total funding under part A for fiscal year 2006: Provided further, That notwithstanding section 2603(c)(1) of the PHS Act, the additional funding to areas under the immediately preceding proviso, which may be used for costs incurred during fiscal year 2009, shall be available to the area for obligation from the date of the award through the end of the grant year for the award: Provided further, That \$835,000,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the PHS Act: Provided further, That in addition to amounts provided herein, \$25,000,000 shall be available from amounts available under section 241 of the PHS Act to carry out parts A, B, C, and D of title XXVI of the PHS Act to fund section 2691 Special Projects of National Significance: Provided further, That notwithstanding sections 502(a)(1) and 502(b)(1) of the Social Security Act, not to exceed \$92,551,000 shall be available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act and \$10,400,000 shall be available for projects described in paragraphs (A) through (F) of section 501(a)(3) of such Act: Provided further, That notwithstanding section 747(e)(2) of the PHS Act, not less than \$29,025,000 shall be for family medicine programs, not less than \$7,575,000 shall be for general dentistry programs, and not less than \$7,575,000 shall be for

pediatric dentistry programs including faculty loan repayments for service as a full-time faculty member in dentistry: Provided further, That dentistry faculty loan repayments shall be made using the same terms and conditions as the Nursing Faculty Loan Repayment program authorized under section 738 of the PHS Act unless otherwise authorized: Provided further, That of the funds provided, \$10,000,000 shall be provided to the Denali Commission as a direct lump payment pursuant to Public Law 106-113: Provided further, That of the funds provided, \$35,000,000 shall be provided for the Delta Health Initiative as authorized in section 219 of division G of Public Law 110-161 and associated administrative expenses: Provided further, That funds provided under section 846 and subpart 3 of part D of title III of the PHS Act may be used to make prior year adjustments to awards made under these sections: Provided further, That notwithstanding section 340A(d)(3)(B) of the PHS Act, \$5,000,000 shall be available for 3 year grant periods under the Patient Navigator Act: Provided further, That of the amount appropriated in this paragraph, \$338,002,000 shall be used for the projects financing the construction and renovation (including equipment) of health care and other facilities and for other health-related activities, and in the amounts, specified under the heading "Health Resources and Services" in the statement of the managers on the conference report accompanying this Act, and of which up to one percent of the amount for each project may be used for related agency administrative expenses: Provided further, That notwithstanding section 338J(k) of the PHS Act, \$10,075,000 shall be available for State Offices of Rural Health: Provided further, That of the funds provided, \$15,000,000 shall be available for the Small Rural Hospital Improvement Grant Program for quality improvement and adoption of health information technology: Provided further, That \$75,000,000 shall be available for State Health Access Grants to expand access to affordable health care coverage for the uninsured populations in such States.

#### HEALTH EDUCATION ASSISTANCE LOANS PROGRAM ACCOUNT

Such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act ("PHS Act"). For administrative expenses to carry out the guaranteed loan program, including section 709 of the PHS Act, \$2,847,000.

#### VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund ("Trust Fund"), such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: Provided, That for necessary administrative expenses, not to exceed \$6,502,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

#### CENTERS FOR DISEASE CONTROL AND PREVENTION

##### DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles II, III, VII, XI, XV, XVII, XIX, XXI, and XXVI of the Public Health Service Act ("PHS Act"), sections 101, 102, 103, 201, 202, 203, 301, 501, and 514 of the Federal Mine Safety and Health Act of 1977, section 13 of the Mine Improvement and New Emergency Response Act of 2006, sections 20, 21, and 22 of the Occupational Safety and Health Act of 1970, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, and for expenses necessary to support activities related to countering potential bi-

ological, nuclear, radiological, and chemical threats to civilian populations; including purchase and insurance of official motor vehicles in foreign countries; and purchase, hire, maintenance, and operation of aircraft, \$6,390,387,000, of which \$69,150,000 shall remain available until expended for acquisition of real property, equipment, construction and renovation of facilities; of which \$595,749,000 shall remain available until expended for the Strategic National Stockpile under section 319F-2 of the PHS Act; of which \$20,620,000 shall be used for the projects, and in the amounts, specified under the heading "Disease Control, Research, and Training" in the statement of the managers on the conference report accompanying this Act; of which \$118,979,000 for international HIV/AIDS shall remain available through September 30, 2011; and of which \$70,723,000 shall be available until expended to provide screening and treatment for first response emergency services personnel, residents, students, and others related to the September 11, 2001 terrorist attacks on the World Trade Center: Provided, That in addition, such sums as may be derived from authorized user fees, which shall be credited to this account: Provided further, That with respect to the previous proviso, authorized user fees from the Vessel Sanitation Program shall be available through September 30, 2011: Provided further, That in addition to amounts provided herein, the following amounts shall be available from amounts available under section 241 of the PHS Act: (1) \$12,864,000 to carry out the National Immunization Surveys; (2) \$138,683,000 to carry out the National Center for Health Statistics surveys; (3) \$30,880,000 for Public Health Informatics; (4) \$47,036,000 for Health Marketing; (5) \$31,170,000 to carry out Public Health Research; and (6) \$91,724,000 to carry out research activities within the National Occupational Research Agenda: Provided further, That none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used, in whole or in part, to advocate or promote gun control: Provided further, That of the funds made available under this heading, up to \$1,000 per eligible employee of the Centers for Disease Control and Prevention shall be made available until expended for Individual Learning Accounts: Provided further, That the Director may redirect the total amount made available under authority of Public Law 101-502, section 3, dated November 3, 1990, to activities the Director may so designate: Provided further, That the Committees on Appropriations of the House of Representatives and the Senate are to be notified promptly of any such redirection: Provided further, That not to exceed \$20,787,000 may be available for making grants under section 1509 of the PHS Act to not less than 21 States, tribes, or tribal organizations: Provided further, That notwithstanding any other provision of law, the Centers for Disease Control and Prevention shall award a single contract or related contracts for development and construction of the next building or facility designated in the Buildings and Facilities Master Plan that collectively include the full scope of the project: Provided further, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232-18: Provided further, That of the funds appropriated, \$10,000 shall be for official reception and representation expenses when specifically approved by the Director of the Centers for Disease Control and Prevention: Provided further, That employees of the Centers for Disease Control and Prevention or the Public Health Service, both civilian and Commissioned Officers, detailed to States, municipalities, or other organizations under authority of section 214 of the PHS Act, or in overseas assignments, shall be treated as non-Federal employees for re-

porting purposes only and shall not be included within any personnel ceiling applicable to the Agency, Service, or the Department of Health and Human Services during the period of detail or assignment.

In addition, for necessary expenses to administer the Energy Employees Occupational Illness Compensation Program Act, \$55,358,000, to remain available until expended, of which \$4,500,000 shall be for use by or in support of the Advisory Board on Radiation and Worker Health ("the Board") to carry out its statutory responsibilities, including obtaining audits, technical assistance, and other support from the Board's audit contractor with regard to radiation dose estimation and reconstruction efforts, site profiles, procedures, and review of Special Exposure Cohort petitions and evaluation reports: Provided, That this amount shall be available consistent with the provision regarding administrative expenses in section 151(b) of division B, title I of Public Law 106-554.

#### NATIONAL INSTITUTES OF HEALTH

##### NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, \$5,103,388,000, of which up to \$8,000,000 may be used for facilities repairs and improvements at the National Cancer Institute-Fredrick Federally Funded Research and Development Center in Frederick, Maryland.

##### NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, \$3,096,916,000.

##### NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, \$413,236,000.

##### NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney disease, \$1,808,100,000.

##### NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, \$1,636,371,000.

##### NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

##### (INCLUDING TRANSFER OF FUNDS)

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, \$4,818,275,000, of which \$304,000,000 shall be derived by transfer from funds appropriated under the heading "Biodefense Countermeasures" in the Department of Homeland Security Appropriations Act, 2004: Provided, That \$300,000,000 may be made available to International Assistance Programs "Global Fund to Fight HIV/AIDS, Malaria, and Tuberculosis", to remain available until expended.

##### NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, \$2,051,798,000.

##### EUNICE KENNEDY SHRIVER NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, \$1,329,528,000.



## NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, \$707,036,000.

## NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to environmental health sciences, \$689,781,000.

## NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, \$1,110,229,000.

## NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis and musculoskeletal and skin diseases, \$539,082,000.

## NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, \$418,833,000.

## NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, \$145,660,000.

## NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, \$462,346,000.

## NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, \$1,059,848,000.

## NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, \$1,489,372,000.

## NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, \$516,028,000.

## NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING

For carrying out section 301 and title IV of the Public Health Service Act with respect to biomedical imaging and bioengineering research, \$316,582,000.

## NATIONAL CENTER FOR RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, \$1,268,896,000.

## NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to complementary and alternative medicine, \$128,844,000.

## NATIONAL CENTER ON MINORITY HEALTH AND HEALTH DISPARITIES

For carrying out section 301 and title IV of the Public Health Service Act with respect to minority health and health disparities research, \$211,572,000.

## JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities of the John E. Fogarty International Center (described in subpart 2 of part E of title IV of the Public Health Service Act), \$70,051,000.

## NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act ("PHS Act") with

respect to health information communications, \$339,716,000, of which \$4,000,000 shall be available until expended for improvement of information systems: Provided, That in fiscal year 2010, the National Library of Medicine may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health: Provided further, That in addition to amounts provided herein, \$8,200,000 shall be available from amounts available under section 241 of the PHS Act to carry out the purposes of the National Information Center on Health Services Research and Health Care Technology established under section 478A of the PHS Act and related health services.

## OFFICE OF THE DIRECTOR

For carrying out the responsibilities of the Office of the Director, National Institutes of Health ("NIH"), \$1,177,300,000, of which up to \$25,000,000 shall be used to carry out section 214 of this Act: Provided, That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only: Provided further, That the NIH is authorized to collect third party payments for the cost of clinical services that are incurred in NIH research facilities and that such payments shall be credited to the NIH Management Fund: Provided further, That all funds credited to such Fund shall remain available for one fiscal year after the fiscal year in which they are deposited: Provided further, That up to \$193,880,000 shall be available for continuation of the National Children's Study: Provided further, That \$544,109,000 shall be available for the Common Fund established under section 402A(c)(1) of the Public Health Service Act ("PHS Act"): Provided further, That of the funds provided \$10,000 shall be for official reception and representation expenses when specifically approved by the Director of the NIH: Provided further, That the Office of AIDS Research within the Office of the Director of the NIH may spend up to \$8,000,000 to make grants for construction or renovation of facilities as provided for in section 2354(a)(5)(B) of the PHS Act.

## BUILDINGS AND FACILITIES

For the study of, construction of, renovation of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, \$100,000,000, to remain available until expended.

## SUBSTANCE ABUSE AND MENTAL HEALTH

## SERVICES ADMINISTRATION

## SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out titles III, V, and XIX of the Public Health Service Act ("PHS Act") with respect to substance abuse and mental health services and the Protection and Advocacy for Individuals with Mental Illness Act, \$3,431,624,000, of which \$14,518,000 shall be used for the projects, and in the amounts, specified under the heading "Substance Abuse and Mental Health Services" in the statement of the managers on the conference report accompanying this Act: Provided, That notwithstanding section 520A(f)(2) of the PHS Act, no funds appropriated for carrying out section 520A are available for carrying out section 1971 of the PHS Act: Provided further, That \$795,000 shall be available until expended for reimbursing the General Services Administration for environmental testing and remediation on the federally owned facilities at St. Elizabeths Hospital, including but not limited to testing and remediation conducted prior to fiscal year 2010: Provided further, That in addition to amounts provided herein, the following amounts shall be available under section 241 of the PHS Act: (1) \$79,200,000 to carry out subpart II of part B of title XIX of the PHS Act to fund section 1935(b) technical assistance, national data, data collec-

tion and evaluation activities, and further that the total available under this Act for section 1935(b) activities shall not exceed 5 percent of the amounts appropriated for subpart II of part B of title XIX; (2) \$21,039,000 to carry out subpart I of part B of title XIX of the PHS Act to fund section 1920(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1920(b) activities shall not exceed 5 percent of the amounts appropriated for subpart I of part B of title XIX; (3) \$22,750,000 to carry out national surveys on drug abuse and mental health; and (4) \$8,596,000 to collect and analyze data and evaluate substance abuse treatment programs: Provided further, That section 520E(b)(2) of the PHS Act shall not apply to funds appropriated under this Act for fiscal year 2010.

## AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

## HEALTHCARE RESEARCH AND QUALITY

For carrying out titles III and IX of the Public Health Service Act ("PHS Act"), part A of title XI of the Social Security Act, and section 1013 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data shall be credited to this appropriation and shall remain available until expended: Provided, That the amount made available pursuant to section 937(c) of the PHS Act shall not exceed \$397,053,000.

CENTERS FOR MEDICARE AND MEDICAID SERVICES  
GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, \$220,962,473,000, to remain available until expended.

For making, after May 31, 2010, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 2010 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the first quarter of fiscal year 2011, \$86,789,382,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

## PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as provided under sections 217(g), 1844, and 1860D-16 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97-248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, \$207,286,070,000.

In addition, for making matching payments under section 1844, and benefit payments under section 1860D-16 of the Social Security Act, not anticipated in budget estimates, such sums as may be necessary.

## PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the Public Health Service Act ("PHS Act"), and the Clinical Laboratory Improvement Amendments of 1988, not to exceed \$3,470,242,000, to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance

with section 353 of the PHS Act and section 1857(e)(2) of the Social Security Act, funds retained by the Secretary of Health and Human Services pursuant to section 302 of the Tax Relief and Health Care Act of 2006; and such sums as may be collected from authorized user fees and the sale of data, which shall be credited to this account and remain available until expended: Provided, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the PHS Act shall be credited to and available for carrying out the purposes of this appropriation: Provided further, That \$35,681,000, to remain available through September 30, 2011, shall be for contract costs for the Healthcare Integrated General Ledger Accounting System: Provided further, That \$65,600,000, to remain available through September 30, 2011, shall be for the Centers for Medicare and Medicaid Services ("CMS") Medicare contracting reform activities: Provided further, That \$55,000,000 shall be available for the State high risk health insurance pool program as authorized by the State High Risk Pool Funding Extension Act of 2006: Provided further, That the Secretary is directed to collect fees in fiscal year 2010 from Medicare Advantage organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act: Provided further, That \$3,100,000 shall be used for the projects, and in the amounts, specified under the heading "Program Management" in the statement of the managers on the conference report accompanying this Act.

#### HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT

In addition to amounts otherwise available for program integrity and program management, \$311,000,000, to remain available through September 30, 2011, to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as authorized by section 201(g) of the Social Security Act, of which \$220,320,000 shall be for the Medicare Integrity Program at the Centers for Medicare and Medicaid Services, including administrative costs, to conduct oversight activities for Medicare Advantage and the Medicare Prescription Drug Program authorized in title XVIII of the Social Security Act and for activities listed in section 1893 of such Act; of which \$29,790,000 shall be for the Department of Health and Human Services Office of Inspector General to carry out fraud and abuse activities authorized by section 1817(k)(3) of such Act; of which \$31,100,000 shall be for the Medicaid and Children's Health Insurance Program ("CHIP") program integrity activities; and of which \$29,790,000 shall be for the Department of Justice to carry out fraud and abuse activities authorized by section 1817(k)(3) of such Act: Provided, That the report required by section 1817(k)(5) of the Social Security Act for fiscal year 2010 shall include measures of the operational efficiency and impact on fraud, waste, and abuse in the Medicare, Medicaid, and CHIP programs for the funds provided by this appropriation.

#### ADMINISTRATION FOR CHILDREN AND FAMILIES PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

For making payments to States or other non-Federal entities under titles I, IV-D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960, \$3,571,509,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2011, \$1,100,000,000, to remain available until expended.

For making payments to each State for carrying out the program of Aid to Families with

Dependent Children under title IV-A of the Social Security Act before the effective date of the program of Temporary Assistance for Needy Families with respect to such State, such sums as may be necessary: Provided, That the sum of the amounts available to a State with respect to expenditures under such title IV-A in fiscal year 1997 under this appropriation and under such title IV-A as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not exceed the limitations under section 116(b) of such Act.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV-D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960, for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

#### LOW INCOME HOME ENERGY ASSISTANCE

For making payments under subsections (b), (d), and (e) of section 2602 of the Low Income Home Energy Assistance Act of 1981, \$5,100,000,000, of which \$4,509,672,000 shall be for payments under subsections (b) and (d) of such section; and of which \$590,328,000 shall be for payments under subsection (e) of such section, to be made notwithstanding the designation requirements of such subsection: Provided, That all but \$839,792,000 of the amount provided in this Act for subsections (b) and (d) shall be allocated as though the total appropriation for such payments for fiscal year 2010 was less than \$1,975,000,000: Provided further, That notwithstanding section 2605(b)(2)(B)(ii) of such Act, a State may use any amount of an allotment from prior appropriations Acts that is available to that State for providing assistance in fiscal year 2010, and any allotment from funds appropriated in this Act or any other appropriations Act for fiscal year 2010, to provide assistance to households whose income does not exceed 75 percent of the State median income.

#### REFUGEE AND ENTRANT ASSISTANCE

For necessary expenses for refugee and entrant assistance activities authorized by section 414 of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980, for carrying out section 462 of the Homeland Security Act of 2002, section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, and the Trafficking Victims Protection Act of 2000, for costs associated with the care and placement of unaccompanied alien children, and for carrying out the Torture Victims Relief Act of 1998, \$730,928,000, of which up to \$9,814,000 shall be available to carry out the Trafficking Victims Protection Act of 2000: Provided, That funds appropriated under this heading pursuant to section 414(a) of the Immigration and Nationality Act, section 462 of the Homeland Security Act of 2002, section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, and the Trafficking Victims Protection Act of 2000 for fiscal year 2010 shall be available for the costs of assistance provided and other activities to remain available through September 30, 2012.

#### PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out the Child Care and Development Block Grant Act of 1990, \$2,127,081,000 shall be used to supplement, not supplant State general revenue funds for child care assistance for low-income families: Provided, That \$18,960,000 shall be available for child care resource and referral and school-aged child care activities, of which \$1,000,000 shall be for the Child Care Aware toll-free hotline: Provided further, That, in addition to the amounts required to be reserved by the States under section

658G, \$271,401,000 shall be reserved by the States for activities authorized under section 658G, of which \$99,534,000 shall be for activities that improve the quality of infant and toddler care: Provided further, That \$9,910,000 shall be for use by the Secretary of Health and Human Services for child care research, demonstration, and evaluation activities.

#### SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, \$1,700,000,000: Provided, That notwithstanding subparagraph (B) of section 404(d)(2) of such Act, the applicable percent specified under such subparagraph for a State to carry out State programs pursuant to title XX of such Act shall be 10 percent.

#### CHILDREN AND FAMILIES SERVICES PROGRAMS (INCLUDING TRANSFER OF FUNDS)

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, sections 310 and 316 of the Family Violence Prevention and Services Act, the Native American Programs Act of 1974, title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (adoption opportunities), sections 330F and 330G of the Public Health Service Act ("PHS Act"), the Abandoned Infants Assistance Act of 1988, sections 261 and 291 of the Help America Vote Act of 2002, part B-1 of title IV and sections 413, 1110, and 1115 of the Social Security Act; for making payments under the Community Services Block Grant Act ("CSBG Act"), sections 439(i), 473B, and 477(i) of the Social Security Act, and the Assets for Independence Act; and for necessary administrative expenses to carry out such Acts and titles I, IV, V, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960, the Low Income Home Energy Assistance Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, and section 505 of the Family Support Act of 1988, \$9,314,532,000, of which \$39,500,000, to remain available through September 30, 2011, shall be for grants to States for adoption incentive payments, as authorized by section 473A of the Social Security Act and may be made for adoptions completed before September 30, 2010: Provided, That \$7,234,783,000 shall be for making payments under the Head Start Act: Provided further, That of funds appropriated in the American Recovery and Reinvestment Act of 2009 for Head Start and Early Head Start, only the amount provided to a Head Start grantee under section 640(a)(3)(A)(i)(I) of the Head Start Act as a cost of living adjustment may be considered to be part of the fiscal year 2009 base grant for such grantee for purposes of section 640(a)(2)(B)(i) through (v) of the Head Start Act: Provided further, That \$746,000,000 shall be for making payments under the CSBG Act: Provided further, That not less than \$10,000,000 shall be for section 680(a)(3)(B) of the CSBG Act: Provided further, That in addition to amounts provided herein, \$5,762,000 shall be available from amounts available under section 241 of the PHS Act to carry out the provisions of section 1110 of the Social Security Act: Provided further, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the CSBG Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: Provided further, That the Secretary of Health and Human Services shall establish procedures regarding the disposition of intangible assets and program income that permit such assets acquired with, and

program income derived from, grant funds authorized under section 680 of the CSBG Act to become the sole property of such grantees after a period of not more than 12 years after the end of the grant period for any activity consistent with section 680(a)(2)(A) of the CSBG Act: Provided further, That intangible assets in the form of loans, equity investments and other debt instruments, and program income may be used by grantees for any eligible purpose consistent with section 680(a)(2)(A) of the CSBG Act: Provided further, That these procedures shall apply to such grant funds made available after November 29, 1999: Provided further, That funds appropriated for section 680(a)(2) of the CSBG Act shall be available for financing construction and rehabilitation and loans or investments in private business enterprises owned by community development corporations: Provided further, That \$17,410,000 shall be for activities authorized by the Help America Vote Act of 2002, of which \$12,154,000 shall be for payments to States to promote access for voters with disabilities, and of which \$5,256,000 shall be for payments to States for protection and advocacy systems for voters with disabilities: Provided further, That \$2,000,000 shall be for a human services case management system for federally declared disasters, to include a comprehensive national case management contract and Federal costs of administering the system: Provided further, That up to \$2,000,000 shall be for improving the Public Assistance Reporting Information System, including grants to States to support data collection for a study of the system's effectiveness: Provided further, That of the funds appropriated under this heading, \$1,000,000 shall be transferred to the National Commission on Children and Disasters to carry out title VI of division G of Public Law 110-161: Provided further, That \$20,785,000 shall be used for the projects, and in the amounts, specified under the heading "Children and Families Services Programs" in the statement of the managers on the conference report accompanying this Act.

#### PROMOTING SAFE AND STABLE FAMILIES

For carrying out section 436 of the Social Security Act, \$345,000,000 and section 437 of such Act, \$63,311,000.

#### PAYMENTS FOR FOSTER CARE AND PERMANENCY

For making payments to States or other non-Federal entities under title IV-E of the Social Security Act, \$5,532,000,000.

For making payments to States or other non-Federal entities under title IV-E of the Social Security Act, for the first quarter of fiscal year 2011, \$1,850,000,000.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under section 474 of title IV-E of the Social Security Act, for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

#### ADMINISTRATION ON AGING

##### AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, section 398 and title XXIX of the Public Health Service Act, and section 119 of the Medicare Improvements for Patients and Providers Act of 2008, \$1,516,297,000, of which \$5,500,000 shall be available for activities regarding medication management, screening, and education to prevent incorrect medication and adverse drug reactions: Provided, That \$5,974,000 shall be used for the projects, and in the amounts, specified under the heading "Aging Services Programs" in the statement of the managers on the conference report accompanying this Act.

#### OFFICE OF THE SECRETARY GENERAL DEPARTMENTAL MANAGEMENT (INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, IV, XVII, XX, and XXI of the Public Health Service Act ("PHS Act"), the United States-Mexico Border Health Commission Act, and research studies under section 1110 of the Social Security Act, \$493,377,000, together with \$5,851,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, and \$65,211,000 from the amounts available under section 241 of the PHS Act to carry out national health or human services research and evaluation activities: Provided, That of this amount, \$53,891,000 shall be for minority AIDS prevention and treatment activities; \$5,789,000 shall be to assist Afghanistan in the development of maternal and child health clinics, consistent with section 103(a)(4)(H) of the Afghanistan Freedom Support Act of 2002; and \$1,000,000 shall be transferred, not later than 30 days after enactment of this Act, to the National Institute of Mental Health to administer the Interagency Autism Coordinating Committee: Provided further, That all of the funds made available under this heading for carrying out title XX of the PHS Act shall be for activities specified under section 2003(b)(1) of such title XX: Provided further, That of the funds made available under this heading, \$110,000,000 shall be for making competitive contracts and grants to public and private entities to fund medically accurate and age appropriate programs that reduce teen pregnancy and for the Federal costs associated with administering and evaluating such contracts and grants, of which not less than \$75,000,000 shall be for replicating programs that have been proven effective through rigorous evaluation to reduce teenage pregnancy, behavioral risk factors underlying teenage pregnancy, or other associated risk factors, of which not less than \$25,000,000 shall be available for research and demonstration grants to develop, replicate, refine, and test additional models and innovative strategies for preventing teenage pregnancy, and of which any remaining amounts shall be available for training and technical assistance, evaluation, outreach, and additional program support activities: Provided further, That of the amounts provided under this heading from amounts available under section 241 of the PHS Act, \$4,455,000 shall be available to carry out evaluations (including longitudinal evaluations) of teenage pregnancy prevention approaches: Provided further, That funds provided in this Act for embryo adoption activities may be used to provide, to individuals adopting embryos, through grants and other mechanisms, medical and administrative services deemed necessary for such adoptions: Provided further, That such services shall be provided consistent with 42 CFR 59.5(a)(4): Provided further, That \$1,650,000 shall be used for the projects, and in the amounts, specified under the heading "General Departmental Management" in the statement of the managers on the conference report accompanying this Act.

#### OFFICE OF MEDICARE HEARINGS AND APPEALS

For expenses necessary for administrative law judges responsible for hearing cases under title XVIII of the Social Security Act (and related provisions of title XI of such Act), \$71,147,000, to be transferred in appropriate part from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund.

#### OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY

For expenses necessary for the Office of the National Coordinator for Health Information Technology, including grants, contracts, and cooperative agreements for the development and advancement of interoperable health information technology, \$42,331,000: Provided, That in addition to amounts provided herein, \$19,011,000 shall be available from amounts available under section 241 of the Public Health Service Act.

#### OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General, including the hire of passenger motor vehicles for investigations, in carrying out the provisions of the Inspector General Act of 1978, \$50,279,000: Provided, That of such amount, necessary sums shall be available for providing protective services to the Secretary of Health and Human Services and investigating non-payment of child support cases for which non-payment is a Federal offense under 18 U.S.C. 228: Provided further, That at least forty percent of the funds provided in this Act for the Office of Inspector General shall be used only for investigations, audits, and evaluations pertaining to the discretionary programs funded in this Act.

#### OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, \$37,785,000, together with not to exceed \$3,314,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund.

#### RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan, and for medical care of dependents and retired personnel under the Dependents' Medical Care Act, such amounts as may be required during the current fiscal year.

#### PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

##### (INCLUDING TRANSFER OF FUNDS)

For expenses necessary to support activities related to countering potential biological, nuclear, radiological, chemical, and cybersecurity threats to civilian populations, and for other public health emergencies and to pay the costs described in section 319F-2(c)(7)(B) of the Public Health Service Act ("PHS Act"), \$617,942,000; of which \$33,065,000 shall be to support preparedness and emergency operations, of which \$5,000,000 shall remain available through September 30, 2011; and of which \$10,000,000, to remain available through September 30, 2011, shall be to support the delivery of medical countermeasures: Provided, That of the amount made available herein for the delivery of medical countermeasures, up to \$8,000,000 may be transferred to the U.S. Postal Service to support delivery of medical countermeasures.

For expenses necessary to support advanced research and development pursuant to section 319L of the PHS Act, \$305,000,000, to be derived by transfer from funds appropriated under the heading "Biodefense Countermeasures" in the Department of Homeland Security Appropriations Act, 2004, to remain available through September 30, 2011.

For expenses necessary to prepare for and respond to an influenza pandemic, \$354,167,000, of which \$276,000,000 shall be available until expended, for activities including the development and purchase of vaccine, antivirals, necessary medical supplies, diagnostics, and other surveillance tools: Provided, That products purchased

with these funds may, at the discretion of the Secretary of Health and Human Services, be deposited in the Strategic National Stockpile under section 319F-2(a) of the PHS Act: Provided further, That notwithstanding section 496(b) of the PHS Act, funds may be used for the construction or renovation of privately owned facilities for the production of pandemic influenza vaccines and other biologics, if the Secretary finds such construction or renovation necessary to secure sufficient supplies of such vaccines or biologics: Provided further, That funds appropriated herein may be transferred to other appropriation accounts of the Department of Health and Human Services, as determined by the Secretary to be appropriate, to be used for the purposes specified in this paragraph.

All remaining balances from funds appropriated under the heading "Biodefense Countermeasures" in the Department of Homeland Security Appropriations Act, 2004, shall be transferred to this account, and shall remain available for obligation through September 30, 2013, for the procurement of medical countermeasures pursuant to section 319F-2(c) of the PHS Act: Provided, That products purchased with these funds shall be deposited in the Strategic National Stockpile under section 319F-2(a) of the PHS Act.

For expenses necessary for fit-out and other costs related to a competitive lease procurement to renovate or replace the existing headquarters building for Public Health Service agencies and other components of the Department of Health and Human Services, \$69,585,000, to remain available until expended.

#### GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed \$50,000 for official reception and representation expenses when specifically approved by the Secretary of Health and Human Services.

SEC. 202. The Secretary of Health and Human Services shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated in this Act for the National Institutes of Health, the Agency for Healthcare Research and Quality, and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level I.

SEC. 204. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in the Department of Health and Human Services, prior to the preparation and submission of a report by the Secretary of Health and Human Services to the Committees on Appropriations of the House of Representatives and the Senate detailing the planned uses of such funds.

SEC. 205. Notwithstanding section 241(a) of the Public Health Service Act, such portion as the Secretary of Health and Human Services shall determine, but not more than 2.5 percent, of any amounts appropriated for programs authorized under such Act shall be made available for the evaluation (directly, or by grants or contracts) of the implementation and effectiveness of such programs.

#### (TRANSFER OF FUNDS)

SEC. 206. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget

and Emergency Deficit Control Act of 1985) which are appropriated for the current fiscal year for the Department of Health and Human Services in this Act may be transferred between a program, project, or activity, but no such program, project, or activity shall be increased by more than 3 percent by any such transfer: Provided, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: Provided further, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

#### (TRANSFER OF FUNDS)

SEC. 207. The Director of the National Institutes of Health, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes and centers from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: Provided, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

#### (TRANSFER OF FUNDS)

SEC. 208. Of the amounts made available in this Act for the National Institutes of Health, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of the National Institutes of Health and the Director of the Office of AIDS Research, shall be made available to the "Office of AIDS Research Office" account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the Public Health Service Act.

SEC. 209. None of the funds appropriated in this Act may be made available to any entity under title X of the Public Health Service Act unless the applicant for the award certifies to the Secretary of Health and Human Services that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

SEC. 210. Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

SEC. 211. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare Advantage program if the Secretary of Health and Human Services denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: Provided, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity's enrollees): Provided further, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare Advantage organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.

SEC. 212. (a) Except as provided by subsection (e) none of the funds appropriated for fiscal year 2010 or any subsequent fiscal year by this or any subsequent appropriations Act may be used to withhold substance abuse funding from

a State pursuant to section 1926 of the Public Health Service Act ("PHS Act") if such State certifies to the Secretary of Health and Human Services by May 1 of the fiscal year for which the funds are appropriated, that the State will commit additional State funds, in accordance with subsection (b), to ensure compliance with State laws prohibiting the sale of tobacco products to individuals under 18 years of age.

(b) The amount of funds to be committed by a State under subsection (a) shall be equal to 1 percent of such State's substance abuse block grant allocation for each percentage point by which the State misses the retailer compliance rate goal established by the Secretary under section 1926 of such Act.

(c) The State is to maintain State expenditures in such fiscal year for tobacco prevention programs and for compliance activities at a level that is not less than the level of such expenditures maintained by the State for the preceding fiscal year, and adding to that level the additional funds for tobacco compliance activities required under subsection (a). The State is to submit a report to the Secretary on all State obligations of funds for such fiscal year and all State expenditures for the preceding fiscal year for tobacco prevention and compliance activities by program activity by July 31 of such fiscal year.

(d) The Secretary shall exercise discretion in enforcing the timing of the State obligation of the additional funds required by the certification described in subsection (a) as late as July 31 of such fiscal year.

(e) None of the funds appropriated by this or any subsequent appropriations Act may be used to withhold substance abuse funding pursuant to section 1926 of the PHS Act from a territory that receives less than \$1,000,000.

SEC. 213. In order for the Department of Health and Human Services to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2010:

(1) The Secretary of Health and Human Services may exercise authority equivalent to that available to the Secretary of State in section 2(c) of the State Department Basic Authorities Act of 1956. The Secretary of Health and Human Services shall consult with the Secretary of State and relevant Chief of Mission to ensure that the authority provided in this section is exercised in a manner consistent with section 207 of the Foreign Service Act of 1980 and other applicable statutes administered by the Department of State.

(2) The Secretary of Health and Human Services is authorized to provide such funds by advance or reimbursement to the Secretary of State as may be necessary to pay the costs of acquisition, lease, alteration, renovation, and management of facilities outside of the United States for the use of the Department of Health and Human Services. The Department of State shall cooperate fully with the Secretary of Health and Human Services to ensure that the Department of Health and Human Services has secure, safe, functional facilities that comply with applicable regulation governing location, setback, and other facilities requirements and serve the purposes established by this Act. The Secretary of Health and Human Services is authorized, in consultation with the Secretary of State, through grant or cooperative agreement, to make available to public or nonprofit private institutions or agencies in participating foreign countries, funds to acquire, lease, alter, or renovate facilities in those countries as necessary to conduct programs of assistance for international health activities, including activities relating to HIV/AIDS and other infectious diseases, chronic and environmental diseases, and other health activities abroad.

(3) The Secretary of Health and Human Services is authorized to provide to personnel appointed or assigned by the Secretary to serve abroad, allowances and benefits similar to those provided under chapter 9 of title I of the Foreign Service Act of 1980, and 22 U.S.C. 4081 through 4086 and subject to such regulations prescribed by the Secretary. The Secretary is further authorized to provide locality-based comparability payments (stated as a percentage) up to the amount of the locality-based comparability payment (stated as a percentage) that would be payable to such personnel under section 5304 of title 5, United States Code if such personnel's official duty station were in the District of Columbia. Leaves of absence for personnel under this subsection shall be on the same basis as that provided under subchapter I of chapter 63 of title 5, United States Code, or section 903 of the Foreign Service Act of 1980, to individuals serving in the Foreign Service.

SEC. 214. (a) **AUTHORITY.**—Notwithstanding any other provision of law, the Director of the National Institutes of Health (“Director”) may use funds available under section 402(b)(7) or 402(b)(12) of the Public Health Service Act (“PHS Act”) to enter into transactions (other than contracts, cooperative agreements, or grants) to carry out research identified pursuant to such section 402(b)(7) (pertaining to the Common Fund) or research and activities described in such section 402(b)(12).

(b) **PEER REVIEW.**—In entering into transactions under subsection (a), the Director may utilize such peer review procedures (including consultation with appropriate scientific experts) as the Director determines to be appropriate to obtain assessments of scientific and technical merit. Such procedures shall apply to such transactions in lieu of the peer review and advisory council review procedures that would otherwise be required under sections 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492, and 494 of the PHS Act.

SEC. 215. Funds which are available for Individual Learning Accounts for employees of the Centers for Disease Control and Prevention (“CDC”) and the Agency for Toxic Substances and Disease Registry (“ATSDR”) may be transferred to “Disease Control, Research, and Training”, to be available only for Individual Learning Accounts: Provided, That such funds may be used for any individual full-time equivalent employee while such employee is employed either by CDC or ATSDR.

SEC. 216. Notwithstanding any other provisions of law, funds made available in this Act may be used to continue operating the Council on Graduate Medical Education established by section 301 of Public Law 102–408.

SEC. 217. Not to exceed \$35,000,000 of funds appropriated by this Act to the institutes and centers of the National Institutes of Health may be used for alteration, repair, or improvement of facilities, as necessary for the proper and efficient conduct of the activities authorized herein, at not to exceed \$2,500,000 per project.

#### (TRANSFER OF FUNDS)

SEC. 218. Of the amounts made available for the National Institutes of Health, 1 percent of the amount made available for National Research Service Awards (“NRSA”) shall be made available to the Administrator of the Health Resources and Services Administration to make NRSA awards for research in primary medical care to individuals affiliated with entities who have received grants or contracts under section 747 of the Public Health Service Act, and 1 percent of the amount made available for NRSA shall be made available to the Director of the Agency for Healthcare Research and Quality to make NRSA awards for health service research.

SEC. 219. By May 1, 2010, the Secretary of the Department of Health and Human Services shall

amend regulations at 42 CFR Part 50 Subpart F for the purpose of strengthening Federal and institutional oversight and identifying enhancements, including requirements for financial disclosure to institutions, governing financial conflicts of interest among extramural investigators receiving grant support from the National Institutes of Health.

This title may be cited as the “Department of Health and Human Services Appropriations Act, 2010”.

### TITLE III

#### DEPARTMENT OF EDUCATION

##### EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965 (“ESEA”) and section 418A of the Higher Education Act of 1965, \$15,914,666,000, of which \$4,954,510,000 shall become available on July 1, 2010, and shall remain available through September 30, 2011, and of which \$10,841,176,000 shall become available on October 1, 2010, and shall remain available through September 30, 2011, for academic year 2010–2011: Provided, That \$6,597,946,000 shall be for basic grants under section 1124 of the ESEA: Provided further, That up to \$4,000,000 of these funds shall be available to the Secretary of Education on October 1, 2009, to obtain annually updated local educational-agency-level census poverty data from the Bureau of the Census: Provided further, That

\$1,365,031,000 shall be for concentration grants under section 1124A of the ESEA: Provided further, That \$3,264,712,000 shall be for targeted grants under section 1125 of the ESEA: Provided further, That \$3,264,712,000 shall be for education finance incentive grants under section 1125A of the ESEA: Provided further, That \$9,167,000 shall be to carry out sections 1501 and 1503 of the ESEA: Provided further, That \$545,633,000 shall be available for school improvement grants under section 1003(g) of the ESEA, which shall be allocated by the Secretary through the formula described in section 1003(g)(2) and shall be used consistent with the requirements of section 1003(g), except that State and local educational agencies may use such funds (and funds appropriated for section 1003(g) under the American Recovery and Reinvestment Act) to serve any school eligible to receive assistance under part A of title I that has not made adequate yearly progress for at least 2 years or is in the State's lowest quintile of performance based on proficiency rates and, in the case of secondary schools, priority shall be given to those schools with graduation rates below 60 percent: Provided further, That notwithstanding section 1003(g)(5)(A), each State educational agency may establish a maximum subgrant size of not more than \$2,000,000 for each participating school applicable to such funds and to the funds appropriated for section 1003(g) under the American Recovery and Reinvestment Act: Provided further, That the ESEA title I, part A funds awarded to local educational agencies under the American Recovery and Reinvestment Act of 2009 for fiscal year 2009 shall not be considered for the purpose of calculating hold-harmless amounts under subsections 1122(c) and 1125A(g)(3) in making allocations under title I, part A for fiscal year 2010 and succeeding years and, notwithstanding section 1003(e), shall not be considered for the purpose of reserving funds under section 1003(a): Provided further, That \$250,000,000 shall be available under section 1502 of the ESEA for a comprehensive literacy development and education program to advance literacy skills, including pre-literacy skills, reading, and writing, for students from birth through grade 12, including limited-English-proficient students and students with disabilities, of which one-half of 1 percent shall be reserved for the Secretary of the Inte-

rior for such a program at schools funded by the Bureau of Indian Education, one-half of 1 percent shall be reserved for grants to the outlying areas for such a program, \$10,000,000 shall be reserved for formula grants to States based on each State's relative share of funds under part A of title I of the ESEA for fiscal year 2009 (excluding funds awarded under the American Recovery and Reinvestment Act of 2009), except that no State shall receive less than \$150,000, to establish or support a State Literacy Team with expertise in literacy development and education for children from birth through grade 12 to assist the State in developing a comprehensive literacy plan, up to 5 percent may be reserved for national activities, and the remainder shall be used to award competitive grants to State educational agencies for such a program, of which a State educational agency may reserve up to 5 percent for State leadership activities, including technical assistance and training, data collection, reporting, and administration, and shall subgrant not less than 95 percent to local educational agencies or, in the case of early literacy, to local educational agencies or other nonprofit providers of early childhood education that partner with a public or private nonprofit organization or agency with a demonstrated record of effectiveness in improving the early literacy development of children from birth through kindergarten entry and in providing professional development in early literacy, giving priority to such agencies or other entities serving greater numbers or percentages of disadvantaged children: Provided further, That the State educational agency shall ensure that at least 15 percent of the subgranted funds are used to serve children from birth through age 5, 40 percent are used to serve students in kindergarten through grade 5, and 40 percent are used to serve students in middle and high school including an equitable distribution of funds between middle and high schools: Provided further, That eligible entities receiving subgrants from State educational agencies shall use such funds for services and activities that have the characteristics of effective literacy instruction through professional development, screening and assessment, targeted interventions for students reading below grade level and other research-based methods of improving classroom instruction and practice.

#### IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, \$1,276,183,000, of which \$1,138,000,000 shall be for basic support payments under section 8003(b), \$48,602,000 shall be for payments for children with disabilities under section 8003(d), \$17,509,000 shall be for construction under section 8007(a), \$67,208,000 shall be for Federal property payments under section 8002, and \$4,864,000, to remain available until expended, shall be for facilities maintenance under section 8008: Provided, That for purposes of computing the amount of a payment for an eligible local educational agency under section 8003(a) for school year 2009–2010, children enrolled in a school of such agency that would otherwise be eligible for payment under section 8003(a)(1)(B) of such Act, but due to the deployment of both parents or legal guardians, or a parent or legal guardian having sole custody of such children, or due to the death of a military parent or legal guardian while on active duty (so long as such children reside on Federal property as described in section 8003(a)(1)(B)), are no longer eligible under such section, shall be considered as eligible students under such section, provided such students remain in average daily attendance at a school in the same local educational agency they attended prior to their change in eligibility status.

## SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by parts A, B, and D of title II, part B of title IV, subparts 6 and 9 of part D of title V, parts A and B of title VI, and parts B and C of title VII of the Elementary and Secondary Education Act of 1965 ("ESEA"); the McKinney-Vento Homeless Assistance Act; section 203 of the Educational Technical Assistance Act of 2002; the Compact of Free Association Amendments Act of 2003; part Z of title VIII of the Higher Education Act ("HEA"); and the Civil Rights Act of 1964, \$5,228,444,000, of which \$3,363,993,000 shall become available on July 1, 2010, and remain available through September 30, 2011, and of which \$1,681,441,000 shall become available on October 1, 2010, and shall remain available through September 30, 2011, for academic year 2010–2011: Provided, That funds made available to carry out part B of title VII of the ESEA may be used for construction, renovation, and modernization of any elementary school, secondary school, or structure related to an elementary school or secondary school, run by the Department of Education of the State of Hawaii, that serves a predominantly Native Hawaiian student body: Provided further, That from the funds referred to in the preceding proviso, not less than \$1,500,000 shall be for the activities described in such proviso and \$1,500,000 shall be for a grant to the University of Hawaii School of Law for a Center of Excellence in Native Hawaiian law: Provided further, That from the funds referred to in the second preceding proviso, \$500,000 shall be for part Z of title VIII of the HEA: Provided further, That funds made available to carry out part C of title VII of the ESEA may be used for construction: Provided further, That up to 100 percent of the funds available to a State educational agency under part D of title II of the ESEA may be used for subgrants described in section 2412(a)(2)(B) of such Act: Provided further, That funds made available under this heading for section 2421 of the ESEA may be used for activities authorized under section 802 of the Higher Education Opportunity Act: Provided further, That \$56,313,000 shall be available to carry out section 203 of the Educational Technical Assistance Act of 2002: Provided further, That \$34,391,000 shall be available to carry out part D of title V of the ESEA: Provided further, That no funds appropriated under this heading may be used to carry out section 5494 under the ESEA: Provided further, That \$17,687,000 shall be available to carry out the Supplemental Education Grants program for the Federated States of Micronesia and the Republic of the Marshall Islands: Provided further, That up to 5 percent of these amounts may be reserved by the Federated States of Micronesia and the Republic of the Marshall Islands to administer the Supplemental Education Grants programs and to obtain technical assistance, oversight and consultancy services in the administration of these grants and to reimburse the United States Departments of Labor, Health and Human Services, and Education for such services: Provided further, That \$9,729,000 of the funds available for the Foreign Language Assistance Program shall be available for 5-year grants to local educational agencies that would work in partnership with one or more institutions of higher education to establish or expand articulated programs of study in languages critical to United States national security that will enable successful students to advance from elementary school through college to achieve a superior level of proficiency in those languages: Provided further, That of the funds available for section 2103(a) of the ESEA, \$5,000,000 shall be available to continue a national school leadership partnership initiative as described in the state-

ment of the managers on the conference report accompanying this Act.

## INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title VII, part A of the Elementary and Secondary Education Act of 1965, \$127,282,000.

## INNOVATION AND IMPROVEMENT

For carrying out activities authorized by part G of title I, subpart 5 of part A and parts C and D of title II, parts B, C, and D of title V, and section 1504 of the Elementary and Secondary Education Act of 1965 ("ESEA"), and by part F of title VIII of the Higher Education Act of 1965, \$1,389,065,000: Provided, That \$10,649,000 shall be provided to the National Board for Professional Teaching Standards to carry out section 2151(c) of the ESEA: Provided further, That from funds for subpart 4, part C of title II of the ESEA, up to 3 percent shall be available to the Secretary of Education for technical assistance and dissemination of information: Provided further, That \$671,570,000 shall be available to carry out part D of title V of the ESEA: Provided further, That \$88,791,000 shall be used for the projects, and in the amounts, specified in the statement of the managers on the conference report accompanying this Act: Provided further, That \$1,000,000 shall be for a national clearinghouse that will collect and disseminate information on effective educational practices and the latest research regarding the planning, design, financing, construction, improvement, operation, and maintenance of safe, healthy, high-performance public facilities for nursery and pre-kindergarten, kindergarten through grade 12, and higher education: Provided further, That \$400,000,000 of the funds for subpart 1 of part D of title V of the ESEA shall be for competitive grants to local educational agencies, including charter schools that are local educational agencies, or States, or partnerships of: (1) a local educational agency, a State, or both; and (2) at least one non-profit organization to develop and implement performance-based compensation systems for teachers, principals, and other personnel in high-need schools: Provided further, That such performance-based compensation systems must consider gains in student academic achievement as well as classroom evaluations conducted multiple times during each school year among other factors and provide educators with incentives to take on additional responsibilities and leadership roles: Provided further, That recipients of such grants shall demonstrate that such performance-based systems are developed with the input of teachers and school leaders in the schools and local educational agencies to be served by the grant: Provided further, That recipients of such grants may use such funds to develop or improve systems and tools (which may be developed and used for the entire local educational agency or only for schools served under the grant) that would enhance the quality and success of the compensation system, such as high-quality teacher evaluations and tools to measure growth in student achievement: Provided further, That applications for such grants shall include a plan to sustain financially the activities conducted and systems developed under the grant once the grant period has expired: Provided further, That up to 5 percent of such funds for competitive grants shall be available for technical assistance, training, peer review of applications, program outreach and evaluation activities: Provided further, That of the funds available for part B of title V of the ESEA, the Secretary shall use up to \$23,082,000 to carry out activities under section 5205(b) and under subpart 2: Provided further, That of the funds available for subpart 1 of part B of title V of the ESEA, and notwithstanding section 5205(a), the

Secretary may reserve up to \$50,000,000 to make multiple awards to non-profit charter management organizations and other entities that are not for-profit entities for the replication and expansion of successful charter school models and shall reserve \$10,000,000 to carry out the activities described in section 5205(a), including by providing technical assistance to authorized public chartering agencies in order to increase the number of high-performing charter schools: Provided further, That the funds referenced in the preceding proviso shall not be obligated prior to submission of a report to the Committees on Appropriations of the House of Representatives and the Senate detailing the planned uses of such funds: Provided further, That each application submitted pursuant to section 5203(a) shall describe a plan to monitor and hold accountable authorized public chartering agencies through such activities as providing technical assistance or establishing a professional development program, which may include planning, training and systems development for staff of authorized public chartering agencies to improve the capacity of such agencies in the State to authorize, monitor, and hold accountable charter schools: Provided further, That each application submitted pursuant to section 5203(a) shall contain assurances that State law, regulations, or other policies require that: (1) each authorized charter school in the State operate under a legally binding charter or performance contract between itself and the school's authorized public chartering agency that describes the obligations and responsibilities of the school and the public chartering agency; conduct annual, timely, and independent audits of the school's financial statements that are filed with the school's authorized public chartering agency; and demonstrate improved student academic achievement; and (2) authorized public chartering agencies use increases in student academic achievement for all groups of students described in section 1111(b)(2)(C)(v) of the ESEA as the most important factor when determining to renew or revoke a school's charter: Provided further, That from the funds for subpart 1 of part D of title V of the ESEA, \$12,000,000 shall be for competitive awards to local educational agencies located in counties in Louisiana, Mississippi, and Texas that were designated by the Federal Emergency Management Agency as counties eligible for individual assistance due to damage caused by Hurricanes Katrina, Ike, or Gustav: Provided further, That such awards shall be used to improve education in areas affected by such hurricanes and shall be for such activities as replacing instructional materials and equipment; paying teacher incentives; modernizing or renovating or repairing school buildings; beginning or expanding Advanced Placement or other rigorous courses; supporting the expansion of charter schools; and supporting after-school or extended learning time activities.

## SAFE SCHOOLS AND CITIZENSHIP EDUCATION

For carrying out activities authorized by subpart 3 of part C of title II, part A of title IV, and subparts 2, 3 and 10 of part D of title V of the Elementary and Secondary Education Act of 1965, \$393,053,000: Provided, That \$224,053,000 shall be available for subpart 2 of part A of title IV, of which \$8,212,000 shall be used for activities authorized under subpart 3 of part D of title V: Provided further, That \$134,000,000 shall be available to carry out part D of title V: Provided further, That of the funds available to carry out subpart 3 of part C of title II, up to \$13,383,000 may be used to carry out section 2345 and \$2,957,000 shall be used by the Center for Civic Education to implement a comprehensive program to improve public knowledge, understanding, and support of the Congress and the State legislatures.



## ENGLISH LANGUAGE ACQUISITION

For carrying out part A of title III of the Elementary and Secondary Education Act of 1965, \$750,000,000, which shall become available on July 1, 2010, and shall remain available through September 30, 2011, except that 6.5 percent of such amount shall be available on October 1, 2009, and shall remain available through September 30, 2011, to carry out activities under section 3111(c)(1)(C): Provided, That the Secretary of Education shall use estimates of the American Community Survey child counts for the most recent 3-year period available to calculate allocations under such part.

## SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act ("IDEA") and the Special Olympics Sport and Empowerment Act of 2004, \$12,587,035,000, of which \$3,726,354,000 shall become available on July 1, 2010, and shall remain available through September 30, 2011, and of which \$8,592,383,000 shall become available on October 1, 2010, and shall remain available through September 30, 2011, for academic year 2010–2011: Provided, That \$13,250,000 shall be for Recording for the Blind and Dyslexic, Inc., to support the development, production, and circulation of accessible educational materials: Provided further, That \$737,000 shall be for the recipient of funds provided by Public Law 105–78 under section 687(b)(2)(G) of the IDEA (as in effect prior to the enactment of the Individuals with Disabilities Education Improvement Act of 2004) to provide information on diagnosis, intervention, and teaching strategies for children with disabilities: Provided further, That the amount for section 611(b)(2) of the IDEA shall be equal to the lesser of the amount available for that activity during fiscal year 2009, increased by the amount of inflation as specified in section 619(d)(2)(B) of the IDEA, or the percent change in the funds appropriated under section 611(i) of the IDEA, but not less than the amount for that activity during fiscal year 2009: Provided further, That the part B and C funds awarded to States under the American Recovery and Reinvestment Act of 2009 for fiscal year 2009 shall not be considered for the purposes of calculating State allocations under sections 611, 619, and 643 for fiscal year 2010 and succeeding years: Provided further, That funds made available for the Special Olympics Sport and Empowerment Act of 2004 may be used to support expenses associated with the Special Olympics National and World games.

## REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998, and the Helen Keller National Center Act, \$3,506,861,000: Provided, That for purposes of determining whether a State may administer the Centers for Independent Living program under section 723 of the Rehabilitation Act, for fiscal year 2010, the Secretary shall exclude American Recovery and Reinvestment Act of 2009 funds awarded in fiscal year 2009 from the calculation of Federal funding allotted under section 721(c) and (d) of the Rehabilitation Act: Provided further, That \$5,095,000 shall be used for the projects, and in the amounts, specified under the heading "Rehabilitation Services and Disability Research" in the statement of the managers on the conference report accompanying this Act.

## SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

## AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, \$24,600,000.

## NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of

the Deaf Act of 1986, \$68,437,000, of which \$5,400,000 shall be for construction and shall remain available until expended: Provided, That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207 of such Act.

## GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986, \$123,000,000, of which \$5,000,000 shall be for construction and shall remain available until expended: Provided, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207 of such Act.

## CAREER, TECHNICAL, AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Career and Technical Education Act of 2006, the Adult Education and Family Literacy Act ("AEFLA"), subpart 4 of part D of title V of the Elementary and Secondary Education Act of 1965 ("ESEA") and title VIII–D of the Higher Education Amendments of 1998, \$2,016,447,000, of which \$4,400,000 shall become available on October 1, 2009, and remain available through September 30, 2011, of which \$1,221,047,000 shall become available on July 1, 2010, and shall remain available through September 30, 2011, and of which \$791,000,000 shall become available on October 1, 2010, and shall remain available through September 30, 2011: Provided, That in allocating AEFLA State grants, the Secretary of Education shall first distribute up to \$45,907,000 to those States and Outlying Areas that, due to administrative error, were underpaid for fiscal years 2003 through 2008 in the amounts such States and Outlying Areas were underpaid: Provided further, That the Secretary shall not reduce the allocations for those years to the States and Outlying Areas that were overpaid through such error, or take other corrective action with respect to those overpayments: Provided further, That the additional funds provided to States and Outlying Areas to correct the administrative error shall not be considered in determining the "hold harmless" amounts under section 211(f) of the AEFLA for fiscal year 2011 or subsequent fiscal years: Provided further, That of the amount provided for Adult Education State Grants, \$75,000,000 shall be made available for integrated English literacy and civics education services to immigrants and other limited English proficient populations: Provided further, That of the amount reserved for integrated English literacy and civics education, notwithstanding section 211 of the AEFLA, 65 percent shall be allocated to States based on a State's absolute need as determined by calculating each State's share of a 10-year average of the United States Citizenship and Immigration Services data for immigrants admitted for legal permanent residence for the 10 most recent years, and 35 percent allocated to States that experienced growth as measured by the average of the 3 most recent years for which United States Citizenship and Immigration Services data for immigrants admitted for legal permanent residence are available, except that no State shall be allocated an amount less than \$60,000: Provided further, That of the amounts made available for AEFLA, \$11,346,000 shall be for national leadership activities under section 243: Provided further, That \$88,000,000 shall be available to support the activities authorized under subpart 4 of part D of title V of the ESEA, of which up to 5 percent shall become available on October 1, 2009, and shall remain available through September 30, 2011, for evaluation, technical assistance,

school networks, peer review of applications, and program outreach activities, and of which not less than 95 percent shall become available on July 1, 2010, and remain available through September 30, 2011, for grants to local educational agencies: Provided further, That funds made available to local educational agencies under this subpart shall be used only for activities related to establishing smaller learning communities within large high schools or small high schools that provide alternatives for students enrolled in large high schools: Provided further, That the Secretary of Education may use amounts available under this heading for the necessary costs of any closeout of the National Institute for Literacy.

STUDENT FINANCIAL ASSISTANCE  
(INCLUDING DEFERRAL OF FUNDS)

For carrying out subparts 1, 3, and 4 of part A, part C and part E of title IV of the Higher Education Act of 1965, \$19,296,809,000, which shall remain available through September 30, 2011.

The maximum Pell Grant for which a student shall be eligible during award year 2010–2011 shall be \$4,860.

Of the funds made available under section 401A(e)(1)(D) of the Higher Education Act of 1965, \$561,000,000 shall not be available until October 1, 2010.

## STUDENT AID ADMINISTRATION

For Federal administrative expenses to carry out part D of title I, and subparts 1, 3, 4, and 9 of part A, and parts B, C, D, and E of title IV of the Higher Education Act of 1965, \$870,402,000, which shall remain available until expended.

## HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, titles II, III, IV, V, VI, VII, and VIII of the Higher Education Act of 1965 ("HEA"), section 1543 of the Higher Education Amendments of 1992, the Mutual Educational and Cultural Exchange Act of 1961, title VIII of the Higher Education Amendments of 1998, part I of subtitle A of title VI of the America COMPETES Act, and section 117 of the Carl D. Perkins Career and Technical Education Act of 2006, \$2,255,665,000: Provided, That \$9,687,000, to remain available through September 30, 2011, shall be available to fund fellowships for academic year 2011–2012 under subpart 1 of part A of title VII of the HEA, under the terms and conditions of such subpart 1: Provided further, That \$609,000 shall be for data collection and evaluation activities for programs under the HEA, including such activities needed to comply with the Government Performance and Results Act of 1993: Provided further, That notwithstanding any other provision of law, funds made available in this Act to carry out title VI of the HEA and section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 may be used to support visits and study in foreign countries by individuals who are participating in advanced foreign language training and international studies in areas that are vital to United States national security and who plan to apply their language skills and knowledge of these countries in the fields of government, the professions, or international development: Provided further, That of the funds referred to in the preceding proviso up to 1 percent may be used for program evaluation, national outreach, and information dissemination activities: Provided further, That notwithstanding any other provision of law, a recipient of a multi-year award under section 316 of the HEA, as that section was in effect prior to the date of enactment of the Higher Education Opportunity Act ("HEOA"), that would have otherwise received a continuation award for fiscal year 2010 under that section, shall receive under section 316, as

amended by the HEOA, not less than the amount that such recipient would have received under such a continuation award: Provided further, That the portion of the funds received under section 316 by a recipient described in the preceding proviso that is equal to the amount of such continuation award shall be used in accordance with the terms of such continuation award: Provided further, That \$1,500,000, to remain available until expended, shall be available to carry out a scholarship program for the purpose of increasing the skilled workforce for industrial health and safety occupations, including mine safety: Provided further, That the Secretary of Education shall identify these scholarships as "Erma Byrd Scholarships": Provided further, That such scholarships shall be awarded without regard to an applicant's prior work experience, but the Secretary shall, notwithstanding section 437 of the General Education Provisions Act and 5 U.S.C. 553, by notice in the Federal Register, establish the eligibility requirements, service obligations, payback requirements, and other program requirements similar to those specified in section 515 of the Federal Mine Safety and Health Act as are necessary to implement such a program: Provided further, That such scholarship funds may be used to replace a student's expected family contribution, but institutions accepting such scholarship funds may not use these funds to supplant existing institutional aid: Provided further, That the Secretary shall be authorized to accept contributions for such scholarships from private sources: Provided further, That these funds shall be used for scholarships for academic year 2010–2011 and may be available for scholarships in academic year 2011–2012: Provided further, That \$101,507,000 shall be used for the projects, and in the amounts, specified under the heading "Higher Education" in the statement of the managers on the conference report accompanying this Act: Provided further, That \$17,750,000 shall be used for the programs specified under the "Fund for the Improvement of Postsecondary Education" in the statement of the managers in accordance with the specified sections.

#### HOWARD UNIVERSITY

For partial support of Howard University, \$234,977,000, of which not less than \$3,600,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act and shall remain available until expended.

#### COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For Federal administrative expenses to carry out activities related to existing facility loans pursuant to section 121 of the Higher Education Act of 1965, \$461,000.

#### HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

For the cost of guaranteed loans, \$20,228,000, as authorized pursuant to part D of title III of the Higher Education Act of 1965 ("HEA"): Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$178,221,000.

In addition, for administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to part D of title III of the HEA, \$354,000.

#### INSTITUTE OF EDUCATION SCIENCES

For carrying out activities authorized by the Education Sciences Reform Act of 2002, the National Assessment of Educational Progress Authorization Act, section 208 of the Educational

Technical Assistance Act of 2002, and section 664 of the Individuals with Disabilities Education Act, \$659,006,000, of which \$588,356,000 shall be available through September 30, 2011: Provided, That funds available to carry out section 208 of the Educational Technical Assistance Act may be used for Statewide data systems that include postsecondary and workforce information and information on children of all ages: Provided further, That up to \$10,000,000 of the funds available to carry out section 208 of the Educational Technical Assistance Act may be used for State data coordinators and for awards to public or private organizations or agencies to improve data coordination, quality, and use.

#### DEPARTMENTAL MANAGEMENT PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of three passenger motor vehicles, \$456,200,000, of which \$8,200,000, to remain available until expended, shall be for relocation of, and renovation of buildings occupied by, Department staff.

#### OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, \$103,024,000.

#### OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, \$60,053,000.

#### GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated in this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

#### (TRANSFER OF FUNDS)

SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: Provided, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: Provided further, That the Committees on Appropriations of the House of Representatives and the Senate are no-

tified at least 15 days in advance of any transfer.

SEC. 305. The Outlying Areas may consolidate funds received under this Act, pursuant to 48 U.S.C. 1469a, under part A of title V of the Elementary and Secondary Education Act.

SEC. 306. None of the funds made available in the sixth proviso under the heading "Innovation and Improvement" in this Act shall be made available for new awards under the Teacher Incentive Fund prior to the submission of an impact evaluation plan to the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 307. Section 14007 of division A of the American Recovery and Reinvestment Act of 2009 is amended—

(1) by amending subsection (a)(3) to read as follows:

"(3) PURPOSE OF AWARDS.—The Secretary shall make awards to eligible entities in order to identify, document, and bring to scale innovative best practices based on demonstrated success, to allow such eligible entities to—

"(A) expand their work and serve as models for best practices; and

"(B) work in partnership with the private sector and the philanthropic community.";

(2) in subsection (b)—

(A) by redesignating paragraphs (1) through (4) as paragraphs (1)(A), (1)(B), (2), and (3), respectively;

(B) in paragraph (1)(A), as so redesignated, by inserting "or" after the semicolon;

(C) by amending paragraph (1)(B), as so redesignated, to read as follows:

"(B) have demonstrated success in significantly increasing student academic achievement for all groups of students described in such section;" and

(D) in paragraph (3), as so redesignated, by striking "they have established partnerships" and inserting "it has established one or more partnerships";

(3) in subsection (c), by striking "paragraphs" and all that follows through "such requirements" and inserting "paragraphs (1)(A) or (1)(B) and (2) of subsection (b) if the nonprofit organization has a record of significantly improving student achievement, attainment, or retention and shall be considered to have met the requirements of subsection (b)(3) if it demonstrates that it will meet the requirement relating to private-sector matching"; and

(4) by adding at the end a new subsection (d) to read as follows:

"(d) SUBGRANTS.—In the case of an eligible entity that is a partnership described in subsection (a)(1)(B), the partner serving as the fiscal agent may make subgrants to one or more of the other entities in the partnership."

SEC. 308. Section 307 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2008 is amended by striking "and 2009" each place the term occurs and inserting "through 2011".

SEC. 309. Section 105(f)(1)(B)(ix) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(B)(ix)) shall be applied by substituting "2010" for "2009".

SEC. 310. Section 14006(c) of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) is amended—

(1) by inserting "(1) IN GENERAL.—" before "Each State"; and

(2) by adding a new paragraph (2) at the end to read as follows:

"(2) EXCEPTION.—Paragraph (1) does not apply to grants made by the Secretary to consortia of States to develop academic assessments that are aligned with academic standards."

This title may be cited as the "Department of Education Appropriations Act, 2010".

## TITLE IV

## RELATED AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO  
ARE BLIND OR SEVERELY DISABLED

## SALARIES AND EXPENSES

For expenses necessary for the Committee for Purchase From People Who Are Blind or Severely Disabled established by Public Law 92-28, \$5,396,000.

CORPORATION FOR NATIONAL AND COMMUNITY  
SERVICE

## OPERATING EXPENSES

For necessary expenses for the Corporation for National and Community Service ("the Corporation") to carry out the Domestic Volunteer Service Act of 1973 ("1973 Act") and the National and Community Service Act of 1990 ("1990 Act"), \$857,021,000, of which \$319,974,000 shall be to carry out the 1973 Act and \$537,047,000 shall be to carry out the 1990 Act and notwithstanding sections 198B(b)(3), 198S(g), 501(a)(4)(C), and 501(a)(4)(F) of the 1990 Act: Provided, That of the amounts provided under this heading: (1) up to 1 percent of program grant funds may be used to defray the costs of conducting grant application reviews, including the use of outside peer reviewers and electronic management of the grants cycle; (2) \$50,000,000 shall be available for expenses authorized under section 501(a)(4)(E) of the 1990 Act; (3) \$7,500,000 shall be available for expenses to carry out sections 112(e), 179A, and 198O and subtitle J of title I of the 1990 Act, notwithstanding section 501(a)(6) of the 1990 Act; (4) \$5,000,000 shall be available for grants to public or private non-profit institutions to increase the participation of individuals with disabilities in national service and for demonstration activities in furtherance of this purpose, notwithstanding section 129(k)(1) of the 1990 Act; (5) \$17,000,000 shall be available to provide assistance to State commissions on national and community service, under section 126(a) of the 1990 Act and notwithstanding section 501(a)(5)(B) of the 1990 Act; (6) \$29,000,000 shall be available to carry out subtitle E of the 1990 Act; and (7) \$4,000,000 shall be available for expenses authorized under section 501(a)(4)(F) of the 1990 Act, which, notwithstanding the provisions of section 198P shall be awarded by the Corporation on a competitive basis to State commissions.

## NATIONAL SERVICE TRUST

## (INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the National Service Trust established under subtitle D of title I of the National and Community Service Act of 1990 ("1990 Act"), \$197,000,000, to remain available until expended: Provided, That the Corporation for National and Community Service may transfer additional funds from the amount provided within "Operating Expenses" allocated to grants under subtitle C of title I of the 1990 Act to the National Service Trust upon determination that such transfer is necessary to support the activities of national service participants and after notice is transmitted to the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That amounts appropriated for or transferred to the National Service Trust may be invested under section 145(b) of the 1990 Act without regard to the requirement to apportion funds under 31 U.S.C. 1513(b).

## SALARIES AND EXPENSES

For necessary expenses of administration as provided under section 501(a)(5) of the National and Community Service Act of 1990 and under section 504(a) of the Domestic Volunteer Service Act of 1973, including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of

Columbia, the employment of experts and consultants authorized under 5 U.S.C. 3109, and not to exceed \$2,500 for official reception and representation expenses, \$88,000,000.

## OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, \$7,700,000.

## ADMINISTRATIVE PROVISIONS

SEC. 401. The Corporation for National and Community Service ("the Corporation") shall make any significant changes to program requirements, service delivery or policy only through public notice and comment rulemaking. For fiscal year 2010, during any grant selection process, an officer or employee of the Corporation shall not knowingly disclose any covered grant selection information regarding such selection, directly or indirectly, to any person other than an officer or employee of the Corporation that is authorized by the Corporation to receive such information.

SEC. 402. AmeriCorps programs receiving grants under the National Service Trust program shall meet an overall minimum share requirement of 24 percent for the first 3 years that they receive AmeriCorps funding, and thereafter shall meet the overall minimum share requirement as provided in section 2521.60 of title 45, Code of Federal Regulations, without regard to the operating costs match requirement in section 121(e) or the member support Federal share limitations in section 140 of the National and Community Service Act of 1990, and subject to partial waiver consistent with section 2521.70 of title 45, Code of Federal Regulations.

SEC. 403. Donations made to the Corporation for National and Community Service under section 196 of the National and Community Service Act of 1990 ("1990 Act") for the purposes of financing programs and operations under titles I and II of the 1973 Act or subtitle B, C, D, or E of title I of the 1990 Act shall be used to supplement and not supplant current programs and operations.

## CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting ("Corporation"), as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2012, \$445,000,000: Provided, That none of the funds made available to the Corporation by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: Provided further, That none of the funds made available to the Corporation by this Act shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: Provided further, That none of the funds made available to the Corporation by this Act shall be used to apply any political test or qualification in selecting, appointing, promoting, or taking any other personnel action with respect to officers, agents, and employees of the Corporation: Provided further, That none of the funds made available to the Corporation by this Act shall be used to support the Television Future Fund or any similar purpose. In addition, for payment to the Corporation for fiscal year 2010, \$86,000,000 as follows:

(1) \$25,000,000 shall be for fiscal stabilization grants to public radio and television licensees, with no deduction for administrative or other costs of the Corporation, to maintain local programming and services and preserve jobs threatened by declines in non-Federal revenues due to the downturn in the economy, to be awarded no later than 45 days after enactment of this Act; (2) \$36,000,000 shall be for costs related to digital program production, development, and dis-

tribution associated with the transition of public broadcasting to digital broadcasting, to be awarded as determined by the Corporation in consultation with public radio and television licensees or permittees, or their designated representatives; and

(3) \$25,000,000 is available pursuant to section 396(k)(10) of the Communications Act of 1934 for replacement and upgrade of the public radio interconnection system.

## FEDERAL MEDIATION AND CONCILIATION SERVICE

## SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service ("Service") to carry out the functions vested in it by the Labor Management Relations Act, 1947, including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978; and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, \$46,652,000, including \$349,000 for activities authorized by the Labor-Management Cooperation Act of 1978: Provided, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: Provided further, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: Provided further, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

FEDERAL MINE SAFETY AND HEALTH REVIEW  
COMMISSION

## SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission, \$10,358,000.

## INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF MUSEUM AND LIBRARY SERVICES:  
GRANTS AND ADMINISTRATION

For carrying out the Museum and Library Services Act of 1996 and the National Museum of African American History and Culture Act, \$282,251,000, of which \$16,382,000 shall be used for the projects, and in the amounts, specified under the heading "Office of Museum and Library Services: Grants and Administration" in the statement of the managers on the conference report accompanying this Act.

## MEDICARE PAYMENT ADVISORY COMMISSION

## SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, \$11,800,000, to be transferred to this appropriation from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund.

## NATIONAL COUNCIL ON DISABILITY

## SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, \$3,271,000.

## NATIONAL LABOR RELATIONS BOARD

## SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, and other laws, \$283,400,000: Provided, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with

investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935, and as amended by the Labor-Management Relations Act, 1947, and as defined in section 3(f) of the Act of June 25, 1938, and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

#### NATIONAL MEDIATION BOARD

##### SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, including emergency boards appointed by the President, \$13,463,000.

#### OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

##### SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission, \$11,712,000.

#### RAILROAD RETIREMENT BOARD

##### DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, \$64,000,000, which shall include amounts becoming available in fiscal year 2010 pursuant to section 224(c)(1)(B) of Public Law 98-76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds the amount available for payment of vested dual benefits: Provided, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

#### FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, \$150,000, to remain available through September 30, 2011, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98-76.

#### LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board ("Board") for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, \$109,073,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

#### LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, not more than \$8,186,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account.

#### SOCIAL SECURITY ADMINISTRATION

##### PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, \$20,404,000.

##### SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92-

603, section 212 of Public Law 93-66, as amended, and section 405 of Public Law 95-216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, \$34,742,000,000, to remain available until expended: Provided, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2011, \$16,000,000,000, to remain available until expended.

#### LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed \$45,000 for official reception and representation expenses, not more than \$10,800,500,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: Provided, That not less than \$2,300,000 shall be for the Social Security Advisory Board: Provided further, That unobligated balances of funds provided under this paragraph at the end of fiscal year 2010 not needed for fiscal year 2010 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses associated solely with this information technology and telecommunications infrastructure: Provided further, That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to 5 U.S.C. 7131, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.

From funds provided under the first paragraph, not less than \$273,000,000 shall be available for the cost associated with conducting continuing disability reviews under titles II and XVI of the Social Security Act and for the cost associated with conducting redeterminations of eligibility under title XVI of the Social Security Act.

In addition to the amounts made available above, and subject to the same terms and conditions, \$485,000,000, for additional continuing disability reviews and redeterminations of eligibility, of which, upon a determination by the Office of the Chief Actuary that such initiative would be at least as cost effective as redeterminations of eligibility, up to \$34,000,000 shall be available for one or more initiatives to improve asset verification: Provided, That the Commissioner shall provide to the Congress (at the conclusion of the fiscal year) a report on the obligation and expenditure of these additional amounts, similar to the reports that were required by section 103(d)(2) of Public Law 104-121 for fiscal years 1996 through 2002.

In addition, \$160,000,000 to be derived from administration fees in excess of \$5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93-66, which shall remain available until expended. To the extent that the amounts collected pursuant to such sections in fiscal year 2010 exceed \$160,000,000, the amounts shall be available in fiscal year 2011 only to the extent provided in advance in appropriations Acts.

In addition, up to \$1,000,000 to be derived from fees collected pursuant to section 303(c) of the Social Security Protection Act, which shall remain available until expended.

#### OFFICE OF INSPECTOR GENERAL (INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$29,000,000, together with not to exceed \$73,682,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the "Limitation on Administrative Expenses", Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: Provided, That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House of Representatives and the Senate.

#### TITLE V

##### GENERAL PROVISIONS

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act. Such transferred balances shall be used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed \$28,000 and \$22,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed \$5,000 from the funds available for "Federal Mediation and Conciliation Service, Salaries and expenses"; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed \$5,000 from funds available for "National Mediation Board, Salaries and expenses".

SEC. 505. None of the funds contained in this Act may be used to distribute any needle or syringe for the purpose of preventing the spread of blood borne pathogens in any location that has been determined by the local public health or local law enforcement authorities to be inappropriate for such distribution.

SEC. 506. When issuing statements, press releases, requests for proposals, bid solicitations

and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state—

(1) the percentage of the total costs of the program or project which will be financed with Federal money;

(2) the dollar amount of Federal funds for the project or program; and

(3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

SEC. 507. (a) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for any abortion.

(b) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term "health benefits coverage" means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

SEC. 508. (a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).

(d)(1) None of the funds made available in this Act may be made available to a Federal agency or program, or to a State or local government, if such agency, program, or government subjects any institutional or individual health care entity to discrimination on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions.

(2) In this subsection, the term "health care entity" includes an individual physician or other health care professional, a hospital, a provider-sponsored organization, a health maintenance organization, a health insurance plan, or any other kind of health care facility, organization, or plan.

SEC. 509. (a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.204(b) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term "human embryo or embryos" includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from

one or more human gametes or human diploid cells.

SEC. 510. (a) None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established under section 202 of the Controlled Substances Act except for normal and recognized executive-congressional communications.

(b) The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

SEC. 511. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

SEC. 512. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity if—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in 38 U.S.C. 4212(d) regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

SEC. 513. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 514. None of the funds made available by this Act to carry out the Library Services and Technology Act may be made available to any library covered by paragraph (1) of section 224(f) of such Act, as amended by the Children's Internet Protection Act, unless such library has made the certifications required by paragraph (4) of such section.

SEC. 515. None of the funds made available by this Act to carry out part D of title II of the Elementary and Secondary Education Act of 1965 may be made available to any elementary or secondary school covered by paragraph (1) of section 2441(a) of such Act, as amended by the Children's Internet Protection Act and the No Child Left Behind Act, unless the local educational agency with responsibility for such covered school has made the certifications required by paragraph (2) of such section.

SEC. 516. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2010, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates new programs;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;

(4) relocates an office or employees;

(5) reorganizes or renames offices;

(6) reorganizes programs or activities; or

(7) contracts out or privatizes any functions or activities presently performed by Federal employees;

unless the Committees on Appropriations of the House of Representatives and the Senate are no-

tified 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2010, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds in excess of \$500,000 or 10 percent, whichever is less, that—

(1) augments existing programs, projects (including construction projects), or activities;

(2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or

(3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress;

unless the Committees on Appropriations of the House of Representatives and the Senate are notified 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier.

SEC. 517. (a) None of the funds made available in this Act may be used to request that a candidate for appointment to a Federal scientific advisory committee disclose the political affiliation or voting history of the candidate or the position that the candidate holds with respect to political issues not directly related to and necessary for the work of the committee involved.

(b) None of the funds made available in this Act may be used to disseminate scientific information that is deliberately false or misleading.

SEC. 518. Within 45 days of enactment of this Act, each department and related agency funded through this Act shall submit an operating plan that details at the program, project, and activity level any funding allocations for fiscal year 2010 that are different than those specified in this Act, the accompanying detailed table in the statement of the managers on the conference report accompanying this Act, or the fiscal year 2010 budget request.

SEC. 519. The Secretaries of Labor, Health and Human Services, and Education shall each prepare and submit to the Committees on Appropriations of the House of Representatives and the Senate a report on the number and amount of contracts, grants, and cooperative agreements exceeding \$500,000 in value and awarded by the Department on a non-competitive basis during each quarter of fiscal year 2010, but not to include grants awarded on a formula basis or directed by law. Such report shall include the name of the contractor or grantee, the amount of funding, the governmental purpose, including a justification for issuing the award on a non-competitive basis. Such report shall be transmitted to the Committees within 30 days after the end of the quarter for which the report is submitted.

SEC. 520. Section 8103(b) of Public Law 110-28 is amended—

(1) in paragraph (1)(B), by inserting before the semicolon the following: " , except that, beginning in 2010 and each year thereafter, such increase shall occur on September 30"; and

(2) in paragraph (2)(C), by inserting before the period the following: " , except that, beginning in 2010 and each year thereafter, such increase shall occur on September 30".

SEC. 521. None of the funds appropriated in this Act shall be expended or obligated by the Commissioner of Social Security, for purposes of administering Social Security benefit payments under title II of the Social Security Act, to process any claim for credit for a quarter of coverage

based on work performed under a social security account number that is not the claimant's number and the performance of such work under such number has formed the basis for a conviction of the claimant of a violation of section 208(a)(6) or (7) of the Social Security Act.

SEC. 522. None of the funds appropriated by this Act may be used by the Commissioner of Social Security or the Social Security Administration to pay the compensation of employees of the Social Security Administration to administer Social Security benefit payments, under any agreement between the United States and Mexico establishing totalization arrangements between the social security system established by title II of the Social Security Act and the social security system of Mexico, which would not otherwise be payable but for such agreement.

SEC. 523. None of the funds made available in this Act may be used in contravention of title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1611 et seq.).

SEC. 524. (a) IN GENERAL.—Strike subparagraphs (B) and (C) that appear within section 426(b) of division J of the Consolidated Appropriations Act, 2005 (Public Law 108-447) and insert the following:

“(B) SECRETARY OF HOMELAND SECURITY.—One-third of the amounts deposited into the Fraud Prevention and Detection Account shall remain available to the Secretary of Homeland Security until expended for programs and activities to prevent and detect immigration benefit fraud, including fraud with respect to petitions filed under paragraph (1) or (2)(A) of section 214(c) to grant an alien nonimmigrant status described in subparagraph (H) or (L) of section 101(a)(15).

“(C) SECRETARY OF LABOR.—One-third of the amounts deposited into the Fraud Prevention and Detection Account shall remain available to the Secretary of Labor until expended for wage and hour enforcement programs and activities otherwise authorized to be conducted by the Secretary of Labor that focus on industries likely to employ nonimmigrants, including enforcement programs and activities described in section 212(n) and enforcement programs and activities related to section 214(c)(14)(A)(i).”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 525. None of the funds made available in this Act may be used for first-class travel by the employees of agencies funded by this Act in contravention of sections 301–10.124 of title 41, Code of Federal Regulations.

SEC. 526. Specific projects contained in the report of the Committee on Appropriations of the House of Representatives accompanying this Act (H. Rept. 111–220) that are considered congressional earmarks for purposes of clause 9 of rule XXI of the Rules of the House of Representatives, when intended to be awarded to a for-profit entity, shall be awarded under a full and open competition.

SEC. 527. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than \$5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer

in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

This division may be cited as the “Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010”.

#### DIVISION E—MILITARY CONSTRUCTION AND VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

##### TITLE I

##### DEPARTMENT OF DEFENSE

##### MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, \$3,719,419,000, to remain available until September 30, 2014, of which \$350,000,000 shall be for trainee troop housing facilities: Provided, That of this amount, not to exceed \$200,519,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of the Army determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That, not later than 30 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for the funds provided for trainee troop housing facilities: Provided further, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading “Military Construction, Army” and under the headings “Army” in the table entitled “Military Construction” in the explanatory statement of managers to accompany this Act.

##### MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy and Marine Corps as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, \$3,769,003,000, to remain available until September 30, 2014: Provided, That of this amount, not to exceed \$179,652,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Navy determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading “Military Construction, Navy and Marine Corps” and under the headings “Navy” in the table entitled “Military Construction” in the explanatory statement of managers to accompany this Act.

##### MILITARY CONSTRUCTION, AIR FORCE

##### (INCLUDING RESCISSION OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, \$1,450,426,000, to remain avail-

able until September 30, 2014: Provided, That of this amount, not to exceed \$103,562,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Air Force determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading “Military Construction, Air Force” and under the headings “Air Force” in the table entitled “Military Construction” in the explanatory statement of managers to accompany this Act: Provided further, That of the funds appropriated for “Military Construction, Air Force” under Public Law 110–329, \$37,500,000 are hereby rescinded.

##### MILITARY CONSTRUCTION, DEFENSE-WIDE

##### (INCLUDING TRANSFER AND RESCISSION OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, \$3,093,679,000, to remain available until September 30, 2014: Provided, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as the Secretary may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided further, That of the amount appropriated, not to exceed \$131,942,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That of the amount appropriated, notwithstanding any other provision of law, not to exceed \$41,400,000 shall be available for payments to the North Atlantic Treaty Organization for the planning, design, and construction of a new North Atlantic Treaty Organization headquarters: Provided further, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading “Military Construction, Defense-Wide” and under the headings “Defense-Wide” in the table entitled “Military Construction” in the explanatory statement of managers to accompany this Act: Provided further, That of the funds appropriated for “Military Construction, Defense-Wide” under Public Law 110–329, \$151,160,000 are hereby rescinded.

##### MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$582,056,000, to remain available until September 30, 2014, of which \$30,000,000 shall be for critical unfunded requirements: Provided, That of the amount appropriated, not to exceed \$47,429,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Director of the Army National Guard determines that additional obligations are necessary for such



purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That, not later than 30 days after the date of the enactment of this Act, the Director of the Army National Guard shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for the funds provided for critical unfunded requirements: Provided further, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading "Military Construction, Army National Guard" and under the headings "Army National Guard" in the table entitled "Military Construction" in the explanatory statement of managers to accompany this Act.

#### MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$371,226,000, to remain available until September 30, 2014, of which \$30,000,000 shall be for critical unfunded requirements: Provided, That of the amount appropriated, not to exceed \$20,021,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Director of the Air National Guard determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That, not later than 30 days after the date of the enactment of this Act, the Director of the Air National Guard shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for the funds provided for critical unfunded requirements: Provided further, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading "Military Construction, Air National Guard" and under the headings "Air National Guard" in the table entitled "Military Construction" in the explanatory statement of managers to accompany this Act.

#### MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$431,566,000, to remain available until September 30, 2014, of which \$30,000,000 shall be for critical unfunded requirements: Provided, That of the amount appropriated, not to exceed \$22,716,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Army determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That, not later than 30 days after the date of the enactment of this Act, the Chief of Army Reserve shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for the funds provided for critical unfunded requirements: Provided further, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading "Military Construction, Army Reserve" and under the headings "Army Reserve" in the table entitled "Military Construction" in the explanatory statement of managers to accompany this Act.

#### MILITARY CONSTRUCTION, NAVY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$125,874,000, to remain available until September 30, 2014, of which \$20,000,000 shall be for critical unfunded requirements of the Navy Reserve and \$35,000,000 shall be for critical unfunded requirements of the Marine Forces Reserve: Provided, That of the amount appropriated, not to exceed \$2,951,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Navy determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That, not later than 30 days after the date of the enactment of this Act, the Chief of Navy Reserve and the Commander, Marine Forces Reserve shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for the funds provided for critical unfunded requirements: Provided further, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading "Military Construction, Navy Reserve" and under the headings "Navy Reserve" in the table entitled "Military Construction" in the explanatory statement of managers to accompany this Act.

#### MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$112,269,000, to remain available until September 30, 2014, of which \$55,000,000 shall be for critical unfunded requirements: Provided, That of the amount appropriated, not to exceed \$3,869,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Air Force determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That, not later than 30 days after the date of the enactment of this Act, the Chief of Air Force Reserve shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for the funds provided for critical unfunded requirements: Provided further, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading "Military Construction, Air Force Reserve" and under the headings "Air Force Reserve" in the table entitled "Military Construction" in the explanatory statement of managers to accompany this Act.

#### NORTH ATLANTIC TREATY ORGANIZATION

##### SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized by section 2806 of title 10, United States Code, and Military Construction Authorization Acts, \$197,414,000, to remain available until expended.

#### FAMILY HOUSING CONSTRUCTION, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, \$273,236,000, to remain available until September 30, 2014: Provided, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading "Family Housing Construction, Army" in the table entitled "Military Construction" in the explanatory statement of managers to accompany this Act.

#### FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

For expenses of family housing for the Army for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$523,418,000.

#### FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, \$146,569,000, to remain available until September 30, 2014: Provided, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading "Family Housing Construction, Navy and Marine Corps" in the table entitled "Military Construction" in the explanatory statement of managers to accompany this Act.

#### FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$368,540,000.

#### FAMILY HOUSING CONSTRUCTION, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, \$66,101,000, to remain available until September 30, 2014: Provided, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading "Family Housing Construction, Air Force" in the table entitled "Military Construction" in the explanatory statement of managers to accompany this Act.

#### FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

For expenses of family housing for the Air Force for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$502,936,000.

#### FAMILY HOUSING CONSTRUCTION, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, \$2,859,000, to remain available until September 30, 2014: Provided, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading "Family Housing Construction, Defense-Wide" in the table entitled "Military Construction" in the explanatory statement of managers to accompany this Act.

#### FAMILY HOUSING OPERATION AND MAINTENANCE, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense

(other than the military departments) for operation and maintenance, leasing, and minor construction, as authorized by law, \$49,214,000.

#### DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND

For the Department of Defense Family Housing Improvement Fund, \$2,600,000, to remain available until expended, for family housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military family housing and supporting facilities.

#### HOMEOWNERS ASSISTANCE FUND

For the Homeowners Assistance Fund established by section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374), as amended by section 1001 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5, 123 Stat. 194), \$323,225,000, to remain available until expended.

#### CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE

For expenses of construction, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, as currently authorized by law, \$151,541,000, to remain available until September 30, 2014, which shall be only for the Assembled Chemical Weapons Alternatives program: Provided, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the headings "Chemical Demilitarization Construction, Defense-Wide" in the table entitled "Military Construction" in the explanatory statement of managers to accompany this Act.

#### DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990

For deposit into the Department of Defense Base Closure Account 1990, established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), \$496,768,000, to remain available until expended.

#### DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005

For deposit into the Department of Defense Base Closure Account 2005, established by section 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), \$7,455,498,000, to remain available until expended: Provided, That the Department of Defense shall notify the Committees on Appropriations of both Houses of Congress 14 days prior to obligating an amount for a construction project that exceeds or reduces the amount identified for that project in the most recently submitted budget request for this account by 20 percent or \$2,000,000, whichever is less: Provided further, That the previous proviso shall not apply to projects costing less than \$5,000,000, except for those projects not previously identified in any budget submission for this account and exceeding the minor construction threshold under section 2805 of title 10, United States Code.

#### ADMINISTRATIVE PROVISIONS

SEC. 101. None of the funds made available in this title shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed \$25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds made available in this title for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds made available in this title for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds made available in this title may be used to begin construction of new bases in the United States for which specific appropriations have not been made.

SEC. 105. None of the funds made available in this title shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or the designee of the Attorney General; (3) where the estimated value is less than \$25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds made available in this title shall be used to: (1) acquire land; (2) provide for site preparation; or (3) install utilities for any family housing, except housing for which funds have been made available in annual Acts making appropriations for military construction.

SEC. 107. None of the funds made available in this title for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 108. None of the funds made available in this title may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds made available in this title may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 111. None of the funds made available in this title may be obligated for architect and engineer contracts estimated by the Government to exceed \$500,000 for projects to be accomplished in Japan, in any North Atlantic Treaty Organization member country, or in countries bordering the Arabian Sea, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds made available in this title for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Sea, may be used to award any contract estimated by the Government to exceed \$1,000,000 to a foreign contractor: Provided, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: Provided further, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

SEC. 113. The Secretary of Defense is to inform the appropriate committees of both Houses of Congress, including the Committees on Appropriations, of the plans and scope of any pro-

posed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed \$100,000.

SEC. 114. Not more than 20 percent of the funds made available in this title which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year.

SEC. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 117. Notwithstanding any other provision of law, any funds made available to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were made available, if the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

SEC. 118. (a) The Secretary of Defense, in consultation with the Secretary of State, shall submit to the Committees on Appropriations of both Houses of Congress, by February 15 of each year, an annual report in unclassified and, if necessary, classified form, on actions taken by the Department of Defense and the Department of State during the previous fiscal year to encourage host countries to assume a greater share of the common defense burden of such countries and the United States.

(b) The report under subsection (a) shall include a description of—

(1) attempts to secure cash and in-kind contributions from host countries for military construction projects;

(2) attempts to achieve economic incentives offered by host countries to encourage private investment for the benefit of the United States Armed Forces;

(3) attempts to recover funds due to be paid to the United States by host countries for assets deeded or otherwise imparted to host countries upon the cessation of United States operations at military installations;

(4) the amount spent by host countries on defense, in dollars and in terms of the percent of gross domestic product (GDP) of the host country; and

(5) for host countries that are members of the North Atlantic Treaty Organization (NATO), the amount contributed to NATO by host countries, in dollars and in terms of the percent of the total NATO budget.

(c) In this section, the term "host country" means other member countries of NATO, Japan, South Korea, and United States allies bordering the Arabian Sea.

#### (INCLUDING TRANSFER OF FUNDS)

SEC. 119. In addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note) pursuant to section

207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to be merged with, and to be available for the same purposes and the same time period as that account.

(INCLUDING TRANSFER OF FUNDS)

SEC. 120. Subject to 30 days prior notification, or 14 days for a notification provided in an electronic medium pursuant to sections 480 and 2883, of title 10, United States Code, to the Committees on Appropriations of both Houses of Congress, such additional amounts as may be determined by the Secretary of Defense may be transferred to: (1) the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in "Family Housing" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund; or (2) the Department of Defense Military Unaccompanied Housing Improvement Fund from amounts appropriated for construction of military unaccompanied housing in "Military Construction" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: Provided, That appropriations made available to the Funds shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169 of title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing, military unaccompanied housing, and supporting facilities.

SEC. 121. (a) Not later than 60 days before issuing any solicitation for a contract with the private sector for military family housing the Secretary of the military department concerned shall submit to the Committees on Appropriations of both Houses of Congress the notice described in subsection (b).

(b)(1) A notice referred to in subsection (a) is a notice of any guarantee (including the making of mortgage or rental payments) proposed to be made by the Secretary to the private party under the contract involved in the event of—

(A) the closure or realignment of the installation for which housing is provided under the contract;

(B) a reduction in force of units stationed at such installation; or

(C) the extended deployment overseas of units stationed at such installation.

(2) Each notice under this subsection shall specify the nature of the guarantee involved and assess the extent and likelihood, if any, of the liability of the Federal Government with respect to the guarantee.

(INCLUDING TRANSFER OF FUNDS)

SEC. 122. In addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the accounts established by sections 2906(a)(1) and 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program incurred under 42 U.S.C. 3374(a)(1)(A). Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

SEC. 123. Notwithstanding any other provision of law, funds made available in this title for operation and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, in-

cluding general or flag officer quarters: Provided, That not more than \$35,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days prior notification, or 14 days for a notification provided in an electronic medium pursuant to sections 480 and 2883 of title 10, United States Code, to the Committees on Appropriations of both Houses of Congress, except that an after-the-fact notification shall be submitted if the limitation is exceeded solely due to costs associated with environmental remediation that could not be reasonably anticipated at the time of the budget submission: Provided further, That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations of both Houses of Congress all operation and maintenance expenditures for each individual general or flag officer quarters for the prior fiscal year.

SEC. 124. Amounts contained in the Ford Island Improvement Account established by subsection (h) of section 2814 of title 10, United States Code, are appropriated and shall be available until expended for the purposes specified in subsection (i)(1) of such section or until transferred pursuant to subsection (i)(3) of such section.

(INCLUDING TRANSFER OF FUNDS)

SEC. 125. None of the funds made available in this title, or in any Act making appropriations for military construction which remain available for obligation, may be obligated or expended to carry out a military construction, land acquisition, or family housing project at or for a military installation approved for closure, or at a military installation for the purposes of supporting a function that has been approved for realignment to another installation, in 2005 under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), unless such a project at a military installation approved for realignment will support a continuing mission or function at that installation or a new mission or function that is planned for that installation, or unless the Secretary of Defense certifies that the cost to the United States of carrying out such project would be less than the cost to the United States of cancelling such project, or if the project is at an active component base that shall be established as an enclave or in the case of projects having multi-agency use, that another Government agency has indicated it will assume ownership of the completed project. The Secretary of Defense may not transfer funds made available as a result of this limitation from any military construction project, land acquisition, or family housing project to another account or use such funds for another purpose or project without the prior approval of the Committees on Appropriations of both Houses of Congress. This section shall not apply to military construction projects, land acquisition, or family housing projects for which the project is vital to the national security or the protection of health, safety, or environmental quality: Provided, That the Secretary of Defense shall notify the congressional defense committees within seven days of a decision to carry out such a military construction project.

(INCLUDING TRANSFER OF FUNDS)

SEC. 126. During the 5-year period after appropriations available in this Act to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations

may be transferred into the appropriation "Foreign Currency Fluctuations, Construction, Defense", to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

SEC. 127. None of the funds appropriated or otherwise made available in this title may be used for any action that is related to or promotes the expansion of the boundaries or size of the Pinon Canyon Maneuver Site, Colorado.

SEC. 128. Amounts appropriated or otherwise made available in an account funded under the headings in this title may be transferred among projects and activities within the account in accordance with the reprogramming guidelines for military construction and family housing construction contained in the explanatory statement of managers to accompany this Act and in the guidance for military construction reprogrammings and notifications contained in Department of Defense Financial Management Regulation 7000.14-R, Volume 3, Chapter 7, of December 1996, as in effect on the date of enactment of this Act.

SEC. 129. Of the funds made available in this title, the following accounts are hereby reduced in the following amounts to reflect adjusted inflation and bid savings projections: "Military Construction, Army", \$230,000,000; "Military Construction, Navy and Marine Corps", \$235,000,000; and "Military Construction, Air Force", \$64,091,000.

SEC. 130. Of the funds made available under the following headings in Public Law 110-329, the following amounts associated with unobligated balances are hereby rescinded: "Military Construction, Army", \$33,000,000; "Military Construction, Navy and Marine Corps", \$51,468,000; "Military Construction, Defense-Wide", \$93,268,000; "Military Construction, Army National Guard", \$33,000,000; and "Military Construction, Air National Guard", \$7,000,000.

## TITLE II

### DEPARTMENT OF VETERANS AFFAIRS

#### VETERANS BENEFITS ADMINISTRATION

##### COMPENSATION AND PENSIONS

##### (INCLUDING TRANSFER OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by section 107 and chapters 11, 13, 18, 51, 53, 55, and 61 of title 38, United States Code; pension benefits to or on behalf of veterans as authorized by chapters 15, 51, 53, 55, and 61 of title 38, United States Code; and burial benefits, the Reinstated Entitlement Program for Survivors, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of title IV of the Servicemembers Civil Relief Act (50 U.S.C. App. 541 et seq.) and for other benefits as authorized by sections 107, 1312, 1977, and 2106, and chapters 23, 51, 53, 55, and 61 of title 38, United States Code, \$47,396,106,000, to remain available until expended: Provided, That not to exceed \$29,283,000 of the amount appropriated under this heading shall be reimbursed to "General operating expenses", "Medical support and compliance", and "Information technology systems" for necessary expenses in implementing the provisions of chapters 51, 53, and 55 of title 38, United States Code, the funding source for which is specifically provided as the "Compensation and pensions" appropriation: Provided further, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to "Medical care collections fund" to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

## READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by chapters 21, 30, 31, 33, 34, 35, 36, 39, 51, 53, 55, and 61 of title 38, United States Code, \$9,232,369,000, to remain available until expended: Provided, That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under subsection (a) of section 3104 of title 38, United States Code, other than under paragraphs (1), (2), (5), and (11) of that subsection, shall be charged to this account.

## VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by title 38, United States Code, chapters 19 and 21, \$49,288,000, to remain available until expended.

## VETERANS HOUSING BENEFIT PROGRAM FUND

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by subchapters I through III of chapter 37 of title 38, United States Code: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That during fiscal year 2010, within the resources available, not to exceed \$500,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, \$165,082,000.

## VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, \$29,000, as authorized by chapter 31 of title 38, United States Code: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That funds made available under this heading are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$2,298,000.

In addition, for administrative expenses necessary to carry out the direct loan program, \$328,000, which may be paid to the appropriation for "General operating expenses".

## NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

For administrative expenses to carry out the direct loan program authorized by subchapter V of chapter 37 of title 38, United States Code, \$664,000.

## GUARANTEED TRANSITIONAL HOUSING LOANS FOR HOMELESS VETERANS PROGRAM ACCOUNT

For the administrative expenses to carry out the guaranteed transitional housing loan program authorized by subchapter VI of chapter 20 of title 38, United States Code, not to exceed \$750,000 of the amounts appropriated by this Act for "General operating expenses" and "Medical support and compliance" may be expended.

## VETERANS HEALTH ADMINISTRATION MEDICAL SERVICES

## (INCLUDING TRANSFER OF FUNDS)

For necessary expenses for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans described in section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the Department, and including medical supplies and equipment, food services, and salaries and expenses of health care employees hired under title 38, United States Code, and aid to State homes as authorized by section 1741 of title 38, United States

Code; \$71,843,500,000, plus reimbursements, of which \$37,136,000,000 shall become available on October 1, 2010, and shall remain available until September 30, 2011: Provided, That, of the amount made available under this heading for fiscal year 2010, not to exceed \$1,015,000,000 shall remain available until September 30, 2011: Provided further, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall establish a priority for the provision of medical treatment for veterans who have service-connected disabilities, lower income, or have special needs: Provided further, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall give priority funding for the provision of basic medical benefits to veterans in enrollment priority groups 1 through 6: Provided further, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs may authorize the dispensing of prescription drugs from Veterans Health Administration facilities to enrolled veterans with privately written prescriptions based on requirements established by the Secretary: Provided further, That the implementation of the program described in the previous proviso shall incur no additional cost to the Department of Veterans Affairs: Provided further, That for the Department of Defense/Department of Veterans Affairs Health Care Sharing Incentive Fund, as authorized by section 8111(d) of title 38, United States Code, a minimum of \$15,000,000 shall remain available until expended for any purpose authorized by section 8111 of title 38, United States Code.

## MEDICAL SUPPORT AND COMPLIANCE

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities; and administrative and legal expenses of the Department for collecting and recovering amounts owed the Department as authorized under chapter 17 of title 38, United States Code, and the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.); \$10,237,000,000, plus reimbursements, of which \$5,307,000,000 shall become available on October 1, 2010, and shall remain available until September 30, 2011: Provided, That, of the amount made available under this heading for fiscal year 2010, not to exceed \$145,000,000 shall remain available until September 30, 2011.

## MEDICAL FACILITIES

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities and other necessary facilities of the Veterans Health Administration; for administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction, and renovation of any facility under the jurisdiction or for the use of the Department; for oversight, engineering, and architectural activities not charged to project costs; for repairing, altering, improving, or providing facilities in the several hospitals and homes under the jurisdiction of the Department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; for leases of facilities; and for laundry services, \$10,599,000,000, plus reimbursements, of which \$5,740,000,000 shall become available on October 1, 2010, and shall remain available until September 30, 2011: Provided, That, of the amount made available under this heading for fiscal year 2010, not to exceed \$145,000,000 shall remain available until September 30, 2011: Provided further, That, of the amount available for fiscal year 2010, \$130,000,000 for non-recurring maintenance shall be allocated in a manner not subject to the Veterans Equitable Resource Allocation.

## MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by chapter 73 of title 38, United States Code, \$581,000,000, plus reimbursements, shall remain available until September 30, 2011.

## NATIONAL CEMETERY ADMINISTRATION

For necessary expenses of the National Cemetery Administration for operations and maintenance, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of one passenger motor vehicle for use in cemeterial operations; hire of passenger motor vehicles; and repair, alteration or improvement of facilities under the jurisdiction of the National Cemetery Administration, \$250,000,000, of which not to exceed \$24,200,000 shall remain available until September 30, 2011.

## DEPARTMENTAL ADMINISTRATION

## GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including administrative expenses in support of Department-Wide capital planning, management and policy activities, uniforms, or allowances therefor; not to exceed \$25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail, \$2,086,707,000: Provided, That expenses for services and assistance authorized under paragraphs (1), (2), (5), and (11) of section 3104(a) of title 38, United States Code, that the Secretary of Veterans Affairs determines are necessary to enable entitled veterans: (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: Provided further, That the Veterans Benefits Administration shall be funded at not less than \$1,689,207,000: Provided further, That of the funds made available under this heading, not to exceed \$111,000,000 shall remain available until September 30, 2011: Provided further, That from the funds made available under this heading, the Veterans Benefits Administration may purchase (on a one-for-one replacement basis only) up to two passenger motor vehicles for use in operations of that Administration in Manila, Philippines.

## INFORMATION TECHNOLOGY SYSTEMS

For necessary expenses for information technology systems and telecommunications support, including developmental information systems and operational information systems; for pay and associated costs; and for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by section 3109 of title 5, United States Code, \$3,307,000,000, plus reimbursements, shall remain available until September 30, 2011: Provided, That none of the funds made available under this heading may be obligated until the Department of Veterans Affairs submits to the Committees on Appropriations of both Houses of Congress, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget; (2) complies with the Department of Veterans Affairs enterprise architecture; (3) conforms with an established enterprise life cycle methodology; and (4) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal

Government: Provided further, That not later than 30 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a reprogramming base letter which sets forth, by project, the operations and maintenance costs, with salary expenses separately designated, and development costs to be carried out utilizing amounts made available under this heading: Provided further, That of the amounts made available under this heading, \$800,485,000 may not be obligated or expended until the Secretary of Veterans Affairs or the Chief Information Officer of the Department of Veterans Affairs submits to the Committees on Appropriations of both Houses of Congress a certification of the amounts, in parts or in full, to be obligated and expended for each development project.

#### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, to include information technology, in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), \$109,000,000, of which \$6,000,000 shall remain available until September 30, 2011.

#### CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, construction management services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is more than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, or where funds for a project were made available in a previous major project appropriation, \$1,194,000,000, to remain available until expended, of which \$16,000,000 shall be to make reimbursements as provided in section 13 of the Contract Disputes Act of 1978 (41 U.S.C. 612) for claims paid for contract disputes: Provided, That except for advance planning activities, including needs assessments which may or may not lead to capital investments, and other capital asset management related activities, including portfolio development and management activities, and investment strategy studies funded through the advance planning fund and the planning and design activities funded through the design fund, including needs assessments which may or may not lead to capital investments, and funds provided for the purchase of land for the National Cemetery Administration through the land acquisition line item, none of the funds made available under this heading shall be used for any project which has not been approved by the Congress in the budgetary process: Provided further, That funds made available under this heading for fiscal year 2010, for each approved project shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2010; and (2) by the awarding of a construction contract by September 30, 2011: Provided further, That the Secretary of Veterans Affairs shall promptly submit to the Committees on Appropriations of both Houses of Congress a written report on any approved major construction project for which obligations are not incurred within the time limitations established above: Provided further, That of the funds made available under this heading, \$933,030,000 shall be for the projects and activities, and in the amounts, specified under this heading in the explanatory statement of managers to accompany this Act.

#### CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, including planning and assessments of needs which may lead to capital investments, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, 8122, and 8162 of title 38, United States Code, where the estimated cost of a project is equal to or less than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, \$703,000,000, to remain available until expended, along with unobligated balances of previous "Construction, minor projects" appropriations which are hereby made available for any project where the estimated cost is equal to or less than the amount set forth in such section: Provided, That funds made available under this heading shall be for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

#### GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify, or alter existing hospital, nursing home, and domiciliary facilities in State homes, for furnishing care to veterans as authorized by sections 8131 through 8137 of title 38, United States Code, \$100,000,000, to remain available until expended.

#### GRANTS FOR CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to assist States in establishing, expanding, or improving State veterans cemeteries as authorized by section 2408 of title 38, United States Code, \$46,000,000, to remain available until expended.

#### ADMINISTRATIVE PROVISIONS (INCLUDING TRANSFER OF FUNDS)

SEC. 201. Any appropriation for fiscal year 2010 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" may be transferred as necessary to any other of the mentioned appropriations: Provided, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and such Committees issue an approval, or absent a response, a period of 30 days has elapsed.

#### (INCLUDING TRANSFER OF FUNDS)

SEC. 202. Amounts made available for the Department of Veterans Affairs for fiscal year 2010, in this Act or any other Act, under the "Medical services", "Medical support and compliance", and "Medical facilities" accounts may be transferred among the accounts: Provided, That any transfers between the "Medical services" and "Medical support and compliance" accounts of 1 percent or less of the total amount appropriated to the account in this or any other Act may take place subject to notification from the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress of the amount and purpose of the transfer: Provided further, That any transfers between the "Medical services" and "Medical support and compliance" accounts in excess of 1 percent, or exceeding the cumulative 1 percent for

the fiscal year, may take place only after the Secretary requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued: Provided further, That any transfers to or from the "Medical facilities" account may take place only after the Secretary requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

SEC. 203. Appropriations available in this title for salaries and expenses shall be available for services authorized by section 3109 of title 5, United States Code, hire of passenger motor vehicles; lease of a facility or land or both; and uniforms or allowances therefore, as authorized by sections 5901 through 5902 of title 5, United States Code.

SEC. 204. No appropriations in this title (except the appropriations for "Construction, major projects", and "Construction, minor projects") shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 205. No appropriations in this title shall be available for hospitalization or examination of any persons (except beneficiaries entitled to such hospitalization or examination under the laws providing such benefits to veterans, and persons receiving such treatment under sections 7901 through 7904 of title 5, United States Code, or the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)), unless reimbursement of the cost of such hospitalization or examination is made to the "Medical services" account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 206. Appropriations available in this title for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2009.

SEC. 207. Appropriations available in this title shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from sections 3328(a), 3334, and 3712(a) of title 31, United States Code, except that if such obligations are from trust fund accounts they shall be payable only from "Compensation and pensions".

#### (INCLUDING TRANSFER OF FUNDS)

SEC. 208. Notwithstanding any other provision of law, during fiscal year 2010, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund under section 1920 of title 38, United States Code, the Veterans' Special Life Insurance Fund under section 1923 of title 38, United States Code, and the United States Government Life Insurance Fund under section 1955 of title 38, United States Code, reimburse the "General operating expenses" and "Information technology systems" accounts for the cost of administration of the insurance programs financed through those accounts: Provided, That reimbursement shall be made only from the surplus earnings accumulated in such an insurance program during fiscal year 2010 that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: Provided further, That if the cost of administration of such an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: Provided further, That the Secretary shall determine the cost of administration for fiscal year 2010 which is properly allocable to the provision of each such insurance program and to the provision of any total disability income insurance included in that insurance program.

SEC. 209. Amounts deducted from enhanced-use lease proceeds to reimburse an account for expenses incurred by that account during a prior fiscal year for providing enhanced-use lease services, may be obligated during the fiscal year in which the proceeds are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 210. Funds available in this title or funds for salaries and other administrative expenses shall also be available to reimburse the Office of Resolution Management of the Department of Veterans Affairs and the Office of Employment Discrimination Complaint Adjudication under section 319 of title 38, United States Code, for all services provided at rates which will recover actual costs but not exceed \$35,257,000 for the Office of Resolution Management and \$3,287,000 for the Office of Employment and Discrimination Complaint Adjudication: Provided, That payments may be made in advance for services to be furnished based on estimated costs: Provided further, That amounts received shall be credited to the "General operating expenses" and "Information technology systems" accounts for use by the office that provided the service.

SEC. 211. No appropriations in this title shall be available to enter into any new lease of real property if the estimated annual rental cost is more than \$1,000,000, unless the Secretary submits a report which the Committees on Appropriations of both Houses of Congress approve within 30 days following the date on which the report is received.

SEC. 212. No funds of the Department of Veterans Affairs shall be available for hospital care, nursing home care, or medical services provided to any person under chapter 17 of title 38, United States Code, for a non-service-connected disability described in section 1729(a)(2) of such title, unless that person has disclosed to the Secretary of Veterans Affairs, in such form as the Secretary may require, current, accurate third-party reimbursement information for purposes of section 1729 of such title: Provided, That the Secretary may recover, in the same manner as any other debt due the United States, the reasonable charges for such care or services from any person who does not make such disclosure as required: Provided further, That any amounts so recovered for care or services provided in a prior fiscal year may be obligated by the Secretary during the fiscal year in which amounts are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 213. Notwithstanding any other provision of law, proceeds or revenues derived from enhanced-use leasing activities (including disposal) may be deposited into the "Construction, major projects" and "Construction, minor projects" accounts and be used for construction (including site acquisition and disposition), alterations, and improvements of any medical facility under the jurisdiction or for the use of the Department of Veterans Affairs. Such sums as realized are in addition to the amount provided for in "Construction, major projects" and "Construction, minor projects".

SEC. 214. Amounts made available under "Medical services" are available—

(1) for furnishing recreational facilities, supplies, and equipment; and

(2) for funeral expenses, burial expenses, and other expenses incidental to funerals and burials for beneficiaries receiving care in the Department.

(INCLUDING TRANSFER OF FUNDS)

SEC. 215. Such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, may be transferred to "Medical services", to remain available until expended for the purposes of that account.

SEC. 216. The Secretary of Veterans Affairs may enter into agreements with Indian tribes

and tribal organizations which are party to the Alaska Native Health Compact with the Indian Health Service, and Indian tribes and tribal organizations serving rural Alaska which have entered into contracts with the Indian Health Service under the Indian Self Determination and Educational Assistance Act, to provide healthcare, including behavioral health and dental care. The Secretary shall require participating veterans and facilities to comply with all appropriate rules and regulations, as established by the Secretary. The term "rural Alaska" shall mean those lands sited within the external boundaries of the Alaska Native regions specified in sections 7(a)(1)–(4) and (7)–(12) of the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1606), and those lands within the Alaska Native regions specified in sections 7(a)(5) and 7(a)(6) of the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1606), which are not within the boundaries of the Municipality of Anchorage, the Fairbanks North Star Borough, the Kenai Peninsula Borough or the Matanuska Susitna Borough.

(INCLUDING TRANSFER OF FUNDS)

SEC. 217. Such sums as may be deposited to the Department of Veterans Affairs Capital Asset Fund pursuant to section 8118 of title 38, United States Code, may be transferred to the "Construction, major projects" and "Construction, minor projects" accounts, to remain available until expended for the purposes of these accounts.

SEC. 218. None of the funds made available in this title may be used to implement any policy prohibiting the Directors of the Veterans Integrated Services Networks from conducting outreach or marketing to enroll new veterans within their respective Networks.

SEC. 219. The Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a quarterly report on the financial status of the Veterans Health Administration.

(INCLUDING TRANSFER OF FUNDS)

SEC. 220. Amounts made available under the "Medical services", "Medical support and compliance", "Medical facilities", "General operating expenses", and "National Cemetery Administration" accounts for fiscal year 2010, may be transferred to or from the "Information technology systems" account: Provided, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

SEC. 221. Amounts made available for the "Information technology systems" account may be transferred between projects: Provided, That no project may be increased or decreased by more than \$1,000,000 of cost prior to submitting a request to the Committees on Appropriations of both Houses of Congress to make the transfer and an approval is issued, or absent a response, a period of 30 days has elapsed.

SEC. 222. (a) Upon a determination by the Secretary of Veterans Affairs that such action is in the national interest, and will have a direct benefit for veterans through increased access to treatment, the Secretary of Veterans Affairs may transfer not more than \$5,000,000 to the Secretary of Health and Human Services for the Graduate Psychology Education Program, which includes treatment of veterans, to support increased training of psychologists skilled in the treatment of post-traumatic stress disorder, traumatic brain injury, and related disorders.

(b) The Secretary of Health and Human Services may only use funds transferred under this section for the purposes described in subsection (a).

(c) The Secretary of Veterans Affairs shall notify Congress of any such transfer of funds under this section.

SEC. 223. None of the funds appropriated or otherwise made available by this Act or any other Act for the Department of Veterans Affairs may be used in a manner that is inconsistent with—

(1) section 842 of the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006 (Public Law 109–115; 119 Stat. 2506); or

(2) section 8110(a)(5) of title 38, United States Code.

SEC. 224. Of the amounts made available to the Department of Veterans Affairs for fiscal year 2010, in this Act or any other Act, under the "Medical facilities" account for non-recurring maintenance, not more than 20 percent of the funds made available shall be obligated during the last 2 months of that fiscal year: Provided, That the Secretary may waive this requirement after providing written notice to the Committees on Appropriations of both Houses of Congress.

SEC. 225. Section 1925(d)(3) of title 38, United States Code, is amended by striking "appropriation 'General Operating Expenses, Department of Veterans Affairs'" and inserting "appropriations for 'General Operating Expenses and Information Technology Systems, Department of Veterans Affairs'".

SEC. 226. Section 1922(a) of title 38, United States Code, is amended by striking "administrative costs to the Government for the costs of" and inserting "administrative support financed by the appropriations for 'General Operating Expenses, Department of Veterans Affairs' and 'Information Technology Systems, Department of Veterans Affairs' for".

SEC. 227. (a) Effective October 1, 2010, the North Chicago Veterans Affairs Medical Center located in Lake County, Illinois, shall be known and designated as the "Captain James A. Lovell Federal Health Care Center".

(b) Any reference to the medical center referred to in subsection (a) in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Captain James A. Lovell Federal Health Care Center.

SEC. 228. Section 315(b) of title 38, United States Code, is amended by striking "December 31, 2009" and inserting "December 31, 2010".

SEC. 229. Section 1714(c) of title 38, United States Code is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) in paragraph (2), by striking the period and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(3) service dogs trained for the aid of persons with mental illnesses, including post-traumatic stress disorder, to veterans with such illnesses who are enrolled under section 1705 of this title."

SEC. 230. (a) The Department of Veterans Affairs Medical Center in Louisville, Kentucky, and any successor to such medical center, shall after the date of the enactment of this Act be known and designated as the "Robley Rex Department of Veterans Affairs Medical Center".

(b) Any reference in any law, regulation, map, document, record, or other paper of the United States to the medical center referred to in subsection (a) shall be considered to be a reference to the Robley Rex Department of Veterans Affairs Medical Center.

SEC. 231. (a) Section 2703(b) of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 469),



as amended by section 231 of the Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2009 (division E of Public Law 110-329; 122 Stat. 3713), is further amended by inserting after “the City of Gulfport” the following: “, or its urban renewal agency.”

(b) The Secretary of Veterans Affairs shall take appropriate actions to modify the quitclaim deeds executed to effectuate the conveyance authorized by section 2703 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006, in order to accurately reflect and memorialize the amendment made by subsection (a).

SEC. 232. Of the amounts appropriated or otherwise made available by this title, the Secretary may execute \$5,000,000 for cooperative agreements with State and local government entities or their designees with a demonstrated record of serving veterans to conduct outreach to ensure that veterans in underserved areas receive the care and benefits for which they are eligible.

### TITLE III

#### RELATED AGENCIES

##### AMERICAN BATTLE MONUMENTS COMMISSION

##### SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one-for-one replacement basis only) and hire of passenger motor vehicles; not to exceed \$7,500 for official reception and representation expenses; and insurance of official motor vehicles in foreign countries, when required by law of such countries, \$62,675,000, to remain available until expended.

##### FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, such sums as may be necessary, to remain available until expended, for purposes authorized by section 2109 of title 36, United States Code.

##### UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

##### SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by sections 7251 through 7298 of title 38, United States Code, \$27,115,000, of which \$1,820,000 shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102-229.

##### DEPARTMENT OF DEFENSE—CIVIL

##### CEMETERIAL EXPENSES, ARMY

##### SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of two passenger motor vehicles for replacement only, and not to exceed \$1,000 for official reception and representation expenses, \$39,850,000, to remain available until expended: Provided, That none of the funds available under this heading shall be for construction of a perimeter wall at Arlington National Cemetery. In addition, such sums as may be necessary for parking maintenance, repairs and replacement, to be derived from the Lease of Department of Defense Real Property for Defense Agencies account.

Funds appropriated under this Act may be provided to Arlington County, Virginia, for the

relocation of the federally-owned water main at Arlington National Cemetery making additional land available for ground burials.

##### ARMED FORCES RETIREMENT HOME

##### TRUST FUND

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the Armed Forces Retirement Home—Washington, District of Columbia, and the Armed Forces Retirement Home—Gulfport, Mississippi, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, \$134,000,000, of which \$72,000,000 shall remain available until expended for construction and renovation of the physical plants at the Armed Forces Retirement Home—Washington, District of Columbia, and the Armed Forces Retirement Home—Gulfport, Mississippi.

### TITLE IV

#### OVERSEAS CONTINGENCY OPERATIONS

##### DEPARTMENT OF DEFENSE

##### MILITARY CONSTRUCTION, ARMY

For an additional amount for “Military Construction, Army”, \$924,484,000, to remain available until September 30, 2012: Provided, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the headings “Army” in the table entitled “Overseas Contingency Operations” in the explanatory statement of managers to accompany this Act.

##### MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for “Military Construction, Air Force”, \$474,500,000, to remain available until September 30, 2012: Provided, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the headings “Air Force” in the table entitled “Overseas Contingency Operations” in the explanatory statement of managers to accompany this Act.

##### ADMINISTRATIVE PROVISION

SEC. 401. Amounts appropriated or otherwise made available by this title are designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

### TITLE V

#### GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. Such sums as may be necessary for fiscal year 2010 for pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 503. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 504. No part of any funds appropriated in this Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before Congress, except in presentation to Congress itself.

SEC. 505. All departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of “E-Commerce” tech-

nologies and procedures in the conduct of their business practices and public service activities.

SEC. 506. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this or any other appropriations Act.

SEC. 507. Unless stated otherwise, all reports and notifications required by this Act shall be submitted to the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives and the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the Senate.

SEC. 508. None of the funds made available in this Act may be used for a project or program named for an individual serving as a Member, Delegate, or Resident Commissioner of the United States House of Representatives.

SEC. 509. None of the funds made available in this Act may be used for the processing of new enhanced-use leases at the National Homes for Disabled Volunteer Soldiers located in Milwaukee, Wisconsin.

SEC. 510. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public website of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains confidential or proprietary information.

(c) The head of the agency posting such report shall do so only after such report has been made available to the requesting Committee or Committees of Congress for no less than 45 days.

SEC. 511. None of the funds made available in this division or any other division in this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.

This division may be cited as the “Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2010”.

#### DIVISION F—DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2010

### TITLE I

#### DEPARTMENT OF STATE AND RELATED AGENCY

##### DEPARTMENT OF STATE

##### ADMINISTRATION OF FOREIGN AFFAIRS

##### DIPLOMATIC AND CONSULAR PROGRAMS

##### (INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, \$8,227,000,000, of which \$1,586,214,000 is for Worldwide Security Protection (to remain available until expended): Provided, That the Secretary of State may transfer up to \$137,600,000 of the total funds made available under this heading to any other appropriation of any department or agency of the United States, upon the concurrence of the head of such department or agency, to support operations in and assistance for Afghanistan and to carry out the provisions of the Foreign Assistance Act of 1961: Provided further, That funds made available under this heading shall be allocated as follows:

(1) HUMAN RESOURCES.—For necessary expenses for training, human resources management, and salaries, including employment without regard to civil service and classification

laws of persons on a temporary basis (not to exceed \$700,000), as authorized by section 801 of the United States Information and Educational Exchange Act of 1948, \$2,667,130,000 to remain available until September 30, 2011, of which not less than \$138,075,000 shall be available only for public diplomacy American salaries, and \$220,840,000 is for Worldwide Security Protection and shall remain available until expended: Provided, That the Secretary of State shall submit to the Committees on Appropriations, concurrent with the fiscal year 2011 congressional budget justification materials, a strategy described in the joint explanatory statement of the committee of conference (hereafter "joint explanatory statement") accompanying this Act for projected personnel requirements for the United States Department of State over the next 3 fiscal years.

(2) **OVERSEAS PROGRAMS.**—For necessary expenses for the regional bureaus of the Department of State and overseas activities as authorized by law, \$2,495,158,000, to remain available until September 30, 2011, of which not less than \$381,800,000 shall be available only for public diplomacy international information programs.

(3) **DIPLOMATIC POLICY AND SUPPORT.**—For necessary expenses for the functional bureaus of the Department of State including representation to certain international organizations in which the United States participates pursuant to treaties ratified pursuant to the advice and consent of the Senate or specific Acts of Congress, general administration, and arms control, nonproliferation and disarmament activities as authorized, \$892,012,000, to remain available until September 30, 2011.

(4) **SECURITY PROGRAMS.**—For necessary expenses for security activities, \$2,172,700,000, to remain available until September 30, 2011, of which \$1,365,374,000 is for Worldwide Security Protection and shall remain available until expended.

(5) **FEES AND PAYMENTS COLLECTED.**—In addition to amounts otherwise made available under this heading—

(A) not to exceed \$1,653,305 shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act, and, in addition, as authorized by section 5 of such Act, \$490,000, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section;

(B) as authorized by section 810 of the United States Information and Educational Exchange Act, not to exceed \$6,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from English teaching, library, motion pictures, and publication programs and from fees from educational advising and counseling and exchange visitor programs; and

(C) not to exceed \$15,000, which shall be derived from reimbursements, surcharges and fees for use of Blair House facilities.

(6) **TRANSFER, REPROGRAMMING, AND SPENDING PLAN.**—

(A) Notwithstanding any provision of this Act, funds may be reprogrammed within and between subsections under this heading subject to section 7015 of this Act.

(B) Of the amount made available under this heading, not to exceed \$10,000,000 may be transferred to, and merged with, funds made available by this Act under the heading "Emergencies in the Diplomatic and Consular Service", to be available only for emergency evacuations and rewards, as authorized.

(C) Funds appropriated under this heading are available for acquisition by exchange or purchase of passenger motor vehicles as authorized by law and, pursuant to 31 U.S.C. 1108(g),

for the field examination of programs and activities in the United States funded from any account contained in this title.

(D) Not later than 45 days after the enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a report detailing planned expenditures for funds appropriated under this heading.

#### CIVILIAN STABILIZATION INITIATIVE

For necessary expenses to support, maintain, mobilize, and deploy a civilian response corps in coordination with the United States Agency for International Development (USAID), and for related reconstruction and stabilization assistance to prevent or respond to conflict or civil strife in foreign countries or regions, or to enable transition from such strife, \$120,000,000, to remain available until expended: Provided, That funds made available under this heading may be made available in fiscal year 2010 to provide administrative expenses for the Office of the Coordinator for Reconstruction and Stabilization: Provided further, That notwithstanding any other provision of law and following consultation with the Committees on Appropriations, the President may exercise transfer authorities contained in the Foreign Assistance Act of 1961 for reconstruction and stabilization assistance managed by the Office of the Coordinator for Reconstruction and Stabilization only to support an actively deployed Civilian Response Corps, subject to the regular notification procedures of the Committees on Appropriations: Provided further, That of the funds appropriated under this heading, \$10,000,000 shall be withheld from obligation until the Secretary of State reports to the Committees on Appropriations that the Department of State has signed a memorandum of understanding with the Department of Defense relating to the provision of airlift for deployment of Civilian Response Corps personnel and equipment: Provided further, That not later than 45 days after enactment of this Act, the Secretary of State and the USAID Administrator shall submit a coordinated joint spending plan for funds made available under this heading and under the heading "Civilian Stabilization Initiative" in title II of this Act.

#### CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, \$139,000,000, to remain available until expended, as authorized: Provided, That section 135(e) of Public Law 103-236 shall not apply to funds available under this heading.

#### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, \$100,000,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980 (Public Law 96-465), as it relates to post inspections, of which \$23,000,000 shall be for the Special Inspector General for Iraq Reconstruction for reconstruction oversight, and \$23,000,000 shall be for the Special Inspector General for Afghanistan Reconstruction for reconstruction oversight.

#### EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized, \$635,000,000, to remain available until expended: Provided, That not to exceed \$5,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, educational advising and counseling programs, and exchange visitor programs as authorized.

#### REPRESENTATION ALLOWANCES

For representation allowances as authorized, \$8,175,000.

#### PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for ex-

traordinary protective services, as authorized, \$28,000,000, to remain available until September 30, 2011.

#### EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926 (22 U.S.C. 292-303), preserving, maintaining, repairing, and planning for buildings that are owned or directly leased by the Department of State, renovating, in addition to funds otherwise available, the Harry S Truman Building, and carrying out the Diplomatic Security Construction Program as authorized, \$876,850,000, to remain available until expended as authorized, of which not to exceed \$25,000 may be used for domestic and overseas representation as authorized: Provided, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture, furnishings, or generators for other departments and agencies.

In addition, for the costs of worldwide security upgrades, acquisition, and construction as authorized, \$847,300,000, to remain available until expended: Provided, That not later than 45 days after enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations the proposed allocation of funds made available under this heading and the actual and anticipated proceeds of sales for all projects in fiscal year 2010.

#### EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

##### (INCLUDING TRANSFER OF FUNDS)

For necessary expenses to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, \$10,000,000, to remain available until expended as authorized, of which not to exceed \$1,000,000 may be transferred to, and merged with, funds appropriated by this Act under the heading "Repatriation Loans Program Account", subject to the same terms and conditions.

#### BUYING POWER MAINTENANCE ACCOUNT

To offset adverse fluctuations in foreign currency exchange rates and/or overseas wage and price changes, as authorized by section 24(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(b)), \$8,500,000, to remain available until expended.

#### REPATRIATION LOANS PROGRAM ACCOUNT

##### (INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, \$739,000, as authorized: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses necessary to carry out the direct loan program, \$711,000, which may be transferred to, and merged with, funds made available under the heading "Diplomatic and Consular Programs".

#### PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act (Public Law 96-8), \$21,174,000.

#### PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized, \$158,900,000.

#### INTERNATIONAL ORGANIZATIONS CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For necessary expenses, not otherwise provided for, to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, \$1,682,500,000: Provided, That the Secretary of State shall, at the

time of the submission of the President's budget to Congress under section 1105(a) of title 31, United States Code, transmit to the Committees on Appropriations the most recent biennial budget prepared by the United Nations for the operations of the United Nations: Provided further, That the Secretary of State shall notify the Committees on Appropriations at least 15 days in advance (or in an emergency, as far in advance as is practicable) of any United Nations action to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget: Provided further, That any payment of arrearages under this heading shall be directed toward activities that are mutually agreed upon by the United States and the respective international organization: Provided further, That none of the funds appropriated under this heading shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings.

#### CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, \$2,125,000,000, of which 15 percent shall remain available until September 30, 2011: Provided, That none of the funds made available by this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least 15 days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency as far in advance as is practicable): (1) the Committees on Appropriations are notified of the estimated cost and length of the mission, the national interest that will be served, the planned exit strategy, and that the United Nations has taken appropriate measures to prevent United Nations employees, contractor personnel, and peacekeeping forces serving in the mission from trafficking in persons, exploiting victims of trafficking, or committing acts of illegal sexual exploitation, and to hold accountable individuals who engage in such acts while participating in the peacekeeping mission, including the prosecution in their home countries of such individuals in connection with such acts; and (2) notification pursuant to section 7015 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission: Provided further, That funds shall be available for peacekeeping expenses unless the Secretary of State determines that American manufacturers and suppliers are not being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers.

#### INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

##### INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed \$6,000 for representation; as follows:

##### SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, \$33,000,000.

#### CONSTRUCTION

For detailed plan preparation and construction of authorized projects, \$43,250,000, to remain available until expended, as authorized.

##### AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided, for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and the Border Environment Cooperation Commission as authorized by Public Law 103-182, \$12,608,000: Provided, That of the amount provided under this heading for the International Joint Commission, \$9,000 may be made available for representation expenses.

##### INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, \$53,976,000: Provided, That the United States share of such expenses may be advanced to the respective commissions pursuant to 31 U.S.C. 3324: Provided further, That in addition to other funds available for such purposes, funds available under this heading may be used to make payments necessary to fulfill the United States' obligations under the Pacific Salmon Treaty.

#### RELATED AGENCY

##### BROADCASTING BOARD OF GOVERNORS

##### INTERNATIONAL BROADCASTING OPERATIONS

For necessary expenses to enable the Broadcasting Board of Governors (BBG), as authorized, to carry out international communication activities, including the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception and purchase, lease, and installation of necessary equipment for radio and television transmission and reception to Cuba, and to make and supervise grants for radio and television broadcasting to the Middle East, \$733,788,000, of which not more than \$5,500,000 may be made available for non-salary and benefits expenses for TV Marti broadcasts to Cuba: Provided, That of the total amount in this heading, not to exceed \$16,000 may be used for official receptions within the United States as authorized, not to exceed \$35,000 may be used for representation abroad as authorized, and not to exceed \$39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty: Provided further, That the authority provided by section 504(c) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107-228; 22 U.S.C. 6206 note) shall remain in effect through September 30, 2010: Provided further, That not later than 45 days after enactment of this Act, the BBG shall report to the Committees on Appropriations that all BBG language services and grantees, including the broadcasters to the Middle East, Afghanistan, and Pakistan, have processes and policies, including appropriate management and editorial controls, to require that programming abide by the standards and principles set forth in the United States International Broadcasting Act of 1994 (22 U.S.C. 6202(a) and (b)) and the relevant journalistic code of ethics, and not provide an open platform for terrorists or those who support terrorists: Provided further, That the BBG shall notify the Committees on Appropriations within 15 days of any determination by the Board that any of its broadcast entities, including its grantee organizations, was found to be in violation of the principles, standards, or journalistic code of ethics referenced in the previous proviso: Provided further, That in addition to funds made available under this heading, and notwithstanding any other provision of law, up to \$2,000,000 in receipts from advertising and

revenue from business ventures, up to \$500,000 in receipts from cooperating international organizations, and up to \$1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, to remain available until expended for carrying out authorized purposes.

##### BROADCASTING CAPITAL IMPROVEMENTS

For the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception as authorized, \$12,622,000, to remain available until expended, as authorized.

#### RELATED PROGRAMS

##### THE ASIA FOUNDATION

For a grant to The Asia Foundation, as authorized by The Asia Foundation Act (22 U.S.C. 4402), \$19,000,000, to remain available until expended, as authorized.

##### UNITED STATES INSTITUTE OF PEACE

For necessary expenses of the United States Institute of Peace, as authorized by the United States Institute of Peace Act, \$49,220,000, to remain available until September 30, 2011, of which up to \$15,000,000 may be used for construction activities.

##### CENTER FOR MIDDLE EASTERN-WESTERN DIALOGUE TRUST FUND

For necessary expenses of the Center for Middle Eastern-Western Dialogue Trust Fund, the total amount of the interest and earnings accruing to such Fund on or before September 30, 2010, to remain available until expended.

##### EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204-5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 2010, to remain available until expended: Provided, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A-110 (Uniform Administrative Requirements) and A-122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

##### ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program, as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 2010, to remain available until expended.

##### EAST-WEST CENTER

To enable the Secretary of State to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, \$23,000,000: Provided, That none of the funds appropriated herein shall be used to pay any salary, or enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.

##### NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the Department of State to the National Endowment for Democracy, as authorized by the National Endowment for Democracy Act, \$118,000,000, to remain available until expended, of which \$100,000,000 shall be

allocated in the traditional and customary manner, including for the core institutes, and \$18,000,000 shall be for democracy, human rights, and rule of law programs: Provided, That the President of the National Endowment for Democracy shall provide to the Committees on Appropriations not later than 45 days after the date of enactment of this Act a report on the proposed uses of funds under this heading on a regional and country basis.

#### OTHER COMMISSIONS

##### COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

###### SALARIES AND EXPENSES

For necessary expenses for the Commission for the Preservation of America's Heritage Abroad, \$635,000, as authorized by section 1303 of Public Law 99-83.

##### UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

###### SALARIES AND EXPENSES

For necessary expenses for the United States Commission on International Religious Freedom, as authorized by title II of the International Religious Freedom Act of 1998 (Public Law 105-292), \$4,300,000, to remain available until September 30, 2011: Provided, That notwithstanding the expenditure limitation specified in section 208(c)(1) of such Act (22 U.S.C. 6435a(c)(1)), the Commission may expend up to \$250,000 of the funds made available under this heading to procure temporary and intermittent services under the authority of section 3109(b) of title 5, United States Code.

##### COMMISSION ON SECURITY AND COOPERATION IN EUROPE

###### SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94-304, \$2,610,000, to remain available until September 30, 2011.

##### CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA

###### SALARIES AND EXPENSES

For necessary expenses of the Congressional-Executive Commission on the People's Republic of China, as authorized, \$2,000,000, including not more than \$3,000 for the purpose of official representation, to remain available until September 30, 2011.

##### UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

###### SALARIES AND EXPENSES

For necessary expenses of the United States-China Economic and Security Review Commission, \$3,500,000, including not more than \$4,000 for the purpose of official representation, to remain available until September 30, 2011: Provided, That the Commission shall provide to the Committees on Appropriations a quarterly accounting of the cumulative balances of any unobligated funds that were received by the Commission during any previous fiscal year: Provided further, That section 308(e) of the United States-China Relations Act of 2000 (22 U.S.C. 6918(e)) (relating to the treatment of employees as Congressional employees), and section 309 of such Act (22 U.S.C. 6919) (relating to printing and binding costs), shall apply to the Commission in the same manner as such section applies to the Congressional-Executive Commission on the People's Republic of China: Provided further, That the Commission shall comply with chapter 43 of title 5, United States Code, regarding the establishment and regular review of employee performance appraisals: Provided further, That the Commission shall comply with section 4505a of title 5, United States Code, with respect to limitations on payment of performance-based cash awards: Provided further, That

compensation for the executive director of the Commission may not exceed the rate payable for level II of the Executive Schedule under section 5313 of title 5, United States Code: Provided further, That travel by members and staff of the Commission shall be arranged and conducted under the rules and procedures applying to travel by members and staff of the House of Representatives.

#### TITLE II

##### UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

###### FUNDS APPROPRIATED TO THE PRESIDENT

###### OPERATING EXPENSES

###### (INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, \$1,388,800,000, of which up to \$105,000,000 may remain available until September 30, 2011: Provided, That none of the funds appropriated under this heading and under the heading "Capital Investment Fund" in this Act may be made available to finance the construction (including architect and engineering services), purchase, or long-term lease of offices for use by the United States Agency for International Development (USAID), unless the USAID Administrator has identified such proposed construction (including architect and engineering services), purchase, or long-term lease of offices in a report submitted to the Committees on Appropriations at least 15 days prior to the obligation of funds for such purposes: Provided further, That the previous proviso shall not apply when the total cost of construction (including architect and engineering services), purchase, or long-term lease of offices does not exceed \$1,000,000: Provided further, That of the funds appropriated under this heading that are available for capital investments related to the Development Leadership Initiative, up to \$245,000,000 may remain available until September 30, 2014: Provided further, That the USAID Administrator shall submit to the Committees on Appropriations, concurrent with the fiscal year 2011 congressional budget justification materials, a strategy described in the joint explanatory statement accompanying this Act for projected personnel requirements for USAID over the next 3 fiscal years: Provided further, That contracts or agreements entered into with funds appropriated under this heading may entail commitments for the expenditure of such funds through the following fiscal year: Provided further, That any decision to open a new USAID overseas mission or office or, except where there is a substantial security risk to mission personnel, to close or significantly reduce the number of personnel of any such mission or office, shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the authority of sections 610 and 109 of the Foreign Assistance Act of 1961 may be exercised by the Secretary of State to transfer funds appropriated to carry out chapter 1 of part I of such Act to "Operating Expenses" in accordance with the provisions of those sections: Provided further, That of the funds appropriated or made available under this heading, not to exceed \$250,000 may be available for representation and entertainment allowances, of which not to exceed \$5,000 may be available for entertainment allowances, for USAID during the current fiscal year: Provided further, That no such entertainment funds may be used for the purposes listed in section 7020 of this Act: Provided further, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

#### CIVILIAN STABILIZATION INITIATIVE

For necessary expenses to carry out section 667 of the Foreign Assistance Act of 1961 for the United States Agency for International Development (USAID) to support, maintain, mobilize, and deploy a Civilian Response Corps in coordination with the Department of State, and for related reconstruction and stabilization assistance to prevent or respond to conflict or civil strife in foreign countries or regions, or to enable transition from such strife, \$30,000,000, to remain available until expended: Provided, That not later than 45 days after enactment of this Act, the Secretary of State and the USAID Administrator shall submit a coordinated joint spending plan for funds made available under this heading and under the heading "Civilian Stabilization Initiative" in title I of this Act.

#### CAPITAL INVESTMENT FUND

For necessary expenses for overseas construction and related costs, and for the procurement and enhancement of information technology and related capital investments, pursuant to section 667 of the Foreign Assistance Act of 1961, \$185,000,000, to remain available until expended, of which not more than \$134,500,000 may be made available for the purpose of implementing the Capital Security Cost-Sharing Program: Provided, That this amount is in addition to funds otherwise available for such purposes: Provided further, That funds appropriated under this heading shall be available for obligation only pursuant to the regular notification procedures of the Committees on Appropriations.

#### OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, \$46,500,000, to remain available until September 30, 2011, which sum shall be available for the Office of Inspector General of the United States Agency for International Development.

#### TITLE III

##### BILATERAL ECONOMIC ASSISTANCE

###### FUNDS APPROPRIATED TO THE PRESIDENT

For necessary expenses to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 2010, unless otherwise specified herein, as follows:

###### GLOBAL HEALTH AND CHILD SURVIVAL

###### (INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for global health activities, in addition to funds otherwise available for such purposes, \$2,420,000,000, to remain available until September 30, 2011, and which shall be apportioned directly to the United States Agency for International Development (USAID): Provided, That this amount shall be made available for such activities as: (1) child survival and maternal health programs; (2) immunization and oral rehydration programs; (3) other health, nutrition, water and sanitation programs which directly address the needs of mothers and children, and related education programs; (4) assistance for children displaced or orphaned by causes other than AIDS; (5) programs for the prevention, treatment, control of, and research on HIV/AIDS, tuberculosis, polio, malaria, and other infectious diseases including neglected tropical diseases, and for assistance to communities severely affected by HIV/AIDS, including children infected or affected by AIDS; and (6) family planning/reproductive health: Provided further, That none of the funds appropriated under this paragraph may be made available for nonproject assistance, except that funds may be made available for such assistance for ongoing health activities: Provided further, That of the funds appropriated under this paragraph, \$78,000,000 should be made available for

a United States contribution to the GAVI Alliance: Provided further, That none of the funds made available in this Act nor any unobligated balances from prior appropriations Acts may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: Provided further, That any determination made under the previous proviso must be made no later than 6 months after the date of enactment of this Act, and must be accompanied by the evidence and criteria utilized to make the determination: Provided further, That none of the funds made available under this Act may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions: Provided further, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: Provided further, That none of the funds made available under this Act may be used to lobby for or against abortion: Provided further, That in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services, and that any such voluntary family planning project shall meet the following requirements: (1) service providers or referral agents in the project shall not implement or be subject to quotas, or other numerical targets, of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning (this provision shall not be construed to include the use of quantitative estimates or indicators for budgeting and planning purposes); (2) the project shall not include payment of incentives, bribes, gratuities, or financial reward to: (A) an individual in exchange for becoming a family planning acceptor; or (B) program personnel for achieving a numerical target or quota of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning; (3) the project shall not deny any right or benefit, including the right of access to participate in any program of general welfare or the right of access to health care, as a consequence of any individual's decision not to accept family planning services; (4) the project shall provide family planning acceptors comprehensible information on the health benefits and risks of the method chosen, including those conditions that might render the use of the method inadvisable and those adverse side effects known to be consequent to the use of the method; and (5) the project shall ensure that experimental contraceptive drugs and devices and medical procedures are provided only in the context of a scientific study in which participants are advised of potential risks and benefits; and, not less than 60 days after the date on which the USAID Administrator determines that there has been a violation of the requirements contained in paragraph (1), (2), (3), or (5) of this proviso, or a pattern or practice of violations of the requirements contained in paragraph (4) of this proviso, the Administrator shall submit to the Committees on Appropriations a report containing a description of such violation and the corrective action taken by the Agency: Provided further, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: Provided further, That for

purposes of this or any other Act authorizing or appropriating funds for the Department of State, foreign operations, and related programs, the term "motivate", as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: Provided further, That to the maximum extent practicable, taking into consideration cost, timely availability, and best health practices, funds appropriated in this Act or prior appropriations Acts that are made available for condom procurement should be made available for the procurement of condoms manufactured in the United States: Provided further, That information provided about the use of condoms as part of projects or activities that are funded from amounts appropriated by this Act shall be medically accurate and shall include the public health benefits and failure rates of such use.

In addition, for necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the prevention, treatment, and control of, and research on, HIV/AIDS, \$5,359,000,000, to remain available until expended, and which shall be apportioned directly to the Department of State: Provided, That of the funds appropriated under this paragraph, not less than \$750,000,000 shall be made available, notwithstanding any other provision of law, except for the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003 (Public Law 108-25), as amended, for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria, and shall be expended at the minimum rate necessary to make timely payment for projects and activities: Provided further, That up to 5 percent of the aggregate amount of funds made available to the Global Fund in fiscal year 2010 may be made available to USAID for technical assistance related to the activities of the Global Fund: Provided further, That of the funds appropriated under this paragraph, up to \$14,000,000 may be made available, in addition to amounts otherwise available for such purposes, for administrative expenses of the Office of the United States Global AIDS Coordinator.

#### DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of sections 103, 105, 106, and sections 251 through 255, and chapter 10 of part I of the Foreign Assistance Act of 1961, \$2,520,000,000, to remain available until September 30, 2011: Provided, That of the funds appropriated by this Act, not less than \$265,000,000 shall be made available for microenterprise and microfinance development programs for the poor, especially women: Provided further, That of the funds appropriated under this heading, not less than \$23,500,000 shall be made available for the American Schools and Hospitals Abroad program: Provided further, That of the funds appropriated under this heading, \$10,000,000 shall be made available for cooperative development programs within the Office of Private and Voluntary Cooperation, United States Agency for International Development (USAID): Provided further, That of the funds appropriated by this Act, not less than \$315,000,000 shall be made available for water and sanitation supply projects pursuant to the Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109-121): Provided further, That the relevant bureaus and offices of USAID that support cross-cutting development programs shall coordinate such programs on a regular basis: Provided further, That of the funds appropriated by title III of this Act, not less than \$1,169,833,000 should be made available for food security and agricultural development programs, which may be made available notwithstanding any other provision of law to address critical food shortages, of which \$31,500,000 shall be made available for

Collaborative Research Support Programs: Provided further, That prior to the obligation of funds pursuant to the previous proviso and after consultation with other relevant Federal departments and agencies, the Committees on Appropriations, and relevant nongovernmental organizations, the USAID Administrator shall submit to the Committees on Appropriations a strategy for achieving food security and agricultural development program goals: Provided further, That of the funds appropriated under this heading for food security and agricultural development programs, \$10,000,000 shall be made available for a United States contribution to the endowment of the Global Crop Diversity Trust pursuant to section 3202 of Public Law 110-246: Provided further, That of the funds appropriated under this heading, not less than \$20,000,000 shall be made available for programs to improve women's leadership capacity in recipient countries.

#### INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses to carry out the provisions of section 491 of the Foreign Assistance Act of 1961 for international disaster relief, rehabilitation, and reconstruction assistance, \$845,000,000, to remain available until expended.

#### TRANSITION INITIATIVES

For necessary expenses for international disaster rehabilitation and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, \$55,000,000, to remain available until expended, to support transition to democracy and to long-term development of countries in crisis: Provided, That such support may include assistance to develop, strengthen, or preserve democratic institutions and processes, revitalize basic infrastructure, and foster the peaceful resolution of conflict: Provided further, That the United States Agency for International Development shall submit a report to the Committees on Appropriations at least 5 days prior to beginning a new program of assistance: Provided further, That if the Secretary of State determines that it is important to the national interests of the United States to provide transition assistance in excess of the amount appropriated under this heading, up to \$15,000,000 of the funds appropriated by this Act to carry out the provisions of part I of the Foreign Assistance Act of 1961 may be used for purposes of this heading and under the authorities applicable to funds appropriated under this heading: Provided further, That funds made available pursuant to the previous proviso shall be made available subject to prior consultation with the Committees on Appropriations.

#### COMPLEX CRISES FUND

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 to enable the Administrator of the United States Agency for International Development (USAID), in consultation with the Secretary of State, to support programs and activities to prevent or respond to emerging or unforeseen complex crises overseas, \$50,000,000, to remain available until expended: Provided, That funds appropriated under this heading may be made available on such terms and conditions as the USAID Administrator may determine, in consultation with the Committees on Appropriations, for the purposes of preventing or responding to such crises, except that no funds shall be made available to respond to natural disasters: Provided further, That funds appropriated under this heading shall be made available notwithstanding section 10 of Public Law 91-672 and section 15 of the State Department Basic Authorities Act of 1956: Provided further, That the USAID Administrator may furnish assistance under this heading notwithstanding any other provision of law, except sections 7007, 7008, and 7018 of this Act and section 620J of the Foreign Assistance Act

of 1961: Provided further, That funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations, except that such notifications shall be transmitted at least 5 days in advance of the obligation of funds: Provided further, That the requirements of the previous proviso may be waived if failure to do so would pose a substantial risk to human health or welfare: Provided further, That in case of any such waiver, notification to the Committees on Appropriations shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: Provided further, That any such notification provided pursuant to such waiver shall contain an explanation of the emergency circumstances.

DEVELOPMENT CREDIT AUTHORITY  
(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans and loan guarantees provided by the United States Agency for International Development, as authorized by sections 256 and 635 of the Foreign Assistance Act of 1961, up to \$25,000,000 may be derived by transfer from funds appropriated by this Act to carry out part I of such Act and under the heading "Assistance for Europe, Eurasia and Central Asia": Provided, That funds provided under this paragraph and funds provided as a gift pursuant to section 635(d) of the Foreign Assistance Act of 1961 shall be made available only for micro and small enterprise programs, urban programs, and other programs which further the purposes of part I of such Act: Provided further, That such costs, including the cost of modifying such direct and guaranteed loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That funds made available by this paragraph may be used for the cost of modifying any such guaranteed loans under this Act or prior Acts, and funds used for such costs shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the provisions of section 107A(d) (relating to general provisions applicable to the Development Credit Authority) of the Foreign Assistance Act of 1961, as contained in section 306 of H.R. 1486 as reported by the House Committee on International Relations on May 9, 1997, shall be applicable to direct loans and loan guarantees provided under this heading: Provided further, That these funds are available to subsidize total loan principal, any portion of which is to be guaranteed, of up to \$700,000,000.

In addition, for administrative expenses to carry out credit programs administered by the United States Agency for International Development, \$8,600,000, which may be transferred to, and merged with, funds made available under the heading "Operating Expenses" in title II of this Act: Provided, That funds made available under this heading shall remain available until September 30, 2012.

ECONOMIC SUPPORT FUND  
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, \$6,337,000,000, to remain available until September 30, 2011: Provided, That of the funds appropriated under this heading, \$250,000,000 shall be available only for assistance for Egypt, which sum shall be provided on a grant basis, and of which sum cash transfer assistance shall be provided with the understanding that Egypt will undertake significant economic and democratic reforms which are additional to those which were undertaken in previous fiscal years: Provided further, That of the funds appropriated under this heading for assistance for Egypt, not less than \$25,000,000

shall be made available for democracy, human rights and governance programs, and not less than \$35,000,000 shall be made available for education programs, of which not less than \$10,000,000 is for scholarships for Egyptian students with high financial need: Provided further, That \$11,000,000 of the funds appropriated under this heading should be made available for assistance for Cyprus to be used only for scholarships, administrative support of the scholarship program, bicomunal projects, and measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus: Provided further, That \$12,000,000 of the funds made available for assistance for Lebanon under this heading shall be made available for educational scholarships for students in Lebanon with high financial need: Provided further, That of the funds appropriated under this heading, not less than \$363,000,000 shall be made available only for assistance for Jordan: Provided further, That of the funds appropriated under this heading not more than \$400,400,000 may be made available for assistance for the West Bank and Gaza, of which not to exceed \$2,000,000 may be used for administrative expenses of the United States Agency for International Development (USAID), in addition to funds otherwise available for such purposes: Provided further, That not more than \$150,000,000 of the funds provided for the West Bank and Gaza shall be for cash transfer assistance: Provided further, That funds appropriated under this heading that are made available for assistance for infrastructure projects in Pakistan shall be implemented in a manner consistent with section 507(6) of the Trade Act of 1974 (19 U.S.C. 2467(6)): Provided further, That of the funds appropriated under this heading for assistance for Afghanistan and Pakistan, assistance may be provided notwithstanding any provision of law that restricts assistance to foreign countries for cross border stabilization and development programs between Afghanistan and Pakistan or between either country and the Central Asian republics: Provided further, That funds appropriated by this Act for assistance for Afghanistan and Pakistan may be made available for government-to-government assistance only if the Secretary of State certifies to the Committees on Appropriations that the Government of the United States and the government of the recipient country have agreed, in writing, to clear and achievable goals and objectives for the use of such funds, and have established mechanisms within each implementing agency to ensure that such funds are used for the purposes for which they were intended: Provided further, That any such cash transfer assistance shall be subject to prior consultation with the Committees on Appropriations: Provided further, That the Secretary of State should suspend any such cash transfer assistance to an implementing agency if the Secretary has credible evidence of misuse of such funds by any such agency: Provided further, That any decision to significantly modify the scope, objectives or implementation mechanisms of United States assistance programs in Afghanistan or Pakistan shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations, except that the prior consultation requirement may be waived if it is determined that failure to do so would pose a substantial risk to human health or welfare: Provided further, That in case of any such waiver, notification to the Committees on Appropriations shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such consultation requirement was applicable: Provided further, That of the funds made available under this heading for assistance for Pakistan, \$2,000,000 shall be

transferred to, and merged with, funds available under the heading "Administration of Foreign Affairs, Office of Inspector General" for oversight of programs in Pakistan: Provided further, That of the funds appropriated under this heading, \$209,790,000 shall be apportioned directly to USAID for alternative development/institution building programs in Colombia: Provided further, That of the funds appropriated under this heading that are available for assistance for Colombia, not less than \$8,000,000 shall be transferred to, and merged with, funds appropriated under the heading "Migration and Refugee Assistance" and shall be made available only for assistance to nongovernmental and international organizations that provide assistance to Colombian refugees in neighboring countries.

DEMOCRACY FUND

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the promotion of democracy globally, \$120,000,000, to remain available until September 30, 2011, of which \$70,000,000 shall be made available for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights and Labor, Department of State, and \$50,000,000 shall be made available for the Office of Democracy and Governance of the Bureau for Democracy, Conflict, and Humanitarian Assistance, United States Agency for International Development.

INTERNATIONAL FUND FOR IRELAND

For necessary expenses to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, \$17,000,000, which shall be available for the United States contribution to the International Fund for Ireland and shall be made available in accordance with the provisions of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99-415): Provided, That such amount shall be expended at the minimum rate necessary to make timely payment for projects and activities: Provided further, That funds made available under this heading shall remain available until September 30, 2011.

ASSISTANCE FOR EUROPE, EURASIA AND CENTRAL ASIA

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961, the FREEDOM Support Act, and the Support for East European Democracy (SEED) Act of 1989, \$741,632,000, to remain available until September 30, 2011, which shall be available, notwithstanding any other provision of law, for assistance and for related programs for countries identified in section 3 of the FREEDOM Support Act and section 3(c) of the SEED Act: Provided, That funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance: Provided further, That notwithstanding any provision of this or any other Act, funds appropriated in prior years under the headings "Independent States of the Former Soviet Union" and similar headings and "Assistance for Eastern Europe and the Baltic States" and similar headings, and currencies generated by or converted from such funds, shall be available for use in any country for which funds are made available under this heading without regard to the geographic limitations of the heading under which such funds were originally appropriated: Provided further, That funds made available for the Southern Caucasus region may be used for confidence-building measures and other activities in furtherance of the peaceful resolution of conflicts, including in Nagorno-Karabakh: Provided further, That of the funds appropriated under this heading that are available for assistance for the Kyrgyz Republic, up to \$11,500,000 shall be made available for the Joint Development Fund.



DEPARTMENT OF STATE  
MIGRATION AND REFUGEE ASSISTANCE

For necessary expenses, not otherwise provided for, to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross, assistance to refugees, including contributions to the International Organization for Migration and the United Nations High Commissioner for Refugees, and other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, \$1,685,000,000, to remain available until expended, of which \$25,000,000 shall be made available for refugees resettling in Israel, and not less than \$35,000,000 shall be made available to respond to small-scale emergency humanitarian requirements of international and non-governmental partners.

UNITED STATES EMERGENCY REFUGEE AND  
MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 2601(c)), \$45,000,000, to remain available until expended.

INDEPENDENT AGENCIES  
PEACE CORPS  
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of the Peace Corps Act (22 U.S.C. 2501–2523), including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States, \$400,000,000, to remain available until September 30, 2011: Provided, That none of the funds appropriated under this heading shall be used to pay for abortions: Provided further, That the Director of the Peace Corps may transfer to the Foreign Currency Fluctuations Account, as authorized by 22 U.S.C. 2515, an amount not to exceed \$5,000,000: Provided further, That funds transferred pursuant to the previous proviso may not be derived from amounts made available for Peace Corps overseas operations: Provided further, That of the funds appropriated under this heading, not to exceed \$4,000 may be made available for entertainment expenses: Provided further, That any decision to open, close, significantly reduce, or suspend a domestic or overseas office or country program shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations, except that prior consultation and regular notification procedures may be waived when there is a substantial security risk to volunteers or other Peace Corps personnel, pursuant to section 7015(e) of this Act: Provided further, That not later than 45 days after enactment of this Act, the Director shall submit a spending plan to the Committees on Appropriations on the proposed uses of funds under this heading: Provided further, That not later than 180 days after enactment of this Act, the Director shall, after consultation with the Committees on Appropriations, submit a report to the Committees that includes the findings of a comprehensive assessment of the current program model of the Peace Corps and a strategy for reforming and improving operations.

MILLENNIUM CHALLENGE CORPORATION  
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of the Millennium Challenge Act of 2003, \$1,105,000,000 to remain available until expended: Provided, That of the funds appropriated under this heading, up to \$95,000,000

may be available for administrative expenses of the Millennium Challenge Corporation (the Corporation): Provided further, That up to 10 percent of the funds appropriated under this heading may be made available to carry out the purposes of section 616 of the Millennium Challenge Act of 2003 for fiscal year 2010: Provided further, That section 605(e)(4) of the Millennium Challenge Act of 2003 shall apply to funds appropriated under this heading: Provided further, That funds appropriated under this heading may be made available for a Millennium Challenge Compact entered into pursuant to section 609 of the Millennium Challenge Act of 2003 only if such Compact obligates, or contains a commitment to obligate subject to the availability of funds and the mutual agreement of the parties to the Compact to proceed, the entire amount of the United States Government funding anticipated for the duration of the Compact: Provided further, That the Corporation should reimburse the United States Agency for International Development (USAID) for all expenses incurred by USAID with funds appropriated under this heading in assisting the Corporation in carrying out such Act, including administrative costs for compact development, negotiation, and implementation: Provided further, That the Chief Executive Officer of the Millennium Challenge Corporation shall notify the Committees on Appropriations not later than 15 days prior to signing any new country compact or new threshold country program; terminating or suspending any country compact or threshold country program; or commencing negotiations for any new compact or threshold country program: Provided further, That funds appropriated by this Act or any prior Act appropriating funds for the Department of State, foreign operations, and related programs that are made available for a Millennium Challenge Compact and that are suspended or terminated by the Chief Executive Officer of the Corporation shall be subject to the regular notification procedures of the Committees on Appropriations prior to re-obligation: Provided further, That none of the funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under this heading may be used for military assistance or military training, including for assistance for military or paramilitary purposes and for assistance to military forces: Provided further, That the terms and conditions of section 1105(c) of Public Law 111–32 shall apply to funds appropriated under this heading: Provided further, That a Millennium Challenge Corporation candidate country selected as an eligible country in fiscal year 2009 in accordance with section 607(c) of the Millennium Challenge Act of 2003 that is transitioning out of one of the income categories identified in subsections 606(a) and (b) shall retain its candidacy status at the lower income category for purposes of setting compact funding levels for the fiscal year of its transition and the two subsequent fiscal years: Provided further, That of the funds appropriated under this heading, not to exceed \$100,000 may be available for representation and entertainment allowances, of which not to exceed \$5,000 may be available for entertainment allowances.

INTER-AMERICAN FOUNDATION

For necessary expenses to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, \$23,000,000, to remain available until September 30, 2011: Provided, That of the funds appropriated under this heading, not to exceed \$2,000 may be available for entertainment and representation allowances.

AFRICAN DEVELOPMENT FOUNDATION

For necessary expenses to carry out title V of the International Security and Development Cooperation Act of 1980 (Public Law 96–533), \$30,000,000, to remain available until September 30, 2011: Provided, That funds made available to grantees may be invested pending expenditure for project purposes when authorized by the Board of Directors of the Foundation: Provided further, That interest earned shall be used only for the purposes for which the grant was made: Provided further, That notwithstanding section 505(a)(2) of the African Development Foundation Act, in exceptional circumstances the Board of Directors of the Foundation may waive the \$250,000 limitation contained in that section with respect to a project and a project may exceed the limitation by up to \$10,000 if the increase is due solely to foreign currency fluctuation: Provided further, That the Foundation shall provide a report to the Committees on Appropriations after each time such waiver authority is exercised.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For necessary expenses to carry out the provisions of section 129 of the Foreign Assistance Act of 1961, \$25,000,000, to remain available until September 30, 2012, which shall be available notwithstanding any other provision of law.

DEBT RESTRUCTURING

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, including the cost of selling, reducing, or canceling amounts owed to the United States as a result of concessional loans made to eligible countries, pursuant to parts IV and V of the Foreign Assistance Act of 1961, of modifying concessional credit agreements with least developed countries, as authorized under section 411 of the Agricultural Trade Development and Assistance Act of 1954, as amended, of concessional loans, guarantees and credit agreements, as authorized under section 572 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Public Law 100–461), and of canceling amounts owed, as a result of loans or guarantees made pursuant to the Export-Import Bank Act of 1945, by countries that are eligible for debt reduction pursuant to title V of H.R. 3425 as enacted into law by section 1000(a)(5) of Public Law 106–113, \$60,000,000, to remain available until September 30, 2012: Provided, That not less than \$20,000,000 of the funds appropriated under this heading shall be made available to carry out the provisions of part V of the Foreign Assistance Act of 1961: Provided further, That amounts paid to the Heavily Indebted Poor Countries (HIPC) Trust Fund may be used only to fund debt reduction under the enhanced HIPC initiative by—

- (1) the Inter-American Development Bank;
- (2) the African Development Fund;
- (3) the African Development Bank; and
- (4) the Central American Bank for Economic Integration:

Provided further, That funds may not be paid to the HIPC Trust Fund for the benefit of any country if the Secretary of State has credible evidence that the central government of such country is engaged in a consistent pattern of gross violations of internationally recognized human rights or in military or civil conflict that undermines its ability to develop and implement measures to alleviate poverty and to devote adequate human and financial resources to that end: Provided further, That on the basis of final appropriations, the Secretary of the Treasury

shall consult with the Committees on Appropriations concerning which countries and international financial institutions are expected to benefit from a United States contribution to the HIPC Trust Fund during the fiscal year: Provided further, That the Secretary of the Treasury shall notify the Committees on Appropriations not less than 15 days in advance of the signature of an agreement by the United States to make payments to the HIPC Trust Fund of amounts for such countries and institutions: Provided further, That the Secretary of the Treasury may disburse funds designated for debt reduction through the HIPC Trust Fund only for the benefit of countries that—

(1) have committed, for a period of 24 months, not to accept new market-rate loans from the international financial institution receiving debt repayment as a result of such disbursement, other than loans made by such institutions to export-oriented commercial projects that generate foreign exchange which are generally referred to as “enclave” loans; and

(2) have documented and demonstrated their commitment to redirect their budgetary resources from international debt repayments to programs to alleviate poverty and promote economic growth that are additional to or expand upon those previously available for such purposes:

Provided further, That any limitation of subsection (e) of section 411 of the Agricultural Trade Development and Assistance Act of 1954 shall not apply to funds appropriated under this heading: Provided further, That none of the funds made available under this heading in this or any other appropriations Act shall be made available for Sudan or Burma unless the Secretary of the Treasury determines and notifies the Committees on Appropriations that a democratically elected government has taken office.

#### TITLE IV

#### INTERNATIONAL SECURITY ASSISTANCE DEPARTMENT OF STATE INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, \$1,597,000,000, to remain available until September 30, 2011: Provided, That during fiscal year 2010, the Department of State may also use the authority of section 608 of the Foreign Assistance Act of 1961, without regard to its restrictions, to receive excess property from an agency of the United States Government for the purpose of providing it to a foreign country or international organization under chapter 8 of part I of that Act subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the Secretary of State shall provide to the Committees on Appropriations not later than 45 days after the date of the enactment of this Act and prior to the initial obligation of funds appropriated under this heading, a report on the proposed uses of all funds under this heading on a country-by-country basis for each proposed program, project, or activity: Provided further, That section 482(b) of the Foreign Assistance Act of 1961 shall not apply to funds appropriated under this heading: Provided further, That assistance provided with funds appropriated under this heading that is made available notwithstanding section 482(b) of the Foreign Assistance Act of 1961 shall be made available subject to the regular notification procedures of the Committees on Appropriations: Provided further, That of the funds appropriated under this heading, \$5,000,000 should be made available to combat piracy of United States copyrighted materials, consistent with the requirements of section 688(a) and (b) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (divi-

sion J of Public Law 110-161): Provided further, That none of the funds appropriated under this heading for assistance for Afghanistan may be made available for eradication programs through the aerial spraying of herbicides unless the Secretary of State determines and reports to the Committees on Appropriations that the President of Afghanistan has requested assistance for such aerial spraying programs for counternarcotics purposes: Provided further, That in the event the Secretary of State makes a determination pursuant to the previous proviso, the Secretary shall consult with the Committees on Appropriations prior to the obligation of funds for such eradication programs: Provided further, That none of the funds appropriated under this heading for assistance for Colombia shall be made available for budget support or as cash payments: Provided further, That none of the funds appropriated under this heading shall be made available for assistance for the Bolivian military and police unless the Secretary of State determines and reports to the Committees on Appropriations that the Government of Bolivia is investigating, prosecuting, and punishing military and police personnel who have been credibly alleged to have violated internationally recognized human rights.

#### NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism, demining and related programs and activities, \$754,000,000, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assistance, chapter 9 of part II of the Foreign Assistance Act of 1961, section 504 of the FREEDOM Support Act, section 23 of the Arms Export Control Act or the Foreign Assistance Act of 1961 for demining activities, the clearance of unexploded ordnance, the destruction of small arms, and related activities, notwithstanding any other provision of law, including activities implemented through nongovernmental and international organizations, and section 301 of the Foreign Assistance Act of 1961 for a voluntary contribution to the International Atomic Energy Agency (IAEA), and for a United States contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: Provided, That of this amount not to exceed \$75,000,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, to promote bilateral and multilateral activities relating to nonproliferation, disarmament and weapons destruction: Provided further, That such funds may also be used for such countries other than the Independent States of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so: Provided further, That funds made available for the Nonproliferation and Disarmament Fund shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations: Provided further, That funds appropriated under this heading may be made available for the IAEA unless the Secretary of State determines that Israel is being denied its right to participate in the activities of that Agency: Provided further, That of the funds appropriated under this heading, not more than \$500,000 may be made available for public-private partnerships for conventional weapons and mine action by grant, cooperative agreement or contract: Provided further, That of the funds made available for demining and related activities, not to exceed \$700,000, in addition to funds otherwise available for such purposes, may be used for administrative expenses related to the operation and management of the demining program: Provided further, That funds appropriated under this heading that are avail-

able for “Anti-terrorism Assistance” and “Export Control and Border Security” shall remain available until September 30, 2011.

#### PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, \$331,500,000: Provided, That funds appropriated under this heading may be used, notwithstanding section 660 of such Act, to provide assistance to enhance the capacity of foreign civilian security forces, including gendarmes, to participate in peacekeeping operations: Provided further, That of the funds appropriated under this heading, up to \$102,000,000 may be made available for assistance for Somalia, of which up to \$55,000,000 may be used to pay assessed expenses of international peacekeeping activities in Somalia: Provided further, That of the funds appropriated under this heading, not less than \$26,000,000 shall be made available for a United States contribution to the Multinational Force and Observers mission in the Sinai: Provided further, That none of the funds appropriated under this heading shall be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

#### FUNDS APPROPRIATED TO THE PRESIDENT INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, \$108,000,000, of which up to \$4,000,000 may remain available until expended and may only be provided through the regular notification procedures of the Committees on Appropriations: Provided, That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights: Provided further, That funds made available under this heading for assistance for Angola, Bangladesh, Cameroon, Central African Republic, Chad, Cote d'Ivoire, Democratic Republic of the Congo, Ethiopia, Guatemala, Guinea, Haiti, Kenya, Libya, Nepal, Nigeria, and Sri Lanka may only be provided through the regular notification procedures of the Committees on Appropriations and any such notification shall include a detailed description of proposed activities: Provided further, That of the funds appropriated under this heading, not to exceed \$55,000 may be available for entertainment allowances.

#### FOREIGN MILITARY FINANCING PROGRAM

For necessary expenses for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, \$4,195,000,000: Provided, That to expedite the provision of assistance to foreign countries and international organizations, the Secretary of State, following consultation with the Committees on Appropriations and subject to the regular notification procedures of such Committees, may use the funds appropriated under this heading to procure defense articles and services to enhance the capacity of foreign security forces: Provided further, That of the funds appropriated under this heading, not less than \$2,220,000,000 shall be available for grants only for Israel, and not less than \$1,040,000,000 shall be made available for grants only for Egypt, including for border security programs and activities in the Sinai: Provided further, That the funds appropriated under this heading for assistance for Israel shall be disbursed within 30 days of the enactment of this Act: Provided further, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel under

this heading shall, as agreed by the United States and Israel, be available for advanced weapons systems, of which not less than \$583,860,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: Provided further, That funds appropriated under this heading estimated to be outlaid for Egypt during fiscal year 2010 shall be transferred to an interest bearing account for Egypt in the Federal Reserve Bank of New York within 30 days of enactment of this Act: Provided further, That of the funds appropriated under this heading, \$150,000,000 shall be made available for assistance for Jordan: Provided further, That of the funds appropriated under this heading, not more than \$55,000,000 shall be available for assistance for Colombia, of which up to \$12,500,000 is available to support maritime interdiction and riverine operations: Provided further, That of the funds appropriated under this heading, not less than \$238,000,000 should be made available for assistance for Pakistan: Provided further, That in addition to the funds made available in the previous proviso, up to \$60,000,000 of the funds appropriated under the heading "Economic Support Fund" in this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs, may be transferred to, and merged with, funds appropriated under this heading and made available for assistance for Pakistan, subject to the regular notification procedures of the Committees on Appropriations: Provided further, That none of the funds made available under this heading shall be made available to support or continue any program initially funded under the authority of section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3456) unless the Secretary of State, in coordination with the Secretary of Defense, has justified such program to the Committees on Appropriations: Provided further, That funds appropriated or otherwise made available under this heading shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: Provided further, That funds made available under this heading shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a).

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurements has first signed an agreement with the United States Government specifying the conditions under which such procurements may be financed with such funds: Provided, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 7015 of this Act: Provided further, That none of the funds appropriated under this heading may be made available for assistance for Nepal, Sri Lanka, Pakistan, Bangladesh, Philippines, Indonesia, Bosnia and Herzegovina, Haiti, Guatemala, Ethiopia, Cambodia, Kenya, Chad, and the Democratic Republic of the Congo except pursuant to the regular notification procedures of the Committees on Appropriations: Provided further, That funds made available under this heading may be used, notwithstanding any other provision of law, for demining, the clearance of unexploded ordnance, and related activities, and may include activities implemented through nongovernmental and international organizations: Provided further, That only those countries for which assistance was justified for the "Foreign Military Sales Financing Program" in

the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: Provided further, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: Provided further, That not more than \$54,464,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: Provided further, That of the funds appropriated under this heading for general costs of administering military assistance and sales, not to exceed \$4,000 may be available for entertainment expenses and not to exceed \$130,000 may be available for representation allowances: Provided further, That not more than \$550,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during fiscal year 2010 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations.

#### TITLE V

##### MULTILATERAL ASSISTANCE

##### FUNDS APPROPRIATED TO THE PRESIDENT

##### INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, \$394,000,000: Provided, That section 307(a) of the Foreign Assistance Act of 1961 shall not apply to contributions to the United Nations Democracy Fund.

##### INTERNATIONAL FINANCIAL INSTITUTIONS

##### GLOBAL ENVIRONMENT FACILITY

For the United States contribution for the Global Environment Facility, \$86,500,000, to the International Bank for Reconstruction and Development as trustee for the Global Environment Facility, by the Secretary of the Treasury, to remain available until expended.

##### CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, \$1,262,500,000, to remain available until expended.

##### CONTRIBUTION TO THE CLEAN TECHNOLOGY FUND

For contributions to the multilateral Clean Technology Fund, \$300,000,000, to remain available until expended.

##### CONTRIBUTION TO THE STRATEGIC CLIMATE FUND

For contributions to the multilateral Strategic Climate Fund, \$75,000,000, to remain available until expended.

##### CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

For payment to the Inter-American Investment Corporation by the Secretary of the Treasury, \$4,670,000, to remain available until expended.

##### CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

For payment to the Enterprise for the Americas Multilateral Investment Fund by the Secretary of the Treasury, for the United States

contribution to the fund, \$25,000,000, to remain available until expended.

##### CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended, \$105,000,000, to remain available until expended.

##### CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the African Development Fund, \$155,000,000, to remain available until expended.

##### CONTRIBUTION TO THE INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

For the United States contribution by the Secretary of the Treasury to increase the resources of the International Fund for Agricultural Development, \$30,000,000, to remain available until expended.

#### TITLE VI

##### EXPORT AND INVESTMENT ASSISTANCE

##### EXPORT-IMPORT BANK OF THE UNITED STATES

##### INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$2,500,000, to remain available until September 30, 2011.

##### PROGRAM ACCOUNT

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: Provided, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country, other than a nuclear-weapon state as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act, that has detonated a nuclear explosive after the date of the enactment of this Act: Provided further, That notwithstanding section 1(c) of Public Law 103-428, as amended, sections 1(a) and (b) of Public Law 103-428 shall remain in effect through October 1, 2010: Provided further, That not less than 10 percent of the aggregate loan, guarantee, and insurance authority available to the Export-Import Bank under this Act should be used for renewable energy technologies or end-use energy efficiency technologies.

##### SUBSIDY APPROPRIATION

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, not to exceed \$58,000,000: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such funds shall remain available until September 30, 2025, for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 2010, 2011, 2012, and 2013: Provided further, That none of the funds appropriated by this Act or any prior Acts appropriating funds for the Department of State, foreign operations, and related programs for tied-aid credits or grants may be used for any other purpose except through the regular notification procedures of

the Committees on Appropriations: Provided further, That funds appropriated by this paragraph are made available notwithstanding section 2(b)(2) of the Export-Import Bank Act of 1945, in connection with the purchase or lease of any product by any Eastern European country, any Baltic State or any agency or national thereof.

#### ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed \$30,000 for official reception and representation expenses for members of the Board of Directors, not to exceed \$83,880,000: Provided, That the Export-Import Bank may accept, and use, payment or services provided by transaction participants for legal, financial, or technical services in connection with any transaction for which an application for a loan, guarantee or insurance commitment has been made: Provided further, That notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) thereof shall remain in effect until October 1, 2010.

#### RECEIPTS COLLECTED

Receipts collected pursuant to the Export-Import Bank Act of 1945, as amended, and the Federal Credit Reform Act of 1990, as amended, in an amount not to exceed the amount appropriated herein, shall be credited as offsetting collections to this account: Provided, That the sums herein appropriated from the General Fund shall be reduced on a dollar-for-dollar basis by such offsetting collections so as to result in a final fiscal year appropriation from the General Fund estimated at \$0: Provided further, That amounts collected in fiscal year 2010 in excess of obligations shall become available on September 1, 2010 and shall remain available until September 30, 2013.

#### OVERSEAS PRIVATE INVESTMENT CORPORATION

##### NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: Provided, That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed \$35,000) shall not exceed \$52,310,000: Provided further, That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

##### PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, \$29,000,000, as authorized by section 234 of the Foreign Assistance Act of 1961, to be derived by transfer from the Overseas Private Investment Corporation Noncredit Account: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such sums shall be available for direct loan obligations and loan guaranty commitments incurred or made during fiscal years 2010, 2011, and 2012: Provided further, That funds so obligated in fiscal year 2010 remain available for disbursement through 2018; funds obligated in fiscal year 2011 remain available for disbursement through 2019; and funds obligated in fiscal year 2012 remain available for disbursement through 2020: Provided further, That notwith-

standing any other provision of law, the Overseas Private Investment Corporation is authorized to undertake any program authorized by title IV of the Foreign Assistance Act of 1961 in Iraq: Provided further, That funds made available pursuant to the authority of the previous proviso shall be subject to the regular notification procedures of the Committees on Appropriations.

In addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account.

#### FUNDS APPROPRIATED TO THE PRESIDENT

##### TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, \$55,200,000, to remain available until September 30, 2011: Provided, That of the funds appropriated under this heading, not more than \$4,000 may be available for representation and entertainment allowances.

#### TITLE VII

#### GENERAL PROVISIONS

##### ALLOWANCES AND DIFFERENTIALS

SEC. 7001. Funds appropriated under title I of this Act shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by 5 U.S.C. 3109; and for hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

##### UNOBLIGATED BALANCES REPORT

SEC. 7002. Any department or agency of the United States Government to which funds are appropriated or otherwise made available by this Act shall provide to the Committees on Appropriations a quarterly accounting of cumulative balances by program, project, and activity of the funds received by such department or agency in this fiscal year or any previous fiscal year that remain unobligated and unexpended.

##### CONSULTING SERVICES

SEC. 7003. The expenditure of any appropriation under title I of this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

##### EMBASSY CONSTRUCTION

SEC. 7004. (a) Of funds provided under title I of this Act, except as provided in subsection (b), a project to construct a diplomatic facility of the United States may not include office space or other accommodations for an employee of a Federal agency or department if the Secretary of State determines that such department or agency has not provided to the Department of State the full amount of funding required by subsection (e) of section 604 of the Secure Embassy Construction and Counterterrorism Act of 1999 (as enacted into law by section 1000(a)(7) of Public Law 106-113 and contained in appendix G of that Act; 113 Stat. 1501A-453), as amended by section 629 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2005.

(b) Notwithstanding the prohibition in subsection (a), a project to construct a diplomatic facility of the United States may include office space or other accommodations for members of the United States Marine Corps.

(c) Funds appropriated by this Act, and any prior Act making appropriations for the Department of State, foreign operations, and related

programs, which may be made available for the acquisition of property for diplomatic facilities in Kabul, Afghanistan, shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

#### PERSONNEL ACTIONS

SEC. 7005. Any costs incurred by a department or agency funded under title I of this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available under title I to such department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 7015 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

#### LOCAL GUARD CONTRACTS

SEC. 7006. In evaluating proposals for local guard contracts, the Secretary of State shall award contracts in accordance with section 136 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 4864), except that the Secretary may grant authorization to award such contracts on the basis of best value as determined by a cost-technical tradeoff analysis (as described in Federal Acquisition Regulation part 15.101) in Iraq, Afghanistan, and Pakistan, notwithstanding subsection (c)(3) of such section: Provided, That the authority in this section shall apply to any options for renewal that may be exercised under such contracts that are awarded during the current fiscal year: Provided further, That prior to issuing a solicitation for a contract to be awarded pursuant to the authority under this section, the Secretary of State shall consult with the Committees on Foreign Relations and Appropriations of the Senate and the Committees on Foreign Affairs and Appropriations of the House of Representatives.

#### PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 7007. None of the funds appropriated or otherwise made available pursuant to titles III through VI of this Act shall be obligated or expended to finance directly any assistance or reparations for the governments of Cuba, North Korea, Iran, or Syria: Provided, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

#### COUPS D'ÉTAT

SEC. 7008. None of the funds appropriated or otherwise made available pursuant to titles III through VI of this Act shall be obligated or expended to finance directly any assistance to the government of any country whose duly elected head of government is deposed by military coup or decree: Provided, That assistance may be resumed to such government if the President determines and certifies to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office: Provided further, That the provisions of this section shall not apply to assistance to promote democratic elections or public participation in democratic processes: Provided further, That funds made available pursuant to the previous provisos shall be subject to the regular notification procedures of the Committees on Appropriations.

#### TRANSFER AUTHORITY

SEC. 7009. (a) DEPARTMENT OF STATE AND BROADCASTING BOARD OF GOVERNORS.—Not to

exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State under title I of this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That not to exceed 5 percent of any appropriation made available for the current fiscal year for the Broadcasting Board of Governors under title I of this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided further, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 7015(a) and (b) of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

(b) **EXPORT FINANCING TRANSFER AUTHORITIES.**—Not to exceed 5 percent of any appropriation other than for administrative expenses made available for fiscal year 2010, for programs under title VI of this Act may be transferred between such appropriations for use for any of the purposes, programs, and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 percent by any such transfer: Provided, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

(c) **LIMITATION ON TRANSFERS BETWEEN AGENCIES.**—

(1) None of the funds made available under titles II through V of this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

(2) Notwithstanding paragraph (1), in addition to transfers made by, or authorized elsewhere in, this Act, funds appropriated by this Act to carry out the purposes of the Foreign Assistance Act of 1961 may be allocated or transferred to agencies of the United States Government pursuant to the provisions of sections 109, 610, and 632 of the Foreign Assistance Act of 1961.

(3) Any agreement entered into by the United States Agency for International Development (USAID) or the Department of State with any department, agency, or instrumentality of the United States Government pursuant to section 632(b) of the Foreign Assistance Act of 1961 valued in excess of \$1,000,000 and any agreement made pursuant to section 632(a) of such Act, with funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings "Global Health and Child Survival", "Development Assistance", and "Economic Support Fund" shall be subject to the regular notification procedures of the Committees on Appropriations: Provided, That the requirement in the previous sentence shall not apply to agreements entered into between USAID and the Department of State.

(d) **TRANSFERS BETWEEN ACCOUNTS.**—None of the funds made available under titles II through V of this Act may be obligated under an appropriation account to which they were not appropriated, except for transfers specifically provided for in this Act, unless the President, not less than 5 days prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations.

(e) **AUDIT OF INTER-AGENCY TRANSFERS.**—Any agreement for the transfer or allocation of funds

appropriated by this Act, or prior Acts, entered into between the Department of State or USAID and another agency of the United States Government under the authority of section 632(a) of the Foreign Assistance Act of 1961 or any comparable provision of law, shall expressly provide that the Inspector General for the agency receiving the transfer or allocation of such funds shall perform periodic program and financial audits of the use of such funds: Provided, That funds transferred under such authority may be made available for the cost of such audits.

#### REPORTING REQUIREMENT

SEC. 7010. The Secretary of State shall provide the Committees on Appropriations, not later than April 1, 2010, and for each fiscal quarter, a report in writing on the uses of funds made available under the headings "Foreign Military Financing Program", "International Military Education and Training", and "Peacekeeping Operations": Provided, That such report shall include a description of the obligation and expenditure of funds, and the specific country in receipt of, and the use or purpose of the assistance provided by such funds.

#### AVAILABILITY OF FUNDS

SEC. 7011. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: Provided, That funds appropriated for the purposes of chapters 1, 8, 11, and 12 of part I, section 661, section 667, chapters 4, 5, 6, 8, and 9 of part II of the Foreign Assistance Act of 1961, section 23 of the Arms Export Control Act, and funds provided under the headings "Assistance for Europe, Eurasia and Central Asia" and "Development Credit Authority", shall remain available for an additional 4 years from the date on which the availability of such funds would otherwise have expired, if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: Provided further, That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended.

#### LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 7012. No part of any appropriation provided under titles III through VI in this Act shall be used to furnish assistance to the government of any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to the government of such country by the United States pursuant to a program for which funds are appropriated under this Act unless the President determines, following consultations with the Committees on Appropriations, that assistance for such country is in the national interest of the United States.

#### PROHIBITION ON TAXATION OF UNITED STATES ASSISTANCE

SEC. 7013. (a) **PROHIBITION ON TAXATION.**—None of the funds appropriated under titles III through VI of this Act may be made available to provide assistance for a foreign country under a new bilateral agreement governing the terms and conditions under which such assistance is to be provided unless such agreement includes a provision stating that assistance provided by the United States shall be exempt from taxation, or reimbursed, by the foreign government, and the Secretary of State shall expeditiously seek to negotiate amendments to existing bilateral agreements, as necessary, to conform with this requirement.

(b) **REIMBURSEMENT OF FOREIGN TAXES.**—An amount equivalent to 200 percent of the total taxes assessed during fiscal year 2010 on funds appropriated by this Act by a foreign government or entity against commodities financed under United States assistance programs for which funds are appropriated by this Act, either directly or through grantees, contractors and subcontractors shall be withheld from obligation from funds appropriated for assistance for fiscal year 2011 and allocated for the central government of such country and for the West Bank and Gaza program to the extent that the Secretary of State certifies and reports in writing to the Committees on Appropriations that such taxes have not been reimbursed to the Government of the United States.

(c) **DE MINIMIS EXCEPTION.**—Foreign taxes of a de minimis nature shall not be subject to the provisions of subsection (b).

(d) **REPROGRAMMING OF FUNDS.**—Funds withheld from obligation for each country or entity pursuant to subsection (b) shall be reprogrammed for assistance to countries which do not assess taxes on United States assistance or which have an effective arrangement that is providing substantial reimbursement of such taxes.

(e) **DETERMINATIONS.**—

(1) The provisions of this section shall not apply to any country or entity the Secretary of State determines—

(A) does not assess taxes on United States assistance or which has an effective arrangement that is providing substantial reimbursement of such taxes; or

(B) the foreign policy interests of the United States outweigh the purpose of this section to ensure that United States assistance is not subject to taxation.

(2) The Secretary of State shall consult with the Committees on Appropriations at least 15 days prior to exercising the authority of this subsection with regard to any country or entity.

(f) **IMPLEMENTATION.**—The Secretary of State shall issue rules, regulations, or policy guidance, as appropriate, to implement the prohibition against the taxation of assistance contained in this section.

(g) **DEFINITIONS.**—As used in this section—

(1) the terms "taxes" and "taxation" refer to value added taxes and customs duties imposed on commodities financed with United States assistance for programs for which funds are appropriated by this Act; and

(2) the term "bilateral agreement" refers to a framework bilateral agreement between the Government of the United States and the government of the country receiving assistance that describes the privileges and immunities applicable to United States foreign assistance for such country generally, or an individual agreement between the Government of the United States and such government that describes, among other things, the treatment for tax purposes that will be accorded the United States assistance provided under that agreement.

#### RESERVATIONS OF FUNDS

SEC. 7014. (a) Funds appropriated under titles II through VI of this Act which are specifically designated may be reprogrammed for other programs within the same account notwithstanding the designation if compliance with the designation is made impossible by operation of any provision of this or any other Act: Provided, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) In addition to the authority contained in subsection (a), the original period of availability

of funds appropriated by this Act and administered by the United States Agency for International Development (USAID) that are specifically designated for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the USAID Administrator determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such designated funds can be obligated during the original period of availability: *Provided*, That such designated funds that continue to be available for an additional fiscal year shall be obligated only for the purpose of such designation.

(c) Ceilings and specifically designated funding levels contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs: *Provided*, That specifically designated funding levels or minimum funding requirements contained in any other Act shall not be applicable to funds appropriated by this Act.

#### REPROGRAMMING NOTIFICATION REQUIREMENTS

SEC. 7015. (a) None of the funds made available in title I of this Act, or in prior appropriations Acts to the agencies and departments funded by this Act that remain available for obligation or expenditure in fiscal year 2010, or provided from any accounts in the Treasury of the United States derived by the collection of fees or of currency reflows or other offsetting collections, or made available by transfer, to the agencies and departments funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) closes or opens a mission or post; (6) reorganizes or renames offices; (7) reorganizes programs or activities; or (8) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

(b) For the purposes of providing the executive branch with the necessary administrative flexibility, none of the funds provided under title I of this Act, or provided under previous appropriations Acts to the agency or department funded under title I of this Act that remain available for obligation or expenditure in fiscal year 2010, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agency or department funded by title I of this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of \$1,000,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

(c) For the purposes of providing the executive branch with the necessary administrative flexibility, none of the funds made available under titles II through V in this Act under the headings "Global Health and Child Survival", "Development Assistance", "International Organizations and Programs", "Trade and Development Agency", "International Narcotics Control

and Law Enforcement", "Assistance for Europe, Eurasia and Central Asia", "Economic Support Fund", "Democracy Fund", "Peacekeeping Operations", "Capital Investment Fund", "Operating Expenses", "Civilian Stabilization Initiative", "Office of Inspector General", "Nonproliferation, Anti-terrorism, Demining and Related Programs", "Millennium Challenge Corporation", "Foreign Military Financing Program", "International Military Education and Training", "Peace Corps", "Complex Crises Fund", and "Migration and Refugee Assistance", shall be available for obligation for activities, programs, projects, type of material assistance, countries, or other operations not justified or in excess of the amount justified to the Committees on Appropriations for obligation under any of these specific headings unless the Committees on Appropriations are previously notified 15 days in advance: *Provided*, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 percent in excess of the quantities justified to Congress unless the Committees on Appropriations are notified 15 days in advance of such commitment: *Provided further*, That requirements of this subsection or any similar provision of any other Act shall not apply to any reprogramming for an activity, program, or project for which funds are appropriated under titles II through IV of this Act of less than 10 percent of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year.

(d) Notwithstanding any other provision of law, with the exception of funds transferred to, and merged with, funds appropriated under title I of this Act, funds transferred by the Department of Defense to the Department of State and the United States Agency for International Development for assistance for foreign countries and international organizations, and funds made available for programs authorized by section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163), shall be subject to the regular notification procedures of the Committees on Appropriations.

(e) The requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: *Provided*, That in case of any such waiver, notification to the Committees on Appropriations shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: *Provided further*, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

(f) None of the funds appropriated under titles III through VI of this Act shall be obligated or expended for assistance for Serbia, Sudan, Zimbabwe, Pakistan, Dominican Republic, Cuba, Iran, Haiti, Libya, Ethiopia, Nepal, Colombia, Mexico, Kazakhstan, Somalia, Sri Lanka, or Cambodia and countries listed in section 7045(c)(2) and (f)(2) of this Act except as provided through the regular notification procedures of the Committees on Appropriations.

#### NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 7016. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961,

the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as other committees pursuant to subsection (f) of that section: *Provided*, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees if such defense articles are significant military equipment (as defined in section 47(9) of the Arms Export Control Act) or are valued (in terms of original acquisition cost) at \$7,000,000 or more, or if notification is required elsewhere in this Act for the use of appropriated funds for specific countries that would receive such excess defense articles: *Provided further*, That such Committees shall also be informed of the original acquisition cost of such defense articles.

#### LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 7017. Subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under titles III through VI of this Act or any previously enacted Act making appropriations for the Department of State, foreign operations, and related programs, which are returned or not made available for organizations and programs because of the implementation of section 307(a) of the Foreign Assistance Act of 1961, shall remain available for obligation until September 30, 2011.

#### PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 7018. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations.

#### ALLOCATIONS

SEC. 7019. (a) Funds provided in this Act for the following accounts shall be made available for programs and countries in the amounts contained in the respective tables included in the joint explanatory statement accompanying this Act:

"American Sections, International Commissions".  
 "Civilian Stabilization Initiative".  
 "Diplomatic and Consular Programs".  
 "Educational and Cultural Exchange Programs".  
 "International Boundary and Water Commission, United States and Mexico".  
 "International Fisheries Commissions".  
 "International Broadcasting Operations".  
 "Global Health and Child Survival".  
 "Democracy Fund".  
 "Economic Support Fund".  
 "Assistance for Europe, Eurasia and Central Asia".



"International Narcotics Control and Law Enforcement".

"Nonproliferation, Anti-terrorism, Demining and Related Programs".

"Foreign Military Financing Program".

"Peacekeeping Operations".

"International Organizations and Programs".

(b) For the purposes of implementing this section and only with respect to the tables included in the joint explanatory statement accompanying this Act, the Secretary of State, the Administrator of the United States Agency for International Development and the Broadcasting Board of Governors, as appropriate, may propose deviations to the amounts referenced in subsection (a), subject to the regular notification procedures of the Committees on Appropriations.

(c) The requirements contained in subsection (a) shall apply to the tables under the headings "Bilateral Economic Assistance" and "General Provisions" in the joint explanatory statement.

#### PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

SEC. 7020. None of the funds appropriated or otherwise made available by this Act under the headings "International Military Education and Training" or "Foreign Military Financing Program" for Informational Program activities or under the headings "Global Health and Child Survival", "Development Assistance", and "Economic Support Fund" may be obligated or expended to pay for—

(1) alcoholic beverages; or

(2) entertainment expenses for activities that are substantially of a recreational character, including but not limited to entrance fees at sporting events, theatrical and musical productions, and amusement parks.

#### PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

SEC. 7021. (a) None of the funds appropriated or otherwise made available by titles III through VI of this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined is a government that supports international terrorism for purposes of section 6(j) of the Export Administration Act of 1979: Provided, That the prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment: Provided further, That this section applies with respect to lethal military equipment provided under a contract entered into after October 1, 1997.

(b) Assistance restricted by subsection (a) or any other similar provision of law, may be furnished if the President determines that to do so is important to the national interests of the United States.

(c) Whenever the President makes a determination pursuant to subsection (b), the President shall submit to the Committees on Appropriations a report with respect to the furnishing of such assistance, including a detailed explanation of the assistance to be provided, the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests.

#### PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. 7022. (a) Funds appropriated for bilateral assistance in titles III through VI of this Act and funds appropriated under any such heading in a provision of law enacted prior to the enactment of this Act, shall not be made available to any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism; or

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver: Provided, That the President shall publish each such waiver in the Federal Register and, at least 15 days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

#### AUTHORIZATION REQUIREMENTS

SEC. 7023. Funds appropriated by this Act, except funds appropriated under the heading "Trade and Development Agency", may be obligated and expended notwithstanding section 10 of Public Law 91-672, section 15 of the State Department Basic Authorities Act of 1956, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

#### DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 7024. For the purpose of titles II through VI of this Act "program, project, and activity" shall be defined at the appropriations Act account level and shall include all appropriations and authorizations Acts funding directives, ceilings, and limitations with the exception that for the following accounts: "Economic Support Fund" and "Foreign Military Financing Program", "program, project, and activity" shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the United States Agency for International Development "program, project, and activity" shall also be considered to include central, country, regional, and program level funding, either as: (1) justified to the Congress; or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within 30 days of the enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

#### AUTHORITIES FOR THE PEACE CORPS, INTER-AMERICAN FOUNDATION AND AFRICAN DEVELOPMENT FOUNDATION

SEC. 7025. Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for the Department of State, foreign operations, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act or the African Development Foundation Act: Provided, That the agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.

#### COMMERCE, TRADE AND SURPLUS COMMODITIES

SEC. 7026. (a) None of the funds appropriated or made available pursuant to titles III through VI of this Act for direct assistance and none of the funds otherwise made available to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: Provided, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its

Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: Provided, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact on the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

(c) The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to titles III through VI of this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

#### SEPARATE ACCOUNTS

SEC. 7027. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—

(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the United States Agency for International Development (USAID) shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated; and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of USAID and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 (as the case may be), for such purposes as—

(i) project and sector assistance activities; or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) **PROGRAMMING ACCOUNTABILITY.**—USAID shall take all necessary steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) **TERMINATION OF ASSISTANCE PROGRAMS.**—Upon termination of assistance to a country under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) **REPORTING REQUIREMENT.**—The USAID Administrator shall report on an annual basis as part of the justification documents submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements of the United States Government as authorized in subsection (a)(2)(B), and such report shall include the amount of local currency (and United States dollar equivalent) used and/or to be used for such purpose in each applicable country.

(b) **SEPARATE ACCOUNTS FOR CASH TRANSFERS.**—

(1) If assistance is made available to the government of a foreign country, under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) **APPLICABILITY OF OTHER PROVISIONS OF LAW.**—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (House Report No. 98-1159).

(3) **NOTIFICATION.**—At least 15 days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) **EXEMPTION.**—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the regular notification procedures of the Committees on Appropriations.

#### ELIGIBILITY FOR ASSISTANCE

SEC. 7028. (a) **ASSISTANCE THROUGH NON-GOVERNMENTAL ORGANIZATIONS.**—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1, 10, 11, and 12 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and from funds appropriated under the heading “Assistance for Europe, Eurasia and Central Asia”: Provided, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of those committees, including a description of the program to be assisted, the assistance to be provided, and

the reasons for furnishing such assistance: Provided further, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

(b) **PUBLIC LAW 480.**—During fiscal year 2010, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Agricultural Trade Development and Assistance Act of 1954: Provided, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) **EXCEPTION.**—This section shall not apply—

(1) with respect to section 620A of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to the government of a country that violates internationally recognized human rights.

#### IMPACT ON JOBS IN THE UNITED STATES

SEC. 7029. None of the funds appropriated under titles III through VI of this Act may be obligated or expended to provide—

(1) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States; or

(2) assistance for any program, project, or activity that contributes to the violation of internationally recognized workers rights, as defined in section 507(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: Provided, That the application of section 507(4)(D) and (E) of such Act should be commensurate with the level of development of the recipient country and sector, and shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

#### INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 7030. (a) None of the funds appropriated in title V of this Act may be made as payment to any international financial institution while the United States Executive Director to such institution is compensated by the institution at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) The Secretary of the Treasury shall instruct the United States Executive Director at each international financial institution to oppose any loan, grant, strategy or policy of such institution that would require user fees or service charges on poor people for primary education or primary healthcare, including prevention, care and treatment for HIV/AIDS, malaria, tuberculosis, and infant, child, and maternal health, in connection with the institutions' financing programs.

(c) The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund (the Fund) to use the voice and vote of the United States to oppose any loan, project, agreement, memorandum, instrument, plan, or other program of the Fund to a Heavily Indebted Poor Country that imposes budget caps or restraints that do not allow the maintenance of or an increase in governmental spending on health care or education; and to promote government spending on health care, education, food aid, or other critical safety net programs in all of the Fund's activities with respect to Heavily Indebted Poor Countries.

(d) For purposes of this section “international financial institutions” are the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the International Monetary Fund, the North American Development Bank, and the European Bank for Reconstruction and Development.

#### DEBT-FOR-DEVELOPMENT

SEC. 7031. In order to enhance the continued participation of nongovernmental organizations in debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the United States Agency for International Development may place in interest bearing accounts local currencies which accrue to that organization as a result of economic assistance provided under title III of this Act and, subject to the regular notification procedures of the Committees on Appropriations, any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

#### AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

SEC. 7032. (a) **LOANS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.**—

(1) **AUTHORITY TO SELL, REDUCE, OR CANCEL CERTAIN LOANS.**—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser any concessional loan or portion thereof made before January 1, 1995, pursuant to the Foreign Assistance Act of 1961, to the government of any eligible country as defined in section 702(6) of that Act or on receipt of payment from an eligible purchaser, reduce or cancel such loan or portion thereof, or debt for the purpose of facilitating—

(A) debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps; or

(B) a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than 40 percent of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support activities that link conservation and sustainable use of natural resources with local community development, and child survival and other child development, in a manner consistent with sections 707 through 710 of the Foreign Assistance Act of 1961, if the sale, reduction, or cancellation would not contravene any term or condition of any prior agreement relating to such loan.

(2) **TERMS AND CONDITIONS.**—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans may be sold, reduced, or canceled pursuant to this section.

(3) **ADMINISTRATION.**—The Facility, as defined in section 702(8) of the Foreign Assistance Act of

1961, shall notify the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 of purchasers that the President has determined to be eligible, and shall direct such agency to carry out the sale, reduction, or cancellation of a loan pursuant to this section: Provided, That such agency shall make adjustment in its accounts to reflect the sale, reduction, or cancellation.

(4) **LIMITATION.**—The authorities of this subsection shall be available only to the extent that appropriations for the cost of the modification, as defined in section 502 of the Congressional Budget Act of 1974, are made in advance.

(b) **DEPOSIT OF PROCEEDS.**—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such loan.

(c) **ELIGIBLE PURCHASERS.**—A loan may be sold pursuant to subsection (a)(1)(A) only to a purchaser who presents plans satisfactory to the President for using the loan for the purpose of engaging in debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(d) **DEBTOR CONSULTATIONS.**—Before the sale to any eligible purchaser, or any reduction or cancellation pursuant to this section, of any loan made to an eligible country, the President should consult with the country concerning the amount of loans to be sold, reduced, or canceled and their uses for debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(e) **AVAILABILITY OF FUNDS.**—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading “Debt Restructuring”.

#### SPECIAL DEBT RELIEF FOR THE POOREST

**SEC. 7033. (a) AUTHORITY TO REDUCE DEBT.**—The President may reduce amounts owed to the United States (or any agency of the United States) by an eligible country as a result of—

(1) guarantees issued under sections 221 and 222 of the Foreign Assistance Act of 1961;

(2) credits extended or guarantees issued under the Arms Export Control Act; or

(3) any obligation or portion of such obligation, to pay for purchases of United States agricultural commodities guaranteed by the Commodity Credit Corporation under export credit guarantee programs authorized pursuant to section 5(f) of the Commodity Credit Corporation Charter Act of June 29, 1948, as amended, section 4(b) of the Food for Peace Act of 1966, as amended (Public Law 89-808), or section 202 of the Agricultural Trade Act of 1978, as amended (Public Law 95-501).

(b) **LIMITATIONS.**—

(1) The authority provided by subsection (a) may be exercised only to implement multilateral official debt relief and referendum agreements, commonly referred to as “Paris Club Agreed Minutes”.

(2) The authority provided by subsection (a) may be exercised only in such amounts or to such extent as is provided in advance by appropriations Acts.

(3) The authority provided by subsection (a) may be exercised only with respect to countries with heavy debt burdens that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as “IDA-only” countries.

(c) **CONDITIONS.**—The authority provided by subsection (a) may be exercised only with respect to a country whose government—

(1) does not have an excessive level of military expenditures;

(2) has not repeatedly provided support for acts of international terrorism;

(3) is not failing to cooperate on international narcotics control matters;

(4) (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights; and

(5) is not ineligible for assistance because of the application of section 527 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

(d) **AVAILABILITY OF FUNDS.**—The authority provided by subsection (a) may be used only with regard to the funds appropriated by this Act under the heading “Debt Restructuring”.

(e) **CERTAIN PROHIBITIONS INAPPLICABLE.**—A reduction of debt pursuant to subsection (a) shall not be considered assistance for the purposes of any provision of law limiting assistance to a country: Provided, That the authority provided by subsection (a) may be exercised notwithstanding section 620(r) of the Foreign Assistance Act of 1961 or section 321 of the International Development and Food Assistance Act of 1975.

#### SPECIAL AUTHORITIES

**SEC. 7034. (a) AFGHANISTAN, IRAQ, PAKISTAN, LEBANON, MONTENEGRO, VICTIMS OF WAR, DISPLACED CHILDREN, AND DISPLACED BURMESE.**—Funds appropriated under titles III through VI of this Act that are made available for assistance for Afghanistan may be made available notwithstanding section 7012 of this Act or any similar provision of law and section 660 of the Foreign Assistance Act of 1961, and funds appropriated in titles III and VI of this Act that are made available for Iraq, Lebanon, Montenegro, Pakistan, and for victims of war, displaced children, and displaced Burmese, and to assist victims of trafficking in persons and, subject to the regular notification procedures of the Committees on Appropriations, to combat such trafficking, may be made available notwithstanding any other provision of law.

(b) **WAIVER.**—

(1) The President may waive the provisions of section 1003 of Public Law 100-204 if the President determines and certifies in writing to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Committees on Appropriations that it is important to the national security interests of the United States.

(2) **PERIOD OF APPLICATION OF WAIVER.**—Any waiver pursuant to paragraph (1) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(c) **SMALL BUSINESS.**—In entering into multiple award indefinite-quantity contracts with funds appropriated by this Act, the United States Agency for International Development may provide an exception to the fair opportunity process for placing task orders under such contracts when the order is placed with any category of small or small disadvantaged business.

(d) **AUTHORITY REPEALED.**—Section 7034(d) of Public Law 111-8 is hereby repealed.

(e) **RECONSTITUTING CIVILIAN POLICE AUTHORITY.**—In providing assistance with funds appropriated by this Act under section 660(b)(6) of the Foreign Assistance Act of 1961, support for a nation emerging from instability may be deemed to mean support for regional, district, municipal, or other sub-national entity emerging from instability, as well as a nation emerging from instability.

(f) **EXTENSION OF AUTHORITY.**—The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101-167) is amended—

(1) in section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by striking “and 2009” and inserting “2009, and 2010”; and

(B) in subsection (e), by striking “2009” each place it appears and inserting “2010”; and

(2) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking “2009” and inserting “2010”.

(g) **WORLD FOOD PROGRAM.**—Of the funds managed by the Bureau for Democracy, Conflict, and Humanitarian Assistance, United States Agency for International Development, from this or any other Act, not less than \$10,000,000 shall be made available as a general contribution to the World Food Program, notwithstanding any other provision of law.

(h) **DISARMAMENT, DEMOBILIZATION AND REINTEGRATION.**—Notwithstanding any other provision of law, regulation or Executive order, funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings “Economic Support Fund”, “Peacekeeping Operations”, “International Disaster Assistance”, and “Transition Initiatives” should be made available to support programs to disarm, demobilize, and reintegrate into civilian society former members of foreign terrorist organizations: Provided, That the Secretary of State shall consult with the Committees on Appropriations prior to the obligation of funds pursuant to this subsection: Provided further, That for the purposes of this subsection the term “foreign terrorist organization” means an organization designated as a terrorist organization under section 219 of the Immigration and Nationality Act.

(i) **MIDDLE EAST FOUNDATION.**—Funds appropriated by this Act and prior Acts for a Middle East Foundation shall be subject to the regular notification procedures of the Committees on Appropriations.

(j) **CONTINGENCIES.**—During fiscal year 2010, the President may use up to \$50,000,000 under the authority of section 451 of the Foreign Assistance Act of 1961, notwithstanding any other provision of law.

(k) **PROGRAM FOR RESEARCH AND TRAINING ON EASTERN EUROPE AND THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.**—Of the funds appropriated by this Act under the heading, “Economic Support Fund”, not less than \$5,000,000 shall be made available to carry out the Program for Research and Training on Eastern Europe and the Independent States of the Former Soviet Union (title VIII) as authorized by the Soviet-Eastern European Research and Training Act of 1983 (22 U.S.C. 4501-4508, as amended).

(l) **INTERPARLIAMENTARY EXCHANGES.**—Of the unobligated funds in the “Educational and Cultural Exchange Programs” appropriation account, \$411,687 shall be transferred to the permanent appropriation for delegation expenses provided under section 303 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1988, as enacted into law by section 101(a) of Public Law 100-202 (22 USC 276e note), for the purpose of conducting Interparliamentary Exchanges and shall remain available until expended.

(m) **DEMOCRACY PROMOTION.**—

(1) Funds made available by this Act that are made available for the promotion of democracy may be made available notwithstanding any other provision of law, and with regard to the National Endowment for Democracy, any regulation.

(2) For the purposes of funds appropriated by this Act, the term “promotion of democracy” means programs that support good governance, human rights, independent media, and the rule of law, and otherwise strengthen the capacity of democratic political parties, governments, non-governmental organizations and institutions, and citizens to support the development of democratic states, institutions, and practices that are responsive and accountable to citizens.

(3) Any contract, grant, or cooperative agreement (or any amendment to any contract, grant

or cooperative agreement) in excess of \$1,000,000 of funds under the heading "Democracy Fund", and in excess of \$2,500,000 under other headings in this Act for the promotion of democracy, with the exception of programs and activities of the National Endowment for Democracy, shall be subject to the regular notification procedures of the Committees on Appropriations.

(4) With respect to the provision of assistance for democracy, human rights and governance activities in this Act, the organizations implementing such assistance and the specific nature of that assistance shall not be subject to the prior approval by the government of any foreign country.

(5) Of the funds appropriated under title III of this Act that are made available for the promotion of democracy, not less than \$30,000,000 shall be made available to expand access to information and communications through the Internet, and shall be used for programs that provide unmonitored and uncensored access to the Internet for large numbers of users living in closed societies that have acutely hostile Internet environments.

(n) PERSONNEL.—The authority provided by section 1113 of Public Law 111-32 shall remain in effect through fiscal year 2010.

(o) PARTNER VETTING.—None of the funds appropriated by this Act or any prior Act may be used by the Secretary of State or the Administrator of the United States Agency for International Development (USAID) to implement a Partner Vetting System (PVS): Provided, That notwithstanding the previous sentence, funds appropriated by this Act may be used to implement a PVS pilot program, including necessary rulemaking: Provided further, That any such PVS pilot program shall apply equally to the programs and activities of the Department of State and USAID: Provided further, That the Secretary of State and the USAID Administrator shall jointly consult with the Committees on Appropriations not later than 90 days after enactment of this Act and prior to the implementation of such a PVS pilot program, and such funds shall be subject to the regular notification procedures of the Committees on Appropriations.

(p) SPENDING PLANS.—The Secretary of State shall submit to the Committees on Appropriations not later than 45 days after enactment of this Act, and prior to the initial obligation of funds for assistance for Afghanistan, Pakistan, and Iraq, detailed spending plans for funds appropriated for such purposes.

(q) TECHNICAL CORRECTIONS.—

(1)(A) Section 67 of the Bretton Woods Agreements Act, as added by section 1402 of the Supplemental Appropriations Act, 2009 (Public Law 111-32), is amended by striking "resolution numbered 54-4" and inserting "resolution numbered 52-4".

(B) The amendment made by subparagraph (A) shall take effect as if included in the enactment of section 1402 of Public Law 111-32.

(2) Section 302(l) of the Foreign Assistance Act of 1961 is amended by striking "Vaccine Fund" and inserting "GAVI Alliance".

(r) ACCOUNTABILITY REVIEW BOARDS.—The authority provided by section 301(a)(3) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4831(a)(3)) shall remain in effect through September 30, 2010.

(s) PROTECTIONS AND REMEDIES FOR EMPLOYEES OF DIPLOMATIC MISSIONS AND INTERNATIONAL ORGANIZATIONS.—The Secretary of State shall promptly and fully implement section 203(a)(2) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (Public Law 110-457): Provided, That in determining whether to suspend the issuance of A-3 or G-5 visas to applicants seeking to work for officials of a diplomatic mission or international organization, the Secretary shall consider

whether a final court judgment has been issued against a current or former employee of such mission or organization (and the time period for a final appeal has expired): Provided further, That the Secretary should assist in obtaining payment of final court judgments awarded to A-3 and G-5 visa holders: Provided further, That the Secretary should include all trafficking cases involving A-3 or G-5 visa holders in the Trafficking in Persons annual report where a final civil judgment has been issued (and the time period for final appeal has expired) or the Department of Justice has determined that the United States Government would seek to indict the diplomat or a family member but for diplomatic immunity.

(t) INTERNATIONAL TRIBUNAL FOR YUGOSLAVIA.—Section 1342(c)(3) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106) is amended by adding ", as amended" after "signed at The Hague, October 5, 1994".

#### ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 7035. It is the sense of the Congress that—

(1) the Arab League boycott of Israel, and the secondary boycott of American firms that have commercial ties with Israel, is an impediment to peace in the region and to United States investment and trade in the Middle East and North Africa;

(2) the Arab League boycott, which was regrettably reinstated in 1997, should be immediately and publicly terminated, and the Central Office for the Boycott of Israel immediately disbanded;

(3) all Arab League states should normalize relations with their neighbor Israel;

(4) the President and the Secretary of State should continue to vigorously oppose the Arab League boycott of Israel and find concrete steps to demonstrate that opposition by, for example, taking into consideration the participation of any recipient country in the boycott when determining to sell weapons to said country; and

(5) the President should report to Congress annually on specific steps being taken by the United States to encourage Arab League states to normalize their relations with Israel to bring about the termination of the Arab League boycott of Israel, including those to encourage allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

#### PALESTINIAN STATEHOOD

SEC. 7036. (a) LIMITATION ON ASSISTANCE.—None of the funds appropriated under titles III through VI of this Act may be provided to support a Palestinian state unless the Secretary of State determines and certifies to the appropriate congressional committees that—

(1) the governing entity of a new Palestinian state—

(A) has demonstrated a firm commitment to peaceful co-existence with the State of Israel;

(B) is taking appropriate measures to counter terrorism and terrorist financing in the West Bank and Gaza, including the dismantling of terrorist infrastructures, and is cooperating with appropriate Israeli and other appropriate security organizations; and

(2) the Palestinian Authority (or the governing entity of a new Palestinian state) is working with other countries in the region to vigorously pursue efforts to establish a just, lasting, and comprehensive peace in the Middle East that will enable Israel and an independent Palestinian state to exist within the context of full and normal relationships, which should include—

(A) termination of all claims or states of belligerency;

(B) respect for and acknowledgment of the sovereignty, territorial integrity, and political independence of every state in the area through measures including the establishment of demilitarized zones;

(C) their right to live in peace within secure and recognized boundaries free from threats or acts of force;

(D) freedom of navigation through international waterways in the area; and

(E) a framework for achieving a just settlement of the refugee problem.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the governing entity should enact a constitution assuring the rule of law, an independent judiciary, and respect for human rights for its citizens, and should enact other laws and regulations assuring transparent and accountable governance.

(c) WAIVER.—The President may waive subsection (a) if he determines that it is important to the national security interests of the United States to do so.

(d) EXEMPTION.—The restriction in subsection (a) shall not apply to assistance intended to help reform the Palestinian Authority and affiliated institutions, or the governing entity, in order to help meet the requirements of subsection (a), consistent with the provisions of section 7040 of this Act ("Limitation on Assistance to the Palestinian Authority").

#### RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 7037. None of the funds appropriated under titles II through VI of this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: Provided, That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: Provided further, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem: Provided further, That as has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

#### PROHIBITION ON ASSISTANCE TO THE PALESTINIAN BROADCASTING CORPORATION

SEC. 7038. None of the funds appropriated or otherwise made available by this Act may be used to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

#### ASSISTANCE FOR THE WEST BANK AND GAZA

SEC. 7039. (a) OVERSIGHT.—For fiscal year 2010, 30 days prior to the initial obligation of funds for the bilateral West Bank and Gaza Program, the Secretary of State shall certify to the Committees on Appropriations that procedures have been established to assure the Comptroller General of the United States will have access to appropriate United States financial information in order to review the uses of United States assistance for the Program funded under the heading "Economic Support Fund" for the West Bank and Gaza.

(b) VETTING.—Prior to the obligation of funds appropriated by this Act under the heading

"Economic Support Fund" for assistance for the West Bank and Gaza, the Secretary of State shall take all appropriate steps to ensure that such assistance is not provided to or through any individual, private or government entity, or educational institution that the Secretary knows or has reason to believe advocates, plans, sponsors, engages in, or has engaged in, terrorist activity nor, with respect to private entities or educational institutions, those that have as a principal officer of the entity's governing board or governing board of trustees any individual that has been determined to be involved in, or advocating terrorist activity or determined to be a member of a designated foreign terrorist organization: Provided, That the Secretary of State shall, as appropriate, establish procedures specifying the steps to be taken in carrying out this subsection and shall terminate assistance to any individual, entity, or educational institution which the Secretary has determined to be involved in or advocating terrorist activity.

(c) PROHIBITION.—

(1) None of the funds appropriated under titles III through VI of this Act for assistance under the West Bank and Gaza Program may be made available for the purpose of recognizing or otherwise honoring individuals who commit, or have committed acts of terrorism.

(2) Notwithstanding any other provision of law, none of the funds made available by this or prior appropriations Acts, including funds made available by transfer, may be made available for obligation for security assistance for the West Bank and Gaza until the Secretary of State reports to the Committees on Appropriations on the benchmarks that have been established for security assistance for the West Bank and Gaza and reports on the extent of Palestinian compliance with such benchmarks.

(d) AUDITS.—

(1) The Administrator of the United States Agency for International Development shall ensure that Federal or non-Federal audits of all contractors and grantees, and significant sub-contractors and sub-grantees, under the West Bank and Gaza Program, are conducted at least on an annual basis to ensure, among other things, compliance with this section.

(2) Of the funds appropriated by this Act up to \$500,000 may be used by the Office of Inspector General of the United States Agency for International Development for audits, inspections, and other activities in furtherance of the requirements of this subsection: Provided, That such funds are in addition to funds otherwise available for such purposes.

(e) Subsequent to the certification specified in subsection (a), the Comptroller General of the United States shall conduct an audit and an investigation of the treatment, handling, and uses of all funds for the bilateral West Bank and Gaza Program, including all funds provided as cash transfer assistance, in fiscal year 2010 under the heading "Economic Support Fund", and such audit shall address—

(1) the extent to which such Program complies with the requirements of subsections (b) and (c); and

(2) an examination of all programs, projects, and activities carried out under such Program, including both obligations and expenditures.

(f) Funds made available in this Act for West Bank and Gaza shall be subject to the regular notification procedures of the Committees on Appropriations.

(g) Not later than 180 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations updating the report contained in section 2106 of chapter 2 of title II of Public Law 109-13.

LIMITATION ON ASSISTANCE FOR THE PALESTINIAN AUTHORITY

SEC. 7040. (a) PROHIBITION OF FUNDS.—None of the funds appropriated by this Act to carry

out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be obligated or expended with respect to providing funds to the Palestinian Authority.

(b) WAIVER.—The prohibition included in subsection (a) shall not apply if the President certifies in writing to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Committees on Appropriations that waiving such prohibition is important to the national security interests of the United States.

(c) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to subsection (b) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(d) REPORT.—Whenever the waiver authority pursuant to subsection (b) is exercised, the President shall submit a report to the Committees on Appropriations detailing the justification for the waiver, the purposes for which the funds will be spent, and the accounting procedures in place to ensure that the funds are properly disbursed: Provided, That the report shall also detail the steps the Palestinian Authority has taken to arrest terrorists, confiscate weapons and dismantle the terrorist infrastructure.

(e) CERTIFICATION.—If the President exercises the waiver authority under subsection (b), the Secretary of State must certify and report to the Committees on Appropriations prior to the obligation of funds that the Palestinian Authority has established a single treasury account for all Palestinian Authority financing and all financing mechanisms flow through this account, no parallel financing mechanisms exist outside of the Palestinian Authority treasury account, and there is a single comprehensive civil service roster and payroll.

(f) PROHIBITION TO HAMAS AND THE PALESTINE LIBERATION ORGANIZATION.—

(1) None of the funds appropriated in titles III through VI of this Act may be obligated for salaries of personnel of the Palestinian Authority located in Gaza or may be obligated or expended for assistance to Hamas or any entity effectively controlled by Hamas or any power-sharing government of which Hamas is a member.

(2) Notwithstanding the limitation of subsection (1), assistance may be provided to a power-sharing government only if the President certifies and reports to the Committees on Appropriations that such government, including all of its ministers or such equivalent, has publicly accepted and is complying with the principles contained in section 620K(b)(1)(A) and (B) of the Foreign Assistance Act of 1961, as amended.

(3) The President may exercise the authority in section 620K(e) of the Foreign Assistance Act as added by the Palestinian Anti-Terrorism Act of 2006 (Public Law 109-446) with respect to this subsection.

(4) Whenever the certification pursuant to paragraph (2) is exercised, the Secretary of State shall submit a report to the Committees on Appropriations within 120 days of the certification and every quarter thereafter on whether such government, including all of its ministers or such equivalent are continuing to comply with the principles contained in section 620K(b)(1)(A) and (B) of the Foreign Assistance Act of 1961, as amended: Provided, That the report shall also detail the amount, purposes and delivery mechanisms for any assistance provided pursuant to the abovementioned certification and a full accounting of any direct support of such government.

(5) None of the funds appropriated under titles III through VI of this Act may be obligated for assistance for the Palestine Liberation Organization.

SAUDI ARABIA

SEC. 7041. None of the funds made available in this Act may be obligated or expended to finance any assistance to Saudi Arabia: Provided, That the Secretary of State may waive this section if the Secretary determines that to do so is in the national interest of the United States.

NEAR EAST

SEC. 7042. (a) EGYPT.—

(1) Of the funds appropriated by titles III and IV of this Act, not less than \$1,295,200,000 shall be made available for assistance for Egypt.

(2) Of the funds appropriated by this Act under the heading "Economic Support Fund" for assistance for Egypt, up to \$50,000,000 may be made available for an endowment to further the shared interests of the United States and Egypt, consistent with the purposes and requirements for which such funds are requested in the fiscal year 2010 congressional budget justification materials and appropriated under such heading: Provided, That the Secretary of State shall consult with the Committees on Appropriations on the establishment of such an endowment, and any funds to be used for such an endowment shall be subject to the regular notification procedures of the Committees on Appropriations.

(b) IRAQ.—

(1) Of the funds appropriated by titles III and IV of this Act, up to \$466,800,000 may be made available for assistance for Iraq.

(2) The terms and conditions of section 1106(a) and (b) of Public Law 111-32 shall apply to assistance for Iraq in fiscal year 2010.

(3) None of the funds made available in this Act may be used by the Government of the United States to enter into a permanent basing rights agreement between the United States and Iraq.

(c) JORDAN.—Of the funds appropriated by titles III and IV of this Act, not less than \$542,950,000 shall be made available for assistance for Jordan.

(d) LEBANON.—

(1) Of the funds appropriated by titles III and IV of this Act, not less than \$238,300,000 shall be made available for assistance for Lebanon.

(2) Funds appropriated under the heading "Foreign Military Financing Program" in this Act for assistance for Lebanon shall be made available only to professionalize the Lebanese Armed Forces and to strengthen border security and combat terrorism, including training and equipping the Lebanese Armed Forces to secure Lebanon's borders, interdicting arms shipments, preventing the use of Lebanon as a safe haven for terrorist groups and implementing United Nations Security Council Resolution 1701: Provided, That funds may not be made available for obligation until the Secretary of State provides the Committees on Appropriations a detailed spending plan.

(e) MIDDLE EAST PEACE.—Funds appropriated by this Act should be made available in a manner to further peace in the Middle East between Israelis and Palestinians.

(f) WEST BANK AND GAZA.—

(1) Of the funds appropriated by titles III and IV of this Act, \$502,900,000 shall be made available for assistance for the West Bank and Gaza.

(2) The reporting requirements contained in section 1404 of Public Law 110-242 shall apply to funds made available by this Act, including a description of modifications, if any, to the security strategy of the Palestinian Authority.

(3) The reporting requirements regarding the United Nations Relief and Works Agency contained in the joint explanatory statement accompanying the Supplemental Appropriations Act, 2009 (Public Law 111-32, House Report 111-151) under the heading "Migration and Refugee Assistance" in title XI shall apply to funds made available by this Act under such heading.

## IRAN SANCTIONS

SEC. 7043. (a) **USE OF FUNDS.**—It is the policy of the United States to seek to prevent Iran from achieving the capability to produce or otherwise manufacture nuclear weapons, including by supporting international diplomatic efforts to halt Iran's uranium enrichment program, and the President should fully implement and enforce the Iran Sanctions Act of 1996, as amended (Public Law 104-172) as a means of encouraging foreign governments to require state-owned and private entities to cease all investment in, and support of, Iran's energy sector and all exports of refined petroleum products to Iran.

(b) **LIMITATION.**—

(1) None of the funds made available in title VI of this Act under the heading "Program Account" or "Subsidy Appropriation" may be used by the Export-Import Bank of the United States to authorize any new guarantee, insurance, or extension of credit for any project controlled by an energy producer or refiner that continues to: (A) provide Iran with significant refined petroleum resources;

(B) materially contribute to Iran's capability to import refined petroleum resources; or

(C) allow Iran to maintain or expand, in any material respect, its domestic production of refined petroleum resources, including any assistance in refinery construction, modernization, or repair.

(2) If the Secretary of State determines and reports to the Committees on Appropriations that a country is closely cooperating with efforts of the United States related to Iran, such as through the imposition of sanctions, the Secretary may exempt private entities from such country from the limitation under paragraph (1).

(3) The President may waive the limitation under paragraph (1) if the President determines and reports to the Committees on Appropriations that to do so is important to the national security interest of the United States.

(c) **REPORTS.**—

(1) The Secretary of State shall submit to the Committees on Appropriations, not later than 90 days after the date of enactment of this Act and the end of each 90-day period thereafter until September 30, 2010, a report on the status of the bilateral and multilateral efforts aimed at curtailing the pursuit by Iran of nuclear weapons technology.

(2) The Secretary of State, in consultation with the Secretary of the Treasury, shall submit to the Committees on Appropriations, not later than 180 days after the date of enactment of this Act, a report on the status of bilateral United States and multilateral sanctions against Iran and actions taken by the United States and the international community to enforce sanctions against Iran: Provided, That such report may be submitted in classified form if necessary and shall include the following:

(A) a list of all current United States bilateral and multilateral sanctions against Iran;

(B) a list of all United States and foreign entities that the Secretary of State has reason to believe may be in violation of existing United States bilateral and multilateral sanctions;

(C) a detailed description of United States efforts to enforce sanctions, including a list of all investigations initiated in the 12 months preceding the date of enactment of this Act that have resulted in a determination that a sanctions violation has occurred, and actions taken by the United States Government pursuant to the determination;

(D) any case in which sanctions were waived or otherwise not imposed against an entity which was determined to have engaged in activities for which sanctions should be imposed and the reason why action was not taken to sanction the entity; and

(E) a description of United States diplomatic efforts to expand bilateral and multilateral sanctions against Iran and strengthen international efforts to enforce existing sanctions.

## AIRCRAFT TRANSFER AND COORDINATION

SEC. 7044. (a) **TRANSFER AUTHORITY.**—Notwithstanding any other provision of law or regulation, aircraft procured with funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings "Diplomatic and Consular Programs", "International Narcotics Control and Law Enforcement", and "Andean Counterdrug Programs" may be used for any other program and in any region, including for the transportation of active and standby Civilian Response Corps personnel and equipment during a deployment: Provided, That the responsibility for policy decisions and justification for the use of such transfer authority shall be the responsibility of the Secretary of State and the Deputy Secretary of State and this responsibility shall not be delegated.

(b) **PROPERTY DISPOSAL.**—The authority provided in subsection (a) shall apply only after a determination by the Secretary of State to the Committees on Appropriations that the equipment is no longer required to meet programmatic purposes in the designated country or region: Provided, That any such transfer shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(c) **AIRCRAFT COORDINATION.**—

(1) The uses of aircraft purchased or leased by the Department of State and the United States Agency for International Development (USAID) with funds made available in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs shall be coordinated under the authority of the appropriate Chief of Mission: Provided, That such aircraft may be used to transport Federal and non-Federal personnel supporting the Department of State and USAID programs and activities: Provided further, That official travel for other agencies for other purposes may be supported on a reimbursable basis, or without reimbursement when traveling on a space available basis.

(2) The requirement and authorities of this subsection shall only apply to aircraft, the primary purpose of which is the transportation of personnel.

(d) **AIR FLEETS.**—Not later than September 30, 2010, the Secretary of State, in consultation with the USAID Administrator, shall submit a report to the Committees on Appropriations detailing the total inventory of aircraft procured, leased, or contracted by the Department of State and USAID, the contractors operating such aircraft, and the annual costs of such contracts: Provided, That such report shall also include a best value analysis of the tradeoffs between the purchase or lease of aircraft, including all aspects of the costs and risks associated with air operations such as repair, maintenance, air safety and daily operations.

## WESTERN HEMISPHERE

SEC. 7045. (a) **TRADE CAPACITY.**—Of the funds appropriated by this Act, not less than \$10,000,000 under the heading "Development Assistance" and not less than \$10,000,000 under the heading "Economic Support Fund" shall be made available for labor and environmental capacity building activities relating to the free trade agreements with countries of Central America, Peru and the Dominican Republic.

(b) **ASSISTANCE FOR HAITI.**—

(1) The Government of Haiti shall be eligible to purchase defense articles and services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), for the Coast Guard.

(2) Of the funds appropriated by this Act under titles III and IV, not less than \$295,530,000 shall be made available for assistance for Haiti.

(3) None of the funds made available by this Act under the heading "International Narcotics Control and Law Enforcement" may be used to transfer excess weapons, ammunition or other lethal property of an agency of the United States Government to the Government of Haiti for use by the Haitian National Police until the Secretary of State reports to the Committees on Appropriations that any members of the Haitian National Police who have been credibly alleged to have committed serious crimes, including drug trafficking and violations of internationally recognized human rights, have been suspended.

(c) **CARIBBEAN BASIN SECURITY INITIATIVE.**—Of the funds appropriated under the headings "Development Assistance", "Economic Support Fund", "International Narcotics Control and Law Enforcement", and "Foreign Military Financing Program" in this Act, not less than \$37,000,000 should be made available for assistance for the countries of the Caribbean Basin, to provide equipment and training to combat drug trafficking and related violence and organized crime, and for judicial reform, institution building, education, anti-corruption, rule of law activities, and maritime security, of which not less than \$21,100,000 should be made available for social justice and education programs to include vocational training, workforce development and juvenile justice activities: Provided, That none of the funds made available under this subsection shall be made available for budget support or as cash payments.

(1) **SPENDING PLAN.**—Not later than 45 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a detailed spending plan for funds appropriated or otherwise made available for the countries of the Caribbean Basin by this Act, with concrete goals, actions to be taken, budget proposals, and anticipated results.

(2) **DEFINITION.**—For the purposes of this subsection, the term "countries of the Caribbean Basin" means Antigua and Barbuda, The Bahamas, Barbados, Belize, Dominica, Dominican Republic, Grenada, Guyana, Haiti, Jamaica, St. Kitts and Nevis, Saint Lucia, St. Vincent and the Grenadines, Suriname, and Trinidad and Tobago.

(d) **ASSISTANCE FOR GUATEMALA.**—

(1) Of the funds appropriated by this Act under the heading "International Narcotics Control and Law Enforcement" not less than \$4,000,000 shall be made available for a United States contribution to the International Commission Against Impunity in Guatemala (CICIG).

(2) Funds appropriated by this Act under the heading "International Military Education and Training" (IMET) that are available for assistance for Guatemala, other than for expanded IMET, may be made available only for the Guatemalan Air Force, Navy and Army Corps of Engineers: Provided, That assistance for the Army Corps of Engineers shall only be available for training to improve disaster response capabilities and to participate in international peacekeeping operations: Provided further, That such funds may be made available only if the Secretary of State certifies that the Air Force, Navy and Army Corps of Engineers are respecting internationally recognized human rights and cooperating with civilian judicial investigations and prosecutions of current and retired military personnel who have been credibly alleged to have committed violations of such rights, and with the CICIG by granting access to CICIG personnel, providing evidence to CICIG, and allowing witness testimony.



(3) Of the funds appropriated by this Act under the heading "Foreign Military Financing Program", not more than \$1,000,000 may be made available for the Guatemalan Air Force, Navy and Army Corps of Engineers: Provided, That assistance for the Army Corps of Engineers shall only be available for training to improve disaster response capabilities and to participate in international peacekeeping operations: Provided further, That such funds may be made available only if the Secretary of State certifies that the Air Force, Navy and Army Corps of Engineers are respecting internationally recognized human rights and cooperating with civilian judicial investigations and prosecutions of current and retired military personnel who have been credibly alleged to have committed violations of such rights, including protecting and providing to the Attorney General's office all military archives pertaining to the internal armed conflict, and cooperating with the CICIG by granting access to CICIG personnel, providing evidence to CICIG, and allowing witness testimony: Provided further, That funds made available in this Act for regional naval cooperation and maritime security assistance programs shall not be subject to the funding limitation of this subsection.

(e) ASSISTANCE FOR MEXICO.—

(1) ASSISTANCE.—Of the funds appropriated under the headings "International Narcotics Control and Law Enforcement", "Foreign Military Financing Program", and "Economic Support Fund" in this Act, not more than \$210,250,000 may be made available for assistance for Mexico, only to combat drug trafficking and related violence and organized crime, and for judicial reform, institution building, anti-corruption, and rule of law activities: Provided, That none of the funds made available under this subsection shall be made available for budget support or as cash payments.

(2) APPLICABILITY OF FISCAL YEAR 2009 PROVISIONS.—The provisions of paragraphs (1) through (3) of section 7045(e) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (division H of Public Law 111–8) shall apply to funds appropriated or otherwise made available by this Act for assistance for Mexico to the same extent and in the same manner as such provisions of law applied to funds appropriated or otherwise made available by such other Act for assistance for Mexico.

(f) ASSISTANCE FOR THE COUNTRIES OF CENTRAL AMERICA.—Of the funds appropriated under the headings "International Narcotics Control and Law Enforcement", "Economic Support Fund", and "Foreign Military Financing Program", up to \$83,000,000 may be made available for assistance for the countries of Central America only to combat drug trafficking and related violence and organized crime, and for judicial reform, institution building, anti-corruption, rule of law activities, and maritime security: Provided, That funds appropriated under the heading "Economic Support Fund" shall be made available through the United States Agency for International Development for continued support of an Economic and Social Development Fund for Central America: Provided further, That none of the funds made available under this subsection shall be made available for budget support or as cash payments.

(1) APPLICABILITY OF FISCAL YEAR 2009 PROVISIONS.—The provisions of paragraphs (1) through (3) of section 7045(f) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (division H of Public Law 111–8) shall apply to funds appropriated or otherwise made available by this Act for assistance for countries of Central America to the same extent and in the same manner as such provisions of law applied to funds appro-

priated or otherwise made available by such other Act for assistance for the countries of Central America.

(2) DEFINITION.—For the purposes of this subsection, the term "countries of Central America" means Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama.

(g) AIRCRAFT OPERATIONS AND MAINTENANCE.—To the maximum extent practicable, the costs of operations and maintenance, including fuel, of aircraft funded by this Act should be borne by the recipient country.

(h) PILOT PROJECT.—Not later than June 30, 2011, the Secretary of State, in consultation with the Secretary of Homeland Security, shall submit a report to the Committees on Appropriations on the feasibility of extending the use of passport cards as proof of identity and citizenship for the purposes of international travel by nationals of the United States, Canada, and Mexico to air ports of entry between the United States and Canada and between the United States and Mexico: Provided, That the report shall detail all relevant security, infrastructure, budget, policy, or diplomatic implications that may arise from extending such use of passport cards: Provided further, That the Secretary shall use up to \$100,000 of the funds made available under the heading "Diplomatic and Consular Programs" in this Act for a pilot project to test the feasibility of such use of passport cards at selected air ports of entry between the United States and Canada.

COLOMBIA

SEC. 7046. (a) ASSISTANCE.—Of the funds appropriated under the headings "Economic Support Fund", "International Narcotics Control and Law Enforcement", "Nonproliferation, Anti-terrorism, Demining and Related Programs", "International Military Education and Training", and "Foreign Military Financing Program" in this Act, not more than \$521,880,000 shall be made available for assistance for Colombia.

Funds appropriated by this Act and made available to the Department of State for assistance to the Government of Colombia may be used to support a unified campaign against narcotics trafficking and organizations designated as Foreign Terrorist Organizations and successor organizations, and to take actions to protect human health and welfare in emergency circumstances, including undertaking rescue operations: Provided, That assistance made available in prior Acts for the Government of Colombia to protect the Cano-Limon pipeline may also be used for purposes for which funds are made available under the heading "International Narcotics Control and Law Enforcement" in this Act: Provided further, That no United States Armed Forces personnel or United States civilian contractor employed by the United States will participate in any combat operation in connection with assistance made available by this Act for Colombia: Provided further, That rotary and fixed wing aircraft supported with funds appropriated under the heading "International Narcotics Control and Law Enforcement" for assistance for Colombia may be used for aerial or manual drug eradication and interdiction including to transport personnel and supplies and to provide security for such operations, and to provide transport in support of alternative development programs and investigations of cases under the jurisdiction of the Attorney General, the Procuraduria General de la Nacion, and the Defensoria del Pueblo: Provided further, That the President shall ensure that if any helicopter procured with funds in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs, is used to aid or abet the operations of any illegal self-defense group, paramilitary organization, illegal security coopera-

tive or successor organizations in Colombia, such helicopter shall be immediately returned to the United States: Provided further, That none of the funds appropriated by this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs may be made available for assistance for the Colombian Departamento Administrativo de Seguridad.

Of the funds available under the heading "International Narcotics Control and Law Enforcement" for the Colombian national police for the procurement of chemicals for aerial coca and poppy eradication programs, not more than 20 percent of such funds may be made available for such eradication programs unless the Secretary of State certifies to the Committees on Appropriations that: (1) the herbicide is being used in accordance with Environmental Protection Agency label requirements for comparable use in the United States and with Colombian laws; and (2) the herbicide, in the manner it is being used, does not pose unreasonable risks or adverse effects to humans or the environment, including endemic species: Provided, That such funds may not be made available unless the Secretary of State certifies to the Committees on Appropriations that any complaints of harm to health or licit crops caused by such aerial eradication are thoroughly investigated and evaluated, and fair compensation is being paid in a timely manner for meritorious claims: Provided further, That such funds may not be made available for such purposes unless programs are being implemented by the United States Agency for International Development, the Government of Colombia, or other organizations, in consultation and coordination with local communities, to provide alternative sources of income in areas where security permits for small-acreage growers and communities whose illicit crops are targeted for aerial eradication: Provided further, That none of the funds appropriated by this Act for assistance for Colombia shall be made available for the cultivation or processing of African oil palm, if doing so would contribute to significant loss of native species, disrupt or contaminate natural water sources, reduce local food security, or cause the forced displacement of local people: Provided further, That funds appropriated by this Act may not be used for aerial eradication in Colombia's national parks or reserves unless the Secretary of State certifies to the Committees on Appropriations on a case-by-case basis that there are no effective alternatives and the eradication is conducted in accordance with Colombian laws.

(b) APPLICABILITY OF FISCAL YEAR 2009 PROVISIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the provisions of subsections (b) through (f) of section 7046 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (division H of Public Law 111–8) shall apply to funds appropriated or otherwise made available by this Act for assistance for Colombia to the same extent and in the same manner as such provisions of law applied to funds appropriated or otherwise made available by such other Act for assistance for Colombia.

(2) EXCEPTIONS.—The following provisions of section 7046 of division H of Public Law 111–8 shall apply to funds appropriated or otherwise made available by this Act for assistance for Colombia as follows:

(A) Subsection (b)(1)(B) is amended by striking clause (iv) and inserting the following:

"(iv) That the Government of Colombia is respecting the rights of human rights defenders, journalists, trade unionists, political opposition and religious leaders, and indigenous and Afro-Colombian communities, and the Colombian Armed Forces are implementing procedures to

distinguish between civilians, including displaced persons, and combatants in their operations.”.

(B) Subsection (b)(2) is amended by striking “July 31, 2009” and inserting “July 31, 2010”.

(C) Subsection (b)(3) is amended by striking “Andean Counterdrug Programs” and inserting “International Narcotics Control and Law Enforcement”.

(D) Subsection (c) is amended by striking “September 30, 2009” and inserting “September 30, 2010”.

(E) Subsection (d)(1) is amended—

(i) by striking “\$16,769,000” and inserting “\$18,606,000”; and

(ii) by striking “fiscal year 2009” and inserting “fiscal year 2010”.

#### COMMUNITY-BASED POLICE ASSISTANCE

SEC. 7047. (a) **AUTHORITY.**—Funds made available by titles III and IV of this Act to carry out the provisions of chapter 1 of part I and chapters 4 and 6 of part II of the Foreign Assistance Act of 1961, may be used, notwithstanding section 660 of that Act, to enhance the effectiveness and accountability of civilian police authority through training and technical assistance in human rights, the rule of law, anti-corruption, strategic planning, and through assistance to foster civilian police roles that support democratic governance including assistance for programs to prevent conflict, respond to disasters, address gender-based violence, and foster improved police relations with the communities they serve.

(b) **NOTIFICATION.**—Assistance provided under subsection (a) shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

#### PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 7048. None of the funds appropriated or made available pursuant to titles III through VI of this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations or, from funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, the costs for participation of another country's delegation at international conferences held under the auspices of multilateral or international organizations.

#### WAR CRIMES TRIBUNALS DRAWDOWN

SEC. 7049. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961 of up to \$30,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish or authorize to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: Provided, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): Provided further, That funds made available pursuant to this section shall be made available subject to the regular notification procedures of the Committees on Appropriations.

#### PEACEKEEPING MISSIONS

SEC. 7050. None of the funds made available under title I of this Act may be used for any United Nations activity when it is made known to the Federal official having authority to obligate or expend such funds that: (1) the United Nations activity is a peacekeeping mission; (2) such activity will involve United States Armed

Forces under the command or operational control of a foreign national; and (3) the President's military advisors have not submitted to the President a recommendation that such involvement is in the national interests of the United States and the President has not submitted to the Congress such a recommendation.

#### PEACEKEEPING ASSESSMENT

SEC. 7051. Section 404(b)(2)(B) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 287e note) is amended by adding the following:

“(vi) For assessments made during calendar year 2010, 27.3 percent.”.

#### UNITED NATIONS HUMAN RIGHTS COUNCIL

SEC. 7052. The Secretary of State shall report to the Committees on Appropriations not later than 30 days after the date of enactment of this Act, and every 180 days thereafter until September 30, 2010, on the resolutions adopted in the United Nations Human Rights Council.

#### ATTENDANCE AT INTERNATIONAL CONFERENCES

SEC. 7053. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees of agencies or departments of the United States Government who are stationed in the United States, at any single international conference occurring outside the United States, unless the Secretary of State reports to the Committees on Appropriations that such attendance is in the national interest: Provided, That for purposes of this section the term “international conference” shall mean a conference attended by representatives of the United States Government and of foreign governments, international organizations, or nongovernmental organizations.

#### RESTRICTIONS ON UNITED NATIONS DELEGATIONS

SEC. 7054. None of the funds made available under title I of this Act may be used to pay expenses for any United States delegation to any specialized agency, body, or commission of the United Nations if such commission is chaired or presided over by a country, the government of which the Secretary of State has determined, for purposes of section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)), supports international terrorism.

#### PARKING FINES AND REAL PROPERTY TAXES OWED BY FOREIGN GOVERNMENTS

SEC. 7055. (a) Subject to subsection (c), of the funds appropriated under titles III through VI by this Act that are made available for assistance for a foreign country, an amount equal to 110 percent of the total amount of the unpaid fully adjudicated parking fines and penalties and unpaid property taxes owed by the central government of such country shall be withheld from obligation for assistance for the central government of such country until the Secretary of State submits a certification to the Committees on Appropriations stating that such parking fines and penalties and unpaid property taxes are fully paid.

(b) Funds withheld from obligation pursuant to subsection (a) may be made available for other programs or activities funded by this Act, after consultation with and subject to the regular notification procedures of the Committees on Appropriations, provided that no such funds shall be made available for assistance for the central government of a foreign country that has not paid the total amount of the fully adjudicated parking fines and penalties and unpaid property taxes owed by such country.

(c) Subsection (a) shall not include amounts that have been withheld under any other provision of law.

(d)(1) The Secretary of State may waive the requirements set forth in subsection (a) with respect to parking fines and penalties no sooner than 60 days from the date of enactment of this

Act, or at any time with respect to a particular country, if the Secretary determines that it is in the national interests of the United States to do so.

(2) The Secretary of State may waive the requirements set forth in subsection (a) with respect to the unpaid property taxes if the Secretary of State determines that it is in the national interests of the United States to do so.

(e) Not later than 6 months after the initial exercise of the waiver authority in subsection (d), the Secretary of State, after consultations with the City of New York, shall submit a report to the Committees on Appropriations describing a strategy, including a timetable and steps currently being taken, to collect the parking fines and penalties and unpaid property taxes and interest owed by nations receiving foreign assistance under this Act.

(f) In this section:

(1) The term “fully adjudicated” includes circumstances in which the person to whom the vehicle is registered—

(A)(i) has not responded to the parking violation summons; or

(ii) has not followed the appropriate adjudication procedure to challenge the summons; and

(B) the period of time for payment of or challenge to the summons has lapsed.

(2) The term “parking fines and penalties” means parking fines and penalties—

(A) owed to—

(i) the District of Columbia; or

(ii) New York, New York; and

(B) incurred during the period April 1, 1997, through September 30, 2009.

(3) The term “unpaid property taxes” means the amount of unpaid taxes and interest determined to be owed by a foreign country on real property in the District of Columbia or New York, New York in a court order or judgment entered against such country by a court of the United States or any State or subdivision thereof.

#### LANDMINES AND CLUSTER MUNITIONS

SEC. 7056. (a) **LANDMINES.**—Notwithstanding any other provision of law, demining equipment available to the United States Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the President may prescribe.

(b) **CLUSTER MUNITIONS.**—No military assistance shall be furnished for cluster munitions, no defense export license for cluster munitions may be issued, and no cluster munitions or cluster munitions technology shall be sold or transferred, unless—

(1) the submunitions of the cluster munitions, after arming, do not result in more than 1 percent unexploded ordnance across the range of intended operational environments; and

(2) the agreement applicable to the assistance, transfer, or sale of such cluster munitions or cluster munitions technology specifies that the cluster munitions will only be used against clearly defined military targets and will not be used where civilians are known to be present or in areas normally inhabited by civilians.

#### PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 7057. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of the enactment of this Act by the Congress: Provided, That not to exceed \$25,000 may be made available to carry out the provisions of section 316 of Public Law 96-533.

#### LIMITATION ON RESIDENCE EXPENSES

SEC. 7058. Of the funds appropriated or made available pursuant to title II of this Act, not to

exceed \$100,500 shall be for official residence expenses of the United States Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

UNITED STATES AGENCY FOR INTERNATIONAL  
DEVELOPMENT MANAGEMENT  
(INCLUDING TRANSFER OF FUNDS)

SEC. 7059. (a) **AUTHORITY.**—Up to \$93,000,000 of the funds made available in title III of this Act to carry out the provisions of part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading “Assistance for Europe, Eurasia and Central Asia”, may be used by the United States Agency for International Development (USAID) to hire and employ individuals in the United States and overseas on a limited appointment basis pursuant to the authority of sections 308 and 309 of the Foreign Service Act of 1980.

(b) **RESTRICTIONS.**—

(1) The number of individuals hired in any fiscal year pursuant to the authority contained in subsection (a) may not exceed 175.

(2) The authority to hire individuals contained in subsection (a) shall expire on September 30, 2011.

(c) **CONDITIONS.**—The authority of subsection (a) may only be used to the extent that an equivalent number of positions that are filled by personal services contractors or other non-direct hire employees of USAID, who are compensated with funds appropriated to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading “Assistance for Europe, Eurasia and Central Asia”, are eliminated.

(d) **PRIORITY SECTORS.**—In exercising the authority of this section, primary emphasis shall be placed on enabling USAID to meet personnel positions in technical skill areas currently encumbered by contractor or other non-direct hire personnel.

(e) **CONSULTATIONS.**—The USAID Administrator shall consult with the Committees on Appropriations on a quarterly basis concerning the implementation of this section.

(f) **PROGRAM ACCOUNT CHARGED.**—The account charged for the cost of an individual hired and employed under the authority of this section shall be the account to which such individual's responsibilities primarily relate: Provided, That funds made available to carry out this section may be transferred to, and merged with, funds appropriated by this Act in title II under the heading “Operating Expenses”.

(g) **FOREIGN SERVICE LIMITED EXTENSIONS.**—Individuals hired and employed by USAID, with funds made available in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs, pursuant to the authority of section 309 of the Foreign Service Act of 1980, may be extended for a period of up to 4 years notwithstanding the limitation set forth in such section.

(h) **JUNIOR OFFICER PLACEMENT AUTHORITY.**—Of the funds made available in subsection (a), USAID may use, in addition to funds otherwise available for such purposes, up to \$15,000,000 to fund overseas support costs of members of the Foreign Service with a Foreign Service rank of four or below: Provided, That such authority is only used to reduce USAID's reliance on overseas personal services contractors or other non-direct hire employees compensated with funds appropriated to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading “Assistance for Europe, Eurasia and Central Asia”.

(i) **DISASTER SURGE CAPACITY.**—Funds appropriated under title III of this Act to carry out part I of the Foreign Assistance Act of 1961, in-

cluding funds appropriated under the heading “Assistance for Europe, Eurasia and Central Asia”, may be used, in addition to funds otherwise available for such purposes, for the cost (including the support costs) of individuals detailed to or employed by USAID whose primary responsibility is to carry out programs in response to natural disasters.

(j) **TECHNICAL ADVISORS.**—Up to \$13,500,000 of the funds made available by this Act in title III for assistance under the heading “Global Health and Child Survival”, may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by, as the case may be, USAID for the purpose of carrying out activities under that heading: Provided, That up to \$3,500,000 of the funds made available by this Act for assistance under the heading “Development Assistance” may be used to reimburse such agencies, institutions, and organizations for such costs of such individuals carrying out other development assistance activities.

(k) **PERSONAL SERVICES CONTRACTORS.**—Funds appropriated by this Act to carry out chapter I of part I, chapter 4 of part II, and section 667 of the Foreign Assistance Act of 1961, and title II of the Agricultural Trade Development and Assistance Act of 1954, may be used by USAID to employ up to 40 personal services contractors in the United States, notwithstanding any other provision of law, for the purpose of providing direct, interim support for new or expanded overseas programs and activities managed by the agency until permanent direct hire personnel are hired and trained: Provided, That not more than 10 of such contractors shall be assigned to any bureau or office: Provided further, That not more than 15 of such contractors shall be for activities related to USAID's Afghanistan program: Provided further, That such funds appropriated to carry out title II of the Agricultural Trade Development and Assistance Act of 1954, may be made available only for personal services contractors assigned to the Office of Food for Peace.

(l) **HIRING AUTHORITY.**—Notwithstanding section 307 of the Foreign Service Act of 1980, the USAID Administrator may hire up to 30 individuals under the Development Leadership Initiative: Provided, That the authority contained in this subsection shall expire on September 30, 2011.

(m) **RECRUITMENT STRATEGY.**—Funds made available under the heading “Operating Expenses” in title II of this Act may be made available to implement the strategy described in section 7059(1) of Public Law 111–8, subject to the regular notification procedures of the Committees on Appropriations.

(n) **LOCALLY EMPLOYED STAFF.**—Of the funds appropriated under title II of this Act, up to \$1,000,000, in addition to funds otherwise made available for such purposes, may be made available for special compensation for overseas, locally employed staff.

(o) **SENIOR FOREIGN SERVICE LIMITED APPOINTMENTS.**—Pursuant to the authority of section 309 of the Foreign Service Act of 1980, and notwithstanding the limitation set forth in section 305 of the Foreign Service Act of 1980, as amended, USAID may appoint into the Senior Foreign Service and employ up to 10 individuals to be assigned to or support programs in Iraq, Afghanistan, or Pakistan with funds made available in this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs.

GLOBAL HEALTH ACTIVITIES

SEC. 7060. Funds appropriated by titles III and IV of this Act that are made available for

bilateral assistance for child survival activities or disease programs including activities relating to research on, and the prevention, treatment and control of, HIV/AIDS may be made available notwithstanding any other provision of law except for the provisions under the heading “Global Health and Child Survival” and the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.), as amended: Provided, That of the funds appropriated under title III of this Act, not less than \$648,457,000 should be made available for family planning/reproductive health, including in areas where population growth threatens biodiversity or endangered species.

DEVELOPMENT GRANTS PROGRAM

SEC. 7061. Of the funds appropriated in title III of this Act, not less than \$40,000,000 shall be made available for the Development Grants Program established pursuant to section 674 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161), to support grants of not more than \$2,000,000 to small nongovernmental organizations: Provided, That funds made available under this section are in addition to other funds available for such purposes including funds designated by this Act by section 7065.

WOMEN IN DEVELOPMENT

SEC. 7062. (a) Programs funded under title III of this Act shall include, where appropriate, gender considerations in the planning, assessment, implementation, monitoring and evaluation of such programs.

(b) Funds made available under title III of this Act shall be made available to support programs to enhance economic opportunities for poor women in developing countries, including increasing the number and capacity of women-owned enterprises, improving property rights for women, increasing access to financial services, and improving women's ability to participate in the global economy.

(c) Funds made available under title III of this Act for food security and agricultural development shall take into consideration the unique needs of women, and technical assistance for women farmers should be a priority.

GENDER-BASED VIOLENCE

SEC. 7063. (a) Funds appropriated under the headings “Development Assistance”, “Economic Support Fund”, and “International Narcotics Control and Law Enforcement” in this Act shall be made available for programs to address sexual and gender-based violence.

(b) Programs and activities funded under titles III and IV of this Act that provide training for foreign police, judicial, and military officials shall address, where appropriate, gender-based violence.

EDUCATION

SEC. 7064. (a) **BASIC EDUCATION.**—

(1) Of the funds appropriated by title III of this Act, not less than \$925,000,000 should be made available for assistance for basic education, of which not less than \$365,000,000 shall be made available under the heading “Development Assistance”.

(2) There shall continue to be a Coordinator of United States Government Actions to Provide Basic Education Assistance in developing countries as established in section 664 of division J of Public Law 110–161.

(3) The United States Agency for International Development shall ensure that programs supported with funds appropriated for basic education in this Act and prior Acts are integrated, when appropriate, with health, agriculture, governance, and economic development activities to address the economic and social needs of the broader community.

(b) **HIGHER EDUCATION.**—Of the funds appropriated by title III of this Act, not less than \$200,000,000 shall be made available for assistance for higher education, of which not less than \$25,000,000 shall be made available for such assistance for Africa including not less than \$15,000,000 to support partnerships between African and United States institutions of higher education.

#### RECONCILIATION PROGRAMS

SEC. 7065. Of the funds appropriated by title III of this Act under the headings “Economic Support Fund” and “Development Assistance”, \$26,000,000 shall be made available for such people to people reconciliation programs which bring together individuals of different ethnic, religious and political backgrounds from areas of civil strife and war, of which \$10,000,000 shall be made available for such programs in the Middle East: Provided, That the Administrator of the United States Agency for International Development shall consult with the Committees on Appropriations, prior to the initial obligation of funds, on the most effective uses of such funds.

#### COMPREHENSIVE EXPENDITURES REPORT

SEC. 7066. Not later than 180 days after the date of enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing the total amount of United States Government expenditures in fiscal years 2008 and 2009, by Federal agency, for assistance programs and activities in each foreign country, identifying the line item as presented in the President’s Budget Appendix and the purpose for which the funds were provided: Provided, That if required, information may be submitted in classified form.

#### REQUESTS FOR DOCUMENTS

SEC. 7067. None of the funds appropriated or made available pursuant to titles III through VI of this Act shall be available to a nongovernmental organization, including any contractor, which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the United States Agency for International Development.

#### SENIOR POLICY OPERATING GROUP

SEC. 7068. (a) The Senior Policy Operating Group on Trafficking in Persons, established under section 105(f) of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7103(f)) to coordinate agency activities regarding policies (including grants and grant policies) involving the international trafficking in persons, shall coordinate all such policies related to the activities of traffickers and victims of severe forms of trafficking.

(b) None of the funds provided under title I of this or any other Act making appropriations for the Department of State, foreign operations, and related programs shall be expended to perform functions that duplicate coordinating responsibilities of the Operating Group.

(c) The Operating Group shall continue to report only to the authorities that appointed them pursuant to section 105(f).

#### PROHIBITION ON USE OF TORTURE

SEC. 7069. None of the funds made available in this Act shall be used in any way whatsoever to support or justify the use of torture, cruel or inhumane treatment by any official or contract employee of the United States Government.

#### AFRICA

SEC. 7070. (a) **EXPANDED INTERNATIONAL MILITARY EDUCATION AND TRAINING.**—

(1) Funds appropriated under the heading “International Military Education and Training” in this Act that are made available for assistance for Angola, Cameroon, Central African Republic, Chad, Côte d’Ivoire, Guinea and Zimbabwe may be made available only for training

related to international peacekeeping operations and expanded international military education and training: Provided, That the limitation included in this paragraph shall not apply to courses that support training in maritime security for Angola and Cameroon.

(2) None of the funds appropriated under the heading “International Military Education and Training” in this Act may be made available for assistance for Equatorial Guinea or Somalia.

(b) **COUNTERTERRORISM PROGRAMS.**—Funds appropriated by this Act under the headings “Development Assistance”, “Economic Support Fund”, “International Narcotics Control and Law Enforcement”, “Nonproliferation, Anti-terrorism, Demining, and Related Programs”, and “Peacekeeping Operations” shall be made available as follows:

(1) Not less than \$24,735,000 shall be made available for the East Africa Regional Strategic Initiative;

(2) Not less than \$3,600,000 shall be made available for Africa Conflict Stabilization and Border Security;

(3) Not less than \$81,315,000 shall be made available for Trans-Sahara Counterterrorism Partnership; and

(4) Not less than \$10,000,000 shall be made available for a Horn of Africa and Pan Sahel Program, in addition to funds otherwise made available for such purposes, to be administered by the United States Agency for International Development.

(c) **ETHIOPIA.**—

(1) None of the funds appropriated by this Act under the heading “Foreign Military Financing Program” that are available for assistance for Ethiopia may be made available unless the Secretary of State—

(A) determines that the Government of Ethiopia is taking effective measures to guarantee the rights of its citizens to peaceful expression, association and assembly, and to document violations of internationally recognized human rights without harassment or criminal penalty, and provides such determination in writing to the Committees on Appropriations; and

(B) submits a report to such Committees on the types and amounts of United States training and equipment provided to the Ethiopian military including steps being taken to ensure that such assistance is not provided to Ethiopian military units or personnel with records of violations of internationally recognized human rights.

(2) The restriction in paragraph (1) shall not apply to assistance to support the deployment of members of the Ethiopian military in international peacekeeping operations.

(d) **RWANDA.**—

(1) None of the funds appropriated by this Act under the heading “Foreign Military Financing Program” may be made available for assistance for Rwanda if the Secretary of State has credible evidence that the Government of Rwanda is providing political, military or financial support to armed groups in the Democratic Republic of the Congo that have committed violations of internationally recognized human rights, including rape.

(2) The restriction in paragraph (1) shall not apply to assistance to improve border controls to prevent the importation of minerals into Rwanda by such groups, or to support the deployment of members of the Rwandan military in international peacekeeping operations.

(e) **NATURAL RESOURCE TRANSPARENCY.**—Funds appropriated by this Act that are available for assistance for Liberia, Sierra Leone, Nigeria, Côte d’Ivoire, and the countries participating in the Congo Basin Forest Partnership shall be made available to promote and support transparency and accountability in relation to the extraction of timber, oil and gas, cacao and

other natural resources, including by strengthening implementation and monitoring of the Extractive Industries Transparency Initiative and the Kimberley Process Certification Scheme.

(f) **SUDAN LIMITATION ON ASSISTANCE.**—

(1) Subject to subsection (2):

(A) Notwithstanding any other provision of law, none of the funds appropriated by this Act may be made available for assistance for the Government of Sudan.

(B) None of the funds appropriated by this Act may be made available for the cost, as defined in section 502, of the Congressional Budget Act of 1974, of modifying loans and loan guarantees held by the Government of Sudan, including the cost of selling, reducing, or canceling amounts owed to the United States, and modifying concessional loans, guarantees, and credit agreements.

(2) Subsection (f)(1) shall not apply if the Secretary of State determines and certifies to the Committees on Appropriations that:

(A) The Government of Sudan honors its pledges to cease attacks upon civilians and disarm and demobilizes the Janjaweed and other government-supported militias;

(B) The Government of Sudan and all government-supported militia groups are honoring their commitments made in all previous ceasefire agreements; and

(C) The Government of Sudan is allowing unimpeded access to Darfur to humanitarian aid organizations, the human rights investigation and humanitarian teams of the United Nations, including protection officers, and an international monitoring team that is based in Darfur and has the support of the United States.

(3) The provisions of subsection (f)(1) shall not apply to—

(A) humanitarian assistance;

(B) assistance for the Darfur region, Southern Sudan, Southern Kordofan/Nuba Mountains State, Blue Nile State, and Abyei; and

(C) assistance to support implementation of the Comprehensive Peace Agreement and the Darfur Peace Agreement or any other internationally-recognized viable peace agreement in Sudan.

(4) For the purposes of this Act, the term “Government of Sudan” shall not include the Government of Southern Sudan.

(5) Notwithstanding any other provision of law, assistance in this Act may be made available to the Government of Southern Sudan to provide non-lethal military assistance, military education and training, and defense services controlled under the International Traffic in Arms Regulations (22 CFR 120.1 et seq.) if the Secretary of State—

(A) determines that the provision of such items is in the national interest of the United States; and

(B) not later than 15 days before the provision of any such assistance, notifies the Committees on Appropriations of such determination.

(g) **SOUTHERN SUDAN.**—The Secretary of State shall seek to obtain regular audits of the financial accounts of the Government of Southern Sudan to ensure transparency and accountability of funds, including revenues from the extraction of oil and gas, and the public disclosure of such audits in a timely manner: Provided, That in determining amounts and types of United States assistance to make available to the Government of Southern Sudan, the Secretary shall consider the extent to which such government is ensuring transparency and accountability of funds: Provided further, That the Secretary shall, as appropriate, assist the Government of Southern Sudan in conducting such audits, and shall submit a report not later than 90 days after enactment of this Act to the Committees on Appropriations detailing the

steps that will be taken by the Government of Southern Sudan to improve resource management and ensure transparency and accountability of funds.

(h) **WAR CRIMES IN AFRICA.**—

(1) The Congress reaffirms its support for the efforts of the International Criminal Tribunal for Rwanda (ICTR) and the Special Court for Sierra Leone (SCSL) to bring to justice individuals responsible for war crimes and crimes against humanity in a timely manner.

(2) Funds appropriated by this Act, including funds for debt restructuring, may be made available for assistance for the central government of a country in which individuals indicted by ICTR and SCSL are credibly alleged to be living, if the Secretary of State determines and reports to the Committees on Appropriations that such government is cooperating with ICTR and SCSL, including the surrender and transfer of indictees in a timely manner: Provided, That this subsection shall not apply to assistance provided under section 551 of the Foreign Assistance Act of 1961 or to project assistance under title VI of this Act: Provided further, That the United States shall use its voice and vote in the United Nations Security Council to fully support efforts by ICTR and SCSL to bring to justice individuals indicted by such tribunals in a timely manner.

(3) The prohibition in subsection (2) may be waived on a country-by-country basis if the President determines that doing so is in the national security interest of the United States: Provided, That prior to exercising such waiver authority, the President shall submit a report to the Committees on Appropriations, in classified form if necessary, on—

(A) the steps being taken to obtain the cooperation of the government in surrendering the indictee in question to the court of jurisdiction;

(B) a strategy, including a timeline, for bringing the indictee before such court; and

(C) the justification for exercising the waiver authority.

(i) **ZIMBABWE.**—

(1) The Secretary of the Treasury shall instruct the United States executive director to each international financial institution to vote against any extension by the respective institution of any loans to the Government of Zimbabwe, except to meet basic human needs or to promote democracy, unless the Secretary of State determines and reports in writing to the Committees on Appropriations that the rule of law has been restored in Zimbabwe, including respect for ownership and title to property, freedom of speech and association.

(2) None of the funds appropriated by this Act shall be made available for assistance for the central government of Zimbabwe, except for macroeconomic growth assistance, unless the Secretary of State makes the determination pursuant to paragraph (1).

**ASIA**

**SEC. 7071. (a) TIBET.**—

(1) The Secretary of the Treasury should instruct the United States executive director to each international financial institution to use the voice and vote of the United States to support projects in Tibet if such projects do not provide incentives for the migration and settlement of non-Tibetans into Tibet or facilitate the transfer of ownership of Tibetan land and natural resources to non-Tibetans; are based on a thorough needs-assessment; foster self-sufficiency of the Tibetan people and respect Tibetan culture and traditions; and are subject to effective monitoring.

(2) Notwithstanding any other provision of law, not less than \$7,400,000 of the funds appropriated by this Act under the heading “Economic Support Fund” should be made available to nongovernmental organizations to support

activities which preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in the Tibetan Autonomous Region and in other Tibetan communities in China.

(b) **BURMA.**—

(1) The Secretary of the Treasury shall instruct the United States executive director to each appropriate international financial institution in which the United States participates, to oppose and vote against the extension by such institution of any loan or financial or technical assistance or any other utilization of funds of the respective bank to and for Burma.

(2) Of the funds appropriated by this Act under the heading “Economic Support Fund”, not less than \$36,500,000 shall be made available for assistance for Burma: Provided, That such assistance shall be made available only to support democracy and humanitarian programs and activities in Burma, programs and activities along the Burma-Thailand border, programs and activities involving Burmese student groups and other organizations located outside Burma, and humanitarian assistance for displaced Burmese along Burma’s borders: Provided further, That such funds may be made available notwithstanding any other provision of law: Provided further, That in addition to assistance for Burmese refugees provided under the heading “Migration and Refugee Assistance” in this Act, not less than \$4,000,000 shall be made available for community-based organizations operating in Thailand to provide food, medical and other humanitarian assistance to internally displaced persons in eastern Burma.

(3) Funds made available under paragraph (2) for any new program, project or activity shall be subject to prior consultation with the Committees on Appropriations and all such funds made available under paragraph (2) shall be subject to the regular notification procedures of such Committees: Provided, That when implementing activities with funds appropriated by this Act for assistance for Burma, the implementing agency shall only support activities that are consistent with the principles and goals of the National League for Democracy in Burma.

(c) **CAMBODIA.**—Funds made available in this Act for a United States contribution to a Khmer Rouge tribunal may only be made available if the Secretary of State certifies to the Committees on Appropriations that the United Nations and the Government of Cambodia are taking credible steps to address allegations of corruption and mismanagement within the tribunal.

(d) **INDONESIA.**—

(1) Of the funds appropriated by this Act under the heading “Foreign Military Financing Program”, not to exceed \$20,000,000 shall be made available for assistance for Indonesia, of which \$2,000,000 is withheld from obligation until the Secretary of State submits to the Committees on Appropriations the report on Indonesia detailed under such heading in the joint explanatory statement accompanying this Act.

(2) Of the funds appropriated by this Act under the heading “Economic Support Fund” that are available for assistance for Indonesia, not less than \$400,000 should be made available for grants for capacity building of Indonesian human rights organizations, including in Papua.

(e) **NEPAL.**—

(1) Funds appropriated by this Act under the heading “Foreign Military Financing Program” may be made available for assistance for Nepal if the Secretary of State certifies to the Committees on Appropriations that the Nepal Army is—

(A) cooperating fully with investigations and prosecutions by civilian judicial authorities of violations of internationally recognized human rights; and

(B) working constructively to redefine the Nepal Army’s mission and adjust its size accord-

ingly, implement reforms including strengthening the capacity of the civilian ministry of defense to improve budget transparency and accountability, and facilitate the integration of former rebel combatants into the security forces, including the Nepal Army, consistent with the goals of reconciliation, peace and stability.

(2) The conditions in paragraph (1) shall not apply to assistance to support the deployment of members of the Nepal Army in humanitarian relief and reconstruction operations in Nepal.

(f) **NORTH KOREA.**—

(1) Funds appropriated under the heading “Migration and Refugee Assistance” in this Act shall be made available for assistance for refugees from North Korea.

(2) Of the funds made available under the heading “International Broadcasting Operations” in title I of this Act, up to \$8,000,000 should be made available for broadcasts into North Korea.

(3) Of the funds appropriated by this Act under the heading “Economic Support Fund”, \$3,500,000 shall be made available for democracy, human rights, and governance programs for North Korea.

(4) None of the funds made available by this Act under the heading “Economic Support Fund” may be made available for energy-related assistance for North Korea.

(5) Funds made available by this Act under the heading “Economic Support Fund” for assistance for countries in the North Asia region may be made available for programs and activities pursuant to section 4 of Public Law 108-333, as amended, and subject to the regular notification procedures of the Committees on Appropriations: Provided, That for the purposes of this subsection, such programs and activities shall be considered democracy promotion.

(6) Not later than 45 days after enactment of this Act, the Secretary of State shall report to the Committees on Appropriations the amount the Secretary determines the Government of North Korea owes the Government of the United States for the unsupervised distribution of food assistance provided by the United States: Provided, That the Secretary of State should reduce any assistance made available to the Government of North Korea by such amount, unless the Secretary reports to the Committees on Appropriations that the Government of North Korea provided such food assistance to eligible recipients as intended, or that North Korea has reimbursed the Government of the United States for the costs of such food assistance: Provided further, That the previous proviso shall not apply to programs and activities that promote human rights, democracy, rule of law, and to humanitarian assistance.

(g) **PEOPLE’S REPUBLIC OF CHINA.**—

(1) None of the funds appropriated under the heading “Diplomatic and Consular Programs” in this Act may be obligated or expended for processing licenses for the export of satellites of United States origin (including commercial satellites and satellite components) to the People’s Republic of China unless, at least 15 days in advance, the Committees on Appropriations are notified of such proposed action.

(2) The terms and requirements of section 620(h) of the Foreign Assistance Act of 1961 shall apply to foreign assistance projects or activities of the People’s Liberation Army (PLA) of the People’s Republic of China, to include such projects or activities by any entity that is owned or controlled by, or an affiliate of, the PLA: Provided, That none of the funds appropriated or otherwise made available pursuant to this Act may be used to finance any grant, contract, or cooperative agreement with the PLA, or any entity that the Secretary of State has reason to believe is owned or controlled by, or an affiliate of, the PLA.

(3) Notwithstanding any other provision of law and subject to the regular notification procedures of the Committees on Appropriations, of the funds appropriated by this Act under the heading "Development Assistance", not less than \$12,000,000 shall be made available to United States educational institutions and non-governmental organizations for programs and activities in the People's Republic of China relating to the environment, governance, and the role of law.

(h) PHILIPPINES.—Of the funds appropriated by this Act under the heading "Foreign Military Financing Program", not to exceed \$32,000,000 may be made available for assistance for the Philippines, of which \$3,000,000 may not be obligated until the Secretary of State submits to the Committees on Appropriations the report on the Philippines detailed under such heading in the joint explanatory statement accompanying this Act.

(i) TIMOR-LESTE.—Of the funds appropriated by this Act under the heading "Economic Support Fund", not less than \$1,000,000, in addition to funds otherwise made available for such purposes, shall be made available for democracy programs and activities in Timor-Leste, and not less than \$2,000,000 shall be made available for higher education scholarships.

(j) VIETNAM.—Funds appropriated by this Act that are made available for assistance for Vietnam for remediation of dioxin contaminated sites and related health activities may be made available for assistance for the Government of Vietnam, including the military, for such purposes.

#### SERBIA

SEC. 7072. (a) Funds appropriated by this Act may be made available for assistance for the central Government of Serbia after May 31, 2010, if the President has made the determination and certification contained in subsection (c).

(b) After May 31, 2010, the Secretary of the Treasury should instruct the United States executive directors to the international financial institutions to support loans and assistance to the Government of Serbia subject to the conditions in subsection (c).

(c) The determination and certification referred to in subsection (a) is a determination and a certification by the President to the Committees on Appropriations that the Government of Serbia is—

(1) cooperating with the International Criminal Tribunal for the former Yugoslavia including access for investigators, the provision of documents, timely information on the location, movement, and sources of financial support of indictees, and the surrender and transfer of indictees or assistance in their apprehension, including Ratko Mladic;

(2) taking steps that are consistent with the Dayton Accords to end Serbian financial, political, security and other support which has served to maintain separate Republika Srpska institutions; and

(3) taking steps to implement policies which reflect a respect for minority rights and the rule of law.

(d) This section shall not apply to humanitarian assistance or assistance to promote democracy.

#### INDEPENDENT STATES OF THE FORMER SOVIET UNION

SEC. 7073. (a) None of the funds appropriated under the heading "Assistance for Europe, Eurasia and Central Asia" shall be made available for assistance for a government of an Independent State of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other Independent State of the former Soviet Union, such as those violations included

in the Helsinki Final Act: Provided, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States.

(b) Funds appropriated under the heading "Assistance for Europe, Eurasia and Central Asia" for the Russian Federation, Armenia, Kazakhstan, and Uzbekistan shall be subject to the regular notification procedures of the Committees on Appropriations.

(c)(1) Of the funds appropriated under the heading "Assistance for Europe, Eurasia and Central Asia" that are allocated for assistance for the Government of the Russian Federation, 60 percent shall be withheld from obligation until the President determines and certifies in writing to the Committees on Appropriations that the Government of the Russian Federation—

(A) has terminated implementation of arrangements to provide Iran with technical expertise, training, technology, or equipment necessary to develop a nuclear reactor, related nuclear research facilities or programs, or ballistic missile capability; and

(B) is providing full access to international non-government organizations providing humanitarian relief to refugees and internally displaced persons in Chechnya.

(2) Paragraph (1) shall not apply to—

(A) assistance to combat infectious diseases, child survival activities, or assistance for victims of trafficking in persons; and

(B) activities authorized under title V (Non-proliferation and Disarmament Programs and Activities) of the FREEDOM Support Act.

(d) Section 907 of the FREEDOM Support Act shall not apply to—

(1) activities to support democracy or assistance under title V of the FREEDOM Support Act and section 1424 of Public Law 104-201 or non-proliferation assistance;

(2) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421);

(3) any activity carried out by a member of the United States and Foreign Commercial Service while acting within his or her official capacity;

(4) any insurance, reinsurance, guarantee or other assistance provided by the Overseas Private Investment Corporation under title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 et seq.);

(5) any financing provided under the Export-Import Bank Act of 1945; or

(6) humanitarian assistance.

#### REPRESSION IN THE RUSSIAN FEDERATION

SEC. 7074. (a) None of the funds appropriated under the heading "Assistance for Europe, Eurasia and Central Asia" in this Act may be made available for the Government of the Russian Federation, after 180 days from the date of the enactment of this Act, unless the Secretary of State certifies to the Committees on Appropriations that the Government of the Russian Federation—

(1) has implemented no statute, Executive order, regulation or similar government action that would discriminate, or which has as its principal effect discrimination, against religious groups or religious communities in the Russian Federation in violation of accepted international agreements on human rights and religious freedoms to which the Russian Federation is a party;

(2) is honoring its international obligations regarding freedom of expression, assembly, and press, as well as due process;

(3) is investigating and prosecuting law enforcement personnel credibly alleged to have committed human rights abuses against political leaders, activists and journalists; and

(4) is immediately releasing political leaders, activists and journalists who remain in detention.

(b) The Secretary of State may waive the requirements of subsection (a) if the Secretary determines that to do so is important to the national interests of the United States.

#### CENTRAL ASIA

SEC. 7075. The terms and conditions of sections 7075(a) and (b) and 7076(a) through (e) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (division H of Public Law 111-8) shall apply to funds appropriated by this Act: Provided, That for purposes of the application of section 7076(e) to this Act, the term "assistance" shall not include expanded international military education and training.

#### AFGHANISTAN

SEC. 7076. (a) IN GENERAL.—Funds appropriated by this Act that are available for assistance for Afghanistan shall be made available, to the maximum extent practicable, in a manner that utilizes Afghan entities and emphasizes the participation and leadership of Afghan women and directly improves the security, economic and social well-being, and political status of Afghan women and girls.

(b) ASSISTANCE FOR WOMEN AND GIRLS.—

(1) The terms and conditions of section 1102(b)(1) of Public Law 111-32 shall apply to assistance for Afghanistan in fiscal year 2010.

(2) Of the funds appropriated by this Act under the headings "Economic Support Fund" and "International Narcotics Control and Law Enforcement", not less than \$175,000,000 shall be made available to support programs that directly address the needs and protect the rights of Afghan women and girls, including for the Afghan Independent Human Rights Commission, the Afghan Ministry of Women's Affairs, and for women-led nongovernmental organizations.

(c) PROCUREMENT OF AFGHAN PRODUCTS AND SERVICES.—The terms and conditions of section 1102(c) of Public Law 111-32 shall apply to assistance for Afghanistan in fiscal year 2010.

(d) ANTICORRUPTION.—

(1) The terms and conditions of section 1102(d) of Public Law 111-32 shall apply to assistance for Afghanistan in fiscal year 2010.

(2) Of the funds appropriated by this Act under the heading "Economic Support Fund" that are available for assistance for the Government of Afghanistan, \$200,000,000 may not be obligated for such assistance unless the Secretary of State certifies to the Committees on Appropriations that the Government of Afghanistan is cooperating fully with United States efforts against the Taliban and Al Qaeda and to reduce poppy cultivation and illicit drug trafficking: Provided, That the Secretary of State may waive the previous sentence if the Secretary reports to the Committees on Appropriations that to do so is vital to the national security interests of the United States.

(e) RECONSTRUCTION AND DEVELOPMENT ASSISTANCE.—

(1) Of the funds appropriated by this Act under the heading "Economic Support Fund" that are available for assistance for Afghanistan, not less than \$175,000,000 shall be made available for the National Solidarity Program.

(2) The Secretary of State, in consultation with the Administrator of the United States Agency for International Development and the Secretary of Defense, should enhance United States reconstruction efforts in Afghanistan by—

(A) emphasizing capacity building and support of Afghan entities and institutions at the provincial and sub-provincial levels; and

(B) requiring civilian Provincial Reconstruction Team (PRT) leaders to consult regularly with appropriate local Afghan leaders in their respective provinces and ensuring that PRT reconstruction and development activities support



local needs in a sustainable manner and strengthen the authority and control of the Government of Afghanistan at the provincial and sub-provincial levels.

(f) **RULE OF LAW PROGRAMS.**—The Coordinator for Rule of Law at the United States Embassy in Kabul, Afghanistan shall be consulted on the use of all funds appropriated by this Act for rule of law programs and activities in Afghanistan.

(g) **BASE RIGHTS.**—None of the funds made available by this Act may be used by the United States Government to enter into a permanent basing rights agreement between the United States and Afghanistan.

#### ENTERPRISE FUNDS

SEC. 7077. (a) Prior to the distribution of any assets resulting from any liquidation, dissolution, or winding up of an Enterprise Fund, in whole or in part, the President shall submit to the Committees on Appropriations, in accordance with the regular notification procedures of the Committees on Appropriations, a plan for the distribution of the assets of the Enterprise Fund.

(b) Funds made available under titles III through VI of this Act for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities and shall be subject to the regular notification procedures of the Committees on Appropriations.

#### UNITED NATIONS POPULATION FUND

SEC. 7078. (a) **CONTRIBUTION.**—Of the funds made available under the heading “International Organizations and Programs” in this Act for fiscal year 2010, \$55,000,000 shall be made available for the United Nations Population Fund (UNFPA).

(b) **AVAILABILITY OF FUNDS.**—Funds appropriated by this Act for UNFPA, that are not made available for UNFPA because of the operation of any provision of law, shall be transferred to the “Global Health and Child Survival” account and shall be made available for family planning, maternal, and reproductive health activities, subject to the regular notification procedures of the Committees on Appropriations.

(c) **PROHIBITION ON USE OF FUNDS IN CHINA.**—None of the funds made available by this Act may be used by UNFPA for a country program in the People’s Republic of China.

(d) **CONDITIONS ON AVAILABILITY OF FUNDS.**—Funds made available by this Act for UNFPA may not be made available unless—

(1) UNFPA maintains funds made available by this Act in an account separate from other accounts of UNFPA and does not commingle such funds with other sums; and

(2) UNFPA does not fund abortions.

(e) **REPORT TO CONGRESS AND DOLLAR-FOR-DOLLAR WITHHOLDING OF FUNDS.**—

(1) Not later than 4 months after the date of enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations indicating the amount of funds that the UNFPA is budgeting for the year in which the report is submitted for a country program in the People’s Republic of China.

(2) If a report under paragraph (1) indicates that the UNFPA plans to spend funds for a country program in the People’s Republic of China in the year covered by the report, then the amount of such funds the UNFPA plans to spend in the People’s Republic of China shall be deducted from the funds made available to the UNFPA after March 1 for obligation for the remainder of the fiscal year in which the report is submitted.

#### OPIC

#### (INCLUDING TRANSFER OF FUNDS)

SEC. 7079. (a) Whenever the President determines that it is in furtherance of the purposes of

the Foreign Assistance Act of 1961, up to a total of \$20,000,000 of the funds appropriated under title III of this Act may be transferred to, and merged with, funds appropriated by this Act for the Overseas Private Investment Corporation Program Account, to be subject to the terms and conditions of that account: Provided, That such funds shall not be available for administrative expenses of the Overseas Private Investment Corporation: Provided further, That designated funding levels in this Act shall not be transferred pursuant to this section: Provided further, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

(b) The President of the Overseas Private Investment Corporation is hereby authorized and directed to issue, not later than 9 months after the date of enactment of this Act, a comprehensive set of environmental, transparency and internationally recognized worker rights and human rights guidelines with requirements binding on the Corporation and its investors that shall be consistently applied to all projects, funds and sub-projects supported by the Corporation: Provided, That these regulations shall be no less rigorous than the environmental and social guidelines that the Corporation has made publicly available as of June 3, 2009, and the environmental and social policies of the World Bank Group, and hereafter may be issued and further revised only following public notice and opportunity for comment: Provided further, That the Overseas Private Investment Corporation shall issue a report, not later than 180 days after enactment of this Act, highlighting its substantial commitment to invest in renewable and other clean energy technologies and plans to significantly reduce greenhouse gas emissions from its portfolio: Provided further, That such commitment shall include implementing a revised climate change mitigation plan to reduce greenhouse gas emissions associated with projects and sub-projects in the agency’s portfolio as of June 30, 2008 by at least 30 percent over a 10-year period and by at least 50 percent over a 15-year period.

(c) Notwithstanding section 235(a)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2195(a)(2)), the authority of subsections (a) through (c) of section 234 of such Act shall remain in effect through September 30, 2010.

#### EXTRADITION

SEC. 7080. (a) None of the funds appropriated in this Act may be used to provide assistance (other than funds provided under the headings “International Narcotics Control and Law Enforcement”, “Migration and Refugee Assistance”, “Emergency Migration and Refugee Assistance”, and “Nonproliferation, Anti-terrorism, Demining and Related Assistance”) for the central government of a country which has notified the Department of State of its refusal to extradite to the United States any individual indicted for a criminal offense for which the maximum penalty is life imprisonment without the possibility of parole or for killing a law enforcement officer, as specified in a United States extradition request.

(b) Subsection (a) shall only apply to the central government of a country with which the United States maintains diplomatic relations and with which the United States has an extradition treaty and the government of that country is in violation of the terms and conditions of the treaty.

(c) The Secretary of State may waive the restriction in subsection (a) on a case-by-case basis if the Secretary certifies to the Committees on Appropriations that such waiver is important to the national interests of the United States.

#### CLIMATE CHANGE AND ENVIRONMENT PROGRAMS

SEC. 7081. (a) **IN GENERAL.**—Of the funds appropriated by this Act, up to \$1,257,200,000 may

be made available for programs and activities to—

(1) reduce, mitigate, and sequester greenhouse gases that contribute to global climate change;

(2) support climate change adaptation;

(3) protect forests and other critical landscapes; and

(4) protect biodiversity.

(b) **CLEAN ENERGY PROGRAMS.**—Funds appropriated by this Act under the headings “Development Assistance”, “Economic Support Fund”, and “Assistance for Europe, Eurasia and Central Asia” for clean energy programs and activities, may be made available only to promote the sustainable use of renewable energy technologies and end-use energy efficiency technologies, carbon sequestration, and carbon accounting: Provided, That of the funds made available for the United States Agency for International Development (USAID) for clean energy programs, not less than \$10,000,000 shall be made available for microfinance renewable energy programs, including solar energy programs.

(c) **ADAPTATION PROGRAMS.**—Funds appropriated by this Act shall be made available for United States contributions to the Least Developed Countries Fund and the Special Climate Change Fund to support adaptation programs and activities, if the Global Environment Facility makes publicly available on its website the criteria used to determine which programs and activities receive funds, the manner in which such programs and activities meet such criteria, the extent of local involvement in such programs and activities, the amount of funds provided, and the results achieved.

(d) **BIODIVERSITY.**—Of the funds appropriated by title III of this Act, not less than \$205,000,000 shall be made available for programs and activities which directly protect biodiversity, including tropical forests and wildlife, in developing countries, of which not less than \$25,000,000 shall be made available for USAID’s conservation programs in the Amazon Basin: Provided, That of the funds made available under this paragraph, not less than \$20,500,000 shall be made available for the Congo Basin Forest Partnership only for programs which directly promote the conservation and sustainable management of natural resources in landscapes in the Congo Basin area, with a priority on protected area and landscape resource management to enable local communities to conserve the natural resource base, including programs to substantially reduce the impacts of industrial-scale resource extraction on local communities and the natural resource base: Provided further, That none of the funds appropriated by this Act may be made available, directly or indirectly, to support industrial-scale logging or other industrial-scale resource extraction or sector reform that would promote these activities: Provided further, That funds appropriated by this Act to carry out the provisions of sections 103 through 106, and chapter 4 of part II, of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law and subject to the regular notification procedures of the Committees on Appropriations, for the purpose of supporting tropical forestry and biodiversity conservation activities, clean energy and climate change programs aimed at reducing greenhouse gas emissions, and programs to mitigate mercury pollution: Provided further, That funds appropriated under the heading “Development Assistance” may be made available as a contribution to the Galapagos Invasive Species Fund.

(e) **CONSULTATION.**—Funds made available pursuant to this section are subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations: Provided, That prior to the obligation of funds for a contribution to the Forest Carbon Partnership Facility, the Secretary of State and the

Secretary of the Treasury, as appropriate, shall determine and report to the Committees on Appropriations that there have been thorough consultations by the World Bank with interested civil society and indigenous organizations.

(f) **EXTRACTION OF NATURAL RESOURCES.**—

(1) The Secretary of the Treasury shall inform the managements of the international financial institutions and the public that it is the policy of the United States to oppose any assistance by such institutions (including but not limited to any loan, credit, grant, or guarantee) for the extraction and export of oil, gas, coal, timber, or other natural resource unless the government of the country has in place functioning systems for:

(A) accurately accounting for payments for companies involved in the extraction and export of natural resources;

(B) the independent auditing of accounts receiving such payments and the widespread public dissemination of the findings of such audits; and

(C) verifying government receipts against company payments including widespread dissemination of such payment information, and disclosing such documents as Host Government Agreements, Concession Agreements, and bidding documents, allowing in any such dissemination or disclosure for the redaction of, or exceptions for, information that is commercially proprietary or that would create competitive disadvantage.

(2) Not later than 180 days after the enactment of this Act, the Secretary of the Treasury shall submit a report to the Committees on Appropriations describing, for each international financial institution, the amount and type of assistance provided, by country, for the extraction and export of oil, gas, coal, timber, or other natural resources in the preceding 12 months, and whether each institution considered, in its proposal for such assistance, the extent to which the country has functioning systems described in paragraph (1).

(g) **AUTHORIZATION FOR THE CLEAN TECHNOLOGY FUND.**—

(1) **LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.**—For fiscal year 2010, up to \$300,000,000 is authorized to be appropriated for a United States contribution to the Clean Technology Fund (the Fund).

(2) **LIMITS ON COUNTRY ACCESS.**—The Secretary of the Treasury shall use the voice and vote of the United States to ensure that—

(A) The Fund does not provide more than 15 percent of Fund resources to any one country;

(B) Prior to the obligation of funds, recipient countries submit to the governing body of the Fund, and the governing body of the Fund appropriately reviews and considers, an investment plan that will achieve significant net reductions in national-level greenhouse gas emissions;

(C) The investment plan for a recipient country, which borrowing status is classified by the World Bank as 'International Development Association (IDA) blend', shall have at least 15 percent of its total cost for public sector activities contributed from the public funds of the recipient country, and any recipient country whose borrowing status is classified by the World Bank as 'International Bank for Reconstruction and Development (IBRD) Only' status, shall have at least 25 percent of its total cost for public sector activities contributed from public funds of the recipient country; and

(D) Assistance made available by the Fund is used exclusively to support the deployment of clean energy technologies in developing countries (including, where appropriate, through the provision of technical support or support for policy or institutional reforms) in a manner that achieves substantial net reductions in greenhouse gas emissions.

(3) **REPORTING REQUIREMENT.**—Not later than 180 days after the date of enactment of this Act and annually thereafter, the Secretary of the Treasury shall submit to the Committees on Appropriations in the House and Senate, the Senate Foreign Relations Committee and the House Financial Services Committee, a report describing—

(A) the operations and governance of the Fund, and the purpose and progress of each project supported by the Fund, including the extent to which assistance made available by the Fund has reduced or will reduce greenhouse gas emissions in recipient countries; and

(B) how each project furthers the Fund's investment plan of the country or countries in which the project is implemented.

(4) **DEFINITIONS.**—For purposes of this subsection—

(A) **NET REDUCTIONS.**—The term 'net reductions' refers to the extent to which a project or program supported under this subsection results in lower greenhouse gas emissions than would be emitted by the same entity or sector in the same country in the absence of the Fund's project, taking into account, unless impracticable, effects beyond the physical boundaries of the project or program that result from project or program activities.

(B) **PUBLIC SECTOR ACTIVITIES.**—The term 'public sector activities' may include sovereign loans assumed by the recipient country to contribute to the financing of the investment plan.

(C) **CLEAN ENERGY TECHNOLOGY.**—The term 'clean energy technology' means a technology that, as compared with technologies being deployed at that time for widespread commercial use in the country involved—

(i) achieves substantial reductions in greenhouse gas emissions;

(ii) does not result in significant incremental adverse effects on public health or the environment; and

(iii) does one or more of the following:

(I) generates electricity or useful thermal energy from a renewable resource;

(II) substantially increases the energy efficiency of buildings, industrial, or agricultural processes, or of electricity transmission, distribution, or end-use consumption; or

(III) substantially increases the energy efficiency of the transportation system or increases utilization of transportation fuels that have lifecycle greenhouse gas emissions that are substantially lower than those attributable to fossil fuel-based alternatives.

**PROHIBITION ON PROMOTION OF TOBACCO**

SEC. 7082. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

**COMMERCIAL LEASING OF DEFENSE ARTICLES**

SEC. 7083. Notwithstanding any other provision of law, and subject to the regular notification procedures of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel, Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

**ANTI-KLEPTOCRACY**

SEC. 7084. (a) In furtherance of the National Strategy to Internationalize Efforts Against Kleptocracy and Presidential Proclamation 7750, the Secretary of State shall compile and maintain a list of officials of foreign governments and their immediate family members who the Secretary has credible evidence have been involved in corruption relating to the extraction of natural resources in their countries.

(b) Any individual on the list compiled under subsection (a) shall be ineligible for admission to the United States.

(c) The Secretary may waive the application of subsection (b) if the Secretary determines that admission to the United States is necessary to attend the United Nations or to further United States law enforcement objectives, or that the circumstances which caused the individual to be included on the list have changed sufficiently to justify the removal of the individual from the list.

(d) Not later than 90 days after enactment of this Act and 180 days thereafter, the Secretary of State shall report in writing, in classified form if necessary, to the Committees on Appropriations describing the evidence of corruption concerning each of the individuals listed pursuant to subsection (a).

**INTERNATIONAL PRISON CONDITIONS**

SEC. 7085. (a) Not later than 180 days after enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a report, which shall also be made publicly available including on the Department of State's website, describing the conditions in prisons and other detention facilities in countries receiving United States assistance where the Assistant Secretary of State for Democracy, Human Rights and Labor has determined, based on the Department of State's most recent Human Rights Report and any other relevant information, arbitrary detention and/or cruel, inhumane or degrading treatment of prisoners or detainees, or inhumane prison conditions, is common, and identifying those countries, if any, whose governments the Assistant Secretary determines are making significant efforts to eliminate inhumane conditions and those countries whose governments the Assistant Secretary determines are not making such efforts.

(b) For purposes of each determination made pursuant to subsection (a), the Assistant Secretary shall consider whether:

(1) the number of prisoners or detainees does not so exceed prison capacity such that per capita floor space is sufficient to allow for humane sleeping conditions and reasonable physical movement;

(2) human waste facilities are available and are located separately from the prison population at large, and human waste is disposed of regularly and in a sanitary manner;

(3) the lighting, ventilation, temperature and physical construction of prisons and other detention facilities do not seriously endanger health and safety;

(4) prisoners and detainees have access to adequate food and potable drinking water;

(5) prisoners and detainees have access to basic and emergency medical care;

(6) to the maximum extent practicable, prisoners and detainees are allowed reasonable contact with visitors and permitted religious observance;

(7) the government permits prisoners and detainees to submit complaints to judicial authorities without censorship, investigates credible allegations of inhumane conditions, and documents the results of such investigations in a manner that is publicly accessible;

(8) the government is investigating and monitoring the conditions of prisons and other detention facilities under its authority, including cooperation with international experts on eliminating inhumane conditions, and such information is available to the Secretary of State;

(9) the government is appointing ombudsmen to serve on behalf of prisoners and detainees, considering alternatives to incarceration for nonviolent offenders to alleviate inhumane overcrowding, making efforts to address the status and circumstances of confinement of juvenile offenders, making efforts to improve pre-trial detention, bail and recordkeeping procedures to reduce pre-trial detention periods and to ensure that prisoners do not serve beyond the maximum sentence for the charged offense; and

(10) the government is increasing the amount of government resources to eliminate inhumane conditions.

(c) Funds appropriated by this Act to carry out the provisions of chapters 1 and 11 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and the Support for East European Democracy (SEED) Act of 1989, shall be made available, notwithstanding section 660 of the Foreign Assistance Act of 1961, for assistance to help eliminate inhumane conditions in prisons and other detention facilities administered by foreign governments that the Assistant Secretary of State determines are making significant efforts to eliminate such conditions.

(d) The Secretary of State shall designate a Deputy Assistant Secretary of State in the Bureau of Democracy, Human Rights and Labor to have primary responsibility for diplomatic efforts related to international prison conditions.

#### TRANSPARENCY AND ACCOUNTABILITY

SEC. 7086. (a) UNITED NATIONS.—Funds appropriated by this Act shall be available to continue to support efforts to promote transparency and accountability at the United Nations, including access to audits and program information, as appropriate: Provided, That the Secretary of State, following consultation with the Committees on Appropriations, may withhold from obligation funds appropriated under the heading “International Organizations and Programs” for a United States contribution to a United Nations organization or agency if the Secretary determines that such organization or agency is not adequately implementing reforms to increase transparency and accountability.

(b) INTERNATIONAL MONETARY FUND.—

(1) The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund (the Fund) to promote standard public disclosure of documents of the Fund presented to the Executive Board of the Fund and summaries of the minutes of meetings of the Board, as recommended by the Independent Evaluation Office of the Fund, not later than 2 years after the date of the meeting at which the document was presented or the minutes were taken (as the case may be), unless the Executive Board—

(A) determines that it is appropriate to delay disclosure; and

(B) posts the reason for the delay on the website of the Fund.

(2) TRANSPARENCY AND ACCOUNTABILITY OF LOANS, AGREEMENTS, AND OTHER PROGRAMS OF THE INTERNATIONAL MONETARY FUND.—The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to promote—

(A) transparency and accountability in the policymaking and budgetary procedures of governments of members of the Fund;

(B) the participation of citizens and nongovernmental organizations in the economic policy choices of those governments; and

(C) the adoption by those governments of loans, agreements, or other programs of the

Fund through a parliamentary process or another participatory and transparent process, as appropriate.

(3) EFFORTS TO REDUCE THE WORST FORMS OF CHILD LABOR.—

(A) The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to promote policies and practices to reduce the worst forms of child labor (as defined in section 507(6) of the Trade Act of 1974 (19 U.S.C. 2467(6))) through education and other means, such as promoting the need for members of the Fund to develop and implement national action plans to combat the worst forms of child labor.

(B) Not later than one year after the date of the enactment of this Act, the Secretary of the Treasury shall submit to the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Financial Services of the House of Representatives a report describing efforts of the Fund to reduce the worst forms of child labor.

(c) NATIONAL BUDGET TRANSPARENCY.—

(1) None of the funds appropriated under titles III and IV of this Act may be made available for assistance for the central government of any country that fails to publicly disclose on an annual basis its national budget, to include income and expenditures.

(2) The Secretary of State may waive the requirements of paragraph (1) on a country-by-country basis if the Secretary reports to the Committees on Appropriations that to do so is important to the national interest of the United States.

(3) Of the funds appropriated by this Act under the heading “Economic Support Fund”, up to \$1,500,000 may be made available for programs and activities to assist the central government of any country named in the reports required by paragraph (2) to improve national budget transparency: Provided, That such sums shall be in addition to funds otherwise made available for such purposes.

(d) ASIAN DEVELOPMENT BANK.—Ten percent of the funds appropriated by this Act under the heading “Contribution to the Asian Development Fund” shall be withheld from obligation until the Secretary of the Treasury reports to the Committees on Appropriations that the Asian Development Bank (the Bank) is taking steps to—

(1) implement an independent review, to include external specialists, of the operations and internal controls of the Office of Information Systems and Technology and any other offices considered vulnerable to fraud and corruption;

(2) strengthen internal controls to improve accountability by management and prevent cases of fraud and corruption; and

(3) ensure that restitution, including criminal prosecution if appropriate, is sought if the Bank experiences losses from fraud and corruption.

#### DISABILITY PROGRAMS

SEC. 7087. (a) Of the funds appropriated by this Act under the heading “Economic Support Fund”, not less than \$5,000,000 shall be made available for programs and activities administered by the United States Agency for International Development (USAID) to address the needs and protect and promote the rights of people with disabilities in developing countries, and for programs to disseminate information (including best practices and strategies) on independent living, advocacy, education, and transportation to people with disabilities and disability advocacy organizations in developing countries, including for the cost of translation.

(b) Funds appropriated under the heading “Operating Expenses” in title II of this Act shall be made available to develop and implement training for staff in overseas USAID missions to promote the full inclusion and equal

participation of people with disabilities in developing countries.

(c) The Secretary of State, the Secretary of the Treasury, and the USAID Administrator shall seek to ensure that, where appropriate, construction projects funded by this Act are accessible to people with disabilities and in compliance with the USAID Policy on Standards for Accessibility for the Disabled, or other similar accessibility standards.

(d) Of the funds made available pursuant to subsection (a), not more than 7 percent may be for management, oversight, and technical support.

#### ORPHANS, DISPLACED, AND ABANDONED CHILDREN

SEC. 7088. Of the funds appropriated under title III of this Act, \$3,000,000 should be made available for activities to improve the capacity of foreign government agencies and nongovernmental organizations to prevent child abandonment, address the needs of orphans, displaced and abandoned children and provide permanent homes through family reunification, guardianship and adoptions, consistent with the Hague Convention on the Protection of Children and Co-operation in Respect of Inter-Country Adoption.

#### SRI LANKA

SEC. 7089. (a) IN GENERAL.—Funds appropriated in title III of this Act that are available for assistance for Sri Lanka shall be made available for programs that promote reconciliation between ethnic Sinhalese and Tamil populations, support post-conflict reconstruction, and advance the participation of Tamils and other minorities in the political and economic life of the country, and shall be subject to the regular notification procedures of the Committees on Appropriations.

(b) RESTRICTION ON MILITARY ASSISTANCE.—None of the funds appropriated by this Act under the heading “Foreign Military Financing Program” may be made available for assistance for Sri Lanka, no defense export license may be issued, and no military equipment or technology shall be sold or transferred to Sri Lanka pursuant to the authorities contained in this Act or any other Act, until the Secretary of State certifies to the Committees on Appropriations that the Government of Sri Lanka—

(1) is suspending and bringing to justice members of the military who have been credibly alleged to have violated internationally recognized human rights or international humanitarian law; and

(2) is respecting internationally recognized human rights, including the right of due process and freedoms of the press, association and assembly;

(3) is treating internally displaced persons in accordance with international standards, including by guaranteeing their freedom of movement, providing access to conflict-affected areas and populations by humanitarian organizations and journalists, and accounting for persons detained in the conflict; and

(4) is implementing policies to promote reconciliation and justice including devolution of power as provided for in the Constitution of Sri Lanka.

(c) EXCEPTION.—Subsection (b) shall not apply to assistance for humanitarian demining.

(d) USE OF FUNDS.—If the Secretary makes the certification required in subsection (b), funds appropriated under the heading “Foreign Military Financing Program” that are made available for assistance for Sri Lanka should be used to support the recruitment and training of Tamils into the Sri Lankan military, Tamil language training for Sinhalese military personnel, and human rights training for all military personnel.

(e) RESTRICTION ON MULTILATERAL ASSISTANCE.—The Secretary of the Treasury shall instruct the United States Executive Directors of

the international financial institutions (as defined in section 1701(c)(2) of the International Financial Institutions Act (22 U.S.C. 262r(c)(2))) to vote against any loan, agreement, or other financial support for Sri Lanka except to meet basic human needs, unless the Secretary of State certifies to the Committees on Appropriations that the Government of Sri Lanka is meeting the requirements in subsection (b)(3).

#### INTERNATIONAL MONETARY FUND PROVISIONS

SEC. 7090. (a) OPPOSITION TO HARD CURRENCY FOR SDRs RECEIVED BY TERRORIST COUNTRIES.—The Secretary of the Treasury shall instruct the United States Executive Director at the International Monetary Fund (the Fund) to use the voice and vote of the United States to oppose the provision by the Fund of United States dollars, euros, or Japanese yen to any country the government of which the Secretary of State has determined, for purposes of section 6(j) of the Export Administration Act of 1979, section 620A of the Foreign Assistance Act of 1961, or section 40 of the Arms Export Control Act, to be a government that has repeatedly provided support for acts of international terrorism, in exchange for any Special Drawing Rights received by the country pursuant to the amendments to the Articles of Agreement of the Fund as described in section 64 of the Bretton Woods Agreements Act.

(b) CONDITIONAL SUNSET ON AUTHORITY TO MAKE LOANS TO FUND THE NEW ARRANGEMENTS TO BORROW.—Section 17(a) of the Bretton Woods Agreements Act (22 U.S.C. 286e-2(a)) is amended by adding at the end the following:

“(3) The authority to make loans under this section shall expire on the date that is 5 years after the date of the enactment of this paragraph unless the Secretary of the Treasury, not later than 60 days before such expiration date or 60 days prior to the renewal of the decision governing the New Arrangements to Borrow (NAB), whichever occurs first, certifies to the appropriate congressional committees, that—

“(A) no amendments made, or anticipated to be made, to the NAB to achieve an expanded and more flexible NAB, as described in paragraph 17 of the G20 Leaders’ Statement at the 2009 London Summit, will impair the ability of the Secretary of the Treasury to consider a renewal of the NAB decision at intervals no greater than 5 years and to withdraw the adherence of the United States to the NAB decision as is currently provided under paragraph 19 of the New Arrangement to Borrow, adopted by the Executive Board of the International Monetary Fund (IMF) on January 27, 1997; and

“(B)(i) the IMF will borrow resources from members under the NAB only when quota resources need to be supplemented in order to forestall or cope with an impairment of the international monetary system or to deal with an exceptional situation that poses a threat to the stability of that system;

“(ii) the IMF has, prior to any activation of the NAB, fully explored other means of funding to supplement any potential shortfall in quota resources necessary to forestall or cope with an impairment of the international monetary system or to deal with an exceptional situation that poses a threat to the stability of that system; or

“(iii) it is in the United States’ strategic economic interest to maintain the relative size or lower of the United States contribution to the NAB as in effect on the date of the certification.

“(4) Not later than 15 days before submitting the certification under paragraph (3), the Secretary of the Treasury shall consult with the appropriate congressional committees regarding such certification.”.

(c) LIMITATION ON PERCENTAGE OF NEW ARRANGEMENTS TO BORROW TO BE FUNDED BY THE UNITED STATES.—Section 17(a)(2) of the Bretton Woods Agreements Act (22 U.S.C. 286e-2(a)(2)) is

amended by striking “is representative of its share as of the date of the enactment of this Act” and inserting “remains not greater than 20 percent, which approximates the United States share as of the date of the enactment of the Supplemental Appropriations Act, 2009 (Public Law 111-32)”.

(d) REPORTING REQUIREMENTS.—Not later than 60 days after the enactment of this Act and annually thereafter until September 30, 2014, the Secretary of the Treasury, in consultation with other appropriate Federal agencies, shall submit to the Committees on Appropriations a report on the loans made and programs carried out using financing provided by or through the New Arrangements to Borrow: Provided, That each such report shall include the following:

(1) A description of the economies of countries requiring the assistance from the New Arrangements to Borrow, including the monetary, fiscal, and exchange rate policies of the countries.

(2) A description of the degree to which the countries requiring the assistance have implemented domestic reforms including—

(A) the enactment and implementation of appropriate financial reform legislation;

(B) strengthening the domestic financial system and improving transparency and supervision;

(C) opening domestic capital markets; and

(D) making nontransparent conglomerate practices more transparent through the application of internationally accepted accounting practices, independent external audits, full disclosure, and provision of consolidated statements.

(3) A detailed summary of the trade policies of the countries, including any unfair trade practices or adverse effects of the trade policies on the United States.

(4) The amount, rate of interest, and disbursement and repayment schedules of any funds disbursed by the International Monetary Fund pursuant to the New Arrangements to Borrow.

#### INTELLECTUAL PROPERTY RIGHTS PROTECTIONS

SEC. 7091. Not later than 60 days after enactment of this Act and every 120 days thereafter until September 30, 2010, the Secretary of State shall submit a report to the Committees on Appropriations detailing actions taken by the Secretary during negotiations on the United Nations Framework Convention on Climate Change, and subsequent international climate change negotiations, to promote compliance with and enforcement of existing international legal requirements concerning intellectual property rights and effective intellectual property rights protection and enforcement for energy and environmental technologies.

#### PROHIBITION ON CERTAIN FIRST-CLASS TRAVEL

SEC. 7092. None of the funds made available in this Act may be used for first-class travel by employees of agencies funded by this Act in contravention of sections 301–10.122 through 301–10.124 of title 41, Code of Federal Regulations.

#### LIMITATION ON USE OF FUNDS IN CONTRAVENTION OF CERTAIN LAWS

SEC. 7093. None of the funds made available in this Act or prior Acts may be used in contravention of any provision of, or amendment made by, this Act or sections 1110, 1112, 1403, or 1404 of the Supplemental Appropriations Act, 2009 (Public Law 111-32), unless such authority is expressly provided in statute: Provided, That if a determination is made on constitutional grounds by the Executive Branch that any provision of law covered by the preceding sentence shall not apply, the head of the relevant Federal agency shall notify the Committees on Appropriations in writing within 5 days of such determination, the basis for such determination and any resulting changes to program and policy.

This division may be cited as the “Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010”.

And the Senate agree to the same.

DAVID R. OBEX,  
JOHN W. OLVER,  
ED PASTOR,  
NITA LOWEY,  
MARCY KAPTUR,  
DAVID E. PRICE,  
LUCILLE ROYBAL-ALLARD,  
MARION BERRY,  
CAROLYN C. KILPATRICK,

Managers on the Part of the House.

PATTY MURRAY,  
ROBERT C. BYRD,  
BARBARA A. MIKULSKI,  
HERB KOHL,  
RICHARD J. DURBIN,  
BYRON L. DORGAN,  
PATRICK J. LEAHY,  
TOM HARKIN,  
DIANNE FEINSTEIN,  
TIM JOHNSON,  
FRANK R. LAUTENBERG,  
DANIEL K. INOUE,  
CHRISTOPHER S. BOND,

(Except for D.C.  
Abortion)

ROBERT F. BENNETT,  
(Except for D.C.  
Abortion)

SUSAN COLLINS,  
THAD COCHRAN,

Managers on the Part of the Senate.

#### JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3288), making appropriations for Transportation, and Housing and Urban Development, and Related Agencies for the fiscal year ending September 30, 2010 and for other purposes, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

This conference agreement includes the Transportation, and Housing and Urban Development, and Related Agencies Appropriations Act, 2010; the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010; the Financial Services and General Government Appropriations Act, 2010; the Department of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010; the Military Construction and Veterans Affairs Appropriations Act, 2010; and the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010.

#### DIVISION A—TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

##### CONGRESSIONAL DIRECTIVES

The language and allocations set forth in the House report (House Report 111-218) and Senate report (Senate Report 111-69) should be complied with unless specifically addressed to the contrary in the conference report and the statement of the managers. Report language included by the House, which is not changed by the report of the Senate or this statement of managers, and Senate report language, which is not changed by this statement of managers, is approved by the committee of conference. The statement of the managers, while repeating some report

language for emphasis, does not intend to negate the language referred to above unless expressly provided herein. In cases where the House or the Senate has directed the submission of a report, such report is to be submitted to both the House and Senate Committees on Appropriations. The conferees direct the Department of Transportation and the Department of Housing and Urban Development to notify the House and Senate Committees on Appropriations seven days prior to the announcement of a new program or authority.

#### TITLE I—DEPARTMENT OF TRANSPORTATION

##### OFFICE OF THE SECRETARY SALARIES AND EXPENSES

The conference agreement provides \$102,686,000 for the salaries and expenses of the Office of the Secretary of Transportation instead of \$102,306,000 as proposed by the House and \$100,975,000 as proposed by the Senate. The agreement includes funding by office as specified below:

Immediate Office of the Secretary .....	\$2,631,000
Immediate Office of the Deputy Secretary .....	986,000
Office of the General Counsel .....	20,359,000
Office of the Under Secretary for Transportation Policy .....	11,100,000
Office of the Assistant Secretary for Budget and Programs .....	10,559,000
Office of the Assistant Secretary for Governmental Affairs .....	2,504,000
Office of the Assistant Secretary for Administration .....	25,520,000
Office of Public Affairs .....	2,055,000
Office of the Executive Secretariat .....	1,658,000
Office of Small and Disadvantaged Business Utilization .....	1,499,000
Office of Intelligence, Security, and Emergency Response .....	10,600,000
Office of the Chief Information Officer .....	13,215,000

##### NATIONAL INFRASTRUCTURE INVESTMENTS

The conference agreement provides \$600,000,000 for capital investments in surface transportation infrastructure instead of \$1,100,000,000 as proposed by the Senate. The House did not propose funding for this account. The conferees urge the Secretary to give consideration to innovative projects that support investment in inland ports and freight rail.

*Credit assistance.*—The conference agreement allows up to \$150,000,000 of the funding provided for surface transportation infrastructure to be used to pay for the subsidy and administrative costs of projects eligible for credit assistance under the TIFIA program.

*Planning activities.*—The conference agreement allows up to \$35,000,000 of the funding provided for surface transportation infrastructure to be used for the planning, preparation or design of eligible projects. This funding will improve the capacity of state, local, and regional governments to develop significant transportation solutions, including innovative and multijurisdictional projects that do not fit easily into existing

federal programs. The conferees direct the Secretary of Transportation to provide this funding on a competitive basis.

##### FINANCIAL MANAGEMENT CAPITAL

The conference agreement provides \$5,000,000 for the financial management capital program as proposed by the Senate, instead of \$2,000,000 as proposed by the House.

##### OFFICE OF CIVIL RIGHTS

The conference agreement provides \$9,667,000 for the office of civil rights as proposed by the House and Senate.

##### TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

The conference agreement provides \$16,168,000 for transportation planning, research and development, instead of \$14,733,000 as proposed by the House and \$8,233,000 as proposed by the Senate. The conferees direct funding to be allocated to the following projects:

Advanced Power Train Systems Integration Research Facility in the National Transportation Research Center, TN .....	\$250,000
Earthworks Engineering Research Center, Iowa State University, IA .....	500,000
Freight Policy Transportation Institute, WA .....	730,500
Great Lakes Maritime Research Institute, MN/WI .....	450,000
Hampton Roads-Crater Multimodal Transportation and Distribution Study, VA .....	243,500
Jet Engine Technology Inspection to Support Continued Airworthiness, Iowa State University, IA .....	700,000
Mobility 1st Service, MI .....	750,000
Northern Lights Express, MN .....	500,000
University of Kansas Engine Test Cell Upgrade, KS .....	350,000
Vehicle Research Institute Advanced Materials Transit Vehicle Design, WA .....	730,500
Whatcom Smart Trips, WA .....	730,500

##### WORKING CAPITAL FUND

The conference agreement includes a limitation of \$147,596,000 for working capital fund activities, as proposed by the House and instead of \$147,500,000 as proposed by the Senate. The conference agreement specifies that services shall be provided on a competitive basis to entities within the Department of Transportation. The conference agreement directs the Department to update the “transparency paper” included in the fiscal year 2010 budget justification and include the updated version in the budget justification for fiscal year 2011.

##### MINORITY BUSINESS RESOURCE CENTER PROGRAM

The conference agreement provides a total appropriation of \$923,000 as proposed by the Senate for the minority business center program, instead of \$912,000 as proposed by the House. Within the funds provided \$353,000 is for the costs of guaranteed loans for short-term working capital as proposed by the Senate, instead of \$342,000 as proposed by the House. In addition, \$570,000 is provided for administrative expenses as proposed by the House and Senate. The bill limits loans made under this program to \$18,367,000 as proposed by the House and Senate.

##### MINORITY BUSINESS OUTREACH

The conference agreement provides \$3,074,000 for minority business outreach as

proposed by the House and Senate and allows funds to be used for business opportunities related to any mode of transportation.

##### PAYMENTS TO AIR CARRIERS (AIRPORT AND AIRWAY TRUST FUND) (INCLUDING TRANSFER OF FUNDS)

The conference agreement provides \$150,000,000 for payments to air carriers instead of \$125,000,000 as proposed by the House and the Senate. In addition to these funds, the program will receive \$50,000,000 in mandatory spending pursuant to the Federal Aviation Authorization Act of 1996. The funding provided in the conference agreement is necessary to support air service in all eligible communities.

##### ADMINISTRATIVE PROVISIONS—OFFICE OF THE SECRETARY OF TRANSPORTATION

Section 101 prohibits funds in this Act available to the Department of Transportation from being obligated for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the modal administrations in this Act, except for activities underway on the date of enactment of this Act, unless such assessments or agreements have completed the normal reprogramming process for Congressional notification.

Section 102 prohibits funds from being obligated or expended to establish or implement a program where essential air service communities are required to assume subsidy costs commonly referred to as local participation.

Section 103 allows the Secretary of Transportation or his designee to engage with states to consider proposals related to the reduction of motorcycle fatalities.

Section 104 authorizes the Secretary of Transportation to transfer the unexpended balances available for the bonding assistance program from “Office of the Secretary, Salaries and Expenses” to “Minority Business Outreach”.

Section 105 allows funds provided for the Transportation Planning, Research, and Development program to be used for the development, coordination, and analysis of data collection procedures and national performance measures. Data analysis is a critical part of informing transportation decision-making and reaching national priorities such as safety, economic accessibility, congestion reduction, network utility, reduced energy use, and environmental protection. The conferees encourage the Secretary to work with States and Metropolitan Planning Organizations in order to understand the resources they would need to collect and report accurate data on system performance.

##### FEDERAL AVIATION ADMINISTRATION OPERATIONS (AIRPORT AND AIRWAY TRUST FUND) (INCLUDING TRANSFER OF FUNDS)

The conference agreement includes \$9,350,028,000 for operations of the Federal Aviation Administration instead of \$9,347,168,000 as proposed by the House and \$9,359,131,000 as proposed by the Senate. Of the total amount provided, \$4,000,000,000 is to be derived from the airport and airway trust fund. Funds are distributed in the bill by budget activity.

The following table compares the conference agreement to the levels proposed in the House and Senate bills by budget activity:

	House	Senate	Conference
Air Traffic Organization request .....	\$7,302,739,000	\$7,302,739,000	\$7,302,739,000
Adjustments:			
NextGen Staffing .....	-2,000,000	0	-2,000,000
Additional Controllers .....		2,500,000	
ATO Financial Services .....		-2,167,000	-3,790,000
Alien Species Action Plan .....		900,000	876,600
RNAV/RNP Procedures .....		2,830,000	2,830,000
Total, Air Traffic Organization .....	7,300,739,000	7,305,902,000	7,299,299,000
Aviation Safety request .....	1,216,395,000	1,216,395,000	1,216,395,000
Adjustments:			
Additional AFS Staff .....	9,500,000	13,412,500	9,500,000
Additional AIR Staff .....	4,500,000	5,087,500	4,500,000
Human Intervention and Motivation Study .....	1,370,000	1,370,000	1,370,000
St. Louis University Center for Aviation Safety Research, MO .....		2,000,000	2,000,000
Additional AVS legal staff .....		300,000	300,000
Total, Aviation Safety .....	1,231,765,000	1,216,395,000	1,234,065,000
Commercial Space Transportation request .....	14,737,000	14,737,000	14,737,000
Adjustments:			
Commercial space grant program .....	1,000,000		500,000
Total, Commercial Space Transportation .....	15,737,000	14,737,000	15,237,000
Financial Services .....	113,681,000	113,681,000	113,681,000
Human Resource Management .....	100,428,000	100,428,000	100,428,000
Region and Center Operations .....	341,977,000	341,977,000	341,977,000
Staff Offices .....	196,063,000	196,063,000	196,063,000
Information Services .....	48,788,000	49,788,000	49,278,000
Account-wide Adjustments:			
Unfilled Executive Positions .....	-2,000,000		
Total .....	9,347,168,000	9,359,131,000	9,350,028,000

**Controller staffing.**—The conference agreement includes \$7,299,299,000 for the air traffic organization instead of \$7,300,739,000 as proposed by the House and \$7,305,902,000 as proposed by the Senate. The conference agreement provides funding for a minimum of 15,692 air traffic controllers. The conferees note that the FAA and its controller workforce reached a mutual agreement on a three-year labor contract. The conferees expect the FAA to honor the terms of the agreement within its existing resources.

The conferees also believe in the importance of maintaining adequate experience levels at each air traffic control facility. Therefore, the conferees direct the FAA to provide a report to the House and Senate Committees on Appropriations with facility-by-facility targets against which actual experience levels can be measured.

**Contract tower program.**—The conference agreement includes \$116,700,000 for the contract tower base program and \$9,500,000 for the contract tower cost-sharing program. In addition, the FAA is permitted to use unsubscribed funds from the contract tower

base line program to avoid elimination of communities from the cost share towers program, but only after all base line tower obligations have been fulfilled.

**RNAV/RNP procedures.**—Within the amounts provided for the air traffic organization, \$35,130,000 is included for RNAV/RNP procedures. FAA is directed to provide a report to the House and Senate Committees on Appropriations by February 15, 2010 which describes every procedure that will be developed with fiscal year 2010 funds, including quantifiable data comparing flight time; flight distance; and estimated fuel, emissions and environmental benefits compared to existing procedures. The report should include information on which office or region requested the procedure and the anticipated development time.

**Southern California TRACON.**—The conferees direct the FAA to submit a report to the House and Senate Committees on Appropriations within 60 days of enactment on the Southern California TRACON as articulated in Senate Report 111–69.

**Aviation safety (AVS).**—The conference agreement provides \$1,234,065,000 for aviation safety, which includes an increase of \$9,500,000 for additional flight standards inspectors and related safety staff and an increase of \$4,500,000 for additional aircraft certification inspectors and related safety staff.

#### FACILITIES AND EQUIPMENT

##### (AIRPORT AND AIRWAY TRUST FUND)

The conference agreement includes \$2,936,203,000 for FAA facilities and equipment instead of \$2,925,202,000 as proposed by the House and \$2,942,352,000 as proposed by the Senate. Of the total amount available, \$470,000,000 is available until September 30, 2010, and \$2,466,203,000 is available until September 30, 2012. The bill includes language directing FAA to transmit a detailed five-year capital investment plan to Congress with its fiscal year 2011 budget submission.

The following table provides a breakdown of the House and Senate bills and the conference agreement by program:

#### FACILITIES AND EQUIPMENT

	FY 2010 estimate	House bill	Senate bill	Conference
<b>Activity 1, Engineering, Development, Test and Evaluation:</b>				
Advanced Technology Development and Prototyping .....	\$41,800,000	\$43,800,000	\$41,800,000	\$42,800,000
NAS Improvement of System Support Laboratory .....	1,000,000	1,000,000	1,000,000	1,000,000
William J. Hughes Technical Center Facilities .....	12,000,000	12,000,000	12,000,000	12,000,000
William J. Hughes Technical Center Infrastructure Sustainment .....	5,500,000	5,500,000	5,500,000	5,500,000
Next Generation Network Enabled Weather (NNEW) .....	20,000,000	20,000,000	20,000,000	20,000,000
Data Communications in support of Next Generation Air Transportation System .....	51,700,000	46,700,000	51,700,000	46,700,000
Next Generation Transportation System Demonstration and Infrastructure Development .....	33,773,730	33,773,730	33,773,730	33,773,730
Next Generation Transportation System—System Development .....	66,100,000	66,100,000	66,100,000	66,100,000
Next Generation Transportation System—Trajectory Based Operations .....	63,500,000	63,500,000	63,500,000	63,500,000
Next Generation Transportation System—Weather Reduction Impact .....	35,600,000	35,600,000	35,600,000	35,600,000
Next Generation Transportation System—High Density Arrivals/Departures .....	51,800,000	51,800,000	51,800,000	51,800,000
Next Generation Transportation System—Collaborative ATM .....	44,640,770	44,640,770	44,640,770	44,640,770
Next Generation Transportation System—Flexible Terminals and Airports .....	64,300,000	64,300,000	64,300,000	64,300,000
Next Generation Transportation System—Safety Security and Environment .....	8,200,000	8,200,000	8,200,000	8,200,000
Next Generation Transportation System—Networked Facilities .....	24,000,000	24,000,000	24,000,000	24,000,000
NextGen Integrated Airport .....			850,000	827,900
<b>Total, Activity 1 .....</b>	<b>523,914,500</b>	<b>520,914,500</b>	<b>524,764,500</b>	<b>520,742,400</b>
<b>Activity 2, Air Traffic Control Facilities and Equipment:</b>				
<b>En Route Programs</b>				
En Route Automation Modernization (ERAM) .....	171,750,000	171,750,000	171,750,000	171,750,000
En Route Communications Gateway (ECG) .....	3,600,000	3,600,000	3,600,000	3,600,000
Next Generation Weather Radar (NEXRAD)—Provide .....	6,900,000	6,900,000	6,900,000	6,900,000
Air Traffic Control System Command Center (ATCSCC)—Relocation .....	10,300,000	10,300,000	10,300,000	10,300,000
ARTCC Building Improvements/Plant Improvements .....	51,300,000	51,300,000	50,000,000	50,000,000



## FACILITIES AND EQUIPMENT—Continued

	FY 2010 estimate	House bill	Senate bill	Conference
Air Traffic Management (ATM) .....	31,400,000	31,400,000	31,400,000	31,400,000
Air/Ground Communications Infrastructure .....	8,600,000	8,600,000	8,600,000	8,600,000
ATC Beacon Interrogator (ATCBI)—Replacement .....	4,700,000	4,700,000	4,700,000	4,700,000
Air Traffic Control En Route Radar Facilities Improvements .....	5,300,000	5,300,000	5,300,000	5,300,000
Voice Switching and Control System (VSCS) .....	16,700,000	16,700,000	16,700,000	16,700,000
Oceanic Automation System .....	7,700,000	7,700,000	7,700,000	7,700,000
Corridor Weather Integrated System (CWIS) .....	2,300,000	2,300,000	2,300,000	2,300,000
Next Generation Very High Frequency Air/Ground Communications System (NEXCOM) .....	70,200,000	62,200,000	70,200,000	64,200,000
System-Wide Information Management .....	54,600,000	54,600,000	56,600,000	56,548,000
ADS-B NAS Wide Implementation .....	201,350,000	201,350,000	201,350,000	201,350,000
Windshear Detection Services .....	1,000,000	1,000,000	1,000,000	1,000,000
Weather and Radar Processor (WARP) .....	17,600,000	17,600,000	17,600,000	17,600,000
Collaborative Air Traffic Management Technologies .....	18,100,000	18,100,000	18,100,000	18,100,000
<b>Subtotal En Route Programs .....</b>	<b>683,400,000</b>	<b>675,400,000</b>	<b>684,100,000</b>	<b>678,048,000</b>
<b>Terminal Programs</b>				
Airport Surface Detection Equipment—Model X (ASDE-X) .....	17,302,000	20,302,000	25,302,000	25,302,000
Terminal Doppler Weather Radar (TDWR)—Provide .....	9,900,000	9,900,000	9,900,000	9,900,000
Standard Terminal Automation Replacement System (STARS) (TAMR Phase 1) .....	28,000,000	28,000,000	28,000,000	28,000,000
Terminal Automation Modernization/Replacement Program (TAMR Phase 3) .....	3,000,000	12,000,000	23,000,000	18,000,000
Terminal Automation Program .....	9,600,000	9,600,000	9,600,000	9,600,000
Terminal Air Traffic Control Facilities—Replace .....	176,000,000	176,000,000	179,000,000	179,000,000
ATCT/Terminal Radar Approach Control (TRACON) Facilities—Improve .....	38,900,000	38,900,000	38,900,000	38,900,000
Terminal Voice Switch Replacement (TVSR) .....	10,500,000	10,500,000	10,500,000	10,500,000
NAS Facilities OSHA and Environmental Standards Compliance .....	26,000,000	26,000,000	26,000,000	26,000,000
Airport Surveillance Radar (ASR-9) .....	3,500,000	3,500,000	3,500,000	3,500,000
Terminal Digital Radar (ASR-11) .....	12,600,000	12,863,000	12,600,000	12,863,000
Runway Status Lights .....	117,300,000	117,300,000	117,300,000	117,300,000
National Airspace System Voice Switch (NVS) .....	26,600,000	26,600,000	26,600,000	26,600,000
Next Generation Voice Recorder Replacement Program .....	11,900,000	11,900,000	11,900,000	11,900,000
Integrated Display System (IDS) .....	7,000,000	7,000,000	7,000,000	7,000,000
Integrated Terminal Weather System (ITWS) .....	1,900,000	1,900,000	1,900,000	1,900,000
Remote Maintenance Monitoring .....	1,000,000	1,000,000	1,000,000	1,000,000
<b>Subtotal Terminal Programs .....</b>	<b>501,002,000</b>	<b>513,265,000</b>	<b>532,002,000</b>	<b>527,265,000</b>
<b>Flight Service Programs</b>				
Automated Surface Observing System (ASOS) .....	5,500,000	5,500,000	5,500,000	5,500,000
Flight Service Station (FSS) Modernization .....	20,100,000	20,100,000	20,100,000	20,100,000
Weather Camera Program (moved from SafeFlight) .....	3,800,000	3,800,000	3,800,000	3,800,000
<b>Subtotal Flight Service Programs .....</b>	<b>29,400,000</b>	<b>29,400,000</b>	<b>29,400,000</b>	<b>29,400,000</b>
<b>Landing and Navigational Aids Program</b>				
VHF Omnidirectional Radio Range (VOR) with Distance Measuring Equipment (DME) .....	5,000,000	5,000,000	5,000,000	5,000,000
Instrument Landing System (ILS)—Establish .....	8,600,000	11,200,000	10,100,000	12,575,000
Wide Area Augmentation System (WAAS) for GPS .....	97,400,000	92,600,000	91,000,000	91,000,000
Runway Visual Range (RVR) .....	5,000,000	5,000,000	5,000,000	5,000,000
Approach Lighting System Improvement Program (ALSIP) .....	8,700,000	9,337,000	9,700,000	10,337,000
Distance Measuring Equipment (DME) .....	6,000,000	6,000,000	6,000,000	6,000,000
Visual NAVAIDS—Establish/Expand .....	3,700,000	3,700,000	3,700,000	3,700,000
Instrument Flight Procedures Automation (IFPA) .....	7,900,000	7,900,000	7,900,000	7,900,000
Navigation and Landing Aids—Service Life Extension Program (SLEP) .....	6,000,000	11,000,000	7,000,000	9,000,000
VASI Replacement—Replace with Precision Approach Path Indicator .....	4,000,000	4,000,000	4,500,000	4,500,000
GPS Civil Requirements .....	43,400,000	43,400,000	43,400,000	43,400,000
<b>Subtotal Landing and Navigational Aids Programs .....</b>	<b>195,700,000</b>	<b>199,137,000</b>	<b>193,300,000</b>	<b>198,412,000</b>
<b>Other ATC Facilities Programs</b>				
Fuel Storage Tank Replacement and Monitoring .....	6,200,000	6,200,000	6,200,000	6,200,000
Unstaffed Infrastructure Sustainment .....	18,200,000	18,200,000	18,200,000	18,200,000
Aircraft Related Equipment Program .....	9,000,000	9,000,000	9,000,000	9,000,000
Aircraft Related Equipment Simulator Replacement .....	1,000,000	1,000,000	1,000,000	1,000,000
Airport Cable Loop Systems—Sustained Support .....	6,000,000	6,000,000	6,000,000	6,000,000
Alaskan NAS Interfacility Communications System (ANICS) .....	9,000,000	9,000,000	9,000,000	9,000,000
Facilities Decommissioning .....	5,000,000	5,000,000	5,000,000	5,000,000
Electrical Power Systems—Sustain/Support .....	101,000,000	91,000,000	87,750,000	87,750,100
Aircraft Fleet Modernization .....	5,969,000	5,969,000	5,969,000	5,969,000
<b>Subtotal Other ATC Facilities Programs .....</b>	<b>161,369,000</b>	<b>151,369,000</b>	<b>148,119,000</b>	<b>148,119,100</b>
<b>Total, Activity 2 .....</b>	<b>1,570,871,000</b>	<b>1,568,571,000</b>	<b>1,586,921,000</b>	<b>1,581,244,100</b>
<b>Activity 3, Non-Air Traffic Control Facilities and Equipment:</b>				
<b>Support Equipment</b>				
Hazardous Materials Management .....	20,000,000	20,000,000	20,000,000	20,000,000
Aviation Safety Analysis System (ASAS) .....	10,500,000	10,500,000	10,500,000	10,500,000
Logistics Support System and Facilities (LSSF) .....	9,300,000	9,300,000	9,300,000	9,300,000
National Air Space Recovery Communications (RCOM) .....	10,230,000	10,230,000	10,230,000	10,230,000
Facility Security Risk Management .....	18,000,000	18,000,000	18,000,000	18,000,000
Information Security .....	12,276,000	12,276,000	12,276,000	12,276,000
System Approach for Safety Oversight .....	20,000,000	20,000,000	20,000,000	20,000,000
Aviation Safety Knowledge Management Environment (ASKME) .....	8,100,000	8,100,000	8,100,000	8,100,000

## FACILITIES AND EQUIPMENT—Continued

	FY 2010 estimate	House bill	Senate bill	Conference
<b>Subtotal Support Equipment</b> .....	<b>108,406,000</b>	<b>108,406,000</b>	<b>108,406,000</b>	<b>108,406,000</b>
<b>Training, Equipment and Facilities</b>				
Aeronautical Center Infrastructure Modernization .....	13,810,500	13,810,500	13,810,500	13,810,500
Distance Learning .....	1,500,000	1,500,000	1,500,000	1,500,000
National Airspace System (NAS) Training—Simulator .....	6,700,000	9,700,000	6,700,000	8,200,000
<b>Subtotal Training, Equipment and Facilities</b> .....	<b>22,010,500</b>	<b>25,010,500</b>	<b>22,010,500</b>	<b>23,510,500</b>
<b>Total, Activity 3</b> .....	<b>130,416,500</b>	<b>133,416,500</b>	<b>130,416,500</b>	<b>131,916,500</b>
<b>Activity 4, Facilities and Equipment Mission Support:</b>				
<b>System Support and Services</b>				
System Engineering and Development Support .....	31,700,000	31,700,000	31,700,000	31,700,000
Program Support Leases .....	37,500,000	37,500,000	37,500,000	37,500,000
Logistics Support Services (LSS) .....	11,000,000	11,000,000	11,000,000	11,000,000
Mike Monroney Aeronautical Center Leases .....	16,200,000	16,200,000	16,200,000	16,200,000
Transition Engineering Support .....	15,000,000	14,300,000	15,000,000	14,300,000
Frequency and Spectrum Engineering .....	3,600,000	3,600,000	3,600,000	3,600,000
Technical Support Services Contract (TSSC) .....	22,000,000	22,000,000	22,000,000	22,000,000
Resource Tracking Program (RTP) .....	4,000,000	4,000,000	4,000,000	4,000,000
Center for Advanced Aviation System Development (CAASD) .....	79,000,000	82,000,000	79,000,000	82,000,000
Aeronautical Information Management Program .....	10,000,000	10,000,000	10,000,000	10,000,000
<b>Total, Activity 4</b> .....	<b>230,000,000</b>	<b>232,300,000</b>	<b>230,000,000</b>	<b>232,300,000</b>
<b>Activity 5, Personnel and Related Expenses:</b>				
Personnel and Related Expenses—ATO .....	470,000,000	470,000,000	470,000,000	470,000,000
<b>Total, All Activities</b> .....	<b>2,925,202,000</b>	<b>2,925,202,000</b>	<b>2,942,102,000</b>	<b>2,936,203,000</b>

*Advanced technology development and prototyping.*—The conference agreement includes \$42,800,000 for the advanced technology development and prototyping program, of which \$11,000,000 is for the runway incursion reduction program.

*NextGen research and demonstration.*—The conferees direct the FAA to submit a report to the House and Senate Committees on Appropriations within 18 months of enactment which describes the NextGen research and demonstration activities, including their contribution to the overall NextGen architecture, lessons learned and overall role in the completion of NextGen.

*Terminal air traffic control facilities replacement.*—The FAA's terminal air traffic control facilities replacement program is funded at \$179,000,000 and shall be distributed as follows:

Project	FY 2010 Budget estimate	Conference Agreement
New York, NY .....	\$6,379,000	\$6,379,000
Ft. Lauderdale, FL .....	8,951,000	8,951,000
Las Vegas, NV .....	71,415,552	71,415,552
Champaign, IL .....	8,368,553	8,368,553
San Francisco, CA .....	21,000,000	21,000,000
Dayton, OH .....	1,121,654	1,121,654
Gulfport, MS .....	5,642,940	5,642,940
Missoula, MT .....	923,200	923,200
Memphis, TN .....	3,821,375	3,821,375
West Palm Beach, FL .....	1,508,455	1,508,455
Traverse City, MI .....	3,501,458	3,501,458
Kona, HI .....	3,160,000	3,160,000
Islip, NY .....	1,309,823	1,309,823
Houston, TX .....	8,990,000	8,990,000
Pensacola, FL .....	1,924,610	1,924,610
Reno, NV .....	1,301,742	1,301,742
Cleveland, OH .....	5,095,000	5,095,000
LaGuardia, NY .....	1,406,000	1,406,000
Kalamazoo, MI .....	6,992,500	6,992,500
Las Cruces, NM .....	100,000	100,000

Project	FY 2010 Budget estimate	Conference Agreement
Broomfield, CO .....	4,632,607	4,632,607
Palm Springs, CA .....	---	2,000,000
Nantucket, MA .....	---	1,000,000

*Terminal digital radar (ASR-11).*—The conference agreement includes \$12,863,000 for the ASR-11 program as proposed by the House instead of \$12,600,000 as proposed by the Senate. Within the amounts provided, \$263,000 is provided for the acquisition and installation of an ASR-11 system at Reno-Tahoe International Airport, Reno, NV.

*System-wide information management.*—The conference agreement includes \$56,548,000 for the System-wide Information Management (SWIM) program. Within the amount provided, \$1,948,000 is provided to test, evaluate, and develop mobile object technology, and to demonstrate the benefits this technology can bring to the SWIM program, network-enabled operations, and a 4-D trajectory national airspace system.

*Instrument landing system establishment.*—The FAA's instrument landing system program is funded at \$12,575,000. Funds shall be distributed as follows:

Castle Airport ILS, CA .....	\$520,000
Hazard/Perry County Airport ILS, KY .....	500,000
Kinston Regional Jetport ILS upgrade, NC .....	500,000
Napa County Airport glide slope on Runway 36L, CA .....	280,000
Piedmont Triad International Airport, NC .....	1,250,000

Southern Vermont Regional Airport lighting, North Clarendon, VT .....

925,000

*Approach lighting system improvement (ALSIP).*—The ALSIP program is funded at \$10,337,000. Within the total, funds shall be distributed as follows:

Project	Amount
Seattle-Tacoma International Airport ALSF-2, WA .....	\$4,000,000
Juneau International Airport MALSR Lighting, AK .....	1,000,000
Arlington Municipal Airport, TX .....	637,000

*Navigation and landing aids—service life extension program (SLEP).*—The conference agreement includes \$9,000,000 for navigation and landing aids. Within the amount provided, \$1,000,000 is for the procurement and installation of additional runway end identification light (REIL) systems.

*VASI replacement—replace with precision approach path indicator.*—The conference agreement includes \$4,500,000 for the replacement of VASI systems with Precision Approach Path Indicator (PAPI) systems. The conferees direct the FAA to use the additional funding to procure additional PAPI systems.

#### RESEARCH, ENGINEERING, AND DEVELOPMENT (AIRPORT AND AIRWAY TRUST FUND)

The bill provides \$190,500,000 for the FAA's research, engineering, and development activities, instead of \$195,000,000 as proposed by the House and \$175,000,000 as proposed by the Senate. The following table compares the House and Senate bills with the conference agreement by budget activity:

Program	House	Senate	Conference agreement
<b>Improve Aviation Safety:</b>			
Fire research and safety .....	7,799,000	7,299,000	7,799,000
Propulsion and fuel systems .....	3,105,000	3,105,000	3,105,000
Advanced material/structural safety .....	4,448,000	2,448,000	4,935,000
Atmospheric hazards/digital system safety .....	4,482,000	4,482,000	4,482,000
Aging aircraft .....	10,944,000	10,944,000	10,944,000
Aircraft catastrophic failure prevention .....	1,545,000	1,545,000	1,545,000
Flightdeck maintenance/system integration human factors .....	7,128,000	7,128,000	7,128,000
Aviation safety risk analysis .....	12,698,000	12,698,000	12,698,000
ATC/AF human factors .....	10,302,000	10,302,000	10,302,000

Program	House	Senate	Conference agree- ment
Aeromedical research .....	10,378,000	9,878,000	10,378,000
Weather research .....	16,789,000	15,789,000	16,789,000
Unmanned aircraft system .....	3,467,000	3,467,000	3,467,000
Improve efficiency:			
Joint program and development office .....	14,407,000	13,407,000	14,407,000
Wake turbulence .....	10,631,000	10,631,000	10,631,000
NextGen—Air ground integration .....	5,688,000	5,688,000	5,688,000
NextGen—Self separation .....	8,247,000	8,247,000	8,247,000
NextGen—Weather technology .....	9,570,000	9,070,000	9,570,000
Reduce Environment Impacts:			
Environment and energy .....	15,522,000	15,022,000	15,522,000
NextGen Environmental research—Aircraft technologies, fuels and metrics .....	32,470,000	18,470,000	26,509,000
Mission Support:			
System planning and resource management .....	1,766,000	1,766,000	1,766,000
Technical laboratory facilities .....	3,614,000	3,614,000	4,588,000
Total .....	\$195,000,000	\$175,000,000	190,500,000

Within the funds provided for FAA's advanced materials research activities, the conference agreement includes \$487,000 for the Advanced Material in Transport Aircraft Structures Center in Seattle, Washington and \$2,000,000 for the National Institute for Aviation Research at Wichita State University, of which \$500,000 is included for non-destructive inspection training for composite airframe structures. In addition, the conference agreement includes \$974,000 within the technical laboratory facilities program for research and development activities at the Center for Commercial Space Transportation at Embry-Riddle Aeronautical University, Florida.

GRANTS-IN-AID FOR AIRPORTS  
(LIQUIDATION OF CONTRACT AUTHORIZATION)  
(LIMITATION ON OBLIGATIONS)  
(AIRPORT AND AIRWAY TRUST FUND)  
(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes a liquidating cash appropriation of \$3,000,000,000; an obligation limitation of \$3,515,000,000; a limitation on administrative expenses of not more than \$93,422,000; no less than \$15,000,000 for the airport cooperative research program; and no less than \$22,472,000 for airport technology research. Within the funds provided for airport administrative expenses, the conferees include funding for one additional legal counsel position.

*Small community air service development pilot program.*—The bill includes \$6,000,000 under the obligation limitation to continue the small community air service development pilot (SCASDP) program and directs the FAA to transfer funds to OST salaries and expenses appropriation.

*Specifications and standards for airfield pavement markings.*—The conferees direct the FAA to submit a report explaining what actions will be taken to clarify the issue concerning a revised Federal specification and updated standards referencing high-index, retro-reflective glass beads, as described in Senate Report 111-69. The conferees further direct the FAA to submit this report to both the House and Senate Committees on Appropriations.

*High priority projects.*—Of the funds covered by the obligation limitation in this bill, FAA is directed to provide not less than the following funding levels, out of available resources, for the following projects. State apportionment funds may be construed as discretionary funds for the purposes of implementing this provision. To the maximum extent possible, the Administrator should work to ensure that airport sponsors for these projects first use available entitlement funds to finance the projects. However, the FAA should not require sponsors to apply carry-over entitlements to discretionary projects funded in the coming year, but only those entitlements applicable to the fiscal year

2010 obligation limitation. The FAA is further directed that the specific funding allocated below shall not diminish or prejudice the application of a specific airport or geographic region to receive other AIP discretionary grants or multiyear letters of intent.

Project Name	Amount
Airport Apron Expansion, Wasilla, AK .....	\$500,000
Albuquerque International Support general aviation aircraft parking ramp replacement, NM .....	275,000
Alliance Airport runway extension program, TX .....	750,000
Alpine Airport runway and terminal improvements, TX ..	500,000
Atmore Airport access road, runway lights, and safety improvements, AL .....	475,000
Bradford County Airport runway extension, PA .....	250,000
Branch County Memorial Airport green building terminal improvements, Coldwater, MI .....	450,000
Burlington International Airport Taxiway and Apron Improvements, VT .....	974,000
Burlington-Alamance County Regional Airport runway and taxiway project, NC .....	1,000,000
Chautauqua County Dunkirk Airport runway construction, NY .....	1,000,000
Cincinnati/Northern Kentucky International Airport apron rehabilitation, KY .....	500,000
Crisp County Airport various Improvements, GA .....	300,000
DeKalb Taylor Municipal Airport Drainage Upgrades, IL ..	500,000
Delta Regional Airport airfield runway, taxiway and apron improvements, AR .....	1,200,000
Denver International Airport west airfield taxiway improvements, CO .....	500,000
Des Moines International Airport Runway 13R/31L Land Acquisition, Des Moines, IA .....	500,000
Detroit International Airport rehabilitate taxiway A and east end runway, MI .....	500,000
Devils Lake Regional Airport Runway Improvements, ND ..	487,000
Eagle River Union Airport Ramp Reconstruction and Expansion, WI .....	871,730
Fairfield County Airport Runway and Taxiway Rehabilitation, SC .....	175,000
Fernandina Beach Municipal Airport taxiway improvements, FL .....	1,000,000
Florence Regional Airport drainage and concourse improvements, SC .....	500,000
Floyd Bennett Memorial/Warren County Airport Improvements, NY .....	850,000
Gainsville-Alachua Airport general aviation apron and taxiway A rehabilitation, FL .....	750,000
Glynn County Airport airfield and taxiway improvements, GA .....	1,100,000
Golden Triangle Regional Airport runway extension, MS ..	2,000,000
Grand Forks International Airport Terminal Replacement, Grand Forks, ND .....	2,441,500
Grand Junction Regional Airport Commercial Apron Rehabilitation, CO .....	500,000
Guam International Airport Authority—Terminal Security Enhancements .....	750,000
Gulfport-Biloxi Airport design and construction of taxiways and runway extension, MS .....	2,500,000
Huntsville Airport Authority air carrier and ramp enhancements, AL .....	250,000
Imperial County Airport Feasibility Study, Imperial County, CA .....	100,000
Jackson-Evers International Airport airfield improvements, MS .....	2,375,000
Keokuk Municipal Airport rehabilitation and remarking airfield pavements, IA .....	300,000
Lamar Municipal Airport new runway construction, MO ..	2,750,000
Laurens Municipal Airport environmental assessments, land acquisition and runway construction, AL .....	5,000,000
Lewiston-Auburn Municipal Airport data collection, preliminary design, land acquisition, permitting and environmental assessment, ME .....	500,000
Los Alamos County Airport runway rehabilitation, NM ...	800,000
Louisville International Airport airfield capacity improvements, KY .....	750,000
Mid Delta Regional various runway improvements, MS ..	1,000,000
Mobile Downtown Airport taxiway A improvements, AL ...	1,500,000
Montgomery County Airport Airfield Pavement Rehabilitation, NC .....	500,000
Nashville International Airport reconstruction of a Portion of 2L-20R Runway, TN .....	1,500,000
Niagara Falls International Airport Runway 10L-28R Mill and Overlay, NY .....	925,000
Oakland County International Airport Terminal Building, Pontiac, MI .....	730,000

Project Name	Amount
Oberlin Municipal Airport runway realignment and lengthening project, KS .....	500,000
Ogden-Hinckley Airport runway improvements, UT .....	500,000
Oxford-Henderson Airport Enhancement Project, NC .....	300,000
Pellston Regional Airport snow removal and aircraft rescue and firefighting building improvement, MI ....	800,000
Perry-Foley Airport Resurfacing of Primary Runway 18/36, FL .....	1,000,000
Peter Prince Airport, Santa Rosa County, runway hold bays construction, FL .....	500,000
Phoenix Sky Harbor International Airport Taxiway Alpha, Phoenix, AZ .....	2,000,000
Quad Cities International Airport Runway Reconstruction and Extension, Moline, IL .....	487,000
Richard Downing Airport runway extension, OH .....	450,000
Richard Russell Regional Airport (Floyd County, GA) midfield taxiway improvements, GA .....	250,000
Richmond County Airport Runway Safety Area Project, NC .....	400,000
San Marcos Municipal Airport apron construction, TX ...	1,200,000
Sandusky County Regional Airport (S24) taxiway project, OH .....	500,000
SC-TAC Airport taxiway B improvements, SC .....	750,000
Sheboygan County Memorial Airport Reconstruction (Runway 13/31 and Taxiways F1 and F2), WI .....	925,300
Sikeston Memorial Municipal Airport for the relocation and construction of a taxiway, MO .....	1,700,000
South Texas International Airport runway and fire safety improvements, TX .....	500,000
Southern Illinois Airport Aircraft Rescue Firefighting Building Construction, Carbondale, IL .....	779,200
St. Clair County International Airport runway extension, MI .....	500,000
St. Petersburg-Clearwater International Airport runway and taxiway improvements, FL .....	1,000,000
Stinson Airport runway, signage, lighting and drainage improvements, TX .....	1,200,000
Texarkana Regional Airport fire station project, TX .....	750,000
Toledo Express Airport Improvements, OH .....	500,000
Tulsa International Airport, Memorial Drive and waterline project, OK .....	500,000
Twin County Airport obstruction removal and runway safety improvement, VA .....	500,000
Virginia Tech Airport runway rehabilitation, VA .....	500,000
Washington County Airport runway 9/27 overlay project, PA .....	500,000
Waterbury-Oxford Airport runway protection zone improvements, CT .....	500,000
Wilkes-Barre/Scranton International Airport intermodal center design/construction, PA .....	500,000
Wittman Regional Airport runway project, Oshkosh, WI ..	950,000

(RESCISSION)

The conference agreement includes a rescission of \$394,000,000 in unobligated balances of contract authority.

ADMINISTRATIVE PROVISIONS—FEDERAL  
AVIATION ADMINISTRATION

Section 110 allows no more than 600 technical staff-years at the Center for Advanced Aviation Systems Development as proposed by the House and Senate.

Section 111 prohibits funds for adopting guidelines or regulations requiring airport sponsors to provide FAA "without cost" building construction or space as proposed by the House and Senate.

Section 112 allows the FAA to be reimbursed for amounts made available for 49 U.S.C. 41742(a)(1) as fees are collected and credited under 49 U.S.C. 45303 as proposed by the House and Senate.

Section 113 allows reimbursement of funds for providing technical assistance to foreign aviation authorities to be credited to the operations account as proposed by the House and Senate.

Section 114 extends the current terms and conditions of FAA's "war risk insurance" program until December 31, 2010 as proposed by the House.

Section 115 prohibits funds from being used to change weight restrictions or prior permission rules at Teterboro Airport in New Jersey as proposed by the House.

Section 116 prohibits funds limited in this Act for the Airport Improvement Program to be provided to an airport that refuses a request from the Secretary of Transportation to use public space at the airport for the purpose of conducting outreach on air passenger rights as proposed by the House and Senate.

Section 117 prohibits funds for Sunday premium pay unless work was actually performed on a Sunday as proposed by the House and Senate.

Section 118 prohibits funds in the Act from being used to buy store gift cards with Government issued credit cards as proposed by the House and Senate.

Section 119 allows all airports experiencing the required level of boardings through charter and scheduled air service to be eligible for funds under 49 U.S.C. 47114(c) as proposed by the Senate.

#### FEDERAL HIGHWAY ADMINISTRATION

##### LIMITATION ON ADMINISTRATIVE EXPENSES (INCLUDING TRANSFER OF FUNDS)

The conference agreement limits obligations for administrative expenses of the Federal Highway Administration (FHWA) to \$413,533,000, as proposed by the House instead of \$415,396,000 as proposed by the Senate. The conference agreement also includes language to make \$3,524,000 in contract authority above this limitation available to the Office of Inspector General (OIG) to conduct audits and investigations related to the FHWA and \$285,000 in contract authority above this limitation available for the OIG's annual audit of the FHWA's financial statements. In addition, the conferees provide \$3,220,000 in contract authority above the limitation available for the administrative expenses of the Appalachian Regional Commission in accordance with section 104 of title 23, United States Code.

*Improving bridge safety.*—The conferees expect the FHWA to make more significant progress in improving its oversight of bridge conditions and safety over the course of fiscal year 2010. In order to ensure that the agency has the staff necessary to conduct more rigorous oversight of bridges, the conferees direct the FHWA to use \$5,000,000 of the funds provided to hire additional personnel at the agency headquarters and in the division offices with the responsibility to oversee bridge safety.

In addition, the conferees direct the Inspector General to evaluate the FHWA's progress in fulfilling each of the recommendations given in his report on the national bridge inspection program (Report Number MH-2009-013) and to submit a report to the House and Senate Committees on Appropriations with his findings no later than April 30, 2010.

*Ensuring the success of mass evacuations.*—The conferees direct the Department of Transportation (DOT), in cooperation with the Department of Homeland Security (DHS), to assess mass evacuation plans for the country's most high-threat, high-density areas and identify and prioritize deficiencies on those routes that could impede evacuations. The conferees also direct DOT, in cooperation with DHS and the Office of the National Capital Region Coordination, to conduct an analysis of how national highway

system projects under construction west of the National Capital Region (NCR) could increase the NCR's evacuation capacity and provide a detailed plan to accelerate such projects. DOT shall submit its report to the House and Senate Committees on Appropriations no later than 90 days after the enactment of this Act.

#### FEDERAL-AID HIGHWAYS (LIMITATION ON OBLIGATIONS) (HIGHWAY TRUST FUND)

The conference agreement limits obligations for the federal-aid highways program to \$41,107,000,000 in fiscal year 2010, as proposed by the House and the Senate.

The conference agreement also includes bill language that limits obligations for transportation research to \$429,800,000 and language which allows the Secretary to charge and collect fees from the applicant for a direct loan, guaranteed loan, or line of credit to cover the cost of the financial and legal analyses performed on behalf of the Department as authorized under section 605(b) of title 23, United States Code, as proposed by the House and the Senate. The fees so collected are not subject to any obligation limitation or the limitation on administrative expenses set for the infrastructure finance program under section 608 of title 23, United States Code.

#### FERRY BOATS AND FERRY TERMINAL FACILITIES

Within the funds available for ferry boats and ferry terminal facilities, funds are to be available for the following projects and activities as listed in the following table:

Project Name	Amount
Ashtabula City Port Authority, OH .....	\$500,000
Berkeley/Albany to San Francisco Ferry Service, CA .....	1,000,000
Glen Cove Ferry Terminal, NY .....	1,000,000
Long Branch Pier and Ferry Terminal, NJ .....	300,000
Mayport Ferry Rehabilitation, Jacksonville, FL .....	500,000
New Vessel Program—Propulsion System Acquisition, WA .....	2,922,000
Ocean Beach Ferry Terminal Enhancement, NY .....	600,000
Reconstruction of the Bayshore Ferry Terminal Bulkhead, Saltair, NY .....	250,000
Refurbished Passenger Ferry, VI .....	200,000

#### TRANSPORTATION, COMMUNITY, AND SYSTEM PRESERVATION PROGRAM

Within the funds made available for the transportation, community and system preservation program, funds are to be distributed to the following projects and activities as listed in the following table:

Project Name	Amount
10th St. Connector—To extend 10th Street from Dickinson Avenue to Stantonburg Road, Greenville, NC .....	\$500,000
55th Street Expansion in Rochester, MN .....	300,000
5th and 6th Street Reconstruction, OR .....	779,200
6th Street Grade Separation, Vincennes, IN .....	700,000
7th Street Gateway Streetscape Enhancement Project, NJ .....	487,000
Access Road to Melbourne International Airport, FL .....	779,200
Autumn Street Parkway, San Jose, CA .....	974,000
Bayside Trail, Portland, ME .....	200,000
Beaudry Road Crossing and Pathway Project, WA .....	584,400
Beckett Bascule Bridge Replacement—Pinellas County, FL .....	300,000
Belle Chasse Bridge, Belle Chasse, Plaquemines Parish, LA .....	500,000
Bellevue Bypass and Baseline Road, Marion County, FL .....	500,000
Bike Path between Lexington and Port Sanilac, MI .....	250,000
Bluffton Parkway Phases 6/7, SC .....	500,000
Bridge Replacement, MO 79 at Sandy Creek, Lincoln County, MO .....	400,000
Bristol Street Widening, Santa Ana, CA .....	350,000
California State Route 119 Widening Project, CA .....	400,000
Camden Waterfront Neighborhood Development Initiative, NJ .....	487,000
Chapman Road Reconstruction Project, OK .....	400,000
City of Urbana Goodwin Street Expansion, IL .....	750,000
Completion of future I-99, US Route 15 in Steuben County, NY .....	974,000
County Rails-to-Trails Economic Development and Tourism Project, NY .....	100,000
Craighead Bridge Replacement, PA .....	750,000
Downtown Development Authority Streetscape, Dahlonega, GA .....	392,000

Project Name	Amount
Downtown Streetscape Expansion Lansdale, PA .....	500,000
Dunes Kankakee Trail, Porter County, IN .....	500,000
Echo Park/Sunset Boulevard Streetscape Beautification, CA .....	600,000
El Camino East/West Corridor, AL .....	1,500,000
El Dorado and Bromwich Sidewalk Improvements, CA .....	550,000
Elvis Presley Boulevard Improvements, TN .....	500,000
Fish Lake Trail Completion, WA .....	1,948,000
FM 493, Hidalgo County, TX .....	300,000
Freeways and Arterial System of Transportation (FAST), NV .....	681,800
Hamilton Street Overpass Safety Project, WA .....	974,000
Harrisburg Missouri Street Hospital Access Project, IL .....	400,000
Hassayampa Freeway (proposed I-11), AZ .....	250,000
Hays-Travis Trail System, TX .....	300,000
I-5 Santa Clarita-Los Angeles Gateway Improvement Project, CA .....	750,000
I-84, Broadway Avenue to Gowen Road Widening, ID .....	400,000
I-84, Caldwell to Nampa Widening, ID .....	1,000,000
Improvements to US 74/76, Columbus County, NC .....	350,000
Intelligent Transportation System (ITS), Bradenton and Sarasota, FL .....	500,000
Interchange design and construction Kansas Highway 10 and Lone Elm Interchange, Lenexa, KS .....	500,000
Interstate 579 "Cap"—Urban Green Space & Park Plaza, Pittsburgh, PA .....	974,000
Interstate 75/Collier Boulevard/SR 84 Interchange Improvements, FL .....	800,000
Iowa Highway 100 Extension and Improvements, Cedar Rapids, IA .....	500,000
Lexington-Fayette Legacy Trail, KY .....	500,000
Loop 82 Railroad Overpass, TX .....	700,000
Lower Bucks County Waterfront Redevelopment and Access Project, PA .....	500,000
Main Street Improvements, Springfield, IL .....	500,000
Midtown Transportation Infrastructure, NY .....	1,363,600
Mill Creek Highway, Anaconda-Deer Lodge County, MT .....	500,000
Mingo Creek Greenway, Knightdale, NC .....	250,000
Monongalia Health Systems Access Road, WV .....	974,000
Montrose Avenue Repaving—Harlem to Canfield, IL .....	350,000
Mount Clemens non-motorized trail along North-bound Gratiot, Mount Clemens, MI .....	575,000
New Hanover Greenway System, NC .....	243,500
New Orleans City Park Infrastructure Improvements, New Orleans, LA .....	1,948,000
New York City Commercial Vehicle Monitoring and Enforcement Program, NY .....	500,000
Ninth Street Island Bridge Project, MT .....	608,750
Nordahl Bridge Widening at SR-78, San Marcos, CA .....	500,000
Park Street Pedestrian Safety Transportation Improvements, Alameda, CA .....	300,000
Parker Bowie Road Bridge Replacement and Widening, Anderson County, SC .....	400,000
Pearl River Downtown Revitalization, NY .....	200,000
Pedestrian Path for the City of New Baltimore, MI .....	250,000
Pedestrian Safety Improvement Project, NY .....	292,200
Pedestrian Safety Project, Russellville, AL .....	300,000
Pedestrian walkway and waterfront access, Roosevelt Island, NY .....	500,000
PJ Adams Road Improvement, FL .....	250,000
Prairie Street Grade Separation, Elkhart, IN .....	700,000
Rakow Road widening in McHenry County, IL .....	750,000
Replacement of Storm Sewer Adjacent to Route 42, Bellmawr, NJ .....	500,000
Rice Avenue Interchange at U.S. Highway 101, Ventura County, CA .....	700,000
Riggan Road at the Walnut Street Intersection, IN .....	1,000,000
River Des Peres Boulevard Improvements, MO .....	200,000
Riverwalk Trail—Mile Branch River Park, Hawkinsville, GA .....	90,000
Road Reconstruction, Village of Rockville Centre, NY .....	500,000
Robstown Inland Port-Street Improvement, TX .....	300,000
Rutherford Cross Road Roundabout, CA .....	600,000
Safety Improvements—Salem and Montville Route 85 at CT Route 82, CT .....	500,000
Salters Road Expansion Along I-85, Greenville, SC .....	300,000
Scoping Study on Audubon and Natcher Parkways in Western Kentucky, KY .....	375,000
Sfgo, San Francisco, CA .....	255,000
Sidewalk Construction in Ashland, Cherryland and Castro Valley Communities in Alameda County, CA .....	600,000
South Lawrence Trafficway, KS .....	1,250,000
State Road (SR) 80, FL .....	800,000
State Road 133 from Albany to Moultrie, GA .....	800,000
State Route 71 expansion from SR-60 to I-10, Pomona, CA .....	300,000
State Route 99 Interchange Improvement Project, CA .....	500,000
Town of Lexington United Traffic Plan—Phase I, SC .....	1,304,000
Tri-State Outerbelt (State Route 7/Chesapeake Bay-Pass), OH .....	700,000
Twin Cities-to-Twin Ports Trail Linkage, MN .....	600,000
U.S. 401 Widening Project, NC .....	600,000
U.S. 98 Improvements, FL .....	500,000
Union Crossing, MA .....	543,500
US 113 Improvements in Worcester County, MD .....	950,000
US 41/Cobb Parkway Expansion and Bridge Replacement, GA .....	500,000
US 422 Schuylkill River Crossing Complex, PA .....	700,000
US 60, widen between Bartlesville and Pawhuska, Osage County, OK .....	400,000
US 78 Upgrade to Interstate Standards, MS .....	1,000,000
US Highway 169 Widening Project, OK .....	500,000
US-95, Thorncreek to Moscow, ID .....	400,000
Van Cortlandt Trails Restoration, NY .....	180,000
Wetzel Street Bridge Replacement, WV .....	487,000
Widen Hwy 99W overpass and NW Circle Boulevard, OR .....	292,200
Widening of SC Highway 225, Greenville, SC .....	400,000

## FEDERAL LANDS

Within the funds available for the federal lands program, funds are to be available for the following projects and activities as listed in the following table:

Project name	Amount
116th Street NE Interchange Improvements Project, Tulalip Tribes, WA .....	\$800,000
Arizona Forest Highway 39, Tucson, AZ .....	1,200,000
Asphalt Paving on road to Crow Creek Tribal Schools Stephan Campus, SD .....	500,000
Baltimore Washington Parkway Feasibility Study, MD .....	1,000,000
Boulder City Bypass, NV .....	981,800
BRAC-Related Improvements, Anne Arundel County, MD .....	2,753,200
BRAC-Related Improvements, Harford County, MD .....	2,881,450
BRAC-Related Improvements, Montgomery County, MD .....	4,400,000
BRAC-Related Improvements, Prince George's County, MD .....	2,496,700
C&D Canal Trail Improvements, DE .....	1,000,000
Cahaba River National Wildlife Refuge overlook park parking lot and turn lanes, AL .....	298,000
Cheaha State Park Talladega National Forest Tourism Access, AL .....	500,000
Choctaw Lake-Bluff Lake Route, MS .....	1,500,000
Chula Vista Nature Center Road Re-Pavement Project, Chula Vista, CA .....	500,000
CR 97, Nicollet Road Highway Improvements, NY .....	389,600
Crack sealing and chip seal on BIA #7 Rosebud to Highway 18 Junction, SD .....	150,000
Doyle Drive Replacement, San Francisco, CA .....	3,704,500
Federal Lands Improvement Project, HI .....	3,896,000
FH-24, Banks to Lowman, ID .....	2,000,000
Flight 93 National Memorial, Transportation Improvements, Somerset, PA .....	4,000,000
Forest Highway 171 Widening, Butte County, CA .....	2,450,000
Forest Road Upgrade, MS .....	500,000
Fort Baker Transportation Improvements, CA .....	750,000
Fort Drum Connector Road, NY .....	1,077,000
Golden Gate National Parks—Park Access, Transit and Trails, CA .....	500,000
Grand Rounds National Scenic Byway Missing Link—Phase I: Design, Acquisitions, Environmental Remediation, Construction, MN .....	500,000
Highway 140, Lake County, OR .....	1,000,000
Hoover Dam Bypass Bridge, AZ .....	5,250,000
I-15/Devoe Interchange Improvements, San Bernardino County, CA .....	2,000,000
Improvements to US 491, Navajo Nation, NM .....	500,000
Jacksonville National Cemetery Access Road, FL .....	800,000
Kalispel Tribe Road Development from Sprague Avenue to US 2, WA .....	1,266,200
Martin Road project, City of Huntsville, AL .....	850,000
Navajo Route 42, Oljeto Road Resurfacing Project, UT ..	1,000,000
Needles Highway in Needles, San Bernardino County, CA .....	1,000,000
New Frederick Douglass Memorial Bridge Design and Construction Project, DC .....	2,300,000
Pedestrian Safety Improvements at Squamish Way and Division Streets, WA .....	600,000
Pyramid Highway Corridor, NV .....	1,084,400
Reconstruction of BIA Route 7 on the Turtle Mountain Reservation, ND .....	1,168,800
Repairs to Waterville Road, TN .....	200,000
San Juan County Road 370, UT .....	1,000,000
SD Highway 63 Resurfacing, SD .....	3,000,000
Sequoyah Wildlife Refuge Road Paving, Vian, OK .....	800,000
Sharpes Ferry Bridge, FL .....	1,200,000
Snake Road Improvement Project, Seminole Big Cypress Reservation, FL .....	500,000
Southern Nevada Beltway Interchanges, NV .....	3,302,250
SR-160 Nevada Expansion, NV .....	2,217,500
Standing Rock Sioux Tribe—Community Streets Project—Bear Soldier South, SD .....	588,950
Stones River National Battlefield Tour Route, TN .....	1,500,000
Tamiami Trail (U.S. 41) Safety Improvements, Miami, FL .....	1,750,000
Tohono O'odham Nation Highway Improvements, Sells, AZ .....	500,000
Trail Creek Highway/Forest Highway 66 Reconstruction, Mackay, ID .....	3,750,000
US 40 Northwest Chipseal, CO .....	750,000
US 50 State Realignment, Douglas County, NV .....	1,000,000
US Highway 101 Corridor Improvement Project, WA .....	1,000,000
West River Trail Bridge, VT .....	165,580
Wolf Trap Performing Arts Multi-Use Trail, Fairfax, VA ..	250,000

The conferees direct that the funds allocated above shall be derived from the FHWA's public lands discretionary program and not from funds allocated to the National Park Service's regions or from funds allocated to the Fish and Wildlife Service's regions.

## INTERSTATE MAINTENANCE DISCRETIONARY

Within the funds available for the interstate maintenance discretionary program, funds are to be available for the following projects and activities as listed in the following table:

Project name	Amount
24th Street/I-15 Interchange, UT .....	\$2,000,000

Project name	Amount
79th Street/Stony Island/South Chicago Reconstruction, IL .....	900,000
Advanced Traffic Management on I-91 Corridor, MA .....	1,500,000
Bob Hope/I-10 Interchange Project, CA .....	500,000
Cherry Avenue/I-10 Interchange, County of San Bernardino, CA .....	750,000
Construction of a new interchange on I-80 at Brisbin Road, Morris, IL .....	900,000
Expansion of Interstate 69, TX .....	500,000
I-10 at Grove Avenue and Fourth Street Interchange and Grove Avenue Corridor Project, City of Ontario, CA .....	950,000
I-10 Interchange at Pecue Lane, LA .....	1,100,000
I-12 Interchange at LA-16, Denham Springs, LA .....	633,100
I-15 Corridor of the Future, NV .....	2,922,000
I-15 Custer Avenue Interchange, MT .....	2,922,000
I-15/Base Line Road Interchange Improvements, Rancho Cucamonga, CA .....	750,000
I-215/University Parkway Interchange in San Bernardino, San Bernardino County, CA .....	750,000
I-255 and Telegraph Road Landscape Improvements, MO .....	300,000
I-277 Access Corridor (S. Main St.) Phase 2, Akron, OH .....	500,000
I-29 Fargo North to Shennene, ND .....	1,358,750
I-35 widening from SH-9 West to North of Main Street, OK .....	750,000
I-40 Improvements, Durham and Wake County, NC .....	2,000,000
I-471 Repair Between I-275 and Ohio River, Campbell County, KY .....	500,000
I-480/Tiedeman Road Interchange Modification, OH .....	800,000
I-5 Columbia River Crossing, OR .....	1,000,000
I-5 Columbia River Crossing, WA .....	1,948,000
I-580 Corridor Improvements, CA .....	1,000,000
I-70 Central Park Boulevard Stapleton Interchange, CO .....	1,000,000
I-71/SR 665 Interchange Improvements, Grove City, OH .....	1,550,000
I-74 Bridge Corridor Project, Moline, IL .....	1,200,000
I-805 Managed Lanes, San Diego, CA .....	500,000
I-85 Interchange modifications at Pleasant Hill Road, Gwinnett County, GA .....	1,000,000
I-85 Widening in Davidson and Rowan Counties, NC .....	1,700,000
I-85 Widening Project, NC .....	1,400,000
I-85/Jimmy Carter Boulevard Bridge Replacement, Gwinnett County, GA .....	500,000
I-90 Belgrade East Interchange, MT .....	1,461,000
I-95 Interchange at Yamato Road and Spanish River Boulevard Project, City of Boca Raton, FL .....	1,000,000
I-95 Interchange with SR 202 (Butler Boulevard), FL ..	1,000,000
I-95 Pawtucket River Bridge Replacement, RI .....	2,266,200
I-95/US 301 Interchange, SC .....	1,700,000
IH-35W Congestion Relief, Fort Worth, TX .....	2,000,000
Improvements to I-75 Interchange at Griffin Road, Southwest Ranches, FL .....	1,000,000
Improvements to I-81, Franklin County, PA .....	1,358,750
Interchange at I-5 and French Camp Road, and Arch-Sperry Road Construction, CA .....	800,000
Interstate 235/US 54 and I-235/Central Avenue Interchange, Wichita, KS .....	1,000,000
Interstate 28 Interchange Improvements, Harrison, NJ .....	1,948,000
Interstate 29 Reconstruction and Utility Relocation Project, IA .....	1,500,000
Interstate 40: New Conway South Interchange, AR .....	779,200
Interstate 430/630: Interchange Modification, AR .....	3,435,000
Interstate 49 North, LA .....	750,000
Interstate 540: Fayetteville-North, AR .....	3,435,000
Interstate 69 Texas Environmental Studies, TX .....	500,000
Interstate 69, LA .....	750,000
Interstate 70 Viaduct Realignment, Topeka, KS .....	1,500,000
Interstate 74 Corridor Construction, IA .....	1,000,000
Interstate 75 Exit 20 redesign and construction, Cleveland, TN .....	1,200,000
Interstate 94/Brockton Lane Interchange, MN .....	800,000
Interstate 94, Madison, WI .....	1,000,000
Interstate-20 Interchanges, Parker County, TX .....	500,000
Interstate-95/Fairfax County Parkway Interchange at Newington Road, VA .....	974,000
Kapolei Interchange Complex, HI .....	3,435,000
Kentucky-Ohio River Bridges Project, KY .....	1,000,000
Latson Road Interchange, Lansing, MI .....	500,000
Margaret McDermott (I-30) Bridge, TX .....	1,000,000
Marion Road Interchange, SD .....	1,000,000
Meadowood Interchange, NV .....	1,000,000
Methuen Rotary Interchange Reconfiguration, Methuen, MA .....	900,000
Pennsylvania Turnpike-Interstate 95 Interchange, PA ..	500,000
Ranchero Road Corridor Project, CA .....	1,000,000
Safety and Seismic Upgrades to the Shoemaker Bridge, City of Long Beach, CA .....	1,000,000
San Diego Freeway (I-5) Widening and Improvement, CA .....	935,000
San Diego Freeway (Interstate 405) Improvements, CA ..	750,000
SR-56 to I-5 Interchange Connector, San Diego, CA .....	1,000,000
Starr Road Interchange, NV .....	2,922,000
Third Army Road/I-75 Interchange Construction, GA .....	750,000
Turnpike Improvement Project: SR-1 & I-95, DE .....	2,018,000

## DELTA REGION TRANSPORTATION DEVELOPMENT PROGRAM

Within the funds available for the Delta region transportation development program, funds are to be available for the following projects and activities as listed in the following table:

Project Name	Amount
Capital Street Renaissance Project—Transportation Improvements, MS .....	\$1,150,000

Project Name	Amount
Chalk Bluff Road, Clay County, AR .....	1,100,000
Chouteau Parkway Conceptual Design, MO .....	400,000
Clearview at Earhart Drainage, LA .....	400,000
I-20 Lincoln Parish, Ruston, LA .....	500,000
Interstate 55 Interchange Lighting, MS .....	600,000
Interstate-55 Interchange, MO .....	1,000,000
Jonestown Bypass, MS .....	1,250,000
LA 1088 Interchange, LA .....	400,000
Master Planning for I-10, LA .....	400,000
New Interchange, US 61 @ S. Lincoln Dr, Troy, MO .....	400,000
Poplar Bluff Industrial Park Bypass, MO .....	2,000,000
Route 34, MO .....	1,150,000
Southeast Arkansas Intermodal Facility .....	475,000
Statesman Boulevard and Trail, MS .....	1,500,000

## (LIQUIDATION OF CONTRACT AUTHORIZATION)

## (HIGHWAY TRUST FUND)

The conference agreement provides a liquidating cash appropriation of \$41,846,000,000, which is available until expended, to pay the outstanding obligations of the various highway programs at the levels provided in this Act and prior appropriations Acts, as proposed by the House and the Senate.

## SURFACE TRANSPORTATION PRIORITIES

The conference agreement appropriates \$292,829,000 for the projects, programs, and activities as listed in the following table:

Project name	Amount
10th Avenue South Corridor Extension, Waverly, IA .....	\$500,000
21st Street North Railroad Overpass, KS .....	500,000
23/101 Freeway Interchange Project, CA .....	500,000
4th Street Improvement Project, City of Moro, OR .....	123,060
53rd Ave. Bridge and Roadway Extension Project, OR ..	292,200
55th Street East Grade Separation, ND .....	1,850,600
70th Avenue and Valley Avenue East Corridor Project, WA .....	1,614,900
Akron-Cleveland Road Bridge Replacement, OH .....	750,000
Alameda Corridor East Grade Separations, Riverside County, CA .....	1,349,000
Alameda Corridor East Grade Separations, Southern California Association of Governments, CA .....	1,349,000
Alice's Road Extension/Ashworth Road to University Avenue, IA .....	950,000
Alsbury Boulevard Construction, TX .....	700,000
Alton Commons Boulevard Improvements, Hilliard, OH ..	500,000
Ansonia Riverwalk, CT .....	800,000
Antelope Valley Project Transportation Improvements, NE .....	750,000
Anvil Block Road Widening, GA .....	500,000
Appalachian Development Highway System Corridor H, WV .....	4,383,000
Arterial Road and Bridge Improvements, Matanuska-Susitna, AK .....	1,000,000
Artesia Road Bypass, MS .....	1,000,000
Ashburton Avenue Widening, Yonkers, NY .....	900,000
Atlanta-Chattanooga-Nashville High-Speed Ground Transportation/Maglev Feasibility Study, Chattanooga, TN .....	750,000
Atlantic Boulevard South, CA .....	500,000
Austin Intelligent Transportation Systems, TX .....	500,000
AutoTrain Gateway Improvements, Sanford, FL .....	750,000
Bear Creek Greenway, Medford, OR .....	500,000
Bergen County Specialized Bus Transit, NJ .....	974,000
Berwick Bridge, Somersworth, NH .....	500,000
Black Eagle Road Reconstruction, MT .....	500,000
Blair Bypass—South Corridor, NE .....	974,000
B-Line Trail Extension, Bloomington, IN .....	500,000
Blue Earth CSAH 12 Extension/TH 14 Interchange, MN ..	584,400
Bonneville Clark Couplet, NV .....	487,000
Boot Road Extension Bridge over Brandywine Creek, PA ..	500,000
Bossier Parish Congestion Relief Plan, Bossier Parish, LA .....	838,300
Bradley Ave/SR-67 Interchange, CA .....	400,000
Brett Way Extension, OR .....	292,200
Broad Street Parkway/Nashua River Bridge Enhancements, NH .....	487,000
Broadway and Kansas Avenue Repair Project, KS .....	400,000
Broadway Bridge Replacement Project, WA .....	3,116,800
Brush Creek-Troost Avenue Streetscape Improvements, MO .....	1,000,000
Building of the Almonaster Bridge New Orleans, LA .....	639,000
Byram-Clinton/Norrell Parkway, MS .....	2,750,000
Cambridge-Isanti Bike-Walking Trail, MN .....	400,000
Cannon AFB BRAC County Road Improvements, NM .....	974,000
Cape Girardeau Riverwalk Trail, MO .....	1,600,000
Capital Beltway South Side Mobility Study, MD .....	500,000
Carson City Freeway—Phase II, NV .....	779,200
Centerway Arch Bridge and Trail Projects, NY .....	500,000
Central City, Trinity River Vision, Fort Worth, TX .....	2,500,000
Cherry Street Railroad Grade Crossings Improvement Project, MA .....	600,000
Church Street Marketplace and Side Streets Improvements, VT .....	974,000
City of Doral Street Improvement Project, FL .....	500,000
City of Hialeah Street and Sidewalk Improvements, FL ..	500,000
City of Hines Street Rehabilitation Project, OR .....	292,200
City of Isanti Pedestrian Bridge over TH 65, MN .....	1,200,000
City of Providence Street Paving, RI .....	779,200
City of Tuscaloosa Streetscape, AL .....	2,000,000
Clements Mill Bridge Replacement Project, Franklin County, VA .....	950,000

Project name	Amount	Project name	Amount	Project name	Amount
Coalfields Expressway, WV .....	1,948,000	Interstate 225 and Colfax Avenue Reconfiguratn, Aurora, CO .....	850,000	Reconstruction of County C, Bayfield County, WI .....	1,400,000
Collins Road Improvements, Cedar Rapids, IA .....	974,000	Interstate 69/Great River Bridge: Highway 65—MS Highway 1, AR .....	1,948,000	Reconstruction of Rib Mountain, WI .....	500,000
Commerce Crossing Bridge over I-20, Rockdale County, GA .....	500,000	Interstate 75/Everglades Blvd Interchange, FL .....	500,000	Reconstruction of Route 571 at Route 527, Toms River Township, NJ .....	300,000
Community Transportation Association of America National Joblinks Program .....	1,400,000	Iowa Highway 14-57 Complete Streets Corridor Improvements, Parkersburg, IA .....	2,000,000	Reconstruction of the Hull Street Overpass, Clovis, NM .....	500,000
Computerized Traffic Control System, Morgantown, WV .....	1,000,000	Iowa Highway 92 Reconstruction .....	950,000	Regional East-West Trail and Bikeway, Albuquerque, NM .....	974,000
Construct Four Lane Highway 20 West of U.S. 71, IA .....	750,000	Jeannette Truck Route, PA .....	750,000	Remediation and Reuse of Reclaimed Port Land, DE .....	730,500
Construction of Four Lane Highway on US 69 in Crawford, Bourbon, and Cherokee Counties, KS .....	1,500,000	Jenny Barker Road/K-156/Mary St. Reconfiguration, KS .....	500,000	Replacement and Rehabilitation of Municipal Bridges and Trestles, City of Ketchikan, AK .....	500,000
Construction of the I-278 Environmental Shield, Queens, NY .....	700,000	Jerome and Mousette Lanes, Cahokia, IL .....	300,000	Reunion Interchange, MS .....	1,500,000
County D Extension, Hurley, WI .....	950,000	Johnson Street from Center Avenue to Columbus Avenue Reconstruction, MI .....	300,000	Rickenbacker Intermodal East-West Connector, OH .....	2,000,000
County Road R Improvements, Plover, WI .....	1,900,000	Kettering Gateway Project, Flint, MI .....	1,168,000	River Greenway Project, Second Phase, NJ .....	400,000
Countywide Regional Loop Trail, Mount Clemens, MI .....	1,948,000	King Coal Highway, WV .....	1,948,000	Road Improvements from 57th Street North to 1000 ft South of 26th Street, Sioux Falls, SD .....	1,461,000
Croix Street, Negaunee, MI .....	500,000	Kittitas Highway Safety Improvements, WA .....	1,948,000	Road Improvements in Englishtown Borough, NJ .....	750,000
Cross Creek Widening, Tampa, FL .....	500,000	Knoxville Road Reconstruction, Mercer County, IL .....	487,000	Road Resurfacing, Hayneville, AL .....	300,000
Croton-Harmon Train Station Parking Lot Flood Mitigation and Improvement, NY .....	700,000	LA 1 Goldenmeadow to Port Fourchon, Lafourche Parish, LA .....	874,000	Roger Snedden Dr. Extension/Grade Separation-Phase 1, IA .....	1,000,000
Davie Road Upgrade, Davie, FL .....	500,000	Lafayette Interchange, MO .....	1,000,000	Ronald Reagan Parkway, Hendricks County, IN .....	400,000
Deck Repair Chester Bridge, Perry County, MO .....	500,000	Lake Harbour Drive, MS .....	1,500,000	Rosecrans Avenue/405 Freeway Ramp Widening Project, Hawthorne, CA .....	500,000
Defense Access Road, MS .....	1,000,000	Lake Merritt Improvement Project, CA .....	827,900	Route 1/Route 123 Interchange Improvements, VA .....	584,400
Demolition of Congress Street Bridge, Bridgeport, CT .....	500,000	Lakeview Trail, Mountlake Terrace Center to the Interurban Trail, WA .....	200,000	Route 123 Bridge Replacement, Fairfax, VA .....	300,000
Denali Commission Transportation Program, AK .....	2,313,250	Larry Holmes Drive Traffic Calming, Easton, PA .....	250,000	Route 160 and Route 60 Interchange Improvements, MO .....	1,000,000
Design of Comprehensive City-Wide Mass Transit System in Ponce, PR .....	400,000	Lesner Bridge Replacement Project, Virginia Beach, VA .....	750,000	Route 22 Sustainable Corridor, NJ .....	1,250,000
Downtown Streetscape and Pedestrian Improvements (Final Phase), Borough of North Plainfield, NJ .....	300,000	Lewis and Clark Legacy Trail, ND .....	681,800	Route 25—Safety and Roadway Improvements, Jackson, MO .....	650,000
Downtown Streetscapes Project, Pittsfield, MA .....	500,000	Lewis Street Overpass, Pasco, WA .....	750,000	Route 27 Renaissance 2000 Project, NJ .....	974,000
Downtown Tacoma Streetscapes Improvement Project, WA .....	800,000	Livingston Railroad Grade Separation Undercrossing, MT .....	584,400	Route 30 Intersection Improvements and Add-Lanes Widening, Frankfurt, IL .....	250,000
Eagle County Airport I-70 Interchange, CO .....	500,000	Longfellow Bridge Approach and Gateway, MA .....	974,000	Route 34 in Bollinger County and Cape Girardeau County, MO—Safety Improvements and Resurfacing .....	500,000
East 24th Street Project, Cleveland, OH .....	500,000	Loop 494 Upgrade, TX .....	400,000	Route 60/422 Interchange, PA .....	487,000
East Avenue Resurfacing, IL .....	600,000	Lower Main Street Infrastructure Project, Claremont, NH .....	487,000	Route 63 in Phelps County and Maries County, MO—Engineering and Right of Way Improvements .....	500,000
East Chester Street Improvement, TN .....	785,000	Lowry Avenue Bridge Replacement, MN .....	487,000	Route 67 in Butler County—Extend Existing Four-Lane South to Route 160, MO .....	500,000
East Loop, Brownsville, TX .....	500,000	M Street SE Grade Separation Project, Auburn, WA .....	750,000	Route 72, East Road, NJ .....	500,000
East Main Street Sidewalk Project, NY .....	40,000	M-231 Improvements Ottawa County, MI .....	500,000	Rt 480 Pedestrian Bridge and Safety Improvements, WV .....	400,000
East Metropolitan Corridor, MS .....	2,750,000	Mahoning Road Infrastructure and Economic Development Project, OH .....	1,000,000	Rucker Road at US-77 Project, KS .....	500,000
Eastgate Area Improvements, Clermont County, OH .....	900,000	Main Street Improvements, Estancia, MI .....	250,000	Rutland Center Street Marketplace Improvements, VT .....	974,000
Edwards County Bone Gap Road, IL .....	400,000	Main Street Realignment Project, Torrington, CT .....	750,000	San Bernardo Avenue Restoration, Laredo, TX .....	500,000
Elm Street/Gas Ligh District Improvements, NH .....	1,000,000	Manadas Hike and Bike Pathways, TX .....	300,000	San Gabriel Trench Project, CA .....	500,000
Emergency Access Ramp to Interstate 84, NY .....	974,000	Marlton Circle Elimination—West Main Street/Old Marlton Pike connector, NJ .....	600,000	San Jose Boulevard Improvements, Carlsbad, NM .....	987,000
Empire Corridor West High Speed Rail Improvements, Monroe County, NY .....	1,245,000	McQueen Smith Road Expansion, Prattville, AL .....	1,000,000	Schuyler Heim Bridge Replacement and SR-47 Expressway, CA .....	500,000
Empire Corridor West High Speed Rail Improvements, Montgomery County, NY .....	600,000	MD 4, MD 2/4 to MD 235, including Thomas Johnson Bridge and MD 235 Intersection, MD .....	750,000	Scott Ranch Road Extension, Show Low, AZ .....	900,000
Engineering Feasibility Study of Bike/Hike Connector, Hiram, OH .....	100,000	MD 404 Improvements in Caroline, Talbot, and Queen Anne's Counties, MD .....	950,000	SE Main Avenue, 20th, 21st Street Underpass and Ancillary Improvements, City of Moorhead, MN .....	500,000
Fairfax County Parkway Interchange Improvements at Fair Lakes Boulevard and Monument Drive, VA .....	584,400	Mill Plain Boulevard/SE 136th Avenue Intersection, Vancouver, WA .....	300,000	Sellwood Bridge Replacement Project, OR .....	1,266,200
Fairforest at N. Blackstock Rd Intersection and Rail Crossing, SC .....	500,000	Millenium Technology Park, New Castle, PA .....	500,000	Seventh Standard Road Grade Separation Project, CA .....	400,000
Flyover Connecting Highway 146 and Spur 330, TX .....	400,000	Missouri River Freight Corridor Development Study, MO .....	900,000	Sidewalk Construction Project for City Schools, City of Alliance, OH .....	180,000
FM 1460 Roadway Improvements, Round Rock, TX .....	750,000	MLK-Lincoln Avenue Railroad Grade Separation, WA .....	1,948,000	Sitka Waterfront Development, AK .....	487,000
FNSB Road and Bridge Improvements, AK .....	1,000,000	MO-13 and MO-82 Interchange, MO .....	1,250,000	Sixth Street Corridor, White County, IN .....	400,000
Garfield Avenue Improvements (Gage Avenue to Ferguson Drive), CA .....	500,000	Monterey Bay Sanctuary Scenic Trail, CA .....	800,000	Smith River Trails—Rail/Trail Project, VA .....	300,000
Gateway Corridor University of Mississippi Research Park Extension, MS .....	500,000	Morgan Road Roadway Improvements, Blount County, TN .....	750,000	South Bronx Greenway, Randall's Island Connector, Bronx, NY .....	500,000
Gluckstadt Road and Interchange, MS .....	1,500,000	Natural Bridge Avenue (MO Route 115) Connection Planning, Engineering & Environmental Project, MO .....	500,000	South Street Reconstruction and Streetscape Improvements, NY .....	974,000
Goddard Road Reconstruction from Grant Street to Wayne Road, City of Romulus, Wayne County, MI .....	500,000	Naugatuck River Greenway, CT .....	974,000	Southeast Connector, IA .....	1,948,000
Golden Gate Bridge Seismic Retrofit Construction Project, CA .....	1,948,000	Nevada Pacific Parkway, NV .....	535,700	Southwest Arterial Project, IA .....	389,600
Grand View University Pedestrian Overpass, Des Moines, IA .....	400,000	New York State Route 12, NY .....	487,000	SR 426/CR 419 Improvement Project, Oviedo, FL .....	1,000,000
Greensboro Greenway, NC .....	487,000	Newberg-Dundee Transportation Improvement Project, OR .....	389,600	SR52 East/West Improvements, San Diego, CA .....	400,000
Hammond Drive Roadway Upgrades/City of Sandy Springs, GA .....	500,000	Newport Cliff Walk Restoration, RI .....	487,000	St. John's Heritage Parkway Interchanges, Cities of Melbourne and Palm Bay, Brevard County, FL .....	2,000,000
Harden Street Reconstruction, Columbia, SC .....	500,000	Ninth Avenue Extension and Overpass Construction, Belton, TX .....	750,000	St. Petersburg City Trails, FL .....	500,000
Hardy County Complex Access Road, WV .....	1,461,000	North Broad Street Redevelopment Project, NJ .....	487,000	State Route 180 East, CA .....	800,000
Hastings Bridge/Highway 61 Right-of-Way and Construction, MN .....	487,000	North Carolina 28 in Macon County, NC .....	700,000	State Route 24/48, MS .....	1,900,000
Hattiesburg Longleaf Trace Rails To Trails, MS .....	500,000	North Fond du Lac Rail yard Overpass, Village of North Fond du Lac, Fond du Lac County, WI .....	500,000	Stae Trunk Highway 64, WI .....	1,400,000
Henry Avenue Bridge Reconstruction, WI .....	974,000	North Main Street, Columbia, SC .....	500,000	Staten Island Ferry Campus Shuttle Bus Service, NY .....	381,490
High Bridge Renovation, MT .....	292,200	North Street Improvements, Crown Point, IN .....	900,000	Street and Utility, Reconstruction Main Avenue, Park Rapids, MN .....	730,500
High Street Reconstruction, Village of Fairport, NY .....	525,000	Northern Avenue Bridge Rehabilitation, MA .....	1,266,200	Sue Ann Big Crow and Oglala Trail and Bike Path enhancement, Pine Ridge Indian Reservation, SD .....	487,000
Highway 226: Highway 67 to Highway 49, AR .....	974,000	Northern Bypass I-66, KY .....	950,000	Summer County Regional Airport road re-location, TN .....	1,500,000
Highway 63 Interchange Improvements, AR .....	1,948,000	Northwest 66th Avenue Reconstruction, IA .....	584,400	TH 169/I-494 Interchange Construction, MN .....	400,000
Hogan Road Traffic Improvements, ME .....	550,000	Northwest Transportation Corridor Study, Grimes, IA .....	300,000	TH 610 construction, MN .....	400,000
Holly Springs Road, MS .....	1,500,000	Oak Street Extension, Schererville, IN .....	250,000	The Commonwealth Avenue Road Improvement Project, MA .....	600,000
Holmes Avenue Overpass Project, AL .....	500,000	Oakridge-Westflier Ride Center, OR .....	400,000	The Hamilton Township Safe Streets to Schools Program, NJ .....	350,000
Hunt Highway Improvements, Pinal County, AZ .....	500,000	Ohio 16 Dresden-Coshocton Connector, Coshocton, OH .....	400,000	Theftford Village Pedestrian Improvements, VT .....	438,300
Hutchins Street Reconstruction, Berlin, NH .....	779,200	Ohio Hub Plan including Toledo-Cleveland-Detroit Passenger Rail Development, OH .....	938,300	Three Locks Road (County Route 205) Concrete Arch Bridge Replacement, OH .....	250,000
Hwy. 167: Louisiana State Line to Sheridan, AR .....	1,363,600	Oktbheba County Southern Bypass, MS .....	500,000	Timber Bridge on US 24, Limon, CO .....	800,000
Hybrid Composite-Concrete Bridges, ME .....	2,000,000	Old Taylor Road Roundabouts, MS .....	500,000	Tooze Road, OR .....	800,000
I-295 Meadowville Road Interchange, VA .....	750,000	Ontario Oregon Railroad Underpass Rehabilitation and Reconstruction, OR .....	292,200	Town Center Streetscape Improvements, Eastchester, NY .....	350,000
I-40 Boulevard Construction, OK .....	1,000,000	Palatkaah Bridge Replacement, Lake, FL .....	750,000	Town of Haymarket Pedestrian Connection, VA .....	500,000
I-44/US-62, OK .....	500,000	Paramount Boulevard Improvements, Monterey Park, CA .....	250,000	Town of Occoquan Pedestrian Safety Enhancement, VA .....	150,000
I-44 Range Line Road Interchange, MO .....	1,550,000	Park and Ride Lots, Broward County, FL .....	500,000	Town of Purcellville Main Street and Maple Avenue Intersection Improvements, VA .....	500,000
I-64 Interchange 2.3 miles West of SR 135, Harrison County, IN .....	500,000	Park Avenue Realignment, Chardon, OH .....	136,000	Traffic Signal System Improvement Project, Union City, NJ .....	300,000
I-69, TX .....	500,000	Park Avenue Revitalization Project, East Hartford, CT .....	400,000	Transit Related Improvements for National Avenue, Monroe Street, Brick City, and John Q. Hammons Parkway, Springfield MO .....	500,000
I-69, TX .....	500,000	Park Loop Trail, Sagamore Hills Township, OH .....	343,000	Trapelo Road and Belmont Corridor, MA .....	330,000
I-73, SC .....	800,000	Park Road Bridge Replacement and Dubuque Street Elevation Project, Iowa City, IA .....	1,500,000	Tuolumne River Regional Park Gateway Trail System, CA .....	350,000
I-76 Access/Martha Avenue Connection, Akron, OH .....	750,000	Pedestrian, ADA and Safety Improvements on Mather Field Road, Rancho Cordova, CA .....	200,000	Tupelo Thoroughfare Northern Loop, MS .....	2,800,000
IL Route 120 Corridor, Lake County, IL .....	600,000	Philadelphia Museum of Art Transportation Improvement Program, PA .....	750,000	Twin Lakes Infrastructure Project, City of Roseville, MN .....	1,000,000
Improvement of the South Connector Street, SD .....	1,250,000	Pioneer Street Rail Overpass Safety Improvement Project, WA .....	974,000	U.S. 195 Safety Improvements, Cheney-Spokane Road Interchange, WA .....	1,948,000
Improvements and Safety Upgrades, North Providence, RI .....	900,000	Port of Everett Infrastructure Improvement Project, WA .....	1,168,800	U.S. 59/Alabama Grade Separation Project, MO .....	1,000,000
Improvements to 159th Street, KS .....	2,000,000	Porter Rockwell, Herriman, UT .....	1,000,000	U.S. Highway 65, Benton County, MO .....	500,000
Indian River Inlet Bridge, DE .....	779,200	Portland Regional Traffic Congestion Improvements, ME .....	800,000		
Indiana State Road 205 Corridor, IN .....	500,000	Potrero Boulevard/SR 60 Interchange in Beaumont, San Bernardino County, CA .....	750,000		
Infrastructure Improvement at Height of Land, ME .....	2,900,000	R-170 Landslide Road Replacement, WA .....	1,948,000		
Interchange and Service Road at Anchor Lake, MS .....	1,000,000	Reconstruction and Rehabilitation of Route 109/Main Street, Medway, MA .....	400,000		
International Drive Extension/Folsom South Canal Bridge, CA .....	500,000	Reconstruction and Upgrade of 2300 West between 1900 South and the Interstate 15 West Frontage Road in Lehi, UT .....	1,500,000		
International Railway Station/Intermodal Transportation Center, NY .....	779,200				
Intersection Improvements Around State Center, Baltimore, MD .....	800,000				



Project name	Amount
U.S. Highway 90 Capacity Improvement, FL .....	500,000
U.S. Highway 97 and J Street Intersection Project, OR ..	681,800
U.S. Route 322 Corridor Safety Improvements, Centre County, PA .....	750,000
U.S. Route 33m, WV .....	400,000
U.S. Route 35, WV .....	1,948,000
U.S. Route 422 Westbound Off-Ramp Improvements at the Oaks Interchange, PA .....	1,266,200
Union Avenue Underpass over SR 183, OH .....	150,000
United States Route 17/Dominion Boulevard, VA .....	487,000
University Boulevard Widening, Clive, IA .....	300,000
University of Kentucky Academy for Community Trans- portation Innovation, KY .....	1,000,000
Upper Big Thompson Canyon Bridge Replacement, CO ..	600,000
Urban Collector Road, MS .....	2,000,000
US 16B Improvements near US 16 to near SD 79, SD ..	500,000
US 20 Corridor Improvements Toledo, OH .....	750,000
US 287 in Berthoud, CO .....	300,000
US 301, Charles County, MD .....	750,000
US 395 from Moana to Stead, NV .....	681,800
US 395 North Spokane Corridor, WA .....	400,000
US 70 Bridge Repairs, TN .....	1,500,000
US 93 Corridor and Kalspell Bypass, MT .....	2,922,000
US Highway 12, Burbank to Walla Walla, Phase 7, WA ..	400,000
US Highway 27/State Road 80 right-of-way for the re- alignment of the SR 80 and US 27 intersection, FL ..	500,000
US Highway 69 Corridor Study, Bourbon and Crawford Counties, KS .....	500,000
US HWY 287 Bypass, TX .....	500,000
US Hwy 72 Widening in Athens, AL .....	450,000
US-25 Widening, Laurel County, KY .....	750,000
US-63, MO .....	1,000,000
Valencia County's Manzano Expressway, NM .....	870,000
Vidalia Port Access Road, Vidalia, LA .....	1,461,000
Village of Owego Riverwalk, NY .....	500,000
Wadhams Road Bridge over Black River, St. Clair, MI ..	2,922,000
Warrensville/Van Aken Transit Oriented, OH .....	500,000
Washington and Prospect Street Signalization Project, MA .....	600,000
Waterfront Redevelopment Access Project, WA .....	1,948,000
Wealthy Street Extension, Grand Rapids, MI .....	500,000
West County Line Road, MS .....	1,500,000
West Grand Avenue Extension, IA .....	1,050,000
West Haven Rail Passenger Station, CT .....	974,000
West Virginia Route 10, WV .....	1,948,000
Westlake Transit Improvement, CA .....	500,000
Widening of US Highway 278 and St. Bernard Bridge, Cullman, AL .....	750,000
Widening of West International Speedway Boulevard (US-92), FL .....	600,000
Williamsport Healthy Communities—Pathways to Health Project, PA .....	750,000
Woodville Highway, Leon County, FL .....	250,000
Yonkers Avenue Improvements, NY .....	500,000
Yucca Loma Bridge/Interstate 15 Congestion Relief Project, CA .....	750,000

The conference agreement specifies that the Federal share payable on each program, project, or activity shall be 100 percent, however, the conferees recognize the importance of a local match as a sign of local support for the project. In addition, the conference agreement allows funds to be transferred to another Federal agency if so requested by a State.

#### ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY ADMINISTRATION

Section 120 retains the provision as proposed by the House and the Senate that distributes the federal-aid highways program obligation limitation.

Section 121 retains the provision as proposed by the House and the Senate that allows funds received by the Bureau of Transportation Statistics from the sale of data products to be credited to the federal-aid highways account.

Section 122 includes a provision similar to language proposed by the Senate that appropriates an additional \$650,000,000 for highway infrastructure. The conference agreement distributes this funding to the States in the same proportion as the fiscal year 2010 obligation limitation to be used for activities eligible under the Surface Transportation Program. Bill language is included that specifies that each program, project, and activity funded under this section shall be administered under the planning, environmental, and other Federal rules required under title 23, United States Code, and that the Federal share payable on each program, project, or activity shall be 80 percent. The House bill contained no similar provision.

Section 123 retains the provision as proposed by the Senate that provides require-

ments for any waiver of Buy American requirements. The House bill contained no similar provision.

Section 124 retains the provision as proposed by the House and the Senate that prohibits tolling in Texas, with exceptions.

Section 125 retains the provision as proposed by the House that clarifies funding for various projects which were included in previous appropriations Acts. The Senate bill contained no similar provision.

Section 126 retains the provision as proposed by the Senate that clarifies funding for a project in Rhode Island which was included in section 1702 of Public Law 109-59. The House bill contained no similar provision.

Section 127 retains the provision as proposed by the Senate that clarifies funding for a project in Florida which was included in section 1702 of Public Law 109-59. The House bill contained no similar provision.

Section 128 retains the provision as proposed by the Senate that clarifies funding for a project in California which was included in a previous appropriations Act. The House bill contained no similar provision.

Section 129 retains the provision as proposed by the Senate that clarifies funding for a project in Kansas which was included in section 1702 of Public Law 109-59. The House bill contained no similar provision.

Section 130 retains the provision as proposed by the Senate that clarifies funding for a project in Alabama which was included in a previous appropriations Act. The House bill contained no similar provision.

Section 131 retains the provision as proposed by the Senate that clarifies funding for a project in Nevada which was included in section 1702 of Public Law 109-59. The House bill contained no similar provision.

#### FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

##### MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

##### (LIQUIDATION OF CONTRACT AUTHORIZATION) (LIMITATION ON OBLIGATIONS) (HIGHWAY TRUST FUND)

The conference agreement includes a liquidation of contract authorization and a limitation on obligations of \$239,828,000 for the operating expenses of and motor carrier safety research by the Federal Motor Carrier Safety Administration (FMCSA), as proposed by the House instead of \$238,500,000 as proposed by the Senate. Of this limitation, \$8,543,000 is to remain available for obligation until September 30, 2012, as proposed by the Senate. The conference agreement provides funding in the following manner:

Program	Funding
Operating expenses .....	\$183,051,000
Research and technology ...	8,543,000
Information management .....	34,722,000
Regulatory development ...	9,728,000
Outreach and education ....	2,784,000
Commercial motor vehicle operators grants .....	1,000,000
Total .....	239,828,000

The conference agreement prohibits any funds relating to outreach and education from being transferred to another agency, as proposed by both the House and the Senate.

*High risk carriers.*—The conferees include bill language, as proposed by both the House and the Senate, that directs the FMCSA to report to the House and Senate Committees on Appropriations on the agency's progress in meeting the requirement to conduct compliance reviews on high risk carriers. The reports are due March 30, 2010, and September 30, 2010, as proposed by the House.

*On board data recorders.*—The conferees urge the FMCSA to issue its final rule on the use of electric on board data recorders (EOBR) to collect and maintain data on driver hours of service and accident conditions as soon as possible. Furthermore, the conferees direct the FMCSA to report to the House and the Senate Committees on Appropriation within 90 days after the enactment of this Act on the specific actions the agency will take to incentivize industry-wide use of EOBR and the metrics that will be used to measure the adoption of EOBRs installation. In addition, the conferees direct the FMCSA to report by October 1, 2010, on the success of the agency's efforts to incentivize EOBR adoption, including a review of the agency's metrics.

*Research and technology education.*—The conferees are encouraged by the FMCSA's efforts to target research and technology funding towards safety technologies that promise to reduce fatalities and improve safety. However, the conferees believe that the FMCSA should more aggressively promote these safety technologies and, therefore, direct the FMCSA to dedicate a portion of its education and outreach budget, as appropriate, to educating motor carrier operators on available safety technologies and promote those most likely to result in meaningful safety benefits.

#### MOTOR CARRIER SAFETY GRANTS (LIQUIDATION OF CONTRACT AUTHORIZATION) (LIMITATION ON OBLIGATIONS) (HIGHWAY TRUST FUND) (INCLUDING RESCISSION)

The conference agreement provides a liquidating cash appropriation and a limitation on obligations of \$310,070,000 for motor carrier safety grants, as proposed by both the House and the Senate.

The conference agreement provides funding for motor carrier safety grants as follows:

Program	Funding
Motor carrier safety assist- ance program .....	\$212,070,000
Commercial driver's li- cense (CDL) program im- provement grants .....	25,000,000
Border enforcement grants .....	32,000,000
Performance and registra- tion information system management grant .....	5,000,000
Commercial vehicle infor- mation systems and net- works deployment .....	25,000,000
Safety data improvement grants .....	3,000,000
CDL information system modernization .....	8,000,000

The conferees direct that of the funds provided for the motor carrier safety assistance program \$29,000,000 shall be distributed as grants to States and local governments for new entrant motor carrier audits, as proposed by the House and the Senate.

The conference agreement also permanently rescinds \$1,610,661 in unobligated balances, instead of \$1,530,000 as proposed by the Senate. The House bill contained no similar provision.

#### MOTOR CARRIER SAFETY (HIGHWAY TRUST FUND) (RESCISSION)

The conference agreement permanently rescinds \$6,415,501 in unobligated balances from the motor carrier safety program, instead of \$3,400,000 as proposed by the Senate. The House bill contained no similar provision.

NATIONAL MOTOR CARRIER SAFETY PROGRAM  
(HIGHWAY TRUST FUND)  
(RESCISSION)

The conference agreement permanently rescinds \$3,232,639 in unobligated balances from the national motor carrier safety program, instead of \$400,000 as proposed by the Senate. The House bill contained no similar provision.

ADMINISTRATIVE PROVISION—FEDERAL MOTOR  
CARRIER SAFETY ADMINISTRATION

Section 135 retains the provision proposed by both the House and the Senate that subjects funds appropriated in this Act to the terms and conditions of section 350 of Public Law 107-87 and section 6901 of Public Law 110-28, including that the Secretary submit a report on Mexico-domiciled motor carriers.

NATIONAL HIGHWAY TRAFFIC SAFETY  
ADMINISTRATION

OPERATIONS AND RESEARCH

The conference agreement provides \$140,427,000 from the general fund for highway and traffic safety activities, instead of \$131,986,000 as proposed by the House and \$135,803,000 as proposed by the Senate. Of this amount, a total of \$35,543,000 shall remain available until September 30, 2011.

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)  
(LIMITATION ON OBLIGATIONS)  
(HIGHWAY TRUST FUND)

The conference agreement provides an appropriation for liquidating cash of contract authorization of \$105,500,000 from the highway trust fund for payment of obligations incurred in carrying out the provisions of the highway safety research and development program as authorized by section 403 of title 23, United States Code, as proposed by the Senate instead of \$108,642,000 as proposed by the House. The conference agreement specifies that the funds are available until expended, as proposed by both the House and the Senate.

The conference agreement limits obligations from the highway trust fund to \$105,500,000 for authorized activities associated with the highway safety research and development program, as proposed by the Senate instead of \$108,642,000 as proposed by the House. Of this limitation, a total of \$26,908,000 shall remain available until September 30, 2011, and shall be in addition to any limitation imposed on obligations in future fiscal years, as proposed by the House.

The following table summarizes the total funding level provided in the conference agreement for operations and research (general fund and highway trust fund combined) by budget activity.

Salaries and benefits .....	\$72,838,000
Travel .....	1,023,000
Operating expenses .....	25,238,000
Contract programs:	
Safety performance (rulemaking) .....	21,688,000
Safety assurance (enforcement) .....	18,077,000
Highway safety programs .....	44,609,000
Research and analysis ....	62,453,000
Total .....	245,927,000

ADMINISTRATIVE EXPENSES

The conference agreement provides \$99,100,000 for the National Highway Traffic Safety Administration's (NHTSA's) salaries and benefits, travel, and other operating expenses, as requested in the budget. This funding level is sufficient to fund 527 full-

time equivalent staff years. The conferees note that NHTSA currently has 527 full-time equivalent staff years on-board because the agency has hired additional personnel in advance of its appropriation for fiscal year 2010. The conferees direct the agency to refrain from this practice in the future and encourage the agency to provide better justification for any additional positions in future budget requests.

SAFETY PERFORMANCE (RULEMAKING)

Consistent with the budget request, the conference agreement provides \$21,688,000 for NHTSA's safety performance standards (rulemaking) programs to fund the following activities:

Safety standards support ..	\$2,300,000
New car assessment program .....	10,393,000
Fuel economy program .....	8,900,000
Climate control .....	20,000
Theft control and other programs .....	75,000
Total .....	21,688,000

SAFETY ASSURANCE (ENFORCEMENT)

Consistent with the budget request, the conference agreement provides \$18,077,000 for the agency's safety assurance (enforcement) programs to fund the following activities:

Vehicle safety compliance	\$8,096,000
Safety defects investigations .....	9,829,000
Odometer fraud investigations .....	152,000
Total .....	18,077,000

HIGHWAY SAFETY PROGRAMS

The conference agreement provides the following amounts for highway safety programs:

Impaired driving .....	\$11,456,000
Drug impaired driving .....	1,488,000
Safety countermeasures ....	4,345,000
National occupant protection .....	10,282,000
Enforcement and justice services .....	3,501,000
Emergency medical services .....	2,144,000
Enhance 9-1-1 activities ....	1,250,000
NEMSIS implementation ..	1,500,000
Driver licensing .....	1,002,000
Highway safety research ...	7,541,000
International activities in behavioral traffic safety .....	100,000
Total .....	44,609,000

*Impaired driving.*—The conferees include \$1,250,000, which is \$250,000 more than the budget request, to support NHTSA's partnership with leading automobile manufacturers in the Automotive Coalition for Traffic Safety (ACTS) to develop alcohol detection technologies that could be installed in a vehicle to prevent drunk driving. This additional funding is for the development of advanced alcohol detection technologies that are less intrusive and hold the most promise for being accepted by the general public.

RESEARCH AND ANALYSIS

The conference agreement provides the following amounts for research and analysis:

Safety systems .....	\$8,226,000
Biomechanics .....	11,000,000
Heavy vehicles .....	2,115,000
Crash avoidance and human-vehicle performance .....	8,104,000
Hydrogen fuel cell and alternative fuel vehicle system .....	4,500,000

National Center for Statistics and Analysis:

Traffic records .....	1,650,000
Fatality analysis reporting system .....	8,472,000
National automotive sampling system .....	12,530,000
State data systems .....	2,490,000
Special crash investigations .....	1,700,000
Data analysis program ...	1,666,000
Total, Research and Analysis .....	62,453,000

*Hydrogen fuel cell and alternative fuel vehicle system.*—The conferees provide \$4,500,000 for research into the safety of vehicles that use alternative fuels, instead of \$1,000,000 as proposed by the House and \$10,000,000 as proposed by the Senate. The funding provided for alternative fuels research shall be used for safety and other related research for vehicles that operate on alternative fuel vehicle technologies, such as lithium ion battery technology, compressed natural gas fuel tanks, hydrogen, fuel cell, and other alternative fuel vehicles.

NATIONAL DRIVER REGISTER

(LIQUIDATION OF CONTRACT AUTHORIZATION)  
(LIMITATION ON OBLIGATIONS)  
(HIGHWAY TRUST FUND)

The conference agreement provides a liquidating cash appropriation of \$4,000,000 for the national driver register and specifies that the funds are available until expended, as proposed by both the House and the Senate.

The conference agreement also limits obligations from the highway trust fund for the national driver register to \$4,000,000, as proposed by both the House and the Senate.

NATIONAL DRIVER REGISTER MODERNIZATION

The conference agreement provides \$3,350,000 for the modernization of the national driver register and specifies that these funds are to remain available until September 30, 2011, as proposed by both the House and the Senate.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)  
(LIMITATION ON OBLIGATIONS)  
(HIGHWAY TRUST FUND)

The conference agreement provides \$619,500,000 to liquidate contract authorizations for highway traffic safety grants to remain available until expended, as proposed by both the House and the Senate.

The conference agreement also limits obligations for highway traffic safety grants to \$619,500,000, as proposed by both the House and the Senate. The conference agreement includes separate obligation limitations for each of the agency's safety grant programs and specifies that the limitation provided for safety belt performance grants shall remain available until September 30, 2011, and shall be in addition to any limitation imposed on obligations in future fiscal years, as proposed by both the House and the Senate.

ADMINISTRATIVE PROVISIONS—NATIONAL  
HIGHWAY TRAFFIC SAFETY ADMINISTRATION  
(INCLUDING RESCISSIONS)

Section 140 retains the provision as proposed by both the House and the Senate that provides funding for travel and related expenses for State management reviews and highway safety core competency development training.

Section 141 retains the provision as proposed by both the House and the Senate that exempts obligation authority that was made available in previous public laws for multiple

years from limitations on obligations for the current year.

Section 142 retains the provision proposed by the Senate that rescinds unobligated contract authority authorized from the highway trust fund for NHTSA's operation and research activities that will not be available for obligation because of limitations on obligations imposed on those funds in previous acts. The House bill contained no similar provision.

Section 143 retains the provision proposed by the Senate that rescinds unobligated contract authority authorized from the highway trust fund for NHTSA's highway safety grant programs that will not be available for obligation because of limitations on obligations imposed on those funds in previous acts. The House bill contained no similar provision.

#### FEDERAL RAILROAD ADMINISTRATION

##### SAFETY AND OPERATIONS

The conference agreement provides \$172,270,000 for safety and operations of the Federal Railroad Administration (FRA) instead of \$172,533,000 proposed by the House and \$171,770,000 proposed by the Senate. Of the funds provided, \$12,300,000 is available until expended as proposed by the Senate.

*Rail Safety Improvement Act of 2008.*—Within the total funding \$1,500,000 is included to hire 9 FTEs for fiscal year 2010 to implement the regulatory and programmatic requirements of the Rail Safety and Improvement Act of 2008, Public Law 110-432, instead of \$3,000,000 and 17.5 FTE as proposed by the House.

*Next Generation Corridor Equipment Pool Committee.*—Also within the total is \$2,000,000 for grants to Amtrak and States for participation in the Next Generation Corridor Equipment Pool Committee that was authorized under section 305 of the Passenger Rail Investment and Improvement Act, instead of \$3,000,000 as proposed by the Senate.

##### RAILROAD RESEARCH AND DEVELOPMENT

The conference agreement provides \$37,613,000 for railroad research and development, instead of \$37,145,000 as proposed by the House and \$34,145,000 as proposed by the Senate. Within the funds provided, the following projects are recommended:

Caltrain—Positive Train Control System, CA .....	\$1,250,000
Constructed Facilities Center at West Virginia University, WV ..	243,500
Metrolink—Positive Train Control, CA .....	487,000
PEERS Rail Grade Crossing Safety, Statewide, IL .....	487,000

*Rail-highway crossing hazard eliminations.*—The following funding allocations for rail-highway grade crossing projects and activities authorized under section 1103(f) of Public Law 109-59 are recommended:

Altamont Commuter Express Alignment Project, CA .....	\$300,000
Eastern Guilford Crossing Safety Rail Project, NC .....	300,000
Empire Corridor West Rail-Highway Grade Crossing Improvements, Genesee County, NY .....	750,000
Empire Corridor West Rail-Highway Grade Crossing Improvements, Onieda County, NY .....	1,000,000
Empire Corridor West Rail-Highway Grade Crossing Improvements, Wayne County, NY .....	1,000,000
Metrolink Sealed Corridor Grade Crossing Improvements Los Angeles Ventura Subdivision, CA .....	400,000
Simi Valley-Moorpark Ventura Subdivision Grade Crossing Improvements—Metrolink, CA .....	750,000

Additional funds provided beyond the budget request and the projects listed above may be used for studies and research authorized under Public Law 110-432.

##### RAIL LINE RELOCATION AND IMPROVEMENT PROGRAM

The conference agreement provides a total of \$34,532,000 for the rail line relocation and improvement program authorized by section 20154 of title 49, instead of \$40,000,000 as proposed by the House and \$25,000,000 as proposed by the Senate. Funds are directed to the following projects:

Blue Ridge and KC Southern Railroad Rail Line Rehabilitation and Improvement, MO .....	\$800,000
Coos County Rail Safety Upgrades, Coos County, NH .....	800,000
Detroit/Wayne County Port Authority Rail Access Improvement Program, MI .....	500,000
Grade Crossing Mitigation, Galesburg, IL .....	2,922,000
Grade Separated Railroad Crossing, TX .....	500,000
Hoquiam Horn Spur Railroad Track Improvement Project, WA .....	350,000
Industrial Park Rail Project, Greene County, AL .....	400,000
Minnesota Valley Regional Rail Authority Rehabilitation Project, MN .....	1,000,000
North Rail Relocation Project, Cameron County, TX .....	400,000
Ogden Avenue Grade Separation, Aurora, IL .....	1,000,000
Port of Alexandria Rail Spur, City of Alexandria, LA .....	487,000
Port of Monroe Dock and Industrial Park, Monroe County, MI .....	500,000
Rail Safety Improvements, Tualatin, OR .....	250,000
Rail Spur Extension, Greater Ouachita Parish, LA .....	2,000,000
Railroad Overpass, Blytheville, AR .....	500,000
Railway-Highway Grade Crossing Mitigation, Northeastern IL .....	1,948,000
Sacramento Intermodal Transportation Facility Rail Relocation, CA .....	750,000
Salem County Short Rail Line Rehabilitation, NJ .....	750,000
Shelby Intermodal Hub, MT .....	974,000
South Orient Rail Line Rehabilitation in San Angelo, TX .....	1,000,000
South Orient Railroad Rehabilitation, TX .....	1,000,000
Southern Rail Corridor, MN .....	487,000
Springfield Rail Relocation, IL .....	250,000
Transbay Transit Center, CA .....	750,000
Waterfront Rail Reconstruction Project: Kawasaki SWIMO, NY .....	779,200
West Freight Access Project, WA .....	2,922,000
West Wye Rail Line Relocation, City of Springfield, MO .....	500,000

##### RAILROAD SAFETY TECHNOLOGY PROGRAM

The conference agreement provides \$50,000,000 to implement the railroad safety technology program authorized in the Rail Safety Improvement Act of 2008 as proposed by the Senate. The House did not propose funding for this account. The conference agreement provides that to be eligible for assistance, an entity need not have developed plans required under 49 U.S.C. 20156(e)(2) and 20157. However, in order to qualify for a grant under this program, all applicants must demonstrate that they are currently developing the required plans.

##### CAPITAL ASSISTANCE FOR HIGH SPEED RAIL CORRIDORS AND INTERCITY PASSENGER RAIL SERVICE

The conference agreement provides \$2,500,000,000 for grants to support intercity rail service and high speed rail corridors instead of \$4,000,000,000 as proposed by the House and \$1,200,000,000 as proposed by the Senate.

*Additional High-Speed Rail Projects.*—Section 502 of the Passenger Rail Investment and Improvement Act of 2008 authorized a program to establish public-private partnerships in high-speed rail development in eleven specific corridors. The conference agreement does not specifically include \$5,000,000 for this purpose as proposed by the House. However, the conferees urge the Secretary and FRA to meet the intent of advancing high speed rail along the eleven named corridors through the funds provided in this and other Acts.

*Infrastructure Bank.*—The conferees delete language proposed by the House which allowed high speed rail funds to be transferred for the creation of a National Infrastructure Bank if authorized prior to September 30, 2010. The Administration proposed the creation of a National Infrastructure Bank as a potential financing mechanism for a broad range of infrastructure needs including, within the realm of transportation, intermodal freight and passenger facilities; port infrastructure projects; public-private partnerships; and aircraft equipment requirements associated with the implementation of NextGen aviation technology. The conferees support strong investment in transportation infrastructure. However, given that this is a new and complex endeavor, the conferees believe that this proposal requires careful review and should be considered through the normal authorization process.

##### NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK)

The conference agreement provides a total of \$1,564,625,000 for the operations, capital improvements and debt service to the National Railroad Passenger Corporation (Amtrak).

##### OPERATING GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

The conference agreement provides \$563,000,000 in operating grants to Amtrak instead of \$553,348,000 as proposed by the House and the Senate. Such funds are available until expended, as proposed by the Senate.

*OIG savings reports.*—The conference agreement modifies the House and Senate bills and requires the Department of Transportation (DOT) IG to provide semiannual reports to the House and Senate Committees on Appropriations on the estimated savings accrued as a result of all operation reforms instituted by Amtrak as well as any possibilities for future savings.

*Business plan.*—The conference agreement modifies language included in the House and Senate bills and requires Amtrak to provide semiannual reports in electronic format regarding the pending business plan as well as progress against the milestones and target dates contained in its financial performance improvement plan provided in fiscal year 2009.

*Reduced fares.*—The conference agreement directs Amtrak to report semi-annually on fares reduced by fifty percent or more from the normal, peak fare rather than quarterly as proposed by the House.

*Human emulation technology.*—The conference agreement provides \$3,000,000 for Amtrak to deploy and study the use of human

emulation technology rather than \$5,000,000 as was proposed by the Senate. The House did not provide funding for this purpose.

#### CAPITAL AND DEBT SERVICE GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

The conference agreement provides \$1,001,625,000 for capital and debt service payment grants to Amtrak as proposed by the Senate, instead of \$929,625,000 as proposed by the House. Such funds are available until expended, as proposed by the Senate. Within the funds provided, the conference agreement includes \$264,000,000 for Amtrak's debt service payment as proposed by the House and the Senate. The agreement modifies the Senate bill and requires that grants made after the first \$200,000,000 be provided only on a reimbursable basis.

**Americans with Disabilities Act.**—Under its six-year plan for compliance with the Americans with Disabilities Act (ADA), Amtrak would invest \$144,000,000 during fiscal year 2010 for necessary capital investments. The conferees direct Amtrak to maintain this plan for complying with the requirements of ADA. The conferees also direct Amtrak to provide quarterly status reports on its ADA improvements and progress on the six-year plan.

#### ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD ADMINISTRATION

Section 151 retains a provision that permits FRA to purchase promotional items for Operation Lifesaver as proposed by the House and Senate.

Section 152 retains a provision that ceases the availability of Amtrak funds if the railroad contracts for services outside the United States for any service performed by a full-time or part-time Amtrak employee as of July 1, 2006 as proposed by the House and Senate.

Section 153 retains a provision that allows FRA to receive and use cash or spare parts to repair, and replace damaged track inspection cars as proposed by the House and Senate.

Section 154 requires the FRA Administrator to submit quarterly reports to the Committees on Appropriations on Amtrak on-time performance as proposed by the House and Senate.

Section 155 clarifies funding for a project in California provided in the FY 2009 Appropriations Act, as proposed by the House.

Section 156 clarifies funding for a project in New York provided in the FY 2008 Appropriations Act, as proposed by the Senate.

Section 157 clarifies funding for a project in Washington provided in the FY 2009 Appropriations Act as proposed by the Senate.

Section 158 modifies language for a railroad feasibility study in Springfield, IL proposed by the Senate.

Section 159 modifies a provision proposed by the Senate requiring Amtrak to allow the transportation of firearms and ammunition in checked baggage.

#### ADMINISTRATIVE EXPENSES

The conference agreement provides \$98,911,000 for the administrative expenses of the Federal Transit Administration (FTA) instead of \$97,478,000 as proposed by the House and Senate. The conference agreement specifies that no more than \$1,809,000 shall be provided for travel.

The conference agreement directs FTA's operating plan to include a specific allocation of administrative expenses resources, including a delineation of full time equivalent employees, as proposed by the House. The conference agreement also requires transfers exceeding 5 percent to be approved by the House and Senate Appropriations

Committees through the reprogramming process as proposed by the Senate.

#### FORMULA AND BUS GRANTS (LIQUIDATION OF CONTRACT AUTHORITY) (LIMITATION ON OBLIGATIONS) (HIGHWAY TRUST FUND)

The conference agreement limits obligations from the Mass Transit Account for the formula and bus grant program to \$8,343,171,000 as proposed by the House and Senate. The conferees acknowledge that the specific programmatic distribution of formula and bus grant funds will be determined through legislation extending or reauthorizing the surface transportation programs. The conference agreement includes a liquidating cash appropriation of \$9,400,000,000.

**Bus and bus facilities.**—Within the funds provided for bus and bus facilities, the FTA is directed to allocate funds to the following priorities:

Project Name	amount
40' Fixed Route Transit Buses, DE .....	\$974,000
Ablene Paratransit buses, TX .....	200,000
ACE Boulder Highway Rapid Transit Project, NV .....	750,000
Advanced Transit Program/METRO Solutions Bus Expansion, Houston, TX .....	1,420,000
Albany Heavy-Duty Buses, GA .....	500,000
Albany Transit Multimodal Transportation Center, GA .....	1,500,000
Allegan County Facility Improvement and Bus Replacement, MI .....	383,000
Allegheny County Hybrid Buses, PA .....	700,000
Alternative Fuel SolanoExpress Bus Replacement, Solano, CA .....	500,000
Ames Intermodal Facility, IA .....	350,000
Ames Transit Facility Expansion, IA .....	750,000
Anaheim Regional Transportation Intermodal Center (ARTIC), Anaheim, CA .....	725,000
Anchorage People Mover, AK .....	750,000
Area Transportation Authority of North Central PA, Rolling Stock .....	360,000
Arverne East Transit Plaza, Queens, NY .....	500,000
Audubon Area Community Services, bus facility, Owensboro, KY .....	1,350,000
Automotive-Based Fuel Cell Hybrid Bus Program, DE .....	487,000
Barry County Transit, Vehicle Equipment Replacement and Building Repair, Hastings, MI .....	127,200
BARTA Transportation Complex Franklin Street Station facilities, PA .....	250,000
Beloit Transit System bus and bus facilities, Beloit, WI .....	150,000
Benzie Transportation Authority Bus & Bus Facilities, Honor, MI .....	1,000,000
Big Rapids Dial-A-Ride—Replacement buses, MI .....	250,000
Bob Hope Airport Regional Transportation Center, Burbank, CA .....	550,000
Brawley Transfer Terminal Transit Station, Brawley, CA .....	300,000
Bridgeport Intermodal Transportation Center, CT .....	2,435,000
Broward County Transit Infrastructure Improvements, FL .....	500,000
Bryan Multi-Modal Transit Terminal and Parking Facility, TX .....	400,000
Bus Acquisition—Sun Metro, El Paso, TX .....	1,000,000
Bus and bus facilities, Kansas City, KS .....	600,000
Bus Facility Renovation, Oklahoma City, OK .....	1,000,000
Bus Replacement, Akron, OH .....	500,000
Bus Shelter Replacement, Bal Harbour, FL .....	250,000
Buses and Bus Facility Improvement, Baldwin County, AL .....	275,000
Cache Valley Transit District Expansion, UT .....	2,000,000
CAD/AVL Bus Communications System for the Livingston Area Transportation Service, Livingston County, NY .....	700,000
Cadillac/Wexford Transit Authority, replacement buses, Cadillac, MI .....	300,000
Cape Ann Transportation Authority (CATA) buses and fare boxes, MA .....	500,000
Capital Area Transit (CAT) System Operations and Maintenance Facility, Raleigh, NC .....	750,000
Capital Metro—Bus & Bus Facilities, Austin, TX .....	2,000,000
Capitol Area Transportation Authority Buses and Bus Facilities, Lansing, MI .....	500,000
Cedar Avenue Bus Rapid Transit, Phase I, Dakota County, MN .....	681,800
Centre Area Transportation Authority CNG Articulated Transit Buses, PA .....	300,000
Chatham Area Transit Bus and Bus Facilities, Savannah, GA .....	2,525,000
Chemung County Transit Intelligent Transportation System, NY .....	500,000
Chittenden County Transportation Authority Buses, Equipment, and Facilities, Including Downtown Burlington Transit Center Design, VT .....	1,948,000
Chuckanut Park and Ride Facility, Skagit County, WA .....	400,000
Cities of Salem and Beverly intermodal station improvements, MA .....	700,000
City of Belding Dial-A-Ride, Bus Facilities Replacement Equipment, MI .....	63,000
City of Belflower bus shelters, CA .....	500,000
City of Corona Dial-A-Ride Bus Replacement, CA .....	208,000
City of Dinuba CNG Fueling Station Expansion, CA .....	779,200
City of Doral Transit Circulator Program, FL .....	350,000
City of Hawaiian Gardens bus shelters, CA .....	200,000

Project Name	amount
City of Imperial Downtown Transportation Park, CA .....	974,000
City of Ionia, Dial-A-Ride Facility Improvements, MI .....	100,000
City of Lubbock/Citibus, bus purchases, TX .....	750,000
City of Miramar Multi Service Center and Transit Hub, FL .....	500,000
City of Roma Bus Terminal, TX .....	300,000
City of Whittier bus shelters, CA .....	495,000
Clare County Transit—New Facility, MI .....	496,000
Clean Fuel Downtown Transit Circulator, Houston, TX .....	800,000
Clean-fueled technology buses, Onondaga County, NY .....	300,000
Clearwater Downtown Intermodal Terminal, St. Petersburg, FL .....	1,250,000
CNG Bus Replacement, The Fort Worth "T" Transportation Authority, Fort Worth, TX .....	885,400
Colonial Intermodal Facility, Bluefield, WV .....	600,000
Colorado Transit Coalition Statewide Bus & Bus Facilities, CO .....	2,641,500
Columbia County Multi-Modal Transit Facility, OR .....	800,000
Commuter Bus Replacement, Charleston, SC .....	1,000,000
Concho Valley Multi-modal Terminal, TX .....	250,000
Coralville Intermodal Facility, Coralville, IA .....	750,000
Corpus Christi Regional Intermodal Transit Facility, Robstown, TX .....	500,000
Corvallis Transit Bus Purchase, OR .....	600,000
C-Tran Transit Vehicle Replacement, WA .....	1,850,600
Deerfield Valley Transit Association Facilities, Buses, and Equipment, VT .....	584,400
Eaton County Transportation Authority bus and bus facilities, Eaton County, MI .....	1,000,000
Ed Roberts Campus bus and bus facilities, Berkeley, CA .....	250,000
Electric Hybrid Bus Upgrade Grants, IN .....	2,400,000
Erie Mass Transit Authority consolidation and transit facility, PA .....	1,400,000
Fayetteville Multimodal Transportation Center, NC .....	400,000
Fond du Lac Area Transit bus and bus facilities, WI .....	308,000
Frankfort Transit Bus Facilities, KY .....	275,000
Galveston transit vehicle replacement, TX .....	500,000
Great Falls Transit District Bus Replacements, MT .....	974,000
Green Bay Metro Transit bus and bus facilities, Green Bay, WI .....	1,100,000
Green Vehicle Depot, North Hempstead, NY .....	600,000
GRTC Down Multimodal Center, Richmond, VA .....	450,000
Hampton Roads Transit Bus Acquisition, Hampton, VA .....	1,450,000
Harbor Point Bus Expansion, CT .....	487,000
Harrisburg Transportation Center trainshed rehabilitation phase II improvements, PA .....	400,000
Harrison County Multimodal, MS .....	2,000,000
HART Bus and Paratransit Acquisition, FL .....	500,000
Hobbs Transit Intermodal Facility, Hobbs, NM .....	900,000
Idaho Transit Coalition Bus & Bus Facilities, ID .....	1,000,000
Indianapolis ADA Compliant Bus Facility, Michigan and 71st St, IN .....	500,000
IndyGo Bus Replacement, IN .....	300,000
Intercity Transit Vehicle Acquisition, WA .....	1,735,200
Intermodal Transit Facility/East Chestnut Street Garage, Washington County, Pennsylvania .....	625,000
Jamaica Intermodal Station Plaza, NY .....	584,400
JATRA Fleet Replacement, MS .....	500,000
KCATa Bus Replacement, MO .....	2,000,000
Knoxville-Knox County CAC Transportation, TN .....	500,000
Lake Cumberland Community Action Agency, bus equipment, KY .....	70,000
Lakeland Area Mass Transit District Bus Replacement and Facility Maintenance, FL .....	200,000
League City Park and Ride Facilities, TX .....	750,000
Lincoln Center Corridor Redevelopment Project, New York, NY .....	500,000
Link Transit Vehicle Acquisition, WA .....	2,496,700
Illinois Downstate Bus & Bus Facilities, IL .....	3,896,000
Loop 101—Scottsdale Road Park and Ride, Scottsdale, AZ .....	500,000
Los Angeles Central Avenue Streetscape bus shelters and lighting, CA .....	700,000
Lufkin Veterans Clinic Shuttle capital cost of contracting, TX .....	300,000
LYNX Buses, Orlando, FL .....	1,500,000
Lynx's Central Station improvements, Orlando, FL .....	550,000
Madison County Transit District Bus Replacement, IL .....	600,000
Madison Metro Transit bus and bus facilities, Madison, WI .....	150,000
Maine Statewide Bus and Bus Facilities .....	300,000
Marble Valley Regional Transit District Buses, Facilities, and Equipment, VT .....	1,461,000
Marshalltown Bus Replacement, IA .....	315,000
MART North Leominster Commuter Rail Station Parking Structure, Leominster, MA .....	2,500,000
MARTA Acquisition of Clean Fuel Buses, GA .....	4,000,000
McBean Regional Transit Center Park & Ride Facility, CA .....	300,000
Metro St. Louis—Downtown Transfer Center, MO .....	1,150,000
Metropolitan Tulsa Transit Authority, bus purchase, Tulsa, OK .....	750,000
Midland County Connection—Bus Replacement, MI .....	203,000
Milwaukee County Buses, WI .....	500,000
Minneapolis Intermodal Station, MN .....	500,000
Monrovia Station Square Transit Village, CA .....	750,000
Morgan County System of Services, transit vans for HANDS Home Shelter for Girls, AL .....	50,000
Mt. Hope Station Transit Center, NY .....	800,000
Multi-Modal Parking Hub, Glen Cove, NY .....	500,000
Multimodal University Hub, Cincinnati, OH .....	1,000,000
Municipal Transit Operators Coalition (MTOC) Bus/Bus Facility Improvement Project, CA .....	550,000
Newark Penn Station Intermodal Improvements, NJ .....	1,948,000
Newton Rapid Transit Handicap Accessibility, MA .....	1,000,000
Normal Multimodal Transportation Center, Normal, IL .....	250,000
North Dakota Statewide Transit, ND .....	1,461,000
Northern New Jersey Intermodal Improvements .....	2,550,000
Northstar Phase II Commuter Buses, MN .....	97,400
Norwalk/Santa Fe Springs Transportation Center Improvements, Santa Fe Springs, CA .....	500,000

Project Name	amount
Ohio Clean & Green Statewide Bus Replacement Program, OH .....	692,200
Orbit Neighborhood Circulator, Tempe, AZ .....	500,000
Pace Chicago Paratransit Vehicles, IL .....	1,300,000
Pace Milwaukee Avenue Transit Infrastructure Enhancements, IL .....	400,000
Pace Transit Information Signage, Harvey and Chicago Heights, IL .....	440,000
Pace transit infrastructure for Randall Road, Kane County, IL .....	800,000
Pacific Transit Vehicle Replacement, WA .....	250,000
Palm Tran Park and Ride Facilities, FL .....	800,000
Palmdale Transportation Center Train Platform Extension, Palmdale, CA .....	370,000
Passaic/Bergen County Intermodal Facilities, NJ .....	800,000
Pennyrail Allied Community Services, bus facilities, KY .....	500,000
Pierce Transit Diesel-Electric Bus Acquisition, WA .....	1,272,700
Pioneer Valley Transit Authority Bus Replacement Program, Pioneer Valley Transit District, MA .....	750,000
Port Angeles Gateway International Multi-modal Transportation Center, WA .....	550,000
Port of Anchorage Intermodal Expansion Project, AK .....	487,000
Potomac and Rappahannock Transportation Commission Western Maintenance Facility, VA .....	1,000,000
Purchase Hybrid Buses, Lehigh and Northampton Transportation Authority (LANTA), PA .....	615,250
Rabbitransit Bus Facility, PA .....	250,000
Ramapo Friends Helping Friends Medical Vans, NY .....	135,000
Reconstruction of the University Circle Rapid Station, OH .....	2,000,000
Regional Intermodal Terminal Center, JTA, Jacksonville, FL .....	400,000
Regional Transportation Management System, San Diego, CA .....	800,000
Rhode Island Senior Transportation buses, RI .....	300,000
Richmond Express (REX) Transit Centers, Fairfax County, VA .....	500,000
Riehle Plaza Transportation Improvements for CityBus, Lafayette, IN .....	450,000
Riverside Transit Agency Bus Replacement Program, CA .....	1,400,000
Roscomman County Transportation Authority—Replacement buses, MI .....	700,000
RTS Bus Replacement, City of Gainesville, Alachua County, FL .....	750,000
Rural Bus Program for Hawaii, Maui and Kauai, HI .....	3,419,400
Saginaw Transit Authority Regional Services Bus and Bus Facilities Project, Saginaw, MI .....	500,000
San Joaquin Regional Operations Facility Construction, CA .....	500,000
San Jose High Volume Bus Stop Upgrades, Santa Clara County, CA .....	600,000
Scottsdale Intermodal Center, AZ .....	500,000
Senior Center Buses, Guadalupe, AZ .....	150,000
Senior Transportation Program, AL .....	2,000,000
Silverton Senior and Disabled Transportation Service, OR .....	38,404
SMART Alternative Fuel Vehicles, MI .....	1,500,000
South Amboy Intermodal Station, NJ .....	500,000
South Bay Regional Intermodal Transit Centers, CA .....	800,000
Southern Maryland Commuter Bus Initiative .....	1,250,000
Southwest Ohio Regional Transit Authority hybrid bus replacement, OH .....	400,000
Spokane Transit Diesel-Electric Hybrid Bus Acquisition, WA .....	1,266,200
St. Petersburg Central Avenue Bus Rapid Transit, FL .....	500,000
StarMetro Buses, Tallahassee, FL .....	1,000,000
State of Arkansas—Bus and bus facilities, AR .....	1,300,000
Statewide (Rural and Urban) Bus & Bus Facilities, KS .....	2,000,000
Statewide Bus & Bus Facilities for Commuter Choice, NM .....	1,948,000
Statewide Bus & Bus Facilities, IA .....	3,405,800
Statewide Bus & Bus Facilities, MO .....	2,000,000
Statewide Bus & Bus Facilities, SD .....	487,000
Statewide Bus Replacement, RI .....	487,000
Stone Avenue Train Station, La Grange, IL .....	700,000
Suffolk County bus and bus facilities, NY .....	600,000
SunLine Transit Agency paratransit buses and commuter coaches, CA .....	750,000
Tacoma Intermodal Transit Center, WA .....	974,000
TARTA Bus and Bus Facilities, OH .....	1,000,000
Tennessee Public Transit Administration Rural Transportation Project .....	800,000
Tennessee Statewide Bus Program, TN .....	6,625,000
The District Capital Cost of Contracting, Montgomery County, TX .....	1,000,000
The Rapid, Wealthy Operations Center Expansion Project, Grand Rapids, MI .....	1,948,000
Thompsonville Intermodal Transportation Center, CT .....	974,000
Tinley Park 80th Avenue Metra Station Development, IL .....	700,000
Transit Authority of Northern Kentucky Bus Replacement Project, KY .....	1,850,000
Transit Capitol Requests, Oklahoma City, OK .....	1,400,000
Transit Facility and Bus Apron Access Construction along US 1, Key West, FL .....	1,000,000
Transit Facility for LKLP Communicat Action Council in West Liberty, KY .....	1,000,000
Transit Maintenance Garage Initiative, IA .....	681,800
Transit Vehicle and Related Equipment, MO .....	1,000,000
Troy/Birmingham Multi-Modal Transit Center, MI .....	1,300,000
U.S. Space and Rocket Center Transportation Request, Huntsville, AL .....	1,600,000
Union City Intermodal Station, Phases 1C and 2, CA .....	500,000
Union Station Intermodal Transit Center, Washington, DC .....	500,000
Union Station Intermodal, Pottsville, PA .....	400,000
Vacaville Intermodal Station—Phase 2, CA .....	500,000
Veterans Home Handicapped-Accessible Bus and Handicapped-Accessible Van, Juana Diaz, PR .....	130,000
VIA Metropolitan Transit BRT improvements, San Antonio, TX .....	500,000

Project Name	amount
VIA Metropolitan Transit Bus Maintenance Facility Improvements, San Antonio, TX .....	300,000
VIA Metropolitan Transit Bus US 281/Loop 1604 Area Park & Ride, San Antonio, TX .....	750,000
Virgin Islands, Bus and Bus Facilities, VI .....	200,000
VIA Renewable Energy Conversion Project, San Jose, CA .....	750,000
Washoe County Bus & Bus Facilities, NV .....	615,250
Waterbury Intermodal Transportation Center, CT .....	500,000
West Seattle RapidRide and Hybrid Bus Program, Seattle, WA .....	600,000
Western Kentucky University Shuttle Bus Improvement Project, KY .....	1,200,000
Whatcom Transportation Authority Fleet Replacement Project, WA .....	974,000
Wilkes-Barre Intermodal Transportation Center, PA .....	600,000
Winter Haven/Polk County Buses, FL .....	200,000
Wisconsin Bus Capital on Behalf of Transit Agencies Statewide, WI .....	3,409,000
Wonderland Intermodal Improvements, MA .....	750,000

The conferees encourage FTA to utilize a portion of the remaining discretionary funds for energy efficient bus and bus facility projects.

*Alternatives analysis.*—The FTA is directed to allocate funds to the following alternatives analysis projects:

Project name	Amount
Bottineau Transitway, MN .....	\$250,000
Central Kentucky Mass Transit Alternatives Analysis, KY .....	300,000
C-TRAN High Capacity Transit—Alternatives Analysis, WA .....	1,704,500
Downtown L.A. Streetcar Environmental Review, CA .....	250,000
Enhanced Transit Service—Route 7 Corridor, VA .....	350,000
Green Line Extension, MA .....	300,000
Hudson-Bergen MOS-2, Northern NJ .....	400,000
I-10 West Corridor Light Rail Extension, Phoenix, AZ .....	1,000,000
Interstate 20-East Transit Corridor Alternatives/Environmental Analysis, Atlanta, GA .....	300,000
Interstate 94 Transit Corridor—St. Paul to Eau Claire, Alternatives Analysis and Environmental Assessment, Ramsey County, MN .....	250,000
Lehigh Valley Bus Rapid Transit Analysis, PA .....	360,000
Naval Station Norfolk/Virginia Beach Light Rail Study, VA .....	979,200
New Haven-Hartford-Springfield Rail Line Improvements, CT .....	3,896,000
Northwest New Jersey—Northwest Pennsylvania Passenger Rail Project, NJ/PA .....	974,000
Pace J-Route Bus Rapid Transit, IL .....	360,000
Puyallup Bus Rapid Transit Project—Alternatives Analysis, WA .....	1,461,000
Route 8 Corridor Transit Oriented Development & Alternate Modes Study, CT .....	300,000
SE King County Commuter Rail and Transit Centers Feasibility Study, WA .....	360,000
South Central Avenue Light Rail Feasibility Study, Phoenix, AZ .....	400,000
South Davis Street Car, Salt Lake City, UT .....	360,000
The Rapid Streetcar Alternative Analysis Study, MI .....	360,000
Transportation study for the Texas Medical Center, Houston, TX .....	1,000,000

#### RESEARCH AND UNIVERSITY RESEARCH CENTERS

The conference agreement provides \$65,670,000 from the General Fund for FTA's research activities as proposed by the House instead of \$67,670,000 as proposed by the Senate. Of the amounts provided, \$4,300,000 is for the National Transit Institute, \$10,000,000 is for transit cooperative research programs and \$7,000,000 is for the university centers program.

*Asset management.*—The conference agreement includes \$5,000,000 to develop asset management plans, technical assistance, data collection and a pilot program as proposed by the Senate. The House did not include similar language. The conferees expect the pilot program to include transit agencies that vary in size and direct FTA to report findings to the House and Senate Committees on Appropriations within 18 months of enactment.

Of the remaining funds provided for national research programs, FTA is directed to allocate funds to the following activities:

Community Transportation Association of America Joblinks, nationwide .....	\$1,000,000
Metropolitan Area Transportation Operations and Coordination, MD .....	200,000
Project TRANSIT, Philadelphia, PA .....	300,000

#### CAPITAL INVESTMENT GRANTS (INCLUDING TRANSFER OF FUNDS)

The conference agreement provides \$2,000,000,000 from the General Fund for capital investment grants instead of \$1,827,343,000 as proposed by the House and \$2,307,343,000 as proposed by the Senate.

The conference agreement directs the Office of the Inspector General to continue transit oversight activities in fiscal year 2010.

*New starts and small starts.*—Within the funds provided, FTA is directed to allocate funds to the following projects:

Project Name	amount
Ann Arbor—Detroit Regional Rail Project, Detroit, MI ..	3,500,000
Assembly Square Orange Line Station, MA .....	1,000,000
Baltimore Red Line, MD .....	3,000,000
Bellevue-Redmond BRT, King County, WA .....	9,368,193
Berkeley-Oakland-San Leandro Bus Rapid Transit Corridor Improvements Project in Alameda County, CA ..	1,000,000
Central Corridor Light Rail Transit Project, MN .....	2,000,000
Central Florida Commuter Rail Transit, Orlando, FL .....	40,000,000
Central Phoenix/East Valley Light Rail, Phoenix, AZ .....	61,249,903
Charlotte Streetcar Project, NC .....	500,000
Chicago Transit Hub (Circle Line), IL .....	1,500,000
City of Charlotte, Charlotte Area Transit System's [CATS] Blue Line Extension—Northeast Corridor Project, NC .....	14,700,000
Commuter Rail Improvements, Fitchburg, MA .....	37,452,000
CTA Red Line North Station, Track, Viaduct and Station Rehabilitation, IL .....	7,500,000
Draper Light Rail, UT .....	10,000,000
Dulles Corridor Metrorail Project Extension to Wiehle Avenue, Washington, DC .....	85,000,000
Fort Lauderdale—The Downtown, Transit Corridor Program, Downtown Transit Circulator, FL .....	500,000
Fort Worth Transportation Authority Southwest-to-Northeast Rail Corridor, TX .....	4,000,000
Galveston-Houston Commuter Rail, TX .....	2,000,000
HART Light Rail Preliminary Engineering, FL .....	1,650,000
Honolulu High Capacity Transit Corridor Project, HI .....	30,000,000
Houston North Corridor LRT, Houston, TX .....	75,000,000
Houston Southeast Corridor LRT, Houston, TX .....	75,000,000
Hudson-Bergen MOS-2, Northern NJ .....	11,039
Improvements to the Rosslyn Metro Station, VA .....	1,000,000
Lackawanna Cut-Off Restoration Project, PA/NJ .....	1,000,000
Largo Metrorail Extension, Washington, DC .....	347,000
Livermore-Amador Route 10 BRT, Livermore, CA .....	79,900
Long Island Rail Road East Side Access, New York, NY ..	202,522,853
Los Angeles-Wilshire Blvd Bus-Only Lane, Los Angeles, CA .....	13,558,474
Mason Corridor BRT, Fort Collins, CO .....	49,055,155
Metra Commuter Rail, IL .....	8,000,000
Metra Commuter Rail Union Pacific Northwest Line, IL .....	
Metra STAR Line, IL .....	
Metra UP-West Line, IL .....	
Metra-Southeast Service, Chicago, IL .....	
Metro Express-Airport Way Corridor BRT Project, San Joaquin, CA .....	2,808,825
Metro Gold Line Eastside Extension, Los Angeles, CA ..	9,582,551
Metro Rapid Bus System Gap Closure, Los Angeles, CA ..	23,326
MetroRapid BRT, Austin, TX .....	13,370,204
Miami-Dade County Metrorail Orange Line Expansion, FL .....	4,000,000
Modern Streetcar/Light Rail Transit System, Tucson, AZ ..	4,000,000
Monterey Bay Rapid Transit, Monterey, CA .....	2,773,038
Mountain Links BRT, Flagstaff, AZ .....	681,942
NJ Access to the Region's Core (ARC/THE Tunnel), Northern NJ .....	200,000,000
North Shore LRT Connector, Pittsburgh, PA .....	6,153
Northstar Corridor Rail, Minneapolis-Big Lake, MN .....	711,661
Northstar Phase II—Extension of Northstar Commuter Rail to the St. Cloud Area, MN .....	3,000,000
Northwest/Southeast LRT MOS, Dallas, TX .....	84,124,745
Pacific Highway South BRT, King County, WA .....	6,815
Perris Valley Line, CA .....	5,000,000
Purple Line, MD .....	3,000,000
Ravenswood Line Extension, Chicago, IL .....	304,744
Roaring Fork Valley, BRT Project, Roaring Fork, CO .....	810,000
Route 1 Bus Rapid Transit, Potomac Yard High Capacity Transit, VA .....	1,000,000
RTD East Corridor Construction, CO .....	2,500,000
RTD Gold Corridor, CO .....	2,000,000
RTD West Corridor LRT, Denver, CO .....	90,000,000
Salt Lake City—Mid Jordan LRT, Salt Lake City, UT .....	98,000,000
San Bernardino, E Street Corridor sbX BRT, San Bernardino, CA .....	32,370,000
San Diego-Mid-City Rapid, San Diego, CA .....	2,359,850
Second Avenue Subway Phase I, New York, NY .....	197,182,000
Sonoma-Marin Area Rail Transit [SMART], CA .....	2,500,000
Sound Transit—Central Link Initial Segment, Seattle, WA .....	3,144,294
Sound Transit—University Link LRT Extension, Seattle, WA .....	110,000,000
South Corridor I-205/Portland Mall LRT, Portland, OR ..	74,229,000
South Sacramento Corridor Phase II, Sacramento, CA ..	38,000,000
South Shore Commuter Rail Capital Reinvestment Plan, Northern Indiana Commuter Transportation District, IN .....	2,000,000
Southeast Corridor LRT, Denver, CO .....	10,312
Stamford Urban Transitway, CT .....	2,000,000
Third Street Light Rail-Central Subway Project, CA .....	6,000,000
Troost Corridor BRT, Kansas City, MO .....	6,022

Project Name	amount
Virginia Railway Express Rolling Stock, VA .....	3,000,000
Weber County-Salt Lake City Commuter Rail, Salt Lake City, UT .....	80,000,000
Wilmington to Newark Commuter Rail Improvement Program, DE .....	3,000,000

#### GRANTS FOR ENERGY EFFICIENCY AND GREENHOUSE GAS REDUCTIONS

The conference agreement provides \$75,000,000 for energy efficiency and greenhouse gas reduction grants instead of \$100,000,000 as proposed by the Senate. The House did not include funding for this program.

#### GRANTS TO THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

The conference agreement provides \$150,000,000 as proposed by the House and Senate to carry out section 601 of division B of Public Law 110-432 to remain available until expended.

#### ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT ADMINISTRATION

Section 160 exempts previously made transit obligations from limitations on obligations as proposed by the House and Senate.

Section 161 allows funds provided in this Act for (1) projects under "Capital Investment Grants" and (2) bus and bus facilities under "Formula and Bus Grants" that remain unobligated by September 30, 2012 to be available for projects eligible to use the funds for the purposes for which they were originally provided, as proposed by the House and Senate.

Section 162 allows for the transfer of appropriations made prior to October 1, 2009 from older accounts to be merged into new accounts with similar current activities as proposed by the House and Senate.

Section 163 allows unobligated funds in prior year appropriations for new fixed guideway systems under "FTA—capital investment grants" to be used in the current fiscal year to satisfy expenses for activities eligible in the year the funds were appropriated as proposed by the House and Senate.

Section 164 allows FTA to provide grants for 90 percent of the net capital cost of a factory-installed or retrofitted hybrid electric bus system and provides that the Secretary shall have the discretion to determine the costs attributable to the system and related equipment as proposed by the House.

Section 165 requires unobligated funds or recoveries under 49 U.S.C. 5309 that are available for reallocation shall be directed to projects eligible to use the funds for which they were originally intended as proposed by the House.

Section 166 modifies a provision proposed by the House that allows funds in previous Appropriations Acts for projects in Florida, New Jersey and Arizona to be used for other transit purposes.

Section 167 provides funds for Alaska or Hawaii ferry boats or ferry terminal facilities pursuant to 49 U.S.C. 5309(m)(2)(B) may be used to construct new vessels and facilities, or to improve existing vessels and facilities as proposed by the Senate. No more than \$4,000,000 of the funds may be used by the City and County of Honolulu to operate a passenger ferry boat and other technologies.

Section 168 modifies a provision proposed by the Senate which requires FTA to consider the portion of the Woodward Avenue Corridor that is advanced with 100 percent non-Federal funds during the New Starts rating process. The conferees understand that the first phase of the Woodward Avenue Corridor project will meet all of the existing

federal requirements including environmental reviews, prevailing wage, disadvantage business enterprise and Buy American.

Section 169 requires the Secretary provide recommendations, including legislative proposals, on how to strengthen DOT's role in regulating the safety of transit agencies operating heavy rail on fixed guideway as proposed by the Senate. The recommendations shall include actions DOT will take and what legislative authority will be needed to address NTSB safety recommendations. DOT is directed to provide the report with recommendations and an implementation plan to the House and Senate Committees on Appropriations, the House Transportation and Infrastructure Committee and the Senate Banking, Housing and Urban Affairs Committee within 45 days of enactment.

Section 170 prohibits reallocation of SAFETEA-LU funding for three transit projects in Connecticut as proposed by the Senate.

Section 171 modifies a provision proposed by the Senate which extends FTA's contingent commitment authority for Fiscal Year 2010.

Section 172 modifies a provision proposed by the Senate regarding the enforcement of the charter bus rule for an area in Washington State. The conference agreement directs the Office of Inspector General to study the effect of charter tour regulations on quality and price of transit services.

Section 173 permanently allows the local share calculations for New Start projects that are part of interstate multi-modal projects on interstate highway corridors to include all local funds in the project's financial plan as proposed by the Senate.

The conference agreement does not include a Senate provision prohibiting the issuance of a final rule under section 5309 of title 49, United States Code.

#### SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

##### OPERATIONS AND MAINTENANCE

##### (HARBOR MAINTENANCE TRUST FUND)

The conference agreement includes \$32,324,000 for the operations, maintenance, and capital asset renewal of the Saint Lawrence Seaway Development Corporation (SLSDC) as proposed by the House and the Senate.

#### MARITIME ADMINISTRATION

##### MARITIME SECURITY PROGRAM

The conference agreement includes \$174,000,000 for the maritime security program, as proposed by the House and Senate.

##### OPERATIONS AND TRAINING

The conference agreement includes \$149,750,000 for the Maritime Administration's operations and training account, instead of \$140,900,000 as proposed by the House and \$154,900,000 as proposed by the Senate. The bill allocates the funds for operations and training as follows:

Activity	Conference level
<b>U.S. Merchant Marine Academy (USMMA)</b>	
Operations .....	\$59,057,000
Capital improvements .....	15,000,000
Subtotal, USMMA .....	74,057,000
<b>State Maritime Academies</b>	
Student incentive payments .....	2,150,000
Direct scholarship payments .....	2,550,000
Schoolship maintenance and repair .....	11,240,000
Subtotal, State Maritime Academies .....	15,940,000

#### MARAD Operations

Salaries and Benefits .....	28,602,000
Non-Discretionary Operations .....	9,731,000
Information Technology ....	8,155,000
Discretionary Operations and Travel .....	1,777,000
Discretionary Program Expenses .....	11,488,000
Subtotal, Operations .....	59,753,000
Total, Operations and Training .....	149,750,000

#### United States Merchant Marine Academy.—

The conference agreement includes language stipulating that the \$74,057,000 provided for the capital improvements, operations, and maintenance of the United States Merchant Marine Academy will be made available to the Academy only after the Secretary completes and provides to the House and Senate Committees on Appropriations a plan detailing how such funding will be expended. This plan should include detailed information on the long-term capital plan for the Academy as proposed by the Senate. The conference agreement includes modified language proposed by the Senate providing that only the Secretary or the Assistant Secretary of Transportation for Budget and Programs may make allotments for the Academy.

**Reporting requirements.**—The Maritime Administration is instructed to submit to the House and Senate Committees on Appropriations within three months of enactment of this Act a report identifying the actions taken to implement each GAO recommendation as proposed by the House. MARAD is also instructed to submit a report detailing the cost, use, and authorization for Midshipmen fees as proposed by the House.

The conference agreement includes \$11,488,000 for Discretionary Program Expenses. Within the funds provided, \$3,875,000 is for MARAD's environment and compliance activities as proposed by the House. In addition, \$7,000,000 is for the Secure and Efficient Ports Initiative, as proposed by the Senate. None of the funds provided for the port initiative may be used for the creation of a new legacy system.

Within the funds provided, the conference agreement includes sufficient amounts to resolve the unused leave dispute as authorized by Section 502 of the National Defense Authorization Act for fiscal year 2010.

#### SHIP DISPOSAL

The conference agreement includes \$15,000,000 for the disposal of obsolete vessels of the National Defense Reserve Fleet as proposed by the House and Senate.

#### ASSISTANCE TO SMALL SHIPYARDS

The conference agreement includes \$15,000,000 for assistance to small shipyards. MARAD should include geographic diversity of grant recipients within the criteria for assistance to small shipyard grants.

#### MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

##### (INCLUDING TRANSFER OF FUNDS)

The conference agreement includes \$9,000,000 for the maritime guaranteed loan program (title XI). Within the funds provided, \$4,000,000 is for administrative expenses and \$5,000,000 is for new loan guarantees.

#### ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

Section 175 retains a provision provided by the House and the Senate that authorizes MARAD to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving



Government property under control of MARAD, and allow payments received to be credited to the Treasury.

Section 176 provides a mechanism to collect and utilize fees collected from midshipmen at the United States Merchant Marine Academy, as proposed by the House and the Senate. The language also accounts for fees previously collected and held by the Maritime Administration and allows for surplus fees from prior years to be refunded to midshipmen.

#### PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

##### OPERATIONAL EXPENSES

##### (PIPELINE SAFETY FUND)

##### (INCLUDING TRANSFER OF FUNDS)

The conference agreement provides \$21,132,000 for the necessary operational expenses of the Pipeline and Hazardous Materials Safety Administration (PHMSA), instead of \$19,968,000 as proposed by the House and the Senate.

The conference agreement includes \$1,164,000 above the budget request for operational expenses relating to improvements to the special permits and approvals program. Included in this increase, the conferees provide four new positions and the associated half-year funding for information technology services and data analysis relating to special permits and \$800,000 to begin the associated modernization efforts of the hazardous materials information system.

Of the amount provided, \$639,000 is to be derived from the Pipeline Safety Fund, as proposed by the House and the Senate. The conference agreement also requires that of the available funds \$1,000,000 shall be transferred to Pipeline Safety to fund pipeline safety information grants to communities, as proposed by the House and the Senate.

#### HAZARDOUS MATERIALS SAFETY

The conference agreement provides \$37,994,000 to continue the agency's hazardous materials safety functions, instead of \$36,500,000 as proposed by the House and \$35,500,000 as proposed by the Senate. Of this amount \$1,699,000 shall be available until September 30, 2012, as proposed by the Senate.

*Special permits and approval program.*—Included within the hazardous materials program appropriation, the conferees provide \$2,494,000 above the budget request to strengthen PHMSA's oversight of the special permits program. This additional funding is provided to ensure that the special permits issued provide a level of safety equivalent to that provided under the hazardous materials regulations (HMR) and that permit holders comply with the terms of the special permits and all other applicable HMR requirements. Of this amount, \$1,594,000 is provided to fund the half-year costs associated with 16 new positions, to include permit review and approval staff, enforcement inspectors, and data analysis staff. In addition, of this amount, the conferees provide \$900,000 for contractor support services for review of existing special permits and approval of new special permit requests using revised criteria, policies, and procedures.

#### PIPELINE SAFETY

##### (PIPELINE SAFETY FUND)

##### (OIL SPILL LIABILITY TRUST FUND)

The conference agreement provides a total of \$105,239,000 for the office of pipeline safety, as proposed by the House and the Senate. Of this amount, \$18,905,000 shall be derived from the Oil Spill Liability Trust Fund and shall be available until September 30, 2012. The re-

maining \$86,334,000 shall be derived from the Pipeline Safety Fund, of which \$47,332,000 shall remain available until September 30, 2012. The conferees also direct that no less than \$1,048,000 of the funds provided shall be used for the state one-call grant program.

#### EMERGENCY PREPAREDNESS GRANTS

##### (EMERGENCY PREPAREDNESS FUND)

The conference agreement provides a total of \$28,506,000 for emergency preparedness grants, as proposed by the House and the Senate.

#### RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION

##### RESEARCH AND DEVELOPMENT

The conference agreement provides \$13,007,000 to continue research and development activities. Of the funds provided, \$6,036,000 shall be available for the research and development program until September 30, 2012.

Activity	Conference level
Salaries and Administrative Expense .....	\$6,971,000
Alternative Fuels Safety Research and Development .....	500,000
RD&T Coordination .....	536,000
Nationwide Differential Global Positioning System [NDGPS] ...	4,600,000
Positioning, Navigation, and Timing .....	400,000
<i>Alternative Fuels Safety Research and Development.</i> —RITA is updating this program to encompass alternative fuels in addition to hydrogen.	

#### BUREAU OF TRANSPORTATION STATISTICS

##### (LIMITATION ON OBLIGATIONS)

Under the appropriation of the Federal Highway Administration, the conference agreement provides \$28,000,000 for the Bureau of Transportation Statistics (BTS). The agency shall limit BTS staff to 122 FTE in fiscal year 2010.

#### OFFICE OF INSPECTOR GENERAL

##### SALARIES AND EXPENSES

The conference agreement includes \$75,114,000 for the Office of Inspector General (OIG). The additional funding above the budget request will provide an additional 2 FTEs, for a total of 418 FTEs.

#### SURFACE TRANSPORTATION BOARD

##### SALARIES AND EXPENSES

The conference agreement provides \$29,066,000 for salaries and expenses of the surface transportation board, instead of \$29,800,000 as proposed by the House and \$28,332,000 as proposed by the Senate. The conference agreement permits the collection of up to \$1,250,000 in user fees to be credited to this appropriation as proposed by the House and Senate. The conference agreement provides that the general fund appropriation be reduced on a dollar-for-dollar basis by the actual amount collected in user fees to result in a final appropriation from the general fund estimated at no more than \$27,816,000.

Within the funds provided the conferees provide \$746,000 be used to implement the Surface Transportation Board's (STB) expanded jurisdiction under Public Law 110-432 as proposed by the House, instead of \$678,000 as proposed by the Senate. The conferees provide \$350,000 for STB to scope the Uniform Railroad Costing System study as proposed by the Senate.

*Liability review.*—The conferees modify the direction in the House report and direct the Surface Transportation Board (STB) to review the issues surrounding agreements between entities responsible for passenger and freight rail, to the extent that those agree-

ments fall within the STB's jurisdiction. This review should examine historic precedent, current practices and existing agreements. The conferees direct the STB to produce a letter report on the results of its review for the House and Senate Committees on Appropriations, the House Committee on Transportation and Infrastructure and the Senate Committees on Banking; Commerce, Science and Transportation; and Environment and Public Works within 180 days of the date of enactment of this Act.

#### GENERAL PROVISIONS—DEPARTMENT OF TRANSPORTATION

Section 180 allows the Department of Transportation to use funds for aircraft, motor vehicles, liability insurance, uniforms, or allowances, as authorized by law as proposed by the House and Senate.

Section 181 limits appropriations for services authorized by 5 U.S.C. 3109 to the rate for an Executive Level IV as proposed by the House and Senate.

Section 182 prohibits funds from being used for salaries and expenses of more than 110 political and Presidential appointees in DOT. The provision also requires that none of the personnel covered by this provision may be assigned on temporary detail outside DOT as proposed by the House and Senate.

Section 183 prohibits funds from being used to implement section 404 of title 23, United States Code as proposed by the House and Senate.

Section 184 prohibits recipients of funds made available in this Act from releasing certain personal information and photographs from a driver's license or motor vehicle record, without express consent of the person to whom such information pertains; and prohibits the withholding of funds provided in this Act for any grantee if a State is in noncompliance with this provision as proposed by the House and Senate.

Section 185 permits funds received by specified DOT agencies from States or other private or public sources for expenses incurred for training to be credited to certain specified agency accounts as proposed by the House and Senate.

Section 186 requires funding of certain programs, projects and activities identified in the accompanying report within the accounts of the Federal Highway Administration, Federal Railroad Administration, and the Federal Transit Administration as proposed by the Senate. The House bill included a similar provision.

Section 187 authorizes the Secretary of Transportation to allow issuers of any preferred stock sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary as proposed by the House and Senate.

Section 188 prohibits funds from being used to make a grant unless the Secretary of Transportation notifies the House and the Senate Committees on Appropriations no less than three days in advance of any discretionary grant award, letter of intent, or full funding grant agreement totaling \$1,000,000 or more, and directs the Secretary give concurrent notification for any "quick release" of funds from the Federal Highway Administration's emergency relief program as proposed by the Senate. The House bill included a similar provision.

Section 189 allows funds received from rebates, refunds, and similar sources to be credited to appropriations of the DOT as proposed by the House and Senate.

Section 190 allows amounts from improper payments to a third party contractor that

are lawfully recovered by the DOT to be available to cover expenses incurred in the recovery of such payments as proposed by the House and Senate.

Section 191 mandates that reprogramming actions are to be approved or denied solely by the House and Senate Committees on Appropriations as proposed by the House and Senate.

Section 192 caps the amount of fees the Surface Transportation Board can charge and collect for rate complaints filed at the amount authorized for court civil suit filing fees as proposed by the House and Senate.

Section 193 allows the Department of Transportation to make use of the Working Capital Fund in providing transit benefits to Federal employees as proposed by the House and Senate.

Section 194 modifies a provision proposed by the Senate to establish a 1-year pilot program related to truck weight in the States of Maine and Vermont. The conferees direct the Secretary to report to the House and Senate Committees on Appropriations no later than 6 months after the start of the pilot program on the impact to date of the pilot program on bridge safety and weight impacts. The House did not include a similar provision.

Section 195 requires the Department of Transportation to conduct a study related to the Missouri River as proposed by the Senate.

Section 196 clarifies funding for previously funded projects in Nevada as proposed by the Senate.

#### TITLE II—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

##### MANAGEMENT AND ADMINISTRATION

The Department of Housing and Urban Development (HUD) is directed to follow the instructions included in H. Rept. 111-218 for this account related to reprogramming of funds and departmental reorganizations.

##### EXECUTIVE DIRECTION

The conference agreement provides \$26,855,000 for Executive Direction, instead of \$25,969,000, as proposed by the House and Senate. Funds are provided as follows:

Immediate Office of the Secretary and Deputy Secretary ....	\$4,619,000
Office of Hearings and Appeals ....	1,703,000
Office of Small and Disadvantaged Business Utilization .....	778,000
Immediate Office of the Chief Financial Officer .....	727,000
Immediate Office of the General Counsel .....	1,474,000
Office of the Assistant Secretary for Congressional and Intergovernmental Relations .....	2,912,000
Office of the Assistant Secretary for Public Affairs .....	3,996,000
Office of the Assistant Secretary for Administration .....	1,218,000
Office of the Assistant Secretary for Public and Indian Affairs ....	2,125,000
Office of the Assistant Secretary for Community and Planning Development .....	1,781,000
Office of the Assistant Secretary for Housing, Federal Housing Commissioner .....	3,497,000
Office of the Assistant Secretary for Policy Development and Research .....	1,097,000
Office of the Assistant Secretary for Fair Housing and Equal Opportunity .....	928,000

The conference agreement directs that the Office of the Assistant Secretary for Congressional and Intergovernmental Relations shall have no more than 20 FTEs.

##### ADMINISTRATION, OPERATIONS AND MANAGEMENT

The conference agreement provides \$537,011,000 for the administrative functions of the Department, instead of \$537,897,000, as proposed by the House and Senate. Funds are provided as follows:

Office of Administration Personnel Compensation and Benefits .....	\$76,958,000
Office of Departmental Operations and Coordination Personnel Compensation and Benefits ...	9,623,000
Office of Field Policy and Management Personnel Compensation and Benefits .....	51,275,000
Office of the Chief Procurement Officer Personnel Compensation and Benefits .....	14,649,000
Office of the Chief Financial Officer Personnel Compensation and Benefits .....	35,197,000
Office of the General Counsel Personnel Compensation and Benefits .....	89,062,000
Office of the Departmental Equal Employment Opportunity Personnel Compensation and Benefits .....	3,296,000
Office of Faith-Based and Community Initiatives Personnel Compensation and Benefits .....	1,393,000
Office of Sustainability Personnel Compensation and Benefits .....	2,400,000
Office of Strategic Planning and Management Personnel Compensation and Benefits .....	3,288,000
Non-personnel expenses .....	249,870,000

The conference agreement directs HUD to maintain the responsibilities of the appropriations attorneys under the Office of the Chief Financial Officer.

##### PERSONNEL COMPENSATION AND BENEFITS

##### PUBLIC AND INDIAN HOUSING

The conference agreement provides \$197,074,000 for the personnel compensation and benefits for this account, as proposed by the House and Senate.

##### COMMUNITY PLANNING AND DEVELOPMENT

The conference agreement provides \$98,989,000 for the personnel compensation and benefits for this account, as proposed by the House and Senate.

##### HOUSING

The conference agreement provides \$374,887,000 for the personnel compensation and benefits for this account, as proposed by the House and Senate.

##### OFFICE OF THE GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

The conference agreement provides \$11,095,000 for the personnel compensation and benefits for this account, as proposed by the House and Senate, to be derived from the GNMA guarantees of mortgage-backed securities guaranteed loan receipt account.

##### POLICY DEVELOPMENT AND RESEARCH

The conference agreement provides \$21,138,000 for the personnel compensation and benefits for this account, as proposed by the House and Senate.

##### FAIR HOUSING AND EQUAL OPPORTUNITY

The conference agreement provides \$71,800,000 for the personnel compensation

and benefits for this account, as proposed by the House and Senate.

##### OFFICE OF HEALTHY HOMES AND LEAD HAZARD CONTROL

The conference agreement provides \$7,151,000 for the personnel compensation and benefits for this account, as proposed by the House and Senate.

##### PUBLIC AND INDIAN HOUSING

##### TENANT-BASED RENTAL ASSISTANCE

##### (INCLUDING TRANSFER OF FUNDS)

The conference agreement provides \$18,184,200,000 for all tenant-based Section 8 activities under the Tenant-Based Rental Assistance Account. Language is included designating funds provided as follows:

Activity	Conference level
Voucher Renewals .....	\$16,339,200,000
Tenant Protection Vouchers .....	120,000,000
Administrative Fees .....	1,575,000,000
HUD-VASH Incremental Vouchers .....	75,000,000
Family Unification Incremental Vouchers .....	15,000,000
Family Self-Sufficiency Coordinators .....	60,000,000

The conferees clarify the importance of addressing portability needs when allocating the money set-aside for additional voucher funding needs. In addition, language has been included to clarify that the Secretary should take into account need when allocating this additional funding.

The conferees reiterate the importance of HUD using the VMS data to determine funding allocations for PHAs. HUD must work with PHAs to ensure that the data is being entered correctly and accurately. The conference agreement includes language that allows the Secretary to transfer up to \$100,000,000 to the Transformation Initiative and expects the Secretary to use any funding transferred from this account solely to improve its information technology systems, especially the Voucher Management System.

The Department is directed to continue to submit all previously required reports, including quarterly reports on trends, Form HUD-0952681, and the semi-annual report on the effectiveness of the budget-based approach to vouchers.

##### HOUSING CERTIFICATE FUND

The conference agreement does not include a rescission from this account, as proposed by the House and Senate. Unobligated balances, including recaptures and carryover, may be used for renewal of or amendments to section 8 project-based contracts and for performance-based contract administrators. The conference agreement includes language that cancels and reappropriates funding from years 1975 through 1987 for the purpose of funding project-based rental assistance contracts.

##### PUBLIC HOUSING CAPITAL FUND

The conference agreement provides \$2,500,000,000 for the Public Housing Capital Fund, as proposed by the House and the Senate. The conference agreement also provides \$50,000,000 for supportive services, service coordinators and congregate services as proposed by the House instead of \$40,000,000 as proposed by the Senate.

The conferees appreciate HUD's efforts to redirect and successfully complete the Capital Needs Assessment. The Department is encouraged to continue to work with the Committees to gather information about successful leveraging strategies and sustainability efforts through case studies or other appropriate methods of research.

The conference agreement provides that up to \$40,000,000 may be competitively awarded for facilities for early childhood education or for other services for public housing residents, as proposed by the Senate. Language is included that requires the PHAs awarded grants must use other resources for the operations of these facilities.

**PUBLIC HOUSING OPERATING FUND  
(INCLUDING TRANSFER OF FUNDS)**

The conference agreement provides \$4,775,000,000 for the Public Housing Operating Fund, as opposed to \$4,800,000,000 as proposed by the House and \$4,750,000,000 as proposed by the Senate.

**REVITALIZATION OF SEVERELY DISTRESSED  
PUBLIC HOUSING (HOPE VI)**

The conference agreement provides \$200,000,000 for the Revitalization of Severely Distressed Public Housing program (HOPE VI), compared to \$250,000,000 as proposed by the House. The Senate instead proposed \$250,000,000 for the Choice Neighborhoods Initiative.

Of the amount provided, up to \$10,000,000 is for technical assistance.

The funding also includes up to \$65,000,000 for a demonstration of the Choice Neighborhoods Initiative similar to that proposed by the Senate. The goal of the demonstration is to transform neighborhoods of poverty into functioning, sustainable mixed income neighborhoods. Important in this effort is the inclusion of appropriate services and access to transportation, jobs and public schools. For this demonstration, grants may be used for both public housing and HUD-assisted properties. In addition, grantees may include local governments, public housing authorities, non-profit organizations and for profit organizations that apply in partnership with a public entity.

The Department is directed to issue the fiscal year 2010 HOPE VI NOFA within 60 days of enactment of this Act.

The Department is directed to provide the House and Senate Committees on Appropria-

tions with quarterly updates on the status of projects and the expenditure of funds by grantees.

**NATIVE AMERICAN HOUSING BLOCK GRANTS**

The conference agreement provides \$700,000,000 for the Native American Housing Block Grants, as opposed to \$750,000,000 as proposed by the House and \$670,000,000 as proposed by the Senate.

**NATIVE HAWAIIAN HOUSING BLOCK GRANT**

The conference agreement provides \$13,000,000 for the Native Hawaiian Housing Block Grant, as proposed by the Senate, of which \$300,000 shall be for training and technical assistance, including up to \$100,000 for related travel. The House proposed \$12,000,000 for this account.

**INDIAN HOUSING LOAN GUARANTEE FUND  
PROGRAM ACCOUNT**

The conference agreement provides \$7,000,000, as proposed by the House and Senate, to subsidize a loan limitation of up to \$919,000,000.

**NATIVE HAWAIIAN HOUSING LOAN GUARANTEE  
FUND PROGRAM ACCOUNT**

The conference agreement provides \$1,044,000 for guaranteed loans for Native Hawaiian housing to subsidize a total guaranteed loan principal of up to \$41,504,255, as proposed by the House and Senate.

**COMMUNITY PLANNING AND DEVELOPMENT  
HOUSING OPPORTUNITIES FOR PERSONS WITH  
AIDS (HOPWA)**

The conference agreement provides \$335,000,000 for Housing Opportunities for Persons with AIDS (HOPWA) program, as opposed to \$350,000,000 as proposed by the House and \$320,000,000 as proposed by the Senate.

**COMMUNITY DEVELOPMENT FUND**

The conference agreement provides \$4,450,000,000 for the Community Development Fund, as opposed to \$4,598,607,000 as proposed by the House. The conference agreement provides the following:

Formula distribution of funds .....	\$3,990,068,480
Indian Economic Block Grants .....	65,000,000
Economic Development Initiative Grants .....	172,843,570
Neighborhood Initiatives Program .....	22,087,950
Sustainable Communities Initiative .....	150,000,000
Rural Innovation Fund .....	25,000,000
University Community Fund-Section 107 Grants .....	25,000,000

The conference agreement provides funding for section 107 grants as proposed by the Senate. Consistent with prior years, these grants will be awarded competitively to academic institutions as follows:

Native Alaskan and Hawaiian Serving Institutions .....	\$3,265,000
Tribal colleges and Universities ..	5,435,000
HBCUs .....	9,780,000
Hispanic Serving Institutions .....	6,520,000

The conference agreement includes \$150,000,000 for the Sustainable Communities initiative, as proposed by the House and Senate. Of the \$100,000,000 provided for Regional Integrated Planning Grants, not less than \$25,000,000 shall be awarded to metropolitan areas with populations of less than 500,000 as proposed by the Senate. The conferees direct that the Secretary shall consult with the Secretary of Transportation in evaluating grant proposals.

The conference agreement includes \$25,000,000 for the rural innovation fund to be awarded to Indian tribes and state, local and non-profit organizations as proposed by the Senate. The conferees also direct that at least \$5,000,000 shall be used to promote economic development and entrepreneurship for federally recognized tribes, similar to the Senate proposal.

The Department is directed to implement the Economic Development Initiatives program as follows:

Grantee	Purpose	Amount
180 Turning Lives Around Inc	180 Turning Lives Around space expansion .....	\$200,000
Abused Women's Aid in Crisis, Anchorage, AK .....	For infrastructure improvements at a center to serve victims of domestic violence .....	200,000
Ada Public Works Authority, OK .....	Water storage tower construction .....	600,000
Alabama PALS .....	Alabama PALS Coastal Cleanup equipment .....	250,000
Albany, GA .....	For the transformation of real estate property and infrastructure into a Certified Industrial Park .....	450,000
Alianza Dominicana, Inc., New York, NY .....	Construction of the Triangle Building, a mixed-use facility .....	250,000
Altadena Library District, Altadena, CA .....	Renovation, expansion and ADA compliance at a public library .....	400,000
American Legion Veterans Housing, Inc., Jewitt City, CT .....	Construction of supportive housing for veterans .....	200,000
American Red Cross of Northeast Indiana, IN .....	For an expansion of the existing facility .....	200,000
Amos House, Providence, RI .....	For construction of a training and support center to serve low-income individuals .....	730,500
Anchorage Community Land Trust, Anchorage, AK .....	For rehabilitation and renewal of key blighted property along Mountain View Drive .....	389,600
Androscoggin Valley Council of Governments, ME .....	For the restoration of the historic Camden Yarns Mill building in downtown Lewiston would rehabilitate a blighted mill on the river .....	600,000
Angelina County, TX .....	Angelina County Cassell-Boykin County Park Project facility renovation .....	500,000
Annis Water Resource Institute .....	Annis Water Resource Institute field station renovation .....	500,000
Appalachia Service Project, Brenton, WV .....	For a home repair program for low-income families in Southern West Virginia .....	730,500
Appalachia Service Project, Chavies, KY .....	To serve families below the federal poverty level through a variety of means, such as financial assistance or equipping homes with running water .....	460,000
Appleton Housing Authority, Appleton, WI .....	For construction and preservation of low-income elderly housing .....	409,080
Architectural Heritage Foundation, Lowell, MA .....	For construction of a mixed-use urban development including space for affordable housing .....	194,800
Ardmore Development authority, Ardmore, OK .....	For infrastructure improvements .....	600,000
Argentine Neighborhood Dev. Assoc., Kansas City, KS .....	For property acquisition, infrastructure improvements, and housing construction .....	1,000,000
Arkansas Food Bank Network, Little Rock, AR .....	For establishment of a new facility .....	194,800
Augusta Housing and Community Development Department, Augusta, GA .....	Construction and rehabilitation of the Lucy Craft Laney/Silas X. Floyd Wellness Center .....	200,000
Automation Alley, Troy, MI .....	Planning, design, and construction of the Automation Alley International Business Center for business incubation .....	394,800
Bayard Rustin Access Center .....	Acquisition, planning, renovation, and design of a transitional living program for youth .....	100,000
Bedford County Development Association .....	Bedford County business park development .....	250,000
Berkshire Community College, Pittsfield, MA .....	Construction of a renewable energy training center .....	750,000
Berrien County Development Authority .....	North Berrien Industrial Park infrastructure improvements .....	300,000
Billings Food Bank .....	Billings Food Bank Montana Harvest Kitchens Project building expansion .....	450,000
Blair County, PA .....	For acquisition, demolition and site preparation within Blair County's blighted urban core areas, including downtown Altoona .....	243,500
The Nehemiah Project .....	Building acquisition, renovation, and redevelopment of Lower Fairview .....	100,000
Bolivar County, MS .....	For the renovation and repair of a historic courthouse .....	350,000
Bordentown Township, NJ .....	The Bordentown Township Light Rail Transit Center area renovation and remediation .....	250,000
Borough of Phoenixville, PA .....	Phoenixville downtown streetscape project .....	250,000
Borough of Souderton, PA .....	Souderton Train Station and Freight Buildings Restoration .....	500,000
Boyle County Fiscal Court, Danville, KY .....	For upgrades to current building and infrastructure in Boyle County .....	500,000
Boys & Girls Club of Binghamton, NY .....	Construction and equipment at a new facility to serve at-risk youth .....	250,000
Boys & Girls Club of East County Foundation, Inc. ....	Boys & Girls Club of East County building renovation .....	250,000
Boys & Girls Club of Greater Westfield, Westfield, MA .....	For renovation and expansion of a youth facility .....	292,200
Boys & Girls Clubs of Hartford, Inc., Hartford, CT .....	Renovation and expansion of the Boys and Girls Club of Greater Hartford .....	600,000
Boys and Girls Clubs of Bellevue .....	Bellevue Community Center renovations .....	150,000
Boys and Girls Clubs of Southwest Washington, WA .....	For expansion of the existing youth facility .....	974,000
Boys and Girls Clubs of the Middle Georgia Region, Eastman, GA .....	Renovation of Boys and Girls club facility .....	100,000

Grantee	Purpose	Amount
Boys Town, NE .....	Boys Town building construction .....	1,250,000
Braddock Redux, Braddock, PA .....	Renovation and construction at the Braddock Community Center .....	100,000
Breed Street Shul Project, Inc., Los Angeles, CA .....	Rehabilitation of the Breed Street Shul, an historic landmark .....	250,000
Bristol Bay Borough, AK .....	For infrastructure expansion at the Port of Bristol Bay .....	1,000,000
Bronx River Alliance, Bronx, NY .....	Construction, buildout, and installation of roof photovoltaic array at the Bronx River House .....	350,000
Brooklyn Botanical Garden, Brooklyn, NY .....	Construction and renovation for safety improvements .....	400,000
Brooklyn Children's Museum, Brooklyn, NY .....	Construction and renovation of the Community Cultural and Educational Center .....	250,000
Brooklyn Economic Development Corporation, Brooklyn, NY .....	Revitalization of the Moore Street Retail Market .....	450,000
Brooklyn Heights Association, Brooklyn, NY .....	Infrastructure improvements, including lighting .....	450,000
Brown County Public Library, Green Bay, WI .....	Renovations and updates to the Brown County Central Library .....	300,000
Bucks County Housing Group, Wrightstown, PA .....	Renovations at a homeless shelter and affordable housing rental units .....	200,000
Buena Vista Charter Township, MI .....	For the redevelopment of blighted property .....	389,600
Buffalo Bayou Partnership, Houston, TX .....	Acquisition of land along Buffalo Bayou's East Sector .....	200,000
Calexico Neighborhood House, Calexico, CA .....	Planning, design, and construction of five transitional units for homeless women and children .....	200,000
CEDARS Youth Services, Inc .....	CEDARS Children's Crisis Center building construction .....	200,000
Central City Community Development Corporation .....	Veterans Commons building renovation and construction .....	500,000
Central Connecticut Coast YMCA, Inc., New Haven, CT .....	Construction of a community recreational facility .....	500,000
Central Islip Civic Council, Central Islip, NY .....	Revitalization and redevelopment of foreclosed properties for affordable housing .....	200,000
Chabad of the Valley, Tarzana, CA .....	Renovation of facilities at the Emergency Food and Social Services Center .....	250,000
Charles County, MD .....	For installation of plumbing in low-income housing .....	292,200
Chicanos Por La Causa, Inc., Phoenix, AZ .....	Construction at the Maryvale Workforce Development and Health Services Campus .....	500,000
Chippewa-Luce-Mackinac Community Action Human Resources Authority, Luce County, MI .....	For construction of a new service center to house all the agency's programs which benefit low income county residents .....	389,600
City and County of San Francisco, CA .....	Redevelopment of the Sunnydale-Velasco Public housing site into a mixed-income community .....	750,000
City of Abilene, TX .....	Life Sciences Accelerator facilities and equipment .....	300,000
City of Alexandria, LA .....	Alexandria Riverfront redevelopment .....	500,000
City of Alpine, TX .....	Construction of the Alpine Public Library .....	300,000
City of Anderson, IN .....	For technology and building infrastructure improvements, tenant build-out and enhancements, and laboratory development for the incubator campus of buildings .....	200,000
City of Ashland, AL .....	Ashland Industrial Park infrastructure improvements .....	250,000
City of Atmore, AL .....	Elevated water tank construction .....	350,000
City of Aurora, IL .....	Electrical substation relocation, brownfield remediation, and economic revitalization .....	300,000
City of Bastrop, TX .....	Renovation and expansion of a visitor center .....	200,000
City of Billings, MT .....	For the purchase of generators to provide emergency power to critical water facilities .....	974,000
City of Billings, MT .....	Business Consortium Project for the Homeless building purchase and renovation .....	323,000
City of Bozeman, MT .....	For reconstruction following an explosion in a downtown historic district .....	974,000
City of Bradfordsville, KY .....	Bradfords senior center/community center building renovation .....	250,000
City of Brockton, MA .....	Reconstruction and renovation at public parks .....	600,000
City of Brownstown, IN .....	Construction of ADA-compliant sidewalks and streetscaping .....	250,000
City of Chesapeake, VA .....	Great Bridge Battlefield and Waterways Park and Visitors Center building construction .....	250,000
City of Cincinnati, OH .....	For redevelopment of Brownfield property into a new light industrial and service center business park .....	800,000
City of Citrus Heights, CA .....	ADA infrastructure improvements .....	450,000
City of Council Bluffs, IA .....	For development of low and moderate income housing .....	340,900
City of Covington, KY .....	Stewart Iron Works building renovation .....	250,000
City of Danville, IL .....	For acquisition, demolition and redevelopment of dilapidated and abandoned structures .....	340,900
City of DeLand, FL .....	Spring Hill Boys and Girls Community Center building .....	250,000
City of Dells Rapids, SD .....	For restoration, renovation and modernization of an historic public library .....	487,000
City of Demopolis, AL .....	Infrastructure improvements at the Demopolis Airport Industrial Park .....	400,000
City of Desert Hot Springs, CA .....	For development of a community facility to address serious health and public safety problems in a low income area .....	292,200
City of Detroit, MI .....	Infrastructure improvements, streetscaping, and ADA compliance in Detroit .....	400,000
City of Dothan, AL .....	Demolition, planning, design, and renovation of downtown business district .....	500,000
City of East Haven, CT .....	Streetscaping, replacing sidewalks and curbing, and installation of energy-efficient lighting .....	500,000
City of Fitchburg, MA .....	Design, planning and engineering work for the development of an industrial park .....	275,000
City of Forsyth, GA .....	For renovations of the former Tift College to house the Georgia Department of Corrections. Buildings are in disrepair and must be brought up to the code .....	650,000
City of Fort Smith, AR .....	Downtown Riverfront Economic Development Initiative planning, design and construction .....	250,000
City of Fort Worth, TX .....	Trinity River Vision land acquisition .....	500,000
City of Gardendale, AL .....	Renovations and improvements to a facility for disabled youth, with the Gardendale Miracle League .....	100,000
City of Gig Harbor, Gig Harbor, WA .....	For construction of a multi-use facility by the Boys and Girls Club .....	730,500
City of Greenville, MS .....	For renovations and infrastructure enhancements for a youth wellness project .....	300,000
City of Guntersville, AL .....	Guntersville Harbor breakwater replacement .....	200,000
City of Hartford Housing Authority, Hartford, CT .....	Demolition and reconstruction of a housing complex .....	500,000
City of Hattiesburg, MS .....	For renovations and replacement of buildings and equipment in a park in a blighted neighborhood .....	500,000
City of Hillsboro, TX .....	Land acquisition and construction at Hillsboro parks .....	400,000
City of Hondo, TX .....	Construction of a new shelter for women who have been victimized by physical abuse .....	300,000
City of Hopkinsville, KY .....	For infrastructure improvements at the Hopkinsville-Christian County Industrial Mega Site .....	4,000,000
City of Huntington Park, CA .....	Construction of an ADA-compliant trail .....	300,000
City of Hyden, KY .....	For construction and development of a community wellness facility to serve southeastern Kentucky .....	500,000
City of Irontdale, AL .....	City of Irontdale streetscape project .....	200,000
City of Jackson, MS .....	For property improvements related to the Capitol Street Renaissance .....	1,005,000
City of Jackson, MS .....	For renovation and rehabilitation of the City of Jackson's public facilities for the arts and science .....	550,000
City of Jal, NM .....	Renovation of a vacant building for economic development .....	400,000
City of Jefferson, IA .....	Streetscape improvements .....	400,000
City of Jersey City, NJ .....	Construction at and remediation of a brownfield and development of a mixed use community .....	400,000
City of Joshua, TX .....	Land acquisition and construction and equipment for park areas .....	1,000,000
City of Laredo, TX .....	Renovation and construction at the Laredo Little Theatre .....	200,000
City of Lawndale, CA .....	Design, demolition, and construction of a new community center .....	300,000
City of Lewiston, ME .....	For the City of Lewiston's ongoing efforts to revitalize its riverfront .....	900,000
City of Malden .....	Demolition of a building and streetscaping to revitalize a downtown area .....	400,000
City of Marine City, MI .....	Marine City historic building renovation .....	250,000
City of Memphis/Memphis Housing Authority, TN .....	Construction and renovation at vacant public housing for mixed-income senior housing .....	200,000
City of Midland, Midland, TX .....	For renovations to 30-year old facilities which serve the Midland community .....	500,000
City of Nappanee, IN .....	Nappanee Airport/New Industrial Park infrastructure improvements .....	250,000
City of New Iberia, LA .....	Construction of a multi-use facility in New Iberia .....	300,000
City of Norco, CA .....	Santa Ana River Trail construction .....	100,000
City of North Adams, MA .....	Construction at an historic building for ADA compliance .....	375,000
City of North Adams, MA .....	For renovation and restoration of a downtown historic building in order to reduce blight and attract private investment .....	194,800
City of North Port, FL .....	Family Services Center facility expansion .....	100,000
City of Oxford, MS .....	For renovation of a historic structure .....	500,000
City of Palatka, FL .....	Palatka Riverfront Redevelopment .....	250,000
City of Pascagoula, Pascagoula, MS .....	For reconstruction of City of Pascagoula beach park promenade .....	500,000
City of Pawtucket, RI .....	For repair and renovation of an historic public library .....	243,500
City of Peoria, IL .....	For critical infrastructure improvements around the Glen Oak and Harriston Community Schools .....	243,500
City of Philadelphia, PA .....	For mixed-use Transit Oriented Development in the area around the 9th and Berks rail station .....	487,000
City of Piedmont, OK .....	For the construction of a municipal building .....	1,000,000
City of Quincy, IL .....	For the acquisition of blighted residential properties to create affordable housing and facilitate mixed-use development .....	194,800
City of Ravenna, KY .....	Construction and renovation at a public park for handicap accessibility .....	175,000
City of Ray City, GA .....	Ray City streetscape and safety improvements .....	175,000
City of Richland, GA .....	Streetscaping and sidewalk improvements .....	150,000
City of Ridgeland, MS .....	City Center renovation and construction .....	100,000
City of Rochester, NY .....	For environmental remediation, demolition, and other site preparation for revitalization .....	340,900
City of Rockford, IL .....	Rockford West Side economic development initiative infrastructure improvements .....	500,000
City of Round Rock, TX .....	Downtown Revitalization and Main Street improvements .....	500,000
City of Ruston, LA .....	For purchase of equipment needed to construct the city-wide broadband network to be managed and maintained by the City of Ruston .....	194,000
City of Salem, OR .....	Infrastructure improvements at the Mill Creek Employment Center .....	500,000
City of San Bernardino, CA .....	Vermont Community Center building construction .....	500,000

Grantee	Purpose	Amount
City of Sarasota, FL .....	Robert Taylor Community Center facilities renovation .....	150,000
City of Shelby, MT .....	Shelby Downtown District Revitalization Project building renovation .....	200,000
City of Snoqualmie, WA .....	Snoqualmie Historic Downtown Main Street infrastructure improvements .....	250,000
City of Springfield, IL .....	For acquisition of abandoned properties and upgrades to infrastructure .....	340,900
City of Suffolk, VA .....	Dismal Swamp Interpretive Center building design and construction .....	200,000
City of Tarrant, AL .....	Five Mile Creek Greenway streetscaping project .....	150,000
City of Tauton, MA .....	For safety and access improvements at a low-income senior center .....	194,800
City of Tuscaloosa, Tuscaloosa, AL .....	For the downtown revitalization project .....	5,000,000
City of Tuskegee, AL .....	Tuskegee Industrial Park development .....	250,000
City of Unadilla, GA .....	Streetscaping and sidewalk improvements .....	100,000
City of Warren, PA .....	Capital improvements and streetscaping in downtown Warren, PA .....	400,000
City of Waterbury, Waterbury, CT .....	For the redevelopment of Brownfields and blighted properties .....	487,000
City of Wenatchee, Wenatchee, WA .....	For property acquisition and renovation of Wenatchee Pybus Food Bank and Distribution Center .....	1,461,000
City of Wilson, NC .....	Redevelopment, renovation and demolition of vacant buildings .....	200,000
City of Winston-Salem, NC .....	For creation of office space to recruit business to Winston-Salem, as part of the revitalization of a blighted area .....	487,000
City of Worcester, MA .....	Planning, design, and engineering for the Institute Park Renovation Project .....	400,000
City of York, PA .....	For restoration and preservation of historic central market .....	779,200
Claiborne County Industrial Development Board .....	Claiborne County Center for Higher Education building renovations and rehabilitation .....	189,000
Clarke County Economic Development Initiative .....	Clarke County Economic Development Initiative infrastructure improvements .....	400,000
Cleary University .....	Livingston Campus Community Center building renovation .....	250,000
Coalport Borough Council .....	Coalport Borough streetscape project .....	150,000
Commonwealth Library Council, Saipan, MP .....	Repair and renovation at the Joeten-Kiyu Public Library .....	200,000
Community Area Resource Enterprise (CARE 66), Gallup, NM .....	For development of up to 60 units of affordable housing .....	487,000
Community Chest, Virginia City, NV .....	For construction of a multi-use community center in Storey County .....	194,800
Community Food Bank, Inc., Tucson, AZ .....	Installation and construction of a solar power array at the food bank .....	200,000
Concourse House, HDfC, Bronx, NY .....	Renovation of Concourse House, a home for women and children .....	350,000
County of Campbell, VA .....	Site development and construction of a library .....	500,000
County of Kauai, HI .....	For on-site infrastructure improvements to enable the construction of 36 residential homes for low-income households .....	243,500
County of Los Angeles, Community and Senior Services, Los Angeles, CA .....	Equipment for Food Finders, Inc. of Long Beach and Interfaith Food Center in Whittier .....	150,000
County of Minnehaha, SD .....	For construction of a facility to house chronically homeless persons .....	340,900
County of Santa Clara, Department of Parks and Recreation, Los Gatos, CA .....	Design, engineering, surveying and construction of Martial Cottle Park .....	250,000
Covenant House Alaska, Anchorage, AK .....	For the relocation of a crisis center facility .....	500,000
Crossroads, North Kingstown, RI .....	For the development and construction of a Child Care and Community Center .....	730,500
Custer County, ID .....	Custer County community center development .....	500,000
Deane Center for the Performing Arts .....	Building construction and renovation for the Deane Center for the Performing Arts .....	100,000
DeKalb County, GA .....	Construction of the Ellenwood Community Center .....	300,000
Delaware Children's Museum, DE .....	For the construction of the Delaware Children's Museum in Wilmington, Delaware, as part of a community revitalization effort .....	194,800
Department of Lands and Natural Resources, Saipan, MP .....	Design and Construction of the Garapan Public Market .....	200,000
Detroit Institute of Arts (DIA), Detroit, MI .....	Renovation of the roof at an historic building .....	750,000
Divide County, Crosby, ND .....	For reclamation of a former Air Force Base site for redevelopment .....	292,200
East Central Community Center, Spokane, WA .....	For design and construction of a community facility .....	340,900
East Orange Division of Senior Services, East Orange, NJ .....	For renovation of a Senior Citizen Center .....	194,800
Eden Housing, Hayward, CA .....	Renovation at the Eden Housing Affordable Housing Complex .....	240,000
El Centro de Servicios Sociales, Lorain, OH .....	For construction and renovation of an aging structure .....	584,400
Ellwood City Revitalization Project, Inc., Ellwood City, PA .....	Planning, design, and redevelopment of downtown Ellwood City .....	200,000
Emergency Shelter of the Fox Valley, Appleton, WI .....	For acquisition and rehabilitation of permanent supportive housing for chronically homeless persons .....	340,900
Employment Horizons, Incorporated .....	Employment Horizons building renovation .....	400,000
Esperanza on Escalante, Tucson, AZ .....	Acquisition of equipment for expanded services for homeless veterans .....	75,000
Esperanza, Philadelphia, PA .....	For the planning, design, rehabilitation and construction of affordable housing in the Hunting Park neighborhood .....	194,800
Eva's Village, Paterson, NJ .....	For renovation of the center's facilities .....	779,200
Federation of Italian-American Organizations of Brooklyn, Ltd .....	Construction of a community center .....	700,000
First Steps Primeros Pasos, Georgetown, DE .....	For construction and start up costs for a bilingual early care and education facility to help children of non-English-speaking families develop the skills needed to succeed .....	194,800
Food Bank for Monterey County, Salinas, CA .....	Acquisition of equipment and a vehicle for the food bank .....	150,000
Food Bank of Delaware, Newark, DE .....	For expansion of a commercial kitchen, a volunteer room, a Culinary Arts Training Facility, a retail area and additional office space that will allow the food bank to meet growing demand in Kent and Sussex counties .....	194,800
Fort Greene Park Conservancy, Brooklyn, NY .....	Sidewalk improvements and streetscaping at the Fort Greene Park Conservancy .....	300,000
Freestore Foodbank, Cincinnati, OH .....	For major renovations on two heavily used food bank facilities .....	535,700
Friendly Fuld Neighborhood Centers, Inc., Newark, NJ .....	Renovation of a building to provide services to low-income children and families .....	400,000
Fulton County Commissioners .....	Northeast Fulton County water system .....	250,000
Geauga Park District .....	Geauga Park District/Geauga County Greenway Connector land acquisition .....	428,000
Georgia Maritime Trade Center Authority, Savannah, GA .....	For site preparation in accordance with the Parcel 7/Riverwalk Civic Master Plan, including planning and preparation work, and the design and construction of a public access floating dock system to accommodate traffic flow to/from the site .....	900,000
Gilmer County Family Resource Network, Glenville, WV .....	Acquisition, renovation, streetscaping and façade improvements .....	400,000
Great Falls Development Authority .....	Great Falls Industrial Park infrastructure improvements .....	300,000
Great Rivers Greenway, St. Louis, MO .....	Construction of the Carondelet Greenway Connector .....	200,000
Greater Boston Food Bank, Boston, MA .....	For construction of a regional food distribution center .....	584,400
Greater Ouachita Port Commission .....	Greater Ouachita Port, surface development project .....	250,000
Groundwork, Inc., Brooklyn, NY .....	Construction of the Groundwork Community Center .....	600,000
Hampshire County Special Services Center, WV .....	For the acquisition of an additional facility to provide services and employment to individuals with developmental disabilities .....	974,000
Hawaii Public Housing Authority, Honolulu, HI .....	For code enforcement and renovation of 24 housing units for very low to low income elderly individuals ....	389,600
Hawaii Public Housing Authority, Honolulu, HI .....	For renovation of housing units to provide 25 refurbished housing units for low income individuals .....	389,600
Heritage Services, Omaha, NE .....	For construction of an 80,000 square foot, multi-level facility that will accommodate an education and interactive learning center .....	876,600
Hillsborough Community College .....	Building Renovations—Brandon Campus .....	200,000
Hillview Acres Children .....	Hillview Acres Children building renovation .....	250,000
Homeward, Inc., Clarion, IA .....	For expansion of a construction finance program to develop housing in rural communities for low income individuals .....	194,800
Hornell Family YMCA, Hornell, NY .....	Construction of new and renovation of older structures for cultural programs .....	400,000
Housing Authority of Calvert County, Prince Frederick, MD .....	Renovation and expansion of a homeless shelter .....	375,000
Housing Connections, Wheeling, WV .....	Acquisition and renovation of affordable housing .....	300,000
Housing Vermont, Burlington, VT .....	For construction and improvement of housing stock .....	243,500
Howard County, MD .....	For rehabilitation and equipment purchase for community and wellness rooms in a low and moderate income elderly housing community .....	487,000
Hudson Area Library Association, Hudson, NY .....	Restoration and renovation of the Hudson Area Library .....	200,000
Huntington Community Development Agency, Huntington, NY .....	Renovations and energy efficient retrofits for small business development .....	200,000
Inc. Village of Lynbrook, NY .....	Streetscaping and sidewalk improvements .....	200,000
Iowa Department of Economic Development, Des Moines, IA .....	For rehabilitation of buildings and areas .....	974,000
Jackson County Commission, WV .....	For expansion of the drill hall and supporting facilities at the proposed Spencer-Ripley Armed Forces Reserve Center .....	1,461,000
Jackson County, MS .....	For Phase I of construction and renovation of Walter Anderson Arts Pavilion .....	700,000
Jefferson County Convention & Visitors Bureau (JCCVB) .....	Harpers Ferry Interpretative Welcome Center building construction .....	250,000
KC Park and Recreation Department, Kansas City, MO .....	For the construction of new community center .....	2,500,000
Kentucky Blood Center .....	Kentucky Blood Center building construction .....	500,000
Kentucky Communities Economic Opportunity Council, Gray, KY .....	Construction of a community wellness center .....	250,000
Kids Come First, Columbus, OH .....	For construction of a child care facility .....	650,000
King County Housing Authority, King County, WA .....	For the renovation and expansion of three youth community centers located in three public housing sites ..	974,000
Lackawanna County Board of Commissioners, Scranton, PA .....	Design and construction of a Small Business Incubator and/or Multipurpose Center .....	200,000
Lake Metroparks .....	Lake Metroparks/Mill Creek Corridor Preservation land acquisition .....	500,000
Lanakila Rehabilitation Center, Honolulu, HI .....	For renovation and expansion of the Wahiawa Training and Support Complex, which will double capacity to provide training and employment opportunities for people with disabilities and other low income individuals .....	292,200
Larchmont Public Library, Larchmont, NY .....	Renovation of the Larchmont Public Library .....	175,000

Grantee	Purpose	Amount
Lawrence Community Shelter, Inc., Lawrence, KS	Acquisition and renovation to relocate and enlarge a homeless shelter	200,000
Liberty Housing Development Corporation, Philadelphia, PA	Acquisition and renovation of residential units to transition disabled persons into communities	300,000
Longview Housing Authority, Longview, WA	For the rehabilitation of an historic building into a veterans housing and service center	489,600
Lower Brule Sioux Tribe, Lower Brule, SD	For purchase of new playground equipment and upgrades to a kitchen and learning areas of a daycare facility to improve safety for children.	194,800
Lower Brule Sioux Tribe, Lower Brule, SD	For upgrades to a community center	340,900
Luna County Community Recreation Facility, NM	For the renovation of the old Pepsi building to house dedicated youth activities, practice space, and community meeting rooms.	399,340
MAGNET, Cleveland, OH	Renovation and restoration of the Manufacturing Innovation Center	400,000
Manatee County, FL	Construction of a community center in a low-income neighborhood	250,000
Maryland Department of Natural Resources, Annapolis, MD	For restoration and preservation of properties to alleviate economic distress through stimulation of private investment and community revitalization.	462,650
Maryland Food Bank, Baltimore, MD	Construction, renovation and equipment at the Maryland Food Bank	492,200
Maui Economic Concerns of the Community, Wailuku, HI	For rehabilitation and improvement of a homeless resource center and affordable housing for low-income residents.	487,000
Meet Each Need with Dignity (MEND), Picoima, CA	Acquisition of equipment to expand services to low-income individuals	130,000
Mercy Housing and Shelter Corporation, Hartford, CT	Renovation of a homeless and transitional shelter	500,000
Metropolitan Council on Jewish Poverty, New York, NY	Renovations and repairs at low-income residences	150,000
Metropolitan Development Association of Syracuse and Central New York, Inc., Syracuse, NY	Infrastructure improvements at the Syracuse University Research Park	200,000
Mid Plains Community College, McCook, NE	For construction of a new Events Center that supports rural economic development and activity in southwestern Nebraska	487,000
Middlesex Community College, Lowell, MA	For redevelopment of an underutilized historic building to expand community services	194,800
Mid-south Community College, West Memphis, AR	Construction of classroom and laboratory space to increase capacity for workforce training	350,000
Military Business Park, City of Fayetteville, NC	For construction of a military business park	584,400
Mingo County Redevelopment Authority, Williamson, WV	Development and construction of the Southern Highlands Initiative	400,000
Ministry of Caring, Wilmington, DE	for renovations to the Josephine Bakhta House to serve as residence for young adults who are committed to social responsibility and giving back to the community through volunteer service.	194,800
Monroe County Fiscal Court	Monroe County Farmer's Market facility construction	250,000
Montana Department of Fish, Wildlife, and Parks, MT	For redevelopment of a Superfund site and a state park	730,500
Mookini Laukini Foundation, North Kohala, HI	For construction and renovation of a cultural education center for low income youth	194,800
Morgan Arts Council	Community Center building renovations	200,000
Mt. Washington Community Development Corporation, Pittsburgh, PA	For planning, designing, site preparation, demolition and construction associated with brownfield redevelopment.	194,800
Multi-Disciplinary Combined Facility for the Copper River Native Association, AK	For construction of a facility	1,000,000
Muskingum County Commissioners, Zanesville, OH	Renovation of a building to create a business incubator	300,000
Nassau County Museum of Art, Roslyn Harbor, NY	Construction and expansion	200,000
Navajo Technical College, Crownpoint, NM	For construction of a regional health center located on the campus of the Navajo Technical College	389,600
Nevada Housing and Neighborhood Development (HAND), Las Vegas, NV	For development of an assisted living facility for low income seniors	681,800
New Bethany Ministries building renovation	Rehabilitation of a building to provide services for low-income people	250,000
New Futures, Seattle, WA	For the planning, design and construction of a community center	438,300
New York Families for Autistic Children, Ozone Park, NY	Energy efficient renovations and construction at the New York Families for Autistic children facility	300,000
Nicetown CDC, Philadelphia, PA	Construction of a low-income housing tax credit project	400,000
Nisei Veterans Committee Foundation, Seattle, WA	Acquisition of land for the Nisei veterans memorial	200,000
Noble County Health Department, Caldwell, OH	For the rehabilitation of a 30 year old building to increase functionality and energy efficiency	389,600
North Country Vietnam Veterans Association	North Country Vietnam Veterans Association building and renovations	250,000
North Olympic Regional Housing Network, Forks, WA	For the purchase and conversion of a building into transitional and permanent supportive housing for homeless veterans and their families.	487,000
Northeast Iowa Food Bank, Waterloo, IA	For construction of a food warehouse and distribution center	340,900
Northern Comm. Investment Corp., St. Johnsbury, VT	To continue to expand high speed, high technology broadband connectivity to New Hampshire's North Country.	1,000,000
Northside Community Housing, Inc., St. Louis, MO	To provide renovations in order to preserve affordable housing units for low and moderate income seniors, individuals, and families.	1,000,000
Oak Ridge Cemetery	Oak Ridge Cemetery infrastructure improvements	250,000
Oklahoma City Community College	Capitol Hill Center building renovations	200,000
Operation Fightback, NY, NY	Construction of 74 units of affordable housing	750,000
Orange County, FL	Renovation and construction of the Central Receiving Center for the homeless	400,000
Our City Reading, Reading, PA	For rehabilitation of abandoned houses and provision of down payment assistance to home buyers	194,800
Pantry Partners Food Bank	Pantry Partners Food Bank building project	200,000
Para Los Ninos, Los Angeles, CA	Renovations at the Vermont Child Development Center	250,000
Parish of Ascension, LA	For acquisition of the multi-purpose center	681,800
Paulding County Industrial Building Authority	Paulding County Technology Park building construction	250,000
Pendleton Round-Up Foundation, Pendleton, OR	For the reconstruction and construction needs of facilities which are critical to the local economy	487,000
Peoria Park District	Proctor Center park redevelopment	250,000
Planning Office for Urban Affairs, Inc., Boston, MA	Construction of affordable housing in St. Aidan's Redevelopment	750,000
Pocahontas County Commission, Marlinton, WV	For construction of a multipurpose community center, which would promote the health and wellness of county residents, and provide youth and adult alcohol and drug prevention programs.	2,922,000
Polk County, FL	Polk County Agricultural Center building renovation	200,000
Port of Coos Bay, Coos Bay, OR	For purchase of critical dock equipment essential to local economic survival	340,900
Portsmouth Music Hall, Portsmouth, NH	For repairs, restoration and modernization of a theater and construction of an additional space	1,000,000
Pregones Theater, Bronx, NY	Renovation and buildout of the Pregones Theater	150,000
Public Action to Deliver Shelter, Inc., DBA Hesed House, Aurora, IL	Renovation and construction of a homeless resource center	200,000
Randolph County Industrial Development Council	Industrial Park South infrastructure improvements	250,000
Rebuilding Together Houston, Houston, TX	Renovations of housing for veterans who are low-income or disabled	400,000
Redevelopment Authority of the City of Milwaukee, WI	For site acquisition, demolition, remediation and redevelopment of priority sites in the 30th Street Industrial Corridor.	292,200
Ritchie County Public Library, Harrisville, WV	Renovation and construction of the Ritchie County Public Library	200,000
Riverfront, Inc., La Crosse, WI	For expansion of a training facility for vocational and independent living services	292,200
Riverplace Development Corporation	The Penn Corridor streetscaping	250,000
Riverworks Development Corporation, Milwaukee, WI	Acquisition of blighted and abandoned buildings and vacant lots in the Five Point Exchange area	250,000
Rockingham Community College, Wentworth, NC	Design and equipment at the McMichael Civic Center	250,000
Rockland Housing Action Coalition, Nanuet, NY	For construction of permanent, supportive rental housing for existing and returning disabled veterans and their families.	974,000
Rocky Mountain Development Council	Caird Iron Works Redevelopment	200,000
Rocky Mountain Youth Corps, Rancho de Taos, NM	For preconstruction costs of a youth facility	292,200
Safe Harbors of the Hudson, Inc., Newburgh, NY	Restoration and renovation at the historic Ritz Theater	400,000
Saginaw County, MI	For an energy efficient infrastructure demonstration project to support the renaissance of downtown Saginaw.	340,900
San Mateo County, CA	Construction and renovation of the Half Moon Bay Library	200,000
Scranton City, PA	For elimination of slum and blight	292,200
Self-Help Housing Corporation of Hawaii, Honolulu, HI	For the construction of a 76 lot subdivision for self-help housing project for low income families	487,000
Seneca County Industrial Development Agency, Waterloo, NY	Demolition of two buildings at the Seneca Army Depot	200,000
Silver Stage Youth Organization, Silver Springs, NV	For design and construction of a youth facility	194,800
Snohomish County, Everett, WA	For the acquisition and renovation of a new facility for use by Dawson's Place Child Advocacy Center	974,000
South Carolina Maritime Foundation	Spirit of South Carolina facilities construction and curriculum development	250,000
South Jersey Economic Development District	Aviation Research and Technology Park infrastructure improvements	250,000
South Tangipahoa Parish Port Commission	Port Manchac Bulkhead renovations	100,000
Spirit Lake Nation, Fort Totten, ND	For construction of low income senior housing units	730,500
Squamscott Community Commons, Exeter, NH	For the construction of a new community center	1,000,000
St. Ann's Infant and Maternity Home, Hyattsville, MD	Renovations and systems upgrades	200,000
St. Louis County Economic Council, St. Louis, MO	For the final design and construction of Wellston Child Care Center	3,000,000
St. Mary Development Corporation	Renaissance Alliance Project—St. Mary Development Corporation building acquisition and demolition	400,000
Starr Commonwealth, Battle Creek, MI	For renovations to facilities serving at-risk youth	876,600
Starr Commonwealth, Detroit, MI	Renovation and expansion of transitional facilities for youth	350,000
Susquehanna County Library, Montrose, PA	Construction of a public library	300,000
Tacoma Rescue Mission, Tacoma, WA	Construction of a facility for homeless women and families	350,000
Tallahatchie County, MS	For renovation of the Emmett Till Memorial Complex	195,000
Texas College	Discovery Learning Center Program building renovation	250,000
Texas State Technical College	TSTC Marshall Transportation and Industrial Manufacturing Building	200,000
Texas Wesleyan University	Rosedale Avenue Redevelopment Initiative renovations	250,000
The Arc of Spokane, Spokane, WA	For capital costs and equipment acquisition for the renovation of an Arc of Spokane building	974,000



Grantee	Purpose	Amount
The City of Rainsville, AL .....	Northeast Alabama Agri-Business Center facility construction .....	200,000
The Coalition for Buzzards Bay, New Bedford, MA .....	Green renovation of an educational facility .....	250,000
The Community Food Bank of San Benito County, CA .....	Acquisition of a building for the food bank .....	150,000
The Dunbar Coalition, Tucson, AZ .....	Rehabilitation of the African American Museum and Cultural Center .....	250,000
The Home for Little Wanderers, Boston, MA .....	Renovation of the Knight Children's Center, Jamaica Plain .....	300,000
The Housing Trust of Santa Clara County, CA .....	Capitalization of a revolving loan fund .....	700,000
The Institute for Human Services, Honolulu, HI .....	For construction of a job and skills training center at Hawaii's oldest and largest emergency homeless shelter .....	194,800
The Manor, Jonesville, MI .....	Construction of educational facilities for developmentally disabled youth .....	250,000
The Murphy Theatre Community Center, Inc. ....	The Murphy Theatre building renovation .....	250,000
The Old Slater Mill Association, Pawtucket, RI .....	For completion of the historic restoration project at the Historic Slater Mill .....	194,800
The School for Children with Hidden Intelligence .....	Construction of an educational facility providing special education services .....	250,000
The Sunnybrook Foundation .....	Sunnybrook Historic Revitalization Project building renovation .....	250,000
The Unity Council, Oakland, CA .....	Rehabilitation of the Fruitvale Community Cultural Center in Oakland, CA .....	250,000
Theodore Roosevelt Medora Foundation, Medora, ND .....	For restoration and expansion of historic property .....	292,200
Three Square Food Bank, Las Vegas, NV .....	Acquisition of equipment and vehicles for food pickup and distribution .....	200,000
Tides Family Services, West Warwick, RI .....	For renovation and expansion of a center for at-risk youth .....	340,900
Toledo Metroparks, Toledo, OH .....	Acquisition of the remaining 62 acres of Kell Farm .....	500,000
Toledo-Lucas County Port Authority, Toledo, OH .....	For purchase and remediation of the 110 acre former Jeep Parkway property .....	1,300,000
Town of Cambria, NY .....	Old Military Base Phase One Demolition Project .....	250,000
Town of Darien, CT .....	Construction of an affordable housing development .....	250,000
Town of Gorham, NH .....	For renovation of a community facility to house programs serving children, youth and families in Coos County .....	194,800
Town of Greenville, ME .....	For the completion of the Greenville Junction Wharf .....	250,000
Town of Hammononton, NJ .....	Hammononton Downtown building renovation .....	250,000
Town of North Kingstown, RI .....	For construction of a new senior center .....	292,200
Town of Pelahatchie, MS .....	Pelahatchie site development for economic development .....	150,000
Town of Silver City, NM .....	For the construction of the Vistas de Plata, a 56 unit affordable housing project .....	584,400
Town of Syracuse, IN .....	Syracuse Technology and Industrial Park infrastructure improvements .....	500,000
Towship of Clinton, NJ .....	Township of Clinton affordable housing site preparation .....	250,000
Township of Union, NJ .....	Irvington Branch of Lightning Brook retaining wall replacement .....	250,000
Trenton, NJ .....	Trenton Train Station area infrastructure improvements .....	200,000
Triangle Residential Options for Substance Abusers (TROSA), Durham, NC .....	Construction of a dorm for a substance abuse recovery program .....	400,000
Tubman African American Museum, Macon, GA .....	Construction of the Tubman Museum .....	250,000
Tundra Women's Coalition, Bethel, AK .....	For replacement of a women's facility .....	487,000
UDI Community Development Corporation, Durham, NC .....	Renovation and conversion of deteriorating buildings to mixed-use commercial/residential space .....	200,000
United Way of Dane County, Madison, WI .....	For acquisition and redevelopment of apartment units in order to provide supportive housing for homeless families .....	194,800
United Way of Kitsap County, Bremerton, WA .....	For capital costs related to the development of the United Way Non-profit Community Center .....	1,217,500
Unity House of Troy, NY .....	Construction and renovation of a domestic violence shelter .....	300,000
Uptown Theater, Philadelphia, PA .....	Renovation of the Uptown Theater .....	350,000
Urban League of Springfield, MA .....	Renovation of facilities at Camp Atwater, a camp serving Springfield, MA .....	450,000
Utah Food Bank Services, UT .....	For expanding the capacity to collect and distribute food to low-income individuals and families .....	250,000
Valley Forge Military Academy and College, Wayne, PA .....	Renovation and construction at Von Steuben Hall .....	300,000
Vermont Association of Area Agencies on Aging, Barre, VT .....	For improvements to facilities for seniors .....	487,000
Vermont Division for Historic Preservation, Montpelier, VT .....	For preservation of historic assets .....	194,800
Vermont Foodbank, Barre, VT .....	For energy efficiency improvements .....	194,800
Vermont Housing and Conservation Board, Montpelier, VT .....	For enhancement of affordable housing, community development initiatives, economic development, land conservation and historic preservation .....	3,896,000
Vermont Housing and Conservation Board, Montpelier, VT .....	For the construction and improvement of housing stock .....	243,500
Veterans Memorial Building Development Committee of the San Ramon Valley, Danville, CA .....	Restoration of the Veterans Memorial Building for the San Ramon Valley .....	200,000
Veterans of Foreign Wars Post 6249 Rocky Point, NY .....	Renovation of facility for handicap accessibility .....	200,000
Village of Villa Park, IL .....	Streetscaping, South Villa Corridor .....	250,000
Ville Market Place, St. Louis, MO .....	Construction of a farmer's market in an inner city neighborhood .....	\$300,000
Volunteers of America Michigan, Lansing, MI .....	For expansion of housing shelters and community access to medical, social civic and economic services ...	389,600
Waipa Foundation, Hanalei, HI .....	For construction, renovation, and equipment purchase for a state-certified commercial kitchen, food mill, and underground oven for vocational training and processing of value-added agricultural products in low-income and farming communities .....	389,600
Wakpa Sica Reconciliation Place, Ft. Pierre, SD .....	Construction of Wakpa Sica Reconciliation Place .....	28,000
Wallington, NJ .....	Streetscaping and ADA compliance .....	250,000
Washington County, MO .....	Washington County ADA building renovations .....	300,000
Wayne County Economic Development District, Waynesboro, MS .....	Construction and infrastructure at the Wayne County Industrial Park .....	200,000
Wayne State College, Wayne, NE .....	For construction of a new collaborative education center .....	292,200
West Columbia, SC .....	To establish an enrichment complex for families and children .....	250,000
West Manheim Township Park and Recreation Board .....	West Manheim Township Park facilities improvements .....	250,000
West Orlando Rotary Club, Orlando, FL .....	Construction of wheelchair ramps for low-income residents .....	150,000
West Valley City, UT .....	for the construction of City Center Plaza in a blighted area, a critical element of a major redevelopment project with a planned intermodal center .....	1,000,000
Westerly Area Rest Meals (WARM Inc.), Westerly, RI .....	For expansion and renovation of a community soup kitchen .....	292,200
Western Montana Children's Safety Initiative, MT .....	Construction of a children's shelter facility .....	625,000
Winston County Commission, AL .....	Winston County Industrial Park infrastructure improvements .....	400,000
Wistariahurst Museum, Holyoke, MA .....	Renovation and expansion at the Wistaria Museum .....	250,000
Wright-Dunbar, Inc. ....	Wright-Dunbar Redevelopment Project building renovation .....	250,000
Yellowstone Boys and Girls Ranch .....	Yellowstone Boys and Girls Ranch building renovation .....	100,000
YMCA of Greater NY, New York, NY .....	Planning design and construction of a community center .....	300,000
Youngstown Central Area Community Improvement Corporating, Youngstown, OH .....	Remediation and renovation of a brownfield site to be suitable for technology-based businesses. ....	450,000

The Department is directed to implement the Neighborhood Initiatives program as follows:

Grantee	Purpose	Amount
Calhoun County, MS .....	For renovation and construction of a historic courthouse .....	900,000
CAP Services, Stevens Point, WI .....	Business incubator support for start-up companies .....	400,000
Capitol Hill Housing, Seattle, WA .....	For the construction of affordable housing .....	706,150
Center for Planning Excellence, Baton Rouge, LA .....	For provision of technical assistance to a community regarding sustainable development, neighborhood revitalization, housing and land use planning .....	974,000
City of Charleston .....	Construction of the International African American Museum .....	525,000
City of Gig Harbor, Gig Harbor, WA .....	For improved physical access to area businesses .....	1,461,000
City of Harker Heights, TX .....	Armed Services YMCA facility construction, Harker Heights, TX .....	750,000
City of Las Vegas, NV .....	Foreclosure prevention and intervention program .....	200,000
City of Olympia, Olympia, WA .....	For downtown revitalization and business access improvements .....	1,071,400
City of Superior, WI .....	Expansion and improvement of shipyard repair capacity on the Great Lakes .....	2,000,000
Cleveland Institute of Art .....	Cleveland Institute of Art building construction, Cleveland, OH .....	500,000
Consumer Credit Counseling Service, Las Vegas, NV .....	For foreclosure prevention efforts .....	487,000
County of San Bernardino, Riverside County .....	Inland Empire Economic Recovery Corporation, San Bernardino, CA .....	1,000,000
Growing Places, Centralia, WA .....	For facility and infrastructure improvements to an education and job training facility serving at-risk youth .....	487,000
Holyoke Community College, Holyoke, MA .....	For completion of construction of a onestop education, social services, and job training center serving low-income persons .....	243,500
homeWORD, Missoula, MT .....	For development of rental housing that is affordable to working families .....	487,000
Housing Initiative Partnership, Inc., Hyattsville, MD .....	Spanish-language foreclosure prevention program in Prince George's County, MD .....	500,000
Jacksonville Area Legal Aid, Jacksonville, FL .....	For foreclosure prevention training and other legal services .....	389,600
Jefferson County, CO .....	For the housing authority to establish a new program of housing and supportive services for homeless veterans .....	487,000
Lighthouse for the Blind, Inc., Seattle, WA .....	For the improved accessibility of community and transit services for blind, low vision, and deaf-blind individuals in King, Pierce, and Spokane counties in Washington State .....	

Grantee	Purpose	Amount
Mississippi State University, Starkville, Ms .....	For community planning and development .....	500,000
National Community Renaissance .....	National Community Renaissance Affordable Housing Program, Rancho Cucamonga, CA .....	1,000,000
National Council of La Raza, Washington, DC .....	Capitalization of a revolving loan fund to be used for nationwide community development activities .....	1,000,000
NeighborWorks Lincoln, Lincoln, NE .....	For neighborhood revitalization including elimination of blight, construction of single family homes, rehabilitation and repairs .....	487,000
New Orleans Redevelopment Authority .....	Reduce Blight on Critical Corridors, New Orleans, LA .....	860,000
North End Action Team, Middletown, CT .....	For foreclosure prevention assistance .....	194,800
North Quabbin Woods/New England Forestry Foundation, Orange, MA .....	Support economic development in the North Quabbin region .....	75,000
North West Wisconsin Regional Planning Commission, Spooner, WI .....	Expansion of business incubators in Rusk County, including infrastructure improvements .....	500,000
Northern Community Investment Corporation, Berlin, NH .....	For capitalization of a revolving loan fund to support businesses in New Hampshire's North Country .....	487,000
South Dakota Science and Technology Authority, Lead, SD .....	For infrastructure improvements to the Homestake Mine .....	389,600
Southeastern Connecticut Housing Alliance, Norwich, CT .....	For programs to increase affordable housing .....	194,800
Technology Access Foundation, White Center, WA .....	For the construction of the TAF Community Learning Space facility .....	487,000
Town of Huntington, NY .....	For construction of a state-of-the-art community center for veterans .....	779,200
Urban League of Southern Connecticut, Stamford, CT .....	For homeownership and foreclosure prevention counseling .....	292,200
Western Kentucky University .....	WKU Business Accelerator .....	250,000
YWCA of Yakima, Yakima, WA .....	For upgrades to the UWCA's Bringing It Home supportive housing project for victims of domestic violence .....	292,200
YWCA Southeastern Massachusetts, New Bedford, MA .....	For construction of a community center and women's transitional housing facility .....	194,800

#### COMMUNITY DEVELOPMENT LOAN GUARANTEES PROGRAM ACCOUNT

The conference agreement provides \$6,000,000 for costs associated with section 108 loan guarantees, including administrative costs, to subsidize a total loan principal of up to \$275,000,000, as proposed by the House. The Senate proposed the same loan volume with no subsidy.

#### BROWNFIELDS REDEVELOPMENT

The conference agreement provides \$17,500,000 for the Brownfields Redevelopment program, as opposed to \$25,000,000 as proposed by the House. The Senate did not propose funding for this account.

#### HOME INVESTMENT PARTNERSHIPS PROGRAM

The conference agreement provides a total of \$1,825,000,000 for this account, as proposed by the Senate. The House proposed \$1,995,000,000 for this account.

#### SELF-HELP AND ASSISTED HOMEOWNERSHIP OPPORTUNITY PROGRAM

The conference agreement provides \$82,000,000 for this account, as opposed to \$85,000,000, as proposed by the House and Senate. Of the total, \$27,000,000 is provided for the SHOP program and \$50,000,000 is provided for the second, third and fourth capacity building activities authorized under section 4(b)(3), of which not less than \$5,000,000 may be made available for rural capacity building activities. In addition, \$5,000,000 is provided for capacity building activities authorized under sections 6301 through 6305 in Public Law 110-246.

#### HOMELESS ASSISTANCE GRANTS (INCLUDING TRANSFER OF FUNDS)

The conference agreement provides \$1,865,000,000 for Homeless Assistance Grants, as opposed to \$1,875,000,000 as proposed by the Senate and \$1,850,000,000 as proposed by the House. Of the amount provided, \$6,000,000 is proposed for the national homeless data analysis project.

#### HOUSING PROGRAMS

##### PROJECT-BASED RENTAL ASSISTANCE

The conference agreement provides \$8,551,525,000 for project-based rental assistance activities, as opposed to \$8,706,328,000 as proposed by the House and \$8,100,000,000 as proposed by the Senate. The conference agreement also provides an advance appropriation of \$393,672,000 for fiscal year 2011. The conference agreement provides \$8,325,853,000 for contract renewals, and not less than \$232,000,000 for contract administrators, but not to exceed \$258,000,000.

##### HOUSING FOR THE ELDERLY

The conference agreement provides \$825,000,000 for the section 202 program, as opposed to \$1,000,000,000 as proposed by the House and \$785,000,000 as proposed by the Senate. The conference agreement provides

that up to \$40,000,000 may be used for the conversion of 202 units to assisted living facilities, as opposed to \$25,000,000 as proposed by the House and Senate.

#### HOUSING FOR PERSONS WITH DISABILITIES

The conference agreement provides \$300,000,000 for the Section 811 program, as opposed to \$350,000,000 as proposed by the House and \$265,000,000 as proposed by the Senate.

#### HOUSING COUNSELING ASSISTANCE

The conference agreement provides \$87,500,000 for Housing Counseling Assistance, as opposed to \$75,000,000 as proposed by the House and \$100,000,000 as proposed by the Senate.

The conference agreement provides that not less than \$13,500,000 of the funding provided be awarded to HUD-certified counseling agencies in areas with the highest rates of foreclosure as proposed by the Senate. The conferees expect HUD to work with the Neighborhood Reinvestment Corporation in administering the funds for foreclosure prevention counseling.

The Department is instructed to issue a NOFA for these funds within 60 days of enactment of this Act, as proposed by the House.

#### ENERGY INNOVATION FUND

The conference agreement provides \$50,000,000 for the Energy Innovation Fund for single family and multifamily mortgage pilot programs, as proposed by the House. The Senate proposed \$75,000,000 for this account. The conference agreement does not include funding for the Local Initiatives Fund as proposed by the Senate. The conferees are concerned that this would be duplicative of other Federal programs, but would consider this proposal in the future if the unique role of HUD is better justified.

#### OTHER ASSISTED HOUSING PROGRAMS

##### RENTAL HOUSING ASSISTANCE

The conference agreement provides \$40,000,000 for Section 236 payments to State-aided, non-insured projects, as proposed by the House and Senate.

##### RENT SUPPLEMENT (RESCISSION)

The conference agreement rescinds \$72,036,000 from the Rent Supplement account, as opposed to \$27,600,000, as proposed by the House and Senate.

##### PAYMENT TO MANUFACTURED HOUSING FEES TRUST FUND

The conference agreement provides \$16,000,000 for authorized activities, of which \$7,000,000 is to be derived from the Manufactured Housing Fees Trust Fund, as proposed by the House and Senate.

#### FEDERAL HOUSING ADMINISTRATION

#### MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

##### (INCLUDING TRANSFER OF FUNDS)

The conference agreement establishes a limitation of \$400,000,000,000 on commitments to guarantee single-family loans during fiscal year 2010, as proposed by the House and Senate. The conferees continue the Home Equity Conversion Mortgage (HECM) program, but provide no subsidy for this program as proposed by the House.

#### GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

The conference agreement establishes a \$15,000,000,000 limitation on multifamily and specialized loan guarantees during fiscal year 2010, as proposed by the House and Senate.

#### GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

#### GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

The conference agreement includes up to \$500,000,000,000 for new commitments, as proposed by the House and Senate.

#### POLICY DEVELOPMENT AND RESEARCH

##### RESEARCH AND TECHNOLOGY

The conference agreement provides \$48,000,000 for research and technology, as proposed by the Senate. The House proposed \$50,000,000 for this account.

#### FAIR HOUSING AND EQUAL OPPORTUNITY

##### FAIR HOUSING ACTIVITIES

The conference agreement provides \$72,000,000 for this program, as proposed by the House and Senate. Of this amount, \$42,500,000 is for the Fair Housing Assistance Program (FHAP) and \$29,500,000 is for the Fair Housing Initiatives Program (FHIP).

The conferees do not propose a separate set-aside for work on mortgage rescue scams as proposed by the Senate since these activities are already being funded as part of the program.

The conference agreement includes \$500,000 to continue the translation and promotion of materials to assist persons with limited English proficiency, as proposed by the Senate.

#### OFFICE OF LEAD HAZARD CONTROL AND HEALTHY HOMES

##### LEAD HAZARD REDUCTION

The conference agreement provides \$140,000,000 for the Lead Hazard Reduction program, as proposed by the House and Senate. Of this amount, the conference agreement includes \$48,000,000 for areas with the highest lead abatement needs, as proposed by the Senate.

MANAGEMENT AND ADMINISTRATION  
WORKING CAPITAL FUND  
(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes \$200,000,000 for the Working Capital Fund, as proposed by the House and Senate.

OFFICE OF INSPECTOR GENERAL

The conference agreement provides \$125,000,000 for the Office of Inspector General, as opposed to \$120,000,000 as proposed by the House and \$126,000,000 as proposed by the Senate.

The conference agreement directs the Inspector General to use the \$5,000,000 increase for audits, investigations and personnel costs related to the Office's Federal Housing Administration and mortgage-fraud oversight activities.

TRANSFORMATION INITIATIVE  
(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides \$20,000,000 for combating mortgage fraud through the Transformation Initiative (TI), as proposed by the House and Senate, as well as the authority to transfer up to 1 percent of funds from specified accounts within the Department, similar to language proposed by the House and Senate. The Secretary is required to submit a plan to the House and Senate Committees on Appropriations for approval detailing how the funding will be allocated among the various activities authorized under this initiative.

Of the funds transferred for the TI, not less than \$80,000,000 and not more than \$180,000,000 is for the modernization of the Department's legacy information technology systems. The conference agreement directs HUD to submit an information technology spending plan, and for GAO to evaluate HUD's modernization plan and monitor the Department's progress in meeting its goals.

Of the funds transferred, not less than \$45,000,000 is for technical assistance. Funding is also available for research, evaluations and demonstrations. The conferees direct HUD to conduct an evaluation of the Moving to Work demonstration program, to be completed by August 31, 2010.

GENERAL PROVISIONS—DEPARTMENT OF  
HOUSING AND URBAN DEVELOPMENT

Section 201 splits overpayments evenly between Treasury and State HFAs, as proposed by the House and Senate.

Section 202 precludes the use of funds to prosecute or investigate legal activities under the Fair Housing Act, as proposed by the House and Senate.

Section 203 continues language to correct anomalies for HOPWA and specifies jurisdictions in New York and New Jersey and uses three year average, as proposed by the House and Senate.

Section 204 requires that funds be subject to competition unless specified otherwise in statute, as proposed by the House and Senate.

Section 205 allows HUD to use funds for services or facilities of GNMA and Fannie Mae, as proposed by the House and Senate.

Section 206 requires HUD to comport with the budget estimates except as otherwise provided in this Act or through an approved reprogramming, as proposed by the House and Senate.

Section 207 provides authorization for HUD corporations to utilize funds under certain conditions and restrictions, as proposed by the House and Senate.

Section 208 requires a report on unexpended balances each quarter, as proposed by the House and Senate.

Section 209 specifies the distribution of AIDS funds to New Jersey and North Carolina, as proposed by the House and Senate.

Section 210 requires that the Administration's budget and the Department's budget justifications for fiscal year 2011 shall be submitted in the identical account and sub-account structure provided in this Act, as proposed by the House and Senate.

Section 211 exempts PHA Boards in Alaska, Iowa, and Mississippi and the County of Los Angeles from the public housing resident representation requirement, as proposed by the House and Senate.

Section 212 authorizes HUD to transfer debt and use agreements from an obsolete project to a viable project, provided that no additional costs are incurred, and other conditions are met, similar to language proposed by the House and Senate.

Section 213 distributes 2009 Native American Housing Block grant funds to the same Native Alaskan recipients as 2005, as proposed by the House and Senate.

Section 214 prohibits the IG from changing the basis on which the audit of GNMA is conducted, as proposed by the House and Senate.

Section 215 sets forth requirements for eligibility for Section 8 voucher assistance, and includes a consideration for persons with disabilities, as proposed by the House and Senate.

Section 216 authorizes the Secretary to insure mortgages under Section 255 of the National Housing Act, as proposed by the House and Senate.

Section 217 instructs HUD on managing and disposing of any multifamily property that is owned by HUD, as proposed by the House and Senate.

Section 218 authorizes the Secretary to waive certain requirements on adjusted income for certain assisted living projects for counties in Michigan, as proposed by the House.

Section 219 provides that the Secretary shall report quarterly on HUD's use of all sole source contracts, as proposed by the House and Senate.

Section 220 allows the recipient of a section 202 grant to establish a single-asset non-profit entity to own the project and may lend the grant funds to such entity, as proposed by the House and Senate.

Section 221 provides that amounts provided under the Section 108 loan guarantee program may be used to guarantee notes or other obligations issued by any State on behalf of non-entitlement communities in the State, and that regulations shall be promulgated within 60 days of enactment, as proposed by the House and Senate.

Section 222 amends section 24 of the U.S. Housing Act by extending the HOPE VI program through September 30, 2010, as proposed by the House and similar to language proposed by the Senate.

Section 223 allows PHAs that own and operate 400 units or fewer of public housing to be exempt from asset management requirements, as proposed by the House and Senate.

Section 224 restricts the Secretary from imposing any requirement or guideline relating to asset management that restricts or limits the use of capital funds for central office costs, up to the limit established in QWHRA, as proposed by the House and Senate.

Section 225 directs that no employee shall be designated as an allotment holder unless the CFO determines that they have received training, and that the CFO shall ensure that trained allotment holders are designated within 90 days of enactment, as proposed by the House and Senate.

Section 226 requires that the Secretary shall report quarterly on the status of all Project-Based Section 8 housing, as proposed by the Senate.

Section 227 provides that funding for indemnities is limited to non-programmatic litigation, as proposed by the House and Senate.

Section 228 provides that the Secretary shall publish all NOFAs on the internet, as proposed by the House and Senate.

Section 229 allows refinancing of certain section 202 loans, as proposed by the House and Senate.

Section 230 makes reforms to the Federal Surplus Property Program for the homeless, as proposed by the House and Senate.

Section 231 authorizes the Secretary to transfer up to 5 percent of funds among the accounts appropriated under the title "Personnel Compensation and Benefits," as proposed by the House and Senate.

Section 232 allows the Secretary to increase the aggregate number of MTW agencies by three PHAs, as proposed by the Senate.

Section 233 allows HUD to consider industry standard appraisal practices, including the cost of repairs when determining market value, as proposed by the Senate.

Section 234 allows the Disaster Housing Assistance Programs to be considered a program of the Department of Housing and Urban Development for the purpose of income verifications and matching, as proposed by the House and Senate.

Section 235 directs HUD to report on the number of government-owned residential homes in its portfolio, as proposed by the Senate.

Section 236 waives the match requirement for CDBG disaster funds, as proposed by the Senate.

The conference agreement does not include a Senate provision regarding the use of \$200,000,000 for PHAs experiencing a shortfall of FY09 funds, due to the fact that all necessary funds have been allocated to relieve this shortfall. The conferees direct the Department to return all funds not used for this purpose to the Tenant-Based Rental Assistance renewal account and allocate such funds pursuant to the formula allocation immediately.

TITLE III—RELATED AGENCIES

ACCESS BOARD

SALARIES AND EXPENSES

The conference agreement includes \$7,300,000 for the salaries and expenses of the Access Board, instead of \$7,200,000 as proposed by the House and \$7,400,000 as proposed by the Senate. The funds provided over the budget request are for managing expanded responsibilities, including increased collaboration with other federal agencies, acceleration of the rule-making process, and the development of training and technical assistance materials and tools.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

The conference agreement includes \$24,135,000 for the salaries and benefits of the Federal Maritime Commission, instead of \$23,712,000 as proposed by the House and \$24,558,000 as proposed by the Senate. Of the funds provided, not more than \$300,000 can be used for performance awards.

NATIONAL RAILROAD PASSENGER CORPORATION

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

The conference agreement provides \$19,000,000 for Amtrak's Office of the Inspector General (Amtrak OIG) as proposed by

both the House and the Senate. The agreement requires Amtrak OIG to submit a comprehensive budget justification for fiscal year 2011 in similar format and substance to those submitted by other agencies of the federal government.

NATIONAL TRANSPORTATION SAFETY BOARD  
SALARIES AND EXPENSES

The conference agreement provides \$98,050,000 for the salaries and expenses of the National Transportation Safety Board (NTSB), instead of \$99,200,000 as proposed by the House and \$96,900,000 as proposed by the Senate. Of this amount, no more than \$2,000 may be used for official reception and representation expenses, as proposed by both the House and the Senate.

The conference agreement includes bill language, as proposed by both the House and the Senate, which directs the NTSB to reimburse the Department of Transportation's Inspector General up to \$100,000 for costs associated with the annual audit of the NTSB's financial statements.

Included within this appropriation, the conferees provide a one-time increase of \$2,416,000 to pay for moving costs associated with the expiring headquarters lease and bill language is included that makes these funds available until September 30, 2011, as proposed by the Senate. The conferees note that this funding should not be considered as part of the agency's base funding level for future budget requests. The conference agreement also includes a one-time increase of \$800,000 for equipment to modernize the NTSB's data recorder laboratory, instead of \$500,000 as proposed by the House and \$1,000,000 as proposed by the Senate.

Of the funds provided, the conferees include \$2,350,000 to fund 11 additional personnel in the agency's most critical safety areas of highways, pipelines, railroads, research and engineering, and aviation, instead of \$6,716,000 for 32 additional staff as proposed by the House. Consistent with the House language, the conferees prohibit these funds from being used for the NTSB Academy.

The conference agreement includes \$500,000 to fund up to 3 additional staff positions and the associated training activities related to providing assistance to the families of rail passenger accidents as required by the Rail Safety Improvement Act of 2008, as proposed by the Senate.

Language, modified slightly from previous years as proposed by the House, is included in the bill to ensure that the NTSB can satisfy its contractual obligations and use its fiscal year 2010 appropriation to make the lease payments for the Academy.

NEIGHBORHOOD REINVESTMENT CORPORATION  
PAYMENT TO THE NEIGHBORHOOD  
REINVESTMENT CORPORATION

The conference agreement provides \$233,000,000 for the Neighborhood Reinvestment Corporation, as opposed to \$196,800,000 as proposed by the House and \$243,000,000 as proposed by the Senate.

The conference agreement includes \$35,000,000 for capital grants for the rehabilitation of affordable housing similar to language proposed by the Senate. The agreement also includes \$65,000,000 for the National Foreclosure Mitigation Counseling program as proposed by the Senate instead of \$63,800,000 as proposed by the House.

UNITED STATES INTERAGENCY COUNCIL ON  
HOMELESSNESS  
OPERATING EXPENSES

The conference agreement provides \$2,450,000, as opposed to \$2,400,000 as proposed by the House and \$2,680,000 as proposed by the Senate.

The conferees reiterate direction included in the Senate report to better coordinate the delivery of housing and education services for children at risk of homelessness, including conducting joint training.

TITLE IV—GENERAL PROVISIONS, THIS  
ACT

Section 401 continues the provision as proposed by the House and the Senate requiring pay raises to be funded within appropriated levels in this Act or previous Appropriations Acts.

Section 402 continues the provision as proposed by the House and the Senate prohibiting pay and other expenses for non-Federal parties in regulatory or adjudicatory proceedings funded in this Act.

Section 403 continues the provision as proposed by the House and the Senate prohibiting obligations beyond the current fiscal year and prohibits transfers of funds unless expressly so provided herein.

Section 404 continues the provision as proposed by the House and the Senate requiring consulting service expenditures of public record in procurement contracts.

Section 405 continues the provision as proposed by the House and the Senate specifying reprogramming procedures by subjecting the establishment of new offices and reorganizations to the reprogramming process.

Section 406 continues the provision as proposed by the House and the Senate providing that fifty percent of unobligated balances may remain available for certain purposes.

Section 407 continues the provision as proposed by the House and the Senate requiring agencies and departments funded herein to report on sole source contracts.

Section 408 continues the provision as proposed by the House and the Senate prohibiting Federal training not directly related to the performance of official duties.

Section 409 continues the provision as proposed by the House and the Senate that prohibits funds from being used for any project that seeks to use the power of eminent domain unless eminent domain is employed only for a public use.

Section 410 continues a provision as proposed by the House and the Senate that denies the transfer of funds made available in this Act to any instrumentality of the United States Government except as authorized by this Act or any other Appropriations Act.

Section 411 continues a provision as proposed by the House and the Senate that prohibits funds in this Act from being used to permanently replace an employee intent on returning to his past occupation after completion of military service.

Section 412 modifies a provision as proposed by the House and the Senate that prohibits funds in this Act from being used unless the expenditure is in compliance with the Buy American Act.

Section 413 modifies a provision as proposed by the House and the Senate that prohibits funds from being appropriated or made available to any person or entity that has been found to violate the Buy American Act.

Section 414 prohibits funds for first-class airline accommodations in contravention of section 301–10.122 and 301–10.123 of title 41 CFR as proposed by the House.

Section 415 prohibits funds from being used to purchase light bulbs for an office building unless, to the extent practicable, the light bulb has an Energy Star or Federal Energy Management Program designation as proposed by the House.

Section 416 modifies a provision proposed by the Senate regarding the public disclosure of reports requested by the Congress unless security or other sensitive issues are involved.

Section 417 prohibits funds from being used to establish, issue, implement, administer or enforce any prohibition or restriction on occupancy preference for veterans in HUD facilities located/leased on VA property as proposed by the House.

Section 418 modifies a provision proposed by the Senate which prohibits funds in this Act or any prior Act from going to the group ACORN or any of its affiliates, subsidiaries, or allied organizations.

Section 419 contains a new provision that pertains to for-profit projects in the House report.

The conference agreement does not include a provision proposed by the House prohibiting Amtrak funds from being used to provide free alcohol. The conferees understand that Amtrak funds are not used for this purpose.

The conference agreement does not include a House or Senate provision regarding the community service requirement in public housing. Community service requirements are governed by current law.

The conference agreement does not include a Senate provision requiring all departments, agencies, or Federal entities funded in the Act to notify the Committees on Appropriations 7 days in advance of any announcement of a new program authority. The conferees have included this requirement earlier in this explanatory statement.

DISCLOSURE OF EARMARKS AND CON-  
GRESSIONALLY DIRECTED SPENDING  
ITEMS

Following is a list of congressional earmarks and congressionally directed spending items (as defined in clause 9 of rule XXI of the Rules of the House of Representatives and rule XLIV of the Standing Rules of the Senate, respectively) included in the conference report or the accompanying joint statement of managers, along with the name of each Senator, House Member, Delegate, or Resident Commissioner who submitted a request to the Committee of jurisdiction for each item so identified. Neither the conference report nor the joint statement of managers contains any limited tax benefits or limited tariff benefits as defined in the applicable House or Senate rules. Pursuant to clause 9(b) of rule XXI of the Rules of the House of Representatives, neither the conference report nor the joint statement of managers contains any congressional earmarks, limited tax benefits, or limited tariff benefits that were not (1) committed to the conference committee by either House or (2) in a report of a committee of either House on this bill or on a companion measure.

**DEPARTMENT OF TRANSPORTATION**  
**[Presidentially Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)		
				Administration	Senate	House
Federal Aviation Administration (FAA)	Terminal Air Traffic Facilities	Broomfield, CO	\$4,632,607	The President		
Federal Aviation Administration (FAA)	Terminal Air Traffic Facilities	Champaign, IL	\$8,368,553	The President		
Federal Aviation Administration (FAA)	Terminal Air Traffic Facilities	Cleveland, OH	\$5,095,000	The President		
Federal Aviation Administration (FAA)	Terminal Air Traffic Facilities	Dayton, OH	\$1,121,654	The President		
Federal Aviation Administration (FAA)	Terminal Air Traffic Facilities	Fort Lauderdale, FL	\$8,951,000	The President		
Federal Aviation Administration (FAA)	Terminal Air Traffic Facilities	Gulfport, MS	\$5,642,940	The President		
Federal Aviation Administration (FAA)	Terminal Air Traffic Facilities	Houston, TX	\$8,990,000	The President		
Federal Aviation Administration (FAA)	Terminal Air Traffic Facilities	Islip, NY	\$1,309,823	The President		
Federal Aviation Administration (FAA)	Terminal Air Traffic Facilities	Kalamazoo, MI	\$6,992,500	The President		
Federal Aviation Administration (FAA)	Terminal Air Traffic Facilities	Kona, HI	\$3,160,000	The President		
Federal Aviation Administration (FAA)	Terminal Air Traffic Facilities	LaGuardia, NY	\$1,406,000	The President		
Federal Aviation Administration (FAA)	Terminal Air Traffic Facilities	Las Cruces, NM	\$100,000	The President		
Federal Aviation Administration (FAA)	Terminal Air Traffic Facilities	Las Vegas, NV	\$71,415,552	The President		
Federal Aviation Administration (FAA)	Terminal Air Traffic Facilities	Memphis, TN	\$3,821,375	The President		
Federal Aviation Administration (FAA)	Terminal Air Traffic Facilities	Missoula, MT	\$932,200	The President		
Federal Aviation Administration (FAA)	Terminal Air Traffic Facilities	New York, NY	\$6,379,000	The President		
Federal Aviation Administration (FAA)	Terminal Air Traffic Facilities	Pensacola, FL	\$1,924,610	The President		
Federal Aviation Administration (FAA)	Terminal Air Traffic Facilities	Reno, NV	\$1,301,742	The President		
Federal Aviation Administration (FAA)	Terminal Air Traffic Facilities	San Francisco, CA	\$21,000,000	The President		
Federal Aviation Administration (FAA)	Terminal Air Traffic Facilities	Traverse City, MI	\$3,501,458	The President	Levin; Stabenow	
Federal Aviation Administration (FAA)	Terminal Air Traffic Facilities	West Palm Beach, FL	\$1,508,455	The President		
Federal Aviation Administration (FAA)	Facilities and Equipment	Seattle-Tacoma International Airport—ALSF2 at runway end 16C, Seattle, WA	\$4,000,000	The President		
Federal Transit Administration (FTA)	Capital Investment Grants	Bellevue-Redmond BRT, King County, WA	\$9,368,193	The President	Murray; Cantwell	Reichert
Federal Transit Administration (FTA)	Capital Investment Grants	Central Florida Commuter Rail Transit, Orlando, FL	\$40,000,000	The President		
Federal Transit Administration (FTA)	Capital Investment Grants	Central Phoenix/East Valley Light Rail, Phoenix, AZ	\$61,249,903	The President		Pastor (AZ); Mitchell
Federal Transit Administration (FTA)	Capital Investment Grants	Commuter Rail Improvements, Fitchburg, MA	\$37,452,000	The President		Markey (MA)

**DEPARTMENT OF TRANSPORTATION—Continued**  
**[Presidentially Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)		
				Administration	Senate	House
Federal Transit Administration (FTA)	Capital Investment Grants	Dulles Corridor Metrorail Project Extension to Wiehle Avenue, Washington, DC	\$85,000,000	The President	Webb; Warner	Connolly (VA); Moran (VA); Wolf
Federal Transit Administration (FTA)	Capital Investment Grants	Houston North Corridor LRT, Houston, TX	\$75,000,000	The President	Hutchinson	Culberson; Green, Al; Green, Gene; Jackson-Lee (TX)
Federal Transit Administration (FTA)	Capital Investment Grants	Houston Southeast Corridor LRT, Houston, TX	\$75,000,000	The President	Hutchinson	Green, Gene
Federal Transit Administration (FTA)	Capital Investment Grants	Hudson-Bergen MOS-2, Northern NJ	\$11,039	The President		Payne
Federal Transit Administration (FTA)	Capital Investment Grants	Largo Metrorail Extension, Washington, DC	\$347,000	The President		
Federal Transit Administration (FTA)	Capital Investment Grants	Livemore-Amador Route 10 BRT, Livemore, CA	\$79,900	The President		Tauscher
Federal Transit Administration (FTA)	Capital Investment Grants	Long Island Rail Road East Side Access, New York, NY	\$202,522,853	The President		Bishop (NY); King (NY)
Federal Transit Administration (FTA)	Capital Investment Grants	Los Angeles-Wilshire Blvd Bus-Only Lane, Los Angeles, CA	\$13,558,474	The President	Feinstein	Watson
Federal Transit Administration (FTA)	Capital Investment Grants	Mason Corridor BRT, Fort Collins, CO	\$49,055,155	The President		
Federal Transit Administration (FTA)	Capital Investment Grants	Metro Express-Airport Way Corridor BRT Project, San Joaquin, CA	\$2,808,825	The President		Cardoza; McNeerney
Federal Transit Administration (FTA)	Capital Investment Grants	Metro Gold Line Eastside Extension, Los Angeles, CA	\$9,582,551	The President	Feinstein	Roybal-Allard
Federal Transit Administration (FTA)	Capital Investment Grants	Metro Rapid Bus System Gap Closure, Los Angeles, CA	\$23,326	The President		
Federal Transit Administration (FTA)	Capital Investment Grants	MetroRapid BRT, Austin, TX	\$13,370,204	The President		
Federal Transit Administration (FTA)	Capital Investment Grants	Monterey Bay Rapid Transit, Monterey, CA	\$2,773,038	The President		
Federal Transit Administration (FTA)	Capital Investment Grants	Mountain Links BRT, Flagstaff, AZ	\$681,942	The President		
Federal Transit Administration (FTA)	Capital Investment Grants	NJ Access to the Region's Core (ARC/THE Tunnel), Northern NJ	\$200,000,000	The President	Lautenberg; Menendez	Holt; Pascarelli; Payne; Rothman (NJ); Sires
Federal Transit Administration (FTA)	Capital Investment Grants	North Shore LRT Connector, Pittsburgh, PA	\$6,153	The President		
Federal Transit Administration (FTA)	Capital Investment Grants	Northstar Corridor Rail, Minneapolis-Big Lake, MN	\$711,661	The President	Klobuchar	
Federal Transit Administration (FTA)	Capital Investment Grants	Northwest/Southeast LRT MOS, Dallas, TX	\$84,124,745	The President	Cornyn; Hutchinson	Johnson, Eddie Bernice
Federal Transit Administration (FTA)	Capital Investment Grants	Pacific Highway South BRT, King County, WA	\$6,815	The President	Murray	



Federal Transit Administration (FTA)	Capital Investment Grants	Ravenswood Line Extension, Chicago, IL	\$304,744	The President		
Federal Transit Administration (FTA)	Capital Investment Grants	Roaring Fork Valley, BRT Project, Roaring Fork, CO	\$810,000	The President	Salazar	
Federal Transit Administration (FTA)	Capital Investment Grants	RTD West Corridor LRT, Denver, CO	\$90,000,000	The President	Bennet; Mark Udall	DeGette; Perlmutter
Federal Transit Administration (FTA)	Capital Investment Grants	Salt Lake City-Mid Jordan LRT, Salt Lake City, UT	\$98,000,000	The President	Bennett; Hatch	
Federal Transit Administration (FTA)	Capital Investment Grants	San Bernardino, E Street Corridor sbX BRT, San Bernardino, CA	\$32,370,000	The President	Baca; Miller, Gary	
Federal Transit Administration (FTA)	Capital Investment Grants	San Diego-Mid-City Rapid, San Diego, CA	\$2,359,850	The President	Feinstein	
Federal Transit Administration (FTA)	Capital Investment Grants	Second Avenue Subway Phase I, New York, NY	\$197,182,000	The President	Maloney	
Federal Transit Administration (FTA)	Capital Investment Grants	Sound Transit—Central Link Initial Segment, Seattle, WA	\$3,144,294	The President	Murray	
Federal Transit Administration (FTA)	Capital Investment Grants	Sound Transit—University Link LRT Extension, Seattle, WA	\$110,000,000	The President	Murray	
Federal Transit Administration (FTA)	Capital Investment Grants	South Corridor I-205/Portland Mall LRT, Portland, OR	\$74,229,000	The President	Blumenauer; Wu	
Federal Transit Administration (FTA)	Capital Investment Grants	South Sacramento Corridor Phase II, Sacramento, CA	\$38,000,000	The President	Feinstein	Matsui
Federal Transit Administration (FTA)	Capital Investment Grants	Southeast Corridor LRT, Denver, CO	\$10,312	The President	DeGette; Perlmutter	
Federal Transit Administration (FTA)	Capital Investment Grants	Troost Corridor BRT, Kansas City, MO	\$6,022	The President		
Federal Transit Administration (FTA)	Capital Investment Grants	Weber County-Salt Lake City Commuter Rail, Salt Lake City, UT	\$80,000,000	The President	Bennett; Hatch	Bishop (UT)

DEPARTMENT OF TRANSPORTATION  
[Congressionally Directed Spending Items]

Agency	Account	Project	Amount	Requester(s)	
				Senate	House
Department of Transportation (DOT), Office of the Secretary (OST)	Transportation Planning, Research, and Development	Advanced Power Train Systems Integration Research Facility in the National Transportation Research Center, TN	\$250,000		Wamp
Department of Transportation (DOT), Office of the Secretary (OST)	Transportation Planning, Research, and Development	Earthworks Engineering Research Center—EERC, Iowa State University, IA	\$500,000	Harkin	Latham
Department of Transportation (DOT), Office of the Secretary (OST)	Transportation Planning, Research, and Development	Freight Policy Transportation Institute, WA	\$730,500	Murray	
Department of Transportation (DOT), Office of the Secretary (OST)	Transportation Planning, Research, and Development	Great Lakes Maritime Research Institute	\$450,000		Obey
Department of Transportation (DOT), Office of the Secretary (OST)	Transportation Planning, Research, and Development	Hampton Roads—Crater Multimodal Transportation and Distribution Study, VA	\$243,500	Wamer	Scott (VA)

**DEPARTMENT OF TRANSPORTATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				Senate	House
Department of Transportation (DOT), Office of the Secretary (OST)	Transportation Planning, Research, and Development	Jet Engine Technology Inspection to Support Continued Airworthiness—JET Iowa State University, IA	\$700,000	Harkin	Latham
Department of Transportation (DOT), Office of the Secretary (OST)	Transportation Planning, Research, and Development	Mobility 1st Service	\$750,000	Levin; Stabenow	Kipatrick (MD); Conyers
Department of Transportation (DOT), Office of the Secretary (OST)	Transportation Planning, Research, and Development	Northern Lights Express	\$500,000	Klobuchar	Oberstar
Department of Transportation (DOT), Office of the Secretary (OST)	Transportation Planning, Research, and Development	University of Kansas Engine Test Cell Upgrade, KS	\$350,000		Moran (KS)
Department of Transportation (DOT), Office of the Secretary (OST)	Transportation Planning, Research, and Development	Vehicle Research Institute—Advanced Materials Transit Vehicle Design, WA	\$730,500	Murray; Cantwell	
Department of Transportation (DOT), Office of the Secretary (OST)	Transportation Planning, Research, and Development	Whatcom Smart Trips, WA	\$730,500	Murray	
Federal Aviation Administration (FAA)	AIP—Airport Improvement Program	Airport Apron Expansion, Wasilla, AK	\$500,000		Young (AK)
Federal Aviation Administration (FAA)	AIP—Airport Improvement Program	Albuquerque International Support general aviation aircraft parking ramp replacement, NM	\$275,000		Heinrich
Federal Aviation Administration (FAA)	AIP—Airport Improvement Program	Alliance Airport runway extension program, TX	\$750,000		Burgess; Granger
Federal Aviation Administration (FAA)	AIP—Airport Improvement Program	Alpine Airport runway and terminal improvements, TX	\$500,000		Rodriguez
Federal Aviation Administration (FAA)	AIP—Airport Improvement Program	Altmore Airport access road, runway lights, and safety improvements, AL	\$475,000		Bonner
Federal Aviation Administration (FAA)	AIP—Airport Improvement Program	Bradford County Airport runway extension, PA	\$250,000		Carney
Federal Aviation Administration (FAA)	AIP—Airport Improvement Program	Branch County Memorial Airport green building terminal improvements, Coldwater MI	\$450,000		Schauer
Federal Aviation Administration (FAA)	AIP—Airport Improvement Program	Burlington International Airport Taxiway and Apron Improvements, VT	\$974,000	Leahy	
Federal Aviation Administration (FAA)	AIP—Airport Improvement Program	Burlington-Alamance County Regional Airport runway and taxiway project, NC	\$1,000,000		Coble
Federal Aviation Administration (FAA)	AIP—Airport Improvement Program	Chautauqua County Dunkirk Airport runway construction, NY	\$1,000,000		Higgins
Federal Aviation Administration (FAA)	AIP—Airport Improvement Program	Cincinnati/Northern Kentucky International Airport apron rehabilitation, KY	\$500,000	McConnell	Davis (KY)
Federal Aviation Administration (FAA)	AIP—Airport Improvement Program	Crisp County Airport various improvements, GA	\$300,000		Bishop (GA)
Federal Aviation Administration (FAA)	AIP—Airport Improvement Program	Dekalb Taylor Municipal Airport Drainage Upgrades, IL	\$500,000		Foster
Federal Aviation Administration (FAA)	AIP—Airport Improvement Program	Delta Regional Airport airfield runway, taxiway and apron improvements, AR	\$1,200,000		Berry
Federal Aviation Administration (FAA)	AIP—Airport Improvement Program	Denver International Airport west airfield taxiway improvements, CO	\$500,000		DeGette
Federal Aviation Administration (FAA)	AIP—Airport Improvement Program	Des Moines International Airport Runway 13R/31L Land Acquisition, Des Moines, IA	\$500,000	Grassley	Boswell

Federal Aviation Administration (FAA)	AIP—Airport Improvement Program	Detroit International Airport rehabilitate taxiway A and east end runway, MI		\$500,000	Levin; Stabenow	Conyers
Federal Aviation Administration (FAA)	AIP—Airport Improvement Program	Devils Lake Regional Runway Improvements, ND		\$487,000	Conrad; Dorgan	Pomeroy
Federal Aviation Administration (FAA)	AIP—Airport Improvement Program	Eagle River Union Airport Ramp Reconstruction and Expansion, WI		\$871,730	Kohl	
Federal Aviation Administration (FAA)	AIP—Airport Improvement Program	Fairfield County Airport Runway and Taxiway Rehabilitation, SC		\$175,000		Spratt
Federal Aviation Administration (FAA)	AIP—Airport Improvement Program	Fernandina Beach Municipal Airport taxiway improvements, FL		\$1,000,000		Crenshaw
Federal Aviation Administration (FAA)	AIP—Airport Improvement Program	Florence Regional Airport drainage and concourse improvements, SC		\$500,000		Clyburn
Federal Aviation Administration (FAA)	AIP—Airport Improvement Program	Floyd Bennett Memorial/Warren County Airport Improvements, NY		\$850,000		Murphy (NY)
Federal Aviation Administration (FAA)	AIP—Airport Improvement Program	Gainesville-Alachua Airport general aviation apron and taxiway A rehabilitation, FL		\$750,000		Brown; Corrine
Federal Aviation Administration (FAA)	AIP—Airport Improvement Program	Glynn County Airport airfield and taxiway improvements, GA		\$1,100,000		Kingston
Federal Aviation Administration (FAA)	AIP—Airport Improvement Program	Golden Triangle Regional Airport runway extension, MS		\$2,000,000	Cochran; Wicker	
Federal Aviation Administration (FAA)	AIP—Airport Improvement Program	Grand Forks International Airport Terminal Replacement, Grand Forks, ND		\$2,441,500	Conrad; Dorgan	Pomeroy
Federal Aviation Administration (FAA)	AIP—Airport Improvement Program	Grand Junction Regional Airport Commercial Apron Rehabilitation, CO		\$500,000		Salazar
Federal Aviation Administration (FAA)	AIP—Airport Improvement Program	Guam International Airport Authority—Terminal Security Enhancements		\$750,000		Bordallo
Federal Aviation Administration (FAA)	AIP—Airport Improvement Program	Gulfport-Biloxi Airport design and construction of taxiways and runway extension, MS		\$2,500,000	Cochran; Wicker	
Federal Aviation Administration (FAA)	AIP—Airport Improvement Program	Huntsville Airport Authority air carrier and ramp enhancements, AL		\$250,000		Griffith
Federal Aviation Administration (FAA)	AIP—Airport Improvement Program	Imperial County Airport Feasibility Study, Imperial County, CA		\$100,000		Filner
Federal Aviation Administration (FAA)	AIP—Airport Improvement Program	Jackson-Evers International Airport airfield improvements, MS		\$2,375,000	Cochran; Wicker	Harper
Federal Aviation Administration (FAA)	AIP—Airport Improvement Program	Keokuk Municipal Airport rehabilitation and remarking airfield pavements, IA		\$300,000	Grassley	Loeb sack
Federal Aviation Administration (FAA)	AIP—Airport Improvement Program	Lamar Municipal Airport new runway construction, MO		\$2,750,000	Bond	
Federal Aviation Administration (FAA)	AIP—Airport Improvement Program	Lanett Municipal Airport environmental assessments, land acquisition and runway construction, AL		\$5,000,000	Shelby	
Federal Aviation Administration (FAA)	AIP—Airport Improvement Program	Lewiston-Auburn Municipal Airport data collection, preliminary design, land acquisition, permitting and environmental assessment, ME		\$500,000		Michaud
Federal Aviation Administration (FAA)	AIP—Airport Improvement Program	Los Alamos County Airport runway rehabilitation, NM		\$800,000	Bingaman; Tom Udall	Lujan
Federal Aviation Administration (FAA)	AIP—Airport Improvement Program	Louisville International Airport airfield capacity improvements, KY		\$750,000	McConnell	Yarmuth
Federal Aviation Administration (FAA)	AIP—Airport Improvement Program	Mid Delta Regional various runway improvements, MS		\$1,000,000	Cochran; Wicker	
Federal Aviation Administration (FAA)	AIP—Airport Improvement Program	Mobile Downtown Airport taxiway A improvements, AL		\$1,500,000	Sessions	Bonner
Federal Aviation Administration (FAA)	AIP—Airport Improvement Program	Montgomery County Airport Airfield Pavement Rehabilitation, NC		\$500,000		Kissell
Federal Aviation Administration (FAA)	AIP—Airport Improvement Program	Nashville International Airport reconstruction of a Portion of 2L-20R Runway, TN		\$1,500,000	Alexander; Corker	

**DEPARTMENT OF TRANSPORTATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				Senate	House
Federal Aviation Administration (FAA)	AIP—Airport Improvement Program	Niagara Falls International Airport Runway 10L-28R Mill and Overlay, NY	\$925,000	Gillibrand	Lee (NY)
Federal Aviation Administration (FAA)	AIP—Airport Improvement Program	Oakland County International Airport Terminal Building, Pontiac, MI	\$730,500	Stabenow; Levin	Rogers (MI)
Federal Aviation Administration (FAA)	AIP—Airport Improvement Program	Oberlin Municipal Airport runway realignment and lengthening project, KS	\$500,000	Roberts	Moran (KS)
Federal Aviation Administration (FAA)	AIP—Airport Improvement Program	Ogden-Hinckley Airport runway improvements, UT	\$500,000	Bennett; Hatch	Bishop (UT)
Federal Aviation Administration (FAA)	AIP—Airport Improvement Program	Oxford-Henderson Airport Enhancement Project, NC	\$300,000		Butterfield
Federal Aviation Administration (FAA)	AIP—Airport Improvement Program	Pellston Regional Airport snow removal and aircraft rescue and firefighting building improvements, MI	\$800,000		Stupak
Federal Aviation Administration (FAA)	AIP—Airport Improvement Program	Perry-Foley Airport Resurfacing of Primary Runway 18/36, FL	\$1,000,000		Boyd
Federal Aviation Administration (FAA)	AIP—Airport Improvement Program	Peter Prince Airport, Santa Rosa County, runway hold bays construction, FL	\$500,000		Miller (FL)
Federal Aviation Administration (FAA)	AIP—Airport Improvement Program	Phoenix Sky Harbor International Airport Taxiway Alpha, Phoenix, AZ	\$2,000,000		Pastor (AZ)
Federal Aviation Administration (FAA)	AIP—Airport Improvement Program	Quad Cities International Airport Runway Reconstruction and Extension, Moline, IL	\$487,000	Durbin	
Federal Aviation Administration (FAA)	AIP—Airport Improvement Program	Richard Downing Airport runway extension, OH	\$450,000		Space
Federal Aviation Administration (FAA)	AIP—Airport Improvement Program	Richard Russell Regional Airport (Floyd County, GA) midfield taxiway improvements, GA	\$250,000	Isakson	Gingrey (GA)
Federal Aviation Administration (FAA)	AIP—Airport Improvement Program	Richmond County Airport Runway Safety Area Project, NC	\$400,000		Kissell
Federal Aviation Administration (FAA)	AIP—Airport Improvement Program	San Marcos Municipal Airport apron construction, TX	\$1,200,000	Hutchison	Doggett
Federal Aviation Administration (FAA)	AIP—Airport Improvement Program	Sandusky County Regional Airport (S24) taxiway project, OH	\$500,000		Latta
Federal Aviation Administration (FAA)	AIP—Airport Improvement Program	SC-TAC Airport taxiway B improvements, SC	\$750,000	Graham (SC)	Inglis
Federal Aviation Administration (FAA)	AIP—Airport Improvement Program	Sheboygan County Memorial Airport Reconstruction (Runway 13/31 and Taxiways F1 and F2), WI	\$925,300	Kohl	Petri
Federal Aviation Administration (FAA)	AIP—Airport Improvement Program	Slkston Memorial Municipal Airport for the relocation and construction of a taxiway, MO	\$1,700,000	Bond	
Federal Aviation Administration (FAA)	AIP—Airport Improvement Program	South Texas International Airport runway and fire safety improvements, TX	\$500,000		Hinojosa
Federal Aviation Administration (FAA)	AIP—Airport Improvement Program	Southern Illinois Airport Aircraft Rescue Firefighting Building Construction, Carbondale, IL	\$779,200	Durbin	
Federal Aviation Administration (FAA)	AIP—Airport Improvement Program	St. Clair County International Airport runway extension, MI	\$500,000		Miller (MI)
Federal Aviation Administration (FAA)	AIP—Airport Improvement Program	St. Petersburg-Clearwater International Airport runway and taxiway improvements, FL	\$1,000,000		Young (FL)
Federal Aviation Administration (FAA)	AIP—Airport Improvement Program	Sinson Airport runway, signage, lighting and drainage improvements, TX	\$1,200,000		Rodriguez

Federal Aviation Administration (FAA)	AIP—Airport Improvement Program	Texarkana Regional Airport fire station project, TX	\$750,000	Hall (TX); Ross
Federal Aviation Administration (FAA)	AIP—Airport Improvement Program	Toledo Express Airport Improvements, OH	\$500,000	Kaptur
Federal Aviation Administration (FAA)	AIP—Airport Improvement Program	Tulsa International Airport, Memorial Drive and waterline project, OK	\$500,000	Sullivan
Federal Aviation Administration (FAA)	AIP—Airport Improvement Program	Twin County Airport obstruction removal and runway safety improvement, VA	\$500,000	Boucher
Federal Aviation Administration (FAA)	AIP—Airport Improvement Program	Virginia Tech Airport runway rehabilitation, VA	\$500,000	Boucher
Federal Aviation Administration (FAA)	AIP—Airport Improvement Program	Washington County Airport runway 9/27 overlay project, PA	\$500,000	Murphy, Tim
Federal Aviation Administration (FAA)	AIP—Airport Improvement Program	Waterbury-Oxford Airport runway protection zone improvements, CT	\$500,000	Murphy (CT)
Federal Aviation Administration (FAA)	AIP—Airport Improvement Program	Wilkes-Barre/Scranton International Airport intermodal center design/construction, PA	\$500,000	Kanjorski
Federal Aviation Administration (FAA)	AIP—Airport Improvement Program	Wittman Regional Airport runway project, Oshkosh, WI	\$950,000	Petri
Federal Aviation Administration (FAA)	F&E—Facilities and Equipment	Runway 36L Glide Slope, Napa County Airport, CA	\$280,000	Thompson (CA)
Federal Aviation Administration (FAA)	F&E—Facilities and Equipment	Arlington Municipal Airport—Medium Approach Lighting System (MALSR) installation, Arlington, TX	\$637,000	Hutchison
Federal Aviation Administration (FAA)	F&E—Facilities and Equipment	Castle Airport Instrument Landing System, CA	\$520,000	Cardoza
Federal Aviation Administration (FAA)	F&E—Facilities and Equipment	Hazard-Perry County Airport Instrument Landing System, Hazard, KY	\$500,000	Rogers (KY)
Federal Aviation Administration (FAA)	F&E—Facilities and Equipment	Juneau International Airport MALSR Lighting, AK	\$1,000,000	Murkowski
Federal Aviation Administration (FAA)	F&E—Facilities and Equipment	Kinston Regional Jetport ILS Upgrade, NC	\$500,000	Hagan
Federal Aviation Administration (FAA)	F&E—Facilities and Equipment	Lighting Improvements, Southern Vermont Regional Airport, North Clarendon, VT	\$925,000	Leahy
Federal Aviation Administration (FAA)	F&E—Facilities and Equipment	NextGen Integrated Airport Project, FL	\$827,900	Bill Nelson; Martinez
Federal Aviation Administration (FAA)	F&E—Facilities and Equipment	Piedmont Triad International Airport Instrument Landing System, NC	\$1,250,000	Burr
Federal Aviation Administration (FAA)	F&E—Facilities and Equipment	Reno-Tahoe International Airport, Approach Surveillance Radar (ASR-11), Reno, NV	\$263,000	Reid
Federal Aviation Administration (FAA)	F&E—Facilities and Equipment	TOPIA—Mobile Object Infrastructure Technology, WA	\$1,948,000	Murray
Federal Aviation Administration (FAA)	Operations	Alien Species Action Plan Inspection Facility, HI	\$876,600	Inouye
Federal Aviation Administration (FAA)	Operations	St. Louis University Center for Aviation Safety Research, MO	\$2,000,000	Bond
Federal Aviation Administration (FAA)	Research (FAA)	Advanced Materials in Transport Aircraft Structures, WA	\$487,000	Murray; Cantwell
Federal Aviation Administration (FAA)	Research (FAA)	Center for Commercial Space Transportation, FL	\$974,000	Bill Nelson
Federal Aviation Administration (FAA)	Research (FAA)	National Institute for Aviation Research (NIAR)	\$500,000	Brownback; Roberts
Federal Aviation Administration (FAA)	Research (FAA)	National Institute for Aviation Research (NIAR)	\$1,500,000	Brownback; Roberts
Federal Aviation Administration (FAA)	Terminal Air Traffic Facilities	Air Traffic Control Facility, Nantucket Memorial Airport, MA	\$1,000,000	Kennedy; Kerry; Kirk
Federal Aviation Administration (FAA)	Terminal Air Traffic Facilities	Air Traffic Control Facility, Palm Springs International Airport, CA	\$2,000,000	Boxer; Feinstein
Federal Aviation Administration (FAA)	Terminal Air Traffic Facilities			Bono Mack

**DEPARTMENT OF TRANSPORTATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				Senate	House
Federal Highway Administration (FHWA)	Delta Regional Transportation Development Program	Capitol Street Renaissance Project—Transportation Improvements, MS	\$1,150,000	Cochran; Wicker	
Federal Highway Administration (FHWA)	Delta Regional Transportation Development Program	Chalk Bluff Road, Clay County, AR	\$1,100,000		Berry
Federal Highway Administration (FHWA)	Delta Regional Transportation Development Program	Chouteau Parkway Conceptual Design, MO	\$400,000		Graves
Federal Highway Administration (FHWA)	Delta Regional Transportation Development Program	Clearview at Earhart Drainage, LA	\$400,000	Landrieu	Scalise
Federal Highway Administration (FHWA)	Delta Regional Transportation Development Program	I-20 Lincoln Parish, Ruston, LA	\$500,000	Landrieu	Alexander
Federal Highway Administration (FHWA)	Delta Regional Transportation Development Program	Interstate 55 Interchange Lighting, MS	\$600,000	Cochran; Wicker	
Federal Highway Administration (FHWA)	Delta Regional Transportation Development Program	Interstate-55 Interchange, MO	\$1,000,000	Bond	
Federal Highway Administration (FHWA)	Delta Regional Transportation Development Program	Jonestown Bypass, MS	\$1,250,000	Cochran; Wicker	
Federal Highway Administration (FHWA)	Delta Regional Transportation Development Program	LA 1088 Interchange, LA	\$400,000	Landrieu	Scalise
Federal Highway Administration (FHWA)	Delta Regional Transportation Development Program	Master Planning for I-10, LA	\$400,000	Landrieu	Cao
Federal Highway Administration (FHWA)	Delta Regional Transportation Development Program	New Interchange, US 61 @ S. Lincoln Dr, Troy, MO	\$400,000		Akin
Federal Highway Administration (FHWA)	Delta Regional Transportation Development Program	Poplar Bluff Industrial Park Bypass, MO	\$2,000,000	Bond	
Federal Highway Administration (FHWA)	Delta Regional Transportation Development Program	Route 34, MO	\$1,150,000	Bond	
Federal Highway Administration (FHWA)	Delta Regional Transportation Development Program	Southeast Arkansas Intermodal Facility	\$475,000	Pryor; Lincoln	Ross
Federal Highway Administration (FHWA)	Delta Regional Transportation Development Program	Statesman Boulevard and Trail, MS	\$1,500,000	Cochran	
Federal Highway Administration (FHWA)	FB—Ferry Boats and Terminal Facilities	Ashtabula City Port Authority, OH	\$500,000		LaTourette
Federal Highway Administration (FHWA)	FB—Ferry Boats and Terminal Facilities	Berkeley/Albany to San Francisco Ferry Service, CA	\$1,000,000	Feinstein	Pelosi; Lee (CA)
Federal Highway Administration (FHWA)	FB—Ferry Boats and Terminal Facilities	Glen Cove Ferry Terminal, NY	\$1,000,000		King (NY)
Federal Highway Administration (FHWA)	FB—Ferry Boats and Terminal Facilities	Long Branch Pier and Ferry Terminal, NJ	\$300,000		Pallone



Federal Highway Administration (FHWA)	FB—Ferry Boats and Terminal Facilities	Mayport Ferry Rehabilitation, Jacksonville, FL	\$500,000		Crenshaw
Federal Highway Administration (FHWA)	FB—Ferry Boats and Terminal Facilities	New Vessel Program—Propulsion System Acquisition, WA	\$2,922,000	Murray; Cantwell	Inslee; Larsen
Federal Highway Administration (FHWA)	FB—Ferry Boats and Terminal Facilities	Ocean Beach Ferry Terminal Enhancement, NY	\$600,000		Israel
Federal Highway Administration (FHWA)	FB—Ferry Boats and Terminal Facilities	Reconstruction of the Bayside Ferry Terminal Bulkhead, Saltair, NY	\$250,000		Israel
Federal Highway Administration (FHWA)	FB—Ferry Boats and Terminal Facilities	Refurbished Passenger Ferry, VI	\$200,000		Christensen
Federal Highway Administration (FHWA)	FL—Federal lands (Public Lands Highways)	116th Street NE Interchange Improvements Project, Tulalip Tribes, WA	\$800,000	Murray	Larsen (WA)
Federal Highway Administration (FHWA)	FL—Federal lands (Public Lands Highways)	Arizona Forest Highway 39, Tucson, AZ	\$1,200,000		Giffords
Federal Highway Administration (FHWA)	FL—Federal lands (Public Lands Highways)	Asphalt Paving on road to Crow Creek Tribal Schools Stephan Campus, SD	\$500,000	Johnson	Hereth Sandlin
Federal Highway Administration (FHWA)	FL—Federal lands (Public Lands Highways)	Baltimore Washington Parkway Feasibility Study, MD	\$1,000,000		Ruppersberger
Federal Highway Administration (FHWA)	FL—Federal lands (Public Lands Highways)	Boulder City Bypass, NV	\$981,800	Reid	Titus
Federal Highway Administration (FHWA)	FL—Federal lands (Public Lands Highways)	BRAC-Related Improvements, Anne Arundel County, MD	\$2,753,200	Mikulski; Cardin	Sarbanes; Ruppersberger
Federal Highway Administration (FHWA)	FL—Federal lands (Public Lands Highways)	BRAC-Related Improvements, Harford County, MD	\$2,881,450	Mikulski; Cardin	Bartlett; Kratochvil; Ruppersberger
Federal Highway Administration (FHWA)	FL—Federal lands (Public Lands Highways)	BRAC-Related Improvements, Montgomery County, MD	\$4,400,000	Mikulski; Cardin	Van Hollen; Bartlett
Federal Highway Administration (FHWA)	FL—Federal lands (Public Lands Highways)	BRAC-Related Improvements, Prince George's County, MD	\$2,496,700	Mikulski; Cardin	Edwards (MD)
Federal Highway Administration (FHWA)	FL—Federal lands (Public Lands Highways)	C & D Canal Trail Improvements, DE	\$1,000,000	Carper; Kaufman	Castle
Federal Highway Administration (FHWA)	FL—Federal lands (Public Lands Highways)	Cahaba River National Wildlife Refuge overlook park parking lot and turn lanes, AL	\$298,000		Bachus
Federal Highway Administration (FHWA)	FL—Federal lands (Public Lands Highways)	Cheaha State Park Talladega National Forest Tourism Access, AL	\$500,000		Rogers (AL)
Federal Highway Administration (FHWA)	FL—Federal lands (Public Lands Highways)	Choctaw Lake-Bluff Lake Route, MS	\$1,500,000	Cochran	
Federal Highway Administration (FHWA)	FL—Federal lands (Public Lands Highways)	Chula Vista Nature Center Road Re-Pavement Project, Chula Vista, CA	\$500,000		Filner
Federal Highway Administration (FHWA)	FL—Federal lands (Public Lands Highways)	CR 97, Nicolls Road Highway Improvements, NY	\$389,600	Gillibrand	Bishop (NY)
Federal Highway Administration (FHWA)	FL—Federal lands (Public Lands Highways)	Crack sealing and chip seal on BIA #7 Rosebud to Highway 18 Junction, SD	\$150,000		Hereth Sandlin
Federal Highway Administration (FHWA)	FL—Federal lands (Public Lands Highways)	Doyle Drive Replacement, San Francisco, CA	\$3,704,500	Feinstein; Boxer	Pelosi

**DEPARTMENT OF TRANSPORTATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				Senate	House
Federal Highway Administration (FHWA)	FL—Federal lands (Public Lands Highways)	Federal Lands Improvement Project, HI	\$3,896,000	Inouye	
Federal Highway Administration (FHWA)	FL—Federal lands (Public Lands Highways)	FH-24, Banks to Lowman, ID	\$2,000,000		Simpson
Federal Highway Administration (FHWA)	FL—Federal lands (Public Lands Highways)	Flight 93 National Memorial, Transportation Improvements, Somerset , PA	\$4,000,000	Specter; Casey	Shuster; Oliver
Federal Highway Administration (FHWA)	FL—Federal lands (Public Lands Highways)	Forest Highway 171 Widening, Butte County, CA	\$2,450,000	Boxer	Herger
Federal Highway Administration (FHWA)	FL—Federal lands (Public Lands Highways)	Forest Road Upgrade, MS	\$500,000	Wicker	
Federal Highway Administration (FHWA)	FL—Federal lands (Public Lands Highways)	Fort Baker Transportation Improvements, CA	\$750,000		Woolsey
Federal Highway Administration (FHWA)	FL—Federal lands (Public Lands Highways)	Fort Drum Connector Road, NY	\$1,077,000	Gillibrand	McHugh
Federal Highway Administration (FHWA)	FL—Federal lands (Public Lands Highways)	Golden Gate National Parks—Park Access, Transit and Trails, CA	\$500,000		Pelosi
Federal Highway Administration (FHWA)	FL—Federal lands (Public Lands Highways)	Grand Rounds National Scenic Byway Missing Link—Phase I: Design, Acquisitions, Environmental Remediation, Construction, MN	\$500,000	Klobuchar	Ellison
Federal Highway Administration (FHWA)	FL—Federal lands (Public Lands Highways)	Highway 140, Lake County, OR	\$1,000,000	Merkley; Wyden	Walden
Federal Highway Administration (FHWA)	FL—Federal lands (Public Lands Highways)	Hoover Dam Bypass Bridge, AZ	\$5,250,000	Kyl	Franks (AZ)
Federal Highway Administration (FHWA)	FL—Federal lands (Public Lands Highways)	I-15/Devore Interchange Improvements, San Bernardino County, CA	\$2,000,000	Feinstein	Dreier
Federal Highway Administration (FHWA)	FL—Federal lands (Public Lands Highways)	Improvements to US 491, Navajo Nation, NM	\$500,000	Bingaman; Tom Udall	Lujan
Federal Highway Administration (FHWA)	FL—Federal lands (Public Lands Highways)	Jacksonville National Cemetery Access Road, FL	\$800,000		Crenshaw
Federal Highway Administration (FHWA)	FL—Federal lands (Public Lands Highways)	Kalispel Tribe Road Development from Sprague Avenue to US 2, WA	\$1,266,200	Murray	
Federal Highway Administration (FHWA)	FL—Federal lands (Public Lands Highways)	Martin Road project, City of Huntville, AL	\$850,000	Sessions	Griffith; Aderholt
Federal Highway Administration (FHWA)	FL—Federal lands (Public Lands Highways)	Navajo Route 42, Ojeto Road Resurfacing Project, UT	\$1,000,000	Bennett; Hatch	
Federal Highway Administration (FHWA)	FL—Federal lands (Public Lands Highways)	Needles Highway in Needles, San Bernardino County, CA	\$1,000,000		Lewis (CA)
Federal Highway Administration (FHWA)	FL—Federal lands (Public Lands Highways)	New Frederick Douglass Memorial Bridge Design and Construction Project, DC	\$2,300,000		Hoyer; Norton

Federal Highway Administration (FHWA)	FL—Federal lands (Public Lands Highways)	Pedestrian Safety Improvements at Suquamish Way and Division Streets, WA		\$600,000	Murray	Inslee
Federal Highway Administration (FHWA)	FL—Federal lands (Public Lands Highways)	Pyramid Highway Corridor, NV		\$1,084,400	Reid; Ensign	
Federal Highway Administration (FHWA)	FL—Federal lands (Public Lands Highways)	Reconstruction of BIA Route 7 on the Turtle Mountain Reservation, ND		\$1,168,800	Conrad; Dorgan	Pomeroy
Federal Highway Administration (FHWA)	FL—Federal lands (Public Lands Highways)	Repairs to Waterville Road, TN		\$200,000	Alexander; Corker	
Federal Highway Administration (FHWA)	FL—Federal lands (Public Lands Highways)	San Juan County Road 370, UT		\$1,000,000		Matheson
Federal Highway Administration (FHWA)	FL—Federal lands (Public Lands Highways)	SD Highway 63 Resurfacing, SD		\$3,000,000	Thune	
Federal Highway Administration (FHWA)	FL—Federal lands (Public Lands Highways)	Sequoyah Wildlife Refuge Road Paving, Vian, OK		\$800,000		Boren
Federal Highway Administration (FHWA)	FL—Federal lands (Public Lands Highways)	Sharpes Ferry Bridge, FL		\$1,200,000	Bill Nelson	Grayson
Federal Highway Administration (FHWA)	FL—Federal lands (Public Lands Highways)	Snake Road Improvement Project, Seminole Big Cypress Reservation, FL		\$500,000	Bill Nelson	Hastings (FL)
Federal Highway Administration (FHWA)	FL—Federal lands (Public Lands Highways)	Southern Nevada Beltway Interchanges, NV		\$3,302,250	Reid; Ensign	Berkley; Titus
Federal Highway Administration (FHWA)	FL—Federal lands (Public Lands Highways)	SR-160 Nevada Expansion, NV		\$2,217,500	Reid; Ensign	
Federal Highway Administration (FHWA)	FL—Federal lands (Public Lands Highways)	Standing Rock Sioux Tribe—Community Streets Project—Bear Soldier South, SD		\$588,950	Johnson	Herseth Sandlin
Federal Highway Administration (FHWA)	FL—Federal lands (Public Lands Highways)	Stones River National Battlefield Tour Route, TN		\$1,500,000		Gordon (TN)
Federal Highway Administration (FHWA)	FL—Federal lands (Public Lands Highways)	Tamiami Trail (U.S. 41) Safety Improvements, Miami, FL		\$1,750,000		Diaz-Balart, Mario; Meek (FL); Hastings (FL); Wasserman Schultz; Buchanan
Federal Highway Administration (FHWA)	FL—Federal lands (Public Lands Highways)	Tohono O'odham Nation Highway Improvements, Sells, AZ		\$500,000		Grijalva
Federal Highway Administration (FHWA)	FL—Federal lands (Public Lands Highways)	Trail Creek Highway/Forest Highway 66 Reconstruction, Mackay, ID		\$3,750,000		Simpson
Federal Highway Administration (FHWA)	FL—Federal lands (Public Lands Highways)	US 40 Northwest Chipseal, CO		\$750,000		Salazar
Federal Highway Administration (FHWA)	FL—Federal lands (Public Lands Highways)	US 50 State Realignment, Douglas County, NV		\$1,000,000	Reid	Heller
Federal Highway Administration (FHWA)	FL—Federal lands (Public Lands Highways)	US Highway 101 Corridor Improvement Project, WA		\$1,000,000	Murray	Dicks
Federal Highway Administration (FHWA)	FL—Federal lands (Public Lands Highways)	West River Trail Bridge, VT		\$165,580	Sanders	

**DEPARTMENT OF TRANSPORTATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				Senate	House
Federal Highway Administration (FHWA)	FL—Federal lands (Public Lands Highways)	Wolf Trap Performing Arts Multi-Use Trail, Fairfax, VA	\$250,000		Moran (VA)
Federal Highway Administration (FHWA)	IM—Interstate Maintenance Discretionary	I-85 Interchange modifications at Pleasant Hill Road, Gwinnett County, GA	\$1,000,000		Linder
Federal Highway Administration (FHWA)	IM—Interstate Maintenance Discretionary	24th Street/I-15 Interchange, UT	\$2,000,000	Bennett; Hatch	Bishop (UT)
Federal Highway Administration (FHWA)	IM—Interstate Maintenance Discretionary	79th Street/Stony Island/South Chicago Reconstruction, IL	\$900,000		Rush
Federal Highway Administration (FHWA)	IM—Interstate Maintenance Discretionary	Advanced Traffic Management on I-91 Corridor, MA	\$1,500,000		Olver
Federal Highway Administration (FHWA)	IM—Interstate Maintenance Discretionary	Bob Hope/I-10 Interchange Project, CA	\$500,000		Bono Mack
Federal Highway Administration (FHWA)	IM—Interstate Maintenance Discretionary	Cherry Avenue/I-10 Interchange, County of San Bernardino, CA	\$750,000		Baca
Federal Highway Administration (FHWA)	IM—Interstate Maintenance Discretionary	Construction of a new interchange on I-80 at Brisbin Road, Morris, IL	\$900,000		Halvorson
Federal Highway Administration (FHWA)	IM—Interstate Maintenance Discretionary	Expansion of Interstate 69, TX	\$500,000	Hutchison	Olson; Brady (TX); Hall (TX); Green, Al; Jackson-Lee
Federal Highway Administration (FHWA)	IM—Interstate Maintenance Discretionary	I-10 at Grove Avenue and Fourth Street Interchange and Grove Avenue Corridor Project, City of Ontario, CA	\$950,000		Baca
Federal Highway Administration (FHWA)	IM—Interstate Maintenance Discretionary	I-10 Interchange at Pecue Lane, LA	\$1,100,000	Vitter; Landrieu	
Federal Highway Administration (FHWA)	IM—Interstate Maintenance Discretionary	I-12 Interchange at LA-16, Denham Springs, LA	\$633,100	Landrieu	
Federal Highway Administration (FHWA)	IM—Interstate Maintenance Discretionary	I-15 Corridor of the Future, NV	\$974,000	Reid; Ensign	Berkley
Federal Highway Administration (FHWA)	IM—Interstate Maintenance Discretionary	I-15 Custer Avenue Interchange, MT	\$2,922,000	Tester; Baucus	
Federal Highway Administration (FHWA)	IM—Interstate Maintenance Discretionary	I-15/Base Line Road Interchange Improvements, Rancho Cucamonga, CA	\$750,000		Dreier
Federal Highway Administration (FHWA)	IM—Interstate Maintenance Discretionary	I-215/University Parkway Interchange in San Bernardino, San Bernardino County, CA	\$750,000		Lewis (CA)
Federal Highway Administration (FHWA)	IM—Interstate Maintenance Discretionary	I-255 and Telegraph Road Landscape Improvements, MO	\$300,000		Carnahan
Federal Highway Administration (FHWA)	IM—Interstate Maintenance Discretionary	I-277 Access Corridor (S. Main St.) Phase 2, Akron, OH	\$500,000		Sutton
Federal Highway Administration (FHWA)	IM—Interstate Maintenance Discretionary	I-29 Fargo North to Sheyenne, ND	\$1,358,750	Conrad; Dorgan	Pomeroy

Federal Highway Administration (FHWA)	IM—Interstate Maintenance Discretionary	I-35 widening from SH-9 West to North of Main Street, OK	\$750,000	Cole
Federal Highway Administration (FHWA)	IM—Interstate Maintenance Discretionary	I-40 Improvements, Durham and Wake County, NC	\$2,000,000	Price (NC)
Federal Highway Administration (FHWA)	IM—Interstate Maintenance Discretionary	I-471 Repair Between I-275 and Ohio River, Campbell County, KY	\$500,000	Davis (KY)
Federal Highway Administration (FHWA)	IM—Interstate Maintenance Discretionary	I-480/Triedeman Road Interchange Modification, OH	\$800,000	Brown
Federal Highway Administration (FHWA)	IM—Interstate Maintenance Discretionary	I-5 Columbia River Crossing, OR	\$1,000,000	Murray; Wyden; Merkley
Federal Highway Administration (FHWA)	IM—Interstate Maintenance Discretionary	I-5 Columbia River Crossing, WA	\$1,948,000	Murray; Wyden; Merkley
Federal Highway Administration (FHWA)	IM—Interstate Maintenance Discretionary	I-580 Corridor Improvements, CA	\$1,000,000	Tauscher; McInerney
Federal Highway Administration (FHWA)	IM—Interstate Maintenance Discretionary	I-70 Central Park Boulevard Stapleton Interchange, CO	\$1,000,000	DeGette
Federal Highway Administration (FHWA)	IM—Interstate Maintenance Discretionary	I-71/SR 665 Interchange Improvements, Grove City, OH	\$1,550,000	Kilroy
Federal Highway Administration (FHWA)	IM—Interstate Maintenance Discretionary	I-74 Bridge Corridor Project, Moline, IL	\$1,200,000	Hare
Federal Highway Administration (FHWA)	IM—Interstate Maintenance Discretionary	I-805 Managed Lanes, San Diego, CA	\$500,000	Boxer
Federal Highway Administration (FHWA)	IM—Interstate Maintenance Discretionary	I-85 Widening in Davidson and Rowan Counties, NC	\$1,700,000	Burr
Federal Highway Administration (FHWA)	IM—Interstate Maintenance Discretionary	I-85 Widening Project, NC	\$1,400,000	Burr
Federal Highway Administration (FHWA)	IM—Interstate Maintenance Discretionary	I-85/Jimmy Carter Boulevard Bridge Replacement, Gwinnett County, GA	\$500,000	Chambliss
Federal Highway Administration (FHWA)	IM—Interstate Maintenance Discretionary	I-90 Belgrade East Interchange, MT	\$1,461,000	Tester; Baucus
Federal Highway Administration (FHWA)	IM—Interstate Maintenance Discretionary	I-95 Interchange at Yamato Road and Spanish River Boulevard Project, City of Boca Raton, FL	\$1,000,000	Bill Nelson
Federal Highway Administration (FHWA)	IM—Interstate Maintenance Discretionary	I-95 Interchange with SR 202 (Butler Boulevard), FL	\$1,000,000	Martinez
Federal Highway Administration (FHWA)	IM—Interstate Maintenance Discretionary	I-95 Pawtucket River Bridge Replacement, RI	\$2,266,200	Reed; Whitehouse
Federal Highway Administration (FHWA)	IM—Interstate Maintenance Discretionary	I-95/US 301 Interchange, SC	\$1,700,000	Graham (SC)
Federal Highway Administration (FHWA)	IM—Interstate Maintenance Discretionary	IH-35W Congestion Relief, Fort Worth, TX	\$2,000,000	Hutchison; Cornyn
Federal Highway Administration (FHWA)	IM—Interstate Maintenance Discretionary	Improvements to I-75 Interchange at Griffin Road, Southwest Ranches, FL	\$1,000,000	Wasserman Schultz
Federal Highway Administration (FHWA)	IM—Interstate Maintenance Discretionary	Improvements to I-81, Franklin County, PA	\$1,358,750	Specter; Casey
Federal Highway Administration (FHWA)	IM—Interstate Maintenance Discretionary			Shuster

**DEPARTMENT OF TRANSPORTATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				Senate	House
Federal Highway Administration (FHWA)	IM—Interstate Maintenance Discretionary	Interchange at I-5 and French Camp Road, and Arch-Sperry Road Construction, CA	\$800,000	Feinstein	McNerney
Federal Highway Administration (FHWA)	IM—Interstate Maintenance Discretionary	Interstate 235/US 54 and I-235/Central Avenue Interchange, Wichita, KS	\$1,000,000	Brownback; Roberts	Tiahrt
Federal Highway Administration (FHWA)	IM—Interstate Maintenance Discretionary	Interstate 280 Interchange Improvements, Harrison, NJ	\$1,948,000	Menendez; Lautenberg	Sires
Federal Highway Administration (FHWA)	IM—Interstate Maintenance Discretionary	Interstate 29 Reconstruction and Utility Relocation Project, IA	\$1,500,000	Grassley; Harkin	King (IA)
Federal Highway Administration (FHWA)	IM—Interstate Maintenance Discretionary	Interstate 40: New Conway South Interchange, AR	\$779,200	Pryor; Lincoln	Snyder
Federal Highway Administration (FHWA)	IM—Interstate Maintenance Discretionary	Interstate 430/630: Interchange Modification, AR	\$3,435,000	Pryor; Lincoln	Snyder
Federal Highway Administration (FHWA)	IM—Interstate Maintenance Discretionary	Interstate 49 North, LA	\$750,000	Landrieu	Fleming
Federal Highway Administration (FHWA)	IM—Interstate Maintenance Discretionary	Interstate 540: Fayetteville-North, AR	\$3,435,000	Pryor; Lincoln	Boozman
Federal Highway Administration (FHWA)	IM—Interstate Maintenance Discretionary	Interstate 69 Texas Environmental Studies, TX	\$500,000	Hutchison	Brady (TX); Hall (TX); Olson; Green; Al; Jackson-Lee
Federal Highway Administration (FHWA)	IM—Interstate Maintenance Discretionary	Interstate 69, LA	\$750,000	Landrieu	Fleming
Federal Highway Administration (FHWA)	IM—Interstate Maintenance Discretionary	Interstate 70 Viaduct Realignment, Topeka, KS	\$1,500,000	Brownback; Roberts	Jenkins
Federal Highway Administration (FHWA)	IM—Interstate Maintenance Discretionary	Interstate 74 Corridor Construction, IA	\$1,000,000	Harkin	Braley (IA)
Federal Highway Administration (FHWA)	IM—Interstate Maintenance Discretionary	Interstate 75 Exit 20 redesign and construction, Cleveland, TN	\$1,200,000	Alexander	Wamp
Federal Highway Administration (FHWA)	IM—Interstate Maintenance Discretionary	Interstate 94 / Brockton Lane Interchange, MN	\$800,000	Klobuchar	Paulsen
Federal Highway Administration (FHWA)	IM—Interstate Maintenance Discretionary	Interstate 94, Madison, WI	\$1,000,000	Kohl	Baldwin
Federal Highway Administration (FHWA)	IM—Interstate Maintenance Discretionary	Interstate-20 Interchanges, Parker County, TX	\$500,000		Granger
Federal Highway Administration (FHWA)	IM—Interstate Maintenance Discretionary	Interstate-95/Fairfax County Parkway Interchange at Newington Road, VA	\$974,000	Webb; Warner	Connolly (VA); Moran
Federal Highway Administration (FHWA)	IM—Interstate Maintenance Discretionary	Kapolei Interchange Complex, HI	\$3,435,000	Inouye	Hirono; Abercrombie
Federal Highway Administration (FHWA)	IM—Interstate Maintenance Discretionary	Kentucky-Ohio River Bridges Project, KY	\$1,000,000		Yarmuth



Federal Highway Administration (FHWA)	IM—Interstate Maintenance Discretionary	Latson Road Interchange, Lansing, MI		\$500,000		Rogers (MI)
Federal Highway Administration (FHWA)	IM—Interstate Maintenance Discretionary	Margaret McDermott (I-30) Bridge, TX		\$1,000,000		Johnson, Eddie Bernice
Federal Highway Administration (FHWA)	IM—Interstate Maintenance Discretionary	Marion Road Interchange, SD		\$1,000,000	Thune	
Federal Highway Administration (FHWA)	IM—Interstate Maintenance Discretionary	Meadowood Interchange, NV		\$1,000,000	Reid	Heller
Federal Highway Administration (FHWA)	IM—Interstate Maintenance Discretionary	Methuen Rotary Interchange Reconfiguration, Methuen, MA		\$900,000		Tsongas
Federal Highway Administration (FHWA)	IM—Interstate Maintenance Discretionary	Pennsylvania Turnpike-Interstate 95 Interchange, PA		\$500,000	Specter	Brady (PA)
Federal Highway Administration (FHWA)	IM—Interstate Maintenance Discretionary	Ranchero Road Corridor Project, CA		\$1,000,000		Lewis (CA)
Federal Highway Administration (FHWA)	IM—Interstate Maintenance Discretionary	Safety and Seismic Upgrades to the Shoemaker Bridge, City of Long Beach, CA		\$1,000,000		Richardson
Federal Highway Administration (FHWA)	IM—Interstate Maintenance Discretionary	San Diego Freeway (I-5) Widening and Improvement, CA		\$935,000		Calvert
Federal Highway Administration (FHWA)	IM—Interstate Maintenance Discretionary	San Diego Freeway (Interstate 405) Improvements, CA		\$750,000		Rohrabacher
Federal Highway Administration (FHWA)	IM—Interstate Maintenance Discretionary	SR-56 to I-5 Interchange Connector, San Diego, CA		\$1,000,000		Bilbray
Federal Highway Administration (FHWA)	IM—Interstate Maintenance Discretionary	Starr Road Interchange, NV		\$2,922,000	Reid	Titus
Federal Highway Administration (FHWA)	IM—Interstate Maintenance Discretionary	Third Army Road/I-75 Interchange Construction, GA		\$750,000	Chambliss, Isakson	Gingrey (GA)
Federal Highway Administration (FHWA)	IM—Interstate Maintenance Discretionary	Turnpike Improvement Project: SR-1 & I-95, DE		\$2,018,000	Carper; Kaufman	Castle
Federal Highway Administration (FHWA)	Surface Transportation Priorities	10th Avenue South Corridor Extension, Maverly, IA		\$500,000	Grassley, Harkin	Braley (IA)
Federal Highway Administration (FHWA)	Surface Transportation Priorities	21st Street North Railroad Overpass, KS		\$500,000		Tiahrt
Federal Highway Administration (FHWA)	Surface Transportation Priorities	23/101 Freeway Interchange Project, CA		\$500,000		Gallegly
Federal Highway Administration (FHWA)	Surface Transportation Priorities	4th Street Improvement Project, City of Moro, OR		\$123,060	Merkley; Wyden	
Federal Highway Administration (FHWA)	Surface Transportation Priorities	53rd Ave. Bridge and Roadway Extension Project, OR		\$292,200	Wyden; Merkley	
Federal Highway Administration (FHWA)	Surface Transportation Priorities	55th Street East Grade Separation, ND		\$1,850,600	Conrad; Dorgan	
Federal Highway Administration (FHWA)	Surface Transportation Priorities	70th Avenue and Valley Avenue East Corridor Project, WA		\$1,614,900	Murray	Smith (WA)
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Akron-Cleveland Road Bridge Replacement, OH		\$750,000		LaTourette
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Alameda Corridor East Grade Separations, Riverside County, CA		\$1,349,000	Boxer	Calvert; Bono Mack
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Alameda Corridor East Grade Separations, Southern California Association of Governments, CA		\$1,349,000	Fenstein	Dreier; Chu
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Alice's Road Extension / Ashworth Road to University Avenue, IA		\$950,000	Harkin	Latham

**DEPARTMENT OF TRANSPORTATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				Senate	House
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Asbury Boulevard Construction, TX	\$700,000		Edwards (TX)
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Alton Commons Boulevard Improvements, Hilliard, OH	\$500,000		Kilroy
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Ansonia Riverwalk, CT	\$800,000		DeLauro
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Antelope Valley Project Transportation Improvements, NE	\$750,000		Fortenberry
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Anvil Block Road Widening, GA	\$500,000		Scott (GA)
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Appalachian Development Highway System Corridor H, WV	\$4,383,000	Byrd	
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Arterial Road and Bridge Improvements, Matanuska-Susitna, AK	\$1,000,000	Murkowski; Begich	
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Artesia Road Bypass, MS	\$1,000,000	Cochran	
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Ashburton Avenue Widening, Yonkers, NY	\$900,000	Schumer; Gillibrand	Lowe; Engel
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Atlanta-Chattanooga-Nashville High-Speed Ground Transportation/Maglev Feasibility Study, Chattanooga, TN	\$750,000		Wamp
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Atlantic Boulevard South, CA	\$500,000		Roybal-Allard
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Austin Intelligent Transportation Systems, TX	\$500,000		Smith (TX)
Federal Highway Administration (FHWA)	Surface Transportation Priorities	AutoTrain Gateway Improvements, Sanford, FL	\$750,000		Mica; Brown, Corrine
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Bear Creek Greenway, Medford, OR	\$500,000	Merkley; Wyden	Walden
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Bergen County Specialized Bus Transit, NJ	\$974,000	Menendez; Lautenberg	Rothman (NJ)
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Berwick Bridge, Somersworth, NH	\$500,000		Shea-Porter
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Black Eagle Road Reconstruction, MT	\$500,000	Tester; Baucus	Rehberg
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Blair Bypass—South Corridor, NE	\$974,000	Ben Nelson	Fortenberry
Federal Highway Administration (FHWA)	Surface Transportation Priorities	B-Line Trail Extension, Bloomington, IN	\$500,000		Hill
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Blue Earth CSAH 12 Extension/TH 14 Interchange, MN	\$584,400	Klobuchar	Walz
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Bonneville Clark Couplet, NV	\$487,000	Reid	Berkley
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Boot Road Extension Bridge over Brandywine Creek, PA	\$500,000		Gerlach
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Bossier Parish Congestion Relief Plan, Bossier Parish, LA	\$838,300	Landrieu; Vitter	
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Bradley Ave/SR-67 Interchange, CA	\$400,000		Hunter
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Brett Way Extension, OR	\$292,200	Wyden; Merkley	Walden
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Broad Street Parkway/Nashua River Bridge Enhancements, NH	\$487,000	Shaheen	
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Broadway and Kansas Avenue Repair Project, KS	\$400,000		Moran (KS)

Federal Highway Administration (FHWA)	Surface Transportation Priorities	Broadway Bridge Replacement Project, WA	\$3,116,800	Murray	Larsen (WA)
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Brush Creek-Troust Avenue Streetscape Improvements, MO	\$1,000,000	Bond	Cleaver
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Building of the Almonaster Bridge New Orleans, LA	\$639,000	Landrieu	Cao
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Byram-Clinton/Norrell Parkway, MS	\$2,750,000	Cochran; Wicker	Thompson (MS)
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Cambridge-Isanti Bike-Walking Trail, MN	\$400,000		Oberstar
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Cannon AFB BRAC County Road Improvements, NM	\$974,000	Bingaman; Tom Udall	
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Cape Girardeau Riverwalk Trail, MO	\$1,600,000	Bond	
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Capital Beltway South Side Mobility Study, MD	\$500,000		Edwards (MD)
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Carson City Freeway—Phase II, NV	\$779,200	Reid	Heller
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Centerway Arch Bridge and Trail Projects, NY	\$500,000		Massa
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Central City, Trinity River Vision, Fort Worth, TX	\$2,500,000	Hutchison; Cornyn	Granger
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Cherry Street Railroad Grade Crossings Improvement Project, MA	\$600,000		McGovern
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Church Street Marketplace and Side Streets Improvements, VT	\$974,000	Leahy	
Federal Highway Administration (FHWA)	Surface Transportation Priorities	City of Doral Street Improvement Project, FL	\$500,000		Diaz-Balart, Lincoln; Diaz-Balart, Mario
Federal Highway Administration (FHWA)	Surface Transportation Priorities	City of Hialeah Street and Sidewalk Improvements, FL	\$500,000		Diaz-Balart, Lincoln
Federal Highway Administration (FHWA)	Surface Transportation Priorities	City of Hines Street Rehabilitation Project, OR	\$292,200	Merkley; Wyden	
Federal Highway Administration (FHWA)	Surface Transportation Priorities	City of Isanti Pedestrian Bridge over TH 65, MN	\$1,200,000		Oberstar
Federal Highway Administration (FHWA)	Surface Transportation Priorities	City of Providence Street Paving, RI	\$779,200	Reed; Whitehouse	Kennedy; Langevin
Federal Highway Administration (FHWA)	Surface Transportation Priorities	City of Tuscaloosa Streetscape, AL	\$2,000,000	Shelby	
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Clement's Mill Bridge Replacement Project, Franklin County, VA	\$950,000		Perriello
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Coalfields Expressway, WV	\$1,948,000	Byrd	
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Collins Road Improvements, Cedar Rapids, IA	\$974,000	Harkin; Grassley	
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Commerce Crossing Bridge over I-20, Rockdale County, GA	\$500,000	Isakson	Johnson (GA); Scott (GA)
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Community Transportation Association of America National Joblinks Program	\$1,400,000		Oliver
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Computerized traffic control system, Morgantown, WV	\$1,000,000		Molohan
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Construct Four Lane Highway 20 West of U.S. 71, IA	\$750,000	Harkin	King (IA)
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Construction of Four Lane Highway on US 69 in Crawford, Bourbon, and Cherokee Counties, KS	\$1,500,000	Brownback	
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Construction of the I-278 Environmental Shield, Queens, NY	\$700,000		Crowley
Federal Highway Administration (FHWA)	Surface Transportation Priorities	County D Extension, Hurley, WI	\$950,000		Obey

**DEPARTMENT OF TRANSPORTATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				Senate	House
Federal Highway Administration (FHWA)	Surface Transportation Priorities	County Road R Improvements, Plover, WI	\$1,900,000		Obey
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Countywide Regional Loop Trail, Mount Clemens, MI	\$1,948,000	Stabenow; Levin	
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Croix Street, Negaunee, MI	\$500,000	Levin; Stabenow	Stupak
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Cross Creek Widening, Tampa, FL	\$500,000		Bilirakis
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Croton-Harmon Train Station Parking Lot Flood Mitigation and Improvement, NY	\$700,000		Hall (NY)
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Davie Road Upgrade, Davie, FL	\$500,000		Wasserman Schultz
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Deck Repair/Chester Bridge, Perry County, MO	\$500,000		Emerson
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Defense Access Road, MS	\$1,000,000	Cochran	
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Demolition of Congress Street Bridge, Bridgeport, CT	\$500,000		Himes
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Denali Commission Transportation Program, AK	\$2,313,250	Begich; Mur- kowski	
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Design of Comprehensive City-Wide Mass Transit System in Ponce, PR	\$400,000		Pierluisi
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Downtown Streetscape and Pedestrian Improvements (Final Phase), Borough of North Plainfield, NJ	\$300,000	Lautenberg; Menendez	Lance
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Downtown Streetscaping Project, Pittsfield, MA	\$500,000		Olver
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Downtown Tacoma Streetscapes Improvement Project, WA	\$800,000	Murray	Dicks
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Eagle County Airport I-70 Interchange, CO	\$500,000		Polis
Federal Highway Administration (FHWA)	Surface Transportation Priorities	East 24th Street Project, Cleveland, OH	\$500,000		LaTourette; Fudge
Federal Highway Administration (FHWA)	Surface Transportation Priorities	East Avenue Resurfacing, IL	\$600,000		Davis (IL)
Federal Highway Administration (FHWA)	Surface Transportation Priorities	East Chester Street Improvement, TN	\$785,000	Alexander	
Federal Highway Administration (FHWA)	Surface Transportation Priorities	East Loop, Brownsville, TX	\$500,000	Hutchison	
Federal Highway Administration (FHWA)	Surface Transportation Priorities	East Main Street Sidewalk Project, NY	\$40,000		Murphy (NY)
Federal Highway Administration (FHWA)	Surface Transportation Priorities	East Metropolitan Corridor, MS	\$2,750,000	Cochran; Wicker	Harper
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Eastgate Area Improvements, Clermont County, OH	\$900,000		Schmidt
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Edwards County Bone Gap Road, IL	\$400,000		Shimkus
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Elm Street/Gas Light District Improvements, NH	\$1,000,000		Shea-Porter
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Emergency Access Ramp to Interstate 84, NY	\$974,000	Schumer	Hall (NY)

Federal Highway Administration (FHWA)	Surface Transportation Priorities	Empire Corridor West High Speed Rail Improvements, Monroe County, NY	\$1,245,000	Slaughter; Arcuri; Higgins; Lee (NY); Maffei; Massa; Tonko
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Empire Corridor West High Speed Rail Improvements, Montgomery County, NY	\$600,000	Tonko; Arcuri; Higgins; Lee (NY); Maffei; Massa; Slaughter
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Engineering Feasibility Study of Bike/Hike Connector, Hiram, OH	\$100,000	LaTourette
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Fairfax County Parkway Interchange Improvements at Fair Lakes Boulevard and Monument Drive, VA	\$584,400	Warner; Webb
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Fairforest at N. Blackstock Rd Intersection and Rail crossing, SC	\$500,000	Inglis
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Flyover Connecting Highway 146 and Spur 330, TX	\$400,000	Poe (TX); Green; Gene; Paul
Federal Highway Administration (FHWA)	Surface Transportation Priorities	FM 1460 Roadway Improvements, Round Rock, TX	\$750,000	Carter
Federal Highway Administration (FHWA)	Surface Transportation Priorities	FNSB Road and Bridge Improvements, AK	\$1,000,000	Murkowski
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Garfield Avenue Improvements (Gage Avenue to Ferguson Drive), CA	\$500,000	Roybal-Allard
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Gateway Corridor University of Mississippi Research Park Extension, MS	\$500,000	Childers
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Gluckstadt Road and Interchange, MS	\$1,500,000	Cochran; Wicker
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Goddard Road Reconstruction from Grant Street to Wayne Road, City of Romulus, Wayne County, MI	\$500,000	Dingell
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Golden Gate Bridge Seismic Retrofit Construction Project, CA	\$1,948,000	Boxer; Feinstein
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Grand View University Pedestrian Overpass, Des Moines, IA	\$400,000	Harkin
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Greensboro Greenway, NC	\$487,000	Hagan
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Hammond Drive Roadway Upgrades/ City of Sandy Springs, GA	\$500,000	Lewis (GA)
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Harden Street Reconstruction, Columbia, SC	\$500,000	Graham (SC)
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Hardy County Complex Access Road, WV	\$1,461,000	Byrd
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Hastings Bridge/Highway 61 Right-of-Way and Construction, MN	\$487,000	Klobuchar
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Hattiesburg Longleaf Trace Rails To Trails, MS	\$500,000	Cochran; Wicker
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Henry Avenue Bridge Reconstruction, WI	\$974,000	Kohl
Federal Highway Administration (FHWA)	Surface Transportation Priorities	High Bridge Renovation, MT	\$292,200	Tester
Federal Highway Administration (FHWA)	Surface Transportation Priorities	High Street Reconstruction, Village of Fairport, NY	\$525,000	Rehberg
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Highway 226: Highway 67 to Highway 49, AR	\$974,000	Slaughter
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Highway 63 Interchange Improvements, AR	\$1,948,000	Pryor; Lincoln
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Hogan Road Traffic Improvements, ME	\$550,000	Pryor; Lincoln
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Holly Springs Road, MS	\$1,500,000	Collins; Snowe
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Holmes Avenue Overpass Project, AL	\$500,000	Cochran; Wicker
Federal Highway Administration (FHWA)	Surface Transportation Priorities			Griffith

**DEPARTMENT OF TRANSPORTATION—Continued**  
[Congressionally Directed Spending Items]

Agency	Account	Project	Amount	Requester(s)	
				Senate	House
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Hunt Highway Improvements, Pinal County, AZ	\$500,000		Kirkpatrick (AZ)
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Hutchins Street Reconstruction, Berlin, NH	\$779,200	Shaheen	
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Hwy. 167: Louisiana State Line to Sheridan, AR	\$1,363,600	Pryor; Lincoln	Ross
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Hybrid Composite-Concrete Bridges, ME	\$2,000,000	Collins; Snowe	Michaud; Pingree
Federal Highway Administration (FHWA)	Surface Transportation Priorities	I-295 Meadowville Road Interchange, VA	\$750,000	Warner; Webb	Forbes
Federal Highway Administration (FHWA)	Surface Transportation Priorities	I-40 Boulevard Construction, OK	\$1,000,000	Inhofe	Fallin; Cole
Federal Highway Administration (FHWA)	Surface Transportation Priorities	I-44 / US-62, OK	\$500,000		Cole
Federal Highway Administration (FHWA)	Surface Transportation Priorities	I-44 Range Line Road Interchange, MO	\$1,550,000	Bond	Blunt
Federal Highway Administration (FHWA)	Surface Transportation Priorities	I-64 Interchange 2.3 miles West of SR 135, Harrison County, IN	\$500,000		Hill
Federal Highway Administration (FHWA)	Surface Transportation Priorities	I-69, TX	\$500,000	Hutchison; Cornyn	Hall (TX); Brady (TX); Olson; Green, Al; Jackson-Lee
Federal Highway Administration (FHWA)	Surface Transportation Priorities	I-69, TX	\$500,000	Cornyn; Hutchison	Hall (TX); Brady (TX); Olson; Green, Al; Jackson-Lee
Federal Highway Administration (FHWA)	Surface Transportation Priorities	I-73, SC	\$800,000	Graham (SC)	Spratt
Federal Highway Administration (FHWA)	Surface Transportation Priorities	I-76 Access/Martha Avenue Connection, Akron, OH	\$750,000	Brown	Ryan (OH)
Federal Highway Administration (FHWA)	Surface Transportation Priorities	IL Route 120 Corridor, Lake County, IL	\$600,000	Burris	Bean
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Improvement of the South Connector Street, SD	\$1,250,000	Thune	
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Improvements and Safety Upgrades, North Providence, RI	\$900,000	Reed; Whitehouse	Kennedy
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Improvements to 159th Street, KS	\$2,000,000	Brownback; Roberts	Moore (KS)
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Indian River Inlet Bridge, DE	\$779,200	Carper; Kaufman	Castle
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Indiana State Road 205 Corridor, IN	\$500,000		Souder
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Infrastructure Improvement at Height of Land, ME	\$2,900,000	Collins; Snowe	Michaud
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Interchange and Service Road at Anchor Lake, MS	\$1,000,000	Cochran	Taylor
Federal Highway Administration (FHWA)	Surface Transportation Priorities	International Drive Extension/Folsom South Canal Bridge, CA	\$500,000		Lungren, Dan
Federal Highway Administration (FHWA)	Surface Transportation Priorities	International Railway Station/Intermodal Transportation Center, NY	\$779,200	Schumer; Gillibrand	
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Intersection Improvements Around State Center, Baltimore, MD	\$800,000		Cummings
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Interstate 225 and Colfax Avenue Reconfiguration, Aurora, CO	\$850,000		Perlmutter



Federal Highway Administration (FHWA)	Surface Transportation Priorities	Interstate 69/Great River Bridge: Highway 65-MS Highway 1, AR	\$1,948,000	Pryor; Lincoln	
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Interstate 75/Everglades Blvd Interchange, FL	\$500,000	Bill Nelson	Diaz-Balart, Mario
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Iowa Highway 14-57 Complete Streets Corridor Improvements, Parkersburg, IA	\$2,000,000	Grassley; Harkin	
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Iowa Highway 92 Reconstruction	\$950,000	Harkin	Latham
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Jeannette Truck Route, PA	\$750,000		Murphy, Tim
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Jenny Barker Road/K-156/Mary St Reconfiguration, KS	\$500,000	Brownback; Roberts	
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Jerome and Mousette Lanes, Cahokia, IL	\$300,000		Costello
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Johnson Street from Center Avenue to Columbus Avenue Reconstruction, MI	\$300,000	Levin; Stabenow	Kildee
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Kettering Gateway Project, Flint, MI	\$1,168,800	Levin; Stabenow	Kildee
Federal Highway Administration (FHWA)	Surface Transportation Priorities	King Coal Highway, WV	\$1,948,000	Byrd	
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Kittitas Highway Safety Improvements, WA	\$1,948,000	Murray	
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Knoxville Road Reconstruction, Mercer County, IL	\$487,000	Durbin	Hare
Federal Highway Administration (FHWA)	Surface Transportation Priorities	LA 1 Goldenmeadow to Port Fourchon, Lafourche Parish, LA	\$974,000	Landrieu; Vitter	Melancon
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Lafayette Interchange, MO	\$1,000,000	Bond	
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Lake Harbour Drive, MS	\$1,500,000	Cochran	Harper
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Lake Merritt Improvement Project, CA	\$827,900	Boxer	
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Lakeview Trail, Mountlake Terrace Center to the Interurban Trail, WA	\$200,000	Murray	Inslee
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Larry Holmes Drive Traffic Calming, Easton, PA	\$250,000		Dent
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Lesner Bridge Replacement Project, Virginia Beach, VA	\$750,000	Webb; Warner	Nye
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Lewis and Clark Legacy Trail, ND	\$681,800	Conrad; Dorgan	Pomeroy
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Lewis Street Overpass, Pasco, WA	\$750,000		Hastings (WA)
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Livingston Railroad Grade Separation Undercrossing, MT	\$584,400	Baucus	Rehberg
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Longfellow Bridge Approach and Gateway, MA	\$974,000	Kennedy; Kerry; Kirk	Capuano
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Loop 494 Upgrade, TX	\$400,000		Poe (TX)
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Lower Main Street Infrastructure Project, Claremont, NH	\$487,000	Shaheen	
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Lowry Avenue Bridge Replacement, MN	\$487,000	Klobuchar	
Federal Highway Administration (FHWA)	Surface Transportation Priorities	M Street SE Grade Separation Project, Auburn, WA	\$750,000		Reichert
Federal Highway Administration (FHWA)	Surface Transportation Priorities	M-231 Improvements Ottawa County, MI	\$500,000		Hoekstra
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Mahtoning Road Infrastructure and Economic Development Project, OH	\$1,000,000	Voinovich	
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Main Street Improvements, Estancia, NM	\$250,000		Heinrich

**DEPARTMENT OF TRANSPORTATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				Senate	House
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Main Street Realignment Project, Torrington, CT	\$750,000	Dodd; Lieberman	Larson (CT); Murphy (CT)
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Manadas Hike and Bike Pathways, TX	\$300,000		Cuellar
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Marlton Circle Elimination—West Main Street/ Old Marlton Pike Connector, NJ	\$600,000		Adler (NJ)
Federal Highway Administration (FHWA)	Surface Transportation Priorities	McQueen Smith Road Expansion, Prattville, AL	\$1,000,000		Bright
Federal Highway Administration (FHWA)	Surface Transportation Priorities	MD 4, MD 2/4 to MD 235, including Thomas Johnson Bridge and MD 235 Intersection, MD	\$750,000		Hoyer
Federal Highway Administration (FHWA)	Surface Transportation Priorities	MD 404 Improvements in Caroline, Talbot, and Queen Anne's Counties, MD	\$950,000	Mikulski	Kratovil
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Mill Plain Boulevard/SE 136th Avenue Intersection, Vancouver, WA	\$300,000	Murray	Baird
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Millenium Technology Park, New Castle, PA	\$500,000		Altmire
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Missouri River Freight Corridor Development Study, MO	\$900,000	Bond	
Federal Highway Administration (FHWA)	Surface Transportation Priorities	MLK-Lincoln Avenue Railroad Grade Separation, WA	\$1,948,000	Murray; Cantwell	
Federal Highway Administration (FHWA)	Surface Transportation Priorities	MO-13 and MO-82 Interchange, MO	\$1,250,000	Bond	Skelton
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Monterey Bay Sanctuary Scenic Trail, CA	\$800,000		Farr
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Morganton Road Roadway Improvements, Blount County, TN	\$750,000		Duncan
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Natural Bridge Avenue (MO Route 115) Connection Planning, Engineering & Environmental Project, MO	\$500,000		Clay
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Naugatuck River Greenway, CT	\$974,000	Dodd; Lieberman	Murphy (CT); DeLauro
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Nevada Pacific Parkway, NV	\$535,700	Reid	
Federal Highway Administration (FHWA)	Surface Transportation Priorities	New York State Route 12, NY	\$487,000	Schumer	Arcuri
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Newberg-Dundee Transportation Improvement Project, OR	\$389,600	Wyden; Merkley	Wu
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Newport Cliff Walk Restoration, RI	\$487,000	Reed; Whitehouse	Kennedy
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Ninth Avenue Extension and Overpass Construction, Belton, TX	\$750,000	Cornyn	Carter
Federal Highway Administration (FHWA)	Surface Transportation Priorities	North Broad Street Redevelopment Project, NJ	\$487,000	Lautenberg; Menendez	Payne; Sires
Federal Highway Administration (FHWA)	Surface Transportation Priorities	North Carolina 28 in Macon County, NC	\$700,000		Shuler
Federal Highway Administration (FHWA)	Surface Transportation Priorities	North Fond du Lac Railyard Overpass, Village of North Fond du Lac, Fond du Lac County, WI	\$500,000		Petri
Federal Highway Administration (FHWA)	Surface Transportation Priorities	North Main Street, Columbia, SC	\$500,000		Clyburn
Federal Highway Administration (FHWA)	Surface Transportation Priorities	North Street Improvements, Crown Point, IN	\$900,000		Visclosky

Federal Highway Administration (FHWA)	Surface Transportation Priorities	Northern Avenue Bridge Rehabilitation, MA	\$1,266,200	Kennedy, Kerry; Kirk	Lynch
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Northern Bypass I-66, KY	\$950,000		Rogers (KY)
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Northwest 66th Avenue Reconstruction, IA	\$584,400	Harkin; Grassley	
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Northwest Transportation Corridor Study, Grimes, IA	\$300,000	Grassley	Boswell
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Oak Street Extension, Schererville, IN	\$250,000	Merkley; Wyden	Visclosky
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Oakridge-Westfir Ride Center, OR	\$400,000	Merkley; Wyden	DeFazio
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Ohio 16 Dresden-Coshocton Connector, Coshocton, OH	\$400,000		Space
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Ohio Hub Plan including Toledo-Cleveland-Detroit Passenger Rail Development, OH	\$938,300	Brown	Kaptur; Sifton; Kilroy; Driehaus
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Okibbeha County Southern Bypass, MS	\$500,000	Cochran; Wicker	
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Old Taylor Road Roundabouts, MS	\$500,000	Cochran	
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Ontario Oregon Railroad Underpass Rehabilitation and Reconstruction, OR	\$292,200	Wyden; Merkley	
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Palatlakaha Bridge Replacement, Lake, FL	\$750,000		Brown-Waite, Ginny
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Paramount Boulevard Improvements, Monterey Park, CA	\$250,000		Schiff
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Park and Ride Lots, Boward County, FL	\$500,000		Meek (FL)
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Park Avenue Realignment, Chardon, OH	\$136,000		LaTourette
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Park Avenue Revitalization Project, East Hartford, CT	\$400,000		Larson (CT)
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Park Loop Trail, Sagamore Hills Township, OH	\$343,000		LaTourette
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Park Road Bridge Replacement and Dubuque Street Elevation Project, Iowa City, IA	\$1,500,000	Grassley	Loeb sack
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Pedestrian, ADA and Safety Improvements on Mather Field Road, Rancho Cordova, CA	\$200,000		Matsui
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Philadelphia Museum of Art Transportation Improvement Program, PA	\$750,000		Brady (PA)
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Pioneer Street Rail Overpass Safety Improvement Project, WA	\$974,000	Murray	Baird
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Port of Everett Infrastructure Improvement Project, WA	\$1,168,800	Murray	
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Porter Rockwell, Heriman, UT	\$1,000,000	Bennett; Hatch	
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Portland Regional Traffic Congestion Improvements, ME	\$800,000	Collins	Pingree (ME)
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Potero Boulevard/SR 60 Interchange in Beaumont, San Bernardino County, CA	\$750,000		Lewis (CA)
Federal Highway Administration (FHWA)	Surface Transportation Priorities	R-170 Landslide Road Replacement, WA	\$1,948,000	Murray; Cantwell	
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Reconstruction and Rehabilitation of Route 109/Main Street, Medway, MA	\$400,000		McGovern
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Reconstruction and Upgrade of 2300 West between 1900 South and the Interstate 15 West Frontage Road in Lehi, UT	\$1,500,000	Bennett; Hatch	Matheson

**DEPARTMENT OF TRANSPORTATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				Senate	House
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Reconstruction of County C, Bayfield County, WI	\$1,400,000		Obey
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Reconstruction of Rib Mountain, WI	\$500,000		Obey
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Reconstruction of Route 571 at Route 527, Toms River Township, NJ	\$300,000		Adler (NJ)
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Reconstruction of the Hull Street Overpass, Clovis, NM	\$500,000	Bingaman; Tom Udall	Lujan
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Regional East-West Trail and Bikeway, Albuquerque, NM	\$974,000	Bingaman; Tom Udall	Heinrich
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Remediation and Reuse of Reclaimed Port Land, DE	\$730,500	Carper; Kaufman	
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Replacement and Rehabilitation of Municipal Bridges and Trestles, City of Ketchikan, AK	\$500,000	Murkowski; Begich	
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Reunion Interchange, MS	\$1,500,000	Cochran; Wicker	
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Rickenbacker Intermodal East-West Connector, OH	\$2,000,000	Voinovich	
Federal Highway Administration (FHWA)	Surface Transportation Priorities	River Greenway Project, Second Phase, NJ	\$400,000		Payne; Pascrell
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Road Improvements from 57th Street North to 1000 ft South of 26th Street, Sioux Falls, SD	\$1,461,000	Johnson	Herseeth Sandlin
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Road improvements in Englishtown Borough, NJ	\$750,000		Holt
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Road Resurfacing, Hayneville, AL	\$300,000		Bright
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Roger Snedden Dr. Extension/Grade Separation-Phase 1, IA	\$1,000,000	Harkin	Latham
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Ronald Reagan Parkway, Hendricks County, IN	\$400,000		Buyer
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Rosecrans Avenue/405 Freeway Ramp Widening Project, Hawthorne, CA	\$500,000		Waters
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Route 1/Route 123 Interchange Improvements, VA	\$584,400	Webb; Warner	Connolly (VA)
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Route 123 Bridge Replacement, Fairfax, VA	\$300,000		Connolly (VA)
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Route 160 and Route 60 Interchange Improvements, MO	\$1,000,000	Bond	Blunt
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Route 22 Sustainable Corridor, NJ	\$1,250,000	Lautenberg; Menendez	Frelinghuysen; Lance
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Route 25—Safety and Roadway Improvements, Jackson, MO	\$650,000		Emerson
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Route 27 Renaissance 2000 Project, NJ	\$974,000	Lautenberg; Menendez	Pallone
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Route 30 Intersection Improvements and Add-Lanes Widening, Frankfort, IL	\$250,000		Halvorson
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Route 34 in Bollinger County and Cape Girardeau County, MO—Safety Improvements and Resurfacing	\$500,000		Emerson
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Route 60/422 Interchange, PA	\$487,000	Specter; Casey	

Federal Highway Administration (FHWA)	Surface Transportation Priorities	Route 63 in Phelps County and Maries County, MO—Engineering and Right of Way Improvements	\$500,000		Emerson
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Route 67 in Butler County—Extend Existing Four-Lane South to Route 160, MO	\$500,000		Emerson
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Route 72, East Road, NJ	\$500,000	Lautenberg; Menendez	Adler (NJ)
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Rt 480 Pedestrian Bridge and Safety Improvements, WV	\$400,000		Capito
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Rucker Road at US-77 Project, KS	\$500,000	Roberts	Moran (KS)
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Rutland Center Street Marketplace Improvements, VT	\$974,000	Leahy	
Federal Highway Administration (FHWA)	Surface Transportation Priorities	San Bernardo Avenue Restoration, Laredo, TX	\$500,000	Hutchison	
Federal Highway Administration (FHWA)	Surface Transportation Priorities	San Gabriel Trench Project, CA	\$500,000	Feinstein; Boxer	Schiff
Federal Highway Administration (FHWA)	Surface Transportation Priorities	San Jose Boulevard Improvements, Carlsbad, NM	\$987,000	Tom Udall; Bingaman	Teague
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Schuyler Heim Bridge Replacement and SR-47 Expressway, CA	\$500,000		Rohrabacher; Harman
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Scott Ranch Road Extension, Show Low, AZ	\$900,000		Kirkpatrick (AZ)
Federal Highway Administration (FHWA)	Surface Transportation Priorities	SE Main Avenue, 20th, 21st Street Underpass and Ancillary Improvements, City of Moorhead, MN	\$500,000	Klobuchar	Peterson
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Sellwood Bridge Replacement Project, OR	\$1,266,200	Merkley; Wyden	Blumenauer; Wu
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Seventh Standard Road Grade Separation Project, CA	\$400,000		McCarthy (CA)
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Sidewalk Construction Project for City Schools, City of Alliance, OH	\$180,000		Boccieri
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Sitka Waterfront Development, AK	\$487,000	Begich	
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Sixth Street Corridor, White County, IN	\$400,000		Buyer
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Smith River Trails—Rail/Trail Project, VA	\$300,000		Perriello
Federal Highway Administration (FHWA)	Surface Transportation Priorities	South Bronx Greenway, Randall's Island Connector, Bronx, NY	\$500,000		Serrano
Federal Highway Administration (FHWA)	Surface Transportation Priorities	South Street Reconstruction and Streetscape Improvements, NY	\$974,000	Schumer	
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Southeast Connector, IA	\$1,948,000	Harkin; Grassley	Boswell
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Southwest Arterial Project, IA	\$389,600	Harkin; Grassley	Braley (IA)
Federal Highway Administration (FHWA)	Surface Transportation Priorities	SR 426/OR 419 Improvement Project, Oviedo, FL	\$1,000,000	Bill Nelson	Kosmas
Federal Highway Administration (FHWA)	Surface Transportation Priorities	SR52 East/West Improvements, San Diego, CA	\$400,000		Hunter
Federal Highway Administration (FHWA)	Surface Transportation Priorities	St. John's Heritage Parkway Interchanges, Cities of Melbourne and Palm Bay, Brevard County, FL	\$2,000,000	Bill Nelson	Posey
Federal Highway Administration (FHWA)	Surface Transportation Priorities	St. Petersburg City Trails, FL	\$500,000		Young (FL)
Federal Highway Administration (FHWA)	Surface Transportation Priorities	State Route 180 East, CA	\$800,000	Feinstein	Costa
Federal Highway Administration (FHWA)	Surface Transportation Priorities	State Route 24/48, MS	\$1,900,000	Cochran; Wicker	
Federal Highway Administration (FHWA)	Surface Transportation Priorities	State Trunk Highway 64, WI	\$1,400,000		Obey
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Staten Island Ferry Campus Shuttle Bus Service, NY	\$381,490	Schumer	McMahon

**DEPARTMENT OF TRANSPORTATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				Senate	House
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Street and Utility Reconstruction Main Avenue, Park Rapids, MN	\$730,500	Klobuchar	
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Sue Ann Big Crow and Oglala Trail and Bike Path enhancement, Pine Ridge Indian Reservation, SD	\$487,000	Johnson	
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Sumner County Regional Airport airport road re-location, TN	\$1,500,000	Alexander	Gordon (TN)
Federal Highway Administration (FHWA)	Surface Transportation Priorities	TH 169/I-494 Interchange Construction, MN	\$400,000	Klobuchar	Paulsen
Federal Highway Administration (FHWA)	Surface Transportation Priorities	TH 610 construction, MN	\$400,000		Paulsen
Federal Highway Administration (FHWA)	Surface Transportation Priorities	The Commonwealth Avenue Road Improvement Project, MA	\$600,000		Capuano
Federal Highway Administration (FHWA)	Surface Transportation Priorities	The Hamilton Township Safe Streets to Schools Program, NJ	\$350,000		Smith (NJ)
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Theftford Village Pedestrian Improvements, VT	\$438,300	Leahy	
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Three Locks Road (County Route 205) Concrete Arch Bridge Replacement, OH	\$250,000		Space
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Timber Bridge on US 24, Limon, CO	\$800,000		Markey (CO)
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Tooze Road, OR	\$800,000	Merkley; Wyden	Schradner
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Town Center Streetscape Improvements, Eastchester, NY	\$350,000		Lowey
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Town of Haymarket Pedestrian Connections, VA	\$500,000		Connolly (VA)
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Town of Occoquan Pedestrian Safety Enhancement, VA	\$150,000		Connolly (VA)
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Town of Purcellville Main Street and Maple Avenue Intersection Improvements, VA	\$500,000	Warner; Webb	Wolf
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Traffic Signal System Improvement Project, Union City, NJ	\$300,000	Lautenberg; Menendez	Sires
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Transit Related Improvements for National Avenue, Monroe Street, Brick City, and John Q. Hammons Parkway, Springfield MO	\$500,000		Blunt
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Trapelo Road and Belmont Street Corridor, MA	\$330,000		Markey (MA)
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Tuolumne River Regional Park Gateway Trail System, CA	\$350,000		Cardoza
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Tupelo Thoroughfare Northern Loop, MS	\$2,800,000	Cochran; Wicker	Childers
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Twin Lakes Infrastructure Project, City of Roseville, MN	\$1,000,000		McCollum
Federal Highway Administration (FHWA)	Surface Transportation Priorities	U.S. 195 Safety Improvements, Cheney-Spokane Road Interchange, WA	\$1,948,000	Murray	McMorris Rodgers
Federal Highway Administration (FHWA)	Surface Transportation Priorities	U.S. 59/Alabama Grade Separation Project, MO	\$1,000,000		Graves
Federal Highway Administration (FHWA)	Surface Transportation Priorities	U.S. Highway 65, Benton County, MO	\$500,000		Skelton
Federal Highway Administration (FHWA)	Surface Transportation Priorities	U.S. Highway 90 Capacity Improvement, FL	\$500,000		Miller (FL)
Federal Highway Administration (FHWA)	Surface Transportation Priorities	U.S. Highway 97 and J Street Intersection Project, OR	\$681,800	Wyden; Merkley	Walden

Federal Highway Administration (FHWA)	Surface Transportation Priorities	U.S. Route 322 Corridor Safety Improvements, Centre County, PA		\$750,000	Specter, Casey	Thompson (PA)
Federal Highway Administration (FHWA)	Surface Transportation Priorities	U.S. Route 33m, WV		\$400,000		Capito
Federal Highway Administration (FHWA)	Surface Transportation Priorities	U.S. Route 35, WV		\$1,948,000	Byrd	Capito
Federal Highway Administration (FHWA)	Surface Transportation Priorities	U.S. Route 422 Westbound Off-Ramp Improvements at the Oaks Interchange, PA		\$1,266,200	Specter	Sestak
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Union Avenue Underpass over SR183, OH		\$150,000		Boccieri
Federal Highway Administration (FHWA)	Surface Transportation Priorities	United States Route 17/Dominion Boulevard, VA		\$487,000	Webb, Warner	Forbes
Federal Highway Administration (FHWA)	Surface Transportation Priorities	University Boulevard Widening, Clive, IA		\$300,000	Harkin	Boswell
Federal Highway Administration (FHWA)	Surface Transportation Priorities	University of Kentucky Academy for Community Transportation Innovation, KY		\$1,000,000	McConnell	
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Upper Big Thompson Canyon Bridge Replacement, CO		\$600,000		Markey (CO)
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Urban Collector Road, MS		\$2,000,000	Cochran, Wicker	
Federal Highway Administration (FHWA)	Surface Transportation Priorities	US 16B Improvements near US 16 to near SD 79, SD		\$500,000	Thune	
Federal Highway Administration (FHWA)	Surface Transportation Priorities	US 20 Corridor Improvements Toledo, OH		\$750,000		Kaptur
Federal Highway Administration (FHWA)	Surface Transportation Priorities	US 287 in Berthoud, CO		\$300,000		Markey (CO)
Federal Highway Administration (FHWA)	Surface Transportation Priorities	US 301, Charles County, MD		\$750,000		Hoyer
Federal Highway Administration (FHWA)	Surface Transportation Priorities	US 395 from Moana to Stead, NV		\$681,800	Reid	
Federal Highway Administration (FHWA)	Surface Transportation Priorities	US 395 North Spokane Corridor, WA		\$400,000	Murray, Cantwell	McMorris Rodgers
Federal Highway Administration (FHWA)	Surface Transportation Priorities	US 70 Bridge Repairs, TN		\$1,500,000	Alexander	
Federal Highway Administration (FHWA)	Surface Transportation Priorities	US 93 Corridor and Kalispell Bypass, MT		\$2,922,000	Baucus, Tester	
Federal Highway Administration (FHWA)	Surface Transportation Priorities	US Highway 12, Burbank to Walla Walla, Phase 7, WA		\$400,000	Murray, Cantwell	McMorris Rodgers
Federal Highway Administration (FHWA)	Surface Transportation Priorities	US Highway 27/State Road 80 right-of-way for the realignment of the SR 80 and US 27 intersection, FL		\$500,000	Bill Nelson	Hastings (FL)
Federal Highway Administration (FHWA)	Surface Transportation Priorities	US Highway 69 Corridor Study, Bourbon and Crawford Counties, KS		\$500,000	Roberts	Jenkins
Federal Highway Administration (FHWA)	Surface Transportation Priorities	US HWY 287 Bypass, TX		\$500,000		Barton (TX)
Federal Highway Administration (FHWA)	Surface Transportation Priorities	US Hwy 72 Widening in Athens, AL		\$450,000		Griffith
Federal Highway Administration (FHWA)	Surface Transportation Priorities	US-25 Widening, Laurel County, KY		\$750,000		Rogers (KY)
Federal Highway Administration (FHWA)	Surface Transportation Priorities	US-63, MO		\$1,000,000	Bond	
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Valencia County's Manzano Expressway, NM		\$870,000	Tom Udall	Heinrich
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Vidalia Port Access Road, Vidalia, LA		\$1,461,000	Landrieu	Alexander
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Village of Owego Riverwalk, NY		\$500,000		Hinchey
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Wadhams Road Bridge over Black River, St. Clair, MI		\$2,922,000	Levin, Stabenow	
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Warrensville/Van Alen Transit Oriented, OH		\$500,000	Brown	Fudge
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Washington and Prospect Street Signalization Project, MA		\$600,000		Lynch
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Waterfront Redevelopment Access Project, WA		\$1,948,000	Murray, Cantwell	Baird



**DEPARTMENT OF TRANSPORTATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				Senate	House
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Wealthy Street Extension, Grand Rapids, MI	\$500,000	Levin; Stabenow	Ehlers
Federal Highway Administration (FHWA)	Surface Transportation Priorities	West County Line Road, MS	\$1,500,000	Cochran	Thompson (MS)
Federal Highway Administration (FHWA)	Surface Transportation Priorities	West Grand Avenue Extension, IA	\$1,050,000	Harkin; Grassley	Latham
Federal Highway Administration (FHWA)	Surface Transportation Priorities	West Haven Rail Passenger Station, CT	\$974,000	Lieberman; Dodd	
Federal Highway Administration (FHWA)	Surface Transportation Priorities	West Virginia Route 10, WV	\$1,948,000	Byrd	
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Westlake Transit Improvement, CA	\$500,000		Becerra
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Widening of US Highway 278 and St. Bernard Bridge, Cullman, AL	\$750,000		Aderholt
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Widening of West International Speedway Boulevard (US-92), FL	\$600,000		Kosmas
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Williamsport Healthy Communities-Pathways to Health Project, PA	\$750,000		Carney
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Woodville Highway, Leon County, FL	\$250,000		Boyd
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Yonkers Avenue Improvements, NY	\$500,000		Lowe
Federal Highway Administration (FHWA)	Surface Transportation Priorities	Yucca Loma Bridge/Interstate 15 Congestion Relief Project, CA	\$750,000		Lewis (CA)
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	10th St. Connector—To extend 10th Street from Dickinson Avenue to Stantonsburg Road, Greenville, NC	\$500,000	Burr	Jones
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	55th Street Expansion in Rochester, MN	\$300,000	Klobuchar	Walz
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	5th and 6th Street Reconstruction, OR	\$779,200	Wyden; Merkley	Walden
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	6th Street Grade Separation, Vincennes, IN	\$700,000		Elsworth
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	7th Street Gateway Streetscape Enhancement Project, NJ	\$487,000	Menendez; Lautenberg	
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	Access Road to Melbourne International Airport, FL	\$779,200	Bill Nelson	
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	Autumn Street Parkway, San Jose, CA	\$974,000	Feinstein	Lofgren, Zoe
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	Bayside Trail, Portland, ME	\$200,000	Collins	Pingree (ME)
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	Beaudry Road Crossing and Pathway Project, WA	\$584,400	Murray	Hastings (WA)
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	Beckett Bascule Bridge Replacement—Pinellas County, FL	\$300,000		Bilirakis
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	Belle Chasse Bridge, Belle Chasse, Plaquemines Parish, LA	\$500,000	Landrieu	Melancon

Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	Bellevue Bypass and Baseline Road, Marion County, FL		\$500,000		Stearns
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	Bike Path between Lexington and Port Sanilac, MI		\$250,000		Miller (MI)
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	Bluffton Parkway Phases 6/7, SC		\$500,000	Graham (SC)	Wilson (SC)
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	Bridge Replacement, MD 79 at Sandy Creek, Lincoln County, MO		\$400,000		Akin
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	Bristol Street Widening, Santa Ana, CA		\$350,000		Sanchez, Loretta
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	California State Route 119 Widening Project, CA		\$400,000		McCarthy (CA)
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	Camden Waterfront Neighborhood Development Initiative, NJ		\$487,000	Lautenberg; Menendez	
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	Chapman Road Reconstruction Project, OK		\$400,000		Lucas
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	City of Urbana Goodwin Street Expansion, IL		\$750,000		Johnson (IL)
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	Completion of future I-99, US Route 15 in Steuben County, NY		\$974,000	Schumer	
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	County Rails-to-Trails Economic Development and Tourism Project, NY		\$100,000		Murphy (NY)
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	Craighead Bridge Replacement, PA		\$750,000	Specter; Casey	Platts
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	Downtown Development Authority Streetscape, Dahlenega, GA		\$392,000	Chambliss	Deal
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	Downtown Streetscape Expansion Lansdale, PA		\$500,000		Schwartz
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	Dunes Kankakee Trail, Porter County, IN		\$500,000		Visclosky
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	Echo Park/Sunset Boulevard Streetscape Beautification, CA		\$600,000		Becerra
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	El Camino East/West Corridor, AL		\$1,500,000	Sessions	
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	El Dorado and Bromwich Sidewalk Improvements, CA		\$550,000		Berman
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	Elvis Presley Boulevard Improvements, TN		\$500,000	Alexander	Cohen
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	Fish Lake Trail Completion, WA		\$1,948,000	Murray	
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	FM 493, Hidalgo County, TX		\$300,000		Hinojosa
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	Freeways and Arterial System of Transportation (FAST), NV		\$681,800	Reid	Berkley; Titus

**DEPARTMENT OF TRANSPORTATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				Senate	House
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	Hamilton Street Overpass Safety Project, WA	\$974,000	Murray; Cantwell	
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	Harrisburg Missouri Street Hospital Access Project, IL	\$400,000		Shinkus
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	Hassayampa Freeway (proposed I-11), AZ	\$250,000		Franks (AZ)
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	Hays-Travis Trail System, TX	\$300,000		Doggett
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	I-5 Santa Clarita-Los Angeles Gateway Improvement Project, CA	\$750,000	Boxer	McKeon
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	I-84, Broadway Avenue to Gowen Road Widening, ID	\$400,000	Crapo; Risch	Simpson
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	I-84, Caldwell to Nampa Widening, ID	\$1,000,000	Crapo; Risch	
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	Improvements to US 74/76, Columbus County, NC	\$350,000	Burr	McIntyre
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	Intelligent Transportation System (ITS), Bradenton and Sarasota, FL	\$500,000		Buchanan
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	Interchange design and construction Kansas Highway10 and Lone Elm Interchange, Lenexa, KS	\$500,000	Roberts	Moore (KS)
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	Interstate 579—Cap—Urban Green Space & Park Plaza, Pittsburgh, PA	\$974,000	Casey	
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	Interstate 75/Collier Boulevard/SR 84 Interchange Improvements, FL	\$800,000		Mack
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	Iowa Highway 100 Extension and Improvements, Cedar Rapids, IA	\$500,000	Harkin	Loeb sack
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	Lexington-Fayette Legacy Trail, KY	\$500,000		Chandler
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	Loop 82 Railroad Overpass, TX	\$700,000	Conyn	
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	Lower Bucks County Waterfront Redevelopment and Access Project, PA	\$500,000		Murphy, Patrick
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	Main Street Improvements, Springville, AL	\$500,000		Bachus
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	Midtown Transportation Infrastructure, NY	\$1,363,600	Schumer	
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	Mill Creek Highway, Anaconda- Deer Lodge County, MT	\$500,000		Rehberg

Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	Mingo Creek Greenway, Knightdale, NC		\$250,000		Miller (NC)
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	Monongalia Health Systems Access Road, WV	Byrd	\$974,000		
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	Montrose Avenue Repaving—Harlem to Canfield, IL		\$350,000		Schakowsky
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	Mount Clemens non-motorized trail along North-bound Gratiot, Mount Clemens, MI		\$575,000		Levin
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	New Hanover Greenway System, NC	Hagan	\$243,500		McIntyre
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	New Orleans City Park Infrastructure Improvements, New Orleans, LA	Landrieu	\$1,948,000		Cao
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	New York City Commercial Vehicle Monitoring and Enforcement Program, NY		\$500,000		Weiner
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	Ninth Street Island Bridge Project, MT	Tester	\$608,750		
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	Nordahl Bridge Widening at SR-78, San Marcos, CA	Boxer	\$500,000		Bibray
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	Park Street Pedestrian Safety Transportation Improvements, Alameda, CA		\$300,000		Stark
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	Parker Bowie Road Bridge Replacement and Widening, Anderson County, SC		\$400,000		Barrett (SC)
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	Pearl River Downtown Revitalization, NY		\$200,000		Engel
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	Pedestrian Path for the City of New Baltimore, MI		\$250,000		Miller (MI)
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	Pedestrian Safety Improvement Project, NY	Gillibrand	\$292,200		Hall (NY)
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	Pedestrian Safety Project, Russellville, AL		\$300,000		Aderholt
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	Pedestrian walkway and waterfront access, Roosevelt Island, NY		\$500,000		Maloney
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	Pi Adams Road Improvement, FL	Bill Nelson	\$250,000		Miller (FL)
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	Prairie Street Grade Separation, Elkhart, IN	Lugar	\$700,000		Donnelly (IN)
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	Rakow Road widening in McHenry County, IL		\$750,000		Manzullo
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	Replacement of Storm Sewer Adjacent to Route 42, Bellmawr, NJ		\$500,000		Andrews
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	Rice Avenue Interchange at U.S. Highway 101, Ventura County, CA	Feinstein	\$700,000		Capps
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	Riggin Road at the Walnut Street Intersection, IN	Lugar	\$1,000,000		

**DEPARTMENT OF TRANSPORTATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				Senate	House
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	River Des Peres Boulevard Improvements, MO	\$200,000		Carnahan
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	Riverwalk Trail—Mile Branch River Park, Hawkinsville, GA	\$90,000		Marshall
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	Road Reconstruction, Village of Rockville Centre, NY	\$500,000		McCarthy (NY)
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	Robstown Inland Port-Street Improvement, TX	\$300,000		Ortiz
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	Rutherford Cross Road Roundabout, CA	\$600,000		Thompson (CA)
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	Safety Improvements—Salem and Montville Route 85 at CT Route 82, CT	\$500,000	Dodd; Lieberman	Courtney
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	Salters Road Expansion Along I-85, Greenville, SC	\$300,000	Graham	Inglis
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	Scoping Study on Audubon and Natcher Parkways in Western Kentucky, KY	\$375,000	Bunning	
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	Sfgo, San Francisco, CA	\$255,000		Pelosi
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	Sidewalk Construction in Ashland, Cherryland and Castro Valley Communities in Alameda County, CA	\$600,000		Lee (CA)
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	South Lawrence Trafficway, KS	\$1,250,000	Roberts	
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	State Road (SR) 80, FL	\$800,000		Rooney
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	State Road 133 from Albany to Moultrie, GA	\$800,000	Chambliss	
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	State Route 71 expansion from SR-60 to I-10, Pomona, CA	\$300,000		Napolitano
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	State Route 99 Interchange Improvement Project, CA	\$500,000		Lungren, Dan
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	Town of Lexington Unified Traffic Plan—Phase I, SC	\$1,304,000	Graham	Wilson (SC)
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	Tri-State Outerbelt (State Route 7/Chesapeake By-Pass), OH	\$700,000		Wilson (OH)
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	Twin Cities-to-Twin Ports Trail Linkage, MN	\$600,000		Oberstar
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	U.S. 401 Widening Project, NC	\$600,000		Etheridge

Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	U.S. 98 Improvements, FL		\$500,000	Bill Nelson	Putnam
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	Union Crossing, MA		\$543,500	Kennedy, Kerry; Kirk	Tsongas
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	US 113 Improvements in Worcester County, MD		\$950,000	Mikulski	Kratovil
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	US 41/Cobb Parkway Expansion and Bridge Replacement, GA		\$500,000	Isakson	Gingrey (GA); Scott
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	US 422 Schuylkill River Crossing Complex, PA		\$700,000		Sestak
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	US 60, widen between Bartlesville and Pawhuska, Osage County, OK		\$400,000		Lucas; Sullivan
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	US 78 Upgrade to Interstate Standards, MS		\$1,000,000	Wicker	Childers
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	US Highway 169 Widening Project, OK		\$500,000	Inhofe	Boren; Sullivan
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	US-95, Thornecreek to Moscow, ID		\$400,000	Crapo; Risch	
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	Van Cortlandt Trails Restoration, NY		\$180,000		Engel
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	Wetzel Street Bridge Replacement, WV		\$487,000	Byrd	
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	Widen Hwy 99W between SPRR overpass and NW Circle Boulevard, OR		\$292,200	Wyden; Merkley	
Federal Highway Administration (FHWA)	TCSP—Transportation & Community & System Preservation	Widening of SC Highway 225, Greenwood, SC		\$400,000		Barrett (SC)
Federal Railroad Administration	Grade Crossings on Designated High Speed Rail Corridors	Altamont Commuter Express Alignment Project, CA		\$300,000		Cardoza; McNeerney
Federal Railroad Administration	Grade Crossings on Designated High Speed Rail Corridors	Eastern Guilford Crossing Safety Rail project, NC		\$300,000		Coble
Federal Railroad Administration	Grade Crossings on Designated High Speed Rail Corridors	Empire Corridor West High Speed Rail Improvements, Genesee County, NY		\$750,000		Lee (NY); Arcuri; Higgins; Maffei; Massa; Slaughter; Tonko
Federal Railroad Administration	Grade Crossings on Designated High Speed Rail Corridors	Empire Corridor West High Speed Rail Improvements, Oneida County, NY		\$1,000,000		Arcuri; Higgins; Lee (NY); Maffei; Massa; Slaughter; Tonko
Federal Railroad Administration	Grade Crossings on Designated High Speed Rail Corridors	Empire Corridor West High Speed Rail Improvements, Wayne County, NY		\$1,000,000		Maffei; Arcuri; Higgins; Lee (NY); Massa; Slaughter; Tonko
Federal Railroad Administration	Grade Crossings on Designated High Speed Rail Corridors	Metrolink Sealed Corridor Grade Crossing Improvements Los Angeles Ventura Subdivision, CA		\$400,000		Sherman

**DEPARTMENT OF TRANSPORTATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				Senate	House
Federal Railroad Administration	Grade Crossings on Designated High Speed Rail Corridors	Simi Valley-Moorpark Ventura Subdivision Grade Crossing Improvements—Metrolink, CA	\$750,000		Gallegly
Federal Railroad Administration	Rail Line Relocation and Improvement Program	West Wye Rail Line Relocation, City of Springfield, MO	\$500,000		Blunt
Federal Railroad Administration	Rail Line Relocation and Improvement Program	Blue Ridge and KC Southern Railroad Rail Line Rehabilitation and Improvement, MO	\$800,000		Cleaver
Federal Railroad Administration	Rail Line Relocation and Improvement Program	Coos County Rail Safety Upgrades, Coos County, NH	\$800,000	Shaheen	Hodes
Federal Railroad Administration	Rail Line Relocation and Improvement Program	Detroit/Wayne County Port Authority Rail Access Improvement Program, MI	\$500,000	Levin; Stabenow	Kipatrnick (MI)
Federal Railroad Administration	Rail Line Relocation and Improvement Program	Grade Crossing Mitigation, Galesburg, IL	\$2,922,000	Durbin	
Federal Railroad Administration	Rail Line Relocation and Improvement Program	Grade Separated Railroad Crossing, Northlake, TX	\$500,000		Burgess
Federal Railroad Administration	Rail Line Relocation and Improvement Program	Hoquiam Horn Spur Railroad Track Improvement Project, WA	\$350,000		Dicks
Federal Railroad Administration	Rail Line Relocation and Improvement Program	Industrial Park Rail Project, Greene Co, AL	\$400,000		Davis (AL)
Federal Railroad Administration	Rail Line Relocation and Improvement Program	Minnesota Valley Regional Rail Authority Rehabilitation Project, MN	\$1,000,000	Klobuchar	Peterson; Walz
Federal Railroad Administration	Rail Line Relocation and Improvement Program	North Rail Relocation Project, Cameron County, TX	\$400,000	Hutchison	Hinojosa
Federal Railroad Administration	Rail Line Relocation and Improvement Program	Ogden Avenue Grade Separation, Aurora, IL	\$1,000,000	Durbin	Biggert; Foster
Federal Railroad Administration	Rail Line Relocation and Improvement Program	Port of Alexandria Rail Spur, City of Alexandria, LA	\$487,000	Landrieu	
Federal Railroad Administration	Rail Line Relocation and Improvement Program	Port of Monroe Dock and Industrial Park, Monroe County, MI	\$500,000		Dingell
Federal Railroad Administration	Rail Line Relocation and Improvement Program	Rail Safety Improvements, Tualatin, OR	\$250,000	Merkley; Wyden	Wu
Federal Railroad Administration	Rail Line Relocation and Improvement Program	Rail Spur Extension, Greater Ouachita Parish, LA	\$2,000,000	Landrieu	Alexander
Federal Railroad Administration	Rail Line Relocation and Improvement Program	Railroad Overpass, Blytheville, AR	\$500,000	Pryor; Lincoln	Berry
Federal Railroad Administration	Rail Line Relocation and Improvement Program	Railway-Highway Grade Crossing Mitigation, Northeastern IL	\$1,948,000	Durbin	
Federal Railroad Administration	Rail Line Relocation and Improvement Program	Sacramento Intermodal Transportation Facility Rail Line Relocation, CA	\$750,000	Feinstein	Matsui



Federal Railroad Administration	Rail Line Relocation and Improvement Program	Salem County Short Rail Line Rehabilitation, NJ		\$750,000	Lautenberg; Menendez	LoBiondo
Federal Railroad Administration	Rail Line Relocation and Improvement Program	Shelby Intermodal Hub, MT		\$974,000	Baucus; Tester	Rehberg
Federal Railroad Administration	Rail Line Relocation and Improvement Program	South Orient Rail Line Rehabilitation in San Angelo, TX		\$1,000,000		Conaway
Federal Railroad Administration	Rail Line Relocation and Improvement Program	South Orient Railroad Rehabilitation, TX		\$1,000,000		Rodriguez
Federal Railroad Administration	Rail Line Relocation and Improvement Program	Southern Rail Corridor, MN		\$487,000	Klobuchar	
Federal Railroad Administration	Rail Line Relocation and Improvement Program	Springfield Rail Relocation, IL		\$250,000		Schock
Federal Railroad Administration	Rail Line Relocation and Improvement Program	Transbay Transit Center, CA		\$750,000	Boxer	Pelosi
Federal Railroad Administration	Rail Line Relocation and Improvement Program	Waterfront Rail Reconstruction Project: Kawasaki SWIMO, NY		\$779,200	Schumer	
Federal Railroad Administration	Rail Line Relocation and Improvement Program	West Freight Access Project, WA		\$2,922,000	Murray; Cantwell	
Federal Railroad Administration	Research and Development (FRA)	Caltrain—Positive Train Control System, CA		\$1,250,000	Feinstein	Eshoo; Speier
Federal Railroad Administration	Research and Development (FRA)	Constructed Facilities Center at West Virginia University, WV		\$243,500	Byrd	
Federal Railroad Administration	Research and Development (FRA)	Metrolink—Positive Train Control, CA		\$487,000	Feinstein; Boxer	Roybal-Allard; Schiff; Chu
Federal Railroad Administration	Research and Development (FRA)	PEERS Rail Grade Crossing Safety, Statewide, IL		\$487,000	Durbin	
Federal Transit Administration (FTA)	Alternatives Analysis	Bottineau Transitway		\$250,000	Klobuchar	Ellison
Federal Transit Administration (FTA)	Alternatives Analysis	Central Kentucky Mass Transit Alternatives Analysis		\$300,000		Chandler
Federal Transit Administration (FTA)	Alternatives Analysis	C-Tran High Capacity Transit—Alternatives Analysis, WA		\$1,704,500	Murray	Baird
Federal Transit Administration (FTA)	Alternatives Analysis	Downtown L.A. Streetcar Environmental Review		\$250,000		Roybal-Allard
Federal Transit Administration (FTA)	Alternatives Analysis	Enhanced Transit Service—Route 7 Corridor		\$350,000		Moran (VA)
Federal Transit Administration (FTA)	Alternatives Analysis	Green Line Extension		\$300,000		Capuano
Federal Transit Administration (FTA)	Alternatives Analysis	Hudson-Bergen MOS-2, Northern NJ		\$400,000	Lautenberg; Menendez	Sires
Federal Transit Administration (FTA)	Alternatives Analysis	I-10 West Corridor Light Rail Extension, Phoenix, AZ		\$1,000,000		Pastor (AZ)
Federal Transit Administration (FTA)	Alternatives Analysis	Interstate 20-East Transit Corridor Alternatives/Environmental Analysis, Atlanta, GA		\$300,000	Chambliss	Johnson (GA); Lewis (GA)
Federal Transit Administration (FTA)	Alternatives Analysis	Interstate 94 Transit Corridor—St. Paul to Eau Claire, Alternatives Analysis and Environmental Assessment, Ramsey County, MN		\$250,000	Klobuchar	McCollum
Federal Transit Administration (FTA)	Alternatives Analysis	Lehigh Valley Bus Rapid Transit Analysis, PA		\$360,000	Specter	Dent
Federal Transit Administration (FTA)	Alternatives Analysis	Naval Station Norfolk/Virginia Beach Light Rail Study, VA		\$979,200	Warner; Webb	Nye
Federal Transit Administration (FTA)	Alternatives Analysis	New Haven-Hartford-Springfield Rail Line Improvements, CT		\$3,896,000	Dodd	

**DEPARTMENT OF TRANSPORTATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				Senate	House
Federal Transit Administration (FTA)	Alternatives Analysis	Northwest New Jersey—Northeast Pennsylvania Passenger Rail Project, NJ/PA	\$974,000	Specter	
Federal Transit Administration (FTA)	Alternatives Analysis	Pace J-Route Bus Rapid Transit, IL	\$360,000		Roskam
Federal Transit Administration (FTA)	Alternatives Analysis	Puyallup Bus Rapid Transit Project—Alternatives Analysis, WA	\$1,461,000	Murray	
Federal Transit Administration (FTA)	Alternatives Analysis	Route 8 Corridor Transit Oriented Development & Alternate Modes Study	\$300,000	Dodd	DeLauro
Federal Transit Administration (FTA)	Alternatives Analysis	SE King County Commuter Rail and Transit Centers Feasibility Study, WA	\$360,000	Murray	Reichert
Federal Transit Administration (FTA)	Alternatives Analysis	South Central Avenue Light Rail Feasibility Study, Phoenix, AZ	\$400,000		Pastor (AZ)
Federal Transit Administration (FTA)	Alternatives Analysis	South Davis Street Car, Salt Lake City, UT	\$360,000	Bennett; Hatch	Bishop (UT)
Federal Transit Administration (FTA)	Alternatives Analysis	The Rapid Streetcar Alternative Analysis Study, MI	\$360,000	Levin; Stabenow	Ehlers
Federal Transit Administration (FTA)	Alternatives Analysis	Transportation study for the Texas Medical Center, Houston, TX	\$1,000,000		Culberson
Federal Transit Administration (FTA)	Buses & Bus Facilities	40' Fixed Route Transit Buses, DE	\$974,000	Carper; Kaufman	Castle
Federal Transit Administration (FTA)	Buses & Bus Facilities	Abilene Paratransit buses, TX	\$200,000		Neugebauer
Federal Transit Administration (FTA)	Buses & Bus Facilities	ACE Boulder Highway Rapid Transit Project, NV	\$750,000	Ensign; Reid	Titus; Berkley
Federal Transit Administration (FTA)	Buses & Bus Facilities	Advanced Transit Program/METRO Solutions Bus Expansion, Houston, TX	\$1,420,000		Culberson; Green, Al; Jackson-Lee (TX)
Federal Transit Administration (FTA)	Buses & Bus Facilities	Albany Heavy-Duty Buses, GA	\$500,000	Isakson	Bishop (GA)
Federal Transit Administration (FTA)	Buses & Bus Facilities	Albany Transit Multimodal Transportation Center, GA	\$1,500,000	Chambliss	
Federal Transit Administration (FTA)	Buses & Bus Facilities	Allegan County Facility Improvement and Bus Replacement, MI	\$383,000	Levin; Stabenow	Upton
Federal Transit Administration (FTA)	Buses & Bus Facilities	Allegheny County Hybrid Buses, PA	\$700,000	Specter	Doyle
Federal Transit Administration (FTA)	Buses & Bus Facilities	Alternative Fuel SolanoExpress Bus Replacement, Solano, CA	\$500,000		Miller, George
Federal Transit Administration (FTA)	Buses & Bus Facilities	Ames Intermodal Facility, IA	\$350,000	Harkin	Latham
Federal Transit Administration (FTA)	Buses & Bus Facilities	Ames Transit Facility Expansion, IA	\$750,000	Grassley	Latham
Federal Transit Administration (FTA)	Buses & Bus Facilities	Anaheim Regional Transportation Intermodal Center (ARTIC), Anaheim, CA	\$725,000	Feinstein; Boxer	Sanchez, Loretta; Royce; Miller, Gary
Federal Transit Administration (FTA)	Buses & Bus Facilities	Anchorage People Mover, AK	\$750,000	Begich	Young (AK)
Federal Transit Administration (FTA)	Buses & Bus Facilities	Area Transportation Authority of North Central PA, Rolling Stock	\$360,000	Specter	Thompson (PA)
Federal Transit Administration (FTA)	Buses & Bus Facilities	Averne East Transit Plaza, Queens, NY	\$500,000		Meeks (NY)
Federal Transit Administration (FTA)	Buses & Bus Facilities	Audubon Area Community Services, bus facility, Owensboro, KY	\$1,350,000		Guthrie; Whitfield
Federal Transit Administration (FTA)	Buses & Bus Facilities	Automotive-Based Fuel Cell Hybrid Bus Program, DE	\$487,000	Carper; Kaufman	Castle

Federal Transit Administration (FTA)	Buses & Bus Facilities	Barry County Transit, Vehicle Equipment Replacement and Building Repair, Hastings, MI		\$127,000		Ehlers
Federal Transit Administration (FTA)	Buses & Bus Facilities	BARTA Transportation Complex Franklin Street Station facilities, PA		\$250,000	Specter	Gerlach
Federal Transit Administration (FTA)	Buses & Bus Facilities	Beloit Transit System bus and bus facilities, Beloit, WI		\$150,000		Baldwin
Federal Transit Administration (FTA)	Buses & Bus Facilities	Benzie Transportation Authority Bus & Bus Facilities, Honor, MI		\$1,000,000	Levin; Stabenow	Hoekstra
Federal Transit Administration (FTA)	Buses & Bus Facilities	Big Rapids Dial-A-Ride—Replacement buses, MI		\$250,000		Camp
Federal Transit Administration (FTA)	Buses & Bus Facilities	Bob Hope Airport Regional Transportation Center, Burbank, CA		\$550,000		Sherman
Federal Transit Administration (FTA)	Buses & Bus Facilities	Brawley Transfer Terminal Transit Station, Brawley, CA		\$300,000		Filner
Federal Transit Administration (FTA)	Buses & Bus Facilities	Bridgeport Intermodal Transportation Center, CT		\$2,435,000	Dodd; Lieberman	Himes
Federal Transit Administration (FTA)	Buses & Bus Facilities	Broward County Transit Infrastructure Improvements, FL		\$500,000	Bill Nelson	Diaz-Balart, Lincoln
Federal Transit Administration (FTA)	Buses & Bus Facilities	Bryan Multi-Modal Transit Terminal and Parking Facility, TX		\$400,000		Edwards (TX)
Federal Transit Administration (FTA)	Buses & Bus Facilities	Bus Acquisition—Sun Metro, El Paso, TX		\$1,000,000		Reyes
Federal Transit Administration (FTA)	Buses & Bus Facilities	Bus and bus facilities, Kansas City, KS		\$600,000		Moore (KS)
Federal Transit Administration (FTA)	Buses & Bus Facilities	Bus Facility Renovation, Oklahoma City, OK		\$1,000,000		Fallin
Federal Transit Administration (FTA)	Buses & Bus Facilities	Bus Replacement, Akron, OH		\$500,000		Sutton; Ryan (OH)
Federal Transit Administration (FTA)	Buses & Bus Facilities	Bus Shelter Replacement, Bal Harbour, FL		\$250,000		Ros-Lehtinen; Wasserman Schultz
Federal Transit Administration (FTA)	Buses & Bus Facilities	Buses and Bus Facility Improvement, Baldwin County, AL		\$275,000		Bonner
Federal Transit Administration (FTA)	Buses & Bus Facilities	Cache Valley Transit District Expansion, UT		\$2,000,000	Hatch; Bennett	Bishop (UT)
Federal Transit Administration (FTA)	Buses & Bus Facilities	CAD/AVL Bus Communications System for the Livingston Area Transportation Service, Livingston County, NY		\$700,000		Lee (NY)
Federal Transit Administration (FTA)	Buses & Bus Facilities	Cadillac/Wexford Transit Authority, replacement buses Cadillac, MI		\$300,000		Hoekstra
Federal Transit Administration (FTA)	Buses & Bus Facilities	Cape Ann Transportation Authority (CATA) buses and fare boxes, MA		\$500,000		Tierney
Federal Transit Administration (FTA)	Buses & Bus Facilities	Capital Area Transit (CAT) System Operations and Maintenance Facility, Raleigh, NC		\$750,000	Hagan	Price (NC); Miller (NC)
Federal Transit Administration (FTA)	Buses & Bus Facilities	Capital Metro—Bus & Bus Facilities, Austin, TX		\$2,000,000	Cornyn; Hutchinson	Carter
Federal Transit Administration (FTA)	Buses & Bus Facilities	Capital Area Transportation Authority Buses and Bus Facilities, Lansing, MI		\$500,000	Levin; Stabenow	Rogers (MI); Kilpatrick (MI)
Federal Transit Administration (FTA)	Buses & Bus Facilities	Cedar Avenue Bus Rapid Transit, Phase I, Dakota County, MN		\$681,800	Klobuchar	
Federal Transit Administration (FTA)	Buses & Bus Facilities	Centre Area Transportation Authority CNG Articulated Transit Buses, PA		\$300,000	Specter	Thompson (PA)
Federal Transit Administration (FTA)	Buses & Bus Facilities	Chatham Area Transit Bus and Bus Facilities, Savannah, GA		\$2,525,000	Chambliss	Kingston; Barrow
Federal Transit Administration (FTA)	Buses & Bus Facilities	Chemung County Transit Intelligent Transportation System, NY		\$500,000		Massa
Federal Transit Administration (FTA)	Buses & Bus Facilities	Chittenden County Transportation Authority Buses, Equipment, and Facilities, Including Downtown Burlington Transit Center Design, VT		\$1,948,000	Leahy; Sanders	Welch

**DEPARTMENT OF TRANSPORTATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				Senate	House
Federal Transit Administration (FTA)	Buses & Bus Facilities	Chuckanut Park and Ride Facility, Skagit County, WA	\$400,000		Larsen (WA)
Federal Transit Administration (FTA)	Buses & Bus Facilities	Cities of Salem and Beverly intermodal station improvements, MA	\$700,000		Tierney
Federal Transit Administration (FTA)	Buses & Bus Facilities	City of Belding Dial-A-Ride, Bus Facilities Replacement Equipment, MI	\$63,000		Ehlers
Federal Transit Administration (FTA)	Buses & Bus Facilities	City of Belflower bus shelters, CA	\$500,000		Roybal-Allard
Federal Transit Administration (FTA)	Buses & Bus Facilities	City of Corona Dial-A-Ride Bus Replacement, CA	\$208,000		Calvert
Federal Transit Administration (FTA)	Buses & Bus Facilities	City of Dinuba CNG Fueling Station Expansion, CA	\$779,200	Boxer	
Federal Transit Administration (FTA)	Buses & Bus Facilities	City of Doral Transit Circulator Program, FL	\$350,000		Diaz-Balart, Mario
Federal Transit Administration (FTA)	Buses & Bus Facilities	City of Hawaiian Gardens bus shelters, CA	\$200,000		Sanchez, Linda
Federal Transit Administration (FTA)	Buses & Bus Facilities	City of Imperial Downtown Transportation Park, CA	\$974,000	Boxer	
Federal Transit Administration (FTA)	Buses & Bus Facilities	City of Ionia, Dial-A-Ride Facility Improvements, MI	\$100,000		Ehlers
Federal Transit Administration (FTA)	Buses & Bus Facilities	City of Lubbock/Citibus, bus purchases, TX	\$750,000	Cornyn; Hutchinson	Neugebauer
Federal Transit Administration (FTA)	Buses & Bus Facilities	City of Miramar Multi Service Center and Transit Hub, FL	\$500,000		Diaz-Balart, Lincoln; Hastings (FL)
Federal Transit Administration (FTA)	Buses & Bus Facilities	City of Roma Bus Terminal, TX	\$300,000		Cuellar
Federal Transit Administration (FTA)	Buses & Bus Facilities	City of Whittier bus shelters, CA	\$450,000		Sanchez, Linda
Federal Transit Administration (FTA)	Buses & Bus Facilities	Clare County Transit—New Facility, MI	\$496,000	Levin; Stabenow	Camp
Federal Transit Administration (FTA)	Buses & Bus Facilities	Clean Fuel Downtown Transit Circulator, Houston, TX	\$800,000		Jackson-Lee (TX)
Federal Transit Administration (FTA)	Buses & Bus Facilities	Clean-fueled technology buses, Onondaga County, NY	\$300,000		Maffei
Federal Transit Administration (FTA)	Buses & Bus Facilities	Cleaverwater Downtown Intermodal Terminal, St. Petersburg, FL	\$1,250,000	Bill Nelson	Young (FL)
Federal Transit Administration (FTA)	Buses & Bus Facilities	CNG Bus Replacement, The Fort Worth T Transportation Authority, Fort Worth TX	\$885,400		Barton (TX); Granger; Burgess
Federal Transit Administration (FTA)	Buses & Bus Facilities	Colonial Intermodal Facility, Bluefield, WV	\$600,000		Rahall
Federal Transit Administration (FTA)	Buses & Bus Facilities	Colorado Transit Coalition Statewide Bus & Bus Facilities, CO	\$2,641,500	Bennet; Mark Udall	Poils; Perlmutter
Federal Transit Administration (FTA)	Buses & Bus Facilities	Columbia County Multi-Modal Transit Facility, OR	\$800,000		Wu
Federal Transit Administration (FTA)	Buses & Bus Facilities	Commuter Bus Replacement, Charleston, SC	\$1,000,000		Brown (SC)
Federal Transit Administration (FTA)	Buses & Bus Facilities	Concho Valley Multi-modal Terminal, TX	\$250,000		Conaway
Federal Transit Administration (FTA)	Buses & Bus Facilities	Coralville Intermodal Facility, Coralville, IA	\$750,000	Grassley; Harkin	
Federal Transit Administration (FTA)	Buses & Bus Facilities	Corpus Christi Regional Intermodal Transit Facility, Robstown, TX	\$500,000	Hutchison	Ortiz

Federal Transit Administration (FTA)	Buses & Bus Facilities	Corvallis Transit Bus Purchase, OR		\$600,000	Merkley, Wyden	DeFazio
Federal Transit Administration (FTA)	Buses & Bus Facilities	C-Tran Transit Vehicle Replacement, WA		\$1,850,600	Murray	Baird
Federal Transit Administration (FTA)	Buses & Bus Facilities	Deerfield Valley Transit Association Facilities, Buses, and Equipment, VT		\$584,400	Leahy	
Federal Transit Administration (FTA)	Buses & Bus Facilities	Eaton County Transportation Authority bus and bus facilities, Eaton County, MI		\$1,000,000	Levin; Stabenow	Schauer
Federal Transit Administration (FTA)	Buses & Bus Facilities	Ed Roberts Campus bus and bus facilities, Berkeley, CA		\$250,000		Lee (CA)
Federal Transit Administration (FTA)	Buses & Bus Facilities	Electric Hybrid Bus Upgrade Grants, IN		\$2,400,000	Lugar	
Federal Transit Administration (FTA)	Buses & Bus Facilities	Erie Mass Transit Authority consolidation and transit facility, PA		\$1,400,000	Specter; Casey	Dahlkemper
Federal Transit Administration (FTA)	Buses & Bus Facilities	Fayetteville Multimodal Transportation Center, NC		\$400,000	Burr	McIntyre
Federal Transit Administration (FTA)	Buses & Bus Facilities	Fond du Lac Area Transit bus and bus facilities, WI		\$308,000		Petri
Federal Transit Administration (FTA)	Buses & Bus Facilities	Frankfort Transit Bus Facilities, KY		\$275,000		Chandler
Federal Transit Administration (FTA)	Buses & Bus Facilities	Galveston Transit vehicle replacement, TX		\$500,000	Cornyn	Paul
Federal Transit Administration (FTA)	Buses & Bus Facilities	Great Falls Transit District Bus Replacements, MT		\$974,000	Baucus; Tester	
Federal Transit Administration (FTA)	Buses & Bus Facilities	Green Bay Metro Transit bus and bus facilities, Green Bay, WI		\$1,100,000		Kagen
Federal Transit Administration (FTA)	Buses & Bus Facilities	Green Vehicle Depot, North Hempstead, NY		\$600,000		Ackerman
Federal Transit Administration (FTA)	Buses & Bus Facilities	GRTC Downtown Multimodal Center, Richmond, VA		\$450,000	Warner; Webb	Scott (VA)
Federal Transit Administration (FTA)	Buses & Bus Facilities	Hampton Roads Transit Bus Acquisition, Hampton, VA		\$1,450,000		Nye; Scott (VA); Wittman
Federal Transit Administration (FTA)	Buses & Bus Facilities	Harbor Point Bus Expansion, CT		\$487,000	Dodd; Lieberman	
Federal Transit Administration (FTA)	Buses & Bus Facilities	Harrisburg Transportation Center trainshed rehabilitation phase II improvements, PA		\$400,000	Specter	Holden
Federal Transit Administration (FTA)	Buses & Bus Facilities	Harrison County Multimodal, MS		\$2,000,000	Cochran; Wicker	
Federal Transit Administration (FTA)	Buses & Bus Facilities	HART Bus and Paratransit Acquisition, FL		\$500,000		Castor (FL)
Federal Transit Administration (FTA)	Buses & Bus Facilities	Hobbs Transit Intermodal Facility, Hobbs, NM		\$900,000	Tom Udall; Bingaman	Teague
Federal Transit Administration (FTA)	Buses & Bus Facilities	Idaho Transit Coalition Bus & Bus Facilities, ID		\$1,000,000	Crapo; Risch	Simpson
Federal Transit Administration (FTA)	Buses & Bus Facilities	Indianapolis ADA Compliant Bus Facility Michigan and 71st St, IN		\$500,000		Carson (IN)
Federal Transit Administration (FTA)	Buses & Bus Facilities	IndyGo Bus Replacement, IN		\$300,000	Lugar	Carson (IN)
Federal Transit Administration (FTA)	Buses & Bus Facilities	Intercity Transit Vehicle Acquisition, WA		\$1,753,200	Murray	Baird
Federal Transit Administration (FTA)	Buses & Bus Facilities	Intermodal Transit Facility/East Chestnut Street Garage, Washington, Washington County, Pennsylvania		\$625,000	Specter	Murtha
Federal Transit Administration (FTA)	Buses & Bus Facilities	Jamaica Intermodal Station Plaza, NY		\$584,400	Gillibrand	Meeks (NY)
Federal Transit Administration (FTA)	Buses & Bus Facilities	JATРАН Fleet Replacement, MS		\$500,000	Cochran; Wicker	
Federal Transit Administration (FTA)	Buses & Bus Facilities	KCATA Bus Replacement, MO		\$2,000,000	Bond	Cleaver
Federal Transit Administration (FTA)	Buses & Bus Facilities	Knoxville-Knox County OAC Transportation, TN		\$500,000		Duncan

**DEPARTMENT OF TRANSPORTATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				Senate	House
Federal Transit Administration (FTA)	Buses & Bus Facilities	Lake Cumberland Community Action Agency, bus equipment, KY	\$70,000		Whitfield
Federal Transit Administration (FTA)	Buses & Bus Facilities	Lakeland Area Mass Transit District Bus Replacement and Facility Maintenance, FL	\$200,000		Putnam
Federal Transit Administration (FTA)	Buses & Bus Facilities	League City Park and Ride Facilities, TX	\$750,000		Paul
Federal Transit Administration (FTA)	Buses & Bus Facilities	Lincoln Center Corridor Redevelopment Project, New York, NY	\$500,000	Schumer	Nadler (NY); Rangel
Federal Transit Administration (FTA)	Buses & Bus Facilities	Link Transit Vehicle Acquisition, WA	\$2,496,700	Murray	Hastings (WA)
Federal Transit Administration (FTA)	Buses & Bus Facilities	Illinois Downstate Bus & Bus Facilities, IL	\$3,896,000	Durbin; Burris	
Federal Transit Administration (FTA)	Buses & Bus Facilities	Loop 101—Scottsdale Road Park and Ride, Scottsdale, AZ	\$500,000		Mitchell
Federal Transit Administration (FTA)	Buses & Bus Facilities	Los Angeles Central Avenue Streetscape bus shelters and lighting, CA	\$700,000		Becerra
Federal Transit Administration (FTA)	Buses & Bus Facilities	Lufkin Veterans Clinic Shuttle capital cost of contracting, TX	\$300,000	Cornyn	Gohmert
Federal Transit Administration (FTA)	Buses & Bus Facilities	LYNX Buses, Orlando, FL	\$1,500,000	Martinez	Brown, Corrine
Federal Transit Administration (FTA)	Buses & Bus Facilities	Lynx's Central Station improvements, Orlando, FL	\$550,000		Grayson
Federal Transit Administration (FTA)	Buses & Bus Facilities	Madison County Transit District Bus Replacement, IL	\$600,000		Costello
Federal Transit Administration (FTA)	Buses & Bus Facilities	Madison Metro Transit bus and bus facilities, Madison, WI	\$150,000		Baldwin
Federal Transit Administration (FTA)	Buses & Bus Facilities	Maine Statewide Bus and Bus Facilities	\$300,000		Michaud
Federal Transit Administration (FTA)	Buses & Bus Facilities	Marble Valley Regional Transit District Buses, Facilities, and Equipment, VT	\$1,461,000	Leahy	
Federal Transit Administration (FTA)	Buses & Bus Facilities	Marshalltown Bus Replacement, IA	\$315,000	Grassley	Latham
Federal Transit Administration (FTA)	Buses & Bus Facilities	MART North Leominster Commuter Rail Station Parking Structure, Leominster MA	\$2,500,000		Oliver
Federal Transit Administration (FTA)	Buses & Bus Facilities	MARTA Acquisition of Clean Fuel Buses, GA	\$4,000,000	Isakson	Lewis (GA); Johnson (GA); Scott (GA)
Federal Transit Administration (FTA)	Buses & Bus Facilities	McBean Regional Transit Center Park & Ride Facility, CA	\$300,000		McKeon
Federal Transit Administration (FTA)	Buses & Bus Facilities	Metro St. Louis—Downtown Transfer Center, MO	\$1,150,000	Bond	
Federal Transit Administration (FTA)	Buses & Bus Facilities	Metropolitan Tulsa Transit Authority, bus purchase, Tulsa, OK	\$750,000	Inhofe	Sullivan
Federal Transit Administration (FTA)	Buses & Bus Facilities	Midland County Connection—Bus Replacement, MI	\$203,000		Camp
Federal Transit Administration (FTA)	Buses & Bus Facilities	Milwaukee County Buses, WI	\$500,000		Moore (WI)
Federal Transit Administration (FTA)	Buses & Bus Facilities	Minneapolis Intermodal Station, MN	\$500,000	Klobuchar	Ellison
Federal Transit Administration (FTA)	Buses & Bus Facilities	Morrows Station Square Transit Village, CA	\$750,000		Dreier

Federal Transit Administration (FTA)	Buses & Bus Facilities	Morgan County System of Services, transit vans for HANDS Home Shelter for Girls, AL	\$50,000	Aderholt
Federal Transit Administration (FTA)	Buses & Bus Facilities	Mt. Hope Station Transit Center, NY	\$800,000	Slaughter
Federal Transit Administration (FTA)	Buses & Bus Facilities	Multi-Modal Parking Hub, Glen Cove, NY	\$500,000	King (NY)
Federal Transit Administration (FTA)	Buses & Bus Facilities	Multimodal University Hub, Cincinnati, OH	\$1,000,000	Driehaus
Federal Transit Administration (FTA)	Buses & Bus Facilities	Municipal Transit Operators Coalition (MTOC) Bus/Bus Facility Improvement Project, CA	\$550,000	Watson; Napolitano
Federal Transit Administration (FTA)	Buses & Bus Facilities	Newark Penn Station Intermodal Improvements, NJ	\$1,948,000	Payne
Federal Transit Administration (FTA)	Buses & Bus Facilities	Newton Rapid Transit Handicap Accessibility, MA	\$1,000,000	Frank (MA)
Federal Transit Administration (FTA)	Buses & Bus Facilities	Normal Multimodal Transportation Center, Normal, IL	\$250,000	Halvorson
Federal Transit Administration (FTA)	Buses & Bus Facilities	North Dakota Statewide Transit, ND	\$1,461,000	Pomeroy
Federal Transit Administration (FTA)	Buses & Bus Facilities	Northern New Jersey Intermodal Improvements	\$2,550,000	Frelinghuysen; Rothman (NJ)
Federal Transit Administration (FTA)	Buses & Bus Facilities	Northstar Phase II Commuter Buses, MN	\$97,400	Klobuchar
Federal Transit Administration (FTA)	Buses & Bus Facilities	Norwalk/Santa Fe Springs Transportation Center Improvements, Santa Fe Springs, CA	\$500,000	Napolitano
Federal Transit Administration (FTA)	Buses & Bus Facilities	Ohio Clean & Green Statewide Bus Replacement Program, OH	\$692,200	Turner; Kilroy
Federal Transit Administration (FTA)	Buses & Bus Facilities	Orbit Neighborhood Circulator, Tempe, AZ	\$500,000	Mitchell
Federal Transit Administration (FTA)	Buses & Bus Facilities	Pace Chicago Paratransit Vehicles, IL	\$1,300,000	Gutierrez; Quigley; Davis (IL)
Federal Transit Administration (FTA)	Buses & Bus Facilities	Pace Milwaukee Avenue Transit Infrastructure Enhancements, IL	\$400,000	Schakowsky
Federal Transit Administration (FTA)	Buses & Bus Facilities	Pace Transit Information Signage, Harvey and Chicago Heights, IL	\$440,000	Jackson (IL)
Federal Transit Administration (FTA)	Buses & Bus Facilities	Pace transit infrastructure for Randall Road, Kane County, IL	\$800,000	Foster
Federal Transit Administration (FTA)	Buses & Bus Facilities	Pacific Transit Vehicle Replacement, WA	\$250,000	Baird
Federal Transit Administration (FTA)	Buses & Bus Facilities	Palm Tran Park and Ride Facilities, FL	\$800,000	Wexler
Federal Transit Administration (FTA)	Buses & Bus Facilities	Palmdale Transportation Center Train Platform Extension, Palmdale, CA	\$370,000	McKeon
Federal Transit Administration (FTA)	Buses & Bus Facilities	Passaic/Bergen County Intermodel Facilities, NJ	\$800,000	Pascrell
Federal Transit Administration (FTA)	Buses & Bus Facilities	Penrynville Allied Community Services, bus facilities, KY	\$500,000	Whitfield
Federal Transit Administration (FTA)	Buses & Bus Facilities	Pierce Transit Diesel-Electric Bus Acquisition, WA	\$1,272,700	Smith (WA)
Federal Transit Administration (FTA)	Buses & Bus Facilities	Pioneer Valley transit Authority Bus replacement Program, Pioneer Valley Transit District, MA	\$750,000	Neal
Federal Transit Administration (FTA)	Buses & Bus Facilities	Port Angeles Gateway International Multi-modal Transportation Center, WA	\$550,000	Dicks
Federal Transit Administration (FTA)	Buses & Bus Facilities	Port of Anchorage Intermodal Expansion Project, AK	\$487,000	Begich
Federal Transit Administration (FTA)	Buses & Bus Facilities	Potomac and Repahamock Transportation Commission Western Maintenance Facility, VA	\$1,000,000	Wittman; Connolly (VA)



**DEPARTMENT OF TRANSPORTATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				Senate	House
Federal Transit Administration (FTA)	Buses & Bus Facilities	Purchase Hybrid Buses, Lehigh and Northampton Transportation Authority (LANTA), PA	\$615,250	Specter	Dent
Federal Transit Administration (FTA)	Buses & Bus Facilities	Rabbitransit Bus Facility, PA	\$250,000	Specter	Platts
Federal Transit Administration (FTA)	Buses & Bus Facilities	Ramapo Friends Helping Friends Medical Vans, NY	\$135,000		Engel
Federal Transit Administration (FTA)	Buses & Bus Facilities	Reconstruction of the University Circle Rapid Station, OH	\$2,000,000	Voinovich	
Federal Transit Administration (FTA)	Buses & Bus Facilities	Regional Intermodal Terminal Center, JTA, Jacksonville, FL	\$400,000	Bill Nelson	Brown, Corrine; Crenshaw
Federal Transit Administration (FTA)	Buses & Bus Facilities	Regional Transportation Management System, San Diego, CA	\$800,000		Davis (CA)
Federal Transit Administration (FTA)	Buses & Bus Facilities	Rhode Island Senior Transportation buses, RI	\$300,000		Kennedy
Federal Transit Administration (FTA)	Buses & Bus Facilities	Richmond Express (REX) Transit Centers, Fairfax County, VA	\$500,000		Moran (VA); Connelly (VA)
Federal Transit Administration (FTA)	Buses & Bus Facilities	Riehle Plaza Transportation Improvements for CityBus, Lafayette, IN	\$450,000	Lugar	Buyer
Federal Transit Administration (FTA)	Buses & Bus Facilities	Riverside Transit Agency Bus Replacement Program, CA	\$1,400,000		Calvert
Federal Transit Administration (FTA)	Buses & Bus Facilities	Roscommon County Transportation Authority—Replacement buses, MI	\$700,000		Camp
Federal Transit Administration (FTA)	Buses & Bus Facilities	RTS Bus Replacement, City of Gainesville, Alachua County, FL	\$750,000		Stearns; Brown, Corrine
Federal Transit Administration (FTA)	Buses & Bus Facilities	Rural Bus Program for Hawaii, Maui and Kauai, HI	\$3,419,400	Inouye; Akaka	Abercrombie; Hirono
Federal Transit Administration (FTA)	Buses & Bus Facilities	Saginaw Transit Authority Regional Services Bus and Bus Facilities Project, Saginaw, MI	\$500,000	Levin; Stabenow	Kildee
Federal Transit Administration (FTA)	Buses & Bus Facilities	San Joaquin Regional Operations Facility Construction, CA	\$500,000		McNerney; Car-doza
Federal Transit Administration (FTA)	Buses & Bus Facilities	San Jose High Volume Bus Stop Upgrades, Santa Clara County, CA	\$600,000		Honda
Federal Transit Administration (FTA)	Buses & Bus Facilities	Scottsdale Intermodal Center, AZ	\$500,000		Mitchell
Federal Transit Administration (FTA)	Buses & Bus Facilities	Senior Center Buses, Guadalupe, AZ	\$150,000		Pastor (AZ)
Federal Transit Administration (FTA)	Buses & Bus Facilities	Senior Transportation Program, AL	\$2,000,000	Shelby	
Federal Transit Administration (FTA)	Buses & Bus Facilities	Silverton Senior and Disabled Transportation Service, OR	\$38,404	Wyden; Merkley	
Federal Transit Administration (FTA)	Buses & Bus Facilities	SMART Alternative Fuel Vehicles, MI	\$1,500,000	Levin; Stabenow	Kipatrick (MI); Dingell
Federal Transit Administration (FTA)	Buses & Bus Facilities	South Amboy Intermodal Station, NJ	\$500,000	Lautenberg; Menendez	Pallone
Federal Transit Administration (FTA)	Buses & Bus Facilities	South Bay Regional Intermodal Transit Centers, CA	\$800,000		Harman
Federal Transit Administration (FTA)	Buses & Bus Facilities	Southern Maryland Commuter Bus Initiative	\$1,250,000	Mikulski; Cardin	Hoyer

Federal Transit Administration (FTA)	Buses & Bus Facilities	Southwest Ohio Regional Transit Authority hybrid bus replacement, OH	\$400,000		Driehaus
Federal Transit Administration (FTA)	Buses & Bus Facilities	Spokane Transit Diesel-Electric Hybrid Bus Acquisition, WA	\$1,266,200	Murray	
Federal Transit Administration (FTA)	Buses & Bus Facilities	St. Petersburg Central Avenue Bus Rapid Transit, FL	\$500,000		Young (FL)
Federal Transit Administration (FTA)	Buses & Bus Facilities	StarMetro Buses, Tallahassee, FL	\$1,000,000	Bill Nelson	Crenshaw; Boyd
Federal Transit Administration (FTA)	Buses & Bus Facilities	State of Arkansas—Bus and bus facilities, AR	\$1,300,000	Pryor; Lincoln	Ross; Berry; Boozman; Snyder
Federal Transit Administration (FTA)	Buses & Bus Facilities	Statewide (Rural and Urban) Bus & Bus Facilities, KS	\$2,000,000	Brownback; Roberts	
Federal Transit Administration (FTA)	Buses & Bus Facilities	Statewide Bus & Bus Facilities for Commuter Choice, NM	\$1,948,000	Bingaman; Tom Udall	
Federal Transit Administration (FTA)	Buses & Bus Facilities	Statewide Bus & Bus Facilities, IA	\$3,405,800	Harkin; Grassley	
Federal Transit Administration (FTA)	Buses & Bus Facilities	Statewide Bus & Bus Facilities, MO	\$2,000,000	Bond	
Federal Transit Administration (FTA)	Buses & Bus Facilities	Statewide Bus & Bus Facilities, SD	\$487,000	Johnson	
Federal Transit Administration (FTA)	Buses & Bus Facilities	Statewide Bus Replacement, RI	\$487,000	Reed	Kennedy; Langevin
Federal Transit Administration (FTA)	Buses & Bus Facilities	Stone Avenue Train Station, La Grange, IL	\$700,000		Lipinski
Federal Transit Administration (FTA)	Buses & Bus Facilities	Suffolk County bus and bus facilities, NY	\$600,000		Bishop (NY)
Federal Transit Administration (FTA)	Buses & Bus Facilities	SunLine Transit Agency paratransit buses and commuter coaches, CA	\$750,000		Bono Mack
Federal Transit Administration (FTA)	Buses & Bus Facilities	Tacoma Intermodal Transit Center, WA	\$974,000	Murray	Dicks; Smith (WA)
Federal Transit Administration (FTA)	Buses & Bus Facilities	TARTA Bus and Bus Facilities, OH	\$1,000,000		Kaptur
Federal Transit Administration (FTA)	Buses & Bus Facilities	Tennessee Public Transit Administration Rural Transportation Project	\$800,000		Tanner
Federal Transit Administration (FTA)	Buses & Bus Facilities	Tennessee Statewide Bus Program, TN	\$6,625,000	Alexander; Corker	Davis (TN); Duncan
Federal Transit Administration (FTA)	Buses & Bus Facilities	The District Capital Cost of Contracting, Montgomery County, TX	\$1,000,000		Brady (TX)
Federal Transit Administration (FTA)	Buses & Bus Facilities	The Rapid, Wealthy Operations Center Expansion Project, Grand Rapids, MI	\$1,948,000	Stabenow; Levin	Ehlers
Federal Transit Administration (FTA)	Buses & Bus Facilities	Thompsonville Intermodal Transportation Center, CT	\$974,000	Dodd; Lieberman	
Federal Transit Administration (FTA)	Buses & Bus Facilities	Tinley Park 80th Avenue Metra Station Development, IL	\$700,000		Biggert
Federal Transit Administration (FTA)	Buses & Bus Facilities	Transit Authority of Northern Kentucky Bus Replacement Project, KY	\$1,850,000	McConnell	Davis (KY)
Federal Transit Administration (FTA)	Buses & Bus Facilities	Transit Capitol Requests, Oklahoma City, OK	\$1,400,000		Cole
Federal Transit Administration (FTA)	Buses & Bus Facilities	Transit Facility and Bus Apron Access Construction along US 1, Key West, FL	\$1,000,000		Ros-Lehtinen
Federal Transit Administration (FTA)	Buses & Bus Facilities	Transit Facility for LKLP Communicatcy Action Council in West Liberty, KY	\$1,000,000		Rogers (KY)
Federal Transit Administration (FTA)	Buses & Bus Facilities	Transit Maintenance Garage Initiative, IA	\$681,800	Harkin; Grassley	Braley (IA)
Federal Transit Administration (FTA)	Buses & Bus Facilities	Transit Vehicle and Related Equipment, MO	\$1,000,000	Bond	

**DEPARTMENT OF TRANSPORTATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				Senate	House
Federal Transit Administration (FTA)	Buses & Bus Facilities	Troy/Birmingham Multi-Modal Transit Center, MI	\$1,300,000	Levin; Stabenow	Peters
Federal Transit Administration (FTA)	Buses & Bus Facilities	U.S. Space and Rocket Center Transportation Request, Huntsville, AL	\$1,600,000		Aderholt
Federal Transit Administration (FTA)	Buses & Bus Facilities	Union City Intermodal Station, Phases 1C and 2, CA	\$500,000		Stark
Federal Transit Administration (FTA)	Buses & Bus Facilities	Union Station Intermodal Transit Center, Washington, DC	\$500,000		Norton
Federal Transit Administration (FTA)	Buses & Bus Facilities	Union Station Intermodal, Pottsville, PA	\$400,000		Holden
Federal Transit Administration (FTA)	Buses & Bus Facilities	Vacaville Intermodal Station—Phase 2, CA	\$500,000		Miller, George
Federal Transit Administration (FTA)	Buses & Bus Facilities	Veterans Home Handicapped-Accessible Bus and Handicapped-Accessible Van, Juana Diaz, PR	\$130,000		Pierluisi
Federal Transit Administration (FTA)	Buses & Bus Facilities	VIA Metropolitan Transit BRT improvements, San Antonio, TX	\$500,000	Cornyn; Hutchison	Gonzalez, Rodriquez
Federal Transit Administration (FTA)	Buses & Bus Facilities	VIA Metropolitan Transit Bus Maintenance Facility Improvements, San Antonio, Texas	\$300,000	Hutchison	Gonzalez
Federal Transit Administration (FTA)	Buses & Bus Facilities	VIA Metropolitan Transit Bus US 281 / Loop 1604 Area Park & Ride, San Antonio, TX	\$750,000		Smith (TX)
Federal Transit Administration (FTA)	Buses & Bus Facilities	Virgin Islands, Bus and Bus Facilities, VI	\$200,000		Christensen
Federal Transit Administration (FTA)	Buses & Bus Facilities	VTA Renewable Energy Conversion Project, San Jose, CA	\$750,000		Loftgren, Zoe
Federal Transit Administration (FTA)	Buses & Bus Facilities	Washoe County Bus & Bus Facilities, NV	\$615,250	Reid	Heller
Federal Transit Administration (FTA)	Buses & Bus Facilities	Waterbury Intermodal Transportation Center, CT	\$500,000	Dodd; Lieberman	Murphy (CT)
Federal Transit Administration (FTA)	Buses & Bus Facilities	West Seattle RapidRide and Hybrid Bus Program, Seattle, WA	\$600,000	Murray	McDermott
Federal Transit Administration (FTA)	Buses & Bus Facilities	Western Kentucky University Shuttle Bus Improvement Project, KY	\$1,200,000	McConnell	Guthrie
Federal Transit Administration (FTA)	Buses & Bus Facilities	Whatcom Transportation Authority Fleet Replacement Project, WA	\$974,000	Murray	
Federal Transit Administration (FTA)	Buses & Bus Facilities	Wilkes-Barre Intermodal Transportation Center, PA	\$600,000		Kanjorski
Federal Transit Administration (FTA)	Buses & Bus Facilities	Winter Haven/Polk County Buses, FL	\$200,000		Putnam
Federal Transit Administration (FTA)	Buses & Bus Facilities	Wisconsin Bus Capital on Behalf of Transit Agencies Statewide, WI	\$3,409,000	Kohl	
Federal Transit Administration (FTA)	Buses & Bus Facilities	Wonderland Intermodal Improvements, MA	\$750,000	Kennedy, Kerry; Kirk	Markey (MA)
Federal Transit Administration (FTA)	Capital Investment Grants	Ann Arbor—Detroit Regional Rail Project, Detroit, MI	\$3,500,000	Stabenow; Levin	
Federal Transit Administration (FTA)	Capital Investment Grants	Assembly Square Orange Line Station, MA	\$1,000,000		Capuano
Federal Transit Administration (FTA)	Capital Investment Grants	Baltimore Red Line, MD	\$3,000,000	Cardin; Mikulski	Cummings; Ruppersberger; Sarbanes
Federal Transit Administration (FTA)	Capital Investment Grants	Berkeley-Oakland-San Leandro Bus Rapid Transit Corridor Improvements Project in Alameda County, CA	\$1,000,000	Feinstein	Lee (CA); Stark

Federal Transit Administration (FTA)	Capital Investment Grants	Central Corridor Light Rail Transit Project, MN		\$2,000,000	Klobuchar	
Federal Transit Administration (FTA)	Capital Investment Grants	Charlotte Streetcar Project, NC		\$500,000	Hagan	Watt; Kissell
Federal Transit Administration (FTA)	Capital Investment Grants	Chicago Transit Hub (Circle Line), IL		\$1,500,000	Durbin; Burris	Quigley; Lipinski
Federal Transit Administration (FTA)	Capital Investment Grants	City of Charlotte, Charlotte Area Transit System's (CATS) Blue Line Extension—Northeast Corridor Project, NC		\$14,700,000	Burr; Hagan	Kissell; Watt
Federal Transit Administration (FTA)	Capital Investment Grants	CTA Red Line North Station, Track, Viaduct and Station Rehabilitation, IL		\$7,500,000	Durbin	Jackson (IL)
Federal Transit Administration (FTA)	Capital Investment Grants	Draper Light Rail, UT		\$10,000,000	Bennett; Hatch	Matheson
Federal Transit Administration (FTA)	Capital Investment Grants	Fort Lauderdale—The Downtown, Transit Corridor Program, Downtown Transit Circulator, FL		\$500,000	Bill Nelson; Martinez	Wasserman Schultz
Federal Transit Administration (FTA)	Capital Investment Grants	Fort Worth Transportation Authority Southwest-to-Northeast Rail Corridor, TX		\$4,000,000		Granger; Burgess
Federal Transit Administration (FTA)	Capital Investment Grants	Galveston-Houston Commuter Rail, TX		\$2,000,000	Hutchison	Paul
Federal Transit Administration (FTA)	Capital Investment Grants	HART Light Rail Preliminary Engineering, FL		\$1,650,000	Bill Nelson; Martinez	Castor (FL)
Federal Transit Administration (FTA)	Capital Investment Grants	Honolulu High Capacity Transit Corridor Project, HI		\$30,000,000	Inouye; Akaka	Abercrombie; Hirono
Federal Transit Administration (FTA)	Capital Investment Grants	Improvements to the Rosslyn Metro Station, VA		\$1,000,000	Webb; Warner	
Federal Transit Administration (FTA)	Capital Investment Grants	Lackawanna Cut-Off Restoration Project, PA/NJ		\$1,000,000	Casey	Kanjorski; Frelinghuysen
Federal Transit Administration (FTA)	Capital Investment Grants	Metra Commuter Rail, IL		\$8,000,000		
		Metra Commuter Rail Union Pacific Northwest Line, IL			Durbin; Burris	Bean; Davis (IL); Quigley
		Metra STAR Line, IL			Durbin; Burris	Roskam; Halvorson; Bean
		Metra UP-West Line, IL			Durbin; Burris	Roskam; Gutierrez
		Metra-Southeast Service, Chicago, IL			Durbin; Burris	Jackson (IL); Halvorson
Federal Transit Administration (FTA)	Capital Investment Grants	Miami-Dade County Metrorail Orange Line Expansion, FL		\$4,000,000	Martinez	Diaz-Balart, Lincoln; Diaz-Balart, Mario; Meek (FL); Wasserman Schultz
Federal Transit Administration (FTA)	Capital Investment Grants	Modern Streetcar/Light Rail Transit System, Tucson, AZ		\$4,000,000		Giffords; Grijalva; Pastor (AZ)
Federal Transit Administration (FTA)	Capital Investment Grants	Northstar Phase II—Extension of Northstar Commuter Rail to the St. Cloud Area, MN		\$3,000,000	Klobuchar	
Federal Transit Administration (FTA)	Capital Investment Grants	Perris Valley Line, CA		\$5,000,000	Feinstein	Bono Mack; Calvert
Federal Transit Administration (FTA)	Capital Investment Grants	Purple Line, MD		\$3,000,000	Cardin; Mikulski	Edwards (MD); Van Hollen

**DEPARTMENT OF TRANSPORTATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				Senate	House
Federal Transit Administration (FTA)	Capital Investment Grants	Route 1 Bus Rapid Transit, Potomac Yard High Capacity Transit, VA	\$1,000,000	Warner; Webb	Moran (VA)
Federal Transit Administration (FTA)	Capital Investment Grants	RTD East Corridor Construction, CO	\$2,500,000	Bennet; Mark Udall	
Federal Transit Administration (FTA)	Capital Investment Grants	RTD Gold Corridor, CO	\$2,000,000	Mark Udall; Bennett	
Federal Transit Administration (FTA)	Capital Investment Grants	Sonoma-Marín Area Rail Transit (SMART), CA	\$2,500,000	Boxer; Feinstein	Thompson (CA); Woolsey
Federal Transit Administration (FTA)	Capital Investment Grants	South Shore Commuter Rail Capital Reinvestment Plan, Northern Indiana Commuter Transportation District, IN	\$2,000,000	Lugar	Visclosky
Federal Transit Administration (FTA)	Capital Investment Grants	Stamford Urban Transitway, CT	\$2,000,000	Lieberman; Dodd	Himes
Federal Transit Administration (FTA)	Capital Investment Grants	Third Street Light Rail-Central Subway Project, CA	\$6,000,000	Feinstein	Pelosi
Federal Transit Administration (FTA)	Capital Investment Grants	Virginia Railway Express Rolling Stock, VA	\$3,000,000	Webb; Warner	
Federal Transit Administration (FTA)	Capital Investment Grants	Wilmington to Newark Commuter Rail Improvement Program, DE	\$3,000,000	Carper; Kaufman	Castle
Federal Transit Administration (FTA)	Research (FTA)	Community Transportation Association of America National Joblinks Program	\$1,000,000		Olver
Federal Transit Administration (FTA)	Research (FTA)	Metropolitan Area Transportation Operations and Coordination	\$200,000		Ruppersberger
Federal Transit Administration (FTA)	Research (FTA)				

**[Congressionally Directed Spending Items]**

Agency	Account	Recipient	Project	Amount	Requester(s)	
					Senate	House
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	180 Turning Lives Around Inc.	180 Turning Lives Around space expansion	\$200,000	Lautenberg; Menendez	Smith (NJ)
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Abused Women's Aid in Crisis; Anchorage, AK	For infrastructure improvements at a center to serve victims of domestic violence	\$200,000	Murkowski	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Ada Public Works Authority, OK	Water storage tower construction	\$600,000	Inhofe	Cole
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Alabama PALS	Alabama PALS Coastal Cleanup equipment	\$250,000		Bonner
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Albany, GA	For the transformation of real estate property and infrastructure into a Certified Industrial Park.	\$450,000	Chambliss	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Alianza Dominicana, Inc., New York, NY	Construction of the Triangle Building, a mixed-use facility	\$250,000		Rangel
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Altadena Library District, Altadena, CA	Renovation, expansion and ADA compliance at a public library	\$400,000		Schiff

Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	American Legion Veterans Housing, Inc, Jewitt City, CT	Construction of supportive housing for veterans	\$200,000		Courtney
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	American Red Cross of Northeast Indiana	For an expansion of the existing facility	\$200,000	Lugar	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Amos House, Providence, RI	For construction of a training and support center to serve low-income individuals	\$730,500	Reed, Whitehouse	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Anchorage Community Land Trust, Anchorage, Alaska	For rehabilitation and renewal of key blighted property along Mountain View Drive	\$389,600	Begich	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Androscoggin Valley Council of Governments	For the restoration of the historic Camden Yarns Mill building in downtown Lewiston would rehabilitate a blighted mill on the river	\$600,000	Collins; Snowe	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Angelina County, TX	Angelina County Cassell-Boykin County Park Project facility renovation	\$500,000		Gohmert
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Annis Water Resource Institute	Annis Water Resource Institute field station renovation	\$500,000		Hoekstra
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Appalachia Service Project, Brenton, WV	For a home repair program for low-income families in Southern West Virginia	\$730,500	Byrd	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Appalachia Service Project, Chavies, KY	To serve families below the federal poverty level through a variety of means, such as financial assistance or equipping homes with running water	\$460,000	Bunning	Rogers (KY)
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Appleton Housing Authority, Appleton, WI	For construction and preservation of low-income elderly housing	\$409,080	Kohl	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Architectural Heritage Foundation, Lowell, MA	For construction of a mixed-use urban development including space for affordable housing	\$194,800	Kennedy; Kerry; Kirk	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Ardmore Development Authority, Ardmore, OK	For infrastructure improvements	\$600,000	Linhofe	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Argentine Neighborhood Dev. Assoc. Kansas City, KS	For property acquisition, infrastructure improvements, and housing construction	\$1,000,000	Brownback	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Arkansas Food Bank Network, Little Rock, AR	For establishment of a new facility	\$194,800	Pryor, Lincoln	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Augusta Housing and Community Development Department, Augusta, GA	Construction and rehabilitation of the Lucy Craft Laney/Silas X. Floyd Wellness Center	\$200,000		Barrow
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Automation Alley, Troy, MI	Planning, design, and construction of the Automation Alley International Business Center for business incubation	\$394,800	Levin; Stabenow	Peters
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Bayard Rustin Access Center	Acquisition, planning, renovation, and design of a transitional living program for youth	\$100,000		Davis (IL)
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Bedford County Development Association	Bedford County business park development	\$250,000		Shuster
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Berkshire Community College, Pittsfield, MA	Construction of a renewable energy training center	\$750,000		Olver

## [Congressionally Directed Spending Items]

Agency	Account	Recipient	Project	Amount	Requester(s)	
					Senate	House
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Berrien County Development Authority	North Berrien Industrial Park infrastructure improvements	\$300,000		Kingston
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Billings Food Bank	Billings Food Bank Montana Harvest Kitchens Project building expansion	\$450,000		Rehberg
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Blair County, PA	For acquisition, demolition and site preparation within Blair County's blighted urban core areas, including downtown Altoona	\$293,500	Casey; Specter	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Bolivar County, MS	For the renovation and repair of a historic courthouse	\$350,000	Cochran	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Bordentown Township, NJ	The Bordentown Township Light Rail Transit Center area renovation and remediation	\$250,000	Lautenberg; Menendez	Smith (NJ)
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Borough of Phoenixville, PA	Phoenixville downtown streetscape project	\$250,000		Gerlach
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Borough of Souderton, PA	Souderton Train Station and Freight Buildings Restoration	\$500,000		Dent
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Boyle County Fiscal Court; Danville, KY	For upgrades to current building and infrastructure in Boyle County	\$500,000	Bunning	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Boys & Girls Club of Binghamton, NY	Construction and equipment at a new facility to serve at-risk youth	\$250,000		Hinchey
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Boys & Girls Club of East County Foundation, Inc.	Boys & Girls Club of East County building renovation	\$250,000		Hunter
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Boys & Girls Club of Greater Westfield, Westfield, MA	For renovation and expansion of a youth facility	\$292,200	Kennedy; Kirk	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Boys & Girls Clubs of Hartford, Inc., Hartford, CT	Renovation and expansion of the Boys and Girls Club of Greater Hartford	\$600,000	Lieberman	Larson (CT)
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Boys and Girls Clubs of Bellevue	Bellevue Community Center renovations	\$150,000	Murray	Reichert
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Boys and Girls Clubs of Southwest Washington, WA	For expansion of the existing youth facility	\$974,000	Murray	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Boys and Girls Clubs of the Middle Georgia Region, Eastman, GA	Renovation of Boys and Girls club facility	\$100,000		Marshall
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Boys Town, NE	Boys Town building construction	\$1,250,000		Terry; Fortenberry
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Braddock Radux, Braddock, PA	Renovation and construction at the Braddock Community Center	\$100,000		Doyle
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Breed Street Shul Project, Inc, Los Angeles, CA	Rehabilitation of the Breed Street Shul, an historic landmark	\$250,000		Roybal-Allard



Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Bristol Bay Borough, AK	For infrastructure expansion at the Port of Bristol Bay	\$1,000,000	Murkowski	Young (AK)
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Bronx River Alliance, Bronx, NY	Construction, buildout, and installation of roof photovoltaic array at the Bronx River House	\$350,000		Serrano
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Brooklyn Botanical Garden, Brooklyn, NY	Construction and renovation for safety improvements	\$400,000		Clarke
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Brooklyn Children's Museum, Brooklyn, NY	Construction and renovation of the Community Cultural and Educational Center	\$250,000		Clarke; Towns
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Brooklyn Economic Development Corporation, Brooklyn, NY	Revitalization of the Moore Street Retail Market	\$450,000		Velazquez
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Brooklyn Heights Association, Brooklyn, NY	Infrastructure improvements, including lighting	\$450,000		Velazquez
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Brown County Public Library, Green Bay, WI	Renovations and updates to the Brown County Central Library	\$300,000		Kagen
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Bucks County Housing Group, Wrightstown, PA	Renovations at a homeless shelter and affordable housing rental units	\$200,000		Murphy, Patrick
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Buena Vista Charter Township, MI	For the redevelopment of blighted property	\$389,600	Levin; Stabenow	Kildee
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Buffalo Bayou Partnership, Houston, TX	Acquisition of land along Buffalo Bayou's East Sector	\$200,000		Green, Gene
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Calexico Neighborhood House, Calexico, CA	Planning, design, and construction of five transitional units for homeless women and children	\$200,000		Filner
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	CEDARS Youth Services, Inc	CEDARS Children's Crisis Center building construction	\$200,000		Fortenberry
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Central City Community Development Corporation	Veterans Commons building renovation and construction	\$500,000	Bill Nelson	Bilirakis; Young (FL)
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Central Connecticut Coast YMCA, Inc., New Haven, CT	Construction of a community recreational facility	\$550,000		DeLauro
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Central Islip Civic Council, Central Islip, NY	Revitalization and redevelopment of foreclosed properties for affordable housing	\$200,000		Israel
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Chabad of the Valley, Tarzana, CA	Renovation of facilities at the Emergency Food and Social Services Center	\$250,000		Sherman
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Charles County, MD	For installation of plumbing in low-income housing	\$292,200	Mikulski	Hoyer
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Chicanos Por La Causa, Inc., Phoenix, AZ	Construction at the Maryvale Workforce Development and Health Services Campus	\$500,000		Pastor (AZ)
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Chippewa-Luce-Mackinac Community Action Human Resources Authority, Luce County, MI	For construction of a new service center to house all the agency's programs which benefit low income county residents	\$389,600	Stabenow; Levin	Stupak

[Congressionally Directed Spending Items]						
Agency	Account	Recipient	Project	Amount	Requester(s)	
					Senate	House
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City and County of San Francisco, CA	Redevelopment of the Sunnydale-Velasco public housing site into a mixed-income community	\$750,000		Pelosi
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Abilene, TX	Life Sciences Accelerator facilities and equipment	\$300,000	Cornyn	Neugebauer
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Alexandria, LA	Alexandria Riverfront redevelopment	\$500,000		Alexander
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Alpine, TX	Construction of the Alpine Public Library	\$300,000		Rodriguez
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Anderson, IN	For technology and building infrastructure improvements, tenant build-out and enhancements, and laboratory development for the incubator campus of buildings	\$200,000	Lugar	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Ashland, AL	Ashland Industrial Park infrastructure improvements	\$250,000		Rogers (AL)
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Atmore, AL	Elevated water tank construction	\$350,000		Bonner
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Aurora, IL	Electrical substation relocation, brownfield remediation, and economic revitalization	\$300,000		Foster
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Bastrop, TX	Renovation and expansion of a visitor center	\$200,000		Doggett
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Billings, MT	Business Consortium Project for the Homeless building purchase and renovation	\$323,000		Rehberg
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Billings, MT	For the purchase of generators to provide emergency power to critical water facilities	\$974,000	Tester	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Bozeman, MT	For reconstruction following an explosion in a downtown historic district	\$974,000	Baucus	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Bradfordsville, KY	Bradfordsville senior center/community center building renovation	\$250,000		Guthrie
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Brockton, MA	Reconstruction and renovation at public parks	\$600,000		Lynch
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Brownstown, IN	Construction of ADA-compliant sidewalks and streetscaping	\$250,000		Hill
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Chesapeake, VA	Great Bridge Battlefield and Waterways Park and Visitors Center building construction	\$250,000		Forbes
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Cincinnati, OH	For redevelopment of Brownfield property into a new light industrial and service center business park	\$800,000	Voinovich	Driehaus
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Citrus Heights, CA	ADA infrastructure improvements	\$450,000		Lungren, Dan

Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Council Bluffs, IA	For development of low and moderate income housing	\$340,900	Harkin; Grassley	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Covington, KY	Stewart Iron Works building renovation	\$250,000		Davis (KY)
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Danville, IL	For acquisition, demolition and redevelopment of dilapidated and abandoned structures	\$340,900	Durbin	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of DeLand, FL	Spring Hill Boys and Girls Community Center building	\$250,000		Mica; Brown, Corrine
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Delis Rapids, SD	For restoration, renovation and modernization of an historic public library	\$487,000	Johnson	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Demopolis, AL	Infrastructure improvements at the Demopolis Airport Industrial Park	\$400,000		Davis (AL)
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Desert Hot Springs, CA	For development of a community facility to address serious health and public safety problems in a low income area	\$292,200	Boxer	Lewis (CA)
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Detroit, MI	Infrastructure improvements, streetscaping, and ADA compliance in Detroit	\$400,000	Levin; Stabenow	Conyers; Kilpatrick (MI)
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Dothan, AL	Demolition, planning, design, and renovation of downtown business district	\$500,000		Bright
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of East Haven	Streetscaping, replacing sidewalks and curbing, and installation of energy-efficient lighting	\$500,000		DeLauro
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Fitchburg, MA	Design, planning and engineering work for the development of an industrial park	\$275,000		Olver
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Forsyth, GA	For renovations of the former Tift College to house the Georgia Department of Corrections. Buildings are in disrepair and must be brought up to the code	\$650,000	Chambliss	Marshall
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Fort Smith, AR	Downtown Riverfront Economic Development Initiative planning, design and construction	\$250,000	Pryor; Lincoln	Boozman
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Fort Worth, TX	Trinity River Vision land acquisition	\$500,000		Granger
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Gardendale, AL	Renovations and improvements to a facility for disabled youth, with the Gardendale Miracle League	\$100,000		Bachus
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Gig Harbor, Gig Harbor, WA	For construction of a multi-use facility by the Boys and Girls Club	\$730,500	Murray	Dicks
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Greenville, MS	For renovations and infrastructure enhancements for a youth wellness project	\$300,000	Cochran	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Guntersville, AL	Guntersville Harbor breakwater replacement	\$200,000		Aderholt
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Hartford Housing Authority, Hartford, CT	Demolition and reconstruction of a housing complex	\$500,000		Larson (CT)

## [Congressionally Directed Spending Items]

Agency	Account	Recipient	Project	Amount	Requester(s)	
					Senate	House
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Hattiesburg, MS	For renovations and replacement of buildings and equipment in a park in a blighted neighborhood	\$500,000	Cochran; Wicker	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Hillsboro, TX	Land acquisition and construction at Hillsboro parks	\$400,000		Edwards (TX)
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Hondo, TX	Construction of a new shelter for women who have been victimized by physical abuse	\$300,000		Rodriguez
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Hopkinsville, KY	For infrastructure improvements at the Hopkinsville-Christian County Industrial Mega Site	\$4,000,000	McConnell	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Huntington Park, CA	Construction of an ADA-compliant trail	\$300,000		Roybal-Allard
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Hyden, KY	For construction and development of a community wellness facility to serve southeastern Kentucky	\$500,000	Bunning	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Irondale, AL	City of Irondale streetscape project	\$200,000		Bachus
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Jackson, MS	For property improvements related to the Capitol Street Renaissance	\$1,005,000	Cochran; Wicker	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Jackson, MS	For renovation and rehabilitation of the City of Jackson's public facilities for the arts and science	\$550,000	Cochran; Wicker	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Jal, NM	Renovation of a vacant building for economic development	\$400,000	Bringaman	Teague
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Jefferson, IA	Streetscape improvements	\$400,000		Latham
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Jersey City, NJ	Construction at and remediation of a brownfield and development of a mixed-use community	\$400,000	Lautenberg; Menendez	Rothman (NJ); Payne
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Joshua, TX	Land acquisition and construction and equipment for park areas	\$1,000,000		Edwards (TX)
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Laredo, TX	Renovation and construction at the Laredo Little Theatre	\$200,000		Cuellar
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Lawndale, CA	Design, demolition, and construction of a new community center	\$300,000		Waters
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Lewiston, ME	For the City of Lewiston's ongoing efforts to revitalize its riverfront	\$900,000	Collins; Snowe	Michaud
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Malden	Demolition of a building and streetscaping to revitalize a downtown area	\$400,000		Markey (MA)
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Marine City, MI	Marine City historic building renovation	\$250,000		Miller (MI)

Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Memphis/Memphis Housing Authority, TN	Construction and renovation at vacant public housing for mixed-income senior housing	\$200,000		Cohen
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Midland, Midland, TX	For renovations to 30-year old facilities which serve the Midland community	\$500,000	Cornyn	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Nappanee, IN	Nappanee Airport/ New Industrial Park infrastructure improvements	\$250,000		Souder
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of New Iberia, LA	Construction of a multi-use facility in New Iberia	\$300,000	Landrieu	Melancon
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Norco, CA	Santa Ana River Trail construction	\$100,000		Calvert
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of North Adams, MA	Construction at an historic building for ADA compliance	\$375,000		Oliver
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of North Adams, MA	For renovation and restoration of a downtown historic building in order to reduce blight and attract private investment	\$194,800	Kennedy; Kerry; Kirk	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of North Port, FL	Family Services Center facility expansion	\$100,000		Buchanan
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Oxford, MS	For renovation of a historical structure	\$500,000	Cochran	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Palatka, FL	Palatka Riverfront Park Redevelopment	\$250,000		Mica
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Pascagoula, Pascagoula, MS	For reconstruction of City of Pascagoula beach park promenade	\$500,000	Wicker; Cochran	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Pawtucket, RI	For repair and renovation of an historic public library	\$243,500	Reed	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Peoria, IL	For critical public infrastructure improvements around the Glen Oak and Harrison Community Schools	\$243,500	Durbin	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Philadelphia, PA	For mixed-use Transit Oriented Development in the area around the 9th and Berks rail station	\$487,000	Casey	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Piedmont, OK	For the construction of a municipal building	\$1,000,000	Inhofe	Lucas
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Quincy, IL	For the acquisition of blighted residential properties to create affordable housing and facilitate mixed-use development	\$194,800	Durbin	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Ravenna, KY	Construction and renovation at a public park for handicap accessibility	\$175,000		Chandler
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Ray City, GA	Ray City streetscape and safety improvements	\$175,000		Kingston
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Richland, GA	Streetscaping and sidewalk improvements	\$150,000		Bishop (GA)
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Ridgeland, MS	City Center renovation and construction	\$100,000		Harper

## [Congressionally Directed Spending Items]

Agency	Account	Recipient	Project	Amount	Requester(s)	
					Senate	House
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Rochester, NY	For environmental remediation, demolition, and other site preparation for revitalization	\$340,900	Gillibrand	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Rockford, IL	Rockford West Side economic development initiative infrastructure improvements	\$500,000	Durbin	Manzullo
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Round Rock, TX	Downtown Revitalization and Main Street improvements	\$500,000		Carter
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Ruston, LA	For purchase of equipment needed to construct the city-wide broadband network to be managed and maintained by the City of Ruston	\$194,800	Landrieu	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Salem, OR	Infrastructure improvements at the Mill Creek Employment Center	\$500,000	Merkley, Wyden	Schrader
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of San Bernardino, CA	Verdemont Community Center building construction	\$500,000		Lewis (CA); Baca
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Sarasota, FL	Robert Taylor Community Center facilities renovation	\$150,000		Buchanan
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Shelby, MT	Shelby Downtown District Revitalization Project building renovation	\$200,000		Rehberg
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Snoqualmie, WA	Snoqualmie Historic Downtown Main Street infrastructure improvements	\$250,000		Reichert
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Springfield, IL	For acquisition of abandoned properties and upgrades to infrastructure	\$340,900	Durbin	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Suffolk, VA	Dismal Swamp Interpretive Center building design and construction	\$200,000		Forbes
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Tarrant, AL	Five Mile Creek Greenway streetscaping project	\$150,000		Bachus
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Taunton, MA	For safety and access improvements at a low-income senior center	\$194,800	Kennedy; Kerry; Kirk	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Tuscaloosa, Tuscaloosa, AL	For the downtown revitalization project	\$5,000,000	Shelby	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Tuskegee, AL	Tuskegee Industrial Park development	\$250,000		Rogers (AL)
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Unadilla, GA	Streetscaping and sidewalk improvements	\$100,000		Bishop (GA)
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Warren, PA	Capital improvements and streetscaping in downtown Warren, PA	\$400,000	Specter, Casey	Dahlkemper
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Waterbury, Waterbury, CT	For the redevelopment of Brownfields and blighted properties	\$487,000	Lieberman; Dodd	Murphy (CT)

Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Wenatchee, Wenatchee, WA	For property acquisition and renovation of Wenatchee Pious Food Bank and Distribution Center	\$1,461,000	Murray	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Wilson, NC	Redevelopment, renovation and demolition of vacant buildings	\$200,000	Hagan	Butterfield
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Winston-Salem, NC	For creation of office space to recruit businesses to Winston-Salem, as part of the revitalization of a blighted area	\$487,000	Hagan	Watt
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of Worcester, MA	Planning, design, and engineering for the Institute Park Renovation Project	\$400,000		McGovern
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	City of York, PA	For restoration and preservation of historic central market	\$779,200	Casey	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Claiborne County Industrial Development Board	Claiborne County Center for Higher Education building renovations and rehabilitation	\$189,000		Wamp
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Clarke County Economic Development Initiative	Clarke County Economic Development Initiative infrastructure improvements	\$400,000		Bonner; Davis (AL)
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Cleary University	Livingston Campus Community Center building renovation	\$250,000		Rogers (MI)
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Coalport Borough Council	Coalport Borough streetscape project	\$150,000		Shuster
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Commonwealth Library Council, Saipan, MP	Repair and renovation at the Joeten-Kiyu Public Library	\$200,000		Sablan
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Community Area Resource Enterprise (CARE 66), Gallup, NM	For development of up to 60 units of affordable housing	\$487,000	Bingaman; Tom Udall	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Community Chest, Virginia City, NV	For construction of a multi-use community center in Storey County	\$194,800	Reid	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Community Food Bank, Inc., Tucson, AZ	Installation and construction of a solar power array at the food bank	\$200,000		Giffords
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Concourse House, HDfC, Bronx, NY	Renovation of Concourse House, a home for women and children	\$350,000		Serrano
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	County of Campbell, VA	Site development and construction of a library	\$500,000		Perriello
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	County of Kauai, HI	For on-site infrastructure improvements to enable the construction of 36 residential homes for low-income households	\$243,500	Inouye	Hirono
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	County of Los Angeles, Community and Senior Services, Los Angeles, CA	Equipment for Food Finders, Inc. of Long Beach and Interfaith Food Center in Whittier	\$150,000		Sanchez, Linda
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	County of Minnehaha, SD	For construction of a facility to house chronically homeless persons	\$340,900	Johnson	Herseth Sandlin
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	County of Santa Clara, Department of Parks and Recreation, Los Gatos, CA	Design, engineering, surveying and construction of Martial Cottle Park	\$250,000		Lofgren, Zoe; Honda



## [Congressionally Directed Spending Items]

Agency	Account	Recipient	Project	Amount	Requester(s)	
					Senate	House
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Covenant House Alaska, Anchorage, Alaska	For the relocation of a crisis center facility	\$500,000	Murkowski	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Crossroads, North Kingstown, RI	For the development and construction of a Child Care and Community Center	\$730,500	Whitehouse	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Custer County, ID	Custer County community center development	\$500,000		Simpson
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Deane Center for the Performing Arts	Building construction and renovation for the Deane Center for the Performing Arts	\$100,000		Thompson (PA)
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	DeKalb County, GA	Construction of the Ellenwood Community Center	\$300,000		Scott (GA)
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Delaware Children's Museum, DE	For the construction of the Delaware Children's Museum in Wilmington, Delaware, as part of a community revitalization effort	\$194,800	Carper; Kaufman	Castle
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Department of Lands and Natural Resources, Saipan, MP	Design and Construction of the Garapan Public Market	\$200,000		Sablan
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Detroit Institute of Arts (DIA), Detroit, MI	Renovation of the roof at an historic building	\$750,000	Levin; Stabenow	Kilpatrick (MI); Conyers
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Divide County, Crosby, ND	For reclamation of a former Air Force Base site for redevelopment	\$292,200	Dorgan; Conrad	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	East Central Community Center, Spokane, WA	For design and construction of a community facility	\$340,900	Murray	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	East Orange Division of Senior Services, East Orange, NJ	For renovation of a Senior Citizen Center	\$194,800	Lautenberg; Menendez	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Eden Housing, Hayward, CA	Renovation at the Eden Housing Affordable Housing Complex	\$240,000		Honda
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	El Centro de Servicios Sociales, Lorain, OH	For construction and renovation of an aging structure	\$584,400	Brown	Sutton
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Ellwood City Revitalization Project, Inc., Ellwood City, PA	Planning, design, and redevelopment of downtown Ellwood City	\$200,000	Specter	Altire
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Emergency Shelter of the Fox Valley, Appleton, WI	For acquisition and rehabilitation of permanent supportive housing for chronically homeless persons	\$340,900	Kohl	Kagen
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Employment Horizons, Incorporated	Employment Horizons building renovation	\$400,000		Frelinghuysen
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Esperanza en Escalante, Tucson, AZ	Acquisition of equipment for expanded services for homeless veterans	\$75,000		Giffords

Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Esperanza, Philadelphia, PA	For the planning, design, rehabilitation and construction of affordable housing in the Hunting Park neighborhood	\$194,800	Specter	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Eva's Village, Paterson, NJ	For renovation of the center's facilities	\$779,200	Lautenberg; Menendez	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Federation of Italian-American Organizations of Brooklyn, Ltd.	Construction of a community center	\$700,000	McMahon	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	First Steps Primeros Pasos, Georgetown, DE	For construction and start up costs for a bilingual early care and education facility to help children of non-English-speaking families develop the skills needed to succeed	\$194,800	Kaufman; Carper	Castle
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Food Bank for Monterey County, Salinas, CA	Acquisition of equipment and a vehicle for the food bank	\$150,000	Farr	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Food Bank of Delaware, Newark, DE	For expansion of a commercial kitchen, a volunteer room, a Culinary Arts Training Facility, a retail area and additional office space that will allow the food bank to meet growing demand in Kent and Sussex counties	\$194,800	Kaufman; Carper	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Fort Greene Park Conservancy, Brooklyn, NY	Sidewalk improvements and streetscaping at the Fort Greene Park Conservancy	\$300,000	Towns	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Freestore Foodbank, Cincinnati, Ohio	For major renovations on two heavily used food bank facilities	\$535,700	Brown	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Friendly Fuld Neighborhood Centers, Inc., Newark, NJ	Renovation of a building to provide services to low-income children and families	\$400,000	Lautenberg; Menendez	Payne
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Fulton County Commissioners	Northeast Fulton County water system	\$250,000	Latta	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Gaega Park District	Gaega Park District/Gaega County Greenway Connector land acquisition	\$428,000	LaTourette	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Georgia Maritime Trade Center Authority, Savannah, GA	For site preparation in accordance with the Parcel 7/Riverwalk Civic Master Plan, including planning and preparation work, and the design and construction of a public access floating dock system to accommodate traffic flow to/from the site	\$900,000	Chambliss	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Gilmer County Family Resource Network, Glenville, WV	Acquisition, renovation, streetscaping and farad improvements	\$400,000	Mollohan	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Great Falls Development Authority	Great Falls Industrial Park infrastructure improvements	\$300,000	Rehberg	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Great Rivers Greenway, St. Louis, MO	Construction of the Carondelet Greenway Connector	\$200,000	Carahan	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Greater Boston Food Bank, Boston, MA	For construction of a regional food distribution center	\$584,400	Kennedy; Kerry; Kirk	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Greater Ouachita Port Commission	Greater Ouachita Port, surface development project	\$250,000	Landrieu	Alexander

## [Congressionally Directed Spending Items]

Agency	Account	Recipient	Project	Amount	Requester(s)	
					Senate	House
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Groundwork, Inc., Brooklyn, NY	Construction of the Groundwork Community Center	\$600,000	Towns	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Hampshire County Special Services Center, WV	For the acquisition of an additional facility to provide services and employment to individuals with developmental disabilities	\$974,000	Byrd	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Hawaii Public Housing Authority, Honolulu, HI	For code enforcement and renovation of 24 housing units for very low to low income elderly individuals	\$389,600	Inouye	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Hawaii Public Housing Authority, Honolulu, HI	For renovation of housing units to provide 25 refurbished housing units for low income individuals	\$389,600	Inouye	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Heritage Services, Omaha, NE	For construction of an 80,000 square foot, multi-level facility that will accommodate an education and interactive learning center	\$876,600	Ben Nelson	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Hillsborough Community College	Building Renovations -- Brandon Campus	\$200,000		Bilirakis
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Hillview Acres Children	Hillview Acres Children building renovation	\$250,000		Miller, Gary
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Homeward, Inc., Clarion, IA	For expansion of a construction finance program to develop housing in rural communities for low income individuals	\$194,800	Harkin; Grassley	Braley (IA)
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Hornell Family YMCA, Hornell, NY	Construction of new and renovation of older structures for cultural programs	\$400,000		Massa
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Housing Authority of Calvert County, Prince Frederick, MD	Renovation and expansion of a homeless shelter	\$375,000		Hoyer
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Housing Connections, Wheeling, WV	Acquisition and renovation of affordable housing	\$300,000		Mollohan
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Housing Vermont, Burlington, VT	For construction and improvement of housing stock	\$243,500	Sanders	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Howard County, MD	For rehabilitation and equipment purchase for community and wellness rooms in a low and moderate income elderly housing community	\$487,000	Mikulski	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Hudson Area Library Association, Hudson, NY	Restoration and renovation of the Hudson Area Library	\$200,000		Murphy (NY)
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Huntington Community Development Agency, Huntington, NY	Renovations and energy efficient retrofits for small business development	\$200,000		Israel
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Inc. Village of Lynbrook, NY	Streetscaping and sidewalk improvements	\$200,000		McCarthy (NY)

Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Iowa Department of Economic Development, Des Moines, IA	For rehabilitation of buildings and areas	\$974,000	Harkin	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Jackson County Commission, WV	For expansion of the drill hall and supporting facilities at the proposed Spencer-Ripley Armed Forces Reserve Center	\$1,461,000	Byrd	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Jackson County, MS	For Phase I of construction and renovation of Walter Anderson Arts Pavilion	\$700,000	Cochran; Wicker	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Jefferson County Convention & Visitors Bureau (JCCVB)	Harpers Ferry Interpretative Welcome Center building construction	\$250,000		Capito
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	KC Parks and Recreation Department, Kansas City, MO	For the construction of new community center	\$2,500,000	Bond	Cleaver
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Kentucky Blood Center	Kentucky Blood Center building construction	\$500,000		Rogers (KY)
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Kentucky Communities Economic Opportunity Council, Gray, KY	Construction of a community wellness center	\$250,000		Rogers (KY)
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Kids Come First, Columbus, OH	For construction of a child care facility	\$650,000	Voinovich	Kilroy
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	King County Housing Authority, King County, WA	For the renovation and expansion of three youth community centers located in three public housing sites	\$974,000	Murray; Cantwell	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Lackawanna County Board of Commissioners, Scranton, PA	Design and construction of a Small Business Incubator and/or Multipurpose Center	\$200,000	Specter	Kanjorski
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Lake Metroparks	Lake Metroparks/Mill Creek Corridor Preservation land acquisition	\$500,000		LaTourette
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Lanakila Rehabilitation Center, Honolulu, HI	For renovation and expansion of the Wahiawa Training and Support Complex, which will double capacity to provide training and employment opportunities for people with disabilities and other low income individuals	\$292,200	Inouye	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Larchmont Public Library, Larchmont, NY	Renovation of the Larchmont Public Library	\$175,000		Lowey
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Lawrence Community Shelter, Inc., Lawrence, KS	Acquisition and renovation to relocate and enlarge a homeless shelter	\$200,000		Moore (KS)
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Liberty Housing Development Corporation, Philadelphia, PA	Acquisition and renovation of residential units to transition disabled persons into communities	\$300,000		Schwartz
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Longview Housing Authority, Longview, WA	For the rehabilitation of an historic building into a veterans housing and service center	\$489,600	Murray; Cantwell	Baird
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Lower Brule Sioux Tribe, Lower Brule, SD	For purchase of new playground equipment and upgrades to a kitchen and learning areas of a daycare facility to improve safety for children	\$194,800	Johnson	Herseth Sandlin

[Congressionally Directed Spending Items]

Agency	Account	Recipient	Project	Amount	Requester(s)	
					Senate	House
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Lower Brule Sioux Tribe, Lower Brule, SD	For upgrades to a community center	\$340,900	Johnson	Herseth Sandlin
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Luna County Community Recreation Facility, NM	For the renovation of the old Pepsi building to house dedicated youth activities, practice space, and community meeting rooms	\$399,340	Bingaman; Tom Udall	Teague
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	MAGNET, Cleveland, OH	Renovation and restoration of the Manufacturing Innovation Center	\$400,000		Fudge
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Manatee County, FL	Construction of a community center in a low-income neighborhood	\$250,000		Castor (FL)
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Maryland Department of Natural Resources, Annapolis, MD	For restoration and preservation of properties to alleviate economic distress through stimulation of private investment and community revitalization	\$462,650	Cardin; Mikulski	Kratovil
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Maryland Food Bank, Baltimore, MD	Construction, renovation and equipment at the Maryland Food Bank	\$492,200	Mikulski; Cardin	Sarbanes; Bartlett; Cummings; Kratovil; Ruppersberger
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Maui Economic Concerns of the Community, Wailuku, HI	For rehabilitation and improvement of a homeless resource center and affordable housing for low-income residents	\$487,000	Inouye	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Meet Each Need with Dignity (MEND), Pacoima, CA	Acquisition of equipment to expand services to low-income individuals	\$130,000		Berman
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Mercy Housing and Shelter Corporation, Hartford, CT	Renovation of a homeless and transitional shelter	\$500,000		Larson (CT)
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Metropolitan Council on Jewish Poverty, New York, NY	Renovations and repairs at low-income residences	\$150,000		Weiner
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Metropolitan Development Association of Syracuse and Central New York, Inc., Syracuse, NY	Infrastructure improvements at the Syracuse University Research Park	\$200,000		Maffei
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Mid Plains Community College, McCook, NE	For construction of a new Events Center that supports rural economic development and activity in southwestern Nebraska	\$487,000	Ben Nelson	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Middlesex Community College, Lowell, MA	For redevelopment of an underutilized historic building to expand community services	\$194,800	Kennedy; Kerry; Kirk	Tsongas
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Mid-South Community College, West Memphis, AR	Construction of classroom and laboratory space to increase capacity for workforce training	\$350,000		Berry
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Military Business Park, City of Fayetteville, NC	For construction of a military business park	\$584,400	Hagan	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Mingo County Redevelopment Authority, Williamson, WV	Development and construction of the Southern Highlands Initiative	\$400,000		Rahall

Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Ministry of Caring, Wilmington, DE	For renovations to the Josephine Bakhtia House to serve as residence for young adults who are committed to social responsibility and giving back to the community through volunteer service	\$194,800	Kaufman; Carper	Castle
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Monroe County Fiscal Court	Monroe County Farmer's Market facility construction	\$250,000		Whitfield
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Montana Department of Fish, Wildlife, and Parks, MT	For redevelopment of a Superfund site and a state park	\$730,500	Baucus	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Mookini Luakini Foundation, North Kohala, HI	For construction and renovation of a cultural education center for low income youth	\$194,800	Inouye	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Morgan Arts Council	Community Center building renovations	\$200,000		Capito
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	MT, Washington Community Development Corporation, Pittsburgh, PA	For planning, designing, site preparation, demolition and construction associated with brownfield redevelopment	\$194,800	Specter	Doyle
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Multi-Disciplinary Combined Facility for the Copper River Native Association, AK	For construction of a facility	\$1,000,000	Murkowski	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Muskingum County Commissioners, Zanesville, OH	Renovation of a building to create a business incubator	\$300,000		Space
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Nassau County Museum of Art, Roslyn Harbor, NY	Construction and expansion	\$200,000		Ackerman
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Navajo Technical College, Crownpoint, NM	For construction of a regional health center located on the campus of the Navajo Technical College	\$389,600	Bringaman; Tom Udall	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Nevada Housing and Neighborhood Development (HAND), Las Vegas, NV	For development of an assisted living facility for low income seniors	\$681,800	Reid	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	New Bethany Ministries building renovation	Rehabilitation of a building to provide services for low-income people	\$250,000		Dent
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	New Futures, Seattle, WA	For the planning, design and construction of a community center	\$438,300	Murray	McDermott
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	New York Families for Autistic Children, Ozone Park, NY	Energy efficient renovations and construction at the New York Families for Autistic Children facility	\$300,000		Meeks (NY)
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Nicetown CDC, Philadelphia, PA	Construction of a low-income housing tax credit project	\$400,000		Fattah
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Nisei Veterans Committee Foundation, Seattle, WA	Acquisition of land for the Nisei veterans memorial	\$200,000		McDermott
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Noble County Health Department, Caldwell, OH	For the rehabilitation of a 30 year old building to increase functionality and energy efficiency	\$389,600	Brown	

[Congressionally Directed Spending Items]						
Agency	Account	Recipient	Project	Amount	Requester(s)	
					Senate	House
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	North Country Vietnam Veterans Association	North Country Vietnam Veterans Association building and renovations	\$250,000	McHugh	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	North Olympic Regional Housing Network, Forks, WA	For the purchase and conversion of a building into transitional and permanent supportive housing for homeless veterans and their families	\$487,000	Murray; Cantwell	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Northeast Iowa Food Bank, Waterloo, IA	For construction of a food warehouse and distribution center	\$340,900	Harkin	Braley (IA)
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Northern Comm. Investment Corp., St. Johnsbury, VT	To continue to expand high speed, high technology broadband connectivity to New Hampshire's North Country	\$1,000,000	Gregg	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Northside Community Housing, Inc., St. Louis, MO	To provide renovations in order to preserve affordable housing units for low and moderate income seniors, individuals, and families	\$1,000,000	Bond	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Oak Ridge Cemetery	Oak Ridge Cemetery infrastructure improvements	\$250,000		Schock
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Oklahoma City Community College	Capitol Hill Center building renovations	\$200,000		Cole
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Operation Fightback, NY, NY	Construction of 74 units of affordable housing	\$750,000		Rangel
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Orange County, FL	Renovation and construction of the Central Receiving Center for the homeless	\$400,000	Bill Nelson	Brown, Corrine
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Our City Reading, Reading, PA	For rehabilitation of abandoned houses and provision of down payment assistance to home buyers	\$194,800	Specter	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Pantry Partners Food Bank	Pantry Partners Food Bank building project	\$200,000	Baucus	Rehberg
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Para Los Ninos, Los Angeles, CA	Renovations at the Vermont Child Development Center	\$250,000		Watson
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Parish of Ascension, LA	For acquisition of the multi-purpose center	\$681,800	Landrieu	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Paulding County Industrial Building Authority	Paulding County Technology Park building construction	\$250,000	Chambliss	Gingrey (GA)
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Pendleton Round-Up Foundation, Pendleton, OR	For the reconstruction and construction needs of facilities which are critical to the local economy	\$487,000	Wyden; Merkley	Walden
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Peoria Park District	Proctor Center park redevelopment	\$250,000		Schock
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Planning Office for Urban Affairs, Inc., Boston, MA	Construction of affordable housing in St. Aidan's Redevelopment	\$750,000		Frank (MA)



Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Pocahontas County Commission, Marlinton, WV	For construction of a multipurpose community center, which would promote the health and wellness of county residents, and provide youth and adult alcohol and drug prevention programs	\$2,922,000	Byrd	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Polk County, FL	Polk County Agricultural Center building renovation	\$200,000		Putnam
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Port of Coos Bay, Coos Bay, OR	For purchase of critical dock equipment essential to local economic survival	\$340,900	Wyden; Merkley	DeFazio
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Portsmouth Music Hall, Portsmouth, NH	For repairs, restoration and modernization of a theater and construction of an additional space	\$1,000,000	Gregg	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Pregones Theater, Bronx, NY	Renovation and buildout of the Pregones Theater	\$150,000		Serrano
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Public Action to Deliver Shelter, Inc. DBA Hesed House, Aurora, IL	Renovation and construction of a homeless resource center	\$200,000		Foster
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Randolph County Industrial Development Council	Industrial Park South infrastructure improvements	\$250,000		Rogers (AL)
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Rebuilding Together Houston, Houston, TX	Renovations of housing for veterans who are low-income or disabled	\$400,000		Green, Al
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Redevelopment Authority of the City of Milwaukee, WI	For site acquisition, demolition, remediation and redevelopment of priority sites in the 30th Street Industrial Corridor	\$292,200	Kohl	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Ritchie County Public Library, Harrisville, WV	Renovation and construction of the Ritchie County Public Library	\$200,000		Mollohan
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Riverfront, Inc., La Crosse, WI	For expansion of a training facility for vocational and independent living services	\$292,200	Kohl	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Riverplace Development Corporation	The Penn Corridor streetscaping	\$250,000		Gerlach
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Riverworks Development Corporation, Milwaukee, WI	Acquisition of blighted and abandoned buildings and vacant lots in the Five Point Exchange area	\$250,000		Moore (WI)
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Rockingham Community College, Wentworth, NC	Design and equipment at the McMichael Civic Center	\$250,000		Miller (NC)
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Rockland Housing Action Coalition, Nantuet, NY	For construction of permanent, supportive rental housing for existing and returning disabled veterans and their families	\$974,000	Schumer	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Rocky Mountain Development Council	Caird Iron Works Redevelopment	\$200,000		Rehberg
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Rocky Mountain Youth Corps, Rancho de Taos, NM	For preconstruction costs of a youth facility	\$292,200	Tom Udall; Bingaman	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Safe Harbors of the Hudson, Inc., Newburgh, NY	Restoration and renovation at the historic Ritz Theater	\$400,000		Hinchey

[Congressionally Directed Spending Items]						
Agency	Account	Recipient	Project	Amount	Requester(s)	
					Senate	House
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Saginaw County, MI	For an energy efficient infrastructure demonstration project to support the renaissance of downtown Saginaw	\$340,900	Stabenow; Levin	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	San Mateo County, CA	Construction and renovation of the Half Moon Bay Library	\$200,000		Eshoo
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Scranton City, PA	For elimination of slum and blight	\$292,200	Casey	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Self-Help Housing Corporation of Hawaii, Honolulu, HI	For the construction of a 76 lot subdivision for self-help housing project for low income families	\$487,000	Inouye	Hirono
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Seneca County Industrial Development Agency, Waterloo, NY	Demolition of two buildings at the Seneca Army Depot	\$200,000		Arcuri
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Silver Stage Youth Organization, Silver Springs, NV	For design and construction of a youth facility	\$194,800	Reid	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Snohomish County, Everett, WA	For the acquisition and renovation of a new facility for use by Dawson's Place Child Advocacy Center	\$974,000	Murray	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	South Carolina Maritime Foundation	Spirit of South Carolina facilities construction and curriculum development	\$250,000		Brown (SC)
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	South Jersey Economic Development District	Aviation Research and Technology Park infrastructure improvements	\$250,000		LoBiondo
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	South Tangipahoa Parish Port Commission	Port Manchac Bulkhead renovations	\$100,000		Scalise
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Spirit Lake Nation, Fort Totten, ND	For construction of low income senior housing units	\$730,500	Dorgan; Conrad	Pomeroy
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Squamscott Community Commons, Exeter, NH	For the construction of a new community center	\$1,000,000	Gregg; Shaheen	Shea-Porter
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	St. Ann's Infant and Maternity Home, Hyattsville, MD	Renovations and systems upgrades	\$200,000		Van Hollen
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	St. Louis County Economic Council, St. Louis, MO	For the final design and construction of Wellston Child Care Center	\$3,000,000	Bond	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	St. Mary Development Corporation	Renaissance Alliance Project—St. Mary Development Corporation building acquisition and demolition	\$400,000		Turner
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Starr Commonwealth, Battle Creek, MI	For renovations to facilities serving at-risk youth	\$876,600	Levin; Stabenow	Schauer
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Starr Commonwealth, Detroit, MI	Renovation and expansion of transitional facilities for youth	\$350,000		Kilpatrick (MI); Conyers

Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Susquehanna County Library, Montrose, PA	Construction of a public library	\$300,000		Carney
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Tacoma Rescue Mission, Tacoma, WA	Construction of a facility for homeless women and families	\$350,000		Dicks
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Tallahatchie County, MS	For renovation of the Emmett Till Memorial Complex	\$195,000	Cochran; Wicker	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Texas College	Discovery Learning Center Program building renovation	\$250,000		Gohmert
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Texas State Technical College	TSTC Marshall Transportation and Industrial Manufacturing Building	\$200,000		Gohmert
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Texas Wesleyan University	Rosedale Avenue Redevelopment Initiative building renovations	\$250,000	Hutchison	Burgess
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	The Arc of Spokane, Spokane, WA	For capital costs and equipment acquisition for the renovation of an Arc of Spokane building	\$974,000	Murray	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	The City of Rainville, AL	Northeast Alabama Agri-Business Center facility construction	\$200,000		Aderholt
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	The Coalition for Buzzards Bay, New Bedford, MA	Green renovation of an educational facility	\$250,000		Frank (MA)
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	The Community Food Bank of San Benito County, CA	Acquisition of a building for the food bank	\$150,000		Farr
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	The Dunbar Coalition, Tucson, AZ	Rehabilitation of the African American Museum and Cultural Center	\$250,000		Grijalva
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	The Home for Little Wanderers, Boston, MA	Renovation of the Knight Children's Center, Jamaica Plain	\$300,000		Capuano
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	The Housing Trust of Santa Clara County, CA	Capitalization of a revolving loan fund	\$700,000		Honda; Eshoo; Lofgren; Zoe
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	The Institute for Human Services, Honolulu, HI	For construction of a job and skills training center at Hawaii's oldest and largest emergency homeless shelter	\$194,800	Inouye	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	The Manor, Jonesville, MI	Construction of educational facilities for developmentally disabled youth	\$250,000		Schauer
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	The Murphy Theatre Community Center, Inc	The Murphy Theatre building renovation	\$250,000		Turner
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	The Nehemiah Project, PA	Building acquisition, renovation, and redevelopment of Lower Fairview	\$293,500		Shuster
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	The Old Slater Mill Association, Pawtucket, RI	For completion of the historic restoration project at the Historic Slater Mill	\$194,800	Whitehouse	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	The School for Children with Hidden Intelligence	Construction of an educational facility providing special education services	\$250,000		Smith (NJ)
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	The Sunnybrook Foundation	Sunnybrook Historic Revitalization Project building renovation	\$250,000		Dent
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	The Unity Council, Oakland, CA	Rehabilitation of the Fruitvale Community Cultural Center in Oakland, CA	\$250,000		Lee (CA)

## [Congressionally Directed Spending Items]

Agency	Account	Recipient	Project	Amount	Requester(s)	
					Senate	House
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Theodore Roosevelt Medora Foundation, Medora, ND	For restoration and expansion of historic property	\$292,200	Conrad	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Three Square Food Bank, Las Vegas, NV	Acquisition of equipment and vehicles for food pickup and distribution	\$200,000	Reid	Berkley
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Tides Family Services, West Warwick, RI	For renovation and expansion of a center for at-risk youth	\$340,900	Reed	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Toledo Metroparks, Toledo, OH	Acquisition of the remaining 62 acres of Keil Farm	\$500,000		Kaptur
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Toledo-Lucas County Port Authority, Toledo, OH	For purchase and remediation of the 110 acre former Jeep Parkway property	\$1,300,000	Voinovich	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Town of Cambria, NY	Old Military Base Phase One Demolition Project	\$250,000		Lee (NY)
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Town of Darien, CT	Construction of an affordable housing development	\$250,000		Himes
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Town of Gorham, NH	For renovation of a community facility to house programs serving children, youth and families in Coos County	\$194,800	Shaheen	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Town of Greenville, ME	For the completion of the Greenville Junction Wharf	\$250,000	Snowe	Michaud
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Town of Hammononton, NJ	Hammononton Downtown building renovation	\$250,000	Lautenberg; Menendez	LoBiondo
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Town of North Kingstown, RI	For construction of a new senior center	\$292,200	Reed; Whitehouse	Langevin
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Town of Pelahatchie, MS	Pelahatchie site development for economic development	\$150,000	Wicker	Harper
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Town of Silver City, NM	For the construction of the Vistas de Plata, a 56 unit affordable housing project	\$584,400	Tom Udall; Bingaman	Teague
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Town of Syracuse, IN	Syracuse Technology and Industrial Park infrastructure improvements	\$500,000		Souder
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Township of Clinton, NJ	Township of Clinton affordable housing site preparation	\$250,000		Lance
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Township of Union, NJ	Ivington Branch of Lightning Brook retaining wall replacement	\$250,000		Lance
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Trenton, NJ	Trenton Train Station area infrastructure improvements	\$200,000		Smith (NJ)
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Triangle Residential Operations for Substance Abusers (TROSA), Durham, NC	Construction of a dorm for a substance abuse recovery program	\$400,000		Price (NC)
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Tubman African American Museum, Macon, GA	Construction of the Tubman Museum	\$250,000		Marshall

Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Tundra Women's Coalition, Bethel, AK	For replacement of a women's facility	\$487,000	Beigich	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	UDI Community Development Corporation, Durham, NC	Renovation and conversion of deteriorating buildings to mixed-use commercial/residential space	\$200,000		Price (NC)
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	United Way of Dane County, Madison, WI	For acquisition and redevelopment of apartment units in order to provide supportive housing for homeless families	\$194,800	Kohl	Baldwin
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	United Way of Kitsap County, Bremerton, WA	For capital costs related to the development of the United Way Non-profit Community Center	\$1,217,500	Murray	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Unity House of Troy, NY	Construction and renovation of a domestic violence shelter	\$300,000	Gilibrand	Tonko
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Uptown Theater, Philadelphia, PA	Renovation of the Uptown Theater	\$350,000		Fattah; Brady (PA)
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Urban League of Springfield, MA	Renovation of facilities at Camp Atwater, a camp serving Springfield, MA	\$450,000		Neal
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Utah Food Bank Services, Utah	For expanding the capacity to collect and distribute food to low-income individuals and families	\$250,000	Bennett	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Valley Forge Military Academy and College, Wayne, PA	Renovation and construction at Von Steuben Hall	\$300,000		Sestak
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Vermont Association of Area Agencies on Aging, Barre, VT	For improvements to facilities for seniors	\$487,000	Sanders	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Vermont Division for Historic Preservation, Montpelier, VT	For preservation of historic assets	\$194,800	Sanders	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Vermont Foodbank, Barre, Vermont	For energy efficiency improvements	\$194,800	Sanders	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Vermont Housing and Conservation Board, Montpelier, VT	For enhancement of affordable housing, community development initiatives, economic development, land conservation and historic preservation	\$3,896,000	Leahy	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Vermont Housing and Conservation Board, Montpelier, VT	For the construction and improvement of housing stock	\$243,500	Sanders	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Veterans Memorial Building Development Committee of the San Ramon Valley, Danville, CA	Restoration of the Veterans Memorial Building for the San Ramon Valley	\$200,000		McNerney
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Veterans of Foreign Wars Post 6249 Rocky Point, NY	Renovation of facility for handicap accessibility	\$200,000		Bishop (NY)
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Village of Villa Park, IL	Streetscaping, South Villa Corridor	\$250,000		Roskam

[Congressionally Directed Spending Items]

Agency	Account	Recipient	Project	Amount	Requester(s)	
					Senate	House
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Ville Market Place, St. Louis, MO	Construction of a farmer's market in an inner city neighborhood	\$300,000		Clay
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Volunteers of America Michigan, Lansing, MI	For expansion of housing shelters and community access to medical, social, civic and economic services	\$389,600	Levin, Stabenow	Rogers (MI)
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Waipa Foundation, Hanalei, HI	For construction, renovation, and equipment purchase for a state-certified commercial kitchen, food mill, and underground oven, for vocational training and processing of value-added agricultural products in low-income and farming communities	\$389,600	Inouye	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Wakpa Sica Reconciliation Place, Ft. Pierre, SD	Construction of Wakpa Sica Reconciliation Place	\$280,000	Johnson	Herseth Sandlin
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Wallington, NJ	Streetscaping and ADA compliance	\$250,000		Rothman (NJ)
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Washington County, MO	Washington County ADA building renovations	\$300,000		Emerson
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Wayne County Economic Development District, Waynesboro, MS	Construction and infrastructure at the Wayne County Industrial Park	\$200,000		Taylor
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Wayne State College, Wayne, Nebraska	For construction of a new collaborative education center	\$292,200	Ben Nelson	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	West Columbia, SC	To establish an enrichment complex for families and children	\$250,000	Graham	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	West Manheim Township Park and Recreation Board	West Manheim Township Park facilities improvements	\$250,000		Platts
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	West Orlando Rotary Club, Orlando, FL	Construction of wheelchair ramps for low-income residents	\$150,000		Grayson
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	West Valley City, UT	For the construction of City Center Plaza in a blighted area, a critical element of a major redevelopment project with a planned intermodal center	\$1,000,000	Hatch	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Westerly Area Rest Meals (WARM Inc.), Westerly, RI	For expansion and renovation of a community soup kitchen	\$292,200	Reed, Whitehouse	
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Western Montana Children's Safety Initiative, MT	Construction of a children's shelter facility	\$625,000	Tester; Baucus	Rehberg
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Winston County Commission, AL	Winston County Industrial Park infrastructure improvements	\$400,000		Aderholt
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Wistariahurst Museum, Holyoke, MA	Renovation and expansion at the Wistariahurst Museum	\$250,000		Olver
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Wright-Dunbar, Inc.,	Wright-Dunbar Redevelopment Project building renovation	\$250,000		Turner

Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Yellowstone Boys and Girls Ranch	Yellowstone Boys and Girls Ranch building renovation	\$100,000		Rehberg
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	YMCA of Greater NY, New York, NY	Planning, design and construction of a community center	\$300,000		Nadler (NY)
Housing and Urban Development (HUD)	Economic Development Initiatives (EDI)	Youngstown Central Area Community Improvement Corporation, Youngstown, OH	Remediation and renovation of a brownfield site to be suitable for technology-based businesses	\$450,000		Ryan (OH)
Housing and Urban Development (HUD)	Neighborhood Initiatives	Calhoun County, MS	For renovation and construction of a historic courthouse	\$900,000	Cochran	
Housing and Urban Development (HUD)	Neighborhood Initiatives	CAP Services, Stevens Point, WI	Business incubator support for start-up companies	\$400,000		Obey
Housing and Urban Development (HUD)	Neighborhood Initiatives	Capitol Hill Housing, Seattle, WA	For the construction of affordable housing	\$706,150	Murray	McDermott
Housing and Urban Development (HUD)	Neighborhood Initiatives	Center for Planning Excellence, Baton Rouge, LA	For provision of technical assistance to a community regarding sustainable development, neighborhood revitalization, housing and land use planning	\$974,000	Landrieu	
Housing and Urban Development (HUD)	Neighborhood Initiatives	City of Charleston	Construction of the International African American Museum	\$525,000		Clyburn
Housing and Urban Development (HUD)	Neighborhood Initiatives	City of Gig Harbor, Gig Harbor, WA	For improved physical access to area businesses	\$1,461,000	Murray	
Housing and Urban Development (HUD)	Neighborhood Initiatives	City of Harker Heights, TX	Armed Services YMCA facility construction, Harker Heights, TX	\$750,000		Carter
Housing and Urban Development (HUD)	Neighborhood Initiatives	City of Las Vegas, NV	Foreclosure prevention and intervention program	\$200,000	Reid	Titus; Berkley
Housing and Urban Development (HUD)	Neighborhood Initiatives	City of Olympia, Olympia, WA	For downtown revitalization and business access improvements	\$1,071,400	Murray	
Housing and Urban Development (HUD)	Neighborhood Initiatives	City of Superior, WI	Expansion and improvement of shipyard repair capacity on the Great Lakes	\$2,000,000	Kohl	Obey
Housing and Urban Development (HUD)	Neighborhood Initiatives	Cleveland Institute of Art	Cleveland Institute of Art building construction, Cleveland, OH	\$500,000		LaTourette; Fudge
Housing and Urban Development (HUD)	Neighborhood Initiatives	Consumer Credit Counseling Service, Las Vegas, NV	For foreclosure prevention efforts	\$487,000	Reid	
Housing and Urban Development (HUD)	Neighborhood Initiatives	County of San Bernardino, Riverside County	Inland Empire Economic Recovery Corporation, San Bernardino, CA	\$1,000,000		Lewis (CA)
Housing and Urban Development (HUD)	Neighborhood Initiatives	Growing Places, Centralia, WA	For facility and infrastructure improvements to an education and job training facility serving at-risk youth	\$487,000	Murray	
Housing and Urban Development (HUD)	Neighborhood Initiatives	Holyoke Community College, Holyoke, MA	For completion of construction of a one-stop education, social services, and job training center serving low-income persons	\$243,500	Kennedy; Kirk	Oliver
Housing and Urban Development (HUD)	Neighborhood Initiatives	homeWORD, Missoula, MT	For development of rental housing that is affordable to working families	\$487,000	Tester; Baucus	Rehberg



## [Congressionally Directed Spending Items]

Agency	Account	Recipient	Project	Amount	Requester(s)	
					Senate	House
Housing and Urban Development (HUD)	Neighborhood Initiatives	Housing Initiative Partnership, Inc., Hyattsville, MD	Spanish-language foreclosure prevention program in Prince George's County, MD	\$500,000	Mikulski; Cardin	Hoyer; Edwards (MD)
Housing and Urban Development (HUD)	Neighborhood Initiatives	Jacksonville Area Legal Aid, Jacksonville, FL	For foreclosure prevention training and other legal services	\$389,600	Bill Nelson	
Housing and Urban Development (HUD)	Neighborhood Initiatives	Jefferson County, CO	For the housing authority to establish a new program of housing and supportive services for homeless veterans	\$487,000	Mark Udall; Bennett	Perlmutter
Housing and Urban Development (HUD)	Neighborhood Initiatives	Lighthouse for the Blind, Inc., Seattle, WA	For the improved accessibility of community and transit services for blind, low vision, and deaf-blind individuals in King, Pierce, and Spokane counties in Washington State	\$535,700	Murray	
Housing and Urban Development (HUD)	Neighborhood Initiatives	Mississippi State University, Starkville, MS	For community planning and development	\$500,000	Cochran	Harper
Housing and Urban Development (HUD)	Neighborhood Initiatives	National Community Renaissance	National Community Renaissance Affordable Housing Program, Rancho Cucamonga, CA	\$1,000,000		Miller, Gary; Baca; Calvert
Housing and Urban Development (HUD)	Neighborhood Initiatives	National Council of La Raza, Washington, DC	Capitalization of a revolving loan fund to be used for nationwide community development activities	\$1,000,000		Cutierrez; Diaz-Balart; Lincoln; Oliver; Rodriguez
Housing and Urban Development (HUD)	Neighborhood Initiatives	NeighborWorks Lincoln, Lincoln, NE	For neighborhood revitalization including elimination of blight, construction of single family homes, rehabilitation and repairs	\$487,000	Ben Nelson	
Housing and Urban Development (HUD)	Neighborhood Initiatives	New Orleans Redevelopment Authority	Reduce Blight on Critical Corridors, New Orleans, LA	\$860,000	Landrieu	Cao
Housing and Urban Development (HUD)	Neighborhood Initiatives	North End Action Team, Middletown, CT	For foreclosure prevention assistance	\$194,800	Dodd	
Housing and Urban Development (HUD)	Neighborhood Initiatives	North Quabbin Woods/New England Forestry Foundation, Orange, MA	Support economic development in the North Quabbin region	\$75,000		Olver
Housing and Urban Development (HUD)	Neighborhood Initiatives	North West Wisconsin Regional Planning Commission, Spooner, WI	Expansion of business incubators in Rusk County, including infrastructure improvements	\$500,000		Obey
Housing and Urban Development (HUD)	Neighborhood Initiatives	Northern Community Investment Corporation, Berlin, NH	For capitalization of a revolving loan fund to support businesses in New Hampshire's North Country	\$487,000	Shaheen	
Housing and Urban Development (HUD)	Neighborhood Initiatives	South Dakota Science and Technology Authority, Lead, SD	For infrastructure improvements to the Homestake Mine	\$389,600	Johnson; Thune	Herseth Sandlin
Housing and Urban Development (HUD)	Neighborhood Initiatives	Southeastern Connecticut Housing Alliance, Norwich, CT	For programs to increase affordable housing	\$194,800	Dodd	
Housing and Urban Development (HUD)	Neighborhood Initiatives	Technology Access Foundation, White Center, WA	For the construction of the TAF Community Learning Space facility	\$487,000	Murray	

Housing and Urban Development (HUD)	Neighborhood Initiatives	Town of Huntington, NY	For construction of a state-of-the-art community center for veterans	\$779,200	Schumer	
Housing and Urban Development (HUD)	Neighborhood Initiatives	Urban League of Southern Connecticut, Stamford, CT	For homeownership and foreclosure prevention counseling	\$292,200	Dodd	
Housing and Urban Development (HUD)	Neighborhood Initiatives	Western Kentucky University	WKU Business Accelerator	\$250,000		Guthrie
Housing and Urban Development (HUD)	Neighborhood Initiatives	YWCA of Yakima, Yakima, WA	For upgrades to the YWCA's Bringing It Home supportive housing project for victims of domestic violence	\$292,200	Murray	
Housing and Urban Development (HUD)	Neighborhood Initiatives	YWCA Southeastern Massachusetts, New Bedford, MA	For construction of a community center and women's transitional housing facility	\$194,800	Kennedy; Kerry; Kirk	

**DEPARTMENT OF TRANSPORTATION**  
[Technical Corrections]

Project	Project Requester(s)
Removal of and enhancements around railroad bridge in Westerly, RI <sup>1</sup>	Sen. Reed
Widen Capital Circle NW/SW in Leon County, FL <sup>1</sup>	Sen. (Bill) Nelson
John Muir Parkway Project, Brentwood, CA <sup>1</sup>	Sen. Feinstein
Elimination of highway-railway crossings and rehabilitation of rail along the KO railroad to Osborne, KS <sup>1</sup>	Sen. Brownback
City of Tuscaloosa Downtown Revitalization Project - University Blvd, AL <sup>1</sup>	Sen. Shelby
Design and construct interchange on I-15 in Mesquite, NV <sup>1</sup>	Sen. Reid
Lincoln Avenue Grade Separation, Port of Tacoma, WA <sup>1</sup>	Sen. Murray
Alaska or Hawaii Ferry Boats or Ferry Terminal Facilities <sup>1</sup>	Sen. Inouye
Extension of Connecticut transit projects in SAFETEA-LU <sup>1</sup>	Sen. Dodd
Regional Transportation Commission of Southern Nevada for bus and bus-related projects and bus rapid transit projects, NV <sup>1</sup>	Sen. Reid
Old Town Boys and Girls Club, Albuquerque, NM for renovation of the Heights Boys and Girls Club <sup>1</sup>	Sen. Bingaman
Hawaii County Office of Housing and Community Development, HI for the Kaloko Transitional Housing Project <sup>1</sup>	Sen. Inouye
Emergency Housing Consortium in San Jose, CA for improvements to homeless services and prevention facilities <sup>1</sup>	Sen. Feinstein
Broward County Ravenswood Transit Facility <sup>1</sup>	Rep. Lincoln Diaz-Balart
Hudson-Bergen Light Rail Extension Route 440, Jersey City, NJ <sup>1</sup>	Rep. Sires
Safety Improvements and Traffic Calming Measures along Route 5 at St. Mary's County, MD <sup>1</sup>	Rep. Hoyer
For closed loop signal control system and other improvements for Trooper Road in Lower Providence and West Norriton Townships, Montgomery County, PA <sup>1</sup>	Rep. Sestak
East Bank River Front and Bikeway Improvements, IL <sup>1</sup>	Rep. Foster
Intersection Improvements on Crawford Avenue and 203rd Street in the Village of Olympia Fields, IL <sup>1</sup>	Rep. Jackson
Study Improvements to 109th Avenue, Town of Winfield, City of Crown Point, Lake County, IN <sup>1</sup>	Rep. Visclosky
Ronald Reagan Parkway (Middle and Southern segments), Hendricks County, IN <sup>1</sup>	Rep. Buyer
Onville Road Intersection and Road-Widening Project, Stafford, VA <sup>1</sup>	Rep. Whittman
I-29 Interchange Reconstruction in St. Joseph, MO <sup>1</sup>	Rep. Graves
General Interstate Maintenance, WV <sup>1</sup>	Rep. Capito
Wapsi Great Western Line Trail, Mitchell and Howard Counties, IA <sup>1</sup>	Rep. Latham
Highway 169 Construction, Humboldt and Webster Counties, IA <sup>1</sup>	Rep. Latham
Highway 53 Intersections, WI <sup>1</sup>	Rep. Obey
Custer County, ID, Community Center <sup>1</sup>	Rep. Simpson
Custer County, ID, Community Center <sup>1</sup>	Rep. Simpson
Alameda Corridor East Grade Separations, CA <sup>1</sup>	Rep. Schiff
Rail Line and Station Improvement and Rehabilitation, Mount Vernon, NY <sup>1</sup>	Rep. Engel Clarification of funds provided in previous appropriations Acts.

TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES  
APPROPRIATIONS BILL, FY 2010 (H.R. 3288)  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference vs. Enacted	Conference vs. Enacted
-----				
TITLE I - DEPARTMENT OF TRANSPORTATION				
Office of the Secretary				
Salaries and expenses.....	98,248	103,184	102,886	+4,438
Immediate Office of the Secretary.....	(2,400)	---	(2,831)	(+231)
Immediate Office of the Deputy Secretary.....	(759)	---	(886)	(+227)
Office of the General Counsel.....	(19,838)	---	(20,359)	(+521)
Office of the Under Secretary of Transportation for Policy.....	(10,107)	---	(11,100)	(+993)
Office of the Assistant Secretary for Budget and Programs.....	(10,200)	---	(10,559)	(+359)
Office of the Assistant Secretary for Governmental Affairs.....	(2,400)	---	(2,504)	(+104)
Office of the Assistant Secretary for Administration.....	(28,000)	---	(25,520)	(-480)
Office of Public Affairs.....	(2,020)	---	(2,055)	(+35)
Office of the Executive Secretariat.....	(1,595)	---	(1,658)	(+63)
Office of Small and Disadvantaged Business Utilization.....	(1,389)	---	(1,499)	(+130)
Office of Intelligence, Security, and Emergency Response.....	(8,675)	---	(10,600)	(+1,925)
Office of the Chief Information Officer.....	(12,885)	---	(13,215)	(+330)
National infrastructure development.....	---	---	600,000	+600,000
Supplemental discretionary grants for national service transportation system (emergency) (P.L. 111-5).....	1,500,000	---	---	-1,500,000

TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES  
APPROPRIATIONS BILL, FY 2010 (H.R. 3288)  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference	Conference vs. Enacted
Financial management capital.....	5,000	5,000	5,000	---
Office of Civil Rights.....	9,384	9,667	9,667	+283
Rescission of excess compensation for air carriers....	-848	---	---	+848
Transportation planning, research, and development....	18,300	10,233	16,168	-2,132
Working capital fund.....	(128,094)	---	(147,596)	(+19,502)
Minority business resource center program.....	912	912	923	+11
(Limitation on guaranteed loans).....	(18,367)	(18,367)	(18,367)	---
Minority business outreach.....	3,056	3,074	3,074	+18
Payments to air carriers (Airport & Airway Trust Fund)	73,013	125,000	150,000	+76,987
Emergency appropriations (P.L. 111-32).....	13,200	---	---	-13,200
<b>Total, Office of the Secretary.....</b>	<b>1,720,285</b>	<b>257,070</b>	<b>887,518</b>	<b>-832,747</b>
Appropriations.....	(207,913)	(257,070)	(887,518)	(+679,605)
Rescissions.....	(-848)	---	---	(+848)
Emergency appropriations.....	(1,513,200)	---	---	(-1,513,200)
<b>Federal Aviation Administration</b>				
Operations.....	9,042,467	9,335,798	9,350,028	+307,561
Air traffic organization.....	(7,098,322)	---	(7,298,299)	(+200,977)
Aviation safety.....	(1,164,597)	---	(1,234,085)	(+69,488)
Commercial space transportation.....	(14,094)	---	(15,237)	(+1,143)
Financial services.....	(111,004)	---	(113,681)	(+2,677)
Human resource management.....	(96,091)	---	(100,428)	(+4,337)
Region and center operations.....	(331,000)	---	(341,977)	(+10,977)
Staff offices.....	(180,859)	---	(196,063)	(+15,204)
Information services.....	(48,500)	---	(49,278)	(+2,778)

TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES  
APPROPRIATIONS BILL, FY 2010 (H.R. 3288)  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference	Conference vs. Enacted
Facilities & equipment (Airport & Airway Trust Fund)...	2,742,095	2,925,202	2,936,203	+194,108
Supplemental funding for facilities and equipment (emergency) (P.L. 111-5).....	200,000	---	---	-200,000
Research, engineering, and development (Airport & Airway Trust Fund).....	171,000	180,000	190,500	+19,500
Grants-in-aid for airports (Airport and Airway Trust Fund)(Liquidation of contract authorization).....	(3,600,000)	(3,000,000)	(3,000,000)	(-600,000)
(Limitation on obligations).....	(3,514,500)	(3,515,000)	(3,515,000)	(+500)
Administration.....	(87,454)	(93,422)	(93,422)	(+5,968)
Airport Cooperative Research Program.....	(15,000)	(15,000)	(15,000)	---
Airport technology research.....	(19,348)	(22,472)	(22,472)	(+3,124)
Small community air service development program...	(8,000)	---	(9,000)	(-2,000)
Rescission of contract authority (BY AIP).....	-80,000	---	-394,000	-314,000
Rescission of contract authority (P.L. 111-32)....	-13,200	---	---	+13,200
Subtotal.....	(3,421,300)	(3,515,000)	(3,121,000)	(-300,300)
Supplemental discretionary grants for airport investment (emergency) (P.L. 111-5).....	1,100,000	---	---	-1,100,000
Total, Federal Aviation Administration.....	13,162,362	12,441,000	12,082,731	-1,079,631
Appropriations.....	(11,955,562)	(12,441,000)	(12,476,731)	(+521,169)
Rescissions of contract authority.....	(-93,200)	---	(-394,000)	(-300,800)
Emergency appropriations.....	(1,300,000)	---	---	(-1,300,000)
(Limitations on obligations).....	(3,514,500)	(3,515,000)	(3,515,000)	(+500)
Total budgetary resources less emergencies.....	(15,376,862)	(15,956,000)	(15,597,731)	(+220,869)

TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES  
APPROPRIATIONS BILL, FY 2010 (H.R. 3288)  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference vs. Enacted
<b>Federal Highway Administration</b>			
Limitation on administrative expenses.....	(390,000)	(415,386)	(413,533)
Federal-aid highways (Highway Trust Fund):			
(Liquidation of contract authorization).....	(41,439,000)	(33,000,000)	(41,846,000)
(Limitation on obligations).....	(40,700,000)	(5,000,000)	(41,107,000)
(Exempt contract authority).....	(739,000)	(739,000)	(739,000)
General Fund share.....	---	36,107,000	---
Appalachian development highway system.....	9,500	---	---
Denali Access System.....	5,700	---	---
Surface transportation projects.....	181,327	---	292,828
Additional TCSP (subject to limitation).....	143,031	---	---
Rescission of contract authority (Highway Trust Fund).....	-3,150,000	---	---
Administration (rescission of contract authority).....	-33,401	---	---
Research (rescission of contract authority).....	-11,757	---	---
Highway infrastructure investment (emergency) (P.L. 111-5).....	27,500,000	---	---
Additional highway investment (Sec. 122).....	---	---	850,000
<b>Total, Federal Highway Administration.....</b>	<b>24,824,400</b>	<b>36,107,000</b>	<b>942,828</b>
Appropriations.....	(319,558)	(36,107,000)	(942,828)
Rescissions of contract authority.....	(-3,195,158)	---	---
Emergency appropriations.....	(27,500,000)	---	---
(Limitations on obligations).....	(40,700,000)	(5,000,000)	(41,107,000)
(Exempt contract authority).....	(739,000)	(739,000)	(739,000)
<b>Total budgetary resources less emergencies.....</b>	<b>(37,824,400)</b>	<b>(41,107,000)</b>	<b>(42,049,828)</b>
			<b>(+4,225,428)</b>
			<b>-23,881,571</b>
			<b>(+623,271)</b>
			<b>(+3,195,158)</b>
			<b>(-27,500,000)</b>
			<b>(+407,000)</b>
			<b>---</b>
			<b>-9,500</b>
			<b>-5,700</b>
			<b>+131,502</b>
			<b>-143,031</b>
			<b>+3,150,000</b>
			<b>+33,401</b>
			<b>+11,757</b>
			<b>-27,500,000</b>
			<b>+850,000</b>



TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES  
APPROPRIATIONS BILL, FY 2010 (H.R. 3288)  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference vs. Enacted
<b>Federal Motor Carrier Safety Administration</b>			
Motor carrier safety operations and programs (Highway Trust Fund) (Liquidation of contract authorization) ..	(234,000)	(234,000)	(239,828)
(Limitation on obligations) .....	(234,000)	(239,828)	(239,828)
			(+5,828)
Motor carrier safety grants (Highway Trust Fund)	(307,000)	(289,000)	(310,070)
(Liquidation of contract authorization) .....	(307,000)	(310,070)	(310,070)
(Limitation on obligations) .....			(+3,070)
Motor carrier safety grants (MTF) (rescission of contract authority) .....	-6,503	---	-1,611
Motor carrier safety (MTF) (rescission of contract authority) .....	-2,231	---	-6,416
National motor carrier safety program (MTF) (rescission of contract authority) .....	-19,572	---	-3,233
Motor carrier safety operations and programs (MTF) (rescission of contract authority) .....	-4,839	---	---
			+4,839
<b>Total, Federal Motor Carrier Safety Administration</b>			
Administration .....	-33,145	---	-11,260
Appropriations .....	---	---	---
Rescissions of contract authority .....	(-33,145)	---	(-11,260)
(Limitations on obligations) .....	(541,000)	(549,898)	(549,898)
			(+8,898)
Total budgetary resources .....	(507,855)	(549,898)	(538,638)
			(+30,783)

TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES  
APPROPRIATIONS BILL, FY 2010 (H.R. 3288)  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference vs. Enacted
<b>National Highway Traffic Safety Administration</b>			
Operations and research (general fund).....	127,000	129,774	140,427
Operations and research (Highway Trust Fund) (Liquidation of contract authorization).....	(105,500)	(82,000)	(105,500)
(Liquidation on obligations).....	(105,500)	(107,329)	(105,500)
Subtotal, Operations and research.....	(232,500)	(237,103)	(+13,427)
<b>National driver register (Highway Trust Fund)</b>			
(Liquidation of contract authorization).....	(4,000)	(4,078)	(4,000)
(Liquidation on obligations).....	(4,000)	(4,078)	(4,000)
National driver register (general fund).....	---	---	3,350
Subtotal, National driver register.....	4,000	4,078	7,350
<b>Highway traffic safety grants (Highway Trust Fund)</b>			
(Liquidation of contract authorization).....	(819,500)	(826,047)	(819,500)
(Liquidation on obligations).....	(819,500)	(826,047)	(819,500)
Highway safety programs (23 USC 402).....	(235,000)	---	(235,000)
Occupant protection incentive grants (23 USC 405)	(25,000)	---	(25,000)
Safety belt performance grants (23 USC 406).....	(124,500)	---	(124,500)
State traffic safety information system improvement grants (23 USC 408).....	(34,500)	---	(34,500)
Alcohol-impaired driving countermeasures grants (23 USC 410).....	(139,000)	---	(139,000)
Grant administration.....	(18,500)	---	(18,500)

TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES  
APPROPRIATIONS BILL, FY 2010 (H.R. 3288)  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference	Conference vs. Enacted
High visibility enforcement.....	(29,000)	---	(29,000)	---
Child safety and booster seat grants.....	(7,000)	---	(7,000)	---
Motorcyclist safety.....	(7,000)	---	(7,000)	---
Consumer Assistance to Recycle and Save Program (emergency)(by transfer, DOE)(P.L.111-47) .....	(2,000,000)	---	---	(-2,000,000)
Operations and research (rescission of contract authority)(Sec. 142).....	-10,900	---	-2,299	+8,601
Highway traffic safety grants (rescission of contract authority)(Sec. 143).....	-60,200	---	-14,004	+46,196
National driver register (rescission of contract authority).....	-544	---	---	+544
Total, National Highway Traffic Safety Admin.....	55,356	129,774	127,474	+72,118
Appropriations.....	(127,000)	(129,774)	(143,777)	(+16,777)
Rescissions of contract authority.....	(-71,844)	---	(-16,303)	(+55,341)
(Limitations on obligations).....	(729,000)	(737,454)	(729,000)	---
(by transfer, emergency).....	(2,000,000)	---	---	(-2,000,000)
Total budgetary resources less emergencies.....	(784,356)	(887,228)	(858,474)	(+72,118)
Federal Railroad Administration				
Safety and operations.....	159,445	168,770	172,270	+12,825
Railroad research and development.....	33,850	34,145	37,613	+3,663
Rail line relocation and improvement program.....	25,000	---	34,532	+9,532
Railroad safety technology.....	---	---	50,000	+50,000

TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES  
APPROPRIATIONS BILL, FY 2010 (H.R. 3288)  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference	Conference vs. Enacted
Capital assistance for high speed rail corridors and intercity passenger rail service.....	---	1,000,000	2,500,000	+2,500,000
Emergency appropriations (P.L. 111-5).....	8,000,000	---	---	-8,000,000
Capital assistance to States - Intercity Passenger Rail Service.....	90,000	---	---	-90,000
National Railroad Passenger Corporation: Operating grants to the National Railroad Passenger Corporation.....	550,000	572,348	563,000	+13,000
Capital and debt service grants to the National Railroad Passenger Corporation.....	940,000	929,625	1,001,625	+81,625
Grants to the National Railroad Passenger Corporation (emergency)(P.L. 111-5).....	1,300,000	---	---	-1,300,000
Efficiency incentive grants to the National Railroad Passenger Corporation (rescission).....	-36,834	---	---	+36,834
Subtotal.....	2,753,166	1,501,973	1,564,625	-1,188,541
Total, Federal Railroad Administration.....	11,061,561	2,704,888	4,359,040	-6,702,521
Appropriations.....	(1,788,395)	(2,704,888)	(4,359,040)	(+2,560,645)
Rescissions.....	(-36,834)	---	---	(+36,834)
Emergency appropriations.....	(9,300,000)	---	---	(-9,300,000)

TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES  
APPROPRIATIONS BILL, FY 2010 (H.R. 3288)  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference vs. Enacted
<b>Federal Transit Administration</b>			
Administrative expenses.....	94,413	97,478	98,911
Formula and Bus Grants (Hwy Trust Fund, Mass Transit Account (Liquidation of contract authorization).....	(8,670,000)	(8,852,000)	(9,400,000)
(Liquidation on obligations).....	(8,260,565)	(5,000,000)	(8,343,171)
General Fund share.....	---	3,343,171	---
Rescission of current year contract authority.....	-100,000	---	---
Subtotal.....	(8,160,565)	(8,343,171)	(+182,606)
Research and University Research Centers.....	67,000	67,670	65,670
Capital investment grants.....	1,809,250	1,827,343	2,000,000
Emergency appropriations (P.L. 111-5).....	750,000	---	---
Subtotal.....	2,559,250	1,827,343	2,000,000
Energy efficiency and greenhouse gas reduction grants. Washington Metropolitan Area Transit Authority capital and preventive maintenance.....	---	---	75,000
Transit capital assistance (emergency) (P.L. 111-5)...	6,900,000	---	150,000
			-8,900,000

TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES  
APPROPRIATIONS BILL, FY 2010 (H.R. 3288)  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference	Conference vs. Enacted
Fixed guideway infrastructure investment (emergency) (P.L. 111-5).....	750,000	---	---	-750,000
Total, Federal Transit Administration.....	10,270,663	5,335,662	2,389,581	-7,881,082
Appropriations.....	(1,970,663)	(5,335,662)	(2,389,581)	(+418,918)
Rescissions of contract authority.....	(-100,000)	---	---	(+100,000)
Emergency appropriations.....	(8,400,000)	---	---	(-8,400,000)
(Limitations on obligations).....	(8,280,585)	(5,000,000)	(8,343,171)	(+82,606)
Total budgetary resources less emergencies.....	(10,131,228)	(10,335,662)	(10,732,752)	(+601,524)
Saint Lawrence Seaway Development Corporation				
Operations and maintenance (Harbor Maintenance Trust Fund).....	31,842	32,324	32,324	+482
Maritime Administration				
Maritime security program.....	174,000	174,000	174,000	---
Operations and training.....	123,360	152,900	149,750	+26,390
Ship disposal.....	15,000	15,000	15,000	---
Assistance to small shipyards.....	17,500	---	15,000	-2,500
Emergency appropriations (P.L. 111-5).....	100,000	---	---	-100,000

TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES  
APPROPRIATIONS BILL, FY 2010 (H.R. 3288)  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference vs. Enacted	Conference vs. Enacted
<b>Maritime Guaranteed Loan (Title XI) Program Account:</b>				
Administrative expenses.....	3,531	3,630	4,000	+469
Guaranteed loans subsidy.....	---	---	5,000	+5,000
<b>Subtotal.....</b>	<b>3,531</b>	<b>3,630</b>	<b>9,000</b>	<b>+5,469</b>
<b>Ship construction (rescission).....</b>				
	-1,383	---	---	+1,383
<b>Total, Maritime Administration.....</b>	<b>432,008</b>	<b>345,530</b>	<b>382,750</b>	<b>-89,258</b>
Appropriations.....	(333,381)	(345,530)	(382,750)	(-29,359)
Rescissions.....	(-1,383)	---	---	(+1,383)
<b>Pipeline and Hazardous Materials Safety Administration</b>				
<b>Administrative expenses:</b>				
General Fund.....	18,491	18,329	20,493	+2,002
Pipeline Safety Fund.....	639	639	639	---
Pipeline Safety information grants to communities.....	(1,000)	---	(1,000)	---
<b>Subtotal.....</b>	<b>(19,130)</b>	<b>(18,968)</b>	<b>(21,132)</b>	<b>(+2,002)</b>
<b>Hazardous materials safety.....</b>	<b>32,000</b>	<b>35,500</b>	<b>37,994</b>	<b>+5,994</b>
<b>Pipeline safety:</b>				
Pipeline Safety Fund.....	74,481	86,334	86,334	+11,853
Oil Spill Liability Trust Fund.....	18,810	18,905	18,905	+95
<b>Subtotal.....</b>	<b>(93,291)</b>	<b>(105,239)</b>	<b>(105,239)</b>	<b>(+11,948)</b>



TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES  
APPROPRIATIONS BILL, FY 2010 (H.R. 3288)  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference vs. Enacted
Emergency preparedness grants:			
Emergency preparedness fund.....	188	188	---
Limitation on emergency preparedness fund.....	(28,318)	(28,318)	(28,318)
Total, Pipeline and Hazardous Materials Safety Administration.....	172,927	188,213	+19,944
Research and Innovative Technology Administration			
Research and development.....	12,900	13,179	+107
Office of Inspector General			
Salaries and expenses.....	71,400	74,839	+3,714
Emergency appropriations (P.L. 111-5).....	20,000	---	-20,000
Surface Transportation Board			
Salaries and expenses.....	28,847	27,032	+2,219
Offsetting collections.....	-1,250	-1,250	---
Total, Surface Transportation Board.....	25,597	25,782	+2,219

TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES  
APPROPRIATIONS BILL, FY 2010 (H.R. 3288)  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference	Conference vs. Enacted
National Infrastructure Bank (legislative proposal)...	---	5,000,000	---	---
Maritime study (Sec. 195).....	---	---	2,000	+2,000
=====				
Total, title I, Department of Transportation....	61,599,818	62,626,943	21,455,477	-40,144,341
Appropriations.....	(16,998,830)	(62,626,943)	(21,877,040)	(+4,878,210)
Rescissions.....	(-39,065)	---	---	(-39,065)
Rescission of contract authority.....	(-3,493,147)	---	(-421,963)	(+3,071,584)
Emergency appropriations.....	(48,133,200)	---	---	(-48,133,200)
(Limitations on obligations).....	(53,745,085)	(14,802,352)	(54,244,069)	(+499,004)
(Exempt contract authority).....	(739,000)	(739,000)	(739,000)	---
Total budgetary resources less emergencies.....	(67,211,683)	(77,429,295)	(75,699,546)	(+8,487,863)
=====				

TITLE II - DEPARTMENT OF HOUSING AND  
URBAN DEVELOPMENT

Management and Administration				
Executive direction.....	23,799	25,969	26,855	+3,056
Administration, operations and management.....	527,434	537,897	537,011	+9,577
Personnel compensation and benefits:				
Public and Indian Housing.....	190,390	197,074	197,074	+6,684
Community Planning and Development.....	94,234	98,989	98,989	+4,755
Housing.....	363,198	374,887	374,887	+11,689

TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES  
APPROPRIATIONS BILL, FY 2010 (H.R. 3288)  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference vs. Enacted	Conference vs. Enacted
<b>Office of the Government National Mortgage Association</b>				
Policy Development and Research.....	10,000	11,095	11,095	+1,095
Fair Housing and Equal Opportunity.....	18,071	21,138	21,138	+3,067
Office of Healthy Homes and Lead Hazard Control...	69,021	71,800	71,800	+2,779
	6,728	7,151	7,151	+423
Subtotal.....	751,642	782,134	782,134	+30,492
Total, Management and Administration.....	1,302,875	1,348,000	1,348,000	+45,125
<b>Public and Indian Housing</b>				
<b>Tenant-based rental assistance:</b>				
Renewals.....	15,200,000	16,189,200	16,339,200	+1,139,200
Tenant protection vouchers.....	150,000	103,000	120,000	-30,000
Administrative fees.....	1,500,000	1,493,800	1,575,000	+75,000
Family self-sufficiency coordinators.....	---	50,000	60,000	+60,000
Incremental family unification vouchers.....	20,000	---	15,000	-5,000
Veterans affairs supportive housing.....	75,000	---	75,000	---
Nonelderly disabled incremental vouchers.....	30,000	---	---	-30,000
Working capital fund (transfer out).....	(-7,928)	---	---	(+7,928)
Emergency appropriations (P.L. 111-32).....	30,000	---	---	-30,000
Subtotal.....	17,005,000	17,836,000	18,184,200	+1,179,200
Advance appropriations.....	4,000,000	4,000,000	4,000,000	---
Less appropriations from prior year advances.....	-4,158,000	-4,000,000	-4,000,000	+158,000
Total, Tenant-based rental assistance.....	16,847,000	17,836,000	18,184,200	+1,337,200

TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES  
APPROPRIATIONS BILL, FY 2010 (H.R. 3288)  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference	Conference vs. Enacted
Public Housing Capital Fund.....	2,450,000	2,244,000	2,500,000	+50,000
Emergency appropriations (P.L. 111-5).....	4,000,000	---	---	-4,000,000
Working capital fund (transfer out).....	(-14,577)	---	---	(+14,577)
Subtotal.....	6,450,000	2,244,000	2,500,000	-3,950,000
Public Housing Operating Fund.....	4,455,000	4,800,000	4,775,000	+320,000
Revitalization of severely distressed public housing..	120,000	---	200,000	+80,000
Choice neighborhoods .....	---	---	(65,000)	(+65,000)
Choice neighborhoods.....	---	250,000	---	---
Native American housing block grants.....	645,000	645,000	700,000	+55,000
Emergency appropriations (P.L. 111-5).....	510,000	---	---	-510,000
Subtotal.....	1,155,000	645,000	700,000	-455,000
Native Hawaiian housing block grant.....	10,000	10,000	13,000	+3,000
Indian housing loan guarantee fund program account....	9,000	7,000	7,000	-2,000
(Limitation on guaranteed loans).....	(420,000)	(919,000)	(919,000)	(+499,000)
Native Hawaiian loan guarantee fund program account....	1,044	1,044	1,044	---
(Limitation on guaranteed loans).....	(41,504)	(41,504)	(41,504)	---
Total, Public and Indian Housing.....	29,047,044	25,593,044	26,380,244	-2,666,800
Appropriations.....	(24,507,044)	(25,593,044)	(26,380,244)	(+1,873,200)
Emergency appropriations.....	(4,540,000)	---	---	(-4,540,000)

TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES  
APPROPRIATIONS BILL, FY 2010 (H.R. 3288)  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference	Conference vs. Enacted
<b>Community Planning and Development</b>				
Housing opportunities for persons with AIDS.....	310,000	310,000	335,000	+25,000
Working capital fund (transfer out).....	(-1,750)	---	---	(+1,750)
Rural housing and economic development.....	26,000	---	---	-26,000
Community development fund.....	3,900,000	4,450,000	4,450,000	+550,000
Emergency appropriations (P.L. 111-5).....	3,000,000	---	---	-3,000,000
Working capital fund (transfer out).....	(-3,175)	---	---	(+3,175)
Subtotal.....	6,900,000	4,450,000	4,450,000	-2,450,000
<b>Community development loan guarantees (Section 108):</b>				
(Limitation on guaranteed loans).....	(275,000)	(275,000)	(275,000)	---
Credit subsidy.....	6,000	---	6,000	---
Brownfields redevelopment.....	10,000	---	17,500	+7,500
HOME investment partnerships program.....	1,825,000	1,825,000	1,825,000	---
Emergency appropriations (P.L. 111-5).....	2,250,000	---	---	-2,250,000
Working capital fund (transfer out).....	(-4,200)	---	---	(+4,200)
Subtotal.....	4,075,000	1,825,000	1,825,000	-2,250,000
Self-help and assisted homeownership opportunity program.....	64,000	77,000	82,000	+18,000

TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES  
APPROPRIATIONS BILL, FY 2010 (H.R. 3288)  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference Request	Conference vs. Enacted
Homeless assistance grants.....	1,877,000	1,793,715	1,865,000	+188,000
Working capital fund (transfer out).....	(-2,875)	---	---	(+2,875)
Emergency appropriations (P.L. 111-5).....	1,500,000	---	---	-1,500,000
<b>Total, Community Planning and Development.....</b>	<b>14,568,000</b>	<b>8,455,715</b>	<b>8,580,500</b>	<b>-5,987,500</b>
Appropriations.....	7,818,000	8,455,715	8,580,500	+782,500
Emergency appropriations.....	6,750,000	---	---	-6,750,000
<b>Housing Programs</b>				
<b>Project-based rental assistance:</b>				
Renewals.....	6,868,000	7,868,000	8,325,853	+1,457,853
Contract administrators.....	232,000	232,000	232,000	---
Working capital fund (transfer out).....	(-10,000)	---	---	(+10,000)
<b>Subtotal (available this fiscal year).....</b>	<b>7,100,000</b>	<b>8,100,000</b>	<b>8,557,853</b>	<b>+1,457,853</b>
Advance appropriations.....	400,000	400,000	393,872	-6,328
Less appropriations from prior year advances.....	---	-400,000	-400,000	-400,000
<b>Total, Project-based rental assistance appropriated in this bill.....</b>	<b>7,500,000</b>	<b>8,100,000</b>	<b>8,551,525</b>	<b>+1,051,525</b>
Housing for the elderly.....	785,000	785,000	825,000	+60,000
Working capital fund (transfer out).....	(-1,600)	---	---	(+1,600)

TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES  
APPROPRIATIONS BILL, FY 2010 (H.R. 3288)  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference	Conference vs. Enacted
Housing for persons with disabilities.....	250,000	250,000	300,000	+50,000
Working capital fund (transfer out).....	(-1,600)	---	---	(+1,600)
Housing counseling assistance.....	65,000	100,000	87,500	+22,500
Green retrofit program for multifamily housing (emergency) (P.L. 111-5).....	2,250,000	---	---	-2,250,000
Energy Innovation Fund.....	---	100,000	50,000	+50,000
Rental housing assistance.....	27,800	40,000	40,000	+12,400
Rent supplement (rescission).....	-37,600	-27,600	-72,036	-34,436
Manufactured housing fees trust fund.....	16,000	16,000	16,000	---
Offsetting collections.....	-10,600	-7,000	-7,000	+3,600
Subtotal.....	5,400	9,000	9,000	+3,600
Total, Housing Programs.....	10,825,400	9,336,400	9,790,889	-1,034,411
Appropriations.....	(8,823,600)	(9,371,000)	(9,870,025)	(+1,246,425)
Rescissions.....	(-37,600)	(-27,600)	(-72,036)	(-34,436)
Emergency appropriations.....	(2,250,000)	---	---	(-2,250,000)
Offsetting collections.....	(-10,600)	(-7,000)	(-7,000)	(+3,600)



TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES  
APPROPRIATIONS BILL, FY 2010 (H.R. 3288)  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference	Conference vs. Enacted
<b>Federal Housing Administration</b>				
FHA - Mutual mortgage insurance program account:				
(Limitation on guaranteed loans).....	(315,000,000)	(400,000,000)	(400,000,000)	(+85,000,000)
(Limitation on direct loans).....	(50,000)	(50,000)	(50,000)	---
Offsetting receipts (HECH).....	-391,000	---	---	+391,000
Positive credit subsidy.....	---	798,000	---	---
Administrative contract expenses.....	116,000	181,400	181,400	+65,400
Additional contract expenses.....	25,000	14,000	14,000	-11,000
Working capital fund (transfer out).....	(-46,794)	(-70,794)	(-70,794)	(-24,000)
Consumer education and outreach.....	---	7,500	7,500	+7,500
FHA - General and special risk program account:				
(Limitation on guaranteed loans).....	(45,000,000)	(15,000,000)	(15,000,000)	(-30,000,000)
(Limitation on direct loans).....	(50,000)	(20,000)	(20,000)	(-30,000)
Offsetting receipts.....	-140,000	-140,000	-140,000	---
Credit subsidy.....	8,600	8,600	8,600	---
Right of first refusal (Sec. 237).....	5,000	---	5,000	---
Rescission of prior year balances.....	-5,000	---	---	+5,000
Administrative contract expenses.....	47,871	---	---	-47,871
Consumer education and outreach.....	1,000	---	---	-1,000
<b>Total, Federal Housing Administration.....</b>	<b>-332,529</b>	<b>889,500</b>	<b>76,500</b>	<b>+409,029</b>

TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES  
APPROPRIATIONS BILL, FY 2010 (H.R. 3288)

(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference	Conference vs. Enacted
<b>Government National Mortgage Association (GNMA)</b>				
Guarantees of mortgage-backed securities loan				
guarantee program account:				
(Limitation on guaranteed loans).....	(300,000,000)	(500,000,000)	(500,000,000)	(+200,000,000)
Offsetting receipts.....	-170,000	-720,000	-720,000	-550,000
Additional offsetting receipts.....	-23,000	---	---	+23,000
Additional contract expenses.....	12,000	---	---	-12,000
<b>Total, Gov't National Mortgage Association....</b>	<b>-181,000</b>	<b>-720,000</b>	<b>-720,000</b>	<b>-539,000</b>
<b>Policy Development and Research</b>				
Research and technology.....	58,000	50,000	48,000	-10,000
<b>Fair Housing and Equal Opportunity</b>				
Fair housing activities.....	53,500	72,000	72,000	+18,500
<b>Office of Lead Hazard Control and Healthy Homes</b>				
Lead hazard reduction.....	140,000	140,000	140,000	---
Emergency appropriations (P.L. 111-5).....	100,000	---	---	-100,000
<b>Subtotal.....</b>	<b>240,000</b>	<b>140,000</b>	<b>140,000</b>	<b>-100,000</b>

TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES  
APPROPRIATIONS BILL, FY 2010 (H.R. 3288)  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference	Conference vs. Enacted
<b>Management and Administration</b>				
Working capital fund.....	224,000	200,000	200,000	-24,000
(By transfer).....	(94,300)	(70,794)	(70,794)	(-23,506)
Office of Inspector General.....	120,000	120,000	125,000	+5,000
Emergency appropriations (P.L. 111-5).....	15,000	---	---	-15,000
Subtotal.....	135,000	120,000	125,000	-10,000
<b>Transformation Initiative.....</b>				
	---	20,000	20,000	+20,000
Total, Management and Administration.....	359,000	340,000	345,000	-14,000
Appropriations.....	(344,000)	(340,000)	(345,000)	(+1,000)
Emergency appropriations.....	(15,000)	---	---	(-15,000)
(Grand total, Management and Administration, less emergencies).....	(1,646,875)	(1,686,000)	(1,691,000)	(+44,125)
GSE conforming loan limits (emergency) (P.L. 111-5)....	37,000	---	---	-37,000

TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES  
APPROPRIATIONS BILL, FY 2010 (H.R. 3288)  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference	Conference vs. Enacted
FY08 advance appropriation (rescission).....	-750,000	---	---	+750,000
Total, title II, Department of Housing and Urban Development.....	55,227,290	45,482,659	46,059,233	-9,166,057
Appropriations.....	(38,662,490)	(41,977,259)	(42,604,597)	(+3,942,107)
Rescissions.....	(-792,600)	(-27,800)	(-72,036)	(+720,564)
Advance appropriations.....	(4,400,000)	(4,400,000)	(4,393,672)	(-6,328)
Emergency appropriations.....	(13,692,000)	---	---	(-13,692,000)
Offsetting receipts.....	(-724,000)	(-860,000)	(-860,000)	(-136,000)
Offsetting collections.....	(-10,600)	(-7,000)	(-7,000)	(+3,600)
(By transfer).....	(94,300)	(70,794)	(70,794)	(-23,506)
(Transfer out).....	(-94,300)	(-70,794)	(-70,794)	(+23,506)
(Limitation on direct loans).....	(100,000)	(70,000)	(70,000)	(-30,000)
(Limitation on guaranteed loans).....	(660,736,504)	(916,235,504)	(916,235,504)	(+255,499,000)
(Title II, non-emergency discretionary total).....	(41,535,290)	(45,482,659)	(46,059,233)	(+4,523,943)

TITLE III - OTHER INDEPENDENT AGENCIES

Access Board.....	6,550	7,000	7,300	+750
Federal Maritime Commission.....	22,800	24,558	24,135	+1,335
National Transportation Safety Board:				
Salaries and expenses.....	91,000	95,400	98,050	+7,050
Rescission of unobligated balances.....	-671	---	---	+671
Amtrak Office of Inspector General.....	---	---	19,000	+19,000

TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES  
APPROPRIATIONS BILL, FY 2010 (H.R. 3288)  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference	Conference vs. Enacted
Neighborhood Reinvestment Corporation.....	181,000	166,800	233,000	+52,000
United States Interagency Council on Homelessness.....	2,333	2,680	2,450	+117
<b>Total, title III, Other Independent Agencies.....</b>	<b>303,012</b>	<b>296,436</b>	<b>383,935</b>	<b>+80,923</b>
<b>Grand total (net).....</b>	<b>117,130,120</b>	<b>108,406,040</b>	<b>67,898,645</b>	<b>-49,231,475</b>
Appropriations.....	(55,965,003)	(104,900,640)	(64,865,572)	(+8,900,569)
Rescissions.....	(-831,488)	(-27,600)	(-72,036)	(+759,452)
Rescissions of contract authority.....	(-3,493,147)	---	(-421,563)	(+3,071,584)
Advance appropriations.....	(4,400,000)	(4,400,000)	(4,393,672)	(-6,328)
Emergency appropriations.....	(63,825,200)	---	---	(-63,825,200)
Negative subsidy receipts.....	(-724,000)	(-860,000)	(-860,000)	(-136,000)
Offsetting collections.....	(-10,600)	(-7,000)	(-7,000)	(+3,600)
(Limitation on obligations).....	(53,745,065)	(14,802,352)	(54,244,069)	(+499,004)
(Exempt contract authority).....	(739,000)	(739,000)	(739,000)	---
<b>Total budgetary resources less emergencies.....</b>	<b>(107,049,965)</b>	<b>(123,208,392)</b>	<b>(122,142,714)</b>	<b>(+15,092,729)</b>

## CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2010 recommended by the Committee of Conference, with comparisons to the fiscal year 2009 amount, the 2010 budget estimates, and the House and Senate bills for 2010 follow:

(In thousands of dollars)

New budget (obligational) authority, fiscal year 2009 .....	\$117,130,120
Budget estimates of new (obligational) authority, fiscal year 2010 .....	108,406,040
House bill, fiscal year 2010 .....	68,819,275
Senate bill, fiscal year 2010 .....	67,786,573
Conference agreement, fiscal year 2010 .....	67,898,645
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2009 .....	-49,231,475
Budget estimates of new (obligational) authority, fiscal year 2010 .....	-40,507,395
House bill, fiscal year 2010 .....	-920,630
Senate bill, fiscal year 2010 .....	+112,072

## DIVISION B—COMMERCE, JUSTICE, SCIENCE AND RELATED AGENCIES

The language and allocations contained in House Report 111-149 and Senate Report 111-34 should be complied with unless specifically addressed to the contrary in the conference report and statement of managers. The statement of managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein. In cases where both the House and Senate reports address a particular issue not specifically addressed in the conference report or joint statement of managers, the conferees have determined the House report and the Senate report are not inconsistent and are to be interpreted accordingly, in cases where the House or Senate report directs the submission of a report, such report is to be submitted in both the House and Senate Committees on Appropriations.

The conferees expect that each department and agency funded in this Act shall follow the directions set forth in this Act and the accompanying report, and shall not reallocate resources or reorganize activities except as provided herein. Reprogramming procedures shall apply to funds provided in this Act, unobligated balances from previous appropriations Acts that are available for obligation or expenditure in fiscal year 2010, and non-appropriated resources such as fee collections that are used to meet program requirements in fiscal year 2010. In reiterating the reprogramming procedures here, which are codified as section 505 of this Act, the conferees expect that the Appropriations Subcommittees on Commerce, Justice, Science and Related Agencies of the House and Senate shall be notified by letter a minimum of 15 days prior to—

(1) Reprogramming of funds, whether permanent or temporary, in excess of \$500,000 or 10 percent, whichever is less, between programs or activities. This provision is also applicable in cases where several activities are involved with each receiving less than \$500,000. In addition, the Committees are to be notified of reprogramming actions which are less than these amounts if such actions would be the effect of committing the agency to significant funding requirements in future years;

(2) Increasing funds or personnel by any means for any project or activity for which funds have been denied or restricted;

(3) Relocating offices or employees;

(4) Reorganizing offices, programs, or activities;

(5) Contracting out or privatizing any functions or activities presently performed by Federal employees; or

(6) Proposing to use funds directed for a specific activity by either the House or the Senate for a different purpose.

Furthermore, the reprogramming authorities do not allow the obligation of funds to create or initiate any new program, project or activity.

Any reprogramming request shall include any out-year budgetary impacts and a separate accounting of program or mission impacts on estimated carryover funds. No changes shall be made to any program, project or activity, except as provided by the Committees, if it is to be construed to be a change in policy. Any program, project or activity cited in the reports of the House or Senate accompanying this Act or the conference agreement shall be construed as the position of the conference and shall not be subject to reductions or reprogramming without prior approval of the Committees. The conferees further expect any department or agency funded in this Act which plans a reduction-in-force to notify by letter the Appropriations Committees of the House and Senate 30 days in advance of the date of any such planned personnel action.

The conferees note that when a department or agency submits a reprogramming or transfer request to the Appropriations Committees of the House and Senate and does not receive identical responses by the House and Senate, it shall be the responsibility of the department or agency seeking the reprogramming to reconcile the difference between the two bodies before proceeding. If reconciliation is not possible, the items in disagreement in the reprogramming or transfer request shall be considered unapproved.

The conferees direct the Departments of Commerce and Justice, the National Aeronautics and Space Administration and the National Science Foundation to submit spending plans, signed by the respective department or agency head, for the Committees' review within 60 days of enactment of this Act.

## TITLE I

## DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION  
OPERATIONS AND ADMINISTRATION

The conference agreement provides \$456,204,000 in total resources for the programs of the International Trade Administration (ITA) for fiscal year 2010, which includes \$9,439,000 in offsetting fee collections.

The conferees understand the difficulties of attempting to balance the positive and negative effects of a free trade agenda. The conferees are determined to ensure that the United States Government upholds its responsibility to enforce trade laws, particularly with China. If trading partners do not abide by the rules that are set in the global trading system, United States firms are unable to compete on a level playing field. The United States Government has an obligation to ensure that U.S. companies are not forced to compete with foreign companies that are engaged in unfair trading practices.

The conferees direct ITA to submit to the House and Senate Committees on Appropriations, not later than 60 days after the enact-

ment of this Act, a spending plan for all ITA units that incorporates any carryover balances from prior fiscal years and expect this plan to be updated to reflect the obligation of funds on a quarterly basis.

*China anti-dumping and countervailing duty activities.*—The conference agreement designates funding of no less than \$7,000,000 for the Office of China Compliance, and no less than \$4,400,000 for the China Countervailing Duty Group within Import Administration. The conferees also encourage ITA to allocate additional resources above the request to the activities of both these offices.

*Travel expenditures.*—The conferees continue to direct the Department to submit quarterly reports to the House and Senate Committees on Appropriations regarding ITA's travel expenditures, including separate breakouts of funding, number of trips and the purposes of travel to both China and India.

*Human rights training.*—The conference agreement directs ITA to devote no less than \$500,000 from Executive Direction and Administration funds to ensure that American commercial officers and locally-engaged staff receive human rights training and to ensure that, when counseling U.S. businesses on market conditions with a particular country, employees include information on human rights, rule of law, and corporate responsibility. In addition, ITA shall report to the House and Senate Committees on Appropriations not later than 60 days after the enactment of this Act with an annual human rights training plan.

*Facilitating exports with China.*—The conferees direct that not later than 60 days after the date of enactment of this Act, the Secretary of Commerce shall submit to the House and Senate Committees on Appropriations a report on the status of the current program and the feasibility of providing additional assistance to small- and medium-sized businesses to facilitate U.S. exports to China. The report shall include, but is not limited to the Department's ability to provide small- and medium-sized businesses with: (1) assistance to find and utilize Federal and private resources to facilitate entering into the market; (2) continuous direct and personal contact with businesses that have entered the market; (3) assistance to resolve disputes with the Government of the United States or China relating to intellectual property rights violations, export restrictions, and additional trade barriers; (4) the location and recruitment of businesses to enter the market; (5) trade missions; and (6) consolidation of fees charged by the Department for Gold Key matching services provided for businesses that export goods or services produced in the United States to more than one market in China. The report shall include cost estimates for any additional services not currently provided, the effect of any fee reductions, and the number of additional personnel required.

*Anti-dumping and countervailing duties study.*—The conferees direct the Secretary of Commerce to work with the Secretaries of the Departments of Homeland Security and the Treasury to conduct an analysis and report to the House and Senate Committees on Appropriations, within 180 days of enactment of this Act, on the relative advantages and disadvantages of prospective and retrospective anti-dumping and countervailing duty systems. The report should address the extent to which each type of system would likely achieve the goals of remedying injurious dumping or subsidized exports, minimize uncollected duties, reduce incentives

and opportunities for importers to evade anti-dumping and countervailing duties, effectively target high-risk importers, address the impact of retrospective rate increases on U.S. importers and their employees, and create a minimal administrative burden.

*Appalachian-Turkish Trade Project.*—The conferees continue to recognize the importance of trade and investment opportunities to the Appalachian Region, and are encouraged by the findings in reports that Appalachian firms could find significant trade and investment opportunities, particularly in the energy, hardwood, high technology, and transportation sectors, in the Republic of Turkey and the surrounding region. In this regard, the conferees support the Appalachian-Turkish Trade Project (ATTP), a project to promote opportunities to expand trade, encourage business interests, stimulate foreign studies, and build a lasting and mutually meaningful relationship between Appalachian states and the Republic of Turkey, as well as neighboring countries in the region, such as Greece. The conferees expect

the Commercial Service to continue to be a prominent ATTP sponsor.

*World Trade Organization.*—The conferees are aware of the World Trade Organization (WTO) Appellate Body's January 16, 2003, ruling regarding the Continued Dumping and Subsidy Offset Act. The conferees direct the Department of Commerce, in consultation with the Office of the U.S. Trade Representative, to conduct negotiations within the WTO to seek express recognition of the existing right of WTO Members to distribute monies collected from anti-dumping and countervailing duties as they deem appropriate. The agency shall consult with and provide regular reports, every 60 days, to the Appropriations Committees of the House and Senate on such negotiations.

In addition, the conferees direct that negotiations be conducted within the WTO consistent with the negotiating objectives contained in the Trade Act of 2002, to maintain strong U.S. trade remedies laws, prevent overreaching by WTO Panels and the WTO Appellate Body, and prevent the creation of

obligations never negotiated or agreed to by the United States.

*U.S. Foreign Commercial Service (USFCS).*—The conferees strongly support an increase in the numbers of American and locally-engaged staff available to conduct core commercial activities at overseas posts. The conference agreement includes an increase above the request to enhance such staffing levels. The conferees further request that the Government Accountability Office (GAO) conduct the study described in the Senate report. In addition, the conferees direct the Department of Commerce to submit a report to the House and Senate Committees on Appropriations within 120 days of enactment of this Act on steps taken to address overseas pay comparability for the USFCS, and how these actions compare with those taken by other departments for foreign service employees.

Within the appropriation, \$5,215,000 is provided for the following activities:



**International Trade Administration**  
**Congressionally-designated Items**  
(\$ in thousands)

Recipient	Project	Amount
Clemson University, Clemson, SC	Textile Research at Clemson University	350
Midwest China Hub Commission, St. Louis, MO	Midwest China Hub Commission	500
National Textile Center, Raleigh, NC	Textile Research	1,800
Philadelphia University, Philadelphia, PA	Textile Research and Development	500
St. Francis University and St. Vincent College, Loretto, PA	St. Francis University Center for Global Competitiveness	350
Textile/Clothing Textile Corporation, Raleigh, NC	Textile Research Programs	965
UC Davis, Davis, CA	Textile Research at UC Davis	250
University of Nebraska-Lincoln, Lincoln, NE	International Trade Scholars Program	500

The conferees direct ITA to refrain from charging administrative costs to these grants and expect that the agency will provide appropriate management and oversight of each grant.

BUREAU OF INDUSTRY AND SECURITY  
OPERATIONS AND ADMINISTRATION

The conference agreement provides \$100,342,000 for the Bureau of Industry and Security (BIS), and includes requested programmatic increases of \$10,000,000 for the cyber espionage and system modernization initiative and \$1,800,000 for the weapons of mass destruction (WMD) and improvised explosive devices (IED) nonproliferation initiative.

The conferees are concerned that crime control and law enforcement technologies can be exported to foreign governments and used to abuse human rights. The conferees understand that BIS is currently working to update crime control and law enforcement items contained on the Commerce Control List. In addition, BIS is working on a more complex crime control review to address developing technologies such as biometric identification systems, training simulators, and surveillance systems. The conferees encourage BIS to review thoroughly whether these new technologies can be used by foreign governments to repress basic human rights and to implement quickly appropriate export controls on items with the potential for abuse.

ECONOMIC DEVELOPMENT ADMINISTRATION

The conference agreement provides \$293,000,000 for the programs and administrative expenses of the Economic Development Administration (EDA) for fiscal year 2010.

ECONOMIC DEVELOPMENT ASSISTANCE  
PROGRAMS

The conferees provide \$255,000,000 for Economic Development Assistance Programs. The conferees expect EDA to use all available carryover and prior year recoveries to the maximum extent possible.

**Public Works.**—The conference agreement provides \$158,280,000 for Public Works. The conferees believe that, given the current economic climate, these funds are critical to local communities and industries faced with increased economic pressures and dislocations in the rapidly changing global economy. EDA is directed to submit future budget requests that maintain the current public works program funding level while increasing funding for regional innovation clusters and small business incubator efforts. Public works remain an integral element of economic development assistance and funding for this critical program should not be limited, particularly in the current economy.

**Global Climate Change Mitigation Fund.**—Within the funds provided for Public Works, the conference agreement provides no less than \$25,000,000 for the Global Climate Change Mitigation Incentive Fund. The conferees emphasize that economic development must address climate change, and direct EDA to expand the program beyond Leadership in Energy and Environmental Design (LEED) certification, to include renewable energy; energy efficiency; reuse, restoration and recycling; green buildings; the development of green products; the greening of an existing function, process or activity; and the creation or renovation of green buildings. The conferees further direct EDA to provide a report to the House and Senate Committees on Appropriations within 60

days of enactment of this Act, detailing the scope of the fund, the criteria for approval of fund expenditures, and the methodology EDA will employ when reviewing grants.

**Planning.**—The conference agreement provides \$31,000,000 for planning. The conferees direct the agency to continue to allocate funding to the existing network of Economic Development Districts (EDDs), consistent with the fiscal year 2009 direction.

**Technical assistance.**—The conference agreement provides \$9,800,000 for technical assistance. The conferees direct EDA to compete two additional university centers each year with the additional base funding, with the goal of ensuring that each State has at least one center and that economically distressed communities are not further burdened by the lack of representation and the need to share and stretch resources.

**Trade Adjustment Assistance (TAA).**—The conference agreement provides \$15,800,000 for TAA. While the conferees support this program and the recently enacted authorization, EDA must undertake efforts to improve overall organization, implementation and evaluation of its program before significant new investments can be recommended. The conferees therefore direct EDA to institute an evaluative process and use up-to-date economic data before allocating these funds among regional offices. EDA is also directed to provide quarterly reports to the House and Senate Committees on Appropriations on the number of firms assisted, how that assistance is quantified, and the value each TAA center adds to the process.

**Economic adjustment assistance (EAA).**—The conference agreement provides \$38,620,000 for EAA.

**Regional innovation clusters.**—The conferees support the efficiency gains of regional innovation clusters for applicants and the agency; encourage the use of this approach within existing authorities and funding structure; and note that first efforts will include mostly planning grants for communities as they identify local clusters for development. Critical to the success of the cluster approach, however, is coordination and alignment between economic development agencies. EDA is directed to identify appropriate agencies; establish coordination and alignment of priorities, applications, and working relationships; and report this structure to the House and Senate Committees on Appropriations within 90 days of enactment of this Act. EDA is directed to provide quarterly reports on progress and funding awards for the cluster initiative, and to create performance measures for future evaluation.

**Small business incubators.**—The conferees encourage EDA to continue to fund business incubation efforts as it has in the past through its existing grant programs and budget structure. EDA is also directed to work with other Federal agencies such as the Small Business Administration, the Minority Business Development Agency, and the U.S. Department of Agriculture, to develop a coordinated Federal approach for supporting business incubators nationwide rather than creating duplicative activities within these agencies. These programs are available to assist new and existing businesses and should be coordinated and aligned among them and with the regional innovation clusters initiative. Within 90 days of enactment of this Act, EDA shall provide a report to the House and Senate Committees on Appropriations defining the specific needs that EDA proposes to support through emerging business

incubators in various communities, providing a matrix of how the various Federal programs currently support these centers, and explaining how future funding would provide beneficial synergy.

**Hawaii and the American Pacific.**—The conferees are aware of the exceptionally large geographic area of Hawaii and the American Pacific, which is served by the Hawaii Economic Development Administration office and the increasing demands for services in the area, and provide increased staff support for this field office.

**Base realignment and closure (BRAC).**—The conferees direct EDA, in coordination with the Department of Defense's Office of Economic Adjustment, to submit a report within 60 days of the enactment of this Act. The report shall identify opportunities for coordination and alignment of the two agencies, within current authorities and budget structures, to address the needs of localities designated as military growth and closures communities, including criteria for eligible communities and projects, and foreseeable funding requirements and availability.

**Disaster funding.**—The conferees encourage EDA to ensure that disaster funding is disbursed in a timely manner.

SALARIES AND EXPENSES

The conference agreement provides \$38,000,000 for salaries and expenses. The conferees continue to support EDA's regional offices and reiterate their commitment to continuing the current operational structure with the six regional offices. The conference agreement provides adequate funding to begin filling vacancies within the regional offices, and continues the previous direction to fill vacancies within the regional offices prior to any vacancies within headquarters.

**TAA centers database.**—The conferees direct the use of fiscal year 2009 carryover funds intended for TAA salaries and expenses to develop a single database for the collection of the data now required of the TAA centers.

**Economic development representative (EDR).**—The conferees note that some States share an EDR, requiring some EDRs to be responsible for a larger geographic area. The conferees are concerned that the increased territorial burden is impacting the effectiveness of EDR efforts, therefore, the conferees direct the agency to develop a maximum territorial range for each EDR; submit costs associated with re-establishing a single EDR in each State to the House and Senate Committees on Appropriations within 60 days of enactment of this Act; include funding to restore a minimum of one EDR per state in the fiscal year 2011 budget request; and begin implementation with a portion of the resources provided.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

The conference agreement provides \$31,500,000 for the Minority Business Development Agency (MBDA) for fiscal year 2010. Within the appropriation, the conference agreement provides not less than \$200,000 for the Office of Native American Business Development. The conferees expect the office to utilize the assistance of the Native American Business Enterprise Centers to help fulfill its obligations to expand business development, trade promotion and tourism opportunities for Indian tribes and other Native American entities. Within the appropriation, \$1,100,000 is provided for the congressionally designated activities listed below:

**Minority Business Development Agency**  
**Congressionally-designated Items**  
**(\$ in thousands)**

<b>Recipient</b>	<b>Project</b>	<b>Amount</b>
Jamaica Chamber of Commerce, Jamaica, NY	Jamaica Export Center	100
McAllen Economic Development Corporation, McAllen, TX	McAllen Manufacturing Research and Education Park	300
Mississippi Band of Choctaw Indians, Choctaw, MS	Choctaw Native American Business Enterprise Center	200
West Liberty State College, West Liberty, WV	Emerging Minority Business Leaders	500

MBDA is directed to work with the recipients to ensure that projects meet the agency's mission, to refrain from charging administrative costs, and to provide appropriate management and oversight.

#### ECONOMICS AND STATISTICS ADMINISTRATION SALARIES AND EXPENSES

The conference agreement provides \$97,255,000 for the Economics and Statistics Administration.

#### BUREAU OF THE CENSUS

The conference agreement provides a total operating level of \$7,324,731,000 for the Bureau of the Census.

#### SALARIES AND EXPENSES

The conference agreement provides \$259,024,000 for the salaries and expenses of the Bureau of the Census for fiscal year 2010.

#### PERIODIC CENSUSES AND PROGRAMS

The conference agreement provides a total of \$7,065,707,000 for all periodic censuses and related programs in fiscal year 2010.

*Field Data Collection Automation (FDCA) Contract replan.*—The replan of the FDCA contract resulted in a significant overall increase in the life cycle cost of the decennial census, now estimated at \$14,700,000,000. The conferees direct the Census Bureau to provide monthly status reports and obligation rates on this contract and other large contracts related to the 2010 decennial, and include the status of known risks to the success of the decennial. In addition, the conferees direct the Census Bureau to follow the recommendations of the February 2009 Office of Inspector General (OIG) report, including the implementation of a fee evaluation process to ensure that fee awards are truly earned and contractors are incentivized to maximize value for the taxpayer.

*Development and reporting of milestones.*—The conferees adopt, by reference, report language that accompanies the fiscal year 2008 supplemental appropriations for the Census Bureau regarding the development and reporting of milestones associated with the 2010 census.

*Communications.*—The conferees direct the Census Bureau to work closely with the advertising provider to ensure that the decennial's outreach activities are targeted to achieve high rates of survey responses in all communities, particularly within hard-to-reach communities.

*Paid media.*—In order to increase the mail-back response rate, the conferees direct the Census Bureau to allocate sufficient funding to support robust paid media efforts in preparation for the 2010 decennial census, with specific focus on hard-to-reach populations, ensuring these efforts surpass the effectiveness of such efforts in 2000.

*Partnership.*—The conferees urge the Census Bureau to ensure it hires a diverse pool of employees, particularly for partnership specialist and enumerator positions for the 2010 decennial census. These indigenous workers bring language skills and neighborhood and cultural knowledge to bear on the task, and are thus more likely to be accepted by communities during outreach and non-response follow-up, resulting in a more accurate count. The Census Bureau is also encouraged to strive to maintain a more diverse, full-time workforce, including at the senior management level.

*Mileage reimbursement for temporary workers.*—The conferees provide sufficient funding to ensure that temporary employees will receive full mileage reimbursement at a rate that is equivalent to that of all Federal employees.

*Fingerprinting.*—A recent GAO report highlighted flaws in the Bureau's current methods for fingerprinting temporary census workers, a safeguard instituted in the 2010 Decennial. The conferees direct the Bureau to evaluate its procedures and to build on the steps the Bureau is taking to improve employee training and ensure the safety of the public.

*Other languages.*—The conferees direct the Bureau to provide the House and Senate Committees on Appropriations with updates of its language assistance program on a semi-annual basis, including information on how it will reach and assist respondents who speak Asian, American Indian, Alaska Native, Spanish, and other languages for the ACS and the 2010 decennial census.

*Data on small population groups and offshore U.S. jurisdictions.*—The conferees direct the Bureau to report to the House and Senate Committees on Appropriations within 90 days of enactment of this Act, describing the steps it will take to ensure the availability and accuracy of small population groups data from the ACS and decennial census, and for reporting aggregate data reflecting all citizens of the United States, including Puerto Rico and other offshore jurisdictions.

*Additional outreach.*—The conferees direct the Bureau to ensure full funding of Census in Schools and adult education materials.

*Inspector General recommendations.*—The conferees note that the OIG issued three recommendations to promote an accurate address list and contain costs. The conferees are concerned that the Census Bureau has failed to implement these recommendations and thus direct the Census Bureau to report to the House and Senate Committees on Appropriations, within 60 days of enactment of this Act, on the steps it is taking to implement the OIG's recommendations.

*Non-decennial programs.*—The conference agreement provides \$214,581,000 for non-decennial periodic census programs.

#### NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

#### SALARIES AND EXPENSES

The conference agreement provides \$19,999,000 for the salaries and expenses of the National Telecommunications and Information Administration (NTIA).

The conference agreement retains language from previous years allowing the Secretary of Commerce to collect reimbursements from other Federal agencies for a portion of the cost of coordination of spectrum management, analysis, and operations. NTIA shall submit a report to the House and Senate Committees on Appropriations no later than June 1, 2010, detailing the collection of reimbursements from other agencies related to spectrum management, analyses, and research.

*Preventing contraband cell phone use in prisons.*—The conferees are concerned with the increased smuggling of contraband cell phones into State and Federal prisons and the use of such devices by inmates to orchestrate prison-breaks, conduct illegal activity, and harass or intimidate judges, lawyers or former victims. To deter contraband cell phones, States have begun to pursue aggressively smugglers and abettors of inmates; increased efforts to detect contraband phones hidden on prison employees, visitors and inmates; and explored the use of wireless detection and monitoring devices that could help corrections officials identify and prosecute criminal activity.

To help State and Federal correctional authorities address this growing national problem, the conferees direct the National Tele-

communications and Information Administration at the Department of Commerce, in coordination with the Federal Communications Commission, the Federal Bureau of Prisons and the National Institute of Justice, to develop a plan to investigate and evaluate how wireless jamming, detection and other technologies might be utilized for law enforcement and corrections applications in Federal and State prison facilities. The conferees strongly urge the NTIA, in coordination with the FCC, to investigate and evaluate detection or other technologies that do not pose a risk of negatively affecting commercial wireless and public safety services in areas surrounding prisons.

#### PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

The conference agreement provides \$20,000,000 for Public Telecommunications Facilities, Planning and Construction (PTFPC). PTFPC has been the primary source for telecommunications infrastructure assistance for public radio and television stations seeking assistance, particularly in under-served rural areas. The budget request proposed to eliminate the PTFPC program in fiscal year 2010, citing funding available through the Corporation for Public Broadcasting (CPB). The conferees direct that NTIA work with CPB to provide a report that clarifies the funding authorities of the two agencies to the House and Senate Committees on Appropriations within 60 days of enactment of this Act.

#### UNITED STATES PATENT AND TRADEMARK OFFICE

#### SALARIES AND EXPENSES

The conference agreement provides \$1,887,000,000 for the United States Patent and Trade Office (USPTO) for fiscal year 2010, the same as the revised fee collection projection dated September 17, 2009.

*Budget formulation process.*—A confluence of factors in fiscal year 2009, including depressed revenues, continuing declines in the patent allowance rate, recent court decisions, and the absence of inflation has highlighted major, unacceptable deficiencies in USPTO's budget formulation and execution processes. USPTO's financial situation in fiscal year 2009, while anomalous, may be repeated again. The decision to rely solely on fee income has removed USPTO from the safety net of the appropriations process and has placed it at the mercy of the economy; it has allowed USPTO to build a boom time infrastructure that it cannot support in an economic downturn. Complicating and contributing to this situation is the fact that USPTO's budget formulation process does not reflect the agency's resource requirements for the relevant fiscal year. Fiscal year 2010 will likely present a new and more daunting set of financial challenges for the agency and achievement of key performance measures will likely continue to decline.

The conferees note that although USPTO is a fee-funded agency, USPTO's budget development process should not be markedly different from other Federal agencies, at least initially. Yet today, the USPTO is unable to produce a clear and concise statement of resources needed to operate independent of the agency's estimate of projected revenues. Whatever advantages the current funding arrangement confers to the agency and its constituencies, the current state of budget formulation, execution and management at the USPTO cannot continue.

USPTO must develop and present a requirements-based budget to ensure transparency to the Congress, the Administration

and to USPTO's stakeholders. To convey more fully USPTO's spending requirements, the conferees direct that, in addition to the budget request, the annual USPTO budget submission, beginning with the fiscal year 2011 submission, shall contain the following items, separately identified, for the budget year: (1) an estimate of a current services baseline consistent with the Budget Enforcement Act (BEA) requirements; (2) any changes to that baseline from expected workload changes; (3) any changes from proposed initiatives to improve performance; and (4) any proposed user fee changes and their expected additional revenues needed to fund the budget request.

*Provision of fee collection projections.*—The conferees direct the UPSTO to provide quarterly reports on its projected fee collection projections and to notify the House and Senate Committees on Appropriations during any month when significant changes in such projections prompt serious concern or require drastic budgetary responses. In addition, the conferees direct the USPTO to provide official revised fee estimates for fiscal year 2011 to the House and Senate Committees on Appropriations no later than September 1, 2010.

*Reprogramming and spend plan.*—The conferees understand that in several recent fiscal years, the USPTO has used excess fee collections in the current year to forward fund requirements in the budget year. The conferees note that the funding appropriated in any fiscal year is intended to fund costs in only that fiscal year. Therefore, funds appropriated in this Act for fiscal year 2010 are provided only for fiscal year 2010 operating costs. The USPTO is required to follow the reprogramming procedures outlined in section 505 of this Act before using excess fee collections to forward fund expenses beyond fiscal year 2010. Any deviations from the funding distribution provided for in this Act, including carryover balances, are subject to the standard reprogramming procedures set forth in section 505 of this Act. In addition, 60 days after enactment of this Act, the USPTO shall submit to the House and Senate Committees on Appropriations a spending plan for fiscal year 2010. This spending plan shall incorporate all carryover balances from previous fiscal years, and describe any changes to the patent or trademark fee

structure. Any changes from the spending plan shall also be subject to section 505 of this Act.

*Patent pendency and backlog.*—The conferees remain concerned by the lack of progress toward reducing patent pendency and the overall patent backlog. The increasing backlog is the result of a number of factors, including the significant decrease in number of patents approved; the practical effect of the increasing numbers of requests for continued examination (RCE); and the fact that applicants are filing in more than one jurisdiction.

The Government Accountability Office (GAO) has found that the hiring of additional patent examiners has not been sufficient to reverse the patent pendency and backlog trend and the recent and projected decrease in fee collections makes it clear that the USPTO will not be able to rely on additional hiring as a method to reduce the backlog. The conferees direct USPTO to enhance its efforts to reduce duplication of work already performed by another patent office in a manner that does not compromise the quality of the examination or compromise the sovereignty of the United States. The conferees also direct USPTO to develop and implement strategies to combat the unintended consequences of RCEs and the effect of the drop in patent application approvals. USPTO shall provide a report to the House and Senate Committees on Appropriations on its progress in these areas within 90 days of enactment of this Act.

*Patent Examiners.*—The conferees are encouraged by the Administration's recent actions to evaluate out-dated and unreasonable productivity goals, but remain concerned about workforce turnover at the agency. The Director, working with management and employees, recently completed an evaluation of the work productivity goals, which have been cited by many former patent examiners as a major reason for their departure. USPTO is directed to continue a thorough and independent evaluation exploring all workforce management and turnover issues, and is directed to provide a preliminary, if not final, report within 120 days of enactment of this Act outlining substantial changes and milestones to improve employee retention.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

The conference agreement provides \$856,600,000 for the National Institute of Standards and Technology (NIST) for fiscal year 2010.

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

The conference agreement provides \$515,000,000 for NIST's scientific and technical core programs. Up to \$9,000,000 may be transferred from the Scientific and Technical Research and Services (STRS) account to the Working Capital Fund, which NIST uses to purchase equipment for its laboratories.

SCIENCE AND TECHNICAL RESEARCH AND SERVICES, DIRECT OBLIGATIONS

Program	Conference
Laboratories and technical programs .....	\$446,867,000
Congressionally-designated projects/activities .....	10,500,000
Innovations in measurement science .....	20,199,000
Next generation measurement training .....	11,030,000
Baldrige National Quality Program .....	9,627,000
Corporate Services .....	16,777,000
Total STRS .....	515,000,000

The conferees approve NIST's new budget structure consolidating all the functions of its laboratory research program under one budget activity. Any deviation from amounts specified in spend plans or reports for particular labs and technical programs, or the use of de-obligated funds shall be subject to reprogramming procedures set forth in sections 103 and 505 of this Act.

Within available resources, the conference agreement fully funds the requested increase for a comprehensive national cyber security initiative. NIST is directed to expand its biodiversity storage capabilities and resources into the Pacific region through a Pacific Islands component and the conference agreement provides \$750,000 for this purpose.

The conference agreement includes funding within the amounts provided for Strategic Measurement Partnerships for the activities listed below:

**National Institute of Standards and Technology  
Scientific and Technical Research and Services  
Congressionally-designated Items  
(\$ in thousands)**

<b>Recipient</b>	<b>Project</b>	<b>Amount</b>
George Mason University, Arlington, VA	Center for Infrastructure Protection (CIP)	550
LSU A&M, Baton Rouge, LA	Center for Digital Innovation	1,000
University at Albany (SUNY), College of Nanoscale Science and Engineering (CNSE), Albany, NY	A Collaboration with NIST for the Development and Deployment of New Nanoscale Measurement Strategies	500
University of Hawaii, Maui, HI	Hawaii Open Supercomputing Center	5,000
University of Kentucky, Lexington, KY	University of Kentucky Firefighter Gear Safety Research Program	200
University of Maryland Baltimore County, Baltimore, MD	Maryland Center of Excellence for Terahertz Science and Application	2,000
University of Rhode Island, Kingston, RI	Rhode Island Consortium for Nanoscience and Nanotechnology	1,250

The conferees direct NIST to refrain from charging administrative costs to these grants and expect that the agency will provide appropriate management and oversight of each grant.

#### INDUSTRIAL TECHNOLOGY SERVICES

The conference agreement provides \$194,600,000. Of this amount, \$124,700,000 is provided for the Manufacturing Extension Partnerships (MEP) and \$69,900,000 is provided for the Technology Innovation Program (TIP). Within MEP, NIST and its partners are directed to consider the importance automation plays in accelerating and integrating manufacturing processes across all levels of industry.

#### CONSTRUCTION OF RESEARCH FACILITIES

The conference agreement provides \$147,000,000, of which \$20,000,000 shall be available for a competitive construction grant program and \$80,000,000 for the highest priority construction and safety, capacity, maintenance, and major repair (SCMMR) projects at NIST. Within funding provided, the conferees encourage the agency to maintain an appropriate SCMMR funding level.

*Competitive construction grants.*—Within the appropriation, the conference agreement provides \$20,000,000 for competitive construction grants for research science buildings in fiscal year 2010. The conferees note that in just the first year of the program, the fiscal

year 2008 call for proposals yielded 93 requests, of which only three were funded due to limited appropriations. The conferees expect the Administration to include funding for this competitive program in future requests as these research science buildings leverage additional public and private funding, provide jobs, and improve science research in the Nation.

The conferees direct NIST to provide quarterly reports on the status of all construction projects funded under this appropriation to the House and Senate Committees on Appropriations.

The conference agreement provides \$47,000,000 for the activities listed below.



**National Institute of Standards and Technology  
Construction of Research Facilities  
Congressionally-designated Items  
(\$ in thousands)**

<b>Recipient</b>	<b>Project</b>	<b>Amount</b>
Mississippi State University, Starkville, MS	Expansion of the Research, Technology and Economic Development Park	6,000
North Dakota State University, Fargo, ND	Advanced Nanomaterials Research Facility	5,000
University of Alabama, Tuscaloosa, AL	Interdisciplinary Science and Engineering Teaching and Research Corridor	30,000
University of Mississippi Medical Center, Jackson, MS	The Mississippi Biotechnology Research Park	6,000

The conferees direct NIST to refrain from charging administrative costs to these grants. The conferees expect that NIST will provide appropriate management and oversight of each grant.

NATIONAL OCEANIC AND ATMOSPHERIC  
ADMINISTRATION

The conferees provide a total of \$4,737,531,000 in discretionary appropriations for the National Oceanic and Atmospheric Administration (NOAA).

OPERATIONS, RESEARCH, AND FACILITIES  
(INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides a total program level of \$3,412,778,000 under this account for the coastal, fisheries, marine, weather, satellite and other programs of NOAA. This total funding level includes \$3,305,178,000 in direct appropriations; a transfer of \$104,600,000 from balances in the "Promote and Develop Fishery Products and Research Pertaining to American Fisheries" account; and a transfer of \$3,000,000 from the Coastal Zone Management Fund.

Within this amount, the conference agreement provides funds for congressionally-directed activities listed within the obligation tables for each line office, and directs NOAA to refrain from charging administrative costs to these grants. The conferees expect that NOAA will provide appropriate management and oversight of each grant.

The following narrative descriptions and tables identify the specific activities and funding levels included in this Act:

*National Ocean Service (NOS).*—The conference agreement provides \$522,220,000 for NOS operations, research and facilities.

*Mapping and charting.*—The conference agreement provides \$49,487,000 for mapping

and charting, of which \$750,000 is provided for the development and demonstration of unmanned surface vehicles for hydrographic survey operations.

*Tide and current data.*—The conference agreement provides an additional \$3,800,000 above the request to support fully the entire design, installation, maintenance, and operations of the Physical Oceanographic Real-Time System (PORTS), as authorized by Public Law 107-372.

*Regional geospatial modeling grants.*—The conference agreement provides \$5,500,000 to continue funding for this competitive program for researchers and resource managers to develop models or geographic information systems using existing geodetic, coastal remote sensing data, terrestrial gravity measurements, or other physical datasets.

*Integrated Ocean Observing System (IOOS).*—The conference agreement provides a total of \$33,555,000 for IOOS, of which \$6,555,000 is for program administration; \$20,000,000 is for a competitive, regional ocean observing systems solicitation; \$4,000,000 is for a competitive extramural regional test bed for the Atlantic and Gulf coasts described in the Senate report, for which NOAA shall outline this effort's approach and timeline in its fiscal year 2010 operating plan; and \$3,000,000 is for a consortium for testing and advancing new sensor technologies. NOAA is directed to report to the House and Senate Committees on Appropriations within 30 days of enactment of this Act on the feasibility of establishing a cooperative institute for the purpose of advancing and sustaining this essential capability and its inclusion in future requests.

*Coral reef programs.*—Given the magnitude of the effect of climate change on coral reefs worldwide and the vital role that coral reefs

play in protecting the Nation's beaches, sustaining fisheries and providing other economic benefits, the conference agreement provides \$29,000,000 for the coral reef program, which includes \$2,273,000 in competitive funding above the request for external coral reef institute partners. In awarding this competitive funding, the conferees encourage NOAA to consider comparative regional needs, geographic scope, historic funding levels and other available funding. The conferees direct NOAA to include base funding for the external coral reef institutes in future budget requests.

*Response and restoration.*—The conference agreement includes \$27,134,000 for response and restoration, which provides \$3,000,000 for estuary restoration and \$9,300,000 for damage assessment and restoration. The conference agreement provides an additional \$1,000,000 for the Office of Response and Restoration, working jointly with the Office of National Marine Sanctuaries, to solicit a one-time independent assessment of potential man-made undersea threats that could impact coastal and Great Lakes States.

*Coastal Zone Management (CZM) grants.*—The conference agreement provides \$2,000,000 above the request, and NOAA is directed to use a portion of the increase provided for a competitive program for efforts to modernize and improve State information systems to assess, track and manage permitting and land-use tracking procedures.

*National Estuarine Research Reserve System (NERRS).*—The conference agreement provides an increase of \$1,174,000 above the request for the NERRS operations.

**NATIONAL OCEAN SERVICE  
OPERATIONS, RESEARCH, AND FACILITIES**  
(In thousands of dollars)

	Conference Recommendation
<b>Navigation Services:</b>	
Mapping & Charting	49,487
Hydrographic Research and Technology Development	7,424
Electronic Navigational Charts	6,128
Shoreline Mapping	2,424
Address Survey Backlog/Contracts	31,173
Geodesy	26,417
National Height Modernization	2,541
Regional Geospatial Modeling Grants	5,500
Tide & Current Data	33,078
<b>Total, Navigation Services</b>	<b>164,172</b>
<b>Ocean Resources Conservation and Assessment:</b>	
<b>Ocean Assessment Program (OAP):</b>	
Ocean Research Priorities Plan/Ocean Acidification	6,000
Integrated Ocean Observing System	27,000
NOAA IOOS	6,555
Coastal Services Centers	26,643
Coastal Storms	2,800
Ocean Health Initiative	4,000
Coral Reef Programs	29,000
Gulf Of Mexico Regional Collaboration	4,750
<b>Subtotal, Ocean Assessment Program (OAP)</b>	<b>106,748</b>
<b>Response and Restoration:</b>	
Response and Restoration Base	10,834
Estuary Restoration Program	3,000
Damage Assessment Program	9,300
Marine Debris	4,000
<b>Subtotal, Response and Restoration</b>	<b>27,134</b>
<b>National Centers for Coastal Ocean Science (NCCOS):</b>	
NCCOS Headquarters	4,000
Competitive External Research (HABs, Hypoxia and Regional Ecosystem)	16,000
Center for Coastal Environmental Health & Biomolecular Research	11,300
Oxford Cooperative Lab	4,500
Center for Sponsored Coastal Ocean Research	2,700
Center for Coastal Monitoring & Assessment	7,000
Center for Coastal Fisheries and Habitat Research	5,000
Marine Env. Health Research Lab - MEHRL	4,000
<b>Subtotal, National Centers for Coastal Ocean Science</b>	<b>54,500</b>
<b>Total, Ocean Resources Conservation and Assessment</b>	<b>188,382</b>
<b>Ocean and Coastal Management:</b>	
CZM Grants	68,146
CZM and Stewardship (formerly Program Administration)	8,500
National Estuarine Research Reserve System	23,500
Marine Protected Areas	3,000
Marine Sanctuary Program	49,000
Energy Licensing and Appeals	1,900
<b>Total, Ocean and Coastal Management</b>	<b>154,046</b>
<b>Congressionally Directed Projects</b>	<b>15,620</b>
<b>GRAND TOTAL NOS</b>	<b>522,220</b>

**National Oceanic and Atmospheric Administration**  
**Operations, Research and Facilities**  
**National Ocean Service**  
**Congressionally-designated Items**  
**(\$ in thousands)**

Recipient	Project	Amount
California State Coastal Conservancy, Oakland, CA	California Seafloor Mapping Program	300
Caribbean Coral Reef Institute, University of Puerto Rico, Mayaguez, PR	Caribbean Coral Reef Institute Grant Program	100
Chesapeake Biological Laboratory, Solomons, MD	Alliance for Coastal Technologies	500
Department of Lands and Natural Resources, Saipan, MP	Mariana Islands Sanctuary Scoping and Outreach	220
Eastern Kentucky PRIDE, Inc., Somerset, KY	Eastern Kentucky PRIDE, Inc.	1,000
Illinois State Geological Survey, Champaign, IL	Illinois Height Modernization	800
Louisiana State University A&M College, Baton Rouge, LA	The Louisiana Geodetic Spatial Reference Center	700
Mobile County Commission, Mobile, AL	Coastal tidal gauges	600
Monmouth University, West Long Branch, NJ	The Resilient Coastal Urban Community and Ecosystem (RESCUE) Initiative	250
National Oceanic and Atmospheric Administration, Silver Spring, MD	West Coast Governors' Agreement on Ocean Health	500
Northwest Straits Commission, Mount Vernon, WA	Northwest Straits Marine Conservation Initiative	1,600
Nova Southeastern University, Fort Lauderdale, FL	National Coral Reef Institute	200
Provincetown Center for Coastal Studies, Provincetown, MA	Northeast Coastal Monitoring Collaborative	550
State of Wisconsin, Madison, WI	Wisconsin Height Modernization Program	1,000
Texas A&M University - Corpus Christi, Corpus Christi, TX	Texas Height Modernization	300
Town of Dauphin Island, Dauphin Island, AL	Engineering feasibility study	1,500
University of Alaska at Fairbanks, Fairbanks, AK	Extended Continental Shelf Mapping	300
University of Guam, Mangilao, GU	Coral Reef Research Institute	300
University of Hawaii, Honolulu, HI	Hawaii Coral Reef Initiative (HCRI)	1,000
University of Hawaii, Honolulu, HI	International Pacific Research Center	1,500
University of Hawaii, Kaneohe Bay, HI	Hawaii Institute of Marine Biology (HIMB) Coral Research	2,250
University of North Carolina, Wilmington, NC	Aquarius Reef Base Program	150

*National Marine Fisheries Service (NMFS).*—The conference agreement provides \$904,539,000 for NMFS operations, research and facilities.

*Protected species research and management.*—The conference agreement provides \$15,623,000 for the species recovery grants program. The conferees concur with the need for increased funding for endangered, threatened, and at-risk marine species.

*Marine mammals, marine turtles, and marine protected species.*—The conference agreement provides total funding of \$4,275,000 for Hawaiian Monk Seal activities; \$7,800,000 for Hawaiian Sea Turtle and incident take activities; and \$1,500,000 for the study and protection of cetaceans in the Pacific.

The conferees encourage NOAA to demonstrate and utilize biological pattern recognition technology where appropriate for tagging fish or threatened or endangered animal species.

*Fisheries research and management.*—The conference agreement provides \$424,717,000 for fisheries research and management. Within this amount, \$190,883,000 is recommended for fisheries research and management programs. Within the amounts provided, the conference agreement includes a programmatic increase of \$750,000 for regulation activities associated with the Pacific Marine Monuments.

*Magnuson-Stevens Reauthorization Act (MSRA).*—The conference agreement provides all requested increases for MSRA requirements. These funds are necessary to prevent fisheries collapses and obviate the need for disaster funding. The conferees recognize the need to ensure sustainable fisheries. Within amounts provided, funding is designated to implement a sector-based management approach for New England and to transition to catch shares, a new tool that provides flexibility for fishermen while maintaining sustainability. Funding is provided to support the costs of expanded stock assessments and for regional councils that make recommendations on annual catch limits (ACLs).

The conference agreement also provides funding to continue development of a State-Federal national registry program for marine recreational fishing participants, and to expand commercial fisheries' biological sampling programs and electronic reporting of commercial fisheries' landings. In addition,

the conferees direct NMFS to provide a report to the House and Senate Committees on Appropriations within 90 days of enactment of this Act on recreational fishing under catch share program management. Specifically, the report shall include how data collection for recreational catches will improve in fisheries where the commercial sector receives catch shares; and how allocation conflicts between recreational and commercial sectors will be resolved.

*Economic and social science research.*—The conference agreement includes the requested increase to address significant economic and social science research data gaps in major Federal fisheries that are crucial to developing support tools to conduct MSRA-mandated cost-benefit analyses of regulatory options, such as ACLs and limited access privilege programs (LAPPs). These resources will allow the affected regions to provide input and engage in solutions in their own sectors, and to forge new relationships between the regions and NMFS.

*Salmon management activities.*—An increase of \$10,000,000 above the request is provided to begin implementation of reforms developed by the Hatchery Scientific Review Group to operate these facilities in a manner more conducive to salmon recovery.

*Enforcement.*—The conference agreement provides the requested increase to fund the enforcement requirements of the MSRA. The conference recommendation includes a total of \$1,500,000 to continue installing electronic logbooks on shrimp boats to monitor and reduce bycatch; end overfishing; rebuild overfished stocks such as red snapper; and ensure the sustainability of shrimp fisheries. The conferees note that this program is inherent to NOAA's core mission and implementation of current shrimp fishery regulations, and expect that sufficient funding will be reflected in future budget requests.

*Observer/training.*—The conference agreement provides the requested MSRA increase for implementation of annual catch limits. This includes supplementing observer coverage in three fisheries, including the Gulf of Mexico reef fish fishery, and will implement pilot programs for three additional fisheries. The conference agreement also provides an increase above the request of \$3,015,000 for the Hawaiian Longline Observer Program.

*Gulf coast management activities.*—The conferees encourage NOAA to solicit, evaluate

and incorporate independent fishery data when developing fishery regulations, and to create a thorough report detailing the potential economic impact any new restrictions would have on Gulf of Mexico communities before moving forward with any changes impacting the red snapper fishery.

*Habitat conservation and restoration.*—The conference agreement provides a total of \$27,967,000 for fisheries habitat restoration. Within this amount, \$18,600,000 is provided for the community based restoration program and \$7,034,000 is provided for the open rivers program.

*Other activities.*—The conference agreement provides \$500,000 for fishery demonstration projects that develop and protect traditional fishing practices in communities represented on the Western Pacific Fishery Management Council.

The conferees recognize the importance of ongoing surfclam and ocean quahog surveys to sustainable fisheries management and encourages NOAA to work closely with stakeholders on this matter.

*Regional studies: Chesapeake Bay.*—The conferees direct NOAA's Chesapeake Bay Office to continue to collaborate with the States of Maryland and Virginia, and to continue to utilize the Sea Grant programs from both States in developing the program to advance multiple species management by focusing on blue crabs, oysters, and other resource species.

*Chesapeake Bay oyster restoration.*—The conference agreement provides \$3,000,000 for oyster restoration in the Chesapeake Bay. Of these funds, \$2,000,000 is provided for oyster restoration in the Maryland waters of the Chesapeake Bay which shall be for on-the-ground and in-the-water restoration efforts, and \$1,000,000 of these funds is for oyster restoration in Virginia waters of the Chesapeake Bay. Funds shall not be used for administrative costs, including banquets or salaries.

*Alaskan marine mammal protection.*—With regard to congressionally-designated funding for the Indigenous People's Council for Marine Mammals (IPCoMM), the conferees expect NOAA to assist IPCoMM in developing a competitive process to allocate new co-management funding provided in this Act.

**NATIONAL MARINE FISHERIES SERVICE  
OPERATIONS, RESEARCH, AND FACILITIES**  
(In thousands of dollars)

	Conference Recommendation
Marine Mammals, Marine Turtles, and Marine Protected Species:	
Protected Species Research and Management Programs	39,850
Species Recovery Grants	15,623
Marine Mammal Protection (MMP)	49,653
Other Protected Species	8,375
Marine Turtles	14,576
Atlantic Salmon	8,500
Pacific Salmon (Salmon Management Activities)	65,000
Total, Marine Mammals, Marine Turtles, and Marine Protected Species	<u>201,577</u>
Fisheries Research and Management:	
Fisheries Research and Management Programs	190,883
Expand Annual Stock Assessments - Improve Data Collection	50,995
Economics and Social Sciences Research	10,744
Salmon Management Activities	50,942
Regional Councils and Fisheries Commissions	31,855
Fisheries Statistics	21,068
Fish Information Networks	22,066
Survey and Monitoring Projects	23,759
Fisheries Oceanography	1,999
American Fisheries Act	5,503
Interjurisdictional Fisheries Grants	2,574
National Standard 8	1,060
Reduce Fishing Impacts on Essential Fish Habitat (EFH)	529
Reducing Bycatch	3,398
Product Quality and Safety	7,342
Total, Fisheries Research and Management	<u>424,717</u>
Enforcement and Observers:	
Enforcement and Surveillance	65,673
Observers and Training	41,074
Total, Enforcement and Observers/Training	<u>106,747</u>
Habitat Conservation & Restoration:	
Sustainable Habitat Management	22,376
Fisheries Habitat Restoration (Open Rivers & CBRP)	27,967
Total, Habitat Conservation & Restoration	<u>50,343</u>
Other Activities Supporting Fisheries:	
Antarctic Research	2,718
Aquaculture	6,000
Climate Regimes & Ecosystem Productivity	4,811
Computer Hardware and Software	3,460
Cooperative Research	17,567
Information Analyses & Dissemination	19,905
Marine Resources Monitoring, Assessment & Prediction Program (MarMap)	842
National Environmental Policy Act (NEPA)	8,336
NMFS Facilities Maintenance	6,535
Southwest Fisheries Center	1,000
Regional Studies	7,206
New England Fisheries Assistance	9,000
Total, Other Activities Supporting Fisheries	<u>87,380</u>
Congressionally Directed Projects	<u>33,775</u>
GRAND TOTAL NMFS	904,539

**National Oceanic and Atmospheric Administration  
Operations, Research and Facilities  
National Marine Fisheries Service  
Congressionally-designated Items  
(\$ in thousands)**

<b>Recipient</b>	<b>Project</b>	<b>Amount</b>
Commercial Fisheries Research Foundation, Saunderstown, RI	Cooperative Research and Technical Assistance	600
Dauphin Island Sea Lab, Dauphin Island, AL	Biological and economic consideration of coastal fisheries population	750
Florida Fish and Wildlife Conservation Commission, Tallahassee, FL	Gulf of Mexico Recreational Fishery Electronic Logbook Pilot	50
Hawaii Community Foundation, Honolulu, HI	Hawaii Marine Fund	1,000
Hawaii Division of Forestry and Wildlife, Hawaii Department of Land and Natural Resources, Honolulu, HI	Protected Species Habitat at Kure Atoll (HI)	100
Indigenous People's Council for Marine Mammals, Anchorage, AK	Marine Mammal Research	500
Institute for Marine Mammal Studies, Gulfport, MS	Center for Marine Education and Research-Ocean Expo - Learning Center	1,000
Maine Department of Marine Resources, Augusta, ME	Continuation of Protected Species Bycatch Reduction Maine Groundline Exchange Program	550
Maine Department of Marine Resources, Augusta, ME	Groundfish Industry Emergency Economic Assistance	1,000
Maine Department of Marine Resources, Augusta, ME	Herring Monitoring Research	300
Maine Department of Marine Resources, Augusta, ME	Maine Lobster Research	200
Marine Mammal Center, Sausalito, CA	Emergency Response and Health Investigations for Endangered and Threatened Pinniped Populations in the Pacific	300
Massachusetts Marine Fisheries Institute, New Bedford, MA	Scallop Fishery Assessment (MFI)	1,000
Morgan State University Estuarine Research Center, St. Leonard, MD	Oyster Hatchery Economic Pilot Program	200
Mote Marine Laboratory, Sarasota, FL	Science Consortium for Ocean Replenishment (SCORE)	1,500
National Marine Fisheries Service, Silver Spring, MD	Shrimp Industry Fishing Effort Research Continuation	700
Nature Conservancy, Middletown, CT	Ecosystem Vitality Through Habitat Restoration	200
New England Aquarium, Boston, MA	Consortium for Wildlife Bycatch Reduction	1,250
New Hampshire Fish & Wildlife, Concord, NH	NH Commercial Fishermen Sustainability Initiative	825
Nicholls State University Department of Biological Sciences, Thibodaux, LA	Institute for Seafood Studies	325
NOAA Chesapeake Bay Office, Annapolis, MD	Chesapeake Bay Oyster Restoration	3,000
NOAA Office of Protected Resources, Silver Spring, MD	Hawaiian Monk Seal Recovery Plan Implementation	275



**National Oceanic and Atmospheric Administration  
Operations, Research and Facilities  
National Marine Fisheries Service  
Congressionally-designated Items  
(\$ in thousands)**

<b>Recipient</b>	<b>Project</b>	<b>Amount</b>
NOAA Southeast Science Center, Miami, FL	Turtle Protection Funding/Gulf of Mexico Grouper Fishery	250
NOAA/Fisheries, Honolulu, HI	Hawaii Seafood Safety and Sustainability	1,500
NOAA/Fisheries, Honolulu, HI	Magnuson-Stevens: Marine Education and Training	1,000
NOAA/Fisheries, Honolulu, HI	Western and Central Pacific Fisheries Commission (WCPFC) Big Eye Tuna Quotas	3,000
NOAA/Fisheries, Honolulu, HI	Western Pacific Integrated Ecosystem Assessments	500
Oceanic Institute, Waimanalu, HI	Hawaii Fisheries Development	400
Oregon State University, Corvallis, OR	Disease Reduction in Klamath River Salmon	600
Pacific Coast Shellfish Growers Association, Port Townsend, WA	Emergency Plan to Save Oyster Production on the West Coast	500
Partnership for Mid-Atlantic Fisheries Science (PMAFS), Mellville, NY	Partnership for Mid-Atlantic Fisheries Science (PMAFS) - Fish stock improvement initiative	1,000
Roger Williams University, Bristol, RI	Narragansett Bay Shellfish Restoration	500
School for Marine Science and Technology (SMAST), New Bedford, MA	New England Multi-Species Surveys and Development	3,000
Society for the Preservation of New Hampshire Forests (SPNHF), Concord, NH	Merrimack River Fish Habitat Conservation	300
State of Alaska, Coastal Alaska, AK	Seal and Steller Sea Lion Biological Research	300
State of Alaska, Statewide, AK	Bering Sea Crab Management and Research	300
State of Alaska, Yukon River, AK	US/Canada Yukon River Salmon Agreement Studies	500
University of Hawaii, Honolulu, HI	Joint Institute of Marine and Atmospheric Research (JIMAR) Pelagic Fisheries Research Program (PFRP)	1,250
University of Maryland Biotechnology Institute, Baltimore, MD	Metagenomic Analysis of Chesapeake Bay	100
University of New Orleans, New Orleans, LA	Pontchartrain Basin Restoration	250
Virginia Institute of Marine Science, Gloucester Point, VA	Virginia TRAWL Survey	300
West Virginia Department of Natural Resources, Charleston, WV	Natural Stream Design and Restoration	1,500
Wildlife Conservation Society, Bronx, NY	Bronx River and South Bronx Waterfront	1,000
Yukon River Drainage Fisheries Association, Anchorage, AK	The Yukon River Drainage Fisheries Association	100

*Oceanic and Atmospheric Research (OAR).*—The conference agreement includes \$438,766,000 for OAR operations, research and facilities. The conferees provide additional support for activities appropriately conducted by a national climate service and direct the agency to accelerate its current efforts towards the creation of such an entity.

The conferees direct NOAA to enter into a contract with the National Academy of Public Administration (NAPA) within 60 days after the enactment of this Act for a study and analysis of organizational options for a National Climate Service within NOAA, emphasizing maximum effectiveness and efficiency. The study should consider how to provide information at the global, regional, and State levels over varying timescales; support interaction among the government and various users, stakeholders, researchers, and information providers of climate information in both the private and public sectors; develop and distribute products and information that will support decision-making to better prepare the Nation for climate variability and climate change; coordinate and align existing programs and resources internal and external to NOAA to reduce duplications and leverage existing climate-related resources; and provide estimates on projected funding levels. The study shall be completed no later than 120 days after the contract is awarded.

*Climate research.*—The conference agreement provides \$221,040,000 for climate research. Within the recommendation, the conferees provide \$9,000,000 for climate assessment services to synthesize, evaluate and re-

port on climate change research findings; evaluate the effects of climate variability and change for different regions and sectors; and identify climate vulnerabilities and uncertainties as part of an ongoing effort to understand what climate change means for the United States. The recommendation also includes \$2,200,000 to continue chemical climate research important to climate modeling and atmospheric science research.

*Weather and air quality research.*—The conference agreement includes \$650,000 above the request for instrumentation and operation of state-of-the-art monitoring of nutrients and mercury speciation measurement stations and laboratories.

*Ocean, Coastal and Great Lakes research.*—The conferees encourage NOAA to conduct long-term ice cover and water level outlooks for the Great Lakes and to report on the impact of climate change on the habitats, fish and wildlife, commerce, recreational opportunities and water supply of the Great Lakes.

The conferees direct NOAA to provide a report on the potential of ocean fertilization for climate change mitigation to the House and Senate Committees on Appropriations within 60 days of enactment of this Act, and encourage NOAA to support further research, as appropriate, within funds provided.

*Laboratories and cooperative institutes.*—The conference agreement provides a total of \$26,340,000 for laboratories and cooperative institutes, of which \$4,500,000 is for the Northern Gulf Institute (NGI). The NGI is a cooperative institute that was solicited and

competitively selected by NOAA to develop regional approaches to ecosystem management and research the interface between human, watershed, coast, ocean, and atmosphere continuums. The Gulf region is a significant contributor to the Nation's economy, and NOAA's own data shows that the Gulf experiences the highest frequency of severe weather and is affected by more disasters than any other region. Therefore, the conferees expect NOAA to provide adequate base funding for this activity in future budget requests.

*National Sea Grant College Program.*—The conference agreement provides \$63,000,000, of which \$4,800,000 is for marine aquaculture research and \$2,000,000 is for aquatic invasive species research; both activities shall be coordinated by NOAA's Sea Grant office. The conferees recognize the important role the Sea Grant program plays in connecting coastal and Great Lakes communities with practical research and results, and encourage the growth of this program in future budget requests.

*Ocean exploration.*—The conference agreement funds the ocean exploration program and the national undersea research program separately, as they are two distinct authorizations in the Omnibus Public Lands Management Act (Public Law 111-11). The conferees provide \$3,000,000 in additional funding to support further ongoing operations in the Pacific and to advance exploration in the Indian Ocean.

**OCEANIC AND ATMOSPHERIC RESEARCH  
OPERATIONS, RESEARCH AND FACILITIES**

(In thousands of dollars)

	Conference Recommendation
<b>Climate Research:</b>	
Laboratories & Cooperative Institutes	54,848
Climate Data & Information	12,080
Competitive Research Program	144,199
Climate Operations	913
Regional Climate Assessments	9,000
Total, Climate Research	<u>221,040</u>
<b>Weather &amp; Air Quality Research Programs:</b>	
Laboratories & Cooperative Institutes	55,075
U.S. Weather Research Program	5,500
Tornado Severe Storm Research/Phased Array Radar	3,972
Total, Weather & Air Quality Research	<u>64,547</u>
<b>Ocean, Coastal &amp; Great Lakes Research:</b>	
Laboratories & Cooperative Institutes	21,840
National Sea Grant College Program	63,000
Ocean Exploration & Research	21,816
NOAA's Undersea Research Program	8,900
Total, Ocean, Coastal & Great Lakes Research	<u>115,556</u>
<b>Info Tech, R&amp;D, &amp; Science Education</b>	
High Performance Computing Initiatives	<u>13,028</u>
<b>Congressionally Directed Projects</b>	<u>24,595</u>
<b>GRAND TOTAL OAR</b>	<u>438,766</u>

**National Oceanic and Atmospheric Administration  
Operations, Research and Facilities  
Office of Oceanic and Atmospheric Research  
Congressionally-designated Items  
(\$ in thousands)**

Recipient	Project	Amount
Appalachian Mountain Club, Boston, MA	Climate Change and Air Pollutant Impacts to New Englands Rare Alpine Zone	350
Bowling Green State University, Bowling Green, OH	Monitoring of Lake Erie Water Quality with Remote Sensing	500
Eastern Michigan University, Ypsilanti, MI	Hyperspectral Remote Sensing and Science-Based Management of Invasive Species in the Detroit River International Wildlife Refuge	500
Embry-Riddle Aeronautical University, Daytona Beach, FL	Aviation and Hurricane Research Utilizing Unmanned Aerial Systems	300
Florida International University, Miami, FL	Observing, Modeling, and Visualizing Storm Surge Inundation	100
Florida State University, Tallahassee, FL	Center for the Study of Vapor Mercury in the Atmosphere	500
Idaho State University, Pocatello, ID	Boise Center Aerospace Laboratory Watershed Modeling Utilizing LiDAR	500
Mississippi State University, Starkville, MS	NOAA Northern Gulf Institute	4,500
Plymouth State University, Plymouth, NH	New England Weather Technology and Research Initiative	250
Redstone Arsenal, Huntsville, AL	Redstone UAS Development for Weather and Atmospheric Research	300
State University of New York, College of Environmental Science and Forestry, Syracuse, NY	Carbon Sequestration and Climate Change Models for NY State Forests	100
University of Maryland Baltimore County (UMBC); University of Maryland Center for Environmental Science (UMCES), Solomons and Baltimore, MD	Integrating Climate Change into the Restoration of the Chesapeake Bay and Watershed	3,000
University of Maryland, College Park, MD	Development of Earth System Information Delivery and Assessment	150
University of Massachusetts-Amherst, Amherst, MA	Climate System Research Center	495
University of Mississippi, Oxford, MS	National Institute for Undersea Science and Technology	5,000
University of Mississippi, Oxford, MS	National Sea Grant Law Center	750
University of New Hampshire, Durham, NH	AIRMAP at University of New Hampshire	500
University of Oklahoma, Norman, OK	National Weather Radar Testbed Phased Array Radar	2,000
University of Southern Mississippi, Hattiesburg, MS	Marine Aquaculture Lab Operations	3,700
University of Tennessee Space Institute, Tullahoma, TN	Atmospheric Science Research	1,000
University of Toledo, Toledo, OH	Lake Erie Hydrological & Climate Modeling	100

*National Weather Service (NWS).*—The conference agreement provides \$892,118,000 for National Weather Service operations, research and facilities. This includes the requested increase of \$10,000,000 to accelerate significantly the improvement of hurricane track and intensity forecasts and fully funds the request for the Center for Weather and Climate Prediction operations.

*Aviation weather.*—The conferees are concerned about the plans under consideration by the Federal Aviation Administration (FAA) and the NWS to restructure the way aviation weather services are provided at en route centers that require the consolidation of weather service offices. GAO's September 2009 report on this issue recommended that the Departments of Commerce and Transportation document baseline performance for several measures and take steps to address the significant challenges that FAA and NWS face to improve the current aviation weather structure. The conferees direct NWS to report to the House and Senate Committees on Appropriations within 60 days of enactment of this Act on steps taken to implement GAO's recommendations and the consequences, if any, of plans to restructure aviation weather services.

*National Centers for Environmental Prediction (NCEP).*—The conferees encourage NCEP to continue to improve the performance of its computer modeling for weather, climate, hydrological and ocean prediction to ensure U.S. forecasting capabilities lead the world. The conferees encourage NCEP to draw fully upon the resources of the U.S. academic community to better implement

emerging scientific and technological advances.

*National mesonet program.*—The conference agreement provides \$19,000,000 for continuation and expansion of the national mesonet program. Funds shall be allocated as follows: (1) \$8,000,000 to maintain data procurements from existing surface in situ mesonet observations, including those observations added as a result of the fiscal year 2009 expansion of the national mesonet program; (2) \$5,500,000 for competitive expansion of the national mesonet program to include integration of additional surface in situ observational data from existing networks, with 75 percent of the funds for data acquisition from urban and 25 percent for non-urban (rural, mountainous, and coastal) areas; (3) \$500,000 for the national mesonet program office for program oversight and data utilization initiatives; (4) \$3,500,000 for the continued development and expansion of the Mobile Platform Environment (MoPED) System pilot program to ensure that mobile platform environmental data is available to support efforts of the NWS and Meteorological Assimilation Data Ingest System (MADIS); and (5) \$1,000,000 for data validation tools for quality control and network monitoring and reliability, with up to \$500,000 of these funds for MADIS expansion. The conferees expect NOAA to include in its fiscal year 2011 budget a robust and expanded national mesonet program, as called for by the National Research Council. Further, the conferees note that NOAA was required to submit a plan 90 days after enactment of the fiscal year 2009 Omnibus Appropriations Act on implementa-

tion of the national mesonet program, a deadline with which the agency has not complied. The conferees expect this plan to be submitted within 30 days of the enactment of this Act.

*National Weather Service.*—The conferees direct that NOAA contract with the National Academy of Sciences to conduct an assessment of the now completed NWS modernization. During the 1980's and 1990's NOAA launched a major program to modernize the NWS, investing \$5,000,000,000 to modernize NWS technologies to advance weather forecasting. However, a complete assessment of the entire end-to-end NWS modernization enterprise has not been completed. The conferees require a report that not only addresses the past modernization, but also focuses on lessons learned to support future improvements to NWS capabilities. The report shall address high-impact weather and new science and technologies that allow for even better forecasts; the integration of new technologies and better models into NWS operations; and improving current partnerships with private industry, academia and other governmental agencies.

*Williston radar.*—The conferees remain concerned about the ability of the NWS to forecast weather adequately, especially snow events, without the Williston radar. NOAA is directed to continue operations and staffing at the Williston Radar Station until independent research substantiates that any other radars in the forecast area can provide coverage for all light and heavy weather activity in the region.

**NATIONAL WEATHER SERVICE  
OPERATIONS, RESEARCH, AND FACILITIES**

(In thousands of dollars)

	Conference Recommendation
Observations, Forecasts, and Communications:	
Local Warnings and Forecasts:	
Local Warnings and Forecasts Base	617,842
Air Quality Forecasting	5,445
Alaska Data Buoys	1,683
Sustain Cooperative Observer Network	1,871
National Mesonet Network	19,000
NOAA Profiler Network	4,756
Pacific Island Compact	3,515
Strengthen U.S. Tsunami Warning Network	23,264
Subtotal, Local Warnings and Forecasts	<u>677,376</u>
Operations and Research:	
Advanced Hydrological Prediction Services	6,037
Aviation Weather	11,363
WFO Maintenance	7,316
Central Forecast Guidance	79,525
Subtotal, Operations and Research	<u>104,241</u>
Total, Observations, Forecasts, and Communications	<u><u>781,617</u></u>
Systems Operation & Maintenance:	
NEXRAD	46,121
ASOS	11,000
Weather Radio Transmitters and Communications	2,297
AWIPS	39,346
NWSTG Backup - CIP	5,512
Total, Systems Operation & Maintenance	<u><u>104,276</u></u>
Congressionally Directed Projects	<u><u>6,225</u></u>
GRAND TOTAL NWS	892,118

**National Oceanic and Atmospheric Administration**  
**Operations, Research and Facilities**  
**National Weather Service**  
**Congressionally-designated Items**  
**(\$ in thousands)**

<b>Recipient</b>	<b>Project</b>	<b>Amount</b>
City of Hardy, Hardy, AR	Upper Spring River Flood Warning System	125
Delaware River Basin Commission, West Trenton, NJ	Delaware River Enhanced Flood Warning System	200
Jackson State University, Jackson, MS	Regional Ensembling System for Atmospheric Dispersion Forecasting	1,000
Susquehanna River Basin Commission, Harrisburg, PA	Susquehanna Flood Forecast and Warning System	2,400
University of Hawaii and University of Mississippi, Honolulu, HI	Remote Infrasonic Monitoring of Natural Hazards	2,000
University of Miami, Miami, FL	Joint Center for Hurricane Research	500



*National Environmental Satellite, Data and Information Service (NESDIS).*—The conference agreement provides \$199,165,000 for NESDIS operations, research and facilities.

*Data centers and information services.*—The conference agreement provides \$67,255,000. This level includes \$10,000,000 for climate data records (CDRs) to ensure the availability of authoritative climate reference

data upon which to base investments and strategic plans; and additional funding for environmental data archiving, access and assessment activities.

*Regional climate centers (RCCs).*—The conference agreement provides a total of \$4,350,000 for RCCs.

*Scatterometer.*—The conferees direct NOAA, together with NASA which is similarly di-

rected, to continue co-funding joint studies within available funds that should lead to a fiscal year 2011 request to build and fly an operational scatterometer providing sea surface vector wind measurements. NOAA should aggressively pursue negotiations to secure a flight opportunity for this instrument that is both reliable and timely.

**NATIONAL ENVIRONMENTAL SATELLITE, DATA &  
INFORMATION SERVICE  
OPERATIONS, RESEARCH, AND FACILITIES**  
(In thousands of dollars)

	Conference Recommendation
Environmental Satellite Observing Systems:	
Satellite Command and Control Base	39,562
NSOF Operations	7,810
Product Processing and Distribution	32,698
Product Development, Readiness & Application	20,671
Ocean Remote Sensing	3,979
Joint Center/Accelerate Use of Satellites	3,320
Commercial Remote Sensing Licensing & Enforcement	1,301
Office of Space Commercialization	649
Group on Earth Observations (GEO)	500
Total, Environmental Satellite Observing Systems	<u>110,490</u>
Data Centers & Information Services:	
Climate Data Records and Archive, Access & Assessment	67,255
Coastal Data Development	4,559
Regional Climate Centers	3,500
Environmental Data Systems Modernization	9,511
Total, NOAA's Data Centers & Information Services	<u>84,825</u>
Congressionally Directed Projects	<u>3,850</u>
GRAND TOTAL NESDIS	199,165

**National Oceanic and Atmospheric Administration  
Operations, Research and Facilities  
National Environmental Satellite Data and Information Service  
Congressionally-designated Items  
(\$ in thousands)**

<b>Recipient</b>	<b>Project</b>	<b>Amount</b>
NOAA/Satellite, Honolulu, HI	Integrated Data and Environmental Applications (IDEA) Center	3,000
Southern Regional Climate Center, Baton Rouge, LA	NOAA Regional Climate Center program	850

*Program support (PS).*—The conference agreement provides \$455,970,000 for PS operations, research and facilities.

*IT security.*—The conference agreement provides \$7,000,000 for NOAA's new cyber security and email communications system. This system is needed to reduce NOAA's high vulnerability to cyber threat and to ensure that NOAA's observing and modeling systems provide high quality information for continuous public use. The conferees note that funds provided in fiscal year 2009 were diverted without notification and NOAA has not requested adequate funds for these critical efforts in the current request. The conferees direct the agency to provide a detailed spend plan for all IT expenditures within 30 days of enactment of this Act, including funds from all sources. In addition, the conferees expect that future budget requests will include descriptions of significant IT expenditures and appropriate request levels, and that NOAA will follow the reprogramming procedures outlined in section 505 of this Act, as appropriate.

*NOAA education program.*—The conferees strongly support NOAA's education programs to increase environmental and ocean literacy and the conference agreement includes \$38,523,000 to ensure a robust program. Within funding provided, \$12,000,000 is for competitive educational grants, of which \$8,000,000 is to increase the number of successful applications, and \$4,000,000 is to continue the ocean education initiative created in fiscal year 2009. NOAA is also encouraged to support informal education partnership efforts to use new online broadband and dig-

ital media technologies to improve STEM education related to weather, climate, the Great Lakes and the ocean.

*GLOBE.*—The conference agreement provides \$3,000,000 for the GLOBE Program. The conferees recognize NOAA's past role in GLOBE and direct NOAA to support the OSTP review of the program and to work cooperatively with NASA and NSF on this interagency program.

*Marine operations.*—The conference agreement provides \$120,125,000, which includes \$2,500,000 for purchase and installation of an integrated vessel electronics bridge system for any ships or boats within NOAA.

*Justification improvement.*—The conferees direct NOAA to work with the House and Senate Committees on Appropriations to reformat its justification into a more useable and user-friendly document, starting with the fiscal year 2011 submission. The conferees note the lack of funding transparency, justification for base programs, and other cross-cutting information, including the lack of personnel costs.

*GAO report on management and administration costs.*—The conferees note NOAA's inability to identify the costs of administering NOAA's programs and direct GAO to identify salaries and expenses within each line item of the NOAA budget and explain how agency, line office, and program management and administration costs are financed. The conferees expect that the report be completed within one year and that a preliminary report be prepared and presented to the House and Senate Committees on Appropriations by May 3, 2010.

*Research and development (R&D) tracking and outcomes.*—The conferees continue their direction that NOAA track the division of R&D funds between intramural and extramural research, and assure consistency and clarity in the collection and reporting of data. NOAA is directed to clearly state its expected research outcomes and available funding in order to provide transparency into the competitive grant process for extramural researchers. The conferees further direct NOAA to increase extramural research funding in future requests to build broad community support and leverage external funding for mission-oriented research.

*Laboratories and cooperative institutes.*—Within 60 days of enactment of this Act, NOAA is directed to provide the House and Senate Committees on Appropriations a report detailing the status of existing and expected regional cooperative institutes including current and planned funding and activities on a program by program basis. This report should make clear the programmatic origin of existing funding and contain an explanation of how NOAA expects to use these institutes in the future.

*Commercial satellites.*—The conferees direct NOAA to report to the House and Senate Committees on Appropriations within 60 days of enactment of this Act on how the agency could benefit from acquiring space-based scientific data from commercial sources over the next three years, its plans to obtain such data, and an analysis of expected availability.

**PROGRAM SUPPORT OPERATIONS, RESEARCH, AND FACILITIES**

(In thousands of dollars)

	Conference Recommendation
Corporate Services:	
Under Secretary and Associate Offices Base	28,438
Facilities	30,346
NOAA Wide Corporate Services & Agency Management	115,561
Commerce Business System	10,171
IT Security	9,089
DOC Working Capital Fund	41,944
Total, Corporate Services	<u>235,549</u>
NOAA Education Program:	
Education Program / Initiative	2,000
Competitive Educational Grants	12,000
Educational Partnership Program/Minority Serving Institutions (EPPMSI)	14,323
GLOBE	3,000
BWET Regional Programs	7,200
Total, NOAA Education Program	<u>38,523</u>
Marine Operations & Maintenance:	
Marine Services	120,125
Fleet Planning and Maintenance	17,034
Aviation Services	29,509
Total, Marine Operations & Maintenance	<u>166,668</u>
Congressionally Directed Projects	<u>15,230</u>
GRAND TOTAL PS	455,970

**National Oceanic and Atmospheric Administration  
Operations, Research and Facilities  
Program Support  
Congressionally-designated Items  
(\$ in thousands)**

<b>Recipient</b>	<b>Project</b>	<b>Amount</b>
Blue Guardians, Philadelphia, PA	Coastal Environmental Education Outreach	500
Chesapeake Bay Environmental Center, Grasonville, MD	Chesapeake Bay Environmental Center	250
Great Lakes Science Center, Cleveland, OH	Great Lakes Water Project	250
JASON Project, Ashburn, VA	Science education through exploration	8,300
NOAA Chesapeake Bay Office, Annapolis, MD	Chesapeake Bay Interpretive Buoy System	500
NOAA Office of Education, Monterey, CA	California Bay Watershed Education and Training Program (B-WET)	2,500
NOAA Office of Education, Silver Spring, MD	Marine Education Program in Hawaii	1,750
San Jose State University, San Jose, CA	Training the Next Generation Weather Forecasters	180
Save the Bay, Providence, RI	Marine Education Program	1,000

## PROCUREMENT, ACQUISITION AND CONSTRUCTION

The conference agreement includes a total program level of \$1,360,353,000 in direct obligations under this heading, of which \$1,358,353,000 is appropriated from the general fund and \$2,000,000 is derived from recoveries of prior year obligations.

The bill includes language making any deviation from amounts designated for specific activities in this report, or any use of deobligated balances of funds provided under this heading in previous years subject to the reprogramming procedures set forth in section 505.

*National Ocean Service (NOS).*—The recommendation includes \$36,890,000 for NOS acquisition and construction. This includes \$5,000,000 above the request for the coastal and estuarine land conservation (CELCP) program. As a result of the Omnibus Public Lands Act, no less than 15 percent of CELCP funds shall be available for acquisitions benefiting National Estuarine Research Reserves System (NERRS). The conference agreement funds the NERRS Acquisition and Construction account at the request of \$3,890,000, which provides a total of \$6,890,000 for NERRS.

*Great Lakes restoration initiative.*—The conferees understand that NOAA is expected to receive funding through the Environmental Protection Agency for the Great Lakes Restoration Initiative, including funds for land conservation projects. The conferees expect that this external funding will supplement, not replace, funding provided in this Act for CELCP projects, and the existence of this additional funding source shall not affect NOAA's consideration of proposals under the CELCP program.

*National Environmental Satellite, Data and Information Service (NESDIS).*—The recommendation includes \$1,199,357,000 for NESDIS acquisition and construction. The conference agreement reduces the total funding provided for satellite acquisition and construction in recognition of reduced requirements for GOES-R resulting from delays in awarding the ground system contract.

*National Polar-orbiting Operational Environmental Satellite System (NPOESS).*—The conferees are concerned that NPOESS' management structure, potential growth in the pro-

jected life-cycle cost of more than \$15,000,000,000, and repeated schedule delays portend an unacceptably high risk of weather and climate satellite observation gaps. Recognizing that this satellite program is critical to forecasting the Nation's weather, the conferees' recommendation fully funds the NPOESS budget request for 2010 based on current information. However, the budget request does not reflect the true need and the program's long-term projections for success remain in doubt. In fact, to date this experiment in combining disparate elements has been a horrendous and costly failure.

A recent independent review team tasked with assessing all aspects of the program found many overarching flaws, ultimately determining that NPOESS is a program with a low probability of success. A June 2009 GAO report found that the NPOESS Executive Committee responsible for overseeing the program lacks the membership and leadership needed to effectively and efficiently oversee and direct the program. The conferees note that this situation has been developing for some time and is the result of a dysfunctional tri-agency management approach.

Yet decisions made now—including delays or postponements of decisions—have long-term consequences for both the sustained robustness of the operational observing system and for the Nation's industrial capacity. Nothing short of an immediate and out-of-the-box solution will do. The program needs a cooperative solution that will take advantage of the strengths of the three agencies involved, sustain the integrated operations of the various satellites, and should not be based on financial projections that have proven to be consistently and abysmally unreliable.

NOAA is encouraged to request appropriate contingency funding to avoid delays and additional management and industrial policy challenges when programmatic funding is diverted to solve an imminent crisis. In addition, NOAA is encouraged to request funding for and to develop back up capabilities to ensure continuity of climatological observations. Accordingly, the conference agreement removes the 50/50 NOAA/DoD funding split requirement to allow for more creative funding decisions to avert the critical cli-

mate and weather gaps that are sure to occur if a management solution is not identified soon.

Changes to the overall management structure are also needed to bring the program back in line, which includes modifying existing relationships between NOAA, the Department of Defense, and the contractor and enlisting more help from an agency with real space acquisition experience, such as NASA. Furthermore, a clear line of authority embodied in a project manager with the ability to make timely and cost effective decisions and avoid further delays is crucial.

Finally, the conferees direct NESDIS to employ NASA cost analysis capabilities, and in consultation with the Office of the Secretary of Defense (OSD), Cost Analysis Improvement Group (CAIG), to perform an independent cost analysis of all programmatic and acquisition alternatives at the 80 percent confidence level, and to include management structure change options. The conferees direct NOAA to report these findings and recommendations to the House and Senate Committees on Appropriations along with all appropriate congressional oversight committees no later than January 4, 2010.

*Comprehensive large array stewardship system (CLASS).*—The conference agreement includes \$18,476,000 for CLASS. Of these funds, \$5,500,000 is for maintenance, operations, and implementation of enhancements from development activity, and \$12,976,000 is for contracted development, with project administration and oversight to be at NOAA's National Climatic Data Center.

*NOAA Cooperative Institute and Research Center for Southeast Weather and Hydrology.*—The conference agreement provides \$14,000,000 for the continued construction of a research facility and weather related instrumentation and equipment to address the impact of severe weather in the Southeast.

The conference agreement provides funding for congressionally-designated activities listed within the obligation table for the PAC appropriation and directs NOAA to refrain from charging administrative costs to these grants. The conferees expect that NOAA will provide appropriate management and oversight of each grant.



**PROCUREMENT, ACQUISITION AND CONSTRUCTION**

(In thousands of dollars)

	Conference Recommendation
National Ocean Service:	
Coastal and Estuarine Land Protection Program	20,000
National Estuarine Research Reserve Construction & Land Acquisition	3,890
Marine Sanctuaries Construction/Acquisition	13,000
Total, National Ocean Service - PAC	<u>36,890</u>
Oceanic and Atmospheric Research:	
Research Supercomputing/CCRI	10,379
Total, Oceanic and Atmospheric Research - PAC	<u>10,379</u>
National Weather Service:	
Systems Acquisition:	
ASOS	1,635
AWIPS	24,000
NEXRAD	7,976
NWSTG Legacy Replacement	1,195
Radiosonde Network Replacement	4,014
Weather and Climate Supercomputing	29,169
Cooperative Observer Network Modernization (NERON)	3,734
Complete and Sustain NOAA Weather Radio	11,000
NOAA Profiler Network	7,500
Subtotal, NWS Systems Acquisition	<u>90,223</u>
Construction:	
WFO Construction	3,504
Subtotal, NWS Construction	<u>3,504</u>
Total, National Weather Service - PAC	<u>93,727</u>
NESDIS:	
Systems Acquisition & Construction:	
Geostationary Systems - N	57,601
Geostationary Systems - R	667,500
Polar Orbiting Systems - POES	43,135
Polar Orbiting Systems - NPOESS	382,200
Jason - 3	20,000
EOS & Advanced Polar Data Processing, Distribution & Archiving Systems	990
CIP - single point of failure	2,772
Comprehensive Large Array Data Stewardship System (CLASS)	18,476
NPOESS Preparatory Data Exploration	4,455
Satellite CDA Facility	2,228
Total, NESDIS - PAC	<u>1,199,357</u>
Program Support:	
OMAO Fleet Replacement:	
Temporary Berthing for HENRY B. BIGELOW	1,000
Ship Acquisition, Conversion & Maintenance	1,000
Total, Program Support - PAC	<u>2,000</u>
Congressionally Directed Projects	<u>18,000</u>
GRAND TOTAL PAC	1,360,353

**National Oceanic and Atmospheric Administration  
Operations, Research and Facilities  
Procurement, Acquisition and Construction  
Congressionally-designated Items  
(\$ in thousands)**

<b>Recipient</b>	<b>Project</b>	<b>Amount</b>
Great Bay Resource Protection Partnership, Portsmouth, NH	Great Bay Land Acquisition	3,000
Thunder Bay, Alpena, MI	Thunder Bay National Marine Sanctuary - Phase II	1,000
University of Alabama, Tuscaloosa, AL	Cooperative Institute and Research Center for Southeast Weather and Hydrology	14,000

## PACIFIC COASTAL SALMON RECOVERY

The conference agreement includes \$80,000,000 for Pacific Coastal Salmon Recovery.

COASTAL ZONE MANAGEMENT FUND  
(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes language transferring not to exceed \$3,000,000 from the Coastal Zone Management Fund to the "Operations, Research, and Facilities Account."

## FISHERIES FINANCE PROGRAM ACCOUNT

The conference agreement includes language under this heading limiting obligations of direct loans to \$16,000,000 for Individual Fishing Quota loans.

DEPARTMENTAL MANAGEMENT  
SALARIES AND EXPENSES

The conference agreement provides \$58,000,000 for Departmental Management.

*Climate change.*—The conferees are concerned that local and regional governments and the private sector of the United States make wise and timely investments to adapt to climate changes that will occur based on continuing growth in the amounts of atmospheric greenhouse gases. The conferees direct the Secretary of Commerce to develop a plan for how the needs of the private sector and local and State governments, as users of specific and tailored climate forecasts, will be addressed by new investments in climate services funded in this Act, and how a National Climate Service could incorporate the needs for such forecasts, if established. This plan is to be reported to the House and Senate Committees on Appropriations by April 1, 2010.

*Minority serving institutions digital and wireless opportunity program.*—Not later than 60 days after enactment of this Act, the Secretary of Commerce shall submit to the House and Senate Committees on Appropriations a report describing the Department's plans to support and assist minority serving institutions (MSI) in improving their instrumentation, connectivity, hardware and software for instructional and research purposes as contemplated by the amendments to the Stevenson-Wylder Technology Innovation Act of 1980. The conferees also encourage the Secretary to work with the MSI national stakeholder organizations in developing such strategies.

*Justification improvement.*—The conferees direct the Department to work with the House and Senate Committees on Appropriations to reformat all Commerce justifications into more useable and user-friendly documents, starting with the fiscal year 2011 submission.

*Departmental oversight.*—The conferees direct the Department to develop oversight capacity of the USPTO, and to track fee collections and other pertinent policy and economic impacts, to avoid budgetary shortfalls, and ensure that the Department and the House and Senate Committees on Appropriations are fully informed on funding issues.

## HERBERT C. HOOVER BUILDING RENOVATION AND MODERNIZATION

The conference agreement provides \$22,500,000 for continued renovation of the Herbert C. Hoover Building.

## OFFICE OF INSPECTOR GENERAL

The conference agreement provides \$27,000,000 for the Office of Inspector General (OIG) for fiscal year 2010. Within funds provided, the Office of Inspector General shall continue to conduct audits and oversight of the USPTO.

## GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

The conference agreement includes the following general provisions for the Department of Commerce:

Section 101 makes funds available for advanced payments only upon certification of officials designated by the Secretary that such payments are considered to be in the public interest.

Section 102 makes appropriations for the Department for salaries and expenses available for hire of passenger motor vehicles, for services, and for uniforms and allowances as authorized by law.

Section 103 provides the authority to transfer funds between Department of Commerce appropriation accounts and requires notification to the House and Senate Committees on Appropriations of certain actions.

Section 104 provides that any costs incurred by the Department in response to funding reductions shall be absorbed within the total budgetary resources available to the Department and shall be subject to the reprogramming limitations set forth in this Act.

Section 105 extends Congressional notification requirements for the GOES-R satellite program.

Section 106 provides for the reimbursement for services within Department of Commerce buildings.

Section 107 provides authority for Secretary of Commerce to negotiate or re-evaluate international agreements related to fisheries, marine mammals, or sea turtles.

Section 108 extends the authority of the Emergency Steel Loan Guarantee Program for two years.

Section 109 clarifies that grant recipients under the Department of Commerce may continue to deter child pornography, copyright infringement, or any other unlawful activity over their networks.

Section 110 provides the Administrator with the authority to avail NOAA of needed resources, with the consent of those supplying the resources, to carry out responsibilities of any statute administered by NOAA.

## TITLE II

## DEPARTMENT OF JUSTICE

## GENERAL ADMINISTRATION

## SALARIES AND EXPENSES

The conference agreement provides \$118,488,000 for General Administration, Salaries and Expenses.

*Post-Guantanamo activities.*—The conference agreement does not include the \$60,000,000 requested for the anticipated costs of detaining, prosecuting and incarcerating individuals transferred from the detention facilities at Guantanamo Bay.

*Reports to the Committees on Appropriations.*—The conferees note that the Department has been delinquent in the delivery of multiple reports requested in the explanatory statement accompanying the Omnibus Appropriations Act for fiscal year 2009. These reports were requested by the Committees to provide additional information and analysis necessary for the conduct of appropriate oversight and to assist the Committees in determining funding levels for fiscal year 2010. While the presidential transition process likely played a role in these delays, the Department is still responsible for meeting congressionally-imposed deadlines.

At the suggestion of the Department, the conferees have made all reports required in this fiscal year 2010 statement due 120 days after the enactment of this Act. Because the

Department has provided assurances that a 120 day deadline is both reasonable and achievable, the conferees fully expect the Department to meet the deadline for all required reports in fiscal year 2010.

*Emerging telecommunications technologies.*—The Attorney General (AG) is directed to report to the House and Senate Committees on Appropriations within 120 days of the enactment of this Act on whether the Department has the resources needed to preserve law enforcement's electronic surveillance capabilities in the face of emerging communication technologies, such as third and fourth generation communications networks. If sufficient resources do not exist, the AG is directed to provide recommendations on the resources needed to ensure that Federal, as well as State and local, law enforcement agencies maintain the technological capabilities to conduct successful electronic surveillance.

*Reducing crime in Indian Country.*—The conferees direct the AG, in coordination with the Secretary of the Interior and State and tribal officials, to establish an interagency and tribal working group to clarify and resolve investigatory and prosecutorial jurisdiction challenges in Indian Country and to identify other challenges and needs related to tribal justice systems, including secure law enforcement information sharing systems. The working group shall develop recommendations on streamlining the Federal, State, and tribal response to criminal investigations and prosecutions, and shall submit a report containing such recommendations to the House and Senate Committees on Appropriations within 120 days of the enactment of this Act.

The group shall also report to the House and Senate Committees on Appropriations on the declination rate of crimes committed in Indian Country, the criteria used to determine when a Federal prosecution will be brought and how those criteria differ from practices used elsewhere in the United States and its territories. The report shall be submitted within 120 days of the enactment of this Act.

Further, the group shall develop protocols for Federal law enforcement agencies to notify the appropriate tribal officials of the rationale behind any decision to decline to initiate an investigation, or to terminate an investigation of an alleged violation of Federal law in Indian Country without referral for prosecution. This notification should describe the type of crime alleged, the status of the perpetrator and the status of the victim. These protocols should also ensure that United States Attorneys coordinate with tribal prosecutors in advance of prosecution deadlines mandated by the statute of limitations to permit tribal prosecutors to pursue cases, as appropriate, and define the responsibilities of Assistant United States Attorneys serving as Tribal Liaisons in order to better coordinate the prosecution of crimes on reservations.

*Reducing regulatory backlogs.*—The conferees remain concerned with the existence of significant regulatory backlogs in portions of the Department, particularly the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). While ATF and other relevant bureaus hold primary responsibility for getting their regulations drafted, reviewed and disposed of in a timely manner, the Department also plays a significant role, and lengthy delays in the Department's consideration of proposed regulations are contributing to the larger timeliness problem. The Department is directed to examine its

regulatory review process (to include processes at the relevant bureaus) and to report to the House and Senate Committees on Appropriations within 120 days of the enactment of this Act on recommended process reforms or resource investments that could shorten the total amount of time needed to draft and complete consideration of new regulations.

**Combating Gangs.**—The 2009 National Gang Threat Assessment produced by the Department indicates that gangs pose a serious threat to public safety in many communities throughout the United States, and are increasingly migrating from urban to suburban areas. Gang membership has increased more than 20 percent since 2005, and gangs now total more than one million members. Gangs are involved in drug trafficking, and increasingly, in alien and weapons trafficking. A rising number of U.S. gangs are intent on developing working relationships with U.S.- and foreign-based drug trafficking organizations and other criminal organizations to gain direct access to foreign sources of illicit drugs. While the primary responsibility for combating gang crime falls on local jurisdictions, the Federal government has a critical leadership, coordination, and intelligence-sharing role to play. The conferees expect the Attorney General to make anti-gang efforts a top national law enforcement priority, and dedicate the resources necessary to reduce violent gang crime. Toward this objective, the conference agreement includes an increase of \$35,000,000 above the request for anti-gang activities of the Federal Bureau of Investigation and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

In order to strengthen anti-gang efforts, and in accordance with recent Government Accountability Office recommendations, the conferees also expect the Attorney General to direct DOJ entities to reexamine and reach consensus on their roles and responsibilities in anti-gang efforts; to develop a Department-wide strategic-level performance measure for anti-gang efforts; and to develop more complete and accurate reporting of gang-related case information by U.S. Attorney Offices. The Department shall report to the Committees within 120 days of the enactment of this Act on actions taken in response to these GAO recommendations, and presenting a comprehensive spending plan for the additional resources provided in this Act linked to Department-wide anti-gang strategic objectives.

**Office of Professional Responsibility (OPR) inquiry.**—The conferees are aware of an ongoing inquiry by OPR regarding Voting Rights Act enforcement. The conferees direct the Department to report on the findings of that inquiry, including, if applicable, any recommendations for action, at the conclusion of the inquiry.

**Preventing contraband cell phone use in prisons.**—The conferees include a directive under the National Telecommunications and Information Administration section of this explanatory statement requiring that agency to coordinate with the Federal Communications Commission, the Federal Bureau of Prisons (BOP) and the National Institute of Justice (NIJ) to develop a plan to investigate and evaluate how wireless jamming, detection and other technologies might be utilized for law enforcement and corrections applications in Federal and State prison facilities. The conferees expect BOP and NIJ to fully cooperate in this effort.

#### NATIONAL DRUG INTELLIGENCE CENTER

The conference agreement provides \$44,023,000 for the National Drug Intelligence Center.

#### JUSTICE INFORMATION SHARING TECHNOLOGY

The conference agreement provides \$88,285,000 for Justice Information Sharing Technology.

**Litigation Case Management System (LCMS).**—The conference agreement does not include funds for the continued deployment of LCMS. A reprogramming of funds for LCMS will be considered once the Department has completed all of the Inspector General's LCMS recommendations and submitted a report to the House and Senate Committees on Appropriations detailing the steps taken to contain cost and schedule overruns.

**Unified Financial Management System (UFMS).**—The Department is directed to submit a list of specific and detailed performance milestones for UFMS development and deployment in fiscal year 2010, including dates for planned completion. These milestones should be reported to the House and Senate Committees on Appropriations within 120 days of the enactment of this Act, and quarterly updates should be provided on the Department's progress in meeting those milestones.

**Cyber security.**—The conference agreement includes \$27,439,000 to strengthen DOJ's cyber security program. The Department is urged to exercise discretion in testing cyber security protections to ensure that all relevant players have been alerted to the timing of these tests and to minimize any potential negative impact on DOJ employees.

#### TACTICAL LAW ENFORCEMENT WIRELESS COMMUNICATIONS

The conference agreement provides \$206,143,000 for Tactical Law Enforcement Wireless Communications.

**Integrated Wireless Network (IWN).**—The conference agreement includes an increase of \$21,143,000 for the continued development and deployment of IWN in high priority regions. Consistent with direction in the explanatory statement accompanying P.L. 111-8, all funds for IWN should be spent on the modernization and improvement of land mobile radio (LMR) systems. Secure cellular or data systems and non-LMR tactical equipment must be budgeted for and requested separately.

**Performance milestone reporting.**—The Department is expected to continue submitting quarterly reports on the achievement of established performance milestones for the use of IWN funds. These reports should reflect the Department's progress toward each milestone and the extent to which those milestones are being achieved within cost, schedule and performance expectations.

**Cross-agency participation.**—While supporting the broadest possible use of IWN across law enforcement agencies, the conferees expect that other agencies using the network will assume the full costs of their own participation.

#### ADMINISTRATIVE REVIEW AND APPEALS

The conference agreement provides \$296,685,000 for Administrative Review and Appeals.

**Personnel and infrastructure increases.**—The conference agreement includes \$24,253,000 for personnel and infrastructure investments needed to efficiently process an increasing immigration adjudication caseload. Of this total, \$10,250,000 is for the eWorld document management system to improve the Executive Office of Immigration Review's (EOIR) ability to store, distribute and archive its files.

**Legal Orientation Program (LOP).**—The conference agreement includes \$6,000,000 for the continued implementation and expansion of

the LOP. EOIR is encouraged to seek alien-specific detention costs and duration of detention data from Immigration and Customs Enforcement in order to develop a more accurate estimate of the cost savings to the Federal government provided by participation in the LOP.

Within the LOP total, \$2,000,000 is provided for programs aimed at the custodians of unaccompanied alien children in order to address the custodian's responsibility for the child's appearance at all immigration proceedings and to protect the child from mistreatment, exploitation and trafficking.

**Competency standards.**—The explanatory statement accompanying P.L. 111-8 urged EOIR to work with experts and interested parties in developing standards and materials for judges to use in conducting competency evaluations of persons appearing in immigration court. EOIR is directed to report to the House and Senate Committees on Appropriations within 120 days of the enactment of this Act on the status of its efforts to develop this competency bench book. The report should also address the steps DOJ has taken to provide safeguards for the rights of aliens judged to be mentally incompetent, as required by 8 U.S.C. 1229a(b)(3).

**Fraud program.**—EOIR is urged to set written standards and criteria for use in judging potentially fraudulent evidence and testimony provided to an immigration court.

#### DETENTION TRUSTEE

The conference agreement provides \$1,438,663,000 for the Office of the Federal Detention Trustee (OFDT).

**Inadequacy of budget requests.**—The Government Accountability Office (GAO) is directed to review OFDT's methods for projecting population levels, jail day rates and other factors that are translated into the annual budget request for detention capacity. GAO should make recommendations to the House and Senate Committees on Appropriations on steps OFDT should take to develop more accurate projections of funding requirements no later than August 31, 2010.

**Population estimates.**—OFDT is directed to report to the House and Senate Committees on Appropriations on a quarterly basis the number of individuals in the detention system, the projected number of individuals and the annualized costs that are associated with them.

#### OFFICE OF INSPECTOR GENERAL

The conference agreement provides \$84,368,000 for the Office of Inspector General (OIG).

**Grants management.**—Within funds provided for audit and oversight of grant programs, OIG is urged to include a focus on financial management issues at the Office of Justice Programs (OJP) and OJP's ability to track the disbursement of its appropriations by activity.

#### UNITED STATES PAROLE COMMISSION

##### SALARIES AND EXPENSES

The conference agreement provides \$12,859,000 for the United States Parole Commission for fiscal year 2010.

##### LEGAL ACTIVITIES

##### SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

The conference agreement provides a total of \$875,097,000 for General Legal Activities for fiscal year 2010. The funding is provided as follows:

Solicitor General .....	\$10,809,000
Tax Division .....	105,877,000
Criminal Division .....	176,861,000

Civil Division .....	287,758,000
Environment and Natural Resources .....	109,785,000
Office of Legal Counsel .....	7,665,000
Civil Rights Division .....	145,449,000
INTERPOL-USNCB .....	30,091,000
Office of Dispute Resolution .....	802,000

The conference agreement provides additional resources, as requested, for the Department's litigation divisions, for which inadequate funding has been proposed in past years. This includes additional resources for the Civil Rights Division to restore its base capacity to enforce civil rights laws; expand its capacity to prosecute and provide litigation support for human trafficking and unsolved civil rights era crimes; carry out its responsibilities associated with the civil rights of institutionalized persons and the access rights of the disabled; and enhance the enforcement of fair housing and fair lending laws. The agreement also includes \$5,300,000 within the total for Human Trafficking and Slavery Prosecution investigation and prosecution, as requested.

Within the total, not less than \$1,800,000 is for the Criminal Division to maintain positions provided in the Commerce, Justice, Science and Related Agencies Appropriations Act, 2009 (Public Law 111-8) for attorneys, analysts, and support personnel for the investigation and prosecution of suspected human rights violators from foreign countries who have found safe haven in the United States.

*U.S. National Central Bureau.*—A September 2009 report from the Department of Justice Office of Inspector General identified a number of weaknesses in the U.S. National Central Bureau's (USNCB) processes and systems for collecting and disseminating international criminal information. The Department is directed to address the OIG's recommendations as soon as possible and to submit a report to the House and Senate Committees on Appropriations, within 120 days of enactment of this Act, regarding the status of its efforts.

#### VACCINE INJURY COMPENSATION TRUST FUND

The conference agreement provides \$7,833,000 for the Vaccine Injury Compensation Trust Fund for fiscal year 2010.

#### SALARIES AND EXPENSES, ANTITRUST DIVISION

The conference agreement provides \$163,170,000 in budget authority for the Antitrust Division for fiscal year 2010. This appropriation is offset by \$102,000,000 in premerger filing fee collections, resulting in a direct appropriation of \$61,170,000.

#### SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

The conference agreement provides \$1,934,003,000 for the salaries and expenses of United States Attorneys (USA) for fiscal year 2010. The USAs are directed to focus their efforts on those crimes for which the unique resources, expertise, or jurisdiction of the Federal government can be most effective, and to use the resources provided by the conference agreement to address their highest priorities.

*Pro-IP Act.*—Within the total amount provided, the conference agreement includes an additional \$2,000,000 above the request for activities authorized under section 402 of the Prioritizing Resources and Organization for Intellectual Property Act of 2008 (Public Law 110-403).

*Child exploitation investigations and prosecutions.*—Within the total, the conference agreement provides not less than \$36,980,000

for continued investigations and prosecutions of offenses related to the sexual exploitation of children, as authorized by the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248).

*Southwest border enforcement.*—Within the funds provided, the agreement includes the requested programmatic increase of \$8,127,000 and 75 positions to strengthen prosecutions of criminal enterprises, including human, drug, and weapon smuggling, along the southwest border.

*Combating financial fraud.*—Within the funds provided, the agreement includes the programmatic request of \$7,500,000 and 43 positions to enhance efforts in the areas of mortgage fraud, bankruptcy, affirmative civil enforcement, and white collar crime.

*Prosecution of serious crimes in Indian Country.*—Within the funds provided, an additional \$6,000,000 above the request is provided for the EOUSA to increase the rate of prosecutions of serious crime in Indian Country.

*Terrorist recruitment.*—The U.S. Attorney for the District of Minnesota is urged to continue efforts to help the Somali-American community in Minnesota prevent the recruitment of young Somali-American men by terrorist groups to fight in the Somali civil war.

*Human trafficking.*—The conferees direct the Executive Office of the United States Attorneys to designate a point of contact in each USA office to serve as the coordinator for all activities within that office concerning human trafficking and slavery matters covered by the Trafficking Victims Protection Act. Designating a point of contact will improve communication and coordination within each jurisdiction, including with victim services organizations, in order to better serve the victims of human trafficking and slavery.

#### UNITED STATES TRUSTEE SYSTEM FUND

The conference agreement provides budget authority of \$219,250,000 for the United States Trustee System Fund in fiscal year 2010. The reduction of \$5,238,000 from the budget request is due to a carryover into fiscal year 2010 of prior year funds. The appropriation is offset by \$210,000,000 in offsetting fee collections and \$5,000,000 derived from interest on investments in U.S. securities, resulting in a direct appropriation of \$4,250,000.

#### SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

The conference agreement provides \$2,117,000 for the Foreign Claims Settlement Commission in fiscal year 2010.

#### FEES AND EXPENSES OF WITNESSES

The conference agreement provides \$168,300,000 for Fees and Expenses of Witnesses.

#### SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

The conference agreement provides \$11,479,000 for the Community Relations Service in fiscal year 2010. As authorized by the Emmett Till Unsolved Civil Rights Crime Act (Public Law 110-344), the conferees direct the Community Relations Service to partner with law enforcement agencies and communities to help resolve conflicts resulting from the investigation of unsolved civil rights era cases.

#### ASSETS FORFEITURE FUND

The conference agreement provides \$20,990,000 for the Assets Forfeiture Fund.

#### UNITED STATES MARSHALS SERVICE SALARIES AND EXPENSES

The conference agreement provides \$1,125,763,000 for the United States Marshals Service (USMS), Salaries and Expenses.

*Sex offender apprehension.*—The conference agreement includes an increase of \$27,500,000 over the budget request to expand Adam Walsh Act enforcement activities in districts across the country. This funding will also help establish the National Sex Offender Targeting Center, improve the agency's information technology backbone and reinforce the agency's infrastructure so that Deputy Marshals have timely, accurate information to track down and arrest fugitive sex offenders.

*Immigration enforcement.*—The conference agreement includes significant new resources to address the enormous workload generated by increased enforcement activity in other agencies and bureaus. The conferees hope that this investment will at least partially alleviate the pressure on other Marshals programs, such as fugitive apprehension, now that more dedicated personnel will be available to handle the immigration-related caseload.

*Fugitive Task Forces.*—The conferees support the Marshals Service's Regional Fugitive Task Forces (RFTFs) and District Task Forces programs. The conferees direct the Marshals Service, within funds provided, to dedicate at least \$20,000,000 to the enhancement of existing task forces and the establishment of new task force capabilities in areas of the United States not currently served by regional or district task forces.

*Staff sexual abuse.*—The conferees are concerned with the findings of the Inspector General that the USMS does not have a program addressing staff sexual abuse in cell block and transportation operations. The conferees expect the Marshals to implement the recommendations of the Inspector General expeditiously.

#### CONSTRUCTION

The conference agreement provides \$26,625,000 for USMS construction. Included in this total is \$12,625,000 that has been previously provided under the Salaries and Expenses heading. These funds should be applied to the highest priority renovation projects identified by the Marshals.

#### NATIONAL SECURITY DIVISION SALARIES AND EXPENSES

The conference agreement provides \$87,938,000 for the National Security Division (NSD).

*National Security Reviews.*—NSD is directed to give immediate notice to the House and Senate Committees on Appropriations of any deviations from the current plan to perform 20 National Security Reviews in fiscal year 2010.

#### INTERAGENCY LAW ENFORCEMENT

*INTERAGENCY CRIME AND DRUG ENFORCEMENT*  
The conference agreement provides \$528,569,000 for the Organized Crime and Drug Enforcement Task Forces.

#### FEDERAL BUREAU OF INVESTIGATION SALARIES AND EXPENSES

The conference agreement provides \$7,658,622,000 for the Federal Bureau of Investigation (FBI), Salaries and Expenses.

*Materials submitted in support of the budget.*—The FBI is directed to submit all future budget requests with a listing of enhancement proposals in priority order so that the relative importance of each new initiative can be weighed. A prioritization of enhancements within each end-state capability or grouped into tiers will not be sufficient to meet this requirement.

The request also needs to include more quantifiable descriptions of the end-state capabilities. The conferees understand that the

Bureau is currently working to develop more discrete and quantifiable end states. When this exercise is complete, the newly refined end state capabilities should be included in justification materials, along with a description of how each new initiative will advance the Bureau toward the achievement of an end state.

Finally, for the fiscal year 2011 process and all future requests, the FBI is directed to submit its classified addendum concurrently with its unclassified budget justification.

**Hiring challenges.**—In order to improve oversight of the FBI's hiring program, the FBI is directed to provide immediately to the House and Senate Committees on Appropriations a hiring plan for direct-funded positions in fiscal year 2010. This plan should show on-board start of year staffing, anticipated attrition, planned enhancement hiring, planned vacancy hiring and expected end of year vacancies. This data should be supplemented by quarterly reports showing the number of direct-funded hires and separations in that quarter, as well as a cumulative running total of each.

**Hollow positions.**—The FBI is directed to prioritize the filling of its 450 existing hollow positions prior to seeking additional new positions in any future budget request. In addition, the FBI is directed to notify the House and Senate Committees on Appropriations prior to taking any action that would divert salary funds away from the positions for which they were appropriated, either for temporary uses (e.g., equipment purchases) or ongoing needs (e.g., pay raise absorption).

**White collar crime.**—The conference agreement provides \$75,158,000, including an increase of \$25,491,000 and 50 new agents, for mortgage fraud and other economic recovery investigations.

**Civil rights enforcement.**—The conference agreement provides \$54,315,000, including an increase of \$8,000,000 over the base, for civil rights enforcement. The conferees expect these funds to be used for investigations of human trafficking, hate crimes and cases pursued under the Emmett Till Unsolved Civil Rights Crimes Act.

**Intellectual property enforcement.**—The conference agreement includes an increase of \$8,000,000 over the base for new agents to investigate intellectual property (IP) cases as authorized under section 402 of the PRO-IP Act (Public Law 110-403). These new agents are in addition to the IP-dedicated agents funded in Public Law 111-8 and identified in the Department's 2009 spend plan. The Department is directed to provide to the House and Senate Committees on Appropriations an expenditure analysis of these congressional augmentations to ensure that these agents are solely investigating and supporting the criminal prosecution of violations of those Federal intellectual property laws cited in the statement accompanying Public Law 111-8. The report shall provide an accounting of the agents placed in specific field offices with Computer Hacking and Intellectual Property units and the types of intellectual property investigations pursued by these agents. This report shall be submitted no later than 120 days after the enactment of this Act.

**Gangs and violent crime.**—The conference agreement includes an increase of \$25,000,000 over the base to expand the FBI's ability to confront gangs and violent crime in U.S. communities and in Indian Country through the Safe Streets and Safe Trails task force programs. The conferees expect this increased funding to be used to expand the resources of existing task forces, and to sup-

port the creation of at least three new task forces.

FBI statistics indicate that as much as 80 percent of crime in many communities is committed by criminal gangs and nearly 58 percent of State and local law enforcement agencies report that criminal gangs are active within their jurisdiction. The conferees expect the Bureau to develop an aggressive, comprehensive and unyielding anti-gang program comparable to the successful effort against organized crime in the U.S. forty years ago. Within 120 days of the enactment of this Act, the FBI shall submit a comprehensive report to the Committees on the overall strategy, funding, personnel, and activities of the Bureau's anti-gang program, including the MS-13 National Gang Task Force and the Safe Streets and Safe Trails task force programs, and the spending plans for additional resources provided in this Act.

**Records management.**—The conference agreement includes requested funding to continue records indexing and other preparations to make FBI's case and administrative files universally searchable and accessible, and to ensure that they are useful intelligence and investigative tools.

**Overseas Contingency Operations.**—The conference agreement includes \$101,066,000, as requested, for the annualization of FBI's terrorism supplemental funds.

**Next Generation Identification (NGI).**—The FBI's inability to finalize program requirements and a budget and schedule baseline for NGI raises the possibility of significant budget overages and schedule delays. The FBI is directed to notify the House and Senate Committees on Appropriations prior to acceptance of any Engineering Change Proposal that will change NGI's Incremental Development Plan or the Integrated Master Schedule as they existed on April 14, 2009.

With respect to program scope, the FBI is directed to report to the House and Senate Committees on Appropriations within 120 days of the enactment of this Act on the standards the Bureau will use to assess the maturity of any biometric indicator being considered for inclusion in NGI.

**National Security Reviews.**—The budget justification for the National Security Division (NSD) indicates that NSD completed fewer National Security Reviews than planned in fiscal year 2008 because the FBI's Office of General Counsel (OGC) was busy with other requirements and commitments. This seems to imply a resource problem at OGC, despite the FBI having received millions of dollars in supplemental funds for the completion of these reviews. If additional resources are required beyond existing remediation dollars, the FBI is urged to identify those needs and request sufficient funds in fiscal year 2011.

**Surveillance.**—The conference agreement provides \$22,000,000 in addition to requested funds for new personnel to address gaps in the FBI's surveillance program. The conferees direct that no less than 75 percent of these additional funds shall be spent on Special Surveillance Groups.

**Comprehensive National Cybersecurity Initiative.**—Cyber-based attacks and intrusions upon U.S. computer networks, many of which may be conducted by foreign state sponsors, result in substantial loss of critical intelligence by U.S. government, academia, military, industry, financial and other domains. The conferees recognize the FBI's efforts to address these threats and have included the full request of \$140,311,000 to fund those efforts. This total includes an additional 260 positions and \$61,180,000 to further the FBI's investigatory, intelligence gathering and technological capabilities.

The Bureau shall submit to the Committees within 120 days of the enactment of this Act a report on the FBI's portion of the Comprehensive National Cybersecurity Initiative, including program strategy, resources, trends in attacks, sources of attacks, attack notification procedures, and plans for outreach to both public and private sector institutions to prevent and deter future attacks.

**Workforce distribution.**—Staffing disparities exist between FBI field offices that have comparable threat and workload levels and comparable populations in their area of responsibility. The conferees encourage the Bureau to consider such disparities when allocating new agents to field offices in fiscal year 2010.

**National security initiatives.**—The conferees support the FBI's critical national security efforts to conduct investigations to prevent, disrupt, and deter acts of terrorism, and to continue strengthening relationships with other Federal, State and local partners. In addition to providing resources for core FBI national security activities, the conference agreement also provides funds to enhance national security initiatives, including for domain and operations, surveillance, and strengthening the FBI workforce.

**Criminal Justice Information Services (CJIS) Division.**—The conference agreement includes \$651,000,000 for CJIS, including \$285,000,000 in appropriated funds and \$366,000,000 in user fees.

**Biometrics.**—The conference agreement includes language to permit the FBI to transfer up to \$30,000,000 in prior year fees from the Salaries and Expenses account to the Construction account for the Biometrics Technology Center, if determined necessary by the FBI Director. In addition, the FBI is directed to make available \$23,000,000 in prior year fee collections for information technology equipment and infrastructure that is necessary for the facility.

**Human rights violations.**—The FBI is directed to increase its efforts to investigate and support the criminal prosecution of serious human rights crimes committed by foreign nationals now residing in the United States. The conferees direct the use of \$1,500,000 for this purpose and to continue operations of the human rights unit at FBI headquarters.

**Innocent Images.**—The conference agreement provides a total of \$52,723,000 for the Innocent Images National Initiative to address the problem of child sexual exploitation and child victimization.

**Innocence Lost.**—The conference agreement provides \$5,000,000 over the base to hire additional agents for the Innocence Lost Initiative to address child prostitution and domestic sex trafficking in the United States.

**Rescission.**—Title V of this Act contains a rescission from the FBI Salaries and Expenses account. This rescission should be taken against unobligated balances available for carryover from expired annual accounts.

#### CONSTRUCTION

The conference agreement provides \$239,915,000 for construction. Included in this total is \$72,119,000 requested in the Salaries and Expenses account for Sensitive Compartmented Information Facilities.

**Biometrics Technology Center (BTC).**—The conference agreement includes \$97,600,000, as requested, for the BTC, a joint biometrics facility that will house both the FBI Biometrics Center for Excellence and the DOD Biometrics Fusion Center.

**Terrorist Explosive Devices Analytical Center (TEDAC).**—The conference agreement includes an additional \$30,000,000 for the continued construction of a new TEDAC facility.

*FBI Academy.*—The conference agreement includes \$5,000,000 to begin an architectural and engineering study to determine the full scope of renovations and/or construction necessary at the FBI Academy.

#### DRUG ENFORCEMENT ADMINISTRATION SALARIES AND EXPENSES

The conference agreement provides \$2,019,682,000 for the Drug Enforcement Administration (DEA).

*Mobile Enforcement Teams.*—The conference agreement includes \$5,000,000 above the request to continue reestablishing Mobile Enforcement Teams (MET) in each domestic field office. The activities of MET should continue to include a focus on methamphetamine enforcement.

*Methamphetamine strategy.*—DEA is directed to report to the House and Senate Committees on Appropriations within 120 days of the enactment of this Act on the methamphetamine “smurfing” enforcement strategy it intends to pursue. The report shall describe both the actions DEA can pursue with current enforcement authorities, as well as any legislative changes that might improve DEA’s ability to identify and apprehend individuals engaged in smurfing.

#### BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES SALARIES AND EXPENSES

The conference agreement provides \$1,114,772,000 for the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Salaries and Expenses.

*Southwest border enforcement.*—The conference agreement includes an increase of \$17,989,000 in support of ATF’s Project Gunrunner. This brings the total amount available to ATF for weapons trafficking along the southwest border to \$61,016,000. In order to ensure the continued availability of \$10,000,000 previously provided for Gunrunner through the American Recovery and Reinvestment Act (ARRA), ATF is directed to annualize ARRA Gunrunner funds in its fiscal year 2011 request.

*eTrace reconfiguration.*—ATF may need to expand and reconfigure eTrace and related systems in order to efficiently find and package responses to trace data requests as permitted by the bill language associated with this account. If additional resources are necessary for this reconfiguration, ATF is encouraged to use the Department’s authorities under Public Law 102-140 to access up to \$8,500,000 of expired prior year funds for this purpose.

*Gangs and violent crime.*—Within amounts provided, the conference agreement includes an increase of \$10,000,000 for ATF’s Violent Crime Impact Team (VCIT) program for violent crime and gang enforcement. These resources should be used to expand the activities of existing VCITs and to establish new VCITs in geographic areas of highest need.

The conferees expect ATF to coordinate with the FBI and other DOJ entities to maximize effectiveness of anti-gang efforts, and to report to the Committees within 120 days of the enactment of this Act on the spending plans for the additional resources provided in this Act for such efforts.

*Conversion of records.*—ATF is urged to continue the digital conversion and integration of Federal firearms dealer out-of-business records at the National Tracing Center.

*National Integrated Ballistic Information Network.*—ATF is urged to prioritize the upgrading and replacement of aging ballistic imaging equipment in its fiscal year 2010 operating budget and in future budget requests. ATF should also ensure that upgrades and

replacements maximize and protect the resources already invested by State and local law enforcement.

*ATF Headquarters.*—Within the amounts provided, \$1,500,000 shall be available to complete projects at ATF’s national headquarters that were not completed during construction of that facility.

#### CONSTRUCTION

The conference agreement provides \$6,000,000 for ATF construction. This includes the requested funds for the completion of phase two of the National Center for Explosives Research and Training.

#### FEDERAL PRISON SYSTEM SALARIES AND EXPENSES

The conference agreement provides \$6,086,231,000 for the salaries and expenses of the Federal Prison System for fiscal year 2010, an increase of \$106,400,000 above the budget request.

*Bureau of Prisons appropriations requests.*—The Department’s appropriations requests for the Federal Bureau of Prisons (BOP) have been woefully inadequate over the last several years to meet BOP’s basic operational needs. Rather than proposing funding levels based on the marginal costs of expected growth in the inmate population, the appropriations requests for BOP appear to hew to external, arbitrary limitations. As a result, even when program enhancements are proposed, such as the hiring of new correctional officers and the activation of new prisons, BOP would be unable to implement such enhancements were Congress to provide the requested funding level. BOP cannot be expected to operate with arbitrary limitations on funding increases because BOP has relatively little control over its primary cost driver, inmate population growth. To address the gap between BOP’s operating needs and its budget request, the conference agreement provides an additional \$106,400,000.

Variation from the funding directives in this statement shall be subject to the reprogramming requirements of section 505 of this Act. As part of the Department’s fiscal year 2010 spending plan, BOP shall propose a distribution of funds by decision unit that incorporates such directives. If additional salaries and expenses funding is required to meet BOP’s operating needs during fiscal year 2010, the Department is expected to propose supplemental appropriations or transfer funds from outside BOP to meet those needs.

The Department and BOP are expected to review carefully the Government Accountability Office (GAO) recommendations related to BOP’s budget formulation methodology and to implement recommendations designed to better ensure that future budget requests are coherently tied to BOP’s operational needs. The conferees expect the budget requests for fiscal year 2011 and future years to identify clearly the marginal costs of projected inmate population increases, in both BOP and private facilities, and to include those costs as adjustments to BOP’s base budget. More generally, the Department and BOP are expected to present future budget requests for BOP in a way that accurately differentiates all non-discretionary cost adjustments to BOP’s base budget requirements from program and staffing enhancements. BOP’s fiscal year 2011 budget request should also provide detailed descriptions of the major categories of activities comprising each decision unit and the proposed funding levels for each such category, including comparisons to prior year obligations for each category.

*Correctional worker staffing.*—The current correctional workforce is spread dangerously

thin, compromising BOP’s ability to operate the Federal Prison System in a safe and efficient manner and undermining efforts to facilitate the successful reentry of inmates back into their communities. While BOP used additional resources provided by Congress above the budget request in fiscal year 2009 to hire more than 700 additional correctional workers, substantial additional progress must be made to ensure that BOP facilities can operate safely and effectively. Therefore, not less than \$98,200,000 of the total salaries and expenses appropriation shall be used only for additional correctional worker staffing in fiscal year 2010 and for annualizing the cost of correctional workers hired during fiscal year 2009. The conferees expect the fiscal year 2011 budget submission to propose fully annualizing the cost of staff hired in fiscal year 2010 and to propose additional funding that would enable BOP to make significant further progress in increasing its on-board correctional worker staffing rate in fiscal year 2011.

To ensure that BOP’s correctional worker staffing needs are clearly defined, the conferees direct BOP to identify, as part of the budget requests for fiscal year 2011 and future years, the proposed number of authorized positions for each BOP facility in each correctional worker staffing category, along with the on-board staffing goals for the coming fiscal year for each facility in each such category, defined as percentages of authorized positions.

*New prison activation.*—Of the total amount provided, not less than \$36,000,000 shall be used for the activation of FCI McDowell and not less than \$22,000,000 shall be used for the activation of FCI Mendota. Although the budget request proposed the full activation of these facilities in fiscal year 2010, BOP has stated that various delays will prevent their full activation as scheduled. The amounts provided by the conference agreement for these activations are based on BOP’s most current estimates of the maximum amount it could obligate in fiscal year 2010. The conferees direct BOP to provide to the House and Senate Committees on Appropriations, within 30 days of enactment of this Act, an updated construction and activation schedule for new BOP facilities, and to notify formally the House and Senate Committees on Appropriations of any deviations from this schedule, including detailed explanations of the causes of delays and actions proposed to address them.

*Federal Prison System population.*—The conferees urge the Department and BOP to consider evidence-based policy changes that BOP could make under its current statutory authorities that would help it responsibly manage its offender population while reducing recidivism, improving public safety, and reducing future costs to the American taxpayer. In addition, the conferees direct the National Institute of Corrections to estimate the effects of potential reforms on the Federal prison population, and to provide a report to the House and Senate Committees on Appropriations describing those estimated effects by September 30, 2010.

*Inmate reentry and Second Chance Act implementation.*—The conference agreement includes \$13,778,000 for BOP’s Inmate Skills Development initiative and other Second Chance Act activities, as proposed by the Department. Because BOP has indicated that approximately \$75,000,000 is required to implement fully its Second Chance Act responsibilities, the conferees expect the Department to propose significant additional funding for this purpose in the fiscal year 2011



budget request, including significant additional funding for the enhanced use of Residential Reentry Centers (RRC) as part of a comprehensive prisoner reentry strategy. The conferees also urge BOP to make appropriate use of home confinement when considering how to provide reentering offenders with up to 12 months in community corrections. In addition, the conferees direct BOP to report quarterly on the average length of stay in community corrections, differentiated by average lengths of stay in RRCs and home confinement.

Within the amount provided for salaries and expenses, the conference agreement provides sufficient resources to allow BOP to meet the drug abuse treatment needs of all eligible inmates, as required by law. The conferees direct BOP to notify immediately the House and Senate Committees on Appropriations if any unforeseen factors are expected to prevent BOP from meeting this requirement. The conferees expect BOP to make significant progress in filling all authorized staff positions for drug abuse treatment programs and education programs. To the greatest extent possible, BOP shall prioritize the participation of nonviolent offenders in the Residential Drug Abuse Treatment Program (RDAP) in a way that maximizes the benefit of sentence reduction opportunities for reducing the inmate population.

In addition, as part of RDAP, the conferees encourage BOP to conduct a pilot initiative on the use of anti-craving medications as a component of drug abuse treatment. Such an initiative should continue the use of anti-craving medications through an offender's period of confinement in community corrections and period of supervised release. The conferees expect BOP to collaborate on any such initiative with the National Institute of Drug Abuse, which is currently supporting a research study on the effectiveness of anti-craving medication on probationers and parolees.

As part of its portion of the Department's fiscal year 2010 spending plan, BOP shall delineate the funding to be provided for each of its programs and activities related to inmate reentry and Second Chance Act implementation, including inmate drug abuse treatment programs, inmate education and vocational training programs, and all other programs and activities designed to facilitate offender reentry. As part of the fiscal year 2011 budget submission, the conferees direct the Department and BOP to include a detailed description of the coordinated prisoner reentry strategy required by the Second Chance Act, along with the estimated costs of full implementation of that strategy in fiscal year 2011.

In addition, to ensure that BOP is benefiting from outside expertise and viewpoints, the conferees direct BOP to convene an independent panel to make recommendations for future options for the development of prisoner reentry programs, including options related to the role of faith-based and community programs. The report of this panel shall be submitted to the House and Senate Committees on Appropriations within 120 days of enactment of this Act.

The conferees direct GAO to evaluate BOP's strategic approach to budgeting for its inmate reentry programs and activities, including community corrections and programs and activities related to BOP's Second Chance Act responsibilities. GAO shall provide recommendations to the House and Senate Committees on Appropriations by June 30, 2010, on how BOP should adapt its bud-

geting processes to carry out more effectively an inmate reentry strategy and fully implement the provisions of the Second Chance Act that apply to BOP.

*Counterterrorism activities.*—Within the amount provided, not less than \$14,200,000 is for the full estimated cost of BOP's counterterrorism activities, including the monitoring and translation of the communications of incarcerated terrorists and the dissemination of information, as appropriate, to law enforcement agencies. These activities have been partially funded through supplemental appropriations in previous fiscal years.

*Sexual misconduct.*—Using funds provided in prior fiscal years, the National Institute of Corrections has made useful progress in helping State and local correctional systems throughout the country reduce staff sexual misconduct with inmates. By providing training in investigating cases and training the "trainers," NIC is helping to ensure that employees at every level will be more aware of, and better prepared to deal with, these cases.

At the Federal level, a September 2009 report by the Department's Office of the Inspector General (OIG) found that BOP has not established appropriate goals and oversight mechanisms for its programs to prevent and respond to sexual abuse of inmates by staff. In addition, the OIG report found that BOP's staff training programs need to be updated, that some inmate victims have not been referred for psychological and medical assessments, and that officials at some BOP facilities have implemented policies to safeguard prisoners, such as segregation and transfer, which may serve as a disincentive for some prisoners to report abuse. The OIG report makes several recommendations designed to address these and other issues, upon which the conferees urge BOP to act as soon as possible.

*Administrative Maximum United States Penitentiary.*—The conferees direct BOP to ensure that the Administrative Maximum United States Penitentiary, also known as "Supermax," has adequate funding to retain staff levels necessary to provide strict oversight of prisoner activities and communications; ensure the safety of prison staff; and make needed upgrades to its security infrastructure.

*Reimbursement for U.S. Immigration and Customs Enforcement detainees.*—The conferees direct the Attorney General to work cooperatively with the Secretary of the Department of Homeland Security to transfer expeditiously ICE detainees who are currently housed in the Federal Prison System, or to obtain prompt and fair reimbursement from U.S. Immigration and Customs Enforcement for the costs of incarcerating them.

*National Institute of Corrections.*—To address deficiencies identified by the U.S. Census Bureau in the reporting of inmate address information, the conferees encourage the National Institute of Corrections to work with State corrections agencies to develop better procedures and systems for collecting and maintaining corrections records.

*Stun lethal fences.*—BOP correctional officers have expressed concerns about the use of "stun lethal" fences at BOP facilities in lieu of correctional officers in perimeter towers. The conferees direct BOP to submit a report to the House and Senate Committees on Appropriations, within 120 days of enactment of this Act, on the reliability and effectiveness of these fences.

*Incarceration of low security criminal alien offenders.*—The conferees direct BOP to sub-

mit a report, within 120 days of enactment of this Act, on its long term strategy for minimizing the cost of incarcerating low security criminal alien offenders, including an assessment of the potential for closed military facilities, closed State prisons, or other existing facilities to be converted to low security prisons operated by BOP.

#### BUILDINGS AND FACILITIES

The conference agreement provides \$99,155,000 for fiscal year 2010 for the construction, modernization, maintenance, and repair of prison and detention facilities housing Federal inmates.

*Modernization and repair.*—Of the total amount provided for Buildings and Facilities, not less than \$73,769,000 is for modernization and repair (M&R) activities. The conferees direct BOP to provide a report to the House and Senate Committees on Appropriations, within 30 days of enactment of this Act, itemizing all pending M&R projects for Federal prison facilities, specifying when each project was first identified and estimating the cost associated with each project. The conferees also direct BOP to provide an updated M&R backlog list as part of its fiscal year 2011 budget request. In addition, the conferees expect the Department to propose sufficient funding in the fiscal year 2011 budget proposal to begin to address seriously BOP's M&R backlog.

*Construction.*—The Department is expected to ensure that the fiscal year 2011 budget proposal for BOP contains sufficient resources for BOP to, at a minimum, stay on track with its current plan to construct and activate new prisons.

#### LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

The conference agreement provides a limitation on administrative expenses of \$2,700,000 for Federal Prison Industries, Incorporated.

The Department is urged to explore new program models, and to seek new funding and authorities, as necessary, to create additional inmate work and training programs that prepare inmates for successful reentry into the community. The Department shall submit to the House and Senate Committees on Appropriations, within 120 days of enactment of this Act, a plan describing such options for increasing inmate work opportunities.

#### STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES

In total, the conference agreement provides \$3,706,959,000 for State and local law enforcement and crime prevention grant programs for fiscal year 2010, an increase of \$479,859,000 above the fiscal year 2009 funding level. The conferees direct the Department to work closely with recipients of congressionally-designated funding to ensure that funded projects are consistent with authorized criminal justice purposes and goals, and to provide appropriate management and oversight of each grant. No administrative overhead costs shall be deducted from funding for congressionally-designated projects. In addition, no grant funding shall be used for luxury items, real estate, or construction projects.

#### OFFICE ON VIOLENCE AGAINST WOMEN

#### VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

#### (INCLUDING TRANSFER OF FUNDS)

The conference agreement provides \$418,500,000 for Office on Violence Against Women (OVW) grants and programs for fiscal year 2010, as follows:

<i>Program</i>	<i>Conference</i>
STOP Grants .....	\$210,000,000
National Institute of Justice (R&D) .....	(3,000,000)
Transitional Housing Assistance .....	(18,000,000)
Grants to Encourage Arrest Policies .....	60,000,000
Rural Domestic Violence Assistance Grants .....	41,000,000
Violence on College Campuses .....	9,500,000
Civil Legal Assistance .....	41,000,000
Sexual Assault Victims Service .....	15,000,000
Elder Abuse Grant Program .....	4,250,000
Safe Havens Project .....	14,000,000
Education & Training for Disabled Female Victims .....	6,750,000
Court Training and Improvement .....	3,000,000
Services for Children/Youth Exposed to Violence .....	3,000,000
Advocates for Youth/Services for Youth Victims (STARY) .....	3,500,000
National Tribal Sex Offender Registry .....	1,000,000
Engaging Men and Youth in Prevention .....	3,000,000
National Resource Center on Workplace Responses .....	1,000,000
Supporting Teens Through Education and Protection .....	2,500,000
<b>Total</b> .....	<b>418,500,000</b>

Note.—The conference agreement does not provide funding through OVW for programs requested in the President's budget that were funded through this account in fiscal year 2009 but are administered by the Office of Justice Programs (OJP). For fiscal year 2010, funding for each of these OJP-administered programs is appropriated directly to OJP at the fiscal year 2009 level. For programs administered by OVW, the total is an increase of \$29,500,000 above the fiscal year 2009 funding level.

Several programs requested in the budget that received funding through this appropriation in fiscal year 2009 are funded under the conference agreement through the Office of Justice Programs (OJP) because they are administered by OJP. These include: the CASA Special Advocates program; the Training for Judicial Personnel program; the Stalking Database program; the Research on Violence Against Women program; and Training Programs to Assist Probation and Parole Officers. The conference agreement provides funding through OJP for each of these programs at the fiscal year 2009 level. For grants and programs administered directly by OVW, the conference agreement provides \$29,500,000 more than the budget request and the fiscal year 2009 level.

*Violence Against Women Act programs.*—Domestic violence, sexual assault, dating violence and stalking are crimes of epidemic proportions that impact millions of individuals and every community in the United States. For 15 years, Violence Against Women Act (VAWA) programs have supported community efforts around the Nation to respond effectively to domestic violence, sexual assault, stalking, and dating violence. In the 109th Congress, Congress unanimously passed a VAWA reauthorization to continue successful programs and create targeted new programs to address gaps in prevention services and better meet the needs of youth, native women, communities of color, and victims of sexual violence. In light of the frequent connection between violence against women and a variety of social ills, such as

homelessness and substance abuse, the VAWA reauthorization also sought to address housing, healthcare, criminal justice, employment and other social needs of victims. Because violence against women is often associated with other types of crime, such as gang violence, child abuse, and trafficking, the Department and OVW are encouraged to work together to address the intersection of these crimes.

*Addressing violence against Native women.*—While it is estimated that American Indian women are victimized at more than double the rate of any other population of women in the United States, not a single comprehensive study of rates of violence against this group has been conducted. In addition, the lack of a tribal protection order and sex offender registry prevents tribes from accessing information that could prevent future violence. Through OVW and the Office of Justice Programs, the conference agreement includes funding to document the extent and nature of violence against Native women and to establish a tribal registry to enhance enforcement of tribal protection orders and the monitoring of sex offenders.

*Safe start.*—Funding requested through OVW for the Safe Start program is not provided through OVW because Safe Start is administered by the Office of Juvenile Justice and Delinquency Prevention, within the Office of Justice Programs. The conference agreement instead recommends funding for Safe Start through the Juvenile Justice appropriation.

*Jessica Gonzales victim assistance program.*—Support for victim assistants who act as liaisons between local law enforcement agencies and victims of domestic and dating violence, sexual assault, and stalking remains an eligible purpose under the STOP Violence Against Women formula grant program.

*Training, technical assistance, research and statistics.*—As part of the Department's spending plan for fiscal year 2010, OVW shall provide details on its planned training and technical assistance (T&TA) activities and research and statistics activities. The spending plan shall differentiate those activities performed via grant, cooperative agreement, interagency agreement, under contract, and performed directly by OVW. As part of the fiscal year 2011 budget submission, the conferees direct OVW to provide similar details on its planned T&TA activities and research and statistics activities for fiscal year 2011.

*Management and administration.*—The conference agreement maintains the salaries and expenses account structure established in the fiscal year 2009 Act to fund the management and administrative costs of OVW and other Justice Department grant programs. No administrative overhead costs shall be deducted from the programs funded from this account.

#### OFFICE OF JUSTICE PROGRAMS

*Training, technical assistance, research and statistics.*—The Office of Justice Programs (OJP), as part of the Department's spending plan for fiscal year 2010, shall provide details of its planned training and technical assistance (T&TA) activities and research and statistics activities. The spending plan shall differentiate those activities performed via grant, cooperative agreement, interagency agreement, under contract, and performed directly by OJP. In addition, the conferees direct OJP, as part of the Department's fiscal year 2011 budget submission, to provide details of its planned T&TA activities and research and statistics activities for fiscal year 2011.

*Evidence-based programs.*—To the greatest extent practicable, OJP shall ensure that

competitive grants are used for evidence-based programs and activities.

*Services for victims of rape.*—An estimated one in six women in the United States will experience a sexual assault in her lifetime, and the Federal Bureau of Investigation ranks rape as the second most violent crime, second only to murder. The Department of Justice is encouraged to continue supporting programs, including hotline programs, which facilitate the delivery of confidential recovery services to rape victims.

#### JUSTICE ASSISTANCE

The conference agreement provides \$235,000,000 for Justice Assistance programs for fiscal year 2010, as follows:

<i>Program</i>	<i>Conference</i>
National Institute of Justice .....	\$48,000,000
Bureau of Justice Statistics .....	60,000,000
State Automated Victim Notification System .....	12,000,000
Regional Information Sharing System (RISS) ..	45,000,000
Missing and Exploited Children .....	70,000,000
<b>Total</b> .....	<b>235,000,000</b>

*Regional information sharing.*—Within the amount provided for RISS, funds shall be available to support existing local-to-local law enforcement data and information sharing efforts focused on solving routine crimes, especially in rural areas, by sharing law enforcement information not categorized as criminal intelligence. Funded projects will conform with national standards, priorities, and goals articulated by the Bureau of Justice Assistance.

*Missing and exploited children.*—The conference agreement does not prescribe a distribution of funds for missing and exploited children programs, except that \$30,000,000 shall be available for the Internet Crimes Against Children Task Force program. BJA shall provide a plan for the use of the remainder of the funds to the House and Senate Committees on Appropriations as part of the Department's fiscal year 2010 spending plan.

*National Institute of Justice.*—Within the amount provided for the National Institute of Justice (NIJ), \$5,000,000 is for forensics and DNA, including \$1,000,000 to support the continued development of standards and standard reference materials at the National Institute of Standards and Technology (NIST) Office of Law Enforcement Standards to maintain quality and proficiency within Federal, State, and local crime laboratory facilities. NIJ shall provide to the House and Senate Committees on Appropriations a plan for the use of the remainder of NIJ's appropriation as part of the Department's fiscal year 2010 spending plan.

*Hate crimes.*—The conferees direct BJA to assess the feasibility and associated costs of establishing a national helpline for victims of hate crimes. In addition, the conferees direct NIJ to evaluate trends in hate crimes against new immigrants, individuals who are perceived to be immigrants, and Hispanic-Americans, and to assess the underlying causes behind any increase in hate crimes against such groups.

*Collaboration among State corrections, alcohol and drug abuse, and mental health program directors.*—The conferees encourage BJA to continue working with the Substance Abuse and Mental Health Services Administration to foster collaboration among the Association of State Corrections Administrators, the National Association of State Alcohol

and Drug Abuse Directors, and the National Association of State Mental Health Program Directors.

*National missing and unidentified persons system.*—The conferees encourage NIJ to continue to support its on-line database containing information about unidentified decedents and missing persons. In addition, as allowable by law and as appropriate, NIJ is encouraged to explore the sharing of data between NIJ's database and other relevant databases, including that of the FBI's National Crime Information Center (NCIC), to better facilitate the identification of unidentified decedents and missing persons.

#### STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

The conference agreement provides \$1,534,768,000 for State and Local Law Enforcement Assistance programs for fiscal year 2010. This account includes funding for several programs administered by the Office of Justice Programs that were funded for fiscal year 2009 through the Office on Violence Against Women or the Office of Community Oriented Policing Services. The total amount is distributed as follows:

<i>Program</i>	<i>Conference</i>
Byrne Memorial Justice Assistance Grants .....	\$519,000,000
National Institute of Justice .....	(5,000,000)
State and Local Intelligence Training .....	(3,000,000)
Byrne Discretionary Grants .....	185,268,000
Byrne Competitive Grants .....	40,000,000
State Criminal Justice Reform and Recidivism Reduction .....	10,000,000
John R. Justice Grant Program .....	10,000,000
Tribal Assistance .....	50,000,000
Detention facilities .....	(10,000,000)
Courts .....	(25,000,000)
Alcohol and substance abuse grants .....	(12,000,000)
Legal Assistance .....	(3,000,000)

<i>Program</i>	<i>Conference</i>
State Criminal Alien Assistance Program .....	330,000,000
Southwest Border Prosecutions .....	31,000,000
Northern Border Prosecutions .....	3,000,000
Victims of Trafficking Grants .....	12,500,000
Residential Substance Abuse Treatment .....	30,000,000
Mentally Ill Offender Act ..	12,000,000
Drug Courts .....	45,000,000
Prescription Drug Monitoring .....	7,000,000
Prison Rape Prevention and Prosecution .....	15,000,000
Justice for All—Capital Litigation/Wrongful Conviction Review .....	5,500,000
Missing Alzheimer's Patient Grants .....	2,000,000
Economic, High-tech and Cybercrime Prevention ..	20,000,000
CASA-Special Advocates ...	15,000,000
Training for Judicial Personnel .....	2,500,000
Stalking Database .....	3,000,000
Research on Violence Against Indian Women ...	1,000,000
Training Program to Assist Probation and Parole Officers .....	3,500,000
Closed Circuit Television Grants .....	1,000,000
Second Chance Act .....	100,000,000
Violent Gang and Gun Crime Reduction .....	15,000,000
National Instant Criminal Background Check System grants .....	20,000,000
Criminal Records Upgrade .....	11,500,000
Paul Coverdell Forensic Science Grants .....	35,000,000
<b>Total .....</b>	<b>1,534,768,000</b>

*Edward Byrne memorial justice assistance grant program.*—The conference agreement

provides \$519,000,000 for activities under the Edward Byrne Memorial Justice Assistance Grant (JAG) program. When excluding one-time fiscal year 2009 costs for reimbursement to State and local governments for security and other expenses related to the presidential transition and inauguration, the funding level for this account is equal to the fiscal year 2009 level and the request. Within the amount provided, \$3,000,000 is for intelligence training for State and local law enforcement entities and \$5,000,000 is for the National Institute of Justice to help local units of government identify, select, develop, modernize, and purchase new technologies for use by law enforcement. Except for the activities noted above, the conference agreement does not provide funding under this heading for activities proposed under this heading in the House or Senate Committee reports.

*Crime reporting transition rule.*—The September 30, 2008, expiration of the crime reporting "transition rule" established by 42 U.S.C. 3755(d)(2)(B) resulted in approximately 1,000 communities falling out of eligibility for Byrne-JAG direct local awards. A number of these communities have high crime rates and many were reportedly unaware that, effective October 1, 2008, compliance with State crime reporting requirements no longer ensured compliance with Byrne-JAG reporting requirements. The conferees encourage these communities to come into compliance with current Byrne-JAG reporting requirements and direct the Department of Justice to collect, process, and validate reporting information as expeditiously as possible in order to ensure the future eligibility of these communities.

*Byrne discretionary grants.*—The conference agreement provides \$185,268,000 for Byrne discretionary grants to prevent crime, improve the criminal justice system, provide victims' services, and other related activities. The following table details funding for congressionally designated projects, which the bill incorporates by reference:

**OJP - Byrne Discretionary Grants**  
**Congressionally-designated Items**  
**(\$ in thousands)**

<b>Recipient</b>	<b>Project</b>	<b>Amount</b>
14th Judicial District Durham County, Durham, NC	14th Judicial District of Durham County: New Life Job Court	100
180 Turning Lives Around, Inc, Hazlet, NJ	180 Child and Teen Violence Reduction and Treatment Expansion, Hazlet, NJ	500
9th Judicial District, Koochiching County, International Falls, MN	Koochiching County DUI/Substance Abuse Court	100
A Better Way, Inc., Columbia, SC	Project Gang Out (GO)	250
A Child Is Missing, Ft. Lauderdale, FL	A Child is Missing - Arkansas	200
A Child Is Missing, Ft. Lauderdale, FL	A Child Is Missing -- Hawaii	500
A Child Is Missing, Inc, Ft. Lauderdale, FL	Assist in Finding Missing Children or Adults	300
A Safe Haven, Chicago, IL	Comprehensive Substance Abuse Services to Ex-Offenders	500
Advanced Science and Technology Adjudication Resource Center, Inc. (ASTAR), Washington, DC	Initiative to Deploy Judges Trained in Forensic Science and Technology Law	500
Advocate Good Samaritan Hospital, Downers Grove, IL	Assisting Victims of Domestic Violence at Advocate Good Samaritan Hospital	75
Alabama Department of Forensic Science, Montgomery, AL	AL Department of Forensic Science	1,400
Alabama Department of Public Safety, Montgomery, AL	ADPS Child Sexual Predator Project	150
Alabama Department of Public Safety, Montgomery, AL	Operation Swordphish	1,000
Alabama District Attorneys Association, Montgomery, AL	Alabama Computer Forensics Labs	900
Alabama District Attorneys Association, Montgomery, AL	Zerometh Drug Prevention Campaign	1,000
Alachua County, Gainesville, FL	Management of Offenders with Co-occurring Mental Illness and Addiction Disorders	900
Alamo Area Rape Crisis Center, San Antonio, TX	National Online Hotline and Comprehensive Services for Sexual Assault Survivors	200
Aliviane, Inc., El Paso, TX	The Border Institute of Excellence	250
Alvernia University, Reading, PA	Criminal Justice Program Initiative	470
American Judges Association, Williamsburg, VA	American Judges Association Judicial Education Initiative	350
Annapolis, Annapolis, MD	Capital City Safe Streets Program	200
Armstrong County Emergency Operating Center, Kittanning, PA	Armstrong County Emergency Operating Center Upgrades	100
Auburn University, Auburn, AL	Auburn University Canine Program	900

**OJP - Byrne Discretionary Grants**  
**Congressionally-designated Items**  
**(\$ in thousands)**

Baltimore City Mayor, Baltimore, MD	Baltimore City Reentry Employment Center	500
Baltimore City Police Department, Baltimore, MD	Baltimore City Gun Violence Reduction Initiative	1,100
Bee County Sheriff, Beeville, TX	Equipment for New Officers	250
Big Brothers Big Sisters of the Mississippi Valley, Davenport, IA	Big Brothers Big Sisters of the Mississippi Valley Expansion and Enhancement Initiative	200
Billings Clinic, Billings, MT	Billings Clinic Sexual Assault Nurse Examiner	250
Bluegrass Domestic Violence Program, Lexington, KY	Bluegrass Domestic Violence Transitional Housing	325
Borough of Jamesburg, Jamesburg, NJ	Jamesburg Police Communications Modernization Program	95
Boulder City Police Department, Boulder City, NV	Regional Law Enforcement Training Facility Equipment	250
Breaking Ground, Chicago, IL	Job Training and Placement Services for Ex-Offenders	100
BRIDGES USA, Memphis, TN	BRIDGES SPAN Program for Memphis City Schools	300
Brinkley Police Department, Brinkley, AR	Law Enforcement Equipment	62
Brockton Area Private Industry Council, Inc., Brockton, MA	Gateway Program	250
Buffalo City Mission, Buffalo, NY	Cornerstone Manor Program Expansion	200
Calcasieu Parish Sheriff's Office, Lake Charles, LA	Regional K-9 Training Facility	200
California Department of Justice, Sacramento, CA	Gang Suppression Enforcement Team (GSET) Project	100
California Department of Justice, Sacramento, CA	Riverside Gang Suppression Enforcement Team	250
California State Department of Justice, Bureau of Narcotics Enforcement, Sacramento, CA	Gang Suppression Enforcement Teams	500
Cathedral City, Cathedral City, CA	Coachella Valley Anti-Gang Task Force Project	500
Catholic Charities, New Orleans Region Family Justice Center, New Orleans, LA	Family Justice Center - Expansion of Services	400
CeaseFire Chicago, Chicago, IL	CeaseFire Chicago Project	250
Center for Court Innovation, New York, NY	Enhanced Services for Veterans in Drug Court	100
Center for Women Policy Studies, Washington, DC	National Institute on State Policy on Trafficking of Women/Girls	400
Center Point, Inc., San Rafael, CA	Re-Entry and Community Integration Services	250

**OJP - Byrne Discretionary Grants**  
**Congressionally-designated Items**  
**(\$ in thousands)**

Chabad of Riverside, Riverside, CA	Project PRIDE (Prevention, Resource, Information and Drug Eradication)	400
Chabad of Southern Nevada, Las Vegas, NV	Drug Prevention Outreach Program	250
Champlain College, Burlington, VT	Champlain College Center for Digital Investigation	500
Chapman University, Orange, CA	Chapman University Domestic Violence Clinic	100
Charlotte-Mecklenburg Police Department, Charlotte, NC	Gang of One Pilot Program	200
Cherokee County Commission, Cherokee County, AL	Cherokee County Methamphetamine and Marijuana Reduction Program	200
Cheyenne River Sioux Tribe, Eagle Butte, SD	Cheyenne River Sioux Tribe - Criminal Justice System	1,000
Chicago School of Professional Psychology, Chicago, IL	The Chicago School Partnership with Community Mental Health Council	350
Children's Hospital of The King's Daughters, Norfolk, VA	Child Abuse Treatment Services (VA)	100
Chrysalis House, Lexington, KY	Chrysalis House Substance Abuse Rehabilitation Program	175
Chrysalis-Changing Lives Through Jobs, Los Angeles, CA	Ex-Offender and Homeless Job Training Initiative	500
Citizens for NYC, New York, NY	Community Crime Stoppers	200
City of Adelanto, Adelanto, CA	Emergency Operations Center	375
City of Austin, Austin, TX	Austin Police Technology	250
City of Belton, Belton, TX	First Responder Equipment, Technology and Interoperability Upgrades	700
City of Carlsbad, Carlsbad, CA	Joint First Responders Training Facility	300
City of Center Point, Center Point, AL	Center Point Community Policing Project	200
City of Chattanooga, Chattanooga, TN	City of Chattanooga Law Enforcement Training Center	500
City of Colton, Colton, CA	City of Colton Police Department Back-up Generator	200
City of Columbus, Department of Public Safety, Columbus, OH	Police Property Crime Lab	300
City of Dayton, Dayton, OH	Community Initiative to Reduce Gun Violence	500
City of Denton, Denton, TX	Denton Public Safety Training Facility	1,000
City of Detroit Police Department, Detroit, MI	Eastside Firearm Reduction Initiative	1,000
City of Detroit, Detroit, MI	Parolees, Technical Parole Violators, and Former Prisoners Project	550
City of East Palo Alto, East Palo Alto, CA	East Palo Alto Violence Prevention Initiative	215
City of Escondido, Escondido, CA	Mobile Data Computer Infrastructure	200

**OJP - Byrne Discretionary Grants**  
**Congressionally-designated Items**  
**(\$ in thousands)**

City of Evanston Police Department, Evanston, IL	Undercover Operations Personnel	35
City of Flint Police Department, Flint, MI	Safe Highway Initiative	100
City of Folsom, Folsom, CA	Folsom Emergency Operations Center	250
City of Fort Wayne, Fort Wayne, IN	Palm Print AFIS	600
City of Glendale, Glendale, AZ	Glendale Computer Aided Dispatch and Records Management System	1,000
City of Glendale, Glendale, CA	Interagency Communications Interoperability System, Glendale/Burbank, CA	500
City of Henderson, Henderson, NV	Regional Law Enforcement Training Facility	300
City of Houston, Houston, TX	Targeted Narcotics Enforcement Team, Houston, TX	350
City of Hutchinson Police Department, Hutchinson, KS	Emergency Response Team Equipment Upgrade Project	200
City of Irondale, Irondale, AL	Law Enforcement Equipment and Technology Upgrades	350
City of Kalispell, Kalispell, MT	Public Safety Building Modernization	250
City of Kansas City, Kansas City, MO	Community Justice Program	100
City of Lakewood, Lakewood, CO	Substance Abuse Treatment for Youth Offenders	45
City of Los Angeles, Los Angeles, CA	Community Law Enforcement and Recovery Program	500
City of Los Angeles, Los Angeles, CA	Domestic Abuse Response Team (DART)	100
City of Los Angeles, Los Angeles, CA	Gang Reduction Youth Development Zone - Pacoima	100
City of Los Angeles, Los Angeles, CA	Gang Reduction Youth Development Zones (GRYD Zones)	1,200
City of Los Angeles, Los Angeles, CA	Rape Kit Backlog Elimination Program	500
City of Miami Beach, Miami Beach, FL	After School Gang and Drug Prevention Program	500
City of Midland, Midland, TX	Emergency Communications Equipment, Midland, Texas	325
City of Moreno Valley, Moreno Valley, CA	City of Moreno Valley Gang Prevention Program	500
City of Moultrie, Moultrie, GA	City of Moultrie Police Department	200
City of Nacogdoches, Nacogdoches, TX	Public Safety Training Initiative	400
City of National City, National City, CA	Homeless Outreach Program and Enforcement (HOPE) Project	95
City of New Haven, New Haven, CT	Anti-Violence Community Outreach and Law Enforcement Program	350
City of New Haven, New Haven, CT	City of New Haven Re-entry Program	500
City of Newark, Newark, NJ	Returning Offender Initiative	400
City of Omaha, Omaha, NE	Family Justice Center of the Midlands	100



**OJP - Byrne Discretionary Grants  
Congressionally-designated Items  
(\$ in thousands)**

City of Philadelphia, Philadelphia, PA	Youth Violence Reduction Partnership (YVRP)	500
City of Phoenix, Phoenix, AZ	Electronic Prosecutor Records Management	100
City of Prattville, Prattville, AL	Public Safety Traffic Signal Pre-emption	150
City of Round Rock, Round Rock, TX	Law Enforcement Technology and Equipment	300
City of San Bernardino, San Bernardino, CA	San Bernardino Project Phoenix Neighborhood Initiative	500
City of San Fernando, San Fernando, CA	School Resource Officer Program	450
City of San Jose, San Jose, CA	"Skills to Succeed" Prisoner Re-Entry Pilot Project	400
City of Stockton, Stockton, CA	Operation Peacekeeper Gang Outreach Program	200
City of Trenton, Trenton, NJ	YouthStat Violence and Gang Prevention	310
City of Tucson, Tucson, AZ	Tucson Drug Trafficking Suppression Initiative	400
City of Valdosta, Valdosta, GA	Valdosta/Lowndes Joint Crime Lab	500
City of Westminster, Westminster, CA	Asian Criminal Enterprise Initiative	290
City of Wrens, Wrens, GA	Wrens City Security Project	75
City of Yonkers, Yonkers, NY	Yonkers WAVE Drug Sweep	300
Claflin University, Orangeburg, SC	Claflin Certified Forensics Laboratory	1,000
Claiborne County Sheriff, Port Gibson, MS	County-wide Law Enforcement Programs	100
Clarke County Sheriff, Berryville, VA	Northwest Regional Gang Task Force	1,000
Clearfield City, Clearfield, UT	Digital Technology for Drug Enforcement/Gang-Related Strategic Initiative	425
Coalition for a Drug-Free Lanai, Lanai City, HI	Youth Mentoring Program	25
College of Holy Cross, Worcester, MA	At-Risk Youth Empowerment Initiative	400
Community Foundation of Wyandotte County, Kansas City, KS	NeighborhoodsNOW Crime and Safety Initiative	500
Community YMCA, Middleton, NJ	Gang Prevention Program	500
Conservation Corps of Long Beach, Long Beach, CA	Environmental Job Training Program for Youth At-Risk in Southeast Los Angeles County	100
Converging Industries Research Foundation, Cambridge, MA	Massachusetts Initiative for Real-Time Wireless Emergency Communications	250
Cook County Sheriff's Office, Chicago, IL	Mental Health Services for Female Offenders	300
Coos County Sheriff's Office, Coquille, OR	South Coast Interagency Narcotics Team (SCINT)	600
County of Los Angeles Sheriff's Department, Monterey Park, CA	Rape Kit Backlog Reduction Program	1,000

**OJP - Byrne Discretionary Grants**  
**Congressionally-designated Items**  
**(\$ in thousands)**

County of Los Angeles Sheriff's Office, Monterey Park, CA	Los Angeles Sheriff Anti-Gang Intelligence Data Sharing and Analysis Database	300
County of Merrimack, Concord, NH	Mental Health Court Pilot Program	250
County of Monterey, Salinas, CA	Monterey County Street and Anti-Gang Project (aka: Gang Task Force)	500
County of Muskegon, Muskegon, MI	Community Re-entry Program	150
County of Peoria, Peoria, IL	Mental Health Court	500
County of San Diego, District Attorney, San Diego, CA	DA Gang and Drug Crime Investigation and Prosecution	200
County of San Diego, Sheriff's Department, San Diego, CA	San Diego County Regional Gang Enforcement Collaborative	350
Covenant House California, Oakland, CA	Covenant House, Oakland Housing and Career Center	250
Covenant House, New York City, NY	Covenant House Stop Child Trafficking Project	200
Criminal Justice Institute, Little Rock, AR	Arkansas School Resource Officer Program	600
Criminal Justice Institute, Little Rock, AR	Cyber Crimes Investigation Training Initiative	100
Criminal Justice Institute, Little Rock, AR	Rural Executive Management Institute (REMI) Project	200
Criminal Justice Institute, Little Rock, AR	Rural Law Enforcement Training Initiative	1,000
Criminal Justice Training Center, Golden West College, Huntington Beach, CA	Virtual Interactive Training Simulator	900
Cuyahoga County Board of County Commissioners, Cleveland, OH	Cuyahoga County Fatherhood Initiative	300
Cuyahoga County Board of County Commissioners, Cleveland, OH	Cuyahoga County Prisoner Re-entry Program	400
Dakota County, Hastings, MN	Regional Police Records Management System for Dakota County Law Enforcement Agencies	200
Day One, Providence, RI	Child Advocacy Services Expansion	250
Digital Development Corporation and Oversight Committee (DDCOC), Chicago, IL	"SECOND CHANCES" Job Training Program	250
District Attorney's Office, Denver, CO	Cold Case DNA Project	350
Diverse and Resilient, Inc., Milwaukee, WI	Diverse and Resilient, Inc.	155
Dixie State College, St. George, UT	Southwest Regional Criminal Justice Computer Crime Institute	1,000
Doe Fund, Inc., New York, NY	Ready, Willing & Able	600
East Bay Community Law Center, Berkeley, CA	Clean Slate Clinic for Community Re-entry & Reintegration	250
East Helena Police Department, East Helena, MT	East Helena Community Policing Hiring Effort	60
East Stroudsburg University, East Stroudsburg, PA	The Cyber Crime and Forensics Institute	500

**OJP - Byrne Discretionary Grants**  
**Congressionally-designated Items**  
**(\$ in thousands)**

Eisenhower Foundation, Jackson, MS	Eisenhower Foundation National Multiple Solutions Safe Haven Replication and Evaluation Program	250
Emanuel County Board of Commissioners, Swainsboro, GA	Emanuel County Emergency Vehicle Acquisition	100
Enough is Enough, Great Falls, VA	VA Internet Safety 101	160
Enough Is Enough, Uintah County, UT	Utah Internet Safety 101: Empowering Parents Program	250
Episcopal Community Services of Maryland, Baltimore, MD	Jericho Workforce Development Initiative for Ex-Offenders	500
Essex County District Attorney, Salem, MA	Child Abuse, Domestic Abuse and Sexual Assault Specialized Prosecution Program	250
Essex County Sheriff's Department, Middleton, MA	Comprehensive Substance Abuse Education and Treatment Program	280
Exeter Police Department, Reading, PA	Berks County Emergency Response Team (BCERT)	350
Fairfield Police Department, Fairfield, IL	Farifield Police Department Emergency Communications and Equipment Upgrades	110
Family Justice Center, Hillsborough County, Tampa, FL	Family Justice Center	200
Family Reentry, Norwalk, CT	Fresh Start Reentry Program	900
Father's Day Rally, Philadelphia, PA	FDRC	250
Findlay Police Department, Findlay, IL	Findlay Police Equipment	10
First Step, Taylor, MI	First Step Sexual Assault Nurse Examiner Program	200
Florida Gulf Coast University, Ft. Myers, FL	FGCU Law Enforcement and Public Safety	200
Fort Belknap Indian Community, Harlem, MT	Tribal Courts Operations and Law Enforcement Activities	300
Fulton County, Atlanta, GA	Fulton County High Intensity Crime Area Task Force	100
Gallatin County, Bozeman, MT	Gallatin County Treatment Court	185
Genesee Community College, Batavia, NY	Integrated Campus Security Initiative	537
Georgia Bureau of Investigation, Decatur, GA	Georgia Bureau of Investigation's Justice Information Management Network	300
Glenville State College, Glenville, WV	Glenville State College, WV Anti-Recidivism Prisoner Education Program	406
Glenville State College, Glenville, WV	Glenville State College, WV Electronic Crimes Education and Training Program	200
Greater Nashua Mental Health Center, Nashua, NH	Court Partnership Project	325
Greenville County, Greenville, SC	Joint Emergency Medical Services / 911 Dispatch Center	100
Grundy County Emergency Telephone System Board, Morris, IL	Grundy County ETSB Consolidation Project E911 System	100

**OJP - Byrne Discretionary Grants**  
**Congressionally-designated Items**  
**(\$ in thousands)**

Guardian Angel Community Services, Joliet, IL	Transitional Living Program	100
Guilford College, Greensboro, NC	Enhancing Technical Expertise in Forensics in Guilford County, North Carolina	100
Hampden County Sheriff, Ludlow, MA	Integrated Reentry Program	350
Hanover Park Police Department, Hanover Park, IL	Rapid Response to School Violence	48
Harris County Constable Precinct 4, Spring, TX	Preventing Violence Against Women	90
Harris County Constable Precinct Six, Houston, TX	Gang Identification and Enforcement Unit	110
Hawaii Immigrant Justice Center, Honolulu, HI	Human Rights Alliance	200
Henry C. Lee Institute of Forensic Science, New Haven, CT	Regional Crime Scene Response Team	200
Holmes County Sheriff Department, Lexington, MS	County-wide Law Enforcement Programs	100
Homestretch, Falls Church, VI	Homelessness and Domestic Violence Programs	300
Hope House, Inc., Lee's Summit, MO	Hope House Guardian Program	200
Hope Through Housing Foundation, Rancho Cucamonga, CA	After School and Beyond -Violence Prevention	850
Housing Authority of Plainfield, Plainfield, NJ	After School Programs and Gang Prevention Job Training Initiative	250
Houston Police Department, Houston, TX	Mobile AFIS Equipment and LiveScan Equipment	910
Hoxie Police Department, Hoxie, AR	Law Enforcement Programs and Equipment	50
Idaho Department of Corrections, Boise, ID	NCOMS Medical and Mental Health Sharing Software Development	500
Idaho State Police, Meridian, ID	Idaho State Police (ISP) Participation in Criminal Information Sharing Alliance Network (CISAnet)	500
Independent Development Enterprise Alliance, Portland, OR	Project Clean Slate	450
Institute for the Study and Practice of Nonviolence, Providence, RI	Nonviolence Program	300
Iowa Central Community College, Ft. Dodge, IA	Iowa Central Law Enforcement Training Center	500
Iowa Governor, Des Moines, IA	Drug Endangered Children Program and Drug Diversion Deterrence	300
Iowa Legal Aid, Des Moines, IA	Health and Law Project	300
Iowa State University, Ames, IA	Internet Scale Event & Attack Generation Environment	400

**OJP - Byrne Discretionary Grants**  
**Congressionally-designated Items**  
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Iowa State University, Ames, IA	Internet-Scale Event and Attack Generation Environment (ISEAGE)	200
Iowa State University, Ames, IA	Iowa State Forensic Testing Lab	1,400
Izard County Sheriff, Melbourne, AR	Calico Rock Police Program	100
Jackson State University, Jackson, MS	National Center for Biodefense Communications	750
Jefferson County Sheriff, Fayette, MS	County-wide Law Enforcement Programs	100
Jersey City Housing Authority, Jersey City, NJ	Drug Elimination Program	300
John Jay College of Criminal Justice, New York, NY	National Academy for Reentry Policy and Practice	100
John Marshall Law School, Chicago, IL	Veterans Legal Support Center	350
Johnson County Sheriff, Cleburne, TX	Stop the Offender Program	200
Joiner Police Department, Joiner, AR	Law Enforcement Programs and Equipment	100
Justice 2000, Inc., Milwaukee, WI	Community Justice Centers	100
KidsPeace, Evansville, IN	KidsPeace Evansville Therapeutic Foster Care Program	300
King County Sheriff's Office, Seattle, WA	Gang Intervention Initiative	400
King County Sheriff's Office, Seattle, WA	King County Sheriff's Office School Resource Officers	300
King of Kings Foundation, Jamaica, NY	Anti-Drug & Anti-Gang Warriors Program	290
Kokomo Police Department, Kokomo, IN	Kokomo Police Department Forensic Crime Lab	100
Lackawanna County, Scranton, PA	Lackawanna County Treatment Court	100
Lane County Administration, Eugene, OR	Offender Treatment and Transition Program	500
Lane County, Eugene, OR	Public Safety Technology Improvements	500
Laredo Community College, Laredo, TX	Terrorist Interdiction Law Enforcement Training Center	400
Las Vegas Metropolitan Police Department, Las Vegas, NV	Justice Information Sharing Program	1,000
LIGALY, Bayshore, NY	The Anti-Violence Project	500
Local Initiatives Support Corporation, New York, NY	LISC Community Safety Initiative	225
Loudoun County Sheriff's Office, Leesburg, VA	Northern Virginia Regional Gang Task Force	3,000
Louisiana Sheriffs' Association, Baton Rouge, LA	Law Enforcement Technology and Equipment	300
Lucas County TASC, Inc., Toledo, OH	Reentry Coalition Of Northwest Ohio	300
Maryland State Police, Pikesville, MD	Gang Elimination Task Force	1,000
Mattie Rhodes Center, Kansas City, MO	Latino Youth Crime Prevention Project	250
Men Aspiring Leaders through Education, Inc., Houston, TX	M.A.L.E. Reentry Program	250

**OJP - Byrne Discretionary Grants**  
**Congressionally-designated Items**  
**(\$ in thousands)**

Men of Valor Academy, Oakland, CA	Juvenile Delinquency Prevention Center for Building Our Community Green	100
Metropolitan Crimes Commission, New Orleans, LA	Metropolitan Crimes Commission	500
Miami Dade College North Campus, Miami, FL	Officer Tactical Facility Enhancements	200
Miami-Dade County, Miami, FL	Mortgage Fraud Task Force	150
Micronesian Legal Services Corporation, Saipan, MP	Legal Services Outreach, Internet Upgrade and Immigration Services	180
Middlesex County Prosecutor's Office, New Brunswick, NJ	SPEAK UP Hotline Outreach and Public Education	500
Minnesota State Patrol, St. Paul, MN	MN 8th District State Patrol In-Squad Digital Cameras	240
Mississippi Military Department, Jackson, MS	Regional Counterdrug Training Academy	300
Mississippi State University, Starkville, MS	For Law Enforcement Intelligence Software	1,000
Mississippi State University, Starkville, MS	MSU Cyber Crime Initiative and National Consortium for Digital Forensics Training	1,500
Monmouth County Sheriff, Freehold, NJ	Trunk Radio System	120
Monroe County Department of Public Safety, Rochester, NY	Biology/DNA Module	200
Monroe County Department of Public Safety, Rochester, NY	Monroe County Regional Crime Laboratory	100
Montana Sheriffs and Peace Officers Association, Helena, MT	Montana Offender Notification and Tracking System - Juvenile Justice System (MONTJS-JJS)	300
Montana State University Billings, Billings, MT	Academic & Workforce Development Program at the Montana Women's Prison	100
MTSU, Murfreesboro, TN	Training of Law Enforcement Personnel	625
Multi-County Juvenile Attention System (MCJAS), Canton, OH	Tuscarawas Attention Center Project	275
Multnomah County, Portland, OR	Department of Community Justice Re-Entry Services	500
My Home, Your Home Inc., Milwaukee, WI	Lissy's Place	180
Nassau County Executive, Mineola, NY	Family Court Technology Improvements	235
Nassau County Police Department, Mineola, NY	Heroin Abatement Program	385
National Center for State Courts, Williamsburg, VA	State Courts Improvement Initiative	500
National Council of Juvenile and Family Court Judges, Reno, NV	Child Abuse Training Programs for Judicial Personnel: Victims Act Model Courts Project	1,875

**OJP - Byrne Discretionary Grants**  
**Congressionally-designated Items**  
**(\$ in thousands)**

National District Attorneys Association, Alexandria, VA	National Advocacy Center State and Local Prosecutors Training Program	1,175
National Forensic Science Technology Center, Largo, FL	National Forensic Science Technology Center, Forensic Technology Center of Excellence	2,000
National Judicial College, Reno, NV	Judicial Education and Scholarships for Judges	500
Nebraska Advocacy Services, Scottsbluff, NE	Center for Disability Rights, Law & Advocacy	200
Nevada Department of Public Safety Parole and Probation, Carson City, NV	State of Nevada, Parole and Probation Technological Advancement and Improvement	150
New Hampshire Attorney General's Office, Concord, NH	NH Multi-Jurisdictional Drug Task Force and Drug Interdiction Program	750
New Hampshire State Police, Concord, NH	Operation Streetsweeper	750
New Jersey Department of Children and Families, Trenton, NJ	Child Forensic Interviewers for Child Advocacy Centers	100
New Jersey Institute for Technology, Newark, NJ	User-Authenticating Personalized Weapon	1,000
New Man Development Community Corporation, Rehrersburg, PA	Employment Preparation Project at New Man Development Community Corporation	25
New Mexico Administrative Office of the Courts, Santa Fe, NM	Drug Court Program	300
New Mexico Attorney General, Albuquerque, NM	Human Trafficking Task Force	215
New Mexico Attorney General, Santa Fe, NM	Environmental Crimes Unit Outreach and Training Program	220
New Mexico Coalition Against Domestic Violence, Albuquerque, NM	Hispanic Community Outreach	200
New Mexico Corrections Department, Santa Fe, NM	Prisoner Reentry Initiative	500
New Orleans Crime Coalition/New Orleans Business Council, New Orleans, LA	New Orleans Crime Coalition	1,500
Nez Perce Tribe, Lapwai, ID	Children's Justice/Child Protection	100
North Arlington Borough, North Arlington, NJ	Cops in Schools and Cops on the Street	100
North Carolina State University, Raleigh, NC	Center for Forensic Sciences-NCSU	175
North Louisiana Crime Laboratory Commission, Shreveport, LA	North Louisiana Crime Lab	400
Northampton Community College, Bethlehem, PA	Campus-Wide Security System	300



**OJP - Byrne Discretionary Grants**  
**Congressionally-designated Items**  
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Northern Kentucky Drug Strike Force, Covington, KY	Northern Kentucky Drug Strike Force Pharmaceutical Diversion Program	35
Northwest Missouri Interagency Team Response Operation, Cameron, MO	Multi-Jurisdictional Drug and Violent Offender Task Force	200
NYC Police Foundation, New York, NY	Project COPE	500
Office of Human Affairs, Newport News, VA	Visual and Performing Arts After School Program, Newport News, VA	100
Office of the King's County District Attorney, Brooklyn, NY	ComALERT Project	100
Office of the Queens County District Attorney, Kew Gardens, NY	Specialized Effort to Combat Financial Crimes and Mortgage Fraud	100
Oglala Sioux Tribe Department of Public Safety, Pine Ridge, SD	Oglala Sioux Tribe Department of Public Safety	1,200
Ohio Attorney General, Columbus, OH	University Of Toledo and Ohio Attorney General Forensic Crime Lab	100
Oklahoma State Bureau of Investigation, Oklahoma City, OK	Oklahoma Participation in the Criminal Information Sharing Alliance Network	700
Oldham County Sheriff's Office, LaGrange, KY	Equipment Upgrades, Oldham County Sheriff, KY	75
Operation Our Town, Altoona, PA	Drug Treatment and Prevention	300
Operation UNITE, Somerset, KY	Narcotics Law Enforcement & Interdiction, Education and Deterrence	4,450
Orange County Human Trafficking Task Force, Westminster, CA	Victim and Outreach Services Enhancements	220
Oregon Health and Science University, Portland, OR	Multidisciplinary Institute for Neuropsychiatric Diagnosis	200
Oregon Partnership, Portland, OR	Rx for Saving Oregon Teens	470
Oriana House, Inc., Akron, OH	Misdemeanant Facility	150
Parents for Megan, Stony Brook, NY	Institute Sex Offender Registration Tips (SORT) and Support Programs	300
PAX/Real Solutions to Gun Violence, New York, NY	SPEAK UP Hotline and Awareness Campaign Access Expansion	240
Pennyrile Narcotic Task Force, Hopkinsville, KY	Law Enforcement Programs and Equipment	750
Penobscot County Sheriff, Bangor, ME	Taskforce to Collaborate with Maine Schools in a Comprehensive Multi-Hazard Interoperable Response Plan	250
Peralta Community College District, Oakland, CA	Oakland Center for Public Safety at Merritt College	125
Perry Police Department, Perry, FL	Perry Police Department Canine Program	105
Persad Center, Inc., Pittsburgh, PA	Community Safe Zone	150
Philadelphia Safety Net, Philadelphia, PA	Safety Net Program	300
Phoenix House, Dallas, TX	Increasing Access to Substance Abuse Treatment Services for Texas Youth	100

**OJP - Byrne Discretionary Grants**  
**Congressionally-designated Items**  
**(\$ in thousands)**

Phoenix House, Dublin, NH	Clinical Management System	200
Phoenix House, New York, NY	Drug Treatment Technology Project	500
Phoenix House, Springfield, MA	Drug Treatment Technology Enhancement Initiative	500
Portage County Commissioners, Adult Probation Department, Ravenna, OH	Community Integration and Socialization Program	200
PROGRAM for Offenders, Pittsburgh, PA	Family Reunification Project	100
Protecting Sexually Exploited Children, Las Vegas, NV	Nevada Safe House Project	125
Providence Police Department, Providence, RI	Providence Gun Violence Prevention and Gang Reduction Initiative	1,000
Puyallup Tribe of Indians, Tacoma, WA	Puyallup Justice Center Project	400
Rape Crisis Center, Las Vegas, NV	Child Assault Prevention and Education Project	125
Rape, Abuse, Incest National Network (RAINN), Washington, DC	Rape, Abuse, Incest National Network	300
Ready Willing & Able, Philadelphia, PA	Ready Willing & Able Philadelphia Program	200
Ridge House, Reno, NV	Prisoner Re-Entry Program	200
Rio Hondo College, Whittier, CA	Regional Homeland Security Training Center Initiative	300
Rockdale County Sheriff's Office, Rockdale County, GA	Gang Intervention Project	250
Rosebud Sioux Tribe, Rosebud, SD	Rosebud Sioux Tribe - Criminal Justice System	300
Sacramento Police Department, Sacramento, CA	Sacramento Police Department Cold Case Justice Project	100
Safe Streets Campaign, Tacoma, WA	Pierce County Regional Gang Prevention Partnership, Safe Streets Campaign	500
Safer Foundation, Chicago, IL	Community Reentry Program	350
Saginaw County Sheriff, Saginaw, MI	Facilitating Justice Information Sharing	280
Salem Police Department, Salem, MA	Regional Approach to Law Enforcement Technology Services	250
Sam Houston State University, Huntsville, TX	Sam Houston State University Regional Crime Laboratory	1,000
San Diego Second Chance Program, San Diego, CA	Second Chance Prisoner Reentry Employment Program	400
San Francisco District Attorney, San Francisco, CA	San Francisco Reentry Center	750
San Jose State University Research Foundation, San Jose, CA	Community Collaborative Response to Victims of Domestic Violence	440
Sanctuary, Inc., Chalan Pago, GU	Sanctuary, Inc. - At-Risk Youth Services Programs	150

**OJP - Byrne Discretionary Grants**  
**Congressionally-designated Items**  
**(\$ in thousands)**

Sanders County Coalition for Families, Thompson Falls, MT	Creating Women's Resource Center and Housing	400
Saving Our Seeds, Chicago, IL	Life Skills Program	51
Sexual Assault Response Team (SART) Center, Anchorage, AK	Sexual Assault Response Team (SART) Center	400
Shelby Township Police Department, Shelby Township, MI	Law Enforcement Programs, Prosecution, Drug Treatment and Enforcement Programs	200
Simon Wiesenthal Center, Los Angeles, CA	Tools for Tolerance	1,000
Sisseton-Wahpeton Oyate, Agency Village, SD	Sisseton-Wahpeton Oyate Transition Assistance	110
Sisters of Charity, Columbia, SC	Jobs Not Jail: An Alternative to Incarceration	265
Somerset County, Skowhegan, ME	Technology Equipment Upgrades	550
South Western Judicial Circuit Family Violence Council, Inc., Americus, GA	Domestic Violence Advocate	75
Southeast Missouri Network Against Sexual Violence, Cape Girardeau, MO	Enhanced Victim Assistance	200
Southeast Missouri State University, Cape Girardeau, MO	Establishment of a Forensic Science Research and Education Laboratory	700
Southwest Tennessee Community College, Memphis, TN	Forensic Science Program	100
St. Petersburg College, St. Petersburg, FL	St. Petersburg College National Terrorism Preparedness Institute	1,500
St. Thomas University, Miami Gardens, FL	Human Trafficking Initiative	500
Standing Rock Sioux Tribe, Fort Yates, ND	Standing Rock Sioux Tribal Justice and Public Safety	400
State of Alaska, Anchorage, AK	Drug and Alcohol Interdiction, Rural Law Enforcement Training and Equipment	900
State of Iowa, Department of Public Health, Polk, Scott, Story, Woodbury Counties, IA	Jail-Based Substance Abuse Treatment	1,200
State of Iowa, Iowa Department of Corrections-- Division of Offender Services, Des Moines, IA	Transitional Mental Health Reentry Program	250
Stearns County, St Cloud, MN	Domestic Violence Court	100
Sterling Heights Police Department, Sterling Heights, MI	Law Enforcement Programs, Prosecution, Drug Treatment and Enforcement Programs	300
Stetson University College of Law, Gulfport, FL	National Clearing House for Science, Technology and the Law	400
Stop It Now!, Northampton, MA	Stop It Now! Child Abuse Prevention Helpline Expansion	250

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**Congressionally-designated Items**  
**(\$ in thousands)**

Suffolk County Police Department, Yaphank, NY	Suffolk County, NY, Police Department Computer Crimes Initiative	250
Superior Police Department, Superior, WI	Forensic Technology Task Force	550
Survivors, Inc., Gettysburg, PA	Legal Advocacy and Hotline Project	25
Synergy Services, Parkville, MO	Community Response to Domestic Violence	140
Tahirih Justice Center, Falls Church, VA	Immigrant Women and Girls Legal Services	500
Tallahassee Community College, Tallahassee, FL	Florida Public Safety Institute	245
Tarleton State University, Stephenville, TX	Tarleton State University Rural Law Enforcement Project	1,500
Taylor County Sheriff, Medford, WI	Law Enforcement Technology	1,000
Team Focus, Inc., Mobile, AL	Mississippi Team Focus Mentoring Project	400
Team Focus, Inc., Mobile, AL	South Carolina Team Focus Mentoring Project	500
Texas Border Sheriffs Coalition, El Paso, TX	Operation Linebacker	4,850
Texas Engineering Extension Service Texas A&M, San Marcos, TX	ALERTT	1,300
Texas Engineering Extension Service, College Station, TX	Forensic Science Academy	500
Thiel College, Greenville, PA	Thiel College Community Police Partnership	500
Toledo Fair Housing Council, Toledo, OH	Predatory Lending Program	125
Touro College Jacob D. Fuchsberg Law Center, Central Islip, NY	Veterans Legal Advocacy Clinic	100
Town of Greenburgh Adult Drug Treatment Court, Greenburgh, NY	Town of Greenburgh, NY, Adult Drug Court Treatment Program	50
Township of North Brunswick, North Brunswick, NJ	North Brunswick Video Surveillance Program	185
Troy University, Troy, AL	Computer Forensic Institute and Lab	200
Tulane University, New Orleans, LA	Domestic Violence Clinic	200
Tulsa Public Schools, Tulsa, OK	TPS Campus Police Force	300
Turning Point, Inc., Woodstock, IL	Law Enforcement Advocacy Partnership (LEAP)	300
Uintah County, Vernal, UT	Uintah County Drug Court	200
United Tribes Technical College, Bismarck, ND	Tribal Law Enforcement Training	400
United Way for Southeastern Michigan, Detroit, MI	United Way for Southeastern Michigan Ex- Offender Reentry Program	300
University of Alabama at Birmingham, Birmingham, AL	Model State Partnership for Cybercrime and Security	500
University of Alabama, Tuscaloosa, AL	Domestic Violence Law Clinic	300
University of Arizona, Tucson, AZ	Binational Migration Institute	250

**OJP - Byrne Discretionary Grants**  
**Congressionally-designated Items**  
**(\$ in thousands)**

University of Central Oklahoma, Edmond, OK	UCO/State of Oklahoma Forensic Laboratory Program	300
University of Illinois at Chicago, Chicago, IL	CeaseFire at the University of Illinois at Chicago	500
University of Maryland Public Safety Training and Technical Assistance Program, Greenbelt, MD	Prince George's County-Montgomery County Gang Prevention and Suppression Task Force	2,700
University of Memphis, Memphis, TN	Memphis- Shelby County Operation Safe Community	1,000
University of Mississippi, Oxford, MS	National Center for Justice and the Rule of Law	2,000
University of Nevada Las Vegas, Las Vegas, NV	Nevada Immigrant Resource Clinic	350
University of New Hampshire, Durham, NH	Consolidated Advanced Technologies Laboratory (CATLab)	300
University of North Dakota, Grand Forks, ND	Native American Into Law	300
University of Southern Mississippi, Hattiesburg, MS	Cannabis Eradication	500
University of Southern Mississippi, Hattiesburg, MS	Mississippi Automated Systems Project	1,250
University of Southern Mississippi, Hattiesburg, MS	Mississippi Rural Law Enforcement Training	350
University of Texas at Tyler, Tyler, TX	Texas Cyber Security Research and Training Institute	529
University of Toledo, Toledo, OH	Ohio Trafficking in Persons Study Group	250
University of West Georgia, Carrollton, GA	University of West Georgia K-12 School Safety and Emergency Response Initiative	250
Urban League of Greater Cincinnati, Cincinnati, OH	Initiative to Reduce Violence	100
Utah State University, Logan, UT	Prevention Plus	170
Vancouver Police Department, Vancouver, WA	Vancouver Records Management System	500
Vanderburgh County Commissioners, Evansville, IN	Civic Center Complex Security Improvements	200
Ventura County District Attorney, Ventura, CA	DNA Cold Case Prosecution Unit	570
Ventura County Sheriff, Ventura, CA	Regional Gang Unit - Forensic Scientists	80
Vermont Department of Public Safety, Waterbury, VT	School Resource Officers	100
Vermont Department of Public Safety, Waterbury, VT	Vermont Drug Task Force	1,000
Vermont Department of States Attorneys and Sheriffs Association, Montpelier, VT	Special Investigation Units	100

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Veronica's Voice, Kansas City, KS	Kansas Anti-Trafficking Coalition	300
Village of Southern View, Springfield, IL	Southern View Police Training and Equipment	100
Voorhees College, Denmark, SC	Domestic Violence Against Women	250
Wake Technical Community College, Raleigh, NC	Public Safety for Growing Region	300
Washington County Youth Service Bureau, Montpelier, VT	Return House Transitional Living Program	200
Washington County, Hillsboro, OR	Drug Court Program	300
Washington State University, Pullman, WA	Washington State University Center for the Study of Addiction: Methamphetamine, Prescription, and Other Drugs of Abuse	500
Washoe County Senior Services, Carson City, NV	Nevada Rural Counties RSVP Program	75
Wayne County Prosecutor, Detroit, MI	The Wayne County Mortgage Fraud Team	250
Wayne County Prosecutor's Office, Detroit, MI	Data Sharing and Criminal History Project	500
Wayne County Sheriff, Fairfield, IL	Equipment and Supplies for Wayne County Sheriff	100
Wayne State University, Detroit, MI	Prisoner Re-Entry Program	250
Weathersfield Township Trustees, Mineral Ridge, OH	Weathersfield OH Regional Interoperable Communication Project	495
Weld County Sheriff's Office, Weld County, CO	Northern Colorado Regional Crime Lab	300
West Virginia University, Morgantown, WV	Forensic Science Initiative	4,000
West Virginia University, Morgantown, WV	West Virginia University Identification Technology Research and Transition Center (CiTeR)	1,000
West Virginia University, Morgantown, WV	West Virginia University Technology Design Initiative	3,000
Western Connecticut State University, Danbury, CT	Expanded "Building a Bridge to Improve Student Success" At-Risk Youth Project	100
Whatcom County Sheriff's Office, Bellingham, WA	Whatcom County 2010 Olympics Costs	100
Whatcom County, Bellingham, WA	Whatcom County Rapid Border Prosecution Initiative	500
Wichita State University, Wichita, KS	Kansas Regional Community Policing Institute	650
William S. Richardson School of Law, Honolulu, HI	Hawaii Innocence Project	300
Wilmington Police Department, Wilmington, OH	Equipment Replacement and Modernization Project	140
Winona State University, Winona, MN	National Child Protection Training Center	1,000

**OJP - Byrne Discretionary Grants**  
**Congressionally-designated Items**  
**(\$ in thousands)**

Women's Center & Shelter of Greater Pittsburgh, Domestic Violence Support Program Pittsburgh, PA	250
Women's Resource Center of Scranton, Domestic Violence Reduction Initiative Scranton, PA	400
World Vision, Philippi, WV	World Vision Appalachia At-risk Youth Programming 275
Yankton Sioux Tribe , Marty, SD	Yankton Sioux Tribe - Victim Advocate Program 25
YWCA McLean County, Bloomington, IL	Violence Prevention and Intervention Initiative 300
YWCA of Greater Cincinnati, Cincinnati, OH	Domestic Violence Protection Program 400
YWCA of Greater Cleveland, Cleveland, OH	NIA: A Program to Promote Self-Sufficiency for At-Risk Young Women Aging Out of Foster Care 100
YWCA of Greater Cleveland, Cleveland, OH	Self-Sufficiency Program for At-Risk Youth 300
YWCA of Greater Flint, Flint, MI	Partners in Transition Program for At-Risk Young Women 850
YWCA of Greater Toledo, Toledo, OH	Program for At-Risk Youth 500
YWCA of Madison, Madison, WI	Community of Opportunity At-Risk Youth Initiative 150
YWCA of Silicon Valley, San Jose, CA	YWCA Rape Crisis Center 200
YWCA Silicon Valley, San Jose, CA	Human Trafficking Victim Support Center 450
YWCA's of Hawaii and Maui Counties, Hilo and Lihue, HI	Sexual Assault & Domestic Violence Response Services 400
Zero to Three, Des Moines, IA	Des Moines Court Team for Maltreated Infants and Toddlers 300
Zero to Three, New Orleans, LA	Orleans Parish Court Team for Maltreated Infants and Toddlers 200
Zero to Three, Washington, DC	New Haven Court Team for Maltreated Infants and Toddlers 300



**Byrne competitive grants.**—The conference agreement includes \$40,000,000 for competitive, peer-reviewed grants to programs of national significance to prevent crime, improve the administration of justice or assist victims of crime. The conferees do not concur with recommendations in the Senate Committee report for allocating these funds for particular programs, projects or activities. OJP shall submit a plan, within 120 days of enactment of this Act, detailing the criteria and methodology that will be used to award grants. The conferees expect national programs that have previously received funding under the Byrne discretionary program or the Juvenile Justice Part E program, and programs for which specific funding is designated in this Act, to be eligible to compete for funding under this competitive grant program.

**State criminal justice reform and recidivism reduction.**—The conference agreement provides \$10,000,000 for technical assistance, incentive grants, and other activities in support of comprehensive, evidence-based criminal justice reform and recidivism reduction efforts by States.

**John R. Justice grants.**—The conference agreement provides \$10,000,000 pursuant to section 952 of Public Law 110-315, which authorizes student loan repayment assistance for State and local prosecutors and public defenders, as well as Federal public defenders, to complement existing student loan repayment options for Federal prosecutors. The John R. Justice Prosecutors and Defenders Incentive program addresses the serious problems prosecutor and public defender offices across the country face in recruiting and retaining qualified attorneys.

**Tribal assistance.**—The conferees encourage OJP to assist tribes in building their capacity to plan and develop effective criminal justice programs and initiatives, and to prioritize assistance to tribes with the greatest needs. The conferees also encourage OJP to expand its efforts to provide voluntary training for tribal court officials and judges to promote improvements in tribal judicial systems. In addition, the conferees direct OJP to coordinate with the Bureau of Indian Affairs in the Department of the Interior in developing a priority list for detention facility construction, targeting tribal areas with the greatest need, and to incorporate that priority system into the ranking criteria for detention facility grants.

**Victims of trafficking.**—The conference agreement includes \$12,500,000 for services for U.S. citizens, permanent residents, and foreign nationals who are victims of human trafficking, and for task force activities. OJP shall provide a plan for the use of these funds to the House and Senate Committees on Appropriations as part of the Department's fiscal year 2010 spending plan.

**Drug courts.**—To facilitate the use of State clinical treatment standards, discourage system fragmentation, promote sustainability, and encourage the use of common client level performance and outcomes data, the conferees strongly encourage collaboration between drug courts and State agencies that oversee substance abuse prevention and treatment services.

**Justice for all, capital litigation review/wrongful conviction review.**—Of the amount provided, \$2,500,000 is made available for capital litigation grants to improve the quality of representation and the reliability of verdicts in local and State capital cases through training for prosecutors, defense counsel and trial judges. Also within the amount provided, \$3,000,000 is for competitive grants to public and non-profit entities that work to exonerate individuals who have been wrongfully convicted.

**Economic, high-tech and cybercrime prevention.**—As part of the Department's fiscal year 2010 spending plan, OJP is directed to provide to the House and Senate Committees on Appropriations a plan for the use of the funds provided for economic, high tech, and cybercrime prevention grants.

**Second Chance Act.**—The conference agreement provides \$100,000,000 for activities authorized under the Second Chance Act of 2007 (Public Law 110-199) to reduce criminal recidivism, which is \$75,000,000 above the fiscal year 2009 enacted level and equal to the request. Of the total, \$37,000,000 is for Adult and Juvenile Offender Reentry Demonstration Grants; \$10,000,000 is for State, tribal and local reentry courts; \$7,500,000 is for family-based substance abuse treatment, including family-based programs for the incarcerated parents of minor children; \$2,500,000 is to evaluate and improve education at prisons, jails, and juvenile facilities; \$5,000,000 is for technology careers training demonstration grants; \$13,000,000 is for offender reentry substance abuse and criminal justice collaboration; \$15,000,000 is for grants for mentoring and transitional services, as authorized by Section 211 of Public Law 110-199; and \$10,000,000 is for prisoner reentry research. The conference agreement authorizes the Attorney General to waive the matching requirements for Adult and Juvenile Reentry Demonstration Projects grants awarded in fiscal year 2010 based on determinations of fiscal hardship.

**National technical assistance and training.**—The conferees encourage the Department to support efforts to assist States in the development and use of criminal justice information systems that accelerate the automation of identification processes for fingerprints and other criminal justice data, and which improve the compatibility of State and local law enforcement systems with the FBI's Integrated Automated Fingerprint Identification System.

**Solving cold cases with DNA.**—The conferees recognize the need of State and local governments for resources to identify, review, investigate and prosecute violent crime cold cases that may be solved using DNA analysis and to locate and analyze biological evidence associated with these cases. Advances in DNA technology and the success of DNA database systems have substantially increased the successful analysis of aged, degraded, limited or otherwise compromised biological evidence. As a result, crime scene samples once thought to be unsuitable for testing may now yield DNA profiles. Additionally, samples that previously generated inconclusive DNA results may now be suc-

cessfully analyzed using newer methods. The conferees expect both the Office of Justice Programs and the National Institute of Justice to continue supporting State and local law enforcement efforts to investigate and prosecute violent crime cold cases, including those from the civil rights era to support the goals of the Emmett Till Unsolved Civil Rights Crime Act of 2007 (Public Law 110-344).

**National Motor Vehicle Title Information System (NMVTIS).**—The conferees affirm House report language on the National Motor Vehicle Title Information System, and understand that the Department recently provided fiscal year 2009 funds for NMVTIS to make system enhancements and assist participation by States. The conferees encourage OJP to continue to work with the system operator in fiscal year 2010.

**Legal advocacy for crime victims.**—The conferees note that a multiyear, national demonstration project, funded through the Office for Victims of Crime (OVC), to improve the capacity of attorneys to represent victims in the enforcement of their rights ended in 2009, and that a preliminary evaluation concluded that the project's clinics "are on the road to fulfilling the intentions of their architects and funders." The conferees strongly encourage OVC to continue to support efforts to provide legal counsel and support services for crime victims, and expand awareness and recognition of victims' rights.

#### WEED AND SEED PROGRAM FUND

The conference agreement provides \$20,000,000 for the Weed and Seed Program for fiscal year 2010.

#### JUVENILE JUSTICE PROGRAMS

The conference agreement provides \$423,595,000 for Juvenile Justice Programs for fiscal year 2010, as follows:

Program	Conference
Part B—State Formula .....	\$75,000,000
Part E—Challenge Grants—Demonstration Projects .....	91,095,000
Youth Mentoring Grants ...	100,000,000
Title V—Incentive Grants	65,000,000
Tribal Youth .....	(25,000,000)
Gang Prevention .....	(10,000,000)
Alcohol Prevention .....	(25,000,000)
Incentive Grants .....	(5,000,000)
Investigation and Prosecution of Child Abuse Program .....	22,500,000
Juvenile Accountability Block Grants .....	55,000,000
Community-Based Violence Prevention Initiative .....	10,000,000
Safe Start .....	5,000,000
Total .....	423,595,000

**Part E—discretionary grants.**—The conference agreement provides \$91,095,000 for the following congressionally-designated activities related to juvenile justice and at-risk youth, which the bill incorporates by reference:

**OJP - Juvenile Justice**  
**Congressionally-designated Items**  
**(\$ in thousands)**

<b>Recipient</b>	<b>Project</b>	<b>Amount</b>
A Place Called Home, Los Angeles, CA	Health, Nutrition and Well-being Program	300
ABC Unified School District, Cerritos, CA	Hawaiian Gardens Gang Prevention/Drop Out Intervention Program	100
Abraham House, Bronx, NY	Abraham House Programs for At-Risk Youth	100
Academy School of Careers, El Paso, TX	Project Salud	100
ACCESS - Arab Community Center for Economic and Social Services, Dearborn, MI	ACCESS Youth Center	200
After School Partnership of Greater New Orleans, New Orleans, LA	Youthline America - Gulf Coast Pilot	200
After-School Corporation, New York, NY	After School Apprenticeship Program (ASAP)	100
Alabama Institute for Deaf and Blind, Talladega, AL	Overcoming Communication Barriers for AIDB At-Risk Youth	150
Alameda County Social Services, Oakland, CA	Family Visitation Center	200
All Saints Community Service and Development Corporation, Hoboken, NJ	Jubilee Center Children's Program	250
An Achievable Dream, Inc., Newport News, VA	An Achievable Dream Academy	600
ARISE Foundation, North Palm Beach, FL	Life-Management Skills Intervention/Re-entry Program for High Risk Youth	550
Armory Track & Field Foundaiton, New York, NY	Armory Prep	150
Art Center of the Grand Prairie, Stuttgart, AR	Grand Prairie Arts Initiative	155
Aztecs Rising, Los Angeles, CA	Aztecs Rising Gang Intervention Program	225
Bardavon 1869 Opera House, Inc. (UCCC), Poughkeepsie, NY	OJJDP In-School Residency and Community Outreach Support for At-Risk Youth	100
Barron County Restorative Justice Inc., Rice Lake, WI	Anti-Truancy Initiative	230
Bay County Neighborhood Resource Center/Bay Regional Medical Center, Bay City, MI	Bay County Neighborhood Resource Center	200
Beaver County Minority Coalition, Beaver Falls, PA	Beaver County Juvenile Justice Program	100
Bellows Free Academy Union High School, St. Albans, VT	Juvenile Justice and Teen Support and Intervention Program	500
Berkshire South Regional Community Center, Great Barrington, MA	Action Adventures Out-of-School Anti-Bullying Project, Southern Berkshire County	135

**OJP - Juvenile Justice**  
**Congressionally-designated Items**  
**(\$ in thousands)**

Big Brothers Big Sisters Foundation of New Jersey, Parsippany, NJ	New Jersey Mentoring Initiative	400
Big Brothers Big Sisters of Will and Grundy County, Joliet, IL	Expansion of One to One Mentoring Services for At-Risk Children in Will and Grundy Counties	185
Big Brothers of Rhode Island, East Providence, RI	Mentorship Program for At-Risk Children	100
Bolder Options, Minneapolis, MN	Bolder Options Replication	100
Bolder Options, Minneapolis, MN	Bolder Options Replication and Expansion	300
Bolder Options, Minneapolis, MN	Bolder Options Rochester expansion	100
Boston Urban Youth Foundation, Roxbury, MA	Building Futures Educational Initiative	250
Boys & Girls Club of Rutherford County, Murfreesboro, TN	Project Learn	150
Boys & Girls Club of West San Gabriel Valley, Monterey Park, CA	Life Skills Development Program for At-risk Youth	75
Boys and Girls Club of Aberdeen, Aberdeen, SD	Boys and Girls Club of Aberdeen	200
Boys and Girls Club of Hawaii, Honolulu, HI	Rural Youth Crime Prevention Program	2,500
Boys and Girls Club of Marty, Marty, SD	Boys and Girls Club of Marty	425
Boys and Girls Club of Worcester, MA, Worcester, MA	Gang Prevention Through Targeted Outreach Program	350
Boys Town New York, New York City, NY	Expansion of Boys Town New York City Projects	100
Boys Town, Louisiana, New Orleans, LA	Expansion of Boys Town Louisiana Projects	147
Brick Township Police Athletic League, Brick, NJ	Brick PAL After-School and Kids Camp Program	250
BRIDGES USA, Memphis, TN	Bridge Builders: Youth Leadership for Community Change	500
Bronx Cluster of Settlement Houses, Bronx, NY	Bronx Cluster Youth Development	350
Bronx Comunity Pride Center, Bronx, NY	BCPC: Youth Academic Programming	200
Bronx Council on the Arts, Inc., Bronx, NY	BCA Bronx WritersCorps: Youth Development/Delinquency Prevention	150
Brooklyn Academy of Music, Brooklyn, NY	BAM Brooklyn Youth Initiatives	200
Brown Memorial Baptist Church, Brooklyn, NY	MLK Strivers After School Program	150
Building Toward Wellness Community Coalition Inc., Columbus, GA	Positive Steps After School Program	75
Cabrini College, Wayne, PA	Fostering Community Partnerships for Justice: Domestic Violence Education for Pre-Service and Practicing Professionals	100
Cal Ripken, Sr. Foundation, Baltimore, MD	Cal Ripken, Sr. Foundation At-Risk Youth Mentoring Programs	1,000

**OJP - Juvenile Justice**  
**Congressionally-designated Items**  
**(\$ in thousands)**

Calhoun County Family Connection, Edison, GA	Youth-Senior Partnership Program	75
CAPPA, Inc. (Community Alliance for Progressive Positive Action), Williamsport, PA	CAPPA Youth Intervention and Development Project: Creating Solutions	350
CASA serving Lancaster, Monterey Park, CA	Court Appointed Special Advocates Program	300
Centinela Youth Services, Inc, Hawthorne, CA	Parent Efficacy Program	200
Chabad of San Jose, Los Gatos, CA	Prevention, Resource, Information and Drug Education Project	200
Chabad of the Valley, Tarzana, CA	Prevention, Resource, Information and Drug Education (PRIDE) Project	100
Chamber Education Foundation/Rhode Island Mentoring Partnership, Warwick, RI	Rhode Island Mentoring Partnership	400
Chapel Hill Missionary Baptist Church, Detroit, MI	Chapel Hill Children and Youth Art Center	500
Cheyenne River Youth Project, Eagle Butte, SD	Cheyenne River Youth Project	200
Chicago Jesuit Academy, Chicago, IL	After-School Enrichment Program	400
Childhelp Michigan, Southfield, MI	Child Abuse Intervention and Treatment, Southeast Michigan	100
Childhelp of East Tennessee, Knoxville, TN	Child Abuse Treatment in Knox County	250
ChildHelp River Bridge Center, Glenwood Springs, CO	Child Abuse Prevention and Treatment in Garfield, Pitkin and Rio Blanco Counties	300
Childhelp, Flagstaff, AZ	Childhelp Mobile Advocacy Center of Northern Arizona	300
Childhelp, Phoenix, AZ	Childhelp Children	100
Children & Families First Delaware, Wilmington, DE	Functional Family Therapy for At-Risk Youth (DE Girls Wraparound)	350
Chippewa Cree Tribe, Box Elder, MT	Chippewa Cree Juvenile Detention Center	100
City of Alexandria, Alexandria, VA	Youth Building Green	200
City of Baltimore Police Department, Baltimore, MD	Baltimore City Juvenile Screening and Diversion Program	200
City of Bridgeport, Bridgeport, CT	Lighthouse After-School Program	350
City of Brockton, Brockton, MA	Brockton At-Risk Youth Program	200
City of Cairo, Cairo, GA	Holder Park Youth Resource Center After-school Program	75
City of Chino, Chino, CA	Chino Experience Teen Center	150
City of Fairfield, Fairfield, CA	Matt Garcia PAL Center	160
City of Gadsden, Gadsden, AL	Helping Families Program	250
City of Garfield, Garfield, NJ	School Resource Officer Program (Cops In School)	100
City of Hartford Police Department, Hartford, CT	Truancy Reduction Program	300

**OJP - Juvenile Justice**  
**Congressionally-designated Items**  
**(\$ in thousands)**

City of Jacksonville, FL, Jacksonville, FL	At-Risk Youth Intervention Initiative	1,250
City of Las Cruces, Las Cruces, NM	Juvenile Justice and Law Enforcement After School Program	250
City of Long Beach, Long Beach, CA	Youth Career Academy	300
City of Pasadena, Pasadena, CA	Neighborhood Outreach Workers (NOW) Program	250
City of Philadelphia Mural Arts Program, Philadelphia, PA	Restorative Justice Project	100
City of Richmond, Richmond, VA	Targeted High-Risk Youth Achievement Program	200
City of Rochester, City of Rochester, NY	After-School Jobs Program for At-Risk Youth	200
City of Sacramento, Sacramento, CA	City of Sacramento Attendance Centers	280
City of Seattle, Seattle, WA	Seattle Youth Violence Prevention Initiative	300
City of Victorville, Victorville, CA	Uturn Gang Prevention Strategy	82
City of Wilson, Wilson, NC	Wilson Gang Prevention Initiative	100
City Parks Foundation, New York, NY	City Parks Foundation Park Activity Expansion	200
Cleveland Avenue YMCA, Montgomery, AL	Cleveland Avenue YMCA	500
Community Connections, Inc., Bluefield, WV	Southern West Virginia Community Coalition Outreach and SADD Outreach Campaign	187
Community Connections, Inc., Bluefield, WV	Youth Training Initiative	2,000
Community Foundation for Greater New Haven, New Haven, CT	Interventions for Children and Families Exposed to Violence and Trauma	500
Courage to Speak Foundation, Norwalk, CT	Substance Abuse Prevention for Parents and Children	500
Court Appointed Special Advocate (CASA), Monterey Park, CA	Court Appointed Special Advocates Recruitment for 38th District	200
Court Appointed Special Advocate, Monterey Park, CA	Court Appointed Special Advocate Program for Infants and Toddlers	375
Covenant House Georgia, Inc, Atlanta, GA	Covenant House Georgia Rights of Passage Transitional Living Program	100
Covenant House of Florida, Orlando, FL	Parent Education and Health Support Program	200
Crawford Counseling and Community Learning Center, Roberta, GA	Parenting and Life Choices Program/Employee Assistance Program	50
Crossroads Programs, Willingboro, NJ	Youth Gang Prevention Program	50
D.A.R.E. New Jersey, Inc., Cranbury, NJ	Middle School Drug and Safety Prevention Project	350
Dakota Boys and Girls Ranch, Minot, ND	High-Risk Youth Program	200
Dauphin County Human Service Director, Harrisburg, PA	Family Group Conferencing Community Expansion Project	300

**OJP - Juvenile Justice**  
**Congressionally-designated Items**  
**(\$ in thousands)**

Delaware Mentoring Council, Newark, DE	Mentoring Initiatives for At-Risk Children and Youth	750
Devereux Kids Florida, Ocala, FL	Devereux Kids Abuse and Neglect Prevention Program	200
Devereux, King of Prussia, PA	Program-Wide Positive Behavior Support for At-Risk Youth	100
Dooly County Community Coalition/Family Connection, Vienna, GA	Delinquency Prevention	75
Dutchess Community College, Poughkeepsie, NY	At-risk Youth Education and Training Programs	400
Eastern Connecticut State University, Willimantic, CT	Dual Enrollment Initiative for At-Risk Youth	300
Economic Opportunity Council, Wyandanch, NY	Save Our Youth Violence Prevention After School Program	300
Eden Housing, Hayward, CA	Digital Connectors At-Risk Youth Program Expansion	575
Eitz Chaim, Brooklyn, NY	Project Success	100
El Museo del Barrio, New York, NY	El Museo del Barrio's Bronx Educational Programs for At-Risk Youth	100
Emily Krzyzewski Center, Durham, NC	The Pioneer Scholars Program at the Emily Krzyzewski Center in Durham, North Carolina	200
Enough is Enough, Great Falls, VA	Maryland Internet Safety 101: Empowering Parents Program	250
Fairfax Childhelp Center, Fairfax, VA	Providing Specialized Care and Treatment for Child Abuse Victims	200
Family Center of Columbus, Inc., Columbus, GA	Family Disintegration Prevention and Assistance Project	200
FC Harlem, New York, NY	Lion Share Youth Development Program	100
First Gethsemane Center for Family Development, Louisville, KY	Reducing Barriers to Success for At-risk Youth	100
Florida Venture Foundation, Miami, FL	Youth Build Development Strategies	400
Focus: HOPE, Detroit, MI	Focus: HOPE Youth Media Initiative	100
Forever Family, Fort Lauderdale, FL	Forever Family Child Safety and Adoption Initiative	400
Forsyth County, Winston-Salem, NC	Gang and Delinquency Prevention Initiative	450
Fountain Avenue Community Development Corporation, Brooklyn, NY	After School Program	100
Four Oaks Family Services & Benton/Iowa County Decategorization Project, Marengo, IA	Benton/Iowa County After-school Program and Functional Family Therapy Initiative	100
Friendship Circle, West Bloomfield, MI	Self-Determination Anti-Bullying in LifeTown (SAIL) Project - Year 2	150

**OJP - Juvenile Justice**  
**Congressionally-designated Items**  
**(\$ in thousands)**

Gang Alternatives Program, Los Angeles, CA	Gang Alternatives Program for Southeast Los Angeles County	135
Generations Incorporated, Lindenwold, NJ	Youth Mentoring Program	200
Girl Scouts of Greater Los Angeles, Arcadia, CA	VIVA California	115
Girl Scouts of Southwest Texas, San Antonio, TX	VIVA Texas	350
Girl Scouts of the USA, New York, NY	Girl Scouts Beyond Bars	1,350
GMHC, New York City, NY	Protecting Health and Building a Prosperous Future for At-Risk Youth in New York City	1,500
Good Shepherd Services, New York, NY	Afterschool Programming for At-risk Youth	250
Governor's Prevention Partnership, Hartford, CT	At-Risk Youth Prevention Initiative	250
Governor's Prevention Partnership, Hartford, CT	Prevention Initiative for At-Risk Youth	300
Green Bay YWCA, Green Bay, WI	Green Bay YWCA After-School Programs	600
Harlem RBI, Inc., New York, NY	Youth Development through Year-Round Sports and Teams	100
Hartford Behavioral Health, Inc., Hartford, CT	The Stump the Violence Youth Leadership Institute	300
Highland Park Community Development Corporation, Brooklyn, NY	Values Education Through Cooperative Activities Program	300
Hillside Family of Agencies, Greenbelt, MD	Hillside Family of Agencies, Hillside Work-Scholarship Connection	100
Hillside Family of Agencies, Hillside Work-Scholarship Connection, Syracuse, NY	Hillside Work-Scholarship Connection (HW-SC) Syracuse Program Expansion	300
Hillside Family of Agencies, Rochester, NY	Workforce Development Initiative for Youth Aging-Out of Foster Care	100
Hollenbeck Police Activities League, Los Angeles, CA	Hollenbeck PAL-Youth Crime Prevention	250
Holy Cross Children's Services, Clinton, MI	Edward J. Overstreet Center for Excellence in Children's Services	225
Hoops Express, Inc., Newburgh, NY	Helping Our People Excel Project	250
HoustonWorks USA, Houston, TX	The Juvenile Justice Initiative	400
Human Development Commission, Caro, MI	Generations	100
Improved Solutions for Urban Systems (ISUS), Dayton, OH	Improved Solutions for Urban Systems - 21st Century Jobs for Disengaged Youth	860
i-SAFE, Inc., Carlsbad, CA	i-SAFE e-Safety Education and Outreach Initiative	630
Jackson County Court Appointed Special Advocates, Kansas City, MO	Legal Child Advocate Program	100
Jobs for Delaware Graduates, Dover, DE	Jobs for Delaware Graduates, Expand Available Services	1,000



**OJP - Juvenile Justice**  
**Congressionally-designated Items**  
**(\$ in thousands)**

Jobs for Ohio, Columbus, OH	Jobs for Ohio's Graduates Dropout Prevention Initiative	200
Juvenile Assessment and Reporting Center (JARC), Las Cruces, NM	Prevention and Intervention Program	265
Juvenile Justice Center, Little Rock, AR	Child Maltreatment and Delinquency Project	200
Kennedy Krieger Institute, Baltimore, MD	Kennedy Krieger Institute Juvenile Delinquency Prevention Program at Fort Meade	500
Kentler International Drawing Space Inc., Brooklyn, NY	K.I.D.S. Art Education Program	100
Kidsbridge, Trenton, NJ	Kidsbridge Life Skills, Gang Resistance and Violence Prevention	90
KidsPeace, Altamonte Springs, FL	KidsPeace Florida Therapeutic Foster Care Program	200
KidsPeace, Clifton, NJ	KidsPeace Cumberland County Therapeutic Foster Care Program	250
KidsPeace, West Seneca, NY	KidsPeace Ithaca Therapeutic Foster Care Program	250
KidsVoice, Pittsburgh, PA	Child Advocacy Program	500
Klingberg Family Centers, Hartford, CT	Klingberg Child Abuse Treatment Services	400
LA County - Department of Children and Family Services, Los Angeles, CA	Independent Living Program, San Gabriel Valley	250
LACER, Los Angeles, CA	At the Park After Dark	75
Latin American Youth Center, Washington, DC,	Maryland Multicultural Youth Centers	750
Laughlin Community Center, Inc., Wheeling, WV	Laughlin Community Center Science and Mathematics Excellence Program	70
Logan City School District, Logan, UT	School-Based Language Learning Centers for At-Risk Youth	250
Long Beach Community College District, Long Beach, CA	Business Training for At-Risk Youth in Watts-Willowbrook	100
Lower Brule Sioux Tribe, Lower Brule, SD	Lower Brule Sioux Tribe Boys and Girls Club	300
M.L. Wilson Boys & Girls Club of Harlem, New York, NY	Career Launch/Club Service	100
Main Line Chinese Culture Center, Inc. (MLCCC), Wynnewood, PA	Preparing Philadelphia	100
Martin Luther King Jr. Freedom Center, Oakland, CA	Youth Non-Violent Leadership Program	250
Mary Mitchell Family and Youth Center, Inc., Bronx, NY	Mary Mitchell Family and Youth Center: Ongoing Programs for At-Risk Youth	250
Maryland Association of Youth Services Bureaus, Greenbelt, MD	Maryland Association of Youth Services Bureaus	1,000

**OJP - Juvenile Justice**  
**Congressionally-designated Items**  
**(\$ in thousands)**

Maryland Department of Juvenile Services, Baltimore, MD	Maryland Civic Justice Corps	200
Maui Economic Opportunity, Wailuku, HI	Ka Wili Pu Project	350
Men Engaged in Nonviolence, Inc, Taos, NM	Men Engaged in Nonviolence Activities Program	24
Middlecreek Area Community Center, Beaver Springs, PA	Linkages Mentoring Program and Youth Aid Panel	100
Miller County New Vision Coalition, Inc., Colquitt, GA	"Too Good for Drugs" After-School Program	80
Milwaukee Public Schools, Milwaukee, WI	Milwaukee Summer Stars	200
Mission Kids Child Advocacy Center, Norristown, PA	Child Abuse and Advocacy Program	50
Mobius, Inc., Burlington, VT	Mentoring Collaborative	500
Montana Second Judicial District - Judicial Probation Office, Butte, MT	Butte - Silver Bow Youth Project	175
Montana Youth and District Court Services Bureau, Helena, MT	MONTs-Juvenile Justice System	600
Mount Sinai Adolescent Health Center, New York, NY	Violence and Risky Behaviors Prevention	100
Museum of the City of New York, New York, NY	Out of School Time	350
My Turn Inc., Brockton, MA	Out-of-School Youth Intervention Program	200
National Center for Fathering, Shawnee Mission, KS	Watch D.O.G.S (Dads of Great Students)	900
National Council of Juvenile and Family Court Judges, Reno, NV	Judicial Training, Research & Technical Assistance	600
National Council on Crime and Delinquency (NCCD), Oakland, CA	Juvenile Delinquency Prevention Center for Asian Pacific Islander Youth in Oakland	100
New Freedom Theater, Philadelphia, PA	Performing Arts Training Program (PATP)	100
New Mexico Children Youth and Family Services, Santa Fe, NM	Juvenile Justice Pilot Project	250
New Mexico Sheriff and Police Athletic League, Albuquerque, NM	Anti-Gang Initiative and the "Be a Fit Kid" Health Mentorship Program	275
New York City Outward Bound Center, Inc., Long Island City, NY	At-Risk Students Program	200
New York Junior Tennis League, Woodside, NY	Tennis, Sports, Literacy, and Education Programs for High Risk New York City Young People from Low-Income Families	100
North Alabama Child Maltreatment Collaborative, Huntsville, AL	National Children's Advocacy Center	350
North Carolina Mentoring Partnership, Raleigh, NC	North Carolina Mentoring Partnership: Mentoring Programs for At-Risk Youth	400
North East Florida Education Consortium, Palatka, FL	North East Florida Education Consortium Dropout Prevention	450

**OJP - Juvenile Justice**  
**Congressionally-designated Items**  
**(\$ in thousands)**

Northern Forest Canoe Trail, Waitsfield, VT	Northern Forest Explorers Outdoor Program	300
Northwest Bronx Community and Clergy Coalition, Bronx, NY	Sistas and Brothas (S&B) United Youth Leadership Program	100
Ocean Tides School, Narragansett, RI	School-to-Work Training for At-Risk Youths	500
Office of the Attorney General of Virginia, Richmond, VA	Gang Prevention Coordination Program	100
Ogden City School District, Ogden, UT	Ogden Juvenile Delinquency Prevention Initiative	375
Ohel Children, New York, NY	Ohel At-Risk Youth and Child Abuse Prevention program	250
Ohel Children's Home & Family Services, Teaneck, NJ	At-Risk Youth and Child Abuse Prevention Program	200
Ohel Children's Home and Family Services, Brooklyn, NY	At Risk Youth and Child Abuse Prevention Program	350
Ohel Children's Home and Family Services, Miami Beach, FL	At Risk Youth and Child Abuse Prevention Program	200
Ohio Assn of Police Athletic/Activities League, Euclid, OH	Ohio Police Assn of Police Athletic/Activities League Cops and Kids	200
Old Bethel UMC, Charleston, SC	Bethel Community Outreach Program	300
Olive Crest - Pacific Northwest, Tacoma, WA	Push to Permanence Project	500
Olive Crest Treatment Centers, Santa Ana, CA	Olive Crest Independent Living Skills for At-Risk Youth	500
Operation QT, Inc., Paradise Valley, AZ	Operation Quality Time After School Program	300
Orange Police Department, Orange, MA	Implementation of the Training Active Bystanders Program and Enhancing Community Policing, Athol, Orange, Fitchburg, Greenfield, Holyoke and Pittsfield, MA	620
Orangeburg Consolidated School District Five, Orangeburg, SC	Alternative Youth Education Program	500
Orlando Health, Orlando, FL	Orange County Children's Advocacy Center Programs	250
Outright Vermont, Burlington, VT	Rural Vermont Bullying Initiative	100
Overtown Youth Center, Inc., Miami, FL	At Risk Youth Program	100
PA Chapter Children's Advocacy Centers and Multidisciplinary Teams, Erie, PA	Internet Child Safety Education	200
PACE Center for Girls, Inc., Jacksonville, FL	PACEWorks!	400
Pasadena Symphony Association, Pasadena, CA	Music Access and Education for At-Risk Youth	75
Patrick Henry Community College, Martinsville, VA	At Risk Youth Program	300

**OJP - Juvenile Justice**  
**Congressionally-designated Items**  
**(\$ in thousands)**

Pawtucket Police Department, Pawtucket, RI	Pawtucket At-risk Youth Program	100
PAX/Real Solutions to Gun Violence, New York City, NY	Speak Up Hotline and Awareness Campaign Access Expansion	850
Pee Dee Boys and Girls Club, Florence, SC	At-risk Youth Intervention	400
Pemi Youth Center, Plymouth, NH	Pemi Youth Center After School Program	125
Pennsylvania Coalition Against Domestic Violence, Harrisburg, PA	Use of Technology to Enhance the Capacity of Local Community-Based Domestic Violence Programs to Provide Services and Improve Outcomes	150
PEOPLE TO PEOPLE, Newport News, VA	PEOPLE TO PEOPLE Neighborhood Center Pilot Project, Newport News, Virginia	200
Philadelphia Teen Court, Philadelphia, PA	Teen Court Program	100
Phoenix Academy of Orange County, Santa Ana, CA	Strengthening Family and Substance Abuse Services for At-Risk Youth	230
Phoenix Academy, Lake View Terrace, CA	Strengthening Family and Mental Health Services for Underserved Youth in Los Angeles County	800
Pinellas County Board of County Commissioners, Clearwater, FL	Pinellas County At-Risk Youth Diversion Prevention Project	300
POINT Community Development Corporation, Bronx, NY	The POINT Community Development Corporation: Youth Development Program	150
Police Athletic League, Norristown, PA	Norristown Youth Program Support	90
Police Athletic League, Toledo, OH	Police Athletic League Youth Center	300
Polk County Sheriff, Bartow, FL	Polk County Gang Prevention Initiative	250
Project Avary (Alternative Ventures to At-Risk Youth), Novato, CA	Building Skills and Capacity of Children of Prisoners	125
Project Goal, Providence, RI	Champions of Change/Project Goal	100
Project Rebound, Inc., Columbus, GA	Juvenile Diversion Program	250
Pulaski County Youth Services, Little Rock, AR	Youth Initiative to Encourage Learning and Development	350
Ramsey County Community Corrections, St. Paul, MN	Juvenile Detention Alternatives Initiative (JDAI)	560
Reconcile New Orleans, Inc., New Orleans, LA	Reconcile New Orleans Workforce Development Training Program	300
Restoration Ministries, Harvey, IL	Project Intercept	200
Resurrection Health Care, Broadview, IL	Multi-Systemic Therapy Program	210
Richmond Black Firefighters Association, Richmond, CA	Richmond Youth Academy	250
Richmond Police Activities League, Richmond, CA	Changing Habits, Attitudes & Mind Program (CHAMP)	390
Rocking the Boat, Inc., Bronx, NY	RTB Education Programs for At-Risk Youth	250
Safe Harbor Child Advocacy Center, Inc., Madison, WI	Child Abuse Victim Services	195

**OJP - Juvenile Justice**  
**Congressionally-designated Items**  
**(\$ in thousands)**

Saint Joseph's University, Philadelphia, PA	Institute for Violence Research and Prevention	200
San Fernando Valley Partnership, Inc., San Fernando, CA	Chicas in Control and Succeeding	450
Santa Clara County of Education, San Jose, CA	Information Network for Student Success	400
Save Our Future, Inc, Los Angeles, CA	Save Our Future/Mothers On the March After-School Program, Intervention & Enrichment	300
Save the Children, Washington, DC	Juvenile Delinquency Prevention Program	300
Save the Children, Westport, CT	Arkansas Rural Literacy Program	300
School Biz Match, Inc., Washington, DC	K-12 Community-based Partnership Pilot Program	500
School District of Palm Beach County, West Palm Beach, FL	Career Education for At-risk and Adjudicated Youth	200
Sea Research Foundation, Mystic, CT	Immersion Presents After-School Program	300
SGA Youth and Family Services, Chicago, IL	Juvenile Justice Program	225
Sid Jacobson Jewish Community Center, East Hills, NY	Youth Action After School Program	200
Siena College, Loudonville, NY	Siena College At-Risk Youth Service Initiative	100
Soundview Community in Action, Bronx, NY	Outreach Programs for At-Risk Youth	300
South Central Community Services, Inc., Chicago, IL	SCCS, Inc. At-Risk Youth program	300
Southwest Georgia Humanitarian Rural Outreach, Bainbridge, GA	Rural Outreach Program	75
Sports Foundation, Inc., Bronx, NY	SFI Anti-Drug Programs for At-risk Youth, Bronx, New York	125
Standing Rock Sioux Tribe, Fort Yates, ND	Standing Rock Sioux Tribe Child Protection Services	350
Starfinder Foundation, Philadelphia, PA	Youth Soccer Gang Prevention Initiative	100
Starr Commonwealth - Van Wert, Van Wert, OH	Expansion of the Adolescent Delinquency Program	500
Starr Commonwealth Battle Creek Campus, Battle Creek, MI	Expansion of Starr Commonwealth Battle Creek Parent-Referred Day Treatment Program	300
Starr Commonwealth, Columbus, OH	Structured Therapeutic Living Program	200
Starr Commonwealth, Detroit, MI	Bridges to Responsible Adulthood	200
State of Maryland, Baltimore, MD	Gang Prevention and Intervention Services	500
Suffolk University, Boston, MA	Juvenile Justice Center at Suffolk University	250
Superior Court of California, County of Santa Clara, San Jose, CA	Santa Clara County Delinquency Model Court	170

**OJP - Juvenile Justice**  
**Congressionally-designated Items**  
**(\$ in thousands)**

Taylor County Family Matters Collaborative, Butler, GA	Taylor County After-School Program	145
Team Focus, Inc., Mobile, AL	Birmingham Mentoring and Education Program	500
Team Focus, Mobile, AL	Texas Youth Mentoring Program	100
Texas A&M Corpus Christi, Corpus Christi, TX	Texas A&M Adjudicated Youth Program	250
The Manor, Jonesville, MI	Children's Safety and Security Updates Project	200
Town of Riverhead, Riverhead, NY	Anti-gang Initiative for At-risk Age Groups	100
Truancy Intervention Project Georgia, Inc., Atlanta, GA	Truancy Intervention Project	150
Turning the Hearts Center, Chula Vista, CA	Turning the Hearts Center Project	100
U.S. Soccer Foundation, Washington, DC	Champions of Change: Youth Soccer Gang Prevention Initiative	200
Uhlich Children, Chicago, IL	Violence Prevention and Youth Leadership Program	100
United Methodist Children, Selma, AL	Security and IT Improvements	150
United Way for Southeastern Michigan, Detroit, MI	United Way Juvenile Delinquency Prevention Program	250
United Way of Allegheny County, Pittsburgh, PA	Youth Futures Commission	275
United Way of North Central Massachusetts, Fitchburg, MA	Engaging Youth for Success	350
University of Colorado at Boulder, Boulder, CO	Colorado Schools Safety Program	500
University of Mobile, Mobile, AL	University of Mobile, AL RamKids Program	850
University of Montana, Missoula, MT	Montana Safe Schools	250
Urban Dreams, Des Moines, IA	Urban Children are Really Essential (U-CARE)	200
USA Swimming Foundation, Berkeley Heights, NJ	New Jersey Regional Youth Development Program	400
Valley Youth House Committee, Inc., Allentown, PA	Adventure Challenge Education for Gang Prevention (ACE)	200
Vermont Department of Children and Families, Waterbury, VT	At-Risk Youth Assistance Programs	500
Vermont Department of Education, Montpelier, VT	Extended Education Programming at Schools	500
Virginia Community College System (VCCS), Richmond, VA	Great Expectations Program for Virginias Foster Youth	350
Virginia Mentoring Partnership, Richmond, VA	Mentoring Programs for At-Risk Youth	200
Washington State Mentors, Issaquah, WA	Mentoring Initiative for At-Risk Youth	300
Watson Children's Shelter, Missoula, MT	Western Montana Children's Safety Initiative	500

**OJP - Juvenile Justice**  
**Congressionally-designated Items**  
**(\$ in thousands)**

Wayne County Department of Children and Family Services, Detroit, MI	Wayne County, Michigan Juvenile Mentoring Program	400
Weld County Juvenile Assessment Center, Greeley, CO	Truancy Response and Intervention Program	245
Wesley Biblical Seminary, Jackson, MS	Cross-Roads Multi-Cultural Center	250
Widener University, Chester, PA	Widener University Delaware County Violence Prevention Collaborative	200
Wisconsin Office of Justice Assistance, Madison, WI	WI Office of Justice Assistance Reducing Truancy through Early Intervention	1,000
WNY Americorps, West Seneca, NY	WNY Americorps for Programs to Assist At-Risk Youth	200
Women's Sports Foundation, Atlanta, GA	GoGirlGo! Atlanta Initiative	100
Womens Sports Foundation, New York City, NY	GoGirlGo! New York City Initiative	250
Woodstock Film Festival, inc (WFF), Woodstock, NY	Woodstock Film Festival Youth Initiative / Youth at Risk	30
Yakima County, Yakima, WA	Implementation of OJJDP Best Practices Gang Model	500
YMCA of Burbank, Burbank, CA	Youth Development and Government Program	45
York County Children's Advocacy Center, York, PA	SAFE Team	60
Youth Advocate Program, Farmington, NM	Gang Prevention Program	200
Youth Advocate Programs, Inc. (YAP), Charleston, SC	South Carolina Gang Initiative	250
Youth and Tennis, Inc., Jamaica, NY	Juvenile Delinquency Prevention	150
Youth Ministries for Peace and Justice, Bronx, NY	Youth Ministries for Peace and Justice: Education Programs for At-Risk Youth	250
YWCA Greater Los Angeles, Los Angeles, CA	Project Empowerment	100
YWCA Lake County, Waukegan, IL	Minority Family Strengthening Initiative	375
YWCA of Indianapolis, Indianapolis, IN	Out of School Time Project for At-Risk Youth	100
YWCA of St. Joseph County, South Bend, IN	Getting Ahead Project for Domestic Violence Survivors and Their Families	200
YWCA Pasadena, Pasadena, CA	Development and Education Program for At-risk Girls	75
Zelpha's Cultural Development Corp., Inc., Tuscaloosa, AL	University of Alabama After-School Delinquency Prevention Program	150
Zero to Three, Cherokee, NC	Cherokee Court Team for Maltreated Infants and Toddlers	100
Zero to Three, Douglasville, GA	Zero to Three: Douglas County Court Team for Maltreated Infants and Toddlers	100
Zero to Three, Hattiesburg, MS	Court Teams for Maltreated Infants and Toddlers	300



*Youth mentoring grants.*—To support the critical work of national, regional and local organizations in nurturing and mentoring at-risk children and youth, the conference agreement provides \$100,000,000 for competitive, peer-reviewed youth mentoring grants. Within 60 days of enactment of this Act, OJP is directed to provide a report and spending plan to the House and Senate Committees on Appropriations detailing the criteria and methodology that will be used to award these grants. The conferees expect that OJJDP will take all steps necessary to ensure fairness and objectivity in the award of these and future competitive grants. It is expected that national programs that have received funding under the Byrne discretionary grants program or the Juvenile Justice Part E program will be eligible for funding under this competitive grant program, including programs for which specific amounts are designated in this Act.

*Safe Start.*—The conference agreement provides \$5,000,000 for the Safe Start Initiative, which helps prevent and reduce the impact of children's exposure to violence in both the home and the community, as a distinct Juvenile Justice appropriation. The Senate Committee report had proposed funding for this program under the Part B State formula appropriation, while the Department had proposed funding for this program through the Office on Violence Against Women.

*Victims of Child Abuse Act.*—Within the \$22,500,000 provided for Victims of Child Abuse Act programs, the conference agreement designates \$5,000,000 for regional children's advocacy centers programs.

*Mental health services for youth in foster care.*—When developing and implementing programs related to children in foster care or who have been adopted from foster care, OJJDP is encouraged to work with the Administration for Children and Families at the Department of Health and Human Services and non-profit organizations with expertise on the mental health needs of such children.

*Child exploitation prevention and interdiction.*—The Attorney General is urged to des-

ignate a senior departmental official to coordinate the development of a national strategy for child exploitation prevention and interdiction, as directed by the Protect Our Children Act (Public Law 110-401).

#### PUBLIC SAFETY OFFICER BENEFITS

The conference agreement provides \$70,100,000 for Public Safety Officer Benefits programs for fiscal year 2010. Within funds provided, \$61,000,000 is for death benefits for survivors, an amount estimated by the Congressional Budget Office that is considered mandatory for scorekeeping purposes. In addition, \$9,100,000 is provided, as requested, for disability benefits for public safety officers who are permanently and totally disabled as a result of a catastrophic injury, and for education benefits for the spouses and children of officers who are killed in the line of duty or who are permanently and totally disabled as a result of a catastrophic injury sustained in the line of duty.

#### COMMUNITY ORIENTED POLICING SERVICES (INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides \$791,608,000 for Community Oriented Policing Services (COPS) programs for fiscal year 2010, as follows:

Program	Conference
COPS Hiring Program .....	\$298,000,000
COPS Technology and Interoperability .....	170,223,000
NIST/OLES .....	(1,500,000)
Meth Hot Spots .....	40,385,000
Transfer to DEA .....	(10,000,000)
Tribal meth enforcement grants .....	(5,000,000)
Tribal Law Enforcement ...	40,000,000
Bulletproof Vests .....	30,000,000
NIST/OLES .....	(1,500,000)
DNA Backlog Reduction ....	161,000,000
Debbie Smith DNA Backlog grants .....	(151,000,000)
Post Conviction DNA Testing grants .....	(5,000,000)
Sexual Assault Nurse Examiners .....	(5,000,000)

Program	Conference
Child Sexual Predator Elimination/Sex Offender Management .....	24,000,000
Sex Offender Management .....	(11,000,000)
National Sex Offender Public Website .....	(1,000,000)
Secure Our Schools Act .....	16,000,000
Community Policing Development .....	12,000,000
Total .....	791,608,000

*Law enforcement technologies and interoperable communications.*—The conference agreement provides \$170,223,000 for grants for State, local, and tribal law enforcement to develop and acquire effective technologies and interoperable communications that assist in the prevention of and response to crime. COPS is directed to ensure that all equipment funded under this program meets applicable requirements of the National Institute of Standards and Technology (NIST) Office of Law Enforcement Standards (OLES).

Within the funds provided, \$1,500,000 shall be transferred to NIST to continue the efforts of OLES in developing a comprehensive suite of minimum standards for law enforcement communications, including the development of conformance and interoperability test standards for the Project 25 Inter-RF-Subsystem Interface (ISSI), Console Interface, and Fixed Station Interface for land mobile radio systems. These funds should also be used to begin the development of standards for emerging technologies such as VoIP applications for public safety operations. In addition, these funds should be used to support the development and implementation of a compliance assessment program to ensure that communications equipment purchased with Federal funds is compliant with existing, applicable standards.

The accompanying table details funding for congressionally-designated activities, which the bill incorporates by reference:

**COPS Law Enforcement Technology**  
**Congressionally-designated Items**  
**(\$ in thousands)**

<b>Recipient</b>	<b>Project</b>	<b>Amount</b>
Abington Township Police Department, Abington, PA	Technology Upgrades and Enhancements for Police Vehicles	195
Adams County Department of Emergency Services, Gettysburg, PA	Radio System Upgrade	200
Alabama Department of Corrections (ADOC), Montgomery, AL	Electronic Training and Security Tools (ETAST) Phase III	250
Alamosa Police Department, Alamosa, CO	Alamosa Public Safety Mobile DATA	125
Allentown Police Department, Allentown, PA	Lehigh and Northampton Counties Interoperability Development Project	800
Alpine County Sheriffs Office, City of Markleeville, CA	Alpine-Calaveras Regional Interoperable and Tactical Communications Microwave Project	400
Anson County Sheriff, Wadesboro, NC	Law Enforcement Visual Intelligence Tool	500
Ardmore Police Department, Ardmore, AL	Law Enforcement Technology Equipment and Upgrades	20
Baldwin County Commission, Fairhope, AL	Baldwin County Courthouse Security	500
Baldwin County Sherriff, Milledgeville, GA	Regional Dispatch and Emergency Management Center	250
Baltimore County Executive Office, Towson, MD	Baltimore County 9-1-1 Center Communications and Equipment Upgrades	1,500
Baltimore County Sheriff, Towson, MD	Local Law Enforcement Enhancement	200
Bartlesville Police Department, Bartlesville, OK	Bartlesville Police Department Mobile Data Technology	800
Beaver County Sheriff, Beaver, PA	Law Enforcement Technology and Equipment	120
Beltrami County, Bemidji, MN	Mobile Data/Computer Aided Dispatch	240
Ben Hill County Sheriff, Fitzgerald, GA	In Car Video Systems	55
Bismarck Police Department, Bismarck, ND	City of Bismarck and Burleigh County First Responder Upgrade	250
Blacksburg Police Department, Blacksburg, VA	New River Valley Emergency System	250
Boone County Sheriff's Department, Burlington, KY	Boone County Sheriff's Department equipment	340
Borough of Cliffside Park, Cliffside Park, NJ	Replacement of Computer Hardware and Software for Dispatching Radio System	270
Borough of East Rutherford, East Rutherford, NJ	East Rutherford Police & Courts Facility	500
Borough of Lavallette, Lavallette, NJ	Lavallette Police Department - Communications Update	185
Borough of Leonia, Leonia, NJ	Lap Top Computers for Patrol Vehicles	33
Borough of McKees Rocks, McKees Rocks, PA	Surveillance Camera Network Installation	120

**COPS Law Enforcement Technology**  
**Congressionally-designated Items**  
**(\$ in thousands)**

Borough of Pompton Lakes, Pompton Lakes, NJ	Pompton Lakes Police and Emergency Services Interoperability Equipment Upgrade	240
Borough of Quakertown, Quakertown, PA	Law Enforcement Technology and Communications	100
Bossier Parish Sheriff's Office, Bossier City, LA	Bossier Parish Public Safety Interoperable Communications	200
Bourbon County Sheriff, Paris, KY	Bourbon County Law Enforcement Technology	50
Brazos County Sheriff, Bryan, TX	Brazos County Law Enforcement Technology	200
Briarcliff Manor Police Department, Briarcliff Manor, NY	Briarcliff Manor, NY, Police Department Equipment	40
Burrillville Police Department, Burrillville, RI	Emergency Operations Center Technology	100
Butler County, El Dorado, KS	Butler County Radio System Project	500
Butler Police Department, Butler, GA	Law Enforcement Equipment	75
Calhoun County Commission, Calhoun County, AL	Northeast Alabama Regional Mobile Data System	500
California Department of Justice, Sacramento, CA	Mobile Live Scan Fingerprint Devices for LA and Orange Counties	100
Calloway County Sheriff's Department, Murray, KY	Calloway County Sheriff's Department equipment	100
Calvert County Department of Public Safety, Prince Frederick, MD	Calvert Mobile Data Terminals	500
Cambria 9th Public Service Providers, Patton, PA	Law Enforcement Technology and Equipment	300
Camden City Municipal Government, Camden, NJ	Camden Police Department Mobile Communications Center	200
Carlisle Borough, Carlisle, PA	Public Safety Video Surveillance Project	200
Carroll County Sheriff, Carrollton, OH	Carroll County Sheriff Equipment Upgrade	140
Cayuga County, Auburn, NY	Interoperable Communications Upgrade	300
Cedar Rapids Joint Communications Agency, Cedar Rapids, IA	Police Safety Equipment and Communications	300
Center for Technology Commercialization Inc., Westborough, MA	Massachusetts Law Enforcement Technology and Training Support Center	500
Centre County, Bellefonte, PA	Emergency Communications Systems	500
Charles Mix County, Lake Andes, SD	Charles Mix County 911 System Upgrade	100
Charlevoix Cheboygan Emmet Central Dispatch Authority, Petoskey, MI	Law Enforcement Technology and Equipment	300
Chautauqua County, Mayville, NY	Broadband Fiber Initiative	100
Chester County Sherriff, Chester, SC	Chester County Communications Tower	300
Chesterfield County Police Department, Chesterfield, VA	Police Officer Communications Radio Project	930

**COPS Law Enforcement Technology**  
**Congressionally-designated Items**  
**(\$ in thousands)**

Chickasaw Nation, Ada, OK	Law Enforcement Visual Intelligence Tool for the Chickasaw & Choctaw Nations	750
Christian County Sheriff, Taylorville, IL	Interoperable Communications Upgrades	250
City and County of San Francisco, San Francisco, CA	San Francisco Gun Location Technology and Policing Project	750
City of Albertville, Albertville, AL	Public Safety Mobile Data System	1,400
City of Albuquerque, Public Safety Department, Albuquerque, NM	Comprehensive Information System Project	400
City of Alexandria, Alexandria, VA	Crime Scene Investigations Mobile Technology	140
City of Arlington, Arlington, GA	Wireless IP Technology System	100
City of Auburn, Auburn, AL	City of Auburn Mobile Data System	100
City of Auburn, Auburn, WA	Valley Cities Public Safety Regional Broadband Network	150
City of Banning, Banning, CA	Banning Multi-Agency Interoperability Capability	300
City of Barrackville Police Department, Barrackville, WV	Law Enforcement Technology and Equipment	25
City of Bastrop, Bastrop, TX	Bastrop Police Department Technology and Equipment	40
City of Bayonne, Bayonne, NJ	Law Enforcement Technology	100
City of Beech Grove, Beech Grove, IN	Beech Grove Police Department Public Safety Communications Equipment	100
City of Bethlehem Police Department, Bethlehem, WV	Law Enforcement Technology and Equipment	25
City of Birmingham, Birmingham, AL	Urban Crime Prevention Initiative	250
City of Blue Island Police Department, Blue Island, IL	Law Enforcement Technology and Equipment	150
City of Bogalusa, Bogalusa, LA	Equipment for Police Dept	100
City of Buffalo, Buffalo, NY	TraCS Equipment	600
City of Central Falls Police Dept, Central Falls, RI	Cops Technology	100
City of Chester, Chester, IL	Public Safety Technology Improvements for the City of Chester	100
City of Cincinnati, Cincinnati, OH	800MHz Radios for Cincinnati	625
City of Cochran Police Department, Cochran, GA	Police Department Technology Program	70
City of College Park, College Park, GA	Emergency Operations Center Technology Upgrade	450
City of Commerce City, Commerce City, CO	Interoperable Communications Equipment	110
City of Corona, Corona, CA	Interoperability Upgrades for the City of Corona Police Department	150
City of Denver, Denver, CO	COPLINK	500
City of Detroit, Detroit, MI	Detroit Police Northwestern "District Wide CB Patrol"	350

**COPS Law Enforcement Technology  
Congressionally-designated Items  
(\$ in thousands)**

City of Dodge City Police Department, Dodge City, KS	Dodge City Police Department Equipment and Technology Upgrade Project	200
City of Doral, Doral, FL	City of Doral Public Safety & Surveillance System	750
City of Dothan, Dothan, AL	Public Safety Emergency Communications System	500
City of Durango, Durango, CO	Durango Police Department Interoperability Completion	300
City of East Point, East Point, GA	East Point Law Enforcement Technology Upgrade	100
City of Elkhart, Elkhart, IN	Elkhart Police Department Equipment Acquisition	250
City of Eugene, Eugene, OR	Public Safety Technology Improvements	150
City of Farmington, Farmington, NM	Interoperability Radio Communications, Farmington, NM	100
City of Fayetteville, Fayetteville, AR	Simulcast System for Public Safety Communication	750
City of Fayetteville, Fayetteville, NC	Regional Public Safety Communications	300
City of Foley, Foley, AL	Public Safety Initiative	400
City of Fort Smith Police Department, Fort Smith, AR	River Valley Mobile Data Network	750
City of Gadsden, Gadsden, AL	Law Enforcement and Forensic Science Technology and Equipment	150
City of Galesburg, Galesburg, IL	Upgrade 911 Systems to a Next Generation NG-911 Digital System	100
City of Gardena, Gardena, CA	Gardena Public Safety Surveillance	350
City of Gary, Gary, IN	Law enforcement equipment for the Gary Police Department	92
City of Gilbert Police Department, Gilbert, MN	City of Gilbert Integrated Radio System	35
City of Glen Cove, Glen Cove, NY	Law Enforcement Technology Improvements	615
City of Glendale, Glendale, CA	Foothill Regional Forensic DNA Lab	500
City of Greenville, Greenville, NC	Law Enforcement Technology Improvement Project	250
City of Greenwood, Greenwood, MS	Law Enforcement Technology and Equipment	100
City of Hackensack, Hackensack, NJ	The City of Hackensack Police and Emergency Services Communication Upgrade Project	200
City of Hagerstown, Hagerstown, MD	Hagerstown Police Department Technology and Equipment Upgrades	900
City of Hampton, Virginia, Hampton, VA	Emergency Communications System, Hampton, VA	200
City of Harrisburg, Harrisburg, PA	Digital In Car Video Project	100

**COPS Law Enforcement Technology**  
**Congressionally-designated Items**  
**(\$ in thousands)**

City of Hartford, Hartford, CT	High Street Public Safety Complex	1,000
City of Hartselle, Hartselle, AL	Wireless Area Network	250
City of Henderson, Henderson, NV	Police Technology	600
City of Hialeah, Hialeah, FL	Equipment Upgrades	250
City of Hickory Hills, Hickory Hills, IL	Law Enforcement Technology and Equipment	125
City of Highland, Highland, CA	Highland Police Technology Program	500
City of Hobart, Hobart, IN	Law enforcement equipment for the Hobart Police Department	90
City of Hokah, Hokah, MN	Improved Law Enforcement and Emergency Communications	60
City of Hollywood, Hollywood, FL	Law Enforcement Technology	400
City of Homestead, Homestead, FL	Emergency Wireless Law Enforcement Technology	500
City of Hot Springs Police Department, Hot Springs, AR	Mobile Data Terminals	325
City of Houston, Houston, TX	Houston Interoperability Initiative	1,350
City of Huntsville, Huntsville, AL	City of Huntsville Public Safety Technology Upgrades (Equipment)	750
City of Indianapolis, Indianapolis, IN	Automated Fingerprint Identification System and IMPD Technology Equipment	300
City of Indianapolis, Indianapolis, IN	Broadband Wireless Upgrade to IMPD Fleet	50
City of Jackson, Jackson, MS	Law Enforcement Technology and Equipment	100
City of Jacksonville Beach, Jacksonville, FL	Interoperability P-25 Compliant Radio System	250
City of Kannapolis, Kannapolis, NC	Kannapolis Regional Radio Upgrade	575
City of Kirkland, Kirkland, WA	Emergency Services Equipment	300
City of Lacey, Lacey, WA	Records Management System	200
City of Lockhart, Lockhart, TX	Lockhart Police Department Technology	125
City of Long Beach, Long Beach, CA	Forensic Investigation Equipment	100
City of Madison, Madison, WI	Madison Law Enforcement Technology Upgrades	700
City of Maitland, Maitland, FL	Law Enforcement Technology Upgrades	400
City of Maryville, Maryville, TN	Blount County Communications System	750
City of Mascoutah, Mascoutah, IL	Fiber Optic Connection Upgrade for the City of Mascoutah	650
City of Medford, Medford, OR	Jackson County Consolidated 9-1-1 Dispatch Center	710
City of Middletown Police Department, Middletown, NY	Enhanced Communications and Vehicular Video	65
City of Minneapolis, Minneapolis, MN	Public Safety Technology	400
City of Missoula, Missoula, MT	Missoula Police Headquarters Facility	750

**COPS Law Enforcement Technology**  
**Congressionally-designated Items**  
**(\$ in thousands)**

City of Modesto, Modesto, CA	Stanislaus County and City of Modesto, CA, for law enforcement communications equipment	300
City of Monterey Park, Monterey Park, CA	Police Communications Upgrade	250
City of Montgomery, Montgomery, AL	City of Montgomery and Montgomery County Interoperable Upgrades	500
City of Mountain Village, Mountain Village, CO	Mountain Village Public Safety Communications System	500
City of New Haven, New Haven, CT	Northeast Regional Law Enforcement Firing Range	225
City of Newark, Newark, CA	Public Safety Interoperability Program	200
City of Newark, Newark, NJ	Emergency Operations Center Interoperability Equipment	500
City of Newport, Newport, RI	National Incident Management System	200
City of Norfolk, Norfolk, VA	Police Tactical And Surveillance Equipment And Other Technologies	100
City of Norman, Norman, OK	Norman Public Safety Networking Initiative	250
City of Oakland, Oakland, CA	Automatic Vehicle Locating (AVL) Systems	250
City of Oakland, Oakland, CA	Oakland Police Compstat	1,325
City of Orange Township, Orange, NJ	Public Safety Information Technology Restoration	450
City of Orlando, Orlando, FL	Innovative Response to Improve Safety (I.R.I.S.)	200
City of Ottumwa, Ottumwa, IA	Crime Reduction Through Utilization of Video Surveillance Systems and In Car Computer Systems	375
City of Oxnard, Oxnard, CA	City of Oxnard Comprehensive Critical Assets Remote Surveillance Program	300
City of Ozark, Ozark, AL	Ozark Police Department Technology Improvements	140
City of Paden City Police Department, Paden City, WV	Law Enforcement Technology and Equipment	25
City of Palm Bay, Palm Bay, FL	Palm Bay Mobile Command Unit Communications System	600
City of Parsons, Parsons, WV	Law Enforcement Technology and Equipment	25
City of Peekskill, Peekskill, NY	The City of Peekskill WIFI System	300
City of Philippi Police Department, Philippi, WV	Law Enforcement Technology and Equipment	25
City of Phoenix, Phoenix, AZ	City of Phoenix COPLINK	500
City of Phoenix, Phoenix, AZ	City of Phoenix Enhanced Mobile Data Security	300
City of Piedmont Police Department, Piedmont, WV	Law Enforcement Technology and Equipment	25



**COPS Law Enforcement Technology**  
**Congressionally-designated Items**  
**(\$ in thousands)**

City of Pittsburgh, Pittsburgh, PA	Neighborhood Camera Security System	500
City of Poughkeepsie Police Department, Poughkeepsie, NY	CCTV and Interoperability Upgrades and Enhancement	100
City of Racine, Racine, WI	City of Racine License Plate Recognition Cameras	100
City of Raleigh, Raleigh, NC	City of Raleigh: Rapid Fingerprint Identification	300
City of Redlands, Redlands, CA	Redlands Police Information Technology Infrastructure	350
City of Redondo Beach, Redondo Beach, CA	Redondo Beach Emergency Operations Center	200
City of Rialto Police Department, Rialto, CA	Rialto Police Department Surveillance Cameras	300
City of Riverside Public Utilities, Riverside, CA	City of Riverside Public Utilities Infrastructure Video Security	1,000
City of Rock Island, Rock Island, IL	Technology Upgrades	150
City of Rockford, Rockford, IL	Rockford Crimefighting Technology Initiative	250
City of Rockville, Rockville, MD	Police Technology Upgrade Project	100
City of Saginaw Police Department, Saginaw, MI	Digital Surveillance Cameras	300
City of San Antonio (San Antonio Police Department), San Antonio, TX	City of San Antonio, TX Police Technology Improvements	1,100
City of San Diego, San Diego, CA	San Diego Crime Lab Technology	200
City of San Jose, San Jose, CA	Mobile Data Computer Replacement	710
City of Seattle, Seattle, WA	Seattle Police Forensics and Digital Imaging Infrastructure Upgrade	300
City of Stafford, Stafford, TX	Stafford Emergency Operations Center Emergency Management Equipment	100
City of Stamping Ground, Stamping Ground, KY	Law Enforcement Technology	30
City of Suffolk, Suffolk, VA	Suffolk Police Department Technology Enhancement Initiative	70
City of Summit, Summit, NJ	Regional Police and Emergency Management Interoperable Communication Network and Facility	1,000
City of Sumter Police Department, Sumter, SC	Sumter - Police Technology	100
City of Sunbury, Sunbury, PA	Video Surveillance Project and Other IT Issues	200
City of Sunny Isles Beach, Sunny Isles Beach, FL	Law Enforcement and Communications Equipment	200
City of Surprise, Surprise, AZ	Police Officer Technology Upgrade	200
City of Tamarac, Tamarac, FL	Interoperable Communications System	300

**COPS Law Enforcement Technology**  
**Congressionally-designated Items**  
**(\$ in thousands)**

City of Tempe, Tempe, AZ	Public Safety Communications/Interoperability	300
City of Torrington, Torrington, CT	Northwest Regional Public Safety Communications	850
City of Trenton, Trenton, NJ	Gunshot Location System (GLS) and Radio Communication Upgrade	300
City of Tucson, Tucson, AZ	Tucson Finger Imaging Upgrade System	150
City of Union City, Union City, NJ	Law Enforcement Technology	350
City of Union City, Union City, NJ	Union City Technology Project	300
City of Waupun Police Department, Waupun, WI	P25 Compliance/Communication Upgrade	30
City of West Columbia, West Columbia, SC	West Columbia Law Enforcement Communications	350
City of West Haven, West Haven, CT	West Haven Two-Way Public Safety Radio System Replacement Project	300
City of Westland, Westland, MI	Westland Public Safety Improvements	200
City of Winston-Salem, Winston-Salem, NC	City of Winston-Salem and Forsyth County Joint Firearms Training Facility	1,000
City of Yakima, Yakima, WA	Yakima County Integrated Public Safety System	500
City of York Police Department, York, SC	City of York Police Department Technology and Records Management Upgrade	100
Clarion County Commissioners, Clarion, PA	North West Central Regional Interoperability Strategic Telecommunication Plan	500
Clark County, Las Vegas, NV	Justice Information Sharing System	300
Clay County Sheriff, Liberty, MO	Clay and Platte Counties Communications Interoperability Project	660
Cleburne Police Department, Cleburne, TX	City of Cleburne Communication Technology Upgrade	150
Cleveland Department of Public Safety, Cleveland, OH	800 MHz APCO Project 25 Digital Trunked Radio System	300
Cobb County Government, Marietta, GA	Regional Communications and Interoperability	1,000
Collier County, Naples, FL	Emergency Services Technology, Collier County, Florida	800
Coosa County Commission, Coosa County, AL	Computer Aided Dispatch	150
County of Bergen, Hackensack, NJ	County-Wide Public Safety Radio Communication System	900
County of Bucks, Doylestown, PA	Law Enforcement Data-Sharing Infrastructure	300
County of Calaveras, San Andreas, CA	Law Enforcement Radio and Data Communications	1,250
County of Camden, Camden, NJ	County-Wide Interoperability System	500

**COPS Law Enforcement Technology**  
**Congressionally-designated Items**  
**(\$ in thousands)**

County of Franklin, Rocky Mount, VA	Microwave ring between Franklin, Patrick and Henry Counties and the City of Martinsville for Public Safety/E911 Voice and Data Interoperability	200
County of Fresno, Fresno, CA	Regional Data Interoperability	300
County of Kings, Hanford, CA	Interoperable Emergency Communications System	300
County of Onondaga, Syracuse, NY	Interoperable Emergency Communications	300
County of Orangeburg, Orangeburg, SC	Law Enforcement Automated Data Repository (LEADR)	500
County of Volusia, DeLand, FL	Evidence Photo Management System	150
Cullman County Commission, Cullman, AL	Law Enforcement Data Communication Sharing Information	750
Cumberland County Government, Carlisle, PA	Emergency Communications Infrastructure	200
Dallas County Sheriff's Department, Dallas, TX	Dallas County Intake/Release Project	100
Deep East Texas Council of Governments, Jasper, TX	Collaborative Fingerprint & Palmprint Identification	1,000
Delaware Capitol Police, Dover, DE	Carvel State Building Video Surveillance Project	75
Delaware State Police, Dover, DE	In-Car Camera System for Delaware State Police Patrol Cars	1,500
Delaware State Police, Dover, DE	Survival Equipment for Delaware State Police	125
Dilley PD, Pearsall PD, Floresville PD, Atascosa County, Dilley, Pearsall, Jourdanton, TX	Law Enforcement Technology and Equipment	100
Dobbs Ferry Police Department, Dobbs Ferry, NY	Equipment for Vehicles	50
Downriver Community Conference, Southgate, MI	Coordinated Emergency Dispatch and Mutual Aid System Preparedness IV	650
Downriver Community Conference, Southgate, MI	Downriver Mutual Aid System Preparedness IV	200
East Bay Regional Communications System Authority, Dublin, CA	East Bay Regional Communications System	1,050
Eastern Riverside County Interoperable Communications Authority, Indio, CA	Law Enforcement Technology and Equipment	500
E-Com Dispatch Center, Homewood, IL	E-Com Power Supply/Generator	100
El Paso County Sheriff, El Paso, TX	El Paso County Sheriff's Office-Border Crime Enhancements	250
El Paso Police Department, El Paso, TX	Public Safety Radio Voice/Data Systems Interoperability	250
Elgin Police Department, Elgin, IL	Elgin Police Car Video Recording Replacement	460

**COPS Law Enforcement Technology**  
**Congressionally-designated Items**  
**(\$ in thousands)**

Escambia County, Pensacola, FL	Escambia Emergency Radio Infrastructure Replacement	1,000
Essex County Office of Emergency Management, Newark, NJ	Law Enforcement Technology and Equipment	1,000
Etowah County Commission, Gadsden, AL	Interoperable Communications & Centralized Dispatch System	1,000
Fairview Police Department, Fairview, WV	Law Enforcement Technology and Equipment	25
Fayette County Commissioners, Uniontown, PA	Fayette County Public Safety Equipment Upgrade	1,000
Fleming County Fiscal Court, Flemingsburg, KY	Law Enforcement Equipment Project, Fleming County, KY	48
Florida Department of Law Enforcement, Tallahassee, FL	Florida Silver Alert Program	100
Ford County Government, Dodge City, KS	Ford County Jail Equipment	200
Fort Belknap Indian Community, Harlem, MT	Fort Belknap Corrections Division	1,000
Fort Mill Police Department, Fort Mill, SC	Fort Mill Police Department Technology Implementation	300
Franklin County Emergency Services Alliance, Chambersburg, PA	Law Enforcement Technology and Equipment	300
Garrard County Fiscal Court, Lancaster, KY	Garrard County Law Enforcement Technology	145
Glencoe Department of Public Safety, Glencoe, IL	Atmospheric Detection Equipment For the Northern Illinois Police Alarm System	675
Gonzales Sheriff's Office, Gonzales, TX	Technology and Equipment	80
Grant Town Police Department, Grant Town, WV	Law Enforcement Technology and Equipment	25
Grayson County Sheriff's Department, Leitchfield, KY	Grayson County Sheriff's Department Equipment	160
Greene County, Missouri, Springfield, MO	Equipment for Emergency Operations Center	350
Grimes County Sheriff, Anderson, TX	Grimes County Law Enforcement Technology	100
Harford County, Bel Air, MD	Harford County Public Safety Communications Technology Upgrades	750
Harrisville Police Department, Harrisville, WV	Law Enforcement Technology and Equipment	25
Hastings Police Department, Hastings on Hudson, NY	Hastings, NY, Police Department License Plate Reader	17
Haverhill Police Department, Haverhill, MA	Haverhill Police Radio Project	150
Hawaii Criminal Justice Data Center, Hilo, HI	Hawaii Integrated Justice Information System (HIJIS) for Hilo and Statewide	2,000

**COPS Law Enforcement Technology**  
**Congressionally-designated Items**  
**(\$ in thousands)**

Hays County Sheriff Department, San Marcos, TX	Hays County Police Equipment and Technology Upgrades	40
Hearne Police Department, Hearne, TX	City of Hearne Law Enforcement Technology	100
Helena Regional Airport, Helena, MT	Rocky Mountain Emergency Service Training Center	1,000
Henderson County Sheriff's Department, Hendersonville, NC	Law Enforcement Visual Intelligence Tool	300
Henry County Sheriff, New Castle, KY	Law Enforcement Equipment Upgrades, Henry County, KY	82
Hinds County Sherriff's Office, Jackson, MS	Critical Justice Systems Repairs and Updates	500
Hornell Police Department, Hornell, NY	Hornell Police Intelligence Equipment	197
Huntington Police Department and Cabell Co. Sheriff, Huntington, WV	Joint Technology Initiative and Digital Communication	665
Illinois State Police, Springfield, IL	Illinois Statewide Gang Intelligence Database	500
Illinois State Police, Springfield, IL	Operation Cyber Shield	400
Indiana County Commissioners, Indiana, PA	Indiana County Public Safety Radio Communications Project	650
Indianapolis Housing Agency, Indianapolis, IN	IP Video Technology In Federally Assisted Housing	100
Ingham County, Mason, MI	IP-Based 911 Phone System	100
Inyo County, Independence, CA	Emergency Operations Center	240
Itasca County, Grand Rapids, MN	Itasca County 9-11 Radio System	500
Jackson Township Police Department, North Jackson, OH	Jackson Township, Mahoning County Police Facility Upgrade	100
Jacksonville Sheriff's Office, Jacksonville, FL	Atmospheric Detection Equipment	750
Jasper County Commission, Carthage, MO	Cornerstone Regional Justice Information System	250
Jasper County Sheriff, Monticello, GA	Lap Top Computers for Patrol Division	62
Jefferson City Police Department, Jefferson City, MO	Central Missouri Regional Justice Information System	1,000
Jefferson County Board of Commissioners, Louisville, GA	Jefferson County Emergency Dispatch System Upgrade and Enhancement Project	100
Jenkintown Borough Police Department, Jenkintown, PA	Equipment Upgrades, Jenkintown	40
Kanawha County Prosecuting Attorney, Charleston, WV	Kanawha Prosecutors Case Management	85
Kankakee County Sheriff, Kankakee, IL	Technological Improvements for the Kankakee County Sheriff	325
La Vernia, Poth, and Stockdale PD, La Vernia, Poth, Stockdale, TX	La Vernia, Poth, and Stockdale PD equipment	100
Lafourche Parish Sheriff, Thibodaux, LA	In-Car Cameras	200

**COPS Law Enforcement Technology**  
**Congressionally-designated Items**  
**(\$ in thousands)**

Lake County Sheriff's Department, Crown Point, IN	Law Enforcement Equipment	500
Lake County, Painesville, OH	Lake County Public Safety Radio System	1,000
Lake County, Tavares, FL	Lake County Law Enforcement Technology	800
Larchmont Police Department, Larchmont, NY	Larchmont, NY, Police Department Communications System	100
Lawrence County Sheriff, Moulton, AL	Law Enforcement Technology and Equipment	40
Lawrence County Sheriff, New Castle, PA	Law Enforcement Technology and Equipment	120
Lawrence County Sherriff and 911 Center, Ironton, OH	Lawrence County Interoperable Radio/MARCS Communications Project	300
Lee County, Jonesville, VA	Law Enforcement Technology Grant for Lee County	265
Lehigh County, Allentown, PA	Lehigh Valley Regional Crime Center (LVRCC)	500
Leon County Sheriff, Tallahassee, FL	Visual Intelligence Technology	300
Leon County, Tallahassee, FL	Joint Emergency Communications Center	200
Liberal Police Department, Liberal, KS	City of Liberal Equipment Upgrade Project	200
Linn County Sheriff, Marion, IA	Law Enforcement Technology and Equipment	145
Lorain County Sheriff, Elyria, OH	Lorain County Sheriffs Office Law Enforcement Digital Radio Project	245
Louisville Metropolitan Police Department, Louisville, KY	Mobile Data Computers	300
Lower Providence Township, Eagleville, PA	Police Department Technology Improvements	200
Luna County Sheriff Department, Columbus, NM	Project Southern Command	250
Lycoming County Commissioners, Williamsport, PA	Lycoming County Emergency Operations Center Equipment	250
Lynwood, Thornton, and East Hazel Crest ETSB, Lynwood, IL	Law Enforcement Technology and Equipment	350
Macomb County Emergency Management & Communications, Mount Clemens, MI	Macomb County Centralized Dispatch	500
Madison County, Wampsville, NY	Madison County Interoperable Communications System	800
Maine Warden Service, Augusta, ME	Maine Search and Rescue Enhancement Project	200
Manchester Police Department, Manchester, NH	Portable Radios, Tactical Gear and other equipment	315
Marion County, Ocala, FL	Marion County Law Enforcement Technology	200
Marshall County Sheriff's Office, Benton, KY	Law Enforcement Equipment Upgrades	250

**COPS Law Enforcement Technology**  
**Congressionally-designated Items**  
**(\$ in thousands)**

Marshall University, Huntington, WV	Computer Forensics Initiative	855
Marshall University, Huntington, WV	Forensic Science Center DNA Laboratory	4,575
Maryland State Police, Pikesville, MD	Maryland State Police First Responder Radio Interoperability Project	1,000
Massachusetts Criminal History Systems, Boston, MA	Massachusetts Criminal History Systems Board Back-up Data Center	100
Massachusetts District Attorneys Association (MDAA), Barnstable, Boston, Brockton, Canton, New Bedford, Northampton, Pittsfield, Salem, Springfield, Woburn, and Worcester, MA	MDAA Forensic Audio/Video Processing and Analysis Systems	100
McGregor Police Department, McGregor, TX	City of McGregor Law Enforcement Technology	100
Medina County Sheriff, Medina, OH	Medina County Community Safety Initiative	27
Medina County Sheriffs Office, Hondo, TX	Medina Mobile Data Systems	250
Mendocino County, Ukiah, CA	Public Safety Microwave System Phase II: Expansion	250
Miami-Dade County Public Schools, Miami, FL	Technological Equipment Upgrade For Miami-Dade Schools Police Department	600
Middlesex Sheriff, Medford, MA	Middlesex House of Corrections Safety Project	800
Miller County Sheriff, Texarkana, AR	Law Enforcement Technology and Equipment	100
Milwaukee Police Department, Milwaukee, WI	Milwaukee Police Department Technology Solutions	550
Missoula County, Missoula, MT	Missoula Public Safety Operations & Training Center	400
Monroe Police Department, Monroe, NC	Monroe Police Department's Radio Interoperability Project	300
Montgomery County Department of Police, Rockville, MD	Counter-Terrorism Intelligence Initiative	200
Montgomery Township, Montgomery, PA	Technology Upgrade with In-Car Video Cameras	75
Morgan County Commission, Decatur, AL	Mobile Data Terminal Update	160
Municipality of Aibonito, Aibonito, PR	Law Enforcement Technology and Equipment	50
Municipality of Catano, Catano, PR	Law Enforcement Technology and Equipment	50
Municipality of Naguabo, Naguabo, PR	Law Enforcement Technology and Equipment	50
Municipality of Patillas, Patillas, PR	Law Enforcement Technology and Equipment	50
Municipality of Rio Grande, Rio Grande, PR	Law Enforcement Technology and Equipment	50



**COPS Law Enforcement Technology  
Congressionally-designated Items  
(\$ in thousands)**

Municipality of Vieques, Vieques, PR	Law Enforcement Technology and Equipment	50
Nassau County Police Department, Mineola, NY	Enhance Shot Spotter System	150
Nassau University Medical Center, East Meadow, NY	Sexual Assault Response Team	200
NC State Bureau of Investigation, Raleigh, NC	NC SBI Firearms and Ballistics Analysis Equipment	300
New Bedford Police Department, New Bedford, MA	Gunshot Location System	950
New Rochelle Police Department, New Rochelle, NY	New Rochelle, NY, Police Department Equipment and Training	340
New York City Housing Authority (NYCHA), New York, NY	Brownsville Houses and Tilden Houses - CCTV	400
New York State Police, Kingston, NY	New York State Police Scuba	135
Newport News Police Department, Newport News, VA	Newport News Law Enforcement Technology	200
North Las Vegas Police Department, North Las Vegas, NV	Tactical SWAT Vehicle	200
North Worcester County Drug Task Force, Gardner, MA	North Worcester County Drug Task Force Interoperable Credentialing, Crime Scene & Access Control Project	400
Northern Berks Regional Police Department, Reading, PA	Northern Berks Regional Police Department Infrastructure, Technology and Communications Project	175
Nye County, Pahrump, NV	Pahrump Government Building Security Improvements	175
Oakland County Sheriff's Office, Pontiac, MI	Oakland County Sheriff's Department Biometric Identification Enhancement Project	1,025
Office of the Sheriff, Winnebago County, Rockford, IL	Communications Equipment for Winnebago County Sheriff's Department	250
Ohio Bureau of Criminal Identification and Investigation, London, OH	Enhancement of Ohio AFIS System	455
Oklahoma Department of Public Safety, Oklahoma City, OK	Oklahoma Law Enforcement Telecommunications System	700
Oklahoma Department of Public Safety, Oklahoma City, OK	Statewide Public Safety Communications System	900
Oldham County Police Department, LaGrange, KY	Oldham County Mobile Data Terminal Project, KY	57
Oneida County, Rhinelander, WI	Oneida County Radio System Upgrades	450
Ontario County Police Department, Canandaigua, NY	Law Enforcement Technology and Equipment	100
Orange County Sheriff, Chelsea, VT	Law Enforcement Technology and Equipment	200

**COPS Law Enforcement Technology**  
**Congressionally-designated Items**  
**(\$ in thousands)**

Oregon State Police, Salem, OR	Oregon State Police Mobile Data Platform	500
Oswego County, Oswego, NY	Central New York Interoperable Communications Consortium	200
Ottawa County Emergency Management Agency, Port Clinton, OH	Ottawa County Public Safety Infrastructure	200
Pendleton County Sheriff, Falmouth, KY	Law Enforcement Technology and Equipment	12
Pennsboro Police Department, Pennsboro, WV	Law Enforcement Technology and Equipment	25
Petersburg Police Department, Petersburg, WV	Law Enforcement Technology and Equipment	25
Philadelphia Police Department, Philadelphia, PA	Gunshot Location System	500
Philander Smith College, Little Rock, AR	Technology/Security Infrastructure Upgrade	750
Pierce County Sheriff Department, Tacoma, WA	Region 43, Pierce County Metropolitan Public Safety Communications Interoperable First Responder Emergency Communication System	500
Pima County Sheriff's Department, Tucson, AZ	PCWIN Countywide Public Safety Interoperable Communications System	200
Pinellas County Sheriff, Largo, FL	Joint Use Firing Range	250
Pocahontas County Sheriff, Pocahontas, IA	Law Enforcement Visual Intelligence Tool	200
Police Department in the Borough of Etna, Pittsburgh, PA	Security Cameras and Police Equipment	100
Prince George's County, Upper Marlboro, MD	Analytical Crime Tracking	200
Prince George's County, Upper Marlboro, MD	Prince George's County Interoperable Radio System	600
Randolph County Sheriff, Pocahontas, AR	Law Enforcement Technology and Equipment	140
Ridgefield Park Village, Ridgefield Park, NJ	Digital Mobile Video Camera Conversion	85
Rio Grande Council of Governments, El Paso, TX	Law Enforcement Visual Intelligence Tool	250
Riverside County Sheriff, Riverside, CA	Night Vision Binoculars	700
Riverside County Sheriff's Department, Riverside, CA	Digital Management System	450
Rochester Police Department, Rochester, NH	Law Enforcement Technology	285
Rockdale County Sheriff's Office, Conyers, GA	Law Enforcement Mobile Data Network	150
Rockland County Office of Fire & Emergency Services, Pomona, NY	Rockland County Public Safety Interoperable Communications Network	250
Rocky Mount Police Department, Rocky Mount, NC	Gun Detection Technology System	350

**COPS Law Enforcement Technology**  
**Congressionally-designated Items**  
**(\$ in thousands)**

Roland Police Department, Roland, OK	Police Department Equipment	180
San Bernardino County Sheriff, San Bernardino, CA	San Bernardino County Scientific Investigations Division	500
San Diego County, San Diego, CA	Regional Communications System (RCS) Upgrade	1,200
San Francisco Department of Emergency Management, San Francisco, CA	Bay Area Regional Interoperable Communications System	750
San Mateo County Sheriff's Office, Redwood City, CA	Mobile Emergency Command Center	300
San Pablo Police Department, San Pablo, CA	Gunshot Location System	360
Sandy City, Sandy City, UT	Sandy City Police Department Technology Improvement	500
Sangamon County Sheriff's Office, Springfield, IL	Sangamon County Sheriff Technology Upgrades	660
Santa Clara County, San Jose, CA	Santa Clara County Criminal Justice Information Control Law & Justice Systems Plan	1,000
Schuyler County Sheriff's Office, Rushville, IL	Schuyler County Sheriff Technology Upgrades	50
Shelby County Sheriff, Columbiana, AL	P25 Wide Area Radio Network	500
Shelby Township Police Department, Shelby Township, MI	Law Enforcement Technology and Equipment	200
Shinnston Police Department, Shinnston, WV	Law Enforcement Technology and Equipment	25
Sistersville Police Department, Sistersville, WV	Law Enforcement Technology and Equipment	25
Smyth County, Marion, VA	Local Law Enforcement Technology for Smyth County	235
Snohomish County Regional Drug Task Force, Everett, WA	Law Enforcement Technology and Equipment	70
Somerset County Office of Emergency Management, Somerville, NJ	Law Enforcement Technology and Equipment	1,000
Somerset County, Somerset, PA	Confluence Cellular Communication Tower Project	100
Somersworth Police Department, Somersworth, NH	Portable Police Radios	22
South Russell Police Department, South Russell, OH	Transition to 800MHz Digital Communication Technology	35
South Windsor Police Dept, South Windsor, CT	Upgrades to Communications System	350
SouthCom Dispatch, Matteson, IL	SouthCom Technological Upgrades	200
Southeast Kansas Regional Law Enforcement Group, Oswego, KS	Southeast Kansas Regional Collaborative Fingerprint and Palmprint Identification System	500

**COPS Law Enforcement Technology**  
**Congressionally-designated Items**  
**(\$ in thousands)**

Southeastern Oklahoma University, Durant, OK	Emergency Response System	270
Spencer Police Department, Spencer, WV	Spencer PD Computer System	40
Springfield Police Department, Springfield, IL	Springfield Police Department Technology Upgrade	150
St. Francois County, Park Hills, MO	Visual Intelligence Tool for Mineral Area Missouri Law Enforcement	697
St. Johns County, St. Augustine, FL	St. Johns County Emergency Interoperability Equipment	250
St. Lawrence County District Attorney, Canton, NY	St. Lawrence County Drug Investigation Equipment Project	200
St. Louis County Sheriff, Duluth, MN	Regional Interoperability Data System Project	500
St. Louis County Sheriff's Office, Duluth, MN	Regional Interoperability Mobile Data System Project	300
St. Louis Metropolitan Police Department, St. Louis, MO	In-Car Video System (ICVS) program	200
St. Mary, Leonardtown, MD	In-Car Video Technology	500
Stafford County, Stafford, VA	Stafford County Law Enforcement Technology	300
Stark County Sheriff, Canton, OH	Visual Intelligence Update for Law Enforcement and Governmental Agencies	400
State of Connecticut Department of Public Safety, Middletown, CT	In-Car Camera Technology Upgrade	175
State of Delaware Capitol Police, Dover, DE	New Castle County Courthouse Capitol Police Command Center and Lobby Surveillance Project	130
Stearns County, St Cloud, MN	Law Enforcement Center Phase II	200
Sterling Heights Police Department, Sterling Heights, MI	Law Enforcement Technology and Equipment	300
Stillwater County Government, Columbus, MT	Combined Law Enforcement Crisis Response Team	200
Summit County Sheriff, Akron, OH	Law Enforcement Tactical Safety Vehicle, Summit County Sheriff	150
Sumter County Sheriff, Sumter, SC	Visual Intelligence Technology	1,000
Sussex County Office of Emergency Management, Newton, NJ	Law Enforcement Technology and Equipment	1,000
Tamaqua Borough Police Department, Tamaqua, PA	Tamaqua Police Department Technology and Security Project	200
Taney County Commission, Forsyth, MO	White River Area Emergency Project	400
Tazewell County Sheriff's Office, Pekin, IL	Interoperable Law Enforcement Communications	140
Tega Cay Police Department, Tega Cay, SC	Interoperability and Technology Enhancement for the City of Tega Cay Police Department	135

**COPS Law Enforcement Technology  
Congressionally-designated Items  
(\$ in thousands)**

Thomas County E-9-1-1, Thomasville, GA	Emergency Communications Center	150
Todd County Sheriff's Department, Elkton, KY	Todd County Sheriff's Department Equipment	50
Tohono O'odham Nation, Sells, AZ	Arizona Law Enforcement Communications System	100
Toms River Police Department, Toms River, NJ	Township-wide Wi Fi Mesh Canopy/ In-Car Video/ License Plate Recognition Project	700
Town of Avon, Avon, CT	Farmington Valley Regional Dispatch Center	75
Town of Ayden, Ayden, NC	Public Safety Technology Improvement Initiative	250
Town of Carmel, Mahopac, NY	Police Vehicle Video Systems	145
Town of Cheektowaga, Cheektowaga, NY	Law Enforcement Technology for the Town of Cheektowaga	200
Town of Clarkstown, New City, NY	Communication System Upgrades	200
Town of Colmar Manor, Brentwood, MD	The Town of Colmar Manor Interoperable Radio Project	100
Town of Enfield, Enfield, CT	Radio Communications Improvement Project	750
Town of Eureka, Eureka, MT	Eureka Justice Center	300
Town of Framingham, Framingham, MA	Framingham Townwide Wireless Mesh Network	200
Town of Hackleburg, Hackleburg, AL	Police Technology Upgrades	75
Town of Hebron, Hebron, IN	Law Enforcement Equipment for the Hebron Police Department	190
Town of Highland, Highland, IN	Law Enforcement Equipment for the Highland Police Department	485
Town of Masontown, Masontown, WV	Law Enforcement Technology and Equipment	25
Town of Matthews , Matthews, NC	Matthews Police Department In-Car Camera Project	150
Town of Merrillville, Merrillville, IN	Law Enforcement Equipment for Merrillville Police Department	500
Town of Mooresville, Mooresville, NC	Mooresville Police Department In-Car Cameras	125
Town of Ossining Police Department, Briarcliff Manor, NY	Town of Ossining, NY, Police Department Equipment	6
Town of Porter, Porter, IN	Law Enforcement Equipment (Porter Police)	68
Town of Ridgeley Police Department, Ridgeley, WV	Law Enforcement Technology and Equipment	25
Town of Southwest Ranches, Southwest Ranches, FL	Public Safety and Law Enforcement Equipment	500
Town of Vernon, Vernon, CT	Radio System Digital Upgrade	300

**COPS Law Enforcement Technology**  
**Congressionally-designated Items**  
**(\$ in thousands)**

Town of Warren, Warren, RI	Information Technology and Communications Upgrades	500
Town of Watertown, Watertown, CT	Emergency Communications System	300
Town of West Liberty, West Liberty, WV	Law Enforcement Technology and Equipment	25
Town of White Hall Police Department, White Hall, WV	Law Enforcement Technology and Equipment	25
Town of Woodbury Police Department, Central Valley, NY	Emergency Energy Supply	60
Town Watch Integrated Services, Philadelphia, PA	Town Watch Program	100
Township of Irvington, Irvington, NJ	Irvington CAD/RMS Project	200
Township of Spring, Reading, PA	Video Recorder System Purchase	90
Township of Woodbridge, Woodbridge, NJ	Woodbridge, New Jersey Interoperable Law Enforcement Trunked Digital Radio System	500
Tulsa Police Department, Tulsa, OK	Law Enforcement Interoperability / Regional Expansion Project	200
Umatilla County Sheriff, Pendleton, OR	Mobile Video Equipment	130
Union County Sheriff, El Dorado, AR	In-Car Video and Audio Recording Devices	75
Union County Sheriff, Lake Butler, FL	Law Enforcement Visual Intelligence Tool	500
University of Akron, Akron, OH	High Technology Forensics Laboratory and Resource Center	500
University of Arkansas for Medical Sciences, Little Rock, AR	UAMS Campus Security Enhancement	250
University of Maryland Public Safety Training and Technical Assistance Program, Greenbelt, MD	Prince George's County Municipal Interoperability Upgrades	500
University of Texas at El Paso, El Paso, TX	Open Source Lab for Law Enforcement Intelligence Analysis on Latin America	400
Upper Peninsula 9-1-1 Authority, Escanaba, MI	Upper Peninsula 9-1-1 Computer Aided Dispatch and Records Management System	250
Vermont Criminal Justice Training Council, Pittsford, VT	Vermont Police Academy Equipment	200
Vermont Department of State's Attorneys and Sheriffs' Association, Montpelier, VT	Equipment Support for Sheriffs' Departments	100
Vermont Supreme Court, Court Administrator's Office, Montpelier, VT	Vermont Judiciary Case Management and Electronic Filing System	500
Victoria County, Victoria, TX	Emergency Communications Equipment	250
Vienna Police Department, Vienna, WV	Law Enforcement Technology and Equipment	25
Village of Bosque Farms, Bosque Farms, NM	Valencia County Law Enforcement Uniform Records Management System	400
Village of Campton Hills Police Department, Campton Hills, IL	Campton Hills Police Mobile Patrol	25

**COPS Law Enforcement Technology  
Congressionally-designated Items  
(\$ in thousands)**

Village of Chagrin Falls Police Department, Chagrin Falls, OH	Interoperable Communications and Operations Center	250
Village of Clearview, Wheeling, WV	Law Enforcement Technology and Equipment	25
Village of La Grange Park, La Grange Park, IL	Law Enforcement Technology and Equipment	75
Village of La Grange, La Grange, IL	Law Enforcement Technology and Equipment	100
Village of Melrose Park Police Department, Melrose Park, IL	Wireless Surveillance System	300
Village of Monroe Police Department, Monroe, NY	Law Enforcement Equipment	160
Village of North Aurora, North Aurora, IL	Village of North Aurora Police Digital Radio Interoperability	200
Village of Oak Lawn, Oak Lawn, IL	Law Enforcement Technology	100
Village of Pelham Manor, Pelham Manor, NY	Village of Pelham Manor, NY, Police Department Fingerprint Scanner	30
Village of Skokie, Skokie, IL	Communications Center at New Police Station	465
Village of Thornton, Thornton, IL	Mobile Data Browsing Software Upgrade	100
Virgin Islands Police Department, St. Croix, VI	Law Enforcement Technology and Equipment	550
Virginia Center for Policing Innovation, Richmond, VA	Virginia Center for Policing Innovation	300
Waco Police Department, Waco, TX	McLennan County Communications Technology Upgrade	650
Wake County, Raleigh, NC	Wake County 800 MHz Base Infrastructure Expansion	400
Wapello Police Department, Wapello, IA	Equipment Upgrades	50
Warner Robins Police Department, Warner Robins, GA	Forensic Video System	20
Washington Parish Sheriff, Franklinton, LA	Law Enforcement Equipment	291
Washoe County Sheriff's Department, Reno, NV	Heavy Duty Command Post and Patrol Car Safety System	1,000
Wayne County, Detroit, MI	Wayne County, MI Radio Communications Interoperability	300
Webb County Sheriff, Laredo, TX	South Texas Forensics Laboratory	250
West Union Police Department, West Union, WV	Law Enforcement Technology and Equipment	25
West Valley City, West Valley City, UT	West Valley City Public Safety Communications Equipment	50
Weston Police Department, Weston, WV	Weston Police Department Technology Upgrade	250
Whatcom County, Bellingham, WA	Multi-Jurisdictional Data Integration Project - Whatcom Exchange Network	200



**COPS Law Enforcement Technology**  
**Congressionally-designated Items**  
**(\$ in thousands)**

Wilcox County Sheriff, Abbeville, GA	Portable and Vehicle Radios	25
Will County, Joliet, IL	Integrated Criminal Justice Information Initiative	100
Williamstown Police Department, Williamstown, WV	Law Enforcement Technology and Equipment	25
Wilmington Department of Police, Wilmington, DE	Police Weapons Range Improvements	400
Wilmington Police Department, Wilmington, NC	Gunshot Location System	315
Yellowstone County Sheriff's Office, Billings, MT	Yellowstone County Mobile Digital Video Camera	147

*Methamphetamine enforcement and clean-up.*—The conference agreement provides \$40,385,000 for activities to address public safety and methamphetamine manufacturing, sale, and use in “hot spots.” Within the funds provided, \$10,000,000 is for transfer to the Drug Enforcement Administration to assist State, local and tribal law enforce-

ment agencies with the proper removal and disposal of hazardous materials at clandestine methamphetamine labs, including funds for training, technical assistance, a container program, and purchase of equipment. Also within the total is \$5,000,000 for tribal methamphetamine enforcement activities. COPS shall consult with tribal governments

on the distribution of these funds to ensure that they are targeted to areas with the greatest need.

The accompanying table details funding for congressionally-designated activities related to methamphetamine enforcement, which the bill incorporates by reference:

**COPS Meth**  
**Congressionally-designated Items**  
**(\$ in thousands)**

Recipient	Project	Amount
American Detoxification Foundation/UMCP, Salt Lake City, UT	Utah Meth Cops Program	200
Arizona Meth Project, Phoenix, AZ	Arizona Meth Project	200
California Department of Justice (CADOJ), Sacramento, CA	San Diego California Methamphetamine Strategy (CALMS)	250
California Department of Justice, Sacramento, CA	Meth Enforcement/Interdiction in San Bernardino County	600
California State Department of Justice, Sacramento, CA	California Methamphetamine Strategy (CALMS)	500
Cape Girardeau Co. Sherriff's Office, Cape Girardeau, MO	Missouri Sherriff's Methamphetamine Relief Team (MOSMART)	1,500
City of Bastrop, Bastrop, LA	Bastrop-Morehouse Parish Meth Initiative	650
Clackamas County, Oregon City, OR	Clackamas County Interagency Methamphetamine Initiative	100
Clackamas County, Portland, OR	Clackamas County Interagency Methamphetamine Initiative	550
Colorado Meth Project, State-wide, CO	Colorado Meth Project	250
Contra Costa County, Martinez, CA	Methamphetamine Eradication and Suppression Program	200
County of Butte, City of Oroville, CA	Drug Endangered Children Program	400
County of Solano, Fairfield, CA	County of Solano Methamphetamine Initiative	100
Daviess County Sheriff, Owensboro, KY	Second District Methamphetamine Eradication	300
Elkhart County, Elkhart, IN	Elkhart County Criminal Intelligence Interdiction Initiative	250
Etowah County Drug Enforcement Unit, Gadsden, AL	Blount, Dekalb, Etowah, Marshall, Marion, Morgan, Pickens, Walker, Winston Counties, AL Drug Task Forces Anti-Methamphetamine Project	1,500
Georgia Meth Project, Atlanta, GA	The Georgia Meth Project	250
Heartland Family Service, Inc., Council Bluffs, IA	Residential Methamphetamine Treatment in Southwestern Iowa Program	400
Heartland Family Service, Omaha, NE	Methamphetamine and Drug Treatment Program for Women	500
Hillsborough County, Tampa, FL	Hillsborough County Methamphetamine Enforcement and Cleanup	250
Idaho Meth Project, Boise, ID	Idaho Meth Project	1,000
Illinois Meth Project, Springfield, IL	Illinois Meth Project	100
Illinois State University, Normal, IL	Illinois State University Meth Project	200
Jackson County Sheriff, Jackson County, MS	Methamphetamine Enforcement and Cleanup	350
Jefferson County, Golden, CO	Methamphetamine Response Collaborative	300

**COPS Meth  
Congressionally-designated Items  
(\$ in thousands)**

Marion County, Salem, OR	Kids First Initiative Phase 2	740
Methodist University, Fayetteville, NC	Methamphetamine Educational Training Program	150
Mineral Area Drug Task Force, Leadington, MO	Mineral Area Drug Task Force	200
Minot State University, Minot, ND	Rural Methamphetamine Education Project	500
Mississippi - North Central Narcotics Taskforce, Port Gibson, MS	Mississippi - North Central Narcotics Taskforce	500
Montana Meth Project, Missoula, MT	Montana Meth Project	500
Northeast Law Enforcement Administrators Council, Chisholm, MN	Northeast Law Enforcement Administrators Council Methamphetamine Reduction Project	500
Pierce County Alliance, Tacoma, WA	National Methamphetamine Training and Technical Assistance Center	1,300
Pierce County Alliance, Tacoma, WA	Washington State Methamphetamine Initiative	1,600
Polk County Sheriff, Bartow, FL	Polk County Methamphetamine Prevention Project	250
Rusk County Sheriff, Ladysmith, WI	Methamphetamine Prevention and Enforcement	300
Safe Streets Campaign, Tacoma, WA	Washington State Methamphetamine Initiative	900
Sioux City Police Department, Sioux City, IA	National Meth Training Center	800
South Central Drug Task Force, West Plains, MO	South Central Drug Task Force	250
South Coast Interagency Narcotics Team, Coquille, OR	South Coast Interagency Narcotics Team	500
Southeast Missouri Drug Task Force, Sikeston, MO	Southeast Missouri Drug Task Force	200
St. Joseph County Prosecutor, South Bend, IN	Methamphetamine and Illegal Firearms Investigation and Prosecution Project	100
State of Iowa, Office of Drug Control Policy, Des Moines, IA	Drug Intercept Squads (DIS)	500
Tennessee Bureau of Investigation, Nashville, TN	Tennessee Meth Task Force	2,000
Torrance County Sheriff Department, Estancia, NM	Methamphetamine Enforcement	400
Twiggs County Sheriff, Jeffersonville, GA	Meth Task Force	140
Uintah County, Uintah County, UT	Uintah Basin Methamphetamine Project	500
University of Arkansas Criminal Justice Institute, Little Rock, AR	Arkansas Methamphetamine Education and Training Project	575
University of Missouri St. Louis College of Nursing, St. Louis, MO	Methamphetamine Prevention Education	250

**COPS Meth**  
**Congressionally-designated Items**  
**(\$ in thousands)**

Ventura County Sheriff, Ventura, CA	California Multi-jurisdictional Methamphetamine (CAL MMET) Investigators	350
Virginia State Police, Wytheville, VA	Southwest Virginia Drug Task Force Assistance	350
White Earth Tribal Nation, White Earth, MN	COPS Law Enforcement and Meth Education Project	100
Winchester Police Department, Winchester, KY	Winchester Police Department Law Enforcement Technology	30

**DNA analysis grants.**—The conference agreement provides \$161,000,000 for grants to strengthen State and local government DNA collection and analysis systems, which can be vital to successfully prosecuting the guilty and protecting the innocent from wrongful conviction. Within the funds provided, \$151,000,000 is for Debbie Smith DNA backlog reduction grants; \$5,000,000 is for post-conviction DNA testing grants; and \$5,000,000 is for Sexual Assault Nurse Examiner programs.

**Bulletproof vests.**—Within the amount provided for bulletproof vests, \$1,500,000 is for the National Institute of Standards and Technology's Office of Law Enforcement Standards to continue supporting the ballistic and stab-resistant material compliance testing programs.

**Child sexual predator elimination/sex offender management.**—Of the amount provided for assistance to State, tribal, and local law enforcement to locate, arrest, and prosecute child sexual predators and exploiters, and to enforce sex offender registration laws, \$1,000,000 is for the National Sex Offender Public Website and \$11,000,000 is for the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking for sex offender management assistance activities. The conferees expect the Department to target assistance to tribal and other law enforcement entities with the greatest needs.

Child sexual predator elimination grants help State and local law enforcement entities target sexual predators who prey upon children, including convicted sex-offenders who fail to register. Grants to support these efforts should be awarded in a manner that is geographically balanced, facilitates testing the model in various settings, and includes major urban police departments, State and tribal law enforcement agencies, smaller jurisdictions, and regional groupings of agencies. COPS is encouraged to continue coordinating with the National Center for Missing and Exploited Children to assist grant recipients in detecting, apprehending, and prosecuting sex offenders who victimize children.

The conferees support the establishment of coordinated sexual predator elimination efforts in communities across the country, and recommend the appointment of an Assistant U.S. Attorney and a deputy U.S. Marshal in each judicial district to help coordinate the development of a comprehensive, district-wide child sexual predator investigation and prosecution strategy, in consultation with social services providers and partners from Federal, State and local law enforcement agencies.

**Community policing development.**—The conference agreement provides \$12,000,000 for community policing development activities, including training and technical assistance and the Police Integrity Initiative.

**Training, technical assistance, research and statistics.**—As part of the Department's spending plan for fiscal year 2010, COPS is directed to provide details on its planned training and technical assistance (T&TA) activities and research and statistics activities. The spending plan shall differentiate those activities performed via grant, cooperative agreement, interagency agreement, under contract, and performed directly by COPS. As part of the fiscal year 2011 budget submission, COPS is directed to provide similar details on its planned T&TA activities and research and statistics activities for fiscal year 2011.

#### SALARIES AND EXPENSES

To achieve greater transparency, efficiency, and accountability in the manage-

ment, administration and oversight of grant programs administered by the Department of Justice, Congress established a new salaries and expenses account for fiscal year 2009 within State and Local Law Enforcement Activities to fund the management and administration costs of the Department's grant programs. A total of \$213,388,000 is provided for salaries and expenses for Department of Justice grant programs for fiscal year 2010, including \$139,218,000 for the Office of Justice Programs (OJP); \$37,462,000 for the Office of Community Oriented Policing Services (COPS); and \$15,708,000 for the Office on Violence Against Women (OVW).

The conferees expect all activities related to the management and administration of grant programs, grants, and cooperative agreements—including activities related to peer review—to be supported with salaries and expenses funding. Training and technical assistance (T&TA) activities and research and statistics activities performed by OJP, OVW, and COPS, or through interagency agreements or under contract for OJP, OVW, and COPS, may be supported with program funds, subject to the submission of details related to these costs in the Department's fiscal year 2010 spending plan.

Within the funds provided, \$21,000,000 shall be made available to the Office of Audit, Assessment, and Management (OAAM). The conferees expect OAAM to continue to develop its capacity to evaluate, in coordination with the National Institute of Justice, the effectiveness of programs and projects funded by OJP, OVW, and COPS, using rigorous research and evaluation methods that generate valid evidence on the effectiveness of crime prevention strategies.

#### GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

The conference agreement includes the following general provisions for the Department of Justice in this Act:

Section 201 makes available additional reception and representation funding for the Attorney General from the amounts provided in this title.

Section 202 prohibits the use of funds to pay for an abortion, except in the case of rape or to preserve the life of the mother.

Section 203 prohibits the use of funds to require any person to perform or facilitate the performance of an abortion.

Section 204 establishes the obligation of the Director of the Bureau of Prisons to provide escort services to inmates receiving an abortion outside of a Federal facility, except where this obligation conflicts with the preceding section.

Section 205 establishes requirements and procedures for transfer proposals.

Section 206 authorizes the Attorney General to extend an ongoing personnel management demonstration project.

Section 207 extends specified authorities to the Bureau of Alcohol, Tobacco, Firearms and Explosives for undercover operations.

Section 208 prohibits the use of funds for transporting prisoners classified as maximum or high security, other than to a facility certified by the Bureau of Prisons as appropriately secure.

Section 209 prohibits the use of funds for the purchase or rental by Federal prisons of audiovisual equipment, services and materials used primarily for recreational purposes, except for those items and services needed for inmate training, religious, or educational purposes.

Section 210 requires review by the Deputy Attorney General and the Department Investment Review Board prior to the obliga-

tion or expenditure of funds for major information technology projects.

Section 211 requires the Department to follow reprogramming procedures prior to any deviation from the program amounts specified in this title or the reuse of de-obligated funds provided in previous years.

Section 212 prohibits the use of funds for A-76 competitions for work performed by employees of the Bureau of Prisons or Federal Prison Industries, Inc.

Section 213 prohibits the use of funds to pay the salary, benefits or expenses of a U.S. Attorney performing dual duties that exempt that U.S. Attorney from established residency requirements.

Section 214 prohibits the use of funds for future phases of the Sentinel program until the AG certifies that work on existing phases has been substantially completed under a validated performance baseline.

Section 215 permits the use of up to one percent of formula grant funds made available to the Office of Justice Programs for research or statistical purposes, and permits the use of up to three percent of funds made available to that office for training and technical assistance.

Section 216 gives the Attorney General authority to waive matching requirements for Second Chance Act adult and juvenile re-entry demonstration projects based on a demonstration of fiscal hardship.

Section 217 makes permanent retention and relocation bonus authorities previously provided to the Federal Bureau of Investigation.

Section 218 requires the Attorney General to submit quarterly reports to the Inspector General regarding the costs and contracting procedures related to conferences for which the cost to the Federal government is more than \$20,000.

Section 219 extends foreign language proficiency pay authorities to the Federal Bureau of Investigation.

Section 220 provides the Attorney General authority to waive certain reporting requirements for localities applying for Byrne Justice Assistance grants in fiscal year 2010 upon demonstrating that they had met previous reporting requirements and agree to begin to report timely data on part I violent crimes of the Uniform Crime Reports to the Federal Bureau of Investigation by the end of fiscal year 2010.

#### TITLE III SCIENCE

##### OFFICE OF SCIENCE AND TECHNOLOGY POLICY

The conference agreement provides \$7,000,000 for the Office of Science and Technology Policy (OSTP), of which not to exceed \$2,500 may be for official reception and representation expenses and rental of conference rooms. The conferees agree with the direction of the House that OSTP, working with NOAA, NASA, NSF, USGS, the Department of Energy, and other federal agencies shall develop a plan for achieving and sustaining Earth observations.

OSTP exists to bring to the President timely recommendations for decisions with substantial scientific and technical content. OSTP must take leadership, particularly when issues involve multiple agencies as they do for climate observations, climate change adaptations, and civil and military environmental observation systems. Specifically, decisions are long past due for the restructuring of NPOESS management and the provision of appropriately increased funding to complete this system deployment, which teeters once again on the brink of crisis. In

addition, the Administration is expected to put forward a plan to create a National Climate Service. The Nation needs a capability to gather, synthesize and distribute critical information to regions, States, and local governments as they plan for and adapt to climate change. Both cases require leadership and decision-making, assignment of responsibility for implementation, and oversight of all relevant agencies in achieving the integrated mission.

**GLOBE.**—The conferees are concerned that the interagency GLOBE program, a hands-on primary and secondary school-based environmental science and education program, does not receive sufficient financial or management support. Accordingly, the conferees provide \$3,000,000 within NASA and \$3,000,000 within NOAA for the GLOBE program. The conferees direct the Office of Science and Technology Policy to conduct a thorough review of the program and to report within 60 days of enactment of this Act on recommendations to improve the program's viability. The report shall include an examination of the merits of transitioning responsibility for the program from NASA to NOAA. The conferees expect that any recommendations will be incorporated into the fiscal year 2011 budget request.

NATIONAL AERONAUTICS AND SPACE  
ADMINISTRATION  
AGENCY SUMMARY

The conferees remain concerned about NASA's management of its budget, as well as its financial recordkeeping and reporting. Reports and findings of the General Accounting Office and the House and Senate Com-

mittees on Appropriations continue to reveal a pattern of lax fiscal management and oversight, ranging from the administration of enhanced use lease receipts, insufficient evidentiary support for amounts in NASA's budget execution data, improper execution of its authority in the construction program, and increasing numbers of contract awards being protested. Accordingly, the conferees have taken several steps to assist NASA in improving its fiscal management. The conference agreement:

- consolidates all programmatic and institutional construction and environmental compliance and remediation activities into a new account, for which the period of availability is five years;

- subjects annual expenditures planned from the collection of enhanced use lease receipts to an annual appropriations limitation first enacted in fiscal year 2009;

- fully funds center administrative activities in the consolidated Cross Agency Support account, realigning the remaining FTE currently charged to programmatic accounts;

- directs NASA to include in its annual budget justifications the reserve amount assumed by the agency to be necessary for the program and the amount actually proposed for each directorate, theme, program, project and activity, or if the proposed funding level is based on confidence level budgeting, the confidence level assumed in the proposed funding level;

- directs NASA to cooperate fully and to provide timely program analysis and evaluation data to the GAO to permit the GAO to

meet the Congressional mandate on major systems reporting;

- directs NASA to include in its monthly financial reports beginning February 1, 2010, and the 15th day of each month thereafter, data on budget authority, outlays, unobligated balances, and recoveries presented by appropriation, theme, program or project for each directorate, theme, program, project and activity, as delineated in the House report;

- directs NASA to include in its fiscal year 2011 budget request and each budget request thereafter an accounting of civil service expense requirements, including FTE estimates, requested for each directorate, theme, program, project and activity; and

- directs NASA to report within 60 days of enactment of this Act on actions the agency will take to improve financial management and to ensure integrity of the procurement process in an effort to reduce increasing numbers of contract award protests.

While the conference report does not adopt the position proposed by the House to limit appropriations available to NASA for one-year while providing an allowance of ten percent for two-years to reflect the research and development nature of the work performed, the conferees will continue to monitor NASA's efforts to improve its obligation rate with commensurate improvements in accrual of costs and outlays to determine if the House's proposal warrants further consideration.

Summary funding provided for NASA is delineated more fully in the table below and in the account summaries.



PROGRAMS, PROJECTS AND ACTIVITIES OF THE  
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Fiscal Year 2010  
(Dollars in millions)

	<i>Conference</i>
<b>SCIENCE MISSION DIRECTORATE</b>	
<b>Earth Science:</b>	
<u>Earth Science Research</u>	<u>\$400.8</u>
Earth Science Research and Analysis	285.0
Computing and Management	115.8
<u>Earth Systematic Missions</u>	<u>735.5</u>
Global Precipitation Measurement (GPM)	159.5
Glory Mission	27.1
Landsat Data Continuity Mission (LDCM)	120.6
NPOESS Preparatory Project (NPP)	112.8
Ice, Cloud and Land Elevation Satellite (ICESat II)	39.2
Soil Moisture Active and Passive (SMAP)	70.0
DSCOVR	5.0
Other Missions and Data Analysis	201.3
<u>Earth System Science Pathfinder</u>	<u>86.0</u>
Aquarius	18.3
Venture Class Missions	12.9
Other Missions and Data Analysis	54.8
<u>Earth Science Multi-Mission Operations</u>	<u>149.9</u>
Earth Science Multi-Mission Operations	149.9
<u>Earth Science Technology</u>	<u>45.9</u>
Earth Science Technology	45.9
<u>Applied Sciences</u>	<u>32.2</u>
Pathways	32.2
Subtotal, Earth Science	1,450.3
<b>Planetary Science:</b>	
<u>Planetary Science Research</u>	<u>163.7</u>
Planetary Science Research and Analysis	135.1
Other Missions and Data Analysis	21.4
Education and Directorate Management	1.4
Near Earth Object Observations	5.8
<u>Lunar Quest Program</u>	<u>114.8</u>
Lunar Science	33.3
Lunar Atmosphere and Dust Environment Explorer	66.5
International Lunar Network	15.0
<u>Discovery</u>	<u>213.2</u>
Gravity Recovery and Interior Laboratory (GRAIL)	124.1
Other Missions and Data Analysis	89.1
<u>New Frontiers</u>	<u>264.1</u>
Juno	237.2
Other Missions and Data Analysis	26.9
<u>Mars Exploration</u>	<u>416.1</u>
2009 Mars Science Lab	204.0
MAVEN	53.4
Other Missions and Data Analysis	158.7
<u>Outer Planets</u>	<u>98.6</u>
Outer Planets	98.6
<u>Technology</u>	<u>89.0</u>
Technology	89.0
Subtotal, Planetary Science	1,359.5

PROGRAMS, PROJECTS AND ACTIVITIES OF THE  
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Fiscal Year 2010  
(Dollars in millions)

	<i>Conference</i>
<b>Astrophysics:</b>	
<u>Astrophysics Research</u>	<u>150.8</u>
Astrophysics Research and Analysis	60.0
Balloon Project	26.7
Other Missions and Data Analysis	64.1
<u>Cosmic Origins</u>	<u>667.2</u>
Hubble Space Telescope (HST)	112.6
James Webb Space Telescope (JWST)	441.4
Stratospheric Observatory for Infrared Astronomy (SOFIA)	72.8
Other Missions And Data Analysis	40.4
<u>Physics of the Cosmos</u>	<u>147.7</u>
Joint Dark Energy Mission	6.4
Other Missions and Data Analysis	141.3
<u>Exoplanet Exploration: Other mission and data analysis</u>	<u>46.2</u>
Other Missions and Data Analysis	46.2
<u>Astrophysics Explorer</u>	<u>107.9</u>
Wide - Field Infrared Survey Explorer (WISE)	13.0
Nuclear Spectroscopic Telescope Array (NuStar)	59.9
Astro-H	10.9
Other Missions and Data Analysis	24.1
Subtotal, Astrophysics	1,119.8
<b>Heliophysics:</b>	
<u>Heliophysics Research</u>	<u>174.2</u>
Heliophysics Research and Analysis	31.0
Sounding Rocket Operations	66.5
Research Range	19.2
GSFC Building Support	3.0
Other Missions and Data Analysis	54.5
<u>Living with a Star</u>	<u>248.2</u>
Solar Dynamics Observatory (SDO)	34.1
Radiation Belt Storm Probes (RBSP)	137.1
Solar Probe Plus	40.0
Other Missions and Data Analysis	37.0
<u>Solar Terrestrial Probes</u>	<u>143.0</u>
Magnetospheric Multiscale (MMS)	118.6
Other Missions and Data Analysis	24.4
<u>Heliophysics Explorer Program</u>	<u>69.4</u>
GOLD	0.5
Other Missions and Data Analysis	68.9
<u>New Millennium</u>	<u>1.8</u>
New Millennium	1.8
Subtotal, Heliophysics	636.6
Realign the costs of administrative FTE to CAS	-24.3
Consolidate construction in single account	-13.7
General reduction	-59.2
Total, Science	4,469.0

PROGRAMS, PROJECTS AND ACTIVITIES OF THE  
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Fiscal Year 2010  
(Dollars in millions)

*Conference*

<b>AERONAUTICS MISSION DIRECTORATE</b>	
Aviation Safety	75.0
Airspace Systems	80.0
Fundamental Aeronautics	220.0
Aeronautics Test Program	72.0
Integrated Systems Research	60.0
Realign the costs of administrative FTE to CAS	-6.0
Total, Aeronautics	501.0
<b>EXPLORATION MISSION DIRECTORATE</b>	
Human Exploration Architecture Development	3,466.4
Advanced Capabilities:	436.9
Human Research Program	151.5
ISS Medical Project	20.3
Research Infusion Projects	131.2
Exploration Technology Development	266.3
ISS Research	47.0
Technology Infusion Projects	219.3
Lunar Precursor Robotic Program	19.1
Lunar Reconnaissance Orbiter	19.1
Consolidate construction in single account	-90.8
Realign the costs of administrative FTE to CAS	-33.5
General reduction	-51.8
Total, Exploration	3,746.3
<b>SPACE OPERATIONS MISSION DIRECTORATE</b>	
Space Shuttle Program	3,157.1
Program Integration	678.1
Flight and Ground Operations	1,035.1
Flight Hardware	1,443.9
International Space Station Program	2,317.0
ISS Operations	1,689.0
ISS Cargo Crew Services	628.0
Space and Flight Support	751.5
Space Communications and Navigation	496.5
Space Communications Networks	427.1
Space Communications Support	43.4
TDRS Replenishment	26.0
Human Space Flight Operations: Space flight crew operations	114.7
Space Flight Crew Operations	114.7
Launch Services	85.9
Launch Services	85.9
Rocket Propulsion Test: Rocket propulsion testing	45.8
Rocket Propulsion Testing	45.8
Crew Health & Safety	8.6
Crew Health and Safety	8.6
Consolidate construction in single account	-27.3
Realign the costs of administrative FTE to CAS	-33.8
General reduction	-17.7
Total, Space Operations	6,146.8

PROGRAMS, PROJECTS AND ACTIVITIES OF THE  
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Fiscal Year 2010  
(Dollars in millions)

*Conference*

<b>EDUCATION</b>	
<u>Higher Ed. STEM Education</u>	<u>121.2</u>
STEM Opportunities (Higher Education)	10.0
NASA Space Grant	45.6
Experimental Program to Stimulate Competitive Research	25.0
Minority University Research & Education Program	30.6
Global Climate Change Education	10.0
<u>K-12 STEM Education</u>	<u>46.5</u>
STEM Student Opportunities (K-12)	10.5
STEM Teacher Development (K-12)	21.0
K-12 Competitive Educational Grant Program	15.0
<u>Informal STEM Education</u>	<u>16.1</u>
Science Museums and Planetarium Grants	7.0
NASA Visitor Centers	7.0
NASA Informal Education Opportunities	2.1
Realign the costs of administrative FTE to CAS	-1.3
Total, Education	182.5
<b>CROSS AGENCY SUPPORT</b>	
<u>Center Management and Operations</u>	<u>2,206.3</u>
<u>Center Management and Operations</u>	<u>2,206.3</u>
Center Institutional Capabilities	1,730.9
Center Programmatic Capabilities	475.4
<u>Agency Management and Operations</u>	<u>949.5</u>
<u>Agency Management</u>	<u>404.0</u>
Agency Management	404.0
<u>Safety and Mission Success</u>	<u>194.2</u>
Safety and Mission Assurance	48.3
Chief Engineer	102.2
Chief Health and Medical Officer	3.7
Independent Verification and Validation	40.0
<u>Agency IT Services</u>	<u>146.7</u>
IT Management	30.0
Applications	68.4
Infrastructure	48.3
<u>Innovative Partnerships Program</u>	<u>175.2</u>
Technology Infusion	10.0
Small Business Innovative Research	124.1
Small Business Technology Transfer Research	14.1
Innovation Incubator	1.0
Future Centennial Challenges	4.0
Partnership Development	20.0
Innovative Technology	2.0
<u>Strategic Capabilities Assets Program</u>	<u>29.4</u>
Simulators	11.7
Thermal Vacuum Chambers	8.3
Arc Jets	9.4
Congressionally-directed Items	63.0
General reduction	-24.8
Total, Cross Agency Support	3,194.0

PROGRAMS, PROJECTS AND ACTIVITIES OF THE  
NATIONAL AERONAUTICS AND SPACE ADMINISTRATIONFiscal Year 2010  
(Dollars in millions)*Conference*

<b>CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND REMEDIATION</b>	
Science	13.7
Exploration	90.8
Space Operations	27.3
Cross agency support:	<u>316.5</u>
Institutional investments, construction of facilities	249.3
Environmental compliance and restoration	67.2
Total, Construction and environmental compliance and remediation	448.3
<b>INSPECTOR GENERAL</b>	<u>36.4</u>
<b>TOTAL, NASA</b>	<b><u>18,724.3</u></b>

## SCIENCE

The conference agreement provides \$4,469,000,000 for science. Funds provided herein are available for two years to conduct and support science research and development activities, including research, development, operations, support and services; maintenance; space flight, spacecraft control, and communications activities; program management; personnel and related costs; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft. Funds for construction of facilities, including repair, renovation of existing facilities, construction of new facilities, facility planning and design, and for environmental compliance and restoration are provided in a separate, new account, as proposed by the House.

*Earth science, other missions and data analysis.*—The conference agreement provides \$201,300,000 for Earth science, other missions and data analysis. An increase of \$15,000,000 is provided above the request to advance further the studies of the next two decadal survey missions, the Climate Absolute Radiance and Refractivity Observatory (CLARREO) and the Deformation, Ecosystem Structure, and Dynamics of the Ice (DESDynI).

The conferees are concerned about the limited progress made to date in advancing the Earth science missions identified in the recent decadal survey. In an effort to address the need for Earth science data, the conferees encourage NASA to consider commercial solutions for providing such data and suggest that NASA contract with the National Academies' Space Studies Board to conduct a study of the feasibility of commercially-provided Earth science data.

*Climate variables and climate science.*—Long-term measurement of selected climate variables is of critical importance for climate science. NASA should provide leadership in demonstrating satellite-based global change measurements that can then be implemented on an operational basis by NOAA and USGS. Given the likely demise in coming years of a number of Earth observing satellites and the NASA cancellation of the second and third copies of the EOS satellites and instruments, NASA, working with NOAA, USGS, and the other agencies of the US Global Change Research Program, is directed to conduct a systematic review of the recommended Decadal Survey implementation architecture, with the focus being to first measure and understand specifically those climate forcings that have the greatest leverage for improving the Nation's climate predictive capabilities significantly over the next 10–12 years. The resulting architecture should include emphasis on NASA's responsibility to develop measurements using new technologies to demonstrate an innovative, affordable climate observing system and improvements to the predictive models resulting from the ensemble of measurements obtained. The resulting architecture must also take into account the time required for NOAA and USGS to obtain appropriations to assume operational responsibility for the measurement once their utility has been demonstrated including consideration of NASA including two copies of each instrument with operational potential. A report outlining this climate-centric architecture shall be delivered to the Committees no later than May 3, 2010.

*Scatterometer.*—NASA and NOAA are directed to continue joint studies leading to a NOAA request in the fiscal year 2011 budget to build and fly an operational scatterometer to provide sea surface vector wind measurements, as directed by the House.

*Earth system science pathfinder, other mission and data analysis.*—Within the funds provided for other mission and data analysis, the conferees have provided \$25,000,000 for initial costs associated with an orbiting carbon observing (OCO) replacement. In addition, NASA is directed to supplement these funds with not less than \$25,000,000 from available Science mission directorate prior year balances to achieve a total program level of not less than \$50,000,000 in fiscal year 2010.

Also included within the funds provided for other mission and data analysis, the conference agreement provides \$6,000,000 for pre-phase A and pilot initiatives for the development of a carbon monitoring system. Any pilot developed shall replicate State and national carbon and biomass inventory processes that provide statistical precision and accuracy with geospatially explicit associated attribute data for aggregation at the project, county, State and Federal level using a common dataset with complete market transparency, including extraction algorithms and correlation modeling.

*Near Earth object observations.*—The recommendation includes \$5,800,000 for near Earth object observations, an increase of \$2,000,000 to support scientific research at the Arecibo Observatory in the fields of climate change and space weather.

*GLOBE.*—The recommendation includes \$3,000,000 for the GLOBE program. The conferees recognize the significant investment NASA has made in GLOBE and direct NASA to support the OSTP review of the program and to work cooperatively with NOAA and NSF on this interagency program.

*Planetary science, international lunar network.*—The conference agreement provides \$15,000,000 for the international lunar network.

*Astrophysics, servicing opportunities for science missions.*—Funding for this activity has been provided within funds appropriated under the heading "Space Operations".

*Astrophysics, exoplanet exploration, other missions and data analysis.*—The conference agreement includes the funds requested to enable SIM-lite to continue mission concept, technology and risk reduction efforts.

*James Webb space telescope.*—The conferees provide the full budget request of \$441,400,000 for the James Webb Space Telescope, NASA's next orbiting observatory scheduled to launch in 2014. The conferees are troubled by ongoing cost overruns and inaccurate phasing of reserves that have required the Committees to approve multiple adjustments to Webb's funding levels. These adjustments have totaled \$95,000,000 in the last six months alone, and the Committees are aware that additional adjustments may be needed in fiscal year 2010. Before the Committees will consider any further adjustments, NASA shall provide to the Committees a report on the factors contributing to Webb's cost overruns and reserve phasing problems, identifying NASA's plans to address these issues and how it shall prevent such occurrences in the future.

*Jupiter system mission.*—The conference agreement provides \$15,500,000 to study further the Europa Jupiter system mission to address the primary risk to the mission, the energy particle radiation environment of Jupiter, as described in the House report. Included in these funds shall be efforts to assist the science community in responding to the announcement of opportunity for the instruments. The conferees direct NASA within 60 days of enactment to provide a projected full lifetime budget outline for the Europa mission, to include anticipated con-

tributions from foreign partners, and an alternative budget profile that would accelerate the launch to 2018.

*Heliophysics, sounding rockets operations.*—Within the amounts provided for heliophysics sounding rockets operations, \$5,000,000 is provided to continue advanced technology development of small satellites and unmanned aerial systems that have the potential of lowering the costs of space and Earth science missions.

NASA is directed to increase its participation in suborbital missions that provide hands-on experience in STEM education.

*Solar probe plus.*—The conference agreement includes \$40,000,000 for the solar probe plus mission, the highest priority of the decadal survey in heliophysics. The conferees direct NASA to work aggressively to achieve a launch in 2015, and expect future budget requests to accommodate that launch date without jeopardizing other Science missions or programs.

*Magnetospheric multiscale (MMS).*—The conference agreement provides the budget request of \$118,600,000 for the MMS project. NASA is expected to maintain the full complement of science instruments for this mission and achieve a launch in 2014.

*Planetary science, technology.*—Within the funds provided for planetary science, resources are provided for test and development of thermal protection systems (TPS), such as coal-based carbon foam ablative devices, in future missions to and from Mars and Moon.

*General reduction.*—The conference agreement assumes a general reduction that may be applied to unobligated balances from prior years and to amounts provided herein. Such reductions shall not be assessed against those activities augmented by the Congress or otherwise addressed by this statement of the managers and shall be presented in NASA's initial operating plan.

## AERONAUTICS

The conference agreement provides \$501,000,000 for aeronautics. Funds provided herein are available for two years to conduct and support aeronautics research and development activities, including research, development, operations, support and services; maintenance; space flight, spacecraft control, and communications activities; program management; personnel and related costs; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft. Funds for construction of facilities, including repair, renovation of existing facilities, construction of new facilities, facility planning and design, and for environmental compliance and restoration are provided in a separate, new account, as proposed by the House.

*Aviation safety.*—Within the funds provided for aviation safety, \$15,000,000 is included within the aeronautics program to establish a university affiliated research center (UARC) to collaborate with the Dryden National Flight Center to focus on unmanned aircraft systems remote sensing research applications and educational programs.

## EXPLORATION

The conference agreement provides \$3,746,300,000 for exploration. Funds provided herein are available for two years to conduct and support exploration research and development activities, including research, development, operations, support and services; maintenance; space flight, spacecraft control, and communications activities; program management; personnel and related

costs; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft. Funds for construction of facilities, including repair, renovation of existing facilities, construction of new facilities, facility planning and design, and for environmental compliance and restoration are provided in a separate, new account, as proposed by the House.

*U.S. human spaceflight plans.*—Appointed in June 2009 to conduct an independent review of the ongoing U.S. human spaceflight plans and programs, as well as alternatives, the Review of U.S. Human Spaceflight Plans Committee reported its findings in an October 2009 report. Outlining five broad options for the future of NASA's human spaceflight program, the committee noted that the current U.S. human spaceflight program is on an unsustainable trajectory and that its goals are not matched by financial resources. Given the current budgetary projections, the existing program cannot meet its established timelines and content. The gap in time in which the U.S. is without a human spaceflight capability will be at least six years, and more likely seven under current budgetary projections.

The committee's work raises issues requiring thoughtful consideration by the Administration and the Congress, before the Committees on Appropriations of the House and Senate can recommend detailed funding levels. The conferees note that the Constellation program is the program for which funds have been authorized and appropriated over the last four years, and upon which the pending budget request is based. Accordingly, it is premature for the conferees to advocate or initiate significant changes to the current program absent a bona fide proposal from the Administration and subsequent assessment, consideration and enactment by Congress.

To protect the jurisdiction and prerogatives of the House and Senate Committees on Appropriations and of the Congress generally while providing appropriate flexibility to the Administration in managing a complex research and development program, the conference agreement provides \$3,466,400,000 for human exploration architecture development, the same level as the budget request. Changes in budgetary and programmatic requirements for fiscal year 2010 from the original budget request shall be submitted only in the form of a supplemental budget request for fiscal year 2010 and not through an initial operating plan or subsequent updates. Funds are not provided herein to initiate any new program, project or activity, not otherwise contemplated within the budget request and approved by Congress, consistent with section 505 of this Act, unless otherwise approved by the Congress in a subsequent appropriations Act. Funds are also not provided herein to cancel, terminate or significantly modify contracts related to the spacecraft architecture of the current program, unless such changes or modifications have been considered in subsequent appropriations Acts.

The conferees note that the previous Administration failed to request a budget adequate to implement its Vision for Space Exploration while also maintaining a balanced portfolio of science and aeronautics programs, returning the Shuttle to flight after the Columbia accident and completing the International Space Station. Similarly, the current budget submittal for fiscal year 2010 and beyond significantly reduces planned funding for space exploration activities such

that human exploration beyond low-Earth orbit is not viable under the fiscal year 2010 budget guideline. As the committee noted, "NASA's budget should match its mission and goals" and "whatever space program is ultimately selected, it must be matched with the resources needed for its execution." It is the expressed hope of the conferees that the Administration will formulate its formal decision soon, submit its recommendation for congressional review and consideration, and budget the necessary resources to meet U.S. spaceflight program funding requirements identified in the Administration's recommendation and congressionally-approved program for space exploration while maintaining a balanced portfolio of science and aeronautics programs.

Within the funds provided for human exploration architecture development, not less than \$100,000,000 is provided for continuing investments in heavy-lift cargo launch capability. In addition, within the funds provided for human exploration architecture development, \$39,100,000 is provided for commercial cargo activities (COTS A-C), the same level as the budget request.

*Microgravity research.*—Within the funds provided for exploration technology development, the conference agreement provides \$47,000,000 for microgravity research. Not later than 90 days after enactment of this Act, NASA shall submit to the House and Senate Committees on Appropriations the planned expenditure of the amounts provided herein for microgravity research.

*Technology infusion projects.*—The conference agreement provides \$219,300,000 for technology infusion projects, within which funds are included for the development of new technologies to include filament wound aluminum metal matrix composite technology for use in cryogenic fuels systems for space vehicles.

*General reduction.*—The conference agreement assumes a general reduction that may be applied to unobligated balances from prior years and to amounts provided herein. Such reductions shall not be assessed against those activities augmented by the Congress and shall be presented in the initial operating plan.

#### SPACE OPERATIONS

The conference agreement provides \$6,146,800,000 for space operations. The conference agreement designates not more than \$3,157,100,000 for Space Shuttle operations, production, research, development and support; not more than \$2,317,000,000 for International Space Station operations, production, research, development and support; and not more than \$751,500,000 for Space and Flight Support operations, production, research, development and support. Funds provided herein are available for two years to conduct and support space operations research and development activities, including research, development, operations, support and services; maintenance; space flight, spacecraft control, and communications activities; program management; personnel and related costs; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft. Funds for construction of facilities, including repair, renovation of existing facilities, construction of new facilities, facility planning and design, and for environmental compliance and restoration are provided in a separate, new account, as proposed by the House.

*Space Shuttle.*—The summary report of the Review of U.S. Human Space Flight Plans

Committee noted that the projected flight rate of the Space Shuttle prior to its projected retirement is nearly twice that of the actual flight rate since return to flight after the Columbia accident, stating, "Recognizing that undue schedule and budget pressure can subtly impose a negative influence on safety, the Committee finds a more realistic schedule is prudent. With the remaining flights likely to stretch into the second quarter of 2011, the Committee considers it important to budget for Shuttle operations through that time." Accordingly, the Administration is urged to provide adequate funding for the remaining Shuttle flights in its fiscal year 2011 budget request without reducing other important and ongoing NASA activities.

*International Space Station (ISS) operations.*—Within the amounts provided for ISS operations, \$50,000,000 is provided to continue efforts in the use of next generation of human space flight architecture to service existing and future observatory-class scientific spacecraft as identified in the conference report accompanying division B of Public Law 111-8. The activities to be undertaken shall be a joint project of the space operations, science and exploration mission directorates, and shall include technology demonstrations for both robotic and human servicing capabilities.

*Tracking and data relay satellite system.*—NASA is directed to report to the Committees on Appropriations of the House and Senate not later than March 15, 2010, on options for accommodating increased mission load to the tracking and data relay satellite system, to include an examination of the feasibility of using off-the-shelf technologies.

The conference agreement does not provide for a competitive grant program for launch infrastructure construction and upgrades at spaceports, as the Senate had proposed.

*General reduction.*—The conference agreement assumes a general reduction that may be applied to unobligated balances from prior years and to amounts provided herein. Such reductions shall not be assessed against those activities augmented by the Congress or otherwise addressed by this statement of the managers and shall be presented in NASA's initial operating plan.

#### EDUCATION

The conference agreement provides \$182,500,000 for education.

*Education activities.*—NASA is directed to include in its annual budget justifications the amount within each mission directorate for the past, current and budget year planned for education activities, and the specific purposes for which the funds are requested.

*National Space Grant College and Fellowship program.*—For this program, the conference agreement provides \$45,600,000 to fund 42 states or jurisdictions at \$900,000 each and 10 states or jurisdictions at \$700,000 each.

*Classroom of the Future.*—The conference agreement provides \$1,000,000 for the Classroom of the Future, as requested.

*Educational activities at NASA centers.*—The conference agreement provides \$7,000,000 for NASA visitor centers for the development of educational activities to be distributed in equal \$700,000 increments to each center's visitor center for the development of educational activities. The conferees encourage NASA to make its visitor centers or their proxies available to all students and children up to grade 12 or age 18 on a no-fee basis as such experiences should be integral components of a broad-based STEM education. NASA is further directed to review its educational portfolio to determine how such visitor centers can be better incorporated into



NASA's efforts to inspire and educate students at all levels to pursue careers in the fields of science, technology, engineering and mathematics. The findings of such a review and recommendations to improve student visitor experience and accessibility shall be submitted to the House and Senate Committees on Appropriations not later than 90 days after enactment of the Act. NASA is directed to avoid implementation of any change to admission costs to any NASA visitor center for children up to grade 12 or age 18.

*Earth Knowledge Acquired by Middle School Students (EarthKAM) program.*—Funds are provided within informal education to ensure that NASA increases its support for this program.

#### CROSS AGENCY SUPPORT

The conference agreement includes \$3,194,000,000 for cross agency support. Funds provided herein are available for two years for the conduct and support of science, aeronautics, exploration, space operations and education research and development activities, including research, development, operations, support and services; maintenance; space flight, spacecraft control, and communications activities; program management; personnel and related costs; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft. Funds for construction of facilities, including repair, renovation of exist-

ing facilities, construction of new facilities, facility planning and design, and for environmental compliance and restoration are provided in a separate, new account, as proposed by the House.

The conference agreement designates within amounts appropriated \$2,206,300,000 for center management and operations; \$40,000,000 for independent verification and validation activities; and \$63,000,000 for congressionally-designated projects which are incorporated by reference. Provisions proposed by the House relating to enhanced use lease receipts have been incorporated, with modifications, under the "Construction and environmental compliance and remediation" appropriation.

The conference agreement provides the budget request for activities of NASA's Chief Engineer to increase direct technical support to high-risk aspects of NASA's missions in order to improve mission success, cost containment and schedule performance across all mission directorates.

NASA is directed to include in its fiscal year 2011 budget request an accounting of civil service salary and expense requirements contained in each program, as directed by the Senate report.

Not later than 60 days after enactment of this Act, NASA is directed to provide a report to the House and Senate Committees on Appropriations detailing the number of term positions to be funded under the Act, as well

as a comparative summary of NASA's use of term positions since 1990.

*Small business innovative research (SBIR) and small business technology transfer research (STTR).*—While the conference agreement identifies amounts for these activities at the levels requested by the Administration, the conferees note that funding for government-wide SBIR and STTR programs are set by statute at 2.5 percent and 0.3 percent of the agency's extramural research and development program, which has yet to be determined.

*Cybersecurity.*—The conferees are concerned about recent cyber attacks against NASA and therefore direct NASA to partner with the National Security Agency to assure that NASA networks are secure and that its software verification process includes a rigorous cyber examination process.

*General reduction.*—The conference agreement assumes a general reduction that may be applied to unobligated balances from prior years and to amounts provided herein. Such reductions shall not be assessed against those activities augmented by the Congress or otherwise addressed by this statement of the managers and shall be presented in NASA's initial operating plan.

*Congressionally-designated projects.*—Within the appropriation for cross agency support, the conference agreement provides for the following congressionally-directed activities:

**National Aeronautics and Space Administration**  
**Cross Agency Support**  
**Congressionally-designated Items**  
**(\$ in thousands)**

<b>Recipient</b>	<b>Project</b>	<b>Amount</b>
Alabama A&M University Research Institute, Normal, AL	High Temperature Materials Research and Development for Crew Exploration Vehicle (CEV) and Crew Launch Vehicle (CLV) Initiatives	500
Austin Peay State University, Clarksville, TN	Solar Energy Laser Physics Program	500
Aviation Maintenance Technology Center, Roswell, NM	Flight Research Training Center	300
Bay Area Houston Economic Partnership, Houston, TX	Bay Area Houston SATOP	1,000
Baylor College of Medicine, Houston, TX	Center for Space Medicine	750
Baylor University, Waco, TX	Advanced Composite Materials Research	400
Burlington Community and Economic Development Office, Burlington, VT	Burlington Aviation Technology Center	1,500
CORE Philly, Philadelphia, PA	CORE Philly Scholarship Program	1,000
Dillard University, New Orleans, LA	The Dillard University Eighth Grade Initiative	300
Drew University, Madison, NJ	Drew University Environmental Science Initiative	1,000
East Stroudsburg University, East Stroudsburg, PA	Marine Science Consortium Student-Faculty Research Collaborative with NASA Goddard Wallops Flight Facility	450
Educational Advancement Alliance (EAA), Philadelphia, PA	Math Science and Technology (MST) Program	1,000
Embry Riddle Aeronautical University Prescott Campus, Prescott, AZ	NASA Educator Resource Center	200
FOTO, Los Angeles, CA	Science Education Programming	200
Foundation for Community Empowerment, Inc., Dallas, TX	Dallas Achieves -- Transforming Public Education in Dallas, Texas, Through Math, Science and Technology Initiatives	500
Fulton-Montgomery Community College, Johnstown, NY	Center for Engineering and Technology - Phase Two	300
Imiloa Astronomy Center, Hilo, HI	Imiloa Astronomy Center	2,500
Johnson Space Center, Houston, TX	Constellation Program Data Storage Equipment and Systems	250
Lehigh University, Bethlehem, PA	Nanomaterials Research	250
Loma Linda University Medical Center, Loma Linda, CA	Space Radiation Health Research Program	2,800
Marshall Space Flight Center, Huntsville, AL	Advanced Algorithm, Integration, and Maturation	1,000

**National Aeronautics and Space Administration**  
**Cross Agency Support**  
**Congressionally-designated Items**  
**(\$ in thousands)**

<b>Recipient</b>	<b>Project</b>	<b>Amount</b>
Marshall Space Flight Center, Huntsville, AL	Development of Characterization Techniques for Advanced High Temperature Materials in Space Launch Applications	1,000
Marshall Space Flight Center, Huntsville, AL	Increasing K-16 Genetics and Biotechnology Education	1,000
Marshall Space Flight Center, Huntsville, AL	Product Lifecycle Management and Advanced Modeling and Simulation Methods	1,000
Marshall Space Flight Center, Huntsville, AL	Radically Segmented Launch Vehicle (RSLV) LOX/Methane Technology Maturation Program	1,000
Marshall Space Flight Center, Huntsville, AL	Robotic Lander Multi-Propellant Diagnostic Test Bed	1,000
Marshall Space Flight Center, Huntsville, AL	Space Nuclear Power Systems Research & Development	1,000
Morgan State University, University of Maryland Eastern Shore, and Bowie State University, Baltimore, Princess Anne and Bowie, MD	Chesapeake Information Based Aeronautics Consortium (CIBAC)	3,000
MTSU, Murfreesboro, TN	Aviation Safety and Human Factors Research Using Emerging Technologies	700
National Institute for Aviation Research, Wichita, KS	National Center for Advanced Materials Performance	600
National Youth Science Foundation, Charleston, WV	Youth Science Discovery Experience and science center curriculum	400
New Mexico State University, Las Cruces, NM	Science, Engineering, Math, and Aerospace Academy	200
Northern Kentucky University Foundation, Highland Heights, KY	Sky Dome: Strengthening Science Achievement in Grades 4 until 12 through Immersive Technology	200
Rocky Mountain College, Billings, MT	Bair Science Center	125
ScienceSouth, Florence, SC	Innovative Science Learning Center	500
Sci-Port: Louisiana's Science Center, Shreveport, LA	Sci-Port: Renewing Science Education in the South	300
Southeast Missouri State University, Cape Girardeau, MO	Missouri NASA Math, Science and Technology Education Enhancement Program	500
Space Dynamics Laboratory, Logan, UT	Technical Support of Satellite Sensor Calibration for the Global Climate Observing System	400
Space Florida, Kennedy Space Center, FL	Launch Complexes 36 and 46	1,100

**National Aeronautics and Space Administration  
Cross Agency Support  
Congressionally-designated Items  
(\$ in thousands)**

<b>Recipient</b>	<b>Project</b>	<b>Amount</b>
Space Florida, Kennedy Space Center, FL	Thermal Vacuum Chamber	400
St. Louis Community College, St. Louis, MO	St. Louis Community College BioBench and Training Facility	600
Teach for America, New York, NY	Teach for America STEM Activities	3,000
Technological Research And Development Authority, Melbourne, FL	Space Alliance Technology Outreach Program	100
Tennessee Tech, Cookeville, TN	Center for Teaching & Learning in Science, Technology, Engineering and Math (STEM)	400
Texas A&M University, College Station, TX	Advanced robotics for Lunar and Martian Exploration	750
Texas Tech University, Lubbock, TX	Engineering support for extended human and robotic space flight missions - Texas Tech University	1,000
Thurgood Marshall College Fund, New York, NY	The Minority Science Initiative	100
Towson University, Towson, MD	The Baltimore Excellence in Science Teaching (BEST) Partnership	1,000
University of Alabama in Huntsville, Huntsville, AL	Virtual Environment Simulation Laboratory	500
University of Alabama, Tuscaloosa, AL	Diagnostic Sensing for Predictive Maintenance of Aerospace Vehicles	500
University of Alabama, Tuscaloosa, AL	Miniature Antennas for Unmanned Aerial Vehicles	350
University of Louisville, Louisville, KY	University of Louisville for diagnosing and mitigating human exposure to radiation	2,000
University of Mississippi, Oxford, MS	National Center for Remote Sensing, Air, and Space Law	2,400
University of Nebraska Medical Center, Omaha, NE	Supporting Surgical Options in Space	2,700
University of Nevada at Las Vegas, Las Vegas, NV	Gravity Insensitive Solid-Gas Sorption Climate Control System	750
University of New Orleans, New Orleans, LA	UNO, National Center for Advance Manufacturing	250
University of North Dakota, Grand Forks, ND	Upper Midwest Aerospace Consortium	3,000
University of Northern Iowa, Cedar Falls, IA	National Institute for Early Math and Science Education	700
University of South Alabama, Mobile, AL	Center for Advanced Materials Engineering	500
University of Southern Mississippi, Hattiesburg, MS	National Formulation Science Laboratory Equipment Request	1,000

**National Aeronautics and Space Administration**  
**Cross Agency Support**  
**Congressionally-designated Items**  
**(\$ in thousands)**

<b>Recipient</b>	<b>Project</b>	<b>Amount</b>
University of Southern Mississippi, Hattiesburg, MS	Technology Industry Partnership for transitioning space technologies into the commercial sector	1,000
University of Toledo, Toledo, OH	Advanced Photovoltaics Array Testing	500
University of Vermont, Burlington, VT	Complex Systems and Advanced Computing Center	500
University of Mississippi, University, MS	Innovative STEM Education	200
West Virginia University, Morgantown, WV	Aviation Safety Research and Design	1,500
Wheeling Jesuit University, Wheeling, WV	Great Science Online	300
Wheeling Jesuit University, Wheeling, WV	HEALTHeWV	5,000
Wheelock College, Boston, MA	Math and Science Learning Community	800
Xavier University, New Orleans, LA	STEM Summer Program	400

# CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND REMEDIATION

The conference agreement includes an appropriation of \$448,300,000 for construction and environmental compliance and remediation. Appropriations are available for five years and shall be available for construction of facilities, including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to new facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law, and environmental compliance and restoration. Funds for construction-related labor costs and travel are included within the amounts provided in the Cross Agency Support appropriation. Within this appropriation, the conference agreement designates the following amounts for each of the mission directorates, as shown below:

Science .....	\$13,700,000
Exploration .....	90,800,000
Space Operations .....	27,300,000
Cross agency support .....	316,500,000
Institutional invest-	
ments, construction	
of facilities .....	(249,300,000)
Environmental compli-	
ance and restoration	(67,200,000)

NASA is directed to provide to the House and Senate Committees on Appropriations NASA form 1509 for each CoF project submitted in the annual budget request or an initial operating plan and for each CoF project subject to a reprogramming notification. In addition, NASA is directed within 90 days of enactment of this Act to provide to the House and Senate Committees on Appropriations a comprehensive five-year plan detailing in priority order and by center projected facilities infrastructure improvements and construction needs across the NASA complex. The plan shall include current and projected mission assignments by center and how such proposed improvements meet each center's mission objectives.

**Leasing authorities and collections.**—The conference agreement includes provisions relating to enhanced use leases (EULs): a provision that requires, hereafter, the deposit of all EUL proceeds into the construction account, provides for five-year availability, and subjects all EUL receipts to annual appropriations Acts prior to their availability; a provision that limits to \$6,226,000 the expenditure of EUL receipts to the level planned by NASA in its official submission; and a provision that requires each annual budget request to include an annual estimate of gross EUL receipts and proposed uses of such receipts. Similar provisions were proposed by the House under the "Cross Agency Support" appropriation.

NASA is directed to continue its moratorium on any new enhanced use leases until it promulgates and disseminates to the centers and the Committees on Appropriations of the House and Senate its final desk guidance on the administration and execution of the EUL program. In addition, NASA is further directed to submit a separate operating plan by center on the proposed use of all receipts and collections in fiscal year 2010 prior to the expenditure of such funds, and any deviation from such approved plan shall be subject to section 505 of this Act. Lastly, NASA shall submit with its annual budget submission a separate accounting by center of gross receipts and collections and proposed use of all funds collected under its leasing authority. Such material shall include a detailed presentation of all proposed expenditures, to

include but not limited to full-time equivalent (FTE) staff years and object class data, minor renovation projects proposed to be undertaken with requested amounts for each project, and justification for such proposed expenditures by project or activity.

## OFFICE OF INSPECTOR GENERAL

The conference agreement provides \$36,400,000 for the Office of Inspector General, which shall be available for one year.

## ADMINISTRATIVE PROVISIONS

The conference agreement contains language regarding the availability of funds for announced prizes.

The conference agreement contains language providing for the transfer of certain amounts between appropriations accounts.

The conference agreement contains language prohibiting any reduction in force or other involuntary separations in fiscal year 2010.

The conference agreement contains language regarding transfers of unexpired balances.

The conference agreement does not include language proposed by the Senate which provided that funding designations and minimum funding requirements contained in any other Act shall not be applicable to funds provided in this Act for NASA.

The conference agreement does not include administrative provisions proposed by the Senate regarding the period of availability of funds allocated for construction and environmental compliance activities within appropriations made for the various mission directorates. The conference agreement provides for a new, separate appropriation for construction and environmental remediation, eliminating the need for the administrative provisions proposed by the Senate.

## NATIONAL SCIENCE FOUNDATION

The conference agreement includes \$6,926,510,000 for the National Science Foundation (NSF), consistent with the on-going effort to double the agency's budget over a ten-year period.

The conferees are concerned with continuity in the level of support for research and development at the National Science Foundation and reiterate concerns expressed by the House that the request for fiscal year 2011 should represent at least a seven percent increase for NSF over the conference agreement level for fiscal year 2010 in order to sustain the planned doubling of the Foundation's budget.

The conferees support House direction to the Foundation to convene a panel of experts to survey pre-K to 12 schools that are highly successful in science, technology, engineering and mathematics (STEM) education and submit a report of the findings and recommendations of this panel to the Committees within 180 days of the enactment of this Act.

## RESEARCH AND RELATED ACTIVITIES (INCLUDING TRANSFER OF FUNDS)

The conference agreement provides \$5,617,920,000 for research and related activities.

The conference agreement transfers \$54,000,000 from NSF to the United States Coast Guard (USCG) for icebreaking services to cover all anticipated operation and maintenance costs for fiscal year 2010. The conferees expect that in future years all operation and maintenance budget authority for these USCG icebreakers will be requested by the Department of Homeland Security.

Within the funds provided, the conferees direct NSF to maintain funding at the levels requested for the following activities:

Climate change

Cyber-enabled discovery and innovation

Science and engineering beyond Moore's law

Adaptive systems technology

Dynamics of water processes in the environment

National Radio Astronomy Observatory

In addition, the conferees support House direction on high-risk, high-reward basic research; funding for research on ocean acidification; support for 2,000 graduate research fellowships across all of NSF; climate change education; and funding of EPSCoR. Beyond these requirements, the conferees expect NSF to accommodate the reduction from the request based on its judgment of where funding will be used most effectively.

The conferees support the direction in the Senate report with respect to VORTEX2.

The conferees direct NSF to transfer \$100,000 to the National Academy of Sciences as directed by the House.

Hydrology, terrestrial ecosystems and soils.—The conferees see the need for an appropriate mechanism to bring together the hydrology research community and better integrate the different types of data and observing systems and enhance support of hydrology modeling, and to institutionalize this mechanism. The conferees also see the need for an appropriate mechanism to bring together the terrestrial ecology and soils research communities. NSF is directed to report its recommendations on the need for and establishment of mechanisms in these two areas with the budget request for fiscal year 2011.

Gemini telescope.—The conferees recognize that the Gemini international telescope agreement is scheduled for renewal in 2012. The United States currently has a 50 percent share in this project, which originated in 1992, and today includes the United Kingdom, Canada, Australia, Brazil, Argentina, and Chile as partners. Given the scientific importance of the Southern Hemisphere Gemini Observatory, NSF is encouraged to continue and, if possible on favorable terms, expand U.S. support in the upcoming renewal negotiations to acquire additional telescope time for NSF investigators.

GLOBE.—The conferees are aware that NSF continues to support the GLOBE program and encourage the agency to continue this support and to work with NASA and NOAA and to support the OSTP review of the program.

EPSCoR.—The conferees request that NSF examine new approaches and innovative efforts within EPSCoR to assist States within the program, including but not limited to, additional co-funding opportunities and EAGER awards, efforts to better ensure participation in new initiatives, and other activities as appropriate.

## MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

The conference agreement provides \$117,290,000 for Major Research Equipment and Facilities Construction, and prohibits funds from being used for reimbursement of the Judgment Fund. The agreement supports the following items at the indicated amounts:

Advanced LIGO .....	\$46,300,000
Atacama Large Millimeter	
Array (ALMA) .....	42,760,000
Advanced Technology	
Solar Telescope (ATST) .....	13,000,000
Ocean Observatories Initia-	
tive (OOI) .....	14,280,000
Ice Cube .....	950,000

## EDUCATION AND HUMAN RESOURCES

The conference agreement provides \$872,760,000 for Education and Human Resources. The increase over the budget request is to support additional work in experiential learning as directed by the House with a substantial portion of the initiative focused on K–6 STEM education. The recommendation includes adjustments to the budget request for specific programs, as follows:

Discovery research K–12 ....	+ \$10,000,000
Research and evaluation on education in science and engineering .....	+2,500,000
Course, curriculum and laboratory improvement .....	+2,500,000

The conferees direct NSF to provide a report detailing plans to establish a Hispanic Serving Institutions—Undergraduate Program no later than 90 days following enactment of this Act. The conferees expect a significant funding request for such a program to be included in NSF's fiscal year 2011 budget request.

The conferees are concerned that K–12 students need a better foundation in geographic literacy, and direct NSF to work with external partners with experience in geographic education to improve geography teaching, training and research in our Nation's schools.

The conferees support the Foundation's request of \$55,000,000 for the Robert Noyce Teacher Scholarship program.

## AGENCY OPERATIONS AND AWARD MANAGEMENT

The conference agreement provides \$300,000,000 for agency operations and award management.

The conferees recognize that NSF excels at creating and managing external relations, providing valuable financial and professional leadership for the Nation's scientific communities, particularly in the competitive solicitation and award of research and educational grants and fellowships. Internally the agency must do better to provide a safe and productive work environment for all of its employees. The conferees reinforce the need for formal reviews from both the NSF directorate and the Office of Inspector General on the agency's personnel management practices as outlined in the Senate report. In addition, the conferees support the Senate's report language identifying the need to improve grant management and accountability.

## OFFICE OF THE NATIONAL SCIENCE BOARD

The conference agreement provides \$4,540,000 for the National Science Board. The conferees direct the National Science Board to use the increase of funds above the request for obtaining a General Counsel independent of the National Science Foundation.

## OFFICE OF INSPECTOR GENERAL

The conference agreement provides \$14,000,000 for the Inspector General, the same as the request.

## TITLE IV

## RELATED AGENCIES

## COMMISSION ON CIVIL RIGHTS

## SALARIES AND EXPENSES

The conference agreement includes \$9,400,000 for the Commission on Civil Rights.

*Support of State Advisory Committees (SACs).*—The Commission shall submit to the House and Senate Committees on Appropriations a biannual report listing the 51 SACs and the expiration date of the most recent charter for each. The report should also include the projected date of re-chartering for those SACs whose most recent charter has

expired and a description of the recent activities undertaken by those that do have an active charter.

The conferees urge the Commission to ensure that its regional office staffing plan is coordinated with its charter expansion plan so that newly reinvigorated SACs will have the operational support necessary to succeed.

## EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## SALARIES AND EXPENSES

The conference agreement provides \$367,303,000 for the Equal Employment Opportunity Commission (EEOC).

*Backlog reduction.*—The conferees urge EEOC to develop and implement a multiyear plan to increase EEOC staffing to the levels necessary to achieve backlog reduction in a timely manner. In the meantime, EEOC shall submit to the House and Senate Committees on Appropriations quarterly reports on projected and actual agency staffing levels so EEOC's personnel resources can be better monitored.

*Workload projections.*—Workload projections should be continually calibrated with actual data as it becomes available through midyear reviews and other means. EEOC shall also ensure that its workload projections account for necessary changes in overtime policy as required by a March 23, 2009 arbitration decision addressing EEOC overtime payments.

*Federal sector hearings.*—EEOC shall submit to the House and Senate Committees on Appropriations within 60 days of the enactment of this Act an implementation plan for the new Federal sector hearing process, including background on the need for these changes, the proposed implementation schedule and an analysis of the potential impact, both positive and negative, on the ability of Federal employees to get a fair hearing under the track system.

## INTERNATIONAL TRADE COMMISSION

The conference agreement provides \$81,860,000 for the International Trade Commission for fiscal year 2010.

## LEGAL SERVICES CORPORATION

## PAYMENT TO THE LEGAL SERVICES CORPORATION

The conference agreement provides \$420,000,000 for the Legal Services Corporation (LSC).

*Accountability and oversight.*—Over the past three years, GAO, the LSC Inspector General and the Audit Committee of the LSC Board of Directors have issued multiple findings of management and oversight weaknesses at the Corporation. LSC has made a public commitment to address each of these findings, and, as evidenced by recent GAO testimony, has made progress by implementing necessary corrective actions in a number of areas. However, as also evidenced by GAO's testimony, additional work remains to complete the full list of recommended actions.

The conferees have been, and remain, concerned about these gaps in LSC's management and accountability controls, which leave the Corporation vulnerable to improper expenditures or instances of waste by grantees. The timely resolution of these remaining issues must be a Corporation priority. Consequently, the conferees direct the Corporation's President and Chairman of the Board of Directors to report jointly to the House and Senate Committees on Appropriations no later than February 1, 2010, to certify that the Corporation has met the requirements for management practices and

policies, as well as governance standards and guidelines.

## ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

A general provision in Title V of the bill revises the administrative provision in order to permit grantees to pursue the recovery of attorney's fees when recovery is permitted or required under Federal or State law. The conferees believe that this action will level the playing field between legal aid attorneys and their counterparts in the private sector and provide a potentially crucial source of additional revenue to legal aid providers in a year in which State and private funding sources are decreasing.

## MARINE MAMMAL COMMISSION

## SALARIES AND EXPENSES

The conference agreement provides \$3,250,000 for the Marine Mammal Commission for fiscal year 2010.

The Commission is directed to submit a report to Congress prioritizing international research and conservation efforts of marine mammals.

## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

## SALARIES AND EXPENSES

The conference agreement provides \$47,826,000 for the Office of the United States Trade Representative (USTR) for fiscal year 2010.

*World Trade Organization.*—The conferees are aware of the World Trade Organization (WTO) Appellate Body's January 16, 2003, ruling regarding the Continued Dumping and Subsidy Offset Act (Public Law 106–387). The conferees direct USTR, in consultation with the Department of Commerce, to continue to negotiate within the WTO to seek express recognition of the existing right of WTO members to distribute monies collected from antidumping and countervailing duties as they deem appropriate. The agency shall consult with and provide regular reports every 60 days to the House and Senate Appropriations Committees on this matter.

In addition, the conferees direct that negotiations be conducted within the WTO consistent with the negotiating objectives contained in the Trade Act of 2002, Public Law 107–210, to maintain strong U.S. trade remedies laws, prevent overreaching by WTO Panels and the WTO Appellate Body, and prevent the creation of obligations never negotiated or agreed to by the United States.

*Climate change.*—Countries in Southeast Asia are particularly vulnerable to the potentially destructive impacts of climate change. U.S. companies have the capacity to provide valuable expertise and install advanced weather forecasting infrastructure and other reliable technologies addressing climate change adaptation and mitigation. The conferees direct the USTR to report to the House and Senate Committees on Appropriations on the status of U.S. company engagement with Southeast Asian nations on these efforts no later than March 30, 2010.

## STATE JUSTICE INSTITUTE

## SALARIES AND EXPENSES

The conference agreement provides \$5,131,000 for the State Justice Institute.

## TITLE V

## GENERAL PROVISIONS

Section 501 prohibits the use of funds for publicity or propaganda purposes unless expressly authorized by law.

Section 502 prohibits any appropriation contained in this Act from remaining available for obligation beyond the current fiscal year unless expressly authorized.



Section 503 provides that the expenditure of any appropriation contained in the Act for any consulting service through procurement contracts shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law or existing Executive Order issued pursuant to existing law.

Section 504 provides that if any provision of this Act or the application of such provision to any person or circumstance shall be held invalid, the remainder of the Act and the application of such provisions to persons or circumstances other than those to which it is held invalid shall not be affected.

Section 505 provides for the reprogramming of funds. Section 505(a) prohibits the reprogramming of funds which: (1) creates or initiates a new program, project or activity; (2) eliminates a program, project, or activity, unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted, unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance; (4) relocates offices or employees, unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance; (5) reorganizes or renames offices, programs or activities, unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance; (6) contracts out or privatizes any function or activity presently performed by Federal employees, unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance; (7) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations, unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance; (8) augments funds for existing programs, projects or activities in excess of \$500,000 or 10 percent, whichever is less, or reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress, unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance; or (9) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, activities, or projects as approved by Congress, unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance. No reprogrammings of funds are permitted after August 1, except in extraordinary circumstances, and only after the House and Senate Committees are notified in advance of such reprogramming of funds. Agencies must follow reprogramming of funds with respect to carryover funds.

Section 506 prohibits funds from being used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion similar to proposed guidelines published by the EEOC in October 1993.

Section 507 provides that if it is determined that any person intentionally affixes a "Made in America" label to any product that was not made in America that person shall not be eligible to receive any contract or subcontract with funds made available in this Act.

Section 508 requires quarterly reporting to Congress of unobligated balances that were received during any previous fiscal year.

Section 509 provides that any closing or downsizing costs incurred by a department

or agency funded under this Act resulting from funding reductions in the Act shall be absorbed within the budgetary resources available to the Department or agency, and provides transfer authority between appropriation accounts to carry out the provision, subject to reprogramming procedures.

Section 510 prohibits funds made available in this Act from being used to promote the sale or export of tobacco or tobacco products or to seek the reduction or removal of foreign restrictions on the marketing of tobacco products, provided that such restrictions are applied equally to all tobacco products or tobacco products of the same type. This provision is not intended to impact routine international trade services to all U.S. citizens, including the processing of applications to establish foreign trade zones.

Section 511 prohibits funds made available in this Act from being used to implement a Federal user fee for background checks conducted pursuant to the Brady Handgun Control Act of 1993, or to implement a background check system that does not require and result in the destruction of certain information within 24 hours.

Section 512 delays the obligations of any receipts deposited into the Crime Victims Fund in excess of \$705,000,000 until October 1, 2010. This language is continued to ensure a stable source of funds will remain available for the program, despite inconsistent levels of criminal fines deposited annually into the Fund.

Section 513 prohibits the use of Department of Justice funds for programs that discriminate against or denigrate the religious beliefs of students participating in such programs.

Section 514 prohibits the transfer of funds in the Act to any department or agency of the United States Government, except for transfers made under authorities provided in this or any other appropriations Act.

Section 515 provides that funds provided for E-Government Initiatives shall be subject to the procedures set forth in section 505 of this Act.

Section 516 requires the Bureau of Alcohol, Tobacco, Firearms and Explosives to include specific language in any release of tracing study data that makes clear that trace data cannot be used to draw broad conclusions about firearms-related crimes.

Section 517 requires certain timetables of audits performed by Inspectors General of the departments and agencies funded in this Act.

Section 518 prohibits the use of process patents of human organisms. The intent of this provision is as expressed in the colloquy between the provision's sponsor in the House and the Ranking Minority Member of the House Committee on Appropriations as occurred on July 22, 2003, with respect to any existing patents on stem cells.

Section 519 prohibits the use of funds in this Act to be used to support or justify torture by any official or contract employee of the United States Government.

Section 520 prohibits the use of funds in this Act to require certain export licenses.

Section 521 prohibits the use of funds in this Act to deny certain import applications regarding "curios or relics" firearms, parts, or ammunition.

Section 522 prohibits the use of funds to include certain language in trade agreements.

Section 523 prohibits the use of funds in this Act to authorize or issue a National Security Letter (NSL) in contravention of certain laws authorizing the Federal Bureau of Investigation to issue NSLs.

Section 524 requires the congressional notification of any project within the Departments of Commerce or Justice, or the National Science Foundation and the National Aeronautics and Space Administration totaling more than \$75,000,000 that has cost increases of at least 10 percent.

Section 525 deems funds for intelligence or intelligence-related activities as authorized by the Congress until the enactment of the Intelligence Authorization Act for fiscal year 2010.

Section 526 requires the departments and agencies funded in this Act to establish and maintain on the homepages of their Internet websites direct links to the Internet websites of their Offices of Inspectors General, and a mechanism by which individuals may anonymously report cases of waste, fraud or abuse.

Section 527 prohibits contracts or grant awards in excess of \$5,000,000 unless the prospective contractor or grantee certifies that the organization has filed all Federal tax returns, has not been convicted of a criminal offense under the IRS Code of 1986, and has no unpaid Federal tax assessment.

Section 528 prohibits the use of funds in this Act that is inconsistent with the principal negotiating objective of the United States with respect to trade remedy laws.

Section 529 provides for rescissions of unobligated balances in certain departments and agencies funded in this Act.

Section 530 prohibits the use of funds in this Act for the purchase of first class or premium air travel.

Section 531 prohibits the use of funds to pay the attendance of more than 50 employees at any single conference outside the United States. The conferees do not intend for this provision to apply to law enforcement training and/or operational conferences for law enforcement personnel when the majority of Federal employees in attendance are law enforcement personnel stationed outside the United States.

Section 532 modifies a provision included by the House regarding detainees from Guantanamo Bay.

Section 533 permits LSC grantees to pursue the recovery of attorney's fees when permitted or required by law.

Section 534 prohibits the distribution of funds contained in this Act to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.

Section 535 requires the Comptroller General of the United States to conduct a review and audit of Federal funds received by ACORN, any subsidiary or affiliate of ACORN.

Section 536 requires, when practicable, the use of funds in this Act to purchase light bulbs that have the "Energy Star" or "Federal Energy Management Program" designation.

Section 537 requires agencies funded in this Act to track and report on undisbursed balances in expired accounts.

Section 538 prohibits the use of funds to relocate the Bureau of the Census or employees from the Department of Commerce to the jurisdiction of the Executive Office of the President.

Section 539 requires that specific projects funded in the report of the Committee on Appropriations of the House of Representatives that are considered congressional earmarks for purposes of clause 9 of rule XXI of the Rules of the House of Representatives, when intended to be awarded to a for-profit entity, shall be awarded under a full and open competition.

The conference agreement does not contain a provision proposed by the House authorizing the Attorney General to provide qualified relocation expenses.

## TITLE VI

## ADDITIONAL GENERAL PROVISIONS

The conference agreement does not include an appropriation for the Office on Violence Against Women as proposed by the House. Appropriations for this activity are provided in Title II of this Act.

## DISCLOSURE OF EARMARKS AND CONGRESSIONALLY DIRECTED SPENDING ITEMS

Following is a list of congressional earmarks and congressionally directed spending

items (as defined in clause 9 of rule XXI of the rules of the House of Representatives and rule XLIV of the Standing Rules of the Senate, respectively) included in the conference report or the accompanying joint statement of managers, along with the name of each Senator, House Member, Delegate, or Resident Commissioner who submitted a request to the Committee of jurisdiction for each item so identified. Neither the conference report nor the statement of managers contains any limited tax benefits or limited tariff

benefits as defined in the applicable House or Senate rules. Pursuant to clause 9(b) of rule XXI of the rules of the House of Representatives, none of the congressional earmarks listed below were committed to the conference committee on H.R. 3288. However, all the following items were either (1) included in the Commerce, Justice, Science and Related Agencies Appropriations Act, 2010 (H.R. 2847) as passed by the House or Senate, or (2) in a report of the committee of either House on H.R. 2847.

**COMMERCE, JUSTICE, SCIENCE**  
[Presidentially Directed Spending Items]

Agency	Account	Recipient	Project	Amount	Requester(s)		
					Administration	House	Senate
DOC	GP	Department of Commerce, Washington, DC	HCHB Renovation and Modernization Project	\$22,500,000	The President		
DOJ	NDIC	National Drug Intelligence Center, Johnstown, PA	Operations of the NDIC	\$44,023,000	The President		

**COMMERCE, JUSTICE, SCIENCE**  
[Congressionally Directed Spending Items]

Agency	Account	Recipient	Title	Amount	Requester(s)		
					House	Senate	
DOC	ITA	Clemson University, Clemson, SC	Textile Research at Clemson University	\$350,000	Barrett (SC)	Graham	
DOC	ITA	Midwest China Hub Commission, St. Louis, MO	Midwest China Hub Commission	\$500,000		Bond	
DOC	ITA	National Textile Center, Raleigh, NC	Textile Research	\$1,800,000	Price (NC); Coble; Butterfield; Etheridge; McIntyre; Miller (NC); Scott (GA); Shuler; Watt	Schumer	
DOC	ITA	Philadelphia University, Philadelphia, PA	Textile Research and Development	\$500,000		Specter; Casey	
DOC	ITA	St. Francis University and St. Vincent College, Loretto, PA	St. Francis University Center for Global Competitiveness	\$350,000	Murtha		
DOC	ITA	Textile/Clothing Textile Corporation, Raleigh, NC	Textile Research Programs	\$965,000	Price (NC); Aderholt; Coble; Butterfield; Kissell; Miller (NC); Shuler; Spratt; Watt	Graham; Burr; Hagan	
DOC	ITA	UC Davis, Davis, CA	Textile Research at UC Davis	\$250,000	Thompson (CA)		
DOC	ITA	University of Nebraska-Lincoln, Lincoln, NE	International Trade Scholars Program	\$500,000		Nelson, Ben	
DOC	MBDA	Jamaica Chamber of Commerce, Jamaica, NY	Jamaica Export Center	\$100,000	Meeks (NY)		
DOC	MBDA	McAllen Economic Development Corporation, McAllen, TX	McAllen Manufacturing Research and Education Park	\$300,000	Hinojosa		
DOC	MBDA	Mississippi Band of Choctaw Indians, Choctaw, MS	Choctaw Native American Business Enterprise Center	\$200,000		Cochran; Wicker	
DOC	MBDA	West Liberty State College, West Liberty, WV	Emerging Minority Business Leaders	\$500,000	Mollohan		
DOC	NIST-Con-	Mississippi State University, Starkville, MS	Expansion of the Research, Technology and Economic Development Park	\$6,000,000	Childers; Harper	Cochran; Wicker	
DOC	NIST-Con-	North Dakota State University, Fargo, ND	Advanced Nanomaterials Research Facility	\$5,000,000		Dorgan; Conrad	
DOC	NIST-Con-	University of Alabama, Tuscaloosa, AL	Interdisciplinary Science and Engineering Teaching and Research Corridor	\$30,000,000		Shelby	
DOC	NIST-Con-	University of Mississippi Medical Center, Jackson, MS	The Mississippi Biotechnology Research Park	\$6,000,000		Cochran; Wicker	
DOC	NIST-STRS	George Mason University, Arlington, VA	Center for Infrastructure Protection (CIP)	\$550,000	Connolly (VA); Moran (VA)	Webb; Warner	

DOC	NIST-STRS	LSU A&M, Baton Rouge, LA	Center for Digital Innovation	\$1,000,000		Landrieu
DOC	NIST-STRS	University at Albany (SUNY), College of Nanoscale Science and Engineering (CNSE), Albany, NY	A Collaboration with NIST for the Development and Deployment of New Nanoscale Measurement Strategies	\$500,000	Israel; Tonko	Schumer; Gillibrand
DOC	NIST-STRS	University of Hawaii, Maui, HI	Hawaii Open Supercomputing Center	\$5,000,000		Inouye
DOC	NIST-STRS	University of Kentucky, Lexington, KY	University of Kentucky Firefighter Gear Safety Research Program	\$200,000		McConnell
DOC	NIST-STRS	University of Maryland Baltimore County, Baltimore, MD	Maryland Center of Excellence for Terahertz Science and Application	\$2,000,000		Mikulski
DOC	NIST-STRS	University of Rhode Island, Kingston, RI	Rhode Island Consortium for Nanoscience and Nanotechnology	\$1,250,000		Reed; Whitehouse
DOC	N04A-ORF	Appalachian Mountain Club, Boston, MA	Climate Change and Air Pollutant Impacts to New England's Rare Alpine Zone	\$350,000	Hodes; Shea-Porter	Gregg; Shaheen
DOC	N04A-ORF	Blue Guardians, Philadelphia, PA	Coastal Environmental Education Outreach	\$500,000	Fattah	
DOC	N04A-ORF	Bowling Green State University, Bowling Green, OH	Monitoring of Lake Erie Water Quality with Remote Sensing	\$500,000	Latta	Voinovich; Brown
DOC	N04A-ORF	California State Coastal Conservancy, Oakland, CA	California Seafloor Mapping Program	\$300,000	Schiff; Capps	
DOC	N04A-ORF	Caribbean Coral Reef Institute, University of Puerto Rico, Mayaguez, PR	Caribbean Coral Reef Institute Grant Program	\$100,000	Pierluisi	
DOC	N04A-ORF	Chesapeake Bay Environmental Center, Grasonville, MD	Chesapeake Bay Environmental Center	\$250,000	Kratovil	Mikulski
DOC	N04A-ORF	Chesapeake Biological Laboratory, Solomons, MD	Alliance for Coastal Technologies	\$500,000	Hoyer	
DOC	N04A-ORF	City of Hardy, Hardy, AR	Upper Spring River Flood Warning System	\$125,000	Berry	
DOC	N04A-ORF	Commercial Fisheries Research Foundation, Saunderstown, RI	Cooperative Research and Technical Assistance	\$600,000		Reed
DOC	N04A-ORF	Dauphin Island Sea Lab, Dauphin Island, AL	Biological and economic consideration of coastal fisheries population	\$750,000	Bonner	
DOC	N04A-ORF	Delaware River Basin Commission, West Trenton, NJ	Delaware River Enhanced Flood Warning System	\$200,000	Hinchey; Castle; Dent; Hall (NY); Holt	Lautenberg; Menendez; Carper; Kaufman
DOC	N04A-ORF	Department of Lands and Natural Resources, Saipan, MP	Mariana Islands Sanctuary Scoping and Outreach	\$220,000	Sablan	
DOC	N04A-ORF	Eastern Kentucky PRIDE, Inc., Somerset, KY	Eastern Kentucky PRIDE, Inc.	\$1,000,000	Rogers (KY)	
DOC	N04A-ORF	Eastern Michigan University, Ypsilanti, MI	Hyperspectral Remote Sensing and Science-Based Management of Invasive Species in the Detroit River International Wildlife Refuge	\$500,000	Dingell; Conyers	Levin; Stabenow
DOC	N04A-ORF	Embry-Riddle Aeronautical University, Daytona Beach, FL	Aviation and Hurricane Research Utilizing Unmanned Aerial Systems	\$300,000	Kosmas	Nelson, Bill
DOC	N04A-ORF	Florida Fish and Wildlife Conservation Commission, Tallahassee, FL	Gulf of Mexico Recreational Fishery Electronic Logbook Pilot	\$50,000		Nelson, Bill
DOC	N04A-ORF	Florida International University, Miami, FL	Observing, Modeling, and Visualizing Storm Surge Inundation	\$100,000	Diaz-Balart; Lincoln	Nelson, Bill; Martinez

**COMMERCE, JUSTICE, SCIENCE—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Recipient	Title	Amount	Requester(s)	
					House	Senate
DOC	NOAA-ORF	Florida State University, Tallahassee, FL	Center for the Study of Vapor Mercury in the Atmosphere	\$500,000		Nelson, Bill; Martinez
DOC	NOAA-ORF	Great Lakes Science Center, Cleveland, OH	Great Lakes Water Project	\$250,000	LaTourette	
DOC	NOAA-ORF	Hawaii Community Foundation, Honolulu, HI	Hawaii Marine Fund	\$1,000,000		Inouye
DOC	NOAA-ORF	Hawaii Division of Forestry and Wildlife, Hawaii Department of Land and Natural Resources, Honolulu, HI	Protected Species Habitat at Kure Atoll (HI)	\$100,000	Hirono	
DOC	NOAA-ORF	Idaho State University, Pocatello, ID	Boise Center Aerospace Laboratory Watershed Modeling Utilizing LIDAR	\$500,000	Simpson	Crapo; Risch
DOC	NOAA-ORF	Illinois State Geological Survey, Champaign, IL	Illinois Height Modernization	\$800,000	Johnson (IL); Schock	
DOC	NOAA-ORF	Indigenous People's Council for Marine Mammals, Anchorage, AK	Marine Mammal Research	\$500,000	Young (AK)	Begich
DOC	NOAA-ORF	Institute for Marine Mammal Studies, Gulfport, MS	Center for Marine Education and Research-Ocean Expo—Learning Center	\$1,000,000		Cochran; Wicker
DOC	NOAA-ORF	Jackson State University, Jackson, MS	Regional Ensembling System for Atmospheric Dispersion Forecasting	\$1,000,000		Cochran; Wicker
DOC	NOAA-ORF	JASON Project, Ashburn, VA	Science education through exploration	\$8,300,000	Mollohan; Kennedy; Culberson; Langevin; Moran (VA)	
DOC	NOAA-ORF	Louisiana State University A&M College, Baton Rouge, LA	The Louisiana Geodetic Spatial Reference Center	\$700,000	Alexander	
DOC	NOAA-ORF	Maine Department of Marine Resources, Augusta, ME	Continuation of Protected Species Bycatch Reduction Maine Groundline Exchange Program	\$550,000		Collins; Snowe
DOC	NOAA-ORF	Maine Department of Marine Resources, Augusta, ME	Groundfish Industry Emergency Economic Assistance	\$1,000,000	Michaud	Collins; Snowe
DOC	NOAA-ORF	Maine Department of Marine Resources, Augusta, ME	Herring Monitoring Research	\$300,000	Michaud	Collins; Snowe
DOC	NOAA-ORF	Maine Department of Marine Resources, Augusta, ME	Maine Lobster Research	\$200,000	Pingree (ME); Michaud	Snowe
DOC	NOAA-ORF	Marine Mammal Center, Sausalito, CA	Emergency Response and Health Investigations for Endangered and Threatened Pinniped Populations in the Pacific	\$300,000	Woolsey	
DOC	NOAA-ORF	Massachusetts Marine Fisheries Institute, New Bedford, MA	Scallop Fishery Assessment (MFI)	\$1,000,000		Kennedy; Kerry
DOC	NOAA-ORF	Mississippi State University, Starkville, MS	NOAA Northern Gulf Institute	\$4,500,000	Harper	Cochran; Wicker
DOC	NOAA-ORF	Mobile County Commission, Mobile, AL	Coastal tidal gauges	\$600,000	Bonner	
DOC	NOAA-ORF	Monmouth University, West Long Branch, NJ	The Resilient Coastal Urban Community and Ecosystem (RESQUE) Initiative	\$250,000	Pallone; Holt; Rothman (NJ); Smith (NJ)	Lautenberg; Menendez

DOC	NOAA-ORF	Morgan State University Estuarine Research Center, St. Leonard, MD	Oyster Hatchery Economic Pilot Program	\$200,000	Hoyer; Cummings		
DOC	NOAA-ORF	Mote Marine Laboratory, Sarasota, FL	Science Consortium for Ocean Replenishment (SCORE)	\$1,500,000	Buchanan; Dicks	Nelson, Bill; Martinez	
DOC	NOAA-ORF	National Marine Fisheries Service, Silver Spring, MD	Shrimp Industry Fishing Effort Research Continuation	\$700,000	Ortiz; Boyd; Cao; Crenshaw; Wasserman Schultz	Cochran; Nelson, Bill; Vitter	
DOC	NOAA-ORF	National Oceanic and Atmospheric Administration, Silver Spring, MD	West Coast Governors' Agreement on Ocean Health	\$500,000	Farr; Blumenauer; Capps; Wu		
DOC	NOAA-ORF	Nature Conservancy, Middletown, CT	Ecosystem Vitality Through Habitat Restoration	\$200,000	DeLauro; Bishop (NY)	Dodd; Lieberman	
DOC	NOAA-ORF	New England Aquarium, Boston, MA	Consortium for Wildlife Bycatch Reduction	\$1,250,000	Lynch; Michaud	Collins; Kennedy; Kerry; Snowe	
DOC	NOAA-ORF	New Hampshire Fish & Wildlife, Concord, NH	NH Commercial Fishermen Sustainability Initiative	\$825,000		Gregg; Shaheen	
DOC	NOAA-ORF	Nicholls State University Department of Biological Sciences, Thibodaux, LA	Institute for Seafood Studies	\$325,000	Melancon		
DOC	NOAA-ORF	NOAA Chesapeake Bay Office, Annapolis, MD	Chesapeake Bay Interpretive Buoy System	\$500,000	Kratovil; Sarbanes; Ruppertberger; Castle; Moran (VA); Scott (VA)	Mikulski; Carper; Cardin; Kaufman	
DOC	NOAA-ORF	NOAA Chesapeake Bay Office, Annapolis, MD	Chesapeake Bay Oyster Restoration	\$3,000,000	Hoyer; Connolly (VA); Edwards (MD); Kratovil; Moran (VA); Norton; Ruppertberger; Sarbanes; Scott (VA); Van Hollen	Mikulski; Cardin; Webb; Warner	
DOC	NOAA-ORF	NOAA Office of Education, Monterey, CA	California Bay Watershed Education and Training Program (B-WET)	\$2,500,000	Pelosi; Farr; Capps		
DOC	NOAA-ORF	NOAA Office of Education, Silver Spring, MD	Marine Education Program in Hawaii	\$1,750,000		Inouye	
DOC	NOAA-ORF	NOAA Office of Protected Resources, Silver Spring, MD	Hawaiian Monk Seal Recovery Plan Implementation	\$275,000	Hirono		
DOC	NOAA-ORF	NOAA Southeast Science Center, Miami, FL	Turtle Protection Funding/Gulf of Mexico Grouper Fishery	\$250,000		Nelson, Bill	
DOC	NOAA-ORF	NOAA Fisheries, Honolulu, HI	Hawaii Seafood Safety and Sustainability	\$1,500,000		Inouye	
DOC	NOAA-ORF	NOAA Fisheries, Honolulu, HI	Magnuson-Stevens Marine Education and Training	\$1,000,000		Inouye; Begich	
DOC	NOAA-ORF	NOAA Fisheries, Honolulu, HI	Western and Central Pacific Fisheries Commission (WCPFC) Big Eye Tuna Quotas	\$3,000,000		Inouye	
DOC	NOAA-ORF	NOAA Fisheries, Honolulu, HI	Western Pacific Integrated Ecosystem Assessments	\$500,000		Inouye	
DOC	NOAA-ORF	NOAA Satellite, Honolulu, HI	Integrated Data and Environmental Applications (IDEA) Center	\$3,000,000		Inouye	
DOC	NOAA-ORF	Northwest Straits Commission, Mount Vernon, WA	Northwest Straits Marine Conservation Initiative	\$1,600,000	Larsen (WA)	Murray; Cantwell	
DOC	NOAA-ORF	Nova Southeastern University, Fort Lauderdale, FL	National Coral Reef Institute	\$200,000	Klein (FL); Wasserman Schultz	Nelson, Bill; Martinez	
DOC	NOAA-ORF	Oceanic Institute, Waimanalo, HI	Hawaii Fisheries Development	\$400,000	Abercrombie; Hirono	Inouye	
DOC	NOAA-ORF	Oregon State University, Corvallis, OR	Disease Reduction in Klamath River Salmon	\$600,000	Walden; DeFazio; Schrader; Wu	Wyden; Merkley	
DOC	NOAA-ORF	Pacific Coast Shellfish Growers Association, Port Townsend, WA	Emergency Plan to Save Oyster Production on the West Coast	\$500,000		Cantwell	

**COMMERCE, JUSTICE, SCIENCE—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Recipient	Title	Amount	Requester(s)	
					House	Senate
DOC	NOAA-ORF	Partnership for Mid-Atlantic Fisheries Science (PMAFS), Melville, NY	Partnership for Mid-Atlantic Fisheries Science (PMAFS)—Fish stock improvement initiative	\$1,000,000	LoBiondo; Bishop (NY); King (NY); Pallone	Lautenberg; Menendez; Schumer; Gillibrand
DOC	NOAA-ORF	Plymouth State University, Plymouth, NH	New England Weather Technology and Research Initiative	\$250,000		Gregg
DOC	NOAA-ORF	Provincetown Center for Coastal Studies, Provincetown, MA	Northeast Coastal Monitoring Collaborative	\$550,000	Delahunt; Tsongas	Kennedy; Kerry
DOC	NOAA-ORF	Redstone Arsenal, Huntsville, AL	Redstone UAS Development for Weather and Atmospheric Research	\$300,000		Shelby
DOC	NOAA-ORF	Roger Williams University, Bristol, RI	Narragansett Bay Shellfish Restoration	\$500,000		Reed
DOC	NOAA-ORF	San Jose State University, San Jose, CA	Training the Next Generation Weather Forecasters	\$180,000	Honda	
DOC	NOAA-ORF	Save the Bay, Providence, RI	Marine Education Program	\$1,000,000	Kennedy	Reed; Whitehouse
DOC	NOAA-ORF	School for Marine Science and Technology (SMAST), New Bedford, MA	New England Multi-Species Surveys and Development	\$3,000,000		Kennedy; Kerry
DOC	NOAA-ORF	Society for the Preservation of New Hampshire Forests (SPNHF), Concord, NH	Merimack River Fish Habitat Conservation	\$300,000	Hodes	Gregg; Shaheen
DOC	NOAA-ORF	Southern Regional Climate Center, Baton Rouge, LA	NOAA Regional Climate Center program	\$850,000	Alexander	Landrieu
DOC	NOAA-ORF	State of Alaska, Coastal Alaska, AK	Seal and Steller Sea Lion Biological Research	\$300,000		Begich
DOC	NOAA-ORF	State of Alaska, Statewide, AK	Bering Sea Crab Management and Research	\$300,000		Murkowski; Begich
DOC	NOAA-ORF	State of Alaska, Yukon River, AK	US/Canada Yukon River Salmon Agreement Studies	\$500,000		Murkowski; Begich
DOC	NOAA-ORF	State of Wisconsin, Madison, WI	Wisconsin Height Modernization Program	\$1,000,000	Kagen; Obey	
DOC	NOAA-ORF	State University of New York, College of Environmental Science and Forestry, Syracuse, NY	Carbon Sequestration and Climate Change Models for NY State Forests	\$100,000	Arcuri; Tonko	
DOC	NOAA-ORF	Susquehanna River Basin Commission, Harrisburg, PA	Susquehanna Flood Forecast and Warning System	\$2,400,000	Kratovil; Ruppersberger	Mikulski
DOC	NOAA-ORF	Texas A&M University—Corpus Christi, Corpus Christi, TX	Texas Height Modernization	\$300,000		Hutchison
DOC	NOAA-ORF	Town of Dauphin Island, Dauphin Island, AL	Engineering feasibility study	\$1,500,000	Bonner	
DOC	NOAA-ORF	University of Alaska at Fairbanks, Fairbanks, AK	Extended Continental Shelf Mapping	\$300,000		Murkowski
DOC	NOAA-ORF	University of Guam, Mangilao, GU	Coral Reef Research Institute	\$300,000	Bordallo	
DOC	NOAA-ORF	University of Hawaii and University of Mississippi, Honolulu, HI	Remote Infrasonic Monitoring of Natural Hazards	\$2,000,000	Childers	Inouye; Cochran; Akaka; Wicker
DOC	NOAA-ORF	University of Hawaii, Honolulu, HI	Hawaii Coral Reef Initiative (HCRI)	\$1,000,000		Inouye
DOC	NOAA-ORF	University of Hawaii, Honolulu, HI	International Pacific Research Center	\$1,500,000		Inouye; Akaka



DOC	NOAA-ORF	University of Hawaii, Honolulu, HI	Joint Institute of Marine and Atmospheric Research (JIMAR) Pelagic Fisheries Research Program (PFRP)	\$1,250,000		Inouye
DOC	NOAA-ORF	University of Hawaii, Kaneohe Bay, HI	Hawaii Institute of Marine Biology (HIMB) Coral Research	\$2,250,000		Inouye; Akaka
DOC	NOAA-ORF	University of Maryland Baltimore County (UMBC); University of Maryland Center for Environmental Science (UMCES), Solomons and Baltimore, MD	Integrating Climate Change into the Restoration of the Chesapeake Bay and Watershed	\$3,000,000		Mikulski
DOC	NOAA-ORF	University of Maryland Biotechnology Institute, Baltimore, MD	Metagenomic Analysis of Chesapeake Bay	\$100,000	Ruppersberger; Sarbanes; Van Hollen	Cardin
DOC	NOAA-ORF	University of Maryland, College Park, MD	Development of Earth System Information Delivery and Assessment	\$150,000	Hoyer; Bartlett; Ruppersberger; Sarbanes	Cardin
DOC	NOAA-ORF	University of Massachusetts, Amherst, MA	Climate System Research Center	\$495,000	Oliver	
DOC	NOAA-ORF	University of Miami, Miami, FL	Joint Center for Hurricane Research	\$500,000	Hastings (FL)	Martinez
DOC	NOAA-ORF	University of Mississippi, Oxford, MS	National Institute for Undersea Science and Technology	\$5,000,000		Cochran; Wicker
DOC	NOAA-ORF	University of Mississippi, Oxford, MS	National Sea Grant Law Center	\$750,000		Cochran; Wicker
DOC	NOAA-ORF	University of New Hampshire, Durham, NH	AIRMAP at University of New Hampshire	\$500,000		Gregg
DOC	NOAA-ORF	University of New Orleans, New Orleans, LA	Pontchartrain Basin Restoration	\$250,000	Cao	Landrieu; Vitter
DOC	NOAA-ORF	University of North Carolina, Wilmington, NC	Aquarius Reef Base Program	\$150,000	McIntyre	Burr
DOC	NOAA-ORF	University of Oklahoma, Norman, OK	National Weather Radar Testbed Phased Array Radar	\$2,000,000	Cole; Fallin; Boren	Inhofe
DOC	NOAA-ORF	University of Southern Mississippi, Hattiesburg, MS	Marine Aquaculture Lab Operations	\$3,700,000		Cochran; Wicker
DOC	NOAA-ORF	University of Tennessee Space Institute, Tusculum, TN	Atmospheric Science Research	\$1,000,000	Davis (TN)	Alexander
DOC	NOAA-ORF	University of Toledo, Toledo, OH	Lake Erie Hydrological & Climate Modeling	\$100,000	Kaptur	
DOC	NOAA-ORF	Virginia Institute of Marine Science, Gloucester Point, VA	Virginia TRAWL Survey	\$300,000	Connolly (VA); Moran (VA); Nye; Scott (VA); Wittman	Webb; Warner
DOC	NOAA-ORF	West Virginia Department of Natural Resources, Charleston, WV	Natural Stream Design and Restoration	\$1,500,000	Mollohan	
DOC	NOAA-ORF	Wildlife Conservation Society, Bronx, NY	Bronx River and South Bronx Waterfront	\$1,000,000	Serrano	
DOC	NOAA-ORF	Yukon River Drainage Fisheries Association, Anchorage, AK	The Yukon River Drainage Fisheries Association	\$100,000	Young (AK)	Murkowski
DOC	NOAA-PAC	Great Bay Resource Protection Partnership, Portsmouth, NH	Great Bay Land Acquisition	\$3,000,000	Shea-Porter	Gregg; Shaheen
DOC	NOAA-PAC	Thunder Bay, Alpena, MI	Thunder Bay National Marine Sanctuary—Phase II	\$1,000,000		Levin; Stabenow
DOC	NOAA-PAC	University of Alabama, Tuscaloosa, AL	Cooperative Institute and Research Center for Southeast Weather and Hydrology	\$14,000,000		Shelby
DOJ	COPS Meth	American Detoxification Foundation/UMCP, Salt Lake City, UT	Utah Meth Cops Program	\$200,000	Bishop (UT)	Bennett; Hatch

**COMMERCE, JUSTICE, SCIENCE—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Recipient	Title	Amount	Requester(s)	
					House	Senate
DOJ	COPS Meth	Arizona Meth Project, Phoenix, AZ	Arizona Meth Project	\$200,000	Pastor (AZ)	
DOJ	COPS Meth	California Department of Justice (CADOJ), Sacramento, CA	San Diego California Methamphetamine Strategy (CALMS)	\$250,000	Hunter	
DOJ	COPS Meth	California Department of Justice, Sacramento, CA	Meth Enforcement/Interdiction in San Bernardino County	\$600,000	Lewis (CA)	
DOJ	COPS Meth	California State Department of Justice, Sacramento, CA	California Methamphetamine Strategy (CALMS)	\$500,000	Honda	
DOJ	COPS Meth	Cape Girardeau Co. Sheriff's Office, Cape Girardeau, MO	Missouri Sheriff's Methamphetamine Relief Team (MOSMART)	\$1,500,000	Bond	
DOJ	COPS Meth	City of Bastrop, Bastrop, LA	Bastrop-Morehouse Parish Meth Initiative	\$650,000	Alexander	Landrieu; Vitter
DOJ	COPS Meth	Clackamas County, Oregon City, OR	Clackamas County Interagency Methamphetamine Initiative	\$100,000		Wyden; Merkley
DOJ	COPS Meth	Clackamas County, Portland, OR	Clackamas County Interagency Methamphetamine Initiative	\$550,000	Schrader; Blumenauer	
DOJ	COPS Meth	Colorado Meth Project, State-wide, CO	Colorado Meth Project	\$250,000		Bennet
DOJ	COPS Meth	Contra Costa County, Martinez, CA	Methamphetamine Eradication and Suppression Program	\$200,000	Tauscher	
DOJ	COPS Meth	County of Butte, City of Oroville, CA	Drug Endangered Children Program	\$400,000		Feinstein
DOJ	COPS Meth	County of Solano, Fairfield, CA	County of Solano Methamphetamine Initiative	\$100,000	Tauscher	Boxer
DOJ	COPS Meth	Daviess County Sheriff, Owensboro, KY	Second District Methamphetamine Eradication	\$300,000	Guthrie	
DOJ	COPS Meth	Elkhart County, Elkhart, IN	Elkhart County Criminal Intelligence Interdiction Initiative	\$250,000	Souder; Donnelly (IN)	
DOJ	COPS Meth	Etowah County Drug Enforcement Unit, Gadsden, AL	Blount, Dekalb, Etowah, Marshall, Marion, Morgan, Pickens, Walker, Winston Counties, AL Drug Task Forces Anti-Methamphetamine Project	\$1,500,000	Aderholt	
DOJ	COPS Meth	Georgia Meth Project, Atlanta, GA	The Georgia Meth Project	\$250,000	Bishop (GA)	Chambliss; Isakson
DOJ	COPS Meth	Heartland Family Service, Inc., Council Bluffs, IA	Residential Methamphetamine Treatment in Southwestern Iowa Program	\$400,000	King (IA)	Harkin; Grassley
DOJ	COPS Meth	Heartland Family Service, Omaha, NE	Methamphetamine and Drug Treatment Program for Women	\$500,000		Nelson, Ben
DOJ	COPS Meth	Hillsborough County, Tampa, FL	Hillsborough County Methamphetamine Enforcement and Cleanup	\$250,000	Bilirakis; Putnam	Nelson, Bill
DOJ	COPS Meth	Idaho Meth Project, Boise, ID	Idaho Meth Project	\$1,000,000	Simpson	Crapo; Risch
DOJ	COPS Meth	Illinois Meth Project, Springfield, IL	Illinois Meth Project	\$100,000	Hare; Schock	
DOJ	COPS Meth	Illinois State University, Normal, IL	Illinois State University Meth Project	\$200,000	Johnson (IL)	
DOJ	COPS Meth	Jackson County Sheriff, Jackson County, MS	Methamphetamine Enforcement and Cleanup	\$350,000	Taylor	

DOJ	COPS Meth	Jefferson County, Golden, CO	Methamphetamine Response Collaborative	\$300,000	Perlmutter	Udall, M; Bennet
DOJ	COPS Meth	Marion County, Salem, OR	Kids First Initiative Phase 2	\$740,000	Schrader	Wyden; Merkley
DOJ	COPS Meth	Methodist University, Fayetteville, NC	Methamphetamine Educational Training Program	\$150,000	Etheridge; Kissell; McIntyre	Burr; Hagan
DOJ	COPS Meth	Mineral Area Drug Task Force, Leadington, MO	Mineral Area Drug Task Force	\$200,000	Emerson	
DOJ	COPS Meth	Minot State University, Minot, ND	Rural Methamphetamine Education Project	\$500,000	Pomeroy	Dorgan; Conrad
DOJ	COPS Meth	Mississippi—North Central Narcotics Taskforce, Port Gibson, MS	Mississippi—North Central Narcotics Taskforce	\$500,000	Thompson (MS)	
DOJ	COPS Meth	Montana Meth Project, Missoula, MT	Montana Meth Project	\$500,000	Rehberg	Tester; Baucus
DOJ	COPS Meth	Northeast Law Enforcement Administrators Council, Chisholm, MN	Northeast Law Enforcement Administrators Council Methamphetamine Reduction Project	\$500,000	Oberstar	
DOJ	COPS Meth	Pierce County Alliance, Tacoma, WA	National Methamphetamine Training and Technical Assistance Center	\$1,300,000		Murray; Cantwell
DOJ	COPS Meth	Pierce County Alliance, Tacoma, WA	Washington State Methamphetamine Initiative	\$1,600,000	Reichert; Dicks; Hastings (WA); Baird; Larsen (WA); Smith (WA)	
DOJ	COPS Meth	Polk County Sheriff, Bartow, FL	Polk County Methamphetamine Prevention Project	\$250,000	Putnam	
DOJ	COPS Meth	Rusk County Sheriff, Ladysmith, WI	Methamphetamine Prevention and Enforcement	\$300,000	Obey	
DOJ	COPS Meth	Safe Streets Campaign, Tacoma, WA	Washington State Methamphetamine Initiative	\$900,000		Murray
DOJ	COPS Meth	Sioux City Police Department, Sioux City, IA	National Meth Training Center	\$800,000	King (IA)	Harkin; Grassley
DOJ	COPS Meth	South Central Drug Task Force, West Plains, MO	South Central Drug Task Force	\$250,000	Emerson	
DOJ	COPS Meth	South Coast Interagency Narcotics Team, Coquille, OR	South Coast Interagency Narcotics Team	\$500,000	DeFazio	
DOJ	COPS Meth	Southeast Missouri Drug Task Force, Sikeston, MO	Southeast Missouri Drug Task Force	\$200,000	Emerson	
DOJ	COPS Meth	St. Joseph County Prosecutor, South Bend, IN	Methamphetamine and Illegal Firearms Investigation and Prosecution Project	\$100,000	Donnelly (IN)	
DOJ	COPS Meth	State of Iowa, Office of Drug Control Policy, Des Moines, IA	Drug Intercept Squads (DIS)	\$500,000	Boswell	Harkin; Grassley
DOJ	COPS Meth	Tennessee Bureau of Investigation, Nashville, TN	Tennessee Meth Task Force	\$2,000,000	Wamp	Alexander
DOJ	COPS Meth	Torrance County Sheriff Department, Estandia, NM	Methamphetamine Enforcement	\$400,000	Heinrich	Bingaman; Udall, T
DOJ	COPS Meth	Twigg County Sheriff, Jeffersonville, GA	Meth Task Force	\$140,000	Marshall	
DOJ	COPS Meth	Utah County, Utah County, UT	Utah Basin Methamphetamine Project	\$500,000		Bennett; Hatch
DOJ	COPS Meth	University of Arkansas Criminal Justice Institute, Little Rock, AR	Arkansas Methamphetamine Education and Training Project	\$575,000	Boozman; Snyder	Pryor; Lincoln
DOJ	COPS Meth	University of Missouri St. Louis College of Nursing, St. Louis, MO	Methamphetamine Prevention Education	\$250,000	Carnahan	
DOJ	COPS Meth	Ventura County Sheriff, Ventura, CA	California Multi-jurisdictional Methamphetamine (CAL MMET) Investigators	\$350,000	Gallegly	
DOJ	COPS Meth	Virginia State Police, Wytheville, VA	Southwest Virginia Drug Task Force Assistance	\$350,000		Webb; Warner

**COMMERCE, JUSTICE, SCIENCE—Continued**  
[Congressionally Directed Spending Items]

Agency	Account	Recipient	Title	Amount	Requester(s)	
					House	Senate
DOJ	COPS Meth	White Earth Tribal Nation, White Earth, MN	COPS Law Enforcement and Meth Education Project	\$100,000		Klobuchar
DOJ	COPS Meth	Winchester Police Department, Winchester, KY	Winchester Police Department Law Enforcement Technology	\$30,000	Chandler	
DOJ	COPS Tech	Abington Township Police Department, Abington, PA	Technology Upgrades and Enhancements for Police Vehicles	\$195,000	Schwartz	
DOJ	COPS Tech	Adams County Department of Emergency Services, Gettysburg, PA	Radio System Upgrade	\$200,000	Platts	Specter
DOJ	COPS Tech	Alabama Department of Corrections (ADOC), Montgomery, AL	Electronic Training and Security Tools (ETAST) Phase III	\$250,000	Aderholt	
DOJ	COPS Tech	Alamosa Police Department, Alamosa, CO	Alamosa Public Safety Mobile DATA	\$125,000	Salazar	
DOJ	COPS Tech	Allentown Police Department, Allentown, PA	Lehigh and Northampton Counties Interoperability Development Project	\$800,000	Dent	Specter
DOJ	COPS Tech	Alpine County Sheriffs Office, City of Markleeville, CA	Alpine-Calaveras Regional Interoperable and Tactical Communications Microwave Project	\$400,000		Feinstein
DOJ	COPS Tech	Anson County Sheriff, Wadesboro, NC	Law Enforcement Visual Intelligence Tool	\$500,000	Kissell	
DOJ	COPS Tech	Ardmore Police Department, Ardmore, AL	Law Enforcement Technology Equipment and Upgrades	\$20,000	Griffith	
DOJ	COPS Tech	Baldwin County Commission, Fairhope, AL	Baldwin County Courthouse Security	\$500,000	Bonner	
DOJ	COPS Tech	Baldwin County Sheriff, Milledgeville, GA	Regional Dispatch and Emergency Management Center	\$250,000	Barrow	
DOJ	COPS Tech	Baltimore County Executive Office, Towson, MD	Baltimore County 9-1-1 Center Communications and Equipment Upgrades	\$1,500,000	Kratovil; Ruppersberger; Cummings	Mikulski; Cardin
DOJ	COPS Tech	Baltimore County Sheriff, Towson, MD	Local Law Enforcement Enhancement	\$200,000	Ruppersberger	
DOJ	COPS Tech	Bartlesville Police Department, Bartlesville, OK	Bartlesville Police Department Mobile Data Technology	\$800,000	Sullivan	
DOJ	COPS Tech	Beaver County Sheriff, Beaver, PA	Law Enforcement Technology and Equipment	\$120,000	Altmire	
DOJ	COPS Tech	Beltrami County, Bemidji, MN	Mobile Data/Computer Aided Dispatch	\$240,000		Klobuchar
DOJ	COPS Tech	Ben Hill County Sheriff, Fitzgerald, GA	In Car Video Systems	\$55,000	Marshall	
DOJ	COPS Tech	Bismarck Police Department, Bismarck, ND	City of Bismarck and Burleigh County First Responder Upgrade	\$250,000	Pomeroy	Dorgan; Conrad
DOJ	COPS Tech	Blacksburg Police Department, Blacksburg, VA	New River Valley Emergency System	\$250,000	Boucher	
DOJ	COPS Tech	Boone County Sheriff's Department, Burlington, KY	Boone County Sheriff's Department equipment	\$340,000		McConnell
DOJ	COPS Tech	Borough of Cliffside Park, Cliffside Park, NJ	Replacement of Computer Hardware and Software for Dispatching Radio System	\$270,000	Rothman (NJ)	
DOJ	COPS Tech	Borough of East Rutherford, East Rutherford, NJ	East Rutherford Police & Courts Facility	\$500,000	Rothman (NJ)	Menendez

DOJ	COPS Tech	Borough of Lavallette, Lavallette, NJ	Lavallette Police Department—Communications Update		\$185,000	Adler (NJ)	
DOJ	COPS Tech	Borough of Leonia, Leonia, NJ	Lap Top Computers for Patrol Vehicles		\$33,000	Rothman (NJ)	
DOJ	COPS Tech	Borough of McKees Rocks, McKees Rocks, PA	Surveillance Camera Network Installation		\$120,000	Doyle	
DOJ	COPS Tech	Borough of Pompton Lakes, Pompton Lakes, NJ	Pompton Lakes Police and Emergency Services Interoperability Equipment Upgrade		\$240,000	Pascarell	Lautenberg; Menendez
DOJ	COPS Tech	Borough of Quakertown, Quakertown, PA	Law Enforcement Technology and Communications		\$100,000	Murphy, Patrick	
DOJ	COPS Tech	Bossier Parish Sheriff's Office, Bossier City, LA	Bossier Parish Public Safety Interoperable Communications		\$200,000		Vitter
DOJ	COPS Tech	Bourbon County Sheriff, Paris, KY	Bourbon County Law Enforcement Technology		\$50,000	Chandler	
DOJ	COPS Tech	Brazos County Sheriff, Bryan, TX	Brazos County Law Enforcement Technology		\$200,000	Edwards (TX)	
DOJ	COPS Tech	Briarcliff Manor Police Department, Briarcliff Manor, NY	Briarcliff Manor, NY, Police Department Equipment		\$40,000	Lowe	
DOJ	COPS Tech	Burrillville Police Department, Burrillville, RI	Emergency Operations Center Technology		\$100,000	Kennedy	Reed; Whitehouse
DOJ	COPS Tech	Butler County, El Dorado, KS	Butler County Radio System Project		\$500,000		Brownback
DOJ	COPS Tech	Butler Police Department, Butler, GA	Law Enforcement Equipment		\$75,000	Bishop (GA)	
DOJ	COPS Tech	Calhoun County Commission, Calhoun County, AL	Northeast Alabama Regional Mobile Data System		\$500,000		Shelby
DOJ	COPS Tech	California Department of Justice, Sacramento, CA	Mobile Live Scan Fingerprint Devices for LA and Orange Counties		\$100,000	Rohrabacher	
DOJ	COPS Tech	Calloway County Sheriff's Department, Murray, KY	Calloway County Sheriff's Department equipment		\$100,000		McConnell
DOJ	COPS Tech	Calvert County Department of Public Safety, Prince Frederick, MD	Calvert Mobile Data Terminals		\$500,000	Hoyer	
DOJ	COPS Tech	Cambria 9th Public Service Providers, Patton, PA	Law Enforcement Technology and Equipment		\$300,000	Shuster	
DOJ	COPS Tech	Camden City Municipal Government, Camden, NJ	Camden Police Department Mobile Communications Center		\$200,000		Lautenberg; Menendez
DOJ	COPS Tech	Carlisle Borough, Carlisle, PA	Public Safety Video Surveillance Project		\$200,000	Platts	Specter; Casey
DOJ	COPS Tech	Carroll County Sheriff, Carrollton, OH	Carroll County Sheriff Equipment Upgrade		\$140,000	Space	
DOJ	COPS Tech	Cayuga County, Auburn, NY	Interoperable Communications Upgrade		\$300,000	Arcuri	
DOJ	COPS Tech	Cedar Rapids Joint Communications Agency, Cedar Rapids, IA	Police Safety Equipment and Communications		\$300,000	Loeb sack	Grassley
DOJ	COPS Tech	Center for Technology Commercialization Inc., Westborough, MA	Massachusetts Law Enforcement Technology and Training Support Center		\$500,000	McGovern	Kennedy; Kerry
DOJ	COPS Tech	Centre County, Bellefonte, PA	Emergency Communications Systems		\$500,000	Thompson (PA)	Specter; Casey
DOJ	COPS Tech	Charles Mix County, Lake Ardes, SD	Charles Mix County 911 System Upgrade		\$100,000	Herseth Sandlin	
DOJ	COPS Tech	Charlevoix Cheboygan Emmet Central Dispatch Authority, Petoskey, MI	Law Enforcement Technology and Equipment		\$300,000	Stupak	
DOJ	COPS Tech	Chautauqua County, Mayville, NY	Broadband Fiber Initiative		\$100,000		Schumer
DOJ	COPS Tech	Chester County Sheriff, Chester, SC	Chester County Communications Tower		\$300,000	Spratt	

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**[Congressionally Directed Spending Items]**

Agency	Account	Recipient	Title	Amount	Requester(s)	
					House	Senate
DOJ	COPS Tech	Chesterfield County Police Department, Chesterfield, VA	Police Officer Communications Radio Project	\$930,000	Forbes	Webb; Warner
DOJ	COPS Tech	Chickasaw Nation, Ada, OK	Law Enforcement Visual Intelligence Tool for the Chickasaw & Choctaw Nations	\$750,000	Cole; Boren	
DOJ	COPS Tech	Christian County Sheriff, Taylorville, IL	Interoperable Communications Upgrades	\$250,000	Shinkus	
DOJ	COPS Tech	City and County of San Francisco, San Francisco, CA	San Francisco Gun Location Technology and Policing Project	\$750,000	Pelosi	
DOJ	COPS Tech	City of Albertville, Albertville, AL	Public Safety Mobile Data System	\$1,400,000	Aderholt	
DOJ	COPS Tech	City of Albuquerque, Public Safety Department, Albuquerque, NM	Comprehensive Information System Project	\$400,000	Heinrich	Bingaman; Udall, T
DOJ	COPS Tech	City of Alexandria, Alexandria, VA	Crime Scene Investigations Mobile Technology	\$140,000	Moran (VA)	
DOJ	COPS Tech	City of Arlington, Arlington, GA	Wireless IP Technology System	\$100,000	Bishop (GA)	
DOJ	COPS Tech	City of Auburn, Auburn, AL	City of Auburn Mobile Data System	\$100,000	Rogers (AL)	
DOJ	COPS Tech	City of Auburn, Auburn, WA	Valley Cities Public Safety Regional Broadband Network	\$150,000	Smith (WA); Reichert	
DOJ	COPS Tech	City of Banning, Banning, CA	Banning Multi-Agency Interoperability Capability	\$300,000	Lewis (CA)	
DOJ	COPS Tech	City of Barrackville Police Department, Barrackville, WV	Law Enforcement Technology and Equipment	\$25,000	Mollohan	
DOJ	COPS Tech	City of Bastrop, Bastrop, TX	Bastrop Police Department Technology and Equipment	\$40,000	Doggett	
DOJ	COPS Tech	City of Bayonne, Bayonne, NJ	Law Enforcement Technology	\$100,000	Sires	Lautenberg; Menendez
DOJ	COPS Tech	City of Beech Grove, Beech Grove, IN	Beech Grove Police Department Public Safety Communications Equipment	\$100,000		Lugar
DOJ	COPS Tech	City of Bethlehem Police Department, Bethlehem, WV	Law Enforcement Technology and Equipment	\$25,000	Mollohan	
DOJ	COPS Tech	City of Birmingham, Birmingham, AL	Urban Crime Prevention Initiative	\$250,000	Davis (AL); Bachus	
DOJ	COPS Tech	City of Blue Island Police Department, Blue Island, IL	Law Enforcement Technology and Equipment	\$150,000	Rush	
DOJ	COPS Tech	City of Bogalusa, Bogalusa, LA	Equipment for Police Dept	\$100,000		Landrieu; Vitter
DOJ	COPS Tech	City of Buffalo, Buffalo, NY	TrACS Equipment	\$600,000	Slaughter	Schumer
DOJ	COPS Tech	City of Central Falls Police Dept, Central Falls, RI	Cops Technology	\$100,000	Kennedy	
DOJ	COPS Tech	City of Chester, Chester, IL	Public Safety Technology Improvements for the City of Chester	\$100,000	Costello	
DOJ	COPS Tech	City of Cincinnati, Cincinnati, OH	800MHz Radios for Cincinnati	\$625,000	Driehaus	Brown
DOJ	COPS Tech	City of Cochran Police Department, Cochran, GA	Police Department Technology Program	\$70,000	Marshall	

DOJ	COPS Tech	City of College Park, College Park, GA	Emergency Operations Center Technology Upgrade		\$450,000	Lewis (GA)		
DOJ	COPS Tech	City of Commerce City, Commerce City, CO	Interoperable Communications Equipment		\$110,000	Perlmutter	Udall, M	
DOJ	COPS Tech	City of Corona, Corona, CA	Interoperability Upgrades for the City of Corona Police Department		\$150,000	Calvert		
DOJ	COPS Tech	City of Denver, Denver, CO	COPLINK		\$500,000		Bennet	
DOJ	COPS Tech	City of Detroit, Detroit, MI	Detroit Police Northwestern District Wide CB Patrol		\$350,000	Kilpatrick (MI); Conyers	Levin; Stabenow	
DOJ	COPS Tech	City of Dodge City Police Department, Dodge City, KS	Dodge City Police Department Equipment and Technology Upgrade Project		\$200,000	Moran (KS)		
DOJ	COPS Tech	City of Doral, Doral, FL	City of Doral Public Safety & Surveillance System		\$750,000	Diaz-Balart, Mario	Nelson, Bill	
DOJ	COPS Tech	City of Dothan, Dothan, AL	Public Safety Emergency Communications System		\$500,000	Bright	Shelby	
DOJ	COPS Tech	City of Durango, Durango, CO	Durango Police Department Interoperability Completion		\$300,000	Salazar	Udall, M; Bennett	
DOJ	COPS Tech	City of East Point, East Point, GA	East Point Law Enforcement Technology Upgrade		\$100,000	Lewis (GA)	Chambliss; Isakson	
DOJ	COPS Tech	City of Elkhart, Elkhart, IN	Elkhart Police Department Equipment Acquisition		\$250,000	Donnelly (IN)	Lugar	
DOJ	COPS Tech	City of Eugene, Eugene, OR	Public Safety Technology Improvements		\$150,000	DeFazio		
DOJ	COPS Tech	City of Farmington, Farmington, NM	Interoperability Radio Communications, Farmington, NM		\$100,000	Lujan	Udall, T	
DOJ	COPS Tech	City of Fayetteville, Fayetteville, AR	Simulcast System for Public Safety Communication		\$750,000	Boozman	Pryor, Lincoln	
DOJ	COPS Tech	City of Fayetteville, Fayetteville, NC	Regional Public Safety Communications		\$300,000	Etheridge	Burr; Hagan	
DOJ	COPS Tech	City of Foley, Foley, AL	Public Safety Initiative		\$400,000	Bonner		
DOJ	COPS Tech	City of Fort Smith Police Department, Fort Smith, AR	River Valley Mobile Data Network		\$750,000	Boozman	Pryor, Lincoln	
DOJ	COPS Tech	City of Gadsden, Gadsden, AL	Law Enforcement and Forensic Science Technology and Equipment		\$150,000	Aderholt		
DOJ	COPS Tech	City of Galesburg, Galesburg, IL	Upgrade 911 Systems to a Next Generation NG-911 Digital System		\$100,000	Hare		
DOJ	COPS Tech	City of Gardena, Gardena, CA	Gardena Public Safety Surveillance		\$350,000	Waters		
DOJ	COPS Tech	City of Gary, Gary, IN	Law enforcement equipment for the Gary Police Department		\$92,000	Visclosky		
DOJ	COPS Tech	City of Gilbert Police Department, Gilbert, MN	City of Gilbert Integrated Radio System		\$35,000	Oberstar		
DOJ	COPS Tech	City of Glen Cove, Glen Cove, NY	Law Enforcement Technology Improvements		\$615,000	King (NY)		
DOJ	COPS Tech	City of Glendale, Glendale, CA	Foothill Regional Forensic DNA Lab		\$500,000	Schiff		
DOJ	COPS Tech	City of Greenville, Greenville, NC	Law Enforcement Technology Improvement Project		\$250,000	Butterfield	Burr; Hagan;	
DOJ	COPS Tech	City of Greenwood, Greenwood, MS	Law Enforcement Technology and Equipment		\$100,000	Thompson (MS)		
DOJ	COPS Tech	City of Hackensack, Hackensack, NJ	The City of Hackensack Police and Emergency Services Communication Upgrade Project		\$200,000	Rothman (NJ)	Lautenberg; Menendez	
DOJ	COPS Tech	City of Hagerstown, Hagerstown, MD	Hagerstown Police Department Technology and Equipment Upgrades		\$900,000	Bartlett	Mikulski; Cardin	



**COMMERCE, JUSTICE, SCIENCE—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Recipient	Title	Amount	Requester(s)	
					House	Senate
DOJ	COPS Tech	City of Hampton, Virginia, Hampton, VA	Emergency Communications System, Hampton, VA	\$200,000	Nye, Scott (VA); Wittman	Webb; Warner
DOJ	COPS Tech	City of Harrisburg, Harrisburg, PA	Digital In Car Video Project	\$100,000		Specter
DOJ	COPS Tech	City of Hartford, Hartford, CT	High Street Public Safety Complex	\$1,000,000		Dodd; Lieberman
DOJ	COPS Tech	City of Hartsville, Hartsville, AL	Wireless Area Network	\$250,000	Aderholt	Shelby
DOJ	COPS Tech	City of Henderson, Henderson, NV	Police Technology	\$600,000		Reid
DOJ	COPS Tech	City of Hialeah, Hialeah, FL	Equipment Upgrades	\$250,000	Diaz-Balart, Mario; Diaz-Balart, Lincoln	
DOJ	COPS Tech	City of Hickory Hills, Hickory Hills, IL	Law Enforcement Technology and Equipment	\$125,000	Lipinski	
DOJ	COPS Tech	City of Highland, Highland, CA	Highland Police Technology Program	\$500,000	Lewis (CA)	
DOJ	COPS Tech	City of Hobart, Hobart, IN	Law enforcement equipment for the Hobart Police Department	\$90,000	Visclosky	
DOJ	COPS Tech	City of Hokah, Hokah, MN	Improved Law Enforcement and Emergency Communications	\$60,000		Klobuchar
DOJ	COPS Tech	City of Hollywood, Hollywood, FL	Law Enforcement Technology	\$400,000	Wasserman Schultz; Meek (FL)	
DOJ	COPS Tech	City of Homestead, Homestead, FL	Emergency Wireless Law Enforcement Technology	\$500,000	Diaz-Balart, Mario	Nelson, Bill
DOJ	COPS Tech	City of Hot Springs, Police Department, Hot Springs, AR	Mobile Data Terminals	\$325,000	Ross	Pryor; Lincoln
DOJ	COPS Tech	City of Houston, Houston, TX	Houston Interoperability Initiative	\$1,350,000	Jackson-Lee (TX); Green, Gene; Culberson	Cornyn
DOJ	COPS Tech	City of Huntsville, Huntsville, AL	City of Huntsville Public Safety Technology Upgrades (Equipment)	\$750,000		Shelby
DOJ	COPS Tech	City of Indianapolis, Indianapolis, IN	Automated Fingerprint Identification System and IMPD Technology Equipment	\$300,000	Carson (IN)	
DOJ	COPS Tech	City of Indianapolis, Indianapolis, IN	Broadband Wireless Upgrade to IMPD Fleet	\$50,000	Carson (IN)	Lugar
DOJ	COPS Tech	City of Jackson, Jackson, MS	Law Enforcement Technology and Equipment	\$100,000	Thompson (MS)	Cochran; Wicker
DOJ	COPS Tech	City of Jacksonville Beach, Jacksonville, FL	Interoperability P-25 Compliant Radio System	\$250,000	Crenshaw	Nelson, Bill
DOJ	COPS Tech	City of Kannapolis, Kannapolis, NC	Kannapolis Regional Radio Upgrade	\$575,000	Coble	Burr; Hagan
DOJ	COPS Tech	City of Kirkland, Kirkland, WA	Emergency Services Equipment	\$300,000	Inslee	Murray
DOJ	COPS Tech	City of Lacey, Lacey, WA	Records Management System	\$200,000	Baird; Smith (WA)	Murray
DOJ	COPS Tech	City of Lockhart, Lockhart, TX	Lockhart Police Department Technology	\$125,000	Doggett	
DOJ	COPS Tech	City of Long Beach, Long Beach, CA	Forensic Investigation Equipment	\$100,000	Richardson	
DOJ	COPS Tech	City of Madison, Madison, WI	Madison Law Enforcement Technology Upgrades	\$700,000		Kohl
DOJ	COPS Tech	City of Maitland, Maitland, FL	Law Enforcement Technology Upgrades	\$400,000	Mica	Nelson, Bill

DOJ	COPS Tech	City of Maryville, Maryville, TN	Blount County Communications System	\$750,000	Duncan	
DOJ	COPS Tech	City of Mascoutah, Mascoutah, IL	Fiber Optic Connection Upgrade for the City of Mascoutah	\$650,000	Costello	
DOJ	COPS Tech	City of Medford, Medford, OR	Jackson County Consolidated 9-1-1 Dispatch Center	\$710,000	Walden	Wyden; Merkley
DOJ	COPS Tech	City of Middletown Police Department, Middletown, NY	Enhanced Communications and Vehicular Video	\$65,000	Hinchey	
DOJ	COPS Tech	City of Minneapolis, Minneapolis, MN	Public Safety Technology	\$400,000	Ellison	Klobuchar
DOJ	COPS Tech	City of Missoula, Missoula, MT	Missoula Police Headquarters Facility	\$750,000		Tester; Baucus
DOJ	COPS Tech	City of Modesto, Modesto, CA	Stanislaus County and City of Modesto, CA, for law enforcement communications equipment	\$300,000	Cardoza	Feinstein
DOJ	COPS Tech	City of Monterey Park, Monterey Park, CA	Police Communications Upgrade	\$250,000	Schiff; Chu	
DOJ	COPS Tech	City of Montgomery, Montgomery, AL	City of Montgomery and Montgomery County Interoperable Upgrades	\$500,000	Bright; Rogers (AL)	Shelby
DOJ	COPS Tech	City of Mountain Village, Mountain Village, CO	Mountain Village Public Safety Communications System	\$500,000	Salazar	Udall, M
DOJ	COPS Tech	City of New Haven, New Haven, CT	Northeast Regional Law Enforcement Firing Range	\$225,000		Dodd; Lieberman
DOJ	COPS Tech	City of Newark, Newark, CA	Public Safety Interoperability Program	\$200,000	Stark	
DOJ	COPS Tech	City of Newark, Newark, NJ	Emergency Operations Center Interoperability Equipment	\$500,000	Payne	Lautenberg
DOJ	COPS Tech	City of Newport, Newport, RI	National Incident Management System	\$200,000	Kennedy	
DOJ	COPS Tech	City of Norfolk, Norfolk, VA	Police Tactical And Surveillance Equipment And Other Technologies	\$100,000	Nye; Scott (VA)	
DOJ	COPS Tech	City of Norman, Norman, OK	Norman Public Safety Networking Initiative	\$250,000	Cole	Inhofe
DOJ	COPS Tech	City of Oakland, Oakland, CA	Automatic Vehicle Locating (AVL) Systems	\$250,000	Lee (CA)	
DOJ	COPS Tech	City of Oakland, Oakland, CA	Oakland Police Compstat	\$1,325,000		Feinstein; Boxer
DOJ	COPS Tech	City of Orange Township, Orange, NJ	Public Safety Information Technology Restoration	\$450,000	Payne	Lautenberg; Menendez
DOJ	COPS Tech	City of Orlando, Orlando, FL	Innovative Response to Improve Safety (I.R.I.S.)	\$200,000	Brown; Corrine	Nelson, Bill
DOJ	COPS Tech	City of Ottumwa, Ottumwa, IA	Crime Reduction Through Utilization of Video Surveillance Systems and In Car Computer Systems	\$375,000	Loeb sack	Grassley
DOJ	COPS Tech	City of Oxnard, Oxnard, CA	City of Oxnard Comprehensive Critical Assets Remote Surveillance Program	\$300,000	Capps	
DOJ	COPS Tech	City of Ozark, Ozark, AL	Ozark Police Department Technology Improvements	\$140,000	Bright	
DOJ	COPS Tech	City of Paden City Police Department, Paden City, WV	Law Enforcement Technology and Equipment	\$25,000	Mollohan	
DOJ	COPS Tech	City of Palm Bay, Palm Bay, FL	Palm Bay Mobile Command Unit Communications System	\$600,000	Posey	Nelson, Bill
DOJ	COPS Tech	City of Parsons, Parsons, WV	Law Enforcement Technology and Equipment	\$25,000	Mollohan	
DOJ	COPS Tech	City of Peekskill, Peekskill, NY	The City of Peekskill WIFI System	\$300,000		Schumer

**COMMERCE, JUSTICE, SCIENCE—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Recipient	Title	Amount	Requester(s)	
					House	Senate
DOJ	COPS Tech	City of Philippi Police Department, Philippi, WV	Law Enforcement Technology and Equipment	\$25,000	Mollohan	
DOJ	COPS Tech	City of Phoenix, Phoenix, AZ	City of Phoenix COPLINK	\$500,000	Pastor (AZ); Mitchell	
DOJ	COPS Tech	City of Phoenix, Phoenix, AZ	City of Phoenix Enhanced Mobile Data Security	\$300,000	Pastor (AZ)	
DOJ	COPS Tech	City of Piedmont Police Department, Piedmont, WV	Law Enforcement Technology and Equipment	\$25,000	Mollohan	
DOJ	COPS Tech	City of Pittsburgh, Pittsburgh, PA	Neighborhood Camera Security System	\$500,000	Doyle	Specter, Casey
DOJ	COPS Tech	City of Poughkeepsie Police Department, Poughkeepsie, NY	CCTV and Interoperability Upgrades and Enhancement	\$100,000	Hinchey	
DOJ	COPS Tech	City of Racine, Racine, WI	City of Racine License Plate Recognition Cameras	\$100,000		Kohl
DOJ	COPS Tech	City of Raleigh, Raleigh, NC	City of Raleigh: Rapid Fingerprint Identification	\$300,000	Price (NC); Etheridge; Miller (NC)	Hagan
DOJ	COPS Tech	City of Redlands, Redlands, CA	Redlands Police Information Technology Infrastructure	\$350,000	Lewis (CA)	
DOJ	COPS Tech	City of Redondo Beach, Redondo Beach, CA	Redondo Beach Emergency Operations Center	\$200,000	Harman	
DOJ	COPS Tech	City of Rialto Police Department, Rialto, CA	Rialto Police Department Surveillance Cameras	\$300,000	Baca	
DOJ	COPS Tech	City of Riverside Public Utilities, Riverside, CA	City of Riverside Public Utilities Infrastructure Video Security	\$1,000,000	Calvert	
DOJ	COPS Tech	City of Rock Island, Rock Island, IL	Technology Upgrades	\$150,000		Durbin
DOJ	COPS Tech	City of Rockford, Rockford, IL	Rockford Crimefighting Technology Initiative	\$250,000	Manzullo	
DOJ	COPS Tech	City of Rockville, Rockville, MD	Police Technology Upgrade Project	\$100,000	Van Hollen	Cardin
DOJ	COPS Tech	City of Saginaw Police Department, Saginaw, MI	Digital Surveillance Cameras	\$300,000	Kildee	
DOJ	COPS Tech	City of San Antonio (San Antonio Police Department), San Antonio, TX	City of San Antonio, TX Police Technology Improvements	\$1,100,000	Smith (TX); Rodriguez; Gonzalez	
DOJ	COPS Tech	City of San Diego, San Diego, CA	San Diego Crime Lab Technology	\$200,000	Davis (CA)	Boxer
DOJ	COPS Tech	City of San Jose, San Jose, CA	Mobile Data Computer Replacement	\$710,000	Honda; Lofgren, Zoe	
DOJ	COPS Tech	City of Seattle, Seattle, WA	Seattle Police Forensics and Digital Imaging Infrastructure Upgrade	\$300,000	McDermott	Murray
DOJ	COPS Tech	City of Stafford, Stafford, TX	Stafford Emergency Operations Center Emergency Management Equipment	\$100,000	Green, Al	
DOJ	COPS Tech	City of Stamping Ground, Stamping Ground, KY	Law Enforcement Technology	\$30,000	Chandler	
DOJ	COPS Tech	City of Suffolk, Suffolk, VA	Suffolk Police Department Technology Enhancement Initiative	\$70,000	Forbes	
DOJ	COPS Tech	City of Summit, Summit, NJ	Regional Police and Emergency Management Interoperable Communication Network and Facility	\$1,000,000	Lance	Lautenberg; Menendez

DOJ	COPS Tech	City of Sumter Police Department, Sumter, SC	Sumter—Police Technology	\$100,000	Spratt	
DOJ	COPS Tech	City of Sunbury, Sunbury, PA	Video Surveillance Project and Other IT Issues	\$200,000	Carney	
DOJ	COPS Tech	City of Sunny Isles Beach, Sunny Isles Beach, FL	Law Enforcement and Communications Equipment	\$200,000	Wasserman Schultz	
DOJ	COPS Tech	City of Surprise, Surprise, AZ	Police Officer Technology Upgrade	\$200,000	Franks (AZ)	
DOJ	COPS Tech	City of Tamarac, Tamarac, FL	Interoperable Communications System	\$300,000	Wexler; Hastings (FL); Wasserman Schultz	Nelson, Bill
DOJ	COPS Tech	City of Tempe, Tempe, AZ	Public Safety Communications/Interoperability	\$300,000	Mitchell	
DOJ	COPS Tech	City of Torrington, Torrington, CT	Northwest Regional Public Safety Communications	\$850,000	Larson (CT)	Dodd; Lieberman
DOJ	COPS Tech	City of Trenton, Trenton, NJ	Gunshot Location System (GLS) and Radio Communication Upgrade	\$300,000	Smith (NJ)	Lautenberg; Menendez;
DOJ	COPS Tech	City of Tucson, Tucson, AZ	Tucson Finger Imaging Upgrade System	\$150,000	Giffords	
DOJ	COPS Tech	City of Union City, Union City, NJ	Law Enforcement Technology	\$350,000	Sires	
DOJ	COPS Tech	City of Union City, Union City, NJ	Union City Technology Project	\$300,000		Lautenberg; Menendez
DOJ	COPS Tech	City of Waupun Police Department, Waupun, WI	P25 Compliance/Communication Upgrade	\$30,000	Petri	
DOJ	COPS Tech	City of West Columbia, West Columbia, SC	West Columbia Law Enforcement Communications	\$350,000	Wilson (SC)	Graham
DOJ	COPS Tech	City of West Haven, West Haven, CT	West Haven Two-Way Public Safety Radio System Replacement Project	\$300,000	DeLauro	
DOJ	COPS Tech	City of Westland, Westland, MI	Westland Public Safety Improvements	\$200,000		Levin; Stabenow
DOJ	COPS Tech	City of Winston-Salem, Winston-Salem, NC	City of Winston-Salem and Forsyth County Joint Firearms Training Facility	\$1,000,000		Hagan
DOJ	COPS Tech	City of Yakima, Yakima, WA	Yakima County Integrated Public Safety System	\$500,000	Hastings (WA)	Murray
DOJ	COPS Tech	City of York Police Department, York, SC	City of York Police Department Technology and Records Management Upgrade	\$100,000	Spratt	
DOJ	COPS Tech	Clarion County Commissioners, Clarion, PA	North West Central Regional Interoperability Strategic Telecommunication Plan	\$500,000	Thompson (PA)	Specter; Casey
DOJ	COPS Tech	Clark County, Las Vegas, NV	Justice Information Sharing System	\$300,000	Berkley	Reid
DOJ	COPS Tech	Clay County Sheriff, Liberty, MO	Clay and Platte Counties Communications Interoperability Project	\$660,000	Graves	
DOJ	COPS Tech	Cleburne Police Department, Cleburne, TX	City of Cleburne Communication Technology Upgrade	\$150,000	Edwards (TX)	
DOJ	COPS Tech	Cleveland Department of Public Safety, Cleveland, OH	800 MHz APCO Project 25 Digital Trunked Radio System	\$300,000	Fudge; Kucinich	Voinovich; Brown
DOJ	COPS Tech	Cobb County Government, Marietta, GA	Regional Communications and Interoperability	\$1,000,000	Gingrey (GA); Scott (GA)	Chambliss; Isakson
DOJ	COPS Tech	Collier County, Naples, FL	Emergency Services Technology, Collier County, Florida	\$800,000	Mack; Diaz-Balart, Mario	Nelson, Bill; Martinez
DOJ	COPS Tech	Coosa County Commission, Coosa County, AL	Computer Aided Dispatch	\$150,000		Shelby
DOJ	COPS Tech	County of Bergen, Hackensack, NJ	County-Wide Public Safety Radio Communication System	\$900,000	Rothman (NJ)	Lautenberg; Menendez
DOJ	COPS Tech	County of Bucks, Doylestown, PA	Law Enforcement Data-Sharing Infrastructure	\$300,000	Murphy, Patrick	Specter

**COMMERCE, JUSTICE, SCIENCE—Continued**  
[Congressionally Directed Spending Items]

Agency	Account	Recipient	Title	Amount	Requester(s)	
					House	Senate
DOJ	COPS Tech	County of Calaveras, San Andreas, CA	Law Enforcement Radio and Data Communications	\$1,250,000	Lungren, Dan	
DOJ	COPS Tech	County of Camden, Camden, NJ	County-Wide Interoperability System	\$500,000		Menendez
DOJ	COPS Tech	County of Franklin, Rocky Mount, VA	Microwave ring between Franklin, Patrick and Henry Counties and the City of Martinsville for Public Safety/E911 Voice and Data Interoperability	\$200,000	Perriello	
DOJ	COPS Tech	County of Fresno, Fresno, CA	Regional Data Interoperability	\$300,000	Costa	Feinstein; Boxer
DOJ	COPS Tech	County of Kings, Hanford, CA	Interoperable Emergency Communications System	\$300,000	Costa	
DOJ	COPS Tech	County of Onondaga, Syracuse, NY	Interoperable Emergency Communications	\$300,000	Maffei	Schumer
DOJ	COPS Tech	County of Orangeburg, Orangeburg, SC	Law Enforcement Automated Data Repository (LEADR)	\$500,000	Wilson (SC)	Graham
DOJ	COPS Tech	County of Volusia, DeLand, FL	Evidence Photo Management System	\$150,000	Mica; Brown, Corrine	
DOJ	COPS Tech	Cullman County Commission, Cullman, AL	Law Enforcement Data Communication Sharing Information	\$750,000		Shelby
DOJ	COPS Tech	Cumberland County Government, Carlisle, PA	Emergency Communications Infrastructure	\$200,000	Platts	Specter; Casey
DOJ	COPS Tech	Dallas County Sheriff's Department, Dallas, TX	Dallas County Intake/Release Project	\$100,000	Johnson, Eddie Bernice	
DOJ	COPS Tech	Deep East Texas Council of Governments, Jasper, TX	Collaborative Fingerprint & Palmprint Identification	\$1,000,000	Barton (TX)	
DOJ	COPS Tech	Delaware Capitol Police, Dover, DE	Carvel State Building Video Surveillance Project	\$75,000	Castle	Carper; Kaufman
DOJ	COPS Tech	Delaware State Police, Dover, DE	In-Car Camera System for Delaware State Police Patrol Cars	\$1,500,000	Castle	Carper; Kaufman
DOJ	COPS Tech	Delaware State Police, Dover, DE	Survival Equipment for Delaware State Police	\$125,000	Castle	Carper; Kaufman
DOJ	COPS Tech	Dilley PD, Pearsall PD, Floresville PD, Atascosa County, Dilley, Pearsall, Jourdanton, TX	Law Enforcement Technology and Equipment	\$100,000	Cuellar	
DOJ	COPS Tech	Dobbs Ferry Police Department, Dobbs Ferry, NY	Equipment for Vehicles	\$50,000	Lowe	
DOJ	COPS Tech	Downriver Community Conference, Southgate, MI	Coordinated Emergency Dispatch and Mutual Aid System Preparedness IV	\$650,000	Dingell	Levin; Stabenow
DOJ	COPS Tech	Downriver Community Conference, Southgate, MI	Downriver Mutual Aid System Preparedness IV	\$200,000	Dingell	Levin; Stabenow
DOJ	COPS Tech	East Bay Regional Communications System Authority, Dublin, CA	East Bay Regional Communications System	\$1,050,000	McNerney; Tauscher; Stark	Feinstein; Boxer
DOJ	COPS Tech	Eastern Riverside County Interoperable Communications Authority, Indio, CA	Law Enforcement Technology and Equipment	\$500,000	Bono Mack	
DOJ	COPS Tech	E-Com Dispatch Center, Homewood, IL	E-Com Power Supply/Generator	\$100,000	Jackson (IL)	
DOJ	COPS Tech	El Paso County Sheriff, El Paso, TX	El Paso County Sheriff's Office-Border Crime Enhancements	\$250,000	Rodriguez	

DOJ	COPS Tech	El Paso Police Department, El Paso, TX	Public Safety Radio Voice/Data Systems Interoperability	\$250,000	Reyes	
DOJ	COPS Tech	Elgin Police Department, Elgin, IL	Elgin Police Car Video Recording Replacement	\$460,000	Foster	
DOJ	COPS Tech	Escambia County, Pensacola, FL	Escambia Emergency Radio Infrastructure Replacement	\$1,000,000	Miller (FL)	
DOJ	COPS Tech	Essex County Office of Emergency Management, Newark, NJ	Law Enforcement Technology and Equipment	\$1,000,000	Frelinghuysen	
DOJ	COPS Tech	Etowah County Commission, Gadsden, AL	Interoperable Communications & Centralized Dispatch System	\$1,000,000	Aderholt	
DOJ	COPS Tech	Fairview Police Department, Fairview, WV	Law Enforcement Technology and Equipment	\$25,000	Mollohan	
DOJ	COPS Tech	Fayette County Commissioners, Uniontown, PA	Fayette County Public Safety Equipment Upgrade	\$1,000,000	Murtha	Casey
DOJ	COPS Tech	Fleming County Fiscal Court, Flemingsburg, KY	Law Enforcement Equipment Project, Fleming County, KY	\$48,000	Davis (KY)	
DOJ	COPS Tech	Florida Department of Law Enforcement, Tallahassee, FL	Florida Silver Alert Program	\$100,000	Bilirakis; Young (FL)	
DOJ	COPS Tech	Ford County Government, Dodge City, KS	Ford County Jail Equipment	\$200,000		Roberts
DOJ	COPS Tech	Fort Belknap Indian Community, Harlem, MT	Fort Belknap Corrections Division	\$1,000,000		Tester; Baucus
DOJ	COPS Tech	Fort Mill Police Department, Fort Mill, SC	Fort Mill Police Department Technology Implementation	\$300,000	Spratt	
DOJ	COPS Tech	Franklin County Emergency Services Alliance, Chambersburg, PA	Law Enforcement Technology and Equipment	\$300,000	Shuster	
DOJ	COPS Tech	Garrard County Fiscal Court, Lancaster, KY	Garrard County Law Enforcement Technology	\$145,000	Chandler	
DOJ	COPS Tech	Glencoe Department of Public Safety, Glencoe, IL	Atmospheric Detection Equipment For the Northern Illinois Police Alarm System	\$675,000	Roskam; Bean	
DOJ	COPS Tech	Gonzales Sheriff's Office, Gonzales, TX	Technology and Equipment	\$80,000	Doggett	
DOJ	COPS Tech	Grant Town Police Department, Grant Town, WV	Law Enforcement Technology and Equipment	\$25,000	Mollohan	
DOJ	COPS Tech	Grayson County Sheriff's Department, Leitchfield, KY	Grayson County Sheriff's Department Equipment	\$160,000		McConnell
DOJ	COPS Tech	Greene County, Missouri, Springfield, MO	Equipment for Emergency Operations Center	\$350,000	Blunt	
DOJ	COPS Tech	Grimes County Sheriff, Anderson, TX	Grimes County Law Enforcement Technology	\$100,000	Edwards (TX)	
DOJ	COPS Tech	Harford County, Bel Air, MD	Harford County Public Safety Communications Technology Upgrades	\$750,000	Kratovil	Mikulski
DOJ	COPS Tech	Harrisville Police Department, Harrisville, WV	Law Enforcement Technology and Equipment	\$25,000	Mollohan	
DOJ	COPS Tech	Hastings Police Department, Hastings on Hudson, NY	Hastings, NY, Police Department License Plate Reader	\$17,000	Lowey	
DOJ	COPS Tech	Haverhill Police Department, Haverhill, MA	Haverhill Police Radio Project	\$150,000	Tsongas	
DOJ	COPS Tech	Hawaii Criminal Justice Data Center, Hilo, HI	Hawaii Integrated Justice Information System (HJIS) for Hilo and Statewide	\$2,000,000	Hirono	Inouye
DOJ	COPS Tech	Hays County Sheriff Department, San Marcos, TX	Hays County Police Equipment and Technology Upgrades	\$40,000	Doggett	

**COMMERCE, JUSTICE, SCIENCE—Continued**  
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Agency	Account	Recipient	Title	Amount	Requester(s)	
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DOJ	COPS Tech	Hearne Police Department, Hearne, TX	City of Hearne Law Enforcement Technology	\$100,000	Edwards (TX)	
DOJ	COPS Tech	Helena Regional Airport, Helena, MT	Rocky Mountain Emergency Service Training Center	\$1,000,000		Baucus
DOJ	COPS Tech	Henderson County Sheriff's Department, Hendersonville, NC	Law Enforcement Visual Intelligence Tool	\$300,000	Shuler	
DOJ	COPS Tech	Henry County Sheriff, New Castle, KY	Law Enforcement Equipment Upgrades, Henry County, KY	\$82,000	Davis (KY)	
DOJ	COPS Tech	Hinds County Sheriff's Office, Jackson, MS	Critical Justice Systems Repairs and Updates	\$500,000		Cochran
DOJ	COPS Tech	Hornell Police Department, Hornell, NY	Hornell Police Intelligence Equipment	\$197,000	Massa	
DOJ	COPS Tech	Huntington Police Department and Cabell Co. Sheriff, Huntington, WV	Joint Technology Initiative and Digital Communication	\$665,000	Rahall	
DOJ	COPS Tech	Illinois State Police, Springfield, IL	Illinois Statewide Gang Intelligence Database	\$500,000	Halvorson	Burris
DOJ	COPS Tech	Illinois State Police, Springfield, IL	Operation Cyber Shield	\$400,000		Burris
DOJ	COPS Tech	Indiana County Commissioners, Indiana, PA	Indiana County Public Safety Radio Communications Project	\$650,000	Murtha	Specter
DOJ	COPS Tech	Indianapolis Housing Agency, Indianapolis, IN	IP Video Technology In Federally Assisted Housing	\$100,000	Carson (IN)	
DOJ	COPS Tech	Ingham County, Mason, MI	IP-Based 911 Phone System	\$100,000		Levin; Stabenow
DOJ	COPS Tech	Inyo County, Independence, CA	Emergency Operations Center	\$240,000	McKeon	
DOJ	COPS Tech	Itasca County, Grand Rapids, MN	Itasca County 9-11 Radio System	\$500,000	Oberstar	Klobuchar
DOJ	COPS Tech	Jackson Township Police Department, North Jackson, OH	Jackson Township, Mahoning County Police Facility Upgrade	\$100,000	Wilson (OH)	
DOJ	COPS Tech	Jacksonville Sheriff's Office, Jacksonville, FL	Atmospheric Detection Equipment	\$750,000	Crenshaw; Brown, Corrine	
DOJ	COPS Tech	Jasper County Commission, Carthage, MO	Cornerstone Regional Justice Information System	\$250,000	Blunt	
DOJ	COPS Tech	Jasper County Sheriff, Monticello, GA	Lap Top Computers for Patrol Division	\$62,000	Marshall	
DOJ	COPS Tech	Jefferson City Police Department, Jefferson City, MO	Central Missouri Regional Justice Information System	\$1,000,000	Skelton	
DOJ	COPS Tech	Jefferson County Board of Commissioners, Louisville, GA	Jefferson County Emergency Dispatch System Upgrade and Enhancement Project	\$100,000	Barrow	
DOJ	COPS Tech	Jenkintown Borough Police Department, Jenkintown, PA	Equipment Upgrades, Jenkintown	\$40,000	Schwartz	
DOJ	COPS Tech	Kanawha County Prosecuting Attorney, Charleston, WV	Kanawha Prosecutors Case Management	\$85,000	Capito	
DOJ	COPS Tech	Kankakee County Sheriff, Kankakee, IL	Technological Improvements for the Kankakee County Sheriff	\$325,000	Halvorson	
DOJ	COPS Tech	La Vernia, Poth, and Stockdale PD, La Vernia, Poth, Stockdale, TX	La Vernia, Poth, and Stockdale PD equipment	\$100,000	Cuellar	



DOJ	COPS Tech	Lafourche Parish Sheriff, Thibodaux, LA	In-Car Cameras		\$200,000	Melancon	Vitter
DOJ	COPS Tech	Lake County Sheriff's Department, Crown Point, IN	Law Enforcement Equipment		\$500,000	Visclosky	
DOJ	COPS Tech	Lake County, Painesville, OH	Lake County Public Safety Radio System		\$1,000,000	LaTourette	Voinovich
DOJ	COPS Tech	Lake County, Tavares, FL	Lake County Law Enforcement Technology		\$800,000	Brown-Waite, Ginny	Nelson, Bill; Martinez
DOJ	COPS Tech	Larchmont Police Department, Larchmont, NY	Larchmont, NY, Police Department Communications System		\$100,000	Lowe	
DOJ	COPS Tech	Lawrence County Sheriff, Moulton, AL	Law Enforcement Technology and Equipment		\$40,000	Griffith	
DOJ	COPS Tech	Lawrence County Sheriff, New Castle, PA	Law Enforcement Technology and Equipment		\$120,000	Altmire	
DOJ	COPS Tech	Lawrence County Sheriff and 911 Center, Ironton, OH	Lawrence County Interoperable Radio/MARCS Communications Project		\$300,000	Wilson (OH)	
DOJ	COPS Tech	Lee County, Jonesville, VA	Law Enforcement Technology Grant for Lee County		\$265,000	Boucher	
DOJ	COPS Tech	Lehigh County, Allentown, PA	Lehigh Valley Regional Crime Center (LVRCC)		\$500,000		Specter
DOJ	COPS Tech	Leon County Sheriff, Tallahassee, FL	Visual Intelligence Technology		\$300,000	Boyd	
DOJ	COPS Tech	Leon County, Tallahassee, FL	Joint Emergency Communications Center		\$200,000	Boyd	Nelson, Bill
DOJ	COPS Tech	Liberal Police Department, Liberal, KS	City of Liberal Equipment Upgrade Project		\$200,000	Moran (KS)	
DOJ	COPS Tech	Linn County Sheriff, Marion, IA	Law Enforcement Technology and Equipment		\$145,000	Loeb sack	Harkin
DOJ	COPS Tech	Lorain County Sheriff, Elyria, OH	Lorain County Sheriffs Office Law Enforcement Digital Radio Project		\$245,000	Sutton	
DOJ	COPS Tech	Louisville Metropolitan Police Department, Louisville, KY	Mobile Data Computers		\$300,000	Yarmuth	
DOJ	COPS Tech	Lower Providence Township, Eagleville, PA	Police Department Technology Improvements		\$200,000	Sestak	Specter; Casey
DOJ	COPS Tech	Luna County Sheriff Department, Columbus, NM	Project Southern Command		\$250,000	Teague	Udall, T
DOJ	COPS Tech	Lycoming County Commissioners, Williamsport, PA	Lycoming County Emergency Operations Center Equipment		\$250,000	Thompson (PA)	Specter; Casey
DOJ	COPS Tech	Lynwood, Thornton, and East Hazel Crest ETSB, Lynwood, IL	Law Enforcement Technology and Equipment		\$350,000	Jackson (IL)	
DOJ	COPS Tech	Macomb County Emergency Management & Communications, Mount Clemens, MI	Macomb County Centralized Dispatch		\$500,000	Levin	Levin; Stabenow
DOJ	COPS Tech	Madison County, Wampsville, NY	Madison County Interoperable Communications System		\$800,000	McHugh	Schumer
DOJ	COPS Tech	Maine Warden Service, Augusta, ME	Maine Search and Rescue Enhancement Project		\$200,000	Michaud	
DOJ	COPS Tech	Manchester Police Department, Manchester, NH	Portable Radios, Tactical Gear and other equipment		\$315,000	Shea-Porter	
DOJ	COPS Tech	Marion County, Ocala, FL	Marion County Law Enforcement Technology		\$200,000	Brown-Waite, Ginny	Nelson, Bill; Martinez
DOJ	COPS Tech	Marshall County Sheriff's Office, Benton, KY	Law Enforcement Equipment Upgrades		\$250,000		Bunning
DOJ	COPS Tech	Marshall University, Huntington, WV	Computer Forensics Initiative		\$855,000		Byrd
DOJ	COPS Tech	Marshall University, Huntington, WV	Forensic Science Center DNA Laboratory		\$4,575,000		Byrd

**COMMERCE, JUSTICE, SCIENCE—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Recipient	Title	Amount	Requester(s)	
					House	Senate
DOJ	COPS Tech	Maryland State Police, Pikesville, MD	Maryland State Police First Responder Radio Interoperability Project	\$1,000,000	Kratovil	Cardin
DOJ	COPS Tech	Massachusetts Criminal History Systems, Boston, MA	Massachusetts Criminal History Systems Board Back-up Data Center	\$100,000	Markey (MA)	
DOJ	COPS Tech	Massachusetts District Attorneys Association (MDAA), Barnstable, Boston, Brockton, Canton, New Bedford, Northampton, Pittsfield, Salem, Springfield, Woburn, and Worcester, MA	MDAA Forensic Audio/Video Processing and Analysis Systems	\$100,000		Kennedy; Kerry
DOJ	COPS Tech	McGregor Police Department, McGregor, TX	City of McGregor Law Enforcement Technology	\$100,000	Edwards (TX)	
DOJ	COPS Tech	Medina County Sheriff, Medina, OH	Medina County Community Safety Initiative	\$27,000	Bocieri	
DOJ	COPS Tech	Medina County Sheriffs Office, Hondo, TX	Medina Mobile Data Systems	\$250,000	Rodriguez	
DOJ	COPS Tech	Mendocino County, Ukiah, CA	Public Safety Microwave System Phase II: Expansion	\$250,000	Thompson (CA)	Boxer
DOJ	COPS Tech	Miami-Dade County Public Schools, Miami, FL	Technological Equipment Upgrade For Miami-Dade Schools Police Department	\$600,000	Diaz-Balart, Lincoln; Meek (FL)	Nelson, Bill
DOJ	COPS Tech	Middlesex Sheriff, Medford, MA	Middlesex House of Corrections Safety Project	\$800,000	Markey (MA)	
DOJ	COPS Tech	Miller County Sheriff, Texarkana, AR	Law Enforcement Technology and Equipment	\$100,000	Ross	
DOJ	COPS Tech	Milwaukee Police Department, Milwaukee, WI	Milwaukee Police Department Technology Solutions	\$550,000		Kohl
DOJ	COPS Tech	Missoula County, Missoula, MT	Missoula Public Safety Operations & Training Center	\$400,000	Rehberg	Tester; Baucus
DOJ	COPS Tech	Monroe Police Department, Monroe, NC	Monroe Police Department's Radio Interoperability Project	\$300,000	Kissell	Burr; Hagan
DOJ	COPS Tech	Montgomery County Department of Police, Rockville, MD	Counter-Terrorism Intelligence Initiative	\$200,000		Cardin
DOJ	COPS Tech	Montgomery Township, Montgomery, PA	Technology Upgrade with In-Car Video Cameras	\$75,000	Schwartz	
DOJ	COPS Tech	Morgan County Commission, Decatur, AL	Mobile Data Terminal Update	\$160,000	Aderholt; Griffith	
DOJ	COPS Tech	Municipality of Aibonito, Aibonito, PR	Law Enforcement Technology and Equipment	\$50,000	Pierluisi	
DOJ	COPS Tech	Municipality of Catano, Catano, PR	Law Enforcement Technology and Equipment	\$50,000	Pierluisi	
DOJ	COPS Tech	Municipality of Naguabo, Naguabo, PR	Law Enforcement Technology and Equipment	\$50,000	Pierluisi	
DOJ	COPS Tech	Municipality of Patillas, Patillas, PR	Law Enforcement Technology and Equipment	\$50,000	Pierluisi	
DOJ	COPS Tech	Municipality of Rio Grande, Rio Grande, PR	Law Enforcement Technology and Equipment	\$50,000	Pierluisi	
DOJ	COPS Tech	Municipality of Vieques, Vieques, PR	Law Enforcement Technology and Equipment	\$50,000	Pierluisi	
DOJ	COPS Tech	Nassau County Police Department, Mineola, NY	Enhance Shot Spotter System	\$150,000	McCarthy (NY)	
DOJ	COPS Tech	Nassau University Medical Center, East Meadow, NY	Sexual Assault Response Team	\$200,000	McCarthy (NY)	Gillibrand

DOJ	COPS Tech	NC State Bureau of Investigation, Raleigh, NC	NC SBI Firearms and Ballistics Analysis Equipment	\$300,000	Price (NC)	Hagan
DOJ	COPS Tech	New Bedford Police Department, New Bedford, MA	Gunshot Location System	\$950,000	Frank (MA)	Kennedy; Kerry
DOJ	COPS Tech	New Rochelle Police Department, New Rochelle, NY	New Rochelle, NY, Police Department Equipment and Training	\$340,000	Lowe	
DOJ	COPS Tech	New York City Housing Authority (NYCHA), New York, NY	Brownsville Houses and Tilden Houses—CCTV	\$400,000		Schumer
DOJ	COPS Tech	New York State Police, Kingston, NY	New York State Police Scuba	\$135,000	Hinchey	
DOJ	COPS Tech	Newport News Police Department, Newport News, VA	Newport News Law Enforcement Technology	\$200,000	Wittman; Scott (VA)	
DOJ	COPS Tech	North Las Vegas Police Department, North Las Vegas, NV	Tactical SWAT Vehicle	\$200,000		Reid
DOJ	COPS Tech	North Worcester County Drug Task Force, Gardner, MA	North Worcester County Drug Task Force Interoperable Credentialing, Crime Scene & Access Control Project	\$400,000	Olver	Kennedy; Kerry
DOJ	COPS Tech	Northern Berks Regional Police Department, Reading, PA	Northern Berks Regional Police Department Infrastructure, Technology and Communications Project	\$175,000	Holden	
DOJ	COPS Tech	Nye County, Pahrump, NV	Pahrump Government Building Security Improvements	\$175,000		Reid
DOJ	COPS Tech	Oakland County Sheriff's Office, Pontiac, MI	Oakland County Sheriff's Department Biometric Identification Enhancement Project	\$1,025,000	Rogers (MI); Peters; Levin	Levin; Stabenow
DOJ	COPS Tech	Office of the Sheriff, Winnebago County, Rockford, IL	Communications Equipment for Winnebago County Sheriff's Department	\$250,000	Manzullo	
DOJ	COPS Tech	Ohio Bureau of Criminal Identification and Investigation, London, OH	Enhancement of Ohio AFIS System	\$455,000	Kilroy; Sutton; Kucinich; Ryan (OH)	Brown
DOJ	COPS Tech	Oklahoma Department of Public Safety, Oklahoma City, OK	Oklahoma Law Enforcement Telecommunications System	\$700,000		Inhofe
DOJ	COPS Tech	Oklahoma Department of Public Safety, Oklahoma City, OK	Statewide Public Safety Communications System	\$900,000	Fallin; Boren	Inhofe
DOJ	COPS Tech	Oldham County Police Department, LaGrange, KY	Oldham County Mobile Data Terminal Project, KY	\$57,000	Davis (KY)	
DOJ	COPS Tech	Oneida County, Rhineland, WI	Oneida County Radio System Upgrades	\$450,000		Kohl
DOJ	COPS Tech	Ontario County Police Department, Canandaigua, NY	Law Enforcement Technology and Equipment	\$100,000	Massa	
DOJ	COPS Tech	Orange County Sheriff, Chelsea, VT	Law Enforcement Technology and Equipment	\$200,000	Welch	
DOJ	COPS Tech	Oregon State Police, Salem, OR	Oregon State Police Mobile Data Platform	\$500,000		Wyden; Merkley
DOJ	COPS Tech	Oswego County, Oswego, NY	Central New York Interoperable Communications Consortium	\$200,000	McHugh	Gillibrand
DOJ	COPS Tech	Ottawa County Emergency Management Agency, Port Clinton, OH	Ottawa County Public Safety Infrastructure	\$200,000	Kaptur	
DOJ	COPS Tech	Pendleton County Sheriff, Falmouth, KY	Law Enforcement Technology and Equipment	\$12,000	Davis (KY)	
DOJ	COPS Tech	Pennsboro Police Department, Pennsboro, WV	Law Enforcement Technology and Equipment	\$25,000	Mollohan	

**COMMERCE, JUSTICE, SCIENCE—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Recipient	Title	Amount	Requester(s)	
					House	Senate
DOJ	COPS Tech	Petersburg Police Department, Petersburg, WV	Law Enforcement Technology and Equipment	\$25,000	Mollohan	
DOJ	COPS Tech	Philadelphia Police Department, Philadelphia, PA	Gunshot Location System	\$500,000	Brady (PA)	Casey
DOJ	COPS Tech	Phiander Smith College, Little Rock, AR	Technology/Security Infrastructure Upgrade	\$750,000		Pryor; Lincoln
DOJ	COPS Tech	Pierce County Sheriff Department, Tacoma, WA	Region 43, Pierce County Metropolitan Public Safety Communications Interoperable First Responder Emergency Communication System	\$500,000	Reichert	
DOJ	COPS Tech	Pima County Sheriff's Department, Tucson, AZ	POWIN Countywide Public Safety Interoperable Communications System	\$200,000	Giffords	
DOJ	COPS Tech	Pinellas County Sheriff, Largo, FL	Joint Use Firing Range	\$250,000	Young (FL)	
DOJ	COPS Tech	Pocahontas County Sheriff, Pocahontas, IA	Law Enforcement Visual Intelligence Tool	\$200,000	Latham	
DOJ	COPS Tech	Police Department in the Borough of Etha, Pittsburgh, PA	Security Cameras and Police Equipment	\$100,000	Doyle	
DOJ	COPS Tech	Prince George's County, Upper Marlboro, MD	Analytical Crime Tracking	\$200,000		Cardin
DOJ	COPS Tech	Prince George's County, Upper Marlboro, MD	Prince George's County Interoperable Radio System	\$600,000	Van Hollen; Edwards (MD)	
DOJ	COPS Tech	Randolph County Sheriff, Pocahontas, AR	Law Enforcement Technology and Equipment	\$140,000	Berry	
DOJ	COPS Tech	Ridgefield Park Village, Ridgefield Park, NJ	Digital Mobile Video Camera Conversion	\$85,000	Rothman (NJ)	
DOJ	COPS Tech	Rio Grande Council of Governments, El Paso, TX	Law Enforcement Visual Intelligence Tool	\$250,000	Rodriguez	
DOJ	COPS Tech	Riverside County Sheriff, Riverside, CA	Night Vision Binoculars	\$700,000	Calvert	
DOJ	COPS Tech	Riverside County Sheriff's Department, Riverside, CA	Digital Management System	\$450,000	Lewis (CA)	
DOJ	COPS Tech	Rochester Police Department, Rochester, NH	Law Enforcement Technology	\$285,000	Shea-Porter	
DOJ	COPS Tech	Rockdale County Sheriff's Office, Conyers, GA	Law Enforcement Mobile Data Network	\$150,000	Johnson (GA)	Chambliss; Isakson
DOJ	COPS Tech	Rockland County Office of Fire & Emergency Services, Pomona, NY	Rockland County Public Safety Interoperable Communications Network	\$250,000	Lowe; Hall (NY)	
DOJ	COPS Tech	Rocky Mount Police Department, Rocky Mount, NC	Gun Detection Technology System	\$350,000	Butterfield; Etheridge	Burr; Hagan
DOJ	COPS Tech	Roland Police Department, Roland, OK	Police Department Equipment	\$180,000	Boren	
DOJ	COPS Tech	San Bernardino County Sheriff, San Bernardino, CA	San Bernardino County Scientific Investigations Division	\$500,000	Lewis (CA); Baca	
DOJ	COPS Tech	San Diego County, San Diego, CA	Regional Communications System (RCS) Upgrade	\$1,200,000	Bilbray; Davis (CA); Filner	
DOJ	COPS Tech	San Francisco Department of Emergency Management, San Francisco, CA	Bay Area Regional Interoperable Communications System	\$750,000	Pelosi	
DOJ	COPS Tech	San Mateo County Sheriff's Office, Redwood City, CA	Mobile Emergency Command Center	\$300,000	Eshoo; Speier	
DOJ	COPS Tech	San Pablo Police Department, San Pablo, CA	Gunshot Location System	\$360,000	Miller, George	

DOJ	COPS Tech	Sandy City, Sandy City, UT	Sandy City Police Department Technology Improvement	\$500,000	Matheson	Bennett; Hatch
DOJ	COPS Tech	Sangamon County Sheriff's Office, Springfield, IL	Sangamon County Sheriff Technology Upgrades	\$660,000	Schock	
DOJ	COPS Tech	Santa Clara County, San Jose, CA	Santa Clara County Criminal Justice Information Control Law & Justice Systems Plan	\$1,000,000	Honda; Lofgren, Zoe	
DOJ	COPS Tech	Schuyler County Sheriff's Office, Rushville, IL	Schuyler County Sheriff Technology Upgrades	\$50,000	Schock	
DOJ	COPS Tech	Shelby County Sheriff, Columbiana, AL	P25 Wide Area Radio Network	\$500,000	Bachus	
DOJ	COPS Tech	Shelby Township Police Department, Shelby Township, MI	Law Enforcement Technology and Equipment	\$200,000	Miller (MI)	
DOJ	COPS Tech	Shinnston Police Department, Shinnston, WV	Law Enforcement Technology and Equipment	\$25,000	Mollohan	
DOJ	COPS Tech	Sistersville Police Department, Sistersville, WV	Law Enforcement Technology and Equipment	\$25,000	Mollohan	
DOJ	COPS Tech	Smyth County, Marion, VA	Local Law Enforcement Technology for Smyth County	\$235,000	Boucher	
DOJ	COPS Tech	Snohomish County Regional Drug Task Force, Everett, WA	Law Enforcement Technology and Equipment	\$70,000	Larsen (WA)	
DOJ	COPS Tech	Somerset County Office of Emergency Management, Somerville, NJ	Law Enforcement Technology and Equipment	\$1,000,000	Frelinghuysen	
DOJ	COPS Tech	Somerset County, Somerset, PA	Confluence Cellular Communication Tower Project	\$100,000	Shuster	Specter
DOJ	COPS Tech	Somersworth Police Department, Somersworth, NH	Portable Police Radios	\$22,000	Shea-Porter	
DOJ	COPS Tech	South Russell Police Department, South Russell, OH	Transition to 800MHz Digital Communication Technology	\$35,000	LaTourette	
DOJ	COPS Tech	South Windsor Police Dept, South Windsor, CT	Upgrades to Communications System	\$350,000	Larson (CT)	
DOJ	COPS Tech	SouthCom Dispatch, Matteson, IL	SouthCom Technological Upgrades	\$200,000	Jackson (IL)	Burris
DOJ	COPS Tech	Southeast Kansas Regional Law Enforcement Group, Oswego, KS	Southeast Kansas Regional Collaborative Fingerprint and Palmprint Identification System	\$500,000		Brownback; Roberts
DOJ	COPS Tech	Southeastern Oklahoma University, Durant, OK	Emergency Response System	\$270,000	Boren; Cole	
DOJ	COPS Tech	Spencer Police Department, Spencer, WV	Spencer PD Computer System	\$40,000	Capito	
DOJ	COPS Tech	Springfield Police Department, Springfield, IL	Springfield Police Department Technology Upgrade	\$150,000	Schock	
DOJ	COPS Tech	St. Francois County, Park Hills, MO	Visual Intelligence Tool for Mineral Area Missouri Law Enforcement	\$697,000	Emerson	
DOJ	COPS Tech	St. Johns County, St. Augustine, FL	St. Johns County Emergency Interoperability Equipment	\$250,000	Mica	Nelson, Bill
DOJ	COPS Tech	St. Lawrence County District Attorney, Canton, NY	St. Lawrence County Drug Investigation Equipment Project	\$200,000	McHugh	
DOJ	COPS Tech	St. Louis County Sheriff, Duluth, MN	Regional Interoperability Data System Project	\$500,000	Oberstar	
DOJ	COPS Tech	St. Louis County Sheriff's Office, Duluth, MN	Regional Interoperability Mobile Data System Project	\$300,000		Klobuchar
DOJ	COPS Tech	St. Louis Metropolitan Police Department, St. Louis, MO	In-Car Video System (ICVS) program	\$200,000	Carnahan	

**COMMERCE, JUSTICE, SCIENCE—Continued**  
[Congressionally Directed Spending Items]

Agency	Account	Recipient	Title	Amount	Requester(s)	
					House	Senate
DOJ	COPS Tech	St. Mary, Leonardtown, MD	In-Car Video Technology	\$500,000	Hoyer	
DOJ	COPS Tech	Stafford County, Stafford, VA	Stafford County Law Enforcement Technology	\$300,000	Wittman	Webb; Warner
DOJ	COPS Tech	Stark County Sheriff, Canton, OH	Visual Intelligence Update for Law Enforcement and Governmental Agencies	\$400,000	Boccieri	
DOJ	COPS Tech	State of Connecticut Department of Public Safety, Middletown, CT	In-Car Camera Technology Upgrade	\$175,000	Larson (CT); Courtney; Himes; Murphy (CT)	Dodd; Lieberman
DOJ	COPS Tech	State of Delaware Capitol Police, Dover, DE	New Castle County Courthouse Capitol Police Command Center and Lobby Surveillance Project	\$130,000	Castle	Carper; Kaufman
DOJ	COPS Tech	Stearns County, St. Cloud, MN	Law Enforcement Center Phase II	\$200,000		Klobuchar
DOJ	COPS Tech	Sterling Heights Police Department, Sterling Heights, MI	Law Enforcement Technology and Equipment	\$300,000	Miller (MI)	
DOJ	COPS Tech	Stillwater County Government, Columbus, MT	Combined Law Enforcement Crisis Response Team	\$200,000		Tester; Baucus
DOJ	COPS Tech	Summit County Sheriff, Akron, OH	Law Enforcement Tactical Safety Vehicle, Summit County Sheriff	\$150,000	Sutton	
DOJ	COPS Tech	Sumter County Sheriff, Sumter, SC	Visual Intelligence Technology	\$1,000,000	Brown (SC); Clyburn	
DOJ	COPS Tech	Sussex County Office of Emergency Management, Newton, NJ	Law Enforcement Technology and Equipment	\$1,000,000	Frelinghuysen	
DOJ	COPS Tech	Tamaqua Borough Police Department, Tamaqua, PA	Tamaqua Police Department Technology and Security Project	\$200,000	Holden	
DOJ	COPS Tech	Taney County Commission, Forsyth, MO	White River Area Emergency Project	\$400,000	Blunt	
DOJ	COPS Tech	Tazewell County Sheriff's Office, Pekin, IL	Interoperable Law Enforcement Communications	\$140,000	Schock	
DOJ	COPS Tech	Tega Cay Police Department, Tega Cay, SC	Interoperability and Technology Enhancement for the City of Tega Cay Police Department	\$135,000	Spratt	
DOJ	COPS Tech	Thomas County E-9-1-1, Thomasville, GA	Emergency Communications Center	\$150,000	Bishop (GA)	
DOJ	COPS Tech	Todd County Sheriff's Department, Elkton, KY	Todd County Sheriff's Department Equipment	\$50,000		McConnell
DOJ	COPS Tech	Tohono O'odham Nation, Sells, AZ	Arizona Law Enforcement Communications System	\$100,000	Grijalva	
DOJ	COPS Tech	Toms River Police Department, Toms River, NJ	Township-wide Wi Fi Mesh Canopy/ In-Car Video/ License Plate Recognition Project	\$700,000	Adler (NJ)	
DOJ	COPS Tech	Town of Avon, Avon, CT	Farmington Valley Regional Dispatch Center	\$75,000	Murphy (CT)	Dodd; Lieberman
DOJ	COPS Tech	Town of Ayden, Ayden, NC	Public Safety Technology Improvement Initiative	\$250,000	Butterfield	
DOJ	COPS Tech	Town of Carmel, Mahopac, NY	Police Vehicle Video Systems	\$145,000	Hall (NY)	
DOJ	COPS Tech	Town of Cheektowaga, Cheektowaga, NY	Law Enforcement Technology for the Town of Cheektowaga	\$200,000	Higgins	
DOJ	COPS Tech	Town of Clarkstown, New City, NY	Communication System Upgrades	\$200,000	Lowey	

DOJ	COPS Tech	Town of Colmar Manor, Brentwood, MD	The Town of Colmar Manor Interoperable Radio Project	\$100,000	Van Hollen		
DOJ	COPS Tech	Town of Enfield, Enfield, CT	Radio Communications Improvement Project	\$750,000	Courtney	Dodd; Lieberman	
DOJ	COPS Tech	Town of Eureka, Eureka, MT	Eureka Justice Center	\$300,000		Tester; Baucus	
DOJ	COPS Tech	Town of Framingham, Framingham, MA	Framingham Townwide Wireless Mesh Network	\$200,000	Markey (MA)		
DOJ	COPS Tech	Town of Hackleburg, Hackleburg, AL	Police Technology Upgrades	\$75,000	Aderholt		
DOJ	COPS Tech	Town of Hebron, Hebron, IN	Law Enforcement Equipment for the Hebron Police Department	\$190,000	Visclosky		
DOJ	COPS Tech	Town of Highland, Highland, IN	Law Enforcement Equipment for the Highland Police Department	\$485,000	Visclosky		
DOJ	COPS Tech	Town of Masontown, Masontown, WV	Law Enforcement Technology and Equipment	\$25,000	Mollohan		
DOJ	COPS Tech	Town of Matthews, Matthews, NC	Matthews Police Department In-Car Camera Project	\$150,000		Hagan	
DOJ	COPS Tech	Town of Merrillville, Merrillville, IN	Law Enforcement Equipment for Merrillville Police Department	\$500,000	Visclosky		
DOJ	COPS Tech	Town of Mooresville, Mooresville, NC	Mooresville Police Department In-Car Cameras	\$125,000		Burr; Hagan	
DOJ	COPS Tech	Town of Ossining Police Department, Briarcliff Manor, NY	Town of Ossining, NY, Police Department Equipment	\$6,000	Lowe		
DOJ	COPS Tech	Town of Porter, Porter, IN	Law Enforcement Equipment (Porter Police)	\$68,000	Visclosky		
DOJ	COPS Tech	Town of Ridgeley Police Department, Ridgeley, WV	Law Enforcement Technology and Equipment	\$25,000	Mollohan		
DOJ	COPS Tech	Town of Southwest Ranches, Southwest Ranches, FL	Public Safety and Law Enforcement Equipment	\$500,000	Wasserman Schultz		
DOJ	COPS Tech	Town of Vernon, Vernon, CT	Radio System Digital Upgrade	\$300,000	Courtney		
DOJ	COPS Tech	Town of Warren, Warren, RI	Information Technology and Communications Upgrades	\$500,000	Kennedy		
DOJ	COPS Tech	Town of Watertown, Watertown, CT	Emergency Communications System	\$300,000	Murphy (CT)		
DOJ	COPS Tech	Town of West Liberty, West Liberty, WV	Law Enforcement Technology and Equipment	\$25,000	Mollohan		
DOJ	COPS Tech	Town of White Hall Police Department, White Hall, WV	Law Enforcement Technology and Equipment	\$25,000	Mollohan		
DOJ	COPS Tech	Town of Woodbury Police Department, Central Valley, NY	Emergency Energy Supply	\$60,000	Hall (NY)		
DOJ	COPS Tech	Town Watch Integrated Services, Philadelphia, PA	Town Watch Program	\$100,000	Fattah		
DOJ	COPS Tech	Township of Irvington, Irvington, NJ	Irvington CAD/RMS Project	\$200,000	Payne	Lautenberg; Menendez	
DOJ	COPS Tech	Township of Spring, Reading, PA	Video Recorder System Purchase	\$90,000	Gerlach		
DOJ	COPS Tech	Township of Woodbridge, Woodbridge, NJ	Woodbridge, New Jersey Interoperable Law Enforcement Trunked Digital Radio System	\$500,000	Lance; Sires	Lautenberg; Menendez	
DOJ	COPS Tech	Tulsa Police Department, Tulsa, OK	Law Enforcement Interoperability / Regional Expansion Project	\$200,000	Sullivan	Inhofe	
DOJ	COPS Tech	Umatilla County Sheriff, Pendleton, OR	Mobile Video Equipment	\$130,000	Walden		



**COMMERCE, JUSTICE, SCIENCE—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Recipient	Title	Amount	Requester(s)	
					House	Senate
DOJ	COPS Tech	Union County Sheriff, El Dorado, AR	In-Car Video and Audio Recording Devices	\$75,000	Ross	
DOJ	COPS Tech	Union County Sheriff, Lake Butler, FL	Law Enforcement Visual Intelligence Tool	\$500,000	Crenshaw	
DOJ	COPS Tech	University of Akron, Akron, OH	High Technology Forensics Laboratory and Resource Center	\$500,000	LaTourette	Voinovich
DOJ	COPS Tech	University of Arkansas for Medical Sciences, Little Rock, AR	UAMS Campus Security Enhancement	\$250,000		Pryor, Lincoln
DOJ	COPS Tech	University of Maryland Public Safety Training and Technical Assistance Program, Greenbelt, MD	Prince George's County Municipal Interoperability Upgrades	\$500,000	Hoyer	
DOJ	COPS Tech	University of Texas at El Paso, El Paso, TX	Open Source Lab for Law Enforcement Intelligence Analysis on Latin America	\$400,000	Reyes	
DOJ	COPS Tech	Upper Peninsula 9-1-1 Authority, Escanaba, MI	Upper Peninsula 9-1-1 Computer Aided Dispatch and Records Management System	\$250,000	Stupak	
DOJ	COPS Tech	Vermont Criminal Justice Training Council, Pittsford, VT	Vermont Police Academy Equipment	\$200,000		Sanders
DOJ	COPS Tech	Vermont Department of State's Attorneys and Sheriffs' Association, Montpelier, VT	Equipment Support for Sheriffs' Departments	\$100,000		Sanders
DOJ	COPS Tech	Vermont Supreme Court, Court Administrator's Office, Montpelier, VT	Vermont Judiciary Case Management and Electronic Filing System	\$500,000		Leahy
DOJ	COPS Tech	Victoria County, Victoria, TX	Emergency Communications Equipment	\$250,000		Hutchison
DOJ	COPS Tech	Vienna Police Department, Vienna, WV	Law Enforcement Technology and Equipment	\$25,000	Mollohan	
DOJ	COPS Tech	Village of Bosque Farms, Bosque Farms, NM	Valencia County Law Enforcement Uniform Records Management System	\$400,000	Teague	
DOJ	COPS Tech	Village of Campton Hills Police Department, Campton Hills, IL	Campton Hills Police Mobile Patrol	\$25,000	Foster	
DOJ	COPS Tech	Village of Chagrin Falls Police Department, Chagrin Falls, OH	Interoperable Communications and Operations Center	\$250,000	LaTourette	
DOJ	COPS Tech	Village of Clearview, Wheeling, WV	Law Enforcement Technology and Equipment	\$25,000	Mollohan	
DOJ	COPS Tech	Village of La Grange Park, La Grange Park, IL	Law Enforcement Technology and Equipment	\$75,000	Lipinski	
DOJ	COPS Tech	Village of La Grange, La Grange, IL	Law Enforcement Technology and Equipment	\$100,000	Lipinski	
DOJ	COPS Tech	Village of Melrose Park Police Department, Melrose Park, IL	Wireless Surveillance System	\$300,000	Quigley	
DOJ	COPS Tech	Village of Monroe Police Department, Monroe, NY	Law Enforcement Equipment	\$160,000	Hall (NY)	
DOJ	COPS Tech	Village of North Aurora, North Aurora, IL	Village of North Aurora Police Digital Radio Interoperability	\$200,000	Foster	
DOJ	COPS Tech	Village of Oak Lawn, Oak Lawn, IL	Law Enforcement Technology	\$100,000	Lipinski	Burris

DOJ	COPS Tech	Village of Pelham Manor, Pelham Manor, NY	Village of Pelham Manor, NY, Police Department Fingerprint Scanner		\$30,000	Lowe	
DOJ	COPS Tech	Village of Skokie, Skokie, IL	Communications Center at New Police Station		\$465,000	Schakowsky	
DOJ	COPS Tech	Village of Thornton, Thornton, IL	Mobile Data Browsing Software Upgrade		\$100,000	Jackson (IL)	
DOJ	COPS Tech	Virgin Islands Police Department, St. Croix, VI	Law Enforcement Technology and Equipment		\$550,000	Christensen	
DOJ	COPS Tech	Virginia Center for Policing Innovation, Richmond, VA	Virginia Center for Policing Innovation		\$300,000	Moran (VA); Nye; Scott (VA); Wittman	
DOJ	COPS Tech	Waco Police Department, Waco, TX	McLennan County Communications Technology Upgrade		\$650,000	Edwards (TX)	
DOJ	COPS Tech	Wake County, Raleigh, NC	Wake County 800 Mhz Base Infrastructure Expansion		\$400,000	Price (NC); Etheridge; Miller (NC)	Burr; Hagan
DOJ	COPS Tech	Wapello Police Department, Wapello, IA	Equipment Upgrades		\$50,000	Loeb sack	Grassley
DOJ	COPS Tech	Warner Robins Police Department, Warner Robins, GA	Forensic Video System		\$20,000	Marshall	
DOJ	COPS Tech	Washington Parish Sheriff, Franklinton, LA	Law Enforcement Equipment		\$291,000	Scalise	Vitter
DOJ	COPS Tech	Washoe County Sheriff's Department, Reno, NV	Heavy Duty Command Post and Patrol Car Safety System		\$1,000,000	Heller	Reid
DOJ	COPS Tech	Wayne County, Detroit, MI	Wayne County, MI Radio Communications Interoperability		\$300,000	Conyers	Levin; Stabenow
DOJ	COPS Tech	Webb County Sheriff, Laredo, TX	South Texas Forensics Laboratory		\$250,000	Cuellar	
DOJ	COPS Tech	West Union Police Department, West Union, WV	Law Enforcement Technology and Equipment		\$25,000	Mollohan	
DOJ	COPS Tech	West Valley City, West Valley City, UT	West Valley City Public Safety Communications Equipment		\$50,000		Bennett; Hatch
DOJ	COPS Tech	Weston Police Department, Weston, WV	Weston Police Department Technology Upgrade		\$250,000	Capito	
DOJ	COPS Tech	Whatcom County, Bellingham, WA	Multi-jurisdictional Data Integration Project—Whatcom Exchange Network		\$200,000	Larsen (WA)	Murray; Cantwell
DOJ	COPS Tech	Wilcox County Sheriff, Abbeville, GA	Portable and Vehicle Radios		\$25,000	Marshall	
DOJ	COPS Tech	Will County, Joliet, IL	Integrated Criminal Justice Information Initiative		\$100,000	Halvorson	Burris
DOJ	COPS Tech	Williamstown Police Department, Williamstown, WV	Law Enforcement Technology and Equipment		\$25,000	Mollohan	
DOJ	COPS Tech	Wilmington Department of Police, Wilmington, DE	Police Weapons Range Improvements		\$400,000	Castle	Carper; Kaufman
DOJ	COPS Tech	Wilmington Police Department, Wilmington, NC	Gunshot Location System		\$315,000	McIntyre	Hagan
DOJ	COPS Tech	Yellowstone County Sheriff's Office, Billings, MT	Yellowstone County Mobile Digital Video Camera		\$147,000	Rehberg	
DOJ	OJP-Byrne	14th Judicial District Durham County, Durham, NC	14th Judicial District of Durham County: New Life Job Court		\$100,000	Price (NC)	
DOJ	OJP-Byrne	180 Turning Lives Around, Inc, Hazlet, NJ	180 Child and Teen Violence Reduction and Treatment Expansion, Hazlet, NJ		\$500,000	Pallone; Holt	
DOJ	OJP-Byrne	9th Judicial District, Koochiching County, International Falls, MN	Koochiching County DUI/Substance Abuse Court		\$100,000	Oberstar	
DOJ	OJP-Byrne	A Better Way, Inc., Columbia, SC	Project Gang Out (GO)		\$250,000	Cyburn	

**COMMERCE, JUSTICE, SCIENCE—Continued**  
[Congressionally Directed Spending Items]

Agency	Account	Recipient	Title	Amount	Requester(s)	
					House	Senate
D01	OJP-Byrne	A Child Is Missing, Ft. Lauderdale, FL	A Child Is Missing—Arkansas	\$200,000		Pryor, Lincoln
D01	OJP-Byrne	A Child Is Missing, Ft. Lauderdale, FL	A Child Is Missing -- Hawaii	\$500,000		Akaka
D01	OJP-Byrne	A Child Is Missing, Inc, Ft. Lauderdale, FL	Assist in Finding Missing Children or Adults	\$300,000	Klein (FL)	Nelson, Bill
D01	OJP-Byrne	A Safe Haven, Chicago, IL	Comprehensive Substance Abuse Services to Ex-Offenders	\$500,000	Davis (IL)	
D01	OJP-Byrne	Advanced Science and Technology Adjudication Resource Center, Inc. (ASTAR), Washington, DC	Initiative to Deploy Judges Trained in Forensic Science and Technology Law	\$500,000		Mikulski
D01	OJP-Byrne	Advocate Good Samaritan Hospital, Downers Grove, IL	Assisting Victims of Domestic Violence at Advocate Good Samaritan Hospital	\$75,000	Roskam	
D01	OJP-Byrne	Alabama Department of Forensic Science, Montgomery, AL	AL Department of Forensic Science	\$1,400,000		Shelby
D01	OJP-Byrne	Alabama Department of Public Safety, Montgomery, AL	ADPS Child Sexual Predator Project	\$150,000	Aderholt; Bachus	Sessions
D01	OJP-Byrne	Alabama Department of Public Safety, Montgomery, AL	Operation Swordphish	\$1,000,000	Bachus; Bonner	Shelby; Sessions
D01	OJP-Byrne	Alabama District Attorneys Association, Montgomery, AL	Alabama Computer Forensics Labs	\$900,000	Bonner; Aderholt; Rogers (AL)	Sessions
D01	OJP-Byrne	Alabama District Attorneys Association, Montgomery, AL	Zerometh Drug Prevention Campaign	\$1,000,000	Aderholt; Bachus; Rogers (AL)	Shelby
D01	OJP-Byrne	Alachua County, Gainesville, FL	Management of Offenders with Co-occurring Mental Illness and Addiction Disorders	\$900,000	Stearns; Brown, Corrine	Nelson, Bill
D01	OJP-Byrne	Alamo Area Rape Crisis Center, San Antonio, TX	National Online Hotline and Comprehensive Services for Sexual Assault Survivors	\$200,000	Gonzalez	
D01	OJP-Byrne	Aliviane, Inc., El Paso, TX	The Border Institute of Excellence	\$250,000	Reyes	
D01	OJP-Byrne	Alvernia University, Reading, PA	Criminal Justice Program Initiative	\$470,000	Gerlach	
D01	OJP-Byrne	American Judges Association, Williamsburg, VA	American Judges Association Judicial Education Initiative	\$350,000	LaTourette	
D01	OJP-Byrne	Annapolis, Annapolis, MD	Capital City Safe Streets Program	\$200,000	Sarbanes; Kratovil	Cardin
D01	OJP-Byrne	Armstrong County Emergency Operating Center, Kittanning, PA	Armstrong County Emergency Operating Center Upgrades	\$100,000	Dahlkemper	Specter
D01	OJP-Byrne	Auburn University, Auburn, AL	Auburn University Canine Program	\$900,000	Rogers (AL); Aderholt	
D01	OJP-Byrne	Baltimore City Mayor, Baltimore, MD	Baltimore City Reentry Employment Center	\$500,000	Cummings	Mikulski; Cardin
D01	OJP-Byrne	Baltimore City Police Department, Baltimore, MD	Baltimore City Gun Violence Reduction Initiative	\$1,100,000	Ruppersberger	Mikulski
D01	OJP-Byrne	Bee County Sheriff, Beeville, TX	Equipment for New Officers	\$250,000	Hinojosa	
D01	OJP-Byrne	Big Brothers Big Sisters of the Mississippi Valley, Davenport, IA	Big Brothers Big Sisters of the Mississippi Valley Expansion and Enhancement Initiative	\$200,000	Hare	

DOJ	OJP-Byrne	Billings Clinic, Billings, MT	Billings Clinic Sexual Assault Nurse Examiner	\$250,000	Rehberg	Tester; Baucus
DOJ	OJP-Byrne	Bluegrass Domestic Violence Program, Lexington, KY	Bluegrass Domestic Violence Transitional Housing	\$325,000	Chandler	
DOJ	OJP-Byrne	Borough of Jamesburg, Jamesburg, NJ	Jamesburg Police Communications Modernization Program	\$95,000	Holt	
DOJ	OJP-Byrne	Boulder City Police Department, Boulder City, NV	Regional Law Enforcement Training Facility Equipment	\$250,000		Reid
DOJ	OJP-Byrne	Breaking Ground, Chicago, IL	Job Training and Placement Services for Ex-Offenders	\$100,000	Davis (IL)	
DOJ	OJP-Byrne	BRIDGES USA, Memphis, TN	BRIDGES SPAN Program for Memphis City Schools	\$300,000	Cohen	
DOJ	OJP-Byrne	Brinkley Police Department, Brinkley, AR	Law Enforcement Equipment	\$62,000	Berry	
DOJ	OJP-Byrne	Brockton Area Private Industry Council, Inc., Brockton, MA	Gateway Program	\$250,000	Lynch	
DOJ	OJP-Byrne	Buffalo City Mission, Buffalo, NY	Cornerstone Manor Program Expansion	\$200,000	Slaughter	Schumer; Gillibrand
DOJ	OJP-Byrne	Calcasieu Parish Sheriff's Office, Lake Charles, LA	Regional K-9 Training Facility	\$200,000		Vitter
DOJ	OJP-Byrne	California Department of Justice, Sacramento, CA	Gang Suppression Enforcement Team (GSET) Project	\$100,000	Cardoza	
DOJ	OJP-Byrne	California Department of Justice, Sacramento, CA	Riverside Gang Suppression Enforcement Team	\$250,000	Calvert	
DOJ	OJP-Byrne	California State Department of Justice, Bureau of Narcotics Enforcement, Sacramento, CA	Gang Suppression Enforcement Teams	\$500,000		Feinstein
DOJ	OJP-Byrne	Cathedral City, Cathedral City, CA	Coachella Valley Anti-Gang Task Force Project	\$500,000	Bono Mack	Boxer
DOJ	OJP-Byrne	Catholic Charities, New Orleans Region Family Justice Center, New Orleans, LA	Family Justice Center—Expansion of Services	\$400,000	Cao	Landrieu; Vitter
DOJ	OJP-Byrne	Ceasefire Chicago, Chicago, IL	Ceasefire Chicago Project	\$250,000	Jackson (IL)	
DOJ	OJP-Byrne	Center for Court Innovation, New York, NY	Enhanced Services for Veterans in Drug Court	\$100,000	Hinchey	
DOJ	OJP-Byrne	Center for Women Policy Studies, Washington, DC	National Institute on State Policy on Trafficking of Women/Girls	\$400,000		Cantwell
DOJ	OJP-Byrne	Center Point, Inc., San Rafael, CA	Re-Entry and Community Integration Services	\$250,000	Woolsey	
DOJ	OJP-Byrne	Chabad of Riverside, Riverside, CA	Project PRIDE (Prevention, Resource, Information and Drug Eradication)	\$400,000	Calvert	
DOJ	OJP-Byrne	Chabad of Southern Nevada, Las Vegas, NV	Drug Prevention Outreach Program	\$250,000		Reid
DOJ	OJP-Byrne	Champlain College, Burlington, VT	Champlain College Center for Digital Investigation	\$500,000		Leahy
DOJ	OJP-Byrne	Chapman University, Orange, CA	Chapman University Domestic Violence Clinic	\$100,000	Sanchez, Loretta	
DOJ	OJP-Byrne	Charlotte-Mecklenburg Police Department, Charlotte, NC	Gang of One Pilot Program	\$200,000	Kissell; Watt	Burr; Hagan
DOJ	OJP-Byrne	Cherokee County Commission, Cherokee County, AL	Cherokee County Methamphetamine and Marijuana Reduction Program	\$200,000		Shelby
DOJ	OJP-Byrne	Cheyenne River Sioux Tribe, Eagle Butte, SD	Cheyenne River Sioux Tribe—Criminal Justice System	\$1,000,000		Johnson; Thune

**COMMERCE, JUSTICE, SCIENCE—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Recipient	Title	Amount	Requester(s)	
					House	Senate
DOJ	OJP-Byrne	Chicago School of Professional Psychology, Chicago, IL	The Chicago School Partnership with Community Mental Health Council	\$350,000	Jackson (IL)	
DOJ	OJP-Byrne	Children's Hospital of The King's Daughters, Norfolk, VA	Child Abuse Treatment Services (VA)	\$100,000	Scott (VA)	
DOJ	OJP-Byrne	Chrysalis House, Lexington, KY	Chrysalis House Substance Abuse Rehabilitation Program	\$175,000	Chandler	
DOJ	OJP-Byrne	Chrysalis-Changing Lives Through Jobs, Los Angeles, CA	Ex-Offender and Homeless Job Training Initiative	\$500,000	Roybal-Allard	Boxer
DOJ	OJP-Byrne	Citizens for NYC, New York, NY	Community Crime Stoppers	\$200,000	Crowley	
DOJ	OJP-Byrne	City of Adelanto, Adelanto, CA	Emergency Operations Center	\$375,000	McKeon	
DOJ	OJP-Byrne	City of Austin, Austin, TX	Austin Police Technology	\$250,000	Smith (TX)	
DOJ	OJP-Byrne	City of Belton, Belton, TX	First Responder Equipment, Technology and Interoperability Upgrades	\$700,000	Carter	
DOJ	OJP-Byrne	City of Carlsbad, Carlsbad, CA	Joint First Responders Training Facility	\$300,000	Bilbray	
DOJ	OJP-Byrne	City of Center Point, Center Point, AL	Center Point Community Policing Project	\$200,000	Davis (AL)	
DOJ	OJP-Byrne	City of Chattanooga, Chattanooga, TN	City of Chattanooga Law Enforcement Training Center	\$500,000	Wamp	
DOJ	OJP-Byrne	City of Colton, Colton, CA	City of Colton Police Department Back-up Generator	\$200,000	Baca	
DOJ	OJP-Byrne	City of Columbus, Department of Public Safety, Columbus, OH	Police Property Crime Lab	\$300,000	Kilroy	Voinovich, Brown
DOJ	OJP-Byrne	City of Dayton, Dayton, OH	Community Initiative to Reduce Gun Violence	\$500,000		Brown
DOJ	OJP-Byrne	City of Denton, Denton, TX	Denton Public Safety Training Facility	\$1,000,000	Burgess	Hutchison
DOJ	OJP-Byrne	City of Detroit Police Department, Detroit, MI	Eastside Firearm Reduction Initiative	\$1,000,000	Conyers; Kilpatrick (MI)	Levin; Stabenow
DOJ	OJP-Byrne	City of Detroit, Detroit, MI	Parolees, Technical Parole Violators, and Former Prisoners Project	\$550,000	Conyers; Kilpatrick (MI)	
DOJ	OJP-Byrne	City of East Palo Alto, East Palo Alto, CA	East Palo Alto Violence Prevention Initiative	\$215,000	Eshoo	Boxer
DOJ	OJP-Byrne	City of Escondido, Escondido, CA	Mobile Data Computer Infrastructure	\$200,000	Bilbray	
DOJ	OJP-Byrne	City of Evanston Police Department, Evanston, IL	Undercover Operations Personnel	\$35,000	Schakowsky	
DOJ	OJP-Byrne	City of Flint Police Department, Flint, MI	Safe Highway Initiative	\$100,000	Kildee	Levin; Stabenow
DOJ	OJP-Byrne	City of Folsom, Folsom, CA	Folsom Emergency Operations Center	\$250,000	Lungren, Dan	
DOJ	OJP-Byrne	City of Fort Wayne, Fort Wayne, IN	Palm Print AFIS	\$600,000	Souder	Lugar
DOJ	OJP-Byrne	City of Glendale, Glendale, AZ	Glendale Computer Aided Dispatch and Records Management System	\$1,000,000	Franks (AZ); Pastor (AZ)	

D0J	OJP-Byrne	City of Glendale, Glendale, CA	Interagency Communications Interoperability System, Glendale/Burbank, CA	\$500,000	Schiff	
D0J	OJP-Byrne	City of Henderson, Henderson, NV	Regional Law Enforcement Training Facility	\$300,000	Titus	
D0J	OJP-Byrne	City of Houston, Houston, TX	Targeted Narcotics Enforcement Team, Houston, TX	\$350,000	Culberson; Poe (TX)	
D0J	OJP-Byrne	City of Hutchinson Police Department, Hutchinson, KS	Emergency Response Team Equipment Upgrade Project	\$200,000	Moran (KS)	
D0J	OJP-Byrne	City of Irondale, Irondale, AL	Law Enforcement Equipment and Technology Upgrades	\$350,000	Bachus	
D0J	OJP-Byrne	City of Kalispell, Kalispell, MT	Public Safety Building Modernization	\$250,000	Rehberg	Tester
D0J	OJP-Byrne	City of Kansas City, Kansas City, MO	Community Justice Program	\$100,000	Cleaver	
D0J	OJP-Byrne	City of Lakewood, Lakewood, CO	Substance Abuse Treatment for Youth Offenders	\$45,000	Perlmutter	
D0J	OJP-Byrne	City of Los Angeles, Los Angeles, CA	Community Law Enforcement and Recovery Program	\$500,000	Roybal-Allard	
D0J	OJP-Byrne	City of Los Angeles, Los Angeles, CA	Domestic Abuse Response Team (DART)	\$100,000	Watson; Sherman	Boxer
D0J	OJP-Byrne	City of Los Angeles, Los Angeles, CA	Gang Reduction Youth Development Zone—Pacoima	\$100,000	Berman	
D0J	OJP-Byrne	City of Los Angeles, Los Angeles, CA	Gang Reduction Youth Development Zones (GRYD Zones)	\$1,200,000		Feinstein
D0J	OJP-Byrne	City of Los Angeles, Los Angeles, CA	Rape Kit Backlog Elimination Program	\$500,000	Schiff	
D0J	OJP-Byrne	City of Miami Beach, Miami Beach, FL	After School Gang and Drug Prevention Program	\$500,000	Ros-Lehtinen; Wasserman Schultz	Nelson, Bill
D0J	OJP-Byrne	City of Midland, Midland, TX	Emergency Communications Equipment, Midland, Texas	\$325,000	Conaway	
D0J	OJP-Byrne	City of Moreno Valley, Moreno Valley, CA	City of Moreno Valley Gang Prevention Program	\$500,000	Bono Mack	
D0J	OJP-Byrne	City of Moultrie, Moultrie, GA	City of Moultrie Police Department	\$200,000	Marshall	Chambliss
D0J	OJP-Byrne	City of Nacogdoches, Nacogdoches, TX	Public Safety Training Initiative	\$400,000		Hutchison
D0J	OJP-Byrne	City of National City, National City, CA	Homeless Outreach Program and Enforcement (HOPE) Project	\$95,000	Filner	
D0J	OJP-Byrne	City of New Haven, New Haven, CT	Anti-Violence Community Outreach and Law Enforcement Program	\$350,000		Dodd
D0J	OJP-Byrne	City of New Haven, New Haven, CT	City of New Haven Re-entry Program	\$500,000	DeLauro	Lieberman
D0J	OJP-Byrne	City of Newark, Newark, NJ	Returning Offender Initiative	\$400,000	Payne; Rothman (NJ); Sires	Lautenberg; Menendez
D0J	OJP-Byrne	City of Omaha, Omaha, NE	Family Justice Center of the Midlands	\$100,000		Nelson, Ben
D0J	OJP-Byrne	City of Philadelphia, Philadelphia, PA	Youth Violence Reduction Partnership (YVRP)	\$500,000	Fattah	Specter, Casey
D0J	OJP-Byrne	City of Phoenix, Phoenix, AZ	Electronic Prosecutor Records Management	\$100,000	Pastor (AZ)	
D0J	OJP-Byrne	City of Prattville, Prattville, AL	Public Safety Traffic Signal Pre-emption	\$150,000	Bright	Sessions
D0J	OJP-Byrne	City of Round Rock, Round Rock, TX	Law Enforcement Technology and Equipment	\$300,000	Carter	Cornyn
D0J	OJP-Byrne	City of San Bernardino, San Bernardino, CA	San Bernardino Project Phoenix Neighborhood Initiative	\$500,000	Lewis (CA)	

**COMMERCE, JUSTICE, SCIENCE—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Recipient	Title	Amount	Requester(s)	
					House	Senate
DOJ	OJP-Byrne	City of San Fernando, San Fernando, CA	School Resource Officer Program	\$450,000	Berman	
DOJ	OJP-Byrne	City of San Jose, San Jose, CA	Skills to Succeed Prisoner Re-Entry Pilot Project	\$400,000	Honda	
DOJ	OJP-Byrne	City of Stockton, Stockton, CA	Operation Peacekeeper Gang Outreach Program	\$200,000	Cardoza; McNerney	Boxer
DOJ	OJP-Byrne	City of Trenton, Trenton, NJ	YouthStat Violence and Gang Prevention	\$310,000	Smith (NJ); Holt	Lautenberg; Menendez
DOJ	OJP-Byrne	City of Tucson, Tucson, AZ	Tucson Drug Trafficking Suppression Initiative	\$400,000	Giffords; Grijalva	
DOJ	OJP-Byrne	City of Valdosta, Valdosta, GA	Valdosta/Lowrdes Joint Crime Lab	\$500,000	Kingston	Chambliss
DOJ	OJP-Byrne	City of Westminster, Westminster, CA	Asian Criminal Enterprise Initiative	\$290,000	Royce; Rohrabacher; Sanchez, Loretta	
DOJ	OJP-Byrne	City of Wrens, Wrens, GA	Wrens City Security Project	\$75,000	Barrow	
DOJ	OJP-Byrne	City of Yonkers, Yonkers, NY	Yonkers WAVE Drug Sweep	\$300,000	Engel	Gillibrand
DOJ	OJP-Byrne	Claflin University, Orangeburg, SC	Claflin Certified Forensics Laboratory	\$1,000,000	Clyburn	Graham
DOJ	OJP-Byrne	Claiborne County Sheriff, Port Gibson, MS	County-wide Law Enforcement Programs	\$100,000	Thompson (MS)	
DOJ	OJP-Byrne	Clarke County Sheriff, Berryville, VA	Northwest Regional Gang Task Force	\$1,000,000	Wolf	Webb; Warner
DOJ	OJP-Byrne	Clearfield City, Clearfield, UT	Digital Technology for Drug Enforcement/Gang-Related Strategic Initiative	\$425,000	Bishop (UT)	Bennett; Hatch
DOJ	OJP-Byrne	Coalition for a Drug-Free Lanai, Lanai City, HI	Youth Mentoring Program	\$25,000	Hirono	
DOJ	OJP-Byrne	College of Holy Cross, Worcester, MA	At-Risk Youth Empowerment Initiative	\$400,000	McGovern	Kennedy; Kerry
DOJ	OJP-Byrne	Community Foundation of Wyandotte County, Kansas City, KS	NeighborhoodsNOW Crime and Safety Initiative	\$500,000	Moore (KS)	
DOJ	OJP-Byrne	Community YMCA, Middleton, NJ	Gang Prevention Program	\$500,000		Lautenberg; Menendez
DOJ	OJP-Byrne	Conservation Corps of Long Beach, Long Beach, CA	Environmental Job Training Program for Youth At-Risk in Southeast Los Angeles County	\$100,000	Sanchez, Linda	
DOJ	OJP-Byrne	Converging Industries Research Foundation, Cambridge, MA	Massachusetts Initiative for Real-Time Wireless Emergency Communications	\$250,000	Capuano	
DOJ	OJP-Byrne	Cook County Sheriff's Office, Chicago, IL	Mental Health Services for Female Offenders	\$300,000		Durbin
DOJ	OJP-Byrne	Coos County Sheriff's Office, Coquille, OR	South Coast Interagency Narcotics Team (SCINT)	\$600,000		Wyden; Merkley
DOJ	OJP-Byrne	County of Los Angeles Sheriff's Department, Monterey Park, CA	Rape Kit Backlog Reduction Program	\$1,000,000	Schiff	
DOJ	OJP-Byrne	County of Los Angeles Sheriff's Office, Monterey Park, CA	Los Angeles Sheriff Anti-Gang Intelligence Data Sharing and Analysis Database	\$300,000		Feinstein
DOJ	OJP-Byrne	County of Merrimack, Concord, NH	Mental Health Court Pilot Program	\$250,000	Hodes	
DOJ	OJP-Byrne	County of Monterey, Salinas, CA	Monterey County Street and Anti-Gang Project (aka: Gang Task Force)	\$500,000	Farr	Feinstein; Boxer



D0J	OJP-Byrne	County of Muskegon, Muskegon, MI	Community Re-entry Program		\$150,000		Levin; Stabenow
D0J	OJP-Byrne	County of Peoria, Peoria, IL	Mental Health Court		\$500,000	Schock	Durbin
D0J	OJP-Byrne	County of San Diego, District Attorney, San Diego, CA	DA Gang and Drug Crime Investigation and Prosecution		\$200,000	Davis (CA); Filner	Boxer
D0J	OJP-Byrne	County of San Diego, Sheriff's Department, San Diego, CA	San Diego County Regional Gang Enforcement Collaborative		\$350,000	Hunter; Filner; Davis (CA)	
D0J	OJP-Byrne	Covenant House California, Oakland, CA	Covenant House, Oakland Housing and Career Center		\$250,000	Lee (CA)	
D0J	OJP-Byrne	Covenant House, New York City, NY	Covenant House Stop Child Trafficking Project		\$200,000		Gillibrand
D0J	OJP-Byrne	Criminal Justice Institute, Little Rock, AR	Arkansas School Resource Officer Program		\$600,000	Boozman; Berry; Snyder	Pryor; Lincoln
D0J	OJP-Byrne	Criminal Justice Institute, Little Rock, AR	Cyber Crimes Investigation Training Initiative		\$100,000	Boozman; Snyder	Pryor; Lincoln
D0J	OJP-Byrne	Criminal Justice Institute, Little Rock, AR	Rural Executive Management Institute (REMI) Project		\$200,000	Berry	
D0J	OJP-Byrne	Criminal Justice Institute, Little Rock, AR	Rural Law Enforcement Training Initiative		\$1,000,000	Boozman; Snyder	Pryor; Lincoln
D0J	OJP-Byrne	Criminal Justice Training Center, Golden West College, Huntington Beach, CA	Virtual Interactive Training Simulator		\$900,000	Rohrabacher	
D0J	OJP-Byrne	Cuyahoga County Board of County Commissioners, Cleveland, OH	Cuyahoga County Fatherhood Initiative		\$300,000	Kucinich	Brown
D0J	OJP-Byrne	Cuyahoga County Board of County Commissioners, Cleveland, OH	Cuyahoga County Prisoner Re-entry Program		\$400,000	Kucinich; Fudge	
D0J	OJP-Byrne	Dakota County, Hastings, MN	Regional Police Records Management System for Dakota County Law Enforcement Agencies		\$200,000		Klobuchar
D0J	OJP-Byrne	Day One, Providence, RI	Child Advocacy Services Expansion		\$250,000		Reed
D0J	OJP-Byrne	Digital Development Corporation and Oversight Committee (DDCOC), Chicago, IL	SECOND CHANCES Job Training Program		\$250,000	Davis (IL)	
D0J	OJP-Byrne	District Attorney's Office, Denver, CO	Cold Case DNA Project		\$350,000		Udall, M.; Bennet
D0J	OJP-Byrne	Diverse and Resilient, Inc., Milwaukee, WI	Diverse and Resilient, Inc.		\$155,000	Baldwin	
D0J	OJP-Byrne	Dixie State College, St. George, UT	Southwest Regional Criminal Justice Computer Crime Institute		\$1,000,000	Matheson	Bennett
D0J	OJP-Byrne	Doe Fund, Inc., New York, NY	Ready, Willing & Able		\$600,000	Nadler (NY); Towns; Maloney	
D0J	OJP-Byrne	East Bay Community Law Center, Berkeley, CA	Clean State Clinic for Community Re-entry & Reintegration		\$250,000	Lee (CA)	
D0J	OJP-Byrne	East Helena Police Department, East Helena, MT	East Helena Community Policing Hiring Effort		\$60,000	Rehberg	
D0J	OJP-Byrne	East Stroudsburg University, East Stroudsburg, PA	The Cyber Crime and Forensics Institute		\$500,000	Kanjorski	Specter; Casey
D0J	OJP-Byrne	Eisenhower Foundation, Jackson, MS	Eisenhower Foundation National Multiple Solutions Safe Haven Replication and Evaluation Program		\$250,000		Cochran
D0J	OJP-Byrne	Emanuel County Board of Commissioners, Swainsboro, GA	Emanuel County Emergency Vehicle Acquisition		\$100,000	Barrow	
D0J	OJP-Byrne	Enough is Enough, Great Falls, VA	VA Internet Safety 101		\$160,000	Moran (VA)	

**COMMERCE, JUSTICE, SCIENCE—Continued**  
[Congressionally Directed Spending Items]

Agency	Account	Recipient	Title	Amount	Requester(s)	
					House	Senate
D01	OJP-Byrne	Enough Is Enough, Uintah County, UT	Utah Internet Safety 101: Empowering Parents Program	\$250,000	Bishop (UT)	Bennett; Hatch;
D01	OJP-Byrne	Episcopal Community Services of Maryland, Baltimore, MD	Jericho Workforce Development Initiative for Ex-Offenders	\$500,000	Ruppersberger; Cummings	Mikulski
D01	OJP-Byrne	Essex County District Attorney, Salem, MA	Child Abuse, Domestic Abuse and Sexual Assault Specialized Prosecution Program	\$250,000	Tierney	
D01	OJP-Byrne	Essex County Sheriff's Department, Middleton, MA	Comprehensive Substance Abuse Education and Treatment Program	\$280,000	Tsongas; Tierney	Kennedy; Kerry
D01	OJP-Byrne	Exeter Police Department, Reading, PA	Berks County Emergency Response Team (BCERT)	\$350,000	Gerlach	
D01	OJP-Byrne	Fairfield Police Department, Fairfield, IL	Fairfield Police Department Emergency Communications and Equipment Upgrades	\$110,000	Shinkus	
D01	OJP-Byrne	Family Justice Center, Hillsborough County, Tampa, FL	Family Justice Center	\$200,000	Castor (FL)	
D01	OJP-Byrne	Family Reentry, Norwalk, CT	Fresh Start Reentry Program	\$900,000	Larson (CT); Himes	Dodd; Lieberman
D01	OJP-Byrne	Father's Day Rally, Philadelphia, PA	FDRC	\$250,000	Fattah	
D01	OJP-Byrne	Findlay Police Department, Findlay, IL	Findlay Police Equipment	\$10,000	Shinkus	
D01	OJP-Byrne	First Step, Taylor, MI	First Step Sexual Assault Nurse Examiner Program	\$200,000	Dingell	
D01	OJP-Byrne	Florida Gulf Coast University, Ft. Myers, FL	FGCU Law Enforcement and Public Safety	\$200,000	Mack	
D01	OJP-Byrne	Fort Belknap Indian Community, Harlem, MT	Tribal Courts Operations and Law Enforcement Activities	\$300,000		Tester; Baucus
D01	OJP-Byrne	Fulton County, Atlanta, GA	Fulton County High Intensity Crime Area Task Force	\$100,000	Scott (GA); Lewis (GA)	Chambliss
D01	OJP-Byrne	Gallatin County, Bozeman, MT	Gallatin County Treatment Court	\$185,000	Rehberg	Tester; Baucus
D01	OJP-Byrne	Genesee Community College, Batavia, NY	Integrated Campus Security Initiative	\$537,000	Lee (NY)	
D01	OJP-Byrne	Georgia Bureau of Investigation, Decatur, GA	Georgia Bureau of Investigation's Justice Information Management Network	\$300,000		Isakson
D01	OJP-Byrne	Glenville State College, Glenville, WV	Glenville State College, WV Anti-Recidivism Prisoner Education Program	\$406,000	Mollohan	
D01	OJP-Byrne	Glenville State College, Glenville, WV	Glenville State College, WV Electronic Crimes Education and Training Program	\$200,000	Mollohan	
D01	OJP-Byrne	Greater Nashua Mental Health Center, Nashua, NH	Court Partnership Project	\$325,000		Shaheen
D01	OJP-Byrne	Greenville County, Greenville, SC	Joint Emergency Medical Services / 911 Dispatch Center	\$100,000		Graham
D01	OJP-Byrne	Grundy County Emergency Telephone System Board, Morris, IL	Grundy County ETSB Consolidation Project E911 System	\$100,000	Halvorson	
D01	OJP-Byrne	Guardian Angel Community Services, Joliet, IL	Transitional Living Program	\$100,000	Halvorson	Burris

D0J	OJP-Byrne	Guilford College, Greensboro, NC	Enhancing Technical Expertise in Forensics in Guilford County, North Carolina	\$100,000	Miller (NC)	
D0J	OJP-Byrne	Hamden County Sheriff, Ludlow, MA	Integrated Reentry Program	\$350,000	Neal	
D0J	OJP-Byrne	Hanover Park Police Department, Hanover Park, IL	Rapid Response to School Violence	\$48,000	Roskam	
D0J	OJP-Byrne	Harris County Constable Precinct 4, Spring, TX	Preventing Violence Against Women	\$90,000	Poe (TX)	
D0J	OJP-Byrne	Harris County Constable Precinct Six, Houston, TX	Gang Identification and Enforcement Unit	\$110,000	Green, Gene; Green, Al	
D0J	OJP-Byrne	Hawaii Immigrant Justice Center, Honolulu, HI	Human Rights Alliance	\$200,000	Abercrombie; Hirono	Alaka
D0J	OJP-Byrne	Henry C. Lee Institute of Forensic Science, New Haven, CT	Regional Crime Scene Response Team	\$200,000	DeLauro	
D0J	OJP-Byrne	Holmes County Sheriff Department, Lexington, MS	County-wide Law Enforcement Programs	\$100,000	Thompson (MS)	
D0J	OJP-Byrne	Homestretch, Falls Church, VI	Homelessness and Domestic Violence Programs	\$300,000	Moran (VA)	
D0J	OJP-Byrne	Hope House, Inc., Lee's Summit, MO	Hope House Guardian Program	\$200,000		Bond
D0J	OJP-Byrne	Hope Through Housing Foundation, Rancho Cucamonga, CA	After School and Beyond -Violence Prevention	\$850,000	Miller, Gary; Baca; Tauscher	
D0J	OJP-Byrne	Housing Authority of Plainfield, Plainfield, NJ	After School Programs and Gang Prevention Job Training Initiative	\$250,000		Lautenberg; Menendez
D0J	OJP-Byrne	Houston Police Department, Houston, TX	Mobile AFIS Equipment and LiveScan Equipment	\$910,000	Poe (TX)	
D0J	OJP-Byrne	Hoxie Police Department, Hoxie, AR	Law Enforcement Programs and Equipment	\$50,000	Berry	
D0J	OJP-Byrne	Idaho Department of Corrections, Boise, ID	NCOMS Medical and Mental Health Sharing Software Development	\$500,000	Simpson	Crapo; Risch
D0J	OJP-Byrne	Idaho State Police, Meridian, ID	Idaho State Police (ISP) Participation in Criminal Information Sharing Alliance Network (CISAnet)	\$500,000	Simpson	Crapo; Risch
D0J	OJP-Byrne	Independent Development Enterprise Alliance, Portland, OR	Project Clean Slate	\$450,000		Wyden; Merkley
D0J	OJP-Byrne	Institute for the Study and Practice of Non-violence, Providence, RI	Nonviolence Program	\$300,000	Langevrin; Kennedy	Reed; Whitehouse
D0J	OJP-Byrne	Iowa Central Community College, Ft. Dodge, IA	Iowa Central Law Enforcement Training Center	\$500,000	Latham	Harkin; Grassley
D0J	OJP-Byrne	Iowa Governor, Des Moines, IA	Drug Endangered Children Program and Drug Diversion Deterrence	\$300,000	Boswell	Harkin; Grassley
D0J	OJP-Byrne	Iowa Legal Aid, Des Moines, IA	Health and Law Project	\$300,000		Harkin
D0J	OJP-Byrne	Iowa State University, Ames, IA	Internet Scale Event & Attack Generation Environment	\$400,000	Latham	
D0J	OJP-Byrne	Iowa State University, Ames, IA	Internet-Scale Event and Attack Generation Environment (ISEAGE)	\$200,000		Harkin; Grassley
D0J	OJP-Byrne	Iowa State University, Ames, IA	Iowa State Forensic Testing Lab	\$1,400,000	Latham	Harkin; Grassley
D0J	OJP-Byrne	Izard County Sheriff, Melbourne, AR	Calico Rock Police Program	\$100,000	Berry	
D0J	OJP-Byrne	Jackson State University, Jackson, MS	National Center for Biodefense Communications	\$750,000		Cochran
D0J	OJP-Byrne	Jefferson County Sheriff, Fayette, MS	County-wide Law Enforcement Programs	\$100,000	Thompson (MS)	

**COMMERCE, JUSTICE, SCIENCE—Continued**  
[Congressionally Directed Spending Items]

Agency	Account	Recipient	Title	Amount	Requester(s)	
					House	Senate
DOJ	OJP-Byrne	Jersey City Housing Authority, Jersey City, NJ	Drug Elimination Program	\$300,000		Lautenberg
DOJ	OJP-Byrne	John Jay College of Criminal Justice, New York, NY	National Academy for Reentry Policy and Practice	\$100,000	Rangel; Engel; Towns	
DOJ	OJP-Byrne	John Marshall Law School, Chicago, IL	Veterans Legal Support Center	\$350,000		Durbin
DOJ	OJP-Byrne	Johnson County Sheriff, Cleburne, TX	Stop the Offender Program	\$200,000	Edwards (TX)	
DOJ	OJP-Byrne	Joiner Police Department, Joiner, AR	Law Enforcement Programs and Equipment	\$100,000	Berry	
DOJ	OJP-Byrne	Justice 2000, Inc., Milwaukee, WI	Community Justice Centers	\$100,000	Moore (WI)	
DOJ	OJP-Byrne	KidsPeace, Evansville, IN	KidsPeace Evansville Therapeutic Foster Care Program	\$300,000	Ellsworth	Lugar
DOJ	OJP-Byrne	King County Sheriff's Office, Seattle, WA	Gang Intervention Initiative	\$400,000	McDermott	Murray; Cantwell
DOJ	OJP-Byrne	King County Sheriff's Office, Seattle, WA	King County Sheriff's Office School Resource Officers	\$300,000		Murray; Cantwell
DOJ	OJP-Byrne	King of Kings Foundation, Jamaica, NY	Anti-Drug & Anti-Gang Warriors Program	\$290,000	Meeks (NY)	
DOJ	OJP-Byrne	Kokomo Police Department, Kokomo, IN	Kokomo Police Department Forensic Crime Lab	\$100,000	Donnelly (IN)	
DOJ	OJP-Byrne	Lackawanna County, Scranton, PA	Lackawanna County Treatment Court	\$100,000	Carney	Specter
DOJ	OJP-Byrne	Lane County Administration, Eugene, OR	Offender Treatment and Transition Program	\$500,000	DeFazio	
DOJ	OJP-Byrne	Lane County, Eugene, OR	Public Safety Technology Improvements	\$500,000		Wyden; Merkley
DOJ	OJP-Byrne	Laredo Community College, Laredo, TX	Terrorist Interdiction Law Enforcement Training Center	\$400,000		Cornyn
DOJ	OJP-Byrne	Las Vegas Metropolitan Police Department, Las Vegas, NV	Justice Information Sharing Program	\$1,000,000	Berkley; Titus	Reid
DOJ	OJP-Byrne	LIGALY, Bayshore, NY	The Anti-Violence Project	\$500,000	Israel	Gillibrand
DOJ	OJP-Byrne	Local Initiatives Support Corporation, New York, NY	LISC Community Safety Initiative	\$225,000	Oberstar; Conyers; Langevin	
DOJ	OJP-Byrne	Loudoun County Sheriff's Office, Leesburg, VA	Northern Virginia Regional Gang Task Force	\$3,000,000	Wolf; Connolly (VA); Moran (VA)	Webb; Warner
DOJ	OJP-Byrne	Louisiana Sheriffs' Association, Baton Rouge, LA	Law Enforcement Technology and Equipment	\$300,000	Alexander	Landrieu; Vitter
DOJ	OJP-Byrne	Lucas County TASC, Inc., Toledo, OH	Reentry Coalition Of Northwest Ohio	\$300,000	Kaptur	
DOJ	OJP-Byrne	Maryland State Police, Pikesville, MD	Gang Elimination Task Force	\$1,000,000	Ruppersberger	
DOJ	OJP-Byrne	Mattie Rhodes Center, Kansas City, MO	Latino Youth Crime Prevention Project	\$250,000	Cleaver	
DOJ	OJP-Byrne	Men Aspiring Leaders through Education, Inc., Houston, TX	M.A.L.E. Reentry Program	\$250,000	Green, Al	
DOJ	OJP-Byrne	Men of Valor Academy, Oakland, CA	Juvenile Delinquency Prevention Center for Building Our Community Green	\$100,000	Lee (CA)	

D0J	OJP-Byrne	Metropolitan Crimes Commission, New Orleans, LA	Metropolitan Crimes Commission	\$500,000	Vitter
D0J	OJP-Byrne	Miami Dade College North Campus, Miami, FL	Officer Tactical Facility Enhancements	\$200,000	Meek (FL)
D0J	OJP-Byrne	Miami-Dade County, Miami, FL	Mortgage Fraud Task Force	\$150,000	Meek (FL); Diaz-Balart, Lincoln; Diaz-Balart, Mario; Wasserman Schultz
D0J	OJP-Byrne	Micronesian Legal Services Corporation, Saipan, MP	Legal Services Outreach, Internet Upgrade and Immigration Services	\$180,000	Sabian
D0J	OJP-Byrne	Middlesex County Prosecutor's Office, New Brunswick, NJ	SPEAK UP Hotline Outreach and Public Education	\$500,000	Holt; Palone
D0J	OJP-Byrne	Minnesota State Patrol, St. Paul, MN	MN 8th District State Patrol In-Squad Digital Cameras	\$240,000	Oberstar
D0J	OJP-Byrne	Mississippi Military Department, Jackson, MS	Regional Counterdrug Training Academy	\$300,000	Harper
D0J	OJP-Byrne	Mississippi State University, Starkville, MS	For Law Enforcement Intelligence Software	\$1,000,000	Cochran; Wicker
D0J	OJP-Byrne	Mississippi State University, Starkville, MS	MSU Cyber Crime Initiative and National Consortium for Digital Forensics Training	\$1,500,000	Cochran; Wicker
D0J	OJP-Byrne	Monmouth County Sheriff, Freehold, NJ	Trunk Radio System	\$120,000	Holt
D0J	OJP-Byrne	Monroe County Department of Public Safety, Rochester, NY	Biology/DNA Module	\$200,000	Slaughter
D0J	OJP-Byrne	Monroe County Department of Public Safety, Rochester, NY	Monroe County Regional Crime Laboratory	\$100,000	Maffei
D0J	OJP-Byrne	Montana Sheriffs and Peace Officers Association, Helena, MT	Montana Offender Notification and Tracking System—Juvenile Justice System (MONTS-JJS)	\$300,000	Rehberg
D0J	OJP-Byrne	Montana State University Billings, Billings, MT	Academic & Workforce Development Program at the Montana Women's Prison	\$100,000	Rehberg
D0J	OJP-Byrne	MTSU, Murfreesboro, TN	Training of Law Enforcement Personnel	\$625,000	Gordon (TN)
D0J	OJP-Byrne	Multi-County Juvenile Attention System (MCJAS), Canton, OH	Tuscarawas Attention Center Project	\$275,000	Space
D0J	OJP-Byrne	Multnomah County, Portland, OR	Department of Community Justice Re-Entry Services	\$500,000	Blumenauer; Wu
D0J	OJP-Byrne	My Home, Your Home Inc., Milwaukee, WI	Lissy's Place	\$180,000	Moore (WI)
D0J	OJP-Byrne	Nassau County Executive, Mineola, NY	Family Court Technology Improvements	\$235,000	McCarthy (NY)
D0J	OJP-Byrne	Nassau County Police Department, Mineola, NY	Heroin Abatement Program	\$385,000	King (NY)
D0J	OJP-Byrne	National Center for State Courts, Williamsburg, VA	State Courts Improvement Initiative	\$500,000	Bishop (UT); Carter; Gonzalez; Granger; Hirono; Sarbanes; Smith (TX); Wittman
D0J	OJP-Byrne	National Council of Juvenile and Family Court Judges, Reno, NV	Child Abuse Training Programs for Judicial Personnel: Victims Act Model Courts Project	\$1,875,000	Granger; Berkley; Conyers; Grijalva; Honda; McDermott; Titus
D0J	OJP-Byrne	National District Attorneys Association, Alexandria, VA	National Advocacy Center State and Local Prosecutors Training Program	\$1,175,000	Spratt; Ruppersberger; Kratochvil; Aderholt; Rothman (NJ)

Leahy; Bennett; Hutchison; Johnson; Pryor; Kennedy; Hatch; Chambliss; Akaka; Graham; Lincoln; Sanders; Warner; Kaufman

Leahy; Bennett; Landrieu; Reid Hatch; Ensign

Leahy; Alexander; Graham; Corler

**COMMERCE, JUSTICE, SCIENCE—Continued**  
**[Congressionally Directed Spending Items]**

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					House	Senate
DOJ	OJP-Byrne	National Forensic Science Technology Center, Largo, FL	National Forensic Science Technology Center, Forensic Technology Center of Excellence	\$2,000,000	Young (FL)	
DOJ	OJP-Byrne	National Judicial College, Reno, NV	Judicial Education and Scholarships for Judges	\$500,000		Reid; Ensign
DOJ	OJP-Byrne	Nebraska Advocacy Services, Scottsbluff, NE	Center for Disability Rights, Law & Advocacy	\$200,000		Nelson, Ben
DOJ	OJP-Byrne	Nevada Department of Public Safety Parole and Probation, Carson City, NV	State of Nevada, Parole and Probation Technological Advancement and Improvement	\$150,000	Titus	Reid
DOJ	OJP-Byrne	New Hampshire Attorney General's Office, Concord, NH	NH Multi-Jurisdictional Drug Task Force and Drug Interdiction Program	\$750,000		Gregg
DOJ	OJP-Byrne	New Hampshire State Police, Concord, NH	Operation Streetsweeper	\$750,000		Gregg
DOJ	OJP-Byrne	New Jersey Department of Children and Families, Trenton, NJ	Child Forensic Interviewers for Child Advocacy Centers	\$100,000	Holt; Pascrell	Lautenberg; Menendez
DOJ	OJP-Byrne	New Jersey Institute for Technology, Newark, NJ	User-Authenticating Personalized Weapon	\$1,000,000	Pascrell; Payne	Lautenberg; Menendez
DOJ	OJP-Byrne	New Man Development Community Corporation, Rehrersburg, PA	Employment Preparation Project at New Man Development Community Corporation	\$25,000	Coble	
DOJ	OJP-Byrne	New Mexico Administrative Office of the Courts, Santa Fe, NM	Drug Court Program	\$300,000		Bingaman; Udall, T.
DOJ	OJP-Byrne	New Mexico Attorney General, Albuquerque, NM	Human Trafficking Task Force	\$215,000		Bingaman; Udall, T.
DOJ	OJP-Byrne	New Mexico Attorney General, Santa Fe, NM	Environmental Crimes Unit Outreach and Training Program	\$220,000		Bingaman; Udall, T.
DOJ	OJP-Byrne	New Mexico Coalition Against Domestic Violence, Albuquerque, NM	Hispanic Community Outreach	\$200,000		Bingaman; Udall, T.
DOJ	OJP-Byrne	New Mexico Corrections Department, Santa Fe, NM	Prisoner Reentry Initiative	\$500,000		Bingaman; Udall, T.
DOJ	OJP-Byrne	New Orleans Crime Coalition/New Orleans Business Council, New Orleans, LA	New Orleans Crime Coalition	\$1,500,000	Cao	Landrieu; Vitter
DOJ	OJP-Byrne	Nez Perce Tribe, Lapwai, ID	Children's Justice/Child Protection	\$100,000		Crapo; Risch
DOJ	OJP-Byrne	North Arlington Borough, North Arlington, NJ	Cops in Schools and Cops on the Street	\$100,000	Rothman (NJ)	
DOJ	OJP-Byrne	North Carolina State University, Raleigh, NC	Center for Forensic Sciences-NCSU	\$175,000	Miller (NC)	Hagan
DOJ	OJP-Byrne	North Louisiana Crime Laboratory Commission, Shreveport, LA	North Louisiana Crime Lab	\$400,000		Landrieu; Vitter
DOJ	OJP-Byrne	Northampton Community College, Bethlehem, PA	Campus-Wide Security System	\$300,000	Kanjorski	Specter
DOJ	OJP-Byrne	Northern Kentucky Drug Strike Force, Covington, KY	Northern Kentucky Drug Strike Force Pharmaceutical Diversion Program	\$35,000		Bunning
DOJ	OJP-Byrne	Northwest Missouri Interagency Team Response Operation, Cameron, MO	Multi-Jurisdictional Drug and Violent Offender Task Force	\$200,000	Graves	
DOJ	OJP-Byrne	NYC Police Foundation, New York, NY	Project COPE	\$500,000	McMahon	

DOJ	OJP-Byrne	Office of Human Affairs, Newport News, VA	Visual and Performing Arts After School Program, Newport News, VA	\$100,000	Scott (VA)	
DOJ	OJP-Byrne	Office of the King's County District Attorney, Brooklyn, NY	ComALERT Project	\$100,000	Weiner	
DOJ	OJP-Byrne	Office of the Queens County District Attorney, Kew Gardens, NY	Specialized Effort to Combat Financial Crimes and Mortgage Fraud	\$100,000	Weiner	
DOJ	OJP-Byrne	Oglala Sioux Tribe Department of Public Safety, Pine Ridge, SD	Oglala Sioux Tribe Department of Public Safety	\$1,200,000	Herseht Sandlin	Johnson; Thune
DOJ	OJP-Byrne	Ohio Attorney General, Columbus, OH	University Of Toledo and Ohio Attorney General Forensic Crime Lab	\$100,000	Kaptur	
DOJ	OJP-Byrne	Oklahoma State Bureau of Investigation, Oklahoma City, OK	Oklahoma Participation in the Criminal Information Sharing Alliance Network	\$700,000		Inhofe
DOJ	OJP-Byrne	Oldham County Sheriff's Office, LaGrange, KY	Equipment Upgrades, Oldham County Sheriff, KY	\$75,000	Davis (KY)	
DOJ	OJP-Byrne	Operation Our Town, Altoona, PA	Drug Treatment and Prevention	\$300,000	Shuster	
DOJ	OJP-Byrne	Operation UNITE, Somerset, KY	Narcotics Law Enforcement & Interdiction, Education and Deterrence	\$4,450,000	Rogers (KY)	
DOJ	OJP-Byrne	Orange County Human Trafficking Task Force, Westminster, CA	Victim and Outreach Services Enhancements	\$220,000	Sanchez, Loretta	
DOJ	OJP-Byrne	Oregon Health and Science University, Portland, OR	Multidisciplinary Institute for Neuropsychiatric Diagnosis	\$200,000	Blumenauer; Wu	Wyden; Merkley
DOJ	OJP-Byrne	Oregon Partnership, Portland, OR	Rx for Saving Oregon Teens	\$470,000	Walden; Wu	Wyden; Merkley
DOJ	OJP-Byrne	Oriana House, Inc., Akron, OH	Misdemeanant Facility	\$150,000	Ryan (OH); Sutton	
DOJ	OJP-Byrne	Parents for Megan, Stony Brook, NY	Institute Sex Offender Registration Tips (SORT) and Support Programs	\$300,000	Israei; Bishop (NY); King (NY)	Schumer; Gillibrand
DOJ	OJP-Byrne	PAX/Real Solutions to Gun Violence, New York, NY	SPEAK UP Hotline and Awareness Campaign Access Expansion	\$240,000	Pascrelli; McCarthy (NY)	
DOJ	OJP-Byrne	Pennyrile Narcotic Task Force, Hopkinsville, KY	Law Enforcement Programs and Equipment	\$750,000	Whitfield	
DOJ	OJP-Byrne	Penobscot County Sheriff, Bangor, ME	Taskforce to Collaborate with Maine Schools in a Comprehensive Multi-Hazard Interoperable Response Plan	\$250,000	Michaud	
DOJ	OJP-Byrne	Peralta Community College District, Oakland, CA	Oakland Center for Public Safety at Merritt College	\$125,000	Lee (CA)	
DOJ	OJP-Byrne	Perry Police Department, Perry, FL	Perry Police Department Canine Program	\$105,000	Boyd	
DOJ	OJP-Byrne	Persad Center, Inc., Pittsburgh, PA	Community Safe Zone	\$150,000	Doyle	Casey
DOJ	OJP-Byrne	Philadelphia Safety Net, Philadelphia, PA	Safety Net Program	\$300,000	Fattah	
DOJ	OJP-Byrne	Phoenix House, Dallas, TX	Increasing Access to Substance Abuse Treatment Services for Texas Youth	\$100,000	Johnson, Eddie Bernice	Hutchison; Conyn
DOJ	OJP-Byrne	Phoenix House, Dublin, NH	Clinical Management System	\$200,000	Hodes	Shaheen
DOJ	OJP-Byrne	Phoenix House, New York, NY	Drug Treatment Technology Project	\$500,000	Rangel	
DOJ	OJP-Byrne	Phoenix House, Springfield, MA	Drug Treatment Technology Enhancement Initiative	\$500,000	Neal	Kennedy; Kerry

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Agency	Account	Recipient	Title	Amount	Requester(s)	
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DOJ	OJP-Byrne	Portage County Commissioners, Adult Probation Department, Ravenna, OH	Community Integration and Socialization Program	\$200,000	Ryan (OH)	
DOJ	OJP-Byrne	PROGRAM for Offenders, Pittsburgh, PA	Family Reunification Project	\$100,000	Doyle	Specter
DOJ	OJP-Byrne	Protecting Sexually Exploited Children, Las Vegas, NV	Nevada Safe House Project	\$125,000		Reid
DOJ	OJP-Byrne	Providence Police Department, Providence, RI	Providence Gun Violence Prevention and Gang Reduction Initiative	\$1,000,000	Kennedy	Reid; Whitehouse
DOJ	OJP-Byrne	Puyallup Tribe of Indians, Tacoma, WA	Puyallup Justice Center Project	\$400,000	Smith (WA)	
DOJ	OJP-Byrne	Rape Crisis Center, Las Vegas, NV	Child Assault Prevention and Education Project	\$125,000		Reid
DOJ	OJP-Byrne	Rape, Abuse, Incest National Network (RAINN), Washington, DC	Rape, Abuse, Incest National Network	\$300,000	Aderholt; Grijalva; Maloney; Matsui; Moran (VA); Ros-Lehtinen; Rothman (NJ); Ruppersberger; Sutton	Leahy; Feinstein; Johnson; Pryor; Dodd; Schumer; Hatch; Kerry; Crapo; Rockefeller; Boxer; Stabenow; Wyden; Akaka; Lieberman; Lincoln; Nelson; Bill; Menendez; Sanders; Cardin; Whitehouse; Klobuchar; Gillibrand; Kaufman; Casey; Merkley; Burris
DOJ	OJP-Byrne	Ready Willing & Able, Philadelphia, PA	Ready Willing & Able Philadelphia Program	\$200,000	Fattah	
DOJ	OJP-Byrne	Ridge House, Reno, NV	Prisoner Re-Entry Program	\$200,000		Reid
DOJ	OJP-Byrne	Rio Hondo College, Whitier, CA	Regional Homeland Security Training Center Initiative	\$300,000	Napolitano; Miller, Gary; Schiff	
DOJ	OJP-Byrne	Rockdale County Sheriff's Office, Rockdale County, GA	Gang Intervention Project	\$250,000	Johnson (GA); Scott (GA)	Chambliss
DOJ	OJP-Byrne	Rosebud Sioux Tribe, Rosebud, SD	Rosebud Sioux Tribe—Criminal Justice System	\$300,000	Herseth Sandlin	Johnson; Thune
DOJ	OJP-Byrne	Sacramento Police Department, Sacramento, CA	Sacramento Police Department Cold Case Justice Project	\$100,000	Matsui	
DOJ	OJP-Byrne	Safe Streets Campaign, Tacoma, WA	Pierce County Regional Gang Prevention Partnership, Safe Streets Campaign	\$500,000	Dicks; Smith (WA)	Murray
DOJ	OJP-Byrne	Safer Foundation, Chicago, IL	Community Reentry Program	\$350,000		Durbin
DOJ	OJP-Byrne	Saginaw County Sheriff, Saginaw, MI	Facilitating Justice Information Sharing	\$280,000	Kildee	Levin; Stabenow
DOJ	OJP-Byrne	Salem Police Department, Salem, MA	Regional Approach to Law Enforcement Technology Services	\$250,000	Tierney	
DOJ	OJP-Byrne	Sam Houston State University, Huntsville, TX	Sam Houston State University Regional Crime Laboratory	\$1,000,000	Brady (TX)	Hutchison; Cornyn
DOJ	OJP-Byrne	San Diego Second Chance Program, San Diego, CA	Second Chance Prisoner Reentry Employment Program	\$400,000	Filner	
DOJ	OJP-Byrne	San Francisco District Attorney, San Francisco, CA	San Francisco Reentry Center	\$750,000	Pelosi	
DOJ	OJP-Byrne	San Jose State University Research Foundation, San Jose, CA	Community Collaborative Response to Victims of Domestic Violence	\$440,000	Lofgren, Zoe; Honda	
DOJ	OJP-Byrne	Sanctuary, Inc., Chalan Pago, GU	Sanctuary, Inc.—At-Risk Youth Services Programs	\$150,000	Bordallo	



DOJ	OJP-Byrne	Sanders County Coalition for Families, Thompson Falls, MT	Creating Women's Resource Center and Housing	\$400,000		Tester
DOJ	OJP-Byrne	Saving Our Seeds, Chicago, IL	Life Skills Program	\$51,000	Davis (IL)	
DOJ	OJP-Byrne	Sexual Assault Response Team (SART) Center, Anchorage, AK	Sexual Assault Response Team (SART) Center	\$400,000	Young (AK)	Begich
DOJ	OJP-Byrne	Shelby Township Police Department, Shelby Township, MI	Law Enforcement Programs, Prosecution, Drug Treatment and Enforcement Programs	\$200,000	Miller (MI)	
DOJ	OJP-Byrne	Simon Wiesenthal Center, Los Angeles, CA	Tools for Tolerance	\$1,000,000		Shelby
DOJ	OJP-Byrne	Sisseton-Wahpeton Oyate, Agency Village, SD	Sisseton-Wahpeton Oyate Transition Assistance	\$110,000	Herseht Sandlin	
DOJ	OJP-Byrne	Sisters of Charity, Columbia, SC	Jobs Not Jail: An Alternative to Incarceration	\$265,000	Spratt	
DOJ	OJP-Byrne	Somerset County, Skowhegan, ME	Technology Equipment Upgrades	\$550,000	Michaud	Collins; Snowe
DOJ	OJP-Byrne	South Western Judicial Circuit Family Violence Council, Inc., Americus, GA	Domestic Violence Advocate	\$75,000	Bishop (GA)	
DOJ	OJP-Byrne	Southeast Missouri Network Against Sexual Violence, Cape Girardeau, MO	Enhanced Victim Assistance	\$200,000	Emerson	
DOJ	OJP-Byrne	Southeast Missouri State University, Cape Girardeau, MO	Establishment of a Forensic Science Research and Education Laboratory	\$700,000		Bond
DOJ	OJP-Byrne	Southwest Tennessee Community College, Memphis, TN	Forensic Science Program	\$100,000	Cohen	
DOJ	OJP-Byrne	St. Petersburg College, St. Petersburg, FL	St. Petersburg College National Terrorism Preparedness Institute	\$1,500,000	Young (FL)	
DOJ	OJP-Byrne	St. Thomas University, Miami Gardens, FL	Human Trafficking Initiative	\$500,000	Ros-Lehtinen; Wasserman Schultz	Nelson, Bill
DOJ	OJP-Byrne	Standing Rock Sioux Tribe, Fort Yates, ND	Standing Rock Sioux Tribal Justice and Public Safety	\$400,000	Herseht Sandlin	Thune
DOJ	OJP-Byrne	State of Alaska, Anchorage, AK	Drug and Alcohol Interdiction, Rural Law Enforcement Training and Equipment	\$900,000		Murkowski
DOJ	OJP-Byrne	State of Iowa, Department of Public Health, Polk, Scott, Story, Woodbury Counties, IA	Jail-Based Substance Abuse Treatment	\$1,200,000		Harkin; Grassley
DOJ	OJP-Byrne	State of Iowa, Iowa Department of Corrections--Division of Offender Services, Des Moines, IA	Transitional Mental Health Reentry Program	\$250,000		Harkin; Grassley;
DOJ	OJP-Byrne	Stearns County, St. Cloud, MN	Domestic Violence Court	\$100,000		Klobuchar
DOJ	OJP-Byrne	Sterling Heights Police Department, Sterling Heights, MI	Law Enforcement Programs, Prosecution, Drug Treatment and Enforcement Programs	\$300,000	Miller (MI)	
DOJ	OJP-Byrne	Stetson University College of Law, Gulfport, FL	National Clearing House for Science, Technology and the Law	\$400,000	Young (FL)	
DOJ	OJP-Byrne	Stop It Now!, Northampton, MA	Stop It Now! Child Abuse Prevention Helpline Expansion	\$250,000	Neal	Kennedy; Kerry
DOJ	OJP-Byrne	Suffolk County Police Department, Yaphank, NY	Suffolk County, NY, Police Department Computer Crimes Initiative	\$250,000	Bishop (NY); King (NY)	
DOJ	OJP-Byrne	Superior Police Department, Superior, WI	Forensic Technology Task Force	\$550,000	Obey	

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Agency	Account	Recipient	Title	Amount	Requester(s)	
					House	Senate
DOJ	OJP-Byrne	Survivors, Inc., Gettysburg, PA	Legal Advocacy and Hotline Project	\$25,000	Platts	
DOJ	OJP-Byrne	Synergy Services, Parkville, MO	Community Response to Domestic Violence	\$140,000	Graves	
DOJ	OJP-Byrne	Tahrir Justice Center, Falls Church, VA	Immigrant Women and Girls Legal Services	\$500,000	Moran (VA)	
DOJ	OJP-Byrne	Tallahassee Community College, Tallahassee, FL	Florida Public Safety Institute	\$245,000	Boyd; Crenshaw	Nelson, Bill; Martinez
DOJ	OJP-Byrne	Tarleton State University, Stephenville, TX	Tarleton State University Rural Law Enforcement Project	\$1,500,000	Carter	
DOJ	OJP-Byrne	Taylor County Sheriff, Medford, WI	Law Enforcement Technology	\$1,000,000	Obey	
DOJ	OJP-Byrne	Team Focus, Inc., Mobile, AL	Mississippi Team Focus Mentoring Project	\$400,000		Cochran
DOJ	OJP-Byrne	Team Focus, Inc., Mobile, AL	South Carolina Team Focus Mentoring Project	\$500,000	Spratt	Graham
DOJ	OJP-Byrne	Texas Border Sheriffs Coalition, El Paso, TX	Operation Linebacker	\$4,850,000	Culberson	Hutchison
DOJ	OJP-Byrne	Texas Engineering Extension Service Texas A&M, San Marcos, TX	ALERT	\$1,300,000	Conaway; Granger; Edwards (TX); Johnson; Eddie Bernice; Smith (TX)	
DOJ	OJP-Byrne	Texas Engineering Extension Service, College Station, TX	Forensic Science Academy	\$500,000	Edwards (TX)	
DOJ	OJP-Byrne	Thiel College, Greenville, PA	Thiel College Community Police Partnership	\$500,000	Dahlkemper	
DOJ	OJP-Byrne	Toledo Fair Housing Council, Toledo, OH	Predatory Lending Program	\$125,000	Kaptur	
DOJ	OJP-Byrne	Touro College Jacob D. Fuchsberg Law Center, Central Islip, NY	Veterans Legal Advocacy Clinic	\$100,000		Schumer
DOJ	OJP-Byrne	Town of Greenburgh Adult Drug Treatment Court, Greenburgh, NY	Town of Greenburgh, NY, Adult Drug Court Treatment Program	\$50,000	Lowe	
DOJ	OJP-Byrne	Township of North Brunswick, North Brunswick, NJ	North Brunswick Video Surveillance Program	\$185,000	Holt	
DOJ	OJP-Byrne	Troy University, Troy, AL	Computer Forensic Institute and Lab	\$200,000		Shelby
DOJ	OJP-Byrne	Tulane University, New Orleans, LA	Domestic Violence Clinic	\$200,000	Cao	Landrieu
DOJ	OJP-Byrne	Tulsa Public Schools, Tulsa, OK	TPS Campus Police Force	\$300,000	Sullivan	Inhofe
DOJ	OJP-Byrne	Turning Point, Inc., Woodstock, IL	Law Enforcement Advocacy Partnership (LEAP)	\$300,000	Bean	
DOJ	OJP-Byrne	Utah County, Vernal, UT	Utah County Drug Court	\$200,000	Matheson	Bennett; Hatch
DOJ	OJP-Byrne	United Tribes Technical College, Bismarck, ND	Tribal Law Enforcement Training	\$400,000		Dorgan; Conrad
DOJ	OJP-Byrne	United Way for Southeastern Michigan, Detroit, MI	United Way for Southeastern Michigan Ex-Offender Reentry Program	\$300,000	Conyers	
DOJ	OJP-Byrne	University of Alabama at Birmingham, Birmingham, AL	Model State Partnership for Cybercrime and Security	\$500,000	Aderholt	
DOJ	OJP-Byrne	University of Alabama, Tuscaloosa, AL	Domestic Violence Law Clinic	\$300,000	Aderholt	Shelby

DOJ	OJP-Byrne	University of Arizona, Tucson, AZ	Binational Migration Institute		\$250,000	Grijalva		
DOJ	OJP-Byrne	University of Central Oklahoma, Edmond, OK	UCO/State of Oklahoma Forensic Laboratory Program		\$300,000	Fallin	Inhofe	
DOJ	OJP-Byrne	University of Illinois at Chicago, Chicago, IL	CeaseFire at the University of Illinois at Chicago		\$500,000		Durbin; Burris	
DOJ	OJP-Byrne	University of Maryland Public Safety Training and Technical Assistance Program, Greenbelt, MD	Prince George's County-Montgomery County Gang Prevention and Suppression Task Force		\$2,700,000	Van Hollen; Hoyer; Edwards (MD)		
DOJ	OJP-Byrne	University of Memphis, Memphis, TN	Memphis-Shelby County Operation Safe Community		\$1,000,000	Cohen	Alexander; Corker	
DOJ	OJP-Byrne	University of Mississippi, Oxford, MS	National Center for Justice and the Rule of Law		\$2,000,000	Childers	Cochran; Wicker	
DOJ	OJP-Byrne	University of Nevada Las Vegas, Las Vegas, NV	Nevada Immigrant Resource Clinic		\$350,000		Reid	
DOJ	OJP-Byrne	University of New Hampshire, Durham, NH	Consolidated Advanced Technologies Laboratory (CATLab)		\$300,000		Gregg	
DOJ	OJP-Byrne	University of North Dakota, Grand Forks, ND	Native American Into Law		\$300,000	Pomeroy	Dorgan; Conrad	
DOJ	OJP-Byrne	University of Southern Mississippi, Hattiesburg, MS	Cannabis Eradication		\$500,000		Cochran	
DOJ	OJP-Byrne	University of Southern Mississippi, Hattiesburg, MS	Mississippi Automated Systems Project		\$1,250,000		Cochran; Wicker	
DOJ	OJP-Byrne	University of Southern Mississippi, Hattiesburg, MS	Mississippi Rural Law Enforcement Training		\$350,000		Cochran; Wicker	
DOJ	OJP-Byrne	University of Texas at Tyler, Tyler, TX	Texas Cyber Security Research and Training Institute		\$525,000	Gohmert		
DOJ	OJP-Byrne	University of Toledo, Toledo, OH	Ohio Trafficking in Persons Study Group		\$250,000	Kaptur	Brown	
DOJ	OJP-Byrne	University of West Georgia, Carrollton, GA	University of West Georgia K-12 School Safety and Emergency Response Initiative		\$250,000	Gingrey (GA)	Chambliss	
DOJ	OJP-Byrne	Urban League of Greater Cincinnati, Cincinnati, OH	Initiative to Reduce Violence		\$100,000		Brown	
DOJ	OJP-Byrne	Utah State University, Logan, UT	Prevention Plus		\$170,000		Bennett	
DOJ	OJP-Byrne	Vancouver Police Department, Vancouver, WA	Vancouver Records Management System		\$500,000	Baird	Murray	
DOJ	OJP-Byrne	Vanderburgh County Commissioners, Evansville, IN	Civic Center Complex Security Improvements		\$200,000	Ellsworth	Lugar	
DOJ	OJP-Byrne	Ventura County District Attorney, Ventura, CA	DNA Cold Case Prosecution Unit		\$570,000	Gallegly		
DOJ	OJP-Byrne	Ventura County Sheriff, Ventura, CA	Regional Gang Unit—Forensic Scientists		\$80,000	Gallegly; Capps		
DOJ	OJP-Byrne	Vermont Department of Public Safety, Waterbury, VT	School Resource Officers		\$100,000		Sanders	
DOJ	OJP-Byrne	Vermont Department of Public Safety, Waterbury, VT	Vermont Drug Task Force		\$1,000,000		Leahy	
DOJ	OJP-Byrne	Vermont Department of States Attorneys and Sheriffs Association, Montpelier, VT	Special Investigation Units		\$100,000		Leahy; Sanders	
DOJ	OJP-Byrne	Veronica's Voice, Kansas City, KS	Kansas Anti-Trafficking Coalition		\$300,000		Brownback	
DOJ	OJP-Byrne	Village of Southern View, Springfield, IL	Southern View Police Training and Equipment		\$100,000	Shimkus		

**COMMERCE, JUSTICE, SCIENCE—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Recipient	Title	Amount	Requester(s)	
					House	Senate
DOJ	OJP-Byrne	Voorhees College, Denmark, SC	Domestic Violence Against Women	\$250,000	Clyburn	
DOJ	OJP-Byrne	Wake Technical Community College, Raleigh, NC	Public Safety for Growing Region	\$300,000	Price (NC); Etheridge, Miller (NC)	Hagan
DOJ	OJP-Byrne	Washington County Youth Service Bureau, Montpelier, VT	Return House Transitional Living Program	\$200,000		Leahy
DOJ	OJP-Byrne	Washington County, Hillsboro, OR	Drug Court Program	\$300,000	Wu	Wyden; Merkley
DOJ	OJP-Byrne	Washington State University, Pullman, WA	Washington State University Center for the Study of Addiction: Methamphetamine, Prescription, and Other Drugs of Abuse	\$500,000	McMorris Rodgers	Cantwell
DOJ	OJP-Byrne	Washoe County Senior Services, Carson City, NV	Nevada Rural Counties RSVP Program	\$75,000		Reid
DOJ	OJP-Byrne	Wayne County Prosecutor, Detroit, MI	The Wayne County Mortgage Fraud Team	\$250,000	Dingell	Levin; Stabenow
DOJ	OJP-Byrne	Wayne County Prosecutor's Office, Detroit, MI	Data Sharing and Criminal History Project	\$500,000		Levin; Stabenow
DOJ	OJP-Byrne	Wayne County Sheriff, Fairfield, IL	Equipment and Supplies for Wayne County Sheriff	\$100,000	Shinkus	
DOJ	OJP-Byrne	Wayne State University, Detroit, MI	Prisoner Re-Entry Program	\$250,000	Kilpatrick (MI)	Levin; Stabenow
DOJ	OJP-Byrne	Weathersfield Township Trustees, Mineral Ridge, OH	Weathersfield OH Regional Interoperable Communication Project	\$495,000	Ryan (OH)	
DOJ	OJP-Byrne	Weid County Sheriff's Office, Weid County, CO	Northern Colorado Regional Crime Lab	\$300,000		Bennet
DOJ	OJP-Byrne	West Virginia University, Morgantown, WV	Forensic Science Initiative	\$4,000,000		Byrd
DOJ	OJP-Byrne	West Virginia University, Morgantown, WV	West Virginia University Identification Technology Research and Transition Center (CITEr)	\$1,000,000	Mollohan	
DOJ	OJP-Byrne	West Virginia University, Morgantown, WV	West Virginia University Technology Design Initiative	\$3,000,000	Mollohan	
DOJ	OJP-Byrne	Western Connecticut State University, Danbury, CT	Expanded Building a Bridge to Improve Student Success At-Risk Youth Project	\$100,000	Murphy (CT)	
DOJ	OJP-Byrne	Whatcom County Sheriff's Office, Bellingham, WA	Whatcom County 2010 Olympics Costs	\$100,000		Murray
DOJ	OJP-Byrne	Whatcom County, Bellingham, WA	Whatcom County Rapid Border Prosecution Initiative	\$500,000	Larsen (WA)	Murray; Cantwell
DOJ	OJP-Byrne	Wichita State University, Wichita, KS	Kansas Regional Community Policing Institute	\$650,000	Tiahrt	Roberts
DOJ	OJP-Byrne	William S. Richardson School of Law, Honolulu, HI	Hawaii Innocence Project	\$300,000	Abercrombie	Akaka
DOJ	OJP-Byrne	Wilmington Police Department, Wilmington, OH	Equipment Replacement and Modernization Project	\$140,000	Turner	
DOJ	OJP-Byrne	Winona State University, Winona, MN	National Child Protection Training Center	\$1,000,000	Walz	Klobuchar
DOJ	OJP-Byrne	Women's Center & Shelter of Greater Pittsburgh, Pittsburgh, PA	Domestic Violence Support Program	\$250,000	Doyle	Specter; Casey

D0J	OJP-Byrne	Women's Resource Center of Scranton, Scranton, PA	Domestic Violence Reduction Initiative	\$400,000	Casey
D0J	OJP-Byrne	World Vision, Philippi, WV	World Vision Appalachia At-risk Youth Programming	\$275,000	Mollohan
D0J	OJP-Byrne	Yankton Sioux Tribe - Marty, SD	Yankton Sioux Tribe—Victim Advocate Program	\$25,000	Herseth Sandlin
D0J	OJP-Byrne	YWCA McLean County, Bloomington, IL	Violence Prevention and Intervention Initiative	\$300,000	Halvorson
D0J	OJP-Byrne	YWCA of Greater Cincinnati, Cincinnati, OH	Domestic Violence Protection Program	\$400,000	Brown
D0J	OJP-Byrne	YWCA of Greater Cleveland, Cleveland, OH	NIA: A Program to Promote Self-Sufficiency for At-Risk Young Women Aging Out of Foster Care	\$100,000	Fudge
D0J	OJP-Byrne	YWCA of Greater Cleveland, Cleveland, OH	Self-Sufficiency Program for At-Risk Youth	\$300,000	Brown
D0J	OJP-Byrne	YWCA of Greater Flint, Flint, MI	Partners in Transition Program for At-Risk Young Women	\$850,000	Kildee
D0J	OJP-Byrne	YWCA of Greater Toledo, Toledo, OH	Program for At-Risk Youth	\$500,000	Kaptur
D0J	OJP-Byrne	YWCA of Madison, Madison, WI	Community of Opportunity At-Risk Youth Initiative	\$150,000	Baldwin
D0J	OJP-Byrne	YWCA of Silicon Valley, San Jose, CA	YWCA Rape Crisis Center	\$200,000	Eshoo
D0J	OJP-Byrne	YWCA Silicon Valley, San Jose, CA	Human Trafficking Victim Support Center	\$450,000	Honda
D0J	OJP-Byrne	YWCA of Hawaii and Maui Counties, Hilo and Lihue, HI	Sexual Assault & Domestic Violence Response Services	\$400,000	Akaka
D0J	OJP-Byrne	Zero to Three, Des Moines, IA	Des Moines Court Team for Maltreated Infants and Toddlers	\$300,000	Boswell
D0J	OJP-Byrne	Zero to Three, New Orleans, LA	Orleans Parish Court Team for Maltreated Infants and Toddlers	\$200,000	Cao
D0J	OJP-Byrne	Zero to Three, Washington, DC	New Haven Court Team for Maltreated Infants and Toddlers	\$300,000	DeLauro
D0J	OJP-JJ	A Place Called Home, Los Angeles, CA	Health, Nutrition and Well-being Program	\$300,000	Becerra
D0J	OJP-JJ	ABC Unified School District, Cerritos, CA	Hawaiian Gardens Gang Prevention/Drop Out Intervention Program	\$100,000	Sanchez, Linda
D0J	OJP-JJ	Abraham House, Bronx, NY	Abraham House Programs for At-Risk Youth	\$100,000	Serrano
D0J	OJP-JJ	Academy School of Careers, El Paso, TX	Project Salud	\$100,000	Reyes
D0J	OJP-JJ	ACCESS—Arab Community Center for Economic and Social Services, Dearborn, MI	ACCESS Youth Center	\$200,000	Dingell
D0J	OJP-JJ	After School Partnership of Greater New Orleans, New Orleans, LA	Youthline America—Gulf Coast Pilot	\$200,000	Landrieu
D0J	OJP-JJ	After-School Corporation, New York, NY	After School Apprenticeship Program (ASAP)	\$100,000	Clarke
D0J	OJP-JJ	Alabama Institute for Deaf and Blind, Talladega, AL	Overcoming Communication Barriers for AIDB At-Risk Youth	\$150,000	Aderholt
D0J	OJP-JJ	Alameda County Social Services, Oakland, CA	Family Visitation Center	\$200,000	Stark
D0J	OJP-JJ	All Saints Community Service and Development Corporation, Hoboken, NJ	Jubilee Center Children's Program	\$250,000	Sires
D0J	OJP-JJ	An Achievable Dream, Inc., Newport News, VA	An Achievable Dream Academy	\$600,000	Wittman; Scott (VA)
					Webb; Warner

**COMMERCE, JUSTICE, SCIENCE—Continued**  
[Congressionally Directed Spending Items]

Agency	Account	Recipient	Title	Amount	Requester(s)	
					House	Senate
DOJ	OJP-JJ	ARISE Foundation, North Palm Beach, FL	Life-Management Skills Intervention/Re-entry Program for High Risk Youth	\$550,000	Hastings (FL); Kosmas; Brown; Corrine; Diaz-Balart; Lincoln; Diaz-Balart, Mario; Klein (FL); Neek (FL); Ros-Lehtinen; Stearns; Wasserman Schultz; Wexler	Nelson, Bill; Martinez
DOJ	OJP-JJ	Armory Track & Field Foundation, New York, NY	Armory Prep	\$150,000	Rangel	Gillibrand
DOJ	OJP-JJ	Art Center of the Grand Prairie, Stuttgart, AR	Grand Prairie Arts Initiative	\$155,000	Berry	
DOJ	OJP-JJ	Aztecs Rising, Los Angeles, CA	Aztecs Rising Gang Intervention Program	\$225,000	Becerra	
DOJ	OJP-JJ	Bardavon 1869 Opera House, Inc. (UCCC), Poughkeepsie, NY	OJDP In-School Residency and Community Outreach Support for At-Risk Youth	\$100,000	Hinchey	
DOJ	OJP-JJ	Barron County Restorative Justice Inc., Rice Lake, WI	Anti-Truancy Initiative	\$230,000	Obey	
DOJ	OJP-JJ	Bay County Neighborhood Resource Center/Bay Regional Medical Center, Bay City, MI	Bay County Neighborhood Resource Center	\$200,000	Kildee	Levin; Stabenow
DOJ	OJP-JJ	Beaver County Minority Coalition, Beaver Falls, PA	Beaver County Juvenile Justice Program	\$100,000	Altmore	
DOJ	OJP-JJ	Belows Free Academy Union High School, St. Albans, VT	Juvenile Justice and Teen Support and Intervention Program	\$500,000		Leahy
DOJ	OJP-JJ	Berkshire South Regional Community Center, Great Barrington, MA	Action Adventures Out-of-School Anti-Bullying Project, Southern Berkshire County	\$135,000	Olver	
DOJ	OJP-JJ	Big Brothers Big Sisters Foundation of New Jersey, Parsippany, NJ	New Jersey Mentoring Initiative	\$400,000	LoBiondo; Pallone; Payne; Sires	Lautenberg; Menendez
DOJ	OJP-JJ	Big Brothers Big Sisters of Will and Grundy County, Joliet, IL	Expansion of One to One Mentoring Services for At-Risk Children in Will and Grundy Counties	\$185,000	Halvorson	
DOJ	OJP-JJ	Big Brothers of Rhode Island, East Providence, RI	Mentorship Program for At-Risk Children	\$100,000	Kennedy	Reed; Whitehouse
DOJ	OJP-JJ	Bolder Options, Minneapolis, MN	Bolder Options Replication	\$100,000		Klobuchar
DOJ	OJP-JJ	Bolder Options, Minneapolis, MN	Bolder Options Replication and Expansion	\$300,000	Ellison	
DOJ	OJP-JJ	Bolder Options, Minneapolis, MN	Bolder Options Rochester expansion	\$100,000	Walz	
DOJ	OJP-JJ	Boston Urban Youth Foundation, Roxbury, MA	Building Futures Educational Initiative	\$250,000	Capuano	
DOJ	OJP-JJ	Boys & Girls Club of Rutherford County, Murfreesboro, TN	Project Learn	\$150,000	Gordon (TN)	
DOJ	OJP-JJ	Boys & Girls Club of West San Gabriel Valley, Monterey Park, CA	Life Skills Development Program for At-risk Youth	\$75,000	Schiff	
DOJ	OJP-JJ	Boys and Girls Club of Aberdeen, SD	Boys and Girls Club of Aberdeen	\$200,000		Johnson
DOJ	OJP-JJ	Boys and Girls Club of Hawaii, Honolulu, HI	Rural Youth Crime Prevention Program	\$2,500,000		Inouye
DOJ	OJP-JJ	Boys and Girls Club of Marty, SD	Boys and Girls Club of Marty	\$425,000		Johnson

DOJ	OJP-JJ	Boys and Girls Club of Worcester, MA, Worcester, MA	Gang Prevention Through Targeted Outreach Program	\$350,000	McGovern	
	OJP-JJ	Boys Town New York, New York City, NY	Expansion of Boys Town New York City Projects	\$100,000	Engel; Towns	Gillibrand
	OJP-JJ	Boys Town, Louisiana, New Orleans, LA	Expansion of Boys Town Louisiana Projects	\$147,000	Scalise; Cao; Melancon	Landrieu; Vitter
	OJP-JJ	Brick Township Police Athletic League, Brick, NJ	Brick PAL After-School and Kids Camp Program	\$250,000	Smith (NJ)	Lautenberg; Menendez
	OJP-JJ	BRIDGES USA, Memphis, TN	Bridge Builders: Youth Leadership for Community Change	\$500,000		Alexander
	OJP-JJ	Bronx Cluster of Settlement Houses, Bronx, NY	Bronx Cluster Youth Development	\$350,000	Engel	
	OJP-JJ	Bronx Community Pride Center, Bronx, NY	BCPC: Youth Academic Programming	\$200,000	Serrano	
	OJP-JJ	Bronx Council on the Arts, Inc., Bronx, NY	BCA Bronx WritersCorps: Youth Development/Delinquency Prevention	\$150,000	Serrano	
	OJP-JJ	Brooklyn Academy of Music, Brooklyn, NY	BAM Brooklyn Youth Initiatives	\$200,000	Clarke; Towns	
	OJP-JJ	Brown Memorial Baptist Church, Brooklyn, NY	MLK Strivers After School Program	\$150,000	Towns	
	OJP-JJ	Building Toward Wellness Community Coalition Inc., Columbus, GA	Positive Steps After School Program	\$75,000	Bishop (GA)	
	OJP-JJ	Cabrini College, Wayne, PA	Fostering Community Partnerships for Justice: Domestic Violence Education for Pre-Service and Practicing Professionals	\$100,000	Sestak; Gerlach	
	OJP-JJ	Cal Ripken, Sr. Foundation, Baltimore, MD	Cal Ripken, Sr. Foundation At-Risk Youth Mentoring Programs	\$1,000,000		Mikulski
	OJP-JJ	Calhoun County Family Connection, Edison, GA	Youth-Senior Partnership Program	\$75,000	Bishop (GA)	
	OJP-JJ	CAPPA, Inc. (Community Alliance for Progressive Positive Action), Williamsport, PA	CAPPA Youth Intervention and Development Project: Creating Solutions	\$350,000	Carney	
	OJP-JJ	CASA serving Lancaster, Monterey Park, CA	Court Appointed Special Advocates Program	\$300,000	McKeon	
	OJP-JJ	Centinela Youth Services, Inc, Hawthorne, CA	Parent Efficacy Program	\$200,000	Waters	
	OJP-JJ	Chabad of San Jose, Los Gatos, CA	Prevention, Resource, Information and Drug Education Project	\$200,000	Honda	
	OJP-JJ	Chabad of the Valley, Tarzana, CA	Prevention, Resource, Information and Drug Education (PRIDE) Project	\$100,000	Sherman	
	OJP-JJ	Chamber Education Foundation/Rhode Island Mentoring Partnership, Warwick, RI	Rhode Island Mentoring Partnership	\$400,000	Kennedy; Langevin	Reed; Whitehouse
	OJP-JJ	Chapel Hill Missionary Baptist Church, Detroit, MI	Chapel Hill Children and Youth Art Center	\$500,000	Kilpatrick (MI)	
	OJP-JJ	Cheyenne River Youth Project, Eagle Butte, SD	Cheyenne River Youth Project	\$200,000		Johnson
	OJP-JJ	Chicago Jesuit Academy, Chicago, IL	After-School Enrichment Program	\$400,000		Durbin; Burris
	OJP-JJ	Childhelp Michigan, Southfield, MI	Child Abuse Intervention and Treatment, Southeast Michigan	\$100,000	Peters	Levin; Stabenow
	OJP-JJ	Childhelp of East Tennessee, Knoxville, TN	Child Abuse Treatment in Knox County	\$250,000	Duncan	
	OJP-JJ	Childhelp River Bridge Center, Glenwood Springs, CO	Child Abuse Prevention and Treatment in Garfield, Pitkin and Rio Blanco Counties	\$300,000	Salazar	

**COMMERCE, JUSTICE, SCIENCE—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Recipient	Title	Amount	Requester(s)	
					House	Senate
DOJ	OJP-JJ	Childhelp, Flagstaff, AZ	Childhelp Mobile Advocacy Center of Northern Arizona	\$300,000	Kirkpatrick (AZ)	
DOJ	OJP-JJ	Childhelp, Phoenix, AZ	Childhelp Children	\$100,000	Pastor (AZ)	
DOJ	OJP-JJ	Children & Families First Delaware, Wilmington, DE	Functional Family Therapy for At-Risk Youth (DE Girls Wraparound)	\$350,000	Castle	Carper; Kaufman
DOJ	OJP-JJ	Chippewa Cree Tribe, Box Elder, MT	Chippewa Cree Juvenile Detention Center	\$100,000		Tester; Baucus
DOJ	OJP-JJ	City of Alexandria, Alexandria, VA	Youth Building Green	\$200,000	Moran (VA)	Webb; Warner
DOJ	OJP-JJ	City of Baltimore Police Department, Baltimore, MD	Baltimore City Juvenile Screening and Diversion Program	\$200,000	Ruppersberger	Cardin
DOJ	OJP-JJ	City of Bridgeport, Bridgeport, CT	Lighthouse After-School Program	\$350,000	Himes	Dodd; Lieberman
DOJ	OJP-JJ	City of Brockton, Brockton, MA	Brockton At-Risk Youth Program	\$200,000		Kennedy; Kerry
DOJ	OJP-JJ	City of Cairo, Cairo, GA	Holder Park Youth Resource Center After-school Program	\$75,000	Bishop (GA)	
DOJ	OJP-JJ	City of Chino, Chino, CA	Chino Experience Teen Center	\$150,000	Miller, Gary	
DOJ	OJP-JJ	City of Fairfield, Fairfield, CA	Matt Garcia PAL Center	\$160,000	Tauscher	Boxer
DOJ	OJP-JJ	City of Gadsden, Gadsden, AL	Helping Families Program	\$250,000	Aderholt	
DOJ	OJP-JJ	City of Garfield, Garfield, NJ	School Resource Officer Program (Cops In School)	\$100,000	Rothman (NJ)	
DOJ	OJP-JJ	City of Hartford Police Department, Hartford, CT	Tuancy Reduction Program	\$300,000	Larson (CT)	
DOJ	OJP-JJ	City of Jacksonville, FL, Jacksonville, FL	At-Risk Youth Intervention Initiative	\$1,250,000	Crenshaw; Brown, Corrine	Nelson, Bill; Martinez
DOJ	OJP-JJ	City of Las Cruces, Las Cruces, NM	Juvenile Justice and Law Enforcement After School Program	\$250,000	Teague	Bingaman; Udall, T
DOJ	OJP-JJ	City of Long Beach, Long Beach, CA	Youth Career Academy	\$300,000	Richardson	Feinstein
DOJ	OJP-JJ	City of Pasadena, Pasadena, CA	Neighborhood Outreach Workers (NOW) Program	\$250,000	Schiff	
DOJ	OJP-JJ	City of Philadelphia Mural Arts Program, Philadelphia, PA	Restorative Justice Project	\$100,000	Fattah	
DOJ	OJP-JJ	City of Richmond, Richmond, VA	Targeted High-Risk Youth Achievement Program	\$200,000	Scott (VA)	
DOJ	OJP-JJ	City of Rochester, City of Rochester, NY	After-School Jobs Program for At-Risk Youth	\$200,000	Slaughter	Schumer
DOJ	OJP-JJ	City of Sacramento, Sacramento, CA	City of Sacramento Attendance Centers	\$280,000	Matsui	
DOJ	OJP-JJ	City of Seattle, Seattle, WA	Seattle Youth Violence Prevention Initiative	\$300,000	McDermott	Murray; Cantwell
DOJ	OJP-JJ	City of Victorville, Victorville, CA	Utturn Gang Prevention Strategy	\$82,000	McKeon	
DOJ	OJP-JJ	City of Wilson, Wilson, NC	Wilson Gang Prevention Initiative	\$100,000	Butterfield	Burr; Hagan
DOJ	OJP-JJ	City Parks Foundation, New York, NY	City Parks Foundation Park Activity Expansion	\$200,000	McMahon; Engel; Rangel	



D01	OJP-JJ	Cleveland Avenue YMCA, Montgomery, AL	Cleveland Avenue YMCA	\$500,000	Bright	Shelby
D01	OJP-JJ	Community Connections, Inc., Bluefield, WV	Southern West Virginia Community Coalition Outreach and SADD Outreach Campaign	\$187,000	Rahall	
D01	OJP-JJ	Community Connections, Inc., Bluefield, WV	Youth Training Initiative	\$2,000,000		Byrd
D01	OJP-JJ	Community Foundation for Greater New Haven, New Haven, CT	Interventions for Children and Families Exposed to Violence and Trauma	\$500,000	DeLauro	
D01	OJP-JJ	Courage to Speak Foundation, Norwalk, CT	Substance Abuse Prevention for Parents and Children	\$500,000	Himes	Dodd; Lieberman
D01	OJP-JJ	Court Appointed Special Advocate (CASA), Monterey Park, CA	Court Appointed Special Advocates Recruitment for 38th District	\$200,000	Napolitano	
D01	OJP-JJ	Court Appointed Special Advocate, Monterey Park, CA	Court Appointed Special Advocate Program for Infants and Toddlers	\$375,000	Roybal-Allard	
D01	OJP-JJ	Covenant House Georgia, Inc., Atlanta, GA	Covenant House Georgia Rights of Passage Transitional Living Program	\$100,000	Lewis (GA)	
D01	OJP-JJ	Covenant House of Florida, Orlando, FL	Parent Education and Health Support Program	\$200,000	Grayson	
D01	OJP-JJ	Crawford Counseling and Community Learning Center, Roberta, GA	Parenting and Life Choices Program/Employee Assistance Program	\$50,000	Bishop (GA)	
D01	OJP-JJ	Crossroads Programs, Willingboro, NJ	Youth Gang Prevention Program	\$50,000		Lautenberg; Menendez
D01	OJP-JJ	D.A.R.E. New Jersey, Inc., Cranbury, NJ	Middle School Drug and Safety Prevention Project	\$350,000	Smith (NJ); LoBiondo; Pascrell; Payne	Lautenberg; Menendez
D01	OJP-JJ	Dakota Boys and Girls Ranch, Minot, ND	High-Risk Youth Program	\$200,000	Pomeroy	
D01	OJP-JJ	Dauphin County Human Service Director, Harrisburg, PA	Family Group Conferencing Community Expansion Project	\$300,000	Holden	Specter; Casey
D01	OJP-JJ	Delaware Mentoring Council, Newark, DE	Mentoring Initiatives for At-Risk Children and Youth	\$750,000	Castle	Carper; Kaufman
D01	OJP-JJ	Devereux Kids Florida, Ocala, FL	Devereux Kids Abuse and Neglect Prevention Program	\$200,000	Stearns	Nelson; Bill
D01	OJP-JJ	Devereux, King of Prussia, PA	Program-Wide Positive Behavior Support for At-Risk Youth	\$100,000	Sestak	
D01	OJP-JJ	Dooly County Community Coalition/Family Connection, Vienna, GA	Delinquency Prevention	\$75,000	Bishop (GA)	
D01	OJP-JJ	Dutchess Community College, Poughkeepsie, NY	At-risk Youth Education and Training Programs	\$400,000	Hinchey	
D01	OJP-JJ	Eastern Connecticut State University, Willimantic, CT	Dual Enrollment Initiative for At-Risk Youth	\$300,000	Courtney	Dodd
D01	OJP-JJ	Economic Opportunity Council, Wyandanch, NY	Save Our Youth Violence Prevention After School Program	\$300,000	Israel	
D01	OJP-JJ	Eden Housing, Hayward, CA	Digital Connectors At-Risk Youth Program Expansion	\$575,000	Stark; Lee (CA); McNerney; Tauscher	Boxer
D01	OJP-JJ	Eitz Chaim, Brooklyn, NY	Project Success	\$100,000		Schumer
D01	OJP-JJ	El Museo del Barrio, New York, NY	El Museo del Barrio's Bronx Educational Programs for At-Risk Youth	\$100,000	Serrano	

**COMMERCE, JUSTICE, SCIENCE—Continued**  
[Congressionally Directed Spending Items]

Agency	Account	Recipient	Title	Amount	Requester(s)	
					House	Senate
DOJ	OJP-JJ	Emily Krzyzewski Center, Durham, NC	The Pioneer Scholars Program at the Emily Krzyzewski Center in Durham, North Carolina	\$200,000	Price (NC)	
DOJ	OJP-JJ	Enough is Enough, Great Falls, VA	Mayland Internet Safety 101: Empowering Parents Program	\$250,000	Bartlett; Ruppersberger; Sarbanes	Cardin
DOJ	OJP-JJ	Fairfax Childhelp Center, Fairfax, VA	Providing Specialized Care and Treatment for Child Abuse Victims	\$200,000	Connolly (VA)	
DOJ	OJP-JJ	Family Center of Columbus, Inc., Columbus, GA	Family Disintegration Prevention and Assistance Project	\$200,000	Bishop (GA)	
DOJ	OJP-JJ	FC Harlem, New York, NY	Lion Share Youth Development Program	\$100,000	Rangel	
DOJ	OJP-JJ	First Gethsemane Center for Family Development, Louisville, KY	Reducing Barriers to Success for At-risk Youth	\$100,000	Yarmuth	
DOJ	OJP-JJ	Florida Venture Foundation, Miami, FL	Youth Build Development Strategies	\$400,000	Diaz-Balart, Lincoln	
DOJ	OJP-JJ	Focus: HOPE, Detroit, MI	Focus: HOPE Youth Media Initiative	\$100,000	Conyers	Levin; Stabenow
DOJ	OJP-JJ	Forever Family, Fort Lauderdale, FL	Forever Family Child Safety and Adoption Initiative	\$400,000	Hastings (FL); Wasserman Schultz; Wexler	Nelson, Bill
DOJ	OJP-JJ	Forsyth County, Winston-Salem, NC	Gang and Delinquency Prevention Initiative	\$450,000	Watt	Hagan
DOJ	OJP-JJ	Fountain Avenue Community Development Corporation, Brooklyn, NY	After School Program	\$100,000	Towns	
DOJ	OJP-JJ	Four Oaks Family Services & Benton/Iowa County Decategorization Project, Marengo, IA	Benton/Iowa County After-school Program and Functional Family Therapy Initiative	\$100,000	Boswell	
DOJ	OJP-JJ	Friendship Circle, West Bloomfield, MI	Self-Determination Anti-Bullying in LifeTown (SAIL) Project—Year 2	\$150,000	Peters	Levin; Stabenow
DOJ	OJP-JJ	Gang Alternatives Program, Los Angeles, CA	Gang Alternatives Program for Southeast Los Angeles County	\$135,000	Sanchez, Linda	
DOJ	OJP-JJ	Generations Incorporated, Lindenwold, NJ	Youth Mentoring Program	\$200,000		Lautenberg; Menendez
DOJ	OJP-JJ	Girl Scouts of Greater Los Angeles, Arcadia, CA	VIVA California	\$115,000	Becerra	
DOJ	OJP-JJ	Girl Scouts of Southwest Texas, San Antonio, TX	VIVA Texas	\$350,000	Gonzalez; Green, Gene	
DOJ	OJP-JJ	Girl Scouts of the USA, New York, NY	Girl Scouts Beyond Bars	\$1,350,000	Kennedy; Abercrombie; Rush; Ruppersberger	Mikulski
DOJ	OJP-JJ	GMHC, New York City, NY	Protecting Health and Building a Prosperous Future for At-Risk Youth in New York City	\$1,500,000	Rangel; Nadler (NY); Weiner; Towns; Clarke; Engel; Meeks (NY)	Schumer
DOJ	OJP-JJ	Good Shepherd Services, New York, NY	Afterschool Programming for At-risk Youth	\$250,000	Velazquez	
DOJ	OJP-JJ	Governor's Prevention Partnership, Hartford, CT	At-Risk Youth Prevention Initiative	\$250,000		Dodd; Lieberman
DOJ	OJP-JJ	Governor's Prevention Partnership, Hartford, CT	Prevention Initiative for At-Risk Youth	\$300,000	Larson (CT)	
DOJ	OJP-JJ	Green Bay YWCA, Green Bay, WI	Green Bay YWCA After-School Programs	\$600,000	Kagen	

D0J	OJP-JJ	Harlem RBI, Inc., New York, NY	Youth Development through Year-Round Sports and Teams	\$100,000	Rangel	Schumer; Gillibrand
D0J	OJP-JJ	Hartford Behavioral Health, Inc., Hartford, CT	The Stump the Violence Youth Leadership Institute	\$300,000	Larson (CT)	
D0J	OJP-JJ	Highland Park Community Development Corporation, Brooklyn, NY	Values Education Through Cooperative Activities Program	\$300,000	Towns	
D0J	OJP-JJ	Hillside Family of Agencies, Greenbelt, MD	Hillside Family of Agencies, Hillside Work-Scholarship Connection	\$100,000	Edwards (MD)	
D0J	OJP-JJ	Hillside Family of Agencies, Hillside Work-Scholarship Connection, Syracuse, NY	Hillside Work-Scholarship Connection (HW-SC) Syracuse Program Expansion	\$300,000	Maffei	Schumer; Gillibrand
D0J	OJP-JJ	Hillside Family of Agencies, Rochester, NY	Workforce Development Initiative for Youth Aging-Out of Foster Care	\$100,000	Arcuri	
D0J	OJP-JJ	Hollenbeck Police Activities League, Los Angeles, CA	Hollenbeck PAL-Youth Crime Prevention	\$250,000	Royal-Allard	
D0J	OJP-JJ	Holy Cross Children's Services, Clinton, MI	Edward J. Overstreet Center for Excellence in Children's Services	\$225,000	Kilpatrick (MI); Levin	
D0J	OJP-JJ	Hoops Express, Inc., Newburgh, NY	Helping Our People Excel Project	\$250,000	Hinchey	
D0J	OJP-JJ	HoustonWorks USA, Houston, TX	The Juvenile Justice Initiative	\$400,000	Green, Gene; Jackson-Lee (TX); Green, Al	
D0J	OJP-JJ	Human Development Commission, Caro, MI	Generations	\$100,000	Kildee	
D0J	OJP-JJ	Improved Solutions for Urban Systems (ISUS), Dayton, OH	Improved Solutions for Urban Systems—21st Century Jobs for Disengaged Youth	\$860,000	Turner	
D0J	OJP-JJ	i-SAFE, Inc., Carlsbad, CA	i-SAFE e-Safety Education and Outreach Initiative	\$630,000	Shimkus; Kilroy; Berkley; Grijalva; Kennedy; Pomeroy; Young (AK)	
D0J	OJP-JJ	Jackson County Court Appointed Special Advocates, Kansas City, MO	Legal Child Advocate Program	\$100,000	Cleaver	
D0J	OJP-JJ	Jobs for Delaware Graduates, Dover, DE	Jobs for Delaware Graduates, Expand Available Services	\$1,000,000	Castle	Carper; Kaufman
D0J	OJP-JJ	Jobs for Ohio, Columbus, OH	Jobs for Ohio's Graduates Dropout Prevention Initiative	\$200,000	Sutton	
D0J	OJP-JJ	Juvenile Assessment and Reporting Center (JARC), Las Cruces, NM	Prevention and Intervention Program	\$265,000		Bingaman; Udall, T.
D0J	OJP-JJ	Juvenile Justice Center, Little Rock, AR	Child Maltreatment and Delinquency Project	\$200,000	Snyder	
D0J	OJP-JJ	Kennedy Krieger Institute, Baltimore, MD	Kennedy Krieger Institute Juvenile Delinquency Prevention Program at Fort Meade	\$500,000	Kratovil	Mikulski
D0J	OJP-JJ	Kentler International Drawing Space Inc., Brooklyn, NY	K.I.D.S. Art Education Program	\$100,000	Velazquez	
D0J	OJP-JJ	Kidsbridge, Trenton, NJ	Kidsbridge Life Skills, Gang Resistance and Violence Prevention	\$90,000	Smith (NJ)	
D0J	OJP-JJ	KidsPeace, Altamonte Springs, FL	KidsPeace Florida Therapeutic Foster Care Program	\$200,000	Mica	Nelson, Bill
D0J	OJP-JJ	KidsPeace, Clifton, NJ	KidsPeace Cumberland County Therapeutic Foster Care Program	\$250,000		Lautenberg; Menendez

**COMMERCE, JUSTICE, SCIENCE—Continued**  
[Congressionally Directed Spending Items]

Agency	Account	Recipient	Title	Amount	Requester(s)	
					House	Senate
DOJ	OJP-JJ	KidsPeace, West Seneca, NY	KidsPeace Ithaca Therapeutic Foster Care Program	\$250,000	Hinchey	
DOJ	OJP-JJ	KidsVoice, Pittsburgh, PA	Child Advocacy Program	\$500,000	Murphy, Tim; Doyle	Specter
DOJ	OJP-JJ	Klingberg Family Centers, Hartford, CT	Klingberg Child Abuse Treatment Services	\$400,000	Larson (CT)	
DOJ	OJP-JJ	LA County—Department of Children and Family Services, Los Angeles, CA	Independent Living Program, San Gabriel Valley	\$250,000	Schiff	
DOJ	OJP-JJ	LACER, Los Angeles, CA	At the Park After Dark	\$75,000	Becerra	
DOJ	OJP-JJ	Latin American Youth Center, Washington, DC,	Maryland Multicultural Youth Centers	\$750,000	Van Hollen	Mikulski
DOJ	OJP-JJ	Laughlin Community Center, Inc., Wheeling, WV	Laughlin Community Center Science and Mathematics Excellence Program	\$70,000	Mollohan	
DOJ	OJP-JJ	Logan City School District, Logan, UT	School-Based Language Learning Centers for At-Risk Youth	\$250,000	Bishop (UT)	Hatch
DOJ	OJP-JJ	Long Beach Community College District, Long Beach, CA	Business Training for At-Risk Youth in Watts-Wilowbrook	\$100,000	Sanchez, Linda	
DOJ	OJP-JJ	Lower Brule Sioux Tribe, Lower Brule, SD	Lower Brule Sioux Tribe Boys and Girls Club	\$300,000	Herseth Sandlin	Johnson; Thune
DOJ	OJP-JJ	M.L. Wilson Boys & Girls Club of Harlem, New York, NY	Career Launch/Club Service	\$100,000	Rangel	
DOJ	OJP-JJ	Main Line Chinese Culture Center, Inc. (MLCCC), Wynnewood, PA	Preparing Philadelphia	\$100,000	Brady (PA)	
DOJ	OJP-JJ	Martin Luther King Jr. Freedom Center, Oakland, CA	Youth Non-Violent Leadership Program	\$250,000	Lee (CA)	
DOJ	OJP-JJ	Mary Mitchell Family and Youth Center, Inc., Bronx, NY	Mary Mitchell Family and Youth Center: Ongoing Programs for At-Risk Youth	\$250,000	Serrano	
DOJ	OJP-JJ	Maryland Association of Youth Services Bureaus, Greenbelt, MD	Maryland Association of Youth Services Bureaus	\$1,000,000	Ruppersberger; Sarbanes	Mikulski
DOJ	OJP-JJ	Maryland Department of Juvenile Services, Baltimore, MD	Maryland Civic Justice Corps	\$200,000	Sarbanes; Cummings	
DOJ	OJP-JJ	Maui Economic Opportunity, Wailuku, HI	Ka Wili Pu Project	\$350,000	Hirono	Akaka
DOJ	OJP-JJ	Men Engaged in Nonviolence, Inc., Taos, NM	Men Engaged in Nonviolence Activities Program	\$24,000	Lujan	
DOJ	OJP-JJ	Middlecreek Area Community Center, Beaver Springs, PA	Linkages Mentoring Program and Youth Aid Panel	\$100,000	Carney	
DOJ	OJP-JJ	Miller County New Vision Coalition, Inc., Colquitt, GA	Too Good for Drugs After-School Program	\$80,000	Bishop (GA)	
DOJ	OJP-JJ	Milwaukee Public Schools, Milwaukee, WI	Milwaukee Summer Stars	\$200,000		Kohl
DOJ	OJP-JJ	Mission Kids Child Advocacy Center, Norristown, PA	Child Abuse and Advocacy Program	\$50,000	Schwartz	Specter
DOJ	OJP-JJ	Mobius Inc., Burlington, VT	Mentoring Collaborative	\$500,000		Leahy

DOJ	OJP-JJ	Montana Second Judicial District—Judicial Probation Office, Butte, MT	Butte—Silver Bow Youth Project		\$175,000		Tester; Baucus
DOJ	OJP-JJ	Montana Youth and District Court Services Bureau, Helena, MT	MONTA-Juvenile Justice System		\$600,000	Rehberg	
DOJ	OJP-JJ	Mount Sinai Adolescent Health Center, New York, NY	Violence and Risky Behaviors Prevention		\$100,000	Rangel	
DOJ	OJP-JJ	Museum of the City of New York, New York, NY	Out of School Time		\$350,000	Maloney; Rangel	
DOJ	OJP-JJ	My Turn Inc., Brockton, MA	Out-of-School Youth Intervention Program		\$200,000	McGovern	Kennedy; Kerry
DOJ	OJP-JJ	National Center for Fathering, Shawnee Mission, KS	Watch D.O.G.S (Dads of Great Students)		\$900,000		Brownback
DOJ	OJP-JJ	National Council of Juvenile and Family Court Judges, Reno, NV	Judicial Training, Research & Technical Assistance		\$600,000	Heller; Honda; Berkley; Conyers; Delauro; Grijalva; McDermott	Leahy; Bennett; Landrieu; Reid; Hatch; Ensign
DOJ	OJP-JJ	National Council on Crime and Delinquency (NCCD), Oakland, CA	Juvenile Delinquency Prevention Center for Asian Pacific Islander Youth in Oakland		\$100,000	Lee (CA)	
DOJ	OJP-JJ	New Freedom Theater, Philadelphia, PA	Performing Arts Training Program (PATP)		\$100,000	Fattah	
DOJ	OJP-JJ	New Mexico Children Youth and Family Services, Santa Fe, NM	Juvenile Justice Pilot Project		\$250,000		Bingaman; Udall, T.
DOJ	OJP-JJ	New Mexico Sheriff and Police Athletic League, Albuquerque, NM	Anti-Gang Initiative and the Be a Fit Kid Health Mentorship Program		\$275,000	Lujan	Bingaman; Udall, T.
DOJ	OJP-JJ	New York City Outward Bound Center, Inc., Long Island City, NY	At-Risk Students Program		\$200,000	Maloney	Schumer
DOJ	OJP-JJ	New York Junior Tennis League, Woodside, NY	Tennis, Sports, Literacy, and Education Programs for High Risk New York City Young People from Low-Income Families		\$100,000	Clarke	
DOJ	OJP-JJ	North Alabama Child Maltreatment Collaborative, Huntsville, AL	National Children's Advocacy Center		\$350,000	Griffith	
DOJ	OJP-JJ	North Carolina Mentoring Partnership, Raleigh, NC	North Carolina Mentoring Partnership: Mentoring Programs for At-Risk Youth		\$400,000	Price (NC); Watt	
DOJ	OJP-JJ	North East Florida Education Consortium, Palatka, FL	North East Florida Education Consortium Dropout Prevention		\$450,000	Boyd	Nelson, Bill
DOJ	OJP-JJ	Northern Forest Canoe Trail, Waitsfield, VT	Northern Forest Explorers Outdoor Program		\$300,000	Pingree (ME); Welch; Arcuri; McHugh	
DOJ	OJP-JJ	Northwest Bronx Community and Clergy Coalition, Bronx, NY	Sistas and Brothas (S&B) United Youth Leadership Program		\$100,000	Serrano	
DOJ	OJP-JJ	Ocean Tides School, Narragansett, RI	School-to-Work Training for At-Risk Youths		\$500,000	Langevin	Reed; Whitehouse
DOJ	OJP-JJ	Office of the Attorney General of Virginia, Richmond, VA	Gang Prevention Coordination Program		\$100,000	Scott (VA)	
DOJ	OJP-JJ	Ogden City School District, Ogden, UT	Ogden Juvenile Delinquency Prevention Initiative		\$375,000	Bishop (UT)	Hatch
DOJ	OJP-JJ	Ohel Children, New York, NY	Ohel At-Risk Youth and Child Abuse Prevention program		\$250,000	Rangel	
DOJ	OJP-JJ	Ohel Children's Home & Family Services, Teaneck, NJ	At-Risk Youth and Child Abuse Prevention Program		\$200,000	Rothman (NJ)	Lautenberg; Menendez

**COMMERCE, JUSTICE, SCIENCE—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Recipient	Title	Amount	Requester(s)	
					House	Senate
DOJ	OJP-JJ	Onel Children's Home and Family Services, Brooklyn, NY	At Risk Youth and Child Abuse Prevention Program	\$350,000	Velazquez; Nadler (NY); Clarke; Engel; McCarthy (NY); Weiner	Gillibrand
DOJ	OJP-JJ	Onel Children's Home and Family Services, Miami Beach, FL	At Risk Youth and Child Abuse Prevention Program	\$200,000	Klein (FL); Ros-Lehtinen; Wasserman Schultz	Nelson, Bill
DOJ	OJP-JJ	Ohio Assn of Police Athletic/Activities League, Euclid, OH	Ohio Police Assn of Police Athletic/Activities League Cops and Kids	\$200,000	Ryan (OH)	
DOJ	OJP-JJ	Old Bethel UMC, Charleston, SC	Bethel Community Outreach Program	\$300,000	Clyburn	
DOJ	OJP-JJ	Olive Crest—Pacific Northwest, Tacoma, WA	Push to Permanence Project	\$500,000	Dicks	Murray
DOJ	OJP-JJ	Olive Crest Treatment Centers, Santa Ana, CA	Olive Crest Independent Living Skills for At-Risk Youth	\$500,000	Calvert; Bono Mack; Sanchez, Loretta	
DOJ	OJP-JJ	Operation QT, Inc., Paradise Valley, AZ	Operation Quality Time After School Program	\$300,000	Pastor (AZ)	
DOJ	OJP-JJ	Orange Police Department, Orange, MA	Implementation of the Training Active Bystanders Program and Enhancing Community Policing, Athol, Orange, Fitchburg, Greenfield, Holyoke and Pittsfield, MA	\$620,000	Oliver	
DOJ	OJP-JJ	Orangeburg Consolidated School District Five, Orangeburg, SC	Alternative Youth Education Program	\$500,000	Clyburn	
DOJ	OJP-JJ	Oriando Health, Orlando, FL	Orange County Children's Advocacy Center Programs	\$250,000	Grayson; Kosmas; Brown, Corrine	Nelson, Bill; Martinez
DOJ	OJP-JJ	Outright Vermont, Burlington, VT	Rural Vermont Bullying Initiative	\$100,000	Welch	
DOJ	OJP-JJ	Overtown Youth Center, Inc., Miami, FL	At Risk Youth Program	\$100,000	Meek (FL)	
DOJ	OJP-JJ	PA Chapter Children's Advocacy Centers and Multidisciplinary Teams, Erie, PA	Internet Child Safety Education	\$200,000		Casey
DOJ	OJP-JJ	PACE Center for Girls, Inc., Jacksonville, FL	PACEWorks!	\$400,000	Wasserman Schultz; Brown, Corrine; Crenshaw	
DOJ	OJP-JJ	Pasadena Symphony Association, Pasadena, CA	Music Access and Education for At-Risk Youth	\$75,000	Schiff	
DOJ	OJP-JJ	Patrick Henry Community College, Martinsville, VA	At Risk Youth Program	\$300,000	Perriello	
DOJ	OJP-JJ	Pawtucket Police Department, Pawtucket, RI	Pawtucket At-risk Youth Program	\$100,000	Kennedy	
DOJ	OJP-JJ	PAX/Real Solutions to Gun Violence, New York City, NY	Speak Up Hotline and Awareness Campaign Access Expansion	\$850,000		Gillibrand
DOJ	OJP-JJ	Pee Dee Boys and Girls Club, Florence, SC	At-risk Youth Intervention	\$400,000	Clyburn	
DOJ	OJP-JJ	Pemi Youth Center, Plymouth, NH	Pemi Youth Center After School Program	\$125,000	Hodes	
DOJ	OJP-JJ	Pennsylvania Coalition Against Domestic Violence, Harrisburg, PA	Use of Technology to Enhance the Capacity of Local Community-Based Domestic Violence Programs to Provide Services and Improve Outcomes	\$150,000		Specter; Casey

DOJ	OJP-JJ	PEOPLE TO PEOPLE, Newport News, VA	PEOPLE TO PEOPLE Neighborhood Center Pilot Project, Newport News, Virginia	\$200,000	Scott (VA)
DOJ	OJP-JJ	Philadelphia Teen Court, Philadelphia, PA	Teen Court Program	\$100,000	Fattah
DOJ	OJP-JJ	Phoenix Academy of Orange County, Santa Ana, CA	Strengthening Family and Substance Abuse Services for At-Risk Youth	\$230,000	Sanchez, Loretta
DOJ	OJP-JJ	Phoenix Academy, Lake View Terrace, CA	Strengthening Family and Mental Health Services for Underserved Youth in Los Angeles County	\$800,000	Sherman, Harman; Berman; Roybal-Allard
DOJ	OJP-JJ	Pinellas County Board of County Commissioners, Clearwater, FL	Pinellas County At-Risk Youth Diversion Prevention Project	\$300,000	Young (FL); Castor (FL)
DOJ	OJP-JJ	POINT Community Development Corporation, Bronx, NY	The POINT Community Development Corporation: Youth Development Program	\$150,000	Serrano
DOJ	OJP-JJ	Police Athletic League, Norristown, PA	Norristown Youth Program Support	\$90,000	Gerlach
DOJ	OJP-JJ	Police Athletic League, Toledo, OH	Police Athletic League Youth Center	\$300,000	Kaptur
DOJ	OJP-JJ	Polk County Sheriff, Bartow, FL	Polk County Gang Prevention Initiative	\$250,000	Putnam
DOJ	OJP-JJ	Project Avary (Alternative Ventures to At-Risk Youth), Novato, CA	Building Skills and Capacity of Children of Prisoners	\$125,000	Pelosi; Woolsey
DOJ	OJP-JJ	Project Goal, Providence, RI	Champions of Change/Project Goal	\$100,000	Kennedy
DOJ	OJP-JJ	Project Rebound, Inc., Columbus, GA	Juvenile Diversion Program	\$250,000	Bishop (GA)
DOJ	OJP-JJ	Pulaski County Youth Services, Little Rock, AR	Youth Initiative to Encourage Learning and Development	\$350,000	Snyder
DOJ	OJP-JJ	Ramsey County Community Corrections, St. Paul, MN	Juvenile Detention Alternatives Initiative (JDAI)	\$560,000	McCollum
DOJ	OJP-JJ	Reconcile New Orleans, Inc., New Orleans, LA	Reconcile New Orleans Workforce Development Training Program	\$300,000	Landrieu
DOJ	OJP-JJ	Restoration Ministries, Harvey, IL	Project Intercept	\$200,000	Jackson (IL)
DOJ	OJP-JJ	Resurrection Health Care, Broadview, IL	Multi-Systemic Therapy Program	\$210,000	Gutierrez
DOJ	OJP-JJ	Richmond Black Firefighters Association, Richmond, CA	Richmond Youth Academy	\$250,000	Miller, George
DOJ	OJP-JJ	Richmond Police Activities League, Richmond, CA	Changing Habits, Attitudes & Mind Program (CHAMP)	\$390,000	Miller, George
DOJ	OJP-JJ	Rocking the Boat, Inc., Bronx, NY	RTB Education Programs for At-Risk Youth	\$250,000	Serrano
DOJ	OJP-JJ	Safe Harbor Child Advocacy Center, Inc., Madison, WI	Child Abuse Victim Services	\$195,000	Baldwin
DOJ	OJP-JJ	Saint Joseph's University, Philadelphia, PA	Institute for Violence Research and Prevention	\$200,000	Brady (PA); Gerlach
DOJ	OJP-JJ	San Fernando Valley Partnership, Inc., San Fernando, CA	Chicas in Control and Succeeding	\$450,000	Berman
DOJ	OJP-JJ	Santa Clara County of Education, San Jose, CA	Information Network for Student Success	\$400,000	Honda
DOJ	OJP-JJ	Save Our Future, Inc. Los Angeles, CA	Save Our Future/Mothers On the March After-School Program, Intervention & Enrichment	\$300,000	Watson
DOJ	OJP-JJ	Save the Children, Washington, DC	Juvenile Delinquency Prevention Program	\$300,000	Pryor, Lincoln

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**[Congressionally Directed Spending Items]**

Agency	Account	Recipient	Title	Amount	Requester(s)	
					House	Senate
DOJ	OJP-JJ	Save the Children, Westport, CT	Arkansas Rural Literacy Program	\$300,000	Berry	
DOJ	OJP-JJ	School Biz Match, Inc., Washington, DC	K-12 Community-based Partnership Pilot Program	\$500,000	Norton	
DOJ	OJP-JJ	School District of Palm Beach County, West Palm Beach, FL	Career Education for At-risk and Adjudicated Youth	\$200,000	Wexler; Hastings (FL)	Nelson, Bill
DOJ	OJP-JJ	Sea Research Foundation, Mystic, CT	Immersion Presents After-School Program	\$300,000	Courtney; Delauro	Dodd; Lieberman
DOJ	OJP-JJ	SGA Youth and Family Services, Chicago, IL	Juvenile Justice Program	\$225,000	Gutierrez	Durbin
DOJ	OJP-JJ	Sid Jacobson Jewish Community Center, East Hills, NY	Youth Action After School Program	\$200,000	Ackerman	
DOJ	OJP-JJ	Siena College, Loudonville, NY	Siena College At-Risk Youth Service Initiative	\$100,000	Tonko	Schumer
DOJ	OJP-JJ	Soundview Community in Action, Bronx, NY	Outreach Programs for At-Risk Youth	\$300,000	Crowley	
DOJ	OJP-JJ	South Central Community Services, Inc., Chicago, IL	SCCS, Inc. At-Risk Youth program	\$300,000	Rush	
DOJ	OJP-JJ	Southwest Georgia Humanitarian Rural Outreach, Bainbridge, GA	Rural Outreach Program	\$75,000	Bishop (GA)	
DOJ	OJP-JJ	Sports Foundation, Inc., Bronx, NY	SFI Anti-Drug Programs for At-risk Youth, Bronx, New York	\$125,000	Serrano	
DOJ	OJP-JJ	Standing Rock Sioux Tribe, Fort Yates, ND	Standing Rock Sioux Tribe Child Protection Services	\$350,000	Herseth Sandlin	Johnson; Thune
DOJ	OJP-JJ	Starfinder Foundation, Philadelphia, PA	Youth Soccer Gang Prevention Initiative	\$100,000	Fattah	
DOJ	OJP-JJ	Starr Commonwealth—Van Wert, Van Wert, OH	Expansion of the Adolescent Delinquency Program	\$500,000	Latta	
DOJ	OJP-JJ	Starr Commonwealth Battle Creek Campus, Battle Creek, MI	Expansion of Starr Commonwealth Battle Creek Parent-Refered Day Treatment Program	\$300,000	Schauer	
DOJ	OJP-JJ	Starr Commonwealth, Columbus, OH	Structured Therapeutic Living Program	\$200,000		Brown
DOJ	OJP-JJ	Starr Commonwealth, Detroit, MI	Bridges to Responsible Adulthood	\$200,000	Conyers; Kilpatrick (MI)	Levin; Stabenow
DOJ	OJP-JJ	State of Maryland, Baltimore, MD	Gang Prevention and Intervention Services	\$500,000	Ruppersberger; Kratochvil	Cardin
DOJ	OJP-JJ	Suffolk University, Boston, MA	Juvenile Justice Center at Suffolk University	\$250,000	Lynch	Kennedy; Kerry
DOJ	OJP-JJ	Superior Court of California, County of Santa Clara, San Jose, CA	Santa Clara County Delinquency Model Court	\$170,000	Honda	
DOJ	OJP-JJ	Taylor County Family Matters Collaborative, Butler, GA	Taylor County After-School Program	\$145,000	Bishop (GA)	
DOJ	OJP-JJ	Team Focus, Inc., Mobile, AL	Birmingham Mentoring and Education Program	\$500,000	Bonner; Bachus	
DOJ	OJP-JJ	Team Focus, Mobile, AL	Texas Youth Mentoring Program	\$100,000		Hutchison
DOJ	OJP-JJ	Texas A&M Corpus Christi, Corpus Christi, TX	Texas A&M Adjudicated Youth Program	\$250,000	Ortiz	
DOJ	OJP-JJ	The Manor, Jonesville, MI	Children's Safety and Security Updates Project	\$200,000	Schauer	



DOJ	OJP-JJ	Town of Riverhead, Riverhead, NY	Anti-gang Initiative for At-risk Age Groups	\$100,000	Bishop (NY)	
DOJ	OJP-JJ	Truancy Intervention Project Georgia, Inc., Atlanta, GA	Truancy Intervention Project	\$150,000		Isakson
DOJ	OJP-JJ	Turning the Hearts Center, Chula Vista, CA	Turning the Hearts Center Project	\$100,000	Filner	
DOJ	OJP-JJ	U.S. Soccer Foundation, Washington, DC	Champions of Change: Youth Soccer Gang Prevention Initiative	\$200,000	Roybal-Allard	
DOJ	OJP-JJ	Unlich Children, Chicago, IL	Violence Prevention and Youth Leadership Program	\$100,000	Quigley	
DOJ	OJP-JJ	United Methodist Children, Selma, AL	Security and IT Improvements	\$150,000	Bachus; Aderholt	
DOJ	OJP-JJ	United Way for Southeastern Michigan, Detroit, MI	United Way Juvenile Delinquency Prevention Program	\$250,000	Levin; Dingell; Peters	Levin; Stabenow
DOJ	OJP-JJ	United Way of Allegheny County, Pittsburgh, PA	Youth Futures Commission	\$275,000	Doyle	
DOJ	OJP-JJ	United Way of North Central Massachusetts, Fitchburg, MA	Engaging Youth for Success	\$350,000	Oliver	
DOJ	OJP-JJ	University of Colorado at Boulder, Boulder, CO	Colorado Schools Safety Program	\$500,000	Polis	Bennet
DOJ	OJP-JJ	University of Mobile, Mobile, AL	University of Mobile, AL RamKids Program	\$850,000	Bonner	
DOJ	OJP-JJ	University of Montana, Missoula, MT	Montana Safe Schools	\$250,000	Rehberg	Tester; Baucus
DOJ	OJP-JJ	Urban Dreams, Des Moines, IA	Urban Children are Really Essential (U-CARE)	\$200,000	Boswell	
DOJ	OJP-JJ	USA Swimming Foundation, Berkeley Heights, NJ	New Jersey Regional Youth Development Program	\$400,000	Pallone; Payne; Rothman (NJ); Sires	Lautenberg; Menendez
DOJ	OJP-JJ	Valley Youth House Committee, Inc., Allentown, PA	Adventure Challenge Education for Gang Prevention (ACE)	\$200,000	Dent	Specter
DOJ	OJP-JJ	Vermont Department of Children and Families, Waterbury, VT	At-Risk Youth Assistance Programs	\$500,000		Sanders
DOJ	OJP-JJ	Vermont Department of Education, Montpelier, VT	Extended Education Programming at Schools	\$500,000		Sanders
DOJ	OJP-JJ	Virginia Community College System (VCCS), Richmond, VA	Great Expectations Program for Virginias Foster Youth	\$350,000		Webb; Warner
DOJ	OJP-JJ	Virginia Mentoring Partnership, Richmond, VA	Mentoring Programs for At-Risk Youth	\$200,000	Moran (VA); Nye	Webb; Warner
DOJ	OJP-JJ	Washington State Mentors, Issaquah, WA	Mentoring Initiative for At-Risk Youth	\$300,000	Inslee; McDermott	Murray
DOJ	OJP-JJ	Watson Children's Shelter, Missoula, MT	Western Montana Children's Safety Initiative	\$500,000	Rehberg	
DOJ	OJP-JJ	Wayne County Department of Children and Family Services, Detroit, MI	Wayne County, Michigan Juvenile Mentoring Program	\$400,000	Conyers; Dingell	Levin; Stabenow
DOJ	OJP-JJ	Weid County Juvenile Assessment Center, Greeley, CO	Truancy Response and Intervention Program	\$245,000	Markey (CO)	
DOJ	OJP-JJ	Wesley Biblical Seminary, Jackson, MS	Cross-Roads Multi-Cultural Center	\$250,000		Cochran; Wicker
DOJ	OJP-JJ	Widener University, Chester, PA	Widener University Delaware County Violence Prevention Collaborative	\$200,000	Brady (PA)	Specter
DOJ	OJP-JJ	Wisconsin Office of Justice Assistance, Madison, WI	WI Office of Justice Assistance Reducing Truancy through Early Intervention	\$1,000,000		Kohl
DOJ	OJP-JJ	WNY Americorps, West Seneca, NY	WNY Americorps for Programs to Assist At-Risk Youth	\$200,000	Higgins	

**COMMERCE, JUSTICE, SCIENCE—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Recipient	Title	Amount	Requester(s)	
					House	Senate
DOJ	OJP-JJ	Women's Sports Foundation, Atlanta, GA	GoGirlGo! Atlanta Initiative	\$100,000	Lewis (GA)	Chambliss
DOJ	OJP-JJ	Womens Sports Foundation, New York City, NY	GoGirlGo! New York City Initiative	\$250,000	Nadler (NY)	Gillibrand
DOJ	OJP-JJ	Woodstock Film Festival, inc (WFF), Woodstock, NY	Woodstock Film Festival Youth Initiative / Youth at Risk	\$30,000	Hinchee	
DOJ	OJP-JJ	Yakima County, Yakima, WA	Implementation of OJDP Best Practices Gang Model	\$500,000	Hastings (WA)	Murray; Cantwell
DOJ	OJP-JJ	YMCA of Burbank, Burbank, CA	Youth Development and Government Program	\$45,000	Schiff	
DOJ	OJP-JJ	York County Children's Advocacy Center, York, PA	SAFE Team	\$60,000	Platts	
DOJ	OJP-JJ	Youth Advocate Program, Farmington, NM	Gang Prevention Program	\$200,000		Bingaman; Udall, T.
DOJ	OJP-JJ	Youth Advocate Programs, Inc. (YAP), Charleston, SC	South Carolina Gang Initiative	\$250,000	Brown (SC)	
DOJ	OJP-JJ	Youth and Tennis, Inc., Jamaica, NY	Juvenile Delinquency Prevention	\$150,000	Meeks (NY)	
DOJ	OJP-JJ	Youth Ministries for Peace and Justice, Bronx, NY	Youth Ministries for Peace and Justice: Education Programs for At-Risk Youth	\$250,000	Serrano	
DOJ	OJP-JJ	YWCA Greater Los Angeles, Los Angeles, CA	Project Empowerment	\$100,000	Watson	
DOJ	OJP-JJ	YWCA Lake County, Waukegan, IL	Minority Family Strengthening Initiative	\$375,000		Durbin; Burris
DOJ	OJP-JJ	YWCA of Indianapolis, Indianapolis, IN	Out of School Time Project for At-Risk Youth	\$100,000	Carson (IN)	Lugar
DOJ	OJP-JJ	YWCA of St. Joseph County, South Bend, IN	Getting Ahead Project for Domestic Violence Survivors and Their Families	\$200,000		Lugar
DOJ	OJP-JJ	YWCA Pasadena, Pasadena, CA	Development and Education Program for At-risk Girls	\$75,000	Schiff	
DOJ	OJP-JJ	Zeipha's Cultural Development Corp., Inc., Tuscaloosa, AL	University of Alabama After-School Delinquency Prevention Program	\$150,000		Shelby
DOJ	OJP-JJ	Zero to Three, Cherokee, NC	Cherokee Court Team for Maltreated Infants and Toddlers	\$100,000	Shuler	
DOJ	OJP-JJ	Zero to Three, Douglasville, GA	Zero to Three: Douglas County Court Team for Maltreated Infants and Toddlers	\$100,000	Scott (GA)	Chambliss; Isakson
DOJ	OJP-JJ	Zero to Three, Hattiesburg, MS	Court Teams for Maltreated Infants and Toddlers	\$300,000	Taylor	Cochran; Wicker
NASA	CAS	Alabama A&M University Research Institute, Normal, AL	High Temperature Materials Research and Development for Crew Exploration Vehicle (CEV) and Crew Launch Vehicle (CLV) Initiatives	\$500,000	Griffith	Shelby
NASA	CAS	Austin Peay State University, Clarksville, TN	Solar Energy Laser Physics Program	\$500,000	Tanner	Alexander
NASA	CAS	Aviation Maintenance Technology Center, Roswell, NM	Flight Research Training Center	\$300,000	Teague	Udall, T
NASA	CAS	Bay Area Houston Economic Partnership, Houston, TX	Bay Area Houston SATOP	\$1,000,000	Paul	Cornyn

NASA	CAS	Baylor College of Medicine, Houston, TX	Center for Space Medicine		\$750,000		Hutchison
NASA	CAS	Baylor University, Waco, TX	Advanced Composite Materials Research		\$400,000	Edwards (TX)	
NASA	CAS	Burlington Community and Economic Development Office, Burlington, VT	Burlington Aviation Technology Center		\$1,500,000		Leahy
NASA	CAS	CORE Philly, Philadelphia, PA	CORE Philly Scholarship Program		\$1,000,000	Fattah	
NASA	CAS	Dillard University, New Orleans, LA	The Dillard University Eighth Grade Initiative		\$300,000	Cao	Landrieu
NASA	CAS	Drew University, Madison, NJ	Drew University Environmental Science Initiative		\$1,000,000	Frelinghuysen	
NASA	CAS	East Stroudsburg University, East Stroudsburg, PA	Marine Science Consortium Student-Faculty Research Collaborative with NASA Goddard Wallops Flight Facility		\$450,000	Kanjorski	Specter
NASA	CAS	Educational Advancement Alliance (EAA), Philadelphia, PA	Math Science and Technology (MST) Program		\$1,000,000	Fattah	
NASA	CAS	Embry Riddle Aeronautical University Prescott Campus, Prescott, AZ	NASA Educator Resource Center		\$200,000	Kirkpatrick (AZ)	
NASA	CAS	FOTO, Los Angeles, CA	Science Education Programming		\$200,000	Schiff	
NASA	CAS	Foundation for Community Empowerment, Inc., Dallas, TX	Dallas Achieves -- Transforming Public Education in Dallas, Texas, Through Math, Science and Technology Initiatives		\$500,000	Johnson, Eddie Bernice	
NASA	CAS	Fulton-Montgomery Community College, Johnstown, NY	Center for Engineering and Technology—Phase Two		\$300,000	Tonko	Gillibrand
NASA	CAS	Imiloa Astronomy Center, Hilo, HI	Imiloa Astronomy Center		\$2,500,000	Hirono	Inouye; Akaka
NASA	CAS	Johnson Space Center, Houston, TX	Constellation Program Data Storage Equipment and Systems		\$250,000		Hutchison
NASA	CAS	Lehigh University, Bethlehem, PA	Nanomaterials Research		\$250,000	Dent	Specter; Casey
NASA	CAS	Loma Linda University Medical Center, Loma Linda, CA	Space Radiation Health Research Program		\$2,800,000	Lewis (CA)	
NASA	CAS	Marshall Space Flight Center, Huntsville, AL	Advanced Algorithm, Integration, and Maturation		\$1,000,000		Shelby
NASA	CAS	Marshall Space Flight Center, Huntsville, AL	Development of Characterization Techniques for Advanced High Temperature Materials in Space Launch Applications		\$1,000,000		Shelby
NASA	CAS	Marshall Space Flight Center, Huntsville, AL	Increasing K-16 Genetics and Biotechnology Education		\$1,000,000		Shelby
NASA	CAS	Marshall Space Flight Center, Huntsville, AL	Product Lifecycle Management and Advanced Modeling and Simulation Methods		\$1,000,000		Shelby
NASA	CAS	Marshall Space Flight Center, Huntsville, AL	Radically Segmented Launch Vehicle (RSLV) LOX/Methane Technology Maturation Program		\$1,000,000		Kohl
NASA	CAS	Marshall Space Flight Center, Huntsville, AL	Robotic Lander Multi-Propellant Diagnostic Test Bed		\$1,000,000		Shelby
NASA	CAS	Marshall Space Flight Center, Huntsville, AL	Space Nuclear Power Systems Research & Development		\$1,000,000		Shelby

**COMMERCE, JUSTICE, SCIENCE—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Recipient	Title	Amount	Requester(s)	
					House	Senate
NASA	CAS	Morgan State University, University of Maryland Eastern Shore, and Bowie State University, Baltimore, Princess Anne and Bowie, MD	Chesapeake Information Based Aeronautics Consortium (CIBAC)	\$3,000,000	Cummings; Kravitz	Mikulski; Cardin
NASA	CAS	MTSU, Murfreesboro, TN	Aviation Safety and Human Factors Research Using Emerging Technologies	\$700,000	Gordon (TN)	
NASA	CAS	National Institute for Aviation Research, Wichita, KS	National Center for Advanced Materials Performance	\$600,000		Brownback; Roberts
NASA	CAS	National Youth Science Foundation, Charleston, WV	Youth Science Discovery Experience and science center curriculum	\$400,000	Mollohan	
NASA	CAS	New Mexico State University, Las Cruces, NM	Science, Engineering, Math, and Aerospace Academy	\$200,000	Teague	Bingaman; Udall, T.
NASA	CAS	Northern Kentucky University Foundation, Highland Heights, KY	Sky Dome: Strengthening Science Achievement in Grades 4 until 12 through Immersive Technology	\$200,000		Bunning
NASA	CAS	Rocky Mountain College, Billings, MT	Bair Science Center	\$125,000		Tester; Baucus
NASA	CAS	ScienceSouth, Florence, SC	Innovative Science Learning Center	\$500,000	Clyburn	
NASA	CAS	Sci-Port: Louisiana's Science Center, Shreveport, LA	Sci-Port: Renewing Science Education in the South	\$300,000		Landrieu
NASA	CAS	Southeast Missouri State University, Cape Girardeau, MO	Missouri NASA Math, Science and Technology Education Enhancement Program	\$500,000		Bond
NASA	CAS	Space Dynamics Laboratory, Logan, UT	Technical Support of Satellite Sensor Calibration for the Global Climate Observing System	\$400,000		Bennett
NASA	CAS	Space Florida, Kennedy Space Center, FL	Launch Complexes 36 and 46	\$1,100,000		Nelson, Bill
NASA	CAS	Space Florida, Kennedy Space Center, FL	Thermal Vacuum Chamber	\$400,000		Nelson, Bill
NASA	CAS	St. Louis Community College, St. Louis, MO	St. Louis Community College BioBench and Training Facility	\$600,000		Bond
NASA	CAS	Teach for America, New York, NY	Teach for America STEM Activities	\$3,000,000		Mikulski
NASA	CAS	Technological Research And Development Authority, Melbourne, FL	Space Alliance Technology Outreach Program	\$100,000	Lujan	Nelson, Bill; Martinez
NASA	CAS	Tennessee Tech, Cookeville, TN	Center for Teaching & Learning in Science, Technology, Engineering and Math (STEM)	\$400,000	Gordon (TN)	
NASA	CAS	Texas A&M University, College Station, TX	Advanced robotics for Lunar and Martian Exploration	\$750,000	Edwards (TX)	Hutchison
NASA	CAS	Texas Tech University, Lubbock, TX	Engineering support for extended human and robotic space flight missions—Texas Tech University	\$1,000,000	Neugebauer; Hall (TX)	Cornyn
NASA	CAS	Thurgood Marshall College Fund, New York, NY	The Minority Science Initiative	\$100,000	Ruppersberger; Cummings; Meek (FL)	Landrieu

NASA	CAS	Towson University, Towson, MD	The Baltimore Excellence in Science Teaching (BEST) Partnership	\$1,000,000	Ruppersberger; Sarbanes	Mikulski
NASA	CAS	University of Alabama in Huntsville, Huntsville, AL	Virtual Environment Simulation Laboratory	\$500,000	Aderholt	Shelby
NASA	CAS	University of Alabama, Tuscaloosa, AL	Diagnostic Sensing for Predictive Maintenance of Aerospace Vehicles	\$500,000		Shelby
NASA	CAS	University of Alabama, Tuscaloosa, AL	Miniature Antennas for Unmanned Aerial Vehicles	\$350,000	Aderholt; Bachus	
NASA	CAS	University of Louisville, Louisville, KY	University of Louisville for diagnosing and mitigating human exposure to radiation	\$2,000,000		McConnell; Bunning
NASA	CAS	University of Mississippi, Oxford, MS	National Center for Remote Sensing, Air, and Space Law	\$2,400,000	Childers	Cochran
NASA	CAS	University of Nebraska Medical Center, Omaha, NE	Supporting Surgical Options in Space	\$2,700,000		Nelson, Ben
NASA	CAS	University of Nevada at Las Vegas, Las Vegas, NV	Gravity Insensitive Solid-Gas Sorption Climate Control System	\$750,000		Reid
NASA	CAS	University of New Orleans, New Orleans, LA	UNO, National Center for Advance Manufacturing	\$250,000		Landrieu; Vitter
NASA	CAS	University of North Dakota, Grand Forks, ND	Upper Midwest Aerospace Consortium	\$3,000,000	Pomero	Dorgan; Conrad
NASA	CAS	University of Northern Iowa, Cedar Falls, IA	National Institute for Early Math and Science Education	\$700,000	Braley (IA)	Harkin; Grassley
NASA	CAS	University of South Alabama, Mobile, AL	Center for Advanced Materials Engineering	\$500,000		Shelby
NASA	CAS	University of Southern Mississippi, Hattiesburg, MS	National Formulation Science Laboratory Equipment Request	\$1,000,000		Cochran
NASA	CAS	University of Southern Mississippi, Hattiesburg, MS	Technology Industry Partnership for transitioning space technologies into the commercial sector	\$1,000,000		Cochran; Wicker
NASA	CAS	University of Toledo, Toledo, OH	Advanced Photovoltaics Array Testing	\$500,000	Kaptur	
NASA	CAS	University of Vermont, Burlington, VT	Complex Systems and Advanced Computing Center	\$500,000		Leahy
NASA	CAS	University of Mississippi, University, MS	Innovative STEM Education	\$200,000	Childers	
NASA	CAS	West Virginia University, Morgantown, WV	Aviation Safety Research and Design	\$1,500,000	Mollohan	
NASA	CAS	Wheeling Jesuit University, Wheeling, WV	Great Science Online	\$300,000	Mollohan	
NASA	CAS	Wheeling Jesuit University, Wheeling, WV	HEALTHeW	\$5,000,000		Byrd
NASA	CAS	Wheelock College, Boston, MA	Math and Science Learning Community	\$800,000	Capuano	Kennedy; Kerry
NASA	CAS	Xavier University, New Orleans, LA	STEM Summer Program	\$400,000	Cao	Landrieu

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DEPARTMENTS OF COMMERCE AND JUSTICE, AND SCIENCE, AND RELATED AGENCIES  
 APPROPRIATIONS BILL, FY 2010 (H.R. 2847)  
 (Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference	Conference vs. Enacted
<b>TITLE I - DEPARTMENT OF COMMERCE</b>				
<b>International Trade Administration</b>				
Operations and administration.....	429,870	449,704	456,204	+26,334
Offsetting fee collections.....	-9,439	-9,439	-9,439	---
Direct appropriation.....	420,431	440,265	446,765	+26,334
<b>Bureau of Industry and Security</b>				
Operations and administration.....	68,909	85,575	85,575	+16,666
CWC enforcement.....	14,767	14,767	14,767	---
Total, Bureau of Industry and Security.....	83,676	100,342	100,342	+16,666
<b>Economic Development Administration</b>				
Economic development assistance programs.....	240,000	246,000	255,000	+15,000
Emergency appropriations (P.L. 111-5).....	150,000	---	---	-150,000
Emergency appropriations (P.L. 111-32).....	40,000	---	---	-40,000
Subtotal.....	430,000	246,000	255,000	-175,000
Salaries and expenses.....	32,800	38,000	38,000	+5,200
Total, Economic Development Administration.....	462,800	284,000	293,000	-169,800
Appropriations.....	(272,800)	(284,000)	(293,000)	(+20,200)
Emergency appropriations.....	(190,000)	---	---	(-190,000)
Minority business development.....	29,825	31,000	31,500	+1,675
Economic and Statistical Analysis.....	90,621	105,000	97,255	+6,634
<b>Bureau of the Census</b>				
Salaries and expenses.....	233,588	259,024	259,024	+25,436
Periodic censuses and programs.....	2,906,262	7,115,707	7,065,707	+4,159,445
Emergency appropriations (P.L. 111-5).....	1,000,000	---	---	-1,000,000
Subtotal.....	3,906,262	7,115,707	7,065,707	+3,159,445
Total, Bureau of the Census.....	4,139,850	7,374,731	7,324,731	+3,164,881
Appropriations.....	(3,139,850)	(7,374,731)	(7,324,731)	(+4,164,881)
Emergency appropriations.....	(1,000,000)	---	---	(-1,000,000)
<b>National Telecommunications and Information Administration</b>				
Salaries and expenses.....	19,218	19,999	19,999	+781
Public telecommunications facilities, planning and construction.....	20,000	---	20,000	---
Broadband technology opportunities program, Recovery Act (emergency) (P.L. 111-5).....	4,700,000	---	---	-4,700,000
Digital-to-analog converter box program, Recovery Act (emergency) (P.L. 111-5).....	650,000	---	---	-650,000
Total, National Telecommunications and Information Administration.....	5,389,218	19,999	39,999	-5,349,219
Appropriations.....	(39,218)	(19,999)	(39,999)	(+781)
Emergency appropriations.....	(5,350,000)	---	---	(-5,350,000)

DEPARTMENTS OF COMMERCE AND JUSTICE, AND SCIENCE, AND RELATED AGENCIES  
 APPROPRIATIONS BILL, FY 2010 (H.R. 2847)  
 (Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference	Conference vs. Enacted
<b>United States Patent and Trademark Office</b>				
Current year fee funding.....	2,010,100	1,930,361	1,887,000	-123,100
Offsetting fee collections.....	-2,087,000	-1,930,361	-1,887,000	+200,000
<b>Total, Patent and Trademark Office.....</b>	<b>-76,900</b>	<b>---</b>	<b>---</b>	<b>+76,900</b>
<b>National Institute of Standards and Technology</b>				
Scientific and technical research and services.....	472,000	534,600	515,000	+43,000
(Transfer out).....	(-9,000)	(-9,000)	(-9,000)	---
Emergency appropriations (P.L. 111-5).....	220,000	---	---	-220,000
<b>Subtotal.....</b>	<b>692,000</b>	<b>534,600</b>	<b>515,000</b>	<b>-177,000</b>
Industrial technology services.....	175,000	194,600	194,600	+19,600
Manufacturing Extension Partnerships.....	(110,000)	(124,700)	(124,700)	(+14,700)
Technology Innovation Program.....	(65,000)	(69,900)	(69,900)	(+4,900)
Construction of research facilities.....	172,000	116,900	147,000	-25,000
Emergency appropriations (P.L. 111-5).....	360,000	---	---	-360,000
<b>Subtotal.....</b>	<b>532,000</b>	<b>116,900</b>	<b>147,000</b>	<b>-385,000</b>
Working capital fund (by transfer).....	(9,000)	(9,000)	(9,000)	---
<b>Total, National Institute of Standards and Technology.....</b>	<b>1,399,000</b>	<b>846,100</b>	<b>856,600</b>	<b>-542,400</b>
Appropriations.....	(819,000)	(846,100)	(856,600)	(+37,600)
Emergency appropriations.....	(580,000)	---	---	(-580,000)
<b>National Oceanic and Atmospheric Administration</b>				
Operations, research, and facilities.....	3,045,549	3,087,537	3,305,178	+259,629
Emergency appropriations (P.L. 111-5).....	230,000	---	---	-230,000
(by transfer).....	(79,000)	(104,600)	(104,600)	(+25,600)
Promote and Develop Fund (transfer out).....	(-79,000)	(-104,600)	(-104,600)	(-25,600)
Coastal zone management transfer.....	3,000	3,000	3,000	---
Pacific coastal salmon recovery (transfer out) (budget amendment).....	---	(-50,000)	---	---
<b>Subtotal.....</b>	<b>3,278,549</b>	<b>3,090,537</b>	<b>3,306,178</b>	<b>+29,629</b>
Procurement, acquisition and construction.....	1,243,647	1,391,279	1,358,353	+114,706
Emergency appropriations (P.L. 111-5).....	600,000	---	---	-600,000
<b>Subtotal.....</b>	<b>1,843,647</b>	<b>1,391,279</b>	<b>1,358,353</b>	<b>-485,294</b>
Pacific coastal salmon recovery.....	80,000	---	80,000	---
Pacific coastal salmon recovery (by transfer) (budget amendment).....	---	(50,000)	---	---
Coastal zone management fund.....	-3,000	-3,000	-3,000	---
Fisheries finance program account.....	-4,000	-5,000	-6,000	-2,000
<b>Total, National Oceanic and Atmospheric Administration.....</b>	<b>5,195,196</b>	<b>4,473,816</b>	<b>4,737,531</b>	<b>-457,665</b>
Appropriations.....	(4,365,196)	(4,473,816)	(4,737,531)	(+372,335)
Emergency appropriations.....	(830,000)	---	---	(-830,000)
<b>Departmental Management</b>				
Salaries and expenses.....	53,000	64,000	58,000	+5,000
Herbert C Hoover Building renovation and modernization	5,000	22,500	22,500	+17,500



DEPARTMENTS OF COMMERCE AND JUSTICE, AND SCIENCE, AND RELATED AGENCIES  
 APPROPRIATIONS BILL, FY 2010 (H.R. 2847)  
 (Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference	Conference vs. Enacted
Office of Inspector General.....	25,800	27,000	27,000	+1,200
Emergency appropriations (P.L. 111-5).....	6,000	---	---	-6,000
Subtotal.....	31,800	27,000	27,000	-4,800
Total, Departmental Management.....	89,800	113,500	107,500	+17,700
Appropriations.....	(83,800)	(113,500)	(107,500)	(+23,700)
Emergency appropriations.....	(6,000)	---	---	(-6,000)
Total, title I, Department of Commerce.....	17,223,517	13,788,753	14,035,223	-3,188,294
Appropriations.....	(9,267,517)	(13,788,753)	(14,035,223)	(+4,767,706)
Emergency appropriations.....	(7,956,000)	---	---	(-7,956,000)
(By transfer).....	(88,000)	(163,600)	(113,600)	(+25,600)
(Transfer out).....	(-88,000)	(-163,600)	(-113,600)	(-25,600)
(Total discretionary, excluding emergencies) ..	9,270,517	13,791,753	14,038,223	+4,767,706

## TITLE II - DEPARTMENT OF JUSTICE

## General Administration

Salaries and expenses.....	105,805	178,488	118,488	+12,683
National Drug Intelligence Center.....	---	44,023	44,023	+44,023
Justice information sharing technology.....	80,000	123,617	88,285	+8,285
Tactical law enforcement wireless communications.....	185,000	205,143	206,143	+21,143
Total, General Administration.....	370,805	551,271	456,939	+86,134
Administrative review and appeals.....	270,000	300,685	300,685	+30,685
Transfer from immigration examinations fee account	-4,000	-4,000	-4,000	---
Direct appropriation.....	266,000	296,685	296,685	+30,685
Detention trustee.....	1,295,319	1,438,663	1,438,663	+143,344
Emergency appropriations (P.L. 111-32).....	60,000	---	---	-60,000
Subtotal.....	1,355,319	1,438,663	1,438,663	+83,344
Office of Inspector General.....	75,681	84,368	84,368	+8,687
Emergency appropriations (P.L. 111-5).....	2,000	---	---	-2,000
Emergency appropriations (P.L. 111-32).....	3,000	---	---	-3,000
Rescission (emergency)(P.L. 111-32).....	-3,000	---	---	+3,000
Subtotal.....	77,681	84,368	84,368	+6,687

## United States Parole Commission

Salaries and expenses.....	12,570	12,859	12,859	+289
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## Legal Activities

Salaries and expenses, general legal activities.....	804,007	875,097	875,097	+71,090
Emergency appropriations (P.L. 111-32).....	1,648	---	---	-1,648
Subtotal.....	805,655	875,097	875,097	+69,442
Vaccine injury compensation trust fund.....	7,833	7,833	7,833	---
Antitrust Division, salaries and expenses.....	157,788	163,170	163,170	+5,382
Offsetting fee collections - current year.....	-157,788	-102,000	-102,000	+55,788
Direct appropriation.....	---	61,170	61,170	+61,170

DEPARTMENTS OF COMMERCE AND JUSTICE, AND SCIENCE, AND RELATED AGENCIES  
 APPROPRIATIONS BILL, FY 2010 (H.R. 2847)  
 (Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference	Conference vs. Enacted
United States Attorneys, salaries and expenses.....	1,836,336	1,926,003	1,934,003	+97,667
Emergency appropriations (P.L. 110-32).....	15,000	---	---	-15,000
United States Trustee System Fund.....	217,416	224,488	219,250	+1,834
Offsetting fee collections.....	-160,000	-210,000	-210,000	-50,000
Interest on U.S. securities.....	-5,000	-5,000	-5,000	---
Direct appropriation.....	52,416	9,488	4,250	-48,166
Foreign Claims Settlement Commission.....	1,823	2,117	2,117	+294
Fees and expenses of witnesses.....	168,300	168,300	168,300	---
Salaries and expenses, Community Relations Service....	9,873	11,479	11,479	+1,606
Assets forfeiture fund.....	20,990	20,990	20,990	---
Total, Legal Activities.....	2,918,226	3,062,477	3,085,239	+167,013
United States Marshals Service				
Salaries and expenses.....	950,000	1,138,388	1,125,763	+175,763
Emergency appropriations (P.L. 111-32).....	10,000	---	---	-10,000
Construction.....	4,000	14,000	26,625	+22,625
Total, United States Marshals Service.....	964,000	1,152,388	1,152,388	+188,388
National Security Division				
Salaries and expenses.....	83,789	87,938	87,938	+4,149
Emergency appropriations (P.L. 111-32).....	1,389	---	---	-1,389
Interagency Law Enforcement				
Interagency crime and drug enforcement.....	515,000	537,507	528,569	+13,569
Federal Bureau of Investigation				
Salaries and expenses.....	7,065,100	7,617,675	7,557,556	+492,456
Overseas contingency operations.....	---	101,066	101,066	+101,066
Emergency appropriations (P.L. 110-252).....	82,600	---	---	-82,600
Emergency appropriations (P.L. 111-32).....	35,000	---	---	-35,000
Subtotal.....	7,182,700	7,718,741	7,658,622	+475,922
Construction.....	153,491	142,796	239,915	+86,424
Total, Federal Bureau of Investigation.....	7,336,191	7,861,537	7,898,537	+562,346
Appropriations.....	(7,218,591)	(7,760,471)	(7,797,471)	(+578,880)
Emergency appropriations.....	(117,600)	---	---	(-117,600)
Drug Enforcement Administration				
Salaries and expenses.....	2,183,534	2,266,472	2,271,472	+87,938
Emergency appropriations (P.L. 111-32).....	20,000	---	---	-20,000
Subtotal.....	2,203,534	2,266,472	2,271,472	+67,938
Diversion control fund.....	-244,450	-251,790	-251,790	-7,340
Total, Drug Enforcement Administration.....	1,959,084	2,014,682	2,019,682	+60,598

DEPARTMENTS OF COMMERCE AND JUSTICE, AND SCIENCE, AND RELATED AGENCIES  
 APPROPRIATIONS BILL, FY 2010 (H.R. 2847)  
 (Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference	Conference vs. Enacted
<b>Bureau of Alcohol, Tobacco, Firearms and Explosives</b>				
Salaries and expenses.....	1,054,215	1,114,772	1,114,772	+60,557
Emergency appropriations (P.L. 111-32).....	14,000	---	---	-14,000
Construction.....	---	6,000	6,000	+6,000
Total, Bureau of Alcohol, Tobacco, Firearms and Explosives.....	1,068,215	1,120,772	1,120,772	+52,557
<b>Federal Prison System</b>				
Salaries and expenses.....	5,595,754	5,979,831	6,086,231	+490,477
Emergency appropriations (P.L. 111-32).....	5,038	---	---	-5,038
Subtotal.....	5,600,792	5,979,831	6,086,231	+485,439
Buildings and facilities.....	575,807	96,744	99,155	-476,652
Federal Prison Industries, incorporated (limitation on administrative expenses).....	2,328	2,700	2,700	+372
Total, Federal Prison System.....	6,178,927	6,079,275	6,188,086	+9,159
<b>State and Local Law Enforcement Activities</b>				
<b>Office of Violence Against Women:</b>				
Prevention and prosecution programs.....	415,000	414,000	418,500	+3,500
Emergency appropriations (P.L. 111-5).....	225,000	---	---	-225,000
Subtotal.....	640,000	414,000	418,500	-221,500
<b>Office of Justice Programs:</b>				
Justice assistance.....	220,000	225,000	235,000	+15,000
State and local law enforcement assistance.....	1,328,500	728,000	1,534,768	+206,268
Emergency appropriations (P.L. 111-5).....	2,765,000	---	---	-2,765,000
Subtotal.....	4,093,500	728,000	1,534,768	-2,558,732
Weed and seed program fund.....	25,000	25,000	20,000	-5,000
Juvenile justice programs.....	374,000	317,000	423,595	+49,595
Salaries and expenses.....	---	213,388	---	---
<b>Public safety officers benefits:</b>				
Death benefits.....	110,000	61,000	61,000	-49,000
Disability and education benefits.....	9,100	9,100	9,100	---
Subtotal.....	119,100	70,100	70,100	-49,000
Total, Office of Justice Programs.....	4,831,600	1,578,488	2,283,463	-2,548,137
Appropriations.....	(2,088,600)	(1,578,488)	(2,283,463)	(+216,863)
Emergency appropriations.....	(2,765,000)	---	---	(-2,765,000)
<b>Community oriented policing services:</b>				
Community oriented policing services.....	550,500	761,000	791,608	+241,108
Emergency appropriations (P.L. 111-5).....	1,000,000	---	---	-1,000,000
Subtotal.....	1,550,500	761,000	791,608	-758,892

DEPARTMENTS OF COMMERCE AND JUSTICE, AND SCIENCE, AND RELATED AGENCIES  
 APPROPRIATIONS BILL, FY 2010 (H.R. 2647)  
 (Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference	Conference vs. Enacted
Salaries and expenses.....	195,000	---	213,388	+18,388
Emergency appropriations (P.L. 111-5).....	10,000	---	---	-10,000
Subtotal.....	205,000	---	213,388	+8,388
Total, State and Local Law Enforcement				
Activities.....	7,227,100	2,753,488	3,706,959	-3,520,141
Appropriations.....	(3,227,100)	(2,753,488)	(3,706,959)	(+479,859)
Emergency appropriations.....	(4,000,000)	---	---	(-4,000,000)
=====				
Total, title II, Department of Justice.....	30,334,296	27,073,910	28,077,684	-2,256,612
Appropriations.....	(26,087,621)	(27,073,910)	(28,077,684)	(+1,990,063)
Rescissions (emergency).....	(-3,000)	---	---	(+3,000)
Emergency appropriations.....	(4,249,675)	---	---	(-4,249,675)
(Total discretionary, excluding emergencies)...	(25,814,321)	(26,849,810)	(27,853,384)	(+2,039,063)
=====				
TITLE III - SCIENCE				
Executive Office of the President				
Office of Science and Technology Policy.....	5,303	6,154	7,000	+1,697
National Aeronautics and Space Administration				
Science.....	4,503,019	4,477,200	4,469,000	-34,019
Emergency appropriations (P.L. 111-5).....	400,000	---	---	-400,000
Subtotal.....	4,903,019	4,477,200	4,469,000	-434,019
Aeronautics.....	500,000	507,000	501,000	+1,000
Emergency appropriations (P.L. 111-5).....	150,000	---	---	-150,000
Subtotal.....	650,000	507,000	501,000	-149,000
Exploration.....	3,505,469	3,963,100	3,746,300	+240,831
Emergency appropriations (P.L. 111-5).....	400,000	---	---	-400,000
Subtotal.....	3,905,469	3,963,100	3,746,300	-159,169
Space operations.....	5,764,710	6,175,600	6,146,800	+382,090
Education.....	169,200	126,100	182,500	+13,300
Cross-agency support programs.....	3,306,387	3,400,600	3,194,000	-112,387
Emergency appropriations (P.L. 111-5).....	50,000	---	---	-50,000
Subtotal.....	3,356,387	3,400,600	3,194,000	-162,387
Construction and environmental compliance and remediation.....	---	---	448,300	+448,300
Office of Inspector General.....	33,600	36,400	36,400	+2,800
Emergency appropriations (P.L. 111-5).....	2,000	---	---	-2,000
Subtotal.....	35,600	36,400	36,400	+800
Total, National Aeronautics and Space Administration.....	18,784,385	18,686,000	18,724,300	-60,085
Appropriations.....	(17,782,385)	(18,686,000)	(18,724,300)	(+941,915)
Emergency appropriations.....	(1,002,000)	---	---	(-1,002,000)

DEPARTMENTS OF COMMERCE AND JUSTICE, AND SCIENCE, AND RELATED AGENCIES  
 APPROPRIATIONS BILL, FY 2010 (H.R. 2847)  
 (Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference	Conference vs. Enacted
<b>National Science Foundation</b>				
Research and related activities.....	5,116,100	5,665,240	5,549,920	+433,820
Defense function.....	67,000	68,000	68,000	+1,000
Emergency appropriations (P.L. 111-5).....	2,500,000	---	---	-2,500,000
Subtotal.....	7,683,100	5,733,240	5,617,920	-2,065,180
Major research equipment and facilities construction..	152,010	117,290	117,290	-34,720
Emergency appropriations (P.L. 111-5).....	400,000	---	---	-400,000
Subtotal.....	552,010	117,290	117,290	-434,720
Education and human resources.....	845,260	857,760	872,760	+27,500
Emergency appropriations (P.L. 111-5).....	100,000	---	---	-100,000
Subtotal.....	945,260	857,760	872,760	-72,500
Agency operations and award management.....	294,000	318,370	300,000	+8,000
National Science Board.....	4,030	4,340	4,540	+510
Office of Inspector General.....	12,000	14,000	14,000	+2,000
Emergency appropriations (P.L. 111-5).....	2,000	---	---	-2,000
Subtotal.....	14,000	14,000	14,000	---
Total, National Science Foundation.....	9,492,400	7,045,000	6,926,510	-2,565,890
Appropriations.....	(6,490,400)	(7,045,000)	(6,926,510)	(+436,110)
Emergency appropriations.....	(3,002,000)	---	---	(-3,002,000)
=====				
Total, title III, Science.....	28,282,088	25,737,154	25,657,810	-2,624,278
Appropriations.....	(24,278,088)	(25,737,154)	(25,657,810)	(+1,379,722)
Emergency appropriations.....	(4,004,000)	---	---	(-4,004,000)
(Total discretionary, excluding emergencies)..	(28,282,088)	(25,737,154)	(25,657,810)	(-2,624,278)
=====				
<b>TITLE IV - RELATED AGENCIES</b>				
Commission on Civil Rights.....	8,800	9,400	9,400	+600
Equal Employment Opportunity Commission.....	343,925	367,303	367,303	+23,378
International Trade Commission.....	75,100	82,700	81,880	+6,760
Payment to the Legal Services Corporation.....	390,000	435,000	420,000	+30,000
Marine Mammal Commission.....	3,200	3,000	3,250	+50
Office of the U.S. Trade Representative.....	47,272	48,326	47,826	+554
State Justice Institute.....	4,100	5,131	5,131	+1,031
=====				
Total, title IV, Related Agencies.....	872,397	950,860	934,770	+62,373
=====				

DEPARTMENTS OF COMMERCE AND JUSTICE, AND SCIENCE, AND RELATED AGENCIES  
 APPROPRIATIONS BILL, FY 2010 (H.R. 2847)  
 (Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference	Conference vs. Enacted
-----				
TITLE V - GENERAL PROVISIONS				
Rescissions.....	-610,600	-367,000	-531,200	+79,400
	=====	=====	=====	=====
Grand total.....	76,101,698	67,183,677	68,174,287	-7,927,411
Appropriations.....	(60,505,623)	(67,449,611)	(68,604,421)	(+8,098,798)
Overseas contingency operations.....	---	(101,066)	(101,066)	(+101,066)
Emergency appropriations.....	(16,209,675)	---	---	(-16,209,675)
Rescissions.....	(-610,600)	(-367,000)	(-531,200)	(+79,400)
(By transfer).....	(88,000)	(163,600)	(113,600)	(+25,600)
(Transfer out).....	(-88,000)	(-163,600)	(-113,600)	(-25,600)
	=====	=====	=====	=====

# DIVISION C—FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2010

References in this statement to the Senate bill are to the bill (S. 1432) as reported to the Senate by the Committee on Appropriations on July 9, 2009 (S. Rept. 111-43). References to the House bill are to the bill (H.R. 3170) as passed by the House on July 16, 2009 (H. Rept. 111-202).

Language included in House Report 111-202 or Senate Report 111-43 that is not changed by this joint explanatory statement is approved by the committee of conference. This explanatory statement, while repeating some report language for emphasis, is not intended to negate the language in the referenced House and Senate committee reports unless expressly provided herein.

Where the House or Senate has directed submission of a report, that report is to be submitted to the Committees on Appropriations of both the House of Representatives and the Senate.

## TITLE I

### DEPARTMENT OF THE TREASURY

#### DEPARTMENTAL OFFICES

#### SALARIES AND EXPENSES

##### (INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides \$304,888,000 for departmental offices salaries and expenses, instead of \$303,388,000 as proposed by the House and \$305,712,000 as proposed by the Senate.

For the activities under this heading, the conference agreement provides the following funding levels:

Executive Direction .....	\$21,983,000
Economic Policies and Programs .....	47,249,000
Financial Policies and Programs .....	48,580,000
Terrorism and Financial Intelligence .....	64,611,000
Treasury-wide Management .....	22,679,000
Administration .....	99,786,000

Within the Financial Policies and Programs budget activity, the conference agreement provides an increase of \$1,000,000 above the amount assumed in the budget request for the Department's Office of Financial Education. The Department is directed to target this increase toward further financial education efforts aimed at elementary and high schools, as well as efforts to enhance other financial education efforts, including support for the revision of the national strategy on financial literacy and the development of measurable goals and objectives for the Financial Literacy and Education Commission.

Within the funding provided for economic policies and programs: (1) \$1,500,000 is provided for a comprehensive carbon audit of the Internal Revenue Code, as proposed by both the House and the Senate and as authorized by Public Law 110-343, division B, section 117; and (2) \$1,000,000 is provided for a study on the long-term economic effects of the aging population in the United States, as proposed by the Senate.

The conference agreement includes a provision allowing the Department to transfer up to 4 percent of funds available between budget activities upon notification of the House and Senate Committees on Appropriations. Transfers in excess of 4 percent may be made upon approval of the Committees on Appropriations.

Department Responsiveness.—The conferees are dissatisfied with the responsive-

ness of the Department of the Treasury to questions and requests for information from the House and Senate Appropriations Committees. For example, the Department did not submit to the House and Senate Committees on Appropriations the responses to questions for the record in connection with the Treasury Department fiscal year 2010 budget hearings until several months after the hearings. Questions for the record are submitted to inform the Committees and increase their knowledge of the Administration's activities, ultimately improving the bills enacted into law. The conferees expect that the responsiveness of the Department of the Treasury will dramatically improve from this point forward.

Economic Sanctions and Divestments.—The conferees direct the Department to fully implement the sanctions and divestment measures applicable to North Korea, Burma, Iran, Sudan, and Zimbabwe. The Department is further directed to promptly notify the Appropriations Committees of any resource constraints that adversely impact the implementation of these sanctions programs.

Illegal Garnishment of Federal Benefits.—The conferees reiterate the Senate report language regarding the illegal garnishment of Federal benefits by third-party collectors and direct the Department to provide a written report to the House and Senate Appropriations Committees, within 15 days of enactment of this Act, on the progress in creating guidelines to prevent this illegal garnishment.

*Financial and Economic Stabilization Efforts.*—Given the ongoing need to provide stability to the economic and financial system, along with the billions of dollars in taxpayer funds that have been put at risk in the process, the conferees take very seriously the obligation of the Appropriations Committees to continue to exercise vigorous oversight over all of the Department's efforts in these areas. The conferees reiterate the associated detailed reporting requirements contained in House Report 111-202. The conferees direct the Department to ensure that the stabilization efforts are administered soundly and efficiently in order to minimize risks to the taxpayer. The Department is additionally directed to ensure that these efforts do not hamper the Department's other critical missions. Further, the conferees reiterate the Senate language directing the Department to: (1) develop a more effective strategy for communicating with Congress, the public, and other stakeholders with regard to economic and financial stabilization efforts, as recommended by the Government Accountability Office (GAO), (2) pursue more detailed reporting from entities receiving Troubled Asset Relief Program (TARP) funds, and (3) provide a monthly report on the number and value of foreclosures prevented to date under Treasury programs.

#### DEPARTMENT-WIDE SYSTEMS AND CAPITAL INVESTMENTS PROGRAMS

##### (INCLUDING TRANSFER OF FUNDS)

The conference agreement provides \$9,544,000 for systems and capital investments as proposed by both the House and the Senate.

#### OFFICE OF INSPECTOR GENERAL SALARIES AND EXPENSES

The conference agreement provides \$29,700,000 for the Office of Inspector General as proposed by both the House and the Senate.

#### TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION

##### SALARIES AND EXPENSES

The conference agreement provides \$152,000,000 for salaries and expenses of the Treasury Inspector General for Tax Administration (TIGTA) as proposed by the Senate, instead of \$149,000,000 as proposed by the House.

#### SPECIAL INSPECTOR GENERAL FOR THE TROUBLED ASSET RELIEF PROGRAM

##### SALARIES AND EXPENSES

The conference agreement provides \$23,300,000 for salaries and expenses of the Office of the Special Inspector General for the Troubled Asset Relief Program (SIGTARP). The Emergency Economic Stabilization Act (Public Law 110-343) provided the SIGTARP with a direct appropriation of \$50,000,000 to cover the costs of its audit, investigative and related expenses. It is the understanding of the conferees that this funding level is adequate to allow the SIGTARP to continue its work only for a portion of fiscal year 2010. The conferees have provided additional budget authority in this Act to allow the critical work of the SIGTARP to continue for the entirety of fiscal year 2010.

#### FINANCIAL CRIMES ENFORCEMENT NETWORK

##### SALARIES AND EXPENSES

The conference agreement provides \$111,010,000 for salaries and expenses of the Financial Crimes Enforcement Network (FinCEN), instead of \$117,760,000 as proposed by the House and \$104,260,000 as proposed by the Senate. The conference agreement provides an increase of \$8,250,000 above the budget request. The conferees modify Senate report language and direct that, of the increase above the budget request, not less than \$2,000,000 be used to improve collaboration with other Financial Intelligence Units (FIUs) around the world regarding international anti-money laundering and counterterrorism financing efforts, and to help FIUs to build and strengthen investigative and analytical capabilities.

FinCEN is directed to submit a semiannual report to the House and Senate Appropriations Committees summarizing the agency's progress regarding its information technology modernization effort, including milestones planned and achieved, progress on cost and schedule, management of contractor oversight, strategies to involve stakeholders, and acquisition management efforts.

#### TREASURY FORFEITURE FUND (RESCISSION)

The conference agreement includes a rescission of \$90,000,000 of the unobligated balances in the Treasury Forfeiture Fund, instead of \$50,000,000 as proposed by both the House and the Senate.

The conferees direct the Department to provide information in the Department of the Treasury fiscal year 2011 budget request, as well as updates every 60 days thereafter, on the projected amount of Super Surplus available for obligation in fiscal year 2011.

#### FINANCIAL MANAGEMENT SERVICE SALARIES AND EXPENSES

The conference agreement provides \$244,132,000 for salaries and expenses of the Financial Management Service (FMS) as proposed by both the House and the Senate. *Treasury Securities Sold to Foreign Investors.*—The conferees reiterate the House language requesting that FMS include in the Monthly Treasury Statement the amounts of Treasury securities sold to foreign investors

in the most recent month of available data, as well as a breakdown, by country, of foreign ownership of Treasury securities.

**Federal Government Payment of Card Transaction Fees.**—The conferees reiterate the Senate language regarding the Federal Government's payment of interchange and other fees on credit and debit card transactions and direct FMS to report to the House and Senate Appropriations Committees, within 180 days of enactment of this Act, on the potential cost savings and other benefits to the Federal Government if FMS were able to effectively negotiate (1) changes in the rates and fees assessed by card networks and (2) modifications to the rules and regulations of the card networks which restrict the Federal Government's ability to determine the types of card payments it accepts and the methods by which its transactions are processed.

#### ALCOHOL AND TOBACCO TAX AND TRADE BUREAU

##### SALARIES AND EXPENSES

The conference agreement provides \$103,000,000 for salaries and expenses of the Alcohol and Tobacco Tax and Trade Bureau as proposed by the Senate, instead of \$99,500,000 as proposed by the House. Within this amount, \$3,000,000, available until September 30, 2011, is provided for the hiring, training, and equipping of special agents and related support personnel.

#### UNITED STATES MINT

##### UNITED STATES MINT PUBLIC ENTERPRISE FUND

The conference agreement provides that not more than \$26,700,000 in new liabilities and obligations may be incurred during fiscal year 2010 for circulating coinage and protective service capital investments of the U.S. Mint, as proposed by both the House and the Senate.

#### BUREAU OF THE PUBLIC DEBT

##### ADMINISTERING THE PUBLIC DEBT

The conference agreement provides \$192,244,000 for costs associated with administering the public debt, as proposed by both the House and the Senate. The conference agreement further directs that \$10,000,000 in user fees be used to offset the appropriated amounts.

#### COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND PROGRAM ACCOUNT (INCLUDING TRANSFER OF FUNDS)

The conference agreement provides \$246,750,000 for the Community Development Financial Institutions (CDFI) Fund program as proposed by the Senate, instead of \$243,600,000 as proposed by the House. Within this amount, up to \$18,000,000 is for administrative expenses and \$12,000,000 is for technical assistance and other purposes for Native American, Native Hawaiian, and Alaskan Native communities.

Of the funds provided, \$80,000,000, as requested and as proposed by both the House and the Senate, is to be transferred to the Capital Magnet Fund. The Capital Magnet Fund is authorized by the Housing and Economic Recovery Act of 2008 (Public Law 110-289) to support affordable housing and related community development efforts. The conference agreement provides temporary funding, in lieu of contributions from Fannie Mae and Freddie Mac. The conferees intend the funding to provide start-up capital and fully expect that the Capital Magnet Fund will operate without additional appropriations in the future when Fannie Mae and Freddie Mac begin the required contributions.

Further, within the funds provided, \$4,150,000 is included for a competitive grants

pilot program aimed at providing financial counseling services to prospective homebuyers, as authorized by the Housing and Economic Recovery Act of 2008 (Public Law 110-289). Of this amount, \$3,150,000, as proposed by the Senate, is for a pilot program to be conducted in Hawaii for financial education and pre-homeownership counseling. In developing the competitive grants process, the Department is directed to consult with other Federal agencies and public and private organizations with expertise in community-based financial counseling programs.

The Department is directed to fund the Bank Enterprise Award program at a level not less than \$25,000,000.

#### INTERNAL REVENUE SERVICE TAXPAYER SERVICES

The conference agreement provides \$2,278,830,000 for Internal Revenue Service (IRS) Taxpayer Services, instead of \$2,273,830,000 as proposed by the House and \$2,275,830,000 as proposed by the Senate. Within the overall amount, not less than \$10,000,000 is for low-income taxpayer clinic grants, and not less than \$6,100,000 is for the Tax Counseling for the Elderly program. Not less than \$205,954,000 is provided for operating expenses of the IRS Taxpayer Advocate Service.

In addition, within the overall amount provided, \$12,000,000, available until September 30, 2011, is included for the Community Volunteer Income Tax Assistance (VITA) matching grants demonstration program. The conferees urge the IRS to make every effort to expand the quantity and funding level of VITA grants focused on serving persons with disabilities proportional to the growing disability population requiring tax assistance.

**Taxpayer Assistance Blueprint (TAB).**—The conferees reiterate House and Senate report language regarding IRS efforts, in conjunction with the IRS Oversight Board and the IRS Taxpayer Advocate, to update the TAB. The conferees direct the IRS to continue to submit annual updates to the TAB and include the updates as part of the annual IRS budget submission, beginning with the submission of the fiscal year 2012 budget request.

#### ENFORCEMENT (INCLUDING TRANSFER OF FUNDS)

The conference agreement provides \$5,504,000,000 for Enforcement as proposed by both the House and the Senate.

##### OPERATIONS SUPPORT

The conference agreement provides \$4,083,884,000 for Operations Support, instead of \$4,082,984,000 as proposed by the House and the Senate.

##### BUSINESS SYSTEMS MODERNIZATION

The conference agreement provides \$263,897,000 for Business Systems Modernization (BSM), instead of \$253,674,000 as proposed by the House and \$274,119,000 as proposed by the Senate. The amount represents an increase of \$10,223,000 above the budget request. The conferees have provided the additional funds to support the IRS in furthering its new strategy for the Customer Account Data Engine. In addition, the conferees support additional funding being made available for this effort from IRS user fee collections, if the IRS determines that these funds are available and warranted.

Language is retained requiring approval by the House and Senate Committees on Appropriations of a GAO-reviewed expenditure plan for BSM prior to the obligation of the funds, except in the case of funds for IRS labor costs.

#### HEALTH INSURANCE TAX CREDIT ADMINISTRATION

The conference agreement provides \$15,512,000 for administration of the Health Insurance Tax Credit program as proposed by both the House and the Senate.

#### ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

##### (INCLUDING TRANSFER OF FUNDS)

Section 101 provides transfer authority.

Section 102 requires the IRS to maintain training in taxpayer rights.

Section 103 requires the IRS to safeguard taxpayer information.

Section 104 permits funding for 1-800 help line services and directs the Commissioner to make improving phone service a priority.

Section 105 directs that, of the funds made available by this Act to the IRS, not less than \$7,100,000,000 shall be available for tax enforcement, and that an additional \$890,000,000 shall be available for enhanced tax law enforcement, as proposed by the Senate.

Section 106 prohibits funds made available in this Act from being used to enter into, renew, extend, administer, implement, enforce, or provide oversight of any private tax collection contract, as proposed by the Senate.

Unless otherwise noted, these provisions were contained in similar form in both the House and Senate versions of the bill.

#### ADMINISTRATIVE PROVISIONS—DEPARTMENT OF THE TREASURY

##### (INCLUDING TRANSFERS OF FUNDS)

Section 107 allows Treasury to use funds for certain specified expenses.

Section 108 allows for the transfer of up to 2 percent of funds between "Departmental Offices" and the various Treasury bureaus, except the IRS.

Section 109 allows for the transfer of up to 2 percent from the IRS accounts to TIGTA.

Section 110 directs that the purchase of vehicles be consistent with vehicle management principles.

Section 111 prohibits funding to redesign the \$1 note.

Section 112 allows for the transfer of funds from "Financial Management Service, Salaries and Expenses" to the Debt Collection Fund conditional on future reimbursement.

Section 113 extends a pay demonstration program for one year.

Section 114 prohibits funds to build a United States Mint museum without the approval of the House and Senate Committees on Appropriations and the authorizing committees of jurisdiction.

Section 115 prohibits funding for consolidating the functions of the United States Mint and the Bureau of Engraving and Printing without the approval of the House and Senate Committees on Appropriations and the authorizing committees of jurisdiction.

Section 116 specifies that funds for Treasury intelligence activities are deemed to be specifically authorized until enactment of the fiscal year 2010 intelligence authorization act.

Section 117 permits the Bureau of Engraving and Printing to use up to \$5,000 from the Industrial Revolving Fund for reception and representation expenses.

Unless otherwise noted, these provisions were contained in similar form in both the House and Senate versions of the bill.

The conference agreement does not include section 116 of the House bill permitting the Secretary to establish additional accounts for various bureaus involved in the administration of refund payments under 31 U.S.C. 1324.



## TITLE II

EXECUTIVE OFFICE OF THE PRESIDENT  
AND FUNDS APPROPRIATED TO THE  
PRESIDENT

## COMPENSATION OF THE PRESIDENT

The conference agreement provides \$450,000 for compensation of the President as proposed by both the House and the Senate.

## THE WHITE HOUSE

## SALARIES AND EXPENSES

The conference agreement provides \$59,143,000 for the salaries and expenses of the White House, instead of \$59,319,000 as proposed by both the House and the Senate. The agreement also specifies that not less than \$1,400,000 shall be for the Office of National AIDS Policy. Relative to the House and Senate bills, the conferees have shifted \$176,000 from this account to the Office of Management and Budget (OMB) to reflect the Administration's decision to locate the new Intellectual Property Enforcement Coordinator at OMB rather than the White House.

## EXECUTIVE RESIDENCE AT THE WHITE HOUSE

## OPERATING EXPENSES

The conference agreement provides \$13,838,000 for the Executive Residence at the White House as proposed by both the House and the Senate.

## WHITE HOUSE REPAIR AND RESTORATION

The conference agreement provides \$2,500,000 for repair, alteration and improvement of the Executive Residence at the White House as proposed by both the House and the Senate.

## COUNCIL OF ECONOMIC ADVISERS

## SALARIES AND EXPENSES

The conference agreement provides \$4,200,000 for the salaries and expenses of the Council of Economic Advisers as proposed by both the House and the Senate.

## NATIONAL SECURITY COUNCIL

## SALARIES AND EXPENSES

The conference agreement provides \$12,231,000 for the salaries and expenses of the National Security Council as proposed by both the House and the Senate.

## OFFICE OF ADMINISTRATION

## SALARIES AND EXPENSES

The conference agreement provides \$115,280,000 for the salaries and expenses of the Office of Administration as proposed by both the House and the Senate.

## OFFICE OF MANAGEMENT AND BUDGET

## SALARIES AND EXPENSES

The conference agreement provides \$92,863,000 for the salaries and expenses of the Office of Management and Budget (OMB), instead of \$92,687,000 as proposed by both the House and the Senate. Relative to the House and Senate bills, the conferees have shifted \$176,000 to this account from the White House, to reflect the Administration's decision to locate the new Intellectual Property Enforcement Coordinator at OMB rather than the White House.

The conferees urge OMB to focus efforts on planning and implementing a modernization of the Federal Government's core budgeting system using funds provided for fiscal years 2009 and 2010.

## OFFICE OF NATIONAL DRUG CONTROL POLICY

## SALARIES AND EXPENSES

The conference agreement provides \$29,575,000 for salaries and expenses of the Office of National Drug Control Policy (ONDCP), instead of \$27,575,000 as proposed by the House and \$28,575,000 as proposed by

the Senate. The additional funding is intended to allow for an increase in ONDCP staff to as close to 118 full-time equivalents as possible. The conferees are pleased that ONDCP has taken steps to implement the recommendations and action items contained in the 2008 report by the National Academy of Public Administration, and direct that ONDCP continue to do so and keep the Committees on Appropriations informed of its progress.

*Budget Justifications.*—The conferees direct that the ONDCP congressional budget justification (CBJ) shall remain separate, as well as summarized within the justification of the Executive Office of the President, as in previous years. In addition, the conferees expect more detail and context in the fiscal year 2011 ONDCP CBJ, so that the Committees can better understand the scope and intended direction of the programs.

*Staffing Reports.*—The conferees remain interested in receiving quarterly reports on staffing, including current levels, vacancies, new hires, and plans for new hires. The staffing reports shall include office, position title, job classifications, and bonuses, and be retroactive to fiscal year 2009.

COUNTERDRUG TECHNOLOGY ASSESSMENT  
CENTER

## (INCLUDING TRANSFER OF FUNDS)

The conference agreement provides \$5,000,000 for the Counterdrug Technology Assessment Center (CTAC), instead of \$1,000,000 as proposed by the Senate. The House did not propose funding for this program.

In recent years, funding for CTAC has decreased due to a lack of confidence in the previous management as well as concern about the direction of the program and projects funded. Now that ONDCP has signaled a new direction for the program, more tailored to its original mission, the conference agreement provides \$5,000,000 for a newly-invigorated program, contingent upon receipt and approval by the Committees on Appropriations of information including the mission, detailed program description, and spending plan for CTAC. The conferees understand that CTAC's new program will supplement and enhance other government-sponsored research in both drug supply and drug demand reduction, with a focus on development of new scientific technologies, including prevention technology research.

FEDERAL DRUG CONTROL PROGRAMS  
HIGH INTENSITY DRUG TRAFFICKING AREAS  
PROGRAM

## (INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides \$239,000,000 for the High Intensity Drug Trafficking Areas Program (HIDTA), instead of \$248,000,000 as proposed by the House and \$234,000,000 as proposed by the Senate. The conference agreement specifies that each HIDTA be funded at not less than the fiscal year 2009 base level, unless the ONDCP Director submits to the Committees on Appropriations justification for changes to those levels based on clearly articulated priorities and published performance measures. The conferees intend that increased funding provided above the fiscal year 2009 level is for program adjustments and discretionary activities (particularly Native American programs and prevention programs). Allocation of funds among discretionary activities is to be determined in consultation with the HIDTA Directors, and the Committees on Appropriations are to be notified of planned uses not later than 90 days after enactment of this Act.

OTHER FEDERAL DRUG CONTROL PROGRAMS  
(INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides \$154,400,000 for Other Federal Drug Control Programs, instead of \$132,400,000 as proposed by the House and \$174,750,000 as proposed by the Senate. The agreement allocates funds among specific programs as follows:

National Youth Anti-Drug Media Campaign .....	\$45,000,000
Drug-Free Communities Program .....	95,000,000
(National Community Anti-Drug Coalition training .....	2,000,000
National Drug Court Institute .....	1,000,000
United States Anti-Doping Agency .....	10,000,000
World Anti-Doping Agency (U.S. membership dues) ..	1,900,000
National Alliance for Model State Drug Laws ..	1,250,000
Performance Measures Development .....	250,000

The conference agreement's \$45,000,000 funding level for the media campaign is \$25,000,000 more than proposed by the House and \$25,000,000 less than proposed by the Senate. The conferees direct ONDCP to maintain funding for non-advertising services of the media campaign at not less than the fiscal year 2003 ratio and to continue the corporate outreach program. Further, the conferees direct that not more than 10 percent of the amount appropriated for the media campaign may be used for administration, advertising production, research and testing, labor, and related costs. To help save on production costs, the conferees suggest that ONDCP consider "recycling" advertisements from past years as well as developing new material. In order to combat methamphetamine use within scarce resources, the conferees encourage ONDCP to focus methamphetamine prevention advertising on geographic areas with the highest level of methamphetamine abuse.

## UNANTICIPATED NEEDS

The conference agreement provides \$1,000,000 for unanticipated needs as proposed by both the House and the Senate.

PARTNERSHIP FUND FOR PROGRAM INTEGRITY  
INNOVATION

## (INCLUDING TRANSFER OF FUNDS)

The conference agreement provides \$37,500,000 for the Partnership Fund for Program Integrity Innovation, instead of \$40,000,000 as proposed by both the House and the Senate. The agreement adopts the Senate approach of requiring establishment of an interagency council consisting of representatives of appropriate Federal agencies, States and other stakeholders to make decisions and determinations regarding pilot projects under the Partnership Fund and requiring the council to report semiannually to the Committees on Appropriations.

The conferees expect OMB to play a coordinating role in designing pilots, developing performance measures, and allocating funds, but intend that the interagency council will be the exclusive decision making body and that funds will be transferred to appropriate Federal agencies to manage and evaluate the individual pilot projects. The OMB Director, as chair of the council, should seek consensus and maximum input from council members and participating Federal and State agencies. Under the conference agreement, the interagency council, in consultation with OMB, will submit a progress report

to the Appropriations Committees by March 31, 2010 and semiannually thereafter until the program is concluded. Reports are to include detailed information on goals, objectives, performance measures, and evaluations of the Partnership Fund and each pilot project, along with an operating plan detailing current and planned funding allocations.

#### SPECIAL ASSISTANCE TO THE PRESIDENT

##### SALARIES AND EXPENSES

The conference agreement provides \$4,604,000 for salaries and expenses to enable the Vice President to provide special assistance to the President as proposed by both the House and the Senate.

#### OFFICIAL RESIDENCE OF THE VICE PRESIDENT

##### OPERATING EXPENSES

##### (INCLUDING TRANSFER OF FUNDS)

The conference agreement provides \$330,000 for operating expenses for the official residence of the Vice President as proposed by both the House and the Senate.

#### ADMINISTRATIVE PROVISIONS—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

##### (INCLUDING TRANSFERS OF FUNDS)

Section 201 provides transfer authority among various Executive Office of the President accounts.

Section 202 requires a detailed narrative and financial plan for Office of National Drug Control Policy funds.

Section 203 provides transfer authority among Office of National Drug Control Policy accounts.

Section 204 governs reprogramming of Office of National Drug Control Policy funds.

These administrative provisions were included in similar form in both the House and Senate versions of the legislation.

### TITLE III

#### THE JUDICIARY

##### SUPREME COURT OF THE UNITED STATES

##### SALARIES AND EXPENSES

The conference agreement provides \$74,034,000 for the salaries and expenses of the Supreme Court as proposed by the House, instead of \$74,081,000 as proposed by the Senate.

##### CARE OF THE BUILDING AND GROUNDS

The conference agreement provides \$14,525,000 for the care of the Supreme Court building and grounds as proposed by both the House and the Senate.

#### UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

##### SALARIES AND EXPENSES

The conference agreement provides \$32,560,000 for the salaries and expenses of the United States Court of Appeals for the Federal Circuit, instead of \$33,577,000 as proposed by the House and \$32,300,000 as proposed by the Senate. The court appears to have added additional staff during fiscal year 2009 beyond what was identified in its fiscal year 2009 financial plan. The conferees have not provided additional funds for fiscal year 2010 to cover the annualized cost of these new positions.

#### UNITED STATES COURT OF INTERNATIONAL TRADE

##### SALARIES AND EXPENSES

The conference agreement provides \$21,350,000 for the salaries and expenses of the United States Court of International Trade as proposed by the House, instead of \$21,374,000 as proposed by the Senate.

#### COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

##### SALARIES AND EXPENSES

The conference agreement provides \$5,011,018,000 for the salaries and expenses of the Courts of Appeals, District Courts, and Other Judicial Services, instead of \$5,080,709,000 as proposed by the House and \$5,076,845,000 as proposed by the Senate. In addition, the agreement provides \$5,428,000 from the Vaccine Injury Compensation Trust Fund, as proposed by both the House and the Senate. Reductions in this account below the levels proposed in the House and Senate bills largely result from more recent estimates provided by the Judiciary, reflecting updated cost estimates and revised projections of fee income and carryover balances.

*Five-Year Plan for Courthouse Construction.*—The conferees appreciate the five-year priority plans for courthouse construction which have been provided by the Judicial Conference of the United States in recent years, and have found those plans to be helpful in their deliberations. Some construction projects have apparently been omitted from those plans, however, on the basis that the Judicial Conference intended them to be carried out through “build to suit” leases rather than through Federal construction. There is considerable disagreement as to the circumstances (if any) under which leasing might be more suitable than construction in the case of courthouses, and the conferees have directed that the General Services Administration and the Judiciary prepare a joint report on that issue. The conferees, therefore, strongly urge the Judicial Conference to provide one integrated list of courthouse construction priorities in future years, ranked in overall priority order regardless of the financing mechanism being proposed for each. That list should also include any construction projects deemed emergencies as well as any projects funded in prior years but for which additional funding is needed. A single list along these lines will facilitate due consideration of Judicial Branch priorities.

*Greenville, Mississippi Federal Building and Courthouse.*—The conferees understand that the United States Marshals Service (USMS) has serious concerns about the security deficiencies that exist in the current Federal building and courthouse facility in Greenville, Mississippi. These deficiencies have caused this facility to score among the lowest of such facilities in a nationwide USMS facility assessment. The conferees are concerned that these deficiencies pose a security threat to USMS personnel and their protectees detained at the Greenville facility. The conferees request that the Judicial Conference review the security deficiencies of the Greenville facility, evaluate all alternatives to remedy this situation, and report its findings to the House and Senate Committees on Appropriations no later than 180 days after enactment of this Act.

##### DEFENDER SERVICES

The conference agreement provides \$977,748,000 for Defender Services, instead of \$982,699,000 as proposed by the House and \$975,504,000 as proposed by the Senate.

*Panel Attorney Pay Rates.*—The conference agreement increases the non-capital panel attorney rate from \$110 to \$125 per hour, instead of \$139 as proposed by the House and \$115 as proposed by the Senate. Private panel attorney rates in capital cases are provided a cost-of-living adjustment from \$175 to \$177 per hour.

##### FEES OF JURORS AND COMMISSIONERS

The conference agreement provides \$61,861,000 for Fees of Jurors and Commis-

sioners, instead of \$62,275,000 as proposed by both the House and the Senate.

##### COURT SECURITY

##### (INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides \$452,607,000 for court security, instead of \$457,353,000 as proposed by both the House and the Senate. The reduction in this account below the House and Senate level largely reflects updated estimates of costs for reimbursement of the Federal Protective Service.

#### ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

##### SALARIES AND EXPENSES

The conference agreement provides \$83,075,000 for the salaries and expenses of the Administrative Office of the United States Courts, as proposed by both the House and the Senate.

#### FEDERAL JUDICIAL CENTER

##### SALARIES AND EXPENSES

The conference agreement provides \$27,328,000 for the salaries and expenses of the Federal Judicial Center, as proposed by both the House and the Senate.

#### JUDICIAL RETIREMENT FUNDS

##### PAYMENT TO JUDICIARY TRUST FUNDS

The conference agreement provides \$82,374,000 for payments to the judiciary trust funds, as proposed by both the House and the Senate.

#### UNITED STATES SENTENCING COMMISSION

##### SALARIES AND EXPENSES

The conference agreement provides \$16,837,000 for the salaries and expenses of the United States Sentencing Commission, as proposed by both the House and the Senate.

#### ADMINISTRATIVE PROVISIONS—THE JUDICIARY

##### (INCLUDING TRANSFER OF FUNDS)

Section 301 makes funds appropriated for salaries and expenses available for services authorized by 5 U.S.C. 3109.

Section 302 provides transfer authority among Judiciary appropriations.

Section 303 permits not more than \$11,000 to be used for official reception and representation expenses of the Judicial Conference.

Section 304 requires a comprehensive financial plan from the Judiciary, which will establish a baseline for reprogrammings and transfers.

Section 305 extends through fiscal year 2010 the delegation of authority to the Judiciary for contracts for repairs of less than \$100,000, as proposed by the House. The Senate proposed language amending 40 U.S.C. 3314(a) to make this delegation permanent.

Section 306 continues a pilot program under which the United States Marshals Service provides perimeter security services at selected courthouses.

Section 307 extends for one year the authorization of temporary district judgeships in Kansas, Ohio, and Hawaii. The House proposed language extending the judgeships in Kansas and Ohio while the Senate bill contained no similar provisions.

Except where otherwise noted, the provisions listed above were included in similar form in the House and Senate versions of the legislation. The conference agreement does not include language proposed by the Senate authorizing a cost-of-living salary adjustment for justices and judges of the United States during fiscal year 2010.

TITLE IV  
DISTRICT OF COLUMBIA

FEDERAL FUNDS  
FEDERAL PAYMENT FOR RESIDENT TUITION  
SUPPORT

The conference agreement includes \$35,100,000 for District of Columbia resident tuition support as proposed by both the House and the Senate. The District of Columbia is expected to adhere to the authorizing statute with regard to the administrative expenses associated with operation of this program.

FEDERAL PAYMENT FOR EMERGENCY PLANNING  
AND SECURITY COSTS IN THE DISTRICT OF COLUMBIA

The conference agreement provides \$15,000,000 for emergency planning and security costs in the District of Columbia as proposed by the House instead of \$15,350,000 as proposed by the Senate.

The Senate proposed \$350,000 under this heading for the District of Columbia National Guard tuition assistance program. The conference agreement includes \$375,000 for the D.C. Guard tuition assistance program under the "Federal Payment for the District of Columbia National Guard" heading of this title.

FEDERAL PAYMENT TO THE DISTRICT OF  
COLUMBIA COURTS

The conference agreement provides \$261,180,000 for the District of Columbia Courts, instead of \$268,920,000 as proposed by the House and \$258,517,000 as proposed by the Senate. Within the amount provided, \$12,022,000 is for the District of Columbia Court of Appeals, \$108,524,000 is for the District of Columbia Superior Court, \$65,114,000 is for the District of Columbia Court System, and \$75,520,000 is for capital improvements to Court facilities. Official reception and representation expenses for the Court of Appeals, Superior Court, and Court System are each limited to \$2,500 as proposed by the Senate instead of \$1,500 as proposed by the House.

FEDERAL PAYMENT FOR DEFENDER SERVICES IN  
DISTRICT OF COLUMBIA COURTS

The conference agreement includes \$55,000,000 for Defender Services in District of Columbia Courts as proposed by both the House and the Senate.

FEDERAL PAYMENT TO THE COURT SERVICES  
AND OFFENDER SUPERVISION AGENCY FOR THE  
DISTRICT OF COLUMBIA

The conference agreement provides \$212,408,000 to the Court Services and Offender Supervision Agency for the District of Columbia as proposed by both the House and the Senate.

FEDERAL PAYMENT TO THE PUBLIC DEFENDER  
SERVICE FOR THE DISTRICT OF COLUMBIA

The conference agreement includes \$37,316,000 for the Public Defender Service for the District of Columbia as proposed by both the House and the Senate.

FEDERAL PAYMENT TO THE DISTRICT OF  
COLUMBIA WATER AND SEWER AUTHORITY

The conference agreement provides \$20,000,000 for the District of Columbia Water and Sewer Authority (WASA) as proposed by the Senate instead of \$20,400,000 as proposed by the House. The amount provided is to continue implementation of the Combined Sewer Overflow Long-Term Plan with a 100 percent match provided by WASA.

The conference agreement does not include funding proposed by the House for the District of Columbia Department of Environ-

ment to conduct a study of lead levels in the District of Columbia's drinking water.

FEDERAL PAYMENT TO THE CRIMINAL JUSTICE  
COORDINATING COUNCIL

The conference agreement provides \$2,000,000 for the Criminal Justice Coordinating Council as proposed by the House instead of \$1,774,000 as proposed by the Senate.

FEDERAL PAYMENT FOR JUDICIAL COMMISSIONS

The conference agreement provides \$500,000 for Judicial Commissions as proposed by both the House and the Senate. Within the amount provided, \$295,000 is for the Commission on Judicial Disabilities and Tenure, and \$205,000 is for the Judicial Nomination Commission.

FEDERAL PAYMENT TO THE OFFICE OF THE  
CHIEF FINANCIAL OFFICER FOR THE DISTRICT  
OF COLUMBIA

The conference agreement provides \$1,850,000 to the Office of the Chief Financial Officer for the District of Columbia. The funding is for grants to the following organizations with the requirement that the funds be spent primarily in the District of Columbia to benefit District residents:

Project name	Amount
Children's National Medical Center, Washington, DC, expand pediatric intensive care unit .....	\$1,000,000
Living Classrooms of the National Capital Region, Washington, DC, education and job skills training for disadvantaged young adults .....	100,000
National Building Museum, Washington, DC, education programs and exhibitions .....	150,000
Safe Kids USA, Washington, DC, safety services for families in need .....	125,000
Samaritan Ministry of Greater Washington, Washington, DC, Next Step Program .....	100,000
The Washington Center, Washington, DC, construction and build out of academic space .....	125,000
Washington Hospital Center, Washington, DC, trauma center and other critical hospital upgrades .....	50,000
Whitman-Walker Clinic, Washington, DC, health care services .....	200,000

FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT

The conference agreement includes \$75,400,000 for school improvement in the District of Columbia as proposed by the Senate instead of \$74,400,000 as proposed by the House. Within the amount provided, \$42,200,000 is to improve public school education, \$20,000,000 is to expand public charter schools, and \$13,200,000 is for the Secretary of Education for opportunity scholarships for low-income students in the District of Columbia for the 2010–2011 school year, of which up to \$1,000,000 may be used to administer and fund assessments, and up to \$1,000,000 may be used for testing of scholarship students to determine and compare academic performance of the participating schools as proposed by the Senate.

The conference agreement includes language proposed by both the House and the Senate specifying that opportunity scholarships funded in this Act for school year 2010–2011 be limited to students who received scholarships in school year 2009–2010.

The conference agreement continues the requirement that schools enrolling scholarship students have and maintain a valid certificate of occupancy issued by the District of Columbia and that core subject matter teachers have 4-year bachelor's degrees as proposed by both the House and the Senate. The agreement includes new language requiring schools enrolling scholarship students to be in compliance with the accreditation and other standards prescribed for purposes of the District of Columbia compulsory school attendance laws as specified under title 5, chapter 21 of D.C. Municipal Regulations. The agreement also includes new language requiring the Secretary of Education

to ensure that site inspections of participating schools are conducted at least twice annually.

The conference agreement includes language proposed by the Senate requiring the Secretary of Education to submit a report to Congress by June 15, 2010 detailing the academic rigor and quality of each participating school and that for the purposes of submitting the report the Secretary shall administer to eligible students participating in the Opportunity Scholarship Program the same tests of academic performance as those administered to students enrolled in the District of Columbia Public Schools in the 2009–2010 school year. The conference agreement does not include language proposed by the Senate specifying that after school year 2009–2010 only schools determined by the Secretary of Education to be of superior academic rigor and quality to D.C. Public Schools may participate in the scholarship program.

The conferees believe that questions as to the future of a school voucher program in the District of Columbia, including the appropriate rules and limitations for such a program, would best be decided by the elected representatives of the people of the District. This would put the District in the same position as other jurisdictions that decide whether or not to have a school voucher program, consistent with the principles of home rule.

Although the authorization for the Opportunity Scholarship Program has expired, as noted above the conference agreement includes funds to continue scholarships in school year 2010–2011 for those students already participating. The conferees are aware of proposals to expand the scholarship program to include additional students. If the elected leaders of the District decide that such proposals are in the best interests of students and families in the District, there is time prior to the beginning of school year 2010–2011 for the Mayor and Council to enact legislation establishing and funding a school voucher program that could admit additional students.

FEDERAL PAYMENT FOR CONSOLIDATED  
LABORATORY FACILITY

The conference agreement provides \$15,000,000 for a consolidated laboratory facility in the District of Columbia as proposed by both the House and the Senate. The conferees note that this is the final Federal payment needed to complete work on this important project.

FEDERAL PAYMENT FOR THE DISTRICT OF  
COLUMBIA NATIONAL GUARD

The conference agreement provides \$375,000 for the District of Columbia National Guard instead of \$2,375,000 as proposed by the House. The funds provided are for the D.C. National Guard tuition assistance program. No funds are provided in the conference agreement for support costs associated with the D.C. National Guard.

The Senate did not propose funding for D.C. Guard support costs although the Senate proposed \$350,000 for the D.C. National Guard tuition assistance program under the "Federal Payment for Emergency Planning and Security Costs" heading of this title.

The conference agreement includes language proposed by the House that the D.C. National Guard's tuition assistance program will hereafter be known as the "Major General David F. Wherley, Jr. District of Columbia National Guard Retention and College Access Program". General Wherley was a former commanding general of the D.C. National Guard and was killed in the tragic

Metrorail train crash that occurred in Washington, D.C. on June 22, 2009. As commanding general of the D.C. National Guard, General Wherley was in frequent contact with Congress in order to further the ability of the Guard to serve the citizens of the District of Columbia, as well as the Nation's elected leadership. Among a number of initiatives, General Wherley advocated on behalf of the Capital Guardians for funding for a retention and college access program to ensure that members of the D.C. National Guard received some of the same benefits for their service as members of the National Guard in neighboring states. The D.C. National Guard and the entire community of the District of Columbia lost a dedicated leader and public servant in General Wherley. In honor of his service to the District of Columbia and his commitment to those he worked with, the D.C. National Guard tuition assistance program will hereafter carry his name.

#### FEDERAL PAYMENT FOR HOUSING FOR THE HOMELESS

The conference agreement provides \$17,000,000 for a permanent supportive housing program to reduce homelessness in the District of Columbia instead of \$19,200,000 as proposed by the House. The Senate version of the bill did not include funding for this program.

#### FEDERAL PAYMENT FOR YOUTH SERVICES

The conference agreement provides \$4,000,000 for a reconnecting disconnected youth program in the District of Columbia instead of \$5,000,000 as proposed by the House. The Senate version of the bill did not include funding for this program.

#### FEDERAL PAYMENT FOR PUBLIC HEALTH SERVICES

The conference agreement does not provide a Federal payment to the District of Columbia for HIV/AIDS prevention programs. The House proposed \$4,000,000 for this program; the Senate version of the bill did not include funding.

#### DISTRICT OF COLUMBIA FUNDS

The conference agreement provides authority for the District of Columbia to spend \$10,016,041,000 from the General Fund of the District of Columbia. Of the funds provided, \$5,637,824,000 is from local funds, of which \$394,417,000 is from the general fund balance; \$2,661,782,000 is from Federal grant funds; \$1,711,249,000 is from other funds; and \$5,187,000 is from private funds. In addition, the District may use \$185,725,000 from funds previously appropriated in this Act as Federal payments.

For capital construction, the conference agreement provides an additional \$3,249,642,000. Of the funds provided, \$2,685,760,000 is from local funds; \$54,893,000 is from the District of Columbia Highway Trust Fund; \$186,805,000 is from the Local Street Maintenance Fund; and \$322,184,000 is from Federal grant funds. In addition, \$1,834,494,000 of prior year local funds and \$91,327,000 from Local Street Maintenance funds are rescinded. In total, \$1,323,821,000 is provided for capital construction.

Any changes to the financial plan submitted by the District of Columbia for Federal funds must follow the reprogramming guidelines set forth under title VIII of this Act.

#### TITLE V

##### INDEPENDENT AGENCIES

##### ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

##### SALARIES AND EXPENSES

The conference agreement includes \$1,500,000 for the Administrative Conference

of the United States (ACUS) as proposed by both the House and the Senate. The conferees expect ACUS to use 50 percent of fiscal year 2009 carryover balances to fund fiscal year 2010 operating expenses as permitted under section 609 of division D of the Omnibus Appropriations Act, 2009 (Public Law 111-8). Funds remain available until September 30, 2011 as proposed by the Senate.

##### CHRISTOPHER COLUMBUS FELLOWSHIP FOUNDATION

##### SALARIES AND EXPENSES

The conference agreement includes \$750,000 for the Christopher Columbus Fellowship Foundation, instead of \$1,000,000 as proposed by the Senate. The House did not include an appropriation for this account.

##### COMMODITY FUTURES TRADING COMMISSION

##### SALARIES AND EXPENSES

This conference agreement does not include funding for the Commodity Futures Trading Commission. While the Senate included funding for the Commission in its version of the bill, \$168,800,000 in fiscal year 2010 funding for the Commission has been enacted in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010 (Public Law 111-80).

##### CONSUMER PRODUCT SAFETY COMMISSION

##### SALARIES AND EXPENSES

The conference agreement includes \$118,200,000 for the Consumer Product Safety Commission (CPSC) as proposed by the House, instead of \$115,000,000 as proposed by the Senate.

Funding is provided for the ongoing implementation and enforcement of recently enacted consumer protection legislation, including the Consumer Product Safety Improvement Act, the Virginia Graeme Baker Pool and Spa Safety Act, and the Children's Gasoline Burn Prevention Act. Funding is also provided to support expansion of the CPSC's Import Safety Initiative which positions CPSC investigators at key ports of entry to stop defective products from entering the United States. The conferees expect new staff hires, including at key ports of entry, as part of these implementation and enforcement efforts.

The conference agreement also provides funding to assist the CPSC in further identifying and addressing problems that may be associated with imported drywall from China.

The conference agreement modifies House report language regarding the Consumer Product Safety Improvement Act (CPSIA) of 2008 (Public Law 110-314). The CPSIA was signed into law on August 14, 2008 and is considered to be the most significant piece of consumer protection legislation enacted since the CPSC was established in the early 1970s. The legislation received nearly unanimous bipartisan support in Congress. Congress passed this legislation in the wake of a massive number of consumer product recalls in 2007 and 2008—more than 20 million—many of which involved toys manufactured in China. The conferees strongly support this legislation but are aware of concerns surrounding implementation of certain aspects of the law. The conferees believe there may be parts of some products subject to the strict lead ban under section 101(a) of the CPSIA that likely were not intended to be included. This includes parts of youth motorized off-road vehicles and bicycles, and may include parts of some sporting equipment and ordinary books. The conferees urge the CPSC to continue considering exemptions

under section 101(b) of the CPSIA for parts of products that, based on the CPSC's determination, present no real risk of lead exposure to children. The conferees are also aware of concerns among small manufacturers and crafters regarding the third-party testing requirements under section 102 of the CPSIA and urge the CPSC to consider those when issuing rules and guidance on third-party testing.

The conferees further encourage the CPSC to continue to work with the off-road vehicle and other industries to reduce lead content in accessible components of all children's products to the greatest extent possible, where complete compliance is deemed not necessary or not feasible by the CPSC. The conferees note that the CPSC has already instituted a stay of enforcement until May 1, 2011 on the lead standard with regard to youth motorized recreational vehicles (which include all-terrain vehicles, motorcycles, and snowmobiles) with the expectation that the industries would work constructively with the CPSC in reducing lead levels as feasible. The CPSC is directed to assess enforcement efforts of section 101(a), including difficulties encountered, as well as recommendations for improvement to the statute, and to report to the House and Senate Appropriations Committees, as well as the House Energy and Commerce Committee and the Senate Commerce, Science, and Transportation Committee, no later than January 15, 2010.

##### ELECTION ASSISTANCE COMMISSION

##### SALARIES AND EXPENSES

##### (INCLUDING TRANSFER OF FUNDS)

The conference agreement includes \$17,959,000 for the salaries and expenses of the Election Assistance Commission as proposed by the House, instead of \$16,530,000 proposed by the Senate.

Included in this total is \$3,500,000 to be transferred to the National Institute of Standards and Technology for election reform activities as proposed by the House. The Senate proposed a transfer of \$3,250,000. Further included in the total is \$750,000 for the Help America Vote College Program and \$300,000 for a competitive grant program to support community involvement in student and parent mock elections, as proposed by the House.

##### ELECTION REFORM PROGRAMS

The conference agreement provides a total of \$75,000,000 for this account, instead of \$106,000,000 as proposed by the House and \$52,000,000 as proposed by the Senate.

Within this total, \$70,000,000 is designated for requirements payments under the Help America Vote Act, compared to \$100,000,000 in the House bill and \$50,000,000 in the Senate bill. Also within the total is \$3,000,000 for grants to carry out research on voting technology improvements to ensure accessibility for voters with disabilities, and \$2,000,000 for a pilot program of grants to States and units of local government for pre-election logic and accuracy testing and post-election voting systems verification. The House proposed \$4,000,000 and \$2,000,000 for these grant programs, respectively, while the Senate proposed \$2,000,000 for voting technology research grants only.

##### FEDERAL COMMUNICATIONS COMMISSION

##### SALARIES AND EXPENSES

The conference agreement includes \$335,794,000 for the salaries and expenses of the Federal Communications Commission

(FCC) as proposed by the House and the Senate. The House recedes to the Senate in providing that \$335,794,000 be derived from offsetting fee collections with no net direct appropriation.

The conferees believe that all persons living under the American flag, including those living in the United States territories, should have equal access to communications services.

The 9/11 Commission identified the need to increase the assignment of spectrum for first responders in its July 2004 report. The conferees are disappointed that the Federal Government has yet to address this critical need. The FCC is directed to work expeditiously to conduct a successful auction of the D Block spectrum so that first responders have an interoperable communications network.

Conferees urge the FCC to ensure that public, educational, and governmental (PEG) channels remain on the basic service tier of programming and to prevent cable service providers from impeding the public's access to PEG programming.

The conferees are concerned that some Federal agencies may not be improving controls over wireless networks as delineated in the Government Accountability Office's 2005 report (GAO-05-383). Therefore, the conferees direct GAO to update its report and include a review of Federal agencies and their wireless networks, including an assessment of vulnerabilities to attack and unauthorized penetration; an examination of best practices within Federal agencies for deploying and monitoring secure wireless networks; and an assessment of state-of-the-art technology solutions that could help protect these networks. GAO shall report its findings to the House and Senate Committees on Appropriations within 120 days of enactment of this Act.

The conferees emphasize the importance of effective auditing of the Universal Service Fund (USF). The FCC is directed to work with the Universal Service Administrative Company and the FCC Inspector General to re-evaluate auditing processes to ensure that audits are more uniform and not unduly onerous, that all auditors are familiar with the telecommunications industry, and that lessons learned from audits are translated into better performance in the future. Senate report language requiring a report on USF audit activity within 60 days of enactment of this Act is adopted.

#### ADMINISTRATIVE PROVISIONS—FEDERAL COMMUNICATIONS COMMISSION

Section 501 extends an exemption for the Universal Service Fund as proposed by the Senate. The House did not include a similar provision.

Section 502 prohibits the Federal Communications Commission from changing rules governing the Universal Service Fund regarding single connection or primary line restrictions as proposed by the Senate. The House did not include a similar provision.

#### FEDERAL DEPOSIT INSURANCE CORPORATION OFFICE OF THE INSPECTOR GENERAL

The conference report includes \$37,942,000 to fund the Office of Inspector General (OIG) as proposed by both the House and the Senate. The OIG's appropriations are derived from the Deposit Insurance Fund. However, if the OIG performs work in connection with the Federal Savings and Loan Insurance Corporation Resolution Fund, the cost of such work can be derived from that Fund.

#### FEDERAL ELECTION COMMISSION SALARIES AND EXPENSES

The conference agreement provides \$66,500,000 for the salaries and expenses of the

Federal Election Commission, instead of \$65,100,000 as proposed by the House and \$67,000,000 as proposed by the Senate. Of the increase provided above the President's budget request, \$1,500,000 is for maintaining current staffing levels and services, and \$1,000,000 is for addressing audit findings related to information technology, enhancing public access to electronic records, and addressing increased workload demands.

#### FEDERAL LABOR RELATIONS AUTHORITY

##### SALARIES AND EXPENSES

The conference agreement includes \$24,773,000 for the Federal Labor Relations Authority as proposed by the House and the Senate.

#### FEDERAL TRADE COMMISSION

##### SALARIES AND EXPENSES

The conference agreement provides \$291,700,000 for the salaries and expenses of the Federal Trade Commission (FTC) as proposed by the House, rather than \$289,300,000 as proposed by the Senate. This appropriation is partially offset by not to exceed \$102,000,000 from premerger notification filing fees and \$21,000,000 from fees to implement the Telemarketing Sales Rule. These offsets are the same as proposed by both the House and the Senate, except that the House proposed \$19,000,000 in fees from the Telemarketing Sales Rule.

The increase above the President's budget request provided in the conference agreement is to strengthen the FTC's capacity to protect consumers and prevent anti-competitive practices, as well as to support required activities related to health information technology provisions in the American Recovery and Reinvestment Act. Among other priorities, the conferees request the FTC to direct a portion of the increase toward investigations into fraud related to the housing crisis (including mortgage and other financial services fraud) and into unfair and deceptive practices associated with Federal programs promoting economic stimulus and stabilization. The conferees also note that, of the increase above fiscal year 2009, \$15,000,000 is to cover one-time relocation costs associated with the upcoming expiration of a lease.

The conferees appreciate that the FTC has delayed implementation of the Red Flags Rule while it works with health care providers and small businesses to minimize the burdens on providers and firms that present low risk for identity theft. The conferees urge the FTC to continue to work with these groups on the implementation of the Red Flags Rule.

The conferees also encourage the FTC to continue its efforts in the areas of call spoofing and violations of the Do Not Call Registry and to fully pursue further violations.

#### GENERAL SERVICES ADMINISTRATION

##### REAL PROPERTY ACTIVITIES

##### FEDERAL BUILDINGS FUND

##### LIMITATIONS ON AVAILABILITY OF REVENUE

The conference agreement provides resources from the General Services Administration (GSA) Federal Buildings Fund totaling \$8,543,585,000, instead of \$8,445,460,000 as proposed by the House and \$8,488,585,000 as proposed by the Senate.

*Construction and Acquisition.*—The conference agreement provides \$894,037,000 for construction and acquisition, instead of \$722,537,000 as proposed by the House and \$734,037,000 as proposed by the Senate. Funds are provided for the following specific construction projects and acquisitions, in the amounts indicated:

Alabama:	
Mobile, United States Courthouse .....	\$50,000,000
California:	
Calexico, Calexico West, Land Port of Entry .....	9,437,000
Colorado:	
Lakewood, Denver Federal Center Remediation .....	9,962,000
District of Columbia:	
Columbia Plaza .....	100,000,000
Southeast Federal Center Remediation .....	15,000,000
Florida:	
Miami, FBI Field Office Consolidation .....	190,675,000
Georgia:	
Savannah, United States Courthouse .....	7,900,000
Maine:	
Madawaska, Land Port of Entry .....	50,127,000
Maryland:	
White Oak, Food and Drug Administration Consolidation .....	137,871,000
Greenbelt, United States Courthouse .....	10,000,000
Pennsylvania:	
Lancaster, United States Courthouse .....	6,500,000
Texas:	
El Paso, Tornillo-Guadalupe, Land Port of Entry .....	91,565,000
San Antonio, United States Courthouse .....	4,000,000
Utah:	
Salt Lake City, United States Courthouse .....	211,000,000

The conferees understand that the need for a replacement courthouse in Yuma, Arizona, as discussed in the Senate report, will be addressed with funds previously appropriated.

*Five-Year Construction Plans.*—The conferees have included bill language that clarifies the requirement that the annual budget submission to Congress for GSA contain two separate 5-year plans. These plans were required by the Omnibus Appropriations Act, 2009 for fiscal year 2010 and thereafter. The conferees expect that GSA and the Office of Management and Budget will ensure that plans are submitted to Congress contemporaneously with the annual budget submission for fiscal year 2011 and each year thereafter. Requests for courthouse construction projects, including those proposed as lease-construction projects, shall be included in the 5-year plan for Federal construction, and this plan shall reflect the priorities of the Judicial Conference of the United States.

*Report on Lease Construction.*—The conferees reiterate language in the Senate report directing GSA and the Judicial Conference to submit a joint report to the Committees on Appropriations within 120 days of enactment identifying the circumstances under which it would be appropriate to provide court facilities using a lease-construct strategy.

*Repairs and Alterations.*—The conference agreement provides \$413,776,000 for repairs and alterations, instead of \$400,276,000 as proposed by the House and \$453,776,000 as proposed by the Senate. Funds are provided for the following specific projects, in the amounts indicated:

District of Columbia: .....	
East Wing Infrastructure Systems Replacement .....	\$84,500,000
Eisenhower Executive Office Building Roof Replacement .....	15,000,000

New Executive Office Building .....	30,276,000
Special Emphasis Programs:	
Fire and Life Safety Program .....	20,000,000
Energy and Water Retrofit and Conservation Measures .....	2,000,000
Federal High-Performance Green Buildings ...	2,000,000
Basic Repairs and Alterations .....	260,000,000

While unable to appropriate the full amount needed for the East Wing Infrastructure Systems Replacement project, the conferees recognize the need for this undertaking and would support additional funding if it became available. The conferees understand that bids for construction projects have recently often been coming in below the budgeted amounts, and would invite a transfer/reprogramming request redirecting such savings to the East Wing project.

The conferees are strongly supportive of the special emphasis programs for Energy and Water Retrofit and Conservation Measures and Federal High-Performance Green Buildings. Although this conference report provides less for those two programs than appropriated in fiscal year 2009, that is only because large amounts are currently available for such purposes under the American Recovery and Reinvestment Act.

The conference agreement does not include the funding proposed by the Senate for the Eisenhower Executive Office Building Court-ward Replacement.

*Installment Acquisition Payments.*—The conference agreement includes \$140,525,000 for installment acquisition payments, as proposed by both the House and the Senate.

*Rental of Space.*—The conference agreement provides \$4,804,871,000 for rental of space, instead of \$4,843,996,000 as proposed by the House and \$4,829,871,000 as proposed by the Senate.

*Building Operations.*—The conference agreement provides \$72,290,376,000 for building operations, instead of \$2,338,126,000 as proposed by the House and \$2,330,376,000 as proposed by the Senate.

#### GENERAL ACTIVITIES

##### GOVERNMENT-WIDE POLICY

The conference agreement appropriates \$59,665,000 for GSA Government-wide Policy activities, instead of \$63,165,000 proposed by the House and \$61,165,000 proposed by the Senate. The agreement does not provide the \$1,500,000 requested by the President to shift funding for certain expenses of the Federal Acquisition Institute from the Acquisition Workforce Training Fund to this appropriation.

*Office of Federal High-Performance Green Buildings.*—The conference agreement, like the Senate bill, does not include language proposed by the House providing \$3,000,000 for the Office of Federal High-Performance Green Buildings. That Office and its mission remain a very high priority for the conferees. The only reason no new funding is included in this legislation is that GSA appears to have obligated little, if any, of the amount provided for the Office of Federal High-Performance Green Buildings in the American Recovery and Reinvestment Act (ARRA), and therefore ample carryover balances remain. The conferees reiterate the language in the Senate report directing GSA to use the funds provided in ARRA to hire the necessary staff and ensure that the Office immediately begins fulfilling its respon-

sibilities, to submit to the Committees on Appropriations a detailed expenditure plan within 30 days of enactment of this Act, and to report on the obligation of the ARRA funds on a monthly basis.

*Study on Pricing of Office Supplies.*—The conferees note that GSA is authorized to award contracts to private firms under terms and conditions that mirror commercial practices for commercial supplies and services through its Multiple Award Schedule Program. Recently, some Federal agencies have announced savings through improvements in the process of purchasing office products outside of GSA's schedules. Therefore, the conferees direct the Administrator of GSA to review the ten largest Federal agencies to (1) determine the level of funds spent on office products during fiscal year 2009 through the GSA schedules and outside of these schedules, (2) compare the prices paid through the schedules and outside the schedules for representative items within major categories of individual office products, and (3) determine the extent to which agencies conducted a cost-benefit analysis of alternative options. The Administrator shall report to the Committees on Appropriations its findings not later than 180 days after enactment of this Act. Additionally, the conferees direct GAO to assess the data collected by GSA and report to the Committees on Appropriations its assessment, with particular attention on the potential for savings.

#### OPERATING EXPENSES

The conference agreement provides \$72,881,000 for operating expenses of GSA as proposed by the House instead of \$71,881,000 as proposed by the Senate. Included in this total is \$1,000,000 for a payment to the Oklahoma City National Memorial Foundation as proposed by the House.

##### OFFICE OF INSPECTOR GENERAL

The conference agreement provides \$59,000,000 for the Office of Inspector General, instead of \$60,080,000 as proposed by the House and \$58,000,000 as proposed by the Senate.

##### ELECTRONIC GOVERNMENT FUND

##### (INCLUDING TRANSFER OF FUNDS)

The conference agreement provides \$34,000,000 for the Electronic Government Fund, instead of \$33,000,000 as proposed by the House and \$35,000,000 as proposed by the Senate. As specified in both bills, these funds may be transferred to other Federal agencies to carry out the purposes of the Electronic Government Fund, but only after a spending plan and explanation for each project has been submitted to the Committees on Appropriations.

##### ALLOWANCES AND STAFF FOR FORMER

##### PRESIDENTS

The conference agreement includes \$3,756,000 for allowances and staff for former Presidents, as proposed by both the House and the Senate.

##### FEDERAL CITIZEN SERVICES FUND

The conference agreement appropriates \$36,515,000 for deposit into the Federal Citizen Services Fund and authorizes use of appropriations, revenues and collections in the Fund in an aggregate amount not to exceed \$61,000,000. These provisions are the same as proposed by both the House and the Senate.

##### ADMINISTRATIVE PROVISIONS—GENERAL

##### SERVICES ADMINISTRATION

##### (INCLUDING TRANSFERS OF FUNDS)

Section 510 specifies that funds are available for hire of motor vehicles.

Section 511 authorizes transfers within the Federal Buildings Fund, with advance approval of the Committees on Appropriations.

Section 512 prohibits use of funds to transmit a fiscal year 2011 request for courthouse construction unless the request meets design guide standards, reflects the priorities in the Judicial Conference 5-year construction plan, and includes a standardized courtroom utilization study.

Section 513 specifies that funds in this Act may not be used to increase the amount of occupiable space or provide services such as cleaning or security for any agency that does not pay the rental charges assessed by GSA.

Section 514 permits GSA to pay certain construction-related claims against the Federal Government from savings achieved in other projects.

Section 515 requires that the delineated area of procurement for leased space match the approved prospectus, unless the Administrator provides an explanatory statement to the appropriate congressional committees.

Section 516 authorizes certain relief and disaster assistance organizations to purchase from the Federal supply schedules.

All of these administrative provisions were included in both the House and Senate versions of the legislation.

##### HARRY S. TRUMAN SCHOLARSHIP FOUNDATION

##### SALARIES AND EXPENSES

The conference agreement includes \$660,000 for a payment to the Harry S. Truman Scholarship Foundation Trust Fund as proposed by the Senate. The House did not propose funding for this purpose.

##### MERIT SYSTEMS PROTECTION BOARD

##### SALARIES AND EXPENSES

##### (INCLUDING TRANSFER OF FUNDS)

The conference agreement includes \$42,918,000 for the salaries and expenses of the Board as proposed by both the House and the Senate. Within the amount provided, \$40,339,000 is a direct appropriation and \$2,579,000 is a transfer from the Civil Service Retirement and Disability Fund to adjudicate retirement appeals.

##### MORRIS K. UDALL AND STEWART L. UDALL FOUNDATION

##### MORRIS K. UDALL AND STEWART L. UDALL TRUST FUND

##### (INCLUDING TRANSFER OF FUNDS)

The conference agreement includes \$2,500,000 for payment to the Morris K. Udall and Stewart L. Udall Trust Fund, instead of \$2,200,000 as proposed by the House and \$3,850,000 as proposed by the Senate. The conference agreement reflects the new name of the Foundation and the Trust Fund, as specified in the Morris K. Udall and Stewart L. Udall Foundation Act (Public Law 111-90).

##### ENVIRONMENTAL DISPUTE RESOLUTION FUND

The conference agreement includes \$3,800,000 for payment to the Environmental Dispute Resolution Fund as proposed by the House, instead of \$3,000,000 as proposed by the Senate.

##### NATIONAL ARCHIVES AND RECORDS

##### ADMINISTRATION

##### OPERATING EXPENSES

The conference agreement provides \$339,770,000 for operating expenses of the National Archives and Records Administration (NARA), as proposed by both the House and the Senate.

The conferees reiterate House language directing NARA to report to the Committees within 30 days of enactment on information security improvements made or planned, and further direct NARA to promptly inform relevant committees of jurisdiction when any formal law enforcement investigation is



commenced into alleged theft of electronic or other materials which may contain personally identifying information.

#### OFFICE OF INSPECTOR GENERAL

The conference agreement provides \$4,100,000 for NARA's Office of Inspector General as proposed by both the House and the Senate.

#### ELECTRONIC RECORDS ARCHIVES

The conference agreement provides \$85,500,000 for the Electronic Records Archives (ERA) project as proposed by both the House and the Senate. Of this amount, \$61,757,000 is available until September 30, 2012. The bill retains the directive requiring NARA to submit, and for the Committees on Appropriations to approve, a GAO-reviewed spending plan for ERA prior to the obligation of multi-year funds.

#### REPAIRS AND RESTORATION

The conference agreement provides \$27,500,000 for repairs and restoration as proposed by both the House and the Senate. Included in the amount is \$17,500,000, as requested by the President, for necessary expenses related to the repair and renovation of the Franklin D. Roosevelt Presidential Library in Hyde Park, NY, which NARA has listed as its top capital improvement priority.

#### NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

##### GRANTS PROGRAM

The conference agreement provides \$13,000,000 for NARA's grants program as proposed by the House, instead of \$12,000,000 as proposed by the Senate. Of the amount provided, \$4,500,000, as requested, is for the initiative to provide online access to the papers of the Founding Fathers. The conference agreement does not specify further set-asides within this account.

#### NATIONAL CREDIT UNION ADMINISTRATION CENTRAL LIQUIDITY FACILITY

For the second year, the conference report provides the National Credit Union Administration (NCUA) Central Liquidity Facility (CLF) the ability to lend, during fiscal year 2010, up to the maximum level provided for by section 307(a)(4)(A) of the Federal Credit Union Act. This gives the NCUA flexibility to assist with credit unions' financial liquidity during the current economic downturn. The NCUA will be expected to keep the House and Senate Committees on Appropriations fully informed on the activities of the CLF.

The conference report limits administrative expenses to \$1,250,000 as proposed by both the House and the Senate.

#### COMMUNITY DEVELOPMENT REVOLVING LOAN FUND

The conference report includes \$1,250,000 for the Community Development Revolving Loan Fund as proposed by the House, instead of \$1,000,000 as proposed by the Senate.

#### OFFICE OF GOVERNMENT ETHICS

##### SALARIES AND EXPENSES

The conference agreement provides \$14,000,000 for salaries and expenses of the Office of Government Ethics, instead of \$14,415,000 as proposed by the House and \$13,665,000 as proposed by the Senate.

#### OFFICE OF PERSONNEL MANAGEMENT

##### SALARIES AND EXPENSES

##### (INCLUDING TRANSFER OF TRUST FUNDS)

The conference agreement provides \$215,708,000 for salaries and expenses compared to \$211,208,000 as proposed by the House

and \$207,708,000 as proposed by the Senate. Within the amount provided, \$102,970,000 is a direct appropriation and \$112,738,000 is a transfer from Office of Personnel Management (OPM) trust funds.

The direct appropriation of \$102,970,000 includes \$5,908,000 to remain available until September 30, 2011 for the Enterprise Human Resources Integration project, and \$1,364,000 to remain available until September 30, 2011 for the Human Resources Line of Business project.

The transfer from trust funds of \$112,738,000 includes \$9,300,000 to remain available until September 30, 2011 for the cost of implementing the new integrated financial system, and \$4,000,000 to remain available until September 30, 2011 for the cost of automating the retirement recordkeeping systems.

The conference agreement includes funding for new initiatives to expand the recruitment and hiring of veterans government-wide, and to streamline the Federal hiring process.

The conference agreement also includes funding to pilot several wellness initiatives for Federal employees in areas such as smoking cessation, disease management and prevention, and risk assessment, as well as funding to conduct an Employee Viewpoint Survey (formerly known as the Human Capital Survey) annually instead of every other year as is the current practice, and with more comprehensive data analysis.

The conferees reiterate House report language directing that future work on the retirement modernization program move forward within the framework of the recommendations made by the Government Accountability Office in its April 2009 report (GAO-09-529) on the subject.

The conferees reiterate Senate report language directing OPM to carry out the Inter-governmental Personnel Act Mobility Program and to report to the Committees on Appropriations no later than 120 days after enactment of this Act on how the mobility program is being used to alleviate the nursing shortage and on the demonstrable steps OPM has taken to encourage government-employed nurses to teach at accredited schools of nursing.

#### OFFICE OF INSPECTOR GENERAL

##### SALARIES AND EXPENSES

##### (INCLUDING TRANSFER OF TRUST FUNDS)

The conference agreement provides \$24,363,000 for salaries and expenses of the Office of Inspector General instead of \$23,576,000 as proposed by the House and \$22,564,000 as proposed by the Senate. Within the amount provided, \$3,148,000 is a direct appropriation and \$21,215,000 is a transfer from Office of Personnel Management trust funds. Increased funding is provided to cover standard pay adjustments for OIG staff and to support increased workload stemming from fraudulent background investigations.

#### GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

The conference agreement provides such sums as necessary for health benefits payments as proposed by both the House and the Senate.

#### GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

The conference agreement provides such sums as necessary for life insurance payments as proposed by both the House and the Senate.

#### PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

The conference agreement provides such sums as necessary for retirement and dis-

ability payments as proposed by both the House and the Senate.

#### OFFICE OF SPECIAL COUNSEL

##### SALARIES AND EXPENSES

The conference agreement includes \$18,495,000 for the salaries and expenses of the Office of Special Counsel as proposed by both the House and the Senate.

#### POSTAL REGULATORY COMMISSION

##### SALARIES AND EXPENSES

##### (INCLUDING TRANSFER OF FUNDS)

The conference agreement provides \$14,333,000 for the salaries and expenses of the Postal Regulatory Commission, as proposed by both the House and the Senate. It does not include language proposed by the House requiring any unobligated balances remaining at the end of fiscal years 2009 and 2010 to be transferred back to the Postal Service Fund.

Proposed Closings of Postal Facilities.—The conferees are aware of considerable public concerns about plans by the Postal Service to close or consolidate retail post offices and other mail facilities, and believe that the Postal Regulatory Commission has an important role to play in evaluating those concerns and fostering well-informed decision making. The conferees commend the Commission for undertaking its current investigation of the national service implications of the Postal Service "Station and Branch Optimization and Consolidation Initiative" and urge the Commission to initiate such other proceedings as appropriate to fully evaluate the effects of proposed closings and consolidations on service levels, costs, postal employees, and the affected communities. Among other issues, the Commission should examine whether Postal Service actions, including notification and appeal procedures, are in accord with applicable law.

#### PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

##### SALARIES AND EXPENSES

The conference agreement provides \$1,500,000 for the salaries and expenses of the Privacy and Civil Liberties Oversight Board as proposed by the Senate, rather than \$2,000,000 as proposed by the House. The funds shall remain available for two years as proposed by the House, instead of one year as proposed by the Senate.

#### SECURITIES AND EXCHANGE COMMISSION

##### SALARIES AND EXPENSES

The conference report includes \$1,111,000,000 for the Securities and Exchange Commission (SEC), instead of \$1,036,000,000 as proposed by the House and \$1,126,000,000 as proposed by the Senate.

The conference report provides that the SEC Office of Inspector General shall receive no less than \$4,400,000 as proposed by the House, a provision not included in the Senate bill.

The conference report provides that, in addition to \$16,084,200 derived from prior year unobligated balances, an additional \$1,094,915,800 shall be derived from offsetting collections.

The SEC's Office of Global Security Risk shall submit reports to the House and Senate Committees on Appropriations every six months as described in the House and Senate reports and ensure that all companies sold on United States exchanges operating in State Department-designated terrorist-sponsoring states are disclosing such activities to investors.

The conferees acknowledge efforts to identify ways to harmonize oversight of futures

and securities products to achieve greater protection of investors, ensure market integrity, and promote price transparency. The GAO is directed to assess the harmonization report issued on October 16, 2009 jointly by the SEC and the Commodity Futures Trading Commission and report to Congress not later than March 1, 2010 with comments on the report and recommendations on ways to reduce or eliminate discrepancies and gaps in oversight, enhance regulatory effectiveness and efficiency, and heighten market transparency.

An increase over the requested level is provided to support the SEC's performance-based pay system, as well as to enhance enforcement, capital market oversight, and investor protection activities, including investigations of accounting fraud, market manipulation, insider trading, and investment scams that target seniors and low-income communities. The SEC should also increase its effort to improve oversight of investment banking institutions.

#### SELECTIVE SERVICE SYSTEM SALARIES AND EXPENSES

The conference agreement includes \$24,275,000 for the salaries and expenses of the Selective Service System, instead of \$24,400,000 as proposed by the Senate and \$24,150,000 as proposed by the House.

#### SMALL BUSINESS ADMINISTRATION SALARIES AND EXPENSES

The conference agreement includes \$433,438,000 for the salaries and expenses account of the Small Business Administration (SBA), instead of \$428,387,000 as proposed by the House and \$444,000,000 as proposed by the Senate.

Of the amount provided under this heading, \$248,088,000 is for operating expenses of the SBA including funds for an additional 80 full-time equivalents to address increased workload needs, and \$185,350,000 is for non-credit programs. In addition, \$153,000,000 from the Business Loans Program Account and \$75,588,200 from the Disaster Loans Program Account may be transferred to and merged with the Salaries and Expenses account for the administrative expenses related to those accounts.

The conferees direct that no less than the following amounts shall be dedicated to the following SBA non-credit programs:

Veterans Programs .....	\$2,500,000
7(j) Technical Assistance Programs .....	3,400,000
Small Business Development Centers .....	113,000,000
SCORE .....	7,000,000
Women's Business Centers .....	14,000,000
Women's Business Council .....	1,000,000
Native American Outreach .....	1,250,000
Drug-free Workplace Program .....	1,000,000
Microloan Technical Assistance .....	22,000,000
PRIME .....	8,000,000
HUBZone .....	2,200,000
Entrepreneurial Development Initiative .....	10,000,000

Total, non-credit programs .....

185,350,000

The conferees direct that the amounts provided for SBA's non-credit business assistance programs, as specified in the table above, shall be administered in the same manner as previous years and shall not be reduced, reallocated, or reprogrammed to provide additional funds for other programs, initiatives, or activities. In addition, the conferees expect that the National Ombudsman;

the Office of Advocacy, including support for the Advocacy Database; international trade programs; and the defense transition program receive no less than the fiscal year 2009 level of funding.

The conference agreement includes language proposed by the Senate increasing from 25 percent to 50 percent for fiscal year 2010 the formula specified under section 7(m)(4)(A) of the Small Business Act for calculating microloan technical assistance grants to lending intermediaries. The conference agreement does not include language proposed by the Senate that would waive the matching fund requirements for intermediaries receiving microloan technical assistance grants.

The conference agreement includes \$10,000,000 for the Administrator's Entrepreneurial Development Initiative as proposed by the Senate instead of \$15,000,000 as proposed by the House. The conference agreement does not include language proposed by the Senate that would waive section 7(e) of the Small Business Act for the purpose of providing grant funding in executing this initiative. The conferees modify House report language directing SBA to submit a detailed spending plan for the Entrepreneurial Development Initiative within 45 days of enactment of this Act and that obligation of funds for the initiative will be contingent upon approval of such a spending plan by the House and Senate Committees on Appropriations. The plan should include a discussion of the strategies and goals of the Entrepreneurial Development Initiative and the methodologies for selecting funding recipients and assessing performance, as requested in the Senate report.

The conferees reiterate Senate report language strongly encouraging SBA to consider funding veterans' business outreach centers that have significant experience conducting outreach to veterans including those previously receiving Federal funding.

The conference agreement does not include funding for SBA relocation costs. The House and Senate proposed \$10,000,000 associated with a potential move of SBA headquarters to another location within Washington, D.C. A decision was made in October 2009 that SBA will be staying in its current building under a new lease, obviating the need to provide relocation costs in this Act. The conference agreement does provide funding to cover higher space rental and operating costs associated with the new lease.

The conference agreement provides sufficient funds to administer small business development and entrepreneurship initiatives provided in section 523.

The conference agreement includes language proposed by the Senate providing \$2,000,000 for the Federal and State Technology Partnership Program.

#### OFFICE OF INSPECTOR GENERAL

The conference agreement provides \$16,300,000 for the Office of Inspector General of the Small Business Administration as proposed by both the House and the Senate. An additional \$1,000,000 is available for transfer into this account from the Disaster Loans Program Account.

#### SURETY BOND GUARANTEES REVOLVING FUND

The conference agreement provides \$1,000,000 for this account as proposed by both the House and the Senate.

#### BUSINESS LOANS PROGRAM ACCOUNT (INCLUDING TRANSFER OF FUNDS)

The conference agreement provides \$236,000,000 for the Business Loans Program Account as proposed by both the House and

the Senate. Of the amount provided, \$3,000,000 is for the cost of direct loans in the microloan program, \$80,000,000 is for the cost of guaranteed loans as authorized by section 7(a) of the Small Business Act, and \$153,000,000 is for administrative expenses to carry out the direct and guaranteed loan programs and may be transferred to and merged with Salaries and Expenses.

#### DISASTER LOANS PROGRAM ACCOUNT (INCLUDING TRANSFERS OF FUNDS)

The conference agreement includes \$78,278,200 for the Disaster Loans Program Account instead of \$104,000,000 as proposed by both the House and the Senate. Of the amount provided, \$1,690,000 is for the cost of guaranteed loans, of which \$352,357 is for loan guarantees as authorized by section 42 of the Small Business Act, and \$1,337,643 is for loan guarantees as authorized by section 12085 of Public Law 110-246. The remaining \$76,588,200 is for administrative expenses to carry out the direct and guaranteed loan programs, of which \$65,278,200 is for direct administrative expenses of loan making and servicing to carry out the direct loan program, which may be transferred to and merged with Salaries and Expenses; \$9,000,000 is for indirect administrative expenses for the direct loan program, which may be transferred to and merged with Salaries and Expenses; \$1,000,000 is for the Office of Inspector General for audits and reviews of disaster loans and the disaster loan programs; and \$1,310,000 is for administrative expenses to carry out the guaranteed loan programs, which may be transferred to and merged with Salaries and Expenses. Any direct loan subsidies required in fiscal year 2010 will be derived from available unobligated balances.

The \$76,588,200 provided for disaster administrative expenses takes into account a November 2009 report from SBA regarding actual no-year balances that carried forward from fiscal year 2009 into fiscal year 2010. Actual carryforward balances for disaster administrative expenses are \$41,000,000 above the carryforward estimates included in the budget request. In light of this information, the conference agreement reflects a fiscal year 2010 appropriation \$25,721,800 below the amounts recommended by the House and the Senate. The conferees note, however, that when all sources of funding are considered, including the higher than anticipated carryforward balances, disaster administrative expenses are funded above SBA's fiscal year 2010 budget request in order to provide additional flexibility in the event fiscal year 2010 funding needs exceed the level requested.

#### ADMINISTRATIVE PROVISIONS—SMALL BUSINESS ADMINISTRATION (INCLUDING TRANSFER OF FUNDS)

Section 520 allows transfers between accounts as proposed by both the House and the Senate.

Section 521 as proposed by the Senate specifies that disaster loans issued in Alaska or North Dakota shall be administered by the Small Business Administration and shall not be sold during fiscal year 2010.

Section 522 makes a technical correction to Public Law 111-8.

Section 523 provides \$59,000,000 for small business development and entrepreneurship initiatives, including programmatic and construction activities, to be awarded as follows:

Project Name	Amount
Agriculture & Land-based Training Association, Salinas, CA for Farmworker to Farmer Business Incubator .....	\$3,110,000



<i>Project Name</i>	<i>Amount</i>	<i>Project Name</i>	<i>Amount</i>	<i>Project Name</i>	<i>Amount</i>
Agudath Israel of America, New York, NY Mentoring and training services .....	150,000	Central Connecticut State University, for a manufacturing workforce initiative and technical assistance program, New Britain, CT .....	150,000	Community Action Committee of the Lehigh Valley, Bethlehem, PA to help small businesses identify and implement energy efficiency improvements .....	100,000
Alabama Small Business Institute of Commerce, Rainbow City, AL for small business training .....	100,000	Central Oregon Community College, Bend, OR for a technology education center .....	100,000	Community College of Philadelphia, Northeast Regional Center for small business education, growth, and training, Philadelphia, PA .....	100,000
Alabama Technology Network, Birmingham, AL for the Alabama Center for Advanced Woodworking Technology .....	350,000	Chamber South, South Miami, FL to encourage economic production .....	100,000	Community Economic Development Fund, Small Business Institute, Meriden, CT for training and technical assistance .....	250,000
Alaska Manufacturing Extension Partnership for the AMBIT Youth Entrepreneurship Curriculum, Anchorage, AK .....	200,000	Champlain Valley Office of Economic Opportunity, Chittenden Emergency Food Shelf's Community Kitchen Expansion Project, Burlington, VT .....	125,000	Community Links Hawaii for planning and development of Oahu Technology and Innovation Park, Oahu, HI .....	250,000
Albuquerque Hispano Chamber of Commerce, Albuquerque, NM "Dos Mundos" small business assistance program .....	200,000	Chicanos Por La Causa, Inc., Phoenix, AZ Buckeye Small Business Incubator .....	200,000	Community Service Society of New York, financial education project, New York, NY .....	117,500
Alcorn State University for the Systems Research Institute, MS .....	250,000	City of Alcoa, TN for the Pellissippi Research Centre on the Oak Ridge Corridor .....	750,000	Consortium for Worker Education, New York, NY Financial training and guidance programs .....	150,000
Altoona-Blair County Development Corporation, Altoona, PA for the I-99 Entrepreneurial Institute .....	100,000	City of Alma, GA for business and infrastructure development .....	500,000	Consumer Credit Counseling Service of Delaware Valley, Philadelphia, PA Financial Counseling for Economic Security .....	35,000
American Cities Foundation, Inc., Philadelphia, PA Reaching and Impacting Small Entrepreneurs (Project RISE) .....	225,000	City of Berkeley, CA East Bay Green Jobs Project .....	250,000	Council for Native Hawaiian Advancement, Entrepreneurial Development and Government Procurement Center, Honolulu, HI .....	300,000
Amoskeag Business Incubator, Manchester, NH .....	120,000	City of Buffalo, Buffalo clean energy incubator, Buffalo, NY .....	117,500	County of Essex, Newark, NJ Resource Center for Small Businesses .....	205,000
Arkansas State University, Newport, AR for Arkansas Commercial Driver Training Institute ..	200,000	City of College Park, GA Entrepreneurial Development Center ..	150,000	County of Passaic, Paterson, NJ Economic Development Department .....	125,000
Baltimore City Schools, Baltimore, MD Career and Technology Pathways .....	350,000	City of Jal, renovation of Burke Junior High School to house business ventures, Jal, NM .....	85,000	Cuban American National Council New Jersey Regional Office, Union City, NJ Financial Education, Foreclosure Protection and Home Ownership Program ..	100,000
Barry University, Miami Shores, FL for community and economic development .....	100,000	City of Loma Linda and City of Grand Terrace, CA for an infrastructure expansion project to promote small business .....	900,000	Cuyahoga Community College, veterans outreach and business development program, Cleveland, OH .....	200,000
Benedictine University, Lisle, IL for women's entrepreneurial education and workforce development .....	250,000	City of Los Angeles, Port of Los Angeles Technology Advancement Program and Clean Technology Development Center, Los Angeles, CA .....	250,000	Dakota College at Bottineau, Entrepreneurial Center for Horticulture, Bottineau, ND .....	250,000
Bennett College for Women, The Center for Women's Entrepreneurship, Greensboro, NC .....	150,000	City of Montrose, CO Montrose Higher Education and Technology Park .....	200,000	Delaware Valley Industrial Resource Center for an emerging manufacturers initiative, Philadelphia, PA .....	175,000
Boise State University, Boise, ID for a research and economic development and entrepreneurial initiative .....	400,000	City of Myrtle Beach, SC for the Myrtle Beach International Trade and Conference Center ....	100,000	Delta Foundation, Greenville, MS Mississippi Delta business growth development program ...	150,000
Brewer Business and Commerce Park, Brewer, ME .....	1,280,000	City of Palmdale, CA for the South Valley WorkSource Center .....	100,000	Department of Community Affairs, Division on Women, New Jersey Women's Microbusiness Credit Program, for training and mentoring activities, Trenton, NJ .....	100,000
Bronx Shepherds Restoration Corporation, Bronx, NY business training programs .....	75,000	City of Providence, Department of Planning and Development, Rhode Island Center for Life Sciences, research, development and commercialization, Providence, RI .....	300,000	Detroit Renaissance, Detroit, MI for Detroit Creative Corridor Center .....	200,000
Brooklyn Hispanic Chamber of Commerce, Brooklyn, NY Business incubator program .....	60,000	City of Salem, downtown revitalization "toolbox" program, Salem, OR .....	200,000	Downtown West Plains, Inc., West Plains, MO for the Ozarks Small Business Incubator .....	500,000
Buffalo Niagara International Trade Foundation, Buffalo, NY to support small businesses .....	250,000	City of San Jose, CA Silicon Valley Minority/Immigrant Business Support Initiative .....	200,000	East Los Angeles Community Union, Los Angeles, CA TELACU Neighborhood Stabilization Corporation .....	500,000
Bunker Hill Community College, Boston, MA Workforce Development Initiative for Internationally Educated Nurses .....	150,000	City of Santa Rosa, Ilfeld Warehouse business incubator, Santa Rosa, NM .....	170,000	Eastern Washington University for accelerating economic development in rural and underserved communities of the Inland Pacific Northwest, Spokane, WA .....	250,000
California State University, Dominguez Hills, Carson, CA for online access to business and other educational programs ..	150,000	City of Valparaiso, IN Entech Innovation Center Tech Park .....	250,000		
Center for Economic Growth, Albany, NY Watervliet Innovation Center .....	150,000	Cleary University, Howell, MI for a multi-media center .....	100,000		
Cen-Tex African American Chamber of Commerce, Waco, TX Center for Business Excellence ..	200,000	Clemson University, Clemson, SC for the Advanced Materials Innovation Center .....	100,000		
Central Brooklyn Housing Contractor Association, Brooklyn, NY Business Incubation and Development Program .....	150,000	College of Notre Dame of Maryland, for lab facilities, Baltimore, MD .....	100,000		
		Colorado State University, Sustainable Biofuels Development Center, Ft. Collins, CO .....	250,000		
		Commerce Lexington, Lexington, KY Central Kentucky Small Business Assistance Initiative ..	200,000		

<i>Project Name</i>	<i>Amount</i>	<i>Project Name</i>	<i>Amount</i>	<i>Project Name</i>	<i>Amount</i>
Economic Development Council of Tallahassee/Leon County, Inc., Tallahassee, FL Tallahassee Small Business Incubator ...	450,000	HOPE Community Development Corporation for an economic development initiative, Charleston, WV .....		Loring Commerce Centre Infrastructure Development for the Loring Development Authority, Limestone, ME .....	1,000,000
Economic Growth Connection of Westmoreland, Greensburg, PA Defense Procurement Assistance Program .....	125,000	Housing Options and Geriatric Association Resources, Inc., Bronx, NY Economic and community development program for elderly persons .....	75,000	Los Angeles City College Foundation, Los Angeles, CA East Hollywood Entrepreneurial Training and Small Business Program .....	150,000
El Pajaro Community Development Corporation, Watsonville, CA Commercial Kitchen Business Incubator .....	90,000	Hudson Valley Agribusiness Development Corporation, Hudson, NY Hudson Valley Food Processing Incubator Facility ..	350,000	Louisiana Office of Social Entrepreneurship for administrative costs of a business planning initiative, Baton Rouge, LA .....	137,500
Fairplex Trade and Conference Center, Los Angeles, CA for Pomona Fairplex Trade and Conference Center .....	350,000	Hunter College, New York, NY for the Roosevelt House Institute Public Policy Institute, Financial Literacy Project .....	75,000	Lutheran Social Service of Minnesota, Credit Counseling Capacity Building, St. Paul, MN ..	200,000
First Community Development Corporation (FCDC), Inglewood, CA Computer Lab Resource Center .....	150,000	I-70 Northwest Development Corporation, St. Louis, MO North St. Louis Community Food and Health Center .....	150,000	Macomb County, MI for a business accelerator .....	100,000
Fitzsimons Redevelopment Authority, Colorado Drug, Device, and Diagnostic Development Institute, Aurora, CO .....	300,000	Idaho TechConnect Inc., Nampa, ID Proof of Concept Center .....	285,000	Manhattan Chamber of Commerce, New York, NY Foundation for Small business training and assistance related to international opportunities .....	75,000
Florida Department of Citrus, Lakeland, FL abscission chemical for improved citrus harvesting .....	100,000	Illinois Eastern Community Colleges for the Small Business Development Center, Olney, IL ..	200,000	Maryland Technology Development Corporation (TEDCO), Columbia, MD Rural Business Innovation Initiative—Eastern Shore .....	220,000
Florida Gulf Coast University, Fort Myers, FL for a small business software development program .....	261,000	Illinois Institute of Technology, Chicago, IL .....	600,000	Maverick County Development Corporation, Eagle Pass, TX ..	
Florida Institute of Technology, Florida Advanced Combustion Center, Brevard County, FL .....	200,000	Illinois Science and Technology Coalition, Chicago, IL Illinois Nanotechnology Collaborative ..	150,000	Maverick County Small Business Development Program .....	100,000
Florida Institute of Technology, Melbourne, FL for Activity Based Total Accountability .....	100,000	Illinois State Library to expand access to Illinois public libraries, Springfield, IL .....	300,000	McNeese State University, Southwest Louisiana Entrepreneurial and Economic Development Center (SEED), Lake Charles, LA .....	137,500
Foothill Workforce Investment Board, Pasadena, CA for Small Business Assistance Program ...	150,000	Illinois State University, Normal, IL for an export project .....	100,000	MDC Inc., Chapel Hill, NC for services related to small business entrepreneurship .....	225,000
Fort Stockton Economic Development Corporation, Fort Stockton, TX Fort Stockton Small Business Development Program .....	100,000	Illinois Valley Community College, Oglesby, IL Technology and Workforce Development Center .....	220,000	Metropolitan Council on Jewish Poverty, New York, NY Employment and training programs .....	150,000
Girl Scouts of the USA, New York, NY for a national program to improve financial literacy .....	305,875	Indianhead Community Action Agency, Ladysmith, WI Solar Business Revolving Loan Fund ..	450,000	Miami Dade College Institute, Miami, FL for Intermodal Transportation .....	300,000
Grambling State University, Grambling, LA for the Greater North Louisiana Community Development Corporation .....	300,000	Iowa Valley Community College District, Marshalltown, IA for an education and training center .....	500,000	Miami-Dade Chamber of Commerce, Miami, FL Technical Assistance and Economic Development Center .....	150,000
Great Falls Development Authority, to support the administrative costs of the Central Montana Growth Fund, Great Falls, MT .....	137,500	Jackson State University for Economic and Community Development through Heritage Tourism, MS .....	500,000	Mississippi Biotechnology Association for Capacity Building for the Mississippi Biotechnology Industry, Ridgeland, MS .....	250,000
Greater Des Moines Partnership, Des Moines, IA for the Central Iowa Business Innovation Zone ..	185,000	Kansas World Trade Center for the Wichita EcoPartnership, Wichita, KS .....	400,000	Mississippi State University for the Entrepreneurship Center to Develop New Entity Creation (ECDEC), MS .....	500,000
Greater Syracuse Chamber of Commerce, Space Alliance Technology Outreach Program (SATOP), Syracuse, NY .....	117,500	Kelley Road Business Park, Orono, ME .....	345,000	Mississippi Technology Alliance for the Center for Innovation and Entrepreneurship, MS .....	850,000
Greater Syracuse Chamber of Commerce, Syracuse, NY Clean Tech Startup Camp .....	232,500	Laredo Community College, Laredo, TX Small Business Center ..	150,000	Missouri Chamber Education Foundation to develop a small business technology, training and outreach center, Jefferson City, MO .....	1,000,000
Hannah Grimes Center, business incubator renovation and expansion, Keene, NH .....	130,000	Latin Chamber of Commerce, Hispanic Leadership Program, Las Vegas, NV .....	234,858	Montana State University, Bozeman, MT HTAP: High-Tech-Technology Assistance Program .....	133,000
Haymarket Center for a workforce development initiative, Chicago, IL .....	700,000	Lawrence CommunityWorks, Union Crossing Mill Redevelopment, Lawrence, MA .....	200,000	Montana Technology Venture Center, Bozeman, MT for expansion and operations of the TechRanch next step program ..	137,500
Hispanic Business Education & Training, Inc., Oakland, CA for a Hispanic Business Education and Training Program .....	50,000	Leavenworth Technology and Research Park, Leavenworth, KS ..	300,000	Montana World Trade Center, Missoula, MT for Montana Growth Through Trade .....	134,000
Hispanic Chamber of Commerce of Metro Orlando, FL for Small business training, assistance and outreach .....	220,000	Liberty University, VA, Lynchburg, VA Central Virginia WiMAX broadband internet service for education and economic development—Feasibility Study .....	220,000	Montgomery County, Rockville, MD Green Business Incubator ..	150,000
		Lock Haven University, Lock Haven, PA Small Business Development Center Tax Compliance Resource Program .....	50,000	Mount Hope Housing Company, Inc., Bronx, NY training program .....	75,000
		Long Beach Community College District, Long Beach, CA for business training for Watts-Willowbrook .....	150,000		

<i>Project Name</i>	<i>Amount</i>	<i>Project Name</i>	<i>Amount</i>	<i>Project Name</i>	<i>Amount</i>
Mount Vernon Chamber of Commerce, Mount Vernon, NY Mount Vernon Small Business Incubator .....	150,000	Northern Arizona Center, Flagstaff, AZ for Emerging Technologies for the Arizona Clean Energy Accelerator .....	220,000	Progreso Latino, Central Falls, RI Small business capacity building assistance .....	120,000
National Association of Development Organizations, Washington, DC for Small Business Development and Entrepreneurial Enhancement Initiative .....	232,500	Northern Dauphin Revitalization Project, Inc., Elizabethville, PA job creation initiative .....	150,000	Project EzraH Needs, Inc., Englewood, NJ Employment and financial counseling and assistance .....	100,000
National Latino Education Institute, Chicago, IL Vocational Training Initiative .....	150,000	Northern Virginia Community College for retraining displaced workers in Geographic Information Systems, Richmond, VA ....	200,000	Prospera (Gallatin Valley Development Corporation), Accelerated Entrepreneur Program, Bozeman, MT .....	200,000
National Urban League, New York, NY Restore Our Homes-Homeownership Center in Chicago .....	100,000	Northside Economic Opportunity Network (NEON), Minneapolis, MN North Minneapolis Small Business Capacity Building Program .....	150,000	Rhode Island School of Design and Brown University, Partnership for Sustainable Development/Rhode Island Center for Innovation and Entrepreneurship (RI-CIE), for technical assistance to small businesses on green product design and marketing and on developing and commercializing innovative products and services, Providence, RI .....	150,000
Nebraska Community Foundation, HomeTown Competitiveness, Lincoln, NE .....	275,000	Northwest Pennsylvania Incubator Association for an incubator project, Erie County, PA .....	100,000	River District Association, Rockford, IL to develop and recruit small businesses .....	100,000
Neighborhood Development Center, Midtown Global Market business technical assistance, St. Paul, MN .....	200,000	NYS Small Business Development Center at Rockland County Community College, Suffern, NY for training for displaced workers to start or expand small business .....	125,000	Rural Business Energizer Program, Milbridge, ME .....	250,000
Neighborhood Development Center, St. Paul, MN University Avenue Business Preparation Collaborative .....	200,000	Oakland African American Chamber of Commerce Foundation, Oakland, CA for Economic Vitality of Minority Businesses in Oakland .....	50,000	Rural Enterprises of Oklahoma, Inc. for a Women and Veteran's Business Resource Center at Seminole State College, Durant, OK .....	200,000
Nevada Center for Entrepreneurship and Technology (NCET), small business and entrepreneurship development, NV .....	234,858	Oakland Chinatown Chamber of Commerce, Oakland, CA for Economic Vitality of Asian Minority Business Program .....	50,000	Rutgers, The State University of New Jersey, New Jersey urban entrepreneurship development initiative, New Brunswick, NJ .....	271,050
Nevada Small Business Development Center, for Imagine 2012, a Hispanic business development initiative, Reno, NV .....	234,859	Operation Get Ahead, Hempstead, NY for job readiness and employment programs .....	150,000	SEKTD, Somerset, KY for economic and small business development in Southern and Eastern Kentucky .....	685,000
New Agrarian Center, Oberlin, OH Urban Agriculture Business Development .....	125,000	Operation New Hope, Inc., Jacksonville, FL for a prisoner re-entry job training program that works with small business owners .....	790,000	Shawnee Community College for the Small Business Development Center, Ullin, IL .....	200,000
New Orleans Redevelopment Authority, New Orleans, LA to encourage commercial investments .....	250,000	Our Lady of the Lake University, San Antonio, TX Hispanic Leadership and Entrepreneurship Training Institute .....	100,000	Souris Basin Regional Planning Council, North Dakota REAP Zones, ND .....	300,000
New York City College of Technology, Brooklyn, NY Brooklyn Small Business Development Center .....	115,000	Pace University Lienhard School of Nursing, White Plains, NY nursing workforce education and training initiative .....	125,000	South Dakota Rural Enterprise, Dakota Rising for an entrepreneur development system, SD .....	250,000
New York College of Environmental Science & Forestry, Syracuse, NY for the New York Forest Community Economic Assistance Program .....	100,000	Pasadena City College, Pasadena, CA Small Business and Entrepreneur Assistance Program ....	150,000	Southwest Brooklyn Industrial Development Corporation, Brooklyn, NY Plan Ahead Brooklyn .....	80,000
New York Industrial Retention Network, New York, NY Technical assistance and financing for manufacturers for energy conservation projects .....	60,000	Philadelphia Development Partnership, Philadelphia, PA Southeastern Pennsylvania Micro Business Center .....	65,000	Southwest Georgia United Empowerment Zone, Inc. for Capitalization and overhead of Community Development Financial Institution, Vienna, GA .....	100,000
Newport Chamber of Commerce, Middletown, RI Industrial Park of Tiverton .....	80,000	Phillips County Economic Development for a Entrepreneur Business Enhancement Program (EBEP), Phillips County, KS .....	300,000	Southwestern Adventist University, Keene, TX Entrepreneurship Resources Center .....	200,000
North Carolina Biotechnology Center, Research Triangle Park, NC Entrepreneurship and Research and Development Training Initiative .....	130,000	Pinellas County Board of County Commissioners, Clearwater, FL for the Business Assistance Partnership Network .....	262,000	Suffolk County Community College, Brentwood, NY Green Technology Workforce Initiative .....	200,000
North Carolina Rural Economic Development Center, Raleigh, NC for a Rural Business Finance Program .....	250,000	Port of Bremerton, Port Orchard, WA for services to sustainable energy and other "green" small businesses .....	250,000	SUNY Fredonia, Fredonia, NY small business incubator .....	150,000
North Carolina School of the Arts/Winston-Salem State University, The Center for Design Innovation, Winston-Salem, NC .....	100,000	Port of Clarkston, Asotin County Industrial Park infrastructure completion, Asotin County, WA .....	350,000	Texas State University System, San Marcos, TX Center for Entrepreneurial Action .....	150,000
Northeast Alabama Community College, Rainsville, AL for industrial systems technology and machining training .....	335,000	Portland Community College, sustainable careers for a green economic recovery, Portland, OR .....	200,000	The Bi-National Sustainability Laboratory (BNSL), El Paso, TX Partnership for Innovation and Security .....	150,000
Northeast Entrepreneur Fund, Virginia, MN Greenstone Group .....	200,000	Pratt Institute, Brooklyn, NY "Green" Community Career & Business Training Center .....	85,000	The Bodega Association of the United States, Inc., New York, NY for education, training and other small business assistance .....	200,000
Northeast Ohio Technology Coalition, Cleveland, OH for Tech Leaders II: Job Creation through Industry Cluster Development .....	250,000	Prince George's County, Upper Marlboro, MD Small Business Initiative .....	150,000	The Citizens Advice Bureau, Bronx, NY for economic and community development programs for homeless adults .....	150,000

<i>Project Name</i>	<i>Amount</i>	<i>Project Name</i>	<i>Amount</i>	<i>Project Name</i>	<i>Amount</i>
The Export Consortium, Columbia, SC The I-95 Corridor Project .....	150,000	University of Northern Iowa for MyEntreNet, a national rural entrepreneurship development system, IA .....	250,000	Western Kentucky University Bowling Green Data Center, Bowling Green, KY .....	1,100,000
The Pittsburgh Life Sciences Greenhouse, Pittsburgh, PA for the Tech Belt Biosciences Initiative .....	100,000	University of South Carolina, Columbia, SC Innovista Center for Entrepreneurial Development ..	100,000	Western Massachusetts Enterprise Fund, Holyoke, MA Financial and Technical Assistance for Development Enterprises .....	250,000
The Progress Fund, Greensburg, PA Technical Assistance for Small Businesses .....	125,000	University of Southern Maine for the Science Technology Research Center, Portland, ME ....	850,000	Western Nevada Development District, Carson City, NV to promote small business development efforts .....	250,000
The University of Mississippi for the Technology Commercialization Initiative, Oxford, MS .....	250,000	University of Texas at Brownsville, TX Global Marketing and Logistics Certification Program	150,000	Western Reserve Port Authority, Vienna, OH Western Reserve Economic Development Initiative .....	200,000
The University of Southern Mississippi for the Early Stage Entrepreneur and Commercialization Development, Hattiesburg, MS .....	500,000	University of Toledo, Toledo, OH Renewable Energy Business Incubator communication infrastructure .....	75,000	Western Reserve Resource Conservation and Development Council, Painesville, OH for a green job and watershed management training program .....	150,000
Thomas More College, Crestview Hills, KY for training programs in health care management .....	100,000	University of West Florida, Pensacola, FL for the Turnaround Business Assistance Program ...	262,000	Women At Work, Pasadena, CA Career Technology Training for Low-Income Women .....	150,000
Thorpe Family Residence, Inc. (TFR), Bronx, NY for economic and community development, residential services programs and capital costs .....	75,000	University of West Georgia, Carrollton, GA for a small business incubator .....	100,000	Women's Business Development Center, Stamford, CT for entrepreneurial small business training and assistance .....	200,000
Township of Woodbridge, NJ for the Pennval Road Green Technology Incubator .....	250,000	University of Wisconsin, White-water, WI Small Business Development Center .....	150,000	World Trade Center Institute Delaware, for the export assistance webinar series for business education, Wilmington, DE .....	50,000
Uhlich Children's Advantage Network for job training, placement and retention services, Chicago, IL .....	400,000	University of Wisconsin-Milwaukee for business development related to clean water technologies, Milwaukee, WI ....	250,000	YMCA of Long Island, Inc., Holtsville, NY Diversity Training Program at the Brookhaven-Roe YMCA .....	100,000
UMASS Dartmouth, Fall River, MA Advanced Technical & Manufacturing Center .....	325,000	Urban League of Eastern Massachusetts, economic development center expansion, Boston, MA .....	200,000	UNITED STATES POSTAL SERVICE	
United Way for Southeastern Michigan, Detroit, MI Ex-Offender Entrepreneurship Program .....	250,000	Urban League of Philadelphia, Philadelphia, PA for the Urban League Entrepreneurship Center .....	150,000	PAYMENT TO THE POSTAL SERVICE FUND	
University of Alabama, Tuscaloosa, AL for the Preparing the Workforce of the Future project	1,000,000	Valencia County IT program, upgrade and training, Valencia County, NM .....	145,000	The conference agreement provides \$118,328,000 for a payment to the Postal Service Fund, of which \$89,328,000 is an advance appropriation for fiscal year 2011 to continue free mail for the blind and for overseas voting materials, and of which \$29,000,000 is for the annual repayment of revenue foregone as required by law. These provisions are the same as proposed by both the House and the Senate.	
University of Alaska, Small Business Development Center, Ketchikan, AK .....	350,000	Vermont Businesses for Social Responsibility, the 50 for 25 Demonstration Project, Burlington, VT .....	50,000	The conference agreement includes provisions directing that mail for the blind and for overseas voting shall continue to be free and that six-day delivery and rural mail delivery shall continue at not less than the 1983 level. Further, it includes language prohibiting use of funds in this Act to charge a fee for providing information to child support enforcement programs or to consolidate or close small rural and other small post offices. All of these provisions were also contained in the House and Senate bills.	
University of Arkansas at Little Rock, Small Business Innovation Center, Little Rock, AR ....	275,000	Vermont Community Colleges, Waterbury, VT Career Readiness and Supervision Certification .....	150,000	<i>Closings of Postal Facilities.</i> —Numerous concerns and criticisms have been brought to the attention of the conferees regarding Postal Service plans to close or otherwise consolidate various retail and mail handling facilities. The conferees believe that the Postal Regulatory Commission is an appropriate forum for evaluating these proposals and the attendant concerns and have urged that the Commission take appropriate action to do so in language included under that heading.	
University of Arkansas, Fayetteville, AR for the Arkansas Research and Technology Park ....	225,000	Vermont Farms Association for an agritourism best practices and standards project, Rochester, VT .....	75,000	In addition, the conferees direct the Government Accountability Office to update its previous studies regarding Postal Service initiatives to realign its mail processing network, including proposed closures or consolidations of area mail processing facilities, and to report to the Committees on Appropriations and other appropriate congressional committees not later than 6 months after enactment of this Act. GAO's study should address the criteria used in selecting	
University of Connecticut for the Avery Point Technology Center, Groton, CT .....	200,000	Vermont Small Business Development Center, technical assistance to high-tech small businesses and emerging businesses, Randolph, VT .....	250,000		
University of Connecticut, Storrs, CT Farmington Technology Incubation Center .....	150,000	Village of Olympia Fields, Olympia Fields, IL South Suburban Coalition Economic Development Demonstration Project ....	100,000		
University of Delaware, Newark, DE for the Delaware Small Business and Technology Development Center .....	350,000	Virginia's Center for Innovative Technology, Mine safety technology and communication improvements, Herndon, VA .....	200,000		
University of Georgia, Public Service and Outreach, Athens, GA for an applied research demonstration project to bolster workforce development .....	100,000	Wayne State University, Detroit, MI Law School Small Business Clinic .....	200,000		
University of Guam, Mangilao, GU Center for Regional Economic Development .....	150,000	West Chester University of Pennsylvania, West Chester, PA Entrepreneurial Leadership Center .....	150,000		
University of Maryland-Baltimore BioPark, Baltimore, MD ..	100,000	West Jefferson Medical Center, Marrero, LA Workforce Training and Development Initiative	100,000		
University of Memphis, TN for an entrepreneurial training program .....	685,000	West Virginia Northern Community College, Center for Economic and Workforce Advancement, Weirton, WV .....	137,500		
University of Missouri System, Columbia, MO for the Extension Community Economic and Entrepreneurial program .....	299,000	Western Illinois University for the Small Business Development Center, Macomb, IL .....	400,000		
University of Nebraska at Omaha, NE Micro-Enterprise Center for Information Technology Development .....	250,000				

facilities for closure or consolidation, whether those criteria are being applied reasonably and consistently in particular cases, the adequacy of efforts to communicate and consult with affected communities and stakeholders, and the quality of efforts to evaluate the results of closures and consolidations.

*Financial Condition of the Postal Service.*—The conferees are concerned about the financial condition of the Postal Service. In fiscal year 2009, the Postal Service posted a net loss of \$3.8 billion that would have totaled \$7.8 billion, had Congress not reduced the Postal Service's retiree health benefits payment by \$4 billion. Significant declines in mail volume, exacerbated by the struggling economy, have contributed to the most recent Postal Service financial crisis.

The conferees applaud the Postal Service for its efforts to reduce costs. In fiscal year 2009, the Postal Service reduced its operating expenses by \$6.1 billion. These cost-cutting efforts must continue in close coordination with stakeholders and with careful consideration of the effect proposed cuts may have on service and volume.

Despite cost-cutting efforts, the financial condition of the Postal Service remains dire. The conferees understand that the Postal Service has requested legislative relief from the requirement that the Postal Service pre-fund a significant portion of its future retiree health benefits through the end of fiscal year 2016. Congress reduced the fiscal year 2009 payment from \$5.4 billion to \$1.4 billion. The Postal Service continues to seek a reduction or elimination of future mandated payments.

The conferees understand that both the Postal Service Inspector General (IG) and the Postal Regulatory Commission (PRC) have reviewed the payment stream under the Postal Accountability and Enhancement Act of 2006 (PAEA). The IG concluded that the current schedule would result in an overpayment to the retirement fund by the end of fiscal year 2016, and the PRC study concluded that the unfunded liability would not be as high as originally estimated. Because some experts, including OPM, have expressed concerns about the assumptions made in the Postal Service IG and PRC reports, the conferees urge the Postal Service to coordinate with OPM and OMB to develop a fiscally responsible legislative proposal, for consideration by the appropriate congressional committees, that would grant a limited measure of relief from the PAEA requirements to pre-fund retiree health benefits. These proposals should consider: (1) whether the PAEA-mandated stream of future payments overfunds through fiscal year 2016 the anticipated liability of the Postal Service for future retiree health benefits, (2) whether modifications to the mandated payments could meet the unliquidated liability goals contained in the PAEA, and (3) whether a decrease in mandated payments will reduce the incentive of the Postal Service to continue to cut additional costs.

OFFICE OF INSPECTOR GENERAL  
SALARIES AND EXPENSES  
(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides \$244,397,000 for the Office of Inspector General, as proposed by both the House and the Senate. It does not include language proposed by the House requiring any unobligated balances remaining at the end of fiscal years 2009 and 2010 to be transferred back to the Postal Service Fund.

UNITED STATES TAX COURT  
SALARIES AND EXPENSES

The conference agreement provides \$49,241,000 for salaries and expenses of the United States Tax Court as proposed by the Senate, instead of \$49,242,000 as proposed by the House.

TITLE VI  
GENERAL PROVISIONS—THIS ACT

Section 601 prohibits paying expenses or otherwise compensating non-Federal parties in regulatory or adjudicatory proceedings funded in this Act.

Section 602 prohibits obligations beyond the current fiscal year and prohibits transfers of funds unless expressly so provided herein.

Section 603 limits consulting service expenditures to contracts where such expenditures are a matter of public record, with exceptions.

Section 604 prohibits funds from being transferred to any department, agency, or instrumentality of the United States without express authority provided in this or any other appropriations Act.

Section 605 prohibits the use of funds to engage in activities that would prohibit the enforcement of section 307 of the 1930 Tariff Act.

Section 606 prohibits funds from being expended unless the recipient agrees to comply with the Buy American Act.

Section 607 prohibits funding to a person or entity convicted of violating the Buy American Act.

Section 608 provides reprogramming authority and requires agencies to submit financial plans to the House and Senate Appropriations Committees.

Section 609 provides that not to exceed 50 percent of unobligated balances from salaries and expenses may remain available for certain purposes.

Section 610 provides that no funds may be used by the Executive Office of the President to request any official background investigation from the Federal Bureau of Investigation unless the person has given consent or there are national security circumstances.

Section 611 requires that cost accounting standards not apply to a contract under the Federal Employees Health Benefits Program.

Section 612 permits the Office of Personnel Management to accept funds regarding the nonforeign area cost of living allowances.

Section 613 prohibits the expenditure of funds for abortions under the Federal Employees Health Benefits Program.

Section 614 provides an exemption from section 613 if the life of the mother is in danger or the pregnancy is a result of an act of rape or incest.

Section 615 waives restrictions on the purchase of non-domestic articles, materials, and supplies in the case of acquisition by the Federal Government of information technology.

Section 616 prohibits the acceptance by any regulatory agency or commission funded by this Act, or by their officers or employees, of payment or reimbursement for travel, subsistence, or related expenses from any person or entity (or their representative) that engages in activities regulated by such agency or commission.

Section 617 provides authority for the Public Company Accounting Oversight Board to obligate funds for a scholarship program.

Section 618 rescinds \$1,500,000 in unobligated balances for the Privacy and Civil Liberties Oversight Board, as proposed by the Senate.

Section 619 defines "payment of cash in advance" for purposes of section 908(b)(1) of the Trade Sanctions Reform and Export Enhancement Act of 2000.

Section 620 revises the Federal and District of Columbia Government Real Property Act of 2006 to advance the date for GSA to transfer the Old Naval Hospital to the District to not later than 60 days after date of enactment of this Act, as proposed by the House.

Section 621 permits the SEC and CFTC to fund a joint advisory committee to advise on emerging regulatory issues, notwithstanding section 708 of this Act. This provision was not included in either the House or Senate bills.

Section 622 provides that projects contained in the House report that are considered congressional earmarks for purposes of clause 9 of House of Representatives rule XXI, when intended to be awarded to a for-profit entity, shall be awarded under a full and open competition. This provision was not included in either the House or Senate bills.

The above provisions were included in similar form in both the House and Senate unless otherwise noted.

The conference agreement does not include House section 619 prohibiting the use of funds in this Act to implement or enforce section 101(a) of the Consumer Product Safety Improvement Act (CPSIA) of 2008 in regard to youth motorized off-highway vehicles. The conferees note that off-highway vehicles manufactured and sold during fiscal year 2010 are not subject to the strict lead limits of the CPSIA. The conferees are aware that the Consumer Product Safety Commission (CPSC) granted a stay of enforcement of CPSIA section 101(a) for certain components of those vehicles until May 1, 2011, and that CPSC is requiring compliance plans from industry that will indicate how products will be modified to comply with the lead standard as well as which parts have high lead content. The conferees recognize that practical issues exist in applying the CPSIA to these and certain other products, and address the issue in the CPSC account under title V.

The conference agreement does not include section 901 of the House bill concerning first-class travel by Federal employees. The conferees support Federal regulations stipulating that employees of Federal departments and agencies must use coach-class accommodations for official business travel except as provided under sections 301–10.123 and 301–10.124 of title 41 of the Code of Federal Regulations. The House language was redundant to those regulations.

TITLE VII  
GENERAL PROVISIONS—GOVERNMENT-WIDE

DEPARTMENTS, AGENCIES, AND CORPORATIONS

Section 701 requires all agencies have a written policy for ensuring a drug-free workplace.

Section 702 sets specific limits on the cost of passenger vehicles with exceptions for police, heavy duty, electric hybrid and clean fuels vehicles.

Section 703 makes appropriations available for quarters/cost-of-living allowances.

Section 704 modifies provisions proposed by the House and the Senate that prohibit the use of appropriated funds to compensate officers or employees of the Federal Government in the continental United States unless they are citizens of the United States or qualify under other specified exceptions. This provision eliminates the differential treatment of individuals by country of origin

and excepts from the prohibition individuals who are lawfully admitted for permanent residence and are seeking United States citizenship.

Section 705 ensures that appropriations made available to any department or agency for space, services and rental charges shall also be available for payment to the General Services Administration.

Section 706 allows the use of receipts from the sale of materials for acquisition, waste reduction and prevention, environmental management programs and other Federal employee programs as appropriate.

Section 707 allows funds for administrative expenses of government corporations and certain agencies to also be available for rent in the District of Columbia, services under 5 U.S.C. 3109, and the objects specified under this head.

Section 708 prohibits funds for interagency financing of boards (with exception), commissions, councils, committees or similar groups to receive multi-agency funding without prior approval.

Section 709 precludes funds for regulations which have been disapproved by joint resolution.

Section 710 sets ceilings on pay rates for certain Federal employees for fiscal year 2010.

Section 711 limits the amount of funds that can be used for redecoration of offices under certain circumstances to \$5,000, unless advance notice is transmitted to the House and Senate Committees on Appropriations.

Section 712 allows for interagency funding of national security and emergency preparedness telecommunications initiatives.

Section 713 requires agencies to certify that a Schedule C appointment was not created solely or primarily to detail the employee to the White House.

Section 714 prohibits the payment of any employee who prohibits, threatens, prevents or otherwise penalizes another employee from communicating with Congress.

Section 715 prohibits Federal employee training not directly related to the performance of official duties.

Section 716 prevents funds from being used to implement or enforce non-disclosure agreement policies unless certain provisions are included.

Section 717 prohibits executive branch agencies from using funds for propaganda or publicity purposes in support or defeat of legislative initiatives.

Section 718 prohibits any Federal agency from disclosing an employee's home address to any labor organization, absent employee authorization or court order.

Section 719 prohibits funds to be used to provide non-public information such as mailing or telephone lists to any person or organization outside the government without the approval of the House and Senate Committees on Appropriations.

Section 720 prohibits the use of funds for propaganda and publicity purposes not authorized by Congress.

Section 721 directs agency employees to use official time in an honest effort to perform official duties.

Section 722 authorizes the use of funds to finance an appropriate share of the Federal Accounting Standards Advisory Board administrative costs.

Section 723 authorizes the transfer of funds to GSA to finance various government-wide initiatives in financial management, information technology, human capital, procurement, and performance improvement, under certain conditions.

Section 724 permits breastfeeding in a Federal building or on Federal property if the woman and child are authorized to be there.

Section 725 permits interagency funding of the National Science and Technology Council and requires OMB to provide a report on the budget and resources of the National Science and Technology Council.

Section 726 requires that the Federal forms that are used in distributing Federal funds must indicate the agency providing the funds, the Federal Domestic Assistance Number, and the amount provided.

Section 727 prohibits the use of funds to monitor personal information relating to the use of Federal Internet sites to collect, review, or create any aggregate list that includes personally identifiable information relating to access to or use of any Federal Internet site of such agency.

Section 728 requires health plans participating in the Federal Employees Health Benefits Program to provide contraceptive coverage and provides exemptions to certain religious plans.

Section 729 recognizes the U.S. Anti-Doping Agency as the official anti-doping agency for Olympic, Pan American and Paralympic sport in the United States.

Section 730 allows funds for official travel to be used by departments and agencies, if consistent with OMB and Budget Circular A-126, to participate in the fractional aircraft ownership pilot program.

Section 731 prohibits funds for implementation of OPM regulations limiting detailees to the Legislative Branch or implementing limitations on the Coast Guard Congressional Fellowship Program.

Section 732 restricts the use of funds for Federal law enforcement training facilities with an exception for the Federal Law Enforcement Training Center.

Section 733 prohibits funds for E-Government initiatives sponsored by OMB prior to 15 days following submission of a report to the House and Senate Committees on Appropriations and receipt of the Committees' approval to transfer funds. The section also prohibits funds for new E-Government initiatives without the explicit approval of the Committees.

Section 734 provides authority to transfer funds between agencies to ensure the uninterrupted, continuous operation of the Midway Atoll Airfield.

Section 735 prohibits funds to begin or announce a study or public-private competition regarding conversion to contractor performance pursuant to OMB Circular A-76.

Section 736 prohibits executive branch agencies from creating prepackaged news stories that are broadcast or distributed in the United States unless the story includes a clear notification within the text or audio of that news story that the prepackaged news story was prepared or funded by that executive branch agency.

Section 737 prohibits funds from being used in contravention of the Privacy Act or associated regulations.

Section 738 requires agencies to evaluate the creditworthiness of an individual before issuing a government travel charge card and prohibits agencies from issuing a government travel charge card to individuals who have an unsatisfactory credit history.

Section 739 requires OMB to submit a crosscut budget report on Great Lakes restoration activities not later than 45 days after the submission of the budget of the President to Congress.

Section 740 prohibits funds in this or any other Act to be used for Federal contracts

with inverted corporations, unless the contract preceded this Act or the Secretary grants a waiver in the interest of national security.

Section 741 prohibits agencies from using funds to implement regulations changing the competitive areas under reductions-in-force for Federal employees.

Section 742 repeals section 748 of division D of the Omnibus Appropriations Act, 2009 (Public Law 111-8) to permit the President to modify or replace Executive Order 13423 with a new executive order, but it must achieve equal or better environmental and energy results.

Section 743 creates an annual requirement for every civilian agency to compile an inventory of service contracts performed for, or on behalf of, the agency during the prior fiscal year. In the absence of complete and reliable information on the extent of their reliance on service contractors, Federal agencies are not well-equipped to determine whether they have the right balance of contractor and in-house resources needed to accomplish their missions. This section requires agencies to review the contents of the inventory and report on actions taken and requires the Government Accountability Office to provide a series of reports on the implementation of the requirements in this section. It also modifies or replaces several provisions contained in the House and the Senate bills relating to tabulating the size of the Federal Government's contractor workforce.

Section 744 modifies Senate section 736 to provide that the adjustment in rates of basic pay for employees under statutory pay systems taking effect in fiscal year 2010 shall be an increase of 2 percent as recommended by the President and supported in the House bill. The conference agreement provides for a base pay adjustment and a locality pay adjustment.

Section 745 makes a technical correction to section 751 of division D of the Omnibus Appropriations Act, 2009 (Public Law 111-8).

Section 746 clarifies references to "this Act".

Section 747 establishes a disclosure and arbitration process to determine whether dealers that had their franchise agreements terminated or not assumed by a successor company should be added to dealer networks of automobile manufacturers partially owned by the Federal Government. This provision is a substitute for language contained in the House bill which also addressed concerns regarding terminated auto dealers. The Senate had no comparable provision.

The conferees believe that it is in the national interest that the United States automobile industry regain profitability and maintain sufficient dealerships to meet consumer demand. Evidence obtained in numerous Congressional hearings in 2009 demonstrates that automobile dealerships are integral parts of their local economy and provide millions of direct and indirect jobs in the United States. Automobile dealers are essential to the success of automobile manufacturers because they facilitate distribution, sales, and servicing of hundreds of millions of vehicles annually. It is also apparent to Congress that high-performing, historically profitable, and experienced automobile dealers with longstanding relationships with their customers are best positioned to help automobile manufacturers succeed financially. It is in the best interest of automobile manufacturers, the automotive industry, dealers, and the public to have a competitive and viable automobile distribution network

throughout the country, including in urban, suburban, and rural areas. It is in the interest of the local economies, the national economy, and the economic recovery to preserve successful small businesses.

The conferees believe that this procedure will best protect the due process rights and property interests of all parties, and safeguard the economic public interest, including the substantial taxpayer investment in this critical industry. The approach taken by the conference agreement provides for an independent arbitrator to assess, on a case-by-case basis, the merits of each dealer's request to be added to the automobile manufacturer's dealer network. By doing so, the Conferees expect that this policy will strengthen this key industry, bolster the nation's economic recovery, and benefit communities across the country.

The conference agreement would permit covered manufacturers and dealers to also, where they both prefer, to use voluntary negotiation outside the arbitration process where possible, to resolve issues of possible dispute, including equitable compensation.

The above provisions were included in similar form in both the House and Senate unless otherwise noted.

The conference report does not include House section 744 directing the Attorney General to transmit documents to Congress concerning notification of Miranda rights to captured foreign persons suspected of terrorism. The conferees understand that this issue has been addressed in the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84).

#### TITLE VIII

##### GENERAL PROVISIONS—DISTRICT OF COLUMBIA (INCLUDING TRANSFER OF FUNDS)

The conference agreement includes the following general provisions for the District of Columbia:

Section 801 specifies that an appropriation for a particular purpose or object shall be considered as the maximum amount that may be expended for said purpose or object.

Section 802 authorizes appropriations for travel and dues of organizations.

Section 803 allows the use of local funds for making refunds or paying judgments against the District of Columbia government.

Section 804 prohibits the use of Federal funds for propaganda designed to support or defeat legislation before Congress or any state legislature, but allows the District of Columbia to use local funds to lobby on any matter.

Section 805 sets out reprogramming procedures for Federal funds.

Section 806 provides that appropriations under the Act shall be applied to objects for which the appropriation was made.

Section 807 prohibits the use of Federal funds for the salaries and expenses of a Shadow U.S. Senator or U.S. Representative.

Section 808 places restrictions on the use of District of Columbia government vehicles.

Section 809 prohibits the use of Federal funds for a petition or civil action which seeks to require voting rights for the District of Columbia in Congress.

Section 810 allows the District of Columbia to use local funds for needle exchange programs and allows the use of Federal funds for needle exchange programs provided that District health or law enforcement officials do not object. The House bill placed detailed geographic restrictions on the sites where needle exchange programs could be operated using either local or Federal funds, while the Senate bill prohibited use of Federal funds but did not restrict local funds.

Section 811 concerns a "conscience clause" on legislation that pertains to contraceptive coverage by health insurance plans.

Section 812 requires an annual report on crime, access to substance abuse treatment, management of parolees, education, rat abatement and indicators of child well-being as proposed by the Senate.

Section 813 prohibits the use of Federal funds to legalize or reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (or any tetrahydrocannabinols derivative) as proposed by the House.

Section 814 prohibits the use of Federal funds for abortion unless certain circumstances apply.

Section 815 requires the CFO to submit a revised operating budget no later than 30 calendar days after the enactment of this Act for agencies the CFO certifies as requiring a reallocation in order to address unanticipated program needs.

Section 816 requires the CFO to submit a revised operating budget for D.C. Public Schools, no later than 30 calendar days after the enactment of this Act, that aligns schools budgets to actual enrollment.

Section 817 authorizes the transfer of local funds to capital and enterprise funds.

Section 818 specifies that references to this Act in this title or title IV, are treated as referring only to the provisions of this title and title IV.

The above provisions were included in similar form in both the House and Senate unless otherwise noted.

##### DISCLOSURE OF EARMARKS AND CONGRESSIONALLY DIRECTED SPENDING ITEMS

Following is a list of congressional earmarks and congressionally directed spending items (as defined in clause 9 of rule XXI of the Rules of the House of Representatives and rule XLIV of the Standing Rules of the Senate, respectively) included in the conference report or the accompanying joint statement of managers, along with the name of each Senator, House Member, Delegate, or Resident Commissioner who submitted a request to the Committee of jurisdiction for each item so identified. Neither the conference report nor the joint statement of managers contains any limited tax benefits or limited tariff benefits as defined in the applicable House or Senate rules. Pursuant to clause 9(b) of rule XXI of the Rules of the House of Representatives, none of the congressional earmarks listed below were committed to the conference committee on H.R. 3288. However, all following items were either (1) included in the Financial Services and General Government Appropriations Act, 2010 as passed by the House (H.R. 3170) or as reported in the Senate (S. 1432), or (2) in the report of the committee of either House on H.R. 3170 or S. 1432.

### FINANCIAL SERVICES AND GENERAL GOVERNMENT [Presidentially Directed Spending Items]

Agency	Project	Amount	Requester(s)		
			Administration	House	Senate
NARA	FDR Presidential Library, New York	\$17,500,000	The President	Hinchey; Murphy (NY)	Gillibrand
GSA	Calexico West Land Port of Entry, California	\$9,437,000	The President		
GSA	Columbia Plaza, District of Columbia	\$100,000,000	The President		
GSA	Denver Federal Center Remediation, Colorado	\$9,962,000	The President		
GSA	East Wing Infrastructure Systems Replacement, District of Columbia	\$84,500,000	The President		
GSA	Eisenhower Executive Office Building (Roof Replacement), District of Columbia	\$15,000,000	The President		
GSA	Madawaska Land Port of Entry, Maine	\$50,127,000	The President		
GSA	Miami FBI Field Office Consolidation, Florida	\$190,675,000	The President		
GSA	New Executive Office Building, District of Columbia	\$30,276,000	The President		
GSA	Southeast Federal Center Remediation, District of Columbia	\$15,000,000	The President		
GSA	Tornillo-Guadalupe Land Port of Entry, Texas	\$91,565,000	The President	Reyes	Hutchison
GSA	United States Courthouse, Lancaster, Pennsylvania	\$6,500,000	The President		Specter

**FINANCIAL SERVICES AND GENERAL GOVERNMENT—Continued**  
**[Presidentially Directed Spending Items]**

Agency	Project	Amount	Requester(s)		
			Administration	House	Senate
GSA	White Oak FDA Consolidation, Maryland	\$137,871,000	The President	Hoyer	Mikulski; Cardin; Hatch
EOP/ONDCP	National Alliance for Model State Drug Laws	\$1,250,000	The President	Rogers (KY)	
EOP/ONDCP	National Drug Court Institute	\$1,000,000	The President		

**FINANCIAL SERVICES AND GENERAL GOVERNMENT**  
**[Judicially Directed Spending Items]**

Agency	Project	Amount	Requester(s)		
			The Judiciary	House	Senate
GSA	United States Courthouse, Greenbelt, Maryland	\$10,000,000	The Judiciary	Hoyer	
GSA	United States Courthouse, Mobile, Alabama	\$50,000,000	The Judiciary	Bonner	
GSA	United States Courthouse, Salt Lake City, Utah	\$211,000,000	The Judiciary		Bennett; Hatch
GSA	United States Courthouse, San Antonio, Texas	\$4,000,000	The Judiciary	Gonzalez; Smith (TX)	Hutchison
GSA	United States Courthouse, Savannah, Georgia	\$7,900,000	The Judiciary	Barrow	Chambliss

**FINANCIAL SERVICES AND GENERAL GOVERNMENT**  
**[Congressionally Directed Spending Items]**

Agency	Project	Amount	Requester(s)	
			House	Senate
Treasury	Financial Education and Pre-home Ownership Counseling Demonstration Project, HI	\$3,150,000		Akaka; Inouye
SBA	Agriculture & Land-based Training Association, Salinas, CA for Farmworker to Farmer Business Incubator	\$110,000	Farr	
SBA	Agudath Israel of America, New York, NY Mentoring and training services	\$150,000	Weiner	
SBA	Alabama Small Business Institute of Commerce, Rainbow City, AL for small business training	\$100,000	Rogers (AL); Aderholt	
SBA	Alabama Technology Network, Birmingham, AL for the Alabama Center for Advanced Woodworking Technology	\$350,000	Aderholt	
SBA	Alaska Manufacturing Extension Partnership for the AMBIT Youth Entrepreneurship Curriculum, Anchorage, AK	\$200,000		Murkowski
SBA	Albuquerque Hispano Chamber of Commerce, Albuquerque, NM Dos Mundos small business assistance program	\$200,000	Heinrich	
SBA	Alcorn State University for the Systems Research Institute, MS	\$250,000		Cochran
SBA	Altoona-Blair County Development Corporation, Altoona, PA for the I-99 Entrepreneurial Institute	\$100,000	Shuster	
SBA	American Cities Foundation, Inc., Philadelphia, PA Reaching and Impacting Small Entrepreneurs (Project RISE)	\$225,000	Fattah	
SBA	Amoskeag Business Incubator, Manchester, NH	\$120,000		Shaheen
SBA	Arkansas State University, Newport, AR for Arkansas Commercial Driver Training Institute	\$200,000	Berry	
SBA	Baltimore City Schools, Baltimore, MD Career and Technology Pathways	\$350,000	Ruppersberger; Cummings	
SBA	Barry University, Miami Shores, FL for community and economic development	\$100,000	Ros-Lehtinen; Meek (FL); Wasserman Schultz; Grayson; Hastings (FL); Diaz-Balart, Mario	Martinez; Nelson (FL)
SBA	Benedictine University, Lisle, IL for women's entrepreneurial education and workforce development	\$250,000	Biggert	
SBA	Bennett College for Women, The Center for Women's Entrepreneurship, Greensboro, NC	\$150,000	Watt	Hagan
SBA	Boise State University, Boise, ID for a research and economic development and entrepreneurial initiative	\$400,000	Simpson	Crapo; Risch
SBA	Brewer Business and Commerce Park, Brewer, ME	\$1,280,000		Collins; Snowe



**FINANCIAL SERVICES AND GENERAL GOVERNMENT—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Project	Amount	Requester(s)	
			House	Senate
SBA	Bronx Shepherds Restoration Corporation, Bronx, NY business training programs	\$75,000	Serrano	
SBA	Brooklyn Hispanic Chamber of Commerce, Brooklyn, NY Business incubator program	\$60,000	Velazquez	
SBA	Buffalo Niagara International Trade Foundation, Buffalo, NY to support small businesses	\$250,000	Lee (NY)	Gillibrand; Schumer
SBA	Bunker Hill Community College, Boston, MA Workforce Development Initiative for Internationally Educated Nurses	\$150,000	Capuano	
SBA	California State University, Dominguez Hills, Carson, CA for online access to business and other educational programs	\$150,000	Richardson	
SBA	Center for Economic Growth, Albany, NY Watervliet Innovation Center	\$150,000	Tonko	Gillibrand; Schumer
SBA	Cen-Tex African American Chamber of Commerce, Waco, TX Center for Business Excellence	\$200,000	Edwards (TX)	
SBA	Central Brooklyn Housing Contractor Association, Brooklyn, NY Business Incubation and Development Program	\$150,000	Clarke	
SBA	Central Connecticut State University, for a manufacturing workforce initiative and technical assistance program, New Britain, CT	\$150,000	Murphy (CT)	Dodd
SBA	Central Oregon Community College, Bend, OR for a technology education center	\$100,000	Walden	
SBA	Chamber South, South Miami, FL to encourage economic production	\$100,000	Diaz-Balart, Lincoln	
SBA	Champlain Valley Office of Economic Opportunity, Chittenden Emergency Food Shelf's Community Kitchen Expansion Project, Burlington, VT	\$125,000		Sanders
SBA	Chicanos Por La Causa, Inc., Phoenix, AZ Buckeye Small Business Incubator	\$200,000	Pastor (AZ)	
SBA	City of Alcoa, TN for the Pellissippi Research Centre on the Oak Ridge Corridor	\$750,000	Duncan	Alexander; Corker
SBA	City of Alma, GA for business and infrastructure development	\$500,000	Kingston	
SBA	City of Bardstown, KY for downtown streetscape economic development	\$100,000	Guthrie	
SBA	City of Berkeley, CA East Bay Green Jobs Project	\$250,000	Lee (CA)	
SBA	City of Buffalo, Buffalo clean energy incubator, Buffalo, NY	\$117,500		Gillibrand; Schumer
SBA	City of College Park, GA Entrepreneurial Development Center	\$150,000	Scott (GA); Lewis (GA)	Chambliss; Isakson
SBA	City of Jal, renovation of Burke Junior High School to house business ventures, Jal, NM	\$85,000		Bingaman; Udall (NM)
SBA	City of Loma Linda and City of Grand Terrace, CA for an infrastructure expansion project to promote small business	\$900,000	Lewis (CA)	
SBA	City of Los Angeles, Port of Los Angeles Technology Advancement Program and Clean Technology Development Center, Los Angeles, CA	\$250,000	Harman	Feinstein
SBA	City of Montrose, CO Montrose Higher Education and Technology Park	\$200,000	Salazar	
SBA	City of Myrtle Beach, SC for the Myrtle Beach International Trade and Conference Center	\$100,000	Brown (SC)	Graham
SBA	City of Palmdale, CA for the South Valley WorkSource Center	\$100,000	McKeon	
SBA	City of Providence, Department of Planning and Development, Rhode Island Center for Life Sciences, research, development and commercialization, Providence, RI	\$300,000	Langevin	Reed; Whitehouse
SBA	City of Salem, downtown revitalization "toolbox" program, Salem, OR	\$200,000		Merkley; Wyden
SBA	City of San Jose, CA Silicon Valley Minority/Immigrant Business Support Initiative	\$200,000	Honda	
SBA	City of Santa Rosa, Ilfeld Warehouse business incubator, Santa Rosa, NM	\$170,000	Teague	Bingaman; Udall (NM)
SBA	City of Valparaiso, IN Entech Innovation Center Tech Park	\$250,000	Visclosky	
SBA	Cleary University, Howell, MI for a multi-media center	\$100,000	Rogers (MI); Dingell	Levin; Stabenow
SBA	Clemson University, Clemson, SC for the Advanced Materials Innovation Center	\$100,000	Barrett (SC)	
SBA	College of Notre Dame of Maryland, for lab facilities, Baltimore, MD	\$100,000		Cardin
SBA	Colorado State University, Sustainable Biofuels Development Center, Ft. Collins, CO	\$250,000		Udall (CO)
SBA	Commerce Lexington, Lexington, KY Central Kentucky Small Business Assistance Initiative	\$200,000	Chandler	

**FINANCIAL SERVICES AND GENERAL GOVERNMENT—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Project	Amount	Requester(s)	
			House	Senate
SBA	Community Action Committee of the Lehigh Valley, Bethlehem, PA to help small businesses identify and implement energy efficiency improvements	\$100,000	Dent	
SBA	Community College of Philadelphia, Northeast Regional Center for small business education, growth, and training, Philadelphia, PA	\$100,000	Schwartz	Casey
SBA	Community Economic Development Fund, Small Business Institute, Meriden, CT for training and technical assistance	\$250,000	Larson (CT); DeLauro	Dodd; Lieberman
SBA	Community Links Hawaii for planning and development of Oahu Technology and Innovation Park, Oahu, HI	\$250,000		Akaka; Inouye
SBA	Community Service Society of New York, financial education project, New York, NY	\$117,500	Clarke	Gillibrand; Schumer
SBA	Consortium for Worker Education, New York, NY Financial training and guidance programs	\$150,000	Crowley	Gillibrand; Schumer
SBA	Consumer Credit Counseling Service of Delaware Valley, Philadelphia, PA Financial Counseling for Economic Security	\$35,000	Sestak	
SBA	Council for Native Hawaiian Advancement, Entrepreneurial Development and Government Procurement Center, Honolulu, HI	\$300,000		Akaka; Inouye
SBA	County of Essex, Newark, NJ Resource Center for Small Businesses	\$205,000	Rothman (NJ); Sires; Pascrell; Payne	Lautenberg; Menendez
SBA	County of Passaic, Paterson, NJ Economic Development Department	\$125,000	Pascrell	
SBA	Cuban American National Council New Jersey Regional Office, Union City, NJ Financial Education, Foreclosure Protection and Home Ownership Program	\$100,000	Sires	Lautenberg; Menendez
SBA	Cuyahoga Community College, veterans outreach and business development program, Cleveland, OH	\$200,000	Fudge, Ryan, Sutton, Kucinich	Brown; Voinovich
SBA	Dakota College at Bottineau, Entrepreneurial Center for Horticulture, Bottineau, ND	\$250,000		Conrad; Dorgan
SBA	Delaware Valley Industrial Resource Center for an emerging manufacturers initiative, Philadelphia, PA	\$175,000		Casey; Specter
SBA	Delta Foundation, Greenville, MS Mississippi Delta business growth development program	\$150,000	Thompson (MS)	
SBA	Department of Community Affairs, Division on Women, New Jersey Women's Microbusiness Credit Program, for training and mentoring activities, Trenton, NJ	\$100,000		Lautenberg; Menendez
SBA	Detroit Renaissance, Detroit, MI for Detroit Creative Corridor Center	\$200,000	Kilpatrick (MI); Conyers	Levin; Stabenow
SBA	Downtown West Plains, Inc., West Plains, MO for the Ozarks Small Business Incubator	\$500,000	Emerson	
SBA	East Los Angeles Community Union, Los Angeles, CA TELACU Neighborhood Stabilization Corporation	\$500,000	Roybal-Allard; Baca; Waters	
SBA	Eastern Washington University for accelerating economic development in rural and underserved communities of the Inland Pacific Northwest, Spokane, WA	\$250,000		Cantwell; Murray
SBA	Economic Development Council of Tallahassee/Leon County, Inc., Tallahassee, FL Tallahassee Small Business Incubator	\$450,000	Boyd	
SBA	Economic Growth Connection of Westmoreland, Greensburg, PA Defense Procurement Assistance Program	\$125,000	Murtha	
SBA	El Pajaro Community Development Corporation, Watsonville, CA Commercial Kitchen Business Incubator	\$90,000	Farr	
SBA	Fairplex Trade and Conference Center, Los Angeles, CA for Pomona Fairplex Trade and Conference Center	\$350,000	Dreier; Napolitano	
SBA	First Community Development Corporation (FCDC), Inglewood, CA Computer Lab Resource Center	\$150,000	Waters	
SBA	Fitzsimons Redevelopment Authority, Colorado Drug, Device, and Diagnostic Development Institute, Aurora, CO	\$300,000	Perlmutter, Polis	Bennet
SBA	Florida Department of Citrus, Lakeland, FL abscission chemical for improved citrus harvesting	\$100,000	Putnam	
SBA	Florida Gulf Coast University, Fort Myers, FL for a small business software development program	\$261,000	Young (FL)	
SBA	Florida Institute of Technology, Florida Advanced Combustion Center, Brevard County, FL	\$200,000		Nelson (FL)
SBA	Florida Institute of Technology, Melbourne, FL for Activity Based Total Accountability	\$100,000	Posey	
SBA	Foothill Workforce Investment Board, Pasadena, CA for Small Business Assistance Program	\$150,000	Schiff	

**FINANCIAL SERVICES AND GENERAL GOVERNMENT—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Project	Amount	Requester(s)	
			House	Senate
SBA	Fort Stockton Economic Development Corporation, Fort Stockton, TX Fort Stockton Small Business Development Program	\$100,000	Rodriguez	
SBA	Girl Scouts of the USA, New York, NY for a national program to improve financial literacy	\$305,875	Emerson; Maloney	Gillibrand
SBA	Grambling State University, Grambling, LA for the Greater North Louisiana Community Development Corporation	\$300,000	Alexander	Landrieu
SBA	Great Falls Development Authority, to support the administrative costs of the Central Montana Growth Fund, Great Falls, MT	\$137,500	Rehberg	Baucus; Tester
SBA	Greater Des Moines Partnership, Des Moines, IA for the Central Iowa Business Innovation Zone	\$185,000	Latham; Boswell	Grassley; Harkin
SBA	Greater Syracuse Chamber of Commerce, Space Alliance Technology Outreach Program (SATOP), Syracuse, NY	\$117,500		Gillibrand; Schumer
SBA	Greater Syracuse Chamber of Commerce, Syracuse, NY Clean Tech Startup Camp	\$232,500	Maffei	
SBA	Hannah Grimes Center, business incubator renovation and expansion, Keene, NH	\$130,000		Shaheen
SBA	Haymarket Center for a workforce development initiative, Chicago, IL	\$700,000		Durbin
SBA	Hispanic Business Education & Training, Inc., Oakland, CA for a Hispanic Business Education and Training Program	\$50,000	Lee (CA)	
SBA	Hispanic Chamber of Commerce of Metro Orlando, FL for Small business training, assistance and outreach	\$220,000	Grayson	
SBA	HOPE Community Development Corporation for an economic development initiative, Charleston, WV	\$137,500		Byrd
SBA	Housing Options and Geriatric Association Resources, Inc., Bronx, NY Economic and community development program for elderly persons	\$75,000	Serrano	
SBA	Hudson Valley Agribusiness Development Corporation, Hudson, NY Hudson Valley Food Processing Incubator Facility	\$350,000	Hinchey; Hall (NY)	
SBA	Hunter College, New York, NY for the Roosevelt House Institute Public Policy Institute, Financial Literacy Project	\$75,000	Maloney	
SBA	I-70 Northwest Development Corporation, St. Louis, MO North St. Louis Community Food and Health Center	\$150,000	Clay	
SBA	Idaho TechConnect Inc., Nampa, ID Proof of Concept Center	\$285,000	Simpson	Crapo; Risch
SBA	Illinois Eastern Community Colleges for the Small Business Development Center, Olney, IL	\$200,000		Durbin
SBA	Illinois Institute of Technology, Chicago, IL	\$600,000	Rush	Durbin
SBA	Illinois Science and Technology Coalition, Chicago, IL Illinois Nanotechnology Collaborative	\$150,000	Lipinski	
SBA	Illinois State Library to expand access to Illinois public libraries, Springfield, IL	\$300,000		Durbin
SBA	Illinois State University for the McLean County Business Incubator, Normal, IL	\$500,000		Durbin
SBA	Illinois State University, Normal, IL for an export project	\$100,000	Johnson (IL)	
SBA	Illinois Valley Community College, Oglesby, IL Technology and Workforce Development Center	\$220,000	Halvorson	
SBA	Indianhead Community Action Agency, Ladysmith, WI Solar Business Revolving Loan Fund	\$450,000	Obey	
SBA	Iowa Valley Community College District, Marshalltown, IA for an education and training center	\$500,000	Latham	Harkin
SBA	Jackson State University for Economic and Community Development through Heritage Tourism, MS	\$500,000		Cochran
SBA	Kansas World Trade Center for the Wichita EcoPartnership, Wichita, KS	\$400,000		Brownback; Roberts
SBA	Kelley Road Business Park, Orono, ME	\$345,000		Collins
SBA	Laredo Community College, Laredo, TX Small Business Center	\$150,000	Cuellar	
SBA	Latin Chamber of Commerce, Hispanic Leadership Program, Las Vegas, NV	\$234,858		Reid
SBA	Lawrence CommunityWorks, Union Crossing Mill Redevelopment, Lawrence, MA	\$200,000		Kennedy; Kerry
SBA	Leavenworth Technology and Research Park, Leavenworth, KS	\$300,000		Brownback
SBA	Liberty University, VA, Lynchburg, VA Central Virginia WiMAX broadband internet service for education and economic development—Feasibility Study	\$220,000	Perriello	

**FINANCIAL SERVICES AND GENERAL GOVERNMENT—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Project	Amount	Requester(s)	
			House	Senate
SBA	Lock Haven University, Lock Haven, PA Small Business Development Center Tax Compliance Resource Program	\$50,000	Thompson (PA)	
SBA	Long Beach Community College District, Long Beach, CA for business training for Watts-Willowbrook	\$150,000	Sanchez, Linda	
SBA	Loring Commerce Centre Infrastructure Development for the Loring Development Authority, Limestone, ME	\$1,000,000		Collins; Snowe
SBA	Los Angeles City College Foundation, Los Angeles, CA East Hollywood Entrepreneurial Training and Small Business Program	\$150,000	Becerra	
SBA	Louisiana Office of Social Entrepreneurship for administrative costs of a business planning initiative, Baton Rouge, LA	\$137,500		Landrieu
SBA	Lutheran Social Service of Minnesota, Credit Counseling Capacity Building, St. Paul, MN	\$200,000		Franken; Klobuchar
SBA	Macomb County, MI for a business accelerator	\$100,000	Miller (MI); Levin	
SBA	Manhattan Chamber of Commerce, New York, NY Foundation for Small business training and assistance related to international opportunities	\$75,000	Maloney	
SBA	Maryland Technology Development Corporation (TEDCO), Columbia, MD Rural Business Innovation Initiative—Eastern Shore	\$220,000	Kratovil	Cardin
SBA	Maverick County Development Corporation, Eagle Pass, TX Maverick County Small Business Development Program	\$100,000	Rodriguez	
SBA	McNeese State University, Southwest Louisiana Entrepreneurial and Economic Development Center (SEED), Lake Charles, LA	\$137,500		Landrieu
SBA	MDC Inc., Chapel Hill, NC for services related to small business entrepreneurship	\$225,000	Fattah	
SBA	Metropolitan Council on Jewish Poverty, New York, NY Employment and training programs	\$150,000	Nadler	
SBA	Miami Dade College Institute, Miami, FL for Intermodal Transportation	\$300,000	Diaz-Balart, Mario; Wasserman Schultz; Meek (FL); Ros-Lehtinen; Diaz-Balart, Lincoln	
SBA	Miami-Dade Chamber of Commerce, Miami, FL Technical Assistance and Economic Development Center	\$150,000	Meek (FL)	
SBA	Mississippi Biotechnology Association for Capacity Building for the Mississippi Biotechnology Industry, Ridgeland, MS	\$250,000		Cochran
SBA	Mississippi State University for the Entrepreneurship Center to Develop New Entity Creation (ECDEC), MS	\$500,000	Childers	Cochran; Wicker
SBA	Mississippi Technology Alliance for the Center for Innovation and Entrepreneurship, MS	\$850,000		Cochran; Wicker
SBA	Missouri Chamber Education Foundation to develop a small business technology, training and outreach center, Jefferson City, MO	\$1,000,000		Bond
SBA	Montana State University, Bozeman, MT HTAP: High-Technology Assistance Program	\$133,000	Rehberg	Baucus; Tester
SBA	Montana Technology Venture Center, Bozeman, MT for expansion and operations of the TechRanch next step program	\$137,500	Rehberg	Baucus; Tester
SBA	Montana World Trade Center, Missoula, MT for Montana Growth Through Trade	\$134,000	Rehberg	
SBA	Montgomery County, Rockville, MD Green Business Incubator	\$150,000	Van Hollen; Edwards (MD)	Cardin
SBA	Mount Hope Housing Company, Inc., Bronx, NY training program	\$75,000	Serrano	
SBA	Mount Vernon Chamber of Commerce, Mount Vernon, NY Mount Vernon Small Business Incubator	\$150,000	Engel	
SBA	National Association of Development Organizations, Washington, DC for Small Business Development and Entrepreneurial Enhancement Initiative	\$232,500	Arcuri; McIntyre	
SBA	National Latino Education Institute, Chicago, IL Vocational Training Initiative	\$150,000	Gutierrez	
SBA	National Urban League, New York, NY Restore Our Homes-Homeownership Center in Chicago	\$100,000	Jackson (IL)	
SBA	Nebraska Community Foundation, HomeTown Competitiveness, Lincoln, NE	\$275,000		Nelson (NE)
SBA	Neighborhood Development Center, Midtown Global Market business technical assistance, St. Paul, MN	\$200,000	Ellison	Franken; Klobuchar
SBA	Neighborhood Development Center, St. Paul, MN University Avenue Business Preparation Collaborative	\$200,000	McCollum	

**FINANCIAL SERVICES AND GENERAL GOVERNMENT—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Project	Amount	Requester(s)	
			House	Senate
SBA	Nevada Center for Entrepreneurship and Technology (NCET), small business and entrepreneurship development, NV	\$234,858		Reid
SBA	Nevada Small Business Development Center, for Imagine 2012, a Hispanic business development initiative, Reno, NV	\$234,859		Reid
SBA	New Agrarian Center, Oberlin, OH Urban Agriculture Business Development	\$125,000	Kaptur	
SBA	New Orleans Redevelopment Authority, New Orleans, LA to encourage commercial investments	\$250,000	Cao	Landrieu
SBA	New York City College of Technology, Brooklyn, NY Brooklyn Small Business Development Center	\$115,000	Towns	
SBA	New York College of Environmental Science & Forestry, Syracuse, NY for the New York Forest Community Economic Assistance Program	\$100,000	McHugh	
SBA	New York Industrial Retention Network, New York, NY Technical assistance and financing for manufacturers for energy conservation projects	\$60,000	Velazquez	
SBA	Newport Chamber of Commerce, Middletown, RI Industrial Park of Tiverton	\$80,000	Kennedy	
SBA	North Carolina Biotechnology Center, Research Triangle Park, NC Entrepreneurship and Research and Development Training Initiative	\$130,000	Price (NC)	
SBA	North Carolina Rural Economic Development Center, Raleigh, NC for a Rural Business Finance Program	\$250,000	Price (NC); Miller (NC); McIntyre; Shuler; Butterfield; Etheridge	Burr; Hagan
SBA	North Carolina School of the Arts/Winston-Salem State University, The Center for Design Innovation, Winston-Salem, NC	\$100,000	Watt	Hagan
SBA	Northeast Alabama Community College, Rainsville, AL for industrial systems technology and machining training	\$335,000	Aderholt	
SBA	Northeast Entrepreneur Fund, Virginia, MN Greenstone Group	\$200,000	Oberstar	
SBA	Northeast Ohio Technology Coalition, Cleveland, OH for Tech Leaders II: Job Creation through Industry Cluster Development	\$250,000	LaTourette; Sutton; Ryan (OH)	Brown; Voinovich
SBA	Northern Arizona Center, Flagstaff, AZ for Emerging Technologies for the Arizona Clean Energy Accelerator	\$220,000	Kirkpatrick (AZ)	
SBA	Northern Dauphin Revitalization Project, Inc., Elizabethville, PA job creation initiative	\$150,000	Holden	
SBA	Northern Virginia Community College for retraining displaced workers in Geographic Information Systems, Richmond, VA	\$200,000		Warner; Webb
SBA	Northside Economic Opportunity Network (NEON), Minneapolis, MN North Minneapolis Small Business Capacity Building Program	\$150,000	Ellison	
SBA	Northwest Pennsylvania Incubator Association for an incubator project, Erie County, PA	\$100,000		Casey
SBA	NYS Small Business Development Center at Rockland County Community College, Suffern, NY for training for displaced workers to start or expand small business	\$125,000	Lowey	
SBA	Oakland African American Chamber of Commerce Foundation, Oakland, CA for Economic Vitality of Minority Businesses in Oakland	\$50,000	Lee (CA)	
SBA	Oakland Chinatown Chamber of Commerce, Oakland, CA for Economic Vitality of Asian Minority Business Program	\$50,000	Lee (CA)	
SBA	Operation Get Ahead, Hempstead, NY for job readiness and employment programs	\$150,000	McCarthy (NY)	
SBA	Operation New Hope, Inc., Jacksonville, FL for a prisoner re-entry job training program that works with small business owners	\$790,000	Crenshaw	
SBA	Our Lady of the Lake University, San Antonio, TX Hispanic Leadership and Entrepreneurship Training Institute	\$100,000	Gonzalez	
SBA	Pace University Lienhard School of Nursing, White Plains, NY nursing workforce education and training initiative	\$125,000	Lowey	
SBA	Pasadena City College, Pasadena, CA Small Business and Entrepreneur Assistance Program	\$150,000	Schiff	
SBA	Philadelphia Development Partnership, Philadelphia, PA Southeastern Pennsylvania Micro Business Center	\$65,000	Sestak	
SBA	Phillips County Economic Development for a Entrepreneur Business Enhancement Program (EBEP), Phillips County, KS	\$300,000		Brownback

**FINANCIAL SERVICES AND GENERAL GOVERNMENT—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Project	Amount	Requester(s)	
			House	Senate
SBA	Pinellas County Board of County Commissioners, Clearwater, FL for the Business Assistance Partnership Network	\$262,000	Young (FL); Castor	Martinez; Nelson (FL)
SBA	Port of Bremerton, Port Orchard, WA for services to sustainable energy and other “green” small businesses	\$250,000	Dicks	
SBA	Port of Clarkston, Asotin County Industrial Park infrastructure completion, Asotin County, WA	\$350,000		Murray
SBA	Portland Community College, sustainable careers for a green economic recovery, Portland, OR	\$200,000		Merkley; Wyden
SBA	Pratt Institute, Brooklyn, NY Green Community Career & Business Training Center	\$85,000	Towns	
SBA	Prince George's County, Upper Marlboro, MD Small Business Initiative	\$150,000	Hoyer; Van Hollen; Edwards (MD)	Cardin
SBA	Progreso Latino, Central Falls, RI Small business capacity building assistance	\$120,000	Kennedy	
SBA	Project Ezrah Needs, Inc., Englewood, NJ Employment and financial counseling and assistance	\$100,000	Rothman (NJ)	
SBA	Prospera (Gallatin Valley Development Corporation), Accelerated Entrepreneur Program, Bozeman, MT	\$200,000		Baucus
SBA	Rhode Island School of Design and Brown University, Partnership for Sustainable Development/Rhode Island Center for Innovation and Entrepreneurship (RI-CIE), for technical assistance to small businesses on green product design and marketing and on developing and commercializing innovative products and services, Providence, RI	\$150,000	Kennedy, Langevin	Reed; Whitehouse
SBA	River District Association, Rockford, IL to develop and recruit small businesses	\$100,000	Manzullo	
SBA	Rural Business Energizer Program, Milbridge, ME	\$250,000		Collins; Snowe
SBA	Rural Enterprises of Oklahoma, Inc, for a Women and Veteran's Business Resource Center at Seminole State College, Durant, OK	\$200,000		Inhofe
SBA	Rutgers, The State University of New Jersey, New Jersey urban entrepreneurship development initiative, New Brunswick, NJ	\$271,050	Payne	Lautenberg; Menendez
SBA	SEKTDA, Somerset, KY for economic and small business development in Southern and Eastern Kentucky	\$685,000	Rogers (KY)	
SBA	Shawnee Community College for the Small Business Development Center, Ullin, IL	\$200,000		Durbin
SBA	Souris Basin Regional Planning Council, North Dakota REAP Zones, ND	\$300,000	Pomeroy	Conrad; Dorgan
SBA	South Dakota Rural Enterprise, Dakota Rising for an entrepreneur development system, SD	\$250,000		Johnson
SBA	Southwest Brooklyn Industrial Development Corporation, Brooklyn, NY Plan Ahead Brooklyn	\$80,000	Velazquez	
SBA	Southwest Georgia United Empowerment Zone, Inc. for Capitalization and overhead of Community Development Financial Institution, Vienna, GA	\$100,000	Bishop (GA)	
SBA	Southwestern Adventist University, Keene, TX Entrepreneurship Resources Center	\$200,000	Edwards (TX)	
SBA	Suffolk County Community College, Brentwood, NY Green Technology Workforce Initiative	\$200,000	Israel	
SBA	SUNY Fredonia, Fredonia, NY small business incubator	\$150,000	Higgins	
SBA	Texas State University System, San Marcos, TX Center for Entrepreneurial Action	\$150,000	Doggett	
SBA	The Bi-National Sustainability Laboratory (BNSL), El Paso, TX Partnership for Innovation and Security	\$150,000	Reyes	
SBA	The Bodega Association of the United States, Inc., New York, NY for education, training and other small business assistance	\$200,000	Rangel	
SBA	The Citizens Advice Bureau, Bronx, NY for economic and community development programs for homeless adults	\$150,000	Serrano	
SBA	The Export Consortium, Columbia, SC The I-95 Corridor Project	\$150,000	Clyburn	
SBA	The Pittsburgh Life Sciences Greenhouse, Pittsburgh, PA for the Tech Belt Biosciences Initiative	\$100,000	Doyle, Altmire, Murtha	Casey; Specter
SBA	The Progress Fund, Greensburg, PA Technical Assistance for Small Businesses	\$125,000	Murtha	
SBA	The University of Mississippi for the Technology Commercialization Initiative, Oxford, MS	\$250,000		Cochran
SBA	The University of Southern Mississippi for the Early Stage Entrepreneur and Commercialization Development, Hattiesburg, MS	\$500,000		Cochran
SBA	Thomas More College, Crestview Hills, KY for training programs in health care management	\$100,000	Davis (KY)	

**FINANCIAL SERVICES AND GENERAL GOVERNMENT—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Project	Amount	Requester(s)	
			House	Senate
SBA	Thorpe Family Residence, Inc. (TFR), Bronx, NY for economic and community development, residential services programs and capital costs	\$75,000	Serrano	
SBA	Township of Woodbridge, NJ for the Pennval Road Green Technology Incubator	\$250,000	Lance	
SBA	Uhlich Children's Advantage Network for job training, placement and retention services, Chicago, IL	\$400,000		Durbin
SBA	UMASS Dartmouth, Fall River, MA Advanced Technical & Manufacturing Center	\$325,000	Frank (MA); McGovern	
SBA	United Way for Southeastern Michigan, Detroit, MI Ex-Offender Entrepreneurship Program	\$250,000	Conyers; Dingell	Levin; Stabenow
SBA	University of Alabama, Tuscaloosa, AL for the Preparing the Workforce of the Future project	\$1,000,000	Bachus	Sessions; Shelby
SBA	University of Alaska, Small Business Development Center, Ketchikan, AK	\$350,000		Begich; Murkowski
SBA	University of Arkansas at Little Rock, Small Business Innovation Center, Little Rock, AR	\$275,000	Snyder	Lincoln; Pryor
SBA	University of Arkansas, Fayetteville, AR for the Arkansas Research and Technology Park	\$225,000	Boozman	Lincoln; Pryor
SBA	University of Connecticut for the Avery Point Technology Center, Groton, CT	\$200,000	Courtney	Dodd; Lieberman
SBA	University of Connecticut, Storrs, CT Farmington Technology Incubation Center	\$150,000	DeLauro; Murphy (CT)	Dodd; Lieberman
SBA	University of Delaware, Newark, DE for the Delaware Small Business and Technology Development Center	\$350,000	Castle	Carper; Kaufman
SBA	University of Georgia, Public Service and Outreach, Athens, GA for an applied research demonstration project to bolster workforce development	\$100,000	Bishop (GA)	
SBA	University of Guam, Mangilao, GU Center for Regional Economic Development	\$150,000	Bordallo	
SBA	University of Maryland-Baltimore BioPark, Baltimore, MD	\$100,000	Sarbanes, Cummings, Ruppersberger	Cardin
SBA	University of Memphis, TN for an entrepreneurial training program	\$685,000	Wamp; Cohen	
SBA	University of Missouri System, Columbia, MO for the Extension Community Economic and Entrepreneurial program	\$299,000	Emerson	
SBA	University of Nebraska at Omaha, NE Micro-Enterprise Center for Information Technology Development	\$250,000	Terry	Nelson (NE)
SBA	University of Northern Iowa for MyEntreNet, a national rural entrepreneurship development system, IA	\$250,000	Braley	Grassley; Harkin
SBA	University of South Carolina, Columbia, SC Innovista Center for Entrepreneurial Development	\$100,000	Clyburn	
SBA	University of Southern Maine for the Science Technology Research Center, Portland, ME	\$850,000		Collins
SBA	University of Texas at Brownsville, TX Global Marketing and Logistics Certification Program	\$150,000	Ortiz	
SBA	University of Toledo, Toledo, OH Renewable Energy Business Incubator communication infrastructure	\$75,000	Kaptur	Brown
SBA	University of West Florida, Pensacola, FL for the Turnaround Business Assistance Program	\$262,000	Young (FL); Miller (FL)	Martinez; Nelson (FL)
SBA	University of West Georgia, Carrollton, GA for a small business incubator	\$100,000	Gingrey (GA)	Chambliss; Isakson
SBA	University of Wisconsin, Whitewater, WI Small Business Development Center	\$150,000	Baldwin	
SBA	University of Wisconsin-Milwaukee for business development related to clean water technologies, Milwaukee, WI	\$250,000	Moore	Kohl
SBA	Urban League of Eastern Massachusetts, economic development center expansion, Boston, MA	\$200,000		Kennedy; Kerry
SBA	Urban League of Philadelphia, Philadelphia, PA for the Urban League Entrepreneurship Center	\$150,000	Brady (PA)	Casey; Specter
SBA	Valencia County IT program, upgrade and training, Valencia County, NM	\$145,000		Bingaman; Udall (NM)
SBA	Vermont Businesses for Social Responsibility, the 50 for 25 Demonstration Project, Burlington, VT	\$50,000		Sanders
SBA	Vermont Community Colleges, Waterbury, VT Career Readiness and Supervision Certification	\$150,000	Welch	
SBA	Vermont Farms Association for an agritourism best practices and standards project, Rochester, VT	\$75,000		Sanders
SBA	Vermont Small Business Development Center, technical assistance to high-tech small businesses and emerging businesses, Randolph, VT	\$250,000		Leahy
SBA	Village of Olympia Fields, Olympia Fields, IL South Suburban Coalition Economic Development Demonstration Project	\$100,000	Jackson (IL)	Burris

**FINANCIAL SERVICES AND GENERAL GOVERNMENT—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Project	Amount	Requester(s)	
			House	Senate
SBA	Virginia's Center for Innovative Technology, Mine safety technology and communication improvements, Herndon, VA	\$200,000		Warner; Webb
SBA	Wayne State University, Detroit, MI Law School Small Business Clinic	\$200,000	Kilpatrick (MI);	Levin; Stabenow
SBA	West Chester University of Pennsylvania, West Chester, PA Entrepreneurial Leadership Center	\$150,000	Gerlach; Sestak	
SBA	West Jefferson Medical Center, Marrero, LA Workforce Training and Development Initiative	\$100,000	Scalise	
SBA	West Virginia Northern Community College, Center for Economic and Workforce Advancement, Weirton, WV	\$137,500		Byrd
SBA	Western Illinois University for the Small Business Development Center, Macomb, IL	\$400,000		Durbin
SBA	Western Kentucky University Bowling Green Data Center, Bowling Green, KY	\$1,100,000		McConnell
SBA	Western Massachusetts Enterprise Fund, Holyoke, MA Financial and Technical Assistance for Development Enterprises	\$250,000	Olver	
SBA	Western Nevada Development District, Carson City, NV to promote small business development efforts	\$250,000	Heller	
SBA	Western Reserve Port Authority, Vienna, OH Western Reserve Economic Development Initiative	\$200,000	Ryan (OH)	
SBA	Western Reserve Resource Conservation and Development Council, Painesville, OH for a green job and watershed management training program	\$150,000	LaTourette	
SBA	Women At Work, Pasadena, CA Career Technology Training for Low-Income Women	\$150,000	Schiff	
SBA	Women's Business Development Center, Stamford, CT for entrepreneurial small business training and assistance	\$200,000	DeLauro; Murphy (CT); Himes	Dodd; Lieberman
SBA	World Trade Center Institute Delaware, for the export assistance webinar series for business education, Wilmington, DE	\$50,000		Carper; Kaufman
SBA	YMCA of Long Island, Inc., Holtsville, NY Diversity Training Program at the Brookhaven-Roe YMCA	\$100,000	Bishop (NY)	
GSA	Oklahoma City National Memorial Foundation for Oklahoma City Memorial	\$1,000,000	Cole; Fallin	
DC	Children's National Medical Center	\$1,000,000	Moran (VA)	Cochran; Durbin
DC	Living Classrooms of the National Capital Region, Washington, DC for education and job skills training for disadvantaged young adults	\$100,000	Moran (VA)	
DC	National Building Museum, Washington, DC for education programs and exhibitions	\$150,000	Moran (VA); Norton	
DC	Safe Kids USA, Washington, DC for safety services for families in need	\$125,000	Wasserman Schultz	
DC	Samaritan Ministry of Greater Washington, Washington, DC for Next Step Program	\$100,000	Norton; Moran (VA)	
DC	The Washington Center, Washington, DC for construction and build out of academic space	\$125,000	Wasserman Schultz	
DC	Washington Hospital Center, Washington, DC for trauma center and other critical hospital upgrades	\$50,000	Norton	
DC	Whitman-Walker Clinic, Washington, DC for health care services	\$200,000	Wasserman Schultz; Norton	

**The following item represents a technical correction to an earmark enacted in a previous appropriations Act (Public Law 111–8). No additional funds are provided for this earmark.**

**FINANCIAL SERVICES AND GENERAL GOVERNMENT**  
**[Technical Correction]**

Agency	Project	Amount	Requester(s)	
			House	Senate
SBA	Illinois Institute of Independent Colleges and Universities	N/A		Durbin



FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS BILL, FY 2010 (H.R. 3170)  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference	Conference vs. Enacted
TITLE I - DEPARTMENT OF THE TREASURY				
Departmental Offices				
Salaries and expenses.....	278,870	302,388	304,888	+26,018
Executive direction.....	(21,819)	(22,383)	(21,983)	(+384)
Economic policies and programs.....	(48,910)	(44,749)	(47,248)	(+1,339)
Financial policies and programs.....	(38,039)	(47,680)	(48,580)	(+12,541)
Terrorism and financial intelligence.....	(62,008)	(64,611)	(64,611)	(+2,613)
Treasury-wide management.....	(21,600)	(22,779)	(22,679)	(+1,079)
Administration.....	(91,604)	(100,286)	(99,786)	(+8,182)
Department-wide systems and capital investments				
programs.....	26,975	9,544	9,544	-17,431
Office of Inspector General.....	26,125	26,700	29,700	+3,575
Treasury Inspector General for Tax Administration.....	148,083	149,000	152,000	+5,917
Emergency appropriations (P.L. 111-5).....	7,000	---	---	-7,000
Subtotal.....	153,083	149,000	152,000	-1,083
Special Inspector General for TAMP				
Financial Crimes Enforcement Network.....	91,468	102,780	111,010	+23,300
Treasury forfeiture fund (rescission).....	-30,000	-50,000	-90,000	+19,545
Total, Departmental Offices.....	546,518	840,392	840,442	-6,076
Appropriations.....	(569,518)	(590,392)	(630,442)	(+60,924)
Rescissions.....	(-30,000)	(-50,000)	(-90,000)	(-60,000)
Emergency appropriations.....	(7,000)	---	---	(-7,000)

FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS BILL, FY 2010 (H.R. 3170)  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference	Conference vs. Enacted
Financial Management Service.....	239,785	244,132	244,132	+4,347
Alcohol and Tobacco Tax and Trade Bureau:				
Salaries and expenses.....	99,065	105,090	103,000	+3,935
Offsetting collections.....	---	-75,000	---	---
Direct appropriation.....	99,065	30,000	103,000	+3,935
Bureau of the Public Debt.....	177,352	182,244	182,244	+4,892
Community development financial institutions fund program account.....	107,000	243,800	246,750	+199,750
Capital Magnet Fund (by transfer).....	---	(80,000)	(80,000)	(+80,000)
Emergency appropriations (P.L. 111-5).....	100,000	---	---	-100,000
Subtotal.....	207,000	243,800	246,750	+39,750
Payment of government losses in shipment.....	2,000	2,000	2,000	---
Total, Department of the Treasury, non-IRS.....	1,271,720	1,242,368	1,316,568	+46,848
Appropriations.....	(1,194,720)	(1,292,368)	(1,408,568)	(+213,848)
Rescissions.....	(-30,000)	(-50,000)	(-90,000)	(-60,000)
Emergency appropriations.....	(107,000)	---	---	(-107,000)
(Total discretionary, excluding emergencies).....	(1,162,720)	(1,240,368)	(1,316,568)	(+153,848)
Internal Revenue Service				
Taxpayer services.....	2,293,000	2,299,830	2,276,830	-14,170
Enforcement.....	5,117,267	4,904,000	4,904,000	-213,267
Enhanced tax enforcement activities.....	---	600,000	600,000	+600,000
Operations support.....	3,967,011	4,082,984	4,083,884	+216,873

**FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS BILL, FY 2010 (H.R. 3170)**  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference	Conference vs. Enacted
Business systems modernization.....	229,914	253,874	263,897	+33,983
Health Insurance Tax Credit Administration.....	18,406	19,512	19,512	+106
Emergency appropriations (P.L. 111-5).....	80,000	---	---	-80,000
<b>Subtotal.....</b>	<b>95,406</b>	<b>15,512</b>	<b>15,512</b>	<b>-79,894</b>
<b>Total, Internal Revenue Service.....</b>	<b>11,602,596</b>	<b>12,126,000</b>	<b>12,146,123</b>	<b>+543,525</b>
<b>Total, title I, Department of the Treasury....</b>	<b>12,874,318</b>	<b>13,366,368</b>	<b>13,484,691</b>	<b>+590,373</b>
Appropriations.....	(12,717,316)	(13,418,368)	(13,554,691)	(+837,373)
Rescissions.....	(-30,000)	(-50,000)	(-90,000)	(-60,000)
Emergency appropriations.....	(187,000)	---	---	(-187,000)
<b>(Total discretionary, excluding emergencies)..</b>	<b>(12,685,318)</b>	<b>(13,366,368)</b>	<b>(13,482,691)</b>	<b>(+777,373)</b>

**TITLE II - EXECUTIVE OFFICE OF THE PRESIDENT  
AND FUNDS APPROPRIATED TO THE PRESIDENT**

**The White House**

Salaries and expenses (including Office of Policy Development).....	57,449	59,319	59,143	+1,694
Compensation of the President .....	450	450	450	---
<b>Total, Salaries and expenses.....</b>	<b>57,899</b>	<b>59,769</b>	<b>59,593</b>	<b>+1,694</b>

FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS BILL, FY 2010 (H.R. 3170)  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference	Conference vs. Enacted
Executive Residence at the White House:				
Operating expenses.....	13,363	13,836	13,836	+473
White House repair and restoration.....	1,600	2,500	2,500	+900
Council of Economic Advisers.....	4,116	4,200	4,200	+82
National Security Council.....	9,029	12,231	12,231	+3,202
Emergency appropriations (P.L. 111-32).....	2,936	---	---	-2,936
Subtotal.....	11,965	12,231	12,231	+266
Office of Administration.....	101,333	115,280	115,280	+13,947
Total, The White House.....	190,276	207,816	207,842	+17,364
Office of Management and Budget.....	87,972	92,687	92,863	+4,891
Office of National Drug Control Policy				
Salaries and expenses.....	27,200	27,575	29,575	+2,375
Counterdrug Technology Assessment Center.....	3,000	1,000	5,000	+2,000
High intensity drug trafficking areas program.....	234,000	220,000	239,000	+9,000
Other Federal drug control programs.....	174,700	174,000	154,400	-20,300
Total, Office of National Drug Control Policy.....	436,900	422,575	427,975	-10,925
Unanticipated needs.....	1,000	1,000	1,000	---
Partnership fund for program integrity innovation.....	---	175,000	37,500	+37,500

FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS BILL, FY 2010 (H.R. 3170)  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference	Conference vs. Enacted
Presidential transition administrative support.....	8,000	---	---	-8,000
Special Assistance to the President and Official Residence of the Vice President:				
Salaries and expenses.....	4,496	4,804	4,804	+108
Operating expenses.....	323	330	330	+7
Total, title II, Executive Office of the Presi- dent and Funds Appropriated to the President..	730,969	904,014	771,914	+40,945
(Total discretionary, excluding emergencies)....	(727,593)	(903,584)	(771,484)	(+43,881)

TITLE III - THE JUDICIARY

Supreme Court of the United States

Salaries and expenses:				
Salaries of justices.....	2,119	2,166	2,166	+47
Other salaries and expenses.....	67,658	72,574	71,868	+4,210
Subtotal.....	69,777	74,740	74,034	+4,257
Care of the building and grounds.....	18,447	14,568	14,525	-3,922
Total, Supreme Court of the United States.....	88,224	89,308	88,559	+335

FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS BILL, FY 2010 (H.R. 3170)  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference	Conference vs. Enacted
<b>United States Court of Appeals for the Federal Circuit</b>				
Salaries and expenses:				
Salaries of judges.....	2,355	2,491	2,491	+135
Other salaries and expenses.....	28,028	34,490	30,099	+2,041
Total, US Court of Appeals for the Fed Circuit..	30,384	36,981	32,590	+2,176
<b>United States Court of International Trade</b>				
Salaries and expenses:				
Salaries of judges.....	1,696	1,715	1,715	+19
Other salaries and expenses.....	17,909	19,802	19,635	+1,726
Total, US Court of International Trade.....	19,605	21,517	21,350	+1,745
<b>Courts of Appeals, District Courts, and Other Judicial Services</b>				
Salaries and expenses:				
Salaries of judges and bankruptcy judges.....	323,911	340,000	340,000	+16,089
Judges COLA.....	6,000	7,000	---	-6,000
Other salaries and expenses.....	4,471,468	4,815,252	4,671,016	+199,560
Emergency appropriations (P.L. 111-32).....	10,000	---	---	-10,000
Subtotal, Salaries and expenses.....	4,811,369	5,162,252	5,011,016	+199,649
Vaccine Injury Compensation Trust Fund.....	4,253	5,428	5,428	+1,175

FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS BILL, FY 2010 (H.R. 3170)  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference vs. Enacted
Defender services.....	849,400	982,846	977,748
Fees of jurors and commissioners.....	82,206	83,401	61,861
Court security.....	428,858	463,842	452,607
			+23,749
Total, Courts of Appeals, District Courts, and Other Judicial Services.....	6,156,066	6,677,369	6,508,662
Administrative Office of the United States Courts			
Salaries and expenses.....	79,049	83,963	83,075
			+4,026
Federal Judicial Center			
Salaries and expenses.....	25,725	27,496	27,328
			+1,603
Judicial Retirement Funds			
Payment to judiciary trust funds.....	76,140	82,374	82,374
			+6,234
United States Sentencing Commission			
Salaries and expenses.....	16,225	17,066	16,837
			+812
Total, title III, the Judiciary.....	6,491,436	7,036,054	6,860,745
			+369,307
(Total discretionary, excluding emergencies).....	(6,075,216)	(6,607,306)	(6,431,999)
			(+356,783)

FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS BILL, FY 2010 (H.R. 3170)  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference	Conference vs. Enacted
TITLE IV - DISTRICT OF COLUMBIA				
FEDERAL FUNDS				
Federal payment for Resident Tuition Support.....	35,100	35,100	35,100	---
Federal payment for Emergency Planning and Security Costs in the District of Columbia.....	39,177	15,000	15,000	-24,177
Federal payment to the District of Columbia Courts....	248,409	248,952	261,190	+12,771
Federal payment for defender services in the in District of Columbia Courts.....	52,475	52,475	55,000	+2,525
Federal payment to the Court Services and Offender Supervision Agency for the District of Columbia....	203,490	212,408	212,408	+8,918
Federal payment to the District of Columbia Public Defender Service.....	35,659	37,316	37,316	+1,657
Federal payment to the District of Columbia Water and Sewer Authority.....	16,000	20,000	20,000	+4,000
Federal payment to the Criminal Justice Coordinating Council.....	1,774	1,774	2,000	+226
Federal payment for judicial commissions.....	---	500	500	+500
Federal payment to the Office of the Chief Financial Officer of the District of Columbia.....	4,868	---	1,850	-3,038
Federal payment for school improvement.....	54,000	74,400	75,400	+21,400
Federal payment to jump start public school reform....	20,000	---	---	-20,000
Federal payment for consolidated laboratory facility....	21,000	15,000	15,000	-6,000
Federal payment for the D.C. National Guard.....	---	2,000	375	+375
Federal payment for housing for the homeless.....	---	19,200	17,000	+17,000
Federal payment for youth services.....	---	5,000	4,000	+4,000



FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS BILL, FY 2010 (H.R. 3170)  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference	Conference vs. Enacted
Federal payment for Central Library/branch locations..	7,000	---	---	-7,000
Federal payment to the Executive Office of the Mayor..	3,388	---	---	-3,388
<b>Total, Title IV, District of Columbia.....</b>	<b>742,380</b>	<b>739,125</b>	<b>752,129</b>	<b>+9,769</b>
<b>TITLE V - OTHER INDEPENDENT AGENCIES</b>				
Administrative Conference of the United States.....	1,500	2,826	1,500	---
Christopher Columbus Fellowship Foundation.....	1,000	---	750	-250
Consumer Product Safety Commission.....	106,404	107,000	118,200	+12,796
<b>Election Assistance Commission</b>				
Salaries and expenses.....	17,959	16,530	17,959	---
Election reform programs.....	106,000	52,000	75,000	-31,000
<b>Total, Election Assistance Commission.....</b>	<b>123,959</b>	<b>68,530</b>	<b>92,959</b>	<b>-31,000</b>
<b>Federal Communications Commission</b>				
Salaries and expenses.....	341,875	335,794	335,794	-6,081
Transfer from USF for OIG audits.....	(25,480)	---	---	(-25,480)
Offsetting fee collections - current year.....	-341,875	-334,794	-335,794	+6,081
<b>Direct appropriation.....</b>	<b>---</b>	<b>1,000</b>	<b>---</b>	<b>---</b>
<b>Federal Deposit Insurance Corporation: Office of Inspector General (by transfer).....</b>	<b>(27,495)</b>	<b>(37,942)</b>	<b>(37,942)</b>	<b>(+10,447)</b>

FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS BILL, FY 2010 (H.R. 3170)  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference	Conference vs. Enacted
Federal Election Commission.....	63,616	64,000	66,500	+2,882
Federal Labor Relations Authority.....	22,674	24,773	24,773	+2,099
Federal Trade Commission				
Salaries and expenses.....	259,200	287,200	291,700	+32,500
Offsetting fee collections - current year.....	-166,000	-102,000	-102,000	+66,000
Offsetting fee collections, telephone database.....	-21,000	-19,000	-21,000	---
Direct appropriation.....	70,200	166,200	166,700	+66,500
General Services Administration				
Federal Buildings Fund				
Appropriations.....	(651,196)	(525,000)	(537,900)	(-113,296)
Limitations on availability of revenue:				
Construction and acquisition of facilities.....	746,317	667,637	894,037	+147,720
Repairs and alterations.....	662,374	466,276	413,776	-278,598
Installment acquisition payments.....	149,570	140,525	140,525	-9,045
Rental of space.....	4,642,166	4,879,871	4,804,871	+162,715
Building operations.....	2,197,354	2,356,376	2,290,376	+93,022
Subtotal, Limitations on availability of revenue.....	8,427,771	8,530,865	8,543,585	+115,814
Repayment of debt.....	56,865	66,360	66,360	+9,495
Rental income to fund.....	-8,134,239	-8,223,000	-6,223,000	-88,761

FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS BILL, FY 2010 (H.R. 3170)  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference	Conference vs. Enacted
Emergency appropriations (P.L. 111-5).....	5,550,000	---	---	-5,550,000
Total, Federal Buildings Fund.....				
Appropriations.....	5,900,397	374,045	386,945	-5,513,452
Emergency appropriations.....	(350,397)	(374,045)	(386,945)	(+36,548)
Emergency appropriations.....	(5,550,000)	---	---	(-5,550,000)
Energy-efficient federal motor vehicle fleet procurement (emergency)(P.L. 111-5).....	300,000	---	---	-300,000
Government-wide policy.....	54,578	85,185	59,685	+5,087
Operating expenses.....	70,845	71,881	72,881	+2,236
Office of Inspector General.....	54,000	60,080	59,000	+5,000
Emergency appropriations (P.L. 111-5).....	7,000	---	---	-7,000
Subtotal.....	61,000	60,080	59,000	-2,000
Electronic Government Fund.....	---	33,000	34,000	+34,000
Allowances and Office Staff for Former Presidents.....	2,934	3,756	3,756	+822
Expenses, Presidential transition.....	8,520	---	---	-8,520
Federal Citizen Information Center Fund.....	36,096	36,515	36,515	+419
Total, General Services Administration.....	6,434,170	644,442	652,762	-5,781,408
Appropriations.....	(577,170)	(644,442)	(652,762)	(+75,592)
Emergency appropriations.....	(5,857,000)	---	---	(-5,857,000)
Harry S Truman Scholarship Foundation.....	500	---	660	+160

FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS BILL, FY 2010 (H.R. 3170)  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference	Conference vs. Enacted
<b>Merit Systems Protection Board</b>				
Salaries and expenses.....	38,811	40,339	40,339	+1,528
Limitation on administrative expenses.....	2,579	2,579	2,579	---
<b>Total, Merit Systems Protection Board.....</b>	<b>41,390</b>	<b>42,918</b>	<b>42,918</b>	<b>+1,528</b>
<b>Morris K. Udell and Stewart L. Udell Foundation</b>				
Morris K. Udell and Stewart L. Udell Trust Fund.....	3,760	2,200	2,800	-1,260
Environmental Dispute Resolution Fund.....	2,100	3,800	3,800	+1,700
<b>Total, Morris K. Udell and Stewart L. Udell Foundation.....</b>	<b>5,860</b>	<b>6,000</b>	<b>6,300</b>	<b>+450</b>
<b>National Archives and Records Administration</b>				
Operating expenses.....	330,308	339,770	339,770	+9,462
Reduction of debt.....	-11,842	-13,000	-13,000	-1,158
Office of the Inspector General.....	---	4,100	4,100	+4,100
Electronic records archive.....	87,008	85,500	86,500	+18,492
Repairs and restoration.....	50,711	27,500	27,500	-23,211
National Historical Publications and Records Commission: Grants program.....	11,250	10,000	13,000	+1,750
<b>Total, National Archives and Records Admin.....</b>	<b>447,435</b>	<b>453,870</b>	<b>456,870</b>	<b>+9,435</b>

FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS BILL, FY 2010 (H.R. 3170)  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference	Conference vs. Enacted
<b>National Credit Union Administration</b>				
Central liquidity facility:				
(Limitation on admin expenses, corporate funds)....	(1,250)	(1,250)	(1,250)	---
Community development credit union revolving loan fund	1,000	1,000	1,250	+250
Office of Government Ethics.....	13,000	13,665	14,000	+1,000
<b>Office of Personnel Management</b>				
Salaries and expenses.....	92,829	94,970	102,970	+10,141
Limitation on administrative expenses.....	118,082	113,238	112,738	-5,344
Office of Inspector General.....	1,828	2,136	3,148	+1,320
Limitation on administrative expenses.....	18,755	20,428	21,215	+2,460
Govt Payment for Annuitants, Employees Health Benefits	9,533,000	9,814,000	9,814,000	+281,000
Govt Payment for Annuitants, Employee Life Insurance..	46,000	46,000	48,000	+2,000
Payment to Civil Svc Retirement and Disability Fund...	10,550,000	10,276,000	10,276,000	-274,000
<b>Total, Office of Personnel Management.....</b>	<b>20,360,484</b>	<b>20,368,772</b>	<b>20,378,071</b>	<b>+17,577</b>
Mandatory .....	(20,129,000)	(20,136,000)	(20,136,000)	(+9,000)
Discretionary.....	(231,494)	(230,772)	(240,071)	(+8,577)
Office of Special Counsel.....	17,488	18,495	18,495	+1,027
Postal Regulatory Commission.....	14,043	14,333	14,333	+290
Privacy and Civil Liberties Oversight Board.....	1,500	2,000	1,500	---

**FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS BILL, FY 2010 (H.R. 3170)**  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference	Conference vs. Enacted
<b>Securities and Exchange Commission</b>				
Salaries and expenses.....	990,000	1,026,000	1,111,000	+151,000
Prior year unobligated balances.....	-85,844	-10,220	-16,084	+49,560
Direct appropriation.....	894,356	1,015,780	1,094,916	+200,560
Emergency appropriations (P.L. 111-32).....	10,000	---	---	-10,000
Total, Securities and Exchange Commission.....	904,356	1,015,780	1,094,916	+190,560
Selective Service System.....	22,000	24,400	24,275	+2,275
<b>Small Business Administration</b>				
Salaries and expenses.....	396,896	422,000	433,436	+46,542
Emergency appropriations (P.L. 111-5).....	69,000	---	---	-69,000
Subtotal.....	455,896	422,000	433,436	-22,458
Office of Inspector General.....	16,750	16,300	16,300	-450
Emergency appropriations (P.L. 111-5).....	10,000	---	---	-10,000
Subtotal.....	26,750	16,300	16,300	-10,450
Surety bond guarantees revolving fund.....	2,000	1,000	1,000	-1,000
Emergency appropriations (P.L. 111-5).....	15,000	---	---	-15,000
Subtotal.....	17,000	1,000	1,000	-16,000

FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS BILL, FY 2010 (H.R. 3170)  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference	Conference vs. Enacted
<b>Business Loans Program Account:</b>				
Direct loans subsidy.....	2,500	3,000	3,000	+500
Emergency appropriations (P.L. 111-5).....	8,000	---	---	-8,000
Subtotal.....	8,500	3,000	3,000	-5,500
Guaranteed loans subsidy.....	---	80,000	80,000	+80,000
Emergency appropriations (P.L. 111-5).....	630,000	---	---	-630,000
Subtotal.....	630,000	80,000	80,000	-550,000
Administrative expenses.....	138,480	153,000	153,000	+14,520
Total, Business loans program account.....	776,980	236,000	236,000	-540,980
Appropriations.....	(140,980)	(236,000)	(236,000)	(+95,020)
Emergency appropriations.....	(836,000)	---	---	(-836,000)
<b>Disaster Loans Program Account:</b>				
Guaranteed loans subsidy.....	---	1,890	1,890	+1,890
Administrative expenses.....	---	102,310	76,598	+76,598
Total, Disaster loans program account.....	---	104,000	78,278	+78,278
Salaries and expenses (Sec. 523).....	65,654	---	59,000	-6,654
Total, Small Business Administration.....	1,342,280	779,300	824,016	-518,284
Appropriations.....	(812,280)	(779,300)	(824,016)	(+211,736)
Emergency appropriations.....	(730,000)	---	---	(-730,000)

**FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS BILL, FY 2010 (H.R. 3170)**  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference	Conference vs. Enacted
<b>United States Postal Service</b>				
Payment to the Postal Service Fund.....	29,000	29,000	29,000	---
Advance appropriations.....	82,831	89,328	89,328	+6,497
Total, Payment to the Postal Service Fund.....	111,831	118,328	118,328	+6,497
Office of Inspector General.....	238,356	244,397	244,397	+6,041
Total, United States Postal Service.....	351,187	362,725	362,725	+11,538
Recovery Act Accountability and Transparency Board (emergency)(P.L. 111-5).....	84,000	---	---	-84,000
United States Tax Court.....	48,463	49,242	49,241	+778
Financial Crisis Inquiry Commission (emergency) (P.L. 111-32).....	8,000	---	---	-8,000
Total, title V, Independent Agencies.....	30,485,491	24,231,070	24,418,714	-6,089,777
Appropriations.....	(23,713,660)	(24,141,742)	(24,326,386)	(+612,726)
Emergency appropriations.....	(6,889,000)	---	---	(-6,889,000)
Advances.....	(82,831)	(89,328)	(89,328)	(+6,497)
(by transfer).....	(52,976)	(37,942)	(37,942)	(-15,033)
(Total discretionary, excluding emergencies).....	(3,867,491)	(4,063,070)	(4,277,714)	(+610,223)



FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS BILL, FY 2010 (H.R. 3170)  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference	Conference vs. Enacted
Grand total.....	51,324,576	48,278,631	48,285,193	-5,059,383
Appropriations.....	(44,382,809)	(46,239,303)	(46,289,845)	(+1,843,056)
Rescissions.....	(-30,000)	(-50,000)	(-90,000)	(-60,000)
Emergency appropriations.....	(6,888,836)	---	---	(-6,888,836)
Advances.....	(82,831)	(88,328)	(88,328)	(+6,497)
(by transfer).....	(52,978)	(117,942)	(117,942)	(+64,967)

## CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2010 recommended by the Committee of Conference, with comparisons to the fiscal year 2009 amount, the 2010 budget estimates, and the House and Senate bills for 2010 follow:

(In thousands of dollars)

New budget (obligational) authority, fiscal year 2009 .....	\$51,324,576
Budget estimates of new (obligational) authority, fiscal year 2010 .....	46,278,631
House bill, fiscal year 2010 .....	46,223,693
Senate bill, fiscal year 2010 .....	46,302,193
Conference agreement, fiscal year 2010 .....	46,265,193
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2009 .....	-5,059,383
Budget estimates of new (obligational) authority, fiscal year 2010 .....	-13,438
House bill, fiscal year 2010 .....	+41,500
Senate bill, fiscal year 2010 .....	-37,000

## DIVISION D—DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010, put in place by this division incorporates the following agreements of the managers. Funds for the individual programs and activities within the accounts in this division are displayed in the detailed table at the end of the statement of the managers for this Act. Funding levels that are not displayed in the detailed table are identified within this statement of the managers. All references within this explanatory statement to the Recovery Act mean the American Recovery and Reinvestment Act of 2009 (Public Law 111μ095).

In implementing this conference agreement, the Departments and agencies should be guided by the language and instructions set forth in House Report 111μ09220 and Senate Report 111μ0966 accompanying the bill, H.R. 3293. In cases where the language and instructions in either report specifically address the allocation of funds, each has been reviewed by the conferees and those that are jointly concurred in have been endorsed in this explanatory statement.

In cases in which the House or the Senate report requests or directs the submission of a report, such report is to be submitted to both the Committees on Appropriations of the House of Representatives and the Senate.

Section 516 sets forth the reprogramming requirements and limitations for the Departments and agencies funded through this division, including the requirement to make a written request to the Committees on Appropriations of the House of Representatives and the Senate 15 days prior to reprogramming, or to the announcement of intent to reprogram funds in excess of 10 percent or \$500,000, whichever is less, between programs, projects, and activities.

Departments and agencies funded in this division shall submit statements on the effect of this Act to the Appropriations Committees within 45 days of enactment of this Act, pursuant to section 518. The Committees on Appropriations of the House of Rep-

resentatives and the Senate expect that these statements will provide sufficient detail to show the allocation of funds among programs, projects, and activities, particularly in accounts where the final appropriation is different than that of the budget request. Further, these statements also shall include the effect of the appropriation on any new activities or major initiatives discussed in the budget justifications accompanying the fiscal year 2010 budget.

## TITLE I

## DEPARTMENT OF LABOR

## EMPLOYMENT AND TRAINING ADMINISTRATION

## TRAINING AND EMPLOYMENT SERVICES

## (INCLUDING TRANSFER OF FUNDS)

The conference agreement includes \$3,828,530,000 for Training and Employment Services instead of \$3,802,961,000 as proposed by the House and \$3,798,536,000 as proposed by the Senate. Of the amount appropriated, \$1,772,000,000 is an advance appropriation for fiscal year 2011 as proposed by both the House and the Senate.

Within the total for the Dislocated Worker Assistance National Reserve, the conference agreement does not include bill language to allow up to \$30,000,000 of this appropriation to be made available to the Career Pathways Innovation Fund as proposed by the Senate. The conferees urge the Secretary to give favorable consideration to grant applications from States whose allotment for dislocated worker employment and training activities in Public Law 111μ098 was less than their allotment for such activities in Public Law 110μ09161. The conference agreement includes bill language to suspend section 173(e) of the Workforce Investment Act (WIA). Section 173(e) of the WIA facilitated the transition from the Job Training Partnership Act formula to the WIA formula; however, the WIA formula has been in effect for a decade and the transition is complete. The conferees note that suspending this provision will allow more funds to be available to respond to natural disasters and mass layoffs. Neither the House nor the Senate proposed a similar provision.

The conference agreement designates \$78,410,000 for migrant and seasonal farmworker formula grants instead of \$78,610,000 as proposed by the House and \$78,310,000 as proposed by the Senate. In addition, the conference agreement designates \$5,700,000 for migrant and seasonal farmworker housing instead of \$5,500,000 as proposed by the House and \$5,800,000 as proposed by the Senate.

Within the amount provided for Pilots, Demonstrations and Research, the conference agreement includes \$30,000,000 for a new competitive grant program to provide transitional jobs activities instead of \$35,000,000 as proposed by the House and \$40,000,000 as proposed by the Senate. The conference agreement provides an additional \$15,000,000 for these activities within the Reintegration of Ex-Offenders program, resulting in a total of \$45,000,000 for transitional jobs activities. The conferees direct the Department of Labor to consult with the Department of Health and Human Services' Administration for Children and Families in designing the grant competition and awarding grants, consistent with House Report 111-09220. In addition, the conferees note that funds should be used to leverage other resources to support program growth, consistent with Senate Report 111-0966. The conference agreement includes bill language allowing up to 10-09percent of funding for transitional jobs activities to be available for evaluation of such projects or transferred to

the Department of Health and Human Services or the Department of Justice for support of transitional jobs activities as proposed by the Senate. The House bill included a provision to ensure that a sufficient portion of funds available for transitional jobs activities would be used for an evaluation of the program.

Within the amount provided for Pilots, Demonstrations and Research, the conference agreement also includes \$5,500,000 as proposed by the House to continue a program of competitive grants to address the employment and training needs of young parents. The Senate did not include funds for this activity. The Department should continue to award these competitive grants based on the criteria outlined in House Report 110-231.

The conference agreement includes \$48,889,000 for the following projects in the following amounts:

Project	Amount
Access Community Health Network, Chicago, IL for a job training initiative .....	400,000
Alabama Institute for the Deaf and Blind, Talladega, AL for an employer training and job development initiative .....	200,000
Arkansas State University-Beebe, Searcy, AR for a training program for employment in the natural gas industry .....	200,000
Atlanta Christian College, East Point, GA, for training and curriculum development .....	350,000
Baltimore City Mayor's Office of Employment Development, Baltimore, MD, for YouthWorks ....	575,000
Beth Medrash Govoha, Lakewood, NJ for a job training initiative .....	275,000
Blackhawk Technical College, Janesville, WI, to provide job training to the unemployed and incumbent workers .....	1,000,000
Brevard Workforce Development Board, Rockledge, FL for a job training initiative .....	1,000,000
Bridge to Independence & Career Opportunities, Danbury, CT for job training and job placement .....	100,000
Bristol Community College, Fall River, MA for job placement services for veterans .....	100,000
Bucks County Community College, Newtown, PA for training at the Renewable Energy Academy .....	600,000
Campbellsville-Taylor County Industrial Development Authority, Campbellsville, KY for a job training initiative .....	500,000
Capital Workforce Partners, Hartford, CT, for a career competency development program ..	300,000
Capps Workforce Training Center, Stoneville, MS, for workforce training .....	500,000
Center for Employment Training, San Jose, CA for training dislocated workers and out-of-school youth for green jobs .....	350,000
Central Council of Tlingit and Haida Indian Tribes of Alaska, Juneau, AK, to expand vocational training including distance learning technologies .....	308,000
Central Pennsylvania Institute of Science and Technology, Pleasant Gap, PA for job training programs .....	250,000
Chesapeake Bay Trust, Annapolis, MD, for the clean water jobs training initiative .....	116,000

<i>Project</i>	<i>Amount</i>	<i>Project</i>	<i>Amount</i>	<i>Project</i>	<i>Amount</i>
Chicago House and Social Service Agency, Chicago, IL for an employment training and transitional jobs program .....	200,000	Danville Community College, Danville, VA for training at its Wood Products Advanced Manufacturing Lab .....	100,000	Hartford Public Schools, Hartford, CT, for workforce readiness and job placement services through OPPportunity High School .....	275,000
City of Baltimore, Office of Employment Development, MD for its BRAC Employment Preparedness Program .....	400,000	Davinci Center for Community Progress, Providence, RI for workforce education and training .....	200,000	Haven for Hope of Bexar County, San Antonio, TX, for a homeless job training program .....	200,000
City of Chesapeake, VA for a job training initiative .....	250,000	DaytonDefense, Beavercreek, OH for a job training initiative .....	300,000	Hawkeye Community College, Waterloo, IA, for support of the Advance Manufacturing Training program, including equipment .....	400,000
City of Detroit, MI for its Summer Youth Services Program ...	500,000	Des Moines Area Community College, Ankeny, IA for dislocated worker training and job placement in financial services, health care and construction ...	350,000	Highline Community College, Des Moines, WA for a workforce training, education, and outreach initiative .....	250,000
City of East Palo Alto, CA for workforce training in green jobs .....	600,000	Des Moines Area Community College, Ankeny, IA, for the Central Iowa Works Project Employment career opportunities education program .....	400,000	Hobbs Hispano Chamber of Commerce, Hobbs, NM, for workforce development .....	200,000
City of Emeryville, CA, for the East Bay Green Jobs Initiative workforce development program .....	200,000	Digital Workforce Academy, Austin, TX for a job training initiative .....	300,000	Homeboy Industries, Los Angeles, CA for solar panel installation training and certification for at-risk young individuals in Los Angeles .....	300,000
City of Grand Rapids, MI for the Our Community's Children job training initiative .....	350,000	Duke Media Foundation, Hollywood, CA for career exploration and training for at-risk youth for jobs in filmmaking .....	100,000	Hopkins House, Alexandria, VA for workforce development and training in early childhood education .....	250,000
City of Los Angeles, CA, for the Los Angeles Youth Opportunity Movement workforce development program .....	500,000	East Bay Regional Park District, Oakland, CA, for fire and conservation crews training programs .....	600,000	Impact Services Corporation, Philadelphia, PA, for a community job training and placement program .....	100,000
City of Oakland, CA, for the East Bay Green Jobs Initiative workforce development program .....	600,000	Easter Seals Arc of NE Indiana, Ft. Wayne, IN for a job training program for adults with disabilities .....	100,000	IndependenceFirst, Milwaukee, WI to provide employment support services to persons with disabilities .....	100,000
City of Petersburg, Clearwater, FL for an employment readiness program .....	200,000	Filipino-American Service Group, Los Angeles, CA for case management and job training for homeless individuals .....	250,000	Innovative Productivity, Inc., Louisville, KY for a job training initiative .....	150,000
City of Richmond, CA for the Richmond BUILD Pre-apprenticeship Construction Skills & Solar Installation Training Program .....	700,000	Finishing Trades Institute, Philadelphia, PA, for weatherization job training programs .....	100,000	Instituto del Progreso Latino, Chicago, IL, for employment and training programs in health care for limited English speaking individuals .....	375,000
City of St. Petersburg, FL for the Summer Youth Internship/Green Workforce Readiness Training Program .....	300,000	Flathead Valley Community College, Kalispell, MT, Career Opportunities through Retraining and Education .....	100,000	Jacksonville Center for the Arts, Floyd, VA for workforce training .....	150,000
City of West Palm Beach, FL for its Youth Empowerment Centers .....	400,000	Florida Manufacturing Extension Partnership, Celebration, FL, for the Florida mobile outreach skills training program .....	100,000	JobPath, Inc., Tucson, AZ for underserved adults job training ...	200,000
Closing the Digital Gap, Lansing, MI for a computer-based job training initiative .....	250,000	Fordham Bedford Children's Services, Bronx, NY for job placement, training, and workforce development .....	100,000	Jobs for Maine's Graduates, Inc., Augusta, ME, for career development for at-risk youth .....	200,000
Coastal Enterprises, Inc., Wiscasset, ME for workforce training and evaluation at the CEI Green Business Investment and Job Creation Initiative .....	250,000	Fort Belknap Indian Community, Harlem, MT, Fort Belknap 477 Employment & Training, Summer Youth Program .....	100,000	Jobs for Mississippi Graduates, Inc., Jackson, MS, for career development for at-risk youth .....	200,000
College of Southern Idaho, Twin Falls, ID, for renewable energy job training program .....	100,000	Fox Valley Technical College, Oshkosh, WI, to create an accelerated, one year welder training program .....	150,000	Johnstown Area Regional Industries, Inc., Johnstown, PA for its workforce development program .....	200,000
Columbia Gorge Community College, The Dalles, OR for a renewable energy training program, including purchase of equipment .....	350,000	Friends of Children of Mississippi, Jackson, MS, for the TANF to Work and Ownership Project .....	200,000	Lansing Community College, Lansing, MI for a job training initiative focused on alternative automotive technologies .....	420,000
Community Learning Center, Inc., Ft. Worth, TX for a job training initiative .....	500,000	Germannanna Community College, Fredericksburg, VA for nursing training and curriculum development .....	100,000	Liberty Resources, Inc., Philadelphia, PA, for job training programs for persons with disabilities .....	100,000
Community Transportation Association of America, Washington, DC, for the continuation of the Joblinks program ..	450,000	Give Every Child A Chance, Manteca, CA for employment mentoring .....	500,000	Lincoln Land Community College, Springfield, IL, for workforce development programs .....	250,000
Conservation Corps of Long Beach, Long Beach, CA for a job training program for at-risk youth .....	225,000	Guadalupe Centers, Inc., Kansas City, MO for its Culinary Arts Institute job training and employment program .....	200,000	Living Classrooms of the National Capital Region, Washington, DC for its youth workforce development program .....	350,000
Covenant House Florida, Fort Lauderdale, FL for job readiness training .....	550,000	HARBEL Community Organization, Baltimore, MD for unemployed and underemployed individuals .....	250,000	Local Area 1 Workforce Investment Board, Caribou, ME, for workforce job opportunities .....	500,000
Covenant House New Jersey, Newark, NJ, for a job training initiative .....	100,000	Hard Hatted Women, Warren, OH for the Tradeswomen TOOLS program .....	200,000	Los Angeles Community College District/Valley College, Valley Glen, CA for workforce development in energy efficiency and green technology fields .....	300,000
Cypress Mandela Training Center, Inc., Oakland, CA for pre-apprentice construction training for solar and green jobs .....	275,000				

<i>Project</i>	<i>Amount</i>	<i>Project</i>	<i>Amount</i>	<i>Project</i>	<i>Amount</i>
Macomb Community College, Warren, MI for training displaced workers in the aerospace and defense industries .....	550,000	Ocean Bay Community Development Corporation, Averne, NY for a workforce preparation program for youth and young adults residing in public housing .....	100,000	Vanguard Services Unlimited, Arlington, VA for a comprehensive vocational counselor training project .....	250,000
MAGNET, Cleveland, OH for veterans workforce development, training, and job placement in the manufacturing industry .....	200,000	Oklahoma City Community College, Oklahoma City, OK for a veterans job training initiative .....	200,000	Vermont Department of Public Safety, Waterbury, VT, for firefighting and emergency services training support .....	100,000
Maine Manufacturing Extension Partnership, Augusta, ME, for workforce job opportunities .....	500,000	Opportunities Industrialization Center of Washington, Yakima, WA, to provide workforce and health and safety training to agricultural workers .....	150,000	Vermont HITEC, Inc., Williston, VT, for the Vermont HITEC Job Training Initiative .....	2,000,000
Make the Road New York, Brooklyn, NY for English language and economic literacy training in low-income, primarily immigrant communities .....	200,000	People for the Parks, Venice, CA for a program to train at-risk youth to maintain and operate sustainable parks .....	165,000	Vermont Technical College, Randolph Center, VT, for the Vermont Green Jobs Workforce Development Initiative .....	750,000
Manchester Bidwell Corporation, Pittsburgh, PA, for job training programs at Bidwell Training Center .....	100,000	Philadelphia Shipyard Development Corporation, Philadelphia, PA, for job training programs .....	100,000	Vocational Guidance Services, Cleveland, OH, for job training activities .....	100,000
Massachusetts Manufacturing Extension Partnership, Worcester, MA, for expansion of a workforce skills training program .....	250,000	Project ARRIBA, El Paso, TX, for workforce development and economic opportunities in the West Texas region .....	100,000	Wake Technical Community College, Raleigh, NC for job training in the computer simulation and green automotive technologies industries .....	400,000
Maui Economic Development Board, Kihei, HI, Maui Economic Development Board Science, Technology, Engineering and Math (STEM) training .....	450,000	Rhode Island Economic Development Corporation, Providence, RI, for support and delivery of job training services .....	500,000	Washington State Board for Community and Technical Colleges, Federal Way, WA, for training, on-the-job support and career development services in the long-term care sector in Washington State .....	250,000
Maui Economic Development Board, Kihei, HI, Rural Computer Utilization Training .....	300,000	San Jacinto College, Pasadena, TX for workforce development, which shall include purchase of equipment .....	350,000	Washington State Labor Council AFL-CIO, Seattle, WA, to help support the creation of a pathway for young people to apprenticeship training programs in high demand industries across the State of Washington .....	200,000
McHenry County, Woodstock, IL for short-term occupational training .....	250,000	Sheppard Pratt Health System, Baltimore, MD, Work Force Initiative for the Mentally Ill .....	725,000	Washington State Workforce Training and Education Coordinating Board, Olympia, WA, to support the development, expansion, delivery and testing of workplace-based education and training for low-income adult workers resulting in models for other States use .....	850,000
Metropolitan Community Colleges, Kansas City, MO for training services at its Sustainability Training Center .....	500,000	Southeastern Louisiana University, Hammond, LA for a workforce development initiative ....	150,000	Waukesha Technical College, Pewaukee, WI, to provide job training to the unemployed and incumbent workers .....	200,000
Michigan Works, Benton Harbor, MI for the basic workforce transformation program .....	250,000	Southern Utah University, Cedar City, UT, for a renewable energy job training initiative .....	400,000	West Los Angeles College, Culver City, CA for the Pathways to 21st Century Careers program ..	600,000
Milton S Eisenhower Foundation, Washington, DC, for job training, job placement and GED acquisition programs in Iowa .....	400,000	Southwest Virginia Community College, Richlands, VA for green jobs training in rural communities .....	400,000	Workforce Opportunity Council, Concord, NH, for the advanced manufacturing portable classroom social services research training program .....	100,000
Mississippi Gulf Coast Community College, Perkinston, MS, for workforce training .....	350,000	Spokane Area Workforce Development Council, Spokane, WA, to support comprehensive regional planning efforts to address the workforce challenges of the Spokane area .....	250,000	Workforce Services Unlimited, Inc., Circleville, OH for a job training initiative .....	450,000
Mississippi State University, Mississippi State, MS, for the Mississippi Integrated Workforce Performance System .....	500,000	St. Nicholas Neighborhood Preservation Corporation, Brooklyn, NY for a workforce development initiative .....	150,000	Wrightco Educational Foundation, Ebensburg, PA, for security and communications technology job training programs ...	100,000
Mississippi Technology Alliance, Ridgeland, MS, for workforce training .....	250,000	Summit Academy OIC, Minneapolis, MN for a program focused on weatherization technician training and residential energy auditing .....	400,000	WRTP/BIG STEP, Milwaukee, WI for workforce skills training to match needs in the construction, manufacturing and healthcare sectors .....	100,000
Mississippi Valley State University, Itta Bena, MS, for training and development at the Automated Identification Technology/Automatic Data Collection Program .....	500,000	Team Taylor County, Campbells-ville, KY, for job training programs .....	100,000	Youngstown Neighborhood Development Corporation, Youngstown, OH for its Youngstown Grey to Green Initiative to provide training in green jobs .....	305,000
Montana State University, Billings, MT, for job training .....	100,000	The Healing Place, Richmond, VA, for job training services ....	150,000	Youth Radio, Oakland, CA for training of at-risk youth in media production, digital technology and broadcast engineering .....	250,000
National Center for Family Literacy, Louisville, KY for integration of career awareness and job readiness activities into a family literacy program .....	100,000	Tulane University, New Orleans, LA for a community health worker training program .....	250,000	Within the funds provided for Reintegration of Ex-offenders, the conference agreement includes \$15,000,000 for transitional jobs	
National Council of Negro Women, Washington, DC for a job readiness, life skills, and training program for disadvantaged women .....	350,000	UMWA Career Centers, Inc., Washington, PA for its mine worker training and employment programs .....	550,000		
Northeast Iowa Ironworkers-Cedar Rapids Local 89, Cedar Rapids, IA, for workforce development .....	250,000	University of Hawaii-Maui, Kahului, HI, for Community College Training & Education Opportunities program .....	2,000,000		
Northern Marianas Trade Institute, Saipan, MP for vocational and technical training programs .....	200,000	University of Hawaii-Maui, Kahului, HI, for the Remote Rural Hawaii Job Training Project .....	2,300,000		
		Upper Rio Grande Workforce Solutions, El Paso, TX for its Rural Initiatives Program .....	200,000		

activities as proposed by the House. The Senate included funds for transitional jobs activities within the Pilots, Demonstrations and Research program. The conference agreement designates that funds shall be available for obligation on April 1, 2010 as proposed by the Senate. The House proposed that funds shall be available for obligation on July 1, 2010. The conferees expect the Department of Labor to consult with the Department of Justice in awarding competitive grants for transitional jobs activities.

The conferees support the Department's proposed spending priorities for the Reintegration of Ex-offenders program, as identified in the congressional budget justification. Given that the conference agreement adopts a funding level below the request, the conferees request that an operating plan be submitted to the Committees on Appropriations of the House of Representatives and the Senate not later than 45 days after enactment of this Act.

The conference agreement establishes a separate line item for the Career Pathways Innovation Fund. The Career Pathways Innovation Fund replaces the Community-Based Job Training Grants program, which previously received funding under the Dislocated Worker Assistance National Reserve. The conference agreement includes a set-aside of not less than \$65,000,000 for competitive grants that prepare workers for careers in the health care sector as proposed by the House. The Senate did not include a set-aside within the Career Pathways Innovation Fund.

The conferees note that from November 2000 to November 2009 manufacturing employment in the United States declined by more than 5.5 million jobs. The conferees encourage the Secretary to consider competitive grant opportunities to train and place returning veterans, the underemployed, high school graduates, and traditional manufacturing employees so they can achieve the skills necessary to fill jobs in growing sectors of the high skilled, high tech and precision manufacturing industry.

The conferees direct the Department of Labor and the Department of Health and Human Services to establish an interagency taskforce and submit a strategic plan for addressing emerging needs in the health care sector, consistent with House Report 111-220.

#### COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

The conference agreement includes \$825,425,000 for Community Service Employment for Older Americans (CSEOA) instead of \$615,425,000 as proposed by the House and \$575,425,000 as proposed by the Senate. Within the total, \$225,000,000 is available upon the enactment of this Act and shall remain available through December 31, 2011. Neither the House nor the Senate proposed a similar availability period.

The conferees are aware that additional resources provided in the Recovery Act are insufficient to meet the needs of low-income older workers adversely impacted by the recession. Many CSEOA grantees are maintaining waiting lists for available community service jobs but are unable to fill those jobs due to funding limitations. In determining those current grantees that can effectively use funds made available immediately in this Act, the Secretary should take into account demonstrated need, financial management, and sustained and satisfactory performance.

#### STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

The conference agreement includes \$4,113,681,000 for State Unemployment Insurance and Employment Service Operations in-

stead of \$4,097,056,000 as proposed by the House and \$4,113,806,000 as proposed by the Senate.

The conference agreement includes \$60,000,000 for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews. This amount includes \$50,000,000 available for these purposes through a discretionary spending cap adjustment established in the fiscal year 2010 congressional budget resolution. In addition to increasing support for in-person reemployment and eligibility assessments, the Department should continue to make a portion of these funds available for technology-based overpayment prevention, detection, and collection activities. In fiscal year 2009, the Department funded State requests for technology-based projects through a combination of the discretionary spending cap adjustment and the appropriation for State Operations for Unemployment Insurance. The conferees encourage continuation of this practice.

The conference agreement includes \$12,000,000 within One-Stop Career Centers and Labor Market Information funding to carry out the language in Senate Report 111-66 regarding disability-related employment planning and activities. The Senate proposed \$12,000,000 for these activities, along with an additional \$12,000,000 in the Office of Disability Employment Policy (ODEP) account. The House proposed \$10,000,000 in ODEP for similar activities.

#### ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

The conference agreement includes such sums as necessary for Advances to the Unemployment Trust Fund and Other Funds as proposed by both the House and the Senate. The conference agreement also includes bill language to reestablish the longstanding policy of making funds in this account available for two fiscal years. Neither the House nor the Senate proposed a similar provision.

#### PROGRAM ADMINISTRATION

The conference agreement includes \$147,656,000 for Program Administration instead of \$146,406,000 as proposed by the House and \$148,906,000 as proposed by the Senate.

#### EMPLOYEE BENEFITS SECURITY ADMINISTRATION

##### SALARIES AND EXPENSES

The conference agreement includes \$154,861,000 for the Employee Benefits Security Administration instead of \$154,060,000 as proposed by the House and \$155,662,000 as proposed by the Senate.

#### EMPLOYMENT STANDARDS ADMINISTRATION

##### SALARIES AND EXPENSES

##### (INCLUDING RESCISSION AND TRANSFER OF FUNDS)

The conference agreement includes \$493,506,000 for the Employment Standards Administration (ESA) instead of \$486,756,000 as proposed by the House and \$498,956,000 as proposed by the Senate.

The conferees support the Administration's reorganization of ESA to eliminate overlapping leadership and management positions. The conference agreement includes bill language to allow funds identified in the table accompanying this Act for ESA Program Direction and Support to be reallocated among the agencies included in this account or transferred to any other account within the Department for the same purposes. Neither the House nor the Senate proposed a similar provision.

The conference agreement rescinds \$50,000,000 from unobligated funds collected

pursuant to section 286(v) of the Immigration and Nationality Act instead of \$65,000,000 as proposed by both the House and the Senate. The rescission is effective on September 30, 2010 as proposed by the House. The Senate proposed that the rescission be effective on September 1, 2010. Sufficient funds will remain to enable the Department of Labor to conduct enforcement activities under the current legislative authority. The conference agreement also includes bill language in section 524 to provide additional authority for ESA to conduct enforcement programs and activities that focus on industries likely to employ nonimmigrants.

#### ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND

The conference agreement includes \$51,900,000 for the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) instead of \$51,197,000 as proposed by both the House and the Senate. The funding level reflects expansion of the Office of the Ombudsman's responsibilities to include claimants for benefits under Part B of the EEOICPA, as authorized by the National Defense Authorization Act for fiscal year 2010.

#### OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

##### SALARIES AND EXPENSES

The conference agreement includes \$558,620,000 for the Occupational Safety and Health Administration (OSHA) instead of \$554,620,000 as proposed by the House and \$561,620,000 as proposed by the Senate.

Within the funds provided for Federal Enforcement, the conferees intend for the Department to use the increase above the fiscal year 2009 funding level to continue a multi-year process of rebuilding OSHA's enforcement capacity and increasing the pace of standard setting.

The conference agreement includes bill language designating that grants to States shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary as proposed by the House. The Senate proposed that grants to States may be up to 55 percent of the costs of State occupational safety and health programs.

The conferees strongly urge the Secretary not to permanently redistribute any of the additional State Plan grant funding provided under this appropriation for which a State is unable to provide its required match in fiscal year 2010 because of the pressures on State budgets. The Secretary is further urged to adopt past agency practice that would allow each State an opportunity next fiscal year to match and receive funding that is available but was not matched this fiscal year.

The conferees believe that after every effort is made to allow State grant funds to be matched by States—consistent with past agency practice—any remaining funds that cannot be matched in fiscal year 2010 by States should be reprogrammed for Federal enforcement activities, consistent with section 516 of this Act. Utilizing maximum flexibility to respond to individual State issues related to the match requirement, or reprogramming for Federal enforcement, will meet the goal of increasing resources that can lead to improved workplace safety and health for America's workers.

The conferees include \$1,000,000 within OSHA to continue a recordkeeping enforcement initiative on injury and illness recording, consistent with Senate Report 111-66. The House did not include a similar provision.

MINE SAFETY AND HEALTH ADMINISTRATION  
SALARIES AND EXPENSES

The conference agreement includes \$357,293,000 for the Mine Safety and Health Administration (MSHA) instead of \$353,193,000 as proposed by the House and \$357,143,000 as proposed by the Senate.

The conference agreement includes \$2,000,000 over the budget request for MSHA to increase spot inspections in the active workings of coal mines for the purpose of obtaining compliance with section 202 of the Federal Coal Mine Health and Safety Act of 1969. The conferees expect MSHA to submit quarterly reports on enforcement of section 202 of such Act, including findings from the spot inspection program, to the Committees on Appropriations of the House of Representatives and the Senate. Within the amount available for standards development, the conference agreement provides sufficient funding for MSHA to conduct risk assessments for the proposed rules to reduce miners' exposure to respirable coal mine dust and silica and related regulatory activities.

The conferees direct the Secretary to provide sufficient resources for the National Mine Safety and Health Academy and MSHA's Approval and Certification Center, consistent with Senate Report 111-66. The conference agreement continues to recognize the Joseph A. Holmes Safety Association as a principal safety association as proposed by the Senate. The conference agreement does not make this recognition permanent as proposed by the House.

Within the amount provided for Program Administration, the conference agreement provides \$1,450,000 for an award to the United Mine Workers of America to continue a project, initiated with the fiscal year 2008 appropriation, for classroom and simulated rescue training for mine rescue teams as proposed by the Senate. The House did not include a similar provision.

BUREAU OF LABOR STATISTICS  
SALARIES AND EXPENSES

The conference agreement includes \$611,447,000 for the Bureau of Labor Statistics (BLS) instead of \$611,623,000 as proposed by the House and \$611,271,000 as proposed by the Senate.

The conference agreement continues bill language providing that the Current Employment Survey shall maintain the content of the survey issued prior to June 2005 with respect to the collection of data for the women worker series as proposed by the House. The Senate did not include a similar provision. The conferees include \$1,300,000 within BLS funding to continue efforts to improve injury and illness data, consistent with Senate Report 111-66. The House did not include a similar provision.

OFFICE OF DISABILITY EMPLOYMENT POLICY  
SALARIES AND EXPENSES

The conference agreement includes \$39,031,000 for the Office of Disability Employment Policy (ODEP) as proposed by the Senate instead of \$37,031,000 as proposed by the House.

The conference agreement includes \$12,000,000 within ODEP funding to carry out the language in Senate Report 111-66 regarding disability-related employment planning and activities. The Senate proposed \$12,000,000 for these activities, along with an additional \$12,000,000 in the ETA account. The House included \$10,000,000 in the ODEP account for similar activities.

DEPARTMENTAL MANAGEMENT  
SALARIES AND EXPENSES  
(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes \$355,154,000 for Departmental Management instead of \$350,154,000 as proposed by the House and \$357,154,000 as proposed by the Senate.

*International Labor Affairs Bureau*

The conference agreement includes \$92,669,000 for the International Labor Affairs Bureau (ILAB) instead of \$91,419,000 as proposed by the House and \$93,919,000 as proposed by the Senate. The conference agreement also includes new language providing ILAB with an extra quarter to obligate funding for its technical assistance programs and authority to support microfinance activities. The conferees take this action to better enable ILAB to design its international labor activities, confirm government support for proposed programs and collaborate closely with the State Department and other program partners in effectively utilizing this appropriation.

The conference agreement designates \$40,000,000 for the United States' contribution to the International Labour Organization's International Program for the Elimination of Child Labor in order to expand this successful effort. The conference agreement also designates \$20,000,000 to continue the program of basic education grants in countries where the growing numbers of children removed from abusive and exploitative child labor need access to basic education, to be administered in accordance with Senate Report 111-66.

In addition, the conference agreement designates \$6,500,000 to continue support for the implementation of model programs designed to address worker rights in countries with which the United States has trade preference programs as proposed by the House. The Senate included a similar directive in its report.

The conferees also support the Department's proposed spending priorities for research, policy, reporting, and administration—as identified in the congressional budget justification. The increased funding level over fiscal year 2009 is sufficient to support an additional 12 full-time equivalents (FTE)—consistent with House Report 111-220—including 4 FTEs for the Office of Child Labor, Forced Labor, and Human Trafficking.

*Legal Services*

For Legal Services, the conferees agree that the increased funding level over fiscal year 2009 is intended to include adequate enforcement support for the Mine Safety and Health Administration.

OFFICE OF JOB CORPS

The conference agreement provides \$1,708,205,000 for the Office of Job Corps instead of \$1,705,320,000 as proposed by the House and \$1,711,089,000 as proposed by the Senate.

The conference agreement includes sufficient funds, together with funds from previous fiscal years, to support construction of a new Job Corps center previously approved through the competitive bidding process. The conference agreement also includes sufficient funds to initiate a competition for two new Job Corps centers. In the selection process, the conferees direct the Department to follow guidance provided in House Report 111-220 and Senate Report 111-66 regarding the criteria to be considered in selecting two new sites.

VETERANS EMPLOYMENT AND TRAINING

The conference agreement includes \$256,127,000 for Veterans Employment and

Training instead of \$257,127,000 as proposed by the House and \$255,127,000 as proposed in the Senate.

GENERAL PROVISIONS  
OPERATING PLAN

The conference agreement continues a provision prohibiting the obligation of funds for demonstration, pilot, multiservice, research, and multistate projects under section 171 of the Workforce Investment Act prior to the submission of a report on the planned use of such funds as proposed by the House. The Senate did not include a similar provision.

WORKFORCE INVESTMENT ACT PROVISIONS

The conference agreement continues a provision requiring that the Secretary of Labor take no action to amend the definition established in 20 CFR 667.220 for functions and activities under title I of the Workforce Investment Act of 1998 or to modify the procedure for designation of local areas as specified in that Act until such time as legislation reauthorizing the Act is enacted as proposed by the Senate. The House did not include a similar provision.

TRANSFER PLAN  
(INCLUDING TRANSFER OF FUNDS)

The conferees direct the Secretary to submit a plan for the transfer of the administration of the Job Corps program from the Office of the Secretary to the Employment and Training Administration as proposed by the House. Not less than 30 days after submitting the plan to the Committees on Appropriations of the House of Representatives and the Senate, the Secretary may transfer the administration and appropriation of the Job Corps program from the Office of the Secretary and the provisions of section 102 of Public Law 109-149 shall no longer be applicable. The Senate bill contained a similar provision.

TITLE II  
DEPARTMENT OF HEALTH AND HUMAN  
SERVICES

HEALTH RESOURCES AND SERVICES  
ADMINISTRATION

HEALTH RESOURCES AND SERVICES

The conference agreement includes \$7,498,522,000 for health resources and services, of which \$7,473,522,000 is provided as budget authority and \$25,000,000 is made available under section 241 of the Public Health Service Act instead of \$7,331,817,000 as proposed by the House and \$7,263,799,000 as proposed by the Senate.

The conference agreement includes bill language designating \$1,000,000 of funding for Rural Flexibility Grants to telehealth services, including pilots and demonstrations using electronic health records to coordinate rural veterans care with the Department of Veterans Affairs VISTA-Electronic Health Record. The Senate proposed \$2,000,000 for this activity. The House did not propose funding.

The conference agreement includes \$800,000 within Rural Outreach Grants for the community health integration models demonstration authorized in the Medicare Improvements for Patients and Providers Act of 2008 as proposed by the Senate. The House did not propose to fund the demonstration.

The conferees intend that telehealth funding may be used for new and existing regional and national resource centers that focus on operational clinical, statutory, or regulatory barriers to the delivery of telehealth services including credentialing and licensure and the establishment of one or more resource centers focused on

telehomecare. The Senate proposed similar language. The House did not propose language.

The conference agreement does not include bill language allocating funding for base grant adjustments for existing community health centers as proposed by the House. The Senate did not propose a similar provision.

The conference agreement includes no less than the fiscal year 2009 funding level for Native Hawaiian Health Care activities within the Community Health Centers program as proposed by the Senate. The House did not propose similar language.

The conferees expect that the \$75,000,000 included for State Health Access Grants will be awarded in the same manner and with the same requirements as in fiscal year 2009 consistent with House Report 111-220. The Senate did not propose similar language.

The conference agreement includes bill language providing \$1,932,865,000 for Parts A and B of the Ryan White HIV/AIDS Treatment Modernization Act, to be available through September 30, 2012, as proposed by the House. The Senate proposed \$1,916,873,000.

The conference agreement includes language proposed by the House limiting 2009 program year reductions in Ryan White Part A grants for metropolitan and transitional areas to 7.6 percent by providing \$6,021,000 for supplemental grants for fiscal year 2009. The Senate bill did not propose similar language.

The conference agreement does not include bill language proposed by both the House and Senate continuing legislative authority for Ryan White activities through fiscal year 2010. This language is not necessary because the reauthorization for the program has recently been signed into law.

The conferees intend that the Health Resources and Services Administration (HRSA) allocate funds for the Minority AIDS Initiative within the Ryan White HIV Programs at a level above the fiscal year 2009 funding level. The House proposed a specific level of funding, and the Senate proposed funding at no less than the fiscal year 2009 level for the Minority AIDS Initiative.

The conference agreement includes bill language setting aside \$92,551,000 for Special Projects of Regional and National Significance (SPRANS) as proposed by the Senate instead of \$92,649,000 as proposed by the House. The conference agreement assumes the following set-asides within SPRANS:

Budget activity	House	Senate	Conference
Oral Health .....	\$4,859,000	\$4,859,000	\$4,859,000
Epilepsy .....	4,000,000	3,416,000	3,708,000
Sickle Cell .....	3,774,000	3,774,000	3,774,000
First-time Motherhood .....	4,956,000	4,956,000	4,956,000
Doulas .....	1,504,000	1,504,000	1,504,000
Fetal Alcohol Syndrome .....	0	486,000	486,000

In addition to the SPRANS funding for Oral Health activities, an additional \$17,500,000 is included for Dental Health Improvement Act State grants (authorized under section 340G of the Public Health Service Act) within Allied Health. The House proposed \$20,000,000 for these State grants. The Senate proposed \$10,000,000.

The conferees intend that doula demonstration funding be allocated evenly among urban and rural settings, with an emphasis on breastfeeding initiation and retention as proposed by the Senate. The House proposed similar language.

The conference agreement includes bill language that identifies not less than \$7,575,000 for General Dentistry programs and not less than \$7,575,000 for Pediatric Dentistry programs, including Faculty Loan Repayment, as proposed by the Senate. The

House proposed \$5,000,000 for the dentistry programs. The conference agreement also includes bill language stating that Dental Faculty Loan Repayments shall be made using the same terms and conditions as the Nursing Faculty Loan Repayment program unless otherwise authorized. This is similar to language proposed by the Senate. The House did not propose comparable language.

The conferees expect HRSA to use National Health Service Corps recruitment funds only to support multi-year, rather than single year, commitments consistent with Senate Report 111-66. The House did not propose similar language.

The conferees are aware that the National Health Service Corps may require fewer amendments to contracts made under the Recovery Act than were anticipated. The conferees intend that funds provided in the Recovery Act for amendments may also be used for new scholar and loan repayment awards. The conferees also intend that Recovery Act funds provided for National Health Service Corps field operations may be used to fund multi-year contracts that support the orientation, monitoring, compliance, and relocation of scholar and loan repayment awardees who received funding through the Recovery Act.

The conference agreement includes funding for Allied Health Training programs as follows:

Budget activity	House	Senate	Conference
State Dental Health Grants .....	\$20,000,000	\$10,000,000	\$17,500,000
Chiropractic-medical School Demo Grants .....	1,945,000	1,945,000	1,945,000
Graduate Psychology Training .....	1,945,000	3,945,000	2,945,000

The conferees intend that the increase over fiscal year 2009 funding for Public Health, Preventive Medicine, and Dental Public Health programs be used to expand fellowships and training in the area of Preventive Medicine as proposed by the Senate. The House did not propose similar language.

The conferees intend that, as proposed by the Senate, the funding increase over fiscal year 2009 for the Nurse Education, Practice, and Retention program be used to establish a new initiative to train nursing home aides and home health aides, with grants made to colleges or community-based training programs. The House did not propose this provision.

The conference agreement includes bill language providing \$10,000,000 as a direct lump sum payment to the Denali Commission as proposed by the Senate. The House did not propose funding for the Denali Commission. The conferees concur in the language proposed in Senate Report 111-66 regarding the allocation of Denali Commission funding. The House did not propose any Denali Commission language.

The conference agreement includes bill language providing \$35,000,000 for the Delta Health Initiative as authorized in section 219 of division G of Public Law 110-161, and associated administrative costs. The Senate proposed \$40,000,000 for this initiative, which was not funded in the House bill.

The conference agreement includes \$338,002,000 within Health Care-related Facilities and Activities for the following projects in the following amounts:

Project	Amount
Adams State College, Alamosa, CO, for facilities and equipment related to nurse training .....	125,000
Advocate Good Shepherd Hospital, Barrington, IL for facilities and equipment .....	70,000

Project	Amount
Advocate South Suburban Hospital, Hazel Crest, IL for facilities and equipment .....	300,000
Advocates for a Healthy Community, Inc., Springfield, MO for facilities and equipment .....	750,000
Akron Children's Hospital, Akron, OH for facilities and equipment .....	250,000
Alaska Native Tribal Health Consortium, Anchorage, AK, for facilities and equipment .....	1,000,000
Alaska Native Tribal Health Consortium, Anchorage, AK, for training dental health care workers .....	2,000,000
Alexandria Neighborhood Health Services, Inc., Alexandria, VA for facilities and equipment .....	500,000
Alivio Medical Center, Chicago, IL, for facilities and equipment .....	1,000,000
All Children's Hospital, St. Petersburg, FL for facilities and equipment .....	350,000
Allegheny General Hospital, Pittsburgh, PA, for equipment .....	100,000
Allen Institute for Brain Science, Seattle, WA, for equipment .....	300,000
Allied Services Foundation, Clarks Summit, PA, for rehabilitation equipment .....	100,000
Alton Memorial Hospital, Alton, IL for facilities and equipment .....	250,000
Altoona Regional Health System, Altoona, PA, for equipment .....	100,000
AMDEC Foundation, New York, NY, for facilities and equipment relating to medical research .....	100,000
American Oncologic Hospital, Fox Chase Cancer Center, Philadelphia, PA for facilities and equipment for the American Russian Cancer Alliance ...	1,000,000
American Optometric Association, Alexandria, VA, to expand vision screening programs .....	500,000
American Optometric Association, Saint Louis, MO, to expand vision screening programs in Iowa .....	90,000
American Prosthodontic Society Foundation, Osceola Mills, PA, for scholarships and program costs related to training in prosthetic dentistry and clinical prosthodontics .....	100,000
American Red Cross Southeastern MI Blood Services Region, Detroit, MI, for blood donation programs .....	200,000
American Red Cross, Columbus, OH, for purchase of vehicles to serve rural areas .....	200,000
Anchorage Neighborhood Health Center, Anchorage, AK for facilities and equipment .....	100,000
Anchorage Project Access, Anchorage, AK, for health care coordination and supplies .....	125,000
Angelina College, Lufkin, TX for purchase of equipment .....	200,000
Anna Jacques Hospital, Newburyport, MA, for health information technology .....	200,000
Appalachian State University, Boone, NC, for facilities and equipment related to rural health .....	100,000
Arcadia Methodist Hospital, Arcadia, CA for an electronic medical records initiative .....	750,000

<i>Project</i>	<i>Amount</i>	<i>Project</i>	<i>Amount</i>	<i>Project</i>	<i>Amount</i>
Arkansas Department of Health, Little Rock, AR, for facilities and equipment at the Marshallese Health Clinic .....	240,000	Big Springs Medical Association, Inc dba Missouri Highlands Health Care, Ellington, MO, for facilities and equipment .....	1,000,000	California State University, Long Beach, Department of Nursing, Long Beach, CA for nursing programs .....	200,000
Arkansas Methodist Medical Center, Paragould, AR for facilities and equipment .....	100,000	Billings Clinic, Billings, MT for a rural health outreach program, including facilities and equipment .....	250,000	Camillus House, Inc., Miami, FL for facilities and equipment .....	500,000
Asher Community Health Center, Fossil, OR, for facilities and equipment .....	200,000	Bingham Memorial Hospital, Blackfoot, ID, for facilities and equipment .....	200,000	CARD Clinic, Libby, MT, for facilities and equipment related to an asbestos surveillance initiative .....	550,000
Ashtabula County Council on Aging, Inc., dba Ashtabula Senior Center, Ashtabula, OH for facilities and equipment .....	250,000	BioInnovation Institute of Akron, Akron, OH for facilities and equipment .....	1,000,000	CarePartners Foundation, Asheville, NC, for health information systems including equipment .....	300,000
Asian Health Services, Oakland, CA for facilities and equipment .....	275,000	Bisbee Hospital Association, Bisbee, AZ for facilities and equipment .....	400,000	Caribou Memorial Hospital, Soda Springs, ID, for facilities and equipment .....	100,000
Association for Utah Community Health, Salt Lake City, UT for facilities and equipment .....	1,350,000	Bi-State Primary Care Association, Montpelier, VT, for facilities, equipment and expansion of outreach and education programs .....	125,000	Caring Health Center, Inc, Springfield, MA, for facilities and equipment .....	150,000
Athol Memorial Hospital, Athol, MA for facilities and equipment .....	250,000	Blackstone Valley Community Health Care Inc, Pawtucket, RI, for facilities and equipment .....	500,000	Caritas Christi Health Care, Boston, MA for facilities and equipment for Carney Hospital, Dorchester, MA .....	400,000
Atlantic Health System, Morristown, NJ for facilities and equipment .....	750,000	Boston Medical Center, Boston, MA, for facilities and equipment .....	650,000	Caroline's Room/Community Foundation of Greater New Haven, New Haven, CT for facilities and equipment .....	300,000
AtlantiCare, Egg Harbor Township, NJ for facilities and equipment .....	200,000	Bothwell Region Health Center, Sedalia, MO for facilities and equipment .....	370,000	Cassia Regional Medical Center, Burley, ID, for facilities and equipment .....	100,000
Autism New Jersey, Ewing, NJ, for an autism patient navigator project .....	100,000	Boulder City Hospital, Boulder City, NV, for facilities and equipment .....	1,000,000	Castleton State College, Castleton, VT, for a nursing program, including equipment .....	500,000
Avis Goodwin Community Health Center, Dover, NH for facilities and equipment .....	225,000	Bradley Hospital, East Providence, RI for facilities and equipment .....	500,000	Catholic Charities Free Health Care Center, Pittsburgh, PA, for equipment .....	100,000
Bacharach Institute for Rehabilitation, Pomona, NJ for facilities and equipment .....	250,000	Branch-Hillsdale-St. Joseph Community Health Agency, Coldwater, MI for facilities and equipment for a Hillsdale public health dental clinic .....	400,000	Catskill Regional Medical Center, Harris, NY for facilities and equipment .....	300,000
Bacon County Hospital, Alma, GA for facilities and equipment .....	993,000	Bridgeport Hospital, Bridgeport, CT, for facilities and equipment .....	325,000	Cedars-Sinai Medical Center, Los Angeles, CA, for equipment and supplies for the Institute for Irritable Bowel Syndrome Research .....	655,000
Baltimore Medical System, Baltimore, MD for facilities and equipment for the Highlandtown Health Living Center .....	250,000	Broadlawn Medical Center, Des Moines, IA, for facilities and equipment .....	500,000	Centenary College of Louisiana, Shreveport, LA, for facilities and equipment in health sciences .....	500,000
Baptist Health System, Jacksonville, FL, for equipment .....	100,000	Bronx Regional Health Information Organization, Bronx, NY for facilities and equipment .....	310,000	Central Piedmont Community College, Charlotte, NC, for facilities and equipment at the Health Sciences Simulation Lab .....	125,000
Baptist Hospitals of Southeast Texas, Beaumont, TX for facilities and equipment .....	200,000	Bronx-Lebanon Hospital Center, Bronx, NY for facilities and equipment .....	600,000	Central Suffolk Hospital dba Peconic Bay Medical Center, Riverhead, NY for facilities and equipment .....	100,000
Barnesville Hospital, Barnesville, OH for facilities and equipment .....	800,000	Brookhaven Memorial Hospital Medical Center, Patchogue, NY for facilities and equipment .....	150,000	Central Washington Hospital, Wenatchee, WA for facilities and equipment .....	600,000
Bassett Hospital of Schoharie County dba Cobleskill Regional Hospital, Cobleskill, NY for facilities and equipment .....	350,000	Brown University, Providence, RI, for facilities and equipment relating to medical education ..	116,000	Charles A Dean Memorial Hospital and Nursing Home, Greenville, ME, for facilities and equipment .....	250,000
Baton Rouge General Medical Center, Baton Rouge, LA, for facilities and equipment at a nursing facility .....	200,000	Brownsville Community Development Corporation, Brooklyn, NY for facilities and equipment .....	400,000	Charles Cole Memorial Hospital, Coudersport, PA, for facilities and equipment .....	100,000
Bay Area Medical Center, Marinette, WI, for health information technology .....	900,000	Butler Hospital, Providence, RI, for equipment relating to Alzheimer's disease .....	200,000	Charles T. Sitrin Health Care Center, New Hartford, NY for facilities and equipment .....	250,000
Bay Regional Medical Center, Bay City, MI for facilities and equipment .....	350,000	Cabell Huntington Hospital Foundation, Huntington, WV for facilities and equipment .....	650,000	Cherry Street Health Services, Grand Rapids, MI, for facilities and equipment .....	400,000
BayCare Health System, Clearwater, FL for facilities and equipment .....	1,000,000	Calhoun Liberty Hospital, Blountstown, FL for facilities and equipment .....	450,000	Chicago Family Health Project, Chicago, IL for facilities and equipment .....	250,000
Bear Lake Memorial Hospital, Montpelier, ID for facilities and equipment .....	300,000	California State University Channel Islands, Camarillo, CA for nursing curriculum development, including purchase of equipment .....	195,000	Chickaloon Native Village, Chickaloon, AK for facilities and equipment .....	250,000
Beebe Medical Center, Lewes, DE, for facilities and equipment .....	100,000	California State University San Bernardino, San Bernardino, CA for facilities and equipment .....	100,000	Child Protection Center, Sarasota, FL for facilities and equipment .....	150,000
Ben Archer Health Center, Hatch, NM for facilities and equipment .....	300,000	California State University, Bakersfield, CA for purchase of equipment .....	150,000		
Benefis Health System, Great Falls, MT for facilities and equipment .....	500,000				
Benjamin Franklin Institute of Technology, Boston, MA, for the development of health profession training programs .....	100,000				
Bergen Regional Medical Center, Hackensack, NJ, for facilities and equipment .....	300,000				



<i>Project</i>	<i>Amount</i>	<i>Project</i>	<i>Amount</i>	<i>Project</i>	<i>Amount</i>
Childersburg Medical Clinic Board, Childersburg, AL for facilities and equipment at the Regional Diabetic Care and Advanced Wound Care Center .....	200,000	City of Pendleton, OR, for facilities and equipment at the Women Veterans Trauma Rehabilitation Center .....	150,000	Columbus County Department of Aging and Adult Services, Whiteville, NC for facilities and equipment .....	450,000
Children's Health Fund, New York, NY, for facilities and equipment at the South Bronx Health Center for Children and Families .....	150,000	City of Philadelphia, PA for facilities and equipment for electronic health records .....	535,000	Columbus Regional Hospital, Columbus, IN for facilities and equipment .....	600,000
Children's Healthcare of Atlanta, Atlanta, GA, for facilities and equipment .....	200,000	City of Philadelphia, PA, for equipment to develop an Electronic Parental Care Registry ..	125,000	Commonwealth Medical Education, Scranton, PA, for facilities and equipment .....	250,000
Children's Hospital and Clinics of Minnesota, St. Paul, MN for facilities and equipment .....	675,000	City of Springville, AL for facilities and equipment .....	250,000	Community Care Services, Taunton, MA for facilities and equipment .....	200,000
Children's Hospital of KidsPeace, Orefield, PA, for facilities and equipment .....	100,000	City of Sumter, SC for facilities and equipment for Central Carolina Technical College .....	250,000	Community Health Alliance of Pasadena, Pasadena, CA for facilities and equipment .....	100,000
Children's Hospital of The King's Daughters Health System, Chesapeake, VA for facilities and equipment .....	200,000	City of Vineland, NJ for facilities and equipment .....	300,000	Community Health Center of Franklin County, Inc., Turners Falls, MA for facilities and equipment .....	200,000
Children's Hospital of the King's Daughters, Norfolk, VA for facilities and equipment .....	250,000	City of West Wendover, NV, for equipment for the West Wendover Medical Clinic .....	310,000	Community Health Center's Inc, Middletown, CT, for residency training for nurse practitioners ..	225,000
Children's Hospital, Aurora, CO for facilities and equipment .....	225,000	Clarian Health and Riley Hospital for Children, Indianapolis, IN for facilities and equipment ..	400,000	Community Health Centers of the Rutland Region, Bomoseen, VT, for equipment .....	125,000
Children's Hospitals and Clinics of Minnesota, Minneapolis, MN for facilities and equipment .....	450,000	Clarian Health, Indianapolis, IN for facilities and equipment .....	200,000	Community Health Center's, Inc, Middletown, CT, for facilities and equipment .....	100,000
Children's Institute of Pittsburgh, Pittsburgh, PA for facilities and equipment .....	600,000	Clayton County Board of Commissioners, Jonesboro, GA for facilities and equipment for Alzheimer's Disease services ..	350,000	Community Health Development, Inc., Uvalde, TX for facilities and equipment .....	600,000
Children's Medical Center, Dallas, TX, for facilities and equipment .....	250,000	Cleveland Clinic Lou Ruvo Center for Brain Health, Las Vegas, NV, for equipment .....	1,300,000	Community Health Integrated Partnership, Inc., Glen Burnie, MD for facilities and equipment ..	650,000
Children's Memorial Hermann Hospital, Houston, TX, for facilities and equipment .....	100,000	Clinica Family Health Services, Lafayette, CO for facilities and equipment .....	250,000	Community Health Service Agency, Greenville, TX for facilities and equipment .....	300,000
Children's Memorial Hospital, Chicago, IL for facilities and equipment .....	500,000	Clinica Sierra Vista, Bakersfield, CA for facilities and equipment ..	550,000	Community Hospital Association, Inc., Fairfax, MO for facilities and equipment .....	500,000
Chinese Hospital, San Francisco, CA for facilities and equipment ..	350,000	Clinicas de Salud del Pueblo, Inc., Brawley, CA for facilities and equipment .....	400,000	Community Medical Center, Missoula, MT for facilities and equipment .....	500,000
Chippewa Valley Free Clinic, Eau Claire, WI, for electronic health record equipment and implementation .....	50,000	Clinics of Hope, USA, Knoxville, TN for facilities and equipment ..	200,000	Community Medical Center, Toms River, NJ for facilities and equipment .....	500,000
Chippewa Valley Hospital, Durand, WI, for electronic health record equipment and implementation .....	400,000	Coastal Bend College, Beeville, TX for facilities and equipment ..	220,000	Connecticut Children's Medical Center, Hartford, CT, for facilities and equipment .....	325,000
CHOICE Regional Health Network, Olympia, WA for rural health outreach .....	115,000	Coastal Medical Access Project, Brunswick, GA for facilities and equipment .....	100,000	Connecticut State University System, Hartford, CT, for a nursing education program .....	300,000
CHRISTUS Health St. Francis Cabrini Hospital, Alexandria, LA for an electronic medical records initiative .....	400,000	Cobb County Government, Marietta, GA for facilities and equipment .....	500,000	Cook Children's Medical Center, Fort Worth, TX, for facilities and equipment .....	100,000
CHRISTUS Health System, Shreveport, LA for a rural health initiative .....	350,000	Codman Square Health Center, Dorchester, MA, for facilities and equipment .....	200,000	Cooper Health System, Camden, NJ for facilities and equipment ..	200,000
Cincinnati Children's Hospital, Cincinnati, OH for facilities and equipment .....	500,000	Coeur d'Alene Tribe, Plummer, ID, for facilities and equipment ..	100,000	Cornerstone Care, Greensboro, PA, for outreach and supplies to expand dental care .....	100,000
Citizens for a Fair Ferndale, Hazel Park, MI for facilities and equipment for Ferndale Free Clinic .....	150,000	Cold Spring Harbor Laboratory, Cold Spring, NY, for equipment ..	500,000	Corry Memorial Hospital Association, Corry, PA, for equipment ..	100,000
City of Anchorage, AK, for facilities and equipment relating to public health .....	125,000	College of Notre Dame of Maryland, Baltimore, MD for facilities and equipment for the school of pharmacy .....	450,000	Cortland Regional Medical Center, Inc., Cortland, NY for facilities and equipment .....	250,000
City of Bethlehem, PA for facilities and equipment .....	100,000	College of Southern Maryland, La Plata, MD for facilities and equipment .....	400,000	County Commissioners of Charles County, MD, La Plata, MD for facilities and equipment .....	250,000
City of Hopewell, VA for facilities and equipment .....	257,000	College of St. Catherine, St. Paul, MN for health professions training .....	600,000	County of Brunswick, Bolivia, NC for facilities and equipment .....	250,000
City of Ketchikan, AK, for facilities and equipment at Ketchikan General Hospital .....	1,000,000	College of St. Scholastica, Duluth, MN for a rural health technology project .....	550,000	County of Custer, ID for facilities and equipment .....	400,000
City of New Orleans, LA, for facilities and equipment at a hospital in New Orleans East .....	1,000,000	Collier County, FL for a health care access network for the uninsured, including purchase of equipment .....	600,000	County of Hood River, OR for facilities and equipment .....	150,000
		Colorado State University—Pueblo, Pueblo, CO, for facilities and equipment related to nurse training .....	400,000	County of Sarasota, FL for facilities and equipment .....	350,000
		Colorado State University, Ft. Collins, CO for facilities and equipment for a biocontainment training facility .....	500,000	County of Washington, Hillsboro, OR for facilities and equipment for a mental health clinic .....	350,000
		Columbus Community Hospital, Columbus, WI for facilities and equipment .....	500,000	County of Washington, Plymouth, NC for facilities and equipment .....	450,000
				Cove-Union-Powder Medical Association, Union, OR, for facilities and equipment .....	100,000

<i>Project</i>	<i>Amount</i>	<i>Project</i>	<i>Amount</i>	<i>Project</i>	<i>Amount</i>
Creighton University, Omaha, NE for facilities and equipment .....	1,000,000	Edward Waters College, Jacksonville, FL for facilities and equipment .....	500,000	Geisinger Health System, Harrisburg, PA, for equipment .....	100,000
Cullman Regional Medical Center, Cullman, AL for facilities and equipment .....	1,000,000	Eisenhower Medical Center, Rancho Mirage, CA for facilities and equipment .....	350,000	Georgia Southern University, Statesboro, GA, for health professions training .....	100,000
Curators of the University of Missouri, Columbia, MO, for facilities and equipment .....	750,000	El Proyecto del Barrio Inc., Arleta, CA for facilities and equipment for a community health clinic in Winnetka, CA ..	300,000	Gonzaga University, Spokane, WA for purchase of equipment ..	250,000
Cure Alzheimer's Fund, Wellesley Hills, MA, for equipment .....	150,000	Elk Regional Health Center, St Marys, PA, for equipment .....	100,000	Good Samaritan Hospital, Los Angeles, CA for facilities and equipment .....	400,000
Dana Farber Cancer Institute, Boston, MA, for facilities and equipment at Center for Biomedical Imaging in Oncology ...	200,000	Ellwood City Hospital, Ellwood City, PA, for facilities and equipment .....	100,000	Goodall Hospital, Sanford, ME, for facilities and equipment .....	250,000
Daniel Memorial, Inc., Jacksonville, FL for facilities and equipment .....	500,000	Endless Mountains Health Systems, Montrose, PA for facilities and equipment .....	700,000	Gordon Hospital, Calhoun, GA for an electronic medical records system .....	150,000
Daniels Memorial Hospital Association, Scobey, MT for facilities and equipment .....	400,000	Enrichment Center of Hernando County, Brooksville, FL for facilities and equipment .....	600,000	Graceland University, Lamoni, IA for facilities and equipment ..	150,000
Dartmouth Hitchcock Medical Center, Lebanon, NH, for facilities and equipment .....	200,000	Erie County Medical Center Corporation, Buffalo, NY, for facilities and equipment .....	300,000	Grady Health System, Atlanta, GA for facilities and equipment ..	1,100,000
DCH Health System, Northport, AL for facilities and equipment ..	350,000	Excelsa Health Frick Hospital, Mt. Pleasant, PA for facilities and equipment .....	150,000	Grand Rapids Public Schools, Grand Rapids, MI for facilities and equipment at the Central Health Science Campus .....	500,000
DCH Health System/Fayette Medical Center, Fayette, AL for facilities and equipment .....	600,000	Excelsa Health Westmoreland Hospital, Latrobe, PA, to implement an electronic health record system .....	200,000	Griffin Hospital, Derby, CT for facilities and equipment .....	350,000
Delaware State University, Dover, DE, for facilities and equipment related to public health training .....	100,000	Family Health Centers of San Diego, San Diego, CA, for facilities and equipment .....	100,000	Grimes St. Joseph Health Center, Navasota, TX for facilities and equipment .....	150,000
Delta Dental of Iowa, Ames, IA, for the Rural Dental Health Initiative .....	150,000	Family Health Centers Worcester, Worcester, MA for facilities and equipment .....	250,000	Gritman Medical Center, Moscow, ID, for facilities and equipment ..	200,000
Delta State University, Cleveland, MS, for facilities and equipment .....	750,000	Family Service of RI, Providence, RI for facilities and equipment ..	400,000	Gulf County Health Department, Port St. Joe, FL for facilities and equipment .....	200,000
Denver Health and Hospital Authority, Denver, CO for facilities and equipment .....	500,000	Ferrum College, Ferrum, VA for facilities and equipment .....	400,000	Halifax Community College, Weldon, NC for facilities and equipment .....	150,000
DeSales University, Center Valley, PA, for medical education laboratory upgrades, including the purchase of equipment .....	100,000	Flambeau Hospital, Park Falls, WI for facilities and equipment ..	750,000	Hamilton Memorial Hospital, McLeansboro, IL for an electronic medical records initiative .....	200,000
Devereux Foundation, Rockledge, FL, for facilities and equipment ..	100,000	Fletcher Allen Health Care, Burlington, VT, for the Hospital-National Guard Training Collaborative, including equipment ..	750,000	Hamot Medical Center, Erie, PA, for equipment .....	100,000
Dillard University, New Orleans, LA for facilities and equipment ..	450,000	Florida Blood Services, St. Petersburg, FL for purchase of equipment .....	200,000	Hancock Medical Center, Bay Saint Louis, MS for facilities and equipment .....	500,000
Drake University, Des Moines, IA, for equipment and laboratory supplies for health sciences education .....	400,000	Florida Community College at Jacksonville, FL for facilities and equipment .....	250,000	Hanover Hospital, Hanover, PA for an electronic medical records initiative .....	450,000
Drew Memorial Hospital, Monticello, AR, for equipment .....	100,000	Florida Hospital Altamonte, Altamonte Springs, FL for facilities and equipment .....	100,000	Happiness House/Finger Lakes Cerebral Palsy Association, Geneva, NY for facilities and equipment .....	30,000
Dubois Regional Medical Center, Dubois, PA for facilities and equipment .....	100,000	Florida Southern College, Lakeland, FL for facilities and equipment .....	400,000	Harnett County Central Campus Hospital, Dunn, NC for facilities and equipment .....	400,000
DuPage County Health Department, Wheaton, IL for purchase of equipment .....	150,000	Floyd Medical Center, Rome, GA for facilities and equipment .....	250,000	Harris County Hospital District, Houston, TX for facilities and equipment for the Nurse Call Triage System .....	100,000
E.J. Noble Hospital, Gouverneur, NY for facilities and equipment ..	350,000	Forsyth Institute, Boston, MA for facilities and equipment .....	450,000	Harris County Hospital District, Houston, TX, for facilities and equipment including STAN fetal heart monitors .....	150,000
East Carolina University, Greenville, NC for facilities and equipment .....	222,000	FoundCare, Palm Springs, FL for facilities and equipment .....	200,000	Harrison Memorial Hospital, Cynthiana, KY for facilities and equipment .....	100,000
East End Health Alliance, Greenport, NY, to implement an electronic health record system .....	500,000	Franciscan Hospital for Children, Boston, MA, for facilities and equipment .....	150,000	Hartford Hospital, Hartford, CT, for facilities and equipment .....	325,000
East Harlem Council for Human Services, Inc., New York, NY for facilities and equipment .....	300,000	Frank R. Howard Foundation, Willits, CA for facilities and equipment .....	350,000	Hays Medical Center, Hays, KS, for facilities and equipment .....	250,000
Easter Seals, Chicago, IL, for facilities and equipment at a center for autism research .....	250,000	Free Clinics of Iowa, Des Moines, IA, for coordination of care .....	350,000	Health Alliance, Lake Katrine, NY for facilities and equipment ..	300,000
Easter Seals-Goodwill Northern Rocky Mountain, Inc., Great Falls, MT for facilities and equipment .....	500,000	Friends of the Congressional Glaucoma Caucus Foundation, Lake Success, NY, for a New Jersey mobile eye care screening initiative .....	100,000	Healthy Connections Network, Akron, OH, for the Access to Care Initiative .....	150,000
Eastside Eye Care Clinic, San Antonio, TX for facilities and equipment .....	250,000	Fulton County Medical Center, McConnellsburg, PA, for equipment .....	100,000	Healthy Learners Midlands, Columbia, SC for rural health outreach .....	110,000
Edgerton Care Center, Edgerton, WI for facilities and equipment ..	150,000	Gateway Technical College, Kenosha, WI, for facilities and equipment at the Health Occupations Laboratory .....	500,000	Helping Kids Clinic, Las Vegas, NV, for medical supplies and supportive services .....	200,000

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Hendricks Regional Health, Danville, IN for facilities and equipment .....	550,000	Intermountain Healthcare Foundation, Salt Lake City, UT, for facilities and equipment .....	250,000	KVC Behavioral Health Care, Kansas City, KS for facilities and equipment .....	500,000
Hennepin County Medical Center, Minneapolis, MN for facilities and equipment .....	400,000	Iowa CareGivers Association, Des Moines, IA, for training and support of certified nurse assistants .....	300,000	La Porte Regional Health System, La Porte, IN for facilities and equipment .....	350,000
Henry Mayo Newhall Memorial Hospital, Valencia, CA for facilities and equipment .....	350,000	Iowa Healthcare Collaborative, Des Moines, IA, to establish Lean healthcare services in collaboration with Pittsburgh Regional Health .....	750,000	La Rabida Children's Hospital, Chicago, IL for facilities and equipment .....	325,000
Hidalgo County Health Department, Edinburg, TX for facilities and equipment .....	380,000	Iowa State University, Ames, IA for facilities and equipment .....	650,000	Laboure College, Dorchester, MA, to develop and expand nursing education programs .....	200,000
Highland Community Hospital, Hattiesburg, MS for facilities and equipment .....	200,000	Iowa State University, Ames, IA for facilities and equipment .....	1,500,000	Lahey Clinic Medical Center, Inc., Burlington, MA, for facilities and equipment relating to the emergency department .....	300,000
Highlands Hospital, Connellsville, PA for facilities and equipment .....	300,000	Iowa Western Community College, Council Bluffs, IA for facilities and equipment .....	250,000	Lake City Community College, Lake City, FL for purchase of mobile clinical training laboratories .....	250,000
Holy Name Hospital, Teaneck, NJ for facilities and equipment .....	500,000	J.C. Blair Memorial Hospital, Huntingdon, PA for facilities and equipment .....	180,000	Lake Erie College of Osteopathic Medicine, Erie, PA, for equipment .....	100,000
Holy Spirit Healthcare System, Camp Hill, PA, for equipment ..	100,000	Jackson Health System, Miami, FL for health information technology upgrades .....	500,000	Lake Hospital System, Painesville, OH for an electronic medical records initiative .....	500,000
Holyoke Medical Center, Holyoke, MA for facilities and equipment .....	300,000	Jackson State University, Jackson, MS, for the Southern Institute for Mental Health Advocacy, Research, and Training ..	1,000,000	Lakeland Community College, Kirtland, OH for purchase of equipment .....	250,000
Hormel Institute, Austin, MN, for facilities and equipment related to biomedical research .....	1,000,000	Jacksonville University, Jacksonville, FL for facilities and equipment .....	250,000	Lamar University, Beaumont, TX for the Community and University Partnership Service, including facilities and equipment .....	350,000
Hospice of Tuscarawas County, Inc., Dover, OH for facilities and equipment .....	400,000	Jamaica Hospital Medical Center, Jamaica, NY for facilities and equipment .....	250,000	Lamprey Health Care, Inc., Newmarket, NH for facilities and equipment .....	400,000
Hospital Authority of Jefferson County, Louisville, GA for facilities and equipment .....	150,000	Jasper Memorial Hospital, Monticello, GA for facilities and equipment .....	100,000	Lanai Community Health Center, Lanai City, HI, for facilities and equipment .....	200,000
Hospital Cooperative, Pocatello, ID, for electronic medical records .....	200,000	Jellico Community Hospital, Jellico, TN, for facilities and equipment .....	500,000	Lane Community College, Eugene, OR for facilities and equipment .....	500,000
Houlton Regional Hospital, Houlton, ME for facilities and equipment .....	250,000	Jenkins County Hospital, Millen, GA for facilities and equipment .....	200,000	Lane Regional Medical Center, Baton Rouge, LA, for facilities and equipment .....	300,000
Houston Community College, Houston, TX, for health professions training .....	250,000	Jewish Healthcare Foundation, Pittsburgh, PA, to expand web-based training programs .....	100,000	LBJ Tropical Medical Center, Pago Pago, AS for facilities and equipment .....	700,000
Howard Community College, Columbia, MD, for facilities and equipment related to healthcare workforce training ..	1,000,000	Jewish Hospital & St. Mary's Foundation, Louisville, KY for facilities and equipment .....	600,000	Le Moyne College, Syracuse, NY, for facilities and equipment relating to health professions training .....	500,000
Hudson Headwaters Health Network, Queensbury, NY for facilities and equipment .....	350,000	JFK Medical Center, Edison, NJ for facilities and equipment .....	300,000	Lehigh Valley Coalition for Kids, Allentown, PA to purchase and equip mobile health clinics .....	150,000
Hudson River HealthCare, Inc., Peekskill, NY for facilities and equipment .....	400,000	John Kanzius Cancer Research Foundation, Erie, PA for facilities and equipment .....	700,000	Lehigh Valley Hospital, Allentown, PA, for equipment .....	100,000
Huguley Memorial Medical Center, Burleson, TX for facilities and equipment .....	380,000	John T. Mather Memorial Hospital, Port Jefferson, NY for facilities and equipment .....	450,000	Lewis and Clark County, Helena, MT, for facilities and equipment at the City-County Health Department .....	100,000
Hunter Health Clinic, Wichita, KS, for facilities and equipment .....	300,000	Johnson County Community College, Overland Park, KS, for facilities and equipment .....	400,000	Lewis-Clark State College, Lewiston, ID, for health professions training .....	100,000
Hurley Medical Center, Flint, MI for facilities and equipment .....	500,000	Kadlec Medical Center, Richland, WA, for facilities and equipment to expand the pediatric center .....	550,000	Little Rivers Health Care, Bradford, VT for facilities and equipment .....	200,000
Huston-Tillotson University, Austin, TX, for facilities and equipment .....	100,000	Kaleida Health, Buffalo, NY for facilities and equipment .....	300,000	Long Beach Memorial Medical Center, Long Beach, CA for facilities and equipment .....	350,000
Idaho Caring Foundation for Children, Boise, ID for dental services for low-income children .....	300,000	Kaweah Delta Hospital Foundation, Visalia, CA, for facilities and equipment for the Kaweah Delta Health Care District .....	500,000	Los Angeles Southwest College, Los Angeles, CA for health professions training .....	300,000
Idaho State University, Pocatello, ID for facilities and equipment .....	400,000	Kennesaw State University, Kennesaw, GA for facilities and equipment .....	300,000	Lowell Community Health Center, Lowell, MA for facilities and equipment .....	600,000
Illinois Capital Development Board, Springfield, IL for facilities and equipment .....	200,000	Kent County Memorial Hospital, Warwick, RI, for facilities and equipment .....	200,000	Lutheran Medical Center, Brooklyn, NY for facilities and equipment .....	150,000
Illinois State University, Normal, IL for curriculum development .....	500,000	Kiddazzle Dental Network, Inc., Lake Oswego, OR, for equipment and supplies related to pediatric dental services .....	100,000	Lutheran Social Services of Minnesota, St. Paul, MN for facilities and equipment .....	450,000
Indian Health Center of Santa Clara County, San Jose, CA for facilities and equipment .....	300,000	Kiowa County Hospital, Greensburg, KS, for facilities and equipment .....	400,000		
Indiana Regional Medical Center, Indiana, PA for an electronic medical records initiative .....	350,000				
Infirmity Health System, Mobile, AL for an electronic medical records initiative .....	250,000				
Ingham Regional Medical Center, Lansing, MI for purchase of equipment .....	100,000				

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Mackinac Straits Health System, Inc., St. Ignace, MI for facilities and equipment .....	150,000	Memorial Hospital at Gulfport, Gulfport, MS, for the Stroke Education and Prevention Community Network .....	475,000	Mississippi Primary Health Care Association, Jackson, MS, for facilities and equipment .....	700,000
Madison Area Technical College, Madison, WI, for health training equipment .....	300,000	Memorial Hospital, Miramar, FL for facilities and equipment .....	250,000	Mississippi State University, Mississippi State, MS, for biomedical engineering facilities and equipment .....	750,000
Madison County Health Care Center, Winterset, IA for an electronic medical records initiative .....	250,000	Mena Regional Health System, Mena, AR for facilities and equipment .....	600,000	Missouri Baptist Hospital, St. Louis, MO for facilities and equipment .....	400,000
Madison County Memorial Hospital, Rexburg, ID for an electronic medical records initiative .....	350,000	Mental Health Association in High Point, NC for facilities and equipment .....	247,000	Missouri Coalition for Primary Health Care, Jefferson City, MO, for facilities and equipment .....	750,000
Madonna Rehabilitation Hospital, Lincoln, NE for facilities and equipment .....	650,000	Mercer County Commission, Princeton, WV, for facilities and equipment at the Health Department .....	4,000,000	Missouri State University, Springfield, MO, for a nursing clinical simulation laboratory, including facilities and equipment .....	250,000
Maine State Board of Nursing, Augusta, ME, for nursing education and workforce data collection, analysis and planning ..	150,000	Mercy Health Foundation, Durango, CO for facilities and equipment for a primary health clinic in La Plata County .....	700,000	Moffitt Cancer Center, Tampa, FL for the Cancer LifeLink Program .....	700,000
Manchester Community College, Manchester, CT, for medical diagnostic and treatment equipment .....	120,000	Mercy Medical Center—North Iowa, Mason City, IA for an electronic medical records initiative .....	350,000	Molokai Ohana Health Center, Kaunakakai, HI, for facilities and equipment .....	750,000
Manchester Community Health Center, Manchester, NH for facilities and equipment .....	250,000	Mercy Medical Center, Des Moines, IA, for facilities and equipment .....	500,000	Monmouth Medical Center, Long Branch, NJ for facilities and equipment .....	500,000
Maniilaq Association, Kotzebue, AK, for facilities and equipment .....	500,000	Meridian Health, Neptune, NJ for facilities and equipment .....	100,000	Monongahela Valley Hospital, Monongahela, PA for facilities and equipment .....	400,000
Marcus Autism Center, Atlanta, GA, to expand services for children and adolescents with developmental disabilities .....	300,000	Methodist Hospital System, Houston, TX, for a mobile medical unit .....	150,000	Monongalia General Hospital, Morgantown, WV for facilities and equipment .....	450,000
Marian Medical Center, Santa Maria, CA for facilities and equipment .....	500,000	Methodist University, Fayetteville, NC, for facilities and equipment .....	400,000	Montana Tech, Butte, MT, to expand health informatics training, including equipment .....	100,000
Marquette University, Milwaukee, WI for rural dental health outreach .....	850,000	Metropolitan Community College, Omaha, NE, for facilities and equipment relating to healthcare training .....	300,000	Montana Wyoming Tribal Leaders Council, Billings, MT for facilities and equipment .....	100,000
Marshfield Clinic, Marshfield, WI for facilities and equipment .....	1,000,000	Metropolitan Family Health Network, Jersey City, NJ, for equipment .....	100,000	Montgomery College, Rockville, MD for facilities and equipment .....	550,000
Martin Methodist College, Pulaski, TN for facilities and equipment .....	1,000,000	Metropolitan State University, St Paul, MN, to expand nursing education .....	150,000	Morehead State University, Morehead, KY for a rural health initiative .....	250,000
Mary Queen of Vietnam Community Development Corporation, New Orleans, LA for facilities and equipment .....	400,000	Miami Beach Community Health Center, North Miami, FL for facilities and equipment .....	200,000	Morehouse School of Medicine, Atlanta, GA for facilities and equipment .....	100,000
Maryland Department of Health and Mental Hygiene, Baltimore, MD for facilities and equipment ..	2,500,000	Miami Children's Hospital, Miami, FL for facilities and equipment .....	450,000	Morgan Hospital and Medical Center, Martinsville, IN, for facilities and equipment .....	100,000
Massachusetts College of Pharmacy and Health Sciences, Worcester, MA for health professions training .....	400,000	Miami Jewish Home and Hospital for the Aged, Miami, FL for facilities and equipment .....	500,000	Morris College, Sumter, SC for facilities and equipment .....	275,000
Maui Economic Development Board, Kihei, HI, for health education at the Lanai'I Women's Initiative .....	100,000	Middlesex Community College, Bedford, MA for facilities and equipment for the Lowell dental hygiene clinic .....	450,000	Morrisania Diagnostic and Treatment Center, Bronx, NY for facilities and equipment .....	200,000
Maui Medical Center, Wailuku, HI, for facilities and equipment at the Simulation Center .....	100,000	Mid-Illinois Medical District, Springfield, IL for facilities and equipment .....	250,000	Mount Nittany Medical Center, State College, PA for facilities and equipment .....	150,000
McCurtain Memorial Hospital, Idabel, OK for facilities and equipment .....	250,000	MidState Medical Center, Meriden, CT for facilities and equipment .....	250,000	Mount Saint Mary College, Newburgh, NY, for nurse training equipment .....	100,000
McKay-Dee Hospital Center, Ogden, UT for facilities and equipment .....	150,000	Milwaukee Health Services, Milwaukee, WI for facilities and equipment .....	350,000	Mount St. Mary's Hospital, Lewiston, NY for facilities and equipment .....	300,000
Meadville Medical Center, Meadville, PA, for equipment .....	100,000	Milwaukee Public Schools, Milwaukee, WI, for outreach and supplies to expand dental care ..	200,000	MultiCare Health System, Tacoma, WA for facilities and equipment .....	250,000
Medical University of South Carolina—Hollings Cancer Center, Charleston, SC for facilities and equipment .....	200,000	Minot State University, Minot, ND for its Great Plains Autism Treatment Program .....	800,000	Murphy Medical Center, Murphy, NC for facilities and equipment .....	350,000
Memorial Healthcare System, Hollywood, FL for facilities and equipment .....	450,000	Misericordia University, Dallas, PA, for facilities and equipment for the College of Health Sciences .....	100,000	Murray State University, Breathitt Veterinary Center, Hopkinsville, KY, for facilities and equipment .....	450,000
Memorial Hermann Foundation, Houston, TX for facilities and equipment .....	250,000	Mississippi Band of Choctaw Indians, Choctaw, MS, for facilities and equipment .....	175,000	Nanticoke Senior Center, Seaford, DE for facilities and equipment .....	100,000
Memorial Hermann Healthcare System, Houston, TX for facilities and equipment .....	1,000,000	Mississippi Blood Services, Jackson, MS, for facilities and equipment .....	300,000	Nathan Littauer Hospital Association, Gloversville, NY for facilities and equipment .....	350,000
				National Association of Hispanic Nurses, Washington, DC for health professions training .....	500,000

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National Kidney Registry, Babylon, NY for purchase of equipment .....	177,000	Northwest Mississippi Community College, Senatobia, MS, for facilities and equipment .....	500,000	Pen Bay Healthcare, Rockport, ME, for health professions training .....	500,000
Native Women's Health Care, Rapid City, SD for facilities and equipment .....	60,000	Northwest Nazarene University, Nampa, ID, for facilities and equipment .....	200,000	Pennsylvania State University—Altoona, PA for facilities and equipment .....	320,000
Navos, Seattle, WA, for facilities and equipment at a mental health center .....	500,000	Nova Southeastern University, Fort Lauderdale, FL, for health information technology .....	250,000	Petaluma Health Center, Petaluma, CA for facilities and equipment .....	500,000
NC Dental Health Fund, Cary, NC for facilities and equipment for the Missions of Mercy (MOM) free dental clinics .....	300,000	Oakland Primary Health Services, Pontiac, MI for facilities and equipment .....	500,000	Peter Christensen Health Center, Lac du Flambeau, WI for facilities and equipment .....	140,000
Nemours/Alfred I. duPont Hospital for Children, Wilmington, DE for facilities and equipment .....	350,000	Oglala Sioux Tribe, Pine Ridge, SD, for facilities and equipment relating to emergency medicine .....	800,000	Phoebe Putney Health System, Albany, GA, for health care services for students .....	100,000
Nevada State College, Henderson, NV for nursing education programs, which may include equipment and technology .....	900,000	Ohio State University Comprehensive Cancer Center, Columbus, OH, for facilities and equipment .....	900,000	Phoenix Children's Hospital, Phoenix, AZ for facilities and equipment for a Computerized Tomography (CT) scanner for the emergency department .....	200,000
New Horizons Health System, Owenton, KY for facilities and equipment .....	250,000	Oklahoma City Community College, Oklahoma City, OK for facilities and equipment .....	250,000	Pine Rest Christian Mental Health Services, Grand Rapids, MI for an electronic medical records initiative .....	200,000
New York Eye and Ear Infirmary, New York, NY for facilities and equipment for ophthalmology and otolaryngology surgery .....	150,000	Oklahoma Medical Research Foundation, Oklahoma City, OK for facilities and equipment .....	500,000	PinnacleHealth System, Harrisburg, PA, for equipment .....	100,000
New York Eye and Ear Infirmary, New York, NY for facilities and ultrasound equipment .....	200,000	Oklahoma State University—Center for Health Sciences, Tulsa, OK for purchase of equipment ..	300,000	Pioneer Valley Life Science Institute, Springfield, MA, for medical research equipment and technology .....	800,000
New York University Langone Medical Center, New York, NY for facilities and equipment at Columbus Medical in Reno Park, Queens .....	1,000,000	Oklahoma State University, Stillwater, OK for facilities and equipment .....	350,000	Pocono Medical Center, East Stroudsburg, PA, for facilities and equipment relating to cancer .....	100,000
Newton Memorial Hospital, Newton, NJ for facilities and equipment .....	300,000	Orange County Government, Orlando, FL, for facilities and equipment .....	200,000	Porter-Starke Services, Inc., Valparaiso, IN for facilities and equipment .....	550,000
Norman Regional Health System, Norman, OK for facilities and equipment .....	1,915,000	Oregon Health & Science University, Portland, OR for facilities and equipment .....	200,000	Primary Care Association of Hawaii, Honolulu, HI, to provide service enhancements and outreach .....	1,850,000
North Carolina A&T State University, Greensboro, NC, for the development of nurse training programs .....	125,000	Oregon Institute of Technology, Klamath Falls, OR for purchase of equipment .....	100,000	Providence Community Health Centers, Providence, RI, for facilities and equipment .....	400,000
North General Hospital, New York, NY for facilities and equipment .....	450,000	Oregon Institute of Technology, Klamath Falls, OR for purchase of equipment .....	250,000	Providence Health and Services, Anchorage, AK for a physician recruitment and retention initiative .....	350,000
North Idaho College, Coeur d'Alene, ID, for health professions training .....	100,000	OSF St. Francis Hospital and Medical Group, Escanaba, MI for facilities and equipment .....	250,000	Providence Hospital, Mobile, AL for facilities and equipment .....	250,000
North Shore Community College, Danvers, MA for facilities and equipment for allied health training .....	200,000	Our Lady of Resurrection Medical Center, Chicago, IL for facilities and equipment .....	125,000	Providence St. Joseph Medical Center, Burbank, CA for facilities and equipment .....	500,000
North Shore Long Island Jewish Health System, Great Neck, NY for facilities and equipment .....	200,000	Ozark Tri-County Health Care Consortium, Neosho, MO for facilities and equipment .....	500,000	Providence St. Mary Medical Center, Walla Walla, WA for facilities and equipment .....	350,000
North Woods Community Health Center, Minong, WI for facilities and equipment .....	100,000	Ozarks Medical Center, West Plains, MO for facilities and equipment .....	500,000	Puget Sound Neighborhood Health Centers, Seattle, WA for facilities and equipment for the Rainier Beach Medical and Dental Clinic .....	1,100,000
Northeastern Ohio Universities Colleges of Medicine and Pharmacy, Rootstown, OH for facilities and equipment .....	200,000	PACE Greater New Orleans, New Orleans, LA for facilities, equipment, and services .....	600,000	Range Regional Health Services, Hibbing, MN for facilities and equipment .....	500,000
Northern Dutchess Hospital, Rhinebeck, NY for facilities and equipment .....	350,000	Pacific Northwest Diabetes Research Institute, Seattle, WA, for equipment .....	150,000	Reading Hospital and Medical Center, Reading, PA, for equipment .....	100,000
Northern Oswego County Health Services, Inc., Pulaski, NY for facilities and equipment .....	150,000	Pacific Northwest University of Health Sciences, Yakima, WA for facilities and equipment .....	400,000	Red Cliff Band of Lake Superior Chippewa, Bayfield, WI for facilities and equipment .....	750,000
Northwest Alabama Mental Health Center, Jasper, AL for facilities and equipment .....	200,000	Palisades Medical Center, North Bergen, NJ for facilities and equipment .....	350,000	Redlands Community Hospital, Redlands, CA for facilities and equipment .....	500,000
NorthWest Arkansas Community College, Bentonville, AR, for expanding a nurse training program, including facilities and equipment .....	500,000	Palmer College, Davenport, IA, and the Myrna Brind Center of Integrative Medicine in Philadelphia, PA, to develop a model integrative healthcare program for the treatment of pain .....	400,000	Refuah, Spring Valley, NY for facilities and equipment .....	390,000
Northwest Community Health Care, Pascoag, RI, for facilities and equipment .....	200,000	Palmetto Health Foundation, Columbia, SC for facilities and equipment .....	375,000	Renown Health Systems, Reno, NV for facilities and equipment .....	800,000
Northwest Hospital & Medical Center, Seattle, WA, for facilities and equipment .....	250,000	Parkland Health and Hospital System, Dallas, TX for facilities and equipment .....	100,000	Renown Health, Reno, NV, for nursing programs, including professional development .....	390,000
		Parkland Health and Hospital System, Dallas, TX for facilities and equipment for the Pharmacy Inpatient Robotics program .....	500,000	Resurrection Health Care, Chicago, IL, for equipment .....	400,000
				Rhode Island Free Clinic, Providence, RI, for supportive services and supplies .....	100,000

<i>Project</i>	<i>Amount</i>	<i>Project</i>	<i>Amount</i>	<i>Project</i>	<i>Amount</i>
Rhode Island Hospital, Providence, RI, for equipment .....	100,000	San Antonio Community Hospital, Upland, CA for facilities and equipment .....	750,000	Southern Utah University, Cedar City, UT for facilities and equipment .....	350,000
Rice University, Houston, TX for facilities and equipment .....	450,000	San Francisco Human Services Agency, San Francisco, CA for facilities and equipment for the Child Advocacy Center .....	350,000	Southwest Center for HIV/AIDS, Phoenix, AZ for facilities and equipment .....	300,000
Richland Parish Hospital, Delhi, LA for facilities and equipment .....	1,025,000	San Francisco State University, San Francisco, CA for facilities and equipment for health professions training .....	500,000	Southwest Tennessee Community College, Memphis, TN, for health professions training .....	400,000
Richmond University Medical Center, Staten Island, NY for facilities and equipment .....	150,000	San Geronio Memorial Hospital, Banning, CA for facilities and equipment .....	340,000	Sparrow Health System, Lansing, MI for an electronic medical records initiative .....	300,000
Riverside Community College District, Riverside, CA for facilities and equipment .....	150,000	San Luis Obispo County Community College District, San Luis Obispo, CA for facilities and equipment .....	100,000	Spartanburg Regional Healthcare System, Spartanburg, SC, for professional development .....	500,000
Riverside County Regional Medical Center, Moreno Valley, CA for facilities and equipment .....	400,000	San Ysidro Health Center, San Ysidro, CA for facilities and equipment .....	250,000	Spectrum Health, Grand Rapids, MI for purchase of equipment ...	200,000
Riverside County Regional Medical Center, Moreno Valley, CA, for a rural mobile health clinic .....	100,000	Santa Clara Valley Health and Hospital System, San Jose, CA for facilities and equipment .....	292,000	SSM Cardinal Glennon Children's Hospital, Saint Louis, MO, for facilities and equipment .....	1,000,000
Roane County Committee on Aging, Inc., Spencer, WV for facilities and equipment .....	100,000	Santa Fe College, Gainesville, FL for facilities and equipment .....	150,000	SSM St. Mary's Health Center, Jefferson City, MO for facilities and equipment .....	200,000
Rochester General Health System, Newark, NY for facilities and equipment .....	100,000	Schuykill Health System, Pottsville, PA for facilities and equipment .....	500,000	St. Ambrose University, Davenport, IA for facilities and equipment .....	600,000
Rome Memorial Hospital Foundation, Rome, NY for facilities and equipment .....	250,000	Seton Hill University, Greensburg, PA to develop the Advanced Certificate in Orthodontics, including purchase of equipment .....	500,000	St. Bernardine Medical Center, San Bernardino, CA for facilities and equipment .....	500,000
Roper/St. Francis Hospital, Charleston, SC for purchase of equipment .....	200,000	Shands Healthcare, Gainesville, FL, for equipment .....	100,000	St. Bernardine Medical Center, San Bernardino, CA for facilities and equipment for an MRI system .....	500,000
Rosebud Sioux Tribe, Rosebud, SD, for facilities and equipment relating to emergency medical services .....	600,000	Sharon Regional Health System, Sharon, PA, for equipment .....	100,000	St. Bernard's Development Foundation, Jonesboro, AR for facilities and equipment .....	400,000
Sacred Heart Hospital, Allentown, PA for facilities and equipment .....	450,000	Shepherd Center, Atlanta, GA, for facilities and equipment .....	200,000	St. Clare's Health System, Denville, NJ for facilities and equipment .....	600,000
Saddleback Memorial Medical Center, San Clemente, CA for an electronic medical records initiative .....	150,000	Shore Memorial Hospital, Somers Point, NJ for facilities and equipment .....	500,000	St. Elizabeth Regional Health, Lafayette, IN for facilities and equipment .....	300,000
SafeHaven of Tarrant County, Fort Worth, TX for a domestic violence prevention initiative ..	200,000	Sierra County, Truth or Consequences, NM, for facilities and equipment at the Sierra Vista Hospital .....	125,000	St. Francis Hospital, Charleston, WV for facilities and equipment .....	650,000
Saint Anselm College, Manchester, NH, for facilities and equipment .....	800,000	Signature Healthcare, Brockton, MA, for equipment .....	100,000	St. Francis Medical Center, Trenton, NJ for facilities and equipment .....	350,000
Saint Barnabas Health Care System Foundation, West Orange, NJ, for health information technology .....	300,000	Sisters of Providence Health System, Springfield, MA for facilities and equipment .....	200,000	St. Francis Memorial Hospital, San Francisco, CA for facilities and equipment .....	500,000
Saint Claire Regional Medical Center, Morehead, KY, for facilities and equipment .....	100,000	Sisters of St. Francis Health Services, Inc., Olympia Fields, IL for facilities and equipment .....	350,000	St. John West Shore Hospital, Westlake, OH for facilities and equipment .....	500,000
Saint Francis Hospital Foundation, Wilmington, DE, for facilities and equipment .....	175,000	Skagit Valley Hospital, Mount Vernon, WA for facilities and equipment .....	800,000	St. John's Hospital, Berryville, AR for facilities and equipment .....	200,000
Saint Joseph College, West Hartford, CT, for equipment at the School of Pharmacy .....	175,000	Somerset Medical Center, Somerville, NJ for an electronic medical records initiative .....	600,000	St. John's Hospital, Maplewood, MN for facilities and equipment .....	675,000
Saint Joseph Hospital, Nashua, NH, for facilities and equipment .....	400,000	South Boston Community Health Center, Boston, MA for facilities and equipment .....	100,000	St. John's Riverside Hospital, Yonkers, NY for facilities and equipment .....	250,000
Saint Joseph's Mercy Health Foundation, Hot Springs, AR, for equipment .....	200,000	South Shore Hospital, Chicago, IL for facilities and equipment .....	250,000	St. Joseph Health System, Inc., Tawas City, MI for facilities and equipment .....	500,000
Saint Jude Children's Medical Center, Memphis, TN, for facilities and equipment .....	3,111,000	South Shore Hospital, Weymouth, MA, for equipment .....	300,000	St. Joseph Hospital, Eureka, CA for facilities and equipment .....	350,000
Saint Luke's Hospital and Health Network, Bethlehem, PA, for equipment .....	100,000	Southeast Arkansas College, Pine Bluff, AR for facilities and equipment for the nursing school .....	200,000	St. Joseph Hospital/Peace Health, Bellingham, WA for facilities and equipment .....	300,000
Saint Mary's Hospital, Waterbury, CT, for facilities and equipment .....	325,000	Southeast Georgia Health System, Brunswick, GA for facilities and equipment .....	1,000,000	St. Joseph of the Pines, Southern Pines, NC for purchase and outfitting of a mobile health unit ..	453,000
Saint Patrick Hospital, Missoula, MT, to implement an electronic health record system .....	300,000	Southeast Missouri State University, Cape Girardeau, MO for the SHOW Mobile initiative .....	205,000	St. Joseph's Mercy Care Services, Inc., Atlanta, GA for facilities and equipment .....	200,000
Saint Vincent Healthcare Foundation, Billings, MT, for facilities and equipment for the Montana Pediatric Project .....	350,000	Southern Illinois University, Edwardsville, IL, for a nursing education program, including equipment .....	500,000	St. Joseph's/Candler Health System, Savannah, GA for facilities and equipment .....	350,000
Samuel U Rodgers Health Center Inc, Kansas City, MO, for facilities and equipment .....	1,500,000	Southern Methodist University, Dallas, TX, for facilities and equipment .....	300,000	St. Luke's Health System, Boise, ID for facilities and equipment .....	350,000
				St. Mary's Hospital, Passaic, NJ for facilities and equipment .....	950,000
				St. Mary's Regional Medical Center, Reno, NV for facilities and equipment .....	700,000

<i>Project</i>	<i>Amount</i>	<i>Project</i>	<i>Amount</i>	<i>Project</i>	<i>Amount</i>
St. Vincent Charity Hospital, Cleveland, OH for facilities and equipment .....	700,000	Translational Genomics Research Institute (TGen), Phoenix, AZ for facilities and equipment .....	300,000	University of Georgia, Athens, GA, for facilities and equipment .....	100,000
St. Vincent Healthcare Foundation, Billings, MT for facilities and equipment .....	400,000	TriHealth, Cincinnati, OH, for facilities and equipment .....	100,000	University of Guam, Mangilao, GU for facilities and equipment .....	400,000
St. Vincent Mercy Medical Center, Toledo, OH for facilities and equipment .....	200,000	Trinitas Health Foundation, Elizabeth, NJ, for facilities and equipment .....	400,000	University of Hawaii at Hilo, Hilo, HI, for a nurse training program .....	350,000
Staten Island University Hospital, Staten Island, NY for facilities and equipment .....	600,000	Trinity Regional Medical Center, Ft. Dodge, IA for facilities and equipment .....	694,000	University of Hawaii School of Medicine, Honolulu, HI, to expand medical education .....	200,000
Stewart-Marchman-Act Foundation, Inc., Daytona Beach, FL for facilities and equipment .....	800,000	Troy University, Troy, AL for facilities and equipment .....	500,000	University of Hawaii School of Nursing-Manoa, Honolulu, HI, for nursing education, including equipment .....	200,000
Straub Hospital Burn Center, Honolulu, HI, for equipment .....	150,000	Tulsa Fire Department, Tulsa, OK, for equipment .....	100,000	University of Illinois at Chicago College of Medicine at Rockford, IL for facilities and equipment .....	250,000
Suffolk County Department of Health Services, Hauppauge, NY, to implement an electronic health record system .....	200,000	Tyrone Hospital, Tyrone, PA, for facilities and equipment .....	100,000	University of Illinois-College of Medicine at Peoria, Peoria, IL for facilities and equipment .....	400,000
Summa Foundation, Akron, OH for facilities and equipment for the Center for Minority Health and Health Disparities Solutions .....	250,000	U.S. Virgin Islands Department of Health, St. Thomas, VI for facilities and equipment for an Emergency Medical Services Administrative and Clinical Health Center .....	500,000	University of Iowa, Carver College of Medicine, Iowa City, IA, for facilities and equipment for the Institute for Biomedical Discovery .....	2,000,000
Sun Life Family Health Center, Casa Grande, AZ for facilities and equipment .....	300,000	U.S. Virgin Islands Department of Health, St. Thomas, VI for facilities and equipment for the Eldra Schulerbrandt Long-Term Care Facility .....	200,000	University of Iowa, Iowa City, IA, for facilities and equipment at the College of Public Health .....	1,000,000
Susquehanna Health, Williamsport, PA, for equipment .....	100,000	UAW Local 1005, Parma, OH for facilities and equipment for a health clinic .....	300,000	University of Kansas Medical Center, Wichita, KS for development of the Clinical Skills Simulation Laboratory, including curriculum development and purchase of equipment .....	500,000
Taunton Nursing Home, Taunton, MA for facilities and equipment .....	650,000	UMass Memorial Health Care, Worcester, MA, for health information technology .....	500,000	University of Kansas, Lawrence, KS for facilities and equipment .....	1,500,000
Temple Health and Bioscience Economic Development District, Temple, TX for facilities and equipment .....	750,000	Union College, Barbourville, KY for facilities and equipment .....	500,000	University of Kentucky Research Foundation, Lexington, KY, for data base design and equipment .....	2,000,000
Temple University Health System, Philadelphia, PA, for facilities and equipment .....	100,000	Union Hospital, Terre Haute, IN, for facilities and equipment .....	100,000	University of Kentucky Research Foundation, Lexington, KY, for facilities and equipment .....	1,300,000
Tennessee Department of Health, Nashville, TN, for facilities and equipment .....	150,000	Unity Health System, Rochester, NY for facilities and equipment .....	800,000	University of Kentucky Research Foundation, Lexington, KY, for facilities and equipment .....	1,300,000
Texas Health Harris Methodist Hospital Fort Worth, Ft. Worth, TX for facilities and equipment .....	300,000	University Hospitals, Chardon, OH for an electronic medical records initiative .....	250,000	University of Kentucky Research Foundation, Lexington, KY, for facilities and equipment .....	1,300,000
Texas Health Institute, Austin, TX, for facilities and equipment .....	150,000	University Medical Center at Brackenridge, Austin, TX, for facilities and equipment .....	150,000	University of Kentucky Research Foundation, Lexington, KY, for facilities and equipment .....	1,300,000
Texas Tech University Health Sciences Center at El Paso, El Paso, TX, for facilities and equipment .....	400,000	University Medical Center Foundation, El Paso, TX for facilities and equipment .....	600,000	University of Kentucky Research Foundation, Lexington, KY, for facilities and equipment .....	1,300,000
Texas Tech University Health Sciences Center, Lubbock, TX for facilities and equipment .....	300,000	University Medical Center of Southern Nevada, Las Vegas, NV, for facilities and equipment for the Women's Care and Birth Center .....	1,500,000	University of Kentucky Research Foundation, Lexington, KY, for facilities and equipment .....	1,300,000
Texas Tech University Paul L Foster School of Medicine, El Paso, TX, for facilities and equipment .....	100,000	University of Alabama, Tuscaloosa, AL, for facilities and equipment .....	10,250,000	University of Kentucky Research Foundation, Lexington, KY, for facilities and equipment .....	1,300,000
Texas Tech University, Lubbock, TX for facilities and equipment .....	480,000	University of Arkansas for Medical Sciences, Little Rock, AR, for facilities and equipment at the Winthrop P Rockefeller Cancer Institute .....	750,000	University of Kentucky Research Foundation, Lexington, KY, for facilities and equipment .....	1,300,000
Texas Tech University, Lubbock, TX for the Center for the Study of Addiction .....	250,000	University of California-Riverside, Riverside, CA for facilities and equipment .....	4,000,000	University of Kentucky Research Foundation, Lexington, KY, for facilities and equipment .....	1,300,000
Texas Wesleyan University, Ft. Worth, TX for facilities and equipment .....	650,000	University of California, Davis Medical Center, Sacramento, CA for facilities and equipment for the surgery and emergency services pavilion .....	375,000	University of Kentucky Research Foundation, Lexington, KY, for facilities and equipment .....	1,300,000
Texas Woman's University, Denton, TX, for facilities and equipment .....	300,000	University of California-San Diego, San Diego, CA for health professions training .....	500,000	University of Kentucky Research Foundation, Lexington, KY, for facilities and equipment .....	1,300,000
The Manor, Jonesville, MI, for facilities and equipment at the Treatment and Counseling Center .....	150,000	University of Colorado-Denver, Aurora, CO to expand physician training in rural areas .....	575,000	University of Kentucky Research Foundation, Lexington, KY, for facilities and equipment .....	1,300,000
Thomas Jefferson University Hospital, Philadelphia, PA for facilities and equipment .....	800,000	University of Colorado Denver School of Medicine, Aurora, CO for facilities and equipment for the Linda Crnic Institute for Down Syndrome .....	1,500,000	University of Kentucky Research Foundation, Lexington, KY, for facilities and equipment .....	1,300,000
Touro University Nevada, Henderson, NV, for facilities and equipment at the Gerontology Center .....	750,000	University of Florida, Gainesville, FL for facilities and equipment .....	350,000	University of Kentucky Research Foundation, Lexington, KY, for facilities and equipment .....	1,300,000
Town of Gilbert, Gilbert, WV, for facilities and equipment for a primary health care center .....	3,000,000			University of Kentucky Research Foundation, Lexington, KY, for facilities and equipment .....	1,300,000

<i>Project</i>	<i>Amount</i>	<i>Project</i>	<i>Amount</i>	<i>Project</i>	<i>Amount</i>
University of Mississippi, University, MS, for facilities and equipment .....	1,500,000	University of Texas Health Science Center at San Antonio, TX, for facilities, equipment, and technology .....	300,000	Visiting Nurses Association Healthcare Partners of Ohio, Cleveland, OH for health professions training .....	200,000
University of Mississippi, University, MS, for the Center for Thermal Pharmaceutical Processing, including facilities and equipment .....	600,000	University of Texas Health Science Center at Tyler, TX, for facilities and equipment .....	300,000	Viterbo University, La Crosse, WI, for facilities and equipment for the nursing school .....	300,000
University of Nevada School of Medicine, Reno, NV, for facilities and equipment at the Center for Molecular Medicine .....	750,000	University of Texas Health Science Center, Houston, TX for facilities and equipment for the Center for Translational Neuroinformatics .....	100,000	Wadsworth-Rittman Hospital Foundation, Wadsworth, OH for facilities and equipment .....	600,000
University of North Alabama, Florence, AL for facilities and equipment .....	700,000	University of Texas Health Science Center, San Antonio, TX for facilities and equipment at the Center for Innovation in Prevention and Treatment of Airway Diseases .....	150,000	Wake County, Raleigh, NC, for facilities and equipment .....	300,000
University of North Alabama, Florence, AL, for nursing education and equipment .....	100,000	University of Texas Health Science Center, San Antonio, TX for facilities and equipment at the Neurodegenerative and Cognitive Dysfunction Center ..	270,000	Wake Health Services, Inc., Raleigh, NC for facilities and equipment .....	750,000
University of North Carolina at Greensboro, Greensboro, NC, for telespeech initiative including purchase of equipment .....	300,000	University of Texas M. D. Anderson Cancer Center, Houston, TX for facilities and equipment .....	1,000,000	Warren Achievement Center, Inc., Monmouth, IL for rural health outreach .....	100,000
University of North Texas, Denton, TX, for facilities and equipment .....	350,000	University of Utah, Salt Lake City, UT, for health information technology .....	1,500,000	Warren County Community College, Washington, NJ for facilities and equipment .....	350,000
University of Oklahoma—College of Medicine, Tulsa, OK for facilities and equipment .....	300,000	Utah Department of Health, Salt Lake City, UT, for facilities and equipment .....	100,000	Warren County Planning Commission, Warren, PA for health care facilities and equipment ...	350,000
University of Pittsburgh, Pittsburgh, PA, for equipment relating to cancer diagnostics and treatment .....	100,000	Utah Department of Health, Salt Lake City, UT, for facilities and equipment .....	500,000	Washington County Hospital, Hagerstown, MD for facilities and equipment and for an electronic medical records initiative .....	750,000
University of Puerto Rico Medical Sciences Campus, San Juan, PR for facilities and equipment for the Unit of Comparative Medicine .....	300,000	Utah Department of Health, Salt Lake City, UT, for facilities and equipment related to outbreak management .....	500,000	Washington State University, Spokane, WA, for facilities and equipment for the College of Nursing .....	900,000
University of Scranton, Scranton, PA, for nursing and allied health programs, including the purchase of equipment .....	100,000	Utah Department of Health, Salt Lake City, UT, to expand Monticello Health Education and Screening Initiative .....	600,000	Weber State University, Ogden, UT for expansion of nursing programs, including purchase of equipment .....	750,000
University of South Alabama, Mobile, AL for facilities and equipment .....	2,500,000	Utah Personalized Health Care Institute at the University of Utah, Salt Lake City, UT, to establish a personalized medicine infrastructure .....	100,000	WellSpan Health, York, PA for purchase of equipment .....	100,000
University of South Alabama, Mobile, AL, for health information systems including equipment .....	100,000	Utah Valley University, Orem, UT, for health professions development and equipment .....	350,000	Wesley College, Dover, DE, for renovation and equipping of the nursing school .....	200,000
University of South Florida Sarasota-Manatee, Tampa, FL for nursing program facilities and equipment .....	250,000	Valley Presbyterian Hospital, Van Nuys, CA for facilities and equipment .....	300,000	West Jefferson Medical Center, Marrero, LA for facilities and equipment .....	100,000
University of South Florida, Tampa, FL for the Cancer Clinical Trial project .....	500,000	Van Wert County Hospital, Van Wert, OH for facilities and equipment .....	840,000	West Liberty State College, West Liberty, WV for facilities and equipment .....	50,000
University of Southern Maine, Portland, ME, for facilities and equipment .....	775,000	Vanguard University, Costa Mesa, CA for facilities and equipment .....	300,000	West Virginia Higher Education Policy Commission, Charleston, WV, for facilities and equipment relating to healthcare training .....	4,000,000
University of Southern Mississippi, Hattiesburg, MS, for a relapse prevention program, including for facilities and equipment .....	500,000	Variety—The Children's Charity of Wisconsin, Milwaukee, WI for facilities and equipment .....	40,000	West Virginia University Health Sciences, Morgantown, WV, for facilities and equipment .....	1,000,000
University of Southern Mississippi, Hattiesburg, MS, for facilities and equipment .....	2,750,000	Vermont State Colleges, Randolph Center, VT, for equipment to expand nursing programs .....	700,000	West Virginia University, Morgantown, WV, for construction of a Multiple Sclerosis Center ..	1,500,000
University of St. Francis, Fort Wayne, IN for facilities and equipment for nurse training ...	200,000	Victor Valley Community Hospital, Victorville, CA for facilities and equipment .....	250,000	WestCare Health Systems, Sylva, NC for facilities and equipment .....	350,000
University of Tennessee Medical Center, Knoxville, TN for facilities and equipment .....	1,350,000	Virginia Commonwealth University, Richmond, VA for facilities and equipment for the Massey Cancer Center .....	600,000	Westchester Medical Center, Valhalla, NY, for equipment .....	150,000
University of Texas at Arlington, Arlington, TX for facilities and equipment .....	650,000	Virginia State University, Petersburg, VA, for facilities and equipment to expand nursing programs .....	100,000	Wheeling Hospital, Inc., Wheeling, WV for facilities and equipment .....	150,000
University of Texas at Brownsville, Brownsville, TX for facilities and equipment .....	500,000	Visiting Nurse Services of Putnam County, Avon, IN for facilities and equipment .....	100,000	White Memorial Medical Charitable Foundation, Los Angeles, CA for facilities and equipment .....	500,000
University of Texas at Dallas, Dallas, TX, for facilities and equipment .....	350,000	Visiting Nurse Services, Indianapolis, IN, for facilities and equipment and health professions training .....	100,000	White Plains Hospital Center, White Plains, NY for facilities and equipment .....	250,000
University of Texas Health Science Center at Houston, TX, for facilities and equipment for MedBank .....	150,000			Wichita County Health Center, Leoti, KS, for facilities and equipment .....	150,000



<i>Project</i>	<i>Amount</i>
Woman's Hospital, Baton Rouge, LA, for facilities and equipment to expand the neonatal intensive care unit .....	100,000
Wood River Health Services, Hope Valley, RI, for facilities and equipment .....	200,000
World Impact Good Samaritan Clinic, Wichita, KS for facilities and equipment .....	1,000,000
Xavier University of New Orleans, LA for facilities and equipment .....	350,000
Yakima Valley Memorial Hospital, Yakima, WA, for facilities and equipment to expand the pediatric center .....	100,000
York College of Pennsylvania, York, PA for facilities and equipment .....	400,000
Youth Dynamics, Inc., Billings, MT for facilities and equipment .....	100,000
Yukon-Kuskokwim Heath Corporation, Bethel, AK, for facilities and equipment .....	1,000,000
Zufall Health Center, Dover, NJ for facilities and equipment .....	225,000

The conference agreement includes bill language not proposed in either the House or the Senate bill authorizing a three-year grant period for the Patient Navigator program.

The conferees intend that the Traumatic Brain Injury Protection and Advocacy Services component of the Traumatic Brain Injury program receive the same proportion of funding it received in fiscal year 2009 as proposed by the House. The Senate proposed similar language.

Within the funding provided for the Autism and Other Related Developmental Disorders program, the conference agreement includes an increase of not less than \$2,200,000 to expand the Leadership Education in Neurodevelopmental and Related Disabilities (LEND) program as proposed by the House. The Senate did not specify a funding level for the LEND program. In addition, the conference agreement includes an increase of not less than \$2,200,000 for research on evidence-based practices for interventions for individuals with autism and other developmental disabilities instead of \$2,000,000 as proposed by the Senate. The House did not specify a funding level for this research activity.

The conferees understand that the Organ Procurement and Transplantation Network (OPTN) is planning a forum to consider further changes in policy regarding the broader allocation of donor livers in addition to the June 2009 Status 1 recipients OPTN decision. However, HRSA has informed the conferees that a further policy proposal will not be ready for the OPTN Board to review before 2011 or 2012. At least six months before any further change is implemented, the conferees direct OPTN to submit to the Committees on Appropriations of the House of Representatives and the Senate a report analyzing and describing the potential impact of any changes to broaden the geographic allocation of livers on the following:

(1) Access to transplantation for all patients who are listed at both smaller volume transplant centers and who are listed at centers outside major urban areas;

(2) Mortality of all patients on a waiting list at either smaller volume transplant centers or transplant centers located outside major urban areas;

(3) Model for End-Stage Liver Disease (MELD) score of all patients at time of transplant;

(4) Access to transplant and mortality rates for all patients whose primary insurance is Medicare or Medicaid and who are on waiting lists;

(5) Organ wastage rates;

(6) One-year and three-year graft and patient survival, and total years prolonged by transplantation;

(7) Ischemia time and function of the donor liver;

(8) Transportation and other costs associated with broadening the sharing of donor livers; and

(9) Organ donation rates and public attitudes on organ donation (such as willingness to donate) in aggregate and in localities that are net exporters of organs.

The report shall also describe in detail all comments received up to one year prior to and/or in conjunction with the OPTN 2010 public forum on broader allocation of livers, as well as any comments received from a planned subsequent public comment period, and shall indicate what steps will be taken to address such public comments.

No changes to current OPTN policy on broader allocation of livers shall be permitted (a) prior to the submission of this re-

port, and (b) absent formal notification to the Committees on Appropriations of the House of Representatives and the Senate. Further, the conferees direct that any policy change on broader allocation of livers be tested first in demonstrations, similar to the demonstration recently conducted in Iowa and North and South Dakota, before nationwide implementation, and be made in an incremental manner, reflecting the accumulation and analysis of data on the impact of policy changes.

The conferees have included \$1,000,000 within the organ transplantation program to support the costs of developing the report described above.

The conference agreement includes sufficient resources to allocate funding to all certified poison control centers, or centers granted a waiver by the Secretary, based on service population. The Senate proposed similar language. The House did not propose any language.

#### COVERED COUNTERMEASURE PROCESS FUND

The conference agreement does not include funding for the Covered Countermeasure Process Fund as proposed by the House. The Senate proposed \$5,000,000 for the Fund. The Fund received support from fiscal year 2009 supplemental appropriations provided in Public Law 111-32.

#### CENTERS FOR DISEASE CONTROL AND PREVENTION

##### DISEASE CONTROL, RESEARCH, AND TRAINING

The conference agreement includes \$6,390,387,000 in discretionary appropriations for Disease Control, Research, and Training at the Centers for Disease Control and Prevention (CDC) instead of \$6,314,032,000 as proposed by the House and \$6,733,377,000 as proposed by the Senate. In addition, \$352,357,000 is made available under section 241 of the Public Health Service (PHS) Act instead of \$368,863,000 as proposed by the House and \$40,075,000 as proposed by the Senate.

##### Infectious Diseases

##### Immunization and Respiratory Diseases

Within the program level total for Immunization and Respiratory Diseases, the conference agreement includes the following amounts:

Budget activity	House	Senate	Conference
Section 317 Immunization Program .....	\$496,847,000	\$496,847,000	\$496,847,000
Program Operations .....	61,621,000	63,621,000	62,621,000
Influenza .....	158,992,000	158,992,000	158,992,000
Pandemic Influenza .....	156,344,000	156,344,000	156,344,000

Within the total for Program Operations, the conference agreement includes a \$1,000,000 increase for vaccine safety research instead of a \$2,000,000 increase as proposed by the Senate. The House did not propose similar language.

#### HIV/AIDS, Viral Hepatitis, STD, and TB Prevention

Within the total for HIV/AIDS, Viral Hepatitis, STD, and TB prevention, the con-

ference agreement includes the following amounts:

Budget activity	House	Senate	Conference
Domestic HIV/AIDS Prevention and Research .....	\$744,914,000	\$711,045,000	\$727,980,000
HIV Prevention by Health Departments .....	N/A	N/A	328,887,000
HIV Surveillance .....	N/A	N/A	109,455,000
National, Regional, Local, Community, and Other Organizations .....	N/A	N/A	134,793,000
Enhanced HIV Testing .....	N/A	N/A	65,273,000
Improving Program Effectiveness .....	N/A	N/A	89,572,000
Viral Hepatitis .....	20,150,000	18,367,000	19,259,000
Sexually Transmitted Diseases .....	152,750,000	N/A	153,875,000
Tuberculosis .....	144,268,000	144,268,000	144,268,000

In order to support a multi-faceted approach to HIV research and prevention practices, the conferees have established five new sub-budget lines that are structured around

the principles of transparency, accountability, and comprehensiveness. The conferees expect that the fiscal year 2011 budget justification will follow this format, pro-

viding detailed explanations of funded activities, and how any proposed increases or reductions will be applied across each line. The conferees further insist that any future

movement of funds between these lines must go through the formal reprogramming review process.

The conference agreement does not include bill language regarding the Early Diagnosis Grants program. The House proposed bill language specifically eliminating funding for the program while the Senate proposed to limit funding for the program to \$15,000,000. The Ryan White HIV/AIDS Treatment Extension Act of 2009 did not reauthorize this activity; therefore, the conferees expect CDC not to carve out any funding for this activity in fiscal year 2010.

Within the total for Domestic HIV/AIDS Prevention and Research programs, the con-

ference agreement provides funding at no less than the fiscal year 2009 level to support activities that are targeted to address the growing HIV/AIDS epidemic and its disparate impact on communities of color, including African Americans, Latinos, Native Americans, Asian Americans, Native Hawaiians, and Pacific Islanders. The House proposed \$95,700,000 for these activities. The Senate did not propose similar language.

The conferees direct CDC to include in the fiscal year 2011 congressional budget justification a description of efforts and timelines to update hepatitis C screening guidelines, including information on pilot studies that are ongoing and planned for the

future using a one-time, age-based screen to target the age demographic with the highest prevalence. Neither the House nor the Senate proposed similar language.

The conferees intend that the increase provided for STD prevention be used to expand Infertility Prevention Services and Infrastructure Projects in all regions as proposed by the Senate. The House did not propose similar language.

#### *Zoonotic, Vector-borne, and Enteric Diseases*

Within the total for Zoonotic, Vector-borne, and Enteric Diseases, the conference agreement includes the following amounts:

Budget activity	House	Senate	Conference
Vector-borne Diseases, including West Nile Virus .....	\$26,717,000	N/A	\$26,717,000
Lyme Disease .....	8,938,000	N/A	8,938,000
Food Safety .....	26,942,000	N/A	26,942,000
Prion Disease .....	5,474,000	N/A	5,474,000
Chronic Fatigue Syndrome .....	4,825,000	N/A	4,825,000

#### *Preparedness, Detection, and Control of Infectious Diseases*

Within the total for Preparedness, Detection, and Control of Infectious Diseases, the conference agreement includes \$15,150,000 for the National Healthcare Safety Network as proposed by the House. The Senate did not include similar language. Funding shall be used consistent with the language in House Report 111-220.

Also within the total for Preparedness, Detection, and Control of Infectious Diseases, the conference agreement includes

\$136,281,000 for the Emerging Infectious Diseases program instead of \$141,383,000 as proposed by the House. The Senate did not include similar language.

The conferees are aware of various studies in Japan, the United Kingdom and the U.S. Department of Defense into substances that reduce the bio-load of surfaces in hospital rooms. In particular, some copper alloys in place of stainless steel or plastics may reduce the spread of microbial infectious organisms. The conferees request that CDC review the literature available and report to the Committees on Appropriations of the

House of Representatives and the Senate on the status of this research and its potential for reducing healthcare-associated infections. Neither the House nor the Senate proposed similar language.

#### *Health Promotion*

#### *Chronic Disease Prevention, Health Promotion, and Genomics*

Within the total for Chronic Disease Prevention, Health Promotion, and Genomics, the conference agreement includes the following amounts:

Budget activity	House	Senate	Conference
Heart Disease and Stroke .....	\$54,221,000	\$56,221,000	\$56,221,000
Delta Health Intervention .....	3,007,000	5,000,000	5,000,000
Diabetes .....	65,998,000	65,998,000	65,998,000
Cancer Prevention and Control .....	349,454,000	380,234,000	370,346,000
Breast and Cervical Cancer .....	209,699,000	220,000,000	214,850,000
WISEWOMAN .....	20,573,000	21,000,000	20,787,000
Breast Cancer Awareness for Young Women .....	5,000,000	0	5,000,000
Cancer Registries .....	46,472,000	50,000,000	51,236,000
Colorectal Cancer .....	39,063,000	50,000,000	44,532,000
Comprehensive Cancer .....	16,386,000	25,000,000	20,693,000
Johanna's Law .....	6,807,000	6,807,000	6,807,000
Ovarian Cancer .....	5,414,000	6,000,000	5,707,000
Prostate Cancer .....	13,275,000	14,000,000	13,638,000
Skin Cancer .....	1,880,000	2,500,000	2,190,000
Geraldine Ferraro Cancer Education Program .....	4,677,000	4,677,000	4,677,000
Cancer Survivorship Resource Center .....	781,000	1,250,000	1,016,000
Arthritis and Other Chronic Diseases .....	26,803,000	26,294,000	27,299,000
Arthritis .....	13,318,000	13,318,000	13,318,000
Psoriasis .....	1,500,000	0	1,500,000
Epilepsy .....	7,976,000	7,976,000	7,976,000
National Lupus Patient Registry .....	4,009,000	5,000,000	4,505,000
Tobacco .....	106,408,000	115,000,000	110,704,000
Nutrition, Physical Activity, and Obesity .....	44,402,000	44,991,000	44,991,000
Health Promotion .....	27,803,000	30,408,000	29,856,000
Behavioral Risk Factor Surveillance System .....	7,316,000	7,316,000	7,316,000
Community Health Promotion .....	6,468,000	6,468,000	6,468,000
Sleep Disorders .....	861,000	861,000	861,000
Mind-Body Institute .....	0	1,500,000	1,500,000
Glaucoma .....	3,519,000	3,519,000	3,519,000
Visual Screening Education .....	3,229,000	3,229,000	3,229,000
Alzheimer's Disease .....	1,692,000	2,000,000	1,846,000
Inflammatory Bowel Disease .....	686,000	686,000	686,000
Interstitial Cystitis .....	660,000	660,000	660,000
Excessive Alcohol Use .....	2,000,000	3,000,000	2,500,000
Chronic Kidney Disease .....	2,233,000	2,030,000	2,132,000
School Health .....	62,780,000	57,645,000	57,645,000
Healthy Passages Study .....	3,493,000	3,493,000	3,493,000
Food Allergies .....	497,000	497,000	497,000
Safe Motherhood/Infant Health .....	49,891,000	44,782,000	44,782,000
Preterm Birth .....	2,005,000	2,005,000	2,005,000
Sudden Infant Death Syndrome .....	207,000	207,000	207,000
Oral Health .....	15,074,000	15,000,000	15,000,000
Prevention Research Centers .....	33,203,000	35,000,000	33,675,000
Healthy Communities .....	22,823,000	22,823,000	22,823,000
Racial & Ethnic Approaches to Community Health .....	39,644,000	39,644,000	39,644,000
Genomics .....	12,308,000	12,308,000	12,308,000
Primary Immune Deficiency Syndrome .....	3,107,000	3,107,000	3,107,000
Public Health Genomics .....	9,201,000	9,201,000	9,201,000

Within the total provided for cancer prevention and control, the conference agreement includes \$5,000,000 for breast cancer awareness for young women, as proposed by the House. The Senate did not include similar language. Funding shall be used con-

sistent with the language in House Report 111-220.

The conference agreement includes \$3,000,000 to enhance and expand CDC's existing cancer registry in order to carry out the goals of the Caroline Pryce Walker Conquer

Childhood Cancer Act with respect to pediatric cancer. The Senate provided increased funding for the pediatric cancer registry within the CDC Cancer Registry program, while the House provided funding for this activity in the Office of the Secretary. The

conferees commend CDC for convening a panel of experts in the field of pediatric cancer research and direct the CDC to submit to the Appropriations Committees no later than February 1, 2010 a detailed plan for improving the types of data, the speed of reporting, and the access of data to researchers.

As proposed by the House, the conference agreement includes sufficient funding within Safe Motherhood/Infant Health for the development of a national public health plan for the prevention, detection, and management of infertility. The Senate did not include similar language. The conferees request that CDC report on the development of this plan to the Committees on Appropriations of the House of Representatives and the Senate no later than April 1, 2010.

Within the total provided for Nutrition, Physical Activity, and Obesity, the conference agreement includes \$500,000 to continue a study by the Institute of Medicine that will examine and provide recommendations regarding front-of-package nutrition symbols consistent with the language in Senate Report 111-66. The House did not propose similar language.

The increase provided for the Office of Smoking and Health is intended to expand counter marketing programs as proposed by the Senate. In addition, similar to what was proposed by the Senate, the conferees direct the Office of Smoking and Health to transfer no less than last year's level to the Environmental Health Laboratory to analyze tobacco products and cigarette smoke. This transfer is to be provided in a manner that supplements and in no way replaces existing funding for tobacco-related activities. The House did not propose similar language. The conferees further request that CDC submit to the Committees on Appropriations of the House of Representatives and the Senate a comprehensive plan to substantially reduce the rates of tobacco use in the U.S. over the next five fiscal years. The plan should be submitted no later than April 1, 2010 and include recommendations for national and community-based activities that are necessary to meet the goal.

As proposed by the Senate, the conference agreement includes increased funding within the total for Prevention Research Centers to support additional Comprehensive Centers. The House did not propose similar language.

As proposed by the House, the conference agreement includes funding to support the collection of epidemiological and longitudinal data on individuals with psoriasis and psoriatic arthritis, including children and adolescents, to better understand the comorbidities associated with psoriasis, examine the relationship of psoriasis to other public health concerns, and gain insight into the long-term impact and treatment of these two conditions. The Senate did not propose similar language.

The conference agreement provides funding to support CDC's initiative for Healthy Communities. Within the total provided, \$4,000,000 is for the continuation of the community-based grant program focusing on poor nutrition and physical inactivity. Neither the House nor the Senate proposed similar language.

#### *Birth Defects, Developmental Disabilities, Disability and Health*

Within the total for Birth Defects, Developmental Disabilities, Disability and Health, the conference agreement includes the following amounts:

Budget activity	House	Senate	Conference
Birth Defects and Developmental Disabilities .....	\$42,776,000	\$42,494,000	\$42,636,000
Birth Defects .....	21,182,000	21,500,000	21,342,000
Craniofacial Malformation .....	1,755,000	2,000,000	1,878,000
Fetal Death .....	846,000	846,000	846,000
Alveolar Capillary Dysplasia .....	247,000	247,000	247,000
Fetal Alcohol Syndrome .....	10,140,000	10,140,000	10,140,000
Folic Acid .....	3,426,000	2,826,000	3,126,000
Infant Health .....	8,028,000	8,028,000	8,028,000
Human Development and Disability .....	78,194,000	82,444,000	80,820,000
Disability & Health (including Child Development) .....	13,611,000	13,611,000	13,611,000
Charcot Marie Tooth Disorders .....	0	1,000,000	1,000,000
Limb Loss .....	2,906,000	2,906,000	2,906,000
Tourette Syndrome .....	1,749,000	1,749,000	1,749,000
Early Hearing Detection and Intervention .....	10,888,000	10,888,000	10,888,000
Muscular Dystrophy .....	6,291,000	6,291,000	6,291,000
Special Olympics Healthy Athletes .....	5,534,000	5,534,000	5,534,000
Paralysis Resource Center .....	6,015,000	7,748,000	6,882,000
Attention Deficit Hyperactivity Disorder .....	1,751,000	1,751,000	1,751,000
Fragile X .....	1,905,000	1,905,000	1,905,000
Spina Bifida .....	5,483,000	7,000,000	6,242,000
Autism .....	22,061,000	22,061,000	22,061,000
Blood Disorders .....	19,912,000	19,912,000	19,912,000
Hemophilia .....	17,203,000	17,203,000	17,203,000
Thalassemia .....	1,865,000	1,865,000	1,865,000
Diamond Blackfan Anemia .....	517,000	517,000	517,000
Hemochromatosis .....	327,000	327,000	327,000

As proposed by the Senate, the additional funding provided for craniofacial malformation above the fiscal year 2009 funding level shall be used to support the continued analysis of data from the quality of life surveys of children with oral clefts completed in 2008. The House did not propose similar language. The conferees expect the increased funding to be used consistent with the language in Senate Report 111-66.

As proposed by the Senate, the conference agreement includes \$1,000,000 to launch a National Charcot Marie Tooth (CMT) Resource Center to promote a collaborative relationship between CMT patients and their providers and to ensure CMT patients are being properly diagnosed and treated with the lat-

est standards of care. The House did not propose similar language.

The conferees are pleased by advances that have allowed children with congenital heart disease (CHD) to live longer; however, there is little data on adults living with this condition. The conferees encourage CDC to develop a population-based adult CHD surveillance plan to determine the prevalence of CHD in the adult population. The conferees direct CDC to provide a progress report on this effort within 90 days of enactment of this Act.

#### *Health Information and Service*

##### *Public Health Informatics/Health Marketing*

Within the total for Public Health Informatics/Health Marketing, the conference agreement includes a program level

total of \$70,597,000 for Public Health Informatics as proposed by the House and \$79,374,000 for Health Marketing instead of \$82,504,000 as proposed by the House. The Senate did not include similar language.

The conferees intend that within the total for Health Marketing, no less than the level provided in fiscal year 2009, or \$1,831,000, shall be provided to support the activities of the Task Force on Community Preventive Services. Neither the House nor the Senate proposed similar language.

#### *Environmental Health and Injury Prevention*

##### *Environmental Health*

Within the total for Environmental Health, the conference agreement includes the following amounts:

Budget activity	House	Senate	Conference
Environmental Health Laboratory .....	\$43,729,000	\$42,962,000	\$43,346,000
Newborn Screening Quality Assurance Program .....	6,915,000	6,915,000	6,915,000
Newborn Screening for Severe Combined Immunodeficiency Diseases .....	988,000	988,000	988,000
Environmental Health Activities .....	81,565,000	81,480,000	78,043,000
Safe Water .....	7,237,000	7,237,000	7,237,000
Volcanic Emissions .....	0	500,000	200,000
Environmental and Health Outcome Tracking Network .....	33,124,000	31,309,000	33,124,000
Amyotrophic Lateral Sclerosis (ALS) Registry .....	5,027,000	7,000,000	6,014,000
Climate Change .....	15,000,000	7,540,000	7,540,000
Polycythemia Vera (PV) Cluster .....	0	5,027,000	2,513,000
International Emergency and Refugee Health .....	N/A	6,500,000	6,262,000
Asthma .....	30,924,000	30,924,000	30,924,000
Healthy Homes (formerly Childhood Lead Poisoning) .....	34,805,000	34,805,000	34,805,000

As proposed by the House, increased resources provided for the Environmental and Health Outcome Tracking Network above the fiscal year 2009 funding level will enable at least one additional State to participate in the network. The Senate did not propose similar language.

As proposed by the Senate, increased resources provided for Volcanic Emissions above the fiscal year 2009 funding level are for the establishment of a research center that embraces a multidisciplinary approach in studying the short- and long-term health

effects of volcanic emissions. The House did not propose similar language.

#### *Injury Prevention and Control*

Within the total for Injury Prevention and Control, the conference agreement includes the following amounts:

Budget activity	House	Senate	Conference
Intentional Injury .....	\$102,648,000	N/A	\$102,648,000
Domestic Violence and Sexual Violence .....	31,900,000	N/A	31,900,000
Child Maltreatment .....	7,104,000	N/A	7,104,000
Youth Violence Prevention .....	20,076,000	N/A	20,076,000
Domestic Violence Community Projects .....	5,525,000	N/A	5,525,000
Rape Prevention .....	42,623,000	N/A	42,623,000
All Other Intentional Injury .....	2,524,000	N/A	2,524,000
Unintentional Injury .....	31,704,000	N/A	31,704,000
Traumatic Brain Injury .....	6,152,000	N/A	6,152,000
All Other Unintentional Injury .....	25,552,000	N/A	25,552,000
Elderly Falls .....	2,000,000	N/A	2,000,000
Injury Control Research Centers .....	10,719,000	N/A	10,719,000
National Violent Death Reporting System .....	3,544,000	N/A	3,544,000

#### *National Institute for Occupational Safety and Health*

Within the program level total for the National Institute for Occupational Safety and

Health (NIOSH), the conference agreement includes the following amounts:

Budget activity	House	Senate	Conference
Education and Research Centers .....	\$23,740,000	\$25,000,000	\$24,370,000
Personal Protective Technology .....	17,218,000	17,218,000	17,218,000
Pan Flu Preparedness for Healthcare Workers .....	3,031,000	3,031,000	3,031,000
Healthier Workforce Centers .....	4,072,000	6,000,000	5,036,000
National Occupational Research Agenda .....	117,406,000	117,406,000	117,406,000
World Trade Center .....	70,723,000	70,723,000	70,723,000
Mining Research .....	51,469,000	50,516,000	53,705,000
Other Occupational Safety and Health Research .....	84,713,000	84,713,000	84,713,000
Miners Choice .....	648,000	648,000	648,000
Nat'l Mesothelioma Registry & Tissue Bank .....	1,024,000	1,024,000	1,024,000

The total provided for NIOSH includes sufficient funding to maintain staffing levels at the Morgantown facility and to increase research funding at that facility as proposed by the Senate. The House did not propose similar language.

Within the total for Mining Research, the conference agreement includes \$3,189,000 for a Mine Technology and Safety Test Bed, consistent with the language in House Report 111-220. The Senate did not include similar language.

The 2009 H1N1 virus pandemic has highlighted the need to protect health care workers who have been on the front lines providing care to those who have become infected and sick. The current pandemic also has revealed that there are major gaps in our

scientific knowledge about the modes of transmission of influenza and the most effective methods to prevent transmission and protect health care workers, including the type of respiratory protection that should be utilized to protect health care workers from exposure. The conference agreement includes increased funding over the fiscal year 2009 level for the National Occupational Research Agenda. The conferees urge NIOSH to direct some of this increase to intramural and extramural research to implement the recommendations of the 2008 and 2009 Institute of Medicine reports, including research to determine relative contribution of various routes of influenza transmission; and for each mode of transmission, efficacious means to prevent and control transmission,

and to limit exposure to health care workers. The House included similar language.

#### *Energy Employees Occupational Illness Compensation*

Within the total for the mandatory Energy Employees Occupational Illness Compensation program, the conference agreement includes bill language designating \$4,500,000 for use by, or in support of, the Advisory Board on Radiation and Worker Health as proposed by the Senate. The House did not propose similar language.

#### *Global Health*

Within the funds provided for Global Health, the conference agreement includes the following amounts:

Budget activity	House	Senate	Conference
Global AIDS Program .....	\$118,979,000	\$118,979,000	\$118,979,000
Global Immunization Program .....	153,475,000	153,876,000	153,676,000
Polio Eradication .....	101,599,000	102,000,000	101,800,000
Other Global/Measles .....	51,876,000	51,876,000	51,876,000
Global Disease Detection .....	37,756,000	37,000,000	37,756,000
Global Malaria Program .....	9,405,000	9,405,000	9,405,000
Other Global Health .....	3,519,000	13,519,000	8,519,000

The conferees are supportive of CDC's long-term goal of establishing three global disease detection regional centers per World Health Organization region, and also recognize a critical need to bring the existing global disease detection regional centers to

full capacity. Additional funding above the fiscal year 2009 funding level for global disease detection shall be used to support no less than one new global disease detection regional center and increase capacity in one

or more existing centers. Both the House and Senate proposed similar language.

#### *Terrorism Preparedness and Response*

Within the funds provided for Terrorism Preparedness and Response, the conference agreement includes the following amounts:

Budget activity	House	Senate	Conference
Public Health Emergency Prep. Cooperative Agreements .....	\$714,949,000	\$714,949,000	\$714,949,000
Centers for Public Health Preparedness .....	30,013,000	30,013,000	30,013,000
Advanced Practice Centers .....	5,263,000	5,263,000	5,263,000
All Other State and Local Capacity .....	10,875,000	10,875,000	10,875,000
Upgrading CDC Capacity .....	120,795,000	120,744,000	120,744,000
Anthrax .....	0	4,100,000	2,600,000
BioSense .....	34,404,000	34,404,000	34,404,000
Quarantine .....	26,518,000	26,518,000	26,518,000
Real-time Lab Reporting .....	8,243,000	8,243,000	8,243,000
Strategic National Stockpile .....	595,749,000	595,749,000	595,749,000

The conference agreement includes \$2,600,000 for the anthrax dose reduction study instead of \$2,700,000 as proposed by the Senate. As proposed by the House, funding is

not provided for the vaccine safety military medical records data mining activities. The Senate proposed \$1,400,000 for this activity.

*Public Health Improvement and Leadership*  
Within the total for Public Health Improvement and Leadership, the conference agreement includes the following amounts:

Budget activity	House	Senate	Conference
Leadership and Management .....	\$149,986,000	\$149,986,000	\$149,986,000
Director's Discretionary Fund .....	0	5,000,000	3,000,000
Public Health Workforce Development .....	35,652,000	40,000,000	37,826,000
Applied Epidemiology Fellowship Training .....	991,000	991,000	991,000

The conferees encourage CDC to continue the Institutional Research Training Grant

program. Neither the House nor the Senate proposed similar language.

The conference agreement includes \$20,620,000 for the following projects in the following amounts:

Project	Amount
Access Community Health Network, Chicago, IL for a program to reduce cancer disparities through comprehensive early detection .....	200,000
AIDS Community Resources, Inc, Syracuse, NY, for HIV/AIDS education and prevention .....	300,000
Alameda County Department of Public Health, Office of AIDS, Oakland, CA for an HIV/AIDS prevention and testing initiative .....	300,000
Alliance for the Prudent Use of Antibiotics, Boston, MA for a comprehensive program to review antibiotic resistance trends, interventions, and prevention methods, including a public information campaign .....	100,000
Allina Hospitals and Clinics, Minneapolis, MN for a heart disease prevention program .....	250,000
American Red Cross, San Juan, PR for testing the Puerto Rico blood supply for the dengue virus .....	400,000
Betty Jean Kerr Peoples Health Center, St. Louis, MO for the prostate cancer screening program .....	150,000
Broward County, Ft. Lauderdale, FL for a pediatric mortality public awareness campaign .....	275,000
Center for International Rehabilitation, Washington, DC, for the disability rights monitor program .....	150,000
Children's Health Fund, New York, NY for health assessments, outreach, and education services for children and their families .....	100,000
City of Laredo, TX for a community health assessment .....	200,000
Community Health Centers in Hawaii, Honolulu, HI, for the Childhood Rural Asthma Project .....	200,000
County of Essex, Newark, NJ, for diabetes prevention and management program for severely mentally ill individuals .....	125,000
County of Marin, San Rafael, CA for research and analysis related to breast cancer incidence and mortality in the county and breast cancer screening .....	200,000
East Carolina University, Greenville, NC for a program to reduce health disparities through chronic disease management .....	400,000
Eastern Maine Health Systems, Brewer, ME, for emergency preparedness planning and equipment .....	640,000
El Puente, Inc., Brooklyn, NY for a youth and family wellness program .....	500,000
Family Hospice and Palliative Care, Pittsburgh, PA for the Center for Compassionate Care Education Outreach program .....	100,000
Friends of the Congressional Glaucoma Caucus Foundation, Lake Success, NY for glaucoma screenings in Northern Virginia .....	50,000
Ft. Valley State University, Ft. Valley, GA for a food and nutrition education program (EFNEP) aimed at curbing obesity, particularly among young minorities .....	100,000
Haitian American Association Against Cancer, Inc., Miami, FL for cancer education, outreach, screening, and related programs .....	300,000
Healthy People Northeast Pennsylvania Initiative, Clarks Summit, PA, for obesity prevention and education programs .....	100,000
Huntington Breast Cancer Action Coalition, Huntington, NY for providing services and programs to underserved populations on how to reduce the risks of cancer .....	100,000
Inland Northwest Health Services, Spokane, WA for a public health surveillance initiative .....	350,000
International Rett Syndrome Foundation, Cincinnati, OH for education and awareness programs regarding Rett Syndrome .....	180,000
Iowa Chronic Care Consortium/Des Moines University, Des Moines, IA for a preventive health initiative .....	200,000
Kalili-Palama Health Center, Honolulu, HI, for outreach, screening and education related to renal disease .....	150,000
Kaweah Delta Hospital Foundation, Visalia, CA, for a comprehensive asthma management program .....	100,000
La Familia Medical Center, Santa Fe, NM, for diabetes education and outreach .....	100,000
Latino Health Access, Santa Ana, CA for a youth obesity prevention program .....	150,000
Lupus LA, Los Angeles, CA for increasing public awareness of lupus .....	250,000
Mario Lemieux Foundation, Bridgeville, PA for the Hodgkin's Disease Patient and Public Education Outreach Initiative .....	100,000
Mary Bird Perkins Cancer Center, Baton Rouge, LA, to expand early detection cancer screening .....	600,000
Middle Tennessee State University, Murfreesboro, TN for a program to improve the physical fitness of children and adolescents in Middle Tennessee .....	400,000
Morgan State University, Baltimore, MD for a program to understand the social determinants and the impact of health disparities on the health of urban and underserved populations .....	200,000
National Marfan Foundation, Port Washington, NY for an awareness and education campaign for Marfan Syndrome .....	250,000
Nevada Cancer Institute, Las Vegas, NV for cancer education and outreach services .....	600,000
New York Junior Tennis League, Woodside, NY for a childhood obesity program for high-risk youth from low-income families .....	250,000
Northeast Regional Cancer Institute, Scranton, PA, for a regional cancer registry .....	100,000
Northwestern Memorial Hospital, Chicago, IL, for the development of a comprehensive diabetic program .....	200,000
Ohio University, Athens, OH, for diabetes outreach and education in rural areas .....	200,000
Padres Contra El Cancer, Los Angeles, CA for educational resources and outreach programs to serve families with children with cancer .....	250,000
PE4life Foundation, Kansas City, MO, for expansion and assessment of PE4life programs across Iowa .....	300,000
Pednet Coalition, Inc, Columbia, MO, for obesity prevention programs .....	500,000
Penn State University, Milton S Hershey Medical Center, Hershey, PA, for a stroke prevention program .....	100,000
Polycystic Kidney Disease Foundation, Kansas City, MO for developing education and awareness programs about chronic kidney disease .....	100,000
Prevent Blindness Florida, Tampa, FL for the See the Difference Vision Screening Program .....	200,000
Puerto Rican Cultural Center, Chicago, IL for an HIV/AIDS outreach and education program .....	100,000
Pulmonary Hypertension Association, Silver Spring, MD for a pulmonary hypertension prevention and awareness initiative .....	250,000
San Antonio Metropolitan Health District, San Antonio, TX for a program to assess the health behaviors of the Kelly community and address health issues such as lead poisoning, asthma, and indoor pollutants .....	500,000
Schneider Children's Hospital, New Hyde Park, NY for comprehensive Diamond Blackfan Anemia awareness and surveillance .....	300,000
Shelby County Community Services, Memphis, TN for an infant mortality prevention and education program .....	200,000
Silent Spring Institute, Newton, MA for studies of the impact of environmental pollutants on breast cancer and women's health .....	350,000
South Carolina HIV/AIDS Council, Columbia, SC for an HIV/AIDS prevention program .....	200,000
South Dakota State University, Brookings, SD, for research on health promotion .....	150,000
Spinal Muscular Atrophy Foundation, New York, NY, for outreach, patient education and registries .....	500,000
State of Maryland Department of Health and Mental Hygiene, Baltimore, MD, for the Unified Oral Health Education Message Campaign .....	1,200,000
Texas AgriLife Extension Service, College Station, TX for a youth obesity prevention initiative .....	300,000
Texas Tech University Health Science Center, Lubbock, TX for the West Texas Center for Influenza Research, Education and Treatment .....	200,000
Thundermist Health Center, Woonsocket, RI for the active teen challenge project to reduce childhood obesity .....	200,000
UMOS, Inc., Milwaukee, WI for a teen pregnancy and sexually transmitted infections prevention program .....	100,000
University of Nebraska Medical Center, Omaha, NE, to develop an environmental health informatics database .....	450,000
University of Nevada School of Medicine, Reno, NV, to establish a diabetes management program .....	800,000
University of New Mexico, Albuquerque, NM for a prevention program aimed at reducing diabetes-related heart and blood vessel diseases in New Mexico .....	350,000
University of North Carolina, Chapel Hill, NC, for a racial disparities and cardiovascular disease initiative .....	300,000
University of Texas, M.D. Anderson Cancer Center, Houston, TX for a comprehensive cancer control program to address the needs of minority and medically underserved populations .....	500,000
University of Texas-Pan American, Edinburg, TX for research and education activities at the South Texas Border Health Disparities Center .....	250,000
University of Wisconsin-Milwaukee School of Public Health, Milwaukee, WI, to support and expand public health education and outreach programs .....	900,000
Valentine Boys and Girls Club of Chicago, Chicago, IL for a health and physical education program to prevent obesity and promote healthy development .....	150,000
Visiting Nurses Association, Council Bluffs, IA for a telehealth initiative, including purchase of equipment .....	350,000
Waterloo Fire Rescue, Waterloo, IA, for FirePALS, a school-based injury prevention program .....	150,000
Watts Healthcare Corporation, Los Angeles, CA for a project to improve breastfeeding rates .....	250,000
Winston-Salem State University, Winston-Salem, NC, for blood pressure and obesity screening programs, including training of healthcare professionals .....	100,000
Yale New Haven Health Center, New Haven, CT, for the Connecticut Center for Public Health Preparedness .....	150,000
Youth & Family Services, Inc, Rapid City, SD, for a health promotion program for young men .....	300,000

*Buildings and Facilities*

Within the amount provided for Buildings and Facilities, the conference agreement includes \$30,000,000 for nationwide repairs and improvements of existing facilities as proposed by both the House and Senate and \$39,150,000 for Buildings 107 and 108 on the Chamblee Campus in Atlanta, Georgia in-

stead of \$78,300,000 as proposed by the Senate. The House did not propose funding for new construction.

The conference agreement also includes bill language proposed by the Senate that CDC shall award a single contract or related contracts for the development and construction of facilities in the Master Plan that col-

lectively include the full scope of the project and that the solicitation and contract shall contain the clause "availability of funds". The House did not propose similar language.

*Business Services and Support*

The funds for Business Services and Support are intended for CDC to carry out its

business functions, including, but not limited to, administrative services, financial management, security and emergency preparedness, and procurement and grants. Neither these funds nor any other funds provided to CDC are to be enhanced through the mechanism of program assessments or tapping at any level.

#### NATIONAL INSTITUTES OF HEALTH

The conference agreement includes \$31,008,788,000 for the 26 accounts that comprise the National Institutes of Health (NIH) total appropriation instead of \$31,258,788,000 as proposed by the House and \$30,758,788,000 as proposed by the Senate. In addition, the conference agreement continues the allocation to NIH of \$8,200,000 in program evaluation set-aside funding, which is the same as the House and Senate bills. Appropriation levels for individual institutes and centers are described in the table at the end of this statement of managers. Guidance for specific institutes and centers is provided below.

#### NATIONAL CANCER INSTITUTE

The National Cancer Institute (NCI) reports that it is meeting the funding level identified for pediatric cancer research in the Caroline Pryce Walker Conquer Childhood Cancer Act of 2008 within its base budget. The conferees commend NCI for its attention to this issue.

#### NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES (INCLUDING TRANSFER OF FUNDS)

The conference agreement includes \$304,000,000 by transfer from the Project BioShield Special Reserve Fund (BioShield) instead of a transfer of \$500,000,000 as proposed by the House. The Senate bill did not propose a transfer of BioShield funding.

#### OFFICE OF THE DIRECTOR

The conference agreement includes bill language providing up to \$193,880,000 for continuation of the National Children's Study. The House bill provided up to \$194,400,000 for continuation of the study. The Senate bill did not identify a particular funding level.

The conference agreement includes funding for a one percent increase in research training stipends instead of a two percent increase as proposed by the House. The Senate did not identify a specific training stipend increase.

Unless otherwise noted in this statement, the conferees expect NIH to follow the budget policy assumptions of the President's fiscal year 2010 budget and the accompanying explanatory materials.

The conferees expect NIH to notify the Committees on Appropriations of the House of Representatives and the Senate each time the Director uses the statutory one percent transfer authority as proposed in House Report 111-220. The Senate did not include similar language.

The conference agreement includes \$5,000,000 for a bioethics initiative administered through the institutes and centers as proposed by the House. The Senate did not identify a funding level for the initiative.

The conference agreement provides that, as proposed in Senate Report 111-66, with regard to section 516 of the bill, "program, project, or activity" applies to all sub-mechanisms and stand-alone activities in institute and center mechanism tables, except for the research project grants mechanism, in which case the restriction applies at the sub-total level. The House did not include comparable language. The conferees understand that NIH is upgrading its financial business system and is implementing hard funds controls. The conferees expect NIH to ensure that these funds controls will be established at the levels identified above to proactively enforce the reprogramming thresholds. The conferees request a detailed explanation and timeline in the 2011 congressional budget justification describing how the NIH enterprise system will proactively ensure full compliance with the reprogramming thresholds.

The conferees expect that NIH will work to strengthen its policy of supporting AIDS and non-AIDS research funding allocations at the current relative rate when allocating the

second year of Recovery Act funding. House Report 111-220 had similar language. The Senate did not include comparable language.

#### BUILDINGS AND FACILITIES

The conference agreement includes sufficient funding to support the construction of the Northwest Child Care Center on the Bethesda campus as proposed in House Report 111-220. The Senate did not include comparable language.

#### SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

#### SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

The conference agreement includes \$3,431,624,000 for Substance Abuse and Mental Health Services instead of \$3,419,438,000 as proposed by the House and \$3,429,782,000 as proposed by the Senate. In addition, the conference agreement makes available \$131,585,000 under section 241 of the Public Health Service (PHS) Act, which is the same as both the House and Senate.

Within the total provided for Programs of Regional and National Significance across the Substance Abuse and Mental Health Services Administration (SAMHSA), the conference agreement includes \$4,897,000 for the Minority Fellowship Program instead of \$5,093,000 as proposed by the House and \$4,701,000 as proposed by the Senate. The distribution of these funds between the Center for Mental Health Services (CMHS), the Center for Substance Abuse Treatment (CSAT), and the Center for Substance Abuse Prevention (CSAP) is detailed later in this statement.

#### Center for Mental Health Services

#### Programs of Regional and National Significance

Within the total provided for CMHS Programs of Regional and National Significance, the conference agreement includes the following amounts:

Budget activity	House	Senate	Conference
<b>Capacity:</b>			
Co-Occurring State Incentive Grant .....	\$3,611,000	\$3,173,000	\$2,168,000
Seclusion and Restraint .....	2,449,000	2,449,000	2,449,000
Youth Violence Prevention:	95,042,000	94,502,000	94,502,000
Safe Schools/Healthy Students .....	84,860,000	84,320,000	84,320,000
College Emergency Preparedness .....	3,000,000	2,237,000	2,237,000
School Violence .....	10,182,000	10,182,000	10,182,000
National Traumatic Stress Network .....	40,000,000	40,000,000	40,800,000
Children and Family Programs .....	9,194,000	9,194,000	9,194,000
Mental Health Transformation Activities .....	5,912,000	5,912,000	5,912,000
Consumer and Family Network Grants .....	6,236,000	6,236,000	6,236,000
MH Transformation State Incentive Grants .....	26,012,000	26,012,000	26,012,000
Project LAUNCH .....	20,000,000	25,000,000	25,000,000
Primary and Behavioral Health Care Integration .....	14,000,000	9,000,000	14,000,000
Community Resilience and Recovery Initiative .....	5,000,000	0	5,000,000
Suicide Lifeline .....	6,000,000	5,522,000	5,522,000
Garrett Lee Smith—Youth Suicide State Grants .....	29,738,000	29,738,000	29,738,000
Garrett Lee Smith—Youth Suicide Campus Grants .....	4,975,000	4,975,000	4,975,000
American Indian/Native Suicide Prevention .....	2,944,000	2,944,000	2,944,000
Homelessness Prevention Programs .....	32,250,000	32,250,000	32,250,000
Older Adult Programs .....	4,814,000	4,814,000	4,814,000
Minority AIDS .....	9,283,000	9,283,000	9,283,000
Jail Diversion .....	6,684,000	6,684,000	6,684,000
<b>Science to Service:</b>			
Garrett Lee Smith—Suicide Resource Center .....	4,957,000	4,957,000	4,957,000
Mental Health Systems Transformation Activities .....	9,949,000	9,349,000	9,349,000
Nat'l Registry of Evidence-based Programs & Practices .....	544,000	544,000	544,000
SAMHSA Health Information Network .....	1,920,000	1,920,000	2,673,000
Consumer/Consumer Support TA Centers .....	1,927,000	1,927,000	1,927,000
Minority Fellowship Program .....	4,475,000	4,083,000	4,279,000
Disaster Response .....	1,054,000	1,054,000	1,054,000
Homelessness .....	2,306,000	2,306,000	2,306,000
HIV/AIDS Education .....	974,000	974,000	974,000

Within the increase provided for the National Traumatic Stress Network above the fiscal year 2009 funding level, the conference agreement includes \$1,800,000 to fund additional adaptation centers, which help apply general principles of trauma services to particular populations. The conferees are par-

ticularly interested in ensuring that there will be an adaptation center focused on domestic violence and child abuse. Neither the House nor the Senate proposed similar language.

The conference agreement includes \$1,000,000 above the fiscal year 2009 funding

level to the National Center for Child Traumatic Stress for data analysis and reporting activities that improve evidence-based practices and raise the standard of trauma care. The conferees expect that any data collected using funds provided under this program

shall be submitted to SAMHSA. The Senate proposed similar language.

The conference agreement includes \$5,000,000 for a new Community Resilience and Recovery Initiative, as proposed by the House. The Senate did not propose similar language. According to SAMHSA, economic

problems create additional emotional stress leading to increased suicide, crime, domestic violence, child neglect and abuse, and alcohol and drug problems. This new initiative will take advantage of SAMHSA's experience in providing services in local communities to support evidence-based programs to help ad-

dress the emotional stress and the resultant behaviors.

Within the \$14,518,000 included in the conference agreement, \$5,975,000 shall be used for the following projects in the following amounts:

Project	Amount
American Combat Veterans of War, San Diego, CA for mental health services for returning veterans .....	175,000
American Red Cross, Lower Bucks County Chapter, Levittown, PA for mental health services and case management .....	100,000
Avera McKennan Hospital & University Health Center, Sioux Falls, SD, for a program serving children with emotional and behavioral disorders .....	300,000
BayCare Health System, Clearwater, FL for a mental health initiative .....	200,000
Bellfair JCB, Shaker Heights, OH for the Social Advocates for Youth program .....	200,000
Cheyenne River Sioux Tribe, Eagle Butte, SD, for youth suicide and substance abuse prevention programs .....	100,000
City of Detroit, MI for behavioral health services at the Grace Ross Health Center .....	700,000
Foothill Family Service, Pasadena, CA for mental health services to children ages 0–5 and parenting education that supports the services provided to the children .....	200,000
Gateway Healthcare, Pawtucket, RI for behavioral health services for returning veterans .....	200,000
Hathaway-Sycamores Child and Family Services, Pasadena, CA for mental health and emotional support services for children of the terminally ill during the illness and after the death .....	100,000
Heartland Health Outreach, Chicago, IL for a mental health supportive services program .....	200,000
Hispanic Counseling Center, Hempstead, NY for mental health services and treatment for the uninsured and underinsured Hispanic population on Long Island .....	200,000
Jacksonville Community Rehabilitation Center, Jacksonville, FL for long-term substance abuse and mental health programs for those with severe mental health ailments .....	200,000
KidsPeace National Centers of New England, Ellsworth, ME, for the programmatic funding necessary to facilitate the expansion of the KidsPeace Graham Lake Autism Day Treatment Unit .....	150,000
Ohel Children's Home and Family Services, Brooklyn, NY for inpatient and outpatient mental health treatment services .....	550,000
Oregon Partnership, Portland, OR, to provide suicide prevention services to soldiers and military families .....	300,000
Pacific Clinics, Arcadia, CA for mental health and suicide prevention programs for adolescents .....	500,000
Rosebud Sioux Tribe, Rosebud, SD for suicide prevention and early intervention services .....	500,000
Spectrum Programs Inc., Miami, FL for a mental health and substance abuse program .....	200,000
St. Bernard Project, Chalmette, LA for mental health services .....	100,000
St. Luke's Hospital, Adult Behavioral Services, Cedar Rapids, IA for behavioral health services .....	400,000
University of South Florida, Tampa, FL, for mental health services for disabled veterans .....	100,000
Volunteers of America, Wilkes-Barre, PA, for trauma recovery mental health services to children and families .....	100,000
Young & Healthy, Pasadena, CA for mental health care for children who are uninsured or underinsured .....	100,000
Youth Dynamics, Inc, Billings, MT, for a training program to help meet the mental health needs of those living in rural or frontier States .....	100,000

*Center for Substance Abuse Treatment*

*Programs of Regional and National Significance*

Within the total provided for CSAT Programs of Regional and National Signifi-

cance, the conference agreement includes the following amounts:

Budget activity	House	Senate	Conference
Capacity:			
Co-Occurring State Incentive Grants .....	\$4,263,000	\$4,263,000	\$4,263,000
Opioid Treatment Pgms./Regulatory Activities .....	8,903,000	8,903,000	8,903,000
Screening, Brief Intervention, Referral, & Treatment .....	29,106,000	29,106,000	29,106,000
Targeted Capacity Expansion—General .....	28,989,000	28,989,000	28,989,000
Pregnant and Postpartum Women .....	16,000,000	16,000,000	16,000,000
Strengthening Treatment Access & Retention .....	1,775,000	1,775,000	1,775,000
Recovery Community Services Program .....	5,236,000	5,236,000	5,236,000
Access to Recovery .....	98,954,000	98,954,000	98,954,000
Children and Families .....	20,678,000	30,678,000	30,678,000
Treatment Systems for Homeless .....	42,750,000	42,750,000	42,750,000
Minority AIDS .....	65,988,000	65,988,000	65,988,000
Criminal Justice Activities .....	87,635,000	67,635,000	67,635,000
Treatment Drug Courts .....	58,882,000	43,882,000	43,882,000
Families Affected by Meth Abuse .....	5,000,000	5,000,000	5,000,000
Ex-Offender Re-entry .....	23,200,000	18,200,000	18,200,000
Services Accountability .....	20,816,000	20,816,000	20,816,000
Prescription Drug Monitoring (NASPER) .....	0	2,000,000	2,000,000
Science to Service:			
Addiction Technology Transfer Centers .....	9,081,000	9,081,000	9,081,000
Seclusion and Restraint .....	20,000	20,000	0
Minority Fellowship Program .....	547,000	547,000	547,000
Special Initiatives/Outreach .....	2,400,000	2,400,000	2,400,000
Information Dissemination .....	4,553,000	4,553,000	4,553,000
Nat'l Registry of Evidence-based Programs & Practices .....	893,000	893,000	893,000
SAMHSA Health Information Network .....	4,255,000	4,255,000	4,255,000
Program Coordination and Evaluation .....	5,214,000	5,214,000	5,214,000

As proposed by the Senate, the increase provided above the fiscal year 2009 funding level for children and families is for evidence-based adolescent substance abuse treatment. The increase shall be used for treatment approaches that have been shown in rigorous evaluations to be effective for adolescents, that are implemented with fidelity to the original model, and that address geographic areas with unmet needs. The House did not propose similar language.

Within the \$14,518,000 included in the conference agreement, \$4,593,000 shall be used for the following projects in the following amounts:

Project	Amount	Project	Amount
A Safe Haven Foundation, Chicago, IL for behavioral health services for individuals affected by substance abuse .....	\$300,000	San Francisco Department of Public Health, San Francisco, CA for mental health and substance abuse services for homeless veterans .....	750,000
Chesterfield County, VA for the Dual Treatment Track program .....	143,000	Tuesday's Children, Manhasset, NY for a mental health initiative .....	750,000
City of Farmington, NM, to provide evidence-based substance abuse treatment to public inebriates .....	150,000		
Gavin Foundation, Inc., South Boston, MA for substance abuse treatment services at its Cushing House facility for adolescents .....	200,000		
Mercy Recovery Center, Westbrook, ME, for residential treatment programs .....	1,000,000		
Operation UNITE, Somerset, KY for a substance abuse treatment and voucher program .....	1,000,000		
Pinellas County Board of County Commissioners, Clearwater, FL for a substance abuse treatment initiative .....	300,000		

*Center for Substance Abuse Prevention*

*Programs of Regional and National Significance*

Within the total provided for CSAP Programs of Regional and National Significance, the conference agreement includes the following amounts:

Budget activity	House	Senate	Conference
Capacity:			
Strategic Prevention Framework State Incentive Grant .....	\$111,777,000	\$111,777,000	\$111,777,000
Grants to States and Territories .....	N/A	100,111,000	100,111,000
State and Community Performance Initiative .....	N/A	11,666,000	11,666,000
Mandatory Drug Testing .....	5,206,000	5,206,000	5,206,000
Minority AIDS .....	41,385,000	41,385,000	41,385,000
Pgm Coordination/Data Coordination & Consolidation Center .....	6,300,000	6,300,000	6,300,000
Sober Truth on Preventing Underage Drinking .....	7,000,000	7,000,000	7,000,000

Budget activity	House	Senate	Conference
Nat'l Adult-Oriented Media Public Service Campaign .....	1,000,000	1,000,000	1,000,000
Community-based Coalition Enhancement Grants .....	5,000,000	5,000,000	5,000,000
Intergovernmental Coordinating Committee on the Prevention of Underage Drinking .....	1,000,000	1,000,000	1,000,000
Science to Service:			
Fetal Alcohol Spectrum Disorder .....	9,821,000	9,821,000	9,821,000
Center for the Application of Prevention Technologies .....	8,511,000	8,511,000	8,511,000
Best Practices Program Coordination .....	4,789,000	4,789,000	4,789,000
Nat'l Registry of Evidence-based Programs & Practices .....	650,000	650,000	650,000
SAMHSA Health Information Network .....	2,749,000	2,749,000	2,749,000
Minority Fellowship Program .....	71,000	71,000	71,000

Within the \$14,518,000 included in the conference agreement, \$3,950,000 shall be used for the following projects in the following amounts:

Project	Amount
Betty Ford Institute, Palm Springs, CA for a substance abuse prevention and training initiative .....	\$250,000
Bucks County Council on Alcoholism and Drug Dependence, Inc., Doylestown, PA, to expand drug and alcohol prevention programs .....	100,000
Coalition for a Drug-Free Hawaii, Honolulu, HI for a youth alcohol abuse and suicide prevention program .....	200,000
Hamakua Health Center, Honokaa, HI, for a youth anti-drug program .....	200,000
Maryland Association of Youth Services Bureaus, Greenbelt, MD, for prevention and diversion services to youth and their families .....	100,000
Operation UNITE, Somerset, KY for a multi-school substance abuse counseling and curriculum development program .....	1,000,000
Pennsylvania State University, University Park, PA, for evidence-based prevention programs in schools and communities to reduce youth substance abuse .....	100,000
Postpartum Resource Center of New York, West Islip, NY for perinatal mood disorder prevention and early detection programs, support groups, and a multilingual helpline .....	100,000
Rhode Island State Nurses Association, Pawtucket, RI for substance abuse programs for nurses .....	100,000
St. Ann's Corner of Harm Reduction, Bronx, NY for mental health consultations and substance abuse prevention and treatment support services .....	100,000
Waimanalo Health Center, Waimanalo, HI, for a youth anti-drug program .....	200,000
West Virginia Prevention Resource Center, South Charleston, WV, for drug abuse prevention .....	1,500,000

#### AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

##### HEALTHCARE RESEARCH AND QUALITY

The conference agreement includes a program level of \$397,053,000 for the Agency for Healthcare Research and Quality (AHRQ) instead of \$372,053,000 as proposed by both the House and Senate. The conference agreement makes these funds fully available through section 241 of the Public Health Service (PHS) Act.

Within the total for Research on Health Costs, Quality and Outcomes, the conference agreement includes \$21,000,000 for Patient-Centered Health Research instead of \$12,500,000 as proposed by the House and \$50,000,000 as proposed by the Senate. Of the funding provided, \$12,500,000 is to cover the continuation costs of current research grants and \$8,500,000 is for the Developing Evidence to Inform Decisions about Effectiveness (DECIDE) Network. The DECIDE Network conducts accelerated practical studies about the outcomes, comparative clinical effectiveness, safety, and appropriateness of health care items and services.

As proposed by the House, the conferees do not intend for the patient-centered health research funding to be used to mandate coverage, reimbursement, or other policies for any public or private payer. The funding shall be used to conduct or support research to evaluate and compare the clinical outcomes, effectiveness, risk, and benefits of two or more medical treatments and services that address a particular medical condition. Further, the conferees recognize that a "one-size-fits-all" approach to patient treatment is not the most medically appropriate solution to treating various conditions. Research conducted should be consistent with Departmental policies relating to the inclusion of women and minorities. The Senate did not propose similar language.

Within the total for Research on Health Costs, Quality and Outcomes, the conference agreement includes \$15,904,000 for the Prevention and Care Management program instead of \$24,404,000 as proposed by the House and \$7,100,000 as proposed by the Senate. Funding shall be used consistent with the language in House Report 111-220.

Within the total for Research on Health Costs, Quality and Outcomes, the conference agreement includes \$27,645,000 for Health Information Technology as proposed by the Senate instead of \$32,320,000 as proposed by the House.

Within the total for Research on Health Costs, Quality and Outcomes, the conference agreement includes \$176,689,000 for cross-cutting activities related to quality, effectiveness, and efficiency research instead of \$169,514,000 as proposed by the House. The Senate did not propose similar language. As proposed by the Senate, the conference agreement includes \$23,596,000 to fund investigator-initiated research to develop a more balanced research agenda, supporting all aspects of health care research outlined in its statutory mission. The House included similar language, but not a specific dollar amount.

Within the total for Research on Health Costs, Quality and Outcomes, the conference agreement includes \$90,585,000 for Patient Safety instead of \$66,585,000 as proposed by the House and \$48,889,000 as proposed by the Senate.

Within the Patient Safety total, the conference agreement includes \$25,000,000 for patient safety and medical liability reform demonstrations. Neither the House nor the Senate proposed similar language. The conferees are aware that medical liability concerns may lead doctors to practice "defensive medicine," which in turn may contribute to higher costs in our health care system. The conferees are concerned about this and the possible implications that the fear of liability may be having on the delivery of health care services. Therefore, the conference agreement includes this funding for a three-pronged initiative consisting of demonstration grants to States and health systems to test implementation and evaluation of evidence-based patient safety and medical liability projects, grants to States and health systems to plan for implementation and evaluation of evidence-based patient safety and medical liability demonstrations, and a rapid and comprehensive review of initiatives that improve health care quality and reduce liability.

The demonstration projects should test models that meet the following goals: put

patient safety first and work to reduce preventable injuries; foster better communication between doctors and their patients; ensure that patients are compensated in a fair and timely manner for medical injuries, while also reducing the incidence of frivolous lawsuits; and reduce liability premiums.

As proposed by the House, within the Patient Safety total the conference agreement includes \$25,000,000 for healthcare-associated infections prevention activities. The Senate did not propose similar language. Funding shall be used consistent with the language in House Report 111-220.

Within the Patient Safety total, the conference agreement includes \$9,000,000 for the Methicillin-Resistant *Staphylococcus Aureus* (MRSA) Collaborative Research Initiative instead of \$10,000,000 as proposed by the House. The Senate did not propose similar language.

#### CENTERS FOR MEDICARE AND MEDICAID SERVICES

##### PAYMENTS TO HEALTH CARE TRUST FUNDS

The conference agreement includes \$393,070,000 for Program Management within Payments to Health Care Trust Funds instead of \$403,070,000 as proposed by the House and \$338,070,000 as proposed by the Senate.

##### PROGRAM MANAGEMENT

The conference agreement includes \$3,470,242,000 for Program Management instead of \$3,463,362,000 as proposed by the House and \$3,431,500,000 as proposed by the Senate.

The conference agreement does not include bill language proposed by the Senate identifying \$81,600,000, made available for two years, to implement provisions in the Medicare Improvements for Patients and Providers Act of 2008. The House bill did not include such language. The conferees do, however, assume \$61,600,000 to implement these statutory provisions, made available for one fiscal year.

The conference agreement includes \$3,100,000 within Research, Demonstration and Evaluation for the following projects in the following amounts:

Project	Amount
Bi-State Primary Care Association, Concord, NH, to support uncompensated care to treat uninsured and underinsured patients .....	600,000
Bi-State Primary Care Association, Montpelier, VT to treat uninsured patients .....	100,000
Bi-State Primary Care, Concord, NH, for primary care workforce recruitment .....	650,000



Project	Amount
County of Ventura Health Care Agency, Ventura, CA for Medicaid enrollment programs .....	200,000
Fond du Lac County, WI for the Save a Smile Program .....	400,000
Iowa Dental Association, Johnston, IA, for a children's dental home demonstration project in Scott County .....	250,000
Jewish Healthcare Foundation, Pittsburgh, PA for program to increase involvement of pharmacists in chronic disease management .....	100,000
Patient Advocate Foundation, Newport News, VA for a patient assistance program for the uninsured .....	300,000
University of Mississippi, University, MS, for the Medication Use and Outcomes Research Group .....	500,000

The conference agreement includes \$55,000,000 for State High Risk Insurance Pools instead of \$65,000,000 as proposed by the House. The Senate did not propose High Risk Insurance Pool funding.

The conference agreement includes \$14,800,000 for the Medicare Current Beneficiary Survey as proposed by the House. The Senate did not identify funding for the Survey.

Within the total funding for Research, Demonstration, and Evaluation, the conference agreement includes \$2,500,000 for Real Choice Systems Change Grants to States as proposed by the Senate. The House did not propose funding for this program.

The conference agreement includes \$45,000,000 for the State Health Insurance Program as proposed by the House. The Senate did not identify a funding level for this program.

The conferees urge the Centers for Medicare and Medicaid Services (CMS) to strengthen the agency's efforts against healthcare-associated infections (HAIs) by considering inclusion of HAIs in the CMS pay-for-reporting system and by expanding the use of HAIs in the CMS pay-for-performance system. The House proposed similar language. The Senate did not propose language.

The conferees are concerned that the delivery of telehealth services may be disrupted by HHS requirements that result in duplicative credentialing and privileging of remote providers. The conferees direct the Secretary to report to the Committees on Appropriations of the House of Representatives and the Senate within 6 months of enactment on actions taken by CMS to reduce duplication and streamline federal credentialing and privileging requirements related to telehealth services. Neither the House nor Senate proposed similar language.

#### HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT

The conference agreement includes \$311,000,000 from the Medicare trust funds for the Health Care Fraud and Abuse Control Account, which is the same as both the House and the Senate. This level includes funding for CMS to expand its efforts to link Medicare claims and public records data as proposed by the Senate. The House did not propose similar language.

#### ADMINISTRATION FOR CHILDREN AND FAMILIES

##### LOW INCOME HOME ENERGY ASSISTANCE

The conference agreement includes \$5,100,000,000 for the Low Income Home Energy Assistance program as proposed by both the House and Senate. Within this amount, the conferees intend that not more than \$27,000,000 be used for the Leveraging Incentive program. The conferees maintain bill language proposed by the House allowing States to provide assistance to households with income up to 75 percent of the State median income. The Senate did not include a similar provision.

##### REFUGEE AND ENTRANT ASSISTANCE

The conference agreement includes \$730,928,000 for Refugee and Entrant Assistance programs instead of \$714,968,000 as proposed by the House and \$730,657,000 as proposed by the Senate.

Within the amount provided for Social Services, the conferees provide \$19,000,000 for continued support to communities with large concentrations of Cuban and Haitian entrants as proposed by the House. The Senate did not specify an amount for this activity.

Within the amount provided for the Unaccompanied Alien Children program, the conferees provide \$5,600,000 to continue and expand the pro bono legal representation pilot program instead of \$6,000,000 as proposed by the House. The Senate did not specify an amount for this activity.

#### CHILDREN AND FAMILIES SERVICES PROGRAMS (INCLUDING TRANSFER OF FUNDS)

The conference agreement includes \$9,314,532,000 for Children and Families Services Programs instead of \$9,326,951,000 as proposed by the House and \$9,310,465,000 as proposed by the Senate. In addition, \$5,762,000 is made available under section 241 of the Public Health Service (PHS) Act as proposed by the Senate instead of \$10,217,000 as proposed by the House. For comparability, these figures do not include funding for the teenage pregnancy prevention initiative, which is funded under the Office of the Secretary as proposed by the Senate.

##### Child Abuse Discretionary Activities

Within the amount provided for Child Abuse Discretionary Activities, the conference agreement does not include funding

for the nurse home visitation initiative, instead of \$15,000,000 as proposed by the House and \$13,500,000 as proposed by the Senate. The conferees anticipate that mandatory funding will be provided for this activity in fiscal year 2010 as proposed by the Administration.

Within the \$20,785,000 included in the conference agreement, \$3,175,000 shall be used for the following projects in the following amounts:

Project	Amount
Addison County Parent Child Center, Middlebury, VT, to support and expand parental education activities .....	100,000
County of Contra Costa, Martinez, CA for an initiative for children and adolescents exposed to domestic violence .....	550,000
Douglas County C.A.R.E.S., Roseburg, OR for the Kids in Common program to provide services to abused and neglected children .....	300,000
Klingberg Family Centers, Hartford, CT, for child abuse prevention and intervention services .....	125,000
Marcus Autism Center, Atlanta, GA for an autism initiative .....	300,000
Oregon Association of Relief Nurseries, Medford, OR, to provide early childhood development and education for children at risk of abuse and neglect .....	100,000
Parents Anonymous, Inc., Claremont, CA, for a national parent helpline to prevent child abuse and neglect .....	500,000
Prevent Child Abuse Vermont, Montpelier, VT, to expand the SAFE-T Prevention Program .....	500,000
University of California, Merced/The Great Valley Center, Merced, CA for child abuse prevention education services .....	300,000
Wynona's House, Newark, NJ, for a child sexual abuse intervention program .....	400,000

#### Social Services and Income Maintenance Research

Within the total for Social Services and Income Maintenance Research, the conference agreement includes \$2,000,000 for benefits outreach and enrollment assistance activities. The conferees intend that these funds be awarded competitively to private, non-profit organizations to support on-going, facilitated outreach and enrollment assistance to low-income individuals and families to access already existing Federal, State, and local benefit programs. The Senate included a similar provision within the Corporation for National and Community Service. The House did not include similar language.

Within the \$20,785,000 included in the conference agreement, \$17,610,000 shall be used for the following projects in the following amounts:

Project	Amount
211 Maine, Inc., Portland, ME, to provide for telephone connections to community health and social services .....	150,000
Asian Pacific Women, Los Angeles, CA for a domestic violence prevention and education initiative .....	50,000
AVANCE, Inc., San Antonio, TX, for a parent-child education program .....	200,000
Barry University, Miami Shores, FL for the Center for Community Services Initiatives .....	300,000
Beth El House, Alexandria, VA for housing and social services to formerly homeless single mothers and their families .....	200,000
Bethany House, Laredo, TX for equipment and job training resources to help the unemployed find gainful employment .....	230,000
Bethel's Place, Houston, TX for the Heavenly Hands community project .....	100,000
Beyond Shelter, Los Angeles, CA for a crisis intervention demonstration project .....	400,000
Campus Kitchens Project, Washington, DC, for services to the homeless community .....	75,000
Chabad of South Bay, Lomita, CA for a project to improve services for youth and families in crisis .....	370,000
Children's Hospital of The King's Daughters Health System, Norfolk, VA for a comprehensive program to treat abused children .....	500,000
City of Bellevue, WA for the Wrap-Around Services program .....	375,000
City of Emeryville, CA for early childhood development, counseling, and related services .....	250,000
City of Ft. Worth, TX for the Early Childhood Matters Initiative .....	425,000
City of Norwich, CT for services to pregnant and parenting adolescents and their families .....	85,000
City of San Jose, CA for early childhood education improvement .....	300,000
Connecticut Council of Family Service Agencies, Wethersfield, CT, for a Family Development Network .....	200,000
Connecting for Children and Families, Inc., Woonsocket, RI, to provide training and assistance to economically challenged families .....	300,000
Council of Peoples Organization, Brooklyn, NY for the Community Youth Program .....	150,000
County of Monterey, Salinas, CA, for the Silver Star Gang Prevention and Intervention program .....	1,500,000
Easter Seals of Southern Georgia, Albany, GA for respite services for children who are developmentally disabled, have autism, or are medically fragile .....	100,000
Erie Neighborhood House, Chicago, IL, for an initiative addressing the needs of low-income children with emotional or behavioral difficulties .....	250,000
Eva's Place, Sandusky, MI for domestic violence service programs .....	200,000
First 5 Alameda County, San Leandro, CA for its children's screening, assessment, referral, and treatment initiative .....	500,000
Friends Association for Care and Protection of Children, West Chester, PA, for emergency services for homeless families .....	100,000
Glenwood School for Boys and Girls, Glenwood, IL for housing support and educational and social skills development programs .....	350,000

Project	Amount
Greater New Britain Teen Pregnancy Prevention, Inc., New Britain, CT for teen pregnancy prevention services .....	100,000
Gregory House Programs, Honolulu, HI for a comprehensive homelessness prevention program for people living with HIV/AIDS .....	100,000
Homeless Prenatal Program, San Francisco CA for case management and supportive services .....	400,000
Hope Institute for Children and Families, Springfield, IL for facilities and equipment .....	100,000
Horizons for Homeless Children, Boston, MA for programs for homeless children .....	730,000
Human Services Coalition of Tompkins County, Inc., Ithaca, NY for 2–1–1 Tompkins to provide access to social services .....	50,000
Huron County Safe Place, Bad Axe, MI for domestic violence service programs .....	150,000
Jewish Community Council of Canarsie, Brooklyn, NY for services for at-risk Holocaust survivors .....	300,000
Lapeer Area Citizens Against Domestic Assault, Lapeer, MI for domestic violence service programs .....	200,000
Larkin Street Youth Services, San Francisco, CA for homeless and runaway youth services .....	300,000
LifeStyles of Maryland, Inc., La Plata, MD for its Safe Nights Program for homeless and disadvantaged populations .....	60,000
Little Friends, Inc., Naperville, IL for an autism initiative .....	200,000
Make the Road New York, Jackson Heights, NY for support services for low-income and working families .....	300,000
Michigan Association Of United Ways, Lansing, MI, to provide work supports through a statewide 2–1–1 system .....	200,000
Montgomery County Department of Health and Human Services, Rockville, MD for community based service delivery and outreach .....	200,000
National Energy Assistance Directors' Association, Washington, DC for research and information dissemination related to the Low Income Home Energy Assistance Program .....	200,000
North Ward Center, Newark, NJ for comprehensive services for people with autism spectrum disorders .....	400,000
Pathways PA, Holmes, PA for services for pregnant and parenting teens .....	150,000
Pierce County Alliance, Tacoma, WA for a program to expedite the permanent placement of child victims of parental abuse or neglect .....	150,000
Polaris Project, Washington, DC for the New Jersey Trafficking Intervention Program .....	250,000
Prince George's County, Upper Marlboro, MD for a program for transition aged youth .....	165,000
Provo City, UT, for a mentoring program for at-risk families .....	350,000
Safe Horizons, Port Huron, MI for domestic violence service programs .....	200,000
Salvation Army San Bernardino Center for Worship and Service, San Bernardino, CA for the Support Family Services Program .....	160,000
Santa Clara Family Health Plan, Campbell, CA for a program to transfer medically fragile and severely developmentally disabled individuals from an institutional setting .....	300,000
SingleStop USA, New York, NY, to help low-income families and individuals in New Jersey access available services .....	150,000
SingleStop USA, San Francisco, CA for a program to increase low-income households' access to social services .....	100,000
Somerset Home for Temporarily Displaced Children, Bridgewater, NJ for a transitional/permanent housing program for youth who have aged out of foster care .....	400,000
Susanna Wesley Family Learning Center, East Prairie, MO to assist at-risk youth and their families .....	250,000
TLC for Children and Families, Inc., Olathe, KS, for youth transitional living programs .....	200,000
United Methodist Children's Home of Alabama and West Florida, Selma, AL, for expansion and related expenses for children's services .....	100,000
United Way Anchorage, Anchorage, AK, for the Alaska 2–1–1 referral system .....	100,000
United Way of Central Maryland, Baltimore, MD, to provide social services through the 2–1–1 Maryland Program .....	800,000
United Way of the Capital Area, Jackson, MS, for 2–1–1 Mississippi .....	400,000
University of Alabama, Tuscaloosa, AL for the West Alabama Autism Outreach Center .....	355,000
University of Central Missouri, Warrensburg, MO for services for people with Autism Spectrum Disorders .....	280,000
University of Toledo, Toledo, OH for services for persons with autism and research on autism spectrum disorders .....	500,000
Washington Asset Building Coalition, Olympia, WA, to expand financial education and counseling services to low-income residents .....	100,000
Washington Information Network, Renton, WA, to improve and expand 2–1–1 referral services .....	100,000
Wayne County Department of Children and Family Services, Detroit, MI for the Kids-TALK forensic interviewing project .....	150,000
YWCA of Monterey County, Monterey, CA for expansion of direct services and prevention programs to combat domestic and gang violence .....	250,000

#### Developmental Disabilities Assistance

Within the amount provided for Developmental Disabilities Assistance Projects of National Significance, the conferees encourage the Administration for Children and Families (ACF) to establish a national autism resource and information center as proposed by the Senate, but do not designate \$3,000,000 for this purpose as proposed by the House.

#### Native American Programs

Within the amount provided for Native American programs, the conference agreement includes \$12,000,000 for Native American language preservation activities including no less than \$4,000,000 for language immersion programs as proposed in Senate Report 111–66. The House included similar language.

#### Community Services

Within the amount provided for the Community Services Block Grant (CSBG), the

conferees direct ACF to allocate \$500,000 of CSBG training and technical assistance funds for continuation of a national community economic development training and capacity development initiative as proposed by the House. The Senate did not include similar language.

The conferees are concerned that individuals and families affected by the economic recession are not receiving critical health care, nutrition assistance, tax credits and other benefits for which they qualify. The Recovery Act required one percent of the \$1,000,000,000 for CSBG grants to be used by States for “benefits enrollment coordination activities relating to the identification and enrollment of eligible individuals and families in Federal, State and local benefit programs”. The conferees direct ACF to report to the Committees on Appropriations of the House of Representatives and the Senate on the States’ use of the funds and whether these funds achieved the intended purpose.

#### Teen Pregnancy Prevention

The conference agreement includes funding for a new Teenage Pregnancy Prevention program within the Office of the Secretary as proposed by the Senate instead of ACF as proposed by the House. The conferees provide guidance regarding the administration of this initiative under the Office of the Secretary.

#### ADMINISTRATION ON AGING

##### AGING SERVICES PROGRAMS

The conference agreement includes \$1,516,297,000 for Aging Services Programs instead of \$1,530,881,000 as proposed by the House and \$1,495,038,000 as proposed by the Senate.

#### Program Innovations

Within the total for Program Innovations, the conference agreement includes the following amounts:

Budget activity	House	Senate	Conference
Model Approaches to Statewide Legal Assistance Systems .....	2,000,000	2,000,000	2,000,000
National Legal Assistance & Support Projects .....	746,000	746,000	746,000
National Education & Resource Center on Women and Retirement .....	249,000	249,000	249,000
Multigenerational Civic Engagement .....	982,000	982,000	982,000
National Resource Center on Native Americans .....	693,000	693,000	693,000
National Minority Aging Organizations: Asian-Pacific Americans .....	357,000	357,000	357,000
National Minority Aging Organizations: Native Americans .....	129,000	129,000	129,000
National Minority Aging Organizations: Hispanic & African Americans .....	448,000	448,000	448,000
National Alzheimer's Call Center .....	1,000,000	1,000,000	1,000,000
Community Innovations for Aging in Place .....	8,000,000	5,000,000	5,000,000

The conference agreement includes \$5,974,000 for the following projects in the following amounts:

Project	Amount
Catholic Charities Hawaii, Honolulu, HI for an independent living demonstration project .....	400,000
Center on Halsted, Chicago, IL for wellness services for seniors .....	475,000
City of Fremont, CA for training, coordination, and outreach to address the needs of seniors .....	150,000
City of Long Beach, CA for a program to coordinate senior services and activities within the region .....	100,000
County of Ventura, CA for an elder abuse prevention and treatment program .....	654,000
Family Caregiver Alliance, San Francisco, CA for a National Resource Center on Family Caregiving .....	500,000
Gallagher Outreach Program Inc, Sunnyside, NY, for outreach and social services to elderly Irish immigrants .....	200,000
Jewish Family and Children's Service of Minneapolis, Minnetonka, MN for the Family Caregiver Access Network Demonstration Project .....	250,000
Jewish Family Service of Central New Jersey, Elizabeth, NJ for an aging-in-place demonstration .....	300,000
Jewish Family Service of Metropolitan Detroit, West Bloomfield, MI for a family caregiver services development project .....	200,000
Jewish Family Service of Somerset, Hunterdon and Warren Counties, Somerville, NJ for an aging-in-place demonstration .....	225,000
Jewish Family Services of Utah, Salt Lake City, UT, for community-based caregiver services .....	300,000

Project	Amount
Jewish Federation of Greater Atlanta, Atlanta, GA, for services at a naturally occurring retirement community .....	100,000
Lifespan of Greater Rochester, Inc., Rochester, NY, for activities to prevent elder abuse .....	100,000
Mosaic, Garden City, KS, for the legacy senior services initiative .....	350,000
NORC Supportive Services Center, Inc., New York, NY for a program to provide medical products and services to seniors .....	500,000
Rebuilding Together, Inc., Washington, DC for the Safe at Home falls prevention initiative .....	350,000
Stetson University College of Law, Gulfport, FL for a demonstration program to educate seniors on economic issues .....	100,000
UJA Federation of Northern New Jersey, Paramus, NJ for an aging-in-place program .....	200,000
United Jewish Communities of MetroWestNJ, Whippany, NJ for the Lifelong Involvement for Vital Elders independent aging demonstration program .....	100,000
Washoe County Senior Services, Carson City, NV, for the RSVP Home Companion Senior Respite Care Program .....	195,000
Westminster Village, Allentown, PA for the Demential Leadership Initiative Program .....	225,000

## OFFICE OF THE SECRETARY

## GENERAL DEPARTMENTAL MANAGEMENT

## (INCLUDING TRANSFER OF FUNDS)

The conference agreement includes \$499,228,000 for General Departmental Management, including \$5,851,000 from Medicare trust funds instead of \$512,452,000 as proposed by the House and \$483,779,000 as proposed by the Senate. In addition, the conference agreement includes \$65,211,000 in program evaluation funding instead of \$74,211,000 as proposed by the House and \$64,211,000 as proposed by the Senate. For comparability, these figures include funding for the teenage pregnancy prevention initiative, which was funded under the Administration for Children and Families in the House bill.

Within Public Health Service Act program evaluation funding, the conference agreement designates \$1,000,000 to carry out informational services to patients and families affected by childhood cancer authorized under the Caroline Pryce Walker Conquer Childhood Cancer Act. The House proposed \$10,000,000 to implement this Act and the Senate did not include a similar provision. The conference agreement allocates an additional \$3,000,000 for a childhood cancer registry within funds provided to the Centers for Disease Control and Prevention.

Within the funds for the Office of the Secretary, the conference agreement includes \$5,000,000 as proposed by the House to continue Departmental activities related to reducing healthcare-associated infections. The Senate did not include a similar provision.

Within the funds for the Office of the Secretary, the conference agreement designates \$900,000 for the Institute of Medicine to conduct a study on the mental health workforce as proposed in House Report 111-220. The House proposed \$1,000,000 for this activity and the Senate did not include a similar provision.

Within the funds for the Office of the Secretary, the conference agreement includes sufficient funds to continue the Area and National Poverty Centers at no less than the fiscal year 2009 level as proposed by the House. The Senate did not include a similar provision.

Within the funds for the Office of the Secretary, the conference agreement includes \$4,500,000 for the health diplomacy initiative. The House did not specify funds for this activity and the Senate proposed \$7,000,000.

The conferees direct the Secretary to establish an Office of Adolescent Health, as authorized under section 1708 of the Public Health Service Act and as proposed in Senate Report 111-66. The conference agreement includes sufficient funds for this purpose, but does not identify a specific amount. The Senate proposed \$2,000,000 for this office. The House did not propose a similar provision.

The conference agreement provides \$110,000,000 for a new teenage pregnancy prevention initiative. The House proposed \$110,000,000 for this initiative under the Administration for Children and Families and the Senate proposed \$100,000,000 under the Office of the Secretary.

The conferees intend that the Office of Adolescent Health shall be responsible for implementing and administering the teenage pregnancy prevention program, as proposed by the Senate.

The conferees intend that the Office of Adolescent Health shall coordinate its efforts with the Administration for Children and Families, Centers for Disease Control and Prevention, and other appropriate HHS offices and operating divisions. No later than 60 days after the date of enactment, the Secretary shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate detailing the implementation status of the Office of Adoles-

cent Health and the teenage pregnancy prevention program.

Regarding this appropriation, the conference agreement includes bill language providing that not less than \$75,000,000 shall be for programs that replicate teenage pregnancy prevention programs proven effective through rigorous evaluation. The conferees intend that a wide range of evidence-based programs should be eligible for these funds. In addition, bill language provides that not less than \$25,000,000 shall be for research and demonstration grants to develop, replicate, refine, and test additional models and innovative strategies for preventing teenage pregnancy; and that the remaining amounts may be used for training and technical assistance, evaluation, outreach, and additional program support. The conferees intend that programs funded under this initiative will stress the value of abstinence and provide age-appropriate information to youth that is scientifically and medically accurate. Finally, the conference agreement provides \$4,455,000 within Public Health Service Act program evaluation funding, as proposed by both the House and Senate, to carry out evaluations (including longitudinal evaluations) of teenage pregnancy prevention approaches.

The conferees expect the Office of the Secretary to support activities that are targeted to address the growing HIV/AIDS epidemic and its disproportionate impact upon communities of color, including African Americans, Latinos, Native Americans, Asian Americans, Native Hawaiians, and Pacific Islanders, at no less than the fiscal year 2009 funding level as proposed by the House. The Senate did not include a similar provision.

The conference agreement includes \$1,650,000 for the following projects in the following amounts:

Project	Amount
BayCare Health System, Tampa, FL for a community-based health outreach program to address health disparities in South Pinellas and Hillsborough counties .....	200,000
Community Transportation Association of America, Washington, DC, for technical assistance to human services transportation providers on ADA requirements .....	950,000
South Central Family Health Center, Los Angeles, CA for a community diabetes management initiative .....	100,000
University of West Florida, Pensacola, FL for a health information technology evaluation project .....	400,000

The conference agreement does not include provisions proposed by the House requiring specific information requests on scientific research be transmitted to the Committees on Appropriations of the House of Representatives and the Senate in a prompt, professional manner and uncensored. The conferees agree that these provisions are no longer necessary. The Senate did not propose similar provisions.

The conference agreement does not include a provision proposed by the Senate designating not more than \$3,200,000 and 26 full-time equivalents for the Office of the Assistant Secretary of Legislation. The House did not propose a similar provision.

The conference agreement does not include bill language proposed by the House designating certain funds within the Adolescent Family Life program for section 2003(b)(2) of title XX of the Public Health Service Act

and for prevention demonstration grants for reducing teenage pregnancy. The Senate did not propose similar provisions.

The conference agreement includes \$4,000,000 within the Office of Minority Health for an effort to address health disparities issues in the Gulf Coast region as described in Senate Report 111-66. The House did not propose funding for this activity and the Senate proposed \$5,283,000.

The conference agreement includes \$1,000,000 within the Office of Minority Health to continue the national health provider education program to improve lupus diagnosis and treatment and reduce health disparities. Both the House and Senate proposed a similar provision.

The conference agreement includes \$2,325,000 within the Office of Women's Health to continue the violence against women initiative to enhance health care pro-

vider education and develop a coordinated public health response as proposed by the House. The Senate did not propose a similar provision.

OFFICE OF THE NATIONAL COORDINATOR FOR  
HEALTH INFORMATION TECHNOLOGY

The conference agreement includes \$61,342,000 for the Office of the National Coordinator for Health Information Technology, of which \$42,331,000 is provided in budget authority and \$19,011,000 is made available through the Public Health Service program evaluation set-aside as proposed by the Senate. The House proposed the same program level, but through a different allocation of budget authority and evaluation set-aside.

PUBLIC HEALTH AND SOCIAL SERVICES  
EMERGENCY FUND  
(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes \$2,306,694,000 for the Public Health and Social Services Emergency Fund instead of \$2,100,649,000 as proposed by the House and \$2,621,154,000 as proposed by the Senate.

As proposed by both the House and Senate, the conference agreement includes bill language transferring all remaining balances in the Project BioShield Special Reserve Fund (SRF) from the Department of Homeland Security to the Department of Health and Human Services (HHS). This transfer aligns the financial responsibility of the Project BioShield SRF with HHS programmatic responsibility.

The conference agreement includes bill language transferring \$304,000,000 from the Project BioShield SRF to the National Institute of Allergy and Infectious Diseases (NIAID) instead of \$500,000,000 as proposed by the House. The Senate did not propose a similar transfer to NIAID. Together with the \$305,000,000 transfer proposed by both the House and Senate for Advanced Research and Development, a total of \$609,000,000 will be transferred from the Project BioShield SRF. As of October 31, 2009, data from HHS indicate that \$3,033,000,000 remains unobligated and available in the Project BioShield SRF, therefore after these transfers a total of \$2,424,000,000 will be available through fiscal year 2013 to procure and stockpile emergency medical countermeasures.

Within the total for Preparedness and Emergency Operations, the conference agreement includes sufficient funding to prepare for and respond to non-Stafford Act National Special Security Events and other planned and unplanned events. The House proposed \$10,000,000 for this activity. The Senate did not propose similar language.

GENERAL PROVISIONS

PROGRAM EVALUATION SET-ASIDE

The conference agreement includes a general provision capping the permitted use of the program evaluation set-aside at 2.5 percent of funds authorized under the Public Health Service Act instead of 2.4 percent as proposed by both the House and Senate.

ONE PERCENT TRANSFER AUTHORITY  
(TRANSFER OF FUNDS)

The conference agreement continues a general provision as proposed by the Senate providing the Secretary of Health and Human Services the authority to transfer up to one percent of discretionary funds between a program, project, or activity. The House proposed this transfer authority at the account level.

INTERNATIONAL HEALTH ACTIVITIES STAFFING

The conference agreement continues a general provision allowing Department of Health and Human Services health activities abroad to be supported under State Department authorities and includes an additional provision as proposed by the Senate authorizing the Secretary to pay personnel assigned abroad allowances and benefits similar to those for foreign service officers. The House did not propose the additional provision.

CENTERS FOR DISEASE CONTROL AND  
PREVENTION STAFF TRAINING

The conference agreement continues a general provision regarding Centers for Disease Control and Prevention Individual Learning Accounts as proposed by the Senate. The House did not propose a similar provision.

CONFLICT OF INTEREST REGULATIONS

The conference agreement includes a general provision as proposed by the Senate requiring the Secretary of Health and Human Services to amend regulations by May 1, 2010 regarding financial conflict of interest among National Institutes of Health extramural investigators and institutions. The House did not propose a similar provision.

The conferees are concerned that occurrences of conflict of interest among extramural grantees are investigated only when a complaint is received by the Department of Health and Human Services Office of Research Integrity. The conferees encourage NIH to develop a system for periodic review of conflict of interest documentation at extramural institutions to give some assurance that the new conflict of interest regulations have an effect.

TITLE III

DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

The conference agreement includes \$15,914,666,000 for Education for the Disadvantaged instead of \$15,938,215,000 as proposed by the House and \$15,891,132,000 as proposed by the Senate. The conference agreement provides \$5,073,490,000 in fiscal year 2010 and \$10,841,176,000 in fiscal year 2011 funding for this account.

For Title I School Improvement Grants, the conference agreement includes bill language permitting fiscal year 2010 appropriations and funds appropriated under the Recovery Act for these grants to be used by local educational agencies to serve any Title I, part A-eligible school that has not made adequate yearly progress for at least two years or is in a State's lowest quintile of performance based on proficiency rates and, in the case of secondary schools, priority shall be given to those schools with graduation rates below 60 percent. Both the House and Senate proposed similar language.

The conference agreement modifies bill language proposed by the Senate permitting the Secretary to establish minimum and maximum subgrant sizes applicable to fiscal year 2010 and Recovery Act funds for Title I School Improvement Grants. The conference agreement includes bill language permitting each State educational agency to award subgrants of up to \$2,000,000 in size for each school eligible for Title I School Improvement Grants funding. The House did not propose similar language.

For school improvement activities authorized under section 1003(a) of the Elementary and Secondary Education Act (ESEA), the conference agreement includes a technical clarification in bill language as proposed by the Senate clarifying that Title I funds appropriated in the Recovery Act are excluded from the calculation of amounts States may reserve for school improvement activities under section 1003(a) of the ESEA. The House proposed similar language.

The conference agreement does not include bill language proposed by the House requiring each State educational agency to ensure that not less than 50 percent of its allocation under Title I School Improvement Grants is used for evidence-based reading instruction. The Senate did not propose a similar provision. The conferees encourage the Department to work with State educational agencies to ensure that evidence-based reading instruction is embedded in school turnaround strategies for low-performing schools.

The conference agreement does not include bill language reserving \$30,000,000 of Title I

School Improvement Grants for competitive awards to local educational agencies located in counties in Louisiana, Mississippi, and Texas that were affected by Hurricanes Katrina, Ike, or Gustav, and specifying certain uses of these funds as proposed by the Senate. The House did not propose a similar provision. Instead, the conference agreement includes bill language providing \$12,000,000 for competitive awards to Gulf Coast schools under the Fund for the Improvement of Education.

The conference agreement does not include bill language proposed by the Senate requiring each State educational agency to ensure that 40 percent of its allocation under Title I School Improvement Grants is spent on improvement activities in middle and high schools, unless the State educational agency makes a determination that all middle and high schools can be served with a lesser amount. The House did not propose a similar provision.

For the Striving Readers program, the conference agreement modifies bill language proposed by the Senate designating funds under section 1502 of the ESEA for a comprehensive literacy program, including pre-literacy skills, reading, and writing, for students from birth through grade 12. Of the total provided for this initiative, certain funds are reserved: (1) \$10,000,000 for formula grants to States to support State Literacy teams, (2) one-half of one percent for the Secretary of Interior for the Bureau of Indian Education, (3) one-half of one percent for outlying areas, (4) and up to five percent for national activities conducted by the Secretary of Education. The remainder of the funds must be used for competitive awards to State educational agencies, of which up to five percent may be used for State leadership activities and not less than 95 percent shall be awarded as subgrants to local educational agencies or other entities, giving priority to such agencies or entities serving greater numbers or percentages of disadvantaged children. The conference agreement provides that State subgrants must be allocated as follows: (1) at least 15 percent to serve children from birth through age five, (2) 40 percent to serve students in kindergarten through grade five, and (3) 40 percent to serve students in middle and high school, through grade 12, including an equitable distribution of funds between middle and high schools. Eligible entities receiving comprehensive literacy program subgrants must use these funds for services and activities that have certain characteristics of effective literacy instruction. The House proposed other funding designations for adolescent literacy, early literacy, and national activities and evaluation related to early childhood and adolescent literacy.

The conferees direct the Department to prepare an implementation plan for K-12 literacy-related activities including, but not limited to, activities under Title I School Improvement Grants, Striving Readers, Reading is Fundamental, Reach Out and Read, and the Institute of Education Sciences, as proposed by the House. The Senate report did not propose similar report language. This plan shall be submitted to the Committees on Appropriations of the House of Representatives and the Senate not later than 30 days prior to release of a request for proposals under the Striving Readers program.

The conferees request that the Department of Education Office of Inspector General (OIG) continue to monitor the Department's implementation of procedures to identify,

disclose, and manage potential conflicts of interest, as the Department implements this new comprehensive reading initiative. The conferees request that the OIG submit a report to the Committees on Appropriations of the House of Representatives and the Senate within one year after enactment of this Act assessing the adequacy of such procedures.

Within the amount for the High School Graduation initiative, the conference agreement provides that up to \$5,000,000 may be used for peer review, technical assistance, dissemination, evaluation, and other national activities as proposed by both the House and the Senate. The conferees direct the Department to provide a briefing to the Committees on Appropriations of the House of Representatives and the Senate on the planned uses of funds for this initiative not less than 30 days prior to a request for proposals as proposed by the House. The Senate did not propose similar report language.

The conference agreement does not include bill language proposed by the Senate specifying that funds for School Renovation shall be allocated under the terms and conditions of S. 1121 (School Building Fairness Act of 2009), as introduced in the Senate on May 21, 2009. The House did not propose a similar provision.

#### IMPACT AID

The conference agreement includes \$1,276,183,000 for Impact Aid instead of \$1,290,718,000 as proposed by the House and \$1,265,718,000 as proposed by the Senate. In addition, the conference agreement includes bill language providing one-year availability of funds for Impact Aid construction grants as proposed by the Senate instead of two-year availability of funds as proposed by the House.

#### SCHOOL IMPROVEMENT PROGRAMS

The conference agreement includes \$5,228,444,000 for the School Improvement Programs account instead of \$5,244,644,000 as proposed by the House and \$5,197,316,000 as proposed by the Senate. The conference agreement provides \$3,547,003,000 in fiscal year 2010 and \$1,681,441,000 in fiscal year 2011 funding for this account.

Within the amount provided for Teacher Quality State Grants, the conference agreement includes \$5,000,000 to continue a national initiative to recruit, train, and support results-oriented, highly motivated individuals to lead high-need schools with a focus on raising the achievement of all students and closing the achievement gap in these schools. New Leaders for New Schools (NLNS) shall utilize these funds to support the organization's efforts to develop and deliver training for aspiring principals and support for principals, and conduct research to create a national knowledge base to inform the recruitment, selection, and training of principals for high-need schools. NLNS and its partners shall provide not less than a 150 percent match in cash or in-kind for the Federal funds provided for this initiative. The match may consist of cash or in-kind offerings by private philanthropy or public sources, including funding allocated by partner State and school systems, and may be used for any purpose related to the program's recruitment, training, and residencies for aspiring principals, the ongoing coaching and support of those school

leaders, as well as related research activities. The House proposed funding for this initiative under School Leadership in Innovation and Improvement. The Senate did not propose a similar provision.

For the Education Technology program, the conference agreement includes bill language permitting funds reserved for national activities to be used for activities authorized under section 802 of the Higher Education Opportunity Act. Neither the House nor the Senate proposed similar language.

For the Foreign Language Assistance program, the conference agreement designates \$9,729,000 as proposed by the Senate for five-year grants to local educational agencies that work in partnership with higher education institutions to establish articulated programs of study in national security-related languages. The House proposed \$9,360,000.

The conference agreement includes bill language proposed by the Senate that allows funds under the Education of Native Hawaiians program to be used for construction, renovation, and modernization of any elementary school, secondary school, or related structure run by the Department of Education of the State of Hawaii that serves a predominantly Native Hawaiian student body. The House proposed similar language.

The conference agreement also modifies bill language proposed by the Senate to designate, within the amount provided for the Education of Native Hawaiians program, not less than \$1,500,000 to the Hawaii Department of Education for school construction/renovation activities, \$1,500,000 for the University of Hawaii's Center of Excellence in Native Hawaiian Law, and \$500,000 for the Henry K. Guigni Memorial Archives at the University of Hawaii as authorized under part Z of title VIII of the Higher Education Act. The House did not propose similar language.

The conference agreement does not include bill language proposed by the House that permits the Secretary of Education to implement the Alaska Native Education Equity program without regard to earmarks included in the program's authorizing statute. The Senate did not propose similar language.

#### INDIAN EDUCATION

The conference agreement includes \$127,282,000 for Indian Education instead of \$132,282,000 as proposed by the House and \$122,282,000 as proposed by the Senate.

#### INNOVATION AND IMPROVEMENT

The conference agreement includes \$1,389,065,000 for Innovation and Improvement instead of \$1,347,363,000 as proposed by the House and \$1,234,787,000 as proposed by the Senate.

For the Advanced Credentialing program, the conference agreement specifies \$10,649,000 for the National Board of Professional Teaching Standards (NBPTS) as proposed by the Senate. The agreement does not include the House proposal to designate \$1,000,000 of these funds in bill language for a certification program for principals of elementary and secondary schools.

For Teach for America (TFA), the conference agreement provides \$18,000,000 as authorized under part F of title VIII of the Higher Education Act. The House proposed \$15,000,000 for TFA under the Fund for the Improvement of Education for this activity

and the Senate proposed \$20,000,000 under the Higher Education Act.

For the Charter School program, the conference agreement includes bill language as proposed by the Senate to permit the Secretary of Education to use up to \$23,082,000 for the Per-Pupil Facilities Aid program and the Credit Enhancement for Charter School Facilities program. The agreement modifies language proposed in both the House and Senate bills to allow the Secretary to reserve up to \$50,000,000 to make multiple awards to nonprofit charter management organizations and other entities that are not for-profit entities for replication and expansion of successful charter school models.

The conference agreement also modifies bill language for the Charter School program proposed by the House mandating that the Secretary of Education reserve \$10,000,000 to carry out technical assistance, including such assistance to authorized public chartering agencies in order to increase the number of high-performing charter schools; and that each Charter School program application describe a plan to monitor and hold accountable authorized public chartering agencies through such activities as providing technical assistance or establishing a professional development program. The bill language also mandates that each Charter School program application contain assurances that State law, regulations, or other policies require: (1) each authorized charter school in the State to operate under a legally binding charter or performance contract, conduct audits, and demonstrate improved achievement; and (2) authorized public chartering agencies to use increases in student achievement for all groups of students as the most important factor in renewing or revoking a school's charter. The Senate did not propose similar language.

Finally, for the Charter School program, the conference agreement includes bill language requiring the Department to submit a report describing the planned uses of certain funds prior to their obligation. Neither the House nor the Senate proposed similar language.

For the Teacher Incentive Fund (TIF), the conference agreement includes bill language as proposed by the Senate that: (1) requires TIF grantees to demonstrate that teacher performance-based compensation systems are developed with the input of teachers and school leaders, (2) permits TIF grantees to use funds to develop or improve systems and tools to enhance the quality and success of teacher compensation systems, and (3) requires applications for TIF grants to include a plan to sustain financially the activities conducted and systems developed once the grant period has expired. The House did not propose these provisions.

Within the funds provided for TIF, approximately \$220,000,000 will be used to continue fiscal year 2009 awards and the remaining funds will be available for new awards, training, technical assistance, evaluation and peer review activities.

#### Fund for the Improvement of Education (FIE)

Within FIE, the conference agreement includes funding for the following activities in the following amounts:

Budget activity	House	Senate	Conference
Arts in Education .....	\$40,166,000	\$40,000,000	\$40,000,000
Communities in Schools .....	0	5,000,000	3,500,000
Data Quality and Evaluation .....	3,000,000	3,000,000	3,000,000
Excellence in Economics Education Act .....	1,447,000	1,447,000	1,447,000
Exchanges with Historic Whaling and Trading Partners .....	0	9,000,000	8,754,000

Budget activity	House	Senate	Conference
Foundations for Learning .....	1,000,000	0	1,000,000
Full Service Community Schools .....	10,000,000	5,000,000	10,000,000
Gulf Coast Schools .....	0	0	12,000,000
Mental Health Integration .....	0	6,913,000	5,913,000
National Clearinghouse for Educational Facilities .....	0	1,000,000	1,000,000
National History Day .....	500,000	500,000	500,000
Parental Assistance Information Centers .....	39,254,000	39,254,000	39,254,000
Peer Review .....	670,000	670,000	670,000
Presidential and Congressional History Academies .....	0	0	1,815,000
Promise Neighborhoods .....	10,000,000	10,000,000	10,000,000
Reach Out and Read .....	6,965,000	6,000,000	6,000,000
Reading is Fundamental .....	24,803,000	25,000,000	24,803,000
Ready to Teach .....	0	10,700,000	10,700,000
Women's Educational Equity .....	2,423,000	2,423,000	2,423,000
Other Activities .....	4,706,000	5,000,000	0

As proposed by the Senate, the conference agreement includes \$6,000,000 for Reach Out and Read, but does not specify this amount in bill language. The House proposed to designate an amount in the bill.

Within the funds provided for Arts in Education, the conferees concur in the following allocations: \$9,060,000 for VSA arts; \$6,838,000 for the John F. Kennedy Center for the Performing Arts; \$14,616,000 for model arts programs; \$9,000,000 for model professional development programs for music, drama, dance, and visual arts educators; and \$486,000 for evaluation activities.

The conference agreement includes bill language allocating \$12,000,000 for competitive awards to local educational agencies located in counties in Louisiana, Mississippi, and Texas that were affected by Hurricanes Katrina, Ike, or Gustav, and specifying the eligible uses of these awards, including instructional materials and equipment, teacher incentives, school modernization and renovation, Advanced Placement or other rigorous courses, charter schools, and extended learning activities. Neither the House nor the Senate included similar language under the FIE. The Senate proposed \$30,000,000 for Gulf Coast schools under Education for the Disadvantaged.

For the Promise Neighborhoods initiative, the conferees direct the Department to provide a briefing to the Committees on Appropriations of the House of Representatives and the Senate on the planned use of funds not less than 30 days prior to the release of a request for proposals as proposed by the House. The Senate did not propose similar language.

The conference agreement does not include funding for the National Teacher Recruitment Campaign as proposed by the Senate. The House included \$10,000,000 for this activity.

The conferees expect the increase over fiscal year 2009 for Ready to Learn to be used for outreach programs by the Corporation for Public Broadcasting as proposed by the Senate. The House did not propose similar language.

The conference agreement includes \$88,791,000 for the following projects in the following amounts:

Project	Amount
3D School, Petal, MS, for a model dyslexia intervention program .....	250,000
Action for Bridgeport Community Development, Inc., Bridgeport, CT for its Total Learning early childhood initiative .....	700,000
Adelphi University, Garden City, NY, to support the Adelphi University Institute for Math and Science Teachers .....	200,000
Alabama School of Math and Science, Mobile, AL for curriculum development and teacher training, including purchase of equipment .....	100,000

Project	Amount	Project	Amount
Alaska Native Heritage Center, Anchorage, AK for educational programming and outreach .....	150,000	Boys and Girls Club of Truckee Meadows, Reno, NV, to develop an Internet safety program in schools .....	175,000
America Scores, St. Louis, MO for an after-school program .....	200,000	Brehm Preparatory School, Carbondale, IL, to support the development of a national database for learning disabilities education and research at Brehm Prep School .....	250,000
An Achievable Dream, Newport News, VA for education and support services for at-risk children .....	300,000	Brockton Area Private Industry Council, Inc, Brockton, MA, for workforce development programs for at-risk youth .....	100,000
Aquatic Adventures Science Education Foundation, San Diego, CA for an after-school science education program, which may include equipment and technology .....	200,000	Bushnell, Hartford, CT, for the PARTNERS Art Education Program .....	100,000
Arab City School District, Arab, AL for an education technology initiative, including purchase of equipment .....	150,000	Caddo Parish School Board, Shreveport, LA, for equipment and technology upgrades .....	100,000
Army Heritage Center Foundation, Carlisle, PA, for history education programs .....	100,000	Calcasieu Parish School Board, Lake Charles, LA, for equipment and technology upgrades .....	100,000
Auburn Joint Vocational School District, Concord Township, OH for curriculum development .....	250,000	California State University, Northridge, CA for teacher training and professional development .....	400,000
AVANCE, Inc., Austin, TX for a parenting education program ..	250,000	Capeverdean American Community Development, Pawtucket, RI for after-school, tutoring, and literacy programs .....	100,000
AVANCE, Inc., El Paso, TX for a parenting education program ..	100,000	Carnegie Hall, New York, NY for music education programs .....	300,000
Avant-Garde Learning Foundation, Anchorage, AK, for educational activities .....	500,000	Center for Rural Development, Somerset, KY for the Forward in the Fifth literacy program ..	500,000
Babyland Family Services, Inc., Newark, NJ for an early childhood education program .....	400,000	CentroNia, Takoma Park, MD, to expand pre-K services and train early education teachers .....	500,000
Baltimore City Public Schools, Baltimore MD to establish alternative education programs for academically-challenged students, which may include equipment and technology .....	500,000	Charter School Development Foundation, Las Vegas, NV for an early childhood education program .....	400,000
Bay Point Schools, Inc., Miami, FL for a boarding school for at-risk students .....	400,000	Chicago Public Schools, Chicago, IL, to provide professional development to upper elementary and middle school science teachers .....	300,000
Best Buddies Florida, Orlando, FL for mentoring programs in the 4th Congressional District for elementary and secondary school students with disabilities .....	250,000	Chicago Youth Centers, Chicago, IL for the ABC Youth Center after school program, which may include equipment and technology .....	200,000
Big Brothers Big Sisters of Alaska, Anchorage, AK, for a mentoring demonstration project ..	100,000	Childhelp, Inc., Scottsdale, AZ to develop a comprehensive update to the Good Touch Bad Touch curriculum in conjunction with the Monique Burr Foundation, Jacksonville, FL .....	250,000
Big Brothers Big Sisters of Greater Pittsburgh, Inc, Pittsburgh, PA, for mentoring programs .....	100,000	Children's Home of Easton, PA, for tutoring and mentoring at-risk youth during summer .....	125,000
Billings Public Schools, Billings, MT, for career training in construction technology, including the purchase of equipment .....	100,000	Children's Hospital Los Angeles, Los Angeles, CA for an outreach program to encourage minorities to consider health care careers .....	250,000
Bloomfield Board of Education, Bloomfield, NJ to provide alternative education for academically-challenged students .....	300,000		
Boise State University, Boise, ID for the Idaho SySTEMic Solution program .....	400,000		

<i>Project</i>	<i>Amount</i>	<i>Project</i>	<i>Amount</i>	<i>Project</i>	<i>Amount</i>
Children's Literacy Initiative, Philadelphia, PA for its literacy program .....	200,000	Communities in Schools—Northeast Texas c/o Northeast Texas Community College, Mt. Pleasant, TX for dropout prevention programs .....	200,000	Devereux Center for Effective Schools, King of Prussia, PA for the School-wide Positive Behavioral Support program .....	100,000
Choice Thru Education, Inc., Chelsea, MA for educational and career development programs for at-risk youth .....	100,000	Communities-in-Schools, Bell-Coryell Counties Inc., Killeen, TX for the Youngest Victims of War project .....	250,000	East Los Angeles Classic Theater, Los Angeles, CA for an arts education program .....	150,000
City of Bell, CA for an after-school program, which may include equipment and technology .....	200,000	Connecticut Technical High School System, Middletown, CT for equipment for Eli Whitney Technical High School's Manufacturing Technology Program .....	350,000	East Side Community Learning Center Foundation, Wilmington, DE, to support supplemental education and enrichment programs for high-needs students .....	100,000
City of Fairfield, CA for an after-school and job-skills training program .....	350,000	Connecticut Technical High School System, Middletown, CT for equipment for Vinal Technical High School's Manufacturing Technology Program .....	250,000	East Whittier City School District, Whittier, CA for support services for at-risk students, which may include equipment and technology .....	225,000
City of La Habra, CA for the Young at Art program .....	148,000	Contra Costa Child Care Council, Concord, CA for an early childhood education program .....	150,000	Eastern Kentucky PRIDE, Somerset, KY for environmental education programs .....	250,000
City of Los Angeles, CA, for the LA's BEST afterschool enrichment program .....	900,000	Cooperative Educational Service Agency No. 10, Chippewa Falls, WI for after-school programs ....	300,000	Eden Housing, Hayward, CA for a technology training program, which may include equipment and technology .....	100,000
City of Newark, CA for an after-school program .....	50,000	Cooperative Educational Service Agency No. 11, Turtle Lake, WI for after-school programs .....	400,000	Education Service Center, Region 12, Hillsboro, TX for a GEAR UP college preparation program .....	70,000
City of Prestonsburg, KY for an arts education initiative .....	200,000	Cooperative Educational Service Agency No. 12, Ashland, WI for after-school programs .....	400,000	Enrichment Services Program, Inc., Columbus, GA for after-school tutoring and GED programs for at-risk youth .....	100,000
City of Racine, WI, for an after-school and summer program for children and their parents .....	200,000	Cooperative Educational Service Agency No. 9, Tomahawk, WI for after-school programs .....	300,000	Evansville Vanderburgh School Corporation, Evansville, IN, for education programs including equipment .....	100,000
City of Vernonia School District, Vernonia, OR, for technology and equipment .....	150,000	Corpus Christi Independent School District, Corpus Christi, TX for its South Texas School Literacy Project .....	200,000	Falcon School district 49, Falcon, CO, to support a science, technology, engineering and math [STEM] education program .....	100,000
City School District of New Rochelle, New Rochelle, NY for after-school programs .....	297,000	County of Alachua, FL for after school programming .....	250,000	FAME, Inc, Wilmington, DE, to prepare minority students for college and encourage them to pursue careers in science, engineering, and math .....	125,000
City Year New Hampshire, Stratham, NH, to expand education and youth development programs .....	254,000	County of Butte, Oroville, CA, for the Literacy is for Everyone family literacy program .....	150,000	Farrell Area School District, Farrell, PA for education enrichment programs, which may include equipment and technology .....	200,000
City Year Rhode Island, Providence, RI, for a school-based initiative to improve the conditions that lead to student success and increase the graduation rate .....	100,000	Creative Visions, Des Moines, IA, for a dropout prevention program .....	200,000	Fayette County Schools, Lexington, KY for a foreign language program .....	2,500,000
Clark County School District, Las Vegas, NV, to create a school for highly gifted students .....	600,000	Cullman County Schools, Cullman, AL for a mobile laboratory initiative, including purchase of equipment .....	150,000	Five County Regional Vocational System, Tamms, IL for education support services for at-risk students .....	50,000
Clark County School District, Las Vegas, NV, to expand instructional support for English-language learners .....	600,000	Cuyahoga County Board of County Commissioners, Cleveland, OH for an early childhood education program .....	100,000	Franklin County Schools, Russellville, AL for an education technology initiative, including purchase of equipment .....	935,000
Cleveland Municipal School District, Cleveland, OH, to improve math and language skills through music education .....	100,000	Dakota Boys and Girls Ranch, Minot, ND, for an elementary school program that targets high-risk students .....	475,000	Franklin McKinley School District, San Jose, CA for an academic enrichment and college preparation program, which may include equipment and technology .....	180,000
Collaborative for Academic, Social, and Emotional Learning, Chicago, IL for social and emotional learning curriculum development and implementation in the Youngstown, Niles, and/or Warren City, OH school districts .....	900,000	Darden School Foundation, Charlottesville, VA, to improve rural, chronically low-performing schools in southwest Virginia .....	150,000	Girls Incorporated of Alameda County, San Leandro, CA for a literacy program for young girls, which may include equipment and software .....	250,000
College Success Foundation, Issaquah, WA for its academic support and mentoring programs, which may include equipment and technology .....	400,000	Davidson Academy of Nevada, Reno, NV, for math and science curriculum development .....	400,000	Glenwood School for Boys and Girls, West Campus, St. Charles, IL for an assessment and evaluation system, which may include software and technology .....	100,000
Columbia Springs Environmental Education Center, Vancouver, WA, to expand a summer school program that prepares high school students to pursue post-secondary education and green careers, including the purchase of equipment .....	100,000	Delaware Department of Education, Dover, DE for a school leadership initiative .....	250,000		
Commonwealth of the Northern Mariana Islands Public School Systems, Saipan, MP for its Refaluwasch and Chamorro language programs .....	250,000	Delaware Department of Technology and Information, Dover, DE, to improve Internet access to Delaware schools, including the purchase of equipment .....	100,000		
Commonwealth of the Northern Mariana Islands Public School Systems, Saipan, MP for the purchase of books and educational materials .....	100,000	Delta Arts Alliance, Inc, Drew, MS, for arts education and curriculum development .....	100,000		
		Delta State University, Cleveland, MS, for music education in rural areas .....	300,000		
		Des Moines Public Schools, Des Moines, IA, to expand pre-kindergarten programs .....	750,000		

<i>Project</i>	<i>Amount</i>	<i>Project</i>	<i>Amount</i>	<i>Project</i>	<i>Amount</i>
Golden Apple Foundation, Chicago, IL, to recruit and train math and science teachers through summer institutes across Illinois .....	350,000	Institute for Advanced Learning and Research, Danville, VA for an environmental education program, which may include equipment and technology .....	200,000	Lee Pesky Learning Center, Boise, ID for the Idaho Early Literacy Project, which may include the purchase of equipment .....	350,000
Governors State University, University Park, IL for early childhood education and after-school programs .....	200,000	Institute for Student Achievement, Lake Success, NY for a school retention and completion initiative at Point Coupee, Louisiana Central Prep High School .....	150,000	Leon County Schools, Tallahassee, FL for its gifted and talented enrichment program .....	350,000
Grand County School District, Moab, UT, for career and technical education programs including the purchase of equipment .....	100,000	Iowa Association of School Boards, Des Moines, IA, for continuation and expansion of the SKILLS Iowa program .....	3,550,000	Literacy Council of West Alabama, Tuscaloosa, AL for a literacy program .....	250,000
Harambee Institute, St. Louis, MO for an after-school arts education program, which may include equipment and technology .....	325,000	Iowa Department of Education, Des Moines, IA, to continue the Harkin Grant program .....	7,287,000	Little Black Pearl Art and Design Center, Chicago, IL for an after-school arts program .....	300,000
Harcum College, Bryn Mawr, PA for a science, technology, engineering and math education initiative, including purchase of equipment .....	243,000	Iowa State Education Association, Des Moines, IA, to educate teachers and students on international trade .....	133,000	LOOKBOTHWAYS, Port Townsend, WA for development of an internet safety curriculum .....	500,000
Harford County, Belair, MD, for a science, technology, engineering and math education program, including the purchase of equipment .....	400,000	Irwin County Schools, Ocilla, GA to purchase textbooks .....	100,000	Los Alamos National Lab Foundation, Espanola, NM, for recruitment and training of math and science teachers .....	100,000
Hawaii Department of Education, Honolulu, HI for its Assistance to Low Performing Schools Project, which may include equipment and technology .....	700,000	Ishpeming Public Schools, Ishpeming, MI, to provide wiring and technology upgrades ....	100,000	Los Angeles Universal Preschool, Los Angeles, CA, to expand a preschool and teacher training program .....	150,000
Hazleton Area School District, Hazleton, PA for curriculum development, equipment and technology .....	300,000	Jackson Laboratory, Bar Harbor, ME, for education programs including the purchase of equipment .....	100,000	Lyon County School District, Yerington, NV, to expand distance education, including professional development and the purchase of equipment .....	350,000
Helen Keller International, New York, NY for the Child Sight Vision Screening Program and to provide eyeglasses to children whose educational performance may be hindered because of poor vision .....	1,200,000	Jackson State University, Jackson, MS, for Mississippi Learning Institute to improve reading and literacy instruction ....	500,000	Maspeth Town Hall, Inc., Maspeth, NY for after-schools programs for at-risk youth in Queens, NY .....	150,000
Highland Falls-Fort Montgomery Central School District, Highland Falls, NY for science education, which may include equipment and technology .....	800,000	Jawonio, Inc., New York, NY for educational support services for students with disabilities .....	118,000	Massachusetts 2020, Boston, MA, for the continued development of an extended learning time initiative .....	200,000
Highline School District, Burien, WA for Aviation High School, which may include equipment and technology .....	335,000	Jazz at Lincoln Center, New York, NY for music education programs .....	800,000	Maui Economic Development Board, Kihei, HI, for engaging girls and historically underrepresented students in science, technology, engineering and math education .....	800,000
Homeless Children's Education Fund, Pittsburgh, PA, for after-school programs .....	100,000	JFYNetworks, Boston, MA, for the expansion of math, science, and language arts educational programs .....	150,000	Meeting Street, Providence, RI for an early childhood education program .....	900,000
Hope Through Housing Foundation, Rancho Cucamonga, CA, for an academic tutoring and enrichment initiative .....	350,000	Jobs for Arizona's Graduates, Inc., Scottsdale, AZ for dropout prevention and after-school programs .....	150,000	Memphis City Schools, Memphis, TN for an after-school program .....	500,000
I Won't Cheat Foundation, Salt Lake City, UT, for an anti-steroid education program and awareness campaign .....	250,000	Joplin R-VIII School District, Joplin, MO for an education technology initiative, including purchase of equipment .....	100,000	Merced County Association of Governments, Merced, CA to develop a college preparatory program at Buhach Colony High School .....	425,000
Indiana State University, Terre Haute, IN, for curriculum development and teacher training .....	100,000	Jumpstart for Young Children, Inc, Boston, MA, for expanding the Jumpstart Connecticut mentoring program .....	100,000	Meskwaki Settlement School, Sac & Fox Tribe of the Mississippi in Iowa, Tama, IA, for a culturally based education curriculum .....	500,000
Indiana University-Purdue University Fort Wayne, Ft. Wayne, IN for the Strategic Languages Institute .....	260,000	Kanawha County Schools, Charleston, WV, for the continuation and expansion of Skills West Virginia .....	500,000	Michigan City Area Schools, Michigan City, IN for career and technical education programs, which may include equipment and technology .....	350,000
Indianapolis Public Schools, Indianapolis, IN for education programs including equipment and technology .....	600,000	Kauai Economic Development Board, Lihue, HI, for science, technology, engineering and math education .....	700,000	Millcreek Children Center, Youngstown, OH for an arts education program, which may include equipment .....	145,000
Inquiry Facilitators Inc, Bernalillo, NM, for facilitating student and teacher involvement in a robotics competition .....	200,000	KNME-TV, Albuquerque, NM for the Ready to Learn program ....	50,000	Milwaukee Public Schools, Milwaukee, WI for community learning centers .....	110,000
		Labor of Love Performing Arts Academy, Chicago, IL for an after-school arts program .....	400,000	Mississippi Building Blocks, Ridgeland, MS, for establishment of a state-wide early childhood literacy program .....	500,000
		Lafourche Parish School Board, Thibodaux, LA, for equipment and tech upgrades .....	100,000	Mississippi State University, Mississippi State, MS, for economic education in k-12 settings .....	200,000
		Laurinburg Institute, Laurinburg, NC for its math, science, technology and engineering program .....	400,000	Mississippi State University, Mississippi State, MS, for enhancing K-12 science and mathematics preparation .....	100,000
		Leadership Excellence, Inc., Oakland, CA for a mentoring program for at-risk youth .....	250,000		
		Leadership, Education and Athletics in Partnership, Inc., New Haven, CT for its after-school and mentoring programs .....	300,000		



<i>Project</i>	<i>Amount</i>	<i>Project</i>	<i>Amount</i>	<i>Project</i>	<i>Amount</i>
Mississippi State University, Mississippi State, MS, for the development of an early childhood teacher education delivery system .....	750,000	Ohio Appalachian Center for Higher Education, Portsmouth, OH, to prepare students for careers and educational opportunities in science, technology, math and engineering .....	100,000	Rio Rancho Public Schools, Rio Rancho, NM for teacher training and professional development, which may include equipment and technology .....	250,000
Mississippi University for Women, Columbus, MS, for expansion of educational outreach for at-risk youth .....	550,000	Ohio University, Athens, OH for its Southeast Ohio Center for Excellence in Mathematics and Science .....	100,000	River Region Multicultural Chamber of Commerce, La Place, LA for after-school and summer academic enrichment programs .....	300,000
Mississippi University for Women, Columbus, MS, for Science and Mathematics on the Tennessee-Tombigbee Waterway .....	200,000	Old Bridge Township Public Schools, Matawan, NJ for equipment and technology .....	200,000	River Rouge School District, River Rouge, MI for transitional services and workforce training for youth, which may include equipment and technology .....	200,000
Mississippi Writing/Thinking Institute, Mississippi State, MS, for program development for Mississippi Rural Voices .....	200,000	Orange County Department of Education, Costa Mesa, CA for an Internet safety training program .....	400,000	Riverside Unified School District, Riverside, CA for a science, technology, engineering and mathematics initiative, including curriculum development and purchase of equipment .....	325,000
Missouri State University, Springfield, MO for the Missouri Innovation Academy .....	150,000	Orchestra Iowa Music Education, Cedar Rapids, IA, to support a music education program .....	400,000	Rockdale County Public Schools, Conyers, GA for its AVID/Advanced Placement program .....	300,000
Montgomery/Cleveland Avenue YMCA, Montgomery, AL, for after-school and weekend programs .....	100,000	Orem City, UT, for curriculum expansion including the purchase of equipment .....	100,000	Rockdale County Public Schools, Conyers, GA to establish year-round Pre-K programs, which may include expenses for tuition, transportation, and meals .....	400,000
National Braille Press, Boston, MA, for the development and deployment of portable Braille devices for blind school-aged children .....	200,000	Ossining Union Free School District, Ossining, NY for after-school and mentoring initiatives .....	297,000	Rodel Foundation of Delaware, Wilmington, DE for the Delaware Parent Leadership Institute .....	150,000
National Center for Electronically Mediated Learning, Inc., Milford, CT for the P.E.B.B.L.E.S. Project, which may include equipment .....	150,000	Ouachita Parish School Board, Monroe, LA for programming at the Northeast Louisiana Family Literacy Interagency Consortium .....	400,000	San Antonio Youth Centers, San Antonio, TX for after-school programs, which may include equipment and technology .....	200,000
National Council of La Raza, Washington, DC, to improve the quality and availability of early childhood education .....	500,000	Pacific Islands Center for Educational Development, Pago Pago, American Samoa, for program development .....	500,000	San Jose Unified School District, San Jose, CA for a longitudinal data system .....	250,000
National Network of Digital Schools Management Foundation, Beaver, PA for the development of an online education program, which may include equipment and technology .....	500,000	Palisades Park School District, Palisades Park, NJ for its after-school homework program, which may include technology and equipment .....	150,000	Save the Children, Albuquerque, NM, for a New Mexico rural literacy and afterschool program .....	150,000
New Haven Reads Community Book Bank, Inc., New Haven, CT for its after-school tutoring program .....	200,000	Palm Beach County School District, West Palm Beach, FL for a mentoring program .....	300,000	Save the Children, Fernley, NV, to expand the Nevada Rural Literacy Program, including the purchase of equipment .....	250,000
New York Hall of Science, Queens, NY, for a teacher training program .....	600,000	Parents as Teachers of Lake County, Inc., Hammond, IN for family literacy services .....	100,000	Save the Children, Washington, DC, for afterschool programs in Mississippi .....	100,000
North Carolina Mentoring Partnership, Raleigh, NC, for mentoring at-risk youth .....	100,000	Pasadena Educational Foundation, Pasadena, CA for its Early College High School initiative .....	100,000	Save the Children, Westport, CT for a literacy program .....	100,000
North Carolina State University, Raleigh, NC for a childrens' engineering and technological literacy program .....	100,000	Peaceable Kingdom Retreat for Children, Inc., Killeen, TX for educational programming .....	255,000	Save the Children, Westport, CT for a rural literacy program in Washington, St. Martin, and/or Tangipahoa parishes, which may include equipment and technology .....	300,000
North River Commission, Chicago, IL for after school enrichment programs in Chicago public schools located in the North River Commission area .....	100,000	Pegasus Players, Chicago, IL for an arts education program .....	100,000	School District of Cheltenham Township, Elkins Park, PA for a dual enrollment program, which may include expenses for tuition and textbooks .....	50,000
North Rockland Central School District, Garnerville, NY for an English literacy program, which may include equipment and technology .....	297,000	Piney Woods School, Piney Woods, MS, for science and technology curriculum development .....	150,000	Seattle Public Schools, Seattle, WA for a language immersion program .....	200,000
Northern Rockies Educational Services (NRES), Missoula, MT for the Taking Technology to the Classroom initiative, including purchase of equipment .....	300,000	Polk County Public Schools, Bartow, FL for purchase of equipment .....	150,000	Seattle Science Foundation, Seattle, WA, to expand a hands-on medical science program for elementary school students .....	150,000
Nye County School District, Pahrump, NV, to improve science programs in rural middle schools, including the purchase of laboratory equipment .....	425,000	Polynesian Voyaging Society, Honolulu, HI, for educational programs .....	300,000	Self Enhancement, Inc., Portland, OR for a mentoring and academic enrichment program .....	525,000
Ogden City School District, Ogden, UT for a teacher training initiative, including purchase of equipment .....	250,000	Port Chester-Rye Union Free School District, Port Chester, NY for after-school, tutoring, or other activities to implement full service community schools .....	297,000	Semos Unlimited, Santa Fe, NM, to develop and produce Hispanic learning materials .....	100,000
		Project Cornerstone, San Jose, CA for education and enrichment activities .....	226,000	Shodor Education Foundation, Inc., Durham, NC for its Computing Mentoring Academic Transitions through Experience, Research, and Service initiative .....	200,000
		Project HOME, Philadelphia, PA, for afterschool programs .....	100,000	Signature Theatre, Arlington, VA for an arts education program ..	500,000
		Prospera Initiatives, Inc., Annandale, VA for a mentoring program .....	200,000		
		Resource Area For Teachers, San Jose, CA for teacher training and professional development ...	200,000		

<i>Project</i>	<i>Amount</i>	<i>Project</i>	<i>Amount</i>	<i>Project</i>	<i>Amount</i>
Sisters In Struggle, Hempstead, NY for a life-skills program for at-risk youth, which may include equipment and technology .....	200,000	United Way of Miami-Dade, Miami, FL for the Center of Excellence in Early Education, including teacher training programs .....	300,000	Wayne State University, Detroit, MI for its science, engineering, mathematics, aerospace academy .....	300,000
Somerset Hills School District, Bernardsville, NJ for the Cultural Tolerance Education initiative .....	312,000	United Way of Youngstown/Mahoning Valley, Youngstown, OH for an early childhood education program .....	100,000	We Care San Jacinto, San Jacinto, CA for an afterschool tutoring program .....	100,000
South Berkshire Educational Collaborative, Great Barrington, MA for educational enrichment and professional development activities .....	250,000	University of Houston, Houston, TX for teacher training and professional development .....	400,000	Weber State University, Ogden, UT, for teacher education and curriculum development .....	500,000
South Carolina Governor's School for Science and Mathematics Foundation, Columbia, SC for academic enrichment programs in science, mathematics, engineering and technology .....	275,000	University of Iowa, Iowa City, IA, for the National Institute for Twice-Exceptionality .....	165,000	West New York Board of Education, West New York, NJ, to launch an alternative fuel education program, including the purchase of equipment .....	150,000
South Salt Lake City, UT, to establish education programs to expand ESL classes at the Villa Franche apartment complex .....	100,000	University of Nebraska—Kearney, Kearney, NE for curriculum development .....	350,000	West Valley City, UT, to expand an at-risk youth afterschool program .....	100,000
Southern Connecticut State University, New Haven, CT for its Autism Center for Excellence ...	300,000	University of New Orleans, New Orleans, LA, for supporting and developing charter and district-run public schools in New Orleans through teacher education, leadership preparation, applied research and policy, in cooperation with Tulane University .....	150,000	Western Oklahoma State College, Altus, OK for purchase of equipment .....	100,000
Southwestern Oklahoma State University, Weatherford, OK for purchase of equipment .....	350,000	University of North Carolina at Greensboro, Greensboro, NC for the ON TRACK mathematics enrichment program .....	165,000	WhizKids Foundation, Inc, Cambridge, MA, to expand math, science, and engineering programs for primary school students .....	100,000
Southwestern University, Georgetown, TX for a summer college preparatory program ....	443,000	University of North Florida, Jacksonville, FL for the Virtual School Readiness Incubator .....	250,000	Wings of Eagles, Horseheads, NY for a Regional Science, Technological, Engineering, and Math Academy .....	275,000
Special Olympics 2010 USA National Games, Lincoln, NE to support the 2010 Special Olympics National Games .....	350,000	University of Northern Iowa, Cedar Falls, IA, for developing a center on early childhood education .....	750,000	YMCA Espanola Teen Center, Los Alamos, NM, to provide academic and enrichment support for at-risk youth .....	125,000
Springboard for Improving Schools, San Francisco, CA for teacher training and professional development in one or more school districts in the 20th Congressional district .....	150,000	University of Southern Mississippi, Hattiesburg, MS, for gifted education programs at the Frances Karnes Center for Gifted Studies .....	200,000	YMCA of Warren, Warren, OH for an after-school program .....	100,000
Springboard for Improving Schools, San Francisco, CA for the Improving Student Achievement in the Palmdale, CA Elementary School District program .....	150,000	Upper Palmetto YMCA, Rock Hill, SC for an environmental education program, which may include equipment and technology .....	225,000	Yonkers Public Schools, Yonkers, NY for Saturday academies, music education, and teacher professional development activities .....	297,000
Springboard Schools, San Francisco, CA for teacher training and professional development in the Santa Ana Unified School District .....	150,000	Urban Assembly New York Harbor High School, Brooklyn, NY, for a marine science and marine technology program .....	150,000	YWCA of the Harbor Area and South Bay, San Pedro, CA for an early childhood education program .....	300,000
Sunrise Children's Foundation, Las Vegas, NV, for early childhood education services .....	300,000	USD 353, Wellington, KS, Public Schools for technology upgrades and teacher training .....	250,000	STATE FISCAL STABILIZATION FUND	
Syracuse University, Syracuse, NY, to expand an afterschool program and extended learning initiative .....	400,000	USD 373, Newton, Kansas Public Schools for technology upgrades .....	250,000	The conference agreement does not include funding for the State Fiscal Stabilization Fund as proposed by the Senate. The House proposed \$3,000,000 for this purpose.	
Tarrytown Union Free School District, Tarrytown, NY for programs for at-risk youth .....	297,000	USD 402, Augusta, KS Public Schools for technology upgrades .....	250,000	SAFE SCHOOLS AND CITIZENSHIP EDUCATION	
Terrebonne Parish School Board, Houma, LA, for equipment and technology upgrades .....	100,000	USD 446, Independence, KS Public Schools for technology upgrades and teacher training .....	250,000	The conference agreement includes \$393,053,000 for Safe Schools and Citizenship Education instead of \$395,753,000 as proposed by the House and \$438,061,000 as proposed by the Senate.	
Texas A&M University—Commerce, TX for a science, technology, engineering and math initiative .....	100,000	USD 470, Arkansas City, KS Public Schools for technology upgrades and training/technical assistance .....	250,000	The conference agreement includes funding for the following National activities:	
Texas State University—San Marcos, TX for the Texas Mathworks initiative .....	350,000	USD 490, Butler County, KS for technology upgrades and teacher training at the El Dorado, KS public school system .....	250,000		
Toledo GROWs, Toledo, OH for a hands-on science based curriculum in urban areas .....	300,000	Utah Valley University, Orem, UT, to establish an entrepreneurship program for high school students .....	250,000		
Trimble Local School District, Glouster, OH for an after-school program .....	175,000	Washoe County School District, Reno, NV, to expand a new teacher mentoring program .....	500,000		
Tulsa Public Schools, Tulsa, OK for the Tulsa Academic Center	350,000	Washoe County School District, Reno, NV, to support instructional coaches for K–12 teachers	500,000		

Budget activity	House	Senate	Conference
Improving School Culture and Climate .....	\$50,000,000	\$81,000,000	\$48,300,000
School Emergency Preparedness Initiative (including \$7,000,000 for institutes of higher education) .....	40,000,000	40,000,000	40,000,000
Safe Schools/Healthy Students .....	77,816,000	77,816,000	77,816,000
Student Drug Testing ...	7,839,000	7,839,000	7,839,000
Postsecondary Education Drug and Violence Prevention (including \$843,000 for the recognition program) .....	5,409,000	8,017,000	5,409,000
Sober Truth on Preventing Underage Drinking (STOP Act) .....	2,500,000	0	2,500,000
Project SERV .....	2,000,000	0	0
Other Activities .....	9,477,000	10,306,000	9,477,000

The conference agreement includes \$48,300,000 for a School Culture and Climate initiative to support new approaches to helping schools foster safe, secure, and drug-free learning environments instead of \$50,000,000

as proposed by the House and \$81,000,000 as proposed by the Senate. These funds will support new competitive grant awards in two areas: (1) reducing the number of suspensions and expulsions related to student disruptive behavior and nonviolent offenses, and (2) reducing violent crime in schools, on school grounds, and on the way to and from school. Within the funding for this initiative, the conferees have included \$8,212,000 to fund all existing character education projects through the end of their grant cycle. It is the intent of the conferees that the new School Culture and Climate initiative include character education.

The conference agreement includes \$40,000,000 for the School and College Emergency Preparedness initiative, including \$7,000,000 for assistance to institutions of higher education as proposed by both the House and Senate. Together with \$2,237,000 provided under the Substance Abuse and Mental Health Services Administration (SAMHSA), a total of \$42,237,000 will be available for this initiative.

The conferees concur that the Department shall use \$830,000 within the amount provided for Safe and Drug-Free Schools and Communities National Programs to identify, and provide recognition of, promising and model alcohol and drug abuse prevention and education programs in higher education as proposed by the Senate. The House did not specify a funding amount for this activity.

For the Carol M. White Physical Education Program, the conferees concur that the Department shall incorporate the Centers for Disease Control and Prevention's School Health Index into the program as proposed by the House. The Senate did not propose similar report language. The Department shall grant priority to those applications that have completed physical education and nutrition assessments as part of the school health index or propose to implement the index. Awards should support the implementation of science-based curriculum tools to encourage physical education and healthy eating.

Within the funds provided for the Civic Education program, the conference agreement includes \$21,617,000 for the We the People programs, including \$2,957,000 to continue the comprehensive program to improve public knowledge, understanding, and support of American democratic institutions, which is a cooperative project among the Center for Civic Education, the Center on Congress at Indiana University, and the Trust for Representative Democracy at the National Conference of State Legislatures as proposed by the House instead of \$20,076,000 as proposed by the Senate. The remaining \$13,383,000 will support the Cooperative Education Exchange program, including awards to the Center for Civic Education and the National Council on Economic Education.

#### ENGLISH LANGUAGE ACQUISITION

The conference agreement includes \$750,000,000 for English Language Acquisition as proposed by the Senate instead of \$760,000,000 as proposed by the House.

#### SPECIAL EDUCATION

The conference agreement includes \$12,587,035,000 for Special Education instead of \$12,579,677,000 as proposed by the House and \$12,587,856,000 as proposed by the Senate. The conference agreement provides \$3,994,652,000 in fiscal year 2010 and \$8,592,383,000 in fiscal year 2011 funding for this account. In addition, the conference agreement includes bill language clarifying that Part B and Part C funds appropriated in

the Recovery Act shall not be considered for the purpose of calculating Special Education State allocations for fiscal year 2010 and succeeding years. Neither the House nor the Senate proposed a similar provision.

Within the funds provided for Technology and Media Services, the conferees concur that \$737,000 is available for the Reading Rockets program, administered by the Greater Washington Educational Television Association. No funding was proposed by the House for this activity and \$1,500,000 was proposed by the Senate.

#### REHABILITATION SERVICES AND DISABILITY RESEARCH

The conference agreement includes \$3,506,861,000 for Rehabilitation Services and Disability Research instead of \$3,504,305,000 as proposed by the House and \$3,507,322,000 as proposed by the Senate. The conference agreement includes bill language that excludes the appropriation for the Centers for Independent Living program in the Recovery Act from the determination under section 723 of the Rehabilitation Act of whether a State may administer funds for the Centers for Independent Living program in that State in fiscal year 2010.

#### Demonstration and Training Programs

The conference agreement includes \$5,095,000 for the following projects in the following amounts:

<i>Project</i>	<i>Amount</i>
AbilityFirst, Pasadena, CA for programs to provide employment assistance for individuals with disabilities .....	100,000
American Federation for the Blind Technology and Employment Center, Huntington, WV, to expand the capacity of the AFB-TECH center for development of technology for the blind .....	1,000,000
Best Buddies Maryland, Baltimore, MD for mentoring programs for persons with intellectual disabilities .....	300,000
Best Buddies Massachusetts, Boston, MA for mentoring programs in the 8th Congressional district for persons with intellectual disabilities .....	70,000
Best Buddies Virginia, Falls Church, VA for mentoring programs for persons with intellectual disabilities .....	250,000
Best Buddies San Francisco, CA for mentoring programs for persons with intellectual disabilities .....	250,000
Camp High Hopes, Sioux City, IA, for a year-round camp for children with disabilities .....	300,000
Deaf Blind Service Center, Seattle, WA, for training programs and materials for support service providers who assist deaf blind individuals with employment and independent living .....	200,000
Elwyn, Inc., Aston, PA, for job training and education programs for individuals with disabilities .....	100,000
Enable America, Inc., Tampa, FL, for civic/citizenship demonstration project for disabled adults .....	600,000
Intellectual Disabilities Education Association, Inc., Bridgeport, CT, for IDEA Learning Center programming .....	225,000

<i>Project</i>	<i>Amount</i>
Northern Illinois University, DeKalb, IL for a training program to prepare instructors to work with visually impaired veterans, which may include scholarships .....	600,000
Opportunity Enterprises, Inc., Valparaiso, IN for its adult day program, which may include equipment .....	150,000
Southern California Rehabilitation Services, Downey, CA for computer and Internet training for individuals with disabilities, which may include equipment ..	100,000
Southside Training, Employment and Placement Services, Inc., Farmville, VA for training, employment services, and placement assistance for persons with disabilities, which may include equipment .....	300,000
Special Olympics of Rhode Island, Warwick, RI for delivering programs and promoting physical fitness among individuals with disabilities .....	200,000
Supporting Autism and Families Everywhere, Wilkes-Barre, PA, for vocational services and program support .....	100,000
Vocational Guidance Services—Painesville Center, Painesville, OH for the Training Enhancements Promoting Jobs for Ohioans with Disabilities project .....	100,000
Wisconsin Coalition of Independent Living Centers, Inc., Madison, WI for its Increase Vets' Independence Initiative to provide independent living services to disabled veterans ....	150,000

For the National Institute on Disability and Rehabilitation Research, the conferees note that the budget request included \$3,000,000 to support demonstrations of promising models to serve students with intellectual disabilities in higher education. Instead, the conferees provide \$11,000,000 for Model Comprehensive Transition and Postsecondary Programs for Students with Intellectual Disabilities, as authorized in the Higher Education Act, within the Higher Education account.

#### SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

##### AMERICAN PRINTING HOUSE FOR THE BLIND

The conference agreement includes \$24,600,000 for the American Printing House for the Blind as proposed by the Senate instead of \$22,599,000 as proposed by the House.

##### GALLAUDET UNIVERSITY

The conference agreement includes \$123,000,000 for Gallaudet University instead of \$120,000,000 as proposed by the House and \$126,000,000 as proposed by the Senate. The conference agreement includes bill language designating \$5,000,000 of this amount for construction and provides that the funds are available until expended.

##### CAREER, TECHNICAL, AND ADULT EDUCATION

The conference agreement includes \$2,016,447,000 for Career, Technical, and Adult Education as proposed by the House and \$2,018,447,000 as proposed by the Senate. The conference agreement provides \$1,225,447,000 in fiscal year 2010 funding, of which \$4,400,000 is available on October 1, 2009 and \$1,221,047,000 is available on July 1, 2010, and \$791,000,000 in fiscal year 2011 funding for this account.

The conference agreement includes bill language specifying \$45,907,000 within funds provided for the Adult Education State Grants program for distribution to States and outlying areas in order to remedy an administrative error in prior years as proposed by the House. The Senate proposed similar language designating \$46,000,000.

The conference agreement continues the English literacy and civics education set-aside within the appropriation for Adult Education State Grants. The conferees intend for these funds to help States or localities affected significantly by immigration to implement integrated English literacy, U.S. history, and civics education programs that provide a program of instruction designed to help an English language learner achieve competence in English through contextualized instruction on the rights and responsibilities of citizenship, naturalization procedures, civic participation, and United States history and government to help such learner acquire the skills and knowledge to become an active and informed parent, worker, and community member.

#### STUDENT FINANCIAL ASSISTANCE (INCLUDING DEFERRAL OF FUNDS)

The conference agreement includes \$19,296,809,000 for Student Financial Assistance as proposed by the Senate instead of \$19,634,905,000 as proposed by the House.

The conference agreement includes \$17,495,000,000 for the Pell Grant program as proposed by the Senate instead of \$17,783,395,000 as proposed by the House. The funds in this conference agreement will support a \$4,860 maximum Pell grant for the 2010–2011 award year. With the additional funds provided under the College Cost Reduction Act and the Recovery Act, the total maximum Pell grant will increase to \$5,550 for the 2010–2011 award year, an increase of \$200 over the previous award year.

The conference agreement defers \$561,000,000 from unobligated balances under the mandatory Academic Competitiveness and SMART grants program as proposed by the House. The Senate proposed to rescind, rather than defer, these funds. These balances are not needed to pay Academic Competitiveness and SMART awards in the 2010–2011 award year and will partially offset additional costs in the Pell Grant program.

The conferees concur that the Department shall provide the same funding in fiscal year 2010 for the Work Colleges program authorized under section 448 of the Higher Education Act from the Federal Work-Study Program appropriation as proposed by the House. The Senate did not propose similar report language.

#### HIGHER EDUCATION

The conference agreement includes \$2,255,665,000 for Higher Education instead of \$2,294,882,000 as proposed by the House and \$2,106,749,000 as proposed by the Senate. The conference agreement includes citations in the bill for title VIII of the Higher Education Act (HEA) and part I of subtitle A of title VI of the America COMPETES Act as proposed by the Senate. The House did not propose using these citations.

#### Fund for the Improvement of Postsecondary Education (FIPSE)

Within the amount for FIPSE, the conference agreement includes \$10,000,000 for the college textbook rental pilot initiative as proposed by the House. The Senate did not propose a similar provision. The conferees direct that these funds be awarded in accordance with section 803(b) through (d) of the Higher Education Act. The conferees are in-

terested in projects that propose expanding the services of college bookstores to offer innovative efforts to increase opportunities for students to rent college course materials and lower costs for students. These projects may include, but not be limited to, activities that: (1) acquire course materials that the entity will make available by rent to students, (2) develop or acquire equipment or software necessary for the conduct of a rental program, (3) place a priority on higher cost and introductory level classes, and (4) focus on students with the greatest financial need. The conferees direct that the Department provide a briefing to the Committees on Appropriations of the House of Representatives and the Senate not less than 30 days prior to the release of a request for proposals.

Within the amount for FIPSE, \$6,000,000 is included for grants to institutions of higher education for Centers of Excellence for Veteran Student Success, to support veterans, particularly those returning from Iraq and Afghanistan as proposed by the House. The Senate did not propose a similar provision. The conferees direct that these funds be awarded in accordance with section 873 of the HEA.

Within the amount for FIPSE, \$1,000,000 is included for the Training for Realtime Writers program under section 872 of the HEA as proposed by the Senate. The House did not propose funding for this program.

Within the amount for FIPSE, \$750,000 is included for the Off-campus Community Service program, in accordance with section 447 of the HEA. The Senate proposed \$1,000,000 and the House did not propose a similar provision.

Within the amount for FIPSE, \$28,822,000 is included for the Comprehensive Program, for which the conferees direct the Department to establish these invitational priorities: centers of excellence for teacher preparation as described in section 242 of the HEA; university sustainability initiatives as described in section 881 of HEA; rural development initiatives for rural-serving colleges and universities as described in section 861 of HEA; initiatives to assist highly qualified minorities and women to acquire doctoral degrees in fields where they are underrepresented as described in section 807 of HEA; modeling and simulation programs as described in section 891 of HEA; and higher education consortia to design and offer interdisciplinary programs that focus on poverty and human capability as described in section 741(a)(11) of HEA. The House proposed \$34,805,000 for the Comprehensive Program, while the Senate did not designate a specific amount for this activity.

As proposed by the Senate, the conference agreement does not set aside \$1,000,000 in the bill for modeling and simulation programs under section 891 of the HEA. The House proposed \$1,000,000 for these programs. Instead, these programs are included as an invitational priority under the FIPSE Comprehensive Program.

The conference agreement includes \$101,507,000 for the following projects in the following amounts:

Project	Amount
AB Christian Learning Center, Ft. Worth, TX for a higher education resource center .....	175,000
AIB College of Business, Des Moines, IA, to continue recruiting and training captioners and court reporters and to provide scholarships to students .....	400,000
Alamo Community College, San Antonio, TX for an associates degree program for air traffic controllers, which may include equipment and technology .....	200,000
Albany State University, Albany, GA for a model program to increase the recruitment and retention of underrepresented students in postsecondary education .....	150,000
Alcorn State University, Alcorn, MS, for graduate level curriculum development .....	300,000
Alexander City Chamber of Commerce Foundation, Alexander City, AL for the Gateway to Education Scholarship program, including scholarships .....	100,000
Alverno College, Milwaukee, WI for its Research Center for Women and Girls, which may include equipment .....	100,000
Anne Arundel Community College, Hanover, MD for its science, technology, engineering, and math initiative, which may include equipment and technology .....	350,000
Anoka Ramsey Community College, Coon Rapids, MN for curriculum development in programs relating to the medical device manufacturing industry, including purchase of equipment .....	800,000
Armstrong Atlantic State University Cyber Security Research Institute Foundation, Savannah, GA for curriculum development, including purchase of equipment .....	457,000
Asnuntuck Community College, Enfield, CT for a Medical Device Machine Technology Certificate Program, which may include equipment and technology .....	250,000
Assumption College, Worcester, MA, for the acquisition of educational equipment and information technology .....	100,000
Beloit College, Beloit, WI for college scholarships and college outreach and early awareness programs .....	150,000
Benedictine University, Lisle, IL, to design, create, and implement open source educational materials for use in introductory college courses .....	150,000
Blackburn College, Carlinville, IL, for science education programs and laboratory upgrades, including the purchase of equipment .....	225,000
Blue Mountain College, Blue Mountain, MS, for the purchase of math and science equipment .....	100,000
Blue Mountain Community College, Pendleton, OR, to expand post-secondary education including college preparatory, advanced degree and continuing education programs .....	100,000
Brandeis University, Waltham, MA for science and technology academic programs, which may include equipment and technology .....	350,000
Brazosport College, Galveston, TX for purchase of equipment to be used in the petrochemical and nuclear technician training programs .....	200,000
Brazosport College, Lake Jackson, TX for curriculum development .....	380,000
Brescia University, Owensboro, KY, for education programs including the purchase of equipment .....	500,000
Briar Cliff University, Sioux City, IA for purchase of equipment .....	100,000
Buena Vista University, Storm Lake, IA, for support for students with disabilities .....	200,000
Burcham Hills Retirement Community, East Lansing, MI to develop an Alzheimer's and dementia training program, including purchase of equipment .....	200,000
Butler Community College, El Dorado, KS for purchase of equipment .....	500,000
Caldwell College, Caldwell, NJ for curriculum development, including purchase of equipment .....	550,000
California Baptist University, Riverside, CA for purchase of equipment .....	300,000
California State University, Fullerton, CA for curriculum development associated with the Vietnamese language and culture program .....	350,000
California State University, Fullerton, CA for the Center for the Advancement of Teaching and Learning in Mathematics and Science .....	300,000
California State University, Sacramento, CA for equipment and technology for science laboratories .....	350,000
Campbell University, Bues Creek, NC for an initiative at its School of Pharmacy to train underrepresented pharmacists .....	300,000
Canisius College, Buffalo, NY for its science education program, which may include equipment and technology .....	400,000
Carnegie Mellon University, Pittsburgh, PA, for Internet-based foreign language programs .....	100,000
Cedar Crest College, Allentown, PA, for science education programs, including the purchase of equipment .....	100,000
Center for Empowered Living and Learning, Denver, CO, for an education program on terrorism .....	300,000
Central Maine Community College, Auburn, ME for its Veterans to College Initiative to provide academic counseling and support to veterans .....	150,000
Centralia College, Centralia, WA for biotechnology and science equipment .....	375,000
Chestnut Hill College, Philadelphia, PA, for the Center for Environmental Sciences and Sustainability .....	100,000
Cheyney University of Pennsylvania, Cheyney, PA for its Keystone Honors Academy .....	100,000
City College of San Jose, CA for its California Construction College to train students for careers in construction management, which may include equipment .....	368,000
Clackamas Community College, Oregon City, OR for education and training programs in renewable energy fields, which may include equipment and technology .....	400,000
Clarke College, Dubuque, IA for its Doctor of Nurse Practitioner program, which may include equipment, technology and scholarships .....	400,000
Cleveland State University, Cleveland, OH, for supportive services to degree-seeking veterans .....	200,000
Coahoma Community College, Clarksdale, MS for curricula, equipment and technology .....	50,000
Coffeyville Community College, Coffeyville, KS for the Native American Center, including purchase of equipment .....	500,000
College of Southern Idaho, Twin Falls, ID for curriculum development, including the purchase of equipment .....	200,000
College of the Canyons, Santa Clarita, CA for the University Center Consortium, including curriculum development .....	100,000
College Opportunity Resources for Education, Philadelphia, PA for college preparation and scholarship assistance .....	750,000
College Success Foundation, Washington, DC, for mentoring and scholarships .....	500,000

Project	Amount	Project	Amount	Project	Amount
College Summit-West Virginia, Dunbar, WV for a college access initiative	100,000	Ivy Tech Community College of Indiana, Northwest Region, Indianapolis, IN, for education programs including equipment	100,000	Mid-America Christian University, Oklahoma City, OK for teacher training programs, including purchase of equipment	485,000
Colorado State University—Pueblo, Pueblo, CO, for STEM programs, including equipment	125,000	Ivy Tech Community College, Terre Haute, IN, for equipment and technology for training programs at its Advanced Manufacturing Center	600,000	Middle Tennessee State University, Murfreesboro, TN for a STEM education teacher training initiative, which may include stipends	750,000
Columbia College, Columbia, SC for its Masters Degree Program in Divergent Learning	200,000	Jacksonville State University, Jacksonville, AL, for purchase of equipment	250,000	Midland Independent School District, Midland, TX for teacher training	350,000
Columbus State University, Columbus, GA for a Science, Technology, Engineering and Math (STEM) program	150,000	Jewish Employment and Vocational Service (JEVS) d/b/a JEVS Human Services, Philadelphia, PA, for an associate degree program in court reporting, which may include equipment and technology	165,000	Midway College, Inc, Midway, KY, for facilities and equipment	100,000
Command and General Staff College Foundation, Leavenworth, KS, for curriculum and course development for a homeland security masters degree program	250,000	Johnson C. Smith University, Charlotte, NC, for an Undergraduate Research Center for Electronic and Cyber Security, which may include equipment, technology and student financial assistance	400,000	Miles Community College, Miles City, MT, for curriculum development and educational equipment relating to bio-energy	100,000
Community College of Allegheny County, Pittsburgh, PA, to support technical and career postsecondary education programs	100,000	Jones County Junior College, Ellisville, MS, for purchase of equipment and technology upgrades	200,000	Minnesota State Colleges and Universities, Office of the Chancellor, St Paul, MN, for career and education services to veterans	300,000
Community College of Rhode Island, Warwick, RI, for a transition to college program	200,000	Junior College District of Metropolitan Kansas City, Kansas City, MO, for purchase of equipment and technology upgrades for the radiological technology laboratory	500,000	Minot State University, Minot, ND, to establish a Center for Community Research and Service	950,000
Community College System of New Hampshire, Concord, NH, to purchase equipment and technology to modernize the teaching of nursing	500,000	Kalamazoo Community Mental Health and Substance Abuse Services, Kalamazoo, MI, for a nursing distance education curriculum, including purchase of equipment	100,000	Mississippi College, Clinton, MS, to support dyslexia education and training	250,000
County of Greenville, Emporia, VA, for equipment and technology upgrades at the Southside Virginia Education Center	400,000	Kalamazoo Valley Community College, Kalamazoo, MI, for purchase of equipment	550,000	Mississippi Valley State University, Itta Bena, MS for an initiative to prepare undergraduate students for professional medical education, which may include equipment, technology and scholarships	400,000
Creighton University, Omaha, NE for purchase of equipment	500,000	Kankakee Community College, Kankakee, IL, for renewable energy technology training programs, which may include equipment and technology	400,000	Missouri State University, Springfield, MO, for technology, equipment, and educational materials	1,000,000
Dallas County Community College District, Dallas, TX for its Science, Technology, Engineering and Mathematics (STEM) Professions Initiative, which may include scholarships	300,000	Keene State College, Keene, NH, for its Regional Center for Advanced Manufacturing Education, which may include equipment and student financial assistance	300,000	Monroe Community College, Rochester, NY for an Academy for Veterans' Success to provide academic, career counseling, and support services to veterans	275,000
Dean College, Franklin, MA for its Embedded Study Model Project to integrate academic support services into curricula, which may include equipment and technology	150,000	Keene State College, Keene, NH, for curriculum development and educational equipment for the Monadnock Biodiesel Collaborative	100,000	Monroe Community College, Rochester, NY to establish a medical laboratory technician program, including curriculum development and purchase of equipment	325,000
Delta State University, Cleveland, MS, for teacher training in science and curriculum development	300,000	Kern Community College District, Bakersfield, CA, for purchase of equipment	250,000	Monroe County Community College, Monroe, MI for a Nuclear Engineering Technology Program	200,000
Dickinson State University, Dickinson, ND, for its Theodore Roosevelt Center	600,000	Lackawanna College, Scranton, PA, for laboratory upgrades to a science center, including the purchase of equipment	100,000	Mott Community College, Flint, MI, for the Center for Advanced Manufacturing	200,000
Donnelly College, Kansas City, KS, for equipment and technology	200,000	Lake Area Technical Institute, Watertown, SD, for educational equipment for the Energy Technology Program	500,000	Mount Union College, Alliance, OH for engineering and technology programs, which may include curricula, faculty, equipment, technology and student support	100,000
Eastern Arizona College, Thatcher, AZ, for the Gila Community College nursing education program, which may include equipment and technology	400,000	Lake Area Technical Institute, Watertown, SD, for educational equipment related to fire training	150,000	Muhlenberg College, Allentown, PA, for a civic engagement and service learning program	100,000
Eastern New Mexico University, Portales, NM, for educational equipment and technology infrastructure	100,000	Lake Michigan College, Benton Harbor, MI, for curriculum development, including the purchase of equipment	150,000	National Labor College, George Meany Center for Labor Studies, Silver Spring, MD, for the Adult Learning Program	400,000
Edmonds Community College, Lynnwood, WA, for equipment for training programs at its National Advanced Materials and Manufacturing Innovation Center	600,000	Lake Superior College, Duluth, MN, for certificate and degree programs in aviation, which may include equipment and technology	200,000	Nazareth College, Rochester, NY, for educational equipment and technology upgrades relating to math and science education	300,000
Edward M. Kennedy Institute for the Senate, Boston, MA, for program development, which may include equipment, technology, and support for an endowment	13,602,000	Lakes Region Community College, Concord, NH, for curriculum development and educational equipment for the Energy Services and Technology program	125,000	Neumann College, Aston, PA for pharmacy education programs, which may include equipment and technology	200,000
Elgin Community College, Elgin, IL, for the Health Careers Center of Excellence, including curriculum development and purchase of equipment	100,000	Lakeshore Technical College, Cleveland, WI, for curriculum development	250,000	New College, Sarasota, FL for digital collections at the Jane Bancroft Cook Library	100,000
Emerson College, Boston, MA, for educational equipment and technology infrastructure	250,000	Leeward Community College, Pearl City, HI, to provide college preparatory education for Filipino students	400,000	New Mexico Military Institute, Roswell, NM for its Native American Criminal Justice Program, which may include student scholarships	300,000
Emmanuel College, Boston, MA, for educational equipment and technology infrastructure to support the Center for Science Education	200,000	Lesley University, Cambridge, MA, for development of the National Center for Teachers and School Leaders program	150,000	Niagara Community College, Sanborn, NY for equipment and technology for training programs in hospitality and tourism	100,000
Endicott College, Beverly, MA, for educational equipment and technology infrastructure	150,000	LeTourneau University, Longview, TX, for purchase of equipment	350,000	Niagara County Community College, Sanborn, NY for information technology upgrades	275,000
Evergreen State College, Olympia, WA, for its Curriculum for the Bioregion initiative	325,000	Lincoln Land Community College, Springfield, IL, for the HIRE Education Program, including purchase of equipment	350,000	North Arkansas College, Harrison, AR for an education technology initiative, including purchase of equipment	250,000
Fairleigh Dickinson University, Madison, NJ, for curriculum development, including purchase of equipment	500,000	Lincoln University, Lincoln University, PA, for college preparation programs	100,000	North Shore Community College, Danvers, MA for a veterans education and job training program, which may include scholarships and stipends	400,000
Florida Gulf Coast University, Ft. Myers, FL, for the Coastal Watershed Institute	350,000	Livingstone College, Salisbury, NC, for its Center for Holistic Learning to provide academic and student support services, which may include equipment and technology	300,000	Northampton Community College, Bethlehem, PA for programmatic support of its Monroe County campus, which may include equipment and technology	400,000
Ft. Hays State University, Hays, KS, for purchase of equipment	250,000	Long Island University, Brookville, NY, for a Grow Your Own Teacher Program providing mentoring, education and support to high school students in underserved areas, which may include college scholarships	700,000	Northeast Iowa Community College, Calmar, IA, for a training program in renewable energy technology	300,000
Fulton-Montgomery Community College, Johnstown, NY, to establish a Center for Engineering and Technology	200,000	Lorain County Community College, Elyria, OH, for education programs including the purchase of equipment	200,000	Northern Kentucky University Foundation, Highland Heights, KY for purchase of equipment	350,000
Gadsden State Community College, Gadsden, AL, for technology upgrades	100,000	Loras College, Dubuque, IA, for science education equipment	200,000	Northern Kentucky University, Highland Heights, KY, for the purchase of equipment	2,400,000
George C. Wallace Community College, Dothan, AL, for equipment and technology to train energy technicians for nuclear facilities	200,000	Los Angeles City College Foundation, Los Angeles, CA for the Los Angeles City College nursing program	450,000	Northern Virginia Community College, Annandale, VA for a health information management program	500,000
Goodwin College, East Hartford, CT, for an environmental studies program	175,000	Loyola University New Orleans, New Orleans, LA, to establish The Center for Music and Arts Entrepreneurship & Music Industry Studies	400,000	Northwestern Connecticut Community College, Winsted, CT for an associate degree nursing program, which may include equipment and technology	350,000
Gordon College, Wenham, MA, for educational equipment and technology infrastructure	200,000	Lyndon State College, Lyndonville, VT, for a center for rural students	300,000	Oklahoma State University, Stillwater, OK for a wildlife management technician program, which may include equipment	450,000
Grace College and Theological Seminary, Winona Lake, IN, for curriculum development, including purchase of equipment	150,000	Madisonville Community College, Madisonville, KY for purchase of equipment	100,000	Palm Beach Community College, Lake Worth, FL for education and training programs in emerging industries at its Institute for Energy, which may include equipment and technology	150,000
Harrisburg University of Science and Technology, Harrisburg, PA, for curriculum development and for laboratory upgrades, including the purchase of equipment and technology	400,000	Marian University, Fond du Lac, WI for nursing curriculum development	200,000	Palm Beach Community College, Lake Worth, FL for equipment and technology for student technology and communication programs at its Belle Glade campus	350,000
Hawaii Community College, Hilo, HI, for supportive services and classroom courses to prepare students unprepared for postsecondary education	500,000	Maricopa County Community College District, Mesa, AZ for health professions training	100,000	Pearl River Community College, Poplarville, MS, for instructional technology including the purchase of equipment	200,000
Hill College, Hillsboro, TX, for vocational training at the Bosque County campus, which may include equipment and technology	200,000	Maricopa County Community College District, Tempe, AZ for its East Valley Veterans Education Center to enable veterans to enroll in and complete postsecondary education, which may include equipment and technology	300,000	Philadelphia University, Philadelphia, PA, for educational equipment relating to science	100,000
Huntingdon College, Montgomery, AL, for teacher training	100,000	Maricopa County Community College District, Tempe, AZ for the Bilingual Nursing Program at South Mountain Community College, which may include stipends	300,000	Pittsburg State University, Pittsburg, KS, for education programs	400,000
Huston-Tillotson University, Austin, TX for a math and science education initiative	350,000	Marshall University Research Corporation, Huntington, WV for equipment and technology for advanced maritime training	300,000	Polk Community College, Winter Haven, FL for purchase of equipment	300,000
Hutchinson Community College, Hutchinson, KS, for purchase of equipment	250,000	Marymount Manhattan College, New York, NY for academic programs at the Geraldine Farraro Center for Educational Excellence in Science, Technology, and Math, which may include equipment and technology	400,000	Portland Community College, Portland, OR for education and training programs in renewable energy and emerging industries, which may include equipment and technology	350,000
Illinois Community College Trustee Association, Springfield, IL, for the Illinois Community College Sustainability Network to promote and provide energy education and sustainable practices	600,000	Marymount University, Arlington, VA for science equipment and technology	200,000	Pulaski Technical College, North Little Rock, AR for library improvements, which may include equipment and technology	600,000
Iowa Lakes Community College, Estherville, IA, for a training program in construction technology and wind turbine technology, including equipment	400,000	Maryville College, Maryville, TN for an experiential science education program	300,000	Rhode Island College Foundation, Providence, RI, for educational equipment relating to science	200,000
Iowa Valley Community College District, Marshalltown, IA, for purchase of equipment	165,000	Mercyhurst College, Erie, PA, for education programs and support services for individuals with disabilities	100,000	Richland Community College, Decatur, IL for curriculum development in its bioenergy and bioprocessing degree programs	200,000
Iowa Valley Community College District, Marshalltown, IA, for a training program in agricultural and renewable energy technology, including the purchase of equipment	400,000	Metropolitan State College, Denver, CO for equipment and technology for its accredited aviation training program	200,000	Riverside Community College District, Riverside, CA for curriculum development	600,000
Itawamba Community College, Fulton, MS, for consolidation of the Tupelo and Fulton Nursing School Programs in order to provide additional nursing specialists to a five-county region	700,000				

Project	Amount
Rockford College, Rockford, IL, for technology upgrades and educational equipment .....	300,000
Rutgers University School of Law, Camden, NJ, for its public interest legal program, which may include scholarships and fellowships, a public interest summer externship program, its Marshall Brennan Program, and pro bono legal services .....	500,000
Saint Xavier University, Chicago, IL, for technology and equipment .....	750,000
Salve Regina University, Newport, RI for equipment and technology at its Blackstone Valley learning center and Newport campus .....	500,000
San Francisco State University, San Francisco, CA for a competency-based early childhood education and training initiative, which may include equipment and technology ..	350,000
San Jacinto College, Pasadena, TX for training programs in the maritime and energy industries, which may include equipment and technology .....	400,000
San Jose State University Research Foundation, San Jose, CA for an interdisciplinary Center for Global Innovation and Immigration, including curricula development and student research .....	220,000
San Luis Obispo County Community College District, San Luis Obispo, CA for purchase of equipment .....	350,000
San Mateo County Community College District, San Mateo, CA for the University Center Consortium initiative to expand academic programs and the number of students pursuing postsecondary education .....	350,000
Santa Fe College, Gainesville, FL for a clinical laboratory sciences program, including curriculum development and purchase of equipment .....	450,000
Seattle University, Seattle, WA for the Fostering Scholars Program, including scholarships .....	500,000
Security on Campus, Inc, King of Prussia, PA, for a campus crime and emergency response training program .....	100,000
Simpson College, Indianola, IA, for the creation of the John C Culver Public Policy Center .....	500,000
Snow College, Ephraim, UT, for health professions education programs .....	600,000
Southeast Missouri State University, Cape Girardeau, MO for technology upgrades .....	500,000
Southern Arkansas University Tech, Camden, AR, for curriculum development and educational equipment in the Aerospace Manufacturing program .....	150,000
Southern Illinois University, Carbondale, IL for equipment and technology upgrades .....	400,000
Southern Queens Park Association, Jamaica, NY for its Young Adults College Access & Preparedness Program, in partnership with Bard College and local high schools, to expand college access, retention and graduation for youth and young adults .....	350,000
Southern Union Community College, Wadley, AL for purchase of equipment .....	100,000
Special Education District of McHenry County, Woodstock, IL for the Pathways Program .....	100,000
St. Clair County Community College, Port Huron, MI for curriculum development .....	100,000
St. Francis College, Brooklyn, NY for its Project Access initiative, which may include equipment and technology .....	650,000
St. Joseph's College, Brooklyn, NY for equipment and technology for science laboratories, smart classrooms and distance learning .....	400,000
St. Mary's College of Maryland, St. Mary's City, MD for science laboratory and information technology equipment ..	600,000
St. Norbert College, De Pere, WI for an initiative to prepare students in science, technology, engineering and math (STEM) fields, which may include equipment and technology .....	910,000
St. Peter's College, Jersey City, NJ for equipment and technology for smart classrooms .....	300,000
St. Petersburg College, Clearwater, FL for a healthcare informatics program, including curriculum development and purchase of equipment .....	300,000
St. Thomas University, Miami Gardens, FL for a science and technology teacher training program in conjunction with the Miami-Dade County Public School System .....	300,000
St. Vincent College, Latrobe, PA for purchase of equipment ..	150,000
St. Xavier University, Orland Park, IL for the Science, Technology, Engineering and Mathematics Education Center, including purchase of equipment .....	500,000
State University of New York at Geneseo, Geneseo, NY for purchase of equipment .....	500,000
Susquehanna University, Selinsgrove, PA, for science education programs and laboratory upgrades, including the purchase of equipment .....	100,000
Tabor College, Hillsboro, KS, for rural nursing and education programs .....	350,000
Tallahassee Community College, Tallahassee, FL for purchase of equipment .....	200,000
Texas Life-Sciences Collaboration Center, Georgetown, TX for life science programs, including purchase of equipment ..	245,000
Texas State Technical College, Waco, TX for its Career Paths for Veterans project .....	100,000
Texas State University, San Marcos, TX for nursing curriculum development, including purchase of equipment ...	1,000,000
Three Rivers Community College, Poplar Bluff, MO for an education technology initiative .....	215,000
Trident Technical College, Charleston, SC for the nursing education program, which may include equipment .....	500,000
Trine University, Angola, IN for curriculum development .....	340,000
Truckee Meadows Community College, Reno, NV, to establish an online degree program for non-traditional students ...	600,000
Union County College, Cranford, NJ for curriculum development .....	400,000
University of Arizona, Tucson, AZ for the Disability Resource Center to provide instruction and support to disabled veterans to ensure academic success, which may include equipment .....	500,000

Project	Amount
University of Arkansas at Monticello, Monticello, AR, for educational equipment, technology and wiring relating to energy and environmental education .....	250,000
University of Central Arkansas, Conway, AR, for curriculum development and educational equipment relating to information technology .....	100,000
University of Connecticut School of Law, Hartford, CT for a Center for Energy and Environmental Law .....	365,000
University of Dubuque, Dubuque, IA, for equipment and technology for its aviation degree program .....	400,000
University of Guam, Mangilao, GU for development, in conjunction with the Guam Public School System and Guam Community College, of a K-16 educational program to provide a seamless pathway for college and careers .....	300,000
University of Hawaii at Hilo Clinical Pharmacy Training Program, Hilo, HI, for a clinical pharmacy training program ..	1,500,000
University of Hawaii School of Law, Honolulu, HI, for the health policy center .....	400,000
University of Illinois at Urbana-Champaign, Urbana, IL, to design, create, and implement open source educational materials for use in introductory college courses .....	150,000
University of Massachusetts-Boston, Boston, MA, for educational equipment to support a developmental science research center .....	200,000
University of Massachusetts-Lowell, Lowell, MA, for a cooperative education program .....	200,000
University of Minnesota, Crookston, MN for its Center for Rural Entrepreneurial Studies, which may include equipment, technology and student support .....	550,000
University of Montana—Mike & Maureen Mansfield Center, Missoula, MT, to establish the Institute for Leadership and Public Service to fulfill the purposes of the Mansfield Center, including the creation of an endowment .....	200,000
University of New Hampshire, Durham, NH for its National Center on Inclusive Education for Children with Autism Spectrum Disorders and Related Disabilities .....	450,000
University of New Haven, Waterbury, CT for equipment and technology for the Henry C. Lee Institute of Forensic Science Learning Center .....	350,000
University of New Mexico-Taos, NM for equipment and technology for distance education programs .....	450,000
University of South Dakota, Vermillion, SD, to identify and address the educational needs of veterans with disabilities .....	500,000
University of Southern Mississippi, Hattiesburg, MS, for curriculum and professional development at University of Southern Mississippi-Gulf Coast campus .....	200,000
University of Southern Mississippi, Hattiesburg, MS, for teacher training at the Center for Economic Education ...	100,000
University of Southern Mississippi, Hattiesburg, MS, for the development of a student retention initiative .....	500,000
University of Tennessee at Chattanooga, Chattanooga, TN for the Center for Leadership in Science, Technology, Engineering and Mathematics Education, including purchase of equipment .....	770,000
University of Texas at Tyler, Tyler, TX for a science, technology, engineering and math initiative, including purchase of equipment .....	300,000
University of Virginia Center for Politics, Charlottesville, VA, to develop interactive civic lessons for high school students .....	100,000
University of Virginia, Wise, VA for installation of a Voice Over Internet Protocol telephone system and demonstration activities through its Emerging Technologies Learning Center .....	150,000
University of Washington, Bothell, WA for a nursing faculty consortium training program, which may include scholarships .....	200,000
University of West Florida, Pensacola, FL, for education programs for veterans .....	650,000
Urban College, Boston, MA, to support higher education programs serving low-income and minority students .....	500,000
Utah State University, Logan, UT, to establish a land-grant education and research network .....	750,000
Valley City State University, Valley City, ND, for the Great Plains STEM Education Center .....	750,000
Vanguard University, Costa Mesa, CA for a teacher training initiative, including purchase of equipment .....	350,000
Voices of September 11th, New Canaan, CT, to continue the 9/11 Living Memorial Project .....	100,000
Wayne State College, Norfolk, NE for equipment at the South Sioux City College Center .....	100,000
Weber State University, Ogden, UT, for curriculum development .....	100,000
Western Governors University, Salt Lake City, UT for curriculum development .....	600,000
Western Kentucky Community and Technical College, Paducah, KY for purchase of equipment .....	250,000
Western Kentucky University Research Foundation, Bowling Green, KY, for equipment purchase .....	2,000,000
Western Kentucky University, Bowling Green, KY for purchase of equipment .....	500,000
Westminster College, Salt Lake City, UT, to expand distance learning technology including the purchase of equipment ..	500,000
Wharton County Jr. College, Wharton, TX for curriculum development to train students for work in the nuclear power industry .....	220,000
Wheelock College, Boston, MA, to develop a higher education access program for early childhood educators .....	100,000
Whitworth University, Spokane, WA, for science, technology, engineering, and mathematics equipment .....	100,000
Winthrop University, Rock Hill, SC for its Focusing on Collegiate Undergraduate Success initiative to enhance residential learning and academic support services for students .....	350,000
Youngstown State University, Youngstown, OH for its Social-Emotional Learning (SEL) Project to integrate SEL theory and techniques into the College of Education curricula and for evaluation activities .....	200,000

For Erma Byrd Scholarships, the conference agreement includes bill language designating \$1,500,000 as proposed by the Senate. The House proposed \$1,000,000 for these scholarships, which are intended to increase the size of the industrial health and safety workforce in the public and private sectors.

For the Model Comprehensive Transition and Postsecondary Programs for Students with Intellectual Disabilities, the conferees intend that the Department support a range of awards in size and scope, up to \$1,000,000 for each year of the award year, to promote the implementation of high-quality model programs and to provide a better understanding of an array of effective practices. The conferees direct that the Department provide a briefing to the Committees on Appropriations of the House of Representatives and the Senate not less than 30 days prior to the release of a request for proposals.

For TRIO, the conferees intend that the increase over fiscal year 2009 be used for the Student Support Services program, which will be re-competed in fiscal year 2010. The conferees recognize that supportive services aimed at increasing retention and graduation of low-income students in college are an important complement to student financial aid, particularly the Pell Grant program. Many such retention services are supported through Student Support Services grants. Thus, the conferees intend that the funds provided will maintain the number of Student Support Services grantees.

#### HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM

The conference agreement includes \$20,582,000 for the Historically Black College and University Capital Financing Program as proposed by the House instead of \$10,354,000 as proposed by the Senate.

#### INSTITUTE OF EDUCATION SCIENCES

The conference agreement includes \$659,006,000 for the Institute of Education Sciences (IES) instead of \$664,256,000 as proposed by the House and \$679,256,000 as proposed by the Senate. The conference agreement specifies that \$588,356,000 of total IES funding shall be available through fiscal year 2011.

Within the amount provided for IES Research, Development, and Dissemination, the conference agreement includes \$1,000,000 for a national study on minority male achievement as described in section 1109 of the Higher Education Act. The House proposed \$2,000,000 for this activity, while the Senate did not propose a similar provision.

Within the amount provided for IES Research, Development, and Dissemination, the conference agreement includes \$2,000,000 for a new research and development center for adult learning and literacy, as outlined in House Report 111-220. The Senate did not propose a similar provision.

The conferees are concerned about actions taken by IES that leave the impression that it is not subject to the same level of oversight and accountability as any other agency of the Department that receives and is responsible for allocating appropriated funds. In the fiscal year 2010 congressional budget justification, IES indicated that it would adhere to a congressional limitation included in the fiscal year 2009 explanatory statement of \$8,023,000 for the What Works Clearinghouse (WWC). However, the IES increased its allocation to WWC by more than one-third above this amount, without any notification to the Committees on Appropriations that spending information presented in budget documents would not be followed. The Committee expects the IES to adhere to funding

limits and guidance established by the Committees on Appropriations.

In addition, responses to requests for information about IES activities regularly come in later than most other agencies and the congressional budget justification provides limited information about the specific spending plans of the IES and the proposed allocation of resources. The conferees strongly support the mission of the IES, but believe the IES should make a greater effort to communicate clearly its plans for and use of taxpayer resources. Therefore, the conferees direct the IES to submit an operating plan to the Committees on Appropriations within 30 days of enactment of this Act and quarterly reports thereafter that describe planned research, development, and dissemination activities; actions taken to implement such activities; and amounts obligated for each activity at the level of detail and in the format shown in the program output measures displayed in the fiscal year 2010 congressional budget justification.

#### DEPARTMENTAL MANAGEMENT

##### PROGRAM ADMINISTRATION

The conference agreement includes \$456,200,000 for Program Administration instead of \$452,200,000 as proposed by both the House and Senate. The conferees direct the Department to establish an Educational Opportunity and Equity Commission, as outlined in House Report 111-220. The Senate did not propose this provision.

#### GENERAL PROVISIONS

##### IMPACT AID

The conference agreement includes a general provision as proposed by the Senate amending Public Law 110-161 to make available certain Impact Aid basic support payments to several school districts in Illinois for an additional two years. The House did not propose a similar provision.

##### PALAU

The conference agreement includes a general provision that extends Palau's eligibility for certain education programs through the end of fiscal year 2010. Neither the House nor the Senate proposed a similar provision.

#### STATE INCENTIVE GRANTS

The conference agreement includes a new general provision making a technical amendment to section 14006 of Public Law 111-5 pertaining to State Incentive Grants. Neither the House nor the Senate proposed a similar provision.

#### SCHOOL BUILDING FAIRNESS ACT

The conference agreement does not include a general provision as proposed by the Senate amending S. 1121, the School Building Fairness Act of 2009, to include provisions pertaining to public school libraries. The House did not propose a similar provision.

#### TITLE IV

##### RELATED AGENCIES

#### CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

##### OPERATING EXPENSES

The conference agreement includes \$857,021,000 for the operating expenses of the programs administered by the Corporation for National and Community Service (the Corporation) instead of \$792,179,000 as proposed by the House and \$864,316,000 as proposed by the Senate. Funding for the National Service Trust is provided in a separate appropriations account as proposed by both the House and Senate.

As proposed by the Senate, within the total for the National Senior Volunteer

Corps, the maximum total dollars that may be used in fiscal year 2010 for Grants.gov/eGrants support, Training and Technical Assistance, and Recruitment and Retention activities shall not exceed the amount provided for these activities in fiscal year 2009. The House did not propose similar language.

As proposed by the Senate, the conferees direct that any assignments made under section 1708 of the Serve America Act relating to programs authorized under the Domestic Volunteer Service Act shall be published in the Federal Register and, following normal procedure, allow for a 90-day comment period. Further, the conferees direct the Corporation to detail any such assignments in its annual budget justification. The House did not propose similar language.

Within the total provided for Innovation, Assistance, and Other Activities, the conference agreement includes \$50,000,000 for the Social Innovation Fund as proposed by the Senate instead of \$35,000,000 as proposed by the House.

Within the total provided for Innovation, Assistance, and Other Activities, the conference agreement includes \$1,000,000 for the nonprofit capacity building program instead of \$2,000,000 as proposed by the Senate. The House did not propose funding for this program.

Within the total provided for Innovation, Assistance, and Other Activities, the conference agreement includes \$4,000,000 for the Volunteer Generation Fund instead of \$8,000,000 as proposed by the Senate. The House did not propose similar language. The conference agreement includes bill language making the full amount available on a competitive basis to State Commissions. Neither the House nor the Senate proposed similar language.

The conference agreement does not concur in the Senate proposal to include funding within the Corporation for competitive grants under the Volunteer Generation Fund focused on identifying and enrolling eligible individuals into already existing Federal, State, and local benefit programs. Rather, \$2,000,000 is included for this activity within the Department of Health and Human Services Administration for Children and Families. The House did not propose similar language.

Within the total provided for Learn and Serve America, the conference agreement includes \$2,000,000 for the newly authorized Summer of Service program as proposed by the House. The Senate did not propose funding for this program.

#### NATIONAL SERVICE TRUST

##### (INCLUDING TRANSFER OF FUNDS)

As proposed by the Senate, the conference agreement includes \$197,000,000 for the National Service Trust, to be available until expended, instead of \$178,214,000 as proposed by the House.

The conference agreement does not concur with the House proposal to include language designating that \$1,000,000 within the total for the National Service Trust is for education awards for Summer of Service program participants. The Senate did not propose similar language. The conferees note that Summer of Service program participants are entitled to education awards, therefore language carving out dollars specifically for these program participants is unnecessary.

#### SALARIES AND EXPENSES

The conference agreement includes \$88,000,000 for the Corporation for National and Community Service Salaries and Ex-

penses as proposed by the Senate instead of \$80,923,000 as proposed by the House.

#### ADMINISTRATIVE PROVISIONS CHANGES THROUGH RULEMAKING

The conference agreement continues to include language that the Corporation for National and Community Service (the Corporation) shall make any changes to program requirements, service delivery, or policy only through public notice and comment rulemaking to include service delivery changes in the administration and/or governance of national service programs as proposed by the House. The Senate proposed language that the Corporation notify the House and Senate Appropriations Committees 15 days prior to making any significant changes to the programs or policies.

#### COMBINED MATCHING OF GRANTS

The conference agreement continues to include language that combines separate matching requirements for AmeriCorps grants as proposed by the House. The Senate did not propose similar language.

#### CORPORATION FOR PUBLIC BROADCASTING

The conference agreement includes a fiscal year 2012 advance appropriation of \$445,000,000 for the Corporation for Public Broadcasting (CPB) instead of \$440,000,000 as proposed by the House and \$450,000,000 as proposed by the Senate.

In addition, the conference agreement provides fiscal year 2010 appropriations for CPB totaling \$86,000,000 instead of \$101,000,000 as proposed by the House and \$71,000,000 as proposed by the Senate. Of the total fiscal year 2010 funding in the conference agreement, \$25,000,000 is for fiscal stabilization grants to public radio and television stations, which have experienced a downturn in revenues due to the recession that has resulted in job losses and reductions to local programming and services. The House proposed \$40,000,000 and the Senate proposed \$10,000,000 for this purpose. In addition, the conference agreement includes bill language providing that fiscal stabilization grants shall be awarded to public radio and television licensees no later than 45 days after enactment of this Act based on the guidance outlined in House Report 111-220. The remaining fiscal year 2010 appropriations include \$36,000,000 for digital transition grants and \$25,000,000 to complete the replacement of the public radio interconnection system.

#### FEDERAL MEDIATION AND CONCILIATION SERVICE

##### SALARIES AND EXPENSES

The conference agreement includes \$46,652,000 for the Federal Mediation and Conciliation Service instead of \$47,000,000 as proposed by the House and \$46,303,000 as proposed by the Senate. Within the amount provided, the conference agreement includes \$349,000 for the Labor-Management Grants program to remain available through September 30, 2010, instead of \$650,000 as proposed by the House to remain available through September 30, 2011. The Senate did not include a similar provision.

#### FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

##### SALARIES AND EXPENSES

The conference agreement includes \$10,358,000 for the Federal Mine Safety and Health Review Commission instead of \$9,858,000 as proposed by the House and \$10,858,000 as proposed by the Senate.

#### INSTITUTE OF MUSEUM AND LIBRARY SERVICES OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND ADMINISTRATION

The conference agreement includes \$282,251,000 for the Institute of Museum and



Library Services (IMLS) instead of \$275,688,000 as proposed by the House and \$275,056,000 as proposed by the Senate.

Within the total for IMLS, the conference agreement includes funds for the following activities in the following amounts:

Budget activity	House	Senate	Conference
Library Services Technology Act:			
Grants to States .....	172,561	172,000	172,561
Native American Library Services .....	3,717	4,000	4,000
National Leadership: Libraries .....	12,437	12,437	12,437
Laura Bush 21st Century Librarian .....	24,525	N/A	24,525
Museum Services Act:			
Museums for America .....	19,176	N/A	19,176
Museum Assessment Program .....	460	N/A	460
21st Century Museum Professionals .....	1,280	N/A	1,280
Conservation Project Support .....	3,052	N/A	3,052
Conservation Assessment Program .....	803	N/A	803
Native American/Hawaiian Museum Services .....	945	975	975
National Leadership: Museums .....	7,981	N/A	7,981
African American History and Culture Act:			
Museum Grants for African American History & Culture .....	1,485	N/A	1,485
Program Administration .....	17,134	17,134	17,134

Within the amount provided for Program Administration, the conference agreement includes \$4,000,000 for research and data collection activities. Neither the House nor Senate included similar language.

The bill includes \$16,382,000 for the following projects in the following amounts:

Project	Amount	Project	Amount
Aerospace Museum of California Foundation, Inc., McClellan, CA for maintenance of collections .....	930,000	Florida Holocaust Museum, St. Petersburg, FL for exhibits, collections and educational outreach programs .....	200,000
Alameda County Library Foundation, Fremont, CA for technology and equipment for the Castro Valley Library .....	300,000	Gig Harbor History Museum, Gig Harbor, WA for exhibits and interactive displays .....	200,000
Bishop Museum, Honolulu, HI, for assessments and educational programming .....	200,000	Glenville State College, Glenville, WV for programming and equipment for the college library's veteran's history project .....	350,000
Botanical Research Institute of Texas, Ft. Worth, TX to enhance collections .....	500,000	Great Lakes Science Center, Cleveland, OH, for education, outreach and exhibits .....	200,000
Cape Cod Maritime Museum, Cape Cod, MA, for the continued development of exhibits and educational programs .....	100,000	Gulf Coast Exploreum Science Center, Mobile, AL for exhibits and educational outreach .....	100,000
Cedar Rapids Public Library, Cedar Rapids, IA, for library services, including RFID upgrade .....	500,000	Holyoke Public Library, Holyoke, MA, for educational equipment and technology infrastructure ..	100,000
Center for American History, Austin, TX for educational programming at the Sam Rayburn Library and Museum .....	250,000	Iowa Radio Reading Information Service for the Blind and Print Handicapped, Inc, Des Moines, IA, for the upgrade of tuner receivers and the purchase of equipment .....	100,000
Children's Discovery Museum of San Jose, San Jose, CA for education programs .....	120,000	Isamue Noguchi Foundation and Garden Museum, Long Island City, NY for conservation projects .....	30,000
City of Chino Hills, CA for library facility improvements .....	250,000	Louisiana Children's Museum, New Orleans, LA, to establish an early childhood and parenting program .....	250,000
City of Daphne, AL for library equipment .....	100,000	McLean County Fiscal Court, Calhoun, KY, for equipment and technology at Livermore Library .....	250,000
City of Desert Hot Springs, CA for preservation of collections at the Cabot's Pueblo Museum .....	100,000	Mississippi Children's Museum, Jackson, MS, for installation, exhibits and educational programming .....	300,000
City of Hagerstown, MD, to restore and display the Doleman collection .....	150,000	Mississippi Gulf Coast Community College, Perkinston, MS, for archive of newspaper and digital media .....	100,000
City of San Diego, CA for books, technology, education and outreach programs for the Skyline Hills Branch Library .....	25,000	Mississippi Museum of Natural Science Foundation, Jackson, MS for educational outreach programs .....	220,000
City of Twin Falls, ID to digitize collections .....	100,000	Mississippi Museum of Natural Science Foundation, Jackson, MS, for science education exhibits and outreach programs ...	100,000
City of Yucaipa, CA for expanded library collections and technology upgrades .....	100,000	Morris Museum, Morristown, NJ for exhibits and educational programming .....	300,000
Czech & Slovak Museum & Library, Cedar Rapids, IA, for exhibits .....	500,000	Museum of Aviation, Warner Robins, GA for science and educational programs .....	350,000
Downingtown Library Senior Center, Downingtown, PA to expand collections and for technology upgrades .....	350,000	Museum of Science and Industry, Chicago, IL for teacher professional development .....	175,000
Eagle Mountain City, UT, for the purchase of equipment .....	100,000	Mystic Seaport Museum, Inc., Mystic, CT for technology based educational programs .....	500,000
		National Mississippi River Museum and Aquarium, Dubuque, IA, for exhibits relating to the Mississippi River .....	500,000
		National Voting Rights Museum & Institute, Selma, AL for the preservation and restoration of exhibits .....	450,000
		Native American Cultural Center and Museum, Oklahoma City, OK for exhibits and educational programming .....	750,000
		New Jersey State Library Talking Book and Braille Center, Trenton, NJ for an awareness campaign and digital materials .....	100,000
		Oakland Museum of California, Oakland, CA for a technology initiative for educational outreach .....	250,000
		Orange County Library System, Orlando, FL for Spanish language media and books .....	500,000
		Phoenixville Public Library, Phoenixville, PA to enhance collections .....	157,000
		Robert Russa Moton Museum, Farmville, VA, to develop and install exhibitions on civil rights .....	100,000
		Sewall-Beimont House and Museum, Washington, DC, for exhibitions .....	1,000,000
		St. Louis Art Museum Foundation, St. Louis, MO for restoration and reinstallation of exhibits .....	225,000
		Tallahatchie County Board of Supervisors, Glendora, MS for preservation of exhibits and collections for the Emmett Till memorial complex .....	400,000
		Texas Southern University, Robert Terry Library and Mickey Leland Center, Houston, TX for archive preservation .....	300,000
		Texas Tech University, Lubbock, TX for the Virtual Vietnam Archive .....	850,000
		Theodore Roosevelt Inaugural Site Foundation, Buffalo, NY for exhibits and interactive displays .....	150,000
		Town of Jamestown, Jamestown, CA for books and materials for the Jamestown County Library .....	100,000
		University of Mississippi, University, MS, for preserving and digitizing recordings in the modern political library archives .....	450,000



<i>Project</i>	<i>Amount</i>
University of Mississippi, University, MS, for the American Music Archives .....	300,000
Washington National Opera, Washington, DC, for set design, installation, and performing arts at libraries and schools .....	200,000
Witte Museum, San Antonio, TX for exhibits and educational outreach .....	250,000
World Food Prize, Des Moines, IA, for exhibits .....	750,000
Young at Art Children's Museum, Davie, FL for the Global Village educational program .....	100,000

## NATIONAL MEDIATION BOARD

## SALARIES AND EXPENSES

The conference agreement includes \$13,463,000 for the National Mediation Board instead of \$12,992,000 as proposed by the House and \$13,934,000 as proposed by the Senate. The increase provided is intended to increase the number of arbitration cases heard and closed.

## RAILROAD RETIREMENT BOARD

## LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

The conference agreement includes authority to expend \$8,186,000 from the Railroad Retirement and Railroad Unemployment Insurance Trust Funds for the Office of Inspector General as proposed by both the House and Senate. The conference agreement does not include bill language proposed by the House that prohibits the transfer of any other funds provided in this Act to the Office of the Inspector General. The Senate did not include such a provision.

## SOCIAL SECURITY ADMINISTRATION

## LIMITATION ON ADMINISTRATIVE EXPENSES

The conference agreement includes \$11,446,500,000 for a Limitation on Administrative Expenses for the Social Security Administration (SSA), which is the same level proposed by both the House and the Senate. The conference agreement provides \$45,000 for official reception and representation expenses as proposed by the Senate. The House included \$40,000 for these expenses.

The conference agreement includes bill language designating that from within the amounts provided for the Limitation on Administrative Expenses, not less than \$273,000,000 may be used for conducting continuing disability reviews and redeterminations of eligibility under SSA's disability programs. An additional \$485,000,000 is also provided for these continuing disability reviews and redeterminations of eligibility through a discretionary cap adjustment, as included in the Concurrent Resolution on the Budget for Fiscal Year 2010. These amounts are the same levels as proposed by the House and the Senate. Moreover, the conference agreement includes bill language allowing up to \$34,000,000 of the additional funds to be available for asset verification initiatives if the Office of the Chief Actuary determines that such initiatives would be at least as cost effective as redeterminations of eligibility as proposed by the House. The Senate bill contained a similar provision.

## TITLE V

## GENERAL PROVISIONS

## OFFICIAL RECEPTION AND REPRESENTATION EXPENSES

The conference agreement includes a general provision authorizing official reception and representation expenses for the Secretaries of Labor and Education, the Director

of the Federal Mediation and Conciliation Service, and the Chairman of the National Mediation Board. The agreement specifies \$22,000 for the Secretary of Education as proposed by the Senate instead of \$20,000 as proposed by the House.

## NEEDLE EXCHANGE PROGRAMS

The conference agreement modifies a general provision to prohibit the use of funds in this Act to distribute any needle or syringe for the purpose of preventing the spread of blood borne pathogens in any location that local public health or law enforcement agencies determine to be inappropriate. The House proposed language prohibiting the use of funds in this Act for needle exchange programs that are located within 1,000 feet of a public or private day care center, elementary school, vocational school, secondary school, college, junior college, or university, or any public swimming pool, park, playground, video arcade, or youth center, or an event sponsored by any such entity. The Senate proposed language prohibiting the use of funds in this Act for any needle exchange programs.

## NONCOMPETITIVE GRANTS AND CONTRACTS

The conference agreement modifies a general provision proposed by the House and the Senate to require the Secretaries of Labor, Health and Human Services, and Education to submit a quarterly report to the Committees on Appropriations of the House of Representatives and the Senate containing certain information on noncompetitive contracts, grants, and cooperative agreements exceeding \$500,000 in value, excluding those awarded on a formula basis or directed by law. The House proposed a reporting threshold exceeding \$100,000, while the Senate proposed a threshold exceeding \$5,000,000.

## MINIMUM WAGE IN AMERICAN SAMOA AND THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

The conference agreement includes a general provision proposed by the Senate that delays until September 30, 2010, and until September 30 of each year thereafter, scheduled minimum wage increases in American Samoa and the Commonwealth of the Northern Mariana Islands. The House did not include a similar provision.

## FRAUDULENT SOCIAL SECURITY NUMBERS

The conference agreement includes a general provision proposed by the House prohibiting the use of funds in this Act to process claims for credit for quarters of coverage based on work performed under a Social Security number that is not the claimant's number and the performance of such work under such number has formed the basis for a conviction of the claimant of a violation of section 208(a)(6) or (7) of the Social Security Act. The Senate did not include a similar provision.

## SOCIAL SECURITY TOTALIZATION AGREEMENT WITH MEXICO

The conference agreement includes a general provision proposed by the House that prohibits the use of funds in this Act to administer Social Security benefit payments under any Social Security Administration totalization agreement with Mexico. The Senate did not include a similar provision.

## NO PUBLIC BENEFITS FOR ILLEGAL ALIENS

The conference agreement includes a general provision proposed by the House that prohibits the use of funds in this Act in a manner that contravenes the 1996 Personal Responsibility and Work Opportunity Reconciliation Act. The Senate did not include a similar provision.

## LABOR LAW ENFORCEMENT

The conference agreement includes a general provision on the use of H and L visa fraud prevention and detection fees. The provision authorizes the Department of Homeland Security and the Department of Labor to conduct fraud prevention and enforcement programs that focus on industries likely to employ nonimmigrants. Neither the House nor the Senate included a similar provision.

## USE OF FIRST-CLASS TRAVEL

The conference agreement includes a general provision proposed by the House that prohibits the use of funds in this Act for first-class travel by the employees of agencies funded by this Act. The Senate did not include a similar provision.

## FULL AND FAIR COMPETITION

The conference agreement includes a general provision requiring full and fair competition for any projects contained in House Report 111-220 that are considered congressional earmarks and intended for for-profit entities. Neither the House nor the Senate included a similar provision.

## CONTRACTOR AND GRANTEE FEDERAL TAX LIABILITY

The conference agreement includes a general provision proposed by the House that prohibits the use of funds in this Act for a contract or grant exceeding \$5,000,000 unless the prospective contractor or grantee makes certain certifications regarding Federal tax liability. The Senate did not include a similar provision.

## NIDA AND NIAAA RESEARCH GRANTS

The conference agreement does not include a general provision proposed by the House prohibiting the use of funds in this Act for the National Institute on Drug Abuse grant numbered 1R21DA026324-01A1 and the National Institute on Alcohol Abuse and Alcoholism grants numbered 1R01AA018090-01 and 5R01AA016059-03. The Senate did not include a similar provision.

## USE OF ENERGY STAR LIGHT BULBS

The conference agreement does not include a general provision proposed by the House that prohibits the use of funds in this Act to purchase light bulbs unless the light bulbs are "Energy Star" qualified or have the "Federal Energy Management Program" designation. The Senate did not include a similar provision.

## DISCLOSURE OF EARMARKS AND CONGRESSIONALLY DIRECTED SPENDING ITEMS

Following is a list of congressional earmarks and congressionally directed spending items (as defined in clause 9 of rule XXI of the Rules of the House of Representatives and rule XLIV of the Standing Rules of the Senate, respectively) included in the conference report or the accompanying joint statement of managers, along with the name of each Senator, House Member, Delegate, or Resident Commissioner who submitted a request to the Committee of jurisdiction for each item so identified. Neither the conference report nor the joint statement of managers contains any limited tax benefits or limited tariff benefits as defined in the applicable House or Senate rules. Pursuant to clause 9(b) of rule XXI of the rules of the House of Representatives, none of the congressional earmarks listed below were committed to the conference committee on H.R. 3288. However, all following items were either (1) included in the Labor, Health and Human Services, and Related Agencies Appropriations Act, 2010 (H.R. 3293), as passed

by the House or as reported by the Senate, or (2) in the report of the committee of either House on H.R. 3293.

**LABOR, HEALTH AND HUMAN SERVICES, EDUCATION**  
**[Presidentially Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				Administra- tion	House
Department of Education—National Projects	Higher Education	B.J. Stupak Olympic Scholarship Program for activities authorized under the Higher Education Act	\$977,000	The President	Stupak
Department of Education—National Projects	Higher Education	Strengthening Alaska Native and Native Hawaiian Serving Institutions Programs for activities authorized under the Higher Education Act	\$15,084,000	The President	Abercrombie; Hirono; Honda; Young (AK)
Department of Education—National Projects	Higher Education	Thurgood Marshall Legal Scholarships Program authorized under the Higher Education Act	\$3,000,000	The President	Jackson (IL)
Department of Education—National Projects	Higher Education	Tribally Controlled Postsecondary Vocational Institutions authorized under the Perkins Career and Technical Education Act	\$8,162,000	The President	Honda
Department of Education—National Projects	Innovation and Improvement	Arts in Education program authorized by the Elementary and Secondary Education Act	\$40,000,000	The President	Hastings (FL); Herseeth Sandlin; Hirono; Holt; Honda; Johnson; Eddie Bernice; Langevin; McDermott; Miller (NC); Pomeroy; Rahall; Slaughter; Tauscher; Van Hollen; Woolsey
Department of Education—National Projects	Innovation and Improvement	Exchanges with Historic Whaling and Trading Partners for activities authorized under the Elementary and Secondary Education Act	\$8,754,000	The President	Abercrombie; Hirono
Department of Education—National Projects	Innovation and Improvement	National Board for Professional Teaching Standards for activities authorized under the Elementary and Secondary Education Act	\$10,649,000	The President	
Department of Education—National Projects	Innovation and Improvement	National Writing Project for activities authorized under the Elementary and Secondary Education Act	\$25,646,000	The President	Berkley; Capps; Capuano; Cardoza; Crowley; Davis (CA); Davis (IL); Ellison; Hirono; Holt; Johnson; Eddie Bernice; Kildee; Langevin; McCarthy (NY); Miller, George; Murphy (CT); Oberstar; Pomeroy; Ross; Sarbanes; Van Hollen; Waxman; Wu; Yarmuth
Department of Education—National Projects	Innovation and Improvement	Reading is Fundamental authorized under the Elementary and Secondary Education Act	\$24,803,000	The President	Abercrombie; Arcuri; Berkley; Bordallo; Brown (SC); Capps; Capuano; Carnahan; Castor (FL); Connolly (VA); Conyers; Costa; Crowley; Cuellar; Davis (CA); Davis (IL); Ellison; Etheridge; Fattah; Fudge; Gerlach; Gonzalez; Green, Gene; Grijalva; Gutierrez; Halvorson; Hastings (FL); Herseeth Sandlin; Hinojosa; Hirono; Holt; Johnson (GA); Johnson, Eddie Bernice; Kucinich; Langevin; Lee (NY); Lofgren, Zoe; Marshall; McGovern; McHugh; Miller (NC); Moore (WI); Moran (VA); Murphy (CT); Nadler (NY); Napolitano; Norton; Oberstar; Ortiz; Paul; Payne; Perriello; Pierluisi; Pomeroy; Price (NC); Rahall; Roskam; Ross; Rothman (NJ); Rush; Sarbanes; Scott (GA); Scott (VA); Shimkus; Smith (NJ); Snyder; Tauscher; Van Hollen; Waters; Waxman; Whitfield; Yarmuth; Young (AK)
Department of Education—National Projects	Innovation and Improvement	Teach for America as authorized under the Higher Education Act	\$18,000,000	The President	Abercrombie; Berkley; Capuano; Carnahan; Conyers; Davis (AL); Davis (IL); Eshoo; Etheridge; Fattah; Grijalva; Gutierrez; Herseeth Sandlin; Hinojosa; Hirono; Johnson (GA); Johnson, Eddie Bernice; Miller (NC); Moore (WI); Ortiz; Price (NC); Ross; Sablan; Sarbanes; Van Hollen; Waters; Waxman
Department of Education—National Projects	School Improvement	Alaska Native Educational Equity for activities authorized under the Elementary and Secondary Education Act	\$33,315,000	The President	Young (AK)
Department of Education—National Projects	School Improvement	Education for Native Hawaiians for activities authorized under the Elementary and Secondary Education Act	\$34,315,000	The President	Abercrombie; Hirono; Honda
Department of Education—National Projects	Special Olympics	Special Olympics for Special Olympics educational programs that can be integrated into classroom instruction and for activities to increase the participation of individuals with intellectual disabilities, as authorized under the Special Olympics Sport and Empowerment Act	\$8,095,000	The President	Conyers; Honda; Hoyer; Price (NC); Rehberg
Department of Health & Human Services—National Projects	ACF	National Association of Child Care Resources and Referral Agencies for the Child Care Aware toll-free hotline authorized under the Child Care and Development Block Grant Act	\$1,000,000	The President	Moran (VA)
Department of Health & Human Services—National Projects	HRSA	Native Hawaiian Health Care to provide primary health promotion and disease prevention services to Native Hawaiians through regional clinics under the Native Hawaiian Health Care Act of 1988	\$14,000,000	The President	Abercrombie; Hirono; Honda

**LABOR, HEALTH AND HUMAN SERVICES, EDUCATION**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Education	Elementary & Secondary Education (includes FIE)	3D School, Petal, MS, for a model dyslexia intervention program	\$250,000		Cochran; Wicker
Department of Education	Elementary & Secondary Education (includes FIE)	Action for Bridgeport Community Development, Inc., Bridgeport, CT for its Total Learning early childhood initiative	\$700,000	Himes	Dodd; Lieberman
Department of Education	Elementary & Secondary Education (includes FIE)	Adelphi University, Garden City, NY, to support the Adelphi University Institute for Math and Science Teachers	\$200,000	McCarthy (NY)	Schumer
Department of Education	Elementary & Secondary Education (includes FIE)	Alabama School of Math and Science, Mobile, AL for curriculum development and teacher training, including purchase of equipment	\$100,000	Bonner	
Department of Education	Elementary & Secondary Education (includes FIE)	Alaska Native Heritage Center, Anchorage, AK for educational programming and outreach	\$150,000	Young (AK)	Begich
Department of Education	Elementary & Secondary Education (includes FIE)	America Scores, St. Louis, MO for an after-school program	\$200,000	Carnahan	
Department of Education	Elementary & Secondary Education (includes FIE)	An Achievable Dream, Newport News, VA for education and support services for at-risk children	\$300,000	Wittman; Scott (VA)	
Department of Education	Elementary & Secondary Education (includes FIE)	Aquatic Adventures Science Education Foundation, San Diego, CA for an after-school science education program, which may include equipment and technology	\$200,000	Davis (CA)	
Department of Education	Elementary & Secondary Education (includes FIE)	Arab City School District, Arab, AL for an education technology initiative, including purchase of equipment	\$150,000	Aderholt	
Department of Education	Elementary & Secondary Education (includes FIE)	Army Heritage Center Foundation, Carlisle, PA, for history education programs	\$100,000		Specter
Department of Education	Elementary & Secondary Education (includes FIE)	Auburn Joint Vocational School District, Concord Township, OH for curriculum development	\$250,000	LaTourette	
Department of Education	Elementary & Secondary Education (includes FIE)	AVANCE, Inc., Austin, TX for parenting education programs	\$350,000	Doggett	
Department of Education	Elementary & Secondary Education (includes FIE)	AVANCE, Inc., El Paso, TX for a parenting education program	\$250,000	Reyes	
Department of Education	Elementary & Secondary Education (includes FIE)	AVANCE, Inc., Waco, TX for a family literacy program	\$100,000	Edwards (TX)	
Department of Education	Elementary & Secondary Education (includes FIE)	Avant-Garde Learning Foundation, Anchorage, AK, for educational activities	\$500,000		Murkowski; Begich
Department of Education	Elementary & Secondary Education (includes FIE)	Babyland Family Services, Inc., Newark, NJ for an early childhood education program	\$400,000	Payne	
Department of Education	Elementary & Secondary Education (includes FIE)	Baltimore City Public Schools, Baltimore MD to establish alternative education programs for academically-challenged students, which may include equipment and technology	\$500,000	Cummings	
Department of Education	Elementary & Secondary Education (includes FIE)	Bay Point Schools, Inc., Miami, FL for a boarding school for at-risk students	\$400,000	Meek (FL)	
Department of Education	Elementary & Secondary Education (includes FIE)	Best Buddies Florida, Orlando, FL for mentoring programs in the 4th Congressional District for elementary and secondary school students with disabilities	\$250,000	Crenshaw	
Department of Education	Elementary & Secondary Education (includes FIE)	Big Brothers Big Sisters of Alaska, Anchorage, AK, for a mentoring demonstration project	\$100,000		Murkowski
Department of Education	Elementary & Secondary Education (includes FIE)	Big Brothers Big Sisters of Greater Pittsburgh, Inc, Pittsburgh, PA, for mentoring programs	\$100,000		Specter
Department of Education	Elementary & Secondary Education (includes FIE)	Billings Public Schools, Billings, MT, for career training in construction technology, including the purchase of equipment	\$100,000		Tester
Department of Education	Elementary & Secondary Education (includes FIE)	Bloomfield Board of Education, Bloomfield, NJ to provide alternative education for academically-challenged students	\$300,000	Pascrell	Lautenberg; Menendez
Department of Education	Elementary & Secondary Education (includes FIE)	Boise State University, Boise, ID for the Idaho SySTEMic Solution program	\$400,000	Simpson	Crapo; Risch
Department of Education	Elementary & Secondary Education (includes FIE)	Boys and Girls Club of Truckee Meadows, Reno, NV, to develop an Internet safety program in schools	\$175,000		Reid
Department of Education	Elementary & Secondary Education (includes FIE)	Brehm Preparatory School, Carbondale, IL, to support the development of a national database for learning disabilities education and research at Brehm Prep School	\$250,000		Durbin
Department of Education	Elementary & Secondary Education (includes FIE)	Brockton Area Private Industry Council, Inc, Brockton, MA, for workforce development programs for at-risk youth	\$100,000		Kennedy; Kerry; Kirk
Department of Education	Elementary & Secondary Education (includes FIE)	Bushnell, Hartford, CT, for the PARTNERS Art Education Program	\$100,000	Larson (CT)	Dodd; Lieberman

**LABOR, HEALTH AND HUMAN SERVICES, EDUCATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Education	Elementary & Secondary Education (includes FIE)	Caddo Parish School Board, Shreveport, LA, for equipment and technology upgrades	\$100,000		Vitter
Department of Education	Elementary & Secondary Education (includes FIE)	Calcasieu Parish School Board, Lake Charles, LA, for equipment and technology upgrades	\$100,000		Vitter
Department of Education	Elementary & Secondary Education (includes FIE)	California State University, Northridge, CA for teacher training and professional development	\$400,000	Sherman	
Department of Education	Elementary & Secondary Education (includes FIE)	Capeverdean American Community Development, Pawtucket, RI for after-school, tutoring, and literacy programs	\$100,000	Kennedy	
Department of Education	Elementary & Secondary Education (includes FIE)	Carnegie Hall, New York, NY for music education programs	\$300,000	Maloney	
Department of Education	Elementary & Secondary Education (includes FIE)	Center for Rural Development, Somerset, KY for the Forward in the Fifth literacy program	\$500,000	Rogers (KY)	
Department of Education	Elementary & Secondary Education (includes FIE)	CentroNia, Takoma Park, MD, to expand pre-K services and train early education teachers	\$500,000	Van Hollen	Mikulski; Cardin
Department of Education	Elementary & Secondary Education (includes FIE)	Charter School Development Foundation, Las Vegas, NV for an early childhood education program	\$400,000	Berkley	Reid
Department of Education	Elementary & Secondary Education (includes FIE)	Chicago Public Schools, Chicago, IL, to provide professional development to upper elementary and middle school science teachers	\$300,000		Durbin
Department of Education	Elementary & Secondary Education (includes FIE)	Chicago Youth Centers, Chicago, IL for the ABC Youth Center after school program, which may include equipment and technology	\$200,000	Davis (IL)	
Department of Education	Elementary & Secondary Education (includes FIE)	Childhelp, Inc., Scottsdale, AZ to develop a comprehensive update to the Good Touch Bad Touch curriculum in conjunction with the Monique Burr Foundation, Jacksonville, FL	\$250,000	Crenshaw	
Department of Education	Elementary & Secondary Education (includes FIE)	Children's Home of Easton, PA, for tutoring and mentoring at-risk youth during summer	\$125,000		Casey; Specter
Department of Education	Elementary & Secondary Education (includes FIE)	Children's Hospital Los Angeles, Los Angeles, CA for an outreach program to encourage minorities to consider health care careers	\$250,000	Roybal-Allard	
Department of Education	Elementary & Secondary Education (includes FIE)	Children's Literacy Initiative, Philadelphia, PA for its literacy program	\$200,000	Fattah	Specter; Casey
Department of Education	Elementary & Secondary Education (includes FIE)	Choice Thru Education, Inc., Chelsea, MA for educational and career development programs for at-risk youth	\$100,000	Capuano	
Department of Education	Elementary & Secondary Education (includes FIE)	City of Bell, CA for an after-school program, which may include equipment and technology	\$200,000	Roybal-Allard	
Department of Education	Elementary & Secondary Education (includes FIE)	City of Fairfield, CA for an after-school and job-skills training program	\$350,000	Tauscher	
Department of Education	Elementary & Secondary Education (includes FIE)	City of La Habra, CA for the Young at Art program	\$148,000	Miller, Gary	
Department of Education	Elementary & Secondary Education (includes FIE)	City of Los Angeles, CA, for the LA's BEST afterschool enrichment program	\$900,000		Feinstein
Department of Education	Elementary & Secondary Education (includes FIE)	City of Newark, CA for an after-school program	\$50,000	Stark	Boxer
Department of Education	Elementary & Secondary Education (includes FIE)	City of Prestonsburg, KY for an arts education initiative	\$200,000	Rogers (KY)	
Department of Education	Elementary & Secondary Education (includes FIE)	City of Racine, WI, for an afterschool and summer program for children and their parents	\$200,000		Kohl
Department of Education	Elementary & Secondary Education (includes FIE)	City of Vernonia School District, Vernonia, OR, for technology and equipment	\$150,000	Wu	Wyden; Merkley
Department of Education	Elementary & Secondary Education (includes FIE)	City School District of New Rochelle, New Rochelle, NY for after-school programs	\$297,000	Lowey	
Department of Education	Elementary & Secondary Education (includes FIE)	City Year New Hampshire, Stratham, NH, to expand education and youth development programs	\$254,000		Gregg
Department of Education	Elementary & Secondary Education (includes FIE)	City Year Rhode Island, Providence, RI, for a school-based initiative to improve the conditions that lead to student success and increase the graduation rate	\$100,000		Whitehouse; Reed
Department of Education	Elementary & Secondary Education (includes FIE)	Clark County School District, Las Vegas, NV, to create a school for highly gifted students	\$600,000	Berkley; Titus	Reid
Department of Education	Elementary & Secondary Education (includes FIE)	Clark County School District, Las Vegas, NV, to expand instructional support for English-language learners	\$600,000	Berkley	Reid
Department of Education	Elementary & Secondary Education (includes FIE)	Cleveland Municipal School District, Cleveland, OH, to improve math and language skills through music education	\$100,000	Fudge	Voinovich

**LABOR, HEALTH AND HUMAN SERVICES, EDUCATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Education	Elementary & Secondary Education (includes FIE)	Collaborative for Academic, Social, and Emotional Learning, Chicago, IL for social and emotional learning curriculum development and implementation in the Youngstown, Niles, and/or Warren City, OH school districts	\$900,000	Ryan (OH)	
Department of Education	Elementary & Secondary Education (includes FIE)	College Success Foundation, Issaquah, WA for its academic support and mentoring programs, which may include equipment and technology	\$400,000	Dicks; Smith (WA)	
Department of Education	Elementary & Secondary Education (includes FIE)	Columbia Springs Environmental Education Center, Vancouver, WA, to expand a summer school program that prepares high school students to pursue postsecondary education and green careers, including the purchase of equipment	\$100,000		Murray
Department of Education	Elementary & Secondary Education (includes FIE)	Commonwealth of the Northern Mariana Islands Public School Systems, Saipan, MP for its Refaluwasch and Chamorro language programs	\$250,000	Sablan	
Department of Education	Elementary & Secondary Education (includes FIE)	Commonwealth of the Northern Mariana Islands Public School Systems, Saipan, MP for the purchase of books and educational materials	\$100,000	Sablan	
Department of Education	Elementary & Secondary Education (includes FIE)	Communities in Schools—Northeast Texas c/o Northeast Texas Community College, Mt. Pleasant, TX for dropout prevention programs	\$200,000	Hall (TX)	
Department of Education	Elementary & Secondary Education (includes FIE)	Communities-in-Schools, Bell-Coryell Counties Inc., Killeen, TX for the Youngest Victims of War project	\$250,000	Carter	
Department of Education	Elementary & Secondary Education (includes FIE)	Connecticut Technical High School System, Middletown, CT for equipment for Eli Whitney Technical High School's Manufacturing Technology Program	\$350,000	DeLauro	
Department of Education	Elementary & Secondary Education (includes FIE)	Connecticut Technical High School System, Middletown, CT for equipment for Vinal Technical High School's Manufacturing Technology Program	\$250,000	DeLauro	
Department of Education	Elementary & Secondary Education (includes FIE)	Contra Costa Child Care Council, Concord, CA for an early childhood education program	\$150,000	Miller, George	
Department of Education	Elementary & Secondary Education (includes FIE)	Cooperative Educational Service Agency No. 10, Chippewa Falls, WI for after-school programs	\$300,000	Obey	
Department of Education	Elementary & Secondary Education (includes FIE)	Cooperative Educational Service Agency No. 11, Turtle Lake, WI for after-school programs	\$400,000	Obey	
Department of Education	Elementary & Secondary Education (includes FIE)	Cooperative Educational Service Agency No. 12, Ashland, WI for after-school programs	\$400,000	Obey	
Department of Education	Elementary & Secondary Education (includes FIE)	Cooperative Educational Service Agency No. 9, Tomahawk, WI for after-school programs	\$300,000	Obey	
Department of Education	Elementary & Secondary Education (includes FIE)	Corpus Christi Independent School District, Corpus Christi, TX for its South Texas School Literacy Project	\$200,000	Ortiz	
Department of Education	Elementary & Secondary Education (includes FIE)	County of Alachua, FL for after school programming	\$250,000	Stearns; Brown, Corrine	
Department of Education	Elementary & Secondary Education (includes FIE)	County of Butte, Oroville, CA, for the Literacy is for Everyone family literacy program	\$150,000		Boxer
Department of Education	Elementary & Secondary Education (includes FIE)	Creative Visions, Des Moines, IA, for a dropout prevention program	\$200,000	Boswell	Harkin
Department of Education	Elementary & Secondary Education (includes FIE)	Cullman County Schools, Cullman, AL for a mobile laboratory initiative, including purchase of equipment	\$150,000	Aderholt	
Department of Education	Elementary & Secondary Education (includes FIE)	Cuyahoga County Board of County Commissioners, Cleveland, OH for an early childhood education program	\$100,000	Kucinich; Fudge; Sutton	
Department of Education	Elementary & Secondary Education (includes FIE)	Dakota Boys and Girls Ranch, Minot, ND, for an elementary school program that targets high-risk students	\$475,000		Conrad; Dorgan
Department of Education	Elementary & Secondary Education (includes FIE)	Darden School Foundation, Charlottesville, VA, to improve rural, chronically low-performing schools in southwest Virginia	\$150,000		Warner; Webb
Department of Education	Elementary & Secondary Education (includes FIE)	Davidson Academy of Nevada, Reno, NV, for math and science curriculum development	\$400,000		Ensign
Department of Education	Elementary & Secondary Education (includes FIE)	Delaware Department of Education, Dover, DE for a school leadership initiative	\$250,000	Castle	Carper; Kaufman
Department of Education	Elementary & Secondary Education (includes FIE)	Delaware Department of Technology and Information, Dover, DE, to improve Internet access to Delaware schools, including the purchase of equipment	\$100,000	Castle	Kaufman; Carper
Department of Education	Elementary & Secondary Education (includes FIE)	Delta Arts Alliance, Inc, Drew, MS, for arts education and curriculum development	\$100,000		Cochran

**LABOR, HEALTH AND HUMAN SERVICES, EDUCATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Education	Elementary & Secondary Education (includes FIE)	Delta State University, Cleveland, MS, for music education in rural areas	\$300,000		Cochran
Department of Education	Elementary & Secondary Education (includes FIE)	Des Moines Public Schools, Des Moines, IA, to expand pre-kindergarten programs	\$750,000		Harkin
Department of Education	Elementary & Secondary Education (includes FIE)	Devereux Center for Effective Schools, King of Prussia, PA for the School-wide Positive Behavioral Support program	\$100,000	Gerlach	Specter
Department of Education	Elementary & Secondary Education (includes FIE)	East Los Angeles Classic Theater, Los Angeles, CA for an arts education program	\$150,000	Roybal-Allard	
Department of Education	Elementary & Secondary Education (includes FIE)	East Side Community Learning Center Foundation, Wilmington, DE, to support supplemental education and enrichment programs for high-needs students	\$100,000		Carper; Kaufman
Department of Education	Elementary & Secondary Education (includes FIE)	East Whittier City School District, Whittier, CA for support services for at-risk students, which may include equipment and technology	\$225,000	Sanchez, Linda	
Department of Education	Elementary & Secondary Education (includes FIE)	Eastern Kentucky PRIDE, Somerset, KY for environmental education programs	\$250,000	Rogers (KY)	
Department of Education	Elementary & Secondary Education (includes FIE)	Eden Housing, Hayward, CA for a technology training program, which may include equipment and technology	\$100,000	Eshoo	
Department of Education	Elementary & Secondary Education (includes FIE)	Education Service Center, Region 12, Hillsboro, TX for a GEAR UP college preparation program	\$70,000	Edwards (TX)	
Department of Education	Elementary & Secondary Education (includes FIE)	Enrichment Services Program, Inc., Columbus, GA for after-school tutoring and GED programs for at-risk youth	\$100,000	Bishop (GA)	
Department of Education	Elementary & Secondary Education (includes FIE)	Evansville Vanderburgh School Corporation, Evansville, IN, for education programs including equipment	\$100,000	Ellsworth	Lugar
Department of Education	Elementary & Secondary Education (includes FIE)	Falcon School district 49, Falcon, CO, to support a science, technology, engineering and math [STEM] education program	\$100,000		Mark Udall; Bennet
Department of Education	Elementary & Secondary Education (includes FIE)	FAME, Inc, Wilmington, DE, to prepare minority students for college and encourage them to pursue careers in science, engineering, and math	\$125,000	Castle	Kaufman; Carper
Department of Education	Elementary & Secondary Education (includes FIE)	Family, Inc, Council Bluffs, IA, to support a home visitation program for young children and their families	\$400,000		Harkin; Grassley
Department of Education	Elementary & Secondary Education (includes FIE)	Farrell Area School District, Farrell, PA for education enrichment programs, which may include equipment and technology	\$200,000	Altmire	
Department of Education	Elementary & Secondary Education (includes FIE)	Fayette County Schools, Lexington, KY for a foreign language program	\$2,500,000	Chandler	
Department of Education	Elementary & Secondary Education (includes FIE)	Five County Regional Vocational System, Tamms, IL for education support services for at-risk students	\$50,000	Costello	
Department of Education	Elementary & Secondary Education (includes FIE)	Franklin County Schools, Russellville, AL for an education technology initiative, including purchase of equipment	\$935,000	Aderholt	
Department of Education	Elementary & Secondary Education (includes FIE)	Franklin McKinley School District, San Jose, CA for an academic enrichment and college preparation program, which may include equipment and technology	\$180,000	Honda	
Department of Education	Elementary & Secondary Education (includes FIE)	Girls Incorporated of Alameda County, San Leandro, CA for a literacy program for young girls, which may include equipment and software	\$250,000	Lee (CA)	
Department of Education	Elementary & Secondary Education (includes FIE)	Glenwood School for Boys and Girls, West Campus, St. Charles, IL for an assessment and evaluation system, which may include software and technology	\$100,000	Foster	
Department of Education	Elementary & Secondary Education (includes FIE)	Golden Apple Foundation, Chicago, IL, to recruit and train math and science teachers through summer institutes across Illinois	\$350,000		Durbin; Burris
Department of Education	Elementary & Secondary Education (includes FIE)	Governors State University, University Park, IL for early childhood education and after-school programs	\$200,000	Jackson (IL)	
Department of Education	Elementary & Secondary Education (includes FIE)	Grand County School District, Moab, UT, for career and technical education programs including the purchase of equipment	\$100,000		Bennett
Department of Education	Elementary & Secondary Education (includes FIE)	Harambee Institute, St. Louis, MO for an after-school arts education program, which may include equipment and technology	\$325,000	Clay	
Department of Education	Elementary & Secondary Education (includes FIE)	Harcum College, Bryn Mawr, PA for a science, technology, engineering and math education initiative, including purchase of equipment	\$243,000	Gerlach	Specter
Department of Education	Elementary & Secondary Education (includes FIE)	Harford County, Belair, MD, for a science, technology, engineering and math education program, including the purchase of equipment	\$400,000	Kratovil	Mikulski

**LABOR, HEALTH AND HUMAN SERVICES, EDUCATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Education	Elementary & Secondary Education (includes FIE)	Hawaii Department of Education, Honolulu, HI for its Assistance to Low Performing Schools Project, which may include equipment and technology	\$700,000	Hirono	
Department of Education	Elementary & Secondary Education (includes FIE)	Hazleton Area School District, Hazleton, PA for curriculum development, equipment and technology	\$300,000	Kanjorski	
Department of Education	Elementary & Secondary Education (includes FIE)	Helen Keller International, New York, NY for the Child Sight Vision Screening Program and to provide eyeglasses to children whose educational performance may be hindered because of poor vision	\$1,200,000	DeLauro	
Department of Education	Elementary & Secondary Education (includes FIE)	Highland Falls-Fort Montgomery Central School District, Highland Falls, NY for science education, which may include equipment and technology	\$800,000	Hall (NY)	Schumer
Department of Education	Elementary & Secondary Education (includes FIE)	Highline School District, Burien, WA for Aviation High School, which may include equipment and technology	\$335,000	Smith (WA); McDermott	
Department of Education	Elementary & Secondary Education (includes FIE)	Homeless Children's Education Fund, Pittsburgh, PA, for afterschool programs	\$100,000	Doyle	Specter
Department of Education	Elementary & Secondary Education (includes FIE)	Hope Through Housing Foundation, Rancho Cucamonga, CA, for an academic tutoring and enrichment initiative	\$350,000	Miller, Gary; Tauscher	
Department of Education	Elementary & Secondary Education (includes FIE)	I Won't Cheat Foundation, Salt Lake City, UT, for an anti-steroid education program and awareness campaign	\$250,000		Bennett
Department of Education	Elementary & Secondary Education (includes FIE)	Indiana State University, Terre Haute, IN, for curriculum development and teacher training	\$100,000	Carson (IN); Ellsworth	Lugar
Department of Education	Elementary & Secondary Education (includes FIE)	Indiana University-Purdue University Fort Wayne, Ft. Wayne, IN for the Strategic Languages Institute	\$260,000	Souder	
Department of Education	Elementary & Secondary Education (includes FIE)	Indianapolis Public Schools, Indianapolis, IN for education programs including equipment and technology	\$600,000	Carson (IN)	Lugar
Department of Education	Elementary & Secondary Education (includes FIE)	Inquiry Facilitators Inc, Bernalillo, NM, for facilitating student and teacher involvement in a robotics competition	\$200,000		Bingaman; Tom Udall
Department of Education	Elementary & Secondary Education (includes FIE)	Institute for Advanced Learning and Research, Danville, VA for an environmental education program, which may include equipment and technology	\$200,000	Perriello	
Department of Education	Elementary & Secondary Education (includes FIE)	Institute for Student Achievement, Lake Success, NY for a school retention and completion initiative at Point Coupee, Louisiana Central Prep High School	\$150,000	Alexander	Landrieu
Department of Education	Elementary & Secondary Education (includes FIE)	Iowa Association of School Boards, Des Moines, IA, for continuation and expansion of the SKILLS Iowa program	\$3,550,000		Harkin
Department of Education	Elementary & Secondary Education (includes FIE)	Iowa Department of Education, Des Moines, IA, to continue the Harkin Grant program	\$7,287,000		Harkin
Department of Education	Elementary & Secondary Education (includes FIE)	Iowa State Education Association, Des Moines, IA, to educate teachers and students on international trade	\$133,000		Grassley; Harkin
Department of Education	Elementary & Secondary Education (includes FIE)	Irwin County Schools, Ocilla, GA to purchase textbooks	\$100,000	Marshall	
Department of Education	Elementary & Secondary Education (includes FIE)	Ishpeming Public Schools, Ishpeming, MI, to provide wiring and technology upgrades	\$100,000		Levin; Stabenow
Department of Education	Elementary & Secondary Education (includes FIE)	Jackson Laboratory, Bar Harbor, ME, for education programs including the purchase of equipment	\$100,000	Michaud	Collins; Snowe
Department of Education	Elementary & Secondary Education (includes FIE)	Jackson State University, Jackson, MS, for Mississippi Learning Institute to improve reading and literacy instruction	\$500,000		Cochran; Wicker
Department of Education	Elementary & Secondary Education (includes FIE)	Jawonio, Inc., New York, NY for educational support services for students with disabilities	\$118,000	Lowey; Engel	
Department of Education	Elementary & Secondary Education (includes FIE)	Jazz at Lincoln Center, New York, NY for music education programs	\$800,000	Nadler (NY)	Harkin
Department of Education	Elementary & Secondary Education (includes FIE)	JFYNetworks, Boston, MA, for the expansion of math, science, and language arts educational programs	\$150,000	Tierney	Kennedy; Kerry; Kirk
Department of Education	Elementary & Secondary Education (includes FIE)	Jobs for Arizona's Graduates, Inc., Scottsdale, AZ for dropout prevention and after-school programs	\$150,000	Grijalva; Pastor (AZ)	
Department of Education	Elementary & Secondary Education (includes FIE)	Joplin R-VIII School District, Joplin, MO for an education technology initiative, including purchase of equipment	\$100,000	Blunt	
Department of Education	Elementary & Secondary Education (includes FIE)	Jumpstart for Young Children, Inc, Boston, MA, for expanding the Jumpstart Connecticut mentoring program	\$100,000	Courtney	Dodd
Department of Education	Elementary & Secondary Education (includes FIE)	Kanawha County Schools, Charleston, WV, for the continuation and expansion of Skills West Virginia	\$500,000		Byrd

**LABOR, HEALTH AND HUMAN SERVICES, EDUCATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Education	Elementary & Secondary Education (includes FIE)	Kauai Economic Development Board, Lihue, HI, for science, technology, engineering and math education	\$700,000		Inouye; Akaka
Department of Education	Elementary & Secondary Education (includes FIE)	KNME-TV, Albuquerque, NM for the Ready to Learn program	\$50,000	Heinrich	
Department of Education	Elementary & Secondary Education (includes FIE)	Labor of Love Performing Arts Academy, Chicago, IL for an after-school arts program	\$400,000	Rush	
Department of Education	Elementary & Secondary Education (includes FIE)	Lafourche Parish School Board, Thibodaux, LA, for equipment and tech upgrades	\$100,000		Vitter
Department of Education	Elementary & Secondary Education (includes FIE)	Laurinburg Institute, Laurinburg, NC for its math, science, technology and engineering program	\$400,000	Kissell	
Department of Education	Elementary & Secondary Education (includes FIE)	Leadership Excellence, Inc., Oakland, CA for a mentoring program for at-risk youth	\$250,000	Lee (CA)	
Department of Education	Elementary & Secondary Education (includes FIE)	Leadership, Education and Athletics in Partnership, Inc., New Haven, CT for its after-school and mentoring programs	\$300,000	DeLauro	
Department of Education	Elementary & Secondary Education (includes FIE)	Lee Pesky Learning Center, Boise, ID for the Idaho Early Literacy Project, which may include the purchase of equipment	\$350,000	Simpson	Crapo; Risch
Department of Education	Elementary & Secondary Education (includes FIE)	Leon County Schools, Tallahassee, FL for its gifted and talented enrichment program	\$350,000	Boyd	Nelson, Bill
Department of Education	Elementary & Secondary Education (includes FIE)	Literacy Council of West Alabama, Tuscaloosa, AL for a literacy program	\$250,000	Davis (AL); Bachus	
Department of Education	Elementary & Secondary Education (includes FIE)	Little Black Pearl Art and Design Center, Chicago, IL for an after-school arts program	\$300,000	Rush	
Department of Education	Elementary & Secondary Education (includes FIE)	LOOKBOTHWAYS, Port Townsend, WA for development of an internet safety curriculum	\$500,000	Reichert; Wasserman Schultz	Murray
Department of Education	Elementary & Secondary Education (includes FIE)	Los Alamos National Lab Foundation, Espanola, NM, for recruitment and training of math and science teachers	\$100,000		Tom Udall; Bingaman
Department of Education	Elementary & Secondary Education (includes FIE)	Los Angeles Universal Preschool, Los Angeles, CA, to expand a pre-school and teacher training program	\$150,000	Napolitano	Boxer
Department of Education	Elementary & Secondary Education (includes FIE)	Lyon County School District, Yerington, NV, to expand distance education, including professional development and the purchase of equipment	\$350,000		Reid
Department of Education	Elementary & Secondary Education (includes FIE)	Maspeth Town Hall, Inc., Maspeth, NY for after-schools programs for at-risk youth in Queens, NY	\$150,000	Crowley	
Department of Education	Elementary & Secondary Education (includes FIE)	Massachusetts 2020, Boston, MA, for the continued development of an extended learning time initiative	\$200,000	Markey (MA)	Kennedy; Kerry; Kirk
Department of Education	Elementary & Secondary Education (includes FIE)	Maui Economic Development Board, Kihei, HI, for engaging girls and historically underrepresented students in science, technology, engineering and math education	\$800,000		Inouye; Akaka
Department of Education	Elementary & Secondary Education (includes FIE)	Meeting Street, Providence, RI for an early childhood education program	\$900,000	Langevin; Kennedy	Reed; Whitehouse
Department of Education	Elementary & Secondary Education (includes FIE)	Memphis City Schools, Memphis, TN for an after-school program	\$500,000	Cohen	
Department of Education	Elementary & Secondary Education (includes FIE)	Merced County Association of Governments, Merced, CA to develop a college preparatory program at Buhach Colony High School	\$425,000	Cardoza	
Department of Education	Elementary & Secondary Education (includes FIE)	Meskwaki Settlement School, Sac & Fox Tribe of the Mississippi in Iowa, Tama, IA, for a culturally based education curriculum	\$500,000		Harkin; Grassley
Department of Education	Elementary & Secondary Education (includes FIE)	Michigan City Area Schools, Michigan City, IN for career and technical education programs, which may include equipment and technology	\$350,000	Donnelly (IN)	
Department of Education	Elementary & Secondary Education (includes FIE)	Millcreek Children Center, Youngstown, OH for an arts education program, which may include equipment	\$145,000	Ryan (OH)	
Department of Education	Elementary & Secondary Education (includes FIE)	Milwaukee Public Schools, Milwaukee, WI for community learning centers	\$110,000	Moore (WI)	
Department of Education	Elementary & Secondary Education (includes FIE)	Mississippi Building Blocks, Ridgeland, MS, for establishment of a state-wide early childhood literacy program	\$500,000		Cochran; Wicker
Department of Education	Elementary & Secondary Education (includes FIE)	Mississippi State University, Mississippi State, MS, for economic education in k-12 settings	\$200,000		Cochran; Wicker
Department of Education	Elementary & Secondary Education (includes FIE)	Mississippi State University, Mississippi State, MS, for enhancing K-12 science and mathematics preparation	\$100,000		Cochran
Department of Education	Elementary & Secondary Education (includes FIE)	Mississippi State University, Mississippi State, MS, for the development of an early childhood teacher education delivery system	\$750,000	Harper	Cochran; Wicker



**LABOR, HEALTH AND HUMAN SERVICES, EDUCATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Education	Elementary & Secondary Education (includes FIE)	Mississippi University for Women, Columbus, MS, for expansion of educational outreach for at-risk youth	\$550,000		Wicker; Cochran
Department of Education	Elementary & Secondary Education (includes FIE)	Mississippi University for Women, Columbus, MS, for Science and Mathematics on the Tennessee-Tombigbee Waterway	\$200,000		Cochran; Wicker
Department of Education	Elementary & Secondary Education (includes FIE)	Mississippi Writing/Thinking Institute, Mississippi State, MS, for program development for Mississippi Rural Voices	\$200,000		Cochran
Department of Education	Elementary & Secondary Education (includes FIE)	Missouri State University, Springfield, MO for the Missouri Innovation Academy	\$150,000	Blunt	
Department of Education	Elementary & Secondary Education (includes FIE)	Montgomery/Cleveland Avenue YMCA, Montgomery, AL, for after-school and weekend programs	\$100,000		Sessions
Department of Education	Elementary & Secondary Education (includes FIE)	National Braille Press, Boston, MA, for the development and deployment of portable Braille devices for blind school-aged children	\$200,000	Capuano	Kennedy; Kerry; Kirk
Department of Education	Elementary & Secondary Education (includes FIE)	National Center for Electronically Mediated Learning, Inc., Milford, CT for the P.E.B.B.L.E.S. Project, which may include equipment	\$150,000	DeLauro	
Department of Education	Elementary & Secondary Education (includes FIE)	National Council of La Raza, Washington, DC, to improve the quality and availability of early childhood education	\$500,000		Menendez
Department of Education	Elementary & Secondary Education (includes FIE)	National Network of Digital Schools Management Foundation, Beaver, PA for the development of an online education program, which may include equipment and technology	\$500,000	Altmire	
Department of Education	Elementary & Secondary Education (includes FIE)	New Haven Reads Community Book Bank, Inc., New Haven, CT for its after-school tutoring program	\$200,000	DeLauro	Dodd; Lieberman
Department of Education	Elementary & Secondary Education (includes FIE)	New York Hall of Science, Queens, NY, for a teacher training program	\$600,000	Ackerman; Crowley	Gillibrand
Department of Education	Elementary & Secondary Education (includes FIE)	North Carolina Mentoring Partnership, Raleigh, NC, for mentoring at-risk youth	\$100,000	McIntyre; Watt	Hagan
Department of Education	Elementary & Secondary Education (includes FIE)	North Carolina State University, Raleigh, NC for a childrens' engineering and technological literacy program	\$100,000	Price (NC)	
Department of Education	Elementary & Secondary Education (includes FIE)	North River Commission, Chicago, IL for after school enrichment programs in Chicago public schools located in the North River Commission area	\$100,000	Quigley	
Department of Education	Elementary & Secondary Education (includes FIE)	North Rockland Central School District, Garnerville, NY for an English literacy program, which may include equipment and technology	\$297,000	Lowey	
Department of Education	Elementary & Secondary Education (includes FIE)	Northern Rockies Educational Services (NRES), Missoula, MT for the Taking Technology to the Classroom initiative, including purchase of equipment	\$300,000	Rehberg	
Department of Education	Elementary & Secondary Education (includes FIE)	Nye County School District, Pahrump, NV, to improve science programs in rural middle schools, including the purchase of laboratory equipment	\$425,000		Reid
Department of Education	Elementary & Secondary Education (includes FIE)	Ogden City School District, Ogden, UT for a teacher training initiative, including purchase of equipment	\$250,000	Bishop (UT)	Hatch
Department of Education	Elementary & Secondary Education (includes FIE)	Ohio Appalachian Center for Higher Education, Portsmouth, OH, to prepare students for careers and educational opportunities in science, technology, math and engineering	\$100,000		Brown
Department of Education	Elementary & Secondary Education (includes FIE)	Ohio University, Athens, OH for its Southeast Ohio Center for Excellence in Mathematics and Science	\$100,000	Wilson (OH); Space	
Department of Education	Elementary & Secondary Education (includes FIE)	Old Bridge Township Public Schools, Matawan, NJ for equipment and technology	\$200,000	Holt	
Department of Education	Elementary & Secondary Education (includes FIE)	Orange County Department of Education, Costa Mesa, CA for an Internet safety training program	\$400,000	Sanchez; Loretta; Royce	
Department of Education	Elementary & Secondary Education (includes FIE)	Orchestra Iowa Music Education, Cedar Rapids, IA, to support a music education program	\$400,000	Loeb sack	Harkin
Department of Education	Elementary & Secondary Education (includes FIE)	Orem City, UT, for curriculum expansion including the purchase of equipment	\$100,000		Bennett; Hatch
Department of Education	Elementary & Secondary Education (includes FIE)	Ossining Union Free School District, Ossining, NY for after-school and mentoring initiatives	\$297,000	Lowey	
Department of Education	Elementary & Secondary Education (includes FIE)	Ouachita Parish School Board, Monroe, LA for programming at the Northeast Louisiana Family Literacy Interagency Consortium	\$400,000	Alexander	Landrieu
Department of Education	Elementary & Secondary Education (includes FIE)	Pacific Islands Center for Educational Development, Pago Pago, America Samoa, for program development	\$500,000		Inouye; Akaka
Department of Education	Elementary & Secondary Education (includes FIE)	Palisades Park School District, Palisades Park, NJ for its after-school homework program, which may include technology and equipment	\$150,000	Rothman (NJ)	

**LABOR, HEALTH AND HUMAN SERVICES, EDUCATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Education	Elementary & Secondary Education (includes FIE)	Palm Beach County School District, West Palm Beach, FL for a mentoring program	\$300,000	Wexler; Hastings (FL); Klein (FL)	Nelson, Bill
Department of Education	Elementary & Secondary Education (includes FIE)	Parents as Teachers of Lake County, Inc., Hammond, IN for family literacy services	\$100,000	Visclosky	
Department of Education	Elementary & Secondary Education (includes FIE)	Pasadena Educational Foundation, Pasadena, CA for its Early College High School initiative	\$100,000	Schiff	
Department of Education	Elementary & Secondary Education (includes FIE)	Peaceable Kingdom Retreat for Children, Inc., Killeen, TX for educational programming	\$255,000	Carter	
Department of Education	Elementary & Secondary Education (includes FIE)	Pegasus Players, Chicago, IL for an arts education program	\$100,000	Schakowsky	
Department of Education	Elementary & Secondary Education (includes FIE)	Piney Woods School, Piney Woods, MS, for science and technology curriculum development	\$150,000		Cochran
Department of Education	Elementary & Secondary Education (includes FIE)	Polk County Public Schools, Bartow, FL for purchase of equipment	\$150,000	Putnam	
Department of Education	Elementary & Secondary Education (includes FIE)	Polynesian Voyaging Society, Honolulu, HI, for educational programs	\$300,000		Inouye; Akaka
Department of Education	Elementary & Secondary Education (includes FIE)	Port Chester-Rye Union Free School District, Port Chester, NY for after-school, tutoring, or other activities to implement full service community schools	\$297,000	Lowey	
Department of Education	Elementary & Secondary Education (includes FIE)	Project Cornerstone, San Jose, CA for education and enrichment activities	\$226,000	Honda	
Department of Education	Elementary & Secondary Education (includes FIE)	Project HOME, Philadelphia, PA, for afterschool programs	\$100,000		Specter
Department of Education	Elementary & Secondary Education (includes FIE)	Prospera Initiatives, Inc., Annandale, VA for a mentoring program	\$200,000	Moran (VA)	
Department of Education	Elementary & Secondary Education (includes FIE)	Resource Area For Teachers, San Jose, CA for teacher training and professional development	\$200,000	Honda	
Department of Education	Elementary & Secondary Education (includes FIE)	Rio Rancho Public Schools, Rio Rancho, NM for teacher training and professional development, which may include equipment and technology	\$250,000	Lujan	
Department of Education	Elementary & Secondary Education (includes FIE)	River Region Multicultural Chamber of Commerce, La Place, LA for after-school and summer academic enrichment programs	\$300,000	Melancon	
Department of Education	Elementary & Secondary Education (includes FIE)	River Rouge School District, River Rouge, MI for transitional services and workforce training for youth, which may include equipment and technology	\$200,000	Kilpatrick (MI)	Levin; Stabenow
Department of Education	Elementary & Secondary Education (includes FIE)	Riverside Unified School District, Riverside, CA for a science, technology, engineering and mathematics initiative, including curriculum development and purchase of equipment	\$325,000	Calvert	
Department of Education	Elementary & Secondary Education (includes FIE)	Rockdale County Public Schools, Conyers, GA for its AVID/Advanced Placement program	\$300,000	Johnson (GA)	
Department of Education	Elementary & Secondary Education (includes FIE)	Rockdale County Public Schools, Conyers, GA to establish year-round Pre-K programs, which may include expenses for tuition, transportation, and meals	\$400,000	Johnson (GA)	
Department of Education	Elementary & Secondary Education (includes FIE)	Rodel Foundation of Delaware, Wilmington, DE for the Delaware Parent Leadership Institute	\$150,000	Castle	Carper; Kaufman
Department of Education	Elementary & Secondary Education (includes FIE)	San Antonio Youth Centers, San Antonio, TX for after-school programs, which may include equipment and technology	\$200,000	Gonzalez	
Department of Education	Elementary & Secondary Education (includes FIE)	San Jose Unified School District, San Jose, CA for a longitudinal data system	\$250,000	Honda	
Department of Education	Elementary & Secondary Education (includes FIE)	Save the Children, Albuquerque, NM, for a New Mexico rural literacy and afterschool program	\$150,000		Bingaman; Tom Udall
Department of Education	Elementary & Secondary Education (includes FIE)	Save the Children, Fernley, NV, to expand the Nevada Rural Literacy Program, including the purchase of equipment	\$250,000		Reid
Department of Education	Elementary & Secondary Education (includes FIE)	Save the Children, Washington, DC, for afterschool programs in Mississippi	\$100,000		Cochran; Wicker
Department of Education	Elementary & Secondary Education (includes FIE)	Save the Children, Westport, CT for a literacy program	\$100,000	Clyburn	
Department of Education	Elementary & Secondary Education (includes FIE)	Save the Children, Westport, CT for a rural literacy program in Washington, St. Martin, and /or Tangipahoa parishes, which may include equipment and technology	\$300,000	Melancon	Landrieu

**LABOR, HEALTH AND HUMAN SERVICES, EDUCATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Education	Elementary & Secondary Education (includes FIE)	School District of Cheltenham Township, Elkins Park, PA for a dual enrollment program, which may include expenses for tuition and textbooks	\$50,000	Fattah	
Department of Education	Elementary & Secondary Education (includes FIE)	Seattle Public Schools, Seattle, WA for a language immersion program	\$200,000	McDermott	
Department of Education	Elementary & Secondary Education (includes FIE)	Seattle Science Foundation, Seattle, WA, to expand a hands-on medical science program for elementary school students	\$150,000	McDermott	Murray
Department of Education	Elementary & Secondary Education (includes FIE)	Self Enhancement, Inc., Portland, OR for a mentoring and academic enrichment program	\$525,000	Blumenauer	Wyden; Merkely
Department of Education	Elementary & Secondary Education (includes FIE)	Semos Unlimited, Santa Fe, NM, to develop and produce Hispanic learning materials	\$100,000		Tom Udall; Bingaman
Department of Education	Elementary & Secondary Education (includes FIE)	Shodor Education Foundation, Inc., Durham, NC for its Computing Mentoring Academic Transitions through Experience, Research, and Service initiative	\$200,000	Price (NC)	
Department of Education	Elementary & Secondary Education (includes FIE)	Signature Theatre, Arlington, VA for an arts education program	\$500,000	Moran (VA)	
Department of Education	Elementary & Secondary Education (includes FIE)	Sisters In Struggle, Hempstead, NY for a life-skills program for at-risk youth, which may include equipment and technology	\$200,000	McCarthy (NY)	
Department of Education	Elementary & Secondary Education (includes FIE)	Somerset Hills School District, Bernardsville, NJ for the Cultural Tolerance Education initiative	\$312,000	Lance	Menendez
Department of Education	Elementary & Secondary Education (includes FIE)	South Berkshire Educational Collaborative, Great Barrington, MA for educational enrichment and professional development activities	\$250,000	Oliver	Kennedy; Kerry; Kirk
Department of Education	Elementary & Secondary Education (includes FIE)	South Carolina Governor's School for Science and Mathematics Foundation, Columbia, SC for academic enrichment programs in science, mathematics, engineering and technology	\$275,000	Spratt	
Department of Education	Elementary & Secondary Education (includes FIE)	South Salt Lake City, UT, to establish education programs to expand ESL classes at the Villa Franche apartment complex	\$100,000		Bennett; Hatch
Department of Education	Elementary & Secondary Education (includes FIE)	Southern Connecticut State University, New Haven, CT for its Autism Center for Excellence	\$300,000	DeLauro	Dodd; Lieberman
Department of Education	Elementary & Secondary Education (includes FIE)	Southwestern Oklahoma State University, Weatherford, OK for purchase of equipment	\$350,000	Lucas	Inhofe
Department of Education	Elementary & Secondary Education (includes FIE)	Southwestern University, Georgetown, TX for a summer college preparatory program	\$443,000	Granger	
Department of Education	Elementary & Secondary Education (includes FIE)	Special Olympics 2010 USA National Games, Lincoln, NE to support the 2010 Special Olympics National Games	\$350,000	Fortenberry	
Department of Education	Elementary & Secondary Education (includes FIE)	Springboard for Improving Schools, San Francisco, CA for teacher training and professional development in one or more school districts in the 20th Congressional district	\$150,000	Costa	
Department of Education	Elementary & Secondary Education (includes FIE)	Springboard for Improving Schools, San Francisco, CA for the Improving Student Achievement in the Palmdale, CA Elementary School District program	\$150,000	McKeon	
Department of Education	Elementary & Secondary Education (includes FIE)	Springboard Schools, San Francisco, CA for teacher training and professional development in the Santa Ana Unified School District	\$150,000	Sanchez, Loretta	
Department of Education	Elementary & Secondary Education (includes FIE)	Sunrise Children's Foundation, Las Vegas, NV, for early childhood education services	\$300,000		Reid
Department of Education	Elementary & Secondary Education (includes FIE)	Syracuse University, Syracuse, NY, to expand an afterschool program and extended learning initiative	\$400,000	Maffei	Schumer; Gillibrand
Department of Education	Elementary & Secondary Education (includes FIE)	Tarrytown Union Free School District, Tarrytown, NY for programs for at-risk youth	\$297,000	Lowey	
Department of Education	Elementary & Secondary Education (includes FIE)	Terrebonne Parish School Board, Houma, LA, for equipment and technology upgrades	\$100,000		Vitter
Department of Education	Elementary & Secondary Education (includes FIE)	Texas A&M University—Commerce, TX for a science, technology, engineering and math initiative	\$100,000	Hall (TX)	
Department of Education	Elementary & Secondary Education (includes FIE)	Texas State University—San Marcos, TX for the Texas Mathworks initiative	\$350,000	Smith (TX)	
Department of Education	Elementary & Secondary Education (includes FIE)	Toledo GROWS, Toledo, OH for a hands-on science based curriculum in urban areas	\$300,000	Kaptur	
Department of Education	Elementary & Secondary Education (includes FIE)	Trimble Local School District, Glouster, OH for an after-school program	\$175,000	Space	
Department of Education	Elementary & Secondary Education (includes FIE)	Tulsa Public Schools, Tulsa, OK for the Tulsa Academic Center	\$350,000	Sullivan	

**LABOR, HEALTH AND HUMAN SERVICES, EDUCATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Education	Elementary & Secondary Education (includes FIE)	United Way of Miami-Dade, Miami, FL for the Center of Excellence in Early Education, including teacher training programs	\$300,000	Ros-Lehtinen; Wasserman Schultz	Nelson, Bill
Department of Education	Elementary & Secondary Education (includes FIE)	United Way of Youngstown/Mahoning Valley, Youngstown, OH for an early childhood education program	\$100,000	Ryan (OH)	
Department of Education	Elementary & Secondary Education (includes FIE)	University of Houston, Houston, TX for teacher training and professional development	\$400,000	Jackson-Lee (TX)	
Department of Education	Elementary & Secondary Education (includes FIE)	University of Iowa, Iowa City, IA, for the National Institute for Twice-Exceptionality	\$165,000		Grassley; Harkin
Department of Education	Elementary & Secondary Education (includes FIE)	University of Nebraska -- Kearney, Kearney, NE for curriculum development	\$350,000	Smith (NE)	
Department of Education	Elementary & Secondary Education (includes FIE)	University of New Orleans, New Orleans, LA, for supporting and developing charter and district-run public schools in New Orleans through teacher education, leadership preparation, applied research and policy, in cooperation with Tulane University	\$150,000	Scalise	Landrieu; Vitter
Department of Education	Elementary & Secondary Education (includes FIE)	University of North Carolina at Greensboro, Greensboro, NC for the ON TRACK mathematics enrichment program	\$165,000	Miller (NC); Coble	
Department of Education	Elementary & Secondary Education (includes FIE)	University of North Florida, Jacksonville, FL for the Virtual School Readiness Incubator	\$250,000	Crenshaw; Brown, Corrine	
Department of Education	Elementary & Secondary Education (includes FIE)	University of Northern Iowa, Cedar Falls, IA, for developing a center on early childhood education	\$750,000	Braley	Harkin; Grassley
Department of Education	Elementary & Secondary Education (includes FIE)	University of Southern Mississippi, Hattiesburg, MS, for gifted education programs at the Frances Karnes Center for Gifted Studies	\$200,000		Cochran; Wicker
Department of Education	Elementary & Secondary Education (includes FIE)	Upper Palmetto YMCA, Rock Hill, SC for an environmental education program, which may include equipment and technology	\$225,000	Spratt	
Department of Education	Elementary & Secondary Education (includes FIE)	Urban Assembly New York Harbor High School, Brooklyn, NY, for a marine science and marine technology program	\$150,000		Gillibrand
Department of Education	Elementary & Secondary Education (includes FIE)	USD 353, Wellington, KS, Public Schools for technology upgrades and teacher training	\$250,000	Tiahrt	
Department of Education	Elementary & Secondary Education (includes FIE)	USD 373, Newton, Kansas Public Schools for technology upgrades	\$250,000	Tiahrt	
Department of Education	Elementary & Secondary Education (includes FIE)	USD 402, Augusta, KS Public Schools for technology upgrades	\$250,000	Tiahrt	
Department of Education	Elementary & Secondary Education (includes FIE)	USD 446, Independence, KS Public Schools for technology upgrades and teacher training	\$250,000	Tiahrt	
Department of Education	Elementary & Secondary Education (includes FIE)	USD 470, Arkansas City, KS Public Schools for technology upgrades, professional development and training/technical assistance	\$250,000	Tiahrt	
Department of Education	Elementary & Secondary Education (includes FIE)	USD 490, Butler County, KS for technology upgrades and teacher training at the El Dorado, KS public school system	\$250,000	Tiahrt	
Department of Education	Elementary & Secondary Education (includes FIE)	Utah Valley University, Orem, UT, to establish an entrepreneurship program for high school students	\$250,000		Bennett; Hatch
Department of Education	Elementary & Secondary Education (includes FIE)	Washoe County School District, Reno, NV, to expand a new teacher mentoring program	\$500,000		Reid
Department of Education	Elementary & Secondary Education (includes FIE)	Washoe County School District, Reno, NV, to support instructional coaches for K-12 teachers	\$500,000		Reid
Department of Education	Elementary & Secondary Education (includes FIE)	Wayne State University, Detroit, MI for its science, engineering, mathematics, aerospace academy	\$300,000	Kilpatrick (MI)	
Department of Education	Elementary & Secondary Education (includes FIE)	We Care San Jacinto, San Jacinto, CA for an afterschool tutoring program	\$100,000	Lewis (CA)	
Department of Education	Elementary & Secondary Education (includes FIE)	Weber State University, Ogden, UT, for teacher education and curriculum development	\$500,000	Bishop (UT)	Bennett; Hatch
Department of Education	Elementary & Secondary Education (includes FIE)	West New York Board of Education, West New York, NJ, to launch an alternative fuel education program, including the purchase of equipment	\$150,000	Sires	Lautenberg; Menendez
Department of Education	Elementary & Secondary Education (includes FIE)	West Valley City, UT, to expand an at-risk youth afterschool program	\$100,000		Bennett; Hatch
Department of Education	Elementary & Secondary Education (includes FIE)	Western Oklahoma State College, Altus, OK for purchase of equipment	\$100,000	Lucas	Inhofe
Department of Education	Elementary & Secondary Education (includes FIE)	WhizKids Foundation, Inc, Cambridge, MA, to expand math, science, and engineering programs for primary school students	\$100,000	Markey (MA)	Kennedy; Kerry; Kirk

**LABOR, HEALTH AND HUMAN SERVICES, EDUCATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Education	Elementary & Secondary Education (includes FIE)	Wings of Eagles, Horseheads, NY for a Regional Science, Technological, Engineering, and Math Academy	\$275,000	Massa	
Department of Education	Elementary & Secondary Education (includes FIE)	YMCA Espanola Teen Center, Los Alamos, NM, to provide academic and enrichment support for at-risk youth	\$125,000		Tom Udall; Bingaman
Department of Education	Elementary & Secondary Education (includes FIE)	YMCA of Warren, Warren, OH for an after-school program	\$100,000	Ryan (OH)	
Department of Education	Elementary & Secondary Education (includes FIE)	Yonkers Public Schools, Yonkers, NY for Saturday academies, music education, and teacher professional development activities	\$297,000	Lowey	
Department of Education	Elementary & Secondary Education (includes FIE)	YWCA of the Harbor Area and South Bay, San Pedro, CA for an early childhood education program	\$300,000	Harman	
Department of Education	Higher Education (includes FIPSE)	AB Christian Learning Center, Ft. Worth, TX for a higher education resource center	\$175,000	Burgess	
Department of Education	Higher Education (includes FIPSE)	AIB College of Business, Des Moines, IA, to continue recruiting and training captioners and court reporters and to provide scholarships to students	\$400,000		Harkin
Department of Education	Higher Education (includes FIPSE)	Alamo Community College, San Antonio, TX for an associates degree program for air traffic controllers, which may include equipment and technology	\$200,000	Rodriguez	
Department of Education	Higher Education (includes FIPSE)	Albany State University, Albany, GA for a model program to increase the recruitment and retention of underrepresented students in postsecondary education	\$150,000	Bishop (GA)	
Department of Education	Higher Education (includes FIPSE)	Alcorn State University, Alcorn, MS, for graduate level curriculum development	\$300,000		Cochran
Department of Education	Higher Education (includes FIPSE)	Alexander City Chamber of Commerce Foundation, Alexander City, AL for the Gateway to Education Scholarship program, including scholarships	\$100,000	Rogers (AL)	
Department of Education	Higher Education (includes FIPSE)	Alverno College, Milwaukee, WI for its Research Center for Women and Girls, which may include equipment	\$100,000	Moore (WI)	
Department of Education	Higher Education (includes FIPSE)	Anne Arundel Community College, Hanover, MD for its science, technology, engineering, and math initiative, which may include equipment and technology	\$350,000	Ruppersberger	
Department of Education	Higher Education (includes FIPSE)	Anoka Ramsey Community College, Coon Rapids, MN for curriculum development in programs relating to the medical device manufacturing industry, including purchase of equipment	\$800,000	Paulsen	Klobuchar; Franken
Department of Education	Higher Education (includes FIPSE)	Armstrong Atlantic State University Cyber Security Research Institute Foundation, Savannah, GA for curriculum development, including purchase of equipment	\$457,000	Kingston	Chambliss; Isakson
Department of Education	Higher Education (includes FIPSE)	Asnuntuck Community College, Enfield, CT for a Medical Device Machine Technology Certificate Program, which may include equipment and technology	\$250,000	Courtney	
Department of Education	Higher Education (includes FIPSE)	Assumption College, Worcester, MA, for the acquisition of educational equipment and information technology	\$100,000	McGovern	Kennedy; Kerry; Kirk
Department of Education	Higher Education (includes FIPSE)	Beloit College, Beloit, WI for college scholarships and college outreach and early awareness programs	\$150,000	Baldwin	
Department of Education	Higher Education (includes FIPSE)	Benedictine University, Lisle, IL, to design, create, and implement open source educational materials for use in introductory college courses	\$150,000		Durbin
Department of Education	Higher Education (includes FIPSE)	Blackburn College, Carlinville, IL, for science education programs and laboratory upgrades, including the purchase of equipment	\$225,000	Hare	Durbin; Burris
Department of Education	Higher Education (includes FIPSE)	Blue Mountain College, Blue Mountain, MS, for the purchase of math and science equipment	\$100,000		Cochran
Department of Education	Higher Education (includes FIPSE)	Blue Mountain Community College, Pendleton, OR, to expand post-secondary education including college preparatory, advanced degree and continuing education programs	\$100,000		Wyden; Merkley
Department of Education	Higher Education (includes FIPSE)	Brandeis University, Waltham, MA for science and technology academic programs, which may include equipment and technology	\$350,000	Markey (MA)	Kennedy; Kerry; Kirk
Department of Education	Higher Education (includes FIPSE)	Brazosport College, Galveston, TX for purchase of equipment to be used in the petrochemical and nuclear technician training programs	\$200,000	Paul	
Department of Education	Higher Education (includes FIPSE)	Brazosport College, Lake Jackson, TX for curriculum development	\$380,000	Paul	
Department of Education	Higher Education (includes FIPSE)	Brescia University, Owensboro, KY, for education programs including the purchase of equipment	\$500,000		Bunning

**LABOR, HEALTH AND HUMAN SERVICES, EDUCATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Education	Higher Education (includes FIPSE)	Briar Cliff University, Sioux City, IA for purchase of equipment	\$100,000	King (IA)	Harkin; Grassley
Department of Education	Higher Education (includes FIPSE)	Buena Vista University, Storm Lake, IA, for support for students with disabilities	\$200,000		Harkin
Department of Education	Higher Education (includes FIPSE)	Burcham Hills Retirement Community, East Lansing, MI to develop an Alzheimer's and dementia training program, including purchase of equipment	\$200,000	Rogers (MI)	Levin; Stabenow
Department of Education	Higher Education (includes FIPSE)	Butler Community College, El Dorado, KS for purchase of equipment	\$500,000	Tiahrt	Brownback
Department of Education	Higher Education (includes FIPSE)	Caldwell College, Caldwell, NJ for curriculum development, including purchase of equipment	\$550,000	Frelinghuysen	Lautenberg; Menendez
Department of Education	Higher Education (includes FIPSE)	California Baptist University, Riverside, CA for purchase of equipment	\$300,000	Calvert	
Department of Education	Higher Education (includes FIPSE)	California State University, Fullerton, CA for curriculum development associated with the Vietnamese language and culture program	\$350,000	Royce	
Department of Education	Higher Education (includes FIPSE)	California State University, Fullerton, CA for the Center for the Advancement of Teaching and Learning in Mathematics and Science	\$300,000	Royce	
Department of Education	Higher Education (includes FIPSE)	California State University, Sacramento, CA for equipment and technology for science laboratories	\$350,000	Matsui	
Department of Education	Higher Education (includes FIPSE)	Campbell University, Buies Creek, NC for an initiative at its School of Pharmacy to train underrepresented pharmacists	\$300,000	Etheridge	
Department of Education	Higher Education (includes FIPSE)	Canisius College, Buffalo, NY for its science education program, which may include equipment and technology	\$400,000	Higgins; Lee (NY)	Schumer
Department of Education	Higher Education (includes FIPSE)	Carnegie Mellon University, Pittsburgh, PA, for Internet-based foreign language programs	\$100,000		Specter
Department of Education	Higher Education (includes FIPSE)	Cedar Crest College, Allentown, PA, for science education programs, including the purchase of equipment	\$100,000		Specter
Department of Education	Higher Education (includes FIPSE)	Center for Empowered Living and Learning, Denver, CO, for an education program on terrorism	\$300,000	Perlmutter	Bennet
Department of Education	Higher Education (includes FIPSE)	Central Maine Community College, Auburn, ME for its Veterans to College Initiative to provide academic counseling and support to veterans	\$150,000	Michaud	
Department of Education	Higher Education (includes FIPSE)	Centralia College, Centralia, WA for biotechnology and science equipment	\$375,000	Baird	
Department of Education	Higher Education (includes FIPSE)	Chestnut Hill College, Philadelphia, PA, for the Center for Environmental Sciences and Sustainability	\$100,000		Specter; Casey
Department of Education	Higher Education (includes FIPSE)	Cheyney University of Pennsylvania, Cheyney, PA for its Keystone Honors Academy	\$100,000	Sestak	
Department of Education	Higher Education (includes FIPSE)	City College of San Jose, CA for its California Construction College to train students for careers in construction management, which may include equipment	\$368,000	Honda	
Department of Education	Higher Education (includes FIPSE)	Clackamas Community College, Oregon City, OR for education and training programs in renewable energy fields, which may include equipment and technology	\$400,000	Schrader	Wyden; Merkely
Department of Education	Higher Education (includes FIPSE)	Clarke College, Dubuque, IA for its Doctor of Nurse Practitioner program, which may include equipment, technology and scholarships	\$400,000	Braley (IA)	Harkin; Grassley
Department of Education	Higher Education (includes FIPSE)	Cleveland State University, Cleveland, OH, for supportive services to degree-seeking veterans	\$200,000	Fudge	Brown
Department of Education	Higher Education (includes FIPSE)	Coahoma Community College, Clarksdale, MS for curricula, equipment and technology	\$50,000	Thompson (MS)	
Department of Education	Higher Education (includes FIPSE)	Coffeyville Community College, Coffeyville, KS for the Native American Center, including purchase of equipment	\$500,000	Tiahrt	
Department of Education	Higher Education (includes FIPSE)	College of Southern Idaho, Twin Falls, ID for curriculum development, including the purchase of equipment	\$200,000	Simpson	Crapo; Risch
Department of Education	Higher Education (includes FIPSE)	College of the Canyons, Santa Clarita, CA for the University Center Consortium, including curriculum development	\$100,000	McKeon	
Department of Education	Higher Education (includes FIPSE)	College Opportunity Resources for Education, Philadelphia, PA for college preparation and scholarship assistance	\$750,000	Fattah	
Department of Education	Higher Education (includes FIPSE)	College Success Foundation, Washington, DC, for mentoring and scholarships	\$500,000		Harkin
Department of Education	Higher Education (includes FIPSE)	College Summit-West Virginia, Dunbar, WV for a college access initiative	\$100,000	Capito	

**LABOR, HEALTH AND HUMAN SERVICES, EDUCATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Education	Higher Education (includes FIPSE)	Colorado State University—Pueblo, Pueblo, CO, for STEM programs, including equipment	\$125,000	Salazar	Mark Udall; Bennet
Department of Education	Higher Education (includes FIPSE)	Columbia College, Columbia, SC for its Masters Degree Program in Divergent Learning	\$200,000	Clyburn	Graham
Department of Education	Higher Education (includes FIPSE)	Columbus State University, Columbus, GA for a Science, Technology, Engineering and Math (STEM) program	\$150,000	Bishop (GA)	Chambliss
Department of Education	Higher Education (includes FIPSE)	Command and General Staff College Foundation, Leavenworth, KS, for curriculum and course development for a homeland security masters degree program	\$250,000		Roberts; Brownback
Department of Education	Higher Education (includes FIPSE)	Community College of Allegheny County, Pittsburgh, PA, to support technical and career postsecondary education programs	\$100,000		Specter; Casey
Department of Education	Higher Education (includes FIPSE)	Community College of Rhode Island, Warwick, RI, for a transition to college program	\$200,000		Reed
Department of Education	Higher Education (includes FIPSE)	Community College System of New Hampshire, Concord, NH, to purchase equipment and technology to modernize the teaching of nursing	\$500,000		Gregg; Shaheen
Department of Education	Higher Education (includes FIPSE)	County of Greensville, Emporia, VA, for equipment and technology upgrades at the Southside Virginia Education Center	\$400,000		Webb; Warner
Department of Education	Higher Education (includes FIPSE)	Creighton University, Omaha, NE for purchase of equipment	\$500,000	Terry	
Department of Education	Higher Education (includes FIPSE)	Dallas County Community College District, Dallas, TX for its Science, Technology, Engineering and Mathematics (STEM) Professions Initiative, which may include scholarships	\$300,000	Johnson, Eddie Bernice	
Department of Education	Higher Education (includes FIPSE)	Dean College, Franklin, MA for its Embedded Study Model Project to integrate academic support services into curricula, which may include equipment and technology	\$150,000	McGovern	
Department of Education	Higher Education (includes FIPSE)	Delta State University, Cleveland, MS, for teacher training in science and curriculum development	\$300,000		Cochran
Department of Education	Higher Education (includes FIPSE)	Dickinson State University, Dickinson, ND, for its Theodore Roosevelt Center	\$600,000	Pomeroy	Conrad; Dorgan
Department of Education	Higher Education (includes FIPSE)	Donnelly College, Kansas City, KS for equipment and technology	\$200,000	Moore (KS)	
Department of Education	Higher Education (includes FIPSE)	Eastern Arizona College, Thatcher, AZ for the Gila Community College nursing education program, which may include equipment and technology	\$400,000	Kirkpatrick (AZ)	
Department of Education	Higher Education (includes FIPSE)	Eastern New Mexico University, Portales, NM, for educational equipment and technology infrastructure	\$100,000		Tom Udall; Bingaman
Department of Education	Higher Education (includes FIPSE)	Edmonds Community College, Lynnwood, WA for equipment for training programs at its National Advanced Materials and Manufacturing Innovation Center	\$600,000	Inslee	Cantwell; Murray
Department of Education	Higher Education (includes FIPSE)	Edward M Kennedy Institute for the Senate, Boston, MA, for program development, which may include equipment, technology, and support for an endowment	\$13,602,000	Markey (MA)	Kerry; Kirk
Department of Education	Higher Education (includes FIPSE)	Elgin Community College, Elgin, IL for the Health Careers Center of Excellence, including curriculum development and purchase of equipment	\$100,000	Roskam; Foster	
Department of Education	Higher Education (includes FIPSE)	Emerson College, Boston, MA, for educational equipment and technology infrastructure	\$250,000	Capuano	Kennedy; Kerry; Kirk
Department of Education	Higher Education (includes FIPSE)	Emmanuel College, Boston, MA, for educational equipment and technology infrastructure to support the Center for Science Education	\$200,000		Kennedy; Kerry; Kirk
Department of Education	Higher Education (includes FIPSE)	Endicott College, Beverly, MA, for educational equipment and technology infrastructure	\$150,000		Kennedy; Kerry; Kirk
Department of Education	Higher Education (includes FIPSE)	Evergreen State College, Olympia, WA for its Curriculum for the Bio-region initiative	\$325,000	Baird; Dicks; Smith (WA)	Murray
Department of Education	Higher Education (includes FIPSE)	Fairleigh Dickenson University, Madison, NJ for curriculum development, including purchase of equipment	\$500,000	Frelinghuysen	Lautenberg; Menendez
Department of Education	Higher Education (includes FIPSE)	Florida Gulf Coast University, Ft. Myers, FL for the Coastal Watershed Institute	\$350,000	Mack	
Department of Education	Higher Education (includes FIPSE)	Ft. Hays State University, Hays, KS for purchase of equipment	\$250,000	Moran (KS)	
Department of Education	Higher Education (includes FIPSE)	Fulton-Montgomery Community College, Johnstown, NY, to establish a Center for Engineering and Technology	\$200,000		Schumer
Department of Education	Higher Education (includes FIPSE)	Gadsden State Community College, Gadsden, AL for technology upgrades	\$100,000	Rogers (AL); Aderholt	

**LABOR, HEALTH AND HUMAN SERVICES, EDUCATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Education	Higher Education (includes FIPSE)	George C. Wallace Community College, Dothan, AL for equipment and technology to train energy technicians for nuclear facilities	\$200,000	Bright	
Department of Education	Higher Education (includes FIPSE)	Goodwin College, East Hartford, CT, for an environmental studies program	\$175,000	Larson (CT)	Dodd; Lieberman
Department of Education	Higher Education (includes FIPSE)	Gordon College, Wenham, MA, for educational equipment and technology infrastructure	\$200,000		Kennedy; Kerry
Department of Education	Higher Education (includes FIPSE)	Grace College and Theological Seminary, Winona Lake, IN for curriculum development, including purchase of equipment	\$150,000	Souder	
Department of Education	Higher Education (includes FIPSE)	Harrisburg University of Science and Technology, Harrisburg, PA, for curriculum development and for laboratory upgrades, including the purchase of equipment and technology	\$400,000	Holden	Specter; Casey
Department of Education	Higher Education (includes FIPSE)	Hawaii Community College, Hilo, HI, for supportive services and classroom courses to prepare students unprepared for postsecondary education	\$500,000		Inouye; Akaka
Department of Education	Higher Education (includes FIPSE)	Hill College, Hillsboro, TX for vocational training at the Bosque County campus, which may include equipment and technology	\$200,000	Edwards (TX)	
Department of Education	Higher Education (includes FIPSE)	Huntingdon College, Montgomery, AL, for teacher training	\$100,000		Sessions
Department of Education	Higher Education (includes FIPSE)	Huston-Tillotson University, Austin, TX for a math and science education initiative	\$350,000	Doggett	
Department of Education	Higher Education (includes FIPSE)	Hutchinson Community College, Hutchinson, KS for purchase of equipment	\$250,000	Moran (KS)	Brownback
Department of Education	Higher Education (includes FIPSE)	Illinois Community College Trustee Association, Springfield, IL for the Illinois Community College Sustainability Network to promote and provide energy education and sustainable practices	\$600,000	Hare	
Department of Education	Higher Education (includes FIPSE)	Iowa Lakes Community College, Estherville, IA, for a training program in construction technology and wind turbine technology, including equipment	\$400,000		Harkin
Department of Education	Higher Education (includes FIPSE)	Iowa Valley Community College District, Marshalltown, IA for purchase of equipment	\$165,000	Latham	Harkin
Department of Education	Higher Education (includes FIPSE)	Iowa Valley Community College District, Marshalltown, IA, for a training program in agricultural and renewable energy technology, including the purchase of equipment	\$400,000		Harkin
Department of Education	Higher Education (includes FIPSE)	Itawamba Community College, Fulton, MS for consolidation of the Tupelo and Fulton Nursing School Programs in order to provide additional nursing specialists to a five-county region	\$700,000	Childers	Wicker
Department of Education	Higher Education (includes FIPSE)	Ivy Tech Community College of Indiana, Northwest Region, Indianapolis, IN, for education programs including equipment	\$100,000		Lugar
Department of Education	Higher Education (includes FIPSE)	Ivy Tech Community College, Terre Haute, IN for equipment and technology for training programs at its Advanced Manufacturing Center	\$600,000	Ellsworth	Lugar
Department of Education	Higher Education (includes FIPSE)	Jacksonville State University, Jacksonville, AL for purchase of equipment	\$250,000	Rogers (AL)	
Department of Education	Higher Education (includes FIPSE)	Jewish Employment and Vocational Service (JEVS) d/b/a JEVS Human Services, Philadelphia, PA for an associate degree program in court reporting, which may include equipment and technology	\$165,000	Schwartz	
Department of Education	Higher Education (includes FIPSE)	Johnson C. Smith University, Charlotte, NC for an Undergraduate Research Center for Electronic and Cyber Security, which may include equipment, technology and student financial assistance	\$400,000	Watt	
Department of Education	Higher Education (includes FIPSE)	Jones County Junior College, Ellisville, MS, for purchase of equipment and technology upgrades	\$200,000		Cochran; Wicker
Department of Education	Higher Education (includes FIPSE)	Junior College District of Metropolitan Kansas City, Kansas City, MO, for purchase of equipment and technology upgrades for the radiological technology laboratory	\$500,000		Bond
Department of Education	Higher Education (includes FIPSE)	Kalamazoo Community Mental Health and Substance Abuse Services, Kalamazoo, MI for a nursing distance education curriculum, including purchase of equipment	\$100,000	Upton	
Department of Education	Higher Education (includes FIPSE)	Kalamazoo Valley Community College, Kalamazoo, MI for purchase of equipment	\$550,000	Upton	Stabenow; Levin
Department of Education	Higher Education (includes FIPSE)	Kankakee Community College, Kankakee, IL for renewable energy technology training programs, which may include equipment and technology	\$400,000	Halvorson	
Department of Education	Higher Education (includes FIPSE)	Keene State College, Keene, NH for its Regional Center for Advanced Manufacturing Education, which may include equipment and student financial assistance	\$300,000	Hodes	



**LABOR, HEALTH AND HUMAN SERVICES, EDUCATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Education	Higher Education (includes FIPSE)	Keene State College, Keene, NH, for curriculum development and educational equipment for the Monadnock Biodiesel Collaborative	\$100,000	Hodes	Shaheen
Department of Education	Higher Education (includes FIPSE)	Kern Community College District, Bakersfield, CA for purchase of equipment	\$250,000	McCarthy (CA)	
Department of Education	Higher Education (includes FIPSE)	Lackawanna College, Scranton, PA, for laboratory upgrades to a science center, including the purchase of equipment	\$100,000		Specter; Casey
Department of Education	Higher Education (includes FIPSE)	Lake Area Technical Institute, Watertown, SD, for educational equipment for the Energy Technology Program	\$500,000	Herseeth Sandlin	Johnson; Thune
Department of Education	Higher Education (includes FIPSE)	Lake Area Technical Institute, Watertown, SD, for educational equipment related to fire training	\$150,000		Johnson
Department of Education	Higher Education (includes FIPSE)	Lake Michigan College, Benton Harbor, MI for curriculum development, including the purchase of equipment	\$150,000	Upton	
Department of Education	Higher Education (includes FIPSE)	Lake Superior College, Duluth, MN for certificate and degree programs in aviation, which may include equipment and technology	\$200,000	Oberstar	Klobuchar; Franken
Department of Education	Higher Education (includes FIPSE)	Lakes Region Community College, Concord, NH, for curriculum development and educational equipment for the Energy Services and Technology program	\$125,000	Shea-Porter	Shaheen
Department of Education	Higher Education (includes FIPSE)	Lakeshore Technical College, Cleveland, WI for curriculum development	\$250,000	Petri	
Department of Education	Higher Education (includes FIPSE)	Leeward Community College, Pearl City, HI, to provide college preparatory education for Filipino students	\$400,000		Inouye; Akaka
Department of Education	Higher Education (includes FIPSE)	Lesley University, Cambridge, MA, for development of the National Center for Teachers and School Leaders program	\$150,000	Capuano	Kennedy; Kerry; Kirk
Department of Education	Higher Education (includes FIPSE)	LeTourneau University, Longview, TX for purchase of equipment	\$350,000	Gohmert	
Department of Education	Higher Education (includes FIPSE)	Lincoln Land Community College, Springfield, IL for the HIRE Education Program, including purchase of equipment	\$350,000	Shimkus; Schock	
Department of Education	Higher Education (includes FIPSE)	Lincoln University, Lincoln University, PA, for college preparation programs	\$100,000		Specter
Department of Education	Higher Education (includes FIPSE)	Livingstone College, Salisbury, NC for its Center for Holistic Learning to provide academic and student support services, which may include equipment and technology	\$300,000	Watt	
Department of Education	Higher Education (includes FIPSE)	Long Island University, Brookville, NY for a Grow Your Own Teacher Program providing mentoring, education and support to high school students in underserved areas, which may include college scholarships	\$700,000	Israel	
Department of Education	Higher Education (includes FIPSE)	Lorain County Community College, Elyria, OH, for education programs including the purchase of equipment	\$200,000	Sutton	Voinovich
Department of Education	Higher Education (includes FIPSE)	Loras College, Dubuque, IA, for science education equipment	\$200,000	Braley (IA)	Harkin; Grassley
Department of Education	Higher Education (includes FIPSE)	Los Angeles City College Foundation, Los Angeles, CA for the Los Angeles City College nursing program	\$450,000	Becerra	
Department of Education	Higher Education (includes FIPSE)	Loyola University New Orleans, New Orleans, LA, to establish The Center for Music and Arts Entrepreneurship & Music Industry Studies	\$400,000	Cao	Landrieu
Department of Education	Higher Education (includes FIPSE)	Lyndon State College, Lyndonville, VT, for a center for rural students	\$300,000		Leahy
Department of Education	Higher Education (includes FIPSE)	Madisonville Community College, Madisonville, KY for purchase of equipment	\$100,000	Whitfield	
Department of Education	Higher Education (includes FIPSE)	Marian University, Fond du Lac, WI for nursing curriculum development	\$200,000	Petri	
Department of Education	Higher Education (includes FIPSE)	Maricopa County Community College District, Mesa, AZ for health professions training	\$100,000	Mitchell	
Department of Education	Higher Education (includes FIPSE)	Maricopa County Community College District, Tempe, AZ for its East Valley Veterans Education Center to enable veterans to enroll in and complete postsecondary education, which may include equipment and technology	\$300,000	Mitchell	
Department of Education	Higher Education (includes FIPSE)	Maricopa County Community College District, Tempe, AZ for the Bilingual Nursing Program at South Mountain Community College, which may include stipends	\$300,000	Pastor (AZ)	
Department of Education	Higher Education (includes FIPSE)	Marshall University Research Corporation, Huntington, WV for equipment and technology for advanced maritime training	\$300,000	Rahall	

**LABOR, HEALTH AND HUMAN SERVICES, EDUCATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Education	Higher Education (includes FIPSE)	Marymount Manhattan College, New York, NY for academic programs at the Geraldine Farraro Center for Educational Excellence in Science, Technology, and Math, which may include equipment and technology	\$400,000	Maloney	
Department of Education	Higher Education (includes FIPSE)	Marymount University, Arlington, VA for science equipment and technology	\$200,000	Moran (VA)	
Department of Education	Higher Education (includes FIPSE)	Maryville College, Maryville, TN for an experiential science education program	\$300,000	Duncan	
Department of Education	Higher Education (includes FIPSE)	Mercyhurst College, Erie, PA, for education programs and support services for individuals with disabilities	\$100,000		Specter; Casey
Department of Education	Higher Education (includes FIPSE)	Metropolitan State College, Denver, CO for equipment and technology for its accredited aviation training program	\$200,000	DeGette	
Department of Education	Higher Education (includes FIPSE)	Mid-America Christian University, Oklahoma City, OK for teacher training programs, including purchase of equipment	\$485,000	Cole	
Department of Education	Higher Education (includes FIPSE)	Middle Tennessee State University, Murfreesboro, TN for a STEM education teacher training initiative, which may include stipends	\$750,000	Gordon (TN)	Alexander
Department of Education	Higher Education (includes FIPSE)	Midland Independent School District, Midland, TX for teacher training	\$350,000	Conaway	
Department of Education	Higher Education (includes FIPSE)	Midway College, Inc, Midway, KY, for facilities and equipment	\$100,000		Bunning
Department of Education	Higher Education (includes FIPSE)	Miles Community College, Miles City, MT, for curriculum development and educational equipment relating to bioenergy	\$100,000		Tester; Baucus
Department of Education	Higher Education (includes FIPSE)	Minnesota State Colleges and Universities, Office of the Chancellor, St Paul, MN, for career and education services to veterans	\$300,000	Walz	Klobuchar; Franken
Department of Education	Higher Education (includes FIPSE)	Minot State University, Minot, ND, to establish a Center for Community Research and Service	\$950,000		Conrad; Dorgan
Department of Education	Higher Education (includes FIPSE)	Mississippi College, Clinton, MS, to support dyslexia education and training	\$250,000		Wicker; Cochran
Department of Education	Higher Education (includes FIPSE)	Mississippi Valley State University, Itta Bena, MS for an initiative to prepare undergraduate students for professional medical education, which may include equipment, technology and scholarships	\$400,000	Thompson (MS)	Wicker
Department of Education	Higher Education (includes FIPSE)	Missouri State University, Springfield, MO, for technology, equipment, and educational materials	\$1,000,000		Bond
Department of Education	Higher Education (includes FIPSE)	Monroe Community College, Rochester, NY for an Academy for Veterans' Success to provide academic, career counseling, and support services to veterans	\$275,000	Massa	
Department of Education	Higher Education (includes FIPSE)	Monroe Community College, Rochester, NY to establish a medical laboratory technician program, including curriculum development and purchase of equipment	\$325,000	Lee (NY)	
Department of Education	Higher Education (includes FIPSE)	Monroe County Community College, Monroe, MI for a Nuclear Engineering Technology Program	\$200,000	Dingell	
Department of Education	Higher Education (includes FIPSE)	Mott Community College, Flint, MI, for the Center for Advanced Manufacturing	\$200,000		Levin; Stabenow
Department of Education	Higher Education (includes FIPSE)	Mount Union College, Alliance, OH for engineering and technology programs, which may include curricula, faculty, equipment, technology and student support	\$100,000	Boccieri	
Department of Education	Higher Education (includes FIPSE)	Muhlenberg College, Allentown, PA, for a civic engagement and service learning program	\$100,000	Dent	Specter; Casey
Department of Education	Higher Education (includes FIPSE)	National Labor College, George Meany Center for Labor Studies, Silver Spring, MD, for the Adult Learning Program	\$400,000		Harkin
Department of Education	Higher Education (includes FIPSE)	Nazareth College, Rochester, NY, for educational equipment and technology upgrades relating to math and science education	\$300,000	Slaughter	Schumer
Department of Education	Higher Education (includes FIPSE)	Neumann College, Aston, PA for pharmacy education programs, which may include equipment and technology	\$200,000	Sestak; Gerlach	Specter
Department of Education	Higher Education (includes FIPSE)	New College, Sarasota, FL for digital collections at the Jane Bancroft Cook Library	\$100,000	Buchanan	Nelson, Bill
Department of Education	Higher Education (includes FIPSE)	New Mexico Military Institute, Roswell, NM for its Native American Criminal Justice Program, which may include student scholarships	\$300,000	Teague	
Department of Education	Higher Education (includes FIPSE)	Niagara Community College, Sanborn, NY for equipment and technology for training programs in hospitality and tourism	\$100,000	Slaughter	
Department of Education	Higher Education (includes FIPSE)	Niagara County Community College, Sanborn, NY for information technology upgrades	\$275,000	Lee (NY)	

**LABOR, HEALTH AND HUMAN SERVICES, EDUCATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Education	Higher Education (includes FIPSE)	North Arkansas College, Harrison, AR for an education technology initiative, including purchase of equipment	\$250,000	Boozman	Pryor; Lincoln
Department of Education	Higher Education (includes FIPSE)	North Shore Community College, Danvers, MA for a veterans education and job training program, which may include scholarships and stipends	\$400,000	Tierney	
Department of Education	Higher Education (includes FIPSE)	Northampton Community College, Bethlehem, PA for programmatic support of its Monroe County campus, which may include equipment and technology	\$400,000	Kanjorski	
Department of Education	Higher Education (includes FIPSE)	Northeast Iowa Community College, Calmar, IA, for a training program in renewable energy technology	\$300,000		Harkin; Grassley
Department of Education	Higher Education (includes FIPSE)	Northern Kentucky University Foundation, Highland Heights, KY for purchase of equipment	\$350,000	Davis (KY)	
Department of Education	Higher Education (includes FIPSE)	Northern Kentucky University, Highland Heights, KY, for the purchase of equipment	\$2,400,000		McConnell
Department of Education	Higher Education (includes FIPSE)	Northern Virginia Community College, Annandale, VA for a health information management program	\$500,000	Connolly (VA)	
Department of Education	Higher Education (includes FIPSE)	Northwestern Connecticut Community College, Winsted, CT for an associate degree nursing program, which may include equipment and technology	\$350,000	Larson (CT)	
Department of Education	Higher Education (includes FIPSE)	Oklahoma State University, Stillwater, OK for a wildlife management technician program, which may include equipment	\$450,000	Boren	
Department of Education	Higher Education (includes FIPSE)	Palm Beach Community College, Lake Worth, FL for education and training programs in emerging industries at its Institute for Energy, which may include equipment and technology	\$150,000	Klein (FL); Wexler	
Department of Education	Higher Education (includes FIPSE)	Palm Beach Community College, Lake Worth, FL for equipment and technology for student technology and communication programs at its Belle Glade campus	\$350,000	Hastings (FL)	Nelson, Bill
Department of Education	Higher Education (includes FIPSE)	Pearl River Community College, Poplarville, MS, for instructional technology including the purchase of equipment	\$200,000		Cochran; Wicker
Department of Education	Higher Education (includes FIPSE)	Philadelphia University, Philadelphia, PA, for educational equipment relating to science	\$100,000		Specter
Department of Education	Higher Education (includes FIPSE)	Pittsburg State University, Pittsburg, KS, for education programs	\$400,000		Brownback
Department of Education	Higher Education (includes FIPSE)	Polk Community College, Winter Haven, FL for purchase of equipment	\$300,000	Putnam	
Department of Education	Higher Education (includes FIPSE)	Portland Community College, Portland, OR for education and training programs in renewable energy and emerging industries, which may include equipment and technology	\$350,000	Wu; Blumenauer; Schrader	
Department of Education	Higher Education (includes FIPSE)	Pulaski Technical College, North Little Rock, AR for library improvements, which may include equipment and technology	\$600,000	Snyder	Lincoln; Pryor
Department of Education	Higher Education (includes FIPSE)	Rhode Island College Foundation, Providence, RI, for educational equipment relating to science	\$200,000		Reed; Whitehouse
Department of Education	Higher Education (includes FIPSE)	Richland Community College, Decatur, IL for curriculum development in its bioenergy and bioprocessing degree programs	\$200,000	Schock; Hare	
Department of Education	Higher Education (includes FIPSE)	Riverside Community College District, Riverside, CA for curriculum development	\$600,000	Calvert	
Department of Education	Higher Education (includes FIPSE)	Rockford College, Rockford, IL, for technology upgrades and educational equipment	\$300,000	Manzullo	Durbin
Department of Education	Higher Education (includes FIPSE)	Rutgers University School of Law, Camden, NJ, for its public interest legal program, which may include scholarships and fellowships, a public interest summer externship program, its Marshall Brennan Program, and pro bono legal services	\$500,000	Andrews	
Department of Education	Higher Education (includes FIPSE)	Saint Xavier University, Chicago, IL, for technology and equipment	\$750,000	Lipinski	Durbin
Department of Education	Higher Education (includes FIPSE)	Salve Regina University, Newport, RI for equipment and technology at its Blackstone Valley learning center and Newport campus	\$500,000	Kennedy	Reed; Whitehouse
Department of Education	Higher Education (includes FIPSE)	San Francisco State University, San Francisco, CA for a competency-based early childhood education and training initiative, which may include equipment and technology	\$350,000	Speier	
Department of Education	Higher Education (includes FIPSE)	San Jacinto College, Pasadena, TX for training programs in the maritime and energy industries, which may include equipment and technology	\$400,000	Green, Gene	
Department of Education	Higher Education (includes FIPSE)	San Jose State University Research Foundation, San Jose, CA for an interdisciplinary Center for Global Innovation and Immigration, including curricula development and student research	\$220,000	Lofgren, Zoe	

**LABOR, HEALTH AND HUMAN SERVICES, EDUCATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Education	Higher Education (includes FIPSE)	San Luis Obispo County Community College District, San Luis Obispo, CA for purchase of equipment	\$350,000	McCarthy (CA)	
Department of Education	Higher Education (includes FIPSE)	San Mateo County Community College District, San Mateo, CA for the University Center Consortium initiative to expand academic programs and the number of students pursuing postsecondary education	\$350,000	Speier	
Department of Education	Higher Education (includes FIPSE)	Santa Fe College, Gainesville, FL for a clinical laboratory sciences program, including curriculum development and purchase of equipment	\$450,000	Stearns; Brown, Corrine	
Department of Education	Higher Education (includes FIPSE)	Seattle University, Seattle, WA for the Fostering Scholars Program, including scholarships	\$500,000	Reichert; McDermott	Cantwell
Department of Education	Higher Education (includes FIPSE)	Security on Campus, Inc, King of Prussia, PA, for a campus crime and emergency response training program	\$100,000		Specter
Department of Education	Higher Education (includes FIPSE)	Simpson College, Indianola, IA, for the creation of the John C Culver Public Policy Center	\$500,000		Harkin; Kennedy; Kerry
Department of Education	Higher Education (includes FIPSE)	Snow College, Ephraim, UT, for health professions education programs	\$600,000		Bennett; Hatch
Department of Education	Higher Education (includes FIPSE)	Southeast Missouri State University, Cape Girardeau, MO for technology upgrades	\$500,000	Emerson	
Department of Education	Higher Education (includes FIPSE)	Southern Arkansas University Tech, Camden, AR, for curriculum development and educational equipment in the Aerospace Manufacturing program	\$150,000	Ross	Lincoln; Pryor
Department of Education	Higher Education (includes FIPSE)	Southern Illinois University, Carbondale, IL for equipment and technology upgrades	\$400,000	Costello	
Department of Education	Higher Education (includes FIPSE)	Southern Queens Park Association, Jamaica, NY for its Young Adults College Access & Preparedness Program, in partnership with Bard College and local high schools, to expand college access, retention and graduation for youth and young adults	\$350,000	Meeks (NY)	Schumer; Gillibrand
Department of Education	Higher Education (includes FIPSE)	Southern Union Community College, Wadley, AL for purchase of equipment	\$100,000	Rogers (AL)	
Department of Education	Higher Education (includes FIPSE)	Special Education District of McHenry County, Woodstock, IL for the Pathways Program	\$100,000	Manzullo	
Department of Education	Higher Education (includes FIPSE)	St. Clair County Community College, Port Huron, MI for curriculum development	\$100,000	Miller (MI)	
Department of Education	Higher Education (includes FIPSE)	St. Francis College, Brooklyn, NY for its Project Access initiative, which may include equipment and technology	\$650,000	Clarke; King (NY); Towns	Schumer
Department of Education	Higher Education (includes FIPSE)	St. Joseph's College, Brooklyn, NY for equipment and technology for science laboratories, smart classrooms and distance learning	\$400,000	Towns	
Department of Education	Higher Education (includes FIPSE)	St. Mary's College of Maryland, St. Mary's City, MD for science laboratory and information technology equipment	\$600,000	Hoyer	
Department of Education	Higher Education (includes FIPSE)	St. Norbert College, De Pere, WI for an initiative to prepare students in science, technology, engineering and math (STEM) fields, which may include equipment and technology	\$910,000	Kagen	Kohl
Department of Education	Higher Education (includes FIPSE)	St. Peter's College, Jersey City, NJ for equipment and technology for smart classrooms	\$300,000	Sires; Rothman (NJ)	Lautenberg; Menendez
Department of Education	Higher Education (includes FIPSE)	St. Petersburg College, Clearwater, FL for a healthcare informatics program, including curriculum development and purchase of equipment	\$300,000	Young (FL)	
Department of Education	Higher Education (includes FIPSE)	St. Thomas University, Miami Gardens, FL for a science and technology teacher training program in conjunction with the Miami-Dade County Public School System	\$300,000	Diaz-Balart, Lincoln; Meek (FL); Ros-Lehtinen; Wasserman Schultz	
Department of Education	Higher Education (includes FIPSE)	St. Vincent College, Latrobe, PA for purchase of equipment	\$150,000	Murphy, Tim	Specter
Department of Education	Higher Education (includes FIPSE)	St. Xavier University, Orland Park, IL for the Science, Technology, Engineering and Mathematics Education Center, including purchase of equipment	\$500,000	Biggert	
Department of Education	Higher Education (includes FIPSE)	State University of New York at Geneseo, Geneseo, NY for purchase of equipment	\$500,000	Lee (NY)	
Department of Education	Higher Education (includes FIPSE)	Susquehanna University, Selinsgrove, PA, for science education programs and laboratory upgrades, including the purchase of equipment	\$100,000		Specter; Casey
Department of Education	Higher Education (includes FIPSE)	Tabor College, Hillsboro, KS, for rural nursing and education programs	\$350,000		Brownback
Department of Education	Higher Education (includes FIPSE)	Tallahassee Community College, Tallahassee, FL for purchase of equipment	\$200,000	Crenshaw	

**LABOR, HEALTH AND HUMAN SERVICES, EDUCATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Education	Higher Education (includes FIPSE)	Texas Life-Sciences Collaboration Center, Georgetown, TX for life science programs, including purchase of equipment	\$245,000	Carter	
Department of Education	Higher Education (includes FIPSE)	Texas State Technical College, Waco, TX for its Career Paths for Veterans project	\$100,000	Edwards (TX)	
Department of Education	Higher Education (includes FIPSE)	Texas State University, San Marcos, TX for nursing curriculum development, including purchase of equipment	\$1,000,000	Carter	
Department of Education	Higher Education (includes FIPSE)	Three Rivers Community College, Poplar Bluff, MO for an education technology initiative	\$215,000	Emerson	
Department of Education	Higher Education (includes FIPSE)	Trident Technical College, Charleston, SC for the nursing education program, which may include equipment	\$500,000	Brown (SC); Clyburn	
Department of Education	Higher Education (includes FIPSE)	Trine University, Angola, IN for curriculum development	\$340,000	Souder	Lugar
Department of Education	Higher Education (includes FIPSE)	Truckee Meadows Community College, Reno, NV, to establish an on-line degree program for non-traditional students	\$600,000		Reid
Department of Education	Higher Education (includes FIPSE)	Union County College, Cranford, NJ for curriculum development	\$400,000	Lance; Payne	Lautenberg; Menendez
Department of Education	Higher Education (includes FIPSE)	University of Arizona, Tucson, AZ for the Disability Resource Center to provide instruction and support to disabled veterans to ensure academic success, which may include equipment	\$500,000	Grijalva	
Department of Education	Higher Education (includes FIPSE)	University of Arkansas at Monticello, Monticello, AR, for educational equipment, technology and wiring relating to energy and environmental education	\$250,000		Lincoln; Pryor
Department of Education	Higher Education (includes FIPSE)	University of Central Arkansas, Conway, AR, for curriculum development and educational equipment relating to information technology	\$100,000	Snyder	Lincoln; Pryor
Department of Education	Higher Education (includes FIPSE)	University of Connecticut School of Law, Hartford, CT for a Center for Energy and Environmental Law	\$365,000	Larson (CT)	
Department of Education	Higher Education (includes FIPSE)	University of Dubuque, Dubuque, IA, for equipment and technology for its aviation degree program	\$400,000	Braley (IA)	Harkin; Grassley
Department of Education	Higher Education (includes FIPSE)	University of Guam, Mangilao, GU for development, in conjunction with the Guam Public School System and Guam Community College, of a K-16 educational program to provide a seamless pathway for college and careers	\$300,000	Bordallo	
Department of Education	Higher Education (includes FIPSE)	University of Hawaii at Hilo Clinical Pharmacy Training Program, Hilo, HI, for a clinical pharmacy training program	\$1,500,000	Abercrombie	Inouye; Akaka
Department of Education	Higher Education (includes FIPSE)	University of Hawaii School of Law, Honolulu, HI, for the health policy center	\$400,000		Inouye; Akaka
Department of Education	Higher Education (includes FIPSE)	University of Illinois at Urbana-Champaign, Urbana, IL, to design, create, and implement open source educational materials for use in introductory college courses	\$150,000		Durbin
Department of Education	Higher Education (includes FIPSE)	University of Massachusetts-Boston, Boston, MA, for educational equipment to support a developmental science research center	\$200,000	Lynch	Kennedy; Kerry; Kirk
Department of Education	Higher Education (includes FIPSE)	University of Massachusetts-Lowell, Lowell, MA, for a cooperative education program	\$200,000	Tsongas	Kennedy; Kerry; Kirk
Department of Education	Higher Education (includes FIPSE)	University of Minnesota, Crookston, MN for its Center for Rural Entrepreneurial Studies, which may include equipment, technology and student support	\$550,000	Peterson	Klobuchar; Franken
Department of Education	Higher Education (includes FIPSE)	University of Montana—Mike & Maureen Mansfield Center, Missoula, MT, to establish the Institute for Leadership and Public Service to fulfill the purposes of the Mansfield Center, including the creation of an endowment	\$200,000	Rehberg	Tester
Department of Education	Higher Education (includes FIPSE)	University of New Hampshire, Durham, NH for its National Center on Inclusive Education for Children with Autism Spectrum Disorders and Related Disabilities	\$450,000	Shea-Porter	
Department of Education	Higher Education (includes FIPSE)	University of New Haven, Waterbury, CT for equipment and technology for the Henry C. Lee Institute of Forensic Science Learning Center	\$350,000	DeLauro	
Department of Education	Higher Education (includes FIPSE)	University of New Mexico-Taos, NM for equipment and technology for distance education programs	\$450,000	Lujan	Bingaman; Udall, Tom
Department of Education	Higher Education (includes FIPSE)	University of South Dakota, Vermillion, SD, to identify and address the educational needs of veterans with disabilities	\$500,000	Herseeth Sandlin	Johnson; Thune
Department of Education	Higher Education (includes FIPSE)	University of Southern Mississippi, Hattiesburg, MS, for curriculum and professional development at University of Southern Mississippi-Gulf Coast campus	\$200,000		Cochran
Department of Education	Higher Education (includes FIPSE)	University of Southern Mississippi, Hattiesburg, MS, for teacher training at the Center for Economic Education	\$100,000		Cochran

**LABOR, HEALTH AND HUMAN SERVICES, EDUCATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Education	Higher Education (includes FIPSE)	University of Southern Mississippi, Hattiesburg, MS, for the development of a student retention initiative	\$500,000		Cochran; Wicker
Department of Education	Higher Education (includes FIPSE)	University of Tennessee at Chattanooga, Chattanooga, TN for the Center for Leadership in Science, Technology, Engineering and Mathematics Education, including purchase of equipment	\$770,000	Wamp	
Department of Education	Higher Education (includes FIPSE)	University of Texas at Tyler, Tyler, TX for a science, technology, engineering and math initiative, including purchase of equipment	\$300,000	Gohmert	Cornyn
Department of Education	Higher Education (includes FIPSE)	University of Virginia Center for Politics, Charlottesville, VA, to develop interactive civic lessons for high school students	\$100,000		Warner
Department of Education	Higher Education (includes FIPSE)	University of Virginia, Wise, VA for installation of a Voice Over Internet Protocol telephone system and demonstration activities through its Emerging Technologies Learning Center	\$150,000	Boucher	
Department of Education	Higher Education (includes FIPSE)	University of Washington, Bothell, WA for a nursing faculty consortium training program, which may include scholarships	\$200,000	Inslee; McDermott	Murray
Department of Education	Higher Education (includes FIPSE)	University of West Florida, Pensacola, FL, for education programs for veterans	\$650,000	Miller (FL)	Martinez
Department of Education	Higher Education (includes FIPSE)	Urban College, Boston, MA, to support higher education programs serving low-income and minority students	\$500,000		Kennedy; Kirk
Department of Education	Higher Education (includes FIPSE)	Utah State University, Logan, UT, to establish a land-grant education and research network	\$750,000		Bennett
Department of Education	Higher Education (includes FIPSE)	Valley City State University, Valley City, ND, for the Great Plains STEM Education Center	\$750,000	Pomeroy	Conrad; Dorgan
Department of Education	Higher Education (includes FIPSE)	Vanguard University, Costa Mesa, CA for a teacher training initiative, including purchase of equipment	\$350,000	Rohrabacher	
Department of Education	Higher Education (includes FIPSE)	Voices of September 11th, New Canaan, CT, to continue the 9/11 Living Memorial Project	\$100,000	DeLauro; Himes; Murphy (CT)	Dodd; Lautenberg; Menendez; Lieberman
Department of Education	Higher Education (includes FIPSE)	Wayne State College, Norfolk, NE for equipment at the South Sioux City College Center	\$100,000	Fortenberry	Nelson, Ben
Department of Education	Higher Education (includes FIPSE)	Weber State University, Ogden, UT, for curriculum development	\$100,000		Hatch; Bennett
Department of Education	Higher Education (includes FIPSE)	Western Governors University, Salt Lake City, UT for curriculum development	\$600,000	Bishop (UT); Matheson	Bennett; Hatch
Department of Education	Higher Education (includes FIPSE)	Western Kentucky Community and Technical College, Paducah, KY for purchase of equipment	\$250,000	Whitfield	Bunning
Department of Education	Higher Education (includes FIPSE)	Western Kentucky University Research Foundation, Bowling Green, KY, for equipment purchase	\$2,000,000		McConnell
Department of Education	Higher Education (includes FIPSE)	Western Kentucky University, Bowling Green, KY for purchase of equipment	\$500,000	Guthrie	
Department of Education	Higher Education (includes FIPSE)	Westminster College, Salt Lake City, UT, to expand distance learning technology including the purchase of equipment	\$500,000		Bennett; Hatch
Department of Education	Higher Education (includes FIPSE)	Wharton County Jr. College, Wharton, TX for curriculum development to train students for work in the nuclear power industry	\$220,000	Paul	
Department of Education	Higher Education (includes FIPSE)	Wheelock College, Boston, MA, to develop a higher education access program for early childhood educators	\$100,000	Capuano	Kennedy; Kerry; Kirk
Department of Education	Higher Education (includes FIPSE)	Whitworth University, Spokane, WA, for science, technology, engineering, and mathematics equipment	\$100,000		Cantwell
Department of Education	Higher Education (includes FIPSE)	Winthrop University, Rock Hill, SC for its Focusing on Collegiate Undergraduate Success initiative to enhance residential learning and academic support services for students	\$350,000	Spratt	
Department of Education	Higher Education (includes FIPSE)	Youngstown State University, Youngstown, OH for its Social-Emotional Learning (SEL) Project to integrate SEL theory and techniques into the College of Education curricula and for evaluation activities	\$200,000	Ryan (OH)	
Department of Education	Rehabilitation Services & Disability Research	AbilityFirst, Pasadena, CA for programs to provide employment assistance for individuals with disabilities	\$100,000	Schiff	
Department of Education	Rehabilitation Services & Disability Research	American Federation for the Blind Technology and Employment Center, Huntington, WV, to expand the capacity of the AFB-TECH center for development of technology for the blind	\$1,000,000		Byrd
Department of Education	Rehabilitation Services & Disability Research	Best Buddies Maryland, Baltimore, MD for mentoring programs for persons with intellectual disabilities	\$300,000	Hoyer	
Department of Education	Rehabilitation Services & Disability Research	Best Buddies Massachusetts, Boston, MA for mentoring programs in the 8th Congressional district for persons with intellectual disabilities	\$70,000	Capuano	

**LABOR, HEALTH AND HUMAN SERVICES, EDUCATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Education	Rehabilitation Services & Disability Research	Best Buddies Virginia, Falls Church, VA for mentoring programs for persons with intellectual disabilities	\$250,000	Moran (VA)	
Department of Education	Rehabilitation Services & Disability Research	Best Buddies, San Francisco, CA for mentoring programs for persons with intellectual disabilities	\$250,000	Pelosi	
Department of Education	Rehabilitation Services & Disability Research	Camp High Hopes, Sioux City, IA, for a year-round camp for children with disabilities	\$300,000		Harkin
Department of Education	Rehabilitation Services & Disability Research	Deaf Blind Service Center, Seattle, WA, for training programs and materials for support service providers who assist deaf blind individuals with employment and independent living	\$200,000		Murray
Department of Education	Rehabilitation Services & Disability Research	Elwyn, Inc., Aston, PA, for job training and education programs for individuals with disabilities	\$100,000		Specter
Department of Education	Rehabilitation Services & Disability Research	Enable America, Inc., Tampa, FL, for civic/citizenship demonstration project for disabled adults	\$600,000		Harkin
Department of Education	Rehabilitation Services & Disability Research	Intellectual Disabilities Education Association, Inc., Bridgeport, CT, for IDEA Learning Center programming	\$225,000	Himes	Dodd
Department of Education	Rehabilitation Services & Disability Research	Northern Illinois University, DeKalb, IL for a training program to prepare instructors to work with visually impaired veterans, which may include scholarships	\$600,000	Foster	
Department of Education	Rehabilitation Services & Disability Research	Opportunity Enterprises, Inc., Valparaiso, IN for its adult day program, which may include equipment	\$150,000	Visclosky	
Department of Education	Rehabilitation Services & Disability Research	Southern California Rehabilitation Services, Downey, CA for computer and Internet training for individuals with disabilities, which may include equipment	\$100,000	Roybal-Allard	
Department of Education	Rehabilitation Services & Disability Research	Southside Training, Employment and Placement Services, Inc., Farmville, VA for training, employment services, and placement assistance for persons with disabilities, which may include equipment	\$300,000	Perriello	
Department of Education	Rehabilitation Services & Disability Research	Special Olympics of Rhode Island, Warwick, RI for delivering programs and promoting physical fitness among individuals with disabilities	\$200,000	Kennedy	
Department of Education	Rehabilitation Services & Disability Research	Supporting Autism and Families Everywhere, Wilkes-Barre, PA, for vocational services and program support	\$100,000		Specter
Department of Education	Rehabilitation Services & Disability Research	Vocational Guidance Services-- Painesville Center, Painesville, OH for the Training Enhancements Promoting Jobs for Ohioans with Disabilities project	\$100,000	LaTourette	Voinovich
Department of Education	Rehabilitation Services & Disability Research	Wisconsin Coalition of Independent Living Centers, Inc., Madison, WI for its Increase Vets' Independence Initiative to provide independent living services to disabled veterans	\$150,000	Baldwin	
Department of Health & Human Services	Administration for Children and Families (ACF)—Child Abuse Prevention	Addison County Parent Child Center, Middlebury, VT, to support and expand parental education activities	\$100,000		Sanders
Department of Health & Human Services	Administration for Children and Families (ACF)—Child Abuse Prevention	County of Contra Costa, Martinez, CA for an initiative for children and adolescents exposed to domestic violence	\$550,000	Tauscher; McNERney	Boxer
Department of Health & Human Services	Administration for Children and Families (ACF)—Child Abuse Prevention	Douglas County C.A.R.E.S., Roseburg, OR for the Kids in Common program to provide services to abused and neglected children	\$300,000	DeFazio	Wyden; Merkley
Department of Health & Human Services	Administration for Children and Families (ACF)—Child Abuse Prevention	Klingberg Family Centers, Hartford, CT, for child abuse prevention and intervention services	\$125,000		Dodd; Lieberman
Department of Health & Human Services	Administration for Children and Families (ACF)—Child Abuse Prevention	Marcus Autism Center, Atlanta, GA for an autism initiative	\$300,000	Kingston; Barrow; Bishop (GA); Lewis (GA)	
Department of Health & Human Services	Administration for Children and Families (ACF)—Child Abuse Prevention	Oregon Association of Relief Nurseries, Medford, OR, to provide early childhood development and education for children at risk of abuse and neglect	\$100,000		Merkley; Wyden
Department of Health & Human Services	Administration for Children and Families (ACF)—Child Abuse Prevention	Parents Anonymous, Inc, Claremont, CA, for a national parent helpline to prevent child abuse and neglect	\$500,000		Gillibrand; Boxer; Lautenberg; Lincoln; Menendez; Schumer; Stabenow; Wyden; Levin
Department of Health & Human Services	Administration for Children and Families (ACF)—Child Abuse Prevention	Prevent Child Abuse Vermont, Montpelier, VT, to expand the SAFE-T Prevention Program	\$500,000		Leahy
Department of Health & Human Services	Administration for Children and Families (ACF)—Child Abuse Prevention	University of California, Merced/The Great Valley Center, Merced, CA for child abuse prevention education services	\$300,000	Cardoza	

**LABOR, HEALTH AND HUMAN SERVICES, EDUCATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Health & Human Services	Administration for Children and Families (ACF)—Child Abuse Prevention	Wynona's House, Newark, NJ, for a child sexual abuse intervention program	\$400,000	Payne	Lautenberg; Menendez
Department of Health & Human Services	Administration for Children and Families (ACF)—Social Services	211 Maine, Inc, Portland, ME, to provide for telephone connections to community health and social services	\$150,000		Snowe
Department of Health & Human Services	Administration for Children and Families (ACF)—Social Services	Asian Pacific Women, Los Angeles, CA for a domestic violence prevention and education initiative	\$50,000	Schiff	
Department of Health & Human Services	Administration for Children and Families (ACF)—Social Services	AVANCE, Inc, San Antonio, TX, for a parent-child education program	\$200,000	Gonzalez	Bingaman; Tom Udall
Department of Health & Human Services	Administration for Children and Families (ACF)—Social Services	Barry University, Miami Shores, FL for the Center for Community Services Initiatives	\$300,000	Diaz-Balart, Lincoln; Meek (FL)	
Department of Health & Human Services	Administration for Children and Families (ACF)—Social Services	Beth El House, Alexandria, VA for housing and social services to formerly homeless single mothers and their families	\$200,000	Moran (VA)	
Department of Health & Human Services	Administration for Children and Families (ACF)—Social Services	Bethany House, Laredo, TX for equipment and job training resources to help the unemployed find gainful employment	\$230,000	Cuellar	
Department of Health & Human Services	Administration for Children and Families (ACF)—Social Services	Bethel's Place, Houston, TX for the Heavenly Hands community project	\$100,000	Green, Al	
Department of Health & Human Services	Administration for Children and Families (ACF)—Social Services	Beyond Shelter, Los Angeles, CA for a crisis intervention demonstration project	\$400,000	Waters	
Department of Health & Human Services	Administration for Children and Families (ACF)—Social Services	Campus Kitchens Project, Washington, DC, for services to the homeless community	\$75,000		Kennedy; Kerry; Kirk
Department of Health & Human Services	Administration for Children and Families (ACF)—Social Services	Chabad of South Bay, Lomita, CA for a project to improve services for youth and families in crisis	\$370,000	Harman	
Department of Health & Human Services	Administration for Children and Families (ACF)—Social Services	Children's Hospital of The King's Daughters Health System, Norfolk, VA for a comprehensive program to treat abused children	\$500,000	Nye	Webb
Department of Health & Human Services	Administration for Children and Families (ACF)—Social Services	City of Bellevue, WA for the Wrap-Around Services program	\$375,000	Reichert	Murray
Department of Health & Human Services	Administration for Children and Families (ACF)—Social Services	City of Emeryville, CA for early childhood development, counseling, and related services	\$250,000	Lee (CA)	
Department of Health & Human Services	Administration for Children and Families (ACF)—Social Services	City of Ft. Worth, TX for the Early Childhood Matters Initiative	\$425,000	Burgess	
Department of Health & Human Services	Administration for Children and Families (ACF)—Social Services	City of Norwich, CT for services to pregnant and parenting adolescents and their families	\$85,000	Courtney	
Department of Health & Human Services	Administration for Children and Families (ACF)—Social Services	City of San Jose, CA, for early childhood education improvement	\$300,000	Honda	Feinstein
Department of Health & Human Services	Administration for Children and Families (ACF)—Social Services	Connecticut Council of Family Service Agencies, Wethersfield, CT, for a Family Development Network	\$200,000	DeLauro	Dodd; Lieberman
Department of Health & Human Services	Administration for Children and Families (ACF)—Social Services	Connecting for Children and Families, Inc, Woonsocket, RI, to provide training and assistance to economically challenged families	\$300,000		Reed; Whitehouse
Department of Health & Human Services	Administration for Children and Families (ACF)—Social Services	Council of Peoples Organization, Brooklyn, NY for the Community Youth Program	\$150,000	Weiner	
Department of Health & Human Services	Administration for Children and Families (ACF)—Social Services	County of Monterey, Salinas, CA, for the Silver Star Gang Prevention and Intervention program	\$1,500,000	Farr	Feinstein
Department of Health & Human Services	Administration for Children and Families (ACF)—Social Services	Easter Seals of Southern Georgia, Albany, GA for respite services for children who are developmentally disabled, have autism, or are medically fragile	\$100,000	Bishop (GA)	
Department of Health & Human Services	Administration for Children and Families (ACF)—Social Services	Erie Neighborhood House, Chicago, IL, for an initiative addressing the needs of low-income children with emotional or behavioral difficulties	\$250,000		Durbin
Department of Health & Human Services	Administration for Children and Families (ACF)—Social Services	Eva's Place, Sandusky, MI for domestic violence service programs	\$200,000	Miller (MI)	
Department of Health & Human Services	Administration for Children and Families (ACF)—Social Services	First 5 Alameda County, San Leandro, CA for its children's screening, assessment, referral, and treatment initiative	\$500,000	Stark	
Department of Health & Human Services	Administration for Children and Families (ACF)—Social Services	Friends Association for Care and Protection of Children, West Chester, PA, for emergency services for homeless families	\$100,000		Specter
Department of Health & Human Services	Administration for Children and Families (ACF)—Social Services	Glenwood School for Boys and Girls, Glenwood, IL for housing support and educational and social skills development programs	\$350,000	Jackson (IL)	
Department of Health & Human Services	Administration for Children and Families (ACF)—Social Services	Greater New Britain Teen Pregnancy Prevention, Inc., New Britain, CT for teen pregnancy prevention services	\$100,000	Murphy (CT)	



**LABOR, HEALTH AND HUMAN SERVICES, EDUCATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Health & Human Services	Administration for Children and Families (ACF)—Social Services	Gregory House Programs, Honolulu, HI for a comprehensive homelessness prevention program for people living with HIV/AIDS	\$100,000	Abercrombie	
Department of Health & Human Services	Administration for Children and Families (ACF)—Social Services	Homeless Prenatal Program, San Francisco CA for case management and supportive services	\$400,000	Pelosi	
Department of Health & Human Services	Administration for Children and Families (ACF)—Social Services	Hope Institute for Children and Families, Springfield, IL for facilities and equipment	\$100,000	Shimkus	
Department of Health & Human Services	Administration for Children and Families (ACF)—Social Services	Horizons for Homeless Children, Boston, MA for programs for homeless children	\$730,000	Capuano	Kennedy; Kerry; Kirk
Department of Health & Human Services	Administration for Children and Families (ACF)—Social Services	Human Services Coalition of Tompkins County, Inc., Ithaca, NY for 2-1-1 Tompkins to provide access to social services	\$50,000	Arcuri	
Department of Health & Human Services	Administration for Children and Families (ACF)—Social Services	Huron County Safe Place, Bad Axe, MI for domestic violence service programs	\$150,000	Miller (MI)	
Department of Health & Human Services	Administration for Children and Families (ACF)—Social Services	Jewish Community Council of Canarsie, Brooklyn, NY for services for at-risk Holocaust survivors	\$300,000	Towns	
Department of Health & Human Services	Administration for Children and Families (ACF)—Social Services	Lapeer Area Citizens Against Domestic Assault, Lapeer, MI for domestic violence service programs	\$200,000	Miller (MI)	
Department of Health & Human Services	Administration for Children and Families (ACF)—Social Services	Larkin Street Youth Services, San Francisco, CA for homeless and runaway youth services	\$300,000	Pelosi	
Department of Health & Human Services	Administration for Children and Families (ACF)—Social Services	LifeStyles of Maryland, Inc., La Plata, MD for its Safe Nights Program for homeless and disadvantaged populations	\$60,000	Hoyer	
Department of Health & Human Services	Administration for Children and Families (ACF)—Social Services	Little Friends, Inc., Naperville, IL for an autism initiative	\$200,000	Biggert	
Department of Health & Human Services	Administration for Children and Families (ACF)—Social Services	Make the Road New York, Jackson Heights, NY for support services for low-income and working families	\$300,000	Crowley	Schumer
Department of Health & Human Services	Administration for Children and Families (ACF)—Social Services	Michigan Association Of United Ways, Lansing, MI, to provide work supports through a statewide 2-1-1 system	\$200,000	Schauer	Levin; Stabenow
Department of Health & Human Services	Administration for Children and Families (ACF)—Social Services	Montgomery County Department of Health and Human Services, Rockville, MD for community based service delivery and outreach	\$200,000	Edwards (MD)	
Department of Health & Human Services	Administration for Children and Families (ACF)—Social Services	National Energy Assistance Directors' Association, Washington, DC for research and information dissemination related to the Low Income Home Energy Assistance Program	\$200,000	DeLauro	
Department of Health & Human Services	Administration for Children and Families (ACF)—Social Services	North Ward Center, Newark, NJ for comprehensive services for people with autism spectrum disorders	\$400,000	Sires	
Department of Health & Human Services	Administration for Children and Families (ACF)—Social Services	Pathways PA, Holmes, PA for services for pregnant and parenting teens	\$150,000	Sestak	Specter
Department of Health & Human Services	Administration for Children and Families (ACF)—Social Services	Pierce County Alliance, Tacoma, WA for a program to expedite the permanent placement of child victims of parental abuse or neglect	\$150,000	Dicks	
Department of Health & Human Services	Administration for Children and Families (ACF)—Social Services	Polaris Project, Washington, DC for the New Jersey Trafficking Intervention Program	\$250,000	Smith (NJ)	
Department of Health & Human Services	Administration for Children and Families (ACF)—Social Services	Prince George's County, Upper Marlboro, MD for a program for transition aged youth	\$165,000	Van Hollen; Edwards (MD)	Cardin
Department of Health & Human Services	Administration for Children and Families (ACF)—Social Services	Provo City, UT, for a mentoring program for at-risk families	\$350,000		Bennett; Hatch
Department of Health & Human Services	Administration for Children and Families (ACF)—Social Services	Safe Horizons, Port Huron, MI for domestic violence service programs	\$200,000	Miller (MI)	
Department of Health & Human Services	Administration for Children and Families (ACF)—Social Services	Salvation Army San Bernardino Center for Worship and Service, San Bernardino, CA for the Support Family Services Program	\$160,000	Lewis (CA)	
Department of Health & Human Services	Administration for Children and Families (ACF)—Social Services	Santa Clara Family Health Plan, Campbell, CA for a program to transfer medically fragile and severely developmentally disabled individuals from an institutional setting	\$300,000	Honda	
Department of Health & Human Services	Administration for Children and Families (ACF)—Social Services	SingleStop USA, New York, NY, to help low-income families and individuals in New Jersey access available services	\$150,000		Lautenberg; Menendez
Department of Health & Human Services	Administration for Children and Families (ACF)—Social Services	SingleStop USA, San Francisco, CA for a program to increase low-income households' access to social services	\$100,000	Pelosi	
Department of Health & Human Services	Administration for Children and Families (ACF)—Social Services	Somerset Home for Temporarily Displaced Children, Bridgewater, NJ for a transitional/permanent housing program for youth who have aged out of foster care	\$400,000	Holt	Lautenberg; Menendez
Department of Health & Human Services	Administration for Children and Families (ACF)—Social Services	Susanna Wesley Family Learning Center, East Prairie, MO to assist at-risk youth and their families	\$250,000	Emerson	

**LABOR, HEALTH AND HUMAN SERVICES, EDUCATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Health & Human Services	Administration for Children and Families (ACF)—Social Services	TLC for Children and Families, Inc, Olathe, KS, for youth transitional living programs	\$200,000	Moore (KS)	Brownback; Roberts
Department of Health & Human Services	Administration for Children and Families (ACF)—Social Services	United Methodist Children's Home of Alabama and West Florida, Selma, AL, for expansion and related expenses for children's services	\$100,000	Aderholt	Sessions
Department of Health & Human Services	Administration for Children and Families (ACF)—Social Services	United Way Anchorage, Anchorage, AK, for the Alaska 2-1-1 referral system	\$100,000		Begich; Murkowski
Department of Health & Human Services	Administration for Children and Families (ACF)—Social Services	United Way of Central Maryland, Baltimore, MD, to provide social services through the 2-1-1 Maryland Program	\$800,000	Ruppersberger	Mikulski
Department of Health & Human Services	Administration for Children and Families (ACF)—Social Services	United Way of the Capital Area, Jackson, MS, for 2-1-1 Mississippi	\$400,000		Cochran
Department of Health & Human Services	Administration for Children and Families (ACF)—Social Services	University of Alabama, Tuscaloosa, AL for the West Alabama Autism Outreach Center	\$355,000	Bonner	
Department of Health & Human Services	Administration for Children and Families (ACF)—Social Services	University of Central Missouri, Warrensburg, MO for services for people with Autism Spectrum Disorders	\$280,000	Skelton	
Department of Health & Human Services	Administration for Children and Families (ACF)—Social Services	University of Toledo, Toledo, OH for services for persons with autism and research on autism spectrum disorders	\$500,000	Kaptur	
Department of Health & Human Services	Administration for Children and Families (ACF)—Social Services	Washington Asset Building Coalition, Olympia, WA, to expand financial education and counseling services to low-income residents	\$100,000		Murray
Department of Health & Human Services	Administration for Children and Families (ACF)—Social Services	Washington Information Network, Renton, WA, to improve and expand 2-1-1 referral services	\$100,000		Murray
Department of Health & Human Services	Administration for Children and Families (ACF)—Social Services	Wayne County Department of Children and Family Services, Detroit, MI for the Kids-TALK forensic interviewing project	\$150,000	Conyers; Kilpatrick (MI)	Levin; Stabenow
Department of Health & Human Services	Administration for Children and Families (ACF)—Social Services	YWCA of Monterey County, Monterey, CA for expansion of direct services and prevention programs to combat domestic and gang violence	\$250,000	Farr	
Department of Health & Human Services	Administration on Aging (AOA)	Catholic Charities Hawaii, Honolulu, HI for an independent living demonstration project	\$400,000	Abercrombie	
Department of Health & Human Services	Administration on Aging (AOA)	Center on Halsted, Chicago, IL for wellness services for seniors	\$475,000	Quigley	
Department of Health & Human Services	Administration on Aging (AOA)	City of Fremont, CA for training, coordination, and outreach to address the needs of seniors	\$150,000	Stark	
Department of Health & Human Services	Administration on Aging (AOA)	City of Long Beach, CA for a program to coordinate senior services and activities within the region	\$100,000	Richardson	
Department of Health & Human Services	Administration on Aging (AOA)	County of Ventura, CA for an elder abuse prevention and treatment program	\$654,000	Gallegly	
Department of Health & Human Services	Administration on Aging (AOA)	Family Caregiver Alliance, San Francisco, CA for a National Resource Center on Family Caregiving	\$500,000	Pelosi	
Department of Health & Human Services	Administration on Aging (AOA)	Gallagher Outreach Program Inc, Sunnyside, NY, for outreach and social services to elderly Irish immigrants	\$200,000		Schumer
Department of Health & Human Services	Administration on Aging (AOA)	Jewish Family and Children's Service of Minneapolis, Minnetonka, MN for the Family Caregiver Access Network Demonstration Project	\$250,000	Paulsen; Ellison	Franken
Department of Health & Human Services	Administration on Aging (AOA)	Jewish Family Service of Central New Jersey, Elizabeth, NJ for an aging-in-place demonstration	\$300,000	Lance; Sires	Lautenberg; Menendez
Department of Health & Human Services	Administration on Aging (AOA)	Jewish Family Service of Metropolitan Detroit, West Bloomfield, MI for a family caregiver services development project	\$200,000	Peters	Levin; Stabenow
Department of Health & Human Services	Administration on Aging (AOA)	Jewish Family Service of Somerset, Hunterdon and Warren Counties, Somerville, NJ for an aging-in-place demonstration	\$225,000	Lance	Menendez
Department of Health & Human Services	Administration on Aging (AOA)	Jewish Family Services of Utah, Salt Lake City, UT, for community-based caregiver services	\$300,000		Bennett; Hatch
Department of Health & Human Services	Administration on Aging (AOA)	Jewish Federation of Greater Atlanta, Atlanta, GA, for services at a naturally occurring retirement community	\$100,000	Lewis (GA)	Chambliss
Department of Health & Human Services	Administration on Aging (AOA)	Lifespan of Greater Rochester, Inc, Rochester, NY, for activities to prevent elder abuse	\$100,000		Schumer
Department of Health & Human Services	Administration on Aging (AOA)	Mosaic, Garden City, KS, for the legacy senior services initiative	\$350,000	Moran (KS)	Brownback; Roberts
Department of Health & Human Services	Administration on Aging (AOA)	NORC Supportive Services Center, Inc., New York, NY for a program to provide medical products and services to seniors	\$500,000	Nadler (NY)	
Department of Health & Human Services	Administration on Aging (AOA)	Rebuilding Together, Inc., Washington, DC for the Safe at Home falls prevention initiative	\$350,000	Hoyer	

**LABOR, HEALTH AND HUMAN SERVICES, EDUCATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Health & Human Services	Administration on Aging (AOA)	Stetson University College of Law, Gulfport, FL for a demonstration program to educate seniors on economic issues	\$100,000	Young (FL)	
Department of Health & Human Services	Administration on Aging (AOA)	UJA Federation of Northern New Jersey, Paramus, NJ for an aging-in-place program	\$200,000	Garrett (NJ); Pascrell; Rothman (NJ)	Lautenberg; Menendez
Department of Health & Human Services	Administration on Aging (AOA)	United Jewish Communities of MetroWestNJ, Whippany, NJ for the Life-long Involvement for Vital Elders independent aging demonstration program	\$100,000	Pascrell	Lautenberg; Menendez
Department of Health & Human Services	Administration on Aging (AOA)	Washoe County Senior Services, Carson City, NV, for the RSVP Home Companion Senior Respite Care Program	\$195,000		Reid
Department of Health & Human Services	Administration on Aging (AOA)	Westminster Village, Allentown, PA for the Demential Leadership Initiative Program	\$225,000	Dent	
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	Access Community Health Network, Chicago, IL for a program to reduce cancer disparities through comprehensive early detection	\$200,000	Jackson (IL); Schakowsky	
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	AIDS Community Resources, Inc, Syracuse, NY, for HIV/AIDS education and prevention	\$300,000	Maffei	Schumer
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	Alameda County Department of Public Health, Office of AIDS, Oakland, CA for an HIV/AIDS prevention and testing initiative	\$300,000	Lee (CA)	
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	Alliance for the Prudent Use of Antibiotics, Boston, MA for a comprehensive program to review antibiotic resistance trends, interventions, and prevention methods, including a public information campaign	\$100,000	Lynch	
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	Allina Hospitals and Clinics, Minneapolis, MN for a heart disease prevention program	\$250,000	Walz	Franken
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	American Red Cross, San Juan, PR for testing the Puerto Rico blood supply for the dengue virus	\$400,000	Pierluisi	
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	Betty Jean Kerr Peoples Health Center, St. Louis, MO for the prostate cancer screening program	\$150,000	Clay	
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	Broward County, Ft. Lauderdale, FL for a pediatric mortality public awareness campaign	\$275,000	Hastings (FL)	
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	Center for International Rehabilitation, Washington, DC, for the disability rights monitor program	\$150,000		Harkin
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	Children's Health Fund, New York, NY for health assessments, outreach, and education services for children and their families	\$100,000	Rangel	Gillibrand
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	City of Laredo, TX for a community health assessment	\$200,000	Cuellar	
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	Community Health Centers in Hawaii, Honolulu, HI, for the Childhood Rural Asthma Project	\$200,000		Inouye; Akaka
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	County of Essex, Newark, NJ, for diabetes prevention and management program for severely mentally ill individuals	\$125,000	Rothman (NJ); Sires	Menendez; Lautenberg
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	County of Marin, San Rafael, CA for research and analysis related to breast cancer incidence and mortality in the county and breast cancer screening	\$200,000	Woolsey	
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	East Carolina University, Greenville, NC for a program to reduce health disparities through chronic disease management	\$400,000	Butterfield	Hagan; Burr
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	Eastern Maine Health Systems, Brewer, ME, for emergency preparedness planning and equipment	\$640,000		Collins; Snowe
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	El Puente, Inc., Brooklyn, NY for a youth and family wellness program	\$500,000	Velazquez	
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	Family Hospice and Palliative Care, Pittsburgh, PA for the Center for Compassionate Care Education Outreach program	\$100,000	Murphy, Tim	Specter
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	Friends of the Congressional Glaucoma Caucus Foundation, Lake Success, NY for glaucoma screenings in Northern Virginia	\$50,000	Moran (VA)	
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	Ft. Valley State University, Ft. Valley, GA for a food and nutrition education program (EFNEP) aimed at curbing obesity, particularly among young minorities	\$100,000	Bishop (GA)	
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	Haitian American Association Against Cancer, Inc., Miami, FL for cancer education, outreach, screening, and related programs	\$300,000	Meek (FL)	
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	Healthy People Northeast Pennsylvania Initiative, Clarks Summit, PA, for obesity prevention and education programs	\$100,000		Specter

**LABOR, HEALTH AND HUMAN SERVICES, EDUCATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	Huntington Breast Cancer Action Coalition, Huntington, NY for providing services and programs to underserved populations on how to reduce the risks of cancer	\$100,000	Israel	Schumer
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	Inland Northwest Health Services, Spokane, WA for a public health surveillance initiative	\$350,000	McMorris Rodgers	
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	International Rett Syndrome Foundation, Cincinnati, OH for education and awareness programs regarding Rett Syndrome	\$180,000	Hoyer	
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	Iowa Chronic Care Consortium/Des Moines University, Des Moines, IA for a preventive health initiative	\$200,000	Latham; Boswell	Harkin; Grassley
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	Kalihi-Palama Health Center, Honolulu, HI, for outreach, screening and education related to renal disease	\$150,000		Inouye; Akaka
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	Kaweah Delta Hospital Foundation, Visalia, CA, for a comprehensive asthma management program	\$100,000		Boxer
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	La Familia Medical Center, Santa Fe, NM, for diabetes education and outreach	\$100,000		Bingaman; Tom Udall
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	Latino Health Access, Santa Ana, CA for a youth obesity prevention program	\$150,000	Sanchez, Loretta	
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	Lupus LA, Los Angeles, CA for increasing public awareness of lupus	\$250,000	Roybal-Allard	
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	Mario Lemieux Foundation, Bridgeville, PA for the Hodgkin's Disease Patient and Public Education Outreach Initiative	\$100,000	Murphy, Tim	
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	Mary Bird Perkins Cancer Center, Baton Rouge, LA, to expand early detection cancer screening	\$600,000	Scalise	Vitter; Landrieu
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	Middle Tennessee State University, Murfreesboro, TN for a program to improve the physical fitness of children and adolescents in Middle Tennessee	\$400,000	Gordon (TN)	
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	Morgan State University, Baltimore, MD for a program to understand the social determinants and the impact of health disparities on the health of urban and underserved populations	\$200,000	Cummings	
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	National Marfan Foundation, Port Washington, NY for an awareness and education campaign for Marfan Syndrome	\$250,000	Ackerman	
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	Nevada Cancer Institute, Las Vegas, NV for cancer education and outreach services	\$600,000	Berkley; Titus	Reid
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	New York Junior Tennis League, Woodside, NY for a childhood obesity program for high-risk youth from low-income families	\$250,000	Crowley	
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	Northeast Regional Cancer Institute, Scranton, PA, for a regional cancer registry	\$100,000	Carney; Kanjorski	Specter; Casey
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	Northwestern Memorial Hospital, Chicago, IL, for the development of a comprehensive diabetic program	\$200,000	Gutierrez; Jackson (IL)	Durbin; Burris
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	Ohio University, Athens, OH, for diabetes outreach and education in rural areas	\$200,000		Voinovich; Brown
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	Padres Contra El Cancer, Los Angeles, CA for educational resources and outreach programs to serve families with children with cancer	\$250,000	Berman	
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	PE4life Foundation, Kansas City, MO, for expansion and assessment of PE4life programs across Iowa	\$300,000		Harkin
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	Pednet Coalition, Inc, Columbia, MO, for obesity prevention programs	\$500,000		Bond
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	Penn State University, Milton S Hershey Medical Center, Hershey, PA, for a stroke prevention program	\$100,000		Specter
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	Polycystic Kidney Disease Foundation, Kansas City, MO for developing education and awareness programs about chronic kidney disease	\$100,000	Wasserman Schultz	
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	Prevent Blindness Florida, Tampa, FL for the See the Difference Vision Screening Program	\$200,000	Billirakis; Boyd; Grayson	Nelson, Bill
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	Puerto Rican Cultural Center, Chicago, IL for an HIV/AIDS outreach and education program	\$100,000	Gutierrez; Quigley	
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	Pulmonary Hypertension Association, Silver Spring, MD for a pulmonary hypertension prevention and awareness initiative	\$250,000	Brady (TX)	
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	San Antonio Metropolitan Health District, San Antonio, TX for a program to assess the health behaviors of the Kelly community and address health issues such as lead poisoning, asthma, and indoor pollutants	\$500,000	Gonzalez	

**LABOR, HEALTH AND HUMAN SERVICES, EDUCATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	Schneider Children's Hospital, New Hyde Park, NY for comprehensive Diamond Blackfan Anemia awareness and surveillance	\$300,000	McCarthy (NY)	
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	Shelby County Community Services, Memphis, TN for an infant mortality prevention and education program	\$200,000	Cohen	
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	Silent Spring Institute, Newton, MA for studies of the impact of environmental pollutants on breast cancer and women's health	\$350,000	Delahunt	Kennedy; Kerry; Kirk
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	South Carolina HIV/AIDS Council, Columbia, SC for an HIV/AIDS prevention program	\$200,000	Clyburn	
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	South Dakota State University, Brookings, SD, for research on health promotion	\$150,000	Herseht Sandlin	Johnson; Thune
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	Spinal Muscular Atrophy Foundation, New York, NY, for outreach, patient education and registries	\$500,000		Harkin; Schumer
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	State of Maryland Department of Health and Mental Hygiene, Baltimore, MD, for the Unified Oral Health Education Message Campaign	\$1,200,000	Cummings; Edwards (MD)	Mikulski; Cardin
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	Texas AgriLife Extension Service, College Station, TX for a youth obesity prevention initiative	\$300,000	Granger	
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	Texas Tech University Health Science Center, Lubbock, TX for the West Texas Center for Influenza Research, Education and Treatment	\$200,000	Conaway	
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	Thundermist Health Center, Woonsocket, RI for the active teen challenge project to reduce childhood obesity	\$200,000	Kennedy	Reed; Whitehouse
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	UMOS, Inc., Milwaukee, WI for a teen pregnancy and sexually transmitted infections prevention program	\$100,000	Moore (WI)	
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	University of Nebraska Medical Center, Omaha, NE, to develop an environmental health informatics database	\$450,000	Fortenberry	Ben Nelson
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	University of Nevada School of Medicine, Reno, NV, to establish a diabetes management program	\$800,000		Reid
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	University of New Mexico, Albuquerque, NM for a prevention program aimed at reducing diabetes-related heart and blood vessel diseases in New Mexico	\$350,000	Heinrich	Bingaman; Udall, Tom
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	University of North Carolina, Chapel Hill, NC, for a racial disparities and cardiovascular disease initiative	\$300,000	Price (NC)	Burr; Hagan
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	University of Texas, M.D. Anderson Cancer Center, Houston, TX for a comprehensive cancer control program to address the needs of minority and medically underserved populations	\$500,000	Green, Al; Jackson-Lee (TX)	
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	University of Texas-Pan American, Edinburg, TX for research and education activities at the South Texas Border Health Disparities Center	\$250,000	Hinojosa	
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	University of Wisconsin-Milwaukee School of Public Health, Milwaukee, WI, to support and expand public health education and outreach programs	\$900,000	Moore (WI)	Kohl
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	Valentine Boys and Girls Club of Chicago, Chicago, IL for a health and physical education program to prevent obesity and promote healthy development	\$150,000	Lipinski	
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	Visiting Nurses Association, Council Bluffs, IA for a telehealth initiative, including purchase of equipment	\$350,000	King (IA)	Harkin; Grassley
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	Waterloo Fire Rescue, Waterloo, IA, for FirePALS, a school-based injury prevention program	\$150,000		Harkin
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	Watts Healthcare Corporation, Los Angeles, CA for a project to improve breastfeeding rates	\$250,000	Sanchez, Linda	
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	Winston-Salem State University, Winston-Salem, NC, for blood pressure and obesity screening programs, including training of healthcare professionals	\$100,000	Watt	Hagan
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	Yale New Haven Health Center, New Haven, CT, for the Connecticut Center for Public Health Preparedness	\$150,000	DeLauro	Dodd; Lieberman
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	Youth & Family Services, Inc, Rapid City, SD, for a health promotion program for young men	\$300,000		Johnson; Thune
Department of Health & Human Services	Centers for Medicare and Medicaid Services (CMS)—Research & Demonstration	Bi-State Primary Care Association, Concord, NH, to support uncompensated care to treat uninsured and underinsured patients	\$600,000	Hodes; Shea-Porter	Gregg; Shaheen

**LABOR, HEALTH AND HUMAN SERVICES, EDUCATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Health & Human Services	Centers for Medicare and Medicaid Services (CMS)—Research & Demonstration	Bi-State Primary Care Association, Montpelier, VT to treat uninsured patients	\$100,000	Welch	
Department of Health & Human Services	Centers for Medicare and Medicaid Services (CMS)—Research & Demonstration	Bi-State Primary Care, Concord, NH, for primary care workforce recruitment	\$650,000	Hodes; Shea-Porter	Gregg; Shaheen
Department of Health & Human Services	Centers for Medicare and Medicaid Services (CMS)—Research & Demonstration	County of Ventura Health Care Agency, Ventura, CA for Medicaid enrollment programs	\$200,000	Capps	
Department of Health & Human Services	Centers for Medicare and Medicaid Services (CMS)—Research & Demonstration	Fond du Lac County, WI for the Save a Smile Program	\$400,000	Petri	
Department of Health & Human Services	Centers for Medicare and Medicaid Services (CMS)—Research & Demonstration	Iowa Dental Association, Johnston, IA, for a children's dental home demonstration project in Scott County	\$250,000	Braley (IA)	Harkin
Department of Health & Human Services	Centers for Medicare and Medicaid Services (CMS)—Research & Demonstration	Jewish Healthcare Foundation, Pittsburgh, PA for program to increase involvement of pharmacists in chronic disease management	\$100,000	Doyle	
Department of Health & Human Services	Centers for Medicare and Medicaid Services (CMS)—Research & Demonstration	Patient Advocate Foundation, Newport News, VA for a patient assistance program for the uninsured	\$300,000	Scott (VA)	Webb
Department of Health & Human Services	Centers for Medicare and Medicaid Services (CMS)—Research & Demonstration	University of Mississippi, University, MS, for the Medication Use and Outcomes Research Group	\$500,000		Cochran
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Adams State College, Alamosa, CO, for facilities and equipment related to nurse training	\$125,000	Salazar	Mark Udall; Bennet
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Advocate Good Shepherd Hospital, Barrington, IL for facilities and equipment	\$70,000	Bean	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Advocate South Suburban Hospital, Hazel Crest, IL for facilities and equipment	\$300,000	Jackson (IL)	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Advocates for a Healthy Community, Inc., Springfield, MO for facilities and equipment	\$750,000	Blunt	Bond
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Akron Children's Hospital, Akron, OH for facilities and equipment	\$250,000	LaTourette	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Alaska Native Tribal Health Consortium, Anchorage, AK, for facilities and equipment	\$1,000,000		Murkowski; Begich
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Alaska Native Tribal Health Consortium, Anchorage, AK, for training dental health care workers	\$2,000,000		Murkowski; Begich
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Alexandria Neighborhood Health Services, Inc., Alexandria, VA for facilities and equipment	\$500,000	Moran (VA)	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Alivio Medical Center, Chicago, IL, for facilities and equipment	\$1,000,000	Gutierrez	Durbin
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	All Children's Hospital, St. Petersburg, FL for facilities and equipment	\$350,000	Billirakis	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Allegheny General Hospital, Pittsburgh, PA, for equipment	\$100,000		Specter
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Allen Institute for Brain Science, Seattle, WA, for equipment	\$300,000	Inslee; McDermott; Smith (WA)	Murray; Cantwell
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Allied Services Foundation, Clarks Summit, PA, for rehabilitation equipment	\$100,000	Kanjorski	Specter; Casey
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Alton Memorial Hospital, Alton, IL for facilities and equipment	\$250,000	Costello	

**LABOR, HEALTH AND HUMAN SERVICES, EDUCATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Altoona Regional Health System, Altoona, PA, for equipment	\$100,000		Specter; Casey
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	AMDEC Foundation, New York, NY, for facilities and equipment relating to medical research	\$100,000		Gillibrand
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	American Oncologic Hospital, Fox Chase Cancer Center, Philadelphia, PA for facilities and equipment for the American Russian Cancer Alliance	\$1,000,000	Hoyer	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	American Optometric Association, Alexandria, VA, to expand vision screening programs	\$500,000		Byrd
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	American Optometric Association, Saint Louis, MO, to expand vision screening programs in Iowa	\$90,000		Harkin
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	American Prosthodontic Society Foundation, Osceola Mills, PA, for scholarships and program costs related to training in prosthetic dentistry and clinical prosthodontics	\$100,000		Specter
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	American Red Cross Southeastern MI Blood Services Region, Detroit, MI, for blood donation programs	\$200,000	Kilpatrick (MI)	Levin; Stabenow
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	American Red Cross, Columbus, OH, for purchase of vehicles to serve rural areas	\$200,000		Brown
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Anchorage Neighborhood Health Center, Anchorage, AK for facilities and equipment	\$100,000	Young (AK)	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Anchorage Project Access, Anchorage, AK, for health care coordination and supplies	\$125,000		Begich; Murkowski
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Angelina College, Lufkin, TX for purchase of equipment	\$200,000	Gohmert	Cornyn
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Anna Jacques Hospital, Newburyport, MA, for health information technology	\$200,000		Kennedy; Kerry; Kirk
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Appalachian State University, Boone, NC, for facilities and equipment related to rural health	\$100,000		Hagan
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Arcadia Methodist Hospital, Arcadia, CA for an electronic medical records initiative	\$750,000	Dreier	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Arkansas Department of Health, Little Rock, AR, for facilities and equipment at the Marshalle Health Clinic	\$240,000		Lincoln; Pryor
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Arkansas Methodist Medical Center, Paragould, AR for facilities and equipment	\$100,000	Berry	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Asher Community Health Center, Fossil, OR, for facilities and equipment	\$200,000		Wyden; Merkley
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Ashtabula County Council on Aging, Inc., dba Ashtabula Senior Center, Ashtabula, OH for facilities and equipment	\$250,000	LaTourette	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Asian Health Services, Oakland, CA for facilities and equipment	\$275,000	Lee (CA)	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Association for Utah Community Health, Salt Lake City, UT for facilities and equipment	\$1,350,000	Matheson	Bennett; Hatch
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Athol Memorial Hospital, Athol, MA for facilities and equipment	\$250,000	Olver	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Atlantic Health System, Morristown, NJ for facilities and equipment	\$750,000	Frelinghuysen	Lautenberg; Menendez

**LABOR, HEALTH AND HUMAN SERVICES, EDUCATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	AtlantiCare, Egg Harbor Township, NJ for facilities and equipment	\$200,000	LoBiondo	Lautenberg; Menendez
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Autism New Jersey, Ewing, NJ, for an autism patient navigator project	\$100,000	Rothman (NJ); Smith (NJ)	Menendez; Lautenberg
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Avis Goodwin Community Health Center, Dover, NH for facilities and equipment	\$225,000	Shea-Porter	Shaheen
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Bacharach Institute for Rehabilitation, Pomona, NJ for facilities and equipment	\$250,000	LoBiondo	Lautenberg
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Bacon County Hospital, Alma, GA for facilities and equipment	\$993,000	Kingston	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Baltimore Medical System, Baltimore, MD for facilities and equipment for the Highlandtown Health Living Center	\$250,000	Sarbanes	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Baptist Health System, Jacksonville, FL, for equipment	\$100,000		Bill Nelson
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Baptist Hospitals of Southeast Texas, Beaumont, TX for facilities and equipment	\$200,000	Poe (TX)	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Barnesville Hospital, Barnesville, OH for facilities and equipment	\$800,000	Wilson (OH)	Brown
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Bassett Hospital of Schoharie County dba Cobleskill Regional Hospital, Cobleskill, NY for facilities and equipment	\$350,000	Tonko	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Baton Rouge General Medical Center, Baton Rouge, LA, for facilities and equipment at a nursing facility	\$200,000		Landrieu; Vitter
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Bay Area Medical Center, Marinette, WI, for health information technology	\$900,000	Stupak	Kohl
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Bay Regional Medical Center, Bay City, MI for facilities and equipment	\$350,000	Kildee	Levin; Stabenow
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	BayCare Health System, Clearwater, FL for facilities and equipment	\$1,000,000	Young (FL)	Nelson, Bill
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Bear Lake Memorial Hospital, Montpelier, ID for facilities and equipment	\$300,000	Simpson	Crapo; Risch
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Beebe Medical Center, Lewes, DE, for facilities and equipment	\$100,000	Castle	Carper; Kaufman
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Ben Archer Health Center, Hatch, NM for facilities and equipment	\$300,000	Teague	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Benefis Health System, Great Falls, MT for facilities and equipment	\$500,000	Rehberg	Baucus; Tester
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Benjamin Franklin Institute of Technology, Boston, MA, for the development of health profession training programs	\$100,000		Kennedy; Kerry; Kirk
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Bergen Regional Medical Center, Hackensack, NJ, for facilities and equipment	\$300,000		Lautenberg; Menendez
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Big Springs Medical Association, Inc dba Missouri Highlands Health Care, Ellington, MO, for facilities and equipment	\$1,000,000		Bond
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Billings Clinic, Billings, MT for a rural health outreach program, including facilities and equipment	\$250,000	Rehberg	Baucus; Tester



**LABOR, HEALTH AND HUMAN SERVICES, EDUCATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Bingham Memorial Hospital, Blackfoot, ID, for facilities and equipment	\$200,000		Crapo; Risch
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	BioInnovation Institute of Akron, Akron, OH for facilities and equipment	\$1,000,000	Sutton; LaTourette; Ryan (OH)	Voinovich; Brown
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Bisbee Hospital Association, Bisbee, AZ for facilities and equipment	\$400,000	Giffords	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Bi-State Primary Care Association, Montpelier, VT, for facilities, equipment and expansion of outreach and education programs	\$125,000		Sanders
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Blackstone Valley Community Health Care Inc, Pawtucket, RI, for facilities and equipment	\$500,000		Reed; Whitehouse
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Boston Medical Center, Boston, MA, for facilities and equipment	\$650,000	Markey (MA)	Kennedy; Kerry; Kirk
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Bothwell Region Health Center, Sedalia, MO for facilities and equipment	\$370,000	Skelton	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Boulder City Hospital, Boulder City, NV, for facilities and equipment	\$1,000,000		Reid
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Bradley Hospital, East Providence, RI for facilities and equipment	\$500,000	Kennedy	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Branch-Hillsdale-St. Joseph Community Health Agency, Coldwater, MI for facilities and equipment for a Hillsdale public health dental clinic	\$400,000	Schauer	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Bridgeport Hospital, Bridgeport, CT, for facilities and equipment	\$325,000	Himes	Dodd; Lieberman
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Broadlawn Medical Center, Des Moines, IA, for facilities and equipment	\$500,000	Boswell	Harkin; Grassley
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Bronx Regional Health Information Organization, Bronx, NY for facilities and equipment	\$310,000	Engel	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Bronx-Lebanon Hospital Center, Bronx, NY for facilities and equipment	\$600,000	Serrano	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Brookhaven Memorial Hospital Medical Center, Patchogue, NY for facilities and equipment	\$150,000	Bishop (NY)	Schumer
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Brown University, Providence, RI, for facilities and equipment relating to medical education	\$116,000	Langevin	Whitehouse; Reed
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Brownsville Community Development Corporation, Brooklyn, NY for facilities and equipment	\$400,000	Clarke	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Butler Hospital, Providence, RI, for equipment relating to Alzheimer's disease	\$200,000	Kennedy; Langevin	Reed; Whitehouse
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Cabell Huntington Hospital Foundation, Huntington, WV for facilities and equipment	\$650,000	Rahall	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Calhoun Liberty Hospital, Blountstown, FL for facilities and equipment	\$450,000	Boyd	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	California State University Channel Islands, Camarillo, CA for nursing curriculum development, including purchase of equipment	\$195,000	Gallegly	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	California State University San Bernardino, San Bernardino, CA for facilities and equipment	\$100,000	Bono Mack	

**LABOR, HEALTH AND HUMAN SERVICES, EDUCATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	California State University, Bakersfield, CA for purchase of equipment	\$150,000	McCarthy (CA)	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	California State University, Long Beach, Department of Nursing, Long Beach, CA for nursing programs	\$200,000	Rohrabacher	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Camillus House, Inc., Miami, FL for facilities and equipment	\$500,000	Ros-Lehtinen; Diaz-Balart, Mario; Meek (FL); Wasserman Schultz	Nelson, Bill
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	CARD Clinic, Libby, MT, for facilities and equipment related to an asbestos surveillance initiative	\$550,000	Rehberg	Baucus; Tester
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	CarePartners Foundation, Asheville, NC, for health information systems including equipment	\$300,000	Shuler	Burr
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Caribou Memorial Hospital, Soda Springs, ID, for facilities and equipment	\$100,000		Crapo; Risch
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Caring Health Center, Inc, Springfield, MA, for facilities and equipment	\$150,000		Kennedy; Kerry; Kirk
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Caritas Christi Health Care, Boston, MA for facilities and equipment for Carney Hospital, Dorchester, MA	\$400,000	Lynch	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Caroline's Room/Community Foundation of Greater New Haven, New Haven, CT for facilities and equipment	\$300,000	DeLauro	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Cassia Regional Medical Center, Burley, ID, for facilities and equipment	\$100,000		Crapo; Risch
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Castleton State College, Castleton, VT, for a nursing program, including equipment	\$500,000	Welch	Sanders
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Catholic Charities Free Health Care Center, Pittsburgh, PA, for equipment	\$100,000		Specter
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Catskill Regional Medical Center, Harris, NY for facilities and equipment	\$300,000	Hinchey	Gillibrand
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Cedars-Sinai Medical Center, Los Angeles, CA, for equipment and supplies for the Institute for Irritable Bowel Syndrome Research	\$655,000		Feinstein
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Centenary College of Louisiana, Shreveport, LA, for facilities and equipment in health sciences	\$500,000	Alexander	Landrieu; Vitter
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Central Piedmont Community College, Charlotte, NC, for facilities and equipment at the Health Sciences Simulation Lab	\$125,000	Kissell; Watt	Hagan
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Central Suffolk Hospital dba Peconic Bay Medical Center, Riverhead, NY for facilities and equipment	\$100,000	Bishop (NY)	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Central Washington Hospital, Wenatchee, WA for facilities and equipment	\$600,000	Hastings (WA)	Cantwell; Murray
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Charles A Dean Memorial Hospital and Nursing Home, Greenville, ME, for facilities and equipment	\$250,000	Michaud	Collins; Snowe
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Charles Cole Memorial Hospital, Coudersport, PA, for facilities and equipment	\$100,000		Specter
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Charles T. Sitrin Health Care Center, New Hartford, NY for facilities and equipment	\$250,000	Arcuri	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Cherry Street Health Services, Grand Rapids, MI, for facilities and equipment	\$400,000	Ehlers	Stabenow; Levin

**LABOR, HEALTH AND HUMAN SERVICES, EDUCATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Chicago Family Health Project, Chicago, IL for facilities and equipment	\$250,000	Jackson (IL)	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Chickaloon Native Village, Chickaloon, AK for facilities and equipment	\$250,000	Young (AK)	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Child Protection Center, Sarasota, FL for facilities and equipment	\$150,000	Buchanan	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Childersburg Medical Clinic Board, Childersburg, AL for facilities and equipment at the Regional Diabetic Care and Advanced Wound Care Center	\$200,000	Rogers (AL)	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Children's Health Fund, New York, NY, for facilities and equipment at the South Bronx Health Center for Children and Families	\$150,000		Gillibrand
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Children's Healthcare of Atlanta, Atlanta, GA, for facilities and equipment	\$200,000	Bishop (GA); Lewis (GA)	Isakson; Chambliss
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Children's Hospital and Clinics of Minnesota, St. Paul, MN for facilities and equipment	\$675,000	McCollum	Klobuchar; Franken
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Children's Hospital of KidsPeace, Orefield, PA, for facilities and equipment	\$100,000		Specter; Casey
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Children's Hospital of The King's Daughters Health System, Chesapeake, VA for facilities and equipment	\$200,000	Forbes	Warner
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Children's Hospital of the King's Daughters, Norfolk, VA for facilities and equipment	\$250,000	Wittman	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Children's Hospital, Aurora, CO for facilities and equipment	\$225,000	Perlmutter	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Children's Hospitals and Clinics of Minnesota, Minneapolis, MN for facilities and equipment	\$450,000	Paulsen	Klobuchar; Franken
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Children's Institute of Pittsburgh, Pittsburgh, PA for facilities and equipment	\$600,000	Doyle	Casey; Specter
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Children's Medical Center, Dallas, TX, for facilities and equipment	\$250,000		Hutchison
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Children's Memorial Hermann Hospital, Houston, TX, for facilities and equipment	\$100,000		Hutchison
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Children's Memorial Hospital, Chicago, IL for facilities and equipment	\$500,000	Bean; Gutierrez; Jackson (IL); Quigley	Durbin
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Chinese Hospital, San Francisco, CA for facilities and equipment	\$350,000	Pelosi	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Chippewa Valley Free Clinic, Eau Claire, WI, for electronic health record equipment and implementation	\$50,000		Kohl
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Chippewa Valley Hospital, Durand, WI, for electronic health record equipment and implementation	\$400,000		Kohl
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	CHOICE Regional Health Network, Olympia, WA for rural health outreach	\$115,000	Smith (WA)	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	CHRISTUS Health St. Francis Cabrini Hospital, Alexandria, LA for an electronic medical records initiative	\$400,000	Alexander	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	CHRISTUS Health System, Shreveport, LA for a rural health initiative	\$350,000	Alexander	Landrieu; Vitter

**LABOR, HEALTH AND HUMAN SERVICES, EDUCATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Cincinnati Children's Hospital, Cincinnati, OH for facilities and equipment	\$500,000	Driehaus	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Citizens for a Fair Ferndale, Hazel Park, MI for facilities and equipment for Ferndale Free Clinic	\$150,000	Levin	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	City of Anchorage, AK, for facilities and equipment relating to public health	\$125,000		Begich
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	City of Bethlehem, PA for facilities and equipment	\$100,000	Dent	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	City of Hopewell, VA for facilities and equipment	\$257,000	Forbes	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	City of Ketchikan, AK, for facilities and equipment at Ketchikan General Hospital	\$1,000,000		Murkowski; Begich
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	City of New Orleans, LA, for facilities and equipment at a hospital in New Orleans East	\$1,000,000	Cao	Landrieu; Vitter
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	City of Pendleton, OR, for facilities and equipment at the Women Veterans Trauma Rehabilitation Center	\$150,000		Merkley; Wyden
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	City of Philadelphia, PA for facilities and equipment for electronic health records	\$535,000	Schwartz	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	City of Philadelphia, PA, for equipment to develop an Electronic Parental Care Registry	\$125,000		Casey; Specter
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	City of Springville, AL for facilities and equipment	\$250,000	Bachus	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	City of Sumter, SC for facilities and equipment for Central Carolina Technical College	\$250,000	Clyburn; Spratt	Graham
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	City of Vineland, NJ for facilities and equipment	\$300,000	LoBiondo	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	City of West Wendover, NV, for equipment for the West Wendover Medical Clinic	\$310,000		Reid
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Clarian Health and Riley Hospital for Children, Indianapolis, IN for facilities and equipment	\$400,000	Buyer	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Clarian Health, Indianapolis, IN for facilities and equipment	\$200,000	Carson (IN)	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Clayton County Board of Commissioners, Jonesboro, GA for facilities and equipment for Alzheimer's Disease services	\$350,000	Scott (GA)	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Cleveland Clinic Lou Ruvo Center for Brain Health, Las Vegas, NV, for equipment	\$1,300,000	Berkley	Reid; Ensign
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Clinica Family Health Services, Lafayette, CO for facilities and equipment	\$250,000	Polis	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Clinica Sierra Vista, Bakersfield, CA for facilities and equipment	\$550,000	Costa	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Clinicas de Salud del Pueblo, Inc., Brawley, CA for facilities and equipment	\$400,000	Filner	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Clinics of Hope, USA, Knoxville, TN for facilities and equipment	\$200,000	Duncan	

**LABOR, HEALTH AND HUMAN SERVICES, EDUCATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Coastal Bend College, Beeville, TX for facilities and equipment	\$220,000	Hinojosa	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Coastal Medical Access Project, Brunswick, GA for facilities and equipment	\$100,000	Kingston	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Cobb County Government, Marietta, GA for facilities and equipment	\$500,000	Gingrey (GA); Scott (GA)	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Codman Square Health Center, Dorchester, MA, for facilities and equipment	\$200,000		Kennedy; Kerry; Kirk
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Coeur d'Alene Tribe, Plummer, ID, for facilities and equipment	\$100,000		Crapo; Risch
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Cold Spring Harbor Laboratory, Cold Spring, NY, for equipment	\$500,000	Bishop (NY)	Gillibrand; Schumer
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	College of Notre Dame of Maryland, Baltimore, MD for facilities and equipment for the school of pharmacy	\$450,000	Sarbanes	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	College of Southern Maryland, La Plata, MD for facilities and equipment	\$400,000	Hoyer	Cardin
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	College of St. Catherine, St. Paul, MN for health professions training	\$600,000	McCollum	Franken
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	College of St. Scholastica, Duluth, MN for a rural health technology project	\$550,000	Oberstar	Klobuchar; Franken
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Collier County, FL for a health care access network for the uninsured, including purchase of equipment	\$600,000	Diaz-Balart, Mario	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Colorado State University—Pueblo, Pueblo, CO, for facilities and equipment related to nurse training	\$400,000	Salazar	Mark Udall
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Colorado State University, Ft. Collins, CO for facilities and equipment for a biocontainment training facility	\$500,000	Markey (CO)	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Columbus Community Hospital, Columbus, WI for facilities and equipment	\$500,000	Baldwin	Kohl
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Columbus County Department of Aging and Adult Services, Whiteville, NC for facilities and equipment	\$450,000	McIntyre	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Columbus Regional Hospital, Columbus, IN for facilities and equipment	\$600,000	Hill	Lugar
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Commonwealth Medical Education, Scranton, PA, for facilities and equipment	\$250,000		Casey; Specter
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Community Care Services, Taunton, MA for facilities and equipment	\$200,000	Frank (MA)	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Community Health Alliance of Pasadena, Pasadena, CA for facilities and equipment	\$100,000	Schiff	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Community Health Center of Franklin County, Inc., Turners Falls, MA for facilities and equipment	\$200,000	Olver	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Community Health Center's Inc, Middletown, CT, for residency training for nurse practitioners	\$225,000	Courtney; DeLauro; Larson (CT); Murphy (CT)	Dodd; Lieberman
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Community Health Centers of the Rutland Region, Bomoseen, VT, for equipment	\$125,000		Sanders

**LABOR, HEALTH AND HUMAN SERVICES, EDUCATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Community Health Center's, Inc, Middletown, CT, for facilities and equipment	\$100,000		Dodd; Lieberman
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Community Health Development, Inc., Uvalde, TX for facilities and equipment	\$600,000	Rodriguez	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Community Health Integrated Partnership, Inc., Glen Burnie, MD for facilities and equipment	\$650,000	Hoyer; Kratochvil; Ruppersberger; Sarbanes	Cardin
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Community Health Service Agency, Greenville, TX for facilities and equipment	\$300,000	Hall (TX)	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Community Hospital Association, Inc., Fairfax, MO for facilities and equipment	\$500,000	Graves	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Community Medical Center, Missoula, MT for facilities and equipment	\$500,000	Rehberg	Baucus; Tester
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Community Medical Center, Toms River, NJ for facilities and equipment	\$500,000	Adler (NJ)	Lautenberg; Menendez
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Connecticut Children's Medical Center, Hartford, CT, for facilities and equipment	\$325,000	Larson (CT)	Dodd
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Connecticut State University System, Hartford, CT, for a nursing education program	\$300,000		Dodd
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Cook Children's Medical Center, Fort Worth, TX, for facilities and equipment	\$100,000		Hutchison
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Cooper Health System, Camden, NJ for facilities and equipment	\$200,000	Andrews	Lautenberg; Menendez
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Cornerstone Care, Greensboro, PA, for outreach and supplies to expand dental care	\$100,000		Specter
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Corry Memorial Hospital Association, Corry, PA, for equipment	\$100,000	Dahlkemper	Specter; Casey
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Cortland Regional Medical Center, Inc., Cortland, NY for facilities and equipment	\$250,000	Arcuri	Schumer
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	County Commissioners of Charles County, MD, La Plata, MD for facilities and equipment	\$250,000	Hoyer	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	County of Brunswick, Bolivia, NC for facilities and equipment	\$250,000	McIntyre	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	County of Custer, ID for facilities and equipment	\$400,000	Simpson	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	County of Hood River, OR for facilities and equipment	\$150,000	Walden	Wyden; Merkley
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	County of Sarasota, FL for facilities and equipment	\$350,000	Buchanan	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	County of Washington, Hillsboro, OR for facilities and equipment for a mental health clinic	\$350,000	Wu	Wyden; Merkley
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	County of Washington, Plymouth, NC for facilities and equipment	\$450,000	Butterfield	Burr
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Cove-Union-Powder Medical Association, Union, OR, for facilities and equipment	\$100,000		Merkley; Wyden

**LABOR, HEALTH AND HUMAN SERVICES, EDUCATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Creighton University, Omaha, NE for facilities and equipment	\$1,000,000	Terry	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Cullman Regional Medical Center, Cullman, AL for facilities and equipment	\$1,000,000	Aderholt	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Curators of the University of Missouri, Columbia, MO, for facilities and equipment	\$750,000		Bond
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Cure Alzheimer's Fund, Wellesley Hills, MA, for equipment	\$150,000	Markey (MA)	Kennedy; Kerry; Kirk
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Dana Farber Cancer Institute, Boston, MA, for facilities and equipment at Center for Biomedical Imaging in Oncology	\$200,000		Kennedy; Kerry; Kirk
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Daniel Memorial, Inc., Jacksonville, FL for facilities and equipment	\$500,000	Crenshaw	Nelson, Bill
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Daniels Memorial Hospital Association, Scobey, MT for facilities and equipment	\$400,000	Rehberg	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Dartmouth Hitchcock Medical Center, Lebanon, NH, for facilities and equipment	\$200,000		Gregg
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	DCH Health System, Northport, AL for facilities and equipment	\$350,000	Bachus	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	DCH Health System/Fayette Medical Center, Fayette, AL for facilities and equipment	\$600,000	Aderholt	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Delaware State University, Dover, DE, for facilities and equipment related to public health training	\$100,000		Kaufman; Carper
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Delta Dental of Iowa, Ames, IA, for the Rural Dental Health Initiative	\$150,000	Boswell	Harkin; Grassley
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Delta State University, Cleveland, MS, for facilities and equipment	\$750,000		Cochran
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Denver Health and Hospital Authority, Denver, CO for facilities and equipment	\$500,000	DeGette	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	DeSales University, Center Valley, PA, for medical education laboratory upgrades, including the purchase of equipment	\$100,000		Specter; Casey
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Devereux Foundation, Rockledge, FL, for facilities and equipment	\$100,000		Bill Nelson
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Dillard University, New Orleans, LA for facilities and equipment	\$450,000	Cao	Landrieu; Vitter
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Drake University, Des Moines, IA, for equipment and laboratory supplies for health sciences education	\$400,000	Boswell	Harkin; Grassley
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Drew Memorial Hospital, Monticello, AR, for equipment	\$100,000		Lincoln; Pryor
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Dubois Regional Medical Center, Dubois, PA for facilities and equipment	\$100,000	Thompson (PA)	Casey
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	DuPage County Health Department, Wheaton, IL for purchase of equipment	\$150,000	Roskam	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	E.J. Noble Hospital, Gouverneur, NY for facilities and equipment	\$350,000	McHugh	

**LABOR, HEALTH AND HUMAN SERVICES, EDUCATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	East Carolina University, Greenville, NC for facilities and equipment	\$222,000	Jones; Butterfield	Hagan; Burr
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	East End Health Alliance, Greenport, NY, to implement an electronic health record system	\$500,000	Bishop (NY)	Schumer; Gillibrand
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	East Harlem Council for Human Services, Inc., New York, NY for facilities and equipment	\$300,000	Rangel	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Easter Seals, Chicago, IL, for facilities and equipment at a center for autism research	\$250,000	Davis (IL)	Durbin
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Easter Seals-Goodwill Northern Rocky Mountain, Inc., Great Falls, MT for facilities and equipment	\$500,000	Rehberg	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Eastside Eye Care Clinic, San Antonio, TX for facilities and equipment	\$250,000	Smith (TX)	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Edgerton Care Center, Edgerton, WI for facilities and equipment	\$150,000	Baldwin	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Edward Waters College, Jacksonville, FL for facilities and equipment	\$500,000	Brown, Corrine	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Eisenhower Medical Center, Rancho Mirage, CA for facilities and equipment	\$350,000	Bono Mack	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	El Proyecto del Barrio Inc., Arleta, CA for facilities and equipment for a community health clinic in Winnetka, CA	\$300,000	Sherman	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Elk Regional Health Center, St Marys, PA, for equipment	\$100,000		Specter; Casey
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Ellwood City Hospital, Ellwood City, PA, for facilities and equipment	\$100,000		Specter
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Endless Mountains Health Systems, Montrose, PA for facilities and equipment	\$700,000	Carney	Specter; Casey
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Enrichment Center of Hernando County, Brooksville, FL for facilities and equipment	\$600,000	Brown-Waite, Ginny	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Erie County Medical Center Corporation, Buffalo, NY, for facilities and equipment	\$300,000	Slaughter	Schumer; Gillibrand
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Excelsa Health Frick Hospital, Mt. Pleasant, PA for facilities and equipment	\$150,000	Murtha	Casey
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Excelsa Health Westmoreland Hospital, Latrobe, PA, to implement an electronic health record system	\$200,000		Specter
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Family Health Centers of San Diego, San Diego, CA, for facilities and equipment	\$100,000		Boxer
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Family Health Centers Worcester, Worcester, MA for facilities and equipment	\$250,000	McGovern	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Family Service of RI, Providence, RI for facilities and equipment	\$400,000	Kennedy	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Ferrum College, Ferrum, VA for facilities and equipment	\$400,000	Perriello	Webb; Warner
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Flambeau Hospital, Park Falls, WI for facilities and equipment	\$750,000	Obey	



**LABOR, HEALTH AND HUMAN SERVICES, EDUCATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Fletcher Allen Health Care, Burlington, VT, for the Hospital-National Guard Training Collaborative, including equipment	\$750,000		Leahy
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Florida Blood Services, St. Petersburg, FL for purchase of equipment	\$200,000	Young (FL)	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Florida Community College at Jacksonville, FL for facilities and equipment	\$250,000	Crenshaw; Brown, Corrine	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Florida Hospital Altamonte, Altamonte Springs, FL for facilities and equipment	\$100,000	Mica	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Florida Southern College, Lakeland, FL for facilities and equipment	\$400,000	Putnam	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Floyd Medical Center, Rome, GA for facilities and equipment	\$250,000	Gingrey (GA)	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Forsyth Institute, Boston, MA for facilities and equipment	\$450,000	Delahunt; Capuano	Kennedy; Kerry; Kirk
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	FoundCare, Palm Springs, FL for facilities and equipment	\$200,000	Hastings (FL)	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Franciscan Hospital for Children, Boston, MA, for facilities and equipment	\$150,000		Kennedy; Kerry; Kirk
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Frank R. Howard Foundation, Willits, CA for facilities and equipment	\$350,000	Thompson (CA)	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Free Clinics of Iowa, Des Moines, IA, for coordination of care	\$350,000	Boswell	Harkin
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Friends of the Congressional Glaucoma Caucus Foundation, Lake Success, NY, for a New Jersey mobile eye care screening initiative	\$100,000		Menendez; Lautenberg
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Fulton County Medical Center, McConnellsburg, PA, for equipment	\$100,000		Specter
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Gateway Technical College, Kenosha, WI, for facilities and equipment at the Health Occupations Laboratory	\$500,000		Kohl
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Geisinger Health System, Harrisburg, PA, for equipment	\$100,000		Specter; Casey
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Georgia Southern University, Statesboro, GA, for health professions training	\$100,000	Barrow	Chambliss
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Gonzaga University, Spokane, WA for purchase of equipment	\$250,000	McMorris Rodgers	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Good Samaritan Hospital, Los Angeles, CA for facilities and equipment	\$400,000	Roybal-Allard	Boxer
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Goodall Hospital, Sanford, ME, for facilities and equipment	\$250,000		Collins; Snowe
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Gordon Hospital, Calhoun, GA for an electronic medical records system	\$150,000	Gingrey (GA)	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Graceland University, Lamoni, IA for facilities and equipment	\$150,000	King (IA); Cleaver	Harkin; Grassley
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Grady Health System, Atlanta, GA for facilities and equipment	\$1,100,000	Lewis (GA); Bishop (GA); Johnson (GA)	Isakson; Chambliss

**LABOR, HEALTH AND HUMAN SERVICES, EDUCATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Grand Rapids Public Schools, Grand Rapids, MI for facilities and equipment at the Central Health Science Campus	\$500,000	Ehlers	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Griffin Hospital, Derby, CT for facilities and equipment	\$350,000	DeLauro	Dodd; Lieberman
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Grimes St. Joseph Health Center, Navasota, TX for facilities and equipment	\$150,000	Edwards (TX)	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Gritman Medical Center, Moscow, ID, for facilities and equipment	\$200,000		Crapo; Risch
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Gulf County Health Department, Port St. Joe, FL for facilities and equipment	\$200,000	Boyd	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Halifax Community College, Weldon, NC for facilities and equipment	\$150,000	Butterfield	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Hamilton Memorial Hospital, McLeansboro, IL for an electronic medical records initiative	\$200,000	Shimkus	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Hamot Medical Center, Erie, PA, for equipment	\$100,000	Dahlkemper	Specter; Casey
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Hancock Medical Center, Bay Saint Louis, MS for facilities and equipment	\$500,000	Taylor	Cochran; Wicker
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Hanover Hospital, Hanover, PA for an electronic medical records initiative	\$450,000	Platts	Casey
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Happiness House/Finger Lakes Cerebral Palsy Association, Geneva, NY for facilities and equipment	\$30,000	Arcuri	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Harnett County Central Campus Hospital, Dunn, NC for facilities and equipment	\$400,000	Etheridge	Hagan
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Harris County Hospital District, Houston, TX for facilities and equipment for the Nurse Call Triage System	\$100,000	Green, Al	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Harris County Hospital District, Houston, TX for radiological facilities and equipment	\$300,000	Green, Gene; Culberson; Jackson-Lee (TX)	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Harris County Hospital District, Houston, TX, for facilities and equipment including STAN fetal heart monitors	\$150,000		Hutchison
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Harrison Memorial Hospital, Cynthiana, KY for facilities and equipment	\$100,000	Davis (KY)	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Hartford Hospital, Hartford, CT, for facilities and equipment	\$325,000	Larson (CT)	Dodd; Lieberman
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Hays Medical Center, Hays, KS, for facilities and equipment	\$250,000		Brownback
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Health Alliance, Lake Katrine, NY for facilities and equipment	\$300,000	Hinchey	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Healthy Connections Network, Akron, OH, for the Access to Care Initiative	\$150,000	Ryan (OH); Sutton	Brown
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Healthy Learners Midlands, Columbia, SC for rural health outreach	\$110,000	Clyburn	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Helping Kids Clinic, Las Vegas, NV, for medical supplies and supportive services	\$200,000		Reid

**LABOR, HEALTH AND HUMAN SERVICES, EDUCATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Hendricks Regional Health, Danville, IN for facilities and equipment	\$550,000	Buyer	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Hennepin County Medical Center, Minneapolis, MN for facilities and equipment	\$400,000	Ellison	Klobuchar; Franken
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Henry Mayo Newhall Memorial Hospital, Valencia, CA for facilities and equipment	\$350,000	McKeon	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Hidalgo County Health Department, Edinburg, TX for facilities and equipment	\$380,000	Hinojosa	Cornyn
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Highland Community Hospital, Hattiesburg, MS for facilities and equipment	\$200,000	Taylor	Cochran; Wicker
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Highlands Hospital, Connellsville, PA for facilities and equipment	\$300,000	Murtha	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Holy Name Hospital, Teaneck, NJ for facilities and equipment	\$500,000	Rothman (NJ)	Menendez
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Holy Spirit Healthcare System, Camp Hill, PA, for equipment	\$100,000		Specter; Casey
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Holyoke Medical Center, Holyoke, MA for facilities and equipment	\$300,000	Olver	Kennedy; Kerry; Kirk
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Hormel Institute, Austin, MN, for facilities and equipment related to biomedical research	\$1,000,000	Walz	Klobuchar; Franken
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Hospice of Tuscarawas County, Inc., Dover, OH for facilities and equipment	\$400,000	Space	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Hospital Authority of Jefferson County, Louisville, GA for facilities and equipment	\$150,000	Barrow	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Hospital Cooperative, Pocatello, ID, for electronic medical records	\$200,000		Crapo; Risch
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Houlton Regional Hospital, Houlton, ME for facilities and equipment	\$250,000	Michaud	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Houston Community College, Houston, TX, for health professions training	\$250,000		Hutchison
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Howard Community College, Columbia, MD, for facilities and equipment related to healthcare workforce training	\$1,000,000		Mikulski; Cardin
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Hudson Headwaters Health Network, Queensbury, NY for facilities and equipment	\$350,000	Murphy (NY)	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Hudson River HealthCare, Inc., Peekskill, NY for facilities and equipment	\$400,000	Hinchey	Schumer
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Huguley Memorial Medical Center, Burleson, TX for facilities and equipment	\$380,000	Edwards (TX)	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Hunter Health Clinic, Wichita, KS, for facilities and equipment	\$300,000		Brownback
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Hurley Medical Center, Flint, MI for facilities and equipment	\$500,000	Kildee	Stabenow; Levin
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Huston-Tillotson University, Austin, TX, for facilities and equipment	\$100,000		Cornyn

**LABOR, HEALTH AND HUMAN SERVICES, EDUCATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Idaho Caring Foundation for Children, Boise, ID for dental services for low-income children	\$300,000	Simpson	Crapo; Risch
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Idaho State University, Pocatello, ID for facilities and equipment	\$400,000	Simpson	Crapo; Risch
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Illinois Capital Development Board, Springfield, IL for facilities and equipment	\$200,000	Davis (IL)	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Illinois State University, Normal, IL for curriculum development	\$500,000	Johnson (IL)	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Indian Health Center of Santa Clara County, San Jose, CA for facilities and equipment	\$300,000	Honda	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Indiana Regional Medical Center, Indiana, PA for an electronic medical records initiative	\$350,000	Shuster; Murtha	Casey
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Infirmiry Health System, Mobile, AL for an electronic medical records initiative	\$250,000	Bonner	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Ingham Regional Medical Center, Lansing, MI for purchase of equipment	\$100,000	Rogers (MI)	Levin; Stabenow
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Intermountain Healthcare Foundation, Salt Lake City, UT, for facilities and equipment	\$250,000	Bishop (UT)	Bennett; Hatch
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Iowa CareGivers Association, Des Moines, IA, for training and support of certified nurse assistants	\$300,000		Harkin
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Iowa Healthcare Collaborative, Des Moines, IA, to establish Lean healthcare services in collaboration with Pittsburgh Regional Health	\$750,000		Harkin
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Iowa State University, Ames, IA for facilities and equipment	\$650,000	Latham	Harkin; Grassley
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Iowa State University, Ames, IA for facilities and equipment	\$1,500,000	Latham; Loeb sack	Harkin; Grassley
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Iowa Western Community College, Council Bluffs, IA for facilities and equipment	\$250,000	King (IA)	Harkin; Grassley
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	J.C. Blair Memorial Hospital, Huntingdon, PA for facilities and equipment	\$180,000	Shuster	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Jackson Health System, Miami, FL for health information technology upgrades	\$500,000	Ros-Lehtinen; Meek (FL); Wasserman Schultz	Nelson, Bill
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Jackson State University, Jackson, MS, for the Southern Institute for Mental Health Advocacy, Research, and Training	\$1,000,000		Cochran; Wicker
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Jacksonville University, Jacksonville, FL for facilities and equipment	\$250,000	Crenshaw	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Jamaica Hospital Medical Center, Jamaica, NY for facilities and equipment	\$250,000	Meeks (NY)	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Jasper Memorial Hospital, Monticello, GA for facilities and equipment	\$100,000	Marshall	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Jellico Community Hospital, Jellico, TN, for facilities and equipment	\$500,000		Corker; Alexander
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Jenkins County Hospital, Millen, GA for facilities and equipment	\$200,000	Barrow	

**LABOR, HEALTH AND HUMAN SERVICES, EDUCATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Jewish Healthcare Foundation, Pittsburgh, PA, to expand web-based training programs	\$100,000		Specter
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Jewish Hospital & St. Mary's Foundation, Louisville, KY for facilities and equipment	\$600,000	Yarmuth	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	JFK Medical Center, Edison, NJ for facilities and equipment	\$300,000	Pallone	Lautenberg; Menendez
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	John Kanzius Cancer Research Foundation, Erie, PA for facilities and equipment	\$700,000	Dahlkemper	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	John T. Mather Memorial Hospital, Port Jefferson, NY for facilities and equipment	\$450,000	Bishop (NY)	Schumer
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Johnson County Community College, Overland Park, KS, for facilities and equipment	\$400,000		Brownback
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Kadlec Medical Center, Richland, WA, for facilities and equipment to expand the pediatric center	\$550,000	Hastings (WA)	Murray; Cantwell
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Kaleida Health, Buffalo, NY for facilities and equipment	\$300,000	Higgins; Lee (NY); Slaughter	Gillibrand
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Kaweah Delta Hospital Foundation, Visalia, CA, for facilities and equipment for the Kaweah Delta Health Care District	\$500,000		Feinstein
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Kennesaw State University, Kennesaw, GA for facilities and equipment	\$300,000	Gingrey (GA)	Isakson
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Kent County Memorial Hospital, Warwick, RI, for facilities and equipment	\$200,000		Whitehouse
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Kiddazzle Dental Network, Inc, Lake Oswego, OR, for equipment and supplies related to pediatric dental services	\$100,000		Wyden; Merkley
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Kiowa County Hospital, Greensburg, KS, for facilities and equipment	\$400,000		Brownback
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	KVC Behavioral Health Care, Kansas City, KS for facilities and equipment	\$500,000	Moore (KS)	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	La Porte Regional Health System, La Porte, IN for facilities and equipment	\$350,000	Donnelly (IN)	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	La Rabida Children's Hospital, Chicago, IL for facilities and equipment	\$325,000	Jackson (IL)	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Laboure College, Dorchester, MA, to develop and expand nursing education programs	\$200,000		Kennedy; Kerry; Kirk
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Lahey Clinic Medical Center, Inc, Burlington, MA, for facilities and equipment relating to the emergency department	\$300,000	Tierney	Kennedy; Kerry; Kirk
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Lake City Community College, Lake City, FL for purchase of mobile clinical training laboratories	\$250,000	Crenshaw	Nelson, Bill
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Lake Erie College of Osteopathic Medicine, Erie, PA, for equipment	\$100,000		Specter
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Lake Hospital System, Painesville, OH for an electronic medical records initiative	\$500,000	LaTourette	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Lakeland Community College, Kirtland, OH for purchase of equipment	\$250,000	LaTourette	

**LABOR, HEALTH AND HUMAN SERVICES, EDUCATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Lamar University, Beaumont, TX for the Community and University Partnership Service, including facilities and equipment	\$350,000	Poe (TX)	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Lamprey Health Care, Inc., Newmarket, NH for facilities and equipment	\$400,000	Hodes	Shaheen
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Lanai Community Health Center, Lanai City, HI, for facilities and equipment	\$200,000		Inouye; Akaka
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Lane Community College, Eugene, OR for facilities and equipment	\$500,000	DeFazio	Merkley; Wyden
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Lane Regional Medical Center, Baton Rouge, LA, for facilities and equipment	\$300,000		Vitter; Landrieu
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	LBJ Tropical Medical Center, Pago Pago, AS for facilities and equipment	\$700,000	Faleomavaega	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Le Moyne College, Syracuse, NY, for facilities and equipment relating to health professions training	\$500,000	Maffei	Schumer
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Lehigh Valley Coalition for Kids , Allentown, PA to purchase and equip mobile health clinics	\$150,000	Dent	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Lehigh Valley Hospital, Allentown, PA, for equipment	\$100,000		Specter; Casey
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Lewis and Clark County, Helena, MT, for facilities and equipment at the City-County Health Department	\$100,000	Rehberg	Tester; Baucus
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Lewis-Clark State College, Lewiston, ID, for health professions training	\$100,000		Crapo; Risch
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Little Rivers Health Care, Bradford, VT for facilities and equipment	\$200,000	Welch	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Long Beach Memorial Medical Center, Long Beach, CA for facilities and equipment	\$350,000	Richardson	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Los Angeles Southwest College, Los Angeles, CA for health professions training	\$300,000	Waters	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Lowell Community Health Center, Lowell, MA for facilities and equipment	\$600,000	Tsongas	Kennedy; Kerry; Kirk
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Lutheran Medical Center, Brooklyn, NY for facilities and equipment	\$150,000	McMahon	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Lutheran Social Services of Minnesota, St. Paul, MN for facilities and equipment	\$450,000	McCollum	Franken
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Mackinac Straits Health System, Inc., St. Ignace, MI for facilities and equipment	\$150,000	Stupak	Levin; Stabenow
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Madison Area Technical College, Madison, WI, for health training equipment	\$300,000		Kohl
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Madison County Health Care Center, Winterset, IA for an electronic medical records initiative	\$250,000	Latham	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Madison County Memorial Hospital, Rexburg, ID for an electronic medical records initiative	\$350,000	Simpson	Crapo; Risch
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Madonna Rehabilitation Hospital, Lincoln, NE for facilities and equipment	\$650,000	Fortenberry	Ben Nelson

**LABOR, HEALTH AND HUMAN SERVICES, EDUCATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Maine State Board of Nursing, Augusta, ME, for nursing education and workforce data collection, analysis and planning	\$150,000		Collins
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Manchester Community College, Manchester, CT, for medical diagnostic and treatment equipment	\$120,000		Dodd; Lieberman
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Manchester Community Health Center, Manchester, NH for facilities and equipment	\$250,000	Shea-Porter	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Manilaq Association, Kotzebue, AK, for facilities and equipment	\$500,000	Young (AK)	Murkowski; Begich
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Marcus Autism Center, Atlanta, GA, to expand services for children and adolescents with developmental disabilities	\$300,000		Isakson; Chambliss
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Marian Medical Center, Santa Maria, CA for facilities and equipment	\$500,000	Capps	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Marquette University, Milwaukee, WI for rural dental health outreach	\$850,000	Kagen; Obey	Kohl
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Marshfield Clinic, Marshfield, WI for facilities and equipment	\$1,000,000	Obey	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Martin Methodist College, Pulaski, TN for facilities and equipment	\$1,000,000	Davis (TN)	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Mary Queen of Vietnam Community Development Corporation, New Orleans, LA for facilities and equipment	\$400,000	Cao	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Maryland Department of Health and Mental Hygiene, Baltimore, MD for facilities and equipment	\$2,500,000	Edwards (MD)	Mikulski; Cardin
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Massachusetts College of Pharmacy and Health Sciences, Worcester, MA for health professions training	\$400,000	McGovern	Kennedy; Kerry; Kirk
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Maui Economic Development Board, Kihei, HI, for health education at the Lanai'I Women's Initiative	\$100,000		Inouye; Akaka
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Maui Medical Center, Wailuku, HI, for facilities and equipment at the Simulation Center	\$100,000	Hirono	Inouye; Akaka
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	McCurtain Memorial Hospital, Idabel, OK for facilities and equipment	\$250,000	Boren	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	McKay-Dee Hospital Center, Ogden, UT for facilities and equipment	\$150,000	Bishop (UT)	Bennett; Hatch
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Meadville Medical Center, Meadville, PA, for equipment	\$100,000		Specter
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Medical University of South Carolina-Hollings Cancer Center, Charleston, SC for facilities and equipment	\$200,000	Brown (SC)	Graham
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Memorial Healthcare System, Hollywood, FL for facilities and equipment	\$450,000	Wasserman Schultz; Meek (FL)	Nelson, Bill
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Memorial Hermann Foundation, Houston, TX for facilities and equipment	\$250,000	Culbertson; Green, Al; Jackson-Lee (TX)	Hutchison
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Memorial Hermann Healthcare System, Houston, TX for facilities and equipment	\$1,000,000	Culbertson	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Memorial Hospital at Gulfport, Gulfport, MS, for the Stroke Education and Prevention Community Network	\$475,000	Taylor	Cochran; Wicker

**LABOR, HEALTH AND HUMAN SERVICES, EDUCATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Memorial Hospital, Miramar, FL for facilities and equipment	\$250,000	Diaz-Balart, Lincoln	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Mena Regional Health System, Mena, AR for facilities and equipment	\$600,000	Ross	Lincoln; Pryor
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Mental Health Association in High Point, NC for facilities and equipment	\$247,000	Coble	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Mercer County Commission, Princeton, WV, for facilities and equipment at the Health Department	\$4,000,000		Byrd
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Mercy Health Foundation, Durango, CO for facilities and equipment for a primary health clinic in La Plata County	\$700,000	Salazar	Bennet
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Mercy Medical Center -- North Iowa, Mason City, IA for an electronic medical records initiative	\$350,000	Latham	Harkin; Grassley
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Mercy Medical Center, Des Moines, IA, for facilities and equipment	\$500,000		Harkin; Grassley
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Meridian Health, Neptune, NJ for facilities and equipment	\$100,000	Smith (NJ)	Lautenberg; Menendez
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Methodist Hospital System, Houston, TX, for a mobile medical unit	\$150,000		Cornyn
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Methodist University, Fayetteville, NC, for facilities and equipment	\$400,000	Etheridge; Kissell; McIntyre	Burr
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Metropolitan Community College, Omaha, NE, for facilities and equipment relating to healthcare training	\$300,000		Ben Nelson
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Metropolitan Family Health Network, Jersey City, NJ, for equipment	\$100,000	Sires	Menendez; Lautenberg
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Metropolitan State University, St Paul, MN, to expand nursing education	\$150,000		Klobuchar; Franken
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Miami Beach Community Health Center, North Miami, FL for facilities and equipment	\$200,000	Ros-Lehtinen	Nelson, Bill
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Miami Children's Hospital, Miami, FL for facilities and equipment	\$450,000	Diaz-Balart, Lincoln; Diaz-Balart, Mario; Wasserman Schultz	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Miami Jewish Home and Hospital for the Aged, Miami, FL for facilities and equipment	\$500,000	Diaz-Balart, Lincoln	Nelson, Bill
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Middlesex Community College, Bedford, MA for facilities and equipment for the Lowell dental hygiene clinic	\$450,000	Tierney; Tsongas	Kennedy; Kerry; Kirk
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Mid-Illinois Medical District, Springfield, IL for facilities and equipment	\$250,000	Schock	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	MidState Medical Center, Meriden, CT for facilities and equipment	\$250,000	Murphy (CT)	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Milwaukee Health Services, Milwaukee, WI for facilities and equipment	\$350,000	Moore (WI)	Kohl
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Milwaukee Public Schools, Milwaukee, WI, for outreach and supplies to expand dental care	\$200,000		Kohl
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Minot State University, Minot, ND for its Great Plains Autism Treatment Program	\$800,000	Pomeroy	Conrad; Dorgan



**LABOR, HEALTH AND HUMAN SERVICES, EDUCATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Misericordia University, Dallas, PA, for facilities and equipment for the College of Health Sciences	\$100,000		Specter; Casey
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Mississippi Band of Choctaw Indians, Choctaw, MS, for facilities and equipment	\$175,000		Cochran; Wicker
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Mississippi Blood Services, Jackson, MS, for facilities and equipment	\$300,000		Cochran
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Mississippi Primary Health Care Association, Jackson, MS, for facilities and equipment	\$700,000		Cochran
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Mississippi State University, Mississippi State, MS, for biomedical engineering facilities and equipment	\$750,000		Cochran; Wicker
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Missouri Baptist Hospital, St. Louis, MO for facilities and equipment	\$400,000	Carnahan	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Missouri Coalition for Primary Health Care, Jefferson City, MO, for facilities and equipment	\$750,000		Bond
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Missouri State University, Springfield, MO, for a nursing clinical simulation laboratory, including facilities and equipment	\$250,000	Emerson	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Moffitt Cancer Center, Tampa, FL for the Cancer LifeLink Program	\$700,000	Young (FL); Castor (FL)	Nelson; Bill
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Molokai Ohana Health Center, Kaunakakai, HI, for facilities and equipment	\$750,000		Inouye; Akaka
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Monmouth Medical Center, Long Branch, NJ for facilities and equipment	\$500,000	Pallone	Lautenberg; Menendez
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Monongahela Valley Hospital, Monongahela, PA for facilities and equipment	\$400,000	Murtha; Murphy, Tim	Specter; Casey
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Monongalia General Hospital, Morgantown, WV for facilities and equipment	\$450,000	Mollohan	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Montana Tech, Butte, MT, to expand health informatics training, including equipment	\$100,000	Rehberg	Tester; Baucus
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Montana Wyoming Tribal Leaders Council, Billings, MT for facilities and equipment	\$100,000	Rehberg	Baucus
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Montgomery College, Rockville, MD for facilities and equipment	\$550,000	Van Hollen; Edwards (MD)	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Morehead State University, Morehead, KY for a rural health initiative	\$250,000	Rogers (KY)	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Morehouse School of Medicine, Atlanta, GA for facilities and equipment	\$100,000	Lewis (GA); Bishop (GA); Johnson (GA)	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Morgan Hospital and Medical Center, Martinsville, IN, for facilities and equipment	\$100,000		Lugar
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Morris College, Sumter, SC for facilities and equipment	\$275,000	Clyburn	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Morrisania Diagnostic and Treatment Center, Bronx, NY for facilities and equipment	\$200,000	Serrano	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Mount Nittany Medical Center, State College, PA for facilities and equipment	\$150,000	Thompson (PA)	Specter; Casey

**LABOR, HEALTH AND HUMAN SERVICES, EDUCATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Mount Saint Mary College, Newburgh, NY, for nurse training equipment	\$100,000	Hinchey	Schumer
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Mount St. Mary's Hospital, Lewiston, NY for facilities and equipment	\$300,000	Slaughter	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	MultiCare Health System, Tacoma, WA for facilities and equipment	\$250,000	Dicks	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Murphy Medical Center, Murphy, NC for facilities and equipment	\$350,000	Shuler	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Murray State University, Breathitt Veterinary Center, Hopkinsville, KY, for facilities and equipment	\$450,000	Whitfield	Bunning
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Nanticoke Senior Center, Seaford, DE for facilities and equipment	\$100,000	Castle	Carper; Kaufman
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Nathan Littauer Hospital Association, Gloversville, NY for facilities and equipment	\$350,000	Tonko	Schumer; Gillibrand
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	National Association of Hispanic Nurses, Washington, DC for health professions training	\$500,000	Roybal-Allard; Pastor (AZ)	Kirk
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	National Kidney Registry, Babylon, NY for purchase of equipment	\$177,000	King (NY)	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Native Women's Health Care, Rapid City, SD for facilities and equipment	\$60,000	Herseith Sandlin	Johnson
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Navos, Seattle, WA, for facilities and equipment at a mental health center	\$500,000	McDermott; Smith (WA)	Murray; Cantwell
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	NC Dental Health Fund, Cary, NC for facilities and equipment for the Missions of Mercy (MOM) free dental clinics	\$300,000	Price (NC)	Hagan
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Nemours/Alfred I. duPont Hospital for Children, Wilmington, DE for facilities and equipment	\$350,000	Castle	Carper; Kaufman
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Nevada State College, Henderson, NV for nursing education programs, which may include equipment and technology	\$900,000	Titus	Reid
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	New Horizons Health System, Owenton, KY for facilities and equipment	\$250,000	Davis (KY)	Bunning
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	New York Eye and Ear Infirmary, New York, NY for facilities and equipment for ophthalmology and otolaryngology surgery	\$150,000	Maloney	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	New York Eye and Ear Infirmary, New York, NY for facilities and ultrasound equipment	\$200,000	Nadler (NY)	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	New York University Langone Medical Center, New York, NY for facilities and equipment at Columbus Medical in Reno Park, Queens	\$1,000,000	Maloney	Schumer
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Newton Memorial Hospital, Newton, NJ for facilities and equipment	\$300,000	Garrett (NJ)	Lautenberg; Menendez
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Norman Regional Health System, Norman, OK for facilities and equipment	\$1,915,000	Cole	Inhofe
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	North Carolina A&T State University, Greensboro, NC, for the development of nurse training programs	\$125,000	Watt	Hagan
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	North General Hospital, New York, NY for facilities and equipment	\$450,000	Rangel	

**LABOR, HEALTH AND HUMAN SERVICES, EDUCATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	North Idaho College, Coeur d'Alene, ID, for health professions training	\$100,000		Crapo; Risch
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	North Shore Community College, Danvers, MA for facilities and equipment for allied health training	\$200,000	Tierney	Kennedy; Kirk
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	North Shore Long Island Jewish Health System, Great Neck, NY for facilities and equipment	\$200,000	Israel; Ackerman	Gillibrand
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	North Woods Community Health Center, Minong, WI for facilities and equipment	\$100,000	Obey	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Northeastern Ohio Universities Colleges of Medicine and Pharmacy, Rootstown, OH for facilities and equipment	\$200,000	Ryan (OH)	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Northern Dutchess Hospital, Rhinebeck, NY for facilities and equipment	\$350,000	Murphy (NY)	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Northern Oswego County Health Services, Inc., Pulaski, NY for facilities and equipment	\$150,000	McHugh	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Northwest Alabama Mental Health Center, Jasper, AL for facilities and equipment	\$200,000	Aderholt	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	NorthWest Arkansas Community College, Bentonville, AR, for expanding a nurse training program, including facilities and equipment	\$500,000	Boozman	Lincoln; Pryor
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Northwest Community Health Care, Pascoag, RI, for facilities and equipment	\$200,000		Reed; Whitehouse
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Northwest Hospital & Medical Center, Seattle, WA, for facilities and equipment	\$250,000	Inslee; McDermott	Murray
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Northwest Mississippi Community College, Senatobia, MS, for facilities and equipment	\$500,000		Cochran
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Northwest Nazarene University, Nampa, ID, for facilities and equipment	\$200,000		Crapo; Risch
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Nova Southeastern University, Fort Lauderdale, FL, for health information technology	\$250,000	Meek (FL); Wasserman Schultz	Bill Nelson
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Oakland Primary Health Services, Pontiac, MI for facilities and equipment	\$500,000	Peters	Levin; Stabenow
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Oglala Sioux Tribe, Pine Ridge, SD, for facilities and equipment relating to emergency medicine	\$800,000		Johnson
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Ohio State University Comprehensive Cancer Center, Columbus, OH, for facilities and equipment	\$900,000	Kilroy	Voinovich
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Oklahoma City Community College, Oklahoma City, OK for facilities and equipment	\$250,000	Cole	Inhofe
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Oklahoma Medical Research Foundation, Oklahoma City, OK for facilities and equipment	\$500,000	Cole	Inhofe
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Oklahoma State University—Center for Health Sciences, Tulsa, OK for purchase of equipment	\$300,000	Fallin; Boren; Lucas; Sullivan	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Oklahoma State University, Stillwater, OK for facilities and equipment	\$350,000	Fallin; Lucas	Inhofe
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Orange County Government, Orlando, FL, for facilities and equipment	\$200,000	Brown, Corrine; Kosmas	Martinez

**LABOR, HEALTH AND HUMAN SERVICES, EDUCATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Oregon Health & Science University, Portland, OR for facilities and equipment	\$200,000	Blumenauer; Schrader; Wu	Merkley; Wyden
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Oregon Institute of Technology, Klamath Falls, OR for purchase of equipment	\$100,000	Walden; Wu	Wyden; Merkely
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Oregon Institute of Technology, Klamath Falls, OR for purchase of equipment	\$250,000	Walden; Wu	Wyden; Merkely
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	OSF St. Francis Hospital and Medical Group, Escanaba, MI for facilities and equipment	\$250,000	Stupak	Levin; Stabenow
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Our Lady of Resurrection Medical Center, Chicago, IL for facilities and equipment	\$125,000	Quigley	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Ozark Tri-County Health Care Consortium, Neosho, MO for facilities and equipment	\$500,000	Blunt	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Ozarks Medical Center, West Plains, MO for facilities and equipment	\$500,000	Emerson	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	PACE Greater New Orleans, New Orleans, LA for facilities, equipment, and services	\$600,000	Alexander; Cao	Landrieu; Vitter
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Pacific Northwest Diabetes Research Institute, Seattle, WA, for equipment	\$150,000		Murray
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Pacific Northwest University of Health Sciences, Yakima, WA for facilities and equipment	\$400,000	Hastings (WA)	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Palisades Medical Center, North Bergen, NJ for facilities and equipment	\$350,000	Rothman (NJ); Sires	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Palmer College, Davenport, IA, and the Myrna Brind Center of Integrative Medicine in Philadelphia, PA, to develop a model integrative healthcare program for the treatment of pain	\$400,000		Harkin
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Palmetto Health Foundation, Columbia, SC for facilities and equipment	\$375,000	Clyburn	Graham
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Parkland Health and Hospital System, Dallas, TX for facilities and equipment	\$100,000	Burgess	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Parkland Health and Hospital System, Dallas, TX for facilities and equipment for the Pharmacy Inpatient Robotics program	\$500,000	Johnson, Eddie Bernice	Hutchison
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Pen Bay Healthcare, Rockport, ME, for health professions training	\$500,000		Collins; Snowe
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Pennsylvania State University—Altoona, PA for facilities and equipment	\$320,000	Shuster	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Petaluma Health Center, Petaluma, CA for facilities and equipment	\$500,000	Woolsey	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Peter Christensen Health Center, Lac du Flambeau, WI for facilities and equipment	\$140,000	Kagen	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Phoebe Putney Health System, Albany, GA, for health care services for students	\$100,000	Bishop (GA)	Chambliss
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Phoenix Children's Hospital, Phoenix, AZ for facilities and equipment for a Computerized Tomography (CT) scanner for the emergency department	\$200,000	Pastor (AZ)	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Pine Rest Christian Mental Health Services, Grand Rapids, MI for an electronic medical records initiative	\$200,000	Ehlers	Levin; Stabenow

**LABOR, HEALTH AND HUMAN SERVICES, EDUCATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	PinnacleHealth System, Harrisburg, PA, for equipment	\$100,000		Specter; Casey
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Pioneer Valley Life Science Institute, Springfield, MA, for medical research equipment and technology	\$800,000	Neal	Kennedy; Kerry; Kirk
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Pocono Medical Center, East Stroudsburg, PA, for facilities and equipment relating to cancer	\$100,000	Kanjorski	Specter; Casey
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Porter-Starke Services, Inc., Valparaiso, IN for facilities and equipment	\$550,000	Visclosky	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Primary Care Association of Hawaii, Honolulu, HI, to provide service enhancements and outreach	\$1,850,000		Inouye; Akaka
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Providence Community Health Centers, Providence, RI, for facilities and equipment	\$400,000	Langevin	Reed; Whitehouse
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Providence Health and Services, Anchorage, AK for a physician recruitment and retention initiative	\$350,000	Young (AK)	Murkowski; Begich
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Providence Hospital, Mobile, AL for facilities and equipment	\$250,000	Bonner	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Providence St. Joseph Medical Center, Burbank, CA for facilities and equipment	\$500,000	Schiff	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Providence St. Mary Medical Center, Walla Walla, WA for facilities and equipment	\$350,000	McMorris Rodgers	Murray
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Puget Sound Neighborhood Health Centers, Seattle, WA for facilities and equipment for the Rainier Beach Medical and Dental Clinic	\$1,100,000	McDermott	Murray; Cantwell
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Range Regional Health Services, Hibbing, MN for facilities and equipment	\$500,000	Oberstar	Franken
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Reading Hospital and Medical Center, Reading, PA, for equipment	\$100,000		Specter; Casey
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Red Cliff Band of Lake Superior Chippewa, Bayfield, WI for facilities and equipment	\$750,000	Obey	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Redlands Community Hospital, Redlands, CA for facilities and equipment	\$500,000	Lewis (CA)	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Refuah, Spring Valley, NY for facilities and equipment	\$390,000	Engel	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Renown Health Systems, Reno, NV for facilities and equipment	\$800,000	Heller	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Renown Health, Reno, NV, for nursing programs, including professional development	\$390,000		Reid
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Resurrection Health Care, Chicago, IL, for equipment	\$400,000		Durbin; Burris
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Rhode Island Free Clinic, Providence, RI, for supportive services and supplies	\$100,000		Whitehouse
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Rhode Island Hospital, Providence, RI, for equipment	\$100,000		Whitehouse; Reed
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Rice University, Houston, TX for facilities and equipment	\$450,000	Culberson	Hutchison

**LABOR, HEALTH AND HUMAN SERVICES, EDUCATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Richland Parish Hospital, Delhi, LA for facilities and equipment	\$1,025,000	Alexander	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Richmond University Medical Center, Staten Island, NY for facilities and equipment	\$150,000	McMahon	Schumer
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Riverside Community College District, Riverside, CA for facilities and equipment	\$150,000	Bono Mack; Calvert	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Riverside County Regional Medical Center, Moreno Valley, CA for facilities and equipment	\$400,000	Calvert	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Riverside County Regional Medical Center, Moreno Valley, CA, for a rural mobile health clinic	\$100,000		Boxer
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Roane County Committee on Aging, Inc., Spencer, WV for facilities and equipment	\$100,000	Capito	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Rochester General Health System, Newark, NY for facilities and equipment	\$100,000	Maffei	Schumer; Gillibrand
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Rome Memorial Hospital Foundation, Rome, NY for facilities and equipment	\$250,000	Arcuri	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Roper/St. Francis Hospital, Charleston, SC for purchase of equipment	\$200,000	Brown (SC)	Graham
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Rosebud Sioux Tribe, Rosebud, SD, for facilities and equipment relating to emergency medical services	\$600,000	Herseith Sandlin	Johnson; Thune
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Sacred Heart Hospital, Allentown, PA for facilities and equipment	\$450,000	Dent	Specter; Casey
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Saddleback Memorial Medical Center, San Clemente, CA for an electronic medical records initiative	\$150,000	Calvert	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	SafeHaven of Tarrant County, Fort Worth, TX for a domestic violence prevention initiative	\$200,000	Barton (TX)	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Saint Anselm College, Manchester, NH, for facilities and equipment	\$800,000		Gregg
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Saint Barnabas Health Care System Foundation, West Orange, NJ, for health information technology	\$300,000		Lautenberg; Menendez
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Saint Claire Regional Medical Center, Morehead, KY, for facilities and equipment	\$100,000		Bunning
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Saint Francis Hospital Foundation, Wilmington, DE, for facilities and equipment	\$175,000	Castle	Carper; Kaufman
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Saint Joseph College, West Hartford, CT, for equipment at the School of Pharmacy	\$175,000	Larson (CT)	Dodd; Lieberman
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Saint Joseph Hospital, Nashua, NH, for facilities and equipment	\$400,000		Gregg; Shaheen
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Saint Joseph's Mercy Health Foundation, Hot Springs, AR, for equipment	\$200,000		Lincoln; Pryor
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Saint Jude Children's Medical Center, Memphis, TN, for facilities and equipment	\$3,111,000		Alexander
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Saint Luke's Hospital and Health Network, Bethlehem, PA, for equipment	\$100,000		Specter

**LABOR, HEALTH AND HUMAN SERVICES, EDUCATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Saint Mary's Hospital, Waterbury, CT, for facilities and equipment	\$325,000	DeLauro; Murphy (CT)	Dodd
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Saint Patrick Hospital, Missoula, MT, to implement an electronic health record system	\$300,000	Rehberg	Baucus; Tester
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Saint Vincent Healthcare Foundation, Billings, MT, for facilities and equipment for the Montana Pediatric Project	\$350,000		Baucus; Tester
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Samuel U Rodgers Health Center Inc, Kansas City, MO, for facilities and equipment	\$1,500,000		Bond
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	San Antonio Community Hospital, Upland, CA for facilities and equipment	\$750,000	Dreier	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	San Francisco Human Services Agency, San Francisco, CA for facilities and equipment for the Child Advocacy Center	\$350,000	Pelosi	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	San Francisco State University, San Francisco, CA for facilities and equipment for health professions training	\$500,000	Pelosi	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	San Geronio Memorial Hospital, Banning, CA for facilities and equipment	\$340,000	Lewis (CA)	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	San Luis Obispo County Community College District, San Luis Obispo, CA for facilities and equipment	\$100,000	McCarthy (CA)	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	San Ysidro Health Center, San Ysidro, CA for facilities and equipment	\$250,000	Filner	Boxer
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Santa Clara Valley Health and Hospital System, San Jose, CA for facilities and equipment	\$292,000	Honda	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Santa Fe College, Gainesville, FL for facilities and equipment	\$150,000	Stearns	Nelson, Bill
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Schuylkill Health System, Pottsville, PA for facilities and equipment	\$500,000	Holden	Specter
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Seton Hill University, Greensburg, PA to develop the Advanced Certificate in Orthodontics, including purchase of equipment	\$500,000	Murphy, Tim	Specter
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Shands Healthcare, Gainesville, FL, for equipment	\$100,000	Crenshaw	Bill Nelson
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Sharon Regional Health System, Sharon, PA, for equipment	\$100,000	Dahlkemper	Specter
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Shepherd Center, Atlanta, GA, for facilities and equipment	\$200,000		Isakson
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Shore Memorial Hospital, Somers Point, NJ for facilities and equipment	\$500,000	LoBiondo	Lautenberg; Menendez
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Sierra County, Truth or Consequences, NM, for facilities and equipment at the Sierra Vista Hospital	\$125,000	Teague	Tom Udall; Bingaman
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Signature Healthcare, Brockton, MA, for equipment	\$100,000		Kennedy; Kerry; Kirk
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Sisters of Providence Health System, Springfield, MA for facilities and equipment	\$200,000	Neal	Kennedy; Kerry; Kirk
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Sisters of St. Francis Health Services, Inc., Olympia Fields, IL for facilities and equipment	\$350,000	Jackson (IL)	

**LABOR, HEALTH AND HUMAN SERVICES, EDUCATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Skagit Valley Hospital, Mount Vernon, WA for facilities and equipment	\$800,000	Larsen (WA)	Murray; Cantwell
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Somerset Medical Center, Somerville, NJ for an electronic medical records initiative	\$600,000	Frelinghuysen	Lautenberg; Menendez
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	South Boston Community Health Center, Boston, MA for facilities and equipment	\$100,000	Lynch	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	South Shore Hospital, Chicago, IL for facilities and equipment	\$250,000	Jackson (IL)	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	South Shore Hospital, Weymouth, MA, for equipment	\$300,000		Kennedy; Kerry; Kirk
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Southeast Arkansas College, Pine Bluff, AR for facilities and equipment for the nursing school	\$200,000	Ross	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Southeast Georgia Health System, Brunswick, GA for facilities and equipment	\$1,000,000	Kingston	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Southeast Missouri State University, Cape Girardeau, MO for the SHOW Mobile initiative	\$205,000	Emerson	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Southern Illinois University, Edwardsville, IL, for a nursing education program, including equipment	\$500,000	Shimkus	Durbin
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Southern Methodist University, Dallas, TX, for facilities and equipment	\$300,000		Hutchison
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Southern Utah University, Cedar City, UT for facilities and equipment	\$350,000	Matheson	Bennett
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Southwest Center for HIV/AIDS, Phoenix, AZ for facilities and equipment	\$300,000	Pastor (AZ)	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Southwest Tennessee Community College, Memphis, TN, for health professions training	\$400,000	Cohen	Alexander
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Sparrow Health System, Lansing, MI for an electronic medical records initiative	\$300,000	Rogers (MI)	Levin; Stabenow
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Spartanburg Regional Healthcare System, Spartanburg, SC, for professional development	\$500,000		Graham
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Spectrum Health, Grand Rapids, MI for purchase of equipment	\$200,000	Ehlers	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	SSM Cardinal Glennon Children's Hospital, Saint Louis, MO, for facilities and equipment	\$1,000,000		Bond
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	SSM St. Mary's Health Center, Jefferson City, MO for facilities and equipment	\$200,000	Skelton	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	St. Ambrose University, Davenport, IA for facilities and equipment	\$600,000	Braley (IA)	Harkin; Grassley
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	St. Bernardine Medical Center, San Bernardino, CA for facilities and equipment	\$500,000	Lewis (CA)	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	St. Bernardine Medical Center, San Bernardino, CA for facilities and equipment for an MRI system	\$500,000	Baca	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	St. Bernard's Development Foundation, Jonesboro, AR for facilities and equipment	\$400,000	Berry	Lincoln; Pryor



**LABOR, HEALTH AND HUMAN SERVICES, EDUCATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	St. Clare's Health System, Denville, NJ for facilities and equipment	\$600,000	Frelinghuysen	Lautenberg
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	St. Elizabeth Regional Health, Lafayette, IN for facilities and equipment	\$300,000	Buyer	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	St. Francis Hospital, Charleston, WV for facilities and equipment	\$650,000	Capito	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	St. Francis Medical Center, Trenton, NJ for facilities and equipment	\$350,000	Smith (NJ)	Lautenberg; Menendez
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	St. Francis Memorial Hospital, San Francisco, CA for facilities and equipment	\$500,000	Pelosi	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	St. John West Shore Hospital, Westlake, OH for facilities and equipment	\$500,000	Kucinich	Voinovich
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	St. John's Hospital, Berryville, AR for facilities and equipment	\$200,000	Boozman	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	St. John's Hospital, Maplewood, MN for facilities and equipment	\$675,000	McCollum	Franken
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	St. John's Riverside Hospital, Yonkers, NY for facilities and equipment	\$250,000	Lowey	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	St. Joseph Health System, Inc., Tawas City, MI for facilities and equipment	\$500,000	Stupak	Stabenow; Levin
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	St. Joseph Hospital, Eureka, CA for facilities and equipment	\$350,000	Thompson (CA)	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	St. Joseph Hospital/Peace Health, Bellingham, WA for facilities and equipment	\$300,000	Larsen (WA)	Murray
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	St. Joseph of the Pines, Southern Pines, NC for purchase and outfitting of a mobile health unit	\$453,000	Coble	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	St. Joseph's Mercy Care Services, Inc., Atlanta, GA for facilities and equipment	\$200,000	Lewis (GA)	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	St. Joseph's/Candler Health System, Savannah, GA for facilities and equipment	\$350,000	Barrow	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	St. Luke's Health System, Boise, ID for facilities and equipment	\$350,000	Simpson	Crapo; Risch
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	St. Mary's Hospital, Passaic, NJ for facilities and equipment	\$950,000	Pascrell	Lautenberg; Menendez
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	St. Mary's Regional Medical Center, Reno, NV for facilities and equipment	\$700,000	Heller	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	St. Vincent Charity Hospital, Cleveland, OH for facilities and equipment	\$700,000	Fudge	Voinovich; Brown
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	St. Vincent Healthcare Foundation, Billings, MT for facilities and equipment	\$400,000	Rehberg	Baucus; Tester
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	St. Vincent Mercy Medical Center, Toledo, OH for facilities and equipment	\$200,000	Kaptur	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Staten Island University Hospital, Staten Island, NY for facilities and equipment	\$600,000	McMahon	Gillibrand

**LABOR, HEALTH AND HUMAN SERVICES, EDUCATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Stewart-Marchman-Act Foundation, Inc., Daytona Beach, FL for facilities and equipment	\$800,000	Mica	Bill Nelson
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Straub Hospital Burn Center, Honolulu, HI, for equipment	\$150,000		Inouye; Akaka
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Suffolk County Department of Health Services, Hauppauge, NY, to implement an electronic health record system	\$200,000	Bishop (NY)	Gillibrand
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Summa Foundation, Akron, OH for facilities and equipment for the Center for Minority Health and Health Disparities Solutions	\$250,000	Ryan (OH); Sutton	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Sun Life Family Health Center, Casa Grande, AZ for facilities and equipment	\$300,000	Kirkpatrick (AZ)	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Susquehanna Health, Williamsport, PA, for equipment	\$100,000		Specter
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Taunton Nursing Home, Taunton, MA for facilities and equipment	\$650,000	Frank (MA)	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Temple Health and Bioscience Economic Development District, Temple, TX for facilities and equipment	\$750,000	Carter	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Temple University Health System, Philadelphia, PA, for facilities and equipment	\$100,000		Specter
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Tennessee Department of Health, Nashville, TN, for facilities and equipment	\$150,000		Alexander
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Texas Health Harris Methodist Hospital Fort Worth, Ft. Worth, TX for facilities and equipment	\$300,000	Granger	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Texas Health Institute, Austin, TX, for facilities and equipment	\$150,000		Hutchison
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Texas Tech University Health Sciences Center at El Paso, El Paso, TX, for facilities and equipment	\$400,000		Hutchison
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Texas Tech University Health Sciences Center, Lubbock, TX for facilities and equipment	\$300,000	Conaway	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Texas Tech University Paul L Foster School of Medicine, El Paso, TX, for facilities and equipment	\$100,000		Cornyn
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Texas Tech University, Lubbock, TX for facilities and equipment	\$480,000	Neugebauer	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Texas Tech University, Lubbock, TX for the Center for the Study of Addiction	\$250,000	Neugebauer	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Texas Wesleyan University, Ft. Worth, TX for facilities and equipment	\$650,000	Granger; Burgess	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Texas Woman's University, Denton, TX, for facilities and equipment	\$300,000	Johnson, Eddie Bernice	Hutchison
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	The Manor, Jonesville, MI, for facilities and equipment at the Treatment and Counseling Center	\$150,000		Levin; Stabenow
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Thomas Jefferson University Hospital, Philadelphia, PA for facilities and equipment	\$800,000	Brady (PA)	Specter; Casey
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Touro University Nevada, Henderson, NV, for facilities and equipment at the Gerontology Center	\$750,000		Reid

**LABOR, HEALTH AND HUMAN SERVICES, EDUCATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Town of Gilbert, Gilbert, WV, for facilities and equipment for a primary health care center	\$3,000,000		Byrd
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Translational Genomics Research Institute (TGen), Phoenix, AZ for facilities and equipment	\$300,000	Pastor (AZ); Mitchell	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	TriHealth, Cincinnati, OH, for facilities and equipment	\$100,000	Driehaus	Voinovich
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Trinitas Health Foundation, Elizabeth, NJ, for facilities and equipment	\$400,000	Sires	Lautenberg; Menendez
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Trinity Regional Medical Center, Ft. Dodge, IA for facilities and equipment	\$694,000	Latham	Grassley
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Troy University, Troy, AL for facilities and equipment	\$500,000	Bright	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Tulsa Fire Department, Tulsa, OK, for equipment	\$100,000		Inhofe
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Tyrone Hospital, Tyrone, PA, for facilities and equipment	\$100,000		Specter
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	U.S. Virgin Islands Department of Health, St. Thomas, VI for facilities and equipment for an Emergency Medical Services Administrative and Clinical Health Center	\$500,000	Christensen	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	U.S. Virgin Islands Department of Health, St. Thomas, VI for facilities and equipment for the Eldra Schulerbrandt Long-Term Care Facility	\$200,000	Christensen	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	UAW Local 1005, Parma, OH for facilities and equipment for a health clinic	\$300,000	Kucinich	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	UMass Memorial Health Care, Worcester, MA, for health information technology	\$500,000	McGovern	Kennedy; Kerry; Kirk
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Union College, Barbourville, KY for facilities and equipment	\$500,000	Rogers (KY)	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Union Hospital, Terre Haute, IN, for facilities and equipment	\$100,000		Lugar
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Unity Health System, Rochester, NY for facilities and equipment	\$800,000	Lee (NY); Slaughter	Gillibrand
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	University Hospitals, Chardon, OH for an electronic medical records initiative	\$250,000	LaTourette	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	University Medical Center at Brackenridge, Austin, TX, for facilities and equipment	\$150,000		Hutchison
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	University Medical Center Foundation, El Paso, TX for facilities and equipment	\$600,000	Reyes	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	University Medical Center of Southern Nevada, Las Vegas, NV, for facilities and equipment for the Women's Care and Birth Center	\$1,500,000		Reid
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	University of Alabama, Tuscaloosa, AL, for facilities and equipment	\$10,250,000		Shelby
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	University of Arkansas for Medical Sciences, Little Rock, AR, for facilities and equipment at the Winthrop P Rockefeller Cancer Institute	\$750,000	Berry	Lincoln; Pryor
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	University of California -- Riverside, Riverside, CA for facilities and equipment	\$4,000,000	Calvert; Baca; Bono Mack; Lewis (CA)	Feinstein

**LABOR, HEALTH AND HUMAN SERVICES, EDUCATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	University of California, Davis Medical Center, Sacramento, CA for facilities and equipment for the surgery and emergency services pavilion	\$375,000	Matsui	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	University of California-San Diego, San Diego, CA for health professions training	\$500,000	Davis (CA)	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	University of Colorado—Denver, Aurora, CO to expand physician training in rural areas	\$575,000	Salazar	Mark Udall; Bennet
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	University of Colorado Denver School of Medicine, Aurora, CO for facilities and equipment for the Linda Crnic Institute for Down Syndrome	\$1,500,000	Perlmutter; Polis	Bennet; Udall, Mark
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	University of Florida, Gainesville, FL for facilities and equipment	\$350,000	Wasserman Schultz; Stearns	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	University of Georgia, Athens, GA, for facilities and equipment	\$100,000		Chambliss
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	University of Guam, Mangilao, GU for facilities and equipment	\$400,000	Bordallo	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	University of Hawaii at Hilo, Hilo, HI, for a nurse training program	\$350,000		Inouye; Akaka
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	University of Hawaii School of Medicine, Honolulu, HI, to expand medical education	\$200,000		Inouye; Akaka
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	University of Hawaii School of Nursing-Manoa, Honolulu, HI, for nursing education, including equipment	\$200,000		Inouye; Akaka
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	University of Illinois at Chicago College of Medicine at Rockford, IL for facilities and equipment	\$250,000	Manzullo	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	University of Illinois- College of Medicine at Peoria, Peoria, IL for facilities and equipment	\$400,000	Schock	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	University of Iowa, Carver College of Medicine, Iowa City, IA, for facilities and equipment for the Institute for Biomedical Discovery	\$2,000,000	Loeb sack	Harkin; Grassley
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	University of Iowa, Iowa City, IA, for facilities and equipment at the College of Public Health	\$1,000,000	Loeb sack	Harkin; Grassley
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	University of Kansas Medical Center, Wichita, KS for development of the Clinical Skills Simulation Laboratory, including curriculum development and purchase of equipment	\$500,000	Tiahrt	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	University of Kansas, Lawrence, KS for facilities and equipment	\$1,500,000	Jenkins; Moran (KS)	Roberts
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	University of Kentucky Research Foundation, Lexington, KY, for data base design and equipment	\$2,000,000		McConnell
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	University of Kentucky Research Foundation, Lexington, KY, for facilities and equipment	\$1,300,000		McConnell
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	University of Kentucky Research Foundation, Lexington, KY, to expand a heart disease prevention initiative in rural Kentucky	\$2,000,000		McConnell
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	University of Louisiana at Monroe, Monroe, LA for facilities and equipment, including purchase of a mobile dental unit	\$840,000	Alexander	Landrieu; Vitter
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	University of Louisville Research Foundation, Louisville, KY, for facilities and equipment	\$1,000,000		McConnell
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	University of Louisville Research Foundation, Louisville, KY, for facilities and equipment	\$1,000,000		McConnell

**LABOR, HEALTH AND HUMAN SERVICES, EDUCATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	University of Louisville Research Foundation, Louisville, KY, for facilities and equipment	\$2,500,000		McConnell
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	University of Louisville Research Foundation, Louisville, KY, for health professions training and facilities and equipment	\$800,000		McConnell
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	University of Maine at Augusta, Augusta, ME, for facilities and equipment at the Bangor dental clinic	\$650,000	Michaud	Collins
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	University of Maryland Medical System, Baltimore, MD for facilities and equipment for an emergency medical facility in Queen Anne's County	\$400,000	Kratovil	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	University of Miami, Coral Gables, FL for facilities and equipment	\$750,000	Diaz-Balart, Mario	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	University of Michigan Health System, Ann Arbor, MI for facilities and equipment	\$500,000	Dingell	Levin; Stabenow
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	University of Mississippi Medical Center, Jackson, MS, for facilities and equipment	\$8,000,000		Cochran; Wicker
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	University of Mississippi, University, MS, for facilities and equipment	\$1,500,000		Cochran
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	University of Mississippi, University, MS, for the Center for Thermal Pharmaceutical Processing, including facilities and equipment	\$600,000		Cochran; Wicker
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	University of Nevada School of Medicine, Reno, NV, for facilities and equipment at the Center for Molecular Medicine	\$750,000		Reid; Ensign
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	University of North Alabama, Florence, AL for facilities and equipment	\$700,000	Griffith	Sessions
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	University of North Alabama, Florence, AL, for nursing education and equipment	\$100,000		Sessions
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	University of North Carolina at Greensboro, Greensboro, NC, for tele-speech initiative including purchase of equipment	\$300,000	Coble; Miller (NC)	Burr; Hagan
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	University of North Texas, Denton, TX, for facilities and equipment	\$350,000		Hutchison
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	University of Oklahoma—College of Medicine, Tulsa, OK for facilities and equipment	\$300,000	Sullivan	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	University of Pittsburgh, Pittsburgh, PA, for equipment relating to cancer diagnostics and treatment	\$100,000		Specter
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	University of Puerto Rico Medical Sciences Campus, San Juan, PR for facilities and equipment for the Unit of Comparative Medicine	\$300,000	Pierluisi	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	University of Scranton, Scranton, PA, for nursing and allied health programs, including the purchase of equipment	\$100,000	Kanjorski	Specter; Casey
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	University of South Alabama, Mobile, AL for facilities and equipment	\$2,500,000	Bonner	Sessions
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	University of South Alabama, Mobile, AL, for health information systems including equipment	\$100,000		Sessions
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	University of South Florida Sarasota-Manatee, Tampa, FL for nursing program facilities and equipment	\$250,000	Buchanan	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	University of South Florida, Tampa, FL for the Cancer Clinical Trial project	\$500,000	Young (FL); Bilirakis	

**LABOR, HEALTH AND HUMAN SERVICES, EDUCATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	University of Southern Maine, Portland, ME, for facilities and equipment	\$775,000	Pingree (ME)	Snowe; Collins
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	University of Southern Mississippi, Hattiesburg, MS, for a relapse prevention program, including for facilities and equipment	\$500,000		Cochran; Wicker
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	University of Southern Mississippi, Hattiesburg, MS, for facilities and equipment	\$2,750,000		Cochran; Wicker
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	University of St. Francis, Fort Wayne, IN for facilities and equipment for nurse training	\$200,000	Visclosky	Lugar
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	University of Tennessee Medical Center, Knoxville, TN for facilities and equipment	\$1,350,000	Duncan	Alexander; Corker
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	University of Texas at Arlington, Arlington, TX for facilities and equipment	\$650,000	Barton (TX)	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	University of Texas at Brownsville, Brownsville, TX for facilities and equipment	\$500,000	Ortiz	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	University of Texas at Dallas, Dallas, TX, for facilities and equipment	\$350,000		Hutchison
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	University of Texas Health Science Center at Houston, TX, for facilities and equipment for MedBank	\$150,000		Hutchison
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	University of Texas Health Science Center at San Antonio, TX, for facilities, equipment, and technology	\$300,000	Rodriguez	Hutchison
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	University of Texas Health Science Center at Tyler, TX, for facilities and equipment	\$300,000	Gohmert	Hutchison
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	University of Texas Health Science Center, Houston, TX for facilities and equipment for the Center for Translational Neuroinformatics	\$100,000	Culberson; Green, Al	Hutchison
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	University of Texas Health Science Center, San Antonio, TX for facilities and equipment at the Center for Innovation in Prevention and Treatment of Airway Diseases	\$150,000	Smith (TX); Gonzalez	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	University of Texas Health Science Center, San Antonio, TX for facilities and equipment at the Neurodegenerative and Cognitive Dysfunction Center	\$270,000	Cuellar	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	University of Texas M. D. Anderson Cancer Center, Houston, TX for facilities and equipment	\$1,000,000	Culberson	Hutchison
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	University of Utah, Salt Lake City, UT, for health information technology	\$1,500,000		Bennett; Hatch
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Utah Department of Health, Salt Lake City, UT, for facilities and equipment	\$100,000		Hatch; Bennett
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Utah Department of Health, Salt Lake City, UT, for facilities and equipment	\$500,000		Bennett
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Utah Department of Health, Salt Lake City, UT, for facilities and equipment related to outbreak management	\$500,000		Bennett; Hatch
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Utah Department of Health, Salt Lake City, UT, to expand Monticello Health Education and Screening Initiative	\$600,000		Hatch; Bennett
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Utah Personalized Health Care Institute at the University of Utah, Salt Lake City, UT, to establish a personalized medicine infrastructure	\$100,000		Hatch
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Utah Valley University, Orem, UT, for health professions development and equipment	\$350,000	Bishop (UT)	Bennett; Hatch

**LABOR, HEALTH AND HUMAN SERVICES, EDUCATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Valley Presbyterian Hospital, Van Nuys, CA for facilities and equipment	\$300,000	Berman	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Van Wert County Hospital, Van Wert, OH for facilities and equipment	\$840,000	Latta	Voinovich; Brown
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Vanguard University, Costa Mesa, CA for facilities and equipment	\$300,000	Rohrabacher	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Variety—The Children's Charity of Wisconsin, Milwaukee, WI for facilities and equipment	\$40,000	Moore (WI)	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Vermont State Colleges, Randolph Center, VT, for equipment to expand nursing programs	\$700,000		Leahy
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Victor Valley Community Hospital, Victorville, CA for facilities and equipment	\$250,000	McKeon	Boxer
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Virginia Commonwealth University, Richmond, VA for facilities and equipment for the Massey Cancer Center	\$600,000	Scott (VA); Wittman	Warner
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Virginia State University, Petersburg, VA, for facilities and equipment to expand nursing programs	\$100,000	Forbes	Warner; Webb
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Visiting Nurse Services of Putnam County, Avon, IN for facilities and equipment	\$100,000	Ellsworth	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Visiting Nurse Services, Indianapolis, IN, for facilities and equipment and health professions training	\$100,000		Lugar
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Visiting Nurses Association Healthcare Partners of Ohio, Cleveland, OH for health professions training	\$200,000	LaTourette; Sutton; Kucinich	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Viterbo University, La Crosse, WI, for facilities and equipment for the nursing school	\$300,000		Kohl
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Wadsworth-Rittman Hospital Foundation, Wadsworth, OH for facilities and equipment	\$600,000	Boccieri	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Wake County, Raleigh, NC, for facilities and equipment	\$300,000	Miller (NC); Price (NC)	Burr; Hagan
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Wake Health Services, Inc., Raleigh, NC for facilities and equipment	\$750,000	Miller (NC); Etheridge	Burr; Hagan
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Warren Achievement Center, Inc., Monmouth, IL for rural health outreach	\$100,000	Hare	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Warren County Community College, Washington, NJ for facilities and equipment	\$350,000	Garrett (NJ)	Lautenberg; Menendez
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Warren County Planning Commission, Warren, PA for health care facilities and equipment	\$350,000	Thompson (PA)	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Washington County Hospital, Hagerstown, MD for facilities and equipment and for an electronic medical records initiative	\$750,000	Bartlett	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Washington State University, Spokane, WA, for facilities and equipment for the College of Nursing	\$900,000	McMorris Rodgers; Baird	Murray; Cantwell
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Weber State University, Ogden, UT for expansion of nursing programs, including purchase of equipment	\$750,000	Bishop (UT)	Bennett; Hatch
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	WellSpan Health, York, PA for purchase of equipment	\$100,000	Platts	

**LABOR, HEALTH AND HUMAN SERVICES, EDUCATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Wesley College, Dover, DE, for renovation and equipping of the nursing school	\$200,000	Castle	Carper; Kaufman
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	West Jefferson Medical Center, Marrero, LA for facilities and equipment	\$100,000	Scalise	Vitter
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	West Liberty State College, West Liberty, WV for facilities and equipment	\$50,000	Mollohan	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	West Virginia Higher Education Policy Commission, Charleston, WV, for facilities and equipment relating to healthcare training	\$4,000,000		Byrd
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	West Virginia University Health Sciences, Morgantown, WV, for facilities and equipment	\$1,000,000		Rockefeller
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	West Virginia University, Morgantown, WV, for construction of a Multiple Sclerosis Center	\$1,500,000		Byrd
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	WestCare Health Systems, Sylva, NC for facilities and equipment	\$350,000	Shuler	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Westchester Medical Center, Valhalla, NY, for equipment	\$150,000		Gillibrand; Schumer
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Wheeling Hospital, Inc., Wheeling, WV for facilities and equipment	\$150,000	Mollohan	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	White Memorial Medical Charitable Foundation, Los Angeles, CA for facilities and equipment	\$500,000	Roybal-Allard	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	White Plains Hospital Center, White Plains, NY for facilities and equipment	\$250,000	Lowey	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Wichita County Health Center, Leoti, KS, for facilities and equipment	\$150,000		Brownback
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Wills Eye Health System, Philadelphia, PA for facilities and equipment	\$150,000	Brady (PA)	Specter; Casey
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Wilmington College, Wilmington, OH for facilities and equipment	\$200,000	Turner	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Windemere Rehabilitation Facility, Oak Bluffs, MA, for facilities and equipment	\$250,000		Kennedy; Kerry; Kirk
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Woman's Hospital, Baton Rouge, LA, for facilities and equipment to expand the neonatal intensive care unit	\$100,000	Alexander	Landrieu; Vitter
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Wood River Health Services, Hope Valley, RI, for facilities and equipment	\$200,000		Reed
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	World Impact Good Samaritan Clinic, Wichita, KS for facilities and equipment	\$1,000,000	Tiahrt	Brownback; Roberts
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Xavier University of New Orleans, LA for facilities and equipment	\$350,000	Cao	Landrieu; Vitter
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Yakima Valley Memorial Hospital, Yakima, WA, for facilities and equipment to expand the pediatric center	\$100,000		Cantwell
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	York College of Pennsylvania, York, PA for facilities and equipment	\$400,000	Platts	Specter; Casey
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Youth Dynamics, Inc., Billings, MT for facilities and equipment	\$100,000	Rehberg	Baucus; Tester



**LABOR, HEALTH AND HUMAN SERVICES, EDUCATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Yukon-Kuskokwim Health Corporation, Bethel, AK, for facilities and equipment	\$1,000,000		Murkowski; Begich
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Zufall Health Center, Dover, NJ for facilities and equipment	\$225,000	Lance	Lautenberg
Department of Health & Human Services	HHS Office of the Secretary (OS)—Research & Demonstration (including Minority & Women's Health)	BayCare Health System, Tampa, FL for a community-based health outreach program to address health disparities in South Pinellas and Hillsborough counties	\$200,000	Castor (FL)	
Department of Health & Human Services	HHS Office of the Secretary (OS)—Research & Demonstration (including Minority & Women's Health)	Community Transportation Association of America, Washington, DC, for technical assistance to human services transportation providers on ADA requirements	\$950,000		Harkin
Department of Health & Human Services	HHS Office of the Secretary (OS)—Research & Demonstration (including Minority & Women's Health)	South Central Family Health Center, Los Angeles, CA for a community diabetes management initiative	\$100,000	Becerra	
Department of Health & Human Services	HHS Office of the Secretary (OS)—Research & Demonstration (including Minority & Women's Health)	University of West Florida, Pensacola, FL for a health information technology evaluation project	\$400,000	Miller (FL)	
Department of Health & Human Services	Substance Abuse and Mental Health Services Administration (SAMHSA)—Mental Health	American Combat Veterans of War, San Diego, CA for mental health services for returning veterans	\$175,000	Filner	
Department of Health & Human Services	Substance Abuse and Mental Health Services Administration (SAMHSA)—Mental Health	American Red Cross, Lower Bucks County Chapter, Levittown, PA for mental health services and case management	\$100,000	Murphy, Patrick	
Department of Health & Human Services	Substance Abuse and Mental Health Services Administration (SAMHSA)—Mental Health	Avera McKennan Hospital & University Health Center, Sioux Falls, SD, for a program serving children with emotional and behavioral disorders	\$300,000	Herseith Sandlin	Johnson
Department of Health & Human Services	Substance Abuse and Mental Health Services Administration (SAMHSA)—Mental Health	BayCare Health System, Clearwater, FL for a mental health initiative	\$200,000	Bilirakis	
Department of Health & Human Services	Substance Abuse and Mental Health Services Administration (SAMHSA)—Mental Health	Belfaire JCB, Shaker Heights, OH for the Social Advocates for Youth program	\$200,000	LaTourette	
Department of Health & Human Services	Substance Abuse and Mental Health Services Administration (SAMHSA)—Mental Health	Cheyenne River Sioux Tribe, Eagle Butte, SD, for youth suicide and substance abuse prevention programs	\$100,000	Herseith Sandlin	Johnson
Department of Health & Human Services	Substance Abuse and Mental Health Services Administration (SAMHSA)—Mental Health	City of Detroit, MI for behavioral health services at the Grace Ross Health Center	\$700,000	Conyers	Levin; Stabenow
Department of Health & Human Services	Substance Abuse and Mental Health Services Administration (SAMHSA)—Mental Health	Foothill Family Service, Pasadena, CA for mental health services to children ages 0-5 and parenting education that supports the services provided to the children	\$200,000	Napolitano	
Department of Health & Human Services	Substance Abuse and Mental Health Services Administration (SAMHSA)—Mental Health	Gateway Healthcare, Pawtucket, RI for behavioral health services for returning veterans	\$200,000	Kennedy	
Department of Health & Human Services	Substance Abuse and Mental Health Services Administration (SAMHSA)—Mental Health	Hathaway-Sycamores Child and Family Services, Pasadena, CA for mental health and emotional support services for children of the terminally ill during the illness and after the death	\$100,000	Schiff	
Department of Health & Human Services	Substance Abuse and Mental Health Services Administration (SAMHSA)—Mental Health	Heartland Health Outreach, Chicago, IL for a mental health supportive services program	\$200,000	Schakowsky	
Department of Health & Human Services	Substance Abuse and Mental Health Services Administration (SAMHSA)—Mental Health	Hispanic Counseling Center, Hempstead, NY for mental health services and treatment for the uninsured and underinsured Hispanic population on Long Island	\$200,000	McCarthy (NY); Israel	
Department of Health & Human Services	Substance Abuse and Mental Health Services Administration (SAMHSA)—Mental Health	Jacksonville Community Rehabilitation Center, Jacksonville, FL for long-term substance abuse and mental health programs for those with severe mental health ailments	\$200,000	Brown, Corrine	Nelson, Bill
Department of Health & Human Services	Substance Abuse and Mental Health Services Administration (SAMHSA)—Mental Health	KidsPeace National Centers of New England, Ellsworth, ME, for the programmatic funding necessary to facilitate the expansion of the KidsPeace Graham Lake Autism Day Treatment Unit	\$150,000		Snowe
Department of Health & Human Services	Substance Abuse and Mental Health Services Administration (SAMHSA)—Mental Health	Ohel Children's Home and Family Services, Brooklyn, NY for inpatient and outpatient mental health treatment services	\$550,000	Weiner; Engel; McCarthy (NY); Towns	

**LABOR, HEALTH AND HUMAN SERVICES, EDUCATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Health & Human Services	Substance Abuse and Mental Health Services Administration (SAMHSA)—Mental Health	Oregon Partnership, Portland, OR, to provide suicide prevention services to soldiers and military families	\$300,000	Blumenauer; Wu	Wyden; Merkley
Department of Health & Human Services	Substance Abuse and Mental Health Services Administration (SAMHSA)—Mental Health	Pacific Clinics, Arcadia, CA for mental health and suicide prevention programs for adolescents	\$500,000	Napolitano	
Department of Health & Human Services	Substance Abuse and Mental Health Services Administration (SAMHSA)—Mental Health	Rosebud Sioux Tribe, Rosebud, SD for suicide prevention and early intervention services	\$500,000	Hereth Sandlin	Thune; Johnson
Department of Health & Human Services	Substance Abuse and Mental Health Services Administration (SAMHSA)—Mental Health	Spectrum Programs Inc., Miami, FL for a mental health and substance abuse program	\$200,000	Diaz-Balart, Lincoln	
Department of Health & Human Services	Substance Abuse and Mental Health Services Administration (SAMHSA)—Mental Health	St. Bernard Project, Chalmette, LA for mental health services	\$100,000	Melancon	Landrieu
Department of Health & Human Services	Substance Abuse and Mental Health Services Administration (SAMHSA)—Mental Health	St. Luke's Hospital, Adult Behavioral Services, Cedar Rapids, IA for behavioral health services	\$400,000	Loeb sack	Harkin; Grassley
Department of Health & Human Services	Substance Abuse and Mental Health Services Administration (SAMHSA)—Mental Health	University of South Florida, Tampa, FL, for mental health services for disabled veterans	\$100,000		Martinez
Department of Health & Human Services	Substance Abuse and Mental Health Services Administration (SAMHSA)—Mental Health	Volunteers of America, Wilkes-Barre, PA, for trauma recovery mental health services to children and families	\$100,000	Kanjorski	Specter; Casey
Department of Health & Human Services	Substance Abuse and Mental Health Services Administration (SAMHSA)—Mental Health	Young & Healthy, Pasadena, CA for mental health care for children who are uninsured or underinsured	\$100,000	Schiff	
Department of Health & Human Services	Substance Abuse and Mental Health Services Administration (SAMHSA)—Mental Health	Youth Dynamics, Inc, Billings, MT, for a training program to help meet the mental health needs of those living in rural or frontier States	\$100,000	Rehberg	Tester; Baucus
Department of Health & Human Services	Substance Abuse and Mental Health Services Administration (SAMHSA)—Substance Abuse Prevention	Betty Ford Institute, Palm Springs, CA for a substance abuse prevention and training initiative	\$250,000	Bono Mack	
Department of Health & Human Services	Substance Abuse and Mental Health Services Administration (SAMHSA)—Substance Abuse Prevention	Bucks County Council on Alcoholism and Drug Dependence, Inc, Doylestown, PA, to expand drug and alcohol prevention programs	\$100,000		Specter
Department of Health & Human Services	Substance Abuse and Mental Health Services Administration (SAMHSA)—Substance Abuse Prevention	Coalition for a Drug-Free Hawaii, Honolulu, HI for a youth alcohol abuse and suicide prevention program	\$200,000	Abercrombie	
Department of Health & Human Services	Substance Abuse and Mental Health Services Administration (SAMHSA)—Substance Abuse Prevention	Hamakua Health Center, Honokaa, HI, for a youth anti-drug program	\$200,000		Inouye; Akaka
Department of Health & Human Services	Substance Abuse and Mental Health Services Administration (SAMHSA)—Substance Abuse Prevention	Maryland Association of Youth Services Bureaus, Greenbelt, MD, for prevention and diversion services to youth and their families	\$100,000		Cardin; Mikulski
Department of Health & Human Services	Substance Abuse and Mental Health Services Administration (SAMHSA)—Substance Abuse Prevention	Operation UNITE, Somerset, KY for a multi-school substance abuse counseling and curriculum development program	\$1,000,000	Rogers (KY)	
Department of Health & Human Services	Substance Abuse and Mental Health Services Administration (SAMHSA)—Substance Abuse Prevention	Pennsylvania State University, University Park, PA, for evidence-based prevention programs in schools and communities to reduce youth substance abuse	\$100,000		Specter
Department of Health & Human Services	Substance Abuse and Mental Health Services Administration (SAMHSA)—Substance Abuse Prevention	Postpartum Resource Center of New York, West Islip, NY for perinatal mood disorder prevention and early detection programs, support groups, and a multilingual helpline	\$100,000	Israel	
Department of Health & Human Services	Substance Abuse and Mental Health Services Administration (SAMHSA)—Substance Abuse Prevention	Rhode Island State Nurses Association, Pawtucket, RI for substance abuse programs for nurses	\$100,000	Kennedy	

**LABOR, HEALTH AND HUMAN SERVICES, EDUCATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Health & Human Services	Substance Abuse and Mental Health Services Administration (SAMHSA)—Substance Abuse Prevention	St. Ann's Corner of Harm Reduction, Bronx, NY for mental health consultations and substance abuse prevention and treatment support services	\$100,000	Serrano	
Department of Health & Human Services	Substance Abuse and Mental Health Services Administration (SAMHSA)—Substance Abuse Prevention	Waimanalo Health Center, Waimanalo, HI, for a youth anti-drug program	\$200,000		Inouye; Akaka
Department of Health & Human Services	Substance Abuse and Mental Health Services Administration (SAMHSA)—Substance Abuse Prevention	West Virginia Prevention Resource Center, South Charleston, WV, for drug abuse prevention	\$1,500,000		Byrd
Department of Health & Human Services	Substance Abuse and Mental Health Services Administration (SAMHSA)—Substance Abuse Treatment	A Safe Haven Foundation, Chicago, IL for behavioral health services for individuals affected by substance abuse	\$300,000	Davis (IL)	
Department of Health & Human Services	Substance Abuse and Mental Health Services Administration (SAMHSA)—Substance Abuse Treatment	Chesterfield County, VA for the Dual Treatment Track program	\$143,000	Forbes	Webb
Department of Health & Human Services	Substance Abuse and Mental Health Services Administration (SAMHSA)—Substance Abuse Treatment	City of Farmington, NM, to provide evidence-based substance abuse treatment to public inebriates	\$150,000	Lujan	Bingaman; Tom Udall
Department of Health & Human Services	Substance Abuse and Mental Health Services Administration (SAMHSA)—Substance Abuse Treatment	Gavin Foundation, Inc., South Boston, MA for substance abuse treatment services at its Cushing House facility for adolescents	\$200,000	Lynch	
Department of Health & Human Services	Substance Abuse and Mental Health Services Administration (SAMHSA)—Substance Abuse Treatment	Mercy Recovery Center, Westbrook, ME, for residential treatment programs	\$1,000,000		Collins; Snowe
Department of Health & Human Services	Substance Abuse and Mental Health Services Administration (SAMHSA)—Substance Abuse Treatment	Operation UNITE, Somerset, KY for a substance abuse treatment and voucher program	\$1,000,000	Rogers (KY)	
Department of Health & Human Services	Substance Abuse and Mental Health Services Administration (SAMHSA)—Substance Abuse Treatment	Pinellas County Board of County Commissioners, Clearwater, FL for a substance abuse treatment initiative	\$300,000	Young (FL)	
Department of Health & Human Services	Substance Abuse and Mental Health Services Administration (SAMHSA)—Substance Abuse Treatment	San Francisco Department of Public Health, San Francisco, CA for mental health and substance abuse services for homeless veterans	\$750,000	Pelosi	
Department of Health & Human Services	Substance Abuse and Mental Health Services Administration (SAMHSA)—Substance Abuse Treatment	Tuesday's Children, Manhasset, NY for a mental health initiative	\$750,000	King (NY)	
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Access Community Health Network, Chicago, IL for a job training initiative	\$400,000	Roskam	
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Alabama Institute for the Deaf and Blind, Talladega, AL for an employer training and job development initiative	\$200,000	Bachus; Rogers (AL)	
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Arkansas State University-Beebe, Searcy, AR for a training program for employment in the natural gas industry	\$200,000	Snyder	Pryor; Lincoln
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Atlanta Christian College, East Point, GA, for training and curriculum development	\$350,000	Kingston	
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Baltimore City Mayor's Office of Employment Development, Baltimore, MD, for YouthWorks	\$575,000	Sarbanes	Mikulski
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Beth Medrash Govoha, Lakewood, NJ for a job training initiative	\$275,000	Smith (NJ)	Menendez; Lautenberg
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Blackhawk Technical College, Janesville, WI, to provide job training to the unemployed and incumbent workers	\$1,000,000		Kohl

**LABOR, HEALTH AND HUMAN SERVICES, EDUCATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Brevard Workforce Development Board, Rockledge, FL for a job training initiative	\$1,000,000	Posey; Kosmas	Bill Nelson
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Bridge to Independence & Career Opportunities, Danbury, CT for job training and job placement	\$100,000	Murphy (CT)	
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Bristol Community College, Fall River, MA for job placement services for veterans	\$100,000	Frank (MA)	Kennedy; Kerry; Kirk
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Bucks County Community College, Newtown, PA for training at the Renewable Energy Academy	\$600,000	Murphy, Patrick	
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Campbellsville-Taylor County Industrial Development Authority, Campbellsville, KY for a job training initiative	\$500,000	Guthrie	
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Capital Workforce Partners, Hartford, CT, for a career competency development program	\$300,000	Courtney; Larson (CT); Murphy (CT)	Dodd; Lieberman
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Capps Workforce Training Center, Stoneville, MS, for workforce training	\$500,000		Cochran
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Center for Employment Training, San Jose, CA for training dislocated workers and out-of-school youth for green jobs	\$350,000	Lofgren, Zoe	
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Central Council of Tlingit and Haida Indian Tribes of Alaska, Juneau, AK, to expand vocational training including distance learning technologies	\$308,000		Murkowski; Begich
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Central Pennsylvania Institute of Science and Technology, Pleasant Gap, PA for job training programs	\$250,000	Thompson (PA)	Specter
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Chesapeake Bay Trust, Annapolis, MD, for the clean water jobs training initiative	\$116,000	Kratovil	Cardin
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Chicago House and Social Service Agency, Chicago, IL for an employment training and transitional jobs program	\$200,000	Schakowsky	
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	City of Baltimore, Office of Employment Development, MD for its BRAC Employment Preparedness Program	\$400,000	Ruppersberger	
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	City of Chesapeake, VA for a job training initiative	\$250,000	Forbes	
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	City of Detroit, MI for its Summer Youth Services Program	\$500,000	Kilpatrick (MI); Conyers	Levin; Stabenow
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	City of East Palo Alto, CA for workforce training in green jobs	\$600,000	Eshoo	
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	City of Emeryville, CA, for the East Bay Green Jobs Initiative workforce development program	\$200,000		Boxer
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	City of Grand Rapids, MI for the Our Community's Children job training initiative	\$350,000	Ehlers	Levin; Stabenow
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	City of Los Angeles, CA, for the Los Angeles Youth Opportunity Movement workforce development program	\$500,000		Feinstein; Boxer
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	City of Oakland, CA, for the East Bay Green Jobs Initiative workforce development program	\$600,000		Feinstein
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	City of Petersburg, Clearwater, FL for an employment readiness program	\$200,000	Castor (FL)	
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	City of Richmond, CA for the Richmond BUILD Pre-apprenticeship Construction Skills & Solar Installation Training Program	\$700,000	Miller, George	

**LABOR, HEALTH AND HUMAN SERVICES, EDUCATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	City of St. Petersburg, FL for the Summer Youth Internship/Green Workforce Readiness Training Program	\$300,000	Castor (FL)	
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	City of West Palm Beach, FL for its Youth Empowerment Centers	\$400,000	Wexler; Hastings (FL)	
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Closing the Digital Gap, Lansing, MI for a computer-based job training initiative	\$250,000	Rogers (MI)	
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Coastal Enterprises, Inc., Wiscasset, ME for workforce training and evaluation at the CEI Green Business Investment and Job Creation Initiative	\$250,000	Pingree (ME)	
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	College of Southern Idaho, Twin Falls, ID, for renewable energy job training program	\$100,000		Crapo; Risch
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Columbia Gorge Community College, The Dalles, OR for a renewable energy training program, including purchase of equipment	\$350,000	Walden	Wyden; Merkely
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Community Learning Center, Inc., Ft. Worth, TX for a job training initiative	\$500,000	Granger	
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Community Transportation Association of America, Washington, DC, for the continuation of the Joblinks program	\$450,000		Harkin
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Conservation Corps of Long Beach, Long Beach, CA for a job training program for at-risk youth	\$225,000	Sanchez, Linda	
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Covenant House Florida, Fort Lauderdale, FL for job readiness training	\$550,000	Klein (FL); Wasserman Schultz	
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Covenant House New Jersey, Newark, NJ, for a job training initiative	\$100,000		Lautenberg; Menendez
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Cypress Mandela Training Center, Inc., Oakland, CA for pre-apprentice construction training for solar and green jobs	\$275,000	Lee (CA)	Boxer
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Danville Community College, Danville, VA for training at its Wood Products Advanced Manufacturing Lab	\$100,000	Perriello	
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Davinci Center for Community Progress, Providence, RI for workforce education and training	\$200,000	Kennedy	
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	DaytonDefense, Beavercreek, OH for a job training initiative	\$300,000	Turner	
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Des Moines Area Community College, Ankeny, IA for dislocated worker training and job placement in financial services, health care and construction	\$350,000	Boswell	Harkin; Grassley
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Des Moines Area Community College, Ankeny, IA, for the Central Iowa Works Project Employment career opportunities education program	\$400,000		Harkin; Grassley
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Digital Workforce Academy, Austin, TX for a job training initiative	\$300,000	Poe (TX)	
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Duke Media Foundation, Hollywood, CA for career exploration and training for at-risk youth for jobs in filmmaking	\$100,000	Watson	
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	East Bay Regional Park District, Oakland, CA, for fire and conservation crews training programs	\$600,000	McNerney	Feinstein
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Easter Seals Arc of NE Indiana, Ft. Wayne, IN for a job training program for adults with disabilities	\$100,000	Souder	
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Filipino-American Service Group, Los Angeles, CA for case management and job training for homeless individuals	\$250,000	Roybal-Allard	

**LABOR, HEALTH AND HUMAN SERVICES, EDUCATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Finishing Trades Institute, Philadelphia, PA, for weatherization job training programs	\$100,000		Specter
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Flathead Valley Community College, Kalispell, MT, Career Opportunities through Retraining and Education	\$100,000	Rehberg	Tester; Baucus
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Florida Manufacturing Extension Partnership, Celebration, FL, for the Florida mobile outreach skills training program	\$100,000	Crenshaw; Klein (FL); Kosmas	Bill Nelson
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Fordham Bedford Children's Services, Bronx, NY for job placement, training, and workforce development	\$100,000	Serrano	
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Fort Belknap Indian Community, Harlem, MT, Fort Belknap 477 Employment & Training, Summer Youth Program	\$100,000		Tester; Baucus
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Fox Valley Technical College, Oshkosh, WI, to create an accelerated, one year welder training program	\$150,000		Kohl
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Friends of Children of Mississippi, Jackson, MS, for the TANF to Work and Ownership Project	\$200,000		Cochran
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Germanna Community College, Fredericksburg, VA for nursing training and curriculum development	\$100,000	Wittman	
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Give Every Child A Chance, Manteca, CA for employment mentoring	\$500,000	McNerney	
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Guadalupe Centers, Inc., Kansas City, MO for its Culinary Arts Institute job training and employment program	\$200,000	Cleaver	
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	HARBEL Community Organization, Baltimore, MD for unemployed and underemployed individuals	\$250,000	Ruppersberger	
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Hard Hatted Women, Warren, OH for the Tradeswomen TOOLS program	\$200,000	Ryan (OH); Sutton	Brown
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Hartford Public Schools, Hartford, CT, for workforce readiness and job placement services through OPPortunity High School	\$275,000		Dodd; Lieberman
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Haven for Hope of Bexar County, San Antonio, TX, for a homeless job training program	\$200,000	Cuellar; Gonzalez; Smith (TX)	Hutchison; Cornyn
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Hawkeye Community College, Waterloo, IA, for support of the Advance Manufacturing Training program, including equipment	\$400,000		Harkin; Grassley
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Highline Community College, Des Moines, WA for a workforce training, education, and outreach initiative	\$250,000	Smith (WA)	Murray
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Hobbs Hispano Chamber of Commerce, Hobbs, NM, for workforce development	\$200,000	Teague	Bingaman
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Homeboy Industries, Los Angeles, CA for solar panel installation training and certification for at-risk young individuals in Los Angeles	\$300,000	Roybal-Allard	
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Hopkins House, Alexandria, VA for workforce development and training in early childhood education	\$250,000	Moran (VA)	
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Impact Services Corporation, Philadelphia, PA, for a community job training and placement program	\$100,000		Specter
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	IndependenceFirst, Milwaukee, WI to provide employment support services to persons with disabilities	\$100,000	Moore (WI)	
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Innovative Productivity, Inc., Louisville, KY for a job training initiative	\$150,000	Davis (KY)	Bunning

**LABOR, HEALTH AND HUMAN SERVICES, EDUCATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Instituto del Progreso Latino, Chicago, IL, for employment and training programs in health care for limited English speaking individuals	\$375,000		Durbin
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Jacksonville Center for the Arts, Floyd, VA for workforce training	\$150,000	Boucher	
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	JobPath, Inc., Tucson, AZ for underserved adults job training	\$200,000	Grijalva	
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Jobs for Maine's Graduates, Inc, Augusta, ME, for career development for at-risk youth	\$200,000	Michaud	Snowe; Collins
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Jobs for Mississippi Graduates, Inc, Jackson, MS, for career development for at-risk youth	\$200,000		Cochran
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Johnstown Area Regional Industries, Inc., Johnstown, PA for its workforce development program	\$200,000	Murtha	
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Lansing Community College, Lansing, MI for a job training initiative focused on alternative automotive technologies	\$420,000	Rogers (MI); Schauer	Levin; Stabenow
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Liberty Resources, Inc, Philadelphia, PA, for job training programs for persons with disabilities	\$100,000		Specter
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Lincoln Land Community College, Springfield, IL, for workforce development programs	\$250,000		Durbin
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Living Classrooms of the National Capital Region, Washington, DC for its youth workforce development program	\$350,000	Norton	
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Local Area 1 Workforce Investment Board, Caribou, ME, for workforce job opportunities	\$500,000		Collins; Snowe
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Los Angeles Community College District/Valley College, Valley Glen, CA for workforce development in energy efficiency and green technology fields	\$300,000	Berman	
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Macomb Community College, Warren, MI for training displaced workers in the aerospace and defense industries	\$550,000	Levin	Levin; Stabenow
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	MAGNET, Cleveland, OH for veterans workforce development, training, and job placement in the manufacturing industry	\$200,000	Fudge; Kucinich; Sutton	
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Maine Manufacturing Extension Partnership, Augusta, ME, for workforce job opportunities	\$500,000	Michaud	Collins; Snowe
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Make the Road New York, Brooklyn, NY for English language and economic literacy training in low-income, primarily immigrant communities	\$200,000	Velazquez; Weiner	
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Manchester Bidwell Corporation, Pittsburgh, PA, for job training programs at Bidwell Training Center	\$100,000		Specter
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Massachusetts Manufacturing Extension Partnership, Worcester, MA, for expansion of a workforce skills training program	\$250,000		Kennedy; Kerry; Kirk
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Maui Economic Development Board, Kihei, HI, Maui Economic Development Board Science, Technology, Engineering and Math (STEM) training	\$450,000		Inouye; Akaka
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Maui Economic Development Board, Kihei, HI, Rural Computer Utilization Training	\$300,000		Inouye; Akaka
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	McHenry County, Woodstock, IL for short-term occupational training	\$250,000	Bean	
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Metropolitan Community Colleges, Kansas City, MO for training services at its Sustainability Training Center	\$500,000	Cleaver	

**LABOR, HEALTH AND HUMAN SERVICES, EDUCATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Michigan Works, Benton Harbor, MI for the basic workforce transformation program	\$250,000	Upton	Levin; Stabenow
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Milton S Eisenhower Foundation, Washington, DC, for job training, job placement and GED acquisition programs in Iowa	\$400,000		Harkin
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Mississippi Gulf Coast Community College, Perkinston, MS, for workforce training	\$350,000		Cochran
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Mississippi State University, Mississippi State, MS, for the Mississippi Integrated Workforce Performance System	\$500,000		Cochran; Wicker
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Mississippi Technology Alliance, Ridgeland, MS, for workforce training	\$250,000		Cochran; Wicker
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Mississippi Valley State University, Itta Bena, MS, for training and development at the Automated Identification Technology/Automatic Data Collection Program	\$500,000		Cochran; Wicker
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Montana State University, Billings, MT, for job training	\$100,000	Rehberg	Tester; Baucus
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	National Center for Family Literacy, Louisville, KY for integration of career awareness and job readiness activities into a family literacy program	\$100,000	Yarmuth	
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	National Council of Negro Women, Washington, DC for a job readiness, life skills, and training program for disadvantaged women	\$350,000	Norton	
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Northeast Iowa Ironworkers-Cedar Rapids Local 89, Cedar Rapids, IA, for workforce development	\$250,000		Harkin
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Northern Marianas Trade Institute, Saipan, MP for vocational and technical training programs	\$200,000	Sablan	
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Ocean Bay Community Development Corporation, Avenel, NY for a workforce preparation program for youth and young adults residing in public housing	\$100,000	Meeks (NY)	
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Oklahoma City Community College, Oklahoma City, OK for a veterans job training initiative	\$200,000	Fallin; Cole	
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Opportunities Industrialization Center of Washington, Yakima, WA, to provide workforce and health and safety training to agricultural workers	\$150,000		Murray
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	People for the Parks, Venice, CA for a program to train at-risk youth to maintain and operate sustainable parks	\$165,000	Becerra	
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Philadelphia Shipyard Development Corporation, Philadelphia, PA, for job training programs	\$100,000		Specter; Casey
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Project ARRIBA, El Paso, TX, for workforce development and economic opportunities in the West Texas region	\$100,000	Reyes	Hutchison; Cornyn
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Rhode Island Economic Development Corporation, Providence, RI, for support and delivery of job training services	\$500,000		Reed
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	San Jacinto College, Pasadena, TX for workforce development, which shall include purchase of equipment	\$350,000	Olson	
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Sheppard Pratt Health System, Baltimore, MD, Work Force Initiative for the Mentally Ill	\$725,000	Sarbanes	Mikulski
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Southeastern Louisiana University, Hammond, LA for a workforce development initiative	\$150,000	Scalise	Landrieu
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Southern Utah University, Cedar City, UT, for a renewable energy job training initiative	\$400,000		Bennett; Hatch



**LABOR, HEALTH AND HUMAN SERVICES, EDUCATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Southwest Virginia Community College, Richlands, VA for green jobs training in rural communities	\$400,000	Boucher	
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Spokane Area Workforce Development Council, Spokane, WA, to support comprehensive regional planning efforts to address the workforce challenges of the Spokane area	\$250,000		Murray; Cantwell
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	St. Nicholas Neighborhood Preservation Corporation, Brooklyn, NY for a workforce development initiative	\$150,000	Velazquez	
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Summit Academy OIC, Minneapolis, MN for a program focused on weatherization technician training and residential energy auditing	\$400,000	Ellison	Klobuchar; Franken
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Team Taylor County, Campbellsville, KY, for job training programs	\$100,000		Bunning
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	The Healing Place, Richmond, VA, for job training services	\$150,000		Webb; Warner
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Tulane University, New Orleans, LA for a community health worker training program	\$250,000	Scalise; Cao; Melancon	Landrieu; Vitter
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	UMWA Career Centers, Inc., Washington, PA for its mine worker training and employment programs	\$550,000	Murtha	
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	University of Hawaii-Maui, Kahului, HI, for Community College Training & Education Opportunities program	\$2,000,000		Inouye; Akaka
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	University of Hawaii-Maui, Kahului, HI, for the Remote Rural Hawaii Job Training Project	\$2,300,000		Inouye; Akaka
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Upper Rio Grande Workforce Solutions, El Paso, TX for its Rural Initiatives Program	\$200,000	Rodriguez	
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Vanguard Services Unlimited, Arlington, VA for a comprehensive vocational counselor training project	\$250,000	Moran (VA)	
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Vermont Department of Public Safety, Waterbury, VT, for firefighting and emergency services training support	\$100,000		Sanders
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Vermont HITEC, Inc, Williston, VT, for the Vermont HITEC Job Training Initiative	\$2,000,000		Leahy
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Vermont Technical College, Randolph Center, VT, for the Vermont Green Jobs Workforce Development Initiative	\$750,000		Leahy
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Vocational Guidance Services, Cleveland, OH, for job training activities	\$100,000	Kucinich	Voinovich
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Wake Technical Community College, Raleigh, NC for job training in the computer simulation and green automotive technologies industries	\$400,000	Price (NC); Miller (NC)	Hagan
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Washington State Board for Community and Technical Colleges, Federal Way, WA, for training, on-the-job support and career development services in the long-term care sector in Washington State	\$250,000		Murray; Cantwell
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Washington State Labor Council AFL-CIO, Seattle, WA, to help support the creation of a pathway for young people to apprenticeship training programs in high demand industries across the State of Washington	\$200,000		Murray
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Washington State Workforce Training and Education Coordinating Board, Olympia, WA, to support the development, expansion, delivery and testing of workplace-based education and training for low-income adult workers resulting in models for other States use	\$850,000		Murray
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Waukesha Technical College, Pewaukee, WI, to provide job training to the unemployed and incumbent workers	\$200,000		Kohl

**LABOR, HEALTH AND HUMAN SERVICES, EDUCATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	West Los Angeles College, Culver City, CA for the Pathways to 21st Century Careers program	\$600,000	Watson	
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Workforce Opportunity Council, Concord, NH, for the advanced manufacturing portable classroom social services research training program	\$100,000		Shaheen
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Workforce Services Unlimited, Inc., Circleville, OH for a job training initiative	\$450,000	Turner	
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Wrightco Educational Foundation, Ebensburg, PA, for security and communications technology job training programs	\$100,000		Specter
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	WRTP/BIG STEP, Milwaukee, WI for workforce skills training to match needs in the construction, manufacturing and healthcare sectors	\$100,000	Moore (WI)	
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Youngstown Neighborhood Development Corporation, Youngstown, OH for its Youngstown Grey to Green Initiative to provide training in green jobs	\$305,000	Ryan (OH)	
Department of Labor	Employment and Training Administration (ETA)—Training & Employment Services (TES)	Youth Radio, Oakland, CA for training of at-risk youth in media production, digital technology and broadcast engineering	\$250,000	Lee (CA)	
Institute of Museum & Library Services	Museums & Libraries	Aerospace Museum of California Foundation, Inc., McClellan, CA for maintenance of collections	\$930,000	Lungren, Dan	
Institute of Museum & Library Services	Museums & Libraries	Alameda County Library Foundation, Fremont, CA for technology and equipment for the Castro Calley Library	\$300,000	Lee (CA)	
Institute of Museum & Library Services	Museums & Libraries	Bishop Museum, Honolulu, HI, for assessments and educational programming	\$200,000		Inouye; Akaka
Institute of Museum & Library Services	Museums & Libraries	Botanical Research Institute of Texas, Ft. Worth, TX to enhance collections	\$500,000	Granger	
Institute of Museum & Library Services	Museums & Libraries	Cape Cod Maritime Museum, Cape Cod, MA, for the continued development of exhibits and educational programs	\$100,000		Kennedy; Kerry; Kirk
Institute of Museum & Library Services	Museums & Libraries	Cedar Rapids Public Library, Cedar Rapids, IA, for library services, including RFID upgrade	\$500,000	Loeb sack	Harkin; Grassley
Institute of Museum & Library Services	Museums & Libraries	Center for American History, Austin, TX for educational programming at the Sam Rayburn Library and Museum	\$250,000	Hall (TX)	
Institute of Museum & Library Services	Museums & Libraries	Children's Discovery Museum of San Jose, San Jose, CA for education programs	\$120,000	Lofgren, Zoe	
Institute of Museum & Library Services	Museums & Libraries	City of Chino Hills, CA for library facility improvements	\$250,000	Miller, Gary	
Institute of Museum & Library Services	Museums & Libraries	City of Daphne, AL for library equipment	\$100,000	Bonner	
Institute of Museum & Library Services	Museums & Libraries	City of Desert Hot Springs, CA for preservation of collections at the Cabot's Pueblo Museum	\$100,000	Lewis (CA)	
Institute of Museum & Library Services	Museums & Libraries	City of Hagerstown, MD, to restore and display the Doleman collection	\$150,000		Cardin
Institute of Museum & Library Services	Museums & Libraries	City of San Diego, CA for books, technology, education and outreach programs for the Skyline Hills Branch Library	\$25,000	Filner	
Institute of Museum & Library Services	Museums & Libraries	City of Twin Falls, ID to digitize collections	\$100,000	Simpson	Crapo; Risch
Institute of Museum & Library Services	Museums & Libraries	City of Yucaipa, CA for expanded library collections and technology upgrades	\$100,000	Lewis (CA)	
Institute of Museum & Library Services	Museums & Libraries	Czech & Slovak Museum & Library, Cedar Rapids, IA, for exhibits	\$500,000		Harkin
Institute of Museum & Library Services	Museums & Libraries	Downingtown Library Senior Center, Downingtown, PA to expand collections and for technology upgrades	\$350,000	Gerlach	
Institute of Museum & Library Services	Museums & Libraries	Eagle Mountain City, UT, for the purchase of equipment	\$100,000		Bennett; Hatch
Institute of Museum & Library Services	Museums & Libraries	Florida Holocaust Museum, St. Petersburg, FL for exhibits, collections and educational outreach programs	\$200,000	Young (FL)	
Institute of Museum & Library Services	Museums & Libraries	Gig Harbor History Museum, Gig Harbor, WA for exhibits and interactive displays	\$200,000	Dicks	
Institute of Museum & Library Services	Museums & Libraries	Glenville State College, Glenville, WV for programming and equipment for the college library's veteran's history project	\$350,000	Mollohan	
Institute of Museum & Library Services	Museums & Libraries	Great Lakes Science Center, Cleveland, OH, for education, outreach and exhibits	\$200,000		Voinovich

**LABOR, HEALTH AND HUMAN SERVICES, EDUCATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Institute of Museum & Library Services	Museums & Libraries	Gulf Coast Exploreum Science Center, Mobile, AL for exhibits and educational outreach	\$100,000	Bonner	
Institute of Museum & Library Services	Museums & Libraries	Holyoke Public Library, Holyoke, MA, for educational equipment and technology infrastructure	\$100,000		Kennedy; Kerry; Kirk
Institute of Museum & Library Services	Museums & Libraries	Iowa Radio Reading Information Service for the Blind and Print Handicapped, Inc, Des Moines, IA, for the upgrade of tuner receivers and the purchase of equipment	\$100,000		Harkin
Institute of Museum & Library Services	Museums & Libraries	Isamue Noguchi Foundation and Garden Museum, Long Island City, NY for conservation projects	\$30,000	Maloney	
Institute of Museum & Library Services	Museums & Libraries	Louisiana Children's Museum, New Orleans, LA, to establish an early childhood and parenting program	\$250,000		Landrieu
Institute of Museum & Library Services	Museums & Libraries	McLean County Fiscal Court, Calhoun, KY, for equipment and technology at Livermore Library	\$250,000	Whitfield	Bunning
Institute of Museum & Library Services	Museums & Libraries	Mississippi Children's Museum, Jackson, MS, for installation, exhibits and educational programming	\$300,000		Cochran
Institute of Museum & Library Services	Museums & Libraries	Mississippi Gulf Coast Community College, Perkinston, MS, for archive of newspaper and digital media	\$100,000		Cochran
Institute of Museum & Library Services	Museums & Libraries	Mississippi Museum of Natural Science Foundation, Jackson, MS for educational outreach programs	\$220,000	Harper	Wicker
Institute of Museum & Library Services	Museums & Libraries	Mississippi Museum of Natural Science Foundation, Jackson, MS, for science education exhibits and outreach programs	\$100,000		Cochran; Wicker
Institute of Museum & Library Services	Museums & Libraries	Morris Museum, Morristown, NJ for exhibits and educational programming	\$300,000	Frelinghuysen; Rothman (NJ)	Lautenberg; Menendez
Institute of Museum & Library Services	Museums & Libraries	Museum of Aviation, Warner Robins, GA for science and educational programs	\$350,000	Marshall	Chambliss
Institute of Museum & Library Services	Museums & Libraries	Museum of Science and Industry, Chicago, IL for teacher professional development	\$175,000	Jackson (IL); Schakowsky	
Institute of Museum & Library Services	Museums & Libraries	Mystic Seaport Museum, Inc., Mystic, CT for technology based educational programs	\$500,000	Courtney	Dodd; Lieberman
Institute of Museum & Library Services	Museums & Libraries	National Mississippi River Museum and Aquarium, Dubuque, IA, for exhibits relating to the Mississippi River	\$500,000		Harkin; Grassley
Institute of Museum & Library Services	Museums & Libraries	National Voting Rights Museum & Institute, Selma, AL for the preservation and restoration of exhibits	\$450,000	Davis (AL)	
Institute of Museum & Library Services	Museums & Libraries	Native American Cultural Center and Museum, Oklahoma City, OK for exhibits and educational programming	\$750,000	Cole	
Institute of Museum & Library Services	Museums & Libraries	New Jersey State Library Talking Book and Braille Center, Trenton, NJ for an awareness campaign and digital materials	\$100,000	Holt	Lautenberg; Menendez
Institute of Museum & Library Services	Museums & Libraries	Oakland Museum of California, Oakland, CA for a technology initiative for educational outreach	\$250,000	Lee (CA)	
Institute of Museum & Library Services	Museums & Libraries	Orange County Library System, Orlando, FL for Spanish language media and books	\$500,000	Grayson	
Institute of Museum & Library Services	Museums & Libraries	Phoenixville Public Library, Phoenixville, PA to enhance collections	\$157,000	Gerlach	
Institute of Museum & Library Services	Museums & Libraries	Robert Russa Moton Museum, Farmville, VA, to develop and install exhibitions on civil rights	\$100,000	Perriello	Warner; Webb
Institute of Museum & Library Services	Museums & Libraries	Sewall-Belmont House and Museum, Washington, DC, for exhibitions	\$1,000,000		Landrieu; Cantwell
Institute of Museum & Library Services	Museums & Libraries	St. Louis Art Museum Foundation, St. Louis, MO for restoration and installation of exhibits	\$225,000	Clay	Bond
Institute of Museum & Library Services	Museums & Libraries	Tallahatchie County Board of Supervisors, Glendora, MS for preservation of exhibits and collections for the Emmett Till memorial complex	\$400,000	Thompson (MS)	
Institute of Museum & Library Services	Museums & Libraries	Texas Southern University, Robert Terry Library and Mickey Leland Center, Houston, TX for archive preservation	\$300,000	Jackson-Lee (TX)	
Institute of Museum & Library Services	Museums & Libraries	Texas Tech University, Lubbock, TX for the Virtual Vietnam Archive	\$850,000	Johnson, Sam	
Institute of Museum & Library Services	Museums & Libraries	Theodore Roosevelt Inaugural Site Foundation, Buffalo, NY for exhibits and interactive displays	\$150,000	Slaughter	
Institute of Museum & Library Services	Museums & Libraries	Town of Jamestown, Jamestown, CA for books and materials for the Jamestown County Library	\$100,000	Clyburn	
Institute of Museum & Library Services	Museums & Libraries	University of Mississippi, University, MS, for preserving and digitizing recordings in the modern political library archives	\$450,000		Cochran; Wicker

**LABOR, HEALTH AND HUMAN SERVICES, EDUCATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Institute of Museum & Library Services	Museums & Libraries	University of Mississippi, University, MS, for the American Music Archives	\$300,000		Cochran
Institute of Museum & Library Services	Museums & Libraries	Washington National Opera, Washington, DC, for set design, installation, and performing arts at libraries and schools	\$200,000		Cochran
Institute of Museum & Library Services	Museums & Libraries	Witte Museum, San Antonio, TX for exhibits and educational outreach	\$250,000	Smith (TX); Gonzalez	Hutchison
Institute of Museum & Library Services	Museums & Libraries	World Food Prize, Des Moines, IA, for exhibits	\$750,000	Boswell	Harkin; Grassley
Institute of Museum & Library Services	Museums & Libraries	Young at Art Children's Museum, Davie, FL for the Global Village educational program	\$100,000	Wasserman Schultz; Wexler	
Department of Education—National Projects	Innovation and Improvement	Close Up Fellowships Program for activities authorized under the Elementary and Secondary Education Act	\$1,942,000	Grijalva; Hirono; Johnson (GA); Moran (VA); Oberstar; Payne; Ross; Sarbanes; Wu; Young (AK)	Harkin
Department of Education—National Projects	Innovation and Improvement	Communities in Schools for activities authorized under the Elementary and Secondary Education Act	\$3,500,000		Murray; Begich; Burris; Cantwell; Gillibrand; Kerry; Klobuchar; Levin; Martinez; Menendez; Rockefeller; Warner; Webb
Department of Education—National Projects	Innovation and Improvement	National History Day for activities authorized under the Elementary and Secondary Education Act	\$500,000	Abercrombie; Bordallo; Gerlach; Grijalva; Hirono; Pingree (ME); Ross; Van Hollen	Akaka; Bingaman; Kennedy; Kerry; Kirk
Department of Education—National Projects	Innovation and Improvement	Reach Out and Read authorized under the Elementary and Secondary Education Act	\$6,000,000	Abercrombie; Arcuri; Berkley; Brown (SC); Capps; Capuano; Cardoza; Carnahan; Castor (FL); Clarke; Conyers; Costa; Crowley; Davis (AL); Davis (CA); Davis (IL); Doyle; Ellison; Eshoo; Fattah; Gerlach; Giffords; Gonzalez; Green, Gene; Grijalva; Gutierrez; Halvorson; Herseth Sandlin; Hinojosa; Hirono; Holt; Johnson (GA); Johnson, Eddie Bernice; Kildee; Kirkpatrick (AZ); Kucinich; Langevin; Lee (NY); Loebach; Lofgren, Zoe; Marshall; McCarthy (NY); McDermott; McGovern; McHugh; Moore (WI); Murphy (CT); Nadler (NY); Napolitano; Oberstar; Paul; Payne; Perriello; Price (NC); Rahall; Rogers (MI); Roskam; Ross; Rush; Sarbanes; Scott (GA); Scott (VA); Shea-Porter; Sherman; Slaughter; Smith (NJ); Snyder; Spratt; Tauscher; Tonko; Waxman; Yarmuth; Young (AK)	Harkin; Bennett; Reed; Lautenberg; Leahy; Pryor; Voinovich; Akaka; Begich; Bingaman; Brown; Bunning; Burr; Cantwell; Casey; Chambliss; Cornyn; Dodd; Gillibrand; Grassley; Hagan; Kennedy; Kerry; Klobuchar; Levin; Lieberman; Lincoln; Lugar; Martinez; Menendez; Merkley; Rockefeller; Sanders; Schumer; Sessions; Shaheen; Stabenow; Tom Udall; Warner; Whitehouse; Wyden; Kirk
Department of Education—National Projects	Safe Schools and Citizenship Education	Center for Civic Education for two programs (We the People and Cooperative Education Exchange) that are authorized in the Elementary and Secondary Education Act as part of the Civic Education program	\$21,617,000	Abercrombie; Baca; Capps; Capuano; Carnahan; Castor (FL); Costa; Davis (CA); Davis (IL); Dicks; Etheridge; Green, Gene; Grijalva; Gutierrez; Herseth Sandlin; Hinojosa; Hirono; Johnson, Eddie Bernice; Kildee; Langevin; Lofgren, Zoe; McCarthy (CA); McGovern; Miller (NC); Oberstar; Pomeroy; Rahall; Roskam; Ross; Shea-Porter; Van Hollen; Waxman; Yarmuth; Young (AK)	Reed; Johnson; Lautenberg; Leahy; Tester; Akaka; Baucus; Begich; Bingaman; Brown; Cantwell; Carper; Dodd; Grassley; Kaufman; Kennedy; Kerry; Klobuchar; Levin; Lieberman; Lincoln; Lugar; Menendez; Rockefeller; Sanders; Schumer; Shaheen; Stabenow; Tom Udall; Warner; Webb; Whitehouse; Wyden; Kirk
Department of Education—National Projects	Safe Schools and Citizenship Education	National Council on Economic Education for the Cooperative Education Exchange program, which is authorized in the Elementary and Secondary Education Act as part of the Civic Education Program	\$5,019,000	Abercrombie; Baca; Capps; Capuano; Carnahan; Castor (FL); Costa; Davis (CA); Davis (IL); Dicks; Etheridge; Green, Gene; Grijalva; Gutierrez; Herseth Sandlin; Hinojosa; Hirono; Johnson, Eddie Bernice; Kildee; Langevin; Lofgren, Zoe; McCarthy (CA); McGovern; Miller (NC); Oberstar; Pomeroy; Rahall; Roskam; Ross; Shea-Porter; Van Hollen; Waxman; Yarmuth; Young (AK)	Reed; Johnson; Lautenberg; Leahy; Tester; Akaka; Baucus; Begich; Bingaman; Brown; Cantwell; Carper; Dodd; Grassley; Kaufman; Kennedy; Kerry; Klobuchar; Levin; Lieberman; Lincoln; Lugar; Menendez; Rockefeller; Sanders; Schumer; Shaheen; Stabenow; Tom Udall; Warner; Webb; Whitehouse; Wyden; Kirk

**LABOR, HEALTH AND HUMAN SERVICES, EDUCATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Education—National Projects	School Improvement	New Leaders for New Schools for activities authorized under the Elementary and Secondary Education Act	\$5,000,000	Miller, George	
Department of Education—National Projects	School Improvement	University of Hawaii for the Henry K. Giugni Memorial Archives under the Education for Native Hawaiians program, as authorized under the Higher Education Act	\$500,000		Inouye; Akaka
Department of Education—National Projects	School Improvement	University of Hawaii School of Law for a Center of Excellence in Native Hawaiian law under the Education for Native Hawaiians program	\$1,500,000		Inouye; Akaka
Department of Education—National Projects	Special Education	Recording for the Blind and Dyslexic, Inc. for development, production, and circulation of accessible educational materials as authorized under section 674(c)(1)(D) of the Individuals with Disabilities Education Act	\$13,250,000	Holt; Moran (VA)	Harkin; Specter
Department of Education—National Projects	Special Education	Washington Educational Television Association for a national program to provide information on diagnosis, intervention, and teaching strategies for children with disabilities authorized under Public Law 105-78	\$737,000		Cochran
Department of Health & Human Services—National Projects	HRSA	Delta Health Alliance, Inc. to improve the delivery of public health services in the Mississippi Delta region under title III of the Public Health Service Act	\$35,000,000		Cochran
Department of Health & Human Services—National Projects	HRSA	Denali Commission to support health projects and economic development activities for the arctic region under the Denali Commission Act of 1998	\$10,000,000	Young (AK)	Murkowski; Begich
Department of Labor—National Projects	Departmental Management	International Program for the Elimination of Child Labor for the U.S. contribution to a multinational effort to combat child labor, consistent with Executive Order 12216 and the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008	\$40,000,000		Harkin
Department of Labor—National Projects	MSHA	United Mine Workers of America for mine rescue team training activities authorized under the Mine Safety and Health Act	\$1,450,000		Byrd

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2009 Comparable	FY 2010 Request	House	Senate	Conference	FY 2009 Comparable	Conference vs. FY 2010 House	FY 2010 Senate
<b>TITLE I - DEPARTMENT OF LABOR</b>								
<b>EMPLOYMENT AND TRAINING ADMINISTRATION</b>								
<b>TRAINING AND EMPLOYMENT SERVICES</b>								
Grants to States:								
Adult Training, current year.....	149,540	149,540	149,540	149,540	149,540	---	---	---
Advance from prior year.....	(712,000)	(712,000)	(712,000)	(712,000)	(712,000)	---	---	---
FY 2011.....	712,000	712,000	712,000	712,000	712,000	---	---	---
Public Law 111-5 (emergency).....	500,000	---	---	---	---	-500,000	---	---
Subtotal (excluding emergencies).....	861,540	861,540	861,540	861,540	861,540	---	---	---
Youth Training.....	924,000	924,000	924,000	924,000	924,000	---	---	---
Public Law 111-5 (emergency).....	1,200,000	---	---	---	---	-1,200,000	---	---
Dislocated Worker Assistance, current year.....	335,840	335,840	321,731	321,731	323,840	+2,109	+2,109	+2,109
Advance from prior year.....	(848,000)	(848,000)	(848,000)	(848,000)	(848,000)	---	---	---
FY 2011.....	848,000	848,000	862,109	862,109	860,000	+12,000	-2,109	-2,109
Public Law 111-5 (emergency).....	1,250,000	---	---	---	---	-1,250,000	---	---
Subtotal (excluding emergencies).....	1,183,840	1,183,840	1,183,840	1,183,840	1,183,840	---	---	---

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2009 Comparable	FY 2010 Request	House	Senate	Conference	FY 2009 Comparable	Conference vs. FY 2010 House	FY 2010 Senate
Subtotal, Grants to States.....	8,916,448	2,969,448	2,969,448	2,969,448	2,969,448	-2,956,000	---	---
Current Year.....	(1,489,448)	(1,489,448)	(1,388,340)	(1,387,448)	(1,387,448)	(-12,000)	(+2,100)	(+2,100)
Current Year (emergency).....	(2,956,000)	---	---	---	---	(-2,966,000)	---	---
FY 2011.....	(1,869,000)	(1,869,000)	(1,874,100)	(1,874,100)	(1,872,000)	(+12,000)	(-2,100)	(-2,100)
Subtotal, Grants to States (excl. emergency).....	2,969,448	2,969,448	2,969,448	2,969,448	2,969,448	---	---	---
Federally Administered Programs:								
Dislocated Worker Assistance National Reserve:								
Current year.....	71,881	17,160	17,160	31,260	29,160	-41,881	+12,000	-2,100 D FF
Public Law 111-5 (emergency).....	200,000	---	---	---	---	-200,000	---	--- D FF
Advance from prior year.....	(212,000)	(212,000)	(212,000)	(212,000)	(212,000)	---	---	--- MA
FY 2011.....	212,000	212,000	197,881	187,881	200,000	-12,000	+2,100	+2,100 D
Subtotal (excluding emergency).....	283,881	229,160	216,061	229,160	229,160	-63,881	+14,100	---
Less Career Pathways Innovation Fund 1/.....	(-125,000)	---	---	(-30,000)	---	(+125,000)	---	(+30,000)
Subtotal (excluding emergency).....	158,881	229,160	216,061	199,160	229,160	+71,100	+14,100	+30,000
Subtotal, Dislocated Worker Assistance.....	1,341,881	1,413,000	1,388,881	1,383,000	1,413,000	+71,100	+14,100	+30,000
Native Americans.....	52,768	52,756	52,756	52,756	52,756	---	---	--- D FF
Migrant and Seasonal Farmworkers.....	62,620	62,620	64,620	64,620	64,620	+2,000	---	--- D FF
Women in apprenticeship.....	1,000	1,000	1,000	1,000	1,000	---	---	--- D FF

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2009 Comparable	FY 2010 Request	House	Senate	Conference	FY 2009 Comparable	Conference vs. FY 2010 House	FY 2010 Senate
YouthBuild.....	79,000	114,476	100,000	105,000	102,500	+32,500	+2,500	-2,500 D FF
Public Law 111-5 (emergency).....	59,000	---	---	---	---	-59,000	---	---
Subtotal, Federally Administered Programs (FAP).....	739,429	499,914	453,429	475,536	479,036	-269,381	+16,000	-2,000
Current Year.....	(277,429)	(299,914)	(235,939)	(274,647)	(270,939)	(-7,381)	(+14,500)	(-4,000)
Current Year (emergency).....	(256,000)	---	---	---	---	(-256,000)	---	---
FY 2011.....	(212,000)	(212,000)	(197,991)	(197,991)	(206,000)	(-12,000)	(+2,109)	(+2,109)
Subtotal, FAP (excluding emergency).....	499,429	496,914	453,429	472,536	479,036	-19,381	+16,000	-2,500
National Activities:								
Pilots, Demonstrations and Research.....	48,791	57,500	66,000	79,071	93,400	+44,000	+26,400	+14,379 D
Green Jobs Innovation Fund.....	---	50,000	45,000	40,000	40,000	+45,000	-5,000	---
Public Law 111-5 (emergency).....	500,000	---	---	---	---	-500,000	---	---
High Growth/Emerging Industries/Health sector jobs (PL 111-5) (emergency).....	256,000	---	---	---	---	-256,000	---	---
Reintegration of Ex-Offenders.....	100,493	116,000	100,493	115,000	100,493	---	---	-9,507 D
Evaluation.....	9,916	11,000	9,000	11,000	9,000	+2,002	---	-2,000 D
Career Pathways Innovation Fund 1/.....	---	135,000	135,000	95,000	125,000	+125,000	-10,000	+30,000 D
Career Pathways Innovation Fund (HA)1/.....	(125,000)	---	---	(50,000)	---	(-125,000)	---	(-30,000) NA
Subtotal, program level.....	125,000	135,000	135,000	125,000	125,000	---	-10,000	---



LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2009 Comparable	FY 2010 Request	House	Senate	Conference Comparable	FY 2009 Comparable	FY 2010 House	FY 2010 Senate
Donell Commission.....	3,378	---	---	3,378	---	-3,378	---	-3,378 D
Workforce Data Quality Initiative.....	---	16,000	16,000	12,600	12,600	+12,600	-2,500	---
Subtotal (excluding emergencies).....	167,570	384,100	380,000	366,540	380,043	+221,473	+8,900	+32,404 PF
Total, Training and Employment Services (TES).....	7,676,448	3,833,563	3,802,961	3,798,536	3,826,530	-3,747,918	+26,568	+20,994
Current Year.....	(1,864,448)	(2,061,563)	(2,030,961)	(2,026,536)	(2,066,530)	(+202,082)	(+26,568)	(+20,994)
Current Year (emergency).....	(3,890,000)	---	---	---	---	(-3,890,000)	---	---
FY 2011.....	(1,772,000)	(1,772,000)	(1,772,000)	(1,772,000)	(1,772,000)	---	---	---
Total, TES (excluding emergencies).....	3,826,448	3,833,563	3,802,961	3,798,536	3,826,530	+202,082	+26,568	+20,994
COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS.....	571,826	576,426	616,426	576,426	626,426	+253,500	+210,000	+260,000 D PF
Public Law 111-6 (emergency).....	120,000	---	---	---	---	-120,000	---	---
Subtotal.....	691,826	576,426	616,426	576,426	626,426	+253,500	+210,000	+260,000
Subtotal (excluding emergencies).....	571,826	576,426	616,426	576,426	626,426	+253,500	+210,000	+260,000
FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES.....	956,900	1,818,400	1,818,400	1,818,400	1,818,400	+859,600	---	---
STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS.....	2,822,165	3,246,846	3,246,846	3,246,846	3,246,846	+423,600	---	---
Unemployment Compensation (UI):								
State Operations.....	2,822,165	3,246,846	3,246,846	3,246,846	3,246,846	+423,600	---	---

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2009 Comparable	FY 2010 Request	House	Senate	Conference	FY 2009 Comparable	Conference vs. FY 2010 House	FY 2010 Senate
National Activities.....	11,310	11,310	11,310	11,310	11,310	---	---	TF
Subtotal, Unemployment Compensation.....	2,833,485	3,256,865	3,264,965	3,264,965	3,264,965	+423,600	---	---
Employment Service (ES): Allotments to States: Federal Funds.....	22,883	22,883	22,883	22,883	22,883	---	---	D
Trust Funds.....	880,883	880,883	880,883	880,883	880,883	---	---	TF
Public Law 111-5 (emergency).....	400,000	---	---	---	---	-400,000	---	TF
Subtotal (excluding emergencies).....	703,576	703,576	703,576	703,576	703,576	---	---	FF
ES National Activities.....	20,888	20,888	20,888	21,119	20,884	+125	+125	-125 TF
Subtotal, Employment Service.....	1,124,445	724,445	724,445	724,485	724,570	-398,876	+125	-125
Federal Funds.....	(22,883)	(22,883)	(22,883)	(22,883)	(22,883)	---	---	---
Trust Funds.....	(791,762)	(791,762)	(791,762)	(792,012)	(791,887)	(+125)	(+125)	(-125)
Trust Funds (emergency).....	(400,000)	---	---	---	---	(-400,000)	---	---
Subtotal, ES (excluding emergencies).....	724,445	724,445	724,445	724,695	724,570	+125	+125	-125
Foreign Labor Certification: Federal Administration.....	62,821	63,307	63,307	63,307	63,307	+486	---	---

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2009 Comparable	FY 2010 Request	House	Senate	Conference	FY 2009 Comparable	Conference vs. FY 2010 House	FY 2010 Senate
Grants to States.....	16,129	16,129	16,129	16,129	16,129	---	---	TF
Subtotal, Foreign Labor Certification.....	87,966	88,436	88,436	88,436	88,436	+466	---	---
One-Stop Career Centers/Labor Market Information.....	61,720	61,720	47,220	63,720	63,720	+12,000	+16,500	--- D FF
Work Incentives Grants.....	17,295	---	---	---	---	-17,295	---	--- D FF
<b>ADVANCES TO THE UI AND OTHER TRUST FUNDS 2/</b>								
Total, State UI and ES.....	4,984,865	4,101,556	4,907,058	4,113,806	4,113,801	+18,818	+18,825	-125
Federal Funds.....	(91,488)	(74,483)	(89,883)	(89,483)	(89,483)	(-5,295)	(+16,500)	---
Trust Funds.....	(3,893,107)	(4,027,153)	(4,027,153)	(4,027,278)	(4,027,278)	(+124,111)	(+125)	(-125)
Total, State UI and ES (excluding emergency).....	(400,000)	---	---	---	---	(-400,000)	---	---
Total, State UI and ES.....	3,484,865	4,101,556	4,087,058	4,113,806	4,113,801	+18,818	+18,825	-125
ADVANCES TO THE UI AND OTHER TRUST FUNDS 2/.....	422,000	120,000	120,000	120,000	120,000	-302,000	---	--- R
<b>PROGRAM ADMINISTRATION</b>								
Adult Employment and Training.....	43,250	47,109	46,889	47,109	46,859	+3,609	+250	-250 D
Public Law 111-5 (emergency).....	6,875	---	---	---	---	-6,875	---	--- D
Trust Funds.....	7,811	8,663	8,563	8,563	8,563	+742	---	--- TF
Youth Employment and Training.....	10,932	12,556	12,556	12,556	12,306	+1,376	+250	-250 D
Employment Security.....	3,649	3,740	3,240	3,740	3,400	-179	+250	-250 D
Public Law 111-5 (emergency).....	4,125	---	---	---	---	-4,125	---	--- D

**LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES**  
(Amounts in thousands)

	FY 2009 Comparable	FY 2010 Request	House	Senate	Conference	FY 2009 Comparable	Conference vs. FY 2010 House	FY 2010 Senate
Trust Funds.....	35,276	39,496	39,496	39,496	39,496	+4,220	---	---
Apprenticeship Services.....	21,447	27,784	27,784	27,784	27,784	+6,337	---	---
Executive Direction.....	6,025	6,576	6,576	7,375	7,075	+1,050	+600	-800 D
Trust Funds.....	2,053	2,061	2,061	2,061	2,061	+8	---	---
<b>Total, Program Administration.....</b>	<b>140,493</b>	<b>147,906</b>	<b>146,406</b>	<b>146,866</b>	<b>147,866</b>	<b>+7,193</b>	<b>+1,250</b>	<b>-1,250</b>
Federal Funds.....	(85,323)	(97,706)	(96,366)	(96,766)	(97,516)	(+12,193)	(+1,250)	(-1,250)
Federal Funds (emergency).....	(10,000)	---	---	---	---	(-10,000)	---	---
Trust Funds.....	(45,140)	(50,140)	(50,140)	(50,140)	(50,140)	(+5,000)	---	---
<b>Total, Program Admin. (excluding emergencies).....</b>	<b>130,493</b>	<b>147,906</b>	<b>146,406</b>	<b>146,866</b>	<b>147,866</b>	<b>+17,193</b>	<b>+1,250</b>	<b>-1,250</b>
<b>Total, Employment and Training Admin. (ETA).....</b>	<b>13,964,901</b>	<b>10,596,850</b>	<b>10,600,249</b>	<b>10,675,973</b>	<b>10,653,892</b>	<b>-3,039,809</b>	<b>+253,444</b>	<b>+278,619</b>
Federal Funds.....	9,836,194	6,519,587	6,522,955	6,497,530	6,776,274	-3,059,829	+253,319	+278,744
Current Year.....	(3,964,184)	(4,747,587)	(4,760,855)	(4,728,630)	(5,004,274)	(+1,029,880)	(+253,319)	(+278,744)
Current Year (emergency).....	(4,009,000)	---	---	---	---	(-4,009,000)	---	---
FY 2011.....	(1,772,000)	(1,772,000)	(1,772,000)	(1,772,000)	(1,772,000)	---	---	---
Trust Funds.....	3,648,307	4,077,293	4,077,293	4,077,543	4,077,418	+428,111	+125	-125
Trust Funds (emergency).....	490,000	---	---	---	---	-490,000	---	---
<b>Total, ETA (excluding emergencies).....</b>	<b>9,464,601</b>	<b>10,596,850</b>	<b>10,600,249</b>	<b>10,675,973</b>	<b>10,653,892</b>	<b>+1,449,191</b>	<b>+253,444</b>	<b>+278,619</b>

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2009 Comparable	FY 2010 Request	House	Senate	Conference	FY 2009 Comparable	Conference vs. FY 2010 House	FY 2010 Senate
<b>EMPLOYEE BENEFITS SECURITY ADMINISTRATION</b>								
<b>SALARIES AND EXPENSES</b>								
Enforcement and Participant Assistance .....	119,691	130,396	128,396	130,000	128,196	+8,606	+801	-801 D
Public Law 111-5 (emergency) .....	9,706	---	---	---	---	-9,706	---	---
Policy and Compliance Assistance .....	18,106	18,994	18,994	18,994	18,994	+788	---	---
Executive Leadership, Program Oversight and Admin .....	5,530	6,666	6,666	6,666	6,666	+1,136	---	---
<b>Total, EBSA (excluding emergencies) .....</b>	<b>143,419</b>	<b>156,060</b>	<b>154,060</b>	<b>156,662</b>	<b>154,861</b>	<b>+1,442</b>	<b>+801</b>	<b>-801</b>
<b>PENSION BENEFIT GUARANTY CORPORATION (PBGC)</b>								
Pension insurance activities .....	(70,590)	(86,412)	(86,412)	(86,412)	(86,412)	(+16,822)	---	---
Pension plan termination .....	(232,337)	(234,005)	(234,005)	(234,005)	(234,005)	(+1,668)	---	---
Operational support .....	(141,786)	(143,656)	(143,656)	(143,656)	(143,656)	(+1,869)	---	---
<b>Total, PBGC (program level) .....</b>	<b>(444,722)</b>	<b>(464,067)</b>	<b>(464,067)</b>	<b>(464,067)</b>	<b>(464,067)</b>	<b>(+19,345)</b>	<b>---</b>	<b>---</b>
<b>EMPLOYMENT STANDARDS ADMINISTRATION (ESA)</b>								
<b>SALARIES AND EXPENSES</b>								
Enforcement of Wage and Hour Standards .....	193,092	227,666	220,166	226,166	226,266	+32,164	+6,100	-900 D
Public Law 111-5 (emergency) .....	21,967	---	---	---	---	-21,967	---	---

## LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES

(Amounts in thousands)

	FY 2009 Comparable	FY 2010 Request	House	Senate	Conference	Conference vs.	
						FY 2009 Comparable	FY 2010 House Senate
Office of Labor-Management Standards.....	44,938	40,557	40,557	40,557	40,557	-4,381	---
Public Law 111-5 (emergency).....	581	---	---	---	---	-581	---
Federal Contractor EEO Standards Enforcement.....	82,107	109,521	181,521	187,821	103,271	+21,184	+1,758
Public Law 111-5 (emergency).....	7,200	---	---	---	---	-7,200	---
Federal Program for Workers' Compensation.....	160,808	106,378	105,178	106,378	105,678	+4,768	+400
Trust Funds.....	2,181	2,124	2,124	2,124	2,124	+23	---
Program Direction and Support.....	17,228	17,228	17,228	16,728	16,728	-500	-500
Total, EOA salaries and expenses.....	479,835	503,456	486,756	488,956	493,506	+23,471	+4,756
Federal Funds.....	(438,166)	(501,332)	(484,832)	(490,832)	(491,382)	(+63,216)	(+4,756)
Federal Funds (emergency).....	(29,768)	---	---	---	---	(-29,768)	---
Trust Funds.....	(2,181)	(2,124)	(2,124)	(2,124)	(2,124)	(+23)	---
Total, EOA SAE (excluding emergency).....	440,267	503,456	486,756	488,956	493,506	+63,238	+4,756
SPECIAL BENEFITS							
Federal employees' compensation benefits.....	166,000	184,000	184,000	184,000	184,000	+24,000	---
Longshore and harbor workers' benefits.....	3,000	3,000	3,000	3,000	3,000	---	---
Total, Special Benefits.....	169,000	187,000	187,000	187,000	187,000	+24,000	---

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2009 Comparable	FY 2010 Request	House	Senate	Conference	FY 2009 Comparable	Conference vs. FY 2010 House	FY 2010 Senate
<b>SPECIAL BENEFITS FOR DISABLED COAL MINERS</b>								
Benefit payments.....	246,000	220,000	220,000	220,000	220,000	-26,000	---	---
Administration.....	5,130	5,100	5,100	5,100	5,100	+30	---	---
Subtotal, FY 2009 program level.....	250,130	225,100	225,100	225,100	225,100	-24,930	---	---
Less funds advanced in prior year.....	-62,000	-60,000	-60,000	-60,000	-60,000	+0,000	---	---
Total, Current Year, FY 2010.....	188,130	165,100	165,100	165,100	165,100	-19,930	---	---
New advances, 1st quarter FY 2011.....	50,000	45,000	45,000	45,000	45,000	-11,000	---	---
Total, Special Benefits for Disabled Coal Miners	244,130	214,100	214,100	214,100	214,100	-29,930	---	---
<b>ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND</b>								
Part B Administrative Expenses.....	49,854	51,197	51,197	51,197	51,900	+2,246	+703	+703
<b>BLACK LUNG DISABILITY TRUST FUND</b>								
Benefit payments and interest on advances.....	2,705,000	241,005	241,005	241,005	241,005	-2,523,395	---	---
Employment Standards Admin., Salaries and expenses.....	32,300	32,720	32,720	32,720	32,720	+412	---	---
Departmental Management, Salaries and expenses.....	24,604	25,001	25,001	25,001	25,001	+397	---	---

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2009 Comparable	FY 2010 Request	House	Senate	Conference	FY 2009 Comparable	Conference vs. FY 2010 House	FY 2010 Senate
Departmental Management, Inspector General.....	325	327	327	327	327	+2	---	---
Subtotal, Black Lung Disability.....	2,822,327	289,743	289,743	289,743	289,743	-2,532,584	---	---
Treasury Department Administrative Costs.....	356	356	356	356	356	---	---	---
Total, Black Lung Disability Trust Fund.....	2,822,683	309,099	309,099	309,099	309,099	-2,513,584	---	---
Total, Employment Standards Administration (ESA)	3,749,502	1,255,832	1,238,232	1,251,432	1,246,045	-2,502,617	+7,453	-4,747
Federal Funds.....	3,747,461	1,253,806	1,237,106	1,249,306	1,244,561	-2,502,849	+7,453	-4,747
Current year.....	(3,661,833)	(1,298,806)	(1,182,166)	(1,204,306)	(1,199,561)	(-2,462,872)	(+7,453)	(-4,747)
Current Year (emergency).....	(29,708)	---	---	---	---	(-29,708)	---	---
FY 2011.....	(64,000)	(45,000)	(45,000)	(45,000)	(45,000)	(-11,000)	---	---
Trust Funds.....	2,191	2,124	2,124	2,124	2,124	+23	---	---
Total, ESA (excluding emergency).....	3,719,734	1,265,932	1,238,232	1,251,432	1,246,065	-2,473,049	+7,453	-4,747
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA)								
SALARIES AND EXPENSES								
Safety and Health Standards.....	17,204	19,549	19,549	19,549	19,549	+2,345	---	---
Federal Enforcement.....	197,948	227,148	221,148	225,148	223,399	+25,453	+2,250	-1,750
Public Law 111-5 (emergency).....	9,221	---	---	---	---	-9,221	---	---
State Program.....	92,593	106,393	103,393	105,393	104,393	+11,900	+1,000	-1,000
Public Law 111-5 (emergency).....	3,750	---	---	---	---	-3,750	---	---
Technical Support.....	22,832	25,920	25,920	25,920	25,920	+3,288	---	---



LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2008 Comparable	FY 2010 Request	House	Senate	Conference	FY 2009 Comparable	Conference vs. FY 2010 House	FY 2010 Senate
Compliance Assistance:								
Federal Assistance.....	72,859	73,360	73,360	73,360	73,360	+721	---	---
State Consultation Grants.....	54,831	54,786	54,786	54,786	54,786	+267	---	---
Training Grants.....	10,000	10,000	10,000	11,000	10,760	+750	+750	-250
Subtotal, Compliance Assistance.....	137,690	138,176	138,176	139,176	138,926	+1,736	+750	-250
Safety and Health Statistics.....	34,128	34,875	34,875	34,875	34,836	+747	---	---
Public Law 111-5 (emergency).....	806	---	---	---	---	-800	---	---
Executive Direction and Administration.....	11,348	11,636	11,636	11,636	11,636	+167	---	---
Total, OSHA (excluding emergency).....	513,042	563,620	564,620	561,620	556,620	+48,878	+4,000	-3,000
MINE SAFETY AND HEALTH ADMINISTRATION								
SALARIES AND EXPENSES								
Coal Enforcement.....	154,491	156,662	156,662	153,662	155,662	+4,171	+2,000	---
Metall/Non-Metall Enforcement.....	82,427	85,672	85,172	85,672	85,422	+2,985	+250	-250
Standards Development.....	3,031	3,061	3,061	3,061	3,481	+450	+400	+400
Assessments.....	6,134	6,233	6,233	6,233	6,233	+99	---	---
Educational Policy and Development.....	38,605	38,605	38,605	38,605	38,605	---	---	---

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2009 Comparable	FY 2010 Request	House	Senate	Conference	FY 2009 Comparable	Conference vs. FY 2010 House	FY 2010 Senate
Technical Support.....	30,117	30,642	30,642	30,642	30,642	+625	---	---
Program evaluation and information resources (PEIR)...	16,814	16,867	16,867	16,867	16,867	+543	---	---
Program Administration.....	16,644	16,941	16,941	17,301	17,301	+1,707	+1,460	---
Total, Mine Safety & Health Administration MSHA.....	347,903	363,603	363,193	367,143	367,203	+10,290	+4,100	+150
Total, Worker protection agencies.....	1,496,776	1,576,829	1,546,029	1,573,361	1,564,206	+67,906	+16,661	-9,191
Federal Funds.....	(1,441,636)	(1,574,786)	(1,546,966)	(1,571,287)	(1,562,166)	(+126,820)	(+16,661)	(-9,191)
Federal Funds (emergency).....	(63,644)	---	---	---	---	(-63,644)	---	---
Trust Funds.....	(2,101)	(2,124)	(2,124)	(2,124)	(2,124)	(+23)	---	---
Total, Worker protection (excluding emergency).....	1,433,731	1,576,829	1,548,029	1,573,361	1,564,206	+120,549	+16,661	-9,191
BUREAU OF LABOR STATISTICS								
SALARIES AND EXPENSES								
Employment and Unemployment Statistics.....	168,206	168,026	168,026	167,676	167,632	+8,646	-176	+176
Labor Market Information.....	78,264	78,264	78,264	78,264	78,264	---	---	---
Prices and Cost of Living.....	198,464	201,061	201,061	201,061	201,061	+2,617	---	---
Compensation and Working Conditions.....	87,361	88,663	88,663	88,663	88,663	+1,272	---	---
Productivity and Technology.....	11,706	11,904	11,904	11,904	11,904	+198	---	---

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES (Amounts in thousands)								
	FY 2009 Comparable	FY 2010 Request	House	Senate	Conference	FY 2009 Comparable	Conference vs. FY 2010 House	FY 2010 Senate
Executive Direction and Staff Services.....	33,261	33,793	33,793	33,793	33,793	+832	---	0
-----								
Total, Bureau of Labor Statistics.....	597,182	611,623	611,623	611,271	611,447	+14,265	-176	+178
Federal Funds.....	516,916	533,359	533,359	533,007	533,163	+14,265	---	---
Trust Funds.....	78,264	78,264	78,264	78,264	78,284	---	---	---
OFFICE OF DISABILITY EMPLOYMENT POLICY								
SALARIES AND EXPENSES.....	26,679	37,031	37,031	39,031	36,031	+12,352	+2,000	0
DEPARTMENTAL MANAGEMENT								
SALARIES AND EXPENSES								
Executive Direction.....	25,831	34,125	33,125	33,026	33,376	+7,544	+260	-250 0
Public Law 111-5 (emergency).....	4,149	---	---	---	---	-4,149	---	0
Undistributed reduction.....	---	---	-1,000	---	---	---	+1,000	0
Departmental IT Crossover.....	21,286	21,302	19,892	21,302	18,892	-1,304	---	-1,508 0
Departmental Management Crossover.....	---	---	---	---	---	---	---	0
Departmental Program Evaluation.....	---	5,000	5,000	5,000	5,000	+5,000	---	0
Legal Services.....	97,342	117,121	113,021	117,121	117,121	+18,739	+3,600	0
Public Law 111-5 (emergency).....	6,066	---	---	---	---	-6,066	---	0
Trust Funds.....	327	327	327	327	327	---	---	TF

## LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES

(Amounts in thousands)

	FY 2009 Comparable	FY 2010 Request	House	Senate	Conference	Conference vs.		
						FY 2009 Comparable	FY 2010 House	FY 2010 Senate
International Labor Affairs.....	86,074	91,419	91,419	93,919	92,009	+6,585	+1,250	-1,250 D
Administration and Management.....	32,506	33,707	33,707	33,707	33,707	+1,201	---	---
Public Law 111-5 (emergency).....	5,451	---	---	---	---	-5,451	---	---
Adjudication.....	29,540	29,206	29,206	29,206	29,206	+726	---	---
Women's Bureau.....	10,419	10,604	12,604	10,604	11,604	+1,185	-1,000	+1,000 D
Civil Rights Activities.....	6,535	6,812	6,812	6,812	6,812	+277	---	---
Chief Financial Officer.....	5,276	5,361	5,361	5,361	5,361	+83	---	---
Public Law 111-5 (emergency).....	700	---	---	---	---	-700	---	---
Total, Salaries and expenses.....	331,184	355,154	350,154	357,154	355,154	+24,000	+5,000	-2,000
Federal Funds.....	(313,871)	(354,827)	(349,827)	(356,827)	(354,827)	(+49,956)	(+5,000)	(-2,000)
Federal Funds (emergency).....	(16,849)	---	---	---	---	(-16,849)	---	---
Trust Funds.....	(327)	(327)	(327)	(327)	(327)	---	---	---
Total, SAE (excluding emergency).....	314,186	355,154	350,154	357,154	355,154	+40,806	+5,000	-2,000
OFFICE OF JOB CORPS								
Administration.....	28,642	29,190	29,190	29,190	29,190	+528	---	---
Public Law 111-5 (emergency).....	2,800	---	---	---	---	-2,500	---	---

**LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES**  
(Amounts in thousands)

	FY 2009 Comperable	FY 2010 Request	House	Senate	Conference	FY 2009 Comperable	Conference vs. FY 2010 House	FY 2010 Senate	
Operations.....	949,276	966,199	965,139	960,899	963,015	+33,739	-2,115	+2,116	D FF
Public Law 111-5 (emergency).....	35,854	---	---	---	---	-35,854	---	---	--- D
Advance from prior year.....	(591,000)	(591,000)	(591,000)	(591,000)	(591,000)	---	---	---	MA
FY 2011.....	591,000	591,000	591,000	591,000	591,000	---	---	---	--- D
Construction and Renovation.....	19,000	19,000	---	19,000	5,000	-19,000	+6,000	-5,000	D FF
Public Law 111-5 (emergency).....	211,646	---	---	---	---	-211,646	---	---	--- D
Advance from prior year.....	(100,000)	(100,000)	(100,000)	(100,000)	(100,000)	---	---	---	MA
FY 2011.....	100,000	100,000	100,000	100,000	100,000	---	---	---	--- D
Total, Office of Job Corps.....	1,933,938	1,791,389	1,705,320	1,711,089	1,706,205	-225,733	+2,865	-2,864	
Current Year.....	(992,939)	(1,010,389)	(1,014,320)	(1,029,089)	(1,017,285)	(+24,287)	(+2,865)	(-2,864)	
FY 2011.....	(250,000)	---	---	---	---	(-250,000)	---	---	
Total, Job Corps (excluding emergencies).....	1,943,938	1,781,389	1,705,320	1,711,089	1,706,205	+24,287	+2,865	-2,864	
<b>VETERANS EMPLOYMENT AND TRAINING</b>									
State administration, Grants.....	185,894	172,394	172,394	172,394	172,394	+3,500	---	---	TF
Federal Administration.....	34,825	35,313	35,313	35,313	35,313	+688	---	---	TF
National Veterans Training Institute.....	1,949	2,449	2,449	2,449	2,449	+600	---	---	TF
Homeless Veterans Program.....	29,339	35,330	37,330	35,330	35,330	+10,000	-1,000	+1,000	D

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2009 Comparable	FY 2010 Request	House	Senate	Conference	FY 2009 Comparable	Conference vs. FY 2010 House	FY 2010 Senate
Veterans Workforce Investment Program.....	7,641	9,641	9,641	9,641	9,641	+2,000	---	---
								S FF
Total, Veterans Employment and Training.....	239,439	266,127	267,127	266,127	266,127	+16,688	-1,000	+1,000
Federal Funds.....	33,971	44,971	44,971	44,971	44,971	+12,000	-1,000	+1,000
Trust Funds.....	205,468	216,156	219,156	219,156	219,156	+4,688	---	---
OFFICE OF INSPECTOR GENERAL								
Program Activities.....	76,326	79,993	79,993	79,993	79,993	+1,767	---	---
Public Law 111-6 (emergency).....	6,000	---	---	---	---	-6,000	---	---
Trust Funds.....	5,616	5,921	5,921	5,921	5,921	+106	---	---
								TF
Total, Office of the Inspector General.....	86,161	84,014	84,014	84,014	84,014	-4,127	---	---
Total, OIG (excluding emergencies).....	82,161	84,014	84,014	84,014	84,014	+1,873	---	---
Total, Departmental Management.....	2,592,872	2,395,664	2,396,616	2,407,364	2,403,500	-189,172	+6,865	-3,964
Federal Funds.....	2,381,062	2,179,290	2,180,211	2,190,960	2,187,096	-193,966	+6,865	-3,964
Current Year.....	(1,417,106)	(1,408,266)	(1,409,211)	(1,409,960)	(1,406,096)	(-79,990)	(+6,865)	(-3,964)
Current Year (emergency).....	(272,966)	---	---	---	---	(-272,966)	---	---
FY 2011.....	(691,000)	(691,000)	(691,000)	(691,000)	(691,000)	---	---	---
Trust Funds.....	211,610	216,404	216,404	216,404	216,404	+4,794	---	---
Total, Departmental Mgmt (excluding emergencies)	2,319,716	2,395,664	2,396,616	2,407,364	2,403,500	+83,764	+6,865	-3,964

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2009 Comparable	FY 2010 Request	House	Senate	Conference	FY 2009 Comparable	FY 2010 House	Conference vs. Senate
Total, Workforce Investment Act programs.....	9,513,649	5,543,693	5,516,922	5,516,922	5,545,376	-3,866,273	+26,454	+30,498
Current Year.....	(7,068,649)	(3,030,593)	(3,033,922)	(3,051,896)	(3,092,376)	(-3,966,273)	(+26,454)	(+30,498)
FY 2011.....	(2,445,000)	(2,463,000)	(2,483,000)	(2,463,000)	(2,483,000)	---	---	---
Total, Workforce Investment(excl. emergencies)	5,313,649	5,543,593	5,516,922	5,516,922	5,545,376	+231,727	+26,454	+30,498
Total, Title I, Department of Labor.....	21,877,276	16,870,493	16,846,622	16,868,616	16,225,129	-5,652,147	+278,507	+266,513
Federal Funds.....	17,536,984	11,596,406	11,572,637	11,584,291	11,620,919	-5,648,975	+276,342	+266,639
Current Year.....	(18,211,964)	(9,089,408)	(9,064,637)	(9,079,281)	(9,342,919)	(-989,975)	(+276,342)	(+266,639)
Current Year (emergency).....	(4,406,000)	---	---	---	---	(-4,406,000)	---	---
FY 2011.....	(2,518,000)	(2,508,000)	(2,508,000)	(2,508,000)	(2,508,000)	(-11,000)	---	---
Trust Funds.....	3,940,292	4,374,085	4,374,085	4,374,325	4,374,210	+433,828	+125	-125
Trust Funds (emergency).....	400,000	---	---	---	---	-400,000	---	---
Total, Title I (excluding emergencies).....	17,071,276	15,870,493	15,846,622	15,868,616	16,225,129	-848,147	+278,507	+266,513

Title I Footnotes:

- 1/ Formerly Community-based Job Training Grants.
- 2/ Two year availability

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2008 Comparable	FY 2010 Request	House	Senate	Conference	FY 2009 Comparable	Conference vs. FY 2010 House	FY 2010 Senate
<b>TITLE II - DEPARTMENT OF HEALTH AND HUMAN SERVICES</b>								
<b>HEALTH RESOURCES AND SERVICES ADMINISTRATION (HNSA)</b>								
<b>HEALTH RESOURCES AND SERVICES</b>								
<b>Bureau of Primary Health Care</b>								
Community health centers.....	2,190,022	2,190,022	2,190,022	2,190,022	2,190,022	---	---	---
Public Law 111-5 (emergency).....	2,000,000	---	---	---	---	-2,000,000	---	---
State health excess grants.....	75,000	75,000	75,000	75,000	75,000	---	---	---
Free Clinics Medical Malpractice.....	40	40	40	40	40	---	---	---
National Hansen's Disease Program.....	10,100	10,100	10,100	10,100	10,100	---	---	---
Buildings and Facilities.....	120	120	120	120	120	---	---	---
Payment to Hawaii, treatment of Hansen's.....	1,070	1,070	1,070	1,070	1,070	---	---	---
<b>Subtotal (excluding emergency).....</b>	<b>2,283,276</b>	<b>2,283,276</b>	<b>2,283,276</b>	<b>2,283,276</b>	<b>2,283,276</b>	<b>---</b>	<b>---</b>	<b>---</b>
<b>Bureau of Health Professions</b>								
National Health Service Corps:								
Field placements.....	39,730	46,412	39,730	42,000	41,120	+1,362	+1,362	-872
Public Law 111-5 (emergency).....	60,000	---	---	---	---	-60,000	---	---
Recruitment.....	95,230	122,500	102,114	100,000	100,707	+6,507	-1,317	+787



LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2009 Comparable	FY 2010 Request	House	Senate	Conference	FY 2009 Comparable	Conference vs. FY 2010 House	FY 2010 Senate
Public Law 111-5 (emergency).....	240,000	---	---	---	---	-240,000	---	---
Subtotal (excluding emergencies).....	134,866	199,000	141,850	142,000	141,925	+6,849	+75	-75
Health Professions								
Health Professions (Public Law 111-5) (emergency).....	200,000	---	---	---	---	-200,000	---	---
Health Professions, Training for Diversity: Centers of excellence.....	29,802	24,902	24,802	24,802	24,802	+4,000	---	---
Health careers opportunity program.....	19,133	22,133	22,133	22,133	22,133	+3,000	---	---
Faculty loan repayment.....	1,266	1,266	1,266	1,266	1,266	---	---	---
Scholarships for disadvantaged students.....	45,842	52,842	52,842	45,842	49,342	+3,500	-3,500	+3,500
Subtotal, Training for Diversity.....	86,843	100,843	100,843	83,843	87,343	+16,600	-3,500	+3,500
Training in Primary Care Medicine and Dentistry.....	48,425	56,425	56,425	56,425	54,425	+4,000	-2,000	---
Interdisciplinary Community-Based Linkages: Area health education centers.....	32,540	32,540	34,150	32,540	33,345	+805	-805	+805
Allied health and other disciplines.....	13,888	23,888	23,888	15,888	22,388	+8,000	-1,500	+6,500
Geriatric programs.....	30,997	41,997	41,997	30,997	35,747	+2,750	-8,250	+2,750
Subtotal, Interdisciplinary Community Linkages.....	77,427	98,427	100,937	79,427	89,432	+12,055	-18,555	+10,055

LABOR-HEALTH and NURSING SERVICES-EDUCATION AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2009 Comparable	FY 2010 Request	House	Senate	Conference	FY 2009 Comparable	Conference vs. FY 2010 House	FY 2010 Senate
Workforce information and analysis.....	---	---	---	5,663	2,832	+2,832	+2,832	-2,831 D
Public health, preventive medicine and dental programs.....	9,000	9,000	9,000	10,000	10,000	+1,000	+1,000	---
Subtotal, Public Health, preventive medicine.....	9,000	9,000	9,000	10,000	10,000	+1,000	+1,000	---
Nursing Programs:								
Advanced Education Nursing.....	64,436	64,436	64,436	64,436	64,436	---	---	---
Nurse education, practice, and retention.....	37,261	37,261	37,261	42,600	39,866	+2,606	+2,606	-2,604 D
Nursing workforce diversity.....	16,107	16,107	16,107	16,107	16,107	---	---	---
Loan repayment and scholarship program.....	37,128	125,000	125,000	64,128	93,864	+66,736	-31,136	+29,736 D
Comprehensive geriatric education.....	4,667	4,667	4,667	4,667	4,667	---	---	---
Nursing faculty loan program.....	11,500	16,800	16,800	25,000	25,000	+13,500	+9,000	---
Subtotal, Nursing programs.....	171,031	263,403	263,403	216,740	243,872	+72,841	-10,531	+27,132
Subtotal, Health Professions.....	592,729	529,098	529,768	440,096	497,944	-94,772	-31,764	+37,066
Subtotal, Health Professions (excl. emergencies)	362,726	529,098	529,768	440,096	497,944	+106,228	-31,764	+37,066
Children's Hospitals Graduate Medical Education.....	316,000	310,000	320,000	316,000	317,500	+7,500	-2,500	+2,500 D
Patient Navigator.....	4,000	4,800	4,000	9,000	5,000	+1,000	+1,000	-1,000 D

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2009 Comparable	FY 2010 Request	House	Senate	Conference	FY 2009 Comparable	Conference vs. FY 2010 House	FY 2010 Senate
National Practitioner Data Bank.....	19,750	19,750	19,750	19,750	19,750	---	---	---
User Fees.....	-19,750	-19,750	-19,750	-19,750	-19,750	---	---	---
Health Care Integrity and Protection Data Bank.....	3,750	3,750	3,750	3,750	3,750	---	---	---
User Fees.....	-3,750	-3,750	-3,750	-3,750	-3,750	---	---	---
Subtotal, Bureau of Health Professions (BHP).....	1,341,482	1,011,000	995,550	923,000	902,379	-379,313	-33,179	+30,281
Subtotal, BHP (excluding emergencies).....	641,082	1,011,000	995,550	923,000	902,379	+129,007	-33,179	+30,281
Maternal and Child Health Bureau								
Maternal and Child Health Block Grant.....	602,121	602,121	605,000	602,121	602,121	---	-2,879	---
Sickle cell anemia demonstration program.....	4,250	4,250	5,250	4,250	4,750	+500	-500	+500
Traumatic Brain Injury.....	9,877	9,877	10,000	9,877	9,939	+42	-61	+42
Autism and other developmental disorders.....	42,000	40,000	40,000	40,000	40,000	+8,000	---	---
Heritable disorders.....	10,013	10,013	10,013	10,013	10,013	---	---	---
Congenital disabilities.....	1,000	1,000	---	1,000	500	-500	+500	-500
Healthy Start.....	102,372	102,372	105,000	105,372	105,000	+2,439	---	-372
Universal Newborn Hearing.....	10,000	10,000	10,000	10,000	10,000	---	---	---

**LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES**  
(Amounts in thousands)

	FY 2009 Comparable	FY 2010 Request	House	Senate	Conference	FY 2009 Comparable	Conference vs. FY 2010 House	FY 2010 Senate
Emergency medical services for children.....	20,000	20,000	21,000	22,000	21,500	+1,500	+500	-500 D
Subtotal, Maternal and Child Health Bureau.....	970,633	976,633	983,263	981,633	980,833	+16,190	-2,440	-810
<b>HIV/AIDS Bureau</b>								
Ryan White AIDS Programs:								
Emergency Assistance.....	663,002	671,076	679,074	683,082	679,074	+16,992	---	+16,992 D
Comprehensive Care Programs.....	1,223,791	1,253,791	1,253,791	1,253,791	1,253,790	+30,000	---	---
AIDS Drug Assistance Program (ADAP) (MA).....	(815,000)	(835,000)	(835,000)	(835,000)	(835,000)	(+20,000)	---	---
Early Intervention Program.....	201,877	211,677	206,823	206,877	206,823	+4,940	---	-54 D
Children, Youth, Women, and Families.....	76,846	76,846	78,728	76,846	77,787	+942	-941	+942 D
AIDS Dental Services.....	13,429	16,429	13,768	13,429	13,694	+166	-164	+166 D
Education and Training Centers.....	34,307	36,307	36,240	34,367	34,819	+422	-431	+422 D
Subtotal, Ryan White AIDS programs.....	2,213,421	2,297,414	2,287,414	2,248,421	2,295,898	+62,467	-1,926	+17,467
Evaluation Top Funding (MA).....	(25,000)	(25,000)	(25,000)	(25,000)	(25,000)	---	---	---
Subtotal, Ryan White AIDS program level.....	(2,238,421)	(2,282,414)	(2,282,414)	(2,273,421)	(2,290,898)	(+62,467)	(-1,526)	(+17,467)
Subtotal, HIV/AIDS Bureau.....	2,213,421	2,267,414	2,267,414	2,248,421	2,295,898	+62,467	-1,526	+17,467

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2009 Comparable	FY 2010 Request	House	Senate	Conference	FY 2009 Comparable	Conference vs. FY 2010 House	FY 2010 Senate
<b>Healthcare Systems Bureau</b>								
Organ Transplantation.....	24,049	24,049	24,049	20,049	28,049	+2,000	+2,000	---
National Cord Blood Inventory.....	11,983	11,983	11,983	11,983	11,983	---	---	---
Bone Marrow Program.....	23,517	23,517	23,517	23,517	23,517	---	---	---
Office of Pharmacy Affairs.....	1,470	2,870	1,470	2,870	2,220	+750	+750	-750
Poison control.....	20,314	20,314	20,314	30,314	20,314	+1,000	+1,000	-1,000
<b>Subtotal, Healthcare systems bureau.....</b>	<b>68,333</b>	<b>90,833</b>	<b>68,333</b>	<b>94,833</b>	<b>93,083</b>	<b>+3,750</b>	<b>+3,750</b>	<b>-1,750</b>
<b>Rural Health Programs</b>								
Rural outreach grants.....	53,900	55,400	50,000	55,400	59,025	+2,125	-575	+575
Rural Health Research.....	9,700	9,700	10,200	9,700	9,950	+250	-250	+250
Rural Hospital Flexibility Grants.....	30,200	39,200	41,200	41,200	41,200	+2,000	---	---
Delta Health Initiative.....	26,000	---	---	40,000	35,000	+8,000	+35,000	-8,000
Rural and community access to emergency devices.....	1,751	1,751	3,300	1,751	2,526	+775	-774	+775
State Offices of Rural Health.....	9,201	9,450	9,700	10,450	10,076	+874	+375	-375
Black lung clinics 2/.....	7,200	7,200	7,200	7,200	7,200	---	---	---

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2009 Comparable	FY 2010 Request	House	Senate	Conference	FY 2009 Comparable	Conference vs. FY 2010 House	FY 2010 Senate
Radiation Exposure Screening and Education Program 2/.	1,952	1,952	1,952	1,952	1,952	---	---	D
Subtotal, Rural health programs.....	149,904	124,793	130,152	167,793	163,928	+15,924	+33,776	-3,776
Dental Commission.....	19,842	---	---	10,000	10,000	-9,842	+10,800	---
Family Planning.....	307,491	317,491	317,491	317,491	317,491	+10,000	---	D
Health care-related facilities and activities.....	319,479	---	179,339	157,092	339,602	+27,532	+169,872	+169,910 D
Telehealth.....	7,500	8,200	19,000	9,200	11,000	+4,850	-3,400	+3,400 D
Program management.....	142,924	147,052	149,000	147,052	147,052	+5,928	+1,052	---
Total, Health resources and services (HRS).....	9,734,436	7,126,700	7,309,917	7,236,799	7,473,522	-2,260,914	+166,706	+234,723
Total, HRS (excluding emergencies).....	7,234,436	7,126,700	7,309,917	7,236,799	7,473,522	+239,866	+166,706	+234,723
Total, Health resources & services program level	(9,759,436)	(7,151,700)	(7,331,917)	(7,263,799)	(7,496,522)	(-2,260,914)	(+166,706)	(+234,723)
Total, Evaluation tap funding.....	(25,000)	(25,000)	(25,000)	(25,000)	(25,000)	---	---	---
Total, HRS program level (excl. emergencies)...	(7,259,436)	(7,151,700)	(7,331,917)	(7,263,799)	(7,496,522)	(+239,866)	(+166,706)	(+234,723)
HEALTH EDUCATION ASSISTANCE LOANS PROGRAM ACCOUNT								
HEAL Liquidating account.....	(1,000)	(1,000)	(1,000)	(1,000)	(1,000)	---	---	MA
HEAL Program management.....	2,847	2,847	2,847	2,847	2,847	---	---	D
Total, HEAL.....	2,847	2,847	2,847	2,847	2,847	---	---	---

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2009 Comparable	FY 2010 Request	House	Senate	Conference	FY 2009 Comparable	Conference vs. FY 2010 House	FY 2010 Senate
<b>VACCINE INJURY COMPENSATION PROGRAM TRUST FUND</b>								
Post-FY 1988 claims.....	113,115	115,908	115,908	115,908	115,908	+2,793	---	---
HRSA administration.....	5,494	6,502	6,502	6,502	6,502	+1,008	---	---
Total, Vaccine Injury Compensation Trust Fund.....	118,610	122,410	122,410	122,410	122,410	+3,801	---	---
Covered Countermeasure Process Fund.....	---	5,000	---	5,000	---	---	---	-5,000 D
Total, Health Resources & Services Administration Total, HRSA program level.....	8,855,803 (9,061,802)	7,256,857 (7,277,857)	7,432,074 (7,448,074)	7,369,056 (7,390,056)	7,598,779 (7,624,779)	-2,357,023 (-2,257,023)	+106,705 (+106,705)	+229,723 (+234,723)
Total, HRSA (excluding emergencies).....	7,355,802	7,256,857	7,432,074	7,369,056	7,598,779	+242,977	+106,705	+229,723
Total, HRSA program level (incl. emergencies).....	(7,361,802)	(7,277,857)	(7,448,074)	(7,390,056)	(7,624,779)	(+242,977)	(+106,705)	(+234,723)
<b>CENTERS FOR DISEASE CONTROL AND PREVENTION</b>								
<b>DISEASE CONTROL, RESEARCH, AND TRAINING</b>								
<b>Infectious Diseases</b>								
Immunization and respiratory diseases.....	703,254	704,596	704,596	710,555	705,596	+2,342	+1,009	-4,959 D
Public Law 111-5 (emergency).....	300,000	---	---	---	---	-300,000	---	---
Evaluation Tap Funding.....	(12,784)	(12,864)	(12,864)	(9,805)	(12,864)	(+79)	---	(+3,959) MA
Subtotal (excluding emergencies).....	(716,048)	(717,460)	(717,460)	(710,460)	(716,460)	(+2,412)	(+1,009)	(-1,009)

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2009 Comparable	FY 2010 Request	House	Senate	Conference	FY 2009 Comparable	Conference vs. FY 2010 House	FY 2010 Senate
HIV/AIDS, Viral hepatitis, STD, and TB prevention.....	1,086,378	1,060,299	1,062,882	1,029,880	1,845,382	+39,007	-16,700	+16,702 D
Zoonotic, Vector-Borne, and Enteric diseases.....	87,878	73,122	76,780	87,838	76,647	+8,888	-143	+8,009 D
Preparedness, detection, and control of infectious diseases.....	187,426	168,741	173,791	182,426	168,889	+11,283	-5,102	+8,283 D
Public Law 111-6 (emergency).....	48,000	---	---	---	---	-48,000	---	---
Subtotal (excluding emergencies).....	1,321,682	2,006,758	2,017,258	1,998,299	1,996,314	+61,281	-20,945	+27,015
Total, Evaluation top funding.....	(12,794)	(12,864)	(12,864)	(8,886)	(12,864)	(+78)	---	(+3,969)
Subtotal, Infectious diseases program level.....	(2,287,827)	(2,019,822)	(2,030,123)	(1,978,204)	(2,009,178)	(-278,849)	(-20,945)	(+30,974)
Subtotal, program level (excluding emergencies)	(1,847,827)	(2,019,822)	(2,030,123)	(1,978,204)	(2,009,178)	(+61,381)	(-20,945)	(+30,974)
Health Promotion								
Chronic disease prevention, health promotion and genomics.....	861,806	896,239	916,612	948,346	931,282	+49,606	+20,480	-18,066 D
Birth defects, developmental disabilities, disability and health.....	138,022	142,616	149,882	144,850	143,368	+5,348	+2,488	-1,482 D
Subtotal, Health promotion.....	1,019,708	1,038,256	1,061,694	1,091,196	1,074,650	+54,862	+22,968	-16,538 MA



**LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES**  
(Amounts in thousands)

	FY 2008 Comparable	FY 2010 Request	House	Senate	Conference	FY 2008 Comparable	Conference vs. FY 2010 House	FY 2010 Senate
<b>Health Information and Service</b>								
Health statistics.....	---	---	---	138,663	---	---	---	-138,663 D
Evaluation Top Funding.....	(124,701)	(138,663)	(138,663)	---	(138,663)	(+13,662)	(-1,000)	(+138,663)
Subtotal, Health statistics program level.....	(124,701)	(138,663)	(138,663)	(138,663)	(138,663)	(+13,662)	(-1,000)	---
Public health informatics/health marketing.....	83,124	96,600	89,676	153,101	72,055	-11,069	+12,376	-81,046 D
Evaluation Top Funding.....	(71,531)	(86,411)	(83,422)	---	(77,916)	(+6,365)	(-15,566)	(+77,916) MA
Subtotal, Public health informatics/health marketing, program level.....	(164,665)	(183,101)	(163,101)	(163,101)	(149,871)	(-4,664)	(-3,130)	(-3,130)
Subtotal, Health information and service Total, Evaluation top funding.....	83,124 (166,232)	96,600 (185,694)	89,676 (233,165)	281,784 ---	72,055 (216,899)	-11,069 (+26,367)	+12,376 (-16,566)	-219,729 MA (+216,899)
Subtotal, Health information & service program.....	(279,368)	(291,784)	(282,784)	(291,784)	(288,664)	(+9,299)	(-4,130)	(-3,130)
<b>Environmental Health and Injury</b>								
Environmental health.....	185,415	186,401	181,023	180,171	187,118	+1,763	-3,965	-3,963 D
Injury prevention and control.....	145,242	148,615	148,615	148,615	148,615	+3,373	---	---
Subtotal, Environmental health and injury.....	(330,657)	(335,016)	(330,638)	(338,786)	(335,733)	(+5,678)	(-3,965)	(-3,963)

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2009 Comparable	FY 2010 Request	House	Senate	Conference	FY 2009 Comparable	Conference vs. FY 2010 House	FY 2010 Senate
National Institute for Occupational Safety & Health 1/	288,834	278,864	277,817	371,876	281,447	+12,613	+3,830	-90,128 D
Evaluation Top Funding.....	(91,225)	(91,724)	(91,724)	---	(91,724)	(+499)	---	(+91,724) MA
Subtotal, Occupational Safety & Health program/	(340,049)	(369,348)	(369,341)	(371,876)	(373,171)	(+13,112)	(+3,830)	(+1,996)
Energy employees occupational illness compensation program.....	55,348	55,358	55,358	55,358	55,358	---	---	---
Global health.....	308,824	319,134	323,134	332,778	328,338	+19,611	+5,201	-4,444 D
Terrorism preparedness and response.....	1,514,657	1,548,800	1,548,800	1,550,868	1,549,358	+34,701	+2,549	-1,508 D
Public health research.....	---	---	---	---	---	---	---	---
Evaluation Top Funding.....	(31,000)	(31,170)	(31,170)	(31,170)	(31,170)	(+170)	---	---
Public health improvement and leadership.....	209,136	188,586	198,993	204,191	211,432	+2,296	+12,339	+7,331 D
Preventive health and health services block grant.....	102,800	102,034	102,034	102,034	102,034	+34	---	---
Buildings and facilities.....	151,800	36,000	36,000	108,300	89,180	-82,380	+39,180	-39,180 D
Business services.....	359,877	372,642	347,976	372,862	369,869	+9,992	+2,794	-2,793 D
Total, Centers for Disease Control.....	9,878,708	9,347,946	9,349,390	9,788,735	9,445,746	-232,943	+76,365	-342,990
Discretionary.....	9,283,366	8,312,606	8,314,832	8,733,377	8,390,347	+167,837	+76,365	-342,990
Discretionary (emergency).....	340,000	---	---	---	---	-340,000	---	---
Evaluation Top Funding (MA).....	(331,251)	(330,852)	(348,943)	(40,078)	(352,357)	(+21,199)	(-18,506)	(+312,262)
Total, CDC (excluding emergencies).....	9,338,708	8,347,946	8,349,390	8,748,735	8,445,746	+167,837	+76,365	-342,990

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES

(Amounts in thousands)

	FY 2009 Comparable	FY 2010 Request	House	Senate	Conference	FY 2009 Comparable	Conference vs. FY 2010 House	FY 2010 Senate
Total, Centers for Disease Control program level Discretionary.....	(7,009,959) (6,864,481)	(6,999,819) (6,843,440)	(6,738,253) (6,682,886)	(6,828,919) (6,775,452)	(6,799,102) (6,746,344)	(-211,857) (-211,857)	(+89,849) (+89,849)	(-30,706) (-30,706)
Total, program level (excluding emergencies) Discretionary (excluding emergencies).....	(6,649,969) (6,514,661)	(6,699,819) (6,843,440)	(6,738,253) (6,682,886)	(6,828,919) (6,775,452)	(6,799,102) (6,743,744)	(+126,143) (+128,143)	(+89,849) (+89,849)	(-30,706) (-30,706)
NATIONAL INSTITUTES OF HEALTH								
National Cancer Institute.....	4,966,973	5,159,179	5,159,179	5,064,099	5,189,369	+134,416	-66,782	+49,299 D
Public Law 111-5 (emergency).....	1,256,517	---	---	---	---	-1,256,517	---	---
Subtotal.....	6,223,490	5,159,179	5,159,179	5,064,099	5,193,369	-1,122,102	-66,782	+49,299
National Heart, Lung, and Blood Institute.....	3,015,409	3,059,356	3,123,403	3,066,827	3,096,916	+81,227	-26,487	+39,899 D
Public Law 111-5 (emergency).....	762,504	---	---	---	---	-762,504	---	---
Subtotal.....	3,778,273	3,059,356	3,123,403	3,066,827	3,096,916	-681,357	-26,487	+39,899
National Institute of Dental & Craniofacial Research..	462,852	498,837	417,032	499,261	413,236	+10,864	-3,796	+3,996 D
Public Law 111-5 (emergency).....	101,819	---	---	---	---	-101,819	---	---
Subtotal.....	604,471	498,837	417,032	499,261	413,236	-81,236	-3,796	+3,996

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2009 Comparable	FY 2010 Request	House	Senate	Conference	FY 2009 Comparable	Conference vs. FY 2010 House	FY 2010 Senate
National Institute of Diabetes and Digestive and Kidney Diseases (NIDDK).....	1,781,338	1,781,484	1,824,251	1,790,518	1,808,100	+48,762	-16,151	+17,542 D
Public Law 111-5 (emergency).....	445,303	---	---	---	---	-445,303	---	---
Juvenile diabetes (mandatory).....	(160,000)	(160,000)	(160,000)	(160,000)	(160,000)	---	---	MA
Subtotal, NIDDK program level.....	2,356,731	1,931,484	1,974,251	1,940,518	1,958,100	-398,831	-16,151	+17,542
National Institute of Neurological Disorders & Stroke. Public Law 111-5 (emergency).....	1,593,344	1,812,745	1,680,283	1,830,484	1,836,371	+43,827	-13,882	+15,877 D
Subtotal.....	402,912	---	---	---	---	-402,912	---	---
National Institute of Allergy and Infectious Diseases. Public Law 111-5 (emergency).....	1,896,258	1,612,745	1,650,253	1,620,484	1,636,371	-359,865	-13,882	+15,877
Global HIV/AIDS Fund Transfer.....	4,402,572	4,480,295	4,559,502	4,477,457	4,519,275	+115,703	-41,227	+40,818 D
Subtotal.....	1,113,288	---	---	---	---	-1,113,288	---	---
National Institute of General Medical Sciences.....	300,000	300,000	300,000	300,000	300,000	---	---	---
Subtotal, NIAID program level.....	8,816,800	4,760,236	4,859,502	4,777,457	4,818,275	-997,545	-41,227	+40,818
Public Law 111-5 (emergency).....	1,987,801	2,023,877	2,049,156	2,031,886	2,051,798	+53,997	-17,356	+19,912 D
Subtotal.....	905,188	---	---	---	---	-905,188	---	---
Subtotal.....	2,562,989	2,023,877	2,049,156	2,031,886	2,051,798	-651,191	-17,356	+19,912

**LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES**  
(Amounts in thousands)

	FY 2009 Comparable	FY 2010 Request	House	Senate	Conference	FY 2009 Comparable	Conference vs. FY 2010 House	FY 2010 Senate
National Institute of Child Health & Human Development	1,284,884	1,313,874	1,341,120	1,316,822	1,329,526	+34,634	-11,592	+12,706 D
Public Law 111-5 (emergency)	327,443	---	---	---	---	-327,443	---	---
Subtotal	1,622,327	1,313,874	1,341,120	1,316,822	1,329,526	-292,808	-11,592	+12,706
National Eye Institute	688,480	688,789	713,872	700,158	707,036	+18,668	-6,836	+6,876 D
Public Law 111-5 (emergency)	174,087	---	---	---	---	-174,087	---	---
Subtotal	862,577	688,789	713,872	700,158	707,036	-155,541	-6,836	+6,876
National Institute of Environmental Health Sciences	642,820	644,257	686,497	683,149	689,781	+26,961	-5,716	+6,832 D
Public Law 111-5 (emergency)	187,354	---	---	---	---	-187,354	---	---
Subtotal	830,174	644,257	686,497	683,149	689,781	-166,383	-5,716	+6,832
National Institute on Aging	1,089,766	1,093,143	1,119,404	1,098,409	1,110,229	+28,433	-9,175	+10,820 D
Public Law 111-5 (emergency)	273,303	---	---	---	---	-273,303	---	---
Subtotal	1,364,069	1,093,143	1,119,404	1,098,409	1,110,229	-243,670	-9,175	+10,820

## LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES

(Amounts in thousands)

	FY 2009 Comparable	FY 2010 Request	House	Senate	Conference	FY 2009 Comparable	Conference vs. FY 2010 House	FY 2010 Senate
National Institute of Arthritis and Musculoskeletal and Skin Diseases.....	524,872	530,825	543,821	533,831	539,002	+14,210	-4,539	+5,251 D
Public Law 111-5 (emergency) . . . . .	132,726	---	---	---	---	-132,726	---	---
Subtotal.....	657,598	530,825	543,821	533,831	539,002	-119,516	-4,539	+5,251
National Institute on Deafness and Other Communication Disorders.....	497,259	413,026	422,388	414,755	418,833	+11,574	-3,475	+4,078 D
Public Law 111-5 (emergency) . . . . .	102,984	---	---	---	---	-102,984	---	---
Subtotal.....	510,243	413,026	422,388	414,755	418,833	-91,410	-3,475	+4,078
National Institute of Nursing Research . . . . .	141,879	143,749	148,945	144,262	145,660	+3,781	-1,285	+1,399 D
Public Law 111-5 (emergency) . . . . .	35,877	---	---	---	---	-35,877	---	---
Subtotal.....	177,756	143,749	148,945	144,262	145,660	-32,096	-1,285	+1,399
National Institute on Alcohol Abuse and Alcoholism. . .	450,230	455,149	466,308	457,887	462,346	+12,116	-3,962	+4,459 D
Public Law 111-5 (emergency) . . . . .	113,851	---	---	---	---	-113,851	---	---
Subtotal.....	564,081	455,149	466,308	457,887	462,346	-101,735	-3,962	+4,459

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2009 Comparable	FY 2010 Request	House	Senate	Conference	FY 2009 Comparable	Conference vs. FY 2010 House	FY 2010 Senate
National Institute on Drug Abuse.....	1,032,769	1,045,364	1,049,663	1,060,091	1,059,646	+27,086	-8,735	+9,757 D
Public Law 111-5 (emergency).....	261,156	---	---	---	---	-261,156	---	---
Subtotal.....	1,293,915	1,045,364	1,049,663	1,060,091	1,059,646	-234,067	-8,735	+9,757
National Institute of Mental Health.....	1,469,491	1,474,676	1,502,266	1,476,190	1,489,372	+36,881	-12,864	+14,182 D
Public Law 111-5 (emergency).....	366,789	---	---	---	---	-366,789	---	---
Subtotal.....	1,817,280	1,474,676	1,502,266	1,476,190	1,489,372	-327,908	-12,864	+14,182
National Human Genome Research Institute.....	562,367	509,694	620,311	611,007	516,029	+13,661	-4,283	+6,021 D
Public Law 111-5 (emergency).....	127,035	---	---	---	---	-127,035	---	---
Subtotal.....	629,402	509,694	620,311	611,007	516,029	-113,374	-4,283	+6,021
National Institute of Biomedical Imaging and Bioengineering.....	308,208	312,627	319,217	313,496	316,562	+6,374	-2,636	+3,086 D
Public Law 111-5 (emergency).....	77,837	---	---	---	---	-77,837	---	---
Subtotal.....	386,145	312,627	319,217	313,496	316,562	-69,503	-2,636	+3,086

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2009 Comparable	FY 2010 Request	House	Senate	Conference	FY 2009 Comparable	FY 2010 House	FY 2010 Senate
National Center for Research Resources.....	1,238,263	1,252,044	1,280,031	1,258,928	1,268,806	+42,633	-11,135	+11,970 D
Public Law 111-5 (emergency).....	1,810,086	---	---	---	---	-1,810,086	---	---
Subtotal.....	2,858,351	1,252,044	1,280,031	1,258,928	1,268,806	-1,587,456	-11,135	+11,970
National Center for Complementary and Alternative Medicine.....	126,471	127,241	129,853	127,591	128,844	+3,373	-1,109	+1,253 D
Public Law 111-5 (emergency).....	31,728	---	---	---	---	-31,728	---	---
Subtotal.....	157,199	127,241	129,853	127,591	128,844	-28,355	-1,109	+1,253
National Center on Minority Health and Health Disparities.....	206,859	208,844	213,316	209,508	211,572	+5,613	-1,744	+2,064 D
Public Law 111-5 (emergency).....	82,061	---	---	---	---	-82,061	---	---
Subtotal.....	288,920	208,844	213,316	209,508	211,572	-46,466	-1,744	+2,064
John E. Fogarty International Center.....	68,691	68,227	70,780	68,408	70,061	+1,360	-729	+442 D
Public Law 111-5 (emergency).....	17,370	---	---	---	---	-17,370	---	---
Subtotal.....	86,061	68,227	70,780	68,408	70,061	-16,010	-729	+442



**LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES**  
(Amounts in thousands)

	FY 2009 Comparable	FY 2010 Request	House	Senate	Conference	FY 2009 Comparable	FY 2010 House	FY 2010 Senate
National Library of Medicine (MLH).....	330,771	334,347	342,585	336,417	336,716	+8,945	-2,869	+3,299 D
Public Law 111-5 (emergency).....	83,643	---	---	---	---	-83,643	---	---
Evaluation Tap Funding.....	(8,200)	(8,200)	(8,200)	(8,200)	(8,200)	---	---	---
Subtotal.....	422,614	342,647	350,785	344,617	347,916	-74,698	-2,988	+3,299
Office of the Director .....	1,246,864	1,182,777	1,166,784	1,182,777	1,177,300	-89,564	+8,896	-6,477 D
Public Law 111-5 (emergency).....	1,336,837	---	---	---	---	-1,336,837	---	---
Subtotal.....	2,683,701	1,182,777	1,166,784	1,182,777	1,177,300	-1,406,401	+8,896	-6,477
Common fund.....	(541,133)	(549,066)	(534,066)	(549,066)	(544,106)	(+2,978)	(+10,043)	(-4,957) MA
Public Law 111-5 (emergency).....	(136,837)	---	---	---	---	(-136,837)	---	---
Subtotal, Common Fund.....	(677,970)	(549,066)	(534,066)	(549,066)	(544,106)	(-133,861)	(+10,043)	(-4,957)
Buildings and Facilities .....	125,581	125,581	100,909	125,581	100,000	-25,581	---	-25,581 D
Public Law 111-5 (emergency).....	500,000	---	---	---	---	-500,000	---	---
Subtotal.....	625,611	125,581	100,000	125,581	100,000	-525,611	---	-25,581
Total, National Institutes of Health (NIH).....	40,717,024	30,759,788	31,258,788	30,758,788	31,008,788	-9,708,236	-250,000	+260,000
Global HIV/AIDS Fund Transfer.....	-300,000	-300,000	-300,000	-300,000	-300,000	---	---	---

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2009 Comparable	FY 2010 Request	House	Senate	Conference	FY 2009 Comparable	Conference vs. FY 2010 House	FY 2010 Senate
Emergency appropriations . . . . .	(10,400,000)	---	---	---	---	(-10,400,000)	---	---
Evaluation Tap Funding . . . . .	(8,200)	(8,200)	(8,200)	(8,200)	(8,200)	---	---	---
Total, NIH (excluding emergencies) . . . . .	30,317,024	30,768,788	31,258,788	30,758,788	31,008,788	+481,784	-250,000	+250,000
Total, NIH Program Level . . . . .	(40,425,224)	(30,468,988)	(30,944,988)	(30,466,988)	(30,716,988)	(-8,708,238)	(-250,000)	(-250,000)
Total, NIH Program Level (excluding emergencies) . . . . .	(30,328,224)	(30,768,988)	(31,244,988)	(30,766,988)	(31,016,988)	(+481,784)	(-250,000)	(-250,000)
SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION (SAMHSA)								
SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES								
Mental Health.								
Programs of Regional and National Significance . . . . .	344,438	335,802	357,185	344,252	361,521	+17,043	+4,356	+18,288 D
Mental Health block grant . . . . .	399,735	399,735	399,735	399,735	399,735	---	---	---
Evaluation Tap Funding . . . . .	(21,039)	(21,039)	(21,039)	(21,039)	(21,039)	---	---	---
Subtotal, Program level . . . . .	(420,774)	(420,774)	(420,774)	(420,774)	(420,774)	---	---	---
Children's Mental Health . . . . .	108,373	125,316	125,316	120,316	121,316	+12,943	-4,000	+1,000 D
Grants to States for the Homeless (PATH) . . . . .	99,667	88,047	68,047	65,047	65,047	+5,360	-3,000	---
Protection and Advocacy . . . . .	35,880	35,880	36,880	35,880	36,380	+500	-500	+500 D
Subtotal, Mental Health . . . . .	948,113	984,780	987,143	947,230	983,999	+35,846	-3,144	+18,768
Subtotal, Mental health program level . . . . .	(989,182)	(885,819)	(1,008,182)	(988,269)	(1,005,038)	(+35,886)	(-3,144)	(+18,768)

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2008 Comparable	FY 2010 Request	House	Senate	Conference	FY 2009 Comparable	Conference vs. FY 2010 House	FY 2010 Senate
Substance Abuse Treatment Programs of Regional and National Significance.....	405,746	451,460	452,803	442,710	446,033	+40,287	-6,870	+3,323 D
Evaluation Tap Funding .....	(6,606)	(6,606)	(6,606)	(6,606)	(6,606)	---	---	---
Subtotal, Program level .....	(416,342)	(460,056)	(461,499)	(451,306)	(454,629)	(+40,287)	(-6,870)	(+3,323)
Substance Abuse block grant.....	1,698,391	1,698,391	1,698,391	1,738,391	1,710,391	+20,000	+20,000	-20,000 S
Evaluation Tap Funding .....	(70,200)	(70,200)	(70,200)	(70,200)	(70,200)	---	---	---
Subtotal, Program level.....	(1,778,091)	(1,778,091)	(1,778,091)	(1,618,601)	(1,798,591)	(+20,000)	(+20,000)	(-20,000)
Subtotal, Substance Abuse Treatment.....	2,105,137	2,160,661	2,162,294	2,182,101	2,185,424	+40,287	+13,130	-10,877
Subtotal, Program level .....	(2,192,933)	(2,236,947)	(2,240,886)	(2,268,807)	(2,253,220)	(+40,287)	(+13,130)	(-10,877)
Substance Abuse Prevention. Programs of Regional and National Significance .....	201,003	198,358	200,008	200,489	202,208	+1,206	+2,200	+1,750 D
Program Management.....	77,361	79,197	79,197	79,197	79,197	+1,816	---	---
Evaluation Tap funding (MA).....	(22,750)	(22,750)	(22,750)	(22,750)	(22,750)	---	---	---
Subtotal, Program level .....	100,131	101,947	101,947	101,947	101,947	+1,816	---	---
St. Elizabeth's Hospital--Environmental remediation.....	772	795	795	795	795	+23	---	---

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2009 Comparable	FY 2010 Request	House	Senate	Conference	FY 2009 Comparable	Conference vs. FY 2010 House	FY 2010 Senate
Data evaluation.	2,500	---	---	---	---	-2,500	---	0
<b>SAHSA</b>								
Total, SAHSA	3,334,906	3,393,832	3,419,438	3,429,782	3,431,824	+96,716	+12,186	+1,842
Evaluation Tap funding	(131,585)	(131,585)	(131,585)	(131,585)	(131,585)	---	---	---
Total, SAHSA program level	(3,486,491)	(3,525,467)	(3,551,023)	(3,561,367)	(3,563,209)	(+96,716)	(+12,186)	(+1,842)
<b>AGENCY FOR HEALTHCARE RESEARCH AND QUALITY (AHRQ)</b>								
<b>HEALTHCARE RESEARCH AND QUALITY</b>								
Research on Health Costs, Quality, and Outcomes: Federal Funds	---	---	---	---	---	---	---	0
Public Law 111-5 (emergency)	700,000	---	---	---	---	-700,000	---	---
Evaluation Tap funding (MA)	(314,053)	(314,053)	(309,053)	(314,053)	(336,553)	(+21,500)	(+26,500)	(+21,500) MA
Patient-Centered Health Research (MA)	(50,000)	(50,000)	(12,500)	(50,000)	(21,000)	(-29,000)	(+8,500)	(-29,000) MA
Patient Safety Research and Health (MA)	(93,709)	(93,709)	(98,905)	(93,709)	(118,230)	(+24,521)	(+19,325)	(+24,521) MA
Subtotal, Program level (excl. emergencies)	(314,053)	(314,053)	(309,053)	(314,053)	(336,553)	(+21,500)	(+26,500)	(+21,500)

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2009 Comparable	FY 2010 Request	House	Senate	Conference	FY 2009 Comparable	Conference vs FY 2010 House	FY 2010 Senate
Medical Expenditures Panel Surveys: Federal Funds.....	---	---	---	---	---	---	---	---
Evaluation Tap funding (MA).....	(56,300)	(56,300)	(60,300)	(55,300)	(58,800)	(+3,500)	(-1,500)	(+3,500) MA
Subtotal, Medical Expenditures Panel Surveys ..	(56,300)	(56,300)	(60,300)	(55,300)	(58,800)	(+3,500)	(-1,500)	(+3,500)
Program Support: Evaluation Tap funding (MA) ..	(2,700)	(2,700)	(2,700)	(2,700)	(2,700)	---	---	---
Total, AMHQ.....	700,000	---	---	---	---	-700,000	---	---
Total, AMHQ (excluding emergencies).....	---	---	---	---	---	---	---	---
Evaluation Tap funding (MA) ..	(372,053)	(372,053)	(372,053)	(372,053)	(397,053)	(+25,000)	(+25,000)	(+25,000)
Total, AMHQ program level.....	(1,072,053)	(372,053)	(372,053)	(372,053)	(397,053)	(-675,000)	(+25,000)	(+25,000)
Total, AMHQ program level (exc1. emergencies)...	(372,053)	(372,053)	(372,053)	(372,053)	(397,053)	(+25,000)	(+25,000)	(+25,000)
Total, Public Health Service (PHS) appropriation Total, Public Health Service program level.....	61,266,440 (61,856,529)	47,777,593 (46,346,223)	48,479,890 (49,086,391)	48,346,361 (48,024,274)	48,484,936 (48,100,131)	-12,601,504 (-12,755,398)	+5,246 (+13,740)	+138,576 (+475,857)
Total, PHS appropriation (excluding emergencies) Total, PHS program level (excluding emergencies)	47,346,440 (47,816,529)	47,777,593 (46,346,223)	48,479,890 (49,086,391)	48,346,361 (48,024,274)	48,484,936 (48,100,131)	+1,138,496 (+1,184,602)	+5,246 (+13,740)	+138,576 (+475,857)
CENTERS FOR MEDICARE AND MEDICAID SERVICES GRANTS TO STATES FOR MEDICAID								
Medicaid current law benefits.....	241,748,840	276,957,508	276,957,508	276,957,508	276,957,508	+35,208,668	---	---

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2009 Comparable	FY 2010 Request	House	Senate	Conference	FY 2009 Comparable	Conference vs. FY 2010 House	FY 2010 Senate
State and local administration.....	12,921,152	12,381,233	12,381,233	12,381,233	12,381,233	+360,001	---	---
Vaccines for Children.....	3,377,911	3,323,770	3,323,770	3,323,770	3,323,770	-54,141	---	---
Subtotal, Medicaid program level.....	257,147,793	252,662,511	252,662,511	252,662,511	252,662,511	+35,514,808	---	---
Less funds advanced in prior year.....	-87,292,600	-71,700,038	-71,700,038	-71,700,038	-71,700,038	-4,407,369	---	---
Total, Grants to States for Medicaid. New advance, 1st quarter.....	189,855,034	220,962,473	220,962,473	220,962,473	220,962,473	+31,107,439	---	---
	71,769,036	86,769,362	86,769,362	86,769,362	86,769,362	+15,000,344	---	---
PAYMENTS TO HEALTH CARE TRUST FUNDS								
Supplemental medical insurance.....	150,077,000	153,060,000	153,060,000	153,060,000	153,060,000	+2,983,000	---	---
Hospital insurance for the uninsured.....	351,000	-414,000	-414,000	-414,000	-414,000	-765,000	---	---
Federal uninsured payment.....	283,000	272,000	272,000	272,000	272,000	+9,000	---	---
Program management.....	251,000	338,070	403,070	338,070	393,070	+112,070	-10,000	+55,000
General revenue for Part D benefit.....	44,999,000	53,180,000	53,180,000	53,180,000	53,180,000	+8,181,000	---	---
General revenue for Part D administration.....	547,000	484,000	484,000	484,000	484,000	-63,000	---	---
HCFA reimbursement.....	180,000	311,000	311,000	311,000	311,000	+113,000	---	---
Quinquennial adjustment.....	1,028,000	---	---	---	---	-1,028,000	---	---
Total, Payments to Trust Funds, program level.....	197,744,000	207,231,070	207,296,070	207,231,070	207,286,070	+8,542,070	-10,000	+55,000

**LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES**  
(Amounts in thousands)

	FY 2009 Comparable	FY 2010 Request	House	Senate	Conference	FY 2009 Comparable	Conference vs. FY 2010 House	FY 2010 Senate
<b>PROGRAM MANAGEMENT</b>								
Research, Demonstration, Evaluation.....	30,192	56,976	31,800	34,978	35,800	+5,408	+4,000	-3,378 TF
Medicare Operations.....	2,268,716	2,363,842	2,323,842	2,347,862	2,335,862	+70,147	+12,000	-12,000 TF
State Survey and Certification.....	293,126	346,000	346,000	346,000	346,000	+53,772	---	--- TF
Public Law 111-5 (emergency).....	10,000	---	---	---	---	-10,000	---	---
High risk insurance pools.....	75,000	---	65,000	---	55,000	-20,000	-10,000	+65,000 TF
Federal Administration.....	641,351	687,760	696,000	687,700	696,800	+55,529	+800	-800 TF
<b>HEALTH CARE FRAUD AND ABUSE CONTROL</b>								
Total, Program management, Limitation on new MA	3,316,346	3,465,500	3,463,362	3,431,500	3,470,242	+154,856	+6,800	+38,742
Total, program level (excluding emergencies)....	3,316,346	3,465,500	3,463,362	3,431,500	3,470,242	+154,856	+6,800	+38,742
<b>Part D drug benefit/Medicare advantage (RIP).....</b>	147,038	220,320	220,320	220,320	220,320	+73,282	---	--- TF
HHS Office of Inspector General .....	18,867	28,780	28,780	28,780	28,780	+10,823	---	--- TF
Department of Justice .....	18,867	28,780	28,780	28,780	28,780	+10,823	---	--- TF
Medicaid/SCHIP .....	13,028	31,100	31,100	31,100	31,100	+18,072	---	--- TF
<b>Total, Health Care Fraud and Abuse Control.....</b>	198,000	311,000	311,000	311,000	311,000	+113,000	---	---

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2009 Comparable	FY 2010 Request	House	Senate	Conference	FY 2009 Comparable	Conference vs. FY 2010 House	FY 2010 Senate
Total, Centers for Medicare and Medicaid Services	442,812,458	518,759,425	518,822,287	518,725,425	518,619,167	+56,006,709	-3,120	+93,742
Federal funds.....	459,299,072	514,942,925	515,047,925	514,942,925	515,037,925	+55,738,853	-10,000	+85,000
Current year.....	(307,599,034)	(428,193,543)	(428,258,543)	(428,193,543)	(428,248,543)	(+40,849,509)	(-10,000)	(+55,000)
New advance, FY 2011.....	(71,706,038)	(86,759,382)	(86,789,382)	(86,759,382)	(86,789,382)	(+18,089,344)	---	---
Trust Funds.....	3,503,386	3,776,600	3,774,362	3,742,500	3,781,242	+277,858	+6,880	+38,742
Trust Funds (emergency).....	10,000	---	---	---	---	-10,000	---	---
Total, Centers (excluding emergencies).....	442,802,458	518,759,425	518,822,287	518,725,425	518,619,167	+56,016,709	-3,120	+93,742
ADMINISTRATION FOR CHILDREN AND FAMILIES								
PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS								
Payments to territories.....	33,000	33,000	33,000	33,000	33,000	---	---	---
Repatriation.....	1,000	1,000	1,000	1,000	1,000	---	---	---
Subtotal, Welfare payments.....	34,000	34,000	34,000	34,000	34,000	---	---	---
Child Support Enforcement:								
State and local administration.....	3,768,699	4,023,509	4,023,509	4,023,509	4,023,509	+254,810	---	---
Federal incentive payments.....	504,000	504,000	504,000	504,000	504,000	---	---	---
Access and visitation.....	10,000	10,000	10,000	10,000	10,000	---	---	---
Subtotal, Child Support Enforcement.....	4,282,699	4,537,509	4,537,509	4,537,509	4,537,509	+254,810	---	---



LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2009 Comparable	FY 2010 Request	House	Senate	Conference	FY 2009 Comparable	Conference vs. FY 2010 House	FY 2010 Senate
Total, Family support payments program level.....	4,316,600	4,571,500	4,571,500	4,571,500	4,571,500	+254,810	---	
Less funds advanced in previous years.....	-1,000,000	-1,000,000	-1,000,000	-1,000,000	-1,000,000	---	---	
Total, Family support payments, current year.....	3,316,600	3,571,500	3,571,500	3,571,500	3,571,500	+254,810	---	
New advance, 1st quarter, FY 2011.....	1,000,000	1,100,000	1,100,000	1,100,000	1,100,000	+100,000	---	
LOW-INCOME HOME ENERGY ASSISTANCE (LINEAP)								
Formula grants.....	---	2,410,000	4,500,872	4,500,872	4,500,872	+4,500,872	---	
Continuing Appropriations, 2009 (PL 110-328) (MA).	(1,960,000)	---	---	---	---	(-1,960,000)	---	
(emergency) (PL 110-328) (MA).....	(2,520,872)	---	---	---	---	(-2,520,872)	---	
Subtotal, Formula grants.....	4,500,872	2,410,000	4,500,872	4,500,872	4,500,872	---	---	
Contingency fund.....	---	700,000	500,328	500,328	500,328	+500,328	---	
Continuing Appropriations, 2009 (PL 110-328) (MA).	(340,328)	---	---	---	---	(-340,328)	---	
(emergency) (PL 110-328) (MA).....	(250,000)	---	---	---	---	(-250,000)	---	
Subtotal, Contingency fund.....	600,328	700,000	500,328	500,328	500,328	---	---	
Total, LINEAP.....	---	3,200,000	5,100,000	5,100,000	5,100,000	+5,100,000	---	
Total, LINEAP, program level.....	5,100,000	3,200,000	5,100,000	5,100,000	5,100,000	---	---	
Total, LINEAP, program level (excl. emergencies)	2,320,328	3,200,000	5,100,000	5,100,000	5,100,000	+2,779,672	---	

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2009 Comparable	FY 2010 Request	House	Senate	Conference	FY 2009 Comparable	Conference vs. FY 2010 House	FY 2010 Senate
<b>REFUGEE AND ENTRANT ASSISTANCE</b>								
Transitional and Medical Services.....	282,348	337,102	337,102	353,332	353,332	+70,984	+16,230	---
Victims of Trafficking.....	9,814	9,814	9,814	9,814	9,814	---	---	---
Social Services.....	154,006	154,006	154,006	154,006	154,006	---	---	---
Preventive Health.....	4,748	4,748	4,748	4,748	4,748	---	---	---
Targeted Assistance.....	48,890	48,890	48,890	48,890	48,890	---	---	---
Unaccompanied minors.....	123,120	176,861	149,361	149,361	149,361	+26,231	---	---
Public Law 111-32 (emergency).....	82,000	---	---	---	---	-82,000	---	---
Victims of Torture.....	10,817	10,817	11,368	10,817	11,088	+271	-270	+271
Total, Refugee and entrant assistance.....	715,442	740,657	714,888	730,657	730,928	+15,486	+15,980	+271
Total, REA (excluding emergency).....	633,442	740,657	714,888	730,657	730,928	+87,486	+16,940	+271
<b>PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT</b>								
Child Care and Development Block Grant.....	2,127,081	2,127,081	2,127,081	2,127,081	2,127,081	---	---	---
Public Law 111-5 (emergency).....	2,000,000	---	---	---	---	-2,000,000	---	---
Total, Child Care and Development Block Grant.....	4,127,081	2,127,081	2,127,081	2,127,081	2,127,081	-2,000,000	---	---
Total, CCDBG (excluding emergency).....	2,127,081	2,127,081	2,127,081	2,127,081	2,127,081	---	---	---

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2009 Comparable	FY 2010 Request	House	Senate	Conference	FY 2009 Comparable	Conference vs FY 2010 House	FY 2010 Senate
SOCIAL SERVICES BLOCK GRANT (TITLE XXI).....	1,700,000	1,700,000	1,700,000	1,700,000	1,700,000	...	...	...
CHILDREN AND FAMILIES SERVICES PROGRAMS								
Programs for Children, Youth and Families.....	7,112,786	7,234,783	7,234,783	7,234,783	7,234,783	+121,987	...	...
Head Start, current funded.....	(1,388,800)	---	---	---	---	(-1,388,800)	---	MA
Advance from prior year.....	2,100,000	---	---	---	---	-2,100,000	---	D
Public Law 111-5 (emergency).....	---	---	---	---	---	---	---	---
Subtotal (excluding emergencies).....	7,112,786	7,234,783	7,234,783	7,234,783	7,234,783	+121,987	---	---
Consolidated Runaway, Homeless Youth Program.....	97,234	97,234	98,234	97,234	97,734	+500	-500	+500 D
Prevention grants to reduce abuse of runaway youth	17,721	17,721	18,721	17,721	17,971	+250	-750	+250 D
Child Abuse State Grants.....	28,535	28,535	28,535	28,535	28,535	---	---	---
Child Abuse Discretionary Activities.....	41,767	39,345	40,595	41,070	28,020	-12,737	-11,575	-12,050 D
Community based child abuse prevention.....	41,689	41,689	41,689	41,689	41,689	---	---	---
Abandoned Infants Assistance.....	11,628	11,628	11,628	11,628	11,628	---	---	---
Child Welfare Services.....	281,744	281,744	281,744	281,744	281,744	---	---	---
Child Welfare Training.....	7,207	7,207	7,207	7,207	7,207	---	---	---
Innovative Approaches to Foster Care.....	---	20,000	20,000	20,000	20,000	+20,000	---	---

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2009 Comparable	FY 2010 Request	House	Senate	Conference	FY 2009 Comparable	Conference vs. FY 2010 House	FY 2010 Senate
Adoption Opportunities .....	26,379	26,379	26,379	26,379	26,379	---	---	---
Adoption Incentive .....	39,500	39,500	39,500	39,500	39,500	+3,000	---	---
Adoption Awareness .....	12,953	12,953	12,953	12,953	12,953	---	---	---
Compassion Capital Fund .....	47,688	---	---	---	---	-47,688	---	---
Strengthening Communities Fund .....	---	50,000	---	---	---	---	---	---
Public Law 111-5 (emergency) .....	50,000	---	---	---	---	-50,000	---	---
Social Services and Income Maintenance Research .....	14,488	---	13,589	3,876	19,610	+6,112	+6,041	+16,735
Evaluation tap funding .....	(6,762)	(6,762)	(6,762)	(5,762)	(5,762)	---	---	MA
Subtotal, Program level (excl. emergencies) .....	(20,280)	(6,762)	(10,331)	(9,637)	(25,372)	(+6,112)	(+6,041)	(+16,735)
Developmental Disabilities Program:								
State Councils .....	74,316	74,316	74,316	75,816	75,086	+750	+750	-750
Protection and Advocacy .....	40,024	40,024	41,024	41,024	41,024	+1,000	---	---
Voting access for individuals with disabilities .....	17,410	17,410	17,410	17,410	17,410	---	---	---
Developmental Disabilities Projects of National Significance .....	14,162	14,162	14,662	14,162	14,162	---	-500	---

**LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES**  
(Amounts in thousands)

	FY 2009 Comparable	FY 2010 Request	House	Senate	Conference	FY 2009 Comparable	Conference vs. FY 2010 House	FY 2010 Senate
University Centers for Excellence in Developmental Disabilities.....	37,943	37,943	38,943	39,443	38,943	+1,000	---	D -500 D
Subtotal, Developmental disabilities program...	183,856	183,856	186,356	187,856	186,806	+2,750	+250	-1,250
Native American Programs.....	47,023	47,023	48,523	49,023	48,773	+1,760	+250	-250 D
Community Services:								
Community Services Block Grant Act programs:								
Grants to States for Community Services.....	760,000	700,000	700,000	700,000	700,000	---	---	---
Public Law 111-5 (emergency).....	1,000,000	---	---	---	---	-1,000,000	---	---
Economic Development.....	36,000	36,000	36,000	36,000	36,000	---	---	---
Rural Community Facilities.....	10,000	---	10,000	10,000	10,000	---	---	---
Subtotal (excluding emergencies).....	746,000	736,000	746,000	746,000	746,000	---	---	---
Job Opportunities for Low-Income Individuals..	5,285	5,288	---	5,288	2,644	-2,644	+2,644	-2,644 D
Individual Development Account Initiative....	24,026	24,026	24,026	24,026	24,026	---	---	---
Subtotal, Community Services (excl. emergencies)	775,313	765,313	770,026	775,313	772,889	-2,644	+2,644	-2,644
Domestic Violence Hotline.....	3,209	3,209	3,209	3,209	3,209	---	---	---
Family Violence/Battered Women's Shelters.....	127,776	127,776	133,776	127,776	130,062	+2,276	-3,724	+2,276 D
Mentoring Children of Prisoners.....	49,314	49,314	49,314	49,314	49,314	---	---	---

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2009 Comparable	FY 2010 Request	House	Senate	Conference	FY 2009 Comparable	Conference vs. FY 2010 House	FY 2010 Senate
Independent Living Training Vouchers.....	45,351	45,351	45,351	45,351	45,351	---	---	---
Community-based Abstinence Education.....	94,659	---	---	---	---	-94,659	---	---
Evaluation Tap Funding.....	(4,455)	---	---	---	---	(-4,455)	---	MA
Subtotal, Abstinence Education.....	(99,114)	---	---	---	---	(-99,114)	---	---
Faith-Based Center.....	1,362	1,376	1,376	1,376	1,376	+14	---	---
Disaster human services case management.....	---	2,000	2,000	2,000	2,000	+2,000	---	---
Program Direction.....	199,930	217,624	213,465	206,930	208,430	+11,600	-5,055	+1,500
Total, Children and Families Services Programs.....	12,451,111	9,349,559	9,326,861	9,310,465	9,314,532	-3,136,579	-12,419	+4,067
Current Year.....	(9,301,111)	(9,349,559)	(9,326,861)	(9,310,465)	(9,314,532)	(-13,421)	(-12,419)	(+4,067)
Current Year (emergency).....	(3,150,000)	---	---	---	---	(-3,150,000)	---	---
Evaluation Tap funding.....	(10,217)	(5,762)	(5,762)	(5,762)	(5,762)	(-4,455)	---	---
Total, CFSP (excluding emergencies).....	9,301,111	9,348,559	9,326,861	9,310,465	9,314,532	+13,421	-12,419	+4,067
Total, Program level.....	(12,451,326)	(9,355,321)	(9,332,713)	(9,316,227)	(9,320,284)	(-3,141,034)	(-12,419)	(+4,067)
Total, Program level (excluding emergencies).....	(9,311,326)	(9,355,321)	(9,332,713)	(9,316,227)	(9,320,284)	(+8,966)	(-12,419)	(+4,067)
PROMOTING SAFE AND STABLE FAMILIES ..	345,000	345,000	345,000	345,000	345,000	---	---	---
Discretionary Funds.....	63,311	63,311	63,311	63,311	63,311	---	---	---

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2009 Comparable	FY 2010 Request	House	Senate	Conference	FY 2009 Comparable	Conference vs. FY 2010 House	FY 2010 Senate
<b>PAYMENTS FOR FOSTER CARE AND PERMANENCY</b>								
Foster Care.....	4,649,000	4,681,000	4,681,000	4,681,000	4,681,000	+21,000	---	---
Adoption Assistance.....	2,371,000	2,462,000	2,462,000	2,462,000	2,462,000	+91,000	---	---
Kinship Guardianship.....	14,000	49,000	49,000	49,000	49,000	+35,000	---	---
Independent living.....	140,000	149,000	149,000	149,000	149,000	---	---	---
Total, Payments to States.....	7,185,000	7,332,000	7,332,000	7,332,000	7,332,000	+147,000	---	---
Less Advances from Prior Year.....	-1,776,000	-1,809,000	-1,809,000	-1,809,000	-1,809,000	-24,000	---	---
Total, payments, current year.....	5,409,000	5,523,000	5,523,000	5,523,000	5,523,000	+123,000	---	---
New Advances, 1st quarter.....	1,800,000	1,850,000	1,850,000	1,850,000	1,850,000	+50,000	---	---
<b>Total, Administration for Children &amp; Families.</b>								
Current year.....	30,927,944	29,579,117	31,430,820	31,430,820	31,434,361	+606,717	+3,541	+4,338
Current Year (emergency).....	(22,898,944)	(26,829,117)	(28,489,820)	(28,489,820)	(28,494,361)	(+5,588,717)	(+3,541)	(+4,338)
FY 2011.....	(5,233,000)	---	---	---	---	(-5,232,000)	---	---
Evaluation Top Funding.....	(2,900,000)	(2,940,000)	(2,950,000)	(2,950,000)	(2,950,000)	(-150,000)	---	---
Total, ACF (excluding emergencies).....	(10,217)	(5,762)	(6,762)	(6,762)	(6,762)	(-4,485)	---	---
Total, ACF (including emergencies).....	25,896,944	29,579,117	31,430,820	31,430,820	31,434,361	+5,738,717	+3,541	+4,338
Total, ACF program level.....	30,937,961	29,564,879	31,436,582	31,435,786	31,440,123	+602,262	+3,541	+4,338
Total, ACF program level (excl. emergencies).....	28,705,041	28,564,879	31,436,582	31,435,786	31,440,123	+6,734,282	+3,541	+4,338

LEADERSHIP AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2009 Comparable	FY 2010 Request	House	Senate	Conference	FY 2009 Comparable	Conference vs. FY 2010 House	FY 2010 Senate
<b>ADMINISTRATION ON AGING</b>								
<b>AGING SERVICES PROGRAMS</b>								
<b>Grants to States:</b>								
Home and Community-based Supportive Services.....	381,348	381,348	371,348	381,348	369,348	+7,000	-3,000	+7,000 D
Preventive Health.....	21,026	21,026	21,026	21,026	21,026	---	---	---
Protection of Vulnerable Older Americans-Title VII	21,343	21,343	21,343	22,343	21,343	+500	+500	-500 D
Family Caregivers.....	164,220	164,220	164,220	164,220	164,220	---	---	---
Native American Caregivers Support.....	6,388	6,388	6,388	6,388	6,388	---	---	---
<b>Subtotal, Caregivers.....</b>	<b>100,009</b>	<b>100,009</b>	<b>100,009</b>	<b>100,009</b>	<b>100,009</b>	<b>---</b>	<b>---</b>	<b>---</b>
<b>Nutrition:</b>								
Congregate Meals.....	434,269	434,269	447,267	434,269	440,763	+9,514	-6,514	+9,514 D
Public Law 111-5 (emergency).....	65,000	---	---	---	---	-65,000	---	---
Home Delivered Meals.....	214,459	214,459	220,463	214,459	217,476	+3,217	-3,217	+3,217 D
Public Law 111-5 (emergency).....	32,000	---	---	---	---	-32,000	---	---
Nutrition Services Incentive Program.....	181,016	181,016	181,016	181,016	181,016	---	---	---
<b>Subtotal (excluding emergencies).....</b>	<b>809,743</b>	<b>809,743</b>	<b>829,205</b>	<b>809,743</b>	<b>819,474</b>	<b>+9,731</b>	<b>-9,731</b>	<b>+9,731</b>
<b>Subtotal, Grants to States (excl. emergencies)</b>	<b>1,374,109</b>	<b>1,374,109</b>	<b>1,403,671</b>	<b>1,374,109</b>	<b>1,391,340</b>	<b>+17,231</b>	<b>-12,231</b>	<b>+16,231</b>



LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2009 Comparable	FY 2010 Request	House	Senate	Conference	FY 2009 Comparable	Conference vs. FY 2010 House	FY 2010 Senate
Grants for Native Americans.....	27,208	27,208	28,208	27,208	27,768	+560	-560	+560 D
Public Law 111-6 (emergency).....	3,000	---	---	---	---	-3,000	---	---
Program Innovations.....	18,172	13,849	21,128	14,244	19,023	+851	-2,105	+4,778 D
Aging Network Support Activities.....	41,894	44,283	44,283	44,283	44,283	+2,689	---	---
Alzheimer's Disease Demonstrations.....	11,484	11,484	11,484	11,484	11,484	---	---	---
Lifespan Respite Care.....	2,500	2,500	2,500	2,500	2,500	---	---	---
Program Administration.....	18,096	21,230	18,727	20,230	19,878	+1,283	+252	-251 D
Total, Administration on Aging.....	1,593,843	1,493,843	1,530,881	1,486,038	1,516,297	-77,848	-14,884	+21,258
Total, Admin. on Aging (excluding emergencies)...	1,493,843	1,493,843	1,430,881	1,486,038	1,516,297	+22,454	-14,884	+21,258
OFFICE OF THE SECRETARY								
GENERAL DEPARTMENTAL MANAGEMENT								
General Departmental Management:								
Federal Funds.....	184,252	205,026	198,384	184,875	198,260	+4,028	-104	+3,405 D
Trust Funds.....	5,851	5,851	5,851	5,851	5,851	---	---	---
Subtotal.....	289,103	210,876	204,235	200,726	204,111	+4,828	-104	+3,485

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2008 Comparable	FY 2010 Request	House	Senate	Conference	FY 2008 Comparable	Conference vs. FY 2010 House	FY 2010 Senate
Teen Pregnancy Prevention Community Grants 4/.....	---	110,000	110,000	100,000	110,000	+110,000	---	+10,000 D
Evaluation tap funding.....	---	(4,455)	(4,455)	(4,455)	(4,455)	(+4,455)	---	--- MA
Subtotal, Teen Pregnancy Prevention Com Grants..	---	(114,455)	(114,455)	(104,455)	(114,455)	(+114,455)	---	(+10,000)
Adolescent Family Life (Title XX).....	29,776	29,776	29,776	16,656	16,656	-13,120	-13,120	--- D
Minority health.....	82,866	84,866	86,000	85,856	86,000	+3,044	---	+44 D
Office of women's health.....	33,746	33,746	33,746	33,746	33,746	---	---	--- D
Minority HIV/AIDS.....	51,891	51,891	53,891	51,891	53,891	+2,000	---	+2,000 D
Afghanistan.....	5,789	5,789	5,789	5,789	5,789	---	---	--- D
Transformation of the Commissioned Corps.....	16,813	16,813	14,813	14,813	14,813	---	---	--- D
Embryo adoption awareness campaign.....	4,200	4,200	4,200	4,200	4,200	---	---	--- D
Planning and evaluation, Evaluation tap funding .....	(46,756)	(59,756)	(69,756)	(59,756)	(60,756)	(+14,000)	(-9,000)	(+1,000) MA
Total, General Departmental Management.....	393,276	517,049	512,452	483,770	499,228	+105,952	-13,224	+15,449
Federal Funds.....	(367,426)	(511,196)	(506,901)	(477,926)	(493,377)	(+105,852)	(-13,224)	(+15,449)
Trust Funds.....	5,851	5,851	5,851	5,851	5,851	---	---	---
Evaluation tap funding (MA).....	(46,756)	(64,211)	(74,211)	(64,211)	(66,211)	(+18,455)	(-9,000)	(+1,000)
Total, General Departmental Management program..	440,932	581,260	596,943	547,990	564,439	+124,407	-22,224	+16,449
OFFICE OF MEDICARE HEARINGS AND APPEALS.....	84,664	71,147	71,147	71,147	71,147	+6,543	---	--- TF

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2009 Comparable	FY 2010 Request	House	Senate	Conference	FY 2009 Comparable	Conference vs. FY 2010 House	FY 2010 Senate
OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY .....	43,662	42,331	---	42,331	42,331	-1,221	+42,331	---
Public Law 111-5 (emergency) .....	2,000,000	---	---	---	---	-2,000,000	---	---
Evaluation Gap funding .....	(17,879)	(16,011)	(61,342)	(16,011)	(16,011)	(+1,332)	(-42,331)	MA
Total, program level (excluding emergencies) ..	(61,251)	(61,342)	(61,342)	(61,342)	(61,342)	(+111)	---	---
OFFICE OF INSPECTOR GENERAL								
Inspector General Federal Funds .....	45,278	50,278	50,278	50,278	50,278	+5,000	---	---
Public Law 111-5 (emergency) .....	17,000	---	---	---	---	-17,000	---	---
HIPAA/MCFAC funding (MA) .....	(177,206)	(177,206)	(177,206)	(177,206)	(177,206)	---	---	MA
Medicaid integrity program								MA
Deficit Reduction Act (P.L. 109-171) (MA) .....	(25,000)	(25,000)	(25,000)	(25,000)	(25,000)	---	---	MA
Total, Inspector General program level .....	(284,484)	(252,484)	(252,484)	(252,484)	(252,484)	(-12,000)	---	---
Total, IG program level (excluding emergencies) ..	(287,484)	(252,484)	(252,484)	(252,484)	(252,484)	(+35,000)	---	---
OFFICE FOR CIVIL RIGHTS:								
Federal Funds .....	36,785	37,785	37,785	37,785	37,785	+1,000	---	---
Trust Funds .....	3,314	3,314	3,314	3,314	3,314	---	---	TF
Total, Office for Civil Rights .....	40,099	41,099	41,099	41,099	41,099	+1,000	---	---

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2009 Comparable	FY 2010 Request	House	Senate	Conference	FY 2009 Comparable	Conference vs. FY 2010 House	FY 2010 Senate
<b>RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS</b>								
Retirement payments.....	339,362	356,455	356,455	356,455	356,455	+17,103	---	---
Survivors benefits.....	19,474	24,893	24,893	24,893	24,893	+5,119	---	---
Dependents' medical care.....	75,848	93,609	93,609	93,609	93,609	+17,841	---	---
Total medical benefits for Commissioned Officers	434,684	474,957	474,957	474,957	474,957	+39,863	---	---
<b>PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND</b>								
Assistant Secretary for Preparedness and Response								
Operations.....	12,847	12,847	12,847	12,847	12,847	---	---	0
Preparedness and emergency operations.....	22,225	36,545	36,545	30,565	33,045	+10,840	-2,500	+2,500
National disaster medical system.....	49,500	56,037	56,037	56,037	56,037	+6,537	---	---
Hospital Preparedness Cooperative Agreement Grants: Formula grants.....	379,787	429,000	429,000	429,000	429,000	+49,203	---	---
Other costs.....	19,768	---	---	---	---	-19,768	---	---
Emergency System for Advanced Registration of Volunteer Health Professionals (ESAR-VHP).....	6,000	6,000	6,000	6,000	6,000	---	---	---
Emergency care system.....	---	18,000	---	---	---	---	---	---
Advanced research and development.....	275,000	305,000	305,000	305,000	305,000	+30,000	---	---

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2009 Comparable	FY 2010 Request	House	Senate	Conference	FY 2009 Comparable	Conference vs. FY 2010 House	FY 2010 Senate
Project Bioshield Special Reserve Fund 3/.....	---	1,264,000	764,000	1,264,000	960,000	+960,000	+196,000	-304,000 D
Bioshield management.....	22,962	22,364	22,364	22,364	22,364	+312	---	---
Medical Countermeasures Dispensing.....	---	10,000	10,000	10,000	10,000	+10,000	---	---
Global Medicine, Science, and Public Health.....	8,930	8,748	8,748	8,748	8,748	+58	---	---
Policy, strategic planning, and communications.....	4,282	4,367	4,367	4,367	4,367	+75	---	---
Subtotal, AS for Preparedness and Response.....	785,181	2,154,928	1,644,928	2,139,928	1,838,428	+1,050,237	+193,500	-301,500 D
Assistant Secretary for Resources and Technology, Cyber security.....	9,966	56,000	14,000	40,000	27,040	+18,134	+12,960	-12,960 D
Public Law 111-5 (emergency).....	50,000	---	---	---	---	-50,000	---	---
Office of security and strategic information.....	3,263	4,893	4,893	4,893	4,893	+1,630	---	---
Office of Public Health and Science								D
Medical Reserve Corps.....	12,344	12,561	12,561	12,561	12,561	+237	---	---

## LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES

(Amounts in thousands)

	FY 2008 Comparable	FY 2010 Request	House	Senate	Conference	FY 2009 Comparable	Conference vs. FY 2010 House	FY 2010 Senate
<b>Office of the Secretary</b>								
Parkman lease expiration.....	---	192,000	70,000	89,585	89,585	+89,585	-415	---
Pandemic influenza preparedness: Available until expended.....	507,000	276,000	276,000	276,000	276,000	-231,000	---	---
Public Law 111-32 (emergency).....	7,650,000	---	---	---	---	-7,650,000	---	---
Fiscal year 2010.....	70,091	70,167	70,167	70,167	70,167	+76	---	---
Subtotal, Office of the Secretary.....	8,235,091	468,167	424,167	423,752	423,752	-7,811,339	-415	---
Subtotal, Non-pandemic flu/BAHA/BioShield/Parkman	(537,704)	(653,482)	(607,482)	(628,402)	(617,942)	(+40,236)	(+10,460)	(-10,460)
Total, PHSSEF.....	8,097,796	2,678,569	2,100,649	2,621,154	2,306,894	-6,781,101	+206,045	-314,460
Total, PHSSEF (excluding emergencies).....	1,387,796	2,870,569	2,100,649	2,621,154	2,306,894	+800,889	+206,045	-314,460
Prevention and Wellness Fund (PL 111-5) (emergency)....	650,000	---	---	---	---	-650,000	---	---
<b>Total, Office of the Secretary</b>								
Federal Funds.....	12,786,299	3,876,031	3,260,183	3,784,346	3,485,335	-9,300,864	+235,152	-209,011
Federal Funds (emergency).....	2,345,530	3,784,719	3,169,871	3,704,034	3,405,023	+1,869,493	+235,152	-209,011
Trust Funds.....	18,387,000	---	---	---	---	-10,387,000	---	---
Evaluation tap funding (MA).....	73,769	80,312	80,312	80,312	80,312	+6,543	---	---
	(84,436)	(83,222)	(135,563)	(83,222)	(84,222)	(+10,787)	(-51,351)	(+1,000)
Total, Ofce of the Secretary (excl. emergencies)	2,483,734	3,955,253	3,385,736	3,807,568	3,560,567	+1,065,823	+183,431	-209,011

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2009 Comparable	FY 2010 Request	House	Senate	Conference	FY 2009 Comparable	Conference vs. FY 2010 House	FY 2010 Senate
Total, Title II, Dept of Health & Human Services	549,406,884	601,486,009	603,513,861	603,781,193	603,740,096	+34,333,412	+226,236	-41,097
Federal Funds	648,826,525	597,828,197	599,849,187	599,849,381	599,878,542	+34,049,613	+219,355	-79,839
Current year	(461,866,491)	(507,888,816)	(509,819,868)	(510,218,986)	(510,139,166)	(+48,548,869)	(+219,355)	(-79,839)
Current Year (emergency)	(29,639,000)	---	---	---	---	---	---	---
FY 2011	(74,599,039)	(99,739,382)	(99,739,382)	(99,739,382)	(99,739,382)	(+15,239,344)	---	---
Trust Funds	3,877,156	3,656,812	3,664,674	3,932,812	3,961,554	+286,389	+4,880	+38,742
Total, Title II (excluding emergency)	528,787,944	601,486,009	603,513,861	603,781,193	603,740,096	+43,982,412	+226,236	-41,097

Title II Footnotes:

- 1/ Includes Kids Safety and Health
- 2/ Budget request and House proposed funding for Teenage Pregnancy Prevention Grants under the Administration for Children and Families.
- 3/ FY 2010 request proposes to transfer the Project Bioshield Special Fund from Dept. of Homeland Security

TITLE III - DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

Grants to Local Educational Agencies (LEAs)

Basic Grants:

Advance from prior year	(633,827)	(2,946,721)	(2,946,721)	(2,946,721)	(2,946,721)	(+2,312,894)	---	---	MA
Forward funded	3,647,225	2,147,225	3,148,801	2,947,225	3,148,801	-501,424	---	+108,876	D FF
Current funded	4,000	4,000	4,000	4,000	4,000	---	---	---	D

Subtotal, Basic grants current year approp...

Subtotal, Basic grants current year approp...	3,661,225	2,151,225	3,148,801	2,951,225	3,148,801	-501,424	---	+108,876	
Subtotal, Basic grants total funds available	(4,286,052)	(5,997,946)	(6,096,822)	(6,097,946)	(6,096,822)	(+1,811,470)	---	(+108,876)	

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2009 Comparable	FY 2010 Request	House	Senate	Conference	FY 2009 Comparable	Conference vs. FY 2010 House	FY 2010 Senate
Basic Grants FY 2011 Advance.....	2,946,721	2,946,721	3,448,145	2,946,721	3,448,145	+501,424	---	+501,424 D
Subtotal, Basic grants, program level.....	6,597,946	6,597,946	6,597,946	6,597,946	6,597,946	---	---	+700,000
Concentration Grants:								
Advance from prior year.....	(1,365,031)	(1,365,031)	(1,365,031)	(1,365,031)	(1,365,031)	---	---	---
FY 2011 Advance.....	1,365,031	1,365,031	1,365,031	1,365,031	1,365,031	---	---	---
Targeted Grants:								
Forward funded.....	---	---	250,712	---	250,712	+250,712	---	+250,712 D FF
Public Law 111-5 (emergency).....	6,000,000	---	---	---	---	-6,000,000	---	---
Advance from prior year.....	(2,967,946)	(3,264,712)	(3,264,712)	(3,264,712)	(3,264,712)	(-296,763)	---	---
FY 2011 Advance.....	3,264,712	3,264,712	3,014,000	3,264,712	3,014,000	-250,712	---	-250,712 D
Subtotal (excluding emergencies).....	3,264,712	3,264,712	3,264,712	3,264,712	3,264,712	---	---	---
Education Finance Incentive Grants:								
Forward Funded.....	---	---	250,712	---	250,712	+250,712	---	+250,712 D FF
(Public Law 111-5) (emergency).....	6,000,000	---	---	---	---	-6,000,000	---	---
Advance from prior year.....	(2,967,946)	(3,264,712)	(3,264,712)	(3,264,712)	(3,264,712)	(-296,763)	---	---
FY 2011 Advance.....	3,264,712	3,264,712	3,014,000	3,264,712	3,014,000	-250,712	---	-250,712 D



LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2009 Comparable	FY 2010 Request	House	Senate	Conference	FY 2009 Comparable	Conference vs. FY 2010 House	FY 2010 Senate
Subtotal (excluding emergencies).....	3,284,712	3,284,712	3,284,712	3,284,712	3,284,712	---	---	---
Subtotal, Grants to LEAs, program level.....	24,492,401	12,982,401	14,492,401	13,792,401	14,492,401	-10,600,000	---	+700,000
Subtotal, program level (excl. emergencies).....	14,492,401	12,982,401	14,492,401	13,792,401	14,492,401	---	---	+700,000
Even Start.....	66,454	---	66,454	---	66,454	---	---	+66,454 D FF
School improvement grants.....	545,633	1,545,633	545,633	545,633	545,633	---	---	D FF
Public Law 111-5 (emergency).....	3,000,000	---	---	---	---	-3,000,000	---	D FF
Early Childhood Grants.....	---	500,000	---	---	---	---	---	D
Early Learning Challenge Fund.....	---	300,000	---	---	---	---	---	D
Early Reading First.....	112,549	162,549	127,549	---	---	-112,549	-127,549	D
Striving readers.....	35,371	370,371	146,000	202,920	250,000	+214,629	+104,000	-12,920 D FF
Literacy through School Libraries.....	19,145	19,145	19,145	19,145	19,145	---	---	D
State Agency Programs: Migrant.....	394,771	394,771	394,771	394,771	394,771	---	---	D FF
Neglected and Delinquent/High-Risk Youth.....	50,427	50,427	50,427	50,427	50,427	---	---	D FF
Subtotal, State Agency programs.....	445,196	445,196	445,196	445,196	445,196	---	---	---
Evaluation.....	9,167	9,167	9,167	9,167	9,167	---	---	D

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2009 Comparable	FY 2010 Request	House	Senate	Conference	FY 2009 Comparable	Conference vs. FY 2010 House	FY 2010 Senate
High School Graduation Initiative.....	---	50,000	50,000	50,000	50,000	+50,000	---	---
Nigrant Education:								
High School Equivalency Program.....	18,842	36,848	36,848	36,848	36,848	+17,996	---	---
College Assistance Nigrant Program.....	18,486	---	---	---	---	-18,486	---	---
Subtotal, Nigrant Education.....	34,168	36,848	36,848	36,848	36,848	+2,500	---	---
Gulf Coast recovery grants.....	---	---	---	30,000	---	---	---	-30,000
School Renovation.....	---	---	---	700,000	---	---	---	-700,000
<b>Total, Education for the disadvantaged.....</b>								
Current Year.....	29,780,046	18,431,132	18,838,216	18,801,132	18,814,466	-12,845,420	-23,849	+23,834
Current Year (emergency).....	(4,918,910)	(5,489,948)	(5,097,038)	(5,049,946)	(5,073,490)	(+154,580)	(-23,849)	(+23,834)
FY 2011.....	(13,000,000)	---	---	---	---	(-13,000,000)	---	---
Subtotal, Forward Funded (excl. emergencies).....	(18,841,178)	(10,841,178)	(10,841,178)	(10,841,178)	(10,841,178)	---	---	---
Total, Ed. for disadvantaged (excl. emergencies).....	(4,739,891)	(4,500,437)	(4,850,510)	(4,200,976)	(4,854,510)	(+214,828)	(+104,000)	(+763,534)
Subtotal, Ed. for disadvantaged (excl. emergencies).....	16,780,096	18,431,132	18,838,216	18,801,132	18,814,466	+154,580	-23,849	+23,834
<b>IMPACT AIG</b>								
Basic Support Payments.....	1,128,536	1,129,836	1,151,536	1,128,536	1,130,000	+9,465	-13,536	+9,465
Payments for Children with Disabilities.....	48,802	48,802	48,802	48,802	48,802	---	---	---
Facilities Maintenance (Sec. 8005).....	4,864	4,864	4,864	4,864	4,864	---	---	---

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2009 Comparable	FY 2010 Request	House	Senate	Conference	FY 2009 Comparable	Conference vs. FY 2010 House	FY 2010 Senate
Construction (Sec. 8007).....	17,509	17,509	17,509	17,509	17,509	---	---	---
Public Law 111-5 (emergency).....	100,000	---	---	---	---	-100,000	---	---
Payments for Federal Property (Sec. 8002).....	66,206	66,206	66,206	66,206	67,206	+1,000	-1,000	+1,000
Total, Impact aid.....	1,345,716	1,345,716	1,390,716	1,265,716	1,276,193	-85,836	-14,535	+10,485
Total, Impact aid (excluding emergencies).....	1,345,716	1,345,716	1,290,716	1,265,716	1,276,193	+10,486	-14,535	+10,485
SCHOOL IMPROVEMENT PROGRAMS								
State Grants for Improving Teacher Quality.....	1,266,308	1,266,308	1,266,308	1,266,308	1,266,308	---	---	---
Advance from prior year.....	(1,435,000)	(1,081,441)	(1,081,441)	(1,081,441)	(1,081,441)	(-248,441)	---	---
FY 2011.....	1,081,441	1,081,441	1,081,441	1,081,441	1,081,441	---	---	---
Subtotal, State Grants for Improving Teacher Quality, program level.....	2,947,749	2,947,749	2,947,749	2,947,749	2,947,749	---	---	---
Mathematics and Science Partnerships.....	178,976	178,976	183,976	178,976	180,478	+1,500	-3,500	+1,500
Educational Technology State Grants.....	266,872	100,000	100,000	100,000	100,000	-166,872	---	---
Public Law 111-5 (emergency).....	660,000	---	---	---	---	-660,000	---	---
Supplemental Education Grants.....	17,887	17,887	17,887	17,887	17,887	---	---	---
21st Century Community Learning Centers.....	1,131,166	1,131,166	1,181,166	1,131,166	1,186,166	+35,000	-15,000	+36,000
State Assessments/Enhanced Assessment Instruments.....	410,732	410,732	410,732	410,732	410,732	---	---	---

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2009 Comparable	FY 2010 Request	House	Senate	Conference	FY 2009 Comparable	FY 2010 House	Conference vs. Senate
Jewish gifted and talented education.....	7,483	---	7,483	7,483	7,483	---	---	---
Foreign language assistance.....	26,328	26,328	26,328	26,000	26,928	+600	+600	-1,072 D
Education for Homeless Children and Youth.....	65,427	65,427	65,427	65,427	65,427	---	---	---
Public Law 111-5 (emergency).....	70,000	---	---	---	---	-70,000	---	---
Training and Advisory Services (Civil Rights).....	9,489	9,489	9,489	9,989	9,989	-2,500	---	---
Education for Native Hawaiians.....	33,315	33,315	33,315	34,315	34,315	+1,000	+1,000	---
Alaska Native Education Equity.....	33,315	33,315	33,315	33,315	33,315	---	---	---
Rural Education.....	173,362	173,362	173,362	179,362	174,882	+1,500	+1,500	-3,500 D FF
Comprehensive Centers.....	87,113	87,113	87,113	87,113	87,113	-800	-800	-800 D
Total, School improvement programs.....	8,082,016	8,182,181	8,244,844	8,187,318	8,228,444	-853,872	-16,200	+31,128
Current Year.....	(3,668,876)	(3,668,749)	(3,663,293)	(3,516,376)	(3,547,003)	(-133,872)	(-16,200)	(+31,128)
Current Year (emergency).....	(720,000)	---	---	---	---	(-720,000)	---	---
FY 2011.....	(1,681,441)	(1,681,441)	(1,681,441)	(1,681,441)	(1,681,441)	---	---	---
Subtotal, Forward Funded (excluding emergencies).....	(4,216,845)	(3,325,983)	(3,349,993)	(3,330,993)	(3,343,893)	(-851,872)	(-17,000)	(+33,000)
Total, School improvement (excl. emergencies).....	5,362,016	5,182,181	5,244,844	5,187,318	5,228,444	-133,872	-16,200	+31,128

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2008 Comparable	FY 2010 Request	House	Senate	Conference	FY 2009 Comparable	Conference vs. FY 2010 House	FY 2010 Senate
<b>INDIAN EDUCATION</b>								
Grants to Local Educational Agencies.....	99,331	99,331	109,331	99,331	104,331	+5,000	-5,000	+5,000 D
Federal Programs:								
Special Programs for Indian Children.....	19,060	19,060	19,060	19,060	19,060	---	---	---
National Activities.....	3,891	3,891	3,891	3,891	3,891	---	---	---
Subtotal, Federal Programs.....	22,951	22,951	22,951	22,951	22,951	---	---	---
Total, Indian Education.....	122,282	122,282	132,282	122,282	127,282	+5,000	-5,000	+5,000
<b>INNOVATION AND IMPROVEMENT</b>								
Troops-to-Teachers.....	14,369	14,369	14,369	14,369	14,369	---	---	---
Transition to Teaching.....	43,797	43,797	43,797	43,797	43,797	---	---	---
National Writing Project.....	24,291	24,291	24,291	27,000	25,649	+1,355	+1,355	-1,354 D
Teaching of Traditional American History.....	116,952	116,952	100,040	116,952	116,952	---	+16,952	---
School Leadership.....	19,220	29,220	29,220	29,220	29,220	+10,000	---	---
Advanced Credentialing.....	19,649	19,649	19,649	19,649	19,649	---	---	---
Teach for America.....	14,895	16,000	16,000	20,000	19,000	+3,105	+3,000	-2,000 D
Charter Schools Grants.....	216,031	244,031	256,031	264,031	256,031	+40,000	---	---
Voluntary Public School Choice.....	25,819	25,819	25,819	25,819	25,819	---	---	---

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2009 Comparable	FY 2010 Request	House	Senate	Conference	FY 2009 Comparable	Conference vs. FY 2010 House	FY 2010 Senate
Magnet Schools Assistance.....	104,829	104,829	104,829	104,829	100,000	-4,829	-4,829	-4,829
Fund for the Improvement of Education (FIE).....	235,475	190,830	190,830	210,200	271,570	+74,904	+74,904	+74,904
Teacher Incentive Fund.....	97,270	487,270	445,864	300,000	400,000	+55,864	+55,864	+55,864
Public Law 111-5 (emergency).....	200,000	---	---	---	---	---	---	---
National Teacher Recruitment Campaign.....	---	30,000	10,000	---	---	-10,000	-10,000	-10,000
Ready-to-Learn television.....	25,416	25,416	25,416	28,500	27,300	+1,804	+1,804	+1,804
Close Up Fellowships.....	1,942	---	1,942	1,942	1,942	---	---	---
Advanced Placement & International Baccalaureate prog.	---	---	---	---	---	---	---	---
Advanced Placement.....	43,640	43,640	43,640	43,640	45,840	+2,300	+2,300	+2,300
<b>TOTAL</b>								
Total, Innovation and Improvement.....	1,100,425	1,438,940	1,347,303	1,234,787	1,349,045	+102,840	+102,840	+102,840
Current Year.....	(806,425)	(1,438,940)	(1,347,303)	(1,234,787)	(1,349,045)	(+102,840)	(+102,840)	(+102,840)
Current Year (emergency).....	(200,000)	---	---	---	---	---	---	---
Total, Innovation & Improve. (excl. emergencies)	806,425	1,438,940	1,347,303	1,234,787	1,349,045	+102,840	+102,840	+102,840
<b>STATE FISCAL STABILIZATION FUND</b>								
Public Law 111-5 (emergency).....	---	100,000	3,000	---	---	---	-3,000	-3,000
Public Law 111-5 (emergency).....	53,600,000	---	---	---	---	-53,600,000	---	---

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2009 Comparable	FY 2010 Request	House	Senate	Conference	FY 2009 Comparable	FY 2010 House	FY 2010 Senate
SAFE SCHOOLS AND CITIZENSHIP EDUCATION								
Safe and Drug Free Schools and Communities: State Grants, forward funded.....	284,759	---	---	---	---	-284,759	---	---
National Programs.....	149,264	250,896	195,641	224,978	191,341	+51,077	-3,700	-33,637 D
Alcohol Abuse Reduction.....	32,712	32,712	32,712	32,712	32,712	---	---	---
Mentoring Programs.....	47,264	---	---	---	---	-47,264	---	---
Character education.....	11,912	---	---	11,912	---	-11,912	---	-11,912 D
Elementary and Secondary School Counseling.....	52,000	52,000	55,000	55,000	55,000	+3,000	---	---
Carol M. White Physical Education Program.....	79,000	79,000	79,000	80,000	79,000	+1,000	+1,000	-1,000 D
Civic Education.....	33,459	---	35,000	33,459	35,000	+1,541	---	+1,541 D
Total, Safe Schools and Citizenship Education.....								
Subtotal, Forward Funded.....	690,370 (284,759)	413,606	386,763	438,061	393,053	-287,317 (-284,759)	-2,700	-65,008
ENGLISH LANGUAGE ACQUISITION								
Current funded.....	47,450	47,450	49,400	48,750	48,750	+1,300	-650	---
Forward funded.....	642,550	642,550	710,600	701,250	701,250	+19,700	-8,350	---
Total, English Language Acquisition.....	730,000	730,000	760,000	750,000	750,000	+20,000	-10,000	---

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2009 Comparable	FY 2010 Request	House	Senate	Conference	FY 2009 Comparable	Conference vs. FY 2010 House	FY 2010 Senate
<b>SPECIAL EDUCATION</b>								
State Grants:								
Grants to States Part B current year.....	2,912,928	2,912,928	2,912,928	2,912,928	2,912,928	---	---	---
Public Law 111-6 (emergency).....	11,300,000	---	---	---	---	-11,300,000	---	---
Part B advance from prior year.....	(8,858,444)	(8,892,383)	(8,892,383)	(8,892,383)	(8,892,383)	(+1,735,939)	---	MA
Grants to States Part B (FY 2011).....	9,682,363	9,692,383	9,692,383	9,692,363	9,692,363	---	---	---
Subtotal, program level (excluding emergencies)	11,685,211	11,695,211	11,695,211	11,695,211	11,695,211	---	---	---
Preschool Grants.....	374,099	374,099	374,099	374,099	374,099	---	---	---
Public Law 111-6 (emergency).....	400,000	---	---	---	---	-400,000	---	---
Grants for Infants and Families.....	439,427	439,427	439,427	439,427	439,427	---	---	---
Public Law 111-6 (emergency).....	500,000	---	---	---	---	-500,000	---	---
Subtotal, program level (excluding emergencies)	12,318,737	12,318,737	12,318,737	12,318,737	12,318,737	---	---	---
IDEA National Activities (current funds):								
State personnel development.....	48,000	48,000	48,000	48,000	48,000	---	---	---
Technical Assistance and Dissemination.....	48,549	48,549	48,549	50,228	49,549	+1,000	+1,000	-879
Personnel Preparation.....	90,853	90,853	90,853	90,853	90,853	---	---	---
Parent Information Centers.....	27,028	27,028	27,028	28,028	28,028	+1,000	+1,000	---



LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2009 Comparable	FY 2010 Request	House	Senate	Conference	FY 2009 Comparable	FY 2010 House	FY 2010 Senate
Technology and Media Services.....	38,815	38,815	38,815	44,115	43,973	+5,358	+6,300	-142 D
Subtotal, IDEA special programs.....	252,845	252,845	252,845	261,024	260,203	-7,358	+7,358	-821
Special Olympics Education program.....	9,095	9,095	9,095	9,095	9,095	---	---	---
Total, Special education.....	24,779,877	12,579,877	12,579,877	12,587,856	12,587,835	-12,182,842	+7,358	-821
Current Year.....	(3,987,294)	(3,987,294)	(3,987,294)	(3,988,475)	(3,984,852)	(+7,358)	(+7,358)	(-821)
FY 2011.....	(12,200,000)	---	---	---	---	(-12,200,000)	---	---
Subtotal, Forward Funded (excl. emergencies).....	(8,592,343)	(8,592,343)	(8,592,343)	(8,592,343)	(8,592,343)	---	---	---
Total, Special education (excluding emergencies).....	(3,726,354)	(3,726,354)	(3,726,354)	(3,726,354)	(3,726,354)	---	---	---
REHABILITATION SERVICES AND DISABILITY RESEARCH	12,579,877	12,579,877	12,579,877	12,587,856	12,587,835	+7,358	+7,358	-821
Vocational Rehabilitation State Grants.....	2,974,835	3,084,898	3,084,898	3,084,898	3,084,898	+110,061	---	---
Public Law 111-5 (emergency).....	540,000	---	---	---	---	-540,000	---	---
Client Assistance State grants.....	11,576	11,576	11,576	13,000	12,288	+712	+712	-712 D
Training.....	37,766	37,766	37,766	37,766	37,766	---	---	---
Demonstration and training programs.....	9,594	9,594	9,076	9,031	11,401	+2,007	+2,525	+2,570 D
Migrant and seasonal farmworkers.....	2,239	2,239	2,239	2,239	2,239	---	---	---
Recreational programs.....	2,474	2,474	2,474	2,474	2,474	---	---	---
Protection and advocacy of individual rights (PAIR).....	17,161	17,161	18,101	18,101	18,101	+1,000	---	---

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2008 Comparable	FY 2010 Request	House	Senate	Conference	FY 2008 Comparable	Conference vs. FY 2010 House	FY 2010 Senate
Projects with industry.....	19,197	19,197	19,197	19,197	19,197	---	---	---
Supported employment State grants.....	29,181	29,181	29,181	29,181	29,181	---	---	---
Independent living: State grants.....	23,450	23,450	23,450	23,450	23,450	---	---	---
Public Law 111-5 (emergency).....	19,200	---	---	---	---	-19,200	---	---
Centers.....	77,266	80,266	80,266	80,266	80,266	+3,000	---	---
Public Law 111-5 (emergency).....	87,800	---	---	---	---	-87,800	---	---
Services for older blind individuals.....	34,151	34,151	34,151	34,151	34,151	---	---	---
Public Law 111-5 (emergency).....	34,300	---	---	---	---	-34,300	---	---
Subtotal (excluding emergencies).....	134,867	137,867	137,867	137,867	137,867	+3,000	---	---
Program Improvement.....	622	652	652	652	652	+230	---	---
Evaluation.....	1,447	1,217	1,217	1,217	1,217	-230	---	---
Heisen Koller National Center for Deaf/Blind Youth and Adults.....	8,362	8,362	8,362	10,000	9,181	+819	+819	-819
National Inst. Disability and Rehab. Research (NIDRR).....	107,741	110,741	110,741	110,741	109,241	+1,500	-1,500	-1,500
Assistive Technology.....	30,960	30,960	30,960	30,960	30,960	---	---	---

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2009 Comparable	FY 2010 Request	House	Senate	Conference	FY 2009 Comparable	Conference vs. FY 2010 House	FY 2010 Senate
Subtotal, Discretionary programs.....	1,093,127	416,039	416,009	422,626	422,165	-670,962	+2,556	-461
Subtotal, Discretionary (excluding emergencies)	419,127	416,039	416,009	422,626	422,165	+9,038	+2,556	-461
Total, Rehabilitation services.....	4,067,762	3,690,735	3,694,305	3,507,322	3,506,861	-890,901	+2,506	-461
Total, Rehab. services (excluding emergencies)..	3,387,762	3,690,735	3,694,305	3,507,322	3,506,861	+119,099	+2,506	-461
SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES								
AMERICAN PRINTING HOUSE FOR THE BLIND.....	22,899	22,899	22,599	24,000	24,800	+2,001	+2,001	---
NATIONAL TECHNICAL INSTITUTE FOR THE DEAF (NTID):								
Operations.....	63,037	63,037	63,037	63,037	63,037	---	---	---
Construction.....	1,176	5,400	5,400	5,400	5,400	+4,225	---	---
Total, NTID.....	64,212	68,437	68,437	68,437	68,437	+4,225	---	---
GALLAUDET UNIVERSITY:								
Operations.....	116,000	116,000	116,000	116,000	116,000	---	---	---
Construction.....	6,000	2,000	2,000	8,000	5,000	-1,000	+3,000	-3,000
Total, Gallaudet University.....	124,000	120,000	120,000	126,000	123,000	-1,000	+3,000	-3,000
Total, Special Institutions for Persons with Disabilities.....	210,811	211,036	211,036	219,037	216,937	+5,226	+5,001	-3,000

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2009 Comparable	FY 2010 Request	House	Senate	Conference	FY 2009 Comparable	Conference vs. FY 2010 House	FY 2010 Senate
<b>CAREER AND ADULT EDUCATION</b>								
<b>Career Education:</b>								
Basic State Grants/Secondary & Technical Education State Grants, current funded.....	369,911	369,911	369,911	369,911	369,911	---	---	--- D FF
Advance from prior year.....	(791,000)	(791,000)	(791,000)	(791,000)	(791,000)	---	---	--- MA
FY 2011.....	791,000	791,000	791,000	791,000	791,000	---	---	--- D
Subtotal, Basic State Grants, program level.....	1,169,911	1,169,911	1,169,911	1,169,911	1,169,911	---	---	---
Tech-Prep Education State Grants.....	102,923	102,923	102,923	102,923	102,923	---	---	--- D FF
National Program.....	7,800	7,800	7,800	7,800	7,800	---	---	--- D FF
Subtotal, Vocational Education.....	1,271,634	1,271,634	1,271,634	1,271,634	1,271,634	---	---	---
<b>Adult Education:</b>								
State Grants/Adult basic and literacy education: State Grants, current funded.....	554,122	628,221	628,221	628,221	628,221	+74,099	---	--- D FF
National Programs:								
National Leadership Activities.....	8,878	13,346	11,346	13,346	11,346	+4,468	---	-2,000 D FF
National Institute for Literacy.....	8,468	---	---	---	---	-8,468	---	--- D FF
Subtotal, National programs.....	13,346	13,346	11,346	13,346	11,346	-2,000	---	-2,000
Subtotal, Adult education.....	567,468	641,567	639,567	641,567	639,567	+72,009	---	-2,000

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2009 Comparable	FY 2010 Request	House	Senate	Conference	FY 2009 Comparable	Conference vs. FY 2010 House	FY 2010 Senate
Smaller Learning Communities, current funded.....	4,400	4,400	4,400	4,400	4,400	---	---	---
Smaller Learning Communities, forward funded.....	83,600	83,600	83,600	83,600	83,600	---	---	---
State Grants for Incarcerated Youth Offenders.....	17,106	17,106	17,106	17,106	17,106	---	---	---
Total, Career and adult education.....	1,844,348	2,018,447	2,018,447	2,018,447	2,018,447	+72,099	---	-2,000
Current Year.....	(1,153,348)	(1,227,447)	(1,227,447)	(1,227,447)	(1,227,447)	(+72,099)	---	(-2,000)
FY 2011.....	(781,000)	(791,000)	(791,000)	(791,000)	(791,000)	---	---	---
Subtotal, Forward Funded.....	(1,145,848)	(1,223,947)	(1,223,947)	(1,223,947)	(1,223,947)	(+72,099)	---	(-2,000)
STUDENT FINANCIAL ASSISTANCE								
Pell Grants -- maximum grant (MA).....	(4,860)	(4,860)	(4,860)	(4,860)	(4,860)	---	---	---
Pell Grants 1/.....	17,238,006	17,495,000	17,763,395	17,495,000	17,495,000	+267,000	-288,386	---
Public Law 111-5 (emergency).....	15,640,000	---	---	---	---	-15,640,000	---	---
Federal Supplemental Educational Opportunity Grants....	757,465	757,465	757,465	757,465	757,465	---	---	---
Federal Work Study.....	980,492	980,492	980,492	980,492	980,492	---	---	---
Public Law 111-5 (emergency).....	200,000	---	---	---	---	-200,000	---	---
Federal Perkins loan cancellations.....	87,164	---	49,701	---	---	-87,164	-49,701	---
LEAP program.....	83,852	83,852	83,852	83,852	83,852	---	---	---
Total, Student Financial Assistance (SFA).....	34,998,973	19,296,809	19,834,905	18,294,808	19,296,809	-15,799,164	-338,000	---

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2009 Comparable	FY 2010 Request	House	Senate	Conference	FY 2009 Comparable	Conference vs. FY 2010 House	FY 2010 Senate
Total, SFA (excluding emergencies).....	18,156,873	19,296,808	19,834,905	18,256,509	19,296,808	+139,436	-338,090	---
STUDENT AID ADMINISTRATION .....	763,402	870,482	870,482	870,482	870,482	+117,000	---	---
Public Law 111-5 (emergency).....	80,000	---	---	---	---	-80,000	---	---
HIGHER EDUCATION								
Aid for Institutional Development: Strengthening Institutions.....	60,000	84,000	84,000	84,000	84,000	+4,000	---	---
Hispanic Serving Institutions.....	93,266	97,919	136,936	97,919	117,429	+24,173	-19,569	+10,510
Promoting Post-Baccalaureate Opportunities for Hispanic Americans.....	---	---	10,500	---	10,500	+10,500	---	+10,500
Strengthening Historically Black Colleges (HBCUs).....	238,095	250,000	283,172	250,000	266,506	+28,491	-18,586	+16,566
Strengthening Historically Black Graduate Institutions.....	56,500	61,426	61,426	61,426	61,426	+2,825	---	---
Strengthening Predominantly Black Institutions.....	---	7,875	13,727	7,875	10,801	+10,801	-2,926	+2,926
Asian American Pacific Islander.....	2,500	2,625	4,675	2,625	3,600	+1,100	-975	+975
Strengthening Alaska Native and Native Hawaiian-Serving Institutions.....	11,579	12,158	16,010	12,158	15,084	+3,505	-2,926	+2,926
Strengthening Native American-Serving Nontribal Institutions.....	---	2,625	4,675	2,625	3,900	+3,900	-975	+975
Strengthening Tribal Colleges.....	23,168	24,316	36,021	24,316	30,109	+7,011	-5,832	+5,832

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2009 Comparable	FY 2010 Request	House	Senate	Conference	FY 2009 Comparable	Conference vs. FY 2010 House	FY 2010 Senate
Subtotal, Aid for Institutional development.....	597,048	542,843	652,843	542,843	603,104	+94,106	-49,749	+40,251
International Education and Foreign Language: Domestic Programs.....	102,335	102,335	111,636	102,335	104,340	+8,025	-3,275	+4,025 D
Overseas Programs.....	14,709	14,709	16,209	14,709	15,576	+667	+367	+667 D
Institute for International Public Policy.....	1,837	1,837	2,037	1,837	1,946	+104	-92	+108 D
Subtotal, International Education & Foreign Lang	118,881	118,881	129,881	118,881	125,861	+7,000	-3,000	+7,000
Fund for the Improvement of Postsec. Ed. (FIPSE).....	133,867	47,424	134,916	85,924	159,403	+25,736	+24,487	+73,779 D
Postsecondary program for Students with Intellectual Disabilities.....	---	---	---	---	11,000	+11,000	+11,000	-3,000 D
Legal assistance loan repayment.....	---	---	---	5,000	5,000	+5,000	+5,000	---
Minority Science and Engineering Improvement.....	8,577	9,008	10,000	9,006	9,503	+826	-497	+497 D
Tribally Controlled Postsec Voc/Tech Institutions.....	7,773	7,773	8,162	7,773	8,162	+389	---	+389 D
Federal TRIO Programs.....	846,089	846,089	866,089	846,089	853,089	+5,000	-15,000	+6,000 D
GEAR UP.....	313,212	313,212	333,212	313,212	323,212	+10,000	-10,000	+10,000 D
Byrd Honors Scholarships.....	40,842	40,842	40,842	42,000	42,000	+1,358	+1,358	---
Javits Fellowships.....	9,607	9,607	9,607	9,607	9,607	---	---	---

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2009 Comparable	FY 2010 Request	House	Senate	Conference	FY 2009 Comparable	Conference vs. FY 2010 House	FY 2010 Senate
Graduate Assistance in Areas of National Need.....	31,030	31,030	31,030	31,030	31,030	---	---	---
Teacher Quality Partnerships.....	50,000	50,000	43,000	48,000	43,000	-7,000	---	-5,000
Public Law 111-5 (emergency).....	100,000	---	---	---	---	-100,000	---	---
BA Degrees in STEM & Critical Foreign Languages.....	1,002	1,002	---	1,002	1,002	---	+1,002	---
MA Degrees in STEM & Critical Foreign Languages.....	1,002	1,002	---	1,002	1,002	---	+1,002	---
Child Care Access Means Parents in School.....	16,034	16,034	17,034	16,034	16,034	---	-1,000	---
Demonstration in Disabilities / Higher Education.....	6,765	6,765	10,735	6,765	6,765	---	-4,000	---
Underground Railroad Program.....	1,945	1,945	1,945	1,945	1,945	---	---	---
CFRA data/HEA program evaluation.....	808	808	808	808	808	---	---	---
B.J. Stupak Olympic Scholarships.....	977	977	977	977	977	---	---	---
Thurgood Marshall Legal education opportunities.....	3,000	3,000	3,000	3,000	3,000	---	---	---
Total, Higher education.....	2,200,150	2,050,101	2,204,882	2,104,748	2,255,885	+55,515	-39,217	+148,918
Total, Higher education (excluding emergencies)	2,100,150	2,050,101	2,204,882	2,104,748	2,255,885	+155,515	-39,217	+148,918
HOWARD UNIVERSITY								
Academic Program.....	202,647	202,431	202,431	202,431	202,431	-136	---	---
Endowment Program.....	3,464	3,606	3,600	3,600	3,600	+136	---	---



LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2009 Comparable	FY 2010 Request	House	Senate	Conference	FY 2009 Comparable	FY 2010 House	FY 2010 Senate
Howard University Hospital.....	28,946	28,946	28,946	28,946	28,946	---	---	0
Total, Howard University.....	234,977	234,977	234,977	234,977	234,977	---	---	---
COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS (CHAFL).....	461	461	461	461	461	---	---	0
HBCU CAPITAL FINANCING PROGRAM								
HBCU Federal Administration.....	354	354	354	354	354	---	---	0
HBCU Loan Subsidies.....	18,000	20,228	20,228	18,000	20,228	+10,228	---	+10,228
Total, HBCU Capital Financing Program.....	10,354	20,582	20,582	10,354	20,582	+10,228	---	+10,228
INSTITUTE OF EDUCATION SCIENCES (IES)								
Research, development and dissemination.....	107,196	224,196	189,196	211,196	200,196	+33,000	+1,000	-11,000 0
Statistics.....	98,521	108,521	108,521	108,521	108,521	+10,000	---	0
Regional Educational Laboratories.....	97,588	70,650	70,650	70,650	70,650	+3,061	---	0
Research in special education.....	70,585	70,585	70,585	73,585	71,085	+500	+500	-2,500 0
Special education studies and evaluations.....	9,480	11,460	11,460	11,460	11,460	+2,000	---	0
Statewide data systems.....	65,000	65,000	65,000	65,000	58,250	-6,750	-6,750	-6,750 0
Public Law 111-5 (emergency).....	288,000	---	---	---	---	-250,000	---	0

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2009 Comparable	FY 2010 Request	House	Senate	Conference	FY 2009 Comparable	Conference vs. FY 2010 House	FY 2010 Senate
Assessment:								
National Assessment.....	136,121	136,121	136,121	136,121	136,121	---	---	---
National Assessment Governing Board.....	8,723	8,723	8,723	8,723	8,723	---	---	---
Subtotal, Assessment.....	136,844	136,844	136,844	136,844	136,844	---	---	---
Total, IES.....	997,176	999,256	994,256	979,256	959,896	-208,169	-5,250	-20,250
Total, IES (excluding emergencies).....	917,176	939,256	934,256	919,256	859,096	-41,931	-6,289	-20,250
DEPARTMENTAL MANAGEMENT								
PROGRAM ADMINISTRATION								
Salaries and Expenses.....	428,992	448,300	444,000	444,000	448,000	+19,816	+4,000	+4,000
Building Modernization.....	5,400	6,200	6,200	6,200	6,200	+2,800	---	---
Total, Program administration.....	433,492	456,500	452,200	452,200	456,200	+22,718	+4,000	+4,000
OFFICE FOR CIVIL RIGHTS.....	96,828	103,924	103,924	103,924	103,924	+6,196	---	---
OFFICE OF THE INSPECTOR GENERAL.....	54,439	60,053	60,053	60,053	60,053	+5,514	---	---
Public Law 111-6 (emergency).....	14,000	---	---	---	---	-14,000	---	---
Total, Departmental management.....	598,847	619,577	616,277	616,277	618,277	+20,430	+4,000	+4,000
Total, Dept. management (excluding emergencies).....	584,847	619,577	616,277	616,277	618,277	+34,430	+4,000	+4,000

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2009 Comparable	FY 2010 Request	House	Senate	Conference	FY 2009 Comparable	Conference vs. FY 2010 House	FY 2010 Senate
MANDATORY PELL GRANTS (Public Law 111-6) (emergency)...	643,000	831,000	831,000	831,000	831,000	+188,000	---	---
Total, Title III, Department of Education.....	183,914,834	66,600,020	66,600,182	67,877,243	66,183,252	-86,721,582	-306,930	+316,000
Current Year.....	(142,008,834)	(46,782,020)	(46,904,182)	(46,971,243)	(46,287,252)	(-86,721,582)	(-306,930)	(+316,000)
FY 2011.....	(21,806,000)	(21,806,000)	(21,806,000)	(21,806,000)	(21,806,000)	---	---	---
Total, Title III (including emergency).....	60,667,834	67,777,020	67,768,182	67,046,243	67,362,252	+854,416	-306,930	+316,000

1/ Budget request reflects current law per the Congressional Budget Office. The proposed Budget request is to change the Pell Grant program to mandatory and includes a request of \$1,061,009,000

TITLE IV - RELATED AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED.....

8,004 8,306 8,306 8,306 8,306 +302 --- 0

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

OPERATING EXPENSES

Domestic Volunteer Service Programs:

Volunteers in Service to America (VISTA).....

94,050 97,932 97,932 100,000 99,074 +3,024 +1,142 -938 0

Public Law 111-6 (emergency).....

66,000 --- --- -66,000 --- -66,000 --- 0

National Senior Volunteer Corps:

Foster Grandparents Program.....

108,800 110,906 110,906 111,208 110,806 +1,997 --- -273 0

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2009 Comparable	FY 2010 Request	House	Senate	Conference	FY 2009 Comparable	Conference vs. FY 2010 House	FY 2010 Senate
Senior Companion Program.....	46,144	46,904	46,904	47,000	46,904	+760	---	-96 D
Retired Senior Volunteer Program.....	58,842	63,000	63,000	63,000	63,000	+4,358	---	---
Subtotal, Senior Volunteers.....	213,785	250,900	250,900	221,269	220,900	+7,118	---	-389
Subtotal, Domestic Volunteer Service Program.....	374,835	318,832	318,832	321,289	319,874	-54,861	+1,142	-1,295
Subtotal, Domestic Volunteer (incl. emergencies)	309,835	318,832	318,832	321,289	319,874	+10,139	+1,142	-1,295
National and Community Service Programs: AmeriCorps State and National Grants.....	271,186	372,547	331,547	372,547	372,547	+101,351	+41,000	---
Public Law 111-5 (emergency).....	98,000	---	---	---	---	-88,000	---	---
Disability Placement Funds.....	---	5,000	5,000	5,000	5,000	+5,000	---	---
Innovation, assistance, and other activities.....	18,803	85,500	40,500	85,500	80,500	+41,807	+20,000	-5,000 D
Evaluation.....	3,891	6,000	6,000	6,000	6,000	+2,109	---	---
National Civilian Community Corps.....	27,500	28,300	28,300	20,000	29,000	+1,500	+2,700	---
Learn and Serve America.....	37,459	39,500	39,500	40,000	39,500	+2,041	---	-500 D
State Commission Administrative Grants.....	11,700	16,000	17,000	17,000	17,000	+5,210	---	---
Training and Technical Assistance.....	---	8,000	7,000	9,000	7,500	+7,500	---	-500 D
Subtotal, National & Community Service Programs.....	459,729	638,847	473,347	643,847	537,047	+77,318	+63,700	-6,000
Subtotal, Natl Com Svcs Prog (incl emergencies)	370,729	538,847	473,347	643,847	537,047	+166,318	+63,700	-6,000

**LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES**  
(Amounts in thousands)

	FY 2009 Comparable	FY 2010 Request	House	Senate	Conference	FY 2009 Comparable	Conference vs. FY 2010 House	FY 2010 Senate
Total, Operating expenses.....	834,844	857,879	792,179	844,316	857,821	+22,457	+64,842	-7,295
Total, Operating expenses (excl. emergencies)....	806,844	857,879	792,179	844,316	857,821	+179,457	+64,842	-7,295
National service trust.....	131,075	186,437	178,214	187,000	187,000	+65,925	+18,786	---
Public Law 111-5 (emergency).....	40,000	---	---	---	---	-40,000	---	---
Salaries and expenses.....	71,715	86,000	80,923	88,000	86,000	+16,285	+7,077	---
Public Law 111-5 (emergency).....	6,000	---	---	---	---	-6,000	---	---
Office of the Inspector General.....	6,512	7,700	7,700	7,700	7,700	+1,188	---	---
Public Law 111-5 (emergency).....	1,000	---	---	---	---	-1,000	---	---
<b>-----</b>								
Total, Corp. for National and Community Service.....	1,000,844	1,169,816	1,059,016	1,187,016	1,149,721	+69,855	+90,705	-7,295
Total, Corporation (excluding emergencies).....	806,844	1,169,816	1,059,016	1,187,016	1,149,721	+259,855	+90,705	-7,295
<b>-----</b>								
<b>CORPORATION FOR PUBLIC BROADCASTING:</b>								
FY 2012 (current) with FY 2011 comparable.....	430,000	440,000	440,000	450,000	445,000	+15,000	+5,000	---
FY 2011 advance with FY 2010 comparable (MA).....	(420,000)	(430,000)	(430,000)	(430,000)	(430,000)	(+10,000)	---	MA
FY 2010 advance with FY 2009 comparable (MA).....	(400,000)	(420,000)	(420,000)	(420,000)	(420,000)	(+20,000)	---	MA
Fiscal Stabilization Grants, current funded.....	---	---	40,000	10,000	25,000	+25,000	-15,000	+15,000
Digitalization program, current funded.....	34,801	36,000	36,000	36,000	36,000	+1,409	---	---

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2009 Comparable	FY 2010 Request	House	Senate	Conference	FY 2009 Comparable	Conference vs. FY 2010 House	FY 2010 Senate
Interconnection, current funded.....	26,842	25,000	25,000	25,000	25,000	-1,842	---	---
Subtotal, FY 2010 appropriation.....	61,233	61,000	101,000	71,000	86,000	+24,767	-15,000	+15,000
FEDERAL MEDIATION AND CONCILIATION SERVICE.....	45,478	46,303	47,000	46,303	46,852	+1,178	-348	+348
FEDERAL NINE SAFETY AND HEALTH REVIEW COMMISSION.....	9,853	9,858	9,858	10,858	10,358	+1,705	+600	-600
INSTITUTE OF MUSEUMS AND LIBRARY SERVICES.....	274,840	266,656	275,000	275,056	282,251	+7,411	+6,563	+7,195
MEDICARE PAYMENT ADVISORY COMMISSION.....	11,403	11,000	11,000	11,000	11,000	+397	---	---
NATIONAL COMMISSION ON LIBRARIES AND INFO SCIENCE.....	---	---	---	---	---	---	---	---
NATIONAL COUNCIL ON DISABILITY.....	3,208	3,271	3,271	3,271	3,271	+65	---	---
NATIONAL LABOR RELATIONS BOARD.....	282,595	283,400	283,400	283,400	283,400	+20,805	---	---
NATIONAL MEDIATION BOARD.....	12,902	13,434	12,992	13,834	13,403	+471	+471	-471
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.....	11,166	11,712	11,712	11,712	11,712	+526	---	---
RAILROAD RETIREMENT BOARD								
Dual Benefits Payments Account.....	72,000	64,000	64,000	64,000	64,000	-8,000	---	---
Less Income Tax Receipts on Dual Benefits.....	-5,000	-3,000	-3,000	-3,000	-3,000	+2,000	---	---
Subtotal, Dual Benefits.....	67,000	61,000	61,000	61,000	61,000	-6,000	---	---

**LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES**  
(Amounts in thousands)

	FY 2009 Comparable	FY 2010 Request	House	Senate	Conference	FY 2009 Comparable	Conference vs. FY 2010 House	FY 2010 Senate
Federal Payment to the RR Retirement Account.....	150	150	150	150	150	---	---	---
Litigation on Administration.....	105,483	109,073	109,073	109,073	109,073	+3,610	---	---
Inspector General.....	7,806	8,186	8,186	8,186	8,186	+380	---	---
<b>SOCIAL SECURITY ADMINISTRATION</b>								
Payments to Social Security Trust Funds.....	20,404	20,404	20,404	20,404	20,404	-2	---	---
<b>SUPPLEMENTAL SECURITY INCOME</b>								
Federal benefit payments.....	42,927,000	46,802,000	46,802,000	46,802,000	46,802,000	+4,875,000	---	---
Beneficiary services.....	3,000	49,000	49,000	49,000	49,000	+46,000	---	---
Research and demonstration.....	36,000	49,000	49,000	49,000	49,000	+13,000	---	---
Administration.....	3,296,537	3,442,000	3,442,000	3,442,000	3,442,000	+235,463	---	---
Subtotal, SSI program level.....	48,271,537	50,142,000	50,142,000	50,142,000	50,142,000	+4,870,463	---	---
Less funds advanced in prior year.....	-14,909,000	-15,400,000	-15,400,000	-15,400,000	-15,400,000	-600,000	---	---
Subtotal, regular SSI current year.....	30,471,537	34,742,000	34,742,000	34,742,000	34,742,000	+4,270,463	---	---
New advance, 1st quarter, FY 2011.....	16,490,000	16,900,000	16,900,000	16,900,000	16,900,000	+400,000	---	---
Total, SSI program.....	45,871,537	50,742,000	50,742,000	50,742,000	50,742,000	+4,870,463	---	---

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2008 Comparable	FY 2010 Request	House	Senate	Conference	FY 2008 Comparable	Conference vs. FY 2010 House	FY 2010 Senate
LIMITATION ON ADMINISTRATIVE EXPENSES								
OASDI Trust Funds.....	5,200,443	5,692,200	5,692,200	5,692,200	5,692,200	+391,737	---	---
HI/SHI Trust Funds.....	1,876,000	2,104,000	2,104,000	2,104,000	2,104,000	+230,000	---	---
Social Security Advisory Board.....	2,000	2,300	2,300	2,300	2,300	+300	---	---
SSI.....	2,888,037	3,100,000	3,100,000	3,100,000	3,100,000	+110,963	---	---
Workload Processing (PL 111-5) (emergency).....	500,000	---	---	---	---	-500,000	---	---
National Support Center (PL 111-5) (emergency).....	500,000	---	---	---	---	-500,000	---	---
Subtotal, regular LAE.....	11,047,500	10,800,500	10,800,500	10,800,500	10,800,500	-247,000	---	---
Subtotal, regular LAE (excluding emergencies).....	10,067,500	10,800,500	10,800,500	10,800,500	10,800,500	+733,000	---	---
Additional Program Integrity Funding:								
OASDI Trust Funds.....	22,500	143,000	143,000	143,000	143,000	+120,500	---	---
SSI.....	217,500	342,000	342,000	342,000	342,000	+124,500	---	---
Subtotal, additional CDR funding.....	240,000	485,000	485,000	485,000	485,000	+245,000	---	---



LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2008 Comparable	FY 2010 Request	House	Senate	Conference	FY 2008 Comparable	Conference vs. FY 2010 House	FY 2010 Senate
<b>User Fees:</b>								
SSI User Fee activities.....	145,000	160,000	160,000	160,000	160,000	+15,000	---	---
SSPA User Fee Activities.....	1,000	1,000	1,000	1,000	1,000	---	---	---
Subtotal, User fees.....	146,000	161,000	161,000	161,000	161,000	+15,000	---	---
Total, Limitation on Administrative Expenses.....	11,453,500	11,446,500	11,446,500	11,446,500	11,446,500	-7,000	---	---
Total, LAE (excluding emergencies).....	10,453,500	11,446,500	11,446,500	11,446,500	11,446,500	+993,000	---	---
<b>OFFICE OF THE INSPECTOR GENERAL</b>								
Federal Funds.....	20,000	20,000	20,000	20,000	20,000	+1,000	---	---
Public Law 111-6 (emergency).....	2,000	---	---	---	---	-2,000	---	---
Trust Funds.....	70,127	73,662	73,662	73,662	73,662	+3,535	---	TF
Total, Office of the Inspector General.....	92,127	93,662	93,662	93,662	93,662	+1,535	---	---
Total, OIG (excluding emergencies).....	92,127	93,662	93,662	93,662	93,662	+1,535	---	---
Adjustment: Trust fund transfers from general revenues	-3,206,537	-3,442,000	-3,442,000	-3,442,000	-3,442,000	-235,463	---	TF
<b>Total, Social Security Administration.....</b>	<b>54,236,033</b>	<b>59,869,596</b>	<b>59,869,596</b>	<b>59,869,596</b>	<b>59,869,596</b>	<b>+4,633,563</b>	<b>---</b>	<b>---</b>
Federal funds.....	47,067,843	50,852,404	50,852,404	50,852,404	50,852,404	+3,784,561	---	---
Current year.....	(31,067,943)	(34,952,404)	(34,952,404)	(34,952,404)	(34,952,404)	(-3,884,461)	---	---
New advances, 1st quarter.....	(16,600,000)	(16,000,000)	(16,000,000)	(16,000,000)	(16,000,000)	(-600,000)	---	---
Trust funds.....	7,171,090	7,917,192	7,917,192	7,917,192	7,917,192	+746,102	---	---
Total, SSA (excluding emergencies).....	53,237,033	59,869,596	59,869,596	59,869,596	59,869,596	+6,632,563	---	---

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2009 Comparable	FY 2010 Request	House	Senate	Conference	FY 2009 Comparable	Conference vs. FY 2010 House	FY 2010 Senate
Total, Title IV, Related Agencies.....	56,636,996	61,346,741	61,309,126	61,387,741	61,397,019	+4,760,923	+87,891	+9,278
Federal Funds.....	49,341,234	53,362,500	53,262,907	53,341,690	53,356,778	+4,005,544	+87,891	+9,278
Current Year.....	(32,366,234)	(36,462,600)	(36,422,907)	(36,491,690)	(36,506,778)	(-4,007,444)	(-82,891)	(-14,278)
FY 2011 Advance.....	(16,409,000)	(16,909,000)	(16,909,000)	(16,909,000)	(16,909,000)	(+600,000)	---	---
FY 2012 Advance.....	(328,000)	(449,000)	(449,000)	(449,000)	(449,000)	(+15,000)	(+5,000)	(-5,000)
Trust Funds.....	7,295,762	8,046,241	8,046,241	8,046,241	8,046,241	+750,479	---	---
Total, Title IV (excluding emergencies).....	55,435,996	61,346,741	61,309,126	61,387,741	61,397,019	+8,993,023	+87,891	+9,278
RECAP								
Mandatory, total in bill.....	523,793,366	582,823,383	582,886,343	582,823,383	582,879,046	+59,085,660	-9,207	+55,703
Less advances for subsequent years.....	-59,866,038	-105,784,382	-105,784,382	-105,784,382	-105,784,382	-15,828,344	---	---
Plus advances provided in prior years.....	64,830,669	69,866,038	69,866,038	69,866,038	69,866,038	+5,025,369	---	---
Total, mandatory, current year.....	518,758,027	546,905,039	547,068,039	546,905,039	547,050,742	+44,282,715	-9,207	+55,703
Discretionary total in bill.....	289,042,394	164,589,896	166,471,410	166,161,410	166,878,410	-121,365,984	+205,000	+498,000
Less advances for subsequent years.....	-24,789,000	-24,809,000	-24,809,000	-24,819,000	-24,814,000	-15,000	-6,000	+6,000
Plus advances provided in prior years.....	21,266,000	24,786,000	24,786,000	24,786,000	24,789,000	+3,520,000	---	---
Subtotal, discretionary, current year.....	284,512,394	164,566,896	166,451,410	166,151,410	166,861,410	-117,960,944	+200,000	+500,000
Discretionary Scorekeeping adjustments:								
SSI User Fee Collection.....	-146,000	-161,000	-161,000	-161,000	-161,000	-15,000	---	---
Medicaid moratoria (PL 110-362) (emergency).....	665,000	---	---	---	---	-605,000	---	---
Average Weekly Insured Unemployment (AWIU) Conting	492,492	50,000	50,000	50,000	50,000	-442,492	---	---

LEARN-MATH IN AND HOME SERVICES-EDUCATION AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2009 Comparable	FY 2010 Request	House	Senate	Conference	FY 2009 Comparable	Conference vs. FY 2010 House	FY 2010 Senate
Low Income Home Energy Assistance (PL 110-329)....	2,320,328	---	---	---	---	-2,320,328	---	---
(emergency).....	2,779,872	---	---	---	---	-2,779,872	---	---
Academic Competitiveness & SMART grants (recession)	-887,000	-511,000	-511,000	-511,000	-551,000	+326,000	-50,000	-50,000
Excess H-1B Fee Revenue (recession).....	-97,000	-30,000	-65,000	-65,000	-50,000	+47,000	+15,000	+15,000
Trade adjustment assistance extension (PL 110-329)	16,000	---	---	---	---	-16,000	---	---
Medicare eligible accruals (permanent, indefinite).	34,778	35,500	35,500	35,500	35,500	+612	---	---
SAUSA transfer (from Bioshield to PHASEF).....	-612,000	-1,569,000	-1,569,000	-1,569,000	-1,569,000	-1,187,000	---	---
Ticket to work (recession).....	-21,500	---	---	---	---	+21,500	---	---
Less emergency appropriations.....	-136,049,872	-831,000	-831,000	-831,000	-831,000	+135,819,872	---	---
Total, discretionary.....	152,747,492	151,552,470	153,400,000	153,100,000	153,565,000	+10,817,508	+165,000	+485,000
Adjustment to balance with 2009 enacted.....	-492,492	---	---	---	---	+492,492	---	---
Total, discretionary (FY 2009 enacted).....	152,255,000	151,552,470	153,400,000	153,100,000	153,565,000	+11,310,000	+165,000	+485,000
Grand total, current year (inc) FY 2009 comparable)....	871,515,519	726,547,509	730,480,039	730,095,039	730,616,742	+59,100,223	+155,703	+520,703
Grand total, current year (inc) FY 2009 enacted).....	871,023,027	726,547,509	730,480,039	730,095,039	730,616,742	+98,582,715	+155,703	+520,703

## CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2010 recommended by the Committee of Conference, with comparisons to the fiscal year 2009 amount, the 2010 budget estimates, and the House and Senate bills for 2010 follow:

(In thousands of dollars)

New budget (obligational) authority, fiscal year 2009 .....	\$810,835,790
Budget estimates of new (obligational) authority, fiscal year 2010 .....	747,412,263
House bill, fiscal year 2010 .....	749,359,793
Senate bill, fiscal year 2010 .....	749,004,793
Conference agreement, fiscal year 2010 .....	749,555,496
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2009 ...	–61,280,294
Budget estimates of new (obligational) authority, fiscal year 2010 .....	+2,143,233
House bill, fiscal year 2010 .....	+195,703
Senate bill, fiscal year 2010 .....	+550,703

## DIVISION E—MILITARY CONSTRUCTION AND VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

*Matters Addressed by Only One Committee.*—The language and allocations set forth in House Report 111-188 and Senate Report 111-40 should be complied with unless specifically addressed to the contrary in the conference agreement and this explanatory statement. Report language included by the House, which is not changed by the report of the Senate or this explanatory statement, and Senate report language, which is not changed by this explanatory statement is approved by the Committees on Appropriations of both Houses of Congress. This explanatory statement, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein. In cases where the House or the Senate have directed the submission of a report, such report is to be submitted to both Houses of Congress.

## TITLE I

## DEPARTMENT OF DEFENSE

## ITEMS OF GENERAL INTEREST

*Reprogramming Guidelines.*—The following reprogramming guidelines apply for all military construction and family housing projects. A project or account (including the sub-elements of an account) which has been specifically reduced by the Congress in acting on the budget request is considered to be a congressional interest item and as such, prior approval is required. Accordingly, no reprogrammings to an item specifically reduced below the threshold by the Congress are permitted, except that the Department of Defense may seek reprogrammings for appropriated increments.

The reprogramming criteria that apply to military construction projects (25 percent of the funded amount or \$2,000,000, whichever is less) continue to apply to new housing construction projects and to improvements over \$2,000,000. To provide the services the flexibility to proceed with construction contracts without disruption or delay, the costs associated with environmental hazard remediation such as asbestos removal, radon abatement,

lead-based paint removal or abatement, and any other legislated environmental hazard remediation may be excluded, provided that such remediation requirements could not be reasonably anticipated at the time of the budget submission. This exclusion applies to projects authorized in this budget year, as well as projects authorized in prior years for which construction has not been completed. Planning and design costs associated with military construction and family housing projects may also be excluded from these guidelines. In instances where prior approval to a reprogramming request for a project or account has been received from the Committees on Appropriations, the adjusted amount approved becomes the new base for any future increase or decrease via below-threshold reprogrammings (provided that the project or account is not a congressional interest item as defined above).

In addition to these guidelines, the services are directed to adhere to the guidance for military construction reprogrammings and notifications, including the pertinent statutory authorities contained in DOD Financial Management Regulation 7000.14-R and relevant updates and policy memoranda. The conferees encourage the Office of the Director of National Intelligence to use a format similar to that used by the Office of the Secretary of Defense to submit reprogramming requests.

*Incrementally Funded Projects.*—The conferees note that the Administration requested several large military construction projects that can be incrementally funded, but were instead submitted as large single-year requests, in accordance with a directive from the Office of Management and Budget to the Department of Defense to severely restrict the use of incremental funding for military construction. The Committees on Appropriations of both Houses of Congress have previously notified the Administration that they reserve the prerogative to provide incremental funding where appropriate, in accordance with authorizing legislation. The conferees continue to believe that military construction projects should be fully funded or separated into stand-alone phases when practical. In some cases, however, incremental funding makes fiscal and programmatic sense. The conference agreement therefore incrementally funds the following projects consistent with the National Defense Authorization Act for fiscal year 2010: Aviation Task Force Complex Phase 1, Fort Wainwright, Alaska; North Region Tertiary Treatment Plant Phase 1, Camp Pendleton, California; Hospital Replacement, Fort Bliss, Texas; Data Center, Camp Williams, Utah; Ship Repair Pier Replacement, Portsmouth, Virginia; Apra Harbor Wharves Improvements Phase 1, Guam; and Hospital Replacement, Guam.

*Bid Savings.*—The conferees are aware of significant bid savings realized by the military departments and defense agencies in the fiscal year 2009 military construction program due to a competitive bidding climate and lower material costs and have adjusted appropriated amounts for certain accounts to reflect these savings as well as projected savings in the fiscal year 2010 program. Individual project notifications provided to the congressional defense committees pursuant to section 2853 of title 10, United States Code, show that the Department of Defense has realized in total well over half a billion dollars in fiscal year 2009 military construction bid savings, and is projecting similar substantial savings for fiscal year 2010. However, the services and agencies

are required to notify Congress of only those cost variations equal to or exceeding 25 percent of the appropriated amount for military construction projects. In order to enhance congressional oversight and provide greater visibility of cumulative bid savings in the fiscal year 2010 program, the conferees direct the Secretary of Defense to submit to the Committees on Appropriations of both Houses of Congress a quarterly consolidated report from each of the military departments and defense agencies identifying, by project name, location, and dollar amount, bid savings in excess of 10 percent of the amount appropriated for military construction projects for which funds are obligated in fiscal year 2010. The report shall include projects funded through the regular military construction accounts, family housing construction accounts, the Department of Defense Base Closure Account 2005, and the overseas contingency operations military construction accounts. The initial report shall be submitted no later than April 30, 2010, and thereafter no later than 30 days after the end of each quarter.

*Report on Design Obligations.*—The conferees direct that the Secretary of Defense, and the secretaries of the Army, Navy, and Air Force, each submit separate semi-annual reports on the obligation and expenditure of planning and design funds. The Secretary of Defense's report shall cover Military Construction, Defense-Wide, and the reports by the Army, Navy, and Air Force shall cover active, guard, and reserve military construction accounts. Each report shall provide data on the total amount available from each and all fiscal years for planning and design activities, as well as the amounts currently obligated and expended. The reports shall be submitted no later than 30 days following the end of the second and fourth quarters of fiscal year 2010.

*Nuclear Weapons Security.*—The conferees direct the Secretary of Defense to submit a report to the Committees on Appropriations of both Houses of Congress analyzing alternative designs for any major construction projects requested in fiscal year 2011 or included in the accompanying future years defense plan for the purpose of securing strategic nuclear weapons. The report of alternatives should include the full life cycle cost and benefits including security enhancements required for each major construction project. The report shall be submitted along with the annual budget request.

*Department of Defense Cooperation with the Government Accountability Office.*—The conferees are concerned by indications that the Department of Defense is not cooperating fully with Government Accountability Office (GAO) investigations of matters that are of vital interest to the Committees on Appropriations of both Houses of Congress. GAO activities are crucial to the Committees' ongoing oversight of Administration military construction programs and policies. The conferees direct the Secretary of Defense to ensure that the Department fully complies in a timely manner with valid GAO requests for information. The conferees further direct the GAO to provide the Committees with an update on Department cooperation with its investigations no later than 30 days following the enactment of this Act.

*Delivery of Notifications.*—The conferees direct the Office of the Secretary of Defense, the services, and the defense agencies to submit a quarterly report listing all notifications that have been submitted to the Committees during the preceding three-month period.

## MILITARY CONSTRUCTION, ARMY

The conference agreement appropriates \$3,719,419,000 for Military Construction, Army, instead of \$3,630,422,000 as proposed by the House and \$3,477,673,000 as proposed by the Senate. Within this amount, the agreement provides \$200,519,000 for study, planning, design, architect and engineer services, and host nation support, instead of \$187,872,000 as proposed by the House and \$191,573,000 as proposed by the Senate.

The conference agreement includes \$350,000,000 to address the large unfunded backlog of Army trainee troop housing construction, instead of \$450,000,000 as proposed by the House. The Senate bill contained no similar provision.

Of the funds provided for planning and design in this account, the conferees direct that not less than the specified amounts be made available for the design of the following projects:

Alabama—Fort Rucker, Army AVIM Hangar, \$1,170,000.

Alabama—Fort Rucker, Water Survival Training Facility, \$401,000.

Kentucky—Fort Campbell, Physical Fitness Complex, \$900,000.

Maryland—Aberdeen Proving Ground, Information Processing Node Phase 2, \$956,000.

Missouri—Fort Leonard Wood, Brigade Headquarters, \$584,000.

North Carolina—Fort Bragg, Field Support Brigade Headquarters, \$720,000.

Texas—Fort Bliss, Access Control Points, \$6,500,000.

Utah—Dugway Proving Ground, Life Science Test Facility Addition, \$2,890,000.

Of the funds provided for minor construction in this account, the conferees direct that not less than the specified amount be made available for construction of the following project:

Colorado—Fort Carson, Convoy Skills Trainer (IED), \$1,950,000.

## MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

The conference agreement appropriates \$3,769,003,000 for Military Construction, Navy and Marine Corps, instead of \$3,757,330,000 as proposed by the House and \$3,548,771,000 as proposed by the Senate. Within this amount, the agreement provides \$179,652,000 for study, planning, design, architect and engineer services, instead of \$182,569,000 as proposed by the House and \$176,896,000 as proposed by the Senate.

Of the funds provided for planning and design in this account, the conferees direct that not less than the specified amounts be made available for the design of the following projects:

Florida—Panama City NSA, Joint Diver A-School Dormitory, \$520,000.

Hawaii—Pearl Harbor NSY, Drydock 2 Starboard Waterfront Facility, \$850,000.

Indiana—Crane NSWC, Strategic Weapons System Engineering Facility, \$510,000.

Maine—Portsmouth NSY, Consolidation of Structural Shops, \$2,000,000.

MILITARY CONSTRUCTION, AIR FORCE  
(INCLUDING RESCISSION OF FUNDS)

The conference agreement appropriates \$1,450,426,000 for Military Construction, Air Force, instead of \$1,359,171,000 as proposed by the House and \$1,251,039,000 as proposed by the Senate. Within this amount, the agreement provides \$103,562,000 for study, planning, design, architect and engineer services, instead of \$93,407,000 as proposed by the House and \$106,918,000 as proposed by the Senate.

The conference agreement rescinds \$37,500,000 from funds previously appro-

priated for the establishment of unmanned aerial system (UAS) field training facilities at an unspecified location. After those funds were appropriated, the Air Force selected Holloman AFB, New Mexico, as the site for the UAS field training unit, which required significant revisions to the scope of these facilities. The conference agreement provides \$37,500,000 for the revised UAS field training unit complex at Holloman, consistent with the National Defense Authorization Act for fiscal year 2010.

Of the funds provided for planning and design in this account, the conferees direct that not less than the specified amounts be made available for the design of the following projects:

Florida—MacDill AFB, Mission Support Facility, \$384,000.

Hawaii—Kona International Airport, C-17 Kona Short Auxiliary Airfield, \$910,000.

Idaho—Mountain Home AFB, Civil Engineer Maintenance Complex, \$690,000.

Maryland—Andrews AFB, Physical Fitness Center, \$930,000.

New Mexico—Cannon AFB, Dormitory (96 Room), \$450,000.

North Dakota—Minot AFB, Control Tower/Base Operations Facility, \$1,710,000.

Texas—Dyess AFB, Mission Operations Center, \$390,000.

Texas—Lackland AFB, Consolidated Security Forces Operations Center, \$342,000.

Texas—Laughlin AFB, Student Officer Quarters Phase 2, \$713,000.

Of the funds provided for minor construction in this account, the conferees direct that not less than the specified amount be made available for construction of the following project:

Colorado—Peterson AFB, Widen Paine Street, \$2,000,000.

*Air Base Development, Palanquero, Colombia.*—The conference agreement provides \$43,000,000 for the construction of air base facilities at the Colombian Air Force Base, Palanquero, Colombia. The conferees understand that this funding is not intended to establish a U.S. base or a permanent U.S. military presence in Colombia, and that any activities conducted by U.S. forces from this or any other location in Colombia would be based on full respect for the principles of sovereignty, territorial integrity, and non-interventionism, in accordance with the Defense Cooperation Agreement of October 30, 2009. The conference agreement reduces the amount requested for this project by \$3,000,000 to meet this intent.

MILITARY CONSTRUCTION, DEFENSE-WIDE  
(INCLUDING RESCISSION AND TRANSFER OF FUNDS)

The conference agreement appropriates \$3,093,679,000 for Military Construction, Defense-Wide, instead of \$2,743,526,000 as proposed by the House and \$3,137,614,000 as proposed by the Senate. Within this amount, the agreement provides \$131,942,000 for study, planning, design, architect and engineer services, instead of \$121,442,000 as proposed by the House and \$142,942,000 as proposed by the Senate.

The conference agreement rescinds \$151,160,000 from previously appropriated funds due to the Administration's cancellation of a proposed ballistic missile defense system in Europe. The conference agreement also includes \$68,500,000 for an Aegis Ashore Test Facility, as proposed by the Senate, to support the Administration's new plan for ballistic missile defense. The House bill contained no similar provision.

Of the funds provided for planning and design in this account, the conferees direct

that not less than the specified amount be made available for the design of the following project:

Washington—Fort Lewis, Women's Health Center Facility, \$2,000,000.

*Landstuhl Regional Medical Center.*—The conferees understand that the Department of Defense is reviewing options for a new site to accommodate a facility replacing the current Landstuhl Regional Medical Center in Germany, including the current site, Ramstein Air Base, the Weilerbach area adjacent to Ramstein, and other locations. The conferees direct the Department to provide the Committees on Appropriations of both Houses of Congress with a cost-benefit analysis of the various site options, and a justification for the preferred site. This assessment should include ancillary facilities that need to be collocated with the new medical facility, as well as any additional facilities or functions that would benefit U.S. forces in Europe by being collocated on the same site. The conferees direct the Department to submit this assessment with the fiscal year 2011 budget request.

*Energy Conservation Investment Program (ECIP).*—The conference agreement provides \$174,209,000 for ECIP, including \$10,500,000 for planning and design, instead of \$90,000,000 as proposed by the House and \$225,000,000 as proposed by the Senate. The conferees strongly support the efforts of the Department of Defense to promote energy conservation, green building initiatives, energy security, and investment in renewable energy resources, and commend the leadership of the Department and the services for making energy efficiency a key component of construction on military installations. The conferees urge the Department to use the additional funds to invest in innovative renewable energy projects as well as projects that enhance energy security at military installations. The conferees direct the Secretary of Defense to provide an expenditure plan for the additional funds to the Committees on Appropriations of both Houses of Congress no later than 45 days following the enactment of this Act.

## MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

The conference agreement appropriates \$582,056,000 for Military Construction, Army National Guard, instead of \$529,129,000 as proposed by the House and \$497,210,000 as proposed by the Senate. Within this amount, the agreement provides \$47,429,000 for study, planning, design, architect and engineer services as proposed by the House, with modification. The Senate bill contained no similar provision. The agreement also provides \$30,000,000 for critical unfunded requirements as proposed by the House. The Senate bill contained no similar provision.

Of the funds provided for planning and design in this account, the conferees direct that not less than the specified amounts be made available for the design of the following projects:

Arkansas—West Memphis, Readiness Center, \$1,240,000.

Hawaii—Kapolei, Readiness Center (Joint Forces Headquarters), \$5,446,000.

Iowa—Johnston, Armed Forces Reserve Center/Field Maintenance Shop, \$180,000.

Kentucky—Frankfort, Joint Forces Headquarters, \$334,000.

Massachusetts—Hanscom AFB, Joint Force Headquarters, \$2,663,000.

Michigan—Camp Grayling, Barracks Replacement Phase 2, \$440,000.

Nevada—Las Vegas, Civil Support Team Ready Building, \$727,000.

Oregon—Camp Rilea, Water Supply System, \$368,000.

Oregon—Clackamas County, Storm Water and Sewer Infrastructure Improvements, Camp Withycombe, \$1,226,000.

Oregon—Washington County, Readiness Center, \$386,000.

Pennsylvania—Luzerne, Readiness Center, \$924,000.

Vermont—Morrisville, Field Vehicle Maintenance Shop, \$812,000.

West Virginia—Logan/Mingo County, Readiness Center, \$501,000.

West Virginia—Parkersburg, Readiness Center, \$2,234,000.

West Virginia—Parkersburg, Field Maintenance Shop, \$967,000.

Of the funds provided for minor construction in this account, the conferees direct that not less than the specified amounts be made available for construction of the following projects:

Iowa—Camp Dodge, Motor Vehicle Storage Buildings (Freedom Center Armory), \$1,963,000.

Iowa—Davenport, Army Aviation Support Facility Addition/Alteration, \$2,000,000.

Iowa—Fairfield, Field Maintenance Shop Addition/Alteration, \$2,000,000.

Iowa—Iowa Falls, Addition/Alteration Readiness Center, \$2,000,000.

Kentucky—London, Phase IV Aviation Operations Facility, \$1,805,000.

Montana—Fort Harrison, Addition/Alteration Troop Medical Facility, \$1,750,000.

Nevada—Floyd Edsall Training Center, Addition/Alteration Clark County Armory, \$2,000,000.

North Dakota—Bismarck, Raymond J. Bohn Readiness Center Addition, \$2,000,000.

Ohio—Beightler Armory, Joint Forces Headquarters Addition, \$2,000,000.

Ohio—Ravenna Training Site, Shoot House, \$2,000,000.

Puerto Rico—Camp Santiago, Urban Assault Course, \$1,669,000.

#### MILITARY CONSTRUCTION, AIR NATIONAL GUARD

The conference agreement appropriates \$371,226,000 for Military Construction, Air National Guard, instead of \$226,126,000 as proposed by the House and \$297,661,000 as proposed by the Senate. Within this amount, the agreement provides \$20,021,000 for study, planning, design, architect and engineer services as proposed by the House, with modification. The Senate bill contained no similar provision. The agreement also provides \$30,000,000 for critical unfunded requirements as proposed by the House. The Senate bill contained no similar provision.

Of the funds provided for planning and design in this account, the conferees direct that not less than the specified amount be made available for the design of the following project:

Kentucky—Standiford Field, Contingency Response Group Facility, \$600,000.

Of the funds provided for minor construction in this account, the conferees direct that not less than the specified amounts be made available for construction of the following projects:

Massachusetts—Hanscom AFB, Joint Forces Operations Center Air National Guard Share, \$1,500,000.

New Jersey—Atlantic City IAP, Munitions Administration Facility, \$1,700,000.

Ohio—Toledo Express Airport, Multi-Use Instructional Facility, \$2,000,000.

Ohio—Zanesville ANG, New Supply Warehouse, \$1,000,000.

#### MILITARY CONSTRUCTION, ARMY RESERVE

The conference agreement appropriates \$431,566,000 for Military Construction, Army

Reserve, instead of \$432,516,000 as proposed by the House and \$379,012,000 as proposed by the Senate. Within this amount, the agreement provides \$22,716,000 for study, planning, design, architect and engineer services as proposed by the House, with modification. The Senate bill contained no similar provision. The agreement also provides \$30,000,000 for critical unfunded requirements as proposed by the House. The Senate bill contained no similar provision.

#### MILITARY CONSTRUCTION, NAVY RESERVE

The conference agreement appropriates \$125,874,000 for Military Construction, Navy Reserve as proposed by the House, instead of \$64,124,000 as proposed by the Senate. Within this amount, the agreement provides \$2,951,000 for study, planning, design, architect and engineer services as proposed by the House, with modification. The Senate bill contained no similar provision. The agreement also provides \$20,000,000 for critical unfunded requirements of the Navy Reserve and \$35,000,000 for critical unfunded requirements of the Marine Forces Reserve as proposed by the House. The Senate bill contained no similar provision.

#### MILITARY CONSTRUCTION, AIR FORCE RESERVE

The conference agreement appropriates \$112,269,000 for Military Construction, Air Force Reserve, instead of \$103,169,000 as proposed by the House and \$47,376,000 as proposed by the Senate. Within this amount, the agreement provides \$3,869,000 for study, planning, design, architect and engineer services as proposed by the House, with modification. The Senate bill contained no similar provision. The agreement also provides \$55,000,000 for critical unfunded requirements as proposed by the House. The Senate bill contained no similar provision.

#### NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

The conference agreement appropriates \$197,414,000 for the North Atlantic Treaty Organization Security Investment Program, instead of \$234,914,000 as proposed by the House and \$276,314,000 as proposed by the Senate. Funding for the U.S. share of the planning, design, and construction of a new NATO headquarters is included under Military Construction, Defense-Wide as proposed by the House. The Senate bill contained no similar provision.

#### FAMILY HOUSING CONSTRUCTION, ARMY

The conference agreement appropriates \$273,236,000 for Family Housing Construction, Army as proposed by both the House and the Senate.

#### FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

The conference agreement appropriates \$523,418,000 for Family Housing Operation and Maintenance, Army as proposed by both the House and the Senate.

#### FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

The conference agreement appropriates \$146,569,000 for Family Housing Construction, Navy and Marine Corps as proposed by both the House and the Senate.

#### FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS

The conference agreement appropriates \$368,540,000 for Family Housing Operation and Maintenance, Navy and Marine Corps as proposed by both the House and the Senate.

#### FAMILY HOUSING CONSTRUCTION, AIR FORCE

The conference agreement appropriates \$66,101,000 for Family Housing Construction,

Air Force as proposed by both the House and the Senate.

#### FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

The conference agreement appropriates \$502,936,000 for Family Housing Operation and Maintenance, Air Force as proposed by both the House and the Senate.

#### FAMILY HOUSING CONSTRUCTION, DEFENSE-WIDE

The conference agreement appropriates \$2,859,000 for Family Housing Construction, Defense-Wide as proposed by both the House and the Senate.

#### FAMILY HOUSING OPERATION AND MAINTENANCE, DEFENSE-WIDE

The conference agreement appropriates \$49,214,000 for Family Housing Operation and Maintenance, Defense-Wide as proposed by both the House and the Senate.

#### DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND

The conference agreement appropriates \$2,600,000 for the Department of Defense Family Housing Improvement Fund as proposed by both the House and the Senate.

#### HOMEOWNERS ASSISTANCE FUND

The conference agreement appropriates \$323,225,000 for the Homeowners Assistance Fund as proposed by the Senate, instead of \$23,225,000 as proposed by the House. This amount is \$300,000,000 above the President's budget request to fund the expansion of the Homeowners Assistance Program (HAP) to provide mortgage relief to eligible personnel who sustain losses on the sale of their home due to relocation requirements during the current mortgage crisis, as well as wounded warriors and the spouses of fallen warriors. The program was permanently expanded in 2009 to cover wounded warriors who must relocate for medical reasons and spouses of fallen warriors, and was expanded through 2012 for all military and qualified civilian personnel who receive orders to move during the mortgage crisis and must sell their home at a loss. According to the Department of Defense, the funds provided in this Act, in addition to the \$555,000,000 provided for the initial expansion of the program in the American Recovery and Reinvestment Act of 2009, are sufficient to meet all currently projected funding requirements for the HAP expansion.

#### CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE

The conference agreement appropriates \$151,541,000 for Chemical Demilitarization Construction, Defense-Wide as proposed by the Senate, instead of \$146,541,000 as proposed by the House.

#### DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990

The conference agreement appropriates \$496,768,000 for the Department of Defense Base Closure Account 1990, instead of \$536,768,000 as proposed by the House and \$421,768,000 as proposed by the Senate. The agreement includes an increase of \$100,000,000 above the budget request, of which \$40,000,000 is provided for the Army and \$60,000,000 is provided for the Navy.

The conferees direct the Army and Navy to submit an expenditure plan to the Committees on Appropriations of both Houses of Congress for the additional funds provided no later than 30 days following the enactment of this Act.

#### DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005

The conference agreement appropriates \$7,455,498,000 for the Department of Defense

Base Closure Account 2005, instead of \$7,479,498,000 as proposed by both the House and Senate. The amount approved by the conferees fully funds the authorized level for fiscal year 2010. The reduction from the request is due to the realignment of funding for the hospital replacement at Fort Bliss, Texas to the Military Construction, Defense-Wide account. The conferees direct the Department to continue notifying the Committees on Appropriations of both Houses of Congress of any above-threshold cost or scope variation on projects, and cancellation of projects, or any transfer of funds among accounts and construction projects associated with the BRAC 2005 program.

*BRAC Transportation Improvements Study.*—The conferees direct the Secretary of Defense to provide \$450,000 from available funds within the 2005 Base Closure Account to enter into an arrangement with the National Academy of Sciences (NAS) to conduct a study on the funding of transportation improvements to accommodate installation growth associated with the BRAC 2005 program. The study shall:

(1) examine case studies of congestion caused on metropolitan road and transit facilities when BRAC requirements cause shifts in personnel to occur faster than facilities can be improved through the usual State and local processes;

(2) review the criteria used by the Defense Access Roads (DAR) program for determining the eligibility of transportation projects and the appropriate Department of Defense share of public highway and transit improvements in BRAC cases;

(3) assess the adequacy of current Federal surface transportation and Department of Defense programs that fund highway and transit improvements in BRAC cases to mitigate transportation impacts in urban areas with preexisting traffic congestion and saturated roads;

(4) identify promising approaches for funding road and transit improvements and streamlining transportation project approvals in BRAC cases; and

(5) provide recommendations for modifications of current policy for the DAR and Office of Economic Adjustment programs, including funding strategies, road capacity assessments, eligibility criteria, and other government policies and programs the National Academy of Sciences may identify, to mitigate the impact of BRAC-related installation growth on preexisting urban congestion.

The NAS is directed to provide an interim report of its findings to the Secretary of Defense and the Committees on Appropriations of both Houses of Congress no later than May 14, 2010, with a final report to be provided no later than January 31, 2011.

#### ADMINISTRATIVE PROVISIONS

The conference agreement includes section 101 as proposed by both the House and the Senate limiting the use of funds under a cost-plus-a-fixed-fee contract.

The conference agreement includes section 102 as proposed by both the House and the Senate allowing the use of construction funds in this title for hire of passenger motor vehicles.

The conference agreement includes section 103 as proposed by both the House and the Senate allowing the use of construction funds in this title for advances to the Federal Highway Administration for the construction of access roads.

The conference agreement includes section 104 as proposed by the Senate prohibiting construction of new bases in the United States without a specific appropriation. The

House bill contained similar language prohibiting the use of funds to initiate a new installation without a specific appropriation.

The conference agreement includes section 105 as proposed by both the House and the Senate limiting the use of funds for the purchase of land or land easements that exceed 100 percent of the value.

The conference agreement includes section 106 as proposed by both the House and the Senate prohibiting the use of funds, except funds appropriated in this title for that purpose, for family housing.

The conference agreement includes section 107 as proposed by both the House and the Senate limiting the use of minor construction funds to transfer or relocate activities.

The conference agreement includes section 108 as proposed by both the House and the Senate prohibiting the procurement of steel unless American producers, fabricators, and manufacturers have been allowed to compete.

The conference agreement includes section 109 as proposed by both the House and the Senate prohibiting the use of construction or family housing funds to pay real property taxes in any foreign nation.

The conference agreement includes section 110 as proposed by the Senate prohibiting the use of funds to initiate a new installation overseas without prior notification. The House bill contained similar language prohibiting the use of funds to initiate a new installation without a specific appropriation.

The conference agreement includes section 111 as proposed by both the House and the Senate establishing a preference for American architectural and engineering services for overseas projects.

The conference agreement includes section 112 as proposed by both the House and the Senate establishing a preference for American contractors in certain locations.

The conference agreement includes section 113 as proposed by both the House and the Senate requiring congressional notification of military exercises when construction costs exceed \$100,000.

The conference agreement includes section 114 as proposed by both the House and the Senate limiting obligations in the last two months of the fiscal year.

The conference agreement includes section 115 as proposed by both the House and the Senate allowing funds appropriated in prior years for new projects authorized during the current session of Congress.

The conference agreement includes section 116 as proposed by both the House and the Senate allowing the use of lapsed or expired funds to pay the cost of supervision for any project being completed with lapsed funds.

The conference agreement includes section 117 as proposed by both the House and the Senate allowing military construction funds to be available for five years.

The conference agreement includes section 118 as proposed by the Senate requiring an annual report on actions taken to encourage other nations to assume a greater share of the common defense burden, to include a classified report option, if necessary. The House bill contained no similar provision.

The conference agreement includes section 119 as proposed by both the House and the Senate allowing the transfer of proceeds between BRAC accounts.

The conference agreement includes section 120 as proposed by the House allowing the transfer of funds from Family Housing Construction accounts to the Family Housing Improvement Fund. The Senate bill contained a similar provision, but did not allow for notification by electronic medium.

The conference agreement includes section 121 as proposed by both the House and the Senate requiring congressional notification prior to issuing a solicitation for a contract with the private sector for family housing.

The conference agreement includes section 122 as proposed by both the House and the Senate allowing transfers to the Homeowners Assistance Fund.

The conference agreement includes a modified section 123 limiting the source of operation and maintenance funds for flag and general officer quarters and allowing for notification by electronic medium. Both the House bill and the Senate bill included a similar provision.

The conference agreement includes section 124 as proposed by both the House and the Senate extending the availability of funds in the Ford Island Improvement Account.

The conference agreement includes section 125 as proposed by both the House and the Senate placing limitations on the expenditure of funds for projects impacted by BRAC 2005.

The conference agreement includes section 126 as proposed by both the House and the Senate allowing the transfer of expired funds to the Foreign Currency Fluctuations, Construction, Defense account.

The conference agreement includes section 127 as proposed by the House prohibiting the use of funds for any action related to the expansion of Pinon Canyon Maneuver Site, Colorado. The Senate bill contained no similar provision.

The conference agreement includes section 128 as proposed by both the House and the Senate allowing for the reprogramming of construction funds among projects and activities subject to certain criteria.

The conference agreement includes section 129 reducing the following accounts in the bill by the specified amounts due to adjusted inflation and bid savings projections: Military Construction, Army, \$230,000,000; Military Construction, Navy and Marine Corps, \$235,000,000; and Military Construction, Air Force, \$64,091,000.

The conference agreement includes section 130 rescinding unobligated balances primarily due to bid savings from the following accounts in the specified amounts: Military Construction, Army, \$33,000,000; Military Construction, Navy and Marine Corps, \$51,468,000; Military Construction, Defense-Wide, \$93,268,000; Military Construction, Army National Guard, \$33,000,000; and Military Construction, Air National Guard, \$7,000,000.

The conference agreement does not include a provision as proposed by the Senate (Sec. 128) related to alternative designs for strategic nuclear weapons facilities. The House bill contained no similar provision. This issue is instead addressed under Items of General Interest.

The conference agreement does not include a provision as proposed by the Senate (Sec. 129) related to a report on cost and scope variations on military construction projects. The House bill contained no similar provision. This issue is instead addressed under Items of General Interest.

The conference agreement does not include a provision as proposed by the Senate (Sec. 130) related to a study of transportation improvements to accommodate installation growth associated with the BRAC 2005 program. The House bill contained no similar provision. This issue is instead addressed under Department of Defense Base Closure Account 2005.

The conference agreement does not include a provision as proposed by the Senate (Sec.

131) related to the construction of an Unmanned Aerial System Field Training Complex at Holloman AFB, New Mexico. The House bill contained no similar provision. This issue is instead addressed under Military Construction, Air Force.

The conference agreement does not include a provision as proposed by the Senate (Sec. 132) related to the construction of an Aegis Ashore Test Facility at the Pacific Missile Range Facility, Hawaii. The House bill proposed no similar provision. This issue is instead addressed under Military Construction, Defense-Wide.

## TITLE II

### DEPARTMENT OF VETERANS AFFAIRS ITEMS OF GENERAL INTEREST

*Outreach at Colleges and Universities.*—The conferees are aware that with increasing numbers of veterans utilizing the new GI Bill benefits, veteran enrollment at institutions of higher education is growing. The conferees strongly encourage the Department to utilize all means at its disposal to ensure that effective outreach and services are offered at institutions of higher education for student veterans, particularly those combat veterans with neurological and psychological illnesses or injuries.

*Guide and Service Dog Program.*—The conferees are concerned with the lack of progress the Department has made to fully implement section 1714 of title 38 regarding the provision of guide dogs and service dogs to qualified veterans seeking such services. Additionally, the conferees direct the Department to immediately begin the process of assisting those veterans with mental illnesses, to include Post-Traumatic Stress Disorder (PTSD), who would benefit from having a service dog and provide the authorization to do so in the bill. While the conferees understand that the Department is currently reviewing its policies and regulations in order to improve access to guide and service dogs, and advance its partnerships with accredited nonprofit organizations with expertise in the training of service dogs and education in the use of service dogs, the conferees want this process to accelerate. Therefore, the conference agreement provides an additional \$2,000,000 in Medical Services for the Guide and Service Dog Program and provides additional funds in Medical and Prosthetic Research for any necessary studies. Further, the conference agreement provides additional funds to the Office of Inspector General and directs the Office of Inspector General to review the Guide and Service Dog Program to include its current and pending policies and regulations and wait list and outreach procedures and report to the Committees on Appropriations of both Houses of Congress on its recommendations to improve this program by July 8, 2010. Additionally, the Department is encouraged to expand its partnership with accredited nonprofit service dog organizations where veterans with PTSD help to train service dogs.

### VETERANS BENEFITS ADMINISTRATION COMPENSATION AND PENSIONS (INCLUDING TRANSFER OF FUNDS)

The conference agreement appropriates \$47,396,106,000 for Compensation and Pensions. Of the amount provided, not more than \$29,283,000 is to be transferred to General Operating Expenses, Medical Support and Compliance, and Information Technology Systems for reimbursement of necessary expenses in implementing provisions of title 38.

### READJUSTMENT BENEFITS

The conference agreement appropriates \$9,232,369,000 for Readjustment Benefits.

### VETERANS INSURANCE AND INDEMNITIES

The conference agreement appropriates \$49,288,000 for Veterans Insurance and Indemnities as proposed by both the House and the Senate.

### VETERANS HOUSING BENEFIT PROGRAM FUND

The conference agreement appropriates such sums as may be necessary for costs associated with direct and guaranteed loans for the Veterans Housing Benefit Program Fund as proposed by both the House and the Senate. The agreement limits obligations for direct loans to not more than \$500,000 and provides that \$165,082,000 shall be available for administrative expenses.

### VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

The conference agreement appropriates \$29,000 for the cost of direct loans from the Vocational Rehabilitation Loans Program Account as proposed by both the House and the Senate, plus \$328,000 to be transferred to and merged with General Operating Expenses. The agreement provides for a direct loan limitation of \$2,298,000 as proposed by both the House and the Senate.

### NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

The conference agreement appropriates \$664,000 for administrative expenses of the Native American Veteran Housing Loan Program Account as proposed by both the House and the Senate.

### GUARANTEED TRANSITIONAL HOUSING LOANS FOR HOMELESS VETERANS PROGRAM ACCOUNT

The conference agreement provides up to \$750,000 of the funds available in General Operating Expenses and Medical Support and Compliance to carry out the Guaranteed Transitional Housing Loans for Homeless Veterans Program Account as proposed by both the House and the Senate.

### VETERANS HEALTH ADMINISTRATION

*Advance Appropriations.*—The conference agreement includes an advance appropriation for the Medical Services, Medical Support and Compliance, and Medical Facilities accounts. The goal of this advance appropriation is to provide the Veterans Health Administration with reliable and timely funding for their current services so the delivery of medical care is not disrupted. However, the provision of an advance appropriation should be seen as only the first step in this process. The conferees direct the Department to include in future budget submissions the budget plan for the advance appropriation provided in the previous year's appropriation to include the amount of funds that will be allocated in accordance with the Veterans Equitable Resource Allocation, and expect funding provided by advance appropriation to be made available to the Veterans Integrated Service Networks on October 1, 2010. The conferees further direct the Department to include an advance appropriation request for current services for the Medical Services, Medical Support and Compliance, and Medical Facilities accounts in future budget submissions.

*Hyperbaric Oxygen Therapy.*—The conferees direct the Department to submit a report to the Committees on Appropriations of both Houses of Congress on the Veterans Health Administration's use of hyperbaric oxygen therapy by March 31, 2010. This report should include, but not be limited to, the number of veterans and types of conditions being treated using this therapy, outcome measurements, and number of facilities that provide this therapy.

*State Home Care.*—The conferees urge the Department to undertake a feasibility study

to identify any potential impacts of permitting State Home Care facilities to provide services to non-veterans who have had a child die while serving in the Armed Forces, as long as such services are not denied to a qualified veteran seeking those services. The Department is directed to report back to the Committees on Appropriations of both Houses of Congress within 90 days after enactment of this Act on what steps, if any, have been taken to undertake the feasibility study and any findings, should the study be completed.

*Hiring Incentives for Rural and Highly Rural Areas.*—The conferees are aware that the Department currently provides recruitment and relocation incentive pay to attract high quality medical personnel. However, the conferees are concerned that the Department has not been aggressive enough in utilizing this program in underserved rural areas. Therefore, the Department is directed to provide an additional \$1,500,000 for incentive pay from Medical Services and \$1,500,000 for incentive pay from Medical Support and Compliance for recruitment and permanent relocation of high quality healthcare providers and administrators, respectively, to areas designated by the Veterans Health Administration as rural or highly rural areas. Further, the Department is directed to provide a report to the Committees on Appropriations of both Houses of Congress on the number of new employees receiving incentives with this funding and the structure of the program by March 31, 2010.

### MEDICAL SERVICES (INCLUDING TRANSFER OF FUNDS)

The conference agreement appropriates \$34,707,500,000 for Medical Services, instead of \$34,705,500,000 as proposed by the House and \$34,705,250,000 as proposed by the Senate. Of the amount provided, \$1,015,000,000 is available for obligation until September 30, 2011, as proposed by the House, instead of \$1,600,000,000 as proposed by the Senate. The agreement further appropriates an advance appropriation for fiscal year 2011 of \$37,136,000,000 as proposed by the House, instead of \$37,136,000,000 as proposed by the Senate in title V, to become available on October 1, 2010, and remain available until September 30, 2011.

The conference agreement includes an additional \$1,000,000 for the Education Debt Reduction Program to be used as a hiring incentive for mental health professionals, an additional \$2,000,000 for the Guide and Service Dog Program, and directs an additional \$4,000,000 for the Supportive Services For Low Income Veterans and Families, funding the full authorized level of \$20,000,000, and directs an additional \$6,000,000 for the Homeless Grant and Per Diem Program, funding the full authorized level of \$150,000,000, and provides sufficient funding to allow for additional personnel for the HUD-Veterans Affairs Supportive Housing Program to address any increase in the number of vouchers offered and directs the Department to increase the number of case workers as necessary to accommodate the increase in vouchers.

### MEDICAL SUPPORT AND COMPLIANCE

The conference agreement appropriates \$4,930,000,000 for Medical Support and Compliance, instead of \$4,896,500,000 as proposed by the House and \$5,100,000,000 as proposed by the Senate. Of the amount provided, \$145,000,000 is available for obligation until September 30, 2011, as proposed by the House, instead of \$250,000,000 as proposed by the Senate. The agreement further appropriates an advance appropriation for fiscal year 2011 of



\$5,307,000,000 as proposed by the House, instead of \$5,307,000,000 as proposed by the Senate in title V, to become available on October 1, 2010, and remain available until September 30, 2011.

#### MEDICAL FACILITIES

The conference agreement appropriates \$4,859,000,000 for Medical Facilities, instead of \$4,893,000,000 as proposed by the House and \$4,849,883,000 as proposed by the Senate. Of the amount provided, \$145,000,000 is available until September 30, 2011, as proposed by the House, instead of \$250,000,000 as proposed by the Senate. The agreement further appropriates an advance appropriation for fiscal year 2011 of \$5,740,000,000 as proposed by the House, instead of \$5,740,000,000 as proposed by the Senate in title V, to become available on October 1, 2010, and remain available until September 30, 2011.

In addition, the conference agreement specifies that \$130,000,000 for non-recurring maintenance shall be allocated in a manner not subject to the Veterans Equitable Resource Allocation model, instead of \$200,000,000 as proposed by the House and \$100,000,000 as proposed by the Senate. The conference agreement includes an additional \$5,000,000 to hire extra contracting staff.

**Community Based Outpatient Clinics.**—The conference agreement includes an additional \$30,000,000 for the Department to open new community based outpatient clinics (CBOC) in rural areas. The conferees understand that the Department funds new outpatient clinics through the Medical Services account as well as the Medical Facilities account and reminds the Department that they may reprogram funds between these accounts for this initiative. The conferees direct the Department to provide to the Committees on Appropriations of both Houses of Congress a detailed expenditure plan for this funding no later than March 1, 2010. Moreover, the plan should also include a list of all current clinics, regardless of size or contractual arrangements, which provide healthcare services in an outpatient setting.

The conferees direct the Department to provide the Committees on Appropriations of both Houses of Congress with a report by February 16, 2010, on the feasibility of and/or plans for clinics in the following locations: Chattanooga, Tennessee; Idabel, Oklahoma; and Hinesville, Georgia.

#### MEDICAL AND PROSTHETIC RESEARCH

The conference agreement appropriates \$581,000,000 for Medical and Prosthetic Research, instead of \$580,000,000 as proposed by both the House and the Senate.

**Gulf War Illness Research.**—The conferees are concerned that the Department has not placed sufficient emphasis on finding a cause or cure for Gulf War Veterans' illnesses, which affect thousands of veterans every day. Veterans from the First Gulf War and now the current conflict are experiencing illness that cannot be explained and rates of other more known illnesses at higher than the national average. The conferees have repeatedly encouraged the Department to do more research in this area and have consistently provided the funds to do so. However, the Department has not shown a consistent level of commitment for this vital research. In order to better track the expenditures for this research, the Department is directed to include Gulf War Veterans' illnesses as a designated research area in the fiscal year 2011 budget request.

#### NATIONAL CEMETERY ADMINISTRATION

The conference agreement appropriates \$250,000,000 for the National Cemetery Ad-

ministration as proposed by both the House and the Senate. Of the amount provided, \$24,200,000 is available until September 30, 2011, as proposed by both the House and the Senate.

The conference agreement includes an additional \$8,000,000 for the National Shrine Commitment Program and to correct gravesite deficiencies to include gravesite renovation projects to replace turf, repair sunken graves, and raise, realign and clean headstones.

The conferees direct the Department to report by January 29, 2010, on plans to expand the Chattanooga National Cemetery. Additionally, the conferees direct the Department to conduct a study to determine the need and feasibility of establishing a National Veterans Cemetery in the eastern portion of South Dakota. The conferees are also aware that there is no active National Veterans Cemetery in North Dakota, Montana, Idaho, Wyoming, or eastern Washington, which encompasses approximately 500,000 square miles. Therefore, the conferees direct the Department to evaluate the feasibility of establishing a national veterans cemetery in this area, with consideration of the Yellowstone County Veterans Cemetery in Yellowstone County, Montana.

#### DEPARTMENTAL ADMINISTRATION

##### GENERAL OPERATING EXPENSES

The conference agreement appropriates \$2,086,707,000 for General Operating Expenses, instead of \$2,086,200,000 as proposed by the House and \$2,081,501,000 as proposed by the Senate. The agreement provides not less than \$1,689,207,000 as proposed by the Senate for the Veterans Benefits Administration, instead of \$1,690,200,000 as proposed by the House. Of the amount provided, \$111,000,000 is available for obligation until September 30, 2011, as proposed by both the House and the Senate.

The conferees do not concur with the budget proposal to shift the cost of disability compensation exams from the mandatory Compensation and Pensions account to the discretionary General Operating Expenses account. The funding reduction in this account reflects this decision. Funding to continue the disability compensation exam pilot program is provided in the Compensation and Pensions account. The Department is directed to provide \$10,500,000 for the Paralympic Program.

##### INFORMATION TECHNOLOGY SYSTEMS

The conference agreement appropriates \$3,307,000,000 for Information Technology (IT) Systems as proposed by both the House and the Senate.

The conference agreement directs the Department to submit an expenditure plan to the Committees on Appropriations of both Houses of Congress within 30 days of enactment as proposed by the House, instead of 60 days of enactment as proposed by the Senate.

**Reporting Requirements.**—The conferees are aware that the Assistant Secretary for Information Technology conducted a comprehensive review of all information technology projects under development, resulting in some projects being halted completely and others paused to improve internal governance structures. The conferees understand how such a comprehensive review could alter the fiscal year 2010 request for projects and programs that are to receive the proposed funding. Therefore, the conferees have included bill language that restricts the obligation of \$800,485,000 in IT development funds until the Secretary or the Chief Information

Officer submits a certification letter to the Committees on Appropriations of both Houses of Congress identifying which project/program is to receive funding in fiscal year 2010 and in what amount. These certifications may be submitted incrementally and are to serve as the base reprogramming amounts for development programs. In addition, the conferees direct the Department to submit the total life cycle development costs of projects and programs receiving development funds in fiscal year 2010, and to include these estimated costs in future budget submissions.

The conferees further direct the Assistant Secretary for Information Technology to report quarterly to the Committees on Appropriations of both Houses of Congress on the status of the Program Management Accountability System.

**Telehealth.**—The conferees direct the Department to conduct a study to identify improvements to the Department's infrastructure that are required in order to provide healthcare services to veterans using telehealth platforms.

#### OFFICE OF INSPECTOR GENERAL

The conference agreement appropriates \$109,000,000 for the Office of Inspector General as proposed by the Senate, instead of \$106,000,000 as proposed by the House. Of the amount provided, \$6,000,000 is available for obligation until September 30, 2011, as proposed by both the House and the Senate.

The conference agreement includes an additional \$1,000,000 for increased oversight of the Veterans Benefits Administration regional offices and an additional \$1,000,000 for the reports directed by this statement.

**Combat Stress and Women Veterans.**—The conferees direct the Office of Inspector General to conduct a study to assess the capacity of the Department to address combat stress in women veterans. At a minimum, the study should include: whether women veterans are properly evaluated by the Department for Post-Traumatic Stress Disorder, military sexual trauma, and traumatic brain injury; whether the Department is properly adjudicating combat stress as a service-connected disability; whether the Veterans Benefits Administration (VBA) has developed and disseminated materials and policies to claims adjudicators that address claims involving military sexual trauma; and the feasibility of requiring training and testing of VBA claims adjudicators on military sexual trauma. The conferees direct the Office of Inspector General to provide the Secretary and the Committees on Appropriations of both Houses of Congress a plan for conducting this study, and any interim findings, within 180 days and a final report no later than one year after enactment of this Act.

#### CONSTRUCTION, MAJOR PROJECTS

The conference agreement appropriates \$1,194,000,000 for Construction, Major Projects as proposed by both the House and the Senate.

The conferees concur with the direction in House Report 111-188 directing the Department to report obligations for each project on a quarterly basis, with the first report to the Committees on Appropriations of both Houses of Congress to be submitted no later than January 15, 2010, to reflect obligations incurred through December 31, 2009. The conferees also agree with direction in Senate Report 111-40 regarding a 5-year capital plan for major construction projects, and direct that this plan include the total cost of each project and an obligation plan by fiscal year.

The conference agreement funds the following items:

	Conference agreement (\$000)
<b>Veterans Health Administration:</b>	
Denver, CO—New Medical Facility .....	119,000
Orlando, FL—New Medical Facility .....	371,300
San Juan, PR—Seismic Corrections Building 1 .....	42,000
St. Louis, MO—Medical Facility Improvements and Cemetery Expansion .....	19,700
Bay Pines, FL—Inpatient/Outpatient Improvements .....	96,800
Livermore, CA—Realignment and Closure (Design and Land Purchase) .....	55,430
Canandaigua, NY—Construction and Renovation (Design) .....	36,580
San Diego, CA—Seismic Deficiency (Design) .....	18,340
Long Beach, CA—Seismic Corrections—Mental Health and Community Living Center (Design) .....	24,200
St. Louis, MO—Replace Bed Tower/Clinic Expansion (Design) .....	43,340
Brockton, MA—Long-term Care Spinal Cord Injury Unit (Design) .....	24,040
Perry Point, MD—Replacement Community Living Center (Design) .....	9,000
Advanced Planning Fund—Various Locations .....	123,560
Facility Security Projects—Various Locations .....	42,510
Judgment Fund—Various Locations .....	16,000
BRAC Land Acquisition—Various Locations .....	35,000
<b>Total Veterans Health Administration .....</b>	<b>1,076,800</b>
<b>National Cemetery Administration:</b>	
Chicago, IL—Abraham Lincoln National Cemetery—Gravesite Expansion and Cemetery Improvements—Phase 2 .....	38,300
Houston, TX—Houston National Cemetery—Gravesite Expansion and Cemetery Improvements—Phase 4 .....	35,000
Advanced Planning Fund—Various Locations .....	13,400
NCA Land Acquisition Fund—Various Locations .....	25,500
<b>Total National Cemetery Administration .....</b>	<b>112,200</b>
General Administration—Staff Offices .....	5,000
<b>Total construction, major projects .....</b>	<b>1,194,000</b>

#### CONSTRUCTION, MINOR PROJECTS

The conference agreement appropriates \$703,000,000 for Construction, Minor Projects, instead of \$722,800,000 as proposed by the House and \$735,000,000 as proposed by the Senate.

The conferees direct the Department to provide an expenditure plan within 30 days of enactment as proposed by the House, instead of November 10, 2009, as proposed by the Senate.

The conference agreement includes an additional \$50,000,000 for the renovation of unused buildings on Department of Veterans Affairs campuses for the purpose of providing housing with supportive services for homeless veterans. This funding will allow the Department to make the renovations and pursue public/private partnerships for operation. The conferees direct the Department to provide an expenditure plan for this funding to the Committees on Appropriations of both Houses of Congress by April 9, 2010.

#### GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

The conference agreement appropriates \$100,000,000 for Grants for Construction of State Extended Care Facilities, instead of \$85,000,000 as proposed by the House and \$115,000,000 as proposed by the Senate.

#### GRANTS FOR CONSTRUCTION OF STATE VETERANS CEMETERIES

The conference agreement appropriates \$46,000,000 for Grants for Construction of State Veterans Cemeteries, as proposed by both the House and the Senate.

#### ADMINISTRATIVE PROVISIONS (INCLUDING TRANSFERS OF FUNDS)

The conference agreement includes section 201 as proposed by both the House and the Senate allowing for transfers among various mandatory accounts.

The conference agreement includes section 202 as proposed by the House, instead of section 202 as proposed by the Senate allowing

for the transfer of funds among the three medical accounts.

The conference agreement includes section 203 as proposed by both the House and the Senate allowing for the use of salaries and expenses funds to be used for other authorized purposes.

The conference agreement includes section 204 as proposed by both the House and the Senate restricting the use of funds for the acquisition of land.

The conference agreement includes section 205 as proposed by both the House and the Senate limiting the use of funds in the Medical Services account to only entitled beneficiaries unless reimbursement is made to the Department.

The conference agreement includes section 206 as proposed by both the House and the Senate allowing for the use of certain mandatory appropriations accounts for payment of prior year accrued obligations for those accounts.

The conference agreement includes section 207 as proposed by both the House and the Senate allowing for the use of appropriations available in this title to pay prior year obligations.

The conference agreement includes section 208 as proposed by both the House and the Senate allowing funds for the administration of the National Service Life Insurance Fund, the Veterans' Special Life Insurance Fund, and the United States Government Life Insurance Fund.

The conference agreement includes section 209 as proposed by both the House and the Senate allowing for the proceeds from enhanced-use leases to be obligated in the year in which the proceeds are received.

The conference agreement includes section 210 as proposed by the House allowing for the use of funds in this title for salaries and other administrative expenses to be used to reimburse the Office of Resolution Management and the Office of Employment Discrimination Complaint Adjudication. The Senate bill contained a similar provision, but included a different amount.

The conference agreement includes section 211 as proposed by both the House and the Senate limiting the use of funds for any lease with an estimated annual rental cost of more than \$1,000,000 unless approved by the Committees on Appropriations of both Houses of Congress.

The conference agreement includes section 212 as proposed by both the House and the Senate requiring the Secretary of the Department of Veterans Affairs to collect third-party payer information for persons treated for non-service connected disability.

The conference agreement includes section 213 as proposed by both the House and the Senate allowing for the use of enhanced-use leasing revenues for Construction, Major Projects and Construction, Minor Projects.

The conference agreement includes section 214 as proposed by both the House and the Senate allowing for the use of Medical Services funds to be used for recreational facilities and funeral expenses.

The conference agreement includes section 215 as proposed by the House, instead of section 215 as proposed by the Senate allowing for funds deposited into the Medical Care Collections Fund to be transferred to the Medical Services account.

The conference agreement includes a modified section 216 as proposed by the Senate, instead of section 216 as proposed by the House which allows Alaskan veterans to use medical facilities of the Indian Health Service or tribal organizations at no additional

cost to the Department of Veterans Affairs or the Indian Health Service.

The conference agreement includes section 217 as proposed by both the House and the Senate providing for the transfer of funds from the Department of Veterans Affairs Capital Asset Fund to the Construction, Major Projects and Construction, Minor Projects accounts and makes those funds available until expended.

The conference agreement includes section 218 as proposed by both the House and the Senate prohibiting the use of funds for any policy prohibiting the use of outreach or marketing to enroll new veterans.

The conference agreement includes section 219 as proposed by both the House and the Senate requiring the Secretary to submit quarterly reports on the financial status and service level status of the Veterans Health Administration.

The conference agreement includes section 220 as proposed by both the House and the Senate allowing for the transfer of funds from various accounts to the Information Technology Systems account to complete the restructuring of this appropriations account.

The conference agreement includes section 221 as proposed by both the House and the Senate providing for transfer of funds among projects within the Information Technology Systems account.

The conference agreement includes section 222 as proposed by the Senate authorizing the transfer of not more than \$5,000,000 to the Secretary of Health and Human Services for a Graduate Psychology Education Program which directly benefits veterans. The House bill contained no similar provision.

The conference agreement includes section 223 as proposed by both the House and the Senate prohibiting any funds to be used to contract out any function performed by more than ten employees without a fair competition process.

The conference agreement includes section 224 as proposed by both the House and the Senate limiting the obligation of non-recurring maintenance funds during the last two months of the fiscal year.

The conference agreement includes section 225 as proposed by both the House and the Senate amending section 1925 of title 38 to reflect the movement of information technology functions.

The conference agreement includes section 226 as proposed by both the House and the Senate amending section 1928 of title 38 to reflect the movement of information technology functions.

The conference agreement includes a modified section 227 as proposed by the Senate designating the North Chicago Veterans Affairs Medical Center as the "Captain James A. Lovell Federal Health Care Center". The House bill contained no similar provision.

The conference agreement includes section 228 as proposed by the Senate that extends the authorization for the Veterans Benefits Administration office in Manila, Philippines to December 31, 2010. The House bill contained no similar provision.

The conference agreement includes a new section 229 authorizing the Department to provide service dogs to veterans with mental illnesses. The conference agreement does not include a provision as proposed by the Senate (Sec. 234) providing funds for implementation of section 1077 of the National Defense Authorization Act for fiscal year 2010. The House bill contained no similar provision.

The conference agreement includes a modified section 230 as proposed by the Senate

which designates the Department of Veterans Affairs Medical Center in Louisville, Kentucky as the "Robley Rex Department of Veterans Affairs Medical Center". The House bill contained no similar provision.

The conference agreement includes a modified section 231 as proposed by the Senate which modifies the provisions that allow for the transfer of Department of Veterans Affairs property to the City of Gulfport, Mississippi to include its urban renewal agency. The House bill contained no similar provision.

The conference agreement includes a modified section 232 as proposed by the Senate which allows the Secretary to enter into cooperative agreements with State and local government entities for outreach. The House bill contained no similar provision.

The conference agreement does not include a provision as proposed by the Senate (Sec. 215) allowing the transfer of up to \$200,000,000 to Medical Facilities. The House bill contained no similar provision.

The conference agreement does not include a provision as proposed by the House (Sec. 218) prohibiting the expenditure of funds to replace the current system by which VISNs select and contract for diabetes monitoring supplies and equipment. The Senate bill contained no similar provision.

The conference agreement does not include a provision as proposed by the Senate (Sec. 222) allowing transfer authority of prior-year balances to certain accounts. The House bill contained no similar provision.

The conference agreement does not include a provision as proposed by the Senate (Sec. 223) regarding Gulf War Illness research funding. The House bill contained no similar provision. This issue is instead addressed under Medical and Prosthetics Research.

The conference agreement does not include a provision as proposed by the Senate (Sec. 229) increasing funding for the "Grants for Construction of State Veterans Cemeteries" account. The House bill contained no similar provision. This issue is instead addressed under Grants for Construction of State Veterans Cemeteries.

The conference agreement does not include a provision as proposed by the Senate (Sec. 230) increasing incentive pay for healthcare professionals in rural areas. The House bill contained no similar provision. This issue is instead addressed under Veterans Health Administration.

The conference agreement does not include a provision as proposed by the Senate (Sec. 233) increasing funding for the "Homeless Grant and Per Diem Program". The House bill contained no similar provision. This issue is instead addressed under Medical Services.

The conference agreement does not include a provision as proposed by the Senate (Sec. 235) providing funding for outreach at institutions of higher learning. The House bill contained no similar provision. This issue is instead addressed under Items of General Interest.

The conference agreement does not include a provision as proposed by the Senate (Sec. 236) permitting State homes to provide services to certain non-veterans. The House bill contained no similar provision. This issue is instead addressed under Medical Services.

The conference agreement does not include a provision as proposed by the Senate (Sec. 238) increasing funding to the "Medical services" account. The House bill contained no similar provision.

The conference agreement does not include a provision as proposed by the Senate (Sec.

240) increasing funding to the "Minor construction" account. The House bill contained no similar provision. This issue is instead addressed under Minor Construction.

The conference agreement does not include a provision as proposed by the Senate (Sec. 242) directing the Office of Inspector General to conduct a study on combat stress in women veterans. The House bill contained no similar provision. This issue is instead addressed under Office of Inspector General.

The conference agreement does not include a provision as proposed by the Senate (Sec. 243) directing the Secretary to study the Department's telehealth infrastructure. The House bill contained no similar provision. This issue is instead addressed under Information Technology Systems.

The conference agreement does not include a provision as proposed by the Senate (Sec. 244) increasing funding to the Education Debt Reduction Program. The House bill contained no similar provision. This issue is instead addressed under Medical Services.

#### TITLE III

##### RELATED AGENCIES

##### AMERICAN BATTLE MONUMENTS COMMISSION SALARIES AND EXPENSES

The conference agreement appropriates \$62,675,000 for Salaries and Expenses, instead of \$61,800,000 as proposed by the House and \$63,549,000 as proposed by the Senate.

The conference agreement provides an additional \$2,375,000 for non-recurring projects, equipment replacement, and an expansion of interpretive programs.

The conferees direct the Commission to submit a report to the Committees on Appropriations of both Houses of Congress by March 1, 2010, detailing funding required to correct maintenance and infrastructure deficiencies at all cemeteries and memorials for which the Commission is responsible.

##### FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

The conference agreement appropriates such sums as necessary for the Foreign Currency Fluctuations Account as proposed by both the House and the Senate.

##### UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

##### SALARIES AND EXPENSES

The conference agreement appropriates \$27,115,000 for the Salaries and Expenses account as proposed by the Senate, instead of \$28,115,000 as proposed by the House. The amount provided includes \$1,820,000 for the pro bono program as proposed by the Senate, instead of \$2,820,000 as proposed by the House.

*Pro Bono Program.*—The conferees note that the Veterans Consortium Pro Bono program has not published an annual report since 2006, and encourage that an annual report be published for 2010. The conferees further direct that a fiscal year 2010 expenditure plan for the funding provided to the program in this agreement be submitted to the Committees on Appropriations of both Houses of Congress by January 29, 2010.

##### DEPARTMENT OF DEFENSE—CIVIL

##### CEMETERIAL EXPENSES, ARMY

##### SALARIES AND EXPENSES

The conference agreement appropriates \$39,850,000 for Salaries and Expenses, instead of \$42,500,000 as proposed by the House and \$37,200,000 as proposed by the Senate.

The increased funding above the budget request is to be used for relocation of power and telephone lines into duct banks along and under the roadways.

The conferees direct the Secretary of the Army to report to the Committees on Appro-

priations of both Houses of Congress by February 26, 2010, on the progress to automate burial records.

##### ARMED FORCES RETIREMENT HOME TRUST FUND

The conference agreement appropriates \$134,000,000 for the Armed Forces Retirement Home as proposed by both the House and the Senate.

#### TITLE IV

##### OVERSEAS CONTINGENCY OPERATIONS

##### DEPARTMENT OF DEFENSE

##### MILITARY CONSTRUCTION, ARMY

The conference agreement appropriates an additional \$924,484,000 for Military Construction, Army as proposed by both the House and the Senate.

##### MILITARY CONSTRUCTION, AIR FORCE

The conference agreement appropriates an additional \$474,500,000 for Military Construction, Air Force as proposed by both the House and the Senate.

##### ADMINISTRATIVE PROVISION

The conference agreement includes Sec. 401 as proposed by the Senate designating the funds made available by this title as being for overseas deployments and other activities pursuant to the concurrent resolution on the budget for fiscal year 2010. The House bill included similar language in title I.

The conference agreement does not include a provision as proposed by the Senate (Sec. 401) making adjustments to certain projects in Afghanistan. The House bill contained no similar provision. This issue is instead addressed under Military Construction, Army.

#### TITLE V

##### GENERAL PROVISIONS

The conference agreement includes section 501 as proposed by both the House and the Senate prohibiting the obligation of funds in this Act beyond the current fiscal year unless expressly so provided.

The conference agreement includes section 502 as proposed by both the House and the Senate requiring pay raises to be absorbed within the levels appropriated in this Act.

The conference agreement includes section 503 as proposed by both the House and the Senate prohibiting the use of the funds in this Act for programs, projects or activities not in compliance with Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

The conference agreement includes section 504 as proposed by both the House and the Senate prohibiting the use of funds in this Act to support or defeat legislation pending before Congress.

The conference agreement includes section 505 as proposed by both the House and the Senate encouraging all Departments to expand their use of "E-Commerce".

The conference agreement includes section 506 as proposed by both the House and the Senate prohibiting the transfer of funds to any instrumentality of the United States Government without authority from an appropriations Act.

The conference agreement includes section 507 as proposed by both the House and the Senate specifying the congressional committees that are to receive all reports and notifications.

The conference agreement includes a modified section 508 as proposed by the House prohibiting the use of funds in this Act to be used for a project or program named for an individual serving as a Member, Delegate, or Resident Commissioner of the House of Representatives. The Senate bill contained no similar provision.

The conference agreement includes a modified section 509 as proposed by the House prohibiting the use of funds in this Act for the processing of new enhanced-use leases at the National Homes for Disabled Volunteer Soldiers located in Milwaukee, Wisconsin. The Senate bill contained no similar provision.

The conference agreement includes a modified section 510 as proposed by the Senate requiring all reports submitted to be posted on official websites. The House bill contained no similar provision.

The conference agreement includes a modified section 511 prohibiting any funds for the Association of Community Organizations for Reform Now. The House bill contained no similar provision.

The conference agreement does not include a provision as proposed by the House (section

409) requiring the Secretary of Veterans Affairs to report on the current and planned use of hyperbaric oxygen therapy in Department of Veterans Affairs medical facilities. This issue is addressed under the Department of Veterans Affairs in this explanatory statement. The Senate bill contained no similar provision.

#### DISCLOSURE OF EARMARKS AND CONGRESSIONALLY DIRECTED SPENDING ITEMS

Following is a list of congressional earmarks and congressionally directed spending items (as defined in clause 9 of rule XXI of the Rules of the House of Representatives and rule XLIV of the Standing Rules of the Senate, respectively) included in the conference report or the accompanying explanatory statement of managers, along with the

name of each Senator, House Member, Delegate, or Resident Commissioner who submitted a request to the Committee of jurisdiction for each item so identified. Neither the conference report nor the explanatory statement of managers contains any limited tax benefits or limited tariff benefits as defined in the applicable House or Senate rules. Pursuant to clause 9(b) of rule XXI of the rules of the House of Representatives, none of the congressional earmarks listed below were committed to the conference committee on H.R. 3288. However, all the following items were either (1) included in the Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2010 (H.R. 3082) as passed by the House or the Senate, or (2) in the report of the committee of either House on H.R. 3082.

**DEPARTMENT OF DEFENSE, MILITARY CONSTRUCTION**  
[Presidentially Directed Spending Items]

Account	Location	Project	Amount	Requester(s)		
				Administration	House	Senate
Army NG	Alabama: Fort McClellan	Urban Assault Course	\$3,000,000	The President		Sessions
Army	Alaska: Fort Richardson	Airborne Sustainment Training Complex	\$6,100,000	The President		Murkowski
Army	Alaska: Fort Richardson	Training Aids Center	\$2,050,000	The President		Murkowski
Army	Alaska: Fort Richardson	Warrior in Transition Complex	\$43,000,000	The President		Murkowski
Army	Alaska: Fort Wainwright	Aviation Task Force Complex, Ph 1, Incr 1	\$95,000,000	The President		Murkowski
Army	Alaska: Fort Wainwright	Aviation Unit Operations Complex	\$19,000,000	The President		Murkowski
Army	Alaska: Fort Wainwright	Railhead Complex	\$26,000,000	The President		Murkowski
Army	Alaska: Fort Wainwright	Warrior in Transition Complex	\$28,000,000	The President		Murkowski
Air Force	Alaska: Clear AFS	Power Plant Facility	\$24,300,000	The President		Murkowski
Air Force	Alaska: Elmendorf AFB	F-22 Weapons Load Training Facility	\$12,600,000	The President		Murkowski
Air Force	Alaska: Elmendorf AFB	Red Flag Alaska Add/Alter Operations Center	\$3,100,000	The President		Murkowski
Defense-Wide	Alaska: Elmendorf AFB	Aeromedical Services/Mental Health Clinic	\$25,017,000	The President		Murkowski
Defense-Wide	Alaska: Fort Richardson	Health Clinic	\$3,518,000	The President		Murkowski
Army	Arizona: Fort Huachuca	Battalion Headquarters UAV	\$6,000,000	The President		
Army	Arizona: Fort Huachuca	UAV ER/MPER/MP	\$15,000,000	The President	Giffords	
Army NG	Arizona: Camp Navajo	Combat Pistol Qualification Course	\$3,000,000	The President		
Navy	Arizona: Yuma MCAS	Aircraft Maintenance Hangar Ph 1	\$27,050,000	The President		
Navy	Arizona: Yuma MCAS	Airfield Elec. Dist. and Control	\$1,720,000	The President		
Navy Reserve	Arizona: Phoenix	Reserve Center Move to Luke AFB, NOSC Phoenix	\$10,985,000	The President		
Air Force	Arizona: Davis-Monthan AFB	CSAR HC-130J Infrastructure	\$4,800,000	The President		
Air Force	Arizona: Davis-Monthan AFB	CSAR HC-130J RQS Operations Facility	\$8,700,000	The President		
Air Force	Arizona: Davis-Monthan AFB	CSAR HC-130J Simulator Facility	\$8,400,000	The President		
Air Force	Arizona: Davis-Monthan AFB	Dormitory (144 RM)	\$20,000,000	The President		
Air NG	Arizona: Davis-Monthan AFB	TFL-Predator Beddown-FOC	\$5,600,000	The President		
Army	Arkansas: Pine Bluff Arsenal	Fuse & Detonator Magazine, Depot Level	\$25,000,000	The President		
Air Force	Arkansas: Little Rock AFB	C-130 Flight Simulator Addition	\$5,800,000	The President		
Army	California: Fort Irwin	MOUT Assault Course, Ph 4	\$9,500,000	The President		Feinstein; Bower
Army NG	California: Los Alamitos	Readiness Center Ph 1	\$31,000,000	The President		Feinstein; Bower
Army Reserve	California: Camp Pendleton	Army Reserve Center	\$19,500,000	The President		Feinstein; Bower
Army Reserve	California: Los Angeles	Army Reserve Center	\$29,000,000	The President		Feinstein; Bower

**DEPARTMENT OF DEFENSE, MILITARY CONSTRUCTION—Continued**  
**[Presidentially Directed Spending Items]**

Account	Location	Project	Amount	Requester(s)		
				Administration	House	Senate
Navy	California: Bridgeport MWTC	Fire Station—Renovation	\$4,460,000	The President		Feinstein; Bower
Navy	California: Camp Pendleton	ANGLICO Operations Complex	\$25,190,000	The President		Feinstein; Bower
Navy	California: Camp Pendleton	Aviation Transmitter/Receiver Site	\$13,560,000	The President		Feinstein; Bower
Navy	California: Camp Pendleton	BEQ	\$39,610,000	The President		Feinstein; Bower
Navy	California: Camp Pendleton	Comm/Elec Maintenance Facility	\$13,170,000	The President		Feinstein; Bower
Navy	California: Camp Pendleton	Communications Upgrades	\$79,492,000	The President		Feinstein; Bower
Navy	California: Camp Pendleton	Electrical Distribution System	\$76,950,000	The President		Feinstein; Bower
Navy	California: Camp Pendleton	Enlisted Dining Facility	\$32,300,000	The President		Feinstein; Bower
Navy	California: Camp Pendleton	Enlisted Dining Facility—Edson Range	\$37,670,000	The President		Feinstein; Bower
Navy	California: Camp Pendleton	Expand Combat Aircraft Loading Apron	\$12,240,000	The President		Feinstein; Bower
Navy	California: Camp Pendleton	Expansion of SRTTP to 7.5 MGD	\$55,180,000	The President		Feinstein; Bower
Navy	California: Camp Pendleton	Gas/Electrical Upgrades	\$51,040,000	The President		Feinstein; Bower
Navy	California: Camp Pendleton	North Region Tertiary Treatment Plant Ph 1, Incr 1	\$112,330,000	The President		Feinstein; Bower
Navy	California: Camp Pendleton	Operations Access Points	\$12,740,000	The President		Feinstein; Bower
Navy	California: Camp Pendleton	Recon BN Operations Complex	\$77,660,000	The President		Feinstein; Bower
Navy	California: Camp Pendleton	Recruit Barracks—Field/K-Span	\$23,200,000	The President		Feinstein; Bower
Navy	California: Camp Pendleton	Recruit Barracks—School of Infantry	\$53,320,000	The President		Feinstein; Bower
Navy	California: Camp Pendleton	Recruit Marksmanship Training Facility	\$13,730,000	The President		Feinstein; Bower
Navy	California: Camp Pendleton	WTFBN Support Facilities	\$15,780,000	The President		Feinstein; Bower
Navy	California: Edwards AFB	Ramp Extension	\$3,007,000	The President		Feinstein; Bower
Navy	California: Miramar MCAS	Aircraft Parking Apron Modification	\$9,280,000	The President		Feinstein; Bower
Navy	California: Point Loma Annex	Public Works Shops Consolidation	\$8,730,000	The President		Feinstein; Bower
Navy	California: San Diego MCRD	Messhall Expansion	\$23,590,000	The President		Feinstein; Bower
Navy	California: Twentynine Palms	BEQ	\$37,290,000	The President		Feinstein; Bower
Navy	California: Twentynine Palms	BEQ	\$37,290,000	The President		Feinstein; Bower
Navy	California: Twentynine Palms	Comm/Elec Maint/Storage	\$12,660,000	The President		Feinstein; Bower
Navy	California: Twentynine Palms	Consolidated Armory—Tanks	\$12,670,000	The President		Feinstein; Bower
Navy	California: Twentynine Palms	Construct Roads—North Main Side	\$29,360,000	The President		Feinstein; Bower
Navy	California: Twentynine Palms	Dining Facility—North Main Side	\$17,200,000	The President		Feinstein; Bower
Navy	California: Twentynine Palms	Elec. Infra. Upgrade—34.5 KV to 115 KV	\$46,220,000	The President		Feinstein; Bower

Navy	California: Twentynine Palms	Elec. Power Plant/Co-Gen/Gas Turbine—N		\$53,260,000	The President		Feinstein; Bower
Navy	California: Twentynine Palms	HTHW/Chilled Water System		\$25,790,000	The President		Feinstein; Bower
Navy	California: Twentynine Palms	Industrial Waste Water Pretreatment Sys.		\$3,330,000	The President		Feinstein; Bower
Navy	California: Twentynine Palms	Laydown Site Work—North Mainline		\$21,740,000	The President		Feinstein; Bower
Navy	California: Twentynine Palms	Maint. Shop—Tracked		\$19,780,000	The President		Feinstein; Bower
Navy	California: Twentynine Palms	Maint. Shop—Wheeled		\$16,040,000	The President		Feinstein; Bower
Navy	California: Twentynine Palms	Maint. Sunshades—Wheeled		\$12,580,000	The President		Feinstein; Bower
Navy	California: Twentynine Palms	Natural Gas System Extension		\$19,990,000	The President		Feinstein; Bower
Navy	California: Twentynine Palms	Secondary Elec. Dist.—North Mainline		\$31,720,000	The President		Feinstein; Bower
Navy	California: Twentynine Palms	Sewage System Imp. & Lift Station		\$5,800,000	The President		Feinstein; Bower
Navy	California: Twentynine Palms	Station Comm Facility and Infrastructure		\$49,040,000	The President		Feinstein; Bower
Navy	California: Twentynine Palms	Sub-Station and Electrical Upgrades		\$31,310,000	The President		Feinstein; Bower
Navy	California: Twentynine Palms	Water Improvements and Storage Tank		\$30,610,000	The President		Feinstein; Bower
Navy Reserve	California: Alameda	Reserve Training Center		\$5,960,000	The President		Feinstein; Bower
Air Force	California: Travis AFB	KC-10 Cargo Load Training Facility		\$6,900,000	The President		Feinstein; Bower
Air Force	California: Vandenberg AFB	Child Development Center		\$13,000,000	The President		Feinstein; Bower
Air NG	California: S. Calif. Logistics Airport	TFI-Predator Beddown-FTU/LRE Site		\$8,400,000	The President		Feinstein; Bower
Defense-Wide	California: Coronado (La Posta)	SOF Close Quarters Combat Training Facility		\$15,722,000	The President		Feinstein; Bower
Defense-Wide	California: El Centro NAF	Aircraft Direct Fueling Station		\$11,000,000	The President		Feinstein; Bower
Defense-Wide	California: Point Loma Annex	Replace Fuel Storage Fac Incr 2		\$92,300,000	The President	Davis (CA)	Feinstein; Bower
Defense-Wide	California: Travis AFB	Replace Fuel Distribution System		\$15,357,000	The President		Feinstein; Bower
Army	Colorado: Fort Carson	Automated Multipurpose Machine Gun Range		\$7,400,000	The President		
Army	Colorado: Fort Carson	Automated Qualification Training Range		\$11,000,000	The President		
Army	Colorado: Fort Carson	Barracks & Dining, Incr 2		\$60,000,000	The President		
Army	Colorado: Fort Carson	Brigade Complex		\$69,000,000	The President		
Army	Colorado: Fort Carson	Commissary		\$35,000,000	The President		
Army	Colorado: Fort Carson	Convoy Live Fire Range		\$6,500,000	The President		
Army	Colorado: Fort Carson	Modified Record Fire Range		\$4,450,000	The President		
Army	Colorado: Fort Carson	Railroad Tracks		\$14,000,000	The President		
Army	Colorado: Fort Carson	Scout/Rece Gummy Complex		\$16,000,000	The President		
Army	Colorado: Fort Carson	Training Aids Center		\$18,500,000	The President		
Army	Colorado: Fort Carson	Urban Assault Course		\$3,100,000	The President		
Army	Colorado: Fort Carson	Warrior in Transition Complex		\$56,000,000	The President		

**DEPARTMENT OF DEFENSE, MILITARY CONSTRUCTION—Continued**  
**[Presidentially Directed Spending Items]**

Account	Location	Project	Amount	Requester(s)		
				Administration	House	Senate
Chem Demil	Colorado: Pueblo Depot	Ammunition Demilitarization Facility Ph XI	\$92,500,000	The President		
Army Reserve	Colorado: Colorado Springs	Army Reserve Center/Land	\$13,000,000	The President		
Air Force	Colorado: Peterson AFB	C-130 Squad Ops/AMU (TFI)	\$5,200,000	The President		
Air Force	Colorado: Peterson AFB	National Security Space Institute	\$19,900,000	The President		
Air Force	Colorado: US Air Force Academy	Add to Cadet Fitness Center	\$17,500,000	The President		
Air Reserve	Colorado: Schriever AFB	Wing Headquarters	\$10,200,000	The President		
Defense-Wide	Colorado: Fort Carson	Health and Dental Clinic	\$31,900,000	The President		
Defense-Wide	Colorado: Fort Carson	SOF Battalion Ops Complex	\$45,200,000	The President		
Defense-Wide	Colorado: Fort Carson	SOF Military Working Dog Facility	\$3,046,000	The President		
Army Reserve	Connecticut: Bridgeport	Army Reserve Center/Land	\$18,500,000	The President		
Air Force	Delaware: Dover AFB	C-5 Cargo Aircraft Maint Training Facility Ph 1	\$5,300,000	The President		
Air Force	Delaware: Dover AFB	Consolidated Communications Facility	\$12,100,000	The President	Castle	Carper; Kaufman
Army	Florida: Eglin AFB	Anti-Armor, Tracking & Live Fire Range	\$3,400,000	The President		
Army	Florida: Eglin AFB	Automated Qualification Training Range	\$12,000,000	The President		
Army	Florida: Eglin AFB	Basic 10M—25M Firing Range (Zero)	\$3,050,000	The President		
Army	Florida: Eglin AFB	Grenade Launcher Range	\$1,600,000	The President		
Army	Florida: Eglin AFB	Hand Grenade Qualification Course	\$1,400,000	The President		
Army	Florida: Eglin AFB	Indoor Firing Range	\$8,900,000	The President		
Army	Florida: Eglin AFB	Light Demolition Range	\$2,200,000	The President		
Army	Florida: Eglin AFB	Live Fire Exercise Breach Facility	\$4,950,000	The President		
Army	Florida: Eglin AFB	Live Fire Exercise Shoothouse	\$8,000,000	The President		
Army	Florida: Eglin AFB	Non-Standard Small Arms Range	\$3,400,000	The President		
Army	Florida: Eglin AFB	Operations Complex, Ph 3	\$80,000,000	The President		
Army	Florida: Eglin AFB	Urban Assault Course	\$2,700,000	The President		
Army	Florida: Miami-Doral	SOUTHCOM Headquarters, Incr 3	\$55,400,000	The President	Diaz-Balart, Lincoln	
Army Reserve	Florida: Panama City	Army Reserve Center/Land	\$7,300,000	The President		
Army Reserve	Florida: West Palm Beach	Army Reserve Center/Land	\$26,000,000	The President		
Navy	Florida: Blount Island	Port Operations Facility	\$3,760,000	The President	Crenshaw	
Navy	Florida: Eglin AFB	BEQ, EOD School	\$26,287,000	The President		
Navy	Florida: Jacksonville NAS	P-8MMA Facilities Modification	\$5,917,000	The President	Crenshaw	



Navy	Florida: Mayport NS	Channel Dredging		\$46,303,000	The President	Crenshaw
Navy	Florida: Mayport NS	Wharf Charlie Repair		\$29,682,000	The President	Crenshaw
Navy	Florida: Pensacola NAS	Cory A School BEQ R		\$22,950,000	The President	
Navy	Florida: Pensacola NAS	Simulator Addition for UNFO Program		\$3,211,000	The President	
Navy	Florida: Whiting Field NAS	T-6B JPATS Training Ops Paraloft Facility		\$4,120,000	The President	
Air Force	Florida: Eglin AFB	Dormitory (96 RM)		\$11,000,000	The President	
Air Force	Florida: Eglin AFB	F-35 A/C Parking Apron		\$27,652,000	The President	
Air Force	Florida: Eglin AFB	F-35 Duke Control Tower		\$3,420,000	The President	
Air Force	Florida: Eglin AFB	F-35 Hydrant Refueling System, Ph 1		\$14,308,000	The President	
Air Force	Florida: Eglin AFB	F-35 JP8 West Side Bulk Tank Upgrades		\$1,581,000	The President	
Air Force	Florida: Eglin AFB	F-35 JP8 Flightline Fillstands		\$8,892,000	The President	
Air Force	Florida: Eglin AFB	F-35 Live Ordnance Load Facility		\$9,900,000	The President	
Air Force	Florida: Eglin AFB	F-35 Parallel Taxiway Ladder		\$2,371,000	The President	
Air Force	Florida: Eglin AFB	F-35 POL Operations Facility		\$5,236,000	The President	
Air Force	Florida: Hurlburt Field	Electrical Distribution Substation		\$8,300,000	The President	
Air Force	Florida: Hurlburt Field	Refueling Vehicle Maintenance Facility		\$2,200,000	The President	
Air Force	Florida: MacDill AFB	CENTCOM Commandant Facility		\$15,300,000	The President	
Air Force	Florida: MacDill AFB	Child Development Center		\$7,000,000	The President	
Air Force	Florida: MacDill AFB	Dormitory (120 RM)		\$16,000,000	The President	
Defense-Wide	Florida: Eglin AFB	SOF Military Working Dog Facility		\$3,046,000	The President	
Defense-Wide	Florida: Hurlburt Field	SOF Simulator Facility for MC-130 (Recap)		\$8,156,000	The President	
Defense-Wide	Florida: Jacksonville IAP	Replace Jet Fuel Storage Complex		\$11,500,000	The President	
Army	Georgia: Fort Benning	Battle Lab		\$30,000,000	The President	Chambliss
Army	Georgia: Fort Benning	Combined Arms Collective Training Facility		\$10,800,000	The President	Chambliss
Army	Georgia: Fort Benning	Dining Facility		\$15,000,000	The President	Chambliss
Army	Georgia: Fort Benning	Fire and Movement Range		\$2,800,000	The President	Chambliss
Army	Georgia: Fort Benning	Trainee Barracks Complex, Ph 1		\$74,000,000	The President	Chambliss
Army	Georgia: Fort Benning	Training Area Tank Trails		\$9,700,000	The President	Chambliss
Army	Georgia: Fort Benning	Training Battalion Complex		\$38,000,000	The President	Chambliss
Army	Georgia: Fort Benning	Training Battalion Complex, Ph 1		\$31,000,000	The President	Chambliss
Army	Georgia: Fort Benning	Training Battalion Complex, Ph 1		\$31,000,000	The President	Chambliss
Army	Georgia: Fort Benning	Warrior in Transition Complex		\$53,000,000	The President	Chambliss
Army	Georgia: Fort Gillem	Forensic Lab		\$10,800,000	The President	Chambliss

**DEPARTMENT OF DEFENSE, MILITARY CONSTRUCTION—Continued**  
**[Presidentially Directed Spending Items]**

Account	Location	Project	Amount	Requester(s)		
				Administration	House	Senate
Army	Georgia: Fort Stewart	Automated Sniper Field Fire Range	\$3,400,000	The President		Chambliss
Army	Georgia: Fort Stewart	Barracks & Dining, Incr 2	\$80,000,000	The President		Chambliss
Army	Georgia: Fort Stewart	Brigade Complex	\$48,000,000	The President		Chambliss
Army	Georgia: Fort Stewart	Warrior in Transition Complex	\$49,000,000	The President		Chambliss
Army NG	Georgia: Fort Benning	Readiness Center	\$15,500,000	The President		Chambliss
Army Reserve	Georgia: Atlanta	Army Reserve Center/Land	\$14,000,000	The President		Chambliss
Defense-Wide	Georgia: Fort Benning	Blood Donor Clinic Replacement	\$12,313,000	The President		Chambliss
Defense-Wide	Georgia: Fort Benning	Dental Clinic	\$4,887,000	The President		Chambliss
Defense-Wide	Georgia: Fort Benning	SOF Expand Battalion Headquarters	\$3,046,000	The President		Chambliss
Defense-Wide	Georgia: Fort Benning	Wilson ES Construct Gymnasium	\$2,330,000	The President		Chambliss
Defense-Wide	Georgia: Fort Stewart	Health and Dental Clinic	\$22,200,000	The President		Chambliss
Defense-Wide	Georgia: Fort Stewart	New Elementary School	\$22,501,000	The President		Chambliss
Army	Hawaii: Schofield Barracks	Vehicle Maintenance Shop	\$63,000,000	The President		Inouye
Army	Hawaii: Schofield Barracks	Vehicle Maintenance Shop	\$36,000,000	The President		Inouye
Army	Hawaii: Schofield Barracks	Warrior in Transition Barracks	\$55,000,000	The President		Inouye
Army	Hawaii: Schofield Barracks	Warrior in Transition Complex	\$30,000,000	The President		Inouye
Army	Hawaii: Wheeler AAF	Regional SATCOM Information Center	\$7,500,000	The President		Inouye
Navy	Hawaii: Oahu	Range, 1000—Puuloa	\$5,380,000	The President		Inouye
Navy	Hawaii: Pearl Harbor	APCSS Conference & Technology Learning Center	\$12,775,000	The President		Inouye
Navy	Hawaii: Pearl Harbor	Missile Magazines (5), West Loch	\$22,407,000	The President		Inouye
Navy	Hawaii: Pearl Harbor	PACFLT Sub Drive-In Mag Silencing Facility (Incr)	\$8,645,000	The President		Inouye
Air Force	Hawaii: Wheeler AAF	ASOC Complex	\$15,000,000	The President		Inouye
Air NG	Hawaii: Hickam AFB	TFL—F-22 LO/Composite Repair Facility	\$26,000,000	The President		Inouye
Air NG	Hawaii: Hickam AFB	TFL—F-22 Parking Apron and Taxiways	\$7,000,000	The President		Inouye
Defense-Wide	Hawaii: Ford Island	Pacific Operations Facility Upgrade	\$9,633,000	The President		Inouye
Army NG	Idaho: Gowen Field	Combined Arms Collective Training Facility	\$16,100,000	The President		
Air Force	Idaho: Mountain Home AFB	Logistics Readiness Center	\$20,000,000	The President	Simpson	Crapo; Risch
Army Reserve	Illinois: Chicago	Army Reserve Center	\$23,000,000	The President		Durbin
Navy Reserve	Illinois: Joliet	Reserve Training Center	\$7,957,000	The President		Durbin
Army NG	Indiana: Muscatatuck	Combined Arms Collective Training Facility, Ph 2	\$10,100,000	The President		

Army	Kansas: Fort Riley	Advanced Waste Water Treatment Plant		\$28,000,000	The President	
Army	Kansas: Fort Riley	Battalion Complex		\$59,000,000	The President	
Army	Kansas: Fort Riley	Brigade Complex		\$49,000,000	The President	
Army	Kansas: Fort Riley	Igloo Storage, Installation		\$7,200,000	The President	
Army	Kansas: Fort Riley	Land Vehicle Fueling Facility		\$3,700,000	The President	
Army	Kansas: Fort Riley	Training Aids Center		\$15,500,000	The President	
Chem Demil	Kentucky: Blue Grass Depot	Ammunition Demilitarization Ph X		\$59,041,000	The President	McConnell
Army	Kentucky: Fort Knox	Warrior in Transition Complex		\$70,000,000	The President	McConnell
Defense-Wide	Kentucky: Fort Campbell	Health Clinic		\$8,600,000	The President	McConnell
Defense-Wide	Kentucky: Fort Campbell	SOF Battalion Ops Complex		\$29,289,000	The President	McConnell
Defense-Wide	Kentucky: Fort Campbell	SOF Military Working Dog Facility		\$3,046,000	The President	McConnell
Army	Louisiana: Fort Polk	Land Purchases and Condemnation		\$17,000,000	The President	
Army	Louisiana: Fort Polk	Warrior in Transition Complex		\$32,000,000	The President	
Air NG	Maine: Bangor IAP	Replace Aircraft Maint Hangar/Shops		\$28,000,000	The President	Collins; Snowe
Army	Maryland: Fort Detrick	Satellite Communications Center		\$18,000,000	The President	Mikulski
Army	Maryland: Fort Detrick	Satellite Communications Facility		\$21,000,000	The President	Mikulski
Air Force	Maryland: Andrews AFB	Replace Munitions Storage Area		\$9,300,000	The President	Edwards (MD)
Air NG	Maryland: Andrews AFB	Replace Munitions Maintenance & Storage Complex		\$14,000,000	The President	Mikulski
Defense-Wide	Maryland: Aberdeen Proving Ground	USAMRIID Replacement, Incr II		\$111,400,000	The President	Mikulski
Defense-Wide	Maryland: Fort Detrick	Boundary Gate at Nalin Pond		\$10,750,000	The President	Mikulski
Defense-Wide	Maryland: Fort Detrick	Emergency Service Center		\$16,125,000	The President	Mikulski
Defense-Wide	Maryland: Fort Detrick	NIBC Truck Inspection Station & Road		\$2,932,000	The President	Mikulski
Defense-Wide	Maryland: Fort Detrick	USAMRIID Stage I, Incr IV		\$108,000,000	The President	Mikulski
Defense-Wide	Maryland: Fort Meade	Mission Support—PSAT		\$8,800,000	The President	Mikulski
Defense-Wide	Maryland: Fort Meade	South Campus Utility Plant		\$195,000,000	The President	Mikulski
Army NG	Massachusetts: Hanscom AFB	Armed Forces Reserve Center (JFHQ)		\$29,000,000	The President	Kennedy; Kerry
Army NG	Minnesota: Arden Hills	Readiness Center Ph 2		\$6,700,000	The President	Klobuchar
Army NG	Minnesota: Camp Ripley	Urban Assault Course		\$1,710,000	The President	
Army Reserve	Minnesota: Fort Snelling	Army Reserve Center		\$12,000,000	The President	
Defense-Wide	Minnesota: Duluth IAP	Jet Fuel Storage Complex		\$15,000,000	The President	
Army NG	Mississippi: Camp Shelby	Combined Arms Collective Training Facility Add/Alt		\$16,100,000	The President	
Air Reserve	Mississippi: Keesler AFB	Aerial Port Squadron Facility		\$9,800,000	The President	
Army	Missouri: Fort Leonard Wood	Automated-Aided Instruction Facility		\$27,000,000	The President	

**DEPARTMENT OF DEFENSE, MILITARY CONSTRUCTION—Continued**  
**[Presidentially Directed Spending Items]**

Account	Location	Project	Amount	Requester(s)		
				Administration	House	Senate
Army	Missouri: Fort Leonard Wood	Transient Advanced Trainee Barracks, Ph 1	\$99,000,000	The President		
Army	Missouri: Fort Leonard Wood	Warrior in Transition Complex	\$19,500,000	The President		
Army	Missouri: Fort Leonard Wood	Wheeled Vehicle Drivers Course	\$17,500,000	The President		
Army NG	Missouri: Booneville	Readiness Center Add/Alt	\$1,800,000	The President		
Defense-Wide	Missouri: Fort Leonard Wood	Dental Clinic Addition	\$5,570,000	The President		
Army NG	Nebraska: Lincoln	Armed Forces Reserve Center (JFHQ)	\$23,000,000	The President		
Air NG	Nebraska: Lincoln MAP	Joint Forces Operations Center—ANG Share	\$1,500,000	The President		
Army NG	Nevada: North Las Vegas	Readiness Center	\$26,000,000	The President		Reid
Air Force	Nevada: Creech AFB	UAS AT/FP Security Updates	\$2,700,000	The President		Reid
Army NG	New Mexico: Santa Fe	Army Aviation Support Facility	\$39,000,000	The President		
Air Force	New Mexico: Cannon AFB	WB—Consolidated Communication Facility	\$15,000,000	The President	Lujan	
Air Force	New Mexico: Holloman AFB	F-22A Consolidated Munitions Maint (TFI)	\$5,500,000	The President		Bingaman; Tom Udall
Air Force	New Mexico: Kirtland AFB	HC-130J Simulator Facility	\$8,700,000	The President		
Air Force	New Mexico: Kirtland AFB	MC-130J Simulator Facility	\$8,000,000	The President		
Defense-Wide	New Mexico: Cannon AFB	SOF AMU Addition (CV-22)	\$11,595,000	The President		
Defense-Wide	New Mexico: Cannon AFB	SOF Fuel Cell Hangar (MC-130)	\$41,269,000	The President		
Army	New York: Fort Drum	Barracks	\$57,000,000	The President		Schumer; Gillibrand
Army	New York: Fort Drum	Warrior in Transition Complex	\$21,000,000	The President		Schumer; Gillibrand
Army	New York: Fort Drum	Water System Expansion	\$6,500,000	The President		Schumer; Gillibrand
Army Reserve	New York: Rochester	Army Reserve Center/Land	\$13,600,000	The President		Schumer; Gillibrand
Army	North Carolina: Fort Bragg	Automated Multipurpose Machine Gun Range	\$4,350,000	The President		
Army	North Carolina: Fort Bragg	Company Operations Facility	\$3,300,000	The President		
Army	North Carolina: Fort Bragg	Simulations Center	\$50,000,000	The President		
Army	North Carolina: Fort Bragg	Transient Training Barracks Complex	\$16,500,000	The President		
Army	North Carolina: Fort Bragg	Vehicle Maintenance Shop	\$19,500,000	The President		
Army	North Carolina: Fort Bragg	Vehicle Maintenance Shop	\$17,500,000	The President		
Army	North Carolina: Sunny Point MOT	Lightning Protection System	\$25,000,000	The President		
Army	North Carolina: Sunny Point MOT	Towers	\$3,900,000	The President		
Navy	North Carolina: Camp Lejeune	4th Infantry Battalion Ops Complex	\$55,150,000	The President		
Navy	North Carolina: Camp Lejeune	BEQ—Wallace Creek	\$34,160,000	The President		

Navy	North Carolina: Camp Lejeune	BEQ—Wallace Creek		\$43,480,000	The President	
Navy	North Carolina: Camp Lejeune	BEQ—Wallace Creek		\$44,390,000	The President	
Navy	North Carolina: Camp Lejeune	BEQ—Wallace Creek		\$44,390,000	The President	
Navy	North Carolina: Camp Lejeune	BEQ—Wallace Creek		\$42,110,000	The President	
Navy	North Carolina: Camp Lejeune	Consolidated Info Tech/Telecom Complex		\$46,120,000	The President	
Navy	North Carolina: Camp Lejeune	Field Training Facility—Devil Dog—S01		\$37,170,000	The President	
Navy	North Carolina: Camp Lejeune	Maintenance/Ops Complex		\$52,390,000	The President	
Navy	North Carolina: Camp Lejeune	MP Working Dog Kennel—Relocation		\$8,370,000	The President	
Navy	North Carolina: Camp Lejeune	New Base Entry Point and Road Ph I		\$79,150,000	The President	
Navy	North Carolina: Camp Lejeune	Physical Fitness Center		\$39,760,000	The President	
Navy	North Carolina: Camp Lejeune	Pre-Trial Detainee Facility		\$18,580,000	The President	
Navy	North Carolina: Camp Lejeune	Road Network—Wallace Creek		\$15,130,000	The President	
Navy	North Carolina: Camp Lejeune	S01-East Facilities—Camp Geiger		\$56,940,000	The President	
Navy	North Carolina: Camp Lejeune	Utility Expansion—Courthouse Bay		\$56,280,000	The President	
Navy	North Carolina: Cherry Point MCAS	EMS/Fire Vehicle Facility		\$10,600,000	The President	
Navy	North Carolina: Cherry Point MCAS	Ordnance Magazines		\$12,360,000	The President	
Navy	North Carolina: New River MCAS	Apron Expansion Ph 2		\$35,600,000	The President	
Navy	North Carolina: New River MCAS	Gymnasium/Outdoor Pool		\$19,920,000	The President	
Navy	North Carolina: New River MCAS	Parallel Taxiway		\$17,870,000	The President	
Navy	North Carolina: New River MCAS	Tactical Support Van Pad Addition		\$5,490,000	The President	
Navy	North Carolina: New River MCAS	VMMT-204 Maintenance Hangar Ph 3		\$28,210,000	The President	
Defense-Wide	North Carolina: Fort Bragg	Consolidated Health Clinic		\$26,386,000	The President	
Defense-Wide	North Carolina: Fort Bragg	Health Clinic		\$31,272,000	The President	
Defense-Wide	North Carolina: Camp Lejeune	SOF Academic Instruction Facility Expansion		\$11,791,000	The President	
Defense-Wide	North Carolina: Fort Bragg	SOF Battalion & Company HQ		\$15,500,000	The President	
Defense-Wide	North Carolina: Fort Bragg	SOF Battalion Headquarters Facility		\$13,000,000	The President	
Defense-Wide	North Carolina: Fort Bragg	SOF Military Working Dog Facility		\$1,125,000	The President	
Defense-Wide	North Carolina: Fort Bragg	SOF Military Working Dog Facility		\$3,046,000	The President	
Defense-Wide	North Carolina: Fort Bragg	SOF Operations Addition North		\$27,513,000	The President	
Defense-Wide	North Carolina: Fort Bragg	SOF Operations Support Addition		\$13,756,000	The President	
Defense-Wide	North Carolina: Fort Bragg	SOF UAV Hangar		\$2,948,000	The President	
Defense-Wide	North Carolina: Fort Bragg	Special Ops Prep & Conditioning Course		\$24,600,000	The President	
Defense-Wide	North Carolina: Fort Bragg	Albritten JHS Addition		\$3,439,000	The President	

**DEPARTMENT OF DEFENSE, MILITARY CONSTRUCTION—Continued**  
**[Presidentially Directed Spending Items]**

Account	Location	Project	Amount	Requester(s)		
				Administration	House	Senate
Air Force	North Dakota: Minot AFB	Missile Procedures Training Operations	\$10,000,000	The President	Pomeroy	
Air Force	North Dakota: Minot AFB	Munitions Trailer Storage Facility	\$1,500,000	The President		
Army Reserve	Ohio: Cincinnati	Army Reserve Center/Land	\$13,000,000	The President		
Air Force	Ohio: Wright-Patterson AFB	Conversion for Advanced Power Research Lab	\$21,000,000	The President		
Air Force	Ohio: Wright-Patterson AFB	Info Tech Complex Ph 1	\$27,000,000	The President		
Air NG	Ohio: Mansfield Lahm Airport	TFL—Red Horse Squadron Beddown	\$11,400,000	The President	Jordan (OH)	
Army	Oklahoma: Fort Sill	Automated Infantry Squad Battle Course	\$3,500,000	The President		
Army	Oklahoma: Fort Sill	Barracks	\$65,000,000	The President		
Army	Oklahoma: Fort Sill	Warrior in Transition Complex	\$22,000,000	The President		
Army	Oklahoma: McAlester AAP	General Purpose Storage Building	\$11,200,000	The President		
Army	Oklahoma: McAlester AAP	High Explosive Magazine, Depot Level	\$1,300,000	The President		
Air Force	Oklahoma: Altus AFB	Repair Taxiways	\$20,300,000	The President		
Air Force	Oklahoma: Tinker AFB	Building 3001 Hangar Door	\$13,037,000	The President		
Air NG	Oklahoma: Will Rogers World Airport	TFL—ASOS Beddown	\$7,300,000	The President		
Defense-Wide	Oklahoma: Fort Sill	Dental Clinic	\$10,554,000	The President		
Defense-Wide	Oklahoma: Altus AFB	Replace Upload Facility	\$2,700,000	The President		
Army Reserve	Pennsylvania: Ashley	Army Reserve Center	\$9,800,000	The President		
Army Reserve	Pennsylvania: Harrisburg	Army Reserve Center	\$7,600,000	The President		
Army Reserve	Pennsylvania: Newton Square	Army Reserve Center/Land	\$20,000,000	The President		
Army Reserve	Pennsylvania: Uniontown	Army Reserve Center/Land	\$11,800,000	The President		
FH Defense-Wide	Pennsylvania: New Cumberland Depot	Family Housing	\$2,859,000	The President		
Navy	Rhode Island: Newport NS	Officer Training Command Quarters	\$45,803,000	The President		
Army	South Carolina: Charleston NWS	Pier and Loading/Unloading Ramps	\$5,700,000	The President		
Army	South Carolina: Charleston NWS	Railroad Tracks	\$12,000,000	The President		
Army	South Carolina: Charleston NWS	Staging Area	\$4,100,000	The President		
Army	South Carolina: Fort Jackson	Advanced Skills Trainee Barracks	\$32,000,000	The President		
Army	South Carolina: Fort Jackson	Infiltration Course	\$1,900,000	The President		
Army	South Carolina: Fort Jackson	Modified Record Fire Range	\$3,600,000	The President		
Army	South Carolina: Fort Jackson	Training Battalion Complex	\$66,000,000	The President		
Army NG	South Carolina: Eastover	Army Aviation Support Facility Add/Alt	\$26,000,000	The President		

Army NG	South Carolina: Greenville	Army Aviation Support Facility		\$40,000,000	The President		
Navy	South Carolina: Beaufort MCAS	Widebody Aircraft Fuel Lane		\$1,280,000	The President		
Navy	South Carolina: Parris Island MCRD	Electrical Substation and Improvements		\$6,972,000	The President		
Navy Reserve	South Carolina: Charleston	Reserve Vehicle Maintenance Facility		\$4,240,000	The President		
Army	Texas: Fort Bliss	Aircraft Fuel Storage		\$10,800,000	The President		Hutchison
Army	Texas: Fort Bliss	Automated Infantry Platoon Battle Course		\$7,000,000	The President		Hutchison
Army	Texas: Fort Bliss	Automated Multipurpose Machine Gun Range		\$6,900,000	The President		Hutchison
Army	Texas: Fort Bliss	Automated Sniper Field Fire Range		\$4,250,000	The President		Hutchison
Army	Texas: Fort Bliss	Brigade Staging Area Complex		\$14,800,000	The President		Hutchison
Army	Texas: Fort Bliss	Digital Multipurpose Range Complex		\$45,000,000	The President		Hutchison
Army	Texas: Fort Bliss	Fire and Military Police Stations		\$16,500,000	The President		Hutchison
Army	Texas: Fort Bliss	Known Distance Range		\$4,750,000	The President		Hutchison
Army	Texas: Fort Bliss	Light Demolition Range		\$2,400,000	The President		Hutchison
Army	Texas: Fort Bliss	Scout/Rece Gunnery Complex		\$17,000,000	The President		Hutchison
Army	Texas: Fort Bliss	Simulation Center		\$23,000,000	The President		Hutchison
Army	Texas: Fort Bliss	Vehicle Maintenance & Company Ops Facility		\$31,000,000	The President		Hutchison
Army	Texas: Fort Bliss	Vehicle Maintenance Shop		\$16,000,000	The President		Hutchison
Army	Texas: Fort Bliss	Vehicle Maintenance Shop		\$20,000,000	The President		Hutchison
Army	Texas: Fort Hood	Automated Multipurpose Machine Gun Range		\$6,700,000	The President		Hutchison
Army	Texas: Fort Hood	Urban Assault Course		\$2,400,000	The President		Hutchison
Army	Texas: Fort Hood	Vehicle Maintenance Shop		\$23,000,000	The President		Hutchison
Army	Texas: Fort Sam Houston	Access Control Point and Road Improvements		\$10,800,000	The President		Hutchison
Army	Texas: Fort Sam Houston	General Instruction Building		\$9,000,000	The President		Hutchison
Army NG	Texas: Austin	Armed Forces Reserve Center		\$16,500,000	The President		Hutchison
Army NG	Texas: Austin	Field Maintenance Shop, Joint		\$5,700,000	The President		Hutchison
Army Reserve	Texas: Austin	Armed Forces Reserve Center/AMSA		\$20,000,000	The President		Hutchison
Army Reserve	Texas: Fort Bliss	Army Reserve Center		\$9,500,000	The President		Hutchison
Army Reserve	Texas: Houston	Army Reserve Center/Land		\$24,000,000	The President		Hutchison
Army Reserve	Texas: San Antonio	Army Reserve Center		\$20,000,000	The President		Hutchison
Navy	Texas: Corpus Christi NAS	Operational Facilities for T-6		\$19,764,000	The President	Ortiz	Hutchison
Navy Reserve	Texas: San Antonio	Reserve Training Center		\$2,210,000	The President		Hutchison
Air Force	Texas: Dyess AFB	C-130J Alter Hangar		\$4,500,000	The President		Hutchison
Air Force	Texas: Goodfellow AFB	Joint Intel Tech Training Facility, Ph 1 (TFI)		\$18,400,000	The President		Hutchison

**DEPARTMENT OF DEFENSE, MILITARY CONSTRUCTION—Continued**  
**[Presidentially Directed Spending Items]**

Account	Location	Project	Amount	Requester(s)		
				Administration	House	Senate
Air Force	Texas: Goodfellow AFB	Student Dormitory (100 RM)	\$14,000,000	The President		Hutchison
Air Force	Texas: Lackland AFB	BMT Satellite Classroom/Dining Facility	\$32,000,000	The President		Hutchison
Air Force	Texas: Lackland AFB	Evasion, Conduct After Capture Training	\$4,879,000	The President		Hutchison
Air Force	Texas: Lackland AFB	Recruit Dormitory 2, Phase 2	\$77,000,000	The President		Hutchison
Air Reserve	Texas: Lackland AFB	C-5 Ground Training Schoolhouse Addition	\$1,500,000	The President	Gonzalez	Hutchison
Defense-Wide	Texas: Fort Bliss	Health and Dental Clinic	\$24,600,000	The President		Hutchison
Defense-Wide	Texas: Fort Bliss	Hospital Replacement Incr 1	\$86,975,000	The President		Hutchison
Defense-Wide	Texas: Lackland AFB	Ambulatory Care Center, Phase 1	\$72,610,000	The President		Hutchison
Defense-Wide	Texas: Lackland AFB	Dental Clinic Replacement	\$29,318,000	The President		Hutchison
Defense-Wide	Texas: Fort Hood	Alter Fuel Pump House and Fill Stand	\$3,000,000	The President		Hutchison
Army	Utah: Dugway Proving Ground	Water Treatment Systems	\$25,000,000	The President		
Air Force	Utah: Hill AFB	F-22A Radar Cross Section Testing Facility	\$21,053,000	The President		
Air Reserve	Utah: Hill AFB	Reserve Squad Ops/AMU Facility	\$3,200,000	The President		
Defense-Wide	Utah: Camp Williams	Data Center 1 Incr 2	\$600,000,000	The President		
Army	Virginia: Fort A.P. Hill	Automated Infantry Platoon Battle Course	\$4,900,000	The President		Warner; Webb
Army	Virginia: Fort A.P. Hill	Field Training Area	\$9,000,000	The President		Warner; Webb
Army	Virginia: Fort A.P. Hill	Training Aids Center	\$9,100,000	The President		Warner; Webb
Army	Virginia: Fort Belvoir	Flight Control Tower	\$8,400,000	The President	Moran (VA); Con-nolly (VA)	Warner; Webb
Army	Virginia: Fort Belvoir	Road and Access Control Point	\$9,500,000	The President	Moran (VA); Con-nolly (VA)	Warner; Webb
Army NG	Virginia: Fort Pickett	Regional Training Institute Ph 2	\$32,000,000	The President		Warner; Webb
Navy	Virginia: Little Creek NAB	Naval Construction Division Operations Facility	\$13,095,000	The President		Warner; Webb
Navy	Virginia: Norfolk	E-2D Trainer Facility	\$11,737,000	The President		Warner; Webb
Navy	Virginia: Norfolk	Facility Upgrades for E-2D Program	\$6,402,000	The President		Warner; Webb
Navy	Virginia: Portsmouth	Ship Repair Pier Replacement	\$126,969,000	The President		Warner; Webb
Navy	Virginia: Quantico MCB	Aircraft Trainer	\$3,170,000	The President		Warner; Webb
Navy	Virginia: Quantico MCB	Battalion Training Facility -MSGBN	\$10,340,000	The President		Warner; Webb
Navy	Virginia: Quantico MCB	Dining Facility—TBS	\$14,780,000	The President		Warner; Webb
Navy	Virginia: Quantico MCB	MC Information Operations Center—MCIOC	\$29,620,000	The President		Warner; Webb
Navy	Virginia: Quantico MCB	South Mainside Electrical Substation	\$15,270,000	The President		Warner; Webb



Navy	Virginia: Quantico MCB	Student Quarters—TBS (Phase 4)		\$32,060,000	The President		Warner; Webb
Navy Reserve	Virginia: Oceana NAS	C-40 Hangar		\$30,400,000	The President		Warner; Webb
Air Force	Virginia: Langley AFB	West & LaSalle Gates Force Protection/Access		\$10,000,000	The President	Nye	Warner; Webb
Defense-Wide	Virginia: Pentagon Reservation	Pentagon Electrical Upgrade		\$19,272,000	The President		Warner; Webb
Defense-Wide	Virginia: Pentagon Reservation	Secondary Uninterruptable Power Raven Rock		\$8,400,000	The President		Warner; Webb
Defense-Wide	Virginia: Dam Neck Annex	SOF Operations Facility Inc III		\$15,967,000	The President		Warner; Webb
Defense-Wide	Virginia: Little Creek MAB	SOF Support Activity Operation Facility		\$18,669,000	The President		Warner; Webb
Defense-Wide	Virginia: Dahlgren	Aegis BMD Facility Expansion		\$24,500,000	The President		Warner; Webb
Army	Washington: Fort Lewis	Animal Building		\$3,050,000	The President	Dicks	
Army	Washington: Fort Lewis	Brigade Complex, Incr 4		\$102,000,000	The President	Dicks	
Army	Washington: Fort Lewis	Live Fire Exercise Shoothouse		\$2,550,000	The President	Dicks	
Army	Washington: Fort Lewis	Modified Record Fire Range		\$4,100,000	The President	Dicks	
Navy	Washington: Bangor	Limited Area Production/Storage Complex Incr 6		\$87,292,000	The President	Dicks	
Navy	Washington: Bremerton	CVN Maintenance Pier Replacement Incr 2		\$69,064,000	The President	Dicks	
Navy	Washington: Bremerton	Enclave Fencing/Parking, Silverdale		\$67,419,000	The President	Dicks	
Navy	Washington: Spokane	Joint Personnel Recovery Agency Specialized SERE Training		\$12,707,000	The President	Dicks	
Defense-Wide	Washington: Fort Lewis	Health and Dental Clinic		\$15,636,000	The President	Dicks	
Defense-Wide	Washington: Fort Lewis	SOF Support Company Facility		\$14,500,000	The President	Dicks	
Defense-Wide	Washington: Fairchild AFB	Replace Fuel Distribution System		\$7,500,000	The President	Dicks	
Army Reserve	Wisconsin: Fort McCoy	Combined Arms Collective Training Facility		\$25,000,000	The President		
Air Force	Wyoming: F. E. Warren AFB	ADAL Missile Service Complex		\$9,100,000	The President		Enzi; Barrasso
Army	Afghanistan: Bagram AB	Aviation Support Facility		\$2,600,000	The President		
Army	Afghanistan: Bagram AB	Barracks		\$18,500,000	The President		
Army	Afghanistan: Bagram AB	Coalition Operation Center		\$49,000,000	The President		
Army	Afghanistan: Bagram AB	Fuel System Ph 6		\$12,000,000	The President		
Army	Afghanistan: Bagram AB	Fuel System Ph 7		\$5,000,000	The President		
Air Force	Afghanistan: Bagram AB	Passenger Terminal		\$22,000,000	The President		
Navy	Bahrain: Bahrain NSA	Waterfront Development Ph 2		\$41,526,000	The President		
Defense-Wide	Belgium: Brussels	Replace Elementary School (SHAPE)		\$38,124,000	The President		
Air Force	Colombia: Palanquero AB	Air Base Development		\$43,000,000	The President		
Navy	Djibouti: Camp Lemonier	Ammo Supply Point		\$21,689,000	The President		
Navy	Djibouti: Camp Lemonier	Fire Station		\$4,772,000	The President		
Navy	Djibouti: Camp Lemonier	Interior Paved Roads Phase A		\$7,275,000	The President		

**DEPARTMENT OF DEFENSE, MILITARY CONSTRUCTION—Continued**  
**[Presidentially Directed Spending Items]**

Account	Location	Project	Amount	Requester(s)		
				Administration	House	Senate
Navy	Djibouti: Camp Lemonnier	Security Fencing I	\$8,109,000	The President		
Army	Germany: Ansbach	Barracks	\$17,500,000	The President		
Army	Germany: Ansbach	Barracks	\$14,200,000	The President		
Army	Germany: Kiebr Kaserne	Barracks	\$20,000,000	The President		
FH Army	Germany: Baumholder	Family Housing Replacement Construction (138 Units)	\$18,000,000	The President		
FH Army	Germany: Wiesbaden	Family Housing Replacement Construction Incr 2	\$10,000,000	The President		
FH Army	Germany: Wiesbaden	Family Housing Replacement Construction Incr 2	\$11,000,000	The President		
FH Army	Germany: Wiesbaden	Family Housing Replacement Construction Incr 2	\$11,000,000	The President		
Air Force	Germany: Ramstein AB	Construct AGE Maint Complex	\$11,500,000	The President		
Air Force	Germany: Ramstein AB	Contingency Response Group Command	\$23,200,000	The President		
Air Force	Germany: Spangdahlem AB	Fitness Center	\$23,500,000	The President		
Defense-Wide	Germany: Kaiserslautern	Kaiserslautern Complex Phase 1	\$19,380,000	The President		
Defense-Wide	Germany: Kaiserslautern	Kaiserslautern HS Replace School	\$74,165,000	The President		
Defense-Wide	Germany: Wiesbaden	Wiesbaden HS New Cafeteria and Kitchen	\$5,379,000	The President		
Defense-Wide	Greece: Souda Bay NS	Fuel Storage Tanks & Pipeline Replacement	\$24,000,000	The President		
Air Force	Guam: Andersen AFB	Commando Warrior Operations Facility	\$4,200,000	The President	Bordallo	
Air Force	Guam: Andersen AFB	NW Field ATPF Perimeter Fence and Road	\$4,752,000	The President	Bordallo	
Air Force	Guam: Andersen AFB	NW Field Combat Support Vehicle Maint Facility	\$15,500,000	The President	Bordallo	
Air Force	Guam: Andersen AFB	Strike FOL Electrical Infrastructure	\$33,750,000	The President	Bordallo	
Defense-Wide	Guam: Agana NAS	Replace Gas Cylinder Storage Facility	\$4,900,000	The President	Bordallo	
Army NG	Guam: Barrigada	Readiness Center	\$30,000,000	The President	Bordallo	
Navy	Guam: Guam NB	AAFB North Ramp Parking Phase 1	\$88,797,000	The President	Bordallo	
Navy	Guam: Guam NB	AAFB North Ramp Utilities Phase 1	\$21,500,000	The President	Bordallo	
Navy	Guam: Guam NB	Apra Harbor Wharves Improvement Phase 1	\$127,033,000	The President	Bordallo	
Navy	Guam: Guam NB	Consolidated SLC Training & CSS-15 HQ Facility	\$45,309,000	The President	Bordallo	
Navy	Guam: Guam NB	Defense Access Road Improvements	\$48,860,000	The President		
Navy	Guam: Guam NB	Military Working Dog Relocation, Apra Harbor	\$14,000,000	The President	Bordallo	
Navy	Guam: Guam NB	Torpedo Exercise Support Building	\$15,627,000	The President	Bordallo	
Navy FH	Guam: Guam NB	Replace Guam N. Tipalao Ph III	\$20,730,000	The President		
Defense-Wide	Guam: Guam NB	Hospital Replacement Incr 1	\$259,156,000	The President	Bordallo	

Defense-Wide	Guantanamo Bay: Guantanamo NS	Replace Fuel Storage Tanks		\$12,500,000	The President	
Army	Italy: Vicenza	Brigade Complex- Barracks/Community, Incr 3		\$22,500,000	The President	
Army	Italy: Vicenza	Brigade Complex- Operations Support Facility, Incr 3		\$23,500,000	The President	
Air Force	Italy: Sigonella NAS	Global Hawk Aircraft Maint and Ops Complex		\$31,300,000	The President	
Army	Japan: Okinawa	Training Aids Center		\$6,000,000	The President	
Army	Japan: Sagamihara	Training Aids Center		\$6,000,000	The President	
Army	Korea: Camp Humphreys	Fire Stations		\$13,200,000	The President	
Army	Korea: Camp Humphreys	Vehicle Maintenance Shop		\$19,000,000	The President	
Army	Korea: Camp Humphreys	Vehicle Maintenance Shop		\$18,000,000	The President	
FH Navy	Korea: Pusan	Chinhae Welcome Center/Warehouse		\$4,376,000	The President	
Defense-Wide	Korea: K-16 Airfield	Convert Warehouses		\$5,050,000	The President	
Defense-Wide	Korea: Osan AB	Replace Hydrant Fuel System		\$28,000,000	The President	
Army	Kuwait: Camp Arifjan	APS Warehouses		\$82,000,000	The President	
Air Force	Qatar: Al Udeid AB	Blatchford-Preston Complex Ph II		\$60,000,000	The President	
Army Reserve	Puerto Rico: Caguas	Army Reserve Center/Land		\$12,400,000	The President	
Navy	Spain: Rota NS	Reception Airfield Facilities		\$26,278,000	The President	
Air Force	Turkey: Incirlik AB	Consolidated Community Center		\$9,200,000	The President	
Defense-Wide	United Kingdom: Alconbury RAF	Medical/Dental Clinic Replacement		\$14,227,000	The President	
Defense-Wide	United Kingdom: Lakenheath RAF	Liberty IS—Gymnasium		\$4,509,000	The President	
Defense-Wide	United Kingdom: Menwith Hill Station	MHS PSC Construction		\$37,588,000	The President	
Defense-Wide	United Kingdom: Mildenhall RAF	Fuel Tank Distribution Pipeline		\$4,700,000	The President	
Army NG	Virgin Islands: St. Croix	Regional Training Institute Ph 1		\$20,000,000	The President	
Army	Afghanistan: Airborne	Dining Facility		\$2,200,000	The President	
Army	Afghanistan: Airborne	Waste Management Area		\$5,600,000	The President	
Army	Afghanistan: Altimur	Dining Facility		\$2,150,000	The President	
Army	Afghanistan: Altimur	Waste Management Area		\$5,600,000	The President	
Army	Afghanistan: Asadabad	Waste Management Area		\$5,500,000	The President	
Army	Afghanistan: Bagram AB	Access Roads		\$21,000,000	The President	
Army	Afghanistan: Bagram AB	Command and Control Facility		\$4,500,000	The President	
Army	Afghanistan: Bagram AB	Drainage System, Phase 2		\$21,000,000	The President	
Army	Afghanistan: Bagram AB	MEDLOG Warehouse		\$3,350,000	The President	
Army	Afghanistan: Bagram AB	Army Pre-Positioned Stock Compound		\$38,000,000	The President	
Army	Afghanistan: Bagram AB	Command and Control Facility		\$38,000,000	The President	

DEPARTMENT OF DEFENSE, MILITARY CONSTRUCTION—Continued  
[Presidentially Directed Spending Items]

Account	Location	Project	Amount	Requester(s)		
				Administration	House	Senate
Army	Afghanistan: Bagram AB	Perimeter Fence and Guard Towers	\$7,000,000	The President		
Army	Afghanistan: Blessing	Waste Management Area	\$5,600,000	The President		
Army	Afghanistan: Bostick	Waste Management Area	\$5,500,000	The President		
Army	Afghanistan: Dwyer	Dining Facility	\$6,600,000	The President		
Army	Afghanistan: Dwyer	Fuel System, Phase 1	\$5,800,000	The President		
Army	Afghanistan: Dwyer	Waste Management Area	\$6,900,000	The President		
Army	Afghanistan: Frontenac	Dining Facility	\$2,200,000	The President		
Army	Afghanistan: Gardez	Dining Facility	\$2,200,000	The President		
Army	Afghanistan: Gardez	Fuel System, Phase 1	\$6,000,000	The President		
Army	Afghanistan: Gardez	Tactical Runway	\$28,000,000	The President		
Army	Afghanistan: Ghazni	Waste Management Complex	\$5,500,000	The President		
Army	Afghanistan: Jalalabad	Ammunition Supply Point	\$35,000,000	The President		
Army	Afghanistan: Jalalabad	Dining Facility	\$4,350,000	The President		
Army	Afghanistan: Jalalabad	Perimeter Fencing	\$2,050,000	The President		
Army	Afghanistan: Joyce	Dining Facility	\$2,100,000	The President		
Army	Afghanistan: Joyce	Waste Management Area	\$5,600,000	The President		
Army	Afghanistan: Kabul	Camp Phoenix West Expansion	\$39,000,000	The President		
Army	Afghanistan: Kabul	USFOR-A Headquarters and Housing	\$98,000,000	The President		
Army	Afghanistan: Kandahar	Command and Control Facility	\$4,500,000	The President		
Army	Afghanistan: Kandahar	Command and Control Facility	\$4,500,000	The President		
Army	Afghanistan: Kandahar	Command and Control Facility	\$4,500,000	The President		
Army	Afghanistan: Kandahar	South Park Roads	\$11,000,000	The President		
Army	Afghanistan: Kandahar	Tanker Truck Offload Facility	\$23,000,000	The President		
Army	Afghanistan: Kandahar	Theater Vehicle Maintenance Facility	\$55,000,000	The President		
Army	Afghanistan: Kandahar	Warehouse	\$20,000,000	The President		
Army	Afghanistan: Kandahar	Waste Management Complex	\$10,000,000	The President		
Army	Afghanistan: Maywand	Dining Facility	\$2,200,000	The President		
Army	Afghanistan: Maywand	Waste Management Area	\$5,600,000	The President		
Army	Afghanistan: Methar-Lam	Waste Management Area	\$4,150,000	The President		
Army	Afghanistan: Salerno	Dining Facility	\$4,300,000	The President		

Army	Afghanistan: Salerno	Electrical Distribution Grid		\$2,600,000	The President	
Army	Afghanistan: Salerno	Fuel System, Phase 1		\$12,800,000	The President	
Army	Afghanistan: Salerno	Runway Upgrade		\$25,000,000	The President	
Army	Afghanistan: Salerno	Waste Management Complex		\$5,500,000	The President	
Army	Afghanistan: Shank	Dining Facility		\$4,350,000	The President	
Army	Afghanistan: Shank	Electrical Distribution Grid		\$4,600,000	The President	
Army	Afghanistan: Shank	Waste Management Complex		\$8,100,000	The President	
Army	Afghanistan: Shank	Water Distribution System		\$2,650,000	The President	
Army	Afghanistan: Sharana	Aircraft Maintenance Facilities		\$12,200,000	The President	
Army	Afghanistan: Sharana	Ammunition Supply Point		\$14,000,000	The President	
Army	Afghanistan: Sharana	Electrical Distribution Grid		\$2,600,000	The President	
Army	Afghanistan: Sharana	Rotary Wing Parking		\$32,000,000	The President	
Army	Afghanistan: Tarin Kowt	Ammunition Supply Point		\$35,000,000	The President	
Army	Afghanistan: Tarin Kowt	Dining Facility		\$2,200,000	The President	
Army	Afghanistan: Tarin Kowt	Fuel System, Phase 2		\$11,800,000	The President	
Army	Afghanistan: Tarin Kowt	Waste Management Area		\$6,800,000	The President	
Army	Afghanistan: Tombstone/Bastion	Basic Load Ammunition Holding Area		\$7,500,000	The President	
Army	Afghanistan: Tombstone/Bastion	Dining Facility		\$8,900,000	The President	
Army	Afghanistan: Tombstone/Bastion	Entry Control Point and Access Roads		\$14,200,000	The President	
Army	Afghanistan: Tombstone/Bastion	Fuel System, Phase 2		\$14,200,000	The President	
Army	Afghanistan: Tombstone/Bastion	Level 3 Medical Facility		\$16,500,000	The President	
Army	Afghanistan: Tombstone/Bastion	Roads		\$4,300,000	The President	
Army	Afghanistan: Tombstone/Bastion	Water Supply and Distribution System		\$6,200,000	The President	
Army	Afghanistan: Wolverine	Dining Facility		\$4,350,000	The President	
Army	Afghanistan: Wolverine	Fuel System, Phase 1		\$5,800,000	The President	
Army	Afghanistan: Wolverine	Waste Management Complex		\$6,900,000	The President	
Air Force	Afghanistan: Bagram AB	Aviation Operations & Maintenance Facilities		\$8,900,000	The President	
Air Force	Afghanistan: Bagram AB	Cargo Terminal		\$13,800,000	The President	
Air Force	Afghanistan: Bagram AB	Expeditionary Fighter Shelter		\$6,400,000	The President	
Air Force	Afghanistan: Dwyer	Cargo Handling Area		\$4,900,000	The President	
Air Force	Afghanistan: Kandahar	Aviation Operations & Maintenance Facilities		\$10,500,000	The President	
Air Force	Afghanistan: Kandahar	Cargo Helicopter Apron		\$32,000,000	The President	
Air Force	Afghanistan: Kandahar	CAS Apron Expansion		\$25,000,000	The President	

DEPARTMENT OF DEFENSE, MILITARY CONSTRUCTION—Continued  
[Presidentially Directed Spending Items]

Account	Location	Project	Amount	Requester(s)		
				Administration	House	Senate
Air Force	Afghanistan: Kandahar	Expeditionary Fighter Shelter	\$6,400,000	The President		
Air Force	Afghanistan: Kandahar	ISR Apron Expansion	\$40,000,000	The President		
Air Force	Afghanistan: Kandahar	Refueler Apron/Relocate HCP	\$66,000,000	The President		
Air Force	Afghanistan: Kandahar	Relocate North Airfield Road	\$16,000,000	The President		
Air Force	Afghanistan: Kandahar	Secure RS01 Facility	\$9,700,000	The President		
Air Force	Afghanistan: Kandahar	Tactical Airlift Apron	\$29,000,000	The President		
Air Force	Afghanistan: Shank	Cargo Handling Area	\$4,900,000	The President		
Air Force	Afghanistan: Tarin Kowt	Cargo Handling Area	\$4,900,000	The President		
Air Force	Afghanistan: Tombstone/Bastion	Aviation Operations & Maintenance Facilities	\$8,900,000	The President		
Air Force	Afghanistan: Tombstone/Bastion	Cargo Handling Area	\$18,000,000	The President		
Air Force	Afghanistan: Tombstone/Bastion	CAS Apron Expansion	\$40,000,000	The President		
Air Force	Afghanistan: Tombstone/Bastion	Expeditionary Fighter Shelter	\$6,300,000	The President		
Air Force	Afghanistan: Tombstone/Bastion	ISR Apron	\$41,000,000	The President		
Air Force	Afghanistan: Tombstone/Bastion	Secure RS01 Facility	\$10,000,000	The President		
Air Force	Afghanistan: Tombstone/Bastion	Strategic Airlift Apron Expansion	\$32,000,000	The President		
Air Force	Afghanistan: Wolverine	Cargo Handling Area	\$4,900,000	The President		

DEPARTMENT OF DEFENSE, MILITARY CONSTRUCTION  
[Congressionally Directed Spending Items]

Account	Location	Project	Amount	Requester(s)		
				House	Senate	
Army	Alabama: Anniston Depot	Industrial Area Electric System Upgrade	\$3,300,000	Rogers (AL)		
Army	Alabama: Fort Rucker	Water Survival Training Facility	\$401,000	Bright		
Army	Alabama: Redstone Arsenal	Gate 7 Access Control Point	\$3,550,000	Griffith		Sessions
Defense-Wide	Alabama: Redstone Arsenal	Missile and Space Intelligence Center EDEC	\$12,000,000	Griffith		Shelby
Army	Alabama: Fort Rucker	AVIM Hangar	\$1,170,000	Bright		Sessions
Army	Alaska: Fort Richardson	Combat Pistol Range	\$4,900,000			Begich
Air Force	Alaska: Eielson AFB	Arctic Utilidors—Ph 11	\$9,900,000	Young (AK)		Murkowski
Air Force	Alaska: Eielson AFB	Taxiway Golf Lighting	\$3,450,000	Young (AK)		Murkowski
Air Force	Arkansas: Little Rock AFB	Security Forces Operations Facility	\$10,400,000	Snyder		Pryor; Lincoln

Army NG	Arkansas: West Memphis	Readiness Center		\$1,240,000	Berry	
Army	Arizona: Fort Huachuca	Fire Station, Two Company		\$6,700,000	Giffords	
Navy	California: Bridgeport MMTC	Commissary		\$6,830,000	McKeon	
Air Force	California: Los Angeles AFB	Consolidated Parking Area Ph 1		\$8,000,000	Sanchez, Loretta	
Air Reserve	California: March ARB	Small Arms Firing Range		\$9,800,000	Calvert	
Navy	California: Monterey NSA	Marine Meteorology Center		\$10,240,000	Farr	
Navy	California: Point Loma NB	Add/Alt Marine Mammal Surgical Center		\$2,330,000	Davis (CA)	
Air Force	California: Travis AFB	Taxiway Mike Bypass Road		\$6,000,000	Tauscher	Boxer
Air NG	California: Fresno Yosemite	144th Squadron Operations Facility		\$9,800,000		Feinstein; Boxer
Air Force	Colorado: Peterson AFB	East Gate Realignment		\$7,200,000	Lamborn	
Air NG	Colorado: Buckley AFB	Add/Alter Weapons Release		\$4,500,000	Perlmutter	Udall; Bennet
Army	Colorado: Fort Carson	Convoy Skills Trainer (IED)		\$1,950,000		Udall; Bennet
Air Force	Colorado: Peterson AFB	Widen Paine Street		\$2,000,000		Udall; Bennet
Air NG	Connecticut: Bradley IAP	CNAF Beddown—Upgrade Facilities		\$9,000,000	DeLauro; Courtney; Larson (CT); Himes; Murphy (CT)	Dodd; Lieberman
Navy	Connecticut: New London NSB	MK-48 Torpedo Magazine		\$6,570,000	Courtney	Dodd; Lieberman
Air Force	Delaware: Dover AFB	Chapel Center		\$7,500,000	Castle	Carper; Kaufman
Air Force	Florida: Hurlburt Field	Flight Test Operations Facility (413 FLTS)		\$9,400,000	Miller (FL)	
Air Force	Florida: MacDill AFB	Mission Support Facility		\$384,000	Castor (FL)	
Air Force	Florida: MacDill AFB	Consolidated Communications Facility		\$21,000,000	Young (FL)	
Navy	Florida: Mayport NS	Fitness Center		\$26,360,000	Crenshaw	
Navy	Florida: Panama City NSA	Joint Diver A-School Dormitory		\$520,000	Boyd	
Army	Florida: Eglin AFB	Elevated Water Storage Tank (Camp Rudder)		\$1,200,000		Bill Nelson
Air Force	Florida: Patrick AFB	Combat Weapons Training Facility		\$8,400,000	Posey	Bill Nelson; Martinez
Navy	Georgia: Albany MCLB	Weapons Maintenance Hardstand Facility		\$4,870,000	Bishop (GA)	
Army NG	Georgia: Hunter AAF	Readiness Center		\$8,967,000	Kingston; Marshall	Chambliss; Isakson
Air Force	Georgia: Robins AFB	Hot Cargo Pad/Taxiway		\$6,200,000	Marshall	
Air Force	Georgia: Moody AFB	Rescue Operations/Maintenance Headquarters Facility		\$10,000,000		Chambliss; Isakson
Air Force	Hawaii: Hickam AFB	Ground Control Tower		\$4,000,000	Abercrombie	
Army NG	Hawaii: Kapolei	Readiness Center (JFHQ)		\$5,446,000	Abercrombie; Hirono	
Navy	Hawaii: Pearl Harbor NSY	Drydock 2 Starboard Waterfront Facility		\$850,000	Hirono; Abercrombie	
Air Force	Hawaii: Kona IAP	C-17 Kona Short Auxiliary Airfield		\$910,000		Inouye; Akaka
Navy	Hawaii: Pearl Harbor NS	Production Services Support Facility		\$25,070,000		Inouye; Akaka
Air Force	Idaho: Mountain Home AFB	Civil Engineer Maintenance Complex		\$690,000	Simpson	Crapo; Risch

DEPARTMENT OF DEFENSE, MILITARY CONSTRUCTION—Continued  
[Congressionally Directed Spending Items]

Account	Location	Project	Amount	Requester(s)	
				House	Senate
Air NG	Illinois: Lincoln Capital Airport	Relocate Base Entrance	\$3,000,000	Hare; Jackson (IL); Schock; Shimkus	
Air Force	Illinois: Scott AFB	Aeromedical Evacuation Facility	\$7,400,000	Jackson (IL); Costello	Durbin
Army NG	Illinois: Milan	Readiness Center Expansion	\$5,600,000		Durbin; Burris
Navy	Indiana: Crane NSWC	Strategic Weapons System Engineering Facility (Design)	\$510,000	Elsworth	Lugar
Navy	Indiana: Crane NSWC	Strategic Weapons System Engineering Facility	\$13,710,000	Elsworth	Lugar
Army NG	Iowa: Camp Dodge	Motor Vehicle Storage Buildings, Freedom Center	\$1,963,000	Boswell	
Army NG	Iowa: Davenport	Army Aviation Support Facility Add/Alt	\$2,000,000	Braley	Harkin
Army NG	Iowa: Fairfield	Field Maintenance Shop Add/Alt	\$2,000,000	Loeb sack	Harkin
Army NG	Iowa: Iowa Falls	Add/Alt Readiness Center	\$2,000,000	Latham	Harkin
Army NG	Iowa: Johnston	Armed Forces Reserve Center/Field Maintenance Shop	\$180,000		Harkin; Grassley
Air NG	Iowa: Des Moines	Alteration to Security Forces Facility	\$4,600,000	Boswell	Harkin; Grassley
Army NG	Iowa: Camp Dodge	US Property and Fiscal Office	\$4,000,000	Boswell	Harkin
Air NG	Kansas: McConnell AFB	Upgrade DCGS	\$8,700,000	Tiahrt	Brownback
Army	Kansas: Fort Riley	Estes Road Access Control Point	\$6,100,000	Jenkins; Moran (KS)	Brownback; Roberts
Army NG	Kansas: Salina	Taxiway Alterations, Aviation Support Facility	\$2,227,000		Brownback; Roberts
Army	Kentucky: Fort Campbell	Physical Fitness Complex	\$900,000	Davis (TN); Tanner; Whitfield	McConnell; Bunning
Army	Kentucky: Fort Campbell	Chapel Complex	\$14,400,000	Wamp; Tanner; Whitfield	McConnell; Bunning
Army NG	Kentucky: Frankfort	Joint Forces Headquarters	\$334,000	Chandler	
Army NG	Kentucky: London	Phase IV Aviation Operations Facility	\$1,805,000	Rogers (KY)	
Air NG	Kentucky: Standiford Field	Contingency Response Group Facility	\$600,000	Yarmuth	
Defense-Wide	Kentucky: Fort Campbell	5th SFG Language Sustainment Training Facility	\$6,800,000	Wamp	Alexander; Corker
Army	Louisiana: Fort Polk	Multipurpose Machine Gun Range	\$6,400,000	Fleming; Alexander	Vitter
Air Force	Louisiana: Barksdale AFB	Phase Five Ramp Replacement—Aircraft Apron Pavement	\$12,800,000	Alexander; Fleming	Landrieu; Vitter
Navy	Maine: Portsmouth NSY	Consolidation of Structural Shops	\$2,000,000	Hodes; Pingree; Shea-Porter	Collins; Snowe; Gregg; Shaheen
Navy	Maine: Portsmouth NSY	Gate 2 Security Improvements	\$7,090,000	Shea-Porter; Hodes; Pingree	Collins; Snowe
Army	Maryland: Aberdeen Proving Ground	Information Processing Node, Ph 2	\$956,000	Ruppersberger; Kratochvil	
Air Force	Maryland: Andrews AFB	Physical Fitness Facility	\$930,000	Edwards (MD)	
Navy	Maryland: Carderock NSWC DET	RDTE Support Facility, Ph 2	\$6,520,000	Van Hollen	Cardin
Army	Maryland: Fort Detrick	Auditorium and Training Center Expansion	\$7,400,000	Bartlett	



Army	Maryland: Fort Meade	Intersection, Rockenbach Road & Cooper Avenue		\$2,350,000	Kratovil, Sarbanes	
Navy	Maryland: Patuxent River NAS	Special Communications Engineering Facility		\$11,043,000	Hoyer	
Army	Maryland: Aberdeen Proving Ground	Advanced Chemistry Laboratory		\$15,500,000	Kratovil; Ruppersberger	Mikulski; Cardin
Air NG	Massachusetts: Barnes ANGB	F-15 Aircraft Ready Shelters		\$8,100,000	Olver	Kennedy; Kerry
Air NG	Massachusetts: Hanscom AFB	Joint Forces Operations Center—ANG Share		\$1,500,000	Tierney; Tsongas	
Army NG	Massachusetts: Hanscom AFB	Joint Force Headquarters		\$2,663,000	Tierney; Tsongas	Kennedy; Kerry
Air NG	Massachusetts: Otis ANGB	Composite Operations and Training Facility		\$12,800,000	Delahunt	Kennedy; Kerry
Army NG	Michigan: Camp Grayling	Barracks Replacement, Ph 2		\$440,000	Stupak	Levin; Stabenow
Army NG	Michigan: Fort Custer (Augusta)	Organizational Maintenance Shop (ADRS)		\$7,732,000	Schauer	Levin; Stabenow
Air NG	Michigan: Alpena	Replace Troop Quarters		\$8,900,000	Stupak	Levin; Stabenow
Air NG	Michigan: Battle Creek ANGB	CNAF Beddown Facilities		\$14,000,000	Schauer	Levin; Stabenow
Air NG	Michigan: Selfridge ANGB	A-10 Squad Operations Facility		\$7,100,000	Levin; Miller (MI)	Levin; Stabenow
Air NG	Minnesota: Minneapolis-St.Paul IAP	Add/Alt Starbase Facility		\$1,900,000	Ellison	Klobuchar
Air NG	Mississippi: Gulfport-Biloxi RAP	Relocate Base Entrance		\$6,500,000	Taylor	Cochran; Wicker
Air Force	Mississippi: Columbus AFB	Aircraft Fuel Systems Maintenance Dock		\$9,800,000		Cochran; Wicker
Army NG	Mississippi: Monticello	Readiness Center		\$14,350,000	Harper	Cochran; Wicker
Army	Missouri: Fort Leonard Wood	Health Clinic		\$7,800,000	Skelton	
Air Force	Missouri: Whiteman AFB	EOD Operations Complex		\$7,400,000	Skelton	
Air Force	Missouri: Whiteman AFB	Land Acquisition North and South Boundaries		\$5,500,000	Skelton	
Army	Missouri: Fort Leonard Wood	Brigade Headquarters		\$584,000		Bond
Air NG	Missouri: Rosecrans Memorial Airport	Replace Fire/Crash Rescue Station, Ph 2		\$9,300,000		Bond
Army NG	Montana: Fort Harrison	Add/Alt Troop Medical Facility		\$1,750,000	Rehberg	Baucus; Tester
Air Force	Montana: Malmstrom AFB	Upgrade Weapons Storage Area		\$10,600,000	Rehberg	Baucus; Tester
Air Force	Nebraska: Offutt AFB	STRATCOM Gate		\$10,400,000	Terry	Ben Nelson
Army NG	Nevada: Las Vegas	Civil Support Team Ready Building		\$727,000	Titus; Berkley	Reid
Army NG	Nevada: Carson City	Renewable Energy Sustainable Projects		\$2,000,000	Heller	Reid
Navy	Nevada: Fallon NAS	Warrior Physical Training Facility		\$10,670,000		Reid; Ensign
Air NG	Nevada: Reno	Fire Station Replacement		\$10,800,000	Heller	Reid; Ensign
Army NG	Nevada: Floyd Edsall TC	Add/Alt Clark County Armory		\$2,000,000		Reid; Ensign
Air NG	New Hampshire: Pease ANGB	Replace Squadron Operations Facilities		\$10,000,000	Hodes; Shea-Porter	Gregg; Shaheen
Air NG	New Jersey: Atlantic City IAP	Munitions Administration Facility		\$1,700,000	LoBiondo	
Air Force	New Jersey: McGuire AFB	Warfighter and Family Support Center		\$7,900,000	Adler	Lautenberg; Mendenez
Army	New Jersey: Picatinny Arsenal	Ballistic Evaluation Facility, Ph 2		\$10,200,000	Frelinghuysen	Lautenberg; Mendenez

**DEPARTMENT OF DEFENSE, MILITARY CONSTRUCTION—Continued**  
**[Congressionally Directed Spending Items]**

Account	Location	Project	Amount	Requester(s)	
				House	Senate
ANG	New Jersey: McGuire AFB	Base Civil Engineering Complex	\$9,700,000	Adler; LoBiondo; Smith (NJ)	Lautenberg; Mendenez
Air Force	New Mexico: Cannon AFB	Dormitory (96 RM)	\$450,000	Lujan	Bingaman; Tom Udall
Air Force	New Mexico: Holloman AFB	Fire/Crash Rescue Station	\$10,400,000	Teague	Bingaman; Tom Udall
Air Force	New Mexico: Kirtland AFB	Add to Space RDT&E Operations Center	\$5,800,000	Heinrich	
Defense-Wide	New Mexico: Cannon AFB	SOF AC-130 Loadout Apron, Ph 1	\$6,000,000		Bingaman; Tom Udall
Army	New York: Fort Drum	All Weather Marksmanship Facility	\$8,200,000	McHugh	Schumer
Air NG	New York: Fort Drum	Reaper LRE Beddown (Wheeler Sack AAF)	\$2,700,000	Maffei	Schumer
Air Reserve	New York: Niagara Falls ARS	Indoor Small Arms Range	\$5,700,000	Slaughter; Lee (NY)	Schumer; Gillibrand
Army NG	North Carolina: East Flat Rock	Readiness Center Add/Alt	\$2,516,000	Shuler	
Army	North Carolina: Fort Bragg	Field Support Brigade Headquarters	\$720,000	Kissell; McIntyre	
Army NG	North Carolina: Fort Bragg	Tactical UAS Support Facility	\$6,038,000	McIntyre; Kissell	Burr
Army	North Carolina: Fort Bragg	Automated Sniper Field Fire Range	\$3,450,000		Hagan
Air Force	North Carolina: Pope AFB	Air Traffic Control Tower	\$9,000,000		Burr
Air Force	North Carolina: Seymour Johnson AFB	Radar Approach Control Complex, Ph 1	\$6,900,000	Jones	
Air Force	North Dakota: Minot AFB	Control Tower/Base Operations Facility	\$1,710,000	Pomeroy	Dorgan; Conrad
Army NG	North Dakota: Bismarck	Raymond J. Bohn Readiness Center Addition	\$2,000,000	Pomeroy	Dorgan; Conrad
Air Force	North Dakota: Grand Forks AFB	Consolidated Security Forces Facility	\$12,000,000	Pomeroy	Dorgan; Conrad
Army NG	Ohio: Beightler Armory	Joint Forces Headquarters (JOC) Addition	\$2,000,000	Kilroy	Brown; Voinovich
Army NG	Ohio: Ravenna	Shoot House	\$2,000,000	Ryan (OH)	
Air NG	Ohio: Toledo Express Airport	Multi-Use Instructional Facility	\$2,000,000	Kaptur	Voinovich
Air Force	Ohio: Wright-Patterson AFB	Replace West Ramp, Ph 2	\$10,600,000	Turner	Brown; Voinovich
Air NG	Ohio: Zanesville ANG	New Supply Warehouse	\$1,000,000	Space	
Air Force	Oklahoma: Tinker AFB	T-9 Noise Suppressor	\$5,200,000	Fallin	Inhofe
Air Force	Oklahoma: Vance AFB	Control Tower	\$10,700,000	Cole; Lucas	Inhofe
Army NG	Oregon: Camp Rilea	Water Supply System (Design)	\$368,000	Wu	Wyden; Merkley
Army NG	Oregon: Polk County	Readiness Center	\$12,100,000	Schrader	Wyden; Merkley
Army NG	Oregon: Clatsop County, Warrenton	Water Supply System—Camp Rilea	\$3,369,000	Wu	Wyden; Merkley
Army NG	Oregon: Clackamas County	Camp Withycombe Infrastructure (Storm Sewer)	\$1,226,000	Blumenauer; Schrader	Wyden; Merkley
Army NG	Oregon: Washington County	Readiness Center	\$386,000	Wu	Wyden; Merkley
Army NG	Pennsylvania: Luzerne	Readiness Center	\$924,000	Carney	

Air Reserve	Pennsylvania: Pittsburgh	Visiting Quarters, Ph 1		\$12,400,000		Specter; Casey
Navy	Rhode Island: Newport NS	Renovate Perry Hall/Training Support Facilities		\$8,530,000	Kennedy	Reed
Navy	Rhode Island: Newport NS	Renovation of Senior Enlisted Academy (Tomich Hall)		\$10,550,000		Reed
Air NG	South Carolina: McEntire IRB	Joint Force Headquarters Building		\$1,300,000	Wilson; Clyburn	Graham
Air Force	South Carolina: Shaw AFB	Add/Alter USAFCEC Headquarters		\$21,183,000	Spratt	Graham
Air NG	South Dakota: Joe Foss Field	Add to Munitions Maintenance Complex		\$1,300,000	Herseth Sandlin	Johnson; Thune
Army NG	South Dakota: Camp Rapid	Joint Forces HQ Readiness Center Supplement		\$7,800,000	Herseth Sandlin	Johnson; Thune
Army NG	South Dakota: Camp Rapid	Troop Medical Clinic Add/Alt		\$1,950,000	Herseth Sandlin	Johnson; Thune
Air Force	South Dakota: Ellsworth AFB	Add/Alt Deployment Center		\$14,500,000	Herseth Sandlin	Johnson; Thune
Air NG	South Dakota: Joe Foss Field	Above Ground Multi-Cubicle Magazine Storage		\$1,300,000	Herseth Sandlin	Johnson; Thune
Air NG	Tennessee: Memphis	Engineer Maintenance and Training Facility		\$9,800,000	Cohen	Alexander; Corker
Army Reserve	Texas: Bryan	Army Reserve Center		\$12,200,000	Edwards (TX)	
Army	Texas: Fort Bliss	Access Control Points		\$6,500,000	Reyes	
Army	Texas: Fort Hood	Family Life Center		\$10,800,000	Carter; Edwards (TX)	
Navy Reserve	Texas: Fort Worth NAS/IRB	Replace Joint Base Communications Building		\$6,170,000	Granger	
Air NG	Texas: Kelly Field Annex	Add/Alt Aircraft Maintenance Shops		\$7,900,000	Rodriguez, Gonzalez	
Navy	Texas: Kingsville NAS	Solar Panel Array		\$4,470,000	Ortiz	
Army Reserve	Texas: Robstown	Tactical Equipment Maintenance Facility		\$10,200,000	Ortiz	
Air Force	Texas: Dyess AFB	Mission Operations Center		\$390,000	Neugebauer	Hutchison; Cornyn
Air Force	Texas: Goodfellow AFB	Consolidated Learning Center		\$12,000,000		Hutchison; Cornyn
Air Force	Texas: Lackland AFB	Consolidated Security Forces Ops Center, Ph 2		\$342,000	Gonzalez	Hutchison; Cornyn
Air Force	Texas: Laughlin AFB	Student Officer Quarters, Ph 2		\$713,000	Rodriguez	Hutchison; Cornyn
Air Force	Texas: Sheppard AFB	European NATO Joint Jet Pilot Training Operations Complex, Ph 1		\$13,450,000		Hutchison; Cornyn
Air Force	Utah: Hill AFB	PCC Apron NW End Taxiway A		\$5,100,000	Bishop (UT)	Hatch
Army	Utah: Dugway Proving Ground	Life Science Test Facility Addition		\$2,890,000	Bishop (UT)	Bennett; Hatch
Army NG	Vermont: Ethan Allen Range	BOQ Add/Alt		\$1,996,000	Welch	Leahy; Sanders
Air NG	Vermont: Burlington IAP	Fire Crash and Rescue Station Add/Alt		\$6,000,000		Leahy; Sanders
Army NG	Vermont: Morrisville	Field Vehicle Maintenance Shop		\$812,000	Welch	Leahy; Sanders
Navy	Virginia: Dahlgren NSWC	Electromagnetic Research & Engineering Fac Ph 2		\$3,660,000	Wittman	Webb; Warner
Army	Virginia: Fort Lee	Defense Access Roads		\$5,000,000	Forbes	
Army	Virginia: Fort Eustis	Upgrade Marshalling Area		\$8,900,000		Webb; Warner
Navy	Washington: Everett NS	Small Craft Launch		\$3,810,000	Larsen	Murray
Air Force	Washington: Fairchild AFB	Refueling Vehicle Maintenance Facility		\$4,150,000	McMorris Rodgers	Murray

DEPARTMENT OF DEFENSE, MILITARY CONSTRUCTION—Continued

[Congressionally Directed Spending Items]

Account	Location	Project	Amount	Requester(s)	
				House	Senate
Air Force	Washington: Fairchild AFB	SERE Force Support Complex, Ph 1	\$11,000,000	McMorris Rodgers	Murray; Cantwell
Army	Washington: Fort Lewis	Fort Lewis-McChord AFB Joint Access	\$9,000,000	Smith (WA)	
Defense-Wide	Washington: Fort Lewis	Women's Health Center Facility	\$2,000,000	Smith (WA)	Murray; Cantwell
Navy	Washington: Indian Island NM	Ordnance Storage Pads with Covers	\$13,130,000	Dicks	
Army NG	West Virginia: Logan/Mingo County	Readiness Center	\$501,000	Rahall	Byrd
Army NG	West Virginia: Parkersburg	Readiness Center	\$2,234,000	Mollohan	
Army NG	West Virginia: Parkersburg	Field Maintenance Shop	\$967,000	Mollohan	
Air NG	West Virginia: Shepherd AB, Martinsburg	C-5 Taxiway Upgrades	\$19,500,000		Byrd
Army NG	West Virginia: St. Albans Amory	Life Safety Upgrade	\$2,000,000		Byrd
Navy	West Virginia: Sugar Grove NSGA	Emergency Services Center	\$10,990,000		Byrd
Air NG	Wisconsin: General Mitchell IAP	Add/Alt KC-135 Corrosion Control Hangar	\$5,000,000	Moore (WI)	Kohl
Army Reserve	Wisconsin: Fort McCoy	Range Utility Upgrade	\$3,850,000		Kohl
Air NG	Wyoming: Cheyenne Airport	Squadron Operations	\$1,500,000		Enzi; Barrasso
Air Force	Guam: Andersen AFB	Postal Service Center	\$3,500,000	Bordallo	
Army NG	Puerto Rico: Camp Santiago	Urban Assault Course	\$1,669,000	Pierluisi	

DEPARTMENT OF VETERANS AFFAIRS

[Presidentially Directed Spending Items]

Account	Location	Project	Amount	Requester(s)		
				Administration	House	Senate
Major Construction	California: Livermore	Design and Land Purchase	\$55,430,000	The President		Feinstein; Bower
Major Construction	California: Long Beach	Seismic Corrections (Design)	\$24,200,000	The President		Feinstein; Bower
Major Construction	California: San Diego	Seismic Corrections (Design)	\$18,340,000	The President		Feinstein; Bower
Major Construction	Colorado: Denver	New Medical Facility	\$119,000,000	The President		Mark Udall; Bennet
Major Construction	Florida: Bay Pines	Inpatient/Outpatient Improvements	\$96,800,000	The President		Bill Nelson; Martinez
Major Construction	Florida: Orlando	New Medical Facility	\$371,300,000	The President	Brown, Corrine; Kosmas; Posey	Bill Nelson; Martinez
Major Construction	Illinois: Abraham Lincoln Nat'l Cemetery	Gravesite Expansion and Cemetery Improvements	\$38,300,000	The President		Durbin
Major Construction	Maryland: Perry Point	Replacement Community Living Center (Design)	\$9,000,000	The President		Mikulski
Major Construction	Massachusetts: Brockton	Long-Term Care Spinal Cord Injury Unit (Design)	\$24,040,000	The President		Kennedy; Kerry

Major Construction	Missouri: St. Louis (JB)	Medical Fac. Improvements & Cemetery Expansion		\$19,700,000	The President		Bond
Major Construction	Missouri: St. Louis (JC)	Replace Bed Tower/Clinic Expansion (Design)		\$43,340,000	The President		Bond
Major Construction	New York: Canandaigua	Construction and Renovation (Design)		\$36,580,000	The President		Schumer; Gillibrand
Major Construction	Texas: Houston National Cemetery	Gravesite Expansion and Cemetery Improvements		\$35,000,000	The President		Hutchison
Major Construction	Puerto Rico: San Juan	Seismic Corrections		\$42,000,000	The President		

MILITARY CONSTRUCTION (AMOUNTS IN THOUSANDS)		
	BUDGET REQUEST	CONFERENCE AGREEMENT
-----		
ALABAMA		
ARMY		
ANNISTON DEPOT		
INDUSTRIAL AREA ELECTRIC SYSTEM UPGRADE.....	---	3,300
REDSTONE ARSENAL		
GATE 7 ACCESS CONTROL POINT.....	---	3,550
DEFENSE WIDE		
REDSTONE ARSENAL		
MISSILE AND SPACE INTELLIGENCE CENTER EDEC.....	---	12,000
ARMY NATIONAL GUARD		
FORT MC CLELLAN		
URBAN ASSAULT COURSE.....	3,000	3,000
ALASKA		
ARMY		
FORT RICHARDSON		
AIRBORNE SUSTAINMENT TRAINING COMPLEX.....	6,100	6,100
COMBAT PISTOL RANGE.....	---	4,900
TRAINING AIDS CENTER.....	2,050	2,050
WARRIOR IN TRANSITION COMPLEX.....	43,000	43,000
FORT WAINWRIGHT		
AVIATION TASK FORCE COMPLEX, PH 1, INCR 1.....	125,000	95,000
AVIATION UNIT OPERATIONS COMPLEX.....	19,000	19,000
RAILHEAD COMPLEX.....	26,000	26,000
WARRIOR IN TRANSITION COMPLEX.....	28,000	28,000
AIR FORCE		
CLEAR AFS		
POWER PLANT FACILITY.....	24,300	24,300
EIELSON AFB		
ARCTIC UTILIDORS - PHASE 11.....	---	9,900
TAXIWAY GOLF LIGHTING.....	---	3,450
ELMENDORF AFB		
F-22 WEAPONS LOAD TRAINING FACILITY.....	12,600	12,600
RED FLAG ALASKA ADD/ALTER OPERATIONS CENTER.....	3,100	3,100
DEFENSE-WIDE		
ELMENDORF AFB		
AEROMEDICAL SERVICES/MENTAL HEALTH CLINIC.....	25,017	25,017
FORT RICHARDSON		
HEALTH CLINIC.....	3,518	3,518
ARIZONA		
ARMY		
FORT HUACHUCA		
BATTALION HEADQUARTERS UAV.....	6,000	6,000
FIRE STATION, TWO COMPANY.....	---	6,700
UAV ER/MPER/MP.....	15,000	15,000
NAVY		
YUMA		
AIRCRAFT MAINTENANCE HANGAR (PHASE 1).....	27,050	27,050
AIRFIELD ELECTRICAL DISTRIBUTION AND CONTROL.....	1,720	1,720
AIR FORCE		
DAVIS-MONTHAN AFB		
CSAR HC-130J INFRASTRUCTURE.....	4,800	4,800
CSAR HC-130J RESCUE SQUADRON OPERATIONS FACILITY..	8,700	8,700
CSAR HC-130J SIMULATOR FACILITY.....	8,400	8,400
DORMITORY (144 RM).....	20,000	20,000
ARMY NATIONAL GUARD		
CAMP NAVAJO		
COMBAT PISTOL QUALIFICATION COURSE.....	3,000	3,000
AIR NATIONAL GUARD		
DAVIS MONTHAN AFB		
TFI-PREDATOR BEDDOWN-FOC.....	5,600	5,600
NAVY RESERVE		
PHOENIX		
RESERVE CENTER MOVE TO LUKE AFB, NOSC PHOENIX.....	10,986	10,986

MILITARY CONSTRUCTION (AMOUNTS IN THOUSANDS)		
	BUDGET REQUEST	CONFERENCE AGREEMENT
-----		
ARKANSAS		
ARMY		
PINE BLUFF ARSENAL		
FUSE & DETONATOR MAGAZINE, DEPOT LEVEL.....	25,000	25,000
AIR FORCE		
LITTLE ROCK AFB		
C-130 FLIGHT SIMULATOR ADDITION.....	5,800	5,800
SECURITY FORCES OPERATIONS FACILITY.....	---	10,400
CALIFORNIA		
ARMY		
FORT IRWIN		
MOUT ASSAULT COURSE, PH 4.....	9,500	9,500
NAVY		
BRIDGEPORT MUTC		
COMMISSARY.....	---	6,830
FIRE STATION RENOVATION.....	4,460	4,460
CAMP PENDLETON		
ANGLICO OPERATIONS COMPLEX.....	25,190	25,190
AVIATION TRANSMITTER/RECEIVER SITE.....	13,560	13,560
BEQ.....	39,610	39,610
COMMUNICATIONS/ELECTRONICS MAINTENANCE FACILITY...	13,170	13,170
COMMUNICATIONS UPGRADES.....	79,492	79,492
ELECTRICAL DISTRIBUTION SYSTEM.....	76,950	76,950
ENLISTED DINING FACILITY.....	32,300	32,300
ENLISTED DINING FACILITY - EDSON RANGE.....	37,670	37,670
EXPAND COMBAT AIRCRAFT LOADING APRON.....	12,240	12,240
EXPANSION OF SOUTHERN REGION TERTIARY TREATMENT PLANT TO 7.5 MGD.....	55,180	55,180
GAS/ELECTRICAL UPGRADES.....	51,040	51,040
NORTH REGION TERTIARY TREATMENT PLANT (PH 1, INCR 1).....	142,330	112,330
OPERATIONS ACCESS POINTS.....	12,740	12,740
RECON BATTALION OPERATIONS COMPLEX.....	77,660	77,660
RECRUIT BARRACKS - FIELD/K-SPAN.....	23,200	23,200
RECRUIT BARRACKS - SCHOOL OF INFANTRY.....	53,320	53,320
RECRUIT MARKSMANSHIP TRAINING FACILITY.....	13,730	13,730
WEAPONS AND FIELD TRAINING BATTALION SUPPORT FACILITIES.....	15,780	15,780
EDWARDS AIR FORCE BASE		
EDWARDS RAMP EXTENSION.....	3,007	3,007
MIRAMAR		
AIRCRAFT PARKING APRON MODIFICATION.....	9,280	9,280
MONTEREY NSA		
MARINE METEOROLOGY CENTER.....	---	10,240
POINT LOMA ANNEX		
ADD/ALT MARINE MAMMAL SURGICAL CENTER.....	---	2,330
PUBLIC WORKS SHOPS CONSOLIDATION.....	8,730	8,730
SAN DIEGO		
MESSHALL EXPANSION.....	23,590	23,590
TWENTYNINE PALMS		
BEQ.....	37,290	37,290
BEQ.....	37,290	37,290
COMMUNICATIONS/ELECTRONICS MAINTENANCE/STORAGE...	12,660	12,660
CONSOLIDATED ARMORY - TANKS.....	12,670	12,670
CONSTRUCT ROADS - NORTH MAINSIDE.....	29,360	29,360
DINING FACILITY - NORTH MAINSIDE.....	17,200	17,200
ELECTRICAL INFRASTRUCTURE UPGRADE - 34.5KV TO 115KV.....	46,220	46,220
ELECTRICAL POWER PLANT/CO-GEN/GAS TURBINE - NORTH...	53,260	53,260
HIGH TEMPERATURE HOT WATER/CHILLED WATER SYSTEM...	25,790	25,790
INDUSTRIAL WASTE WATER PRETREATMENT SYSTEM.....	3,330	3,330
LAYDOWN SITE WORK - NORTH MAINSIDE.....	21,740	21,740
MAINTENANCE SHOP - TRACKED.....	19,780	19,780
MAINTENANCE SHOP - WHEELED.....	16,040	16,040

MILITARY CONSTRUCTION (AMOUNTS IN THOUSANDS)		
	BUDGET REQUEST	CONFERENCE AGREEMENT
MAINTENANCE SUNSHADES - WHEELED.....	12,580	12,580
NATURAL GAS SYSTEM EXTENSION.....	19,990	19,990
SECONDARY ELECTRICAL DISTRIBUTION - NORTH MAINSIDE	31,720	31,720
SEWAGE SYSTEM IMPROVEMENTS AND LIFT STATION.....	5,800	5,800
STATION COMM FACILITY AND INFRASTRUCTURE.....	49,040	49,040
SUB-STATION AND ELECTRICAL UPGRADES.....	31,310	31,310
WATER IMPROVEMENTS AND STORAGE TANK.....	30,610	30,610
AIR FORCE		
LOS ANGELES AFB		
CONSOLIDATED PARKING AREA, PH 1.....	---	8,000
TRAVIS AFB		
CONSTRUCT KC-10 CARGO LOAD TRAINING FACILITY.....	6,900	6,900
TAXIWAY MIKE BYPASS ROAD.....	---	6,000
VANDENBERG AFB		
CHILD DEVELOPMENT CENTER.....	13,000	13,000
DEFENSE-WIDE		
CORONADO (LA POSTA)		
SOF CLOSE QUARTERS COMBAT TRAINING FACILITY.....	15,722	15,722
EL CENTRO		
AIRCRAFT DIRECT FUELING STATION.....	11,000	11,000
POINT LOMA ANNEX		
REPLACE FUEL STORAGE FAC INCR 2.....	92,300	92,300
TRAVIS AFB		
REPLACE FUEL DISTRIBUTION SYSTEM.....	15,357	15,357
ARMY NATIONAL GUARD		
LOS ALAMITOS		
READINESS CENTER PH1.....	31,000	31,000
AIR NATIONAL GUARD		
FRESNO YOSEMITE INTERNATIONAL ANG		
144TH SQUADRON OPERATIONS FACILITY.....	---	9,800
SOUTHERN CALIFORNIA LOGISTICS AIRPORT (VICTORVILLE)		
TFI-PREDATOR BEDDOWN-FLIGHT TRAINING UNIT/LAUNCH & RECOVERY ELEMENT SITE.....	8,400	8,400
ARMY RESERVE		
CAMP PENDLETON		
ARMY RESERVE CENTER.....	19,500	19,500
LOS ANGELES		
ARMY RESERVE CENTER.....	29,000	29,000
NAVY RESERVE		
ALAMEDA		
RESERVE TRAINING CENTER.....	5,960	5,960
AIR FORCE RESERVE		
MARCH ARB		
SMALL ARMS FIRING RANGE.....	---	9,800
COLORADO		
ARMY		
FORT CARSON, COLORADO		
AUTOMATED MULTIPURPOSE MACHINE GUN RANGE.....	7,400	7,400
AUTOMATED QUALIFICATION TRAINING RANGE.....	11,000	11,000
BARRACKS & DINING, INCREMENT 2.....	60,000	60,000
BRIGADE COMPLEX.....	69,000	69,000
BRIGADE COMPLEX, PH 1.....	102,000	---
COMMISSARY.....	35,000	35,000
CONVOY LIVE FIRE RANGE.....	6,500	6,500
MODIFIED RECORD FIRE RANGE.....	4,450	4,450
RAILROAD TRACKS.....	14,000	14,000
SCOUT/RECCE GUNNERY COMPLEX.....	16,000	16,000
TRAINING AIDS CENTER.....	18,500	18,500
URBAN ASSAULT COURSE.....	3,100	3,100
WARRIOR IN TRANSITION (WT) COMPLEX.....	56,000	56,000
AIR FORCE		
PETERSON AFB		
C-130 SQUAD OPS/AIRCRAFT MAINTENANCE UNIT (TFI)...	5,200	5,200
EAST GATE, REALIGNMENT.....	---	7,200
NATIONAL SECURITY SPACE INSTITUTE.....	19,900	19,900



MILITARY CONSTRUCTION (AMOUNTS IN THOUSANDS)		
	BUDGET REQUEST	CONFERENCE AGREEMENT
U.S. AIR FORCE ACADEMY		
ADD TO CADET FITNESS CENTER.....	17,500	17,500
DEFENSE-WIDE		
FORT CARSON		
HEALTH AND DENTAL CLINIC.....	52,773	31,900
SOF BATTALION OPS COMPLEX.....	45,200	45,200
SOF MILITARY WORKING DOG FACILITY.....	3,046	3,046
CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE		
PUEBLO DEPOT		
AMMUNITION DEMILITARIZATION FACILITY, PH XI.....	92,500	92,500
AIR NATIONAL GUARD		
BUCKLEY AIR FORCE BASE		
ADD/ALTER WEAPONS RELEASE.....	---	4,500
ARMY RESERVE		
COLORADO SPRINGS		
ARMY RESERVE CENTER/LAND.....	13,000	13,000
AIR FORCE RESERVE		
SCHRIEVER AFB		
WING HEADQUARTERS.....	10,200	10,200
CONNECTICUT		
NAVY		
NEW LONDON NSB		
MK-48 TORPEDO MAGAZINE.....	---	6,570
AIR NATIONAL GUARD		
BRADLEY IAP		
CNAF BEDDOWN - UPGRADE FACILITIES.....	---	9,000
ARMY RESERVE		
BRIDGEPORT		
ARMY RESERVE CENTER/LAND.....	18,500	18,500
DELAWARE		
AIR FORCE		
DOVER AFB		
C-5 CARGO AIRCRAFT MAINT TRAINING FACILITY P1.....	5,300	5,300
CHAPEL CENTER.....	---	7,500
CONSOLIDATED COMMUNICATIONS FACILITY.....	12,100	12,100
FLORIDA		
ARMY		
EGLIN AFB		
ANTI-ARMOR, TRACKING & LIVE FIRE RANGE.....	3,400	3,400
AUTOMATED QUALIFICATION/TRAINING RANGE.....	12,000	12,000
BASIC 10M - 25M FIRING RANGE (ZERO).....	3,050	3,050
ELEVATED WATER STORAGE TANK (CAMP RUDDER).....	---	1,200
GRENADE LAUNCHER RANGE.....	1,600	1,600
HAND GRENADE QUALIFICATION COURSE.....	1,400	1,400
INDOOR FIRING RANGE.....	8,900	8,900
LIGHT DEMOLITION RANGE.....	2,200	2,200
LIVE FIRE EXERCISE BREACH FACILITY.....	4,950	4,950
LIVE FIRE EXERCISE SHOOTHOUSE.....	8,000	8,000
NON-STANDARD SMALL ARMS RANGE.....	3,400	3,400
OPERATIONS COMPLEX, PH 3.....	80,000	80,000
URBAN ASSAULT COURSE.....	2,700	2,700
MIAMI DORAL		
SOUTHERN COMMAND HEADQUARTERS, INCR 3.....	55,400	55,400
NAVY		
BLOUNT ISLAND		
PORT OPERATIONS FACILITY.....	3,760	3,760
EGLIN AFB		
BACHELOR ENLISTED QUARTERS, EOD SCHOOL, PHASE 2...	26,287	26,287
F-35 AIRCRAFT PARKING APRON.....	11,252	---
F-35 HYDRANT REFUELING SYSTEM, PH 1.....	6,208	---
F-35 JP8 FLIGHTLINE FILLSTANDS.....	3,492	---
F-35 JP8 WEST SIDE BULK TANK UPGRADE.....	621	---
F-35 PARALLEL TAXIWAY LADDER.....	931	---

MILITARY CONSTRUCTION (AMOUNTS IN THOUSANDS)		
	BUDGET REQUEST	CONFERENCE AGREEMENT
F-35 POL OPERATIONS FACILITY.....	2,056	---
JACKSONVILLE		
P-8/MULTI-MISSION MARITIME AIRCRAFT FACILITIES		
MODIFICATION.....	5,917	5,917
MAYPORT		
CHANNEL DREDGING.....	46,303	46,303
FITNESS CENTER.....	---	26,360
WHARF CHARLIE REPAIR.....	29,682	29,682
PENSACOLA		
CORRY A SCHOOL BACHELOR ENLISTED QUARTERS R.....	22,950	22,950
SIMULATOR ADDITION FOR UNDERGRADUATE MILITARY		
FLIGHT OFFICER PROGRAM.....	3,211	3,211
WHITING FIELD		
T-6B JOINT PRIMARY AIRCRAFT TRAINING SYSTEM OPS		
PARALOFT FACILITY.....	4,120	4,120
AIR FORCE		
EGLIN AFB		
CONSTRUCT DORMITORY (96 RM).....	11,000	11,000
F-35 AIRCRAFT PARKING APRON.....	16,400	27,652
F-35 DUKE CONTROL TOWER.....	3,420	3,420
F-35 HYDRANT REFUELING SYSTEM PHASE 1.....	8,100	14,308
F-35 JP-8 WEST SIDE BULK FUEL TANK UPGRADES.....	960	1,581
F-35 JPS FLIGHTLINE FILLSTANDS.....	5,400	8,892
F-35 LIVE ORDNANCE LOAD FACILITY.....	9,900	9,900
F-35 PARELLEL TAXIWAY LADDER.....	1,440	2,371
F-35 POL OPS FACILITY.....	3,180	5,236
HURLBURT FIELD		
ELECTRICAL DISTRIBUTION SUBSTATION.....	8,300	8,300
FLIGHT TEST OPERATIONS FACILITY (413 FLTS).....	---	9,400
REFUELING VEHICLE MAINTENANCE FACILITY.....	2,200	2,200
MACDILL AFB		
CENTRAL COMMAND COMMANDANT FACILITY.....	15,300	15,300
CONSOLIDATED COMMUNICATIONS FACILITY.....	---	21,000
CHILD DEVELOPMENT CENTER.....	7,000	7,000
DORMITORY (120 ROOM).....	16,000	16,000
PATRICK AFB		
COMBAT WEAPONS TRAINING FACILITY.....	---	8,400
DEFENSE-WIDE		
EGLIN AFB		
SOF MILITARY WORKING DOG FACILITY.....	3,046	3,046
HURLBURT FIELD		
SOF SIMULATOR FACILITY FOR MC-130 (RECAP).....	8,156	8,156
JACKSONVILLE IAP		
REPLACE JET FUEL STORAGE COMPLEX.....	11,500	11,500
ARMY RESERVE		
PANAMA CITY		
ARMY RESERVE CENTER/LAND.....	7,300	7,300
WEST PALM BEACH		
ARMY RESERVE CENTER/LAND.....	26,000	26,000
GEORGIA		
ARMY		
FORT BENNING		
BATTLE LAB.....	30,000	30,000
COMBINED ARMS COLLECTIVE TRAINING FACILITY.....	10,800	10,800
DINING FACILITY.....	15,000	15,000
FIRE AND MOVEMENT RANGE.....	2,800	2,800
TRAINEE BARRACKS COMPLEX, PH 1.....	74,000	74,000
TRAINING AREA TANK TRAILS.....	9,700	9,700
TRAINING BATTALION COMPLEX.....	38,000	38,000
TRAINING BATTALION COMPLEX, PH 1.....	31,000	31,000
TRAINING BATTALION COMPLEX, PH 1.....	31,000	31,000
WARRIOR IN TRANSITION (WT) COMPLEX.....	53,000	53,000
FORT GILLEM		
FORENSIC LAB.....	10,800	10,800

MILITARY CONSTRUCTION  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
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FORT STEWART		
AUTOMATED SNIPER FIELD FIRE RANGE.....	3,400	3,400
BARRACKS & DINING, INCREMENT 2.....	80,000	80,000
BRIGADE COMPLEX.....	93,000	48,000
WARRIOR IN TRANSITION (WT) COMPLEX.....	49,000	49,000
NAVY		
ALBANY MCLB		
WEAPONS MAINTENANCE HARDSTAND FACILITY.....	---	4,870
AIR FORCE		
MOODY AIR FORCE BASE		
RESCUE OPERATIONS/MAINTENANCE HEADQUARTERS FAC....	---	10,000
ROBINS AFB		
HOT CARGO PAD/TAXIWAY.....	---	6,200
DEFENSE-WIDE		
FORT BENNING		
BLOOD DONOR CENTER REPLACEMENT.....	12,313	12,313
DENTAL CLINIC.....	4,887	4,887
SOF EXPAND BATTALION HEADQUARTERS.....	3,046	3,046
WILSON ELEMENTARY SCHOOL CONSTRUCT GYMNASIUM.....	2,330	2,330
FORT STEWART		
HEALTH AND DENTAL CLINIC.....	26,386	22,200
NEW ELEMENTARY SCHOOL.....	22,502	---
NEW ELEMENTARY SCHOOL.....	22,501	22,501
ARMY NATIONAL GUARD		
FORT BENNING		
READINESS CENTER.....	15,500	15,500
HUNTER AAF		
READINESS CENTER.....	---	8,967
ARMY RESERVE		
ATLANTA		
ARMY RESERVE CENTER/LAND.....	14,000	14,000
HAWAII		
ARMY		
SCHOFIELD BARRACKS		
VEHICLE MAINTENANCE SHOP.....	63,000	63,000
VEHICLE MAINTENANCE SHOP.....	36,000	36,000
WARRIOR IN TRANSITION (WT) BARRACKS.....	55,000	55,000
WARRIOR IN TRANSITION COMPLEX.....	30,000	30,000
WHEELER AAF		
REGIONAL SATELLITE COMMUNICATION INFORMATION CENTER.....	7,500	7,500
NAVY		
OAHU		
RANGE, 1000 - PUULOA.....	5,380	5,380
PEARL HARBOR		
ASIA PACIFIC CENTER FOR SECURITY STUDIES		
CONFERENCE & TECHNOLOGY LEARNING CENTER.....	12,775	12,775
MISSILE MAGAZINES (5), WEST LOCH.....	22,407	22,407
PACIFIC FLEET SUBMARINE DRIVE-IN MAGNETIC		
SILENCING FACILITY (INCREMENT 3).....	8,645	8,645
PRODUCTION SERVICES SUPPORT FACILITY.....	---	25,070
AIR FORCE		
HICKAM AFB		
GROUND CONTROL TOWER.....	---	4,000
WHEELER AAF		
AIR SUPPORT OPERATIONS CENTER COMPLEX.....	15,000	15,000
DEFENSE-WIDE		
FORD ISLAND		
PACIFIC OPERATIONS FACILITY UPGRADE.....	9,633	9,633
PACIFIC MISSILE RANGE FACILITY		
AEGIS ASHORE TEST FACILITY.....	---	68,500
AIR NATIONAL GUARD		
HICKAM AFB		
TFI - F-22 LOW OBSERVABLE/COMPOSITE REPAIR FACILITY.....	26,000	26,000

MILITARY CONSTRUCTION (AMOUNTS IN THOUSANDS)		
	BUDGET REQUEST	CONFERENCE AGREEMENT
TFI-F-22 PARKING APRON AND TAXIWAYS.....	7,000	7,000
IDAHO		
AIR FORCE		
MOUNTAIN HOME AFB		
LOGISTICS READINESS CENTER.....	20,000	20,000
ARMY NATIONAL GUARD		
GOWEN FIELD		
COMBINED ARMS COLLECTIVE TRAINING FACILITY.....	16,100	16,100
ILLINOIS		
AIR FORCE		
SCOTT AFB		
AEROMEDICAL EVACUATION FACILITY.....	---	7,400
ARMY NATIONAL GUARD		
MILAN		
READINESS CENTER ADDITION.....	---	5,600
AIR NATIONAL GUARD		
LINCOLN CAPITAL AIRPORT		
RELOCATE BASE ENTRANCE.....	---	3,000
ARMY RESERVE		
CHICAGO		
ARMY RESERVE CENTER.....	23,000	23,000
NAVY RESERVE		
JOLIET ARMY AMMUNITION PLANT		
RESERVE TRAINING CENTER.....	7,957	7,957
INDIANA		
NAVY		
CRANE NAVAL SURFACE WARFARE CENTER		
STRATEGIC WEAPONS SYSTEMS ENGINEERING FACILITY....	---	13,710
ARMY NATIONAL GUARD		
MUSCATATUCK		
COMBINED ARMS COLLECTIVE TRAINING FACILITY PH 2...	10,100	10,100
IOWA		
ARMY NATIONAL GUARD		
CAMP DODGE		
UNITED STATES PROPERTY AND FISCAL OFFICE.....	---	4,000
AIR NATIONAL GUARD		
DES MOINES		
ADD/ALT SECURITY FORCES FACILITY.....	---	4,600
KANSAS		
ARMY		
FORT RILEY		
ADVANCED WASTE WATER TREATMENT PLANT.....	28,000	28,000
BATTALION COMPLEX.....	59,000	59,000
BRIGADE COMPLEX.....	49,000	49,000
ESTES ROAD ACCESS CONTROL POINT.....	---	6,100
IGLOO STORAGE, INSTALLATION.....	7,200	7,200
LAND VEHICLE FUELING FACILITY.....	3,700	3,700
TRAINING AIDS CENTER.....	15,500	15,500
ARMY NATIONAL GUARD		
SALINA ARMY AVIATION FACILITY		
TAXIWAY ALTERATIONS, ARNG AVIATION SUPPORT FAC....	---	2,227
AIR NATIONAL GUARD		
MCCONNELL AFB		
UPGRADE DCGS.....	---	8,700
KENTUCKY		
ARMY		
FORT CAMPBELL		
CHAPEL COMPLEX.....	---	14,400
FORT KNOX		
WARRIOR IN TRANSITION (WT) COMPLEX.....	70,000	70,000

MILITARY CONSTRUCTION (AMOUNTS IN THOUSANDS)		
	BUDGET REQUEST	CONFERENCE AGREEMENT
DEFENSE-WIDE		
FORT CAMPBELL		
HEALTH CLINIC.....	8,600	8,600
SOF BATTALION OPERATIONS COMPLEX.....	29,289	29,289
SOF LANGUAGE SUSTAINMENT TRAINING FACILITY.....	---	6,800
SOF MILITARY WORKING DOG FACILITY.....	3,046	3,046
CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE		
BLUE GRASS ARMY DEPOT		
AMMUNITION DEMILITARIZATION PH X.....	54,041	59,041
LOUISIANA		
ARMY		
FORT POLK		
LAND PURCHASES AND CONDEMNATION.....	17,000	17,000
MULTIPURPOSE MACHINE GUN RANGE.....	---	6,400
WARRIOR IN TRANSITION (WT) COMPLEX.....	32,000	32,000
AIR FORCE		
BARKSDALE AIR FORCE BASE		
RAMP REPLACEMENT PH #5 - AIRCRAFT APRON PAVEMENT..	---	12,800
MAINE		
NAVY		
PORTSMOUTH NSY		
GATE 2 SECURITY IMPROVEMENTS.....	---	7,090
AIR NATIONAL GUARD		
BANGOR IAP		
REPLACE AIRCRAFT MAINTENANCE HANGAR/SHOPS.....	28,000	28,000
MARYLAND		
ARMY		
ABERDEEN PROVING GROUND		
ADVANCED CHEMISTRY LABORATORY.....	---	15,500
FORT DETRICK		
AUDITORIUM AND TRAINING CENTER EXPANSION.....	---	7,400
SATELLITE COMMUNICATIONS CENTER.....	18,000	18,000
SATELLITE COMMUNICATIONS FACILITY.....	21,000	21,000
FORT MEADE		
INTERSECTION, ROCKENBACH ROAD & COOPER AVE.....	---	2,350
NAVY		
CARDEROCK		
RDTE SUPPORT FACILITY, PH 2.....	---	6,520
PATUXENT RIVER		
SPECIAL COMMUNICATIONS ENGINEERING FACILITY.....	---	11,043
AIR FORCE		
ANDREWS AFB		
REPLACE MUNITIONS STORAGE AREA.....	9,300	9,300
DEFENSE-WIDE		
ABERDEEN PROVING GROUND		
US ARMY MEDICAL RESEARCH INSTITUTE OF CHEMICAL		
DEFENSE REPLACEMENT, INC II.....	111,400	111,400
FORT DETRICK		
BOUNDARY GATE AT NALIN POND.....	10,750	10,750
EMERGENCY SERVICE CENTER.....	16,125	16,125
NATIONAL INTERAGENCY BIODEFENSE CAMPUS TRUCK		
INSPECTION STATION & ROAD.....	2,932	2,932
US ARMY MEDICAL RESEARCH INSTITUTE OF INFECTIOUS		
DISEASES STAGE I, INC IV.....	108,000	108,000
FORT MEADE		
MISSION SUPPORT - PERIMETER SECURE ANTI-TERRORISM..	8,800	8,800
SOUTH CAMPUS UTILITY PLANT.....	195,000	195,000
AIR NATIONAL GUARD		
ANDREWS AFB		
REPLACE MUNITIONS MAINTENANCE AND STORAGE COMPLEX..	14,000	14,000

MILITARY CONSTRUCTION (AMOUNTS IN THOUSANDS)		
	BUDGET REQUEST	CONFERENCE AGREEMENT
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MASSACHUSETTS		
ARMY NATIONAL GUARD		
HANSCOM AFB		
ARMED FORCES RESERVE CENTER (JOINT FORCES HQ).....	29,000	29,000
AIR NATIONAL GUARD		
BARNES ANGB		
F-15 AIRCRAFT READY SHELTERS.....	---	8,100
OTIS AIR NATIONAL GUARD BASE		
COMPOSITE OPERATIONS AND TRAINING FACILITY.....	---	12,800
MICHIGAN		
ARMY NATIONAL GUARD		
FORT CUSTER (AUGUSTA)		
ORGANIZATIONAL MAINTENANCE SHOP (ADRS).....	---	7,732
AIR NATIONAL GUARD		
ALPENA COMBAT READINESS TRAINING CENTER		
REPLACE TROOP QUARTERS.....	---	8,900
BATTLE CREEK AIR NATIONAL GUARD BASE		
CNAF BED DOWN FACILITIES.....	---	14,000
SELFRIDGE AIR NATIONAL GUARD BASE		
A-10 SQUAD OPERATIONS FACILITY.....	---	7,100
MINNESOTA		
DEFENSE-WIDE		
DULUTH IAP		
JET FUEL STOARGE COMPLEX.....	15,000	15,000
ARMY NATIONAL GUARD		
ARDEN HILLS		
READINESS CENTER PH2.....	6,700	6,700
CAMP RIPLEY		
URBAN ASSAULT COURSE.....	1,710	1,710
AIR NATIONAL GUARD		
MINNEAPOLIS/ST. PAUL IAP 133RD AW BASE		
STARBASE FACILITY ALTERATION.....	---	1,900
ARMY RESERVE		
FORT SNELLING (MINNEAPOLIS)		
ARMY RESERVE CENTER.....	12,000	12,000
MISSISSIPPI		
AIR FORCE		
COLUMBUS AIR FORCE BASE		
AIRCRAFT FUEL SYSTEMS MAINTENANCE DOCK.....	---	9,800
ARMY NATIONAL GUARD		
CAMP SHELBY		
COMBINED ARMS COLLECTIVE TRAINING FACILITY ADD/ALT	16,100	16,100
MONTICELLO		
READINESS CENTER.....	---	14,350
AIR NATIONAL GUARD		
GULFPORT-BILOXI RAP		
RELOCATE BASE ENTRANCE.....	---	6,500
AIR FORCE RESERVE		
KEESLER AFB		
AERIAL PORT SQUADRON FACILITY.....	9,800	9,800
MISSOURI		
ARMY		
FORT LEONARD WOOD		
AUTOMATED-AIDED INSTRUCTION FACILITY.....	27,000	27,000
HEALTH CLINIC.....	---	7,800
TRANSIENT ADVANCED TRAINEE BARRACKS, PH 1.....	99,000	99,000
WARRIOR IN TRANSITION COMPLEX.....	19,500	19,500
WHEELED VEHICLE DRIVERS COURSE.....	17,500	17,500
AIR FORCE		
WHITEMAN AFB		
EOD OPERATIONS COMPLEX.....	---	7,400
LAND ACQUISITION, NORTH AND SOUTH BOUNDARIES.....	---	5,500

MILITARY CONSTRUCTION (AMOUNTS IN THOUSANDS)		
	BUDGET REQUEST	CONFERENCE AGREEMENT
DEFENSE-WIDE		
FORT LEONARD WOOD		
DENTAL CLINIC ADDITION.....	5,570	5,570
ARMY NATIONAL GUARD		
BOONVILLE		
READINESS CENTER ADD/ALT.....	1,800	1,800
AIR NATIONAL GUARD		
ROSECRANS MEMORIAL AIRPORT, ST. JOSEPH		
REPLACE FIRE/CRASH RESCUE STATION PHASE II.....	---	9,300
MONTANA		
AIR FORCE		
MALMSTRON AFB		
UPGRADE WEAPONS STORAGE AREA.....	---	10,600
NEBRASKA		
AIR FORCE		
OFFUTT AIR FORCE BASE		
STRATCOM GATE.....	---	10,400
ARMY NATIONAL GUARD		
LINCOLN		
ARMED FORCES RESERVE CENTER (JOINT FORCES HQ)....	23,000	23,000
AIR NATIONAL GUARD		
LINCOLN MAP		
JOINT FORCES OPERATIONS CENTER - ANG SHARE.....	1,500	1,500
NEVADA		
NAVY		
NAVAL AIR STATION FALLOW		
WARRIOR PHYSICAL TRAINING FACILITY.....	---	10,670
AIR FORCE		
CREECH AFB		
UNMANNED AERIAL SYSTEM AT/FP SECURITY UPDATES....	2,700	2,700
ARMY NATIONAL GUARD		
CARSON CITY		
RENEWABLE ENERGY SUSTAINABLE PROJECTS.....	---	2,000
NORTH LAS VEGAS		
READINESS CENTER.....	26,000	26,000
AIR NATIONAL GUARD		
RENO		
FIRE STATION REPLACEMENT.....	---	10,800
NEW HAMPSHIRE		
AIR NATIONAL GUARD		
PEASE AIR NATIONAL GUARD BASE		
REPLACE SQUADRON OPERATIONS FACILITIES.....	---	10,000
NEW JERSEY		
ARMY		
PICATINNY ARSENAL		
BALLISTIC EVALUATION FACILITY, PH 2.....	---	10,200
AIR FORCE		
MCGUIRE AFB		
WARFIGHTER & FAMILY SUPPORT CENTER.....	---	7,900
AIR NATIONAL GUARD		
MCGUIRE AFB		
BASE CIVIL ENGINEERING COMPLEX.....	---	9,700
NEW MEXICO		
AIR FORCE		
CANNON AFB		
CONSOLIDATED COMMUNICATION FACILITY.....	15,000	15,000
HOLLoman AFB		
F-22A CONSOLIDATED MUNITIONS MAINTENANCE (TFI)....	5,500	5,500
FIRE/CRASH RESCUE STATION.....	---	10,400
UAS FTU OPERATIONS COMPLEX.....	---	37,500

MILITARY CONSTRUCTION (AMOUNTS IN THOUSANDS)		
	BUDGET REQUEST	CONFERENCE AGREEMENT
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KIRTLAND AFB		
ADD TO SPACE RDTE OPERATIONS CENTER.....	---	5,800
MC-130J SIMULATOR FACILITY.....	8,700	8,700
MC-130J SIMULATOR FACILITY.....	8,000	8,000
DEFENSE-WIDE		
CANNON AFB		
SOF AC-130 LOADOUT APRON PH #1.....	---	6,000
SOF AIRCRAFT MAINTENANCE UNIT ADDITION (CV-22)....	11,595	11,595
SOF FUEL CELL HANGAR (MC-130).....	41,269	41,269
ARMY NATIONAL GUARD		
SANTA FE		
ARMY AVIATION SUPPORT FACILITY.....	39,000	39,000
NEW YORK		
ARMY		
FORT DRUM		
ALL WEATHER MARKSMANSHIP FACILITY.....	---	8,200
BARRACKS.....	57,000	57,000
WARRIOR IN TRANSITION COMPLEX.....	21,000	21,000
WATER SYSTEM EXPANSION.....	6,500	6,500
AIR NATIONAL GUARD		
FORT DRUM (WHEELER SACK AAF)		
REAPER LRE BEDDOWN.....	---	2,700
ARMY RESERVE		
ROCHESTER		
ARMY RESERVE CENTER/LAND.....	13,600	13,600
AIR FORCE RESERVE		
NIAGARA FALLS ARS		
INDOOR SMALL ARMS RANGE.....	---	5,700
NORTH CAROLINA		
ARMY		
FORT BRAGG		
AUTOMATED MULTIPURPOSE MACHINE GUN RANGE.....	4,350	4,350
AUTOMATED SNIPER FIELD FIRE RANGE.....	---	3,450
COMPANY OPERATIONS FACILITY.....	3,300	3,300
SIMULATIONS CENTER.....	50,000	50,000
TRANSIENT TRAINING BARRACKS COMPLEX.....	16,500	16,500
VEHICLE MAINTENANCE SHOP.....	19,500	19,500
VEHICLE MAINTENANCE SHOP.....	17,500	17,500
SUNNY POINT MILITARY OCEAN TERMINAL		
LIGHTNING PROTECTION SYSTEM.....	25,000	25,000
TOWERS.....	3,900	3,900
NAVY		
CAMP LEJEUNE		
4TH INFANTRY BATTALION OPS COMPLEX.....	55,150	55,150
BEQ - WALLACE CREEK.....	34,160	34,160
BEQ - WALLACE CREEK.....	43,480	43,480
BEQ - WALLACE CREEK.....	44,390	44,390
BEQ - WALLACE CREEK.....	44,390	44,390
BEQ - WALLACE CREEK.....	42,110	42,110
CONSOLIDATED INFORMATION TECHNOLOGY/TELECOM		
COMPLEX.....	46,120	46,120
FIELD TRAINING FACILITY - DEVIL DOG - SCHOOL OF		
INFANTRY.....	37,170	37,170
MAINTENANCE/OPS COMPLEX.....	52,390	52,390
MILITARY POLICE WORKING DOG KENNEL - RELOCATION...	8,370	8,370
NEW BASE ENTRY POINT AND ROAD (PHASE 1).....	79,150	79,150
PHYSICAL FITNESS CENTER.....	39,760	39,760
PRE-TRIAL DETAINEE FACILITY.....	18,580	18,580
ROAD NETWORK - WALLACE CREEK.....	15,130	15,130
SCHOOL OF INFANTRY-EAST FACILITIES - CAMP GEIGER..	56,940	56,940
UTILITY EXPANSION - COURTHOUSE BAY.....	56,280	56,280
CHERRY POINT MARINE CORPS AIR STATION		
EMERGENCY MEDICAL SERVICES/FIRE VEHICLE FACILITY..	10,600	10,600
ORDNANCE MAGAZINES.....	12,360	12,360



MILITARY CONSTRUCTION (AMOUNTS IN THOUSANDS)		
	BUDGET REQUEST	CONFERENCE AGREEMENT
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NEW RIVER		
APRON EXPANSION (PHASE 2).....	35,600	35,600
GYMNASIUM/OUTDOOR POOL.....	19,920	19,920
PARALLEL TAXIWAY.....	17,870	17,870
TACTICAL SUPPORT VAN PAD ADDITION.....	5,490	5,490
VHMT-204 MAINTENANCE HANGAR - PHASE 3.....	28,210	28,210
AIR FORCE		
POPE AFB		
AIR TRAFFIC CONTROL TOWER.....	---	9,000
SEYMOUR JOHNSON AFB		
RADAR APPROACH CONTROL COMPLEX, PH 1.....	---	6,900
DEFENSE-WIDE		
CAMP LEJEUNE		
SOF ACADEMIC INSTRUCTION FACILITY EXPANSION.....	11,791	11,791
FORT BRAGG		
ALBRITTON JUNIOR HIGH SCHOOL ADDITION.....	3,439	3,439
CONSOLIDATED HEALTH CLINIC.....	26,386	26,386
HEALTH CLINIC.....	31,272	31,272
SOF BATTALION & COMPANY HQ.....	15,500	15,500
SOF BATTALION HEADQUARTERS FACILITY.....	13,000	13,000
SOF MILITARY WORKING DOG FACILITY.....	1,125	1,125
SOF MILITARY WORKING DOG FACILITY.....	3,046	3,046
SOF OPERATIONS ADDITION NORTH.....	27,513	27,513
SOF OPERATIONS SUPPORT ADDITION.....	13,756	13,756
SOF TACTICAL UAV HANGAR.....	2,948	2,948
SPECIAL OPS PREP & CONDITIONING COURSE.....	24,600	24,600
ARMY NATIONAL GUARD		
EAST FLAT ROCK		
READINESS CENTER ADD/ALT.....	---	2,516
FORT BRAGG		
TACTICAL UAS SUPPORT FACILITY.....	---	6,038
NORTH DAKOTA		
AIR FORCE		
GRAND FORKS AFB		
CONSOLIDATED SECURITY FORCES FACILITY.....	---	12,000
MINOT AFB		
MISSILE PROCEDURES TRAINING OPERATIONS.....	10,000	10,000
MUNITIONS TRAILER STORAGE FACILITY.....	1,500	1,500
OHIO		
AIR FORCE		
WRIGHT-PATTERSON AFB		
CONVERSION FOR ADVANCED POWER RESEARCH LAB.....	21,000	21,000
INFORMATION TECHNOLOGY COMPLEX PH 1.....	27,000	27,000
REPLACE WEST RAMP, PHASE 2.....	---	10,600
AIR NATIONAL GUARD		
MANSFIELD LAHM AIRPORT		
TFI - RED HORSE SQUADRON BEDDOWN.....	11,400	11,400
ARMY RESERVE		
CINCINNATI		
ARMY RESERVE CENTER/LAND.....	13,000	13,000
OKLAHOMA		
ARMY		
FORT SILL		
AUTOMATED INFANTRY SQUAD BATTLE COURSE.....	3,500	3,500
BARRACKS.....	65,000	65,000
WARRIOR IN TRANSITION COMPLEX.....	22,000	22,000
MCALESTER AAP		
GENERAL PURPOSE STORAGE BUILDING.....	11,200	11,200
HIGH EXPLOSIVE MAGAZINE, DEPOT LEVEL.....	1,300	1,300
AIR FORCE		
ALTUS AFB		
REPAIR TAXIWAYS.....	20,300	20,300

MILITARY CONSTRUCTION (AMOUNTS IN THOUSANDS)		
	BUDGET REQUEST	CONFERENCE AGREEMENT
TINKER AFB		
BUILDING 3001 HANGAR DOOR.....	13,037	13,037
T-9 NOISE SUPPRESSOR.....	---	5,200
VANCE AIR FORCE BASE		
CONTROL TOWER.....	---	10,700
DEFENSE-WIDE		
ALTUS AFB		
REPLACE UPLOAD FACILITY.....	2,700	2,700
FORT SILL		
DENTAL CLINIC.....	10,554	10,554
AIR NATIONAL GUARD		
WILL ROGERS WORLD AIRPORT		
TFI - AIR SUPPORT OPERATIONS SQUADRON BEDDOWN.....	7,300	7,300
OREGON		
ARMY NATIONAL GUARD		
CLATSOP COUNTY		
WATER SUPPLY SYSTEM - CAMP RILEA.....	---	3,369
POLK COUNTY		
READINESS CENTER.....	---	12,100
PENNSYLVANIA		
ARMY RESERVE		
ASHLEY		
ARMY RESERVE CENTER.....	9,800	9,800
HARRISBURG		
ARMY RESERVE CENTER.....	7,600	7,600
NEWTON SQUARE		
ARMY RESERVE CENTER/LAND.....	20,000	20,000
UNIONTOWN		
ARMY RESERVE CENTER/LAND.....	11,800	11,800
AIR FORCE RESERVE		
PITTSBURGH AIR RESERVE BASE		
VISITING QUARTERS PHASE 1.....	---	12,400
RHODE ISLAND		
NAVY		
NEWPORT		
OFFICER TRAINING COMMAND QUARTERS.....	45,803	45,803
RENOVATE PERRY HALL/TRAINING SUPPORT FACILITIES...	---	8,530
RENOVATION OF SENIOR ENLISTED ACADEMY(TOMICH HALL)	---	10,550
SOUTH CAROLINA		
ARMY		
CHARLESTON NAVAL WEAPON STATION		
PIER AND LOADING/UNLOADING RAMPS.....	5,700	5,700
RAILROAD TRACKS.....	12,000	12,000
STAGING AREA.....	4,100	4,100
FORT JACKSON		
ADVANCED SKILLS TRAINEE BARRACKS.....	32,000	32,000
INFILTRATION COURSE.....	1,900	1,900
MODIFIED RECORD FIRE RANGE.....	3,600	3,600
TRAINING BATTALION COMPLEX.....	66,000	66,000
NAVY		
BEAUFORT		
WIDEBODY AIRCRAFT FUEL LANE.....	1,280	1,280
PARRIS ISLAND		
ELECTRICAL SUBSTATION AND IMPROVEMENTS.....	6,972	6,972
AIR FORCE		
SHAW AFB		
ADD/ALT USAFCENT HEADQUARTERS.....	---	21,183
ARMY NATIONAL GUARD		
EASTOVER		
ARMY AVIATION SUPPORT FACILITY ADD/ALT.....	26,000	26,000
GREENVILLE		
ARMY AVIATION SUPPORT FACILITY.....	40,000	40,000

MILITARY CONSTRUCTION (AMOUNTS IN THOUSANDS)		
	BUDGET REQUEST	CONFERENCE AGREEMENT
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AIR NATIONAL GUARD		
MCENTIRE JOINT NATIONAL GUARD BASE		
JOINT FORCE HEADQUARTERS BUILDING.....	---	1,300
NAVY RESERVE		
CHARLESTON		
RESERVE VEHICLE MAINTENANCE FACILITY.....	4,240	4,240
SOUTH DAKOTA		
AIR FORCE		
ELLSWORTH AIR FORCE BASE		
ADD /ALT DEPLOYMENT CENTER.....	---	14,500
ARMY NATIONAL GUARD		
CAMP RAPID		
JOINT FORCE HQ READINESS CENTER SUPPLEMENT.....	---	7,890
TROOP MEDICAL CLINIC ADDITION AND ALTERATION.....	---	1,950
AIR NATIONAL GUARD		
JOE FOSS FIELD		
ABOVE GROUND MULTI-CUBICLE MAGAZINE STORAGE.....	---	1,300
ADD/ALT MUNITIONS MAINTENANCE COMPLEX.....	---	1,300
TENNESSEE		
AIR NATIONAL GUARD		
MEMPHIS IAP		
ENGINEER MAINTENANCE AND TRAINING FACILITY.....	---	9,800
TEXAS		
ARMY		
FORT BLISS		
AIRCRAFT FUEL STORAGE.....	10,800	10,800
AUTOMATED INFANTRY PLATOON BATTLE COURSE.....	7,000	7,000
AUTOMATED MULTIPURPOSE MACHINE GUN RANGE.....	6,900	6,900
AUTOMATED SNIPER FIELD FIRE RANGE.....	4,250	4,250
BRIGADE STAGING AREA COMPLEX.....	14,800	14,800
DIGITAL MULTIPURPOSE RANGE COMPLEX.....	45,000	45,000
FIRE AND MILITARY POLICE STATIONS.....	16,500	16,500
KNOWN DISTANCE RANGE.....	4,750	4,750
LIGHT DEMOLITION RANGE.....	2,400	2,400
SCOUT/RECCE GUNNERY COMPLEX.....	17,000	17,000
SIMULATION CENTER.....	23,000	23,000
VEHICLE MAINTENANCE & COMPANY OPS FACILITY.....	31,000	31,000
VEHICLE MAINTENANCE SHOP.....	16,000	16,000
VEHICLE MAINTENANCE SHOP.....	20,000	20,000
FORT HOOD		
AUTOMATED MULTIPURPOSE MACHINE GUN RANGE.....	6,700	6,700
FAMILY LIFE CENTER.....	---	10,800
URBAN ASSAULT COURSE.....	2,400	2,400
VEHICLE MAINTENANCE SHOP.....	23,000	23,000
FORT SAM HOUSTON		
ACCESS CONTROL POINT AND ROAD IMPROVEMENTS.....	10,800	10,800
GENERAL INSTRUCTION BUILDING.....	9,000	9,000
NAVY		
CORPUS CHRISTI		
OPERATIONAL FACILITIES FOR T-6.....	19,764	19,764
KINGSVILLE NAS		
SOLAR PANEL ARRAY.....	---	4,470
AIR FORCE		
DYESS AFB		
C-130J ALTER HANGAR.....	4,500	4,500
GOODFELLOW AFB		
CONSOLIDATED LEARNING CENTER.....	---	12,000
JOINT INTEL TECHNICAL TRAINING FACILITY, PH 1		
(TFI).....	18,400	18,400
STUDENT DORMITORY (100 RM).....	14,000	14,000
LACKLAND AFB		
BASIC MILITARY TRAINING SATELLITE CLASSROOM/ DINING FACILITY.....	32,000	32,000

MILITARY CONSTRUCTION (AMOUNTS IN THOUSANDS)		
	BUDGET REQUEST	CONFERENCE AGREEMENT
EVASION, CONDUCT AFTER CAPTURE TRAINING.....	4,879	4,879
RECRUIT DORMITORY 2, PHASE 2.....	77,000	77,000
SHEPPARD AIR FORCE BASE		
EUROPEAN NATO JOINT JET PILOT TRAINING OPERATIONS.	---	13,450
DEFENSE-WIDE		
FORT BLISS		
HEALTH AND DENTAL CLINIC.....	30,295	24,600
HOSPITAL REPLACEMENT INCR 1.....	86,975	86,975
FORT HOOD		
ALTER FUEL PUMP HOUSE AND FILL STAND.....	3,000	3,000
LACKLAND AFB		
AMBULATORY CARE CENTER, PHASE 1.....	72,610	72,610
DENTAL CLINIC REPLACEMENT.....	29,318	29,318
ARMY NATIONAL GUARD		
AUSTIN		
ARMED FORCES RESERVE CENTER.....	16,500	16,500
FIELD MAINTENANCE SHOP, JOINT.....	5,700	5,700
AIR NATIONAL GUARD		
KELLY FIELD ANNEX		
ADD/ALT AIRCRAFT MAINTENANCE SHOPS.....	---	7,900
ARMY RESERVE		
AUSTIN		
ARMED FORCES RESERVE CENTER/AREA MAINTENANCE		
SUPPORT ACTIVITY.....	20,000	20,000
BRYAN		
ARMY RESERVE CENTER.....	---	12,200
FORT BLISS		
ARMY RESERVE CENTER.....	9,500	9,500
HOUSTON		
ARMY RESERVE CENTER/LAND.....	24,000	24,000
ROBSTOWN		
TACTICAL EQUIPMENT MAINTENANCE FACILITY.....	---	10,200
SAN ANTONIO		
ARMY RESERVE CENTER.....	20,000	20,000
NAVY RESERVE		
FORT WORTH NAS/JRB		
REPLACE JOINT BASE COMMUNICATIONS BUILDING.....	---	6,170
SAN ANTONIO		
RESERVE TRAINING CENTER.....	2,210	2,210
AIR FORCE RESERVE		
LACKLAND AFB		
C-5 GROUND TRAINING SCHOOLHOUSE ADDITION.....	1,500	1,500
UTAH		
ARMY		
DUGWAY PROVING GROUND		
WATER TREATMENT SYSTEMS.....	25,000	25,000
AIR FORCE		
HILL AFB		
F-22A RADAR CROSS SECTION TESTING FACILITY.....	21,053	21,053
PCC APRON NW END TAXIWAY A.....	---	5,100
DEFENSE-WIDE		
CAMP WILLIAMS		
DATA CENTER 1, INCR 2.....	800,000	600,000
AIR FORCE RESERVE		
HILL AFB		
RESERVE SQUAD OPS/AIRCRAFT MAINTENANCE UNIT		
FACILITY.....	3,200	3,200
VERMONT		
ARMY NATIONAL GUARD		
ETHAN ALLEN FIRING RANGE		
BQ ADDITIONS AND IMPROVEMENTS.....	---	1,996
AIR NATIONAL GUARD		
BURLINGTON INTERNATIONAL AIRPORT		
ADD/ALT FIRE CRASH AND RESCUE STATION.....	---	6,000

MILITARY CONSTRUCTION  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
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VIRGINIA		
ARMY		
FORT A.P. HILL		
AUTOMATED INFANTRY PLATOON BATTLE COURSE.....	4,900	4,900
FIELD TRAINING AREA.....	9,000	9,000
TRAINING AIDS CENTER.....	9,100	9,100
FORT BELVOIR		
FLIGHT CONTROL TOWER.....	8,400	8,400
ROAD AND ACCESS CONTROL POINT.....	9,500	9,500
ROAD AND INFRASTRUCTURE IMPROVEMENTS.....	20,000	---
FORT EUSTIS		
UPGRADE MARSHALLING AREA.....	---	8,900
FORT LEE		
DEFENSE ACCESS ROADS.....	---	5,000
NAVY		
DAHLGREN		
ELECTROMAGNETIC RESEARCH & ENGINEERING FACILITY, PH 2.....	---	3,660
LITTLE CREEK		
NAVAL CONSTRUCTION DIVISION OPERATIONS FACILITY...	13,095	13,095
NORFOLK		
E-2D TRAINER FACILITY.....	11,737	11,737
FACILITY UPGRADES FOR E-2D PROGRAM.....	6,402	6,402
PORTSMOUTH		
SHIP REPAIR PIER REPLACEMENT, INCR 1.....	226,969	126,969
QUANTICO		
AIRCRAFT TRAINER.....	3,170	3,170
BATTALION TRAINING FACILITY - MARINE SECURITY GUARD BATTALION.....	10,340	10,340
DINING FACILITY - THE BASIC SCHOOL.....	14,780	14,780
MARINE CORP INFORMATION OPERATIONS CENTER.....	29,620	29,620
SOUTH MAINSIDE ELECTRICAL SUBSTATION.....	15,270	15,270
STUDENT QUARTERS - THE BASIC SCHOOL (PHASE 4).....	32,060	32,060
AIR FORCE		
LANGLEY AFB		
WEST & LASALLE GATES FORCE PROTECTION/ACCESS.....	10,000	10,000
DEFENSE-WIDE		
DAHLGREN		
AEGIS BALLISTIC MISSILE DEFENSE FACILITY EXPANSION	24,500	24,500
DAM NECK		
SOF OPERATIONS FACILITY INC III.....	15,967	15,967
LITTLE CREEK		
SOF SUPPORT ACTIVITY OPERATION FACILITY.....	18,669	18,669
PENTAGON		
PENTAGON ELECTRICAL UPGRADE.....	19,272	19,272
SECONDARY UNINTERRUPTIBLE POWER RAVEN ROCK.....	8,400	8,400
ARMY NATIONAL GUARD		
FORT PICKETT		
REGIONAL TRAINING INSTITUTE PH2.....	32,000	32,000
NAVY RESERVE		
OCEANA NAVAL AIR STATION		
C-40 HANGAR.....	30,400	30,400
WASHINGTON		
ARMY		
FORT LEWIS		
ANIMAL BUILDING.....	3,050	3,050
BRIGADE COMPLEX, INC 4.....	102,000	102,000
FORT LEWIS/MCCHORD AFB JOINT ACCESS.....	---	9,000
LIVE FIRE EXERCISE SHOOTHOUSE.....	2,550	2,550
MODIFIED RECORD FIRE RANGE.....	4,100	4,100
NAVY		
BANGOR		
LIMITED AREA PRODUCTION/STORAGE COMPLEX (INC 6)...	87,292	87,292

MILITARY CONSTRUCTION (AMOUNTS IN THOUSANDS)		
	BUDGET REQUEST	CONFERENCE AGREEMENT
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BREMERTON		
CVN MAINTENANCE PIER REPLACEMENT (INC 2).....	69,064	69,064
ENCLAVE FENCING/ PARKING.....	67,419	67,419
EVERETT NS		
SMALL CRAFT LAUNCH.....	---	3,810
INDIAN ISLAND		
ORDNANCE STORAGE PADS W/COVERS.....	---	13,130
SPOKANE		
JOINT PERSONNEL RECOVERY AGENCY SPECIALIZED SERE TRAINING.....	12,707	12,707
AIR FORCE		
FAIRCHILD AFB		
REFUELING VEHICLE MAINTENANCE FACILITY.....	---	4,150
SERE FORCE SUPPORT COMPLEX, PHASE 1.....	---	11,000
DEFENSE-WIDE		
FAIRCHILD AFB		
REPLACE FUEL DISTRIBUTION SYSTEM.....	7,500	7,500
FORT LEWIS		
HEALTH AND DENTAL CLINIC.....	15,636	15,636
SOF SUPPORT COMPANY FACILITY.....	14,500	14,500
WEST VIRGINIA		
NAVY		
SUGAR GROVE		
EMERGENCY SERVICES CENTER.....	---	10,990
ARMY NATIONAL GUARD		
ST. ALBANS ARMORY		
READINESS CENTER ADDITION/LIFE SAFETY UPGRADES....	---	2,000
AIR NATIONAL GUARD		
SHEPHERD AIRBASE, MARTINSBURG		
C-5 TAXIWAY UPGRADES.....	---	19,500
WISCONSIN		
AIR NATIONAL GUARD		
GENERAL MITCHELL IAP		
ADD/ALT KC-135 CORROSION CONTROL HANGAR.....	---	5,000
ARMY RESERVE		
FORT MCCOY		
COMBINED ARMS COLLECTIVE TRAINING FACILITY.....	25,000	25,000
RANGE UTILITY UPGRADE.....	---	3,850
WYOMING		
AIR FORCE		
F. E. WARREN AFB		
ADAL MISSILE SERVICE COMPLEX.....	9,100	9,100
AIR NATIONAL GUARD		
CHEYENNE AIRPORT		
SQUADRON OPERATIONS.....	---	1,500
AFGHANISTAN		
ARMY		
BAGRAM AIR BASE		
ARMY PRE-POSITION STOCK COMPOUND.....	38,000	---
AVIATION SUPPORT FACILITY.....	2,600	2,600
BARRACKS.....	18,500	18,500
COALITION OPERATION CENTER.....	49,000	49,000
COMMAND AND CONTROL FACILITY.....	38,000	---
FUEL SYSTEM PH 6.....	12,000	12,000
FUEL SYSTEM PH 7.....	5,000	5,000
PERIMETER FENCE AND GUARD TOWERS.....	7,000	---
AIR FORCE		
BAGRAM AIR BASE		
PASSENGER TERMINAL.....	22,000	22,000

MILITARY CONSTRUCTION (AMOUNTS IN THOUSANDS)		
	BUDGET REQUEST	CONFERENCE AGREEMENT
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BAHRAIN ISLAND		
NAVY		
BAHRAIN NSA		
WATERFRONT DEVELOPMENT PHASE 2.....	41,526	41,526
BELGIUM		
ARMY		
MONS		
NATO SOF OPERATIONAL SUPPORT FACILITIES.....	---	20,000
DEFENSE-WIDE		
BRUSSELS		
REPLACE ELEMENTARY SCHOOL (SUPREME HQ ALLIED POWERS EUROPE).....	38,124	38,124
COLOMBIA		
AIR FORCE		
PALANQUERO AB		
AIR BASE DEVELOPMENT.....	46,000	43,000
DJIBOUTI		
NAVY		
CAMP LEMONIER		
AMMO SUPPLY POINT.....	21,689	21,689
FIRE STATION.....	4,772	4,772
INTERIOR PAVED ROADS PHASE A.....	7,275	7,275
SECURITY FENCING I.....	8,109	8,109
GERMANY		
ARMY		
ANSBACH		
BARRACKS.....	17,500	17,500
BARRACKS.....	14,200	14,200
KLEBER KASERNE		
BARRACKS.....	20,000	20,000
LANDSTUHL		
WARRIOR IN TRANSITION (WT) COMPLEX.....	25,000	---
AIR FORCE		
RAMSTEIN AB		
AEROSPACE GROUND EQUIPMENT MAINTENANCE COMPLEX....	11,500	11,500
CONTINGENCY RESPONSE GROUP COMMAND.....	23,200	23,200
SPANGDAHLEM AB		
FITNESS CENTER.....	23,500	23,500
DEFENSE-WIDE		
BOEBLINGEN		
ELEMENTARY SCHOOL.....	---	50,000
KAISERSLAUTERN AB		
KAISERSLAUTERN COMPLEX-PHASE 1.....	19,380	19,380
KAISERSLAUTERN HIGH SCHOOL REPLACE SCHOOL.....	74,165	74,165
WIESBADEN		
WIESBADEN HIGH SCHOOL NEW CAFETERIA AND KITCHEN...	5,379	5,379
GREECE		
DEFENSE-WIDE		
SOUDA BAY		
FUEL STORAGE TANKS & PIPELINE REPLACEMENT.....	24,000	24,000
GUAM		
NAVY		
GUAM		
ANDERSEN AFB NORTH RAMP PARKING (PHASE 1).....	88,797	88,797
AAFB NORTH RAMP UTILITIES (PHASE 1).....	21,500	21,500
APRA HARBOR WHARVES IMPROVEMENTS PH 1, INCR 1.....	167,033	127,033
CONSOLIDATED SUBMARINE LEARNING CENTER TRAINING & CSS-16 HQ FACILITY.....	45,309	45,309
DEFENSE ACCESS ROAD IMPROVEMENTS.....	48,860	48,860
MILITARY WORKING DOG RELOCATION, APRA HARBOR.....	27,070	14,000

MILITARY CONSTRUCTION (AMOUNTS IN THOUSANDS)		
	BUDGET REQUEST	CONFERENCE AGREEMENT
TORPEDO EXERCISE SUPPORT BUILDING.....	15,627	15,627
AIR FORCE		
ANDERSEN AFB		
COMMANDO WARRIOR OPERATIONS FACILITY.....	4,200	4,200
NW FIELD ATFP PERIMETER FENCE AND ROAD.....	4,752	4,752
NW FIELD COMBAT SUPPORT VEHICLE MAINTENANCE FACILITY.....	15,500	15,500
POSTAL SERVICE CENTER.....	---	3,500
STRIKE FOL ELECTRICAL INFRASTRUCTURE.....	33,750	33,750
DEFENSE-WIDE		
AGANA NAVAL AIR STATION		
REPLACE GAS CYLANDER STORAGE FACILITY.....	4,900	4,900
GUAM		
HOSPITAL REPLACEMENT INCR 1.....	259,156	259,156
ARMY NATIONAL GUARD		
BARRIGADA		
READINESS CENTER.....	30,000	30,000
GUANTANAMO BAY, CUBA		
DEFENSE-WIDE		
GUANTANAMO BAY		
REPLACE FUEL STORAGE TANKS.....	12,500	12,500
ITALY		
ARMY		
VICENZA		
BRIGADE COMPLEX - BARRACKS/COMMUNITY, INCR 3.....	22,500	22,500
BRIGADE COMPLEX - OPERATIONS SUPPORT FACILITY, INCR 3.....	23,500	23,500
AIR FORCE		
SIGONELLA		
GLOBAL HAWK AIRCRAFT MAINTENANCE AND OPS COMPLEX..	31,300	31,300
JAPAN		
ARMY		
OKINAWA		
TRAINING AIDS CENTER.....	6,000	6,000
SAGAMIHARA		
TRAINING AIDS CENTER.....	6,000	6,000
KOREA		
ARMY		
CAMP HUMPHREYS		
FIRE STATIONS.....	13,200	13,200
VEHICLE MAINTENANCE SHOP.....	19,000	19,000
VEHICLE MAINTENANCE SHOP.....	18,000	18,000
DEFENSE-WIDE		
K-16 AIRFIELD		
CONVERT WAREHOUSES.....	5,050	5,050
OSAN AB		
REPLACE HYDRANT FUEL SYSTEM.....	28,000	28,000
KUWAIT		
ARMY		
CAMP ARIFJAN		
ARMY PRE-POSITION STOCK WAREHOUSES.....	82,000	82,000
OMAN		
AIR FORCE		
AL MUSANNAH AB		
AIRLIFT RAMP AND FUEL FACILITIES.....	69,000	---
WAR RESERVE MATERIAL COMPOUND.....	47,000	---



MILITARY CONSTRUCTION (AMOUNTS IN THOUSANDS)		
	BUDGET REQUEST	CONFERENCE AGREEMENT
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PUERTO RICO		
ARMY RESERVE		
CAGUAS		
ARMY RESERVE CENTER/LAND.....	12,400	12,400
QATAR		
AIR FORCE		
AL UDEID		
BLATCHFORD-PRESTON COMPLEX PH II.....	60,000	60,000
SPAIN		
NAVY		
ROTA		
RECEPTION AIRFIELD FACILITIES.....	26,278	26,278
TURKEY		
AIR FORCE		
INCIRLIK AB		
CONSOLIDATED COMMUNITY CENTER.....	9,200	9,200
UNITED KINGDOM		
DEFENSE-WIDE		
MENWITH HILL STATION		
POWER, SPACE & COOLING CONSTRUCTION.....	37,588	37,588
RAF MILDENHALL		
CONNECT FUEL TANK DISTRIBUTION PIPELINE.....	4,700	4,700
ROYAL AIR FORCE ALCONBURY		
MEDICAL/DENTAL CLINIC REPLACEMENT.....	14,227	14,227
ROYAL AIR FORCE LAKENHEATH		
LIBERTY INTERMEDIATE SCHOOL - GYMNASIUM.....	4,509	4,509
VIRGIN ISLANDS		
ARMY NATIONAL GUARD		
ST. CROIX		
REGIONAL TRAINING INSTITUTE PH1.....	20,000	20,000
NATO SECURITY INVESTMENT PROGRAM.....	278,314	197,414
WORLDWIDE UNSPECIFIED		
ARMY		
HOST NATION SUPPORT.....	25,000	25,000
MINOR CONSTRUCTION.....	23,000	25,000
PLANNING AND DESIGN.....	153,029	175,519
TRAINEE TROOP HOUSING FACILITIES.....	---	350,000
GENERAL REDUCTION (BCT).....	---	-166,000
NAVY		
GENERAL INCREASE.....	---	14,170
PLANNING AND DESIGN.....	166,896	179,652
MINOR CONSTRUCTION.....	12,483	12,483
AIR FORCE		
PLANNING AND DESIGN.....	82,363	103,562
MINOR CONSTRUCTION.....	18,000	20,000
RESCISSION (P.L. 110-329).....	---	-37,500
DEFENSE-WIDE		
CONTINGENCY CONSTRUCTION.....	10,000	10,000
ENERGY CONSERVATION INVESTMENT PROGRAM.....	90,000	163,709
NATO HEADQUARTERS, BELGIUM (DOD CONTRIBUTION).....	---	41,400
RESCISSION (P.L. 110-329).....	---	-151,160
PLANNING AND DESIGN		
DEPARTMENT OF DEFENSE DEPENDENT EDUCATION.....	8,855	8,855
ENERGY CONSERVATION INVESTMENT PROGRAM.....	---	10,500
MISSILE DEFENSE AGENCY.....	2,000	2,000
NATIONAL SECURITY AGENCY.....	10,534	10,534
SPECIAL OPERATIONS COMMAND.....	4,425	4,425
TRICARE MANAGEMENT ACTIVITY.....	72,974	72,974

MILITARY CONSTRUCTION (AMOUNTS IN THOUSANDS)		
	BUDGET REQUEST	CONFERENCE AGREEMENT
WASHINGTON HEADQUARTERS SERVICE.....	3,575	3,575
UNDISTRIBUTED.....	35,579	19,079
UNSPECIFIED MINOR CONSTRUCTION		
DEFENSE LOGISTICS AGENCY.....	4,100	4,100
DEPARTMENT OF DEFENSE DEPENDENT EDUCATION.....	6,800	6,800
JOINT CHIEFS OF STAFF.....	7,861	7,861
MISSILE DEFENSE AGENCY.....	3,717	3,717
SPECIAL OPERATIONS COMMAND.....	6,022	6,022
TRICARE MANAGEMENT ACTIVITY.....	4,525	4,525
UNDISTRIBUTED.....	3,000	---
ARMY NATIONAL GUARD		
GUARD AND RESERVE INITIATIVE.....	---	30,000
PLANNING AND DESIGN.....	23,981	47,429
MINOR CONSTRUCTION.....	10,300	29,682
AIR NATIONAL GUARD		
GUARD AND RESERVE INITIATIVE.....	---	30,000
PLANNING AND DESIGN.....	10,081	20,021
MINOR CONSTRUCTION.....	9,000	17,005
ARMY RESERVE		
GUARD AND RESERVE INITIATIVE.....	---	30,000
PLANNING AND DESIGN.....	22,262	22,716
MINOR CONSTRUCTION.....	3,600	3,600
NAVY RESERVE		
GUARD AND RESERVE INITIATIVE (NAVY RESERVE).....	---	20,000
GUARD AND RESERVE INITIATIVE (MARINE CORPS RESERVE).....	---	35,000
PLANNING AND DESIGN.....	2,371	2,951
AIR FORCE RESERVE		
GUARD AND RESERVE INITIATIVE.....	---	55,000
PLANNING AND DESIGN.....	1,976	3,869
MINOR CONSTRUCTION.....	800	800
FAMILY HOUSING CONSTRUCTION, ARMY GERMANY		
BAUMHOLDER		
FAMILY HOUSING REPLACEMENT (138 UNITS).....	18,000	18,000
WIESBADEN AB		
FAMILY HOUSING REPLACEMENT, INCR 2.....	10,000	10,000
FAMILY HOUSING REPLACEMENT, INCR 2.....	11,000	11,000
FAMILY HOUSING REPLACEMENT, INCR 2.....	11,000	11,000
CONSTRUCTION IMPROVEMENTS.....	219,300	219,300
PLANNING AND DESIGN.....	3,936	3,936
OPERATION AND MAINTENANCE		
UTILITIES ACCOUNT.....	81,650	81,650
SERVICES ACCOUNT.....	16,325	16,325
MANAGEMENT ACCOUNT.....	49,744	49,744
MISCELLANEOUS ACCOUNT.....	1,177	1,177
FURNISHINGS ACCOUNT.....	21,194	21,194
LEASING.....	205,685	205,685
MAINTENANCE OF REAL PROPERTY.....	115,854	115,854
PRIVATIZATION SUPPORT COSTS.....	31,789	31,789
FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS		
GUAM		
GUAM NB		
REPLACE GUAM NORTH TIPALAO PH III.....	20,730	20,730
KOREA		
PUSAN		
CHINHAEE WELCOME CENTER/WAREHOUSE.....	4,376	4,376
CONSTRUCTION IMPROVEMENTS.....	118,692	118,692
PLANNING AND DESIGN.....	2,771	2,771

MILITARY CONSTRUCTION (AMOUNTS IN THOUSANDS)		
	BUDGET REQUEST	CONFERENCE AGREEMENT
-----		
OPERATION AND MAINTENANCE		
UTILITIES ACCOUNT.....	53,956	53,956
SERVICES ACCOUNT.....	16,482	16,462
MANAGEMENT ACCOUNT.....	60,278	60,278
MISCELLANEOUS ACCOUNT.....	457	457
FURNISHINGS ACCOUNT.....	14,624	14,624
LEASING.....	101,432	101,432
MAINTENANCE OF REAL PROPERTY.....	94,184	94,184
PRIVATIZATION SUPPORT COSTS.....	27,147	27,147
FAMILY HOUSING CONSTRUCTION, AIR FORCE		
CONSTRUCTION IMPROVEMENTS.....	61,787	61,787
PLANNING AND DESIGN.....	4,314	4,314
OPERATION AND MAINTENANCE		
UTILITIES ACCOUNT.....	81,686	81,686
MANAGEMENT ACCOUNT.....	51,334	51,334
SERVICES ACCOUNT.....	21,740	21,740
FURNISHINGS ACCOUNT.....	39,182	39,182
MISCELLANEOUS ACCOUNT.....	1,543	1,543
LEASING.....	103,406	103,406
MAINTENANCE.....	150,229	150,229
PRIVATIZATION SUPPORT COSTS.....	53,816	53,816
FAMILY HOUSING, DEFENSE-WIDE		
PENNSYLVANIA		
DEFENSE DISTRIBUTION DEPOT NEW CUMBERLAND		
REPLACE FAMILY HOUSING (6 UNITS).....	2,859	2,859
OPERATION AND MAINTENANCE		
UTILITIES ACCOUNT (NSA).....	7	7
FURNISHINGS ACCOUNT (NSA).....	28	28
LEASING (NSA).....	10,108	10,108
MAINTENANCE OF REAL PROPERTY (NSA).....	69	69
FURNISHINGS ACCOUNT (DIA).....	4,426	4,426
LEASING (DIA).....	33,579	33,579
UTILITIES ACCOUNT (DLA).....	274	274
FURNISHINGS ACCOUNT (DLA).....	19	19
SERVICES ACCOUNT (DLA).....	29	29
MANAGEMENT ACCOUNT (DLA).....	309	309
MAINTENANCE OF REAL PROPERTY (DLA).....	366	366
DOD FAMILY HOUSING IMPROVEMENT FUND.....	2,600	2,600
HOMEOWNERS ASSISTANCE PROGRAM.....	23,225	323,225
BASE REALIGNMENT AND CLOSURE		
BASE REALIGNMENT AND CLOSURE ACCOUNT, 1990.....	396,768	496,768
BASE REALIGNMENT AND CLOSURE ACCOUNT, 2005.....	7,479,498	7,455,498

OVERSEAS CONTINGENCY OPERATIONS  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
-----		
AFGHANISTAN		
ARMY		
AIRBORNE		
DINING FACILITY.....	2,200	2,200
WASTE MANAGEMENT AREA.....	5,600	5,600
ALTINUR		
DINING FACILITY.....	2,150	2,150
WASTE MANAGEMENT AREA.....	5,600	5,600
ASADABAD		
WASTE MANAGEMENT AREA.....	5,500	5,500
BAGRAM AB		
ACCESS ROADS.....	21,000	21,000
ARMY PRE-POSITION STOCK COMPOUND.....	---	38,000
COMMAND AND CONTROL FACILITY.....	4,500	4,500
COMMAND AND CONTROL FACILITY.....	---	38,000
DRAINAGE SYSTEM, PHASE 2.....	21,000	21,000
MEDLOG WAREHOUSE.....	3,350	3,350
PERIMETER FENCE AND GUARD TOWERS.....	---	7,000
TROOP HOUSING, PHASE 3.....	22,000	---
BLESSING		
WASTE MANAGEMENT AREA.....	5,600	5,600
BOSTICK		
WASTE MANAGEMENT AREA.....	5,500	5,500
DMYER		
CONTINGENCY HOUSING, PHASE 1.....	8,600	---
CONTINGENCY HOUSING, PHASE 2.....	6,900	---
DINING FACILITY.....	2,200	6,600
FUEL SYSTEM, PHASE 1.....	5,800	5,800
WASTE MANAGEMENT AREA.....	6,900	6,900
FRONTENAC		
CONTINGENCY HOUSING.....	3,800	---
DINING FACILITY.....	2,200	2,200
GARDEZ		
CONTINGENCY HOUSING.....	8,400	---
DINING FACILITY.....	2,200	2,200
FUEL SYSTEM, PHASE 1.....	6,000	6,000
TACTICAL RUNWAY.....	28,000	28,000
GHAZNI		
WASTE MANAGEMENT COMPLEX.....	5,500	5,500
JALALABAD		
AMMUNITION SUPPLY POINT.....	35,000	35,000
CONTINGENCY HOUSING.....	6,900	---
DINING FACILITY.....	4,350	4,350
PERIMETER FENCING.....	2,050	2,050
JOYCE		
DINING FACILITY.....	2,100	2,100
WASTE MANAGEMENT AREA.....	5,600	5,600
KABUL		
CAMP PHOENIX WEST EXPANSION.....	39,000	39,000
USFOR-A HEADQUARTERS AND HOUSING.....	98,000	98,000
KANDAHAR		
COMMAND AND CONTROL FACILITY.....	4,500	4,500
COMMAND AND CONTROL FACILITY.....	4,500	4,500
COMMAND AND CONTROL FACILITY.....	4,500	4,500
SOUTH PARK ROADS.....	11,000	11,000
TANKER TRUCK OFFLOAD FACILITY.....	23,000	23,000
THEATER VEHICLE MAINTENANCE FACILITY.....	55,000	55,000
TROOP HOUSING, PHASE 2.....	4,250	---
WAREHOUSE.....	20,000	20,000
WASTE MANAGEMENT COMPLEX.....	10,000	10,000
MAYWAND		
DINING FACILITY.....	6,600	2,200
WASTE MANAGEMENT AREA.....	5,600	5,600
METHAR-LAM		
WASTE MANAGEMENT AREA.....	4,150	4,150

OVERSEAS CONTINGENCY OPERATIONS  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
-----		
SALERNO		
DINING FACILITY.....	4,300	4,300
ELECTRICAL DISTRIBUTION GRID.....	2,800	2,800
FUEL SYSTEM, PHASE 1.....	12,800	12,800
RUNWAY UPGRADE.....	25,000	25,000
WASTE MANAGEMENT COMPLEX.....	5,500	5,500
SHANK		
DINING FACILITY.....	4,350	4,350
ELECTRICAL DISTRIBUTION GRID.....	4,600	4,600
TROOP HOUSING, PHASE 2.....	8,600	---
WASTE MANAGEMENT COMPLEX.....	8,100	8,100
WATER DISTRIBUTION SYSTEM.....	2,650	2,650
SHARANA		
AIRCRAFT MAINTENANCE FACILITIES.....	12,200	12,200
AMMUNITION SUPPLY POINT.....	14,000	14,000
ELECTRICAL DISTRIBUTION GRID.....	2,600	2,600
ROTARY WING PARKING.....	32,000	32,000
TARIN KOWT		
AMMUNITION SUPPLY POINT.....	35,000	35,000
DINING FACILITY.....	4,350	2,200
FUEL SYSTEM, PHASE 2.....	11,800	11,800
WASTE MANAGEMENT AREA.....	6,800	6,800
TOMBSTONE/BASTION		
BASIC LOAD AMMUNITION HOLDING AREA.....	7,500	7,500
DINING FACILITY.....	8,900	8,900
ENTRY CONTROL POINT AND ACCESS ROADS.....	14,200	14,200
FUEL SYSTEM, PHASE 2.....	14,200	14,200
LEVEL 3 MEDICAL FACILITY.....	16,500	16,500
ROADS.....	4,300	4,300
TROOP HOUSING, PHASE 3.....	3,250	---
TROOP HOUSING, PHASE 4.....	3,800	---
WATER SUPPLY AND DISTRIBUTION SYSTEM.....	6,200	6,200
WOLVERINE		
DINING FACILITY.....	2,200	4,350
FUEL SYSTEM, PHASE 1.....	5,800	5,800
WASTE MANAGEMENT COMPLEX.....	6,900	6,900
AIR FORCE		
BAGRAM AIR BASE		
AVIATION OPERATIONS & MAINTENANCE FACILITIES.....	8,900	8,900
CARGO TERMINAL.....	13,800	13,800
EXPEDITIONARY FIGHTER SHELTER.....	6,400	6,400
DAWYER		
CARGO HANDLING AREA.....	4,900	4,900
KANDAHAR		
AVIATION OPERATIONS & MAINTENANCE FACILITIES.....	10,500	10,500
CARGO HELICOPTER APRON.....	32,000	32,000
CAS APRON EXPANSION.....	25,000	25,000
EXPEDITIONARY FIGHTER SHELTER.....	6,400	6,400
ISR APRON EXPANSION.....	40,000	40,000
REFUELER APRON/RELOCATE HCP.....	66,000	66,000
RELOCATE NORTH AIRFIELD ROAD.....	16,000	16,000
SECURE RSOI FACILITY.....	9,700	9,700
TACTICAL AIRLIFT APRON.....	29,000	29,000
SHANK		
CARGO HANDLING AREA.....	4,900	4,900
TARIN KOWT		
CARGO HANDLING AREA.....	4,900	4,900
TOMBSTONE/BASTION		
AVIATION OPERATIONS & MAINTENANCE FACILITIES.....	8,900	8,900
CARGO HANDLING AREA.....	18,000	18,000
CAS APRON EXPANSION.....	40,000	40,000
EXPEDITIONARY FIGHTER SHELTER.....	6,300	6,300
ISR APRON.....	41,000	41,000
SECURE RSOI FACILITY.....	10,000	10,000
STRATEGIC AIRLIFT APRON EXPANSION.....	32,000	32,000

OVERSEAS CONTINGENCY OPERATIONS  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
WOLVERINE CARGO HANDLING AREA.....	4,900	4,900
WORLDWIDE CLASSIFIED		
DEFENSE-WIDE CLASSIFIED PROJECT.....	6,000	---
WORLDWIDE UNSPECIFIED		
ARMY		
MINOR CONSTRUCTION.....	20,000	20,100
PLANNING AND DESIGN.....	76,284	70,284
AIR FORCE		
PLANNING AND DESIGN.....	35,000	35,000
DEFENSE-WIDE		
PLANNING AND DESIGN (NSA).....	600	---

MILITARY CONSTRUCTION - VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS BILL - 2010  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	House	Senate	Conference	Conference vs. Enacted	Conference vs. Request
TITLE I - DEPARTMENT OF DEFENSE							
Military construction, Army.....	4,692,648	3,660,779	3,630,422	3,477,673	3,719,419	-973,229	+58,640
Rescission.....	-61,320	---	-59,500	---	---	+51,320	---
Emergency appropriations (P.L. 111-5).....	180,000	---	---	---	---	-180,000	---
Overseas contingency operations /1.....	---	923,884	924,484	---	---	---	-923,884
Overseas contingency operations (P.L. 111-32).....	1,182,989	---	---	---	---	-1,182,989	---
Overseas contingency operations (P.L. 111-32) (emergency).....	143,242	---	---	---	---	-143,242	---
Overseas contingency operations (P.L. 111-32) (rescission) (emergency).....	-143,242	---	---	---	---	+143,242	---
Total.....	6,004,317	4,584,663	4,495,406	3,477,673	3,719,419	-2,284,898	-865,244
Military construction, Navy and Marine Corps.....	3,333,369	3,763,264	3,757,330	3,548,771	3,769,003	+435,634	+5,739
Emergency appropriations (P.L. 111-5).....	280,000	---	---	---	---	-280,000	---
Overseas contingency operations (P.L. 111-32).....	235,881	---	---	---	---	-235,881	---
Total.....	3,849,250	3,763,264	3,757,330	3,548,771	3,769,003	-80,247	+5,739
Military construction, Air Force.....	1,117,746	1,145,434	1,359,171	1,251,039	1,450,426	+332,680	+304,992
Rescission.....	-20,821	---	---	-38,500	-37,500	-16,679	-37,500
Emergency appropriations (P.L. 111-5).....	180,000	---	---	---	---	-180,000	---
Overseas contingency operations /1.....	---	474,500	474,500	---	---	---	-474,500
Overseas contingency operations (P.L. 111-32).....	281,620	---	---	---	---	-281,620	---
Total.....	1,558,545	1,619,934	1,833,671	1,212,539	1,412,926	-145,619	-207,008
Military construction, Defense-Wide.....	1,695,204	3,097,526	2,743,526	3,137,614	3,093,679	+1,398,475	-3,847
Rescission.....	-3,589	---	-25,800	-89,500	-151,160	-147,571	-151,160
Emergency appropriations (P.L. 111-5).....	1,450,000	---	---	---	---	-1,450,000	---
Overseas contingency operations.....	---	6,600	---	---	---	---	-6,600
Overseas contingency operations (P.L. 111-32).....	661,552	---	---	---	---	-661,552	---
Total.....	3,803,167	3,104,126	2,717,726	3,068,114	2,942,519	-860,648	-161,607
Total, Active components.....	15,215,279	13,071,987	12,804,133	11,307,097	11,843,887	-3,371,412	-1,228,120
Military construction, Army National Guard.....	736,317	426,491	529,129	497,210	582,056	-154,261	+155,565
Rescission.....	-1,400	---	---	---	---	+1,400	---
Emergency appropriations (P.L. 111-5).....	50,000	---	---	---	---	-50,000	---
Total.....	784,917	426,491	529,129	497,210	582,056	-202,861	+155,565
Military construction, Air National Guard.....	242,924	128,261	226,126	297,661	371,226	+128,302	+242,965
Emergency appropriations (111-5).....	50,000	---	---	---	---	-50,000	---
Total.....	292,924	128,261	226,126	297,661	371,226	+78,302	+242,965
Military construction, Army Reserve.....	282,607	374,862	432,516	379,012	431,566	+148,959	+56,704
Military construction, Navy Reserve.....	57,045	64,124	125,874	64,124	125,874	+68,829	+61,750
Military construction, Air Force Reserve.....	36,958	27,476	103,169	47,376	112,269	+75,311	+84,793
Total, Reserve components.....	1,454,451	1,021,214	1,416,814	1,285,383	1,622,991	+168,540	+601,777
Total, Military construction.....	16,869,730	14,093,201	14,220,947	12,592,480	13,466,858	-3,202,872	-626,343
Appropriations.....	(12,194,818)	(12,688,217)	(12,907,263)	(12,700,480)	(13,655,518)	(+1,460,700)	(+967,301)
Rescissions.....	(-77,130)	---	(-85,300)	(-108,000)	(-188,660)	(-111,530)	(-188,660)
Emergency appropriations.....	(2,190,000)	---	---	---	---	(-2,190,000)	---
Overseas contingency operations.....	(2,362,042)	(1,404,984)	(1,398,984)	---	---	(-2,362,042)	(-1,404,984)
1/ The Senate bill and conference agreement provide funding at the same level in title IV							
North Atlantic Treaty Organization Security Investment Program.....	230,867	276,314	234,914	276,314	197,414	-33,453	-78,900
Overseas contingency operations (P.L. 111-32).....	100,000	---	---	---	---	-100,000	---
Total.....	330,867	276,314	234,914	276,314	197,414	-133,453	-78,900

MILITARY CONSTRUCTION - VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS BILL - 2010  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	House	Senate	Conference	Conference vs. Enacted	Conference vs. Request
Family housing construction, Army.....	646,580	273,236	273,236	273,236	273,236	-373,344	---
Emergency appropriations (111-5).....	34,507	---	---	---	---	-34,507	---
Total.....	681,087	273,236	273,236	273,236	273,236	-407,851	---
Family housing operation and maintenance, Army.....	716,110	523,418	523,418	523,418	523,418	-192,692	---
Emergency appropriations (P.L. 111-5).....	3,932	---	---	---	---	-3,932	---
Total.....	720,042	523,418	523,418	523,418	523,418	-196,624	---
Family housing construction, Navy and Marine Corps....	380,123	146,569	146,569	146,569	146,569	-233,554	---
Family housing operation and maintenance, Navy and Marine Corps.....	376,062	368,540	368,540	368,540	368,540	-7,522	---
Family housing construction, Air Force.....	395,879	66,101	66,101	66,101	66,101	-329,778	---
Emergency appropriations (P.L. 111-5).....	80,100	---	---	---	---	-80,100	---
Total.....	475,979	66,101	66,101	66,101	66,101	-409,878	---
Family housing operation and maintenance, Air Force...	594,465	502,936	502,936	502,936	502,936	-91,529	---
Emergency appropriations (P.L. 111-5).....	16,461	---	---	---	---	-16,461	---
Total.....	610,926	502,936	502,936	502,936	502,936	-107,990	---
Family housing construction, Defense-Wide.....	---	2,859	2,859	2,859	2,859	+2,859	---
Rescission.....	-8,040	---	---	---	---	+6,040	---
Total.....	-8,040	2,859	2,859	2,859	2,859	+8,899	---
Family housing operation and maintenance, Defense-Wide	49,231	49,214	49,214	49,214	49,214	-17	---
Department of Defense Family Housing Improvement Fund.....	850	2,800	2,800	2,800	2,800	+1,750	---
Homeowners assistance fund.....	4,500	23,225	23,225	323,225	323,225	+318,725	+300,000
Emergency appropriations (P.L. 111-5).....	555,000	---	---	---	---	-555,000	---
Total.....	559,500	23,225	23,225	323,225	323,225	-236,275	+300,000
Total, Family housing.....	3,847,760	1,958,698	1,958,698	2,258,698	2,258,698	-1,589,062	+300,000
Appropriations.....	(3,163,800)	(1,958,698)	(1,958,698)	(2,258,698)	(2,258,698)	(-905,102)	(+300,000)
Rescissions.....	(-6,040)	---	---	---	---	(+6,040)	---
Emergency appropriations.....	(690,000)	---	---	---	---	(-690,000)	---
Chemical demilitarization construction, Defense-Wide..	144,278	146,541	146,541	151,541	151,541	+7,263	+5,000
Base realignment and closure:							
Base realignment and closure account, 1990.....	458,377	396,768	536,768	421,768	496,768	+38,391	+100,000
Base realignment and closure account, 2005.....	8,765,613	7,479,498	7,479,498	7,479,498	7,455,498	-1,310,115	-24,000
Overseas contingency operations (P.L. 111-32).....	263,300	---	---	---	---	-263,300	---
Total.....	9,028,913	7,479,498	7,479,498	7,479,498	7,455,498	-1,573,415	-24,000
Total, Base realignment and closure.....	9,487,290	7,876,266	8,016,266	7,901,266	7,952,266	-1,535,024	+76,000
General Reductions (Sec. 129)							
Military Construction, Army.....	---	---	---	---	-230,000	-230,000	-230,000
Military Construction, Navy and Marine Corps.....	---	---	---	---	-235,000	-235,000	-235,000
Military Construction, Air Force.....	---	---	---	---	-64,091	-64,091	-64,091
General Rescissions (Sec. 130)							
Military Construction, Army.....	---	---	---	---	-33,000	-33,000	-33,000
Military Construction, Navy and Marine Corps.....	---	---	---	---	-51,468	-51,468	-51,468
Military Construction, Air Force.....	---	---	---	---	-93,268	-93,268	-93,268
Military Construction, Army National Guard.....	---	---	---	---	-33,000	-33,000	-33,000
Military Construction, Air National Guard.....	---	---	---	---	-7,000	-7,000	-7,000
Air National Guard Fire Stations (Sec. 131).....	28,000	---	---	---	---	-28,000	---
Army National Guard Aviation and Training (Sec. 132)...	147,000	---	---	---	---	-147,000	---
Total, title I.....	30,654,925	24,351,020	24,577,366	23,180,299	23,279,950	-7,374,975	-1,071,070
Appropriations.....	(25,132,753)	(22,946,036)	(23,263,682)	(23,288,299)	(23,686,346)	(-1,446,407)	(+740,310)
Rescissions.....	(-83,170)	---	(-85,300)	(-108,000)	(-406,396)	(-323,226)	(-406,396)
Emergency appropriations.....	(2,880,000)	---	---	---	---	(-2,880,000)	---
Overseas contingency operations.....	(2,725,342)	(1,404,984)	(1,398,984)	---	---	(-2,725,342)	(-1,404,984)



MILITARY CONSTRUCTION - VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS BILL - 2010  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	House	Senate	Conference	Conference vs. Enacted	Conference vs. Request
<b>TITLE II - DEPARTMENT OF VETERANS AFFAIRS</b>							
<b>Veterans Benefits Administration</b>							
Compensation and pensions.....	43,111,681	47,218,207	47,218,207	47,218,207	47,396,106	+4,284,425	+177,899
Readjustment benefits.....	3,832,944	8,663,624	8,663,624	8,663,624	9,232,369	+5,399,425	+568,745
Veterans insurance and indemnities.....	42,300	49,288	49,288	49,288	49,288	+6,988	---
Veterans housing benefit program fund							
(indefinite).....	2,000	23,553	23,553	23,553	23,553	+21,553	---
(Limitation on direct loans).....	(500)	(500)	(500)	(500)	(500)	---	---
Credit subsidy.....	-246,000	-133,000	-133,000	-133,000	-133,000	+113,000	---
Administrative expenses.....	157,210	165,082	165,082	165,082	165,082	+7,872	---
Guaranteed Transitional Housing Loans for Homeless Veterans.....	(750)	(750)	(750)	(750)	(750)	---	---
Vocational rehabilitation loans program account.....	61	29	29	29	29	-32	---
(Limitation on direct loans).....	(3,180)	(2,298)	(2,298)	(2,298)	(2,298)	(-882)	---
Administrative expenses.....	320	328	328	328	328	+8	---
Native American veteran housing loan program account..	646	664	664	664	664	+18	---
<b>Total, Veterans Benefits Administration.....</b>	<b>46,901,162</b>	<b>55,987,775</b>	<b>55,987,775</b>	<b>55,987,775</b>	<b>56,734,419</b>	<b>+9,833,257</b>	<b>+746,644</b>
<b>Veterans Health Administration</b>							
Medical services.....	30,969,903	34,704,500	34,705,500	34,705,250	34,707,500	+3,737,597	+3,000
Advance appropriation, FY 2011.....	---	---	37,136,000	37,136,000	37,136,000	+37,136,000	+37,136,000
Subtotal.....	30,969,903	34,704,500	71,841,500	71,841,250	71,843,500	+40,873,597	+37,139,000
Medical support and compliance.....	4,450,000	5,100,000	4,896,500	5,100,000	4,930,000	+480,000	-170,000
Advance appropriation, FY 2011.....	---	---	5,307,000	5,307,000	5,307,000	+5,307,000	+5,307,000
Subtotal.....	4,450,000	5,100,000	10,203,500	10,407,000	10,237,000	+5,787,000	+5,137,000
Medical facilities.....	5,029,000	4,693,000	4,893,000	4,849,883	4,859,000	-170,000	+166,000
Emergency appropriations (P.L. 111-5).....	1,000,000	---	---	---	---	-1,000,000	---
Advance appropriation, FY 2011.....	---	---	5,740,000	5,740,000	5,740,000	+5,740,000	+5,740,000
Subtotal.....	6,029,000	4,693,000	10,633,000	10,589,883	10,599,000	+4,570,000	+5,906,000
Medical and prosthetic research.....	510,000	580,000	580,000	580,000	581,000	+71,000	+1,000
Medical care cost recovery collections:							
Offsetting collections.....	-2,544,000	-2,954,000	-2,954,000	-2,954,000	-2,954,000	-410,000	---
Appropriations (indefinite).....	2,544,000	2,954,000	2,954,000	2,954,000	2,954,000	+410,000	---
<b>Total, Veterans Health Administration.....</b>	<b>41,958,903</b>	<b>45,077,500</b>	<b>93,258,000</b>	<b>93,418,133</b>	<b>93,260,500</b>	<b>+51,301,597</b>	<b>+48,183,000</b>
Appropriations.....	(40,958,903)	(45,077,500)	(45,075,000)	(45,235,133)	(45,077,500)	(+4,118,597)	---
Emergency appropriations.....	(1,000,000)	---	---	---	---	(-1,000,000)	---
Advance appropriations, FY 2011.....	---	---	(48,183,000)	(48,183,000)	(48,183,000)	(+48,183,000)	(+48,183,000)
<b>National Cemetery Administration</b>							
National Cemetery Administration.....	230,000	242,000	250,000	250,000	250,000	+20,000	+8,000
Emergency appropriations (P.L. 111-5).....	50,000	---	---	---	---	-50,000	---
Total, National Cemetery Administration.....	280,000	242,000	250,000	250,000	250,000	-30,000	+8,000
Emergency appropriations.....	(50,000)	---	---	---	---	(-50,000)	---
<b>Departmental Administration</b>							
General operating expenses.....	1,801,867	2,218,500	2,086,200	2,081,501	2,086,707	+284,840	-131,793
Emergency appropriations (P.L. 111-5).....	150,000	---	---	---	---	-150,000	---
Subtotal.....	1,951,867	2,218,500	2,086,200	2,081,501	2,086,707	+134,840	-131,793
Information technology systems.....	2,489,391	3,307,000	3,307,000	3,307,000	3,307,000	+817,609	---
Emergency appropriations (P.L. 111-5).....	50,000	---	---	---	---	-50,000	---
Subtotal.....	2,539,391	3,307,000	3,307,000	3,307,000	3,307,000	+767,609	---
Office of Inspector General.....	87,818	107,000	106,000	109,000	109,000	+21,182	+2,000
Emergency appropriations (P.L. 111-5).....	1,000	---	---	---	---	-1,000	---
Subtotal.....	88,818	107,000	106,000	109,000	109,000	+20,182	+2,000

MILITARY CONSTRUCTION - VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS BILL - 2010  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	House	Senate	Conference	Conference vs. Enacted	Conference vs. Request
Construction, major projects.....	923,382	1,194,000	1,194,000	1,194,000	1,194,000	+270,618	---
Construction, minor projects.....	741,534	600,000	722,800	735,000	703,000	-36,534	+103,000
Grants for construction of State extended care facilities.....	175,000	85,000	85,000	115,000	100,000	-75,000	+15,000
Emergency appropriations (P.L. 111-5).....	150,000	---	---	---	---	-150,000	---
Subtotal.....	325,000	85,000	85,000	115,000	100,000	-225,000	+15,000
Grants for the construction of State veterans cemeteries.....	42,000	42,000	46,000	46,000	46,000	+4,000	+4,000
Total, Departmental Administration.....	6,611,992	7,553,500	7,547,000	7,587,501	7,545,707	+933,715	-7,793
Appropriations.....	(6,260,982)	(7,553,500)	(7,547,000)	(7,587,501)	(7,545,707)	(+1,284,715)	(-7,793)
Emergency appropriations.....	(351,000)	---	---	---	---	(-351,000)	---
Administrative Provisions							
IRS income verification.....	-2,000	---	---	---	---	+2,000	---
Sec. 180 Filipino Veterans Compensation Fund (P.L. 110-329) (emergency).....	198,000	---	---	---	---	-198,000	---
Total, title II.....	95,948,057	108,860,775	157,042,775	157,243,409	157,790,626	+61,842,569	+48,929,851
Appropriations.....	(94,349,057)	(108,860,775)	(108,859,775)	(109,060,409)	(109,607,626)	(+15,258,569)	(+746,851)
Emergency appropriations.....	(1,599,000)	---	---	---	---	(-1,599,000)	---
Rescissions (emergency appropriations).....	---	---	---	---	---	---	---
Advance appropriations, FY 2011.....	---	---	(48,183,000)	(48,183,000)	(48,183,000)	(+48,183,000)	(+48,183,000)
(Limitation on direct loans).....	(3,680)	(2,798)	(2,798)	(2,798)	(2,798)	(-882)	---
Discretionary.....	(49,205,132)	(53,039,103)	(101,221,103)	(101,421,737)	(101,222,310)	(+52,017,178)	(+48,183,207)
Mandatory.....	(46,742,925)	(55,821,672)	(55,821,672)	(55,821,672)	(56,568,316)	(+9,825,391)	(+746,644)
TITLE III - RELATED AGENCIES							
American Battle Monuments Commission							
Salaries and expenses.....	59,470	60,300	61,800	63,549	62,675	+3,205	+2,375
(By transfer).....	(500)	---	---	---	---	(-500)	---
Foreign currency fluctuations account.....	17,100	17,100	17,100	17,100	17,100	---	---
Total, American Battle Monuments Commission.....	76,570	77,400	78,900	80,649	79,775	+3,205	+2,375
U.S. Court of Appeals for Veterans Claims							
Salaries and expenses.....	30,975	27,115	28,115	27,115	27,115	-3,860	---
Department of Defense - Civil							
Cemeterial Expenses, Army							
Salaries and expenses.....	36,730	37,200	42,500	37,200	39,850	+3,120	+2,650

MILITARY CONSTRUCTION - VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS BILL - 2010  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	House	Senate	Conference	Conference vs. Enacted	Conference vs. Request
<b>Armed Forces Retirement Home</b>							
Operation and maintenance.....	54,985	62,000	62,000	62,000	62,000	+7,015	---
Capital program.....	8,025	72,000	72,000	72,000	72,000	+63,975	---
<b>Total, Armed Forces Retirement Home.....</b>	<b>63,010</b>	<b>134,000</b>	<b>134,000</b>	<b>134,000</b>	<b>134,000</b>	<b>+70,990</b>	<b>---</b>
<b>=====</b>							
<b>Total, title III.....</b>	<b>207,285</b>	<b>275,715</b>	<b>283,515</b>	<b>278,964</b>	<b>280,740</b>	<b>+73,455</b>	<b>+5,025</b>
(By transfer).....	(500)	---	---	---	---	(-500)	---
<b>TITLE IV - OVERSEAS CONTINGENCY OPERATIONS</b>							
Military Construction, Army /1.....	---	---	---	924,484	924,484	+924,484	+924,484
Military Construction, Air Force /1.....	---	---	---	474,500	474,500	+474,500	+474,500
<b>=====</b>							
<b>Total, title IV.....</b>	<b>---</b>	<b>---</b>	<b>---</b>	<b>1,398,984</b>	<b>1,398,984</b>	<b>+1,398,984</b>	<b>+1,398,984</b>
<b>1/ The House bill provides funding at the same level in title I</b>							
<b>=====</b>							
<b>Grand total.....</b>	<b>126,810,267</b>	<b>133,487,510</b>	<b>181,903,656</b>	<b>182,101,656</b>	<b>182,750,300</b>	<b>+55,940,033</b>	<b>+49,262,790</b>
Appropriations.....	(119,689,095)	(132,082,526)	(132,406,972)	(132,627,672)	(133,574,712)	(+13,885,617)	(+1,492,186)
Rescissions.....	(-83,170)	---	(-85,300)	(-108,000)	(-406,396)	(-323,226)	(-406,396)
Emergency appropriations.....	(4,479,000)	---	---	---	---	(-4,479,000)	---
Advance appropriations, FY 2011.....	---	---	(48,183,000)	(48,183,000)	(48,183,000)	(+48,183,000)	(+48,183,000)
Overseas contingency operations.....	(2,725,342)	(1,404,984)	(1,398,984)	(1,398,984)	(1,398,984)	(-1,326,358)	(-6,000)
(By transfer).....	(500)	---	---	---	---	(-500)	---
(Limitation on direct loans).....	(3,880)	(2,798)	(2,798)	(2,798)	(2,798)	(-882)	---

## CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2010 recommended by the Committee of Conference, with comparisons to the fiscal year 2009 amount, the 2010 budget estimates, and the House and Senate bills for 2010 follow:

(In thousands of dollars)

New budget (obligational) authority, fiscal year 2009 .....	\$126,810,267
Budget estimates of new (obligational) authority, fiscal year 2010 .....	133,487,510
House bill, fiscal year 2010 .....	181,903,656
Senate bill, fiscal year 2010 .....	182,101,656
Conference agreement, fiscal year 2010 .....	182,750,300
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2009 ...	+55,940,033
Budget estimates of new (obligational) authority, fiscal year 2010 .....	+49,262,790
House bill, fiscal year 2010 .....	+846,644
Senate bill, fiscal year 2010 .....	+648,644

## DIVISION F

## DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2010

In implementing this conference agreement, the departments and agencies should be guided by the language and instructions set forth in House Report 111-187 (hereby referred to as "the House Report") accompanying the bill H.R. 3081 and Senate Report 111-44 (hereby referred to as "the Senate Report") accompanying the bill S. 1434. In cases where the language and instructions in either report specifically address the allocation of funds, each has been reviewed by the conferees and the agreed upon amounts are detailed in this joint statement. In addition, in cases in which the House or Senate directed the submission of a report, the joint statement directs submission of those reports in which the conferees concur. Finally, the conferees agree that, unless otherwise specifically addressed in this joint statement, direction related to notification, prior consultation, and/or guidance with respect to organizations or other entities contained in either the House or Senate Reports should be adhered to by the relevant departments and agencies.

## TITLE I

## DEPARTMENT OF STATE AND RELATED AGENCY

## DEPARTMENT OF STATE

## ADMINISTRATION OF FOREIGN AFFAIRS

## DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes \$8,227,000,000 for Diplomatic and Consular Programs (D&CP), which is \$2,300,000 below the House and the same as the Senate. Within the total, \$6,640,786,000 is for ongoing operations, including public diplomacy activities, and \$1,586,214,000 is for Worldwide Security Protection. The Department of State may reprogram funds between functions as required, subject to the regular notification procedures of the Committees on Appropriations. Funds made available under this heading are to be allocated according to the following table, subject to the provisions of section 7019 of this Act:

## DIPLOMATIC AND CONSULAR PROGRAMS

(Budget authority in thousands of dollars)

Subcategory	Budget authority
Human Resources .....	2,667,130
<i>Public Diplomacy</i> .....	138,075
<i>Human Resources Initiative</i> .....	118,279
<i>Worldwide Security Protection</i> .....	220,840
Overseas Programs .....	2,495,158
<i>Locally Employed Staff</i> .....	695,000
<i>Public Diplomacy</i> .....	381,800
<i>Ambassador's Fund for Cultural Preservation</i> .....	5,750
<i>Cultural Antiquities Task Force</i> .....	1,000
Diplomatic Policy and Support .....	892,012
<i>Democracy, Human Rights and Labor</i> .....	22,659
<i>Intelligence and Research</i> .....	63,879
<i>Oceans and International Environmental and Scientific Affairs</i> .....	36,917
<i>Office of Global Women's Issues</i> .....	3,114
<i>Office to Monitor and Combat Trafficking in Persons</i> .....	6,010
Security Programs .....	2,172,700
<i>Worldwide Security Protection</i> .....	1,365,374
Total—D&CP .....	8,227,000
Public Diplomacy Subtotal .....	519,875
Worldwide Security Protection Subtotal (Excludes \$13,375,000 requested for fiscal year 2010 that was appropriated in the Supplemental Appropriations Act, 2009 (Public Law 111-32)) .....	1,586,214
Iraq Operations Subtotal (Excludes \$336,000,000 requested for fiscal year 2010 that was appropriated in the Supplemental Appropriations Act, 2009 (Public Law 111-32)) .....	1,121,641

\* Funding in italics denotes a non-add and is not in addition to the subcategory total.

In addition, the conference agreement includes authority to collect \$8,158,305 from certain authorized fees and payments. The Department of State also projects that authorized fee revenues for the Border Security Program of the Department of State will total \$1,657,515,000 in fiscal year 2010.

The conference agreement includes authority for the Secretary of State to transfer up to \$10,000,000 of the funds available under this heading to funds available under the Emergencies in the Diplomatic and Consular Service heading for emergency evacuations and rewards payments, as authorized, as proposed by the House and Senate.

The conference agreement includes a requirement that the Secretary of State submit to the Committees on Appropriations a report detailing planned expenditures for funds appropriated under this heading, not later than 45 days after enactment of this Act, which was not in the House or Senate bills. The conferees expect the report to include accompanying tables that compare the planned fiscal year 2010 spending levels to the actual expenditures for the prior fiscal year and that these tables be updated and submitted when any reprogramming notification is submitted.

## Worldwide Security Protection

The conference agreement provides \$1,586,214,000 for Worldwide Security Protection, which is \$8,787,000 above the House and \$8,786,000 below the Senate. The conferees note that \$13,375,000 requested for fiscal year 2010 was included in the Supplemental Appropriations Act, 2009 (Public Law 111-32), bringing the total available for Worldwide Security Protection in fiscal year 2010 to \$1,599,589,000. Within the amount provided, \$221,926,000, and a projected 200 security positions, are to strengthen the Department's capacity to respond to the growing security challenges at posts around the world, including the requested positions for the second year of the Visa and Passport Security Plan.

## Enhancing Diplomatic Capacity and Readiness

*Human Resources Initiative (HRI).*—The conference agreement does not include a provision specifying an amount for the HRI, as proposed by the Senate. Instead, the amount for the HRI is included in the table above.

The conference agreement includes \$344,190,000 and a projected 745 positions to

enhance the diplomatic capacity and readiness of the Department of State. Within the total, \$118,279,000, and 565 new positions, is for phase II of the HRI, as proposed by the House and Senate. These additional funds provided in fiscal year 2010 will continue the expansion of the Department's training capacity, increase representation on inter-agency and Defense staffs, and augment the overseas diplomatic presence at strategic posts worldwide. The balance, \$225,911,000 and a projected 180 positions, is to meet workload demands and resource requirements at posts in Africa, East Asia and the Pacific, Europe and Eurasia, the Near East, South Central Asia, and the Western Hemisphere, as well as to begin to address the vacancy rate in domestic Foreign and Civil Service positions. The conferees agree that the Secretary of State should give priority to overseas assignments in allocating these positions.

*Locally Employed Staff (LES).*—The conference agreement does not include a provision regarding LES, as proposed by the Senate. However, the conferees recognize and appreciate the invaluable contributions of LES to overseas operations and programs, and note that they often serve without adequate salary increases and/or at less-than-prevaling wages and compensation packages.

The conferees recommend \$695,000,000 for salary and compensation (including awards and special benefits) for LES, and endorse the directive in the Senate bill regarding the review/database, guidelines, and the definition of LES in section 7069(b), (c), and (d), respectively, except that the Department of State shall consult with the Committees on Appropriations on the appropriate length of periodic reviews of salary and compensation guidelines.

*Personnel Strategy.*—The conference agreement requires the Secretary of State to submit to the Committees on Appropriations a strategy for projected personnel requirements for the Department of State over the next three fiscal years, similar to that proposed by the Senate. This strategy should describe the resources required for hiring, training, and deploying new personnel to domestic and overseas positions, including resources necessary for office and housing facilities. Concurrent with the submission of this strategy, the Secretary of State is directed to submit a report describing the hiring, training, and deploying of new staff since fiscal year 2008, including resources expended for such purposes to date, and to update this report on a semi-annual basis.

## Funding Issues

*Afghanistan Operations.*—The conference agreement provides \$485,595,000 for diplomatic operations in Afghanistan for fiscal year 2010, which is the same as the request, after including funds requested for fiscal year 2010 that were appropriated in the Supplemental Appropriations Act, 2009 (Public Law 111-32). The conferees understand that operational requirements in Afghanistan may change, and direct that any such change be subject to the regular notification procedures of the Committees on Appropriations, including changes to the civilian staffing surge that are above the previously justified levels.

The conferees direct the Secretary of State to submit to the Committees on Appropriations not later than 45 days after enactment of this Act and every 60 days thereafter through September 30, 2010, a report detailing all United States Government personnel serving in Afghanistan, including on a temporary duty basis. This report may be submitted in classified form, if necessary, and

may be consolidated with the reporting requirement on civilian staffing levels in Pakistan.

The conference agreement does not include a prohibition on the use of funds in the Act to acquire property in Kabul, Afghanistan, as proposed by the Senate. Instead, section 7004(c) of this Act requires the Secretary of State to consult with the Committees on Appropriations prior to any final decision to acquire property for diplomatic facilities in Kabul.

The conferees note that \$25,000,000 was included for the Department of State's Afghanistan airwing in the Supplemental Appropriations Act, 2009 (Public Law 111-32). The balance of the funds requested for fiscal year 2010, \$35,000,000, is included in this conference agreement.

**Cultural Heritage.**—The conference agreement provides \$5,750,000 for the Ambassador's Fund for Cultural Preservation, of which \$1,000,000 is to support at least two large projects of historic cultural significance, as proposed in the Senate Report. The conferees are aware that the Department of State may use funds made available under the Economic Support Fund (ESF) heading in title III to support additional cultural preservation projects. The conferees intend that all funds made available from this Act for cultural preservation projects be subject to the Committee's regular notification procedures and that the projects should be selected utilizing the technical expertise of the Department's Cultural Heritage Center, including the technical review and competitive process established by the Center.

**Iraq Operations.**—The conference agreement provides \$1,121,641,000 for Department of State Operations in Iraq. This is in addition to \$336,000,000 appropriated under this heading in the Supplemental Appropriations Act, 2009 (Public Law 111-32) for fiscal year 2010, bringing the total available for such purposes in fiscal year 2010 to \$1,457,641,000.

The conferees direct the Department of State to use funds provided for operations in Iraq to address the requirements identified by the Office of Inspector General in Report Number MERO-A-09-10 that arise from the anticipated military drawdown, including enhanced security around Embassy Baghdad's compound, convoy security for fuel, food, and other supplies, commercial air travel as an alternative to military transport, and contracting issues regarding the replacement of United States Army Corps of Engineers' support services.

The conferees continue to encourage the Chief of Mission in Iraq to conduct periodic rightsizing reviews to ensure appropriate civilian staffing levels before, during, and after the anticipated United States military drawdown.

**Intelligence and Research.**—The conferees endorse Senate Report language regarding the Department of State's Bureau of Intelligence and Research, including \$1,000,000 above the request to support six additional analysts for priority countries.

**Joint Action Plan.**—The conference agreement includes sufficient funds for the Secretary of State to allocate the resources and experienced personnel necessary to staff and implement the United States-Brazil Joint Action Plan to Eliminate Racial and Ethnic Discrimination and Promote Equality (JAPER), as proposed by the House.

**Leahy Vetting.**—The conference agreement does not include a Senate provision to transfer funds appropriated under the Foreign Military Financing Program (FMF) heading to the D&CP heading for the Department of

State's Bureau of Democracy, Human Rights and Labor to support monitoring of the uses of FMF assistance. However, the conferees direct that not less than \$2,000,000 from funds made available under this heading be used for such purpose, and that the Secretary of State consult with the Committees on Appropriations prior to the obligation of these funds.

**Pakistan Operations.**—The conference agreement provides \$45,837,000 for diplomatic operations in Pakistan for fiscal year 2010, which is the same as the request. The conferees understand that operational requirements in Pakistan may change and direct that any such change be subject to the regular notification procedures of the Committees on Appropriations, including changes to the civilian staffing surge that are above the previously justified levels.

The conferees direct the Secretary of State to submit to the Committees on Appropriations not later than 45 days after enactment of this Act and every 60 days thereafter through September 30, 2010, a report detailing all United States Government personnel serving in Pakistan, including on a temporary duty basis. This report may be submitted in classified form, if necessary, and may be consolidated with the reporting requirement on civilian staffing levels in Afghanistan.

**Other Issues, Directives and Reporting Requirements**

**American Corners.**—The conferees support the mission of American Corners and Centers in making information about the United States readily available to the public in foreign countries through open and accessible places of learning. The conferees support relocating such Centers outside of New Embassy Compounds wherever feasible, consistent with appropriate security considerations. The conferees support the timely relocation of the American Center in Rangoon, Burma.

The conferees direct the Deputy Secretary for Management, in consultation with the Under Secretary for Public Diplomacy and Public Affairs, the Director of the Office of Overseas Building Operations and the Assistant Secretary, Bureau of Diplomatic Security, to submit a report to the Committees on Appropriations, not later than 90 days after enactment of this Act, identifying possible Centers for relocation. The report should include security parameters, cost estimates, and proposed funding resources for such relocations.

The conferees endorse the Senate Report requirement for an assessment of the security implications and public diplomacy gains of establishing United States public diplomacy facilities in locations that maximize their use, except that the assessment may be submitted in classified form, if necessary.

**International Child Abductions.**—The conferees are concerned with custody cases involving American children in Jordan, Japan, Brazil, Lebanon, Syria, and other countries, and expect the governments of such countries to expeditiously enforce court orders related to such cases. The conference agreement does not include a provision proposed by the House related to international child abductions. Instead, the conferees direct the Secretary of State to provide periodic updates to the appropriate congressional committees on international child abductions, including information regarding international parental child abductions that are reported to the Office of Children's Issues. The conferees expect the Department of State to maintain an electronic database in

order to track international child abduction cases and facilitate the provision of timely information to interested members of the House and Senate, to the extent that the parent or guardian provides written authorization to do so.

**Overseas Schools.**—The conferees commend the consolidated Overseas Schools Assistance Program for its work in improving educational standards for the children of American families living abroad, and the contributions of the Overseas Schools Advisory Council and its Program of Educational Assistance that helps bring quality educational services to American overseas schools.

**Report on Procurement and Acquisition.**—On January 9, 2008, the Assistant Secretary for Legislative Affairs notified the Committees on Appropriations of the Department of State's intent to fund the acquisition function of the Department on a "fee-for-service" basis through a one percent assessment on the appropriations accounts funding the acquisition. The conferees understand that the rationale for this change was to improve both the responsiveness and accountability of the acquisition/procurement process at the Department. The conferees direct the Undersecretary for Management to submit a report to the Committees on Appropriations, not later than 90 days after enactment of this Act, which details the manner in which the "fee-for-service" plan was and is being used to improve the responsiveness and oversight of the Department's procurement and acquisition processes. The conferees expect the report to include the number of direct-hire and contract personnel added in fiscal years 2008 and 2009, and the benefit of these personnel and funds in providing increased technical assistance and oversight to these activities.

**Report on Agreements for Transfer and Release of Detainees.**—The conferees direct the Secretary of State to report in writing to the Committees on Appropriations when any agreement is concluded with any country that will receive, by transfer or release, any individual detained at Naval Station, Guantanamo Bay, Cuba. This requirement includes agreements with states with a compact of free association with the United States. The report shall be submitted not later than five days after the conclusion of such agreement.

**Secure Passports.**—The conferees endorse House Report language on secure United States passports, and believe that the passport should provide the highest levels of resistance to counterfeiting, alteration and image substitution. The conferees further expect the Department of State to undertake a review of the current security materials used on the passport, particularly the data page, in order to strengthen its security.

#### CIVILIAN STABILIZATION INITIATIVE

The conference agreement provides \$120,000,000 under this heading for the Civilian Stabilization Initiative (CSI), which is \$5,000,000 below the House and \$30,000,000 below the Senate. In addition, \$30,000,000 is provided under title II for the United States Agency for International Development (USAID) for the CSI, as proposed by the House, for a total of \$150,000,000 to stand-up, equip and deploy a coordinated civilian response capacity.

The conference agreement includes a provision, similar to that proposed by the Senate, withholding \$10,000,000 from obligation until the Secretary of State reports to the Committees on Appropriations that the Department of State has signed a memorandum of understanding with the Department of Defense relating to the provision of airlift for

deployment of Civilian Response Corps (CRC) Standby and Active personnel and equipment.

The conference agreement does not include bill language limiting to \$5,000,000 the amount made available for procurement of armored vehicles, as proposed by the Senate. However, the conferees agree with this limitation and direct that not more than \$5,000,000 of the funds made available under this heading be used for such purpose.

The conference agreement does not include a provision prohibiting the use of funds to establish a Reserve component of the CRC. However, the conferees direct that no funds be made available for this purpose. The conference agreement requires the submission of a joint spending plan, coordinated with USAID, for funds made available under this heading and the CSI heading in title II not later than 45 days after enactment of this Act, as proposed by the House and Senate. The conferees also endorse House Report language requiring notification to the Committees on Appropriations within 15 days of any deployment of a CRC Active and/or Standby unit, to include the destination, size, composition, and expected duration of deployment of such unit.

Funds made available under this heading are to be allocated according to the following table, subject to the provisions of section 7019 of this Act:

#### TITLE I, CIVILIAN STABILIZATION INITIATIVE

(Budget authority in thousands of dollars)

Activity	Budget authority
Salaries, benefits and other personnel costs for Active CRC	21,000
Training for Active and Standby CRC	15,220
Reserve CRC	0
Equipment Acquisition	25,000
Deployments	29,660
Deployment Center	0
CRC Operations Support	8,020
S/CRS Policy and Planning	21,100
Subtotal, CSI—Department of State	120,000
Budget Authority—Title II, CSI—USAID	[30,000]

#### CAPITAL INVESTMENT FUND

The conference agreement provides \$139,000,000 for the Capital Investment Fund, which is \$4,300,000 above the House and \$21,000,000 below the Senate.

#### OFFICE OF INSPECTOR GENERAL

The conference agreement provides \$100,000,000 for the Office of Inspector General (OIG), which is \$8,000,000 below the House and the same as the Senate, of which \$23,000,000 is for the Special Inspector General for Iraq Reconstruction (SIGIR), and \$23,000,000 is for the Special Inspector General for Afghanistan Reconstruction (SIGAR) for reconstruction oversight, as proposed by the Senate.

In addition to the amount made available under this heading, \$2,000,000 is transferred to this account from funds made available under the ESF heading to augment funds made available to the OIG for oversight of assistance activities in Pakistan, which brings the total available in this Act for the OIG to \$56,000,000.

Within the total amount made available to the OIG in fiscal year 2010, the conferees understand that the current program plan includes \$20,100,000 for the OIG's oversight of programs and investigations of fraud, waste, and abuse in the Middle East and South Asia, including Afghanistan, Iraq, and Pakistan, and to establish an OIG satellite office in Islamabad and support the regional office in Amman and the existing satellite offices in Baghdad, Cairo, and Kabul. The conferees further understand that future events may

require the modification of this plan and that such modifications are subject to the regular notification procedures of the Committees on Appropriations.

The Inspectors General of the Department of State, USAID, SIGIR, and SIGAR each have independent oversight and investigative responsibilities in Iraq and Afghanistan. The Inspectors General should, to the maximum extent practicable, coordinate, and de-conflict all activities related to oversight and investigation of assistance programs for the reconstruction of Iraq and Afghanistan to ensure that resources are used effectively and are not unnecessarily duplicative. The Inspectors General of the Department of State and USAID are directed to consult with the Committees on Appropriations on the joint oversight plan in Afghanistan.

The conferees understand that SIGIR will use a portion of the funds made available in fiscal years 2009 and 2010 to make short-term appointments of experienced, career prosecutors and detail them to the Criminal Division of the Department of Justice, where they will work on cases that fall within SIGIR's jurisdiction. The conferees strongly support efforts by SIGIR and the Department of Justice to investigate and prosecute cases of fraud and criminal activity associated with assistance programs in Iraq.

The conferees do not intend for the SIGAR to utilize funds made available under this heading in this or prior Acts to conduct training or other development programs for Afghan ministries.

#### EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

The conference agreement provides \$635,000,000 for Educational and Cultural Exchange Programs (ECE), which is \$35,000,000 above the House and \$243,000 below the Senate. Funds made available under this heading are to be allocated according to the following table, subject to the provisions of section 7019 of this Act:

#### EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

(Budget authority in thousands of dollars)

Program/activity	Budget authority
Academic Programs:	
Fulbright Program	253,826
Global Academic Exchanges:	
Educational Advising and Student Services	12,908
English Language Programs	46,563
Subtotal—Global Academic Exchanges	59,471
Special Academic Exchanges:	
Regional Graduate Fellowships	22,660
American Overseas Research Centers	5,000
South Pacific Exchanges	500
Timor Leste Exchanges	500
Mobility (Disability) Exchange Clearinghouse	500
Benjamin Gilman International Scholarship Program	10,420
George Mitchell Fellowship Program	500
University of Miami Hemispheric Program	500
Tibet Fund	750
Subtotal—Special Academic Exchanges	41,330
TOTAL—ACADEMIC PROGRAMS	354,627
Professional and Cultural Exchanges:	
International Visitor Program	95,025
Citizen Exchange Programs	102,000
Kennedy-Lugar Youth Ambassadors Program (YES)	25,000
Special Professional and Cultural Exchanges:	
Congress Bundestag Youth Exchange Program	4,000
Mike Mansfield Fellowship Program	1,902
Irish Institute	1,020
Ngwang Choephel Fellows (Tibet)	650
Youth Science Leadership Institute of the Americas	150
Institute for Representative Government	496
Pakistan Literacy Training Program	375
Subtotal—Special Professional and Cultural Exchanges	8,593
TOTAL—PROFESSIONAL AND CULTURAL EXCHANGES	205,618

#### EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS—Continued

(Budget authority in thousands of dollars)

Program/activity	Budget authority
One-Time Competitive Grants Program	8,000
Program Evaluation	6,174
Exchanges Support	60,581
TOTAL—ECE	635,000

\*Funding in italics denotes a non-add and is not in addition to the subcategory total.

The conferees endorse House Report language concerning the continuation of funding for certain exchange programs detailed under this heading in paragraphs four and five of the House Report. The conferees also endorse House Report language regarding the allocation of at least \$3,000,000 from the increase provided for fiscal year 2010 to expand exchange programs and activities in the visual arts, performing arts, film, arts education, arts management, and cultural studies. The conferees intend that the funds for expanding arts programs and activities be awarded on a competitive and transparent basis in accordance with all applicable rules and regulations.

The conferees direct that a proposal for the programmatic and geographic distribution of available resources (including unobligated balances and recoveries) be submitted through the normal reprogramming process not later than 60 days after enactment of this Act.

The conference agreement provides \$8,000,000 for the One-Time Competitive Grants Program. The conferees endorse the Senate Report directive for the Secretary of State to submit a report on these exchanges not later than September 1, 2010. The conferees also endorse language in the House and Senate Reports regarding this competitively awarded grants program.

The conferees are concerned with the insufficient resources and lack of adequate oversight for youth programs as addressed in OIG Report Number ISP-I-10-16. The conferees direct the Department of State's Bureau of Educational and Cultural Affairs to implement the recommendations contained in the report and to consult with the Committees on Appropriations on the restructuring of the youth exchanges oversight processes to effectively conduct and monitor such exchanges.

#### REPRESENTATION ALLOWANCES

The conference agreement provides \$8,175,000 for Representation Allowances, which is the same as the House and Senate.

The conferees direct the Secretary of State to submit, on a semi-annual basis, reports to the Committees on Appropriations on the allotment and expenditure of representation allowances. The House Report directed such report be submitted on a quarterly basis.

#### PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

The conference agreement provides \$28,000,000 for Protection of Foreign Missions and Officials, which is \$500,000 below the House and \$841,000 above the Senate, of which \$25,600,000 is for the Extraordinary Protection of Foreign Missions and Officials in New York program and \$2,400,000 is for the Extraordinary Protection of Foreign Missions and Officials Elsewhere in the United States program.

The conferees endorse the reporting requirement included under this heading in the House Report on the amount of claims submitted and the level of unobligated funds remaining to pay such claims, which shall be

submitted not later than 60 days after enactment of this Act, and every six months thereafter through September 30, 2010.

#### EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

The conference agreement provides \$1,724,150,000 for Embassy Security, Construction, and Maintenance, which is the same as the House and Senate, of which \$847,300,000 is for priority worldwide security upgrades, acquisition, and construction and \$876,850,000 is for other operations, maintenance and construction.

The conference agreement includes a provision, similar to that proposed by the Senate, requiring the Secretary of State to submit to the Committees on Appropriations a spending plan for the proposed allocation of funds made available under this heading, and the actual and anticipated proceeds of sales for all projects in fiscal year 2010. The conferees also endorse language in the House Report requiring that the spending plan include a list of all properties disposed of, or in the process of disposal, along with the associated actual or anticipated proceeds of sale.

The conferees endorse language and funding directives in the Senate Report regarding soft targets.

#### EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE (INCLUDING TRANSFER OF FUNDS)

The conference agreement provides \$10,000,000 for Emergencies in the Diplomatic and Consular Service, which is the same as the House and Senate.

#### BUYING POWER MAINTENANCE ACCOUNT

The conference agreement provides \$8,500,000 for the Buying Power Maintenance Account to manage exchange rate losses in the cost of Department of State operations overseas, which is \$1,000,000 above the House and \$1,500,000 below the Senate.

#### REPATRIATION LOANS PROGRAM ACCOUNT (INCLUDING TRANSFER OF FUNDS)

The conference agreement provides \$1,450,000 for the Repatriation Loans Program Account, which is the same as the House and Senate, of which \$739,000 is for the Direct Loans Subsidy and \$711,000 is for Administrative Expenses.

#### PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

The conference agreement provides \$21,174,000 for Payment to the American Institute in Taiwan, which is the same as the House and Senate.

#### PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

The conference agreement provides \$158,900,000 for Payment to the Foreign Service Retirement and Disability Fund, which is the same as the House and Senate.

#### INTERNATIONAL ORGANIZATIONS CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

The conference agreement provides \$1,682,500,000 for Contributions to International Organizations, which is \$14,500,000 below the House and Senate.

The conference agreement includes a provision requiring the Secretary of State to notify the Committees on Appropriations 15 days prior to any non-offset increase in the United Nations (UN) budget, as proposed by the House.

The conference agreement does not include a Senate provision directing the Secretary of State to prioritize synchronization payments to international organizations that are im-

portant to the security interests of the United States. However, the conferees endorse language in the House Report requiring a report on the status of United States deferred payments to international organizations. The conferees also endorse language in the Senate Report concerning the Organization of American States.

The conference agreement includes a provision that any payment of arrearages under this heading shall be directed toward activities that are mutually agreed upon between the United States and the respective international organization, as proposed by the Senate and similar to that proposed by the House.

The conferees expect the Department of State to submit a report on the voting practices of UN member states and provide a new report to the Committees on Appropriations on resolutions adopted in the UN Human Rights Council, as outlined in section 7052 of this Act.

#### CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

The conference agreement provides \$2,125,000,000 for Contributions for International Peacekeeping Activities, which is the same as the House and Senate.

The conference agreement includes a provision extending availability of 15 percent of funding until September 30, 2011, as proposed by the House and similar to that proposed by the Senate. The conferees include language similar to the Omnibus Appropriations Act, 2009 (Public Law 111-8) providing that the Committees on Appropriations be notified of the estimated cost and length of peacekeeping missions and that the UN should take appropriate measures to hold accountable employees, contractor personnel, or peacekeeping forces who engage in certain wrongful or illegal acts, including prosecution in their home country.

The conferees support the UN Office of Internal Oversight Services (OIOS) to identify waste, fraud and abuse, including sexual abuse in peacekeeping operations, and to recommend corrective action and reform. The conferees direct the Department of State to work to ensure that the OIOS has sufficient resources to carry out its mandate, including through the presence of resident auditors, and to request an annual performance report by the OIOS detailing its budget and activities.

#### INTERNATIONAL COMMISSIONS

The conference agreement provides funding to fully meet United States treaty obligations to International Commissions in fiscal year 2010.

#### INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

##### SALARIES AND EXPENSES

The conference agreement provides \$33,000,000 for the Salaries and Expenses account of the International Boundary and Water Commission, United States and Mexico (IBWC), which is the same as the House and Senate.

#### CONSTRUCTION

The conference agreement provides \$43,250,000 for Construction, which is the same as the House and Senate. Funds made available under this heading are to be allocated according to the following table, subject to the provisions of section 7019 of this Act:

#### IBWC—CONSTRUCTION

(Budget authority in thousands of dollars)

Project/activity	Budget authority
Water Quality Program .....	6,750
<i>Nogales International Outfall Interceptor .....</i>	<i>750</i>
<i>Secondary Treatment of Tijuana Sewage .....</i>	<i>6,000</i>
Water Quantity Program .....	29,800
<i>Colorado River Boundary &amp; Capacity Preservation .....</i>	<i>400</i>
<i>Reconstruction of the American Canal .....</i>	<i>3,000</i>
<i>Rio Grande Flood Control System Rehabilitation—Texas ....</i>	<i>21,400</i>
<i>Safety of Dams Rehabilitation .....</i>	<i>5,000</i>
Resource & Asset Management Program .....	6,700
Total—IBWC—Construction .....	43,250

\* Funding in italics denotes a non-add and is not in addition to the subcategory total.

The conferees endorse the requirement in the House Report concerning submission of a consolidated spending plan for funds appropriated for fiscal years 2009 and 2010, not later than 45 days after enactment of this Act, and a follow-up report by September 30, 2010.

#### AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

The conference agreement provides \$12,608,000 for American Sections, International Commissions, which is the same as the House and Senate. Funds made available under this heading are to be allocated according to the following table, subject to the provisions of section 7019 of this Act:

#### AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

(Budget authority in thousands of dollars)

Commission	Budget authority
International Joint Commission—United States and Canada .....	8,000
International Boundary Commission, United States and Canada .....	2,359
Border Environment Cooperation Commission .....	2,249
Total—American Sections .....	12,608

#### INTERNATIONAL FISHERIES COMMISSIONS

The conference agreement provides \$53,976,000 for the International Fisheries Commissions, which is \$5,400,000 above the House and \$5,000,000 above the Senate.

Funds made available under this heading are to be allocated according to the following table, subject to the provisions of section 7019 of this Act:

#### INTERNATIONAL FISHERIES COMMISSIONS

(Budget authority in thousands of dollars)

Commission	Budget authority
Great Lakes Fishery Commission .....	28,200
<i>Water Quality Improvements and Lamprey Control .....</i>	<i>6,500</i>
Inter-American Tropical Tuna Commission .....	1,800
Pacific Salmon Commission .....	3,250
Pacific Salmon Treaty Commitment .....	15,000
International Pacific Halibut Commission .....	3,250
Other Marine Conservation Organizations:	
<i>International Whaling Commission .....</i>	<i>182</i>
<i>North Pacific Anadromous Fish Commission .....</i>	<i>187</i>
<i>International Commission for the Conservation of Atlantic Tunas .....</i>	<i>270</i>
<i>Northwest Atlantic Fisheries Organization .....</i>	<i>355</i>
<i>Commission for the Conservation of Antarctic Marine Living Resources .....</i>	<i>160</i>
<i>North Atlantic Salmon Conservation Organization .....</i>	<i>55</i>
<i>International Council for the Exploration of the Sea .....</i>	<i>280</i>
<i>North Pacific Marine Science Organization .....</i>	<i>127</i>
<i>International Sea Turtle Conservation .....</i>	<i>170</i>
<i>Antarctic Treaty .....</i>	<i>50</i>
<i>Western and Central Pacific Fisheries Commission .....</i>	<i>500</i>
<i>Expenses of the United States Commissioners .....</i>	<i>140</i>
Subtotal—Other Marine Conservation Organizations .....	2,476
Total—International Fisheries Commissions .....	53,976

\* Funding in italics denotes a non-add and is not in addition to the subcategory total.

The conference agreement includes \$6,500,000 within the amount provided for the

Great Lakes Fishery Commission for continued lamprey control, and to expand invasive species control, native species and habitat restoration, and water quality improvements in the Lake Champlain Basin. The conferees intend these funds to be used to accelerate implementation of a long-term management plan for Lake Champlain.

#### RELATED AGENCY

##### BROADCASTING BOARD OF GOVERNORS

##### INTERNATIONAL BROADCASTING OPERATIONS

The conference agreement provides \$733,788,000 for the International Broadcasting Operations (IBO) activities of the Broadcasting Board of Governors (BBG), which is the same as the House and \$15,960,000 above the Senate. The conference agreement includes increased funding to support transmission and Internet enhancements to reach audiences in Iran, Pakistan, and Afghanistan; the BBG Foreign Service Officer comparability pay costs; and a transfer to the Broadcasting Capital Improvements account to fully support critical capital maintenance and equipment.

Funds made available under this heading are to be allocated according to the following table, subject to the provisions of section 7019 of this Act:

Program/Activity	Budget authority
International Broadcasting Operations:	
Voice of America (VOA) .....	204,690
Radio and TV Marti .....	30,474
Engineering and Technical Services .....	191,256
Agency Direction .....	27,247
International Broadcasting Bureau Management and Support .....	39,809
Subtotal, IBO .....	493,476
Independent Grantee Organizations:	
Radio Free Europe/Radio Liberty .....	91,063
Radio Free Asia (RFA) .....	36,648
Middle East Broadcasting Networks .....	112,601
Subtotal, Independent Grantee Organizations .....	240,312
Total, IBO .....	733,788

The conference agreement provides \$30,474,000 for Radio and TV Marti, of which not more than \$5,500,000 may be made available for non-salary and benefits expenses for TV Marti. The BBG shall submit to the Committees on Appropriations within 90 days of enactment of this Act a multi-year strategic plan for broadcasting to Cuba that reflects the following: (1) an analysis of the current situation in Cuba and an allocation of resources that is consistent with the relative priority of broadcasting to Cuba as determined by the annual Language Service Review and other factors, including input from the Secretary of State on the relative United States interest of broadcasting to Cuba; (2) the estimated size of the audiences in Cuba for Radio and TV Marti, and the sources and relative reliability of the data on which such estimates are based; (3) the annual operating cost (and total cost over the life of the contract) of—any and all—types of TV transmission and the effectiveness of each in increasing such audience size; (4) the principal obstacles to increasing such audience size; (5) an analysis of other options for disseminating news and information to Cuba including DVDs, the Internet, and cell phones and other handheld electronic devices and a report on the cost effectiveness of each; and (6) an analysis of the program efficiencies and effectiveness that can be achieved through shared resources and cost saving opportunities in radio and television production between Radio and TV Marti and the Voice of America. Within 90 days of the submission of the strategic plan outlined above, the Com-

troller General of the General Accountability Office (GAO) shall conduct an assessment of the strategic plan and submit to the Committees on Appropriations its analysis of the data on which the plan is based and the plan's recommendations.

The conferees endorse language in the House Report regarding the maintenance of VOA language services supported in fiscal year 2009, funding for VOA English, and the rejection of proposals to end certain VOA language broadcasts and programs.

The conferees endorse language in the House and Senate Reports regarding the maintenance of the VOA and RFA Tibetan broadcasts at the fiscal year 2009 surge levels.

The conferees concur with the program emphases placed in the House and Senate Reports on Radio Farda, including transmission and Internet enhancements to reach audiences in Iran, and Radio Free Iraq. The conferees endorse the funding priority in the Senate Report concerning Pashto and Dari broadcasts targeted toward Afghanistan and northwest Pakistan.

The conferees note the GAO recommends that as the Administration develops a new comprehensive communication strategy, Federal agencies, including the BBG, should identify and link key agency-level programs, goals, and performance measurements to the strategy. The conferees direct that not later than 60 days after the new strategy is issued, the BBG report to the Committees on Appropriations on the linkages between the BBG's strategic plan and performance measurement system and the new strategy; BBG's participation in inter-agency activities related to the implementation of the strategy; and which national communication goals the BBG believes it can support under its mandate and strategic plan and those goals the BBG considers inconsistent and therefore cannot support.

The conference agreement includes a provision requiring the BBG to report to the Committees on Appropriations within 45 days after enactment of this Act on several matters relating to management and editorial controls and to adherence to the relevant journalistic code of ethics, which is similar to that proposed by the House in section 7006. The conference agreement also requires the BBG to notify the Committees on Appropriations within 15 days of any determination by the Board that any of its broadcast entities was found to be in violation of the aforementioned principles, standards, or journalistic code of ethics, as proposed by the House.

The conference agreement also includes a provision, section 7071(f)(2), that provides up to \$8,000,000 to maintain VOA and RFA broadcasts to North Korea at the fiscal year 2009 levels.

The conference agreement includes a new provision extending through fiscal year 2010 the personal service contract authority of Section 504(c) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107-228).

##### BROADCASTING CAPITAL IMPROVEMENTS

The conference agreement provides \$12,622,000 for Broadcasting Capital Improvements, which is \$40,000 below the House and the same as the Senate.

#### RELATED PROGRAMS

##### THE ASIA FOUNDATION

The conference agreement provides \$19,000,000 for The Asia Foundation, which is the same as the House and Senate.

##### UNITED STATES INSTITUTE OF PEACE

The conference agreement provides \$49,220,000 for the United States Institute of

Peace (USIP), which is the same as the House and Senate.

The conference agreement includes up to \$15,000,000 of funds made available under this heading to continue construction of the USIP headquarters. The conferees expect that any further USIP construction requirements will be financed with private funds and do not intend for program funds to be re-programmed for construction or construction-related activities.

##### CENTER FOR MIDDLE EASTERN-WESTERN DIALOGUE TRUST FUND

The conference agreement provides \$875,000 for the Center for Middle Eastern-Western Dialogue Trust Fund, which is the same as the House and Senate.

##### EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

The conference agreement provides \$500,000 for the Eisenhower Exchange Fellowship Program, which is the same as the House and Senate.

##### ISRAELI ARAB SCHOLARSHIP PROGRAM

The conference agreement provides \$375,000 for the Israeli Arab Scholarship Program, which is the same as the House and Senate.

##### EAST-WEST CENTER

The conference agreement provides \$23,000,000 for the East-West Center, which is \$23,000,000 above the House and \$1,000,000 below the Senate.

The conferees endorse the Senate Report recommendation that up to \$2,500,000 be made available for infrastructure improvements, and be matched by private contributions.

##### NATIONAL ENDOWMENT FOR DEMOCRACY

The conference agreement provides \$118,000,000 for the National Endowment for Democracy (NED), which is \$18,000,000 above the House and \$2,000,000 below the Senate.

Of the total, the conferees direct that \$100,000,000 shall be allocated in the traditional and customary manner, as in prior years, to include the core institutes, and that \$18,000,000 shall be for other democracy, human rights, and rule of law programs, including support to promote democracy and human rights in North Korea.

Certain authorities, definitions, and notifications regarding the promotion of democracy abroad are included under section 7034 of this Act.

The conference agreement provides \$250,000 for assistance related to Tibet, and the conferees endorse House and Senate Report language on Tibet.

The conference agreement requires the President of NED to provide a report on the proposed uses of funds on a regional and country basis not later than 45 days after enactment of this Act, in lieu of the spending and financial plan reporting requirements as proposed by the House and Senate. The report should include programmatic goals for each country and region, and how the planned use of funds will meet such goals. The conferees direct NED to consult with the Committees on Appropriations in advance of any significant deviation from the plans outlined in such report.

#### OTHER COMMISSIONS

##### COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD SALARIES AND EXPENSES

The conference agreement provides \$635,000 for salaries and expenses of the Commission for the Preservation of America's Heritage Abroad, which is the same as the House and Senate.



UNITED STATES COMMISSION ON  
INTERNATIONAL RELIGIOUS FREEDOM  
SALARIES AND EXPENSES

The conference agreement provides \$4,300,000 for salaries and expenses of the United States Commission on International Religious Freedom, which is the same as the House and Senate. The conference agreement includes a provision to increase the annual cap on consulting fees to \$250,000 in order to procure the technical and language expertise that is required to complete special projects undertaken by the Commission in fiscal years 2009 and 2010.

COMMISSION ON SECURITY AND COOPERATION IN  
EUROPE

SALARIES AND EXPENSES

The conference agreement provides \$2,610,000 for salaries and expenses of the Commission on Security and Cooperation in Europe, which is the same as the House and Senate.

CONGRESSIONAL-EXECUTIVE COMMISSION ON  
THE PEOPLE'S REPUBLIC OF CHINA

SALARIES AND EXPENSES

The conference agreement provides \$2,000,000 for salaries and expenses of the Congressional-Executive Commission on the People's Republic of China, which is the same as the House and Senate.

UNITED STATES-CHINA ECONOMIC AND  
SECURITY REVIEW COMMISSION

SALARIES AND EXPENSES

The conference agreement provides \$3,500,000 for salaries and expenses of the United States-China Economic and Security Review Commission, which is the same as the House and Senate, and includes certain technical modifications, as proposed by the Senate.

TITLE II

UNITED STATES AGENCY FOR  
INTERNATIONAL DEVELOPMENT  
FUNDS APPROPRIATED TO THE PRESIDENT  
OPERATING EXPENSES  
(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides \$1,388,800,000 for Operating Expenses, which is the same as the House and Senate.

The conference agreement provides funding to support the hiring of an estimated 300 additional USAID Foreign Service Officers under the Development Leadership Initiative (DLI). The conference agreement includes a provision requiring the USAID Administrator to submit a strategy for projected personnel requirements over the next three fiscal years, similar to that proposed by the Senate. This strategy should describe the resources required for hiring, training, and deploying new personnel to domestic and overseas positions, including resources necessary for office and housing facilities. Concurrent with the submission of this strategy, the USAID Administrator is directed to submit a report describing the hiring, training, and deploying of new staff since the DLI began in fiscal year 2008, including resources expended for such purposes to date. This report should be updated on a semi-annual basis. The conferees intend that one of the outcomes of the personnel expansion at USAID will be increased oversight of programs and activities.

The conferees are aware of concerns with civilian capacity necessary to effectively administer programs in Pakistan and Afghanistan and have provided funds in this Act and prior Acts to support a civilian surge. The conferees direct the USAID Administrator to provide a report to the Committees on Ap-

propriations on a semi-annual basis that describes the USAID workforce in both countries, including geographical distribution, skill sets, and training, as well as the physical space and capacity to absorb additional personnel.

The conferees believe that USAID's increased reliance on sole source contract awards, indefinite quantity contracts, and large umbrella awards undermines competitive processes, inhibits the participation of small organizations with niche expertise, limits creative and innovative approaches to programming, and is neither cost effective nor consistent with sustainable development. The conferees endorse the notification requirements in the House Report and the reporting requirement in the Senate Report, and require the USAID Administrator to consult with the Committees on Appropriations on steps that will be taken to reduce reliance on these mechanisms in the future and increase support for building capacity of local organizations and institutions, including the training that will be provided to new personnel hired under the DLI.

The conferees endorse the small minority-owned and disadvantaged business enterprises reporting requirement, as proposed in the House Report.

The conference agreement provides up to \$1,000,000 for special compensation for LES in section 7059(n), as proposed by the Senate, and requires the USAID Administrator to consult with the Committees on Appropriations on proposed guidelines for special compensation of these employees.

Implementation of USAID's Partner Vetting System is addressed in section 7034(o) of this Act.

CIVILIAN STABILIZATION INITIATIVE

The conference agreement provides a total of \$150,000,000 to continue to stand up a capacity for the Department of State, USAID, and other relevant civilian agencies to respond to post-conflict stabilization and reconstruction challenges, which is \$5,000,000 below the House and the same as the Senate. Within the amounts provided in this Act, \$30,000,000 is included under this heading, as proposed by the House, and \$120,000,000 is included under a similar heading in title I for this purpose.

Funds provided under this heading are intended to support costs associated with implementation of the Civilian Deployment Center; operational costs of the Office of Civilian Response; relevant USAID personnel salaries, expenses and training; and some deployment costs. The conferees direct that none of the funds provided under this heading may be used to establish a Reserve Corps component of the Civilian Response Corps. USAID and the Department of State shall jointly consult with the Committees on Appropriations prior to the obligation of funds made available under this heading.

The conference agreement includes language proposed by the House requiring the USAID Administrator and the Secretary of State to submit a coordinated joint spending plan for funds available under this heading and the CSI heading in title I.

CAPITAL INVESTMENT FUND

The conference agreement provides \$185,000,000 for Capital Investment Fund, which is the same as the House and \$28,000,000 below the Senate, of which up to \$134,500,000 is provided for implementation of the Capital Security Cost-Sharing Program. The conferees endorse the reporting requirement, as proposed in the House Report.

OFFICE OF INSPECTOR GENERAL

The conference agreement provides \$46,500,000 for the Office of Inspector General,

which is the same as the House and Senate. The conferees continue to believe that programs funded through emergency appropriations should be regularized into the annual budget process.

The conferees direct the USAID Inspector General to continue to expand oversight activities of United States Government assistance programs in Pakistan and Afghanistan. The conferees understand that by the end of fiscal year 2010, the USAID Inspector General will have a fully staffed office in Islamabad that will consist of seven auditors, two investigators, and five Foreign Service National auditors/investigators, and a fully staffed office in Kabul that will consist of three auditors and two investigators. The Office of Inspector General is directed to ensure that efforts are de-conflicted from the oversight plans of other agencies and to consult with the Committees on Appropriations on the joint oversight plan in Afghanistan and Pakistan. In addition, the Office of Inspector General is directed to inform the Committees on Appropriations if gaps in oversight are identified.

The conferees endorse House Report language directing the Office of Inspector General to consult with the Committees on Appropriations on a regular and on-going basis.

TITLE III

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

The conference agreement provides funding in this Act for certain sectors in the amounts allocated according to the following table, subject to the provisions of section 7019 of this Act:

SECTORS

(Budget authority in thousands of dollars)

Program	Budget authority
Food Security and Agricultural Development .....	1,169,833
Water .....	315,000
Basic Education .....	925,000
Higher Education .....	200,000
Microenterprise and Microfinance .....	265,000
Climate Change and Environment .....	1,257,200
Adaptation .....	122,750
Clean Energy .....	108,500
Sustainable Landscapes .....	74,450
Biodiversity .....	205,000

\*Funding in italics denotes a non-add and is not in addition to the sub-category total.

GLOBAL HEALTH AND CHILD SURVIVAL

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides \$7,779,000,000 for Global Health and Child Survival (GHCS), which is \$15,000,000 below the House and \$6,000,000 above the Senate. Of the total, \$2,420,000,000 is apportioned directly to USAID and \$5,359,000,000 is apportioned directly to the Office of the United States Global AIDS Coordinator (OGAC) at the Department of State. Funds in this account are allocated according to the following table, subject to the provisions of section 7019 of this Act:

GLOBAL HEALTH AND CHILD SURVIVAL

(Budget authority in thousands of dollars)

Programs/accounts	Budget authority
Child Survival and Maternal Health (USAID) .....	549,000
Iodine deficiency disorder .....	2,000
Polio .....	32,000
The GAVI Alliance .....	78,000
Micro nutrients .....	33,000
Vitamin A .....	[23,000]
Vulnerable Children (USAID) .....	15,000
Blind children .....	2,000
HIV/AIDS (USAID) .....	350,000
Microbicides .....	45,000

GLOBAL HEALTH AND CHILD SURVIVAL—Continued  
(Budget authority in thousands of dollars)

Programs/accounts	Budget authority
HIV/AIDS (Department of State)	5,359,000
Global Fund to Fight HIV/AIDS, Tuberculosis, and Malaria	750,000
Nutritional support	130,000
TB/HIV co-infection	160,000
UNAIDS	43,000
Family Planning/Reproductive Health (USAID)	525,000
Other Infectious Diseases (USAID)	981,000
Pandemic preparedness and response	106,000
Malaria	585,000
Tuberculosis	225,000
Global Tuberculosis Drug Facility	(15,000)
Neglected Tropical Diseases	65,000
Total—GHCS	7,779,000

\*Funding in italics denotes a non-add and is not in addition to the sub-category total.

The conference agreement includes language that allows funding provided under this heading to be used for programs to address neglected tropical diseases, as proposed by the Senate; language on the determination related to organizations that have been found to support or participate in the management of a program of coercive abortion, as proposed by the Senate; and language on the procurement of condoms, similar to that proposed by the House.

The conferees endorse the reporting requirement on global health program effectiveness, similar to that proposed by the House. The report should include an analysis of key global health challenges, a review of the interventions that have been found to have the greatest impact in addressing these challenges, and opportunities for the United States to increase support for these interventions in order to significantly reduce mortality and morbidity. The report should pay special attention to those issues that have not received adequate support in the past, including maternal health which is directly related to child survival; the role that the United States could play in promoting best practices; and the role of other donor countries in expanding access to these critical interventions. The conferees direct the Secretary of State to consult with the Committees on Appropriations prior to, and during, the development of this report.

The conferees endorse the HIV/AIDS prevention reporting requirement, as proposed by the House, which should include a description of HIV/AIDS prevention interventions that could be components of a United States global HIV/AIDS strategy and their effectiveness; an analysis of how these interventions should be implemented in order to address key drivers of the epidemic; the goals of the United States prevention strategy and how progress toward these goals will be measured; and a review of how the United States will collaborate with other bilateral and multilateral donors to reduce duplication. This report should include country-by-country prevention interventions and goals to ensure that unique conditions on the ground are taken into account.

The conferees direct OGAC to include, in future quarterly Summary Financial Status Reports of the global AIDS program, data on outlays as a percentage of the total amount of appropriated funds available for each country and Federal agency. Third quarter reports shall include a brief explanation of the factors contributing to countries falling behind target obligation and outlay rates.

The conferees are aware of the fiscal year 2010 Coordinated Audit Plan for global AIDS programs that has been developed by the relevant Inspectors General and are concerned that the Office of Inspector General at the Department of Health and Human Services

does not plan to audit global AIDS funds transferred to the agency in the coming year. The OGAC Director is to report to the Committees on Appropriations on steps taken by OGAC to ensure that all program funds, including funds transferred to other agencies, are audited on a regular basis.

The conferees provide \$750,000,000 for the Global Fund to Fight AIDS, Tuberculosis and Malaria in this Act. The conferees remain committed to supporting a performance-based, results-oriented, multilateral financing instrument to combat these diseases. The conferees support efforts by the "Working Group to Manage the Tension between Demand and Supply in a Resource Constrained Environment" to ensure that Global Fund resources are used efficiently and effectively. The Committees on Appropriations expect to be updated by OGAC on further efforts of this group. The conferees endorse the Global Fund reporting requirement, as proposed by the House.

The conferees endorse the research and development reporting requirement, as proposed by the Senate, which should include a discussion of microbicides research and development and opportunities for expanded research and development related to child immunizations.

The conference agreement includes \$106,000,000 for pandemic preparedness and response activities to support H1N1 influenza and avian influenza surveillance, immunization delivery, and treatment programs internationally. The conferees note that the budget request did not include specific funding to address the H1N1 influenza outbreak and continue to support the transfer authority provided in the Supplemental Appropriations Act, 2009 (Public Law 111-32) to combat an H1N1 influenza pandemic, if the President determines that the human-to-human transmission of the virus is virulent, efficient and sustained, severe, spreading internationally to multiple regions, and has been designated by the World Health Organization to be at the highest phase of Global Influenza Pandemic Alert. The conferees also continue to support the use of funds provided in title VIII of the Supplemental Appropriations Act, 2009 (Public Law 111-32) to support USAID's international response to H1N1 influenza.

The conferees support the use of family planning/reproductive health funds for programs in areas where population growth exacerbates human vulnerability to the impacts of climate change, as proposed by the Senate.

The conference agreement does not include a provision proposed by the House and Senate regarding funds to monitor and provide oversight of certain global health programs. However, the conferees direct that not to exceed \$400,000, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of child survival, maternal and family planning/reproductive health, and infectious disease programs.

#### DEVELOPMENT ASSISTANCE

The conference agreement provides \$2,520,000,000 for Development Assistance (DA), which is \$30,000,000 above the House and \$47,000,000 below the Senate.

The conference agreement does not include language concerning the availability of funds related to water and microenterprise/microfinance programs, as proposed by the Senate. The conference agreement includes language requiring the relevant USAID bureaus and offices that support cross-cutting development programs, including but not

limited to water, food security, and democracy and governance, to coordinate such programs on a regular basis, similar to that proposed by the Senate.

#### Agriculture and Food Security

The conference agreement provides a total of \$1,169,833,000 for agricultural development and food security programs, of which \$31,500,000 is for Collaborative Research Support Programs.

The conference agreement includes a provision requiring the Secretary of State, in consultation with the USAID Administrator, to submit a strategy for achieving food security and agricultural development program goals, as proposed by the House and Senate. The conferees expect this strategy to take into account the technical capacities and capabilities of other United States Government agencies. However, the conferees intend that the agencies funded in this Act should serve as the primary conduits for programmatic implementation. In cases where funding is transferred to other agencies, the conferees direct the Department of State to ensure that these funds are properly audited as directed in section 7009(e) of this Act and that oversight of these programs is conducted in a manner consistent with Department of State and USAID requirements.

The conference agreement does not include language authorizing the use of funds under this heading for local and regional purchase, as proposed by the Senate. Local and regional purchase is addressed under the International Disaster Assistance heading.

The conferees provide not less than \$30,000,000 for dairy development and livestock programs, as proposed by the House.

The conference agreement provides not less than \$35,000,000 for agricultural research programs, including plant and biotechnology.

The conference agreement provides \$10,000,000 as a United States contribution to the endowment of the Global Crop Diversity Trust.

The conference agreement provides funding for a multilateral food security initiative. The Committees on Appropriations shall be consulted on the proposed uses prior to the obligation of these funds.

The conference agreement includes language related to the exercise of notwithstanding authority, as proposed by the Senate, and the Secretary of State is directed to provide the Committees on Appropriations a written justification within five days when such authority is used.

#### Economic Development

COOPERATIVE DEVELOPMENT PROGRAM.—The conference agreement provides \$10,000,000 for this program within USAID's Office of Private and Voluntary Cooperation, as proposed by the Senate.

GENDER INTEGRATION.—The conferees endorse the reporting requirement proposed in the House Report related to the integration of gender considerations into agriculture and economic development programs.

MICROFINANCE AND MICROENTERPRISE PROGRAMS.—The conferees note that while USAID has increased its microenterprise activities in Africa in recent years, there has been relatively small investment in microfinance in Africa. The conferees direct the USAID Administrator to consult with the Committees on Appropriations on a strategy to increase funding for this purpose. The conferees further direct that up to 25 percent of funding be made available to build the institutional and human capacity of microfinance institutions.

The conferees direct that at least 50 percent of funds provided for microfinance and microenterprise programs be for grants and cooperative agreements to not-for-profit networks, practitioner institutions, and non-governmental organizations (NGOs), and direct that USAID's Office of Microenterprise Development, in consultation with the Committees on Appropriations, develop a strategy to meet this mandate. This strategy shall be submitted to the Committees on Appropriations not later than 90 days after enactment of this Act, and shall include a description of USAID's strategy to increase outreach to women, and the poor and very poor who are currently without access to financial services.

**Oversight.**—The conference agreement does not include a provision regarding funds to monitor certain programs for children and victims of war, as proposed by the House and Senate. However, the conferees direct that not to exceed \$60,000, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of programs for displaced and orphaned children and victims of war.

**Reporting Requirements.**—The conferees endorse the reporting requirements on program review and impact evaluation processes, as proposed by the Senate, except that such report should be provided to the relevant appropriations and foreign affairs committees of the House and Senate.

The conferees endorse the small and medium enterprises reporting requirement, as proposed by the Senate.

The contracting reporting requirement proposed by the Senate is addressed under the USAID Operating Expenses heading.

**Safe Water.**—The conference agreement provides not less than \$315,000,000 for water and sanitation supply projects pursuant to the Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109-121), including safe water for communities harmed by oil contamination in the northeastern region of Ecuador. The conferees endorse language in the House and Senate Reports on safe water and water management programs.

**Trade Capacity Building.**—The conference agreement provides \$20,000,000 for trade capacity building programs related to the Central America Free Trade Agreement, and \$16,000,000 for United States-Peru Free Trade Agreement labor law capacity building and for implementation of the environmental chapter of such agreement, similar to that proposed by the House.

**University Programs.**—The conferees direct the USAID Administrator to submit the report on the status of activities undertaken with American institutions of higher education, as proposed in the House Report.

**War Victims and Victims of Torture.**—The conference agreement provides \$14,000,000 for the Patrick Leahy War Victims Fund and \$13,000,000 for programs and activities that address the needs of victims of torture.

**Women's Leadership Training.**—The conference agreement provides \$20,000,000 for women's leadership capacity building programs, as proposed by the House.

#### Education

**Basic Education.**—The conference agreement provides a total of \$925,000,000 for basic education programs in this Act, of which \$365,000,000 is provided under this heading. The conferees are concerned with the availability of education for children who are refugees or internally displaced, and encourage USAID to use a portion of basic education funds for programs in such settings. The conferees intend that schools supported with

basic education funds appropriated in this Act should, when practicable, serve as "Communities of Learning" and should be a focal point for development programs, as proposed by the House. USAID shall ensure that pilot programs implemented pursuant to section 664 of division J of the Consolidated Appropriations Act, 2008 (Public Law 110-161) include "Communities of Learning" in the five year strategic plans, where appropriate.

**Higher Education.**—The conference agreement provides not less than \$200,000,000 for higher education programs in this Act, of which not less than \$25,000,000 shall be for such programs in Africa, as proposed by the Senate. The conferees believe that higher education partnerships between American and African institutions of higher education should be expanded and \$15,000,000 is provided for this purpose, as proposed by the Senate, which shall be awarded in an open and competitive process in accordance with all applicable rules and regulations.

#### Climate Change and Environment

**Biodiversity.**—The conference agreement includes a total of \$205,000,000 in title III of this Act for biodiversity programs, particularly to protect forests, wildlife, and water ecosystems. Of this amount, not less than \$25,000,000 is for USAID's conservation programs in the Amazon Basin, of which \$15,000,000 is for the Initiative for Conservation in the Andean Amazon and \$10,000,000 is for such activities in Brazil. In addition, \$20,500,000 is for the Congo Basin Forest Partnership; \$7,500,000 is for the Coral Triangle Initiative; \$5,000,000 is for international programs of the United States Fish and Wildlife Service, particularly in central Africa; \$2,000,000 is for the Department of State's Bureau of Oceans and International Environmental and Scientific Affairs and USAID to support inter-agency outreach and capacity building programs and activities in developing countries related to implementation and enforcement of section 8204 of the Food, Conservation, and Energy Act, 2008 (Public Law 110-246); and \$1,000,000 is for conservation and related programs of the Department of Interior in the Maya Biosphere Reserve in Guatemala. The conferees direct USAID to consult with the Committees on Appropriations on a multi-year strategy for forest and archeological conservation in the Peten region of Guatemala. The conferees endorse language in the Senate Report on the protection of orangutan habitat in Borneo and Sumatra, and support wildlife conservation in Southern Sudan and Niger. In addition, the conferees recommend that USAID work with the United States National Park Service and the National Oceanic and Atmospheric Administration to protect forests, wildlife, and water ecosystems in developing countries. The conferees direct the agencies administering these funds to consult with the Committees on Appropriations prior to the obligation of funds.

**Climate Change.**—The conference agreement includes a total of \$1,257,200,000 for climate change programs in this Act, of which \$108,500,000 is for clean energy, \$74,450,000 is for sustainable landscapes, and \$122,750,000 is for adaptation programs.

The conferees intend that funds for clean energy programs will be used only to support programs that promote the sustainable use of renewable energy technologies and energy efficient end-use technologies, carbon sequestration, and carbon accounting. The primary objective of these programs should be to reduce, mitigate, and/or sequester emissions of greenhouse gases. The conferees direct that no funds shall be utilized for any

nuclear, coal or other fossil fuel technology or production. The conferees intend that USAID's programs should complement the efforts undertaken by the Department of State's Bureau of Oceans and International Environmental and Scientific Affairs as well as programs implemented through the Clean Technology Fund (CTF), the Strategic Climate Fund (SCF), and the Global Environment Facility.

The conferees urge USAID to expand support in rural communities for small scale solar and other renewable energy technologies, which provide clean, healthier and more economically sustainable sources of energy than fossil fuels and help reduce migration to overpopulated urban areas.

The conferees intend that funds for sustainable landscapes programs will be used to support activities to maximize climate change mitigation, including carbon removals and avoided emissions, through efforts to protect and preserve landscapes and ecosystems. These efforts should include programs that preserve tropical forests, abandoned lands, and other endangered landscapes. In addition, programs to build institutional capacity to measure and monitor greenhouse gas emissions and removal, and policy reforms including land tenure, should be supported. These programs should not duplicate similar efforts currently implemented through USAID's biodiversity programs.

The conferees intend that a significant portion of funding provided for sustainable landscapes programs should be used to expand activities that reduce emissions from tropical forest destruction and degradation (commonly called REDD) in order to avoid the worst effects of global climate change. USAID should increase support for programs that assist developing countries in building their institutional and governance capacity to manage forest resources in a manner that demonstrates measurable, reportable and verifiable emissions reductions; develops strong forest governance laws; and improves law enforcement against illegal logging. These programs should be transparent and should respect the rights of indigenous and forest-dependent people, who should be consulted and included in the design and implementation of programs. The Department of State and USAID are directed to consult jointly with the Committees on Appropriations not later than 90 days after enactment of this Act on the United States Government strategy related to REDD and the capacity of developing countries to implement these programs.

The conferees intend that adaptation program funds will be used to ensure that ongoing programs and projects are designed to be as resilient as possible to climate variability and change. This funding should be used to ensure that climate change factors are taken into account during program assessment and design and that any program modifications are included in final implementation.

#### Country Issues

**Bangladesh.**—The conference agreement provides \$66,271,000 for assistance for Bangladesh.

**Cambodia.**—The conference agreement provides \$19,000,000 for assistance for Cambodia.

**Central Africa Regional.**—The conference agreement provides \$20,500,000 for assistance for programs in Central Africa.

**Countries of Central America.**—The conferees are concerned with the lack of due process and a transparent judiciary in Nicaragua and Honduras. The conferees direct the Secretary

of State to submit a report to the Committees on Appropriations not later than 90 days after enactment of this Act on the Department of State's efforts to effectuate due process with respect to claims against American companies in these countries.

**Guatemala.**—The conference agreement provides up to \$2,000,000, of the funds made available for assistance for Guatemala, for legal reform programs and gender-based violence programs, as proposed in the House Report.

**India.**—The conference agreement provides \$12,000,000 for assistance for India, including up to \$2,000,000 for assistance for Tibetan refugee communities in India, Nepal and Bhutan, as proposed in the House Report.

**Indonesia.**—The conference agreement provides \$71,000,000 for assistance for Indonesia.

**Kenya.**—The conference agreement provides \$76,885,000 for assistance for Kenya.

**Mexico.**—The conference agreement provides \$10,000,000 for assistance for Mexico.

**Mongolia.**—The conference agreement provides \$7,500,000 for assistance for Mongolia.

**People's Republic of China.**—The conference agreement provides \$12,000,000 to support democracy, rule of law, and environmental programs in China, which shall be awarded in an open and competitive process in accordance with all applicable rules and regulations, similar to that proposed in the Senate Report.

**Peru.**—The conferees direct that \$500,000, of the funds made available for assistance for Peru, shall be made available for continued forensic assistance for Peru where as many as 15,000 persons are missing as a result of armed conflict, to be administered by the Department of State's Bureau of Democracy, Human Rights and Labor.

**Philippines.**—The conference agreement provides \$40,310,000 for assistance for the Philippines.

**Sri Lanka.**—The conference agreement provides \$9,900,000 for assistance for Sri Lanka.

**Thailand.**—The conference agreement provides \$6,151,000 for assistance for Thailand.

**Timor-Leste.**—The conference agreement provides \$20,200,000 for assistance for Timor-Leste.

**Uganda.**—The conference agreement provides \$70,650,000 for assistance for Uganda. The conferees direct the Secretary of State to closely monitor preparations for the 2011 elections in Uganda, and to actively promote, in coordination with the European Union, Canada and other nations, the independence of the election commission; the need for an accurate and verifiable voter registry; the announcement and posting of results at the polling stations; the freedom of movement and assembly and a process free of intimidation; freedom of the media; and the security and protection of candidates. The conferees direct the Secretary of State to submit a report to the Committees on Appropriations not later than 90 days after enactment of this Act and every 120 days thereafter until 30 days after the elections, detailing actions taken by the Government of Uganda to address these concerns.

**Vietnam.**—The conference agreement provides \$17,500,000 for assistance for Vietnam, including for technical and other assistance to the Government of Vietnam for the purpose of locating and identifying Vietnamese persons missing since 1975, as proposed by the Senate.

**Yemen.**—The conference agreement provides \$35,000,000 for assistance for Yemen.

#### INTERNATIONAL DISASTER ASSISTANCE

The conference agreement provides \$845,000,000 for International Disaster Assist-

ance, which is \$15,000,000 above the House and \$10,000,000 below the Senate.

The conference agreement neither designates, nor assumes, a specific amount for food assistance from funds made available under this heading, as proposed by the House. However, the conferees understand that, as in previous years, a significant portion of the funds made available under this heading will support food assistance in fiscal year 2010 and will be in addition to the \$1,169,833,000 designated in this Act for food security and agricultural development.

The conferees endorse the reporting requirement on local and regional procurement of food assistance contained in the House Report, except the submission date shall be September 30, 2010.

#### TRANSITION INITIATIVES

The conference agreement provides \$55,000,000 for Transition Initiatives, which is \$45,000,000 below the House and \$10,000,000 below the Senate.

The conference agreement includes a provision which allows for the transfer of up to \$15,000,000 to this account upon a determination by the Secretary of State, as proposed by the Senate. The conference agreement does not include authority for a new Rapid Response Fund under this heading, as proposed by the House.

#### COMPLEX CRISES FUND

The conference agreement provides \$50,000,000 for the Complex Crises Fund (CCF), which is \$50,000,000 above the House and \$50,000,000 below the Senate. This new account provides greater flexibility to USAID to prevent or respond to emerging or unforeseen complex crises overseas, and is similar to the Emergency Crises Fund account proposed by the Senate. The CCF consolidates the budget requests for a Rapid Response Fund and a Stabilization Bridge Fund to provide greater efficiency and oversight by the Administration and the Congress of these activities.

For the purposes of this account, a "complex crisis" shall mean a disaster or emergency, usually of long-term duration, that includes a combination of humanitarian, political and security dimensions which hinders the provision of external assistance.

USAID and the Department of State should continue to establish and bolster crisis prevention and response capabilities in order to assume most, if not all, of the functions currently funded by the Department of Defense under section 1207 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163). USAID and the Departments of State and Defense shall continue to consult on the formulation and implementation of stabilization and security assistance, as appropriate, whether through the utilization of section 1207 or funds appropriated by this Act.

#### DEVELOPMENT CREDIT AUTHORITY (INCLUDING TRANSFER OF FUNDS)

The conference agreement provides \$8,600,000 for the administrative expenses of the Development Credit Authority, which is the same as the House and Senate. In addition, \$25,000,000 is provided by transfer for programs.

#### ECONOMIC SUPPORT FUND (INCLUDING TRANSFER OF FUNDS)

The conference agreement provides \$6,337,000,000 for Economic Support Fund, which is \$33,096,000 below the House and \$33,000,000 below the Senate. Funds in this account shall be allocated according to the following table, subject to the provisions of section 7019 of this Act:

#### ECONOMIC SUPPORT FUND

(Budget authority in thousands of dollars)

Country/Program	Budget authority
<b>Africa:</b>	
Democratic Republic of the Congo .....	59,100
Horn of Africa/Pan Sahel Program .....	10,000
Liberia .....	153,000
Sierra Leone .....	18,000
Special Court .....	7,500
Sudan .....	296,034
Trans-Sahara Counter-Terrorism Partnership .....	5,000
<b>East Asia and the Pacific:</b>	
Burma .....	36,500
Cambodia .....	15,000
Indonesia .....	65,000
North Korea .....	
Democracy/Human Rights .....	33,500
Energy Assistance .....	0
Philippines .....	30,000
Thailand .....	2,500
Tibet .....	7,400
Timor-Leste .....	3,000
Vietnam .....	3,000
<b>Europe and Eurasia:</b>	
Cyprus .....	11,000
<b>Near East:</b>	
Egypt .....	250,000
Democracy .....	25,000
Education .....	35,000
Scholarships .....	(10,000)
Iraq .....	382,500
Maria Ruzicka Fund .....	5,000
Civilian Assistance Program .....	50,000
Democracy and Civil Society .....	126,000
Iraqi Women's Democracy .....	(10,000)
Ministerial Capacity Development .....	50,000
Iraqi Minorities .....	10,000
Jordan .....	363,000
Lebanon .....	109,000
Scholarships .....	12,000
Forestry Conservation .....	500
Morocco .....	3,000
Near East Regional Democracy .....	40,000
Tunisia .....	2,000
West Bank/Gaza .....	400,400
Yemen .....	5,000
Middle East Partnership Initiative (MEPI) .....	65,000
Scholarships .....	10,000
Middle East Regional Cooperation .....	5,000
Trans-Sahara Counter-Terrorism Partnership .....	6,000
<b>South and Central Asia:</b>	
Afghanistan .....	2,037,000
National Solidarity Program .....	175,000
Civilian Assistance Program .....	15,000
Afghan Women and Girls .....	175,000
Capacity Building for Women's NGOs .....	(20,000)
Support for Women-led NGOs .....	(25,000)
Nepal .....	27,000
Civil Society Capacity Building .....	1,500
Pakistan .....	1,035,000
Civilian Assistance Program .....	5,000
<b>Western Hemisphere:</b>	
Colombia .....	209,790
Cuba .....	20,000
Haiti .....	160,750
Mexico .....	15,000
Western Hemisphere Regional .....	62,000
<b>Global Programs:</b>	
Department of State—Office to Monitor and Combat Trafficking in Persons (G/TIP) .....	12,000
Oceans and International Environmental and Scientific Affairs .....	178,800
Civilian Science Research Initiative .....	5,000
World Bank Carbon Facility .....	10,000
Climate Change programs .....	135,500
Reconciliation Programs .....	16,000
Title VIII Programs .....	5,000
Trade Capacity Building—Central America .....	20,000
Extractive Industries Transparency Initiative (EITI) .....	4,500
House Democracy Assistance Program .....	2,000
Kimberley Process .....	3,000
Disability Programs .....	5,000

\* Funding in italics denotes a non-add and is not in addition to the sub-category or country total.

#### Africa

**Democratic Republic of the Congo (DRC).**—The conferees continue to be concerned with the health and safety of women and girls in the DRC, and the alarming incidence of rape and other gender-based violence in that country. The conferees direct that not less than \$10,000,000 of the funds in this Act for assistance for the DRC be made available to address gender-based violence, including for fistula repair and other assistance for victims, and training and support for health and law enforcement personnel. The conferees direct the Department of State, in consultation with USAID, to provide a report to the Committees on Appropriations that outlines a comprehensive strategy and budget to address gender-based violence in the DRC. The

report should describe how United States Government efforts fit into multi-donor and host government strategies to address this issue. The Department shall consult with the Committees on Appropriations prior to developing the strategy. The conferees endorse the reporting requirements on the exploitation of mineral resources, as proposed in the Senate Report, to include identifying the governments and companies that are involved in or profiting from such exploitation.

*Sudan.*—The conferees direct the Department of State, in consultation with USAID, to prioritize programs in Southern Sudan that implement the Comprehensive Peace Agreement, including support for local governance, judicial strengthening and rule of law, law enforcement professionalism and commitment to human rights, anti-corruption, and community level reintegration programs.

The conferees are concerned with reports of corruption within the Government of Southern Sudan (GoSS), and the conference agreement includes a provision, similar to that proposed by the Senate, requiring the Secretary of State, in determining amounts and types of assistance to provide to the GoSS, to consider whether such government is conducting regular audits of its financial accounts to ensure transparency and accountability of funds, including revenues from the extraction of oil, gas, and other natural resources, and is making such audits publicly available in a timely manner. The conferees believe such audits are necessary to prevent the misuse of funds, including United States assistance.

The conferees direct the Department of State, in consultation with USAID, to provide a report to the Committees on Appropriations not later than 90 days after enactment of this Act, on the steps that will be taken by the GoSS to improve resource management and increase transparency and accountability of funds, including efforts by the United States Government to support this goal.

The conferees endorse the reporting requirement on Sudan and the People's Republic of China, as proposed in the House Report.

#### Asia

*Burma.*—The conferees recognize that the failure of governance in Burma has resulted in severe humanitarian needs throughout the country that are further exacerbated by violations of internationally recognized human rights committed with impunity by the ruling junta. The conference agreement includes language, similar to that proposed by the House and Senate, and provides \$36,500,000 for activities to address these needs, including income-generating activities, and to support ongoing democracy and humanitarian programs along the Burma-Thailand border. The Department of State is to consult on the uses of these funds, which are subject to the regular notification procedures of the Committees on Appropriations. The conference agreement also requires that funds be used in a manner that is consistent with the principles and goals of the National League for Democracy in Burma.

*Cambodia.*—The conferees intend that assistance should be increased for Cambodian NGOs involved in the promotion and protection of human rights, democracy and the rule of law, including core funding. The conferees direct the Secretary of State to fulfill the reporting requirement contained in the first proviso of section 7071(c)(1) of the Senate bill. The conference agreement includes

language regarding a United States contribution to the Khmer Rouge Tribunal, as proposed by the Senate.

*North Korea.*—The conference agreement provides \$3,500,000 to promote democracy and human rights, as authorized by the North Korea Human Rights Act of 2004 (Public Law 108-333), as amended. Such programs may include appropriate educational and cultural exchange programs with North Korean participants, to the extent not otherwise prohibited by law.

In addition, the conference agreement provides that assistance for countries in the North Asia region may be made available for similar activities relating to North Korea, subject to the regular notification procedures of the Committees on Appropriations. The conferees note the importance of regional neighbors in encouraging reform in North Korea, and funds should be used to support their participation in furthering such change.

The conference agreement includes language in section 7071(f)(4) similar to that proposed by the House and Senate regarding restrictions on assistance for North Korea.

The conference agreement includes language in section 7071(f)(6) regarding the unsupervised distribution of food assistance, similar to that proposed by the Senate.

*Philippines.*—The conferees endorse Senate Report language on the use of funds appropriated under this heading to support conflict resolution activities in Mindanao, and to expand judicial training programs.

*Thailand.*—The conference agreement provides \$2,500,000 for conflict resolution and development programs in southern Thailand, as proposed by the Senate.

*Tibet.*—The conference agreement provides \$7,400,000 for programs implemented by NGOs which preserve cultural traditions and promote economic development and environmental conservation in the Tibetan Autonomous Region and other Tibetan communities, which is similar to that proposed by the House and Senate.

*Timor-Leste.*—The conference agreement provides \$3,000,000 for assistance for Timor-Leste, of which \$1,000,000 is for democracy programs and \$2,000,000 is for higher education scholarships, which is similar to that proposed by the Senate.

*Vietnam.*—The conference agreement provides not less than \$3,000,000 for environmental remediation of dioxin contaminated sites and related health activities in Vietnam, including through Vietnamese institutions and organizations. The conferees direct the USAID Administrator to consult with the Committees on Appropriations prior to the obligation of funds for these purposes.

#### Europe and Eurasia

*Cyprus.*—The conferees endorse the language in the House and Senate Reports regarding assistance for Cyprus.

#### Near East

*Egypt.*—The conferees direct that within the amount provided for project assistance for Egypt, not less than \$25,000,000 shall be made available for democracy, governance, and human rights programs and not less than \$35,000,000 shall be for education programs, of which \$10,000,000 is for scholarships for Egyptian students with high financial need, including at American educational institutions and other institutions that promote tolerance, gender and social equality, and critical thinking. The requirements of section 7034(m)(4) of this Act shall apply with respect to the provision of assistance to Egyptian NGOs. The conferees provide au-

thority under section 7042(a)(2) of this Act to use funds under this heading to establish an endowment to further the mutual interests of the United States and Egypt.

The conferees endorse the recommendations of the USAID Inspector General in Audit Report Number 6-263-10-001-P regarding democracy programs and activities in Egypt.

*Iraq.*—The conferees endorse the budget request of \$10,000,000 for the Iraqi women's democracy initiative, including for efforts to build professional networks between female business, government, and civil society leaders in Iraq with counterparts in countries in the region.

The conference agreement provides that not less than \$5,000,000 should be made available for the Marla Ruzicka Iraqi War Victims Fund. The conferees direct USAID to work with the Government of Iraq and Iraqi NGOs to develop a plan for ongoing Iraqi management and financial support of this program to assist innocent Iraqi victims of conflict after United States forces withdraw. A portion of these funds may be used for the development of and preparatory steps to implement such plan.

The conference agreement continues prior year limitations on the use of funds in Iraq, including for permanent basing rights agreements between the United States and Iraq.

The conference agreement provides \$50,000,000 for USAID's Ministerial Capacity Development program, and the conferees believe that the Government of Iraq should assume full responsibility for support for such training and development programs in the future.

The conferees direct that up to \$10,000,000 of funds made available under this heading should be made available to continue programs and activities to assist minority populations in Iraq, including religious groups in the Nineveh Plains region.

The Secretary of State shall submit a report to the Committees on Appropriations not later than 90 days after enactment of this Act detailing the unique needs of minority populations in Iraq, including security requirements, organizations that have received funding from the Department of State and USAID for programs to assist such populations, and the total amount of funds provided for such purposes.

The conferees request the Department of State and USAID to consult jointly with the Committees on Appropriations on the decision-making processes utilized in comparing and assessing the benefits of programs conducted in Iraq with the security costs associated with such programs.

*Lebanon.*—The conference agreement provides \$12,000,000 for scholarships for students in Lebanon with high financial need, including at American educational institutions and other institutions that promote tolerance, gender and social equality, and critical thinking.

The conference agreement does not include language concerning the United States Forest Service (USFS). However, the conferees direct that not less than \$500,000 shall be made available to the USFS for forest and wildlife conservation programs in Lebanon, as proposed in the Senate Report.

*Tunisia.*—The conference agreement provides \$2,000,000 for assistance for Tunisia for programs and activities in southern Tunisia and to promote respect for human rights, as proposed by the Senate.

*West Bank and Gaza.*—The conference agreement directs that up to \$2,000,000 of the funds provided under this heading be used to

augment funding for administrative expenses of USAID to facilitate program administration, as proposed by the House and Senate. The conference agreement further provides that not more than \$150,000,000 may be used for cash transfer assistance, as requested and proposed by the House. The conferees endorse the reporting requirement related to efforts to expand educational and exchange opportunities for Palestinian students, as proposed by the House, including for students from Gaza.

The conferees direct the Secretary of State to provide a report to the Committees on Appropriations not later than 180 days after enactment of this Act on international participation, including by Arab states, in the economic development of the West Bank and support for the Palestinian Authority, similar to that proposed by the House. This report may be submitted in classified form, if necessary.

The conferees note that funding directives for reconciliation programs and for other programs in the West Bank and Gaza specifically noted in the conference agreement shall not be considered as part of the funding ceiling established under this heading.

The conference agreement continues prior year restrictions and limitations on assistance for the West Bank and Gaza, as contained in the Omnibus Appropriations Act, 2009 (Public Law 111-8) and the Supplemental Appropriations Act, 2009 (Public Law 111-32).

*Yemen.*—The conference agreement provides \$5,000,000 for assistance for Yemen. The conferees remain concerned with the stability of Yemen and these funds are provided to bolster assistance programs in this fragile country, including for democracy and governance, health, education, and economic development activities. The conferees expect the Department of State and USAID to consult with the Committees on Appropriations on the uses of assistance in this Act for Yemen.

#### South and Central Asia

*Afghanistan.*—The conferees request the Department of State and USAID to jointly consult with the Committees on Appropriations following conclusion of the strategy review for Afghanistan, and to detail modifications, if any, in the fiscal year 2011 budget request.

The Secretary of State shall include in the Afghanistan spending plan a description of how such funding will further the objectives outlined in the report required by section 1117 of the Supplemental Appropriations Act, 2009 (Public Law 111-32).

The conferees expect the Secretary of State to submit the report proposed by the Senate in section 7076(g)(3) of the Senate bill, except that such report shall be submitted to the relevant congressional committees.

The conferees recognize the necessity of inter-agency, pre-deployment training, in-country training, and data collection and analysis in strengthening stability programs and activities in Afghanistan. The conferees direct that funds be made available to the Tactical Conflict Assessment and Planning Framework program within USAID's Office of Transition Initiatives and the Office of Military Affairs at USAID for such purposes.

The conference agreement includes a provision under section 7076(d) that is similar to language proposed by the House under this heading withholding funds for Afghanistan until a counternarcotics certification is made by the Secretary of State.

*Civilian Assistance Program.*—The conference agreement provides \$15,000,000 for the Afghan Civilian Assistance Program, as proposed by the House and Senate.

*National Solidarity Program.*—The conference agreement provides \$175,000,000 for the National Solidarity Program, as proposed by the House.

*Women and Girls.*—The conference agreement requires that assistance for Afghanistan be designed and implemented with the full participation and leadership of Afghan women, and made available in a manner that directly improves the security, economic and social well-being, and political status of Afghan women and girls. Of the funds made available in this Act for assistance for Afghanistan, not less than \$175,000,000 shall support programs that directly address the needs and protect the rights of Afghan women and girls, including the Afghan Independent Human Rights Commission, the Afghan Ministry of Women's Affairs, and women-led NGOs. Of the total, not less than \$20,000,000 shall be for capacity building for Afghan women-led NGOs, and not less than \$25,000,000 shall be for programs and activities of such NGOs, similar to that proposed by the Senate. USAID is directed to conduct more vigorous outreach to such NGOs, particularly in remote areas, to inform them of USAID programs and procedures.

The conferees are concerned with the increase in violent attacks against women and girls, particularly at schools, and the lack of access to justice or safe houses for victims. Not less than \$15,000,000 shall be used to train and support Afghan women investigators, police officers, prosecutors, judges, and social workers to respond to crimes of violence against women and girls, and administration of justice programs should include a focus on the special needs of women and girls.

Not later than September 30, 2010, the Secretary of State, in consultation with the USAID Administrator, shall submit a report to the Committees on Appropriations detailing the uses of funds provided in fiscal years 2009 and 2010 to address the needs and protect the rights of Afghan women and girls, including efforts undertaken to prevent discrimination and violence against women and girls; provide economic and leadership opportunities; increase participation of women in the political process at the national, provincial and sub-provincial levels; improve security for women and girls; and any other programs designed to directly benefit women and girls. The report should also describe the results to date.

*Pakistan.*—The conferees support the program review conducted by the Department of State and USAID in Pakistan in order to ensure that the programs and activities funded are meeting programmatic objectives and furthering shared United States and Pakistani security interests. The results of this review should be provided to the Committees on Appropriations. The conferees are aware of the significant infrastructure needs in Pakistan, including in the energy and aviation sectors. However, the conferees are concerned with embarking on large-scale, multi-year infrastructure projects in Pakistan and believe such work should be undertaken in coordination with other donors and through multilateral financing mechanisms to the maximum extent possible, factoring in security and sustainability considerations. The conferees direct the Secretary of State to consult with the Committees on Appropriations prior to committing to such projects. The conferees provide not less than \$5,000,000 to continue a Civilian Assistance Program similar to such programs in Iraq and Afghanistan, and USAID is directed to consult with the Committees on Appropriations on the

planned uses of such funds prior to the obligation of funds. The conference agreement provides that \$2,000,000 of the funds for Pakistan under this heading be transferred to the OIG at the Department of State for program oversight in Pakistan.

The conferees endorse House and Senate Report language regarding programs and activities to counter the influence of violent extremism through local initiatives, including within madrassas.

*Government-to-Government Assistance.*—The conference agreement requires that a bilateral agreement be in place prior to the provision of government-to-government assistance for the Governments of Afghanistan and Pakistan. Such an agreement should be structured to provide maximum accountability and oversight, and should contain conditions for disbursement of funds and detailed monitoring and reporting requirements. Funds should be deposited in and disbursed through a separate, traceable bank account for specific sectors. The Secretary of State is directed to consult with the Committees on Appropriations prior to the provision of any such assistance, including on the amounts, uses and oversight of such funds as well as on the terms of the bilateral agreement. The Secretary should suspend any government-to-government assistance to any implementing agency if there is credible evidence of misuse of such funds by such agency. The conferees encourage the Department of State to ensure that such assistance benefits Afghans and Pakistanis at the provincial and sub-provincial levels through mechanisms established with appropriate ministries, and with the concurrence of legitimate political leadership at the local level, including governors.

#### Western Hemisphere

*Colombia.*—The conferees are concerned with the dire condition of large numbers of Colombian refugees in neighboring countries, as well as Colombians who have been internally displaced as a result of armed conflict. Within sums provided for assistance for Colombia under this heading, \$45,000,000 shall be made available to support internally displaced persons. Additionally, not less than \$8,000,000 is transferred to the Migration and Refugee Assistance (MRA) heading for emergency assistance through nongovernmental and international organizations for Colombian refugees in neighboring countries.

The conference agreement provides that up to \$15,000,000 of the funds made available for Colombia under this heading be used for programs which specifically benefit Afro-Colombian and indigenous communities. In addition, the conference agreement provides not less than \$3,000,000 for programs to protect Colombia's biodiversity through the Colombian National Parks Service and indigenous communities living in buffer zones. The USAID Administrator shall consult with the Committees on Appropriations prior to the obligation of these funds.

#### Global Programs

*Civilian Compensation.*—Not later than 90 days after enactment of this Act, the Secretary of State, in consultation with the USAID Administrator and the Secretary of Defense, shall submit a report to the Committees on Appropriations detailing steps taken to coordinate condolence payments and other assistance for civilians who suffer losses as a result of military operations in Iraq, Afghanistan, and Pakistan, similar to that proposed by the Senate.

*Disability Programs and Wheelchairs.*—The conference agreement provides not less than

\$5,000,000 for disability programs and up to \$10,000,000 for wheelchair programs. The conferees endorse the specific funding levels and uses of funding for disability programs, as proposed in the Senate Report.

**Environment and Climate Change.**—The conference agreement does not include provisions regarding funding for the Department of State's Bureau of Oceans and International Environmental and Scientific Affairs and bilateral environmental programs under this heading, as proposed by the Senate. This issue is addressed in section 7081 of this Act.

**Extractive Industries Transparency Initiative.**—The conference agreement does not include language concerning the EITI, as proposed by the Senate. However, the conference agreement provides not less than \$4,500,000 for a United States contribution to the EITI, including for efforts to improve the capacity of civil society organizations to participate in the EITI process.

**Internet Access and Freedom.**—The conference agreement provides a total of \$30,000,000 for programs and activities to expand unmonitored, uncensored access to the Internet for large numbers of users living in closed societies that have acutely hostile Internet environments, including in the People's Republic of China and Iran. Of this amount, \$20,000,000 shall be made available under this heading, of which \$10,000,000 shall be derived from the Near East Regional Democracy program. An additional \$10,000,000 shall be made available under the Democracy Fund (DF) heading. The Department of State shall consult on the uses of these funds, which are to be awarded in full and open competition according to all applicable rules and regulations.

**Kimberley Process.**—The conference agreement does not include language proposed by the Senate concerning the Kimberley Process Certification Scheme. However, the conference agreement provides not less than \$3,000,000 to support implementation of the Kimberley Process, including for regional efforts to combat cross-border smuggling and to support monitoring by civil society organizations.

**Middle East Partnership Initiative.**—The conferees direct the Secretary of State to report to the Committees on Appropriations on coordination with other agencies funding programs similar to those supported by MEPI, as proposed by the Senate.

**Pacific Tuna Treaty.**—Not later than 90 days after enactment of this Act, the Secretary of State shall inform the Committees on Appropriations of steps taken to monitor funds provided to countries under the ESF heading for United States commitments to the 1987 South Pacific Tuna Treaty, and to coordinate such funds with other United States Government assistance provided to country recipients as appropriate.

**Trafficking in Persons.**—The conferees direct that not less than \$42,341,000 in this Act should be used for activities to combat trafficking in persons internationally, of which \$6,010,000 is for the operations of G/TIP and \$12,000,000 is for programs funded under the ESF heading and managed by G/TIP. The conferees endorse language on anti-trafficking efforts in sub-Saharan Africa, India, and Cambodia, as proposed by the House and Senate. The conferees recognize that anti-trafficking activities are funded through multiple agencies and accounts, and support the Administration's effort to complete an inter-agency anti-trafficking strategy.

#### TRAFFICKING IN PERSONS

(Budget authority in thousands of dollars)

Account	Budget authority
Diplomatic and Consular Programs—Operations .....	6,010
Development Assistance—Country Programs .....	3,718
Economic Support Fund .....	13,350
Office to Combat Trafficking in Persons .....	12,000
Country Programs .....	1,350
Assistance for Europe, Eurasia and Central Asia—Country Programs .....	8,362
International Narcotics Control and Law Enforcement .....	10,901
Office to Combat Trafficking in Persons .....	9,262
Country Programs .....	1,639
<b>TOTAL</b> .....	<b>42,341</b>

\*Funding in italics denotes a non-add and is not in addition to the account total.

#### DEMOCRACY FUND

The conference agreement provides \$120,000,000 for the Democracy Fund, which is \$10,000,000 below the House and the same as the Senate. Of the total, \$70,000,000 is for the Department of State's Bureau of Democracy, Human Rights and Labor and \$50,000,000 is for USAID's Office of Democracy and Governance of the Bureau of Democracy, Conflict, and Humanitarian Assistance (DCHA/DG).

The conference agreement does not include language regarding the People's Republic of China, Hong Kong, Taiwan, and countries located outside the Middle East region, as proposed by the Senate. The conferees intend that assistance for Taiwan should be matched from sources other than the United States Government.

Certain authorities, definitions, and notifications regarding the promotion of democracy abroad are included under section 7034(m) of this Act, as proposed by the Senate.

The conference agreement provides \$10,000,000 under this heading for Internet access and freedom activities. The conferees direct the Secretary of State to consult with the Committees on Appropriations prior to the obligation of these funds, which shall be awarded through a full and open competition process in accordance with all applicable rules and regulations. Additional funding for these programs is provided under the ESF heading.

Funds provided under this heading for DCHA/DG are in addition to core program funding that is provided under the DA heading. Funds in this account are allocated according to the following table, subject to the provisions of section 7019 of this Act:

#### DEMOCRACY FUND

(Budget authority in thousands of dollars)

Programs/activities	Budget authority
Human Rights and Democracy Fund .....	70,000
People's Republic of China, Hong Kong, Taiwan .....	17,000
Counter-Extremism Programs .....	8,000
Internet Access and Freedom .....	10,000
Unallocated .....	35,000
USAID, DCHA/DG .....	50,000
Elections and Political Process Fund .....	32,500
International Labor Programs .....	7,500
Support for Human Rights, Media and Rule of Law .....	10,000
<b>TOTAL—DF</b> .....	<b>120,000</b>

\*Funding in italics denotes a non-add and is not in addition to the program total.

#### INTERNATIONAL FUND FOR IRELAND

The conference agreement provides \$17,000,000 for the International Fund for Ireland (IFI), which is \$1,000,000 below the House and \$17,000,000 above the Senate.

The conferees expect that the assistance provided in this Act will be the final United States contribution to the IFI.

#### ASSISTANCE FOR EUROPE, EURASIA AND CENTRAL ASIA

The conference agreement provides \$741,632,000 for Assistance for Europe, Eurasia and Central Asia (AEECA), which is \$19,379,000 above the House and \$3,368,000 below the Senate. The conference agreement includes language similar to that proposed by the House and Senate, which provides the Department of State notwithstanding authority for additional flexibility in reprogramming prior year unobligated and unexpired funds within the account. The conferees direct that any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations, and the terms and conditions previously attached to prior year funds continue to apply.

**Caucasus.**—The conference agreement does not include language concerning the North Caucasus, as proposed by the Senate. However, the conferees direct that not less than \$7,000,000 shall be made available for humanitarian, conflict mitigation, human rights, civil society, and relief and reconstruction assistance for the North Caucasus.

The conferees support the Minsk Group's ongoing efforts and continue to urge all parties to the conflict to refrain from threats of violence and the use of inflammatory rhetoric. The conferees expect the Department of State to continue to inform the Committees on Appropriations that the requirements stipulated in subsection (g)(2) under the heading Assistance for the Independent States of the Former Soviet Union in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2002 (Public Law 107-115) are being met.

The conferees direct that up to \$8,000,000 be made available for programs and activities in Nagorno-Karabakh.

**Armenia.**—The conferees expect the Department of State to continue to emphasize the use of civil society in implementing programs and activities in Armenia.

**Kyrgyz Republic.**—The conference agreement includes a provision directing that up to \$11,500,000 of the assistance for the Kyrgyz Republic under this heading shall be for the Joint Development Fund.

**Organization for Security and Cooperation in Europe (OSCE).**—The conferees support the OSCE's education and police initiatives to combat anti-Semitism in Europe and Eurasia and expect the Coordinator for United States Assistance for Europe and Eurasia to provide adequate funding to ensure continued leadership within the OSCE.

**Wildlife Conservation Programs.**—The conference agreement does not include language concerning the USFS. However, the conferees direct that not less than \$600,000 shall be made available to the USFS for forest protection and wildlife conservation programs in the Russian Far East and Ukraine, as proposed by the Senate.

Funds in this account are allocated according to the following table, subject to the provisions of section 7019 of this Act:

#### ASSISTANCE FOR EUROPE, EURASIA AND CENTRAL ASIA

(Budget authority in thousands of dollars)

Country/program	Budget authority
<b>Central Asia:</b>	
Kazakhstan .....	10,400
Kyrgyz Republic .....	46,000
Tajikistan .....	42,500
Turkmenistan .....	12,500
Uzbekistan .....	8,250
Regional—Central Asia .....	11,000
<b>Subtotal—Central Asia</b> .....	<b>130,650</b>



# ASSISTANCE FOR EUROPE, EURASIA AND CENTRAL ASIA— Continued

(Budget authority in thousands of dollars)

Country/program	Budget authority
Europe and Eurasia:	
Albania .....	22,000
Armenia .....	41,000
Azerbaijan .....	22,000
Belarus .....	15,000
Bosnia and Herzegovina .....	36,000
Bulgaria .....	800
Georgia .....	59,000
Kosovo .....	95,000
Macedonia .....	22,000
Moldova .....	19,000
Montenegro .....	8,500
Russia .....	59,000
North Caucasus .....	7,000
Serbia .....	49,000
Ukraine .....	89,000
Regional—Europe and Eurasia .....	73,682
Subtotal—Europe and Eurasia .....	610,982
Total—AEECA .....	741,632

\* Funding in italics denotes a non-add and is not in addition to the country total.

## DEPARTMENT OF STATE

### MIGRATION AND REFUGEE ASSISTANCE

The conference agreement provides \$1,685,000,000 for Migration and Refugee Assistance, which is \$204,556,000 above the House and \$7,200,000 above the Senate.

The conference agreement does not include language concerning refugees resettling in Israel, as proposed by the Senate. However, the conferees note that according to the Department of State, no funds in this Act are used to assist refugees who reside in any Israeli settlement or outpost in the West Bank.

The conference agreement includes a new provision directing that \$35,000,000 of the funds made available under this heading be reserved for responding to small-scale emergency humanitarian requirements of international and nongovernmental partners. The conferees agree that this reserve may be used to cover the breadth of migration and refugee activities and that any use of such funds is subject to the regular notification procedures of the Committees on Appropriations.

The conferees endorse the reporting requirement in the Senate Report regarding North Korean refugees.

The conferees recognize the work of the United Nations Relief and Works Agency (UNRWA) in assisting Palestinians and promoting tolerance in the West Bank and Gaza, including through education, sports, and other programs for Palestinian youth. The conference agreement includes language in section 7042(f)(3) applying the reporting requirements contained under this heading in the joint explanatory statement accompanying the Supplemental Appropriations Act, 2009 (Public Law 111-32) regarding UNRWA to funds made available under this heading for fiscal year 2010. The House bill included a similar requirement in section 7086.

The conferees support the continuation of assistance to Tibetan refugees in India and Nepal. The conferees endorse language in the House Report regarding efforts to ensure the safe transit of Tibetan refugees and to protect the rights of Tibetans residing in Nepal. The Senate Report included similar language.

### UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

The conference agreement provides \$45,000,000 for the United States Emergency Refugee and Migration Assistance Fund,

which is \$30,000,000 below the House and Senate.

The conference agreement does not include a provision overriding the funding ceiling contained in section 2(c)(2) of the Migration and Refugee Assistance Act of 1962, as proposed by the Senate.

## INDEPENDENT AGENCIES

### PEACE CORPS

#### (INCLUDING TRANSFER OF FUNDS)

The conference agreement provides \$400,000,000 for the Peace Corps, which is \$50,000,000 below the House and \$26,560,000 above the Senate.

The conference agreement includes a provision directing the Peace Corps to consult with and notify the Committees on Appropriations when a decision is made to open, close, suspend, or significantly reduce the number of personnel of a domestic or overseas office or a Peace Corps country program. The conferees provide an exception to this requirement when the situation presents a substantial security risk to volunteers or Peace Corps personnel and prior consultation or notification would delay actions necessary to safeguard personnel. Pursuant to section 7015(e) of this Act, the conferees intend that the Peace Corps shall notify the Committees as early as practicable, but no later than three days after taking action, whenever substantial risk to human health or welfare requires a waiver of the notification requirement.

The conference agreement includes a provision requiring the Director of the Peace Corps to submit a spending plan to the Committees on Appropriations not later than 45 days after enactment of this Act on the proposed uses of funds. The report should include a detailed budget for funds under this heading, short-term policy and operational changes being made to absorb funding increases above current services levels, and any specific plans related to recruitment, number and placement of volunteers, existing country programs, and opening of new country programs.

The conference agreement also includes a provision requiring the Director to submit a report to the Committees on Appropriations, not later than 180 days after enactment of this Act, which includes the findings of a comprehensive assessment of the current program model of the Peace Corps and a strategy for reforming operations, similar to that proposed by the House and Senate. The conferees expect the review and strategy for reform to include recommendations for: (1) improving the recruitment and selection process to attract a wide diversity of highly and appropriately skilled volunteers; (2) training and medical care for volunteers and staff, as appropriate; (3) adjusting volunteer placement to reflect priority United States interests, country needs and commitment to shared goals, and volunteer skills; (4) coordinating with international and host country development assistance organizations; (5) lowering early termination rates; (6) strengthening management and independent evaluation and oversight; and (7) any other steps needed to ensure the effective use of resources and volunteers, and to prepare for and implement an appropriate expansion of the Peace Corps. The conferees support the Director's plan to involve external specialists in the review process.

### MILLENNIUM CHALLENGE CORPORATION (INCLUDING TRANSFER OF FUNDS)

The conference agreement provides \$1,105,000,000 for the Millennium Challenge Corporation (MCC), which is \$295,000,000

below the House and \$155,000,000 above the Senate.

The conference agreement includes a provision that makes funding available for country compacts only if a compact obligates, or contains a commitment to obligate funding subject to the availability of funds, the mutual agreement of the parties to the compact to proceed, and the entire amount of the United States Government funding anticipated for the duration of the compact, as proposed by the House. The conference agreement includes a provision that requires notification not later than 15 days prior to specific actions taken on country compacts and threshold agreements, as proposed by the House. The conference agreement includes a provision requiring notification of the availability of funds from a country compact that has been suspended or terminated, as proposed by the Senate.

The conferees endorse the semi-annual reporting requirement, as proposed by the House and Senate.

None of the funds provided under this heading may be used to carry out threshold programs until the MCC's Chief Executive Officer submits a report to the Committees on Appropriations listing the candidate countries that will receive assistance, the level of assistance proposed for each country, a description of the proposed programs, projects and activities, and the proposed implementing agency or agencies of the threshold program.

The conference agreement includes a provision prohibiting the use of MCC funds for any military assistance or military training purposes, as proposed by the Senate. The conferees direct the MCC to identify any project that may be of a dual use nature, and to consult with the Committees on Appropriations on the proposed safeguards to ensure that such a project will not be used for future military purposes by the compact country. The conferees are particularly concerned with airport renovations and upgrades.

The conference agreement includes a provision that addresses the eligibility requirements for countries that were found to be eligible for a compact in fiscal year 2009, which was not in the House or Senate bills, but subsequently requested by the MCC.

### INTER-AMERICAN FOUNDATION

The conference agreement provides \$23,000,000 for the Inter-American Foundation, which is \$240,000 above the House and the same as the Senate.

### AFRICAN DEVELOPMENT FOUNDATION

The conference agreement provides \$30,000,000 for the African Development Foundation, which is the same as the House and Senate.

### DEPARTMENT OF THE TREASURY

#### INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

The conference agreement provides \$25,000,000 for International Affairs Technical Assistance, which is the same as the House and \$5,000,000 below the Senate.

The conferees endorse language regarding the provision of assistance for Cambodia in compliance with Cambodian law on the decentralization of power, as proposed in the Senate Report under the ESF heading.

### DEBT RESTRUCTURING

The conference agreement provides \$60,000,000 for Debt Restructuring, which is the same as the House and Senate, of which \$20,000,000 is provided to support implementation of the Tropical Forest Conservation Act.



The conferees endorse the unallocated balances reporting requirement, as proposed by the House.

Funds provided under this heading are subject to the terms and conditions of section 7015 of this Act.

#### TITLE IV

### INTERNATIONAL SECURITY ASSISTANCE DEPARTMENT OF STATE

#### INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

The conference agreement provides \$1,597,000,000 for International Narcotics Control and Law Enforcement (INCLE), which is \$33,000,000 below the House and \$72,000,000 above the Senate. In order to better align security assistance funding, the conference agreement moves the INCLE account to title IV, instead of title III, as proposed by the House and Senate. The conference agreement merges the Andean Counterdrug Program account within the INCLE account and includes language exempting funds, subject to the regular notification procedures of the Committees on Appropriations, from the provisions of section 482(b) of the Foreign Assistance Act of 1961.

The conferees endorse language related to the exercise of notwithstanding authority, as proposed by the House, and direct the Secretary of State to provide the Committees on Appropriations a written justification within five days when such authority is used.

*Afghanistan.*—The conference agreement includes a limitation under this heading which prohibits funds for aerial spraying of herbicides in Afghanistan unless the Secretary of State determines and reports to the Committees on Appropriations that the President of Afghanistan has requested such assistance, and requires that prior to the provision of any such assistance the Secretary shall consult with the Committees on Appropriations, as proposed by the House.

The conferees endorse a reporting requirement on arrests of Afghan drug traffickers, similar to that proposed by the House. The report shall also include the names of those arrested, the disposition of cases, and an assessment of the obstacles to successful prosecution of such cases. This report may be submitted in a classified form, if necessary.

*Bolivia.*—The conference agreement includes conditions on assistance to Bolivian police and military forces, similar to that proposed by the House.

*Caribbean Basin Security Initiative (CBSI).*—The conferees endorse the budget request in INCLE for the CBSI, and direct that such funds shall be derived from amounts made available under Western Hemisphere Regional.

*Central America Regional Security Initiative (CARSI).*—The conferees remain concerned with youth violence, criminal gangs, organized crime, drug trafficking and other forms of criminal activity and violence in Central America. The conferees support the budget request under the INCLE heading for the Central America portion of the Merida Initiative and direct that such funds shall be made available from Western Hemisphere Regional funds for CARSI. The conferees direct the Secretary of State to undertake a comprehensive review of regional security assistance programs and submit a report not later than 90 days after enactment of this Act to the Committees on Appropriations detailing the threats or problems to be addressed, goals and objectives, planned uses of assistance, and expected results. The conferees expect the report to include all countries of Central America, including the Do-

minican Republic and Haiti, that have received assistance under the Merida Initiative.

*Colombia.*—The conference agreement includes a provision that prohibits the use of any funds appropriated by this Act or prior Acts for assistance for the Colombian Departamento Administrativo de Seguridad (DAS), similar to that proposed by the Senate. The conferees intend that, should the DAS be dismantled, such prohibition shall also apply to any successor organization. The conferees are aware of reports that the DAS has repeatedly engaged in phone tapping, email interception, and other illegal activities against law-abiding citizens, including collusion with illegal armed groups.

The conferees endorse language in the House and Senate Reports regarding Colombia's Center for Coordination of Integrated Action.

*Guatemala.*—The conference agreement does not include a provision concerning certain organizations in Guatemala, as proposed by the Senate. However, the conferees are concerned with reports of threats and violent attacks against human rights defenders and the lack of resources to protect them and their families, investigate these crimes, and punish those responsible. The conferees direct that not less than \$2,000,000 shall be made available to support the Ministry of Interior's Institute for Attacks Against Human Rights Defenders, officers within the Criminal Investigation Division of the Police who are assigned to work with the Institute, and the Department for the Protection of Personalities of the Police including its Unit of Risk Analysis.

*Iraq.*—The conferees direct that none of the funds made available for assistance for Iraq may be used for new construction, as proposed in the Senate Report.

*Mexico.*—The conferees endorse the reporting requirements on the uses of Merida Initiative funds in Mexico, including on the Mexican Federal Registry of Police Personnel, as proposed in the Senate Report. The report shall be submitted not later than 90 days after enactment of this Act. The report should also address the specific uses of all prior appropriations, including the status of obligations.

The conference agreement does not include a provision, proposed by the House and Senate, concerning compatibility of law enforcement communications equipment. However, the conferees direct that any funds appropriated under this heading that are available for assistance for Mexico may be made available for the procurement of law enforcement communications equipment if, where appropriate, such equipment utilizes encryption technology, open standards, and is compatible with and capable of operating with radio communications systems and related equipment utilized by relevant law enforcement agencies in the United States, to enhance border security and cooperation in law enforcement efforts between Mexico and the United States. Such funds shall be awarded through full and open competition in accordance with all applicable rules and regulations.

The conferees are concerned that the report submitted pursuant to section 1406(b) of the Supplemental Appropriations Act, 2008 (Public Law 110-252) and section 7045(e)(1) of the Omnibus Appropriations Act, 2009 (Public Law 111-8) relating to human rights in Mexico did not include the requisite findings by the Secretary of State that the Government of Mexico had met the requirements in the law. The conferees remain concerned

with the lack of progress on these issues, and the lack of transparency in cases involving allegations against Mexican military personnel, and direct that future reports submitted pursuant to section 7045(e)(2) of this Act include the necessary findings.

*Copyright Materials.*—The conference agreement provides \$5,000,000 for programs to combat piracy of United States copyright materials, as proposed by the Senate.

*International Law Enforcement Academies (ILEAs).*—The conferees support the utilization of the Department of State's ILEA facility at Roswell, New Mexico, provide \$5,000,000 for this purpose in fiscal year 2010, and direct the Secretary of State to develop and submit to the Committees on Appropriations a multi-year plan for the continued operation of the Roswell facility on a competitive basis in accordance with all applicable rules and regulations.

Funds in this account are allocated according to the following table, subject to the provisions of section 7019 of this Act:

#### INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

(Budget authority in thousands of dollars)

Country/Program	Budget authority
Afghanistan .....	420,000
Bolivia .....	20,000
Colombia .....	248,900
Costa Rica .....	500
Dominican Republic .....	4,450
Egypt .....	1,000
Guatemala .....	7,500
<i>CICIG</i> .....	4,000
Haiti .....	21,107
Indonesia .....	11,570
Iraq .....	52,000
Jordan .....	1,500
Lebanon .....	20,000
Mexico .....	190,000
Nepal .....	3,700
Pakistan .....	130,000
Paraguay .....	500
Peru .....	40,000
Philippines .....	1,365
Thailand .....	1,740
West Bank/Gaza .....	100,000
Western Hemisphere Regional .....	81,607
Alien Smuggling/Border Security .....	1,000
Anticrime Programs .....	4,150
Combating Copyright Piracy—Cyber Crime and Intellectual Property Rights .....	5,000
Critical Flight Safety Program .....	20,750
Civilian Police Programs .....	4,000
Combating Criminal Youth Gangs .....	8,000
Demand Reduction .....	14,000
Fighting Corruption .....	4,750
International Law Enforcement Academies .....	37,200
<i>Shared Security Partnership</i> .....	17,200
<i>Roswell, New Mexico</i> .....	5,000
International Organizations .....	4,500
Combating International Organized Crime .....	1,000
Interregional Aviation Support .....	60,088
Program Development and Support .....	24,523
Global Peacekeeping Operations Initiative .....	5,000
Office to Monitor and Combat Trafficking in Persons .....	9,262
Unallocated .....	36,338
<b>Total—INCLE .....</b>	<b>1,597,000</b>

\* Funding in italics denotes a non-add and is not in addition to the country or program total.

#### NONPROLIFERATION, ANTI-TERRORISM, DEMINEING AND RELATED PROGRAMS

The conference agreement provides \$754,000,000 for Nonproliferation, Anti-terrorism, Demining and Related Programs (NADR), which is \$36,570,000 above the House and \$7,165,000 below the Senate. In order to better align security assistance funding, the conference agreement moves the NADR account to title IV, instead of title III, as proposed by the House and Senate.

The conference agreement includes a provision requiring prior consultation with, and notification of, the Committees on Appropriations on all Nonproliferation and Disarmament Fund activities, as proposed by the House.

The conference agreement does not include a provision providing \$37,000,000 for the Biosecurity Engagement Program, as proposed by the Senate. However, the conferees direct that \$37,000,000 shall be made available for these purposes.

The conferees endorse language related to the exercise of notwithstanding authority as proposed in the House Report, and direct the Secretary of State to provide the Committees on Appropriations a written justification within five days each time such authority is used.

**Laos and Vietnam.**—The conferees direct that not less than \$5,000,000 shall be made available for unexploded ordnance removal in Laos, and that not less than \$3,500,000 shall be made available for similar activities in Vietnam. The conferees further direct the Department of State to plan for similar or higher funding levels for these purposes in subsequent fiscal years, similar to that proposed by the Senate.

**Pakistan.**—The conference agreement does not include a provision providing \$6,000,000 to continue biosecurity threat reduction programs in Pakistan from within the Global Threat Reduction program, as proposed by the Senate. However, the conferees direct that \$6,000,000 shall be made available for such purposes.

**Small Arms/Light Weapons.**—The conferees endorse language directing the Secretary of State to submit a report to the Committees on Appropriations on the uses of funds for programs to destroy small arms and light weapons, as proposed by the Senate.

Funds in this account are allocated according to the following table, subject to the provisions of section 7019 of this Act:

#### NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

(Budget authority in thousands of dollars)

Programs	Budget authority
<b>Nonproliferation Programs</b>	
Nonproliferation and Disarmament Fund .....	75,000
Export Control and Related Border Security Assistance .....	53,950
Global Threat Reduction .....	70,000
<i>Biosecurity Engagement Program</i> .....	37,000
International Atomic Energy Agency Voluntary Contribution .....	65,000
Comprehensive Test Ban Treaty International Monitoring System .....	30,000
Weapons of Mass Destruction Terrorism .....	2,000
Subtotal—Nonproliferation Programs .....	295,950
<b>Anti-terrorism Programs</b>	
Anti-terrorism Assistance .....	215,000
Terrorist Interdiction Program .....	54,500
Counter-terrorism Engagement with Allies .....	6,000
Counter-terrorism Financing .....	21,000
Subtotal—Anti-terrorism Programs .....	296,500
<b>Regional Stability and Humanitarian Assistance</b>	
Humanitarian Demining Program .....	74,350
International Trust Fund .....	12,200
Small Arms/Light Weapons Destruction .....	75,000
Subtotal—Regional Stability and Humanitarian Assistance .....	161,550
<b>Total—NADR</b> .....	<b>754,000</b>

\* Funding in italics denotes a non-add and is not in addition to the program total.

#### PEACEKEEPING OPERATIONS

The conference agreement provides \$331,500,000 for Peacekeeping Operations (PKO), to support multilateral peacekeeping operations and training, which is the same as the House and Senate.

The conference agreement includes a provision granting limited notwithstanding authority of section 660 of the Foreign Assistance Act of 1961, similar to that proposed by the House and Senate.

The conference agreement provides that \$55,000,000 of funds made available under this heading for assistance for Somalia may be used to pay assessed costs of international peacekeeping activities, as proposed by the House and Senate.

The conferees endorse language related to the exercise of notwithstanding authority, as proposed in the House Report, and direct the Secretary of State to provide the Committees on Appropriations a written justification each time such authority is used.

Funds in this account are allocated according to the following table, subject to the provisions of section 7019 of this Act:

#### PEACEKEEPING OPERATIONS

(Budget authority in thousands of dollars)

Country/Program	Budget authority
Democratic Republic of the Congo .....	18,000
Liberia .....	10,000
Somalia .....	102,000
<i>Assessed peacekeeping costs</i> .....	55,000
Sudan .....	44,000
Trans-Sahara Counter-Terrorism Partnership .....	21,000
<i>Shared Security Partnership</i> .....	3,300
Department of State Africa Regional .....	13,600
<i>Shared Security Partnership</i> .....	6,100
Global Peace Operations Initiative .....	96,900
Multinational Force and Observers .....	26,000
<b>Total—PKO</b> .....	<b>331,500</b>

\* Funding in italics denotes a non-add and is not in addition to the country or program total.

#### FUNDS APPROPRIATED TO THE PRESIDENT INTERNATIONAL MILITARY EDUCATION AND TRAINING

The conference agreement provides \$108,000,000 for International Military Education and Training (IMET), which is \$2,283,000 below the House and \$2,850,000 above the Senate.

The conference agreement includes a provision requiring that funds made available for Angola, Bangladesh, Cameroon, the Central African Republic, Chad, Cote d'Ivoire, the Democratic Republic of the Congo, Ethiopia, Guatemala, Guinea, Haiti, Kenya, Libya, Nepal, Nigeria, and Sri Lanka may only be provided through the regular notification procedures of the Committees on Appropriations and any such notification shall include a detailed description of the proposed activities, similar to that proposed by the House and Senate.

The conference agreement includes language in section 7070 prohibiting IMET assistance for Equatorial Guinea, as proposed by the House. The Senate included a similar provision under this heading.

The conferees direct the GAO to conduct an evaluation of the effectiveness of the IMET program in building professionalism and respect for human rights within foreign military forces in selected countries, and to submit the results of such evaluation to the Committees on Appropriations not later than September 30, 2010. The evaluation should include a representative sampling of countries from each geographical region.

The conferees direct that of the funds appropriated under this heading, \$5,000,000 shall be made available for assistance for Pakistan; \$5,000,000 for assistance for Turkey; \$400,000 for assistance for Vietnam; and \$1,900,000 for assistance for Egypt. The conferees do not endorse language proposed under this heading in the House Report regarding Argentina.

#### FOREIGN MILITARY FINANCING PROGRAM

The conference agreement provides \$4,195,000,000 for the Foreign Military Financing Program, which is \$65,000,000 below the House and \$206,000,000 above the Senate. The conference agreement includes a provision that grants the Secretary of State authority to initiate the procurement of defense articles or services for foreign security forces subject to prior consultation with the Committees on Appropriations, as proposed

by the Senate and similar to that proposed by the House.

The conference agreement includes a provision restricting funding under this heading for follow-on activities of programs initiated under the authority of section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163) unless the Secretary of State, in coordination with the Secretary of Defense, has justified the program to the Committees on Appropriations, similar to that proposed by the House and Senate.

The conference agreement does not include a provision to transfer funds from this heading to the D&CP heading, as proposed by the Senate. However, the conference agreement includes funds within the D&CP heading for monitoring activities.

The conference agreement includes a provision requiring that assistance for Bangladesh, Bosnia and Herzegovina, Cambodia, Chad, the Democratic Republic of the Congo, Ethiopia, Guatemala, Haiti, Indonesia, Kenya, Nepal, Pakistan, Philippines, and Sri Lanka may be provided through the regular notification procedures of the Committees on Appropriations, similar to that proposed by the House and Senate.

**Colombia.**—The conference agreement provides not more than \$55,000,000 for assistance for Colombia, of which up to \$12,500,000 is for maritime interdiction and riverine operations, as proposed by the House.

**Egypt.**—The conference agreement provides not less than \$1,040,000,000 for assistance for Egypt, which shall be transferred within 30 days of enactment of this Act to an interest bearing account in the Federal Reserve Bank in New York, as proposed by the House and Senate. The conferees note that these funds are in addition to \$260,000,000 provided in the Supplemental Appropriations Act, 2009 (Public Law 111-32) for fiscal year 2010, for a combined total of \$1,300,000,000, which is the same as the budget request.

**Indonesia.**—The conference agreement includes a provision, similar to that proposed by the House and Senate, providing \$20,000,000 under this heading for assistance for Indonesia, of which \$2,000,000 may not be obligated until the Secretary of State reports in writing to the Committees on Appropriations pursuant to section 7071(d) of this Act on the following—

(1) Steps taken by the Government of Indonesia to revise the Code of Military Justice, Uniform Criminal Code, and other relevant statutes to permit trials of current and former members of the Armed Forces alleged to have committed violations of internationally recognized human rights, including in Timor-Leste, in civilian courts; to deny promotion, suspend from active service, and/or pursue prosecution of military officers indicted for serious crimes; and to refine further the mission of the Armed Forces and develop an appropriate national defense budget to carry out that mission;

(2) Efforts by the Armed Forces of Indonesia to cooperate with civilian judicial authorities and with international efforts to resolve cases of violations of internationally recognized human rights, including in Timor-Leste;

(3) Efforts by the Government of Indonesia to implement reforms that increase the transparency and accountability of the Armed Forces' operations and financial management and to achieve divestment of all military businesses; and

(4) Whether the Government of Indonesia is allowing public access to Papua, including foreign diplomats, NGOs, and journalists.

*Iraq.*—The conferees remain concerned with the political situation in Iraq and the ramifications of increased instability on the security requirements of neighboring allies. While the conference agreement does not include language proposed by the Senate providing for a reprogramming of funds under this heading to address urgent border security requirements arising from a significant increase in instability in Iraq for such countries, the conferees direct the Secretary of State to consult with the Committees on Appropriations within 90 days of enactment of this Act on plans to bolster security requirements in neighboring allied countries in the event of such a scenario.

*Israel.*—The conference agreement provides not less than \$2,220,000,000 for grants for Israel which shall be disbursed within 30 days of enactment of this Act and of which \$583,860,000 is available for offshore procurement, as proposed by the House and Senate. The conferees note that these funds are in addition to \$555,000,000 provided in the Supplemental Appropriations Act, 2009 (Public Law 111-32) for fiscal year 2010, for a combined total of \$2,775,000,000 in fiscal year 2010, which is the same as the budget request.

*Jordan.*—The conference agreement provides \$150,000,000 for assistance for Jordan, as proposed by the House and Senate. The conferees note that these funds are in addition to the \$150,000,000 provided in the Supplemental Appropriations Act, 2009 (Public Law 111-32), for a combined total of \$300,000,000 in fiscal year 2010, which is the same as the budget request.

*Pakistan.*—The conference agreement provides \$238,000,000 for assistance for Pakistan and authority for the transfer of up to an additional \$60,000,000 under the ESF heading in this Act and prior Acts.

*Philippines.*—The conference agreement does not include language detailing reporting requirements relating to human rights in the Philippines, as proposed by the House. The conference agreement includes language, similar to that proposed by the Senate, providing \$32,000,000 for assistance for the Philippines, of which \$3,000,000 may not be obligated until the Secretary of State reports in writing to the Committees on Appropriations pursuant to section 7071(h) of this Act that—

(1) The Government of the Philippines is continuing to take effective steps to implement the recommendations of the UN Special Rapporteur on extra-judicial, summary or arbitrary executions; sustaining the decline in the number of extra-judicial executions; and strengthening government institutions working to eliminate extra-judicial executions;

(2) The Government of the Philippines is implementing a policy of promoting military personnel who demonstrate professionalism and respect for internationally recognized human rights, and is investigating, prosecuting, and punishing military personnel and others who have been credibly alleged to have violated such rights; and

(3) The Armed Forces of the Philippines do not have a policy of, and are not engaging in, acts of violence or intimidation against members of legal organizations who advocate for human rights.

*Morocco.*—The conferees endorse the reporting requirement on human rights in Morocco, as proposed in the Senate Report.

*Nepal.*—The conference agreement includes a provision (section 7071(e)) requiring the Secretary of State to make certifications to the Committees on Appropriations prior to making funds available under this heading

for assistance for Nepal, similar to that proposed by the Senate.

*Western Hemisphere Maritime Cooperation.*—The conferees direct that up to \$18,000,000 is available to continue maritime security cooperation programs in the Caribbean and in the countries of Central America.

*Training and Equipment Report.*—The conference agreement does not include a provision, as proposed by the Senate, concerning an annual foreign military training report. The conferees direct the Secretary of State and the Secretary of Defense to submit the report required by section 656 of the Foreign Assistance Act of 1961 by the date specified in that section.

The conference agreement does not include a provision, as proposed by the Senate, concerning a report on equipment. The conferees direct the Secretary of State, in consultation with other relevant Federal agencies, to submit a report to the Committees on Appropriations not later than 90 days after enactment of this Act detailing the equipment to be purchased with funds appropriated or otherwise made available under the INCLE and FMF headings. The report shall include a description of the anticipated costs associated with the operation and maintenance of such equipment in subsequent fiscal years. For purposes of the report, "equipment" shall be defined as any aircraft, vessel, boat or vehicle.

The conference agreement does not include a provision, as proposed by the Senate, which would have amended section 656 of the Foreign Assistance Act of 1961. The conferees direct the Secretary of State to submit a report to the Committees on Appropriations not later than 180 days after enactment of this Act detailing, for each country that received assistance under chapter 5 or part II of such Act during the reporting period specified in that section, the net savings to that country for training purchased at a reduced cost or incremental rate through the Foreign Military Sales program, as authorized by section 21(a)(1)(C) of the Arms Export Control Act, as amended by section 108 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83).

*Vetting.*—The conferees endorse the reporting requirement on embassy personnel conducting human rights vetting, as proposed in the Senate Report.

Funds in this account are allocated according to the following table, subject to the provisions of section 7019 of this Act:

#### FOREIGN MILITARY FINANCING PROGRAM

(Budget authority in thousands of dollars)

Country/Program	Budget authority
Armenia .....	3,000
Azerbaijan .....	3,000
Bahrain .....	19,000
Cambodia .....	1,000
Colombia .....	55,000
Dominican Republic .....	1,000
Egypt .....	1,040,000
Ethiopia .....	843
Georgia .....	16,000
Guatemala .....	1,000
Haiti .....	1,600
Indonesia .....	20,000
Israel .....	2,220,000
Jordan .....	150,000
Kazakhstan .....	3,000
Kyrgyz Republic .....	3,500
Lebanon .....	100,000
Malta .....	455
Mexico .....	5,250
Morocco .....	9,000
Pakistan .....	238,000
Philippines .....	32,000
Poland .....	47,000
Tajikistan .....	1,500
Thailand .....	1,600
Tunisia .....	18,000

#### FOREIGN MILITARY FINANCING PROGRAM—Continued

(Budget authority in thousands of dollars)

Country/Program	Budget authority
Turkmenistan .....	2,000
Ukraine .....	11,000
Vietnam .....	2,000
Yemen .....	12,500
Western Hemisphere Maritime Cooperation .....	18,000
FMF Administrative Costs .....	54,464
Unallocated .....	104,288
<b>Total—FMF .....</b>	<b>4,195,000</b>

#### TITLE V

##### MULTILATERAL ASSISTANCE

##### FUNDS APPROPRIATED TO THE PRESIDENT

##### INTERNATIONAL ORGANIZATIONS AND PROGRAMS

The conference agreement provides \$394,000,000 for International Organizations and Programs (IO&P), which is \$1,091,000 below the House and \$1,000,000 above the Senate. Funds are allocated according to the following table, subject to the provisions of section 7019 of this Act:

##### INTERNATIONAL ORGANIZATIONS AND PROGRAMS

(Budget authority in thousands of dollars)

Programs	Budget authority
Center for Human Settlements .....	2,050
International Civil Aviation Organization .....	950
International Conservation Programs .....	7,500
International Contributions for Scientific, Educational and Cultural Activities .....	1,000
International Development Law Organization .....	600
Maritime Security Programs .....	400
International Panel on Climate Change/UN Framework Convention on Climate Change .....	13,000
Montreal Protocol Multilateral Fund .....	25,500
Organization of American States (OAS) Development Assistance Programs .....	5,000
OAS Fund for Strengthening Democracy .....	3,000
UN Capital Development Fund .....	625
UN Children's Fund .....	132,250
UN Democracy Fund .....	4,500
UN Development Program .....	100,500
UN Environment Program .....	11,500
UN High Commissioner for Human Rights .....	7,000
UN Office for the Coordination of Humanitarian Affairs .....	3,000
UN Population Fund .....	55,000
UN Voluntary Fund for Technical Cooperation in the Field of Human Rights .....	1,425
UN Voluntary Fund for Victims of Torture .....	7,100
UN Women's Fund (UNIFEM)/UN Development Fund for Women .....	6,000
UNIFEM Trust Fund .....	3,000
World Meteorological Organization .....	2,050
World Trade Organization Technical Assistance .....	1,050
<b>Total—IO&amp;P .....</b>	<b>394,000</b>

The conferees support efforts at the UN to address the needs of women and girls, and note that on September 14, 2009, the UN General Assembly approved a resolution to establish a new agency to address these issues, which includes reference to the possible consolidation of existing gender agencies and programs into the new entity. The conferees direct the Department of State to consult with the Committees on Appropriations prior to providing funds to this new entity or providing any funds appropriated for a United States contribution to UNIFEM or the UNIFEM Trust Fund to this new mechanism.

##### INTERNATIONAL FINANCIAL INSTITUTIONS

##### GLOBAL ENVIRONMENT FACILITY

The conference agreement provides \$86,500,000 for the Global Environment Facility, which is the same as the House and Senate.

##### CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

The conference agreement provides \$1,262,500,000 for a contribution to the International Development Association, which is \$27,500,000 above the House and \$57,500,000 below the Senate.

The conferees are concerned that a significant portion of World Bank financing, particularly its support for fossil fuel power plants, conflicts with and undermines the goals of the CTF to reduce greenhouse gas emissions. The conferees direct the Secretary of the Treasury to submit a report to the Committees on Appropriations not later than September 30, 2010, comparing the amount of reductions in greenhouse gas emissions resulting from activities funded by the CTF with the amount of such emissions generated as a result of other World Bank financing, during fiscal year 2010.

#### CONTRIBUTION TO THE CLEAN TECHNOLOGY FUND

The conference agreement provides \$300,000,000 for a contribution to the Clean Technology Fund, which is \$75,000,000 above the House and \$100,000,000 below the Senate.

The conference agreement does not include a provision that limits the availability of funds provided under this heading until authorized, as proposed by the House. Funds provided under this heading are subject to the terms and conditions in section 7081(g) of this Act.

The conferees direct the Secretary of the Treasury to submit a report to the Committees on Appropriations not later than 180 days after enactment of this Act and every 90 days thereafter until September 30, 2010, detailing the total pledges and actual contributions made to date to the CTF and SCF by country; an estimate of administrative and overhead costs to the World Bank in administering the funds in 2010; a list of applications funded by country with CTF and SCF funds, including types of technology funded, entities to which the funds were provided, and whether the funds were provided in the form of budget support; the extent to which the World Bank has established a methodology to evaluate and publicly report on the direct or indirect impact of CTF and SCF funds on climate change; and the extent to which the World Bank has established a policy on taxes and tariffs imposed by national governments on goods and services funded by the CTF and SCF.

#### CONTRIBUTION TO THE STRATEGIC CLIMATE FUND

The conference agreement provides \$75,000,000 for a contribution to the Strategic Climate Fund, which is the same as the House and Senate.

The conference agreement does not include a provision that limits the availability of funds provided under this heading until authorized, as proposed by the House.

#### CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

The conference agreement provides \$4,670,000 for a contribution to the Inter-American Development Bank, which is the same as the House and Senate.

#### CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

The conference agreement provides \$25,000,000 for a contribution to the Enterprise for the Americas Multilateral Investment Fund, which is the same as the House and Senate.

#### CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

The conference agreement provides \$105,000,000 for a contribution to the Asian Development Fund, which is \$10,250,000 below the House and Senate.

#### CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

The conference agreement provides \$155,000,000 for a contribution to the African

Development Fund, which is \$4,885,000 below the House and Senate.

#### CONTRIBUTION TO THE INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

The conference agreement provides \$30,000,000 for a contribution to the International Fund for Agricultural Development, which is the same as the House and Senate.

#### TITLE VI

##### EXPORT AND INVESTMENT ASSISTANCE

##### EXPORT-IMPORT BANK OF THE UNITED STATES INSPECTOR GENERAL

The conference agreement provides \$2,500,000 for the Inspector General, which is the same as the House and Senate.

##### SUBSIDY APPROPRIATION

The conference agreement provides \$58,000,000 for the Subsidy Appropriation, which is the same as the House and Senate.

##### ADMINISTRATIVE EXPENSES

The conference agreement provides \$83,880,000 for Administrative Expenses, which is the same as the House and Senate.

The conference agreement directs that not less than 10 percent of the aggregate loan, guarantee, and insurance authority available to the Export-Import Bank (Ex-Im) should be used for renewable energy or end-use energy efficiency technologies. The conferees endorse the environmental reporting requirement, as proposed by the House. The report should include all financing carried out in fiscal year 2009 for renewable energy or end-use energy efficiency technologies, as well as other environmentally beneficial exports; efforts made by Ex-Im to promote and support such exports; information on which regions and sectors exhibit the greatest potential for such exports; how Ex-Im defines and tracks such activities; data on Ex-Im's progress toward meeting the 10 percent directive and Ex-Im's planned efforts to overcome any shortfall; Ex-Im data, current policies, and mitigation measures on greenhouse gas emissions of its projects; and, as applicable, the status of implementation of recommendations made by the GAO related to the promotion of renewable energy or end-use energy efficiency technologies, as well as other environmentally beneficial exports.

The conferees endorse the reporting requirement on the impact of the global financial crisis and economic downturn on the work of Ex-Im, as proposed by the House. The report should include annual and quarterly data, detail and trends, both in aggregate and for each category of credit, guarantee, or insurance instrument offered by Ex-Im, on the following: impact on demand for Ex-Im's credit and other services; impact on the volume of Ex-Im transactions; impact on activity across specific regions or sectors; impact on risk portfolio and default rates; impact on revenue generated by Ex-Im services; likely explanations for these effects; resulting adjustments made to Ex-Im's management and operations; and any other opportunities, lessons, or vulnerabilities resulting from recent global economic conditions. For comparison, data provided should include fiscal year 2008.

##### OVERSEAS PRIVATE INVESTMENT CORPORATION NONCREDIT ACCOUNT

The conference agreement provides \$52,310,000 for administrative expenses, which is the same as the House and Senate.

##### PROGRAM ACCOUNT

The conference agreement provides \$29,000,000 for the Program Account, which is the same as the House and Senate.

The Overseas Private Investment Corporation (OPIC) is directed to provide written reports on a semi-annual basis, as in prior years, as proposed by the House. The conferees also endorse the consultation requirements for OPIC's use of local currency loan guaranty authority and for financing of NGOs or private voluntary organizations, as proposed by the House.

The conference agreement includes a reporting requirement in section 7079(b) on OPIC's commitment to invest in renewable and other clean energy technologies and on OPIC's plans to significantly reduce greenhouse gas emissions from its portfolio, as proposed by the Senate.

The conferees endorse the reporting requirement on the impact of the global financial crisis and economic downturn on the work of OPIC, as proposed by the House. The report should include annual and quarterly data, detail and trends, both in aggregate and for each category of credit, guarantee, or insurance instrument offered by OPIC, on the following: impact on demand for OPIC's credit and other services; impact on the volume of OPIC transactions; impact on activity across specific regions or sectors; impact on risk portfolio of OPIC projects; impact on ability to partner with private sector financial institutions; likely explanations for these effects; resulting adjustments made to OPIC's management and operations; and any other opportunities, lessons, or vulnerabilities resulting from recent global economic conditions. For comparison, data provided should include fiscal year 2008.

##### FUNDS APPROPRIATED TO THE PRESIDENT

##### TRADE AND DEVELOPMENT AGENCY

The conference agreement provides \$55,200,000 for the Trade and Development Agency, which is the same as the House and Senate.

#### TITLE VII

##### GENERAL PROVISIONS

Provisions retained from the Omnibus Appropriations Act, 2009 (Public Law 111-8):

The following general provisions include language which is identical to or substantively unchanged from the fiscal year 2009 Act except for a different section number or minor technical or structural differences:

- Sec. 7001. "Allowances and Differentials."
- Sec. 7002. "Unobligated Balances Report."
- Sec. 7003. "Consulting Services."
- Sec. 7005. "Personnel Actions."
- Sec. 7007. "Prohibition Against Direct Funding for Certain Countries."
- Sec. 7010. "Reporting Requirement."
- Sec. 7011. "Availability of Funds."
- Sec. 7012. "Limitation on Assistance to Countries in Default."
- Sec. 7013. "Prohibition on Taxation of United States Assistance."
- Sec. 7014. "Reservations of Funds."
- Sec. 7016. "Notification on Excess Defense Equipment."
- Sec. 7017. "Limitation on Availability of Funds for International Organizations and Programs."
- Sec. 7018. "Prohibition on Funding for Abortions and Involuntary Sterilization."
- Sec. 7020. "Prohibition of Payment of Certain Expenses."
- Sec. 7021. "Prohibition on Assistance to Foreign Governments that Export Lethal Military Equipment to Countries Supporting International Terrorism."
- Sec. 7022. "Prohibition on Bilateral Assistance to Terrorist Countries."
- Sec. 7023. "Authorization Requirements."
- Sec. 7024. "Definition of Program, Project, and Activity."

Sec. 7025. "Authorities for the Peace Corps, Inter-American Foundation and African Development Foundation."

Sec. 7026. "Commerce, Trade and Surplus Commodities."

Sec. 7027. "Separate Accounts."

Sec. 7028. "Eligibility for Assistance."

Sec. 7029. "Impact on Jobs in the United States."

Sec. 7031. "Debt-for-Development."

Sec. 7032. "Authority to Engage in Debt Buybacks or Sales."

Sec. 7033. "Special Debt Relief for the Poorest."

Sec. 7035. "Arab League Boycott of Israel."

Sec. 7036. "Palestinian Statehood."

Sec. 7037. "Restrictions Concerning the Palestinian Authority."

Sec. 7038. "Prohibition on Assistance to the Palestinian Broadcasting Corporation."

Sec. 7039. "Assistance for the West Bank and Gaza."

Sec. 7047. "Community-Based Police Assistance."

Sec. 7048. "Prohibition of Payments to United Nations Members."

Sec. 7049. "War Crimes Tribunals Draw-down."

Sec. 7050. "Peacekeeping Missions."

Sec. 7053. "Attendance at International Conferences."

Sec. 7054. "Restrictions on United Nations Delegations."

Sec. 7055. "Parking Fines and Real Property Taxes Owed by Foreign Governments."

Sec. 7057. "Prohibition on Publicity or Propaganda."

Sec. 7058. "Limitation on Residence Expenses."

Sec. 7066. "Comprehensive Expenditures Report."

Sec. 7067. "Requests for Documents."

Sec. 7068. "Senior Policy Operating Group."

Sec. 7069. "Prohibition on Use of Torture."

Sec. 7072. "Serbia."

Sec. 7073. "Independent States of the Former Soviet Union."

Sec. 7074. "Repression in the Russian Federation."

Sec. 7077. "Enterprise Funds."

Sec. 7080. "Extradition."

Sec. 7082. "Prohibition on Promotion of Tobacco."

Sec. 7083. "Commercial Leasing of Defense Articles."

The following provisions are new, modified from the Omnibus Appropriations Act, 2009 (Public Law 111-8), or further clarified in this joint statement.

#### *Sec. 7004. Embassy construction*

The provision is modified by including subsection (c), which requires the Department of State to consult with the Committees on Appropriations prior to the obligation of funds to acquire property for diplomatic facilities in Kabul, Afghanistan, similar to that proposed by the Senate.

#### *Sec. 7006. Local guard contracts*

The conference agreement includes a new provision which allows the Secretary of State flexibility to award local guard contracts on the basis of either lowest price that is technically acceptable or the best value cost-technical tradeoff (as defined in the Federal Acquisition Regulation part 15.101) when awarding such contracts in Afghanistan, Iraq and Pakistan. Current law requires that all local guard contracts must be awarded on the basis of the lowest price that is technically acceptable, and if other factors had been considered, the problems reported earlier this year involving the local

guard contract in Kabul, Afghanistan may have been prevented. The conferees understand that providing the Secretary with authority to make awards through the best value approach can enhance the guard force's effectiveness and justify the additional cost, particularly in countries with dangerous or hostile environments.

#### *Sec. 7008. Coups d'État*

The conference agreement changes the heading from "Military Coups" to "Coups d'État". While there is no substantive change to the provision, the conferees are concerned that the previous title implied an unintended limitation of the provision's application, and direct the Department of State's Office of the Legal Advisor to undertake a review of events necessary to trigger the provisions of this section and submit a report on such events to the Committees on Appropriations not later than 45 days after enactment of this Act.

#### *Sec. 7009. Transfer authority*

The conference agreement includes a new subsection requiring notification of transfers over \$1,000,000 between either USAID or the Department of State and any department, agency, or instrumentality of the United States Government. The provision is further modified by requiring audits of funds transferred by the Department of State to any other federal agency.

#### *Sec. 7015. Reprogramming notification requirements*

The conference agreement modifies subsection (c) to include the CSI and CCF headings; subsection (d) to include an exemption from the requirements of this subsection to funds transferred to title I of this Act; and subsection (f) by including Somalia and Sri Lanka on the country notification list.

#### *Sec. 7019. Allocations*

The conference agreement modifies this section to include charts under the following headings: CSI, D&CP, American Sections, International Commissions, DF, INCLE, and PKO; and strikes Andean Counterdrug Programs.

#### *Sec. 7030. International financial institutions*

The conference agreement continues prior year language related to limitations on programs in Heavily Indebted Poor Countries, as proposed by the House, and includes technical changes.

#### *Sec. 7034. Special authorities*

The conference agreement is modified by deleting subsections (i), (k), (m), and (o); moving subsection (f) to section 7085(c) of this Act; modifying subsection (d); and including new subsections (j), (l), (m), (n), (o), (p), (q), (r), (s), and (t).

The conference agreement includes a modified provision (subsection (o)) that restricts the use of funds in this Act for implementation of the Partner Vetting System (PVS), similar to that proposed by the Senate. The section was modified to allow for implementation of a limited pilot program, and the conferees understand that this pilot program may be conducted in up to five countries and in Washington. The provision also requires that the PVS pilot be applied equally to the Department of State and USAID. Steps to put USAID's PVS system in place began in fiscal year 2009, and the system should be designed to vet USAID partners in order to minimize the risk that taxpayer-funded assistance could be diverted for terrorist purposes, without impeding the efficient and effective implementation of United States foreign assistance programs. The conferees ex-

pect the system to be extended to the Department of State's implementing partners but do not intend for this extension to supersede current Leahy vetting requirements on security assistance.

The conferees remain concerned with the quality of the Department of State and USAID congressional budget justifications (CBJs). While the conference agreement does not include language proposed by the Senate that would have prohibited the obligation of funds to compile, produce, or publish any CBJ documents for fiscal year 2011 until the Secretary of State and the USAID Administrator consult with the Committees on Appropriations, the conferees expect consultations to continue regarding the purpose, format, and content of the CBJs.

The conference agreement includes a provision clarifying the Secretary of State's obligations regarding visa determinations for applicants of A-3 and G-5 visas, under the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (Public Law 110-457). For purposes of section 203(a)(2) of such Act, a final civil judgment in a trafficking case or a determination by the Department of Justice that the United States Government would seek to indict the diplomat or a family member but for diplomatic immunity shall be deemed "credible evidence" of abuse or other mistreatment.

#### *Sec. 7040. Limitation on Assistance for the Palestinian Authority*

The conference agreement includes a new subsection (f), which is substantively identical to the provision carried in the Supplemental Appropriations Act, 2009 (Public Law 111-32). The new subsection continues to prohibit assistance to Hamas or any entity effectively controlled by Hamas, and further prohibits assistance to any power-sharing government of which Hamas is a member unless such government, including all its ministers or such equivalent, has met certain conditions.

#### *Sec. 7041. Saudi Arabia*

The conference agreement includes a new provision prohibiting assistance for Saudi Arabia, similar to that proposed by the House. The conference agreement includes a waiver. The Senate did not include similar language.

#### *Sec. 7042. Near East*

The conference agreement includes a new provision similar to that proposed by the Senate, which provides overall assistance levels in the Act for the countries of Egypt, Iraq, Jordan, and Lebanon. The conferees note that these levels do not include funds that may be derived through regional funding within the individual appropriations accounts. The provision also includes a funding level for the West Bank and Gaza.

The provision includes language, similar to that proposed by the Senate, regarding the establishment of an endowment to further the shared interests of the United States and Egypt, consistent with the purposes for which such funds are requested in the fiscal year 2010 CBJ materials and appropriated under such heading. The House did not include a similar provision. The conferees recognize that discussions and negotiations on such an endowment will take time, and direct the Secretary of State to consult with the Committees on these efforts. Consultation should include explanation of the specific definition of shared interests, and how such interests would be furthered through an endowment. The conferees note that such funds are subject to the regular notification procedures of the Committees on Appropriations.

The provision includes language continuing the transparency and accountability reporting requirements contained in the statement of managers accompanying the Supplemental Appropriations Act, 2009 (Public Law 111-32, House Report 111-151) under the MRA heading. The House had included the reporting requirement as a separate general provision. The Senate bill did not include a similar requirement.

#### Sec. 7043. Iran Sanctions

The conference agreement includes a provision similar to that proposed by the House which modifies the reporting requirement in the Omnibus Appropriations Act, 2009 (Public Law 111-8) by adding a statement of policy in subsection (a) and including a limitation in subsection (b). The conferees intend “significant” or “material” to mean aggregate transactions undertaken in a 12-month period valued in excess of \$20,000,000. The conferees direct the Departments of State and Treasury to be responsible for determining what entities meet such standard. The conference agreement does not restrict the Export-Import Bank from modifying existing transactions. However, the conferees direct the Export-Import Bank to consult with the Committees on Appropriations prior to the modification or extension of financing to any existing project that would otherwise be prohibited by this section.

#### Sec. 7044. Aircraft Transfer and Coordination

The conference agreement includes a provision, similar to that proposed by the Senate, regarding the use of Department of State and USAID aircraft, including a reporting requirement on air fleets.

#### Sec. 7045. Western Hemisphere

The conference agreement includes funding and legislative requirements for a Caribbean Basin Security Initiative, as proposed by the House. The conference agreement includes a provision, similar to that proposed by the Senate, providing authority for USAID to continue support for an Economic and Social Development Fund for Central America, which is intended to address unemployment and other root causes of drug trafficking and criminal gangs, particularly among youth, in vulnerable communities. The conference agreement does not provide a specific funding level from under the ESF heading, as proposed by the Senate. The provision continues funding allocations and legislative requirements for Haiti, Guatemala, Mexico, Central America, and trade capacity building. The conferees intend that the pilot project required in subsection (h) will inform the findings and recommendations of the report required on passport cards, which should also include an analysis of the effect that expanding passport cards to air travelers may have on the fees for both the passport cards and passport books.

#### Sec. 7046. Colombia

The conference agreement includes language similar to prior years except that it continues by reference the prior year funding restrictions and reporting requirements with the exception that (b)(1)(B)(iv) of the Omnibus Appropriations Act, 2009 (Public Law 111-8) is modified to include human rights defenders, journalists, trade unionists, political and religious leaders. The provision provides not more than \$521,880,000 for assistance for Colombia from funds made available under the headings ESF, NADR, INCLE, IMET, and FMF. The conferees note that the cap established by this section includes funds that may be derived from regional accounts.

Funds made available in this Act for Colombia are to be allocated according to the following table, subject to the provisions of section 7019 of this Act:

COLOMBIA	
(Budget authority in thousands of dollars)	
Programs/Accounts	Budget authority
Foreign Military Financing .....	55,000
International Military Education and Training .....	1,695
Nonproliferation, Anti-terrorism, Demining and Related Programs .....	6,495
Economic Support Fund:	
Support for Democracy .....	20,250
Alternative Development .....	116,484
<i>Afro-Colombian/Indigenous Communities</i> .....	15,000
<i>Biodiversity Conservation</i> .....	3,000
Support for Vulnerable Groups/DPs .....	45,000
OAS Mission .....	250
Demobilization and Reintegration .....	18,606
Transfer to MRA .....	8,000
Clean Energy Initiatives .....	1,200
Subtotal—ESF .....	209,790
International Narcotics Control and Law Enforcement Support for Rule of Law Programs:	
Human Rights (USAID) .....	8,000
Judicial Reforms Programs .....	8,000
Procuraduría General de la Nación .....	3,000
Defensoría del Pueblo .....	1,000
Office of the Attorney General:	
Human Rights Unit .....	8,500
Justice and Peace Unit .....	5,000
Witness/Victims Protection Program .....	5,000
Investigations and Mass Graves .....	1,500
UN High Commissioner for Human Rights .....	500
Carabineros .....	3,000
Individual Deserter Program .....	500
Demand Reduction .....	500
Money Laundering .....	750
Subtotal—Support for Rule of Law Programs ....	45,250
Interdiction, Eradication and Support:	
Support to the Colombian Military:	
Army Counterdrug Mobile Brigade .....	2,000
Army Aviation Support .....	35,000
Air Bridge Denial Program .....	1,000
Navy Maritime Interdiction Support .....	5,000
Subtotal—Support to the Colombian Military .....	43,000
Support to the Colombian National Police:	
Aviation Support .....	50,000
Support for Eradication .....	53,000
Support for Interdiction .....	25,000
Subtotal—Support to the Colombian National Police .....	128,000
Program, Development and Support:	
United States Personnel .....	2,029
LES .....	2,151
ICASS Costs .....	1,010
Program Support .....	1,510
Subtotal—Program, Development and Support .....	6,700
Critical Flight Safety Program:	
Huey-II Engines .....	1,800
Spray Aircraft procurement .....	0
Huey-II procurement .....	3,500
Huey-II wiring .....	1,500
C208 Depot .....	700
UH-60L Depot .....	6,000
Huey-II Depot .....	4,000
C-27 Depot .....	2,600
AT-802 Depot .....	2,600
Aircraft/Aircrew Safety of Flight .....	3,250
Subtotal—Critical Flight Safety Program ..	25,950
Subtotal—Interdiction, Eradication and Support .....	203,650
Subtotal—INCLE .....	248,900
Total—Colombia .....	521,880

\* Funding in italics denotes a non-add and is not in addition to the program total.

#### Sec. 7051. Peacekeeping Assessment

The conference agreement includes a provision, similar to that proposed by the House and Senate, which amends the cap on peacekeeping assessed costs to 27.3 percent in calendar year 2010.

#### Sec. 7052. United Nations Human Rights Council

The conference agreement includes a provision requiring a report on resolutions adopted by the UN Human Rights Council, similar to that proposed by the House. The Senate did not include a similar provision.

#### Sec. 7056. Landmines and Cluster Munitions

The conference agreement includes language aligning the provision with United States Government policy guidance, as proposed by the Senate.

#### Sec. 7059. United States Agency for International Development Management

The conference agreement modifies specific funding and personnel levels; clarifies reporting requirements; continues a hiring authority provided in prior years, as proposed by the House; allocates specific funding for LES, as proposed by the Senate; and extends an authority related to Foreign Service Limited appointments.

#### Sec. 7060. Global Health Activities

The conference agreement modifies the prior year funding level for voluntary family planning programs.

#### Sec. 7061. Development Grants Program

The conference agreement modifies the prior year funding level and restricts the grant size to \$2,000,000 to small NGOs, as proposed by the Senate. These funds shall be awarded in an open and competitive process in accordance with all applicable rules and regulations. Grants to support projects and activities in democracy and governance and that directly benefit women and girls, including programs to increase women's leadership capacity, should be supported. The conferees direct the USAID Administrator to submit a report to the Committees on Appropriations not later than 45 days after enactment of this Act, listing the grants made under this program in fiscal year 2009, including the organizations that received grants and the amount and purpose of each grant.

#### Sec. 7062. Women in Development

The conference agreement includes language requiring that food security and agricultural development programs take the unique needs of women into consideration, as proposed by the House.

#### Sec. 7063. Gender-Based Violence

The conference agreement clarifies the application of this provision. The conferees endorse the gender-based violence reporting requirement as proposed in the House Report under the INCLE heading.

#### Sec. 7064. Education

The conference agreement changes the funding levels; requires the continuation of the Coordinator of United States Government Actions to Provide Basic Education Assistance, as proposed by the House; and includes a requirement that education funding be coordinated with other development programs, as proposed by the House. The provision is further modified by providing specific funding levels for higher education assistance for Africa and for partnerships between African and United States institutions of higher education, as proposed by the Senate.

#### Sec. 7065. Reconciliation Programs

The conference agreement modifies the prior year funding levels and makes a technical change. Funds provided for these programs shall be awarded in an open and competitive process in accordance with all applicable rules and regulations.

#### Sec. 7070. Africa

The conference agreement excludes international peacekeeping training from the restriction placed on funding provided under the IMET heading; changes funding levels; includes a provision that makes funding available for programs to promote and support transparency and accountability in natural resource extraction programs; and

modifies the funding restriction for Zimbabwe.

The conference agreement includes a provision that restricts FMF assistance for Ethiopia due to reported human rights violations, similar to that proposed by the Senate. The provision excludes assistance to support the deployment of members of the Ethiopian military in international peacekeeping operations.

The conference agreement includes a provision that restricts funding for Rwanda due to reported human rights violations, similar to that proposed by the Senate. The provision excludes assistance to improve border controls to prevent the importation of minerals into Rwanda, or to support the deployment of members of the Rwandan military in international peacekeeping operations.

The conference agreement includes a provision related to Southern Sudan that is addressed under the ESF heading.

Funds appropriated for counterterrorism programs shall be considered only under the strategic objective for which they were requested. Any deviation from the budget request for these programs, and funds appropriated for a Horn of Africa and Pan Sahel Program, shall be subject to prior consultation with the Committees on Appropriations.

#### *Sec. 7071. Asia*

The provision provides funding and conditions on assistance for Tibet, Burma, Cambodia, Indonesia, Nepal, North Korea, the People's Republic of China, Philippines, and Timor-Leste, similar to that proposed by the Senate, which are delineated under the ESF and FMF headings, as appropriate.

The conference agreement includes language, similar to that proposed by the Senate, regarding assistance for Vietnam.

#### *Sec. 7075. Central Asia*

The conference agreement includes a provision which carries forward by reference the terms and conditions of sections 7075(a) and (b) and 7076(a) through (e) of the Omnibus Appropriations Act, 2009 (Public Law 111-8) concerning limitations on assistance for Kazakhstan (relating to human rights and civil liberties, including obligations and commitments to the Organization for Security and Cooperation in Europe) and Uzbekistan (relating to democracy and human rights), except that for the purposes of section 7076(e) "assistance" does not include expanded IMET. This is substantively similar to that proposed by the Senate. The House proposed a limitation only on assistance for Uzbekistan.

The conference agreement does not include language, as proposed by the Senate, concerning extractive industries in Kazakhstan. However, the conferees direct the Secretary of State to submit a report to the Committees on Appropriations, not later than 90 days after enactment of this Act, detailing actions by the Government of Kazakhstan to implement the EITI and other actions to achieve transparency and accountability in managing revenues from oil, gas and mining.

The conference agreement does not include language proposed by the Senate concerning defense articles, services and assistance for the countries of Central Asia. However, the conferees direct the Secretary of State to submit a report to the Committees on Appropriations, not later than September 30, 2010, describing the defense articles, defense services, and financial assistance provided by the United States to the countries of Central Asia during the 12-month period ending 30 days prior to submission of such report; and the use during such period of defense arti-

cles, defense services, and financial assistance provided by the United States by units of the armed forces, border guards, or other security forces of such countries.

#### *Sec. 7076. Afghanistan*

The conference agreement includes a provision that requires that assistance be provided in a manner that utilizes Afghan entities, emphasizes the participation and leadership of Afghan women, and directly improves the security, economic and social well-being, and political status, of Afghan women and girls, similar to that proposed by the Senate.

The conference agreement includes a provision that continues terms and conditions of section 1102(b)(1) of the Supplemental Appropriations Act, 2009 (Public Law 111-32), as proposed by the Senate, and sets a funding level for programs that directly address the needs and protect the rights of Afghan women and girls, similar to that proposed by the House.

The conference agreement includes a provision that continues the terms and conditions of section 1102(c) and (d) of the Supplemental Appropriations Act, 2009 (Public Law 111-32) related to procurement and anti-corruption, as proposed by the Senate.

The conference agreement includes a provision related to anti-corruption that withholds funds until the Secretary of State certifies that the Government of Afghanistan is cooperating fully with United States efforts against the Taliban and Al Qaeda and efforts to reduce poppy cultivation and illicit drug trafficking, similar to that proposed by the House and Senate.

The conference agreement includes a funding level for the National Solidarity Program and sets requirements for United States reconstruction efforts.

The conference agreement includes a provision related to rule of law programs and a provision that restricts the United States Government from entering into a permanent basing rights agreement with Afghanistan.

#### *Sec. 7078. United Nations Population Fund*

The conference agreement changes the funding level; includes transfer authority, as proposed by the House; includes a provision withholding funding related to the United Nations Population Fund's program in the People's Republic of China, as proposed by the House; and includes technical changes.

#### *Sec. 7079. OPIC*

The conference agreement includes a provision, as proposed by the House and Senate, which enables a transfer of up to \$20,000,000 to the OPIC account from title III of this Act if the President determines it furthers the purposes of the Foreign Assistance Act of 1961, subject to regular notification procedures. The agreement includes a provision, as proposed by the Senate, that authorizes and directs OPIC to issue binding environmental, transparency, worker rights, and human rights guidelines, applicable to all OPIC projects, within nine months of enactment of this Act, and to report not later than 180 days after enactment of this Act on OPIC's investment in renewable and other clean energy technologies and plans to significantly reduce greenhouse gas emissions from its portfolio. The conference agreement includes a provision, modified from that proposed by the Senate, that extends OPIC's authorization for one year, through September 30, 2010.

#### *Sec. 7081. Climate Change and Environment Programs*

The conference agreement modifies prior year funding levels; clarifies the use of clean

energy, adaptation and biodiversity funding; includes language related to microfinance renewable energy programs; requires consultation prior to making a contribution to the Forest Carbon Partnership Facility; and makes technical changes.

The conference agreement includes new language authorizing a United States contribution to the CTF. The conferees believe that the CTF should only support renewable energy and energy efficiency projects. The conferees do not believe the Fund should support nuclear energy projects, high impoundment dam projects or fossil fuel technologies except for in the transportation sector as provided in the Act. In addition, the conferees direct the Fund to take all necessary steps to ensure timely public access to and input into project descriptions and plans; and expect the Fund to ensure that all proper environmental and health reviews are undertaken and are made publicly available.

#### CLIMATE CHANGE AND ENVIRONMENT PROGRAMS

(Budget authority in thousands of dollars)

Program	Budget authority
USAID Biodiversity programs .....	205,000
USAID Climate Change programs .....	305,700
OES Climate Change programs .....	145,500
Least Developed Countries Fund .....	30,000
Special Climate Change Fund .....	20,000
Western Hemisphere Climate Change programs .....	12,000
Global Environment Facility .....	86,500
Clean Technology Fund .....	300,000
Strategic Climate Fund .....	75,000
UN Climate Change programs .....	57,500
Tropical Forest Conservation Act .....	20,000
Total	1,257,200.

\*Funding in italics denotes a non-add and is not in addition to the program total.

#### *Sec. 7084. Anti-Kleptocracy*

The conference agreement includes a provision, similar to that proposed by the Senate, requiring the Secretary of State to maintain a list of officials of foreign governments and their immediate family members who the Secretary has credible evidence have been involved in corruption relating to the extraction of natural resources, and to submit a report to the Committees on Appropriations summarizing such evidence for each individual on the list. The conferees note that past reports have been deficient and direct that future reports provide the required information, in a classified form if necessary. Any individual on the list shall be ineligible for admission to the United States. The conferees, recognizing the need to broaden sanctions against those who engage in corrupt practices, direct the Secretary to urge other governments to take similar steps.

#### *Sec. 7085. International Prison Conditions*

The conference agreement includes a new provision, similar to that proposed by the Senate, that requires the Secretary of State to submit a report on conditions in prisons and other detention facilities in countries receiving United States assistance where the Assistant Secretary of State for Democracy, Human Rights and Labor has determined that arbitrary detention and/or cruel, inhumane or degrading treatment, or inhumane conditions, is common, and identifying those countries whose governments are, and are not, making significant efforts to eliminate such conditions. The conference agreement provides that funds shall be made available, notwithstanding section 660 of the Foreign Assistance Act of 1961. Additionally, the conference agreement continues a provision (section 7034(f) of the Omnibus Appropriations Act, 2009 (Public Law 111-8)) directing



the Secretary of State to designate a Deputy Assistant Secretary of State in the Bureau of Democracy, Human Rights and Labor with primary responsibility for diplomatic efforts related to international prison conditions. The House did not include similar language.

*Sec. 7086. Transparency and Accountability*

The conference agreement includes a provision that allows the Secretary of State to withhold funding from a UN organization or agency, similar to that proposed by the Senate; includes a provision regarding document disclosure at the International Monetary Fund (the Fund), as proposed by the Senate; includes a provision related to child labor and the Fund, as proposed by the Senate; clarifies the reporting requirement described in the budget transparency provision, as proposed by the House; provides up to \$1,500,000 to assist the governments of certain countries to improve budget transparency; and includes a new provision to withhold ten percent of funds from the Asian Development Fund until the Secretary of the Treasury reports to the Committees on Appropriations that the Asian Development Bank is pursuing certain reforms to prevent future fraudulent or corrupt activities.

*Sec. 7087. Disability Programs*

The conference agreement includes a provision, similar to that proposed by the Senate, providing not less than \$5,000,000 for programs and activities to address the needs and protect and promote the rights of people with disabilities in developing countries. The conferees direct that of this amount, \$1,000,000 shall be made available for projects to develop, support, and strengthen sports programs for children and adults with physical or intellectual disabilities, to be made available on an open and competitive basis in accordance with all applicable rules and regulations.

*Sec. 7088. Orphans, Displaced, and Abandoned Children*

The conference agreement clarifies the purposes for which funds may be used.

*Sec. 7089. Sri Lanka*

The conference agreement includes a provision, similar to that proposed by the House and Senate, regarding assistance for Sri Lanka. While the conferees welcome the defeat of the Tamil Tigers, the conferees are concerned with internally displaced Sri Lankans who are still detained in closed camps, as well as other persons who have been imprisoned or are being prosecuted for publicly reporting attacks on civilians. The conferees direct the Secretary of State to submit a report to the Committees on Appropriations not later than 45 days after enactment of this Act on the extent to which the Government of Sri Lanka is treating internally displaced persons in accordance with international standards, including by guaranteeing their freedom of movement, providing access to conflict-affected areas and populations by humanitarian organizations

and journalists, and accounting for persons detained in the conflict. The conferees are also concerned that the Government of Sri Lanka has not taken credible steps to promote reconciliation among Tamils and other minority ethnic groups. The conference agreement includes a provision directing the Secretary of the Treasury to instruct the United States Executive Directors of the international financial institutions to vote against financial support for Sri Lanka, except to meet basic human needs, unless certain requirements are met. The conferees direct the Secretary of State to submit, not later than 180 days after enactment of this Act, a report supplementing the Secretary's October 21, 2009, report on crimes against humanity in Sri Lanka detailing what, if any, measures have been taken by the Government of Sri Lanka and international bodies to investigate such incidents, and evaluating the effectiveness of such efforts.

*Sec. 7090. International Monetary Fund Provisions*

The conference agreement sets limitations and restrictions on funding provided to the New Arrangements to Borrow (NAB) program at the International Monetary Fund, similar to that proposed by the House. The provision includes language that sets conditions on continued United States participation in the NAB and that restricts United States participation in the NAB to not greater than 20 percent of the total.

*Sec. 7091. Intellectual Property Rights Protection*

The conference agreement includes a provision, similar to that proposed by the House, requiring the Secretary of State to submit a report on actions to protect intellectual property rights during climate change negotiations. The conferees expect the report to include, but not be limited to, the following technologies: solar, biofuels, wind, batteries, and light-emitting diode lighting. The conferees direct the Secretary to include updates on the United States position, efforts made, and any agreements reached with respect to financing, institutional structures to address technology transfer, and attempts to include compulsory licensing in international agreements. The conferees direct the Secretary to consult with the Committees on Appropriations prior to submission of the initial report.

*Sec. 7092. Prohibition on Certain First-Class Travel*

The conference agreement includes a provision prohibiting the use of funds for first-class travel by employees of agencies funded by this Act in contravention of federal regulations, as proposed by the House.

*Sec. 7093. Limitation on Use of Funds in Contravention of Certain Laws*

The conference agreement includes a new provision, similar to that proposed by the House, which states that none of the funds provided in this Act or prior Acts may be

used in contravention of any provision of, or amendment made by, this Act or of certain sections of the Supplemental Appropriations Act, 2009 (Public Law 111-32). The provision further requires the Executive Branch to notify the Committees on Appropriations if a determination is made that a particular provision is unconstitutional.

The following general provisions that were proposed in the House and Senate fiscal year 2010 bills are either addressed elsewhere or are not included in the conference agreement.

Sec. 7006. (House) "International Broadcasting."

Sec. 7042. (House) "Iraq."

Sec. 7044. (House) "Lebanon."

Sec. 7057. (Senate) "Millennium Challenge Corporation."

Sec. 7069. (Senate) "Locally Employed Staff."

Sec. 7074. (House) "Uzbekistan."

Sec. 7086. (House) "UNRWA Accountability."

Sec. 7087. (House) "Limitation on Funds Relating to Transfer or Release of Individuals Detained at Naval Station, Guantanamo Bay, Cuba."

Sec. 7087. (Senate) "Training and Equipment Reports."

Sec. 7092. (Senate) "Cuba."

Sec. 7093. (Senate) "Assistance for Foreign Nongovernmental Organizations."

The following general provisions enacted in Public Law 111-8 are not included in this Act.

Sec. 7006. "Consular Affairs Reform."

Sec. 7041. "Broadcasting Transparency."

Sec. 7042. "Iraq."

Sec. 7044. "Lebanon."

Sec. 7057. "Millennium Challenge Corporation."

Sec. 7076. "Uzbekistan."

Sec. 7087. "Training and Equipment Reports."

Sec. 7092. "Export-Import Bank Rescission."

**DISCLOSURE OF EARMARKS AND CONGRESSIONALLY DIRECTED SPENDING ITEMS**

Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives and rule XLIV of the Standing Rules of the Senate, neither the conference report nor the accompanying joint statement of managers contains any congressional earmarks, congressionally directed spending items, limited tax benefits or limited tariff benefits as defined in the applicable House or Senate rules. Pursuant to clause 9(b) of rule XXI of the Rules of the House of Representatives, neither the conference report nor the joint statement of managers contains any congressional earmarks, limited tax benefits, or limited tariff benefits that were not (1) committed to the conference committee by either House or (2) in a report of a committee of either House on this bill or on a companion measure.



DEPARTMENT OF STATE - FOREIGN OPERATIONS - AND RELATED PROGRAMS - FY 2010  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	House	Senate	Conference	Conference vs. Enacted
TITLE I - DEPARTMENT OF STATE AND RELATED AGENCY						
DEPARTMENT OF STATE						
Administration of Foreign Affairs						
Diplomatic and consular programs.....	4,243,318	7,312,016	6,851,873	6,632,000	6,640,786	+2,397,468
Emergency appropriations (P.L. 110-252).....	626,500	---	---	---	---	-626,500
Emergency appropriations (P.L. 111-5).....	90,000	---	---	---	---	-90,000
Overseas deployments (P.L. 111-32).....	997,890	---	---	---	---	-997,890
Worldwide security protection.....	1,117,000	1,648,000	1,577,427	1,595,000	1,586,214	+469,214
Emergency appropriations (P.L. 110-252).....	78,400	---	---	---	---	-78,400
Subtotal, Worldwide Security Protection.....	1,195,400	1,648,000	1,577,427	1,595,000	1,586,214	+390,814
Total, Diplomatic and consular programs...	7,153,108	8,960,016	8,229,300	8,227,000	8,227,000	+1,073,892
Appropriations.....	(5,380,318)	(8,960,016)	(8,229,300)	(8,227,000)	(8,227,000)	(+2,666,682)
Emergency appropriations.....	(794,900)	---	---	---	---	(-794,900)
Overseas deployments.....	(997,890)	---	---	---	---	(-997,890)
Civilian stabilization initiative.....	45,000	323,272	125,000	150,000	120,000	+75,000
Capital investment fund.....	71,000	180,000	134,700	160,000	139,000	+68,000
Emergency appropriations (P.L. 111-5).....	290,000	---	---	---	---	-290,000
Emergency appropriations (P.L. 111-5) (transfer to USAID Capital Investment Fund).....	(-38,000)	---	---	---	---	(+38,000)
Subtotal.....	361,000	180,000	134,700	160,000	139,000	-222,000
Office of Inspector General.....	37,000	100,000	108,000	100,000	100,000	+63,000
Emergency appropriations (P.L. 110-252).....	57,000	---	---	---	---	-57,000
Emergency appropriations (P.L. 111-5).....	2,000	---	---	---	---	-2,000
Overseas deployments (P.L. 111-32).....	24,122	---	---	---	---	-24,122
Overseas deployments (P.L. 111-32) Special IG for Iraq reconstruction (by transfer).....	(7,000)	---	---	---	---	(-7,000)
Overseas deployments (P.L. 111-32) Special IG for Afghanistan reconstruction (by transfer)....	(7,200)	---	---	---	---	(-7,200)
Overseas deployments (P.L. 111-32) (by transfer)..	(1,000)	---	---	---	---	(-1,000)
Subtotal.....	120,122	100,000	108,000	100,000	100,000	-20,122
Educational and cultural exchange programs.....	538,000	633,243	600,000	635,243	635,000	+97,000
Representation allowances.....	8,175	8,175	8,175	8,175	8,175	---
Protection of foreign missions and officials.....	22,814	27,159	28,500	27,159	28,000	+5,186
Embassy security, construction, and maintenance.....	801,344	876,850	876,850	876,850	876,850	+75,506
Worldwide security upgrades.....	770,000	938,200	847,300	847,300	847,300	+77,300
Emergency appropriations (P.L. 110-252).....	41,300	---	---	---	---	-41,300
Overseas deployments (P.L. 111-32).....	921,500	---	---	---	---	-921,500
U.S. Agency for International Development construction.....	135,225	---	---	---	---	-135,225
Total, Embassy security.....	2,689,369	1,815,050	1,724,150	1,724,150	1,724,150	-945,219
Appropriations.....	1,706,569	1,815,050	1,724,150	1,724,150	1,724,150	+17,581
Emergencies in the diplomatic and consular service....	9,000	10,000	10,000	10,000	10,000	+1,000
Buying Power maintenance account.....	5,000	10,000	7,500	10,000	8,500	+3,500
Repatriation Loans Program Account:						
Direct loans subsidy.....	678	739	739	739	739	+61
Administrative expenses.....	675	711	711	711	711	+36
Total, Repatriation loans program account.....	1,353	1,450	1,450	1,450	1,450	+97
Payment to the American Institute in Taiwan.....	16,840	21,174	21,174	21,174	21,174	+4,334
Payment to the Foreign Service Retirement and Disability Fund.....	157,100	158,900	158,900	158,900	158,900	+1,800
Total, Administration of Foreign Affairs.....	11,106,881	12,228,439	11,156,849	11,233,251	11,181,349	+74,468
Emergency appropriations.....	(1,185,200)	---	---	---	---	(-1,185,200)
Overseas deployments.....	(1,943,512)	---	---	---	---	(-1,943,512)
International Organizations						
Contributions to international organizations, current year assessment.....	1,529,400	1,797,000	1,697,000	1,697,000	1,682,500	+153,100
Emergency appropriations (P.L. 110-252).....	75,000	---	---	---	---	-75,000
Subtotal.....	1,604,400	1,797,000	1,697,000	1,697,000	1,682,500	+78,100

DEPARTMENT OF STATE - FOREIGN OPERATIONS - AND RELATED PROGRAMS - FY 2010  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	House	Senate	Conference	Conference vs. Enacted
<b>Contributions for international peacekeeping activities, current year assessment</b>						
Emergency appropriations (P.L. 110-161)	1,517,000	2,260,000	2,125,000	2,125,000	2,125,000	+608,000
Emergency appropriations (P.L. 110-252)	---	---	---	---	---	---
Overseas deployments (P.L. 111-32)	150,500	---	---	---	---	-150,500
	721,000	---	---	---	---	-721,000
<b>Subtotal</b>	<b>2,388,500</b>	<b>2,260,000</b>	<b>2,125,000</b>	<b>2,125,000</b>	<b>2,125,000</b>	<b>-263,500</b>
<b>Total, International Organizations</b>						
Appropriations	3,992,900	4,057,000	3,822,000	3,822,000	3,807,500	-185,400
Emergency appropriations	(3,046,400)	(4,057,000)	(3,822,000)	(3,822,000)	(3,807,500)	(+761,100)
Overseas deployments	(225,500)	---	---	---	---	(-225,500)
	(721,000)	---	---	---	---	(-721,000)
<b>International Commissions</b>						
<b>International Boundary and Water Commission, United States and Mexico:</b>						
Salaries and expenses	32,256	33,000	33,000	33,000	33,000	+744
Construction	43,250	43,250	43,250	43,250	43,250	---
Emergency appropriations (P.L. 111-5)	220,000	---	---	---	---	-220,000
<b>Total, International Commission</b>	<b>295,506</b>	<b>76,250</b>	<b>76,250</b>	<b>76,250</b>	<b>76,250</b>	<b>-219,256</b>
Appropriations	75,508	76,250	76,250	76,250	76,250	+744
<b>American sections, international commissions</b>						
International fisheries commissions	11,649	12,608	12,608	12,608	12,608	+959
	29,925	43,576	48,576	48,976	53,976	+24,051
<b>Total, International commissions</b>	<b>337,080</b>	<b>132,434</b>	<b>137,434</b>	<b>137,834</b>	<b>142,834</b>	<b>-194,246</b>
<b>RELATED AGENCY</b>						
<b>Broadcasting Board of Governors</b>						
International Broadcasting Operations	698,187	732,187	733,788	717,828	733,788	+35,601
Emergency appropriations (P.L. 110-252)	6,000	---	---	---	---	-6,000
Overseas deployments (P.L. 111-32) Afghanistan border region (by transfer)	(10,000)	---	---	---	---	(-10,000)
<b>Subtotal</b>	<b>704,187</b>	<b>732,187</b>	<b>733,788</b>	<b>717,828</b>	<b>733,788</b>	<b>+29,601</b>
Broadcasting capital improvements	11,296	13,263	12,662	12,622	12,622	+1,326
<b>Total, Broadcasting Board of Governors</b>	<b>715,483</b>	<b>745,450</b>	<b>746,450</b>	<b>730,450</b>	<b>746,410</b>	<b>+30,927</b>
Appropriations	(709,483)	(745,450)	(746,450)	(730,450)	(746,410)	(+36,927)
Emergency appropriations	(8,000)	---	---	---	---	(-8,000)
Overseas deployments (by transfer)	(10,000)	---	---	---	---	(-10,000)
<b>Related Programs</b>						
The Asia Foundation	16,000	16,230	19,000	19,000	19,000	+3,000
United States Institute of Peace operating expenses	31,000	49,220	49,220	49,220	49,220	+18,220
Center for Middle Eastern-Western dialogue	875	875	875	875	875	---
Eisenhower Exchange Fellowship program	500	500	500	500	500	---
Israeli Arab scholarship program	375	375	375	375	375	---
East-West Center	21,000	11,730	---	24,000	23,000	+2,000
National Endowment for Democracy	115,000	100,000	100,000	120,000	118,000	+3,000
<b>Total, Related programs</b>	<b>184,750</b>	<b>178,930</b>	<b>169,970</b>	<b>213,970</b>	<b>210,970</b>	<b>+26,220</b>
<b>OTHER COMMISSIONS</b>						
<b>Commission for the Preservation of America's Heritage Abroad</b>						
Salaries and expenses	599	635	635	635	635	+36
<b>Commission on International Religious Freedom</b>						
Salaries and expenses	4,000	4,300	4,300	4,300	4,300	+300
<b>Commission on Security and Cooperation in Europe</b>						
Salaries and expenses	2,610	2,610	2,610	2,610	2,610	---
<b>Congressional-Executive Commission on the People's Republic of China</b>						
Salaries and expenses	2,000	2,000	2,000	2,000	2,000	---

DEPARTMENT OF STATE - FOREIGN OPERATIONS - AND RELATED PROGRAMS - FY 2010  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	House	Senate	Conference	Conference vs. Enacted
<b>United States - China Economic and Security Review Commission</b>						
Salaries and expenses.....	4,000	3,500	3,500	3,500	3,500	-500
<b>United States Senate Interparliamentary Groups</b>						
Salaries and expenses.....	150	---	---	---	---	-150
<b>Total, title I, Department of State and Related Agency</b>						
Appropriations.....	16,350,453	17,355,298	16,045,748	16,150,550	16,102,108	-248,345
Emergency appropriations.....	(12,049,241)	(17,355,298)	(16,045,748)	(16,150,550)	(16,102,108)	(+4,052,887)
Overseas deployments.....	(1,836,700)	---	---	---	---	(-1,836,700)
Overseas deployments (by transfer).....	(2,684,512)	---	---	---	---	(-2,684,512)
	(25,200)	---	---	---	---	(-25,200)
<b>TITLE II - ADMINISTRATION OF FOREIGN ASSISTANCE</b>						
<b>Funds Appropriated to the President</b>						
<b>United States Agency for International Development</b>						
Operating expenses of the U.S. Agency for International Development (USAID).....	808,584	1,438,800	1,388,800	1,388,800	1,388,800	+580,216
Emergency appropriations (P.L. 110-252).....	93,000	---	---	---	---	-93,000
Overseas deployments (P.L. 111-32).....	157,800	---	---	---	---	-157,800
Subtotal, Operating Expenses USAID.....	1,059,184	1,438,800	1,388,800	1,388,800	1,388,800	+329,616
Civilian stabilization initiative.....	30,000	---	30,000	---	30,000	---
Capital Investment Fund.....	35,775	213,000	185,000	213,000	185,000	+149,225
Emergency appropriations (P.L. 111-5) (by transfer).....	(38,000)	---	---	---	---	(-38,000)
Overseas deployments (P.L. 111-32).....	48,500	---	---	---	---	-48,500
Subtotal, Capital Investment Fund.....	84,275	213,000	185,000	213,000	185,000	+100,725
Operating expenses of the U.S. Agency for International Development Office of Inspector General.....	42,000	48,500	46,500	46,500	46,500	+4,500
Emergency appropriations (P.L. 110-252).....	1,000	---	---	---	---	-1,000
Overseas deployments (P.L. 111-32).....	3,500	---	---	---	---	-3,500
Overseas deployments (P.L. 111-32) (by transfer).....	(2,000)	---	---	---	---	(-2,000)
Subtotal, Inspector General USAID.....	48,500	48,500	46,500	46,500	46,500	---
<b>Total, title II, Administration of Foreign Affairs</b>						
Appropriations.....	1,219,959	1,698,300	1,650,300	1,648,300	1,650,300	+430,341
Emergency appropriations.....	(916,359)	(1,698,300)	(1,650,300)	(1,648,300)	(1,650,300)	(+733,941)
Overseas deployments.....	(84,000)	---	---	---	---	(-84,000)
Overseas deployments (by transfer).....	(209,600)	---	---	---	---	(-209,600)
	(2,000)	---	---	---	---	(-2,000)
<b>TITLE III - BILATERAL ECONOMIC ASSISTANCE</b>						
<b>Funds Appropriated to the President</b>						
<b>Global Health and Child Survival:</b>						
U.S. Agency for International Development.....	1,955,000	2,336,000	2,385,000	2,414,000	2,420,000	+465,000
Emergency appropriations (P.L. 110-252).....	75,000	---	---	---	---	-75,000
Overseas deployments (P.L. 111-32).....	150,000	---	---	---	---	-150,000
Subtotal.....	2,180,000	2,336,000	2,385,000	2,414,000	2,420,000	+240,000
Department of State.....	5,159,000	5,259,000	5,409,000	5,359,000	5,359,000	+200,000
(Global fund contribution).....	(600,000)	(600,000)	(750,000)	(700,000)	(750,000)	(+150,000)
Total, Global Health and Child Survival.....	7,339,000	7,595,000	7,784,000	7,773,000	7,779,000	+440,000
Appropriations.....	(7,114,000)	(7,595,000)	(7,784,000)	(7,773,000)	(7,779,000)	(+685,000)
Emergency appropriations.....	(75,000)	---	---	---	---	(-75,000)
Overseas deployments.....	(150,000)	---	---	---	---	(-150,000)
Development assistance.....	1,800,000	2,733,803	2,490,000	2,567,000	2,520,000	+729,000
(Transfer out).....	(-25,000)	(-25,000)	(-25,000)	(-25,000)	---	(+25,000)
Emergency appropriations (P.L. 110-252).....	200,000	---	---	---	---	-200,000
Subtotal.....	2,000,000	2,733,803	2,490,000	2,567,000	2,520,000	+520,000

DEPARTMENT OF STATE - FOREIGN OPERATIONS - AND RELATED PROGRAMS - FY 2010  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	House	Senate	Conference	Conference vs. Enacted
International disaster assistance.....	350,000	880,000	830,000	855,000	845,000	+495,000
Emergency appropriations (P.L. 110-252).....	200,000	---	---	---	---	-200,000
Overseas deployments (P.L. 111-32).....	270,000	---	---	---	---	-270,000
Subtotal.....	820,000	880,000	830,000	855,000	845,000	+25,000
Transition initiatives.....	50,000	126,000	100,000	65,000	55,000	+5,000
Complex Crisis fund.....	---	---	---	100,000	50,000	+50,000
Development Credit Authority: (By transfer).....	(25,000)	(25,000)	(25,000)	(25,000)	(25,000)	---
Administrative expenses.....	8,000	8,600	8,600	8,600	8,600	+800
Economic support fund:						
Egypt.....	200,000	250,000	250,000	250,000	250,000	+50,000
Overseas deployments (P.L. 111-32).....	50,000	---	---	---	---	-50,000
Other.....	2,807,000	6,254,096	6,120,096	6,120,000	6,087,000	+3,280,000
Emergency appropriations (P.L. 110-252).....	1,124,800	---	---	---	---	-1,124,800
Overseas deployments (P.L. 111-32).....	2,923,601	---	---	---	---	-2,923,601
Overseas deployments (P.L. 111-32) (transfer out).....	(-3,000)	---	---	---	---	(+3,000)
Total, Economic Support Fund.....	7,105,401	6,504,096	6,370,096	6,370,000	6,337,000	-768,401
Appropriations.....	(3,007,000)	(6,504,096)	(6,370,096)	(6,370,000)	(6,337,000)	(+3,330,000)
Emergency appropriations.....	(1,124,800)	---	---	---	---	(-1,124,800)
Overseas deployments.....	(2,973,601)	---	---	---	---	(-2,973,601)
Overseas deployments (transfer out).....	(-3,000)	---	---	---	---	(+3,000)
Democracy Fund.....	116,000	---	130,000	120,000	120,000	+4,000
Emergency appropriations (P.L. 110-252).....	---	---	---	---	---	---
Subtotal.....	116,000	---	130,000	120,000	120,000	+4,000
International Fund for Ireland.....	15,000	---	18,000	---	17,000	+2,000
Assistance for Eastern Europe and Eurasia.....	650,000	762,253	722,253	745,000	741,632	+91,632
Overseas deployments (P.L. 111-32).....	272,000	---	---	---	---	-272,000
Subtotal.....	922,000	762,253	722,253	745,000	741,632	-180,368
Department of State						
Migration and refugee assistance.....	931,000	1,480,444	1,480,444	1,677,800	1,685,000	+754,000
Emergency appropriations (P.L. 110-252).....	350,000	---	---	---	---	-350,000
Overseas deployments (P.L. 111-32).....	390,000	---	---	---	---	-390,000
Subtotal.....	1,671,000	1,480,444	1,480,444	1,677,800	1,685,000	+14,000
United States Emergency Refugee and Migration Assistance Fund.....	40,000	75,000	75,000	75,000	45,000	+5,000
Total, Department of State.....	1,711,000	1,555,444	1,555,444	1,752,800	1,730,000	+19,000
Appropriations.....	(971,000)	(1,555,444)	(1,555,444)	(1,752,800)	(1,730,000)	(+759,000)
Emergency appropriations.....	(350,000)	---	---	---	---	(-350,000)
Overseas deployments.....	(390,000)	---	---	---	---	(-390,000)
Independent Agencies						
Peace Corps.....	340,000	373,440	450,000	373,440	400,000	+60,000
Millennium Challenge Corporation.....	875,000	1,425,000	1,400,000	950,000	1,105,000	+230,000
Inter-American Foundation.....	22,500	22,760	22,760	23,000	23,000	+500
African Development Foundation.....	32,500	30,000	30,000	30,000	30,000	-2,500
Total, Independent Agencies.....	1,270,000	1,851,200	1,902,760	1,376,440	1,558,000	+288,000
Department of the Treasury						
International Affairs Technical Assistance.....	25,000	31,440	25,000	30,000	25,000	---
Debt restructuring.....	60,000	110,630	60,000	60,000	60,000	---
Total, Department of the Treasury.....	85,000	142,070	85,000	90,000	85,000	---
Total, title III, Bilateral economic assistance.....	21,441,401	22,158,466	22,006,153	21,822,840	21,846,232	+404,831
Appropriations.....	(15,436,000)	(22,158,466)	(22,006,153)	(21,822,840)	(21,846,232)	(+6,410,232)
Emergency appropriations.....	(1,949,800)	---	---	---	---	(-1,949,800)
Overseas deployments.....	(4,055,601)	---	---	---	---	(-4,055,601)

DEPARTMENT OF STATE - FOREIGN OPERATIONS - AND RELATED PROGRAMS - FY 2010  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	House	Senate	Conference	Conference vs. Enacted
Overseas deployments (transfer out).....	(-3,000)	---	---	---	---	(+3,000)
(By transfer).....	(25,000)	(25,000)	(25,000)	(25,000)	(25,000)	---
(Transfer out).....	(-25,000)	(-25,000)	(-25,000)	(-25,000)	---	(+25,000)
=====						
TITLE IV - INTERNATIONAL SECURITY ASSISTANCE						
Department of State						
International narcotics control and law enforcement...	875,000	1,947,451	1,630,000	1,525,000	1,597,000	+722,000
Emergency appropriations (P.L. 110-252).....	199,000	---	---	---	---	-199,000
Overseas deployments (P.L. 111-32).....	487,500	---	---	---	---	-487,500
Subtotal.....	1,561,500	1,947,451	1,630,000	1,525,000	1,597,000	+35,500
Andean Counterdrug Programs.....	315,000	---	---	---	---	-315,000
Nonproliferation, anti-terrorism, demining and related programs.....	525,000	765,430	717,430	761,165	754,000	+229,000
Emergency appropriations (P.L. 110-252).....	4,500	---	---	---	---	-4,500
Overseas deployments (P.L. 111-32).....	102,000	---	---	---	---	-102,000
Subtotal.....	631,500	765,430	717,430	761,165	754,000	+122,500
Peacekeeping operations.....	250,200	296,400	331,500	331,500	331,500	+81,300
Emergency appropriations (P.L. 110-252).....	95,000	---	---	---	---	-95,000
Overseas deployments (P.L. 111-32).....	185,000	---	---	---	---	-185,000
Subtotal.....	530,200	296,400	331,500	331,500	331,500	-198,700
Funds Appropriated to the President						
International Military Education and Training.....	91,000	110,283	110,283	105,150	108,000	+17,000
Overseas deployments (P.L. 111-32).....	2,000	---	---	---	---	-2,000
Subtotal.....	93,000	110,283	110,283	105,150	108,000	+15,000
Foreign Military Financing Program:						
Grants:						
Israel.....	2,380,000	2,775,000	2,220,000	2,220,000	2,220,000	-160,000
Emergency appropriations (P.L. 110-252)....	170,000	---	---	---	---	-170,000
Overseas deployments (P.L. 111-32).....	555,000	---	---	---	---	-555,000
Egypt.....	1,300,000	1,300,000	1,040,000	1,040,000	1,040,000	-260,000
Overseas deployments (P.L. 111-32).....	260,000	---	---	---	---	-260,000
Other.....	955,000	1,199,390	1,000,000	729,000	935,000	-20,000
Emergency appropriations (P.L. 110-252)....	132,500	---	---	---	---	-132,500
Overseas deployments (P.L. 111-32).....	479,000	---	---	---	---	-479,000
Total, Foreign Military Financing Program.....	6,231,500	5,274,390	4,260,000	3,989,000	4,195,000	-2,036,500
Appropriations.....	(4,635,000)	(5,274,390)	(4,260,000)	(3,989,000)	(4,195,000)	(-440,000)
Emergency appropriations.....	(302,500)	---	---	---	---	(-302,500)
Overseas deployments.....	(1,294,000)	---	---	---	---	(-1,294,000)
Pakistan counterinsurgency capability fund:						
Overseas deployments (P.L. 111-32).....	700,000	---	---	---	---	-700,000
=====						
Total, title IV, Security assistance.....	10,062,700	8,393,954	7,049,213	6,711,815	6,985,500	-3,077,200
Appropriations.....	(6,691,200)	(8,393,954)	(7,049,213)	(6,711,815)	(6,985,500)	(+294,300)
Emergency appropriations.....	(601,000)	---	---	---	---	(-601,000)
Overseas deployments.....	(2,770,500)	---	---	---	---	(-2,770,500)
=====						

## TITLE V - MULTILATERAL ASSISTANCE

Funds Appropriated to the President						
International Organizations and Programs.....	352,500	356,550	395,091	393,000	394,000	+41,500
International Financial Institutions						
Clean Energy Technology.....	---	500,000	225,000	400,000	300,000	+300,000
Strategic Climate Fund.....	---	100,000	75,000	75,000	75,000	+75,000
Contribution to the International Bank for Reconstruction and Development:						
Global Environment Facility.....	80,000	86,500	86,500	86,500	86,500	+6,500

DEPARTMENT OF STATE - FOREIGN OPERATIONS - AND RELATED PROGRAMS - FY 2010  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	House	Senate	Conference	Conference vs. Enacted
Contribution to the International Development Association.....	1,115,000	1,320,000	1,235,000	1,320,000	1,282,500	+147,500
Contribution to the Enterprise for the Americas Multilateral Investment Fund.....	25,000	25,000	25,000	25,000	25,000	---
Contribution to the Inter-American Investment Corporation.....	---	4,670	4,670	4,670	4,670	+4,670
Contribution to the Asian Development Fund.....	105,000	115,250	115,250	115,250	105,000	---
Contribution to the African Development Bank: Contribution to the African Development Fund.....	150,000	159,885	159,885	159,885	155,000	+5,000
Contribution to the International Fund for Agricultural Development.....	18,000	30,000	30,000	30,000	30,000	+12,000
Total, International Financial Institutions...	1,493,000	2,341,305	1,958,305	2,216,305	2,043,670	+550,670
Total, title V, Multilateral assistance.....	1,845,500	2,697,855	2,351,398	2,609,305	2,437,670	+592,170
TITLE VI - EXPORT AND INVESTMENT ASSISTANCE						
Export-Import Bank of the United States						
Subsidy appropriation.....	41,000	58,000	58,000	58,000	58,000	+17,000
Administrative expenses.....	81,500	83,880	83,880	83,880	83,880	+2,380
Inspector General.....	2,500	2,500	2,500	2,500	2,500	---
Offsetting collections.....	-165,000	-144,000	-144,000	-142,000	-142,000	+23,000
Total, Export-Import Bank of the United States..	-40,000	380	380	2,380	2,380	+42,380
Overseas Private Investment Corporation						
Noncredit account:						
Administrative expenses.....	50,600	52,310	52,310	52,310	52,310	+1,710
Insurance fees and other offsetting collections...	-249,600	-237,800	-237,800	-237,800	-237,800	+11,800
Subtotal.....	-199,000	-185,490	-185,490	-185,490	-185,490	+13,510
Program account.....	29,000	29,000	29,000	29,000	29,000	---
Total, Overseas Private Investment Corporation..	-170,000	-156,490	-156,490	-156,490	-156,490	+13,510
Funds Appropriated to the President						
Trade and Development Agency.....	50,800	55,200	55,200	55,200	55,200	+4,400
Total, title VI, Export and investment assistance	-159,200	-100,910	-100,910	-98,910	-98,910	+60,290
TITLE VII - GENERAL PROVISIONS						
Export-Import Bank Tied Aid grants (rescission).....	-17,000	---	---	---	---	+17,000
Export-Import Bank unobligated balances (rescission)..	-27,000	---	---	---	---	+27,000
Export-Import Bank carryover authority.....	42,000	---	---	---	---	-42,000
Total, title VII, General Provisions.....	-2,000	---	---	---	---	+2,000
Appropriations.....	(42,000)	---	---	---	---	(-42,000)
Rescissions.....	(-44,000)	---	---	---	---	(+44,000)
Overseas deployments.....	(9,700,213)	---	---	---	---	(-9,700,213)
Overseas deployments (by transfer).....	(27,200)	---	---	---	---	(-27,200)
Overseas deployments (transfer out).....	(-3,000)	---	---	---	---	(+3,000)
(By transfer).....	(25,000)	(25,000)	(25,000)	(25,000)	(25,000)	---
(Transfer out).....	(-25,000)	(-25,000)	(-25,000)	(-25,000)	---	(+25,000)
Grand total.....	50,758,813	52,202,963	49,001,900	48,843,900	48,922,900	-1,835,913
Appropriations.....	(36,821,100)	(52,202,963)	(49,001,900)	(48,843,900)	(48,922,900)	(+12,101,800)
Emergency appropriations.....	(4,281,500)	---	---	---	---	(-4,281,500)
Rescissions.....	(-44,000)	---	---	---	---	(+44,000)
Overseas deployments.....	(9,700,213)	---	---	---	---	(-9,700,213)
Overseas deployments (by transfer).....	(27,200)	---	---	---	---	(-27,200)
Overseas deployments (transfer out).....	(-3,000)	---	---	---	---	(+3,000)
(By transfer).....	(25,000)	(25,000)	(25,000)	(25,000)	(25,000)	---
(Transfer out).....	(-25,000)	(-25,000)	(-25,000)	(-25,000)	---	(+25,000)

## CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2010 recommended by the Committee of Conference, with comparisons to the fiscal year 2009 amount, the 2010 budget estimates, and the House and Senate bills for 2010 follow:

(In thousands of dollars)

New budget (obligational) authority, fiscal year 2009 .....	\$50,758,813
Budget estimates of new (obligational) authority, fiscal year 2010 .....	52,202,963
House bill, fiscal year 2010 .....	49,001,900
Senate bill, fiscal year 2010 .....	48,843,900
Conference agreement, fiscal year 2010 .....	48,922,900
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2009 ...	-1,835,913
Budget estimates of new (obligational) authority, fiscal year 2010 .....	-3,280,063
House bill, fiscal year 2010 .....	-79,000
Senate bill, fiscal year 2010 .....	+79,000

DAVID R. OBEY,  
JOHN W. OLVER,  
ED PASTOR,  
NITA LOWEY,  
MARCY KAPTUR,  
DAVID E. PRICE,  
LUCILLE ROYBAL-ALLARD,  
MARION BERRY,  
CAROLYN C. KILPATRICK,

*Managers on the Part of the House.*

PATTY MURRAY,  
ROBERT C. BYRD,  
BARBARA A. MIKULSKI,  
HERB KOHL,  
RICHARD J. DURBIN,  
BYRON L. DORGAN,  
PATRICK J. LEAHY,  
TOM HARKIN,  
DIANNE FEINSTEIN,  
TIM JOHNSON,  
FRANK R. LAUTENBERG,  
DANIEL K. INOUE,  
CHRISTOPHER S. BOND,  
(Except for D.C. Abortion),  
ROBERT F. BENNETT,  
(Except for D.C. Abortion),  
SUSAN COLLINS,  
THAD COCHRAN,

*Managers on the Part of the Senate.*

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ABERCROMBIE (at the request of Mr. HOYER) for today.

Mr. GARY G. MILLER of California (at the request of Mr. BOEHNER) for today until 3 p.m. on account of travel.

Mr. REICHERT (at the request of Mr. BOEHNER) for today on account of supporting the law enforcement community and the families of four fallen officers from the Lakewood Police Department at a memorial service in Tacoma.

Mr. ARCURI (at the request of Mr. HOYER) for today on account of official business in district.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DEFAZIO) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. DICKS, for 5 minutes, today.

Mr. CONNOLLY of Virginia, for 5 minutes, today.

Mr. SESTAK, for 5 minutes, today.

Mr. MASSA, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. DUNCAN) to revise and extend their remarks and include extraneous material:)

Mr. AKIN, for 5 minutes, today.

Mr. PAUL, for 5 minutes, December 10 and 11.

Mr. JONES, for 5 minutes, December 15.

Mr. POE of Texas, for 5 minutes, December 15.

Mr. DUNCAN, for 5 minutes, today.

Mr. MORAN of Kansas, for 5 minutes, December 14 and 15.

Mr. INGLIS, for 5 minutes, today.

Mr. OLSON, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. KUCINICH, for 5 minutes, today.

Mrs. BIGGERT, for 5 minutes, today.

## SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 1422. To amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

## ADJOURNMENT

Mr. OLVER. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 24 minutes p.m.), the House adjourned until tomorrow, Wednesday, December 9, 2009, at 10 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4916. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Whistleblower Protections for Contractor Employees (DFARS Case 2008-D012) (RIN: 0750-AG09) received November 12, 2009, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4917. A letter from the Assistant General Counsel for Regulatory Services, Office of General Counsel, Department of Education, transmitting the Department's final rule — Institutional Eligibility Under the Higher Education Act of 1965, as Amended, and the Secretary's Recognition of Accrediting Agencies [Docket ID: ED-2009-OPE-0009] (RIN: 1840-AD00) received November 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

4918. A letter from the Deputy Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Investigational New Drug Applications; Technical Amendment [Docket No.: FDA-2009-N-0464] received November 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4919. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Leupp, Arizona) [MB Docket No.: 09-98] received November 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4920. A letter from the Acting Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Revisions to the Export Administration Regulations based on the 2008 Missile Technology Control Regime Plenary Additions [Docket No.: 090126060-91251-01] (RIN: 0694-AE53) received November 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

4921. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: Transmittal of D.C. Act 18-239, "Hospital and Medical Services Corporation Regulatory Amendment Act of 2009", pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4922. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: Transmittal of D.C. Act 18-238, "Omnibus Election Reform Amendment Act of 2009", pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4923. A letter from the General Counsel (Acting), National Indian Gaming Commission, transmitting the Commission's final rule — Amendments to Various National Indian Gaming Commission Regulations (RIN: 3141-0001) received November 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4924. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch by Vessels in the Amendment 80 Limited Access Fishery in the Western Aleutian District of the Bering Sea and Aleutian Islands Management Area [Docket No.: 0810141351-9087-02] (RIN: 0648-XS59) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4925. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel by Vessels in the Amendment 80 Limited Access Fishery in the Western Aleutian District of the

Bering Sea and Aleutian Islands Management Area [Docket No.: 0810141351-9087-02] (RIN: 0648-XS58) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4926. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch by Vessels in the Amendment 80 Limited Access Fishery in the Central Aleutian District of the Bering Sea and Aleutian Islands Management Area [Docket No.: 0810141351-9087-02] (RIN: 0648-XS57) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4927. A letter from the General Counsel, Department of Justice, transmitting the Department's final rule — Application of Immigration Regulations to the Commonwealth of the Northern Mariana Islands [EOIR Docket No.: 169 AG Order No. 3120-2009] (RIN: 1125-AA67) received November 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4928. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone Naval Base Point Loma; San Diego Bay, San Diego, CA [Docket No.: USCG-2008-1016] (RIN: 1625-AA87) received November 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4929. A letter from the Attorney-Advisor, Office of Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Anchorages; New and Revised Anchorages in the Captain of the Port Portland, OR, Area of Responsibility [Docket No.: USCG-2008-1232] (RIN: 1625-AA01) received November 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4930. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Beachfest Fireworks, Pacific Ocean, San Diego, CA [Docket No.: USCG-2009-0811] (RIN: 1625-AA00) received November 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4931. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Pollution Prevention Equipment [Docket No.: USCG-2004-18939] (RIN: 1625-AA90) received November 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4932. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Waters Surrounding M/V Guilio Verne and Barge Hagar for the Transbay Cable Laying Project, San Francisco Bay, CA [Docket No.: USCG-2009-0870] (RIN: 1625-AA00) received November 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4933. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; East River, New York City, NY [Docket No.: USCG-2009-0348] (RIN: 1625-AA09) received November 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4934. A letter from the Attorney, Department of Homeland Security, transmitting

the Department's final rule — Safety Zone; Catholic Church Procession; San Diego Bay, San Diego, CA [Docket No.: USCG-2009-0812] (RIN: 1625-AA00) received November 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4935. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; International Aero Engines AG (IAE) V2500-A1, V2527E-A5, V2530-A5, and V2528-D5 Turbofan Engines [Docket No.: FAA-2009-0294; Directorate Identifier 2009-NE-08-AD; Amendment 39-16057; AD 2009-22-06] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4936. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hamilton Sundstrand Power Systems T-62T-46C12 Auxiliary Power Units [Docket No.: FAA-2009-0247; Directorate Identifier 2009-NE-07-AD; Amendment 39-16040; AD 2009-21-03] (RIN: 2120-AA64) November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4937. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A340-200 and -300 Series Airplanes [Docket No.: FAA-2009-0907; Directorate Identifier 2009-NM-072-AD; Amendment 39-1604; AD 2009-21-05] (RIN: 2120-AA64) November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4938. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; 328 Support Services GmbH Dornier Model 328-100 and -300 Airplanes [Docket No.: FAA-2009-0616; Directorate Identifier 2009-NM-070-AD; Amendment 39-16043; AD 2009-21-06] (RIN: 2120-AA64) November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4939. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc RB211 Trent 800 Series Turbofan Engines [Docket No.: FAA-2009-1369; Directorate Identifier 2003-NE-03-AD; Amendment 39-16048; AD 2009-21-09] (RIN: 2120-AA64) November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4940. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca S.A. ARRIUS 1A Turboshift Engines [Docket No.: FAA-2009-0348; Directorate Identifier 2009-NE-39-AD; Amendment 39-16050; AD 2009-21-11] (RIN: 2120-AA64) November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4941. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab AB, Saab Aerosystems Model SAAB 2000 Airplanes [Docket No.: FAA-2009-0909; Directorate Identifier 2009-NM-172-AD; Amendment 39-16045; AD 2007-23-05 R1] (RIN: 2120-AA64) November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4942. A letter from the Program Analyst, Department of Transportation, transmitting

the Department's final rule — Pilot, Flight Instructor, and Pilot School Certification; Correction [Docket No.: FAA-2006-26661; Amendment Nos. 61-124A, 91-309A, and 141-12A] (RIN: 2120-A186) November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4943. A letter from the Senior Regulations Analyst, Department of Transportation, transmitting the Department's final rule — Disadvantaged Business Enterprise Program; Inflationary Adjustment [Docket No.: DOT-OST-2009-0074] (RIN: 2105-AD79) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4944. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30692; Amdt. No. 3344] received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4945. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30691; Amdt. No. 3343] received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4946. A letter from the Chairman, Department of Transportation, transmitting the Department's final rule — Removal of Delegations of Authority to Secretary, received November 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4947. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Production and Airworthiness Approvals, Part Marking, and Miscellaneous Amendments [Docket No.: FAA-2006-25877; Amendment Nos. 1-64, 21-92, 43-43, and 45-26] (RIN: 2120-AJ64) November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 1319. A bill to prevent the inadvertent disclosure of information on a computer through the use of certain "peer-to-peer" file sharing software without first providing notice and obtaining consent from the owner or authorized user of the computer; with amendments (Rept. 111-361). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 2221. A bill to protect consumers by requiring reasonable security policies and procedures to protect computerized data containing personal information, and to provide for nationwide notice in the event of a security breach; with amendments (Rept. 111-362). Referred to the Committee of the Whole House on the State of the Union.

Mr. BRADY of Pennsylvania: Committee on House Administration. H.R. 512. A bill to



amend the Federal Election Campaign Act of 1971 to prohibit certain State election administration officials from actively participating in electoral campaigns; with an amendment (Rept. 111-363). Referred to the Committee of the Whole House on the State of the Union.

Mr. ARCURI: Committee on Rules. House Resolution 955. Resolution providing for consideration of the bill (H.R. 4213) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes (Rept. 111-364). Referred to the House Calendar.

Mr. PERLMUTTER. Committee on Rules. House Resolution 956. Resolution providing for consideration of the bill (H.R. 4173) to provide for financial regulatory reform, to protect consumers and investors, to enhance Federal understanding of insurance issues, to regulate the over-the-counter derivatives markets, and for other purposes (Rept. 111-365). Referred to the House Calendar.

Mr. OLIVER: Committee of Conference. Conference report on H.R. 3288. A bill making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111-366). Ordered to be printed.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. RANGEL (for himself, Mr. OBERSTAR, Mr. CAMP, Mr. MICA, Mr. COSTELLO, Mr. PETRI, and Mr. LEWIS of Georgia):

H.R. 4217. A bill to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned; considered and passed.

By Mr. TANNER (for himself and Mr. SAM JOHNSON of Texas):

H.R. 4218. A bill to amend titles II and XVI of the Social Security Act to prohibit retroactive payments to individuals during periods for which such individuals are prisoners, fugitive felons, or probation or parole violators; to the Committee on Ways and Means; considered and passed.

By Mr. WILSON of South Carolina (for himself, Mr. KINGSTON, Mr. INGLIS, Mr. BROUN of Georgia, Mr. SOUDER, Mr. BARRETT of South Carolina, Mrs. BACHMANN, Mrs. BLACKBURN, Mr. MILLER of Florida, Mr. FORBES, and Mr. AKIN):

H.R. 4219. A bill to establish a National Commission on American Recovery and Reinvestment; to the Committee on Education and Labor.

By Mr. BUYER (for himself, Mr. MORAN of Kansas, Mr. BROWN of South Carolina, Mr. MILLER of Florida, Mr. BOOZMAN, Mr. BILIRAKIS, Mr. BUCHANAN, Mr. ROE of Tennessee, Mr. BILBRAY, and Mr. LAMBORN):

H.R. 4220. A bill to amend title 38, United States Code, to make certain improvements

in the laws administered by the Secretary of Veterans Affairs relating to small business concerns and employment assistance, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committees on Education and Labor, and Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BUYER (for himself, Mr. ROE of Tennessee, Mr. BILBRAY, Mr. LAMBORN, Mr. BROWN of South Carolina, and Mr. BOOZMAN):

H.R. 4221. A bill to amend title 38, United States Code, to provide for improved acquisition practices by the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GINNY BROWN-WAITE of Florida (for herself, Mrs. EMERSON, Mr. SOUDER, Mr. ROONEY, Mr. BUCHANAN, Mr. ROSKAM, Mr. LINCOLN DIAZ-BALART of Florida, Mr. PUTNAM, Mr. MARIO DIAZ-BALART of Florida, and Mr. MACK):

H.R. 4222. A bill to provide for the establishment of the Office of Deputy Secretary for Health Care Fraud Prevention; to the Committee on Energy and Commerce.

By Mr. KILDEE (for himself, Mr. RYAN of Ohio, and Mrs. BIGGERT):

H.R. 4223. A bill to support evidence-based social and emotional learning programming; to the Committee on Education and Labor.

By Ms. VELÁZQUEZ (for herself, Mr. FRANK of Massachusetts, and Ms. WATERS):

H.R. 4224. A bill to establish a pilot program to train public housing residents as home health aides and in home-based health services to enable such residents to provide covered home-based health services to residents of public housing and residents of federally-assisted rental housing, who are elderly and disabled, and for other purposes; to the Committee on Financial Services.

By Mr. COSTA (for himself and Mr. CARDOZA):

H.R. 4225. A bill to authorize drought assistance adjustments to provide immediate funding for projects and activities that will help alleviate record unemployment and diminished agricultural production related to the drought in California; to the Committee on Natural Resources.

By Mr. REICHERT (for himself, Mr. KIND, Mr. DAVIS of Kentucky, Mr. BLUMENAUER, Mr. LEE of New York, and Mr. PERRIELLO):

H.R. 4226. A bill to amend the Internal Revenue Code of 1986 to improve and extend certain energy-related tax provisions, and for other purposes; to the Committee on Ways and Means.

By Mr. SCHRADER (for himself, Mr. WALDEN, Mr. BAIRD, Ms. HERSETH SANDLIN, Mrs. McMORRIS RODGERS, Mr. MINNICK, and Mr. DEFazio):

H.R. 4227. A bill to authorize the Secretary of Agriculture to provide loans to support the conversion of energy generation or heating and cooling systems to the use of renewable biomass and to support the installation of new equipment to use renewable biomass for such systems, and for other purposes; to the Committee on Agriculture.

By Mr. ALEXANDER:

H.R. 4228. A bill to require the Forest Service to accommodate, to the extent consistent with the management objectives and limitations applicable to the National Forest System lands at issue, individuals with mobility disabilities who need to use a power-driven mobility device for reasonable access to such lands; to the Committee on Agriculture, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BEAN (for herself and Mrs. CAPITO):

H.R. 4229. A bill to amend the Real Estate Settlement Procedures Act of 1974 to ensure that borrowers under federally related mortgage loans have an opportunity to inspect closing documents; to the Committee on Financial Services.

By Mr. BLUMENAUER:

H.R. 4230. A bill to limit access of Members of Congress to Government-administered health care benefits so long as comprehensive health reform legislation has not become law; to the Committee on House Administration, and in addition to the Committees on Oversight and Government Reform, Ways and Means, Energy and Commerce, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CAO:

H.R. 4231. A bill to amend the Violent Crime Control and Law Enforcement Act of 1994 to reduce the rate of occurrence of homicides and violent crimes in violent and drug crime zones; to the Committee on the Judiciary.

By Mr. CASTLE:

H.R. 4232. A bill to extend the temporary duty suspension on certain rayon staple fibers; to the Committee on Ways and Means.

By Ms. HERSETH SANDLIN (for herself, Mr. WALDEN, Mr. BAIRD, Mrs. McMORRIS RODGERS, and Mr. SCHRADER):

H.R. 4233. A bill to amend the Healthy Forests Restoration Act of 2003 to expand the areas of Federal land on which hazardous fuel reduction projects may be conducted under that Act, to add protection of infrastructure in rural communities as an additional purpose of that Act, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAM JOHNSON of Texas:

H.R. 4234. A bill to provide for the commemoration of the 60th anniversary of the Korean war; to the Committee on Armed Services.

By Mr. KENNEDY:

H.R. 4235. A bill to amend the Public Health Service Act to provide assistance for graduate medical education funding for women's hospitals; to the Committee on Energy and Commerce.

By Mr. LEVIN:

H.R. 4236. A bill to amend the Internal Revenue Code of 1986 to provide a temporary exclusion of 100 percent of the gain on the sale or exchange of certain small business stock; to the Committee on Ways and Means.

By Mrs. MALONEY (for herself, Ms. ROS-LEHTINEN, and Mr. NADLER of New York):

H.R. 4237. A bill to ensure that the courts of the United States may provide an impartial forum for claims brought by United States citizens and others against any railroad organized as a separate legal entity, arising from the deportation of United States citizens and others to Nazi concentration camps on trains owned or operated by such railroad, and by the heirs and survivors of such persons; to the Committee on the Judiciary.

By Ms. MARKEY of Colorado (for herself, Ms. DEGETTE, Mr. POLIS, Mr. SALAZAR, Mr. LAMBORN, Mr. COFFMAN of Colorado, and Mr. PERLMUTTER):

H.R. 4238. A bill to designate the facility of the United States Postal Service located at 930 39th Avenue in Greeley, Colorado, as the "W.D. Farr Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. MEEK of Florida (for himself and Mr. BRADY of Texas):

H.R. 4239. A bill to amend the Internal Revenue Code of 1986 to modify the exception from the 10 percent penalty for early withdrawals from governmental plans for Federal and State qualified public safety employees; to the Committee on Ways and Means.

By Mr. MELANCON:

H.R. 4240. A bill to provide for a grace period in which durable medical equipment suppliers may meet Medicare accreditation and surety bond requirements; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MICHAUD:

H.R. 4241. A bill to amend chapter 17 of title 38, United States Code, to allow for increased flexibility in payments for State veterans homes; to the Committee on Veterans' Affairs.

By Mr. MORAN of Kansas:

H.R. 4242. A bill to amend the Internal Revenue Code of 1986 to provide incentives for used oil re-refining, and for other purposes; to the Committee on Ways and Means.

By Ms. LINDA T. SANCHEZ of California (for herself and Mr. BRADY of Texas):

H.R. 4243. A bill to permit the issuance of tax-exempt bonds for air and water pollution control facilities; to the Committee on Ways and Means.

By Mr. SCHOCK (for himself and Mr. NYE):

H.R. 4244. A bill to amend the Internal Revenue Code of 1986 to provide a simplified research tax credit for small businesses; to the Committee on Ways and Means.

By Mr. SESTAK:

H.R. 4245. A bill to authorize the Secretary of the Army to provide assistance relating to water resource protection and development in Pennsylvania, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. WALZ:

H.R. 4246. A bill to amend the Internal Revenue Code of 1986 to extend the alternative fuels credit for liquified petroleum gas through 2010; to the Committee on Ways and Means.

By Mr. BERMAN (for himself, Mr. SMITH of New Jersey, Mr. FALOMAVAEGA, Mr. PAYNE, Mr. CROWLEY, Mr. FILNER, Mr. HONDA, Ms. RICHARDSON, Mr. OBERSTAR, Mr. ELLISON, Mr. CARNAHAN, Ms. MCCOLLUM, Ms. HIRONO, Ms. CHU, Ms.

BORDALLO, Ms. SPEIER, Mr. BILBRAY, Ms. WATSON, Mr. ENGEL, Mr. AL GREEN of Texas, Mr. SABLAN, Mr. SIRE, and Ms. LORETTA SANCHEZ of California):

H. Con. Res. 218. Concurrent resolution expressing sympathy for the 57 civilians who were killed in the southern Philippines on November 23, 2009; to the Committee on Foreign Affairs; considered and agreed to.

By Mr. TERRY:

H. Con. Res. 219. Concurrent resolution recognizing and commending the leadership and thousands of volunteers involved with Bugles Across America for their commitment and sacrifice to ensure veterans are laid to rest with the honor and ceremony they earned through selfless service to the people of the United States in the Armed Forces; to the Committee on Veterans' Affairs.

By Mr. JOHNSON of Georgia (for himself, Ms. RICHARDSON, Mr. LUJAN, Ms. JACKSON-LEE of Texas, Mr. ELLISON, Mr. CONYERS, and Mr. FILNER):

H. Res. 950. A resolution expressing the sense of the House that any unobligated funds authorized for expenditure by the Troubled Asset Relief Program (TARP) should be used to create jobs for United States citizens; to the Committee on Financial Services.

By Mr. BROWN of South Carolina (for himself, Mr. DAVIS of Illinois, Ms. GINNY BROWN-WAITE of Florida, Mr. CONAWAY, Mr. KINGSTON, Mr. CARTER, Mr. DUNCAN, Mr. BARRETT of South Carolina, Mr. INGLIS, Mr. ROGERS of Kentucky, Mr. BACHUS, Mr. JONES, Mr. LAMBORN, Mr. FRANKS of Arizona, Mr. SHIMKUS, Mr. SCALISE, Mr. MORAN of Kansas, Mr. SAM JOHNSON of Texas, and Mr. SOUDER):

H. Res. 951. A resolution expressing the sense of the House of Representatives that the symbols and traditions of Christmas should be protected for use by those who celebrate Christmas; to the Committee on Oversight and Government Reform.

By Mr. MCKEON (for himself and Mr. CANTOR):

H. Res. 952. A resolution expressing the sense of the House of Representatives that a recipient of the Congressional Medal of Honor should be permitted, at all times on the recipient's property, to properly display the Flag of the United States of America; to the Committee on the Judiciary.

By Mr. MCGOVERN (for himself, Mr. WOLF, Mr. DELAHUNT, and Mr. SMITH of New Jersey):

H. Res. 953. A resolution expressing the sense of the House of Representatives that the Government of the People's Republic of China has violated internationally recognized human rights and legal due process standards by carrying out executions after trials marred by procedural abuses and by carrying out arbitrary detentions targeting Uyghurs and other individuals in Xinjiang in the aftermath of a suppressed demonstration and ensuing mob violence on July 5 to 7, 2009; to the Committee on Foreign Affairs.

By Mr. HALL of Texas (for himself, Mr. MCCAUL, Mr. OLSON, Mr. NEUGEBAUER, Mr. ROHRBACHER, Mr. AKIN, Mr. BROUN of Georgia, Mr. SENSENBRENNER, Mr. BILBRAY, Mr. BARTLETT, Mrs. BIGGERT, and Mr. SMITH of Texas):

H. Res. 954. A resolution expressing the sense of the House of Representatives regarding the scientific protocols, data collection methods, and peer review standards for climate change research which are necessary to

preclude future infringements of the public trust; to the Committee on Science and Technology.

By Mr. MCHENRY (for himself, Mr. KISSELL, Mr. HUNTER, Mrs. MYRICK, and Mr. SCHAUER):

H. Res. 957. A resolution honoring Jimmie Johnson, 2009 NASCAR Sprint Cup Champion; to the Committee on Oversight and Government Reform.

By Mr. VAN HOLLEN (for himself, Mr. GEORGE MILLER of California, Mrs. BONO MACK, and Mr. REICHERT):

H. Res. 958. A resolution congratulating the United States Men's National Soccer Team for securing a berth at the 2010 FIFA World Cup in South Africa; to the Committee on Oversight and Government Reform.

### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 24: Mr. PALLONE, Ms. WASSERMAN SCHULTZ, Mr. MAFFEI, Mr. BARTON of Texas, Mr. RANGEL, Mr. VISCLOSKEY, Ms. CHU, Mr. DOGGETT, Mr. HIGGINS, and Mr. AL GREEN of Texas.

H.R. 39: Mr. FARR and Mr. ISRAEL.

H.R. 270: Mr. MCCOTTER.

H.R. 333: Ms. MATSUI.

H.R. 391: Mr. LINDER, Mr. HALL of Texas, Mr. MCCAUL, and Mr. OLSON.

H.R. 393: Mrs. CAPITO.

H.R. 537: Mr. COSTELLO.

H.R. 571: Ms. HARMAN, Ms. NORTON, and Mr. AUSTRIA.

H.R. 678: Mr. PAUL, Mr. LANCE, Ms. BALDWIN, and Ms. HIRONO.

H.R. 690: Mr. THOMPSON of Mississippi, Mr. SNYDER, Mr. HARPER, and Ms. KILROY.

H.R. 847: Mr. NYE.

H.R. 881: Mr. SESSIONS, Mr. ADERHOLT, and Mr. AUSTRIA.

H.R. 930: Mr. RUSH.

H.R. 1020: Mr. WALZ.

H.R. 1051: Mr. WELCH.

H.R. 1067: Mr. JACKSON of Illinois.

H.R. 1079: Mr. LANGEVIN.

H.R. 1134: Mr. MCCOTTER.

H.R. 1177: Mr. JOHNSON of Georgia, Mr. AUSTRIA, Mrs. LUMMIS, Mr. MCCLINTOCK, Mr. OLSON, Mr. PAULSEN, Mr. CHAFFETZ, Mr. COFFMAN of Colorado, Mr. ROE of Tennessee, Mr. FLEMING, Mr. GALLEGLY, Mrs. SCHMIDT, Mr. SCHOCK, Mr. HARPER, Mr. THOMPSON of Pennsylvania, Mr. HELLER, Mr. YOUNG of Alaska, Mr. HUNTER, Mr. LEE of New York, Mr. LANCE, and Mr. QUIGLEY.

H.R. 1205: Mr. ROGERS of Alabama and Mr. STARK.

H.R. 1237: Ms. RICHARDSON and Mr. ELLSWORTH.

H.R. 1283: Mr. OWENS.

H.R. 1396: Mr. CARTER.

H.R. 1443: Mr. ELLISON.

H.R. 1499: Mr. TURNER.

H.R. 1526: Ms. CORRINE BROWN of Florida and Ms. BERKLEY.

H.R. 1552: Mr. OWENS.

H.R. 1584: Mr. CRENSHAW.

H.R. 1596: Mr. NEAL of Massachusetts.

H.R. 1618: Mr. GARAMENDI.

H.R. 1623: Mr. PASCRELL.

H.R. 1653: Ms. WOOLSEY.

H.R. 1806: Mr. CLAY, Mr. ELLSWORTH, Mr. SHULER, Mr. MOLLOHAN, Mr. DEFazio, Mr. DAVIS of Illinois, and Mr. NYE.

H.R. 1815: Mr. PENCE and Mr. COBLE.

H.R. 1869: Mr. COURTNEY.

H.R. 1894: Mr. FORBES.

- H.R. 1956: Mr. MURPHY of Connecticut.  
H.R. 1977: Mr. CONYERS.  
H.R. 1987: Mr. MURPHY of New York.  
H.R. 1990: Mr. COLE and Mr. KANJORSKI.  
H.R. 2006: Ms. FUDGE, Mr. KLEIN of Florida, and Mrs. DAVIS of California.  
H.R. 2119: Mr. SCHOCK and Mr. CRENSHAW.  
H.R. 2149: Mr. HALL of Texas.  
H.R. 2190: Mr. INSLEE.  
H.R. 2194: Mr. SPRATT.  
H.R. 2214: Ms. MCCOLLUM.  
H.R. 2262: Mr. COHEN and Ms. TITUS.  
H.R. 2324: Ms. LINDA T. SÁNCHEZ of California, Ms. SPEIER, Mr. WEXLER, Ms. HARMAN, Mr. MARKEY of Massachusetts, and Ms. SLAUGHTER.  
H.R. 2365: Mr. JACKSON of Illinois.  
H.R. 2429: Mr. HALL of Texas, Mr. MELANCON, and Mr. JACKSON of Illinois.  
H.R. 2452: Mr. BUTTERFIELD.  
H.R. 2478: Mr. REICHERT.  
H.R. 2480: Mrs. NAPOLITANO and Mr. CROWLEY.  
H.R. 2492: Mr. BOUCHER.  
H.R. 2548: Mr. HODES.  
H.R. 2565: Mr. CARNEY.  
H.R. 2641: Mr. BRALEY of Iowa.  
H.R. 2672: Mrs. BLACKBURN, Mr. NYE, Mr. SMITH of Nebraska, and Mr. BOOZMAN.  
H.R. 2709: Mr. QUIGLEY.  
H.R. 2743: Mr. REICHERT and Mr. NEAL of Massachusetts.  
H.R. 2859: Ms. ROYBAL-ALLARD.  
H.R. 2866: Mr. ROGERS of Michigan and Mr. CASSIDY.  
H.R. 2964: Ms. RICHARDSON and Mrs. BLACKBURN.  
H.R. 2987: Ms. SCHAKOWSKY.  
H.R. 2991: Mr. CLAY, Mr. SCOTT of Virginia, Mr. CONYERS, Ms. JACKSON-LEE of Texas, Ms. WATSON, and Ms. RICHARDSON.  
H.R. 3019: Mr. STUPAK and Mr. WALDEN.  
H.R. 3042: Mr. HIGGINS.  
H.R. 3043: Mr. LEWIS of Georgia, Mr. KUCINICH, Mr. PETERSON, Mr. PASTOR of Arizona, and Mr. BERMAN.  
H.R. 3077: Mr. STUPAK.  
H.R. 3131: Mr. FORTENBERRY and Mr. DENT.  
H.R. 3140: Ms. GRANGER and Mr. SMITH of Nebraska.  
H.R. 3147: Mr. CLAY.  
H.R. 3149: Ms. FUDGE and Mr. MICHAUD.  
H.R. 3227: Mr. PAULSEN.  
H.R. 3249: Ms. MATSUI.  
H.R. 3310: Mr. FORBES and Mr. LINDER.  
H.R. 3315: Mr. DEFazio.  
H.R. 3402: Mr. BUYER.  
H.R. 3431: Mr. TAYLOR.  
H.R. 3439: Mr. COSTELLO.  
H.R. 3441: Mr. OWENS.  
H.R. 3463: Mr. SOUDER.  
H.R. 3485: Mr. TIERNEY.  
H.R. 3488: Mr. HODES.  
H.R. 3615: Mr. OWENS.  
H.R. 3654: Mr. LINCOLN DIAZ-BALART of Florida.  
H.R. 3720: Mr. CARNEY.  
H.R. 3745: Mr. FARR.  
H.R. 3757: Mr. FORBES.  
H.R. 3758: Mr. DAVIS of Kentucky, Mr. JACKSON of Illinois, Mr. TIAHRT, Mrs. McMORRIS RODGERS, Mr. SMITH of Nebraska, Mr. MINNICK, Mr. WAMP, Mr. HASTINGS of Washington, Mr. WOLF, Mr. HELLER, Mr. HALL of Texas, Mr. TERRY, Mr. GERLACH, Mr. MARIO DIAZ-BALART of Florida, and Mr. HINCHBY.  
H.R. 3784: Mr. LEE of New York.  
H.R. 3790: Mr. MOORE of Kansas, Mr. FORBES, Mr. TERRY, and Mr. CHILDERS.  
H.R. 3812: Mr. POLIS.  
H.R. 3838: Ms. BALDWIN.  
H.R. 3904: Ms. ZOE LOFGREN of California and Mr. HALL of New York.  
H.R. 3930: Mr. FRANK of Massachusetts, Mr. LEWIS of Georgia, and Mr. DOGGETT.  
H.R. 3943: Mr. HASTINGS of Florida, Mr. BOCCIERI, Mr. CARNAHAN, Mr. SMITH of Nebraska, Mr. MASSA, Mr. ETHERIDGE, Mr. MCNERNEY, Mr. MCGOVERN, and Mr. FORBES.  
H.R. 3947: Mr. BRALEY of Iowa.  
H.R. 3948: Mr. HASTINGS of Florida.  
H.R. 3966: Mr. FRANK of Massachusetts.  
H.R. 3974: Mr. BOUCHER and Mr. JOHNSON of Georgia.  
H.R. 4037: Mr. SABLAN.  
H.R. 4067: Mr. HINOJOSA, Mr. PATRICK J. MURPHY of PENNSYLVANIA, Mr. MASSA, Mr. VAN HOLLEN, and Mr. MATHESON.  
H.R. 4089: Mr. SMITH of Nebraska, Mr. MORAN of Kansas, and Mr. BOCCIERI.  
H.R. 4102: Mr. WU.  
H.R. 4108: Ms. MATSUI.  
H.R. 4110: Mr. JONES, Mr. POE of Texas, and Mr. SIMPSON.  
H.R. 4114: Ms. BALDWIN.  
H.R. 4116: Ms. ROYBAL-ALLARD, Mr. PAULSEN, Mr. MURPHY of Connecticut, Mr. PIERLUISI, Ms. EDWARDS of Maryland, Ms. LEE of California, Mr. PLATTS, Mr. HODES, and Mr. ABERCROMBIE.  
H.R. 4117: Mr. OWENS.  
H.R. 4127: Mr. SOUDER.  
H.R. 4128: Mr. CONYERS, Mr. MORAN of Virginia, Mr. MCGOVERN, Mr. BLUMENAUER, Mr. SHULER and Mr. CAO.  
H.R. 4130: Mr. CONYERS, Mr. FILNER, and Mr. TANNER.  
H.R. 4147: Mr. CROWLEY.  
H.R. 4160: Ms. HIRONO.  
H.R. 4161: Ms. HIRONO.  
H.R. 4163: Mr. DEFazio.  
H.R. 4165: Mr. SMITH of Washington, Mr. INSLEE, Mr. REICHERT, and Mr. DANIEL E. LUNGREN of California.  
H.R. 4167: Ms. ESHOO.  
H.R. 4168: Mr. PATRICK J. MURPHY of Pennsylvania.  
H.R. 4177: Mr. ALEXANDER, Mr. BRIGHT, and Mr. ROSS.  
H.R. 4183: Mr. OLVER.  
H.R. 4196: Mr. COURTNEY, Mr. MILLER of North Carolina, Mr. SABLAN, Mr. HARE, Ms. DELAURO, Ms. BORDALLO, Mr. RYAN of Ohio, Mr. GRIJALVA, Mr. LOEBSACK, Ms. NORTON, Ms. MOORE of Wisconsin, and Ms. FUDGE.  
H.J. Res. 61: Mr. QUIGLEY.  
H. Con. Res. 213: Mr. BERMAN and Mr. HINOJOSA.  
H. Res. 35: Mr. JOHNSON of Illinois.  
H. Res. 55: Mr. STUPAK, Mr. MURPHY of Connecticut, and Mr. BRALEY of Iowa.  
H. Res. 677: Mr. PAULSEN.  
H. Res. 732: Mr. MCCAUL, Mr. ROHRBACHER and Mr. SIRES.  
H. Res. 860: Mr. DAVIS of Illinois, Mr. GUTIERREZ, Mr. HIGGINS, and Ms. DEGETTE.  
H. Res. 864: Mr. SNYDER, Mr. COOPER, Mr. MELANCON, Ms. HERSETH SANDLIN, Ms. SUTTON, Ms. MARKEY of Colorado, Mr. SHULER, Mr. MOORE of Kansas, Mr. BOYD, Ms. KOSMAS, and Mr. TANNER.  
H. Res. 898: Mr. SESTAK.  
H. Res. 905: Mr. CHANDLER, Mr. ETHERIDGE, and Ms. BORDALLO.  
H. Res. 907: Mr. DOYLE.  
H. Res. 911: Mr. SCALISE, Mr. BACHUS, Mr. LATTI, Mr. ISSA, Mr. POSEY, and Mr. DREIER.  
H. Res. 925: Ms. RICHARDSON.  
H. Res. 940: Ms. GIFFORDS and Ms. BALDWIN.  
H. Res. 945: Mr. HERGER and Mr. SOUDER.  
H. Res. 946: Mr. KISSELL, Mr. HARE, Mr. WEINER, Mr. MASSA, Mr. SCOTT of Virginia, Mr. MICHAUD, and Mr. CLEAVER.

#### CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative FRANK of Massachusetts, or a designee, to H.R. 4173, the Wall Street Reform and Consumer Protection Act of 2009, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

## EXTENSIONS OF REMARKS

RECOGNIZING THE CONTRIBUTIONS OF BARBARA DEE BRADFORD

### HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 8, 2009*

Mr. BURGESS. Madam Speaker, I rise today in recognition of Barbara Dee Bradford. After 21 years, Barbie, as she is warmly known by friends and coworkers, is retiring from her post as Director of the Learning Center at the University of North Texas in Denton, Texas.

Barbie began her career at UNT in 1988 as a counselor in the Counseling and Testing Center, and has spent her entire career at UNT dedicated to student success and learning. In 1998 she created the Learning Center and has served as its only Director. Under her leadership, the Center has grown from an office with only one full-time employee and a handful of student workers to one that has seven full-time staff, several graduate assistants, and hundreds of student workers.

Barbie implemented Supplemental Instruction at UNT, a program where students who have recently completed a course return in future semesters and serve as study session tutors for those in the class. This successful program has helped improve the grades of thousands of students at UNT. Today, the Volunteer Tutor program thrives, and hundreds of students volunteer their time to assist other students.

Barbie has devoted time, even on weekends, to assist parents with their child's transition to UNT. For ten years, she has delivered a presentation to parents at each summer orientation session. Barbie uses personal examples to help parents feel at ease. Over the years, she has received numerous phone calls from parents and had students show up on her door. In all those situations, Barbie has welcomed the opportunity to be of assistance to the student, and the family.

Barbie has mentored hundreds of students, graduate students and staff members. Whether the students worked in her office or appeared at her door, she always has taken time to provide guidance and lend an ear. All who have worked for Barbie hold her in the highest regard.

Barbie is a walking example of a lifelong learner and exemplifies that to all with whom she comes in contact, which has allowed her to positively influence the lives of thousands of students over her 21 years at UNT. As a proud alumnus, I appreciate her dedication in support of their academic success as they build the foundations for their future.

Madam Speaker, it is with great honor that I rise today and recognize Barbie Bradford for her years of dedication and selfless service to the University of North Texas. I am proud to

represent her and UNT in the United States Congress.

### HONORING FRED MACHADO

### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 8, 2009*

Mr. RADANOVICH. Madam Speaker, I rise today to commend and congratulate Fred Machado upon being named the "2009 Agriculturist of the Year" by the Greater Fresno Area Chamber of Commerce. Mr. Machado will be recognized at the annual Agricultural Awards luncheon on November 18, 2009 in Fresno, California.

In 1932, Mr. Fred Machado was born in the Azores region of Portugal. At the age of sixteen he migrated to the United States with his family. When he arrived in the U.S. he began working as a farm laborer doing jobs that included milking cows for two hundred and fifty dollars a month. He enjoyed the work and took to the dairy industry quickly, but decided to join the United States Navy. In 1955, after leaving the Navy he had saved enough money to purchase a twenty-acre plot in Easton, just west of Fresno, California. During the 1950's, Mr. Machado established a dairy with fifty cows, the company grew, quickly reaching fifteen hundred heifers.

Over the years, Mr. Machado's land increased from twenty-acres to an eight hundred-acre farming operation that produces almonds, grapes, orchards and feed crops. Until this year the farm also included the dairy, however with unprecedented low prices for milk, the Machado family decided to retire from the dairy business.

Mr. Machado is a very active member of the community. He has served on the boards of the National Milk Producers Federation, Challenge Dairy, Danish Creamery and numerous community organizations. Mr. Machado has been active with the Fresno County Farm Bureau for over fifty years, serving in multiple leadership positions including serving as the Eastern Center Co-Chairman, and as president from 1972-1974.

Madam Speaker, I rise today to commend and congratulate Frank Machado upon being named the "2009 Agriculturist of the Year." I invite my colleagues to join me in wishing Mr. Machado many years of continued success.

### HONORING CORNELIS J.H. VAN DE VELDE PH.D., M.D.

### HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 8, 2009*

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor

Cornelis J.H. van de Velde Ph.D., M.D. For his commitment to the fight against cancer and his participation at the Tony Snow Cancer Symposium in The Villages, Florida on January 21. Hosted by the Caring and Sharing Villagers and the Alliance Healthcare Foundation, the Tony Snow Cancer Symposium is intended to raise funds for the creation of a \$25 million cancer center next to Leesburg Regional Hospital and promote cancer awareness in our community.

Currently serving as Professor of Surgical Oncology at the Leiden University Medical Center in Leiden, the Netherlands, Dr. van de Velde has supervised over 50 Ph.D. theses, coordinated 14 projects of the Netherlands Cancer Foundation, six health insurance fund projects, six European randomized breast cancer studies, and four European randomized colorectal cancer studies.

In addition to serving as a professor at the Leiden University Medical Center, he is the center's Coordinator of Oncology and sits on numerous committees there. He serves as Chairman of the Dutch Royal Academy of Sciences, founded and was the first Chairman of the Dutch Colorectal Cancer Group, the Dutch Gastric Cancer Group and the Dutch Breast Cancer Group. Dr. van de Velde has also been the President of the European Society of Surgical Oncology since 2008 and is currently Vice President of the European Cancer Society.

Dr. van de Velde was recognized in 1999 as an Honorary Fellow of the Royal College of Surgeons in London and the Royal College of Surgeons and Physicians in Glasgow.

Madam Speaker, individuals such as Cornelis van de Velde should be recognized for their sincere dedication to improving the health and quality of life for people all over the world. With the passing of my husband Harvey to pancreatic cancer, I can personally attest to the effects of cancer on both a person and their family. I sincerely appreciate the work that Dr. van de Velde has done and wish him further success in his medical endeavors.

### IN RECOGNITION OF THE 98TH BIRTHDAY OF RUBY HARTLEY BARTON

### HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 8, 2009*

Mr. ROGERS of Alabama. Madam Speaker, I would like to request the House's attention today to pay recognition to the special life of Ruby Hartley Barton of Talladega, Alabama.

Mrs. Barton was born on December 15, 1911 in Georgia to James and Victoria Hartley. Mrs. Barton's father died while she was a baby, and her mother raised her and her six brothers and sisters. Mrs. Barton grew up in a farming and textile family.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

She was married to the late B.W. Barton for over 50 years and was blessed with two sons, Charles D. Barton and Larry H. Barton and one daughter, Edith Barton Bishop. Mrs. Barton now has three grandchildren, three great-grandchildren and one great-great grandchild.

Mrs. Barton worked at Bemis Mills for close to 40 years and has spent her life serving God and volunteering in her church as a Sunday School teacher, choir director and pianist.

On December 15th, her friends and family will celebrate her birthday in her room at Talladega Health Care in Talladega. Today I would like to wish Mrs. Ruby Hartley Barton a very Happy 98th Birthday.

#### PROMOTING JOBS FOR VETERANS ACT OF 2009

#### HON. STEVE BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 8, 2009*

Mr. BUYER. Madam Speaker, I rise today to introduce the Promoting Jobs for Veterans Act of 2009.

Last week the U.S. Bureau of Labor Statistics reported that during the month of November there were over one million unemployed veterans in this country. The report also showed that the unemployment rate among our newest cohort of veterans ages 18–24 remains extremely high at 20 percent. Moreover, 700,000 of that million are between the ages of 35 and 64, the years of both the highest earning power and the highest financial needs to pay mortgages and tuitions. I ask unanimous consent that the relevant page from the December Bureau of Labor Statistics Report be included in the RECORD with my remarks.

These numbers paint a very disturbing picture of the obstacles veterans face. These men and women have put their lives on the line in the defense of freedom and democracy around the globe, so we must do a better job of helping these warriors find suitable employment opportunities when they return home.

That is why I have introduced the Promoting Jobs for Veterans Act of 2009. The first title of this bill focuses on providing funding and incentives for veterans to pursue training and education that would provide employment opportunities for them in the new economy. It would create a new troops to teachers program to pay new teachers who are veterans and are teaching in a rural area \$500 a month stipend. It would also provide a zip code based housing stipend for unemployed veterans who are participating in a VA approved OJT/Apprenticeship Program.

The second title of the bill focuses on promoting and expanding veteran owned and service disabled veteran owned small businesses. It would reauthorize the VA Veteran Owned Small Business Loan Guaranty Program which would guarantee loans for veteran owned small businesses up to \$500,000. It would also allow VA to enter into sole source contracts with veteran owned small businesses in the same way they can with 8(a) firms.

According to the U.S. Small Business Administration, firms with fewer than 500 employ-

ees accounted for 64 percent—or 14.5 million—of the 22.5 million net new jobs between 1993 and the third quarter of 2008. I firmly believe that veteran owned small businesses can become a driving force in this nation's recovery and this bill will help make that a reality.

Madam Speaker, I urge my colleagues to co-sponsor this needed legislation.

#### HONORING ERROTABERE RANCH

#### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 8, 2009*

Mr. RADANOVICH. Madam Speaker, I rise today to commend and congratulate Errotabere Ranch upon being the recipient of the 2009 Baker, Peterson and Franklin Ag Business Award by the Greater Fresno Area Chamber of Commerce. Mr. Dan Errotabere of Errotabere Ranch will be recognized at the annual Agricultural Awards luncheon on November 18, 2009 in Fresno, California.

Errotabere Ranch is a family operated farm in Riverdale, California and was first established in the 1920's by Mr. Jean Errotabere. By 1979, when Mr. Errotabere passed away, the farm had expanded to include 800 acres of cotton. Today, brothers Dan, Jean Jr., and Remi operate a six thousand-acre diversified farming operation which includes pima cotton, almonds, pistachios, tomatoes, garlic, onions, alfalfa seed, wheat, lettuce and cantaloupes in the Riverdale and the Five Points areas. Each brother is responsible for a specific facet of the business including the finances, crop production and farm equipment. Over the years the family has applied progressive water techniques and technology to better utilize the scarce water resources on the ranch.

The Errotabere family has a long history of community involvement. They have held many leadership roles in the agricultural industry and community organizations. Dan has been an advocate for agricultural water issues, serving on several water-related boards. Dan is also heavily involved with the Fresno County Farm Bureau, currently serving as president. All three brothers are actively involved with Riverdale schools and the Jordan College of Agricultural Sciences and Technology at California State University, Fresno. The family supports Community Medical Centers, Children's Hospital Central California and has been active in the local United Cerebral Palsy Association.

Madam Speaker, I rise today to commend and congratulate Errotabere Ranch upon being honored as the 2009 Baker, Peterson and Franklin Ag Business Award. I invite my colleagues to join me in wishing Errotabere Ranch many years of continued success.

#### INTRODUCTION OF THE "NO SOCIAL SECURITY BENEFITS FOR PRISONERS ACT OF 2000"

#### HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 8, 2009*

Mr. TANNER. Madam Speaker, today, I have introduced legislation that will treat retro-

active Social Security and Supplemental Security Income payments due to prisoners consistent with the way ongoing monthly payments are treated.

The "No Social Security Benefits for Prisoners Act of 2009" would prevent retroactive Social Security and Supplemental Security Income benefit payments from being issued to individuals while they are in prison, along with beneficiaries in violation of conditions of parole or probation, or who are fleeing to avoid prosecution for a felony or a crime punishable by sentence of more than one year.

The Social Security Act already bars payment of current monthly benefits to such individuals. This bill ensures this prohibition applies to retroactive benefit payments as well, and allows payments to be paid once the beneficiary is no longer prohibited from receiving payments under the provisions of this bill.

I urge my colleagues to support the bill.

#### RECOGNIZING AND CONGRATULATING ST. PETER LUTHERAN CHURCH IN ROANOKE, TEXAS

#### HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 8, 2009*

Mr. BURGESS. Madam Speaker, I stand today to recognize and congratulate St. Peter Lutheran Church in Roanoke, Texas, as they celebrate the groundbreaking for their first facility.

St. Peter Lutheran Church was founded in September of 2006, when a small group of 37 families from Roanoke and surrounding cities in North Texas decided to plant a new church in their rapidly growing community. The congregation met under the guidance of Pastor Robert Baldur in a school gym, and later in the Roanoke Recreation Center.

The church's small beginnings did not stop them from reaching out to the community. Members of St. Peter Lutheran Church actively contribute to their community in many ways, such as participating in Habitat for Humanity, providing free games and activities for local children at city events, holding food and supply drives for local food pantries, among countless other acts of generosity. The church even has its own barbeque team—the Holy Smokers—who use their grilling and smoking talents to serve others.

The church now encompasses over 100 families, and is still growing. Their rapidly increasing size has led them to purchase 11 acres of land in Roanoke, where they will break ground on Sunday, December 6, 2009, and build their first multi-use church facility. Future plans also include a school, Concordia Academy, which will one day serve and educate children throughout North Texas.

Madam Speaker, St. Peter Lutheran Church is a shining light in Roanoke, Texas. I am extremely proud to represent Pastor Baldur and the entire church congregation in the 26th Congressional District. Their service to the community is valued and appreciated, and I look forward to watching the church grow, and observing the positive impact they will continue to have in North Texas.

A PROCLAMATION HONORING THE 20TH ANNIVERSARY OF THE TUSCO COMPOSITE SQUADRON OH-277, CIVIL AIR PATROL, UNITED STATES AIR FORCE AUXILIARY

### HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 8, 2009*

Mr. SPACE. Madam Speaker:

Whereas, the Tusco Composite Squadron, founded in 1989, is celebrating 20 years of commendable service in Tuscarawas County, and

Whereas, three founding members—Lt. Betty Turnbull, Lt. Marilyn Shanks and Lt. Wayne Shanks—have served their unit since its inception, and

Whereas, the Tusco Composite Squadron has assisted the community by securing crash sites, helping with disaster relief efforts, and other services, and

Whereas, the Tusco Composite Squadron has been the recipient of numerous awards pertaining to their work and services; now, therefore, be it

Resolved that along with the residents of the 18th Congressional District, I commend the Tusco Composite Squadron OH-277 on 20 years of service to the community and the Air Force.

CELEBRATING THE 20TH ANNIVERSARY OF THE FALL OF THE BERLIN WALL

### HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 8, 2009*

Mr. POE of Texas. Madam Speaker, it was 20 years ago November 9, 1989, that the most notorious symbol of the Cold War, The Iron Curtain, came crashing down. When the Berlin Wall was opened for "private trips abroad", thousands lined up at check points demanding passage. In the following days and weeks, hundreds celebrated by physically tearing down the concrete division so completely that very little of the actual wall remains.

The Berlin Wall was erected by the German Democratic Republic in 1961 separating Eastern and Western Germany to stop migration of East Germans trying to escape communism. The wall had many deterrents for those looking for escape. Its total border length around West Berlin was ninety-six miles with forty-one miles of wire mesh fencing, sixty-five miles of anti-vehicle trenches, and seventy-nine miles of contact or signal fence. It has been reported that between 136 and 192 people were killed on the Berlin Wall and about 200 persons injured by shooting while attempting to escape between 1961 and 1989.

November 9, 2009, two decades later, thousands cheered as colorfully decorated mammoth dominos set along a mile-long route were toppled; symbolizing the wall coming down and the fall of communist countries in

Eastern Europe. On this day, we remember those brave, proud people who stood up to say no more!

### HONORING ANDREW SCOTT RICE

### HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 8, 2009*

Mr. MARCHANT. Madam Speaker, I rise today to honor an amazing boy from Texas. His name is Drew Scott Rice, and he is a cancer survivor and amputee. Drew has experienced some difficult times, but his strong character has made it possible for him to live a healthy active life.

At the age of six, Drew was diagnosed with Ewing's Sarcoma Cancer on April 30, 2004. His treatment consisted of fourteen rounds of chemotherapy and the amputation of his left leg.

Drew returned to school on crutches after missing nine months for treatment. Even with missing so much school, he was able to continue his academics at the same grade level.

Even more surprisingly, Drew began playing baseball only three months post treatment. Drew has successfully adapted to his prosthetic leg as if it was second nature. He has played a total sixteen seasons between two leagues as a 1st baseman, 3rd baseman, and pitcher.

Drew has also shared his strength with other patients. He has visited cancer victims and amputees at San Antonio area hospitals and homes to offer encouragement and hope that they too can overcome their hardships.

As of December 10, 2009 Drew has been cancer free for five years. I am honored to speak of Andrew's strength here today and I ask my colleagues to join me in recognizing Drew as an inspiration and role model to those who suffer from cancer and or amputation.

### HONORING MARIA GROVNER

### HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 8, 2009*

Mr. KINGSTON. Madam Speaker, I rise today in order to recognize Georgia's Middle School Counselor of the Year, Maria Grovner. A native of McIntosh County Georgia, Ms. Grovner is the middle school counselor at Creekland Middle School in Gwinnett County Georgia. Before receiving the honor of being named Middle School Counselor of The Year, Ms. Grovner was recognized as Gwinnett County's Counselor of the Year and as the Region II Middle School Counselor of the Year.

As a result of Ms. Grovner's hard work and numerous undertakings, it is no surprise that she has received these accolades. In addition to implementing numerous student activities and promoting diversity and early college awareness at the middle school level, Ms. Grovner coordinates a Peer Leadership Con-

ference for approximately 600 middle school peer leaders. Additionally, the Georgia School Counselors Association is fortunate to have Ms. Grovner serving as the Mentoring Program Co-Chair and as the Middle School Worksetting Vice-President. As Worksetting Vice-President, Ms. Grovner assists other middle school counselors throughout the state in implementing the best practices in their counseling programs.

Ms. Grovner's dedication to her profession and the students she serves is admirable and exemplary. Madam Speaker, I am proud to honor Maria Grovner as the State of Georgia's Middle School Counselor of the Year.

### VILLAGE OF ARGYLE IN MISSOURI

### HON. BLAINE LUETKEMEYER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 8, 2009*

Mr. LUETKEMEYER. Madam Speaker, I rise today to recognize the Village of Argyle, located in Maries and Osage counties, in Missouri.

I would like to acknowledge the Village of Argyle as its residents prepare to celebrate the milestone of their centennial this upcoming June.

In the beginning of the 20th century, a group of Scottish-Irish surveyors made their way to the Midwest and were preparing to build a rail bed for the St. Louis, Kansas City and Colorado railroad to run between Kansas City and St. Louis. This spurred the formation of a town.

The area, once known as Sanbonfass, after St. Boniface, was named Argyle after a shire in the Isles of Scotland called Argyll. The Village was incorporated in 1908, and the rock island line brought prosperity to the village shortly thereafter. Today the Village is home to about 170 of my constituents, all of whom I know are proud to call Argyle home.

In closing, Madam Speaker, I ask all my colleagues to join me in wishing the residents of the Village of Argyle congratulations on reaching this important milestone.

### DAKOTA COMMUNITIES

### HON. ERIK PAULSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 8, 2009*

Mr. PAULSEN. Madam Speaker, recently I met with representatives of Dakota Communities—an award-winning 37 year old non-profit organization that helps people with disabilities realize their potential in their lives and communities.

In Minnesota's Third Congressional District, there are over fifty direct support professionals who have dedicated their careers to working for several group homes. These hard-working, talented men and women have repeatedly demonstrated their dedication to caring for those with disabilities. For their efforts and the positive impact these efforts will have in the lives of so many, I am extremely grateful.

IN MEMORY OF A SOUTH TEXAS  
HERO, BILL SUMMERS

**HON. SOLOMON P. ORTIZ**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 8, 2009*

Mr. ORTIZ. Madam Speaker, I rise today to honor in memoriam the dedication and outstanding leadership of Mr. Bill Summers, who led the Rio Grande Valley Partnerships as its CEO for 20 years until his passing on Monday, December 1.

Mr. Summers, who spent 2 decades promoting South Texas and Mexico, as the two areas worked in unison to attract business opportunities and economic development to the region, was a pillar of South Texas. He was the unsung hero of the Rio Grande Valley, who is credited with bringing together local governments, economic development organizations and Chambers of Commerce to bring jobs and a better way of life to our communities.

Through his vision and tireless work for the Rio Grande Valley, he was able to secure business opportunities and ventures with Mexico and most importantly, the state of Tamaulipas, which borders Texas. Mr. Summers worked tirelessly to unite the South Texas region and to create economic growth and prosperity for the area.

He was key in establishing, opening and maintaining the first Texas Chamber of Commerce office in Victoria, Tamaulipas, Mexico, to promote trade and tourism of the South Texas region into Mexico.

Through Mr. Summer's work in Texas, the nation and Mexico, he was able to improve the lives of many by growing jobs and pushing for economic opportunities. He was instrumental in the creation of the Rio Grande Valley Mobility Task Force, which brought additional transportation funding to South Texas and pushed for the creation of an interstate highway.

Recently, he was honored when Farm-to-Market Road 1015 between U.S. Highway 83 and the Progreso International Bridge was named the Bill Summers International Boulevard.

Although we have lost a great hero whom we all deeply cared for and loved, I am certain his love and passion for the Rio Grande Valley will remain in our hearts and spirits for years and years to come. We will always remember Mr. Summers as a wise man who worked for the good. We will remember Mr. Summers as a man who could do it all.

Today, I ask that my colleagues join me in commemorating the life of Mr. Bill Summers, who served this nation with dignity, honor, respect and admiration.

CLEAN AIR AND WATER  
INVESTMENT ACT OF 2009

**HON. LINDA T. SÁNCHEZ**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 8, 2009*

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I rise today to introduce the

Clean Air and Water Investment Act of 2009. This legislation will restore tax exempt bonding for air and water pollution control facilities.

Prior to the 1986 revision to the tax code, state authorized agencies and political subdivisions were permitted to administer tax exempt bonds to finance "air and water pollution control facilities." The program proved so effective that even facilities that were grandfathered, and not subject to clean air standards, were proactive participants, providing cleaner air and water for our communities.

As we continue to look for ways to assist businesses and local governments in their efforts to reduce pollution, these bonds provide an affordable solution that will put people to work while providing cleaner and healthier communities. This bill would restore a proven incentive for industry to invest in cleaner air and water. Importantly, because it falls under a pre-existing spending cap, this legislation will present no new liability to the U.S. Treasury.

Members on opposite sides of the aisle frequently may differ on many issues before this body, but this is not one of them. I am pleased to be working on this bill with Congressman KEVIN BRADY of Texas, a fellow Congressional baseball aficionado. Congressman BRADY has been working on this issue for many years now, and I look forward to collaborating with him and seeing this bill signed into law.

I urge my colleagues to consider support this important legislation.

HONORING WILLIAM S. DALTON,  
PH.D., M.D.

**HON. GINNY BROWN-WAITE**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 8, 2009*

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor William S. Dalton, Ph.D., M.D. for his commitment to the fight against cancer and his participation at the Tony Snow Cancer Symposium in The Villages, Florida, on January 21. Hosted by the Caring and Sharing Villagers and the Alliance Healthcare Foundation, the Tony Snow Cancer Symposium is intended to raise funds for the creation of a \$25 million Cancer Center next to Leesburg Regional Hospital and promote awareness in our community.

Dr. Dalton currently serves as the President/Chief Executive Officer and Center Director at the H. Lee Moffitt Cancer Center & Research Institute in Tampa, Florida. The Moffitt Cancer Center is regarded as one of the top cancer facilities in the United States. With two decades of cancer research and contributions to over 200 publications, including the Journal of the American Medical Association and the Journal of the National Cancer Institute, Dr. Dalton has established himself as an expert in the fight against cancer.

Recognized as a "Best Doctor in America" since 1993, Dr. Dalton's primary areas of research include biochemical mechanisms of drug resistance, new drug discovery and the biology and treatment of multiple myeloma. He was also instrumental in obtaining the Molecular Oncology, Mopp, grant of \$5 million for the Moffitt Cancer Center in 2000.

Madam Speaker, individuals such as William S. Dalton should be recognized for their sincere dedication to improving the health and quality of life for people all over the world. With the passing of my husband Harvey to pancreatic cancer, I can personally attest to the affects of cancer on both a person and their family. I sincerely appreciate the work that Dr. Dalton has done and wish him further success in his medical endeavors.

IN RECOGNITION OF PIEDMONT  
HIGH SCHOOL WINNING THE  
ALABAMA 3A STATE FOOTBALL  
CHAMPIONSHIP

**HON. MIKE ROGERS**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 8, 2009*

Mr. ROGERS of Alabama. Madam Speaker, I would like to request the House's attention today to pay recognition to the Piedmont High School football team in Piedmont, Alabama, who won the 2009 Alabama 3A State Football Championship.

On December 3, the Piedmont Bulldogs defeated Cordova High School by a score of 35-28 at Bryant-Denny Stadium in Tuscaloosa, Alabama. The Bulldogs finished the season with a record of 13-2.

Piedmont High School is located in northern Calhoun County, and their Bulldogs are coached by Steve Smith. The principal is Jerry Snow.

Congratulations to the Piedmont County High School Bulldogs football team, coaches, staff, and high school. All of us across Calhoun County and east Alabama are proud of these young people for their outstanding achievement.

HONORING ROBERT FOX, MAJOR  
(RET.)

**HON. GEORGE RADANOVICH**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 8, 2009*

Mr. RADANOVICH. Madam Speaker, I rise today, along with my colleague JIM COSTA, to commend and congratulate Robert Fox upon being honored the "Citizen Soldier Award" by Fresno City College. Major Fox was recognized on Friday, November 6, 2009 at the annual Veterans Peace Memorial event held at Fresno City College in Fresno, California.

Major Robert Fox enlisted in the Indiana National Guard in 1962, and became the first African American to be commissioned as a Second Lieutenant by the Officer Candidate School at the Indiana Military Academy. He served with National Guard units in Indiana and Iowa prior to fulfilling his service obligations. In 1980 Major Fox received a direct commission as a Captain (03) and was assigned to the 49th Military Police Brigade of the California Army National Guard.

Shortly after Major Fox assumed the Dean's position at Fresno City College, he was transferred to the 195th Transportation Battalion in



Fresno, where he served as a staff officer. He was later selected to command the 2668th Transportation Company. During his tenure as Commander, the 2668th was selected on short notice to participate in Operation Team Spirit in the Republic of Korea. The unit was required to prepare assigned equipment, personnel and supplies to sustain the unit for forty days under combat conditions. The unit exceeded all time requirements in its preparation and performed in a meritorious manner during the exercise.

After assignment to the 115th Support Group in Roseville, California, Major Fox returned to the 185th Transportation Battalion with the rank of Major (04) as Battalion S-2/3 with the responsibility of training and operations. In 1994, Major Fox retired from the California National Guard after serving as Battalion Executive Director.

Major Fox's commitment to the welfare, professional development and career advancement of the non-commissioned officers and junior commissioned officers under his leadership were hallmarks of his service. His military education includes the completion of the Adjunct General Corps, Military Police Corps and Transportation Corps Basic Officer Courses; the Military Police Corps and Transportation Corps Advanced Officer Courses and attendance at the Command and General Staff School. For his service, Major Fox has been awarded the Army Commendation Medal with Cluster and the Army Achievement Medal.

Madam Speaker, Mr. COSTA and I rise today to commend and congratulate Major Robert Fox upon being recognized as a "Citizen Soldier." I invite my colleagues to join us in wishing Major Fox many years of continued success.

CONGRATULATIONS TO THE SAILORS WHO HAVE COMPLETED 1,000 DETERRENT PATROLS ON "OHIO" CLASS SUBMARINES

**HON. JACK KINGSTON**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 8, 2009*

Mr. KINGSTON. Madam Speaker, I rise to support H. Con. Res. 129. To congratulate the accomplishment of Submarine Sailors completing 1,000 *Ohio*-class deterrent patrols. The people of coastal Georgia have great pride in their Submarine Sailors. It started back in July 1978 when Kings Bay, Georgia was chosen to be home for the Trident missile submarines of the Atlantic Fleet. In November 1981 the USS *Ohio* was commissioned and became the first submarine to carry Trident Missiles. *Ohio* made her first patrol 27 years ago this month in December 1982. Over 20 years ago in January 1989 the USS *Tennessee* became the first *Ohio*-class submarine to be stationed in Kings Bay. In Spring 2008 USS *Georgia* returned to Kings Bay to start a new type of mission as an SSGN.

*Ohio*-class submarines are modern marvels as the sea-based leg of the strategic deterrence triad. SSBNs (or Boomers) have a wide range of capabilities and when directed by the President can rapidly target their missiles.

Each Boomer can carry 24 Trident missiles with up to 8 warheads per missile. These missiles have a range of over 7,000 miles and can reach their target within 30 minutes. The warhead is accurate enough to hit the area the size of a baseball diamond with the destructive force of 475 kilotons of TNT. As impressive as these ships are, they are operated by the even more impressive Sailors of the submarine force. Our Sailors have faithfully safeguarded the Boomers without incident for 50 years. Our submarine Sailors have set the gold standard for nuclear surety in the world.

These Sailors are screened for physical, mental and psychological fitness to serve on submarines. They spend up to two years in school to know how to work on a submarine including cooking, plumbing, electrical repair, underwater maintenance, operating a nuclear powered propulsion plant and maintaining 100% reliability of the strategic missile system all of the time. Most of the crew is between 20 to 25 years old but some already have college degrees and all are volunteers. Within one year of first stepping onboard a submarine these Sailors earn their "Dolphins," a pin that signifies they are fully knowledgeable of the submarine's many technical systems and fully reliable during any casualty to be able to save the ship and their shipmates. They join the proud history and tradition of the submarine force with World War II submarine heroes like Mush Morton, Dick O'Kane and Admiral Eugene Fluckey. Because of the sacrifice and hard work of these Trident Sailors they have kept the 18 *Ohio*-class submarines in outstanding condition. These ships will last close to ten years longer than their design life despite operating in the harsh conditions of the oceans.

For over 1,000 patrols the Sailors serving on *Ohio*-class submarines have moved on and off the ship during crew turnover. They bring their sea bag full of gear, photos of family and friends, some snacks, and nowadays their favorite DVDs and I-Tunes. During a two-month patrol they make the boat their home. Maybe once a week they get an email from home called Sailor Mail. They routinely do not actually talk to their wives, kids, family or friends for many weeks. This is a unique sacrifice especially during this age of global telecommunication.

During those 1,000 patrols while these Sailors were at sea, the rest of us could go to work everyday, worship on Sunday, take our kids to baseball practice after school, shop at the grocery store and fish in our lakes and streams without fear because these Sailors stood the watch and defended our homes. For this we are thankful every day.

I rise today to congratulate our nation's Submarine Sailors who completed 1,000 patrols on *Ohio*-class submarines on this day December 2, 2009.

CONGRATULATING THE CHAZY CENTRAL RURAL SCHOOL BOYS SOCCER TEAM

**HON. WILLIAM L. OWENS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 8, 2009*

Mr. OWENS. Madam Speaker, I rise today to congratulate Chazy Central's boys' soccer team for their victory in the 2009 New York state soccer championship.

On Sunday the 22nd of November, high school soccer fans were treated to a great soccer match between some of the most skilled players in the state. The Chazy boys entered the state championship ranked as the number one team in their class and they carried that honor to the state championship, defeating Northville Central School in the final match.

I also want to extend my congratulations to Coach Rob McAuliffe, who built upon an impressive legacy to take our team to victory. I understand that since 1953, the Chazy boys' soccer team has had only four regular seasons without a winning record, and the elite status of these athletic young men could not have been reached without the 14 years of dedication from Coach McAuliffe.

I want to congratulate the boys' team of Kyle McCarthy, Brandon Laurin, Kaleb Snide, Tyler Bulriss, Shea Howley, Jordan Berriere, Andrew Rabideau, Nathan Reynolds, Andrew Duprey, Marc Oshier, Nolan Rogers, Dyllan Hack, Ian Anderson, Michael Santor, Matt Gravelle, and Austin Santor for all they have accomplished. Their teamwork sets a strong example for the community and reminds us all what is possible when we come together.

Once again, congratulations to Coach McAuliffe for his continuing efforts and to the Chazy Eagles on their success.

INTRODUCING THE DEPARTMENT OF VETERANS AFFAIRS ACQUISITION IMPROVEMENT ACT OF 2009

**HON. STEVE BUYER**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 8, 2009*

Mr. BUYER. Madam Speaker, today, I am introducing the Department of Veterans Affairs Acquisition Improvement Act of 2009. This legislation addresses serious long-term procurement problems within the Department of Veterans Affairs (VA) and would provide the VA with greater oversight of its contracting and asset management processes.

VA has annual expenditures of more than \$14.1 billion for supplies, services, and construction. The Department of Veterans Affairs Acquisition Reform Act of 2009 is a first step to provide a centralized oversight and policy for contracting and acquisition within the Department by streamlining business operations under an Assistant Secretary for Acquisition, Construction and Asset Management. This bill will improve procurement processes by:

Establishing the position of the Assistant Secretary of Veterans Affairs for Acquisition,



Construction and Asset Management who would serve as the Chief Acquisition Officer for the VA.

Providing an appropriate structure for acquisition policy and oversight over contracts and purchases.

Requiring the Secretary to establish and maintain a comprehensive centralized Department-wide acquisition program, and to develop a streamlined approach to purchasing goods and services.

Providing VA the authority to use personal services contracts to ensure patients at VA medical facilities are provided quality contract care without unnecessary expenses.

Authorizing the VA to have complete responsibility and auditing authority for the two Federal Supply Schedules delegated to the VA by the General Services Administration.

Providing a clear definition for small business concerns to be listed in the database of veteran-owned businesses maintained by the VA.

I am pleased to be joined by a number of members in introducing this much needed legislation, and urge my colleagues to support the bill.

#### IN MEMORY OF JODIE MAHONY

#### HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 8, 2009*

Mr. ROSS. Madam Speaker, I rise today to honor the memory of Joseph "Jodie" Mahony II of El Dorado, Arkansas, who passed away on Saturday, December 5, 2009, at the age of 70. Having served 36 years in the Arkansas state legislature, Jodie was a legend in Arkansas government and politics and his presence will be deeply missed.

Jodie committed his life to making Arkansas a better place to get an education, to live and to work. He was first elected to the Arkansas House of Representatives in 1970 and served 24 years before winning a Senate seat in 1994. In 2002, after two 4-year terms, when newly adopted term limits kept him from seeking re-election as senator, he ran for the House again, where he was still eligible to serve two more 2-year terms.

Jodie retired officially from elected office in 2006, but his presence remained at the State Capitol where he served as a part-time aide to the House Speaker during the 2007 legislative session. Throughout his career, Jodie filed 1,429 bills, with much of his efforts focused on public and higher education, the developmentally disabled, child support enforcement and natural resources conservation.

In addition to Jodie's public service, he and his family have played an influential role in the state's legal history. The grandson and son of lawyers, Jodie followed in his family's footsteps to become a lawyer, and today, in its 113th year, the Mahony law firm is the oldest operating law firm in the State of Arkansas. Jodie also served in the U.S. Marine Corps in active duty and the reserves.

Our State is better for Jodie's service to it and its people. I never thought of Jodie as a politician, but rather as a statesman. He had

the respect of every legislator for his knowledge, fairness and commitment to our great State. I had the privilege of serving with Jodie during my time in the Arkansas state legislature from 1991 through 2000 and he was a friend, a role model and someone I trusted for sincere advice and counsel.

My thoughts and prayers and those of every Arkansan are with Jodie's family during this difficult time, especially to his wife, Bettie Anne; his two sons, Joseph K. Mahony III and Michael Emon Mahony; and three grandchildren, Jordan, Alexandra and Joseph K. Mahony IV.

Jodie will be deeply missed, but never forgotten. Although he is no longer with us, Jodie's many contributions to improving our state will continue on forever, serving as a reminder of his hard work and many good deeds throughout an accomplished legislative career and life.

#### IN HONOR OF MRS. EDITH ARMSTEAD GRAY

#### HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 8, 2009*

Mr. BISHOP of Georgia. Madam Speaker, I rise today to honor the life and the legacy of Mrs. Edith Armstead Gray. Mrs. Gray passed away December 1 at the age of 99. Mrs. Gray was a lady of style, grace, and compassion. But, most of all, Mrs. Gray earned the highest honor that could be bestowed upon any of us: "Servant."

Mrs. Gray was born in Galveston, Texas, in 1910 to Henry and Millie Armstead. She enrolled at Tuskegee Institute, now University, as a student majoring in home economics. She accepted her first and only teaching job in Conecuh County, Alabama, and returned to summer school to earn her B.S. degree from Tuskegee in 1940.

During her extraordinary teaching career, she became a great role model for thousands of young men and women who entered her classroom. But, her commitment and dedication to humankind did not limit itself to the classroom.

Shirley Chisholm once said that "Service is the rent that we pay for the space that we occupy here on this earth." Mrs. Gray paid her rent and she paid it well. She gave dedicated service to many community organizations to include: the Conecuh County branch of the NAACP; the Evergreen Housing Authority board of directors; the Neoteric Club, now associated with Neoteric Clubs of Alabama; the Mt. Zion A.M.E. Zion Church; the County Retired Teachers Association; and a life member of the advisory board at Reid Technical College. Because of her dedicated service to Reid Technical College, the library and technology center now proudly bears her name.

Mrs. Gray was a trailblazer. She was a founding member of the Conecuh branch of the NAACP and the Neoteric Club. She worked tirelessly to make sure that citizens in her community exercised their power of the ballot.

Mrs. Gray married Philander A. Gray in 1936. From that union came three accom-

plished children: Phyllis Hallmon, my chief of staff, Frederick Gray, and Jerome Gray. Upon the death of her husband in 1953, as a single parent, she reared her three children and passed on to each of them a love for people and public service. All of them have had distinguished careers and are making their mark on the world because of their mother's strong influence. Frederick has served for many years as a United Methodist pastor. His charge has been to bring souls to Jesus Christ for His service. Jerome has served as the State Field Director for the Alabama Democratic Conference. Like his dear mother, he has devoted his life and work to the expansion of political and civic opportunities for African-Americans. He has been involved in many capacities at the local and state levels in the fight for civil rights and equal opportunities. He currently serves as a Deputy Commissioner of Agriculture for the State of Alabama. Phyllis has also had a distinguished career, serving as a public school teacher, government lawyer, legislative director to a United States Senator, and chief of staff to two Members of the United States House of Representatives. In the same vein as her mother, she has distinguished herself as a woman of hard work and compassion. The legacy of Mrs. Gray will live on through each of them and their progeny.

Her legacy of good will is something that we all should seek to replicate. Our country and our world are better because Edith Armstead Gray passed this way. She will be sorely missed. I know that after 99 years of dedicated earthly service, she has now claimed her crown of righteousness.

I extend my deepest sympathies to the Gray family and thank them for sharing this special woman with the world for so many years.

#### TRIBUTE TO SENATOR PAULA HAWKINS

#### HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 8, 2009*

Mr. MICA. Madam Speaker, it is with sadness that I report to the House of Representatives the passing of former United States Senator Paula Hawkins. Florida's former State Public Service Commissioner and U.S. Senator died Friday, December 4 in Orlando, Florida. With Paula Hawkins' passing, we have lost a remarkable public servant and trailblazer for women and all Americans in the state and national political landscape.

A resident of Winter Park, Florida, who began her public career in nearby Maitland, Florida, was born Paula Fickes in Salt Lake City, Utah, on January 24, 1927. She received her education from the public school systems in Salt Lake City and Richmond, Utah, as well as, Atlanta, Georgia, attending Utah State University from 1944-1947.

In 1972, she became the first woman in Florida elected statewide with her winning a seat on the Public Service Commission. With her election and work to reform Florida's State Utility Commission, she gained the name as the battling "Maitland Housewife." In 1980, she became the first woman elected to the

United States Senate without being proceeded in office by a husband or family member.

In the United States Senate, she authored the Missing Children's Act in 1982. During her 6-year term, she championed children's and women's issues and created a public dialogue on the subject of missing, exploited and abused children. "Senator Paula Hawkins was tireless, tenacious and an incredible champion for America's children," said Ernie Allen, President of the National Center for Missing & Exploited Children. "We will cherish her memory and miss her very much."

Senator Hawkins was also responsible for the passage of Radio Marti legislation and a number of measures assisting women in the workforce. She Chaired the Investigation and Oversight Subcommittee of the Senate Labor and Human Resources Committee. In addition, the Senator served as Chair of the Senate Subcommittee on Children, Family, Youth and Drugs and was responsible for establishing the U.S. Senate Child Care Center.

Mrs. Hawkins was instrumental in building the Republican Party, both at the state and national level. She began her GOP work at the local level, served as National Republican Committeewoman from Florida and co-chaired the 1984 Republican Convention Platform Committee. Senator Hawkins was also state co-chair in Florida for several successful Republican Presidential campaigns.

Senator Hawkins received numerous awards and was honored by selection to Florida's Outstanding Women's Hall of Fame.

Prior to election to the U.S. Senate she served as a vice president of Air Florida 1979–1980; director, Rural Telephone Bank board 1972–1978; member President's Commission on White House fellowships 1975; served on Federal Energy Administration Consumer Affairs/Special Impact Advisory Committee 1974–1976; and served for 7 years as a representative for the United States on the Organization of American States Inter-American Drug Abuse Commission.

Senator Hawkins is survived by her husband Gene Hawkins of Winter Park, Florida and three children, Genean McKinnon of Winter Park and Montreal, Kevin Hawkins of Denver, Colorado and Kelly McCoy of Orlando, Florida, as well as, 11 grandchildren and 10 great-grandchildren.

#### SPEECH ON AFGHANISTAN

#### HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 8, 2009*

Mr. SKELTON. Madam Speaker, on Friday December 4, 2009, I had an opportunity to address the American Security Project Conference regarding the situation in Afghanistan. This speech followed a hearing of the House Armed Services Committee, which I chair, the day before. My address is as follows:

[Speech given at the American Security Project Conference, Dec. 4, 2009]

BEYOND THE SURGE: ASSESSING THE  
PRESIDENT'S AFGHANISTAN STRATEGY  
(By Ike Skelton)

First, let me take a moment to thank Admiral Gunn for that introduction. You're too

kind. I'd like to extend that thanks to Senator Hart and the American Security Project as a whole. You're doing great work, and I appreciate your efforts. I'd also like to say happy birthday to Evelyn Farkas, here at ASP. I would also like to thank our brave men and women in uniform. We have asked much of them in the past decade, and they have not failed to deliver.

Two months ago, I wrote a letter to the President saying, essentially, that he should listen to his commanders in the field. Being a member of Congress, it took six pages to say that, but that was the basic message. I made that same point in private conversations with the President. And so it pleased me the other night when the President agreed to provide General McChrystal with additional forces needed to make this new strategy work.

But before assessing the overall strategy, I think we should take a moment to remind ourselves why we're in Afghanistan and the threat we face there.

Al Qaeda presents a serious threat to our nation. Osama bin Laden and his minions have attacked us or attempted to attack us many times over the years. The most remarkable attack involved the murder of 3000 civilians—men, women, and children—but it was hardly the only attack. And I do not believe that anyone has a good reason to believe that they have given up their attempts to attack us.

Following our invasion of Afghanistan in response to this attack, al Qaeda largely fled to the border regions of Pakistan. Their Taliban allies, meanwhile, continue to escalate their attacks in an attempt to overthrow the Afghan government and drive out the international coalition.

Others have differing opinions on this, but I do not believe that we can ultimately destroy al Qaeda if we cannot prevent them from recreating a safe haven in Afghanistan. I also do not believe that we can be successful in rooting them out of Pakistan if we fail in Afghanistan.

Afghanistan and Pakistan have some inherent advantages for al Qaeda that other places may not. Having been in the region for over 20 years, they have married into local tribes and made contacts with other extremist organizations. These connections have allowed the senior leaders to hide successfully for many years.

Afghanistan is also of strategic value to al Qaeda. In losing Afghanistan, they lost not only the support of a government and the use of an entire country as a safe haven, but suffered a tremendous blow to their image. Reestablishing a safe haven in Afghanistan could rehabilitate this image among those who resent or oppose the United States, leading to increases in recruiting and funding.

Nor can we consider Afghanistan and Pakistan in isolation—the security situation in Afghanistan can have a negative impact on the stability of Pakistan. It is foolish to think that if the Taliban and al Qaeda were able to reestablish themselves in all or part of Afghanistan, they would not lend support to those militants seeking to overthrow or destabilize the Pakistani state. Al Qaeda has already assisted the Pakistani Taliban in carrying out attacks on the Pakistani government, and I would expect this aid to increase if al Qaeda regained a base in Afghanistan. There was an attack at a mosque earlier today that killed dozens. With a secure base for al Qaeda, I would expect many more such attacks. And the only thing worse than al Qaeda loose in Afghanistan again is a destabilized, nuclear-armed Pakistan.

On Tuesday night, the President proposed what I think is a good way ahead as we address this threat. From the extensive media reporting on the process, we all know how thorough a review was conducted by the White House, lasting months and including somewhere around 10 cabinet secretary level meetings and extensive consultation with every expert they could find.

President Obama's strategy rightly focuses on seizing the initiative from the enemy, building Afghan capacity, and ultimately allowing the Afghan government and security forces to take the lead in fighting this war.

The President has appropriately called for additional troops from our allies—this is not just America's war, and we must not allow it to become that. Perhaps more importantly, the President has put the burden of reform squarely on the Afghan government, laying out clear expectations of performance and promising support for those ministries and local leaders that perform.

The President has also rightly acknowledged the importance of Pakistan. Pakistan remains a challenge, playing a key and often contradictory role in the region. Pakistan, by assisting in the pursuit of al Qaeda and Afghan Taliban leaders, could help bring the war in Afghanistan to an end. Conversely, if Pakistan were to return to old habits of supporting the Afghan Taliban, the war may be almost impossible to win. More concerning, the continued ascendancy of militant movements in the region could destabilize Pakistan, a country with nuclear weapons. This could be disastrous for all of us.

I think this is a good strategy. Perhaps most importantly, it is a strategy that I believe has a good chance of success. In the past, I have often said that we lacked a strategy for the first 7 years of the war in Afghanistan. Some of my colleagues have suggested that this assertion may not be entirely fair. But, the result of whatever the prior Administration thought it was doing, ultimately resembled conducting combat operations without any thought of what we were trying to accomplish. So having a strategy, much less a good one, is a great start.

President Obama also, I am pleased to say, took my advice. He listened to his military leaders, including Generals McChrystal and Petraeus, Admiral Mullen, and Secretary Gates. Ultimately, the President endorsed adding 30,000 troops to carry out his strategy. This is on top of the 21,000 he dispatched to Afghanistan earlier this year. In January 2009, there were about 33,000 U.S. troops in Afghanistan. In about 7 months, there will be three times that. That is, I believe, a clear sign of the President's resolve and willingness to do what it takes to be successful in Afghanistan.

Yesterday, the House Armed Services Committee, which I have to honor to chair, hosted Secretary Gates, Admiral Mullen, and Deputy Secretary of State Lew. Next Tuesday, we will hear from General McChrystal and Ambassador Eikenberry. Members, properly, have a lot of questions about the strategy, and we want to make sure that the details have been thought through. I'll list a few of the areas we have explored or will next week.

Many members are concerned about the July 2011 date to begin redeployment. So far, most have focused on that date as being set, rather than completely conditions based, but to me it looks like this is a case where there

isn't much to complain about. Secretary Gates and Admiral Mullen were pretty clear that not only were they comfortable with the date, but that they thought it served the useful purpose of motivating the Afghans.

To me, what happens after that date is at least as important as the date itself. Secretary Gates testified that the process of transition that begins on that date would itself be slow and conditions-based, so that while the start of the process was fixed in time, the end could be adjusted as required. And I think that flexibility and realistic approach to a difficult process is exactly right.

One other concern, and one that in my mind might be more realistic, is the unintended consequences of setting out such a message. The message of a gradual, conditions-based transition may not be understood the same way by all audiences. The Pakistanis may well believe that it signals that the United States is once again leaving the region, and that might undermine our hopes of gaining their cooperation. Various ethnic groups in Afghanistan, fearing a civil war after we begin to depart, could start stockpiling weaponry or hedge their bets in other unhelpful ways. I think we have to keep our eyes open for this possibility and be creative in reassuring the Afghans and the Pakistanis that we are not abandoning them.

Corruption in the Afghan government, and the legitimacy or illegitimacy of that government, is also frequently a subject of questioning. It's a concern I share, and one that President Karzai's recent election reinforced. On the positive side, there are ministers and ministries in Afghanistan that have functioned well—Minister Wardak at the Defense Ministry and Minister Atmar at the Interior Ministry are honest effective ministers. The Health Ministry, Education Ministry, and the National Solidarity Program, run by the Ministry of Rural Rehabilitation and Development, all seem to be functioning well.

But there are also legitimate concerns. High level corruption among ministers and governors; shakedowns by police, judges, and other authorities; and perceptions that warlords are untouchable by the law feed the belief among the Afghan people that their government does not serve them. And President Karzai has not always been helpful—his family is perceived to be part of the problem, and his unwillingness to remove the immunity from some ministers so the Afghan Attorney General can indict them is not helpful.

There are ways we can help push for reform—for example, not working with those leaders who prove to be corrupt so that their ability to deliver for their followers or to make money is hampered—but we have to take this seriously. President Karzai, in his inauguration speech also promised to crack down on corruption and to hold a *loya jirga* of national reconciliation. I would like to hear from General McChrystal and Ambassador Eikenberry how we can hold him to these promises and push to have the *jirga* also help develop a compact of what the Afghan people have a right to expect from their government.

Members will also likely ask about the promised assessment of efforts in December 2010. I think that is a good time to begin such an assessment—six months after all the promised troops arrive in country—but members will likely have many questions about it. What will we assess? What is an acceptable level of progress? What are the options if progress is insufficient? These are all obvious questions. The one thing I would say is

that I think it will behoove all of us to offer the Administration some breathing space before we make judgments about the success of the plan. Asking questions is fair, drawing conclusions about the success or failure of the strategy before it is really implemented probably isn't.

So, in the first few days after the announcement of the new strategy, those are some of my thoughts. I think the President is to be commended for the strategy and the resolve he is showing. I believe he is fully aware of the threat posed by al Qaeda and the potential posed by a sanctuary for terror in Afghanistan and a possibly destabilized Pakistan. These are serious threats we are facing, and the President is clearly prepared to take realistic, effective and fully resourced steps to address them.

So I conclude as I started, by thanking all of you for what you do, and by asking you to think of the brave men and women in uniform, and the civilians who will assist them, who will have to do the hard, dangerous work to make this strategy a success. We owe them a great deal, and we should never forget it.

Thank you.

TRIBUTE TO BART NELSON,  
FOUNDER AND CEO OF NELSON  
IRRIGATION CORP

**HON. CATHY McMORRIS RODGERS**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 8, 2009*

Mrs. McMORRIS RODGERS. Madam Speaker, today I rise to recognize Nelson Irrigation and its extraordinary founder, Bart Nelson. Recently recognized by the Seattle Business magazine as one of Washington's top innovators and entrepreneurs, Nelson has been one of the United States' leading pioneers in the field of agricultural irrigation.

Headquartered in Walla Walla, WA, Nelson Irrigation, Nelson, plans, designs, develops, manufactures, and sells proprietary products for the irrigation equipment market. His products are sold to customers throughout the United States and the world. What makes this company and its founder so special is that Nelson is not just focused on running an economically successful company, but doing so in a responsible way. The company specifically focuses on using natural resources responsibly, thereby saving both water and energy with its innovative products.

If one drives through my home district of eastern Washington, you can't help but spot some of Nelson's products at work. These innovative irrigation systems are helping to produce food for an expanding global population. In fact, Nelson recognizes the importance of their innovative products not just helping feed a growing population, but improving the quality of life for countless people throughout this country and the world.

Madam Speaker, with such innovative, dedicated, and sincere entrepreneurs as Bart Nelson helping to expand the irrigation products to new levels, I am confident that both eastern Washington and the United States can look forward to a future of world-class innovation and prosperity in the agricultural industry.

HONORING THE 125TH ANNIVERSARY OF THE RINGLING BROTHERS CIRCUS

**HON. TAMMY BALDWIN**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 8, 2009*

Ms. BALDWIN. Madam Speaker, I rise today to honor the 125th anniversary of the Ringling Brothers Circus and to recognize the role of both the Circus World Museum and the Wisconsin Historical Society in the preservation of circus industry history. The Ringling Brothers Circus has become a celebrated national entertainment enterprise based in Baraboo, Wisconsin, while the Circus World Museum and Wisconsin Historical Society have developed an impressive collection of circus artifacts and knowledge.

The Ringling Brothers Circus rose to prominence under the leadership of several Baraboo area brothers, eventually becoming one of the most successful entertainment enterprises in American history. This circus has contributed to the economic and cultural vitality of Wisconsin since the Ringling brothers gave their first performance on May 19, 1884. Though Chas, Al, John, Alf, and Otto Ringling launched their small business with less than \$100 in assets, these five Baraboo natives went on to purchase the world famous Barnum and Bailey Circus. The organization continued to grow, exhibiting the unique talents and showmanship of this Sauk County family for hundreds of audiences across the country. Combining their passion for performance with an entrepreneurial spirit, the Ringling brothers created one of the longest-running entertainment enterprises in the world. The work of the Ringling brothers and the success of their circus provide impressive examples for ambitious performers and business people everywhere. I am proud of the group's contributions to both the state of Wisconsin and to audiences throughout America.

Over the past half century, the Wisconsin Historical Society and the Circus World Museum have become stewards of circus industry memorabilia and information. Baraboo is home to one of the largest collections of historical circus artifacts in the world, and the Circus World Museum's Robert L. Parkinson Library and Research Center has become the world's foremost research facility for circus history. With objects dating back to 1793, these organizations are leaders, both on a local and national level, in the preservation of circus materials. By maintaining the documents, objects, and knowledge base associated with the circus, the Wisconsin Historical Society and the Circus World Museum have conserved a valuable aspect of our national heritage. The Historical Society's work on behalf of the Ringling Brothers Circus, as well as the circus industry as a whole, serves as an ideal example of its dedication to the local communities and to the enrichment of society through historical preservation.

The citizens of Baraboo can be proud of their city, and its role as the first home to the "Greatest Show on Earth." Since its inception, the Ringling Brothers Circus has cultivated a reputation for excellence in entertainment,

while the Circus World Museum has set the standard for circus history preservation. I therefore commend Ringling Bros. and Barnum & Bailey Circus for its sustained contributions to the national circus industry, as well as the Wisconsin Historical Society and the Circus World Museum, for their dedication to circus history and research.

#### THE HEALTH CARE REALITY CHECK ACT

#### HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 8, 2009*

Mr. BLUMENAUER. Madam Speaker, today I am proud to introduce the Health Care Reality Check Act of 2009.

It has become clear that some of my colleagues in Congress lack proper perspective on the urgency of health reform because, ironically, as Members of Congress we enjoy some of the best health security in the world through our government-administered health care:

All Members of Congress are eligible—and most participate in—the Federal Employee Health Benefits Program, which provides all Federal employees with a Government-negotiated insurance exchange that is subsidized by their employer: the Federal Government;

Almost 150 Members of Congress qualify for Medicare, a single-payer Government insurance plan;

The 121 Senators and Representatives who served in our Armed Forces are eligible for the “socialized” health care we provide for all veterans; and

Members who aren’t veterans can avail themselves to a similar “socialized” program—the Attending Physician in the U.S. Capitol, for an annual fee of around \$500.

These Government-run health programs have successfully provided countless Senators and Representatives with life-saving medical treatments, but as we all know, most Americans don’t have this kind of protection.

Members of Congress should not have access to taxpayer-funded healthcare when they are actively denying these very people quality care of their own.

Congress needs a reality check.

In 2007, before the economy collapsed, 42 percent of all adult Americans under 65 were either uninsured or underinsured. Our dire unemployment rates and escalating health care costs have only made this situation worse. Today half of all American families delay seeking medical treatment because they have such a tenuous health insurance situation. Many of my colleagues do not fully appreciate the plight of 50 percent of our population, but we can help them understand.

Until health reform is enacted, Members of Congress should get to experience the tender mercies of our fragmented, complex, and exploitative health care system. My Health Care Reality Check Act terminates all government-administered health benefits for Members of Congress until comprehensive health reform is signed into law: no more Federal Employee Health Benefits Program, no Medicare, no VA, no attending physician in the Capitol.

Instead, Senators and Representatives may self-insure or they can rely on a spouse’s company having employer-provided insurance, thus tying them—like millions of Americans—to the employment of a family member. Some will need to buy health insurance on the private market, exposing them to legal discrimination based on age and gender.

By personally dealing with rescissions, pre-existing condition exclusions, the fine-print of insurance contracts and the gaps in coverage from weak consumer protections maybe my colleagues can better grasp the urgency of our health care crisis.

If our own health security were linked to the success of health reform for all Americans, we will have a bill enacted within weeks, guaranteed.

#### INTRODUCING LEGISLATION ADDRESSING WORLD WAR II AND THE DEPORTATION OF JEWS AND OTHERS TO CONCENTRATION CAMPS

#### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 8, 2009*

Mrs. MALONEY. Madam Speaker, I am pleased to join my colleagues Ranking Member ILEANA ROS-LEHTINEN and Congressman JERRY NADLER in introducing bipartisan legislation that addresses a horrific period in world history: World War II and the deportation of millions of Jews and others to concentration camps. This bill would affect French railroad companies, which took more than 75,000 Jews from France to concentration camps during World War II, less than 3 percent of whom survived. Under current law, these foreign entities are immune from legal action. Specifically, the bill provides plaintiffs the right to seek damages against the French National Railway (Societe Nationale des Chemines Fers Francais—SNCF) in Federal Court for its transportation of French and other Jews to Auschwitz as well as its supply of personnel to facilitate the transportation and the assessed charges per person. The French Government claims immunity from legal action due to the Foreign Sovereign Immunities Act, yet the FSIA was passed 30 years after the action causing the damages for which the plaintiffs seek. The bill allows the plaintiffs to sue regardless of the strictures of the FSIA.

Nothing will ever make up for the unthinkable atrocities undertaken by Nazi Germany and its sympathizers during World War II, but every bit of justice is important. No perpetrator or accomplice of the Holocaust should ever go unpunished. This bill allows some measure of closure for those who have suffered for far too long.

#### FIRST GLOBAL MINISTERIAL CONFERENCE ON ROAD SAFETY

#### HON. ROBERT WEXLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 8, 2009*

Mr. WEXLER. Madam Speaker, as a founding co-Chair of the Congressional Caucus on Global Road Safety, I rise today to praise the highly encouraging efforts and outcomes of the First Global Ministerial Conference on Road Safety, which took place in Moscow, Russia, on November 19 and 20, 2009.

This important conference was the result of a five-year effort by a global community of stakeholders from multilateral and bilateral institutions, from governmental and nongovernmental organizations, and from academia and civil society. These groups are dedicated to raising international awareness and to mobilizing a global response to advancing road safety.

Hosted by President Dmitry Medvedev and the Russian Federation, this conference brought together transportation ministers, health ministers, non-governmental organizations, and experts from across the globe and reflected a growing understanding among nations to seek opportunities to cooperate on tackling one of the world’s most severe problems today—the epidemic of road crash deaths and injuries.

The statistics for this epidemic are staggering: 1.3 million people are killed annually on the world’s roads and 50 million more are injured. The number of deaths each year is the equivalent of 10 jumbo jets crashing every day, and the toll is continuing to increase dramatically. At the current rate of growth, road crashes will be the fifth leading cause of death overall by the year 2030, and the first leading cause of death for children aged five and older by 2020, rivaling the top and often more well-known global health epidemics.

Road crashes do not discriminate by age, class, gender, race, or nationality. Nor do they respect the bounds of geography. In the United States alone the death toll is an estimated 44,000 people annually, and road crashes have become the leading cause of death among Hispanics under 34 years of age. Meanwhile, in some African countries, up to half of all hospital surgical beds are occupied by road crash victims, while in others the fatalities rank second only to HIV/AIDS.

Along with the unfathomable human cost of road crashes, there are also grave economic costs to individuals, families, and communities. It is estimated that road crashes cost \$518 billion globally each year. In developing countries, road crashes have a dramatic impact on their fragile economies, costing an estimated \$100 billion, and often exceeding the total amount received by these countries in development assistance. Furthermore, road crashes place a preventable strain on first responder services, health care services, and health insurance services, as many victims require extensive, and expensive, critical care, as well as follow-up care and rehabilitation. In countries where a primary bread-winner is killed or injured, or must care for the injured, this can destroy livelihoods and devastate communities.

The First Ministerial Conference on Road Safety in Moscow addressed each of these issues, as well as many other key components of the road safety epidemic, in an intensive two days of plenary sessions and panel discussions during which high level delegates from various nations and organizations shared experiences, ideas, and best practices.

I would like to commend the U.S. delegation, which included representation from the Department of State, the Department of Transportation, the Centers for Disease Control and Prevention, and other partner state and federal agencies, for its robust participation and high level representation throughout the Conference. As the first global forum for road safety, this conference was truly an historic event. I am pleased that the U.S. delegation took a strong leadership role in addressing U.S. road safety goals and objectives, as well as in working constructively with the Conference to establish new benchmarks for best practices and road traffic injury prevention, as announced in the Moscow Declaration.

The Moscow Declaration reinforces governmental leadership and guidance on road safety, sets regional casualty reduction targets, and offers a new framework for international cooperation on global road safety. It declares the decade 2011–2020 as the “Decade of Action for Road Safety” with the goal of stabilizing and reducing the forecast level of global road deaths. Finally, the Declaration encourages the U.N. General Assembly to assent to the goals and policies it proposes.

I would like to acknowledge the hard work of all those who helped make the First Ministerial Conference on Global Road Safety a success. I applaud the Russian Federation for taking the initiative of hosting this critical conference in Moscow. I would also like to congratulate the U.S. delegation and other participants from around the world for having demonstrated a promising commitment to the important goal of reducing road deaths on a global scale.

I and the rest of the Congressional Caucus on Global Road Safety look forward to maintaining a fruitful dialogue with the Russian Federation, other governments, the international NGO community and other organizations, with the aim of finding further ways to improve road safety, and I am hopeful that the Congress as a whole will continue to do so as well. Finally, I encourage the Obama Administration and the American delegation to continue their strong leadership in ensuring that the casualty reduction targets and the road safety initiatives detailed in the Moscow Declaration are accomplished, both at home and abroad.

#### PERSONAL EXPLANATION

#### HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 8, 2009*

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately earlier today I was unable to cast my votes on H.R. 3288, H. Con. Res. 199, H. Con. Res. 206, and H. Res. 940 and wish the record to reflect my intentions had I been able to vote.

Last night, as you are aware, there were no votes in the House of Representatives due to the White House Christmas Party. I took this opportunity to meet with some of my young constituents at the Farmhouse Fraternity on the campus of the University of Illinois at Urbana-Champaign to discuss agricultural issues and the implementation of the Farm Bill. Early this morning I boarded an airplane in Champaign, Illinois, and unfortunately due to weather, my plane was drastically delayed, I was unable to arrive in Washington, DC to cast my votes.

Had I been present on rollcall #931 on the Motion to Instruct Conferees on H.R. 3288, Making appropriations for the Departments of Transportation, HUD, and related agencies for FY 2010, I would have voted “aye”. This vote would have blocked any attempt by the Majority from using H.R. 3288 as the vehicle for an Omnibus Appropriations bill and require that the language for this bill be posted online for 72 hours prior to any vote. Madam Speaker, omnibus appropriations bills that are hundreds of pages long and have not been fully vetted is no way to fund our government and I urge you to refrain from using this bill for those purposes.

Had I been present on rollcall #932 on suspending the rules and passing H. Con. Res. 199, Recognizing the 10th Anniversary of the activation of Echo Company of the 100th Battalion of the 442d Infantry, and the sacrifice of the soldiers and families in support of the United States, I would have voted “aye.”

Had I been present on rollcall #933 on suspending the rules and passing H. Con. Res. 206, Commending the soldiers and civilian personnel stationed at Fort Gordon and their families for their service and dedication to the United States and recognizing the contributions of Fort Gordon to Operation Iraqi Freedom and Operation Enduring Freedom and its role as a pivotal communications training installation, I would have voted “aye.”

Had I been present on rollcall #934 on suspending the rules and passing H. Res. 940, Recognizing and honoring the National Guard on the occasion of its 373rd anniversary, I would have voted “aye.”

#### CONGRESS IS TAKING THE WRONG APPROACH ON ESTATE TAX REFORM

#### HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 8, 2009*

Mr. MORAN of Kansas. Madam Speaker, farmers, ranchers, and other small businesses are the backbone of the Kansas economy. The ability to pass a business from one generation to the next is critical to a business's ongoing success. Rural America has enough trouble retaining a youthful workforce. The estate or “death” tax does not aid our efforts in promoting long term growth and curbing depopulation.

A major obstacle to the continuity of a business is the estate tax. I have long sought a permanent repeal of the estate tax. This tax comprises less than one percent of U.S. reve-

nues, but poses a substantial impediment to the growth of family farms and small businesses. H.R. 4154, Permanent Estate Tax Relief for Families, Farmers, and Small Businesses Act of 2009, does not provide the necessary reforms. While the certainty provided by H.R. 4154 would be welcome, passage of this legislation reduced the chances to next to none that any significant changes will occur to estate taxes in the future. I have sponsored an alternative that, for a while, was expected to be brought to the House floor. While it does not do all that I would like; it is reasonable and continues to have the chance for broad bipartisan support.

While I will continue to look for ways to achieve a full repeal, I believe the next best alternative, given today's political and economic climate, is H.R. 3905, the Estate Tax Relief Act of 2009. H.R. 3905 will exempt, from the estate tax, estates worth \$3.5 million in 2009, increase the exemption to \$5 million by the year 2019, and index the exemption to inflation to allow it to automatically increase in the years following 2019. Enacting exemptions at these levels should prevent a majority of Kansas' small businesses from being affected by the tax. H.R. 3905 will also reduce the maximum tax rate, for estates in excess of the exemption, to 35 percent by the year 2019.

While I am encouraged to see the House's willingness to address this issue, I feel Congress has missed an opportunity. I could not support H.R. 4154 because I believe it did not sufficiently address the damaging consequences of the estate tax while limiting the chances that Congress will ultimately do so. It is apparent that the House is currently unwilling to consider a full repeal. Until Congress is ready for that discussion, I will continue to work for initiatives that alleviate financial pressure from our farmers, ranchers, and small business owners.

#### OUR UNCONSCIONABLE NATIONAL DEBT

#### HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 8, 2009*

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is \$12,086,172,114,368.23.

On January 6th, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

That means the national debt has increased by \$1,447,746,368,074.43 so far this year.

According to the nonpartisan Congressional Budget Office, the forecast deficit for this year is \$1.6 trillion. That means that so far this year, we borrowed and spent an average \$4.4 billion a day more than we have collected, passing that debt and its interest payments to our children and all future Americans.

IN HONOR OF DECATUR TRADES &  
LABOR 50TH ANNIVERSARY

**HON. PHIL HARE**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 8, 2009*

Mr. HARE. Madam Speaker, I rise to honor the Decatur Trades and Labor Assembly on the occasion of its 50th anniversary. For over 5 decades, this Council of affiliated unions has improved the lives of working families in Decatur, Illinois and the regions that surround it.

From day one, Decatur Trades and Labor made a positive impact on local residents. Its Council fought hard to organize the unorganized, giving more workers the opportunity to bargain collectively and access the American Dream. For those already under union contract, the Council was a fierce advocate for better wages, benefits, and working conditions. Each victory it achieved helped all workers, union or nonunion, affiliated or non-affiliated. Decatur Trades and Labor recognized early on that a rising tide lifts all boats.

The great work of Decatur Trades and Labor went far beyond the union bargaining table. It worked with groups like the NAACP to achieve racial justice. It promoted blood drives for the American Red Cross and food drives for the hungry. It registered people to vote. And it encouraged members to give what they could to local charities.

Fifty years later, Decatur Trades and Labor remains a staple in the community. Everywhere you go, there are living testaments to the Council's great work. But it is a landmark downtown—the monument honoring fallen and injured workers—that sticks out most in my mind. Nearly every April, I travel to that monument for Workers Memorial Day. It is a towering reminder of our moral obligation to ensure workers return home safely to their families each and every night. We have Decatur Trades and Labor to thank for making it such a unique focal point of the city's downtown.

On this golden anniversary, I thank Decatur Trades and Labor for making the city it calls home a better place to live. I look forward to seeing what more it can accomplish in the next 50 years.

HONORING FREEMAN HRABOWSKI

**HON. STENY H. HOYER**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 8, 2009*

Mr. HOYER. Madam Speaker, I rise to honor Freeman Hrabowski, President of the University of Maryland, Baltimore County, who has recently been honored as one of Time magazine's 10 Best College Presidents.

President Hrabowski's deep commitment to fostering talented students, especially in science and math, has helped increase UMBC's number of African-American science and engineering majors sevenfold. Today, UMBC is one of America's biggest producers of African-American science and engineering Ph.D.s. As a fellow college president put it, President Hrabowski "has taught all of higher

education that minority and low-income students . . . can meet the highest standards and excel."

Those high standards are, importantly, a matter of national competitiveness—but they are also a measure of this nation's promise of equality. As a child in Alabama, Freeman Hrabowski remembers Martin Luther King, Jr. telling civil rights marchers: "What you do this day will have an impact on generations as yet unborn." Today, at places like UMBC, that promise is coming true in the lives of the young men and women who are making the most of what those marchers won for them.

I join the members of the Maryland House delegation in thanking President Hrabowski for his commitment to his students and his extraordinary contribution to higher education. We congratulate him for this much-deserved recognition of his achievements.

HONORING THE 75TH ANNIVERSARY  
OF THE UNIVERSITY OF  
WISCONSIN ARBORETUM

**HON. TAMMY BALDWIN**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 8, 2009*

Ms. BALDWIN. Madam Speaker, I rise today to honor the 75th anniversary of the University of Wisconsin Arboretum, and to recognize the efforts of the community organization Friends of the Arboretum. Since June 17, 1934, Madison area citizens have worked with University of Wisconsin officials to develop and maintain an invaluable collection of restored ecosystems. Though thousands of committed people have contributed to the Arboretum in countless ways, one group in particular offers an ideal example of dedication to the Arboretum's mission. The nonprofit organization Friends of the Arboretum has helped preserve this valuable ecological resource both by fundraising for the Arboretum and through volunteer work. Those efforts, and the work of many others, have made possible invaluable scientific research and unique community opportunities.

Of course, Madison's Arboretum may not have been possible without the initial commitment of 200 hardworking individuals from the Civilian Conservation Corps. During the Great Depression, the efforts of these young government workers produced a natural sanctuary free from encroaching development and biological contamination. Just a few years after its dedication, the Madison Arboretum became the site of several important ecological experiments on conservation and restoration. One historic study conducted on the Arboretum's Curtis Prairie helped establish the use of fire as an effective prairie restoration technique, a method now widely recognized. Those 60 acres of Curtis Prairie today comprise the oldest restored prairie land in the United States.

As University of Wisconsin scientists continue to develop and enhance methods of ecological restoration, the Arboretum remains an important resource in the research process. The Arboretum now contains several preserved forests, prairies, and other lands, spread over hundreds of acres, which make

possible influential ecological studies. Since the Civilian Conservation Corps first began reintroducing native flora to the various ecosystems of the Arboretum, it has grown to house over 300 different species of plants. Though urbanization and the invasion of new plant types have provided new, modern challenges for this space, the commitment of university workers and community volunteers, such as those from Friends of the Arboretum, have kept the Arboretum strong. In addition to scientific research, Arboretum workers and volunteers facilitate a variety of community events, and offer unique educational opportunities in the field of ecology.

Today, Madison's University of Wisconsin Arboretum contains the single most comprehensive assortment of restored ecosystems and a highly dedicated group of supporters. I therefore honor the 75th anniversary of the University of Wisconsin Arboretum, and commend both Friends of the Arboretum and all other Arboretum volunteers. The sustained commitment of numerous community members has maintained and enhanced a truly priceless natural resource.

IN RECOGNITION OF CHEROKEE  
COUNTY HIGH SCHOOL WINNING  
THE ALABAMA 4A STATE FOOT-  
BALL CHAMPIONSHIP

**HON. MIKE ROGERS**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 8, 2009*

Mr. ROGERS of Alabama. Madam Speaker, I would like to request the House's attention today to pay recognition to the Cherokee County High School football team in Centre, Alabama, which recently won the 2009 Alabama 4A State Football Championship.

On December 3, the Cherokee County Warriors defeated Jackson High School by a score of 31–24 at Bryant-Denny Stadium in Tuscaloosa, Alabama. The Warriors finished the season with a record of 15–0, making them the only undefeated team in the state.

The Warriors are coached by Tripp Curry, and the school's principal is Doug Davis. I'd like to congratulate the football team, coaches and high school students and staff on this outstanding achievement. All of us across Cherokee County and East Alabama are deeply proud of these talented young Alabamians.

HONORING COLONEL JONATHAN  
FLAUGHER

**HON. GEORGE RADANOVICH**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 8, 2009*

Mr. RADANOVICH. Madam Speaker, I rise today, along with my colleague JIM COSTA, to commend and congratulate COL Jonathan Flaugh upon being recognized as a "Citizen Soldier" by Fresno City College. Colonel Flaugh was recognized on Friday, November 6, 2009 at the annual Veterans Peace Memorial event held at Fresno City College in Fresno, California.

COL Jonathan Flaucher assumed command of the 144th Fighter Wing, California Air National Guard in Fresno, California in October 2004. He is a "Command Pilot" with over 4,000 hours of Air Force jet and fighter time, and is currently an F-16 Instructor Pilot. He graduated from North Carolina State University in 1977, with a bachelor of arts degree in History, and entered the United States Air Force through the ROTC program.

Colonel Flaucher was on active duty until 1995, and he has been with the 144th in Fresno ever since. Prior to his assignment as the 144th Wing Commander, Colonel Flaucher served as the Active Duty Advisor, 194th Squadron Flight Commander and Operations Officer, 144th Logistics Group Commander, 144th Maintenance Group Commander and 144th Operations Group Commander. He graduated from the United States Air Force Air War College in-residence program at Maxwell Air Force Base, Alabama in 1998. Previous assignments include a staff tour with HQ USAF and flying assignments in the F-16 at Spangdahlem Air Base in Germany, the F-106 at Griffiss Air Force Base in New York. After pilot training at Williams Air Force Base in Arizona he was assigned to the T-33 at Tyndall Air Force Base in Florida. His first Air Force assignment was with the 726th Tactical Control Squadron base at Homestead Air Force Base in Florida.

Madam Speaker, Mr. COSTA and I rise today to commend and congratulate COL Jonathan Flaucher upon being recognized as a "Citizen Soldier." I invite my colleagues to join us in wishing Colonel Flaucher many years of continued success.

IN APPRECIATION OF MILLBRAE  
MAYOR ROBERT GOTTSCHALK

**HON. JACKIE SPEIER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 8, 2009*

Ms. SPEIER. Madam Speaker, every community should be so fortunate as to have a dynamic and committed public servant like Millbrae Mayor Robert Gottschalk.

Mayor Gottschalk is stepping down after eight years on the City Council, including two stints as Mayor. Bob's tenure on the council has been defined by his steady advocacy for the people of Millbrae, giving special emphasis to youth and senior programs, improving downtown and mitigating the impact of BART on Millbrae residents.

Mayor Gottschalk graduated from San Jose State University and went on to receive an M.B.A. in Finance from the University of California at Berkeley and a J.D. from UC Hastings College of the Law. He served our nation with distinction, retiring as a Captain from the U.S. Navy Reserves and worked for 21 years in banking before becoming an attorney.

Mayor Gottschalk represents Millbrae on the Association of Bay Area Governments, Peninsula Congestion Relief Alliance and the Joint Powers Authority for County Emergency Medical Response. He has also served as a member of the Millbrae Community Preservation Commission and was citizen advisor to the San Mateo County Transportation Authority.

Madam Speaker, I have worked closely with Mayor Gottschalk and my impression of him can be summed up as "leadership with a velvet glove." Bob has always led with gentility and a sense of decorum and the simple fact is that Millbrae, California is a better place to live because of his work. I know of no better barometer for public service than that.

HONORING JERRY "ICEMAN" BUTLER  
ON THE OCCASION OF HIS  
70TH BIRTHDAY

**HON. BOBBY L. RUSH**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 8, 2009*

Mr. RUSH. Madam Speaker, I rise to pay tribute to and honor a legendary singer and songwriter, Jerry "Iceman" Butler, on the occasion of his 70th birthday today. An award-winning performer, producer and composer, and one of the architects of Rhythm and Blues, Mr. Butler, has enjoyed a 51-year career that began at the young age of 18, when he and Curtis Mayfield formed a rhythm and blues group, The Impressions, in Chicago in 1958.

The same year, Butler wrote a song titled For Your Precious Love, which became "the first of the Soul Music recordings" and a "landmark recording," according to Rolling Stone Magazine. The single, on Vee-Jay Records, became the first for The Impressions to "go Gold."

Mr. Butler, named "The Iceman" in 1959 by Philadelphia radio personality Georgie Woods for Butler's "cool as ice" delivery and debonair, effortless style has had numerous million selling recordings ("Gold") during his career: For Your Precious Love (with The Impressions, Vee-Jay, 1958); He Will Break Your Heart (Vee-Jay, 1960); Moon River (Vee-Jay, 1961); Never Gonna Give You Up (Mercury, 1976); Hey Western Union Man (Vee-Jay, 1968); Brand New Me (Mercury, 1969); Only The Strong Survive (Mercury, 1969); and Ain't Understanding Mellow (Mercury, 1973).

Nominated for three Grammys for singing and composing, Mr. Butler is the recipient of numerous awards, including several from ASCAP (American Society of Composers, Authors and Publishers) for his songwriting and publishing work; two Billboard Magazine Awards as a writer and artist; two Humanitarian Awards and several BMI (Broadcast Music Inc.) Awards as a writer and publisher. Butler was inducted into the Rock & Roll Hall of Fame in 1991 as "... one of the architects of Rhythm & Blues;" and was the recipient of a Rhythm & Blues Foundation "Pioneer Award" in 1994.

Madam Speaker, Mr. Butler, married for 50 years to Annette and the father of adult twin sons, is now using his considerable talent to serve the public as a member of the Cook County Board of Commissioners. First elected in 1986, Mr. Butler is currently the longest serving member of the Board. In his official capacity, he has led efforts to improve the quality of health services in the second most populous county in the United States, serving as Chair of the Board's Health and Hospitals

Committee. Butler also serves as Commissioner and past President of the Northeastern (Illinois) Planning Commission, responsible for the planning and consultation for the six counties of Northeastern Illinois.

Madam Speaker, it is my great privilege and honor to congratulate my friend and colleague, The Honorable Jerry "Iceman" Butler on the occasion of his 70th birthday and I am privileged to enter these words into the CONGRESSIONAL RECORD of the House of Representatives.

TRIBUTE TO MR. SALVATORE F.  
(SAL) PERRY

**HON. DANNY K. DAVIS**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 8, 2009*

Mr. DAVIS of Illinois. Madam Speaker, I take this opportunity to congratulate Mr. Salvatore F. Perry on the occasion of his 70th birthday which was November 16, 2009 and to salute him for his many years of outstanding service as a businessman and civic mainstay in the Taylor Street area of Chicago, commonly known as Little Italy.

Madam, Speaker, Salvatore F. Perry was born on November 16, 1939 at Mother Cabrini Hospital in Chicago to Francis and Grace Perry, both of whom were born in Sicily Italy. Sal was educated at St. Phillip High School and graduated in 1957. When he was 9 years old, his father bought Perry's Bakery at 1052 West Taylor Street. Sal worked there all through high school. After graduation he worked at the South Water Market and later joined the Army and served 2 years at Fort Leonardwood, Missouri as a quartermaster. On November 12, 1962, Sal married Roseanne Raimondi Perry and they had two children, Cynthia and Salvatore.

In 1962, Sal opened Westside Foods at 1152 West Taylor Street and operated the store until 1990. In 1990, Sal opened Rosals Cucina and it continues to operate to this day. During this time Sal has won the Humanitarian Award from Holy Family Church and contributed to many charities in the form of food donations and volunteer work to improve the community in which he has lived and worked.

On several thanksgivings, working with Congressman DANNY K. DAVIS, he has donated dinners to seniors and the children at The Boys and Girls Club on Taylor and Racine. He helped to promote the rehabilitation of Holy Family Church by soliciting donations and other forms of marketing.

Madam Speaker, Sal retired in 2008, yet he continues to donate food and time to local charities. In his spare time, he enjoys fishing and spending time with his grandchildren.

Madam Speaker, Salvatore F. Perry is a true humanitarian who has contributed significantly to humanity and I take this opportunity to commend him for his great work.



IN APPRECIATION OF MILLBRAE  
CITY TREASURER MARY VELLA  
TRESLER

**HON. JACKIE SPEIER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 8, 2009*

Ms. SPEIER. Madam Speaker, this evening the city of Millbrae, California will say thank you and farewell to a true public resource as City Treasurer Mary Vella Treseler retires from the post she has held for eight years.

Mary Vella Treseler was elected by the voters of Millbrae in 2001 and re-elected four years later. She brought thirty years of experience in the banking industry to her job and helped guide the city through the many challenges that local governments have had to deal with in recent years.

This City Treasurer, however, serves her community in many ways. She has donated her time and talents to the Constitution Bicentennial Planning Committee, Millbrae Beautification Commission and Public Access Television Committee. Ms. Treseler also took an active part as a member of the Mayor's Civic Coordinating Council and Millbrae's Smoking Ordinance and 50th Anniversary Committees. In addition, she represented Millbrae on the San Mateo County Sesquicentennial Committee and was President of Soroptimist International of Millbrae-San Bruno. As if that is not enough, Mary has somehow found the time to serve as President of the Millbrae Historical Society for the past eight years.

As should be expected, Mary is no stranger to civic honors. She was named "Millbrae Woman of the Year" in 1999 and is the recipient of the Millbrae Historical Society's "Living History Award."

Mary moved to Millbrae in 1977, where she and her husband, Joseph Amoroso, raised their children, Adonna and Joseph Raymond, in Millbrae schools. Sadly, Mary was widowed in 1985. Her response was to get more involved in her community, which began her quarter-century of service to Millbrae. In 1990, Mary married then-Mayor Robert Treseler and her involvement in local government increased. So, too, did her family as Mary embraced the addition of step-children Robert Jr, William, James and Catherine. Sadly, we lost Mayor Treseler two years ago.

Madam Speaker, this is a remarkable woman with boundless energy and a passionate interest in her community. On behalf of my colleagues in the United States House of Representatives, I want to thank City Treasurer Mary Vella Treseler for her longtime service to the people of Millbrae and to our nation.

COMMENDING AND CONGRATULATING THE HONORABLE ROBERT WEXLER

**HON. MICHAEL E. McMAHON**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 8, 2009*

Mr. McMAHON. Madam Speaker, I rise with a mix of sorrow and optimism as we wish fare-

well to Congressman ROBERT WEXLER, a true friend, fellow New Yorker—by birth—and leader on the House Foreign Affairs Committee as he moves ahead in the next stage of his successful career. Congressman WEXLER leaves behind a great legacy as one of the first legislators to truly harness the great potential of a U.S.-Turkey partnership. This legacy is illustrated time and again through the warm reception Congressman WEXLER receives from even the most skeptical audiences in Turkey, Israel and the Middle East. His example reminds us all of the power of diplomacy and American values.

As an outspoken advocate for increased dialogue between the United States and Turkey, he has created an environment of increased stability, security and friendship for all people in not only the United States and Turkey, but throughout the Middle East. Turkey is a strong partner with the U.S. in combating terrorism, particularly in Iraq and Afghanistan. Turkey also is on the verge of a successful rapprochement with Armenia. Additionally, Turkey is actively engaged in facilitating multilateral negotiations that often complement U.S. foreign policy on delicate post-conflict matters, greater economic and trade cooperation and of course, global energy needs.

As a founding co-chair of the Turkish Caucus and the Chairman of the Europe subcommittee, Congressman WEXLER has played a key role in all of these achievements. Most recently, his work to facilitate greater communication between legislators in the U.S. and Turkey culminated in last month's announcement that the Congressional Turkish Caucus hit a record number of 104 Caucus members since its inception in 2001.

Though the departure of Congressman WEXLER is saddening and no doubt a huge loss to the Turkish-American community and the U.S. House of Representatives, I am encouraged that in his new position as president of the Center for Middle East Peace and Economic Cooperation he will continue to bestow his vision of greater peace and understanding upon legislators and world leaders alike.

I would like to thank Congressman WEXLER for his great service to this country and look forward to continuing to work with him to develop a long-lasting diplomatic relationship with our allies in Europe and the Middle East.

IN APPRECIATION OF REDWOOD  
CITY COUNCILWOMAN DIANE  
HOWARD

**HON. JACKIE SPEIER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 8, 2009*

Ms. SPEIER. Madam Speaker, in an era of increased animosity in public life, Redwood City Councilwoman Diane Howard has been a breath of fresh air. Fans of good government and humble leadership are sorry to see her retire after fifteen years serving the people of Redwood City.

Diane was born in Rockville Center, New York, the first of eight children. In 1981, after graduating from nursing school, she and husband Steve moved west. Upon arriving in

Redwood City, Diane jumped into her community, serving on the Housing and Human Concerns Committee, Parks and Recreation Commission and Child Care Advisory Committee. She has also been active on the Economic Development Committee of the Redwood City Chamber of Commerce, the San Mateo County Medical Auxiliary Board, and the Redwood City Housing Advisory Board. Her work with the Redwood Shores Neighborhood Association led to the financing and development of schools, fire stations and a community center.

Diane was elected to the City Council in 1994 and was re-elected three times. Passionate about the issues of concern to her, Councilwoman Howard is nonetheless known for her kindness, warmth and positive attitude. Even those of opposing views will attest that Diane brought a new tone of civility to the City Council and its meetings. She is known for her patient willingness to listen to all points of view and has advocated for increased cooperation between City Hall, local businesses and community groups.

Madam Speaker, I have worked closely with Councilwoman Howard over the years and enjoyed every minute of our interactions. I wish there were more people in public life like her. On behalf of my colleagues in the United States House of Representatives, I thank Diane for her service. I also wish to thank her husband, Steve, and son, Geoffrey, for sharing this remarkable woman with the greater community.

TRIBUTE TO MS. FLORENCE  
LOGAN ON THE OCCASION OF  
HER 100TH BIRTHDAY

**HON. DANNY K. DAVIS**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 8, 2009*

Mr. DAVIS of Illinois. Madam Speaker, I rise to express congratulations to Ms. Florence Logan of Hillside, Illinois on the occasion of her 100th birthday which took place on October 27, 2009.

Ms. Logan is one of rare individuals who have not only lived a long life, but have lived a long and productive life. She has been a bright shining star whose life has been a beacon of hope. She has been active in politics for many years. She worked as an Election Judge, volunteer, ran a family store in the Garfield Park Community before moving to Hillside. She and her husband were married for 72 years and represented the true essence of family. She and her husband have five children, twelve grandchildren, and fifteen great-grandchildren.

Madam Speaker, it is a great honor for me to offer this tribute to Ms. Logan, congratulate her on her accomplishments and wish her well as she continues a very productive life.



IN APPRECIATION OF REDWOOD  
CITY COUNCILMAN JIM HARTNETT

**HON. JACKIE SPEIER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 8, 2009*

Ms. SPEIER. Madam Speaker, Redwood City, California said good-bye to one of its most effective leaders when Councilman Jim Hartnett retired from public service this month.

Jim Hartnett is a story of "local boy makes good." Raised in Redwood City, he attended Mount Carmel School, Sequoia High School and Cañada College. The son of a long-time captain in the San Mateo County Sheriff's Office, Jim grew up well-versed in local issues and with a passion for public service. He, too, is passing on this tradition to his sons, Josh

and Jake, and daughters, Julia and Lydia, all of whom have grown up in the city that Jim loves so much.

Anyone who has attended a Council meeting in Redwood City over the past fifteen years has witnessed Councilman Hartnett's intellect and ability to explain dry, complex issues in accessible language that everyone can understand. Equally important to thinking clearly is a public official's willingness to take the lead on contentious issues. Councilman Hartnett was never timid about speaking his mind and his constituents always knew where he stood. I have had the privilege of working with Jim on numerous thorny topics over the years and found him to be, not only quick to grasp the issues, but equally effective at developing solutions. His leadership will be sorely missed.

Prior to being elected to the City Council, Jim served on the city's Planning Commission and Charter Review Committee. He has also served as chair of the Housing and Human Concerns Committee and the San Mateo County Business Development Commission and was President of the Redwood City Chamber of Commerce.

Madam Speaker, Mr. Hartnett has given much to the community where he was raised. He has dedicated decades of his life to improving Redwood City and San Mateo County and for that, deserves our thanks. While he is retiring from office, I know that Jim Hartnett will not wander far. He will certainly continue his involvement with Redwood City Little League and other youth activities and will very likely be pressed into service in other ways by his wife, current Redwood City Mayor Rosanne Foust.